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**P.O. Box 65  
Hancock, Michigan 49930-0065 USA  
1-906-487-9722 • fax 1-906-487-9405  
[www.georgewright.org](http://www.georgewright.org)**

## Our *Nationwide* National Wilderness Preservation System

**Douglas W. Scott**, Campaign for America's Wilderness, 600 First Avenue, Suite 524, Seattle, Washington 98104; [dscott@leaveitwild.org](mailto:dscott@leaveitwild.org)

Today, the National Wilderness Preservation System includes 166 units east of the Rocky Mountains, comprising some 4,245,000 acres—nearly 9% of all designated wilderness in the 49 states other than Alaska.<sup>1</sup> Those who conceived and enacted the Wilderness Act envisioned a single system of areas held to one definition and stewardship mandate nationwide. They laid down two fundamental ideas:

1. Wilderness areas will be diverse in size and wildness. In Aldo Leopold's words, "in any practical [wilderness] program the unit areas to be preserved must vary greatly in size and in degree of wildness."<sup>2</sup>
2. The defining concept of wilderness was never some ideal of pure, virgin nature. The framers of our national wilderness policy welcomed opportunities to preserve such areas, but their wilderness definition embraces lands with past human impacts. One founder of The Wilderness Society wrote: "a wild area is not necessarily a virgin area, but is one without roads and mechanized means of transportation...."<sup>3</sup>

In 1947, leaders of The Wilderness Society set in motion the campaign that led to the enactment of the Wilderness Act. Howard Zahniser, the society's executive director, drafted the legislation. As first introduced in 1956, the bill named each federal land unit involved. Later, generic language replaced this long list of forest, park, and refuge units, but the original list demonstrates that the sponsors always intended a nationwide wilderness system. The list included the Forest Service-administered Boundary Waters Canoe Area (Minnesota) and Linville Gorge (North Carolina); national wildlife refuges, including Moosehorn (Maine), Okefenokee Swamp (Georgia), and Wichita Mountains (Oklahoma); and national park areas, including Everglades (Florida), Great Smoky Mountains (Tennessee and North Carolina), and Shenandoah (Virginia).<sup>4</sup> All involved were aware that these and other Eastern units involved lands disturbed by past human impacts.

During Senate debate, Senator Thomas Kuchel (R-CA), responded to concern that there would be reason "for fear or trepidation on the part of Senators representing Eastern States that forest areas within their States ... could not ... become a part of the wilderness system. I deny it.... If the distinguished senior Senator from Florida wishes to introduce proposed legislation creating a wilderness out of any of the area owned by the Government of the United States in his own State, let him do so.... That would be precisely what would be required of him if the proposed wilderness legislation were enacted into law...."<sup>5</sup>

In its final form, the law immediately designated four eastern areas, including the Shining Rock Wilderness (North Carolina) that the Forest Service established administratively in May 1964. The entire area showed fading evidence of extensive railroad logging and slash fires that occurred between 1906 and 1926.<sup>6</sup> After visiting the area, Harvey Broome, then president of The Wilderness Society, advised: "The fact that it has been cut-over and

burned-over is unfortunate, but areas of this size are limited in number in the east and ... it is desirable to set such aside as there is opportunity.... [T]he need is so great in the east and southeast that it is fortunate that Shining Rock is being considered ... and in fifty or one hundred years it will reach a high degree of restoration.”<sup>7</sup>

In including this and the other wilderness areas immediately designated in the act, the floor leader in the House of Representatives noted that his “committee, in effect, was reviewing each of these areas individually,” finding that each had been defined with precision and met all of the criteria of the soon-to-be-enacted law—including areas in both the East and West that had a history of earlier human impacts.<sup>8</sup>

The framers of the Wilderness Act designed a practical law applicable to the realities of land use history. Senator Clinton P. Anderson (D-NM), lead sponsor of the Wilderness Act and chairman of the Senate committee, carefully explained the two-sentence definition: “The first sentence is a definition of pure wilderness areas, where “the earth and its community of life are untrammelled by man.... *It states the ideal.* The second sentence defines the meaning or nature of an area of wilderness as used in the proposed act: A substantial area retaining its primeval character, without permanent improvements, which is to be protected and managed so man’s works are ‘substantially unnoticeable.’ *The second of these definitions of the term, giving the meaning used in the act, is somewhat less ‘severe’ or ‘pure’ than the first*” [emphasis added].<sup>9</sup>

In 1964, eastern areas qualified as wilderness according to both the Forest Service and Congress. Yet six years later the agency opposed congressional designation of new wilderness areas in West Virginia with similar land use histories of decades-old logging. In 1971, the associate chief pronounced that “areas with wilderness characteristics as defined in the Wilderness Act are virtually all in the West.”<sup>10</sup> For its own political reasons, the agency hierarchy adopted a new “purity” interpretation—that no lands with a history of human disturbance, East or West, could qualify as wilderness.<sup>11</sup>

The agency quietly drafted an alternative to the Wilderness Act “to establish a system of wild areas within the land of the national forest system” and peddled it on Capitol Hill. Their bill was described as necessary because Eastern areas “do not meet the strict criteria of the Wilderness Act.”<sup>12</sup> Members of Congress who championed the Wilderness Act resolved to turn back this misinterpretation. Representative John Saylor (R-PA), lead sponsor of the Wilderness Act in the House, challenged those “who tell us [the act] is too narrow, too rigid, and too pure in its qualifying standards” to allow any formerly abused lands or lands with present abuse that can be restored with time. “I fought too long and too hard, and too many good people in this House and across this land fought with me, to see the Wilderness Act denied application ... by this kind of obtuse or hostile misinterpretation or misconstruction of the public law and the intent of the Congress of the United States.”<sup>13</sup>

Senator Henry Jackson (D-WA) warned his colleagues that “[a] serious and fundamental misinterpretation of the Wilderness Act has recently gained some credence, thus creating a real danger to the objective of securing a truly national wilderness preservation system. It is my hope to correct this false so-called ‘purity theory’ which threatens the strength and broad application of the Wilderness Act.”<sup>14</sup>

Senator Frank Church (D-ID), leader of the Senate debate on the Wilderness Act,

observed that “the effect of such an interpretation would be to automatically disqualify almost everything, for few if any lands on this continent—or any other—have escaped man’s imprint to some degree.”<sup>15</sup> Church pointed out that the Wilderness Act itself “placed three eastern areas into the National Wilderness Preservation System [that] ... had a former history of some past land abuse,” explaining: “This was by no means a so-called grandfathering arrangement. It was, and is, a standing and intentional precedent to encourage such areas to be found and designated under the act in other eastern locations.”<sup>16</sup>

In launching their purity interpretation, the Forest Service hierarchy was out of step with the other agencies working correctly under the Wilderness Act criteria. Presidents recommended new wilderness areas in national parks and national wildlife refuges in the East and Congress steadily added these areas to the wilderness system—lands with a history of land use impacts, such as refuge wilderness areas including Great Swamp (New Jersey, 1968), Seney (Michigan, 1970), and Wichita Mountains (Oklahoma, 1970).

Wilderness advocates and their congressional allies responded to the Forest Service legislation with a counter bill, the proposed Eastern Wilderness Areas Act. At hearings, Senator Church emphasized the threat the purity misinterpretation posed to the vision of a single nationwide system of wilderness areas, telling the Forest Service: “If we [adopt your interpretation] we will be saying, in effect, that you can’t include a comparable area in the West in the wilderness system. That is the precise effect of your approach, because you will have redefined section 2(c) of the Wilderness Act.”<sup>17</sup>

In the Eastern Wilderness Areas Act, signed by President Gerald Ford on January 3, 1975, Congress designated 16 new wilderness areas totaling 206,988 acres of national forest lands east of the Rockies.<sup>18</sup> The final legislation adopted some elements of the Forest Service-inspired bill, but did not alter the definition and intent of the Wilderness Act. Congress had flatly repudiated the most serious threat to the vision of a nationwide wilderness system.

Understanding the legislative history of the Wilderness Act and the Eastern Wilderness Areas Act helps reinforce seven important lessons:

**1. The National Wilderness Preservation System is just that—*national*.** Wilderness areas East and West are subject to the same criteria and stewardship mandate. The Forest Service now administers 121 wilderness areas comprising some 1,950,000 acres east of the Rockies. Widened to all agencies, there are 166 wilderness areas comprising 4,245,000 acres in that region, including most recently the Gaylord Nelson Wilderness in Apostle Islands National Lakeshore (Wisconsin), signed into existence by President George W. Bush in December 2004.

**2. Our National Wilderness Preservation System is wildly diverse.** The wilderness system, still a work-in-progress, already fulfills Aldo Leopold’s vision that in any practical wilderness program, the areas will be diverse in both size and degree of wildness. Of the smaller areas nearer population centers, Leopold, Bob Marshall, and the other founders of The Wilderness Society observed that “[a]lthough one cannot obtain in them the adventure, the dependence on competence [for survival], and the emotional thrill of the extensive wilderness, they are the closest approximation to wilderness conditions available to millions of people.”<sup>19</sup>

**3. There is no “eastern wilderness act.”** The law signed on January 3, 1975, has no

short title, which would usually be found in section one—in fact, this law has no section one, reflecting a clerical error back when “cut-and-paste” meant just that. Dropped on the cutting room floor was the short title “Eastern Wilderness Areas Act,” the title of the Senate-passed bill and the version approved by the House committee. The word “Areas” in this title signals that this was simply one more law designating additional areas within the one-system structure of the Wilderness Act. Had the title been “eastern wilderness act,” some might argue that it implied a separate legal regime for wilderness areas in the East.

**4. Congress, not the agencies, decides what lands are suitable as wilderness.** Federal agencies provide recommendations on proposed wilderness legislation. But Executive Branch recommendations are not definitive; recommendations also come from other interested parties. As exemplified by the Eastern Wilderness Areas Act, Congress acts as a “court of appeals” to which citizens may appeal when they feel an agency’s political leadership is misinterpreting the act or taking an unsatisfactory position on the dimensions of a proposed area.

**5. Purity: “A misperception exists—let’s get rid of it.”** The purity theory is demonstrably at odds with the congressional intent of the Wilderness Act. Congress has designated many wilderness areas with a history of human impacts, whether over an entire area (as is true of the Gaylord Nelson Wilderness designated in 2004) or in a portion, as is typical in lower-elevation valleys or plateaus in the West where some evidence of earlier human impact can almost invariably be found. Nonetheless, the purity theory is raised periodically by agency personnel, interest groups, or members of Congress who do not know this history or are unsympathetic to new wilderness designations.

I like the advice one Forest Service official offered at an agency workshop in 1983: “Understand that there is one, and only one, National Wilderness Preservation System as established by Congress. The Wilderness System is dynamic and diversified throughout our Nation.... A misperception exists—let’s get rid of it.”<sup>20</sup>

**6. Restoration is an important issue for wilderness managers.** Given the fact that no wilderness area is or could be utterly “pure,” administrators are presented with challenges concerning possible active steps to restore what some perceive to be more “natural” ecosystem function.

My own view is that, East or West, great hesitation is needed in decisions to actively manipulate a wilderness environment in the name of restoring what we might perceive as more natural ecosystem function. A fundamental underpinning of wilderness philosophy and the Wilderness Act is that in these areas we meet nature on its terms, with humility—including the humble awareness that ecological “certainties” we perceive today may prove wrong with greater knowledge in the future. As Howard Zahniser put it, in wilderness we should be “guardians, not gardeners.”<sup>21</sup>

**7. Congress has worked to get wilderness closer to urban populations.** Congress has made a particular effort to protect wilderness areas near where people live, beginning with the 1968 designation the San Gabriel Wilderness adjacent to Pasadena, California. Today the system includes the Sandia Mountain Wilderness and the Pusch Ridge Wilderness, literally on the city limits of Albuquerque and Tucson, respectively. For the same reason, where the opportunities for protecting wilderness areas are so constrained, as in the Eastern half of the

country where federal lands are so rare, Congress has shown a consistent strong interest in securing near-the-people wilderness areas.

## Conclusion

The rich legislative history documented by the framers and champions of the Wilderness Act is reinforced in the legislative history of more than 120 laws adding new lands to the wilderness system. This history consistently demonstrates that in its broad purpose and fine details, this is a practical law thoughtfully shaped by practical people. As in the Eastern wilderness debate, we have an obligation to sustain their practical vision and not wander into misinterpretations that would hamstring the building of the National Wilderness Preservation System.

In statutory language in the Vermont Wilderness Act of 1984, Congress chose to remind us of its long, consistent application of the fundamental features of the Wilderness Act. It is a concise statement not limited to Vermont or the East—a statement every agency wilderness steward and every wilderness advocate should keep readily at hand:

“The Wilderness Act establishes that an area is qualified and suitable for designation as wilderness which (i) though man’s works may have been present in the past, has been or may be so restored by natural influences as to generally appear to have been affected primarily by the forces of nature, with the imprint of man’s work substantially unnoticeable, and (ii) may, upon designation as wilderness, contain certain preexisting, nonconforming uses, improvements, structures, or installations, and Congress has reaffirmed these established policies in the designation of additional areas since enactment of the Wilderness Act, exercising its sole authority to determine the suitability of such areas for designation as wilderness.”<sup>22</sup>

## Endnotes

1. In this article, “East” means the half of the continental United States east of the Rockies and embraces a wide variety of forest types, prairie grasslands, wetlands, and swamps. All data from [www.wilderness.net](http://www.wilderness.net), accessed April 8, 2005.
2. Aldo Leopold, *A Sand County Almanac* (New York: Oxford University Press, 1949), 189.
3. Harvey Broome to Peter J. Hanlon, May 18, 1962, blind carbon copy in Howard Zahniser’s files, in The Wilderness Society archives, Western History Collection, Denver Public Library. Broome was addressing the suitability of the Shining Rock Wilderness (North Carolina), now a unit of the wilderness system.
4. U.S. Senate, S. 4013 (84th Congress, 2d session, June 7, 1956).
5. Senator Thomas Kuchel, “Establishment of National Wilderness Preservation System,” *Congressional Record* (September 5, 1961), 16919, bound edition. Senator Kuchel spoke with particular authority as one of the ten original co-sponsors of the wilderness bill in June 1956, the second-most senior Republican member of the Committee on Interior and Insular Affairs which approved the bill in 1961, and the committee’s most senior Republican when it re-approved the bill in 1963.
6. U.S. Forest Service, “Area History” (text on official map), *Shining Rock Wilderness and Middle Prong Wilderness*, Pisgah National Forest, North Carolina, Forest Service Recreational Guide R8-RG 23, revised June 1993.

7. Broome to Hanlon, May 18, 1962.
8. Representative Wayne Aspinall, "National Wilderness Preservation System," *Congressional Record* (July 30, 1964), 16846, bound edition. As the House of Representatives debated the Wilderness Act, Shining Rock was included in a tabulation of the acreage of the wilderness areas to be immediately protected. Chairman Aspinall characterized these areas, which became statutorily designated wilderness in the 1964 act, as having been "administratively designated as having wilderness characteristics." He explained how closely his committee reviewed these new areas before approving them: "Parenthetically, I note for the record that 2 years ago when our Committee on Interior and Insular Affairs was considering wilderness legislation there were only 6,822,400 acres of land [administratively] designated as 'wilderness,' 'wild' and 'canoe' and that the increase of 2,317,321 acres that has taken place since then has been accomplished by the Department of Agriculture after coordination with the Committee on Interior and Insular Affairs."
9. Statement of Senator Clinton P. Anderson, chairman, Senate Committee on Interior and Insular Affairs, *Wilderness Act: Hearings before the Senate Committee on Interior and Insular Affairs on S. 174* (87th Congress, 1st session), February 27–28, 1961, 2.
10. Associate Chief John McGuire, speaking before the Sierra Club's Biennial Wilderness Conference, September 24, 1971, quoted in Dennis M. Roth, *The Wilderness Movement and the National Forests* (College Station, Tex.: Intaglio Press, 1988), 39.
11. This purity interpretation was consciously evolved by agency leaders. See Richard J. Costley, "An Enduring Resource," *American Forests* (June 1972), 8.
12. Senator George Aiken, *Congressional Record* (June 13, 1972), 20570. The bill was S. 3699 (92nd Congress, 2nd session).
13. Representative John Saylor, "Legislation to Save Eastern Wilderness," *Congressional Record* (January 11, 1973), 849.
14. Senator Henry Jackson, *Congressional Record* (January 11, 1973), 754.
15. Senator Frank Church, "The Wilderness Act Applies to the East," *Congressional Record* (January 16, 1973), S737 (daily edition; pagination may differ in the bound edition).
16. Church, "The Wilderness Act Applies to the East," S738.
17. Senate Committee on Interior and Insular Affairs, *Eastern Wilderness Areas: Hearing before the Subcommittee on Public Lands on S. 316* (93rd Congress, 1st session, February 21, 1973), 31.
18. Eastern Wilderness Areas Act, Public Law 91-504; 84 Stat. 1104, October 23, 1970.
19. "The Wilderness Society: Reasons for a Wilderness Society," January, 21, 1935, in The Wilderness Society archives, Western History Collection, Denver Public Library, 2.
20. Charles R. Joy, Recreation Group Leader, Eastern Regional Office, "One National Wilderness Preservation System—Resolving the Perception of Eastern, Western, and Alaskan Wilderness," talk at the University of Idaho Wilderness Workshop, Moscow, Idaho, October 12, 1983, author's files, 6.
21. Howard Zahniser, "Guardians Not Gardeners" (editorial), *The Living Wilderness* (spring–summer 1963), 2.
22. Vermont Wilderness Act of 1984, Public Law 98-322, June 19, 1984, 98 Stat. 253, Section 101(a)(5).