

The Antiquities Act: The First Hundred Years of a Landmark Law

David Harmon, Francis P. McManamon, and Dwight T. Pitcaithley

Adapted from *The Antiquities Act: A Century of American Archaeology, Historic Preservation, and Nature Conservation*, David Harmon, Francis P. McManamon, and Dwight T. Pitcaithley, editors. © 2006 The Arizona Board of Regents. Reprinted by permission of the University of Arizona Press.

THE HISTORY OF AMERICAN ARCHAEOLOGY, CONSERVATION, AND HISTORIC PRESERVATION often is told in terms of legal milestones, and rightly so. An environmental activist working to expand a nearby park, a historic preservationist trying to save a cherished old building, a volunteer working on a national wilderness campaign, an archaeologist investigating an ancient village site in advance of reservoir construction—all are working from a solid foundation of statutory authorities that, law by law, have expanded protections for archaeological resources, historic structures, and natural areas. There are many laws that mark critical junctures in our national conservation policy, yet what is arguably one of the most important of them all remains little known outside of specialist circles. That law is the Antiquities Act of 1906.

No other law has had such a wide-ranging influence on the preservation of our nation's cultural and natural heritage. Why is the Antiquities Act so important?

Creation of national monuments.

The Act gives the president the power to establish specially protected national monuments from tracts of existing federal public land. These monuments range from prehistoric ruins and other objects of antiquity (hence the Act's name) all the way up to entire landscapes of ecological and scientific importance, covering thousands or even millions of acres. With President Bush's proclamation of African Burial Ground National Monument in February 2006, the Act has now been used by 15 presidents to proclaim new national monuments or expand existing ones.¹ These monuments, which cover over 79,700,000 acres, include world-class protected natural areas, many of

which have gone on to receive national park status, and cultural sites of international renown. Of America's twenty World Heritage sites, seven originated as national monuments under the Antiquities Act: Carlsbad Caverns National Park, Chaco Culture National Historical Park, Grand Canyon National Park, Olympic National Park, Statue of Liberty National Monument, Glacier Bay National Park and Preserve, and Wrangell-St. Elias National Park and Preserve.² Of the national park system's 390 units, almost one-fourth (88; 22.5%) had their origins as national monuments proclaimed under the Antiquities Act, and the law was used to greatly extend several other park units. In addition, there are now 18 national monu-

ments managed solely by agencies other than the National Park Service, such as the Bureau of Land Management, U.S. Forest Service, and U.S. Fish and Wildlife Service.

Establishing the primacy of commemorative, educational, and scientific values for archaeological resources. Section 3 of the Act establishes the regulation of archaeological investigations on public lands and states that such investigations are “for increasing the knowledge of [archaeo-



Vermillion Cliffs National Monument, Arizona. Photo courtesy of the Bureau of Land Management.

logical sites and] ... objects, and ... for permanent preservation in public museums.”⁷ In one long sentence, the second half of this section makes clear that archaeological sites and the items removed from them are most important for what we can learn from them with proper study. The objective of archaeological investigations is to study the past through historical and scientific methods, not to retrieve objects for display, exhibit, or sale.³

A foundation for heritage professionalism. The Act provides a legal and public policy foundation for public archaeology in the United States, and for public agencies being involved in the preservation of historic places and structures. Its provisions

have done much to foster the development of the professions of archaeology, history, and historic preservation in the public sector in this country, and has had an important influence on anthropology and paleontology as well.⁴

A scientific basis for nature preservation. The Act was the first law to systematically enable the creation of large-scale nature reserves for scientific (rather than scenic or economic) reasons.⁵ Not only did it therefore prefigure today’s emphasis on landscape-scale ecosystem conservation by nearly a century, it remains a vital tool for such efforts. In fact, over the past 30 years practically the only big nature reserves created by the federal government have come as the result of monument declarations under the Antiquities Act.

An important presidential prerogative. The Act established the power of the president to proactively preserve important cultural sites and natural areas (up to and including large landscapes of ecological value) that are threatened with degradation or outright destruction. This “one-way” power—the president can unilaterally establish national monuments, but only an act of Congress can abolish them—is an important legal doctrine that established, and has enhanced, the leadership of the executive branch in archaeology, historic preservation, and nature conservation.

Simply put: In shaping public policy to protect a broad array of cultural and natural resources, the impact of the Antiquities Act is unsurpassed, extending far beyond what is suggested by its quaint title. In truth, the name of the Act is downright misleading—or at least seriously deficient, because the national monument-making provision of the law has been used to protect vast natural areas in addition to the kind of well-defined

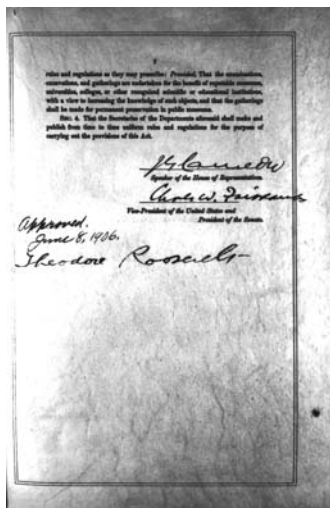
archaeological sites that the word “antiquities” connotes. This is the controversy that has swirled around the Act throughout its history: whether the scope of discretionary monument proclamations as exercised by various presidents has far exceeded what was intended by Congress.

The heart of the controversy is an innocuous clause at the beginning of Section 2 of the Act (see text box). Here, the president is authorized to “declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Government of the United States to be national monuments, and may reserve as a part thereof parcels of land, the limits of which in all cases shall be confined to the smallest area compatible with proper care and management of the objects to be protected....” The key phrases, with emphasis added, are “objects of historic and scientific interest” and “confined to the *smallest area* compatible with proper care and man-

agement.” One reasonable interpretation of these phrases would be that the Act applies only to very specific natural features—a rock formation, say—and that the boundaries of the monument being created should extend very little beyond the feature itself. Another interpretation, which critics of the Act have found highly unreasonable, is that an object of scientific interest can be something as vast as the Grand Canyon, and the smallest area compatible with protection and management can be millions of acres in extent. Yet it is this second, expansionist interpretation that has been adopted by a number of presidents, Republican and Democrat alike, over the past century.

The precedent began with the man who signed “An Act for the Preservation of American Antiquities” into law on June 8, 1906: the larger-than-life *Theodore Rex*, as one of his recent biographers has called him. Congress was well aware of the character of the president into whose hands it was delivering the law, of his sovereign vision of power and his willingness to wield it. And,

The original of the Antiquities Act, as signed by Theodore Roosevelt on June 8, 1906, and filed the next day. Images courtesy of the NPS Historic Photo Archive.



An Act for the Preservation of American Antiquities

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any person who shall appropriate, excavate, injure, or destroy any historic or prehistoric ruin or monument, or any object of antiquity, situated on lands owned or controlled by the Government of the United States, without the permission of the Secretary of the Department of the Government having jurisdiction over the lands on which said antiquities are situated, shall, upon conviction, be fined in a sum of not more than five hundred dollars or be imprisoned for a period of not more than ninety days, or shall suffer both fine and imprisonment, in the discretion of the court.

Sec. 2. That the President of the United States is hereby authorized, in his discretion, to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Government of the United States to be national monuments, and may reserve as a part thereof parcels of land, the limits of which in all cases shall be confined to the smallest area compatible with proper care and management of the objects to be protected: *Provided,* That when such objects are situated upon a tract covered by a bona fide unperfected claim or held in private ownership, the tract, or so much thereof as may be necessary for the proper care and management of the object, may be relinquished to the Government, and the Secretary of the Interior is hereby authorized to accept the relinquishment of such tracts in behalf of the Government of the United States.

Sec. 3. That permits for the examination of ruins, the excavation of archaeological sites, and the gathering of objects of antiquity upon the lands under their respective jurisdictions may be granted by the Secretaries of the Interior, Agriculture, and War to institutions which they may deem properly qualified to conduct such examination, excavation, or gathering, subject to such rules and regulation as they may prescribe: *Provided,* That the examinations, excavations, and gatherings are undertaken for the benefit of reputable museums, universities, colleges, or other recognized scientific or educational institutions, with a view to increasing the knowledge of such objects, and that the gatherings shall be made for permanent preservation in public museums.

Sec. 4. That the Secretaries of the Departments aforesaid shall make and publish from time to time uniform rules and regulations for the purpose of carrying out the provisions of this Act.

Approved, June 8, 1906

characteristically, Theodore Roosevelt wasted very little time before making use of the Act. On September 24, 1906, he proclaimed the first national monument: the imposing monolith of Devils Tower in Wyoming. Before he left office in 1909, Roosevelt declared seventeen more, and therein lies the beginning of our story. Many

of them, like Devils Tower, encompassed relatively small areas. But several, such as Grand Canyon and Mount Olympus, were Rooseveltian in scope. TR's dynamic use of the Act set off reverberations that are still being felt today. It was as if he emboldened his successors to dare to match the spirit, if not the sheer volume, of his example.

This year marks the hundredth anniversary of the Act. The centennial affords an unparalleled opportunity for present-day stewards to reflect on its historic achievements, revisit its controversies, critique its shortcomings, remind fellow professionals and the general public of its continuing importance, and look ahead to its future in the 21st century. We have tried to do that in our forthcoming book, titled *The Antiquities Act: A Century of American Archaeology, Historic Preservation, and Nature Conservation*. The rest of this paper, which is an adaptation of our summary chapter, outlines what we and our contributing authors have found out about this remarkable piece of legislation.

IN MANY WAYS, THE CENTRAL STORY OF THE Antiquities Act revolves around intentions. What did the architects of the Act intend? A series of tiny sites protecting well-defined archeological and natural curiosities, covering the smallest possible area? Or did they truly mean to give the president more leeway? If they did mean to do that, have subsequent presidents stretched the original intent beyond all reasonable recognition? And how does one explain the fact that presidents as different as the imperial Theodore Roosevelt and the reticent Calvin Coolidge have nevertheless used the Act to remarkably similar ends? In the years since its passage, the federal courts have found in the language of the Act sufficient justification for the broader, Rooseveltian interpretation. Moreover, the range of opinions expressed by proponents of one or another version of the legislation put forward between 1900 and 1906 included broad as well as narrow perspectives. These questions are what make the history of the Antiquities Act so fascinating.

To answer those questions, one must first understand where the law came from and why it took the form that it did. The Antiquities Act is very much a product of its time, the direct result of two streams of angst whose headwaters are to be found in the specific conditions that prevailed at that particular moment in history. As the nineteenth century wound down, civic-minded elites woke up to the disturbing fact that America was finite. The image of the endlessly expanding, always beckoning frontier, so important to the doctrine of Euro-american expansionism, had been abruptly erased by the historian Frederick Jackson Turner in his famous 1893 paper “The Significance of the Frontier in American History.” Turner’s decisive pronouncement that the American frontier was now closed underscored what had become apparent to many during the previous decade—that the great open landscapes of the West were filling up with settlers or increasingly coming under the control of land speculators. The critical mythic spaces occupying the very heart of the national unification story were rapidly being piecemealed into a motley assortment of private uses.

Congress already had preserved several outstanding examples of the American landscape and cultural heritage by creating national parks or reservations at Yellowstone, Mackinac Island (later transferred to the control of the state of Michigan), Casa Grande Ruin (between Tucson and Phoenix in Arizona), Sequoia, General Grant, and Yosemite (the last three all in California’s Sierra Nevada).⁶ In this context, handing the president broad power to reserve parts of those landscapes for continuing public benefit and edification was an act of nation-building.

At the same time, mounting reports of

settlers, curiosity-seekers, newfangled tourists, and profiteers ransacking southwestern archaeological sites for building materials, curios, or treasures did not comport well with the received notion of an America based on justice and probity. As Ronald F. Lee noted in his pioneering history of the Act (originally published in 1970 and presented in abridged form in our book),⁷ the elite opinion leaders were no doubt dismayed that the destruction was truly a democratic activity, carried on by everyone from illiterate cowboys to some of their rival eastern establishment institutions and Ivy League colleagues bending to demands for artifacts to display and exhibit in universities and museums. It made sense for these influential people to support a law whereby the president could, with a stroke of his pen, put a halt to the unseemly business in certain select places.

Yet all was not straightforward and simple in finding support for the Antiquities Act. Rising local and regional elites in the Southwest and West sometimes resented eastern scholars poaching on their archaeological sites. Even within the national government, the General Land Office of the Department of the Interior and the Smithsonian Institution jostled over which should be responsible for archaeological sites on public lands.⁸ The overall objective of protecting archaeological sites from looting, and preserving them until they could be investigated using the newly emerging scientific methods and techniques of archaeology, was agreed to by the Act's proponents. By contrast, who would oversee the protection, and perhaps more to the point, who would regulate the subsequent investigations, was vigorously disputed. These concerns and disputes, of course, fit into the broad context of American nationalism, the

rise of the Progressive political movement, the emergence of government programs to force the assimilation of American Indians into mainstream society, and parallel efforts to record Native American traditions before they disappeared.⁹

For some, preserving archaeological ruins¹⁰ was a subtle but tangible reminder of who the conquerors were, of whose civilization had “won” the West. Newly anointed, these national monuments spoke to the supposed demise of Native American civilization while at the same time proclaiming the permanence and benevolence of the power emanating from Washington.

Many factors contributed to the impetus behind the Antiquities Act. The storied elements of the American nation were both natural, in the form of supposedly untouched wilderness landscapes,¹¹ and cultural, in the vestiges of the country's ancient past. Char Miller makes the insightful observation that creating national monuments is a type of civic consecration: “Through a secular legislative act, the nation-state, at Devils Tower and elsewhere, created a new kind of sacred space—national in name, sweep, and scope....”¹² It is by these means that the Antiquities Act, in subtle but deeply permeating ways, shored up key parts of the dominant unifying narrative the federal government wished to tell.

Understanding this helps to explain the motivations of the two men most responsible for maneuvering the law into its final form: Edgar Lee Hewett and John Fletcher Lacey. Today, their names are all but forgotten except by archaeologists and historians of conservation, but their relative obscurity is undeserved. Hewett was an administrator, author, and educator as well as a field archaeologist, whose mix of experience and talent enabled him to forge the

compromise that became the final text of the Act. Hewett was one of those invaluable behind-the-scenes brokers without whom most laws would never get through the proverbial sausage factory. As told by Raymond Harris Thompson, the story of how Hewett managed to get squabbling factions to come together behind the language of the Act is one of perseverance mixed with political and professional acumen and flexibility.¹³

At the beginning of the twentieth century, Hewett was a man determined to make a mark, both scholarly and politically, on the fledgling profession of American archaeology. He also was a booster of the American Southwest and West who sought to counter the cultural and educational dominance of the eastern elite with a regional perspective. But what Thompson also brings out in his profile is a less obvious point: Hewett's was a politics of place, grounded in his love for the Pajarito Plateau and northern New Mexico, a landscape that combined both of the mythic elements described above. As Thompson pinpoints, Hewett was operating on the principle that "the federal government has a statutory responsibility for the archaeological resources on the land it owns or controls."¹⁴ This notion of steward-

Aztec Ruins National Monument, New Mexico. Photo courtesy of the National Park Service.



ship became the foundation for the profession, the bedrock to which all archaeology on public lands is anchored.

Although Hewett was personally interested primarily in archaeology, because he had imbibed the New Mexican landscape he readily saw the political—and symbolic—advantages of including the protection of “objects of scientific interest” alongside that of archaeological sites. The language of the Antiquities Act is a hybrid of natural and cultural concerns not because of ineptitude, but because of Hewett's perception that the competing interests among government agencies and the scientific community could be reconciled, along with his political skills in executing a compromise. As Thompson describes, Hewett grasped the basic problem: the rivalry between the Department of the Interior, which wanted a means to create national parks and control the protection of archaeological sites on public lands, and the Smithsonian Institution, which wanted to control the investigation of archaeological sites. It was he who recognized that their “dueling bills” strategy was going nowhere. Most important of all, it was he who understood that the two approaches could best be reconciled in one piece of legislation, and that the way to get it passed was by coming up with carefully phrased, low-key wording palatable to a Congress that was no doubt weary of the topic and wished to dispose of it as non-controversially as possible.

Any antiquities bill, no matter how carefully written, faced a major hurdle in the House of Representatives in the form of the Committee on Public Lands, through whom all such legislation had to pass. Because the committee was dominated by members from the West who were largely wary of federal power, success for the

Antiquities Act depended on the political skill of the committee's chairman, John F. Lacey. Rebecca Conard introduces us to this Iowa congressman. Lacey was a major figure in conservation at the turn of the 20th century, but his personal background, as she tells us, provides few clues as to what fueled his interest in nature protection.¹⁵ Unlike Hewett, Lacey was incapable of falling in love with a landscape. His approach to life was cerebral: when confronted with something new, rather than assimilating it emotionally he focused all his concentration on it, framing it as a problem or an issue, studying it until he satisfied himself that he owned it. His mind was essentially acquisitive. And intense: Lacey was a man who, as a soldier, prided himself on being able to read a dry-as-dust legal treatise while siege guns roared around him. The picture Conard paints is of a man who placed a premium on self-mastery. She was challenged to be able to paint anything at all, given the reticence of Lacey's personal papers. This reluctance to speak from the heart, even in private letters, only serves to reinforce the image of Lacey as iron-willed and rather ascetic. Then too, he was politically ambitious in ways that Hewett was not.

Lacey's Civil War experience forged in him a deep sense of duty to country, and it is here that we find the roots of his interest in conservation. Whether it was his support of the Yellowstone Protection Act and of President Cleveland's use of the game reserve act, his own work on the migratory wildlife law that carries his name, or his ushering of the Antiquities Act through Congress, Lacey was driven by a belief that good government—meaning impartial, factually informed government—was needed to keep the appalling extremes of human



Glacier Bay National Park & Preserve originated as a national monument. Photo courtesy of the National Park Service.

behavior in check. The government, in essence, had to step in and impose order on people who, unlike himself, were unable to master their own worst tendencies.

Once the antiquities bill was passed, it had to be enacted, and the mantle of leadership passed from Hewett and Lacey to Theodore Roosevelt. Like Lacey, TR placed a high value on self-control and determination. Indeed, some of his most famous exploits were, in their way, exercises in will: one thinks of him sojourning in the North Dakota badlands in the 1880s, leading the charge up San Juan Hill in 1898, finishing a speech after an assassination attempt in 1912. Furthermore, as Char Miller highlights, Roosevelt was a Progressive who “believed deeply in the capacity of government to mold the commonweal, present and future.”¹⁶ He shared this Progressive philosophy with both Lacey and Hewett, and it is the common thread that binds their disparate personalities together. Roosevelt, of course, was a much larger performer performing on a much larger stage, but the Progressive kinship among the three central figures of the Act's passage—which was endorsed and shared by a majority of Congress and by key

administrators at the Department of the Interior, such as W. A. Richards, commissioner of the General Land Office—informed the very nature of the law. Simply put, at the time of the Act’s passage in June 1906 the key people in Washington believed in the Progressive vision of a technocratically competent, beneficent government whose expertise would be placed at the service of (what were assumed to be) common ideals. Under those assumptions, it makes perfect sense to give the president broad power to proclaim national monuments. After all, he will be acting on expert recommendations that, precisely because they are expert, must by definition produce the best possible result. That logic carried the day. Outside of politicians and communities in the West whose commercial interests were the most likely to be affected by monument proclamations, few had philosophical qualms about it.

This review leads us to the conclusion that the language of the Antiquities Act was carefully chosen by ideologically informed men who were deeply concerned that an old order was passing away and wanted to do something about it. Hewett, Lacey, and others who contributed to the drafts of bills that became the final text of the Act had a clear vision about what kind of power should be vested in the president, and they thought that bestowing such power was a good thing. They shared an understanding of the cultural, educational, and historic values of archaeological, natural, and scientific resources and an agreement that these should be publicly protected and their use regulated. Western congressional interests were in dissent, and that dissent is reflected in the Act’s language referring to the “smallest area compatible with proper care and management of the objects to be protected.”

But the majority of Congress acceded to the Progressive vision. Had Congress wanted to, it could have endorsed earlier antiquities bills that specifically limited monuments to a few hundred acres; it did not. Even though Lacey himself promised western representatives that the Act would not be used to “lock up” large areas, the House and Senate knew exactly what sort of a man they were about to hand over these powers to. Unless they were incredibly naïve they also must have known what use he would likely make of them. Roosevelt’s bully-pulpit track record was there for all to see, as was his keen interest in conservation. It cannot have come as a shock to any member of Congress when, in December 1906, TR declared the first large natural national monument, Petrified Forest, nor even when he outdid that by more than tenfold with an 800,000-acre Grand Canyon proclamation some thirteen months later. Progressivism was a supremely self-confident ideology, daring to do great things, one that meshed perfectly with TR’s natural bent. It goes a long way toward explaining why he had no compunction in stretching the language of the Act to its very limits—and perhaps beyond.

In summary, the main cultural components of the Antiquities Act were a broad-based anxiety over the loss of key mythic elements of the putative national narrative, fused with a Progressive conviction in the ability of government to identify and maintain a commonweal. The result was a law uneasily embedded in a mixture of paradox and irony. Paradox, because the Antiquities Act was seen by its framers as an instrument to promote a unified citizenry, a cohesive nation-state, even though its methods were sure to alienate people (mostly in the West) whose economic aspirations were curtailed

by new monument proclamations. Irony, because while both the eastern supporters of the Act and the western opponents of it were conscious of the passing away of a desirable old order, they seemed to be unaware that their visions of this order were not only very different, but in large part mutually exclusive.

THE WEST'S ALIENATION FROM THE ACT disposed itself in legal flare-ups over the Mount Olympus and Grand Canyon proclamations, but the issue really came to a head in the 1940s when the showdown between Franklin D. Roosevelt (acting through the Park Service) and Wyoming politicians over the creation of Jackson Hole National Monument nearly blew apart the Antiquities Act. Progressivism had passed from the scene, driven from the field by the disillusionments of World War I and the Great Depression, but paternalism of a different sort was still very much in evidence. Looming metaphorically above the Tetons was the figure of an actual flesh-and-blood paterfamilias, an ultra-rich easterner—and hence an outsider both socioeconomically and geographically—who was hoarding most of the land down in the valley because he was certain its highest and best use was as part of the national park system. There can be little doubt that resentment of John D. Rockefeller, Jr., played an important role in Wyoming's decision to challenge FDR's Jackson Hole monument proclamation: the lawsuit may have been filed against the Park Service, but in the minds of many locals the great magnate was an unindicted co-conspirator. The social and economic disparities of the two sides are a virtual subtext to Hal Rothman's account of the controversy. In his summing-up, Rothman gets right to the heart of the

matter: this was an early battle between the Old West of resource extraction and the New West of services and tourism.¹⁷

In seeking the Rockefeller lands for the new monument, the Park Service was looking to garner a complete range of life zones from the high peaks of the Grand Tetons down to and across the valley floor—a valley which included much valuable ranchland. That was the crux of the issue. Although Wyoming argued that its sovereignty had been traduced and the Park Service had not properly identified scientific or historic objects that would justify the monument, the real reason for the outcry was that tax revenues, grazing fees, and potentially developable land would be lost. However, these objections would not (and



Jackson Hole as it appeared in 1933, with the valley lands that would be at the heart of the 1940s controversy in the foreground. George Alexander Grant photograph, courtesy of National Park Service Historic Photo Collection.

probably could not) be adjudicated. The Park Service mounted a typical legal defense, first trying to get the suit summarily dismissed on procedural grounds and then, after that failed, enlisting expert witnesses to testify at trial to the monument's ecological and historic importance. The trial judge, as so often happens, ended up dismissing the lawsuit for technical reasons and did not even rule on the merits of the

proclamation. In terms of clarifying the limits of presidential authority under the Act, the lawsuit accomplished nothing, though some years later it did induce the government to negotiate away the president's authority to use the Act in Wyoming as a way to get the delegation's support for incorporating most of Jackson Hole National Monument into Grand Teton National Park.

Had the presidential powers under the Act been emasculated at that time, as many locals in and around Jackson Hole fervently wished, the most serious repercussions would have been felt two generations later in, of all places, Alaska. That is because in 1978 President Jimmy Carter used the Antiquities Act to preserve tens of millions of acres of the state as national monuments, forestalling the transfer of what was then unassigned national-interest public domain (the so-called (d)(2) lands) to non-conservation status. The story is told by one of the protagonists, Carter's secretary of the interior, Cecil D. Andrus, along with his colleague at the Andrus Center for Public Policy, John C. Freemuth. They give us an insider's view of what has been called the greatest single act of land preservation in American history.¹⁸

The unique circumstances surrounding the disposition of Alaska's public domain, which had been slowly building since statehood in 1958, reached a crisis stage by the late 1970s, and the problem of what to do landed on the desk of Andrus. He was absolutely convinced then that using the Antiquities Act to secure protection of the so-called (d)(2) lands was right and necessary, and he and Freemuth remain convinced now. While Andrus and the rest of the Carter administration faced a definite precipice in the form of a pending expira-

tion of the (d)(2) moratorium, their response was anything but precipitate. Carter's proclamations of December 1, 1978—arguably the most decisive and far-reaching single act of conservation in American history—were preceded by years of research and analysis, as well as extensive negotiations through various congressional channels. Alternatives to the use of the Antiquities Act, such as withdrawals under the Federal Land Policy and Management Act (FLPMA), were considered. Finally, when it looked as though the whole process was about to go over the cliff, Andrus advised Carter to act.

Yet both men knew that the proclamations were not the end of the story. They recognized that Antiquities Act designations were too inflexible to allow for the "subtle shades of management regimes" that would be desirable in Alaska. Although the Carter proclamations were vilified by critics as cramming a one-size-fits-all federalism down the throats of Alaskans, in truth they were a conscious tactic to get deadlocked negotiations into an end game by removing any further incentives to stall. They produced exactly this effect, and in two years almost all the newly created

Lake Clark National Park originated as a national monument.
Photo courtesy of the National Park Service.



national monuments were redeployed into other designations. Many went into a new status of “national park and preserve” in which the national park portion is open to traditional subsistence activities, while the national preserve portion is open to sport hunting and trapping, under federal regulation.¹⁹ It is also worth noting, in case one is inclined to frame this issue in a partisan way, that the Democrat Andrus was working within a framework of withdrawals established by his Republican predecessor in the Nixon administration, Rogers C. B. Morton. Furthermore, one of the main opponents of the Carter proclamations was Alaska Senator Mike Gravel, a Democrat.

Accusations of partisan politics resurfaced again—with a vengeance—in 1996. There is no question that proclaiming Grand Staircase–Escalante National Monument was a calculated election-year move by President Bill Clinton, one sure to win him favor nationally while costing him nothing in the electoral college, since Utah was irretrievably Republican. But, as Mark Squillace goes on to explain in his chapter, Clinton’s second-term proclamations were not only politically astute, but strategic in a different way: they were based on carefully

Grand Staircase–Escalante National Monument. Photo courtesy of the Bureau of Land Management.



crafted and ecologically significant recommendations by Secretary of the Interior Bruce Babbitt. Not only did Babbitt offer to visit potential new monuments and meet with the local congressional delegation before making a recommendation to the president—discussions that often sparked changes in the monument proposal—he also encouraged delegations to preempt the process by developing their own alternative plans for protecting areas that were under consideration as potential monuments. “This last concession resulted in legislation protecting several remarkable areas that would not likely have received congressional attention without indications from the secretary that these areas were being considered for national monument status,” notes Squillace.²⁰ By allowing local interests the leeway to develop their own protection strategies for these lands, presumably the results would be more in tune with their needs and desires than a monument designation.

Babbitt was painted as an uncompromising ideologue by his opponents, but Squillace details just how much he was concerned with accommodating local objections and certain commercial requests (such as for utility rights of way across Sonoran Desert National Monument). Nor was Babbitt interested in exposing the Antiquities Act to possible amendment or repeal by recklessly using it—which may be why he did not push Clinton to proclaim the Arctic National Wildlife Refuge as a national monument. In light of continued attempts to open portions of the refuge to oil drilling, environmentalists may well point to Babbitt’s decision (and that of Andrus before him) as a matter of deep regret, although the additional protections monument status would have added may not be enough to

prevent Congress from authorizing drilling anyway.

However much Babbitt and Clinton were willing to voluntarily engage with local opponents of monuments, they were not ready to support proposals to amend the Act to require public consultations before proclamations are made. This brings up a fundamental issue of fairness, the analysis of which is the crux of James R. Rasband's essay.²¹ It is not enough, he argues, for the monuments to have achieved—as virtually all of them have—widespread *ex post facto* acceptance, even among former local opponents. No matter how overwhelmingly positive the Act's accomplishments, Rasband says, the process by which they were achieved is deeply, perhaps fatally, flawed because it is undemocratic and therefore runs counter to the entire basis of American government, which is founded on the free consent of an informed citizenry. This is a serious criticism, and cannot be ignored.

Rasband is not denying that the Act has been beneficial; for him, “the critical question is whether the same or similar results could be achieved by a process that does not so thoroughly disregard the input and interests of rural communities and state and local governments.” He thinks it could, and wants to see an amendment to the Act requiring local consultation and impact studies prior to proclamation. He goes on to rebut a number of arguments that are often made against amending the Act, pointing out that the Federal Land Policy and Management Act can now be used to achieve many of the same goals. For Rasband, FLPMA has rendered the Antiquities Act largely (though not completely) superfluous. He closes his argument by asking whether the paternalistic decision-making structure of the Act—what he calls “con-

quest by certitude,” borrowing a phrase from Charles Wilkinson—is really appropriate today, particularly given the fact that public participation and impact studies are so firmly enshrined in the rest of natural resources law.

On purely ethical grounds it really is difficult to disagree with Rasband, and he may be right that FLPMA can substitute for the Antiquities Act in many cases. Even so, several counterarguments can be made. One is based on the assumption that sometimes, even in a democracy, it is good for the president to be able to make unilateral decisions on crucial issues. At the risk of draw-



Olympic National Park originated as Mount Olympus National Monument. Photo courtesy of the National Park Service.

ing disproportionate parallels, think of the leeway given to the president in setting foreign policy, or in nominating members of the cabinet. While these are subject to some measure of congressional oversight and even formal approval, by custom the president is usually allowed to exercise strong leadership in these realms. This is so precisely because the potential for paralyzing fractiousness is so high under any other scenario. One could plausibly argue that conservation policy, with respect to the management of public lands, is a like category,

both in terms of its momentousness and the potential for decision-making to become mired in the quicksand of partisan politics. The story told by Andrus and Freemuth about the Carter monuments is a case in point. Furthermore, the special nature of land withdrawals tends to pit local interests against national ones, and to the extent that members of Congress are reluctant to override objections to a proposed land withdrawal from the delegation of the state involved, the process is hog-tied. If that is considered undesirable, then it is a good thing for the president to be able to cut this Gordian Knot using the power bestowed by the Antiquities Act.

Part of Rasband's argument is that the ends do not justify the means, and that the process of the Act does not live up to the wilderness ideals that its resulting monuments promote. Yet one can respond that the quality of the ends achieved is, in fact, important to consider. Moreover, wilderness values are not the only ones being protected by large natural-area monuments. David Harmon brings out both these points in his chapter.²² Arguing from the concept of ecological significance, he shows how these monuments variously exemplify rarity, superlativeness, representivity, and ecological integrity. The full worth of these qualities emerges only when placed in a larger systems context. For example, the features preserved in the geological and cave monuments are interesting in themselves, but they disclose added value when considered as contributors to worldwide geodiversity. Similarly, individual World Heritage sites are spectacular places to visit, yet their importance truly blossoms only when understood as parts of a global system of recognition of places of outstanding universal value. The same holds for monuments as



Jewel Cave National Monument, South Dakota. Photo courtesy of the National Park Service.

components of ecoregional representivity schemes and as units in a network monitoring the “Vital Signs” of ecological integrity. In all these areas the Act has made crucial contributions to the evolving practice of nature conservation.

Another argument against amending the Act is that its most recent uses *are* more flexible and more cognizant of local interests—that application of the law is evolving to meet new needs and desires. As told by Elena Daly and Geoffrey B. Middaugh, the Bureau of Land Management's new National Landscape Conservation System is positioning itself to become a systematic exemplar of the “new paradigm” of protected areas. A major shift in conservation theory, the new paradigm holds that the future expansion of protected areas will come less and less from new Yellowstone-model exclusionary parks and more and more from protected landscapes and managed resource extraction areas.²³ These are essentially multiple-use areas with a stronger preservationist/protectionist management overlay than that found on lands as traditionally managed by the BLM. Whether the bureau can make the new paradigm work in an American political con-

text, and whether it can establish a true distinction between its new monuments and other BLM lands, remains to be seen. But clearly, armed now with an organic act (FLPMA, passed in 1976) and charged with a newfound mission of creating a different kind of national monument, the BLM is poised to transcend its lineage as the bureau in charge of the leftover lands nobody wanted.²⁴

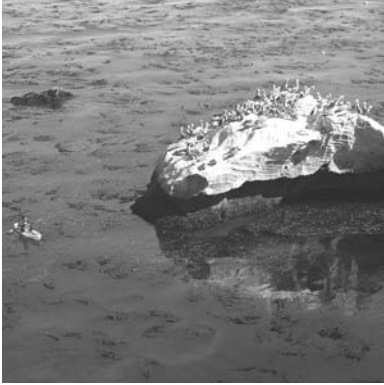
The BLM has also been given the task of co-managing two new national monuments along with the National Park Service. The field report from one of them, Grand Canyon-Parashant National Monument, is largely a story of the difficulties in getting two very different agency cultures to mesh.²⁵ The authors, Parashant co-superintendents Darla Sidles (NPS) and Dennis Curtis (BLM), candidly admit that many field staff from both sides looked at co-management as the bureaucratic equivalent of a shotgun wedding. Indeed, the first organizational structure for Parashant did not work and had to be replaced. But persistence is beginning to pay off: Sidles and Curtis give us a supervisor's-eye view of how the monument is drawing from both BLM and NPS policies and practices to come up with

Grand Canyon-Parashant National Monument. Photo courtesy of the National Park Service.



innovations in such basic park functions as signage, interpretive planning, vehicle use management, and more. Parashant is an unfinished experiment, but that is precisely the point: there is nothing in the Antiquities Act that prohibits flexibility in how protection is achieved, or by whom. While most monuments are still under the exclusive jurisdiction of the National Park Service, thanks to the Carter and Clinton proclamations several are now managed or co-managed by the BLM, U.S. Forest Service, U.S. Fish and Wildlife Service, and, in one instance, the Armed Forces Retirement Home. We can expect that as these new monuments mature, the respective managing agencies will place their own stamp on them.²⁶ It is even conceivable that we will see new national monuments that are co-managed by one or more federal partners in concert with nonfederal entities, such as tribal, state, or local governments, or with nonprofit organizations.

We might also witness the application of the Antiquities Act to an entirely new frontier: the oceans. Conservation of the sea is fundamentally different from that on land, for a variety of biophysical, ecological, political, social, and legal reasons. Brad Barr and Katrina Van Dine endorse the notion that tools such as the Act need to be available to visionary leaders so that they may look beyond the concerns of the moment to the needs of future generations, especially in the ocean realm. Marine ecosystems can be irreparably damaged in a surprisingly short time. The conventional course toward designating a new national marine sanctuary can take years because of public involvement requirements—during which lag time fisheries can collapse, seabeds be devastated by bottom-trawling, and ecosystem structure be seriously compromised. The



California Coastal National Monument. Photo courtesy of the Bureau of Land Management.

authors observe that “the political will to move forward with a controversial proclamation of a national monument can buy time for building constituencies of support” while simultaneously safeguarding marine ecosystems. Used strategically, Barr and Van Dine conclude, the Antiquities Act “has the potential to accomplish what may be considerably more difficult to do without it, and offers more certainty that effective protection will be achieved.”²⁷

IN ASSESSING THE OVERALL VALUE OF THE Act, we must emphasize again that it is about more than just national monuments. We must recognize as well the indisputable importance of the Act to the development of archaeology and historic preservation in America. Francis P. McManamon makes the critical point that there was nothing foreordained about the basic policies governing the public interest in archaeological sites—“the need for well-qualified individuals with sufficient institutional support to conduct archaeological investigations, and the fundamental commemorative, educational, and scientific values of archaeological resources.”²⁸ We take these for granted today, but in 1906 Congress could just as

well have “solved” the looting problem by adopting a less comprehensive, more commercially oriented approach that emphasized recovery and display, or even the sale, of individual items rather than preservation of whole sites in context. Congress could have ignored the requirement for careful recording, analysis, and reporting as essential elements of archaeological investigations and overlooked the requirement of public interpretation and stewardship of collected artifacts and data. In 1906 it would have been a defensible position to take; after all, American archaeology was in its infancy and had no long-standing tradition of professional standards. As we can clearly see now, that would have been a far less satisfactory solution. Beyond this, McManamon sees a vigorous legal lineage extending from the Antiquities Act through later federal historic preservation law. However, as he goes on to point out, several court cases in the 1970s deemed the Act too vague to be used to prosecute criminal looting. To remedy this, Congress could have amended the Act. Significantly, it chose to leave the venerable law intact, instead passing a new, targeted statute, the Archaeological Resources Protection Act of 1979.

Gila Cliff Dwellings National Monument, New Mexico. Photo courtesy of the National Park Service.



Joe E. Watkins provides a Native American's perspective on the Act. He associates it with the federal government's campaign to make American Indians disappear, both physically (through military action) and culturally (by "de-Indianizing" them). After all, during the Act's formative years economic, social, and political tensions also produced the Wounded Knee massacre, the expropriation of American Indian lands by the Jerome and Dawes Commissions, and the destruction of tribal sovereignty by the Curtis Act, although there are no direct contemporary links between the Act and these tragic events. The Antiquities Act, in recognizing the developing professionalism in American archaeology, privileged archaeologists, historians, and scientists, putting American Indian objects and sites, as well as their interpretation, in the public domain, under the control of non-Indian experts in museums and universities. Unfortunately, the experts too often reduced Native American cultures, and to some degree Indian people themselves, to the status of data to be described, organized, and salvaged before they disappeared. Then too, some of the natural-area national monuments proclaimed under the Act also subverted Indian culture by disregarding their status as sacred sites. Watkins concludes that "in some ways the Antiquities Act of 1906 can be seen to be a continuation of government policies that were aimed at erasing the image of the contemporary American Indian from the landscape in favor of the 'dead and disappearing culture' destined to exist only in museums or to be engulfed in mainstream America."²⁹ Yet he too sees the Act as the direct ancestor of laws that have given rise to, among other things, a growing number of autonomous Tribal Historic Preservation Offices.

Jerry L. Rogers also traces the source of systematic historic preservation back to 1906 and the Antiquities Act, which, along with the Historic Sites Act of 1935 and the National Historic Preservation Act of 1966, "launched a national idea of historic preservation." In addition, these laws "consolidated federal leadership of the field in the National Park Service, and spread their effects throughout an amazingly extensive and effective network in the United States." Importantly, he also emphasizes how the field of historic preservation, like that of nature conservation, is not remaining static. Innovations in identifying intangible cultural heritage and protecting cultural landscapes—which draw from some of the same ideas as does the "new paradigm" of protected areas—challenge the National Park Service and other monument-manag-



Minidoka Internment National Monument, Idaho. Photo courtesy of the National Park Service.

ing agencies in ways not seen before. Rogers specifically calls on the Park Service to abandon its bunker mentality with respect to the Clinton-era monuments assigned to other agencies. Rather, NPS should try to constructively influence the others' management standards and philosophies. Doing so calls for a "bold leadership posture" that

risks “the security of past gains for the possibility of greater future gains.”³⁰ Here again we see the effects of the Antiquities Act playing out in fresh and unexpected ways.

WHAT, THEN, CAN WE CONCLUDE ABOUT THIS remarkable, still-controversial law? To some, it has been a callous abuse of presidential power; to others, a triumph of presidential vision. To American Indians, it has had a unique and often troubling meaning. The most basic question, however, is this: is the Antiquities Act a bad law, or a good law?

One way to answer that question is to pose some others: think of what the American landscape would look like today had the Act never been passed. Would anything at all be left of Chaco, Wupatki, Bandelier, and a host of other pre-Columbian sites in the Southwest? Would the irreplaceable earthworks of Effigy Mounds or Hopewell Culture still be intact? Would the shorelines of Acadia and Olympic have long since been sold off for vacation homes? Would the public be able to enjoy the fantastic landscapes and rock formations of Arches, Zion, Bryce Canyon, Capitol Reef, or Rainbow Bridge? Would the Grand Canyon be bordered by rim-side trophy houses of the rich and shot through with private trails, toll roads, and spurious mine claims? Would we have preserved such ecologically important (but less obviously scenic) places as Joshua Tree, Saguaro, and Organ Pipe Cactus? Or the paleontological treasures of Dinosaur? Would we have missed out on preserving Edison’s laboratory, the historic towpaths along the Potomac at C&O Canal, and the Japanese-American internment camp at Minidoka? What would have become of Katmai—the fabled Valley of Ten Thousand Smokes? Of Glacier Bay? Of Wran-

gell—St. Elias and tens of millions of other acres of public land in Alaska?

The Antiquities Act, like other legal landmarks of American archaeology, historic preservation, and nature conservation, is the product of intentions and actions that don’t always measure up to, and sometimes contradict, our stated national ideals. But the conservation of the country’s natural and cultural heritage always has been a work in progress. It must continue to be, for it is a job that by its very character can never be finished. Effective conservation requires constant self-evaluation and a willingness to accept criticism. It is important, therefore, to honestly criticize the Antiquities Act for failing to achieve a better record in fostering democratic participation in decision-making, for not going about the protection of “objects of historic and scientific interest” in a more systematic manner, for contributing to the “imperial presidency,” for failing to adequately acknowledge the interests of local communities, for helping to dispossess Native Americans of their past. Important to criticize, and seek to improve—but not to condemn. For if we insist on holding the Act to an impossibly high standard, and are willing to seriously weaken or even annul it on these grounds, we must be prepared to do the same for a great many other laws whose effects reach into every corner of American life.

A more judicious approach is to assess, to the best of our ability, whether the benefits of the Act have outweighed the drawbacks. As just noted, this assessment must forever be provisional, always remaining subject to periodic re-evaluation in the light of new facts and new sensibilities. All we can do is pass interim judgment from a particular point in time. From where we sit in 2006, our judgment is that, on balance, the

Antiquities Act has served this country very well. An America without the Antiquities Act would be one with a much shallower perspective on the past. It would have far less capacity to correct this problem, for it would lack the professional cultural heritage expertise necessary to do so. It would be much less beautiful, with much less ecological integrity. It would be far more commercial, and burdened with a meaner civic spirit.

When the Act was passed in 1906, the clock was running down on the first, expansionist phase of American history. Now, a hundred years later, a momentous century looms ahead. It may yet prove to be a Century of Conservation, whose main challenges will be effectively meeting the demands of modern life while maintaining the cultural, historical, and natural environments that we have come to cherish and expect. The world is becoming evermore crowded with people, and pressures on archaeological sites, historic resources, and the few remaining natural areas are only

becoming more dire. With isolationism becoming less and less viable, the need for citizens to appreciate and value the full diversity of the American past, and of the people (both ancient and modern) who contributed to it, has never been greater. The protections realized by the Antiquities Act have left us in a much better position to deal with these challenges. Over the past century, more inclusive ideals and new ways of thinking have raised important challenges to the foundations of American archaeology, historic preservation, and nature conservation, challenges that must be considered and addressed. Yet the edifice that stands on the foundation, the legal framework that protects and helps us understand America's natural and cultural heritage, is indispensable. The Antiquities Act, for all its own flaws, is a cornerstone of that structure. That is reason enough to celebrate its first hundred years of achievement, and to look forward to new and innovative uses being made of it in the century to come.

Endnotes

1. Confusingly, there are numerous other parks and protected areas, authorized through regular congressional legislation rather than through the Antiquities Act, that are designated "National Monument" (or were at the time of their creation). Examples include Agate Fossil Beds, Badlands (now National Park), Booker T. Washington, Canyon de Chelly, Congaree Swamp (now Congaree National Park), El Malpais, Mount Saint Helens Volcanic National Monument (managed by the U.S. Forest Service), and Pecos (now National Historical Park), among many others. Throughout this paper, the term "national monument" will be used as a shorthand for any park or protected area, no matter what its current designation, that originated or was expanded through the use of the Antiquities Act—thereby excluding such parks as those listed above. See also Squillace 2006.
2. Wrangell–St. Elias and Glacier Bay actually are part of a single World Heritage site made up of a complex of parks, including several in Canada.
3. The primacy of a non-commercial value in United States public policy for other kinds of cultural and historic resources continues from its foundation in section 3 of the Antiquities Act to the 1935 Historic Sites Act, the 1966 National Historic Preservation Act, and the 1979 Archaeological Resources Protection Act, the four most important cultural resource

statutes of the twentieth century. See McManamon 2006, Rogers 2006.

4. Regarding paleontology: “Despite the conflicting interpretations of whether Congress intended for the phrase “objects of antiquity” to include paleontological resources, the Antiquities Act served for nearly seventy-five years as the primary authority for the protection and permitting of fossils on lands administered by the Departments of Agriculture and Interior” (Santucci 2005:1).

5. Before the Antiquities Act was passed, biology played a role in creating Sequoia, Yosemite, and General Grant (now part of Kings Canyon) national parks, as it did in some early proposals for boundary changes. Still, “evidence that biologic and geologic considerations influenced selection of national monuments is more certain...” (Shafer 1999:190). Once the Act was passed, a related question arose as to the difference between a national monument and a national park. To some, the monuments were national-parks-in-waiting; “Some confusion has arisen as to the difference between parks and monuments.... The object of a monument is the preservation from destruction or spoliation of some object of historic, scientific, or other interest. The object of a park is that and something more; namely, the development of the area reserved for its more complete and perfect enjoyment by the people. It might be said that a monument is park raw material, because many of the existing monuments, in all probability, will receive park status when their development as parks is practicable” (Cameron 1922:8). See also Harmon 2006.

6. NPS 2005.

7. Lee 2006. The unabridged version of Lee’s study is available for downloading from the NPS Archeology Program website: www.cr.nps.gov/archeology/pubs/Lee/index.htm.

8. See Lee 1970; Snead 2001; and *Preservation of Historic and Prehistoric Ruins, Etc.*, hearing before the Subcommittee of the Committee on Public Lands, April 20, 1904, Senate Document no. 314, 58th Cong., 2nd Sess.

9. Hays 1959; Limerick 1987; McManamon 2003.

10. As Native Americans now point out, the use of the term “ruins” (along with other common descriptors of ancestral sites, such as “abandoned”) implies that these ancient ancestral sites are no longer of any value, when in fact they are often still part of a tribe’s living traditions. For a discussion, see Halfmoon-Salazar 2006.

11. Several recent studies have made the point that landscapes had to be de-inhabited, stripped of their Native American cultural associations, before they could be reconstructed as being purely natural and then transformed into national parks; see Catton 1997; Keller and Turek 1998; Spence 1999.

12. Miller 2006:66.

13. Thompson 2006.

14. Thompson 2006:46.

15. Conard 2006.

16. Miller 2006:66–67.

17. Rothman 2006.

18. Andrus and Freemuth 2006.

19. Norris 2004.

20. Squillace 2006:112. See also Squillace 2003.

21. Rasband 2006.
22. Harmon 2006.
23. Daly and Middaugh 2006. Categories V and VI, respectively, in the IUCN international category system. The new paradigm has roots in, among other things, the British conception of national parks, international work in cultural landscapes, and interdisciplinary theories of “sense of place.” In international protected area work, the new paradigm is gaining in influence. For an introduction, see Phillips 2003. For protected landscapes and category VI areas generally, see Brown et al. 2005.
24. The role of the BLM’s predecessor, the General Land Office (GLO), is an interesting side story to all of this. As Daly and Middaugh note, the GLO can hardly claim a stellar record for good government, nor was it ever consistently a conservation leader among federal agencies. Nonetheless, a good deal of credit has to be given to the two GLO commissioners active just before the passage of the Antiquities Act, Binger Hermann and W. A. Richards, for proactively withdrawing several key areas pending permanent preservation, among them Mesa Verde (which was made a national park by congressional legislation three weeks after the Act was passed) and Chaco Canyon. Hermann and Richards’ repeated attempts to induce national park proposals are an underappreciated chapter in the history of American land conservation.
25. Sidles and Curtis 2006.
26. In the early years of its existence the National Park Service grossly underfunded the national monuments, paying their managers salaries on the order of \$1 per month, and consequently the level of protection the monuments were afforded was vastly inferior to that given to places designated as national parks. Today, while considerable discrepancies remain among the budgets of individual parks, all of them—no matter how designated—are managed according to a basic set of policies (NPS 2000) that provide for much more consistency across the national park system. For example, the quality and philosophical approach of resource management being done in Bryce Canyon (which is now a national park but began as a national monument) should not in practice differ substantially from that being carried out in comparably sized Bandelier (which began as and remains a national monument). In the new BLM monuments under the National Landscape Conservation System, there is also a basic consistency in that most visitor infrastructure is to be located outside the boundaries in adjacent towns. By contrast, the handful of national monuments under the Forest Service differ greatly in management. For example, the intensity of visitor services and preservationist orientation of Mount St. Helens National Volcanic Monument make it “much more like a national park than a national forest,” while at Admiralty Island and Misty Fiords National Monuments in Alaska, management is not much different from that of the adjacent Tongass National Forest. For the Forest Service’s management of its monuments, see Williams 2003.
27. Barr and Van Dine 2006:257, 252.
28. McManamon 2006:161.
29. Watkins 2006:196.
30. Rogers 2006:176, 185.

References

- Andrus, Cecil D., and John C. Freemuth. 2006. President Carter's coup: An insider's view of the 1978 Alaska monument designations. In Harmon et al. 2006, 93–105.
- Barr, Brad, and Katrina Van Dine. 2006. Application of the Antiquities Act to the oceans: Something old, something new, something borrowed, something blue. In Harmon et al. 2006, 251–263.
- Brown, Jessica, Nora Mitchell, and Michael Beresford, eds. 2005. *The Protected Landscape Approach: Linking Nature, Culture and Community*. Gland, Switzerland, and Cambridge, U.K.: IUCN.
- Cameron, Jenks. 1922. *The National Park Service: Its History, Activities and Organization*. Institute for Government Research, Service Monographs of the United States Government no. 11. New York: D. Appleton and Co.
- Catton, Theodore. 1997. *Inhabited Wilderness: Indians, Eskimos, and National Parks in Alaska*. Albuquerque: University of New Mexico Press.
- Conard, Rebecca. 2006. John F. Lacey: Conservation's public servant. In Harmon et al. 2006, 48–63.
- Daly, Elena, and Geoffrey B. Middaugh. 2006. The Antiquities Act meets the Federal Land Policy and Management Act. In Harmon et al. 2006, 219–234.
- Halfmoon-Salazar, Virginia. 2006. Changing ideas and perceptions. In *People, Places, and Parks: Proceedings of the 2005 George Wright Society Conference on Parks, Protected Areas, and Cultural Sites*. David Harmon, ed. Hancock, Mich.: The George Wright Society.
- Harmon, David. 2006. The Antiquities Act and nature conservation. In Harmon et al. 2006, 199–215.
- Harmon, David, Francis P. McManamon, and Dwight T. Pitcaithley, eds. 2006. *The Antiquities Act: A Century of American Archaeology, Historic Preservation, and Nature Conservation*. Tucson: University of Arizona Press.
- Hays, Samuel P. 1959. *Conservation and the Gospel of Efficiency: The Progressive Conservation Movement, 1890–1920*. Cambridge, Mass.: Harvard University Press.
- Keller, Robert H., and Michael F. Turek. 1998. *American Indians & National Parks*. Tucson: University of Arizona Press.
- Lee, Ronald F. 1970. *The Antiquities Act of 1906*. Washington, D.C.: National Park Service, Office of History and Historic Architecture, Eastern Service Center. [Reprinted, *Journal of the Southwest* 42:2 (2000), 198–269.]
- . 2006. The origins of the Antiquities Act. In Harmon et al. 2006, 15–34.
- Limerick, Patricia Nelson. 1987. *The Legacy of Conquest: The Unbroken Past of the American West*. New York: W. W. Norton.
- McManamon, Francis P. 2003. Archaeology, nationalism, and ancient America. In *The Politics of Archaeology and Identity in a Global Context*. Susan Kane, ed. Boston: Archaeological Institute of America.
- . 2006. The foundation for American public archaeology: Section 3 of the Antiquities Act of 1906. In Harmon et al. 2006, 153–175.
- Miller, Char. 2006. The Antiquities Act, big-stick conservation, and the modern state. In

- Harmon et al. 2006, 64–78.
- Norris, Frank B. 2004. A historical overview of consumptive use patterns in National Park Service areas. In *Protecting Our Diverse Heritage: The Role of Parks, Protected Areas, and Cultural Sites*. David Harmon, Bruce M. Kilgore, and Gay E. Vietzke, eds. Hancock, Michigan: The George Wright Society, 326–327.
- NPS [National Park Service]. 2000. *National Park Service Management Policies 2001*. Washington, D.C.: NPS.
- . 2005. *The National Parks: Shaping the System*. Rev. ed. Harpers Ferry, W.Va.: Harpers Ferry Center, NPS.
- Phillips, Adrian. 2003. Turning ideas on their head: The new paradigm for protected areas. *The George Wright Forum* 20:2, 8–32.
- Rasband, James R. 2006. Antiquities Act monuments: The Elgin Marbles of our public lands? In Harmon et al. 2006, 137–150.
- Rogers, Jerry L. 2006. The Antiquities Act and historic preservation. In Harmon et al. 2006, 176–186.
- Rothman, Hal. 2006. Showdown at Jackson Hole: A monumental backlash against the Antiquities Act. In Harmon et al. 2006, 81–92.
- Santucci, Vincent L. 2005. Fossils, objects of antiquity, and the Antiquities Act (1906). Unpublished manuscript. McLean, Virginia: National Park Service.
- Shafer, Craig L. 1999. History of selection and system planning for US natural area national parks and monuments: Beauty and biology. *Biodiversity and Conservation* 8, 189–204.
- Sidles, Darla, and Dennis Curtis. 2006. Co-managed monuments: A field report on the first years of Grand Canyon–Parashant National Monument. In Harmon et al. 2006, 235–250.
- Snead, James E. 2001. *Ruins and Rivals: The Making of Southwest Archaeology*. Tucson: University of Arizona Press.
- Spence, Mark David. 1999. *Dispossessing the Wilderness: Indian Removal and the Making of the National Parks*. New York and Oxford: Oxford University Press.
- Squillace, Mark. 2003. The monumental legacy of the Antiquities Act of 1906. *Georgia Law Review* 37:2, 473–610.
- . 2006. The Antiquities Act and the exercise of presidential power: The Clinton monuments. In Harmon et al. 2006, 106–136.
- Thompson, Raymond Harris. 2006. Edgar Lee Hewett and the politics of archaeology. In Harmon et al. 2006, 35–47.
- Watkins, Joe E. 2006. The Antiquities Act at one hundred years: A Native American perspective. In Harmon et al. 2006, 187–198.
- Williams, Gerald W. 2003. National monuments and the Forest Service. Unpublished manuscript, November 18.