

Chapter 6

Jewel Cave Under the U.S. Forest Service,

1905 - 1927

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Introduction

The Michaud brothers encountered Jewel Cave just as outdoor recreation in the United States was becoming an increasingly popular pursuit of middle-class Americans. Undoubtedly, they had become aware of the private efforts made to develop and promote various scenic spectacles to the general public, and the resulting great public interest in places such as Wind Cave, southeast of Custer, and Crystal Cave, about twelve miles south of Deadwood in the northern Black Hills. The two brothers may have come to the Black Hills intending to ranch or to mine, but they also saw the potential of Jewel Cave as a source of income. In order to legitimize their possessory claim of ownership to Jewel Cave and in hopes of making a living, at least in part, they used Jewel Cave as a mineral resource. As the Black Hills and its caves attracted an increasing number of the new middle-class outdoor recreationists, Frank and Albert Michaud devoted great effort to bringing Jewel Cave to the attention of the public. They supported designation of Jewel Cave as a game preserve, hoping that it would help draw people to the cave, just as national park status had for Wind Cave.

The emergence of a new environmental ethic in the early 1900s—protection of natural resources for public enjoyment—seemed to offer some possibilities to the Michauds in their desire to make Jewel Cave a tourist destination. Less than two years after the passage of the 1906 Antiquities Act, designed to protect features of scientific and scenic interest, U.S. Forest Service personnel and President Theodore Roosevelt applied the provisions of this act to create Jewel Cave National Monument in February 1908. The diminutive Jewel Cave, the first cave declared a national mounument, thus became an island representing the new preservation policy approach to natural features, inside a national forest devoted to the scientific management (then known as “wise use”) of resources.

For the next two decades, Forest Service administrators, as well as the Michauds, struggled to harmonize these two approaches to managing Jewel Cave, but no money had been budgeted for this purpose. Without direction or funding from any federal agency, Frank and Albert Michaud attempted to both mine the cave and protect it for visitors. Countless letters, investigations, and reports on the subject of managing Jewel Cave, written by the Michauds, heads of the Departments of Agriculture and the Interior, and Forest Service personnel between 1908 and 1927, failed to bring clarity to the conundrum of Jewel Cave National Monument’s primary importance and purpose. Although tourists came in increasing

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numbers to experience the panoply of outdoor recreational delights of the Black Hills, Jewel Cave received only passing mention in tourist literature. The cave's heavy wooden door remained closed and locked for many years as all associated with Jewel Cave considered whether it was a mine, a protected tourist attraction, or both.

The death of Frank Michaud in 1927 and the sale soon afterward of the Michaud investment in the cave's development as a mine and tourist attraction finally broke the stalemate over management of the cave. The path suddenly cleared for a local group of politically influential entrepreneurs from nearby Custer and Newcastle, Wyoming, to convince the Forest Service of the worthiness of their plan to develop Jewel Cave as a tourist attraction. By the late 1920s, the regional and national context had dramatically changed. The concept of nature preservation had been embraced and institutionalized in the formation of many state and national parks, preserves, and monuments. Outdoor recreation and tourist ventures to natural places had become an increasingly popular pursuit for middle-class Americans. And the growing affordability of the automobile and the improvement of roadways for auto traffic made Jewel Cave, along with many other attractions in the Black Hills, accessible to an eager public.

Outdoor Recreation and Nature Preservation

Frank and Albert Michaud relentlessly pursued the development of Jewel Cave during an era of growing public and government interest in outdoor recreation and nature preservation. Beginning in the last quarter of the 1800s, a small but growing number of Americans began to appreciate nature not only as a source of raw material for manufactured products and commodities, but also for its cerebral and emotional benefits. The public watched with a sense of unease as areas of unsettled land diminished in the American West and living conditions in burgeoning industrial urban centers worsened. The nation felt the loss of, and nostalgia for a simpler, quieter association with nature.¹ This discontent with the emerging industrialized urban "civilization," along with a growing appreciation of the aesthetic and ethical value of nature, remote and wild as well as manicured, found expression in a large number of popular objects, organizations, and social movements. Art and architecture, in its subjects and design, showed

¹ Numerous books have been written on the subject of Americans' changing attitudes toward nature and their growing reverence for nature in the late 1800s and early 1900s. Classic books on the subject include: Hans Huth, *Nature and the American: Three Centuries of Changing Attitudes* Lincoln: University of Nebraska Press, 1990; Peter J. Schmitt, *Back to Nature: The American Myth in Urban America* Baltimore: The Johns Hopkins University Press, 1990.

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evidence of this new veneration of nature. Art nouveau designs often took their inspiration from organic forms found in nature. The Arts and Crafts movement in art, interior design, and architecture emphasized handmade objects and buildings. Landscape architecture adopted the theme of naturalistic, seemingly untouched garden designs.

Numerous outdoor clubs formed for enthusiasts of hiking, mountaineering, hunting, fishing, and camping. The 1876 formation of the Appalachian Mountain Club in the East was soon followed by the founding of the California-based Sierra Club (1892), Portland, Oregon's Mazamas (1894), and Seattle's Mountaineers (1896). The Campfire Club of America formed in 1897.²

The Boone and Crockett Club, named after famous frontiersmen Daniel Boone and Davy Crockett, became one of the nation's leading, politically influential hunting clubs. Theodore Roosevelt, soon after his two years spent ranching and hunting in the Dakota Badlands, helped organize, in 1888, the all-male Boone and Crockett Club, whose primary objective was to promote scientific inquiry, travel, and exploration regarding game animals and their habitats, and to preserve and perpetuate large game so that good hunting would last for generations. Roosevelt, sportsman and long-time *Forest and Stream* editor George Bird Grinnell, and, later, forester Gifford Pinchot (who joined the club in 1897), were among the club's most active members and leaders.

The Boone and Crockett Club was one of many sportsmen's clubs that followed the British example of creating animal preserves for wealthier English sportsmen in order to maintain the ecosystems of large areas where game roamed. The desire to perpetuate game and its habitat heightened in the late 1800s, as settlement of new lands increasingly encroached on game ranges. In 1871, the Blooming Grove Park Association established the first large game preserve, consisting of 12,000 acres in Pike County, Pennsylvania. Along with protecting deer in a park, the preserve aimed to protect and propagate game animals, birds, and fish for the club members to hunt, shoot, and catch. Shortly after creation of Yellowstone National Park in 1871, a few sportsmen recommended that the park could serve as a game preserve for bison, which were facing extinction. In the early 1890s, a new sportsmen's club established a game preserve in a section of the Adirondack Mountains in New York.³

The game preserve idea reached the Black Hills at least as early as 1900. F. C. Crocker authored an article in *Outing Magazine* about his adventure hunting black-tailed deer in the Black Hills. Although he acknowledged that there were still a good number of Black-tail deer in the

² Nash, *Wilderness and the American Mind*, 143-54.

³ John F. Reiger, *American Sportsmen and the Origins of Conservation* (Norman: University of Oklahoma, 1986), 97-100.

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Hills, he bemoaned the eradication of bison, elk, and mountain sheep and the diminishing number of bear. “The Black Hills,” Crocker exclaimed, “could be made one of the finest game preserves in the country if it were stocked with elk and buffalo and protected, as is the Yellowstone Park.”⁴ Thirteen years later, a game preserve encompassing ninety-six square miles was set aside (and eventually enclosed by a high fence) as a game preserve for deer and transplanted elk and buffalo, inside the newly created Custer State Park, northeast of Custer.⁵

Boone and Crockett Club members’ interest in protecting big game and their habitat naturally turned toward protecting game from poachers and railroad developers at Yellowstone National Park in northwestern Wyoming. In January 1891, the Boone and Crockett Club leaders formulated a series of resolutions urging the federal government to protect and maintain the wildlife resources of Yellowstone National Park. Leaders of the Boone and Crockett Club fully believed that “the large game of the Continent would be practically exterminated except in such preserves as the Yellowstone Park.”⁶ It may have been no accident that acting under the authority of the 1891 Forest Reserve Act, which emphasized preservation over commercial use, President Benjamin Harrison proclaimed, on March 30, 1891, the creation of the nation’s first forest reserve—Yellowstone Park Forest Reserve, adjacent to Yellowstone National Park.⁷

The growing appreciation of nature in the late 1800s also found expression in a movement to protect natural areas of special scientific interest or aesthetic beauty. Unlike the notion of protecting natural resources for future use, which became the philosophical foundation of the forest reserves, a different intellectual current gave birth to the preservation of natural resources for public enjoyment and enlightenment. Cemeteries, city parks, and medicinal hot springs were landscaped to resemble manicured natural parklands. Concern for the loss of a wilder nature led to the creation of large natural areas that were to be protected from private development and damage. In 1864, a small group of Californians persuaded a U.S. senator to present legislation that would protect the Yosemite Valley and a grove of Giant Sequoias from private use and abuse and reserve it for public outdoor recreation. Congress and President Abraham Lincoln received the congressional bill favorably; the Yosemite Valley and the Mariposa Grove became the first federally legislated parks

⁴ F. C. Crocker, “Hunting Black-Tail Deer: The Black Hills as a Game Preserve,” *Outing Magazine*, November 1900, 145-46.

⁵ George W. Roskie, “State Game Preserve,” *Pahasapa Quarterly* 4: 3 (April 1915), 9-14.

⁶ Grinnell, quoted in Nash, *Wilderness and the American Mind*, 126.

⁷ John F. Reiger, *American Sportsmen and the Origins of Conservation* (Norman: University of Oklahoma Press, 114-41, 56-59).

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set aside for their aesthetic and scientific value. (California administered these parks until 1890 when the federal government assumed responsibility for their administration.) Eight years later in 1872, the federal government set aside a huge 3,300 square-mile area in northwest Wyoming as Yellowstone National Park. Preservation of nature and placing the public good above private commercial gain were principles underlying the creation of Yellowstone National Park and seven more national parks established by Congress between 1875 and 1903, when Wind Cave became a national park.⁸ These parks, encompassing thousands of acres, were to be the “Nation’s pleasuregrounds and the Nation’s restoring places, recreation grounds,” according to staunch national park advocate J. Horace McFarland, writing in 1916.⁹

The Black Hills offered many possibilities for outdoor recreation.

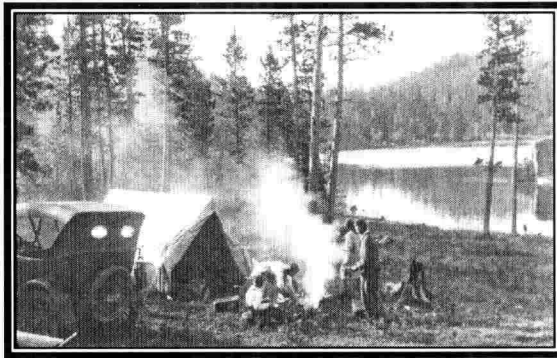


Figure 6-1. Sylvan Lake, in the southern Black Hills, became a popular site for camping, fishing, and hiking in the early twentieth century, especially after the automobile made it accessible to middle-class Americans. Courtesy of the Devereaux Library, Archives (GLS-1131), South Dakota School of Mines and Technology, Rapid City.

In the early 1890s, less than two decades after gold brought Euro-Americans to the Hills, visitors from hot, humid Midwestern cities such as Lincoln, Nebraska, began spending their summers in the Custer area.¹⁰ In 1891, Sylvan Lake was created six miles north of Custer and became “an important adjunct to Custer’s numerous advantages as a summer resort.” The construction of the three-story, sixty-room luxury

Sylvan Lake Hotel, between 1893 and 1895, added an “unrivaled home of comfort” alongside the lake’s “sun-kissed surface reflecting a medley of scenic attractions which formed a picture of rarest panoramic beauty” amid stately cliffs.¹¹ Visitors came from larger towns and cities all over the

⁸ Alfred Runte, *National Parks: The American Experience* (Lincoln: University of Nebraska Press, 1987), 28-47; Reiger, *American Sportsmen*, 93-113. The literature on the history of national parks is exhaustive.

⁹ Quote in Barry MacIntosh, *The National Park: Shaping the System* (Washington, DC: Department of the Interior, 1984), 12.

¹⁰ *Custer Weekly Chronicle*, June 17, 1893.

¹¹ “Sylvan Lake Hotel,” *Custer Weekly Chronicle*, June 15, 1895. Also see: “A Crowning Attraction,” *Custer Weekly Chronicle*, July 18, 1891; “Sylvan Lake,” *Custer*

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Midwest to enjoy Sylvan Lake and its hotel, which, at an elevation of about 6,100 feet, was always “cool on the hottest day” and “surrounded by a matchless museum of nature’s rarest and most attractive scenic features.”¹² In the late 1890s, Sylvan Lake joined Hot Springs and Wind Cave as prominent points in the southern Black Hills that attracted summer vacationists.

In 1908, South Dakota promoter and politician Doane Robinson, in an article touting the Black Hills as a “paradise for campers,” claimed that “many localities in the Hills already have acquired National prominence, as Summering resorts, as the Hot Springs and Sylvan Lake, . . . [and] “Spearfish Canyon, a Yosemite in miniature. . . . Everywhere in the mountains where creeks flow and pine trees grow, the rest hunter may pitch his camp and enjoy native beauties and climatic conditions which afford enjoyment, rest, and invigoration.”¹³ Stark pinnacle rock formations, pine-rimmed lakes, fishing and hunting throughout the Hills, and the gentling hot springs in the southern Black Hills were among the area’s attractions. The rapid growth of outdoor recreation, including hunting, fishing, hiking, camping, and rock climbing, made the Black Hills an easy sell. The railroads joined with merchants in Bismarck, Sioux City, Pierre, Laramie, Cheyenne, and Custer to sing the praises of Wind Cave, Crystal Cave, and other caves. It wasn’t unreasonable for the Michaud brothers to envision tourists queued up to wander through the crystalline passages of Jewel Cave.

New Approach to Promoting Jewel Cave

As early as 1903, the Jewel Cave partners’ need for more substantial income probably prompted the Michauds and Bush to think differently about how they might promote the cave and, hopefully, benefit financially from the time and money they had invested in Jewel Cave. The establishment of Wind Cave National Park in 1903 provided a local example of a similar resource that had achieved renown and promised to bring some financial benefits to that cave’s owners and promoters.

In early 1900, before the Michaud brothers arrived in Hell Canyon, Wind Cave had attracted enough national attention to prompt Secretary of

Weekly Chronicle, April 29, 1893; *Custer Weekly Chronicle*, June 3 and August 12, 1893; “Sylvan Lake,” *Custer Weekly Chronicle*, June 20, 1895.

¹² “Sylvan Lake Hotel,” *Custer Weekly Chronicle*, September 14, 1895; “The Sylvan Lake Hotel,” *Custer Weekly Chronicle*, June 27, 1895. Also see *Custer Weekly Chronicle*, August 21, 1897.

¹³ Doane Robinson, “The Picturesque Black Hills a Paradise for Campres,” *Dagtab Magazine*, October 1908, unnumbered page.

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the Interior E. A. Hitchcock to recommend that certain Wind Cave lands be temporarily withdrawn from settlement, entry, or sale while consideration was given to setting it aside as a national park. Additional lands surrounding Wind Cave were withdrawn from settlement over the next two years. During that time, government officials and scientists visited and studied the cave. In a May 24, 1902 report, General Land Office special agent M. A. Meyendorff (then overseeing the area of Wind Cave that had been withdrawn from settlement) noted that Wind Cave might contain as many as 3,000 chambers and 100 miles of passages. "To uncover its wonders and beauty," Meyendorff wrote, "to open the door to scientific research, the work of exploration should be carried on systematically. . . . The only manner in which work can be prosecuted would be by annual appropriations of from \$2,500 to \$10,000."¹⁴ Meyendorff and some other scientists speculated that Wind Cave might be the largest cave in the United States. Meyendorff reported that he could offer it "a second place to the Yellowstone . . . and declare the Wind Cave superior, in the point of attractiveness, to Mammoth Cave," the cave against which all others were then compared.¹⁵ Wind Cave and Yellowstone National Park were also analogous in that they shared, it was thought, similar geothermal origins. Geologists believed Wind Cave was an extinct geyser.¹⁶

In June 1902, a bill to create Wind Cave National Park passed the U.S. Senate. Speaking before the House two days later, staunch national park supporter Representative William Lacey of Iowa pronounced to his colleagues that the Wind Cave area "is substantially what Yellowstone country would be if the geysers should die. . . . The active forces are no longer in operation . . . but a series of wonderful caverns remain."¹⁷ Early in the next session of Congress, the Wind Cave legislation passed the House. On January 9, 1903, President Theodore Roosevelt signed the bill into law, thus establishing Wind Cave National Park, the eighth national

¹⁴ Quoted in John Bohi, "Seventy-Five Years at Wind Cave: A History of the National Park," *South Dakota Department of History: Report and Historical Collections* 31 (1976 2), 417-18.

¹⁵ Quoted in Kathy S. Mason, "Adapting to Endure: The Early History of Wind Cave National Park, 1903-1916," *South Dakota History* 32: 2 (Summer 2002), 156.

¹⁶ H. M. Riseley, "Wind Cave National Park," *South Dakotan* 6 (July 1903), 23-25. For another contemporary statement about the similar geothermal natural conditions that created the Yellowstone geysers and the Black Hills' caves, see Luella Agnes Owen, *Cave Regions of the Ozarks and Black Hills* (Cincinnati: The Editor Publishing Company, 1908), 211.

¹⁷ Quoted in Mason, "Adapting to Endure," 157.

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park created to that date.¹⁸ Roosevelt, around the same time, appointed his old ranching friend and Black Hills Forest Reserve Supervisor Seth Bullock as custodian of Wind Cave National Park until the selection of the park's first superintendent in August 1903. That same month, Seth Bullock recommended that the regulations in force at Yellowstone and Yosemite national parks be adopted for Wind Cave.¹⁹

News of the designation of Wind Cave National Park reverberated around the Black Hills. Only two months after the park was created, the *Custer Chronicle*, on April 4, 1903, reported that Jewel Cave might be considered for a similar status. "We have heard it whispered," the *Chronicle* divulged to its readers, "that the government is about to appropriate this cave and make it a national resort." The article continued, about the acquisition of the cave:

This the government has a right to do under the law and it also has the right to be just if it cannot be generous, and to remunerate [sic] the boys who found it, and who have spent two years of time and labor upon it. A great nation like the United States cannot afford to be mean and it is presumable that . . . [the government] will do what is right with the boys who at present own it. The property is at present claimed by Mr. Frank W. Michaud, Albert Michaud and Chas. Bush.²⁰

The author of the *Chronicle* expressed clear empathy for the Jewel Cave claimants and their desire to sell it to the federal government at a reasonable price.

¹⁸ National Parks created before Wind Cave include: Yellowstone (1872), Mackinac Island (1875; later ceded to Michigan), Sequoia (1890), General Grant (1890), Yosemite (1890), Mount Rainier (1899), and Crater Lake (1902). Barry MacKintosh, *The National Parks: Shaping the System* (Washington, DC: U.S. Department of the Interior, 1985), 16.

¹⁹ Bohi, "Seventy-Five Years at Wind Cave," 418-22; Mason, "Adapting to Endure," 157; Risely, "Wind Cave National Park," 23-25.

²⁰ *Custer Chronicle*, April 4, 1903.

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One can only speculate about the reasons the idea of a Jewel Cave National Park apparently never left the Black Hills. Jewel Cave, unlike Wind Cave, was on forest reserve land, managed under the purview of Forest Bureau head Gifford Pinchot for the scientific management, not the preservation, of resources. The Michauds, in fact, had attempted to demonstrate Jewel Cave's value as a mining site by filing mining claims for Jewel Cave. Additionally, ranches in the vicinity of Jewel Cave used considerable land around Hell Canyon for grazing, a permitted and valued use on the Black Hills Forest Reserve. Thirdly, Wind Cave, since 1893, had achieved

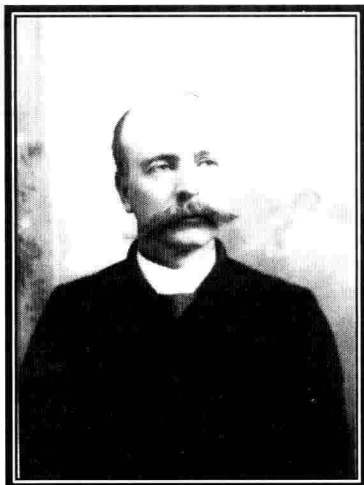


Figure 6-2. In 1906, William H. Parker, a lawyer and politician from the Black Hills, supported the local campaign to set aside Jewel Cave as a game preserve.

Courtesy of the South Dakota State Historical Society-State Archives (Box P129).

national recognition as a place of great scientific interest and natural beauty. Jewel Cave had not gained the same reputation in the three short years since the Michauds began developing the cave. Finally, Wind Cave had been able to develop as a tourist attraction largely due to the reasonably good road access to it, regular stages from Hot Springs, and the promotional efforts of a Hot Springs hotel manager who owned an interest in Wind Cave. In the brief five-year span between 1903 and 1908, the national context for nature preservation policy-making would alter in significant ways, thus opening up new avenues for the protection of Jewel Cave while closing the possibility of national park status.

Although Jewel Cave would never achieve national park status, the media attention given to the process and consummation of creating Wind Cave National Park undoubtedly raised the

awareness of Black Hills residents, including the Michauds, of nature protection and even preservation as a possible public land management option. Not long after the creation of Wind Cave National Park, the Michauds pursued another approach to promoting and protecting Jewel Cave, an approach that embraced the new current of nature preservation. Frank, either alone or with Albert and new Jewel Cave partner Bertha Cain, determined that Jewel Cave might stimulate more interest and draw more tourists if there was an additional attraction—big game animals. (Wind Cave National Park took this approach also, in 1912.) C. E. Smith, an attorney and judge in Custer, may have been involved in organizing the

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local movement to set Jewel Cave aside for preservation.²¹ The Michauds, in concert with others, crafted the idea of establishing a federally administered “Jewel Cave Game Preserve.” Beginning in 1906, a petition circulated among local Black Hills residents to create such a game preserve encompassing an area of sixty square miles²² in the Black Hills National Forest, that included Jewel Cave.

William H. Parker was one of several prominent residents that championed creation of the game preserve.²³ Parker, a native of New Hampshire, a veteran of the Civil War, and a graduate of the Columbian College (George Washington University) Law School in 1868, served as U.S. attorney of Colorado in the mid-1870s and moved to Deadwood, Dakota Territory, in 1877. He soon became prominent in state politics; he served in the territory’s constitutional convention, which created the constitution of the new state of South Dakota, and was later elected a representative in the state’s first legislature. He gained a reputation for his generous nature and desire to help others. Parker was a prosecuting attorney for Lawrence County (Deadwood) when he first began supporting the Jewel Cave Game Preserve proposal. In early March 1907, he began serving his first term as a South Dakota representative in the U.S. Congress.²⁴ Parker’s popularity and his political prominence undoubtedly pushed the game preserve idea forward for serious consideration.

Sometime in mid-1907, Congressman Parker had forwarded the petition to establish the sixty-square-mile Jewel Cave Game Preserve to Chief Forester Gifford Pinchot in Washington, D.C.²⁵ Pinchot, trained in managing forests as a renewable resource at Yale University and at the French Forest School in Nancy, France, took credit that same year for coining the term “conservation” to denote the concept of managing the

²¹ Bertha Cain, in a May 29, 1908 letter to President Howard Taft, “one of the citizens of Custer, a lawyer, [later named Mr. Smith, who since moved to Omaha] came to my father and partners [the Michauds] to take charge of the matter [getting game preserve status for Jewel Cave]. Bertha Cain, letter to President Howard Taft, May 29, 1908, Library, Jewel Cave National Monument.

²² The proposed Jewel Cave Game Preserve included: T4S, R2E, Sections 1-12; all of T3S, R2E; and T2S, R2E, Sections 25-36, Black Hills Meridian, equaling a tract six miles wide and ten miles long.

²³ Neel and Fitzgerald, “Report on the Proposed Jewel Cave Game Preserve,” September 1907.

²⁴ *Biographical Directory of the American Congress, 1774-1949* (Washington, DC: Government Printing Office, 1950), 1652; Doane Robinson, *History of South Dakota Vd. II* (no city: B. F. Bowen & Co., Publishers, 1904), 1354; *William H. Parker, Memorial Addresses*, 60th Cong. 2nd Sess. (Washington, DC: 1909), 12.

²⁵ Overton Price, associate forester, US Forest Service, letter to Smith Riley, chief inspector, District # 2, U.S. Forest Service, July 13, 1907, Library, Mount Rushmore National Memorial.

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whole environment “efficiently” for the long-term use. In July 1907, Chief Forester Pinchot instructed Smith Riley, Forest Service chief inspector for District # 2, to examine the proposed Jewel Cave Game Preserve.²⁶ Also, in late July, Black Hills National Forest Supervisor J. F. Smith asked Harry Campbell Neel to examine and report on the proposed Jewel Cave Game Preserve.²⁷

Harry Campbell Neel came to the Black Hills as a young man with a thorough training in forest management principles, as understood, taught, and practiced in the early 1900s in the federal conservation movement.



Figure 6-3. USDA Forest Service employee Harry C. Neel, along with C. W. Fitzgerald, discouraged the creation of a Jewel Cave game preserve and recommended the establishment of Jewel Cave National Monument in 1907.

Born in Dravosburg, Pennsylvania, in 1882, Neel received his bachelor's of science degree from Pennsylvania State College (now University) and a master's of science degree from Yale University in 1905. Since the 1870s, Yale's Sheffield Scientific School had grown in stature as the leading American university with a curriculum in forest management, influenced by professor William Henry Brewer's teaching on forest conservation principles. Chief Forester Pinchot had been introduced to some of these concepts fifteen years before Neel arrived at Yale. Quite naturally, Harry Neel joined the U.S. Forest Service in late 1905. After working briefly for the Forest Service in New England and Colorado, Neel went to the Black Hills National Forest as a forest assistant, around early 1907.²⁸

In August and early September 1907, Harry C. Neel and surveyor C. W. Fitzgerald conducted their investigation of the proposed sixty-square-mile Jewel Cave Game Preserve. In early November 1907, they submitted their report, which included several photos of the proposed preserve,

²⁶ Smith Riley, chief inspector, District # 2, U.S. Forest Service, letter to C. W. Fitzgerald, surveyor, U.S. Forest Service, July 26, 1907; Smith Riley, letter to J. F. Smith, Black Hills National Forest, forest supervisor, August 1, 1907, both at Library, Jewel Cave National Memorial.

²⁷ Smith Riley, letter to C.W. Fitzgerald, July 30, 1907, Library, Mount Rushmore National Memorial.

²⁸ “Neel, Harry Campbell,” *National Cyclopaedia of American Biography*, 539.

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to Chief Forester Gifford Pinchot. Neel and Fitzgerald presented a detailed description of the topography, hydrology, and vegetation of the proposed game reserve. Of particular note was the existence of permanent springs used by grazing stock in the area, merchantable “bull” (yellow or Ponderosa) pine and young saplings bearing seeds, as well as sites suitable for homesteads. “In short,” the authors observed, “the whole area of the proposed reserve is capable of producing good timber . . . [and] that good reproduction is taking place.” The authors continued:

This area contains at present approximately 16,400 acres of merchantable timber, averaging approximately three thousand board feet measure per acre, which with the balance of this area under scientific management is capable of producing an increasing and permanent crop of wood. If this area is withdrawn from the care of the Forest Service and therefore from proper forest management it cannot produce to its fullest capacity. The influence of grazing animals in limited numbers is beneficial to reproduction in the Black Hills National Forest. Cattle and horses are as beneficial however as wild game animals would be and if owned by settlers residing within or near this area, they would be of far more benefit to the community at large than game animals in a state of captivity.²⁹

In short, Neel and Fitzgerald brought the conservation theory and not the nature preservation rationale to their assessment of a Jewel Cave game preserve. In their view, the value of the merchantable timber and grazing land in the sizeable proposed game preserve far outweighed the value of preserving captive game animals. Considering their training and the location of the proposed game preserve on national forest land, Neel and Fitzgerald’s conclusion seemed only natural. Neel and Fitzgerald upheld the essence of the forest conservation principle of efficient scientific management embraced and implemented by the infant U.S. Forest Service and Chief Forester Gifford Pinchot.

²⁹ Neel and Fitzgerald, “Report on the Proposed Jewel Cave Game Preserve,” September 1907.

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Neel and Fitzgerald also commented on the size of the proposed preserve, noting that it was both too large and too small. “Very few of the settlers in the vicinity of the proposed game reserve or towns nearby,” the

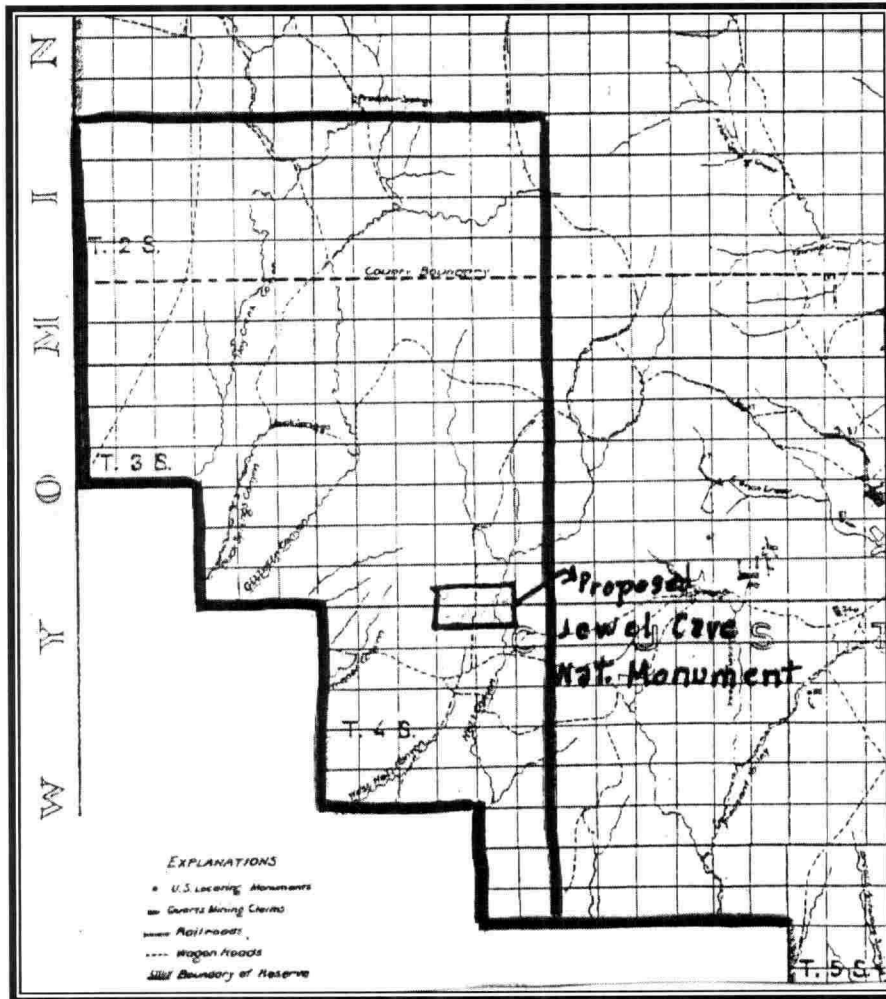


Figure 6-4. This September 1907 map shows the boundary encompassing the very large proposed Jewel Cave Game Preserve and the much smaller proposed Jewel Cave National Monument. The map also indicates the location of the existing road south of the national monument boundaries. From H. C. Neel and C. W. Fitzgerald, “Report on the Proposed Jewel Cave Game Preserve,” September 1907. Courtesy of Jewel Cave National Monument, deposited in Mount Rushmore National Memorial.

authors wrote, “are in favor of setting aside such a large area for a game preserve, because the exclusion from Custer County of this area . . . would retard . . . the development and prospective revenue of the county.” Also,

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Fitzgerald and Neel claimed there was no need for a game preserve that held animals indigenous to the Black Hills, since they could be found in abundance in Yellowstone National Park and elsewhere in the Rockies. Finally, the authors noted that even if the need for a game preserve existed, the proposed sixty-square-mile Jewel Cave Game Preserve was far too small to sustain and protect big game.³⁰

For all these reasons, Harry Neel and C. W. Fitzgerald rejected the idea of establishing Jewel Cave Game Preserve. Instead, they proposed the creation of a national monument of approximately 1,280 acres, to be withdrawn from settlement and called "Jewel Cave National Monument."³¹ Jewel Cave, Jasper Cave, and the nearby wind passages reported by the Michauds were "objects of scientific interest," Neel and Fitzgerald believed. "The owners of Jewel Cave have expended considerable time and money [\$6,000, the Michauds claimed] in developing it and demonstrating this fact . . . and should be partially reimbursed" for it after a "thorough investigation and appraisal of this work be made."³²

Antiquities Act of 1906 and Emerging Preservation

The origin of national monument designations clearly represented the nature—preservation consciousness emerging in the early twentieth-century as a public land management strategy. But there was another conservation ethic that came into play.

Since the 1890s, preserving the prehistory of the nation had been an interest of the federal government. There were no formal mechanisms, however, to prevent visitors from removing artifacts from the public domain. Keeping archaeological artifacts was technically illegal, but no statute existed to seize and arrest the violator. Government officials and scientists worried that, with the increasing numbers of settlers and visitors in the West, tangible evidence and knowledge of Indian heritage might become lost. Archaeologists were especially concerned about the loss of

³⁰ *Ibid.*

³¹ The proposed 1,280-acre monument would include the: N ½ of Sections 2 and 3, T43S, R2W and the S ½ of Sections 34 and 35, T3S, R2E, in the Black Hills Meridian. *Ibid.*

³² *Ibid.* Forty-one years later, Harry Neel, who left the Forest Service in 1908 and entered private business for Jewel Cave National Monument appeared at the cave entrance and introduced himself as one of two Forest Service officers who recommended the creation of Jewel Cave National Monument in 1907. "Memorandum for the Director," August monthly narrative report for Jewel Cave National Monument, September 8, 1948 (JECA 1688), Archives, Mount Rushmore National Memorial.

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artifacts at Indian ruins in the Southwest. In the early twentieth century, archaeologists and anthropologists took the lead in creating a political climate favorable to the passage of legislation aimed at the preservation of antiquities of scientific and historic interest and value.³³

In 1900, the Reverend Henry Mason Baum, an amateur archaeologist who excavated biblical sites in the Middle East, founded the Records of the Past Exploration Society, headquartered in Washington, DC. Baum and his society soon attracted the attention of credentialed academics, institutional professionals, and church leaders. Records of the Past, whose members actively worked for preservation, began promoting the protection of prehistoric ruins in the Southwest in the society journal, *Records of the Past*. In 1903-1904, he initiated preservation legislation by drafting a bill to protect antiquities on public land. After Baum created insurmountable obstacles that stalled the legislative process, Edgar L. Hewett, a westerner with close ties to the Department of the Interior, took up the cause of antiquities legislation and soon galvanized support for it. In late December 1905, he presented a draft bill, "An Act for the Preservation of American Antiquities," at a joint meeting of the American Anthropological Association and the Archaeological Institute. Hewitt's heartily endorsed bill was soon championed by Representative John Lacey and Thomas Patterson, who introduced it in the House and Senate. The bill passed both the House and Senate in the spring of 1906.³⁴

On June 8, 1906, conservationist President Theodore Roosevelt signed the bill into law. According to the act, the president was authorized to declare by public proclamation:

historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest. . . . When such objects are situated upon a tract covered by a bona fide unperfected claim or held in private ownership, the tract, or so much thereof as may be necessary for the proper care and management of the object, may be relinquished to the Government.³⁵

³³ Hal Rothman, *Preserving Different Pasts: The American National Monuments* (Urbana: University of Illinois Press, 1989), 1-33. Also see Ronald F. Lee, *Antiquities Act of 1906* (Washington, DC: National Park Service, 1971), also in 2001 electronic edition; John Ise, *Our National Park Policy: A Critical History* (Baltimore: The Johns Hopkins Press, 1961), 143-61.

³⁴ Rothman, *Preserving Different Pasts*, 34-47.

³⁵ "The Act for the Preservation of American Antiquities," U.S. Statute at Large 34 (1906): 225, codified at U.S. Code 16 §§ 431, et. seq.

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The Antiquities Act allowed for the creation of national monuments by presidential proclamation that were to be administered by that government agency overseeing the public land on which the monument was created.³⁶ The category of national monuments “helped broaden the federal vision of preservation,” according to historian Hal Rothman, and the Antiquities Act “became the cornerstone of preservation in the federal system.” The Antiquities Act and “the national monuments are the basis of the modern [national] park system,” Rothman wrote.³⁷

Passage of the Antiquities Act marked a movement to preserve human history and prehistory in the United States, and paralleled the federal legislation aimed at conserving other natural resources in the 1890s. Like the 1891 Forest Reserve Act that had given birth to the Black Hills National Forest, the 1906 Antiquities Act gave the president unlimited power to create national monuments for the preservation of the places and objects of historic and scientific interest. Creation of the Antiquities Act made it possible to set aside areas for the purpose of preservation without the approval of Congress but only by presidential proclamation. A challenging shortcoming of the act, however, was that there was no provision for funding national monuments. The act also gave no direction for the day-to-day management of national monuments.

Creation of Jewel Cave National Monument

Less than one year before Harry Neel and C. W. Fitzgerald surveyed Jewel Cave, President Roosevelt exercised his authority, under the Antiquities Act, to declare Devil’s Tower, in northeast Wyoming and just 100 miles northwest of the Black Hills, the nation’s first national monument. As an extraordinary example of erosion in the high mountains, Devil’s Tower achieved national monument status for both its historic and scientific value. The number of national monuments grew rapidly. Between December 1906 and early 1908, President Roosevelt proclaimed eleven more sites as national monuments.³⁸ Theodore Roosevelt early established a precedent of broadly interpreting the Antiquities Act clause about “objects of scientific interest.” By the end of Roosevelt’s administration in 1908, the eighteen national monuments he had

³⁶ Rothman, *Preserving Different Pasts*, 47-51.

³⁷ Rothman, *Preserving Different Pasts*, xvi, xi, and xvii.

³⁸ These monuments included: El Morro (NM); Montezuma Castle (AZ); Petrified Forest (AZ); Chaco Canyon (NM); Cinder Cone (CA); Lassen Peak (CA); Gila Cliff Dwellings (NM); Tonto (AZ); Muir Woods (CA); Grand Canyon (AZ); and Pinnacles (CA). Rothman, *Preserving Different Pasts*, 55-56, 233-34.

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proclaimed represented a diverse collection of natural resources, both large and small, that defied categorization.³⁹

The Neel and Fitzgerald report and recommendation of a Jewel Cave national monument moved quickly through government channels. In early November 1907, the report went to Chief Forester Gifford Pinchot's office and, from there, was circulated to the offices of Lands, Boundaries, and Inspection in the Forest Service for consideration. On December 10, 1907, Forest Service Chief Inspector Smith Riley, in a letter to Chief Forester Gifford Pinchot, approved the Neel and Fitzgerald report, but opined that it might be advisable to establish a smaller game preserve in the western portion of the Black Hills National Forest of not less than three or four townships (108 to 144 square miles) that prohibited hunting but allowed settlement (under the existing land laws).⁴⁰ Riley's advice was rejected. Associate Forester Overton Price explained to Riley, in a January 6, 1908, letter, "I talked over your plan of a Game Refuge with Mr. Pinchot and we decided that it was not necessary or desirable to set aside such a Refuge in the Black Hills National Forest."⁴¹ The designation and management of a game preserve that focused on protecting game animals apparently conflicted with the utilitarian management strategies practiced on national forests. On the same day, Overton Price also wrote to Representative William Parker, informing him of the non-advisability of creating a "Jewel Cave Game Preserve that would prohibit settlement under the land laws that are applicable upon National Forest lands."⁴² Price informed Parker that action would be taken at once to create a Jewel Cave National Monument.

On February 7, 1908, President Theodore Roosevelt signed a proclamation that established the 1,280-acre Jewel Cave National Monument. Jewel Cave was the thirteenth monument created under the authority of the 1906 Antiquities Act. The proclamation asserted that Jewel Cave was a natural formation of scientific interest. (Public notification accompanying the proclamation noted that a prominent geologist who visited Jewel Cave believed it was an extinct geyser channel.) The proclamation attested that the monument lands were "hereby reserved from settlement, entry, and all forms of appropriation under the public land laws, subject to all prior valid adverse claims." The creation of the Jewel Cave National Monument, according to the proclamation, was not intended to prevent the use of lands for "forest purposes under the proclamation

³⁹ Rothman, *Preserving Different Pasts*, 71, 233-34.

⁴⁰ Smith Riley, chief inspector, letter to Forester Gifford Pinchot, December 10, 1907, Library, Jewel Cave National Monument (hereafter cited as JECA).

⁴¹ Smith Riley, chief inspector, letter to Associate Forester Overton Price, January 6, 1908, Library, JECA.

⁴² Price, letter to William H. Parker, January 6, 1908, Library, JECA.

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establishing the Black Hills National Forest, . . . but the National Monument hereby established shall be the dominant reservation.”⁴³

Conservation Versus Preservation

The designation of Jewel Cave National Monument immediately called into question the validity of the mining claims filed by Frank W. and Albert Michaud and Bertha Cain in late 1905 and early 1906. The Jewel, Cleveland, Denver, Gem, and Golden Rod mining claims, each 20 acres, encompassed a total adjoining area of over 100 acres that included the Michauds 18' x 30' two-story log house, barn, chicken house, shed, and spring house. Geologist C. C. O'Hara at the state school of mines in Rapid City had examined these five claims in 1903, but his report had not been made available to the Black Hills National Forest. At the request of Associate Forester Overton Price, Black Hills National Forest rangers W. F. Hill and Louis Knowles examined these five Jewel Cave claims to determine if sufficient quantities of claimed minerals existed to warrant exploitation. If mineral deposits were in non-paying quantities, Price had written, the Michauds' claims could be proven invalid.⁴⁴

On February 19, 1908, Forest Ranger W. F. Hill reported that all five claims would “undoubtedly be considered a valid claim under the mining laws, it being located along a well defined . . . mineral bearing vein [with varying amounts of manganese, jasper, iron, gold, and silver]. In view of the facts stated above, and from the fact that the cave has been created a National Monument,” Hill concluded, “it is recommended that this claim be given a thorough examination by a competent geologist.”⁴⁵ The Michauds, it was observed by Hill, had done a considerable amount of work to validate their mining claims, particularly at the Jewel claim.

The 1908 creation of the Jewel Cave National Monument had done nothing to resolve the divergent public land management approaches—conservation, which advocated wise and efficient use of natural resources (such as minerals on claims at Jewel Cave), and preservation of natural features of scientific interest and aesthetic beauty (such as the formations in the caverns and passageways in Jewel Cave). The Michauds appeared to be

⁴³ “Jewel Cave National Monument, South Dakota, by the President of the United States of America, A Proclamation,” Box 1, Jewel Cave National Monument, Archives, Mount Rushmore National Memorial.

⁴⁴ Overton Price, letter to E. M. Hamilton, Black Hills National Forest Supervisor, February 4, 1908, Library, JECA.

⁴⁵ W. F. Hill, “United States Department of Agriculture, Forest Service, Report on Mining Claim,” for Jewel, Cleveland, Denver, Gem, and Golden Rod claims, February 19, 1908, Library, JECA.

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caught squarely in the middle of two different evolving aboutmanaging the public domain.

During this time, fierce political battles over the meaning and implementation of conservation and preservation swirled around Chief Forester Gifford Pinchot and were spotlighted in the national press. In early 1910, President Howard Taft fired Pinchot after the chief forester claimed that the secretary of the Interior (Richard Ballinger) had violated principles of both conservation and democracy by acquiring an interest in Alaska coal lands. In 1913, nature preservationists represented by John Muir lost a long-term battle with Pinchot and the government over construction of a dam and municipal reservoir for the City of San Francisco in Yosemite National Park's Hetch Hetchy Valley. Amid this national uncertainty about conservation and preservation policy, personnel changes in the Black Hills National Forest likewise disrupted the continuity of previous decision-making about the management of Jewel Cave. The Michauds waited for years to learn what they could do with Jewel Cave and if they might be compensated for previous work completed.

The validity of the Michauds' five mining claims at Jewel Cave, filed prior to the creation of the monument, became the central focus of protracted investigations and discussions for the next several years. Following Forest Ranger Hill's February 1908 recommendation, the Forest Service secured the services of U.S. Geological Survey geologist F. C. Schrader to examine the Michaud-Cain mining claims and determine if they were valid under existing mining laws. More than one year later, on April 15, 1909, Schrader submitted his "Report on the Jewel and Four Other Lode Claims." Schrader described the ownership, topography, and character of the minerals at the five claims, as well as the surface improvements, consisting of a "commodious two-story five-room log house, a substantial surface cellar enclosed in a roomy yard by a substantial fence of stone rail and natural pine pole lattice work, a 16-foot by 18-foot log barn, spring house, hen house, sheds and other out-buildings" Schrader also mentioned a "half-mile wagon road along the hillside on the east" and "some trail" as an approach to the cave.⁴⁶ Schrader confirmed the accuracy of the Michaud-Cain estimate of roughly \$6,500 expended in labor in materials at the five claims. "A large part of this work," Schrader observed, "was done with the view of attracting to the cave the patronage of tourists, from whom a moderate fee for board and lodging and underground guide was collected." Schrader concluded that the mineral deposits at the five claims were "undoubtedly worthy of further exploitation, but owing to their

⁴⁶ F. C. Schrader, "Report of the Jewel and Four Other Lode Claims," April 15, 1909, Library, JECA.

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character and low grade they are regarded as of only moderate value as mineral deposits.”⁴⁷

For years after the director of the U.S. Geological Survey had submitted Schrader’s report, confusion and uncertainty prevailed in the Forest Service and in upper levels of the Department of the Interior about the validity of the Michaud-Cain claims and what action if any had been taken regarding them. For more than one year, the Black Hills National Forest supervisor, then the acting supervisor, claimed they had not received a copy of Schrader’s report.⁴⁸ It apparently had gone only to the Department of the Interior. Finally, in mid-1910, the secretary of the Interior received a letter asking what action had been taken after the submittal of Schrader’s report.⁴⁹ The Interior Department never responded to this query (or if it did, the Black Hills forest supervisor never received it). A February 27, 1911 letter from acting Black Hills District Forester Fred W. Morrell to the U.S. chief forester in Washington, D.C., commented on the absence of a reply from the Department of the Interior. Morrell went on to say that “it was impossible to tell from Schrader’s report whether or not he considers them [the five Jewel Cave claims] valid, but there seems to be a pretty fair indication that they are. . . .” Morrell continued:

I have taken the view that it should be determined whether their claims are valid, and if they are, patent should pass to them. . . . If the suggestion meets with your approval, a further examination of their claims will be made by a mineral expert and definite recommendations regarding their validity made.⁵⁰

Morrell’s suggestion that yet another examination of the Michaud-Cain claims be made to determine their validity was repeated over the next few months by other Forest Service personnel.⁵¹ Finally, a Forest Service employee examined the Jewel Cave claims in the late spring of 1911.

In July 1911, H. M. Booth, identified as an “expert miner,” reported on the five claims at Jewel Cave in a brief one and one-half-page

⁴⁷ *Ibid.*

⁴⁸ J. F. Lawson, acting Forest Service district law officer, letter to Black Hills forest supervisor, September 15, 1909, Library, JECA.

⁴⁹ Willis L. Moore, acting secretary, letter to the “Honorable Secretary of the Interior, June 10, 1910, Library, JECA.

⁵⁰ Fred W. Morrell, acting district forester, letter to the Forester, Washington, DC, February 27, 1911, Library, JECA.

⁵¹ Secretary of the Department of Agriculture, letter to F. W. Michaud, March 9, 1911; Acting Forest Supervisor, letter to Michaud brothers, March 22, 1911; both at Library, JECA.

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report amended to Schrader's 1909 report. Booth observed that only a portion of the total estimated expenditure of \$5,000 on Jewel and the other four claims could apply to the actual development of mineral resources. "It is apparent from surface and underground occurrences . . . that the claimants had in view the mineral possibilities of the ground as well as the development of the cave for scenic purposes. . . . It appears, however," Booth concluded, "that the greater portion of the development work has been directed toward the improvement of the cave for scenic exploration."⁵² Acting Agriculture Secretary W. M. Hays immediately informed Eben Wever Martin, U.S. representative from South Dakota, of the Forest Service's findings. Hays reported that it was still unclear whether only the Interior Department could decide the question of issuing a patent on the showing. "If the claim should be declared invalid," Hays stated, "the Proclamation of February 7, 1908, creating the Jewel Cave National Monument would, it is believed, immediately become effective as that Proclamation excepted only valid claims." Hays wrote that no determination could be made about the validity of the five claims until the Michauds and Cain applied for a patent. In closing, Hays expressed his belief that "the Government will be slow in holding that these facts give the mineral claimants sufficient equities to justify reimbursing them for work performed."⁵³

Bertha Cain and the Michaud brothers struggled to obtain information about their rights and responsibilities as mining claimants in the new Jewel Cave National Monument and, importantly, if they might receive compensation in some form for their investment of money and time working the Jewel claim. In late May 1908, just three months after the creation of the monument, Bertha Cain, then living in Fyan, Missouri, wrote to President Howard Taft asking for some compensation for the work done at the cave. Perhaps the government might like to buy the cave, Cain suggested. At least, Cain went on, "it would help us a great deal if father [an 'old soldier' and 'railroad man for a number of years'] could receive the appointment of superintendent of the [Jewel Cave] reservation." Cain claimed that her father was a mining partner of the Michauds and was thoroughly familiar with the interior of the cave.⁵⁴ Associate Forester Overton Price assured Cain that valid mining claims at Jewel Cave would remain intact in the Jewel Cave National Monument, but that the government could not purchase the cave claims or hire Cain's father as superintendent of the monument since it was inside the Black Hills

⁵² H. M. Booth, "Supplemental Report on the Jewel et al Claims and the Jewel Cave," July 1911, attached to Schrader report, Library, JECA.

⁵³ Hays, letter to Representative E. W. Martin, August 5, 1911, Library, JECA.

⁵⁴ Bertha Cain, letter to President Howard Taft, May 29 [probably May 9], 1908, Library, JECA.

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National Forest.⁵⁵ Cain wrote back to Overton two months later to let him know that the two Michaud brothers and she would accept just \$4,000 for the five claims inside the monument. “Kindly tell if it will be right and safe to stop the assessment work during the time that the Government is investigating our claims,” Cain inquired.⁵⁶ Such an examination of the claims, Price wrote, “will in no way release you from the assessment work which is required by law.” Again Price insisted that the government could not purchase the mining claims.⁵⁷ Frank and Albert Michaud received a similar message in response to letters they wrote, in 1911, to Secretary of Agriculture James Wilson and South Dakota congressman Eben Wever Martin.

The government’s refusal to pay the Michauds anything for their investment in Jewel Cave probably convinced Albert Michaud to leave the Black Hills and join his siblings, Edward, Alfred, and Annie Laurie, in Terrace, British Columbia, on the Skeena River. Albert left the Black Hills in 1911, never to return. At first, he joined his brother Alfred in prospecting during the summer and trapping in the winters. Albert and Alfred eventually opened a nursery in Terrace, Crescent Hill Ranch specialized in nursery stock, small fruits, and vegetables. The Michaud brothers became well known for their development of the “Skeena Wonder” strawberry, sold in eastern Canadian provinces, and a blue variety of rose. In 1933, Albert drowned in the Copper River; brother and business partner Alfred died in 1945 in Terrace.⁵⁸

The need for additional income along with the assertion by Associate Forester Overton Price that continued assessment work at Jewel Cave was required by mining laws to validate the Michauds claim, probably persuaded Frank Michaud to sell some of the resources of Jewel Cave. In the fall of 1913, Frank Michaud removed about five tons of material that had been blasted out earlier to open up some of the main passages and piled along the walls. Michaud shipped this five tons of rock specimens to Father Dobberstein in West Bend, Iowa, “to be used in the construction of a Catholic church at that place,” called the Grotto of Redemption.⁵⁹ Large pieces of calcite crystals were taken from side passages and along the main passages where blasting had been done to enlarge the walkway. (Again in

⁵⁵ Overton Price, letter to Bertha Cain, May 12, 1908, Library, JECA.

⁵⁶ Bertha Cain, letter to Overton Price, July 16, 1908, Library, JECA.

⁵⁷ Price, letter to Cain, July 29, 1908, Library, JECA.

⁵⁸ Nettie Michaud (wife of Ira Michaud and daughter-in-law of Frank W. Michaud), e-mail to Gail Evans-Hatch, April 9, 2004; Yvonne Moen (Terrace Historical Society), e-mail message to Nettie Michaud and Monica Weldon (and forwarded to Gail Evans-Hatch), July 20, 2004.

⁵⁹ Harney National Forest Supervisor, letter to District Forester (in Denver), October 25, 1913, and Acting District Forester C. J. Stahl, letter to Chief Forester, Washington, DC, December 18, 1913, both in Library, JECA.

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February 1916, another sizeable quantity of specimens were reportedly taken from Jewel Cave by Frank Michaud and also shipped to West Bend, Iowa, for additional construction at the Catholic Church.⁶⁰ Once again in June 1919, Michaud reportedly removed another railroad carload of specimens from the cave.⁶¹ Since calcite was considered a mineral, Frank Michaud believed that he was acting within the mining law by simply developing Jewel Cave as a mine, which the Forest Service had earlier deduced was a valid claim. Some in the Forest Service wondered if the extraction of calcite crystals might be considered an injury to or trespass against Jewel Cave under the 1908 act establishing the monument, punishable by a maximum penalty of \$500 and 90 days imprisonment.⁶²

The forest supervisor and district forester in Denver once again discussed the validity of the Michauds' five claims under existing mining laws and the protection of Jewel Cave under the presidential proclamation creating the national monument. Frank Michaud had still not applied for a mining patent. In a lengthy evaluation of the entire subject, Acting District Forester C. J. Stahl noted a conflict between the lode claims at Jewel Cave and the national monument designation. He concluded that although another complete mineral examination might now "justify cancellation of the [Michauds'] claims, in which event the National Monument withdrawal will take effect automatically," Frank Michaud appeared to be a good custodian of Jewel Cave. "Messrs. Michaud value the cave very highly as a natural wonder and for its natural beauty as a cave," Stahl observed.⁶³ Based on Stahl's explanation of the situation, Assistant U.S. Forester James B. Adams determined that no action should be taken against the Michauds or regarding the mining claims at Jewel Cave.

Over the next decade, the conflicting land management approaches of mineral use versus scenic/scientific preservation continued to confound the Forest Service. Forest Service administration also questioned which government agency had ultimate authority to manage the cave. Year after year, beginning in 1911, the Department of the Interior in its annual reports

⁶⁰ Acting Harney National Forest Supervisor J. F. Conner, letter to District Forester (in Denver), February 26, 1916, and Harney Forest Supervisor J. F. Conner, letter to District Forester (in Denver), May 9, 1919, both in Archives, MORU.

⁶¹ Harney National Forest Supervisor J. F. Conner, letter to District Forester (in Denver), June 18, 1919, Library, JECE.

⁶² Harney National Forest Supervisor, letter to District Forester (in Denver), October 15, 1913; Acting Forest Supervisor Fred W. Morrell, letter to Forest Supervisor, October 18, 1913; Forest Supervisor, letter to Fred W. Morrell, letter to Forest Supervisor, October 18, 1913; Forest Supervisor, letter to District Forester, October 25, 1913, all letters at Library, JECA.

⁶³ Acting District Forester C. J. Stahl, letter to the U.S. Forester, December 18, 1913; Assistant U.S. Forester James B. Adams, letter to District Forester, December 22, 1913; Library, JECA.

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briefly described Jewel Cave, along with the other national monuments created by presidential proclamation. No mention was made of its use or management.⁶⁴ In 1916, and again in 1919, Harney National Forest⁶⁵ Supervisor James F. Conner reported to the district forester in Denver that Frank Michaud had removed and shipped specimens from Jewel Cave, according to settlers in the vicinity.⁶⁶

At the suggestion of Assistant District Forester C. J. Stahl, Jewel Cave was once again examined in 1916. W. C. Danielson, surveyor-draftsman, arrived in the summer of 1916 to inspect, photograph, and describe Jewel Cave. Danielson described the two main routes inside the cave; he made no mention of any destruction of the rock specimens. Danielson noted access to the cave by a one and one-half-mile-long road veering off the Custer-Newcastle Road, which was passable by automobiles practically all seasons of the year. Surface improvements near the cave entrance, Danielson wrote, consisted of a “two-story rustic log house in fair condition, a spring-house, and a barn now quite dilapidated.” The greater portion of the development work at the cave had been “directed toward the improvement of the Cave for scenic exploration.” Danielson saw “no reason why Jewel Cave could not be made as big an attraction as Wind Cave.” The site, however, needed various improvements: the cave should be protected against vandalism by a guard; the road to the cave developed into a first-class auto road; the Michaud log house needed to be purchased and repaired; the barn replaced; the water supply from Spring Hill developed; and the wooden ladders in the cave replaced. Danielson estimated the total cost of work needed to open Jewel Cave to tourists amounted to about \$700.⁶⁷ Danielson concluded that, “at present, very few people visited this cave, due, no doubt to the fact that they have never heard of it.”

⁶⁴ *Reports of the Department of the Interior for the Fiscal Year Ended June 30, 1911 [and 1912, 1913, and 1914] (Annual Report on Platt and Wind Cave National Parks, Sullys Hill Park, Casa Grande Ruin, Muir Woods, Petrified Forest, and Other National Monuments, Including List of Bird Reserves)* (Washington, DC: Government Printing Office, 1911, 1912, 1913, 1914).

⁶⁵ On May 16, 1910, President Howard Taft had created Harney National Forest from lands in the southern half of the Black Hills National Forest. Custer became the headquarters for Harney National Forest; Deadwood served as the headquarters for the Black Hills National Forest. Some lands were deleted from Harney National Forest by executive order on April 29, 1911. Noisat and Sundstrom, “The Black Hills National Forest,” *Black Hills National Forest: Cultural Resources Overview* (Custer: US Forest Service, Black Hills National Forest, 1996), 5e-3.

⁶⁶ J. F. Conner, letter to District Forester, February 26, 1916, Library, JECA.

⁶⁷ W. C. Danielson, “Report on Jewel Cave National Monument,” 1916, JECA 1655 (70 a-f), Archives, Mount Rushmore National Memorial.

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Jewel Cave probably received few visitors throughout the 1910s. Neither the Forest Service nor the Michauds apparently did much to promote the cave; no funds existed to develop the cave. For many years after the creation of national monuments, the Forest Service, General Land Office (later the Bureau of Land Management), and the War Department, on whose land monuments existed, had little money, personnel, and understanding of monuments' purpose to project them. Often they were victimized, neglected, or totally ignored. The Forest Service's limited management of Jewel Cave was not atypical of most early monument oversight.⁶⁸ Also, the Forest Service was very preoccupied with answering questions about the legality of Michauds' mining claims. A fifty-page promotional booklet on the Black Hills, published by the Chicago and North Western Railway around 1916, described Wind Cave at length, as well as Onyx Cave (near Hot Springs) and Crystal Cave (twelve miles south of Deadwood). No mention, however, was made of Jewel Cave.⁶⁹ In 1920, A. I. Johnson briefly described Jewel Cave at the end of his twenty-five-page article about touring the Black Hills. "At present it [Jewel Cave] is very much run down and practically closed to tourists, as the ladderways, etc. were permitted to get out of repair until unfit for travel. Formerly, under private management, it was slightly developed and visited by quite a number of people. It is now a National monument under government control."

Forest Supervisor James Conner remained concerned about possible vandalism and about developing the cave for tourists. In early May 1919, Conner wrote again to the district forester in Denver, stating more forcefully that a "great many of the best specimens have been taken from Jewel Cave by the owners," and insisting that: "some action should be taken to finally decide the ownership of the cave." In closing, Conner added:

This is one of the chief attractions of the region and if the ownership could be definitely determined so that the place could be further developed and opened to the public, it would be an important factor in increasing the attractiveness of this Forest for recreational purposes.⁷⁰

⁶⁸ For a discussion of the early history of national monuments see Hal Rothman, *America's National Monuments* (Lawrence: University Press of Kansas), 74-77.

⁶⁹ *Black Hills* (N.p.: Chicago & North Western Railway, c. 1916).

⁷⁰ Conner, letter to District Forester, May 9, 1919, JRCA 1655 (79), Archives, Mount Rushmore National Memorial.

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In June 1919, after foresters in Denver and Custer briefly considered the possibility of arresting Frank Michaud for violating the 1908 proclamation creating Jewel Cave, Harney Forest Supervisor J. F. Conner decided to defer all action, it was discovered, after an examination of the cave, that Michaud had not defaced any passages or galleries in Jewel Cave.⁷¹

After returning from his 1919 seasonal employment at the Forest Service's Bear Mountain Lookout, Frank Michaud sent a letter to District Forester Smith Riley in Denver that summarized his view of the current situation at Jewel Cave. Michaud affirmed that the assessment work required by law to validate the mining claims at Jewel Cave had been done every year. Michaud also insisted that he had "preserved the cave the best I could." But, he continued, "people are breaking in and will soon destroy the place if it isn't garded [*sic*] closer. Michaud concluded his letter:

we have waited eleven years for a settlement. I think it [*is*] time some thing is done about it. All we ask is to be reimbursed for it [*work done on the cave*]. I have a large Family to suport [*sic*] and I am in poor health. . . . I have been asked to quit selling specimens. I am willing to stop if the government will do something soon.⁷²

The Forest Service, once again, denied Michaud his request for reimbursement of work completed or to protect the cave with a more substantial door and/or ladders inside the cave. Assistant District Forester Stahl did note that official notices warning people of the penalties of trespass might be posted near the cave entrance.⁷³

Increasingly, Black Hills Forest Service personnel felt the need to develop Jewel Cave for the growing number of tourists coming to the region during summers. "A recent inquiry concerning Jewel Cave," Assistant District Forester C. J. Stahl wrote in late 1923, "has again raised the question of whether we ought to do something to develop this National Monument."⁷⁴ Although there is no known record of tourist visitation in Jewel Cave during the 1910s and early 1920s, it is most likely that there were few. At least since 1911 (and perhaps earlier), the Michauds had placed a locked door across the entrance of Jewel Cave, which prevented all

⁷¹ Custer S. Dak, letter to R. P. Stewart, US. Attorney in Deadwood, July 2, 1919, Library, JECA.

⁷² Frank Michaud, letter to District Forester Smith Riley, October 26, 1919, Library, JECA.

⁷³ Stahl, letter to Frank Michaud, January 6, 1920, Library, JECA.

⁷⁴ Stahl, letter to Forest Supervisor, November 5, 1923, Library, JECA.

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but the Michauds from entering and showing the cave to visitors. In the fall of 1923, the Forest Service placed their own padlock on the cave door, thus prohibiting all but certain official visitors from entering the cave.⁷⁵

Stahl, however concluded that the Forest Service may as well postpone its development at Jewel Cave as long as Michaud asserted his mining claim to the cave. Also, Wind Cave, only twenty-five miles away, offered a very similar attraction to the touring public.⁷⁶ Furthermore, Harney National Forest had no funding for the protection or the development of Jewel Cave National Monument.

C. J. Stahl did, however, encourage Forest Supervisor Conner to contact the local Custer Commercial Club and urge its members to appeal to Senator Norbeck to introduce a Jewel Cave appropriation bill in Congress. In January 1924, attorney and President of the Commercial Club H. R. Hanley telegraphed and wrote to conservationist and Peter Norbeck, U.S. Senator from South Dakota, asking that Norbeck attempt to secure an appropriation for Jewel Cave development.⁷⁷ Forest Supervisor Conner likewise wrote to Norbeck, claiming that the Michauds had removed large quantities of valuable specimens from Jewel Cave and asking Norbeck to request a congressional appropriation for the protection and development of the cave.⁷⁸ Conner also contacted South Dakota Representative William Williamson with the same request, Conner suggesting that the money secured could be used to reimburse the Michauds for their work and to develop the cave in a minor way by installing new ladders and a sturdy door on the front of the cave.⁷⁹ (Conner later conceded to District Forester Peck that “the letter received by Congressman Williamson regarding this destruction [at Jewel Cave] is through our encouragement since it was thought that this might tend to hasten [congressional] action.”⁸⁰)

Williamson approached the National Park Service to learn if they would be willing to lend support to a bill requesting funding for Jewel Cave. In late January, he reported to Norbeck that “I doubt that we could secure their backing for such an appropriation in view of the fact that the Park

⁷⁵ Harney National Forest Supervisor J. F. Conner, memorandum for the District Forester (Denver), December 30, 1926, Archives, MORU.

⁷⁶ *Ibid.*, November 5, 1923, Library, JECA.

⁷⁷ Hanley, letter to Senator Peter Norbeck, January 19, 1924, Peter Norbeck Papers, University of South Dakota.

⁷⁸ J. F. Conner, letter to Peter Norbeck, January 14, 1924, Norbeck Papers.

⁷⁹ Connor, letter to District Forester, November 7, 1923 and January 14, 1924; Assistant District Forester C. J. Stahl, November 13, 1923; Senator Peter Norbeck, letter to J. F. Conner, January 18, 1924; and District Forester A. S. Peck, letter to Forester, Washington, D.C., January 21, 1924; all at JECA 1655, Archives, Mount Rushmore National Memorial.

⁸⁰ Connor, letter to District Forester Peck, February 2, 1924, JECA 1655 (94), Archives, Mount Rushmore National Memorial.

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Service now has in its custody some very fine caves for which the Service has not been able to get sufficient appropriations to open.”⁸¹ Both Senator Norbeck and Representative Williamson tried but failed to secure a congressional appropriation to develop or protect the cave in 1924.

Forest Service efforts to manage Jewel Cave National Monument focused on securing the cave against vandals. Beginning in the fall of 1923, a heavy padlock was placed on the existing door. In early 1924, Harney National Forest Supervisor Conner directed Ranger McGill to build a stout door across the cave entrance.⁸² The Michauds objected to this action immediately. Maimie Michaud, who lived with her children in Custer, complained to Forest Supervisor Conner, then wrote to the U.S. Forester in Washington, D.C., and to Senator Peter Norbeck. Michaud claimed that she and her family had done the necessary mineral assessment work each year in order to retain the five claims, and that the few specimens they had removed came from the side passages and had caused no damage to the beauty of the cave.⁸³

In late March 1924, Albert Michaud, in Terrace, British Columbia, wrote to Stephen Mather, director of the National Park Service (created just eight years earlier in 1916). After presenting a brief background on the Michauds’ discovery and development of Jewel Cave, Albert expressed his strong objection to the Forest Service’s locked door, preventing Albert’s nephews from completing the annual mining assessment work. “Now I ask you, Sir, to put this matter up to the Proper officials, [and] that we be reimbursed [*sid*] for our years of hard work. We . . . feel that if the government takes over this Property that we at least get payed [*sid*] for our work.”⁸⁴ Albert Michaud received no response from the National Park Service. His letter was referred to Assistant District Forester C. J. Stahl in Denver, who reiterated that the Forest Service could pay the Michauds no money for their development work at Jewel Cave.⁸⁵

One year later, in March 1925, Frank Michaud wrote from the X Ranch in Young, Arizona (where he had gone in 1921 to seek relief from severe asthma) to Harney National Forest Supervisor Conner, repeating the Michauds’ objection to the locked door at the cave entrance.⁸⁶ The Forest

⁸¹ Williamson, letter to Peter Norbeck, January 25, 1924, Norbeck Papers.

⁸² District Forester A. S. Peck, letter to U.S. Forester, Washington, D.C., February 4, 1924; Assistant Forester Kneipp, letter to District Forester Peck, February 8, 1924.

⁸³ Mrs. Frank Michaud, letter to U.S. Forester, February 15, 1924; Mrs. Frank Michaud, letter to Senator Peter Norbeck, March 28, 1924, Norbeck Papers.

⁸⁴ Albert Michaud, Crescent Hill Ranch, Terrace, B.C., letter to “Dear Sir,” National Park Service, March 26, 1924, Library, JECA.

⁸⁵ Stahl, letter to Albert Michaud, April 10, 1924, Library, JECA.

⁸⁶ Frank Michaud, X Ranch, Young, Arizona, letter to “Dear Friend” Conner, February 17?, 1925.

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Service repeated that it had no legal authority to purchase any rights under the mining law and had no money to purchase any improvements made by the Michauds.⁸⁷ The Forest Service took no action and paid the Michauds no money.

Silence prevailed between the Michauds and the Forest Service for another year and a half. Then, in late December 1926, Harney National Forest Supervisor James Conner, in a memorandum to the District Forester in Denver, complained about the lack of tourist development at Jewel Cave. "The Commercial Club," Conner reported, has advertised this Cave and a great many tourists . . . make the trip up there only to be disappointed since the cave has been locked. . . . In view of the increasing number of tourists to the Black Hills, some action should . . . be taken to arrange for developing the cave and making it available to tourists. In its present status," Conner exclaimed, "the government is doing nothing with it but keeping it locked and preventing the Michauds from developing it."⁸⁸ Assistant Forester E. W. Tinker wrote back in early January 1927 with a solution to the quandary. According to Tinker:

There is only one satisfactory way in which to clear up this case. That is to reach an agreement with the Michauds as to the value of the work they have done in this cave and have local organizations get in back of a bill providing for a compensation to them for the work and make a provision for the administration of the monument, as such.⁸⁹

On February 10, 1927, Forest Supervisor James Conner approached Mamie Michaud and asked what amount she would be willing to accept in full settlement of the Michaud equity in Jewel Cave. She reportedly agreed to surrender all rights to the Jewel Cave property for \$1,000. "Mrs. Michaud," Conner wrote, "felt that this was rather small but stated she would be willing to take this figure."⁹⁰

Frank Michaud could not be consulted on this matter. He had recently traveled to Terrace, British Columbia from the Southwest to be

⁸⁷ Assistant District Forester E. W. Tinker, letter to Frank Michaud, X Ranch in Young, Arizona, March 26, 1925, Library, JECA.

⁸⁸ Conner, memorandum for District Forester, December 30, 1926, JECA 1655 (103), Archives, Mount Rushmore National Memorial.

⁸⁹ Tinker, memorandum for the Harney Forest Supervisor, January 4, 1927, Library, JECA.

⁹⁰ Conner by W. C. Robert, acting forest supervisor, memorandum for district forester, February 19, 1927

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with his siblings, and there he died on February 16, 1927. Frank was put to rest in the Terrace cemetery.⁹¹ The Michaud family's twenty-seven-year history with Jewel Cave had nearly ended.

Jewel Cave Landscape under the Forest Service

During the first twenty years of Jewel Cave National Monument administration by the Forest Service, very few changes were made to the landscape inside and outside the cave. Rock specimens taken from the cave by the Michauds had come either from the floor of the cave, where they had fallen after blasting had opened up the main passage many years earlier, or from less conspicuous side passages. Wood ladders inside the cave had disintegrated. The buildings constructed by the Michaud family near the Jewel Cave entrance had likewise deteriorated. Although the two-story log house remained in good condition, the barn was crumbling into the ground by the mid-1920s.

The access road built by the Michauds from the Custer-Newcastle road to the cave had also probably not changed substantially. Only the Custer-Newcastle road, at least in part, had been improved in the early 1920s.⁹² Although a landscape of tourism had arisen elsewhere in the southern Black Hills, most notably at Sylvan Lake, Custer State Park, Wind Cave, Hot Springs, and in the town of Custer itself, no major construction of buildings or roads had taken place in the vicinity of Jewel Cave. As Government Land Office maps dating from 1918 and 1931 show, only the short Michaud-built road and one other minor road came within a mile or two of the cave opening. All this would begin to change in the late 1920s and 1930s, when the Michauds relinquished their interest and involvement in Jewel Cave, new players began to influence its development, and the Great Depression infused the region (and the nation) with labor and capital aimed at developing Jewel Cave's recreational potential.

⁹¹ *Custer Weekly Chronicle*, March 12, 1927.

⁹² District Forester A. S. Peck, letter to Forester, Washington, D.C., February 4, 1925, Library, JECA.

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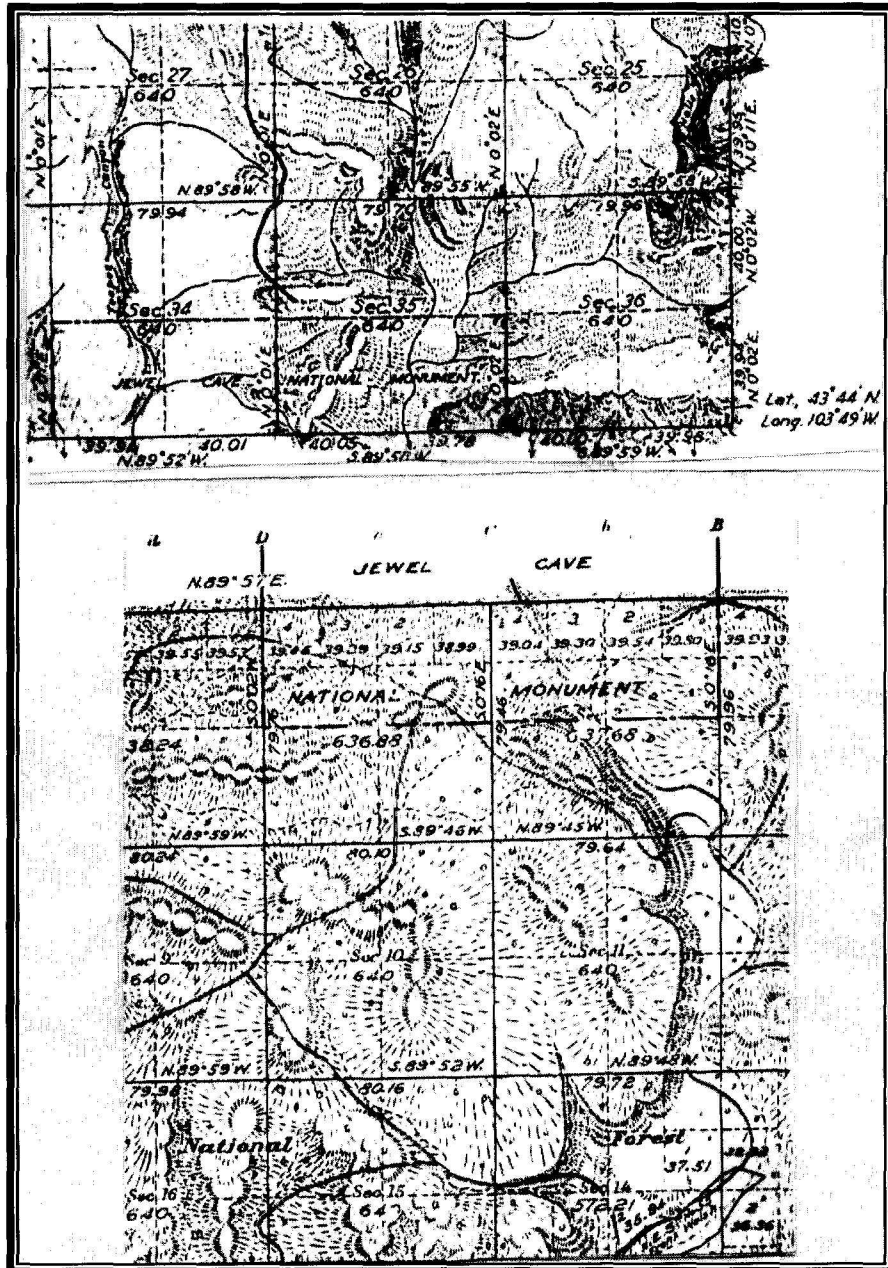


Figure 6-5. The first Government Land Office maps depicting Jewel Cave National Monument show the road to the cave built by the Michauds in the early 1900s as well as the early road between Custer and Newcastle, extending from east to west south of the monument. Courtesy of Bureau of Land Management, Billings, Montana.