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# Historic Preservation In The National Park System And The 1916 National Park Service Act, Part I

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By *Richard West Sellars* (*/users/richard-west-sellars*) on July 30th, 2012



Concerns raised over the damming of the Hetch Hetchy Valley in Yosemite for a reservoir helped spur the drive to see a federal agency created to manage the national parks.

lobbied for creation of a national parks bureau, began a more determined campaign for unified and efficient oversight of the parks that could defend them against dams and other adverse intrusions. The effort that McFarland initiated would culminate on August 25, 1916, when President Woodrow Wilson signed the National Park Service Act (usually referred to as the Park Service's "Organic Act"), officially creating the new bureau.

Before the National Park Service was established, the emerging national park system had no truly coordinated administration. McFarland was correct: The system existed only under a haphazard arrangement ("mixed up and inefficient management," as one high-level critic put it). As detailed in a later hearing before the House Committee on Public Lands, park superintendents reported to the "Miscellaneous Section" of the Interior Department's Office of the Chief Clerk, in Washington, which lacked the staffing and expertise to provide effective supervision and coordination of the parks.

When President Wilson signed the Organic Act in 1916, the clerk's office had responsibility for 14 national parks, of which only Mesa Verde had been set aside for significance in human history. The office also oversaw about 20 national monuments, plus the Casa Grande Ruin Reservation (which would remain under Interior's General Land Office until 1918) and the Hot Springs Reservation in Arkansas, established in 1832 to protect natural spring waters for their medicinal purposes. Indicating yet further complications, McFarland expressed frustration that federally preserved areas were managed by three different departments—Interior, War, and Agriculture—with no uniform rules for managing the areas.

**Editor's note:** Sometimes better understanding past events is beneficial to charting future moves. In this two-part series Richard West Sellars, a long-time historian for the National Park Service, takes a look back at what precipitated the historic preservation movement in the National Park System. This article previously appeared The George Wright Forum. It appears here with their permission.

**It took a natural resource issue of epic proportions**—the proposal to dam Yosemite National Park's magnificent Hetch Hetchy Valley—to spark what would become a prolonged campaign to establish a central federal office to administer the national parks.

In 1910, deeply disturbed by the Hetch Hetchy dam proposal, J. Horace McFarland, a widely influential horticulturalist and conservationist based in Harrisburg, Pennsylvania, who had previously

This was true for historic and archeological, as well as scenic, national monuments such as Grand Canyon and Mount Olympus, both of which were then on U.S. Forest Service lands. Studies of the legislative history of the National Park Service Act have paid little attention to historic preservation matters; instead, they have focused mainly on efforts to establish a federal bureau that would provide efficient and coordinated management to preserve the scenic national parks and make them more accessible for public use and enjoyment.

Yet, broad historical and archeological issues were present from early in the legislative drive to create a national parks central office. At stake in the legislative campaign was the difficult question of bureaucratic control of historic sites: Should the proposed parks bureau have jurisdiction not only over the existing parks and monuments under the Interior Department, but also over the War Department's battlefield parks, national monuments, and other historic sites, as well as those national monuments, including archeological areas, controlled by the Agriculture Department's Forest Service?

Moreover, leading proponents insisted that a national parks act contain a fundamental "statement of purpose" as a central mandate for managing the national park system. Yet during the legislative campaign, even with these important issues at hand, historic preservation played a generally marginal role, always eclipsed by the compelling interest in the large, scenic national parks.

### ***The Drive To A National Park Service***

Horace McFarland's quest to establish a national parks bureau gained early support, and his influence reached to the highest levels. In December 1910, Secretary of the Interior Richard A. Ballinger, persuaded by McFarland, endorsed a new bureau, stating that the parks needed to be "opened up for the convenience and comfort of tourists and campers and for the careful preservation of their natural features." McFarland also anticipated presidential support, and in a December 1911 address, incorporated two months later in a special message to Congress, President William Howard Taft urged that "proper management" be given the national parks. Both of Taft's statements were aimed almost entirely at the large scenic parks.

In the fall of 1910, McFarland recruited from the private sector a particularly influential supporter, his friend, the talented Frederick Law Olmsted, Jr., widely considered to be the nation's leading landscape architect. In Congress, Senator Reed Smoot of Utah and congressmen John Raker and William Kent of California provided critical support for creating an office to run the national parks. This small group was later joined by Stephen T. Mather, a wealthy, retired borax mining executive who had become a passionate champion of the parks. Mather brought in a publicist, Robert Sterling Yard, and a young assistant, Horace Albright, who had been working on national park matters for the Department of the Interior since arriving in Washington in 1913 and who had completed studies at the Georgetown University Law School.

All of these enthusiastic advocates sought a continued alliance with Secretary of the Interior Franklin K. Lane, who entered office under President Wilson in 1913 intent upon establishing a central office for the national parks. Along with McFarland and Olmsted, this highly influential group comprised the chief "founders" of the National Park Service.

With support from many others, they provided the stimulus, influence, leadership, and persistence to carry the day politically. Mather, appointed as Secretary Lane's top assistant for national parks, would spearhead the legislative campaign.

Among the founders, Horace Albright appears to have had the strongest personal interest in American history. In marked contrast to the earlier Antiquities Act legislative drive, backed mainly by prominent educators and anthropologists, the efforts to establish a national parks bureau enjoyed especially close ties to the tourism industry, including major railroad companies, the American Automobile Association, and state automobile associations. The founders drew support from such business-oriented groups, which were focused overwhelmingly on the need for a new office to provide improved, efficient management of

the scenic national parks and ensure public access and enjoyment.

This direct link between the tourism industry and national parks reflected economic and utilitarian motives that were intertwined with an altruistic sense of serving the greater public good—a link that had existed from the beginning of the movement for large, scenic parks. As the archetypical example, the Northern Pacific Railroad Company was the principal lobbyist for the Yellowstone legislation of 1872. It then helped develop the park for tourism (for the “benefit and enjoyment of the people,” as stated in the 1872 act), from which the company hoped to profit.

Tourism proponents found strength in numbers at the three national park conferences held during the legislative campaign. For the first conference, held in Yellowstone in 1911, the list of attendees indicates that general tourism advocates together with concessionaires already doing business in the parks had more delegates at the meeting than did the Department of the Interior, including those from its Washington office and the national parks. Tourism and the scenic national parks dominated the agenda of the first conference. National monuments were discussed; but, as the head of the General Land Office noted, the majority of the monuments were natural, rather than historical, and they seemed to be smaller versions of national parks.

Of all the areas set aside because of human history, only Mesa Verde got much attention, which tended to be perfunctory. Similar to the 1911 meeting, attendees at subsequent park conferences in 1912 and 1915 placed great emphasis on the scenic national parks and on public use and enjoyment.

As passage of the National Park Service Act grew nearer, the early large national parks had proven that they could attract the touring public, who were enticed in part by the promotional efforts of railroads, automobile associations, and local tourism backers. And with the campaign intensifying, nationwide publicity on the parks increased, boosted by the tourism industry, major coverage in the *National Geographic* and *Saturday Evening Post*, and the publicity efforts of Robert Sterling Yard, Mather’s publicist.

Even with nationwide attention to the parks, proponents remained vigilant and were determined to ensure that the national park concept succeed. It comes, then, as no surprise that, like the national park conferences, the congressional hearings on the proposed new bureau held in 1912, 1914, and 1916 reflected the dominant interest in continuing the development of the large national parks for tourism—while also revealing a general lack of interest in the lesser-known historic and archeological areas, with the exception of Mesa Verde.

Repeatedly these hearings focused on the pragmatic necessities for effective management of individual parks, plus a central office for coordinated oversight of an expanding system of parks. Specific topics of



J. Horace McFarland, incensed by plans to turn the Hetch Hetchy Valley in Yosemite into a reservoir, pushed to see a central agency created to manage the national parks. Photo via Capital Preservation Committee, state of Pennsylvania.

discussion included roads, bridges, automobile traffic, trails, campgrounds, park entrance fees, concessionaires, hotels, sanitation, sewage treatment, livestock grazing, the need for engineers and “landscape engineers” (landscape architects) in parks, the need for foresters to protect park scenery from devastating fires, the importance of coordination among parks, and funding, salaries, and positions for the new bureau.

Meanwhile, following J. Horace McFarland’s initial maneuvers in 1910, Reed Smoot, chair of the Senate Committee on Public Lands, introduced a bill in January 1911, and another the following December, for establishing a national parks bureau. Significantly, Smoot’s December bill called for the new bureau to have extensive historic preservation responsibilities.

### ***NPS Needed To Have Historic Preservation Responsibilities***

The following year, John Raker, a freshman congressman, introduced a parks bureau bill similar to Smoot’s. The Smoot and Raker bills both provided that the new service would control not only the national parks and monuments under the Department of the Interior, but also those lands “reserved or acquired by the United States because of their historical associations.” This provision contained no exceptions.

This broad “historical associations” mandate would have handed the new bureau a far-flung domain of historic and archeological sites. Not only would the bureau administer Mesa Verde and the national monuments already under the Interior Department, but also the War Department’s military parks, national monuments, and other historic sites, plus the Agriculture Department’s archeological national monuments managed by the U.S. Forest Service. Although McFarland seems not to have been concerned about historic areas, the “historical associations” wording was much in line with his efforts to consolidate federal park and monument management nationwide. And repeatedly through the end of 1915, Smoot and Raker kept their “historical associations” wording intact. It appears in bills they introduced in December 1915, as late as about eight months before passage of the National Park Service Act.

In the meantime, Horace Albright, since moving to Washington in 1913, had broadened his interest in American history to include the places where history occurred. He often spent his personal time exploring sites in and near the nation’s capital, including Civil War battlefields and fortifications. In late 1915, farther afield on his first visit to Chickamauga and Chattanooga National Military Park, Albright was deeply impressed by this War Department site, as well as by the analysis of the battles given by two Confederate veterans who guided him around the park.

These experiences raised his awareness of the fate of sites where significant human events had played out, particularly the battlefield parks. Immediately after leaving Chattanooga, Albright wrote to Stephen Mather asking, “Why should a military department be in charge of lands which are predominantly an attraction for all people?” He added that he had “real determination to plunge into this thing with the War Department....”



Horace Albright pushed for the inclusion of historic sites into the

What is more, his epiphany fit perfectly with the broad “historical associations” proposal still included in the Smoot and Raker bills. Years later, Albright would recall his visit to Chickamauga and Chattanooga, stating that he “never forgot that day,” and he was “sure that it marked the germination” of his idea that “battlefields and other historic places” should come under control of the proposed National Park Service.

By early 1916, however, this possibility

National Park System. NPS photo.

lay out of reach. Albright was keenly aware of the bills before Congress, as

creation of a national parks bureau was then his overriding concern. And the pending legislation had brought him in steady contact with members of Congress, one of whom, William Kent, hosted frequent meetings (in his red-brick Washington mansion at F and 18th streets) with the founders and other key strategists for the proposed service. Surely with Albright almost always in attendance, the implications of the broad “historical associations” responsibilities included in the bills was a topic of discussion.

Yet the founders included powerful, influential advocates in and outside Congress who had spent much time and energy promoting the creation of a new bureau dedicated to managing and protecting the large, scenic national parks. Even Mather, Albright’s close friend and mentor, seems not to have had a particularly strong interest in the battlefield parks, national monuments, and other historic places. Albright would come to refer to the national monuments as “orphan monuments,” which, like the battlefield parks, received insufficient attention and interest in his opinion.

### ***Little Interest In History***

Only in his mid-twenties and a newcomer to Washington politics, Albright lacked the status and political contacts—and thus the persuasive power—that most of the other founders enjoyed. Whatever arguments in support of broad historic preservation responsibilities that he (and perhaps others) may have made failed to convince. Indeed, throughout the legislative campaign there were many voices urging protection of the large, scenic parks, but no truly influential advocates repeatedly and emphatically speaking out for historical parks and monuments.

It is significant that while McFarland, Olmsted, Smoot, and Raker had been involved with the drafts that included the “historical associations” wording, none of these founders provided much support for historical parks and monuments, either rhetorically in congressional hearings, at conferences, or in written correspondence. And in the political give-and-take as passage of the National Park Service Act approached, the Smoot-Raker “historical associations” mandate providing that the new bureau control the broadest possible array of federally protected historic sites became a kind of pawn: It could be traded off if necessary to achieve passage of the bill.

In fact, a complete turn-about occurred: The final wording of the 1916 National Park Service Act did not include the all-inclusive “historical associations” mandate, and the act changed nothing regarding existing bureaucratic territory. The National Park Service would manage only those historical and archeological national monuments, plus Mesa Verde, that were previously carried out by the Office of the Chief Clerk within the Department of the Interior.

Maintaining the territorial status quo that left the monuments and other historic sites under separate departments seems to have resulted from compromises made with the intent of deflecting existing or potential opposition to creating a national parks bureau that might be given control of special places that the War and Agriculture departments did not want to lose.

The War Department, especially with its widely known Civil War military parks, was in a strong position to discourage any challenge to its jurisdiction over historic sites. It also controlled two small national monuments: Big Hole Battlefield in southwestern Montana, the site of an 1877 conflict between the United States Army and the Nez Perce Indians; and a one-acre memorial to the Portuguese explorer Juan Rodriguez Cabrillo on the hills above the San Diego harbor. In addition, the department also oversaw sites in the District of Columbia (such as the Washington Monument) plus the Statue of Liberty located on the grounds of Fort Wood in the New York harbor and, in Montana, the National Cemetery of Custer’s Battlefield Reservation—surely a site guaranteed to be non-negotiable.

Although the passing of time, the death of many Civil War veterans, and the ongoing war in Europe had somewhat diminished the War Department’s concern for the battlefield parks, it nevertheless used

Chickamauga-Chattanooga (and later Gettysburg) for military purposes. As far back as the spring and summer of 1898, during the short-lived Spanish-American War, approximately 72,000 troops spent time at Chickamauga battlefield park, where they encamped and held field exercises and maneuvers. Military use of Chickamauga declined after the war with Spain; but, in 1902 Congress authorized a permanent facility, Fort Oglethorpe, on adjacent lands, plus a small portion within the park. The outbreak of World War I in Europe in the summer of 1914 brought about a gradual increase in military use of the park. In 1916, the year the National Park Service Act passed and the year before America entered World War I, the fort and the park were also being used as a convalescence facility for wounded and sick from the ongoing conflict along the U.S.-Mexican border.

At Gettysburg, military use of the battlefield park focused on strategic and tactical studies, which slowly built up after the war began in Europe—and while Congress was still considering bills for the possible transfer of all federal historic sites to the proposed National Park Service. (Not until 1917 did the Army establish training encampments, which ultimately led to the formal designation of Camp Colt at Gettysburg in March 1918.) In most respects, the War Department seems not to have felt threatened by the “historical associations” wording of the Park Service bill. The war in Europe and military activities at the two most visited Civil War battlefield parks provided substantial reason for leaving the department’s historic areas alone.

Nevertheless, the War Department seems to have decided not to let the matter rest. In July 1915, it issued Bulletin No. 27, which proclaimed as “national monuments” a huge number of sites that the department itself administered, including historic forts, national cemeteries, and even individual memorials commemorating events or heroes. The department specifically—indeed, blatantly—based its actions on the Antiquities Act’s proclamation authority and inserted the complete text of the act in the bulletin. Included on its list of “national monuments” were Fort Wood (location of the Statue of Liberty), several other active military installations, the Arlington National Cemetery, the National Cemetery of Custer’s Battlefield Reservation, additional national cemeteries such as those adjacent to the battlefield parks, a few Confederate cemeteries under the department’s control, and ancient Indian mounds in Shiloh National Military Park.

Overall, the list included more than 60 entries, some containing multiple components. According to Bulletin No. 27, management of these monuments would continue to be handled by military personnel, “without extra expense.” The Antiquities Act of course provided no authority whatsoever for the War Department to declare national monuments, as that power was vested only in the president—a detail that seems not to have fazed the upper departmental echelons.



The War Department was reluctant to turn Gettysburg over to the National Park Service. NPS photo.

### ***War Department Grab***

This extraordinary move may have come as an effort to ensure that bureaucratic jurisdiction over historic sites controlled by the department would continue—at least there is unusual evidence suggesting this possibility. As it happened, the Army Chief of Staff, General Hugh L. Scott, signed Bulletin No. 27 only four months after a chance meeting with Stephen Mather, Horace Albright, and a group of top park supporters in March 1915 on board a train heading to California for the third national parks conference. Albright recalled that he invited General Scott to join them in the posh railroad car Mather had obtained for the trip. The group held almost continuous discussions on park issues, and Mather “took advantage of the

opportunity to talk with the general about national park problems.” Albright stated further that they discussed the army’s continued involvement in Yellowstone, where troops had been stationed since the mid-1880s to protect against the poaching of wild animals and other kinds of vandalism.

It thus seems quite plausible that other topics involving parks and the military would have arisen, given that the language of the bills before Congress would transfer the battlefields away from the War Department if the “historical associations” mandate survived. The issuance of Bulletin No. 27 in July 1915, four months after the meeting on board the train, suggests that while enjoying the camaraderie and park discussions General Scott may have become more fully alerted to the possibility that the War Department could soon lose its historic sites. The outside chance that Scott intended instead to identify sites that he was willing to see Congress or the president (via a national monument proclamation) take away from the War Department is negated by the fact that some of the individual sites included on the list were located on active military posts, such as Fort Oglethorpe and the Presidio of Monterey.

The fortuitous meeting with General Scott occurred before Albright’s first visit to Chickamauga in December 1915 that would heighten his interest in the battlefields. The “historical associations” mandate disappeared from the National Park Service bills before Congress in early 1916. In part, this resulted from a shift of congressional strategy in which Senator Smoot and Congressman Raker, having led the fight unsuccessfully, asked Congressman William Kent to lead the legislative efforts.

In January 1916, Kent introduced the first of several National Park Service proposals that he would submit that year, and he had removed the “historical associations” clause. As planned, Smoot and Raker actively supported Kent’s efforts, yet Raker continued to introduce his own bills. Perhaps seeking to make amends for his exceptionally controversial role in promoting the act authorizing the Hetch Hetchy dam—known informally as the “Raker Act”—the California congressman in an April 1916 hearing on his national parks bill passionately spoke out that “my whole soul is wrapped up in this legislation.”

Beyond Kent’s January 1916 bill, another indication of compromise came that same month when Kent cautioned the American Civic Association (of which McFarland was president) that to gain passage it might even be necessary “to considerably change” the bill, including abandoning the idea of a new bureau—perhaps essentially to accomplish efficient oversight of the national parks by expanding the authority and capability of Interior’s Office of the Chief Clerk.

Similarly, Horace Albright recalled a general sense of the necessity to “strike out items that seemed potentially troublesome.” Kent, Albright, and others thus recognized that compromises might have to be made—and, indeed, some of them would affect the status of historic preservation in the final act. Although abandoning the “historical associations” clause, which had been in place since Smoot’s December 1911 proposal, William Kent’s January 1916 bill would still have had all national monuments come under the National Park Service. It would have left the War Department in full control of its historic battlefields and other sites, but the department would lose control of its two monuments, Big Hole and Cabrillo.

Yet, removal of the “historical associations” wording amounted to a substantial change, given the breadth of commitment to historic preservation that the language of the earlier bills would have mandated for the Park Service, and given Albright’s desire to gain control of the Civil War battlefields. By the wording of Kent’s bill, the battlefield parks, with their high public visibility, had moved beyond reach of the proposed National Park Service. Evidence suggests that a compromise was indeed seen as a temporary expedient to gain passage of the legislation, as once the National Park Service came into being it quickly and openly stated its interest in the battlefield parks and other historic sites.

In June 1917, Horace Albright, top assistant for the newly appointed director, Stephen Mather (who was ill at the time), completed the Park Service’s first annual report. In it, Albright argued that the new bureau should have control of the battlefields and other sites under the War Department “in order that the administration and promotion of all of these reservations may be conducted according to a uniform policy.”

Bringing this out in a public document, and so very soon after the Park Service was firmly established (it had gotten its first appropriation and formally opened an office only weeks earlier, in mid-April 1917), strongly indicates that Albright, and perhaps others, never really abandoned the idea of controlling the battlefield parks. Their chief goal had been to establish the National Park Service, and a struggle over the battlefields might have blocked that.

***Coming August 6: Forest Service Opposition, Antiquities Act Evolution***

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