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C & O Canal

The Making of a Park



U.S. Department of the Interior

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ON MICROFILM

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C & O CANAL

THE MAKING OF A PARK

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PREFACE

The Chesapeake and Ohio Canal National Historical Park is one of 358 units of the national park system at this writing. The historic C & O Canal is its primary feature, justifying its designation as a historical park. But hikers and bicyclists along the 184.5-mile canal towpath are at least as likely to marvel at the park's natural resources and scenic beauty and enjoy their physical activity as they are to appreciate the canal's history. No other single resource in the system combines such outstanding historical, natural, and recreational values to a greater degree.

The canal was built and operated as a commercial transportation artery between 1828 and 1924. Other historians, notably Walter S. Sanderlin in *The Great National Project* and Harlan D. Unrau in an unpublished National Park Service study, have addressed this period in scholarly detail, and the Park Service is publishing a concise popular account of it, *Chesapeake and Ohio Canal* (Official National Park Handbook No. 142), in 1991. The present history contains only the barest summary of the canal's construction and commercial operation. It focuses instead on how the defunct waterway--a financial failure--was adapted to serve a public purpose never envisioned by its builders. Adaptive reuse, a favored technique for saving obsolete historic structures, has never been practiced on a larger scale nor more successfully than in this instance.

This saga of the canal's reincarnation as a park owes much to many Park Service employees and park friends. Past and present employees contributing recollections and other information included Robert W. Bell, John Blair, Michael Brown, William Clark, Harry A. DeLashmutt III, William R. Failor, Raymond L. Freeman, Gordon Gay, George H. Hicks, Thomas O. Hobbs, F. Ross Holland, Jr., W. Dean McClanahan, Richard G. O'Guin, John G. Parsons, David A. Ritchie, David M. Sherman, Richard L. Stanton, Lee Struble, Linda Toms, and Conrad L. Wirth. Outside park supporters doing likewise included William E. Davies, John C. Frye, Gilbert M. Gude, Carrie Johnson, Nancy C. Long, and Joan Paull. James D. Young, the park's resource manager in 1974-1976 and assistant superintendent from 1977 to 1991, was particularly helpful in responding patiently to innumerable research requests.

This history would not have been written without the support of Edwin C. Bearss, the indefatigable chief historian of the National Park Service. It would not have merited publication without the editorial assistance of Gay Mackintosh, the sharp-eyed spouse of the author. A special thanks to both.

Barry Mackintosh
July 1991

THE OPERATING CANAL

Before railroads and highways, water was the only good way to transport heavy cargoes over long distances. As American settlement grew rapidly beyond the Alleghenies in the early 19th century, eastern commercial interests promoted the construction of canals to link the western hinterlands with seaboard markets. The success of New York's Erie Canal, built between 1817 and 1825, spurred other such ventures, among them the Chesapeake and Ohio Canal.

George Washington had been among the first to envision water-borne trade between the Chesapeake region and the Ohio country. In 1785 he helped organize the Potomac Company to build skirting canals around falls and clear other obstacles in the Potomac River above tidewater. After these attempts to improve river navigation proved inadequate, Congress in 1825 chartered the Chesapeake and Ohio Canal Company to build a canal alongside the Potomac from Washington, D.C., to Cumberland, Maryland, thence over the mountains to the headwaters of the Ohio. The company began work on July 4, 1828, with President John Quincy Adams turning the first spadeful of earth at Little Falls, Maryland. By fateful coincidence, a similar ceremony at Baltimore that same day inaugurated the nation's first major commercial railroad, the Baltimore and Ohio.

From the beginning, the canal was plagued with problems. Unforeseen rock formations hampered excavation. Lumber, stone, lime, and other building materials were often less available and more expensive than anticipated. Labor shortages and disputes slowed work progress, as did a protracted legal battle with the B & O Railroad over use of the narrow right-of-way above Point of Rocks. By 1839 the canal company had built and opened 134 miles of canal from Georgetown to near Hancock, but serious financial difficulties delayed completion of the remaining fifty miles to Cumberland until 1850. Easily outpacing the C & O, the B & O had reached Cumberland eight years earlier on its route westward. The canal, its builders heavily in debt, went no farther.

The 184.5-mile canal encompassed 74 lift locks to accommodate the 605-foot difference in elevation between Georgetown and Cumberland, seven dams to impound river water and feed it into the ditch, eleven stone aqueducts over major Potomac tributaries and hundreds of culverts for lesser streams and road underpasses, and a great assortment of water control devices, river locks, bridges, and lockhouses. Its two most impressive engineering features were undoubtedly the Monocacy Aqueduct, spanning 560 feet atop seven arches, and the 3,117-foot Paw Paw Tunnel, dug through a mountain to shortcut two bends in the river. By the

slackwaters above Dams 4 and 5 no ditch was built; there the mule-drawn barges entered the river, being pulled from the towpath along the bank.

Rendered obsolescent by the railroad, the canal nevertheless plied a respectable trade for several decades. Coal, agricultural products, lumber, and building stone descended the waterway; lesser westward cargoes included fish, salt, fertilizer, and iron ore. In 1875, the peak year of its operation, the canal carried nearly a million tons. But the lucrative coal trade shifted increasingly to the railroad. During all but a few years the canal, which had cost more than $11 million to build, operated at a loss.

Recurring floods added to the canal company's woes. Damage from flooding in 1886 forced the unrestrained sale of repair bonds, which carried a preferred mortgage on the physical property of the canal. In the spring of 1889 the rains that caused the infamous Johnstown Flood also devastated the Potomac Valley, leaving the canal in ruins. The B & O Railroad, which acquired most of the canal company's construction and repair bonds, had courts in Maryland and Washington appoint its representatives as receivers or trustees for the company. They restored the canal to operation by September 1891 and organized the Chesapeake and Ohio Transportation Company, a shadow corporation enabling the canal to show a profit and avoid its forced sale to a possible competitor.[1]

Low-volume traffic continued until May 14, 1924, when a relatively minor flood again halted canal navigation. The receivers repaired the lower five miles from the river inlet at Lock 5 to Georgetown, where the company profited from supplying canal water to several mills. But they took no action to repair damage and restore navigation to the remaining 180 miles. The era of canal commerce in the Potomac Valley had ended.

To avoid foreclosure, the company had to assure the courts that the canal was not abandoned. According to Walter S. Sanderlin, author of the principal C & O Canal history: "The court accepted the position of the receivers, and ruled that the canal had not forfeited its rights by non-operation, but that the 'other' aspect of its business, the maintenance of a canal for purposes of navigation, was merely suspended temporarily in the absence of remunerative business. Both the receivers and the court continued to maintain the ludicrous contention that the canal was not abandoned, and could easily and quickly be put into navigable condition if trade were offered--even after the dams and feeders filled up and washed out, locks and lockhouses deteriorated into a hopelessly unusable condition,

[1]Walter S. Sanderlin, *The Great National Project: A History of the Chesapeake and Ohio Canal* (Baltimore: Johns Hopkins Press, 1946), pp. 254-67.

and saplings two, three, and four inches in diameter grew in the trunk, destroying the puddling and often obscuring the canal itself."[2]

Of course, the B & O Railroad had no desire to return the obsolete, unprofitable canal to operation. Its primary concern was that the potentially valuable right-of-way not fall into the hands of a competitor, such as the Western Maryland Railway. If the property could be sold with assurance that it would not be used for commercial transportation, the railroad would be delighted.

How else could an old canal be put to use?

[2]Ibid., pp. 277-78. The surviving trustee's report to the court for 1935 was typical: "Although to the casual observer the Canal may seem to be in a serious condition, this is not the fact, and, upon resumption of the canal trade traffic sufficient to justify putting the Canal in operation, this would quickly be done, and the cost of doing it would not be very great." (Report to Circuit Court of Washington County, Md., filed June 10, 1936, copy in file 1460/C & O Canal, Chesapeake and Ohio Canal National Historical Park.)

UNCLE SAM BUYS A CANAL

In 1901 the Senate Committee on the District of Columbia, chaired by Sen. James McMillan of Michigan, engaged four of the nation's most distinguished design professionals to study and recommend improvements to Washington's park system. Architects Daniel H. Burnham and Charles F. McKim, landscape architect Frederick Law Olmsted, Jr., and sculptor Augustus Saint-Gaudens composed the Senate Park Commission or McMillan Commission, as it became known. Charles Moore of the Senate committee's staff served as secretary to the commission and editor of its influential report, *The Improvement of the Park System of the District of Columbia.*

The McMillan Commission is best remembered for reviving and extending Pierre Charles L'Enfant's plan for the monumental core of the capital. But its report went on to recommend significant parkland additions and enhancements well beyond the central city, extending south to Mount Vernon and northwest to Great Falls. Even though the Chesapeake and Ohio Canal was still in commercial use, the commission viewed it as a picturesque recreational amenity for its proposed "Potomac Drive":

> Without interfering with the future utilization of the water power, the surroundings of the Great Falls on both sides of the river should, in our opinion, be converted into a national park, to be connected with the city by a continuous river drive. The beauty of the scenery along the route of this proposed noble river-side improvement is so rare and, in the minds of the Commission, of so great value not only to all Washingtonians, but to all visitors, American and foreign, that it should be safeguarded in every way. No buildings should be allowed between the drives and the river, and no change should come to pass in the character of the canal that will tend to transform its primitive character and quaint beauty. The canal has a charm of its own, as, half disclosed and half revealed, it winds among the trees; and not the least part of this charm, so desirable to be preserved, is the slow, old-fashioned movement of the boats and of the people on and near this ancient waterway. Already the canal is used, aside from the navigation of commerce, by pleasure seekers in canoes, and by excursion parties in various craft. More and more will the canal thus be used as an attractive route between the populous city and the natural charms of the picturesque region between Cabin John Bridge and Great Falls. The preservation and continuance of the canal in its original character will thus add elements of gayety and life to a scene much to be enjoyed by the passers-by on the neighboring and upper roadways.[1]

There was no immediate response to the commission's Potomac Drive proposal, but it was not forgotten. Nor was the concern that had caused the

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[1]U.S. Congress, Senate, Committee on the District of Columbia, *The Improvement of the Park System of the District of Columbia* (Washington: Government Printing Office, 1902), p. 96.

commission to preface its recommendation with a bow to power development. In 1921 the Army's district engineer proposed a dam near Chain Bridge high enough to submerge everything to the top of Great Falls. The next year Sen. Bert M. Fernald of Maine, chairman of the Senate Committee on Public Buildings and Grounds, introduced legislation that would direct the Army's chief of engineers to survey the banks of the Potomac from Washington to Great Falls and report on the advisability and cost of extending the national capital's park system in that area. On the motion of Sen. George W. Norris of Nebraska, Fernald's bill was amended on the Senate floor to require the chief of engineers to consider the dam proposal and "make no suggestion for an extension of the park system of the District that shall interfere with such water-power development."[2]

The bill passed the Senate on April 19, 1922, but died in the House. Neither body acted upon a similar bill in the next Congress. Supporters of both park and power development on the Potomac would continue to be heard from, however, for Fernald's bill and Norris's amendment presaged a conflict that would continue beyond mid-century.

When the C & O Canal did not resume operation after the 1924 flood, it became a subject of increasing government interest. In 1926 Lt. Col. J. Franklin Bell, engineer commissioner of the District of Columbia, urged Congress to authorize acquisition of the canal property for a federal highway to Cumberland. "Anyone who has driven over the mountains from Cumberland can visualize how necessary it will be in the future to have a canal boulevard for bus, truck, and automobile traffic from Cumberland to the National Capital," he declared. The road, as he envisioned it, would not necessarily obliterate the canal and might revive its use for heavy freight in powered barges by providing more and better access and transfer facilities.[3]

Fred G. Coldren, secretary of the National Capital Park and Planning Commission, was asked to comment on Bell's proposal. "A properly constructed automobile highway along the route of the Chesapeake and Ohio Canal from Cumberland to this city, would form the natural course for private vehicles for a very large part of the central and western portions of the Union, and this route would be more appealing . . . than any other, from the standpoints of beauty, historical interest, grade and distance," he

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[2]S.J. Res. 192, 67th Congress; *Congressional Record* 62: 5700. The 1921 plan for the high dam near Chain Bridge encountered heavy opposition; its fate was sealed in the mid-1930s when Congress approved construction of the Navy's David Taylor Model Basin at Carderock, Maryland, on land that it would have inundated.

[3]Letter, Bell to Rep. Frederick N. Zihlman, quoted in "Groundwork Is Laid for Route to Cumberland," *Hagerstown Herald*, Aug. 19, 1926, p. 10.

wrote. He favored locating the road inland from the canal along the bluffs to maximize the view from it. So did the commission's executive officer, Maj. U. S. Grant III, out of his desire "to preserve the canal itself, with its quiet waters and ancient locks, as an asset of unusual beauty, providing picturesqueness and sylvan intimacy for the enjoyment of canoeists and pedestrians."[4]

That fall Coldren and Dorsey W. Hyde, secretary of the Washington Chamber of Commerce, visited George L. Nicolson, general manager of the C & O Canal Company, in his Georgetown office. Nicolson noted that the company's only current revenues were about $60,000 per year from the rental of water power to three businesses in Georgetown, but he maintained that it was ready to resume its transportation business whenever warranted by the coal trade. In any sale, therefore, the company could be expected to seek a price reflecting this foregone operating income. Nicolson also raised a practical difficulty: the B & O Railroad was unwilling to cede control of all canal property between Point of Rocks and Harpers Ferry because it needed to expand its trackage into the canal right-of-way at certain tight spots there.[5]

As Colonel Bell's proposal for a canal boulevard languished, the approaching centennial of the beginning of canal construction focused public attention on the historic waterway itself. The Citizens Association of Georgetown sponsored a pageant at the Little Falls groundbreaking site on June 2, 1928, to mark the anniversary (a month early) with costumed celebrants and nostalgic reminiscences of the operating canal.[6]

That December Rep. Louis C. Cramton of Michigan introduced new legislation to implement the McMillan Commission's Potomac Drive plan (and enable other extensions of the national capital park system). His bill would authorize appropriations for a George Washington Memorial Parkway extending just above Great Falls on both sides of the river, "including the protection and preservation of the natural scenery of the Gorge and the Great Falls of the Potomac and the acquisition of that portion of the Chesapeake and Ohio Canal." Maryland and Virginia would be required to bear half the costs of land acquisition in their jurisdictions.

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[4]Letter, Coldren to Maj. William E. R. Covell with postscript endorsement by Grant, Aug. 30, 1926, George Washington Memorial Parkway/C & O Canal file 500-10, National Capital Planning Commission, Record Group 328, National Archives, Washington, D.C. Collection hereinafter cited as GWMP/C&O file 500-10, RG 328.

[5]Coldren office memorandum, subject: C & O Canal Co., November 1926, ibid.

[6]John J. Daly, "Civilization and a Canal," *Washington Post* Magazine Section, May 27, 1928, p. 3.

Objections from those with more utilitarian concerns were anticipated with a proviso "that the acquisition of any land in the Potomac River Valley for park purposes shall not debar or limit, or abridge its use for such works as Congress may in the future authorize for the improvement and the extension of navigation, including the connecting of the upper Potomac River with the Ohio River, or for flood control or irrigation or drainage, or for the development of hydroelectric power."[7]

The bill passed the House too late to be considered by the Senate in that Congress, so Cramton reintroduced it in the next Congress in April 1929. It was passed again by the House in January 1930, then referred to the Senate Committee on the District of Columbia, chaired by Sen. Arthur Capper of Kansas. Capper's committee increased the authorized appropriation from $7 million to $9 million to cover the expected cost of a bridge at Great Falls linking the Maryland and Virginia segments of the parkway road. It further amended the bill to authorize acquisition of the C & O Canal as far as Point of Rocks. The amended bill cleared both houses and received President Herbert C. Hoover's signature on May 29, 1930, becoming known thereafter as the Capper-Cramton Act.[8]

The authority to obtain the canal to Point of Rocks stemmed from discussions between Daniel Willard, president of the B & O Railroad, and Frederic A. Delano, chairman of the National Capital Park and Planning Commission (NCP&PC), the agency charged with acquiring federal parkland in the area. Delano, a former railroad president himself, knew Willard and was able to ascertain the B & O's interest in selling that portion of the canal, provided that the right-of-way would not be used for commercial transportation. Willard named a price of approximately $1 million.[9]

The Capper-Cramton Act appropriated no money, and in the early Depression years the emphasis was on curtailing rather than increasing federal spending. "If the Commission succeeds in gaining control of the canal, it is proposed to restore it as a waterway for recreation purposes and to build a parkway paralleling the water course either on the tow path or on

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[7]H.R. 15524, 70th Congress; *Congressional Record* 70: 4613.

[8]H.R. 26, 71st Congress; S. Rept. 458, 71st Congress, Apr. 17, 1930; *Congressional Record* 72: 1085, 2724, 8849.

[9]Memorandum, Delano to Secretary of the Interior Harold L. Ickes, May 16, 1934, C & O Canal file 650.03, National Capital Parks, National Park Service, Record Group 79, National Archives, Washington, D.C. Collection hereinafter cited as C&O file 650.03, RG 79.

the opposite bank," the NCP&PC's planning director noted in 1931.[10] But there was no immediate prospect of obtaining the necessary funds.

Franklin D. Roosevelt assumed the presidency in March 1933 much more willing than his predecessor to support public works and work relief projects. On June 16 he signed the National Industrial Recovery Act, authorizing the Federal Emergency Administration of Public Works (commonly known as the Public Works Administration or PWA). The act directed its administrator to prepare a comprehensive public works program, to include the "construction, repair, and improvement of public highways and park ways, public buildings, and any publicly owned instrumentalities and facilities." The President, through the PWA administrator or others, could acquire any real or personal property by purchase or condemnation for any such project "with a view to increasing employment quickly."[11]

This sweeping authority would permit acquisition and restoration of the C & O Canal above as well as below Point of Rocks. The B & O, undergoing financial difficulties, was increasingly eager to sell. But government action to buy still did not appear imminent. That July Herbert R. Preston of the B & O, the canal company's surviving trustee, wrote B & O counsel George E. Hamilton on the topic: "Mr. Nicolson was here yesterday [July 13] and we discussed very thoroughly . . . the possibility of interesting the Government in the purchase of the portion of the canal that it will some day wish to acquire. Mr. Nicolson could not think of any considerable amount of work which could be done or which would require any part of the canal property. . . . The only thing that occurred to us was that it might be suggested that the Government would not wish to begin any work in connection with the proposed boulevard and parking until it had acquired the canal property, and, while it might not be able to do any work at once upon the canal property, before it did anything it should secure the canal. . . . Neither Mr. Nicolson nor I could see very much hope in putting up a proposition for immediate consideration."[12]

Again the canal transaction languished, to be prodded from a different direction nearly a year later. On May 1, 1934, Frederic C. Howe, consumers' counsel of the Agricultural Adjustment Administration, sent a letter to the President's wife, Eleanor Roosevelt:

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[10]Letter, Charles W. Eliot II to Robert Kingery, Feb. 11, 1931, GWMP/ C&O file 500-10, RG 328.

[11]Public Law 73-67, Secs. 202 and 203(a), U.S. *Statutes at Large* 48: 201-02.

[12]Letter, Preston to Hamilton, July 14, 1933, Correspondence of Office of Trustees, C & O Canal Company, Record Group 79, National Archives.

Each time when I motor up alongside of the old Chesapeake & Ohio canal I think of what a wonderful bit of parkway and waterway it would be if developed by the government. And it could be done so easily. One of these big dredges could wade right up the canal deepening and widening it so that it could be used much as the river Thames. The old tow-path could be used by pedestrians and, if widened somewhat, by bicycles. It is clean enough for swimming and has endless beautiful spots for picnicing, tea rooms and all sorts of recreation.

In addition, it has historic and sentimental reasons for converting it into a public highway, as it was one of the dreams of President Washington, I believe, to make it a means of connecting the East and the West. And it isn't too fanciful to suggest that it should be recaptured by the present president and identified with his name, and for the same reasons which identify many of our institutions with our first president.[13]

As Howe had surely hoped, Mrs. Roosevelt relayed his suggestion to her husband. The President responded promptly with a note to Secretary of the Interior and Public Works Administrator Harold L. Ickes:

It occurs to me that the National Reservation and Park Service may care to look into this suggestion.

I do not know who has the present title to the Chesapeake & Ohio canal, but it occurs to me that if the government could buy it for a parkway and waterway for recreational purposes and develop it at low cost over a period of years, it might be something well worth while.

It is not my thought that the old locks should be put back into use, but perhaps we could put in a carrying path for the transfer of canoes from one level to another.

Will you have it looked into and let me know?[14]

Ickes forwarded Roosevelt's note to Frederic A. Delano (who in addition to being chairman of the NCP&PC was the President's uncle). Delano seized the opportunity to promote the canal acquisition and George Washington Memorial Parkway development in his reply:

Apart from the river frontage and the Great Falls itself, the Chesapeake & Ohio Canal is the chief center of interest in the proposed Parkway on the Maryland side. For large numbers of people it would have the greatest all round recreational value to be obtained in one unit, providing ideal facilities for boating, canoeing, cycling, hiking, picnicing and even swimming at certain points. . . .

Plans of the National Capital Park and Planning Commission, which is the agency heretofore authorized to acquire the Parkway, contemplate the preservation of the Canal much as it is today for its entire 15 mile length from Georgetown to Great Falls, and the acquisition of all the low land between it and the river. The Parkway road would be built on the high land above the Canal, often parallel to it, and for most of the distance would

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[13]C&O file 650.03, RG 79.

[14]Memorandum dated May 11, 1934, ibid. (The President's mislabeling of the National Park Service doubtless resulted from its temporary redesignation as the Office of National Parks, Buildings, and Reservations between August 10, 1933, and March 2, 1934.)

be the boundary of the park. Thus, in the plan of acquisition the Canal is the key property for the George Washington Memorial Parkway just as it would be in recreational, scenic and historic value.[15]

Capitalizing on the current national preoccupation, Delano emphasized how canal development could increase employment. "Clean up and grading of the old Canal would provide ideal relief work," he declared. "Landscaping and reconstruction of locks and canal bridges would be excellent projects for C.C.C. camps to undertake." His final justification for purchasing the canal "and adjacent rights of way" was to provide an attractive route to the Skyline Drive, Harpers Ferry, and Antietam and Gettysburg battlefields.[16]

"I heartily endorse the proposed acquisition," Ickes wrote in referring Delano's memorandum to the President. Roosevelt wrote back, "Why not include this definitely in next year's budget?" He was reluctant to spend emergency relief funds to buy the canal, preferring that the money come through the regular appropriations process.[17]

But a congressional appropriation for this purpose was doubtful, and at year's end Delano again wrote Ickes to urge acquisition of the canal with public works money. On January 29, 1935, the two men discussed the subject with Roosevelt. "The President was favorable to the acquisition of the Canal . . . *provided* we could show actual work relief in connection with the development of the property equal at least to the cost of the Canal," Delano reported afterward to John Nolen, Jr., NCP&PC planning director.[18]

As the bureau that would develop and manage the canal once it was acquired, the National Park Service now became involved in planning more specifically for its development. That March, planners with the NCP&PC, the Park Service, and the Bureau of Public Roads reconnoitered the canal and its environs to the Point of Rocks vicinity. Parkways were then much in vogue, and an extension of the George Washington Memorial Parkway road up the Potomac to intersect with a proposed Appalachian Parkway extension of the Skyline Drive was on the drawing boards. The planners

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[15]Memorandum to Ickes, May 16, 1934, ibid.

[16]Ibid.

[17]Letter, Ickes to Roosevelt, May 28, 1934, ibid.; memorandum, Roosevelt to Ickes, May 29, 1934, ibid.

[18]Letter, Delano to Ickes, Dec. 26, 1934, ibid.; memorandum, Delano to Nolen, Jan. 30, 1935, GWMP/C&O file 500-10, RG 328.

took this into account in their reconnaissance and recommendations, reported to Delano by John Nolen:

> There was unanimous agreement that the Canal should be preserved as a recreational waterway of great scenic and historical value for the full distance between Washington and the Monocacy and perhaps to Point of Rocks. . . . We further concluded that the restoration of the canal as a scenic waterway was an ideal work relief project of almost boundless proportions. The lock gates and sills in most cases need complete rebuilding, banks and revetments require extensive cleaning and reconditioning and lock houses and other supplementary facilities should be put in shape for active use. We even considered the necessity of resetting all the stones in the Monocacy bridge which is badly out of line due to frost action and settlement of one pier.[19]

The planners determined that any parkway road above Great Falls should be on the Virginia side of the river, crossing to Maryland between Goose Creek and the Monocacy. "To parallel the canal with a highway would destroy much of its scenic and recreational value and filling it in would destroy its historic value," Nolen warned.[20]

Delano relayed the planners' findings and recommendations to Roosevelt, who asked that NCP&PC and NPS representatives begin active negotiations for purchase of the canal.[21] Before doing so, however, it was necessary to investigate the legal status of the property. "Incidentally it has occurred to me that the R.F.C. [Reconstruction Finance Corporation] have probably had various negotiations with the Baltimore & Ohio Railroad in regard to federal aid, and that this question of the government acquiring title to the canal might be included in the general bargain," Delano wrote Ickes on August 27. "But even so, it is important to know how much the Baltimore & Ohio Railroad has to sell, and whether the title they could give is of any value to the Government unless the States of Maryland and Virginia authorize the sale."[22]

The President remained actively involved in the discussions. "Why not ask the Department of Justice to investigate the B.&O's. title to the canal?" he wrote Ickes four days later. As it did so, NPS and NCP&PC officials drafted an executive order that would allocate $4 million under the Emergency Relief Appropriation Act of 1935 for land acquisition and Civilian Conservation Corps work along the Potomac to Harpers Ferry. The

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[19]Memorandum, Nolen to Delano, May 31, 1935, GWMP/C&O file 500-10, RG 328.

[20]Ibid.

[21]Memorandum, Ickes to Acting NPS Director Arthur E. Demaray, June 7, 1935, C&O file 650.03, RG 79.

[22]Letter, Delano to Ickes, ibid.

order closely paralleled one Roosevelt signed on August 5 allocating $705,000 from the same source to acquire lands and support CCC work at Isle Royale National Park.[23]

But the President could not act until the title situation was clarified, and the initial word from the Justice Department was not encouraging. "It is well known that the Baltimore and Ohio Railroad Company has itself no title to the lands and works of the Chesapeake and Ohio Canal Company, which are in the hands of trustees acting under the direction and supervision of the Circuit Court of Washington County, Maryland," it reported. Delano met again with Roosevelt in December. "The President thought that probably we would have to resort to seizing two or more pieces of property and allowing those who think they have title to bring a test case," he wrote afterward.[24]

Adopting a modified version of Roosevelt's suggested tactic, the Justice Department filed suit against the B & O Railroad Company and the C & O Canal Company and its trustees on January 8, 1936. The stated aim was to recover the Mole, an area that had been filled by the canal company on the federally owned riverbed where Rock Creek entered the Potomac in Washington. (The Mole contained the canal's tidelock, through which boats could move between the river and a basin impounded by a dam across the mouth of Rock Creek.) The government claimed that the Mole should revert to the United States because the canal company was no longer operating; the defendants asserted that the canal company remained in business and that it held fee simple title to the land.[25]

The government's hand was seemingly strengthened by a major Potomac flood that March--one of the greatest on record. The income-producing Georgetown canal level was again knocked out of commission, numerous summer camps and boathouses on riverfront lands leased to others by the canal company were swept away, and the towpath was washed out in many places. But the company moved swiftly to repair the Georgetown segment, maintaining its water power revenues and its claim to be operational.

In December the Justice Department rendered its opinion as to whether and how good title to the canal might be conveyed. Attorney General

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[23]Memorandum, Roosevelt to Ickes, Aug. 31, 1935, ibid.; letter, Delano to Roosevelt, Sept. 24, 1935, GWMP/C&O file 500-10, RG 328.

[24]Letter, Assistant Attorney General Harry W. Blair to Acting Secretary of the Interior Charles West, Oct. 1, 1935, C&O file 650.03, RG 79; memorandum, Delano to T. S. Settle, Dec. 31, 1935, GWMP/C&O file 500-10, RG 328.

[25]Memorandum, Settle to Delano, Apr. 2, 1936, GWMP/C&O file 500-10, RG 328.



Lock 6 lockhouse in 1936 flood.

Homer Cummings advised Ickes that the estate acquired by the canal company by purchase or condemnation was not subject to reversion to the prior owners upon abandonment of the canal or dissolution of the company; in other words, it could be transferred to a purchaser. The Circuit Court of Washington County, Maryland, with the concurrence of the U.S. District Court for the District of Columbia, had jurisdiction in pending suits to decree a sale of canal company property upon a showing that the company could not be made to earn sufficient revenue to defray its operating expenses and leave a surplus to be applied to the interest on its bonds. Cummings recommended negotiations with the B & O Railroad, the primary bondholder, to bring about a sale by court decree. Although the government's interest had centered on the canal from Georgetown to Point of Rocks, he expected that the Maryland court would seek disposition of the entire canal property to Cumberland.[26]

Upon receiving the attorney general's opinion, Thomas S. Settle, secretary of the NCP&PC, proposed that the Capper-Cramton Act be amended to authorize a $3 million appropriation for buying the canal

[26]Letter, Cummings to Ickes, Dec. 21, 1936, C&O file 650.03, RG 79.

without the matching state contribution otherwise required under the act. At its January 1937 meeting the NCP&PC voted to have its legislative committee pursue this possibility. When nothing happened, Settle repeatedly pressed Delano on the subject. But the economy was again declining, and Delano viewed the plan as inopportune. "I have very much doubt as to whether this is a good time to approach the President or Congress or the Budget Bureau for $3,000,000 to be spent for the C. & O. Canal or related property," he wrote Settle in June. He suggested waiting until the fall, when there would be a clearer picture of likely revenues from pending District of Columbia tax legislation and "the general situation in the Budget."[27]

One Sunday that September, when the prospect of action still appeared dim, Ronald F. Lee, a young Park Service historian, hiked up the towpath from Cabin John, Maryland. "The historical and recreational interest of the old canal is certainly all that has been claimed for it and it seems a shame that nothing has been done to maintain or improve the remains," he told Branch Spalding, head of the NPS Branch of Historic Sites. Aware that the Historic Sites Act of 1935 authorized the Service to cooperate with other parties in managing historic properties, Lee suggested that the canal "be designated a National Historic Site and a cooperative agreement entered into with the [B & O Railroad] company which would permit its development for recreational purposes without forcing the railroad to turn over to the Government a fee simple title."[28]

Lee's suggestion might have received serious consideration had not the B & O's financial circumstances sharply deteriorated by the end of 1937, driving matters to a different conclusion. In December the railroad sought another loan of $8,233,000 from the Reconstruction Finance Corporation, to which it already owed nearly $80 million. Settle clipped a newspaper account of this request and sent it to Delano. "I am calling this to your attention especially because when the Bureau of the Budget asked you about the acquisition of the C & O Canal, at our recent hearing, you stated that the B & O may some day want something," he wrote.[29]

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[27]Extract from minutes of 115th meeting, NCP&PC, Jan. 28-29, 1937, GWMP/C&O file 500-10, RG 328; memorandums, Settle to Delano, Mar. 31 and June 3, 1937, ibid.; memorandum, Delano to Settle, June 8, 1937, ibid.

[28]Memorandum, Lee to Spalding, Sept. 27, 1937, C & O Canal National Historical Park file, NPS History Division. At that time no national historic sites had yet been designated under the general Historic Sites Act authority (or authorized by particular acts of Congress), although several such arrangements were under consideration.

[29]Memorandum, Settle to Delano, Dec. 29, 1937, with *Washington Post* clipping of Dec. 28, 1937, GWMP/C&O file 500-10, RG 328.

Delano wasted no time in taking advantage of the situation. He laid out his agenda in a confidential letter to Frank C. Wright, special assistant to the RFC's board of directors:

> I understand that the Baltimore and Ohio Railroad owes the RFC a lot of money. There is one piece of property that the Railroad owns that the Government would like to have. I refer to the C. & O. Canal.
>
> Several years ago . . . Mr. Willard told me that if the Government wanted it he was willing to sell that much of the Canal between Point of Rocks and Washington. I talked the matter over with the President, and he asked me to find out what the bottom price was. At that time Mr. Willard was talking about a million and a quarter, but he intimated that he would take a million. . . .
>
> Our Park and Planning Commission has always felt that the Canal should be preserved as a Canal at least as far as Great Falls. Beyond that we were not particular. The B. & O. wants to retain some of the Canal at certain points above Point of Rocks because of a deficient right of way at these points, but the President has intimated that if he bought it at all he would like to have it all the way to Cumberland. I have no authority from the President or anyone else to speak with definiteness on this subject, but it might be something you would like to bear in mind in negotiations.[30]

Wright, another of Delano's high-placed acquaintances, was receptive. "I shall promptly ascertain what can be done," he replied. "It seems to me that unless previously pledged under a bond issue or a bank loan, it should be feasible to put the B. & O's title to the canal property up with the RFC as additional collateral (sadly needed), after which, with the B. & O's consent, the National Parks, or some other subsidiary of the Interior Department, could acquire the title and promptly begin improvements. . . . As to price, the figures which you quote are not high, and I would be willing to see the price increased, provided the amount finally paid was credited to the B. & O. debt to the Government." Wright mentioned his personal interest in the plan for a northern extension of the Skyline Drive and hoped that a road might be built on the canal to "open up much of the really historic location of the Civil War."[31]

On January 7, 1938, Wright visited George M. Shriver, senior vice president of the B & O, in his Baltimore office. "He will sell for 2-1/2 millions the entire 186 miles of canal less certain properties and water rights in Georgetown and one or two small items elsewhere," Wright wired Delano that evening. "B & O agreeable to proceeds being credited to its

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[30]Letter, Delano to Wright, Dec. 31, 1937, Office Files of Frederic A. Delano, RG 328.

[31]Letter, Wright to Delano, Jan. 4, 1938, ibid.

debt to RFC and [RFC chairman Jesse] Jones is willing to charge the cost to his balance due Ickes."[32]

By the end of the month the initial phase of the transaction had been completed. "Effective today, February 1, 1938, the Reconstruction Finance Corporation holds as additional collateral for loans of the Baltimore & Ohio Railroad Company, all of the Baltimore & Ohio's interest in the Chesapeake & Ohio Canal and its subsidiaries," Wright wrote Ickes. The sale could occur after about six months, when all titles were perfected. Wright recommended a procedure whereby Ickes as PWA administrator would make an allotment to the Interior Department for purchase of the canal, and an equal amount would be deducted from the PWA's profit account with the RFC (created by the RFC's sale of PWA securities at premiums above face value).[33]

Wright continued to act as intermediary in the sale negotiations, pressing the parties involved to close the transaction. At his urging, Ickes obtained Roosevelt's approval of the purchase arrangement.[34] Ickes then had the Park Service appraise the canal property. It estimated the value of the canal's land from Georgetown to Great Falls at $1,178,087 and from Great Falls to Cumberland at $553,000. It added $500,000 for the recreational value of the canal to Seneca, $450,000 for the water power rights in Georgetown, and $120,000 for the structural value of the Monocacy Aqueduct. The total came to $2,801,087. This appraisal, doubtless influenced by the price generally agreed upon, enabled Delano to inform Wright that Interior had "fully justified a $2,500,000 valuation."[35]

On March 24 the impending purchase was made public. Delano took the occasion to congratulate Wright on his key role: "The papers last night and this morning are full of news about the acquisition of the C. & O. Canal. I don't think anything has been done in a long while which will be as much appreciated as this. Our friend Harold Ickes is getting all the bouquets, but I will testify in history that it was you and Jesse Jones who really put the job over."[36]

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[32]Telegram, Wright to Delano, Jan. 7, 1938, ibid.

[33]Letter, Wright to Ickes, Feb. 1, 1938, C&O file 650.03, RG 79.

[34]Memorandum, Wright to Jesse Jones, Feb. 24, 1938, quoting Ickes' message from Roosevelt, Delano Office Files, RG 328; Ickes, *The Secret Diary of Harold L. Ickes* (New York: Simon & Schuster, 1954) 2: 332.

[35]Memorandum, Arthur E. Demaray to Ickes, Mar. 21, 1938, Delano Office Files, RG 328; memorandum, Delano to Wright, Mar. 22, 1938, ibid.

[36]Letter, Delano to Wright, Mar. 25, 1938, ibid.

Because the B & O did not hold actual title to the canal and the canal company's receivers had all died, it was now necessary to have the Maryland and D.C. courts appoint other B & O officials as receivers to negotiate the sale of the company's property. The negotiations were complicated by the railroad's desire to reserve some of the canal lands. Although President Willard reduced the purchase price to $2 million on April 12, some of the requested reservations were unacceptable to the Park Service. In concert with the Western Maryland Railway, the B & O wanted 15 segments of canal bed totaling more than 31 miles for additional track in places above Point of Rocks where the railroad lines ran close to the canal. George J. Albrecht of the NPS Branch of Plans and Design recommended denial of all reservations except for a few that were clearly necessary to allow a second track without taking the whole canal bed. In endorsing this position to Ickes, NPS Director Arno B. Cammerer declared that "the continuity of ownership of the canal bed is of paramount importance to this Service and . . . no reservations should be allowed which will break such continuity."[37]

Because the B & O was itself on the verge of receivership and the Park Service was eager to begin CCC work on the canal, the receivers and government representatives came to a general agreement that postponed resolution of the stickier issues. The most significant areas sought by the railroad adjoined its Point of Rocks and Catoctin tunnels. In lieu of metes and bounds defining the extent to which the railroad could fill into the canal bed at these and other reservations, the reservations were made subject to a "slope clause." This supplemented their descriptions to include "the necessary slopes for fills, the slope limits of which shall be described by metes and bounds as soon as surveys are completed, provided that such slopes shall not extend beyond a point midway between the bottom of the canal bed slope and the top of the same slope where it joins the tow path grade, and shall not encroach upon any Canal Company locks, aqueducts, or spillway structures, and provided further that such slope limits shall be subject to the final approval of the Secretary of the Interior, or his successors."[38]

The reservations were described in an attachment to the sales contract, which was signed on August 6. The attachment also contained significant

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[37]Letter, Willard to Ickes, Apr. 12, 1938, C&O file 650.03, RG 79; Albrecht, "General Statement on Reservations of the Chesapeake and Ohio Canal above Point of Rocks made by the Baltimore and Ohio and Western Maryland Railroads," Apr. 29, 1938, ibid.; memorandum, Cammerer to Ickes, May 2, 1938, ibid.

[38]Contract for Sale of Property of the Chesapeake & Ohio Canal Company, Aug. 6, 1938, GWMP/C&O file 500-10, RG 328.

provisions pertaining to the Mole at the mouth of Rock Creek and the adjoining canal company land on the west bank of the creek below K Street. The Mole itself and an abutting parcel on the west, then occupied by railroad tracks and asphalt and cement companies under B & O leases, would be acquired by the United States in fee; but the B & O and its lessees could remain for two years, and the railroad could retain its team tracks on the abutting parcel as long as it continuously used them. The remaining tract running north to K Street (Parcel G), also containing tracks and leased to two other cement companies, would be conveyed to the B & O; but the government would acquire a perpetual easement, enforceable after two years, limiting the height of buildings there to twenty feet.[39]

In other provisions of the contract, the government agreed not to allow any portion of the canal property to be used for conveying freight or passengers by land without the consent of the B & O, except that transportation facilities could be provided to accommodate the visiting public. The receivers agreed to remove all occupants of the property other than existing water lessees before the government accepted title, unless the secretary of the interior waived this requirement in particular cases. The receivers also agreed to turn over all of the canal company's records relating to the canal property.

An Interior Department press release announcing the execution of the sales contract declared that the 22 miles of the canal from Georgetown to Seneca would be restored to their former condition. "Determination to conserve the historic water route as a national historic site definitely ends consideration of other proposals for the disposition of the lower end of the canal," it stated, while noting that plans for the remainder had not been completed.[40]

Ickes arranged for a PWA allotment of $2.5 million--$2 million to buy the canal and $500,000 for "the construction of a parkway as well as the rehabilitation of the existing canal as an historic site."[41] The courts approved the transaction, and on September 23 the receivers executed the

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[39]Ibid.

[40]Press release of Aug. 12, 1938, GWMP/C&O file 500-10, RG 328.

[41]Memorandum, Ickes to Secretary of the Treasury, July 29, 1938, C&O file 650.03, RG 79. "The construction of a parkway" was evidently inserted to help justify the allotment under the National Industrial Recovery Act, which specified parkway construction among the public works that could be funded under its authority (see page 9). Because the Capper-Cramton Act authorized acquisition of part of the canal for the George Washington Memorial Parkway project, rehabilitation of the canal for recreational use could be interpreted as contributing to that project. The allotment justification would later be cited to support plans for a parkway road along the canal to Cumberland.



Buying the canal, September 28, 1938: George L. Nicolson, Roger S. B. Hartz, Harold L. Ickes. (AP--World Wide Photo)

deed of sale. Ickes accepted the deed on September 28 in a ceremony in his office, giving a $2 million check to one of the receivers, Roger S. B. Hartz. (As agreed, the money was applied to the B & O's debt to the RFC.)

Soon afterward, B & O president Willard wrote Ickes to thank him and his staff for their cooperation during the sale negotiations. "While the work of the Chesapeake and Ohio Canal Company has ended, I hope that with its passing to the Government the Canal and its adjacent lands will now enter upon a new and perhaps even greater period of usefulness to the people of Maryland and the District of Columbia, and of our neighboring states," he wrote.[42] It was up to the National Park Service to make Willard's hope a reality.

[42]Letter, Willard to Ickes, Oct. 8, 1938, C&O file 650.03, RG 79.

LEGACIES AND LOOSE ENDS

The passing of the deed on September 28, 1938, did not give the National Park Service a vacant piece of property nor end all dealings with the C & O Canal Company. Matters involving canal occupants, water users, records, and lands remained to be addressed.

As noted previously, the receivers for the canal company agreed to arrange for the removal of all persons on canal property before the government took title, unless the secretary of the interior permitted certain ones to remain. When NPS Acting Director Hillory A. Tolson returned the signed sales contract to Assistant General Counsel Daniel Willard, Jr., of the B & O Railroad on August 8, he suggested that the railroad move promptly to comply with this provision "because of the large number of occupants on the canal property at the present time."[1] About 180 tenants then used canal lands and structures under various leases and licenses.[2]

The Park Service soon thought better about pressing for wholesale eviction, realizing that this would be bad for public relations and unnecessary where continued occupancy would not interfere with immediate development plans. Arrangements were made to have most occupants remain under NPS special use permits, normally good for a year. When they asked about their long-term status, the standard reply was soothing: "While we are not in a position to make specific commitments with regard to existing occupancies . . . you may rest assured that it is not our desire to impose hardships on individual occupants, and that careful consideration will be given to requests for extensions or renewals of special use permits . . . ."[3]

Some of the occupants were superannuated canal company locktenders and maintenance employees. The oldest was J. H. Speaker, 88, in the Lock 11 lockhouse at Cabin John. John S. Sigafoose, 85, had tended Lock 30 at Brunswick. Charles Shaffer, 82, occupied the lockhouse at Lock 7. Sylvester Pennifield, 80, had been a foreman overseeing the Georgetown locks. Sam Taylor, 78, occupied the Four Locks lockhouse near Big

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[1]Letter, Tolson to Willard, Aug. 8, 1938, George Washington Memorial Parkway/C & O Canal file 500-10, National Capital Planning Commission, Record Group 328, National Archives, Washington, D.C. Collection hereinafter cited as GWMP/C&O file 500-10, RG 328.

[2]Letter, Daniel Willard, Jr., to Director, NPS, Aug. 31, 1938, C & O Canal file 650.03, National Capital Parks, National Park Service, Record Group 79, National Archives, Washington, D.C. Collection hereinafter cited as C&O file 650.03, RG 79.

[3]Interior Department press release dated Sept. 26, 1938, ibid.

Spring. Mrs. A. L. Violette, 77, resided at Lock 23 below Seneca. Charles Stewart, 76, occupied the lockhouse at Lock 14, uppermost of the "Seven Locks" at Cabin John. Julia King lived in the frame lockhouse at Lock 5 and continued to operate the adjoining inlet gate supplying water to the Georgetown mills.[4]

The Park Service obtained approval from the secretary of the interior's office to hire these and 27 other former canal company employees through the end of the fiscal year from the $500,000 balance of the PWA allotment. Their employment was justified by the need to keep water flowing into Georgetown and to protect the canal above, but in most instances it was a matter of charity. B & O president Willard commended Secretary Ickes for "the fair and even generous policy which . . . you have adopted toward those persons who have heretofore occupied otherwise unused portions of Canal lands, for houses, camp sites, etc., and towards the employees of the Canal, all of whom have served the Canal for many years, are no longer young, and doubtless would have difficulty in securing employment elsewhere."[5] Few if any of the former canal employees remained on the government payroll after mid-1939, but those living on canal property were permitted to stay.

When the government acquired the canal, two Georgetown companies were still leasing canal water for power. The Wilkins-Rogers Milling Company and the District of Columbia Paper Mills held a total of nine leases dating from 1887, with annual rent totaling $23,067.80.[6] The Park Service now collected this rent for the federal treasury. Wilkins-Rogers continued to use and pay for canal water into the 1960s.

The other major commercial patron of the canal company at the time of sale was the Potomac Edison Company, which used Dams 4 and 5 of the canal for power generation. Potomac Edison had rebuilt Dam 4 after the 1936 flood. Its agreement with the canal company remained in effect with the Park Service, yielding another $1,500 per year to the federal treasury. The power company was required to repair and maintain the two dams, an arrangement deemed of such benefit to the government that the annual fee

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[4]Interior Department press release dated Nov. 3, 1938, GWMP/C&O file 500-10, RG 328.

[5]Memorandum, Tolson to Acting Secretary of the Interior, Oct. 15, 1938, C&O file 650.03, RG 79; letter, Willard to Ickes, Oct. 8, 1938, ibid.

[6]Letter, George L. Nicolson to Secretary of the Interior, May 13, 1938, ibid.

was dropped in 1973.[7] Potomac Edison continues to use and maintain the dams.

When the editor of George Washington's papers at the Library of Congress learned that the government would acquire the C & O Canal, he wrote to urge that the records of the canal company--which included the records of its predecessor, George Washington's Potomac Company--be made part of the purchase and deposited in the Library of Congress.[8] The first part of his request was carried out. By January 1939 the Park Service held a large mass of records, most of which were stored with the mechanical equipment between the fifth and sixth floors of the Interior Building. A clerk was detailed to arrange some six hundred bundles of loose correspondence into manila file folders. Other canal company records went to the NPS Branch of Historic Sites office in the same building. Using these and other sources, NPS historians T. Sutton Jett and Rogers W. Young began to conduct research and prepare reports to support restoration of the canal and interpretation of its history and significance to the public.[9]

Ronald F. Lee, supervisor of the Branch of Historic Sites, was concerned about the condition of the records. "As might be expected many of the documents are now greatly in need of repair, and all should be treated to prevent further deterioration," he noted. "The heat, and the dry and varying temperature of floor 5-1/2 is hardly a proper place for loose manuscripts ranging in age from one hundred to one hundred forty years." He urged their relocation to the National Archives. NPS Director Arno B. Cammerer and Secretary Ickes approved, and the transfer took place that May. Jett and Young moved with the records, setting up shop in the East Search Room on the second floor of the National Archives building.[10]

When the records were first received, the historians found that some expected and needed items were missing, including early engineering and

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[7]Dam 4 and 5 file, Chesapeake and Ohio Canal National Historical Park. Potomac Edison both owned and used Dam 3, originally built for the U.S. Armory at Harpers Ferry and later made to supply the C & O Canal also. The NPS acquired this dam in 1985 for Harpers Ferry National Historical Park.

[8]Letter, John C. Fitzpatrick to H. P. Caemmerer, Mar. 28, 1938, Office Files of Frederic A. Delano, RG 328.

[9]Memorandum, Ronald F. Lee to Hillory A. Tolson, July 21, 1938, C&O file 650.03, RG 79; memorandum, Lee to Tolson, Oct. 7, 1938, ibid.; memorandum, Lee to Arno B. Cammerer, Jan. 26, 1939, ibid.

[10]Memorandum, Lee to Cammerer, Jan. 26, 1939, ibid.; memorandum, Cammerer to Ickes, Mar. 14, 1939, ibid.; memorandum, Jett to Lee, May 12, 1939, ibid.

construction drawings. Asked about them, Daniel Willard, Jr., mentioned the loss of some records in a 1904 fire at the home of Sen. Arthur P. Gorman, a former canal company president. The B & O did turn over two more minute books containing proceedings of the stockholders and the president and directors. The bulk of missing material was later discovered at the Security Storage Company in Washington and delivered to the National Archives.[11]

When the Park Service transferred the canal records to the National Archives, it retained the right to permit or refuse public access to them. In 1944 the Archives sought removal of this restriction on grounds that the wartime relocation of Service headquarters to Chicago made access requests difficult to process. But the Interior Department solicitor continued to oppose free access. "While the records may contain material of historic value, nevertheless it is believed that the interests of the United States are of primary importance," he argued. "The reason for requiring the restriction was to prevent interlopers from claiming title to land acquired by the United States from the canal company. In order to avoid such controversies, therefore, it is considered necessary and in the best interests of the United States to continue this restriction." The communications problem was resolved by authorizing the NPS liaison officer in Washington, Associate Director Arthur E. Demaray, to act on applications for access to the records.[12]

The policy of denying land claimants access to public records that might support their claims continued into the 1960s. When NPS Chief Historian Robert M. Utley proposed an end to the restriction in 1967, the NPS regional office overseeing the canal still argued in its favor. But the solicitor's office now felt otherwise. Associate Solicitor Bernard R. Meyer informed the regional director that the existence of adverse claimants was no justification for restricting public access, especially in view of the recent Freedom of Information Act. The regional office yielded and discontinued the policy in January 1968.[13]

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[11]Letter, Cammerer to Willard, Feb. 6, 1939, ibid.; letter, Willard to Cammerer, Feb. 10, 1939, ibid.; Assistant Research Technicians' Monthly Report, October 1939, ibid.

[12]Letter, Philip M. Hamer to Director, NPS, Jan. 12, 1944, ibid.; memorandum, Fowler Harper (solicitor) to Demaray, Mar. 4, 1944, ibid.; letter, Hillory A. Tolson to Hamer, Mar. 15, 1944, ibid.

[13]Letter, Utley to Paul Claussen, Mar. 14, 1967, C & O Canal National Historical Park file, NPS History Division; memorandum, Utley to Regional Director, National Capital Region, Mar. 15, 1967, ibid.; memorandum, Robert C. Horne to Utley, Mar. 21, 1967, ibid.; memorandum, Meyer to Regional Director, NCR, Dec. 18, 1967, ibid.; memorandum, I. J. Castro to Lawson B. Knott, Jr., Jan. 15, 1968, ibid.

The principal unfinished business between the government and the B & O Railroad (nominally, the receivers of the C & O Canal Company) related to the canal lands reserved by the railroad and the Mole area in Georgetown. The Park Service was worried about its future inability to restore and rewater the canal above Point of Rocks if the railroad filled into the canal bed for new track. Of particular concern were the reservations of 4.5 acres affecting 2.54 miles between Point of Rocks and Harpers Ferry and six acres covering 3.65 miles between Big Pool and Cumberland. For its part, the B & O, foreseeing increased business from new government construction in the Foggy Bottom section of Washington, had second thoughts about losing its tracks on the nearby Mole and revenues from the cement plants there that were slated for removal by September 1940.

In October 1939 Roger S. B. Hartz, one of the B & O's receivers for the canal company, proposed exchanging the reservations desired by the Park Service for the Georgetown property and easement acquired by the Service. Hartz noted that the easement, which would limit the height of structures on the B & O's Parcel G to twenty feet effective September 1940, would eliminate the sixty-foot cement elevators of the Standard Lime & Stone and Lehigh Portland Cement companies operating there under lease. "This would place a serious handicap on the handling of material for concrete to be used in construction work in the District, if not compel the removal of suppliers of such material, to the great detriment of the Baltimore and Ohio, and possibly increasing appreciably the cost of work in the District," he warned.[14]

Park Service and National Capital Park and Planning Commission officials opposed the exchange. NCP&PC Chairman Frederic A. Delano maintained that "the present nuisance industries on the Mole should be eliminated as soon as possible, as they are without question a detriment to the development and enjoyment of the Rock Creek and Potomac Parkway." They also questioned the dollar comparability of the Mole and the reservations in view of the B & O's gross annual revenues approximating $1 million from the Mole leases. They were willing to let the railroad and its tenants remain for up to five more years in exchange for the reservations. But Hartz held out for fee title to the Mole area. If the government declined his proposal, he observed, the Park Service would not

[14]Letter, Hartz to Arno B. Cammerer, C&O file 650.03, RG 79; memorandum, Hartz to George M. Shriver, Jan. 22, 1940, GWMP/C&O file 500-10, RG 328. The easement ran in favor of the owner of the Mole, so the railroad's acquisition of the Mole would nullify it.

only be unable to restore important sections of the canal, it might find the railroad uncooperative in other matters of mutual interest.[15]

NPS Associate Director Demaray gave Secretary Ickes a status report on the negotiations in April 1940. Discounting the problem posed by the B & O's reservations, he recommended holding firm on Mole ownership while suggesting a lesser consideration from the railroad for its extended occupancy:

> It seems improbable that we will ever completely restore the waterway for barge purposes due to the recurring floods and extremely heavy maintenance costs. Until the railroad builds its additional tracks, which also is questionable, the existing canal could be filled with water, but the railroad is taking the position that it would be necessary to flood a portion of their lands for which legal authority would have to be secured from the railroad. Otherwise it would be necessary to build an extensive retaining wall. . . .
>
> It is recommended that you do not approve such an exchange of land [as proposed by Hartz] and instruct the National Park Service to advise the Railroad Company that the industries on the Mole wharf be removed September 23, 1940.
>
> It is also recommended that you authorize the Park Service to attempt to negotiate, with the railroad, a five-year extension permit of railroad tracks on the Mole property in exchange for an easement to flood a portion of the reserved lands of the railroad in the event it is ever desired to put water in the existing canal between Point of Rocks and Cumberland, and until such time as the railroad builds its additional tracks, which we believe will not be done.[16]

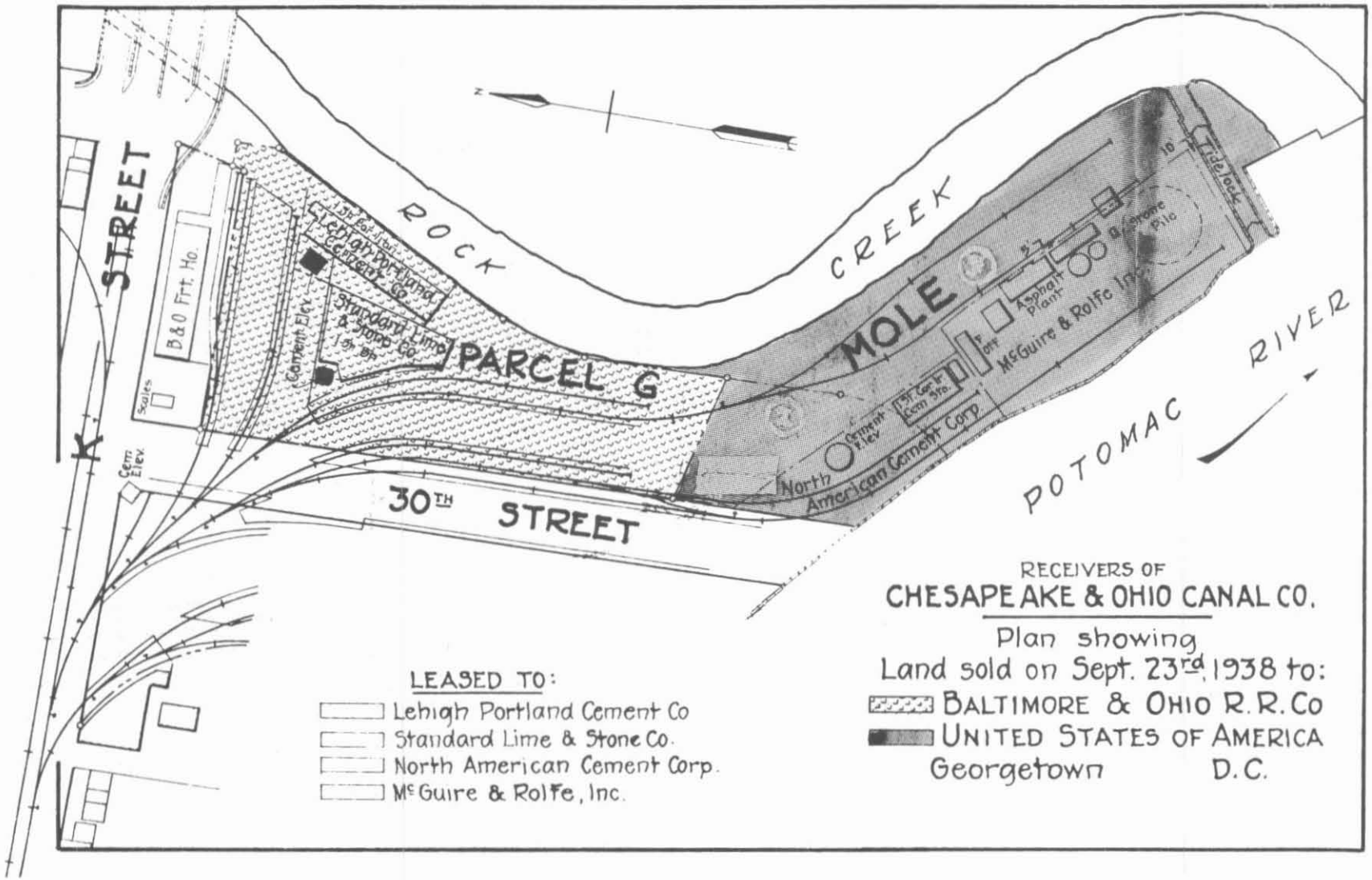
Hartz was willing to consider the easement in exchange for permission to keep the railroad tracks on the Mole for seven more years and to move a cement elevator there to Parcel G and retain it and the two already there for the same period.[17] But the longer term was unacceptable to the government, and negotiations dragged on. The McGuire & Rolfe asphalt plant vacated the end of the Mole in May 1941, eight months late. Amid growing preparations for national defense, however, the cement companies on the west end of the Mole and Parcel G were allowed to remain.

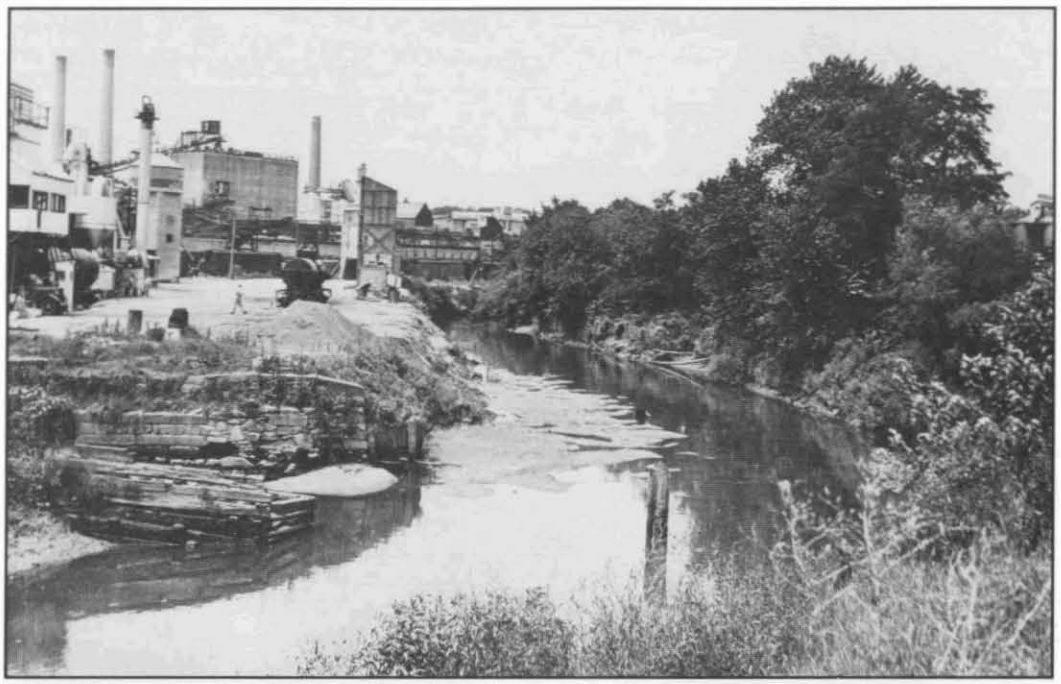
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[15]Memorandum for files, Donald E. Lee, Nov. 22, 1939, GWMP/C&O file 500-10, RG 328; letter, Delano to Frank C. Wright, Mar. 1, 1940, ibid.; letter, Hartz to Wright, Mar. 27, 1940, ibid. As examples of matters requiring future cooperation, Hartz mentioned the need for reciprocal easements for the maintenance and renewal of many drainage structures passing under both the railroad and the canal and the need to amend the legal status of the railroad crossing of the canal near Arizona Avenue in Washington. (Because that crossing had been included as a reservation in the sale, the railroad would otherwise retain fee title to the canal below rather than an easement over it.)

[16]Memorandum, Demaray to Ickes, Apr. 11, 1940, C&O file 650.03, RG 79.

[17]Hartz, "A Suggested Basis of Settlement," Apr. 23, 1940, GWMP/C&O file 500-10, RG 328.


K STREET
B&O Frt. Ho.
Scales
Cem Elev.
Lehigh Portland Cement Co
Standard Lime & Stone Co.
Cement Elev.
PARCEL G
ROCK CREEK
MOLE
Asphalt Plant
McGuire & Rolfe Inc.
Cement Silos
North American Cement Corp.
Tide lock
Stone Pile
30TH STREET
POTOMAC RIVER
LEASED TO:
Lehigh Portland Cement Co
Standard Lime & Stone Co.
North American Cement Corp.
Mc Guire & Rolfe, Inc.
RECEIVERS OF
CHESAPEAKE & OHIO CANAL CO.
Plan showing
Land sold on Sept. 23rd, 1938 to:
BALTIMORE & OHIO R.R. Co
UNITED STATES OF AMERICA
Georgetown D.C.



The Mole and tidelock (left), c. 1940.



View through tidelock to Potomac River, c. 1940.

America's entry into World War II in December extended their reprieve. In the end, the Mole was not fully cleared and the twenty-foot height restriction on Parcel G was not fully enforced until the 1950s.[18]

The government did favorably conclude negotiations on some other outstanding issues during the remainder of 1941 and into 1942. It received fee title to the canal under the railroad overpass near Arizona Avenue in Washington, which had mistakenly been reserved for the railroad in lieu of an intended easement. Because the Western Maryland Railway no longer wished to purchase twelve reserved areas between Harpers Ferry and Cumberland, these were conveyed to the government subject to their continued use by the railroad.[19]

But there was no agreement on the most critical reservations below Harpers Ferry. Under the most favorable interpretation of the slope clause affecting them (page 18), the government would be able to approve the outer limits of any fill slopes--even to the point of requiring a vertical "slope" with artificial support--to preserve a waterway sufficient for canal purposes. The railroad disputed this interpretation, especially if it would be required to bear the expense of retaining walls. Negotiations on the subject terminated in September 1941 with the understanding that the rights of the parties would have to be adjudicated in court if and when the government started restoring the canal or the railroad started widening its roadbed in these areas.[20]

In 1949 the B & O began to dump earth, ballast, and cinders into the canal between Point of Rocks and Brunswick, both within and outside its reserved areas, without seeking or obtaining the government's prior approval. By that time the Park Service had abandoned any thought of restoring the canal in favor of another development concept that would require its extensive filling. It therefore permitted the B & O to continue this activity through the mid-1950s.[21] Outside the narrow Point of Rocks and Catoctin railroad tunnels, where the B & O later rerouted one of the

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[18]The NPS built the Harry T. Thompson Boat Center on the cleared Mole in 1959-60.

[19]Letter, Hartz to Joseph M. Hernon, Dec. 3, 1941, enclosing deed subject to crossing easement, C&O file 650.03, RG 79; letter, Hartz to Abe Fortas, Nov. 17, 1942, enclosing deed for 12 parcels, ibid.

[20]Memorandum, NPS Director Newton B. Drury to Under Secretary of the Interior John J. Dempsey, Oct. 3, 1941, ibid.

[21]Memorandum, Thomas C. Tingle and Samuel H. Hower to Commanding Officer, U.S. Park Police, Jan. 31, 1949, Administration, Maintenance, and Protection file 1460/C&O-5, Washington National Records Center, Suitland, Md.; letter, E. E. Shiffer to Frank T. Gartside, July 31, 1956, C & O Administration and Protection file, C & O Canal NHP.

double tracks that had gone through the tunnels, the fill constricted the canal to a V-shaped cross section as little as nine feet across and three feet deep. Once again the railroad buried the canal--this time literally.

THE PARK SERVICE TAKES CHARGE

President Franklin D. Roosevelt had approved the purchase of the C & O Canal with public works funds as an unemployment relief measure. The National Park Service was under pressure to justify that rationale with results. Even before the government took title, Park Service officials sought permission from the B & O Railroad to begin restoration and improvement work with Civilian Conservation Corps camps under their supervision.[1]

The first of two CCC camps assigned to the canal, designated NP-1, was established June 18, 1938, and operated until April 1, 1942; the second, NP-2, operated from October 5, 1938, to November 15, 1941. Both camps were located on land acquired for the George Washington Memorial Parkway between the canal and the river near Carderock, Maryland. With the CCC following local custom regarding racial segregation, all enrollees in these camps were black. "Major" Lewis G. Heider, who had been acting superintendent of Vicksburg National Military Park in Mississippi since 1933, came to the National Capital Parks (NCP) office of the Park Service in July 1938 to superintend the work of the CCC, NPS staff, and contractors on the canal project.

The work program, known officially as Federal Project 712, provided for rehabilitation of the canal and recreational developments from Georgetown to Seneca, Maryland. Plans called for repairing or replacing masonry walls and timber gates in 23 locks; constructing stone retaining walls and dams and repairing the towpath and dikes in the Widewater area below Great Falls; providing water and sewer systems, parking and picnic areas, and refreshment and canoe rental concessions at Great Falls; building flood control structures at the Foundry Branch spillway; clearing the canal channel and repairing the towpath throughout; repairing selected lockhouses; recording all historic structures with architectural drawings; undertaking necessary boundary surveys; collecting historical data; establishing a fishing program; and planning additional recreational developments at Georgetown, Carderock, and Great Falls.[2]

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[1]Letter, Arthur E. Demaray to Daniel Willard, Jr., June 4, 1938, George Washington Memorial Parkway/C & O Canal file 500-10, National Capital Planning Commission, Record Group 328, National Archives, Washington, D.C.; letter, Hillory A. Tolson to Willard, Aug. 8, 1938, ibid. Collection hereinafter cited as GWMP/C&O file 500-10, RG 328.

[2]Memorandum, NCP Acting Superintendent Frank T. Gartside to NPS Director, Nov. 8, 1939, ibid. The planned recreational development in Georgetown was a canoe concession in a rear addition to the Francis Scott Key house, which fronted on M Street just west of Key Bridge.



Lock 20 and the Great Falls Tavern, c. 1938.

"Continued operation of the old tavern at Great Falls is contemplated under lease or concession on a basis somewhat more like its original use," the Park Service announced upon its acquisition. "In recent years the old tavern has continued to provide chicken dinners as of old, but in some respects it has assumed more the atmosphere of a 'hot dog' and refreshment stand on the outside."[3] By early 1939 the projected food concession had shifted to the upper deck of the planned canoe rental facility opposite the tavern, which was now to be renovated as a public contact and administration building. When an architect and an engineer closely inspected the tavern in late 1940, however, they found it unsafe for any occupancy. The joists, sills, and flooring were rotted and near collapse, the rear upstairs porch was severely decayed, the plaster throughout was loose and falling, and the wiring constituted a fire hazard. They recom-

[3]Interior Department press release dated Sept. 26, 1938, C & O Canal file 650.03, National Capital Parks, National Park Service, Record Group 79, National Archives, Washington, D.C. Collection hereinafter cited as C&O file 650.03, RG 79.

mended that the contents be removed, the electricity be disconnected, and the building be closed pending its complete rehabilitation.[4]

During the project planning in November 1938, John Nolen, Jr., planning director for the National Capital Park and Planning Commission, expressed concern about the effect of canal rehabilitation on land acquisition for the George Washington Memorial Parkway. "I think we have all recognized that the improvement of the Canal would make it more expensive to buy the adjoining property," he wrote NCP&PC Chairman Frederic A. Delano and NPS Director Arno B. Cammerer. "In order to minimize this effect, I have suggested to Mr. [C. Marshall] Finnan [NCP superintendent] that the first work at least be confined to the area around Great Falls and farther up stream, to give us as much time as possible to work out our program in the metropolitan area."[5]

Nolen's account of a subsequent meeting with Finnan and other NPS officials indicated acceptance of his suggestion: "On behalf of the Commission I emphasized the fact that the Canal below Great Falls is part of the George Washington Memorial Parkway and its development should be planned in connection with the larger project. Also, that it was important in the realization of this plan that in the lower section where the Commission proposes to acquire adjoining land, not to encourage speculation activity particularly by undue publicity. As the major schedule of operations is to be progressive down stream from Seneca, this will postpone to some extent the development program in the area where the Commission has the problem of acquiring adjacent land."[6]

The concern about publicity in the lower section did not rule out a ceremony calling attention to the canal's rehabilitation, held at Lock 1 on Washington's Birthday 1939. Among those present were Delano, Finnan, Assistant Secretary of the Interior Oscar L. Chapman, retired lockkeepers Sylvester Pennifield and Charles Stewart, and Mutt, a 38-year-old canal mule who towed a barge containing the U.S. Navy Band from Rock Creek into the lock. Arthur Godfrey was master of ceremonies for the program, which was broadcast on local radio.[7]

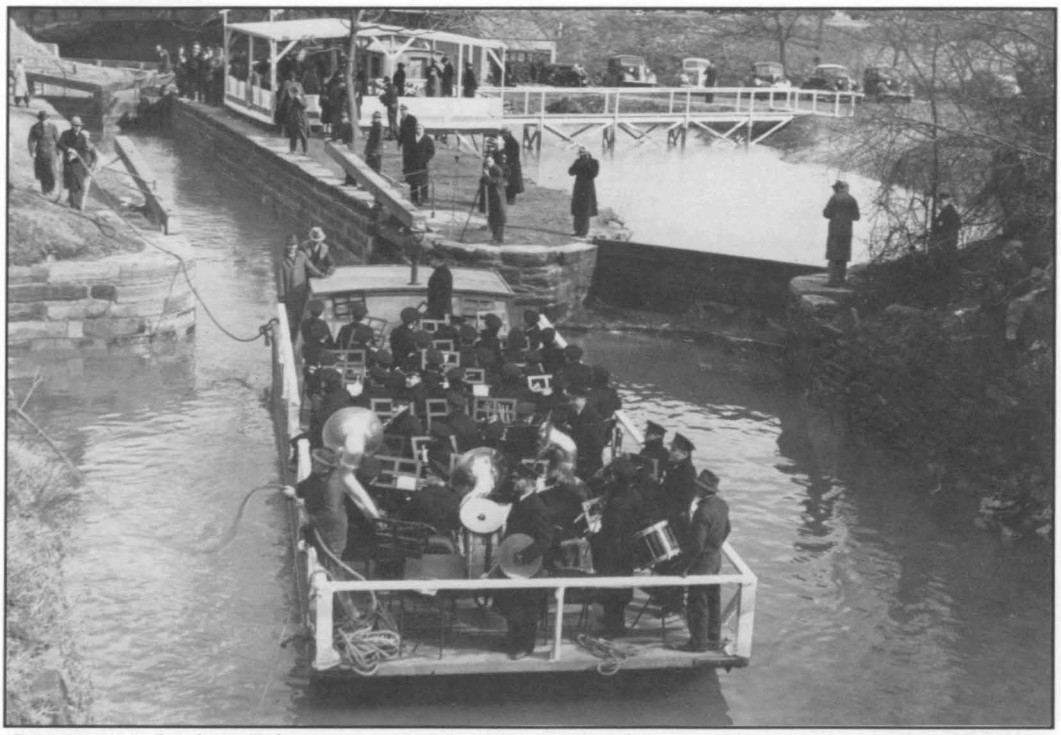
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[4]Memorandum, NCP Superintendent C. Marshall Finnan to Arthur E. Demaray, Feb. 10, 1939, ibid.; memorandum, Dick Sutton to Francis F. Gillen, Dec. 10, 1940, ibid.

[5]Memorandum, Nolen to Delano and Cammerer, Nov. 7, 1938, GWMP/C&O file 500-10, RG 328.

[6]Memorandum, Nolen to Delano, Nov. 10, 1938, ibid.

[7]Memorandum, Edward J. Kelly to Miss Ryan, Feb. 24, 1939, file 1460/C & O Canal, Chesapeake and Ohio Canal National Historical Park.



Ceremony at Lock 1, February 22, 1939. (GSA's West Heating Plant now occupies area to right of lock.)

The CCC enrollees had begun work by clearing trees, other vegetation, and accumulated debris from the dry canal bed above Lock 5. Their activities prompted the first of repeated complaints over the years about the destructive effects of canal rehabilitation on the natural surroundings. An unhappy citizen relayed the observations of two hikers in the Carderock area: "These men are apparently cleaning out the bed of the C & O Canal but the devastation they have wrought in all the surrounding woods is appalling. My friends say that they have cut down the trees over large areas and seem to have taken all sizes, good and bad. It seemed to them that the destruction was for the purpose of supplying fuel for the camps; and probably construction work in the camps. If that is the reason for the slaughter, then we can expect increasing devastation as the camps move up the Canal. . . . I know very well that consternation will prevail among the hiking clubs of Washington when they learn what is going on up there."[8]

Edmund B. Rogers, superintendent of Yellowstone National Park then temporarily assigned to NPS headquarters, visited the camps with Lewis Heider and Robert M. Coates, the CCC coordinator for National Capital

[8]Letter, W. M. Pomeroy to John Collier, Dec. 5, 1938, C&O file 650.03, RG 79.



CCC reconstruction of Lock 15, April 4, 1940.

Parks. He reported that although some clearing had necessarily occurred, it had been minimized. The camps burned coal, requiring no wood for fuel. They appeared raw and disorderly only because they were new. They would quickly be put in good order to avoid further criticism.[9]

Soon afterward, in early 1939, the first organization representing public interest in the canal was formed under the auspices of the Advisory Board of the Conduit Road [later MacArthur Boulevard] in Cabin John. The Civic C & O Committee was chaired by Paul Bartsch of the Audubon Society of the District of Columbia; other members included P. L. Ricker of the Wildflower Preservation Society and George H. Collingswood of the American Forestry Society. According to an NPS representative attending a committee meeting one evening that December, they "had so much fun discussing developments of the canal that they did not adjourn until after midnight." Of particular concern to the members was better enforcement of regulations against hunting and removal of plants.[10]

Work on the canal proceeded expeditiously. By February 1940 the 23 locks from Georgetown to the inlet at Violettes Lock had been returned to operating condition. The stonework of some had required only minor resetting and repointing; others had been completely reconstructed. All had received new wooden gates, with ironwork salvaged from the old ones and from locks further up the canal. At Widewater a large break from the 1936 flood (requiring some 30,000 cubic yards of fill), two small dams, and

[9]Memorandum, Rogers to Director, NPS, Dec. 10, 1938, ibid.

[10]Letter, C. H. Godbolt to C. Marshall Finnan, Jan. 3, 1939, file 1460/C & O Canal, C & O Canal NHP; memorandum, Edwin L. Green, Jr., to Victor H. Cahalane, Dec. 12, 1939, C&O file 650.03, RG 79.



Lock 5 and lockhouse before rehabilitation, 1939. (House demolished 1957 for parkway.)

some rubble wall had been repaired by the Corson & Gruman Company under a $101,000 contract. In addition to clearing the channel, the CCC had repaired lesser breaks and surface wash elsewhere along the towpath and would proceed to develop picnic areas at Carderock and Great Falls. Corson & Gruman received another contract for $15,500 in March to reconstruct the spillway at Foundry Branch, just above Georgetown, and to raise the walls of Lock 5 to the height of the adjoining concrete dam for flood control.[11]

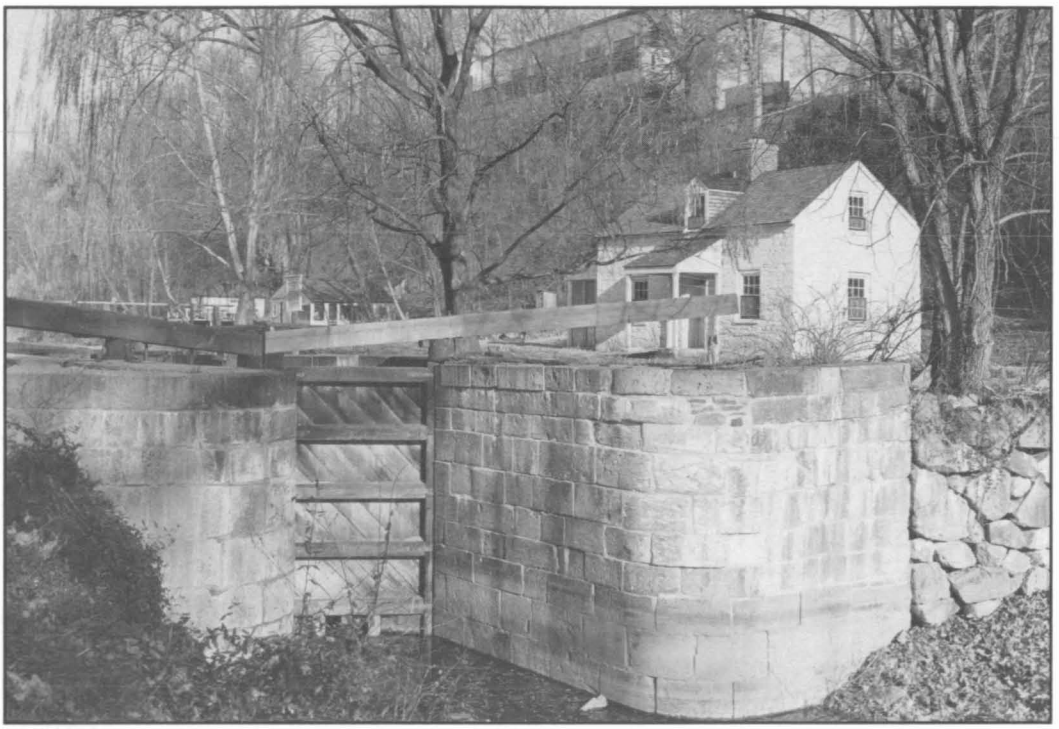
The lockhouses at Locks 5, 7, and 10 were upgraded during 1939 with modern plumbing, heating, and electrical systems and dormer windows in their attics. The Lock 5 lockhouse, occupied by Julia King, was the second at its location--a frame structure on a stone basement dating from 1853. In addition to the mechanical improvements, its exterior was largely rebuilt over the existing frame. The stone house at Lock 7 had been completed in August 1829, making it the first on the canal. After rehabilitation it became the home of NCP Chief Naturalist Donald Edward McHenry and his family. An occupied log house just south of the Great Falls Tavern, built about 1884 and used by locktenders there, received lesser improvements.[12]

Historians T. Sutton Jett and Rogers W. Young labored meanwhile in the National Archives on the C & O Canal Company records. By January 1940 they had filled four large file boxes with bibliographic and subject

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[11]"Status of Development, Chesapeake and Ohio Canal," February 1940, C&O file 650.03, RG 79; memorandum, Arthur E. Demaray to A. J. Wirtz, Apr. 1, 1940, ibid.

[12]Dallas D. L. McGrew, "Outline Report of Architectural Work on the Restoration of the Chesapeake and Ohio Canal for Recreational Use (Georgetown, D.C., to Seneca, Md.)," NPS Branch of Plans and Design, 1939, ibid.



Lock 7 and lockhouse after restoration, 1943.

notes from that massive collection and from relevant sources in other area repositories. Young completed a 37-page "preliminary historical memorandum" on the dimensions and construction of the canal to Seneca, a 19-page memorandum on the construction of lockhouses to Seneca, and a 14-page article on the general development of the canal. Jett and Young together turned out a ninety-page study on the Great Falls area from 1858 to 1880 and a 225-page monograph on canal commerce in Georgetown to 1860.[13]

On June 28, 1940, Secretary Ickes advised Frederic Delano that the restored portion of the canal would be ready for rewatering on July 20. "It is understood that land acquisition officials of the National Capital Park and Planning Commission fear that the operation of the canal in the area between Little Falls and Great Falls will result in increased valuations being placed upon adjacent lands which are to be acquired for the proposed George Washington Memorial Parkway," Ickes wrote. But he disagreed that stalling would make much difference, and he was loath to deny the public use of the rewatered canal during the summer season. "Unless you

[13]Young, "Final Report on Research Completed on the Chesapeake and Ohio Canal Project between January, 1939, and January, 1940," Jan. 19, 1940, ibid.

have some opinion to the contrary, I propose to instruct the National Park Service to turn water into the canal upon its completion," he concluded.[14]

Delano requested and was granted a delay of "two or three weeks" to help the NCP&PC complete the most important purchases. On August 2 the commission voted to offer no further objection to rewatering. At the same time, it suggested posting the canal boundary to make clear that adjoining owners had no legal right of access, as they would to a road. This, it was hoped, would help avoid commercialization and further enhancement of land values near Great Falls where some parkway land remained unacquired.[15]

On August 9, an Interior Department press release announced that water was flowing into the inlet lock below Seneca, so that the previously dry portion down to Lock 5 would be full for public use on August 17. Canoeists soon joined hikers and bicyclists along this scenic stretch. On September 24-25 three members of the Washington *Evening Star* newspaper staff accompanied NPS photographer Abbie Rowe and Donald McHenry on an overnight canoe trip from Seneca to Georgetown--a journey given prominent publicity in the October 13 *Star*.

Although all locks had been restored to operating condition, Lock 20 at Great Falls Tavern was the only one actually operated for the *Star* party and on other special occasions. Canoeists normally had to portage around the locks, an awkward situation that prompted McHenry and a few others to advocate some kind of mechanical device for the purpose. Sutton Jett dissented. He thought any such apparatus would be unsightly and suggested waiting to see whether canoe use might increase enough to justify operation of the locks for a small fee. His larger concern was that the historical values of the canal were being subordinated to recreational development and use. In his view, the visitor parking and concessions installed close to the canal at Great Falls and the paddle boats rented there by the Welfare and Recreational Association (predecessor of Guest Services Inc.) were unwarranted intrusions on the historic canal scene.[16] Whether or not in deference to Jett's opinion, no portaging devices were added.

The priority given recreation was reflected in the title administratively applied to the watered section: "Chesapeake and Ohio Canal Recreational

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[14]Letter, Ickes to Delano, June 28, 1940, Office Files of Frederic A. Delano, RG 328.

[15]Letter, Delano to Ickes, July 9, 1940, ibid.; letter, Delano to Ickes, Aug. 19, 1940, ibid.

[16]Memorandum, McHenry to Francis F. Gillen, Oct. 8, 1940, Administration, Maintenance, and Protection file 1460/C&O-5, National Capital Parks, Washington National Records Center, Suitland, Md.; memorandum, Harry T. Thompson to Robert C. Horne, Oct. 2, 1940, ibid.; memorandum, Jett to Irving C. Root, May 6, 1941, ibid. Hereinafter cited as file 1460/C&O-5, WNRC.



Rudy Kauffmann and Elwood Baker of Evening Star, *Abbie Rowe and Donald E. McHenry of NPS below Pennyfield Lock (Lock 22), September 24, 1940.*

Waterway." In November 1940 NCP Acting Superintendent Francis F. Gillen requested official approval of that designation along with formal transfer of the section from NCP&PC's books to the national capital parks system.[17]

In response, NPS Acting Associate Director Hillory A. Tolson explained the interim status of the bureau's relationship to the canal. The Park Service was still serving as the agency designated by the Public Works Administration to undertake the canal's development as a public works project. Although the project was largely complete, the bureau's attorneys recommended that none of the canal property be incorporated into the national capital parks system until all outstanding issues with the receivers of the C & O Canal Company were resolved. Tolson approved continuation of the "recreational waterway" administrative designation and promised that upon conclusion of negotiations with the receivers, NCP&PC would transfer an appropriate part of the canal to the national capital parks system. "The remaining portion of the canal property will thereafter be designated as a historic site," he wrote.[18]

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[17]Memorandum, Gillen to Arthur E. Demaray, Nov. 1, 1940, C&O file 650.03, RG 79.

[18]Memorandum, Tolson to Gillen, Nov. 8, 1940, ibid.

This suggested that only the unrestored canal above Seneca would be treated primarily as a historic rather than a recreational resource. Sympathizing with Jett, Ronald F. Lee, the NPS chief historian, recommended having the secretary of the interior designate the entire canal as a national historic site. National historic site designation, he argued, was warranted by the historical significance of the canal; it would rank the canal with other properties so titled; it would help prevent uses contrary to the general policies for national park system areas; and it would aid in securing regular appropriations for administration, protection, maintenance, and interpretation.[19]

Lee maintained that the designation need not remove the canal from National Capital Parks. At that time, however, NCP administered or contained no national historic sites or other areas bearing "national" labels and classed as discrete units of the national park system. Although it had numerous constituent parts, NCP was a single unit of the system headed by a single superintendent. A national historic site within or under NCP would not square with contemporary practice. As a result, it was decided that only "a suitable portion of the canal to be determined by existing administrative and historical requirements" would be recommended to the secretary for designation if the secretary's Advisory Board on National Parks, Historic Sites, Buildings, and Monuments found it nationally significant.[20]

Having visited the canal while meeting in Washington in October 1941, the board members were polled on the question by mail in February 1942. All who responded were favorable. A month later, however, President Roosevelt declared a moratorium on further national historic site designations for the duration of the war.[21] The matter was dropped.

Although the canal did not become a national historic site, the Park Service obtained Secretary Ickes's permission to place a "national historical marker" where it entered Rock Creek in Georgetown. This plaque was patterned on those installed at national historic sites and contained a brief statement of the canal's history and significance. The District of Columbia

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[19]Memorandum, Lee to Irving C. Root, Jan. 19, 1942, ibid.

[20]Memorandum, Newton B. Drury to Members of the Advisory Board, Feb. 17, 1942, ibid.

[21]Ibid.; letter, Roosevelt to Ickes, Mar. 28, 1942, Historic Sites Survey file, NPS History Division. The moratorium was evidently intended to apply to properties outside NPS jurisdiction whose designation would entail new federal responsibilities. At that juncture, however, no one was willing to press the issue.

chapter of the Daughters of the American Revolution financed the plaque, which was formally accepted in a ceremony at the site on June 20, 1942.[22]

Planning for an extensive system of interpretive exhibits on the canal's history had begun in late 1939. Sutton Jett envisioned "long and detailed narrative markers" at frequent intervals along the restored section. "The long twenty-three mile towpath, and the many points of access and visitor concentration, demand a large number of markers if the story is to be adequately told to all visitors, and if the system is to hold the attention of the hiker and canoeist," he wrote Ronald Lee. "For only four markers to a mile almost a hundred legends will be required."[23]

Mercifully, Jett's proposal was pared down to 14 poster-sized narrative exhibits, installed in September 1943. Even these were short-lived, however. "The design and type of marker used was well received, and this office had high hopes for this method of relating the history of the canal," NCP Assistant Superintendent Harry T. Thompson reported in 1950. "Unfortunately, vandalism has made it necessary to almost abandon the marker program. Nowhere in the National Capital Park system has the public shown such little regard for park signs as along the towpath of the canal."[24] The Great Falls Tavern was then undergoing the wholesale rehabilitation called for a decade earlier and would assume the major burden of historical interpretation when museum exhibits were installed there in 1951.

Recreation and interpretation were combined when mule-drawn barge trips were inaugurated in July 1941. Operated by the Welfare and Recreational Association, *Canal Clipper* boarded passengers in Georgetown, passed through Lock 4, and ran as far as Lock 5 before returning. This was one of the first "living history" programs under Park Service auspices, although the barge bore little resemblance to those used historically. The excursions were popular and attracted much favorable publicity for the canal.[25]

Less popular among some Georgetown residents was the trash marring the canal there. The NCP office received numerous complaints about this

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[22]Memorandum, Newton B. Drury to Ickes, Mar. 11, 1942, C&O file 650.03, RG 79. The plaque, which remains in place, was one of only two "national historical markers" ever fashioned. The other had been given to Blair House, the future presidential guest house, in December 1940.

[23]Memorandum, Jett to Lee, Dec. 14, 1939, ibid.

[24]Letter, Thompson to Hillyer G. Norment, Sr., Oct. 30, 1950, C & O Canal January 1950-December 1954 file, WNRC.

[25]Following their presentation of the national historical marker, the DAR ladies were treated to a barge trip up the canal.



Historian T. Sutton Jett interpreting canal to barge passengers, 1941.



Canal Clipper *passes Abner Cloud House, June 8, 1945.*

situation but found it difficult to deal with. Litter floating down from the feeder lock and deposited by canal neighbors was inevitable, Francis Gillen told one persistent critic. "It must be remembered that the canal in the Georgetown area is operated as a commercial waterway [for the mills] and not for its scenic or park value," he added, notwithstanding the recent introduction of the barge trips there.[26]

Another recreational activity that the Park Service sought to promote was fishing. When it became known that the Service would acquire the canal, Secretary of Commerce Daniel C. Roper wrote Ickes on behalf of his department's Bureau of Fisheries to urge his active support of angling and fish propagation. Responding for Ickes, Oscar Chapman declared that the Service recognized the canal's fishing possibilities and would cooperate with the Bureau of Fisheries to make the most of them. The bureaus concluded a memorandum of agreement on the subject in July 1939.[27]

Edwin L. Green, Jr., an assistant wildlife technician with the NPS Wildlife Division, worked during 1939 on a fish program for the section of the canal under restoration. He proposed developing fish rearing ponds between Locks 14 and 15 and at a marsh by the canal below Widewater, grading the canal bed at Spring Branch (above Great Falls) and above Muddy Branch (near Pennyfield Lock) for additional shallow water on the berm side, and creating a food fish rearing pond in the canal bed above Violettes Lock (the upper limit of rewatering). "The construction of this one item [the food fish pond] probably would do more to hold the friendship of fisherman that are interested in the canal than anything else," Green declared.[28]

Green left the Park Service early in 1940, however, and little was done to follow through on his recommendations. By November 1941 the canal was judged unsuitable for breeding game fish (perhaps from the realization that it remained subject to flooding and would have to be drained periodically for repairs). NCP then planned to stock it that winter at Widewater and above Great Falls with fish large enough for harvest during the coming year. The war intruded, but the plan was finally carried out in

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[26]Letter, Gillen to Harry K. Boss, Mar. 10, 1942, file 1460/C&O-5, WNRC.

[27]Letter, Roper to Ickes, Apr. 7, 1938, C&O file 650.03, RG 79; letter, Chapman to Roper, Apr. 19, 1938, ibid.; memorandum, Arthur E. Demaray to Chapman, July 20, 1939, ibid. (Just as the agreement was concluded, the Bureau of Fisheries was transferred from Commerce to Interior, where it would become part of the new Fish and Wildlife Service in 1940.)

[28]Memorandum, Green to Victor H. Cahalane, Oct. 10, 1939, ibid.

1946 when the Fish and Wildlife Service stocked the canal with bass, crappie, sunfish, bluegills, and perch.[29]

In September 1944 the Park Service permitted the Maryland Game and Inland Fish Commission to impound water in the canal between Town Creek and Lock 71 in Oldtown, a distance of 4.6 miles. The resulting ponds, constructed in 1945, became known as Battie Mixon's Fishing Hole after the Allegany County game warden who conceived the idea and directed the volunteer sportsmen who did the work. They were stocked by the state. With NPS permission, the Oldtown Sportsmen's Club made additional improvements to the area in later years and sponsored an annual fishing "rodeo."[30]

Beyond occasional patrols by the U.S. Park Police and inspection trips by other NCP representatives, the Park Service itself did little with the upper canal. From the beginning of Service involvement, some bureau officials and western Marylanders expressed concern about the low priority given the great majority of the resource. The secretary of the Izaak Walton League chapter in Brunswick, learning that the canal would be restored only below Seneca, urged that rewatering be extended up to the next dam at Harpers Ferry. In 1939 Howard E. Rothrock, NPS acting chief naturalist, recommended restoration of the entire canal. "It has been stated that nothing in or near Washington can compare in potential outdoor nature educational opportunities with the canal as a whole . . . ," he wrote. "Stopping the geologic, biologic, and historic stories at Seneca is comparable to an arbitrary conclusion of a textbook at the end of the first few chapters. The upper regions of the canal penetrate life zones and geologic formations which are needed for the complete understanding of the area traversed between portions below Seneca."[31]

The National Capital Parks office was already receiving complaints about mosquito breeding and odors from stagnant water, sewage, and other dumping in the upper reaches of the canal. In August 1939 NCP Acting Superintendent Frank T. Gartside sought to determine the official Park Service position on the future of the canal above Seneca. NPS Acting Director John R. White was unhelpful. "The general policy to be followed appears to be not yet clearly defined," he replied. Associate Director

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[29]Interior Department press release of Feb. 1, 1946, file 1460/C&O-5, WNRC.

[30]Letter, Arthur E. Demaray to E. Lee LeCompe, Sept. 15, 1944, Potomac Fish and Game Club file, Office of Land Use Coordination, National Capital Region, NPS; permit to Oldtown Sportsmen's Club, July 18, 1952, ibid.

[31]Letter, C. R. Shewbridge to Arno B. Cammerer, Aug. 26, 1938, file 1460/C & O Canal, C & O Canal NHP; memorandum, Rothrock to Acting Supervisor, Branch of Research and Information, Aug. 2, 1939, C&O file 650.03, RG 79.

Arthur E. Demaray confirmed White's impression: "We had never developed a policy but had intended that after the work to Seneca is completed we would study the possibilities beyond that point."[32]

White solicited Frederic Delano's advice on the subject. Delano referred the request to John Nolen, the NCP&PC planning director. Nolen recommended that the Park Service devote all development funds then available to the section below Seneca, undertaking only such work beyond that point as was necessary to protect canal property. He favored postponing any decision on development and use beyond Seneca until the restored waterway was in use long enough to determine the need for extending it to Point of Rocks and possibly further. Meanwhile, he suggested, the Public Roads Administration (formerly the Bureau of Public Roads) should be asked to review the studies begun in 1935 for a parkway along the Potomac, and the Army Corps of Engineers should be asked to consider the waterway and parkway development possibilities in connection with its current study of flood control and power development in the Potomac River Basin. Delano endorsed Nolen's recommendations.[33]

By this time William D. Byron, western Maryland's representative in Congress, was pressing for restoration of the canal between Dams 4 and 5 as a WPA (Work Projects Administration) project. Byron called on Ickes in October to complain about the delay in getting the project underway. Asked for a status report, Frank Gartside cited the railroad reservation problem: the government did not yet have sufficient title to restore the waterway to minimum specifications (bottom width of 14 feet, depth of six feet) throughout the proposed project area. He also doubted that "the development of this section for local use would warrant the cost of maintenance and restoration."[34]

Politics nevertheless dictated support for the project. Conrad L. Wirth, chief of the NPS Branch of Recreation, Land Planning, and State Cooperation, appeared before the NCP&PC in November and secured its endorsement. The Park Service would proceed, Byron was told, if he could obtain the sponsor's contribution required for WPA projects--in this case, $15,000 from the Washington County commissioners and the town of Williamsport. By August 1940 the sponsors had pledged only $5,000,

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[32]Memo, Gartside to Acting Director, NPS, Aug. 2, 1939, GWMP/C&O file 500-10, RG 328; memorandum, White to Gartside, Aug. 5, 1939, ibid.; letter, Demaray to White, Aug. 9, 1939, C&O file 650.03, RG 79.

[33]Letter, White to Delano, Aug. 7, 1939, GWMP/C&O file 500-10, RG 328; letter, Delano to Nolen, Aug. 22, 1939, ibid.; memorandum, Nolen to Delano, Sept. 11, 1939, ibid.

[34]Memorandum, Ickes to Demaray, Oct. 27, 1939, C&O file 650.03, RG 79; memorandum, Gartside to Director, NPS, Nov. 8, 1939, GWMP/C&O file 500-10, RG 328.

however. The Interior Department sought a transfer of funds from the WPA so that the project could go forward entirely with federal money, but the WPA refused. The project went no further.[35]

This was just as well, for the Park Service had its hands full caring for the section of the canal just rewatered. In September and October serious leaks were discovered just below Widewater. The CCC lowered the water level, built dams above and below the leaks, and pumped out the remaining water between them. The rock underlying the canal bottom was found to be fractured, requiring removal of the sandy overlay and grouting to seal the cracks. This major task, also handled by the CCC, halted canoeing from that point down to Lock 5 for the rest of the season.[36]

America's entry into World War II at the end of 1941 forced severe cutbacks in Park Service operations. The C & O Canal, which was not officially a unit of the national park system or even the national capital parks system, was especially hard-hit. War mobilization brought an end to the CCC program, on which the Service had relied for canal maintenance. Troops occupied the vacated CCC barracks at Carderock and the Great Falls Tavern to guard the intake works of the Washington Aqueduct, which supplied the city's water.

Less than a year later, in October 1942, another major flood struck the Potomac Valley. Although less severe than that of 1936, it ravaged much of the 1939-40 canal restoration work. The large filled towpath embankment at the lower end of Widewater again washed out, and the Army took the opportunity to fence off the canal between there and Swains Lock (Lock 21, the next above Great Falls). There was a break at Lock 7, and damage to the feeder dam at Little Falls and other breaks below Lock 5 left Georgetown without canal water. The repair cost between Georgetown and Great Falls was estimated at $250,000.[37]

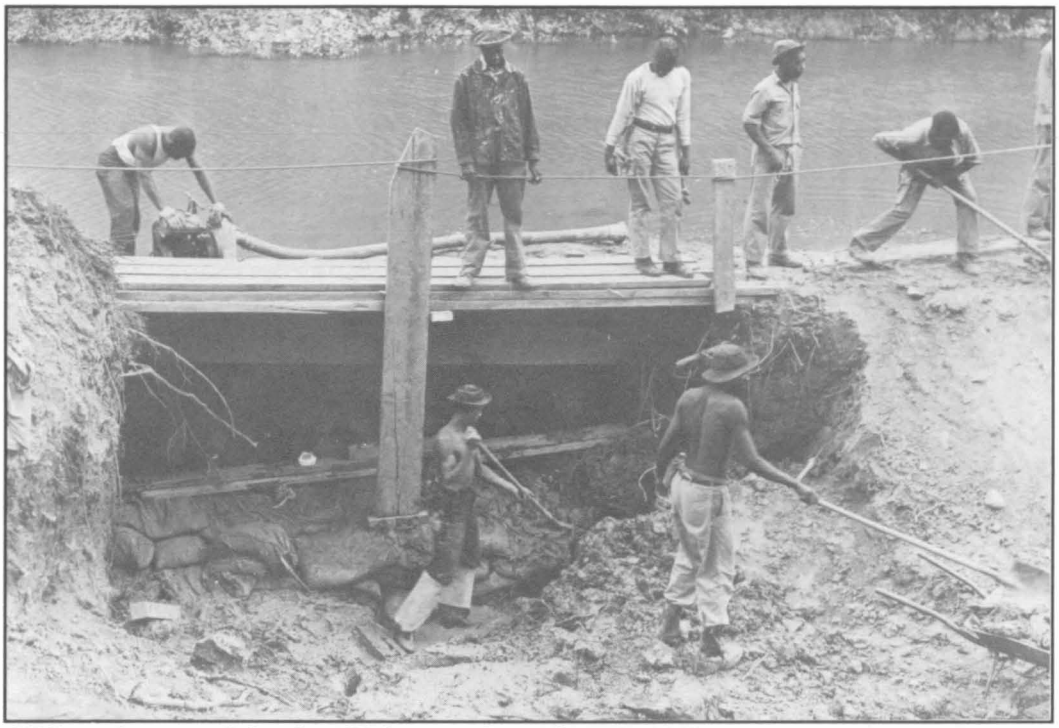
Under wartime conditions only the portion below the Little Falls dam could be repaired. The Corps of Engineers repaired the feeder area at Lock 5 so that water could reach an emergency pumping station it installed on the canal to supply the Dalecarlia Reservoir if the conduit from Great Falls were bombed or sabotaged. With a special appropriation obtained in

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[35]Extract from minutes of 144th meeting, NCP&PC, Nov. 16-17, 1939, GWMP/C&O file 500-10, RG 328; letter, Elbert K. Burlew to Byron, Dec. 2, 1939, ibid.; letter, Burlew to F. C. Harrington, Aug. 8, 1940, file 1460/C&O-5, WNRC; letter, Howard O. Hunter to Burlew, Aug. 14, 1940, ibid.

[36]P. E. Smith, "Report on Leaks Below Widewater," Oct. 18, 1940, file 1460/C&O-5, WNRC.

[37]Memorandum, Arthur E. Demaray to Secretary of the Interior, Oct. 23, 1942, file 1460/C&O-5, WNRC.



CCC repairs towpath break at Widewater, September 10, 1940.



CCC recontructs towpath at Widewater, July 9, 1941.

March 1943, Corson & Gruman was awarded a $149,367 contract in June to repair the feeder dam and perform other work needed to restore water to the Georgetown mills by that fall. Work on the dam continued in 1944, when a concrete cap was installed over two hundred feet of its length to better hold its relaid stones in place.[38]

At war's end in August 1945, the Park Service promptly began planning and negotiating with the Corps of Engineers to accommodate the public at Great Falls and to repair and rewater the canal from Widewater down to Lock 5. A major cleanup job was required to clear fallen trees and brush from the previously fenced area, normally one of the heaviest used stretches of the towpath.[39] Because the Widewater break could not then be repaired, a dike was placed across the canal below it, and arrangements were made to fill the canal from there down to Lock 5 with water from the Washington Aqueduct. This was done in 1946, but the volume of water that the Service was able to obtain from the Corps proved inadequate to maintain a proper level in the canal. Work on the Widewater break did not get underway until 1954 and was not completed until the fall of 1957.

Until 1946 the legality of funding such work was somewhat doubtful, inasmuch as the C & O Canal was not an official park system unit and lacked legislation authorizing appropriations for it. Working with the Bureau of the Budget, the Park Service prepared a bill to rectify this situation for the canal and miscellaneous other NPS holdings and activities outside established park boundaries. "The activities for which definite statutory recognition is here sought have, in the past, been authorized from year to year in acts appropriating moneys for the National Park Service," Secretary Ickes wrote in transmitting the bill to Congress. "However, some of these customary appropriation provisions may conceivably be vulnerable to a point of order, based upon the absence of any express mention of the particular activity concerned in the general language of the laws that they are designed to implement." The bill, enacted without difficulty on August 1, 1946, legitimized future appropriations for the "administration, protection, maintenance, and improvement of the Chesapeake and Ohio Canal."[40]

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[38]Ibid.; letter, Demaray to E. A. Schmitt, Dec. 4, 1942, file 1460/ C&O-5, WNRC; letter, Irving C. Root to Rep. Joseph Clark Baldwin, Apr. 2, 1943, ibid.; Letter, Root to Corson & Gruman, June 7, 1943, ibid.; Steven H. Lewis, "Stabilization Study, Little Falls Skirting Canal, Maryland and District of Columbia," August 1966, History Division.

[39]Hugo Habluetzell, oral history transcript, June 23, 1971, NPS Harpers Ferry Center Library, Harpers Ferry, W. Va.

[40]Letter, Ickes to Sam Rayburn, Feb. 7, 1947, in H. Rept. 2459, 79th Congress; Public Law 79-633, Aug. 7, 1946, U.S. *Statutes at Large* 60: 885.

THE PARKWAY PROPOSITION

The 1942 flood, undoing much of what the National Park Service had lately done below Seneca, all but ended discussion of restoring the C & O Canal above that point. Clearly it would be trouble enough to maintain a waterway along its lower 22 miles. What, then, to do with the remainder of the canal, stretching another 162 miles to Cumberland?

As acquired, this long strip of real estate was virtually unmanageable as parkland. Whereas the lower canal was buffered by lands being purchased for the George Washington Memorial Parkway in Maryland and the Palisades Parkway in the District of Columbia, the upper portion enjoyed no such protection. The Park Service held only the canal company's narrow right-of-way, averaging about 230 feet wide and thus seldom extending much beyond the towpath embankment on the river side and a like distance on the berm or inland side. Between the canal and river was much private land, used for homes, summer camps, and agriculture, to which many owners gained access along the towpath. Other private development closely bordered the berm. Because the canal company had made little effort to maintain the right-of-way after navigation ceased in 1924, intrusions by squatters and encroachments by neighboring owners were common. In places farmers had run fences across the dry bed and towpath so that their livestock could cross to and from the river.

Making this part of the canal suitable for public recreation and enjoyment would require acquisition or control of the riverside land and enough land on the berm for a scenic buffer. But there was no legal authority to acquire more land above Great Falls, and appropriations for the purpose were unlikely in any event. With few exceptions, Congress required lands for federal parks to be donated until the 1960s (when it authorized appropriations for land acquisition in the Cape Cod National Seashore act of 1961 and earmarked federal revenues for the purpose in the Land and Water Conservation Fund Act of 1965). In the case of the canal, this meant that additional lands would have to be purchased and donated by the state of Maryland--a remote prospect unless Maryland could be enticed by some compensating federal benefit.

Even if the right-of-way were cleared of private intrusions and the necessary lands acquired, it seemed unlikely that the dry canal would attract enough recreational use to justify its development and maintenance as national parkland. The Park Service prided itself as a people-serving agency, and the numbers of people who would be served by proposed park acquisitions and improvements weighed heavily in its calculations. The congressmen who authorized and appropriated money for these activities

were also influenced by public use statistics. Hikers, bicyclists, birders, and others who might enjoy the upper canal in its ruined, revegetated state constituted a small and silent minority in those years.

As if these circumstances were insufficiently challenging to the C & O's custodians, there loomed the real possibility that long stretches of the canal would disappear from view. As directed by Congress in 1936 and 1937, the Army's Corps of Engineers surveyed the Potomac River basin for flood control and other improvements. At the beginning of 1945 it proposed a system of 14 multiple-purpose reservoirs on the Potomac and its tributaries. Construction would begin with a 119-foot-high dam at Riverbend, just above Great Falls, which would flood an area extending nearly to Harpers Ferry (and impound the Monocacy River past Frederick). Next would come a 105-foot dam at Chain Bridge, flooding the Little Falls area almost to Great Falls. Later Potomac dams would be built just below Harpers Ferry, flooding the lower town and back past Shepherdstown; at Rocky Marsh Run above Shepherdstown, flooding to Williamsport; at Pinesburg above Williamsport, flooding to Hancock; and above Little Orleans, flooding to Paw Paw. Such prominent canal features as the Monocacy and Antietam aqueducts would be inundated along with 78 miles of the towpath.[1]

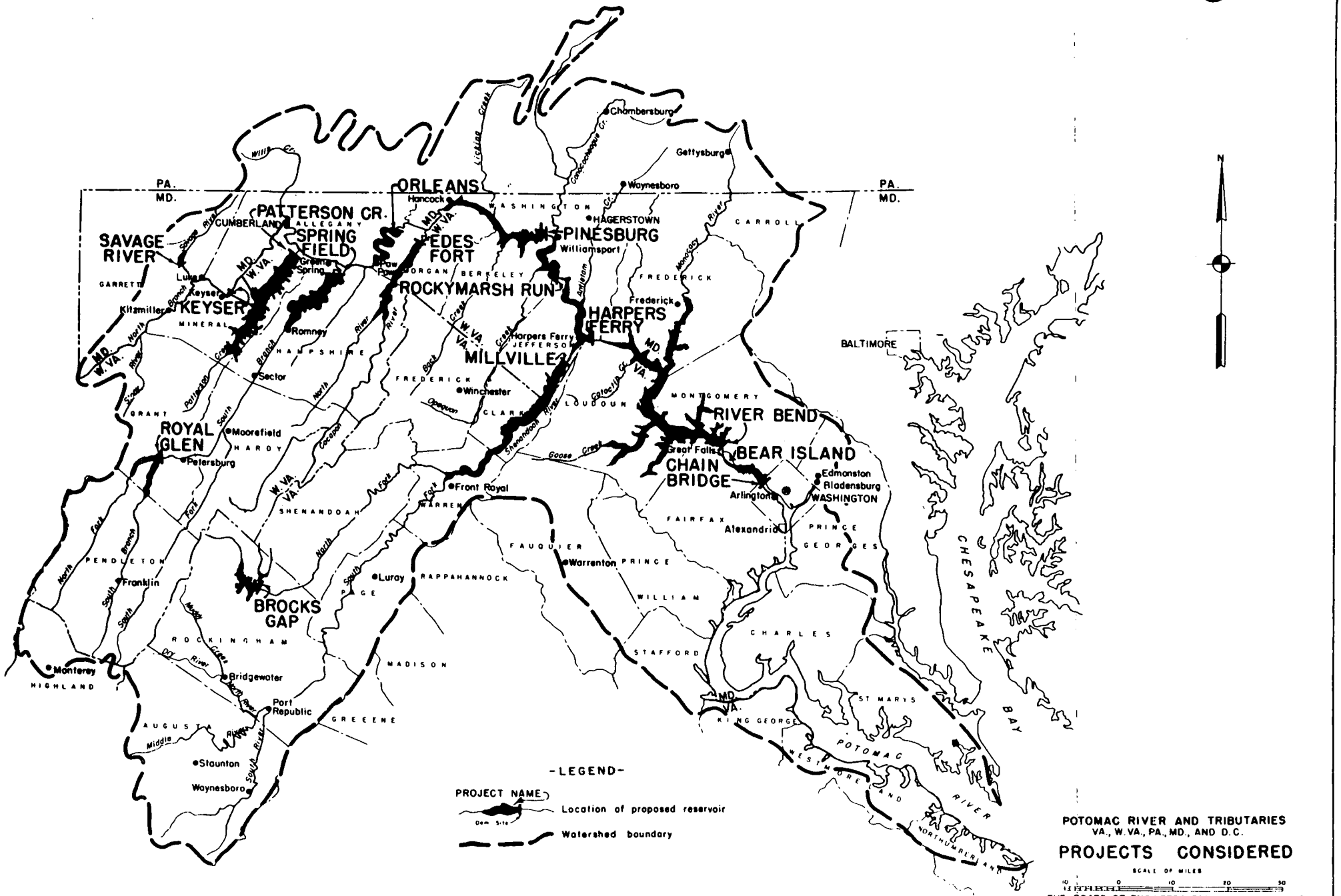
Although the Chain Bridge and Riverbend dams and a small one at Bear Island would submerge about 41 miles of the C & O, the Corps report noted, "most of this portion of the canal is now inundated by periodic floods which makes effective maintenance most difficult and expensive." The lake formed behind the Chain Bridge dam "would create an attractive and much needed recreational area for a large portion of the inhabitants of Washington." The Riverbend dam could be operated to enhance the flow over Great Falls during summer daylight hours and could serve as the planned bridge for the George Washington Memorial Parkway near that point (page 8). Small locks at the Chain Bridge, Bear Island, and Riverbend dams would allow pleasure craft to navigate from Washington to Harpers Ferry.[2]

The Park Service officially opposed the Corps plan. The reservoirs with their drawdowns would poorly serve public recreation, Associate

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[1]U.S. Department of War, Office of the Middle Atlantic Division Engineer, "Public Notice Relative to Proposed Improvement of Potomac River and Its Tributaries," Jan. 1, 1945, copy in files at Chesapeake and Ohio Canal National Historical Park.

[2]*Potomac River and Tributaries, Maryland, Virginia, West Virginia, and Pennsylvania*, Letter from the Secretary of War transmitting a letter from the Chief of Engineers, United States Army, dated March 8, 1946, submitting a report . . . on a Preliminary Examination and Survey of the Potomac River and Tributaries . . . , H. Doc. 622, 79th Congress, May 28, 1946, p. 84.



POTOMAC RIVER AND TRIBUTARIES
VA., W.VA., PA., MD., AND D.C.

PROJECTS CONSIDERED

SCALE OF MILES
10 0 10 20 30

THE BOARD OF ENGINEERS FOR RIVERS AND HARBORS
FEBRUARY 1945

Director Arthur E. Demaray declared, while "the adverse effects of the dams on Federal park properties would greatly outweigh any possible benefits."[3] At a public hearing in the Interior Department Auditorium on April 3, 1945, only three persons out of more than 1,000 attending spoke in favor of the plan; opposing speakers included most members of Congress from the affected area.[4] The opposition caused the chief of engineers and the secretary of war to withhold endorsement of the plan, but the concerns that had prompted it remained. Pressure for dams was sure to resurface.

If the canal corridor was to be retained and maintained as parkland in the face of these problems and challenges, a development plan was needed that would persuade Maryland to acquire and donate more land, lead to substantial public use, and entail levels of public investment and support sufficient to deter future reservoir plans. Devereux Butcher, executive secretary of the National Parks Association, returned to the idea of canal restoration. "It seems to me that one of the surest ways to keep the would-be dam builders of the Potomac licked is to repair the canal and develop it as much as possible for recreation," he wrote the superintendent of National Capital Parks.[5] With good reason, however, few if any Park Service officials viewed this as feasible. They turned instead to another development concept: that of a parkway.

A parkway road paralleling the canal as far as Great Falls was an integral part of the George Washington Memorial Parkway development plan, and in 1935 planners with the Park Service, the National Capital Park and Planning Commission, and the Bureau of Public Roads had considered its extension upriver (page 11). NPS landscape architect Malcolm Kirkpatrick and NCP&PC landscape architect Thomas C. Jeffers had both strongly opposed locating such a road on or alongside the canal.[6] Soon after the Park Service acquired the canal, Under Secretary of the Interior Harry Slattery advised Sen. Millard E. Tydings of Maryland (in a letter prepared by the Service) that "a scenic highway along the route of the canal" was not contemplated; rather, it was "the general plan to preserve

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[3]Letter, Demaray to Board of Engineers for Rivers and Harbors, Mar. 28, 1945, files, C & O Canal NHP.

[4]Memorandum, Demaray to Francis S. Ronalds, Apr. 4, 1945, ibid.

[5]Letter, Butcher to Irving C. Root, Dec. 21, 1945, Administration, Maintenance, and Protection file 1460/C&O-5, National Capital Parks, Washington National Records Center, Suitland, Md. Hereinafter cited as file 1460/C&O, WNRC.

[6]Memorandum, Kirkpatrick to Thomas Vint, Apr. 24, 1935, C & O Canal file, Office Files of John F. Nolen, Jr., National Capital Planning Commission, Record Group 328, National Archives, Washington, D.C.; Jeffers's concurrence on Nolen's copy.

the area [above Seneca] for recreational usage and for the conservation of wildlife."[7] After 1942, however, official sentiment began to shift.

In addition to the flood, pressures from Cumberland made preservation or restoration of the upper canal an increasingly unlikely prospect. On behalf of local interests, the Maryland General Assembly passed a resolution in May 1941 requesting Congress and the secretary of the interior to convey the former canal company lands within Cumberland to the city for flood protection, highway construction, and "the elimination of conditions, within the canal basin, detrimental to the health and comfort of the citizens of said City." Two miles of the canal would be converted to a road connecting with the local airport; another 2.12 miles would become a riverside drive joining State Route 51.[8]

The Park Service rejected the city's request, citing Corps of Engineers plans for a levee along the upper portion and the uncertain state of its own plans. After the flood, however, Service officials were more receptive to such proposals. When Cumberland's city attorney met with NCP Superintendent Irving C. Root in June 1943 to advocate a parkway drive along the entire canal to Cumberland, Root was willing to consider it.[9]

In late 1945 the Corps had advanced its plan for flood protection for Cumberland and neighboring Ridgeley, West Virginia, and sought Park Service concurrence in those aspects of it affecting the canal property. The dam that had fed the canal terminus would be removed, effectively precluding rewatering of the 78 miles above Dam 5; a levee would bury the last mile of the canal and towpath; and the grade of a former basin used as a ballpark would be raised. "This Department is now confronted with the necessity of making a decision as to the future use of the canal property in the Cumberland area," Arthur Demaray wrote Secretary Ickes. "This Service is of the opinion that, after eight years of administration and study, the time has come when it would be advantageous to formulate a policy for the recreational use of the canal as a whole."[10]

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[7]Letter, Slattery to Tydings, Jan. 23, 1939, C & O Canal file 650.03, National Capital Parks, National Park Service, Record Group 79, National Archives, Washington, D.C. Collection hereinafter cited as C&O file 650.03, RG 79.

[8]House Joint Resolution 8, May 29, 1941; memorandum, Irving C. Root to Newton B. Drury, Oct. 13, 1941, C&O file 650.03, RG 79.

[9]Letter, Newton B. Drury to Charles M. See, Oct. 30, 1941, C&O file 650.03, RG 79; NCP staff meeting minutes, June 2, 1943, file 1460/C&O, WNRC.

[10]Memorandum, William G. Hayward, P. E. Smith, and Merel S. Sager to Irving C. Root, Oct. 24, 1945, file 1460/C&O, WNRC; letter, Col. John M. Johnson to Root, Oct. 25, 1945, ibid.; memorandum, Demaray to Ickes, Dec. 11, 1945, ibid.

Demaray cast the flood control project in positive terms: "The proposal provides for a low levee along the top of the towpath, and the filling in of the canal and its adjacent areas behind the levee which would preclude the future use of the canal in the City of Cumberland for canal purposes, but would provide much usable recreational land not subject to inundation." He asked for approval to cooperate with the Corps on the project. With respect to the overall canal property, he wrote: "It is believed that the 23 miles of restored canal should be ample to disclose to the visiting public the historical aspects of the canal, and also should be ample to actively maintain as a recreational area. The restoration and maintenance of a greater area would involve great expense. The canal property between Seneca and Cumberland, Maryland, has possibilities for use as an easy grade, highly scenic parkway and many other park uses."[11]

The Interior Department's assistant solicitor questioned the Park Service's authority to transfer canal property to the Corps and to develop a parkway rather than maintain or restore the canal. In response, NCP Senior Attorney Sidney McClellan cited the authority for parkway construction in the National Industrial Recovery Act (under which the canal had been acquired) and a July 29, 1938, letter from PWA Administrator Ickes to Secretary Ickes allotting $2.5 million for purchase of the C & O "and the construction of a parkway as well as the rehabilitation of the existing canal as an historic site." Although the parkway referred to in the allotment letter could not have been more than the George Washington Memorial Parkway to Great Falls, present purposes were better served by construing the reference more broadly.[12]

"In view of the foregoing, it appears to me that the dominant thing contemplated was the construction of a parkway," McClellan continued. "I do not think that the phrase 'as well as the rehabilitation of the existing canal as an historic site' was used with the intention that the entire canal was to be restored." He cited the prohibitive cost of restoration and the fact that the right-of-way was frequently too narrow for both the canal and a parkway. Because the Park Service had authority to construct a parkway, it had discretion to determine which portions of the canal would be restored and which would be filled for the road. Also, it would necessarily have to cooperate with the Corps on flood control to protect the property. "Accordingly, there is no legal objection, in my opinion, to filling the canal

[11]Memorandum, Demaray to Ickes, Dec. 11, 1945, ibid.

[12]Memorandum, McClellan to Harry Edelstein, Jan. 10, 1946, ibid.

with dirt at the points here in question as a step toward its conversion into a parkway," McClellan concluded.[13]

The proposal for cooperation with the Corps was made more specific as to what the Corps would be permitted to do on canal property. No land would be transferred to the War Department (the Corps' parent agency), and the Corps could be required to supply water to the canal downstream from the filled area. When Ickes himself received the amended proposal, however, he criticized the change of thinking that underlay it. "When we acquired the Chesapeake and Ohio Canal property I thought that we were buying it as a canal and not as a right of way for a road," he replied.[14]

Before the NPS could respond, Ickes resigned and left office on February 15, 1946. Demaray thus made his case to Oscar L. Chapman, the acting secretary. The canal, he wrote, would cost an estimated $10 million to restore and at least $300,000 per year thereafter to maintain--sums unlikely to be provided by Congress. In the absence of restoration, there was no justification for opposing the flood control project, particularly as it would improve recreational opportunities in Cumberland. A parkway to Cumberland had not been decided upon but must be considered as an option. Chapman agreed, signing his approval on March 29.[15]

The canal parkway readily attracted support in western Maryland, an economically depressed region served by few good roads. Working with the Park Service, J. Glenn Beall, western Maryland's congressman, introduced legislation in the next Congress for a feasibility study of the proposal. Under Secretary Chapman recommended enactment of the bill in a March 29, 1948, letter to the House Public Lands Committee: "Above Seneca the canal has been so seriously damaged that it is believed that its restoration for strictly recreational purposes by the Federal Government would prove too costly. A cursory study would indicate that it might be feasible, however, to construct a scenic highway along the route of the old canal from Great Falls to Cumberland, Md. . . . The Potomac, with its many picturesque rapids and lake-like pools walled in by wooded mountainsides, constitutes a scenic wonderland now hidden from the eyes of the millions of Americans who could enjoy its inspirational beauty if it

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[13]Ibid.

[14]Memorandum, Demaray to Ickes, Jan. 24, 1946, ibid.; Ickes quote in memorandum, Demaray to Oscar L. Chapman, Mar. 6, 1946, ibid.

[15]Memorandum, Demaray to Chapman, Mar. 6, 1946, ibid.

were opened to their view through the establishment of the proposed parkway."[16]

Beall's bill passed the House and Senate without debate and was signed into law on June 10. It authorized the expenditure of $40,000 for a "joint reconnaissance study" by the Park Service and Bureau of Public Roads "to determine the advisability and practicability of constructing a parkway along the route of the Chesapeake and Ohio Canal, including a report of estimated cost."[17]

The institutional commitment to the parkway concept was by then sufficient to leave little doubt as to the study's outcome. The NPS-BPR report, transmitted to Congress in August 1950, declared that a parkway would be both practical and advisable if the state of Maryland would donate additional land for the right-of-way. It would provide a suitable approach to the nation's capital, permit recreational developments along its route, and enable full benefits to be realized from the federal investment in the canal property. It would also contribute to civil defense, being a controlled access road "well into the mountains with the assurance of rapid uninterrupted traffic in time of need."[18]

The road would have a 24-foot-wide pavement with eight-foot shoulders. For 22 of the 32 miles between Great Falls and Point of Rocks and for the last three miles at Cumberland there would be two roadways, straddling the canal where possible. Along the rewatered section above Great Falls there were "tight spots aggregating in length about 2-1/2 miles" where it would "be necessary to throw the canal back into the cliff to get the rock needed for the initial roadway" and provide width for the second roadway.[19] The report minimized the extent to which the canal prism above the rewatered section would be obliterated, but the accompanying drawings showed the road coinciding with the canal along much of its length, being diverted to one side primarily at locks.

Dick Sutton, a Park Service architect on the parkway planning team, had found the canal aqueducts in bad shape: "The stage has been reached where on every structure the spandrels have either collapsed or are bulging appreciably and will fail in a relatively short time unless immediate steps are taken to correct the conditions." He recommended repairing most of

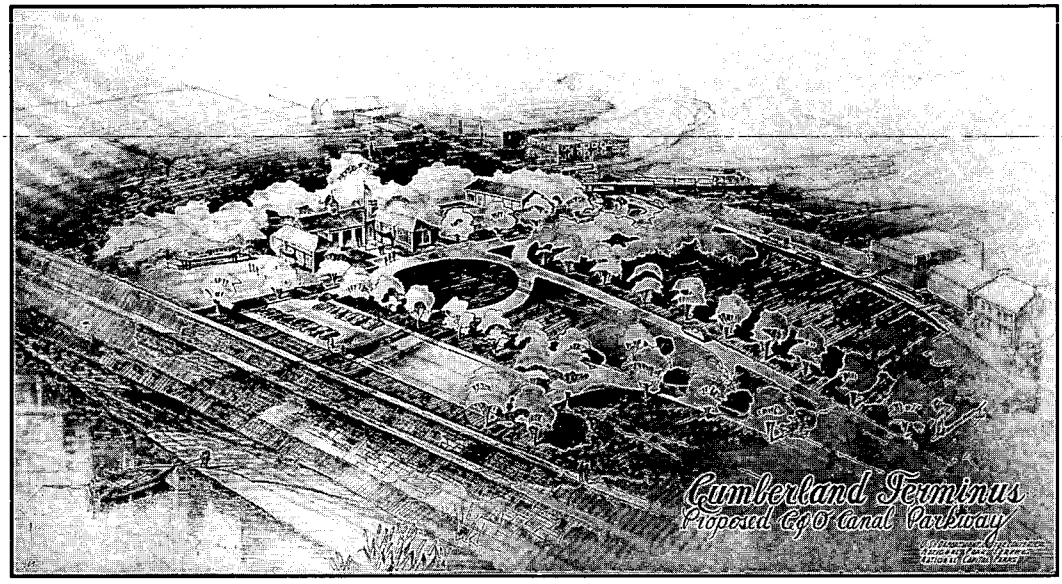
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[16]H.R. 5155, 80th Congress; letter, Chapman to Rep. Richard J. Welch in H. Rept. 1684, 80th Congress.

[17]*Congressional Record* 94: 4636, 6763; Public Law 80-618, U.S. *Statutes at Large* 62: 351.

[18]U.S. Congress, House, *Chesapeake & Ohio Canal Report*, H. Doc. 687, 81st Congress, Aug. 16, 1950, pp. iii-iv.

[19]Ibid., p. 34.



Proposed C & O Canal Parkway terminus in NPS parkway report, 1950.

them to carry the road; doing so would preserve them and would cost less than new bridges. It was unlikely that money would otherwise be provided to preserve them, he felt, and in some cases there were no good alternative locations for bridges. He named the Catoctin, Antietam, Conococheague, and Great Tonoloway aqueducts as being too deteriorated or unsuitably positioned for the road; but the final report declared that all aqueducts could be used. The road would also be run through the Paw Paw Tunnel.[20]

In addition to serving recreational users, the parkway was expected to attract much ordinary traffic seeking to bypass such congested centers as Frederick and Hagerstown.[21] But it was justified primarily in terms of its scenic, historical, and recreational attributes--sometimes in purple prose:

> The embers of past historic conflagration still smolder along the path of the canal and would glow anew with the first stir of public interest. The scenery runs the full cycle from tranquil wide waters and pastoral river slopes to the greater excitement of the winding, twisting river palisades and ultimately the scale of the mountain valley. This retinue of interests holds attraction for the tourist camper, the sportsman and the day outing party in all degrees from the novice to the sophisticate.

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[20]Memorandum, Sutton to Thomas C. Vint, Apr. 11, 1949, C&O file 650.03, RG 79; *Chesapeake & Ohio Canal Report*, p. 15.

[21]*Chesapeake & Ohio Canal Report*, p. 32. It was understood that under the terms of the sales contract with the canal company receivers, commercial traffic could not use the parkway without the consent of the B & O Railroad (ibid., p. 2; see p. 19 above).

> The environment of the canal and river immediately generates in one an enthusiasm to see these 170 miles of delightful scenery unfolded on parkway terms. The incentive to link together the many discoveries that have been made is like the desire often experienced and universally understood to transform the black and white of printed words to a production in full color.[22]

The report cited the "well-established policy in the development of parkways of this character" of states acquiring and donating the needed lands. About a hundred acres per mile had been found necessary and obtained in this manner for the Blue Ridge and Natchez Trace parkways. The government already held about 28 acres per mile along the canal, requiring a lesser commitment by Maryland to make up the balance of some 11,900 acres. "The additional lands . . . are not of an expensive character and it should not be difficult for the State to acquire them," the report stated.[23]

The cost of road construction was estimated at $16,162,000. The project would also include restoration of selected canal features, including rewatering of three segments totaling 26 miles, at a cost of $319,000; restoration and repair of lockhouses and other historic buildings at a cost of $104,000; and construction of new buildings and facilities, including a headquarters and museum at Cumberland, costing $522,700. The grand total came to $17,107,700.[24]

Walter S. Sanderlin, a history professor who had written and published his dissertation on the history of the C & O, summarized the canal's history in an appendix to the report. He concluded by endorsing the parkway project as "best adapted for the achievement of such varying objectives as the provision of recreation areas, the preservation of selected canal structures as historic sites and the protection of the inherent beauty of the valley."[25]

Ronald F. Lee and Herbert E. Kahler, the ranking historians in the Park Service, and T. Sutton Jett and Rogers W. Young, the Service historians who had been most closely involved with the canal, joined in the endorsement. Young recorded their consensus after a meeting that May: "We are in general agreement with the final conclusions set forth in the draft of the report regarding the overall plan for the Parkway, the use of historic structures, and the development proposed for the right-of-way of

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[22]Ibid., p. 30.

[23]Ibid., pp. 41, 42.

[24]Ibid., pp. 40, 80-84.

[25]Ibid., p. 52.

the old Canal. We feel that the general conclusions reflect the thinking of all of the groups that have participated in this study of the proposed Parkway, including the administrative personnel of National Capital Parks, the Service, and the Bureau of Public Roads, as well as the engineers, landscape architects, architects, and historians."[26]

The next step was to obtain legal authority to accept the needed lands from Maryland. While the parkway report was still in draft, Representative Beall introduced another bill for this purpose. The bill referred presumptively to "present parkway lands" between Great Falls and Cumberland and authorized donations "sufficient to increase the present parkway width to an average of one hundred acres per mile for the entire length of the parkway." Land exchanges were also authorized, primarily to permit a proposed swap of some canal land in Cumberland for some B & O Railroad land along the canal. Again with Interior Department support, the bill slid unopposed through Congress to become law on September 22, 1950.[27] In effect, Congress had approved the parkway.

Only now were dissenting voices raised. On October 30 the conservation director of the Izaak Walton League of America informed NPS Assistant Director Conrad L. Wirth that some of the league's Maryland members were "quite incensed over the proposals of the National Park Service to build a road, or highway, along the C. and O. Canal," believing that "the area could serve a far greater value if kept in a natural state." In a response prepared by Sutton Jett, NCP Superintendent Edward J. Kelly defended the bureau's plan: "In recommending the construction of a parkway along this route, the National Park Service does not feel that it has violated the principle of conservation for which it has long stood. Under existing conditions, many miles of the canal right-of-way are now inaccessible for policing and fire protection, and use of the river and Federal properties is limited largely to private individuals and clubs, many of which have little regard for the wildlife and natural features of the area. The construction of the proposed parkway under National Park Service policies governing the conservation of natural and historical features would result in a minimum disturbance of the area, and would at the same time make

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[26]Memorandum, Young to Ronald F. Lee, May 12, 1950, file 1460/C & O Canal, C & O Canal NHP.

[27]H.R. 8534, 81st Congress, May 17, 1950; letter, Dale E. Doty to Rep. J. Hardin Peterson, Aug. 7, 1950, in H. Rept. 2834, 81st Congress; *Congressional Record* 96: 12920, 14667; Public Law 81-811, U.S. *Statutes at Large* 64: 905.

this 160-mile strip of park land accessible for adequate protection and conservation, and provide the necessary funds therefor."[28]

The National Parks Association assembled a special committee to review the parkway plan. Its report, issued in 1951, criticized the plan for inadequate attention to natural values but did not reject the basic concept: "The committee recognizes that it would be difficult if not impossible to obtain funds from Congress to develop the C and O Canal for increased recreation unless a unified plan of certain feasibility is presented. . . . The parkway proposal represents such an overall plan, and suitably modified, might enable funds to be obtained that could be used to improve present conditions and arrest deterioration. In the absence of a better overall proposal, the committee does not at this time disapprove further exploration of the parkway idea."[29]

The ball was now in Maryland's court. In May 1951 the state's General Assembly directed the State Planning Commission, the Board of Natural Resources, and the State Roads Commission to study the parkway proposal and the contribution that would be required from the state. A joint committee comprising I. Alvin Pasarew of the State Planning Commission, Joseph F. Kaylor and Ernest A. Vaughn of the Board of Natural Resources, and Joseph D. Buscher of the State Roads Commission was formed. NCP Associate Superintendent Harry T. Thompson became the principal Park Service liaison to the committee. Strongly committed to the parkway, Thompson took Vaughn and others on a "show me" trip along the canal in July and vigorously promoted the project at every opportunity.[30]

Thompson had his work cut out for him. Vaughn, director of the Maryland Game and Inland Fish Commission, and Kaylor, director of the Department of Forests and Parks, lost no time in voicing their opposition. They argued that parkway construction would destroy wildlife habitat, that the completed road would present a serious hazard to wildlife, and that Park Service regulations would keep hunters from reaching the Potomac.[31]

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[28]Letter, Robert O. Beatty to Wirth, Oct. 30, 1950, file 1460/C & O Canal, C & O Canal NHP; letter, Kelly to Beatty, Nov. 3, 1950, ibid.

[29]Quoted in Irston R. Barnes, "Historic C & O Canal Threatened by Road," *National Parks Magazine* 27, no. 114 (July-September 1953): 136.

[30]S.J. Res. 14 approved May 7, 1951, *Laws of Maryland 1951*; State of Maryland, "Report of the Joint Committee on the Chesapeake and Ohio Canal Parkway," December 1952; memorandum, W. Drew Chick to Harry T. Thompson, June 25, 1951, file 1460/C & O Canal, C & O Canal NHP; memorandum, Thompson to Ben H. Thompson, July 25, 1951, ibid.

[31]Memorandum, Chick to Thompson, June 25, 1951.

At bottom, they were disturbed about the loss of state control over the lands bordering "Maryland's river."

In January 1952 Alvin Pasarew, the state committee's chairman, wrote Secretary of the Interior Oscar Chapman to seek clarification on several issues, including access for hunters, wildlife habitat protection, and right-of-ways for industrial development and public utilities. In a response prepared by Thompson, Chapman gave positive assurances on all points. But the Board of Natural Resources was not mollified. That June its members unanimously voted to oppose the parkway as interfering with state plans for developing forests, parks, and recreation areas and improving wildlife habitat along the Potomac. Rather than having Maryland acquire more land for the Park Service, they wanted the Service to transfer its property above Great Falls to the state.[32]

"It is now quite evident to the people in Maryland . . . that the C & O Canal Parkway proposal is not the answer to a sound multiple land and water use program for that area," Vaughn wrote Thompson after the board's vote. His commission still found the parkway plan detrimental to hunting, and it felt that the Park Service had underestimated the cost of land acquisition. It joined the board in advocating "return" of the upper canal to Maryland.[33]

Thompson had lobbied actively for Maryland support, speaking to civic groups, urging them to petition their elected officials, even preparing pro-parkway resolutions for their adoption.[34] He was bitterly disappointed. "Perhaps you have not yet received my letter of June 5, which explained in the best English at my command that the State would retain title to and manage and administer in its own way such areas as are considered desirable for shooting purposes," he replied to Vaughn, enclosing letterhead stationery of the secretary of the interior "on which the Maryland Game and Inland Fish Commission may write its own ticket, stating in its own language how it would prefer to manage the islands and mainland areas along the Potomac River which your Commission proposes to add to the park program." If it did so, he was confident that Chapman would be "pleased to sign it."[35]

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[32]Letter, Pasarew to Chapman, Jan. 3, 1952, in "Report of the Joint Committee on the Chesapeake and Ohio Canal Parkway," p. 25; letter, Chapman to Pasarew, Feb. 13, 1952, ibid.; ibid., pp. 42-43.

[33]Letter, Vaughn to Thompson, June 11, 1952, file 1460/C & O Canal, C & O Canal NHP.

[34]See, for example, Thompson letter to Roger B. Farquhar, Montgomery County Historical Society, May 12, 1952, ibid.

[35]Letter, Thompson to Vaughn, June 17, 1952, ibid.

Thompson shared his frustration with Lester W. Towner, another member of the natural resources board: "Those of us who are concerned with the administration and the development of the Chesapeake and Ohio Canal have all but begged in public on our knees in an effort to encourage the Maryland Game and Inland Fish Commission to stand fast on a program of its own choice and have offered every possible cooperation and encouragement to the Department of Forests and Parks to join hands in developing the recreational potentials of the Potomac River. Do you know of anything else we can or should do?"[36]

"The devil of it is, those who are for it are not audible," Thompson complained to the manager of the Automobile Club of Maryland, a parkway supporter. "They will not petition their representatives in Congress and until such time as those who are for it are as vigorous in their support as the opponents, we are going to have tough sledding." As he portrayed the struggle to the editor of the *Cumberland Times*, the project had acquired a moral dimension: "Where the Parkway project is concerned, we should be guided by the advice of Thomas Jefferson when he said, 'We must be content to secure what we can get from time to time, and eternally press forward for what is yet to get. It takes time to persuade men to do even what is for their own good.' We have, I am convinced, a cause worth fighting for and I should much prefer to be on the side of working for a cause that promises the greatest good for the greatest number instead of for a cause that espouses a selfish and unneighborly attitude such as our friends in Hagerstown seem to be pursuing."[37]

The report of Maryland's parkway committee, issued in December 1952, reflected the divergent views of the participating agencies. The Board of Natural Resources included in its opposing statement a letter by Joseph Kaylor that lent some credence to Thompson's characterization of his adversaries. "As head of the authorized park agency in the State and one who is interested in recreational uses by Marylanders, I cannot say I think the development of the Parkway would benefit the citizens of our State," Kaylor wrote. "On the other hand it becomes a very questionable project which could unload on the nearby Maryland countryside many people from the District of Columbia who would create problems such as we have not been confronted with in the past. Rather than buy the land to be turned over for a Federal Park at a cost which is excessive at the present

[36]Letter, Thompson to Towner, July 10, 1952, in "Report of the Joint Committee on the Chesapeake and Ohio Canal Parkway," p. 47.

[37]Letter, Thompson to Leonard E. Kolmer, Oct. 16, 1952, file 1460/C & O Canal, C & O Canal NHP; letter, Thompson to J. William Hunt, Oct. 27, 1952, ibid.

time, let us use the same funds to put our own State Parks and Recreation Areas in order. . . ."[38]

The board repeated the negative arguments, depicting the parkway as a costly barrier to hunting and industrial development. Again appealing to anti-Washington sentiment, it cast the issue in terms of "whether we are to have an expanded State program in parks and recreation areas, or to have ones developed and controlled by the Federal government causing us to be overrun by a new group who will overflow into nearby Maryland to further add to our problems."[39]

The State Planning Commission and State Roads Commission collaborated in a somewhat more positive statement. "While this new parkway . . . is not as important as other roads in the over-all highway planning of Maryland, if it could be secured by the State of Maryland merely by the State furnishing the right of way and the Federal government defraying all construction costs, it would . . . be a very worthwhile investment," they declared. But they could not firmly support it without a better estimate of the land cost. They also called for further consideration of water resource development and other recreational options along the Potomac, presumably including dams and reservoirs. They recommended that "no further action be taken by the State in support of any single-purpose development until the General Assembly and the Governor authorize the undertaking and completion of a comprehensive study of the Potomac River resource, which will indicate the best uses of the River for all interests and citizens."[40]

Thompson was invited to participate in the joint committee's report but declined. To NPS Director Conrad L. Wirth he wrote, "I thought it adequate to reply in the most gentlemanly manner possible in the circumstances because we may have to live with the situation for some time before Maryland comes to its senses."[41] He was not ready to quit, however. While Frederick and Hagerstown tended to oppose the parkway, fearing a loss of business from the bypass, support from Hancock to Cumberland remained strong. In a strategic retreat, Thompson and his Maryland allies now proposed to build the road only along the sixty miles

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[38]"Report of the Joint Committee on the Chesapeake and Ohio Canal Parkway," p. 50.

[39]Ibid., p. 53.

[40]Ibid., pp. 61-63.

[41]Thompson to Wirth, Dec. 4, 1952, file 1460/C & O Canal, C & O Canal NHP.

between those points--at least at the outset. Between Great Falls and Hancock the canal would be developed as a "walking parkway."[42]

Thompson again worked energetically to win support in Maryland for the modified plan, at the same time initiating a crash canal improvement program to forestall criticisms about Park Service neglect of the canal and efforts to transfer it to Maryland. On February 11, 1953, he visited Annapolis with A. J. Knox, NCP's legal officer, to help Maryland Assistant Attorney General Joseph Buscher draft a parkway land acquisition bill, introduced in the General Assembly by Sen. Robert Kimble. "I think I have done all I can to help resolve the problem favorably," he wrote J. Glenn Beall, now a U.S. senator, on March 3. "If we could just persuade our friends in Annapolis, who represent Montgomery, Frederick, and Washington Counties, to attach an amendment to Senator Kimble's bill which would provide for the acquisition of the lands needed for the walking parkway between Hancock and Great Falls, it would be a successful day."[43]

As enacted on March 27, the bill authorized up to $350,000 for land acquisition only between Hancock and Cumberland. No lands were to be acquired "unless and until the Congress of the United States shall have enacted legislation providing permanent easement rights for the use of water from the Potomac River to the State of Maryland, its political subdivisions, its industrial business units and its citizens," and no lands were to be conveyed to the United States until the State Roads Commission had assurance that the parkway would be built.[44]

Senator Beall and Rep. DeWitt S. Hyde of Maryland had already introduced the desired legislation in Congress, and it was signed into law on August 1. It required the secretary of the interior "to grant perpetual easements, subject to such reasonable conditions as are necessary for the protection of the Federal interests, for rights-of-way through, over, or under the parkway lands along the line of the Chesapeake and Ohio Canal, now or hereafter acquired," for specified utility purposes. Other easements across the canal lands could be granted at the secretary's discretion. The secretary was authorized to convey lands not needed for parkway purposes to local jurisdictions for roads and other public facilities, "but not to the extent of severing in any manner the continuity of the parkway lands from Great Falls to and including the city of Cumberland, Maryland." The secretary was also authorized to transfer lands to and accept lands from

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[42]Letter, Thompson to Alvin Pasarew, Feb. 9, 1953, file 1460/C&O, WNRC.

[43]Letter, Thompson to Beall, ibid.

[44]S.B. 211, *Laws of Maryland 1953*.

other federal agencies "for the purpose of facilitating the development, administration, and maintenance" of the parkway.[45]

The way now appeared ready for at least the sixty-mile parkway beyond Hancock. But there were dissenters from even this scaled-down scheme, which would affect the wild and scenic stretch of canal through the Paw Paw bends. Irston R. Barnes, president of the Audubon Society of the District of Columbia and nature writer for the *Washington Post*, had still advocated restoration of the whole canal in a January article:

> The prescription for the C. & O. Canal is obvious. The people of the valley have a priceless asset in the national park status of the canal. Let the National Park Service acquire the private lands between the canal and the river. Let the canal be restored as a highway for canoes, and perhaps for a few of the old barges. Let the towpath become a country lane for hikers and cyclists. Restore the canal and its locks and lockhouses to their nineteenth-century usefulness. Provide an abundance of small camp sites at intervals of a few miles, equipped with safe drinking water, Adirondack shelters, fireplaces, and simple sanitation facilities. Prepare the lockhouses as hostels for winter use. . . .
>
> A limited number of access roads to the canal would allow the motorist to escape from traffic and enjoy, but not destroy, the quiet beauty of the river country.[46]

Anthony Wayne Smith, a CIO attorney active in the National Parks Association, followed in April with a "Potomac Valley Recreation Project" proposal along the same lines. An outspoken advocate, Smith called Harry Thompson soon afterward and angrily accused him of inappropriate lobbying for the parkway. "Tony . . . declared himself violently opposed to the Parkway program and stated if need be he would go to the Hill and to the President to stop this and other silly projects," Thompson told Conrad Wirth. "Our conversation, or perhaps I should say monologue, ended with a bang of the telephone receiver preceded by the repeated threat that he would now proceed to line up the fullest possible political support at his command to fight the Park Service on this project."[47]

The D.C. Audubon Society called a meeting at the home of Mrs. Gifford Pinchot on May 7 to mobilize the opposition. Some fifty people attended, including Irston Barnes, Shirley A. Briggs, and Constant Southworth of the society; Howard Zahniser, executive secretary of The Wilderness Society; and Smith. Smith attacked the Park Service plan for the canal, charging that as soon as the parkway was built from Cumberland to Hancock there would be pressure to continue it to Great Falls. The

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[45]Public Law 83-184, Aug. 1, 1953, U.S. *Statutes at Large* 67: 359.

[46]Barnes, "C & O Canal Proposed as Recreation Park," *Washington Post*, Jan. 11, 1953, clipping in file 1460/C&O, WNRC.

[47]Memorandum, Thompson to Wirth, Apr. 28, 1953, ibid.

group voted to form the Potomac Valley Conservation and Recreation Council, with Barnes as chairman, to fight the parkway and promote conservation objectives for the valley.[48]

Barnes further sounded the alarm in that summer's *National Parks Magazine*, the National Parks Association journal. His article, "Historic C & O Canal Threatened by Road," was sympathetic to the management problems facing the Park Service. "In these circumstances it is not surprising that the National Park Service pitched upon the highway as a solution to secure the land between the canal and the river, to secure greater public utilization of the area, to guard against damage by damming, or being split up by secondary and purely local uses," he wrote. But he faulted the bureau for a lack of imagination and initiative in offering and pushing a suitable plan for preservation and recreational development: "The threat to the C and O Canal lies in the proposed construction of a motor highway from Cumberland to Hancock, and in the hidden plan to extend that highway all the way to Washington. That the threat is now upon us must be ascribed to the mistaken planning and misplaced zeal of the National Park Service itself. The only way to save the canal is through wide and vocal opposition to the plan, and thus to extricate the Service from its own commitments."[49]

Reinforcing the "hidden plan" suspicions, Thompson continued to distribute copies of the 1950 parkway report. Frederick Law Olmsted, Jr., obtained one and reviewed it along with Barnes's article. "The adverse criticism of the C & O Report by the National Park Service and the Bureau of Roads seems to me on the whole well founded," he wrote Wirth. "A high-speed thoroughfare for automobiles . . . would, I am sure, be a wasteful use of a great recreational opportunity presented by the Canal property. I hope it can be headed off."[50]

Wirth's response, drafted by Thompson, insinuated that the prominent landscape architect had been misled by the opposition. "By no stretch of the imagination could a street wide strip of land that has been used for 75 years as a commercial trafficway be considered a wilderness as has been suggested by those who advocate the development along the lines of the National Parks Magazine article which insofar as I can determine advocates the return of the old historic canal to the land with a disjointed and

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[48]Dora A. Padgett, "Report on a Meeting Called by the Audubon Society of the District of Columbia, on May 7, 1953, at the Home of Mrs. Gifford Pinchot, 1615 Rhode Island Avenue, Washington, D.C., at 8 P.M.," ibid.

[49]Barnes, "Historic C & O Canal Threatened by Road," p. 135.

[50]Letter, Olmsted to Wirth, Aug. 13, 1953, file 1460/C&O, WNRC.

completely unmanageable spotting of recreational facilities along it. . . ," he wrote Olmsted. "I am sure you realize that a program of sufficient magnitude to attract the support of great numbers of people is absolutely essential for the protection of the Potomac River from future dam projects which have been sponsored by the Corps of Engineers on several occasions in the past. I think it safe to say that the Corps of Engineers will not rest their proposals to dam the Potomac River so long as there is potential current in it. As a practical matter we in the park world must be braced to protect the park values of the river with the most forceful arguments at our command and in my opinion the proposals of Mr. Smith are woefully weak in this respect."[51]

Thompson professed to have no hidden agenda to extend the parkway below Hancock. "You will find those who will argue and insist that we are not sincere in this walking parkway idea and that it is only a blind to get our foot in the door for the construction of a drive the entire length of the river from Cumberland to Great Falls," he wrote another correspondent. "I am willing to rest the case on developing this section of the canal as a walking parkway without a road and let the future comparison between that which is with road and that which is without road determine the future of the towpath between Hancock and Great Falls." But the hidden agenda was evident in another letter from Wirth to a longtime Park Service supporter: "We fully intend to protect the C & O Canal and its historic values; however, the river drive into Washington from Cumberland is most important for the protection of the Potomac River from future dam projects of the Corps of Engineers. . . . I am inclined to believe that the idea [the 1950 plan] went a little too far, however, minor adjustments can be made in it which will, in my opinion, do what the conservationists and the historians want us to do, and at the same time provide a parkway approach from the west to Washington."[52]

Wirth, a member of the National Capital Planning Commission, encouraged support for the parkway there and within the broader National Capital Regional Planning Council. The *Washington Post* responded with a favorable editorial on January 3, 1954. Judging the canal "no longer either a commercial or a scenic asset," it viewed the Park Service plan as a good way to make the Potomac Valley accessible to sightseers, campers, fishermen, and hikers. "The basic advantage of the parkway is that it would

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[51]Letter, Wirth to Olmsted, Oct. 20, 1953, ibid.

[52]Letter, Thompson to Leonard E. Kolmer, November 1953, ibid.; letter, Wirth to Harlan P. Kelsey, Sept. 9, 1953, ibid.

enable more people to enjoy beauties now seen by very few," it concluded.[53]

The editorial proved a classic--for the opposing response it elicited. The January 19 *Post* carried an evocative and challenging letter from U.S. Supreme Court Justice William O. Douglas, a vigorous outdoorsman:

> The discussion concerning the construction of a parkway along the Chesapeake and Ohio Canal arouses many people. Fishermen, hunters, hikers, campers, ornithologists, and others who like to get acquainted with nature first-hand and on their own are opposed to making a highway out of this sanctuary.
>
> The stretch of 185 miles of country from Washington, D.C., to Cumberland, Md., is one of the most fascinating and picturesque in the Nation. The river and its islands are part of the charm. The cliffs, the streams, the draws, the benches and beaches, the swamps are another part. The birds and game, the blaze of color in the spring and fall, the cattails in the swamp, the blush of buds in late winter--these are also some of the glory of the place.
>
> In the early twenties Mr. Justice [Louis D.] Brandeis traveled the canal and river by canoe to Cumberland. It was for him exciting adventure and recreation. Hundreds of us still use this sanctuary for hiking, and camping. It is a refuge, a place of retreat, a long stretch of quiet and peace at the Capital's back door--a wilderness area where we can commune with God and with nature, a place not yet marred by the roar of wheels and the sound of horns.
>
> It is a place for boys and girls, men and women. One can hike 15 or 20 miles on a Sunday afternoon, or sleep on high dry ground in the quiet of a forest, or just go and sit with no sound except water lapping at one's feet. It is a sanctuary for everybody who loves woods--a sanctuary that would be utterly destroyed by a fine two-lane highway.
>
> I wish the man who wrote your editorial of January 3, 1954, approving the parkway would take time off and come with me. We would go with packs on our backs and walk the 185 miles to Cumberland. I feel that if your editor did, he would return a new man and use the power of your great editorial page to help keep this sanctuary untouched....[54]

Merlo Pusey, the editorial's author, and Robert H. Estabrook, the editorial page editor, responded on January 21 with another editorial, titled "We Accept":

> Mr. Justice Douglas wrote in a most charming manner about the beauties of the Potomac River and the old Chesapeake and Ohio Canal . . . .
>
> Our idea, and that of at least some of the sponsors of the proposed C & O parkway, we are sure, was not to make the littoral of the Potomac an artery of traffic. It is not the place for motorists in a hurry. Rather, the parkway is designed to make the area accessible in the way that the Skyline Drive has made the delights of the Blue Ridge Mountains accessible to many thousands of people who otherwise would have never been able

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[53]"Potomac Parkway," *Washington Post*, Jan. 3, 1954, p. 4.

[54]Reproduced in Jack Durham, "The C & O Canal Hike," *The Living Wilderness* 19, no. 48 (Spring 1954): 2.



Merlo Pusey, William O. Douglas, Edward Kelly, Douglas McKay, Harry T. Thompson (far right) at Lock 6, March 27, 1954.

It having been decided to hike downstream, the B & O Railroad provided a special car to carry Douglas's party and press representatives from Washington to Cumberland on March 19. Senator Beall greeted them upon arrival. A dinner with appropriate oratory ensued at the Cumberland Country Club. The next morning the party were transported to begin the hike at Lock 72, some ten miles down, thus skipping the unsightly and odoriferous remnant of the canal nearest the terminus. The Potomac Appalachian Trail Club arranged to truck their heavy equipment and prepare most of their meals, and sportsmen's clubs along the route provided nightly accommodations.[57]

The hikers reached Seneca after seven days on the towpath and spent the night at an Izaak Walton League clubhouse nearby. That evening they organized the C & O Canal Committee to pursue their objectives. Douglas became chairman; the other members were Irston Barnes, George Blackburn, Harvey Broome, William Davies, Robert Estabrook, Bernard Frank, Olaus Murie, Sigurd Olson, Louis Shollenberger, Anthony Smith, and Howard Zahniser.

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[57]Durham, "The C & O Canal Hike"; W. Drew Chick, Jr., "Report of Justice Douglas-Washington Post Hiking Trip Along the Chesapeake and Ohio Canal, March 20-27, 1954," C & O Canal NHP.

to enjoy their vistas, to hike their trails, or to camp in their unspoiled woods and meadows. . . .

We are pleased to accept Justice Douglas's invitation to walk the towpath of the old canal--the entire 185 miles of it between Washington and Cumberland, if that meets with his pleasure. He has only to name the time and the starting point of the journey and to prescribe the equipment to be taken along. But it is only fair to warn the Justice that we are already familiar with some parts of the beautiful country that will be traversed. We are sufficiently enthusiastic about it to wear some blisters on our feet, but we do not believe that this back-yard wilderness so near to Washington should be kept closed to those who cannot hike 15 or 20 miles a day.[55]

News of the impending hike excited conservation leaders and outdoorsmen from near and far. Douglas and the *Post* received letters from numerous would-be participants; in the end, more than two dozen prepared to join much if not all of the trek. Among them were Olaus J. Murie, Harvey Broome, Bernard Frank, and Howard Zahniser, respectively president, vice president, executive committee chairman, and executive secretary of The Wilderness Society; Sigurd F. Olson and Anthony Wayne Smith, president and executive committee member of the National Parks Association; George F. Blackburn and John Schorr, president and conservation chairman of the Potomac Appalachian Trail Club; Irston Barnes and Constant Southworth of the D.C. Audubon Society; William E. Davies of the U.S. Geological Survey; Louis W. Shollenberger, a CBS radio newsman; and Walter Sanderlin, canal historian and history professor at Washington and Jefferson College.

The Wilderness Society and Potomac Appalachian Trail Club organized and provided logistical support for the hike, receiving full cooperation from the Park Service notwithstanding their differences over the parkway development. Harry Thompson met with Douglas in February, and on March 4 W. Drew Chick, Jr., NCP's chief naturalist, attended a planning meeting in the justice's chambers with Pusey, Murie, Zahniser, Olson, Smith, Barnes, and Jack Durham (who had been engaged by The Wilderness Society to handle arrangements and who prepared a comprehensive account of the hike for the Spring 1954 issue of the society's journal, *The Living Wilderness*). Thompson detailed Chick and U.S. Park Police Corporal Samuel H. Hower, whose beat was the canal, to accompany and assist the hikers. His cooperative posture reflected no change of heart, however. "I doubt seriously if they will convince too many people by the demonstration that the canal should be preserved only for the hikers," he wrote the editor of the *Cumberland Times*.[56]

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[55]Ibid., p. 3.

[56]Letter, Thompson to William Hunt, Mar. 18, 1954, file 1460/C&O, WNRC.



Merlo Pusey, Harvey Broome, Olaus Murie, Robert Estabrook, Irston R. Barnes, William O. Douglas aboard Canal Clipper, *March 27, 1954.*

On the next and last day, March 27, the hikers were met by large crowds as they neared Washington. At Lock 6 they were greeted by Secretary of the Interior Douglas McKay, NCP Superintendent Edward Kelly, Thompson, and Sutton Jett. Below Lock 5 they boarded the mule-drawn *Canal Clipper* and floated into Georgetown. Only nine of the party--later dubbed "the nine immortals"--had remained afoot the entire distance to that point: Douglas, Broome, Murie, Southworth, Grant Conway, Albert E. Farwell, George F. Miller, Jack Permain, and Colin Ritter.

The real purpose of the hike was publicity, of course, and in this its leaders were not disappointed. Aubrey Graves, country life editor of the *Post*, had joined Pusey and Estabrook to report for their paper, and George Kennedy covered the hike for the *Evening Star*. Associated Press accounts, network radio and television news broadcasts, movie newsreels, and illustrated stories in *Time* and *Life* magazines informed readers across the nation of the canal, the event, and the controversy.[58]

Estabrook and Pusey, whose editorial had triggered the hike, followed with another on March 31. While not abandoning the parkway concept, they now proposed some significant modifications:

[58]Ibid.

In one important respect we have changed our minds. The 1950 plan . . . called for a parkway along the towpath, and in some places along the bed, of the old Chesapeake & Ohio Canal. Apart from the desirability of leaving some areas in their natural state, this would be a much bigger undertaking than we had supposed. The amount of fill required to make the canal bed usable would be enormous. . . .

At the same time, there are a number of scenic sectors where a parkway would do little harm and would be an attraction for persons who do not have the stamina for long hikes. . . . Existing roads, such as Maryland Route 51 and River Road, would form the nucleus for a parkway in some areas. In others a parkway could be built along the top of the bluff to give beautiful panoramas without disturbing the canal and towpath preserve. . . .

In view of the above considerations we propose that:

1. The Park Service plan be substantially modified to avoid encroachment on the best of the natural areas, to preserve as much as possible of the towpath and canal bed and to shorten distances where the river meanders. . . .

2. Stress be placed on developing picnic grounds as well as access roads into the natural areas. The canal itself ought to be restored as a canoeway where feasible. Special attention should be given to historic sites, including access from a canal parkway to such spots as the Antietam Battlefield.

3. Inducements be given local communities to clean up the parts of the canal preserve and river front now polluted and littered with trash--notably the unsightly stretches around Hancock and Brunswick.

4. The possibility be investigated of obtaining matching funds from Maryland for access roads. Both a walking trail and a parkway should spur tourist trade and should bring motels, hostels, and stores. . . .[59]

The next month Justice Douglas sent Secretary McKay the preliminary recommendations of his C & O Canal Committee. They did not differ greatly from those in the latest *Post* editorial. The committee also favored a parkway from Cumberland to Washington "following existing state, county, and federal aid roads where practicable, perhaps at places parallel to, but not on the canal proper." Declaring that "the canal property should be developed as a recreational area," they proposed restoring and rewatering more of the canal for canoeing and fishing, establishing campsites with shelters and other facilities every ten miles, and providing new and improved access roads tied into the parkway system. They sought more federal land for the campsites and for "effective management and control of the entire property."[60]

From McKay's warm and conciliatory reply, there seemed to be few if any differences between the current government program and that of the conservationists. "I was delighted to find that the suggestions presented by your committee so closely parallel those of this Department in so many particulars," he wrote Douglas. "Indeed, it appears that there is complete

[59]"C & O Canal: A Report," reproduced in Durham, "The C & O Canal Hike," pp. 23-24.

[60]Letter, Douglas to McKay, Apr. 22, 1954, file 1460/C&O, WNRC.

agreement on the major objectives to be achieved." He called the government's parkway plans "quite preliminary" and promised full consideration of the committee's views as planning proceeded.[61]

Douglas wrote again in June, enclosing a subcommittee report laying out a proposed Potomac Valley Motor Trail. It followed existing roads except between Paw Paw and Hancock, where a new road not disturbing the canal would be built. He and the committee were especially impressed with the scenic qualities of that region and suggested that it be set aside as Paw Paw National Park.[62]

With his western Maryland political base in mind, Senator Beall meanwhile continued to press for action on the parkway above Hancock as previously planned and supported by the state. "The Republican Administration and the Republican Congress should receive the credit for starting construction on this project," he wrote McKay in late April. The secretary thereupon solicited President Dwight D. Eisenhower's support in a letter prepared by Harry Thompson. "Every precaution will be taken to insure that the parkway will not be destructive of the canal where it can be avoided," he wrote. "Senator Beall and I are quite anxious to get the planning work done between Cumberland and Hancock so that when funds are available this section can be started on whatever plan is approved without too long a delay." Based on this letter, Beall announced that McKay had approved the parkway.[63]

This did not square with the conciliatory posture adopted toward the conservationists, and the Park Service diplomatically disavowed Beall's claim. In correspondence with Olaus Murie, Conrad Wirth distanced himself from the parkway plan, noting that it had been prepared before he became director. "I have purposely held up any action on it because of the opposition to it until I can look into it personally," he wrote. To avoid the adverse implications of the C & O Canal Parkway designation, he agreed with a suggestion to label it the Potomac River Parkway instead.[64]

Vocal public sentiment ran strongly against the canal parkway in the months after the Douglas hike. Among numerous protests received by the Interior Department and the Park Service was an eloquent and insightful one from Irving Brant, a longtime conservation activist. "The one word

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[61]Letter, McKay to Douglas, May 4, 1954, ibid.

[62]Letter, Douglas to McKay, June 19, 1954, ibid.

[63]Letter, Beall to McKay, Apr. 27, 1954, ibid.; letter, McKay to Eisenhower, April 30, 1954, ibid.; Beall press release, May 9, 1954, ibid.

[64]Letter, Wirth to Murie, Apr. 15, 1954, ibid.; Wirth note on memorandum, John Nolen, Jr. to Wirth, May 13, 1954, ibid.

that applies to every aspect of the canal today is *intimacy*," Brant wrote. "There is intimacy in the canal itself, in its towpath, its old locks and lockhouses, in the trees that overlay it, in its relationship to bluffs and river, in the wildlife one finds along it. A motor parkway would destroy this utterly."[65]

In January 1955, responding to the preponderant opposition and his own doubts, Wirth appointed a committee to restudy the development of the canal from Great Falls to Cumberland. The committee was chaired by Ben H. Thompson, chief of the NPS Division of Cooperative Activities, and included Harry Thompson, Chief Naturalist John E. Doerr, Chief Historian Herbert Kahler, Thomas C. Vint, chief of the Division of Design and Construction, and Lloyd Meehean, assistant to the director of the Fish and Wildlife Service.

At their initial meetings the members considered Anthony Wayne Smith's Potomac Valley Recreation Project proposal and the recommendations of Douglas's C & O Canal Committee. Harry Thompson discredited the idea of building the parkway above Hancock on the bluffs back from the canal, noting that this would entail many expensive bridges and much higher land acquisition costs. Ben Thompson noted that the existing roads paralleling the canal elsewhere lacked the essential character of a scenic recreational parkway and could not properly serve as such. There was agreement that a feasible and genuine parkway would have to accord generally with the 1950 plan.

The committee toured the canal from Cumberland to Harpers Ferry in March, then tried to decide whether the 1950 plan should be pursued. Harry Thompson remained its strongest advocate, declaring it necessary to "serve a full cross section of the public" and arguing that "anything less than a multipurpose or embracing theme of development would not . . . be acceptable to the legislative authorities in the State of Maryland." If the parkway were to be dropped, he thought the canal above Seneca should be disposed of. Vint was less enthusiastic about the parkway, judging the ideal to be a linear national park without a road, but he saw no way of obtaining the needed lands without it. "Unless some means can be found to find a source of funds for land acquisition on the ideal basis, I would favor continuing with the parkway plan," he declared. "In the long run the important thing is to keep the river bank in public ownership."[66]

With Meehean abstaining, the three remaining committee members formed a bare majority against the parkway. Echoing Irving Brant, they

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[65]Letter, Brant to Douglas McKay, June 14, 1954, ibid.

[66]Thompson and Vint memorandums accompanying "Progress Report of Committee Making a Study of the Chesapeake and Ohio Canal," July 1, 1955, C & O Canal NHP.

saw the road as destroying "the intimate character of the canal-river strip," whose values were "of the foreground type, which can best be enjoyed by activities that bring the user into intimate contact with nature and the historic structures, as contrasted with the background or grand scale type of landscape values that can best be enjoyed by motoring." They advocated improving and maintaining the towpath as a national trail for both hiking and bicycling. They recommended rewatering as much of the canal as possible and varying the treatment of the unwatered sections. (The 1950 report had proposed that most of the dry bed be cleared and planted in grass, producing a result now seen as "monotonous, destructive of wildlife habitats, and recreationally inferior.")[67]

"The committee recognizes that if . . . it should be decided not to build the proposed parkway road, the problem of land acquisition will have to be worked out on new and hitherto untried grounds," its report declared. "We believe that we do not underestimate the complexity and uncertainties of that venture." Because there was still no likelihood of acquiring lands other than by state donation, the majority recommended adoption of the "more flexible national recreation area concept" from Seneca to Cumberland. The Chesapeake and Ohio Canal National Recreation Area could encompass state park and wildlife management areas and permit hunting, thus catering to those Maryland interests who had opposed the parkway. A five-member advisory board representing history, biology, landscape architecture, state parks, and state fish and game conservation would be appointed by the secretary of the interior for the national recreation area, which would be administered as a separate unit of the national park system in NPS Region Five (headquartered in Philadelphia).[68]

Not surprisingly, the committee's recommendations did not satisfy Senator Beall and the western Marylanders who were counting on a new road beyond Hancock. Pressures from that direction led Wirth himself to conduct another field inspection of the area in early 1956. At the end of February he met with Secretary McKay, Beall, and Representative Hyde. The result was official endorsement of a Chesapeake and Ohio Canal National Historical Park along with an associated but separate parkway west of Hancock. The park, extending from the Great Falls terminus of the George Washington Memorial Parkway to the vicinity of Cumberland, would encompass up to 15,000 acres. Measures for stabilization of its historic features, public use development and access, and land acquisition would be proposed as part of Mission 66, a ten-year capital improvement program designed to upgrade Park Service facilities and services in time for

[67]Ibid., pp. 4, 17.

[68]Ibid., pp. 2, 8.

the bureau's fiftieth anniversary in 1966. The parkway, about 25 miles long and requiring some 2,500 acres, would connect Route 51 near Paw Paw with Long Ridge Road near Woodmont.[69]

Ben Thompson presented this solution at Harpers Ferry in April to a group marking the second anniversary of the Douglas hike. Inasmuch as it favored basic elements of the C & O Canal Committee's plan, it was well received by that audience. In an editorial, the *Washington Post* also approved the Park Service plan to preserve the canal intact and build the scenic parkway "well back from the canal."[70]

As Ben Thompson's committee had recommended in their national recreation area proposal, the national historical park and parkway would be administratively separated from the canal below Seneca and placed under the Region Five office in Philadelphia. There were several reasons for dividing the canal in this fashion.

First, national historical parks and other units of the national park system were generally overseen by regional offices. National Capital Parks, having many components but still classed as a single unit of the system, was anomalous in that its superintendent reported directly to the NPS director rather than a regional director. But it was not yet a regional office supervising other parks classed as separate units. If part of the canal was to become a national historical park and thus a full-fledged unit of the system, contemporary practice dictated its assignment to the nearest regional office. Leaving the lower canal out of the national historical park and within NCP was justified by its location in and near Washington--NCP's traditional service area.

Even without these organizational factors, the division served Park Service purposes. Opposition to the federal land acquisition and parkway development plan in Maryland had stemmed in part from rural antipathy to a perceived influx of urban troublemakers. Drawing the national historical park to exclude the lower canal and managing it from outside NCP would have the desirable effect of distancing it from Washington.

Finally, the canal parkway controversy was not altogether over. The parkway on and along the canal between Great Falls and Cumberland had been laid to rest. But plans for a parkway road along the restored canal below Great Falls--part of the George Washington Memorial Parkway--remained active. To minimize objections to this road, it was expedient to

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[69]"Statement by Conrad L. Wirth, Director, NPS, Concerning the Proposed Chesapeake and Ohio Canal National Historical Park and Parkway, Maryland, for Presentation to the State of Maryland Board of Natural Resources, March 19, 1956," C & O Canal NHP.

[70]"Potomac for the Future," *Washington Post*, May 1, 1956, p. 24.

have the national historical park begin above the point where the road would end.

As recounted earlier, the George Washington Memorial Parkway concept had originated with the McMillan Commission in 1901. The 1930 Capper-Cramton Act had authorized land acquisition (including acquisition of the canal to Point of Rocks) and road construction on both sides of the river to just above Great Falls, where a bridge would link the Maryland and Virginia sections. By the mid-1950s most of the land for the Maryland section had been acquired, but the road there had not proceeded beyond the drawing boards.

The alignment of this road section had been a matter of concern for some years. In 1943 H. E. Van Gelder, a Park Service landscape architect, argued that between the District of Columbia line and Cabin John Creek, "no location is possible which would not more or less severely damage the steep wooded slopes above the canal, and be so close to it as to be objectionable through noise and smoke." Two years later he reiterated his concern: "In all but the section from Cabin John Bridge to Cropley, such construction would be so detrimental to the scenery of the canal and the river gorge that the basic idea of building a parkway on these steep hillsides so close to the canal should be seriously reconsidered, and improvement of existing Conduit Road [MacArthur Boulevard] substituted for it."[71]

Using MacArthur Boulevard posed other difficulties, and by 1954 plans were readied for a separate road between it and the canal. In early 1955 the House of Representatives approved a $655,000 appropriation to grade the road during the coming fiscal year. Previously unfamiliar with these plans, some of those who had opposed the canal parkway now intervened to fight the project in the Senate.

Adm. Neill Phillips, representing the D.C. Audubon Society, the Progressive Citizens Association of Georgetown, and the Potomac Appalachian Trail Club, appeared before the Senate subcommittee on Interior Department appropriations in April. "This proposed section of 4-lane dual highway on the banks of the C. & O. Canal is one more example of the pernicious philosophy that has grown up in some Government circles since the war that an easy solution to Washington's traffic problems lies in shoving superhighways through our magnificent parks," he testified. He declared that the road would crowd the canal, passing between it and the Lock 5 lockhouse and destroying its scenic, historic, and recreational attributes. He asked the subcommittee to deny the appropriation and

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[71]Memorandum, Van Gelder to Chief of Planning, Aug. 12, 1943, George Washington Memorial Parkway--Maryland file, Office of Land Use Coordination, National Capital Region, NPS; memorandum, Van Gelder to Harry T. Thompson, June 12, 1945, file 1460/ C&O-5, WNRC.

request a restudy of the road alignment that would consider using MacArthur Boulevard and the parallel trolley line to Glen Echo. Howard Zahniser followed in opposition. Recalling the previous year's protest against the canal parkway above Great Falls, he urged that the restudy initiated in response be extended to the George Washington Memorial Parkway.[72]

The Park Service defended its plan. "The projected parkway does not encroach on the canal nor does it occupy the canal cross-section as has been reported incorrectly from time to time," Acting Director Hillory A. Tolson wrote the Senate committee chairman before the hearing. "The towpath, the historic lock houses, and the adjoining canal lands along the river will continue to remain, as they now exist, as a recreational waterway." MacArthur Boulevard was an unsuitable alternative, he declared, being a restricted Corps of Engineers work road atop the Washington Aqueduct with subdivision developments on both sides. At the hearing, Director Wirth testified that the road would come no closer than 125 feet to the canal. He was forced to revise this claim in a subsequent written submission. Of the 10.8 miles of road between the D.C. line and the proposed bridge above Great Falls, 4.1 miles would be less than 120 feet from the canal. In two places, near Brookmont and Glen Echo, the pavement would be twenty feet from it.[73]

Following the hearing, the Senate Appropriations Committee directed that the Park Service obligate no money on the parkway between the D.C. line and Cabin John. The House-Senate conference committee on the appropriation bill deleted this prohibition, allowing funds to be obligated on condition that "maximum possible protection shall be provided to maintain the C. & O. Canal and the lands bordering it in their natural state." The parkway opponents then went to Sen. James E. Murray of Montana, chairman of the Senate Interior and Insular Affairs Committee, who obtained a promise from Secretary McKay to delay parkway construction until the National Capital Planning Commission had studied alternate locations.[74]

Irston Barnes, head of the D.C. Audubon Society and the Potomac Valley Conservation and Recreation Council, carried on the struggle during

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[72]U.S. Congress, Senate, *Interior Department and Related Agencies Appropriations for 1956, Hearings* before a Subcommittee of the Committee on Appropriations, 84th Congress, 1st Session (Washington: Government Printing Office, 1955), pp. 879, 884.

[73]Letter, Tolson to Sen. Carl Hayden, Apr. 1, 1955, ibid., p. 674-75; ibid., pp. 676, 685.

[74]S. Rept. 261, 84th Congress, p. 11; H. Rept. 731, 84th Congress, p. 7; April L. Young, "Saving the C and O Canal: Citizen Participation in Historic Preservation," M.A. thesis, George Washington University, 1973, p. 40.

1955-1956 with anti-parkway articles in the Audubon Society's *Atlantic Naturalist* and *National Parks Magazine*. The council's *Survey of the Potomac River Situation*, published in 1956, continued the attack: "With curious inconsistency, the NPS still persists in pushing plans for the parkway, which would greatly impair, along the lower canal, the very principles which it has espoused for the upper region. The anomaly is striking, for if it were necessary to single out only one part of the canal for preservation, the area near the city of Washington would clearly be the most significant because it offers natural conditions so close to the city."[75]

This time, however, the parkway foes were fighting a losing battle. The road had been planned for a quarter-century, and the federal and state governments had each provided some $715,000 to acquire nearly 1,500 acres for the project in Maryland. The opposition was too little and too late. Reporting on its study of alternatives in August 1957, the National Capital Planning Commission agreed with the Park Service that the conversion of MacArthur Boulevard to parkway use was infeasible. "The location as now established was selected upon the basis of placing it everywhere as far away from the canal and towpath on the side away from the river, as the land acquired for the purpose will permit," the NCPC report stated.[76]

Work on the Maryland leg of the George Washington Memorial Parkway began soon afterward. Progress was delayed by construction of the Potomac Interceptor Sewer, serving Dulles International Airport and the Potomac Valley downstream, in the early 1960s. The sewer was run under portions of the road and the canal, which had to be dewatered for a time between Widewater and Brookmont. By 1965 the parkway was completed from the District line to a junction with MacArthur Boulevard west of the Navy's David Taylor Model Basin. A jurisdictional controversy with the D.C. government stalled its connection to Canal Road at Chain Bridge until 1970. The spanning of the Potomac by the Capital Beltway at Cabin John in the early 1960s, plus land acquisition problems that halted the Virginia

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[75]Barnes, "The C & O Canal Highway," *Atlantic Naturalist* 11 (September-October 1955): 3; Barnes, "A New Era for the Chesapeake and Ohio Canal," *National Parks Magazine* 30 (July-September 1956): 110-16; Potomac Valley Conservation and Recreation Council, *Survey of the Potomac River Situation* (Washington: Potomac Valley Conservation and Recreation Council, 1956), p. 2.

[76]Quoted in Potomac Valley Council, "National Capital Planning Commission Report to Senator Murray Shows Canal Parkway Has No Function," 1957, 5-page paper in C & O Canal files, National Parks and Conservation Association.

parkway leg at the Beltway, effectively killed plans for the parkway bridge above Great Falls and extension of the Maryland leg to that point.[77]

In its impact on the canal, the George Washington Memorial Parkway road in Maryland--redesignated the Clara Barton Parkway by Congress in 1989 to eliminate confusion with the unconnected Virginia leg--generally confirmed the judgment of its opponents. Notwithstanding Park Service assurances that the lockhouses would remain, the frame lockhouse at Lock 5--built in 1853 and rehabilitated in 1939--was razed in 1957 for parkway construction. The Lock 7 lockhouse, oldest on the canal, was spared only by cantilevering the westbound roadway over the eastbound one in the tight space between the house and the Glen Echo bluff. (During the same period, the original stone lockhouse at Lock 13 was demolished in 1961 so that the Beltway's Cabin John Bridge could be built directly over the lock.) Visually and audibly, the road impinges on the canal for most of its length.

The Clara Barton Parkway is a useful and attractive road, providing access to the canal and glimpses of its scenic and historic features for many who might otherwise miss them. It also serves to illustrate how the C & O Canal Parkway might have affected much longer stretches of the canal, had not public sentiment been mobilized so effectively against the National Park Service.

[77]Telephone interview with Raymond L. Freeman, Oct. 19, 1989.

THE PARK CAMPAIGN

The decision in 1956 to push for a Chesapeake and Ohio Canal National Historical Park with an associated over-mountain parkway west of Hancock was soon translated into legal form. Sen. J. Glenn Beall and Rep. DeWitt S. Hyde of Maryland introduced identical bills, drafted by the National Park Service legislative office, that July. It was too late for action on them during that Congress, so the legislators reintroduced the bills at the beginning of the 85th Congress in January 1957.

Beall's S. 77 and Hyde's H.R. 1145 called for the park to encompass existing NPS land of up to 4,800 acres from the planned George Washington Memorial Parkway terminus above Great Falls to a point determined by the secretary of the interior in or near Cumberland, plus additional land bringing the park to as much as 15,000 acres, acquired by the secretary "in such manner as he may consider to be in the public interest." The secretary would be permitted to exchange land at Cumberland excluded from the park for desired land elsewhere. The parkway, connecting Maryland Route 51 near Paw Paw with Long Ridge Road near Woodmont via Town Hill Ridge, would be part of the park but was exempted from the 15,000-acre limitation. Its right-of-way, not to exceed an average of one hundred acres per mile, could be acquired only by donation. Boundaries were left to administrative discretion; the secretary was required only to file a map showing the park area at the National Archives within five years.

NPS Director Conrad L. Wirth sent Hyde a letter intended for public circulation to ease local concerns about the proposal. The legislation, it noted, expressly reaffirmed the 1953 law insuring rights of access across the canal to the Potomac for Maryland communities and industries. The park would not affect Maryland's jurisdiction over the river and its islands. Although hunting would be prohibited within the park, the Park Service would permit hunters to cross the park to get to the river, and fishing would continue in the canal and river. Wirth also took pains to distinguish the scenic over-mountain parkway authorized in the bills from the defunct canal parkway proposal.[1]

The Public Lands subcommittee of the Senate's Committee on Interior and Insular Affairs held a hearing on S. 77 on June 12. Testifying in favor of the bill, Wirth promised to work out the park boundary in cooperation

[1]Letter, Wirth to Hyde, Feb. 13, 1957, in Background Book, Proposed Chesapeake and Ohio Canal National Historical Park, 87th Congress, Chesapeake and Ohio Canal National Historical Park.

with Maryland officials, leaving areas essential for hunting in state control. Devereux Butcher of the National Parks Association appeared in support, although he regretted the exclusion of the canal below Great Falls from the park. Anthony Wayne Smith testified for the bill on behalf of the C & O Canal Association, formed in 1956 as an expansion of the previous C & O Canal Committee. He too had some reservations, particularly about the suggestion that the Cumberland end of the canal might be relinquished. Supporting testimony or statements were also received from the National Wildlife Federation, the Wildlife Management Institute, The Wilderness Society, the Nature Conservancy, the Audubon Society of the District of Columbia, the Citizens Committee on Natural Resources, the Izaak Walton League, the Potomac Appalachian Trail Club, the Progressive Citizens Association of Georgetown, and the Cumberland Chamber of Commerce.[2]

Not everyone wanted the park, however. Ernest A. Vaughn, director of the Maryland Game and Inland Fish Commission, and Joseph F. Kaylor, director of Maryland's Department of Forests and Parks, were no happier about the current plan than they had been about the canal parkway. Vaughn testified that the park would restrict public access to the Potomac and close several thousand acres to hunting. Kaylor reported his five-member Commission on Forests and Parks firmly opposed to the idea of a federal "barrier" along the river.

The Maryland Board of Natural Resources, on which both served, submitted a negative statement. "It should be apparent that exclusive dedication of this long shoreline to public recreation is as extremely lopsided as would be its exclusive dedication to industry," it declared. "No one wants another Pittsburgh, but neither can western Maryland afford the extravagance of a 190-mile public park." It called the prohibition of hunting "the kind of thing too many Americans have had to accept from federal bureaucracies in the interests of 'everyone.'" In lieu of the park, it wanted segments of the canal property transferred to Maryland for the extension of state parks, hunting grounds, and industry.[3]

Opposition was also heard from organizations interested in public power development on the Potomac. The National Rural Electric Cooperative Association, the Virginia Association of Electric Cooperatives, and the Choptank Electric Cooperative hoped for revival of the Riverbend Dam project (page 50) and saw the park as interfering with that objective. Charles A. Robinson, Jr., testified for the National Rural Electric Coopera-

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[2]U.S. Congress, Senate, *Chesapeake and Ohio Canal Historical Park, Hearing* before the Subcommittee on Public Lands of the Committee on Interior and Insular Affairs, 85th Congress, 1st Session, on S. 77, June 12, 1957 (Washington: Government Printing Office, 1957).

[3]Ibid., pp. 12, 65-66.

tive Association: "The enactment of S. 77 at this time would very likely preclude multiple-purpose development of the river in the Washington area. It would constitute the sacrifice of a substantial portion of the functional benefits of multiple purpose development such as water supply, pollution abatement, and electric power, in exchange for a nonfunctional aesthetic benefit not necessarily related to any plan of integrated resource utilization."[4]

Following the hearing, the Corps of Engineers informed the Senate committee that it would have no objection to the bill if a proviso like that in the Capper-Cramton Act were added expressly allowing for future dam and other river development (page 8). Wirth was displeased. "Preservation of the Canal property against all encroachments--including water impoundment projects along the main stem of the Potomac River--is an integral part of the proposal to give the area National Historical Park status," he argued.[5] But the committee sided with the Corps, amending the bill to provide "that designation of lands for Chesapeake and Ohio Canal National Historical Park purposes shall not debar or limit, or abridge its use for such works as Congress may in the future authorize for improvement and extension of navigation, or for flood control or irrigation or drainage, or for the development of hydro-electric power or other purposes."

The committee's report clarified its intent: "S. 77 provides continued authority in the Secretary of the Interior to grant easements through, over, or under the park lands. The right of Congress to authorize in the future use of the lands for other purposes is expressly restated. . . . The two provisions make clear that it is not intended by S. 77 to freeze the long strip of canal land occupying much of Maryland's Potomac River bank, against other developments."[6]

The Senate passed the amended bill on August 29. But the Maryland Board of Natural Resources remained averse, officially reaffirming its opposition in October. And the responsible House subcommittee, chaired by Rep. Gracie Pfost of Idaho, a public power advocate, showed no sign of acting. In a May 1958 editorial, the *Washington Post* accused Pfost of a "blocking operation" by failing even to schedule hearings. Urging House action, the *Post* approvingly noted the Senate's amendment allowing for

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[4]Ibid., p. 44.

[5]Letter, Maj. Gen. E. C. Itschner to Sen. James E. Murray, Aug. 5, 1957, ibid., p. 4; memorandum, Wirth to Legislative Counsel, July 26, 1957, file L58, C & O Canal Parkway, C & O Canal NHP.

[6]S. Rept. 1145, 85th Congress, Aug. 27, 1957, pp. 1-3.

dams if necessary: "Washington's ever-increasing demands for water make these precautions essential."[7]

The House Public Lands subcommittee finally took up the Senate and House bills in an extended hearing beginning June 30, 1958. Representative Hyde began by characterizing the proposed park as "the poor man's national park" because it would "probably be the only extensive national park in the United States that several million people can reach without planning a long trip and with little or no expense." After urging supporting witnesses to be brief in view of the lateness of the session, he expressed confidence that the committee would "agree with the members of the other body and unanimously approve this bill." The acerbic Rep. Wayne N. Aspinall of Colorado, then presiding, took exception. "As a rule in this committee we do not accept unanimously what the other body does," he retorted. "We reserve to ourselves the right to make our own determination, and my colleague well knows that."[8] Indeed, Hyde's confidence proved ill-founded.

Dams were again a dominant issue. The Senate Public Works Committee had recently requested a restudy of the Potomac basin by the Corps of Engineers, and the Interstate Commission on the Potomac River Basin had published a report by Abel Wohlman, a consulting engineer, that recommended a series of dams to supplement Washington's water supply, mitigate pollution by flushing action, and control flooding. Representative Pfost asked Hyde whether the committee should not wait for the Corps study before approving park legislation. Having indicated his willingness to accept the Senate amendment, Hyde contended that "the question of a dam and the problems with relation thereto will be exactly the same with or without the establishment of this area as a national park." Pfost thought otherwise. "I believe this committee has been reluctant to infringe upon national park areas with storage dams built which will flood out an area after it has been acquired for park purposes, and I think it is one of the key points in this piece of legislation," she responded. "If the bill is passed, I think we must make it unmistakably clear that there would be no

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[7]*Congressional Record* 103: 16499; "Board Raps Canal Park," *Baltimore Sun*, Oct. 22, 1957, clipping in file L58, C & O Canal Parkway, C & O Canal NHP; "Pass the Park Bill," *Washington Post*, May 11, 1958, p. E4.

[8]U.S. Congress, House, *Chesapeake and Ohio Canal National Historical Park, Hearings* before the Subcommittee on Public Lands of the Committee on Interior and Insular Affairs, 85th Congress, 2d Session, on S. 77 and H.R. 1145, June 30, July 1, 15, Aug. 13, 14, 15, 18, 1958 (Washington: Government Printing Office, 1959), pp. 6-7.

withholding of river development as future demands require it simply because this committee saw fit to establish a park."[9]

In his testimony, Director Wirth sought to reassure both the state park and game interests and the river development proponents. The Park Service was willing to guarantee in the legislation the right of hunters to cross the canal and the right to place duck blinds adjacent to park property. It would not develop visitor use facilities interfering with hunting and wildlife propagation areas. It would acquire only those lands essential for preservation and public enjoyment of the canal and its immediate environs and for access to the river where it was within a quarter-mile of the canal. Wirth was now willing to accept the Senate amendment: "I think I would just as soon have it in if it satisfied the people in their thinking because Congress has all those authorities anyway." Rather than blocking future dam construction, he suggested, land acquisition for the park would mean that less land would have to be purchased later for reservoirs.[10]

While Hyde, Wirth, and most other park supporters were willing to live with the Senate amendment, the National Wildlife Federation, The Wilderness Society, and the C & O Canal Association objected to it. Their refusal to compromise reinforced the doubts of the development advocates. James L. Grahl of the American Public Power Association cited the recent defeat of the proposed Echo Park Dam in Dinosaur National Monument following a national campaign by conservationists. "The Senate amendment would have legal effect, but we are fearful that the opponents of multipurpose river development would use the existence of a Chesapeake and Ohio Canal National Historical Park as a major weapon against vitally needed dams," he testified. "In fact, it might well be conjectured that one of the principal reasons for the introduction of this bill . . . is to block the construction of storage reservoirs on the Potomac River at any time in the future."[11]

Clay L. Cochran of the AFL-CIO was equally perceptive: "Various conservation, recreation, and sporting groups unite readily to oppose the invasion or abolition of national park areas once established and this is as it should be. The inclusion of language indicating that creation of a national park would not foreclose future development is unlikely to be effective. We recall very clearly that the proclamation creating Dinosaur National Monument provided for future water-resource development; yet when the upper Colorado storage-project bill was under consideration,

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[9]Ibid., p. 16.

[10]Ibid., pp. 21, 108, 110.

[11]Ibid., p. 143.

recreation, sporting and conservation groups opposed authorization of Echo Park Dam as though no such provision existed. The very fact that we are in agreement with the general principle that national parks should be inviolate compels us to take a strong position against passage of any bill which might hamper the full development of the Potomac."[12]

The hearing continued sporadically through August 18. Pfost's subcommittee then referred the bill to the full Interior and Insular Affairs Committee, which met on August 20 to act on it but adjourned for lack of a quorum. Representative Hyde saw this denouement as deliberate. So did the *Washington Post*. "Never was a bill strangled with more finesse," the *Post* editorialized. "The public power groups which opposed it must be gloating."[13]

The battle was rejoined at the beginning of the 86th Congress in 1959. Sen. J. Glenn Beall reintroduced the version of his bill that had passed the Senate in 1957, again numbered S. 77. In the House, Rep. John P. Saylor of Pennsylvania, a strong park supporter on the Public Lands subcommittee, introduced H.R. 953, identical to the unamended Senate and House bills of the preceding Congress. Rep. John R. Foley of Maryland, Hyde's successor, introduced H.R. 2331, identical to Beall's S. 77. Foley and Rep. Richard E. Lankford of Maryland then introduced two other bills, H.R. 5194 and H.R. 5344, further modified to appease the river development forces. Under them, the secretary of the interior would be required to consult at least annually with the secretary of the army and the commissioners of the District of Columbia and spend no money for park development unless reasonable benefits could be realized before affected lands were taken for other purposes. The secretary of the army would be required to submit to Congress a report with recommendations for the Potomac basin within three years; until six months after the report was submitted, lands as far as Brunswick could not be improved for park purposes at all.[14]

The House now took the lead, holding hearings in March and April. In letters to the committee, the Army and the D.C. commissioners favored the latter bills while Interior favored the former ones. Under Secretary of the Interior Elmer F. Bennett wrote that H.R. 5194 would diminish the secretary's existing authority to improve the canal below Brunswick and

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[12]Ibid., p. 153.

[13]"Suffocation," *Washington Post*, Aug. 21, 1958.

[14]U.S. Congress, House, *Chesapeake and Ohio Canal National Historical Park, Hearings* before the Subcommittee on Public Lands of the Committee on Interior and Insular Affairs, 86th Congress, 1st Session, on H.R. 953, H.R. 2331, H.R. 5194, and H.R. 5344, Mar. 23, 24, 25, 26, Apr. 20, 21, 1959 (Washington: Government Printing Office, 1959).

severely hinder development of the entire park. The objective of not spending unduly in areas subject to possible inundation, he argued, could be achieved within existing budgetary and appropriations procedures.[15]

Witnesses at the hearing divided along similar lines, with most park proponents strongly objecting to H.R. 5194 and its twin. Conrad Wirth stated his preference for no bill rather than one forbidding improvements below Brunswick. Spencer M. Smith, Jr., and Orville W. Crowder of the Citizens Committee on Natural Resources, Stewart Brandborg of the National Wildlife Federation, Sigurd F. Olson of the National Parks Association, and William C. Grayson of the D.C. Audubon Society also spoke against what some characterized as water and power bills rather than park bills. Grayson, who like most of the conservationists favored Saylor's H.R. 953, urged its amendment to specify the preservation of natural as well as historic and scenic features because his organization had "not always found the National Park Service sensitive to the importance of preserving natural values." Ironically, he also favored removing all trees from the canal prism to restore and rewater the entire canal.[16]

As executive officer of the National Capital Park and Planning Commission, Maj. U. S. Grant III had urged preservation of the canal as early as 1926 (page 7). More recently Grant, an Army engineer retired as a major general, had publicly opposed the Echo Park Dam. Now president of the American Planning and Civic Association, Grant appeared in support of H.R. 953. The Riverbend Dam, he argued, was unnecessary and would be cost-effective only with a hydroelectric power component. He favored an unsullied park "to preserve this marvelous area of scenic beauty and historic interest for future generations to enjoy and give them the opportunity to find in this part, that relief from the pressures and urgencies of city life which our harried population so much needs. . . . No other nation's capital has such an opportunity to hold such a scenic and educational area in its immediate vicinity."[17]

On the other side, the Corps of Engineers, while supporting the bills that went the furthest to accommodate it, was still uncomfortable with any park authorization. Rep. Albert C. Ullman of Oregon, a Corps ally, drew out the Corps' witness, Col. George B. Sumner, on the subject:

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[15]Ibid., pp. 6-8, 9-10, 17-18.

[16]Ibid., pp. 108-09, 116-17, 189, 227.

[17]Ibid., pp. 161-62.

Ullman: "And you feel, if the Secretary of the Interior got ahold of this canal with the label of a national historical park, at some future date if you wanted to build this [Riverbend] dam, you might run into a little opposition. . . ."

Sumner: "Let me say, I think there would be a lot of people who would think we were being very, very mean to suggest flooding out a national historical park."

Ullman: "Almost un-American to flood out a historical park of this type, would it not be?"

Sumner: "I think it would be an unfortunate thing to have to go through that."

Ullman: "You could foresee, in other words, a real fight in order to get such authorization?"

Sumner: "Let me not say with whom I think the fight would be; let me say I think there would be a fight. [Laughter.]"[18]

During the first week of the hearing, representatives of the Park Service, the Corps, and the Bureau of the Budget met to work out a compromise. The Budget Bureau sent the House committee the result of their efforts, a suggested amendment to Foley's H.R. 2331: "Expenditures for park installations and improvements shall be made only after determination by the Secretary of the Interior that they are reasonably justified by the benefits expected to accrue therefrom prior to the time when the lands proposed to be developed would be likely to be needed to carry out, if authorized, the plans and recommendations to be filed by the Secretary of the Army with the Congress. . . ."[19]

Ultimately, however, the committee amended H.R. 2331 by deleting the language from the 1957 Senate amendment and substituting a broader provision offered by John Saylor as Section 4: "Any portion of the lands and interests in lands comprising the Chesapeake and Ohio Canal National Historical Park shall be made available upon Federal statutory authorization for public nonpark uses when such uses shall have been found, in consideration of the public interest, to have a greater public necessity than the uses authorized by this Act."[20]

The committee included the Budget Bureau language in its report on the bill, along with a letter from Under Secretary Bennett promising compliance with it and endorsing the amended H.R. 2331. The report stated the committee's expectation that Interior would consult periodically with the Corps and the D.C. government "so as to permit proper limitations to be placed upon development expenditures within areas of possible conflict." It went out of its way to reassure those still worried that the park would thwart river development: "The committee contemplates that the

[18]Ibid., p. 51.

[19]Letter, Philip S. Hughes to Rep. Wayne N. Aspinall, Mar. 27, 1959, ibid., p. 176.

[20]H. Rept. 682, 86th Congress, July 16, 1959.

enactment of H.R. 2331, as amended, and the subsequent actions of the Secretary of the Interior in acquiring lands and filing the final map of the park, will not in any way prejudice the subsequent consideration, in due course, of any proposed nonpark uses of the park land, as the interests of the public may dictate. . . . The principles of multiple resource use and adjustments in use are firmly incorporated in the laws and tradition of the country and are in accord with all sound thinking."[21]

The committee reported the bill to the full House in July, but any victory celebration would have been premature. Rep. Michael J. Kirwan of Ohio, chairman of the House subcommittee on Interior appropriations, felt that there was already enough federal parkland around Washington. In January 1960, at a hearing on the NPS budget containing $200,000 for C & O Canal projects, Kirwan warned Wirth of his opposition to the park bill. When the bill finally reached the House floor on May 19, Kirwan and Clarence J. Brown of Ohio attacked it. Brown, citing the cost of land acquisition and especially the parkway, called it "one of the most wasteful and unneeded proposals" he had seen. Kirwan sided with the dam proponents. "We should not be authorizing the purchase of another 10,000 acres of parkland in this area at the same time we are appropriating funds to survey the need for these reservoirs," he argued. "The Corps of Engineers is spending $1.5 million to make this study, and yet this bill would give the go-ahead to buy and develop 10,000 additional acres of parks that will stand in the way of necessary development of the reservoirs for water storage." Only Foley spoke in favor of the bill. The House rejected it by a vote of 134 to 227.[22]

The next day Senator Beall's office began an effort to salvage the legislation by deleting all cost features from the Senate bill. Wirth told Beall that elimination of the parkway would not be critical, but loss of land acquisition authority for the park proper would render park status meaningless. With Interior's reluctant support, the Senate Interior committee amended S. 77 to permit land acquisition by donation only, to delete the parkway and allow only park-type access roads, and to adopt Section 4 of the amended House bill in lieu of the earlier language accommodating river development. "Senate sponsors of the proposal believe that the Senate measure, with the authorizations for enlargement and parkway construction

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[21]Ibid., pp. 7-10.

[22]U.S. Congress, House, *Department of the Interior and Related Agencies Appropriations for 1961, Hearings* before a Subcommittee of the Committee on Appropriations, 86th Congress, 2d Session (Washington: Government Printing Office, 1960), p. 925; *Congressional Record* 106: 10706-10.

deleted, will be approved by the House if passed by the Senate," the Senate committee stated in its report.[23]

The Senate passed the amended bill without debate on June 23, and it was referred to the House Interior committee. It got no further. Resentful of what he thought was the priority given projects around Washington, Rep. Walter E. Rogers of Texas twice blocked moves to take up the bill, preventing it from being considered and reported to the full House. It died with the expiration of the 86th Congress.[24]

On January 18, 1961, two days before he left office, President Dwight D. Eisenhower used the executive authority granted by the 1906 Antiquities Act to proclaim the C & O Canal lands between Seneca and Cumberland a national monument. Recommended to Eisenhower by Secretary of the Interior Fred A. Seaton, the proclamation gave this portion of the canal status as a unit of the national park system but had little practical effect. It authorized no expansion or development and carried with it no funding. It also contained a provision that nothing in it was "intended to prejudice the use of the Chesapeake and Ohio Canal National Monument for such works as the Congress may hereafter authorize for municipal and domestic water supply, navigation, flood control, drainage, recreation, or other beneficial purposes."[25]

After their second defeat in Congress, most park supporters welcomed what they considered a modest gain. Their happiness was short-lived. Concerned members of Congress, notably Wayne Aspinall, now chairman of the House Interior and Insular Affairs Committee, took offense at the executive action, judging it an assault upon their prerogative to establish national park areas.[26] Aspinall, who had not been opposed to the park

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[23]Letter, Wirth to Beall, May 24, 1960, C & O Canal National Historical Park file, NPS History Division; S. Rept. 1632, 86th Congress, June 21, 1960, pp. 1-3.

[24]*Congressional Record* 106: 14030. Rogers was unhappy about the expenditure of nearly $300,000 on the Old Stone House in Georgetown, which he thought lacked historical value. "Now if the folks in my district wanted to do something like this, the Park Service would say, 'That's fine. You go right ahead and do it,'" he told a reporter. "We'd probably have to take up a collection of dimes from the schoolchildren. The Federal Government has not been too anxious to help us out back home." (James R. Carberry, "Death of Bill Creating Canal Park Laid Largely to Texas Congressman," *Washington Post*, Sept. 4, 1960, p. B2.)

[25]Proclamation 3391, *Federal Register*, Jan. 24, 1961; memorandum, Seaton to Eisenhower, Dec. 5, 1960, Dwight D. Eisenhower Library, Abilene, Kans.

[26]Although the proclamation authority in the Antiquities Act was still valid, its use had been avoided since 1943, when President Franklin D. Roosevelt proclaimed Jackson Hole National Monument in Wyoming after Congress refused to add the land to Grand Teton National Park. Congress retaliated by denying appropriations for the national monument and banning future use

bill, did not object to the substance of the proclamation, which was largely symbolic. Had he and his committee been consulted on it beforehand, he might have accepted it. But he had not been, and the breach of courtesy poisoned his attitude toward the national monument and succeeding park bills for years thereafter.[27]

The national monument proclamation and the way it was sprung at the end of a lame duck administration left the dam proponents even more distrustful of the Park Service, cited in the press as having initiated the proclamation to block the Riverbend Dam. (The quoted disclaimer had been inserted by the Budget Bureau at the insistence of the D.C. government and the Department of the Army.) The parallel with Dinosaur National Monument, also created by executive order under the Antiquities Act, and the defeated Echo Park Dam was apparent. The hostile reaction from both park opponents and park sympathizers jealous of congressional prerogatives led the new administration to distance itself from the action. President John F. Kennedy's interior secretary, Stewart L. Udall, said it had "created some very serious problems." Although the Park Service had prepared and supported the proclamation, Wirth told the Senate Public Lands subcommittee that its issuance had been "decided by higher authority" and denied that the Service had recommended it.[28]

At the beginning of the 87th Congress, two weeks before the monument proclamation, Senator Beall again introduced as S. 77 the stripped-down park bill approved by the Senate in the previous Congress. A month after the proclamation, Rep. Charles McC. Mathias, Jr., of Maryland, John Foley's successor, introduced H.R. 4684. Similar in most respects, it provided for incorporating the national monument in the national historical park and restored language allowing for land purchases as well as donations to bring the park up to 15,000 acres.

With Aspinall averse to House action, the Senate Interior committee and its Public Lands subcommittee resumed the lead, holding a hearing on S. 77 on April 12. Secretary Udall sent a letter recommending its

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of the proclamation authority in Wyoming. As a result of the controversy and its consequences, the creation of national monuments was left to congressional initiative in all but one noncontroversial instance between 1943 and 1961.

[27]Interview with Gilbert M. Gude, Nov. 20, 1989.

[28]letter, Arthur B. Focke (Budget Bureau) to Attorney General, Jan. 12, 1961, Eisenhower Library; "Ike's Move Hinders Park Status for C & O Canal, Udall Claims," *Washington Post*, Feb. 8, 1961, p. A6; U.S. Congress, Senate, *C. & O. Canal National Historical Park, Hearing* before the Subcommittee on Public Lands of the Committee on Interior and Insular Affairs, 87th Congress, 1st Session, on S. 77, Apr. 12, 1961 (Washington: Government Printing Office, 1961), p. 22; telephone conversation with Wirth, June 13, 1990.

amendment along the lines of Mathias's bill. The D.C. commissioners made clear that dams would be required on the Potomac to augment the metropolitan water supply but were satisfied with the assurance provided in Section 4 (page 88). "Reservoir storage is considered essential for development of a dependable and adequate water supply for the increasing needs of the Washington area and such reservoirs as are ultimately found indispensable may occupy part of the lands encompassed in the proposed park," Secretary of the Army Elvis J. Stahr, Jr., wrote. He preferred that the park bill be deferred pending completion of the Corps' water resources development study, but he withheld objection to it in view of Section 4.[29]

Testifying for his bill, Beall expressed pleasure with Eisenhower's proclamation and Udall's support for the park. He was agreeable to amending the bill to conform to H.R. 4684. He recognized that a dam or dams might have to inundate part of the park and agreed that the record should be clear on that point.

The public power interests were not persuaded. Alex Radin, general manager of the American Public Power Association, and Charles Robinson of the National Rural Electric Cooperative Association urged delay until the Corps study was complete or amendment of the bill to provide more explicitly for river development and preclude park improvements below Brunswick in the interim. Robinson argued that the Riverbend reservoir would provide much greater recreational opportunity than the park without a reservoir. Both cited the successful opposition to the Echo Park Dam as cause for stronger language than Section 4.[30]

In reporting out the bill, the Senate committee amended it to match the House version and added a $1.5 million authorization for land acquisition. (The Park Service had claimed this sum was sufficient for the 10,200 acres required to reach the 15,000-acre ceiling, even though it calculated to less than $150 per acre.) The committee report sought once again to satisfy the dam and public power advocates by documenting the intent behind Section 4, renumbered Section 3: "Section 3 is intended to assure that the establishment of the Chesapeake and Ohio National Historical Park [sic] will not bar or create a prejudice against any essential project proposed to Congress, including Great Bend [sic] or any other recommended by the Corps of U.S. Army Engineers in its pending report. It is the further understanding that the National Park Service will not, pending approval of a plan for the Potomac to meet the needs of the area, construct facilities within any portion of the park prospectively necessary for other uses which

[29]Senate Hearing on S. 77, 1961, pp. 2-3, 7.

[30]Ibid., pp. 8-14, 57-70.

will not, in the period prior to other use, provide benefits at least equal to the cost."[31]

The amended bill again passed the Senate without debate on August 2, only to languish in the House under Wayne Aspinall's custody. Representative Mathias unsuccessfully prodded the Interior committee's chairman for action in April 1962. That July the *New York Times* called for an end to delay, suggesting that the proposed park would become "the Central Park for the Eastern seaboard's coming megalopolis." As the 87th Congress neared adjournment in September 1962, the House National Parks subcommittee (formed from the previous Public Lands subcommittee) finally held a brief hearing on it and recommended it to the full Interior committee.[32] It went no further. The chairman had not forgiven.

Beall and Mathias introduced in the next Congress bills like that last passed by the Senate, but Aspinall's attitude discouraged any action on them in either house. After Beall's defeat for reelection in 1964, Mathias continued to sponsor park bills through the 90th Congress (1967-68) without success. But he helped keep hope for the park alive, and other circumstances ultimately shifted the balance in its favor. Foremost among them was the fate of the Potomac river development plan.

The Corps of Engineers issued a summary of its long-awaited Potomac Basin restudy in May 1962. It proposed 16 dams on the Potomac and its tributaries. The Riverbend Dam had been lowered and moved back to Seneca, making it less efficient but presumably less controversial. It would be the only dam affecting the park, flooding about six miles of the canal.[33]

The opposition was not mollified. Justice William O. Douglas attacked the Corps summary at a National Parks Association conference, calling it "an insult to the layman's intelligence" because it insufficiently justified the Seneca Dam. The Corps' full *Potomac River Basin Report*, released in April 1963, came under heavy fire at a public hearing that September in Washington's Departmental Auditorium. Anthony Wayne Smith, now president of the National Parks Association, argued that clean water could be provided at less cost by water treatment than by large reservoirs, and that relatively small earthen dams at the headwaters would suffice for flood control. Representative Mathias spoke out against a large dam at Seneca

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[31]S. Rept. 648, 87th Congress, July 28, 1961, pp. 1-3.

[32]*Congressional Record* 107: 14442, 108: D514; letter, Mathias to Aspinall, Apr. 10, 1962, file 1460/C&O General, C & O Canal NHP; "Saving the Potomac" (editorial), *New York Times*, July 22, 1962.

[33]U.S. Army Engineers District, Baltimore, Summary, *Potomac River Basin Report* (Baltimore: U.S. Army Engineers District, 1963).

or anywhere else below Harpers Ferry. Nor were the public power interests pleased: the National Rural Electric Cooperative Association still wanted the Riverbend Dam for its power generating potential.[34]

Secretary Udall sympathized with the dam opponents. After meeting with them, he advised President Lyndon B. Johnson against endorsing the controversial Corps plan and recommended a more broadly based Potomac Basin study under his auspices. Johnson readily agreed, asking Udall to prepare a program to clean up the river, protect its natural beauty by scenic easements and other measures, provide recreational facilities, and complete the George Washington Memorial Parkway on both banks. The President announced the new study in his 1965 State of the Union Address and expounded on it in a special message to Congress on natural beauty that February. "The river rich in history and memory which flows by our Nation's Capital should serve as a model of scenic and recreational values for the entire country," he stated.[35]

Udall formed a Federal Interdepartmental Task Force on the Potomac to work with an advisory committee representing the Potomac Basin states. In January 1966 he endorsed and sent Johnson its *Potomac Interim Report to the President*. The report opposed building the Seneca Dam "at this time" but recommended that the area it would flood be left undeveloped "for any future needed public use." It favored three new dams on the Town Creek, Sideling Hill, and Little Cacapon tributaries in addition to the previously authorized Bloomington Dam beyond Cumberland. And it recommended a Potomac Valley Historical Park, encompassing the C & O Canal National Monument and other lands in Maryland, Virginia, and West Virginia, to achieve a "permanent green sheath" for the Potomac.[36]

More than two years later, following extensive efforts by NPS and other government planners, Udall came forth with a revised plan for the Potomac. The first part of it called for a Potomac National River of 67,000 acres from Washington to Cumberland, again incorporating the national monument. Both sides of the river and its islands would be purchased in fee, scenic easements would be acquired inland, and local governments would be encouraged to adopt strict master plans and zoning ordinances to

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[34]April L. Young, "Saving the C and O Canal: Citizen Participation in Historic Preservation," M.A. thesis, George Washington University, 1973, pp. 64-66; Board of Engineers for Rivers and Harbors, Corps of Engineers, "Public Hearing on the Potomac River Basin Report," 1: 6-10.

[35]Young, "Saving the C and O Canal," pp. 82-83; H. Doc. 78, 89th Congress, Feb. 8, 1965.

[36]Federal Interdepartmental Task Force on the Potomac, *Potomac Interim Report to the President* (Washington: Department of the Interior, 1966).

control adjacent land use. Unless specifically authorized by Congress, no new dams would be allowed within the national river's boundaries.[37]

Udall's transmittal of a draft Potomac National River bill to Congress on March 8, 1968, coincided with another presidential message endorsing the proposal. That October Udall publicized the balance of his plan in *The Nation's River: The Department of the Interior Official Report on the Potomac*. The report called for dams at Sixes Bridge on the Monocacy River, Verona, and North Mountain in addition to those recommended in the 1966 interim report.[38]

The Potomac National River and associated proposals generated much controversy. Some conservationists felt betrayed by Udall on the dams. Farm organizations and real estate interests that had joined with the conservation groups against the Corps' dams also disliked the amount of land acquisition and control called for. Opposition was especially strong in West Virginia. No member of Congress from there or Virginia joined in sponsoring the Potomac National River legislation. Douglas accused Udall of "delusions of grandeur" for abandoning the canal park in favor of the larger scheme, widely viewed as unworkable. While not denouncing the national river, the National Parks Association, the Citizens Committee on Natural Resources, and the C & O Canal Association continued to favor separate authorization of the C & O Canal National Historical Park.[39]

In fact, the national river proposal may have helped the cause of the park by making it appear innocuous by comparison. To some previous opponents in Maryland, the park now appeared a desirable alternative. Declining to support the national river, Mathias worked skillfully to assure western Marylanders that their interests would be protected and furthered by his park legislation, which now provided for an advisory commission representing the affected state and local jurisdictions. Simultaneously, efforts by the Park Service's national monument staff to improve public relations were achieving considerable success (as will be discussed later).[40]

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[37]Letter, Udall to Hubert H. Humphrey, Mar. 8, 1968, C & O Canal NHP file, Horne Papers, NPS History Collection, Harpers Ferry, W. Va.; "Secretary Udall Proposes 195-Mile Potomac National River," Department of the Interior News Release, Mar. 12, 1968, ibid.

[38]U.S. Department of the Interior, *The Nation's River: The Department of the Interior Official Report on the Potomac* (Washington: Government Printing Office, 1968).

[39]Young, "Saving the C and O Canal," p. 87; Marie Ridder, "Capital Newsmakers: William O. Douglas . . . Walk Along with Him," *Washingtonian*, April 1970, p. 24.

[40]Interview with Carrie Johnson, Jan. 31, 1990; interview with John Frye, Feb. 1, 1990.

Mathias, who became a U.S. senator with the 91st Congress in 1969, and Representatives John Saylor, Samuel S. Stratton of New York, and Rogers C. B. Morton, Gilbert M. Gude, and J. Glenn Beall, Jr., of Maryland introduced park bills in the first session of that Congress. Udall, whose commitment to the Potomac National River had led him to oppose the last park bills, was out of office. Walter J. Hickel, President Richard M. Nixon's interior secretary, did not immediately endorse either the park or the national river (for which bills were also introduced). Hickel's position was critical, for the Senate Interior committee would not waste its time on the park bill without prior action by its House counterpart, whose chairman would act--if at all--only upon learning where the new administration stood.

In the spring of 1970 it was rumored that Hickel was about to endorse the national river. Anthony Smith urged his support for the park instead. "If the C & O Canal project continues to be involved in the Potomac National River project, it will never get anywhere, because the Potomac National River project, as proposed by Secretary Udall will never get anywhere," he wrote Hickel. (Smith's argument for the park would not have helped its cause in western Maryland: seeking to tie it to the administration's urban initiative, he described it as "primarily for the benefit of the city people of the Washington Metropolitan area.") Mathias, Gude, and other park proponents hastily arranged a meeting in Hickel's office, explained to him why the national river was then impolitic, and advised him to take an evolutionary approach starting with the park. The secretary was persuaded. On May 27 he communicated his support for the C & O Canal National Historical Park to Wayne Aspinall.[41]

Gude and Saylor called on the chairman. His mood had mellowed, a circumstance colleagues attributed to the old widower's recent remarriage. He agreed that the national river was infeasible and thought the park a reasonable alternative. He promised to hold hearings.[42]

After the change of administrations in January 1969, NPS Director George B. Hartzog, Jr., (Wirth's successor in 1964) had sought to position his bureau to move in whatever direction Hickel chose. That April he had obtained a resolution from the secretary's Advisory Board on National

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[41]Letter, Smith to Hickel, Apr. 6, 1970, C & O Canal files, National Parks and Conservation Association; Carrie Johnson interview; letter, Hickel to Aspinall, May 27, 1970, in U.S. Congress, House, *Chesapeake and Ohio Canal National Historical Park, Hearings* before the Subcommittee on National Parks and Recreation of the Committee on Interior and Insular Affairs, 91st Congress, 2nd Session, on H.R. 658 and Related Bills, Aug. 11 and 13, 1970 (Washington: Government Printing Office, 1970), p. 12.

[42]Gude interview.

Parks, Historic Sites, Buildings, and Monuments supporting establishment of the national historical park "at this time" as a first step toward the national river. John M. Kauffmann, a Park Service planner who had worked on the national river project, was asked to redo the park plan in line with this thinking. Kauffmann's plan for land acquisition and development was largely complete that October.

The park would now include the entire canal from Georgetown to Cumberland (as was called for in the current bills and Mathias's bill in the preceding Congress). Its boundary, drawn on a map, encompassed 20,239 acres, of which 12,156 acres were privately owned. No additional land was to be acquired from Rock Creek to just above Great Falls and from North Branch to Cumberland; in between, the park would take in everything between the canal and river and much inland acreage. The land cost was estimated at $19,472,605 if Maryland proceeded with plans to acquire 2,000 acres within the boundary; otherwise $909,832 more would be needed. Development was expected to cost $47 million. "Essentially, the boundary map, the development plan, and the land and development estimates reflect a decision to split the Potomac National River plan lengthwise," one reviewer commented.[43]

The House hearing ran through two days in August 1970, late in the 91st Congress. In his opening remarks Aspinall mentioned his opposition to Eisenhower's national monument proclamation ("it was not done in accordance with the wishes of Congress") but blamed past inaction on park bills on "a fight between the conservationists, conservation for land, conservation for recreation, conservation for water." He understood that those differences had now been resolved.[44]

John Saylor's bill, H.R. 658, was the primary focus of attention. Among other provisions, it provided for the secretary of the interior to undertake a comprehensive title search and cadastral survey to fix the present federal boundary and distribute the results to all adjoining landowners and governmental bodies. (Numerous disputes had arisen over private land claims.) Private owners of land between the park and the river would be guaranteed access to their land for agricultural purposes, and hunters would be allowed to cross the park with unloaded weapons at any point. The old language allowing for "public nonpark uses," e.g., dams, upon congressional authorization was repeated. Appropriations of $3 million during each of the first three fiscal years "and such sums as may be necessary thereafter" would be authorized.

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[43]Hickel To Aspinall, May 27, 1970; memorandum, Robert L. Steenhagen to Theodor R. Swem, Oct. 29, 1969, file L1425, C & O Canal NHP.

[44]House Hearings on H.R. 658, 1970, p. 17.

The Interior Department proposed a number of amendments. In his letter to Aspinall, Hickel recommended setting the park boundary legislatively by reference to Kauffmann's map. He objected to the title search and survey provision, which he said would encourage land disputes and entail unnecessary costs. He requested deletion of the land access provision, stating Interior's intent to acquire all private land between the canal and the river. He wanted hunters to cross "at locations designated by the Secretary" for control and safety purposes. He recommended deletion of the "public nonpark uses" language as unnecessary. And he asked for much larger land acquisition and development appropriations in line with the NPS estimates.[45]

Senator Mathias testified to the urgency of action in the face of rising land values. "This is the last blow of the trumpet as far as the C. & O. Canal is concerned," he said. "The key to the salvation of the Potomac River is to pass this bill and to establish this park as the vertebrae upon which the State and local and private effort can build so that we can preserve the river." On behalf of a vocal constituency, he stressed the value of sportsmen's clubs in protecting the river and expressed hope that they might be left undisturbed. "In the 10 years I have been in Congress I don't suppose I have had any constituent problem which was more troublesome than the problem of access to the Potomac River across the C. & O. Canal property," he commented.[46]

Testifying for the Park Service, Director George Hartzog justified the plan to acquire all land between the canal and river. Because the park was viewed as the first step toward the Potomac National River, he said, the Service did not want to pay severance costs associated with partial land acquisition now and return later to purchase the rest. The development plan he described was extensive. The entire canal would be restored to varying degrees, and half of it would be rewatered. There would be numerous facilities for boating, camping, picnicking, and other recreational activities, with associated access roads and parking areas.[47]

Conservation group representatives joined in supporting the park but voiced concern about the proposed level of development. Spencer Smith of the Citizens Committee on Natural Resources urged that priority be given to canal restoration over parking and supplementary services. Anthony Smith of the National Parks and Conservation Association objected to plans for "sizable parking lots" serving "large motorboat areas" on the

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[45]Letter, Hickel to Aspinall, May 27, 1970, ibid., pp. 12-13.

[46]House Hearings on H.R. 658, 1970, p. 59.

[47]Ibid., pp. 40, 51.

river: "It would be a bitter irony if as a result of a successful effort to protect the Canal lands as a Park, the public were to find its good refuge destroyed by the noise-makers, pursuant to plans developed by the very agency of the Government entrusted with protection." Colin Ritter, president of the C & O Canal Association, and Grant Conway, representing the Potomac Appalachian Trail Club, likewise minimized the need for development. Shirley A. Briggs of the Audubon Naturalist Society and the Rachel Carson Trust criticized the damage wrought by the Park Service with herbicides and with heavy equipment used for towpath repairs at Widewater. She urged that the legislation give natural values equal weight with historic and recreational values to prevent such abuses in the future.[48]

Maryland's Department of Forests and Parks now favored the park, with some reservations. Its director, Spencer P. Ellis, wanted to be sure that the park boundary would not take in the Potomac, as the Park Service map seemed to allow. Maryland planned to acquire riverfront lands in connection with the Green Ridge State Forest in Allegany County, Fort Frederick State Park in Washington County, and McKee Beshers Wildlife Management Area in Montgomery County and wanted the ability to lease canal lands within each project. The state also wanted permission to lease other portions of the national historical park between the canal and river so hunting could continue there.

The last request upset Aspinall. "It doesn't matter whether it is under lease to the State," he retorted. "I am not about to support legislation which permits hunting in any national park. . . . This is one thing that has caused a lot of trouble here and I thought this issue had been resolved." Ellis was not in a position to press the matter and backed down. Rep. Roy A. Taylor of North Carolina, the subcommittee chairman, helped him save face by agreeing that the park's south boundary should be the mean low water mark on the north bank of the Potomac.[49]

The most noteworthy aspect of the 1970 park hearings was the virtual disappearance of opposition. Effective public relations work by Mathias, NPS staff, and others had done much to allay fears and win friends in western Maryland and Annapolis. The dam lobby was nowhere to be seen. The demise of the Seneca Dam proposal, moribund since 1963, was confirmed when the Army's chief of engineers declined to endorse it in

[48]Ibid., pp. 68, 79, 92, 100.

[49]Ibid., pp. 120-26.

1969.[50] So remote had prospects of any new dam along the length of the park become that the committee readily accepted Hickel's recommendation to delete the "public nonpark uses" provision long demanded by river development proponents.

On October 1 the committee recommended to the full House a "clean bill" (H.R. 19342) combining elements of H.R. 658, certain of Hickel's recommendations, and other amendments. The Chesapeake and Ohio Canal Development Act, as it was titled, would establish the Chesapeake and Ohio Canal National Historical Park "to preserve and interpret the historic and scenic features of the Chesapeake and Ohio Canal, and to develop the potential of the canal for public recreation, including such restoration as may be needed." The park boundaries were to be "as generally depicted" on Kauffmann's map; the exact boundaries were to be established and announced to property owners on the inland side of the canal within 18 months of enactment. State-owned lands would be included only if donated or managed under a cooperative agreement making them subject to national park policies. Lands that Maryland planned to purchase and on which cooperative agreements were negotiated could not be acquired before two years, giving the state first rights. The secretary of the interior was also to consider state and local development and use plans affecting the park vicinity and act compatibly with them "wherever practicable."

Valid existing rights and permits were not to be adversely affected by the act. The 1953 law directing the secretary to grant utility easements across the canal was not expressly reaffirmed, as it had been in earlier bills; rather, the secretary was given discretion to permit other uses and crossings of the park "if such uses and crossings are not in conflict with the purposes of the park and are in accord with any requirements found necessary to preserve park values." Hunters were authorized to cross with unloaded weapons at locations designated by the secretary, as Interior had requested.

The bill also established a 19-member Chesapeake and Ohio Canal National Historical Park Commission, its members to be appointed by the secretary for five-year terms. Two members would be appointed from recommendations from the government of each affected Maryland county (Montgomery, Frederick, Washington, Allegany); two would be appointed from recommendations from the chief executive of the District of Columbia and each adjoining state (Maryland, Virginia, West Virginia); and three would be appointed at the secretary's initiative. The secretary or his

[50]Letter, William E. Trieschman, Jr., (Corps of Engineers) to Richard L. Stanton, Sept. 17, 1975, Potomac National River file, NPS Legislation Division. The secretary of the Army followed suit in May 1970 when he transmitted the Corps's 1963 *Potomac River Basin Report* to Congress.

designee was to meet and consult with the commission at least annually "on general policies and specific matters related to the administration and development of the park." Earlier language requiring the secretary to consult before establishing park regulations was stricken, making clear that the commission was to play a purely advisory rather than administrative role. The commission would expire after ten years.

The bill authorized $20.4 million for land acquisition, as Interior requested, but only $17 million of the $47 million sought for development. With the lower figure, derived from the Park Service development plan for the first three years, the committee responded to the conservationists' concerns about overdevelopment and guaranteed that the plan would undergo further scrutiny if and when the agency returned for more money.[51]

The House passed the bill without amendment on October 5--the first time a C & O park bill cleared that body. (Only Rep. H. R. Gross of Iowa, a crusader against most new federal spending, stood in opposition.) The bill then went to the Senate, whose Interior committee held a pro forma hearing on December 15 and reported it favorably on December 21. In response to some potentially troublesome questions from Sen. Clinton P. Anderson of New Mexico, the committee report further emphasized that the park would stop at the river's edge: "Nothing in this bill is intended or shall be construed to extend the jurisdiction of the Secretary over the Potomac River itself. . . ." It also affirmed the applicability of the 1953 easements law to the national historical park.[52]

Fortunately for the park proponents, those seeking these assurances did not insist on amending the bill with them. Senate passage of an amended bill would have required its return to the House for concurrence. Further House action so close to adjournment was unlikely. By keeping the bill unaltered, it was ready for presidential signature after the Senate approved it without dissent on December 22. President Nixon signed it into law on January 8, 1971.[53]

The Chesapeake and Ohio Canal National Monument and the canal property from Seneca down to Rock Creek, comprising some 5,250 acres,

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[51]H. Rept. 91-1553, 91st Congress.

[52]*Congressional Record* 116: 34852; S. Rept. 91-1512, 91st Congress. The Senate committee report was written by Carrie Johnson, a member of Senator Mathias's staff, at the request of the committee staff (Johnson interview).

[53]*Congressional Record* 116: 43245; Public Law 91-664, U.S. *Statutes at Large* 84: 1978-80.

were now the Chesapeake and Ohio Canal National Historical Park. The tasks of acquiring another 15,000 acres and developing the park to best preserve its values and serve the public lay ahead.

EXPANDING THE PARK

The 1971 act finally gave the National Park Service the authority and means--with subsequent appropriations--to enlarge its narrow canal right-of-way into a viable park. Land acquisition was the primary purpose of the legislation and became the first priority following its enactment.

The act did not inaugurate Park Service real estate dealings along the canal, however. There had been some previous additions in the three decades since the railroad had conveyed the canal. There had also been moves to alienate some of what the Service had then acquired.

Cumberland, it will be recalled, had tried to obtain the canal property within the city limits in 1941 (page 53). Once the Service became committed to the parkway concept, it was willing to relinquish portions of this property in exchange for other lands fulfilling its needs.

In September 1953, at the request of Sen. J. Glenn Beall, Associate Superintendent Harry T. Thompson of National Capital Parks met in Cumberland with representatives of its chamber of commerce, the Maryland State Roads Commission, and Pittsburgh Plate Glass. PPG was planning a plant in the Mexico Farms area and wanted part of the canal property for a railroad siding. "The essence of the conference was to the effect that the National Park Service would cooperate fully with the Cumberland Chamber of Commerce and with the industrial firm since the canal proper between Lock 75 for a distance of approximately 1-1/2 miles upstream . . . was scheduled for abandonment as a canal, and that we would encourage the Chamber of Commerce to proceed on the assumption that all of the land between the Western Maryland Railroad and the river might be made available to the industrial plant and that the National Park Service would endeavor to locate the parkway eastward of the B & O Railroad tracks," Thompson reported.[1]

Previously, du Pont had decided against locating a plant near Hagerstown, citing complications in getting access to needed river water from the Park Service. This public relations fiasco, as Thompson characterized it, figured in Hagerstown's opposition to the parkway. Thompson's eagerness to cooperate with Cumberland and PPG was

[1]Memorandum, Thompson to files, Sept. 28, 1953, file 1460/ C&O General, National Capital Parks, Washington National Records Center, Suitland, Md. Hereinafter cited as file 1460/C&O, WNRC.

designed to demonstrate that the parkway would not impede Maryland's economic development.[2]

By the time the Corps of Engineers' Cumberland-Ridgely flood control project got underway in the mid-1950s, the Park Service had essentially written off the canal above Lock 75 (the last lift lock) at North Branch. The Corps was permitted to fill in the last mile of the canal and a former basin used as a ballpark and obliterate the inlet lock at the terminus. The Western Maryland Railway extended track across the terminus site, and a new connection between the Western Maryland and B & O railroads further altered the scene. Remaining portions of the canal in Cumberland were silted, overgrown, and laden with raw sewage; Robert C. Horne of NCP described conditions there as "frightful" in a 1956 inspection report.[3] The first national historical park bills, drafted by the Service soon afterward, provided for the disposal of canal lands above North Branch in exchange for lands desired elsewhere.

The B & O Railroad was interested in a land exchange because it had built some of its track in Cumberland on canal property and had neglected to reserve those sections when the government acquired the canal in 1938. The Park Service was most interested in obtaining an acre of B & O land in Harpers Ferry where the fire engine house occupied by John Brown and his raiders had stood. It also wanted B & O parcels totaling 25 acres at or near Tuscarora, Point of Rocks, and Knoxville, including some of the land that the railroad had reserved for additional trackage.[4]

The railroad would not part with the latter, but negotiations proceeded on the Cumberland and Harpers Ferry tracts. When the park bills containing the necessary land exchange authority stalled, Senator Beall inserted an exchange provision in pending legislation adding the Storer College property to Harpers Ferry National Monument: "To facilitate the acquisition of the original site of the engine house known as John Brown's 'Fort' and the old Federal arsenal, the Secretary of the Interior is hereby authorized to exchange therefor federally owned park lands or interests in lands of approximately equal value in the vicinity of Cumberland, Maryland, which he finds are no longer required for park purposes."[5]

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[2]Memorandum, Thompson to Conrad L. Wirth, Oct. 27, 1953, file 1460/C&O, WNRC.

[3]Memorandum, Horne to files, June 27, 1956, C&O Administration and Protection file, Chesapeake and Ohio Canal National Historical Park.

[4]Memorandum, George A. Palmer to Conrad L. Wirth, May 7, 1957, C & O Canal Parkway file L58, C & O Canal NHP.

[5]Public Law 86-655, U.S. *Statutes at Large* 74: 520.

This legislation was enacted without difficulty on July 14, 1960, but the exchange negotiations faltered thereafter. The B & O wanted all the canal property above North Branch and sought to replace a railroad bridge over the canal between Locks 73 and 74 with fill that would sever the canal. In June 1962 Director Conrad L. Wirth responded with the Park Service's position. The terminus of park development would be at Lock 75; therefore, the railroad would not be permitted to sever the canal below that point. The Service would require additional land from the B & O for its park development at North Branch, and it was unwilling to cede all its land above that point to the railroad, preferring to transfer or lease land not needed for actual railroad development to Cumberland or Allegany County for recreation.[6]

Competing requests for canal property in Cumberland and the B & O's merger with the Chesapeake & Ohio Railroad led to another hiatus in negotiations. They resumed in 1965 but soon encountered further obstacles. Richard L. Stanton of the NPS Lands Division discovered what he termed a fraudulent appraisal equating the value of the lands to be exchanged. As reappraised by Stanton, the property to be given the railroad was worth far more than that to be received by the government. In November 1966 John M. Kauffmann, a chief planner for what would become the Potomac National River proposal, discouraged alienation of canal land above North Branch because of its expected role in that project. The Park Service was now willing to quitclaim only those lands actually occupied by the railroad (three sections totaling about 15 acres) in exchange for the engine house site, while the railroad continued to press for additional canal lands for its future expansion. By 1969 the negotiations had again reached an impasse.[7]

That January the Service exchanged the ballpark tract in Cumberland, comprising 16.2 acres, for 183.55 acres of Maryland land under State Roads Commission jurisdiction. With Rep. Charles McC. Mathias's

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[6]Wirth position cited in memorandum, Richard L. Stanton to Donald E. Lee, Aug. 17, 1965, in "Chesapeake & Ohio 1965" file L1425, C & O Canal NHP.

[7]Interview with Richard L. Stanton, June 8, 1989; memorandum, Joseph R. Prentice to Regional Director, Northeast Region, NPS, Oct. 26, 1966, John Brown Fort file L1425, NCP, WNRC; memorandum, Stanton to Regional Director, National Capital Region, NPS, ibid.; "Briefing Paper, B & O Railroad Land Exchange," attached to memorandum, William Penn Mott, Jr., to Secretary of the Interior, Apr. 5, 1989, copy in C & O Canal National Historical Park file, NPS History Division. Prentice, superintendent of Harpers Ferry National Monument, pressed for acquisition of the engine house site in 1966-1967 because the engine house, then located on the former Storer College grounds, had to be moved to make room for the Service's new Interpretive Design Center. The failure to consummate the exchange meant that the structure had to be relocated on another site.

support, Cumberland had sought the ballpark tract for industrial development since 1964. The Service stalled on this request because its negotiations with the B & O for Cumberland lands had priority; meanwhile, the SRC encroached upon the tract for an approach to the Cumberland Thruway. This led to its exchange in 1969 for land the SRC had acquired for Interstate 70 between Great Tonoloway Creek and Millstone.[8]

Efforts to acquire a 338-acre tract between the canal and MacArthur Boulevard below Great Falls got underway in 1958. This Maryland Gold Mine tract, so called from the name of a gold mine there sporadically active from 1867 to 1940, lay within the authorized jurisdiction of the George Washington Memorial Parkway. The parkway road was still expected to extend to Great Falls, and the tract was needed for the purpose. In addition, the U.S. Geological Survey, with the support of the Park Service and the National Capital Planning Commission, planned to use part of the tract for a new headquarters and research center.[9]

The Service sought a donation from Paul Mellon's Old Dominion Foundation to acquire the tract in 1959, but that effort failed. In 1964 Margaret Johnson, the owner, sold it to Herman Greenberg's Community Builders, Inc. Greenberg applied for rezoning to develop the property, whose value had increased with the construction of the Potomac Interceptor Sewer through it. The Service began purchase negotiations; when agreement could not be reached, the government condemned the tract on July 14, 1965, and was assessed $2,012,111 for it by the court.[10]

The government did not use the tract as planned. The parkway road was not built beyond a junction with MacArthur Boulevard more than a mile to the east. The Geological Survey headquarters proposal was successfully opposed by the Civic League of Brookmont, Maryland, and Rep. Henry S. Reuss of Wisconsin, who noted that the national capital area's *Policies Plan for the Year 2000* prescribed such development in corridors away from the Potomac.[11] (The Geological Survey subsequently built in Reston, Virginia.) The undeveloped tract was included within the

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[8]Letter, R. C. Petersen to Edwin M. Dale, June 11, 1964, Cumberland Chamber of Commerce file L1425, C & O Canal NHP; letter, Mathias to Dale, June 29, 1965, ibid.; memorandum, Richard L. Stanton to Regional Director, NCR, Oct. 17, 1968, C & O Canal 1968-69 file L1425, C & O Canal NHP; Stanton interview.

[9]Memorandum, Conrad L. Wirth to Chairman, NCPC, May 2, 1958, C & O Canal--Great Falls Park file, Office of Land Use Coordination, National Capital Region, NPS; GWMP--Gold Mine Tract file, ibid.

[10]GWMP--Gold Mine Tract file, Office of Land Use Coordination.

[11]Ibid.

George Washington Memorial Parkway and remained there after establishment of the C & O Canal National Historical Park, but it has been managed as part of the latter in practice.

. . . Along much of the canal, the uncertain status of boundaries and land titles severely impeded park management. The C & O Canal National Monument (above Seneca) had more than three hundred miles of boundary, of which less than a third had been surveyed and even less had been marked. "This has given rise to an untenable situation with respect to management, development and use of canal lands, and has allowed encroachments, trespass and overlapping claims to land ownership to continue at the expense of our public image and in defiance of our public responsibilities," Superintendent W. Dean McClanahan complained in 1967.[12]

McClanahan was especially concerned about the lack of title data. "In spite of 29 years of public ownership, we still do not know exactly what the Federal Government's rights, titles and interests in and to these lands actually amount to," he noted. "In some instances there is real doubt that the Government has sufficient title to adequately administer or even claim ownership to various tracts of land that are essential to provide continuity of public access and use."[13] Above Dam 4 where the towpath ran along the riverbank, for example, riverside properties owned by William B. McMahon and Jacob Berkson were unencumbered by recorded deeds to the canal company. In the absence of land acquisition authority above the George Washington Memorial Parkway limits, however, title searches or litigation that might bolster private claims to canal lands had low priority. Resolution of boundary and title issues awaited enactment of the national historical park legislation.

On December 23, 1970, a day after the Senate cleared the legislation for the President's signature, Dick Stanton, then chief of the Office of Land Acquisition in the Park Service's Eastern Service Center, outlined an acquisition strategy for the park: "Except for approved development areas, we do not feel that there should be any roadblocks to an orderly, scheduled land acquisition program. It should simply begin on either end of the 184-mile strip and proceed up or down the canal. The title, access, and squatter problems will be systematically eliminated through direct purchase acquisition or condemnation. . . . One of the matters which the Directorate feels very strongly about, is to absolutely avoid any tendency to buy out of

[12]Memorandum, McClanahan to Regional Director, NCR, Feb. 17, 1967, C & O Canal NM Boundary Adjustments & Survey file, NCP, WNRC.

[13]Ibid.

priority by serving special interest groups or individuals who, through some means or other, manage to create a great deal of heat."[14]

Following enactment of the park legislation, the Park Service's legislative office held an "activation meeting" on January 25, 1971, to identify responsibilities and procedures for implementing it. Land acquisition was a major topic. The legislation required that "the exact boundaries of the park" be established and announced within 18 months. Because a metes and bounds description could not be completed that soon, it was decided to depict the boundary on portfolios of tax maps to be filed with the land records of the affected counties by May 1. Stanton's office would draft letters for NCP General Superintendent Russell E. Dickenson to send to each landowner on the berm (inland) side of the canal indicating generally what part of his or her land fell within the boundary. Dickenson would tell Stanton's office what interest was desired in each tract (fee simple or easement) and which purchases were of highest priority. Stanton agreed to set up a lands office in the area by May 1.[15] George W. Sandberg, appointed land acquisition officer, found quarters at Fort Detrick in Frederick, Maryland.

That September the Park Service informed Maryland's congressional delegation of its acquisition policy and plan for the canal. Of 47 planned developments, 34 would need additional private lands. These lands would be purchased in fee, with the owners allowed to retain occupancy pending development. All lands between the canal and river (except those containing public utility plants) would be purchased in fee; here improved residential property owners could retain 25-year or life tenancies and clubs could retain rights for 25 years. Farmlands between the canal and river could be retained for a period of years or leased back for agricultural purposes; compatible commercial properties could be leased back under special use permits.

Owners on the berm side would be given the option of fee or easement purchase. Easements would restrict their properties to their present uses or low-density residential development removed from the canal, flood plains, and steep slopes. Where there was less than a hundred feet of public ownership on the berm side, the Park Service would seek sufficient interest in adjacent private land to permit public access and the maintenance of screening vegetation. The Service hoped to protect about 25 percent of

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[14]Memorandum to NCP General Superintendent Russell E. Dickenson, C & O Canal Land Acquisition Policies file, Office of Land Use Coordination.

[15]Memorandum, Joe Holt to Dickenson, Jan. 25, 1971, C & O Canal NHP file, History Division.

the private lands within the authorized park boundary by less-than-fee interests.[16]

Land acquisition did not move as swiftly and methodically as hoped. Progress was slowed by difficulties with a mapping contract and public opposition to the many development areas in the park's master plan that were to receive priority. The proposed level of development was sharply criticized by the Chesapeake and Ohio Canal National Historical Park Commission after it was organized in December 1971; as a result, the master plan was scrapped and a major new planning effort inaugurated. Affected landowners were not notified until the spring of 1972. When acquisition finally began thereafter, it proceeded on an "opportunity purchase" basis: land was bought first from those who were eager to sell.[17]

Some thought purchases should continue to be made only from willing sellers. At a public meeting on the new park plan in Brunswick in June 1972, landowner John Staub of Dargan Bend argued that the Park Service should take better care of what it had before taking property from those who wanted to keep it. "What we don't approve of is dealing with our federal government on a take it or leave it basis, bargaining, so to speak, with a gun at our heads or our backs. . . ," he said. "We don't like the idea, and we do not intend to kiss the boot that kicks us from our land."[18]

Previously, Mary Miltenberger, a park commission member from Allegany County, had proposed that counties be encouraged to set up historic districts along the canal to control development and thereby lessen the need for land acquisition. Goodloe E. Byron, western Maryland's congressman, introduced a bill incorporating both viewpoints in April 1972. It would suspend the government's power to condemn improved properties for the park where local authorities had approved protective zoning satisfactory to the secretary of the interior.[19] The Park Service opposed this "Cape Cod formula" (so called from its initial use at Cape Cod

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[16]Letters, Raymond L. Freeman to Sen. Charles McC. Mathias, Jr., et al., Sept. 16, 1971, C & O Canal Land Acquisition Policies file, Office of Land Use Coordination.

[17]Memorandum, Philip O. Stewart to Pank E. Defendorf, Jan. 28, 1972, C & O Canal Land Acquisition Policies file, Office of Land Use Coordination; memorandum, Richard L. Stanton to Russell E. Dickenson, Apr. 14, 1972, ibid.

[18]Transcript, "Public Information Meeting to Discuss the Future of the Chesapeake and Ohio Canal National Historical Park," Brunswick, Md., June 7, 1972, Office of Land Use Coordination.

[19]Transcript, C & O Canal National Historical Park Commission meeting, Jan. 15, 1972, p. 101, C & O Canal NHP; H.R. 14515, 92nd Congress.

National Seashore) on the canal, fearing that it could prevent the acquisition of lands needed for park development. Byron's bill made no progress then or in the next Congress, after which he dropped it.

Tropical storm Agnes, which devastated the canal soon after the Brunswick meeting, had a positive effect on the land acquisition program: those who were flooded out were less inclined to resist the government's purchase offers. By the end of 1972 acquisition was well underway. The Service had then identified 1,009 private tracts totaling 11,513 acres and had purchased 104 of them totaling 1,732 acres for $2,494,819. John G. Parsons, an NCP planner who was leading the new park planning effort, played a key role in deciding what property interests should be acquired based on projected park development, topography, existing uses, and other such criteria.[20]

Dick Stanton, now associate director for cooperative activities at NCP and Parsons' boss, helped resolve many policy issues as they arose. It was decided that the Service would not purchase land up to the authorized boundary if doing so would entail major severance costs and meet no real need. Properties between the canal and river would be appraised as if their owners had legal access across the canal, but the NPS reserved the right to adjust such access for the benefit of the park where the owners retained occupancy or use. Properties accessible only via the towpath would be acquired without retained rights to avoid vehicular use of the towpath.[21]

Riverfront land acquisition was complicated by the uncertainty of ownership between the high and low water lines. The government sought to purchase to the low line, but title companies would only insure private sellers' titles to the high line because of possible claims by Maryland beyond that point. To resolve the problem, Stanton arranged to have sellers warrant titles to lands above the high line and quitclaim titles below. The Service would thereby control the intervening strip unless a court later decided that Maryland owned to the high line, in which case the state might be persuaded to donate its holding.[22]

The NCP lands division set terms for all scenic easement acquisitions in September 1972. On lands subject to scenic easements, only permanent single-family residences could be constructed and occupied, although

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[20]C & O Canal Land Acquisition Policies file, Office of Land Use Coordination; memorandum, James F. Sewell to Pank E. Defendorf, Feb. 7, 1973, ibid.

[21]Transcript, C & O Canal National Historical Park Commission meeting, May 13, 1972, pp. 103-04.

[22]Memorandum, Stanton to Russell E. Dickenson, May 9, 1972, C & O Canal Land Acquisition Policies file, Office of Land Use Coordination; Stanton interview.

camping vehicles were permissible for temporary occupation. No new structure could rise more than forty feet or be built on slopes steeper than twenty percent. Except for basement excavations and footings, wells and septic facilities, and required road construction, no change in the character of the topography or disturbance of natural features would be allowed. There could be no cutting of non-hazardous trees larger than six inches in diameter at breast height. There could be no "accumulation of any trash or foreign material which is unsightly or offensive" and no signs exceeding certain specifications. All existing buildings could be maintained; if damaged or destroyed, they could be rebuilt or replaced in the same locations after approval of plans by the secretary of the interior or his designee if they were at least two hundred feet from the inland edge of the canal prism.[23]

Certain of these and other easement terms were amended and interpreted in the light of experience. Mrs. Drew Pearson's house in Potomac was less than a hundred feet from the canal prism. She was permitted to replace an appurtenant structure there in February 1973, and a general policy of reviewing such requests was adopted. At the same time, swimming pools and patios were added to the list of allowable improvements.[24]

Easements were often difficult to enforce. Edwin M. ("Mac") Dale, canal superintendent from 1957 through 1965, had worked on the Blue Ridge Parkway, where the Park Service had pioneered this method of land-use control. "Don't ever get involved with scenic easements--they are a snare and a delusion," he later told Dick Stanton. "You either own it or you don't." William R. Failor, superintendent from 1972 to 1981, found it hard to educate his staff about easement terms and limits and to maintain sufficient contact with landowners, especially new ones, to remind them of restrictions.[25]

Enforcement of the tree cutting restriction was especially difficult. As Failor admitted, many owners violated it with impunity over the years. Ultimately, one went too far. In March 1985 park rangers discovered that 134 trees had been cut down on government property in fee ownership and adjoining property covered by a scenic easement in Potomac. The latter

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[23]Attachment to memorandum, Pank E. Defendorf to James F. Sewell, Sept. 6, 1972, C & O Canal Land Acquisition Policies file, Office of Land Use Coordination.

[24]Memorandum, Richard L. Stanton to James F. Sewell, Feb. 21, 1973, C & O Canal Land Acquisition Policies file, Office of Land Use Coordination.

[25]Stanton interview with Dale, Feb. 3, 1987, tape at C & O Canal NHP; Failor interview with author, Feb. 1, 1990.

belonged to Isaac Fogel, who had hired a tree service to improve his view of the river. Fogel was indicted in August 1988 and convicted in February 1989 on two counts: aiding and abetting the conversion and disposition of United States property, and aiding and abetting the removal of timber. He was fined $25,000, sentenced to 3-1/2 years in prison (all but 15 days in a halfway house was suspended), and made to perform three hundred hours of community service.[26] The conviction was important for its deterrent effect on others who might be tempted by the high premium on riverview properties in Potomac to follow Fogel's example.

The land acquisition program proceeded vigorously through the mid-1970s, with the occasional protests common to government takings of private property. The owners of a subdivision lot on Praether's Neck (the area within the large riverbend bypassed by Four Locks) complained to Representative Byron in October 1973 about the Service's "land grab." They had been told that they had to sell and could rent back for only two years thereafter, whereas the Potomac Fish and Game Club below Williamsport would be allowed to remain for 25 years. NCP Director Manus J. (Jack) Fish, Jr., explained that continued residence in the subdivision would be incompatible with Park Service plans for restoration of the historic scene and a visitor use and environmental study area. In acting on the park legislation, he noted, Congress had favored special consideration for sportsmen's clubs, most of which were removed from planned visitor facilities.[27]

In November 1974 Maryland's two U.S. senators wrote the secretary of the interior to urge that 25-year leasebacks negotiated thereafter contain an option for an additional 25-year period at fair market rental. The primary intended beneficiary was the Potomac Fish and Game Club, with which negotiations were about to begin. Acting Secretary John C. Whitaker replied that the granting of such options would be unfair to previous sellers and would unduly impede future park management. He promised that the government would be liberal with Potomac Fish and Game: while limiting it to 25 years on the river side of the canal, the Park Service would acquire only a scenic easement on the club's inland property. Dissatisfied, the club again brought its considerable influence to bear, with the result that acquisition of its riverside property was deferred "for lack of funds"

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[26]Memorandum, Linda Toms to Barry Mackintosh, Feb. 12, 1990, C & O Canal NHP file, History Division. As manager of the park's Palisades District, Toms played a key role in building the case against Fogel, for which the C & O Canal Association gave her its William O. Douglas Award.

[27]Letter, George J. Brothers to Byron, Oct. 3, 1973, C & O Canal--Dam 4 file, Office of Land Use Coordination; letter, Fish to Byron, Oct. 24, 1973, ibid.

in October 1975. Ultimately, Dick Stanton concluded an agreement with the club in 1986 whereby the Service would not acquire the riverside property as long as the club did not increase its development.[28]

Whites Ferry, near Poolesville, became another exception to the policy of acquiring fee title to all land between the canal and the river. The proprietors of the ferry, the last on the Potomac, indicated that they would leave if the Park Service took the 2.62-acre tract containing the operation, and the Service had no desire to go into the ferry business. "I really feel that the best thing we could do on Whites Ferry would be just to bypass the whole proposition," Stanton told John Parsons in 1976. "The public is being served and we always have the option at some later date to buy the land if the ferry is discontinued or a bridge built by the State." Acquisition of the ferry tract was not pursued. The operators had an informal arrangement with the Service beginning in 1975: they maintained one of their two picnic areas, for which they charged a fee, on canal property; in return, they mowed the grass and picked up trash along the canal. The Service formalized this arrangement in a special use permit in the mid-1980s, when the operators built a large picnic pavilion on park property.[29]

The park's annual report for 1975 described the land acquisition program as "near completion." As of that May, 1,205 tracts had been identified for fee or easement acquisition, of which only ninety remained to be negotiated. Condemnation proceedings were underway on 189 tracts. About a quarter of these were "friendly" condemnations to clear titles; the rest were forced by owners holding out for higher prices or better occupancy or easement terms than the government was willing to offer.[30]

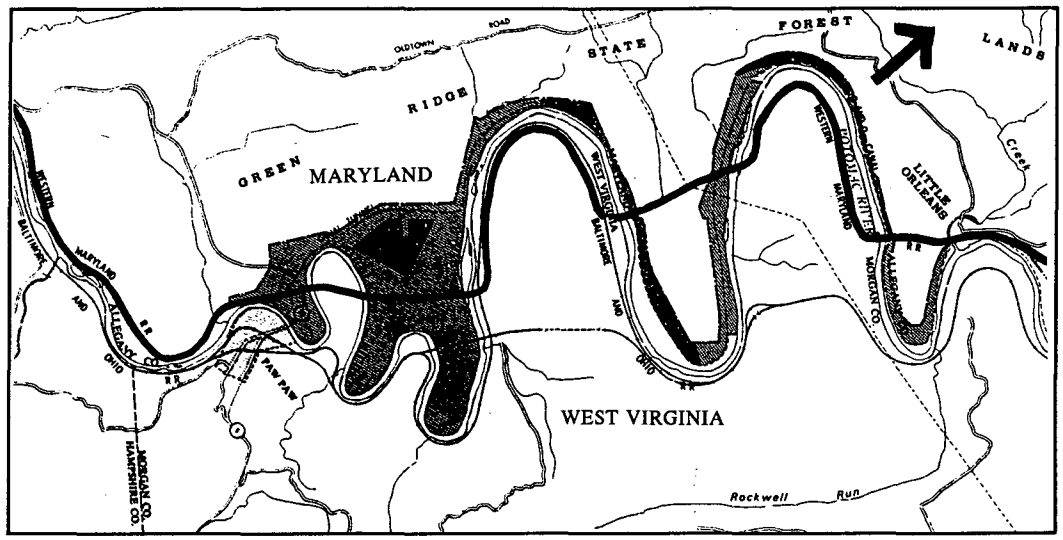
By the end of 1977 the Park Service had spent the $20.4 million authorized for land acquisition in the 1971 park act and obtained most of the lands and interests that it had planned to acquire under the act. It then held 12,640 acres in fee and scenic easements on another 1,164 acres, for a total of 13,804 acres. Not included was most of Praether's Neck, which remains the largest privately held area between the canal and river within the authorized park boundary. A small but critical exclusion was 2,200

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[28]Letter, Sens. Charles McC. Mathias, Jr., and J. Glenn Beall, Jr., to Rogers C. B. Morton, Nov. 11, 1974, C & O Canal Land Acquisition Policies file, Office of Land Use Coordination; letter, Whittaker to Mathias and Beall, Jan. 10, 1975, ibid.; letter, Richard L. Stanton to John N. Sterling, Oct. 31, 1975, C & O Canal--Sportsmen's Clubs file, Office of Land Use Coordination; telephone conversation with James D. Young, Nov. 21, 1990.

[29]Memorandum, Stanton to Parsons, June 16, 1976, C & O Canal--White's Ferry file, Office of Land Use Coordination; Young conversation.

[30]*Chesapeake and Ohio Canal National Historical Park Annual Report, 1975*; Transcript, C & O Canal Commission meeting, May 10, 1975, p. 15.



The Western Maryland Railway in West Virginia.

linear feet of towpath along the slackwater above Dam 4 claimed by Jacob Berkson, owner of the adjoining property. After protracted negotiations, Berkson finally donated the strip for tax purposes in 1986.[31]

A significant addition to the park beyond the boundary authorized in 1971 was a 34-mile stretch of the Western Maryland Railway between Woodmont and North Branch. The merger of the Western Maryland with the parallel B & O Railroad in the Chessie System eliminated the need for this stretch, and the Interstate Commerce Commission approved its abandonment in February 1975. About four miles of the abandoned section, which traversed the sweeping Potomac bends below Paw Paw, West Virginia, lay within the park boundary--in places directly alongside the canal. Six of the remaining thirty miles lay in West Virginia, in three discrete segments reached by six Potomac bridges. Three tunnels, one nearly a mile long, cut through mountain ridges on the Maryland side of the bends.

The Park Service wanted the abandoned right-of-way primarily to prevent private parties from acquiring and developing it. It could also be used for a scenic bicycle trail, and parts of it would enable better access by patrol and maintenance vehicles to isolated portions of the towpath. The Service obtained authority to acquire the right-of-way in the omnibus National Parks and Recreation Act of 1978, which revised the park boundary "to include approximately 600 additional acres" and authorized another $8 million for land acquisition--enough for other outstanding

[31] *Chesapeake and Ohio Canal National Historical Park Annual Report, 1977*; interview with Richard L. Stanton, Feb. 27, 1990.

purchases as well as the right-of-way, which the Service had appraised at $650,000.[32]

The legislation did not specifically mention the Western Maryland Railway or expansion of the park into West Virginia, where opposition to federal acquisition had been instrumental in blocking the Potomac National River. Riverfront landowners and officials in Morgan County, West Virginia, did not become fully aware of the Service's plans until 1980, when final purchase negotiations were underway with the railroad. They were not pleased.

Jack Fish, regional director of the Service's National Capital Region (as the National Capital Parks office was retitled in 1975), attempted to mollify them at a meeting of the Morgan County Commission that August. He claimed that the Service was acquiring the West Virginia segments of the right-of-way only because of the railroad's desire to sell the abandoned route in toto. (In fact, the Service had never sought less than the entire stretch.) Two landowners voiced concern about people crossing the railroad bridges from Maryland and trespassing on private lands. Another feared that the government would be able to condemn existing crossing easements over the right-of-way, thereby acquiring effective control of lands between it and the river. Viewing the acquisition as an entree to the Potomac National River--never officially dropped--they were not satisfied by Fish's promise to barricade the bridges, "mothball" the West Virginia segments, allow present access across them by adjoining owners to continue, and work toward their management by the state or county under a cooperative agreement.

Dayton Casto, a county leader, summed up local feelings about the Service's acquisition plan: "Let me tell you, it was the best kept secret since the atom bomb. . . . This thing didn't come up until just the last three months that we have known. . . . You have the Park Service over in Hancock saying we're going to make a hiker-biker across here, and then you are saying you are going to mothball it. Now which one do we believe? You say you are not going to get any more land, and yet you have an official position that says you are preparing legislation on the Potomac National River. These things are confusing us and making us unhappy."[33]

Under continued political pressure, the Service was forced to agree to relinquish fee title to the West Virginia segments to adjoining owners.

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[32]Memorandum, Ira J. Hutchison to Legislative Counsel, July 14, 1978, C & O Canal--Western Maryland Railway file, Office of Land Use Coordination; Public Law 95-625, Nov. 10, 1978, U.S. *Statutes at Large* 92: 3467.

[33]Record of Morgan County Commission meeting, Aug. 7, 1980, C & O Canal--Western Maryland Railway file, Office of Land Use Coordination.

When it acquired the right-of-way from the railroad on January 2, 1981, the deed and payment for the West Virginia segments were placed in escrow for ninety days, during which it negotiated terms with the owners. But the Service placed restrictions on what could be done with the land and required that all of it be conveyed simultaneously. The owners were unable to act in concert, and the Service took title on April 1. Thereafter it offered special use permits to the owners, under terms that none found sufficiently advantageous to accept. The Service barricaded the bridges, making them difficult but not impossible to cross; a proposal to remove them in 1983 after one person was killed and another badly injured in falls was not seriously pursued.[34] The 34-mile right-of-way, although overgrown, remains intact, requiring only several millions in federal funds and a revolution in West Virginia attitudes to fulfill its outstanding potential for a scenic bikeway.

Nearly a decade after the Western Maryland acquisition, the Park Service obtained another railroad right-of-way at the other end of the canal. The B & O's Georgetown Branch discontinued service in May 1985 when its last customer, the General Service Administration's West Heating Plant in Georgetown, shifted to delivery of coal by truck. The line ran along the river side of the canal from Key Bridge west to its bridge over the canal and Canal Road near Arizona Avenue, thence along the heights above the canal en route to Bethesda and Silver Spring, Maryland. There was much discussion of using the Bethesda-Silver Spring segment for light rail passenger service and some thought of extending this to Georgetown, but most interested parties favored only a hiking and biking trail for the Bethesda-Georgetown segment.

As with the Western Maryland, the Service was eager to acquire the right-of-way along the canal to prevent its private acquisition and development and to install a paved bicycle trail, which would be especially valuable here to separate bicycle traffic from pedestrians on the heavily used towpath just above Georgetown. Working with the Service and the National Park Foundation, Kingdon Gould III, a wealthy Washington businessman, bought the Washington portion of the right-of-way for $11 million in November 1989. Having obtained $4 million for the acquisition in fiscal 1990, the Service and the foundation arranged to lease the right-of-way from Gould until Congress appropriated another $7 million the

[34]Minutes, C & O Canal Commission meetings, Jan. 3, 1981, Apr. 18, 1981, Sept. 16, 1981, Sept. 18, 1982, Mar. 3, 1984.

following year. On November 20, 1990, Gould transferred 4.3 miles of the line totaling some 34 acres to the Service.[35]

The park boundary legislated in 1971 authorized no land acquisition beyond North Branch, some eight miles below the historic canal terminus in Cumberland. The Service's prior decision to terminate park development at North Branch, the extent of residential and industrial development on lands bordering the canal property beyond that point, and the recurring pressures from the railroad and Cumberland interests to cede rather than enlarge park holdings made this decision a logical one.

Mary Miltenberger, one of Allegany County's two representatives on the park commission, did not agree. At the commission's first meeting in December 1971, she complained that the Service's plan to make North Branch the western gateway to the park would deprive Cumberland of much-needed tourist income. With her encouragement, Cumberland's city council passed a resolution in May 1972 favoring a boundary expansion above North Branch, a position endorsed by the park commission that July. That December Maryland's U.S. senators, J. Glenn Beall, Jr., and Charles McC. Mathias, Jr., held a hearing on the matter at Allegany Community College. Those present were generally supportive.[36]

In December 1973 Senators Beall and Mathias and Gilbert Gude, Montgomery County's representative in Congress, introduced legislation to include within the park boundary above North Branch an additional 1,200 acres, of which not more than half could be acquired in fee. The bills also directed a visitor center to be established at or near the canal terminus; the Western Maryland Railway station there was envisioned to serve this purpose. But Goodloe Byron, western Maryland's congressman, declined to cosponsor the legislation without assurance that all affected landowners were in agreement--a virtual impossibility.[37]

Asked to comment on the legislation in August 1974, Jack Fish avoided taking an explicit position but called attention to the developed nature of the area in question, implicitly questioning its suitability for addition to the park. He suggested a study of the proposal by an outside planning group that did not share NCP's ties to the expansion proponents. In response,

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[35]CSX Georgetown Spur file, Superintendent's Office, C & O Canal NHP. A few hundred feet of the right-of-way at the District line, adjoining the Dalecarlia water filtration plant, went to the Corps of Engineers.

[36]Transcript, C & O Canal Commission meeting, Dec. 20, 1971, p. 36; memorandum, Manus J. Fish, Jr., to NPS Associate Director, Legislation, Aug. 16, 1974, C & O Canal NHP file, NPS Legislation Division.

[37]S. 2841 and H.R. 12111, 93rd Congress; transcript, C & O Canal Commission meeting, Sept. 29, 1973, p. 241.

Russell Dickenson, then NPS deputy director acting for the Service, recommended against the expansion bills while expressing support for a study authorization. Although Beall and Mathias reintroduced their bill in July 1975, Congress never moved further to expand or study expansion of the park above North Branch.[38]

The Chessie System still wanted title to at least those canal lands in Cumberland occupied by its tracks, and the Park Service still wanted the railroad's property at Harpers Ferry where the engine house occupied by John Brown had stood. Negotiations resumed in 1986 with Chessie's successor, the CSX Corporation. As of 1991, the Service was willing to transfer four tracts used by the railroad totaling 15.04 acres and grant a perpetual easement for the railroad's bridge over the canal at North Branch. In return, it sought all of the historic U.S. Armory site at Harpers Ferry, including the land occupied by the existing railroad station. A controversial proposal for a new parkway along the canal in Cumberland that would use part of the land involved there complicated matters somewhat, but the exchange authorized by Congress in 1960 appeared closer than it had for some time.[39]

At the end of 1990, the boundary of the Chesapeake and Ohio Canal National Historical Park encompassed 19,237 acres. The Park Service held fee title to 12,713 acres and scenic easements on 1,356 acres, for a total of 14,069 acres under its ownership or control. The state of Maryland and other public jurisdictions held another 2,528 acres, much of it in Green Ridge State Forest and Fort Frederick and Seneca Creek state parks. The balance, 2,640 acres, remained in private hands.[40]

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[38]Memorandum, Fish to NPS Associate Director, Legislation, Aug. 16, 1974, C & O Canal NHP file, NPS Legislation Division; memorandum, Dickenson to Legislative Counsel, Oct. 15, 1974, ibid.; S. 2182, 94th Congress.

[39]"Briefing Paper, B & O Railroad Land Exchange"; interview with John Parsons, Mar. 2, 1990.

[40]"National Park Service Listing of Acreages as of 12/31/90," NPS Land Resources Division.

PLANNING THE PARK

After the National Park Service abandoned its plan to build a parkway along the canal in 1956, it was again faced with deciding how to develop and otherwise treat the canal property above Seneca. Every park was supposed to have a master plan for development and use. The Service completed such a plan for the Chesapeake and Ohio Canal National Monument in 1964, but the unsettled status of the national historical park proposal limited its value. A hasty replanning effort accompanied the park proposal's revival in 1969, but there was strong opposition to the resulting development plan once the park bill had passed. A new effort followed, culminating in the mid-1970s in a general plan enjoying broad support.

In the spring of 1956 George Thompson, a recreation planner in the Service's Philadelphia regional office, surveyed the canal and prepared recommendations for land acquisition and recreational developments along it. The Philadelphia office assumed administrative oversight of the canal above Seneca from National Capital Parks in September 1958, and in April 1959 Assistant Regional Director George A. Palmer, William R. Failor, a planner with that office, and Edwin M. ("Mac") Dale, superintendent of what was then called the C & O Canal National Historical Park Project, reconnoitered the canal from Cumberland to Harpers Ferry. Their purpose was to review Thompson's recommendations for acquisition and locate areas for immediate development.

Failor stressed the need for a comprehensive study of existing non-recreational canal uses, which predominated nearly everywhere beyond Harpers Ferry, before general development planning. He recommended disposing of the canal above North Branch because it passed through "a hodge podge of uses with no zoning protection." Palmer was opposed to any such disposal of canal property, viewing it as a bad precedent.[1] (As has been seen, that controversy would continue.)

Dale's maintenance force was then clearing vegetation and other obstructions from the towpath and portions of the canal bed. Palmer commented that another season of work would probably make it possible to drive the entire towpath without a break except at certain aqueducts. But he was unhappy with the lack of aesthetic sensitivity displayed in some instances. "One of the saddest looking sections of the Canal is that cleared by National Capital Parks in 1957," he wrote the regional director. "The

[1]Memorandum, Failor to Regional Director Daniel J. Tobin, Apr. 24, 1959, historical files, Chesapeake and Ohio Canal National Historical Park; memorandum, Palmer to Tobin, May 6, 1959, ibid.

Canal and towpath were stripped clean and the sprouts are now coming up to five or six feet. By summer, they will be ten. The result is that this section of the canal doesn't have an abandoned look, it has a neglected look. The sections cleared by Superintendent Dale are better, because he did leave some selected trees along the towpath. I believe we should go even further in planning for clearings by leaving clumps of trees, breaking the monotony by varying the degree of thinning, and generally presenting a more pleasing appearance than just raw canal."[2]

Palmer wanted to stop further clearing until it had been determined through master planning which sections of the canal would be developed and how. He also wanted to leave evidence of flood devastation: "Just below Lock 33 at Harpers Ferry, I would not touch the ruins of the Canal because here, more than at any other point, the destruction illustrates . . . one of the principal reasons for its eventual closing."[3]

The master plan for the national monument was prepared by the Park Service's Eastern Office of Design and Construction in Philadelphia and approved by Acting Director Jackson E. Price on August 28, 1964. It outlined the many problems caused by the lack of adequate boundary data, adverse neighboring development, and encroachments. The park could not be effectively administered, it declared, without a clearly defined boundary extended for resource protection and development of administrative and visitor facilities. It called for extensive recreational developments and proposed rewatering many stretches of the canal, including the 13-mile stretch from Lock 71 in Oldtown through the Paw Paw Tunnel to Lock 62.[4]

Much of the proposed development was carried forward into the 1968 Potomac National River plan, which John M. Kauffmann "split lengthwise" in 1969 for the boundary map and development outline accompanying the successful national historical park legislation (page 97). Proposed development in the first year after enactment included a major visitor center complex at North Branch and canal restoration, boat ramps, and other amenities at North Branch and Brunswick. The second year would see a visitor center, marina, and campsites at Praether's Neck, new visitor facilities at Hancock, Williamsport, and Edwards Ferry, and restoration of several aqueducts, locks, and lockhouses. Restoration of historic features and development of new facilities, including more boat ramps,

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[2]Memorandum, Palmer to Tobin, May 6, 1959, C & O Canal NHP.

[3]Ibid.

[4]*The Master Plan for Preservation and Use, Chesapeake and Ohio Canal National Monument, Maryland*, copy at C & O Canal NHP.

campgrounds, picnic areas, and comfort stations, would continue at the same level during the next three years.[5]

As noted previously, some conservation groups expressed displeasure with the extent of proposed development during the hearings on the park legislation in 1970, and Congress cut the authorized development appropriation from $47 million to $17 million. This was not necessarily meant to curtail the Park Service's plans, but it would require the Service to return to Congress for an increase in the development ceiling after the $17 million had been appropriated and spent. Following enactment of the legislation in January 1971, Kauffmann proceeded to incorporate his development outline in a new master plan for the expanded park. The ambitious plan called for 25 boat launch facilities accessible by automobile, 31 group camps with a total capacity of 6,000, and nearly 3,000 picnic sites. These and other developments were designed for a day-use visitor capacity of 53,500.

Copies of the master plan "were, somehow, obtained by the private sector and circulated to the public without the authorization of the National Park Service," in Dick Stanton's words. Quite apart from the plan's content, the impression of secrecy did not bode well for its acceptance. Justice William O. Douglas wrote Anthony Wayne Smith, president of the National Parks and Conservation Association: "I understand the Park Service has decided on three parking lots being located between the Canal and the River--and that all their plans are secret!! That is par for the Park Service. We should start hollering!"[6]

"We are already hollering," Smith replied, enclosing a copy of a letter he had sent Assistant Secretary of the Interior Nathaniel P. Reed: "The procedures being followed by the National Park Service with respect to the old C & O Canal are an outrage and violate all the purposes for which the protectors of the Canal have been fighting for over 17 years. We are simply not going to put up with this kind of thing by the National Park

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[5]Development schedule accompanying letter, Walter J. Hickel to Wayne N. Aspinall, May 27, 1970, in U.S. Congress, House, *Chesapeake and Ohio Canal National Historical Park, Hearings* before the Subcommittee on National Parks of the Committee on Interior and Insular Affairs, 91st Congress, 2nd Session, on H.R. 658 and Related Bills, Aug. 11 and 13, 1970 (Washington: Government Printing Office, 1970), p. 16.

[6]Stanton, "A National Park Service Review of the Goals, Efforts, and Accomplishments of the Chesapeake and Ohio Canal National Historical Park Commission," November 1976, C & O Canal Commission file, Office of Land Use Coordination, National Capital Region, NPS; letter, Douglas to Smith, Sept. 16, 1971, C & O Canal files, National Parks and Conservation Association.

Service and the Department of the Interior. . . . I think you have an obligation to see that this nonsense is stopped."[7]

The Chesapeake and Ohio Canal National Historical Park Commission had been viewed by the Service as the appropriate forum for public involvement in the master plan. Unfortunately, the commission was not organized until nearly a year after enactment of the park legislation. Kauffmann spoke on the plan at its first meeting on December 20, 1971. "We have to, first, recognize the limitations of the park," he said. "It is long and narrow and full of fragile resources. It is going to be a very difficult task to administer this, to develop it wisely and properly for the type of uses which you can expect in this urbanized region in the future."[8] His plan proposed a variety of conditions: the canal would be rewatered for as much as half its length, left naturally overgrown in other areas, and maintained in grass near communities to present a town park appearance.

The first large proposed development upriver from the already developed section below Seneca was at Edwards Ferry. Here the plan called for a marina building and dock for a hundred boats. Reaction from commission members was negative. Grant Conway of Montgomery County complained about the noise and pollution from power boats and existing efforts to accommodate them: "The Park Service has already put so many ramps in the river that people can't hear themselves talk in their yards near the river." Kauffmann argued that the proposed marinas were intended to concentrate power boating in limited areas rather than to increase it, but the critics were unpersuaded.[9]

Conway and Rome F. Schwagel of Washington County also expressed concern about the planned extent of rewatering, which would require much tree removal and other disturbance of naturally regenerated areas. NCP Director Russell E. Dickenson defended the rewatering on historical grounds, but no commission members voiced support. The commission did agree on the importance of stabilizing the aqueducts to maintain the continuity of the towpath, a concern heightened by the partial collapse of the Seneca Aqueduct three months before. The members voted unanimously for a motion by Justice Douglas, attending as "special adviser to the commission," that aqueduct restoration receive priority.[10]

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[7]Letter, Smith to Reed, Sept. 14, 1971, C & O Canal files, NPCA.

[8]Transcript, Chesapeake and Ohio Canal National Historical Park Commission meeting, Dec. 20, 1971, p. 15, C & O Canal NHP.

[9]Ibid., pp. 23-25.

[10]Ibid., pp. 35, 49.

After the meeting Assistant Secretary Reed, who had been present, relayed his reaction to Kauffmann: "My reading of the Advisory Board meeting was that the priority is to protect the Canal and the locks. Repair the damage and last and *least* construct visitor facilities. . . . Unless I am wrong, the Canal should *not* be developed for heavy use mass recreation. Bicycling, walking, canoeing, limited, low development, low density camping are the features the Advisory Board wants. Unless your Master Plan reflects this objective, there will be years of strife ahead."[11]

A fresh start was called for. Kauffmann moved on to other assignments, and John G. Parsons, a dynamic young landscape architect and planner at NCP headquarters, was charged with developing a new park plan "acceptable to the National Park Service, the Commission, and the public," as Dick Stanton later wrote.[12]

During May and June 1972 the Service held five public information meetings, in Washington and each of the four Maryland counties containing the park, to discuss the planning effort and obtain public comment. Parsons and his colleagues distributed a draft "study plan" for the park, and one of them remained available for two days after each meeting. A total of some 1,500 people attended, and about fifty took advantage of the opportunities for further discussion.

The National Parks and Conservation Association was among those commenting on the study plan. NPCA supported its proposal to provide only walk-in camping but found too much development emphasis remaining elsewhere. It opposed the plan's call for a new developed area at Watts Branch in Potomac, expansion of parking to accommodate 150 cars at Violettes Lock, marina services at Edwards Ferry, and a footbridge across the Potomac at Harpers Ferry.[13]

At a meeting of the park commission that July, Carl Linden and Alan Franklin of the C & O Canal Association presented their group's position on park development. They wanted nothing that would encourage or support recreational activities not directly related to the canal, including drive-in campgrounds, picnic grounds, and walk-in campgrounds accessible from parking areas like that at Antietam Creek. "It should be a park developed for those who are willing to walk into it," Franklin said. Harry

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[11]Memorandum, Reed to Kauffmann, Dec. 22, 1971, C & O Canal Commission file, Office of Land Use Coordination.

[12]"A National Park Service Review of the Goals, Efforts, and Accomplishments of the Chesapeake and Ohio Canal National Historical Park Commission."

[13]"Statement on the C & O Canal National Historic Park Study for Preservation, Management and Use," June 1972, C & O Canal files, NPCA.

Rinker, president of the Pennsylvania Canal Society, disagreed. He saw the park as the national canal park, catering not just to area residents but to people coming from afar by car. He wanted more vehicle access and development for those visitors, who might lack the time or ability to hike long distances.[14]

Partly in response to such differing demands, Parsons developed a zoning concept for the park. At a commission meeting that September he unveiled his plan to divide the park into five categories, ranging from major interpretive zones to primitive zones. The former would be the most developed and accessible; the latter would be the most untouched and remote. In addition to reflecting the park's diversity, the zones would be used to control visitor use. In major interpretive zones, sufficient parking would be provided to allow as many as three hundred people per mile; in primitive zones, the target maximum was 25 per mile.[15]

The zoning concept was incorporated in a "Preliminary Draft Master Plan," which won the commission's endorsement in January 1973. The draft was widely circulated. There were more public meetings and more public input. The *Washington Post* editorialized on the Park Service planning effort following the twentieth anniversary Justice Douglas Hike in April 1974: "As Justice Douglas has often said, the traditional strategy has been, 'First save the canal from the parkway, then save it from the Park Service.' This may be easier than it used to seem, for the National Park Service has been listening to public sentiment and has apparently abandoned earlier plans to 'improve' the park by adding large marinas, plug-in campgrounds and other intrusive facilities. In concert with the Maryland congressional delegation, the Park Service is now focusing on obtaining sufficient money for repairs and restoration."[16]

The *Chesapeake & Ohio Canal National Historical Park General Plan* was endorsed by the park commission in July 1975 and officially approved by NCP Director Manus J. (Jack) Fish, Jr., in January 1976. It began by defining the park's management objectives: to "preserve the atmosphere of past times and enduring natural beauty and safeguard historic remains and natural features," to "impart to visitors an understanding and appreciation of an historic way of life blended into the natural setting of the Potomac Valley," and to "develop the potential of the park's recreation

[14]Transcript, C & O Canal Commission meeting, July 8, 1972, pp. 50-60.

[15]Transcript, C & O Canal Commission meeting, Sept. 9, 1972.

[16]"A Milestone for the C & O Canal," May 2, 1974.

resources for safe yet stimulating enjoyment by the visitors within limits compatible with the other two management objectives."[17]

The general plan divided the park into 32 sections, each assigned to one of the five zones. Six sections totaling 10.4 miles--at Georgetown, Great Falls, Seneca, Williamsport, Four Locks, and North Branch--were assigned to Zone A, the National Interpretive Zone. Here the emphasis would be on historical restoration and interpretation, with vehicular access and facilities to accommodate the largest numbers of visitors. Zone B, the Cultural Interpretive Zone, applied to ten segments totaling 23.4 miles. They would also focus on cultural resources, but with less development. Zone C, the Short-Term Recreation Zone, was "designed to serve the general towpath user seeking a leisurely stroll of 2 to 6 hours in a natural setting." Six segments totaling 39.1 miles were so classified. Zone D, the Short-Term Remote Zone, was the category for seven segments totaling 61.8 miles, each intended to provide "an undisturbed day in a natural setting." Zone E, the Long-Term Remote Zone, applied to three segments totaling 49.6 miles, the longest being a 29.5-mile stretch from Hancock through the lower Paw Paw Bends to Lock 62. These would serve "those who seek a near wilderness involvement with the environment."[18] The idea of controlling visitor use by setting explicit carrying capacities for the various zones did not find its way into the plan.

A chart depicted the kinds of facilities that would be suitable in the various zones. Boat concessions could go in Zones B and C, for example, while hiker-biker campgrounds would be appropriate in Zones C, D, and E. The existing drive-in campgrounds at McCoys Ferry, Little Orleans, and Spring Gap were to be phased out "when private enterprise meets the demand." (They were still present 15 years later.) Twenty-four miles of the canal, comprising the 13 Zone A and B segments outside the already-watered 22 miles below Seneca, were proposed for rewatering; where engineering studies found this infeasible, the bed would be cleared of natural vegetation, sodded, and mowed.

The park commission's influence was apparent in the plan's strong statement about development priorities: "It is imperative that higher priority be given to the stabilization and restoration of historic structures than to new development. If this is not done, the danger of losing these fragile, limited, nonrenewable resources, for which the park has been established, becomes apparent. . . . No new visitor use facilities will be constructed until emergency flood rehabilitation and aqueduct stabilization

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[17]*Chesapeake & Ohio Canal National Historical Park General Plan* (Washington, D.C.: National Park Service, 1976), pp. 1-2.

[18]Ibid., pp. 21-23.

work has been funded and further research on stabilization and restoration of the cultural resources has occurred."[19]

A chapter titled "Sectional Concepts" addressed each of the 23 sections with suggestions for its treatment. It was prefaced with the caveat that "the concepts here may change significantly and will not be implemented until a sectional development plan for the entire section is completed." These plans, to be undertaken with "complete public involvement," would dictate all development beyond the restoration work then in progress after tropical storm Agnes. The Great Falls section was slated for initial attention.[20]

The Great Falls section was the most heavily used area of the canal outside Georgetown. It was made so by its location in the Washington metropolitan area and its many attractions: the falls themselves, canal barge trips running through the uppermost of five closely spaced locks, the historic Great Falls Tavern, the picturesque Widewater section of the canal, the rugged Billy Goat Trail along the river's Mather Gorge, the river's suitability for whitewater canoeing and kayaking, and the scenic quality of the area as a whole. The National Capital Team of the Park Service's Denver Service Center began work in 1978 on the area's development concept plan or DCP, as the sectional development plans were titled. The planners held two public hearings in the vicinity in late 1979 and produced a draft in mid-1980.

The draft identified a range of problems, including inadequate facilities to meet recreational demands; inadequate interpretation of the canal and tavern, the nearby Maryland Gold Mine, and the historic Washington Aqueduct running beneath the area; conflicts between hikers and bikers on the congested towpath; an interrupted stretch of the towpath at the head of Widewater; a lack of access to view the falls after Agnes swept away a set of bridges to Olmsted Island in 1972; poor circulation patterns; inadequate office space in the tavern, rest room facilities, and food concession service; and a run-down hiker-biker campground at Swains Lock. After presenting five alternative programs for addressing these and other concerns, it described a preferred course of action.

Under the recommended plan, a dock for the canal barge would be built below Lock 20, which would remain operational for the barge trips. Access and circulation would remain essentially unaltered. The parking lots at Swains Lock and opposite Old Anglers Inn (below Widewater) would be paved and striped but not expanded. A twenty-car parking area would be added near the Maryland Gold Mine. To limit crowding, overflow parking would not be allowed. Cyclists would be required to walk their

[19]Ibid., p. 24.

[20]Ibid., pp. 23-24, 41.

bicycles between Widewater and the Great Falls Tavern during peak visitation periods. The towpath at the head of Widewater would ultimately be restored; meanwhile, a wooden walkway begun there would be completed. The bridges to Olmsted Island would be replaced. The campground at Swains would be retained. The lockhouse at Lock 16 would be rehabilitated to house seasonal park employees. Administrative offices on the second floor of the tavern would be moved to a historic stone house nearby that had been built and used by the Corps of Engineers; two adjacent modern houses would be razed upon their expected transfer from the Corps to the Park Service.[21]

The towpath by Widewater, periodically scoured and washed out by floods, had been a bone of contention for several years. At the House hearing on the park bill in 1970, conservation group representatives criticized work then underway to reconstruct part of it; the Park Service appeared to them to be building a road rather than a path.[22] In the spring of 1976, in conjunction with towpath repair work necessitated by the 1972 tropical storm Agnes, the park began to construct a 270-foot-long wooden bridge over a rocky stretch below Lock 15. Edwin F. Wesely, a commission member from Montgomery County, considered the bridge intrusive and unnecessary and sounded the alarm among the conservation community.

Most other commission members and conservationists had less quarrel with the structure itself than with the Service's failure to consult the park commission and other interested parties before proceeding with it. (Because the park was in the National Register of Historic Places, the Service was required to consult the District of Columbia's or Maryland's state historic preservation officer and the federal Advisory Council on Historic Preservation on all projects affecting it.) The Service suspended construction of the bridge and brought the issue before the commission that May. There John Parsons confessed the error of the 1970 work while defending the present project: "We were doing an insensitive, lousy fill job at Widewater, and I'm glad that the conservationists stopped us. . . . I think we've heeded that advice, and we have built something with a great deal of sensitivity to the resources." Superintendent William R. Failor argued that the bridge was necessary to maintain the continuity of the

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[21] "Finding of No Significant Impact, Environmental Assessment, Great Falls Park, Chesapeake & Ohio Canal National Historical Park, Development Concept Plan," in C & O Canal Commission minutes file, July 19, 1980, C & O Canal NHP.

[22] U.S. Congress, House, *Chesapeake and Ohio Canal National Historical Park, Hearings* before the Subcommittee on National Parks and Recreation of the Committee on Interior and Insular Affairs, 91st Congress, 2nd Session, on H.R. 658 and Related Bills, Aug. 11 and 13, 1970 (Washington: Government Printing Office, 1970), pp. 92, 107.

towpath and did not constitute the kind of new development requiring a sectional development plan or DCP. But the Service agreed to go no further with it until could be fully addressed in such a planning effort.[23]

When the commission reviewed the draft DCP in October 1980, the proposal to complete the bridge over the rocks again came under criticism, as did several other ingredients of the plan. Four commission members formed a committee to review the draft and propose revisions. The committee recommended against completing the bridge, favoring instead "a staggered path effect which would reflect the natural terrain" pending ultimate restoration of the towpath to its historic condition. It opposed the new parking area or any other development on the gold mine tract. It urged some treatment other than asphalt and striping for the parking areas at Swains Lock and Old Anglers Inn to maintain their rural character. It advocated retaining the modern Corps of Engineers houses as employee residences. The commission endorsed its committee's recommendations that December.[24]

Superintendent Dick Stanton shared a draft "record of decision" on the DCP with the commission in April 1981. It appeared to incorporate most of the commission's views. Only the exterior of the lockhouse at Lock 16 would be restored; employees would be housed in the modern residences if they were transferred to the Park Service. The parking area at Old Anglers Inn would be paved and striped to increase its efficiency; nothing was said about that at Swains. The forty-car parking area nearest the Great Falls Tavern would be removed to provide a more appropriate setting for the tavern. The existing pullout for cars near the intersection of Falls Road and MacArthur Boulevard would be slightly improved to provide better access to trails in the Gold Mine Tract and "present a more park-like entrance portal." The "staggered path effect" would be tried at Widewater; if it proved satisfactory, the Service would consider removing the bridge and extending the new treatment the entire distance.[25]

Regional Director Jack Fish approved the DCP that summer, but Stanton told the commission that no money would be available to implement it anytime soon. A decade later, nothing had been done about the parking areas or the rocky stretch at Widewater. The park requested $325,000 in 1989 to restore 875 feet of towpath there, but the project lacked sufficient

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[23]Interview with Carrie Johnson, Jan. 31, 1990; transcript, C & O Canal Commission meeting, May 22, 1976, pp. 119-21, 152.

[24]Minutes, C & O Canal Commission meetings, Oct. 18 and Dec. 6, 1980.

[25]Minutes, C & O Canal Commission meeting, Apr. 18, 1981.

priority for funding.[26] The Service did acquire and occupy the Corps houses and a garage building, freeing space in the tavern, and it partially restored the exterior of the Lock 16 lockhouse. It built a dock for the canal barge below Lock 20, and it proceeded with plans to replace the bridges to the falls overlook on Olmsted Island. The change most evident to Great Falls visitors by the end of 1990 was the inauguration of a $3-per-car fee that November. Collected at the entrance to the parking area, it was expected to help control public use and lessen overcrowding.

The next development concept planning effort addressed the last ten miles of the canal running though North Branch and Cumberland. Terry Langlois, a Denver Service Center planner who had worked on the Great Falls DCP, began the Cumberland/North Branch DCP in 1979 and presented three alternatives to the park commission in July 1980. The commission members from Allegany County and local officials favored the alternative leading to the greatest development, estimated to cost more than $10 million; unlike those from wealthy Montgomery County, they were eager to attract more visitors to lift their depressed economy. At the commission's request, Cumberland and Allegany County appointed a study team headed by commission member John D. Millar to make recommendation to the planners. In April 1981 Millar reported "overwhelming support" for rewatering from Spring Gap to a waste weir a mile below the terminus, a distance of more than ten miles.[27]

The Park Service planning team concluded that the rewatering and other improvements favored by the community could not feasibly be accomplished within ten years (the general rule guiding what went into a DCP). Obtaining sufficient water, relocating the roads and storm drains crossing the canal, and funding the work involved posed major problems. While proposing engineering feasibility studies of rewatering, the planners gave first priority to restoration of the Evitts Creek Aqueduct. They also favored exterior restoration of the lockhouse at Lock 72, removal of a road and bridge crossing the canal at Lock 74, adaptive use of the Lock 75 lockhouse at North Branch as a ranger office and visitor contact facility, and redevelopment of the former Western Maryland Railway station at the terminus by the city of Cumberland to house a visitor information exhibit on the canal.[28]

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[26]Minutes, C & O Canal Commission meeting, Sept. 16, 1981; Widewater Towpath file, Superintendent's Office, C & O Canal NHP; interview with James D. Young, Jan. 18, 1990.

[27]Minutes, C & O Canal Commission, July 19, 1980, and Apr. 18, 1981.

[28]Record of Decision in file, C & O Canal Commission meeting, Dec. 5, 1981.

The Cumberland/North Branch DCP as approved and published in October 1982 reflected these views. Under continued pressure from the community, however, it was revised in May 1983 to express greater support for rewatering in the near term. "As a minimum, the canal would be rewatered between Locks 72 and 75 (1.2 miles) and between Evitts Creek Aqueduct and Candoc (1.34 miles)," it declared. "Lock 75 would be an appropriate location for a floating barge. Other areas that prove to be feasible would be rewatered."[29]

The Park Service opened an information center in the Cumberland railroad station in May 1985. It performed some stabilization work on the Evitts Creek Aqueduct, and with funds obtained through the efforts of Rep. Beverly B. Byron in 1989, it installed dikes and flooded a section of the canal in Cumberland to test its water-holding ability. But the greatest chance of achieving the extensive and permanent rewatering sought by the community appeared to lie in a new proposal for yet another canal parkway (page 176).

The Williamsport section of the canal was next to receive development planning attention. The planners began work there in late 1980 and completed its DCP in August 1982. The DCP prescribed actions to be undertaken in two phases. Phase I actions included stabilizing the Conococheague Aqueduct, restoring an old trolley power station for use as a visitor contact and management facility, restoring the exterior of the Cushwa Warehouse and outlining the former canal turning basin next to it in stone, restoring Lock 44 and its lockhouse, conducting an engineering feasibility study of rewatering, and rewatering the canal from Lock 44 to the Conococheague Aqueduct. The historic Bollman Bridge over the canal would be closed to motor vehicles and only vehicles carrying disabled persons would be allowed to reach the river on Potomac Street, with the result that Riverfront Park would be inaccessible by car to all but the disabled. In Phase II, the canal would be rewatered east of Lock 44, if feasible, to permit locking through a barge; the turning basin would be restored and rewatered; and the existing boat ramp in Riverfront Park would be removed.[30]

The park commission approved the Williamsport DCP but expressed concern that the Bollman Bridge not be closed until an alternate route was available. Community opposition to the actions affecting Riverfront Park mounted, and in December 1982 the commission requested removal of any

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[29]*Development Concept Plan for the Cumberland/North Branch Area, Chesapeake & Ohio Canal National Historical Park* (National Park Service, 1983), p. 5.

[30]*Development Concept Plan and Assessment for the Williamsport, Maryland, Section of Chesapeake & Ohio Canal National Historical Park* (National Park Service, August 1982).

reference to closing the bridge and relocating the boat ramp. The Service heeded the commission's advice in a revised edition of the DCP, issued in May 1983.[31]

The Phase I rewatering was successfully completed in the mid-1980s. Thanks to Beverly Byron and Sen. Barbara A. Mikulski, the Service's 1991 appropriation earmarked $2.3 million for rewatering in Williamsport, Hancock, and Brunswick. Williamsport's share of the money would be used to begin Phase II, including excavation and restoration of the turning basin, continued rewatering past Lock 44 to a Potomac Edison access road, and restoration of the lock to operating condition.[32]

Work on a DCP for the Brunswick section got underway in 1981. The Service's major problem there was the use of the towpath for vehicular access to a town-operated campground and a sewage treatment plant between the canal and river. Between the canal and the town center lay a large Chessie System railroad yard. The Service initially sought, without success, to have this traffic rerouted along railroad property.[33]

A draft of the DCP, circulated in August 1982, called for the Brunswick section to be rezoned from B to A if the town and the railroad developed "a high quality living museum of the railroad era." Under Phase I of the proposed development, towpath traffic west of Maple Avenue would be eliminated except for a crossing to the state-owned boat ramp under the U.S. Route 17 highway bridge, Lock 30 would be stabilized, and the lock gates would be restored. Under Phase II, a new road crossing the canal at Maple Avenue and running parallel with it east to the sewage treatment plant and campground would allow removal of the remaining towpath traffic. The boat ramp under U.S. 17 would be eliminated and its function shifted to the campground ramp. The canal would be rewatered if engineering studies demonstrated the feasibility of doing so.

The park commission asked that the proposals to rezone the section and eliminate the boat ramp be stricken; thus revised, the DCP was published in February 1983. It was amended in April 1988 to incorporate a description of the Brunswick Waterfront Project, a product of the Brunswick Revitalization Committee in cooperation with the Park Service and the park commission. The addition specified the responsibilities of the town and the Service for upgrading the area over a three-year period; the

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[31]Minutes, C & O Canal Commission, Sept. 18, 1982, and Dec. 4, 1982; *Development Concept Plan for the Williamsport Area, Chesapeake & Ohio Canal National Historical Park* (National Park Service, May 1983).

[32]Telephone conversation with James D. Young, Dec. 13, 1990.

[33]Minutes, C & O Canal Commission, Dec. 5, 1981.

town was to provide signing and publicity and take steps to enhance the approach to the park.[34]

During the summer of 1989 the park raised part of the canal berm at Brunswick and tapped the town's water supply to fill the canal there. Brunswick agreed to turn its water intake system over to the park when a planned replacement system became operational.[35]

The Service undertook a DCP for the Georgetown section in 1985-86. The planning effort there was complicated by redevelopment proposals for the Georgetown waterfront, most of which lay outside the park boundary. The park commission endorsed a DCP draft in May 1986. It was subsequently approved by outside review bodies, and the D.C. Council adopted a resolution recommending that city-owned waterfront lands be transferred to the Service. With no new development proposed for the great majority of the park, there was little pressure or need for development concept planning elsewhere.

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[34]Minutes, C & O Canal Commission, Sept. 18, 1982; *Development Concept Plan and Assessment Amended To Include the Brunswick Waterfront Project for Brunswick, Maryland, Section of Chesapeake and Ohio Canal National Historical Park* (National Park Service, April 1988).

[35]Young conversation, Dec. 13, 1990.

MANAGING THE PARK

For much of its tenure under the National Park Service, the Chesapeake and Ohio Canal was an administrative anomaly. Acquired as a public works project, it lacked status as a unit of the national park system for more than two decades. For a decade thereafter, most but not all of it held such status as a national monument; the rest remained part of the George Washington Memorial Parkway and National Capital Parks. The two parts were managed by different superintendents for 17 years; for eight of those years they reported to different regional offices. Even after the park achieved administrative unity under a single superintendent, its elongated nature and varied environment and clientele posed unusual management challenges.

After the Park Service acquired the canal in 1938, the District of Columbia portion (4.7 miles long) fell within the Potomac Palisades Parkway component of National Capital Parks, the segment from the District line to just above Great Falls (about eleven miles) lay within the George Washington Memorial Parkway's jurisdiction, and the remainder, outside any legally authorized park entity, was informally classed as an NCP "reservation."[1] The superintendent of National Capital Parks (C. Marshall Finnan to August 1939, Irving C. Root from January 1941 to July 1950) oversaw the whole with the aid of NCP staff and the United States Park Police, an arm of NCP.

As noted earlier, the Park Service focused its early efforts on restoration of the canal from the inlet lock below Seneca to Rock Creek in Georgetown. Beginning in 1941, NCP staff members made periodic inspection trips along the canal above Seneca. Associate Civil Engineer William G. Hayward traveled there that spring. He found the B & O Railroad dumping trash, cinders, and miscellaneous fill on canal property in the Cumberland area--a practice that continued over the years despite repeated complaints to railroad officials. Because there were insufficient park policemen for the task, Hayward suggested that five old canal company

[1]Memorandum, Hillory A. Tolson to Arthur E. Demaray, Aug. 18, 1944, C & O Canal file 650.03, National Capital Parks, National Park Service, Record Group 79, National Archives, Washington, D.C. Although the legal authority for the George Washington Memorial Parkway, the Capper-Cramton Act of 1930, authorized federal acquisition of the entire canal property below Point of Rocks, the parkway itself extended only from the D.C. line to just above Great Falls.

supervisors be hired to patrol the canal and watch for such encroachments, but this was not done.[2]

Amid the general curtailment of park activities during the war years, the Service could devote little attention to the upper canal. NCP did form a C & O Canal Real Estate Board to handle leases and permits. Mary A. McColligan, its chairman, and Frances J. Worthington, a realty specialist, went on inspection trips accompanied by Walter H. Sconyers, a Park Police private then assigned to canal patrol work. The board continued into the 1950s, when William Hayward served on it with the two women.

Park Police officers were the only uniformed Park Service representatives on the upper canal during this period. In April 1951 Sgt. Thomas C. Tingle and Pvt. Samuel H. Hower hiked from Cumberland to Seneca in a patrol designed to attract press coverage and promote the Service's parkway proposal. They reported general support for the parkway except from those who feared "the removal of their summer cottages and other privileges they now enjoy." On a routine inspection that November, Hower discovered "a very foul condition" near the terminus in Cumberland: "A sewer of considerable capacity empties into the canal, runs across the canal and into the river. The odor is terrible."[3] In March 1954 Hower was detailed to assist Justice William O. Douglas's anti-parkway hike, which avoided Cumberland's degradation by beginning at North Branch. Later that year Pvt. Roland A. Fallin was posted at Harpers Ferry and given the upper canal as his beat.

National Capital Parks remained a unitary organization, without subordinate superintendents for its various components, until 1965. It did have personnel assigned primarily to manage particular areas, and in January 1953 Associate Superintendent Harry T. Thompson, then lobbying hard for the parkway, proposed that a capable custodian be appointed for the entire canal. He would be stationed in Williamsport or some other central location, become completely familiar with the canal, supervise all improvements, and serve as the canal's primary contact with the public.

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[2]Memorandum, Hayward to Francis F. Gillen, Apr. 12, 1941, "Inspection Trips, C & O Canal" file, National Capital Parks, Washington National Records Center, Suitland, Md.; memorandum, Gillen to Sidney McClellan, Oct. 22, 1943, Administration, Maintenance, and Protection file 1460/C&O-5, NCP, WNRC; letter, Irving C. Root to Chief Engineer, B & O Railroad, Oct. 27, 1943, ibid.

[3]Memorandum, Tingle and Hower to Chief, U.S. Park Police, May 10, 1951, Inspection Trips file, WNRC; memorandum, Hower to Chief, U.S. Park Police, Nov. 14, 1951, C & O Canal January 1950-December 1954 file, WNRC.

NPS Director Conrad L. Wirth endorsed the proposal, but no action was taken on it.[4]

Instead, when Wirth abandoned the canal parkway for the national historical park proposal in 1956, he decided to break the canal administratively at Seneca. The restored portion would remain with NCP. The remainder--the part proposed for national historical park designation--would receive its own superintendent reporting to the NPS regional director in Philadelphia. As noted previously (page 76), this division would allow NCP to retain the canal segment within its traditional service area while removing the national historical park to the nearest regional office charged with overseeing discrete units of the national park system.

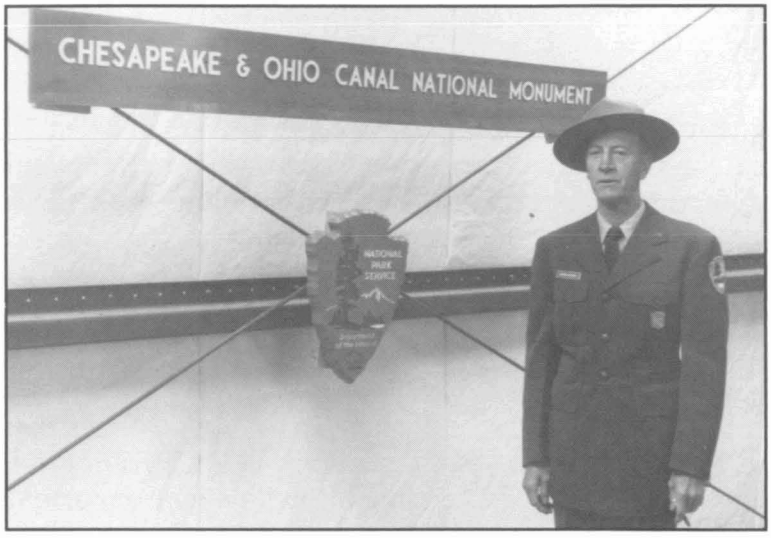
The Region Five office in Philadelphia immediately became involved in planning for the park, sending George Thompson to survey the canal above Seneca for recreational development opportunities in the spring of 1956. In May 1957, anticipating early enactment of the recently introduced park legislation, Regional Director Daniel J. Tobin recommended establishment of a park headquarters. He favored Hagerstown for its central location reasonably near the canal, its access via U.S. Route 40, and its accommodations for families. Ben H. Thompson, head of planning activities in the Service's Washington office, recommended setting up a full-time park staff for planning and operations even if the legislation did not clear the current Congress.[5]

Director Wirth followed their recommendations. On August 11, 1957, he appointed Edwin M. ("Mac") Dale superintendent of the Chesapeake and Ohio Canal National Historical Park Project with headquarters at Hagerstown. Dale's new domain remained under NCP for another year, during which time he reported officially to the NCP superintendent but dealt extensively with Philadelphia. On September 1, 1958, he and his area of responsibility were formally transferred to Region Five. The canal was administratively divided one hundred feet downstream from the first culvert above the Seneca Aqueduct, leaving the sandstone mill and quarry beyond Seneca Creek under NCP. "Visitor use of the Canal to that point is more urban than wilderness type and breaks rather sharply at Seneca," NCP Superintendent Harry Thompson wrote Wirth to explain the line of

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[4]Memorandum, Thompson to Wirth, Jan. 22, 1953, with Wirth endorsement, C & O Canal January 1950-December 1954 file, WNRC.

[5]Memorandum, Tobin to Conrad L. Wirth, May 23, 1957, Chesapeake & Ohio Canal Parkway file L58, Chesapeake and Ohio Canal National Historical Park; memorandum, Thompson to Wirth, June 5, 1957, ibid.



Edwin M. Dale

demarcation.[6] President Dwight D. Eisenhower's January 18, 1961, proclamation of the Chesapeake and Ohio Canal National Monument ratified this division by setting the monument's lower boundary at this point.

Mac Dale, a Virginia native, had served as chief ranger on the Blue Ridge Parkway and as the first superintendent of Harpers Ferry National Monument. He had two major tasks: to establish a firm Park Service presence along the canal, reclaiming parts of it from private encroachments; and to build public support for the proposed national historical park.

Unfortunately, these tasks were not mutually supportive. Dale made many appearances before civic organizations and other groups to promote the park and ease fears that it would bar Marylanders from the Potomac. But his efforts to crack down on neighboring landowners, squatters, and others using canal property for their own purposes (sometimes unwittingly where the boundary was unclear) generated hostility. He was accused of a dictatorial attitude and of regarding people along the river as the enemy. He did succeed in clearing the towpath of fences and eliminating many other adverse uses. John C. Frye, a longtime canal supporter, later

[6]Memorandum, Thompson to Wirth, Sept. 4, 1958, C & O Administration and Protection file, C & O Canal NHP. The division gave Dale and Region Five less than the national historical park in the pending legislation, wherein it extended below Seneca to the projected George Washington Memorial Parkway terminus above Great Falls.



W. Dean McClanahan

recalled Dale as "the ramrod type" who "accomplished so much with so little--the right person at the right place at the right time."[7]

Dale's public relations problems hurt him with his superiors, whose priority was getting the park legislation passed. In turn, he became frustrated by their seeming lack of support for his efforts to build and maintain a traditional park regime. After he had worked long and hard to curtail certain privileges of the Potomac Fish and Game Club, for example, Regional Director Ronald F. Lee yielded to an appeal for leniency from the club's president. Dale retired from his job and the Service on December 31, 1965, somewhat embittered by such experiences.[8]

W. Dean McClanahan became the second superintendent of the C & O Canal National Monument on January 30, 1966. McClanahan had been a ranger at several parks in the Southwest, superintendent of Pipestone National Monument in Minnesota, and most recently a forester in the Natural History Division at Park Service headquarters. Four months later, on June 1, the national monument portion of the canal returned to the Service's National Capital Region, as the National Capital Parks organization was retitled in 1962. (The NCP designation was temporarily restored between December 1969 and October 1976, but the regional office and organization remained.)

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[7]Interview with Dale by Richard L. Stanton, Feb. 3, 1987, tape at C & O Canal NHP; Donald R. Frush in transcript, Chesapeake and Ohio Canal National Historical Park Commission meeting, May 12, 1973, C & O Canal NHP; interview with William Clark, Feb. 15, 1990; interview with Carrie Johnson, Jan. 31, 1990; interview with Frye, Feb. 1, 1990.

[8]Dale interview; letter, Dale to George Hicks, May 24, 1987, C & O Canal NHP.

The canal segment that had stayed under NCP/NCR had continued to be managed from NCP headquarters for a time. In March 1957, trash dumping in Georgetown and other maintenance problems prompted NCP Superintendent Edward J. Kelly to establish the Committee for Improving the Restored Portion of the Chesapeake and Ohio Canal. It consisted of George W. Harding, chief of NCP's Horticulture and Maintenance Branch; John B. Thomas, public health consultant; Hugo Habluetzel, a horticulturalist based at Great Falls; Chief Harold F. Stewart of the Park Police; Cornelius W. Heine, a historian with the Public Use Branch; and W. Drew Chick, Jr., NCP's chief naturalist. The committee's purpose was to recommend and arrange for basic improvements in maintenance, operations; and enforcement of park regulations--activities for which a park staff would normally be responsible.

In May 1965, what was then the National Capital Region was reorganized into subordinate superintendencies. NCR's part of the canal came under Superintendent Floyd B. Taylor of the George Washington Memorial Parkway, whose boundary encompassed most of it. The national monument's transfer to NCR a year later was a significant step toward administrative reunification, but the canal would remain divided under two park superintendents for eight more years.[9]

Mac Dale had strengthened Park Service authority along the upper canal but ruffled neighboring sensibilities in the process. Building on what Dale had accomplished, Dean McClanahan took a more conciliatory tack to win friends for the national monument and support for the park legislation.

Soon after his arrival, McClanahan suggested at a Potomac Valley planning meeting in Hagerstown that hunting might be appropriate at certain times and places within the monument. The *Washington Post* vigorously opposed the idea and condemned its source in an editorial: "Our indignation mounted and then boiled over into incredulity when we noted that the suggestion came, not only from the hunters, but also from W. Dean McClanahan, the new superintendent of the National Monument." NPS Assistant Director Howard W. Baker disowned the suggestion in letters to protesting park supporters, but the exchange surely helped McClanahan in western Maryland.[10]

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[9]NPS Director George B. Hartzog, Jr., approved the transfer "in order that the entire area may be administered as one unit" (memorandum to regional directors, NCR and Northeast Region, May 13, 1966, C & O Administration and Protection file, C & O Canal NHP).

[10]"C & O May Open to Hunters," *Washington Post*, Apr. 5, 1966; "Hunting in the Park?" editorial, *Washington Post*, Apr. 7, 1966; letter, Baker to Anthony W. Smith, June 1, 1966, C & O Canal files, National Parks and Conservation Association.

Dale had begun to develop public use facilities along the canal, including the campground at Antietam Creek, several hiker-biker campgrounds, and the boat ramp and access at Four Locks. McClanahan greatly accelerated the construction of boat ramps, campgrounds, parking areas, and access roads (described more fully in the next chapter). By opening the canal and river to greater public use, this development program went far to dispel old notions of the canal park as a barrier.[11]

McClanahan's public relations skills were especially evident in his dealings with community organizations. Encountering resistance from adults, he adopted the old tactic of working through their children. He conceived the idea of Boy Scout canal hikes, with hikers receiving patches for completing segments of the towpath. This C & O Canal Historic Trail program was inaugurated in May 1967 with four Scout camporees, the largest at the Antietam Creek campground with 750 participants including Rep. Charles McC. Mathias, Jr. Its success prompted the Boy Scouts of America's Baltimore Area Council to publish *184 Miles of Adventure: Hiker's Guide to the C & O Canal* in 1970. Park rangers presented programs in Washington County schools and YMCA camps, then led classes and camp groups on canal hikes. For family groups McClanahan inaugurated Saturday evening campfire programs at Antietam Creek; a majority of the 1,800 who attended the 13 programs given during 1967 were local people who came just for the programs. The superintendent and his staff continued with numerous presentations to civic and church groups. McClanahan found garden clubs and other women's organizations especially receptive; women, he judged, were less opposed to the Service's presence and purposes than men.[12]

McClanahan's efforts to improve public access to the canal and river, increase public use along them, and cultivate good community relations did much to raise the standing of the Park Service in western Maryland. Carrie Johnson, an aide to Mathias closely involved with the park legislation, judged those efforts instrumental in overcoming opposition to it.[13]

Upon his assignment to the canal, Mac Dale had set up headquarters in the Earle Building at 74 West Washington Street in Hagerstown. The office moved to 479 North Potomac Street in 1961 and to 120 North Potomac Street in 1965. Under a general Park Service program of clustering geographically related park units, administration of the C & O Canal

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[11]Interview with Robert W. Bell, Feb. 1, 1990.

[12]Robert W. Bell, "Parks Are for People" (five-page paper), Sept. 29, 1967, C & O Canal NHP; telephone interview with McClanahan, Feb. 28, 1990.

[13]Johnson interview.

National Monument was combined with that of Antietam National Battlefield Site (and the Harpers Ferry Job Corps Center) on December 17, 1967. Dean McClanahan inherited the superintendency of the Antietam-C & O Canal Group, as the new organization was known, and moved his headquarters to the recently built visitor center at Antietam soon afterward. He liked the group arrangement, which enabled him to shift personnel and other resources between areas to meet special needs.[14]

The enactment of the national historical park legislation on January 8, 1971, prompted no immediate organizational change. Although the entire canal was now a single unit of the national park system, the former national monument portion remained under the Antietam-C & O Canal Group, while the lower portion continued under George Washington Memorial Parkway administration. This was the only time in Park Service history when one contiguous park system unit was divided between two superintendents. Floyd Taylor retired as superintendent of the parkway on June 27, 1971, to be succeeded by David A. Ritchie on July 25.

McClanahan's development orientation, having helped the park cause, now got him into difficulty. In 1970 he had installed a boat ramp and parking area above Dam 4 and begun to widen the eroded towpath upstream along Big Slackwater so maintenance and patrol vehicles could traverse it. In July 1971 Jacob Berkson, an adjoining landowner who claimed title to the towpath along his river frontage (pages 107 and 114), complained about increased motorboat noise and damage to natural surroundings from the ongoing towpath work. When Berkson's attorney threatened a suit to enjoin the project on grounds that the Park Service had not complied with environmental and historic preservation laws, NCP Director Russell E. Dickenson agreed to stop the work and review the matter. Investigators sent by the Service's Washington headquarters concluded that the towpath was not being widened beyond its historic dimensions.[15]

That September, while the work was suspended, the park proceeded with a similar towpath improvement project along the slackwater above Dam 5. At one narrow point a rock cliff was blasted, fill was dumped into the river, and the towpath was surfaced with concrete. The Potomac Valley Conservation and Recreation Council organized a "walk-in" to protest the "ruthless destruction of natural beauty," Rep. Gilbert Gude wired NPS Director George B. Hartzog, Jr., to urge consultation with interested

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[14]McClanahan interview. Antietam's staff were less happy with the arrangement, which cost them space in the visitor center and effectively subordinated their park to the canal.

[15]Letters, Oscar S. Gray to Dickenson, July 20 and Sept. 8, 1971, C & O Canal files, National Parks and Conservation Association; memorandum, Ernest A. Connally to Dickenson, Sept. 9, 1971, ibid.

parties, and Berkson sought and obtained a court restraining order that held up all work on the canal for a time. The case was finally resolved on August 24, 1972, when Berkson accepted the Service's formal promise to follow all applicable legal compliance requirements thereafter.[16]

The imbroglio further hurt the Service's reputation among conservationists, following as it did the much-criticized towpath filling project at Widewater in 1970. When Assistant Secretary of the Interior Nathaniel P. Reed made a wry reference to it at the first meeting of the Chesapeake and Ohio National Historical Park Commission in December 1971, John Frye responded sharply: "I'd like to say, Mr. Secretary, that the episode of trimming the trees and bulldozing the towpath really turned out not to be funny. In fact, it turned out to be a real tragedy, I think, because that set the work of this commission back about 15 years. . . . This mistake was made not so much from the environmental standpoint or the historic standpoint but from the fact that it turned public opinion completely around and we now have a hostile public whereas six months ago we didn't. Now we've almost got to start all over again."[17]

The controversy irreparably weakened McClanahan's position. On August 20, 1972, he was transferred to a staff assignment at NPS headquarters and replaced by William R. Failor. Failor, a Penn State graduate, had joined the Service's Eastern Office of Design and Construction as a landscape architect in 1956. From 1959 to 1968 he held various planning positions in the Philadelphia regional office, the Bureau of Outdoor Recreation, NCR, and the Service's Washington Planning and Service Center. He came to the canal from the superintendency of National Capital Parks-Central, the NCP unit responsible for Washington's monumental core.

Failor became the first superintendent of the entire park on July 1, 1974, when David Ritchie relinquished the lower part to him. The Antietam-C & O Canal Group was simultaneously disbanded, making the canal Failor's sole responsibility.

With a new superintendent appointed for Antietam and space at a premium there, canal headquarters could not long remain at Antietam. The acquisition of Ferry Hill for the park that April appeared to answer the need. This 39-acre property next to the canal at Sharpsburg across the Potomac from Shepherdstown, West Virginia, had a historic house and

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[16]Bulletin, Potomac Valley Conservation and Recreation Council, Oct. 11, 1971, C & O Canal files, NPCA; telegram, Gude to Hartzog, Oct. 7, 1971, ibid.; *Berkson et al. v. Morton et al.*, Civil No. 71-1085B, U.S. District Court for the District of Maryland; Ann Cottrell Free, "The C & O Canal: Disneyland or Muirland?" *Washingtonian*, December 1971, p. 15.

[17]Transcript, commission meeting of Dec. 20, 1971, p. 33, C & O Canal NHP.



William R. Failor

outbuildings well suited for headquarters purposes. The only problem was that the previous owner, who operated a restaurant in the house, insisted on retaining use of the house and five acres for four years. The Service tried to buy his retained right, but he demanded too high a price. As a result, the park set up temporary headquarters in trailers at the rear of the property.[18] James D. Young, the park's resource manager, moved there from Antietam at the end of 1974, but Failor and most of the staff did not complete the move until October 1976. After the previous owner's right of occupancy terminated in March 1979, the park converted the historic Ferry Hill house to offices. The long-awaited final move to them took place in April 1980.

Unification of the park under a single superintendent was followed by its internal division into three administrative districts. The Palisades District initially covered the lower 22 miles from Georgetown to Seneca; its boundary was extended to Mile 31 at Edwards Ferry in 1976. The Piedmont District ran from the Palisades District first to Mile 99 at Williamsport, then to Mile 106 below Dam 5. The Allegany District covered the remaining distance to Cumberland. Each had a district ranger and a maintenance supervisor reporting to a chief ranger (then titled chief,

[18]The Ferry Hill purchase price was $252,000. The Service appraised the retained right at $9,000. Frederick W. Morrison, the owner, wanted $50,000 for it; the Service would go no higher than $35,000, even though it estimated the cost of the temporary trailer complex at $266,000. Memorandum, Richard L. Stanton to Phillip O. Stewart, Oct. 2, 1974, C & O Canal National Historical Park file, NPS History Division; memorandum, John E. Cook to Manus J. Fish, Jr., Oct. 22, 1974, ibid.

interpretation, recreation and resource management, or IR&RM) and a chief of maintenance at headquarters.

The greatest difficulties with this seemingly rational organization had to do with the Palisades District. For a number of reasons related to its different background and distinct character, it did not merge smoothly with its two counterparts in a well-coordinated park administration.

The U.S. Park Police had lost its patrol jurisdiction above Seneca when that part of the canal left National Capital Parks in 1958. It did not regain that jurisdiction when the upper canal returned to NCR in 1966, and it now saw its rivals in green--the law enforcement rangers--invading its turf below Seneca. A tense relationship developed between Palisades District Ranger James F. Martin and the park policemen assigned to his district but not under his control. On one occasion an officer arrested him for carrying a gun.[19]

Martin's successor in the early 1980s, Michael Brown, continued to sense what he termed the "paranoia" of the Park Police. He also found the Palisades District poorly supported by the distant park headquarters. The George Washington Memorial Parkway had kept the maintenance employees it wanted when the lower canal left its jurisdiction, and District Maintenance Supervisor Donald O. Foster received little help from Dale B. Sipes, the chief of maintenance. The perceived lack of support from Sharpsburg inclined the Palisades District's personnel to bypass that office, exacerbating a tendency that was probably inherent given the district's urban/suburban character, high visibility and use, relationships with the George Washington Parkway and Park Police, and proximity to the regional office. In effect there were two parks in uneasy confederation: the upper two districts, largely rural and undeveloped, looking to Sharpsburg; and the heavily used and developed Palisades District, exceeding many discrete national park system units in stature, often dealing directly with NCP/NCR.[20]

Superintendent Failor faced many other management challenges. Among them were the C & O Canal National Historical Park Commission and Richard L. Stanton.

Failor, who had spent much of his career planning for park development and who had lately supervised the major national parklands in

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[19]Telephone interview with Harry A. DeLashmutt III, Feb. 28, 1990.

[20]Telephone interview with Michael Brown, Feb. 28, 1990; interview with James D. Young, Jan. 25, 1990; interview with William R. Failor, Feb. 1, 1990; telephone interview with Richard G. O'Guin, Feb. 28, 1990.

the nation's capital, was a firm believer that "parks are for people."[21] He saw the canal accordingly--much as Dean McClanahan had. The most active members of the park commission, on the other hand, judged natural and historic preservation more important than development to attract and serve increased public use. Nancy Long, the commission's first chairman, soon became critical of what she viewed as Failor's insensitivity to park resources and failure to consult interested parties before undertaking various projects (such as the towpath bridge at Widewater).

As NCP's assistant director for cooperative activities from February 1972 to June 1977, Dick Stanton was the principal Park Service liaison with the commission. A forceful and dramatic personality, Stanton cultivated the members and aligned himself with their predominant philosophy, making little effort to hide his disregard for Failor in the process. Failor privately accused Long and Stanton of trying to manage the park; Stanton readily accepted the charge as it applied to him. According to the canal's chief ranger at the time, the two "drove Failor bananas--they ran the park, there was no doubt about that." After Stanton left NCR and Long's term as chairman expired in 1977, Failor found relations with the commission more to his liking.[22]

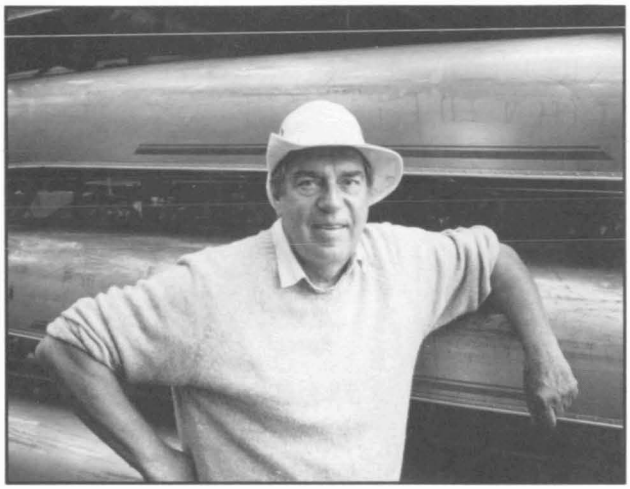
For the most part Failor got along well with the public. He was ultimately undone by internal management problems. Chief Ranger Richard G. O'Guin charged Dale Sipes with using government property and maintenance employees for his personal gain. The case was not satisfactorily resolved, and staff morale suffered. Failor was also hurt by a discrimination complaint filed by the head of the park's Young Adult Conservation Corps camp, even though he was finally exonerated. These and other difficulties contributed to his reassignment to NCR headquarters as regional chief of interpretation, recreation, and visitor services on January 24, 1981.[23]

Failor's successor was none other than his old adversary, Dick Stanton. Stanton's association with the canal had begun when he came to work for the Park Service in its lands office in 1965. He briefly headed the Service's Concessions Management Division before moving to NCP in 1972 as assistant director for cooperative activities. After leaving NCR in 1977, he served successively as regional director of the Service's Mid-Atlantic Region in Philadelphia and North Atlantic Region in Boston. His unhappiness in the latter post combined with his longstanding love of

[21]Failor interview.

[22]Failor interview; interview with Stanton, Feb. 27, 1990; DeLashmutt interview.

[23]O'Guin interview; Young interview; Frye interview.



Richard L. Stanton

canoeing in the Potomac Valley led him to accept NCR Regional Director Jack Fish's offer of the canal superintendency, even though it entailed a demotion. Stanton arrived on duty February 8.

Stanton enjoyed good relations with the park commission, the C & O Canal Association, and most of the park's other constituencies. According to Carrie Johnson, commission chairman from 1982 to 1987, his policy was one of "aggressively coopting the commission" by actively courting its members and keeping nothing from them. Although some complained that he paid more attention to the river than the canal, the Potomac canoe trips he organized for Rep. Beverly Byron and other influential parties did much to win friends and funds for the park.[24]

Evidence that Dale Sipes was continuing to make personal use of park equipment and staff under Stanton prompted Sipes's exile to the Harpers Ferry Job Corps Center. The positive effect of this action on park morale was not furthered by Stanton's controversial management style, which caused much unhappiness among his subordinates. Many found him overly demanding, uncommunicative, and unappreciative, and rifts developed at the highest levels of the park organization. He was thought to take little interest in the Palisades District, heightening its sense of alienation from headquarters. Ultimately he concluded that the district could not be run from Sharpsburg, and in 1987 he approved a new organization there headed by a district manager. Under this arrangement all Palisades personnel including the district ranger and maintenance supervisor came under Linda Toms, formerly the park's administrative officer. Toms served capably in the new position, but the district manager organization was unpopular at

[24]Johnson interview; Frye interview; letter, Linda Toms to Barry Mackintosh, May 29, 1991, C & O Canal NHP file, History Division.



Thomas O. Hobbs

headquarters. Deprived of direct responsibility for the most developed and visited part of the park, the chiefs of law enforcement, maintenance, and interpretation there felt threatened by their loss of stature. Stanton encouraged Toms to deal directly with the regional office on many matters, heightening the sense of a park divided.[25]

Stanton retired on August 31, 1989, convinced that his overall record had made "the last eight years . . . the best for the park." Nancy Long praised him as "a dedicated, determined, and devoted park steward who strongly resisted attempts to undermine the integrity of the park," and most park supporters undoubtedly agreed with her positive evaluation.[26] Continuing to reside in Hagerstown, he was elected to the board of the C & O Canal Association and promised to remain active in park affairs.

Assistant Superintendent James D. ("J.D.") Young acted as superintendent until December 17, when Thomas O. Hobbs took over. Hobbs, a West Virginian, had joined the Park Service in 1962 as a ranger at Mesa Verde National Park. He held other ranger positions at Kennesaw Mountain National Battlefield Park and Acadia National Park before serving as superintendent of Bryce Canyon National Park from 1976 to

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[25]Stanton interview; Young interview; Frye interview; interview with Gordon Gay, Feb. 15, 1990.

[26]Stanton interview; Long, "Superintendent Stanton Retires," *Along the Towpath* (C & O Canal Association newsletter), September 1989, p. 1.

1980 and chief ranger at Yellowstone National Park from 1980 to 1985. He came to the canal from the superintendency of Isle Royale National Park.

Hobbs's affable, low-key manner was well received among the park staff and the park's outside constituencies. After Linda Toms left her Palisades position for an assignment in Alaska, he reappraised the district manager arrangement and returned Palisades to organizational parity with the other districts. From NCR Regional Director Robert Stanton, he obtained official recognition that rangers with law enforcement commissions had equal standing with the Park Police in Palisades. He gave J.D. Young special liaison responsibilities with the district to insure that it got the support it needed from headquarters. Cooperation improved and tensions diminished, giving cause for optimism that the park might yet become truly integrated.[27]

Any survey of the park's management must take into account the role of the Chesapeake and Ohio Canal National Historical Park Commission over the years. The first commission for a national park system area resulted from the Cape Cod National Seashore act of 1961. When the canal park legislation went through a decade later, the idea was still quite new, and Park Service managers were still largely unaccustomed to involving outsiders in their decision-making.

The legislation required the secretary of the interior or his designee "from time to time but at least annually [to] meet and consult with the Commission on general policies and specific matters related to the administration and development of the park." It set a ten-year life span for the commission and five-year terms for its 19 members, who would receive no pay beyond compensation for expenses. The secretary's initial appointees were Nancy Long, Caroline Freeland, and Donald R. Frush, appointed directly; J. Millard Tawes and Vladimir Wahbe, recommended by the governor of Maryland; John G. Lewis and Thomas W. Richards, recommended by the governor of Virginia; Burton C. English and Louise Leonard, recommended by the governor of West Virginia; James G. Banks and Joseph H. Cole, recommended by the mayor of Washington, D.C.; Ronald A. Clites and Mary Miltenberger, recommended by the Allegany County commission; Kenneth R. Bromfield and James H. Gilford, recommended by the Frederick County commission; Grant Conway and Edwin F. Wesely, recommended by the Montgomery County council, and John Frye and Rome C. Schwagel, recommended by the Washington County commission. The secretary was empowered to name the chairman from among his three at-large appointees. He selected Long, a Glen Echo civic

[27]Telephone interview with Hobbs, Jan. 16, 1991.



The first park commission with NPS officials, January 29, 1972. Standing: Richard Stanton, James Guilford, Dean McClanahan, Kenneth Bromfield, James Banks, Jack Fish, Edwin Wesely, Louise Leonard, Ronald Clites, Vladimir Wahbe, Rome Schwagel, David Ritchie, John Frye. Sitting: Caroline Freeland, Mary Miltenberger, Grant Conway, Nancy Long, Donald Frush, John Lewis.

activist who had volunteered in Charles Mathias's and Gilbert Gude's political campaigns and had raised funds to purchase the historic Dentzel carousel at Glen Echo Park.

In the early years the commission met nearly every month. The park's general plan was its primary agenda item; it also dealt extensively with land acquisition and development issues. Not surprisingly, some members were more knowledgeable and involved than others. Also not surprisingly, members and Park Service staff formed differing opinions of the commission's value. Park officials thought that a few members, especially Long and Edwin Wesely, intervened unduly in park operations. Long sensed that the commission was "a very difficult pill for the Park Service to swallow." She found the Service uncommunicative and Dick Stanton combative at first. Stanton admitted that the Service did not readily accept the commission, but he and most other officials came to appreciate its usefulness during the planning process, when it became a vital medium for public involvement.[28]

The second commission, appointed December 21, 1976, included six holdovers from the first. Donald Frush was now chairman; Nancy Long

[28]Failor, Young, Frye, Johnson, Stanton interviews; interview with Long, Feb. 26, 1990.

and Constance A. Morella were the other at-large members. From Maryland, James B. Coulter replaced Millard Tawes. Margaret Dietz and Dorothy T. Grotos now represented Virginia. Dayton C. Casto, Jr., and Silas F. Starry represented West Virginia. Rockwood H. (Adam) Foster and Lorenzo W. Jacobs, Jr., represented the District; Donald Shannon replaced Jacobs in October 1979. From Allegany County came John Millar and Bonnie Troxell, from Frederick County James Gilford and Wilhelmina Pohlmann, from Montgomery County Edwin Wesely and Kenneth S. Rollins (replacing the deceased Grant Conway), and from Washington County R. Lee Downey and John Frye. With the park's general plan complete and land acquisition largely so, the new group met less frequently; its first meeting was delayed until April 1977. As noted, it became active in development concept planning at the end of the decade.

As the commission's January 8, 1981, expiration date neared, Congress amended the park act to extend its existence for another ten years.[29] The new commission did not meet until September 1982. Carrie Johnson was chairman, joined by Polly Bloedorn and Carl L. Shipley at large. Constance Lieder accompanied James Coulter from Maryland. Joan LaRock and Elise B. Heinz represented Virginia; the West Virginians were William H. Ansel and Silas Starry. Barry Passett succeeded Donald Shannon from the District. Montgomery County was represented by Marjorie Stanley and Barbara Yeaman. Edward K. Miller replaced John Frye from Washington County. The other two county delegations were unchanged.

The fourth commission, sitting at this writing, assembled after a year's hiatus in September 1988. The slippage was indicative of the commission's declining role. Sheila Rabb Weidenfeld was chairman; Dorothy Grotos and Samuel S. D. Marsh were the other at-large members. Keith A. Kirk and James F. Scarpelli represented Maryland, Elise Heinz and Charles P. Poland, Jr., represented Virginia, and Thomas F. Hahn and Ralph Albertazzie represented West Virginia. Allegany County sent Josephine L. Beynon and Robert L. Ebert, Montgomery County sent Nancy Long and Jo Reynolds, and Washington County sent Edward Miller and Sue Ann Sullivan. The District and Frederick County returned their previous delegations. With the commission due to expire in January 1991, Congress gave it another ten-year extension in 1990.[30]

Park Service officials and commission members polled in 1990 on the commission's usefulness rated it positively, for the most part. Although he chafed under the Long-Stanton regime through the mid-1970s, Bill Failor

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[29]Public Law 96-555, Dec. 19, 1980, U.S. *Statutes at Large* 94: 3260.

[30]Public Law 101-320, July 3, 1990, U.S. *Statutes at Large* 104: 292.

recalled the commission's value in developing the general plan, fostering communication with local groups and individuals, and impeding unwanted proposals. J.D. Young deemed it a worthwhile adjunct to a strung-out park serving diverse constituencies. He cited the role of members in lobbying Interior Department officials and members of Congress for funds and helping defend park policies in their jurisdictions. Dick Stanton considered the commission an asset during most of his tenure in the regional office and park. But he judged the current membership overly beholden to local interests, especially in Allegany County, and felt the commission had outlived its usefulness.[31]

John Frye thought the commission should have been allowed to expire after its first ten years (his term of service), when the planning and land acquisition processes were largely completed. During that period he found it valuable in redirecting planning away from the initial emphasis on recreational developments, which could not have been maintained with available resources. As a commission member with close ties to many in Washington County, he had served as an occasional intermediary between landowners seeking more lenient terms and park land acquisition personnel.[32]

Carrie Johnson appreciated how Nancy Long had established the commission as an active working group. She noted the value of having members with local connections to get things done. Unlike Park Service employees forced to go through channels, members could bring problems directly to the attention of the secretary of the interior and members of Congress. When Dick Stanton reported in 1982 that three aqueducts were in danger, she relayed the need for funds to Secretary James G. Watt and money was forthcoming. Three years later she was able to speak directly to Secretary Donald Paul Hodel about another $2 million in park needs. She believed that the Service recognized the commission as "a terribly useful sounding board and a terribly useful shield" during her chairmanship.[33]

Nancy Long thought the commission had been especially valuable in influencing the park's general plan, in helping to block numerous proposals for adverse development, and in serving as a forum for public involvement. The practice she had begun of holding meetings in different communities along the canal had encouraged public involvement and familiarized members with the whole canal. Unlike Stanton and Frye, she felt that the

[31]Failor, Young, Stanton interviews.

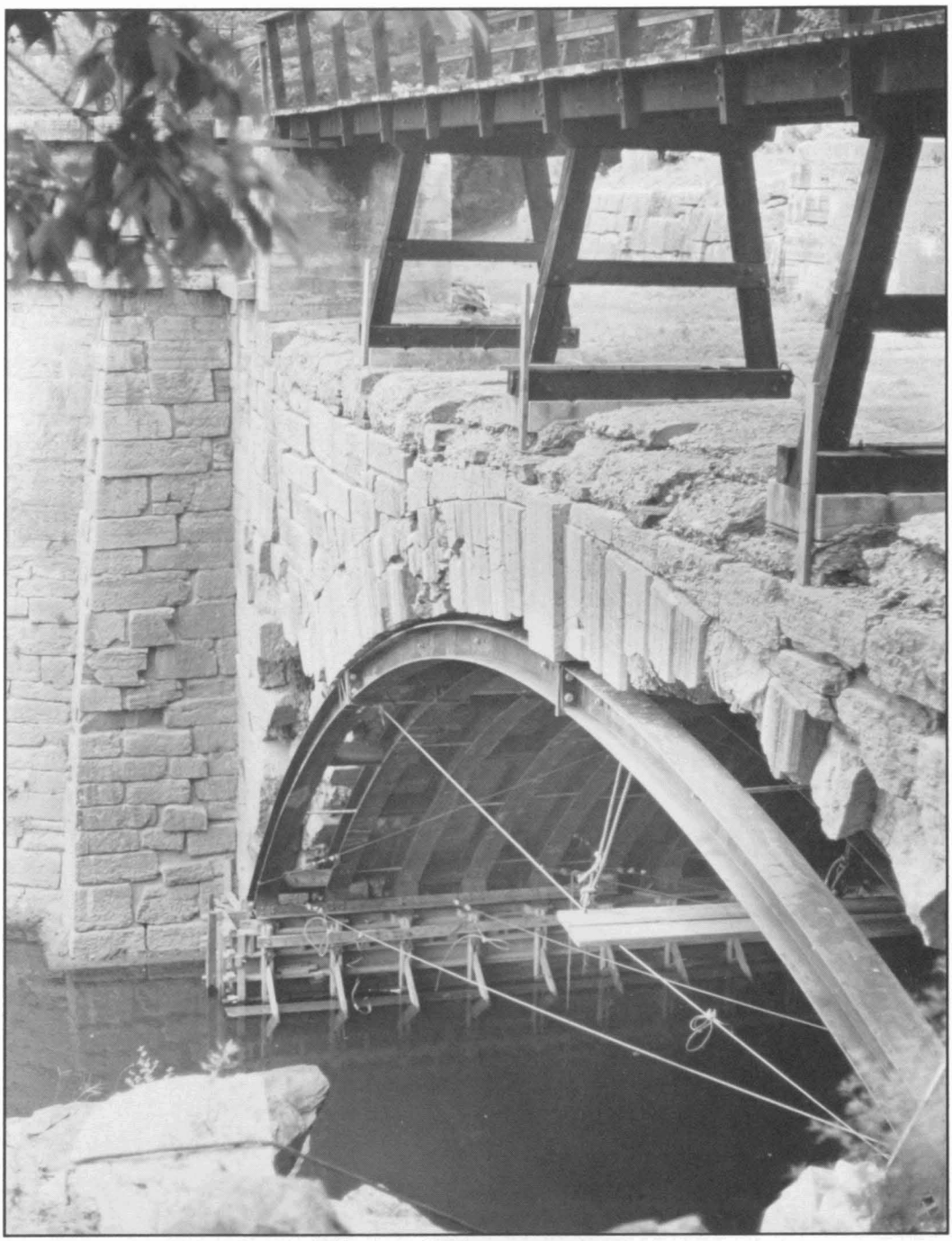
[32]Frye interview.

[33]Johnson interview.

commission was still greatly needed in the face of increasing development pressures along the length of the park.[34]

Despite occasional frictions, the park has clearly benefitted from the existence of the commission and the commitment of its most dedicated members. Here, as in so many other national park system areas, private citizens have been vital partners with park managers in determining the overall public interest and working to achieve it.

[34]Long interview.



Tonoloway Creek Aqueduct stabilization, 1976.

DEVELOPING THE PARK

After acquiring the canal in 1938, the National Park Service transformed its lower 22 miles from a flood-ravaged ruin to a restored waterway with operable locks. No comparable restoration project would be undertaken elsewhere. For the most part, later development work on the canal itself was limited to repairing flood damage and stabilizing aqueducts, locks, and other structures to slow their further deterioration. The cleanup of acquired lands and the addition of modest visitor use facilities constituted the most visible park development above Seneca.

While the canal parkway plan was alive, the Park Service did little to improve and maintain the towpath and canal bed in the unrestored portion. After 1956, when the Service abandoned the parkway and sought support for the national historical park, it devoted more serious attention to these primary resources. The National Capital Parks budget for fiscal 1957 included $91,300 for clearing and grubbing the canal. Approved by Director Conrad L. Wirth, the program entailed removing all growth less than two inches in diameter and cutting and poisoning the stumps of all larger trees. Initial work was scheduled for areas adjoining Whites Ferry, Brunswick, Shepherdstown, Williamsport, Hancock, Little Orleans, Paw Paw, Old Town, and Cumberland.[1]

As the first year's work neared completion, Orville W. Crowder and Grant Conway of the Potomac Appalachian Trail Club protested the clearing of the canal bed beyond areas that were to be immediately rewatered or otherwise developed. Ben H. Thompson, chief of the NPS Division of Recreation Resource Planning, toured the denuded areas and agreed with them. "Such clearing tends to lead to a monotonous sameness and to destroy variety that should be preserved," he wrote Wirth. "As soon as the trees are cleared, sunlight and the movement of air results in drying up the canal bed, the necessity of spraying new trees and shrubs beginning to grow becomes evident, and the net result will be long stretches of grassy canal that have to be mowed. These long grassy stretches are no more interesting than the grassy strips between divided highways and they are almost sterile insofar as any wildlife or natural habitat values are concerned." He recommended that clearing be stopped until the Service had developed a detailed plan for preservation, development, and use.

[1]Memorandum, Robert C. Horne to Conrad L. Wirth, July 23, 1956, C & O Administration and Protection file, Chesapeake and Ohio Canal National Historical Park.

Wirth concurred.[2] Most of the cleared sections were allowed to revegetate, meanwhile exhibiting the "neglected look" rued by George Palmer in 1959 (page 120).

A primary Service goal was to restore and maintain the continuity of the towpath, which neighboring landowners and others had crossed with livestock fences and cut to drain sections of the canal and cross with roads. The only sections that had received much maintenance since the end of canal navigation in 1924 were those used for vehicular access to adjoining properties--a use incompatible with park objectives. As noted, Mac Dale did much to open and improve the towpath during his superintendency of the upper canal. His maintenance crews removed fences, cut trees and brush, and filled several gaps. In many instances the Service had granted vehicular use and fencing permits that could not be discontinued immediately, but required gates and stiles made fences remaining in the early 1960s less obstructive.[3]

Dale and his successors sought to render the towpath navigable by park maintenance and patrol vehicles as well as hikers and cyclists. This objective, unexceptionable from a management standpoint, caused occasional problems with those less attuned to operational requirements. The projects at Widewater in 1970 and above Dams 4 and 5 in 1971 elicited the strongest reactions. The specter of bulldozers converting a trail into a road, destroying trees, and scarring the surroundings brought cries of protest from nature-loving constituents unsympathetic to arguments that the towpath was historically broad and bare and that vegetation would soon cover the scars.

The towpath became a frequent topic of discussion at meetings of the Chesapeake and Ohio Canal National Historical Park Commission. Concerned members perceived a continuing tendency by park management to make it too roadlike and surface it with non-native materials like bluestone. In May 1980, with Park Service support, the commission adopted a resolution to guide towpath treatment. It called for the towpath to be considered as a continuous historic resource, whose restoration and maintenance should conform insofar as practical to the conditions documented in a 1974 report on the canal prism by NPS historian Harlan D. Unrau. In accordance with Unrau's findings, the towpath would be maintained to an average width of twelve feet and to an elevation two feet

[2]Memorandum, Thompson to Wirth, June 5, 1957, C & O Canal Parkway file L58, C & O Canal NHP.

[3]Edwin M. Dale, "Historic Structure Report, Part I, Towpath, C & O Canal," 1961; copy in NPS History Division.

above the historic water line using shale, bankrun gravel, and other indigenous surfacing materials.[4]

In the 1950s the NPS installed several primitive campgrounds along the canal. None had drinking water or met usual Service standards. Mac Dale inaugurated the hiker-biker campground system, developed the Antietam Creek campground, and installed the Four Locks boat ramp and access in the early 1960s. He contracted with a well driller to provide drinking water.

Recreational development climaxed under Dean McClanahan. With labor from the Harpers Ferry Job Corps Center and special "accelerated public works" funding during fiscal 1969, the park added drive-in campgrounds and boat ramps at Fifteenmile Creek and McCoys Ferry; access roads and boat ramps at Little Tonoloway Creek, Taylors Landing, Snyders Landing, Dam 4, and Dargan Bend; an access road and parking area at Dam 5; and 21 more hiker-biker campgrounds. The park's large routed wooden entrance signs and concrete mileposts were installed during the same period.

Several of the lockhouses were still occupied in the postwar years; these and others underwent a variety of treatments. The frame lockhouse at Lock 5, rehabilitated in 1939 and last occupied by Julia King, was razed in 1957 for George Washington Memorial Parkway road construction. NCP rehabilitated the Lock 6 lockhouse for employee housing in the early 1960s. Its occupant in the early 1970s was Thomas F. Hahn, author of the popular *Towpath Guide to the C & O Canal*, then supervising canal interpretation at Great Falls.

The lockhouse at Lock 7, rehabilitated in 1939, was occupied by NCP Chief Naturalist Donald Edward McHenry during the war and by U.S. Park Police officers through the 1950s. Construction of the parkway road left it accessible only via the towpath and thus unsuitable for employee occupancy. In 1977 the vacant house was "adopted" by the Bethesda Jaycees and Junior Suburban Women's Club, who funded a new roof for it the next year. When preservation professionals at Park Service headquarters complained that the rough cedar shakes used were historically

[4]Minutes, C & O Canal Commission meeting, May 17, 1980; Unrau, "Historic Structure Report, The Canal Prism Including Towpath with Canal Berm and River Revetments," March 1974, C & O Canal NHP.



Lockhouse at Lock 6 before restoration.

inaccurate, Regional Director Jack Fish apologized but declined to order their replacement before the roof's expected life span.[5]

The lockhouses at Locks 8, 11, and 13, never modernized, remained occupied under permit through the mid-1950s. The first two were ultimately vacated and boarded up; the last was razed in 1961 for construction of the Capital Beltway. A later frame house at Lock 14 was also demolished. The Service rehabilitated the Lock 10 lockhouse, occupied through the 1950s without plumbing, together with that at Lock 6 in the early 1960s. The Lock 6 and 10 lockhouses were the only ones serving as park employee residences at this writing.

One other lockhouse also serves as a residence--that at Lock 21, or Swains Lock. The canal's only continuously occupied lockhouse is home to Frederick and Virginia Swain. Virginia is Frederick's mother and the widow of Robert Swain, son of the canal company's last locktender there.

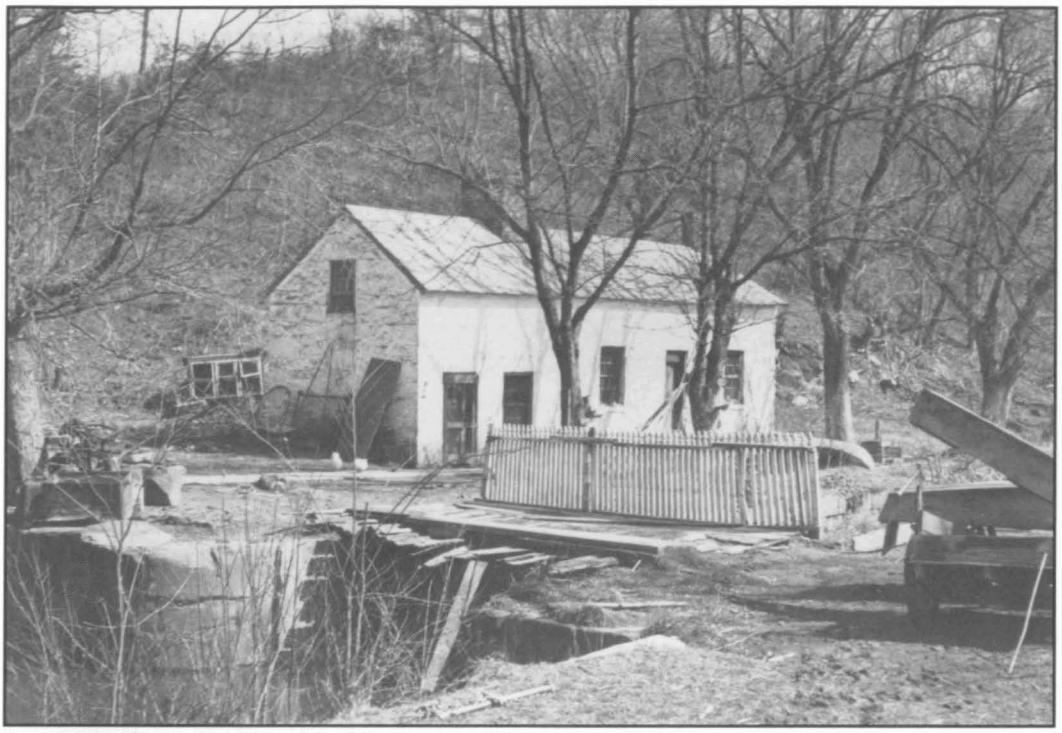
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[5]Paul Hodge, "Historians Raise the Roof Over Shingles," *Washington Post*, Aug. 23, 1979, p. Md.5.; letter, Fish to Robert R. Garvey, Jr., Aug. 6, 1979, C & O Canal NHP file, History Division. "The rusticated cedar shake is the invention of 20th century developers and belongs on a steak house on Rte. 1, not an historic building," NPS historical architect Hugh Miller told the *Post* reporter.





Lockhouses at Locks 13 (top) and 14 (bottom) c. 1950, later demolished.



Swains Lock (Lock 21) and lockhouse, c. 1938.

After acquiring the canal, the Park Service permitted the Swains to remain for a monthly rent of five dollars. When NCP tried to raise the rent to $21 in 1959, Robert complained to an influential friend, Justice William O. Douglas. Douglas intervened with Director Wirth, and the rent was adjusted to $10 "on the basis of service to the Government, resulting from the occupancy of the house by a man who is familiar with the Canal, as well as the public service he provides through the rental of boats to the park patrons." After Robert died in 1967, the Service negotiated a concession arrangement with his widow and son, who thereafter paid a higher but still modest annual fee reflecting their occupancy and income from canoe and boat rentals and refreshment sales. The Swains installed utilities and modernized the interior of the lockhouse themselves.[6]

Most other lockhouses remained vacant and received only enough repair to keep them intact, although a few have been used at one time or another. The Service permitted law enforcement and fish management personnel of the Maryland Game and Inland Fish Commission to use the Lock 25 lockhouse at Edwards Ferry in the 1950s. On spring, summer, and fall

[6]Letter, Conrad L. Wirth to Douglas, May 13, 1959, Swain, Lockhouse 21, Contract file C38, C & O Canal NHP; Angus Phillips, "Life in a Lockhouse on the C & O Canal," *Washington Post*, Jan. 10, 1985, p. Md.1.

weekends since 1975, Girl Scout groups have recreated domestic life with period costumes and furnishings at the Lock 24 (Rileys Lock) lockhouse at Seneca. The Service reconstructed the deteriorated log house at Lock 75 in 1978-79 and has opened it to the public on special occasions. Unfortunately, fire destroyed three vacant lockhouses of frame construction: those at Lock 26 (Woods Lock) in 1969, Lock 74 in 1976, and Lock 54 in 1981.

The Paw Paw Tunnel and its immediate surroundings had to be repaired on several occasions. An NCP inspection in April 1956 revealed fallen brick, cavities in the towpath, and gaps in the handrail within the tunnel. The timber-framed towpath outside the downstream end was rotten and required total replacement, and a rock slide had obliterated part of the towpath beyond the wooden section. Director Wirth ordered full repair at a cost of $30,000, and NCP maintenance forces carried out the work that summer.[7] The rock walls of the cut at the downstream end remained unstable, and in 1968 some 15,000 cubic yards of shale slid down to block much of the tunnel's portal, carrying away part of its facade. The Service cleared the slide in 1976-77 but had to let a $494,000 contract for more stabilization and cleanup at both portals in 1979. The wooden towpath leading from the downstream portal was replaced again at that time.

Before enactment of the park legislation, the canal's managers had given priority to recreational development. Spurred by the park commission, emphasis shifted to preservation of the canal's historic resources after 1971. Preservation needs greatly exceeded available funds, so creativity was called for. At a commission meeting in May 1972, Edwin F. Wesely asked if it would be possible "to tie the canal somehow in with the Bicentennial," inasmuch as parks commemorating the American Revolution were slated for special funding in the coming years. NCP Director Russell E. Dickenson did not think he could get the canal on the official bicentennial list but promised to take advantage of the opportunity should it arise.[8]

A month later, on June 23-25, tropical storm Agnes delivered the Potomac Valley's greatest flood since 1936. The flood waters seriously eroded 66 miles of the towpath and berm wall. There were 19 major breaks below Seneca and nine above, ranging from twenty to 195 feet long. The longest was in the historically unstable towpath embankment at Widewater, which washed out to a depth of 21 feet. Twenty-two culverts suffered major damage, one disappeared, and 140 of them were blocked with silt and

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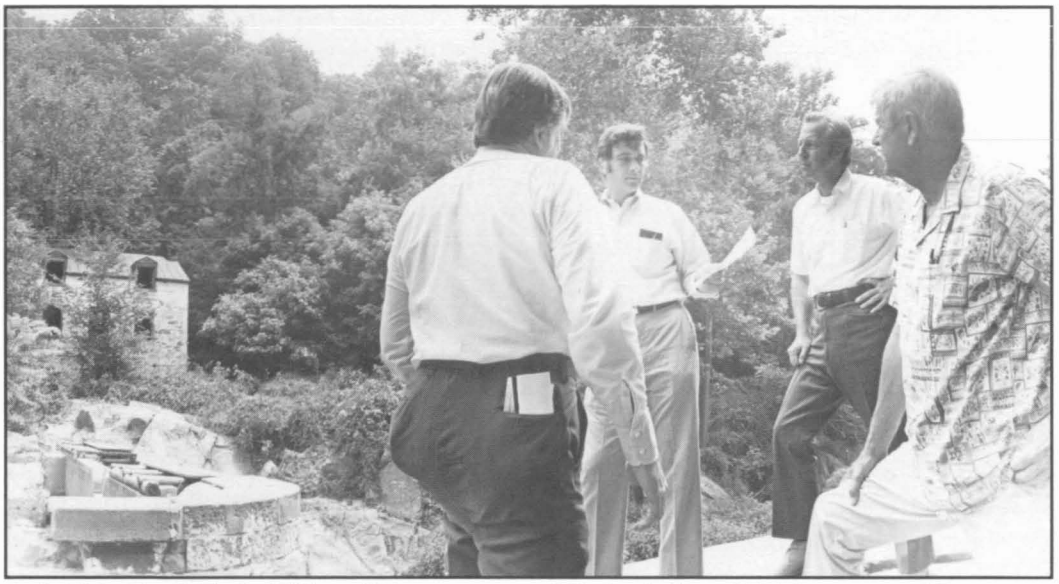
[7]Memorandum, Harry T. Thompson to Ben H. Thompson, May 14, 1956, C & O Administration and Protection file, C & O Canal NHP.

[8]Transcript, C & O Canal Commission meeting, May 13, 1972, p. 37.





Restoration work below Paw Paw tunnel, 1956.



Jack Fish, Frank Zarb (Office of Management and Budget), Russell Dickenson, and Rogers Morton surveying flood damage at Lock 16, July 1972.

debris, threatening further flooding and canal erosion from the streams they carried. Many of the aqueducts and locks were damaged, and many bridges were swept away. Among the latter were five steel footbridges installed in 1969 for access from the towpath below Lock 18 to the Great Falls overlook on Olmsted Island. Thousands of trees were uprooted, numerous private cottages washed onto park property, and access roads, picnic areas, and parking lots were heavily silted, damaged, and destroyed.[9]

Secretary of the Interior Rogers C. B. Morton surveyed the destruction in July. In the following months he approved the transfer of $400,000 from other projects for repairs and pledged his support for restoration of the canal to its pre-Agnes condition.[10] Because considerably more money was needed for the purpose, he also approved the park's inclusion on the list of bicentennial areas, despite its lack of relationship to the Revolution.

To plan and oversee the work, Park Service officials established the C & O Canal Restoration Team as a special field unit of the National Capital Parks Team of the Denver Service Center (the primary Service unit providing and contracting for architectural, engineering, and planning

[9]"Chesapeake and Ohio Canal National Historical Park Assessment of Damage as of June 30, 1972," C & O Canal Flood of 1972 file, Office of Land Use Coordination, National Capital Region, NPS.

[10]Letter, Russell E. Dickenson to Sen. Henry M. Jackson, Apr. 27, 1973, C & O Canal NHP file, History Division; transcript, C & O Canal Commission meeting, Nov. 4, 1972, p. 21.

services). Organized in September 1973 under Richard G. Huber's leadership, the restoration team occupied park structures at Seneca and Williamsport. The urgency of its mission was heightened by the collapse of the center and west span of the Catoctin Creek Aqueduct on October 30 after heavy rains. This was the second such disaster of the decade--the Seneca Aqueduct's west span had collapsed on September 11, 1971, requiring emergency stabilization of the remaining structure and construction of a bridge to restore towpath continuity across the gap in early 1972.

The restoration team identified those canal features most in need of stabilization and repair and contracted for design and construction services as necessary. The park's bicentennial program ultimately comprised 27 projects completed by July 1976 at a total cost of $4,250,000. Contractors carried out 14 of them; park maintenance crews undertook the rest. Constituting the most extensive work on the canal since the prewar restoration below Seneca, the projects ranged from wall repairs in Georgetown to aqueduct stabilization near Cumberland. A summary follows.[11]

1. *Wall Stabilization, Lock 3* (Mile 0.5): In 1975 part of the canal wall by Lock 3 collapsed in the wake of blasting for an adjoining Inland Steel office building and subsurface parking garage. The restoration team prepared plans and specifications for repairs, carried out by the park maintenance force. Successive building construction in Georgetown contributed to further destabilization of canal walls there, leading to a more extensive wall reconstruction project west of Wisconsin Avenue in 1979-81.

2. *Towpath Restoration, Foundry Branch to Lock 5* (Miles 1.3-5.0): Working under a $437,462 contract, C. W. Stack & Associates of Newington, Virginia, filled breaks, reestablished the historic towpath grade and width, and repaired the canal bed in 1973-74. Following the contract work, the park built a walkway over the 350-foot-long canal spillway east of Chain Bridge. This heavily used towpath section was the first to be restored to historic grade after Agnes. Completion of the work enabled the canal to be rewatered below the Lock 5 inlet in August 1974.

3. *Towpath Restoration, Lock 5 to Lock 10* (Miles 5.0-8.7): Here the park maintenance force continued the work done under contract below.

4. *Little Falls Creek Culvert, Berm Bank Stabilization* (Mile 4.8): After Little Falls Creek breached the berm embankment in 1975, fill was placed over its culvert and the 96-inch Potomac Interceptor Sewer running within the embankment. Another freshet in the spring of 1976 revisited the

[11]The summary is taken from Merrill J. Mattes, *Landmarks of Liberty: A Report on the American Revolution Bicentennial Development Program of the National Park Service* (Washington: National Park Service, 1989), pp. 16-29.

damage, at which point the berm was rebuilt with gabions (rock-filled steel baskets) tied to reinforced concrete piles.

5. *Repairs to Breaks, Widewater Area* (Miles 12.4-13.45): Agnes drained Widewater through two large breaks, one eighty feet long and 17 feet deep, the other 195 feet long and 21 feet deep. Park maintenance crews plugged the gaps with fill compacted on and around gabion cores. More gabions were placed along the curve at the lower end of Widewater where the larger break had occurred to forestall erosion of the fill from wave action. An inoperative waste weir designed to help control the water level was renovated. The project cost more than $300,000. As previously noted (page 127), the park's effort to bridge a rocky stretch at the head of Widewater was halted by a public protest in the spring of 1976.

6, 7. *Repairs to Locks 15 and 16* (Miles 13.45 and 13.63): The flood waters scoured the earth around the bypass flumes of both locks to bedrock level, leaving the berm side masonry completely exposed. All lock gates were swept away, and stones were dislodged from the lock walls. Study revealed that the locks had not been restored to their original height in 1938-40. Enough stone was recovered from Widewater to replace all missing stones in Lock 16, and a band of brick--historically used for repairs--was added beneath the capstones to raise the lock to its proper elevation. Concrete, used by the canal company in repairing Lock 15, served the same purpose there. Timbers lagged to the tops of the dams adjoining the locks raised the dams correspondingly. The masonry on the back of the berm lock walls was pargeted, the pool areas behind the dams were filled and graded, and riprap was placed at the upstream end of each berm wall to curb erosion during future floods. New gates and hardware were installed at both locks, and the towpath by them was raised to its historic grade. Park maintenance crews carried out all work for an estimated $295,000.

8. *Restoration of Stop Lock, Level 16* (Mile 13.77): Berma Road, running along the inland side of Widewater, enabled hikers and bicyclists to bypass the rocky and occasionally severed towpath past Widewater, but there was no safe connection across the canal at the upper end. A $29,380 contract with Curtin & Johnson, Inc., of Washington in late 1973 provided a bridge over the stop lock above Lock 16 and an earth ramp down to the towpath. A second contract for $128,301 with the Chantilly Construction Company of Chantilly, Virginia, in early 1975 enabled the functional restoration of the stop lock and adjoining guard wall, which were designed to divert flood waters descending the canal into the Potomac. Because the earth ramp would now impede flood diversion, it was removed and replaced by a wooden stairway.

9. *Muddy Branch Culvert Repair* (Mile 19.7): Working under a $60,000 contract in 1973-74, Curtin & Johnson uncovered and pargeted

much of the culvert barrel, reconstructed the headwall and wingwalls at its outflow end, made lesser repairs at its inflow end, placed riprap upstream for stabilization, and repaired five hundred feet of towpath.

10. *Little Monocacy Creek Culvert Repair* (Mile 41.97): This twenty-foot-diameter culvert suffered complete failure of its inflow headwall and 16 feet of its barrel. The remainder of the barrel had large voids, and there were several missing ringstones and a large cavity at the outflow. Repair work prescribed by Dewberry, Nealon & Davis of Fairfax, Virginia, under a $17,746 engineering design contract was carried out by Paul E. Lehman of Chambersburg, Pennsylvania, in 1975 at a cost of $95,642. Reinforced concrete was extensively used in the reconstruction and repairs, although a number of missing stones were recovered and reinstalled. Upon completion of the contract work, the park maintenance force reconstructed the canal bed over the culvert.

11. *Monocacy River Aqueduct Repair and Stabilization* (Mile 42.2): The collapse of a wingwall and the loss of coping stones in the 1972 flood further weakened the canal's largest aqueduct. Federal Highway Administration engineers designed stabilization measures, and after a false start with one contractor, the project was awarded to Chantilly Construction for $334,135. The aqueduct's trunk was regraded to drain outward, and a waterproof membrane was placed to keep water from percolating down through the structure. Reinforcing rods were imbedded to hold the ringstones of the seven 54-foot arches. Unfortunately, funds were inadequate for the major rebuilding required to fully stabilize the aqueduct. It was therefore necessary to compress it in a corset of horizontal timbers and vertical steel channels on each face of the structure tied together by steel rods running across its top and through its arches.

12. *Catoctin Creek Aqueduct Stabilization* (Mile 51.5): The collapse of the center and west span left the east arch and wingwalls and west abutment intact but vulnerable to further damage. The aqueduct was already missing its berm parapet and much masonry from all arches, and the westerly wingwall on the berm side was weakened by erosion from Catoctin Creek. The restoration team awarded a $9,000 design contract to Robinson Engineering of Falls Church, Virginia, and a $351,802 construction contract to the John Driggs Company of Camp Springs, Maryland. Stabilization work, carried out in 1974-75, included grouting voids, placing steel anchor rods, replacing stones retrieved from the creek, and repointing the masonry. The westerly creek embankment upstream from the aqueduct was riprapped with limestone. A concrete beam bridge was installed parallel to the aqueduct to link the severed towpath, but it lasted only until another flood in 1976. Towpath travelers were again directed to take an eight-mile detour via a state highway bridge until the U.S. Army supplied a Bailey bridge replacement in 1980.

13. *Little Catoctin Creek Culvert Repair* (Mile 52.51): The inflow headwall, 57 feet of the 16-foot-diameter culvert barrel, and the foundation on one side collapsed in the flood. Few stones from them could be recovered, requiring reconstruction of the missing sections in reinforced concrete. The outflow headwall and wingwalls were repaired with recovered stones. Dewberry, Nealon & Davis designed the project for $17,746; Cobar Construction Company of Annandale, Virginia, carried it out for $97,055 during 1975. After the contract work, the park maintenance force reconstructed the canal bed and berm embankment.

14. *Towpath Continuity, Level 34* (Mile 61.6): Agnes breached the guard lock at Dam 3, across from Harpers Ferry, washing out the canal and towpath to a depth of five feet. The restoration team decided to retain the towpath break and span it with a forty-foot bridge to provide a flood relief valve in this area of recurring failure. Park maintenance personnel performed the work.

15, 16, 22. *Stabilization of Guard Locks 4, 5, and 6* (Miles 84.5, 106.8, and 134.1): These guard locks were designed to protect the canal from the flooding of impounded river water and allow boats to pass between the canal and river. The original flood control gates of each lock had been lost previously and replaced by bulkheads that were now deteriorating and leaking. The corrective work, designed by Dewberry, Nealon & Davis for $61,947 and accomplished during 1975 by Plummer Construction of Hagerstown for $310,174, entailed extensive repairs to the locks and replacement of the bulkheads with removable cast-in-place concrete panels.

17. *Stabilization of Lock 48* (Mile 108.8): The walls of Lock 48, one of the "four locks" where the canal cuts across Praether's Neck, were slowly collapsing inward. The park had installed wood cribbing in the lock in 1964, but this could not withstand the force of compression. Rather than rebuilding the lock at an estimated cost of $200,000, the park maintenance force filled it with earth, leaving the capstones exposed.

18. *Mule Barn Restoration, Four Locks* (Mile 108.92): The last mule barn on the canal partially collapsed in 1974. James Askins, chief of the restoration team's branch at Williamsport, supervised its disassembly and reconstruction with new and reused beams and boards.

19. *Parkhead Level Culvert and Waste Weir Repair* (Mile 119.78): Here as in several other places, the canal company had built a waste weir atop a culvert for canal drainage. Both had fallen into serious disrepair. Park maintenance personnel dismantled the weir and part of the culvert barrel, rebuilt the weir on concrete supports to relieve the culvert of its weight, rebuilt the barrel and filled voids with concrete, and repointed all stone masonry.

20. *Tonoloway Creek Aqueduct Stabilization* (Mile 122.9): The west abutment of the aqueduct no longer rested on bedrock, the single arch displayed extensive cracks and missing soffit stones, and the upstream face and wingwalls were badly damaged. Working under a $206,066 contract in 1975-76, William P. Bergan of Morrisville, Pennsylvania, shored the arch with steel beams and corseted the faces with wood and steel beams held in place by steel tie rods. Timber bulkheads constructed along both sides contained fill placed over the arch to keep it in compression.

21. *Stabilization of Lock 54* (Mile 134): A failing foundation and voids in the walls rendered the lock highly unstable. As at Lock 48, a park maintenance crew filled it with earth in 1974 to prevent its collapse.

23. *Woodmont Culvert Repair* (Mile 135): The ten-foot-diameter culvert had been built on a timber foundation, which was no longer supported at the outflow end because the underlying soil had washed out. Park maintenance personnel dismantled the unstable portion, installed concrete footings, and rebuilt the barrel and outflow headwall and wingwalls with stone and concrete in 1974-75.

24. *Sideling Hill Creek Aqueduct Stabilization* (Mile 136.6): The upstream parapet, wingwalls, and arch face were badly damaged. An $18,930 design contract with Dewberry, Nealon & Davis and a $32,490 construction contract with C. W. Stack & Associates led to stabilization measures like those taken at the Tonoloway Creek Aqueduct. Following the contract work in 1975, park maintenance personnel placed earth dikes across the canal above and below the aqueduct to restrict water from saturating its rubble fill.

25. *Fifteenmile Creek Aqueduct Stabilization* (Mile 140.8): The aqueduct was still largely intact but bulging. The project, designed by Dewberry, Nealon & Davis for $21,048 and carried out by Paul E. Lehman, Inc., for $147,787, entailed excavating the fill over the arch, sealing the exposed masonry with shotcrete, installing a dike across the canal above the aqueduct and internal drains to carry off water seeping through the trunk, and replacing missing capstones along the berm parapet.

26. *Town Creek Aqueduct Dewatering* (Mile 162.3): Although the aqueduct was in serious condition, bicentennial program work here was limited to construction of a new concrete dike and rehabilitation of a waste weir to keep water out of the structure from the rewatered section of the canal just upstream. The aqueduct itself received stabilization treatment in 1977.

27. *Evitts Creek Aqueduct Stabilization* (Mile 180.7): The upstream side of the smallest and most westerly aqueduct was in an advanced state of deterioration, aggravated by water seepage and winter freezing action. Following a $21,057 design contract with Dewberry, Nealon & Davis, C. W. Stack & Associates undertook a $58,097 stabilization project in 1975-76

using the methods adopted for the Tonoloway and Sideling Hill aqueducts. A park maintenance crew then built dikes across the canal at each end of the structure. The park performed further repair work on the berm wingwalls in 1983.

In 1977, following the bicentennial program, the C & O Canal Restoration Team's branch in Williamsport was superseded by the Williamsport Preservation Training Center. Like its forerunner, the training center was headed by Jim Askins and quartered in the Cushwa Warehouse, a historic canal-side building acquired for the park. The center developed a three-year internship program to train preservation specialists throughout the national park system. With its great variety of preservation needs and project opportunities, the canal park was an ideal location for the facility. In October 1987 oversight of the center shifted from the Denver Service Center to the Harpers Ferry Center, the Park Service's headquarters for museum activities and interpretive media. Askins retired in 1989 and was succeeded by Thomas McGrath in 1990.

The bicentennial restoration program left much undone, including replacement of the bridges to the Great Falls overlook on Olmsted Island. Projects to preserve the canal's historic features and restore the towpath for public use had priority, and there was some sentiment that the crowded Great Falls area might be better off without the added attraction of the falls overlook. (A picnic area at Great Falls was removed in 1973 in an effort to reduce crowding there.) The Great Falls Development Concept Plan approved in 1981 called for the bridges to be replaced, but there was still no prospect of action.

Local initiative took over in 1985 when William E. Hanna, Jr., a Montgomery County Council member, advanced a plan to obtain bridge funding from Maryland, the county, and private contributors as well as Congress. Another flood that November postponed action on Hanna's proposal, but he persisted, and in August 1989 the Park Service formally endorsed it. The county assumed responsibility for accepting all contributions and designing and constructing the bridges. Maryland appropriated $200,000, the county and Congress each appropriated $100,000, and private parties contributed the balance of the estimated $500,000 project cost.[12] If all went as planned, Great Falls visitors would be able to view the falls again by the twentieth anniversary of Agnes.

By coincidence, Hanna's funding proposal for the Olmsted Island bridges came just as the Service installed a new footbridge across the

[12]Minutes, C & O Canal Commission meeting, Nov. 23, 1985; Olmsted Island Bridges file, Superintendent's Office, C & O Canal NHP.

Potomac at Harpers Ferry. Attached to one of the old B & O Railroad bridges there, the bridge afforded Harpers Ferry's many visitors safe and easy access to the canal for the first time. Towpath use in the Lock 33 area rose significantly as a result. Congress designated the bridge the Goodloe E. Byron Memorial Pedestrian Walkway in honor of the late Maryland congressman, who had suffered a fatal heart attack while jogging on the towpath below Lock 38 on October 12, 1978.[13]

The November 1985 flood did less damage to canal structures than Agnes, but it scoured much of the towpath and deposited vast quantities of debris between Oldtown and Seneca. Superintendent Dick Stanton closed most of the park for an extended period to buttress his appeal for emergency funds, even though many parts were usable within a short time. His appeal was successful: as had Agnes, the flood galvanized support for the park within the administration and Congress, eliciting enough money to restore it to better condition than before. At the suggestion of NPS Director William Penn Mott, Jr., Stanton and his staff also organized a massive volunteer cleanup effort. Secretary of the Interior Donald Paul Hodel endorsed the program as part of his "Take Pride in America" campaign and participated in its opening at the Potomac Fish and Game Club on June 1, 1986. By the end of August more than 7,000 Boy Scouts, Girl Scouts, and other volunteers had joined in. Stanton later accepted a "Take Pride in America" award for the cleanup activity from President Ronald Reagan in a Rose Garden ceremony.[14]

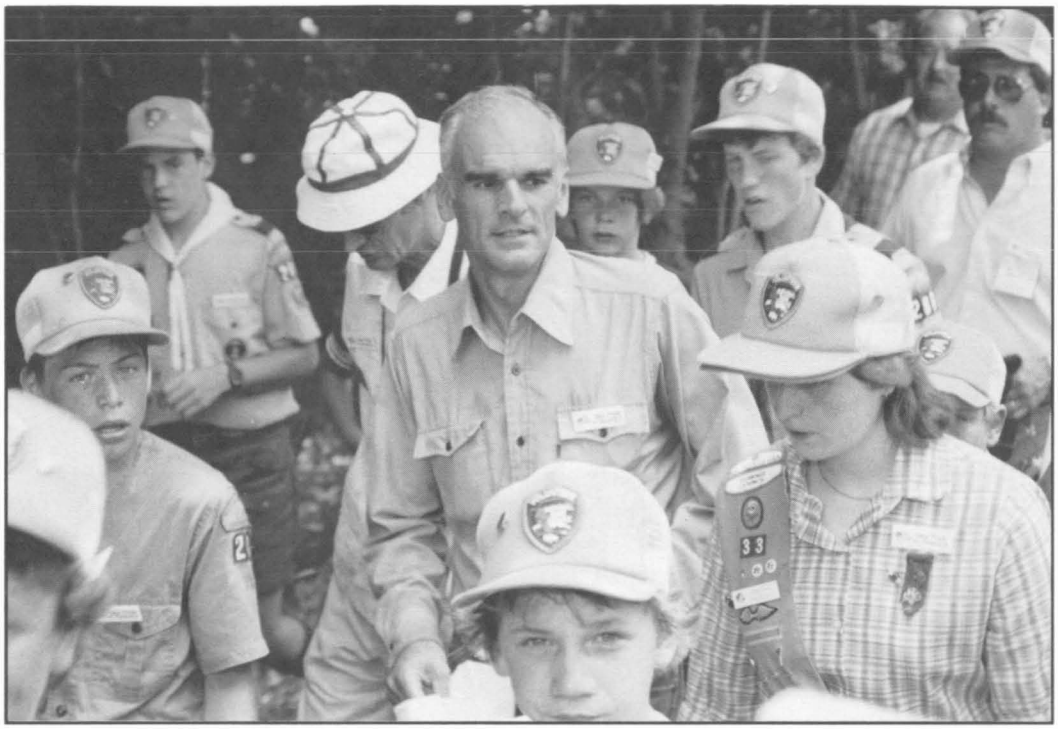
With the lands acquired for the park came many buildings. Those postdating the canal's operation were generally removed unless they could serve some park management purpose. Earlier buildings, part of the historic scene during the canal navigation period, warranted preservation. A few, like the Cushwa Warehouse at Williamsport, could be adapted to serve Park Service needs. Unfortunately, there were no evident uses for many of the historic farmhouses and other structures acquired along the canal. If they were not already in poor condition, they soon became so once vacated and neglected. In the struggle for funds to preserve the canal itself, there was little chance of obtaining government money for peripheral buildings.

The alternative was help from outside. The Friends of Great Falls Tavern, organized in Potomac in 1973, donated money and volunteer labor in the following years to help restore and maintain that key structure. Beginning in 1977, as noted above, Bethesda civic groups funded

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[13]Public Law 99-192, Dec. 19, 1985, U.S. *Statutes at Large* 99: 1329.

[14]Interview with John Frye, Feb. 1, 1990; interview with James D. Young, Jan. 25, 1990; interview with Carrie Johnson, Jan. 31, 1990; interview with George H. Hicks, Feb. 15, 1990.



Secretary Hodel launches volunteer flood cleanup, June 1, 1986.

preservation work on the Lock 7 lockhouse. Another significant instance of outside help involved the Abner Cloud House.

The Abner Cloud House, on Canal Road two miles above Georgetown, was built in 1801 and is the oldest standing structure along the canal. The Park Service obtained it in 1957 under the acquisition authority for the Potomac Palisades Parkway (the George Washington Memorial Parkway's counterpart within the District of Columbia). Because the stone house was not a canal structure, was in deteriorated condition, and appeared unlikely to serve any public or management purpose, there was some sentiment in NCP for demolishing it. A staff recommendation to this effect in 1962 was not followed, nor was a 1966 proposal to renovate it for employee housing.[15] Action awaited a proposal in 1975 from Chapter III of the Colonial Dames of America.

The Colonial Dames chapter, represented by Polly Logan, a Washington socialite, and Helen Byrd, sister-in-law of Sen. Harry F. Byrd, Jr., initially proposed to contribute some $50,000 toward the restoration of the house, following which it would furnish and occupy its two upper stories as a clubhouse. Logan reduced the figure to $20,000 at a park

[15]Abner Cloud House file in C & O Canal NHP files, History Division.

commission meeting in September 1975. Nancy Long, the commission chairman, expressed some concern about advancing the restoration project ahead of established priorities but did not dissent from the commission's consensus in favor of seeking federal funds for it. With the aid of the well-connected Colonial Dames, the Service obtained $150,000 for the house from Congress in its fiscal 1976 appropriation, after which it negotiated a cooperative agreement with the chapter.[16]

The agreement required the Colonial Dames to contribute only $16,000, and Long became highly critical of what she called the park's "sweetheart deal" with a restricted membership group. "How many individuals or organizations are able to obtain a public building rent-free for ten years, with an option for renewal, for . . . only $16,000?" she wrote Superintendent Bill Failor in September 1976. "National Capital Parks appears to regard the $150,000 in public monies obtained through influence in the Congress as a direct contribution from the Colonial Dames, Chapter III." Still, the house would not have been restored without the chapter's involvement. Long did gain a requirement that the chapter open the upper floors of the house to the public at least six days a year.[17] As part of the restoration project, the above-ground basement fronting on the canal was renovated to serve the public as an information facility.

Among the most significant structures acquired under the national historical park legislation was McMahon's Mill, adjoining the towpath along the slackwater above Dam 4. The three-story gristmill, of heavy timber-frame construction on a limestone base, dated from the early 19th century. The park's general plan, written in 1975, described its condition as "remarkably good" and suggested that it might be restored to operation. The Park Service acquired title to the property in January 1976, but William B. McMahon, the former owner, retained use of the mill for storage until the spring of 1981. Jim Askins then examined it, pronounced it "in an advanced state of disrepair," and estimated that $101,600 would be required to stabilize it.[18]

McMahon wrote Interior Secretaries James G. Watt, William P. Clark, and Hodel between 1983 and 1985 to complain of Service negligence in allowing the mill to deteriorate. He sought to repurchase or lease it and

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[16]Transcript, C & O Canal Commission meeting, Sept. 13, 1975; C & O Canal--Abner Cloud House file, Office of Land Use Coordination.

[17]Letter, Long to Failor, Sept. 11, 1976, C & O Canal--Abner Cloud House file, Office of Land Use Coordination; Paul Hodge, "Restoration on the Canal: Dispute Among the Ruins," *Washington Post*, Nov. 25, 1976.

[18]*Chesapeake & Ohio Canal National Historical Park General Plan* (Washington, D.C.: National Park Service, 1976), p. 63; C & O Canal NHP file, History Division.

convert it to a restaurant. The Service denied his request, but the attention focused on the mill spurred the park to stabilize its exterior and some of its interior in 1986.[19]

Legislation passed by Congress in 1980 authorized the Service to lease historic properties to private parties and retain the proceeds to defray administrative and maintenance costs.[20] This provision offered new hope for historic buildings along the canal that were unneeded for management or visitor use purposes and stood low on the priority list for government preservation funding.

A 19th-century frame house at Lock 22, Pennyfield Lock, fell into this category. Occupied until the Service acquired it in the mid-1970s, the Pennyfield house deteriorated rapidly thereafter. Superintendent Stanton identified it as a candidate for leasing, and in 1985 the National Capital Regional Office invited proposals from parties willing to restore the house as a private residence. A local developer was willing to do so if he were given the property rent-free for ten years. The park commission endorsed this plan in September 1986 despite some concern about "privatizing" part of the park.[21]

Action was then delayed by objections from a local Sierra Club chapter, which complained that the developer was receiving too much acreage with the house, and by technical concerns about the restoration plans from Maryland's historic preservation officer. After these hurdles were finally overcome, worsening economic conditions led the developer to withdraw. By 1991 the house was in such bad shape that Superintendent Tom Hobbs recommended its demolition.[22]

The Pennyfield house episode did not encourage use of the 1980 leasing authority elsewhere in the park. Meanwhile, however, making creative use of a 1970 law authorizing contracts in support of "living exhibits and interpretive demonstrations,"[23] the park leased out four other houses acquired during the 1970s that contributed to the canal's historic scene: the

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[19]Letter, McMahon to Watt, Jan. 10, 1983, C & O Canal NHP file, History Division; letter, Stanley T. Albright to McMahon, Aug. 22, 1985, ibid.

[20]Section 111, National Historic Preservation Act Amendments of 1980, Public Law 96-515, Dec. 12, 1980, U.S. *Statutes at Large* 94: 3000.

[21]Minutes, C & O Canal Commission meeting, Sept. 20, 1986.

[22]Minutes, C & O Canal Commission meeting, June 10, 1989; telephone conversation with John Blair, Feb. 4, 1991.

[23]General Authorities Act of Aug. 18, 1970, Public Law 91-383, U.S. *Statutes at Large* 84: 825.

Barr house by Lock 38, the Burnside house above McMahon's Mill, the Shank house near Dam 5, and the Anthony house at Pearre. Occupancy best served their preservation, and this law also allowed the lease receipts to go toward their upkeep.

Few national parklands are more vulnerable to the effects of adjoining development than the long, narrow C & O Canal. Dealing with potential and actual development alongside the park has been a major concern of Park Service managers over the years.

As noted earlier, fears in Maryland that an expanded federal presence along the Potomac might impede access to the river led to the 1953 law requiring the granting of public utility easements and authorizing the granting of other rights across canal lands (page 64). As part of its brief for the national historical park legislation in 1959, the Service cited the easements granted to that time: to the city of Rockville, for a water intake structure and pipeline below Swains Lock; to the Washington Suburban Sanitary Commission (WSSC), for a water intake structure and pipelines near Watts Branch; to the Transcontinental Gas Pipe Line Company, for gas pipelines crossing farther upstream between Swains and Pennyfield locks; to the Potomac Electric Power Company (PEPCO), for water pipelines and a cable crossing at Dickerson; to the city of Hagerstown, for water pipelines at Williamsport; to the American Telephone and Telegraph Company, for an underground telephone cable at Williamsport; to the Pittsburgh Plate Glass Company, for sewerage, a utility tunnel, and access across canal land below Cumberland; to the Cumberland and Allegany Gas Company, for gas lines at Cumberland and Mexico Farms; to the city of Cumberland, for sewerage.[24]

When WSSC proposed to construct its river intake and filtration plant near Watts Branch, three-quarters of a mile above Swains Lock, in 1957, Director Wirth expressed concern to WSSC's chairman about the facility's visual effect on the canal. After meeting with NPS officials, WSSC engineers modified their design to the Service's satisfaction. Much community opposition to the project remained, and Ira N. Gabrielson, president of the Wildlife Management Institute, joined Potomac citizens in urging the Service and the Interior Department to deny WSSC the access rights it needed. In response, Assistant Secretary of the Interior Roger Ernst cited the 1953 legislation requiring the department to grant utility easements subject to reasonable conditions for protection of the federal

[24]U.S. Congress, House, *Chesapeake and Ohio Canal National Historical Park, Hearings* before the Subcommittee on Public Lands of the Committee on Interior and Insular Affairs, 86th Congress, 1st Session, on H.R. 953, H.R. 2331, H.R. 5194, and H.R. 5344, Mar. 23, 24, 25, 26, Apr. 20, 21, 1959 (Washington: Government Printing Office, 1959), p. 30.

interest, described WSSC's cooperation in minimizing the facility's impact, and declared that alternate locations in the vicinity would entail no lesser effect. Obtaining official Service clearance in May 1958, WSSC built the Watts Branch plant during the next two years.[25] In the late 1970s, again following negotiations with and approval from the Service, it added a new river intake structure linked to the main plant by a bridge across the canal and towpath. The concrete addition, designed by architect Paul Speiregen and completed in 1981, included informational panels on the canal and river.

The Service became involved with PEPCO's Dickerson project in 1956. In conjunction with its new power plant there, the company proposed to acquire land on both sides of the canal, build a 12-foot dam across the Potomac feeding water into an intake structure, and lay two pipes under the canal to the plant inland. Although they were unhappy about the impact of the project, Service officials gave PEPCO the permission necessary for it to begin work in mid-1957.[26] Maryland's U.S. senators introduced bills in each Congress through the early 1960s to sanction the dam, which would flood seven acres of parkland; but opposition from Virginia and conservation interests blocked action on the legislation, and the dam was never built.

In the early 1970s PEPCO sought permission from state and county authorities to greatly enlarge its Dickerson facility. By this time much flyash residue from the coal-burning plant had washed into the canal, raising the ire of park supporters. Eager to improve its standing with the park and the community, PEPCO agreed to clean, restore, and rewater more than a mile of the canal in 1973 and did so the following year. Dick Stanton and Assistant Secretary of the Interior Nathaniel P. Reed nevertheless opposed PEPCO's request for a zoning exception to construct two 850-foot exhaust stacks. But the county appeals board approved the exception, and PEPCO built one of the stacks within four hundred feet of the towpath

[25]Memorandum, Wirth to T. Earle Bourne, Nov. 25, 1957, Adjacent Property file 1460/C & O Canal, C & O Canal NHP; letter, Gabrielson to Fred A. Seaton, Feb. 24, 1958, ibid.; letter, Ernst to Gabrielson, Mar. 25, 1958, ibid.; letter, Harry T. Thompson to John T. Bonifant, May 21, 1958, ibid.

[26]Memorandum, Ben H. Thompson to Conrad L. Wirth, Jan. 31, 1956, C & O Canal--Dickerson Power Plant file, Office of Land Use Coordination; memorandum, Harry T. Thompson and Ben H. Thompson to Wirth, June 11, 1957, ibid.

in 1976.[27] (The second stack, to serve a future plant addition 2,000 feet from the towpath, was not built.)

In 1967 another power company, Potomac Edison, requested an easement across the canal for a high-voltage interstate transmission line. The line would have a visual impact on Harpers Ferry, Antietam, and the Paw Paw Bends area of the canal and proposed Potomac National River. Responding to objections from Secretary of the Interior Stewart L. Udall, Potomac Edison proposed a new alignment that would avoid these areas but more severely affect the canal and river in the Dam 4 area, where the line would parallel the south bank for more than a mile about 1,000 feet from the bank. Udall accepted the realignment in March 1968.[28]

A year later, the owners of a tract to be crossed by the line paralleling the river offered to give the government a scenic easement on their property to preclude Potomac Edison from condemning a right-of-way across it, thereby forcing the company further back from the river. Acting on legal advice that the Interior Department had no authority to acquire an easement there, especially one that appeared to satisfy a private interest, Assistant Secretary Leslie L. Glasgow declined the offer. He urged Potomac Edison to move the line voluntarily, but the company refused, and he would not insist that it change the alignment Udall had accepted. On July 1, 1969, Interior granted Potomac Edison the permission it sought to cross the canal below Dam 4.[29]

At this point the House Committee on Government Operations launched an investigation of the power line's impact and Interior's response to the permit application. Its report, issued in May 1970, concluded that the department could have done more to protect the canal. It recommended improved procedures for the review and approval of such projects--procedures like those soon adopted under the recently enacted National Environmental Policy Act. The investigation had no effect on Potomac Edison's alignment but did prompt the addition of an extra tower to lower the line's profile as viewed from the towpath.[30]

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[27]Letter, Stanton to Peter H. Benzinger, Sept. 19, 1974, C & O Canal--Dickerson Power Plant file, Office of Land Use Coordination; letter, Reed to Chairman, Montgomery County Board of Appeals, Feb. 5, 1974, ibid.; Board of Appeals Opinion, Case No. S-235, Petition of the Potomac Electric Power Company, June 20, 1974, ibid.

[28]U.S. Congress, House, Committee on Government Operations, *The Potomac Edison Company's High Voltage Transmission Line and Its Esthetic Impact on the Chesapeake & Ohio Canal National Monument*, H. Rept. 91-1083, May 13, 1970, pp. 4-5.

[29]Ibid., pp. 7-10.

[30]Ibid.

The extensive redevelopment of lower Georgetown during the 1970s and 1980s had a significant impact on the canal there. New offices, stores, and restaurants brought more people to the area, increasing park use. When nine developers of properties along the canal sought permission to use park land for construction, access, and other purposes benefiting their enterprises, the Park Service was able to obtain benefits in return. For example, the builders of the Four Seasons Hotel agreed to set that building thirty feet back from the park boundary and resurface the adjoining towpath between the Rock Creek and Potomac Parkway and 29th Street in brick. Between Thomas Jefferson and 30th streets, Inland Steel's Foundry Mall development on the south side of the canal included space for a park visitor facility, opened in 1976. The facility was later moved to a booth in the mall's lower level.

A canal-side plaza across from this development became the site of a memorial to Justice William O. Douglas. On March 15, 1977, President Jimmy Carter approved legislation dedicating the canal and towpath of the park to Douglas with a suitable memorial "in grateful recognition of his long outstanding service as a prominent American conservationist and for his efforts to preserve and protect the canal and towpath from development."[31] The memorial took the form of a bronze bust of Douglas sculpted by Wendy Ross, a Service employee at Glen Echo, mounted on a granite pedestal. Douglas was present at the unveiling ceremony on May 17, 1977. The park also added references to the Douglas dedication on its large routed wood entrance signs.

In the Canal Square development west of 31st Street, an old brick warehouse along the canal was rehabilitated as a restaurant and retail sales building. In 1969, in exchange for an annual rental payment, the Service permitted the developer to build a promenade deck on park property overlooking and accessible from the towpath. By the mid-1980s the deck had deteriorated and become a hangout for teenage drinkers, and Superintendent Stanton and the park commission opposed renewal of the permit. The owner corrected the problems and appealed to Director Mott, who judged the deck a desirable public amenity and extended the permit in 1988.[32]

In 1983 Washington Harbour Associates and the Western Development Corporation began negotiations with the Service in connection with a major development they planned on the Georgetown waterfront. Part of the

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[31]Public Law 95-11, U.S. *Statutes at Large* 91: 21.

[32]Letter, Nash Castro to Canal Square Associates, Apr. 7, 1969, C & O Canal 1968-69 file L1425, C & O Canal NHP; minutes, C & O Canal Commission meetings, Feb. 28, 1987, and Dec. 3, 1988.

proposed development was a hotel and office building occupying the tract between 30th Street and Rock Creek--the "Parcel G" on which the Service had received a twenty-foot height limitation easement when it acquired the canal in 1938 (page 19). If the Service would relinquish the easement, the developer would pay to restore the canal tidelock at the mouth of Rock Creek, improve park lands along the creek and river, grant public access and facade easements within the development, and perpetually maintain certain park improvements.[33]

Georgetown civic activists opposed to private waterfront development disliked the Washington Harbour plans and lobbied against the proposed agreement. Among the opponents at a Service hearing in January 1984 was John Nolen, Jr., who had been actively involved with the canal's acquisition and development as chief planner for the National Capital Park and Planning Commission in the 1930s. Rather than bartering the height easement away, the Service should seek full title to the parcel, Nolen argued. But there was little chance that Congress would appropriate funds to buy this tract or the developer's land between 30th and 31st streets sought by the opposition. Finding the exchange equitable and in the public interest, Regional Director Jack Fish approved it in October 1984.[34] An opposing group sued, but its lower court victory in May 1985 was overturned on appeal that October.

Under the agreement, Washington Harbour Associates contributed $1 million for the development of a riverfront park west of 31st Street and $275,000 for restoration of the tidelock. The central Washington Harbour complex and the park were subsequently completed, but economic factors and a change of management delayed construction on the parcel east of 30th Street, and the tidelock contribution remained in escrow with the National Park Foundation. Neither the private development nor the tidelock restoration was imminent at this writing.

At the other end of the park, yet another canal parkway proposal loomed. In 1988 Maryland's State Highway Administration advanced plans for a new road improving access from Cumberland to South Cumberland and the municipal airport. The road would have occupied part of the last mile of the canal that had been buried by the Corps of Engineers flood control project in the 1950s. The Park Service, with the support of the park commission, opposed this alignment, and the State Highway Administration responded in 1989 with an alternative "canal parkway"

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[33]Memorandum, John Parsons to Jack Fish, Oct. 16, 1984, Washington Harbour Associates file, Office of Land Use Coordination.

[34]Letter, Nolen to Jack Fish, Mar. 9, 1984, Washington Harbour Associates file, Office of Land Use Coordination; memorandum, Fish to Thomas Regan, Oct. 16, 1984, ibid.

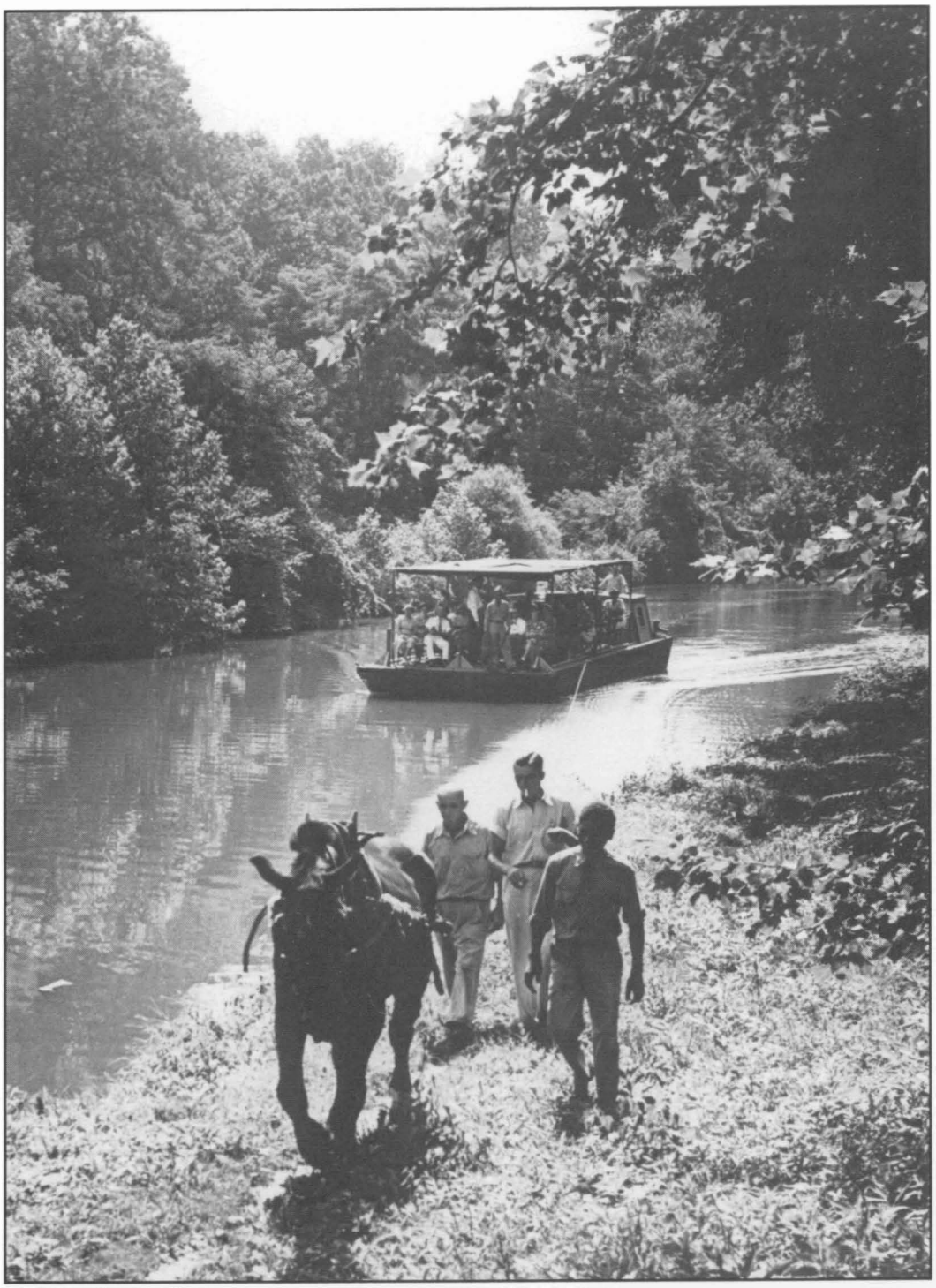
concept developed by EDAW Associates. The road would now run alongside the canal on property occupied by two CSX railroad tracks--property that was in Service ownership and figured in the proposed exchange for CSX property in Harpers Ferry (page 118). Where it directly abutted the canal, it would be supported by a retaining wall ten to 15 feet high. The road embankment could serve as a flood control levee, allowing the last 4,900 feet of the canal to be excavated and rewatered. To illustrate how the road would relate to the canal, State Highway Administrator Hal Kassoff cited the stretch of Canal Road beside the canal above Georgetown.[35]

The C & O Canal Association and some past and present members of the park commission opposed the canal parkway. Canal Road, with its heavy commuter traffic directly opposite the towpath, was something they did not want to duplicate in Cumberland. But a majority of commission members voted to support further study of the concept by the state. Ownership of land needed for the parkway gave the Service a strong negotiating hand, and Regional Director Robert Stanton took advantage of it. In correspondence with Kassoff, he conditioned Service cooperation with the study on commitments from the state, CSX, and the Corps of Engineers designed to maximize benefits and minimize harm to the park. While not endorsing the parkway, Service officials were hopeful that it could lead to a net gain for the canal in Cumberland.[36]

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[35]Minutes, C & O Canal Commission meetings, Sept. 10, 1988, and June 10, 1989.

[36]Minutes, C & O Canal Commission meeting, Sept. 9, 1989; letters, Stanton to Kassoff, Oct. 5, 1989, and Jan. 9, 1990, Cumberland Canal Parkway file, Office of Land Use Coordination; Eugene L. Meyer, "Preservationists Balk at Plan for C & O Parkway," *Washington Post*, Jan. 15, 1990, p. B1; interview with James D. Young, Jan. 18, 1990; telephone conversation with Thomas Hobbs, Jan. 16, 1991.



The first Canal Clipper.

USING THE PARK

A park, according to standard dictionary definitions, is a tract of land set aside for public recreational use. This primary purpose is what distinguishes parks from other land reservations, such as wildlife refuges, set aside primarily for the protection of particular resources. This is not to say that other reservations cannot also accommodate recreational use, and it is certainly not to say that parks need not protect resources. The language of the 1916 act of Congress creating the National Park Service still obtains: the Service is to conserve park features and provide for their enjoyment by the public "in such manner and by such means as will leave them unimpaired for the enjoyment of future generations." While not for everyone doing everything they wish everywhere at every time, parks are indeed for people.

The Chesapeake and Ohio Canal served public recreation long before it became a park. At the beginning of the century the McMillan Commission noted its use "by pleasure seekers in canoes, and by excursion parties in various craft." In 1934, a year after the Park Service assumed responsibility for the national capital park system, a Service historian reconnoitering the canal reported considerable recreational activity: "The canal towpath is much used by hikers. On weekends, at any season of the year, people may be seen singly and in groups walking along the canal, particularly between Great Falls and Washington."[1]

Recreational use there surged after the Park Service acquired the canal in 1938 and restored and rewatered the portion below Seneca. The damage from the 1942 flood and the closing of the canal in the Great Falls area during World War II sharply curtailed towpath traffic, which was never high along most of the canal. Service leaders saw the lack of public use above Seneca as a threat to the canal's viability as a park in the face of conflicting development pressures. This concern figured heavily in the 1950 parkway proposal.

The highly publicized hike led by Justice William O. Douglas in 1954 to mobilize opposition to the parkway succeeded both in achieving that goal and in stimulating more of the public to follow the hikers' example. After the Service dropped the canal parkway scheme in 1956 and sought to win support for national historical park legislation, it did much more to improve

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[1]U.S. Congress, Senate, Committee on the District of Columbia, *The Improvement of the Park System of the District of Columbia* (Washington: Government Printing Office, 1902), p. 96; Edna M. Colman, "The Chesapeake and Ohio Canal," 1934, 4-page paper in file 1460/C & O Canal, Chesapeake and Ohio Canal National Historical Park.

the towpath for hikers and cyclists and provide recreational facilities along the way. These improvements enabled the park to capitalize on the soaring public interest in backpacking, bicycling, and physical fitness during the next decade.

The canal helped launch this movement, still with us, in early 1963. On February 9, a month after President John F. Kennedy established the President's Council on Physical Fitness and challenged Americans to become more physically active, Attorney General Robert F. Kennedy set out from Great Falls at 4 a.m. and hiked fifty miles in 17 hours. He took the towpath as far as Point of Rocks, then headed inland toward Camp David. (Four other administration officials fell by the wayside.) The attorney general's feat attracted much notice, and a fifty-mile-hike craze swept the country. In later years other government notables would exercise regularly on the towpath. President Jimmy Carter ran once or twice a week from Fletcher's Boathouse to Lock 5 and back. Vice President George Bush, sometimes joined by Barbara Bush and their dog, often ran from Lock 10 down to Lock 6 in the mid-1980s.[2]

The C & O Canal Association, an outgrowth of the C & O Canal Committee formed at the end of the Douglas hike, was organized in 1956 as a general membership group open to all with an interest in the canal. Under its aegis, Douglas led a one-day hike along a section of the towpath each spring to generate support for the park legislation. Association-sponsored commemorative hikes continued after 1971. On the twentieth anniversary in 1974 and every five years thereafter, participants have gone the full length of the canal. Justice Sandra Day O'Connor kicked off the 35th anniversary hike, completed by 29 participants, in 1989.[3]

Orville Crowder, one of the canal association's early leaders, hiked the towpath with a measuring wheel to help position mileposts and locate features in canal company records. Crowder established the association's level walker program, wherein members volunteer to walk prescribed levels or other segments of the canal at least twice a year to collect minor trash and report other deficiencies and conditions to the association and the park superintendent. Following tropical storm Agnes in 1972, the level walkers, then led by Thomas F. Hahn, helped report the flood damage. The level walker program has continued active in the early 1990s under the leadership of Karen M. Gray, an association vice president.

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[2]Jerry Doolittle, "Craze for 50-Mile Hikes Started By President's Fitness Challenge," *Washington Post*, Feb. 11, 1963, p. A1; telephone conversation with John W. Magaw, U.S. Secret Service, Apr. 25, 1991.

[3]*Along the Towpath* (C & O Canal Association newsletter) 21, no. 3 (June 1989): 1.

Members of the C & O Canal Association, the Friends of Great Falls Tavern, and other park users have donated time and effort in many more ways. In 1990, 961 volunteers contributed 7,256 hours of service to the park. They cut brush, cleared vegetation from historic structures, picked up litter, led nature walks, staffed information desks, and presented musical programs during special events. The Girl Scouts' weekend interpretation of 19th-century canal life at Rileys Lock, led by Joan Paull, was sufficiently popular with participants and visitors to be repeated at the historic Knode house at Lock 38.

Mule-drawn barge trips have catered to the more typical park user. *Canal Clipper*, operated by the Welfare and Recreational Association, began service in Georgetown in July 1941. As many as eighty passengers boarded the barge above Lock 3, rose through Lock 4, and traveled as far as Lock 5 before returning. *Canal Clipper* was replaced in the spring of 1961 by the larger *John Quincy Adams*, holding up to 125 people and featuring a snack bar, built and operated by GSI (Government Services Inc., successor to the Welfare and Recreational Association). It lasted only eleven years, being destroyed by Agnes in 1972.

A second *Canal Clipper* built of reinforced concrete was launched in Georgetown in the fall of 1976. During the 1977 season (May through October) it made 305 trips and carried 17,751 passengers. Prolonged canal repairs in Georgetown beginning in 1979 prompted its relocation to Great Falls. There it succeeded the small *John Quincy Adams II*, which had operated from 1967 through the early 1970s. The Morris and Gwendolyn Cafritz Foundation donated $180,000 for a new Georgetown barge, launched in September 1982 after completion of the repairs there. *Georgetown*, as it was christened, and the second *Canal Clipper* remain in service at this writing. Both are operated by the Park Service, which charges fees to make them self-sustaining. The two barges carried 35,974 visitors in 1990, 16,190 in Georgetown and 19,784 at Great Falls.

The barges became excellent vehicles for interpreting canal history. Standard narrative talks ultimately gave way to "living history" presentations in which costumed employees reenact 19th-century life on the canal. Of course, no description of how a lock worked can match the first-hand experience of floating from one level to another.

Yet another boat materialized at the other end of the canal in the mid-1970s. With the encouragement of the park, a private group called C & O Canal, Cumberland, Inc., began raising funds in 1973 for a 93-foot boat. A naval reserve unit prefabricated it the next year at the Allegany County Vocational-Technical Center. It was intended to float on a rewatered section of the canal between Candoc and Wiley Ford, but when the prospect of rewatering that section dimmed, the sponsors completed its assembly on private land opposite Lock 75 at North Branch, where rewatering appeared

more likely. *The Cumberland* was dedicated there on July 11, 1976. The park later acquired the land on which the boat sat and issued a special use permit to C & O Canal, Cumberland, for its "operation." Rewatering never occurred and the boat remained high and dry (after holes were drilled in its bottom to drain collected water). *The Cumberland* has nevertheless served a useful interpretive purpose, for it more nearly approximates a historic canal packet than do the floating barges downstream. It is the centerpiece of "Canal Days," an annual festival sponsored by C & O Canal, Cumberland.

In 1973 the park opened a small visitor center in Hancock. In 1985 it acquired space in the former Western Maryland Railway Station in Cumberland, close by the buried canal terminus. Both visitor facilities received good historical exhibits and have been effective dispensers of information to upper canal users.

Park visitors have been served by several concessions. GSI (now Guest Services Inc.) operated the Georgetown barge until 1972. It continues to rent canoes, boats, and bicycles at the Harry T. Thompson Boat Center, next to the canal tidelock at the mouth of Rock Creek, and it operates a food concession at Great Falls. Fletcher's Boathouse, between the canal and river above Georgetown, has long rented canoes, boats, and bicycles to park patrons. So has the Swain family at Swains Lock, the next above Great Falls. The Parks and History Association, a nonprofit cooperating association serving most National Capital Region parks, sells publications and other park-related items at the Georgetown, Great Falls, Hancock, and Cumberland visitor centers. The proceeds help support park interpretation and other visitor services.

The Park Service works hard to compile visitor statistics, which help buttress requests for funds and staff by showing how many people are using the parks. The Chesapeake and Ohio Canal National Historical Park poses a major challenge in this regard, for its elongated nature and abundance of uncontrolled access points make accurate counts impossible. The park's counting method in the mid-1980s resulted in figures of 4,900,841 total visits in 1986 and 6,048,335 in 1987. The method was then revised, producing presumably more realistic figures of 2,074,721 in 1988, 1,991,207 in 1989, and 1,965,828 in 1990. (All figures are for visits rather than individual visitors, who may be counted repeatedly as they appear at different times and in different places.)

Whatever the totals, there is no doubt about the continuing disparity of public use within the park. In 1990 the Palisades District, extending only one-sixth of the park's length, counted 1,499,028 visits--more than three-quarters of the total. Palisades had 48,360 visits per mile (concentrated most heavily in Georgetown and at Great Falls), while the rest of the park had 3,030 visits per mile. Although some might wish for a more equitable

dispersion of visitors, this pattern is to be expected given Palisades' relationship to the Washington metropolitan area and the special scenic and recreational appeal of the canal's restored section. And for those seeking a different kind of park experience, the relative solitude of the upper canal is highly desirable.

A few visitors travel the full length of the canal, using the hiker-biker campgrounds en route. More travel over extended distances, some of them also camping for a night or two. Other campground users are drawn primarily by the river's recreational opportunities. The park recorded 42,998 overnight stays by such visitors in 1990. Of course, the great majority of visitors come for less than a day at a time to walk, cycle, fish, boat or canoe, watch birds, and otherwise enjoy small segments of the park.

All of them, from the casual day-tripper to the full-length tramper, are beneficiaries of an extraordinary public commitment to preserve 184 miles of canal and riverfront in largely undeveloped condition. President Franklin D. Roosevelt and Justice Douglas played key roles leading to this outcome, as did farsighted members of Congress, Interior Department officials, and conservation groups. Like most great things, the Chesapeake and Ohio Canal National Historical Park was achieved only with great effort. Recalling the opposition and envisioning what might have befallen Maryland's Potomac riverbank, Gilbert Gude, who sponsored the successful park bill in the House, still marvels at the park's existence. Others involved with the struggle and those who just enjoy this special place today might well echo Gude's assessment: "Amazing."[4]

[4]Interview with Gude, Nov. 20, 1989.

LEGISLATION

[PUBLIC LAW 618—80TH CONGRESS]
[CHAPTER 435—2D SESSION]
[H. R. 5155]
AN ACT

To authorize the Secretary of the Interior to have made by the Public Roads Administration and the National Park Service a joint reconnaissance survey of the Chesapeake and Ohio Canal between Great Falls, Maryland, and Cumberland, Maryland, and to report to the Congress upon the advisability and practicability of constructing thereon a parkway, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby authorized to be expended from the appropriations made to the National Park Service for parkways the sum of $40,000 for the purpose of making a joint reconnaissance study by the Public Roads Administration and the National Park Service of the federally owned Chesapeake and Ohio Canal between Great Falls, Maryland, and Cumberland, Maryland, to determine the advisability and practicability of constructing a parkway along the route of the Chesapeake and Ohio Canal, including a report of estimated cost.

Approved June 10, 1948.

[PUBLIC LAW 811—81ST CONGRESS]
[CHAPTER 987—2D SESSION]
[H. R. 8534]
AN ACT

To authorize the acceptance of donations of land to supplement present parkway lands along the line of the Chesapeake and Ohio Canal between Great Falls and Cumberland, Maryland.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized to accept on behalf of the United States donations of land and interests in land in the State of Maryland as additions to present parkway lands along the line of the Chesapeake and Ohio Canal, between Great Falls and Cumberland, Maryland. The lands to be acquired shall be sufficient to increase the present parkway width to an average of one hundred acres per mile for the entire length of the parkway. The title to real property acquired pursuant to this Act shall be satisfactory to the Attorney General of the United States.

SEC. 2. The Secretary is also authorized to accept land and interests in land for the parkway and, in his discretion, to convey in exchange therefor former Chesapeake and Ohio Canal property now under his administrative jurisdiction or other property accepted by him for the purposes of this Act. In any land exchanges consummated pursuant to this Act, the value of the federally owned property conveyed shall not exceed the value of the property accepted by the Secretary.

SEC. 3. All property acquired pursuant to this Act shall be administered by the Secretary in accordance with the provisions of the Act of August 25, 1916 (39 Stat. 535; 16 U. S. C., 1946 edition, sec. 1–3), entitled "An Act to establish a National Park Service, and for other purposes".

Approved September 22, 1950.

Public Law 184 - 83d Congress
Chapter 310 - 1st Session
H. R. 5804

AN ACT

To authorize the Secretary of the Interior to grant easements for rights-of-way through, over, and under the parkway land along the line of the Chesapeake and Ohio Canal, and to authorize an exchange of lands with other Federal departments and agencies, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby authorized and directed to grant perpetual easements, subject to such reasonable conditions as are necessary for the protection of the Federal interests, for rights-of-way through, over, or under the parkway lands along the line of the Chesapeake and Ohio Canal, now or hereafter acquired, for the purposes of electric, telephone, and telegraph lines or conduits, gas, oil, and water pipelines, tunnels, and water conduits, or for other utility purposes incident to industrial, commercial or agricultural use, or to the supply of water for domestic, public, or any other beneficial use, where it is intended to use such rights-of-way for any one or more of the purposes hereinabove named.

Chesapeake and Ohio Canal.
Easements for rights-of-way.
67 Stat. 359.
67 Stat. 360.

SEC. 2. No part of said easements shall be used for any other than the purposes for which they are granted, and in the event of any breach of this restriction, or in the event of any failure to observe the conditions in said easements, either of which shall continue for a period of ninety days after notice thereof, or in the event the said easement is abandoned for the purposes granted, the entire interest herein authorized to be granted shall, upon a declaration to that effect by the Secretary of the Interior, revert to the United States.

SEC. 3. The Secretary of the Interior shall cause an appraisal to be made of the fair market value of the said easements, including the resulting damage, if any, to the residue of the parkway lands, which appraisal, after approval by the Secretary of the Interior, shall be paid in cash by the grantees requesting the easement as the consideration for said easements when granted by the United States.

SEC. 4. The Secretary of the Interior is further authorized, in his discretion, to grant perpetual easements, subject to such conditions as are necessary for the protection of the Federal interest, for rights-of-way through, over, or under the parkway lands along the Chesapeake and Ohio Canal, now or hereafter acquired, for railroad tracks or for other utility purposes: *Provided*, That such easements may be granted in exchange for the relinquishment of existing easements across land now or hereafter in Federal ownership within the parkway: *Provided further*, That the Secretary may cause an appraisal to be made of the value of such easements and may require payment to be made by the grantee as provided in section 3 of this Act: *Provided further*, That no part of said easements shall be used for any other than the purposes for which they are granted, and in the event of any breach of this restriction, or in the event of any failure to observe the conditions in said easements, either of which shall continue for a period of ninety days after notice thereof, or in the event the said easement is abandoned for the purposes granted, the entire interest herein authorized to be granted, upon a declaration to that effect by the Secretary, shall revert to the United States.

SEC. 5. The Secretary of the Interior is hereby authorized, in his discretion, when in the best interest of the United States, to convey, at the fair market value, to counties and municipalities for roads, streets, highways, or other municipal facilities, by proper deed or instrument, any lands or interests in lands of the United States within the parkway along the line of the Chesapeake and Ohio Canal, under

Conveyances.

the jurisdiction of the Department of the Interior and located within the boundaries of such county or municipality, which are not needed for parkway purposes, but not to the extent of severing in any manner the continuity of the parkway lands from Great Falls to and including the city of Cumberland, Maryland.

Transfer of jurisdiction.

SEC. 6. The Secretary of the Interior, and the heads of other departments and agencies of the Federal Government administering lands along or adjacent to the line of the Chesapeake and Ohio Canal, are hereby authorized, for the purpose of facilitating the development, administration, and maintenance of said parkway, to transfer jurisdiction between their respective departments and agencies over such portions of the lands under their respective jurisdictions along or adjacent to the line of said canal as are surplus to their respective needs, without reimbursement, and under such conditions as may be mutually agreed upon by the Secretary of the Interior and the head of the other department or agency concerned; and such transfer of jurisdiction by any department or agency of the Federal Government in possession of such lands is hereby authorized.

67 Stat. 360.
67 Stat. 361.

Approved August 1, 1953.

Title 3—THE PRESIDENT

Proclamation 3391

ESTABLISHING THE CHESAPEAKE AND OHIO CANAL NATIONAL MONUMENT, MARYLAND

By the President of the United States of America

A Proclamation

WHEREAS by deed of September 23, 1938, the United States acquired from the Receivers of the Chesapeake and Ohio Canal Company certain lands, together with all appurtenances thereunto belonging, known as the Chesapeake and Ohio Canal; and

WHEREAS since September 23, 1938, such lands have been administered and protected by the Department of the Interior through the National Park Service; and

WHEREAS, by section 2 of the act of Congress approved June 8, 1906 (34 Stat. 225), 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"; and

WHEREAS the Chesapeake and Ohio Canal is of historic and scientific interest, and historic structures and objects of scientific interest are situated upon the lands thereof:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, by virtue of the authority vested in me by section 2 of the act of June 8, 1906, 34 Stat. 225 (16 U.S.C. 431), do proclaim that, subject to valid existing rights, there is hereby reserved and set apart as a national monument, to be known as the Chesapeake and Ohio Canal National Monument, that portion of the property now owned by the United States and acquired by it under the said deed of September 23, 1938, which extends from Cumberland, Maryland, to a location 100 feet downstream from the first culvert above the Seneca aqueduct, the monument hereby established containing approximately 4,800 acres.

The said deed of September 23, 1938, is recorded in the land records of the County of Allegany, Maryland, in Book R.J. No. 181 at Folio 603, of the County of Washington, Maryland, in Book No. 207 at Folio 575, of the County of Frederick, Maryland, in Book No. 414 at Folio 245 fc., and of the County of Montgomery, Maryland, in Book No. 638 at Folio 76. Detailed maps of the Chesapeake and Ohio Canal property, consisting of 15 rolls prepared by B. F. Mackall, are on file with the Director, National Park Service, Washington, D.C., and the Superintendent of the Chesapeake and Ohio Canal Project in Hagerstown, Maryland.

Warning is hereby given to all unauthorized persons not to appropriate, injure, destroy, deface, or remove any feature of this monument and not to locate or settle upon any of the lands reserved by this proclamation.

The Chesapeake and Ohio Canal National Monument shall be supervised, managed, and controlled in accordance with the act of Congress entitled "An Act To Establish a National Park Service, and for Other Purposes," approved August 25, 1916 (39 Stat. 535), and acts supplementary thereto and amendatory thereof, including the act of September 22, 1950 (64 Stat. 905), and the act of August 1, 1953 (67 Stat. 359).

Nothing in this proclamation is intended to prejudice the use of the Chesapeake and Ohio Canal National Monument for such works as the Congress may hereafter authorize for municipal and domestic water supply, navigation, flood control, drainage, recreation, or other beneficial purposes.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this eighteenth day of January in the year of our Lord nineteen hundred and [SEAL] sixty-one and of the Independence of the United States of America the one hundred and eighty-fifth.

DWIGHT D. EISENHOWER

By the President:

CHRISTIAN A. HERTER,
Secretary of State.

[F.R. Doc. 61-696; Filed, Jan. 23, 1961; 10:26 a.m.]

Public Law 91-664
91st Congress, H. R. 19342
January 8, 1971

An Act

To establish and develop the Chesapeake and Ohio Canal National Historical Park, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act shall be known as the "Chesapeake and Ohio Canal Development Act". Chesapeake and Ohio Canal Development Act.

DEFINITIONS

SEC. 2. As used in this Act—

(a) "Park" means the Chesapeake and Ohio Canal National Historical Park, as herein established.

(b) "Canal" means the Chesapeake and Ohio Canal, including its towpath.

(c) "Secretary" means the Secretary of the Interior.

(d) "State" means any State, and includes the District of Columbia.

(e) "Local government" means any political subdivision of a State, including a county, municipality, city, town, township, or a school or other special district created pursuant to State law.

(f) "Person" means any individual, partnership, corporation, private nonprofit organization, or club.

(g) "Landowner" means any person, local government, or State owning, or on reasonable grounds professing to own, lands or interests in lands adjacent to or in the vicinity of the park.

ESTABLISHMENT OF PARK

SEC. 3. (a) In order to preserve and interpret the historic and scenic features of the Chesapeake and Ohio Canal, and to develop the potential of the canal for public recreation, including such restoration as may be needed, there is hereby established the Chesapeake and Ohio Canal National Historical Park, in the States of Maryland and West Virginia and in the District of Columbia. The park as initially established shall comprise those particular properties in Federal ownership, containing approximately five thousand two hundred and fifty acres, including those properties along the line of the Chesapeake and Ohio Canal in the State of Maryland and appurtenances in the State of West Virginia designated as the Chesapeake and Ohio Canal National Monument, and those properties along the line of the Chesapeake and Ohio Canal between Rock Creek in the District of Columbia and the terminus of the Chesapeake and Ohio Canal National Monument near the mouth of Seneca Creek in the State of Maryland. The boundaries of the park shall be as generally depicted on the drawing entitled "Boundary Map, Proposed Chesapeake and Ohio Canal National Historical Park," in five sheets, numbered CHOH 91,000, and dated October 1969, which is on file and available for public inspection in the offices of the National Park Service, Department of the Interior: *Provided*, That no lands owned by any State shall be included in the boundaries of the park— Boundaries. 84 STAT. 1978 84 STAT. 1979

(1) unless they are donated to the United States, or

(2) until a written cooperative agreement is negotiated by the Secretary which assures the administration of such lands in accordance with established administrative policies for national parks, and

(3) until the terms and conditions of such donation or cooperative agreement have been forwarded to the Committees on Interior and Insular Affairs of the United States House of Representatives and Senate at least sixty days prior to being executed.

The exact boundaries of the park shall be established, published, and otherwise publicized within eighteen months after the date of this Act and the owners of property other than property lying between the canal and the Potomac River shall be notified within said period as to the extent of their property included in the park.

(b) Within the boundaries of the park, the Secretary is authorized to acquire lands and interests therein by donation, purchase with donated or appropriated funds, or exchange, but he shall refrain from acquiring, for two years from the date of the enactment of this Act, any lands designated on the boundary map for acquisition by any State if he has negotiated and consummated a written cooperative agreement with such State pursuant to subsection (a) of this section.

COOPERATIVE AGREEMENTS

SEC. 4. The Secretary shall take into account comprehensive local or State development, land use, or recreational plans affecting or relating to areas in the vicinity of the canal, and shall, wherever practicable, consistent with the purposes of this Act, exercise the authority granted by this Act in a manner which he finds will not conflict with such local or State plans.

ACCESS

SEC. 5. (a) The enactment of this Act shall not affect adversely any valid rights heretofore existing, or any valid permits heretofore issued, within or relating to areas authorized for inclusion in the park.

(b) Other uses of park lands, and utility, highway, and railway crossings, may be authorized under permit by the Secretary, if such uses and crossings are not in conflict with the purposes of the park and are in accord with any requirements found necessary to preserve park values.

(c) Authority is hereby granted for individuals to cross the park by foot at locations designated by the Secretary for the purpose of gaining access to the Potomac River or to non-Federal lands for hunting purposes: *Provided*, That while such individuals are within the boundaries of the park firearms shall be unloaded, bows unstrung, and dogs on leash.

84 STAT. 1979
84 STAT. 1980

ADVISORY COMMISSION

Establishment.

SEC. 6. (a) There is hereby established a Chesapeake and Ohio Canal National Historical Park Commission (hereafter in this section referred to as the "Commission").

(b) The Commission shall be composed of nineteen members appointed by the Secretary for terms of five years each, as follows:

(1) Eight members to be appointed from recommendations submitted by the boards of commissioners or the county councils, as the case may be, of Montgomery, Frederick, Washington, and Allegany Counties, Maryland, of which two members shall be appointed from recommendations submitted by each such board or council, as the case may be;

(2) Eight members to be appointed from recommendations submitted by the Governor of the State of Maryland, the Governor

of the State of West Virginia, the Governor of the Commonwealth of Virginia, and the Commissioner of the District of Columbia, of which two members shall be appointed from recommendations submitted by each such Governor or Commissioner, as the case may be; and

(3) Three members to be appointed by the Secretary, one of whom shall be designated Chairman of the Commission and two of whom shall be members of regularly constituted conservation organizations.

(c) Any vacancy in the Commission shall be filled in the same manner in which the original appointment was made.

(d) Members of the Commission shall serve without compensation, as such, but the Secretary is authorized to pay, upon vouchers signed by the Chairman, the expenses reasonably incurred by the Commission and its members in carrying out their responsibilities under this Act.

(e) The Secretary, or his designee, shall from time to time but at least annually, meet and consult with the Commission on general policies and specific matters related to the administration and development of the park.

(f) The Commission shall act and advise by affirmative vote of a majority of the members thereof.

(g) The Commission shall cease to exist ten years from the effective date of this Act.

ADMINISTRATION AND APPROPRIATIONS

SEC. 7. The Chesapeake and Ohio Canal National Historical Park shall be administered by the Secretary of the Interior in accordance with the Act of August 25, 1916 (30 Stat. 535; 16 U.S.C. 1, 2–4), as amended and supplemented. 39 Stat. 535.

SEC. 8. (a) Any funds that may be available for purposes of administration of the Chesapeake and Ohio Canal property may hereafter be used by the Secretary for the purposes of the park.

(b) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act, not to exceed $20,400,000 for land acquisition and not to exceed $17,000,000 (1970 prices) for development, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indices applicable to the types of construction involved herein.

Approved January 8, 1971.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 91-1553 (Comm. on Interior and Insular Affairs).
SENATE REPORT No. 91-1512 (Comm. on Interior and Insular Affairs).
CONGRESSIONAL RECORD, Vol. 116 (1970):
Oct. 5, considered and passed House.
Dec. 22, considered and passed Senate.

An Act to dedicate the canal and towpath of the Chesapeake and Ohio Canal National Historical Park to Justice William O. Douglas, and for other purposes. (91 Stat. 21) (P.L. 95-11)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the canal and towpath of the Chesapeake and Ohio Canal National Historical Park are hereby dedicated to Justice William O. Douglas in grateful recognition of his long outstanding service as a prominent American conservationist and for his efforts to preserve and protect the canal and towpath from development.

SEC. 2. In order to carry out the provisions of this Act, the Secretary of the Interior is authorized and directed to provide such identification by signs, including, but not limited to changes in existing signs, materials, maps, markers, interpretive programs or other means as will appropriately inform the public of the contributions of Justice William O. Douglas.

SEC. 3.; The Secretary of the Interior is further authorized and directed to cause to be erected and maintained, within the exterior boundaries of the Chesapeake and Ohio Canal National Historical Park, an appropriate memorial to Justice William O. Douglas. Such memorial shall be of such design and be located at such place within the park as the Secretary shall determine.

SEC. 4. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

Approved March 15, 1977.

Legislative History:
House Report No. 95-38 (Comm. on Interior and Insular Affairs).
Congressional Record, Vol. 123 (1977):
Feb. 24, considered and passed Senate.
Mar. 2, considered and passed House.

An Act to authorize additional appropriations for the acquisition of lands and interests in lands within the Sawtooth National Recreation Area in Idaho. (92 Stat. 3467) (P.L. 95-625)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE III—CHESAPEAKE AND OHIO CANAL NATIONAL HISTORICAL PARK

* * * * * * *

SEC. 320. Section 8(b) of the Act of January 8, 1971 (84 Stat. 1978) is amended by changing "$20,400,000" to "$28,400,000". The boundaries of the park are revised to include approximately 600 additional acres: *Provided, however*, That such additions shall not include any properties located between 30th Street and Thomas Jefferson Street in the northwest section of the District of Columbia.

* * * * * * *

Approved November 10, 1978.

Public Law 99-456
99th Congress

An Act

Oct. 8, 1986
[S. 1766]

To designate the Cumberland terminus of the Chesapeake and Ohio Canal National Historical Park in honor of J. Glenn Beall, Sr.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Cumberland terminus of the Chesapeake and Ohio Canal National Historical Park is hereby dedicated to J. Glenn Beall, Sr. in grateful recognition of his outstanding efforts to preserve and protect the canal and towpath from development.

(b) In order to carry out the provisions of this Act, the Secretary of the Interior is authorized and directed to provide such identification by signs, including changes in existing signs, materials, maps, markers, or other means as will appropriately inform the public of the contributions of J. Glenn Beall, Sr.

(c) The Secretary of the Interior is further authorized and directed to cause to be erected and maintained, within the exterior boundaries of the Cumberland terminus of the Chesapeake and Ohio Canal National Historical Park, an appropriate memorial to J. Glenn Beall, Sr. Such memorial shall be of such design and be located at such place as the Secretary shall determine.

Appropriation authorization.

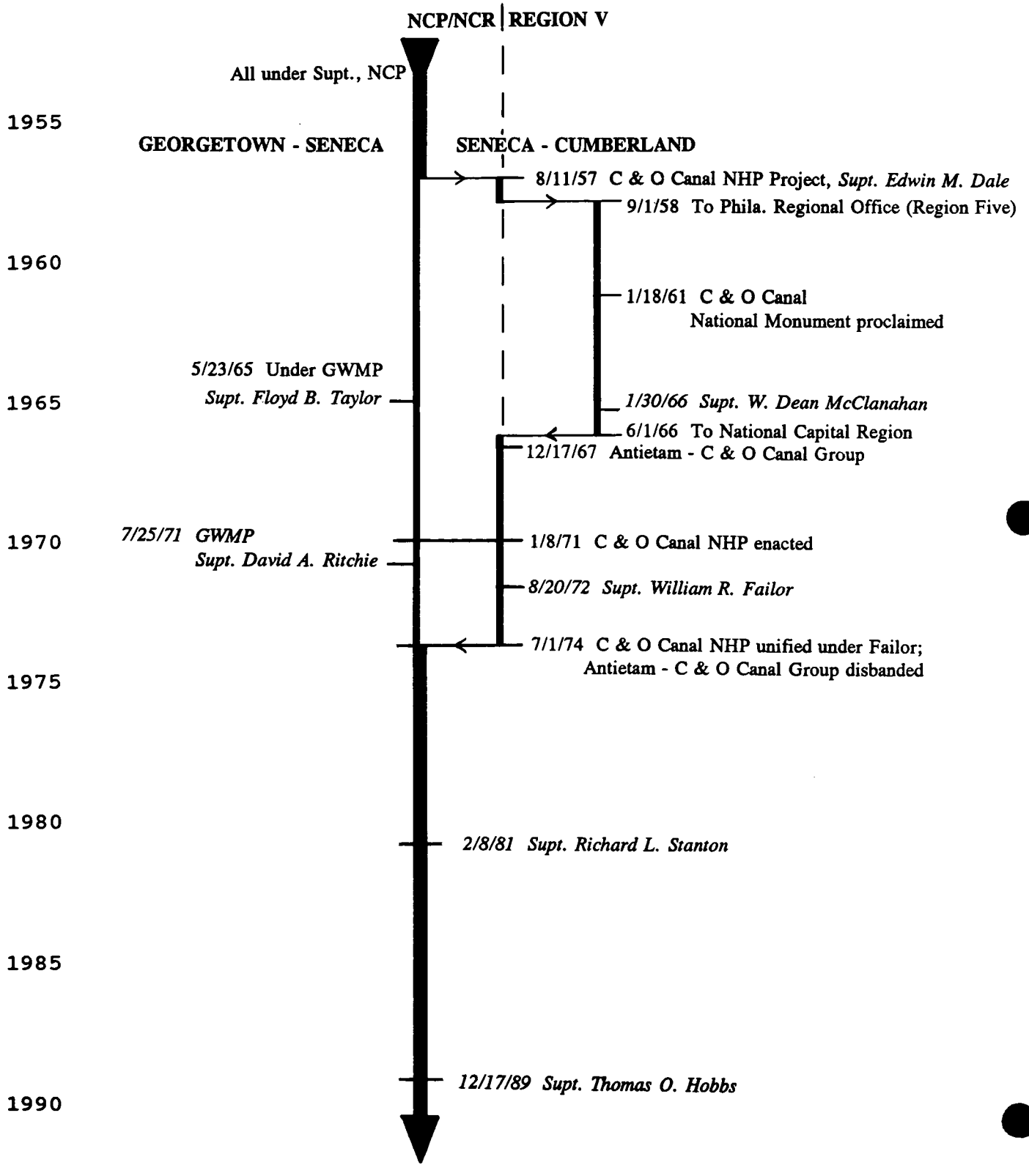
(d) There are authorized to be appropriated up to $25,000 to carry out the purposes of this Act.

Approved October 8, 1986.

LEGISLATIVE HISTORY—S. 1766:

SENATE REPORTS: No. 99-340 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 132 (1986):
Aug. 1, considered and passed Senate.
Sept. 24, considered and passed House.

ADMINISTRATIVE CHRONOLOGY



PRINCIPAL PARK OFFICIALS

Superintendents

Edwin M. Dale	8/57 - 12/65
W. Dean McClanahan	1/66 - 8/72
William R. Failor	8/72 - 1/81
Richard L. Stanton	2/81 - 8/89
James D. Young (Acting)	9/89 - 12/89
Thomas O. Hobbs	12/89 -

GWMP superintendents over canal below Seneca

Floyd B. Taylor	5/65 - 6/71
David A. Ritchie	7/71 - 6/74

Assistant Superintendent

James D. Young	1/77 - 7/91

Management Assistants

Robert W. Bell	8/70 - 10/71
A. W. Anderson	11/71 - 6/74

Administrative Officers

Robert Robertson	1972 - 5/76
James F. Beck	10/76 - 8/81
Linda Toms	11/81 - 4/87
Peggy Morris	11/87 - 5/88
Chris Streng	10/88 -

Chiefs of Maintenance

Dale B. Sipes	1971 - 2/85
Claude Caraway (Acting)	2/85 - 6/85
Dan Hostler (Acting)	6/85 - 12/87
Kenneth May	1/88 -

Chief Rangers

Robert W. Bell	7/62 - 8/70
George Church	10/70 - 12/73
Harry A. DeLashmutt	4/74 - 4/77
Richard G. O'Guin	7/77 - 8/82
Harvey D. Sorenson (Acting)	8/82 - 8/84
Elaine D'Amico	8/84 - 6/85

David Murphy	6/85 - 8/87
Michael Mastrangelo	8/87 - 3/91
Keith Whisenant	7/91 -

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Chesapeake and Ohio Canal

National Historical Park

North

0 5 Kilometers 10

0 5 Miles 10

Canal and towpath trail

Other trail

20 Canal mileage marker

Rapids and hazardous area

Hiker-biker campsite

Telephone

Campground

Restrooms

Boat launch

Picnic area

Snack bar

Handicap access

Canal Terminus
Feeder Dam 8
Guard Lock 8

Cumberland Visitor Center
Western Maryland Station Center

CUMBERLAND

Wills Creek

North Branch

Evitts Creek Aqueduct

Evitts Creek

Locks 74–75

Iron Mountain

Lock 73

Lock 72

Patterson Creek

Spring Gap

Spring Gap

WARRIOR MOUNTAIN

Pigmans Ferry

Oldtown-Battie Mixon

Lock 71

Lock 70

Oldtown

Lock 69

South Branch Potomac River

Potomac Forks

Lock 68

Town Creek Aqueduct

Lock 67

Town Creek

POLISH MOUNTAIN

GREEN RIDGE STATE FOREST

Fifteenmile Creek

PENNSYLVANIA

GREEN RIDGE TOWN HILL

Paw Paw Tunnel (3118 ft. long)

Locks 62–66

Lock 61

Lock 59

Sorrel Ridge

Devils Alley

Lock 58

Little Orleans

Purslane Run

Paw Paw

Tunnel Hill Trail

Lock 60

Fifteenmile Creek Aqueduct

Indigo Neck

Lock 57

Hill Creek

Sideling Hill

Stickpile Hill

Sideling Hill Creek Aqueduct

Lock 56

PENNSYLVANIA MARYLAND

Locks 54–55

Cacapon Junction

Great Cacapon

Cacapon River

Lock 53

Leopards Mill

HANCOCK

Hancock Information Center
180 W. Main Street

Berkeley Springs

Little Tonoloway

Tonoloway Creek Aqueduct

Lock 52

Lock 51

Little Pool

WEST VIRGINIA

Potomac River

Licking Creek Aqueduct

Big Pool

W. VA.

MD.

Back Creek

FORT FREDERICK STATE PARK

McCoys Ferry

North Mountain

Clear Spring

Hedgesville

Four Locks Ranger Station

Locks 47–52

Lock 46

Lock 45

Dam 5

VIRGINIA

WEST VIRGINIA

WINCHESTER

Conococheague Creek

Jordan Junction

MARTINSBURG

Cumberland Valley

Lock 43

Conococheague Creek Aqueduct

Potomac Edison Dam

WILLIAMSPORT

Midpoint of C & O Canal

Opequon Junction

Lock 44

Lock 42

Lock 41

Guard Lock 4

Big Slackwater

Dam 4

HAGERSTOWN

Big Woods

Snyders Landing

Lock 40

Taylors Landing

Killiansburg Cave

BERRYVILLE

SHEPHERDSTOWN

Lock 38

Park Headquarters

Pack Horse Ford

Lock 39

Horseshoe Bend

SHARPSBURG

Antietam Creek

CHARLES TOWN

Antietam Creek Ranger Station

(walk-in camp)

Antietam Creek Aqueduct

Antietam

ANTIETAM NATIONAL BATTLEFIELD

Dargan Bend

Huckleberry Hill

Fort Duncan

Lock 37

Dargan

BOONSBORO

Shenandoah River

Dam 3

Locks 36–36

HARPERS FERRY

Lock 34

Lock 33

HARPERS FERRY NATIONAL HISTORICAL PARK

(hazardous river conditions)

Appalachian Trail

WEST VIRGINIA

VIRGINIA

Footbridge

Lock 32

Lock 31

MD.

VA.

BRUNSWICK

Lock 30

MIDDLETOWN

PURCELLVILLE

Potomac River

Bald Eagle Island

Lander

Lock 29

Lock 28

HAMILTON

Braddock Heights

VIRGINIA

Point of Rocks

Calico Rocks

FREDERICK

LEESBURG

Whites Ferry (operating toll ferry)

Indian Flats

Spinks Ferry

Nolands Ferry

Monocacy River

Monocacy River Aqueduct

Turtle Run

Marble Quarry

Woods Lock (Lock 26)

Lock 27

Dickerson

Goose Creek

Lock 25

Edwards Ferry

Chisel Branch

Beallsville

POOLESVILLE

McKEE BESHER WILDLIFE MANAGEMENT AREA

Seneca Creek

Horsepen Branch

DULLES INTERNATIONAL AIRPORT

STERLING PARK

Seneca Quarry

Seneca Creek Aqueduct

Seneca

Rileys Lock (Lock 24)

Dam 2

Darnestown

Violettes Lock (Lock 23)

Pennyfield

Lock 22

HERNDON

RESTON

MARYLAND

MT. AIRY

GAITHERSBURG

Aqueduct Dam

Swains Lock (Lock 21)

GREAT FALLS PARK

Great Falls Tavern Visitor Center

Boat rides

VIENNA

Old Anglers Inn

POTOMAC

ROCKVILLE

Marsden Tract

Carderock

Seven Locks

Olney

FAIRFAX

McLEAN

BETHESDA

Cabin John Creek

FALLS CHURCH

ARLINGTON

ANNANDALE

Chain Bridge

Rock Creek

WHEATON

ROCK CREEK PARK

Theodore Roosevelt Bridge

Key Bridge

SILVER SPRING

COLUMBIA

ELLICOTT CITY

See detail map on other side

Georgetown Visitor Center

Boat rides

Tidewater Lock

0 Milepost

WASHINGTON

ALEXANDRIA

Memorial Bridge

14th Street Bridge

COLLEGE PARK

CATONSVILLE

To Baltimore

Chesapeake and Ohio Canal

Washington, D.C./Maryland/West Virginia
National Park Service / U.S. Department of the Interior

Official Map and Guide



The C&O Canal started as a dream of passage to western wealth, operated as a conduit of eastern coal, suffered extensive and finally fatal flooding, and then resisted being paved as a highway. Today it endures as a national historical park—a pathway into history, nature, and recreation.

Information

Beside the Potomac River, the C&O Canal stretches from the mouth of Rock Creek in Georgetown to Cumberland, Maryland. Its 74 lift locks raise it from near sea level to an elevation of 605 feet at Cumberland. Its towpath today provides a nearly level byway for hikers and bicyclists. Its watered sections provide quiet waters for canoeists, boaters, and anglers.

The canal was proclaimed a national monument in 1961 and named a national historical park in 1971. Its 184.5-mile length preserves both history and nature. From tidewater at Georgetown in Washington, D.C., to Cumberland on the Allegheny Plateau, the canal winds through the Piedmont, past the dramatic Great Falls of the Potomac, and then through the ridge and valley section of the Appalachian Mountains. Its rich floodplain forests are gifts of the river's frequent floods.

The National Park Service operates information centers at Georgetown, Great Falls Tavern, Hancock, and Cumberland. For general information write: Superintendent, C&O Canal National Historical Park, Box 4, Sharpsburg, MD 21782, or phone (301) 739-4200. For information about the Georgetown to Seneca section, phone (301) 299-3613. For emergencies phone (301) 739-4206, or, from Georgetown to Seneca, (202) 619-7300.

Maps and books about the canal are sold at some information centers and by mail. For a free list write: Parks and History Association, P.O. Box 40929, Washington, DC 20016, or phone (202) 472-3083.

Canal Recreation

Ranger Programs and Museum Information about the walks and evening programs, conducted year-round, is available at information centers. A museum in the historic Great Falls Tavern includes an exhibit about the canal's operation.

Hiking and Bicycling The canal's towpath is an elevated trail 184.5 miles long. It was originally built 12 feet wide as a path for mules that pulled canal boats. Today it provides through-travel opportunities for hikers and bicyclists. Mile markers are posted.

Camping ***Drive-in camping*** areas (primitive facilities only, no group camping allowed) at McCoys Ferry, Fifteen Mile Creek, and Spring Gap operate on a first-come, first-served basis. ***Group campgrounds*** are found at the Marsden Tract, Antietam Creek, and adjacent to Fifteen Mile Creek. ***Hiker-Biker overnight*** campsites for tent camping occur approximately every five miles between Horsepen Branch and Evitts Creek. The Marsden Tract site requires a free permit. Obtain this from the park ranger at Great Falls Tavern (see address and phone number under "Great Falls Information" by smaller map). Camping is permitted in designated areas only.

Supplies Camping supplies, ice, food, and beverages can be bought at most stores along access roads. Water-pump handles are removed in winter, so water must be carried then.

Canoeing and Boating Canal canoeing and boating are popular in watered levels, or sections, between Georgetown and Violettes Lock. You must portage around each lock. Canoes can be rented at Swains Lock and at Fletcher's Boathouse (see map below). Above Violettes Lock only short, isolated stretches can be canoed—Big Pool, Little Pool, and a 4.5-mile section from Town Creek to Oldtown. Motorized craft are generally prohibited, except electric trolling motors are allowed at Big Pool.

River Canoeing and Boating Only experienced canoeists should attempt to canoe on the Potomac River. Obtain canoeing information at Great Falls Tavern. For safety, canoeing is discouraged in these areas: Little Falls to Chain Bridge; Great Falls of the Potomac; and between Dam 3 and the U.S. 340 bridge downstream from Harpers Ferry. Boating in these areas is extremely hazardous and should not be attempted when water levels are high. All boating on the Potomac is subject to Maryland regulations; the river is not within the park. The National Park Service provides public access boat ramps—see maps.

Horse Use Horseback riding is permitted from Swains Lock to Cumberland. Horse parties are limited to five riders. No horses are permitted in the campgrounds or the hiker/biker campsites. Horse riders should contact park headquarters for complete regulations on overnight camping. Horses must be kept at least 50 feet from picnic areas and campgrounds. They are not permitted in the Paw Paw Tunnel.

Picnicking You may picnic anywhere along the canal, but fires are permitted only where fireplaces are provided.

Vehicles Prohibited All motor vehicles, including mopeds, motorcycles, snowmobiles, and horse-drawn vehicles, are prohibited on the towpath.

Safety and Management Swimming and wading are prohibited in the canal. River currents are strong, deceptive, and unpredictable. The Potomac River must be respected as extremely dangerous. Hunting and trapping are prohibited. Fishing is subject to Maryland or Washington, D.C., regulations.

Cover photo: *Darby Mill, Williamsport, Md., about 1895.*

Georgetown to Swains Lock

Georgetown Information The canal information center is in the Foundry Mall between 30th and Thomas Jefferson Streets; phone (202) 653-5844.

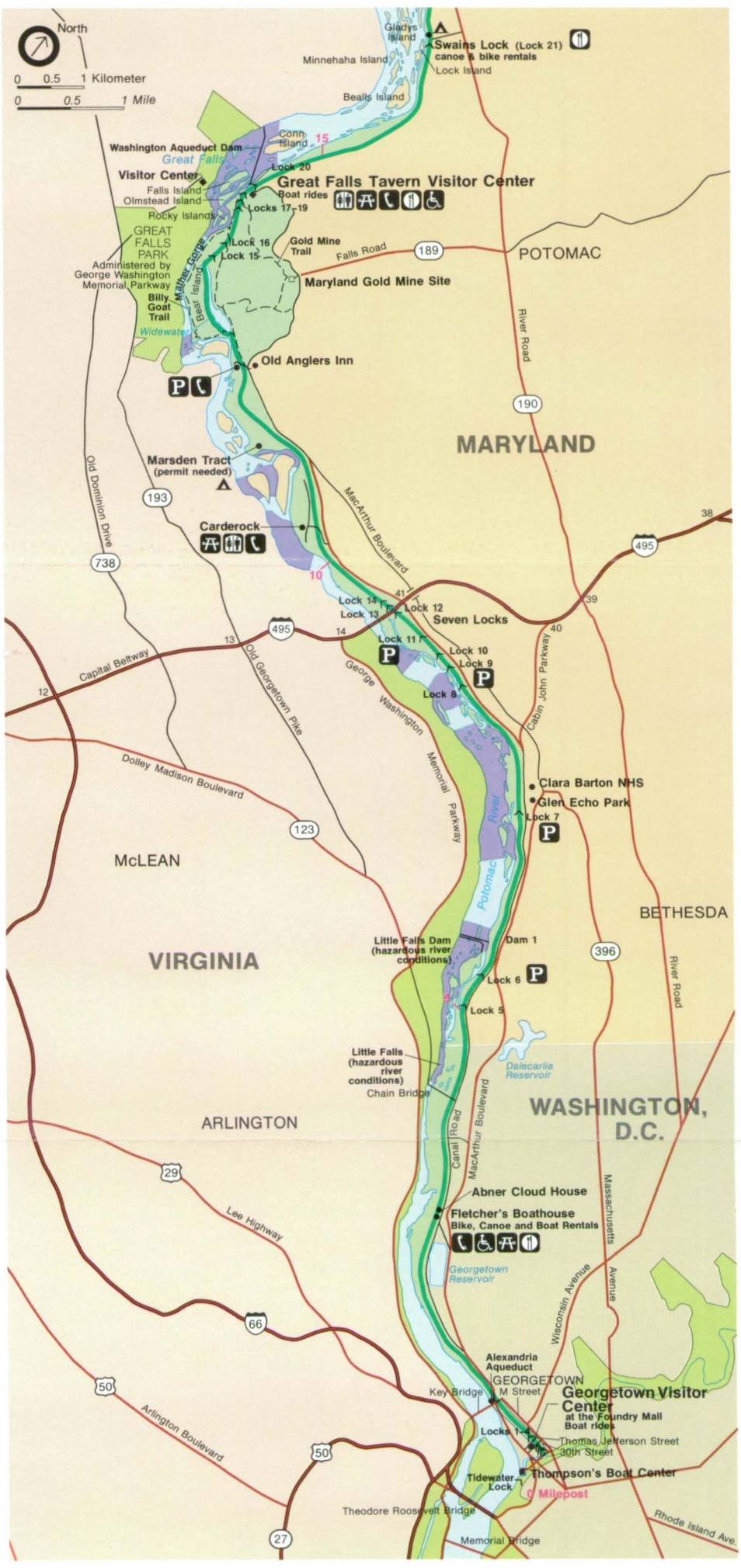
Great Falls Information The canal visitor center is in the Great Falls Tavern, 11710 MacArthur Blvd., Potomac, MD 20854; phone (301) 299-3613.

Boat Trips Relive the canal's heyday afloat under mulepower and lock through with a crew of costumed interpreters. Boats run at Georgetown and Great Falls from mid-April to mid-October. Tickets go on sale two hours before each trip. Reservations are taken for organized groups only. For Georgetown tickets, go to the canal information center (location above), or phone (202) 472-4376. For Great Falls, go to the tavern visitor center, or phone (301) 299-2026.

Rentals Rent canoes, boats, and bicycles at Thompson's Boat Center, (202) 333-9543; Fletcher's Boathouse, (202) 244-0461; or Swains Lock, (301) 299-9006.

Georgetown Georgetown predates creation of the Nation's Capital. It was an early, busy tidal port for the East Coast and Europe trades. The canal's tidelock lies at the mouth of Rock Creek, near the John F. Kennedy Center for the Performing Arts. Canal and towpath today thread a quaint commercial and residential area featuring fine restaurants and shops. In the canal's heyday Georgetown was a thriving industrial center.

Great Falls The Great Falls of the Potomac River attracted tourists from the canal's early days. The tavern, first built as a lockhouse, was expanded twice in its first four years. From Widewater—an earlier river channel—upstream to Great Falls the canal adjoins an exciting river landscape. Mather Gorge below Great Falls was carved by the falls. A trail system provides scenic but sometimes rugged hiking options. Ask at the tavern visitor center for directions to the Maryland Gold Mine. The visitor center exhibits show a lock model and canal era artifacts. A snackbar at Great Falls is open April through October. No rentals.



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