

LECTURE OUTLINES for an INTRODUCTION to HISTORIC PRESERVATION

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Lecture 1 — Historic Preservation: What is it?

National Historic Preservation Act (PL 89-665), Section 1

1) A national tradition

- NM Governor Francisco Antonio Marin del Valle excavates at Quarai in 1759 to identify mission and recover remains of Franciscan Jeronimo de la Llana for reburial in Santa Fe
- Jefferson encourages American Philosophical Society to gather data on archaeological sites
- the "Cult of Washington," "father of our country," lead to the first preservation efforts
- Englishman James Smithson's bequest leads Congress to establish Smithsonian in 1846

2) A federal policy

- the first National Park established at Yellowstone in 1872 under the War Department
- Congress protects Casa Grande, Arizona, prehistoric ruins
- Congress protects Civil War battlefields at Chickamauga and Chattanooga in 1890, leading to first National Historic Park

3) A conservation movement

- New York State purchases Washington's Hasbrouck House headquarters for preservation in 1850
- Ann Pamela Cunningham founds Mount Vernon Ladies Association for the Union in 1856 to purchase Washington's home for preservation
- six years of effort leads to Antiquities Act of 1906, to set aside and protect cultural and scientific resources on federal lands and establish National Monuments

4) A multifaceted profession

- architecture
- history
- archaeology
- art & craft
- heritage education
- law, real estate, economics, business

5) An industry

- heritage tourism dominates New Mexico's largest industry with income of \$2 billion annually
- historic rehabilitation tax credits, passed in 1976, resulted nationally, by 1991, in:
 - \$15 billion in private preservation and rehabilitation investment in 22,000 buildings
 - 55,000 rehabilitated and 24,000 new housing units
- 1983 Emergency Jobs Act appropriated \$25 million in historic preservation funds generating 1,000 preservation projects and 14,000 jobs

Why is Historic Preservation important?

1) Philosophical reasons

- “Those who cannot remember the past are condemned to repeat it” - G. Santayana
- “The past is a foreign country: they do things differently there” - L.P. Hartley
- “History is philosophy from examples” - Dionysius of Halicarnassus, ca. A.D. 1
- “Human history becomes more and more a race between education and catastrophe”
- H.G. Wells

2) Scientific reasons

- understand the past and control the future
- “errors are always instructive” - Plato
- “experience is certainly worth more than theory” - Amerigo Vespucci
- “The philosophers have only interpreted the world; the thing, however, is to change it”
- Karl Marx

3) Practical reasons

- heritage tourism is the fastest growth service industry in the United States
- cultural properties are a non-renewable resource
- heritage preservation is “deep ecology”
 - encouraging practical recycling and conservation of housing
 - saving neighborhood infrastructure, inner cities and rural resources
 - reducing crime and ethnic conflict
- preserving cultural diversity and fostering pride in ethnic identity

Multiple Personalities and Trends in Historic Preservation

1) History

- from great men and events to minorities, everyday life, and economic forces

2) Architecture

- from architect “high style” to anonymous vernacular
- from urban to rural settings
- from unique to typical

3) Archaeology

- from culture history to behavioral science
- from monumental to mundane

What is Preserved?

Complementary Opposites

- Historic Architecture vs. Prehistoric Archaeology
- Unique vs. Ordinary
- Elite vs. Plebeian
- Built vs. Natural Environment
- Recent vs. Ancient
- Masculine vs. Feminine
- Site vs. Landscape
- Historic Districts vs. Traditional Neighborhoods

“rich man, poor man, beggar man, thief,
doctor, lawyer, indian chief,
cattleman, farmer, slave, and free,
native, immigrant, hobo, grandee”

Preservation Domains

- Federal Properties: Parks, Monuments, etc.
- Federal Actions - Section 106, NEPA
- State and Certified Local Governments
- Native American Lands and Traditional Cultural Properties
- Private Investment: Rehabilitation, Restoration

Realms of Conflict

- Private ownership vs. public trust
- Conservation vs. extraction
- Conflicting ethnic and cultural claims
- Agency mission vs. federal policy
- Non-native public vs. Native American
- Historic reality vs. fantasy
- Federal vs. state, county, local interests

Obstacles to Heritage Preservation Education

- Elitism: overemphasis on dominant political, social, or ethnic traditions
- Extreme pluralism: overemphasis on diversity and separatism
- Localism: geographic particularism
- Anti-intellectualism: simplistic emphasis on experiential learning
- Political correctness: emphasis on narrow, factional values

Lecture 2 — **Milestones in the History Of Historic Preservation**

(after Peter T. Bartis, with Kathleen Condon and Doris Craig, unidentified Ms.)

- 1788 Ohio Land Company protects mounds in Marietta, Ohio
- 1789 Northwest Ordinance protects Native American property

- 1812 American Antiquarian Society founded by Isaiah Thomas
- 1813 efforts begin to preserve Independence Hall, Philadelphia, Penn.
- 1820 Atwater's *Description of the Antiquities Discovered in the State of Ohio and Other Western States*
- 1846 Smithsonian Institution established by Congress
- 1848 Smithsonian publishes *Ancient Monuments of the Mississippi Valley* by Squier & Davis'
- 1849 U.S. Department of Interior established
- 1850 Washington's Headquarters at Hasbrouck House acquired by State of New York
- 1856 Mt. Vernon Ladies Association of the Union founded by Ann Pamela Cunningham
- Smithsonian publishes Samuel Haven's *Archaeology of the United States*
- 1872 Yellowstone National Park established by United States grant under War Department
- 1879 Bureau of American Ethnology established
- U.S. Geological Survey established
- Anthropological Society of Washington founded
- Archaeological Institute of America founded
- 1881 Adolph Bandelier's *Report on the Ruins of the Pueblo of Pecos* exposes widespread vandalism and looting of Southwestern ruins
- 1886-1888 Hemmenway Southwest Archaeological Expedition
- 1888 American Folk-Lore Society founded
- 1889 Casa Grande ruins, Arizona, protected by Congress
- 1890 Chickamauga and Chattanooga Battlefields protected by Congress (25 Stat. 961; 16 USC 431)
- 1894 Cyrus Thomas' review of the Moundbuilders in the 12th Annual Report of the Bureau of American Ethnology conclusively demonstrates Native American origin
- 1896 Supreme Court recognizes condemnation of private property for the public purpose of historic preservation in *U.S. v. Gettysburg Electric Railway Co.*

- 1902 American Anthropological Association founded
- 1904 Baltimore and Boston adopt building code restrictions
- 1906 Antiquities Act of 1906 (PL 59-209; 34 Stat. 225; 16 USC 431-433)
- Archaeological Institute of America Act (PL 59-182; 34 Stat. 203)
- 1907 Departments of War & Interior Land Management Agreement implements Antiquities Act
- 1908-1909 Archaeology used to document reconstruction at Fort Ticonderoga, NY
- 1909 NM Territorial Legislature decides to restore Palace of the Governors in Santa Fe
- 1910 Society for Preservation of New England Antiquities established
- 1916 National Park Service Organic Act (PL 64-235; 39 Stat 535; 16 USC 1)
- 1920s Colonial Williamsburg developed
- 1922 Justice Oliver Wendell Holmes articulates "taking" rule in *Pennsylvania Coal v. Mahon*
- Committee for the Preservation and Restoration of New Mexico Mission Churches founded by Anne Evans, John Gaw Meem, Mary Austin, Frank Mera, Carlos Vierra, et al.
- 1925 New Orleans creates the first preservation commission
- 1926 Supreme Court upholds zoning regulation in *Village of Euclid v. Ambler Realty Co.*
- 1928 Library of Congress Archive of American Folk Song established
- 1931 Charleston enacts first comprehensive preservation law and creates first Historic District
- 1933 National Park Service Authority transfers Monuments and Parks from War and Agriculture Depts. Works Progress Administration initiates Folklife Programs; HABS Survey

- 1934 1st National Folk Festival
National Stolen Property Act (18 USC 2314 and 2315)
National Historical Publications and Records Commission established
- 1935 Historic Sites Act of 1935 (PL 74-292; 49 Stat. 666; 16 USC 461-467)
Indian Arts and Crafts Board Act (PL 74-292; 49 Stat. 891; 25 USC 305)
- 1937 Archive of American Folk Song funded by Congress
- 1945-1947 Interagency Archaeological Salvage Program
- 1949 National Historic Preservation Trust Act of 1949 (PL 81-408; 63 Stat 927; 16 USC 468 et seq.)
- 1953 Submerged Lands Act of 1953 (PL 83-31; 67 Stat 29; 43 USC 1301 et seq)
Outer Continental Shelf Lands Act (PL 83-212; 67 Stat 462; 43 USC 1331 et seq.)
- 1954 Supreme Court recognizes aesthetic considerations as a valid public purpose in *Berman v. Parker*
- 1955 Management of Museum Properties Act of 1955 (PL 84-69; 16 USC 18f)
- 1956 Federal Aid Highway Act of 1956 (PL 85-767; 72 Stat. 913; 23 USC 305)
- 1957 Historic American Building Survey revived
Jacob Morrison publishes *Historic Preservation Law*
- 1960 Reservoir Salvage Act of 1960 (PL 86-523; 74 Stat. 220; 16 USC 469-469c)
National Historic Landmarks Program created
- 1962 UNESCO Report recommends preservation of ecological and historical regions
- 1963 NTHP Williamsburg Preservation and Restoration Seminar issues *Historic Preservation Today*
- 1964 UNESCO's International Monuments Year
National Arts and Cultural Development Act (PL 88-579; 78 Stat. 905)
Housing Act of 1964 (PL 88-560)
Lady Bird Johnson's White House Conference on Natural Beauty issues *Beauty for America*
National Trust and American Society of Planning Officials issue *Planning for Preservation*
- 1965 Housing and Urban Development Act (PL 89-117)
Conference of Mayors Special Commission on Historic Preservation issues *With Heritage So Rich*
International Council of Monuments and Sites (ICOMOS) established
National Foundation for Arts and Humanities Act (PL 89-209; 79 Stat. 845-855; 20 USC 951-959)
Federal Water Project Recreation Act (PL 89-72; 79 Stat. 213; 16 USC 460-12 et seq. 662)
- 1966 American Revolution Bicentennial Commission (PL 89-401; 80 Stat. 259)
NPS announces 10-year *Parkscape USA* plan
Lyndon Johnson's Message to Congress on Preserving Natural Beauty
National Historic Preservation Act of 1966 (PL 89-665; 80 Stat. 915; 16 USC 470)
Department of Transportation Act of 1966 (PL 89-670; 80 Stat. 574; 80 Stat 931)
Federal Aid Highway Act of 1966 (PL 89-574; 80 Stat. 771; 23 USC 135)
Demonstration Cities and Metropolitan Development Act (PL 89-754; 80 Stat. 1270; 42 USC 1500)
- 1967 NPS Office of Archaeology and Historic Preservation established
Elementary and Secondary Education Amendments (PL 90-247; 81 Stat. 783)
Pennsylvania establishes first State Folklorist
Smithsonian hosts 1st Festival of American Folklife
- 1968 Federal Aid Highway Act (PL 90-495; 82 Stat. 815; 23 USC 138) requires public hearings
National Trail Systems Act of 1968
Wild and Scenic Rivers Act of 1968
- 1969 National Environmental Policy Act of 1969 (PL 90-190; 83 Stat. 852; 16 USC 470)
Historic American Engineering Record established by NPS
- 1970 Department of Transportation Act Amendments
Urban Mass Transportation Assistance Act (PL 91-543; 84 Stat. 962; 49 USC 161)
- 1971 Richard Nixon issues Executive Order 11593, *Protection and Enhancement of the Cultural Environment* (36 FR 8921)
Alaska Native American Claims Settlement Act (PL 92-203; 85 Stat 688; 43 USC 1601-1624)

- 1972 Coastal Zone Management Act of 1972 (PL 92-583; 86 Stat. 1280)
Marine Protection Research and Sanctuaries Act (PL 92-532; 86 Stat. 1052; 33 USC 1401 et seq.)
Pre-Columbian Monumental and Architectural Sculpture & Murals Act (PL 92-587)
- 1973 American Revolution Bicentennial Act (PL 93-179; 87 Stat. 697)
Advisory Council on Historic Preservation issues *Procedures for the Protection of Historic and Cultural Properties* (36 CFR 800)
- 1974 Housing and Community Development Act of 1974 (PL 93-383; 88 Stat. 633; 42 USC 5301)
Archaeological and Historic Preservation Act of 1974 (aka Moss-Bennett) (PL 93-291; 88 Stat 174; 16 USC 469 et seq.) amends Reservoir Salvage Act of 1960
Amtrak Improvement Act of 1974 (PL 93-496; 49 USC 1653)
USDI establishes Interagency Archaeological Services Division
National Endowment for the Arts establishes Folk Arts Program
- 1975 Indian Self-Determination and Education Assistance Act of 1975 (PL 93-638; 88 Stat 2206)
New York Archaeological Council adopts survey procedures to comply with Advisory Council regulations
Conservation Foundation sponsors 1st national conference on neighborhood preservation
- 1976 Land and Water Conservation Fund Act (PL 94-422; 90 Stat. 1313; 16 USC 460-4 et seq.)
National Historic Preservation Act Amendments (PL 94-422) enact Executive Order 11593 into law
Tax Reform Act of 1976 (PL 94-455; 90 Stat. 1525; 26 USC 1) provides preservation tax incentives
American Folklife Preservation Act (PL 94-201; 20 USC 2101-2107)
Mining in National Parks Act (PL 94-429; 16 USC 1908)
General Authorities Act Amendments (PL 94-458)
Public Buildings Cooperative Use Act (PL 94-541; 40 USC 601a)
- 1977 Smithsonian Office of Folklife Programs established as independent agency
Surface Mining Control and Reclamation Act (PL 95-87; 91 Stat. 445; 30 USC 1201 et seq.)
National Center for Preservation Law founded.
- 1978 American Indian Religious Freedom Joint Resolution (PL 95-341; 92 Stat 46a; 42 USC 1996)
Tax Revenue Act of 1978 (PL 95-600; 92 Stat. 2763; 26 USC 167-191) adds 10% tax credit for rehabilitating income-producing historic buildings
Supreme Court upholds New York City Landmarks Law in *Penn Central Transportation Co. v. New York City*
- 1979 Archaeological Resources Protection Act of 1979 (PL 96-95; 93 Stat. 721; 16 USC 470)
National Preservation Conference at Williamsburg recommends expanding definition of historic property to include folk, ethnic, and traditional use patterns
- 1980 Alaska National Interest Land Conservation Act (PL 96-487; 94 Stat. 2371; 16 USC 3101)
National Historic Preservation Act Amendments (PL 96-515; 94 Stat 2987; 16 USC 470 et seq.)
Central Idaho Wilderness Act of 1980 (PL 96-312; 94 Stat 948; 16 USC 1274)
Chaco Canyon National Historical Park (V: PL 96-550)
- 1981 Economic Recovery Tax Act of 1981 (PL 97-34; 95 Stat 172)
- 1983 U.S. Convention on Cultural Property Implementation Act (PL 97-446; 96 Stat 2350-2363; 19 USC 2601-2613)
National Trail Systems Act Amendments
- 1984 Arctic Research Policy Act (PL 98-373)
- 1986 Sec. 48(g) and 170(h) Internal Revenue Code of 1986 (94 Stat. 3204; 26 USC 170(h))
- 1987 Amendments to Department of Transportation Act (PL 100-17; 49 USC 303)
- 1988 Archeological Resources Protection Act Amendments (PL 100-555; 100-588; 102 Stat. 2778; 102 Stat. 2983; 16 USC 470 mm)
Abandoned Shipwrecks Act of 1987 (PL 100-298; 102 Stat. 432; 43 USC 2101)
Federal Cave Resources Protection Act of 1988 (PL 100-691)
National Film Preservation Act of 1988 and 1992 (PL 100-446 and PL 102-307)
- 1989 National Museum of the American Indian Act of 1989 (PL 101-85)

- 1990 Native American Graves Protection and Repatriation Act (PL 101-601; 25 USC 3001)
U.S. Civil War Sites Study Act (PL 101-628)
Food, Agriculture, Conservation and Trade Act of 1990 (PL 101-508)
Section 47 of the Internal Revenue Code (PL 101-508; 104 Stat. 1388-536, 541; 26 USC 47) revised
rehabilitation tax credits
- 1991 Intermodal Surface Transportation Efficiency Act of 1991 (PL 102-240)
- 1992 National Historic Preservation Act Amendments

Lecture 3 — **Historic Preservation History**

(after King, Hickman & Berg 1977, Williams 1991, Friedman [in Smith & Ehrenhard 1991])

Antiquarian Beginnings: Looting, Conquest & Veneration

Spanish Interpretations

- Pope Paul III declares Native Americans “true men” in 1537
- Jesuit José de Acosta suggests a Native American land bridge crossing from northern Asia and dismisses possible origins from Atlantis or Lost Tribes of Israel in 1590
- Dominican Gregorio Garcia supports eleven origin theories, including Atlantis, Eastern Asia, Carthage, Lost Tribes of Israel in 1607, establishing the dominant type of interpretation

Mourt's Relation (*A Journal of Pilgrims at Plymouth*, 1622)

- Pilgrims dig Cape Cod Native American burial sites shortly after landing

Jefferson's interest in local Virginia archaeology leads to:

- excavations of burial mound on his Virginia property [*Notes on Virginia*, 1787]
- as President, American Philosophical Society, founding of a Standing Committee on Antiquities in 1782 to collect data on archaeology, paleontology, historical geology, and ethnography

Mound-Builder Controversy and Westward Expansion

- second Ohio Land Co. led by Rufus Putnam, opens Northwest Territories, settles at Marietta, OH, 1788, and reserves mounds and earthworks for public preservation
- Winthrop Sargent, Territorial Secretary of Ohio (later, 1st Gov. Mississippi Territory) reports Hopewellian artifacts from Cincinnati mound in *AmPhilSoc Transactions*, 1799
- Merriwether Lewis (Lewis and Clark exped.) describes Grave Creek Mound, Wheeling, WV, 1805
- Caleb Atwater compiles first thorough and accurate description of American antiquities in 1820 for American Antiquarian Society, but identifies source as Hindu
- Josiah Priest and others attribute mounds to everyone but Native Americans, including Vikings, Irish, Welsh, Norwegians, Greeks, Atlantis, Romans, Danes, Egyptians, Hindus, Mongols, Israelites, echoing *Acosta v. Garcia*
- earliest government research for Smithsonian Institution by Squier and Davis in 1848, *Ancient Monuments of the Mississippi Valley*, attributes mounds to extinct race connected with Mexico and Peru, not contemporary Native Americans
- Samuel Haven's 1856 *Archaeology of the United States* questions antiquity of native peoples in America, correctly attributes mounds to ancestors of contemporary Native Americans

"Cult of Washington"

- gradual “deification” of the nation's “founding fathers” leads to recognition of “secular shrines”—homes, wartime headquarters, places where famous people lived or great events took place
- early private efforts in 1813-1816 save Philadelphia's Independence Hall
- by mid-century, Washington Monument was under construction and statues of Washington were everywhere
- in 1850, the State of New York purchased Hasbrouck House in Newburg, NY, Washington's headquarters during the last two years of the revolution—the first successful preservation acquisition in the nation
- in 1858, the Mount Vernon Ladies Association of the Union, founded by Ann Pamela Cunningham of South Carolina, purchased and began restoration of Washington's home

- other efforts were less successful:
 - 1846 attempt to save Old Indian House, site of a 1704 massacre in Deerfield, Mass. failed
 - national attempts to protect Valley Forge and the Hermitage were unsuccessful
 - John Hancock's Boston home was demolished in 1863 despite preservation efforts

Archaeological Interest in Monumental Sites

- early Trans-Mississippi explorations
 - Lewis & Clark (1804–1806)
 - Zebulon Pike (1805–1806)
 - John C. Fremont (1842–1844, 1845–1846)
 - William Emory (1846)
- 1846–1849: Mexican War and the Army of the West
 - Randolph Marcy (1849)
 - James Simpson (1850) Chaco Canyon and Canyon de Chelly
- U.S. Army Topographical Engineers great western surveys
 - Clarence King (1867) *U.S. Geological Exploration of the Fortieth Parallel*
 - John Wesley Powell (1867) *U.S. Geographical and Geological Survey of the Rocky Mountain Region*
 - Ferdinand Hayden (1867) *U.S. Geological and Geographical Survey of the Territories*
 - Lt. George Wheeler (1871–1879) *U.S. Geographical Surveys West of the 100th Meridian*
- Adolph Bandelier's 1881 testimony on looting at Pecos Pueblo and other ruins
- Harrison's 1892 Executive Order establishes Casa Grande ruin in Arizona as the first national archaeological reservation

Lecture 4 — **The Preservation Ethic and the Federal Government, 1870-1900**

Dept. of Interior formed in **1849** to manage federal lands, administer relations with Native Americans

1879: A Watershed Year in Anthropology and Preservation

- U.S. Geological Survey founded
- Bureau of American Ethnology established by Smithsonian to conduct "salvage" ethnography
- joint directorship of USGS & BAE under Major John Wesley Powell
- Anthropological Society of Washington (later American Anthropological Assn.) founded
- Archaeological Institute of America founded
- F.W. Putnam's archaeological volume in *Surveys West of the 100th Meridian* published
- anthropologist Lewis Henry Morgan elected president of the American Association for the Advancement of Science

Growing Momentum in Preservation

- A.F. Bandelier reports looting of Pecos and other ruins in 1881:
 "...the vandalism committed in this venerable relic defies all description...
 All the beams...are quaintly carved...much scroll work terminating them.
 Most of this has been taken away, chipped into uncouth boxes, and sold,
 to be scattered everywhere. Not content with this, treasure hunters...have
 recklessly and ruthlessly disturbed the abodes of the dead."
- in 1882, Senator George F. Hoar (Mass.) introduces preservation petition prepared by the Historical Genealogical Society of Boston to Senate, asking that:
 "at least some of these extinct cities and pueblos...be withheld from public
 sale and their antiquities and ruins be preserved, as they furnish invaluable
 data for...ethnological studies..."
- Yellowstone superintendent P.W. Norris issues staff directive establishing future park policy:
 "As all civilized nations are now actively pushing explorations and researches
 for evidences of prehistoric peoples, careful scrutiny is required for all materials
 handled in [maintenance] excavations; all...objects of interest are to be regularly
 retained and turned over daily to the officer in charge...for transmittal to the
 National Museum in Washington."
- privately funded Hemmenway Southwestern Archaeological Expedition (1886-1888) under the
 direction of Frank H. Cushing (BAE) documents looting at Casa Grande ruin, leading to:
- 1889 petition to Congress, sponsored by Senator Hoar, signed by Mary Hemmenway, Francis
 Parkman, Mrs. Henry Cabot Lodge, Oliver W. Holmes, John Greenleaf Whittier, approved by
 Congress and implemented by Harrison's 1892 Executive Order, establishing the ruin in Arizona
 as the first national archaeological reservation
- academic anthropology is established at Harvard, Berkeley, and Columbia under Franz Boas
- Peabody Museum's Frederic Putnam raises private money in Boston to acquire Great Serpent Mound
 in 1880s, subsequently deeded to State of Ohio

Growth of House Museums and Private Preservation

- Peabody Museum of American Archaeology and Ethnology founded in 1866 by George Peabody at
 Harvard University. Frederic Putnam, appointed Director in 1875, later founds other academic
 museums, including American Museum of Natural History in New York, Chicago Field Museum,
 and University of California, Berkeley
- Mid-Atlantic: 1876 Centennial Celebration encourages preservation, especially in Philadelphia
- South: in the 1890s, the Association for Preservation of Virginia Antiquities focuses preservation
 efforts on a district rather than a single site, with erosion protection of Jamestown Island
- West: focus on repair of Spanish-Mexican missions after secularization in 1834
- economic depression of 1890s slows federal funding of preservation efforts

Looting Accelerates in the West

- as early as 1862, a commercial market develops for antiquities
- by 1880, inhabitants of Charlestown, Missouri were mining sites in parties of 25–30 persons
- William Henry Jackson is the first non-indian to enter Mesa Verde in 1874
- 1869-1879—Hyde Expedition guided by the Wetherill Bros. removes whole rooms from Pueblo Bonito in Chaco Canyon for display at the American Museum of Natural History, sparking a petition by the Santa Fe Archaeological Society and a special investigation by the Secretary of Interior recommending withdrawal of Chaco pending designation as a national park
- 1888—Richard Wetherill discovers Cliff Palace, Mesa Verde
- 1890—Richard Wetherill sells a Mesa Verde collection to Denver Historical Society for \$3,000
- 1891-1892—Swedish explorer Gustav E.A. Nordenskjöld joins Wetherill Bros. in Mesa Verde excavations, shipping artifacts to Sweden. The collection was sold to Herman Antell in 1893, who willed it to the people of Finland, where it still resides
- 1893—Richard Wetherill discovers Basket Maker mummies in Four Corners area
- looting encouraged (often officially) by major exhibitions of prehistoric American artifacts:
 - 1892 —Columbian Quadricentenary, Madrid, Spain
 - 1893 —World's Columbian Exposition, Chicago (as many as 100 citizens employed by States of Colorado and Utah to recover artifacts for exhibit)
 - 1904 —Louisiana Purchase Exposition, St. Louis
- in 1896, Richard Wetherill attempts to file homestead claim on Chaco ruin of Pueblo Bonito

Lecture 5 — **Beyond Chaco Canyon: Federal Preservation in the 20th Century**

(after Kristine Olson Rogers, *Visigoths Revisited—the prosecution of archaeological resource thieves, traffickers and vandals*, unpublished Ms., 1984)

Establishing the Federal Program

- by 1904, General Land Office had withdrawn Pajarito Cliff Dwellers area (Bandelier), Jemez Cliff Dwellers region and El Morro in New Mexico; Petrified Forest and Montezuma's Castle in Arizona; and Mesa Verde in Colorado. Custodians were appointed for Casa Grande, Walnut Canyon, and Canyon del Muerto in Arizona
- Chaco Canyon withdrawal took place in 1905, after an investigation recommended against Richard Wetherill's 1986 homestead claim on Pueblo Bonito
- Antiquities Act was passed and signed by Theodore Roosevelt, June 8, 1906, after six years of effort in three Congresses:
 - 56th Congress (1900): five versions, all of which died in the House:
 - 1) HR 8066 by Dept. of Interior, Archaeological Institute of America & AAAS recommended preservation of natural and historic areas with unlimited amounts of reserved lands
 - 2) HR 8195 by Public Lands Committee provided only penalties for looting
 - 3) HR 9245 protected no more than 320 acres around each Four Corners ruin
 - 4) GLO's HR 11021 expanded on Interior's draft, establishing national parks
 - 5) Public Lands Committee proposed highly restrictive compromise in HR 10451
 - 58th Congress (1904): two versions, both defeated:
 - 1) Rodenberg/Lodge HR 13349/S 5603 revived the original Interior bill supported by academic & scientific communities, but was strongly opposed and defeated by Smithsonian
 - 2) Regents of Smithsonian bill HR 12447/S4127 gave Smithsonian greater control over excavations and collections; defeated by independent scholars
 - 59th Congress (1906): Rep. John Lacey of Iowa introduced HR 13349, a verbatim version of Edgar Lee Hewett's proposal, signed into law by T. Roosevelt, June 8, 1906, including:
 - 1) protection of antiquities on "lands owned or controlled" by U.S. government
 - 2) inclusion of "historic landmarks, historic and prehistoric structures and other objects of historic or scientific interest," including natural areas
 - 3) monuments limited to "smallest area compatible with proper care and management," rather than specified acreage in previous bills
 - 4) introduced term "National Monument"
 - 5) authorized Secretary of Interior to accept donations of private land
 - 6) authorized promulgation of regulations
- 1st National Monument: Devil's Tower, Wyoming, 1906
- 1st National Park established under the new Antiquities Act: Mesa Verde, Colorado, 1906
- 1907—Uniform Rules and Regulations: Secretaries of War, Agriculture, Interior, giving Interior lead role in administering National Monuments
- 1908—Grand Canyon declared National Monument (National Park in 1919)
- by 1909, 18 National Monuments created, equally divided between Interior and Agriculture Depts.

Birth of the National Park Service and a Modern Advocacy

- established in 1916, transferred to Dept. of Interior under the Reorganization Act of 1933
- assigned central role in managing federal historic properties
- emphasis in Interior shifts from exploration and discovery to management of special areas
- 1906 —Congress charts Archaeological Institute America
- 1907 —Edgar Hewett founds the School of American Archaeology (later School of American Research) under the auspices of AIA, in Santa Fe
- 1908 —black cowboy George McJunkin finds fossil bison remains with artifacts at the Folsom site
- 1908-1909 —archaeological reconstruction of Ft. Ticonderoga, NY
- 1909 —Edgar Hewett founds the Museum of New Mexico, Santa Fe
- 1910 —Society for Preservation of New England Antiquities founded by Wm. Sumner Appleton
 - pioneered the concept of "adaptive use"
 - priority of architectural character over patriotic associations in preservation decisions
- 1911 —A.V. Kidder begins systematic survey of Pajarito Plateau ceramics
- 1912 —Nels Nelson begins survey of the Rio Grande Valley

•• interruption of World War I

- 1920s —archaeology and reconstruction of historic town of Williamsburg, Virginia sponsored by John D. Rockefeller, Jr., under direction of Rev. Wm. Goodwin
- 1925 —State of Illinois acquires 144 acres to create Cahokia Mounds State Park
- 1927 —A.V. Kidder convenes the First Pecos Conference
- principles of archaeological seriation, stratigraphy, and classification refined in the Southwest

The Great Depression: FDR "Makes Work"

- the beginning of a national program in historic preservation
- Historic American Building Survey established in 1934 to employ 1000 architects for six months
 - continues until the eve of World War II
 - establishes policy of preservation regardless of ownership
 - serves as a professional training ground for historians and architects
- Society for American Archaeology founded in 1934
- Historic Sites Act of 1935 signed by FDR
 - first assertion of federal preservation policy
 - establishes "national landmarks"
- Works Progress Administration and Tennessee Valley Authority: first large-scale federal "salvage" archaeology program
 - coordinated by Smithsonian
 - strong emphasis on fieldwork with little concern for reporting
 - oriented toward reservoir salvage
 - onset of separation between archaeology and mainstream historic preservation

After World War II

- post-war public works and reservoir construction to maintain economic recovery
 - Smithsonian "River Basin Surveys" and Salvage
 - Interior Interagency Archaeological Salvage Program 1946
- unexpected post-war building boom threatens preservation
 - 1947 —meeting of National Council for Historic Sites and Buildings leads to 1949 charter of the National Trust for Historic Preservation
 - 1957 —Historic American Building Survey revived; Historic Sites Survey reactivated to designate additional historic landmarks
- new interstate highway system initiated by Eisenhower in the late 1950s produces a new threat to rural archaeology and urban architecture
- Reservoir Salvage Act of 1960 formalized the National Park Service lead role in reservoir survey and salvage, allowing the Smithsonian to withdraw from its former lead role

New Perspectives - JFK and the 1960s

- the era of the New Frontier, New Math, New Archaeology
- major renaissance in archaeological method and theory
 - evolutionary, processual, environmental, probabilistic theories
 - emphasis on systematic survey, small sites, interdisciplinary collaboration
 - the birth of "ethnoarchaeology: Apache wickiups, tombstones, grocery stores, garbage
 - historic archaeology shifts emphasis to ethnic sites, vernacular architecture
- Historic Preservation's identity crisis: emphasis shifts to new values
 - communities, neighborhoods; visual values and quality of life

Environmentalism, Planning, Preservation

- another modern threat: 1960s Urban Renewal programs under the new Department of Housing and Urban Development
- powerful preservation allies: Rockefeller family; Nelson Rockefeller, Governor of New York State; Lady Bird Johnson; Stewart Udall, Secretary of Interior
- UNESCO 1964 "International Monuments Year"
- Lady Bird Johnson's 1965 White House Conference on Natural Beauty leads to the Special Committee on Historic Preservation, whose 1966 report *With Heritage So Rich*, sponsored by the U.S. Conference of Mayors, recommends:
 - historic buildings as part of modern environment
 - an independent Advisory Council on Historic Preservation
 - expansion of national landmarks
 - a National Register of Historic Places
 - surveys in advance of construction projects
 - a program of grants, loans, scholarships, and tax incentives

National Historic Preservation Act of 1966

- established Section 106 consideration of effects, Section 110 inventory, National Register of Historic Places, Advisory Council on Historic Preservation, and State Historic Preservation Officers
- NPS established Office of Archaeology and Historic Preservation
 - failed to provide leadership, consequently ACHP issued its own regulations 36 CFR 800

National Environmental Policy Act of 1969

- clear requirements for survey and mitigation of impacts under the mandate to “preserve important historic, cultural, and natural aspects of our national heritage” [Sec. 101(b)(4)]

Executive Order 11593 *Protection and Enhancement of the Cultural Environment* - Nixon 1971 (36 FR 8921)

- required inventory, caution & protection & maintenance policies
- naive: inventory of all eligible properties under agency control no later than July 1, 1973
- incorporated in NHPA 1976 amendments to Sec. 110

36 CFR 800 - 1973 - ACHP *Protection of Historic Properties*

- *Save the Courthouse Committee v. Lynn* (1975)
 - held that NEPA & NHPA applied to federal undertakings
- *Stop H-3 Association v. Coleman* (1976)
 - unilateral Interior determination if agencies failed to determine eligibility of an endangered historic property

The Archaeological Trajectory

Archaeological and Historic Preservation Act of 1974 (Moss-Bennett)

- grew from concerns expressed by Mississippi Alluvial Valley Archaeological Program led by Carl Chapman (Univ. Missouri) and C.R. McGimsey III (Univ. Arkansas)
- archaeological sites were being destroyed at a rapid rate by federally assisted programs not covered by Reservoir Salvage Act
- principal loss from Soil Conservation Service land-leveling projects
 - acreage of lands leveled by SCS in Arkansas:
 - prior to 1953: 20,000 acres
 - during 14 years between 1953 and 1967: 783,879 acres
- initially, Moss-Bennett was confusing:
 - overlapping but not integrated with state programs established by NHPA
 - continued to emphasize “salvage” approach in contrast to Lipe’s 1974 “conservation archaeology,” which was consistent with a wider historic preservation philosophy
 - clarified by 1975 OAHF “statement of program approach,” defining National Register eligibility as the threshold for consideration under Moss-Bennett, effectively linking the programs
- slow development of regulations by OAHF and 11593 mandate encouraged other federal agencies to develop their own regulations and archaeological staff

Lecture 6 — **Keystones Of The 1960S: NHPA and NEPA**

(after Duerksen, ed. 1983)

Increasing federal impact during 1960s

- urban renewal
- interstate highways

Status of federal preservation during the early 1960s

- National Monuments and Landmarks
- validity of regulatory "takings" of historic properties
- acquisition of private properties for preservation
- preservation of sites on federal lands
- NPS assistance and directives to specific agencies

Growth in national pressure for preservation legislation

1962 - **UNESCO Report** - recommends preserving ecological and historic regions

1963 - National Trust for Historic Preservation and Colonial Williamsburg issue *Historic Preservation Today*, criticizing reliance on private volunteerism

1964 - UNESCO International Monuments Year

- NTHP and American Society of Planning Officials issue *Planning for Preservation*, noting that 42 states already had state historic preservation programs
- Task Force on Preservation of Natural Beauty

1965 - White House Conference on Natural Beauty issues *Beauty for America*, recommending formation of a Special Committee

- Special Committee on Historic Preservation, sponsored by U.S. Conference of Mayors, issues *With Heritage So Rich*, recommending:
 - history as part of modern environment
 - a National Register of Historic Places
 - Advisory Council
 - state grants and IRS Tax Code incentives
 - federal agency preservation policy and guidelines
 - surveys in advance of construction

National Historic Preservation Act of 1966

• key elements:

- statement of federal policy
- identification and protection of historic properties
- broad definition of significance: national, state, local
- National Register of Historic Places
- Advisory Council on Historic Preservation
- State Historic Preservation Officers
- Section 106 Review of federal undertakings

• by the 25th anniversary of NHPA (1991):

- 58,000 listings on the National Register, incorporating 800,000 resources
- 25,000 buildings and structures documented by HABS/HAER
- 2,000 National Landmarks
- 22,000 historic buildings rehabilitated
- 600 Main Street preservation programs in 31 states

Identification and Listing in National Register

- Methods for Inclusion:
 - nomination by State Historic Preservation Officer, certified local government, individuals
 - nomination by head of a federal agency
 - designation as National Landmark by Secretary of Interior
 - addition to National Park System by Congress
- Property Types: building, structure; object, site, district, landscape
- Historic Contexts: theme, geographic limits, chronological period, property types
- Integrity: location, design, setting, materials, workmanship, feeling, association
- Criteria for Evaluation:
 - Associative Value: **A**—Event
B—Person
 - Design/Construction Value: **C**—Type
 - Information Value: **D**— Information Potential
- Criteria Considerations: provide broad exceptions
 - A: religious properties
 - B: moved properties
 - C: birthplaces or graves
 - D: cemeteries
 - E: reconstructed properties
 - F: commemorative properties
 - G: properties significant within last 50 years

• Significance is subjective

- Procedures for Evaluation
 - by SHPO under an approved state plan with a review board
 - certified local government approved by SHPO and Secretary of Interior
 - by federal agency under agency programs per EO 11593 (1971) and Section 110
 - SHPO comment and cooperation with agencies
 - county, municipal and owner notice and comments
- Effect of Listing
 - creates an inventory of properties useful as a planning tool
 - legal tool ensuring Section 106 review
 - injunctions for noncompliance can be issued against nonfederal parties and municipalities involved in federal undertakings or federally licensed
 - properties become eligible for benefits
 - does not prohibit proposed federal undertakings with adverse effects on historic properties
- Eligibility Determination for purposes of Section 106
 - by declaration of Secretary of Interior if owner objects to listing
 - by determination of Secretary of Interior upon request by federal agency
- Advisory Council on Historic Preservation
 - independent federal agency established by Section 201, NHPA
 - membership:
 - Chairman from the general public appointed by the President
 - Secretary of Interior
 - Architect of the Capitol
 - Secretary of Agriculture and heads of four other federal agencies
 - one Governor appointed by the President
 - one mayor appointed by the President
 - President of National Conference of State Historic Preservation Officers
 - Chairman of the National Trust for Historic Preservation
 - four experts in historic preservation

- three at-large members from the general public appointed by the President
- one Native American appointed by the President
- challenges to ACHP regulations, procedures, and agreements rejected in:
 - *National Center for Preservation Law v. Landrieu* (1980)
 - *Natural Resources Defense Council v. City of New York* (1981)

National Environmental Policy Act of 1969 requires:

- federal agencies evaluate environmental impacts of proposed actions
- consider alternatives to proposed actions
- provide information on environmental effects for decision makers
- disclose effects to public
- applies to all historic resources v. eligible and listed (per NHPA)
- applies only to "major federal action" v. "undertaking" (NHPA)
- Sec. 101 - set goals for protection of environment
 - (2) "safe, healthful, productive, and esthetically and culturally pleasing surroundings"
 - (4) "preserve important historic, cultural, and natural aspects of our national heritage"
 - (6) "enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources"
- Sec. 102 - established procedural requirements
 - utilize systematic, interdisciplinary approaches
 - develop alternatives to the proposed action
 - agencies must include a detailed statement that:
 - identifies environmental impact of proposed action
 - identifies unavoidable adverse impacts
 - identifies alternatives
 - compares short-term use v. long-term productivity
 - states irreversible and irretrievable commitments of resources, and
 - consult with other federal agencies
 - furnish copies to President, Council on Environmental Quality, general public
- limits action during evaluation
- establishes Council on Environmental Quality
- CEQ Regulations (1979):
 - have the force of law, Executive Order 11991 (1982) - federal agency compliance mandatory under *Andrus v. Sierra Club* (1979)
 - impacts addressed must include: "aesthetic, historic, cultural"
 - "whether direct, indirect, or cumulative"
 - must consider unique features like historic or cultural resources
 - agencies must adopt implementing procedures

Lecture 7 — **Additional Federal Preservation Laws and Programs**

National Park Service

- National Park System internal programs
- programs for other federal and private lands
 - National Register of Historic Places (Interagency Resources Management Division, IRM)
 - Determinations of Eligibility (IRM)
 - National Historic Landmarks (History Division)
 - annual reports to Congress on endangered NHLs (Preservation Assistance Division, PAD)
 - Tax Certification (IRM, PAD)
 - Preservation Fund Grants-in-Aid (PAD)
 - Technical Preservation Information and Assistance (PAD)
 - Recording Historic Sites (HABS/HAER)
 - Archaeological Protection (Archeological Assistance Div./Dept. Consulting Archeologist)
 - Transfer of Historic Surplus Property (PAD; General Services Admin.)

Antiquities Act of 1906

- authorized designation of National Monuments by the President
- first enforcement program: fines not to exceed \$500 and/or 90 days in jail
- authorized a permit system by Secretaries of Interior, Agriculture, and War

Historic Sites Act of 1935

- first explicit statement of a national preservation policy
- limited to sites of national significance
- established HABS, HAER, National Survey of Historic Sites and Buildings, and National Register of Historic Landmarks (1960)
- authorized site surveying and recording; acquiring property, cooperative agreements, site management, technical assistance, chartering corporations, education programs
- fines not to exceed \$500

Reservoir Salvage Act of 1960, (amended by)

Archaeological and Historic Preservation Act of 1974

- applied to dam construction, roads, railroads, highways
- federal construction projects or licensed activities
- reports made available to public
- funds not to exceed 1% of total appropriated for project available for data recovery

Department of Transportation Act of 1966

- declares a national policy to make special efforts to preserve and enhance natural beauty
- prohibits approval of projects requiring use of any significant historic site
 - unless no feasible or prudent alternative exists, and
 - all possible planning is undertaken to minimize harm
- broader than Sec. 106—any property determined significant by federal, state, or local authority
- no physical intrusion is required to constitute “use”
- *Citizens to Preserve Overton Park v. Volpe*
 - U.S. Supreme Court refused balancing of values, upheld strict two-part standard:
 - 1) “no feasible and prudent alternative”
 - 2) “all possible planning to minimize harm”
 - determined parkland protection to be of “paramount importance”

Executive Order 11593 (1971)

- locate, inventory, and nominate no later than July 1, 1973; codified in 1976 NHPA Amendments

Railroad Revitalization and Regulatory Reform Act of 1976**Amtrak Improvement Act of 1973**

- provide grants and directives to reuse old railroad stations

Public Buildings Cooperative Use Act of 1976

- authorized GSA to acquire and use buildings of historic, architectural or cultural significance
- incorporated in Sec. 110 1980 NHPA Amendments

Costal Zone Management Act of 1976

- provides grants for planning and protection of cultural and historic resources

Federal Land Policy and Management Act 1976**National Forest Management Act of 1976**

- requires agencies to consider and protect cultural resources on its lands

Wild and Scenic Rivers Act of 1976

- allows nationally significant rivers and their associated historic features to be protected

Surface Mining Control and Reclamation Act of 1977

- indirect protection on private lands by not allowing permits to mine until all eligible properties are identified and not subject to adverse effect

Native American Religious Freedom Act (1978)

- codified First Amendment protection of freedom of religion, including rights of access to sites

Archaeological Resources Protection Act of 1979

- *U.S. v. Diaz* (1974) declared Antiquities Act to be unconstitutionally broad
- ARPA provided detailed definitions, established a new permit system
- by definition, limited archeological properties to 100 years or older in age
- established new criminal and civil penalties covering:
 - excavation, removal, damage, or alteration on federal land
 - sale, purchase, exchange, transport, receipt of items taken in violation of the Act
 - not more than \$10,000 and/or 1 year
 - if value exceeds \$500 - \$20,000/2 years
 - subsequent offense - \$100,000/5 years
 - rewards up to \$500
 - forfeiture of vehicles and equipment used in violation
- mandated confidentiality of location and protection from Freedom of Information Act

Abandoned Shipwreck Act of 1987

- asserts U.S. title to embedded and submerged abandoned shipwrecks within States for recreational, educational, and research access and recovery

Native American Graves Protection and Repatriation Act of 1990

- provides for protection, notification, ownership claims, and repatriation of Native American human remains, burial sites, funerary objects, sacred objects, and cultural patrimony
- requires agency and museum collections inventories
- review committee of Native American religious leaders, museum and scientific professionals

Intermodal Surface Transportation Efficiency Act of 1991

- provides funding for Transportation Enhancement Activities: scenic and historic easements; acquisitions; preservation of historic transportation buildings, structures, facilities, and abandoned railway corridors; archaeological planning and research

Lecture 8 — **Documenting Historic Buildings**

(after McHugh, Lloyd, Hand and Associates 1985)

Why Research?

- curiosity
- improves community planning
- enhances community identity
- rehabilitation increases property value
- adaptive reuse conserves resources

Documentary Sources

Public Records

- County Clerk's Office
 - Deeds, Titles, Plat Maps, Mortgages
 - Building Permits
 - Tax Records
 - City Directories (from 1880s onward)
 - Wills
- Local Libraries and Church Records
 - Census Records (from 1910s onward)
 - City, County, Local, Family Histories
 - Baptismal & Birth Certificates
 - School Records
 - Telephone Directories
- BLM District Office
 - Patent Records
 - Historic Plat Maps
 - Mining Claims

Archives

- University, Library and Professional Historical Collections
 - Photographs
 - Rio Grande Historical Collections (NMSU)
 - Newspapers and Magazines
 - Obituaries, Legal Notices
 - Postcards, Manuscripts, Memorabilia
- Historical Society Collections
- National and Federal Agencies
 - *New Mexico Newspapers* - Grove, Barnett, Hansen
 - catalogs existing collections by banner name, location, dates

Maps And Plans

- Bird's Eye View Drawings (1880s-1890s)
- Sanborn Insurance Maps (1890 - 1970)
- Zimmerman Library (UNM), State Library, NM Records Center
- Architectural Drawings and "Stock Plans"
 - Sears & Roebuck prefabs
 - local architectural firms
- HABS/HAER Drawings—Library of Congress
- State Archives, Museum of New Mexico History Library
- Out-of-Date USGS Maps - 15' and 7.5'
- Historic Military Maps
- Soil Conservation Service aerial photos (1930s)

Existing Inventory

- ARM System
- State and National Registers
- New Mexico Historic Building Inventory
- Historic American Building Survey
- Historic American Engineering Record

Personal Sources

- Oral Histories
 - public libraries, historical societies
- Published Folk Memoirs
- Family Albums
- Scrapbooks and Memorabilia
- Genealogies
- County Histories

Published References

- Westphall, *Public Domain in New Mexico*
- Pearce, *New Mexico Place Names*

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