

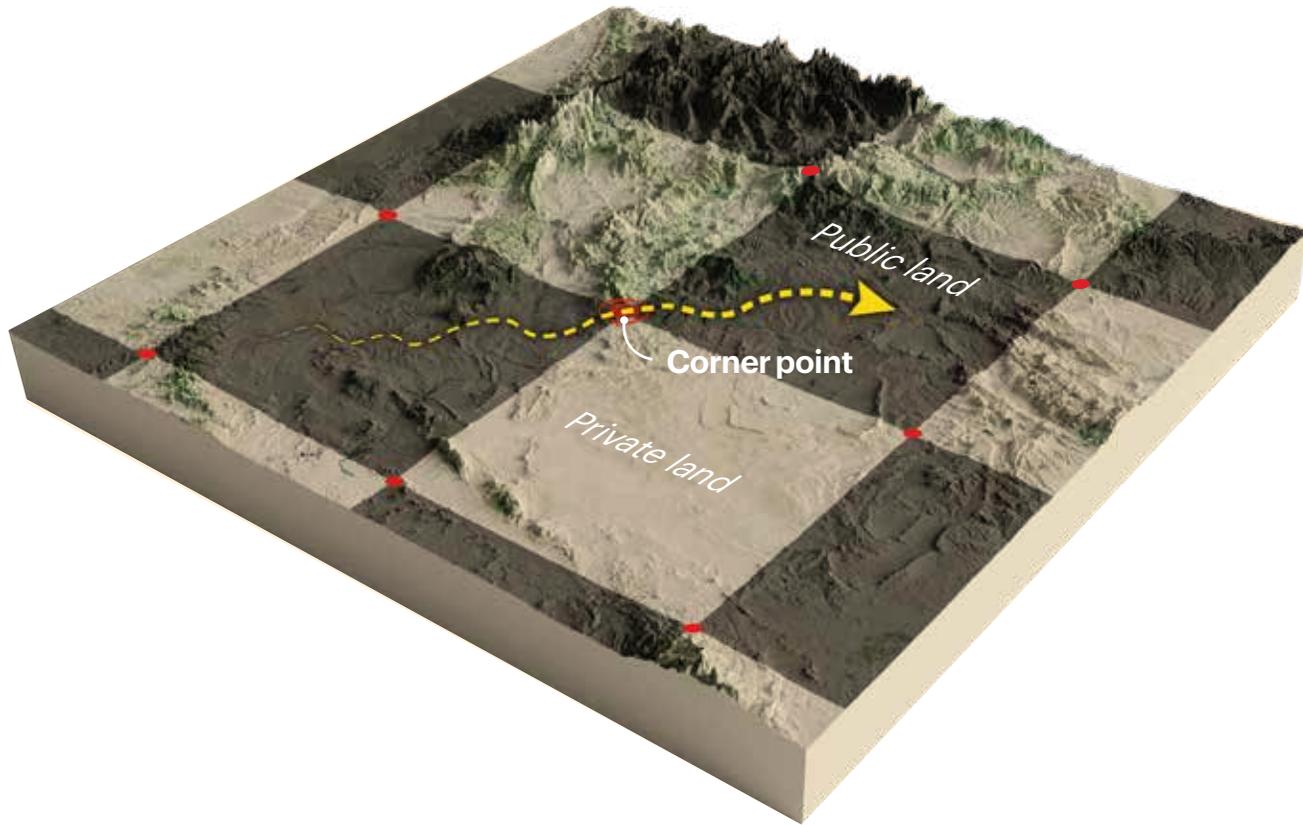


A

CHEQUERED

FRONTIER

HOW FOUR ELK HUNTERS AND A LADDER
COULD RESHAPE THE AMERICAN WEST.
BY OLIVER ROEDER



*A point is that which has no part.
A line is breadthless length.
The ends of a line are points.*

EUCLID

Elk Mountain crests above a frozen moonscape, like a giant stone whale breaking through the snowy scrub plains of Carbon County, in southern Wyoming, in the great American West. It's not an especially famous landmark, the eighth-most prominent peak in the country's least populous state. But, being a mountain, it has seen its share of events. The outlaw Big Nose George and his gang killed two lawmen here in 1878; he was later hanged. A United Airlines flight crashed here in 1946, just below the summit.

This is harsh and spare country, but laid atop it is an invisible and precise geometry. This is graph-paper wilderness. The mountain and the desolate flats around it, for great stretches in any direction, are divided into perfect imaginary squares, one mile on a side. On this vast checkerboard, the "dark" squares are public land and the "light" squares are private land. They meet at single points, vanishingly small – geometric nexuses that pepper and vex the West.

In the fall of 2020, three hunters from Missouri travelled here in search of elk and mule deer. The men, Bradley Cape, Zachary Smith and Phillip Yeomans, drove in on Interstate 80 and Rattlesnake Pass Road and set up camp on public land, a square

administered by the federal Bureau of Land Management. Guided by a digital map, they made their way to a corner. There they found two adjacent steel posts, wired together and chained with a padlock, each bearing an identical red and white sign:

**NO TRESPASSING
Elk Mountain Ranch
307-348-7140**

Between the posts and embedded in the earth was a survey marker: a short stake with a brass cap denoting the corner where four square parcels of land meet – the single point. Unable to get past the chain and wire with their gear, the hunters grabbed hold of a post and swung around it, their bodies passing briefly through private air, but their feet never touching private soil. They landed on a public square locked within the ranch. At other corners, where there were no posts, they simply stepped diagonally over the brass caps. Aside from a suspicious property manager and brief encounters with authorities, the trip was a success – three bull elk in short order – and they headed home.

The next fall, after months of planning, the same three hunters and a fourth, John Slowensky, returned to Elk Mountain. This time they brought along a steel A-frame ladder of Cape's construction. Placing its legs astride the corner, the camouflaged quartet climbed from public square to public square. "It was a pretty simple solution to a pretty simple problem," Cape told me.

The Elk Mountain Ranch manager, Steven Grende, kept a closer eye on the hunters this time.

He was in charge of patrolling for trespassers. According to harassment complaints later filed by the hunters, and made public during court proceedings, Grende confronted them multiple times. He and colleagues drove pick-up trucks on public squares, scaring off the game, a misdemeanor in Wyoming. A bag of the hunters' meat went missing. At one point, occupants of four different vehicles watched them, and the hunters had to hide just to use the bathroom. Grende raced his truck toward the hunters, yelling an obscenity. He also entered the hunters' tent. "You were the boys in here from last year," he said.

"We were, in a sense, being hunted," Yeomans, a diesel mechanic by trade, told me. (Grende did not respond to requests for comment.)

Grende also called the authorities: the Wyoming Game & Fish Department, the local sheriff, the local prosecutor. Eventually, the prosecutor had the sheriff write citations for criminal trespass. The hunters found themselves on trial in a makeshift courtroom in Rawlins, a prison town 45 miles down the road and the site of Big Nose George's hanging. The ranch maintained that any airspace violation was trespassing; given the zero-measure of a point, it is impossible for even a hairbreadth to cross it without passing through private airspace. The hunters, meanwhile, maintained that they, like anyone, were free to pass through public lands. After a three-day trial and less than two hours of deliberation, they were acquitted by a jury.

But the saga had only begun and continues today. The light squares here are owned by Fred

Eshelman, a wealthy healthcare investor, through his company Iron Bar Holdings. In addition to the criminal charges, Iron Bar sued the hunters for civil trespass, in a case that wound up in federal court. Eshelman claimed that, as a result of the airspace incursions, he had “suffered and will continue to suffer damage for the loss of use, custody, possession and control of the property”. He summoned real estate experts who claimed that the value of his ranch would be reduced by as much as a third if such incursions were allowed, a fraction estimated at millions of dollars.

Again the hunters won. A Wyoming district court judge, Scott Skavdahl, wrote that when someone walks from public land to public land “without touching the surface of private land and without otherwise damaging private property, there is no liability for trespass”. Iron Bar petitioned unsuccessfully to stay Skavdahl’s ruling. In public filings submitted to the Wyoming District Court, it claimed a looming wave of interlopers and cited threatening correspondence as a result of the lawsuit, including a postcard stating that Eshelman belonged “in the darkness, abandoned by God”, signed “From Hell, Satan”.

Undeterred, Iron Bar has appealed to a court just below the Supreme Court that will soon hear the case. As Ryan Semerad, an attorney for the hunters, told me, “From the beginning of America, private landowners have always sought to wrest effective control over public lands.” Semerad, who practises the sort of generalist law demanded of a Wyoming lawyer, has now been working on this case for more than two years. Like Eshelman, Semerad is a Wyoming transplant with an immigrant’s love of the place, but that love is polarising on the chequerboard. “For whatever reason, fortune or whatever, these guys and I have become a team,” he said of the hunters.

The case may be a final legal reckoning with “corner crossing”, the practice of accessing public lands by crossing the infinitesimal corners of the chequerboard, like a back-country chess bishop. A huge chunk of public land in the West, equal in size to the Netherlands, is “corner locked”, accessible only via these points. If the hunters win, that chunk is truly public. If they lose, it could be subsumed, effectively lost inside the private landholdings of wealthy individuals and corporations. It’s a legal grey area with sweeping consequences. “The more he pushes it, the more courts are taking the grey out of it,” Cape said of Eshelman.

Corner crossing has been litigated without resolution since the 19th-century. In 1971 Field & Stream magazine called the chequerboard “a hodgepodge of intermixed ownership which inevitably resulted in a variety of public management headaches”. It declared the lack of access “a national disgrace that must no longer be ignored”, one that affected not only hunters and fishermen but also “berry pickers, bird watchers, canoers, nature photographers, rock climbers and students of all ages”.

If the hunters lose, Semerad said, the public land “will become little fiefdoms where the public can’t go, and the private landowners will have added to their own little Xanadus, and that will be the world”. Indeed, in a future where these corners can’t be crossed by foot, locked by courts and the realities of planar geometry, one imagines them all

assembling in a great airborne throng - canoers as human cannonballs, berry pickers as parachutists - descending in colourful masse to the chequerboard, trying to get to what’s theirs.

I called the phone number printed on the Elk Mountain no-trespassing signs. No one answered.

Against all meteorological advice, I travelled to Wyoming in early February. From an aircraft, there is little hint of the perfect imaginary grid that ribbons through the south of this state, save a long freight train wheeling down the tracks of what was once called the transcontinental railroad.

By the mid-1800s, the US bracketed the landmass called North America. Old cities industrialised on the right, California and its gold got statehood on the left - and a Great American Desert lay between. The speediest intercoastal travel at the time was a circuitous, month-long sea route through the tropics. In addition to inconvenience, an ongoing Civil War, and a need to move people and materiel, fuelled the desire for infrastructure. An essentially American - and potently western - craving for land stoked it further. “Let us, then, not despise the plains,” wrote a journalist of the day, “but turn their capacities to best account.”

But how exactly to turn them? The grand plan was a railroad, linking the discontinuous nation with nearly 2,000 miles of fresh track between the midwest and California, which would be famously completed with a golden spike in Utah in 1869, linking feverish efforts to build from both ends. “May God continue the unity of our country as this railroad unites the two great oceans of the world,” reads an inscription in the gold.

The project needed funding first. Legislators of the day worried that paying for “internal improvements” might not fall within their constitutional powers, and the war stretched political capital thin. They addressed this with a plan that painted the land light and dark. The Pacific Railway Act gave “every alternate section of public land” to the railroad companies, within wide swaths on either side of the tracks. The railroads would sell their squares to fund arduous construction through mountains and deserts and snow. The government hoped that the buyers would develop their purchases, settling the West and increasing the value of the neighbouring government squares in the process - and *voilà*, the thing would pay for itself. Abraham Lincoln signed the act into law on July 1 1862, and its effects remain stamped on maps today.

**THE LIGHT SQUARES
HERE ARE OWNED
BY FRED ESHELMAN,
A WEALTHY
HEALTHCARE
INVESTOR, WHOSE
IRON BAR HOLDINGS
SUED THE HUNTERS
FOR TRESPASS**

And from whom did the US government take this land? Humans have settled in what’s now called Wyoming for thousands of years. The railroad slashed through the territories of American Indians - near Elk Mountain, those had been home to the Shoshone, Cheyenne, Arapaho and Ute. The army and militias enforced railroad construction and, in some cases, massacred villages. Tens of millions of buffalo, as the American writer Ian Frazier put it in his classic travelogue on the Great Plains, “disappeared up the tracks like water up a straw”. Among others, an 1863 treaty laid borders for a new Shoshone homeland; an 1868 treaty shrunk it by an order of magnitude.

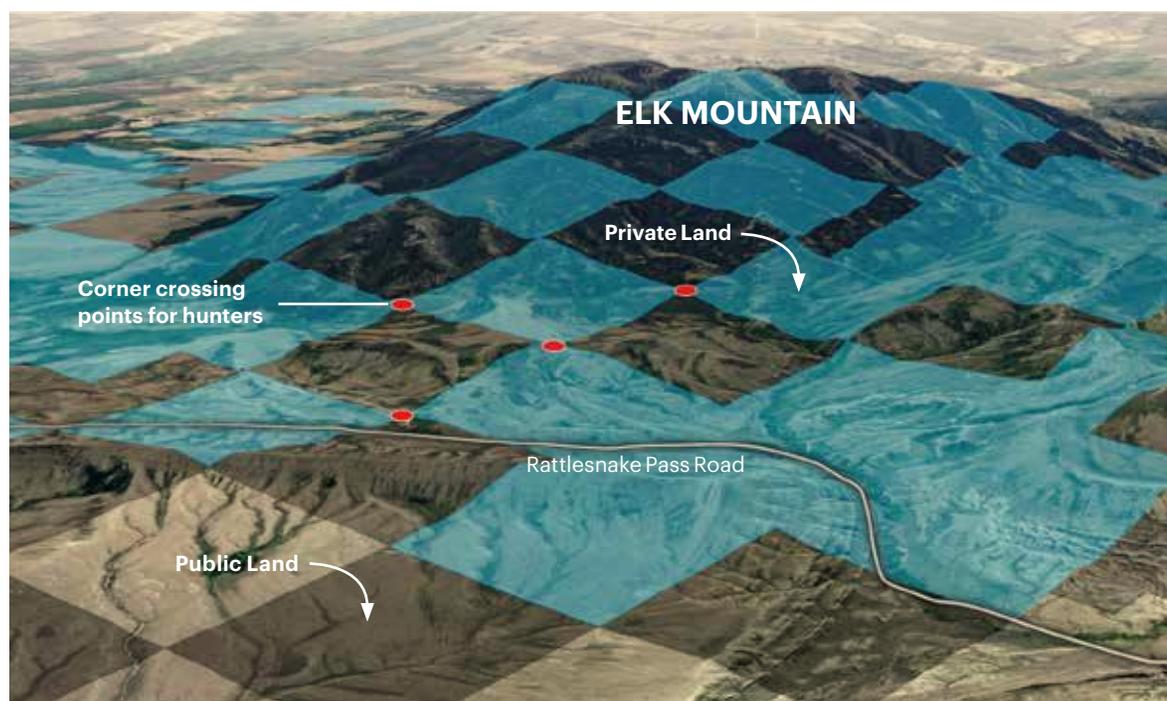
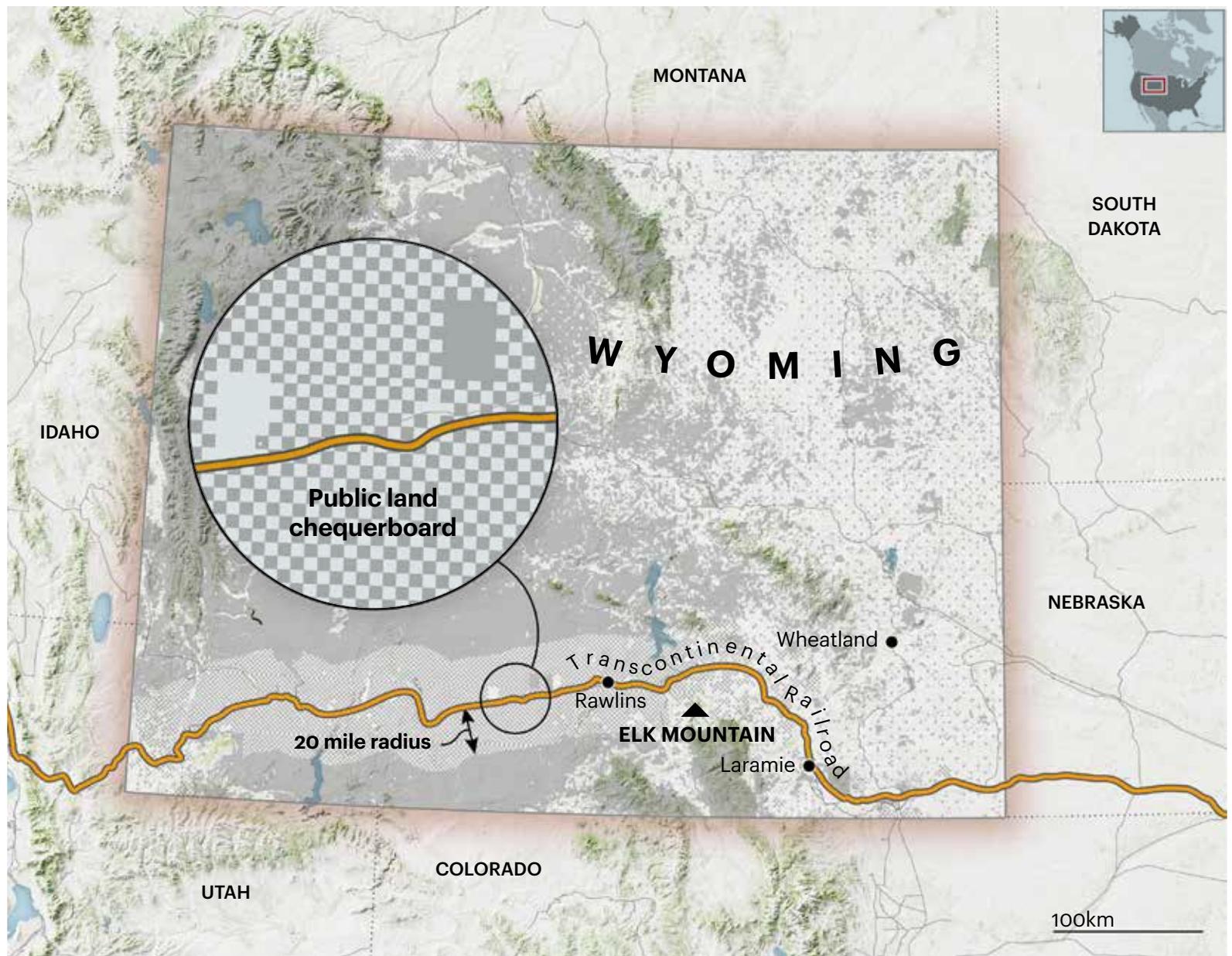
In these olden days, points at the corners were marked with sticks, stones or even dinosaur bones. (Nowadays, federal land surveying is dictated by a 500-page technical manual.) Yet despite voluminous debate over the bill, Congress seems never really to have considered the vexation these “alternate section” points would cause, and set no explicit rules for entry. Instead, it believed that “the ordinary pressures of commercial and social intercourse” would naturally create systems of access, as the Supreme Court later put it. In many cases, as on Elk Mountain, they have not. Eshelman would argue that’s hardly his fault.

Further acts followed, some of which widened the chequered swaths and, by the 1870s, the government had granted 130 million acres, an area larger than Spain, of chequerboard to the railroad companies, and kept the rest for itself. The government had little luck selling its own land, especially in inhospitable southern Wyoming, and, eventually, entitled it in perpetuity to the public.

In the pre-GPS Old West, a series of “range wars” bloodied these plains as frontiersmen battled for land, largely unbothered by legal ownership. “Cattlemen mercilessly drove sheep off cliffs to their deaths,” an Iron Bar brief notes, and dozens of ranchers and rustlers were killed. Newly invented barbed-wire fence entangled the region, as cattle barons sought to secure the public domain for themselves and their herds. Certain of these conflicts were known as fence-cutting wars. The hunters say they are fighting this war still.

To quell the bloodshed, in 1885 Congress passed the Unlawful Inclosures Act. It was stark in its decree: “All inclosures of any public lands... are hereby declared to be unlawful.” As early as 1890, the Supreme Court was smacking down attempts to block access to public land, and the act remains law today. Now, only words on a page can keep people off public land - or allow them on it. “The fence is made for beasts,” wrote a Wyoming territorial court in 1889. “The law is made for man.”

The hunters argue that Iron Bar’s lawsuit and intimidation tactics are modern barbed wire, intangible violations of the Unlawful Inclosures Act, and that Eshelman is playing the role of modern cattle baron. “Iron Bar cannot use a lawsuit like a fence to enclose and prevent reasonable access to public land in the chequerboard,” they write in a legal filing. Iron Bar disagrees, but embraces the metaphor: “Defendants invite this court to play the role of town sheriff, corralling Iron Bar and other landowners and restoring order to the West. Reality is more nuanced, and the role of protagonist is a matter of perspective.”



WAY OUT WEST

In 1862, President Abraham Lincoln signed the Pacific Railway Act, part of a plan to build 2,000 miles of track linking the midwest and California. Alternate sections of land on either side were given to railroad companies who sold their squares to fund arduous construction through mountains and deserts. The railroad slashed through the territories of American Indians – including, near Elk Mountain, the Shoshone, Cheyenne, Arapaho and Ute.

According to analysis of property records by the FT, Iron Bar Holdings owns more than 25,000 acres in Wyoming, nearly all of it on or around Elk Mountain. Within the ranch lie more than 7,000 acres of corner-locked public land – and 950 elk.

Some of the maps presented as evidence in court have belied the true size of Eshelman's ranch. Iron Bar owns more than 25,000 acres in Wyoming, according to analysis of property records by the FT, nearly all of it on or around Elk Mountain and purchased in 2005. Within the ranch lie more than 7,000 acres of corner-locked public land. "The peak rises to 11,156ft, its ridges and draws climbing above sagebrush and hayfields in a sweeping pine-clad ascension," writes Angus Thuermer, a reporter at local news site WyoFile who has covered the case extensively. "The land, littered with arrowheads, is home to 950 elk."

Ranches for sale in Wyoming are often advertised with the amount of public land contained within. The Laramie Plains Ranch, for example, recently on the market for \$18.6mn, "consists of 25,764 deeded acres, 5,338 State of Wyoming lease acres, 8,251 BLM [Bureau of Land Management] lease acres and 14,856 private lease acres fenced into the ranch", according to a posting from a land broker. Elk Mountain Ranch itself was once advertised, at \$20mn, with a quantity of BLM land, a description of its "National Park-type landscape" and a mention of the American Indians who used to live there.

Eshelman made his fortune - hundreds of millions of dollars, according to Forbes - in pharmaceuticals. He founded and later sold the companies Pharmaceutical Product Development, a contract research organisation, and Furiex Pharmaceuticals, whose leading product was a diarrhoea medication. The pharmacy school at the University of North Carolina, his home state, is named after him. He now runs Eshelman Ventures, "an investment company primarily interested in healthcare companies". Its logo and homepage feature prominent mountains.

Like certain other super-rich Wyoming transplants, Eshelman is generous toward conservative causes. He's donated millions to political committees Our American Century and Restore Common Sense, and hundreds of thousands to Donald Trump and Republican committees. Yet the corner-crossing debate cuts through deep creases of American polarisation; one email to Eshelman in evidence reads, "People like you are why I am embarrassed to admit I am a registered Republican."

He's also been busy with other litigation. In 2020, within days of Trump losing the presidential election, Eshelman wired \$2.5mn to an "election integrity" group called True the Vote, which was determined to "expose" election fraud. Shortly after, when the group had done no such thing, Eshelman sued, asking for his money back. Public court documents show that, in 2023, Eshelman subpoenaed to force Google to unmask a pseudonymous online critic who'd called him a "piece of shit" and said he'd "abused police resources" in pursuing the hunters. He was unsuccessful.

Eshelman told me that he "cannot comment on an active case", and did not respond to specific points about his position on corner crossing put to him in writing. His attorneys at the white-shoe firm Arnold & Porter would not comment on the record. But in a sworn deposition, when asked why he pursued the case, Eshelman said that corner crossing had been on the rise and he was frustrated that it wasn't being punished. "When I bought the ranches, I was assured that corner crossing was

GRENDE WANTED THE HUNTERS ARRESTED IMMEDIATELY: 'DO THEY REALISE HOW MUCH MONEY MY BOSS HAS?'

illegal," he said. (This point has never been that clear, even and especially among law enforcement.) "I don't want it happening on my land," he continued. He repeatedly emphasised that he was not trying to regulate access to public land, only his own, indifferent to the *de facto* implications of the simple geometry of the situation. He is pursuing the hunters "to the end legally" because "we got to get a stake in the ground here and find out who's going to do what".

Eshelman also described a curious incident on Elk Mountain. In 2022, two adventure-seeking orthopaedists with a reporter in tow landed small aircraft on an interior public square, and one of the doctors emerged carrying a semi-automatic pistol. That wasn't the only aerial entry. In 2020, a hunter landed a helicopter on a public square there with his wife. They, too, were confronted by Eshelman and Grende in an effort to "scare, threaten and/or intimidate" them from public land, according to court documents. Eshelman's seeming exasperation emerges in the deposition video. "We've got to force this to a conclusion," he said. "I can't live in this world."

Grende was also deposed, and held the ranch line that any airspace violation was a trespass. "From that corner, straight up above private property, is also private property," he said. In an odd exchange with an attorney for the hunters, Grende was asked about the chain he'd hung between the no-trespassing signs and obstructing the corner, which he'd earlier said "was placed in there to keep them off private property", and which he removed the same week the lawsuit was filed.

"Iron Bar has no idea why it kept the chain and the lock on these signs for close to seven years?"

"Correct."

"But Iron Bar took the lock and the chains down in February of 2022?"

"Correct."

"Why?"

"Because they served no purpose."

Grende also appears in body-camera footage taken during the hunting trip. On a dark Wyoming night, he stood chatting with local law enforcement officials - a confusing conversation of jurisdictions, precedents, interpretations and predilections. "We're not gonna do anything," one official said. "The whole corner-crossing stuff is so up-in-the-air in the state." If corner crossing ever made it to the state Supreme Court, one surmised, it would be legalised.

"If that happens... we're shutting it all to the public, fuck everybody," Grende said. "Over four guys."

Grende wanted the hunters to be arrested immediately, but the authorities would not oblige. As they mulled what charges might stick, checked handbooks and radioed back to base, Grende chimed in, "Do they realise how much money my boss has? And property?"

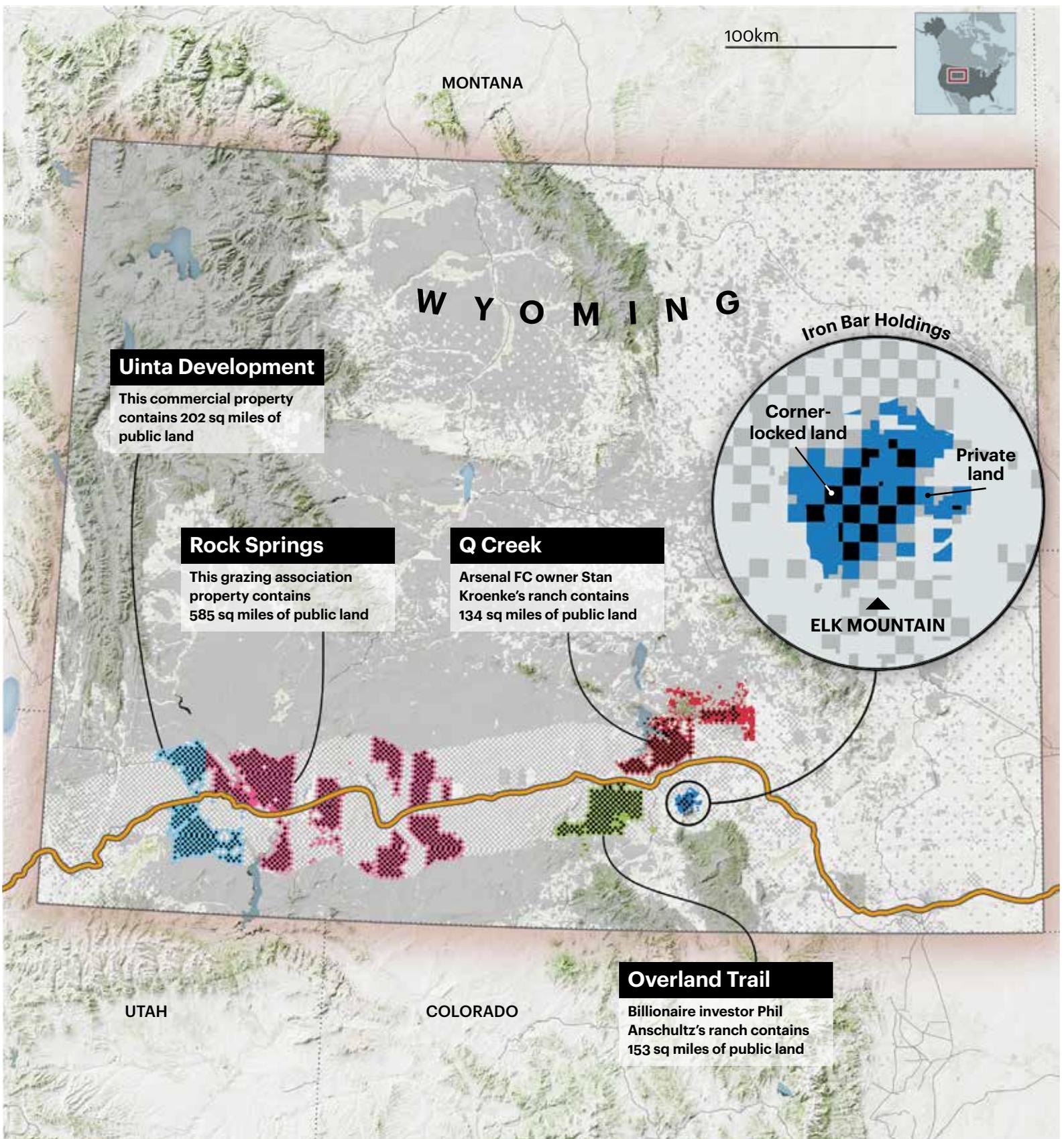
A few days later a sheriff's deputy approached the hunters' camp, a boxy white tent in the brushy hills. A weary, friendly foursome emerged into the setting sun to be cited for criminal trespass. "Please tell me we're not going to jail," said Slowensky, a high-school-band director. The deputy himself seemed bemused, saying he didn't know why they were being cited and that he'd been sent by the county attorney. (The county attorney did not respond to a request for comment.)

"What's the thing with the airspace stuff?" asked Cape, the hunters' unofficial spokesman. He drew lines in the dirt, trying to understand. "Violating airspace, what the heck does that mean?"

In Laramie, a city 50 miles south-east of the mountain, I had supper with a group of residents, including hunters and advocates for public-land access. But the district court's decision, despite legalising corner crossing for the moment, was not a cause for celebration at our table. One person I spoke with had nightmares, about receiving a call from Eshelman's lawyers, for days after crossing a corner. And there's what they called "the gun factor". The state has some of the highest gun-ownership rates in the country and last year its legislature considered a bill allowing owners to use "physical force" to "terminate" what the owner "believes to be" a trespass. Plus there was the turkey hunter whose head was beaten with a shovel. Nevertheless, they viewed the Missouri hunters as brave Robin Hoods, taking from the rich and giving to the public. They joked about starting up portable-ladder companies.

I also spoke with Tim Novotny, the BLM field manager in Rawlins, the town where the hunters stood trial. The bureau, an agency within the Department of the Interior, which protects America's natural resources, manages nearly a quarter of a billion acres - some 10 per cent of the US landmass - including public squares on Elk Mountain. Novotny explained that its mission is sustaining the health and productivity of public land including, for example, protecting wildlife ranges and supporting renewable-energy projects. The chequerboard "has all sorts of different impacts on our management", he said. "The lands that are in the chequerboard pattern limit some of the flexibility that we have in managing projects."

After initially agreeing, the BLM refused to accompany me to the Elk Mountain corners for fear, a spokesman said, of "accidental trespass". It suggested that I contact Iron Bar for permission to access the very public squares that the bureau is responsible for managing. As for corner crossing, it said, "We're leaving that to the courts to determine, we won't be able to comment on it." Neither would the Wyoming Game & Fish Department accompany me; they merely pointed me toward Wyoming's trespassing statutes.



THIS LAND IS YOUR LAND

Using government data, the FT visualised every private property in Wyoming – a select few are shown here. Some are owned by businessmen such as Stan Kroenke, others by companies such as minerals and energy business Sweetwater Royalties,

which owns or co-owns more than 1,000 sq miles in the checkerboard, including the Uinta Development parcel (above). Today, more than 2.4 million acres of public land in Wyoming is 'corner locked', according to digital mapping company onX.

In November, Iron Bar appealed to the US Court of Appeals for the Tenth Circuit, headquartered in Denver, Colorado, one of the second-highest courts in the land, with jurisdiction over most of the Rocky Mountains. That is where the case now pends, and oral arguments will be held in May. In large part the case, and the future of millions of acres of public land, may hinge on two historical disputes involving sheep.

In 1913, a circuit court heard the case of one John Mackay, a shepherd who grazed his flock across the boundaries of the Wyoming checkerboard and through land of the Uinta Development Company, chomping vegetation as it went. Nevertheless, if the company won, “a barrier embracing many thousand acres of public lands would be raised”, the court wrote. “Not even a solitary horseman could pick his way across without trespassing.” The court ruled in favour of the lone shepherd, citing the Unlawful Inclosures Act, and it was his victory upon which Skavdahl relied heavily in ruling for the hunters.

Sixty years later the federal government cut a public road across the checkerboard - crossing, at two corners, private land owned by the Leo Sheep Company - to a fishing spot near the Seminole Reservoir. The sheep company and its neighbours had been charging for access to public hunting and fishing, a practice that the government was keen to stop. The government argued that it had an implied right to access public squares; the sheep company argued it did not and that, if the government wanted to cross private land so badly, it could exercise eminent domain and pay the owners. The Supreme Court ruled unanimously for the private company. Iron Bar is now relying heavily upon Leo Sheep.

The Mackay decision and its ilk are a celebration of public access and the custom of the open range. The hunters embrace this notion of the common; Iron Bar argues that it is “now-obsolete”. The Leo Sheep decision, on the other hand, acknowledges the rights of private landowners and the “need for certainty and predictability where land titles are concerned”. At times, even the country’s most distinguished jurists have sounded befuddled by the twin interests within the checkerboard. “It’s a little puzzling why this has taken so long to mature into this situation, isn’t it?” asked Chief Justice Warren Burger during oral arguments in 1979.

Iron Bar’s opening brief to the Tenth Circuit contains a jarring conclusion. A decision in favour of the hunters, it argues, “would effectuate one of the broadest judicial takings of private property in American history”, which would “erase billions of dollars of private-property value”. The hunters’ response, for its part, begins with lyrics from Woody Guthrie, whose guitar famously bore the motto, “This machine kills fascists”:

*As I went walking I saw a sign there
And on the sign it said ‘No Trespassing’.
But on the other side it didn’t say nothing,
That side was made for you and me.*

I met the selector of those lines, the hunters’ lawyer Semerad, in Wheatland, a small town 80 miles north-east of Elk Mountain, past fields of cattle, pronghorn and little else, and through a mountain pass. Semerad wore a shirt and tie and

THE FUTURE OF MILLIONS OF ACRES OF LAND MAY HINGE ON TWO HISTORICAL DISPUTES INVOLVING SHEEP

carried a backpack full of work. “As a Wyoming attorney, you get used to driving,” he told me. We sat in a coffee shop beneath a shelf of books on the geology of the region by the writer John McPhee. (“Wyoming and Colorado are the only states whose borders consist of four straight lines,” McPhee notes. “That could be looked upon as an affront to nature, an utterly political conception, an ignoring of the outlines of physiographic worlds...”)

Semerad is neither a hunter, a fisherman nor a Wyoming native, and he likes the outdoors only “well enough”. But he has taken to the place and what it represents. He’s become Little John to the hunters’ Robin Hood. Access to hunting or a fishing spot, for Semerad, is merely one piece of a much larger American picture.

“Freedom is a practice, it’s not just an idea,” he said. “And that practice means we should be free to enjoy certain things that are reserved for all of us, like public land.” Semerad expects to make oral arguments on behalf of the hunters in Denver this spring, but a victory there would only be a first step. Equally important would be broadcasting that victory, and affecting the culture of the land. “I don’t really care if there’s some document somewhere in a dusty old book,” he said. “What’s going to happen to me out here? The land is threatening, the beasts are threatening, the territory and terrain are dangerous, you need to be careful - we should look out for each other,” he went on, describing a communal ideal. “It has shifted to, ‘This is for us, or at least it’s not for you.’ And that creates a very hostile, frightening dynamic.”

The next day, a friend and I left Laramie for Elk Mountain before dawn. We cruised happily through the empty dark but, as the sun rose, the wind began to blow. Interstate 80 became a blinding cloud of snow, a low-slung blizzard of vicious gusts and stranded semis; the highway closed to all traffic shortly thereafter, as highways here often do. Our eyes wide and knuckles white, we finally turned on to Rattlesnake Pass Road, down which the hunters had travelled, now barely visible beneath the gleaming snowdrifts. It seemed absurd to imagine rigid borders here.

We held the same speciality digital map the hunters had used, and monitored it closely as our tyres slid on the public road through squares of the checkerboard. We navigated points and lines and the realities of planar geometry. For self-defence, I’d printed a copy of the district court’s

decision, words on a page, and holstered it in a manila folder. Eshelman’s large house was there on the mountainside, tucked behind frozen haze. The ranch gate was open though it was of course affixed with another no-trespassing sign.

For a long time, I wasn’t sure what I’d do when I got to the corner. I thought about the person who’d had nightmares after crossing one, and my lack of experience as a federal defendant. I considered the shovel and the turkey hunter and the sheriff’s deputies. All that risk for a single step. But I also considered the hunters, who want to return to Elk Mountain, and freedom as a practice. There is a world locked on this mountain, and on these plains, and it belongs to all of us. And we occupy it - or not - single steps at a time. I decided I would cross.

Moments later, on a steep, white hill, we ploughed chassis-first into a deep snowdrift. For an hour, on this subsumed public square, we shovelled ourselves out in the bitter cold. We paused to catch our breath and look around. Wyoming was gorgeous, bright and blue and white, vast and towering, glowing and shifting with the howling wind.

Using government data, the FT visualised every private property in Wyoming. The biggest of these include Q Creek (358 sq miles) owned by billionaire Stan Kroenke, husband of a Walmart heiress and owner of Arsenal Football Club and much else; and Overland Trail (235 sq miles) owned by Christian conservative billionaire Phil Anschutz, a real estate and energy investor. Other large properties are owned by land collectives, commercial livestock operations, energy companies and mining outfits. One metals, minerals and energy company, Sweetwater Royalties, owns or co-owns more than 1,000 sq miles in the checkerboard, including the Uinta Development parcel. Together they fill the railroad corridor like gigantic Tetris pieces.

Today, there are more than 2.4 million acres of corner-locked public land in Wyoming, according to the digital mapping company onX, and 8.3 million acres of it in the West - in all some 13,000 sq miles. The vast majority of that is the modern legacy of the railroad land grants. There are 27,120 corners in the American West where “two parcels of public land meet on opposite sides of a point, with private land adjacent”. Handheld apps and precision navigation are exposing these corners to the public, dramatically expanding the notion of the common, or what it could become. “New technology enabled people to understand how they could get to harder-to-reach public land,” onX’s Molly Stoecklein told me.

The hunters have long since returned to the familiar geography of home, where they await news from the appellate system with anxiety and hope. I spoke with two of them recently. People have been corner crossing “for years with no repercussions, no legal battles”, said Yeomans. “I wouldn’t want this to ruin that for them.” Cape added, “What’s at stake is an attitude. It’s a hope that the American public land is still the American public land and it can’t be controlled.”

And Cape, of all things, builds fences for a living. **FT**

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