

Antiquities Act Symposium
National Trust for Historic Preservation
and the Wilderness Society

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It's been my experience that preservationists generally don't need a reason for a party, but in 2006 we have good reason to celebrate all year long. This is the anniversary year for some of the most significant legislative milestones in the history of the American preservation movement.

To begin with, the National Historic Preservation Act is 40 years old this year. Enacted in the heyday of Urban Renewal and interstate highway construction, this is the primary federal preservation law under which we operate today. It created the National Register of Historic Places, established the Advisory Council on Historic Preservation, led directly to the appointment of state and tribal historic preservation officers, and set up a system of federal grants-in-aid to support their work. In short, this law built the framework for much of our day-to-day work in preserving America's heritage.

Also marking an anniversary this year is the 1966 Department of Transportation Act. As you probably know, Section 4(f) of the DOT Act is the strongest federal preservation law on the books. By telling road builders to keep away from historic places unless there is no "feasible and prudent alternative," this law has saved many important sites from being paved over or otherwise harmed by transportation projects in the four decades since it was enacted.

The Tax Reform Act is 30 years old in 2006. This was the first legislation to offer a federal income-tax credit for the rehabilitation of historic buildings. Admittedly, this particular law didn't generate a great deal of rehab activity – but it laid the groundwork for better tax incentives that have sparked billions of dollars in private-sector investment in preservation and returned thousands of historic buildings to productive use.

That's a lot of major anniversaries in a single year. But there's one more, and it's the subject of today's symposium and my remarks for the next few minutes.

This year – in fact, this very day: June 8 – marks the 100th anniversary of the Antiquities Act. It's practically impossible to overstate the importance of this law. It authorized the President of the United States to protect “historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest” on federally-owned land by designating them national monuments – but its real significance goes far beyond that fact. In a very real sense, the principles embodied in the Antiquities Act have shaped and informed every piece of preservation legislation since 1906.

Let me give you some background on why and how it came to be.

In the first years of the twentieth century, many people – both inside and outside the scientific community – were alarmed by the rapid and widespread destruction of America's archaeological heritage. Ruins that had stood for centuries were being toppled by careless visitors. Sites were being defaced by vandals and despoiled by looters. Collections of priceless artifacts were being assembled and displayed in museums with little concern for the context in which they had been discovered. Particularly alarming was the fact that much of the damage was being done on public land, and the government had little power to stop it.

The 1906 Antiquities Act changed all of that. It established criteria and a procedure for authorizing legitimate archaeological investigations. It set penalties for stealing or destroying artifacts. And it facilitated quick protection of important resources by means of presidential proclamation instead of through lengthy, politically charged and often contentious congressional action.

Almost immediately after signing the Act, President Theodore Roosevelt started putting it to good use. Ironically, the first national monument he designated was not an archaeological site, but a geological feature: Devils Tower, the awe-inspiring volcanic monolith in the northeastern corner of Wyoming that certainly qualifies as an impressively big “object of scientific interest.” Other designations followed in quick succession: Over a three-year span, Roosevelt used his authority under the Antiquities Act to create 18 national monuments, protecting both natural features such the Petrified Forest in Arizona and cultural sites such as the Chaco Canyon ruins in New Mexico.

That flurry of designations is exactly what one would expect from Teddy Roosevelt, one of the most avid conservationists ever to occupy the White House – but almost every President since 1906 has followed Roosevelt's example. Use of the Act waned somewhat after FDR clashed with Congress over his expansion of Grand Teton in the 1930s, but it went into high gear again in 1978 when President Carter designated 15 new national monuments covering millions of acres in Alaska. More recently, President Clinton tied Teddy Roosevelt's record by creating 18 new monuments, from the Upper Missouri River Breaks in Montana and the Virgin Islands Coral Reef in the Caribbean to Abraham Lincoln's summer retreat at the Soldiers Home here in Washington.

Use of the Antiquities Act has been resolutely bipartisan: By my count, Republican Chief Executives have invoked it to create 62 national monuments, while their Democratic counterparts have created 63. The process continues today: President Bush created the African Burial Ground National Monument in Lower Manhattan just a few months ago.

The roster of presidentially-proclaimed monuments comprises some of the country's best-known and most cherished scenic and historic places, from Death Valley and Carlsbad Caverns to the Statue of Liberty and the Little Bighorn Battlefield. It's worth noting that many presidentially-proclaimed national monuments have been subsequently designated national parks: Grand Canyon in Arizona, Zion in Utah, Glacier Bay in Alaska, Acadia in Maine – these are just a few of the “crown jewels” in today's national park system that were originally named national monuments by presidential declaration.

Clearly, the Antiquities Act has saved many important places from being destroyed or allowed to crumble – and that's reason enough for us to celebrate its centennial today. But the Act did more than that.

For one thing, it greatly expanded the federal role in preservation. While the Antiquities Act applies only to land owned or controlled by the US government, it laid the groundwork for subsequent laws that fostered the recognition and protection of historic places in both public and private ownership. One of those laws was the 1935 Historic Sites Act, in which the federal government formally declared that “it is a national policy to preserve for public use historic sites, buildings and objects of national significance for the inspiration and benefit of the people of the United States” – a ringing reaffirmation of principles first laid down three decades earlier in the Antiquities Act.

Also, by establishing policies for scientific archaeological investigation, the Act worked a fundamental change in how people thought about the beautiful, compelling and fragile relics left behind by earlier civilizations. It encouraged Americans to feel that our shared heritage is a public treasure, not merely a commercial asset to be exploited. It fostered – and enforced – the notion that cultural resources on public lands should be treated with the utmost respect, and that only the best stewardship practices, the highest level of scholarship and the most up-to-date technology should be employed in their identification, preservation and interpretation.

In light of its enormous impact over the past century, I believe it's no exaggeration to call the Antiquities Act the most significant piece of conservation legislation ever enacted in the United States. The 1916 National Park Service Organic Act, the 1964 Wilderness Act, the 1966 National Historic Preservation Act – these are the cornerstones of federal conservation law. But they all rest on the strong foundation laid by the Antiquities Act.

It is the first systemic act of its kind: While earlier legislation had protected individual places such as Yellowstone, the Antiquities Act applies across the entire range of federal lands – and what's more, it applies to natural, cultural and historic sites alike. It recognizes that when an important piece of our heritage is threatened, the government must be able to act quickly and decisively to save it – and that's exactly how presidents

have used it. Some short-sighted people have complained about this so-called “misuse” of presidential power – but no one complains about the preservation of Ellis Island or the C & O Canal or the Grand Canyon, and 50 years from now, no one will complain about the preservation of Wrangell-St. Elias or the African Burial Ground, either.

A century after Theodore Roosevelt signed the Antiquities Act into law, historic resources on public lands are generally better off than they were in 1906. That’s the good news. The bad news is that many of these resources are still not out of danger – as evidenced by the fact that the National Landscape Conservation System, comprising 26 million acres of mountains, forests, prairies and deserts in 12 western states, appeared just last year on the National Trust’s list of America’s 11 Most Endangered Historic Places.

It comes down to this: In 2006, just as in 1906, the natural and cultural treasures on our public lands need the safeguards provided by the Antiquities Act.

We have good reason to be grateful for the presence of this far-sighted and essential piece of legislation, and it’s absolutely fitting that we celebrate its centennial, as we’re doing here today. But celebration alone isn’t enough. We must also work to ensure that the provisions and principles of the Antiquities Act remain intact and effective.

As I mentioned a moment ago, there has been occasional grumbling that the president has “locked up” too much land and that the power to designate national monuments should be curtailed or vested solely in Congress. This is a bad idea. As a means of preserving the places that Americans care about, as a tool that has been employed by presidents from one end of the political spectrum to the other, the Antiquities Act has worked well for a hundred years – so well, in fact, that it’s an excellent illustration of the old maxim, “If it ain’t broke, don’t fix it” America needed this far-sighted law a century ago, and we still need it today – perhaps more than ever.

But it doesn't mean much if it's just words on paper. To be effective, the Act must be used to preserve the many special places that stand – largely unrecognized, unprotected and vulnerable – on our public lands, especially in the West.

Consider, for example, a place called Nine Mile Canyon in Utah. It has been called “the world’s longest art gallery” because it includes an incredible array of rock art – as many as 10,000 petroglyphs and pictographs. It also encompasses a thousand archaeological sites, the remains of historic ranch settlements and a stagecoach stop – all in a setting of great natural beauty. I’ve seen it, and I’m convinced that if anyplace is a prime candidate for national monument designation, Nine Mile Canyon is – but it hasn’t been designated. In fact, the place has little formal protection of any kind – and as a result, it is threatened by unregulated visitation, increased recreational use and vandalism. Even more alarming, proposed oil and gas development could bring hundreds of new wells to the canyon and the surrounding area, along with miles of pipeline, compressor stations, new roads and greatly increased truck traffic. This kind of development could turn the world’s longest art gallery into the world’s most culturally-significant industrial zone.

There's only one Nine Mile Canyon in the world. But there are other places all over the country that merit the kind of recognition and protection that the Antiquities Act was specifically created to provide.

The Antiquities Act must be preserved. It must be used. And one more, very important thing: The agencies responsible for carrying out its mandate must be given the support they need to do their job well.

It may be that the biggest threat to the treasures on our public lands comes from our own misplaced complacency. When they hear that a place has been designated a national monument, most people probably assume that it's safe, that it will be well cared-for forever. Sadly, that just isn't true. Designation alone doesn't guarantee preservation. Designation is merely one step in a much longer, more complicated and more important process: stewardship. Good stewardship, as we all know, is practically impossible without the bodies and dollars that the job requires – and the fact is that the agencies responsible for stewardship on our public lands have always been hampered by chronic understaffing and underfunding.

Here's a quick snapshot of how things are at two sites of global significance in Colorado: Mesa Verde National Park, world-famous for its spectacular cliff dwellings, has 52,000 acres of land and 12 rangers. Not far away, Canyons of the Ancients National Monument has the highest known density of archaeological sites in the US, is more than three times larger than Mesa Verde, and has one ranger. This situation is mirrored at other monuments: A recent study looked at 15 federal land holdings that encompassed significant cultural resources, and found that most of these units had only one fulltime ranger. On average, each ranger was responsible for patrolling 200,000 acres of land, making it practically impossible to prevent vandalism, looting, unauthorized grazing, violations of mineral-drilling permits, and other activities that damage or destroy resources that are both fragile and irreplaceable.

Here's another snapshot, this time from Agua Fria National Monument in Arizona, where centuries of human occupation can be traced in pueblo ruins, rock art, the remains of Basque shepherders' camps, military sites and mining structures. Because of its close proximity to Phoenix, the monument is experiencing explosive growth in visitation – from 15,000 visitors in 2000 to 77,000 in 2004, a five-fold increase in just four years. Looting and vandalism are major problems, but even more alarming is the huge rise in off-road vehicle use, which increased ten-fold in those same four years. These big, noisy, agile vehicles scar the landscape, kill plants and wreck archaeological sites – many of which haven't been adequately studied, since the monument can't afford a fulltime archaeologist.

One result of inadequate staffing and funding is that vast tracts of public land – including several national monuments created under the Antiquities Act – haven't been fully surveyed, so officials charged with protecting historic resources don't even know where they are. Despite hard work on the part of many conscientious site managers, only about 6% of BLM land – in other words, roughly 1 out of every 16 acres – has been surveyed.

More than 260,000 culturally-significant sites have been found, but archaeologists think there may be 4.5 million others not yet identified – much less protected, preserved, monitored and interpreted. The bottom line is a self-evident fact: You can't protect it if you don't know it's there.

That's what we have to fix. We can't keep asking federal land-management agencies to do the impossible. We can't keep allowing irreplaceable treasures to be lost. We can't stand by while important chapters in America's story are erased before we've had a chance to read them. Failure to meet this challenge would be a refutation of all that the Antiquities Act stands for – and a debit against the American spirit.

When I review the history of legislative milestones such as the Antiquities Act, one word keeps running through my mind: vision. The people who wrote these laws had a clear perception of the importance of America's legacy from the past and an expansive vision of what preservation is all about. They were giants, and we stand on their shoulders – which means we're in an excellent position to continue the work they started.

And make no mistake, there is a great deal of work to be done. I say that because I believe that the principles embodied in the Antiquities Act represent an incomplete agenda, an unfinished chapter in the long and complicated story of man's impact on the land. We have an opportunity – and an obligation to the generations that will follow us – to complete that agenda, to finish writing that chapter and ensure that it has a happy ending.

As individuals, as representatives of public agencies and private organizations, we must do our very best to raise awareness of the enormous importance of the natural and cultural treasures on America's public lands, and to ensure that they get the care they need and deserve. I believe that this kind of dedicated and ongoing effort is the most meaningful way for us to honor the spirit of the Antiquities Act – both today, on its 100th anniversary, and from this day forward.