Present at the Creation: The 1910 Big Burn and the Formative Days of the U.S. Forest Service

A book review by Michael C. Blumm[*] of *The Big Burn: Teddy Roosevelt & the Fire That Saved America* by Timothy Egan (Houghton Mifflin Harcourt 2009).

Timothy Egan's *The Big Burn* is a gripping story of one of the largest wildfires in recorded North American history, beautifully written and artfully told. The tale involves luminaries like Teddy Roosevelt and Gifford Pinchot, antagonists like Senators Weldon Heyburn (R-Idaho), William Clark (R-Montana), and President William Howard Taft, as well as forgotten heroes like Forest Service rangers Ed Pulaski and Joe Halm. Egan claims, with some justification, that the big wildfire cemented the recently established U.S. Forest Service in the mind of the American public, enabling the agency to enjoy one of the most respected reputations of any federal entity throughout the twentieth century. Unfortunately, it also left the Forest Service with an aversion to fire that damaged the ecological integrity of federal forests while serving the needs of the timber industry.

The Big Burn (also known as the Great Fire) was an explosive wildfire that erupted in August 1910, due to lightning, hurricane-like winds, and a summer-long drought. Spreading from the Bitterroot Mountains along the unroaded Idaho-Montana border as far as Washington and British Columbia, the fire killed roughly one hundred people and consumed 3.2 million acres of trees, enough wood to satisfy the nation for fifteen years.[1] In all, the fire covered an area fifty percent larger than Yellowstone National Park, until late August rains finally put the fire out.[2]

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1. *See* TIMOTHY EGAN, THE BIG BURN: TEDDY ROOSEVELT AND THE FIRE THAT SAVED AMERICA 240 (2009).

2. *See id.* at 172–74, 227–28.

Egan's account features heroic efforts and startling tragedies. Forest Ranger Pulaski saved many lives in an abandoned mine tunnel, some at gunpoint.[3] Ranger Halm protected his men by ordering them into a creek deep in the unroaded area of the St. Joe River's headwaters.[4] Whole towns—like saloon-filled Grand Forks, Idaho[5] and Taft, Montana,[6] where a fifth of the population were prostitutes—perished during the fire.[7] Only through the valiant efforts of the black Twenty-Fifth Infantry, known as the Buffalo Soldiers,[8] was the railroad town of Avery, Idaho evacuated and saved.[9]

3. *See id.* at 163–68. Pulaski, an assistant ranger hired by William Wiegle, head of the Coeur d'Alene National Forest, was badly burned in the fire. *See id.* at 56–58, 211–12, 234. Embittered by congressional failure to compensate him and his colleagues for their injuries, he tended the graves of those whose lives were lost in the fire. *See id.* at 252–55. While he recovered from his injuries, he designed what is now known as "the Pulaski," a half-hoe, half-ax still in use, although he wasn't able to patent it. *See id.* at 255, 259–60, 280. Two years after he died and a quarter-century after the fire, Congress in 1933 appropriated money to establish a memorial burial ground for those who perished. *See id.* at 259.

4. *See id.* at 214–24. Halm, a record-setting, three-sport athlete at Washington State College, had been a forest ranger for only a year before the fire. *See id.* at 217. Shortly before the Big Burn began, he led seventy men into the unroaded western flank of the Bitterroots on the Montana state line, successfully fought a fire, and was about to return home. *See id.* at 217–18. When the Big Burn ignited, he went back to his men, led them to rescue, and then immediately returned to the still-smoldering burn to photograph it for Washington and the newspapers. *See id* at 218–24. Halm remained a Forest Service survey engineer for three decades, wrote an account of the Big Burn in 1944, and had the creek where he saved his men named after him. *See id.* at 261–62. Halm Creek is now listed in the National Register of Historic Places. *See id.* at 261.

5. *See id.* at 75, 77, 201, 283. Grand Forks was a "town that made Deadwood seem tame." *Id.* at 77.

6. Taft visited the nameless town in 1907 and lectured its claim jumpers, fugitives, saloonkeepers, timber thieves, and whores "about morality and their wretched ways." *Id.* at 73–74. "This sewer of sin was a defiance of how American settlements had been founded, dating to the Puritans' 'city upon a hill.'" *Id.* at 74. In keeping with their wry sense of humor, the townspeople decided to dub their home Taft after his visit. *See id.* There were eighteen murders in Taft that spring. *See id.*

7. *See id.* at 119, 283. Taft had five hundred prostitutes and thirty saloons but only one drugstore and one grocery store. *See id.* at 119.

8. *See id.* at 125–28, 201–10. The so-called Buffalo Soldiers, named by Indians because of their hair, were sent by the government to fight Indians from Texas to the Dakotas. *See id.* at 125–26. They were also employed to put down civil strife during labor unrest, and sometimes served as park rangers in Yellowstone and Yosemite before those reserves were designated as national parks. *See id.*

9. Avery was named after a grandson of William Rockefeller who financed the transcontinental railroad that surmounted the Bitterroots. *See id.* at 85. Rockefeller, brother of Standard Oil founder John D. Rockefeller, was an owner of Anaconda, the world's largest copper company. *See id.* at 46. Anaconda also owned the world's largest copper mine, located outside of Butte, Montana. *See id.* William funded construction of a railroad line from Puget Sound through the Bitterroots to the Midwest, known as the Milwaukee Road, the nation's sixth transcontinental railroad and its most expensive to build. *See id.* at 46–47, 76. Crossing the roadless Bitterroots required the construction of twenty-one bridges and sixteen tunnels in a stretch of twenty-two miles. *See id.* at 76. The town and ranger station named after Pinchot had to be relocated to the town of Avery. *See id.* at 83–85.

In August 1910, two weeks before the Palouse winds catalyzed the Big Burn, some eighteen hundred men[10] enlisted to fight some five hundred small fires in the tinderbox that was the Bitterroot Mountains.[11] Included among the firefighters were immigrants, vagabonds, and prisoners, as well as the black soldiers.[12] Rangers like Ellers Koch paid some of these men out of their own savings.[13] But even this manpower was unable to contain the Big Burn; only the late August rains doused the fire.[14]

Egan's story is only partly about the firefighters and their first large-scale battle against wildfire. He also provides the context in which the fire influenced national policy. In 1910, the U.S. Forest Service was only five years old, created by the irrepressible duo of President Roosevelt and Gifford Pinchot, the first Chief of the Forest Service.[15] Roosevelt had left office in 1909, and in 1910 was on an extended trip to Africa and Europe.[16] A champion of Roosevelt's Progressive Conservationism, Pinchot abhorred giveaways of public land to miners, loggers, and corporations.[17] President Taft fired Pinchot in early 1910 for his criticism

10. *See id.* at 145 (estimating that there were eighteen hundred men in the Couer d'Alene National Forest).

11. *See id.* at 123. Throughout the states of Idaho, Montana, and Washington, there were around ten thousand people on wildfire duty in some two dozen national forests during the summer of 1910. *See id.* at 149.

12. *See id.* at 145, 121–22 (describing the emptying of sixty prisoners from the Missoula jail to fight fires).

13. *See id.* at 121. Pinchot regularly compensated for the low pay of forest rangers by supplementing their income out of his own pocket. *See id.* at 94.

14. *See id.* at 227. Egan waxes poetic about the onset of the rain:

> Water, the master architect of the Pacific Northwest, was here again from the sky, here to the rescue of people who thought their world was at an end. Rising over the blackened still-burning
> Rockies, the clouds bunched, cooled, and opened up, the bottoms shredded. It was what people had wished for all summer, what artillery from ships at sea and cannons from the ground had tried to induce—rain.

Id.

15. Although Egan does not go into detail, the U.S. Forest Service was created when Congress agreed to transfer the Forestry Department from the Department of the Interior to the Department of Agriculture in a 1905 statute. Forest Transfer Act, 16 U.S.C. § 472 (2006) (original version at ch. 288, §§ 1–5, 33 Stat. 628 (1905)). The legislation was one of the fruits of Roosevelt's landslide election in 1904. *See* EGAN, *supra* note 1, at 50. Pinchot, who had been appointed head of the Forestry Division in the Department of the Interior by President McKinley, *id.* at 35, became the new agency's first head. *See id.* at 50. Originally charged with managing sixty million acres, that amount soon tripled. *See id.* at 50, 70–71.

16. *See id.* at 89, 97–100.

17. *See id.* at 28 (explaining that Pinchot viewed nineteenth century public land policy as "a fire sale in Eden"); *see also* Michael C. Blumm, *Pinchot, Property Rights, and Western Water (A Reply to Greg Hobbs)*, 24 ENVTL. L. 1203, 1204 (1994) (explaining that Pinchot's abhorrence of monopoly power led him to endorse centralized, federal regulation of waterways, forests, and other natural resources, with the goal of promoting basinwide, scientific planning by nonpolitical experts and only limited private rights).

of Secretary of Interior Richard Ballinger.[18] Ballinger objected to the Roosevelt/Pinchot program to preserve the Western landscape.[19] The Pinchot-Ballinger dispute became a political football, eventually encouraging Roosevelt to challenge Taft's reelection bid in 1912.[20] The primary contest split the Republican Party, caused Roosevelt to run as the Progressive Party's nominee after he lost the Republican nomination, and led to the unlikely election of then Princeton President Woodrow Wilson.[21]

In the wake of the Big Burn, Pinchot and the enemies of Roosevelt's conservation program spun competing narratives about its lessons. Senators Heyburn and Clark believed settlement would have confined the wildfire and blamed Pinchot and Roosevelt for locking up land in national forests.[22] Pinchot blamed the enemies of conservation who failed

18. *See* EGAN, *supra* note 1, at 98–99.

19. *See id.* at 124–25. Other than Ballinger's opposition to the Roosevelt Administration's notion of conservation, Egan suggests that the basis of the Pinchot-Ballinger dispute had to do with Pinchot objecting to Ballinger's improper assistance to corporations seeking access to Alaskan coal lands. *See id.* at 94–95. Egan quotes Ballinger's congressional testimony to the effect that he aimed to reform the Interior Department agenda to prevent "certain overzealous persons from converting the public domain into a national preserve." *Id.* at 124. According to Richard White, President Taft also allowed Ballinger to "reduce federal supervision of hydroelectric development and to advocate ceding waterpower sites to the states." RICHARD WHITE, IT'S YOUR MISFORTUNE AND NONE OF MY OWN: A NEW HISTORY OF THE AMERICAN WEST 412 (1991) (also suggesting that while Pinchot was willing to allow private development in federal forests subject to federal rules, something to which large corporations reconciled themselves, Ballinger represented "smaller entrepreneurial interests" that opposed federal conservation entirely).

20. *See* EGAN, *supra* note 1, at 256–57.

21. *See id.* at 257. The 1912 electorate voted overwhelmingly for three left-of-center candidates: the Democrat, Wilson; the Progressive, Roosevelt; and the Socialist, Eugene V. Debs. *See id.* Taft, the Republican, collected only twenty-five percent of the vote. *See id.* He carried only two states—Utah and Vermont—"the worst showing ever by an incumbent president." *Id.*

22. *See id.* at 242–43. Senator Weldon Heyburn, who participated in the drafting of the Idaho constitution in 1889, was elected Senator by the Idaho legislature in 1902. Heyburn served until he died in 1912 from the effects of a stroke at the age of sixty. *See id.* at 248. He opposed the Roosevelt Administration's agenda wholesale, *see id.* at 41, 68 (explaining Heyburn's opposition to national forests, the eight-hour work day, child labor laws, and direct election of senators), opposed funding for the Forest Service on states' rights grounds, *see id.* at 135, and blamed the forest rangers for the Big Burn. *See id.* at 242. He lived in Wallace, Idaho, the headquarters of the Coeur d'Alene National Forest, which was at the center of the Big Burn. *See id.* Mount Heyburn, overlooking Redfish Lake in the Sawtooth Mountains, is named after him.

Senator William Clark, the "meanest" and "richest" man in Montana, *id.* at 39, was a placer miner, a trader, and a banker. *See id.* at 39–41. He was also president of the Montana constitutional conventions in 1884 and 1889, before being elected senator by the Montana legislature in 1899. *See id.* at 39. The Senate refused to seat him, however, due to the bribery that got him elected. Clark was reelected in 1901 and served until 1907 as a close ally of Heyburn. Mark Twain considered him the "most disgusting creature that the republic has produced since Tweed's time." *Id.* at 39. Clark reportedly said, "I never bought a man who was not for sale." *Id.* at 40. Like Heyburn, he dismissed Roosevelt's conservation agenda as nonsense. *See id.* at 42. After his senate term, Clark helped to found Las Vegas, Nevada, and Clark County is named for

to sufficiently fund the Forest Service and who clamored for more public land giveaways.[23]

Pinchot's version became the "master narrative."[24] Within a year Congress doubled the Forest Service budget, defeated a Heyburn bill that would have privatized much of the burned land, and enacted the Weeks Act, which authorized the Secretary of Agriculture to acquire land for national forests in the Eastern United States.[25] Ballinger soon resigned, Taft became a one-term president, and the popular writer Zane Grey even featured a forest ranger as a hero in one of his novels.[26] As Pinchot said, "I have fought for many years for conservation, and conservation has won."[27]

The Big Burn may have solidified the Forest Service as an enduring federal agency, but Egan suggests that it had an unfortunate legacy as well. In ensuing years, firefighting came to dominate the agency's mission[28] and its budget.[29] One policy, adopted in the 1930s, instructed rangers to have fires extinguished by ten o'clock the next morning.[30] Egan claims that Pinchot would not have approved these tactics.[31] Yet he offers little supporting evidence that Pinchot recognized fire as an ecological necessity,[32] a view the Forest Service did not embrace until the late

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him. *See id.* at 263. In 1925, he died at the age of eighty-six in his Manhattan mansion as one of the richest men in America. *See id.*

23. *See id.* at 239–41 (claiming that with adequate funding, forest fires were preventable).

24. *Id.* at 240. Pinchot's version was published in popular magazines like *Everybody's*, *Colliers*, *Harper's*, and *American Forestry*. *See id.* at 241.

25. *See id.* at 247–48. The Weeks Act of 1911, which authorized federal purchase of "forested, cut-over, or denuded lands" in the East, 36 Stat. 961 (1911), was passed over the objection of Speaker of the House Joe Cannon. *See id.* at 68. Cannon, an ally of Senators Heyburn and Clark, once famously proclaimed, "not one cent for scenery." *Id.* The Act led to the creation of about fifty national forests in twenty-three Eastern states, now about 13 percent of the total national forest acreage. GEORGE CAMERON COGGINS ET AL., FEDERAL PUBLIC LAND AND RESOURCES LAW 136 (6th ed. 2007). However, only about one-half of the land within Weeks Act forest boundaries is federally owned. *See id.*

26. EGAN, *supra* note 1, at 246–48 (explaining that Grey's 1910 novel, THE YOUNG FORESTER, centered around "a well-educated Pinchot progressive who saves the day from timber thieves and flame in territorial Arizona").

27. *Id.* at 246.

28. *See id.* at 269–70 (describing how former Pinchot disciple William Greeley, who became Chief of the Forest Service in 1920, elevated fire prevention as the chief agency mission).

29. *See id.* at 274 (noting that firefighting took up nearly half the agency's budget).

30. *See id.* at 273.

31. *See id.* at 52.

32. *See id.* at 52 (describing that Pinchot promised his foresters "could whip fire,"); see *id.* at 71, (describing that Pinchot saw his role as both subduing and preserving nature); *see id.* at 138 (noting Pinchot's 1914 book, THE FIGHT FOR CONSERVATION, described forest fires as "wholly within the control of man"). Egan does cite one source, from 1899, suggesting that Pinchot understood the beneficial effect of fires. *See id.* at 291 (citing *Relation of Forests and Fires*, NATIONAL GEOGRAPHIC, Oct. 1899, at 393, 393–403). And in his posthumously published 1947 book, BREAKING NEW GROUND, he adopted a much more humble tone toward wildfire. *See id.* at 275 (quoting Pinchot acknowledging that a "forest was 'a complex community with a life of its own,'" which included fire).

twentieth century.[33] More certain is that Pinchot was appalled that the principal beneficiaries of the agency's firefighting priority were timber companies, whose logging also benefitted from taxpayer-funded roads.[34]

Egan may have mistitled the book, as the remarkable Pinchot,[35] not Roosevelt, is the salient figure. Pinchot wrote many of Roosevelt's speeches[36] and encouraged Roosevelt's campaign to unseat Taft.[37] His family fortune also endowed the Yale School of Forestry, which gave his new agency its top personnel.[38] Pinchot was the larger-than-life chief who inspired his men to work for low wages[39] amid the considerable hostility of Western miners, loggers, and brawlers who resented the Eastern-educated newcomers.[40]

While it would be an overstatement to suggest Pinchot invented the idea of conservation,[41] along with Roosevelt he made conservation a political crusade primarily carried out by the executive branch.[42] Despite

33. *See id.* at 274; *see also* Robert B. Keiter, *The Law of Fire: Reshaping Public Lands Policy in an Era of Ecology and Litigation*, 36 ENVTL. L. 301, 303, 325, 366 (2006) (noting that while the Forest Service began allowing backcountry wildfires to burn in the 1960s, the agency did not adopt prescribed fires as a management tool until the mid-1990s).

34. *See* EGAN, *supra* note 1, at 270–71 (noting that Pinchot considered his former protégé, William Greeley, to be a traitor because of his cozy relationship with the timber industry); *id.* at 275 (Pinchot was "appalled that the public forests had become mere commodities").

35. Pinchot was a confidant and hiking partner of John Muir's before they split over the damming of the Tuolumne River in Hetch Hetchy Valley. *See id.* at 30–34, 92. Pinchot boxed, swam, and rode horseback with his political fellow traveler, Roosevelt. *See id.* at 17–20, 24–25, 35–38, 64–67, 97–100, 134–36. After Roosevelt's death, he served two terms as governor of Pennsylvania. *See id.* at 265, 267. Long thought to be one of the most eligible bachelors in Washington, the aristocratic Pinchot apparently carried on a two-decade long relationship with his dead fiancée, Laura Houghteling, through apparitions. *See id.* at 61–64, 91–92. Egan suggests that while the reputations of Roosevelt and Muir grew after their deaths, Pinchot was "an afterthought" in the story of the fight for conservation at the time of his death from leukemia in 1946. *Id.* at 277.

36. *See id.* at 66.

37. *See id.* at 256–57.

38. *See id.* at 54. Pinchot often entertained the Yalies at his family's estate, Grey Towers, in Pennsylvania. *See id.* at 97. Most of the principals in the story of the Big Burn had Yale pedigrees. *See id.* at 11, 97.

39. *See id.* at 89 (describing low wages of barely one thousand dollars a year).

40. *See id.* at 11 (noting that rangers were "scorned as Teddy's boy scouts"); *see id.* at 71 (noting that rangers were known as "little GPs").

41. Egan acknowledges that "[w]hether Pinchot and Roosevelt actually invented conservation is debatable." *Id.* at 67. However, Pinchot thought "he invented the idea of conservation as an overarching theme" of the Roosevelt Administration while on a horseback ride in February 1907. *Id.* at 66 (suggesting that the term tied together the Administration's efforts concerning forests, wildlife, clean water, irrigation, and fire suppression). Egan rightly explains that among the many fathers of conservation was the preservationist thinking of John Muir. *See id.* at 67. Muir published "a powerfully argued book, *Our National Parks*, a popular cry for true preservation," in 1901. *Id.* Muir, who enjoyed life most when alone in Yosemite, hiked with Roosevelt on a four-day trek through the Yosemite Valley in 1903. *See id.* at 43.

42. *Id.* at 67. In addition to using the authority of the 1891 act to establish national forests, Roosevelt invoked the Antiquities Act of 1906, 16 U.S.C. § 431 (2006), to reserve areas like the Grand Canyon and the Teton Mountains as national monuments. Although there was no

remarkably little direction from Congress, in less than two presidential terms, the federal government set aside some 230 million acres as national forests, parks, monuments, and wildlife refuges,[43] an acreage fifty percent larger than the state of Texas.[44] These efforts induced Congress in 1907 to pass an appropriations rider that eliminated the president's authority to establish national forests in most Western states.[45] Yet Roosevelt and Pinchot thought the joke was on Congress and managed to add sixteen million acres of "midnight reserves" in the week before Roosevelt signed the bill.[46]

The Big Burn is a captivating read of the formative era of modern public land policy. The conflicts over conservation between Roosevelt, Pinchot, and their enemies were center-stage in the national political arena, as they have never been before or since.[47] A century later, with the nation and the world facing an immediate crisis over oil pollution in the Gulf of Mexico and a congressional stalemate over greenhouse gas emissions, their trailblazing political success, particularly their use of executive authority,[48] may be worth reexamining closely.[49]

Egan spins an engrossing tale and draws large conclusions. But perhaps the lasting thought from *The Big Burn* should be just how much we in the twenty-first century owe to Pinchot and Roosevelt. Too much has been made of the relatively small differences between John Muir and

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legislative authority to set aside wildlife refuges, Roosevelt invoked implied authority, a position later ratified by the Supreme Court. *See* United States v. Midwest Oil, 236 U.S. 459 (1915) (upholding presidential power due to congressional acquiescence).

43. *See* EGAN, *supra* note 1, at 247.

44. *See id.* at 88.

45. *See id.* at 69. Egan explains little on the legislative origins of the rider, except to suggest that it was the handiwork of Senator Heyburn and his allies. *See id.* The appropriations rider did not affect Antiquities Act authority to reserve national monuments or the president's implied authority to set aside wildlife refuges. *See supra* note 42.

46. EGAN, *supra* note 1, at 70.

47. *See id.* at 66–71, 86–88, 138; *see also* ALPHEUS THOMAS MASON, BUREAUCRACY CONVICTS ITSELF - THE BALLINGER-PINCHOT CONTROVERSY OF 1910 (1941); JAMES L. PENICK, JR., PROGRESSIVE POLITICS AND CONSERVATION: THE BALLINGER-PINCHOT AFFAIR (1968). On Roosevelt's version of conservation, see DOUGLAS BRINKLEY, THE WILDERNESS WARRIOR: THEODORE ROOSEVELT AND THE CRUSADE FOR AMERICA (2009).

48. For a review of one recent administration's use of executive authority similar to Pinchot and Roosevelt's, see John D. Leshy, *The Babbitt Legacy at the Department of the Interior: A Preliminary View*, 31 ENVTL. L. 199 (2001). For a more generic look at executive authority, see Elena Kagan, *Presidential Administration*, 114 HARV. L. REV. 2245 (2001).

49. For example, Senator Heyburn thought "[t]he very idea of forestry was a joke—it had no bearing in science . . . fostered as a policy to uphold the leisurely, lazy dignity of a monarch," referring to Pinchot. EGAN, *supra* note 1, at 69 (citations omitted). This resembles the attitude of those who deny anthropogenic-induced climate change in the twenty-first century. *See, e.g.*, Massimo Pigliucci, *Why do libertarians deny climate change?,* RATIONALLY SPEAKING (May 27, 2010, 9:01 AM) http://rationallyspeaking.blogspot.com/2010/05/why-do-libertarians-deny-climate-change.html.

Pinchot.[50] As Egan shows, Pinchot's utilitarianism was laced with large doses of preservationism.[51] The larger lesson is that their combined efforts, with the political muscle of the great Theodore Roosevelt, produced a legacy of publicly owned lands that almost no other country on earth possesses. Although Egan's claim that the 1910 fire gave the Forest Service the political cover that allowed the agency to survive may be unassailable, the truth is that Americans have never appreciated the great legacy that the election of 1904 gave them.[52] No election ever meant more to Americans in terms of public resources. Over a century later, one might think that this legacy would resonate with the American electorate. If only they knew.

50. Of course, the split between Muir and Pinchot over Hetch Hetchy, *see supra 27* note 35, is well known, and there are legions of papers contrasting Pinchot's utilitarianism with Muir's preservationism.

51. *See* EGAN, *supra* note 1, at 67, 138, 255, 275; *see also supra* note 41. And Muir's defense of Hetch Hetchy was based in part on utilitarian arguments. *See* COGGINS ET AL., *supra* note 25, at 134; *see also* Jedediah Purdy, *The Politics of Nature: Climate Change, Environmental Law, and Democracy*, 119 YALE L.J. 1122, 1159 (2010) [hereinafter Purdy, *Politics of Nature*] (claiming that both Muir's Sierra Club and Pinchot's Roosevelt "rejected what they saw as the materialism, selfish individualism, and lack of high principle in American life at the close of the nineteenth century," and shared "an ambivalent relationship to utilitarian public policy, seeing it as on the one hand essential for conservation of public lands, but on the other hand deeply implicated in the same values they decried"); *id.* at 1152–55 (noting that the early Sierra Club was a branch of Progressive culture, which deplored selfish individualism and sought public land management by experts to achieve utilitarian ends); *id.* at 1156 (noting that both the Sierra Club and Roosevelt thought that "utilitarian public policy was not self-sustaining but required support from the virtues of patriotism, boldness, and initiative").

52. In 1904, Roosevelt defeated Democrat Alton B. Parker, Chief Judge of the New York Court of Appeals, 336 electoral votes to 140. Parker won only the states of the old Confederacy. Roosevelt's popular vote margin of 7.6 million (56.4 percent) to 5 million (37.6 percent) was the largest recorded to that time. *See* EGAN, *supra* note 1, at 49. The election was the first in American history in which an "accidental" president succeeded from the vice presidency to a full electoral term.

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