

The Department of Everything Else, Including Historic Preservation

Many Americans are aware of the Department of the Interior's role in protecting wilderness, spectacular mountain vistas, wetlands and wildlife. In addition to these natural splendors, Interior manages hundreds of thousands of archeological sites, historic buildings, battlefields, museum collections, cultural landscapes and ethnographic resources on our public lands. Over the past 150 years, Interior has become a leader in preserving our nation's cultural heritage.

The Department of the Interior was created by an act of Congress signed by President James K. Polk on March 3, 1849. The primary impetus for the new department was the nation's acquisition of more than a million square miles of western territory between 1845 and 1848. Secretary of the Treasury Robert J. Walker foresaw his department becoming overburdened by the increased land management and disposition responsibilities of its General Land Office. He also identified other domestic functions that no longer fit well within the departments to which they were assigned. In addition to taking the General Land Office from Treasury, the act resulting from his recommendations took the Patent Office from the State Department, the Indian Affairs office from the War Department, and the pension offices from the War and Navy departments and assigned them to the Interior Department. Interior also assumed responsibility for federal buildings, the personnel of the federal courts, the decennial census, overseeing lead and other mines, and the District of Columbia penitentiary. During its early years it was sometimes facetiously called "The Department of Everything Else."

The General Land Office

The Secretary of the Interior's involvement in preservation originated in the General Land Office (GLO), which Congress had established in 1812. The GLO's duties were to "superintend,

execute, and perform, all such acts and things, touching or respecting the public lands of the United States." The public lands, or the public domain, were federally owned lands west of the original colonies. The GLO's primary activity was disposing of public lands. In 1849, when the Department formed, the public domain stretched to the Pacific Ocean. It still does today.

As early as the 1880s, citizen groups and entities within the federal government were actively advocating the preservation of archeologically and historically important places and ruins. The Public Land Commission, chaired by the GLO Commissioner,¹ strongly recommended reserving "many of the old Indian and Mexican ruins in Arizona, Colorado, New Mexico, and California ... along with other remains of former civilizations."² Influential Bostonians, outraged by the looting and destruction of southwestern ruins, petitioned the U. S. Senate "that at least some extinct cities or pueblos, carefully selected, ... may be withheld from public sale and their antiquities and ruins be preserved...."³

In 1889, the citizens of Boston succeeded in moving Congress to enact legislation that would protect the ruin of Casa Grande, Arizona, from further destruction and injury. Congress authorized the president to reserve the land on which Casa Grande sat from settlement or sale and gave the Secretary of the Interior the responsibility to repair and protect the ruin. Casa Grande was Interior's first archeological reservation. By 1900, the GLO Commissioner, with assumed authority, was ordering withdrawal of public lands in the Southwest with ruins⁴ in anticipation that Congress would reserve them as national parks or other kinds of reservations.

The Antiquities Act of 1906

The looting and destruction of southwestern ruins continued despite the GLO's efforts to protect them through withdrawals and sporadic patrolling. The American Association for the Advancement of Science (AAAS) and the



1892 photograph of Casa Grande courtesy Harpers Ferry Center, NPS.

Archaeological Institute of America (AIA) responded by drafting a bill. U. S. Representative Jonathan P. Dolliver of Iowa introduced a modified version of it on February 5, 1900.⁵ This first “antiquities bill” placed all prehistoric ruins, monuments, and objects on public lands under the Secretary of the Interior’s jurisdiction, permitted excavation and collection for educational or scientific purposes, made the willful destruction or collection of archeological materials a punishable misdemeanor, and gave the President the authority to establish parks.⁶

Legislators had several key concerns. Some objected to the amount and scope of power transferred from the Congress to the President. Others, especially those in the west, wanted limits on acreage and restrictions on where parks could be created. Within the scientific community, disagreement centered on which governmental entity would take the lead role in preserving antiquities—the Secretary of the Interior or the Smithsonian Institution. Advocates for and staff of the Bureau of American Ethnology wanted the Smithsonian Institution substituted for the Secretary of the Interior in the bill. Most in the scientific and museum communities, however, favored the Secretary of the Interior.

In 1905, Edgar L. Hewett, a southwestern archeologist, joined the American Anthropological Association⁷ (AAA) committee

working on the issue. Hewett, a recognized authority on the preservation needs of southwestern ruins,⁸ revised an earlier bill. Members of the AAA and the AIA and federal agency representatives endorsed it. On January 9, 1906, Representative John F. Lacey⁹ of Iowa introduced Hewett’s proposed bill. With minor modifications, it became the Antiquities Act of 1906. The Act

- required that permission be obtained from the secretary of the department having jurisdiction over the land to excavate, injure, collect or destroy historic or prehistoric ruins, monuments, and objects of antiquity;
- stipulated that failure to get permission could result in a fine or imprisonment; and
- authorized the President to proclaim historic landmarks, historic and prehistoric structures, and other “objects” of historic or scientific interest to be national monuments. The monument would be confined to the lands required to care and manage the feature to be protected.

In 1916, Congress enacted legislation establishing the National Park Service (NPS) within Interior. The new bureau inherited the national parks and the national monuments already under the Secretary of the Interior’s control and was expressly charged with preserving their historic features. From its establishment to today, the NPS has been the Secretary’s spokes-agency for historic preservation.

The Historic Sites Act of 1935

In the early 1930s, the world was in the depths of the Great Depression. More than 10 million workers were unemployed in the United States. President Franklin D. Roosevelt’s solution was to create jobs. In late March 1933, he established the Civilian Conservation Corps for the purpose of employing and training young men. The NPS, which administered part of the program, began hiring archeologists and historians to help preserve, develop, and interpret both state and federal parks with historical and archeological values. In June 1933, President Roosevelt transferred more than 50 parks and monuments administered by the War and Agriculture departments to the NPS. Most of them were important for their historic value and many were battlefields (see Mackintosh article, p. 41.) The NPS, using Emergency Conservation Work funds, hired staff with backgrounds in history and archeology to work in the new parks and monuments.

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The Interior Buffalo

In 1917, as the National Geographic Society readied a magazine feature on the flags of the federal departments, it discovered that the Department of the Interior lacked one. Dr. Gilbert H. Grosvenor, president of the society, collaborated with Secretary Franklin K. Lane to remedy the deficiency. The resulting flag design featured a bison, or buffalo. Interior also adopted this distinctive western symbol for its seal, which had formerly depicted an eagle.

The buffalo initially lasted only until 1923, when another version of the eagle replaced it on the seal and flag. It returned in 1929 and remained until 1968, when Secretary Stewart L. Udall, deeming it anachronistic and unrepresentative of Interior's diverse responsibilities, again banished it in favor of a stylized pair of hands embracing symbols of the sun, mountains, and water. By this time the buffalo had become a fond Interior tradition, and the modernistic new logo (by a New York design firm) was widely derided. ("The Good Hands of Allstate" was among the more printable epithets.) Udall's successor, Walter J. Hickel, promptly restored the buffalo in 1969. There has been no further move to kill it.

1913–1917



1917–1923



1923–1929



1968–1969



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Late in 1933, Charles E. Peterson, a restoration architect employed by the NPS, proposed the Historic American Buildings Survey (HABS). The HABS program would employ jobless architects, draftsmen, and photographers to document early historic structures. Key architects endorsed the project, and Secretary of the Interior Harold L. Ickes quickly approved it. The Civil Works Administration funded the program, which lasted only four months. During that time, however, the HABS teams prepared measured architectural drawings and pictorial histories for about 860 buildings. The program was so successful that in July 1934, the NPS, the American Institute of



Above, CCC enrollees sifting dirt in archeological work in the back of General George Washington's headquarters at Morristown National Historical Park.

Right, Archeological laboratory at Morristown National Historical Park, New Jersey, 1935.

Photos courtesy NPS.

Architects, and the Library of Congress entered into a formal agreement making the HABS a permanent NPS program.

By 1934 private preservation organizations were pressuring President Roosevelt and Secretary Ickes for legislation that would establish a federal preservation program to coordinate preservation activities with states and localities. Ickes initially claimed that such a program already existed in the NPS, but preservation organizations disagreed. Upon

further thought, Ickes decided that Interior and the NPS did indeed need legislation to buttress their activities.¹⁰ The resulting bill more expressly authorized the existing NPS preservation programs, and, according to Ickes, laid “a broad legal foundation for a national program of preservation and rehabilitation of historic sites.”¹¹ President Roosevelt signed the Historic Sites Act into law on August 21, 1935.

The National Historic Preservation Act of 1966

During the late 1950s and early 1960s, America's economy boomed. The federal government fueled it by funding and promoting the construction of interstate highways, suburban housing developments, and public facilities. Additionally, the federal government was channeling funds into economically depressed inner cities through urban renewal programs. The cities then used the federal dollars to tear down historically or architecturally interesting buildings and neighborhoods in order to construct new buildings and facilities, such as parking structures.

Community-based historic preservation groups sprang up throughout the country. These groups found the Secretary of the Interior working through the NPS to be of little help. As a result of an Interior solicitor's reinterpretation of the Historic Sites Act, NPS preservation leaders felt that they lacked authority to assist in preserving locally and regionally important sites and buildings of greatest concern to community-based preservationists. With the exception of an



inter-agency archeological salvage program among the NPS, Smithsonian, Bureau of Reclamation, and Corps of Engineers, NPS programs had become increasingly focused on expanding and strengthening the national park system.

In 1965, the United States Conference of Mayors sponsored a nonpartisan, blue-ribbon committee to consider a national preservation program. Key representatives and senators (especially those who dealt with urban housing-related issues), state and local elected officials, and the Secretaries of the Interior, Commerce, and Housing and Urban Development (HUD) served on the committee. It was chaired by Albert M. Rains, the recently retired chairman of the U. S. House of Representatives' Subcommittee on Housing.

All Rains Committee members supported the need for a stronger, more effective national historic preservation program. They disagreed, however, on which federal entity should house it, or parts of it. Director George B. Hartzog, Jr. of the NPS argued that all historic preservation programs, including those that were urban focused, should remain within his agency. Secretary of the Interior Stewart L. Udall supported Hartzog. The Rains Committee organizers, Secretary of HUD Robert C. Weaver, and key persons at the National Trust for Historic Preservation advocated placing urban historic preservation under the purview of HUD.

Three separate preservation bills were introduced in Congress in March 1966. The Secretary of the Interior endorsed the first, which kept all aspects of the federal government's historic preservation program within his department. The Rains Committee organizers supported the language in the second and third bills, which divided aspects of the proposed national historic preservation program between the Secretary of the Interior and the Secretary of HUD. Legislators in the Senate and the House redrafted the proposed legislation, taking elements from all three bills. In the new law and in its committee reports, Congress made explicit "that the national historic preservation effort should continue to be, as it [had] been in the past, a function of the Department of the Interior"¹² President Lyndon B. Johnson signed the National Historic Preservation Act into law on October 15, 1966.¹³

Thanks largely to the lobbying skills of National Park Service Director George B. Hartzog, Jr., the National Historic Preservation Act of 1966 centered federal responsibility for an expanded preservation program in Interior rather than the Department of Housing and Urban Development, as others proposed.



Hartzog claimed that the National Register of Historic Places, the program's core, already existed there in embryonic form as the body of national historic landmarks designated under the Historic Sites Act of 1935. His winning argument that the new program was a logical extension of Interior's existing program was reflected in the 1966 Act's language authorizing the Secretary of the Interior to "expand" rather than initiate the National Register. Photo courtesy NPS Historic Photo Collection.

For the first time, Congress definitely directed the federal government, in cooperation with others, to provide leadership in the preservation of the nation's prehistoric and historic resources. The Act authorized a National Register of Historic Places comprising properties of local, regional, and national significance. It also mandated that agencies take into account the effects of their undertakings on historic properties.

Conclusions

The Antiquities Act of 1906, the Historic Sites Act of 1935, and the National Historic Preservation Act of 1966 are still the primary acts that authorize and delineate the Secretary of the Interior's historic preservation responsibilities.

The Antiquities Act is now less important. In recent decades, presidents have rarely exercised the Act's authority to proclaim national monuments (see Rothman article, p. 16.) The Secretary of the Interior now depends primarily on the authorities stipulated in the Archaeological Resources Protection Act of 1979 to protect archeological resources on public and Indian lands and require the preservation of museum collections.

Although the Historic Sites Act has been extensively amended since 1935, it remains a key piece of legislation. It was the first act to acknowledge the importance of cooperation among federal, state, and local jurisdictions and individuals in preserving historic sites, a theme

later expanded upon in the National Historic Preservation Act. It authorized the Historic American Buildings Survey, and what became the National Historic Landmarks Survey. It also encouraged initiatives to rehabilitate historic properties and offer public education programs.

Since its enactment in 1966, the National Historic Preservation Act, as amended, has become the legislative centerpiece for most federal historic preservation activities. Amendments to the Act have brought new partners into the national historic preservation program and expanded their related duties and responsibilities. States, for example, were given a legal role in the process of listing properties in the National Register and the position of State Historic Preservation Officer was legally recognized. The most recent amendments in 1992 created the position of Tribal Preservation Officer and expanded the involvement of American Indian tribes and Native Hawaiian organizations in the national program. Other amendments added language affirming and expanding the roles and responsibilities of federal agencies within the national preservation program. For example, Section 110 of the Act now directs each federal agency, within the framework of its own mission, to establish a historic preservation program in consultation with the Secretary of the Interior.

The Secretary continues to be the federal government's principal historic preservation advocate, and the NPS retains its leadership role. Longstanding programs to manage and protect archeological sites, historic buildings, and museum collections have been expanded in recent years to include cultural landscapes and ethnographic resources. As recently as 1998, Congress reaffirmed its long-standing position that historic preservation is a core function of Interior when it failed to pass proposed legislation calling for the transfer of the Secretary of the Interior's Section 110 program responsibilities to the Advisory Council on Historic Preservation.

Notes

¹ John Wesley Powell, Director of Interior's United States Geological Survey and the Smithsonian Institution's Bureau of Ethnology (later the Bureau of American Ethnology), served on the commission. Also see Larsen, p. 38.

- ² Thomas Donaldson, *The Public Domain: Its History, With Statistics*, Public Land Commission (Washington: Government Printing Office, 1884), 1294.
- ³ Ronald F. Lee, *The Antiquities Act of 1906* (Washington, DC: National Park Service, 1970), 10.
- ⁴ During the late 19th century, Civil War veterans also lobbied Congress to preserve sites. They wanted the federal government to buy and protect important Civil War battlefields, most of which were on private land. In 1890 Congress established Chickamauga and Chattanooga Military Park in Georgia and Tennessee. In the next few years, it also set aside portions of Civil War battlefields at Antietam, MD; Shiloh, TN; and Gettysburg, PA.
- ⁵ Lee, *Antiquities Act*, 50.
- ⁶ John DishonMcDermott, *Breath of Life: An Outline of the Development of a National Policy for Historic Preservation*, typed manuscript (Washington, DC: National Park Service, 1966), 9-10.
- ⁷ The American Anthropological Association formed in 1902.
- ⁸ In 1904, Hewett submitted a compiled report on the identification and preservation needs of the southwestern pueblo ruins to the Commissioner of the GLO, W. A. Richards. Richards endorsed Hewett's findings and recommendations and included the report in his annual report to the Secretary of the Interior. Also in 1904, Hewett reported on the status of "Government Supervision of Historic and Prehistoric Ruins" in *Science*, N.S., Vol. XX, No. 517, pp. 722-727.
- ⁹ According to an August 18, 1971, letter from Ronald Lee to Horace M. Albright, Lacey and Hewett were well acquainted. At Hewett's invitation, Lacey had toured many of the southwestern ruins in 1902. A copy of the letter is in the Ronald F. Lee Papers, Box II, Folder II-1, National Park Service History Collection, Harpers Ferry Center, Harpers Ferry, WV.
- ¹⁰ Ronald F. Lee, Interview, August 17, 1962, conducted by Charles B. Hosmer, Jr. Transcript at the National Park Service History Collection, Harpers Ferry Center, Harpers Ferry, WV, p. V.
- ¹¹ McDermott, *Breath of Life*, 38.
- ¹² James M. Lambe, *Legislative History of Historic Preservation Act of 1966* (Washington, DC: National Park Service, 1967), 113.
- ¹³ President Lyndon Johnson signed the Endangered Species Act into law on the same day.

Jan Townsend is the Cultural Resources Program Lead for the BLM's Eastern States Office in Springfield, Virginia.