

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
WASHINGTON

OFFICE OF THE DIRECTOR

INTERIOR NATIONAL PARK SERVICE
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APR 3 - 1936
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APR - 6 1936

April 1, 1936

LOWS NOTED

*0.35
Desert Plant*

*Mr. [unclear]
Mr. [unclear]
Miss [unclear]
Miss M. [unclear]*

Memorandum for Secretary Ickes:

I feel that your criticism of the suggested name "Desert Plant National Monument" is correct. When friends of Mrs. Hoyt, who is helping to establish the monument, urged naming it in her honor I countered with the suggestion that "Joshua Tree National Monument" would be far more appropriate, as that plant comprises the main exhibit of the area. Since you like the name, why not approve it now and settle that point. We can't go wrong on that, in my opinion.

File

[Handwritten Signature]
Director.

Attachment.

Approved: APR - 4 1936

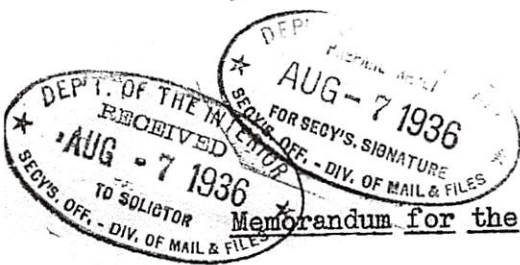
[Handwritten Signature]

Secretary of the Interior.

[Handwritten Signature]

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF THE SOLICITOR
WASHINGTON

AUG 4 1936



Memorandum for the Secretary:

There is pending before the Attorney General a proclamation declaring that certain lands in California be set apart by the President as the Joshua Tree National Monument under the authority granted by the act of June 8, 1906 (34 Stat. 225). An objection has been raised to the suggested name by the Department of Justice because the name suggests that the monument is being set apart primarily for the perpetuation of the joshua trees. This objection arises out of the more fundamental objection suggested by the Attorney General that trees are not objects which may be declared as monuments under the authority granted by the foregoing act. You have asked for my opinion as to the validity of these objections.

The objection to the name is in my opinion without validity. There is nothing in the act requiring that a monument must bear a name of any particular kind, or that it shall not bear names of certain kinds. But on this point, I have been advised informally by the Department of Justice that the objection to the name will be withdrawn, it being understood that the justification for the creation of the monument will be its desert character rather than the existence of the joshua trees.

The objection that trees are not objects which may be declared monuments is also in my opinion invalid when stated as broadly as it appears to have been. That trees as such are not necessarily scientific objects within the meaning of the act seems clear, but in my opinion trees may be found to be such scientific objects, under proper circumstances.

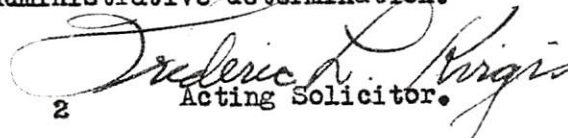
The act of June 8, 1906, supra, sets down four requirements which must be met by things which are to be declared as national monuments. First, the monument must be an object or objects. There is no requirement that the objects be either organic or inorganic. Second, the object must be situated on land owned or controlled by the United States. This requirement undoubtedly excludes objects not fixed with some degree of permanency to the land, such as birds or animals, but there is no requirement of the fixity that can be said to be characteristic only of inorganic things. The third requirement is that the objects be either historic landmarks, historic or prehistoric structures,

or other objects of historic or scientific interest. Again there is no requirement which excludes organic objects. The test is therefore, in my opinion, whether the trees which are to be declared monuments do in fact have characteristics giving them a special scientific interest. Whether of course particular trees do possess a sufficient scientific interest to be within the purview of the act is a question which can be decided only on the basis of scientific studies. There is a fourth requirement of importance, it being that the area set apart for the preservation of the objects declared to be monuments must be the smallest compatible with proper care and management thereof. This again is a matter for factual finding and determination by qualified scientists.

The objection raised by the Department of Justice is that the act contemplated the preservation of objects, which admittedly might include an organic thing such as a particular tree having a historic interest, but does not contemplate the preservation of a species, for that includes necessarily new growth replacing the objects originally declared to be monuments. Thus the monument originally declared must cease to exist when the original objects are gone. The objection does have merit when applied to organic things of short life, as for instance annual plants, but in my opinion the line of demarcation is not properly drawn when it excludes trees having a long life. In the latter case I see no reason why a monument cannot be declared of the existing objects which are sought to be protected and preserved solely for scientific purposes. It is only an incidental consideration that within the area set apart for the protection of these objects new growth of the same kind of plants will in all probability occur.

The Attorney General has indicated that another reason for his position is that Congress has made other provision for the protection of forest lands as provided by the act of March 3, 1891 (26 Stat. 1103), and acts amendatory thereof and supplementary thereto (Title 16, section 471, et seq., United States Code). The primary purpose of these acts, however, is to afford protection to areas suited to the protection of lumber, and secondarily to afford protection to areas needed for related conservation purposes, but all of the purposes served by these acts are quite different from that of the protection of particular trees for purely scientific purposes.

The fundamental objection discussed herein is one, however, on which under the present procedure the Attorney General will give a formal opinion when the matter is presented to him squarely. Such an opinion could be forced at this time by asking for the creation of the monument in question on the ground that the purpose is to preserve the existing Joshua trees for scientific purposes. But it is also possible to justify the creation of this monument on other grounds and yet retain the name "Joshua Tree National Monument". Which course is to be followed remains for your administrative determination.

2 
Acting Solicitor.

*L.O.
731-41*

*OK. - see 6/23
for
Mr. Maier
or for main
files*

Manbey
Hill
a.h.
Neasham*

*Maier
du*

180 New Montgomery Street

August 22, 1951

Confidential

Memorandum

To: Superintendent, Joshua Tree
From: Acting Regional Director
Subject: Proposed change in name of monument

When Mr. Paul Franke was recently in this office he stated it is his opinion that consideration should be given to the possibility of a more appropriate name for Joshua Tree National Monument. The name "Joshua Tree" does seem unsatisfactory when one considers that the preservation of the local stand of Joshua trees was not the compelling reason for establishing the monument--also, finer stands exist outside the area. A more inclusive name which would encompass desert botany as a whole, would appear more appropriate. It may be that the archeological importance of the Pinto Basin may suggest a name.

The proposal to change the name is, of course, not an entirely new one, and we realize it has aspects which may make a change in the name, even for the better, difficult to consummate.

Please let us have your confidential and informal opinion on this.

(SGD) HERBERT MAIER
Herbert Maier
Acting Regional Director

Copy to: Director

HMaier:vjc

FILE COPY

*Comment by Manbey on draft: "My personal opinion is that there is no value in trying to change the name. Everyone is used to the present name--and it is the only worthwhile area of Joshua Trees we have. 3-20-51."

J. P. Law

Murphy
send copy to Washington

W. H. ...
Kittell
Marbey
A.P.
Washington
Xy ...
9/19

UNITED STATES

DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE
JOSHUA TREE NATIONAL MONUMENT
TWENTYNINE PALMS, CALIFORNIA

September 17, 1951

Memorandum

To: Regional Director, Region Four
From: Superintendent, Joshua Tree
Subject: Proposed Change in the Name of the Monument

Copy to Director
9/24 w/c
memo of 9/22

We have given considerable thought to your memorandum of August 22 relative to the above subject.

There are a number of reasons why the name "Joshua Tree National Monument" is not an appropriate one. Any name based on any particular one of the natural sciences would be equally inappropriate. A desirable name would at least imply the presence of the desert, desert plants and wildlife, and possibly the archeological importance of the area. Of these we believe that the desert plants only are unique. We doubt that Desert Plant National Monument would be any improvement over the present name.

To date we are unable to suggest any name that we think is preferable to the present one. We will keep the proposal in mind and we would welcome any suggestions.

Frank R. Givens
Frank R. Givens,
Superintendent.

NATIONAL
SEP 19 1951
REGION FOUR