# The Antiquities Act and How Theodore Roosevelt Shaped It

# Francis P. McManamon

[Ed. note: The text of this article was originally published in the Theodore Roosevelt Association Journal, volume XXXII, number 3, Summer 2011, pages 24–38, and is reprinted here (using a selection of the original illustrations) with permission. (To join the Theodore Roosevelt Association—membership includes a subscription to the TRA Journal—visit www.theodoreroosevelt.org or call 516-921-6319.)

## Introduction

THE ANTIQUITIES ACT OF 1906 is among the most important of American conservation and preservation laws. It provides specifically for the preservation of archaeological, historical, and natural resources on public lands. It also provides the foundation of a century's worth of further developments in statutes, regulations, and policies for the conservation and preservation of archaeological, historical, and natural resources throughout the United States.<sup>1</sup> Theodore Roosevelt, of course, was instrumental in enacting this statute. As president, in June 1906 he signed the act making it United States law. As a leader of the Progressive political movement, Roosevelt encouraged the development of conservation and preservation legislation like the Antiquities Act. Once the act became law, Roosevelt used it actively and effectively, establishing an approach to national monument establishment and precedents that were applied by his successors.

Yet, the Antiquities Act is not commonly or widely known except among federal agency resource managers, politicians, and legislators concerned with the management and uses of public lands, especially but not exclusively in the western United States. The Antiquities Act has come to public attention in 1996 and 2000–2001 when President Bill Clinton, acting under the authority of Section 2 of the statute, established or enlarged 20 national monuments, ultimately designating more public acres as national monuments than Roosevelt did in his initial uses of the law.<sup>2</sup> President George W. Bush, Clinton's successor, criticized Clinton's proclamations of these Monuments during his campaign for the presidency in 2000; however, after conducting its own review, his administration decided not to reverse any of the designations. In 2006, Bush himself used the national monument authority to set aside the African American Burial Ground National Monument in the center of Manhattan, New York

<sup>The George Wright Forum, vol. 31, no. 3, pp. 324–344 (2014).
© 2014 The George Wright Society. All rights reserved.
(No copyright is claimed for previously published material reprinted herein.)
ISSN 0732-4715. Please direct all permissions requests to info@georgewright.org.</sup> 

City. Before the end of his term, President Bush again used this authority to designate national monuments, among them the largest, Papahanaumokuakea Marine National Monument (80 million acres) and the Marianas Trench Marine National Monument (60.9 million acres), plus the World War II Valor in the Pacific National Monument, the Pacific Remote Islands Marine National Monument, and the Rose Atoll Marine National Monument.<sup>3</sup>

My aim in this article is to describe how and why the Antiquities Act became federal law, how the president who signed the law, Theodore Roosevelt, influenced its enactment, and how Roosevelt's use of the law affected the ways in which his successors, presidents throughout the 20th century and into the 21st century, made use of the Antiquities Act.

## The road to the Antiquities Act

The impetus for the Antiquities Act was late 19th-century concerns about the preservation of archaeological sites in the American Southwest.<sup>4</sup> These concerns, often expressed by individuals and organizations in the eastern United States, led to a variety of actions and activities in the last quarter of the 19th century.

Interest in the ancient archaeological sites of North America developed before the 1800s. One notable scholar with interests in examining American archaeological sites was Thomas Jefferson. He is credited with being America's first archaeologist based on having conducted and reported the purposeful, systematic excavation of an ancient Indian mound near his Monticello property in Virginia.<sup>5</sup> Jefferson's archaeological study was in part a response to an enquiry by a French diplomat stationed in Philadelphia. Francois Marbois circulated a letter to representatives of the newly formed United States with questions about the country, including one asking for "a description of the Indians established in the state before European settlements and of those still remaining ... [and any] indication of the Indian Monuments in that state...." In reporting about the monument he excavated, Jefferson carefully and clearly described the size, shape, structure, and contents of the Indian mound. He included this report as a section of his *Notes on the State of Virginia*, which he wrote originally in 1781, 125 years before the Antiquities Act became law.<sup>6</sup>

In the first half of the 19th century more attention turned to recording and interpretation of ancient American archaeological sites. The American Philosophical Society in Philadelphia and the American Antiquarian Society in Worcester, Massachusetts, gathered information on the topic from their members and published reports and studies.<sup>7</sup> In 1848, the newly created Smithsonian Institution in Washington published an extensive archaeological study as the first volume in its professional publication series *Contributions to Knowledge*. The book, *Ancient Monuments of the Mississippi Valley*, by Ephriam Squier and Edwin Davis, includes a large series of plan drawings from surveys conducted by the authors and colleagues that still are used by modern investigators. The volume also includes artifact illustrations and some details of individual monuments that still are useful.<sup>8</sup>

Reports and studies of archaeological remains of the United States, which began with a small group of scholars, explorers, and public officials in the 18th century, expanded throughout the century. Interest in the topic grew both socially and geographically through the 19th century. The Squier and Davis study mentioned above, for example, described and interpreted the substantial and visible remains of ancient earthen architecture in the Mississippi and Ohio valleys. Such ancient archaeological remains were encountered by Euroamerican settlers pushing into these regions. The new settlers asked who had built these monuments? Speculative interpretations, at least some of them overtly racist and designed to justify removal of the contemporary Indian inhabitants of the regions, linked the ancient architecture to the wandering tribes of Israel, Aztecs, earlier European visitors, and others. These earlier architects, it was said, had been driven or killed off by the contemporary "savage Indians." It was not until the end of the 19th century when the "Moundbuilder myth" was repudiated substantially.<sup>9</sup>

During the first half of the 19th century, in the American Southwest, United States Army exploratory and topographic mapping expeditions encountered and recorded evidence of ancient and earlier historic settlements and human activities. After the Civil War, as the region was settled by migrants from the Eastern and Midwestern states, the ancient sites and architectural remains of towns and villages were encountered with increasing frequency and became known widely. For example, beginning in the 1870s major public exhibitions, two of the best known being the World's Columbian Exposition in Chicago (1893) and the Louisiana Purchase Exposition in St. Louis (1904), exposed more of the American public to United States antiquities. Municipal and university museums in large cities throughout the country featured American Indian antiquities in their displays. Investigators of the Southwestern ruins and archaeological sites in other parts of the country and hemisphere published popular appeal of American archaeology was accompanied by a commercial demand for authentic prehistoric antiquities. Unsystematic removal of artifacts from archaeological sites for private use expanded, especially in the increasingly accessible Southwest.<sup>10</sup>

Expanded interest led not only to public displays and interpretations, but also to plundering of some of the prehistoric ruins, removing ancient artifacts for personal use or commercial sale. At some ancient sites, building stone and roof beams were removed for contemporary uses. Other people, some of them explorers from newly established natural history museums or archaeological organizations, came to the region to examine and study ancient sites, as well as make collections for their institutions and the public they served. Investigators who began to visit and report on the condition of prominent ruins noted and reported on the destruction that was occurring.

In the final quarter of the 1800s, much of the interest in American archaeological sites was focused on the Southwest. During this period the political effort to protect archaeological sites through government action began. The historian Ronald F. Lee, who wrote the first detailed history of the Antiquities Act, suggests that a series of events in 1879 related to American archaeology make it an appropriate year to begin discussing the history of the act.<sup>11</sup> The events are:

• The establishment of the Bureau of Ethnology, later renamed the Bureau of American Ethnology, in the Smithsonian Institution. The new bureau was set up to increase the recording of information about American archaeology and American Indian tribes. Be-

tween its creation and 1906, the bureau explored hundreds of archaeological sites, expanding the knowledge base about sites in different parts of the country. W.W. Holmes, who headed the bureau in the first decade of the 20th century, was a key individual in the activities that resulted in the final text of the Antiquities Act.<sup>12</sup>

- Frederic Ward Putnam edited and published a well-illustrated book about the ancient pueblo sites of Arizona and New Mexico and the archaeology and ethnology of the Indians of Southern California.<sup>13</sup> Putnam held numerous important positions in American archaeology, including that of curator of the Peabody Museum of American Archaeology and Ethnology at Harvard University. Putnam also influenced the creation of the Antiquities Act as a member of boards and committees that were involved in developing and reviewing the texts of federal legislation leading up to the act itself.
- The Anthropological Society of Washington was founded. The members of this organization included anthropologists, ethnologists, and geologists, many of whom worked for the federal government, which was beginning to hire these types of professionals at the time. In 1902, some members of the society founded the American Anthropological Association (AAA), which provided crucial professional support for legislation that led to the Antiquities Act in 1906.
- The Archaeological Institute of America (AIA) was founded in Boston by Charles Eliot Norton, a classicist and professor at Harvard, with the help of friends and associates in and around Boston. The AIA's purpose was to promote and direct archaeological research, both classical and American.

The initial AIA members and others in the Boston area played important roles in the development and enactment of the Antiquities Act. However, there was tension within the organization about this involvement. Norton, who served as the president of AIA, was a proponent of classical archaeology and was unenthusiastic about any attention by AIA to American archaeological sites. Fortunately for the development of American archaeology, other founding members of AIA also were devoted Americanists. One of these was Putnam, who, as noted above, was curator at the Peabody Museum and an instructor at Harvard University. Perhaps the most important Americanist member of the AIA's influential executive committee was Francis Parkman, the American historian. Parkman was a hero for Roosevelt, who viewed his own four-volume history of the United States' frontier, *Winning of the West*, as in the same vein of historical writing as Parkman's well-known and popular volumes on early American history, *The Oregon Trail*, the *France and England in America* series, and other works. Roosevelt dedicated his frontier history to Parkman.<sup>14</sup> Within the nascent AIA, Parkman and his associates championed the support of American archaeological studies by the organization.<sup>15</sup>

In formulating its first project in the field of American archaeology, the AIA leaders decided to investigate the archaeological sites in the American Southwest. Such a study was recommended to them by the noted American anthropologist Lewis Henry Morgan. To carry out the investigation, AIA hired Adolph F. Bandelier, who also was recommended by Morgan. Bandelier, forty years old when he started the investigation, was born in Bern, Switzerland. As a boy, he moved with his family to America in 1848, settling in Illinois. Bandelier trained initially in geology, but turned to the study of history and ethnology and acquired valuable knowledge of linguistics generally. Prior to being hired by the AIA, Bandelier has published results of his research on ancient Mexico through the Peabody Museum, so his prior work also was familiar to Putnam.

Bandelier began working on the AIA study in 1880 and pursued it for the next five years. He visited ancient sites in the American Southwest, in particular in Arizona and New Mexico. In all, Bandelier prepared and published five reports of his studies for the AIA.<sup>16</sup> His report on the looting and destruction of the ruins and archaeological deposits at the site of Pecos in New Mexico sparked discussions and debate in the United States Senate when the issue of government action to protect archaeological sites was raised. In May 1882, Senator George Hoar from Massachusetts presented to the Senate a petition from the New England Historic Genealogical Society requesting that the federal government take action to preserve archaeological sites in Arizona and New Mexico. While the petition resulted in a discussion among some of the Senators, no further action was taken at this time.<sup>17</sup>

The legislative and political history of the Antiquities Act begins with the concern for protection of archaeological sites raised by Senator Hoar on behalf of some of his constituents. At that time and subsequently, debates between those who favored conservation or preservation and those who favored commercial uses of public lands laced the issue. Interestingly, objections to conservation and preservation did not include statements that such efforts were unnecessary. It was acknowledged generally that looting of archaeological sites was occurring and descriptions of such activities were found with increasing frequency.

Between the 1882 Senate discussion about archaeological site protection and the ongoing looting of sites in the Southwest and the beginning of the 20th century, Congress and the president took important steps for the future preservation of American archaeological sites by government action. This involved the successful effort to save the Casa Grande site just north of the small town of Coolidge, Arizona, located about midway between Tucson and Phoenix. Casa Grande is an extensive ancient settlement containing several compounds of buildings and habitations, including a ball court, dating to about AD 1350. A special and significant feature of the site is the multi-story "Big House," that is, the major structure in one of the compounds of the site. This ancient structure may have been the largest ever constructed by the Hohokam culture, which occupied what is now southern Arizona a thousand years ago, and its function still is debated.<sup>18</sup> The Casa Grande structure was prominent on the historic landscape. In the late 19th century the ancient structure and surrounding archaeological remains were being destroyed by casual and deliberate removal of wood beams and other parts of the site.

Early in 1889, citizens of Boston petitioned the US Senate to create a special preservation area covering the ancient site to prevent further removal of material from the site and provide for its preservation. Unlike the more general petition of 1882, this one, again introduced by Senator Hoar, was effective. Congress quickly acted to provide for the protection and repair of Casa Grande in an appropriation act. Funds (\$2,000) were appropriated for the secretary of the interior to repair and protect Casa Grande. More importantly, Congress also authorized the president to withhold the public land on which the ruin was situated from settlement and sale. Repair work soon began, however, it took three years to establish the reservation. On June 22, 1892, President Benjamin Harrison signed an executive order reserving the Casa Grande Ruin and 480 acres around it for permanent protection because of its archaeological value. This presidential action established the first formal national archaeological reservation in the United States and was an important precedent regarding the protection of archaeological sites by the federal government.<sup>19</sup>

Conservation and documentation of the ancient structure were carried out by experts from the Smithsonian Institution: in 1891 and 1892 by Cosmos Mindeleff; in 1895 by WJ McGee; and, from 1906 and 1908 by Jesse Fewkes. The repair and stabilization work at Casa Grande funded by Congress in 1889 initiated a long history of work to stabilize Southwestern ancient architecture not only at Casa Grande but throughout the region that continues to today (Figure 1).<sup>20</sup>

# Roles in the creation of the Antiquities Act, 1900–1906

The late-19th-century struggle to protect archaeological sites overlaps with the development of conservation and preservation efforts throughout the rapidly developing United States. During this same period, efforts were underway to conserve natural and scenic resources. Notable successes among these undertakings included the creation of Yellowstone National Park in 1872; the creation of Sequoia, General Grant, and Yosemite National Parks in 1890;

**Figure 1**. "The Big House" at Casa Grande Ruins, 1892, near Florence, Arizona Territory. Unattributed image courtesy of National Park Service Historic Photo Collection, Harpers Ferry Center.



the enactment of the Forest Reserve Act in 1891; and the creation of Mount Rainier National Park in 1899.<sup>21</sup> Private and public preservation of historic structures and places (or example, Civil War battlefields) also was occurring during this time. Examining these developments, the historian Richard West Sellars points out that such early preservation efforts led to the gradual recognition of the need for group or joint or public ownership devoted to the preservation of important historic properties.<sup>22</sup>

In 1900, efforts to preserve archaeological sites on public lands focused again on congressional actions. This time, the purpose was a law that would protect many archaeological sites on public lands and not require site-by-site legislation to do so. Advocates for archaeological preservation and protection began producing draft bills that would accomplish their aims and working directly with legislators on submitting these drafts for consideration in the US Congress. The ardent, but diffuse initial method of petitioning Congress to save ancient ruins and sites was replaced by direct work with members of Congress and officials in the Department of the Interior (DOI) on specific legislation. Between 1900 and 1906, scholars and scientists, archaeological organizations, politicians, and government officials played key roles in the creation of the Antiquities Act.

Scholars and scientists and their supporters played important roles in the long effort to devise a means of protecting archaeological sites from looting and vandalism during the last quarter of the 19th century and the first decade of the 20th. The activities of Francis Parkman, Frederic W. Putnam, Adolph Bandelier, and the Archaeological Institute of America have been described. In addition, Edgar Lee Hewett and Francis W. Kelsey, in written reports and congressional testimony, described the destruction of archaeological sites that was occurring. Hewett, in particular, was important in coordinating the support of different professional organizations for passage of the Act.<sup>23</sup>

Congressman John F. Lacey, a Republican representative from Iowa and, in 1900, chairman of the House Committee on Public Lands, was crucial to the ultimate success of enacting the Antiquities Act (Figure 2). Lacey's support and interest in the preservation of archaeological sites was a key factor in the development of the legislation. His involvement



with American antiquities included his membership as a freshman representative on the Committee for Public Lands in 1889, the year Congress authorized the Case Grande Ruins preserve and funding for repair of the ancient architecture there. Historian Rebecca Conard describes Lacey's extensive involvement in conservation and preservation legislation during the last decade of the

**Figure 2.** Congressman John F. Lacey, the "legislative father" of the Antiquities Act. From 1900 to 1906, Lacey sponsored bills to protect and preserve American archaeological sites. He chaired House of Representatives committee that reviewed and ultimately endorsed the legislation that became the Antiquities Act. Unattributed photograph courtesy of the State Historical Society of Iowa, Des Moines; negative no. 291.

**Figure 3.** Edgar Lee Hewett, new to the national archaeological stage in the first years of the 20th century. Hewett was an ambitious administrator, scholar, and friend of Congressman Lacey who was able to reconcile differences and coordinate support from the national archaeological organizations for the ultimate bill that became the Antiquities Act. Unattributed photograph courtesy of Palace of the Governors (MNM/ DCA), negative no. 7324.

19th century and the first decade of the 20th.<sup>24</sup> As a firstterm Congressman, Lacey participated in the drafting of the Forest Reserve Act, and in 1894 he secured passage of the Yellowstone Park Protection Act. Lacey was also the principal force behind the 1900 Bird and Game Act, which prohibited the interstate transport of wild animals



or birds killed in violation of state laws. The law still is referred to by some officials in the US Fish and Wildlife Service, which administers its provisions, as the "Lacey Act." In 1905 and 1906 in particular, Lacey worked on legislation that led to the Antiquities Act and introduced it as a bill in 1906, shepherding it safely through hearings and votes in Congress.

Lacey's familiarity with and interest in American archaeological sites were enhanced by a trip to northern New Mexico with Hewett in 1902 (Figure 3). The men were introduced in 1900 when Hewett traveled to Washington, DC, to build his own professional and political connections and promote the designation of a national park in the Pajarito Plateau area of northern New Mexico. The park creation was not successful, but later Hewett invited Lacey to tour archaeological sites in the area with him. In August, 1902, the two men made the tour and developed a relationship of mutual respect and friendship that would prove to be very helpful a few years later when they worked together on the final development of the Antiquities Act bill.<sup>25</sup>

Officials of the DOI, in particular Binger Hermann and William A. Richards, the first the commissioner of the General Land Office (GLO) from 1897 to 1903, and the second his successor, also played important roles and actively shaped and promoted the archaeological preservation and protection legislation. Both men were political progressives: Hermann a congressman from Oregon appointed head of the GLO by McKinley, and Richards a former governor of Wyoming. Other GLO officials, field agents stationed in the American Southwest, where the results of archaeological site looting could be observed regularly, provided on-the-ground information about the destruction of archaeological sites and emphasized the need for government action to protect archaeological sites.<sup>26</sup>

# The creation of the Antiquities Act, 1900–1906

Between February and April 1900, four bills providing for the protection of archaeological sites on public lands were introduced in Congress, one by Representative Jonathan P. Dolliver of Iowa and three by Representative John F. Shafroth of Colorado.<sup>27</sup> Representative Lacey,

as chair of the House committee that would consider these bills, asked the secretary of the interior to review them and offer advice or suggestions. From this point onwards until the passage of the Antiquities Act in 1906, officials at the DOI were active in evaluating proposed laws, drafting substitutes, and providing information on this topic.

Binger Hermann, then commissioner of the GLO, responded for the secretary to Representative Lacey's request. The commissioner's report on the bills endorsed the notion of enacting a law to protect archaeological sites and other objects of scientific interest on public lands. He criticized some of the means by which the bills sent for review would accomplish this and offered a substitute bill.

The text of the commissioner's substitute bill contains a Section 3 that is remarkably similar to the Section 3 ultimately included in the Antiquities Act itself. The DOI substitute bill's Section 3 is likely to have been the prototype for the final text. The language of this section describes the permitting authority assigned to the land managing department (in 1900 it was assumed that this would be the DOI), and provides general guidance for how permits are to be used to regulate archaeological investigations. In a two-sentence paragraph it includes an important set of policies that established the approach public agencies would take in their treatment of archaeological resources from 1906 onwards. The text of Section 3 in the 1900 DOI substitute bill reads:

Sec. 3. That the Secretary of the Interior be, and is hereby, authorized to permit examinations, excavations, and the gathering of objects of interest within such parks by any person or persons who he may deem properly qualified to conduct such examinations, excavations, or gatherings, subject to such rules and regulations as he may prescribe. Provided, always, that the examinations, excavations, and gatherings are undertaken for the benefit of the Smithsonian Institution or of some reputable museum, university, college, or other recognized scientific or educational institution, with the view to increasing the knowledge of such objects and aiding the general advancement of archaeological science.<sup>28</sup>

Section 3 of the substitute bill provided by Hermann establishes three important policies about how the government regards and treats archaeological sites. Most importantly, the first sentence establishes as a matter of public interest that government officials shall regulate the treatment of archaeological sites on public lands. The text identifies archaeological sites as important resources for the American public and authorizes the secretary of the interior to use a system of permits to direct and oversee how they are used. The second half of the first sentence establishes the second important policy. It requires that only persons who are "properly qualified" will be permitted to conduct archaeological investigations. In this phrase, there is an immediate assertion of the need for special capability, expertise, experience, and commitment for the treatment of these public archaeological sites to be allowed. The third policy is equally important and described in the final sentence of the section. This sentence describes the intent of the permitted investigations. It is established that the objective of the investigations—"examinations, excavations, gatherings"—is to advance knowledge; the goal is to improve understanding of the past using archaeological methods. The objective is not commercial or personal gain; it is not the collection of objects for public or personal display. Rather, investigations that are permitted must have as their objective and result improving understanding of the past. Section 3 of the original DOI draft and the ultimate law are remarkably congruent. The fundamental policies embedded in the text of Hermann's Section 3 seem not to have been contested. In the final version of the Act, still only two sentences long, expresses the same principles as in the 1900 DOI proposed bill.

Congressman Lacey introduced the DOI substitute bill late in April 1900, but Congress took no action on any of the 1900 bills. Between 1900 and final passage of the Antiquities Act in 1906, other bills and versions of bills were presented and debated.

Disagreements about whether or not to give the president general authority to create "national parks" or set aside public lands as "national monuments," and if so, how large these designated units should be, was a primary topic. Detractors of the effort to provide protection and preservation argued that the government couldn't possibly protect all of these resources. Some congressmen and senators, in particular those from Western states, already were troubled by the president's authority to create federal forest reserves, which by 1901 totaled 46 million acres. These individuals objected to the creation of another authorization by which the president could set aside unilaterally large areas of the public domain for conservation or preservation, further reducing the land available for private development and economic activity. Eventually, the public sentiment, expressed by advocates from archaeological organizations, museums, and universities, to remedy the increasing destruction of archaeological sites in the Southwest and the wholesale removal of artifacts that was occurring overcame these objections. Efforts to protect specific archaeological sites, such as Mesa Verde and Chaco Canyon, became more frequent and widespread.

Another matter of controversy was the role of the Smithsonian Institution—specifically, whether the Smithsonian should be the agency that managed archaeological sites that would be protected by the act. Alternatively, this role might be assigned to field agents and land managers of the DOI, which already was responsible for overseeing the public lands and regulating how they were used. These matters eventually were resolved and the outcomes articulated in Section 2 of the act.

Although none of the legislation in the initial flurry of bills in 1900 was acted on by Congress, the debate about how to protect archaeological sites on public lands continued. One aspect of debate was which government agency should be given responsibilities regarding archaeological sites if federal legal protections were enacted. The two obvious candidate agencies were the DOI, which managed most of the public lands, and the Smithsonian, which employed archaeologists and carried out research on American archaeological sites.

Officials at DOI acted to show the department's competence on the topic and used existing federal authorities to protect specific sites and sensitive areas. One particular activity undertaken by DOI officials in the development of antiquities legislation was the collection and distribution of information about archaeological sites in the Southwest and the need for their protection. In 1904, GLO Commissioner W.A. Richards, who had succeeded Binger Hermann, moved to provide an official report on the overall situation regarding archaeological sites in the Southwest. Sizing up the contested situation in Congress, and presented with another request for the department's opinion on the bills being considered, Richards took the opportunity to submit a detailed description of the archaeological sites in the Southwest that were endangered by looting and vandalism.

For information on the situation, Richards turned to Edgar Lee Hewett. Hewett submitted the report requested by Richards in September 1904. Hewett's text provided a clear summary of the state of knowledge about archaeological sites in the territories of Arizona and New Mexico, in particular, but also in the southeastern corner of Utah and the southwestern corner of Colorado. The report grouped sites into a series of districts, generally organized around river drainages and provided an apparently comprehensive list of manuscript and published sources. The report

... for the first time ... provided the General Land Office and eventually Congress with a comprehensive review of all the Indian antiquities located on federal lands.... Better than any other single document, Hewett's memorandum clearly foreshadowed, in remarkable detail, the system of archaeological national monuments established in the Southwest following passage of the Antiquities Act.<sup>29</sup>

Richards took Hewett's report and made it the GLO's. Before the end of the year, he had Hewett's report printed as an official GLO report, entitled *Circular Relating to Historic and Prehistoric Ruins of the Southwest and Their Preservation.*<sup>30</sup> In addition to Hewett's text and map, the circular includes an interesting set of excerpts from letters and GLO documents as addenda. Hewett's introductory paragraph in the addenda summarizes clearly its purpose:

Since the ... [preparation] of the foregoing I have had the opportunity to inform myself fully as to the care which the Interior Department has exercised, and is prepared to exercise when properly informed, over the ruins in the Southwest. Much more has been accomplished than is known to the general public. It will be helpful to all who have the subject under consideration to know that a vigorous policy has been developed and is in operation, which accomplishes the main object to be desired.

The various letters and documents, apparently supplied by Richards, describe the activities by DOI bureaus related to the preservation of antiquities. By publishing the information, DOI officials showed that the department had expertise on the topic of American antiquities and laid out the steps that were being taken for their protection and preservation. The report indicated that DOI was able to carry out archaeological preservation and protection. Richards' intention in having the report prepared and published may well have been to emphasize to congressional supporters that DOI was the proper government agency—as opposed to, for example, the Smithsonian Institution—to be assigned this responsibility in any legislation considered by Congress.

In December 1905, Hewett presented a paper on the "antiquities bill alliance" at a joint meeting of the AAA and AIA, the two archaeological organizations involved with earlier efforts to create a law protecting archaeological sites. At the joint business meeting following

the presentation, the approach advocated by Hewett in his paper was approved. Hewett had managed to bring the archaeological community together in support of the proposed legislation.<sup>31</sup> Early in 1906, Lacey introduced the bill that would become the Antiquities Act in the House and arranged for the same bill to be introduced in the Senate.

# The Antiquities Act and the Progressive agenda

Theodore Roosevelt was not engaged in the details of legislative crafting of the Antiquities Act between 1900 and 1906; however, his overall executive and legislative philosophy supported those working on the law. Government and private efforts to protect archaeological sites on public lands coincided with the rise of scientific resource management, a part of the Progressive political agenda. Support for Progressive ideas and methods were boosted substantially when Theodore Roosevelt rose to the presidency following the death of William McKinley in September 1901. In his detailed history of the early years of natural resource conservation during the Progressive-era political leaders and civil servants developed and applied scientific information and methods for the management of a wide range of natural resources.<sup>32</sup>

Scientific and hydrographic recording in the West by US government expeditions and survey parties since the 1880s extended into a variety of kinds of natural resource management. First, irrigation, then forest management, then grazing were incorporated into a coherent policy. Eventually, a number of public agency leaders who espoused scientific management of resources combined all of these management schemes into an overall approach to federal land management.

These leaders were especially enthusiastic about the possibilities of vast economic growth in the West if the federal government planned the development of its resources on a large scale. By 1906, Gifford Pinchot, the first chief of the US Forest Service, and other officials had formulated comprehensive land management concepts which, during the remainder of Roosevelt's presidency, they tried to apply to the public domain.<sup>33</sup>

The elements of scientific land management involved a revision of the standard way in which the public lands had been dealt with under the laws passed by Congress up to that point. These earlier laws were modeled on homesteading. They focused mainly on distributing public land to private individuals who would develop the land according to the requirements of the land laws. In the fall of 1903, President Roosevelt appointed a Public Lands Commission that reflected the desire for a more orderly and planned approach to use of the public lands.

Hays describes four aspects of the new orderly, rational, and scientific approach to public land management as it developed in the early years of the Roosevelt administration. The authorities embodied in the Antiquities Act, and the activities by DOI officials as they demonstrated their competence to protect archaeological sites in anticipation of the act, display all of the characteristics of this new approach to resource management.

First, scientific land management required that federal agencies have control over the resources and could regulate their use. Requiring permits by resource users provided a means of control. By issuing permits of limited duration, the government could control use. By setting conditions with the permits, limits of use and scientific management principles could be enforced. For example, grazing should not exceed the carrying capacity of the vegetation. Section 3 of the Antiquities Act, and the archaeological protection bills back to 1900 from which it derived, assert a federal interest in the control of American antiquities and includes such a permitting requirement.

Second, scientific management required that the appropriate uses of resources be determined and applied objectively. Decisions had to be made consistently about who would be allowed to use the public resources. For example, regarding uses in the forest reserves,

the administration never set down a definite code but did assume a rough system of priorities in attempting to resolve specific use conflicts. In the national forests Pinchot granted top priority to domestic use of water, followed by irrigation and power.... On agricultural lands homesteading should precede grazing.... The conflict between recreation and commercial use Pinchot found to be extremely hazardous to resolve, but he firmly argued that commercial uses of the public lands should precede their use for recreation. Reservoirs for municipal supply of water, for example, should be permitted in national parks.<sup>34</sup>

Regarding archaeological sites, Section 3 of the Antiquities Act directs that permits are to be used to carefully examine and record sites and provides that the information and items collected will be cared for and interpreted in public museums.

Third, scientific management required expertise in handling resources. "The new land management entailed administrative innovations. Experts rather than politically appointed officials, for example, should take charge of the program."<sup>35</sup> Pinchot, for example, had long stressed the need for properly trained foresters and the use of civil service exams to select them. "The Roosevelt administration constantly increased the number of trained foresters, range specialists, and geologists in its public lands program."<sup>36</sup> Again, Section 3 of the Antiquities Act requires that permits be given only to qualified institutions that can carry out the proper kind of examination and subsequent duration and public interpretation.

Finally, scientific land management involved understanding the resource. Information about the resource was gathered, classified, summarized, and used in making decisions about how the resource should be used. By the early 1900s, the Forest Service was classifying areas within the forest reserves according to their best function. Richards' use of Hewett's 1904 report on the archaeological areas and sites of the Southwest represents an attempt to show that the GLO had a systematic understanding of these public resources. The inclusion in the report addenda of a series of DOI documents and letters describing activities the agency already had taken for the protection of archaeological sites was intended to show that the department and its field offices had the expertise and knowledge to take responsibility for American archaeological sites on public lands in the West.

The Antiquities Act is mentioned only once in the index and national parks only a few times in Hays' book. Yet Section 3 of the act calls for three of the four components of the scientific land management approach recognized as part of Progressive conservation. The increased role of the federal government envisioned by the Antiquities Act is characteristic of many laws and programs established in the decades immediately before and following the turn of the 20th century through the influence of Roosevelt and others who were part of the Progressive political movement. Progressive politicians asserted new ways of looking after the public good within a federal system staffed by professional civil servants able to provide technical assistance to the public and for public resources. The policies and objectives of the Antiquities Act certainly were influenced by this national movement.<sup>37</sup>

#### Roosevelt's use of the Antiquities Act

President Roosevelt signed the Antiquities Act into law on June 8, 1906 (Figure 4). The law is short, only one page long. In its final form, the statute includes three sections. Section 1 prohibits the excavation or removing of ancient items from public land without permission and Section 3 establishes a permitting process, the general requirements that those who wish to receive permits for excavations must meet, and what values of archaeological sites and objects are to be protected and preserved under the authority of the statues.

The second section of the law authorizes the president to establish, or in the terminolo-

**Figure 4.** The Antiquities Act, signed into law by President Roosevelt on 8 June 1906. Image courtesy of National Park Service Historic Photo Collection, Harpers Ferry Center.

BUNERT OF STATE 4 20 PM 1900 as they may prescribe: Pro mided That id regula arings are undertaken for the benefit of rep , Const States of America: universities, colle dge of such objects, and that th ng the know made for p At the First Session vation in public m c. 4. That the Secretaries of the Dep . artments afore form rules and regula ublish from time to time uniform ru arrying out the provisions of this Act. AN ACT For the preservation of American antiquit d by the Senate and House of Repr of America in Congress assembled. That any person who shall appropriate, ate, injure, or destroy any historic or prehistoric ruin or monument, or any approved. June 8, 1906. Theodore 1 t of antiquity, situated on lands owned or controlled by the Govern tes, without the permission of the Secretary of the Department of nent having jurisdiction over the lands on which said antionities Concelli d, shall, upon c nviction, be fined in a sum of not more than five dollars or be imprisoned for a period of not m uffer both fine and impris on of the court SEC. 2. That the President of the United States is he etion, to declare by public proch oric landn es. and other obi ects of historic d upon the lands owned or co strolled by the Governm be national monuments, and may r reserve as a p the limits of which in all ca es shall be confined to the ble with the proper care and ma at of the objects to be ded, That wh ets are situated upon a tr fected claim or held in private own hip, the tract or so n y be necessary for the proper care and management of the of nished to the Government, and the Secretary of the Interi zed to accept the reli aquishment of such tra e United St SEC. 3. That permits for the rical sites, and the gat ring of objects of antiity upon ir respective juris may be g d by the S d War to in which th nay d

gy of the act "to declare by public proclamation" national monuments and reserve them for proper care and management. The relevant text of the section is:

The President of the United States is 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 the proper care and management of the objects to be protected....* 

Two phrases are highlighted in the portion of Section 2 of the Antiquities Act above. The first lists the kinds of resources that the President can designate as national monuments. The first three terms seem clear and directly related to the "American antiquities" in the law's title. However, the last portion—"other objects of historic or scientific interest"—leaves some room for interpretation. In the final editing of the legislation, Lacey apparently added this general phrase to the more specifically archaeological and historical terms. In his application of the Antiquities Act, Roosevelt interpreted the phrase broadly.<sup>38</sup>

The issue of whether there should be a size limit to national monuments that the president could proclaim unilaterally had been resolved in the final version of the law without settling on a particular acreage. Rather, the second highlighted phrase in Section 2 was to be used as a general guideline for the size of national monuments. The text provides for a useful flexibility in the size of designations, but also permits a wide range of options for presidents considering the appropriate size of new national monuments.<sup>39</sup> As described below, Roosevelt took full advantage of the options that the statute text presented him regarding the potential size of national monuments. Regarding this Antiquities Act authority given to the president and considering how Roosevelt and most of his successors have used it, one might paraphrase Churchill and remark that, "never has so much been preserved for so many with so little statutory text."

Before 1906 was over, Roosevelt designated four national monuments: Devils Tower in Wyoming, El Morro in New Mexico, and Montezuma Castle and Petrified Forest in Arizona.<sup>40</sup> In 1907, the president designated five more: Chaco Canyon and Gila Cliff Dwellings in New Mexico, Lassen Volcanic and Cinder Cone in northern California, and Tonto, in Arizona. Of the monuments proclaimed by Roosevelt in these two first years, many were those that had been noted for protection in the 1904 GLO report about the archaeological resources of the American Southwest: El Morro, Petrified Forest, Montezuma Castle, and Chaco Canyon. Also on the 1904 list is Mesa Verde, a portion of which was established as a national park by statute in June 1906, shortly after the enactment of the Antiquities Act.

# Roosevelt proclaims the Grand Canyon National Monument

In 1907, Congress amended the Forest Reserves Act, limiting the president's authority to establish forest reserves independently. Now the Antiquities Act was the only means the president had to set aside public land for conservation or preservation on his own authority.

Roosevelt was prepared to use the Antiquities Act as a strong conservation and preservation tool and events in northern Arizona at the Grand Canyon led him to do so.

Roosevelt first visited the Grand Canyon during his three-month-long Western tour in 1903. The text of his remarks to a crowd of approximately 800 appreciative listeners on the South Rim of the canyon reflects his perspective on that extraordinary place. Roosevelt said:

... I have come here to see the Grand Canyon of Arizona, because in that canyon Arizona has a natural wonder.... I shall not attempt to describe it, because I cannot. I could not choose words that convey or that could convey to any outsider what that canyon is. I want to ask you to do one thing in connection with it in your own interest and in the interest of the country—to keep this great wonder of nature as it now is.

I was delighted to learn of the wisdom of the Santa Fe railroad people in deciding not to build their hotel on the brink of the canyon. I hope you will not have a building of any kind, not a summer cottage, a hotel or anything else to mar the wonderful grandeur, the sublimity, the loneliness and beauty of the canyon. Leave it as it is. Man cannot improve it; not a bit. The ages have been at work on it and man can only mar it. What you can do is to keep it for your children and your children's children and for all who come after you....<sup>41</sup>

Roosevelt went on in his remarks to make the general point that his contemporary fellow Americans must be good caretakers and stewards of the nation's resources so that their children, grandchildren and other future Americans would have the benefits of the same resources.

But even in 1903, as Roosevelt spoke, developments were underway on and near the South Rim. Some northern Arizonans were planning to profit from the increasing interest in visiting the Grand Canyon.<sup>42</sup> Ralph Cameron was one of these persons. He had arrived in Arizona Territory in 1890 from Maine and began various business ventures in mining, toll road construction, and tourist services. Cameron and his associates used federal mining law to stake claims on key parts of the Grand Canyon, in particular trailheads and trail routes using the mining claims and other means to develop the Canyon and the land along its southern rim commercially.

By 1908, five years later, the ongoing developments and pressure for more became intolerable for Roosevelt. Cameron's plan to build a trolley line along the south rim was the proximate cause of Roosevelt's national monument proclamation on January 11, 1908, setting aside for conservation and preservation 808,120 acres, including the popular area along the South Rim. Federal government officials on hand in northern Arizona used the new national monument designation to prevent Cameron's development of the trolley and prohibit his control of access to the canyon trails.

Cameron and other local development advocates called "foul." They fought back, appealing to and pressing claims with the territorial and national government agencies. Cameron used local and regional political influence as well. He eventually became senator from Arizona and used his position to argue for his claims. Ultimately, Cameron sued the federal government and his case went as high as the United States Supreme Court, where in 1920 he lost his appeals of the national monument designation. But, the political and social winds already had changed regarding the Grand Canyon. One year before the Supreme Court decision that upheld Roosevelt's Grand Canyon National Monument proclamation and affirming in general the president's authority to designate national monuments and to determine their proper size, Congress and President Wilson expanded the national monument acreage and created Grand Canyon National Park, preventing the kind of development that Cameron had pursued so intently.<sup>43</sup>

## Roosevelt's influence on use of the Antiquities Act by later presidents

Theodore Roosevelt died a month before the Grand Canyon National Park was created out of the most controversial national monument that he designated. That is one specific legacy of his eventful presidency. A more general and pervasive legacy is the example he set in his use of the Antiquities Act. Roosevelt's use of the Section 2 authority has had substantial effects on how other presidents in the 20th and 21st century have used it.

During his three years in office following passage of the Antiquities Act, Roosevelt created 18 national monuments encompassing approximately 1.5 million acres. His proclamations included a wide range of sizes and kind of resources protected. He created national monuments that focused on ancient archaeological sites, some of them small, such as Montezuma Castle (161 acres), El Morro (160 acres), and Tonto (640 acres). Other monuments encompassed larger areas and collections of related ancient sites, such as those in Chaco Canyon (10,643 acres). Roosevelt also created monuments of a variety of sizes for outstanding natural and scenic resources, such as Devils Tower, the first national monument he created (1,194 acres), Petrified Forest (60,776 acres), Lassen Peak (1,280 acres), Jewel Cave (1,275 acres), Natural Bridges (120 acres), and, of course, the Grand Canyon.

Roosevelt also was careful to ensure that the text used in his national monument proclamations described the outstanding nature of the resource in terms specified by Section 2 of the Antiquities Act. For example, in his proclamation creating the Grand Canyon National Monument, the president states that "the Grand Canyon of the Colorado River ... is an object of unusual scientific interest, being the greatest eroded canyon within the United States...."<sup>44</sup>

By adhering closely to the wording used in the statute, Roosevelt ensured that any judicial review of his proclamation would give deference to the president's action for its consistency with the law, as was the case in the 1920 Supreme Court decision in *Cameron v. U.S.* (252 US 450).

Presidents who followed Roosevelt during the first half of the 20th century, while somewhat less active users of the Antiquities Act, in general followed the pattern that Roosevelt had pioneered (Table 1).<sup>45</sup> Presidents have proclaimed new national monuments in a variety of sizes and with a consistent frequency. They also have proclaimed monuments that reflect the variety of important archaeological, historic, natural, scenic, and scientific resources the Antiquities Act was designed to encompass.

Table 1. Number and extent of national monument proclamations by Theodore Roosevelt's immediate successors.		
President	Number of National Monuments Proclaimed	Total Acres of National Monu- ments Proclaimed
William Howard Taft	10	31,112
Woodrow Wilson	13	1,120,577
Warren G. Harding	8	8,671
Calvin Coolidge	3	1,462,937
Herbert Hoover	9	1,360,099
Franklin D. Roosevelt	11	1,516,679

Surely, part of Theodore Roosevelt's legacy is the 125 National Monuments proclaimed by himself and the 20th-century presidents who succeeded him, from Taft to Clinton. These proclamations have covered in total nearly 100 million acres of land and resources now set aside for conservation and preservation on behalf of all United States citizens. Congressional leaders, while not unanimously agreeing with every presidential proclamation, have created 38 national monuments through enacted legislation. In addition to the national monuments, the Antiquities Act established a foundation for government policies that recognize an important public interest in cultural and natural resources and their commemorative, educational, and scientific values.<sup>46</sup>

Roosevelt's legacy in creating national monuments also seems to have spurred President Bill Clinton both officially and personally. In the last five years of his presidency, Clinton created more national monuments and a larger acreage of monuments than did Roosevelt. Clinton's secretary of the interior, Bruce Babbitt, was the force behind this surge of proclamations. In addition to coordinating and overseeing the background research and political discussions regarding these monuments, Babbitt and his staff provided Clinton with excellent rationales and justifications for the monument designations. Babbitt also knew his boss and Clinton's own interest in his presidential legacy. There is a story that during these years, whenever he had the opportunity to see Clinton, Babbitt would hand him a 3x5 index card. On one side of the card was a list of the monuments proclaimed by Theodore Roosevelt; on the reverse were the monuments proclaimed (so far) by Clinton.<sup>47</sup> Ultimately, Clinton surpassed Roosevelt's record by proclaiming nineteen new monuments and expanding three more, thereby designating nearly six million acres of new land as national monuments (Figure 5).

Clinton also had a personal experience of Roosevelt's legacy that may have given him additional impetus to proclaim the number of national monuments that he ultimately created and expanded. He described this in his remarks at the South Rim of the Grand Canyon when he signed the Grand Staircase–Escalante National Monument proclamation in 1996. In his speech, Clinton described visiting the Grand Canyon as a young man and being awe-struck at the sight. He alluded to Roosevelt's speech on the South Rim in 1903. President Clinton recalled Roosevelt's admonition to Arizonans to keep it the canyon as it is, as well as his broader challenge to American citizens to conserve and preserve America's resources for all



Figure 5. President Bill Clinton, with Vice-President Al Gore, at the South Rim of the Grand Canyon announcing the proclamation creating the Grand Staircase-Escalante National Monument in 1996. NPS photograph by Mike Quinn, courtesy of the National Park Service.

future generations. Roosevelt's use of the Antiquities Act had a double effect that was both official and personal on President Clinton.

In the end, Roosevelt's legacy from his use of the Antiquities Act affects all United States citizens. Robert Pogue Harrison, in his *New York Review of Books* article on Douglas Brinkley's terrific account and assessment of Roosevelt's conservation and preservation contributions, *Wilderness Warrior*, concludes, after wandering around examining various perspectives on Roosevelt's official achievements and personal attributes, that Roosevelt amply deserves to be considered one of America's greatest "keepers," or in modern terms, conservationists.<sup>48</sup> This attribution, once again, echoes Roosevelt's own admonishment to his fellow Americans from the South Rim of the Grand Canyon to care for and pass along to future generations the natural, historic, and cultural resources of our nation.

#### Endnotes

- David Harmon, "The Antiquities Act and Nature 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, 2006); Francis P. McManamon, "The Antiquities Act— Setting Basic Preservation Policies," CRM, vol. 19, no. 7 (2006), pp. 19–23; McManamon, "The Foundation for American Public Archaeology," in Harmon, McManamon, and Pitcaithley, *The Antiquities Act*, pp. 153–175.
- Mark Squillace, "The Monumental Legacy of the Antiquities Act of 1906," *Georgia Law Review*, vol. 37, no. 2 (2003), pp. 473–610; Mark Squillace, "The Antiquities Act and the Exercise of Presidential Power," in Harmon, McManamon, and Pitcaithley, *The Antiquities Act*, pp. 106–136.
- Carol Hardy Vincent and Kristina Alexander, National Monuments and the Antiquities Act, CRS Research Report for Congress, 7-5700 (Washington DC: Congressional Research Service, 2010); The Wilderness Society, The Antiquities Act: Protecting America's Natural & Cultural Treasures, pp. 10–11. (Online at http://wilderness.org/ content/antiquities-act-protecting-americas-natural-treasures, accessed 20 April 2011).
- 4. Don D. Fowler, A Laboratory for Anthropology: Science and Romanticism in the American Southwest, 1846–1930 (Albuquerque: University of New Mexico Press, 2000); Hal K. Rothman, Preserving Different Pasts: The American National Monuments (Urbana: University of Illinois Press, 1989; reprinted 1994 by the University Press of Kansas; online at www.cr.nps.gov/history/online\_books/rothman/index.htm, accessed 18 May 2011).
- Jeffery L. Hantman and Gary Dunham, "The Enlightenment Archaeologist," Archaeology, vol. 46, no.3 (1993); Jeffery L. Hantman, "Ancient and Historic Archaeology of the Monacan Indians: Thomas Jefferson's Archaeology and Later Studies," In Archaeology in America: An Encyclopedia, Francis P. McManamon, general ed. (Westport, CT and London: Greenwood Press, 2009), pp. 112–113; Gordon R. Willey and Jeremy A. Sabloff, A History of American Archaeology, 3rd ed. (New York: W.H. Freeman and Co., 1993).

#### 342 • The George Wright Forum • vol. 31 no. 3 (2014)

- 6. Thomas Jefferson, Thomas Jefferson Writings: Notes on the State of Virginia (New York: The Library of America edition, Literary Classics of the United States, 1984), pp. 123–326; Thomas Jefferson, Notes on the State of Virginia (1781), Electronic Text Center, University of Virginia Library, Online at http://etext.virginia.edu/etcbin/toccernew2?id=JefVirg.sgm&images=images/modeng&data=/texts/english/modeng/parsed&tag=public&part=front, accessed 18 April 2011).
- 7. Don D. Fowler and David R. Wilcox, eds., *Philadelphia and the Development of Americanist Archaeology* (Tuscaloosa: University of Alabama Press, 2003); Willey and Sabloff, *A History of American Archaeology*.
- Ephriam Squier and Edwin Davis, Ancient Monuments of the Mississippi Valley (Washington: Smithsonian Institution, 1848; republished 1998, Smithsonian Institution Press); David J. Meltzer, "Introduction: Ephraim Squier, Edwin Davis, and the Making of an American Archaeological Classic," in Squier and Davis, Ancient Monuments of the Mississippi Valley, pp. 1–97.
- Robert Silverberg, Moundbuilders of Ancient America: The Archaeology of a Myth (Athens, OH and London: Ohio University Press, 1968); Cyrus Thomas, Report on the Mound Explorations of the Bureau of Ethnology (Washington DC: Classics of Smithsonian Anthropology, Smithsonian Institution Press, 1985; originally published 1894); Marlin Francis Hawley, "History of Archaeology in the Midwest," in McManamon, Archaeology in America, volume 2, pp. 20–24.
- Fowler, A Laboratory for Anthropology, pp. 203–219; Curtis M. Hinsley and David R. Wilcox, eds., The Southwest in the American Imagination: The Writings of Sylvester Baxter, 1881–1889 (Tucson: University of Arizona Press, 1996); Nancy J. Parezo and Don D. Fowler, Anthropology Goes to the Fair: The 1904 Louisiana Purchase Exposition (Lincoln and London: University of Nebraska Press, 2007).
- Roland F. Lee, *The Antiquities Act of 1906* (Washington DC: National Park Service, Office of History and Historical Architecture, Eastern Service Center, 1970); online at http://www.nps.gov/archeology/pubs/Lee/index.htm (2000), accessed 30 May 2011.
- 12. Raymond Harris Thompson, "Edgar Lee Hewett and the Politics of Archaeology," in Harmon, McManamon, and Pitcaithley, *The Antiquities Act*, pp. 37–38, 43–44.
- Frederic W. Putnam, Report Upon U. S. Geographical Surveys West of the One Hundredth Meridian in Charge of First Lieut. Geo. M. Wheeler (Washington DC: Government Printing Office, 1879).
- 14. Douglas Brinkley, Wilderness Warrior: Theodore Roosevelt and the Crusade for America (New York: Harper Perennial, 2009), pp. 198-199, 228-230.
- Phoebe Sherman Sheftel, "The Archaeological Institute of America, 1879–1979: A Centennial Review," American Journal of Archaeology, vol. 83 (1979); Lee, The Antiquities Act, Chapter 1; Charles H. Lange and Carroll L. Riley, Bandelier: The Life and Adventures of Adolph Bandelier (Salt Lake City: University of Utah Press, 1996).
- 16. Examples of Bandelier's reports include: Adolph E. Bandelier, "Historical Introductions to Studies among the Sedentary Indians of New Mexico," Papers of the Archaeological Institute of America, American Series I(1) (1881), pp. 1–33; "A Visit to the Aboriginal Ruins in the Valley of the Rio Pecos," Papers of the Archaeological Institute of America, American Series I(2) (1881), pp. 34–133; "Report by A. F. Bandelier on his Investigations in New Mexico in the Spring and Summer of 1882," Bulletin of the Archaeological Institute of America I (1883), pp. 13–33; "Final Report of Investigations among the Indians of the Southwestern United States, Carried On Mainly in the Years from 1880–1885, Part I," Papers of the Archaeological Institute of America, American Series III (Cambridge, MA: John Wilson and Son, 1890), pp. 3–319; "Final Report of Investigations among the Indians of the Southwestern United States, Carried On Mainly in the Years from 1880-1885, Part I," Papers of the Archaeological Institute of America, American Series III (Cambridge, MA: John Wilson and Son, 1890), pp. 3–319; "Final Report of Investigations among the Indians of the Southwestern United States, Carried On Mainly in the Years from 1880-1885, Part II," Papers of the Archaeological Institute of America, American Series IV (Cambridge, MA: John Wilson and Son, 1892), pp. 3–591.
- 17. Lee, The Antiquities Act, Chapter 1.
- 18. James M. Bayman, "Casa Grande Ruins National Monument: An Ancient Community Center and American Archaeological Icon," in McManamon, *Archaeology in America*, pp. 164–168.
- 19. Lee, The Antiquities Act, Chapter 2; McManamon, "The Antiquities Act-Setting Basic Preservation Policies."
- Frank Mateo, "Lessons from the Great House: Condition and Treatment History as Prologue to Site Conservation and Management at Casa Grande Ruins National Monument," *Conservation and Management of Archaeological Sites*, vol. 3 (1999), pp. 203–224.
- David Harmon, Francis P. McManamon, and Dwight T. Pitcaithley, "The Antiquities Act: A Cornerstone of Archaeology, Historic Preservation, and Conservation," in Harmon, McManamon, and Pitcaithley, *The Antiquities Act*, pp. 267–285.
- Richard West Sellars, "Pilgrim Places: Civil War Battlefields, Historic Preservation, and America's First National Military Parks, 1863–1900," CRM: The Journal of Heritage Stewardship, vol. 2 (2005), pp. 22–52.
- 23. Lee, The Antiquities Act of 1906, Chapter 6; Thompson, "Edgar Lee Hewett."

- 24. Rebecca Conard, "John F. Lacey: Conservation's Public Servant," in Harmon, McManamon, and Pitcaithley, *The Antiquities Act*, pp. 48–63.
- 25. Conard, "John F. Lacey," pp. 48-53; Thompson, "Edgar Lee Hewett," pp. 36-37.
- 26. McManamon, "The Foundation for American Public Archaeology," pp. 155-163.
- 27. Lee, *The Antiquities Act of 1906*, Chapter 6; Edmund B. Rogers, comp., "The Antiquities Act (volume 4)," in *History of Legislation Related to the National Park Service, through the 82nd Congress* (Washington DC: Natural Resources Library, Department of the Interior, 1958).
- 28. Rogers, "The Antiquities Act."
- 29. Thompson, "Edgar Lee Hewett," p. 39.
- 30. Department of the Interior, Circular Relating to Historic and Prehistoric Ruins of the Southwest and their Preservation (Washington, DC: Government Printing Office, 1904).
- Thompson, "Edgar Lee Hewett," pp. 42-43; James E. Snead, Ruins and Rivals: The Making of Southwest Archaeology (Tucson: University of Arizona Press, 2001), pp. 76-82.
- Samuel P. Hays, Conservation and the Gospel of Efficiency: The Progressive Conservation Movement, 1890–1920, 2nd ed. (Pittsburgh: University of Pittsburgh Press, 1999; originally published 1959).
- 33. Hays, Conservation and the Gospel of Efficiency, p. 66.
- 34. Ibid.
- 35. Ibid.
- 36. Ibid.
- 37. Harmon, McManamon, and Pitcaithley, "The Antiquities Act: A Cornerstone"; Hal Rothman, "The Antiquities Act and National Monuments: A Progressive Conservation Legacy," *CRM*, vol. 22, no. 4 (1999), pp. 16–18.
- 38. Conard, "John F. Lacey," pp. 60-61.
- 39. Frank Norris, "The Antiquities Act and the Acreage Debate," *The George Wright Forum*, vol. 23, no. 3 (2006), pp. 6–16.
- Appendix: Facts and Figures on the National Monuments," in Harmon, McManamon, and Pitcaithley, *The Antiquities Act*, pp. 287–298; National Park Service Archaeology Program, *Antiquities Act*, 1906–2006: Maps, *Facts, and Figures*, online at http://www.nps.gov/archeology/sites/Antiquities/fullMap.htm; accessed 30 May 2011).
- 41. The Coconino Sun (Flagstaff, AZ), 9 May 1903, p. 1.
- 42. Brinkley, Wilderness Warrior, pp. 754-758.
- Douglas H. Strong, "Ralph H. Cameron and the Grand Canyon (Part I)," *Journal of the Southwest*, vol. 20, no. 1 (1978), pp. 41–64; Strong, "Ralph Cameron and the Grand Canyon (Part II)," *Journal of the Southwest*, vol. 20, no. 2 (1978), pp. 155–172.
- 44. Theodore Roosevelt, "Grand Canyon National Monument, Arizona: A Proclamation (No. 794, Jan. 11, 1908, 35 Stat.2175),"in *Proclamations and Orders Relating to the National Park Service, Up to January 1, 1945* (Washington, DC: United States Government Printing Office, 1947), pp. 28–29.
- Harmon, McManamon, and Pitcaithley, "Appendix: Facts and Figures on the National Monuments," pp. 287–298; National Park Service Archaeology Program, *Antiquities Act, 1906–2006*.
- 46. For example, Harmon, "The Antiquities Act and Nature Conservation," pp. 199–218; Harmon, McManamon, and Pitcaithley, "The Antiquities Act: A Cornerstone," pp. 267–285; McManamon, "The Antiquities Act—Setting Basic Preservation Policies, " pp. 19–23; McManamon, "The Foundation for American Public Archaeology," pp. 153–175.
- 47. Squillace, "The Antiquities Act and the Exercise of Presidential Power," p. 110 and endnote 18.
- 48. Robert Pogue Harrison, "A Great Conservationist, by Jingo," The New York Review of Books, vol. 56, no. 17 (2009).
- Francis P. McManamon, Digital Antiquity, Arizona State University, P.O. Box 872402, Tempe, AZ 85287-2402; fpm@digitalantiquity.org