MOUNTAIN LIONS, MYTHS, AND MEDIA: A CRITICAL REEVALUATION OF *THE BEAST IN THE GARDEN*

By Wendy J. Keefover-Ring^{*}

David Baron's *The Beast in the Garden: A Modern Parable of Man and Nature (Beast in the Garden)*¹—re-released into paperback by W.W. Norton—provides a well-intentioned attempt to warn us Westerners about the potential dangers of recreating or living in mountain lion country. The book's sloppy methodology, unsatisfying leaps in logic, historical inventions, and reliance on anecdotal "scientific" data create problems for itself. Yet, its authoritative tone and lengthy bibliography have convinced the media, many readers, and even some academics that Baron, a twenty-year National Public Radio reporter, is also an expert on mountain lions.²

According to the book's website, Baron has been interviewed on at least nineteen radio shows and three television stations, quoted in twenty-four newspapers or magazines, and his book was excerpted in several publications—including nine versions of *Reader's Digest.*³ On top of that, the book has been favorably reviewed sixty-four times.⁴ *Beast in the Garden*, with its alarmist style and emphasis on gore, appears to have, at least temporarily, modified the public discourse on mountain lions. For example, in April 2004, a Colorado news station reported, "Experts Fear Mountain Lion Confrontations Will Rise." The expert interviewed on this subject is invariably journalist David Baron.

^{* ©} Wendy J. Keefover-Ring, 2005. Director, Carnivore Protection Program, Sinapu; M.A., 2002, History, University of Colorado at Boulder.

 $^{^{\}rm 1}$ David Baron, The Beast in the Garden: A Modern Parable of Man and Nature 6 (2003).

² The mountain lion's scientific name is *Puma concolor*, it was changed from *Felis concolor* over a decade ago. Kenneth A. Logan & Linda L. Sweanor, Desert Puma: Evolutionary Ecology and Conservation of an Enduring Carnivore 17 (2001).

³ Beast in the Garden, The Beast in the Garden: A Modern Parable of Man and Nature, by David Baron, http://www.beastinthegarden.com (last visited Nov. 20, 2005).

⁴ Dozens of links to interviews and book reviews are available on Baron's website. *Id.* Two negative reviews not on the site include, Gary Wockner, *Mountain Lyin'*, ROCKY MOUNTAIN NEWS, Apr. 10, 2004, at E6 (book review), *available at* http://garywockner.home.comcast.net/mtnlyin.html and Kenneth A. Logan, *The Beast in the Garden: A Modern Parable of Man and Nature*, 68 J. OF WILDLIFE MGMT. 734 (2004) (book review).

⁵ CBS4 Denver: Experts Fear Mountain Lion Confrontations Will Rise (CBS television broadcast Apr. 26, 2004) (transcript on file with author).

Has the book changed people's understanding of large native carnivores in the ecosystem? After the release of *Beast in the Garden* in October 2003, wildlife biologists and others have witnessed a shift in main-stream attitudes towards mountain lions—something akin to the predator angst the dominant American culture exhibited at the turn of the nineteenth century. *Beast in the Garden*, to use Baron's words, is "prone to weave elaborate stories from cryptic evidence "⁶

Baron argues that Boulder, Colorado's hippie-bred, herbal-tea-drinking, animal-venerating, nature-loving culture led to a mountain lion attack on a young man in Idaho Springs. He claims that the 1991 death of Scott Lancaster, an eighteen-year old Idaho Springs resident, was the "inevitable" outcome following the confluence of political, historical, and ecological events that had "gone awry. Wildlife lovers on Boulder's rural-urban interface lured deer into their unhunted "gardens," according to Baron. The "increasing" deer population attracted mountain lions (the "beast") closer to human habitants. He argues that close proximity to humans created habituated wild cats. In other words, Baron argues that Boulder's culture of animal and nature reverence killed Lancaster. By examining historical, scientific, and other sources uncritically, Baron steps into a trap of his own making.

The fundamental underpinnings of *Beast in the Garden* are easily contested. Baron's argument that a Boulder-based, human-habituated lion killed a boy in Idaho Springs has three important problems. First, in that rural burg, animal veneration has a different meaning. Bambi is venison, and the Lion King is an ornamental rug. People who live in Idaho Springs hunt large mammals, including mountain lions. In other words, Idaho Springs, *the place where the attack occurred—the basis of the book*—is the cultural antithesis of Boulder. Yet this fact is conveniently left out of *Beast in the Garden*; to include it would have undercut Baron's main thesis.

A second fundamental problem is that Idaho Springs lies twenty air miles—over mountainous terrain—away from Boulder, and although a large male tom will have a territory of at least one hundred square miles, those

⁶ BARON, *supra* note 1, at 82 (characterizing paleontologists as "prone to weave elaborate stories from cryptic evidence....").

⁷ See id. at 16 (describing Boulder's "laid-back" culture and "stuck in the sixties" reputation); id. at 34 (stating that wilderness author Edward Abbey received a "rock star-like following" in Boulder).

⁸ Id. at 8.

⁹ Id. at 49–50.

¹⁰ See id. at 22–23 (arguing that animals lose their fear of humans when they are repeatedly exposed to people. "[W]hen the wildlife species in question is a carnivore, the results can be deadly.").

¹¹ Social ecologists have documented that people's attitudes towards wildlife vary depending on gender, education, and geographic location. See generally Stephen Kellert & Carter Smith, Human Values Toward Large Mammals, in Ecology and Management of Large Mammals in North America 38 (Stephen Demarais & Paul Krausman eds., 2000) (examining nine "values" that influence human attitudes toward large mammals and variations created by other factors); Tara Teel et al., Utah Stakeholders' Attitudes toward Selected Cougar and Black Bear Management Practices, 30 Wildlife Soc'y Bull. 2 (2002) (examining Utahans' attitudes toward selected cougar and black bear management techniques).

miles are not linear. California-based lion biologist, Dr. Rick Hopkins, explains that a forty-mile radius is equivalent to 5,000 square miles—thus, it is unlikely that a lion living in Boulder also has a territory connected to Idaho Springs. ¹² On the other hand, Dr. Ken Logan, a puma biologist, writes that if a subadult animal was dispersing from its natal area in search of its own home range, that animal could have originated "from anywhere in Colorado, or as far away as New Mexico or Wyoming." ¹³

Moreover, the contention that lions will inevitably attack humans or become habituated to them is disputed by a well-respected 2003 San Diego, California study conducted by Linda Sweanor et al. that finds lions typically try to avoid human encounters. ¹⁴ Indeed, Baron cites no scientific evidence to support his theory that lions routinely adjust to humans.

Attributing human characteristics to wildlife and using unsound ethical reasoning further compound the book's flaws. According to Baron, mountain lions use ritualized murder no different than the Aztecs who "hauled prisoners up high pyramids and cut out their beating hearts as an offering to the sun"¹⁵ The lion that killed Scott Lancaster "hollow[ed him] out" "like a pumpkin" and then "sprinkled [the body with] moss and twigs" "as if to signify something profound."¹⁶ Using "surgical" precision,¹⁷ a lion "killed a young man and ate his heart."¹⁸ Although such dramatic words keep the reader turning the pages, they are problematic.

In *Beast in the Garden*, Baron disguises mountain lions as human beings—a literary trick with ignominious precedent. In 1903, renowned naturalist John Burroughs excoriated nature writers who had published farfetched stories about animal behavior. In his essay, "Real and Sham Natural History," Burroughs attacked these "nature faker" writers and ignited a debate in the literary world. Burroughs' critique proves instructive one

 $^{^{12}}$ Telephone Interview with Dr. Rick Hopkins, Senior Wildlife Ecologist, Live Oak Associates, in San Jose, Cal. (Jan. 10, 2005).

¹³ Logan, supra note 4, at 735 (citation omitted). In this review, Dr. Logan explains that eye-witness data is often wrong, based on a study he was involved in California where radio-collared cats were known not to be present during the times when people phoned in sightings. Id. at 736.

¹⁴ Linda Sweanor, et al., Southern California Puma Project: Final Report for Interagency Agreement No. C0043050 (Southern California Ecosystem Health Project) Between California State Parks and the U.C. Davis Wildlife Health Center 1(2003). In this two and half year study, empirical data show pumas generally avoided humans and human facilities such as trails and buildings when humans were present. *Id.*

 $^{^{15}\,}$ Baron, $supra\, \mathrm{note}$ 1, at 8.

¹⁶ *Id.* at 6, 8, 12.

 $^{^{17}}$ See id at 6 (stating that the body was "carefully carved" in a "ghoulish backwoods surgery").

¹⁸ *Id.* at 12.

¹⁹ John Burroughs, *Real and Sham Natural History*, The Atlantic Monthly, Nov. 1903, at 298; *see also* Lisa Mighetto, Wild Animals and American Environmental Ethics 9–26 (1991) (discussing Burroughs and President Theodore Roosevelt's attack on several turn-of-the-twentieth century nature-writing authors, such as Ernest Thomas Seton and William J. Long. Roosevelt dubbed them "nature fakers" because this group published ludicrous stories that gave animals unrealistic human-like abilities and attributes).

hundred years later. He fumed that these nature fakers put "much sentiment" into their works to achieve "literary effects."²⁰

Baron's pumas-as-Aztec-priests or knife-wielding-surgeons makes interesting reading and taps into people's primal fears about large predators. Apparently this tactic has worked since he has achieved enough interest to generate a second printing of his book, and he continues to receive glowing reviews and interviews; however, his style may spawn a generation of neonature fakers. Baron's attempt to give human qualities to pumas also taps into the debates about animals and the changing nature of human culture.

Ethicists agree that predators do not have murderous intent when they kill—they are simply seeking food, not the oppression of a victim. ²¹ Further, ethicists argue that without predation, increased suffering would occur in the natural world, while biologists cite simplification in ecosystems—both in terms of species richness and functionality. ²² Like early conservationists who distinguished between "good" and "bad" animals (prey species were "innocent victims" and "predatory animals" were evil and ravenous), ²³ Baron pits anthropomorphized mountain lions against unsuspecting virtuous martyrs, such as Fifi the cock-a-poo, who becomes a lion hors d'oeuvre in this tale. ²⁴

In addition to flawed ethical understanding, Baron makes several unsupportable historic claims. I will illustrate three here. In the first, he writes, "[r]esidents of Boulder and nearby towns enthusiastically participated in the frenzy [of mountain lion] killing" in the late nineteenth century. Baron's statement seems reasonable given that the dominant American culture before 1960 generally believed that large carnivores such as mountain lions, bears, and wolves were evil and ravenous. His endnotes refer us to Colorado's bounty statutes. In the first, he writes, and wolves were evil and ravenous. His endnotes refer us to Colorado's bounty statutes.

²⁰ Burroughs, *supra* note 19, at 299.

²¹ STEPHEN CLARK, ANIMALS AND THEIR MORAL STANDING 17, 22 (1997); Evelyn Pluhar, The Basic Moral Rights of Humans and Nonhumans, in Ethics and Wildlife 40 (Priscilla Cohn ed., 1999)

²² Pluhar, supra note 21, at 40. Concerning predators' enriching ecosystems, see for example, Brian Miller & Dave Foreman, Introduction to our Approach, in SOUTHERN ROCKIES WILDLANDS NETWORK: A SCIENCE-BASED APPROACH TO REWILDING THE SOUTHERN ROCKIES 43 (Brian Miller et al. eds., 2003); Douglas Smith et al., Yellowstone After Wolves, 53 BIOSCIENCE 330 (2003); Kevin Crooks & Michael Soulé, Mesopredator Release and Avifaunal Extinctions in a Fragmented System, NATURE, Aug. 1999, at 400, 563–566.

²³ See MIGHETTO, supra note 19, at 75–93 (discussing American perceptions of predators).

²⁴ BARON, *supra* note 1, at 100–102 (describing a mountain lion attack on a dog).

 $^{^{25}}$ Id. at 31.

²⁶ See generally Mighetto, supra note 19 (discussing how attitudes toward wildlife have changed historically and how new values and ethics regarding the animal world have emerged); Jon T. Coleman, Vicious: Wolves and Men in America (2004) (detailing the history of the relationship between new Americans and wolves from colonial times to the present); Thomas Dunlap, Saving America's Wildlife: Ecology and the American Mind, 1850–1990 (1988) (discussing American nature myths from 1850 to 1990) [hereinafter Dunlap, Saving America's Wildlife]; Thomas Dunlap, The Coyote Itself: Ecologists and the Value of Predators, 1900–1972, 7 Envil. Rev. 54 (1983) (describing a shift in American attitudes toward predators); Albert M. Day, U.S. Dept. of Agric., Handbook for Hunters of Predatory Animals (1932) (providing instructions for hunting predatory animals).

 $^{^{27}}$ While Colorado counties paid bounties to mountain lion hunters, the state reimbursed

bounty on lions from 1881 to 1965 (but repealed the law briefly from 1885 to 1889). Under Colorado statutes, lion hunters would turn in a lion "scalp" to the county clerk and sign an affidavit declaring the county where the lion was killed. The county would then receive periodic reimbursements from the state treasury.²⁸

According to Boulder County's bounty records, residents killed 296 coyotes, 32 wolves, 11 bears, and 2 mountain lions between 1890 and 1892. Based on the evidence, one might argue that a "frenzy" of *coyote* killing occurred in Boulder, but not so for the other species. Also, Baron's readers might find it interesting to learn that most of Boulder County's early records were destroyed in a 1932 fire. Instead of admitting the truth about a lack of primary evidence, Baron improvises.

Next, Baron tells us that Americans once "lured mountain lions to steel-jawed traps with catnip oil." Not quite. According to Stanley Young, Senior Biologist for the Biological Survey (the federal agency largely credited with exterminating wolves and grizzlies in the lower 48 states), catnip oil lures proved impractical. In 1940, Young wrote, "[i]t was evident that it required a large quantity of the plants to obtain a very small quantity of oil" because

those counties and kept its own ledgers. See Act of Feb. 11, 1881, 1881 Colo. Sess. Laws 192 (providing a bounty of ten dollars to encourage the destruction of mountain lions); Act of Apr. 18, 1889, 1889 Colo. Sess. Laws 35 (reinstating the bounty and broadening it to cover wolves, coyotes, and bears, in addition to mountain lions); Act of Apr. 8 1893, 1893 Colo. Sess. Laws 68 (reducing the bounty to one dollar per coyote, two dollars per wolf, and three dollars per mountain lion). Colorado then maintained a bounty on lions until 1965; after that date, mountain lions were declared a "big game species" and hunter harvest was limited. Colo. Rev. Stat. § 33-1-102(2) (2005). But see Figure 1 infra p. 1093. As of this writing, Colorado's bounty on wolves and coyotes has never been lifted. See Colo. Rev. Stat. § 35-40-107 (2005). Despite the Great Depression and a handsome reward of \$50, not many people took advantage of mountain lion hunting. See Figure 1 infra p. 1093 (showing mountain lion hunting statistics during the bounty period). There are two schools of thought. First, perhaps lion populations had been depressed before the bounty period, or lions were killed during the U.S. Biological Survey's massive poisoning campaign during the 1920s and 1930s, and their bodies were never discovered. See LOGAN & SWEANOR, supra note 2, at 15 (stating that early European immigrants brought predator control and habitat loss); Dunlap, Saving America's Wildlife, supra note 26, at 112-23 (describing government poisoning efforts); Id. at 56 (reporting A. Brazier Howell's observation that government field agents had no incentive to look for predators killed by poisoning when reporting death tolls). Second, few lions were killed during the bounty period because of the lack of technology and limited access in hard-to-reach places like Colorado's canyon country. Steven Torres et al., Abstract, Puma Management in Western North America: A 100 Year Retrospective, in Proceedings of the Seventh Mountain Lion Workshop 148 (Scott A. Becker et al. eds., 2003).

- ²⁸ See, e.g., Act of Feb. 11, 1881, 1881 Colo. Sess. Laws 193 (providing reimbursement of bounties to county treasurers from the state treasurer); but see Act of Apr. 8 1893, 1893 Colo. Sess. Laws 69 (providing bounty payments directly from the state treasury).
- ²⁹ Boulder County, Treasurer's Record on Bounties Paid (1890–1892) (stored in the Boulder branch of Carnegie Library). In 1890, George Buchanan turned in one scalp, and in 1891, J.A. Walker turned in another. *Id.* They each collected a \$10 bounty payment. *Id.* While few lions were turned in for a reward, Boulder's bounty records show that dozens of coyotes and several bears and wolves were turned in for bounties. *Id.*
- 30 The Boulder County courthouse burned down in 1932. Telephone Interview with Wendy Hall, Librarian, Boulder Carnegie Library, in Boulder, Colo. (Feb. 2, 2005).

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³¹ BARON, supra note 1, at 28.

"[c]atnip oil is highly volatile "32 Thus, even the mighty federal Biological Survey, which had a Congressional mandate to eliminate native carnivores, 33 could not grow enough catnip to eradicate a few house cats much less the entire mountain lion population.

Third, Baron asserts early in the book that "some biologists believe" mountain lions "may be as abundant today as when Lewis and Clark paddled through the region two centuries ago."34 Baron cites no evidence for this claim. His abundant population theory gets in his own way. Later he adds, "ironically, ancient Indians may have come closer to exterminating the species than twentieth-century lion hunters ever did."35 Again, the author gives us no citation for this extraordinary assertion. Even now, biologists have few clues about how many lions exist in the inter-mountain West because scientists have conducted only a handful of mountain lion studies of adequate duration and intensity to obtain census numbers. At present, there are no valid methods for estimating lion numbers or population trends that I know of. Instead of conducting population counts, western state wildlife managers rely heavily on anecdotal evidence provided largely by mountain lion outfitters. States also use hunter harvest data to project what the living population might be—an unreliable methodology because the number of dead pumas has an unknown correlation to the living population.³⁶

In *Beast in the Garden*, Baron claims that Boulder County's cat population rose rapidly during the 1980s. His evidence for this theory comes from anecdotal data collected in the 1980s by James Halfpenny, an expert tracker, and Michael Sanders, a naturalist. Baron, to his credit, writes that Halfpenny and Sanders' Boulder mountain lion count "was an admittedly crude research project." As of this writing, lion biologists have yet to correlate track counts with population densities—although the Colorado Division of Wildlife, led by renowned lion researcher Dr. Ken Logan, is endeavoring to do this in a ten-year study on Colorado's Uncompandere Plateau, which began in late 2004. ³⁸

Critical omissions in *Beast in the Garden* compound its flaws. Unfortunately, Baron fails to report on pumas' natural history, ecological role, and the rate of lion hunting conducted in the West since bounties were lifted in the 1960s and 1970s. Missing too—despite its keen focus on the topic of mountain lion attacks—is an unbiased risk assessment and sound

 $^{^{32}\,}$ Stanley Young, Catnipping Our Big Cats, Western Sportsman, May 1940, at 4, 6.

³³ Animal Damage Control Act, ch. 370, 46 Stat. 1468, 1468–69 (1931) (codified as amended at 7 U.S.C. § 426 (2000)) (requiring the Secretary of Agriculture find ways to eradicate wildlife considered pesty to ranchers and farmers).

³⁴ Baron, *supra* note 1, at 11.

³⁵ *Id.* at 161.

 $^{^{36}}$ See Logan & Sweanor, supra note 2, at 374 (stating that "harvest data can be disconnected from what may be occurring with the puma population in the wild"). For a synthesis of states' lion hunting practices and regulations, see Wendy Keefover-Ring, The State of Pumas in the West (2004).

³⁷ Baron, *supra* note 1, at 102.

³⁸ See Gary Gerhardt, Lion Sightings Leave Rural Folks on Edge: Residents Say Dogs Coming Up Missing, Denver Rocky Mountain News, Apr. 10, 2004, at 8A (mentioning Ken Logan's cougar study on the Uncompange Plateu).

advice for people who live or recreate in lion country. In both national and local radio interviews, David Baron has declared that the mountain lion population in the West has rebounded because states have replaced bounties with regulated hunting.³⁹ Empirical evidence neither supports nor negates this claim. As Colorado bounty records show, few lions were turned in for a bounty as compared to the number of lions killed in regulated hunting during the past two decades.⁴⁰ Across the West, however, mountain lion hunting has significantly increased in popularity resulting in a near four-fold increase in lion mortality in two decades.⁴¹ Technology such as off-road vehicles, radio collars for hunting-dog packs, and remote communication devices have accelerated lion hunting.⁴²

Moreover, western states in the last two decades have liberalized lion hunting by elevating lion-hunting quotas, increasing hunter bag limits, reducing tag fees, and lengthening the hunting season. States ineffectively protect breeding females—the most important demographic of lion population in terms of conservation. Human hunting pressures can easily overwhelm a cat population. Large-ranging carnivores face other problems too. Habitat loss and roads, which bifurcate populations and cause both direct and indirect mortalities, may also hinder long term conservation of these species. He

³⁹ For links to these radio interviews, see Beast in the Garden, *supra* note 3.

⁴⁰ See Figure 1 *infra* p. 1093 (graphing the number of mountain lions killed during Colorado's bounty period and its regulated hunting period). Steven Torres et al. propose that fewer lions were killed during the bounty period in western North America than now. Steven Torres et al., *supra* note 27, at 148. Due to the Biological Survey's poisoning campaigns, we may never know the truth.

⁴¹ See Figure 2 infra p. 1093 (graphing the total number of pumas killed by sport hunters in the western United States from 1983 to 2003). Hunter harvest, poaching, livestock protection kills, road kills, and human safety kills account for anthropogenic-caused mortalities. See generally Keefover-Ring, supra note 36. In unhunted populations, mountain lions face several causes of mortality, including intraspecific strife, predation, infanticide, disease, and starvation. See LOGAN & SWEANOR, supra note 2, at 117–26 (reporting the findings of a study on causes of death in a particular puma population).

⁴² LOGAN & SWEANOR, *supra* note 2, at 374.

⁴³ See generally Keefover-Ring, supra note 36 (describing changes in several states' lion hunting practices).

⁴⁴ *Id.* at 3–5.

 $^{^{45}}$ In his Montana study, state biologist Rich DeSimone found that hunters could substantially affect a localized puma population. See RICH DESIMONE ET AL., GARNET MOUNTAINS MOUNTAIN LION RESEARCH: PROGRESS REPORT JAN. 2001– DEC. 2002, at 4 (2003) (stating that hunters killed over 60% of radioed lions during the 1998–2001 hunting season). In one year alone, hunters killed 75% of his collared pumas. Id .

⁴⁶ The literature on large carnivore conservation is large. See, e.g., Reed Noss et al., Conservation Biology and Carnivore Conservation in the Rocky Mountains, 10 CONSERVATION BIOLOGY 949 (1996) (discussing carnivore conservation issues in the Rocky Mountains); John Weaver et al., Resilience and Conservation of Large Carnivores in the Rocky Mountains, 10 CONSERVATION BIOLOGY 964 (1996) (discussing issues of large carnivore resiliency in the Rocky Mountains); Lance Craighead, Wildlife-related Road Impacts in the Yellowstone to Yukon Region, http://www.y2y.net/science/y2yroadsmap.asp (last visited Nov. 20, 2005) (mapping regional roads and their impact on habitat); LOGAN & SWEANOR, supra note 2 (discussing the ecology and conservation of pumas in desert climates); John Laundre & Tim W. Clark, Managing Puma Hunting in the Western United States: Through a Metapopulation Approach, 6 ANIMAL CONSERVATION 159, 159 (2003) (proposing a puma management plan based on a metapopulation

Baron hints that growth and sprawl gobble up and fragment habitat for large mammals, 47 but the discussion is cryptic and unsatisfying. Large mammals, especially large carnivores such as lions, bears, and wolves, need expansive, intact, and connected ecosystems if they are to persist. Additionally, Baron fails to tell us the mountain lion's own story—one that is likely to be in peril unless we take concerted efforts to conserve them. 48 Also absent from Baron's rendition is the risk of an attack. In the 114 years since 1890, only seventeen credible human fatalities and less than 100 non-fatal attacks have occurred in the United States as a result of puma-human interactions.⁴⁹ Of the total fatalities, only two come from Colorado. Lion researcher and professor of biology Paul Beier has documented that there is no correlation between numbers of lions hunted and humans attacked.⁵⁰ Content to frighten readers with gore, Baron fails to tell us how to behave while living or recreating in lion country. Yet people can take common sense precautions to protect themselves, their children, and their pets; in fact, to do so is our individual and collective responsibility.⁵¹

In a 2001 survey conducted by Decision Research in Arizona, Colorado, and New Mexico, respondents told pollsters that mountain lions were the "best representative of the Southern Rockies heritage and landscape."⁵² Has that positive attitude changed among some since the release of *Beast in the Garden* in October 2003? Without a poll we cannot definitively know in the short term; historians will be better able to gauge this some time in the future. We do know that the book receives generous media attention.

For example, in November 2003, the book debuted in *Reader's Digest*. On the title page of the magazine article, one sees a head shot of a snarling mountain lion with fangs in clear focus while the rest of the cat's head fades. Over the photo, the text reads, "Man Eater: The people of Boulder wanted the local wildlife left alone. Until the killing started." At the November 2003 Colorado Wildlife Commission hearing concerning setting lion-hunting quotas—a commission not known for its love of predators—the *Reader's*

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approach that designates some areas as "open to hunting" and others as "closed to hunting").

⁴⁷ See Baron, supra note 1, at 12, 230, 233 (discussing habitat loss).

⁴⁸ LOGAN & SWEANOR, *supra* note 2, at 4; *see generally* Keefover-Ring, *supra* note 36 (discussing the effects of states' lion hunting practices on lion populations).

⁴⁹ Paul Beier, *Cougar Attacks on Humans: An Update and Some Further Reflections, in* Fifteenth Vertebrate Pest Conference 365, 365 (John E. Borrecco & Rex E. Marsh eds., 1992) (documenting one human fatality and one non-fatal attack in the United States in 1991); Paul Beier, *Cougar Attacks on Humans in the United States and Canada*, 19 Wildlife Soc'y Bull. 403, 403 (1991) (documenting ten human fatalities); E. Lee Fitzhugh et al., *Lessening the Impact of a Puma Attack on a Human, in* Proceedings of the Seventh Mountain Lion Workshop 89, 94 (Scott A. Becker et al. eds., 2003) (documenting three human fatalities); Janet Wilson & Dan Weikel, *To the Cougar, Are People Now Fair Game?*, L.A. Times, Jan. 11, 2004, at B1 (reporting a fatal mountain lion attack in California).

⁵⁰ Letter from Paul Beier to author (Mar. 31, 2003) (on file with author).

⁵¹ The literature on human behavior in lion country is abundant. Several good websites exist, but for a printed guide on mountain lion safety see STEVEN TORRES, MOUNTAIN LION ALERT: SAFETY TIPS FOR YOURSELF, YOUR CHILDREN, YOUR PETS, AND YOUR LIVESTOCK IN LION COUNTRY (1997).

 $^{^{52}}$ Memorandum from Bob Meadow on Wolf Restoration Issues to Interested Parties (May 9, 2001) (on file with author).

⁵³ David H. Baron, *Man Eater*, READER'S DIGEST, Nov. 2003, at 162, 162–63.

Digest was waved around by one commissioner and used, in part, to justify keeping Colorado's lion hunting quota at 790 animals, a high number considering the state had no puma population data.

In January 2004, a lion killed a mountain biker in southern California, catapulting Baron's status as a sage and a mountain lion expert in the media. Baron told the *Los Angeles Times*, "[m]aybe we just have to accept that Southern California is too far gone to be viable mountain lion habitat."⁵⁴ After the fatal attack, Baron rode a wave of media adoration. He appeared on several syndicated radio shows broadcast by National Public Radio and Colorado Public Radio, and gave two long interviews on KGNU, Boulder's community radio station, in late 2003 and in early 2004.⁵⁵ His book was a bestseller in Boulder's book stores at Christmastime.

The chatter about mountain lion danger in Boulder heated up. Opinion writer Doug Schnitzspahn wrote on January 14, 2004, that David Baron has "instilled fear in this town." Schnitzspahn adds, "Just don't be surprised if your yogic, vegan, PETA-supporting Boulder spouse brings along an assault weapon the next time the two of you hit the trail." On January 31, the Boulder Daily Camera reported that someone illegally dumped elk and deer carcasses near Nederland, a small, progressive mountain town in Boulder County, and that a lion was seen nearby. Julie Davis came upon the lion while running and told a reporter that "I've never been afraid, but lately I am." She added that the human and mountain lion balance "has been upset"—for the first time in twenty years.

Twice, on April 20 and May 25, the Colorado Division of Wildlife hosted public meetings in Boulder because many in the community had voiced concerns about a potential attack. Rob Beebe, a Boulder resident, might have created the impetus for the meetings after he was allegedly stalked by a lion and his dog disappeared. His wife named the animal "Osama Bin Lion," linking the animal with a foreign terrorist who is credited with masterminding the September 11 attacks on the United States.

Beebe's encounter garnered him attention in the Boulder, Denver, and national press. In May, on Four-Mile Fire Protection District letterhead, Beebe delivered dozens of letters to homes in Boulder's mountain community suggesting that lions killed thirty area pets in the past year; he warned that a child might be next.⁶³ Mirroring *Beast in the Garden's* notions

⁵⁴ Wilson & Weikel, *supra* note 49.

 $^{^{55}}$ Dozens of links to interviews and book reviews are available from Baron's website. See Beast in the Garden, supra note 3.

⁵⁶ Doug Schnitzspahn, *The Banned Book: Don't Let Your Significant Other Read* The Beast in the Garden, BOULDER DAILY CAMERA, Jan. 14, 2004, at 14.

⁵⁷ Id

⁵⁸ Associated Press, Mountain Lion an Unwelcome Visitor to Ned, BOULDER DAILY CAMERA, Jan. 31, 2004, at A13.

⁵⁹ *Id*.

⁶⁰ Ia

 $^{^{61}}$ Marcos Mocine-McQueen, $\it Canyon\ Proves\ a$ 'Hot Spot' for Pumas, The Denver Post, June 8, 2004, at B1.

⁶² Chris Barge & Greg Avery, *Keep Lids on Trash, Pets on Leashes*, BOULDER DAILY CAMERA, Apr. 20, 2004, at A1.

 $^{^{63}}$ Letter from Rob Beebe to Residents of Fourmile Canyon (May 2004) (on file with author).

about habituation and savagery, Beebe wrote, "[t]he lions in this area seem to be getting bolder. A number of reports suggest that they have lost their fear of people."64 Dozens of Boulder residents turned out for both events. At the April meeting, one man called for the eradication of Boulder's mountain lions. At both meetings, many voiced their fear of living in the foothills of Boulder. Only a few raised their voices in alliance with the lions. In an opinion letter, Tracy Ferrell argued against "alarmist diatribe" propounded by Beebe and others, and reminded residents that "mountain residents have always lost pets to mountain lions, coyotes, and other predators. That is part of living in the mountains."65 She added that they can either move or keep their pets inside. 66 At an area meeting, resident Naomi Rachel told *The* Denver Post, "[t]he time and hysteria going into this is ridiculous." By spring 2004, lions were the hot media issue and David Baron was the rage. In Ft. Collins, Colorado residents expressed concerns about reportedly seeing lions in the area. The Ft. Collins *Coloradoan* sought council. Baron asserted, "I don't want to say this in an alarming way, but more people will be killed."68

In *Beast in the Garden*, Baron argues people will be killed in the future by mountain lions. Perhaps that is true. But no one knows how many and how often. Recently, Baron stated that the likelihood of a fatal mountain lion attack is "admittedly minuscule"—although this statement seems to undermine the basis of his central argument in *Beast in the Garden*.⁶⁹ How responsible then is the book?

While David Baron believes that his book is a "balanced" account, it leaves the discerning reader questioning his intent. Beast in the Garden comes rife with inaccuracies and inventions, an anti-predator bias, and a failure to provide critical information. Beast in the Garden's anachronistic thinking returns us to the turn of the nineteenth century, the time when the dominant American culture—conservationists included—believed that predators were evil and ravenous and we humans (as well as the deer) were innocent victims.

⁶⁴ Id

 $^{^{65}}$ Tracy Ferrell, No Sound Reasons for Lion Panic, Boulder Daily Camera, May 8, 2004, at B7.

⁶⁶ Id.

⁶⁷ Mocine-McQueen, *supra* note 61. At the second Boulder town meeting, the Colorado Division of Wildlife reported it followed up on the question of the pets disappearing. Claire Solohub, District Wildlife Manager, Colorado Division of Wildlife, Remarks at a Boulder town meeting (May 25, 2004). They could confirm few, but added that lion-pet-killing apocrypha was alive and well. *Id.*

⁶⁸ Michael de Yoanna, Mountain Lions on the Prowl, FORT COLLINS COLORADOAN, Apr. 26, 2004, at B1.

 $^{^{69}\,}$ David Baron, Letter to the Editor, Boulder Daily Camera, Feb. 10, 2005, at B04.

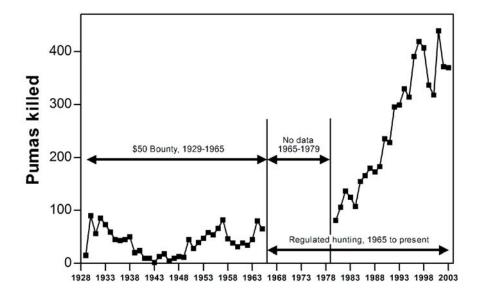


Figure 1. Hunter kills of Pumas in Colorado under the bounty system (1929 to 1965) and regulated era (1965 to 2003).⁷⁰

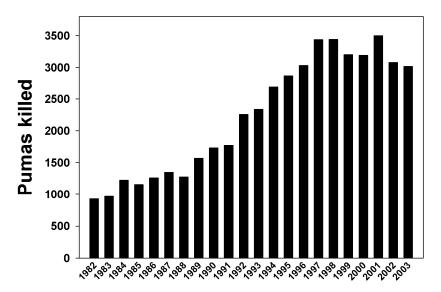


Figure 2. Hunter kills of pumas in 10 western states from 1982 to 2003 (Arizona, Colorado, Idaho (no data for 1992), Montana, Nevada, New Mexico, Oregon, Utah (no data for 1982 to 1988), Washington, and Wyoming).⁷¹

⁷⁰ Keefover-Ring, *supra* note 36, at app. Colorado 3.

⁷¹ *Id.* at 3.

A RESPONSE TO MOUNTAIN LIONS, MYTHS, AND MEDIA

By David Baron*

Wendy Keefover-Ring calls *The Beast in the Garden: A Modern Parable of Man and Nature* (*The Beast in the Garden*) "a well-intentioned attempt to warn us Westerners about the potential dangers of recreating or living in mountain lion country." This simplistic description reveals a fundamental misreading of the book, like calling *Moby Dick* a treatise on the dangers posed by white whales. Although *The Beast in the Garden* tells the true story of a fatal mountain lion attack, the book's message is not that cougars are inherently dangerous; rather, it is that humans are dangerous when they do not appreciate their impact on the natural world. The book's theme is the artificiality of the modern American landscape. Its moral is that people and natural ecosystems require thoughtful management along the urban-wild land interface.

Therefore, from the first sentence of her "critical reevaluation," Keefover-Ring misinterprets and misrepresents my book. Her essay does not improve by the second sentence. In fact, the very "sloppy methodology, unsatisfying leaps in logic, [and] historical inventions" she claims to find in the book are rife in her critique.²

Keefover-Ring's litany of complaints can be divided into three broad categories: accusations about the book's style, substance, and impact. I shall address each category in turn.

First, Keefover-Ring critiques the book's style. She writes that *The Beast in the Garden* "disguises mountain lions as human beings" by instilling animals with human-like thought and emotion.³ As an example, she cites my description of Scott Lancaster's body, discovered half-eaten behind his Colorado high school in January 1991. I do write that Lancaster's hollowed out body appeared *as if* it were the work of a deranged murderer, for this was the initial reaction of the search team that discovered the grisly scene. Never before in Colorado had a cougar been known to prey on a human

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 $^{^1}$ Wendy J. Keefover-Ring, *Mountain Lions, Myths, and Media: A Critical Reevaluation of* The Beast in the Garden, 35 Envil. L. 1083 (2005).

² *Id*.

 $^{^{3}}$ Id. at 1085.

being, and the searchers who found Lancaster's body had no inkling that a mountain lion had been the killer. My words describe what the searchers thought when they came upon the corpse. I did not write, and I do not believe, that the cougar killed Lancaster with "murderous intent," as Keefover-Ring suggests. Any careful reader should find this obvious from the context.

Even more outrageous is Keefover-Ring's statement that, "[a]ccording to Baron, mountain lions use ritualized murder no different than the Aztecs...." I do describe Lancaster's death as a kind of modern-day sacrifice, but let us be clear: this is a metaphor, and in this metaphor, who sacrificed Lancaster? It was not the cougar. As I write, Lancaster was killed "by a community embracing a myth: the idea that wilderness, true wilderness, could exist in modern America." In other words, he was killed by human beings who failed to understand how their behavior affected the surrounding environment, cougars included. Keefover-Ring may dislike the metaphor, and she may dispute my explanation for what caused a mountain lion to kill Lancaster, but for her to write that I claim cougars engage in ritualized murder is a ridiculous falsehood.

Less ridiculous, but equally false, are Keefover-Ring's attacks on my book's substance. The Beast in the Garden tells a true story, and I can back up every quotation and claim with evidence gleaned from a vast accumulation of newspaper clippings, police reports, trial transcripts, meeting minutes, memos, letters, photographs, and videotapes that document my book's central story; from the more than 200 hours of taperecorded interviews I conducted with people involved in that story; from the 350 books and articles I read for background; and from the dozens of experts I consulted about cougar biology, animal behavior, western history, ecology, forensics, and other relevant topics. To guide readers to the sources I consulted, I included in my book an extensive bibliography and some 400 endnotes, and I am always glad to answer queries from researchers seeking access to my files. Had Keefover-Ring bothered to ask me for evidence of the "unsupportable historic claims" she contends exist in The Beast in the Garden, I would have happily shown her the evidence directly. As it is, I will have to do so in the context of this rebuttal.

Here is one of the claims Keefover-Ring calls "unsupportable": mountain lions were once lured to traps with catnip oil.⁷ Evidence of this fact is abundant. Author J. Frank Dobie wrote of the great cougar hunter Ben Lilly: "As a lure he favored catnip and devised a special way of preparing and placing it near a trap." Texas cougar trapper Bess Kennedy also used catnip and commented that "mountain lions find it quite as irresistible as does any domestic tabby." And Stanley Young, the very biologist whose

⁴ *Id*.

 $^{^{5}}$ David Baron, The Beast in the Garden: A Modern Parable of Man and Nature 8 (2003).

⁶ Keefover-Ring, *supra* note 1, at 1086.

⁷ Id. at 1087.

⁸ J. Frank Dobie, The Ben Lilly Legend 132 (1950).

 $^{^9\,}$ Bess Kennedy, The Lady and the Lions 164 (1942).

1940 publication Keefover-Ring quotes (and apparently misinterprets), wrote in 1946: "The use of catnip oil to lure both pumas and bobcats into traps, as well as to cause them to take self-photographs in their undisturbed habitats has been remarkably effective." ¹⁰

Here is another "unsupportable" claim according to Keefover-Ring: "ancient Indians may have come closer to exterminating [mountain lions] than twentieth-century lion hunters ever did." Not only *can* I support this claim, but I *do* support it, in my book, in the very paragraph following that sentence. The evidence comes from a DNA study that has determined, based on patterns of genetic diversity in modern cougars, that pumas likely went extinct in North America approximately 12,000 years ago, ¹² and the cause of that extinction may well have been hunting by early Indians. Did Keefover-Ring skip that paragraph?

Keefover-Ring similarly scoffs at the idea that a lion from the Boulder area could have killed Scott Lancaster in Idaho Springs; she contends that the distance between the communities is too great. But she misses a critical point: the lion that killed Lancaster was a young adult male, estimated to be two and a half years old. As I explain in my book, "[a]t around two years of age, male cougars (and some females) depart their childhood homes to establish adult territories in which to live and breed." Studies show that these young lions travel a mean distance of approximately fifty miles. Therefore, Lancaster's killer almost certainly was not born in Idaho Springs but had walked some distance to get there. While it is impossible to prove that the lion came from Boulder—a fact I acknowledge in my book —I find that scenario likely, given the unusual behavior of the lion that killed Lancaster and the similarly unusual behavior of Boulder's lions in the months preceding the fatal attack.

Keefover-Ring also calls "unsupportable" my statement that early residents of the Boulder area participated in a frenzy of lion killing. ¹⁷ Surely, she does not question that the United States engaged in a frenzy of lion killing. From colonial times to the mid-1900s, America waged a massive extermination campaign against cougars, which eradicated the species from almost the entire eastern two-thirds of the country. ¹⁸ One scientist has calculated the cougar death toll in the United States and Canada, for just half

¹⁰ Stanley P. Young, *History, Life, Habits, Economic Status, and Control, in The Puma: Mysterious American Cat 1, 105–06 (American Wildlife Institute ed., 1946). See also Stanley P. Young, Hints on Mountain-Lion Trapping 4–6 (1933) (providing detailed instructions on using catnip oil as a lure).*

¹¹ BARON, *supra* note 5, at 161.

 $^{^{12}}$ M. Culver et al., $Genomic\ Ancestry\ of\ the\ American\ Puma\ (Puma\ Concolor),\ 91\ J.\ OF\ HEREDITY\ 183,\ 186–97\ (2000).$

¹³ Keefover-Ring, *supra* note 1, at 1084–85.

¹⁴ BARON, supra note 5, at 187.

¹⁵ An analysis of several published studies found a mean dispersal distance of 85 km. (53 mi.) for male cougars and 31 km. (19 mi.) for females. *See*, *e.g.*, Allen E. Anderson et al., *The Puma on Uncompangre Plateau, Colorado*, 40 Co. Div. WILDLIFE, TECHNICAL BULL. 1, 66 (1992).

¹⁶ Baron, supra note 5, at 221.

 $^{^{\}rm 17}$ Keefover-Ring, $supra\,{\rm note}$ 1, at 1086–87.

 $^{^{18}}$ Baron, supra note 5, at 28 — 32 (recounting this campaign, for which there is overwhelming historical documentation).

of the twentieth century, at more than 66,000.¹⁹ Keefover-Ring's argument appears to be that I cannot document that *Boulder residents* participated in the extermination campaign, since all that remains of Boulder County's early bounty records is a single ledger that records just two lions killed between 1890 and 1892.²⁰ But she is wrong that no other documentation exists; ample evidence of lion killing can be found in the pages of early Boulder-area newspapers. Here is a sampling:

"Mr. E. C. Holmes brought into our office night before last a young mountain lion, which was killed near Boulder \dots "²¹

"A big puma (mountain lion) was strychnined day before yesterday by Reuben Towner and G. R. Williamson, near their ranches two miles this side of Sugar Loaf [six miles west of Boulder]."²²

"Mountain Lion shot . . . by Mr. A. R. Myers, on the Magnolia mountain [four miles southwest of Boulder]." $^{23}\,$

"A mountain lioness, which has been doing much damage around Longmont [12 miles northeast of Boulder] to sheep and calves, has at last been killed." ²⁴

I did not conduct an exhaustive study of nineteenth-century newspapers; my goal was not to tally every dead cougar, but to understand how Boulder's early residents viewed mountain lions and behaved toward them. Although I do not know—and I do not say—how many lions were killed in Boulder more than a century ago, clearly Boulder's early residents, like those of other Colorado communities of that era, poisoned and shot the animals with some regularity.

More significant than the number of lions killed in the Boulder area in the late nineteenth century is how few remained by the early twentieth century. A biological survey of Colorado published in 1911 reported, "Over much of the eastern slope [including Boulder County] mountain lions are very rare, where they were formerly common." As late as 1964, a guide to wildlife in Boulder reported that mountain lions were "[s]carce in our area, but more numerous in western Colorado." I found further evidence for the

 $^{^{19}}$ Allen E. Anderson, A Critical Review of Literature on Puma (Felis Concolor), 54 Colo. Div. Wildlife, Technical Bull. 1, 55 (1983).

²⁰ Although most of Boulder County's original bounty records have gone missing over the years, the Colorado State Archives retains affidavits signed by people who received bounties statewide in the nineteenth century. Colorado State Archives in Denver, boxes 64931–34. I did not conduct a comprehensive study of these records, as it was unnecessary for my purposes, but a researcher interested in the history of Colorado's cougars could use those affidavits to determine the precise number of lions killed under the early bounty system.

²¹ Daily Rocky Mountain News, Nov. 19, 1869 (copy on file with author).

²² BOULDER COUNTY NEWS, Jul. 17, 1874 (copy on file with author).

²³ BOULDER COUNTY NEWS, Nov. 19, 1875 (copy on file with author).

²⁴ ROCKY MOUNTAIN NEWS, Feb. 9, 1885 (copy on file with author).

²⁵ Merritt Cary, A Biological Survey of Colorado, 33 N. Am. FAUNA 1, 165 (1911).

 $^{^{26}\,}$ Chamber of Commerce of Boulder, A Guide to the Mountain Wild Life of Northern Colorado 13 (5th prtg. n.d.).

rarity of cougars in mid-twentieth century Boulder when I interviewed Brownlee Guyer, who served as the state game warden for Boulder County from 1938 to 1970. Guyer could recall just three lion sightings in his entire district during his three decades on the job.²⁷ Today in Boulder County, it is not uncommon for wildlife officials to learn of three lion sightings in a week. There seems little question that Boulder's lion population fell dramatically in the late nineteenth century and recovered much later, particularly after the repeal of Colorado's cougar bounty in 1965.

Scientists and scholars working in other parts of the West have reached similar conclusions. Ken Logan, the biologist Keefover-Ring calls a "renowned lion researcher," writes: "Since 1965, regulations on killing pumas by all of the western United States (except for Texas) and provinces of Canada have enabled populations to recover from historical low levels." Another esteemed lion researcher, Maurice Hornocker, has called the mountain lion's comeback "a modern-day carnivore success story."

Evidence of this comeback stems from myriad sources, including hunter observations, track sightings, and lion road kill. Sierra magazine reports that, in California, "most available signs point to an increase in [lion] numbers..."; for example, incidents of lion predation on livestock "went from virtually zero in the early 1970s to over 300 in 1995," and "[m]eticulous records kept by employees of the Los Angeles Department of Water and Power of everything drowned in the L.A. aqueduct list no lions until 1988, but a dozen in the five years after that."31 Indeed, some biologists believe that cougars may be as abundant today in the western United States as they were in the era of Lewis and Clark,³² a reasonable claim given that cougars are now spilling out of the West and onto the Great Plains, where they were absent for more than a century.³³ While Keefover-Ring is correct to point out that counting cougars is a tricky business—no one can say with precision how many lions existed in the West in 1805, 1905, or even 2005—there is little question that lion populations region-wide are much healthier today than they were fifty or a hundred years ago.

Finally, let me address Keefover-Ring's third broad complaint about *The Beast in the Garden*—that it "has succeeded in unnecessarily frightening the

 $^{^{27}}$ Interview with Brownlee Guyer, Retired Wildlife Conservation Officer, Co. Div. Wildlife, in Boulder, Colo. (May 21, 2001).

²⁸ Keefover-Ring, *supra* note 1, at 1088.

 $^{^{29}}$ Kenneth A. Logan & Linda L. Sweanor, Desert Puma: Evolutionary Ecology and Conservation of an Enduring Carnivore 15 (2001).

³⁰ Maurice G. Hornocker, *A Synopsis of the Symposium and Challenges for the Future*, Co. Div. Wildlife: Mountain Lion-Human Interaction Symposium and Workshop 54 (Clait E. Braun ed., 1993).

³¹ Paul Rauber, *The Lion and the Lamb*, SIERRA, Mar.-Apr. 2001, at 32, 36.

³² See, e.g., Telephone interview with Steve Pozzanghera, Deputy Assistant Director, Wash. Dept. Fish and Wildlife, in Olympia, Wash. (Jan. 7, 1999) (making a specific comparison to the era of Lewis and Clark). Other biologists made similar statements to me, though with different wording.

³³ Blaine Harden, *Mountain Lions Move East, Breeding Fear on the Prairie*, WASH. POST, Dec. 17, 2004, at A1. A non-profit scientific organization, the Cougar Network, is tracking the eastward spread of cougars. The Cougar Network, Homepage, www.easterncougarnet.org (last visited Nov. 20, 2005).

public."³⁴ I agree with her that shortly after my book was published, in November 2003, some news reports displayed a measure of cougar hysteria, but my book did not cause that hysteria; rather, it resulted from the horrific events of January 8, 2004—when a cougar killed and ate mountain biker Mark Reynolds and nearly killed another cyclist, Anne Hjelle, at a park near Los Angeles.³⁵ Reynolds's death and Hjelle's rescue made national news for days, and such popular TV programs as *Larry King Live, Paula Zahn Now, Good Morning America*, and *Inside Edition* chronicled Hjelle's recovery for months thereafter. The actions of that one man-eating cougar in Orange County did far more to shape public opinion about mountain lions than any book could possibly do.

Undoubtedly my book has scared some readers, as any book describing a fatal animal attack would, but has it frightened readers excessively and unnecessarily? Many thoughtful, environmentally aware commentators do not think so. *Audubon* book reviewer Keith Kloor wrote, "[Baron] does a public service by presenting the harsh reality of what happens when wild creatures become habituated to humans." Ann Koros, a reviewer for the publication *Animal People*, echoed that sentiment, adding that the book "never exaggerates the risks associated with pumas." And, contrary to Keefover-Ring's claim that "[c]ontent to frighten readers with gore, Baron fails to tell us how to behave while living or recreating in lion country," reviewer Jodi Peterson had this to say in *High Country News*. "Baron offers a common-sense prescription for making peace with these great beasts in our gardens: Keep the pets inside, stop feeding the deer, and learn to give our wild neighbors as much respect as our human neighbors."

So why are Keefover-Ring's perceptions of *The Beast in the Garden* so out of step with those of others? Why has she waged a campaign—not just in these pages, but elsewhere³⁹—to discredit my book? Only she knows the answer, but I will hazard a guess: she considers my book politically inconvenient. Keefover-Ring is a paid lobbyist for Sinapu, an organization whose stated aim is to restore native carnivores, including grizzly bears and wolves, to their former range in the Southern Rocky Mountains.⁴⁰ She has worked to build grassroots support for predator protection and has tried to

 $^{^{34}}$ Wendy Keefover-Ring, $Book\ Overstates\ Lion\ Dangers,$ BOULDER DAILY CAMERA, Feb. 5, 2005, at C05.

³⁵ Lisa M. Krieger, *Puma-People Encounters Rise: Santa Clara County Residents Urged to be Cautious*, SAN JOSE MERCURY NEWS, Jan. 21, 2004, at A15.

³⁶ Keith Kloor, When Nature Bites Back, AUDUBON, Jan.-Mar. 2004, at 96, 98.

³⁷ Ann T. Koros, *Book Review*, Animal People Online (Mar. 2004),

http://www.animalpeoplenews.org/04/3/books3.04.html (last visited Nov. 20, 2005).

³⁸ Jodi Peterson, *Big Cats on the Block*, 36 High Country News 22, 22 (Feb. 16, 2004) (book review), *available at* http://www.hcn.org/servlets/hcn.BulletinBoard?issue_id=268.

³⁹ See Keefover-Ring, supra note 34 at CO5 (criticizing The Beast in the Garden for unnecessarily frightening people); Wendy Keefover-Ring, Abstract, Beast in the Garden: A Parable in Support of Anachronistic Thinking Regarding a Predatory Animal, in PROCEEDINGS OF THE EIGHTH MOUNTAIN LION WORKSHOP 214 (Richard A. Beausoleil & Donald A. Martorello eds., 2005) (accusing Baron of returning to outdated anachronistic thinking that predators are evil and ravenous).

 $^{^{40}}$ Sinapu, Native Carnivores in the Southern Rockies, http://www.sinapu.org (last visited Nov. 20, 2005).

change public policy to reduce the hunting of cougars.⁴¹ She appears to believe that my book, by publicizing the remarkable resurgence of cougars in the West and by telling the true story of a cougar attack, will erode public support for her cause. That may or may not be true. Politics are not my concern.

I did not write *The Beast in the Garden* to propagandize, but to educate and provoke a much-needed public discussion. As carnivores return to areas from which they have been absent for a century or more, Americans face some difficult questions: What is the proper balance between the rights of wild animals to exist and the understandable desire of people to feel safe in their homes and neighborhoods? What limits should be placed on the behavior of wild animals in human habitat? What limits should be placed on the behavior of humans in wildlife habitat? How many lions—or wolves, or bears—are enough?

Keefover-Ring seems to believe that even asking such questions reveals an anti-predator bias, yet I contend that asking such questions is necessary if America is to move beyond politically polarized fights over large carnivores ("kill them all" vs. "protect them all") and toward a broad consensus over how, and where, people and these magnificent animals can coexist. As puma biologist David Maehr wrote in his review of *The Beast in the Garden*, "Restoring large carnivores is not as simple as just wanting them back. Baron reminds us of this in exquisite detail." Apparently, that's a message Wendy Keefover-Ring would rather the public not hear.

⁴¹ See Tom Ragan, Losing Lions Worries Activists: Group Wants to Cut Back on Hunting, THE GAZETTE (Co. Springs, Co.), Oct. 28, 2002, at 3 (quoting Keefover-Ring on her attempts to convince the Colorado Wildlife Commission to reduce the state's lion-hunting quota: "We're just hoping that if we can put enough citizen pressure on the wildlife commission, then maybe we can sway the vote.").

 $^{^{42}}$ David S. Maehr, A Plague of Puma?, 18 Conservation Biology 1166, 1168 (2004) (book review).

FINAL WORDS ABOUT BEASTS AND GARDENS

By Wendy J. Keefover-Ring^{*}

Discussions about nature and culture are imperative where large carnivores are concerned. Author David Baron begins to explore these important ideas in The Beast in the Garden: A Modern Parable of Man and Nature (Beast in the Garden). While his premise shows promise, the execution lacks vigor. Instead of a treatise carefully based on well-reasoned conclusions of fact, where subjective sources are objectively interrogated, and where declaratory statements are well documented, Beast in the Garden exhibits fundamental deficiencies. Indeed, a narrative form of writing, while engaging (and an obviously effective sales device), can lead to evidentiary problems.² Narratives oversimplify and historians now avoid them. As historian John Tosh writes, "[b]ecause B came after A does not mean that A caused B, but the flow of the narrative may easily convey the impression that it did." Tosh also notes that narratives only allow the writer to "keep no more than two or three threads going at once," resulting in a narrowing of causes and effects.⁴ In other words, narratives can result in under-analytical outcomes.⁵ Moreover, in scientific methodology, the investigator acquires knowledge supported by empirical data gathered through observation and experimentation. Scientists often review information from other researchers to understand the theoretical context of their own inquiry. An investigation based on hearsay or anecdotal evidence counters the scientific method.

Without a doubt, Baron spent considerable energy researching and interviewing in preparation to write *Beast in the Garden*. His engaging style and descriptive language keeps one turning the pages, but unfortunately his methodologies cause the quality of his arguments to suffer. In this debate

^{* ©} Wendy J. Keefover-Ring, 2005. Director, Carnivore Protection Program, Sinapu; M.A., 2002, History, University of Colorado at Boulder.

 $^{^{\,1}\,}$ David Baron, The Beast in the Garden: A Modern Parable of Man and Nature (2004).

² Two events catapulted interest in *Beast in the Garden*: in January 2004, a mountain biker was killed by a lion in California, and the book played to America's obsession with the "culture of fear" following the attacks of September 11th. Both Homeland Security's color-coded alerts and athletes devoured by lions caused considerable unrest. Who can be safe when elusive, cryptic assailants prowl at every turn?

³ JOHN TOSH, THE PURSUIT OF HISTORY 97 (3d ed., Pearson Education Limited 2000).

⁴ Id.

 $^{^{5}}$ *Id.* at 96–98.

about humans and lions, science, history, and culture, I offer these final words.

Baron still has failed to prove his fundamental thesis: that a Boulder-based lion killed Lancaster. Baron writes in *A Response to Mountain Lions, Myths, and Media* that dispersing subadult lions generally travel an average distance of 50 miles from their natal areas (in search of their own home range). Indeed, if one were to draw a 50-mile circumference around Idaho Springs, Boulder would be included. Suitable lion habitat, however, exists nearly all the way around Idaho Springs' 50-mile radius. Because people did not shoot lions or deer in and around Boulder in the 1980s or 1990s, it does not follow, as Baron contends, that a Boulder lion trekked to Idaho Springs and killed Scott Lancaster.

The 1980s Saunders and Halfpenny Boulder lion count, upon which Barons relies, remains controversial. To empirically census lions, one must capture them (using dog packs, traps, or snares), mark them (usually with radio collars), and then follow and observe them. In their "study," Saunders and Halfpenny relied on eye-witness accounts (which are notoriously erroneous), and track counts (an experimental methodology). Baron also cannot prove that Scott Lancaster's death was the result of changing management practices—over a century's time—and that lions themselves changed their behavior because many Boulderites (not unlike many Front Range Colorado communities) do not hunt.

Also, Baron claims that Boulder historically "participated in [the] frenzy of [lion] killing." In *Beast in the Garden*, Baron identified only one bountied lion, killed in 1891, 9 and in his response to my critique, he provides us with four more cats in the sixteen years between 1869 and 1885¹⁰—one cat for every four years. Five carcasses cannot shore up his emphatic declaration, neither from a scientific nor a historical perspective.¹¹

In *Beast in the Garden*, Baron declares—without citation—that "ancient Indians may have come closer to exterminating the species than twentieth-

⁶ David Baron, A Response to Mountain Lions, Myths, and Media, 35 ENVIL. L. 1095 (2005).

⁷ For a discussion about the validity of eye witness reports, see Kenneth A. Logan, *The Beast in the Garden: A Modern Parable of Man and Nature*, 68 J. OF WILDLIFE MGMT. 734 (2004) (book review). For a discussion about using track counts to measure puma populations, see Walter Van Sickle & Frederick Lindzey, *Evaluation of a Cougar Population Estimator Base on Probability Sampling*, 55 J. OF WILDLIFE MGMT. 738 (1991). Kenneth Logan and Linda Sweanor write, "A puma population estimator involving sampling puma tracks on snow from a helicopter has been tested but found to be imprecise." KENNETH A. LOGAN & LINDA L. SWEANOR, DESERT PUMA: EVOLUTIONARY ECOLOGY OF AN ENDURING CARNIVORE 383 (2001) (citation omitted).

⁸ Baron, *supra* note 6, at 1097.

⁹ BARON, *supra* note 1, at 32, 99.

¹⁰ Baron, supra note 6, at 1098.

¹¹ Id. at 1097–98 (arguing that Keefover-Ring questioned whether the United States was involved in killing large numbers of carnivores). To clarify, in Mountain Lions, Myths, and Media I wrote, "Baron's statement [concerning lion eradication in Boulder] seems reasonable given that the dominant American culture before 1960 generally believed that large carnivores... were evil and ravenous." Wendy J. Keefover-Ring, Mountain Lions, Myths, and Media, 35 ENVTL. L. 1083, 1086 (2005). My point is that Baron made a specific strong claim but uncovered little evidence as support.

century lion hunters."¹² In his response, Baron provides the much-needed reference.¹³ The authors of that paper indeed argue that puma populations declined in North America and data indicate a probable genetic bottleneck during the Pleistocene. They do not say, however, that humans caused the collapse in puma population and genetic variability. Instead, they write, "[t]he cause of this near global event is still uncertain."¹⁴ The causes of genetic and population collapse can be from several factors, including overhunting of the puma's prey species by man; competition between pumas and other predators such as saber-toothed cats, cheetahs, and dire wolves; climate change; or the advent of new diseases brought from the Old World across the Bering Strait that could have caused a decline in either prey populations or puma populations.¹⁵

Did Boulder's permissive response to wildlife contribute to Lancaster's death? Yes, argues Baron. In his response, he writes that Lancaster was "sacrificed" by people, but "not the cougar" itself. Baron rightfully clarifies that his metaphor was between Aztecs and Boulderites, and not Aztecs and lions, as I had claimed. Nevertheless, Baron failed to clear the air where it comes to murderous intent and giving the lion anthropogenic qualities. He writes in *Beast in the Garden* that the lion performed a "ghoulish backwoods surgery," "removed [the] victim's face," "sprinkled moss and twigs," and belabors the point that the cat ate Lancaster's heart. In fact, he calls the lion a "murderer."

In Western culture, the dominant society has always exhibited considerable angst where large predators are concerned because predators can sometimes kill people or domestic livestock, or compete for desirable prey, such as deer. Baron exploited that concern and, unfortunately, an uncritical media telegraphed his message exponentially. Yet, mountain lions and other native carnivores play crucial roles in large ecosystems. Without them, ecosystem function and biological diversity decline.

¹² BARON, supra note 1, at 161.

¹³ Baron, *supra* note 6, at 1097 n.12 (citing M. Culver et al., *Genomic Ancestry of the American Puma (Puma concolor)*, 91 J. HEREDITY 183, 186–197 (2000) (discussing the DNA structure of the North American puma population. Culver et al. predict that North American pumas disappeared in the late Pleistocene, but the continent was recolonized by a few South American individuals, which became the founders of a new North American puma population. M. Culver et al., *Genomic Ancestry of the American Puma (Puma concolor)*, 91 J. HEREDITY 183, 196 (2000).

 $^{^{1\}dot{4}}$ M. Culver et al., Genomic Ancestry of the American Puma (Puma concolor), 91 J. Heredity 183, 196 (2000).

¹⁵ Telephone Interview with Jeffry Mitton, Professor of Biology, University of Colorado, in Boulder, Colo. (Sept. 8, 2005). Professor Mitton, a DNA expert, explains that all of these myriad of factors could have contributed to a decline in the puma population 12,000 years ago. *Id.* Professor Mitton explains that disease is an important vector. *Id.* Disease helped Europeans in their bid to eradicate native peoples in the New World, and coyotes carrying fleas can be the inadvertent carriers of plague that causes some rodent populations to decline. *Id.*

¹⁶ Baron, supra note 6, at 1096.

 $^{^{\}rm 17}\,$ Baron, $supra\, {\rm note}$ 1, at 6.

¹⁸ *Id.* at 12, 205.

¹⁹ *Id.* at 205.

It is critical that humans manage large carnivores and their habitats with sustainability as a key objective. We must target individual animals that are potentially dangerous, not entire populations. Yet our insatiable appetite for more and more pristine lands will continue to create havoc between humans and lions. Baron and I agree that talking about, promoting education for, and neither romanticizing nor hating native carnivores can alleviate conflicts and promote stewardship. But we must act swiftly because large carnivores, both terrestrial and aquatic, are fast disappearing on a global scale.