Robert Utley, Former NPS Chief Historian

Interview from May 2009

2/14/2013

Testimony for SCR 4011 for North Dakota’s 63rd Legislative Assembly

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“What I object to is the National Park Service insisting on a question to an answer, let me put it another way ... insisting on scientific evidence for what is essentially a historical question. You don’t answer historical questions with scientific evidence (genetics). You answer it with historical research. Castle’s done it.

I come nowhere near knowing what her evidence is, but I know what her conclusions are and I share her conclusions. I have vigorously objected to the Park Service’s continued insistence on genetic evidence, which is simply an easy way to get off the hook. They don’t have to listen and it is insulting to a senior scholar who is the expert, who started the whole research when she was wearing a park service uniform, declining to have her come out and at least present her case. I believe that she has made the connection between the Sitting Bull ponies and the cowboy ponies that have produced the unique Nokota® blend. I believe that those running wild within the Theodore Roosevelt National Park constitute a historic resource just like TR’s cabin and so forth, and the landscape is a historic resource that the service is obligated to interpret and preserve.”

“What I have urged is no more than the Regional Director of the Park Service to get into a conversation with the people down in Linton and listen to what Castle has to say. And some of those horses ought to be back in the Park; but if they aren’t, they still should be recognized as historic resources of the Park that should be treated as such and interpreted as such. Now I’ve got the authority to say that. I was Chief Historian of the National Park Service, I wrote virtually all of the standards and policies by which these things are judged.”
master plan calls for moving it and the Park Service balked on that. I lined up three
former chief historians, three former superintendents of the battlefield, the
archaeologists and others as plaintiffs and, under the auspices of the Public Employee for
Environmental Responsibility (PEER), we sued the Park Service and the Park Service
backed off. And so that's the kind of thing, it was because Bob Utley led the charge,
that it had the credibility with PEER and also with the federal court. And that has not
happened here.
Now the Park has all kinds of other problems, you know they are in a standoff with
North Dakota over how to reduce the elk herd. And I can appreciate all she (Valerie
Naylor, TRNP Superintendent) is going through, that woman also though is a black-and-
white non-compromiser, and in this case despite what I wrote, despite what Paul
Hedren, who was watching this unfold (he was Superintendent up at Fort Union Trading
Post) he watched this and he weighed in with the Regional Director, who just had
retired, and so what they did was simply refer it to the Superintendent to draft a reply
which Ernie Quintana, the Regional Director, signed. That's where it has stood ever
since May 9th 2007.”

“I wrote the biography of Sitting Bull and I am an authority on that, but all I know is
that they were auctioned off after he surrendered and the Marquis bought them. I also
know that the Marquis brought in his own cowboys so that they brought their horses
and they got mixed up but you know it is Castle who has documented all of this, as I
have not. What I am telling you is what I understand from Castle's word, so I can't add
authority to her research and conclusions. What I can do is what I have already done,
is make a big stink of fighting my old agency, as a person with considerable credibility
and distinction and that hasn't worked.”

“The problem is they don't want to acknowledge that they did the wrong thing back
then and be embarrassed by it. I'd love to see them embarrassed, that's what we did
when we sued them over Little Bighorn. That's what we did when they were getting
ready to severely damage the old Santa Fe trail building in Santa Fe which is a regional
headquarters for the Park Service. It was built by the CCC, it’s a national historic landmark, and we headed them off there. We are fighting them over some bad things that are being done over here at the LBJ National Park of which my wife was once superintendent. So I am not new to fighting the Park Service.”

“So the agitation has continued and I don’t know whether you follow this guy Thunder Bear... he is reviving it. He wants to do an article for National Geographic that brings the whole thing... as long as it is agitated in public its embarrassing the Park Service, that’s what I want to continue happening. I don’t think in the foreseeable future, unless we can get the new director, whoever he/she may turn out to be, to take personal notice, that we can go any further then trying to keep the agitation up and embarrassing the Park Service before the public. They don’t like to be embarrassed. The first letter here was to the Director of the Park Service and she was, however ineffective, a very good friend (I address her as Dear Mary) but she was not a successful director. She never responded. Most issues like this they like to leave to the Regional Director, and the Regional Director left to the Superintendent. So you run into one (Superintendent) as stubborn as one in TR, the best you can hope for is to keep the pressure up. And I think this Thunder Bear character, I know he is on our side and he resents how quickly she brushed him off when he asked for her side of the story. He’s not a national figure and his publication periodically is only on the internet, so I don’t think, unless he can really put together and does put together an appealing article for National Geographic, I think we’re stuck where we are.”

“As I understand it they do want to keep a sustainable number of wild horses for visitors to look at just like elk. But it would be an additional effort to make sure that they had Nokota® horses that weren’t mixing with any other horses and that would have been a big effort and they didn’t want to be bothered.

Sitting Bull probably knew that country and the little Missouri better than this Superintendent does because there were battles he fought up there and he ranged all
“And I had other high positions. I was on the Advisory Council on Historic Preservation as Deputy Director, which oversees the federal law that would have applied in the case of TR when they started taking those horses out, because that was a federal undertaking with an adverse effect. I am using official terminology, adverse effect on the Park, and that is a violation of the regulations of the Advisory Council and therefore federal law. The Park then should have recognized those as historic resources and followed all of the hoops you have to jump through under the National Historic Preservation Act of 1966. And almost certainly they would have tripped over one of those hoops, because I don’t think the State Historic Preservation Officer is the first one that looks at whether these are historic resources, and either goes along with it or signs off on it. I suspect, I don’t know who it was (we called them SHPO’s), was in ND then or how that person would have reacted but I suspect it would have been defined against the Park. And in that event the Park comply’s, or if it refuses to comply, it has to go clear up to the Advisory Council, which reports directly to the President, and be considered and the Advisory Council will render an opinion, in this case it would have been... of course, it is a historical resource. But the Park Service almost never goes that far. I mean this is the... the Park Service is the one who originated the law and it’s just unthinkable that it would not have been stopped from moving those horses then. But they didn’t recognize them, and nobody else did, as historic resources. And the Superintendent wanted to get rid of them, whoever it was then.”

“So what now needs to be done in light of Castle’s further research and her distinguished position and her conclusions, is for the Park Service to get off this genetic kick and at least listen to what she has to say. It also ought to listen to someone with my pedigree.”

“We had a similar case, not similar, but we had a case at Little Bighorn last year, in which we were trying to stop them from doing a bad thing, which was enlarging the visitor center. And I said no, that thing was built in the wrong place to begin with, it’s an adverse affect under the preservation law and you can’t enlarge it because the
over it. A breed of his horses and the cowboy horses wraps up the two significant themes, historical themes, on which the significance of that Park is based. And that is the Indian and the cowboy, DeMores and TR, you know you don’t get much more significant than that. And all I have been arguing for is that, not that they bring the horses back, I wouldn’t trust them, but they open a dialog with the people in Linton and work out some sort of arrangement by which they are acknowledged as historic resources and to the degree, and this will probably never happen, is reintroduce them but that’s not going to happen under the present management. It’s just not going to happen; they won’t even listen to Castle.”

“But you’ve got to have a Park Service who would like to do this and I stand ready as long as I live to cultivate that. I can’t cultivate it within this Park Service; I’ve made too many enemies for one thing or too many people that say that is just Utley. If you had this kind of combination, a receptive Park Service, a Superintendent who would listen and was sold, and a conservancy that was viable and able, maybe with some federal funding, and then the public support in North Dakota, possibly South Dakota, that would bring pressures on the congressional delegation. Sign up the governor, too. It’s probably going to happen.”

“Well Castle has made the case. I am providing the credible backup to Castle, one who knows the Park Service, one who has influence with a lot of people who have been kept down in the Park Service.”