

# The Antiquities Act and the Acreage Debate

*Frank Norris*

JUNE 8 OF THIS YEAR MARKED THE CENTENNIAL OF THE ANTIQUITIES ACT—a law that, by any standards, is a landmark in the history of U.S. land management policies. As many *George Wright Forum* readers know, there was a sweeping application of this act in the late 1970s that reserved a huge amount of acreage, and generated a huge amount of controversy. Questions arose, therefore, about the roots of that controversy, and whether the actions taken regarding Alaska were unique.

The Antiquities Act—which is formally designated “An Act for the Preservation of American Antiquities”—contains four key sections. Section 1 puts the federal government squarely in the cultural preservation business by threatening both fines and imprisonment for anyone who would “appropriate, excavate, injure, or destroy any historic or prehistoric ruin or monument, or any object of antiquity” on America’s public lands. Section 3 provides for a process by which “recognized scientific or educational institutions” could legally conduct an “examination of ruins, the excavation of archaeological sites, and the gathering of objects of antiquity,” and Section 4 is an enforcement provision. Finally, the Antiquities Act’s second section provides for the U.S. president to declare as national monuments various “historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest” situated on the nation’s public lands (34 Stat. 225; U.S. Code, Title 16, Sections 431–433). This paper will examine this second section of the Act a bit more closely, focusing particular attention on the acreage

issue: namely, what does the Act say about how big a national monument should be, and how has the Act’s acreage-related language fared over the years?

As Ronald Lee, Hal Rothman, Raymond Thompson, and others have ably explained in their histories of the Antiquities Act, it was the result of a convergence of two loosely related movements that arose during the 1880s: the protection of notable archaeological sites and the desire to preserve a variety of other significant public land parcels. Regarding archaeological site preservation, both federal bureaucrats and the academic community had become increasingly concerned about the loss of antiquities from the public lands (Lee 1970, 21–38; Rothman 1989, 34–51; Thompson 2006, 35–47). Congress, in fact, moved in March 1889 to preserve the Casa Grande, Arizona, archaeological site, and, beginning in 1897, the General Land Office (GLO) began preserving various prehistoric sites via a series of temporary land withdrawals (Lee 1970, 13–20, 39–46).

During this same period, Congress also recognized that other special lands needed

protection. In 1872 it had established the first national park, Yellowstone, and on March 3, 1891, an amendment to the General Land Revision Act granted the president the authority to create permanent forest reserves by executive proclamation. Less than a month later, President Benjamin Harrison established the first timberland reserve, and during the next decade 41 forest reserves were set aside containing over 46 million acres of public lands (Chepesiuk 2005, 16; Lee 1970, 44).

In late 1899, the problem of how to protect aboriginal antiquities located on the public lands moved toward the legislative arena. Archaeologists, under the leadership of Dr. Thomas Wilson of the U.S. National Museum, contacted an Interior Department attorney to draft a comprehensive bill. At this time, the Interior Department—and more specifically the General Land Office—had some ideas of its own. The GLO, at the

time, was in charge of the forest reserves. The agency was also aware of the need to protect prehistoric objects on the public lands (Lee 1970, 41, 47–48). But during the same period, as Ronald Lee has noted, “interesting discoveries were constantly being made of caves, craters, minerals springs, unusual geological formations, and other scientific features that appeared to merit special attention by the nation.” But if these features were located in non-forested areas, the only real option was to ask for Congress to create a national park, which was a potentially long, unwieldy process. So as a result, GLO Commissioner Binger Hermann and his successor, W. A. Richards (Figures 1 and 2), asked Congress to enact general legislation that would authorize the president to establish national parks on the public lands, similar to the authority he already had as it pertained to forest reserves (Thompson 2000, 221).

Figures 1 and 2. Binger Hermann (left) and William A. Richards (right) served as General Land Office commissioners from 1897 to 1903 and from 1903 to 1907, respectively. The two men played an instrumental role in broadening proposed Antiquities Act legislation to include both non-archaeological areas and areas larger than 640 acres in extent. Photos courtesy of Oregon Historical Society, Negative no. CNO20673 (Hermann); Wyoming State Archives, Negative no. 5568 (Richards).



The first congressional bill intended to protect archaeological sites on America's public lands was introduced in February 1900. But for a variety of reasons, the first several attempts to pass such a bill did not succeed (*Congressional Record* 33 [1899–1900], 1529, 1596, 2637, 3823, 4524; Lee 1970, 47–50). One of the major reasons for these early failures was that various westerners on the House Public Lands Committee objected to any new presidential reservation that might exceed 320 acres in size. These and other disagreements held up progress on an antiquities bill for more than five years (Rothman 1989, 21, 47; Lee 1970, 51–67).

In early 1905, a new impediment arose to passage of antiquities legislation when Gifford Pinchot convinced Congress to move the forest reserves—all 150 million acres of them—from the Interior to the Agriculture Department. This, of course, meant that any antiquities legislation had to cover more than just Interior Department lands (Lee 1970, 67). But then there appeared a young archaeologist, Edgar Lee Hewett, who was somehow able to overcome the problems and jealousies that had built up since 1900. In December 1905 he presented a draft of a newly conceived bill at a widely attended archaeological conference (Thompson 2000, 273–318; Lee 1970, 68–71). That draft, in turn, was passed on to influential congressman John F. Lacey (R-Iowa), who introduced it on the House floor the following January. The bill turned out to be so finely crafted that it proved acceptable to a broad spectrum of archaeologists, agency bureaucrats, and legislators, and, given Lacey's support, it passed Congress with almost the identical verbiage that Hewett had first put into the

bill (Conard 2006, 49–61; Lee 1970, 71–72, 76–77).

Hewett, who was politically astute, recognized that the notion of protecting archaeological sites via a presidential designation was not particularly controversial, but he also recognized that westerners took a fairly dim view of similar protections for natural or scenic areas. And the notion of size was also a major stumbling block; westerners wanted any reservations to be kept small, while GLO officials balked at any size limitation. Hewett was able to satisfy both groups by suggesting that the proposed presidential withdrawals should include not only “historic landmarks” and “historic and prehistoric structures” but also “other objects of historic or scientific interest.” And regarding the size issue, Hewett avoided a specific size limitation. He did, however, include language stating that any new monument “shall be confined to the smallest area compatible with the proper care and management of the objects to be protected” (Lee 1970, 49, 74–75; Ise 1979 [1961], 152–153) And on the House floor, Congressman Lacey assured a skeptical western congressman, John Stephens, that the object of the bill was “to preserve these old objects of special interest and the Indian remains in the pueblos in the southwest.... It is meant to cover the cave dwellers and the cliff dwellers” (*Congressional Record* 40 [1906], 7888).

Less than four months after he signed the Antiquities Act in June 1906, President Roosevelt established the first national monument at Devils Tower, in northeastern Wyoming. At first, Roosevelt was fairly restrained in his use of the Antiquities Act to establish new national monuments; his first nine national monuments protected

relatively small sites, the largest being Petrified Forest, which covered approximately 60,000 acres (Lee 1970, 87–88; Harmon et al. 2006, 288). But during this period Congress began to chip away at Roosevelt’s authority; it reacted to his liberal use of the Forest Reserve Act by revoking his ability to create new or expanded forest reserves in six heavily forested western states (*U.S. Statutes at Large* 34 [1907], 1256, 1271).

Against this administrative backdrop, the majestic Grand Canyon welled up as an issue. Back in February 1893, President Harrison had designated much of this area as Grand Canyon Forest Reserve (*United States Reports* 252 [1920], 455; Anderson 2000, 7). The Santa Fe Railroad completed its line to the South Rim in 1901. When

President Roosevelt visited in 1903, the area was still largely undeveloped (Figure 3). He was so awestruck that he asked that there be no “building of any kind ... to mar the ... great loneliness and beauty of the Canyon.... The ages have been at work on it and man can only mar it.” The railroad company, however, was already in the planning stages to build the El Tovar Hotel, and it opened a year later. Roosevelt, hoping to halt further development, turned the Grand Canyon into a game reserve in 1906. Just a year later, a local promoter and politician named Ralph Cameron announced plans to establish an electric-powered trolley line along the South Rim (Figure 4). In response, several groups protested to Chief Forester Gifford Pinchot, who relayed his

Figure 3. Theodore Roosevelt (second from left) and party at the Grand Canyon, 1903. U.S. President from 1901 to 1909, Roosevelt was an avid supporter of public lands protection. In June 1906 he signed the Antiquities Act. In 1908, having no realistic alternative, he proclaimed an 808,120-acre Grand Canyon National Monument—twelve times larger than any previous monument declaration. Photo courtesy of National Park Service Historic Photo Collection, Harpers Ferry Center.



concerns to Roosevelt (Collins 2005, 24–27; Lee 1970, 91; Anderson 2000, 5–6; Squillace 2003, 490–492). The president responded to the threat by converting more than 800,000 acres of the game reserve into a national monument (*U.S. Statutes at Large* 35 [1908], 2175–2176). Roosevelt’s action, taken in January 1908, was a logical response to a serious and immediate commercial threat; even so, his decision to create a huge national monument based on scientific values was a major, precedent-setting move that, to some extent, made a mockery of the Antiquities Act’s “smallest area compatible” clause (Rothman 1989, 65–67; Rothman 1999, 17; Harmon et al. 2006, 272).

In so doing, Roosevelt revived western fears of federal intervention. Congress, however, made no move to rescind the president’s action, primarily because the influential Santa Fe Railroad controlled visitation to the Grand Canyon (Rothman 1989, 68; Runte 1994). But just a year later, Roosevelt established another large national monument that further antagonized western congressmen. Just two days before he left office, President Roosevelt proclaimed 615,000 acres on Washington’s Olympic Peninsula as Mount Olympus National Monument, again citing scientific justifications for his action (Rothman 1989, 68–69; Rothman 1999, 17). But at Mount Olympus, which was less popular with tourists than the Grand Canyon, mining and timber interests loudly protested Roosevelt’s land “lock-up,” and in 1915 they moved—unsuccessfully, as it turned out—to have President Wilson cut the monument’s acreage in half (Rothman

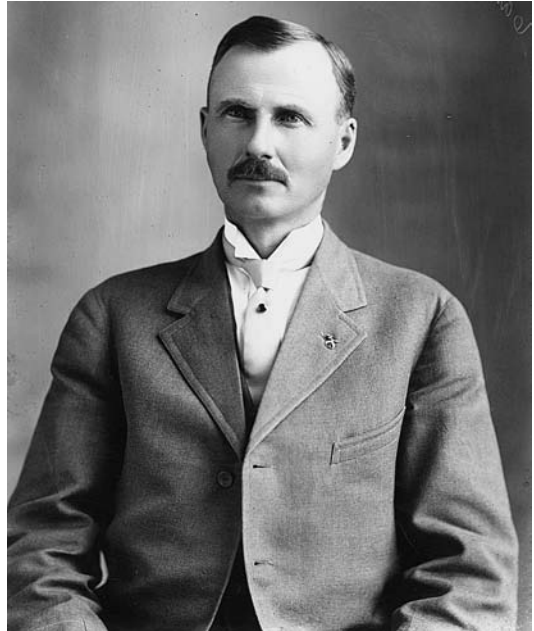


Figure 4. Ralph Cameron, a longtime political presence in northern Arizona, set in motion a series of events that resulted in Roosevelt’s January 1908 proclamation of Grand Canyon National Monument. He later instituted a lawsuit to protect his South Rim mining claims; the 1920 decision in that case affirmed the legality of the 1906 Antiquities Act. Photo courtesy of Arizona Historical Society, photo no. B3965.

1989, 69, 99; Rothman 2006, 81).

During the next decade two more large monuments were established: Katmai in 1918 and Glacier Bay in 1925. Both were in Alaska, both were established on scientific grounds, and both were patently unpopular to a broad range of local residents (Williss 2005, 1–2). Katmai, the scene of an enormous volcanic eruption in June 1912, had been visited by a series of National Geographic Society expeditions beginning in 1915. When President Wilson proclaimed the million-acre monument, virtually everything within its boundaries was covered by several feet of volcanic ash; even so, Governor Thomas Riggs stated flatly that “Katmai National Monument serves no use and should be abolished” (Norris 1996, 16,

38). A similar scenario unfolded at Glacier Bay, where ecologist William S. Cooper, in 1916, began studying glaciers and vegetation succession. In 1922, Cooper called for the protection of the upper bay in a speech to the Ecological Society of America, and in February 1925 President Coolidge proclaimed a 1.3-million-acre Glacier Bay National Monument. Local interests loudly opposed the action, but the federal government ignored the protests because Alaska was, at that time, a poorly represented territory (Catton 1995, 47–58, 74–82; Norris 1996, 45–49).

During the time that the original Alaska monuments were being considered, the viability of the Antiquities Act's Section 2 faced its first major court test. Ralph Cameron, who had provoked Roosevelt into proclaiming Grand Canyon National Monument back in 1908, defied government authorities by holding a mining claim at the head of the Bright Angel Trail—even though there were no commercial-grade minerals on the claim—and by demanding a toll from all who hiked down his trail. When the government moved to vacate his claim, Cameron filed a lawsuit, arguing that the national monument “should be disregarded on the ground that there was no authority for its creation.” The suit went all the way to the Supreme Court. In April 1920, the court concluded that the Grand Canyon was indeed “an object of unusual scientific interest,” so its protection as a monument was therefore a legitimate application of the Antiquities Act (*United States Reports* 252 [1919–1920], 454–456; Albright and Schenck 1999, 62, 64, 265–268; Anderson 2000, 8–10; Rothman 1989, 216, 231; Squillace 2006, 111, 128).

In the wake of the Grand Canyon decision, presidents established scores of new

national monuments via the Antiquities Act. Some of these later became national parks, and other monuments were established on biological grounds in order to protect significant plant species. Throughout the 1920s and 1930s, no one questioned the Antiquities Act's fundamental legal basis; there was, however, an occasional public outcry against the act, along with “special interest lobbying and congressional carping, mostly by western representatives” (Rothman 1989, 94–101, 216, 220).

What did arouse controversy, however, was the reaction to President Franklin D. Roosevelt's use of the Antiquities Act to establish Jackson Hole National Monument in March 1943. The Wyoming congressional delegation had long made it known that they did not want Jackson Hole turned into parkland. State and local residents, therefore, were furious at Roosevelt's action, and in May 1943 the state of Wyoming filed suit challenging its legality. A key aspect of the state's argument was that the use of the Antiquities Act was invalid because the Jackson Hole area did “not actually contain any historic landmark, or any historic or prehistoric structure, or any other object of historic or scientific interest.” In response, National Park Service (NPS) attorneys marshaled a number of historians, biologists, and geologists who testified that the area did indeed possess values worthy of the language prescribed by the Antiquities Act. A Sheridan, Wyoming, judge heard the case, and in August 1944 he sided with NPS (Getches 1982, 305; Rothman 1989, 214–221).

For the next thirty years, occasional sniping was heard about the Antiquities Act. Representative Wayne Aspinall (D-Colorado), for example, once threatened as part of negotiations over the Wilderness Act

to remove the president's authority to establish new national monuments. The same scenario loomed as a possibility during Secretary Stewart Udall's effort to establish new national monuments during the closing days of the Johnson administration; at Death Valley National Monument, where a court heard arguments questioning whether the Antiquities Act applied to more than just archaeological sites; and during debates leading to the 1976 passage of the Federal Land Policy and Management Act, a law that discarded several other land-withdrawal statutes (*Congressional Record* 100 [1954], 10778; *Congressional Record* 125 (1979), 11681; *Federal Supplement, 2nd Series* 316 [2004], 1180; Squillace 2003, 499; Schulte 2002, 137; Rothman 1989, 227; Williss 2005, 18, 20). None of these threats diminished the Antiquities Act's broad applicability. But in late 1978, opposition rose once again to a high pitch. The place was Alaska, and the complaint was based on the matter of acreage.

The issue was the Alaska lands bill, which had been fiercely debated in Congress since 1977, shortly after Jimmy Carter had been elected president. A self-imposed timetable stated that Congress had to pass a comprehensive lands bill by mid-December 1978; if not, hundreds of millions of acres of withdrawn federal land, some of which had been earmarked as conservation areas, would be opened once again to homesteaders, prospectors, and other claimants. But Congress, despite a major struggle, adjourned in October 1978 without passing such a bill. Interior Secretary Cecil Andrus, reacting to that failure, met with Carter and considered a range of actions to protect these lands until Congress could act (Figure 5). One possible action included a massive implementation of the Antiquities Act. The state of Alaska, hoping to prevent Carter from implementing any of his proposed actions, filed suit against the president, arguing that his actions constituted an "abuse of discretion" and was therefore a violation of the National Environmental Policy Act. A federal judge, however, rejected the state's request for an injunction, and on December 1, President Carter issued proclamations for



Figure 5. Cecil Andrus served as the secretary of the interior under President Carter from 1977 to 1981. In late 1978, Andrus was instrumental in designating 56,000,000 acres as national monuments in Alaska, to protect them until Congress completed action on the Alaska National Interest Lands Conservation Act. Photo courtesy of National Park Service Historic Photo Collection, Harpers Ferry Center.

17 national monuments that covered more than 56 million acres of Alaska land. This area was far larger than the combined acreage for all previous Antiquities Act proclamations (*Federal Supplement* 462 [1978], 1155–1165; Willis 2005, 102–105).

Many Alaskans were in an uproar over Carter's action. Alaska Senator Mike Gravel stated that "the 56 million acres withdrawn is by no stretch of the imagination the 'smallest area' necessary for the 'objects' protected," and that "in only a very few distinct areas have historic or archeological values been of prime concern" (*Congressional Record* 125 [1979], 11678). Hoping to stall any future action on an Alaska lands bill, the state's two senators introduced a bill that would roll back Carter's various proclamations and also mandate that both houses in Congress concur with any proposed monument proclamation for areas larger than 5,000 acres. At a September 1979 hearing on the bill, Alaska's other senator, Ted Stevens, recognized that this bill had little chance of passage; he let it be known, however, that Carter had been "arbitrary and dictatorial" and that his "action was an outrage, not only to my state but to the entire west." Meanwhile, the state of Alaska continued to press its suit (U.S. Senate, 96th Congress, 1st Session, Report 96-69 [1979], 1–2, 11–12; *Congressional Record* 125 [1979], 11677–11682; *Anchorage Daily Times*, September 17, 1979, 3; *Anchorage Daily News*, March 8, 1980, A-3).

In June 1980 the state of Alaska, along with a lobbying group called Citizens for Management of Alaska Lands weighed in with a new lawsuit against the Carter administration. They asked the court to declare the withdrawals void and for the

judge to define "exactly how far a president and Congress can stretch the 1906 act." The state was particularly concerned that the president's various proclamations had been used to protect "common wildlife and their habitat," and not the specialized "objects of historic or scientific interest" cited in the Antiquities Act (*Anchorage Daily Times*, June 6, 1980, B-1). But before arguments could be heard in the case, a similar case that the Anaconda Copper Company had brought against the president concluded that Carter was well within his powers to establish several of the Alaskan monuments. And soon afterward, Congress finally passed a comprehensive Alaska lands bill. President Carter signed the Alaska National Interest Lands Conservation Act in early December 1980, and the state of Alaska dropped its lawsuit (*Anchorage Daily Times*, June 29, 1980, A-10, and September 2, 1980, B-1; Willis 2005, 109-13).

For the next fifteen years, the Antiquities Act aroused little public debate. But President Clinton and his Interior Secretary, Bruce Babbitt (Figure 6), ignited a firestorm of controversy when, in 1996, almost 1.9 million acres in southern Utah were proclaimed as Grand Staircase-Escalante National Monument (Squillace 2006, 108). Clinton knew that the entire Utah congressional delegation opposed the move, and, in response, the Utah Association of Counties, joined by the Mountain States Legal Foundation, filed suit against Clinton and other administration officials. In addition, several House members introduced bills in 1997 to reduce the president's authority to establish new monuments. The most publicized bill that year, the National Monument Fairness Act (H.R. 1127) sponsored by Representative James



Figure 6. Bruce Babbitt served as President Clinton's interior secretary from 1993 to 2001. In 1996, and again in 2000–2001, he prevailed upon the president to declare millions of acres as national monuments, actions that aroused considerable resentment in various western states. Photo courtesy of the National Park Service.



Hansen (R-Utah), demanded that no new monuments of over 5,000 acres could be established without the concurrence of Congress and both the governor and the state legislature of the state in question. This passed the House, but it died in the Senate (*Congressional Record* 143 (1997), 21441–21443; Squillace 2006, 139).

Clinton thus weathered that legislative storm. Then, three years later, he and Babbitt prepared a number of new monument proclamations. Between January 2000 and the end of his term a year later, President Clinton proclaimed 19 more national monuments, ten of which protected more than 100,000 acres of federal land (Harmon et al. 2006, 295–297). Western congressmen again bellowed their dissatisfaction at Clinton's high-handed actions, and several tried to undo Clinton's proclamations and reduce the president's ability to create new monuments. In June 2001, 30 House members introduced a new National Monument Fairness Act. That bill, which was largely a repetition of what had passed the House four years earlier, passed the Resources Committee but was never considered by the full House (*House Journal* [2001], 690–691 and 2388).

Those hoping to diminish the scope of the Antiquities Act, therefore, pinned their hopes on a successful resolution of the Utah

Association of Counties suit that had been filed back in 1996. That suit stated, among its other allegations, that the “Antiquities Act [was] unconstitutional because ... only Congress ha[d] the authority to withdraw such lands from the federal trust.” It also stated that President Clinton had violated the Antiquities Act in his 1996 proclamation because “he did not limit the size of the monument to the ‘smallest area’ necessary to preserve the objects.” But in an April 2004 decision, the Utah District Court rejected the plaintiff's suit in its entirety. It noted that because Clinton had acted pursuant to the Antiquities Act, judicial review of his “exercise of discretion was not available” (*Federal Supplement, 2nd Series* 316 [2004], 1172–1177; Squillace 2006, 124–125, 136).

As a result of that decision and the many legislative and judicial actions that

had preceded it, the Antiquities Act remains just as strong as when Congress passed it into law in 1906, and it still stands tall as one of the primary components of American conservation legislation (Rothman 1989, 230). The record of the past century has shown that the Antiquities Act has been used many times without controversy to protect specific archaeological and historical sites; however, the creation of national monuments containing substantial

amounts of acreage has often generated considerable levels of opposition. In recent years, moreover, public opposition to large-scale withdrawals has often resulted in both legislative and judicial attempts to diminish the Act's scope. Despite these widespread disagreements over its applicability, the Antiquities Act is still a vibrant, viable piece of legislation that future U.S. presidents will doubtless use when the appropriate occasion presents itself.

### Acknowledgments

The author wishes to thank the following for their help in locating photographs: Tom DuRant (National Park Service), Raymond Harris Thompson and Dirk Harris (University of Arizona), Chrystal Burke (Arizona Historical Society), and Heather Moore (U.S. Senate Historical Office).

### References

- Albright, Horace, and Miriam Albright Schenck. 1999. *Creating the National Park Service: The Missing Years*. Norman: University of Oklahoma Press.
- Anderson, Michael F. 2000. *Polishing the Jewel: An Administrative History of Grand Canyon National Park*. Monograph no. 11. Grand Canyon, Ariz.: Grand Canyon Association.
- Catton, Theodore. 1995. *Land Reborn: A History of Administration and Visitor Use in Glacier Bay National Park and Preserve*. Anchorage, Alaska: National Park Service.
- Chepesiuk, Ron. 2005. The Centennial Congress: A time to reflect on the legacy and the future. In *Forest Service Centennial: A New Century of Service, 1905–2005*. Tampa, Fla.: Faircount LLC, 14–21.
- Collins, Craig. 2005. A century of service: The Forest Service's first hundred years. In *Forest Service Centennial: A New Century of Service, 1905–2005*. Tampa, Fla.: Faircount LLC, 22–37, 134–135.
- Conard, Rebecca. 2006. John F. Lacey: Conservation's public servant. In *The Antiquities Act: A Century of American Archaeology, Historic Preservation, and Nature Conservation*. David Harmon, Francis P. McManamon, and Dwight T. Pitcaithley, eds. Tucson: University of Arizona Press, 49–61.
- Getches, David H. 1982. Managing the public lands: The authority of the executive to withdraw lands. *Natural Resources Journal* 22 (April), 279–335.
- Harmon, David, Francis P. McManamon, and Dwight T. Pitcaithley. 2006. The Antiquities Act: A cornerstone of archaeology, historic preservation, and conservation. In *The Antiquities Act: A Century of American Archaeology, Historic Preservation, and Nature Conservation*. David Harmon, Francis P. McManamon, and Dwight T. Pitcaithley, eds. Tucson: University of Arizona Press, 267–285.
- Ise, John. 1979 [1961]. *Our National Park Policy*. (Reprint.) New York: Arno Press.

- Lee, Ronald F. 1970. *The Antiquities Act of 1906*. Washington, D.C.: National Park Service.
- Norris, Frank. 1996. *Isolated Paradise: An Administrative History of the Katmai and Aniakchak National Park Units*. Anchorage, Alaska: National Park Service.
- Rothman, Hal. 1989. *Preserving Different Pasts: The American National Monuments*. Urbana: University of Illinois Press.
- . 1999. The Antiquities Act and national monuments. *CRM Bulletin* 22:4, 17.
- . 2006. Showdown at Jackson Hole: A monumental backlash against the Antiquities Act. In *The Antiquities Act: A Century of American Archaeology, Historic Preservation, and Nature Conservation*. David Harmon, Francis P. McManamon, and Dwight T. Pitcaithley, eds. Tucson: University of Arizona Press, 81–92.
- Runte, Alfred. 1984. *Trains of Discovery: Western Railroads and the National Parks*. Flagstaff, Ariz.: Northland Press.
- Schulte, Steven C. 2002. *Wayne Aspinall and the Shaping of the American West*. Boulder: University Press of Colorado.
- Squillace, Mark. 2003. The monumental legacy of the Antiquities Act of 1906. *Georgia Law Review* 37, 473–610.
- . 2006. The Antiquities Act and the exercise of presidential power: The Clinton monuments. In *The Antiquities Act: A Century of American Archaeology, Historic Preservation, and Nature Conservation*. David Harmon, Francis P. McManamon, and Dwight T. Pitcaithley, eds. Tucson: University of Arizona Press, 110–136.
- Thompson, Raymond Harris. 2000. Edgar Lee Hewett and the political process. *Journal of the Southwest* 42 (Summer ), 273–318.
- , ed. *The Antiquities Act of 1906* by Ronald Freeman Lee. *Journal of the Southwest* 42 (Summer), 198–269.
- . 2006. Edgar Lee Hewett and the politics of archaeology. In *The Antiquities Act: A Century of American Archaeology, Historic Preservation, and Nature Conservation*. David Harmon, Francis P. McManamon, and Dwight T. Pitcaithley, eds. Tucson: University of Arizona Press, 35–47.
- Williss, Frank. 2005. “*Do Things Right the First Time*”: *The National Park Service and the Alaska National Interest Lands Conservation Act of 1980*. Rev. ed. Anchorage, Alaska: National Park Service.

---

**Frank Norris**, National Park Service, Alaska Regional Office, 240 West Fifth Avenue, Anchorage, Alaska; frank\_norris@nps.gov