

# The Antiquities Act and National Monuments

## A Progressive Conservation Legacy

**T**he Antiquities Act of June 8, 1906, may be the most important piece of preservation legislation ever enacted by the United States government. Although its title suggests a limited focus on archeological matters, in practice the law became a cornerstone of preservation in the federal system. By allowing Presidents extraordinary power to preserve cultural and “scientific” features on public land, it created a mechanism for rapid decisionmaking concerning the disposition of federal lands. The category of park areas established under its auspices, the national monuments, became the most diverse and varied collection under federal administration. At times the monument category seemed a storehouse of places with a chance at eventual national park status, other places with significant attributes but lacking the spectacular qualities associated with national parks, and a number of curiosities added to the park system as a result of political porkbarreling.

The passage of the Act in 1906 answered an important need in a culture trying to define itself. At the beginning of the 20th century, European Americans retained a self-induced cultural inferiority from their relatively short history. Natural wonders and prehistoric ruins testified to a longer American past and afforded a heritage that could be compared to that of Europe with its ancient castles and temples. Amid this cultural nationalism and the contemporary pillaging of archeological remains in the Southwest, it became vital to protect such features from depredation and exploitation. Hence the Antiquities Act.

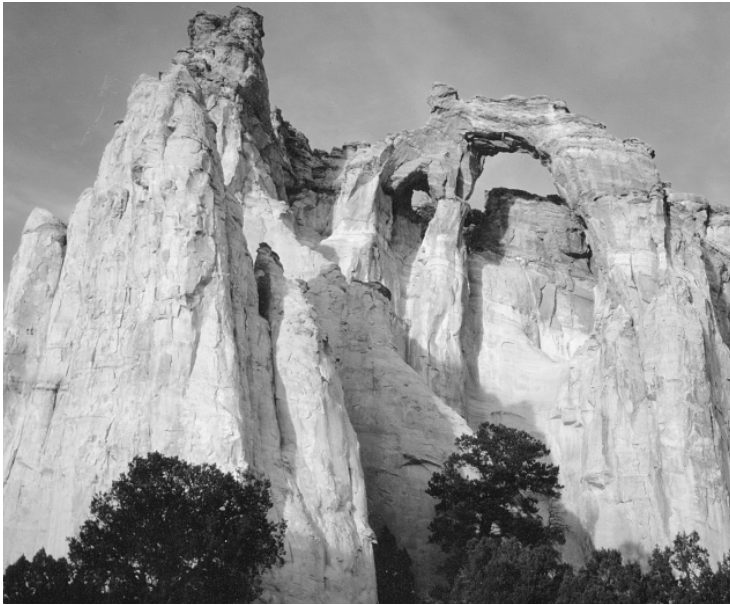
No piece of legislation invested more power in the presidency than the Antiquities Act. Its vaguely defined scope, encompassing “objects of historic or scientific interest,” made it an unparalleled tool. Its congressional advocates anticipated that it would not be used to reserve more than 160-acre quarter-sections surrounding archeological remains on public lands, but the act stated

only that national monuments should “be confined to the smallest area compatible with the proper care and management of the objects to be protected.” (As noted in the articles by McManamon and Browning, p. 19, and Mackintosh, p. 41, the act also outlawed unauthorized disturbance or removal of cultural features on federal lands and set penalties for offenders.)

The first 10 national monuments, proclaimed by President Theodore Roosevelt between September 1906 and January 1908, were largely compatible with congressional expectations. Only Petrified Forest National Monument in Arizona topped 15,000 acres; most were far smaller. But after 1907, when Congress curtailed the President’s power under similar legislation to

*President Theodore Roosevelt in Yellowstone National Park, 1903. Roosevelt signed the Antiquities Act and ran with it. National Park Service photo.*





*President Bill Clinton's 1996 proclamation of Grand Staircase-Escalante National Monument in Utah triggered local opposition and congressional efforts (so far unsuccessful) to curtail the executive authority granted by the Antiquities Act. Controversial national monument proclamations in Wyoming and Alaska earlier led Congress to restrict the Act's use in those states. Bureau of Land Management photo.*

proclaim national forests, Roosevelt reacted by more broadly defining the Antiquities Act's language regarding "objects ... of scientific interest" and the extent of the reservations necessary to protect them.

On January 11, 1908, Roosevelt proclaimed 806,400 acres of the Grand Canyon as a national monument. With a stroke of his pen, he reserved an area far exceeding the expectations of even the most avid supporters of the Antiquities Act. Roosevelt responded to the threat that a local man planned to build a tramway from the rim to the bottom of the canyon. The rim was dotted with mining claims, which served as bases for private tourist development. At the height of the Progressive Era, when many favored public over private solutions, an icon sacred to turn-of-the-century Americans faced privatization. Roosevelt, armed with the Antiquities Act, stood in the way.

The Grand Canyon proclamation revealed the breadth of this seemingly innocuous legislation. While national parks had to be established by individual acts of Congress, the Antiquities Act allowed the President to circumvent the fundamentally languid nature of congressional deliberations and instantaneously achieve results he believed were in the public interest. By taking full advantage of the Act, Roosevelt set important precedents for his successors. On March 2, 1909, two days before leaving office, he gave his congressional opponents one final twist by reserving more than 630,000 acres of the Olympic Peninsula in Washington State as Mount Olympus National Monument. Congress did

later act to incorporate both of these large national monuments in even larger national parks, a pattern that followed with many other monuments over the years.

Roosevelt's expansive, precedent-setting application of a vague law helped make it the most effective conservation tool ever enacted by Congress. National monuments became the category of choice in numerous situations: when a threat to public land loomed large; when Congress refused to act or opposed a conservation measure; when land clearly would be valuable to the nation in the future but little reason to reserve it existed in the present. With the Antiquities Act, a President had tremendous discretion. Congress could not hold the chief executive hostage in conservation matters, could not force a compromise on an unwilling President, and could not prevent a President from implementing an agenda on public land (except by withholding funds).

The Antiquities Act embodied all things Progressive. It centralized power in the hands of a responsible few to act in the public interest. It represented a shared vision of American society—the name "national monument" clearly reflected a vision of the progressive nation. And it relied on experts to make determinations that had once been made by laymen. If the law and those who enacted and implemented it seemed arrogant, it was because they reflected the wholehearted confidence of the time: they knew best and they only sought the best for all.

The Antiquities Act became the initial legal authority for the majority of park areas established before 1933. The monuments proclaimed by Presidents under it included large natural areas, prehistoric ruins, geologic features, historic sites, and other features of general interest. The flexibility built into the law remained an asset: as accepted ideas about what constituted important parts of America's cultural and natural heritage changed, the Antiquities Act remained a malleable tool to fulfill new objectives.

Even after its application declined in the 1940s as a result of controversial uses, the Antiquities Act remained the best way to quickly reserve threatened public lands. In 1978, faced with the collapse of negotiations seeking to determine which Alaskan lands would be included in federal protective systems and a firm deadline after which the process would have to begin again, President Jimmy Carter resorted to the

Antiquities Act. He used it to proclaim 15 new national monuments and make substantial additions to two others. In 1980, Carter signed the Alaskan National Interest Lands Conservation Act, which converted most of these monuments to national parks and preserves. Comprising more than 47 million acres, these additions to the national park system more than doubled its size. Two of the new Alaska monuments were assigned to the U.S. Fish and Wildlife Service and were converted to national wildlife refuges.

Despite its custody of the public domain, the Department of the Interior was not initially responsible for all national monuments. Some, including Grand Canyon and Mount Olympus, were proclaimed on lands previously reserved as national forests and assigned to the Department of Agriculture. Others were proclaimed on military reservations administered by the War Department. Most of these monuments remained under those departments until 1933, when President Franklin D. Roosevelt transferred them by executive order to Interior's National

Park Service. A few were transferred earlier; Grand Canyon came to Interior in 1919 when it became a national park, for example.

Since 1933 the Interior Department has overseen virtually all national monuments. Today it has 74 areas bearing this designation: 73 administered by the National Park Service, and the newest one—Grand Staircase-Escalante in Utah, proclaimed by President Clinton in 1996—administered by the Bureau of Land Management. Not all of them resulted from presidential proclamations under the Antiquities Act; some were directly established by Congress. But the designation remains closely associated with this powerful conservation tool of the Progressive Era, whose legacy to Interior and the American people has been vast.

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## **Anthropological Connections**

Places defined as national patrimony do not stop being local patrimony. In the National Park Service, mounting anthropological evidence demonstrates the connections that persist between present-day peoples and the resources their ancestors used, manufactured, and valued. Although now incorporated into parks and categorized as sites, structures, objects and landscapes, these “national” resources are also crucial markers of a people's own ethnic history and identity.

Even the meanings local people assign to ostensibly identical resources can reflect diversity. The resources at Cane River Creole National Historical Park in Louisiana, for example, offer special opportunities to explore relationships between plantation systems and people in different cultural and political niches. Two plantations are included there, one with a complex of farm outbuildings and the worker quarters that were occupied by enslaved black people



*Quarters at Cane River Creole National Historical Park.  
Photo by the author.*

from about the mid-1800s until abolition, and then by black laborers until the mid-1900s. The other has a “Big House” and the Quarters that black former enslaved laborers and sharecroppers occupied. Ethnographic interviewing of the white French-creole heirs of each plantation highlighted their strong sense of ethnic history, culture, lineage, and the pride they invested in the Big Houses and economically viable enterprises. Former laborers and sharecroppers emphasized pride in their hard work in the fields or behind the Big Houses and in their kitchens. There was conviction about their own contributions to the plantations' economic successes.

They associated specific families with cabins in the Quarters, and stressed the neighborly cooperation and celebrations that enriched their lives and created a community. Thus, systematic ethnographic attention to local groups and differences among them indicates that seemingly identical cultural resources, despite fixed boundaries and objective measures, are valued in different ways by different traditional users. Indeed, identifying diverse perspectives wherever Native Americans, African Americans, and others are associated with park resources has guided the applied ethnographic program since its start in 1981.

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