

# Department of the Interior's Archeology Program

---

On July 9, 1927, Order No. 229 of the Department of the Interior (DOI) announced that Mr. Jesse L. Nusbaum, Archaeologist of the National Park Service and Superintendent of Mesa Verde National Park...has been designated as Archaeologist for the Department of the Interior, and those bureaus handling archaeological matters will refer them to Mr. Nusbaum for his recommendation.<sup>1</sup>

With this order, a formal role of oversight and review of archeological matters began departmentwide and the National Park Service (NPS) was delegated the task of carrying it out.

Familiarity with both the NPS and archeological issues of the southwest made Nusbaum an ideal appointee for the Department Archeologist position. Twenty years earlier, he had begun his archeological career assisting Edgar Hewett and Alfred Kidder in archeological fieldwork and photography at Mesa Verde. In 1909, Nusbaum became an employee of the School of American Archeology in Santa Fe, New Mexico.

Nusbaum's two decades of archeological work gave him a deep and wide understanding of the issues and concerns of fellow archeologists. By the late 1920s, he had overseen or worked on projects in Guatemala, Honduras, Mexico, Colorado, and New Mexico. He had been hired as superintendent of Mesa Verde National Park by Stephen Mather, first director of the NPS, in 1921.<sup>2</sup>

Nusbaum's appointment was not DOI's first involvement in archeological matters. In 1889, Congress authorized the President to remove from settlement or sale the public lands that included the ancient earthen structures at Casa Grande, near Florence, Arizona. This was the first instance of the national government reserving an area primarily of historic value for public preservation and protection.<sup>3</sup>

With these congressional and executive actions, the DOI began its official stewardship of archeological resources. Of course, millions of archeological sites existed on DOI public lands,

and the Department had been an unacknowledged steward of these and many other kinds of resources since its creation in 1849. Clear and broadly recognized archeological responsibilities latter came to DOI with the passage of the Antiquities Act in 1906, the establishment of Mesa Verde National Park in the same year, and subsequent establishment of a series of national monuments with archeological significance.

Antiquities Act implementation focused DOI's archeological attention in two areas. The law required the Secretary to review and, if warranted, approve applications to conduct archeological investigations on DOI lands. The law and its 1907 regulations required that permit applicants meet standards of ability, education and training, and institutional support. Appropriately, the first application for an Antiquities Act permit seems to have come from Edgar L. Hewett on behalf of the Archaeological Institute of America (AIA), a professional organization instrumental in lobbying for the passage of the Act (see Townsend article, p. 5). Hewett requested permission to conduct archeological work on public lands in Utah.

The Act also authorized the President to establish "historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest" as national monuments. Theodore Roosevelt, who signed the Act, immediately began to establish national monuments for their archeological significance. Their preservation and protection then became an added archeological responsibility of the DOI.

By the mid-1920s, the amount of archeological activity on DOI lands grew and heightened Antiquities Act responsibilities regarding permit applications and the looting of archeological sites. The Secretary of the Interior received complaints that the protection of archeological sites, anticipated by passage of the Antiquities Act, had not materialized. In 1923, a committee of the American Anthropological Association (AAA) investigated this problem and reported that

extensive collections of antiquities have been illegally obtained from pre-historic ruins on the public domain.... [The] exposed and unprotected condition [of the ruins] is a constant invitation to passerbys to excavate for chance curios whenever the opportunity admits.... It goes without saying that all data connected with objects of antiquity recovered during illegal operations is wholly ignored by the commercial or amateur collector.... If the traders do not themselves engage in promiscuous digging they encourage the Indians to do so through purchase of unbroken specimens collected.<sup>4</sup>

These AAA committee complaints and their request for a DOI official to oversee implementation of the Act may have led the Secretary to appoint Nusbaum to this departmental role. In his first Annual Report, Nusbaum described his Department Archeologist responsibilities as rendering

advisory service to all branches of the department, as well as to the scientific and educational institutions contemplating or engaged in archaeological and like investigations under the jurisdiction of the department.... This office is also concerned with working out the means and methods for the better protection of the countless thousands of archaeological sites scattered over the lands of the department...; the preservation from unlawful excavation and gathering of objects of antiquity thereon; the orderly progression of the work in the field under secretarial permit; the publication of the information so gained, as well as the broader aspects of this service with which scientific and educational institutions are so thoroughly in accord.<sup>5</sup>

After two years of overseeing DOI archeological activity and a decade as superintendent, Nusbaum took a leave of absence from the latter position to undertake another challenge in Santa Fe, New Mexico. He became the first director of a new archeological facility, the Laboratory of Anthropology, financially supported by philanthropist John D. Rockefeller, Jr. Although Nusbaum's archeological tasks and DOI responsibilities remained the same, his leave of absence as superintendent resulted in a title change on March 16, 1931, to "consulting archaeologist."<sup>6</sup> Thus, the current title of "Departmental Consulting Archeologist" has its roots in the multiple jobs and tasks of the first archeologist to hold the position.

Nusbaum remained actively involved in the Antiquities Act permit process while in Santa Fe. As the annual number of DOI approved permits grew to more than 30 per year, he collaborated

with the Secretaries of Agriculture, War, and the Smithsonian Institution to create "a tentative draft of a form of permit...with the recommendation that it is adopted and used by all Departments concerned."<sup>7</sup> A systematic process promised easier review of DOI-approved archeological activities, including final reporting, and closer regulation of applicants' professionalism.

Nusbaum provided professional leadership in efforts to decrease the looting of American antiquities as an unabated antiquities market and increased motor access to formerly isolated archeological sites created additional challenges. He encouraged DOI employees and contractors to report suspicious activities and vulnerable archeological sites. NPS staff provided "informative ranger guidance" and hosted "informal campfire talks" to make park visitors aware of the looting problem and the legal protection afforded archeological sites. Public museum displays were designed to increase public awareness of scientific excavation. Copies of the Antiquities Act were posted at the boundaries of federal land. Nusbaum also publicized the looting problem in newspapers.<sup>8</sup>

Nusbaum resigned from the Laboratory of Anthropology and returned to Mesa Verde in 1935. He continued as superintendent and Departmental Consulting Archeologist (DCA) until the late 1940s when he left the park for a full-time NPS position in Santa Fe. There he continued as DCA, served the general function of "senior archeologist," and played a key role in the expansion of public archeology during the 1950s. Using his network of personal contacts, Nusbaum persuaded officials of the Navajo Tribe and the El Paso Natural Gas Co. to include archeological investigations during a pipeline construction project. This effort initiated the inclusion of archeological investigations in other public projects across the Southwest.<sup>9</sup> Nusbaum retired from the NPS at the age of 71 in 1957, but continued to do independent archeological consulting for many years. He died in 1975.

Nusbaum's departmental efforts were focused in the Southwest. During the 1930s, however, the NPS developed additional departmental and national archeological activities through New Deal public employment programs.<sup>10</sup> These included excavations and surveys. The NPS national role in archeology also grew out of the broader historical mandate for the NPS authorized by the Historic Sites Act of 1935 (see Townsend article, p. 5).

After World War II, government planners in the Corps of Engineers and the Bureau of Reclamation turned their attention to constructing a national system of flood control dams and reservoirs in the Missouri River drainage and other large rivers. The construction and the impoundment of large bodies of water would substantially affect archeological sites throughout the nation. Concerned individuals and organizations took steps to have government agencies take archeology into account as part of this large development program.<sup>11</sup> The NPS began to devote some of its archeological expertise to administering this interagency cooperation, and initiated the Inter-agency Archeological Salvage program, later known as the Interagency Archeological Services (IAS) program.

For the next 25 years, the NPS provided archeological expertise to other federal agencies, initially as part of “salvage archeology” associated with reservoir construction and ultimately for federal highway, pipeline, and other development programs. With the passage and implementation of the National Historic Preservation Act of 1966, other federal departments and agencies began to develop internal archeological programs. Within the DOI, these include the Bureau of Indian Affairs, the Bureau of Land Management, the Bureau of Reclamation, the Fish and Wildlife Service, and Minerals Management Service. Hundreds of DOI archeologists now care for archeological resources on DOI lands and assist other public agencies with their archeological programs.

Today, the Departmental Consulting Archeologist function is still carried out by the National Park Service. As in the past, the DCA and related archeological assistance activities continue to evolve. Such efforts are summarized by the National Strategy for Federal Archeology.<sup>12</sup> Through cooperative interagency actions, funding incentives, and technical assistance, they are focused on:

- improving archeological public education and outreach programs,
- promoting superior archeological research and encouraging *in situ* preservation of sites,
- working with law enforcement personnel and educators to reduce archeological looting and illegal trafficking,
- improving the care and use of archeological collections, and
- providing a national system for archeological information exchange.

## Notes

- <sup>1</sup> Department of the Interior, *Order No. 229, Designating Mr. Jesse L. Nusbaum as Archaeologist for the Department of the Interior*, copy on file. Archeology and Ethnography Program, National Park Service.
- <sup>2</sup> National Park Service, *Jesse L. Nusbaum Papers Inventory* (Harpers Ferry, WV: National Park Service History Collection, Harpers Ferry Center Library, 1987).
- <sup>3</sup> R. Lee, *The Antiquities Act of 1906* (Washington, DC: National Park Service, 1970), 13-14. See articles by Townsend, p. 5, and Douglas, p. 24, in this issue.
- <sup>4</sup> N. M. Judd, A.V. Kidder, and E. Morris, “Report on Illegal Excavations in Southwestern Ruins,” *American Anthropologist* 26:3 (1924): 428-432.
- <sup>5</sup> J. L. Nusbaum, *Annual Report of Jesse L. Nusbaum Department Archaeologist and Superintendent of Mesa Verde National Park* (Washington, DC: U.S. Government Printing Office, 1929), 1.
- <sup>6</sup> J. L. Nusbaum, *Annual Report of the Department Consulting Archaeologist and Superintendent of Mesa Verde National Park* (Washington, DC: U.S. Government Printing Office, 1931).
- <sup>7</sup> K. Browning, *Implementing the Antiquities Act: A Survey of Archeological Permits, 1906-1935* (Washington, DC: Archeology and Ethnography Program Study, No. 4., National Park Service, 1999), Table 3; Nusbaum, J. L., *Annual Report of the Department Consulting Archaeologist and Superintendent of Mesa Verde National Park* (Washington, DC: U.S. Government Printing Office, 1932).
- <sup>8</sup> “Move to End Vandalism on Public Domain: Interior Department Seeks to Guard Archaeological Relics by Education,” *Christian Science Monitor* December 2, 1929; “Federal Action Sought to Stop Vandalism in Prehistoric Ruins,” *United States Daily* December 4, 1931.
- <sup>9</sup> C. R. McGimsey III, “Headwaters: How the Post-war Boom Boosted Archeology,” *Common Ground* 3:2/3 (1998):16-21.
- <sup>10</sup> E. A. Lyon, *A New Deal for American Archaeology* (Tuscaloosa, AL and London: University of Alabama Press, 1996).
- <sup>11</sup> J. O. Brew, editor, “Symposium on River Basin Archaeology,” *American Antiquity* 12:4 (1947): 209-225; F. Johnson, “The Inter-agency Archaeology Salvage Program in the United States,” *Archeology*, Spring 1951: 25-40.
- <sup>12</sup> D. Haas, *The Secretary of the Interior’s Report to Congress on Federal Archeology: FY 1996-1997* (Washington, DC: National Park Service, 1999).

*Francis P. McManamon is the Departmental Consulting Archeologist for the Department of the Interior and the Chief Archeologist of the National Park Service in Washington, DC.*

*Kathleen D. Browning is a National Council for Preservation Education intern in the Archeology and Ethnography Program and is pursuing a Masters of Applied Anthropology at the University of Maryland, College Park, Maryland.*