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The Road to the Antiquities Act and Basic Preservation Policies It Established

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On June 8, 1906, President Theodore Roosevelt signed into law the Antiquities Act. This law was intended to protect archeological sites on the public lands of the United States as resources of significance and value to every American. Two methods for protecting archeological sites were described in the bill. First, important sites were to be set aside for special protection and preservation, reserved from homesteading, mining, and other potentially destructive uses. In the words of the House report (*House of Representatives Report No 2224, 59th Congress, 1st Session*) on the legislation:

There are scattered throughout the Southwest quite a large number of very interesting ruins. Many of these ruins are upon public lands...The bill proposes to create small reservations reserving only so much land as may be absolutely necessary for the preservation of these interesting relics of prehistoric times.

The second manner in which archeological sites were to be preserved was by regulating how investigations of archeological sites were conducted to ensure that wanton destruction for the simple, and often commercial, removal of valuable artifacts did not occur. Again, in the words of the House report:

Practically every civilized government in the world has enacted laws for the preservation of the remains of the historic past, and has provided that excavations and explorations shall be conducted in some systematic and practical way so as not to needlessly destroy buildings and other objects of interest.

The goal was to preserve historic, scientific, commemorative, and cultural values embodied in archeological sites for present and future generations of Americans and to ensure that when sites were excavated, the best methods and techniques were used and that the investigation led to public interpretation and curation of the recovered artifacts and records.

The Antiquities Act has stood for these goals of archeological preservation, protection, and proper treatment for a century. As applied and interpreted by presidents and courts since 1906 it has done a great deal more as well. This presentation focuses on how the country came to enact the

Antiquities Act. It is a story that begins over a century before 1906.

Interest in histories of New World inhabitants almost as soon as Europeans encountered them during explorations and economic enterprises of the American continents from the 15th c. onwards. Nearly a century and a quarter before the Antiquities Act was passed, Thomas Jefferson is credited with conducting and reporting in 1784, the first systematic archaeological excavation in America, yet another humanistic and scientific expertise displayed by that remarkable man. William Bartram, the great American naturalist, also was a keen observer of the ancient monuments he encountered during trips in the southeastern states. These individual interests reflected a wider interest in educated circles whose members came together to establish and participate in the American Philosophical Society in Philadelphia and the American Antiquarian Association in Worcester, Massachusetts, during the late 18th and early 19th centuries.

More systematic investigations of American antiquities, reflecting the emergence of professional scholarship in colleges, universities, and museums, began to appear in the mid and late 19th century. The first publication of the Smithsonian Institution in 1848; Volume 1 in the *Smithsonian Contributions to Knowledge* series was Squier and Davis' *Ancient Mounds of the Mississippi Valley*.

As the final quarter of the 1800s began, much of the interest in American archeological sites was focused on the Southwest. Some of the interested parties were those who plundered 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. Others, some of them investigators from museums or archeological organizations, wanted 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 the destruction that was occurring. Adolph Bandelier's 1881 report on the looting and destruction of the ruins and archeological deposits at the site of Pecos in New Mexico was used to inform the discussions and debate in the United States Senate when the issue of government action to protect archeological sites was raised. Such descriptions impelled the early advocates of government action to protect the archeological sites. One notable success along the path to the Antiquities Act was the setting aside of Casa Grande Ruin as the first national archeological reservation in 1892.

It took nearly another decade for the advocates of archaeological protection and preservation to switch tactics. By 1900, advocates outside of the US government had begun to work through Congress on specific legislative initiatives. A flurry of these in 1900 did not bear immediate fruit, but provide some of the text and concepts that ultimately found places in the Antiquities Act. The 1900 activities also seem to have engaged officials at the Interior Department. In a bill drafted at Interior in response to a review of the congressional bills, officials began to push for a legislative solution to the antiquities problem that also would enable them, or the President, to more easily create "parks." At a later stage in the legislative developments, "monuments" replaced "parks." Another effort in 1904 foundered on what seems to have been a bureaucratic

“turf war” over which agency or organizations would be control how American antiquities were investigated and by whom. Finally in late 1905, committees of the American Anthropological Association and the Archaeological Institute of America, with the coordination and leadership of Edgar Lee Hewett, came to support a common draft of the bill that became the Antiquities Act. Congressman John F. Lacey, who was the bill’s sponsor in Congress, and had taken the legislative lead on the other bills from 1900 onwards, skillfully maneuvered the bill through House and Senate committees and successfully to the floor and to President Roosevelt’s desk.

The act stands as an important achievement in the progress of conservation and preservation efforts in the United States. In the words of Ronald F. Lee, Park Service historian and author of a useful and interesting history of the act written 36 years ago, passage of the Antiquities Act involved

...a whole generation of dedicated effort by scholars, citizens, and members of Congress...More important, this generation, through its explorations, publications, exhibits, and other activities, awakened the American people to a lasting consciousness of the value of American antiquities, prehistoric and historic. This public understanding, achieved only after persistent effort in the face of much ignorance, vandalism, and indifference, was a necessary foundation for many subsequent conservation achievements. Among them were several of great importance to the future National Park Service, including the establishment of many national monuments, development of a substantial educational program for visitors, and eventually the execution of a far-reaching nationwide program to salvage irreplaceable archaeological objects threatened with inundation or destruction by dams and other public works and their preservation for the American people.

The world is more complicated than it was in 1906. There exist contemporary perspectives regarding the treatment of archeological resources that were not envisioned by the promoters and supporters of the Antiquities Act. Those of us who work at archeological protection, preservation, and interpretation seek to accomplish these goals and to develop consensus about appropriate treatments that take into account the multitude of perspectives. We also have recognized the legitimate claims to traditional uses of other kinds of cultural and natural resources and the value of ethnographic approaches to develop appropriate consultation and treatment in these contexts. Many Americans continue to reject, as the proponents of the Antiquities Act did in 1906, those who pillage archeological sites for personal or commercial gain. Such behavior destroys the public benefit that can be derived from careful study of archeological sites and objects.