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

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By Richard West Sellars (/users/richard-west-sellars) on August 6th, 2012

Editor's note: Sometimes better understanding past events is beneficial to charting future moves. In the second part of this 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.

Forest Service Opposition To A National Park Service

At first, U.S. Forest Service spokesmen bluntly opposed even the basic idea of creating a national parks office. Gifford Pinchot, first chief of the Forest Service, from 1905 to 1910, who still maintained his influence and high-level connections, fully recognized a huge and threatening territorial issue: the prospect of a new, rival land management bureau that could gain control of some of the Forest Service's most prized scenic landscapes—a threat not without substance.

Early in the legislative drive, Pinchot argued to Horace McFarland that the national parks must be “handled by the Forest Service, where all the principles of good administration undeniably demand they should go.” Emphasizing the parks as playgrounds, he stressed the similarities more than the differences between national parks and national forests, contending that creating a parks bureau would mean “needless duplication of effort” and “would not ... be wise.”

McFarland, who had fractious disagreements with Pinchot, replied bluntly to the former chief forester, accusing him of being “an unsafe man in regard to national parks in general.”

Upon taking office in 1910, Henry S. Graves, Pinchot's successor as head of the Forest Service, took a similarly hard line against creating a national parks bureau. And he, too, tangled with Horace McFarland, who lectured him on the differences between the national park system and the national forest system: The former was the “nation's playground” and the latter the “nation's woodlot.”

The new chief forester later accepted the idea of a National Park Service; nevertheless, he fought with determination to retain full authority over the Forest Service's national monuments. But still, as was the case with the War Department, in Congressman Kent's January 1916 bill the Forest Service would have lost control of its national monuments. Graves was more likely concerned about the natural, or “scientific,” monuments, given that by early 1916 they outnumbered the archeological monuments by eight to four and collectively were much larger in size.

In the latter half of March 1916, Graves wrote separate letters to Kent and McFarland confirming that he supported having a “separate organization.” He even added that Grand Canyon National Monument—the largest and most well-known of all the monuments—should become a national park, to be “handled together with the other National Parks.” But, he told Horace McFarland that the Forest Service's other national monuments should not be placed under the proposed parks office.

Playing his trump card, Graves revealed to McFarland that both he and the secretary of agriculture had discussed this matter directly with Congressman Kent. Subsequently, in hearings held before the House Committee on the Public Lands, the committee chairman revealed that he had been astonished to read an Agriculture Department report on Kent's bill indicating the department's “quite strenuous objection” over

losing national monuments. This, he feared, could create a “stumbling block” for the bill.

Kent was hearing from others besides Graves. Writing to the secretary of agriculture, the congressman noted that he had received “a number of letters” from the Agriculture Department, including from the Forest Service itself, that “superficially, at least, appear to be hostile.” Without admonishing the secretary, Kent let it be known that he had revised his national park bill so that the Forest Service would retain control of its existing national monuments. His revision soon appeared in a new draft of the bill; and, indeed, the final wording of the National Park Service Act, approved August 25, 1916, left both the agriculture and war departments in full control of national monuments on their lands. The National Park Service would administer only those monuments that were under the Department of the Interior.



Henry Graves didn't want to see monuments on U.S. Forest Service lands turned over to the fledgling National Park Service. USFWS photo.

Absent From The System

Looking back, had the all-inclusive “historical associations” wording been retained in the National Park Service Act, it would have bequeathed to the Park Service at birth an extensive domain of historic sites, a fledgling bureaucratic empire stretching from coast to coast and including the well-known Civil War battlefield parks in the more populous and politically influential East.

Especially with the battlefields, such an array of sites had the potential to bestow the Park Service's incipient historic preservation program with a stronger presence within the early organizational structure of the new bureau—and thus perhaps a greater political heft and status with which to promote historic preservation policies and goals and to articulate a vision for future directions in historic preservation. That could come later, but for the time being, the newly created Park Service had responsibility for nearly a dozen historical and archeological national monuments, plus Mesa Verde National Park.

Theoretically at least, all of these areas were available for professional research and analysis, but the monuments themselves had received minimal congressional funding for management and protection. As an Interior Department report noted a year before the National Park Service Act was passed (it repeated verbatim what had been said in earlier reports), the very limited supervision of the archeological sites was “wholly inadequate and has not prevented vandalism, unauthorized exploitation or spoliation of relics found in those prehistoric ruins, whose preservation is contemplated” by the 1906 Antiquities Act. (Somewhat of an exception to this criticism resulted from the determined protection—and education—efforts by Casa Grande's custodian, Frank “Boss” Pinkley, who would become Interior's most influential manager of its southwestern archeological areas.)

In any event, none of the archeological monuments had much potential to attract large numbers of visitors any time soon—surely a factor that dampened congressional interest. Only Mesa Verde National Park had

truly widespread name recognition, and the research and development underway there was, in effect, aimed at making it a showcase archeological park.

NPS Organic Act Delivered New Responsibilities To The Interior Department

Significantly, the wording of the 1916 National Park Service Act makes it clear that the Department of the Interior's national monuments, both historical and natural, had come under new, additional mandates. The 1916 act mentions "monuments" no less than ten times, in eight of which the word "monuments" is coupled directly with "national parks." Collectively, then, monuments and parks were made subject to the same mandates in regard to, for instance, the disposition of diseased timber, the destruction of animals and plants "detrimental to the use" of the areas, and the allowance of livestock grazing "within any national park, monument, or reservation" except for Yellowstone, but in all cases only when grazing "is not detrimental to the primary purpose" for which an area was established. In addition, the act called for the granting of "privileges, leases, and permits for the ... accommodation of visitors in the various parks, monuments, or other reservations." It imposed restrictions on the leases to protect important features and to ensure public access.

In this manner, the National Park Service Act of 1916 modified and expanded the Antiquities Act mandates, which included establishing national monuments and permitting "recognized scientific and educational institutions" to conduct professional research on federal lands. To this, the National Park Service Act added the mandate to leave the national monuments—and parks—"unimpaired for the enjoyment of future generations," a mandate for the monuments that had not been specifically stated in the Antiquities Act.

The 1916 act's authorization for a variety of tourism development and resource management activities within the national monuments was chiefly aimed at enhancing public use and enjoyment. This act did not alter the authorization and facilitation of professional research in the monuments. But it did specifically authorize public use and enjoyment to take place on site in the monuments, a mandate that differed from the Antiquities Act's emphasis on education through universities and museums. Thus, like the national parks, the national monuments would themselves become outdoor education centers.

Indeed, these statutory modifications amounted to a significant shift for national monuments, one that would become increasingly apparent through the decades. Accommodating tourism by developing the monuments with roads, trails, museums, and other facilities to enable the public to visit them satisfactorily would become a driving force in their management.

Over time, tourism and public use needs would contend with archeological matters for management's support, and very often prevail.

Horace Albright's observation that national monuments were like orphans provided one indication of their lesser status in the minds of national park leadership and the American public. Yet, statutorily at least, with the Antiquities Act's research mandates and the Organic Act's emphasis on public use and enjoyment, the national monuments under the National Park Service were authorized to provide not only scientific research opportunities for museums and universities, but to become tourist attractions whenever the demand—and the funding—would arise.

Historic Preservation And The National Park Service Statement Of Purpose

From very early in the legislative campaign for creating a national parks bureau, leading advocates believed that Congress must include in the act a declaration of fundamental doctrine by which the parks and monuments would be managed. They sought, as Frederick Law Olmsted, Jr., put it, a "legal safeguard" to ensure that managers through the years would adhere to the parks' "primary purpose." In Horace McFarland's words, they needed a "Gibraltar," a statement of true principles and purposes. McFarland believed that such a statement was "extremely important" and that even the new bureau itself needed a clear understanding of the "true and high function" of the parks.



Devils Tower eventually wound up under the auspices of the National Park Service. Kurt Repanshek photo.

During the campaign, the statement of purpose went through several versions, in which concern for historic preservation was marginal. The first version came as early as December 1910, in a draft bill prepared mainly by McFarland and Olmsted, on behalf of the American Civic Association and in cooperation with the Interior Department. It declared that the parks and monuments must not be used “in any way detrimental or contrary to the purpose for which dedicated or created by Congress.” This version died quickly, as Olmsted had concerns about its lack of specificity and clarity necessary for a fundamental statement of purpose. Later that December, the Civic Association submitted a second draft statement written by Olmsted, stating that the parks and monuments were for promoting public recreation and public health through the use and enjoyment by the

people of the said parks, monuments, and reservations,... and of the natural scenery and objects of scenic and historic interest preserved therein....

However, Senator Reed Smoot’s January 1911 bill included a significant change of wording in this statement. Before this bill was introduced, Olmsted had reworded the phrase “objects of scenic and historic interest” (which identified the intended focus of public use and enjoyment). Instead, he inserted a statement that the public should use and enjoy “the natural scenery and objects of interest,” the exact phrase that Smoot used in his January 1911 bill.

The reason for Olmsted’s change of wording, including omitting the reference to “historic,” is not clear. However, as a landscape architect exceptionally familiar with parks in general, Olmsted knew what attracted people to the national parks. His career was mainly dedicated to designing and preserving beautiful landscapes, and “scenery” was the single park characteristic that Olmsted insisted be protected by the statement of purpose.

His newly altered phrase clearly made “natural scenery” the central concern, followed by the very much nonspecific “objects of interest.” With the emphasis on natural scenery and public recreation and health, the statement of purpose to govern management of the national park system was clearly focused on the large, spectacular parks, in line with the dominant thrust of the legislative drive.

Conversely, given the complete absence in the statement of purpose of any expression of substantive concern for historic sites following removal of “historic interest” from the wording, it seems quite clear that the statement of purpose that appeared in both Senator Smoot’s and Congressman Raker’s early bills reflected little, if any, concern for archeological and historic resources.

For five years, Olmsted’s “natural scenery and objects of interest” clause was included in the statement of purpose for the proposed national parks bureau, along with the commitment to “promoting public recreation and public health.” It lasted until William Kent placed a revised bill before Congress in January 1916. Even though Olmsted’s wording had omitted direct reference to historical parks and monuments, Horace McFarland wrote enthusiastically about the statement of purpose, “Here is, for the first time, a declaration of the real purpose of a National Park.... t is of extreme importance that such purpose be

declared in unmistakable terms, as here declared.” It is also worth noting that, although the “natural scenery and objects of interest” clause—without the earlier reference to objects of “historic interest”—remained in the bills for five years, it was oddly juxtaposed with the still-included “historical associations” mandate, which would have given the new bureau oversight of the broadest possible array of federal historical parks and monuments.

But within the statement of purpose itself—the central, controlling mandate to be given the National Park Service by Congress—there seemed to be no interest in including specific reference to history during this five-year span of time. With a presidential election due in late 1916 and a horrific war in Europe threatening to entangle the United States, proponents of legislation for a national parks bureau had begun to feel an increasing sense of urgency to get an act passed before the national political situation might change.

In a renewed effort in mid-October 1915, the American Civic Association asked Olmsted to review a revised draft of the legislative proposal and “offer any changes” or criticism that he believed necessary. Olmsted’s response, in early November, included a complete revision of the statement of purpose, in which he reinserted a reference to “historical objects” (soon changed to “historic objects”). In the bills introduced beginning in 1916, the revised statement gave “historic objects” representation alongside scenery, natural objects, and “wild life.”

Yet, ironically, these bills no longer contained the “historical associations” mandate that would have transferred all historic and archeological sites from the War Department and Forest Service to the National Park Service. Olmsted’s new draft of the statement proved so acceptable to the American Civic Association and members of Congress that it would undergo only slight changes before the bill was passed. The final wording of the statement of purpose, as it appeared in the August 1916 Organic Act, read: the fundamental purpose of the said parks, monuments, and reservations ... is to conserve the scenery and the natural and historic objects and the wild life therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations.

Although the newly created National Park Service did not gain all of the historic areas that it might otherwise have, it was given a mandate that included historic and archeological sites—through the repeated inclusion of “monuments” in the act and the phrase “historic objects.” It had been the threat of congressional approval of the Hetch Hetchy dam that sparked the final campaign to establish an office to oversee the parks. And the threat aroused the determination of McFarland, Olmsted, and others to protect the parks with an overriding statement of purpose—the National Park Service’s governing preservation mandate, which in the final wording embraced places important in human history.

Present At The Creation: An Ambiguous Mandate, Plus Park Educational Programs

The statement of purpose, with its mandate to leave the parks and monuments “unimpaired for the enjoyment of future generations,” would prove critically important.



Indeed, the word “unimpaired” provided the act’s only real standard by which the Park Service itself, as well as its supporters and critics, could judge the actions of park management through the decades. It was, on the face of it and as often interpreted, a high standard; and it applied not just to the scenic national parks and monuments, but also to historic areas, including Mesa Verde and the other archeological and historic sites administered by the National Park

Conflicts over resource protection and user enjoyment arise throughout the park system, such as here at Cape Hatteras National Seashore. Kurt Repanshek photo. NPS photo.

Service.

Significantly, however, the full wording of the unimpairment phrase constitutes a

vital ambiguity that is essential to understanding the Organic Act and the management practices and policies of the National Park Service since its founding in 1916. This ambiguity is evident in the difference between, on the one hand, leaving the parks and monuments “unimpaired,” and on the other hand, leaving them “unimpaired for the enjoyment of future generations.”

The complete phrase (surely the most frequently quoted words in the Act) concludes by modifying what is meant by the otherwise emphatic “unimpaired.” The phrase itself does not define what managerial measures, if any, should be taken to enhance public enjoyment while maintaining the areas in an unimpaired condition; and the full wording of the mandate to leave the parks and monuments “unimpaired for the enjoyment of future generations” implies a degree of managerial latitude. (Such latitude has certainly proved to be the case with National Park Service policy and practice up to the present in both historical and natural parks.)

Similarly, the wording that immediately precedes the unimpairment phrase in the statement of purpose (“to conserve the scenery and the natural and historic objects and the wild life therein and to provide for the enjoyment of the same”) also suggests a duality of purpose, as well as managerial flexibility, through the use of “to conserve” (arguably a less stringent mandate than to leave “unimpaired”), coupled with “enjoyment.”

Regarding public use and enjoyment, the 1916 act contains other provisions that clearly indicate that “unimpaired” parks did not necessarily mean pristine parks: For instance, the statute’s allowance of development for “accommodation of visitors” in the parks, the cutting and selling of timber when necessary to fight “attacks of insects or disease,” and the “destruction of such animals ... and plant life as may be detrimental to the use” of the areas all implicitly permit varying degrees of park manipulation and impairment.

Over time, the many different management actions that for one reason or another would be selected as being appropriate for providing for public enjoyment while leaving the parks unimpaired would prove to be a persistent source of debate and contention inside the National Park Service itself and among a growing number of public voices.

The ambiguity in the 1916 act prompted Horace Albright’s comment the following year: “The devil of the thing is the conflicting principles in our organic act. How can we interpret the unrestricted use of the parks for the public and still retain them totally intact for the future?”

In fact, the 1916 act’s provisions allowing park development for public use and enjoyment came at a time when intrusions on sites and landscapes had already substantially impacted historic and natural areas in the national park system. For instance, at Mesa Verde the road into the heart of the park continued under construction, and trails and roads near the major archeological sites had begun so that park visitors could get to—and in and around—the more well-known cliff dwellings. Other preparations for visitor enjoyment included stabilization and restoration work on Spruce Tree House and additional sites in Mesa Verde, altering, for better or for worse, the pre-park conditions of these ancient structures and associated features.

Among the natural parks, Yellowstone, for example, had experienced village-like development and construction of several hundred miles of roads; and the Yosemite Valley had been extensively and somewhat randomly developed to accommodate tourism. This was true even though legislation for each of these parks mandated the park’s “retention in [its] natural condition”—essentially synonymous to leaving them “unimpaired.”

Melding Preservation And Tourism

In the realm of publicly managed parks and monuments—historical and natural—preservation has generally gone hand in hand with tourism. Particularly given the National Park Service Act's mandates, sites in the park system were intended for people to enjoy, understand, and commemorate not just by supporting their preservation, but also by going there. Thus, a perpetual tension has existed between leaving the parks and monuments "unimpaired" (which implies minimal manipulation and intrusion) versus developing them for public use and enjoyment (which often involves extensive manipulation and intrusion).

Significantly, the latter, more tourism-oriented and manipulative option has usually been accepted as a necessity if the public is to visit and enjoy sites and thus continue to give potent political support for the national park and monument idea. This assumption would become an enduring, underlying aspect of National Park Service management, and the policies and practices stemming from that assumption would be contested again and again—thereby perpetuating the tension that lies at the heart of the statement of purpose.

The statement of purpose with its mandate to leave the parks and monuments "unimpaired for the enjoyment of future generations" arose from deliberations that stretched over six years (1910 to 1916) and remained closely focused on the large natural parks with no substantive analysis of the statement's application to places preserved for their significance in human history. In its final form, the mandate also applied to the historic and archeological areas under the National Park Service; and already the ongoing projects at Mesa Verde and the efforts of Custodian Frank Pinkley at Casa Grande—all intended mainly to enhance public enjoyment—suggested strong parallels with the management practices underway in the large natural parks.

Long after passage of the Organic Act, Horace Albright recalled that the "belief in 1916 was that education and passive enjoyment were the foremost reasons for the parks." In this regard, it is important to point out that public use and enjoyment in the early parks and monuments clearly involved educational, or interpretive, activities—they were in fact present as a significant management concern well before the creation of the National Park Service.

Educational activities had been (and would remain) closely interconnected with historic preservation and frequently had a strong bearing on preservation goals and practices. For example, as Smithsonian archeologist Jesse Walter Fewkes discussed in his 1908 report entitled "Educational Ideal," education was a primary objective when he excavated, stabilized, and repaired portions of Mesa Verde's Spruce Tree House. Parts of Spruce Tree House had collapsed, and some intensive pot hunting had already occurred there. Fewkes' determination to ensure that his work would "aid in the interpretation" of the site was aimed at helping visitors understand not only that particular cliff dwelling, but also other, similar sites in the park. His project included the excavation of 114 habitation and storage rooms and eight kivas. Fewkes asserted that his plan at Spruce Tree House was to repair, rather than to restore, the latter of which would have required "theoretical questions"—in effect, a best guess at how the site would have appeared in ancient times.

Altogether though, his efforts to enhance the potential of Spruce Tree House for public enjoyment brought about extensive alterations to a site that had already been greatly impacted by time and vandals.

Museums reflected another early educational interest at the archeological reserves. By at least 1905, Casa Grande Custodian Frank Pinkley began to display objects found on site to help explain the area's ancient history, thus initiating limited museum activity there. Yet the artifacts from Casa Grande projects undertaken by Jesse Walter Fewkes at intervals from 1906 to 1908 were to be shipped back to the Smithsonian Institution for professional care, as intended by the site's General Land Office overseers. The shipment took place despite Pinkley's strong interest in retaining these larger collections in the reserve and building a museum to enhance public understanding of Casa Grande. He was allowed to keep only a small number of objects for display and received no funds for a museum.

At Mesa Verde, objects deemed most valuable from Fewkes' Spruce Tree House excavations beginning in 1908 were also shipped to the Smithsonian, although many others were stored in the park. Interest in a park museum arose early, but not until about 1914 did a new superintendent initiate an earnest campaign for a museum to exhibit Mesa Verde artifacts—an effort that would not succeed until after the National Park Service came into existence. These incipient museum efforts were augmented by other educational



Spruce Tree House before it was stabilized. Thomas McKee Photograph Collection via NPS.

activities, particularly guided tours to interpret sites to the public, with Custodian Pinkley himself giving tours at Casa Grande and park rangers guiding visitors in Mesa Verde beginning in 1908.

Similarly, prior to the establishment of the National Park Service, managers in both Yosemite and Yellowstone had created small, museum-type displays for visitors, and in Yellowstone a move began in 1915 to establish a permanent museum. Well before that, in the late 19th century, Yellowstone concessionaires had begun offering guided tours to explain the park's geysers and other natural features.

By 1914 the Interior Department's Office of the Chief Clerk began publishing educational booklets to inform visitors of the natural features in Yosemite, Sequoia, Glacier, Mount Rainier, and Yellowstone.

Education also appeared in early legislation. Authorizing the protection of federally controlled archeological and scientific sites and presidential proclamations of especially important places as national monuments, the Antiquities Act of 1906 was centered squarely on research on public lands for purposes of public education. Provisions in the Mesa Verde acts of 1906 and 1910 reaffirmed the Antiquities Act's education-oriented sections and also created the national park with the authority to provide for public use. The park road to the top of the mesa, the ranger guides, plus Fewkes' work helped make it possible for the public to visit and learn about the ancient cliff dwellings and the people who built and lived in them.

Although education is clearly a chief concern of the 1906 Antiquities Act and Mesa Verde Act, the 1916 National Park Service Act itself does not specifically authorize education—the word is nowhere to be found in the statute. And education per se received very little attention in congressional hearings; instead, ensuring public use and enjoyment was repeatedly put forth as a prime rationale for creating the Park Service.

Of the 1916 act's various provisions, the public enjoyment mandate makes the closest connection to education. In truth, the act would have to be very narrowly construed in order to not include education, given its provisions for the Park Service to "promote and regulate the use" of parks and monuments and to provide for the "accommodation of visitors," with one of the fundamental purposes being the public's "enjoyment" of these places. This seems particularly true given that a tradition of educational work in both archeological and natural areas had been established before the 1916 act was approved, and the fact that those national monuments that the act placed under Park Service administration still carried the Antiquities Act's plainly stated education-oriented mandates.

Moreover, the Antiquities Act's research and education mandates—which were to involve museums, universities, and other "scientific or educational institutions"—applied to all federally controlled lands, including the national parks. Given the thrust of the Antiquities Act toward increasing public knowledge of science and human history, the demonstrated concerns for public education in early parks and monuments (including Mesa Verde), and the legislative history leading up to the 1916 mandate to promote

public use and enjoyment on site in the preserved areas, the fledgling National Park Service clearly had educational responsibilities.

In 1906, not long after the Antiquities Act had been signed, Congressman John Lacey reflected on federally preserved parks and historic places, stating that they represented an “enlightened method of reservation” that would protect them from “speculative management”—in effect protect them from the uncertainties of the market economy. Lacey wanted special places such as the Grand Canyon and the big trees of California to remain the “property of the Republic,” to be “permanently protected from all mutilation.”

Indeed, the major elements of his comprehensive antiquities protection bill of April 1900, drafted at his request by Department of the Interior officials, had to a considerable degree been realized through passage of the Antiquities Act of 1906, the creation of national monuments and more national parks, and ultimately the establishment of a “service”—the National Park Service—to manage these preserved areas.

When President Wilson signed the National Park Service Act in late August 1916, the War Department and the Forest Service administered a total of 16 historic and archeological sites, while the Park Service was given control over only nine of such sites.



Tribal members gathered at what would become Sitka National Historical Park. E.W. Merrill photograph via NPS.

(Gran Quivira for example) also included significant remains of Spanish missions.

In addition to Spanish activity in the Southwest, the National Park Service in August 1916 had only two sites that emphasized the history of other European Americans in this country: Sitka National Monument in Alaska Territory, involving a Russian-American colony and Alaska native people; and El Morro in New Mexico, which featured inscriptions carved in rock by Indians, as well as by European Americans of different generations and national origins.

There is no indication that without the concern for improved protection of the high-profile scenic national parks any campaign to create a national office to oversee the historic and archeological areas alone would have taken place by August 1916, or perhaps for many years thereafter. Establishing an office for coordinated administration of places reflecting the historic American past had to be addressed within the context of determining how best to set up a bureau to provide effective management of the large, scenic national parks. The National Park Service’s historic preservation mandate was conceived and would, in time, come to be more fully realized within this context.

Traveler's footnote: To see the entire article, complete with endnotes, **download this PDF** (<http://www.georgewright.org/251sellars.pdf>).

Thus, the Park Service controlled only about a third of the federally designated historic places, and the national government’s historic preservation responsibilities remained divided among three departments—Interior, War, and Agriculture—the kind of situation that had frustrated Horace McFarland from the beginning. Of the Park Service historic sites, nearly all were in the Southwest and were related to American Indian history—for instance, Mesa Verde and the archeological monuments such as Chaco Canyon and Gran Quivira in New Mexico. Several of the monuments