

THE WHITE HOUSE  
HISTORICAL ASSOCIATION

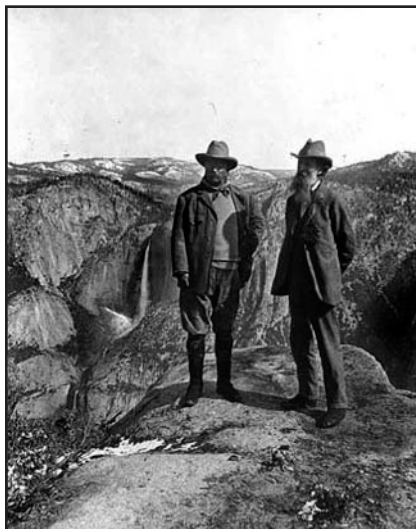
## CLASSROOM | *Primary Documents*

### *The President and the Power to Preserve the American Frontier*

#### *American Antiquities Act : 1906*

By the end of the 19th century, explorers had largely measured the landscape that defined the American frontier. The once boundless land was now comprehensible, and the natural resources that could be extracted from it were beginning to be calculable. At the same time, between approximately 1880-1920, other forces were working together to create the beginnings of the conservation movement in America. Travel and leisure were on the rise, as was the notion that America's open spaces provided an antidote to the perils of city life.

Equally important was the progressive political philosophy, personified by President Theodore Roosevelt, that the federal government must take an active and aggressive role in planning the wise use of natural resources. The passage of the 1906 Antiquities Act was a landmark in the conservation movement. It provided the president of the United States with the authority, at his discretion, to set aside for federal protection large tracts of land as national monuments. Since 1906, presidents have used the Antiquities Act almost 100 times, protecting millions of acres of public land. Sometimes these decisions have angered landowners, who argued that they have been left out of the decision-making process and, thus, have had little control over local land use issues.



*Conservationist John Muir (left) and Theodore Roosevelt at Yosemite, c. 1906. Library of Congress*



## **Objectives**

1. To learn the significance of the Antiquities Act of 1906 in the conservation of American open spaces.
2. To describe the role of the president in conserving natural resources in the 20th century.
3. To discuss the promise and the dangers of granting discretionary authority to the president in creating national monuments.

## **Background**

In 1872, Congress ordered that the Yellowstone country of Wyoming and Montana be set aside “as a public park or pleasuring-ground for the benefit and enjoyment of the people.” In the next several decades, Congress created other national parks, such as Yosemite and Mount Rainier. Congress was motivated by two goals, which were not seen at the time as necessarily conflicting: preserving nature and promoting tourism.

In addition to Congress, presidents also participated in the effort to preserve nature. Between 1891 and 1901, presidents Benjamin Harrison, Grover Cleveland and William McKinley had transferred 50 million acres into forest reserves, the precursor to national forests. President Theodore Roosevelt (1901-1909) appointed Gifford Pinchot as chief of the Bureau of Forestry and followed Pinchot’s advice to place another 150 million acres into reserves. As a young man, Roosevelt had operated a cattle ranch in the Dakota Territory. His love of the outdoors combined with his political belief that the federal government should be the major force behind conservation. More so, he came to wield the executive authority of the presidential office with great energy. In 1903, he asked, “Is there any law that will prevent me from declaring Pelican Island [Florida] a Federal Bird Reservation? . . . Very well, then I so declare it!” By executive order, he created the first of 51 national bird sanctuaries. Not everyone was pleased with what were viewed as the president’s near-dictatorial powers. Roosevelt claimed: “I did not usurp power, but I did greatly expand the use of executive power. . . . I acted for the common well-being of all our people.”

American Indian sites came to be just as endangered as nature. During the late 1800s, numerous World’s Fairs and museums featured exhibits on Indian life, displaying artifacts dug up by archaeologists. As the demand for Indian artifacts grew, Indian sites began to suffer from looting and vandalism. Teams of scientists began to document the destruction and called for federal protection.

In 1906, Congress enacted the American Antiquities Act with virtually no debate and no opposition. The Antiquities Act strove to protect “any historic or prehistoric ruin or monument, or any object of antiquity” on federal lands, providing the president with the authority to declare national monuments those historic landmarks which he deemed worthy. It reflected the broader shift in power from the Congress to the president - a shift that more or less dominated 20th-century American politics.



## Activity 1

Make copies of the Antiquities Act of 1906 or make a transparency. Discuss the background of the conservation movement with your students, or have them read the relevant portion of their textbooks. Have students carefully read the text of the Antiquities Act of 1906 (**SEE BELOW**). Ask them to summarize the first 3 sections. Discuss the following:

1. How well did the Act address the major concerns which prompted its passage?
2. By passing the Act, Congress gave the president the power to select tracts of land to be set aside without getting approval from Congress, the people's representatives. Why do you think Congress gave the president such authority rather than keeping that power in its own hands?
3. During the debate in the House of Representatives on the Antiquities bill, John Stephens of Texas expressed concern that the bill could potentially take huge tracts of land off the market. John Lacey of Iowa, who chaired the Committee on Public Lands, assured him that "not very much" land would be taken, because the "bill provides that it shall be the smallest area necessary for the care and maintenance of the objects to be preserved." The intent, he told the Texan, was simply "to preserve these old objects of special interest and the Indian remains in the pueblos in the Southwest." Just three months after Congress passed the Antiquities Act, President Theodore Roosevelt proclaimed Devil's Tower in Wyoming the first national monument. Devil's Tower was a site of scientific rather than historical interest, as was the fourth monument that he proclaimed, the Petrified Forest in Arizona. Was this an abuse of his power as president? Have the students look again at section 2 of the Antiquities Act.

### *American Antiquities Act of 1906*

#### *16 United States Code 431-433*

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

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



(con't)

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

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

*Approved, June 8, 1906*

## **Activity 2**

Despite the nearly unanimous support that the Antiquities Act received in 1906, presidential proclamations of national monuments sometimes spark heated opposition. When a president creates a national monument, the extraction of coal, oil, timber, and other resources in that area becomes very restricted. Some critics also object that, frequently, presidents reserve much more land than is necessary to protect the area, thereby reducing local economic opportunities. Local landowners have sometimes complained that presidents have acted without properly consulting the wishes or needs of the people who live near the monuments.

Divide your students into groups and assign each group a different national monument to research. You could have them research national monuments near where you live (most of the monuments are in the western half of the country, but there are a few in the east). Alternatively, you could ask them to research some of the more controversial monuments, such as Grand Staircase-Escalante in Utah and Jackson Hole in Wyoming (the latter turned into a tug of war between the president and Congress). A complete list of the monuments created by each president is available on the National Park Service's web site at <http://www.cr.nps.gov/aad/SITES/Antiquities/fullMap.htm>. Your students can also find out more about each monument elsewhere on the NPS site. Each group should research the circumstances of the monument's creation, including whether there was any opposition to it, why it was proclaimed a monument, and how many acres or square miles the proclamation encompassed. Have students write a brief history of a National Park or national monument or create a poster or exhibit depicting the monument's history.

Artists and photographers left behind many images of the open spaces in the late 19th and early 20th centuries. Students will find these useful for illustrating their projects. Explorers such as John Muir also left behind excellent eyewitness accounts. See also the bibliography and links for more resources.



## ***Enrichment and Extension***

### ***A White House Conference***

In May 1908, President Theodore Roosevelt sponsored a three-day conference of governors at the White House. For the first time in American history, representatives from the states met together to discuss the nation's natural resources. The White House Conference on Conservation has been called "a seminal event in the history" of the conservation movement. One of the results of the meeting was the creation of the National Conservation Commission, a group of state and federal representatives who sought to calculate the nation's natural resources and make recommendations for their future use.

After the National Conservation Commission met, it submitted a report. President Roosevelt wrote a message to Congress that introduced the report. This message summarized the findings and recommended actions to conserve water, forests, land and minerals. But the message also gave Roosevelt a chance to use his "bully pulpit." The message is dated January 22, 1909, less than two months before he would step aside for a new president. Roosevelt took the opportunity to summarize the good deeds of his progressive administration.

To find the message go to the Library of Congress' on-line exhibit, "The Evolution of the Conservation Movement, 1850-1920." (<http://memory.loc.gov/ammem/amrvhtml/conshome.html>) Search for "Report of the National Conservation Commission." You will find Roosevelt's message near the beginning of the report. Have students read the message and make a list of the accomplishments that Roosevelt cites for his administration. Besides conservation, do they see any other "frontiers" explored by Roosevelt's administration? Also have students outline the recommendations for conserving water, forests, land and minerals. How does conservation fit into the larger goals of the progressives? As a written assignment, ask the students to write an editorial from the point of view of either a conservationist or a western business newspaper at the end of Roosevelt's presidency.

### ***Links***

For presidents, the west, and the environment, visit "The White House and Western Expansion" | [http://www.whitehousehistory.org/whha\\_classroom/classroom\\_4-8-history-expansion.html](http://www.whitehousehistory.org/whha_classroom/classroom_4-8-history-expansion.html)

For the early history of America's conservation movement, visit the Library of Congress' American Memory | <http://memory.loc.gov/ammem/amrvhtml/conshome.html>

The text of laws and regulations relating to conservation can be found on the National Park Service's web site | <http://www.nature.nps.gov/lawsregulations/index.cfm>





## ***Bibliography***

Barber, James. G. *Theodore Roosevelt: Icon of the American Century*. Washington, D.C.: Smithsonian Institution, 1998.

Brands, W. H. *T.R.: The Last Romantic*. New York: Basic Books, 1997.

Chambers, S. Allen. *National Landmarks, America's Treasures: The National Park Foundation's Complete Guide to National Historic Landmarks*. New York: John Wiley & Sons, 2000.

Cutright, Paul Russell. *Theodore Roosevelt: The Making of a Conservationist*. Urbana and Chicago: University of Illinois Press, 1985.

Fox, Stephen. *John Muir and His Legacy: The American Conservation Movement*. Boston: Little, Brown, 1981.

Mackintosh, Barry. *The National Parks: Shaping the System*. Washington, DC: National Park Service, 1991.

Rettie, Dwight. *Our National Park System: Caring for America's Greatest Natural and Historic Treasures*, 1995.

## ***National History Standards***

This lesson meets the following National History Standards:

Identify issues and problems in the past; marshal evidence of antecedent circumstances and contemporary factors contributing to problems and alternative courses of action; evaluate the implementation of a decision (Historical Thinking Standards, Historical Issues–Analysis and Decision-Making, Standards 5A, 5B, and 5F).

How Progressives and others addressed problems of industrial capitalism, urbanization, and political corruption (United States History Standards, Era 7: The Emergence of Modern America, 1890-1930, Standard 1).

