

“So, I Declare It!”:

Pelican Island, Theodore Roosevelt, and Executive Decision Theory

Andrew Portas

Political Science

On March 14th, 1903, the fate of a three-acre island along the lush tidewaters of eastern Florida would be sealed with one man’s signature. Theodore Roosevelt, incumbent president of the United States, would approve an executive order demarcating the island as Pelican Island Reservation, later reclassified as Pelican Island National Wildlife Refuge. The order intended to preserve myriads of threatened migratory birds that flocked to this subtropical oasis that had been ravaged by poachers for decades. Roosevelt described the island as a “biological hymnal,” where “exuberant streams of birds congregated...like figures in a timeless dream” (Zellmer 2020, 8). The act, which promulgates land with the explicit purpose of wildlife protection, was unprecedented in the United States. While Roosevelt’s record on conservation is well documented, little is known about the underlying motivations of this landmark policy initiative. Thus, I ask both how and by what, motivations President Roosevelt’s decision to declare Pelican Island a federal wildlife reserve was reached.

To effectively answer such a question, this article will lean on established theoretical frameworks of executive decision-making. In particular, it draws from James David Barber’s theory of presidential character and Jeffrey K. Tulis’ theory of constitutional interpretation per their respective seminal works *The Presidential Character: Predicting Performance in the White House* and *The Rhetorical Presidency*. Before introducing each theory’s elements, this article will briefly review existing literature on Roosevelt’s decision-making style, advisors, relevant

bureaucracies, and approaches to conservation policy. With this foundation, an extensive narrative of events between February 20th, 1903, and March 14th, 1903, contextualized outside this scope when necessary and informed by each theoretical framework, will follow. Finally, I conclude by evaluating each theory's merit in explaining President Roosevelt's decision while providing an informed response to the aforesaid question.

The Roosevelt Presidency: Conservationist in Chief

“Roosevelt never said to go and serve the public while I watch you, he said that we should all do the job together,” wrote Gifford Pinchot, chief of the U.S. Division of Forestry during the Roosevelt administration (Staten 1993, 141). The 26th president's leadership style, defined by cooperation and public accommodation, was largely novel to the presidency. His “crusading zeal, and reformist optimism,” particularly in the domestic domain, ushered unprecedented eras of labor, industrial and conservation reform (Ninkovich 1986, 221). A willingness to employ federal executive power and propagate the “bully pulpit” - that is, using a position of authority to speak on an issue - rejected the “dual federalist” approach to governance most scholars associate with American officeholders of the 20th century (Staten 1993, 141). He favored technically competent advisors, both within and outside his cabinet, to reach informed policy decisions, appropriately writing, “I earnestly desire that the movement for the preservation of the forests shall come from the lumbermen themselves” (Brinkley 2009, 2; Morrison 1951, 411). A true lumberman, Gifford Pinchot was, being an educated forester and prominent figure within the Department of Agriculture. In fact, he was perhaps the most influential bureaucrat of the entire administration, entrusted with revising or even writing Roosevelt's many celebrated conservationist speeches (Ponder 1990). Outside his administration, longtime acquaintances such

as ornithologist Frank Chapman and naturalist John Muir are regarded as having a consequential impact on conservation decisions – the motives of which are contested among literature.

The “utilitarian” camp centers the influence of figures like Pinchot, a practical “pioneer capitalist traditional[ist]”, with whom Roosevelt coined the term “‘conservation’ to denote reclamation and the conservation of water resources” (Hendricks 1982, 78). Pertinent scholars argue that Roosevelt’s scientific and methodological preference for resource and land management echoes Pinchot’s praxis of serving “the greatest good to the greatest number of people over the long term” (Wildes 1995, 144). This utilitarian progressivism is extenuated by Roosevelt’s consistent evocation of American heritage, nationalism, and the advancement of evolutionary biology in conservation rhetoric (i.e., Roosevelt 1908). While laden in the language of moral responsibility, Zellmer’s argument posits Roosevelt’s affixation for protecting natural lands and wildlife as a practical means to the preservation of the citizenry’s “great fighting masterful virtues” (2020, 12). Concurrent scholarship foregrounds Roosevelt’s reliance on tropes of “American wilderness” as an integral facet of 20th century American national identity (Redekop 2014, 160). Furthermore, his “jingoistic” attitude towards land management appears, “hand-in-hand with a utilitarian attitude toward the natural world that resulted in the damming of rivers and the mass settlement of the American West” accelerated in the late 19th and early 20th centuries (160).

The “moralist” camp bases its arguments in Roosevelt’s embrace of the philosophical implications of conservation, and frequent, romantic characterization of nature influenced by transcendentalist peers like Muir (Solak 2010). For example, Dorsey argues that notoriously martial and economic evocations of the “Frontier Myth” (e.g., Kennedy and Reagan) were wielded by Roosevelt to convey a “moral imperative” to conserve a “finite frontier” (Dorsey

2009, 1). Similar arguments are made with reference to the content of his personal writing, exemplified by a description of “pelicans winging their way homeward across the crimson afterglow of the sunset,” and how, “the loss [of the species] is like the loss of a gallery of the masterpieces of the artists of old time” (Roosevelt 1916, 285). Others posit that both Roosevelt’s personal commitment to conservation, and public “steward” mandate, were inexplicably driven and energized by a longstanding “deep respect and love for the environment” (Izat 2004, 86; Fishman 2005).

Alas, Roosevelt emerged as an unprecedented and unique forefather of American conservation. His approach, he would likely claim is dual purpose, remarking once that “birds should be saved for utilitarian reasons; and, moreover, they should be saved because of reasons unconnected with dollars and cents” (Roosevelt 1916, 301).

Theories of the Presidency

The office of the American presidency has persistently been scrutinized and reviewed; thus, a range of theories have emerged to aide our understanding of executive behavior, decision-making, and its immediate implications. Frameworks put forth by established presidential scholars James David Barber and Jeffrey Tulis are of particular interest to the case of Theodore Roosevelt and Pelican Island. Understanding their respective arguments and claims are critical for contextualizing Roosevelt’s decisions among established literature.

Barber and Presidential Character

Barber fundamentally asks what it is we should look for to evaluate a president. His proceeding answer argues that by focusing on three “cognitive handles” – character, style, and

worldview – one can anticipate the performance and decisions of a president (Barber 2020, 9). Barber’s unit of analysis thus centers the president as an individual. The preeminent “handle” is a president’s character which comprises (1) activity, or the level of energy a president devotes to their job and (2) affect, the level of satisfaction the president obtains from it. This dyad provides a foundation for the active-passive and positive-negative dimensional typology Barber claims is necessary to accurately predict presidential performance. For example, he argues a president classified as “active-positive” is best suited for the office as this “person has the energy needed to do the job and the personal security to deal with the inevitable interpersonal conflicts that result from competing perspectives, interests, policy goals, and ambitions” (10).

Presidential style and worldview are secondary, yet important qualities for interpreting performance. Presidential style is how he (or, one day, she) “goes about doing what the office requires him to do,” in public speaking, political negotiations, and the assimilation of content arriving on his desk (30). The foundations of style develop early in adulthood, generally at a president’s first juncture of political success. Worldviews are molded by his perspective on sociality, human nature, and morality, primarily developing in childhood (30). Barber claims that a president’s character, style, and worldview, once crystalized early in life, remain consistent over time rendering them a useful tool in gauging future decisions.

Tulis and Constitutional Doctrine

Tulis’ primary object of inquiry are the constitutional doctrines and entwined rhetorical practices of 19th and 20th century presidents. Originally, the founding fathers feared the rhetorical abuse of demagogues weaponizing an “excess of passionate appeals,” henceforth devising an independent executive resistant to the “temporary delusions” of popular opinion (Tulis 1988, 43).

Nineteenth century presidents generally followed suit, rarely interjecting on controversial matters publicly while operating within the bounds of the office's enumerated powers (81). Policy rhetoric of the era is thus constrained to written Congressional correspondence and infrequent public speeches (e.g., inaugural addresses) which typically made few if any reference to explicit personal positions.

Doctrinal shifts notably appear under Theodore Roosevelt who utilized “popular rhetoric against popular rhetoric,” engaging directly with the public to rally against what he perceived as corporate demagogues in the private sphere, loosening the restraints of the executive in the process (107). A more profound change, one adopted by 20th century presidents to follow, ensued under Woodrow Wilson whose “reinterpretation of the constitutional order” produced rhetoric both visionary in nature and substantive in policy positions (181). Vocal of the impediments of Congress, Wilson bolstered executive reach, compelling future presidents to, in part, exercise a legislative role. Thus, a president's constitutional doctrinal approach – largely a function of the times – fundamentally informs their decision-making process.

The Tale of Pelican Island

As of February 21, 1903, Florida's Pelican Island was an unorganized and unsurveyed parcel of land on the Indian River controlled yet all but forgotten by the federal government (Brinkley 2009, 491). While few knew of the island, two critical parties frequented its shores: “plumers”, which were poachers seeking exotic feathers to satiate a demand for ornate women's hats, and ardent conservationists, pursuing protection of its avian inhabitants. The latter belonged to an elite echelon of naturalists retained and relied upon by President Roosevelt. Among them was Frank Chapman, curator of the New York American Museum of Natural History's bird

exhibits (a museum of which Roosevelt's father was a founding benefactor), early member of both the American Ornithological Union (AOU) and Audubon Society, and former New York banker (Fischmann 1982, 10). Roosevelt, son of a prominent New York family and longtime member of both the AOU and Audubon Society, mingled among common circles, often soliciting Chapman's consultation on wildlife protection matters (Brinkley 2009, 2). Around 1903, President Roosevelt was particularly inspired by Chapman's accounts of Pelican Island detailing that "during no hour of the twenty-four did silence reign," and that we ought "perhaps take some steps to defend [the bird's] rights [...] by passing and enforcing proper laws [...]" (Chapman 1901).

The influence of the AOU and Audubon Society would soon bring Pelican Island from the peripheries of federal land management to the desk of the president. Grassroots engagement, particularly by Audubon women, would introduce the "wanton killing of birds" for hats to the American psyche (Andrews 2006, 140). Of this initiative, Roosevelt would write the Audubon Society "has done far more than any other single agency in creating and fostering an enlightened public sentiment for the preservation of our useful and attractive birds" (Brinkley 2009, 4). By February of 1903, AOU's top brass would advance this initiative further, led by William Dutcher, chairman of the AOU Bird Protection Committee, and Theodore Palmer, assistant chief of its Division of Biological Survey (490). Dutcher, who often tapped Chapman's political network and empirical fieldwork, had a résumé of success in pursuing state legislation protecting birds. For this and his eventual work on Pelican Island, Roosevelt and First Lady, Edith Kermit Roosevelt, would applaud Dutcher in a letter for his "efforts to stop the sale and use of this so-called 'migration' – the plumes of the white herons" (Roosevelt 1906). Theodore Palmer, the AOU's savviest lobbyist, was familiar with navigating Washington's political circus (Reffalt

2003). He spent the months prior to Roosevelt's executive order conjuring a plan for Pelican Island's protection in cahoots with the federal bureaucracy. Fortunately, the Audubon Society and AOU found an ally in the chief executive who pronounced his wishes "to see all harmless wild things, but especially all birds protected in every way" (Roosevelt 1899).

Prior to any consideration of explicit federal protection, Palmer had spent the entire February of 1903 in Washington D.C., devising a plan that would allow the AOU to purchase Pelican Island from the federal government. From his New York office, Dutcher inquired with Palmer "to go to [the] Interior [Department], in order to hurry up the Pelican Island matter" (Reffalt 2003). Palmer pursued inquisition, reaching a deal with the Department to appropriate AOU funds for a General Land Office (GLO) survey of the island, a prerequisite to sell unsurveyed federal land (Brinkley 2009, 13). The AOU promptly provided affidavits, a cadastral survey and other information they'd collected on the island to GLO. "I have complied with the requirements," Dutcher wrote Palmer, "and am now waiting, and hoping" (Reffalt, 2003). Waiting and hoping would be followed by a disastrous revelation: if the GLO survey were to be approved, homesteaders could immediately inhabit the island, ceasing any opportunity to purchase it. The AOU could not risk farmers and plumers descending *en masse* on the very rookery they sought to protect (Brinkley 2009, 13).

As quickly as the AOU had been halted, Dutcher would discover an alternative means of preservation. On February 20th, Palmer and colleague Frank Bond met with the Department of Interiors' (DOI) GLO Commissioner, William Richards, and its Public Surveys Division Chief, Charles DuBois to withdraw support for a survey (Reffalt 2003). Here, DuBois first suggested the possibility of protection via executive order. He was familiar with an obscure 1890 opinion from the Harrison Administration's Attorney General's office, which had since been adopted as

GLO policy. At the time, Harrison's Secretary of Interior John Noble had inquired with the administration's Assistant Attorney General regarding statutes the president may potentially cite to reserve public lands. Upon reviewing dozens of Supreme Court opinions and cases of former presidents seizing lands in "public interest," Shields concluded that,

There is no specific statutory authority empowering the President to reserve public lands; but the right of the executive to place such lands in reservation, as the exigencies of the public service may require [...] is recognized and maintained in the courts. The reservation of public lands from disposition may be affected either by proclamation or executive order (Reffalt).

This broad, untested theory was enough for Palmer – and eventually Roosevelt – to proceed. Worried of perceived collusion between the DOI and AOU, DuBois suggested orienting any executive order to the Department of Agriculture (USDA) under its young Biological Survey Division, further from public and Congressional purview (Brinkley 2009, 492). Palmer wrote back to Dutcher that day seeking approval and asserting "if the request is made before any [homesteader] claims are filed it will effectually shut out all comers" (Reffalt 2003).

Dutcher now sought USDA approval and direct access to President Roosevelt. His draft letter intended for USDA Secretary James Wilson reached Palmer for review by Tuesday, February 24th and requested preservation of "three small islands [...] in Indian River, Florida," and noted the AOU would "gladly continue to employ a paid warden" (Reffalt). Palmer responded and informed Dutcher that the request would have to be confined to Pelican Island. By Friday February 27th, Secretary Wilson received Dutcher's final, amended letter. Wilson agreed, and with Palmer's consultation, wrote DOI

Secretary Ethan Hitchcock “urgently recommend[ing] that this matter receive prompt attention [...] and this Department be enabled to accord the birds protection during the present spring” (Reffalt). Concurrently, Dutcher queried his friend Frank Chapman to schedule a time to meet President Roosevelt. As a true testament to Roosevelt’s promptness and proximity to his naturalist network, a meeting was secured for March 14th. In a 1903 report of AOU activity, Dutcher would recall, “after many months of effort and an expenditure of considerable money in surveys and other necessary red-tape, an appeal was made to the President [...] through [USDA], to have Pelican Island set aside as a public reservation” (Dutcher 1904, 121). Between February 27th and March 14th, USDA had approved the request, DOI Secretary Hitchcock would be briefed and approve the decision, and pertinent documents would arrive at Roosevelt’s desk prior to his meeting with Dutcher and Palmer, constituting a swift policy process for 1903, if not today (Reffalt 2003).

Theodore Roosevelt’s March 14th agenda was, per usual, busy. Earlier that day he was occupied on Capitol Hill pushing a signature “anti-anarchy” bill and later, had received freshman U.S. Senators from Idaho, Kentucky, Washington, and Utah at the White House. Nonetheless, Roosevelt was available and eager to advance his conservation record. The president professed to Dutcher and Palmer that he’d recently read Frank Chapman’s pioneering book *Bird Studies with a Camera* and had been inspired by the vivid accounts of Pelican Island’s pristine rookery, and was distraught by the 14 percent observed decline of brown Pelicans from just 1898-1900 (Brinkley 2009, 22). The island was exemplary of “industrialization run amok,” claimed Roosevelt (Zellmer 2020, 7). Present at the meeting was a representative of the Justice Department,

whom Roosevelt had earlier summoned to affirm the constitutionality of executive action. The representative concluded that “I cannot find a law that will allow you to do this, Mr. President.” Roosevelt asked if “there [is] a law that will prevent it,” to which the lawyer nodded, “no”. The president simply, yet famously responded, “very well, I so declare it!” Dutcher and Palmer needed little, if any, persuasion to woo the president in favor of federal protection (Wilkinson 1996).

The brief yet groundbreaking executive order, written and signed that same day, reads:

It is hereby ordered that Pelican Island in Indian River in section nine, township thirty-one south, range thirty-nine east, State of Florida, be, and it is hereby, reserved and set apart for the use of the Department of Agriculture as a preserve and breeding ground for native birds (Exec. Orderⁱ).

Pelican Island Reserve had officially been created. As DuBois had originally advised, Roosevelt bestowed the order to the USDA, keen to mitigate further Congressional scrutiny over his expansive and controversial conservation agenda. Here, in the Biological Survey Agency (later to be merged with the Bureau of Fisheries to create the U.S. Fish and Wildlife Service), trusted scientific advisor, friend and agency director Dr. C. Hart Merriam would oversee an unprecedented project of land-management (Fishman 2005). In fact, Roosevelt had long sought to “strengthen the hand” of the U.S. Biological Survey as a vehicle for conservation distant from Congress (Brinkley 2009, 477).

As intended, the order garnered minimal immediate media reaction, going unmentioned in both national papers like the *New York Times* and local publications like Jacksonville’s *Florida Times-Union* (Brinkley). Similarly, its placement under a young,

small agency of the USDA and absence of specific budgetary appropriations meant that no immediate Congressional fuss was targeted at Pelican Island Reservation. In later years, members of Congress would challenge his expanding, so-called “wildlife preservations” including Wyoming Representative Franklin W. Mondell who argued, “if this practice is to continue, there is no telling how many bird preserves we may have or how much of the territory of the Union these federal bird preserves may ultimately cover” (Smithsonian 2003). Roosevelt affirmed his belief that the president “could at any time in his discretion withdraw from entry any of the public lands of the United States and reserve the same for forestry, for water-power sites, for irrigation, and other public purposes” (Roosevelt 1913, 453). His administration would retroactively cite a critical section of the Forest Reserve Act of 1891 as explicit justification for the executive order previously absent at its inception:

SECTION 24—The President of the United States may, from time to time, set apart and reserve, in any state or territory having public land bearing forests, in any part of the public lands, wholly or in part covered with timber or undergrowth, whether of commercial value or not, as public reservations; and the President shall, by public proclamation, declare the establishment of such reservations and the limits thereof.

Furthermore, the 1900 Lacey Act – landmark bird protection legislation staunchly petitioned by Chapman and the AOU – had specifically promulgated the USDA’s jurisdiction to “include the preservation, distribution, and restoration of game birds and other wild birds” (Zellmer 2020, 8). Combined, they provided a legal foundation sturdy enough to ensure the maintenance of wildlife and bird preserves to come.

On the ground, a gun-toting, mustached local farmer, self-taught in the methods of ornithology would serve as Pelican Island Reservation's first warden. Paul Kroegel had long defended migratory birds from poachers, receiving the support and financial backing of Frank Chapman and the AOU. In fact, he was the first to convey the plight of these birds to the likes of Chapman and Dutcher (Stanbridge 2020). Roosevelt's steadfast approval of his appointment will soon be critical for interpreting his decision-making. Ultimately, USDA would appoint Kroegel "Warden in Charge" by April 24th at the "salary of one (\$1) dollar per month to be paid from the fund appropriated for General Expenses of the Biological Investigations [...]" (Wilson 1903). In an attempt to supplant this dearth of appropriations, the AOU's 1903 expenditure report indicates they provided \$2 for signs and an additional \$1 for Kroegel's salary (Dutcher 1904, 121). Roosevelt would boast that, "the creation of these reservations at once placed the United States in the front rank in the world work of bird protection. Among these reservations are the celebrated Pelican Island rookery in Indian River" (Roosevelt 1913, 453). The president, facilitated by a network of trusted advisors and tactful bureaucrats, had now invented the National Wildlife Refuge System with the stroke of a pen.

Interpreting Presidential Character

Foundational to Barber's argument of presidential character is his childhood and adolescent development. Glimpses of Theodore Roosevelt's youth are well-apparent in the story of Pelican Island. A sickly yet motivated boy, Roosevelt combatted frequent bouts of illness and asthma attacks with a commitment to improving both mind and body through an adoration for nature. The young "Teedie," as his mother called him, became

an avid hunter, forager, and birdwatcher, famously hosting dozens of self-taxidermized specimens within the “Theodore Roosevelt Museum of Natural History” which resided in his childhood bedroom (Morris 1979). Young Roosevelt was also an insatiable reader and devotee of Darwinian thought, launching an informal career as a naturalist upon reading Darwin’s 1859 *On the Origin of Species* as a teenager (Gould 2010, 266). As a young man stationed in Tampa, Florida during the Spanish American War, Roosevelt was impressed by pelicans as “superb natural fishermen” and a “marvelous example of Darwin’s evolutionary theory at work” (Brinkley 2009, 474). His adjacent adolescent obsession with accumulating physical strength and pursuing a “strenuous life” through military conquest are likewise fundamental to Roosevelt’s personal development. His political style, first articulated as a state legislator and governor of New York, was defined by advocating for state land protections, promoting the federal Lacey Act of 1900, and waging a rhetorical war on bird poachers known at the time as the “Feather Wars” (Brinkley). Roosevelt’s admiration for nature and fascination with power would persist to the presidency.

In the context of his early character, political style, and worldview, it appears logical, if not intuitive, to frame Roosevelt within Barber’s typology matrix. In fact, “among scholars of leadership, the most common approach to understanding his leadership in general has been via studies of presidential charisma” (Redekop 2014, 160). Roosevelt was indeed charismatic and indeed enjoyed presidential power. As he once bluntly stated, “I enjoy being President” (Morris 1979, xx). From what we know of his March 14th meeting with Dutcher and Palmer, Roosevelt appeared thrilled to exercise unilateral power and preserve an entire ecosystem by exclaiming “so, I declare it!” As

Morris concurs, “he indeed delights in every aspect of his job [...] in setting aside millions of acres of unspoiled land in the stroke of a pen [...] he takes an almost mechanistic delight in the smooth workings of political power” (xxi). Fittingly, many have classified acts like Pelican Island under the “Theodore Roosevelt-Gifford Pinchot” theme of positive government conservation action (Wildes 1995, 144).

In addition to thoroughly enjoying the presidency, Roosevelt was a starkly active executive. His formidable ability to process and act on a diverse set of issues and interests daily is consistent with the events of March 14th, 1903. Close friend and socialite William Sturgis Bigelow describes Roosevelt as “a dazzling even appalling, spectacle of a human engine driven at full speed – the signals all properly set beforehand,” while ex-president and rival Democrat Grover Cleveland claims he was “the most perfectly equipped and most effective politician thus far in the Presidency” (Morris 1979, xxi). Roosevelt had processed the request for, researched, and proclaimed Pelican Island Reservation in under a month to which Dutcher applauded his “well-known promptness in all matters,” especially, “relating to the preservation of wildlife” (Dutcher 1904, 121). The deployment of obscure Constitutional and legal knowledge to retroactively defend the executive order may be a function of his character as a rigorous reader and learner. By no means quiet about his accomplishments and exercise of power from the New York’s legislature to the presidency, he used his “bully pulpit” to take active stances on policy matters like conservation (Fischman 1982, 9).

The role and reputation of Paul Kroegel reveals yet more about Theodore Roosevelt, the individual. Frank Chapman informed the president about Kroegel when he first petitioned a meeting with the AOU, describing him as a “steely, live-off-the-land,

never-say-die lover of wildlife,” who would not hesitate to shoot infringing plumers (Brinkley 2009, 490). The president exhibited fascination with Kroegel, contributing to his hasty appointment. Roosevelt’s brief stint as a young rancher and deputy sheriff in Dakota Territory would crystallize a power-cognizant, sheriff-like political temperament, as he brandished a metaphorical big stick against poachers, industrialists, and foreign aggressors alike throughout his presidential tenure. Fellow naturalist John Burroughs noted “his sense of right and duty was inflexible as adamant [...] politicians found him a hard customer” (Barrus 1928, 320). Roosevelt sympathized with Kroegel’s war on the plume trade, viewing the local warden as an extension of his moral crusade on the politically immoral. The sickly boy turned war hero, turned preeminent conservationist, “saw [...] policies in terms of power. He was intrigued with power, with the problems of power, and with rivalries of power” (Ninkovich 1986, 221). The tale of Pelican Island Reserve is one explicitly laden with Roosevelt’s perception of power.

Understanding Constitutional Doctrine

Tulis implores us to examine reigning constitutional doctrine as a means to interpreting presidential rhetoric and decisions. Theodore Roosevelt is infamous for elongated speech tours, berating Congress, and his self-proclaimed status as popular representative of the American people. The “Bully Pulpit” hoisted the president from an administrative leader to a public leader, and as Tulis argues, the Roosevelt era was one of transition from 19th to 20th century tradition. Largely elucidated in his 1913 autobiography, Roosevelt’s landmark stewardship theory is the “theory that executive power was limited only by specific restrictions and prohibitions appearing in the

Constitution or imposed by the Congress under its constitutional powers,” and “that every executive officer, and above all every executive officer in high position, was a steward of the people bound actively and affirmatively” (Roosevelt, 303). In short, if the Constitution didn’t explicitly preclude a president from acting in public interest, that act was within their jurisdiction. Clues to Roosevelt’s novel yet informed constitutional approach are evident in the story of Pelican Island.

The creation of the reservation inherently rested on the use of implied presidential powers. Upon learning that no law explicitly forbade the unilateral provision of wilderness preserves, Roosevelt promptly signed an executive order, “stewarding” the rights of birds and taking aim at what he perceived to be corporate demagogues. This new, deviant approach to the federal executive did not go unnoticed. House Speaker Joseph G. Cannon crudely commented that “Theodore the Sudden,” had, “no more use for the Constitution than a tomcat has for a marriage license” (Morris 1979, xiv). However, his decision to executively act is remarkably consistent with stewardship theory, and Roosevelt’s acknowledgement of constitutional doctrine. Following the induction of Pelican Island Reservation, Dutcher lobbied for the expansion of the fledgling wildlife protection system as well as an extensive list of radical policy wishes in early 1904. While supportive of new reservations, Roosevelt cautioned “it is utterly useless for me to attempt to get thru by myself [other] legislation of the kind you wish. I can do nothing with it of any kind whatsoever unless there is an active agitation by the people in the localities concerned, who will get their congressman to take this initiative” (Roosevelt 1907). Whether Dutcher’s requests were constitutionally forbidden or publicly unserviceable, Roosevelt would refuse to exceed his role as a public steward. It thus

becomes clear that Pelican Island is a rule, rather than an exception (as Cannon might rebuke), to a lucid constitutional doctrine.

Roosevelt's rhetoric both during and after the passage of the executive order reveals more about his commitment to stewardship theory discernable in a series of public-oriented conferences, speeches, and interviews organized by Gifford Pinchot to advocate conservation proposals and achievements (Ponder 1990, 547). For example, a mere week after signing off on Pelican Island Reservation he remarked at a meeting for the Society of American Foresters his pride in "refuges for the wild creatures," and "forests [...] as the means for preserving and increasing the prosperity of the Nation" (Roosevelt 1903). Rhetoric thus became a means to redefine the presidency and steward unprecedented strands of policy. Conservation, according to Roosevelt, was "essentially democratic in spirit, purpose, and method," publicly oriented and thus an integral pursuit of a true executive steward (Roosevelt 1916, 94). Instead of catering to industrial interests, the office was a prime "counterweight to the concentrated economic power of big business" (Andrews 2006, 137). He further acknowledged in writing and practice that "the Executive has nothing to do with legislation," but its "peculiarly representative" position implies "a good executive [...] must take a very active interest in getting the right kind of legislation [...] with an eye single to the public welfare" (Roosevelt 1913, 304-5).

The creation of Pelican Island was, for the time, an unparalleled exercise of executive power regarding matters of conservation. American expectations of reform, in general, would accordingly shift following policies such as this, with matters of conservation implicitly entering the domain of the federal government. It is thus logical

to examine unparalleled policy within the context of unparalleled constitutional interpretation, in line with Tulis' demarcation of doctrinal shifts. The creation of Pelican Island Reserve is a decision cognizant that "the nation's natural resources belonged to all the people," unequivocally predicated on a doctrine unrestrained by administrative boundaries and rhetorical conservatism (Harbaugh 1967, 139).

Evaluations and Conclusions

More than a century from his passing, a mythical ethos surrounds both Theodore Roosevelt's individual and political legacy. Both the man and the president pursued the improbable and waged wars seemingly unwinnable. In this light, I find it most appropriate to evaluate the 26th president's decisions via an individual and political unit of analysis. Barber invites us to study a man obsessed with both nature and power, active and positive in character well into the presidency. Tulis' method reveals a forward-thinking executive and learned scholar versed in constitutional tradition and framing. Both are important yet insufficient to understand the decision arguably responsible for contemporary federal wildlife protection. Instead, they collectively augment our understanding of an act largely absent in political science literature.

Clear throughout this narrative, Roosevelt's longstanding familiarity with nature requisites his swift, confident pen stroke. Among the president's most trusted and accessible advisors were fellow naturalists including Frank Chapman, Gifford Pinchot, and C. Hart Merriam. Moreso, Roosevelt's rhetoric surrounding Pelican Island is laden in the language of power. In his own words, the executive order was a means to subdue "industrialization run amok" and a definitive exercise of power reminiscent of long-ago

efforts to quell childhood sickness and bullies (Zellmer 2020, 7). Critical actors like William Dutcher reflect on Roosevelt's energy while the president himself clarifies his enjoyment for the position. It's logical to assume an active, positive president, with a respect for nature and power would embrace an act the likes of Pelican Island. His March 14th, 1903, executive order is but one testament to a consensus presidential character.

Roosevelt's constitutional doctrinal approach, one of public stewardship, is well documented. His autobiography frames much of his political accomplishments, including Pelican Island, as products of stewardship theory. Rhetorically, conservation is framed as a national imperative with profound public implications. No facet of Roosevelt's ambitious reforms arguably exude a sensitivity to public interest in lieu of Congressional antipathy as much as those focused on conservation. Pelican Island Reservation was categorically bred and born within the federal executive, existing not because of an explicit administrative mandate, but because there was no law or regulation saying it couldn't. Such an act is incompatible and inconceivable under 19th century constitutional doctrine. Thus, our nation's first wildlife reserve was enacted when it was, how it was, and by whom it was because of shifts in such doctrine.

I again query: by what motivations was President Theodore Roosevelt's decision to declare Florida's Pelican Island a federal wildlife reserve reached? In sum, understanding Roosevelt's character and constitutional approach provides us with a compelling answer. Issues of conservation have been, and are increasingly becoming, matters of great significance. Analyzing the motivations and decisions which prompt reform at the highest echelon of American government are critical in determining how new reform will manifest in future policy spheres. Additionally, as consequential as

Pelican Island Reserve may appear, no such explicit attempt has been made to evaluate Roosevelt's decision-making process in the matter. Ideally, this nuanced narrative should contribute to discourse of an important, yet overlooked, historical juncture.

Endnote

¹ According to the Federal Register of Executive Orders, Roosevelt's original 1903 order was rendered legally null by Executive Order No. 1014 (1909) which reasserted and clarified the jurisdiction of Pelican Island Reserve. As reflected in the citation, the 1903 executive order is henceforth no longer numbered and catalogued by the Federal Register.

Works Referenced

- Andrews, Richard N. 2006. "Progressivism: Conservation in the Public Interest." In *Managing the Environment, Managing Ourselves: A History of American Environmental Policy, Second Edition*. New Haven, CT: Yale University Press.
- Barber, James David. 2020. *The Presidential Character: Predicting Performance in the White House, Fifth Edition*. New York, NY: Routledge.
- Barrus, Clara. 1928. *The Heart of Burrough's Journals*. Boston: Houghton Mifflin.
- Brinkley, Douglas. 2010. *The Wilderness Warrior: Theodore Roosevelt and the Crusade for America*. New York, NY: Harper Perennial.
- Chapman, Frank M. 1901. "Pelican Island Revisited." *Bird Lore Magazine*. Accessed at <http://61996282.weebly.com/pelican-island.html>.

- Chapman, Frank M, Elizabeth Austin. 1967. *Frank M. Chapman in Florida – His Journals and Letters*. Gainesville, FL: University of Florida Press.
- Dorsey, Leroy G. 2009. “The frontier myth in presidential rhetoric: Theodore Roosevelt’s campaign for conservation.” *Western Journal of Communication*, 59(1): 1-19.
- Dutcher, William. 1904. “Report of the A.O.U. Committee on the Protection of North American Birds for the Year 1903.” *The Auk* 21(1), 97-208.
- Exec. Order. (March 14, 1903). Accessed at <http://61996282.weebly.com/creating-the-refuge.html>.
- Fishman, Robert. 2005. “The Significance of National Wildlife Refuges in the Development of U.S. Conservation Policy.” *Journal of Land Use & Environmental Law*, 21(1): 1-22.
- Forest Reserve Act of 1891, Pub. L. No. 51-561, § 24, 26 Stat. 1095, 1103. (1891). Accessed at <https://alleghenyforestalliance.org/wp-content/uploads/2019/07/Forest-Reserve-Act-of-1891.pdf>.
- Harbaugh, William H. 1967. “Conservation – The Struggle for an Enlightened Policy.” In *The Writings of Theodore Roosevelt*. Indianapolis, IN: Bobbs-Merrill Company.
- Hendricks, Rickey L. 1982. “The Conservation Movement: A Critique of Historical Sources.” *The History Teacher*, 16(1): 77-104.
- Izatt, Hilary Jan. 2004. “The Precedent of a President: Theodore Roosevelt and Environmental Conservation.” *Sigma: Journal of Political and International Studies*, 22(6): 83-101.
- Morris, Edmund. 1979. *The Rise of Theodore Roosevelt*. New York, NY: Coward, McCann & Geoghegan.
- Morrison, Elting E. 1951. “The Square Deal, 1901-1905.” In *The Letters of Theodore Roosevelt*. Cambridge, MA: Harvard University Press.

- Ninkovich, Frank. 1986. "Theodore Roosevelt: Civilization as Ideology." *Diplomatic History*, 10(3): 221-245.
- Ponder, Stephen. 1990. "'Publicity in the Interest of the People' Theodore Roosevelt's Conservation Crusade." *Presidential Studies Quarterly*, 20(3): 547-555.
- Redekop, Benjamin W. 2014. "Embodying the story: Theodore Roosevelt's conservation leadership." *Leadership*, 12(2): 159-185.
- Reffalt, William. 2003. "Pelican Island Prologue." *Indian River Lagoon Project*. Accessed on October 12, 2023.
https://indianriverlagoonnews.org/guide/index.php/Pelican_Island_Prologue.
- Roosevelt, Theodore. "Remarks at a Meeting of the Society of American Foresters at the Residence of Mr. Gifford Pinchot." Residence of Gifford Pinchot, Milford, PA, March 26, 1903. Accessed at <https://www.presidency.ucsb.edu/documents/remarks-meeting-the-society-american-foresters-the-residence-mr-gifford-pinchot>.
- . "Inaugural Address of Theodore Roosevelt." U.S. Capitol Building, Washington D.C., March 4, 1905. Accessed at https://avalon.law.yale.edu/20th_century/troos.asp.
- . "Conservation as a National Duty." Governor's Conference on the Conservation of Natural Resources, Washington D.C., March 13, 1908. Accessed at:
<https://voicesofdemocracy.umd.edu/theodore-roosevelt-conservation-as-a-national-duty-speech-text/>.
- . 1912. "The Welfare of the Farmer." *The Outlook*. Accessed at
<https://thegrandarchive.wordpress.com/the-welfare-of-the-farmer/>.
- . 1913. *Theodore Roosevelt: An Autobiography*. New York, NY: The Macmillan Company.

———. 1916. *A Book-Lovers Holidays in the Open*. New York, NY: C. Scribner's Sons.

Smithsonian Magazine. 2003. "Where the Wild Things Are." Accessed on October 6, 2023.

<https://www.smithsonianmag.com/history/where-the-wild-things-are-76884336/>.

Solak, Frank W. 2010. "Theodore Roosevelt as an Icon in Presidential Rhetoric." Accessed at

<https://diginole.lib.fsu.edu/islandora/object/fsu:176147>.

Stanbridge, Ruth. 2022. "Local history: The story of Paul Kroegel is a story of America at its best." *TCPalm*. Accessed on October 7, 2023.

<https://www.tcpalm.com/story/news/history/2022/03/16/paul-kroegel-first-warden-of-pelican-island-nations-first-wildlife-refuge/6992769001/>.

Staten, Clifford Lee. 1993. "Theodore Roosevelt: Dual and Cooperative Federalism."

Presidential Studies Quarterly, 23(1): 129-143.

Theodore Roosevelt to Frank M Chapman. February 16, 1899. Accessed at

<https://www.oflosttime.com/theodore-roosevelt/>.

Theodore Roosevelt to William Dutcher. July 18, 1906. Accessed at

<https://theodorerooseveltcenter.org/Research/Digital-Library/Record?libID=o196110&from=https%3A%2F%2Ftheodorerooseveltcenter.org%2FSearch%3Fcp%3D1%26f%3DEverything%26pl%3D1%26r%3D1%26ro%3D1%26searchTerms%3Dwilliam%2520dutcher>.

Theodore Roosevelt to William Dutcher. August 8, 1907. Accessed at

<https://theodorerooseveltcenter.org/Research/Digital-Library/Record/ImageViewer?libID=o199978&imageNo=1>.

Tulis, Jeffrey K. 1988. *The Rhetorical Presidency*. Princeton, NJ: Princeton University Press.

Wildes, Fred T. 1995. "Recent Themes in Conservation Philosophy and Policy in the United States." *Environmental Conservation*, 22(2): 143-150.

Wilkinson, Charles. 1996. "Clinton learns the art of audacity." *High Country News*.

Accessed on October 7, 2023. <https://www.hcn.org/issues/90/2799>.

Wilson, James. (March 24,1903). "James Wilson Letter to Paul Kroegel." Accessed at

<http://61996282.weebly.com/creating-the-refuge.html>.

Zellmer, Sandra B. 2020. "Theodore Roosevelt: Of Mice and Men, Birds and Bison." In

Pioneers of Environmental Law. New York, NY: Twelve Table Press.
