

CELEBRATING THE ANTIQUITIES ACT

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With the candor necessary to comradeship, let us pause at the threshold of these celebratory proceedings to turn to each other in pain and in sympathy. This is wartime. In the backs of our minds as we hold this discussion, there must be thoughts of friends, of family members, and of people we do not know but care about, suffering in Afghanistan and Iraq. We have our own jobs to do, including the deliberations before us. Let us do them in full awareness that we must work at them a little more vigorously because we act for others who have now gone from us. There have been casualties. We will go forward depleted in numbers and talent and aspiration. We are fewer, now, in our common endeavors for our country, for the land we inhabit, for the traditions we revere – and in our search for deeper understanding of the circumstances that unite us with the people who long ago lived where we now live.

The Antiquities Act of 1906 serves those traditions by providing places in which to learn and time to learn about them before they are so altered as to render their messages to us unintelligible. The Act provides time to think about time – time and people in place. Antiquities are the lasting evidence of people in place. The language of the Act is capacious, however, for it gives to presidents the discretionary authority to place under special protection public land containing "historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest." It defines some of the "objects" to be preserved as landscapes ("the limits of which...shall be confined to the smallest area compatible with the proper care and administration of the objects to be protected.") So a monument might be a single prehistoric structure, natural wonder, or a horizon-to-horizon array of structures or wonders as extensive as Chaco Canyon or as extensive as the nearly three million acres of the Katmai. When Congress passed the Act, it was expressing a choice in the kind of discretionary authority it wished to allow a president. It was moving toward withdrawing presidential power to designate forest reserves for their productive value granted under the Forest Service "Creative Act" of 1891. In 1906, as if in exchange, presidents received power under the Antiquities Act to designate places for their instructive and scientific value. This choice is the pivot point in our discussion. It does not require genius for a wood-requiring economy to assure a supply of lumber. But why should we value places having time-depth – we call such places "historic" -- and learning-depth – and thus of "scientific interest"? Because such places teach, and because we wish to learn – not just to consume what nature produces. Specifically, then, what did Carl Schurz, Benjamin Harrison, and Theodore Roosevelt, and the other leaders of the nation's First Great Environmental Awakening, expect their countrymen to learn from American antiquity? I believe that the records of their reading and discourse manifests their participation in an American tradition of learning from nature and from history about the limits set by nature upon the uses people may make of it.

Legislating Time to Think

The Antiquities Act gives to a president discretionary authority to place a "stop!" sign in the path of the destruction of a place of national teaching and learning. Time is of its essence. It gives pause-points for protection, double-bars in the musical scoring of policy formation, intervals for deliberation, periods in which to consider more fully the consequences of what we do over time, and what may happen if we do injury that not even time can heal. Fittingly, it is called an "antiquities" act -- the defining characteristic of "antiquity" is survival over time.

The shift from discretionary authority to designate forest reserves to discretionary authority to protect “antiquities” (very, very broadly define) entailed a remarkable shift of emphasis from “productive” value (as a crabbed economist might define “productive”) to historic and scientific – instructive -- value. Something of “scientific interest” must possess the power to inform an inquirer of something worth knowing. Human history and prehistory in the East and in the West -- Mound City and Chaco Canyon -- were important to those supporting passage of the Antiquities Act. Yet they also provided ample discretion to save places instructive of other subjects, granting special powers granted to presidents to move expeditiously to preserve in the national interest opportunities for education – quite another class of “objects” than further opportunities for exploitation. The Congress gave the president power to help succeeding generations learn from and about nature – not just to consume what nature produces. Roosevelt’s first monument – Devil’s Tower in Wyoming – is instructive both as a geological feature and as a sacred place for many American Indians. President Carter’s fifteen national monuments in Alaska and President Clinton’s vast Escalante-Staircase National Monument in Utah contain thousands of places of prehistoric, historic and scientific interest, set aside by those presidents because Congress was having great difficulty in getting past narrower interests on the way to saving a national asset.

In both East and the West, the reach of presidential designation has been extended from areas no larger than a half-acre (Cabrillo) or within the scarps and abutments of Forts McHenry (MD), Pulaski (GA) and Matanzas (FL), to comprehend ranges of mountains in Alaska and deserts of endless horizons in California and Utah, and each time affirmed by congressional action. That affirmation has taken two forms: ratification by elevation each time the Congress has accepted a presidentially-designated monument and made of it a park, and ratification by compensation each time a monument stays a monument and receives congressional appropriations to pay its staff, whether within the Fish and Wildlife Service, the Forest Service, the National Park Service, or the Bureau of Land Management.

Monuments have been elevated by Congress from monument to park status during all seventeen presidencies since 1906, and during each of those presidencies new monuments have been designated – most of them by the presidents themselves under the Antiquities Act, some by Congress itself. The total had reached ninety-one before 1978, when President Carter designated his fifteen in Alaska. Thus, for more than a century, presidential designation under the Antiquities Act has taken its place within that conservative tradition that gathers wisdom from practice repeated and accumulated.

The National Landscape Conservation System

President Clinton, urged onward by his Secretary of the Interior, Bruce Babbitt, and that department’s resourceful and preternaturally patient Solicitor, John Leshy, designated monuments encompassing deserts, mountain ranges, canyons, forests, forts, reefs, the site of a Japanese-American internment camp in Idaho, and Abraham Lincoln’s summer home on the edge of the District of Columbia. Most of the land area they designated had been under the aegis of the Bureau of Land Management, whose traditional task has been encouraging use, rather than preservation. So, to underscore the need for some new skills, the Clinton-Babbitt-Leshy process provided a National Landscape Conservation System within the Bureau. Not all components of this system are National Monuments; it contains conservation areas, rivers, trails, Wilderness Areas and Wilderness Study Areas.

Plainly, part of the intention behind training a strong set of professionals to serve prehistoric, historic, and scientific education within the National Landscape Conservation System was to make it capable of self-defense against developmental and exploitation pressure. As matters have unfolded, many people in monument-side communities who once opposed monument status are now happily depositing tourist dollars and have new pride in the neighborhood. It seems that tourists and “locals” both like to learn, and have reverence for prehistory, history, and science. Such reversals of stance toward monuments have been the rule, though while the opposition in one instance was noisy, one president, Woodrow Wilson, acquiesced, ordering the boundaries of the monument on the Olympic Peninsula to be shriveled. That was a unique case; elsewhere the economic – and educational -- benefits of neighboring

monuments have created constituencies powerful enough to produce congressional reaffirmations of monument designation by elevating parks into monuments.

Pressure for roll-backs has been there, however, producing some colorful language, but no congressional action so retrograde as Wilson's. On at least four celebrated occasions, indeed, Congress decisively refused to heed howls from members seeking to reverse the presidential creation of a monument – though the howls were loud enough, and the language colorful enough in 1943 to force Franklin Roosevelt to veto legislation to roll back his creation of the Jackson Hole National Monument. In the midst of World War II, Roosevelt was undeterred when the shriveler-in-chief, Senator Edward Robinson, proclaimed that the President's use of the Act that it was “a foul, sneaking Pearl Harbor blow,” and Congressman Frank Barrett said that creating the Jackson Hole Monument was “contrary to every principle of freedom and democracy.” In the end, all that the noise produced was a bill in 1950 that told the president that he could make all the monuments he wanted anywhere but in Wyoming. And that is the law to this day.

Antiquities to Think About

Following the example of Theodore Roosevelt, the historian-president, and Carl Schurz, the historian-secretary, let us put a little more antiquity into our own discourse. They and the other leaders of the nation's First Great Environmental Awakening used what powers they had to preserve forests and magnificent landscapes, bearing in mind that there was much to learn from American antiquity about what happens to people in their interrelationships with nature. They – and we -- are not the first Americans to ruminate upon the evidence of people in nature. When they saw ruins, they asked themselves: what happened to the people who once inhabited these places? Had those people failed to achieve a sustainable relationship with nature? What somber tales are implied by empty, ruined towns and empty, ruined fields? These questions have been asked by European-Americans of American antiquity since they were raised by some companions of De Soto in 1540. George Washington and Albert Gallatin made such inquiries as soon as they came into the presence of the immense earthen mound structures of the Ohio and Mississippi valleys (some of which were later protected by the Antiquities Act.) What might such places have to tell about Man in Nature? Forest reserves included such eloquent places, and when the process tested under the Creative Act was applied to serve history and science under the Antiquities Act, people of the sophistication of Schurz and Roosevelt knew what they were doing. Some of that sophistication had come to them directly from the study of man and nature; some had come from the study of a book bearing the title *Man and Nature*. It had been written in the middle of the nineteenth century by George Perkins Marsh as the result of his historical and scientific inquiries into the antiquities of both Europe and America. All these statesmen, however, owed a debt to Gallatin, the first among them fully to apprehend the mystery, magnificence, and environmental meaning of American antiquity, though others of his generation, among them Lewis and Clark, had camped in the shadow of the immense flat-topped pyramid of earth at Monks' Mound at Cahokia, Illinois. Washington himself had experienced the grandeur of the huge earthen cone at Grave Creek, West Virginia, and had wondered what happened to those who constructed it. Having read these reports and considered these puzzles, Thomas Jefferson instructed his explorers to look for more evidence of antiquity along the Missouri. As Washington, Jefferson, and Gallatin directed the attention of their countrymen to their predecessors in the land, Washington and Jefferson built commemorative mounds in places of honor on their own estates directing their visitors' eyes specifically toward the antiquities of the American West.¹

The Great Tradition – Gallatin, Marsh, Schurz, Harrison and Roosevelt

After service in Washington's revolutionary army in the 1780s, Gallatin had become a national figure when serving as Thomas Jefferson's Secretary of the Treasury. His contribution to the body of thinking that led to the Antiquities Act lay, however, in his insistence that the lessons of American Indian antiquity be taken “straight,” undiluted by any argument that they were not

¹ For more on these first encounters of American citizens with their own antiquity, please see my [Hidden Cities](#).

applicable to superior people such as Gallatin's fellow citizens. Gallatin expressed disgust with such racial arrogance and with the environmental irresponsibility carried in its train. As the most persuasive advocate of the study of antiquities in America in the early nineteenth century, Gallatin stimulated research and preservation by the Smithsonian Institution and was the intellectual father of the Bureau of American Ethnology. He was also the first systematic collector of information about the southwestern ruins within the Mexican Cession; as the first national figure to insist upon their importance, he gave them the first salience that later led to their being considered worthy of protection under the Antiquities Act. The generation of archaeologists after Gallatin certainly helped, but he was a famous man, and they were not. (it was only happenstance that the first National Monument – Devil's Tower --was not a building but a natural feature long used for ceremonial purposes.)

Marsh took up Gallatin's instruction, and added more to the foundation for the Antiquities Act by asserting the association of conservation history to conservation necessity. That history could be learned at Mound City in the Midwest and at Mesa Verde in the Southwest (both were made into National Monuments before they became National Parks). Gallatin and Marsh understood the importance for history and science of the antiquities whether in Ohio or Colorado. In the 1840s, both took an intense interest in the publication by Ephraim George Squier and Edwin Hamilton Davis of their great compendium of information on the ancient Indian monumental earthworks east of the Mississippi River, and the implications of the apparent abandonment of the agricultural towns and cities that supported them.

In this line of scholar-statesman-conservationists, Gallatin and Marsh preceded Carl Schurz, the first great Secretary of the Interior. Schurz was more conservationist than antiquarian, but he had been trained in the classics and acquainted with the environmental degradation that had doomed classical culture in Greece and Sicily. After Marsh commented upon how over-grazing, over-lumbering, over-cultivation, and erosion had led to the collapse of the high cultures of Greece and Italy, any American as erudite as Schurz could associate the lessons for America of Mediterranean antiquity and American antiquity. Those of Schurz's kinetic temper applied those lessons to conservation action further informed by experience such as his stint of hard-scrabble farming in that burnt-over corner of Wisconsin later made famous by Aldo Leopold.

Schurz was as eloquent as Marsh, and as politically shrewd as Gallatin (their active lifetimes overlapped). As Secretary of the Interior, he cleaned out the corrupt Indian Bureau. Through his influence on Congressman and then President Benjamin Harrison, he laid the basis for the use of presidential authority for conservation and preservation, becoming the intellectual father of the presidential designation clauses of both the Forest Service "Creative Act" of 1891 and the Antiquities Act of 1906. Conservation and preservation, antiquities and landscape, were and are inseparable – the antiquities are here because of the nature of the land – when those antiquities lie in ruins, or the landscape is despoiled, science assists prehistory and history in offering explanations and exhortations.

Harrison left the nation a grand legacy, within the grand tradition. He grew to manhood in the Ohio Valley mound country, and learned from Gallatin, Marsh, and Schurz about the evidence of prehistory in the West as well. In 1893, when he determined to protect what he could of the Grand Canyon, the Antiquities Act was not yet on the books. So Harrison used his discretionary power under the "Creative Act" to make much of the rim of the canyon a Forest Reserve. Two years earlier, at the urging of Schurz, he had designated two million acre of the environs of the Yellowstone Basin as part of the Yellowstone Timberland Reserve. Thereafter his reserve became the Shoshone National Forest. Yet both the Grand Canyon and the Shoshone would have qualified under the terms of the Antiquities Act – both are full of evidence of long-term human occupation; both have historic, prehistoric, and scientific interest. But Harrison used what he had, to do what he could. Schurz had made the nation aware of the Yellowstone, and during the 1890s the nearby Gallatin National Forest Reserve was designated as well as the Shoshone. By the time Theodore Roosevelt came to the presidency on September 1, 1901, forty-two million acres were already presidentially designated as Forest Reserves. Roosevelt added one hundred million more, and brought the total of forest reserves to one hundred fifty nine million. There were then only eleven national parks.

The Grand Canyon continued to be magnificent arena for the display of presidential resourcefulness. Some of it marinated within Harrison's "Forest Reserve," and some was

designated a National Game Preserve by Roosevelt. After the Antiquities Act gave him a new tool, he put the array into a National Monument. Yet – here is an example of American history in its ironic mood: the threat of the canyon's becoming an impoundment reservoir for a power dam was alleviated by the great engineer himself. Herbert Hoover made a National Monument of another part of the canyon, which might otherwise have born high-voltage towers and cables, leaving it to Lyndon Johnson to add as a monument the last portion of the present park -- Marble Canyon. The Congress finally converted the entire magnificent concatenation into a National Park in 1975.

The Great Tradition – The American Sense of a Past in Place

Monument designation under the Antiquities Act has become one strand in what has become a complex tale of responsible public stewardship going beyond preservation into education. Throughout our history we have set aside learning-places too precious to be parceled out to private use: the Great Meadow in Concord, so beloved by Thoreau, is such a learning-place. So are Devil's Tower and Mound City and the Grand Canyon. So are the village green in Woodstock and many another New England village. So are the plaza in Santa Fe and the Boston Common. These places are all historic places, and if we have eyes to see and ears to hear, they are also objects of science – for science means learning. We can learn in them. And not just of the past. Through the study of past may come clearer understanding of the present.

Strenuous in his optimism as Theodore Roosevelt was, and often buoyantly insistent upon the triumphal side of history, he knew, as did Gallatin, Marsh, and Schurz, that all history is not celebratory – ruins tell of ruination, of disappointment as well as achievement, of vigor in construction and infirmity in aging, among persons and societies. Gallatin was especially wise in admonishing his contemporaries not to think ourselves wiser than those who went before them. From the experience of their predecessors, he told them, they could learn how to conduct themselves more prudently. That experience was most eloquently articulated in the antiquities they left behind. That concept of “architecture that talks” was a common enough theme in the French, German and British poetry of the time; Gallatin and Marsh made politics from poetry. English poets had their Tintern Abbey and their country churchyards. American conservationists had – and have -- our antiquities. In cliff-dwellings and mound-bordered plazas there is a record of accomplishment. In their abandonment and emptiness there may be lessons of profound gravity about people and the limits of sustainable settlement. Those lessons are written large at Chaco Canyon, at Bandelier, in every canyon in the Grand Staircase, at Mound City, and at Poverty Point (a congressionally authorized monument). All these have been preserved for our study by the Antiquities Act, whether they have become National Parks or are still parts of the National Landscape Conservation System.

Lessons and Distractions

One lesson to be drawn from the evidence of their passage is that humans suffer when they transgress natural limits. Try as we may, we cannot escape that truth. One escape route too often attempted has been to think ourselves too grown up to be so constrained, to think we are now free of limits because we can always find a techno-fix. As early as the 1840s, however, Gallatin was admonishing his countrymen to beware of the consequences of believing themselves better, wiser – or likely to be luckier— than those who had left to them the antiquities then being rediscovered. Gallatin was attacked by a jingoist mob after asserting that disaster would befall those blinded to limits by any “claim...to...a hereditary superiority of races.” All people, of any race, he insisted, were subject to environmental constraint; the study of American antiquity, like the study of Mediterranean (or “classical”) antiquity, imparted the humbling truth that the earth remains bountiful only if its rules are followed.

From time to time, our willingness to learn such truths has been overwhelmed by haste to exploit, by lust for quick riches, and by our own brand of “master race” foolishness. Gallatin, Schurz, and Marsh warned their countrymen not to become “too foolish, too much attached exclusively to the acquisition of wealth” to pay attention to the accumulation of debts to nature. That was the message Marsh derived from what he observed on eroded and over-grazed Sicily, and Schurz experienced in hastily-lumbered and eroded Wisconsin.

The First Great Environmental Awakening

The lessons of limits imparted by the land itself, interpreted by these great founders of American conservation, stimulated an efflorescence of legislation during the Populist--Progressive Era from 1891 until 1916. In those wondrous years, the nation experienced its First Environmental Awakening, of which the Forest Service "Creative Act," the Organic Act of the Park Service, and the Antiquities Act of 1906, the Mineral Leasing Act, and the Federal Power Act of 1920 are among the lasting gifts. That First Awakening, inspired by nineteenth-century reform, established a conservation tradition animated by a just regard to the experience of predecessors on the land, a due regard to the interests of those that would require it afterward, and an enlarged sympathy for those who need protection within the present generation. The Progressive vision stretched the capaciousness of American's sense of community to comprehend a common interest, extending backward into antiquity and forward toward sustainability in the future. Tradition gives perspective – it imparts time to consider. That is what the Antiquities Act does. That is the reason for its stress upon antiquity. It gives time to consider. It is the exact opposite of war.

Now, as we close this part of our conversation, let us consider some examples of the wondrous bipartisanship and the glorious ironies in the history of the use by a variegated lot of presidents of their monument-designating power. The contributions of Benjamin Harrison and Herbert Hoover to conservation were suggested earlier; Hoover's included Death Valley. Warren Harding set aside Bryce Canyon National Monument, Hovenweep and Aztec National Monuments in the West, and made a monument of Mound City, whose instructional capacity had been known to him and his neighbors since his Ohio childhood; Calvin Coolidge gave us thirteen, including Glacier Bay.²

Monument making during the New Deal occurred at the vigorous pace that might be expected of a Roosevelt presidency; the process slowed thereafter. Harry Truman set aside only six; Dwight David Eisenhower's best known monument is the Chesapeake and Ohio Canal and its towpath, designated over the strenuous objections of the editors of the *Washington Post*. Eisenhower took less heat for designating the home of Booker T. Washington, Thomas Edison's laboratory, and Fort Union, New Mexico. Richard Nixon was not a monumental president, saving only three small sites, and John F. Kennedy had time to make monuments only of a cave and a reef. While Lyndon Johnson designated five, he wrote more proudly of adding four million acres to the National Park System. Probably Johnson did not designate more monuments because he did not need the Antiquities Act; he was a child of the Senate as Winston Churchill was a self-designated child of the House of Commons.

The Second Great Environmental Awakening

The Second Great Environmental Awakening, however, commenced during Johnson's administration and extended into those of his immediate successors, concurrently with that re-birth of freedom, the Civil Rights Era. Once again, as had been true during the Lincoln Administration, protection for the land coincided with better protection of people in the land, as the nation extended its gaze beyond its counting houses into the invaluable. From 1963 through 1975 we took better care of each other as well as for the earth -- as Albert Gallatin had said we would. The Second Great Environmental Awakening gave us an array of measures: the Clean Air Act of 1963, the Wilderness Act and Clean Water Act of 1964, the Land and Water Conservation Fund Act and Solid Waste Disposal Act of 1965, the National Historic Preservation Act and Endangered Species Act of 1966, the National Wild and Scenic Rivers and National Trails Acts of 1968, National Environmental Policy Act of 1969, the larger Clean Air Act of 1970, the larger Clean Water Act of 1972, and the larger Endangered Species Act of 1973. Not bad for wartime – not a bad set of stimuli for our own crabbed, timorous, yet reawakening time. Presidents who did not have Johnson's ways with Congress – or have Johnson's kind of Congresses – Hoover,

² I have enjoyed a series of exchanges with monument experts about the proper box score for presidential creation and enlargement, vs. congressional designation and enlargement of National Monuments under the Antiquities Act. Recoiling from the task of making personal scrutiny of each designation or proclamation, I have used the listing under these designations by the National Park Service at nps.gov/history/his nps/NPSHistory/antiq.htm

Eisenhower, Carter and Clinton -- have turned to the Antiquities Act. Presidents will do so again, in such circumstances, I think. And it is good that they should, in our post-urban, post- frontier world, a world in increasing need of tangible reminders of the past to learn environmental truths. Ours will be a world of recycled places, of slowly-renewing ecosystems. We will have to take less from the earth – from external resources -- and put back more. We will have to re-invest in nature itself more from our intellectual and scientific creativity – from internal resources. Our watchword will become “more from us, less from it” -- a watchword we can easily derive from the observation of antiquity and from thinking about its lessons.

NOTE: Portions of this paper are drawn from Roger G. Kennedy's book, Wildfire and Americans: How to Save Lives, Property, and Your Tax Dollars, Hill and Wang, 2006