

"ANDREW GENNETT, THE WEEKS ACT OF 1911, AND THE DEVELOPMENT OF THE
NATIONAL FORESTS IN APPALACHIAN GEORGIA"

by

CHRISTOPHER JOEL MARSH

(Under the Direction of John C. Inscoe)

ABSTRACT

Andrew Gennett left a detailed memoir, written in 1939, that told a fascinating story full of rich anecdotes and reminiscences from his remarkable life. His narrative, placed in the context of the Progressive-era South at the turn of the twentieth century, offers a rare glimpse into the social, political, environmental, and economic workings of a commercial elite in southern Appalachia. Gennett's position as a successful timber operator during a time in which Georgia and the nation clamored for forest conservation, places him square in the middle of the captivating history of a turbulent period in Appalachian history. His sale, in 1912, of more than 32,000 acres of timberland in north Georgia to the United States Forest Service – the first tract in the nation approved under the Weeks Act of 1911 – paved the way for over forty years of subsequent purchases. Georgia's Appalachia would never be the same.

INDEX WORDS: Timber, Appalachia, Progressive movement, Conservation, National Forests, New South

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DEDICATION

To Mama Marsh: Thank you for instilling in us the importance of education. You led by example.

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INTRODUCTION

Traveling west five miles from downtown Ellijay on Georgia Highway 52, drivers come upon a small government sign directing outdoor enthusiasts north on Gates Chapel Road toward Bear Creek Trail. This road winds past small Appalachian valley farms for five more miles, snaking further into the Cohutta Wilderness Area of the Chattahoochee National Forest. Turning right onto Forest Service Road 241 takes adventurers higher into the mountains, ending at a gravel parking lot maintained jointly by the United States Forest Service (USFS) and the Georgia Department of Natural Resources for the benefit of hikers, bikers, hunters, and fishermen.¹

After an easy one-mile trek from the trailhead, visitors come across the “Gennett poplar,” a giant tulip poplar more than one hundred feet tall and nearly twenty feet in circumference, the second largest of its kind in the Chattahoochee National Forest.² This poplar towers over the surrounding forest, making it obvious, even to the casual observer, that it is a survivor from another era. On a mountain biking trip through this area in 2011, I became interested in just who had owned this tree and this land that was now part of Georgia’s largest national forest. How had the Chattahoochee come to Georgia, and why does it now exist as a patchwork quilt of ownership, with public property intermingled with private? Why did the owner spare this tree, and who had he bought the land *from*? More interesting is that the people most likely to enjoy the benefits of this particular natural area are urban outdoor enthusiasts like myself in search of recreation, rather than mountain residents. Invariably, the majority of the license plates in that

¹ The Division of Forestry changed its name to the United States Forest Service in 1905. Hereafter, the titles Division of Forestry, Forest Service, and USFS will be used interchangeably.

² USDA Forest Service – Chattahoochee-Oconee National Forest – Bear Creek Trail, <http://www.fs.usda.gov/recarea/conf/recreation/hiking/recarea/?recid=10473&actid=50>, accessed November 01, 2013.

gravel lot read Cobb, Fulton, Gwinnett, or one of a multitude of other metro Atlanta counties. Rarely will one see tags from Gilmer, Murray, Fannin, or any of the other north Georgia mountain counties. Has that always been the case? If so, why did locals sell to large timber companies, and, later, to the USFS?

The answers to these questions can be found by analyzing the life and work of one man and his business and political interactions with the Forest Service, Appalachian locals, and Georgia's political and social elite. Andrew Gennett, to whom the "Gennett poplar" once belonged, was a timber baron active in the north Georgia mountains in the first two decades of the twentieth century. In 1939, he wrote a memoir titled *Sound Wormy*, detailing his life, his business, and his exploits in the southern Appalachians.³ The forest that today contains Bear Creek Trail, near the border of Murray and Gilmer Counties, was part of one of the most consequential land sales in the history of conservation. Andrew Gennett called it "the most momentous land trade in which I have ever been engaged . . . several have involved larger sums, but none was more significant or led to greater consequence."⁴ The sale to which Gennett was referring included 232 parcels of land totaling over 32,000 acres in parts of Lumpkin, Fannin, Union, and Gilmer counties in the north Georgia mountains. The buyer was the United States government. Rather fortuitously, Gennett had just completed his purchase of this land from dozens of sellers – 20,000 acres from the Chastain Brothers of Blue Ridge – when President Taft

³ *Sound Wormy: Memoir of Andrew Gennett, Lumberman*, ed. Nicole Hayler (Athens: University of Georgia Press, 2002). "Sound wormy" refers to a grade of lumber shot full of holes but strong to the end. Nicole Hayler is director of the Chattooga Conservancy based in Clayton, Georgia. Gennett's original manuscript, housed in the Appalachian Archives of Mars Hill College, numbered over five hundred typed pages. Hayler compressed that total down to two hundred for publication. I have a copy of the entire manuscript, which I received from Hayler in 2011. There is also a copy at the David M. Rubenstein Rare Book & Manuscript Library at Duke University, where Gennett's company records are located. For the purposes of this project I will use footnotes based on the page numbering from the original manuscript, unless otherwise noted.

⁴ Gennett memoir, 162.

signed the Weeks Act into law on March 3, 1911. Andrew wasted no time, offering this land to the Forest Service on April 14, 1911, less than six weeks after passage of the act.⁵ The “Gennett tract,” as it was referred to by the Forest Service, was the first land to be approved for purchase under the federal government’s new authority, and is today part of the Chattahoochee National Forest, comprising over 750,000 acres in eighteen Georgia counties.⁶

The Weeks Act, named for Massachusetts Congressman John Weeks, was ostensibly meant to maintain the navigability of streams and rivers by setting aside forest lands for watershed protection. The effective and desired result, however, was to provide a legislative basis for the acquisition and protection of the first national forests in the eastern United States, which today constitute nearly twenty million acres.⁷ Prior to 1911, the United States owned and managed over 150 national forests, only two of which were east of the Mississippi River.⁸ The western national forests had been created out of land already owned by the federal government. That simply required that land be transferred from one government department to another. In the more populated East, land had long since passed into private hands, much of it owned by large timber conglomerates and land speculators.

By the end of the nineteenth century, there was talk of a coming timber famine in the Northeast and Midwest. As a result, many large lumber companies eyed the southern Appalachian forests as a new outlet for their capital and their saws. The shift in the industry to

⁵ Ibid., 170.

⁶ Due to the various title issues, it took the government over a year to close on Gennett’s tract. As a result of this delay, the first tract purchased was the “McDowell Tract” in western North Carolina.

⁷ “U.S. Forest Service History – Policy and Law – Weeks Act,” *The Forest History Society*, Durham, North Carolina, <http://www.foresthistory.org/ASPNET/Policy/WeeksAct/index.aspx>, accessed October 01, 2013. Of that twenty million acres, 867,510 acres are in Georgia, with 750,779 acres of that in the north Georgia mountains. Out of eight southern Appalachian states (GA, SC, NC, TN, KY, WV, VA, and AL) Georgia has the 4th most acreage under USFS stewardship. Virginia, North Carolina, and West Virginia, respectively, have the most.

⁸ Douglas Brinkley, *The Wilderness Warrior: Theodore Roosevelt and the Crusade for America* (New York: Harper Collins, 2009), Appendix, 825-28.

the South and West coincided with both rapid advances in railroad and sawmill technology, and a burgeoning conservation movement that had begun in the late 1800s. The lumber industry reached its peak in the first decade of the twentieth century, using the latest technology to meet increased demand from a growing nation. Some in the scientific community thought the United States was within two decades of a nationwide timber shortage.⁹

As a result, Progressive politicians began looking for a way to save the eastern forests from what they perceived to be imminent destruction. Unfortunately for those early forest conservation proponents, most U.S. lawmakers saw no constitutional basis for purchasing private lands solely for the sake of conservation. Although the prevailing historical narrative assigns most of the credit for passage of the act to northeastern politicians and environmental groups, much of the legislative and grassroots activism originated in the South. Much has been written about the role of North Carolina, and Asheville particularly, in the forest conservation movement, but less is known about the role that Georgia played in lobbying for forest conservation.¹⁰ For the South, a movement that started in Asheville in 1899, would eventually be centered in Atlanta, where Georgia's politicians and progressive elites led the charge.¹¹

While the centennial of the Weeks Act in 2011 was duly celebrated in conservation circles, and even garnered some national media attention, the role of the state of Georgia and its

⁹ Ronald D. Lewis, *Transforming the Appalachian Countryside: Railroads, Deforestation, and Social Change in West Virginia, 1880-1920* (Chapel Hill: University of North Carolina Press, 1998), 4-10.

¹⁰ See Margaret Lynn Brown, *Wild East: A Biography of the Great Smoky Mountains* (Gainesville: University Press of Florida, 2001); Kathryn Newfont, *Blue Ridge Commons: Environmental Activism and Forest History in Western North Carolina* (Athens: University of Georgia Press, 2012); Daniel S. Pierce, *The Great Smokies: From Natural Habitat to National Park* (Knoxville: University of Tennessee Press, 2000).

¹¹ By the time of the House vote on the Weeks Act in 1909, the South's congressional representatives voted overwhelmingly for passage (76%). For the purposes of this study, the South includes Georgia, North Carolina, South Carolina, Tennessee, Kentucky, Virginia, Florida, Alabama, Mississippi, and Louisiana. This study will show, that, politically speaking, the South's representatives were influenced by progressive urban elites, especially in Atlanta and Asheville, even if all of the "South" was not in favor of forest conservation, as Chapter Four will illustrate.

people has yet to be fully explored.¹² Recent works on southern Appalachia by Kathy Newfont, Will Sarvis, Dan Pierce, Sara Gregg, and Margaret Lynn Brown to name a few, have detailed the environmental and political histories of North Carolina, Tennessee, Virginia, and West Virginia. However, to date there has been no adequate rendering devoted specifically to Georgia.¹³ Other than a few pages in one chapter of Donald Davis's book *Where There are Mountains*, and Andrew McCallister's master's thesis on the impoundment of Tallulah Falls, Georgia finds itself a minor player in the larger narrative dominated by other Appalachian states.¹⁴ This is especially surprising considering the prominent role that forests and the timber business have played in Georgia's history.¹⁵

As early as 1860, and through the 1880s, Georgia was first in the nation in total lumber production. At the close of the century, Georgia ranked seventh nationally and second in the

¹² "Celebrating the Birth of National Forests" *New York Times*, March 8, 2011; "Out of the Woods, An American Milestone," *Raleigh News & Observer*, March 6, 2011; "Asheville Was Birthplace of Forest Conservation," *Asheville Citizen-Times*, March 27, 2011. For the most comprehensive treatment of the anniversary, see <http://weekslegacy.org/>. Compared to the Northeast, there is relatively little interest in Georgia specifically. Upon contact with the *Atlanta Journal-Constitution* regarding an article commemorating the event, no interest was shown (author interview with Donald Edward Davis). See Michael McCord, "Centennial of Weeks Act Shines Light on Economic Vitality of White Mt. National Forest," *New Hampshire Business Review*, July 1, 2011.

¹³ For works on Tennessee and North Carolina see Newfont, *Blue Ridge Commons*; Durwood Dunn, *Cades Cove: The Life and Death of a Southern Appalachian Community, 1818-1937* (Knoxville: University of Tennessee Press, 1988); Brown, *Wild East*; Pierce, *The Great Smokies*; On Virginia's forests see Will Sarvis, *The Jefferson National Forest: An Appalachian Environmental History* (Knoxville: University of Tennessee Press, 2011); on West Virginia see Lewis, *Transforming the Appalachian Countryside*; Kentucky is the scene of several important environmental works, but a starting point is Harry M. Caudill, *Night Comes to the Cumberlands: A Biography of a Depressed Area* (Ashland: Jesse Stuart Foundation, 2001); For Appalachia as a whole, one of the most cited works is, Ronald D. Eller, *Miners, Millhands, and Mountaineers: Industrialization of the Appalachian South: 1880-1930* (Knoxville: University of Tennessee Press, 1982); For the New Deal in Appalachia see Sara M. Gregg, *Managing the Mountains: Land Use Planning, the New Deal, and the Creation of a Federal Landscape in Appalachia* (New Haven: Yale University Press, 2010).

¹⁴ Andrew Beecher McCallister, "A Source of Pleasure, Profit, and Pride: Tourism, Industrialization, and Conservation at Tallulah Falls, Georgia, 1820-1915," M.A. thesis, University of Georgia, 2002; Donald E. Davis, *Where There Are Mountains: An Environmental History of the Southern Appalachians* (Athens: University of Georgia Press, 2000).

¹⁵ For a recently published study on Georgia's forests, see Albert G. Way, *Conserving Southern Longleaf: Herbert Stoddard and the Rise of Ecological Land Management* (Athens, 2011). Way's book focuses on the lowland forests of south Georgia rather than the north Georgia mountain country.

South in lumber production, cutting over 450 million board feet of lumber from 655 sawmills.¹⁶ By the 1920s, Georgia's timber production had declined in national prominence; however, the industry continued to be a significant driver of the state's economy. As of 2010, the forest products industry in Georgia ranked second only to agriculture in total economic output among all industries in the state. Out of 37 million acres of land area in the state, 24.4 million are timberland available for commercial use, the highest of any state in the nation.¹⁷ So why did Georgia play such a prominent role in the nation's lumber industry and the forest conservation movement, and why has it been left out of most histories of southern Appalachia? This project seeks to answer the first question by remedying the second.

The primary goal of this study is to examine the role that Georgia and its people played in the national conservation movement by focusing on the life and career of Andrew Gennett, a lumberman active in the north Georgia mountains from 1902 to 1920.¹⁸ Although not the largest timber baron in the South, Gennett was an influential participant in Georgia's commercial, political, legal, and social arenas over those two decades. The breadth of Gennett's business and personal connections, combined with the fact that he left behind a detailed memoir, offers a unique perspective from which historians can analyze the environmental and social changes occurring in Georgia in the early 1900s.

In his memoir, Gennett offers his thoughts on a variety of issues, from politics and conservation to the legal and social conditions present in Georgia during his time there.

Throughout the course of his business dealings, especially those involving land purchases from

¹⁶ James Pikel Jr., *A History of Georgia Forestry* (Athens: Georgia Forestry Association Inc. and Bureau of Business and Economic Research, University of Georgia, 1966), 9-10.

¹⁷ Georgia Forestry Commission, Georgia Forest Facts, <http://www.gfc.state.ga.us/resources/publications/GeorgiaForestFacts.pdf>, accessed November 12, 2013; James C. Cobb, *Georgia Odyssey: A Short History of the State* (Athens: 2008), 124.

¹⁸ Gennett started his business in 1902, and was the president of Gennett Lumber Company until his death in 1942. His most active period in north Georgia was from 1902 to 1920.

local Georgians, Gennett became involved in dozens of lawsuits. Some were frivolous, but others were legitimate. Most of the lawsuits involved land title disputes. These legal cases allow us to see how timber operators bought land from locals, and, in the process, illuminates the disparate power relationships between them. Perhaps the more consequential story on a federal conservation level is Gennett's multiple land sales to the government, which I argue set a legal precedent by which the USFS would purchase land well into the 1940s.

Through his marriage to Julia Bell Tate – whose father Carter Farish Tate had represented Georgia's mountain district in the U.S. Congress for twelve years – Gennett was well connected in state politics and law. Because of this, Gennett's life and business connects north Georgia to the state's political and legal center nearer to Atlanta. The musings of a southern Democrat philosophically opposed to federally sponsored conservation who has no qualms about selling land to the government for just that purpose, *Sound Wormy* is fertile ground for historical analysis. If Georgia's national and state leaders provide the political element of the story, Gennett's company, and its land dealings with local Georgians, provides the economic and social link necessary to complete the historical picture. In the end, this is not a story of generalizations about loggers' impact on the environment, or about the political economy of industrialization, but of individuals and their actions, and the resultant social, political, and economic changes they left behind. Andrew Gennett's narrative is unique, both in that we know much about it, and that he defies many generalizations about loggers. What follows is his story, and the story of Georgia's leaders and their constituents as they interacted with Gennett through his enterprise.

This thesis will be comprised of four thematically oriented chapters. The first chapter takes us back to the beginnings of the conservation movement in the last few decades of the nineteenth century. Without fully comprehending the national political and scientific movement

underway prior to the beginning of the twentieth century, Gennett and Georgia's story is impossible to understand contextually. The watershed moment for the preservation of the eastern forests was unquestionably the passage of the Weeks Act in 1911. The political fight that culminated in its passage lasted over ten years. However, even before that, in the period between 1870 and 1900, well over two hundred bills pertaining to forestry were introduced in Congress.¹⁹ It was during this period that naturalists, sportsmen, and scientists first began to understand the need for saving the nation's rapidly disappearing forests. The general historical consensus holds that the conservation movement was an exclusively northeastern endeavor. However, as this study will show, the South figures prominently in the early stages of the movement. This is true not only geographically, but politically. Georgian Hoke Smith, Secretary of the Interior from 1893-1896 under Grover Cleveland, did much to advance a comprehensive forest management program during his tenure as Secretary. The South's, and Georgia's role in the conservation movement, introduced in this chapter, will resonate throughout the rest of the thesis.

Chapters Two and Three cover the same chronological chapter in history, beginning roughly in 1901, and continuing through the end of 1911. The second chapter focuses on Andrew Gennett's early life, his family, his business, and his interactions with employees in the logging industry, thus providing readers with both a detailed picture of Gennett and the lumber industry in the early 1900s. The prevailing narrative regarding timber barons of the early 1900s, is that they wreaked economic, social, and environmental havoc on the mountains of southern Appalachia.²⁰ One Appalachian historian asserts that, because of the tremendous geographical distances between lumbermen's homes and the mountains where their operations were located,

¹⁹ Herbert D. Kirkland, "The American Forests, 1864-1898: A Trend Toward Conservation," Ph.D. diss., Florida State University, 1971, 140.

²⁰ See Lewis, *Transforming the Appalachian Countryside*; Eller, *Miners, Millhands, and Mountaineers*; Davis, *Where There Are Mountains*; Brown, *Wild East*.

the Appalachians were just a location on a map to them. This “out of sight, out of mind” mentality allowed them to extract natural resources without a care for intrinsic values such as wildness. Moreover, “people became ‘labor’ rather than individuals or even members of a community . . . once a forest or a village loses its complexity . . . all becomes a mere object for the actions of the capitalist.”²¹ This conclusion, held by many academics, not only places an unnecessary value judgment on “capitalism” in general, but, more specifically, as a categorical indictment on loggers, it is simply untrue as it relates to southern Appalachia.

A more balanced approach shows that, like other industries in other regions throughout America during industrialization, the experience of lumbermen in Appalachia was varied and complicated. In fact, three of the largest “robber barons” engaged in logging in the southern Appalachians were neither “robbers” nor “strangers in high places.” All three were proponents of scientific forestry and all three lived in the region in which they worked. If the owners of three of the largest timber companies in Georgia, Tennessee, and North Carolina, the Shippen Brothers, W.B. Townsend, and Reuben Robertson respectively, fail to fit the mold of the prevailing narrative, then perhaps the narrative is inaccurate.²²

Chapter Three returns the narrative to the state and national scene by analyzing the political contributions of Georgia’s leaders to the national movement for forest conservation, a contribution that deserves more exploration and attention. While they did not always share the progressive social or fiscal goals of their northern Republican allies, the movement for forest conservation in the East and South was one progressive ideal that southerners could get behind, especially if it meant economic improvement for their region. Unfortunately, not enough has been written about Georgia’s instrumental contribution to the conservation movement. A quick

²¹ Brown, *Wild East*, 73. Brown listed W.B. Townsend as an exception to her conclusion.

²² The Shippens of Ellijay, Georgia were one of the largest timber operators in the state. Will Shippen’s wife was a leader in the community.

search of “Progressive Era” on the *New Georgia Encyclopedia*’s website produces not a single reference to conservation. Influential Georgians such as Hoke Smith, Helen Dortch Longstreet, and Rebecca Latimer Felton, who do figure prominently in the *New Georgia*’s article on the Progressive era, played key roles in both the state and national forest conservation movement.²³ New South Progressives in Georgia couched their language in terms that businessmen such as Andrew Gennett could easily understand, and their place in prominent political positions furthered conservation in Georgia, the South, and the U.S.

Using the University of Georgia’s Georgia Newspaper project archives, it is evident that, contrary to the prevailing historical narrative which holds that the South was unaware of the larger conservation movement, Georgia’s newspapers covered the national lurch toward forest conservation in great detail. If we can assume that Georgia’s leaders were reading their papers, and, in Hoke Smith’s case, his own *Atlanta Journal*, then at least educated Georgians were more than aware of the national and regional conversation. In fact, Andrew Gennett used the editorial pages of the *Atlanta Constitution* to implore the Georgia General Assembly to pass laws in favor of forest conservation.

Also significant is the contribution of the state’s leading ladies to the cause of forest conservation. The majority of Georgia’s women involved in conservation were leaders in their own right. While they did not, and could not, have a direct impact on legislation, through persistent lobbying efforts on behalf of conservation, these women succeeded in making sure their voices were heard. The loudest voice was that of Rebecca Latimer Felton of Cartersville. Felton was an outspoken advocate of conservation, and the public and personal letters she left behind speak to her passion for the natural world. Her contacts with influential Georgia leaders

²³ For a recent treatment of Helen Dortch Longstreet’s role in conservation in Georgia see McCallister, “A Source of Pleasure, Profit, and Pride.”

made her support for conservation all the more important. Already documented is the work done by Helen Dortch Longstreet from 1911 to 1912 to save Tallulah Falls from impoundment.

Andrew McCallister did well in detailing Longstreet's uphill battle against the Georgia Power Company and other powerful interests in the state. However, McCallister mistakenly claims that Longstreet's campaign was the first environmental movement in the state of Georgia.²⁴

Although she ultimately failed in her quest to keep Tallulah in its natural state, Longstreet's efforts were part of a larger movement toward conservation that had been at least a decade in the making. To date very little has been written regarding the role played by women in the conservation movement. This project remedies that deficiency by using these women's personal papers, as well as Georgia's newspapers, to add to the increasing scholarship on gender studies with a specific focus on conservation.

The final chapter of the thesis is much more local in nature. Specifically, it focuses on the reaction in Georgia's Appalachian counties to the arrival of the United States Forest Service. Were local residents in north Georgia really indifferent to the arrival of the Forest Service, as one prominent Forest Service history attests?²⁵ How did the federal government's large landowning role change local means of production, migration into or out of the mountains, land use patterns, and the traditional lifestyles of north Georgians? Finding the answers to these questions is rather difficult. Locals did not leave reams of primary evidence behind for historians to analyze. However, there are other ways to get at the answers. North Georgia county histories, local newspapers, and agricultural and population census records, provide plenty of material to piece together a coherent image. Searching the microfilm database of small papers such as the *Clayton*

²⁴ McCallister, "A Source of Pleasure, Profit, and Pride."

²⁵ Shelley Smith Mastran and Nan Lowerre, *Mountaineers and Rangers: A History of Federal Forest Management in the Southern Appalachians 1900-81* (Washington: Government Printing Office, 1983), 27-28.

Tribune, Clarkesville Advertiser, Tri-County Advertiser, Blue Ridge Summit-Post, Ellijay Times, Ellijay Courier, and especially the *Dahlonge Nugget* yields invaluable evidence of local reaction to the movement at large, as well as its effect on their communities. Further, mining local opinion from the papers of elites provides another valuable source for historians. Through Andrew Gennett's personal papers, several local mountaineers made their voices heard loud and clear.

What these sources reveal tends to discredit the accepted historiographical framework. The prevailing sentiment among Appalachian historians has been that local residents reacted indifferently to the arrival of the Forest Service after passage of the Weeks Act in 1911.²⁶ Much of this scholarship stems from Ronald D. Eller's seminal work, *Miners, Millhands, and Mountaineers*. Eller, a distinguished Appalachian historian born in West Virginia, based his findings on research by one of his undergraduate students, who found a lack of local reaction to the arrival of the USFS into southern Appalachia from 1910 to 1920. In her recent book, *Blue Ridge Commons*, Kathy Newfont tends to agree with Eller's analysis.²⁷ Newfont acknowledged that most historians, herself included, have cited Eller's conclusions as accepted fact.²⁸ Records from north Georgia, however, show that reactions were varied, sometimes positive, sometimes negative, but rarely indifferent. Using all the available sources, this study will show that

²⁶ This has been the common thread in studies about the southern Appalachian region. Focusing on historians' footnotes and citations, I have found this to be based almost wholly on two sources: Mastran and Lowerre, *Mountaineers and Rangers*, a USFS publication written by two researchers contracted by the Forest Service, and Ronald D. Eller's seminal work *Miners, Millhands, and Mountaineers*. As noted above, Eller based his findings on a student's research of an Asheville, NC paper, while Mastran and Lowerre likely based most of their findings on a 1955 Forest Service report on USFS purchases in Georgia written by Percy Paxton. Mastran and Lowerre do, however, allow for varied local reactions which is more in line with my findings. Most of the reports from the early 1900s from the USFS noted that the only concern of locals was the diminution of the tax base.

²⁷ Newfont, *Blue Ridge Commons*. Newfont agrees primarily with Eller's analysis, and says as much in the book. However, she acknowledges that most of that is based on a lack of evidence to the contrary.

²⁸ Phone interview with Kathy Newfont, November 12, 2012, notes in author's possession.

southern Appalachia was aware of the movement for conservation and had plenty of opinions about the arrival of the USFS into their remote region, thereby demonstrating that their reactions to the seismic shifts occurring in Georgia's Appalachia was anything but indifferent.

Riding along Bear Creek Trail through forests of hemlock and rhododendron, bikers can still see the logging trails created by the likes of Andrew Gennett. That he chose not to log this particular tract leads some to claim that he held a beneficent attitude toward the forests he sold to the government. Or was it profit, rather than conservation that informed his decision-making? To Gennett, perhaps these competing notions were not mutually exclusive. For scholars of Appalachia, studying his career in context makes for an excellent historical endeavor, one that has not been fully told. By analyzing the social, legal, political, and environmental changes that resulted from Gennett's timber business and his interaction with the federal government and locals in north Georgia, this study seeks to remedy the aforementioned deficiencies in scholarship, thereby restoring Gennett's and Georgia's place in the creation and protection of the eastern forests.

CHAPTER 1

HUNTING FOREST RESERVES: A MOVEMENT IS BORN

According to historian Douglas Brinkley, Theodore Roosevelt's greatest accomplishment as president was "encouraging young people to join the wildlife and forestry protection movements."²⁹ During his presidency from 1901 to 1909, Roosevelt either created or enlarged an astounding 150 national forests, entrusting their care to the newly established United States Forest Service (USFS).³⁰ Only two of these forests – the Choctawhatchee and Ocala in Florida – are east of the Mississippi River. Roosevelt is today widely accepted as one of the leaders of the Progressive movement of the early 1900s, a time of social, environmental, and political reform in which its supporters argued for a more efficient, scientific, and regulatory governmental apparatus. The catch word for Progressives was change. A central tenet of this change, this progress, was the novel idea of conservation. However, the vast proclamations of public land undertaken by Roosevelt in the early 1900s did not occur spontaneously with his ascendancy to the nation's highest office. Agitation for conservation had been brewing for some time. Simply put, as Andrew Gennett came of age in the late nineteenth century, so did the national movement for forest conservation. Understanding how the USFS arrived in the southern Appalachians in 1911 requires a journey back to the end of the Civil War.

Today, President Roosevelt and his acolyte Gifford Pinchot, the first chief of the Forest Service, are placed center stage in most historical narratives of the early forest conservation movement. However, long before Roosevelt became president, much had been done in the name

²⁹ Brinkley, *The Wilderness Warrior*, 817.

³⁰ *Ibid.*, Appendix, 825.

of forest conservation. The intellectual foundations of the movement can be located in the last few decades of the nineteenth century. Perhaps *the* major foundation of the early movement was the publication in 1864 of the book, *Man and Nature*, by George Perkins Marsh.³¹

A native of Vermont, and a diplomat and philologist by occupation, Marsh anticipated by almost forty years many of the arguments that would be put forth in favor of watershed protection by proponents of forest conservation in the early twentieth century. Pointing to the decay of the Roman Empire, and of the effect of deforestation on the societies of the fertile crescent, Marsh argued that human impact on the environment could have a disastrous effect on civilization, calling on man “to be a coworker with nature and aid her in reclothing,” if he expected “to inhabit the earth much longer.”³²

More specific to forest conservation, Marsh argued that the “felling of the woods has been attended with momentous consequences to the drainage of the soil, to the external configuration of its surface, and probably, also, to local climate.” Additionally, he made reference to the effect that forests have on watersheds, likely the first such mention of this relationship.³³ Marsh was, according to one scholar, “the first real American ecologist because he was concerned not only with forests but with the entire spectrum of man and the balance of nature.”³⁴ Many conservation-minded Progressives of the late nineteenth and early twentieth centuries considered Marsh a major intellectual influence, and he is today widely thought of as the first “environmentalist.” It was on his foundation that many would build their arguments.

³¹ See Christopher Johnson and David Govatski, *Forests for the People: The Story of America’s Eastern National Forests* (Washington: Island Press, 2013), 73-76. Theirs is the most recent work on the national forest movement and also considers Marsh’s work the most influential environmental commentary of the nineteenth century.

³² George Perkins Marsh, *Man and Nature: Or, Physical Geography As Modified by Human Action* (Cambridge: Harvard University Press, 1965), 3.

³³ *Ibid.*, 171-82.

³⁴ Kirkland, “The American Forests,” 75.

In the roughly three decades following Marsh's 1864 piece, there were many breakthroughs for supporters of forest conservation. Of significance were the requirement that the 1870 census include forests and timberlands for the first time, the celebration in Nebraska of a national Arbor Day in 1872, and the establishment of Yellowstone National Park in the same year. In Georgia, the General Assembly proclaimed the state's first Arbor Day celebration in 1890.³⁵ In 1873 the American Association for the Advancement of Science urged state and federal leaders to pass laws protecting the forests. That same year, Franklin B. Hough, who would later become the first chief of the United States Division of Forestry (1881-1883), the predecessor to today's Forest Service, was expanding on Marsh's work, asserting that the "growing tendency to floods and droughts can be directly ascribed to clearing of woodlands, by which the rains quickly find their way into the streams, often swelling them into destructive floods, instead of sinking into the earth to reappear as springs."³⁶

Hough, who, according to one forest historian was "the first formal government forestry official," advocated for the complete withdrawal of all public forest areas from sale or entry as early as 1882.³⁷ The nascent, but growing insistence by scientists and foresters of the interconnectedness of the trees with the forest floor, river conditions, and fish and wildlife health, especially at the headwaters of navigable streams, would pay huge legislative dividends down the road. Although his arguments were somewhat spurious and would not go unchallenged in later debates concerning the impact of forest cover on water quality, Hough was well ahead of his time, predating by almost thirty years what would become the principal and most successful argument by supporters of forest conservation.

³⁵ Georgia Forestry Commission, Arbor Day History, <http://www.gfc.state.ga.us/community-forests/public-programs/georgia-arbor-day/history/index.cfm>, accessed September 26, 2013.

³⁶ John Ise, *The United States Forest Policy* (New Haven: Yale University Press, 1920), 30.

³⁷ Kirkland, "The American Forests," 18-19.

Of those supporters of forest conservation, perhaps the largest and most consistently influential was the American Forestry Association (AFA). The stated purpose of the AFA, which was created in 1875, was “the discussion of subjects relating to tree-planting, the conservation, management, and renewal of forests, the collection of forest statistics, and the advancement of educational, legislative, or other measures” pertaining to forestry.³⁸ Throughout the debates that would follow, the AFA would become an indefatigable proponent of the forest reserves. The AFA later merged with the Southern Forestry Congress at the annual meeting held at Atlanta in 1888. Prominent Georgia citizens, especially Sidney Root, had lured the Congress and the AFA to Atlanta for that 1888 meeting, demonstrating Georgia’s preeminent role in the early forest conservation movement. Root was one of Atlanta’s leading merchants, a noted member of the Southern Forestry Congress, and a pioneer in forest conservation in Georgia.³⁹ Augmenting the work of national organizations, many states formed their own forestry associations to help prevent forest fires, conduct research, and lobby for conservation in their respective states.⁴⁰

If the conservation movement “was a direct outgrowth of the forest movement,” as Theodore Roosevelt claimed, then the conservation of wildlife habitat could be rightly considered the impetus for the movement writ large.⁴¹ In 1885, for example, C. Hart Merriam founded the Division of Economic Ornithology and Mammalogy, the predecessor to today’s U.S. Fish and Wildlife Service (USFWS), which was the federal government’s bureaucratic extension of a wildlife ethos already two decades in the making. Work was done on the private level as

³⁸ American Forestry Association, *Proceedings of the American Forestry Association at the Ninth Annual Meeting* (Washington: 1891), 9.

³⁹ Matthew M. Moye, “Sidney Root (1824-1897),” *New Georgia Encyclopedia*, <http://www.georgiaencyclopedia.org/articles/business-economy/sidney-root-1824-1897>, accessed November 12, 2013.

⁴⁰ Bernard Fernow, *A Brief History of Forestry* (Toronto: University of Toronto Press, 1911).

⁴¹ Kirkland, “The American Forests,” 2.

well. In order to save habitat for America's big game mammals, Theodore Roosevelt and George Bird Grinnell, along with other New York capitalists and aristocrats, founded the Boone and Crockett Club in 1887. Their goal was the creation of wilderness preserves throughout the American West.⁴² According to Grinnell, the editor of *Forest and Stream*, the club was the "first-ever organization to be formed with the explicit purpose of affecting national legislation on the environment."⁴³

Although present-day environmental and animal rights groups often malign their motives, sportsmen provided a huge helping hand to the conservation movement that has gone largely unrecognized. In fact, the driving force for most early conservationists – who were by and large sportsmen – was the protection of wildlife. As historian John Reiger has shown, the beginnings of conservation can be traced to elite sportsmen in the 1870s, a full thirty years before the "engineers, geologists, and other 'experts'" of the Roosevelt administration had institutionalized conservation in our national political system.⁴⁴ Then, as now, hunters knew that the most productive means by which to conserve wildlife was through forest, or habitat protection.⁴⁵ They expressed these new ideas in a multitude of new journals and periodicals.

The late 1800s saw several of these sportsman's publications gain a wide readership, including *American Sportsman* (1871), *Forest and Stream* (1873), *Field and Stream* (1874), and *American Angler* (1881). *Forest and Stream*, whose long-time editor George Bird Grinnell was a personal friend of Roosevelt and a well-respected naturalist, was "dedicated to wildlife

⁴² See Brinkley, *The Wilderness Warrior*, 204-11. For an institutional history, see James B. Trefethen, *An American Crusade for Wildlife* (New York: Winchester Press and the Boone and Crockett Club, 1975).

⁴³ *Ibid.*, 205.

⁴⁴ John F. Reiger, *American Sportsmen and the Origins of Conservation* (New York: Winchester Press, 1975), 21.

⁴⁵ Reiger, *American Sportsmen and the Origins of Conservation*. Reiger argues that, for all the early conservationists save perhaps John Muir, hunting and fishing and the desire to maintain forest habitat were instrumental in their conservation ethos.

conservation, helped to launch the National Audubon Society, and was an early sponsor of the national park movement.”⁴⁶ Indeed, Grinnell kept his editor’s pen busy lobbying for forest conservation. Most historians point to this period, the last three decades of the nineteenth century, as the intellectual beginning of the forestry movement.⁴⁷ Intellectuals, the scientific community, sportsmen, wildlife enthusiasts, journalists, and influential urban Progressives just looking for a respite from city life, propelled forward a movement that now looked to the political system for legal assistance. What remained was moving their friends in Congress to action.

Between 1870 and the end of the century well over two hundred bills pertaining to forestry were introduced, almost all of them defeated.⁴⁸ However, in 1891 a law that Gifford Pinchot called the “most important legislation in the history of Forestry in America slipped through Congress without question and without debate.” Pinchot declared that the new law was the “beginning and basis of our whole National Forest system.” While Pinchot, and dozens of historians after him, were wrong about the lack of debate, they were right to call the newly passed Forest Reserve Act of 1891 “the first important conservation measure in the history of our national forest policy.”⁴⁹ The law allowed the president to “set apart and reserve, in any State or

⁴⁶ “Forest, Field & Stream”, *Time*, June 16, 1930.

⁴⁷ There are dozens of books on the National Forests and the conservation movement, but for general descriptions of this influential era in scientific forestry see, Thomas D. Clark, *The Greening of the South: The Recovery of Land and Forest* (Lexington: University Press of Kentucky, 1984), 36-54. Clark focuses mainly on five southern states, but gives both a regional and national summary; Michael Frome, *Whose Woods These Are: The Story of the National Forests* (New York: Doubleday, 1962), 33-63; Samuel P. Hays, *Conservation and the Gospel of Efficiency* (Cambridge: Harvard University Press, 1959); Gifford Pinchot, *Breaking New Ground* (Washington: Island Press, 1947); Harold K. Steen, *The U.S. Forest Service* (Seattle: University of Washington Press, 1976); William E. Shands and Robert G. Healy, *The Lands Nobody Wanted* (Washington: The Conservation Foundation, 1977). Shands and Healy’s title refers to the perception that the southern Appalachians were a cutover, denuded land that was wholly undesirable to locals when the government arrived on the scene; Harold K. Steen, “The Beginning of the National Forest System,” (Washington: USDA, Forest Service, FS-488, 1991).

⁴⁸ Kirkland, “The American Forests,” 140.

⁴⁹ Pinchot, *Breaking New Ground*, 85.

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.”⁵⁰ The breadth of authority granted to the executive in this legislation is startling. According to historian John Ise, the bill would never have passed had Congress known the extent to which later presidents would use it.⁵¹

The prevailing historical narrative assigns most of the credit for the forest conservation movement to northeastern Republicans, most of them well bred and upper class. The name that comes up more often than any, save, perhaps President Roosevelt’s, is Gifford Pinchot’s. The son of a wealthy New England family, Pinchot graduated from Yale in 1889. Not finding an appropriate course of study in forestry in the United States, he spent a year overseas at the French National School of Forestry in Nancy. Pinchot returned in 1890 as one of America’s most well-educated students of forestry, bringing with him new notions of scientific and commercial forestry management. He remembered that when he came home “not a single acre of Government, state, or private timberland was under systematic forest management anywhere

⁵⁰ 26 Stats. 1095 (March 3, 1891)

⁵¹ Ise, *The United States Forest Policy*, 114-118. According to Ise, several peculiar factors influenced the passage of the bill, not least the last minute addition of Section 24 of the bill, the one granting the President the authority to set aside public land, in the Senate conference committee. This procedure is contrary to the rules of Congress but went unnoticed. Due to the length of the bill and the fact that most of the lawmakers had debated it so extensively and thus thought they had read the whole bill, none of them were thought to have read the final copy. In addition, this session of Congress was due to end directly after the vote on the bill. Ise suggests that it was an accident of lawmaking that resulted in this most important vote. This was the accepted historical explanation until a Ph.D dissertation by Herbert Kirkland in 1972 corrected the accepted account by combing the Congressional Record. There was indeed a debate, and many in Congress feared the power it gave the Executive. Kirkland did not, however, find out who appended the famous Section 24. A 1992 report by Ron Arnold for a Forest History symposium found that Rep. William Steele Holman (D) had indeed authored Section 24 in the previous Congress and it was borrowed almost in its entirety and inserted into the 1891 bill. By combing the Congressional Record, Arnold found that it was read in its entirety to both the House and the Senate before the vote was taken. It appears that the Republican committee members were unwilling to risk the passage of the entire bill to remove such a “small” section; *Congressional Record*, Senate, 51st Cong., 2d sess., February 28, 1891; *Congressional Record*, House, 51st Cong., 2d sess., March 2, 1891, pp.3611-16; U.S. Congress, House, *House Resolution 7901*, 50th Cong., 1st Sess., 1888; U.S. Congress, House, 50th Cong., 1st Sess., 1888, *Report No. 778*.

on the most richly timbered of all continents . . . to waste timber was a virtue and not a crime . . . the lumbermen regarded forest devastation as normal and second growth as a delusion of fools.”⁵²

Pinchot realized that the eternal optimism of many nineteenth-century Americans resulted in a false belief of the inexhaustibility of our natural resources, especially our vast expanses of forests.⁵³ He knew that the forests needed to be better managed to allow for future use. However, to the dismay of the preservationists of the era, especially Sierra Club founder John Muir, Pinchot believed in conservation through use, rather than conservation by preservation. In Pinchot’s view, “the object of our forest policy is not to preserve the forests because they are beautiful . . . or because they are refuges for the wild creatures of the wilderness . . . but . . . for the making of prosperous homes. . . . Every other consideration comes as secondary.”⁵⁴ As historian Samuel P. Hays put it, “these attitudes revealed his basic view that the reserves should be developed for commercial use rather than preserved from it.”⁵⁵

Pinchot’s emphasis on utilitarian conservation versus preservation was critical to convincing legislators of the need for national forests. Had Pinchot and others insisted, like Muir, on a course of preservation rather than conservation, the movement would likely have stalled. Moreover, as we will see later, timber operators like Andrew Gennett would reap enormous benefits from the new system’s utilitarian emphasis in the national forests. Fortunately for Gennett, Pinchot served as the chief of the Forest Service from 1898-1910 during which period he fully inculcated the new department with his brand of forest conservation.

⁵² Pinchot, *Breaking New Ground*, 27.

⁵³ Gifford Pinchot, *The Fight for Conservation* (New York: Doubleday, Page & Company, 1910), 4.

⁵⁴ Pinchot to Robert Underwood Johnson of *The Century Magazine*, March 27, 1904, quoted in Hays, *Conservation and the Gospel of Efficiency*, 41-42.

⁵⁵ Hays, *Conservation and the Gospel of Efficiency*, 41. For a thorough treatment of Pinchot, see Char Miller, *Gifford Pinchot and the Making of Modern Environmentalism* (Washington: Island Press, 2001).

Roosevelt and his acolyte Pinchot receive copious amounts of attention from environmental historians, and rightly so. However, often overlooked are the conservation accomplishments of Democratic president Grover Cleveland and his Secretary of the Interior Hoke M. Smith. Writing of Cleveland's forest conservation credentials, historian Geoffrey Blodgett said: "But for Theodore Roosevelt's vastly more skillful flair for self-advertisement, Cleveland might be remembered as our presidential pioneer in imposing sanity on federal land use policy."⁵⁶ For example, at the beginning of Grover Cleveland's second term in office, in 1893, the forest reserves contained fourteen million acres. By February 22, 1897 that figure stood at nearly forty million. Ten days prior to the end of his administration, Cleveland more than doubled the reserves, creating thirteen additional forests encompassing 21.2 million acres in the west. But why did Cleveland create so many new forests? One forest history scholar attributes Cleveland's motivation to his lifelong interest in fishing and hunting, which gave him an "aesthetic appreciation of the whole environmental context of sport that included a commitment to its perpetuation."⁵⁷ However, this is too simplistic. Cleveland acted on the recommendations given to him by a National Academy of Sciences commission which had been set up to ascertain the desirability of creating more forest reserves. That commission was formed at the urging of his Secretary of the Interior, Georgian Hoke Smith.

The Secretary was born in 1855 in Chapel Hill, North Carolina where his father worked as a professor for the University. In 1872, the Smith family moved to Atlanta, where Hoke made a name for himself as a personal injury lawyer, primarily representing individuals against large

⁵⁶ Geoffrey Blodgett, *The Gentle Reformers: Massachusetts Democrats in the Cleveland Era* (Cambridge: Harvard University Press, 1966), 76.

⁵⁷ Jamie Lewis, "February 22, 1897: Cleveland Celebrates Washington by Foreshadowing Roosevelt," *Peeling Back the Bark: Exploring the Collections, Acquisitions, and Treasures of the Forest History Society*, <http://fhsarchives.wordpress.com/tag/grover-cleveland/>, accessed September 27, 2013; Quote belongs to Reiger, *American Sportsmen and the Origins of Conservation*, Introduction.

corporations or the government. Smith's interest in politics started early. In 1876, at only twenty-one years of age, he was named chairman of the Fulton County Democratic Committee. He also married into a leading Georgia family, taking the hand of Marion Cobb, daughter to Thomas R.R. Cobb of Athens. After a falling out with his friend, and *Atlanta Constitution* editor, Henry Grady, Smith bought the *Atlanta Journal* in 1887. Like Grady at the *Constitution*, Smith used his editorial page to further his political ideology, which historian Dewey Grantham characterized as a struggle between the people and the great corporations for who should rule the state.⁵⁸ His stance on the relationship between the citizenry and large corporations allied Smith with Populist Tom Watson of Georgia at that point, and the two maintained a robust correspondence in the late 1800s. It also meant that if he was to choose between large timber operators and the people, Smith would choose the latter. In his mind, creating forest reserves was a choice *for* the people and against large monopolies. As it turned out that would not be the case for lumber men in the twentieth century.

As the Georgia Democratic Party split between Grover Cleveland and David B. Hill in its primary in 1892, Smith used the *Journal* to throw his support behind Grover Cleveland. As payback for that support, Cleveland appointed Smith, whom he thought "a very able and progressive member of the new south," as Secretary of the Interior in 1893.⁵⁹ He was only thirty-eight years old. The *New York Nation* declared "a better representative of the New South could not be found," and the *New York World* thought he epitomized the "South of the mill, the mine, the railroad, of diversified industries, bustling cities, and advancing commonwealths."⁶⁰

According to Gifford Pinchot and forest historian Harold K. Steen, Smith was a "big, smooth-

⁵⁸ Dewey Grantham, Jr., *Hoke Smith and the Politics of the New South* (Baton Rouge: Louisiana State University Press, 1958), 41.

⁵⁹ Allan Nevins, ed., *Letters of Grover Cleveland, 1850-1908* (Boston, 1933), 315, 317, quoted in Grantham, *Hoke Smith*, 55.

⁶⁰ Grantham, *Hoke Smith*, 57.

faced, powerful, confident man of real capacity . . . and, fortunately again, he came from Georgia, whose politicians were little interested in Western lands.”⁶¹ Western senators had been blocking forest legislation for some time, so having a southerner in office alleviated some of those concerns. Steen thought that Smith brought a more imaginative mind to the Secretary of the Interior’s office than that of his predecessor, John Noble. By “more imaginative,” Steen likely meant that Smith was willing to consider scientific approaches to a solution addressing the perceived problem of the timber supply in the United States. The U.S. Congress had been debating the idea of forest reserves for several years at this point. Further, President Cleveland believed that Smith would take a hard line on those trying to raid the public domain, including large timber companies and private settlers, mostly those out west.⁶²

Smith wasted no time in changing Interior’s policy toward forests, recommending legislation to provide a comprehensive forestry system and writing Wolcott Gibbs, President of the National Academy of Sciences, requesting their advice as to the best policy to follow regarding the forest reserves. Gibbs suggested, and Smith assented to, the creation of a forestry committee to advise the General Land Office on federal land use.⁶³ Among many notable naturalists and scientists, the committee consisted of Pinchot, Gibbs, Charles S. Sargent, director of the Harvard Arboretum, and Alexander Agassiz, son of Louis Agassiz and a prominent scientist, professor, and engineer in his own right. The Secretary asked the committee three questions: Was it practicable and desirable to protect the public forests from fire to insure a future timber supply? Did the influence of forests on climate and water require a policy of

⁶¹ Pinchot, *Breaking New Ground*, 89; Steen, *The U.S. Forest Service*.

⁶² Pinchot, *Breaking New Ground*; Steen, *The U.S. Forest Service*.

⁶³ Pinchot, *Breaking New Ground*, 88-89; Steen, *The U.S. Forest Service*, 30-31.

“forest conservation” on the public domain? And what specific legislation should be enacted?⁶⁴

The answer to the first two was a resounding yes, the answer to the third resulted in the eventual declaration of another twenty-one million acres of forest reserves.

Pinchot gave great credit to Smith, remembering in 1937 that “our present public interest in practical forestry had its start in 1896 when Hoke Smith, Secretary of the Interior, asked the National Academy of Sciences to tell him what ought to be done with the national forest reserves and the public forest lands . . . the problem was the use of the earth for the permanent good of man.”⁶⁵ The solution was the creation, under Hoke Smith’s tenure, of a national forestry commission whose purpose it was to advise the Secretary and the President on how to manage the forest reserves already under federal ownership. That commission, along with its report on how to better manage current reserves, further recommended that President Cleveland set aside an additional 21.2 million acres of Forest Reserves.

On “President’s Day” in 1897, Cleveland proclaimed what came to be known as “Washington’s Birthday Reserves.”⁶⁶ Pinchot and Smith were close enough that the forester felt no qualms about asking the Secretary for political patronage in the form of funding for library books for the Good Government Club of New York City.⁶⁷ That close relationship no doubt fostered cooperation on other issues they both deemed important. Smith’s time as Secretary no doubt informed his views on forestry and conservation in his later service as Georgia’s governor and United States senator, including his role in the passage of the Smith-Lever Act in 1914

⁶⁴ Report of the Committee Appointed by the National Academy of Sciences upon the Inauguration of a Forest Policy for the Forested Lands of the United States to the Secretary of the Interior, May 1, 1897 (Washington: 1897), 5, 36.

⁶⁵ Gifford Pinchot, “How Conservation Began in the United States,” *Agricultural History* 11 (October 1937): 255-265.

⁶⁶ Pinchot, *Breaking New Ground*, 107.

⁶⁷ Letter from Gifford Pinchot to Hoke Smith, September 2, 1895, Hoke Smith Papers, Richard B. Russell Library for Political Research and Studies, University of Georgia Libraries.

creating the agricultural extension service. He would remain active in Georgia's political arena until 1920, by which time the forest reserve movement in Georgia was fully established. But it was as Secretary of the Interior from 1893-1896 that Smith made a lasting impact on the forest conservation movement, an impact not fully recognized by scholars.⁶⁸

Of course none of the ideas of Marsh, Grinnell, Cleveland, or Smith would have had any effect on the American psyche, and thus on our political system, without influential acolytes to carry the torch, to drum up grassroots support for the movement. Even for Roosevelt and Pinchot in the first decade of the twentieth century, a lack of support among House members and their constituents meant failure at the legislative level. Fortunately for conservationists, American ideas about forests and wilderness were beginning to change in the late 1800s. To eighteenth and nineteenth century Americans, the definition of wilderness was similar to Old World definitions, being that which lay beyond the frontier. The connotation for these early pioneers was a land deserted, savage, desolate, barren, in short, a waste. National pride was defined as subduing wilderness for the progress of man. Early American settlers depicted their new country as a "hideous and desolate wilderness."⁶⁹

Historians Roderick Nash and William Cronon have written extensively about the unique American experience with the idea of wilderness. Highly influential to the American experience, they refer explicitly to Biblical stories depicting the wilderness as the place most likely to contain Satan, where Jesus was tempted for forty days and Moses wandered with his people for forty years almost deserting his God. Even foreigners noted the different attitudes of early Americans. During his travels through America in 1831, Alexis de Tocqueville noted that, while

⁶⁸ Hoke Smith Papers, Richard B. Russell Library for Political Research and Studies, University of Georgia Libraries.

⁶⁹ Roderick F. Nash, *Wilderness and the American Mind* (New Haven: Yale University Press, 1967), 24.

Europeans like himself prized nature for its beauty, Americans only prize “the works of man . . . and never think about the wilds.”⁷⁰

Later in the century however, the romantic literature of Herman Melville, Henry David Thoreau, and Walt Whitman, the enduring works of James Fenimore Cooper, as well as the Hudson River painters, had instilled in Americans a kind of nostalgia for the wilderness, equating it with integrity and purity as an antidote to the defilement and filth of urban living.⁷¹ But this new longing was not just a result of literary romanticism and nostalgia. The rapid urbanization and citified lives of the luxury class, especially along the eastern seaboard, left many Americans yearning for the simplicities and the dangers of nature and wilderness.

Theodore Roosevelt, an avid outdoorsman in every sense, stressed that “there are no words that can tell of the hidden spirit of the wilderness, that can reveal its mystery, its melancholy, its charm.” Roosevelt’s musing was no doubt romantic, but his proposed cure was more substantive: the idea of saving the land so that Americans could actually experience the outdoors. In discussing the merits of setting aside wilderness, Roosevelt declared in 1904 that “no nation facing the unhealthy softening and relaxation of fiber that tends to accompany civilization can afford to neglect anything that will develop hardihood, resolution, and the scorn of discomfort and danger.”⁷²

⁷⁰ Alexis de Tocqueville, quoted in Nash, *Wilderness and the American Mind*, 23; See also William Cronon, “The Trouble With Wilderness: Or Getting Back to the Wrong Nature,” *Environmental History*, Vol. 1, No. 1 (January, 1996), 7-28.

⁷¹ See Sherry H. Olson, *The Depletion Myth: A History of Railroad Use of Timber* (Cambridge: Harvard University Press, 1971), 31. Olson argues that this shift in attitude was more about romanticism and emotion rather than a logical reaction to what she deemed a “perceived impending crisis” in lumber. Like other more recent works, Olson takes many of the early environmentalists and scientists to task for basing their findings on spurious scientific evidence, or, worse, emotional pleas on behalf of the forests. She argues that the impending lumber shortage was a fabrication of scientists and environmentalists.

⁷² Theodore Roosevelt, quoted in David E. Shi, *The Simple Life: Plain Living and High Thinking in American Culture* (Athens: University of Georgia Press, 2007), 202.

Due to the rapid growth of American cities in the 1870s and 1880s, many areas surrounding large urban centers were being clear cut to supply the increased demand for timber. At the same time, upper class American families began traveling to new resort destinations by rail. For example, the railroad connecting Athens, Georgia to the north Georgia mountain town of Clayton – lobbied for since 1854 by prominent Athenians – was finally completed in 1882. It was not long before “a number of Athens families built cottages there . . . the place became a sort of Athens colony.”⁷³ Subsequently, prominent businessmen and politicians began to see first-hand these cutover forest lands, including those in southern Appalachia. As historian John Reiger has shown, the forest conservation movement was primarily organized by the elites in society. Sights of whole mountain tops cutover made a strong impression on these early tourists in search of magnificent vistas.

As early as 1874 – the year Andrew Gennett was born – Atlanta newspapers warned of dire consequences for Georgia’s forests as a result of increased logging. Echoing George Perkins Marsh, the *Atlanta Constitution* predicted that the development of the lumber industry will “injuriously affect the cost of building, the size of our rivers, and the character of our weather.” Its editor implored readers, “do not sell all your virgin fields of wealth for a song . . . let them stand and you will find they will grow in value as well as size.”⁷⁴ Some readers were listening. Prominent Atlanta merchant and forest conservationist Sidney Root sounded the alarm to his fellow Georgians, claiming that: “At the present and probable increase of consumption,

⁷³ Mrs. Lamar Lipscomb, “Developments at Tallulah Falls,” in Andrew Jackson Ritchie, *Sketches of Rabun County History*, (n.p., n.p., 1959), 348. See McCallister, “A Source of Pleasure, Profit, and Pride,” for a political and environmental treatment of the effort to save Tallulah Falls from impoundment.

⁷⁴ “The Forests of Georgia,” *Atlanta Constitution*, June 14, 1874. In *The Depletion Myth*, Sherry Olson shows that, on a national scale, lumber prices actually went down, instead of rising, as most scientists and forest conservationists predicted. It was only in selected locales where timber shortages became pronounced. In these places the fear of a decreased supply made a strong impression on conservationists and lumber producers and consumers alike.

forest fires, etc., there will be no merchantable lumber in Georgia in ten years.” Further, he remarked, “this country, in twenty years, will be as treeless as Palestine.” Root, who was Lumpkin, Georgia’s first arborist in the 1850s and a member of the American and Southern Forestry Congresses, thanked the paper for their support of the movement, “proud to know that we have so powerful an ally as the *Constitution*.”⁷⁵

That support included literally hundreds of articles warning of impending lumber shortages wrought by forest destruction. The *Constitution* implored Georgians to act else they lose their rivers, mountains, and homes for good. For example, in the decades of the 1870s, 1880s, and 1890s, the *Constitution* ran articles with such headlines as “The Forests of Georgia,” (1874), “Forests and Water Courses: Destruction Drying up the Streams” (1881), “Our Failing Forests: A Movement to Discourage Wholesale Destruction,” (1882), “Improving our Native Forests,” (1882), “How to Preserve our Forests,” (1887), “Save the Forests,” (1889), and “The Destruction of Forests” (1890), to name just a few.

The number and breadth of articles covering the nascent forestry movement published in the *Atlanta Constitution* are too numerous to relate here.⁷⁶ Even as early as the 1870s, the paper published an article on forests or forestry on average every other week. By the turn of the century, that number had increased to an average of three articles a week. Albeit on a smaller scale, the same can be said for most of Georgia’s other major newspapers, including the *Athens Weekly Banner* (Athens), the *Atlanta Georgian and News* (Atlanta), the *Augusta Chronicle*

⁷⁵ Sidney Root, “Georgia’s Forests: The Necessity of Preserving the Woodlands – The Country Fast Becoming a Treeless Waste,” *Atlanta Constitution*, February 10, 1890.

⁷⁶ ProQuest Historical Newspapers: The Atlanta Constitution (1868-1945), accessed September 26, 2013 via Galileo at http://www.libs.uga.edu/research/portal_browse.php?key=A. Search results for “forests” in the historical text of the *Atlanta Constitution* are as follows: 267 (1870s), 935 (1880s), 1273 (1890s), 1642 (1900s), 1453 (1910s). This parallels the increased intensity in the national conservation movement and represents a similar rate of increase seen at other large city newspapers (*New York Times*, *Boston Globe*).

(Augusta), the *Columbus Enquirer* (Columbus), the *Macon Telegraph* (Macon), the *Albany News* (Albany), and the *Elberton Star* (Elberton). Suffice it to say, the South, and Georgia more specifically, was not only aware but generally supportive of forest conservation. As we will see later, the reaction from the smaller, more local papers in north Georgia tended to vary more than their urban counterparts. After all, Georgia's Appalachian communities had more to lose when compared to those separated by one hundred miles or more from the mountain forests.

On a national level, forest proponents still needed an avenue by which to set aside public lands for forest reserves. The Forest Reserve Act of 1891 had only allowed the government to set aside publicly owned lands. At the turn of the century, very little public land remained in the original thirteen colonies. Most of the land in the east was privately owned, increasingly so by large timber companies.⁷⁷ There would have to arise some other avenue for conservation to suit the particular needs of the eastern forests. But by what means could the government secure land in the east for forest reserves? Would southern and northeastern legislators be amenable to such actions? What about lingering southern concerns about federal intervention in their region only two decades removed from the end of Reconstruction? It would seem that the South would be the last region to allow federal land purchases for the purpose of conservation in their mountain regions.

The prevailing historical narrative supports the idea that the Northeast was the epicenter of forest conservation, that the South was the backwards region when it came to organizing support.⁷⁸ In the most recent scholarly treatment of the subject, *Forests for the People: The*

⁷⁷ See Davis, *Where There are Mountains*; Eller, *Miners, Millhands, and Mountaineers*; Steen, *The U.S. Forest Service*.

⁷⁸ See Eller, *Miners and Millhands*, 104-18, Brown, *Wild East*, 49-59, Lewis, *Transforming the Appalachian Countryside*; and Johnson and Govatski, *Forests for the People*, 95; Margaret Brown mentions only "companies originating in the northeast" when describing the rush for timberlands in southern Appalachia.

Story of America's Eastern National Forests, Christopher Johnson and David Govatski claim that it was in New England that issues of forest conservation first surfaced, before later acknowledging that “much of the early legislative effort was centered in the South.”⁷⁹ Even though the authors’ expertise lie in the White Mountains of New Hampshire, their treatment is one of the more balanced works on the subject.

Their contradictions aside, the history speaks for itself. On November 22, 1899 the Appalachian National Park Association (ANPA), led by physician Dr. Chase P. Ambler, organized at Asheville.⁸⁰ One month later the ANPA petitioned Congress to acquire forest lands in the southern Appalachians. In April of the following year, Senator Jeter C. Pritchard of North Carolina introduced a bill authorizing funding for the Secretary of Agriculture to investigate the need for a national park in the Appalachians. Pritchard’s goal was to create a national park in the southern mountains by buying up private lands. The bill became law on July 1, 1900. So here was an organization of influential southern citizens (the ANPA), and a southern senator, soliciting the federal government to create out of private lands in four states a federal park.⁸¹

What followed were joint investigations by the Geological Survey and the Forest Service in 1900. President Roosevelt, in transmitting the report to Congress in 1901, remarked that “its conclusions point unmistakably, in the judgment of the Secretary and in my own, to the creation of a national forest reserve in certain parts of the Southern States [sic] . . . they have already received the full attention of the scientist and the lumberman.” Further, and of greater

⁷⁹ Johnson and Govatski, *Forests for the People*, 95.

⁸⁰ See Brown, *Wild East*, 81. Ambler was primarily concerned with preserving the timberlands of Appalachia for tourism. He was an avid hunter and fisherman who would later help lead the effort to establish the Great Smoky Mountains National Park.

⁸¹ In 1903 the ANPA changed their name to the Appalachian National Forest Reserve Association and dropped their requests that a National Park be established in parts of Tennessee, North Carolina, Georgia, and South Carolina. The park would have included parts of Georgia and South Carolina in addition to its current location in North Carolina and Tennessee.

significance for the South, “they set forth an economic need of prime importance to the welfare of the South, and hence to that of the nation as a whole, and they point to the necessity of protecting through wise use a mountain region whose influence flows far beyond its borders . . . the Southern Appalachians are of paramount interest for geographic, hydrographic, and forest reasons, and, as a consequence, for economic reasons as well.”⁸²

Roosevelt used terminology that was easily understood and approved of by New South progressives, especially his emphasis on *use* and his continuous references to the economic needs and welfare of the South. He was not particularly well-liked in the region, so helping the South economically bade well for his reelection in 1904. In his report to President Roosevelt, Secretary of Agriculture James Wilson opined that the southern Appalachian region, being “the greatest masses of mountains east of the Rockies . . . and the highest mountains covered with hard-wood forests in America, is thus unique in its position, in its mountain features, in its forests, and in its climate, standing out grandly as the greatest physiographic feature in the eastern half of the continent.”⁸³

Georgia’s politicians were convinced. On December 18, 1900 the Georgia General Assembly passed a resolution in favor of “ceding jurisdiction over certain lands in the State of Georgia to the United States of America for the purpose of establishing a National Forest Reserve or Park.” Noting that there was now a “wide-spread movement in this country asking that the Federal Government purchase from the present owners certain forest-covered lands lying in the high mountain regions of the States of North Carolina, South Carolina, Georgia and

⁸² United States Department of Agriculture, *Message from the President of the United States transmitting A Report of the Secretary of Agriculture in Relation to the Forests, Rivers, and Mountains of the Southern Appalachian Region* (Washington: Government Printing Office, 1902), 3. The investigations and the report were completed in 1901 but not printed until 1902.

⁸³ *Ibid.*, 20.

Tennessee,” the General Assembly thought it wise to encourage “a movement which promises such great and lasting benefits to the people of Georgia and her neighboring States.”⁸⁴

The next year, 1901, the Georgia General Assembly authorized that their consent be “hereby given to the acquisition by the United States by purchase or gift, or by condemnation according to law, of such lands in the mountain region of Georgia as in the opinion of the Federal government may be needed for the establishment of such a National Forest Reserve in that region.”⁸⁵ The vote on December 13, 1901 was unanimous, 25-0 in favor of passage. Not only was Georgia willing to sell mountain lands, but it was openly advocating condemnation proceedings to achieve such ends. That same year, North Carolina, South Carolina, Tennessee, and Alabama passed similar legislation. Georgia and the South had led the way, opening up their mountain treasures to federal management. It was now up to Washington to act.

⁸⁴ 1901 Georgia House Journal, page 1066; 1901 Georgia Senate Journal, page 702.

⁸⁵ Georgia General Assembly, Lands For National Forest Reserve, Law Number 412 (1901): 84-85.

CHAPTER 2

A MAN AND A MOVEMENT REACH MATURITY

Although he did not marry Julia Bell Tate until 1914 – almost two years after his most consequential land sale to the federal government – one cannot understand the magnitude of Gennett’s influence in Georgia without an adequate rendering of the Tate family history. After all, Julia’s father, Farish Carter Tate, was United States District Attorney for the northern district of Georgia during Gennett’s first two land sales to the USFS. It was before this court that Andrew would flesh out his various title disputes with north Georgia mountaineers. Despite the fact that he did not yet know Julia in 1911 – he met her as a result of his experiences arguing in court before her father – his connections to the Tates ensured he was well-known in north Georgia for the remainder of his life, a fact that bade well for Gennett Lumber Company.

If the Tates were the epitome of the Old South – landed and politically connected – the Gennetts were the embodiment of the New, a rags-to-riches story that Horatio Alger could identify with. Andrew might be compared to William Faulkner’s character Flem Snopes in *The Hamlet* (1940) – not necessarily due to any “soulless machinations” with the local upcountry yeomanry – but in his detachment from the Old South myth and all its baggage and distractions. He could be characterized, as Richard Grey did Flem Snopes, as a “seamless capitalist,” relying on “logic: that unswerving ability to strip things down to their essentials.”⁸⁶ Time and again in his memoir, Andrew refers to his superior business logic and detachment from emotion and

⁸⁶ Richard Grey, *The Life of William Faulkner* (Oxford: Blackwell Publishers, 1994), 270, quoted in James C. Cobb, *Away Down South: A History of Southern Identity* (Oxford: Oxford University Press, 2005), 143.

tradition as reasons for his success. There is no doubt this was passed down from his family's mercantile experiences in the nineteenth-century South.

Edwin Andrew Gennett was born to Andrew Gennett III and Violetta Weems Gennett on December 12, 1874 in Nashville, Tennessee, in what he called a "little red brick cottage" which had been built by his father after marriage. It stood near present-day downtown Nashville, on the same lot which his grandfather had built a two-story brick home in 1856.⁸⁷ Gennett's grandfather, Andrew Gennett II, was born in Borzonasca, Italy in the early 1800s. He immigrated to the United States in his late teens or early twenties, on or about 1830, finding his way to Nashville "penniless and a stranger in the community."⁸⁸ Family lore passed down that, though poor and uneducated, Andrew's grandfather had quite the business acumen. He opened a wholesale and retail grocery store on Second Avenue in downtown Nashville, quickly becoming one of the leading merchants in the city. In fact, he was successful enough to have left an estate worth between \$50,000 and \$60,000 at his death in 1856, a very substantial sum at that time.⁸⁹

After his grandfather's death, the business of Gennett and Company was taken on by Andrew's uncle and his grandmother, who continued to operate the store throughout the Civil War. Of Andrew's father and four uncles, only his uncle James saw military service in the Confederacy, serving as the commander of a steamboat on the Cumberland River. After the capture of Fort Donelson on the Cumberland River in 1862, however, no Gennetts remained in uniform. Andrew's father suffered from chronic dyspepsia and a hernia and was deemed too sickly to serve.

⁸⁷ Gennett memoir, 1.

⁸⁸ *Ibid.*, 18.

⁸⁹ Based on a "standard of living" calculator, or purchasing power, this is the equivalent of \$1.7 million in 2013 dollars. Based on "economic status" or, how you fared compared to your peers, it would be worth closer to \$22 million in 2013 dollars.

Toward the end of the war, Andrew's father struck out on his own, shipping cotton and other goods along the Chattahoochee River near Columbus, Georgia. According to family lore, Andrew Gennett III had made a considerable fortune by twenty years of age, only to see all of his money invested in one cotton shipment sink in the Chattahoochee on a steamboat enroute to Apalachicola, Florida. Returning to Nashville, Andrew's father and his uncle Robert took over the family grocery operation and turned it into "one of the leading business houses of the city."⁹⁰ Many of Andrew's uncles, in fact most of the family, were involved in some sort of commercial or mercantile enterprise. As it was all they knew growing up, this entrepreneurial spirit no doubt set the stage for Andrew and Nat's future business ventures.

By all accounts Andrew and his brother Nat had an upper middle-class upbringing. Andrew remembers well having many "aunts", most likely black women employed by his parents to help his mother – who he remembered as a "very happy and enthusiastic housewife" – tend house and raise her children.⁹¹ Both he and his brother attended Montgomery-Bell Academy in Nashville – a prestigious private school then and now – that taught the boys "all the new progressive ideas of the day," including lectures on morality and hygiene. As a boy, Andrew was greatly intrigued by adventure stories and novels, especially those of Horatio Alger, Jr. of *Rags to Riches* fame, and Edward S. Ellis, author of the *Deerfoot* novels and other adventure stories popular among young boys. For a couple of southern boys in the late 1800s the boys were also well traveled.⁹²

On a train bound for New Orleans in 1882 to visit the Cotton States Exposition, Andrew witnessed a new country in northern Alabama where the "yellow pine grew plentifully."⁹³

⁹⁰ Gennett memoir, 19.

⁹¹ *Ibid.*, 1.

⁹² *Ibid.*, 7.

⁹³ *Ibid.*, 11.

Although the Gennett boys were city bred, as soon as school ended they left their urban environs for the country, traveling by steamboat forty miles outside of Nashville to their mother's old home place on Barton's Creek, where they became what Andrew termed "one-gallus country boys for the remainder of the summer."⁹⁴ Because of this, the boys got to experience both city and country life at a time when most Tennesseans lived in rural communities. This despite the fact that Andrew's father was about "as lonely and lost as a country boy would be on Broadway in New York." It was his mother's family that was still engaged in tobacco and corn farming, and they had suffered greatly since the Civil War.⁹⁵

While he could not have known it at the time, many of his experiences as a young man – his family's commercial enterprises, his early literary interests, and his boyhood travels through the countryside and to his family's homestead in the hills east of Nashville – would mold and form his business endeavors in later years. His time with his mother's people would also serve him well in dealings with his employees, the majority of whom hailed from the same social class and geographical locales. He also had his first taste of northern grace and manners, or lack thereof. One of his mother's kin who had come to visit the family in Nashville, Miss Thackray of Pittsburgh, had perhaps too much "northern thrift, ambition, and alertness of mind, as well as cultural knowledge," for Andrew, and she was thoroughly disgusted with their backwoods family.⁹⁶ In turn, Andrew expressed disgust at her aloofness, noting that a considerable amount of brains and ambition had emanated from his stock, as their commercial successes attested to.

The family grocery business continued, in one form or another until 1891, when Andrew's father lost his health. His uncle Henry pressured Andrew, then only seventeen years of age and freshly graduated from Montgomery-Bell Academy, to buy out his share and take on

⁹⁴ Ibid., 29.

⁹⁵ Ibid., 33.

⁹⁶ Ibid., 41.

the business alone. Andrew soon found that he was in over his head, or, as he put it: “I had assumed a burden that was heavier than I could bear, having had no experience whatever in any kind of business.”⁹⁷ After eighteen months he had had enough.

In order to protect the interest of his mother and brother and save some of the money invested in the company, Andrew liquidated all the assets, closed the business, and rented the storefront. Following his first failed attempt at business, Gennett moved to New Orleans for several years in what appeared to be a case of aimless wandering. There he held a number of odd jobs, none of which paid his living expenses. Additionally, “social life in New Orleans,” he wrote, “was entirely too pleasant for me to buckle down to real work,” resulting in his return to Nashville in 1898.⁹⁸

However, Andrew’s time in New Orleans was not a complete waste. He spent his last year there studying at Tulane University’s law school. This evidently sparked an interest in the young man, for upon his return to Nashville in 1898, he enrolled at Lebanon Law School, graduating and passing the bar in 1899. Gennett opened his own practice in Nashville the same year, and spent the next two years doing “very little to give me occupation except the routine of real estate title examination and the closing of real estate transactions.”⁹⁹ He could not have known it at the time, but real estate title examination was the most fruitful legal subject he could have mastered. On the eve of his entry into the lumber business, Andrew had no idea what lay in store for him over the next forty years. However, his training as a lawyer and a merchant, as well as his love of the outdoors and detachment from the commercial mores of his father’s South, prepared him well for his upcoming adventures.

⁹⁷ Ibid., 21.

⁹⁸ Ibid., 43.

⁹⁹ Ibid.

Julia Tate Gennett was only six years old the year Andrew graduated from law school in Nashville, but she already had a head start on her future husband. Born at Jasper, Georgia in Pickens County in 1893 to Farish Carter Tate and Julia Bell Tate, she hailed from one of north Georgia's leading families. Growing up in the grand Tate home in Jasper, "of the old colonial style and beautifully decorated," Julia experienced more of a patrician life than Andrew.¹⁰⁰ Gennett liked to boast that his wife's Daughters of the American Revolution badge contained eight bars, and that her great-grandmother was Mary Byrd of the famous Virginia family. But her southern Confederate bona fides were no less impressive. Farish's grandfather, Captain Samuel Tate, born in 1797, was one of the first white settlers in the Cherokee lands of north Georgia, and both he and his son led Georgia troops during the Civil War. Farish's cousin, Colonel Samuel Tate, was the co-founder of the Georgia Marble Company which later supplied the marble to build the New York Stock Exchange annex and the statue in the Lincoln Memorial. Farish continued the family propensity for success.¹⁰¹

Six months before Julia's birth in 1893, Farish Carter Tate – already a prominent figure in Georgia's Democratic party – was elected to the U.S. House of Representatives to serve the Ninth Congressional District. Having graduated from the University of Georgia Law School in 1880, he had spent twelve years making a name for himself in the state House and Senate. In his capacity as Chairman of the Judiciary and Railroad Committee in the Georgia legislature, he was instrumental in putting through the Atlanta, Knoxville, and Northern Railroad, thus opening up the north Georgia mountain territory for economic and residential development.¹⁰² Farish

¹⁰⁰ "The Tate-Gennett Wedding Was a Bright Occasion," *Atlanta Constitution*, June 14, 1914.

¹⁰¹ Mimi Jo Butler, "Marble," *New Georgia Encyclopedia*, <http://www.georgiaencyclopedia.org/articles/science-medicine/marble>, accessed November 12, 2013.

¹⁰² See Eller, *Miners, Millhands, and Mountaineers*, 100. This railroad was the successor to the Marietta and North Georgia Railway which had gone into receivership in 1891. The railroad eventually stretched from Marietta, Georgia to Murphy, North Carolina in the early 1900s; Allen D. Candler and Clement A.

would serve five more terms as a congressman, losing in 1904 to Thomas Montgomery Bell, a cousin of his wife Julia Bell Tate.¹⁰³

After his congressional defeat that year, President Theodore Roosevelt sent for Tate, asking him, “Carter, you are a man of good executive ability and absolute integrity, and the sort of man we want to keep in public life. What position can I give you?”¹⁰⁴ The two had previously worked together from 1897-1898, while Tate was a member of the Naval Committee in Congress, and Roosevelt was Assistant Secretary of the Navy. After some consideration, Carter, an ardent southern Democrat, was appointed by a Republican president to serve as United States District Attorney for the northern district of Georgia, a position he held until 1913. Tate’s work opening up the north Georgia mountains for development, and his relationship with President Roosevelt, would provide far-reaching benefits to Andrew and Julia Gennett for the duration of their lives.

On Julia’s mother’s side her grandfather was Hiram Parks Bell, a state representative before the Civil War, a delegate to the secession convention, and Colonel of the 43rd Georgia Regiment during the war. After the war, Bell too served Georgia in Congress, representing Farish Carter Tate’s same Ninth District for four years in the 1870s. Julia’s mother’s side also included several prominent lawyers and judges in both Municipal and Superior courts in Atlanta and north Georgia. Andrew recalls being quite proud of joining such a distinguished family, acknowledging, however, that his “training and temperament . . . was so totally different from that of the Tates,” and that all he had to recommend him was “a lot of energy and industry, and

Evans, eds., *Georgia: Comprising Sketches of Counties, Towns, Events, Institutions, and Persons, Arranged in Cyclopedic Form, Volume III* (Atlanta: State Historical Association, 1906), 413.

¹⁰³ Bell, a cousin of Julia’s on her mom’s side, served in the House from 1905-1931 and was House Majority WHIP from 1913-1915.

¹⁰⁴ Gennett memoir, 215. This was evidently a part of the oral tradition of the Tate family passed down from Farish Carter Tate to his son-in-law Andrew Gennett. Gennett relays it in quotations in his memoir.

some experience and success in business.”¹⁰⁵ Julia’s father was a “generous host and an expansive and open handed man,” always a lavish provider with a very broad interest who once told one of his clients that he was “no damn little book-keeper.” Conversely, Gennett characterized himself as a scrupulous accountant of every cent, who ran his business and his life with a “careful, detailed, and close accounting,” once bragging in his memoir that he had held his own while bargaining with the “chosen son of Abraham,” a Jewish merchant in Asheville.¹⁰⁶ Gennett’s penchant for frugality did not make for excessive generosity or lavish living, and Gennett worried about the approval of his wife’s family.

In fact, contrasting Gennett with the Tates provides a perfect example of the stark difference between the *laissez-faire* sensibilities of the Old South, both financially and socially, and the devotion to the gospel of work and materialism of the New South’s commercial elite. A changing of the guard was under way around the turn of the century, and men like Gennett would populate the new country clubs, run the Chambers of Commerce, and work to change the fabric of southern life. Colonel Tate, as Gennett called him, was like many historical and literary examples of the Old Guard, a man who “dealt largely and broadly, and to whom details were unnecessary and distasteful.”¹⁰⁷ His worries about familial acceptance were well-founded, as Gennett was not raised in the old tradition and did not pretend to be able to don the Tate coat of arms. However, marrying his business instincts with the Tates’ political connections would prove to be the perfect recipe for commercial success as change swept over the South in the new century.

Andrew Gennett described the nine years from 1902 to 1911 as a period of “struggle and stress for myself and my brother.” The Gennett brothers started their new timber company

¹⁰⁵ Ibid., 216.

¹⁰⁶ Ibid., 217.

¹⁰⁷ Ibid., 218.

during a time of great change and uncertainty. We approached our affairs,” Andrew remembered, “with the energy of a steam engine and the alertness and readiness of a cat on a hot stove.”¹⁰⁸ Scholars have portrayed the land grabbers in Appalachia as shady characters, their methods underhanded and exploitative. Gennett conceded that, in his experience, “when a young company is struggling to get ahead, to gain success and a foothold, it is much more prone to struggle harder, to be more industrious and perhaps more unscrupulous than it usually is after it gets old and established.”¹⁰⁹ Was he referring to his own practices at the helm of Gennett Lumber Company? Did Gennett fit the mold of the menacing and unethical timber baron represented in so many historical narratives?¹¹⁰ Success in a new venture is notoriously hard, especially considering the Gennetts lack of experience in the lumber business. Additionally, Andrew’s health had been on the decline for some time and he was certain that work out of doors would provide the cure. Gaining the foothold Gennett referred to was worth more than just money; it was worth his life. His journey would start in May, 1902, in “the roughest country in America,” as Gennett called it, at the mouth of Panther Creek just below Tallulah Falls in Habersham County, Georgia.¹¹¹

Taking into account their ignorance of the industry, it seems silly, even foolish, that the Gennett brothers would strike out and start their own timber business in 1902. It is, perhaps, one of the reasons their story is so remarkable and so emblematic of the entrepreneurial spirit of the modernizing South at the turn of the twentieth century. By his own admission, Andrew and his

¹⁰⁸ Ibid., 148, both quotes.

¹⁰⁹ Ibid.

¹¹⁰ Brown, *Wild East*, 58-59. Brown says that historians have characterized timber operators as the “worst kind of robber baron” although she does mention two by name who appeared interested in scientific forestry. By this acknowledgement, she does more than most historians before her to provide a balanced account, but she does not mention Gennett or his company even though he was working mills very close to some of her other subjects in North Carolina, Tennessee, and Georgia.

¹¹¹ Gennett memoir, 48.

brother Nat knew absolutely nothing about trees, or the business of acquiring, cutting, and selling them, prior to their first adventure into the woods in search of timber in 1902. That first foray took them from Nashville to upstate South Carolina. Beginning in 1902, the Gennett brothers, along with their mother, would live in Madison, South Carolina until moving to Clayton, Georgia in 1906. Eighteen months later they moved to Franklin, North Carolina, where they would remain until 1920. Even while at Madison and Franklin, most of their business was across the Chattooga River in Rabun and Habersham counties in Georgia.¹¹²

The Gennetts initially considered a stand of timber on the Keowee River near Jocassee, South Carolina. However, after much haggling with the property owners in Asheville, they ultimately decided that they could not make the titles stand up to legal scrutiny. Title work was something Andrew did know more than a little about. As it turned out, Andrew's training as a lawyer and his subsequent work in real estate title examination were put to good use early in his timber career.¹¹³ They returned to Nashville empty-handed.

The Jocassee land however, was by no means the only timber for sale. By Gennett's remembrance, "timber purchases were frequently being made all over the Appalachian mountains," and many very experienced lumbermen were making large purchases and making "complete failures of their enterprises," including the Benedict-Love Lumber Company, a large and well-respected firm based in Nashville.¹¹⁴ It may have been their youthful exuberance that prevented discouragement, as it was not long before the brothers were boarding a train from Nashville for Toccoa, Georgia where they hired a carriage to take them through Stephens County

¹¹² Even after moving much of his logging operations to North Carolina, most of Gennett's employees and much of his land was still in north Georgia.

¹¹³ Gennett memoir, 48.

¹¹⁴ *Ibid.*, 50. A.B. Benedict and John Love were the principals in the Benedict-Love Company. They owned large tracts of timberlands in the Carolinas. Additionally, Benedict owned a hardwood lumber company in Nashville, Tennessee from 1880 until his death in 1911. See Obituary, "A.B. Benedict," *The Lumber Trade Journal* 59, no. 1 (January 15, 1911): 45A.

to Habersham County to examine a tract of timber in Bear Cove near Tallulah Falls. Even through inexperienced eyes, Gennett estimated the take at 400,000 to 500,000 board feet of “fine poplar” at a sale price of \$52,500. One tree measured over seven feet across the stump.¹¹⁵ According to Andrew, “I was carried away with what I had seen; and we arranged immediately to buy the timber and operate it.”¹¹⁶ It seemed to Gennett that he could make \$20 per thousand board feet, or approximately \$10,000 on the timber “within two or three years, regain my health, and renew my law practice in a dilettante sort of way.”¹¹⁷ His attitude indicates that his intentions were more synonymous with a get-rich-quick scheme than a long-term dedication to a career in the lumber industry. In any case, they had entered the fray with “both eyes closed and my mouth open,” Andrew wrote, “with the complete appearance of a perfect sucker.”¹¹⁸

The \$10,000 profit did not come as easily as Andrew expected. In fact, Andrew remembers having “never worked harder or faster in my life than I did after we had picked out our sawmill site and had gotten the mill started and the boom in the process of building.”¹¹⁹ The Gennett’s contract with the timber owners required that every single poplar tree be inspected before cutting, and there were over 20,000 poplars. Andrew wanted to make sure that the trees were of the caliber claimed by the sellers. Because of this, he tackled the most arduous tasks of hunting the marked trees and verifying their quality himself, all the while coordinating to buy a sawmill and work out title defects with the owners of the timber, most of whom lived in Atlanta. It was here that Andrew’s “love for the woods and for the examination of timber first began,

¹¹⁵ Gennett memoir, 49.

¹¹⁶ Ibid., 50. Operate means “cut” it.

¹¹⁷ Ibid.

¹¹⁸ Ibid.

¹¹⁹ Ibid., 51. After the timber purchase, the Gennetts decided to buy a sawmill and saw the wood themselves rather than send it off to be sawed at another mill.

learning the timber, its size, its quality, and the way it grew” along the way.¹²⁰ Within the industry, he would become well-known as a sharp trader with a keen eye for quality. This earned him respect from many of the mountaineers, as the histories of Appalachia are littered with examples of hard-bargaining traders.¹²¹

Before the winter rain and snow shut down their operations for the year, the Gennetts had made about \$10,000 on 660,000 board feet of lumber, a respectable number for their first batch of timber. More importantly for the future of the Gennett Lumber Company, Andrew had learned a valuable lesson about title discrepancies in the southern Appalachians, namely that they were rarely free from defects or challenges. Several of Gennett’s land sales to the federal government that will be fully explored later involved significant outlays of time, work, and capital in the course of clearing titles. His early work in 1902 would have far-reaching consequences for both Gennett’s company and the future of United States Forest Service (USFS) land acquisitions.¹²² However, the financial risks associated with land purchases in the southern mountains that Andrew undertook early in his career seemed less of a concern when compared to the physical risks attendant to his new profession.

The dangers Gennett encountered in the lumbering industry were very real and they came early and often, both due to the nature of the work involved and the nature and character of his workers. Logging in the mountains was much more dangerous and difficult than logging the pine flats of the low country of south Georgia, South Carolina, or north Florida for example. In

¹²⁰ Ibid., 53-58, quote on 54.

¹²¹ Newfont, *Blue Ridge Commons*, 71-96; Eller, *Miners, Millhands, and Mountaineers*, Chapters 2-3; Davis, *Where There are Mountains*, 171-78.

¹²² For a thorough treatment see Farris W. Cadle, *Georgia Land Surveying History and Law* (Athens: University of Georgia Press, 1991). Cadle’s book primarily addresses the history of the Georgia land lotteries in the early nineteenth century, but also delves into the legal minutia regarding land distribution in the early years after Georgia’s settlement. While it does not specifically address north Georgia in detail, it sheds light on why land titles were often imperfect more generally.

the mountains, getting the trees to the mill site where they could be turned into a merchantable product proved to be the most difficult part of the logging operation. The further the timber from the river or from a logging trail, the more dangerous and costly the operation. Where possible, whole trees were simply rolled downhill to the river, destroying the smaller saplings and plant growth in their path. Where this was not possible, teams of oxen, mules, horses, or even workers, carted the logs to the river. Loggers would then create what were known as splash dams to move the logs downstream. Splash dams were dams built at strategic points along the river to create large reservoirs for storing logs. Once the level of the river rose high enough, due to the backup from the dam or to flooding from winter rains, the water was released by a trap door or by dynamite, and the logs were carried downstream to the mill site where they were collected and brought ashore.¹²³

On his first run of logs on a snowy, cold, black night in February 1902, Andrew experienced first-hand the danger that logging in the mountains could bring. In an attempt to break a log jam at their splash dam on the Chattooga River, Gennett failed to make it to shore, running over the logs as they broke loose. He was swept downstream under the icy water, where he was saved only by grabbing hold of the safety rope tied to the bank as he went past. After being pulled out by one of his rivermen, he felt “none the worse on account of my accident.” It probably helped that his mother, who was living with them at the time in Madison, South Carolina, had “blankets and a hot toddy all ready for his arrival home,” and Robert, “the colored man, rubbed him down with towels.”¹²⁴ Nat also fell in the swift waters of the Chattooga that winter, but he was able to swim ashore without incident. Andrew was getting all he wanted of the fresh air, rigor, and the hazards associated with outdoor work in the mountains, and the

¹²³ Michael Frome, *Strangers in High Places: The Story of the Great Smoky Mountains* (New York: Doubleday & Co., 1966), 168-69.

¹²⁴ Gennett memoir, 60.

excitement rejuvenated his spirit. But it was not only the natural world that presented him with dangers and challenges. The Gennetts had begun to hire dozens of local men, all of whom, while very competent, were of a character and comportment that left much to be desired.¹²⁵

Historians often depict loggers as the “worst kind of robber baron,” rapacious individuals that wrought not just environmental destruction, but social and economic carnage on local Appalachian communities and workers.¹²⁶ Many, older accounts of the region depict the region as something like a pre-industrial society, its members content to remain self-sufficient farmers as opposed to taking jobs with the new timber companies. Consistent with this storyline, Ronald Lewis claims, that, at least in West Virginia, most timber companies brought in their experienced loggers and sawyers from their camps in the Northeast or Midwest.¹²⁷ In the case of the Gennett Lumber Company however, neither of these commonly accepted narratives are true.

From the start of his logging operations in Oconee County, South Carolina and Rabun and Habersham counties in Georgia, Gennett hired local men for sawing, cruising timber, and working the mills. In his memoir, Gennett painted differing pictures of the local mountain population with which he came into contact. These recollections range from disdain and condescension, to curiosity, to affection and admiration. His first camp foreman, Phil Lovin of Graham County, North Carolina, came from a family well-known for their knowledge of the woods. It was with Phil that Andrew gained “most of the knowledge [he] had of the woods and woods experience.” Gennett became so fond of Phil and his wife Louisa, who was the camp cook, that nearly forty years later they remained friends.¹²⁸

¹²⁵ Ibid., 61.

¹²⁶ Frome, *Strangers in High Places*; Eller, *Miners, Millhands, and Mountaineers*; Johnson and Govatski, *Forests for the People*. For a more balanced approach, at least a few pages of it, see Brown, *Wild East*, 58.

¹²⁷ Lewis, *Transforming the Appalachian Countryside*. 45-80.

¹²⁸ Alger, *Sound Wormy*, Afterword, 200.

As for many of his other employees, maybe it was best that Andrew saw them only at work. Of the nearly two hundred people employed by Gennett Lumber Company in South Carolina and Georgia in 1903 and 1904, all but “a half dozen were either dodging the law or had just finished serving a sentence,” Andrew claimed.¹²⁹ Most of them were guilty only of selling ‘shine, as they called it, but several had killed men, and a few had killed as many as four men. So far as Gennett knew, none of the killers had ever been arraigned in a court of law.¹³⁰

Although Andrew had grown up visiting his mother’s family in the hills outside of Nashville, Tennessee, he had likely not been privy to the type of community he found in Rabun and Habersham counties between 1902 and 1908. Gennett described Rabun County as “one of the most rugged and picturesque counties on the south side of the Blue Ridge.” It was perhaps its rugged location that led not just to a tolerance of, but the encouragement of, the manufacture and sale of moonshine.¹³¹ Andrew did not mind if his employees bought corn liquor in town, but when he found two bootleggers selling moonshine to his employees at work on the river mill, he became furious. He composed himself, however, and calmly explained to the men the dangers inherent in consuming ‘shine while running a steam boiler for a mill.¹³² They understood, and he was never again bothered by bootleggers, at least not while his men were on the job. These incidents contributed to Andrew’s sometimes negative perceptions of mountaineers in Rabun County. He thought that, while some of the people came from good blood and good ancestors,

¹²⁹ Gennett memoir, 62.

¹³⁰ Ibid. Alternative names for moonshine included, “shine,” “white lightning,” or “mountain dew,” among others.

¹³¹ For a thorough treatment of moonshining in Appalachia see Bruce Stewart, *Moonshiners and Prohibitionists: The Battle over Alcohol in Southern Appalachia* (Lexington: University Press of Kentucky, 2011). An analysis of arrest records in the *Atlanta Constitution* supports Gennett’s recollections on the prevalence of moonshining in Rabun County. Gennett thought that prohibition was a good thing, albeit on a local level. His Democratic principles would not allow him to believe that the federal government should be able to force localities to implement prohibition.

¹³² Gennett memoir, 80.

most had become “poverty-stricken, poorly educated, and more or less lawless.”¹³³ Rather than looking for education, most were running from the law.

At times Andrew became frustrated by other aspects of the mountain culture, once recalling a business deal with a mountain man where “it became necessary to deal with mountain people as if they were children, explaining everything with the utmost care and patience to them.” In another incident near John Teague Gap on the Chattooga River east of Clayton, Andrew remembers meeting Mr. Billingsley, the patriarch of a family known for having killed a revenue officer. As part of his larger land dealings in Rabun County, Andrew had purchased some trees to cut off Billingsley’s land, and they had quite an argument over whether Gennett had the right to cut them. It had been twenty-five years since Billingsley had sold the right to cut the trees from his land, and he thought they had been abandoned. Andrew had purchased that right from another timber operator and now was trying to carry out the contract. Andrew recommended they consult a lawyer. The old man told Gennett there was no need for a lawyer, that “his old shotgun was as good a lawyer as he wanted, and nobody was going to take the trees off his land.” Gennett allowed Billingsley to think it over for three weeks, after which time they reached a compromise. Gennett would employ Billingsley to cut and log his own marked timber and put it in the river for the company. It was in this way, Andrew recalled, “by patience and clear explanations, that I always found my dealings with the mountain people satisfactory.”¹³⁴

Although at times Gennett was somewhat condescending when speaking of his experiences with locals, overall, his personal and business contacts with them appear fair. Contrary to the picture one writer painted of locals who had their lands “stolen from them during the half-century holocaust of coal and timber extraction,” Gennett thought that most of his

¹³³ Ibid., 125.

¹³⁴ Ibid., 71,73.

purchases were “economically sound for the parties from whom I got the land.”¹³⁵ As he remembered, “most of them took the money down to the valley and bought smaller tracts of better land on which they could raise greater quantities of merchantable crops than they could raise on their rough mountain farms.”¹³⁶

In another instance, a farmer took the money Gennett gave him for his land in the mountains in Rabun County, and moved his family to Demorest, Georgia, where he sent his children to be educated at the new Piedmont College there, run by the noted theologian and educator John C. Campbell. The influx of cash in the mountains was not always good, however. The scarcity of hard currency drove some to violence. Immediately after Gennett paid one widow \$1000 for her land, a local man, attracted by her money, inveigled her into marriage. Her son promptly shot the man and was sent to the penitentiary for several years. Even Gennett acknowledged that “these economic changes brought both good and bad effects.”¹³⁷

Despite their rugged surroundings and sometimes inhospitable neighbors, the Gennetts found their time in northeast Georgia “wholly pleasant and very profitable.”¹³⁸ They had gone into the Chattooga River watershed in “complete ignorance of what they were undertaking,” with all their inheritance, some \$70,000 invested, and come out the other side with \$125,000.¹³⁹ They gave up “all thought of comfort and luxury and the amenities of social life . . . fighting both men and elements for three years,” Andrew remembered. It was a rare day, he continued, “that I did not spend on an old gray horse, and a rare night that I did not spend on some mountain in a cabin where one room housed an entire family.” He literally spent months at a time in the woods

¹³⁵ Chris Bolgiano, *Living in the Appalachian Forest: True Tales of Sustainable Forestry* (Mechanicsburg: Stackpole Books, 2002), 13; Second quote from Gennett memoir, 88.

¹³⁶ Gennett memoir, 88.

¹³⁷ *Ibid.*, 89.

¹³⁸ *Ibid.*, 128.

¹³⁹ *Ibid.*, 117.

counting trees and marking boundaries, where he nearly always stayed with families out in the backcountry. Almost invariably, these strangers welcomed him with a hot meal and a warm bed. In fact, owing to the numbers of free meals and free nights of lodging he had with them, Gennett became very fond of many of the mountaineers he came into contact with over the years. He recalled one story of two elderly sisters to whom he had just paid \$1600 for their land who “dropped everything” to kill a chicken and cook him a real supper – fried chicken, gravy, and hot biscuits.¹⁴⁰

Gennett even seemed to have good relations with the relatively few blacks that he employed. A black man by the name of Tyler served as his fireman and engineer at the mill, a well-paid position for anyone at that time.¹⁴¹ Andrew thought that many of the mountaineers were “filled with the philosophy that the white man must control the negro,” but so far as the Gennetts were concerned, that was an archaic philosophy that should have been abandoned after the Civil War. In their experience, “we found them [blacks] nearly as good and in some cases better than the trifling white men with whom we had to do business . . . we never had any trouble with the negro race and found them always loyal, hard-working characters.”¹⁴²

Unfortunately some of the mountain communities had, according to Andrew, “an aversion to negroes, being afraid that crews would be brought in to take their place at the mill and in the woods.”¹⁴³ In one particular instance, Gennett sent his best teamster, a black man

¹⁴⁰ Ibid., 88.

¹⁴¹ Joseph C. Kircher, “Memorandum for Division of Accounts and Disbursements,” USDA, Forest Service, Acquisition Examination Report, August 1, 1935. Out of perhaps 18-20 positions at a mill site or in the woods, only 2 or 3 were paid better than the engineer. Other than looking at wage receipts, an analysis of USFS purchase estimates gives us an idea of what each laborer was paid on a daily basis. In 1935 the engineer on this site was paid \$4 per day. Only the foreman, the sawyer, and the filer were paid more (\$5 per day). This appraisal was for land owned by Gennett Lumber Company and was the land that would eventually become the Joyce Kilmer Memorial Forest.

¹⁴² Gennett memoir, 121.

¹⁴³ Ibid.

named Tom Nelson, to haul out a stack of logs on Tessentee Creek near Franklin, North Carolina. A group of drunken white boys surrounded the house where Tom was staying with Annie Conley, a white employee of Gennett who lived near where the logs were stacked, and threatened to hang Tom. Conley opened the door, showed the boys her shotgun, and dared them to come inside. The bluff worked, and the boys disbanded. After one week of showing his skill in working the mountainsides hauling logs, Tom Nelson had become “one of the best liked men” in the area.¹⁴⁴ Andrew recognized that racial tensions still existed in the mountains, but his overall experience was positive, both between himself and his workers, and the workers themselves. How mountaineers were viewed outside of Appalachia was not as pleasant, however.

Evidently, Andrew was aware of the animosity toward mountain whites that had developed among the piedmont and low country townspeople as a result of the outmigration of mountaineers to the textile mills of the piedmont. To this end, Gennett felt the need to defend the mountaineers, remarking, “We have found the white laborers in the edge of the mountains who have always borne a bad name as workmen sufficiently satisfactory employees, and certainly I would have nothing to say against the white mountain labor, so much of which has gone to the cotton mills and which has always borne a rather poor reputation for energy and thrift.”¹⁴⁵ A few incidents notwithstanding, the fact that blacks and whites worked in relative harmony together on Gennett’s logging crews is a marked difference between the racial tensions representative of the cotton mills of the Piedmont. Further, Gennett’s thoughts on the character of his mountain labor stand in stark contrast to traditional attitudes held by lowland townspeople

¹⁴⁴ Ibid. A teamster was the man in charge of a team of horses that hauled logs down the sides of the mountain to the mill sites below.

¹⁴⁵ Ibid.

described in David Carlton's book on South Carolina mill towns.¹⁴⁶ What must be said on behalf of the mountaineers, however, is that, being employed in the lumber industry meant that they were both living and working in their home environment of Appalachia as opposed to being transplanted to the cotton mill country of the piedmont.

Although he may have been the exception to the rule, it appears that Andrew Gennett does not fit the mold of the villainous capitalist so often portrayed by Appalachian and environmental historians. Perhaps this was because Gennett did follow general land purchasing practices that are well-documented by scholars. That is, Gennett used local elites, those who knew the most about the area, to find land to purchase. Historian Edward Ayers has observed that towns like Clayton, Ellijay, Dahlonega, and other north Georgia mountain communities, "displayed the men on the make so characteristic of the New South." Ayers found that:

The great industrialists of the North did not merely land in an undifferentiated and passive region to buy up land and mineral rights from ignorant farmers; they received essential help from local entrepreneurs. It was the natives who knew where the best land, and best price, could be found . . . natives who showed the visitors from Philadelphia or New York or Chicago (or Roanoke or Atlanta or Birmingham for that matter) around the area.¹⁴⁷

Although Gennett was not from the North, he was from Nashville, and perhaps almost as ignorant of Georgia's Appalachia as a visitor from New York. He bought much of his land by canvassing the mountains himself. When that failed him, he used locals to guide him. Gennett made fast friends with these local elites, having bought enough tracts of timber from Tom

¹⁴⁶ David L. Carlton, *Mill and Town in South Carolina, 1880-1920* (Baton Rouge: Louisiana State University Press, 1982), 148-49.

¹⁴⁷ Edward L. Ayers, *The Promise of the New South: Life After Reconstruction* (Oxford: Oxford University Press, 1992), 117-18; Eller, *Miners, Millhands, and Mountaineers*, 63-4. According to Eller, much of the Appalachian timberland was absentee owned. Both Eller and Ayers use primarily West Virginia and Kentucky in their studies, but Gennett used local connections in the same way. He also paid cash in the same way that Ayers and Eller describe. As we have seen earlier, this was hard for some mountaineers to resist.

Ritchie of Rabun Gap to operate fifteen sawmills from 1905-1906. Ritchie was a horse and cattle trader, and the “most active man I ever saw in my life,” Andrew recalled.¹⁴⁸ Between the Ritchies and the Nicholsons, another prominent Rabun County family that had owned land near the Chattooga River since the late 1700s, Gennett had little trouble discovering land to buy.¹⁴⁹ Contrary to the accepted historical narrative, however, local residents were not ignorant of these land dealers among them. W.B. Townsend, the colorful editor of the *Dahlongega Nugget*, expressed delight in 1903 that, “the timber deal between the United States Leather Company and Anderson, Jones, and Tate has been closed.”¹⁵⁰ U.S. Leather was out of Ridgeway, Pennsylvania. Townsend reported again in 1907, that “Col. Lilly and Mr. Ritchie spent several days out in Cherokee and other counties recently, where they are still buying up timber lands.”¹⁵¹ Townsend, who was cautiously optimistic at the economic progress that mining and timber interests could bring to his beloved hometown, likely relayed this activity as a kind of alert to locals. Judging by the tone of his reporting, Ritchie and Lilly were well-known in the area for their dealings in land.¹⁵²

Like other timber barons of his day, Gennett made use of the local middle class to help him find land to buy, but how did Gennett get the money to buy all this land? We know that their father left the Gennett brothers nearly \$70,000, but they would need much more capital than

¹⁴⁸ Gennett memoir, 117.

¹⁴⁹ For a history of local families see Ritchie, *Sketches of Rabun County History*, 110-205.

¹⁵⁰ W.B. Townsend, *Dahlongega Nugget*, August 27, 1903, quoted in Andrew W. Cain, *History of Lumpkin County For the First Hundred Years: 1832-1932* (Spartanburg: The Reprint Company, Publishers, 1978), 369.

¹⁵¹ W.B. Townsend, *Dahlongega Nugget*, December 13, 1907. Townsend is of no relation to the timber baron. Col. Lilly was a prominent citizen in Lumpkin County, Georgia. Cherokee county is just south of Lumpkin and Jasper counties, in the foothills of the southern Appalachians.

¹⁵² W.B. Townsend, *Observations from a Peak in Lumpkin County*, compiled by A.F. Dean, edited by Deborah Smith (n.p.: Chestatee Regional Library System, 2011), foreword by Wayne Knuckles. Because he set the type by hand as he composed the paper, the number of copies he could churn out was limited to 2000. A subscription waiting list was created due to its popularity. It was said the only way to get a subscription was to wait for someone on the list to die. It was a popular paper both inside the mountains and without.

that if they wanted to become substantial timber operators. Following the money trail shows us that Gennett was not beholden to northern capital as is often assumed by Eller, Ayers, and other historians. An analysis of the company's accounting records and bank notes reveals that Gennett did not stray far from his base of operations for funding. On occasion, Andrew solicited private equity for timber or land purchases, but this was not his preferred method of financing. The majority of Gennett's operations in north Georgia were financed by local banks in either Clayton or Toccoa. His subsequent, larger logging operations, especially those in North Carolina, were financed through Wachovia National Bank in Asheville.¹⁵³ Gennett's sources of funding – like his background, his relations with his employees, and, for the most part, his timber purchases – set him apart from the typical robber baron presented in most historical narratives. Whether he was unique among his peers, and whether historians have been correct in casting the rest of the lot as they have, is a question that awaits further research.

In sum, Gennett's tale is simultaneously indicative and contradictory of the New South entrepreneur. His account defies generalization and, as such, "conveys some of the complexity of experience in the New South."¹⁵⁴ Taken alone, Gennett's financial, legal, and social experiences buying land and sawing lumber adds to the richness of the historical narrative. Taken in context, it provides a counter-narrative for historians of turn-of-the-century Appalachia. However, it was not simply as a lumber mill operator that Gennett would make his most profound impact on the South's historical map. That impact would come as a result of a chance encounter with a timber speculator in a boarding house on the Georgia-South Carolina border in 1905, a meeting that would change his business and his life forever.

¹⁵³ Gennett Lumber Company Records, David M. Rubenstein Rare Book & Manuscript Library, Duke University.

¹⁵⁴ Ayers, *Promise of the New South*, ix.

Early in 1905, Gennett had been actively engaged in trying to buy a stand of timber in Oconee County, South Carolina in the Chattooga River watershed for \$2.00 an acre, a price he thought almost too high due to the scarcity of merchantable timber on this particular tract. To his surprise, a fellow timber man he knew in passing, Mr. C.H. Rexford, came in and bought the land out from under him for \$2.50 an acre. Gennett asked Rexford, “how in the world can you pay \$2.50 an acre for that land when there is not enough timber on it to repay you your money if you saw it into lumber?” Rexford replied, “Gennett, are you in the sawmill business?” Gennett said “yes.” “Have you made any money on it,” Rexford retorted? “A little,” replied Gennett. Then, started Rexford, “you must be a smarter man than I am, because I lost \$30,000 trying to sawmill . . . and I have never tried it since.” “But,” he continued, “I can buy this mountain land aggregated into tracts of from ten to thirty thousand acres and always find a speculative purchaser who will take it off my hands at a profit.” This was enough to keep Gennett up all night. Rexford’s suggestions had “gone too deep into my consciousness,” remembered Andrew.¹⁵⁵

Gennett wasted little time. After a brief meeting with his friend and Toccoa National Bank president Mr. Hagrett, Gennett filled his valise with \$30,000 of loaned cash, and met the owners of several tracts of land at a local boarding house in the presence of the Rabun County notary public, Bales Nicholson.¹⁵⁶ As the landowners were “ignorant mountaineers who knew nothing of checks,” Andrew paid each owner out of the \$30,000 he carried around town in his satchel.¹⁵⁷ By his recollection, Andrew purchased 20,000 acres in this transaction, at an average

¹⁵⁵ Gennett memoir, 86.

¹⁵⁶ Nicholson was a prominent member of the local community. His name was probably spelled Balus, but Gennett spells it Bales. See Ritchie, *Sketches of Rabun County History*, 121. Although he does not specify here, based on his other land purchases we can assume that Gennett had already looked over the land he was buying here.

¹⁵⁷ Gennett memoir, 88.

cost of \$1.50 an acre. Later that year, he sold the entire tract for \$3.75 an acre, a profit of \$45,000. Compared to his rather extensive sawmill operations during the two year period 1905 and 1906, Gennett's proceeds on this single land speculation episode were extraordinary, accounting for over eighty percent of the company's profits during the same period.¹⁵⁸

Between 1905 and 1911, Gennett engaged in three more large land transactions. None would turn out as well as the first. In fact, he "had become a little discouraged about the land business, having failed in all these trades." But, he remembered, "each one was intensely interesting, and from each trade, even though it failed, I had learned a great deal about titles, timber, and the art of promotion."¹⁵⁹ During this time, which included the financial panic of 1907 and 1908, Nat Gennett continued to operate the company's small sawmills in northeast Georgia and western North Carolina. It was these relatively small jobs that continued to pay the bills while Andrew was chasing land titles all over the mountains of north Georgia. However, it was not all for naught. He could not have known it at the time, but the work he put in between 1905 and 1911, as futile as it seemed, would pay off in the very near future.

¹⁵⁸ Ibid., 85-94.

¹⁵⁹ Ibid., 162.

CHAPTER 3

GEORGIA AND THE SOUTH LEAD THE WAY

Andrew Gennett kept up with the ongoing national debate surrounding the forest reserves, and he had doubts – both on constitutional and economic grounds – about the efficacy of the federal government buying land from private individuals for the purpose of conservation. Andrew thought that, “so far as I can see, it is not constitutional to acquire lands merely for the purpose of preserving them for the practice of forestry.”¹⁶⁰ Several politicians, especially those out West, agreed with Gennett. Progressive politicians in the South, and in Georgia, however, did not share Gennett’s reservations about federal intervention in their region. It became clear that Georgia’s urban political, business, and newspapermen of the Progressive era placed the forest reserve movement firmly within their New South ideology.

Gennett had extensive knowledge of the movement for two reasons. First, as an active and influential part of the logging fraternity, he was a member of, or subscriber to, the leading journals and professional associations of his day. Organizations and publications such as the American Forestry Association, the National Lumber Manufacturer’s Association, and the *Southern Lumberman*, the oldest lumber trade journal in the nation, covered the movement in detail in their newsletters and journals. Judging by his personal papers, Gennett followed these sources closely.¹⁶¹ Second, in a geographical sense the movement focused on the southern Appalachian forests, which included Gennett’s logging operations in northeast Georgia. If

¹⁶⁰ Ibid., 164.

¹⁶¹ Gennett Lumber Company Records, David M. Rubenstein Rare Book & Manuscript Library, Duke University. Issues of the *Southern Lumberman* are found throughout his papers. He was not only a subscriber to this publication, but was featured in it from time to time, especially later in his career.

Asheville had been the birthplace of the southern forest movement, then Atlanta was where the movement grew up.¹⁶²

Historians have focused almost exclusively on northern politicians and environmental advocates when detailing the legal, political, and social battles that led up to passage of the Weeks Act in 1911. Although the most recognizable names in conservation history – Roosevelt, Pinchot, Grinnell, Marsh, etc. – all called the Northeast home, most of the early legislative effort for the eastern national forests was actually centered in the South.¹⁶³ Already detailed in this study is the work of Georgian Hoke Smith as Secretary of the Interior under Grover Cleveland, and the work of the Appalachian National Park Association (ANPA), beginning in 1899, in soliciting congressional action for forest conservation in the southern mountains. From 1901 to 1911, nearly fifty bills regarding the purchase of private land for forest reserves in the East came up for consideration in Congress.¹⁶⁴ Many of them passed the Senate, only to be blocked in the House by Joseph Cannon, Speaker of the House from 1903 to 1911. Cannon, who had famously declared “not one cent for scenery,” was so powerful as Speaker, he would simply not allow the House to vote on the bill, despite over seventy resolutions sent to Congress from Chambers of Commerce, conservation groups, Women’s Clubs, and universities.¹⁶⁵

Some legislators had expressed concerns over the constitutionality of federal purchases of private lands since the outset of the movement for forest reserves. Even so, by the end of 1901, North Carolina, South Carolina, Tennessee, Alabama, Virginia, and Georgia had all passed

¹⁶² Willard P. Gatewood, “Conservation and Politics in the South, 1888-1906,” *The Georgia Review*, Vol. 16, No. 1 (Spring 1962), 30-42.

¹⁶³ Even northern publications acknowledged this fact. In 1916, the *New York Times* remembered that “the effort to create an Appalachian National Forest Reserve began in the South in 1899.” See “Watershed Protection,” *New York Times*, July 25, 1916.

¹⁶⁴ Gerald W. Williams, “The Beginnings of the National Forests in the South: Protection of Watersheds,” (Washington: USDA Forest Service, 2003).

¹⁶⁵ Steen, *The U.S. Forest Service*, 124.

measures allowing for federal purchases in their respective states. In fact, seven of the nine states that passed enabling legislation in 1900 or 1901 were southern states. Only Maine and New Hampshire outside of the South – where there was a long history of agitation for federal forests – passed legislation prior to 1911.¹⁶⁶ Southern states concurred with a 1901 *New York Times* article, which claimed that “the most valuable forests of the United States are now in the South.”¹⁶⁷ It seemed that, at least for New South Progressives, what they envisioned to be economic development coupled with conservation, trumped any misgivings they might have over federal purchases in their states. Resistance to passage of the Appalachian Bill, as it would come to be known in conservation circles, only emboldened the proponents of national forests in the South. Georgia’s urban Progressives, and, surprisingly, their female counterparts, would lead the charge, placing Georgia on center stage in the race for national forests in the East.

One of the reasons the movement had stalled at the national level was due to the lack of a unified front amongst the bill’s supporters. Some environmental groups argued for preservation of the eastern forests, while others argued for conservation.¹⁶⁸ To assuage some lawmaker’s concerns over the removal of their forests from potential commercial productivity, the ANPA, in 1903, changed its name to the Appalachian National Forest Reserve Association (ANFRA). The name change reflected a new emphasis on “use” of the lands as opposed to their “preservation”

¹⁶⁶ James B. Snow, “Implementing the Weeks Act: A Lawyer’s Perspective,” *Forest History Today*, Vol. 17, Nos. 1 & 2, (Spring/Fall 2011), 70-76. Eleven states, including, ironically, John Weeks home state of Massachusetts, still have not passed enabling legislation.

¹⁶⁷ “The South and Forestry,” *New York Times*, December 2, 1901.

¹⁶⁸ Williams, “The Beginnings of the National Forests in the South.” This “preservationist” vs. “conservationist” argument still continues to this day between government agencies and environmental groups. The National Park Service (NPS), which is in the Department of the Interior, falls under the preservationist umbrella. The U.S. Forest Service (USFS), which, since 1905 has been under the Department of Agriculture, practices conservation, or “wise-use” of resources. Timber and wildlife are harvested from USFS lands, but not from NPS lands.

in a park setting.¹⁶⁹ Two years later, deciding that they had been disastrously labeled a “southern” cause, the organization disbanded, transferring “the major burden of the movement” to the AFA.¹⁷⁰ However, most proposals for forest conservation called for the setting aside of 3 to 7 million acres of forestland in the South, compared to only 600,000 in the Northeast. Owing to this massive landmass in the southern mountains, in addition to the groundswell of support among southern Progressives for their conservation, the South needed a distinct voice.

In place of the now defunct ANFRA, Atlanta attorney Ligon Johnson founded the Appalachian National Forest Association (ANFA) in 1907, with its headquarters at Atlanta.¹⁷¹ In addition to his role as president of the ANFA, Johnson also served as the southern regional director for the AFA and chairman of its publicity committee.¹⁷² The AFA was the largest national entity lobbying for forest protection, and from now on the ANFA would coordinate its work with the AFA to campaign for forests in both the White Mountains of New England and the southern Appalachians. Johnson’s work earned him the praise of President Roosevelt, who sent a personal letter thanking him for his efforts in helping to secure national forests in the southern mountains.¹⁷³

Johnson had made his name as Assistant Attorney General for the state of Georgia in their Supreme Court case against the Tennessee Copper Company in Ducktown, Tennessee.¹⁷⁴

¹⁶⁹ The primary example was Yellowstone National Park, established in 1872.

¹⁷⁰ Gatewood, “Conservation and Politics in the South,” 39. They thought that congressional opponents had labeled their cause a regional special interest, rather than a national concern, and thus given it less consideration.

¹⁷¹ “Association Formed to Preserve Forests,” *Atlanta Constitution*, December 8, 1907.

¹⁷² “Adamson’s Plea for Anti-Jug Law,” *Atlanta Constitution*, February 1, 1908, last paragraph.

¹⁷³ “Roosevelt Sends Letter on Forest Preservation,” *Atlanta Constitution*, January 14, 1908.

¹⁷⁴ See Duncan Maysilles, *Ducktown Smoke: The Fight Over One of the South’s Greatest Environmental Disasters* (Chapel Hill: University of North Carolina Press, 2011), 247. Maysilles also spends several pages documenting the work of the Shippen brothers of Ellijay, in helping Georgia’s case. The Shippens were timber operators headquartered in Gilmer County. They were contemporaries and competitors of Gennett.

In 1906, he had been sent to Washington by Georgia's Governor Joseph M. Terrell to examine Forest Service documents that might aid the state in their case. Terrell had been keenly interested in forest conservation as a result of the damage done to Georgia's mountain counties by copper smelting companies in neighboring Tennessee. He attended the National Forestry Congress in Charlotte, North Carolina in 1906 for the purpose of "consulting with some of the experts on forestry regarding the situation in the counties of north Georgia."¹⁷⁵ His choice of Johnson to represent the interests of Georgia's mountain counties turned out to be a wise one.

For Johnson, his trip to Washington became more than just legal fact-finding. In the course of his research for this landmark case, he became an impassioned supporter of forest conservation, arguing that the establishment of national forests in the South would "foster home industries, preserve our highways of commerce, our water power and supply, the fertility of our soil, and the general welfare of our section . . . while giving to our mountain counties a steady source of income."¹⁷⁶ Like many before him, Johnson acknowledged an intellectual debt to George Perkins Marsh, Gifford Pinchot, and President Roosevelt. He would play a prominent role over the next several years in the fight for forest conservation. Besides Johnson, the ANFA had three other prominent Georgians, engineers Allen M. Schoen and brothers John H. and R. Gordon Finney leading the organization. Every state in the South had a leadership role on the board of the ANFA, but Georgians ran the show.¹⁷⁷ Johnson's work with Governor Terrell on forest conservation in 1906 would continue from 1907 to 1909 with the incoming governor, Hoke Smith, who already knew more than a little about national forest conservation.

¹⁷⁵ "Governor Goes to Charlotte – Will Attend National Forestry Congress Today," *Atlanta Constitution*, March 3, 1906.

¹⁷⁶ "Vast Importance to South of Forest Reserves," *Atlanta Constitution*, December 1, 1907.

¹⁷⁷ *Ibid.*

The ANFA's annual convention, held on January 17, 1908 in Atlanta, was chaired by Governor Smith, who called on all of Georgia's civic organizations, and all the South's governors, to send large delegations to Washington, D.C. for the upcoming U.S. House Committee of Agriculture hearings on the Appalachian Bill. To the Atlanta press, never had a "more enthusiastic attendance upon a subject of more vital and lasting importance than this been assembled in the South."¹⁷⁸ The *Atlanta Georgian and News* declared that "Georgia has taken the lead in the [forestry] movement," noting that the first chair of forestry "at any institution in the South is that held by Alfred Ackerman at the University of Georgia."¹⁷⁹ A bit of hyperbole aside, the agitation for forest reserves in the South was the felt necessity of the time, and Georgia's elites were prominent among its supporters.

A look at the list of conference attendees reveals that dozens of Georgia's influential citizens – both in business and politics – were present that January. Moreover, many of their wives, including Mrs. M.A. Lipscomb, Mrs. Hugh T. Inman, Mrs. A.O. Granger, and Mrs. A. Wilson, made the trip to the Piedmont Hotel, as the Georgia Federation of Women's Clubs shared responsibility for chairing the committee on forest conservation.¹⁸⁰ To this end, they sent the largest delegation of any state to both the AFA's annual meeting on January 30, 1908, and to the House hearings the following day. Additionally, the AFA selected Governor Smith as the general director of the campaign before the House committee. Other Georgians who argued in

¹⁷⁸ Ernest E. Dallis, "Governors Are Asked to Send Delegations to Fight for Forests – Convention of the Appalachian Forest Association and Allied Organizations Ends," *Atlanta Constitution*, January 17, 1908.

¹⁷⁹ "Big Committee for Forest Protection – Georgia Takes Lead," *Atlanta Georgian and News*, January 11, 1908.

¹⁸⁰ "To Save Forests Many Are Working – Greatest Interest Shown in the Movement – Women Taking Active Part," *Atlanta Constitution*, January 24, 1908.

front of the committee in favor of forest conservation included, Ligon Johnson, lumberman Will Shippen of Ellijay, and engineer Allen M. Schoen of Atlanta.¹⁸¹

Not surprisingly, the Atlanta papers devoted considerable print to the events unfolding in Washington. However, the areas that would be affected the most – the north Georgia mountain territory – also followed the developments. A week after the meetings in Washington, the *Ellijay Courier* ran the headline, “Forest Preserves – Given Boost at Big Meeting in Washington – Cannon is Won Over.”¹⁸² Newspapers in other north Georgia mountain towns such as Clayton, Blue Ridge, Dahlonega, and Clarkesville also covered the movement to one degree or another.¹⁸³ The South, and specifically Georgia, was interested in, aware of, and advocated in favor of forest reserves in their region and their state. This was especially true in urban areas such as Atlanta, Athens, and Augusta, but even in north Georgia’s small mountain towns, newspaper editors and citizens alike were completely aware of, and, at times clamored for, federal purchases of their forests. They were anything but indifferent, and it is certainly inaccurate to claim, as Thomas Clark has, that “far too few people in the South knew about or were concerned with the crusade to secure passage of the Weeks Law.”¹⁸⁴ To the contrary, Southerners were not only aware of the movement, they *were* the crusaders. Only in this crusade, they brought their wives.

¹⁸¹ John Corrigan, “Forestry Men Bring Cannon to His Knees – Speaker Promises to No Longer Keep Appalachian Bill on Shelf – Georgians Prominent in Forestry Campaign,” *Atlanta Constitution*, January 30, 1908; John Corrigan, “Save Forests to Save Rivers – Cry of the Forestry Delegates to House Committee – Georgians Prominent at Hearing,” *Atlanta Constitution*, January 31, 1908; “Forestry Men Ask Big Land Purchase: Want Government to Acquire 7,000,000 Acres in Appalachian and White Mountain Regions,” *New York Times*, January 31, 1908.

¹⁸² “Forest Preserves – Given Boost at Big Meeting in Washington – Cannon is Won Over,” *Ellijay Courier*, February 6, 1908.

¹⁸³ Although I did not find coverage of this particular meeting in the *Dahlonega Nugget*, *Ellijay Times*, *Clarkesville Advertiser*, or *Clayton Tribune*, all of these papers covered the movement from the late 1800s through passage of the Weeks Act in 1911 and beyond.

¹⁸⁴ Clark, *The Greening of the South*, xii.

Although there is no record of any of Georgia's leading women attending the meetings in Washington, they were making their presence felt at home, imploring the state's politicians and influential citizens to act in the name of conservation. Even before Helen Dortch Longstreet failed in her battle to stop the impoundment of Tallulah Falls by the Georgia Power Company in 1912, Georgia's female progressives were staunch supporters of forest conservation.¹⁸⁵ As far back as the 1890s, southern Women's Clubs had organized letter writing campaigns to representatives, sent resolutions to Congress, and published newspaper editorials arguing in favor of the forest reserves.

Regarding upcoming House hearings on the Appalachian Bill in 1908, the Athens *Weekly Banner* implored its readers and "all those alive to the Conservation idea [to] be in attendance on this hearing and make his influence felt before the committee." It wanted "every civic league . . . every woman's club in every Southern city . . . to pass ringing resolutions demanding this legislation," for in its opinion, "if the real and progressive South speaks promptly and forcefully now, not even 'ultra-conservatism and non-progressivism' and 'imbecility' can prevent an early victory."¹⁸⁶ By using such inflammatory language against those opposed to conservation, the *Banner* – and many other newspapers – painted opponents as nothing more than backward simpletons.

For their sake, Women's Clubs heeded the call of the Athens paper. According to the *Weekly Banner*, no more "active or systematic work is being done in the interest of the forestry movement than that of the organized women of Georgia," and even though "woman has had to prove her right to think and move in public ways . . . in the form of the Club Woman as she is

¹⁸⁵ See McCallister, "A Source of Pleasure, Profit, and Pride."

¹⁸⁶ "Great Question of Our Forests: Something About the Movement to Preserve Forests of the Country," *Athens Weekly Banner*, December 4, 1908.

called, [she is] interested in public affairs and taking her share in public responsibilities.”¹⁸⁷ E.L. Worsham, Georgia’s state entomologist and forestry advocate, spoke for Georgia at the National Conservation Congress in Washington, D.C. in 1910. To great applause he noted that, contrary to the North, in the South, women “were the moulders of sentiment, and they have been fighting in this movement for a number of years.” That movement, forestry, was “backed by 25,000 women in the state of Georgia,” he declared.¹⁸⁸

Women often clothed their appeals to southern leaders in highly gendered language. In a culture steeped in Lost Cause mythology, some women, notably Helen Longstreet, equated the fight for Georgia’s forests with the fight against the Yankees. In an appeal to Georgia’s leading men, Longstreet was crystal clear: “I am sure that in your veins courses the unafraid blood of the heroes who have harrowed our soil from Virginia to Texas, and that when the call is made to your loyalty of country, the response will be the same as your heroic sires made in the fighting sixties.”¹⁸⁹ Directly challenging their manhood, the Georgia Federation of Women’s Club went further, claiming that “one of the first symptoms of race degeneracy is decay of forethought. Normal, healthy men care for and provide for their descendants. A normal healthy race of men and such alone will enact the laws or develop the public sentiment needed to conserve the natural resources for generations yet unborn.”¹⁹⁰

In short, these women emasculated any man not in favor of conservation, first by challenging their sense of racial superiority, and afterwards their capacity as fathers to those yet unborn. If Georgia’s leaders were to be Progressive, and in favor of conservation, then they

¹⁸⁷ Isma Dooly, “To Save Forests Many are Working: Greatest Interest Shown in the Movement,” *Atlanta Constitution*, January 24, 1908.

¹⁸⁸ E.L. Worsham, *Proceedings of the National Conservation Congress* (Washington D.C., 1910), 326.

¹⁸⁹ Helen D. Longstreet, mass mailing to men of Georgia, quoted in McCallister, “A Source of Pleasure, Profit, and Pride,” 72.

¹⁹⁰ Mrs. Heard, “Two Interesting Reports: The Relation of the Woman’s Club to Conservation,” *Athens Weekly Banner*, November 4, 1910.

would support “laws enacted for the conservation of our commonwealth’s vast resources in water-power, timber, coal and other minerals, which . . . will be of untold benefit to this and coming generations.”¹⁹¹ That Mary Ann Lipscomb of Athens, president of the Georgia Federation of Women’s Clubs, had a summer home at Tallulah Falls only added to the urgency of their agitation for passage of laws for forest conservation.¹⁹² A friend of Lipscomb’s, writer and Progressive-era reformer Rebecca Latimer Felton, also had a personal interest in preserving Georgia’s mountain treasures. Felton, who lived in Cartersville, owned property in Fannin County, in Georgia’s northwest high country, while Lipscomb, who was from Athens, had a home in Rabun County, in northeast Georgia.

Felton, who would later be the first woman to serve in the U.S. Senate, made conservation a central tenet of her Progressive agenda. During former President Roosevelt’s speech at the Southern Conservation Congress at Atlanta in 1910, Felton recorded her thoughts on conservation on dozens of hardly legible, hand-scribbled pages. Under the title “Mr. Roosevelt and his appearance, his great speech,” she expressed relief that “at last the country seems to be waking up to the neglectful waste – of magnificent bounties of nature – granted to the children of men – by a munificent and eer generous Creator!”¹⁹³ Felton placed forest conservation on equal footing with conservation in “home living, children obeying parents, Christian values, divorce rates,” and other Progressive ideals. To her, Georgians needed “conservation – preservation – of the good name of our state and nation – in all public matters . . . that we have grown painfully lax, all sane and sensible people will agree.”¹⁹⁴ Felton’s papers swell with correspondence urging leaders, both of Georgia and the nation, to act in the name of

¹⁹¹ Ibid.

¹⁹² “Federation Day at Woman’s Club,” *Athens Weekly Banner*, January 26, 1911.

¹⁹³ Rebecca Latimer Felton papers, MS 81, Box 15, Folder 1, Hargrett Rare Book and Manuscript Library, University of Georgia Libraries.

¹⁹⁴ Ibid.

conservation, to speak for “our rights to a place in the government’s outdoor recreational development.”¹⁹⁵ Over the next one hundred years, these rights would be most fully realized and utilized by those belonging to Felton’s class.

Upper and middle class southern women may have had some interests that diverged from their more powerful husbands, but this was not one of them. Regarding conservation, women’s concerns fit perfectly within the broader movement, as their families stood to gain the most from future recreational and vacation home opportunities in the mountains. In fact, according to the *Atlanta Constitution*, women were uniquely and naturally positioned to champion conservation, as the movement “so directly relates to the child, the ‘future citizen,’ and his rights and possessions, it is one in which women are naturally interested and obliged to act.”¹⁹⁶ Unable to vote, and still socially and politically marginalized, women used what agency they had to effect change. Despite, or perhaps because of their political isolation, women were free to champion the causes they genuinely felt needed attention, especially when these causes also benefited their families. By using Women’s Clubs and grassroots solicitation campaigns, women played a significant role in advancing the cause of conservation, a role for which they have not received due credit.

Despite all the focus on forest conservation from environmental groups, Women’s Clubs, Chambers of Commerce, and lawmakers – including Speaker Cannon’s agreement to put the bill to a vote – congressional opposition still remained based on whether it was constitutional for the federal government to purchase private land solely for the purpose of conservation. There existed in the text of the bills prior to 1908 no rationale by which Congress could appropriate funds to purchase private lands. Two months after the House hearings in January 1908 in which

¹⁹⁵ Ibid.

¹⁹⁶ Isma Dooly, “Women Giving Valuable Aid in Conservation Movement,” *Atlanta Constitution*, July 3, 1910.

Cannon relented, the House Judiciary Committee ruled that to purchase land simply for management as National Forests was outside of the bounds of the Constitution.¹⁹⁷ This was a huge blow to the bill's supporters. Another avenue by which to purchase lands would have to be pursued. Perhaps the best summation of the government's subsequent legal maneuvering comes from a letter written March 27, 1913 from Philip P. Wells to Gifford Pinchot. Wells was the law officer of the United States Forest Service from 1907 to 1910.

During Well's short tenure, a "very large part of the national conservation policy took specific form and shape in the Forest Service . . . and a good deal of the forming and shaping was done in the Law Office."¹⁹⁸ According to Wells, he was in charge of authoring the bill in such a way that it would stand up to scrutiny over its constitutionality. As the bill was presented to him in 1906 by South Carolina Congressman Francis Asbury Lever, he found that no arguments in favor of its constitutionality could be made. The only "sound constitutional basis for the proposed expenditure of federal revenue was the improvement of navigation in the rivers rising in these mountains."¹⁹⁹ That meant legality based on the commerce clause of the Constitution, rather than the general welfare clause. The logic went like this: cutover forest lands caused erosion, which in turn caused and exacerbated flooding, which in turn decreased the navigability of rivers, which in turn affected commerce between states. In 1908, with help from USFS forester William L. Hall, Wells prepared a new bill placed "squarely on the navigation improvement basis by limiting the area within which purchase might be made to the watersheds

¹⁹⁷ "Appalachian Forest Bill Dead – Receives its Knockout in the House Judiciary Committee," *Southern Lumberman*, April 25, 1908, 28.

¹⁹⁸ "Philip P. Wells in the Forest Service Law Office," Letter from Philip P. Wells to Gifford Pinchot, March 27, 1913. Housed at the Library of Congress in the Gifford Pinchot Papers, Box 1671, retrieved from <http://www.foresthistory.org/ASPNET/Policy/WeeksAct/Legacy.aspx>, accessed November 20, 2012.

¹⁹⁹ *Ibid.*

of navigable streams.”²⁰⁰ Although this clause theoretically required a more narrow definition of lands that could be purchased, in practice, that would not be the case.

As a practical matter, virtually all forests, especially in the southern Appalachians, may be deemed to be in the watersheds of navigable rivers or streams, no matter how small the boat used to navigate said waters. As such, no tracts offered for purchase were ever rejected by the U.S. Geological Survey for not meeting the aforementioned requirement. The bill’s proponents had found adequate constitutional justification even if they held their fingers crossed behind their backs. The purpose of the bill was, and always had been, to set aside the nation’s forests for scientific management, fire prevention, and a perpetual supply of timber for future use. Supporters had used those arguments for nearly twenty years. Even though no steamboats were carrying the flags of commerce into the southern Appalachians – especially up rivers like the Tugaloo or the Chattooga – the constitutional roadblock had been cleared.

More importantly for the South, and for Andrew Gennett, was Well’s tactic concerning condemnation. Since he had “seen that condemnation suits might sometimes be necessary – and it turns out that this is often the only way to secure a good title in the South – and he knew that the idea would be likely to strengthen the opposition, all reference to it was omitted from the bill.”²⁰¹ Wells decided that, rather than engender opposition that he knew would come as a result of eminent domain suits, he would rest upon the Condemnation Act of 1888, which authorized condemnation of land for any purpose for which purchase is lawful. Since the bill provided for lawful purchase – now relying on the interstate commerce clause for justification rather than the general welfare clause of the Constitution – adding verbiage relating to condemnation became unnecessary. The government’s Fifth Amendment right to eminent domain, buttressed by the

²⁰⁰ Ibid.

²⁰¹ Ibid.

Condemnation Act of 1888, offered all the power the government needed. After the new language was added, the Senate Judiciary Committee removed its objections over constitutionality later in 1908. Now all that remained was enabling legislation.

Even after the Senate Judiciary Committee cleared the legal roadblocks for the bill's passage, many Congressmen, and even some experts within the Forest Service, were not convinced of the effect of removing forest cover on erosion and flooding, and thus on the navigability of streams. For instance, it had long been argued by proponents of the forest reserves that trees had a major impact on rainfall quantities. Only recently had this been disproven, somewhat damaging the credibility of forester's arguments. In the minority opinion as the bill left the Agriculture Committee – where it passed 11 to 5 – the U.S. Army Corps of Engineers opined that forest cover did not have an appreciable impact on stream flow. Contemporary reports from notable French, German, and Austrian foresters, as well as more recent research on the subject, has backed up their findings.²⁰²

However, northern Republicans and southern Democrats, odd bedfellows to say the least, proved too powerful for the bill's opponents, whose strength came primarily from western Senators. The combination of intense and persistent lobbying over the course of a decade, disastrous and costly flooding along the Monongahela and Ohio rivers in 1907, and destructive western wildfires in 1910, were enough to alter the course of Congressional and public opinion.²⁰³ On February 15, 1911 the Weeks Bill, named for Massachusetts Congressman John Weeks – having passed the house 157 to 147 the previous year – passed the Senate by a vote of

²⁰² Gordon B. Dobbs, "The Stream-Flow Controversy: A Conservation Turning Point," *The Journal of American History*, Vol. 56, No. 1 (June, 1969), 59-69. Many foresters within the USFS, including Pinchot, knew their lobbying was not entirely intellectually honest. They had a hard time providing empirical evidence to back up claims that stream flow was affected to a significant degree by deforestation. Most historians gloss over this debate, leading readers to assume that it was a foregone conclusion that Progressives were the saviors and the opposition the despoilers.

²⁰³ Mastran and Lowerre, *Mountaineers and Rangers*, 18.

58 to 9.²⁰⁴ President Taft signed it into law on March 1, 1911, creating what one organization has called “one of the most successful pieces of conservation legislation in U.S. history.”²⁰⁵

Meanwhile, down South, six hundred miles away in Blue Ridge, Georgia, Andrew Gennett was riding Ribbon, his saddle horse, over Noontootla, Long, and Lovinggood Creeks, cruising timber over a vast expanse of 32,000 acres.²⁰⁶ Despite his most recent failures on three purchases for investment, Gennett decided to reenter the speculative market. He received word that a large well-timbered tract of land in Gilmer and Fannin counties was being sold at a good price by the Chastain Brothers of Blue Ridge. Gennett left his home at Franklin, North Carolina and boarded at Mr. Chastain’s, from whom he was buying a single tract of 20,000 acres. Andrew again left the business of sawing timber in northeast Georgia to his brother Nat while he did the legal legwork on the other 12,000 acres. By March 1911, he had been there almost a year, making title abstracts and trying to determine who exactly owned the titles on those 232 parcels of land. The passage of the Weeks Act meant that, now, the U.S. government was also an interested buyer in the southern mountains. The race for the forests had officially begun. Progressive reformers, the urban middle class, and local elites were already winners. That was a foregone conclusion. But how would local mountaineers and timber operators fare in the next chapter of this saga in the southern Appalachians?

²⁰⁴ Of the 98 members of the House from the South, 75 of them (76%) voted for passage. Surprisingly, the most votes against came from Georgia, although all but one of those members were from south Georgia; “The Passage of the Appalachian Bill,” *American Forestry* XVII, no. 3 (March, 1911): 164-67.

²⁰⁵ “U.S. Forest Service History – Policy and Law – Weeks Act,” *The Forest History Society*, <http://www.foresthistory.org/ASPNET/Policy/WeeksAct/index.aspx>, accessed November 07, 2013.

²⁰⁶ “Cruising” timber was the process by which lumbermen rode or walked over the property in question to determine the value of the land based on how well-timbered the tract was. In this and many subsequent cases, Gennett was also trying to ascertain the status of the many title discrepancies that may arise out of such a large purchase.

CHAPTER 4

UNCLE SAM IN APPALACHIAN GEORGIA

Andrew Gennett consummated the purchase of his enormous north Georgia tract in March 1911. The Weeks Act was signed into law on March 3, 1911. Andrew wasted little time, offering this property to the government on April 14, 1911. The Georgia land, referred to as the “Gennett tract” by the Forest Service, was the first land in the entire United States to be considered – and to receive formal approval – for purchase by the newly formed National Forest Reservation Commission (NFRC).²⁰⁷ Gennett’s initial sale to the federal government marked the close of a volatile and exciting first decade in the lumber business. It served as a turning point in his career, ending the opening chapter in a business adventure that began in 1902. Many historians characterize his story as destructive for the environment and socially disastrous for local Appalachian communities.²⁰⁸ Others raise him up as the exemplar of the American dream.²⁰⁹ Regardless of its position on the spectrum of corporate responsibility, Gennett Lumber Company’s unexpected success and enduring legacy constitutes an elemental piece of the fabric of Appalachian history in the early twentieth century, one whose effects can still be felt today.

On a broader scale, the legal research and ensuing court proceedings that Gennett endured over the course of his first sale to the government would serve as a template for government purchases for the next forty years. It set a precedent both for the USFS and for

²⁰⁷ Due to the various title issues, it took the government over a year to close on Gennett’s tract. As a result of this delay, the first tract actually purchased was the “McDowell Tract” in western North Carolina.

²⁰⁸ See Brown, *Wild East*; Eller, *Miners, Millhands, and Mountaineers*; Lewis, *Transforming the Appalachian Countryside*; Frome, *Strangers in High Places*, among others.

²⁰⁹ John Alger, *Sound Wormy*, Foreword, Afterword.

Gennett's company, one that he would employ several times from 1911 to 1936. According to an official Forest Service history, "this is especially noteworthy, since under the simplified and streamlined procedures subsequently devised, there is no telling how long a period might have been required to complete future cases."²¹⁰ Gennett deserves immense credit for greasing the skids for future USFS land acquisitions. While some scholars mention that Gennett's purchase was the first to be considered by the USFS, none acknowledge the significance of the precedent he set in devising a legal process by which future purchases could be carried out. In order to better understand the effect that Forest Service acquisitions in the southern Appalachians had on local mountaineers, a closer look at both the Weeks Act, and the process of Gennett's 1911 sale, is warranted.²¹¹

The act authorized "any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams," by purchasing non-agricultural forested lands from private sellers for the purposes of conserving the timber supply, controlling forest fires, and preventing erosion and flooding. Several key components deserve attention. First, the act created a commission of seven members – called the National Forest Reservation Commission (NFRC) – whose purpose was to "pass upon such lands as may be recommended for purchase . . . and to fix the price or prices at which such lands may be purchased."²¹² The commission consisted of two congressmen, two senators, the Secretary of War, the Secretary of the Interior, and the Secretary of Agriculture.

The NFRC would find itself constrained only where it could not find the headwaters of a navigable stream, and by how much money it was given by Congress, theoretically giving it very

²¹⁰ Percy J. Paxton, "The National Forests and Purchase Units of Region Eight," USDA Forest Service, RG 95, Region Eight (Atlanta, Georgia, July 1, 1950), 29, NARA at Atlanta.

²¹¹ Aside from USFS histories, namely Mastran and Lowerre's *Mountaineers and Rangers*, Donald Davis does credit Gennett with having the first tract approved for purchase.

²¹² Weeks Act of 1911, Public Law 435, *U.S. Statutes at Large* 36 (1911): 961-3, both quotes.

wide purchase powers. Of great significance for the state of Georgia was the appointment to the NFRC of Congressman Gordon Lee of Chickamauga, in the northwest Georgia mountains. Lee would serve on the commission from 1911 to 1927, wielding great influence in bringing the first purchase approval to his home state. In fact, from the creation of the NFRC in 1911, until 1953, there were only two years that a congressman or senator from Georgia was not on the commission, giving it by far the most influence of any state.²¹³

Second, clear title to the land must be obtained before purchase, a fact that would prove problematic in remote Appalachian regions, especially for Gennett. He was convinced that the Weeks Act “could not be applied to the state of Georgia because there were no titles in the mountains where the timber was available that would meet the requirements of the government.”²¹⁴ The act specified that, while the Secretary of Agriculture may “do all things necessary to secure the safe title in the United States to the lands to be acquired under, no payment shall be made for any such lands until the title shall be satisfactory to the Attorney-General.”²¹⁵

Moreover, USFS Chief Forester Henry S. Graves declared that, as a general rule, “condemnation proceedings under the right of eminent domain will be undertaken by the Government only with the assent of the claimants to or the apparent owners of the major title and where an agreement with them as to the value of the lands to be acquired has been reached.”²¹⁶ In short, if a landowner had no interest in selling his property, then the government would not pursue that particular tract. Further, if a landowner and the USFS could not come to an

²¹³ “Annual Report of the National Forest Reservation Commission for the Year Ended June 30, 1966,” (Washington: Government Printing Office, 1967); Senators William J. Harris and Walter F. George served from 1929-1932, and 1932-1953, respectively.

²¹⁴ Gennett memoir, 176.

²¹⁵ Weeks Act of 1911, Public Law 435, *U.S. Statutes at Large* 36 (1911): 961-3.

²¹⁶ Henry S. Graves, *Purchase of Land Under the Weeks Law in the Southern Appalachian and White Mountains*, United States Department of Agriculture, Forest Service, January 18, 1913, 5.

agreement on the price to be paid, then the purchase would not be consummated. During the era of greatest USFS purchases in the southern Appalachians, from 1911 to 1940, these two key aspects of the law did much to help alleviate concerns that local residents had about government purchases in their localities, thus setting the Forest Service apart from more heavy-handed federal agencies such as the National Park Service (NPS) and the Tennessee Valley Authority (TVA).²¹⁷ While the USFS, the NPS, and the TVA all possessed the government's Fifth Amendment right to employ eminent domain, the USFS made it a policy not to do so except to obtain clear titles. Unlike the NPS and the TVA, the USFS never forced anyone to sell their land unwillingly.

Finally, to assuage the concerns of local and state leaders who worried about a decreasing base of taxable land due to federal ownership, the United States would give 5 percent – later increased to 25 percent – of all monies earned through timber removal back to the county in which it was earned.²¹⁸ The over-arching purpose of the national forests was to maintain a perpetual supply of timber for the nation. By managing the forests with no profit motive, the USFS could base its timber production philosophy on a sustained-yield mentality. In the South, this meant waiting up to thirty years for cutover forest lands to produce merchantable timber. Once a forest was ready to be harvested, the regional USFS supervisor took out an advertisement in the local mountain papers asking logging companies to bid on the timber on a certain tract of land. It was from this money that localities received their 5 percent remuneration.²¹⁹

In a sense, this concession increased the likelihood that local and state politicians would be amenable to federal purchases in their districts, since it theoretically removed any financial hardships they may have encountered. As we will see later, however, this compensatory scheme

²¹⁷ See Brown, *Wild East*, 92-99; Pierce, *Great Smokies*; Newfont, *Blue Ridge Commons*, 95.

²¹⁸ The remuneration was increased to 25% in 1914.

²¹⁹ Newfont, *Blue Ridge Commons*, 78-91.

turned out to involve less money than politicians anticipated. Additionally, this process no doubt served as motivation for large timber companies to sell their lands to the federal government. If they could avoid paying property taxes on the land and receive payment for the value of the land by selling to the USFS – and then bid on and cut the timber at a later date anyway – then timber companies relinquished much of the hassle of land management and the financial burden of ownership to the government. As it was, the only entities able to pay for the sizable landholdings owned by Gennett and his contemporaries, were other large timber companies or land investors. As an added incentive to the latter, the government often paid significantly more to the large timber companies than the land had cost them in the first place. Eventually the timber speculation game played by large lumbermen would have run out of potential buyers. For Andrew Gennett, the federal government came on the scene at just the right time.

As part of the process of buying private forest lands in the East, the government sent crews to each location to make technical surveys, record the use history of the land, describe its current condition, and estimate the value of its timber.²²⁰ When Clyde Leavitt, Acting Assistant Forester for Weeks Act purchases for the USFS, arrived in Blue Ridge, Georgia in 1911, he brought with him fourteen young men “who had just been graduated from the new schools of forestry.”²²¹ Andrew Gennett treated them very well, hiring a “colored man from Atlanta” as camp cook, securing blankets and beds for the crew, even loaning Leavitt his prized horse Ribbon for the timber cruise.²²² During the course of their work, the crew encountered many of the difficulties attendant to work in the rough, north Georgia mountains, including stumbling upon numerous moonshine stills then in operation. This was one of only several challenges that Gennett had previously experienced with locals. According to one Forest Service history, upon

²²⁰ Ibid., 87.

²²¹ Gennett memoir, 172.

²²² Ibid.

initial inspection of his lands, the government examiners found the following signs posted by Gennett along the property boundary:

TO THE PUBLIC

We are very anxious to improve our forests and we earnestly ask you to assist us by observing the following rules:

PLEASE DO NOT SET OUT FIRES,

PLEASE DO NOT CUT TIMBER

PLEASE DO NOT GRAZE CATTLE

These trees are our property just as your corn-crib and your apple orchard are your property. We earnestly ask you to respect our rights as you ask other people to respect yours. You would not want anyone to set fire to your corn-crib, and you should not set fire to our forests. You would not want any one to cut one of your apple trees, and we ask you not to cut any of our timber.

Cutting timber destroys our values and even where the tree is hollow and worthless, opens up the soil to the sun and makes a bare space in the woods.

We object to grazing cattle because people who come in from a distance with their stock have no consideration for our rights and are generally the ones who do the most damage.

We object to the operation of stills because the stillers insist on cutting green timber and practically clear up the land around their stills, instead of using dry and dead wood.

We wish to have the good will and friendship of our neighbors and we hope you will realize the fairness and reasonableness of the rules which we have made, and will treat us and our property with the consideration and kindness with which you treat your friends.

We respectfully and earnestly ask the consideration of all good men.

Respectfully,

Andrew and N.W. Gennett²²³

²²³ Paxton, "The National Forests and Purchase Units of Region Eight," 29-30.

It seems that, even before the Forest Service invaded Appalachia, mountain residents expressed their dislike of changing landownership patterns to large timber operators. Historian Kathy Newfont has claimed that the arrival of the USFS signaled the shift of Appalachian land from a de facto commons to a de jure commons, one that is now owned and managed by the federal government. Judging by Gennett's concerns regarding his property laid out above however, local mountaineers already objected to what they perceived as the closing of the commons.²²⁴ This was a restriction of their heretofore accepted rights to graze their cattle in the woods, cut timber for heating and home building, and distill spirits when and where they chose.

Based on the fact that Gennett found dozens of operating stills on his property during his timber cruise with Clyde Leavitt, it is obvious that many local mountaineers did not indeed "realize the fairness and reasonableness" of the rules which Gennett had laid out.²²⁵ The transformation of Appalachian land had begun with large lumbermen like Gennett, prior to the arrival of the USFS in Appalachia. The difference, after 1911, was a matter of private vs. public ownership. For Andrew Gennett, selling timberlands to the federal government and transferring the responsibility of land ownership to the USFS, essentially rid him of the headache of dealing with trespass, fire control, and illicit distilling on his property. As it turned out, it also made him rich.

Gennett's first sale to the government in 1911 put the new Weeks Act to the test, providing an early lesson in how title discrepancies would prove cumbersome in the southern mountains. He had already spent over a year researching and perfecting the titles on his 32,000 acre tract. To him, the titles were satisfactory. However, as he found out in the summer of 1911, titles that were "usually taken and passed between private individuals in Georgia as entirely valid

²²⁴ For a thorough treatment of the closing of the commons in southern Appalachia see Newfont, *Blue Ridge Commons*.

²²⁵ Paxton, "The National Forests and Purchase Units of Region Eight," 29.

and legal,” were not “satisfactory to the Attorney-General,” as the Weeks Act required.²²⁶ When Gennett presented his titles to the Assistant Attorney at the USDA, he told the young man that not more than 5 percent of the titles were perfect titles, meaning original state grants that had come down through successive deeds to himself, the present holder. That was obviously not good enough for the USDA, so a meeting was scheduled in Washington with Attorney General George Wickersham the following day.

Gennett proposed that the government take his titles by possession, essentially giving the USFS the land, and a bond of \$50,000 in the case that the titles were attacked at some future point. Adverse possession is a method of acquisition of title to real property by possession for a statutory period under certain conditions. Were the USFS to place its rangers on the lands in question for seven years, in the case of Georgia, all required conditions would be met.²²⁷ Wickersham heard him out patiently and, citing prior legal precedent that the U.S. government could not acquire any property in which the title was not indefeasible, told Gennett that “the government is not in the bonding business.”²²⁸ What happened next, as Gennett recalled, was a fortuitous accident of history.

As Gennett was leaving the office of the Attorney General, he passed by one of the assistant Attorneys’ General, a Mr. Strickland of Tennessee, who inquired as to the result of his hearing with Wickersham. Upon finding out that Gennett had not succeeded, the two apparently spent half a day poring over the federal code looking for any legal precedent that would enable the government to buy his land. What they were looking for was a way to allow the land to be condemned for public purposes. By Gennett’s remembrance, they found an act passed in 1795, allowing that the government could acquire lands by condemnation for building lighthouses and

²²⁶ Gennett memoir, 175.

²²⁷ Henry C. Black, *Black’s Law Dictionary*, 5th ed., (St. Paul: West Publishing Company, 1983), 26-27.

²²⁸ Gennett memoir, 175-76, quote on 176. There is no first name listed for Mr. Strickland of Tennessee.

“for other purposes.” It was determined that this statement, “for other purposes,” would sufficiently include the purchase of forest lands for government use.²²⁹

However, further investigation shows that Gennett and Strickland may not have been the sole detectives on the case. An opinion from the Attorney General’s office dated later that year, on December 2, 1911, advised the National Forest Reservation Commission that, under the Act of August 1, 1888, commonly known as the Condemnation Act, it had the power to acquire tracts of lands by power of eminent domain.²³⁰ While the commission thought this was not the most desirable vehicle for purchase, due to time and financial constraints, it was seen as a possible avenue. This is what Phillip Wells – former law officer for the USFS and author of the final legal verbiage in the Weeks Act – had intended in 1908 when he amended the text of the bill to allow the government to base its purchasing powers on the Condemnation Act of 1888.²³¹

It appears that, although Gennett’s conclusion was slightly off, his legwork may have laid the groundwork for the extended research that resulted in the enlistment of the Condemnation Act of 1888. The NFRC thought that condemnation would be “unnecessarily expensive and involve substantial delay.”²³² They were right on both counts. At the time of the NFRC report, title issues, especially those involving reserved mineral and timber interests, had already caused much difficulty.²³³ So much difficulty in fact, that of the 1.2 million acres offered for sale to the

²²⁹ Ibid.

²³⁰ Senate, *National Forest Reservation Commission: Letter from The Secretary of War, Transmitting, Pursuant to Law, The Report of the National Forest Reservation Commission for the Year Ended June 30, 1911*, 62d Cong., 2d Sess., 1912, S. Doc. 137, 3; Condemnation Act, 25 Stat. 357, as amended 40 U.S.C. 257.

²³¹ “Philip P. Wells in the Forest Service Law Office,” Letter from Philip P. Wells to Gifford Pinchot, March 27, 1913.

²³² Senate, *National Forest Reservation Commission: Letter from The Secretary of War, Transmitting, Pursuant to Law, The Report of the National Forest Reservation Commission for the Year Ended June 30, 1911*, 62d Cong., 2d Sess., 1912, S. Doc. 137, 4.

²³³ Only the seller of the land could reserve timber or mineral interests from the USFS. There could not be a third party that owned such an interest. The USFS could, and did, use condemnation in later cases to clear title where there was a reserved mineral or timber interest, and the third party could not be located.

USFS prior to June 30, 1911, examinations had been conducted on only 150,000 acres before the close of the fiscal year. Due to the “difficulty of reaching agreements with owners as to conditions of purchase,” only one tract, the “Gennett tract” was approved by the commission. Although it would be over a year before Gennett was finally paid, his background in real estate title examination, and his tedious work researching his north Georgia titles from 1910 to 1911, ultimately proved worthwhile. Other timberland owners could not say the same. Unfortunately for the government, condemnation would prove to be the only avenue by which to purchase most of the land in Georgia’s Appalachia.

Of particular significance to this study, however, is that Gennett desired to sell the land, and a price had been agreed upon, in contrast to the taking of land without the owner’s consent, which is most commonly the case in matters of eminent domain. This tactic, which would come to be known as “friendly condemnation,” was a procedure to clear the title to the land by making the public aware of the impending sale by newspaper advertisements prior to a court hearing that would then determine the most likely owner. The judge then issued a ruling as to whose title was the “most perfect” of those presented. The NFRC used this procedure throughout the southern Appalachians into the 1940s to purchase lands under the Weeks Act. To date, the proceedings used to clear the titles to the “Gennett tract” appear to be the first use of “friendly condemnation” in the United States. As it turned out, Gennett needed this vehicle as much as anyone.

During the condemnation hearings in 1912 in the United States District Court at Atlanta, over 1500 defendants were summoned into court, and adverse claims of ownership existed on more than thirty lots of land, including some claimed by Georgia’s leading families. Among these were Rebecca Latimer Felton, Elijah A. Brown, son of the Civil War governor and brother

to then Governor Joe Brown, and Ada Bell Wilson and Atlanta poet Orelia Key Bell, “descendants of an old and widely known Georgia family.”²³⁴ Before and during the trials Gennett “paid out many thousands of dollars in defeating fictitious titles and claims.”²³⁵ While it is likely that some people attempted to profit from Gennett’s uncertainty over his titles, it does raise suspicion that so many defendants came forward.

In his memoir, Gennett describes his legal dispute with Rebecca Felton as a frivolous attempt to claim ownership by one of Georgia’s most respected women. However, this fails the common sense test. First, Felton hardly needed the money she stood to gain from the sale. Second, a look through her records reveals that she did indeed own land in Fannin County. A 1904 letter from a surveyor in Blue Ridge, the county seat of Fannin County, details his work fulfilling a request from Felton to survey twenty acres that she owned there. It is not known whether it was the land in question before the court, but it does lend credence to some of her claims.²³⁶ At the very least, it casts doubt on Gennett’s certainty of his claim to ownership. The fact that there were adverse claims on over thirty parcels of land, involving, by his remembrance, 1500 defendants, is cause for suspicion.

But Gennett was a former attorney, experienced in real estate title examination, who could afford to travel the long distance from the north Georgia mountains to court in Atlanta. This was a trip many mountaineers could not afford to make, even if they did have legitimate claims to ownership of the land under question. Furthermore, Gennett was able to call on politicians, lawyers, and business colleagues all over the state to help him settle the disputes.

²³⁴ “U.S. To Sue for 32,000 Acres: Condemnation Proceedings for Appalachian Reservation Starts Monday,” *Atlanta Constitution*, June 9, 1912.

²³⁵ Gennett memoir, 190.

²³⁶ Letter from Fannin County Surveyor to Rebecca Latimer Felton, January 24, 1903, MS 81, Box 5, Rebecca Latimer Felton Papers, Hargrett Rare Book and Manuscript Library, University of Georgia Libraries.

Gennett did not reserve his indignation only for those Georgians who challenged his titles in court. In the fall of 1911, he was called before the NFRC in Washington and “quizzed minutely as to the character of the land” which he was offering for sale.²³⁷ It was at this meeting that the NFRC reduced its purchase price from \$7.00 to \$6.66 per acre. Gennett did have a friend on the commission though. He recalled that Georgia Congressman Gordon Lee was “extremely kind to me in Washington,” the two even taking time off work to attend a Washington Nationals baseball game.²³⁸ However, Lee could not shield Gennett from some of the other members of the NFRC.

Andrew became irate when Secretary of War Henry Stimson asked him how much he had paid local mountaineers for the lands in question. His indignant response indicates an unwillingness to disclose information that may have shown he took advantage of unknowing sellers. Whether he did or not, we may never know, but, under questioning in Washington, he became so “outraged that [he] told Mr. Stimson it was none of the commission’s business how much he had paid for the lands in question . . . the question of the purchase price did not enter into the matter at all.”²³⁹ We do know from Forest Service land examinations of tracts similar to Gennett’s in the north Georgia mountains, that, depending on the value of its timber, land was selling at prices ranging from \$2.00 to \$5.00 an acre in 1911.²⁴⁰ Those figures resulted in a profit ranging from \$53,000 to \$149,000, more than worth a year’s effort researching titles.²⁴¹ Finally, on December 23, 1912 Gennett received payment in full for his land, a sum of \$217,000.

²³⁷ Gennett memoir, 189.

²³⁸ Ibid., 187.

²³⁹ Ibid., 189.

²⁴⁰ W.W. Ashe, Forest Examiner, “Reconnaissance to the East of Present Savannah Area – Values,” September, 1911, USDA Forest Service, RG 95, Region Eight, Land Acquisition and Historical Files, Folder 12, NARA at Atlanta.

²⁴¹ That is a range of \$1.29M-\$3.6M based on the most conservative calculations for 2013 dollars. For comparison sake, had Gennett sold the land at a profit of only \$1 per acre, his profit would still have been

During the course of this monumental real estate transaction, Gennett did more than just get rich. He became very good friends with the Assistant United States Attorney, Farish Carter Tate's son, Howard Tate. In October 1912, Howard introduced Gennett to his sister, Julia Bell Tate. Eighteen months later, the two were married. Gennett's fortunes had changed drastically in a span of three years. He went from the financial panic of 1907 to 1908, to three consecutive land speculation failures, to pulling off one of the first private land sales to the USFS, and marrying into one of Georgia's most famous families. From then on, Gennett would make most of his money on speculative timberland deals, using his legal training and his new family's prestige to his utmost advantage.²⁴²

Although Gennett left Clayton, Georgia for Franklin, North Carolina in 1908, most of his lumber operations and investment properties remained in Georgia until 1920.²⁴³ Between 1912 and 1919, he sold three more large tracts of forestland to the USFS. His original sale of 32,000 acres was the earliest purchase in the western portion of what is now the Chattahoochee National Forest. The first USFS purchase in the eastern portion of the Chattahoochee, was a tract of 7,335 acres owned by Gennett in Rabun County, which he sold in January 1913 for \$8.00 per acre. Contrary to historians' claims that Weeks Act purchases primarily contained cutover and denuded forestland, most of the early acquisitions were well-timbered.²⁴⁴ Gennett's 1912 tract was 30 percent virgin timber, and, of the 7335 acres on his 1913 tract, only 300-400 had ever

\$782,000 in 2013 dollars. Figures derived from <http://www.measuringworth.com/index.php>, accessed November 14, 2013.

²⁴² *Sound Wormy*, 93-117, 181-99.

²⁴³ Based on his recollections of Clayton and Franklin in his memoir, it appears he left Clayton simply because he thought Franklin a more "cultured" locale.

²⁴⁴ See Mastran and Lowerre, *Mountaineers and Rangers*, 27. They call most of the land, "cutover and useless."

been cleared.²⁴⁵ Subsequent purchases of Gennett lands in Georgia included 12,000 acres on Rabun Bald in Rabun County in 1917, at \$8.00 per acre, and 10,000 acres on the Tallulah River near present-day Lake Burton in 1919, for \$6.00 per acre. All told, in the span of seven years in Georgia, Gennett sold upwards of 65,000 acres to the USFS for approximately \$432,000.²⁴⁶ He also sold 1000 acres in 1917 to the Georgia Power Company for \$40,000, on which the company built its Lake Burton Dam.

What is clear is that Uncle Sam's arrival in Georgia's Appalachia was making large timber companies very rich. Meanwhile, according to Forest Service officials, Appalachian residents were equally content with the new arrangement.²⁴⁷ However, Gennett's 1919 sale to the USFS paints another picture. He had initially offered this Rabun County land to the USFS in 1917, but just prior to the close of its 1917 legislative session, the Georgia General Assembly passed a bill effectively blocking further government purchases of forestland in the Georgia mountains. Senator Thad Bynum and Representative Will Holden, representing Rabun County in the legislature, had successfully marshaled enough statewide support to amend the 1901 statute allowing the USFS to condemn lands in Georgia.²⁴⁸ But why had this been necessary? Had there been local pushback against government purchases in the north Georgia mountains? Were they representing the interests of their constituents, or simply playing a political game?

When the government sent its forest crews to Georgia to examine potential timberlands for purchase, they created detailed technical, demographic, and land use surveys of the areas in question. From these surveys, the foresters created reports on each purchase area that usually

²⁴⁵ Paxton, "The National Forests and Purchase Units of Region Eight," 3; Letter from Andrew Gennett to W.L. Hall, May 28, 1912, USDA, Forest Service, RG 95, Region Eight, Land Acquisition, Correspondence, Surveys, Georgia, NARA at Atlanta.

²⁴⁶ *Ibid.*, 30.

²⁴⁷ Mastran and Lowerre, *Mountaineers and Rangers*, 23-40.

²⁴⁸ "New Act May Stop Land Sales Here – Measure Passed by Legislature Expected to Halt the Government's Plan to Acquire Forest Reserves in Georgia," *Atlanta Constitution*, September 30, 1917.

included the following: “General Description, Industry and Transportation, Forest and Stream Flow, Ownership, Values, and Attitude of People.”²⁴⁹ Under the title “Attitudes of People,”

USFS examiners in north Georgia recorded the following:

1. “There seems to be a general lack of exact knowledge as to the purpose of the Government in purchasing land for a National Forest, and equal ignorance in regard to its administration.”
2. “There is some opposition to the establishment of a National Forest on the ground that it will greatly reduce the amount of taxable property.”
3. “As a rule the small farmers are favorable but there is general apprehension that the withdrawal of land from taxation will decrease the school and road funds of the respective townships.”
4. “Previous to the reconnaissance, people had formed no opinion in regard to the Government’s policy. It was met with favor, however, the only objections being that it would tend to raise school and road taxes.”
5. “The question of National Forests having been only slightly agitated within this region, the people are largely apathetic. However, the only unfavorable results of national ownership might be a falling off in assessable property and the consequent rise in the tax rate.”²⁵⁰

According to government officials, local reactions ranged from apathetic, to generally favorable, to ignorance, regarding the government’s designs for their forests. The one consistent point of apprehension, however, was the decrease in the taxable land base as a result of federal ownership of county lands. This fact alone indicates that local reactions were neither apathetic, ignorant, nor generally favorable. And their apprehension was well-founded. Although by 1914 the government had amended the Weeks Act to provide that 25 percent of all timber receipts be returned to the county in which the timber was harvested, many Appalachian counties in Georgia

²⁴⁹ “Reconnaissance to West and Northwest of Savannah Area Between Habersham County and the Gennett Purchase,” USDA, Forest Service, RG 95, Region Eight, Land Acquisition and Historical Files, Folder 12, NARA at Atlanta.

²⁵⁰ Ibid. All of these reports were written by Karl Woodward or W.W. Ashe, both USFS forest examiners in the southern Appalachians. As a side note, most of the reports indicate that stream flow was not in fact affected in any appreciable manner by erosion in Appalachian Georgia.

had lost significant tax revenue as a result of large federal purchases in their localities in the first few years after the Weeks Act passage.²⁵¹

It was no doubt this diminution of their county's tax base that led Sen. Bynum and Rep. Holden to amend Georgia's enabling legislation in 1917. The amendment required that the USFS obtain in writing from every ostensible owner of the land it desired to purchase, the permission to condemn said lands. If every owner could not be found, which as we have seen with Gennett's sales was often the case, then the property could not be condemned. In fact, perfect paper titles in north Georgia were so rare, that in January 1918, the NFRC "resolved that the Government declines further purchases in the State of Georgia until the sympathy of the State of Georgia is shown with the undertaking of the Government by the withdrawal of hostile legislation."²⁵²

Commenting on the legislation, the *Atlanta Constitution* quoted a forestry expert who claimed that "this will be a great disappointment to many land owners in the mountains, who are expecting to dispose of their lands." It is a matter to be regretted, he continued, that the "Georgia legislature should have taken this course in blocking a policy which has been undertaken by the government largely at the instance of Georgia land owners."²⁵³ Even though Andrew Gennett was no longer a Georgia resident, the *Constitution* obviously sided with large landowners, as they were the most likely Georgia residents to benefit from government's purchases. To this

²⁵¹ Si Kahn, *The Forest Service and Appalachia* (Morganton, Ga.: John Hay Whitney Foundation, 1974). By the 1970s the USFS had changed its remuneration policies to ensure that each locality would receive at least \$0.75 per acre whether or not any timber harvest occurred that year. At least now, these municipalities can plan on a minimum return from their timberlands, and based their budgets accordingly.

²⁵² Letter from Forest Supervisor R.W. Shields to Dr. P.T. Norcop, January 12, 1918, USDA, Forest Service, Region Eight, Land Acquisition and Historical Files, Folder 7, NARA at Atlanta.

²⁵³ "New Act May Stop Land Sales Here: Measure Passed by Legislature Expected to Halt the Government's Plan to Acquire Forest Reserves in Georgia," *Atlanta Constitution*, September 30, 1917.

end, the paper published an editorial written by Gennett in 1918, in which he attempted to sway Georgia's citizens, and its leaders, to repeal the Bynum amendment, as it was now called.²⁵⁴

While Gennett acknowledged strong opposition to government condemnation in “Towns and Union Counties and some opposition in Rabun and Fannin,” he thought that “local interests, it seems, should give way where the general interest is involved, and if the timber reservation is for the best interest of the whole state of Georgia, it should be encouraged regardless of local opposition in the counties directly affected.”²⁵⁵ The editor of the *Constitution* agreed wholeheartedly under the headline “REPEAL THIS ACT,” stating, “it is difficult to understand how any member of the General Assembly can conscientiously vote against the pending proposed legislation.”²⁵⁶ This is quite a statement regarding the sacrifice of a large geographical area for the recreational enjoyment of Georgia's urban elites.

Gennett and the *Constitution* made it clear: regardless of opposition in the mountain counties, the “general interest,” or, the interests of rich urbanites, should trump those in Appalachian communities. Even more preposterous, was Gennett's qualifier, his desire to “state frankly that I, along with many others, own land in the mountain regions of north Georgia for which the government is the only logical customer.” Acknowledging his personal interest in the act's repeal, Gennett lamented the fact that, without repeal, he would have to hold his lands “willy-nilly and continue annually to pay taxes.” In a letter written from Gennett to USFS Supervisor R.W. Shields in December 1917 – after the NFRC decision to halt purchases in Georgia – Andrew made his motivations crystal clear:

²⁵⁴ Andrew Gennett, “Is Georgia Prepared to Sacrifice Benefits of U.S. Forestry Development?,” *Atlanta Constitution*, July 22, 1918.

²⁵⁵ Ibid.

²⁵⁶ “Repeal This Act,” *Atlanta Constitution*, July 22, 1918. There was legislation pending to repeal the act, thus allowing future purchases.

When Uncle Sam has taken action, however ill advised, it is like heaving over Rabun Bald with a five foot crowbar, to get that notion rescinded. Therefore, I am only interested in what seems a smaller proposition, that is getting the Georgia legislature to rescind its action, and thereby get Uncle Sam's 'tank' again started on its ponderous way. To this end the most important individual to soft soap is Col.-Senator Bynum. Therefore, if you love me, for Heaven's sake . . . every body get oily and grease Col.-Senator Bynum and Rep-(robate) Will Holden. The situation is grave for Gennett Lumber Co. for time is rolling on its way and we are getting old. We want to enjoy the fruits of our labors ourselves, and particularly the fruit of that Habersham County *investment*. However much we love Carter Tate Gennett [his son] and N.W. Gennett Jr. [his nephew] we prefer to spend our own money and have our wives do it for us, rather than their wives. Seriously, Jimmy, we want to do all we can to get those Government purchases again started, and unless Bynum and Holden are favorable, there is not going to be any chance to get that act repealed.²⁵⁷

Of course, when Gennett bought the land for investment, the Weeks Act had yet to be passed, and he would have had to pay taxes and find other "logical customers" just the same. Evidently it did not occur to him that the USFS was now a paying customer. He thought north Georgians selfish for blocking a policy "which the judgment of all men approves as enormously beneficial to the whole people of the state and nation," and he was willing to use all his connections to have the act repealed.²⁵⁸ Fortunately for Gennett and other New South Progressives, conservation dove-tailed nicely with their financial prospects. In fact, for Gennett, conservation did not play into the matter at all. The next day, Bynum replied to Gennett's editorial in an equally spirited tone, declaring that Georgia's congressmen did not need a man from the state of North Carolina – Gennett resided in Franklin at the time – to tell them how to vote, especially coming from "a man personally interested in the matter." Moreover, representing the interests of his constituents, Bynum pointed out that "you do not see articles in

²⁵⁷ Letter from Andrew Gennett to R.W. Shields, December 31, 1917, USDA, Forest Service, Region Eight, Land Acquisition and Historical Files, Folder 7, NARA at Atlanta. Shields was Forest Service supervisor in Franklin, N.C., but at the time appeared to be residing in Clayton, Georgia. He even takes a shot at Rep. Holden, calling him a "reprobate."

²⁵⁸ Gennett, "Is Georgia Prepared to Sacrifice Benefits of U.S. Forestry Development?"

the *Constitution* written by north Georgians advocating repeal of the law . . . all this comes from other sections.”²⁵⁹

Taking a shot at Gennett, Bynum noted that, “there are no greedy landholders in the northern part of Georgia . . . unless they are land corporations, and they usually get a larger price for their land than any other kind of owner.” Bynum provided evidence for his claim, arguing that small landowners often accepted lower prices from the USFS because they could not afford to hire forestry experts to consult on their behalf, or to travel the one hundred miles on average to attend court proceedings on condemnation. In most cases, smaller landholders simply capitulated, unable to pay the expenses necessary to defend their homesteads.²⁶⁰ This debate, fleshed out on the editorial page of the South’s largest newspaper, firmly delineates the two sides’ positions. Both Holden and Bynum were wealthy, landholding citizens of Rabun County, and would seemingly be part of the social class that would benefit from USFS purchases in their region, so their opposition on behalf of their constituents is telling.²⁶¹

For many Appalachian locals, the only contact they may have previously had with an outside federal agency was with federal revenue agents. Since this was likely a contentious relationship, the USFS was already at a disadvantage. One thing the Forest Service did in Georgia to help alleviate mountaineers’ concerns however, was to hire local, well-liked citizens as Forest Rangers. Roscoe C. Nicholson of Clayton, or “Ranger Nick” as he would come to be known, served from 1911 to 1952. He remembered that “for several years the people did not seem to know what to think of the government owning this land. Some of them did not like the

²⁵⁹ Thad L. Bynum, “Position is Stated by Senator Bynum on Forestry Lands,” *Atlanta Constitution*, July 23, 1918.

²⁶⁰ Ibid.

²⁶¹ Ritchie, *Sketches of Rabun County History*, 110. Other families, such as the Ritchies and the Lillys benefited both as middle men helping timber companies buy land, and in selling their own land to the USFS.

idea of taking the land out from under taxation. Some thought they would be forced to sell their land and have to move out.”²⁶² Although Nicholson was in charge of two things that should have made him very unpopular – buying land from locals, and stopping the willful setting of fires – he was, by all accounts, a very popular and well-respected man. He never wore his gun, regularly published educational articles in the *Clayton Tribune*, and, according to the old-timers, was always fair when buying land from the locals.²⁶³

Beginning around the same time as “Ranger Nick,” William Arthur Woody, or “Kingfish” as his friends called him, was perhaps more popular than Nicholson. Woody became the authority in the northeast Georgia mountains during his time as a USFS Ranger from 1911 to 1945, refusing to wear a uniform or collect grazing fees from local mountaineers, much to the chagrin of his bosses. He was single-handedly responsible for the reintroduction to the north Georgia mountains of whitetail deer, and he also stocked mountain streams with rainbow trout for local fishermen. When he received an award for fire prevention at a USFS banquet in Washington in the 1920s, he was asked to explain his methods: “You have to know your people,” he said, “I kiss all the babies, fish with the men, buy candy for the kids, and tell the women that if I wasn’t married I’d sure like to make love to them.”²⁶⁴ Over 1500 people attended his funeral in Suches, Georgia in 1964. While his unorthodox methods would no doubt land him in jail today, Woody provided a smooth transition for mountain locals, one that could have been much more drastic and wrenching.

²⁶² R.C. Nicholson, “The Federal Forestry Service,” in Ritchie, *Sketches of Rabun County History*, 359.

²⁶³ Eliot Wigginton, ed., *Foxfire 10: Railroad lore, boardinghouses, Depression-era Appalachia, chair making, whirligigs, snake canes, and gourd art* (New York: Doubleday, 1993), 231-39.

²⁶⁴ Perry Abernathy, “Arthur Woody, The Barefoot Ranger of Suches,” in Kathy Thompson, ed., *Touching Home: A Collection of History and Folklore from the Copper Basin, Fannin County Area* (Blue Ridge: Published by Kathy Thompson, 1976), 40-43.

Although viewing north Georgia mountaineers through the eyes of elites such as Gennett, Bynum, and USFS publications, is valuable, it does not provide the local side of the story. Ronald Eller has concluded that “most local residents reacted indifferently to the [USFS] legislation.”²⁶⁵ The lack of published material may have more to do with a general lack of education for Appalachian people at that time, rather than an apathetic mindset. For, after the Forest Service had established itself in Appalachia, protests in the form of arson, and sometimes violent defenses of land once seen as common use areas by mountaineers are evident.²⁶⁶ Further, local county histories suggest sentiments varied, but were not indifferent or apathetic. Ed Shuler, a resident of the Choestoe community in Union County, in the north Georgia mountains, recalled a conversation he had with his father, mother, and uncle, in which they mused over the government making a forest reserve out of their area.

Shuler’s father had led Forest Service surveyors throughout the area in the late 1910s, and proudly relayed that “the gover’ment is goin’ to be a watchman up here in the Blue Ridge, and the park will take care of our natural resources. The surveyors call it conservation.” Shuler’s uncle Enoch replied “Con-ser-va-tion . . . you’ll have to explain it Jack, I don’t know what that word means.” Locals thought, however, that Enoch was the man most known for conservation in the area, no matter the word he ascribed to it. Shuler’s mother, tired of their banter, begged them to “quit talking about conservation, or whatever it is. You’ve read about it in the Atlanta papers, or the surveyors told you about it. Nance don’t care nothing about it.” Nance was Shuler’s aunt. But Nance did “like to see green trees growin’ and the dogwoods in full bloom.” The entire family resented that, while toiling in their fields, “selfish eyes from fur off looked on our mountains . . . large companies wanted our timber for lumber and tannin’

²⁶⁵ Eller, *Miners, Millhands, and Mountaineers*, 185.

²⁶⁶ Abernathy, “Arthur Woody,” 42.

purposes.” Uncle Enoch knew “why they exploited the timber around Helen . . . they wanted the bark for tannin’ purposes.” Shuler’s father remarked that “we don’t want our mountains defaced and our timber destroyed.”

The Shulers had lived in the Blue Ridge mountains for three quarters of a century, learning the trees by name they said, trees that “furnished lumber for our houses, logs for our smoke houses and spring houses, and mast for our hogs.” Having seen what the timber companies were capable of, they were conflicted about the coming of the government to their small community. But they also feared change. The Shulers wanted a good highway through their region – both for tourist dollars and their own travel – but they knew that, for them, that meant relocation.²⁶⁷ In the end, the government “built pretty roads in the mountains, and the lakes were built up on the side of Blood Mountain.” Shuler’s father sold all his mountain land in Upper Choestoe to the USFS. The family relocated, and, probably like many mountaineers, they “continued working, just as we had always done.”²⁶⁸ Although the Shulers remained in Union County, many of their contemporaries did leave the mountains and their old ways of life as a result of large USFS acquisitions in their counties.

Most of the original Weeks Act purchases comprised large tracts of land, primarily those from timber companies like Gennett’s. However, hundreds of small farms were also acquired. Not everyone was happy about this. Harley Baliles, from the small community of Dial, Georgia, in Fannin County was one of those. Baliles had known Gennett since at least 1911, when Andrew had attempted to get the outlaw out of jail in Atlanta for conspiracy to commit murder.²⁶⁹ By 1931, Baliles had evidently settled down to a domesticated life of farming in

²⁶⁷ The road had to go through their current property, so they moved to land they owned nearby.

²⁶⁸ Edward L. Shuler, *Blood Mountain: An Historical Study about Choestoe and Choestoeans* (Jacksonville: Convention Press, 1953), 140-147.

²⁶⁹ Gennett memoir, 186.

Fannin County. In August of that year, he wrote to Gennett in Asheville inquiring as to the possibility that he purchase a twelve acre tract of Gennett's that was adjacent to his farm. Harley thought that four or five of the twelve acres could be cleared for farming, and he wanted the land "as soon as I can get it," imploring Gennett to keep the USFS out of the picture until the two of them finished negotiations.

Over the course of two months, Gennett and Baliles wrote no less than eight letters back and forth, Gennett asking for \$150, and Baliles countering with \$100 each time. Finally, Baliles countered with \$100, "and you go on and pay the taxes this year too," he added! The farmer thought the USFS was "getting so hard on people in here," referring to his community of Dial. He wanted the land to farm, but also to keep the Forest Service out. Additionally, he made clear he was worried about the title, telling Gennett, "if they is any one holding any thing again' that land I don't want it. I want a good title for it."²⁷⁰ This correspondence between Gennett and Baliles not only shows the farmer's resistance to the USFS, but also sheds light on the power discrepancy between a local farmer and a large timber operator. Harlie Baliles' hand-written responses to Gennett's typed letters on company letterhead are indicative of this discrepancy. Further, it would be two weeks before Gennett could receive his money in Asheville because Baliles did not own a car, and it would be almost a week before he could get a ride. In the end, Gennett took less money from Baliles than the USFS was offering. He likely did this, not out a philanthropic motive, but because Baliles would accept traditional title work and get him the money within the month, whereas the USFS might take over a year to pay him.

Gennett's sale to Baliles was the exception in mountain communities. More often than not, small landowners, whose farms were increasingly surrounded by land owned by the USFS,

²⁷⁰ Correspondence between Andrew Gennett and Harley Baliles, August-October 1931, Gennett Lumber Company Records, Box 5, David M. Rubenstein Rare Book & Manuscript Library, Duke University.

sold out to the government.²⁷¹ This only continued the outmigration and shrinking of farm acreage brought on by large-scale lumber operations around the turn of the century. The population of Union County, for example, decreased by 18 percent between 1900 and 1910, and a further 7 percent by 1920. Figures for Gilmer, Rabun, and Lumpkin, three similar north Georgia mountain counties in which Gennett owned large tracts of land, were 17 percent, 9 percent, and 30 percent respectively. Only Fannin County saw an increase in population from 1900 to 1910, but subsequently decreased in the next decade.²⁷² Even where population showed an increase, it was well below the state average.²⁷³

The biggest effect of USFS purchases can be seen by looking at agricultural statistics. Between 1910 and 1920 the number of farms in Georgia increased, but in areas where National Forest purchases were extensive, the numbers of farms declined. Furthermore, of the farms that remained, the average acreage of land under cultivation dropped significantly. In Rabun and Fannin counties, for instance, farm acreage dropped 39 and 22 percent respectively.²⁷⁴ Thus, according to one Forest Service history, “at least for selected counties, in areas where Federal land acquisition was initially extensive, there was a decided change both in demographics and in the pattern of landownership and land use.”²⁷⁵

Monumental change visited Georgia’s Appalachian communities in the first decade after passage of the Weeks Act. Ignorance of this change would have been impossible, apathy,

²⁷¹ Mastran and Lowerre, *Mountaineers and Rangers*, 23-29.

²⁷² This was around the time that the railroad was extended from Jasper, up through Ellijay and Blue Ridge, which was the county seat of Fannin County in 1895. This ten year period also coincided with the height of the timber industry in Georgia, which no doubt brought laborers in from outside the region. See Davis, *Where There are Mountains*, 178.

²⁷³ U.S. Bureau of the Census, *Twelfth Census*; U.S. Bureau of the Census, *Thirteenth Census*; U.S. Bureau of the Census, *Fourteenth Census*. Historical Census Browser, retrieved November 08, 2013, from the University of Virginia, Geospatial and Statistical Data Center: <http://mapserver.lib.virginia.edu>.

²⁷⁴ U.S. Bureau of the Census, *Fourteenth Census, Volume VI, Agriculture*.

²⁷⁵ Mastran and Lowerre, *Mountaineers and Rangers*, 30.

unexplainable. Favorable reactions from some were certain. The USFS brought steady and enduring wage-labor jobs, providing many families with a middle class lifestyle heretofore unimagined. Responding in 1947 to the idea that the times of old were better than the new, Cliff Holden of Rabun County remembered that: “It wasn’t good at all. I know for I lived it. I’d say times are better today. Hoeing in a little patch of corn for 10 hours isn’t my idea of good. When it comes to the good old days, I don’t want any part of them.”²⁷⁶

For others, USFS regulations regarding hunting, fishing, grazing cattle, and cutting timber represented a radical shift in their livelihood and way of life. Some rejected the new paradigm, responding with arson and poaching. On many lands, such as Gennett’s, this was simply a continuation of lumber company restrictions. Only this time, these regulations had behind them the power of the federal government. Policies that encouraged the hiring of locals for permanent USFS positions, as well as laws that mandated that timber companies hire locals when cutting USFS timber, did much to endear the organization to mountain communities. This was not only economically sound, but socially responsible decision-making by the Forest Service that resulted in long-lasting goodwill from some locals.

Although his company would continue to operate a small sawmill in Rabun County well into the 1950s, Gennett’s 1919 sale to the USFS marked the end of his large-scale operations in Georgia. By 1920, the number of lumber mills in Georgia had dropped to below 700, from a peak of 2000 in 1910.²⁷⁷ Franklin, North Carolina – where Gennett had resided since 1908 – was close enough to Georgia that Gennett could easily travel to and from his operations in Fannin, Gilmer, Rabun, and other north Georgia mountain counties. However, beginning in 1920, he

²⁷⁶ Georgia Agricultural Extension Services, Bulletin 543, November 1947, Georgia Agriculture Statistics, quoted in Thompson, *Touching Home*, 201.

²⁷⁷ James Pikel Jr., *A History of Georgia Forestry* (Athens: University of Georgia, Bureau of Business and Economic Research, Monograph #2, 1966), 17.

followed other large timber companies into east Tennessee and western North Carolina, searching out untapped timber resources in those states. He often complained of the long train ride over the mountains to his mills in Tennessee. As a result, that same year he moved from Franklin to Asheville, where he remained for the rest of his life.

From 1902 to 1919 Gennett made his mark on the landscape of north Georgia, operating dozens of sawmills in the state. During his time living and working in Georgia, he was a well-respected business owner that employed up to a thousand locals at the height of his lumbering operations.²⁷⁸ Contrary to the prevailing historical narrative of large timber operators – northern, rich, and absentee – Gennett was middle class at the outset, a southerner, and a mountain resident. In fact, over four decades in the lumber business, he never left Appalachia, calling Madison, South Carolina, Clayton, Georgia, Franklin, North Carolina, and, finally, Asheville, North Carolina home.

Yet, it was his land speculation, primarily his sales to the USFS, that define Gennett's legacy in Georgia's Appalachia. In all, his company sold over 65,000 acres of land to the USFS in Georgia, almost 9 percent of the total acreage in the Chattahoochee National Forest today. In 1939, Gennett predicted that the hardwood forests of southern Appalachia would find their greatest usefulness in “presenting recreational and playing areas convenient to the people.”²⁷⁹ At least for those in Georgia's urban communities, especially Atlanta, he was right. Gennett played a large role in making that a reality for all Georgians, but especially those of his social standing. In the process, he became rich.

²⁷⁸ Wage Receipts, Gennett Lumber Company Records, David M. Rubenstein Rare Book & Manuscript Library, Duke University. Even at his Hayesville, NC sawmill, almost 80% of his employees were from Georgia.

²⁷⁹ Gennett memoir, 409.

EPILOGUE

On the eve of the Great Depression, Andrew and Julia Tate Gennett found their lives filled with “anxiety, worry, and depression.” Julia’s recent ill health, and Andrew’s “paralysis” from of a recent nervous and physical breakdown, were the direct result of what Andrew termed the “great land boom of 1925-1926,” a time of rampant land and real estate speculation in Asheville, North Carolina.²⁸⁰ Having waited out the initial “whirlpool,” as Andrew termed it, he had finally entered the game in the fall of 1925.²⁸¹ Seeing the ease with which their friends and colleagues were buying and selling land, and, presumably at least, making a profit, was too much for the Gennetts. All told, Andrew spent nearly \$300,000 in less than two years. The Gennetts were only occasionally successful in their speculative endeavors. While it is difficult to know exactly how much money he lost, Gennett estimated that, over a six-year period he lost more than a million dollars. Judging by his assessment of the family’s emotional and physical health, it was no doubt a substantial sum.

Writing in 1939, Gennett remembered that it was “these wild speculative dealings in real estate” that brought on the bank failures in Asheville in the years of 1930 and 1931. More distressing though, it had “tremendously increased the affliction of the last ten years of hard times . . . a great many people here have lost everything in the world they had, and great hardship, anxiety, and depression have been caused, including suicides and other illnesses.”²⁸² After the fact, Andrew recalls being ashamed of his participation in these imaginary schemes. “So far as my own situation is concerned,” he wrote, “practically all the troubles which my own

²⁸⁰ Gennett memoir, 292.

²⁸¹ Ibid., 288.

²⁸² Ibid., 292

firm has been compelled to undergo [1925-1939] resulted from this real estate speculation.”²⁸³ But these real estate investments in Asheville were simply an urban manifestation of a career based in large part on timberland speculation. Andrew was apparently addicted to speculation, and his failures in Asheville in the 1920s failed to alter his future behavior.

As of the middle 1930s, the Great Depression had taken a significant toll on the timber industry, resulting in a rapid drop in prices for lumber and forest-related products.²⁸⁴ By 1934, Gennett Lumber Company was in dire straits. That year, Andrew wrote that “at the present time the lumber business is so disrupted that none of us know where we stand, and we are making no engagements of any kind until we find out what is going to happen. It had been ten or twelve years,” he continued, “of anxiety and depression through which I had been struggling.”²⁸⁵ A recent gall bladder surgery and the long strain of the “Ritter failure and other financial difficulties,” caused Andrew to suffer a stroke in 1935.²⁸⁶ He remained bed-ridden for months.

Fortunately for his family, Gennett owned over 20,000 acres of land on Santeetlah Creek in Graham County, North Carolina, 12,500 of which he had purchased from the Whiting Manufacturing Company for \$22.50 per acre. At the same time, government New Deal programs had left the USFS flush with cash. This, combined with precipitous declines in land values due to both the Depression, and two decades of logging, resulted in the Forest Service embarking on a buying frenzy from 1935 to 1936. Gennett’s property, however, was not cutover and denuded. A report from USFS Regional Forester, Joseph C. Kircher, characterized the land as “one of the very few remaining tracts of virgin hardwood in the Appalachians, and the timber

²⁸³ Ibid.

²⁸⁴ Mastran and Lowerre, *Mountaineers and Rangers*, 43.

²⁸⁵ Letter from Andrew Gennett to C.W. Savage, October 15, 1934, Gennett Lumber Company Records, David M. Rubenstein Rare Book & Manuscript Library, Duke University, Box 24; Gennett memoir, 401, second quote.

²⁸⁶ Gennett memoir, 400-402. He had recently attempted to make a sale to the Ritter Lumber Company, but, after a long period clearing the titles, the sale fell through.

is the best that I have seen on any of the eastern National Forests.” He thought that it offered the government the “only opportunity of setting aside an area of original growth.”²⁸⁷ One thing that can be said on Andrew’s behalf, is that he obviously had a keen eye for high-grade timber.

In 1936, the government bought Gennett’s 20,000 acres for over \$400,000. For the well-timbered portion – 13,300 acres – the USFS paid \$28 per acre, the highest price ever paid for timberlands in the Nantahala National Forest.²⁸⁸ Later that year, the USFS set aside 3,800 acres of the larger whole, naming it the Joyce Kilmer Memorial Forest. Today this tract is one of the nation’s most impressive remnants of old-growth forest.²⁸⁹ Gennett immediately paid off several debts, and, for the first time in years, felt even with the world. He subsequently bought three investment properties in Asheville, and “in spite of his disastrous excursions into stocks” over the preceding decade, spent \$48,000 on stock purchases the same year. Within a few months, the great recession of 1937 began, and he lamented that, as of 1939, he had never been able to recover his investments.²⁹⁰ Andrew had long since blamed President Franklin Roosevelt’s New Deal policies, and his “attitude of dislike and hatred toward the capitalist,” for the economic ruin the nation had endured. Ironically, it was those same New Deal policies – and previous government spending dating to the Weeks Act of 1911 – that had made him rich to begin with. After all, his were “the lands nobody wanted,” and the USFS was his only logical customer.²⁹¹

John Alger, a historian of forestry and logging, and a former lumberman, wrote the foreword and afterword for Gennett’s memoir, *Sound Wormy*. He claims that Gennett left the

²⁸⁷ Letter from Nantahala Regional Forester Joseph C. Kircher to Chief, USFS, August 1, 1935, USDA, Forest Service, National Forests in North Carolina, Supervisor’s Office, Asheville, North Carolina.

²⁸⁸ Mastran and Lowerre, *Mountaineers and Rangers*, 54.

²⁸⁹ USDA, Forest Service, National Forests in North Carolina, <http://www.fs.usda.gov/recarea/nfsnc/recreation/horseriding-camping/recarea/?recid=48920&actid=70>, accessed November 12, 2013.

²⁹⁰ Gennett memoir, 406.

²⁹¹ William E. Shands and Robert G. Healy, *The Lands Nobody Wanted* (Washington: The Conservation Foundation, 1977).

Joyce Kilmer Memorial Forest unlogged “because he wished to, because he felt its value to be greater” in a state of virgin timber. Alger insists that Gennett presented the Joyce Kilmer land to the USFS with the proposition that the site “was worth more as an example of an undisturbed Appalachian ecosystem,” than as sticks of lumber in a yard, and, further, that he was the first to convince the Forest Service of this idea.²⁹² Andrew, of course, knew better. He had spent the previous year trying to sell the land to the Ritter Lumber Company, but the deal had failed due to unsatisfactory titles. If he was indeed trying to convince the USFS of the need to save the forest for the sake of conservation, he was doing so to drive up the price.

Gennett’s timber career as a whole suggests that the 1936 sale of his Santeetlah Creek lands was nothing more than the continuation of a market-oriented business philosophy that he had employed for twenty-five years up to that point. A close reading of his memoir reveals that every major land sale Gennett made to the government in 1911, 1917, 1919, and 1936 followed a period of significant financial distress for his company. That an eye towards conservation was Gennett’s motivation is speculative at best. As his memoir and his letters suggest, it was more likely financial solvency that was on his mind. Andrew Gennett did what was best for his company and his family. For that, he cannot be discredited. In fact, during a period of widespread bankruptcies and consolidation in the lumber industry, he managed to guide his company through the Great Depression intact, passing it on to his heirs when he died in 1942. However, Gennett cannot *receive* credit for saving timberlands for the sake of conservation. That would require more than *speculation*.

²⁹² Alger, *Sound Wormy*, Foreword, xvi.

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