

# 90 Years of Archeology and Historic Preservation

This year marks the 90th anniversary of the enactment of the Antiquities Act. The following three articles commemorate the important contributions to United States archeology and historic preservation of this seminal statute. The Antiquities Act is frequently identified as the first general purpose preservation statute in United States law; nearly as frequently, it is regarded as only of historical interest. However, as my own article in this special section of *CRM* shows, the Antiquities Act establishes basic policies for archeology and historic preservation that were used as a foundation for expanding the scope of public concern with archeological and historic properties in the Historic Sites Act of 1935 and the National Historic Preservation Act of 1966. In addition, the law supported the early development of scholarly and scientific archeology by requiring professional methods and techniques in excavation, interpretation, and curation.

Bill Lipe focuses upon the true value of archeological resources, expressed by the Antiquities Act, as sources of information about the past. Considering this basic value, he asks, aren't those who concentrate solely on *in situ* preservation overlooking an essential aspect of conservation archeology—legitimate field research using the archeological record to increase understanding about the past? Lipe's perspective and penetrating commentary should improve the sophistication of those charged with modern management of archeological resources. Caroline Zander demonstrates very specifically the contemporary use of the Antiquities Act as an effective tool for archeological resource protection. Shipwrecks have long been subjects for public and legal debates concerning their appropriate treatment as salvage or as archeological resources. Zander's skillful advocacy based upon the Antiquities Act provides a new resource protection use for this oldest of resource protection laws.

The Antiquities Act set aside archeological sites on the public lands of the United States for special protection as public resources of significance and value to every American. The Antiquities Act aimed to ensure that the commemorative value, history, and prehistory embodied in archeological sites would be preserved for present and future generations of Americans. The law regulated the examination and removal of archeological remains from public lands, requiring careful, scientific, professional investigation and recording, public benefit of the results, and public curation of the excavated material and associated information. All of these provisions aimed to curb the wanton destruction of archeological sites and structures on public lands in the American Southwest.

The Antiquities Act also empowered the President to set aside parts of the public lands with outstanding archeological, historic, natural, and scientific features for special commemoration and protection as national monuments. Only weeks ago, President Clinton again used this provision of the statute when he established the Grand

Staircase/Escalante National Monument in Utah. Since 1906, this provision of the act has been used to protect dozens of archeological sites and other places of outstanding scientific or natural importance, many of these national monuments are now units of our national park system or specially cared for by other land managing agencies. President Theodore Roosevelt, who signed the Antiquities Act into law, also established nearly a score of national monuments.

The Antiquities Act prohibited individuals from digging haphazardly into ancient or historic sites, disturbing whatever caught their fancy, and removing artifacts for personal use or commerce. The law recognizes that archeological sites and artifacts recovered from them are most valuable as sources of information about the past and as commemorative places. Careful archeological excavation, analysis, and interpretation, reveal ancient events and long-term cultural, economic, and social developments. Archeological remains tell stories of people and places not mentioned in historical documents. The general policy embodied in the Act recognized that it is improper and wasteful to dig archeological sites for the few commercially valuable artifacts they might contain. Excavation, collection, or removal of artifacts and other kinds of archeological remains must be directed by qualified specialists and use up-to-date archeological methods and techniques. Only organizations with appropriate expertise, equipment, commitment, and proper facilities to care for the recovered artifacts and information are permitted to undertake studies. Furthermore, the act required that approved investigations would result in public education and benefit. The information gained from proper archeological study provides the major public benefit derived from archeological sites and objects; a benefit that must be shared through schools, parks, museums, public programs, books, articles, videos, and other means.

In the 90 years since the Antiquities Act became law, the means of preserving and interpreting America's archeology have expanded and improved, in particular through the National Historic Preservation Act and the Archaeological Resources Protection Act. The goals of modern archeological protection, preservation, and interpretation must be accomplished while also taking account of a range of legitimate perspectives. The traditional uses and views of American Indians, Native Alaskans, Native Hawaiians, and other Pacific Islanders, as well as other ethnic groups with close associations to particular archeological sites, must be taken into account through appropriate consultation and treatment. As a society, we continue to reject, as the Antiquities Act did in 1906, those who pillage archeological sites for personal or commercial gain. Such behavior destroys the public benefit that can be derived from careful study of archeological sites and objects.

—Francis P. McManamon