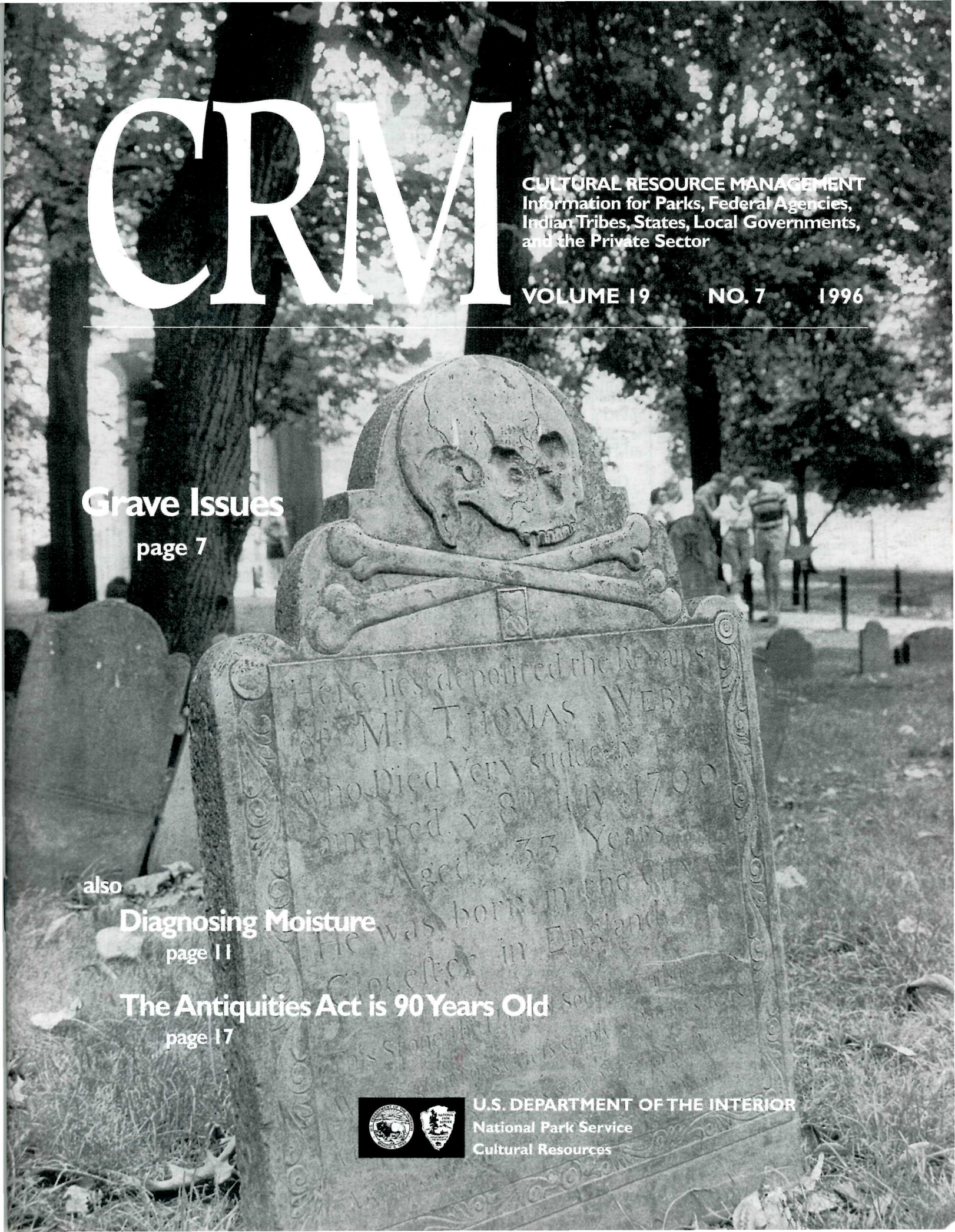


CRM

CULTURAL RESOURCE MANAGEMENT
Information for Parks, Federal Agencies, Indian Tribes, States, Local Governments, and the Private Sector

VOLUME 19 NO. 7 1996

Grave Issues

page 7

also

Diagnosing Moisture

page 11

The Antiquities Act is 90 Years Old

page 17

U.S. DEPARTMENT OF THE INTERIOR
National Park Service
Cultural Resources

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To promote and maintain high standards for preserving and managing cultural resources

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Contents

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DEPARTMENTS

Point of View 3
Washington Report 4
Preservation Resources 5
NCPTT 35
Bulletin Board 35

FEATURES

Grave Issues 7
Restoring Boston's Historic Burying Grounds
Elizabeth A. Shepard

Diagnosing Moisture in Historic Buildings 11
Sharon C. Park

Have You Checked Your Pocketknife Lately? 15
Jeanne M. Harold

90 Years of Archeology and Historic Preservation 17
Francis P. McManamon

The Antiquities Act—Setting Basic Preservation Policies 18
Francis P. McManamon

In Defense of Digging 23
Archeological Preservation as a Means, Not an End
William D. Lipe

The Antiquities Act—Regulating Salvage of Historic Shipwrecks 28
Caroline M. Zander

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Departments

POINT OF VIEW

Letters

Gaming or Gambling?

Dear Editor

With a few exceptions, the article by William V. Ackerman, "Financing Historic Preservation in Rural Communities: A Case for Legalized Gaming" (Vol. 19, No. 4), employs throughout the "gaming" euphemism invariably used by the gambling industry. It's clear why those promoting legalized gambling favor this term: while "gambling" carries a lot of negative baggage, who could be against playing games? It's less clear why an official publication of the National Park Service has to abet the industry's PR campaign in this way.

—Barry Mackintosh
Historian, NPS

Dear Editor

William V. Ackerman's article ("Financing Historic Preservation in Rural Communities," *CRM* Vol. 19, No. 4) does the cause of historic preservation a disservice by using the example of Deadwood, SD, to make "A Case for Legalized Gaming."

In short, it's a case for preserving buildings but forsaking people and communities. Paying for preservation through gambling proceeds, in the words of a Deadwood preservation advocate, is "like trying to make a bargain with the Devil."

Like most of its proponents, Ackerman attempts to sanitize gambling by calling it "gaming," as if this form of "financing" were some kind of disembodied and neutral revenue device, as innocuous as tiddly-winks, or as wholesome as Little League baseball.

Instead, slot machines—the most ubiquitous form of gambling in Deadwood—are deviously engaging bottomless boxes which dehumanize people drawn to them and destabilize communities that permit them. Of all the ways to invest our hopes for the future (or avoid unhappiness about the past or present) slot machines are among the most pernicious. Mesmerized by beeps and blinking lights, people throw money away and become compulsive, dead-eyed lever-pullers while sitting inside in degrading spaces.

Because slot machines make so much profit, they are a disincentive for a community to operate any other kind of business, except selling alcohol, which gamblers consume to dull the awareness of their multiple losses or to celebrate infrequent successes. Thus, every available building is turned over to as many slot machines as permitted or will fit inside, and the community becomes a slave to its cash cow idol. From what I saw in 1993, this is what happened to Deadwood. You can't even escape gambling in the supermarket, where slot machines line the front window.

"Not all the citizens of Deadwood are comfortable with the changes in their city," Ackerman acknowledges. "Residents are unable to shop where they used to, and their lifestyle has been crimped by increased traffic and lack of parking."

Their "lifestyle has been crimped?" One may as well say the same about seriously-injured people who have been raced to the hospital, while noting of their totaled car only that one tire is flat. Yes, some residents have struck it rich through gambling. But Ackerman fails to report the true damage. Among the casualties: legalized gambling displaced from Deadwood's downtown virtually everything people regularly rely on—hardware, pharmacy, laundromat, barbershop and the like—in favor of enterprises that exclusively feed and feed off tourists.

What those tourists experience in this National Register Historic Landmark District on Main Street is a bogus "history." An over-restored late-19th and early-20th-century commercial district is employed as a stage set for attempts to evoke an earlier gold rush/wild west atmosphere with which the restored architecture never co-existed.

Moreover, that atmosphere glamorizes 19th-century greed and violence in a way that we can appreciate only by imagining that the late 21st century will interpret our present urban culture solely by re-enacting drive-by shootings. From the tombstones for Wild Bill



Slot machines in Deadwood, SD.

Hickok and Calamity Jane up on Boot Hill, to Wild Bill's "death chair" displayed behind glass on a wall along with stuffed and mounted animals, to the implied link between gunslinger poker and slot machines, Deadwood romanticizes desperation and death, which Ackerman breezily glosses as "an exciting history of gold, outlaws, and gunfighters."

Well, more than the brief period of local history that involved get-rich-quick loners prospecting for gold and murderous low-lives drinking in the saloons, much more of Deadwood's past and present economy and culture is based on the open-pit, industrial-scale gold-mining that was still going on three years ago. This is the activity, I'm told, that built a community in Deadwood, bringing people to construct both that commercial Main Street and residences on the surrounding slopes.

High above Deadwood Gulch, on a residential street where tourists never go, the roof on a one-car garage provides eloquent testimony to that longer, stable, sober but creative chapter of local history. The garage was built in the 1930s by a worker in the gold refinery to shelter his first car. To sheath the roof, he brought home from work empty cyanide cans whose lids he flattened and fastened down like overlapping shingles. This vernacular garage roof is like much of Deadwood's historic cultural resources that are undervalued in the current obsession with such creepy icons as Wild Bill's alleged so-called "death chair."

For example, a Chinese inscription on a tiny headstone in a different part of the cemetery where Hickok is buried is a touchstone to the significant role that Chinese immigrants played, in building the region's railroads and providing the labor that underpinned the Main Street service economy long after the gold rush was over. At the more recent end of the historic timeline, Deadwood retains a Streamline-style gas station, as well as a range of building types and styles that span historic eras.

Then there is Deadwood Creek itself, where gold was discovered, setting in motion everything that produced a town here. But this foremost reason for Deadwood's very existence is now out of sight, gathered into a storm sewer culvert running under the highway that parallels Main Street. One of the best uses for the steady stream of preservation funds from gambling—besides supporting a local chapter of Gamblers Anonymous—would be to bury the highway under a Deadwood Creek restored to the surface.

Evaluating historic cultural resources requires us to consider the human values that produced them, and which also destroy or sustain them. For thousands of years, that creek was valued by Native Americans for its fresh water and associated wildlife. Then, because white European immigrants assigned extremely high value to a shiny metal, the place took on the feverish greed of those who came in pursuit of gold. Now, in the pursuit of tourist dollars, legalized gambling is reenacting that earlier period more thoroughly and lastingly than the reenactments of gunfights on Main Street.

Ackerman notes: "Deadwood has been a National Historic Landmark since 1961, recognized for its representation of the economic and social effects of western mining booms." Today's gambling boom is bringing its own economic and social effects. But Ackerman focuses exclusively on the economics of restoring buildings, and fails to recognize the social effects of the gambling boom on the community, including the degradation of the kind of values and diversified local economies that healthfully sustain communities.

"Hey, Deadwood was founded on gambling," a resident told me three years ago. "This is its karma."

Maybe so. But that doesn't mean the same strategy and outcome is desirable for other historic rural towns that don't want to save their buildings and lose their soul in the bargain.

—Richard J. Ewald
Architectural Historian
Westminster, Vermont

WASHINGTON REPORT

Cultural Resource Programs Management Council

A Message from the Associate Director

During my first year as Associate Director for Cultural Resource Stewardship and Partnerships, it became clear to me that if we were to make progress toward achieving any of our strategic goals in the cultural, recreation, and partnership programs, I needed to find a way to encourage wider involvement in policy and budget matters in my Associateship.

After examining several options, I decided to establish a Management Council. The role of this Council is to advise me on how the strategic plan can best be turned into action, including policy, budget, and work products as well as the development of criteria for allocating funds. The Council will also educate and advise each other on the stewardship and partnership programs. It will act as advocates for these programs inside the NPS and with the public. It will advise me on matters of public policy, professional practices and methodologies for the programs, and will provide a forum for interaction among the various entities and points of view.

The Council is composed of the WASO program managers in my Associateship as well as two representatives per Field Area. We meet twice a year as a group but sub-committees will meet as nec-

essary to analyze issues and to recommend action. The Council members welcome suggestions and advice on topics or solutions.

—Kate Stevenson

PRESERVATION RESOURCES

Publications

Guidelines for Landscape and Visual Impact Assessment, by the Institute of Environmental Assessment and Landscape Institute of the UK; ISBN: O-419-20380-X. For information, contact Chapman and Hall, 115 Fifth Avenue, New York, NY 10003; 1-800-842-3636.

Preservation On-Line News

Launched by CEHP (Conservation, Environment & Historic Preservation), *Preservation On-Line News* provides first-hand information on legislation and public policy issues relating to historic preservation and environmental conservation, plus timely updates on the top issues of the week, as well as occasional analysis of emerging issues. For a free sample of *Preservation On-Line News,* send a request by email to CEHP@Hap.Cais.Com. For subscription information, contact CEHP, 1627 K Street, NW, Suite 300, Washington, DC 20006; 202-293-1774.

Reference Directories on American Indians, Alaska Natives and Native Hawaiians

As cultural resource managers explore the overlapping interests they share with Native Americans in the United States, many can benefit from reference sources that provide useful background information about the range of interests and existing resources. We have the following directories and find them useful but recognize that our collection is not comprehensive and ask you to contact us with other sources. We would also like to coordinate an article, similar to this on the governmental sources of information. If you have information you would like to see included in such an article, you can write to the Editor, *CRM* or NPS American Indian Liaison Office, National Park Service (2205), P.O. Box 37127, Washington, DC 20013-7127; tel. 202-208-5476; fax 202-273-0870.

Indian America, A Traveler's Companion, 4th edition: Eagle/Walking Turtle, 465 pages, 1995, $18.95. Published by John Muir Publications, P.O. Box 613, Santa Fe, NM 87504; tel. 800-285-4078, ext. 29; or 505-982-4078. ISBN 1-5626-1238-7.

Organized by region and within region by state. Information by state includes listings for each tribe with complete mailing address, phone and fax numbers, location, public ceremony or powwow dates, art forms, visitor information. Visitor information can range from a paragraph in length to multiple pages, including a history of the tribe and of the recreation resources available, maps, and historical photographs.

Native American Directory Alaska, Canada, United States published by National Native American Cooperative, Fred Synder, Director, 600 pages, 1996; $125 Library edition; $64.96 US, $80.95 Canada, $89.95 overseas for paperback edition [all prices include airmail/priority shipping]. National Native American Cooperative, P.O. Box 1000, San Carlos, AZ 85550-1000. ISBN 0-9610334-3-6 [Lib. Ed.]; ISBN 0-9610334-5-2 [pb. Ed.]

Subtitle cites "galleries, Indian stores, trading posts, events, organizations, media outlets, tribal office and reserves." Information compiled from a variety of sources such as BIA, US Census, Public Health Service, Indian Health Service, Native organizations and associations. Two sections of particular interest: (1) Tribal Graphs—organized by state and then tribe, combines a historical and economic profile for each tribe which includes the population (from 1990 census), trust acreage, address, phone, fax number, "treaty petition"—that is, the date of the first treaty signing or the month, date, year for petitions for government recognition. The economic portion cites whether there are gaming casinos, lodging, newspaper, museum/cultural center, and if the main economic base is in agriculture, fish, minerals, ranching, or timber. (2) Native American Media: An Overview—again, organized by state, identifies whether the newsletter, newspaper, is owned by an individual, tribe, organization, independent or is off reservation, and its frequency—bi-monthly, bi-weekly, quarterly, yearly, weekly, monthly, daily, irregular. Provides address, phone, fax number. The Library Edition includes pictures and maps.

Reference Encyclopedia of the American Indian, 7th edition, Barry T. Klein, 883 pages, 1995; $125 hardcover; $75 paperback; shipping $5. {8th edition due out March 1997}. Published by Todd Publications, P.O. Box 301, West Nyack, NY 10994, 914-358-6213. ISBN 0-915344-45-9 [hc.]; 0-915344-46-7 [pb.].

Source listings include reservations, communities, tribal councils, federally-recognized tribes, government agencies, national associations, Native American financial institutions, regional, state and local organizations, schools, college courses and programs, financial aid, Indian Health Services, museums, monuments and parks, libraries and research centers, radio and television, tribal casinos and bingo halls, audiovisual aides [films, videos, recordings, computer CD-ROMS], AV distributors, periodicals, arts and crafts shops and cooperatives, Native American events; Canadian section with similar kinds of information. Two sections of particular interest: (1) Bibliography—alphabetical, subject, publishers index; (2) Biographies and related index.

Most listings include a brief narrative paragraph which provides very helpful first-cut information.

Tiller's Guide to Indian Country: Economic Profiles of American Indian Reservations Veronica E. Velarde Tiller, 712 pages, 1996; $65.95 [price includes shipping]. Published by BowArrow Publishing Company, 12605 Indian School Road NE, Albuquerque, NM 87112-4719; tel. 505-298-4774, orders 800-895-8665; fax 505-293-2123. ISBN 1-885931-01-8.

Organized by state and then by tribe. Each listing offers a map of the state, with major highways, cities, and counties, and the location of the tribe. Identifies location and land status, culture and history, government, economy, economic development projects, gaming, government as employer, services, tourism and recreation, infrastructure, community facilities, health care. Provides mailing address, phone number and fax, and basic statistical information if available, regarding acreage, total labor force, education, unemployment, population, tribal enrollment. Photographs and maps.

—Emogene A. Bevitt
Program Specialist
National Park Service
American Indian Liaison Office,
Washington, DC.

(This office was created in February 1995, as part of the National Park Service Restructuring Plan. Its mission is to improve relationships between American Indian tribes, Alaska Natives, Native Hawaiians and the National Park Service through consultation, outreach, technical assistance, education, and advisory services.)

Reviews

Three from the Smithsonian

Reviewed by
Diane Vogt-O'Connor

The Smithsonian Institution Press is celebrating the 150th birthday of the Smithsonian by issuing a series of glorious exhibition catalogs, guide books, and old fashioned picture books celebrating the Institution. Among the new works are:

America's Smithsonian: Celebrating 150 Years, foreword by I. Michael Heyman, current Secretary of the Smithsonian. Smithsonian Institution Press, Washington, DC: 1996. 9x12, 288 pp., 342 color photographs; $45.00 cloth; $24.95 paper. Created to accompany the traveling exhibition, *America's Smithsonian,* this matching volume provides an excellent overview of the Smithsonian's spectacular collections ranging from dinosaur fossils and royal Benin sculpture to Abraham Lincoln's hat and the Apollo 14 command module. The elegant photographs alone are worth the price of the volume.

Cogent, well-written text describes images of evocative objects and the subjects they illustrate—from Japanese ceramics and African-American family keepsakes to clothing from the Ghost Dance religious movement of the 1880s and images of American inventors' patent models. To quote the exhibition director, J. Michael Carrigan, the curators involved in the book "begin to suggest how objects become treasures and icons of personal and national significance." This celebratory volume explores the links forged between the American people and the national museum during 15 decades of dialog between scholars, staff, and the general public.

Official Guide to the Smithsonian. Smithsonian Institution Press, Washington, DC: 1996. 4 13/16 x 8 1/2, 192 pp., 250 color illus., 12 maps. Provides a lively overview of the Smithsonian's 16 museums and the National Zoological Park, including for the first time the new National Postal Museum and the National Museum of the American Indian. This convenient and colorful guide includes a review of the Smithsonian's "electronic services," including World Wide Web addresses and electronic exhibits (a very helpful innovation in a museum guide that will encourage later guide use at home)

Rare Books and Special Collections in the Smithsonian Institution Libraries. Smithsonian Institution Press, Washington, DC: 1996. 7x10, 108pp., 47 color, 14 b/w illus., $19.95, paper. Here in one volume is a sample of the collection highlights of the Smithsonian's 18 libraries covering a wide variety of topics from natural history to astronomy; decorative arts and design to African, Asian, and American art; and postal history to American history. These collections include 40,000 rare or valuable volumes, 1,800 manuscript groups, dating from the 15th-18th centuries, and 285,600 trade catalogs and related printed materials, relating to American technology, manufacturing, and business, as well as maps, journals, pamphlets, prints, artifacts, and a portion of James Smithson's library.

Ranging from botanical illustrations by Redoute to an almanac by the nation's earliest celebrated African-American scientist and from trade catalogs documenting American technology and business to world's fair publications, this richly illustrated handbook introduces world-class collections. In the future we can only hope the Smithsonian Libraries will produce additional volumes to exhibit more of their sterling holdings, such as perhaps one on the outstanding archival holdings on design at the Cooper-Hewitt. Library Director Barbara Smith is to be congratulated on a fine introduction to Smithsonian special collections and rare books.

—Diane Vogt-O'Connor
Senior Archivist, NPS

Traveler's Guide to the Great Sioux War: The Battlefields, Forts, and Related Sites of America's Greatest Indian War. By Paul L. Hedren. Helena: Montana Historical Society Press,

—continued page 33

Features

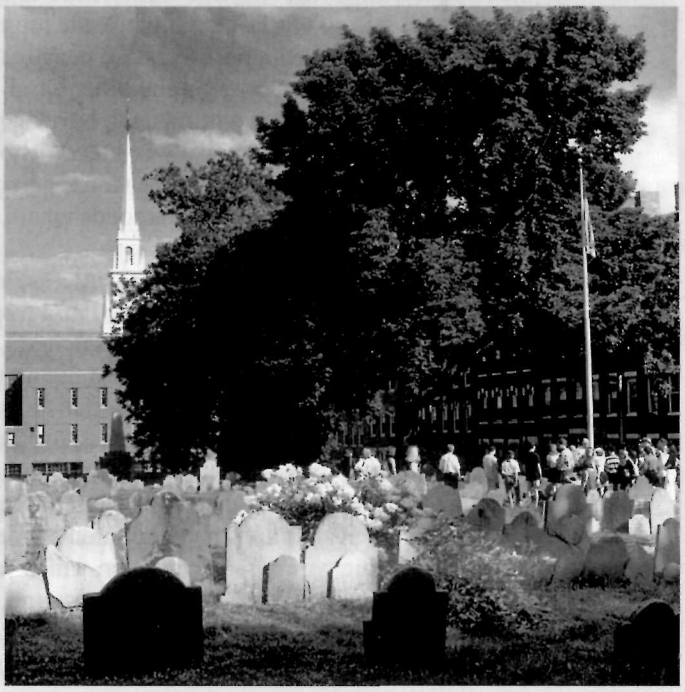
Elizabeth A. Shepard

Grave Issues
Restoring Boston's Historic Burying Grounds

Because of their tremendous historic and cultural significance and genealogical associations, Boston's historic burying grounds are some of the country's most important cultural landscapes and represent some of the most tangible links to our past. Dating back to 17th-century settlement and spanning through the evolution of garden-style "rural" cemeteries, these resources are collectively a multi-volume history of the region—a set of three-dimensional textbooks awaiting perusal. Boston's burying grounds contain some of the country's finest and most representative examples of 17th, 18th, and 19th-century funerary art and iconography. Ranging from the starkly foreboding death's head and the peacefully winged cherubic motifs to the refined neo-classical willow-and-urn motif and grand obelisks and monuments, Boston's gravemarkers and monuments punctuate a lengthy cultural, historic, and aesthetic timeline. Although the nature of other types of historic and cultural resources has been tenuous and fleeting, these landscapes stand steadfast in remembrance of thousands of Bostonians. Quintessential community spaces, these sites are the final resting places of a diversity of community members—a true honor roll of our nation's Puritans, patriots, and noble citizens.

Ranging in date from 1630 to 1841, Boston's burying grounds are located in the heart of nearly every neighborhood. These resources are indices of a community's growth and development. Their location serves as an indicator of initial settlement. The collection of artifacts, their size, materials, level of ornamentation, and range of carving styles chronicle the life of a community and provide a revealing cross-section of a community's socio-economics and culture. Ranging in size from less than one-half acre to more than three acres, most of Boston's burying grounds remain intact, although three have lost land to road expansion and building development. Some burying grounds boast a collection of more than 2,500 gravestones and monuments—the predominant material is slate, although marble, brownstone, and granite are well-represented.

Fourteen of the sixteen burying grounds curated by the city have always been municipally owned; two were originally associated with "first parish" Congregational churches. It is important to note that there are far more than 16 burying



Copp's Hill Burying Ground (c. 1659) is the second oldest burying ground in Boston proper. A designated site on Boston's Freedom Trail, a 2.5-mile urban walking trail which connects 16 different sites linked by the Revolutionary War theme, this site is visited by 3,000 people per day during peak tourist season. Located in the historic North End, a densely-settled neighborhood with a scarcity of greenspace, Copp's Hill also serves as an important passive recreational open space for neighborhood residents. Old North Church steeple is visible in background.

Copp's Hill Burying Ground is the final resting place of thousands of Boston citizens and contributors to the process of nation-building, including the Mather family, generations of prominent and well-published religious leaders, Prince Hall, Patriot and founder of the Black Masonic League; and Robert Newman, who hung the lanterns from Old North Church to signal a waiting Paul Revere. Copp's Hill is the three-dimensional index of the North End community, poignantly reflecting its 17th-, 18th-, and 19th-century seafaring economy and ethnically diverse community. Crafting traditions and people's life's work are etched on gravestones for posterity review, including trades such as "cooper," "cordwainer," "shipwright," "sea captain," etc. Additionally, there are more free blacks buried in this site with gravestones than any other Boston burying ground. Photo by Stephen Sears.



King's Chapel Burying Ground (1630) is the oldest burying ground in Boston proper. Located in downtown Boston, it is a designated site on Boston's historic Freedom Trail. The final resting place of Puritans and Patriots, this honor role includes John Winthrop, the first governor of the Massachusetts Bay Colony and "City Upon a Hill" visionary; William Dawes, who rode to Lexington with Paul Revere to warn John Hancock and Samuel Adams that the British were afoot; Mary Chilton, who was the first woman to step foot off the Mayflower in Plimouth Colony; and thousands of others. Photos by Stephen Sears.

The death's head motif is one of the most widely-used carving motifs on Boston's 17th and 18th-century gravestones. Some historians and material culturists have correlated the New England settlers' staunch religious philosophies to the stark carving motifs and epitaphs. Old City Hall is visible in the rearground.

places in the City of Boston; the other sites range from parish burying grounds, family burying grounds on homesteads, to sites originally-associated with hospitals. Because of ownership issues, these burying places do not fall under city control.

Four of the sixteen burying grounds owned by the city are designated Freedom Trail sites; the remaining are located in Boston's neighborhoods—originally distinct communities which were annexed by Boston in the 19th-century. By virtue of being on the Freedom Trail, a 2.5-mile, urban walking trail which guides approximately 3 million visitors per year to 16 historic sites linked by a Revolutionary War theme, and by virtue of being the final resting places of many notable founding mothers and fathers, these sites are heavily traveled tourist destinations. On the other hand, the neighborhood burying grounds, the burying places of contributors to more locally-oriented history, serve as important passive recreational greenspaces, particularly in neighborhoods where open space is at a premium.

Over the last three centuries, interest in Boston's burying grounds has waxed and waned corresponding with historical, cultural, and genealogical trends—one of the most dominant trends was the Colonial Revival. In the 1970s, as our nation's Bicentennial approached, Bostonians began looking to the tangible evidences of their heritage. After years of deferred maintenance, Boston citizens felt that the debilitated condition of the burying grounds—a condition which was being realized by towns, municipalities, and grassroots groups across the country—was both a disgrace and a sign of insolent disrespect. Boston's Historic Burying Grounds Initiative (HBGI) evolved out of this growing concern about the condition of these invaluable, irreplaceable historic resources.

In response to this call to action, local and statewide historic preservation groups gathered in a round-table fashion to discuss and thoughtfully plot-out a course for the restoration of these cultural landscapes. The sense of urgency, felt by many, was tempered by an acute awareness that expedient solutions too often compound the problem at hand. The City of Boston Parks and Recreation Department, the proprietor and steward of the sites, realized that it was imperative that this restoration effort be a well-conceived, carefully-planned endeavor. Therefore, the city declared a moratorium on all repairs and restoration. The round table planning group developed a "shopping list" or wish list of concerns.

The HBGI was born out of these planning sessions. By 1983, a stone-by-stone inventory, a massive effort which catalogued every aspect of more than 16,000 gravemarkers and monuments, was completed by a fleet of supervised volunteers. The HBGI sought volunteers and interns through local colleges and universities; and small-scale stipends were secured through the National Trust for Historic Preservation's now-defunct Yankee Internship program. The inventory has served a key role in gravemarker reset and conservation projects and is an important resource to genealogists and researchers. Since the mid 1980s, burying ground and cemetery survey work has evolved into a refined science; the HBGI's efforts represent some of the earliest attempts at comprehensive documentation. A lack of funding prohibited photographic documentation of every site. Contemporary inventory efforts are, however, incorporating photography as an integral, indispensable component of survey.

In 1985, a Master Plan was funded and commissioned to detail a step-by-step, comprehensive restoration and revitalization of each site. Produced by a interdisciplinary team of structural engineers and landscape architects, this plan addressed the burying grounds from all preservation perspectives—addressing structural, curatorial, archeological, and landscape architectural components—and treated them as organic, complex landscapes. The end of 1986 marked the publication of this document and the beginning of a full-scale implementation of the Plan's top priorities. The Master Plan articulated clearly that the proposed undertaking—the comprehensive restoration of Boston's 16 burying grounds—was a $6.1 million endeavor. When considering this figure, it is important to note that, in 1986, this was a sum yet to be raised or allocated.

Because the HBGI was founded on the premise of sound preservation planning and implementation, all construction specifications and drawings produced for projects have complied with the *Secretary of the Interior's Standards for the Treatment of Historic Structures.* Many of the burying grounds are located in historic or conservation districts or are listed individually on the National Register of Historic Places. Design review is, therefore, a necessary component of the restoration process. Although selection of designer services and construction award is based on the public bid process, the HBGI includes language in Requests for Qualifications (for design services) and bid advertisements which specifies a mandatory number of years experience in dealing with historic landscapes, historic masonry structures, trees in historic landscapes, etc. In addition, many specifications have required contractors to employ an archeologist, industrial hygienist, or other specially-trained professionals to address unique aspects of a specific project.



The Joseph Tapping stone (1678) is one of the most iconographically-significant gravemarkers in King's Chapel Burying Ground. This work of art features the reverse "S" scroll, the hourglass, Father Time snuffing out the candle of life, and the Latin inscriptions "Fugit Hora" [time flies] and "Memento Mori" [remember death]. Photo by Annmarie Rowlands.

Using the priorities detailed in the Master Plan, the HBGI pursued the projects which presented the greatest risk to visitors and passers-by (i.e. leaning and bulging walls and heaved walkways) and to the resources themselves (i.e. hazard trees which could damage gravemarkers and monuments, elements which were debilitated to the point of losing integrity). Because the stability of many of the below-grade tombs and vaults had been compromised seriously by age and originally-deficient construction methodologies, perimeter/retaining walls and tombs were the first to be addressed via annual allocations from the city's Office of Capital Planning.

Gravestone and monument conservation and reset was funded largely by private and state sources. The HBGI has followed a series of different conservation specifications. In the beginning, under the leadership of Columbia University's Preservation Program, the HBGI specified the use of epoxy repair techniques and later polyester resins for adhesive repair of gravestones. After 5-7 years, however, many of those early repair attempts failed because of the adhesive material's sensitivity to ultraviolet rays, thermal conditions, and external stresses. In the early 1990s, the HBGI started to specify a mortar-patch method, a high-lime content mortar, on both slate and marble; this method has proven successful to date. Very limited brownstone conservation and marble consolidation has been pursued.

In instances where funds are yet to be raised or successful adhesive repair is not likely, gravemarker and monument fragments which are in danger of theft or further vandalism are inventoried and removed from the site and placed in the City of Boston's Archaeology Laboratory. The primary mission of the fragment collection program is to curate fragments until they can be returned to the field. Based on a set of criteria, the HBGI project manager assesses the fragments' ability to be safely reset in the field. If fragments are not large or intact enough to be safely reset according to the HBGI specifications, they are permanently accessioned into the fragment collection. This collection is curated by the City of Boston's Archaeologist.

With annual appropriations from the City of Boston Office of Capital Planning and significant infusions of private money, over the past 10 years the HBGI completed nearly $4 million in restoration work—or approximately one-half of the original priority list. Defined as a public/private cooperative venture, the HBGI was granted 501(c)(3) status via a City of Boston Trust Fund account. The Fund for Parks and Recreation, the HBGI's fiscal agent, provides the program with the ability to seek and receive funds from charitable foundations, corporations, and individuals. To the extent allowed by law, the Fund for Parks and Recreation provides a tax-deductible, charitable opportunity for contributors.

In addition to having a Master Plan as a priority/need-based guide, one of the keys to successful fundraising and site management grew out of relationships with local constituents and corporate "friends." Seeking local interest and support, the HBGI forged strong partnerships with organizations such as neighborhood associations, historical societies, corporate abutters; formal "friends" groups resulted. "Friends" groups are truly the "eyes and ears" of these resources, and in some cases have assumed varying levels of responsibility. For example, members of the Friends of Copp's Hill Burying Ground, a formally incorporated group, open and close the site daily and water newly-installed trees. The corporate Friends of the Granary Burying Ground serve as a key funder for construction projects and public programming efforts. The combination of public and private dol-



The Franklin obelisk is one of the most visible and visited architectural elements in the Granary Burying Ground (1660). The Granary is located on Boston's Freedom Trail. Benjamin Franklin, born in Boston, erected this Quincy–granite obelisk in memory of his parents. This burying place has more founding fathers than any other burying ground in Boston. This honor role includes Patriots Paul Revere and James Otis; John Hancock, Samuel Adams, and Robert Treat Paine, signers of the Declaration of Independence (Paine was also a signer of the Constitution); victims of the Boston Massacre; and Benjamin Franklin's parents. Photo by Annmarie Rowlands.

lars, partnering of efforts, and shared stewardship initiatives have been highly productive.

In the mid-1980s, the maintenance component of Boston's 16 inactive burying grounds was transferred from the city's Cemetery Division to a three-man crew administered by the Parks and Recreation Department. Deferred maintenance had created overgrown, uncontrolled landscapes.



Located in the Granary Burying Ground (1660), the third oldest burying ground in Boston proper, the Ruth Carter (1697-98) stone is one of the finest and most representative examples of colonial gravestone carving. Unlike most other contemporary carvings of like subjects, the Carter stone illustrates well-proportioned skeletons standing on Doric column bases. Some believe that this carver used medical books from England as a template for his carving. Photo by Annmarie Rowlands.

With the guidance of the HBGI, dedicated community groups participated in annual clean-ups which worked to carve the originally-intended features and planned components out of the landscapes.

Because of damage to the artifacts, the Master Plan mandated the implementation of new maintenance techniques. These techniques included the elimination of side-collecting lawnmowers to reduce scratching and chipping damage, and the use of plastic-whip weedwackers. Dedicated weekly maintenance and seasonally appropriate work has made a significant impact on how these sites contribute to local streetscapes. Likewise, the community's treatment and perception of them has changed. Correspondingly, with increased care and activity, there has been a reduction in mistreatment, vandalism, and general urban misuse.

Because trees are some of the most visible elements in these landscapes, and in some cases, represent some of the oldest trees in a given neighborhood, pruning, removal, and installation is also an important management focus. Trees have inestimable value in urban landscapes and are true character-defining features of these evolving resources. Many of these sites had significant 19th-century "lives," a time when landscape plans were created and implemented. In a commitment to interpret these sites in a comprehensive way, the HBGI curates both artifactual and living components. The HBGI has addressed tree management via annual city tree contracts and other public and private funding sources.

In 1996, the HBGI is celebrating its ten-year anniversary. In an effort to continue preservation projects, the Parks Department is preparing to embark upon a reevaluation of the HBGI's site-by-site Master Plan. This project will be contracted to an interdisciplinary professional team, which will include a structural engineer and landscape architect. The goals of the project are to chart the HBGI's progress and evaluate remaining needs, update site-specific and comprehensive cost estimates, and re-map sites to reflect existing conditions. Because of the Boston Parks Department's commitment to public process, the HBGI's Community Advisory Board will be reactivated and consist of representatives of each neighborhood. All findings will be published in a volume which will replace *The Boston Experience,* the HBGI's current publication. The Department anticipates completion by Fall 1997.

Elizabeth A. Shepard is a Project Manager with Historic Burying Grounds Initiative.

Sharon C. Park

Diagnosing Moisture in Historic Buildings

Diagnosing Moisture in Historic Buildings was a symposium held in the Washington, DC area, May 6–8, 1996, which brought together practitioners in the field of historic preservation to wrestle with the issue of dealing with diagnosing, and ultimately controlling, unwanted moisture in buildings. Too often, hastily devised solutions are implemented, such as waterproofing foundations, which are expensive, can damage important archeological evidence, and can fail to solve the moisture problem if the real source of moisture is improperly diagnosed. Sixty registrants and 20 staff spent 3 days combining classroom lectures with on-site field exercises to develop a methodology for properly diagnosing moisture. The symposium was supported by a grant from the National Park Service, National Center for Preservation Technology and Training in Natchitoches, Louisiana and was co-sponsored by the Friends of Meridian Hill, the Friends of Great Falls Tavern, Gunston Hall Plantation, with co-operating support from the National Trust for Historic Preservation.

The symposium was organized by Heritage Preservation Services of the National Park Service as technical training for architects, engineers, site managers, contractors, museum administrators, and property owners who deal with the impact of unwanted moisture in historic buildings. The goal of the symposium was to develop a model training program with a workbook for similar training at other sites. In addition, a new National Park Service Preservation Brief *Holding the Line: Controlling Unwanted Moisture in Historic Buildings* will be available in October which reflects the issues discussed during the symposium.

The format of the symposium combined classroom lectures in the mornings with field exercises at three sites in the afternoons. The classroom sessions looked at systematically diagnosing moisture from the outside of a building to the inside; understanding the sources and variables that affect moisture movement in historic materials and buildings (see sidebar A); developing guidelines for establishing a monitoring plan for complex moisture problems; and setting a preservation framework for controlling moisture, particularly from excessive roof run-off and saturated ground moisture. The field exercises gave the participants an opportunity to implement the multi-step methodology (see sidebar B) and to learn about survey and diagnostic instrumentation. Following is a brief summary of both the classroom discussions and the field exercises.

The five most common sources for moisture in historic or older buildings are:

1. above-grade penetration of moisture through the building envelope;
2. below-grade moisture entrance through foundation walls or through rising damp capillary action;
3. broken or leaking plumbing pipes and mechanical equipment;
4. interior moisture from household activities or from climate control systems; and
5. moisture generated from maintenance or rehabilitation construction.



Symposium participants at Meridian Hill Park, Washington DC. Photo by Eric Avner, NPS.

The greatest source, perhaps 80% of the troublesome moisture, comes from improperly handled roof run-off and site drainage. Too often, deferred maintenance results in blocked gutters and downspouts, blocked or corroded subsurface drainage systems, and deteriorating exterior or foundation materials. Keeping buildings in good condition and maintaining water collection systems through cyclical maintenance can alleviate much of the troublesome moisture. For situations where corrective action is necessary, for example, repairing cracks in exterior walls, it is important to complete remedial treatments before repairing damaged finishes, such as interior plaster. Other sources discussed included water damage from broken or leaking pipes, poor ventilation of interior spaces where condensation or mold and mildew growth are occurring, and moisture from construction, such as replastering, that takes a long time to dry. An unsuspected source of moisture damage is from automatic landscape irrigation systems which, if placed too close to the building, can add tremendous amounts of water at the foundation or spray water directly onto exterior surfaces.

Symposium Planning Committee

Sharon C. Park, AIA; Sr. Historical Architect, Heritage Preservation Services, NPS, Washington, DC; Symposium Chair
J. Bryan Blundell; past president, DC Chapter Association for Preservation Technology, International (APTI) Rockville, MD
Brooks Prueher, Preservation Planner, Heritage Preservation Services, NPS, Washington, DC
Steven Coleman, President, Friends of Meridian Hill, Washington, DC
Fran Gale, Training Coordinator, National Center for Preservation Technology and Training, NPS
Michael Henry, PE, AIA, PP, Principal, Watson & Henry Associates, Bridgeton, NJ
Wendy Claire Jessup; Principal Wendy Claire Jessup & Associates, Inc., Arlington, VA
Steven Kline, Historical Architect, C&O Canal, NPS
Andrew Ladygo, Architectural Conservator, Fredericksburg, VA
Hugh Miller, FAIA, Historical Architect and Preservation Consultant, Richmond, VA
William Rose, Research Architect, Building Research Council, University of Illinois, Champaign-Urbana
George Siekkinen, Senior Architect, National Trust for Historic Preservation, Washington, DC
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Rebecca Stevens, AIA, Historical Architect, National Capital Area, System Support Office, NPS, Washington, DC

The symposium also looked at how new climate control systems can affect historic buildings which have aging building envelopes. New humidified climate control systems must be designed in conjunction with tightening up the exterior envelopes of historic buildings, particularly wooden frame structures. These systems are often used in museum settings, although residential structures incorporate added humidity as well. When interior relative humidities cannot be contained within buildings, it is possible for moisture to migrate into building walls and cause extensive damage. If the collection needs a climate controlled environment, all options (climate controlled cases, zoned areas within a building, etc.) should be investigated to ensure that there is a balance between protecting the collection and the building. In many cases, the building is as much an artifact as the collection and altering the building to handle these systems can be very destructive to the resource.

A systematic approach to diagnosing moisture problems generally involves a monitoring plan. Surfaces must be identified which appear to have a problem, and then changes in that condition must be recorded over time. Because moisture can travel far from its original source, both the building and the site need to be evaluated, not just the wet location. Tracking the relative change in moisture level or the appearance of the wet areas, particularly every time it rains, can help determine the source of the moisture. There are a number of helpful tools to assist with this diagnosis, from hand-held moisture meters to complex computer data-logging equipment used by moisture specialists. But the use of diagnostic tools alone, it was stressed, cannot replace sound, thorough visual inspection, and evaluation of the variables. Too often, more data is collected than can effectively be used, and so designing a moisture monitoring plan should be done within useful parameters in terms of the scope and cost.

The classroom discussions were followed by field exercises to expose the participants to the diagnostic methodology. Meridian Hill, a National Historic Landmark, was the site for the first day. These cascading waterfalls and ponds are controlled from several early-20th-century pump rooms built of exposed aggregate reinforced concrete that are incorporated into the landscape. Unwanted moisture at this site is deteriorating significant concrete features. The object of the first day was to visually survey the site and identify areas of moisture decay using all five senses, plus intuition. This is always the first step in evaluating a site. The participants determined that much of the high humidity located in the pump rooms

—continued on page 14

A. Variables That Affect Moisture Damage in Historic Buildings:

Complex Variables

A variety of simultaneously existing conditions contribute to moisture problems in old buildings. For recurring moisture problems, it may be necessary for the owner or preservation professional to address all of the following variables:

- Types of building materials and construction systems
- Building usage and moisture generated by occupancy
- Condition and absorption rates of materials
- Type, operation, and condition of heating, ventilating, cooling, humidification/dehumidification, and plumbing systems
- Type of soil, moisture content, and surface/subsurface water flow adjacent to building
- Type of roof drainage and its rate of discharge
- Daily and seasonal changes in sun, prevailing winds, rain, temperature, and relative humidity, inside and outside, as well as groundwater levels
- Unusual site conditions or irregularities of construction
- Conditions in affected wall cavities, temperature and relative humidity, dewpoints
- Amount of air infiltration present in a building

Preservation Briefs #39 "Holding the Line; Controlling Unwanted Moisture in Historic Buildings" will be available from the Government Printing Office in October, 1996. The order number is 024-005-01168-4, the cost is $1.25 and the mailing address is Superintendent of Documents, GPO, P.O. Box 371954, Pittsburgh, PA 15250-7954.

B. Methodology for Evaluating Moisture Problems

I. Identify problem areas: list obvious damage (eroded mortar joints, mold, bubbling plaster) as well as potential hazards (impending structural damage, moisture contact with wiring)

II. List possible causes: poor site drainage, deteriorated materials, poor interior ventilation, rising damp, blocked fan coil drainage pans, high relative humidity from climate control systems, etc.

III. Identify and obtain additional information needed: site plans, topography drawing, location of underground water storage features, building plans, absorbency rates of materials, etc.

IV. State your theory (hypothesis) of what is causing problem: for example, ground moisture is saturating foundation walls or downspouts discharge is too close to foundations, or damp crawl space is allowing humid air to migrate into habitable spaces, etc.

V. Test your theory: use a garden hose to simulate rain or take temporary steps to correct a problem, such as placing long extender tubes onto downspout discharge to divert water away from foundation, measure to see if situation improves.

VI. Implement appropriate treatment: If test was successful, implement a more permanent remedial treatment keeping in mind that treatments should not remove historic materials unnecessarily and should not damage historic character or appearance of the building. If the simulated test did not make a measurable difference, go back to step III and do more research to develop another theory.

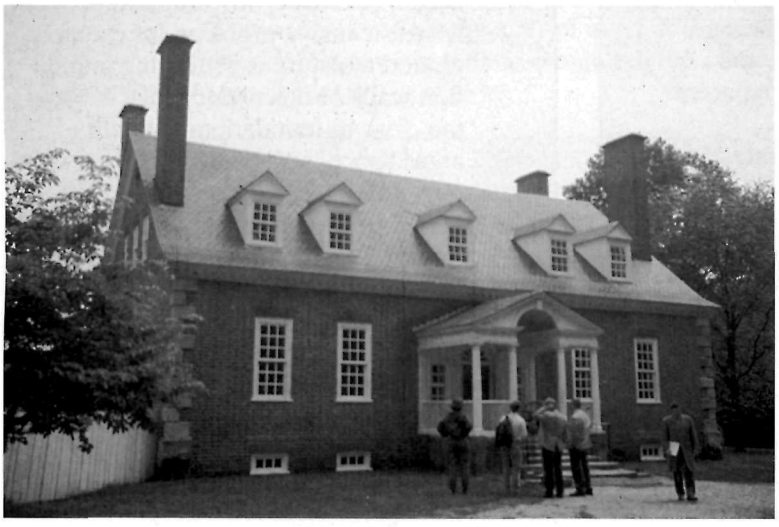
VII. Undertake follow-up monitoring: record what treatment was used and make notations as to the success of the treatment. If moisture continues to be a problem elsewhere, be sure to evaluate the impact of the most recent treatment on the site. Correcting some moisture areas does not eliminate the possibility of related moisture damage occurring elsewhere.

—*continued from page 12*

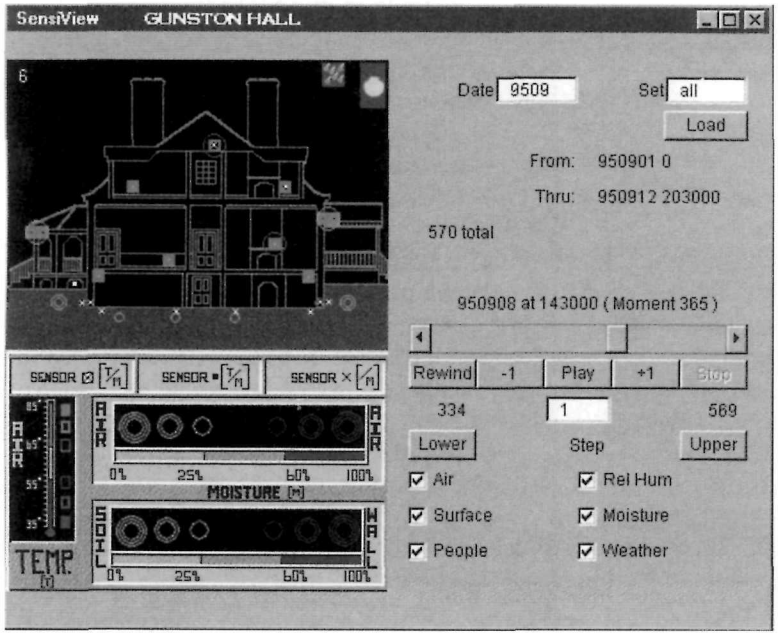
could be alleviated with the installation of humidistatically-controlled exhaust fans. The repair of cracks in upper level concrete which are allowing moisture to seep into the pump rooms will require the talents of masons specializing in matching the remarkable aggregate textures to avoid unsightly patches. Also, site drainage needs improvement to reduce the water that enters behind the concrete retaining walls and balustrades.

The second day was spent in Maryland at Great Falls Tavern on the C&O Canal, a 19th-century frame and masonry building that now serves as a National Park Service visitor center. The objectives were to become familiar with survey instruments, such as moisture meters, and to understand the variables that affect moisture problems. The participants, equipped with a set of survey instruments, learned how to use this equipment. Several stations were set up to demonstrate hand-held resistance meters, deep probe spikes for the ground to determine saturation levels, infrared sensors to record the amount of moisture present in building materials, and visual analysis of the functioning of gutters, downspouts, and site drainage. A demonstration was provided of the use of lime mortar rendering or coating for the interior surfaces of damp basement walls to protect them from the erosion of mortar. Again, it was determined that handling the run-off from gutters and downspouts and adjusting drainage patterns from terraces and planted areas would go a long way to dry out this building.

Gunston Hall Plantation, site of the third day of the symposium. Photo by Elizabeth Sasser.



Computer program recording data from Gunston Hall. Image by Bryan Blundell.



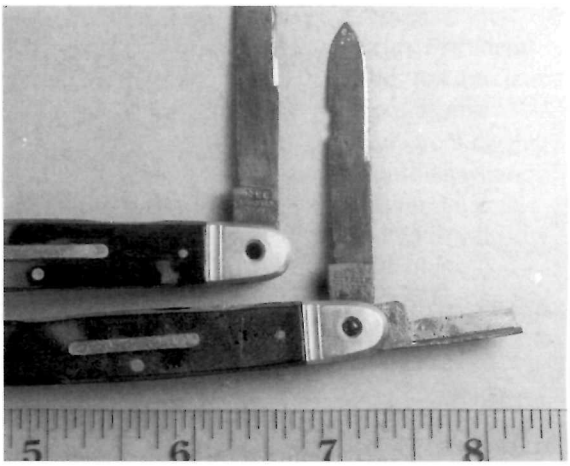
The third day was spent at Gunston Hall Plantation the National Historic Landmark home of George Mason. This 18th-century brick and sandstone building is used as a house museum and diagnostic instrumentation has been in place for some time. Earlier ground moisture problems had been addressed about 10 years ago with the introduction of a shallow subsurface perimeter drainage system about 4' away from the foundation walls. This positive drainage had a remarkable effect in eliminating standing water in the basement. With the forthcoming installation of an upgraded climate control system, the museum staff wanted to ensure that there would be no additional moisture related problems. A computer logging system uses probes to record moisture, temperature, and humidity levels and can compare local weather data. There are about 15 stations set up on 3 levels of the house to measure moisture in the air, in the walls, on surfaces, and in the ground.

Overall, the symposium was a great success. The range of disciplines brought insight from differing perspectives. The need for greater scientific understanding was recognized while still respecting the knowledge of the long-term practitioner. The forthcoming Preservation Brief builds upon the discussions at the moisture symposium and will look at a range of treatment options primarily that capture and dispose of exterior rainwater and improve air circulation in interiors. As the title of the new brief indicates, holding the line against moisture problems requires constant vigilance, a staff trained to understand how the building and mechanical systems function, and cyclical maintenance to keep the building and mechanical systems in good working order.

Sharon C. Park, AIA, is the Senior Historical Architect of Heritage Preservation Services, NPS. She was the Chair for the Moisture Symposium and is the author of the forthcoming Preservation Brief #39 Holding the Line: Controlling Unwanted Moisture in Historic Buildings.

Jeanne M. Harold

Have You Checked Your Pocketknife Lately?

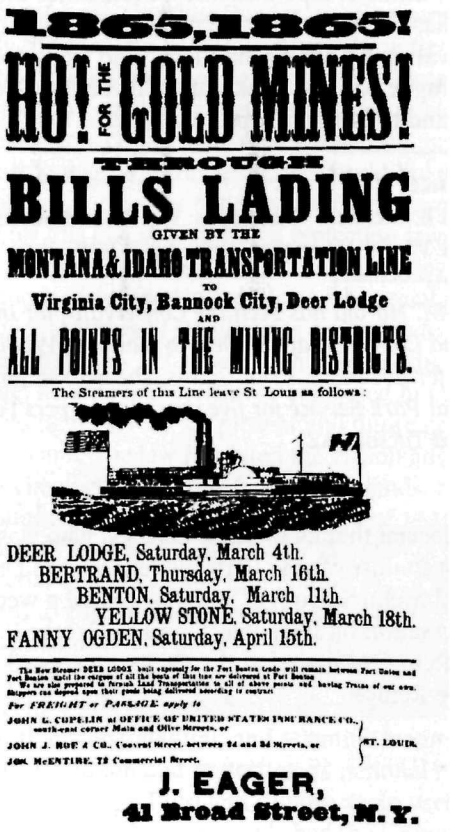


Pocketknife with the tortoise-shell handle.

In 1865, the Steamboat Bertrand hit a snag on the Missouri River and sank about 25 miles north of Omaha, Nebraska. In her hold, she carried supplies bound for the gold rush towns of Montana Territory. Many of these objects were targeted for consumption by ambitious prospectors. Instant coffee and lemonade, canned sardines and oysters, whiskey in "lady's legs" bottles, as well as shovels, pick-axes, and hobnail boots would have been quickly bought up by the eager miners, had the ill-fated vessel reached its destination. The loss included a box of pocketknives, many of which contained tiny lenses which exhibit photographic images.

In 1969, the wreck of the steamboat was excavated by the U. S. Fish and Wildlife Service, the National Park Service, and the two salvers who had located the Bertrand a few years earlier. These salvers were also prospecting for precious metal. A treasure in mercury was said to have been aboard the vessel. Unfortunately for the modern salvers, most of the quicksilver had been salvaged by the boat's insurers in the few weeks after the Bertrand sank.

Poster advertising the Bertrand's trip.



Now, nearly 30 years after the excavation, we at the Bertrand Museum work with the historic treasures on a daily basis. We occasionally find out new and interesting facts about the objects, as was recently the case. Working with Mark Zalesky, a researcher/knife expert who was in the process of writing an article on our butcher knives, we unearthed a fact that had been "hidden" for 130 years. Some of the pocketknives from the Bertrand have Stanhope lenses, which contain pornographic photographs. The images are French, as two bear the inscription "Made in LeMans". The images are either drawings, or, in one case, an actual photograph of a Civil-War-era lady and two gentlemen. These may well be the earliest, definitively dateable Stanhope lenses in existence.

The Bertrand Collection contains two different types of pocketknives with Stanhope lenses in the bolsters. Stanhope lenses were invented in the mid-1800s by Lord Charles Stanhope in England. These lenses are about 1/8" in diameter and 3/8" in length. The viewing end of the lens is convex, and allows for high magnification in such a short focal length. The images are on collodion film, and are the precursors of microfilm. The diminutive lenses are not often recognized as such by curators and collectors. For instance, catalogers at the Bertrand Museum identified the lenses as glass rivets. They are not, however, structural components at all, but, are merely "entertaining" accessories, produced to encourage sales.

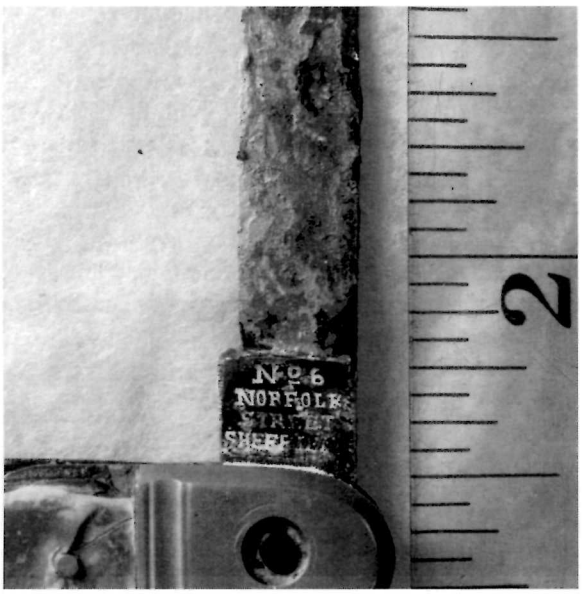
The first type of knives have mother-of-pearl handles, while the second type have tortoise-shell handles. Both types have steel blades (four), and nickel silver or German silver (white brass, with 18% nickel added to the alloy) bolsters. There are nine knives, and, of the 18 lenses (one on each bolster), only six images are still intact, and only four of these are clearly discernable. The knives



Knives with the mother-of-pearl handle and the extant images.

were manufactured by Joseph Rodgers and Sons, in Sheffield, England. This company produced knives labeled as "Cutlers to Her Majesty" (Queen Victoria), and was the most famous cutlery firm in the world during the 19th century.

The knives are of the Senator Pen Pattern, with bar shield and threaded bolsters. There are four blades: spear, pen, coping, and manicure. The



Close up of the makers mark and Stanhope lens on the knife with the mother-of-pearl handle.

knives are 3-3/8" in length closed, and 6-5/8" in length when open: 1/2" wide: and, 3/8" thick. Each has a narrow, oblong casement with two thumbnail depressions on each handle for lifting the blades. Each has a German silver shield on the top handle.

In the early 1970s, these pocketknives were conserved without the knowledge that there were fragile photographs involved. Conservators believed that they were dealing strictly with metal, shell, and glass. Unfortunately, treatments involved soaking in penetrating oil or alcohol, and localized cleaning with acetone, butylacetate, and muriatic acid. Six of the knives (those which have tortoise-shell handles) were first soaked in alcohol, cleaned with muriatic acid, and then rinsed in acetone. None of the photographs on these six survived. The three knives with mother-of-pearl handles were not treated with the alcohol, acetone, or acid, and all of the photographs are extant. Had the curators and conservators only known about these obscure little lenses, the outcome certainly would have been different.

Obviously, something in the conservation process of the knives with tortoise shell handles destroyed the photographs. Dr. Howard Melnick, an expert on Stanhope lenses, states that the lenses were adhered with Canada Balsam glue, and that this is soluble in xylene. It would make sense, then, that the adhesive also could be soluble in acetone, and possibly alcohol. Perhaps the muriatic acid came into contact with the images. One of these three solvents, or a combination, is probably responsible for the destruction of the tiny photographs or drawings.

Perhaps other museums, parks, and visitor centers possess objects within their collections that contain Stanhope lenses. Lenses were routinely set into any number of utilitarian utensils and memorabilia, such as; pens, letter openers, jewelry, trinkets, tape measures, even canes and umbrellas. Very special care must be taken in the conservation treatment, handling, and storage of these fragile objects. Look out for these little treasures, and treat them appropriately!

Reference

Howard B. Melnick, "Stanhopes: World in Miniature", *Knife World,* November, 1990, pp. 33-38.

Jeanne M. Harold has been the Conservator for the Bertrand Collection at the DeSoto National Wildlife Refuge for five years. Prior to this, she worked for the National Park Service for five years in Harpers Ferry, WV and Tucson, AZ.

Special thanks to Mark Zalesky, who was the first to uncover the Bertrand lenses, and Dr. Howard Melnick, both of whom supplied a wealth of information on the subject, and to George E. Gage, Refuge Manager at the DeSoto National Wildlife Refuge.

90 Years of Archeology and Historic Preservation

This year marks the 90th anniversary of the enactment of the Antiquities Act. The following three articles commemorate the important contributions to United States archeology and historic preservation of this seminal statute. The Antiquities Act is frequently identified as the first general purpose preservation statute in United States law; nearly as frequently, it is regarded as only of historical interest. However, as my own article in this special section of *CRM* shows, the Antiquities Act establishes basic policies for archeology and historic preservation that were used as a foundation for expanding the scope of public concern with archeological and historic properties in the Historic Sites Act of 1935 and the National Historic Preservation Act of 1966. In addition, the law supported the early development of scholarly and scientific archeology by requiring professional methods and techniques in excavation, interpretation, and curation.

Bill Lipe focuses upon the true value of archeological resources, expressed by the Antiquities Act, as sources of information about the past. Considering this basic value, he asks, aren't those who concentrate solely on *in situ* preservation overlooking an essential aspect of conservation archeology—legitimate field research using the archeological record to increase understanding about the past? Lipe's perspective and penetrating commentary should improve the sophistication of those charged with modern management of archeological resources. Caroline Zander demonstrates very specifically the contemporary use of the Antiquities Act as a effective tool for archeological resource protection. Shipwrecks have long been subjects for public and legal debates concerning their appropriate treatment as salvage or as archeological resources. Zander's skillful advocacy based upon the Antiquities Act provides a new resource protection use for this oldest of resource protection laws.

The Antiquities Act set aside archeological sites on the public lands of the United States for special protection as public resources of significance and value to every American. The Antiquities Act aimed to ensure that the commemorative value, history, and prehistory embodied in archeological sites would be preserved for present and future generations of Americans. The law regulated the examination and removal of archeological remains from public lands, requiring careful, scientific, professional investigation and recording, public benefit of the results, and public curation of the excavated material and associated information. All of these provisions aimed to curb the wanton destruction of archeological sites and structures on public lands in the American Southwest.

The Antiquities Act also empowered the President to set aside parts of the public lands with outstanding archeological, historic, natural, and scientific features for special commemoration and protection as national monuments. Only weeks ago, President Clinton again used this provision of the statute when he established the Grand Staircase/Escalante National Monument in Utah. Since 1906, this provision of the act has been used to protect dozens of archeological sites and other places of outstanding scientific or natural importance, many of these national monuments are now units of our national park system or specially cared for by other land managing agencies. President Theodore Roosevelt, who signed the Antiquities Act into law, also established nearly a score of national monuments.

The Antiquities Act prohibited individuals from digging haphazardly into ancient or historic sites, disturbing whatever caught their fancy, and removing artifacts for personal use or commerce. The law recognizes that archeological sites and artifacts recovered from them are most valuable as sources of information about the past and as commemorative places. Careful archeological excavation, analysis, and interpretation, reveal ancient events and long-term cultural, economic, and social developments. Archeological remains tell stories of people and places not mentioned in historical documents. The general policy embodied in the Act recognized that it is improper and wasteful to dig archeological sites for the few commercially valuable artifacts they might contain. Excavation, collection, or removal of artifacts and other kinds of archeological remains must be directed by qualified specialists and use up-to-date archeological methods and techniques. Only organizations with appropriate expertise, equipment, commitment, and proper facilities to care for the recovered artifacts and information are permitted to undertake studies. Furthermore, the act required that approved investigations would result in public education and benefit. The information gained from proper archeological study provides the major public benefit derived from archeological sites and objects; a benefit that must be shared through schools, parks, museums, public programs, books, articles, videos, and other means.

In the 90 years since the Antiquities Act became law, the means of preserving and interpreting America's archeology have expanded and improved, in particular through the National Historic Preservation Act and the Archaeological Resources Protection Act. The goals of modern archeological protection, preservation, and interpretation must be accomplished while also taking account of a range of legitimate perspectives. The traditional uses and views of American Indians, Native Alaskans, Native Hawaiians, and other Pacific Islanders, as well as other ethnic groups with close associations to particular archeological sites, must be taken into account through appropriate consultation and treatment. As a society, we continue to reject, as the Antiquities Act did in 1906, those who pillage archeological sites for personal or commercial gain. Such behavior destroys the public benefit that can be derived from careful study of archeological sites and objects.

—Francis P. McManamon

Francis P. McManamon

The Antiquities Act—Setting Basic Preservation Policies

On June 8, 1906, 90 years ago, President Theodore Roosevelt signed into law the Antiquities Act. This law was intended to protect archeological sites on the public lands of the United States as resources of significance and value to every American. The goal was to preserve historic, scientific, commemorative, and cultural values embodied in archeological sites for present and future generations of Americans. As one means of commemorating the anniversary of this important statute, this article describes three important functions that the Act served and continues to serve.

Photos by the author.

First, the Antiquities Act established basic public policies concerning archeological resources in the United States. These policies have been extended to cover other kinds of historic properties as well. As we celebrate not only the 90th anniversary of the Antiquities Act, but also the 30th anniversary of the National Historic Preservation Act, it is appropriate to note the common policy links between these two crucial preservation statutes and with other important statutes.

The Antiquities Act also provided the President with the means of setting aside particularly important places for special preservation, commemoration, and interpretation. This function has been used by Presidents throughout the 20th century to establish national monuments preserving nationally important archeological, historic, and natural areas. Finally, the Antiquities Act established the requirement of professionalism and a scientific approach for any excavation, removal, and other investigations of archeological resources on public lands. By so doing, the government of the United States endorsed the young discipline of archeology and the careful examination and recording of archeological sites that its leaders were then working to establish as a basis for their practice. This professional and scientific approach to archeological resources is now accepted widely as the appropriate treatment for archeological resources, but in 1906 it was only beginning.

Hovenweep Castle, Hovenweep National Monument, CO/UT.



Historical Background

Enactment of the Antiquities Act required 25 years of effort by individuals and organizations concerned about the preservation of American archeological sites. Interest in the archeological remains of the United States grew throughout the 19th century. As the final quarter of the 1800s began, much of the interest in American archeological sites was focused on the Southwest. Some of the interested parties were those who plundered the prehistoric ruins, removing ancient artifacts for personal use or commercial sale. At some ancient sites, building stone and roof beams were removed for contemporary uses. Others, some of them investigators from museums or archeological organizations, wanted to examine and study ancient sites, as well as make collections for their institutions and the public they served.

Investigators who began to visit and report on the condition of prominent ruins noted the destruction that was occurring. Adolph Bandelier's 1881 report on the looting and destruction of the ruins and archeological deposits at the site of Pecos in New Mexico was used during discussions and debate in the United States Senate when the issue of government action to protect archeological sites was raised (Lee 1970:7-12). Such descriptions impelled the early advocates of government action to protect the archeological sites. One notable success along the path to the Antiquities Act was the setting aside of Casa Grande Ruin as the first national archeological reservation in 1892.

During the 1890s major public exhibitions, the World's Columbian Exposition in Chicago and the Louisiana Purchase Exposition in St. Louis, exposed more of the American public to United States antiquities. Municipal and university museums in large cities throughout the country featured American Indian antiquities in their displays. Investigators of the Southwestern ruins and archeological sites in other parts of the country and hemisphere published popular accounts of the sites and their exploits. The growing popular appeal of American archeology was accompanied

by a commercial demand for authentic prehistoric antiquities. Unsystematic removal of artifacts from archeological sites for private use expanded, especially in the increasingly accessible Southwest.

The legislative and political history of the Antiquities Act shows that the issue was first raised in the U.S. Senate by Senator George F. Hoar of Massachusetts in 1882 (Lee 1970). At that time and subsequently, debates between those who favored conservation or preservation and those who favored commercial uses of public lands laced the issue. Interestingly, objections to conservation and preservation did not include statements that such efforts were unnecessary. It was acknowledged generally that looting and vandalism were occurring and descriptions of such activities were found with increasing frequency. Detractors of the effort to provide protection and preservation first argued that the government couldn't possibly protect all of these resources. Some already were alarmed by the creation of federal forest reserves, which by 1901 totaled 46 million acres. These objected to creating another means by which the President could set aside large areas of the public domain for conservation or preservation, further reducing the public land available for a wide range of economic activity. Eventually, the public sentiment to remedy the increasing destruction of archeological sites in the Southwest and the wholesale removal of artifacts that was occurring overcame these objections. Efforts to protect specific archeological sites, such as Mesa Verde and Chaco Canyon, became more frequent and widespread. Finally, these efforts culminated in the Antiquities Act.

The Antiquities Act and Later Historic Preservation Statutes

The Antiquities Act is recognized widely as the first general statute addressing archeological and historic preservation needs in the United States (e.g., D.Fowler 1986:140-143; J. M. Fowler 1974:1473-1474); Lee 1970:1; and, McGimsey 1972:111). The increased role of the federal government envisioned by the Antiquities Act is characteristic of laws and programs established around the turn of the 20th century through the influence of the Progressive Movement. Progressive politicians asserted new ways of looking after the public good within a federal system staffed by professional civil servants able to provide technical assistance to the public and for public resources.

The Antiquities Act established basic public policies for archeological preservation that would, during the course of the 20th century, expand to include other types of historic properties and cultural resources. During this century, the application of these policies also would grow to encompass archeological and historic resources beyond those found on the federal and Indian lands covered.

Enactment of the Antiquities Act recognized that archeological sites and artifacts recovered from them are most valuable as sources of historic and scientific information about the past and as commemorative places. Careful archeological excavation, analysis, and interpretation reveal ancient events and long term cultural, economic, and social developments. Archeological remains tell stories of people and places not mentioned in historical documents. The general policy embodied in the Act recognized that it is improper and wasteful to dig archeological sites for the few commercially valuable artifacts they might contain. The information gained from proper archeological study provides the major public benefit derived from archeological sites and objects, a benefit that must be shared through schools, parks, museums, public programs, books, articles, videos, and other means of interpretation.

Through the Antiquities Act, Americans accepted that archeological resources are mainly valuable as sources of information about the past. Relatively few archeological remains have any inherent monetary value. Retrieval of artifacts that do have such monetary value for commercial purposes is not the primary benefit to be derived from archeological investigation. Rather, the information gained from the careful investigation and analysis of archeological sites was most properly shared, along with the artifacts removed, as public resources. Archeological resources, at least those on public land, were to be considered as common resources in which all Americans share and about which all should be concerned.

Defining archeological resources as noncommercial is the most basic public policy established by the Antiquities Act. According to the Antiquities Act, archeological sites are most valuable for the information they contain or their commemorative associations, not as commercial resources like timber or minerals that have primarily monetary value. The second aspect of national preservation policy initiated by the Antiquities Act is nearly as fundamental. By placing special requirements on who may excavate or remove archeological remains, how the excavation or removal will be accomplished, and what will happen to the objects excavated or removed, the statute acknowledges that archeological sites have a sufficiently important public value to be dealt with in a special way. They merit special consideration and protection. That is, like clean water and air, the preservation of these kinds of resources and learning from the information they contain contribute to the public good.

These basic policies of the Antiquities Act regarding protection and preservation of archeological resources apply on lands owned or controlled by the United States government. During the 20th century, these policies of noncommercial and public values have been extended to additional types of historic properties and cultural resources and to non-federal land in certain circumstances. The broadening of application of the policies came in two increments. Nearly 30 years after the Antiquities Act, the Historic Sites Act of 1935 asserted concerns of the national government and a responsibility for recognizing and providing technical assistance to historic American sites, buildings, objects, and antiquities of national significance, no matter where they were located within the United States. In testifying on the bill that served as the basis for the Historic Sites Act, Secretary of the Interior Harold L. Ickes noted that the Antiquities Act provided protection for archeological and historic resources on publicly-owned land, but that

> ...we have never faced squarely the whole great problem of a definite governmental policy for the preservation of historic sites and buildings of transcendent national significance...the need for governmental action along these lines is urgent and immediate...(Ickes 1935:4).

This first expansion of coverage extended to additional kinds of historic properties if they were nationally significant, whether or not they were on land owned or controlled by the United States.. government.

The policy expressed in the 1935 statute follows from the noncommercial and public value policies established by the Antiquities Act. Section 1 of the 1935 law states

> ...That is hereby declared that it is a national policy to preserve for public use historic sites, buildings, and objects of national significance for the inspiration and benefit of the people of the United States.

A more direct commitment to a policy asserting the noncommercial and public value of these resources would be hard to construct.

The second expansion of the basic policy of the Antiquities Act came 60 years later in the National Historic Preservation Act of 1966. The National Historic Preservation Act is a very broadly written statute, and has been expanded in many ways through substantial amendments in 1980 and 1992. It embraces a wider range of historic property types than both the Antiquities Act and the Historic Sites Act. It is more inclusive as well in providing consideration to historic properties that are of local or state significance, a much wider context than the national significance focused on by the Historic Sites Act.

Like the Antiquities Act and the Historic Sites Act, the National Historic Preservation Act adheres to the public policy that historic properties have a value to all of the public. Section 1 (a) (4) states that

> ...the preservation of this irreplaceable heritage is in the public interest so that its vital legacy of cultural, education, aesthetic, inspirational, economic, and energy benefits will be maintained and enriched for future generations of Americans.

The noncommercial value of historic properties also is recognized and the need to raise its importance in decision-making about the way in which these resources are treated is recognized in the purposed of the statute, as described in Section 1 (a) (5),

> ...in the face of ever-increasing extensions of urban centers, highways, and residential, commercial, and industrial developments, the present governmental and nongovernmental historic preservation programs and activities are inadequate to insure future generations a genuine opportunity to appreciate and enjoy the rich heritage of our Nation.

Like the earlier statutes, the National Historic Preservation Act has as a central policy focus the public and noncommercial values of historic properties. The ways in which historic properties are treated is of public concern.

The policy espoused by the National Historic Preservation Act calls for the incorporation of consideration for historic properties within the context of our modern development and economy. In fact, many examples exist of the preservation of historic properties leading to economic, as well as aesthetic, associative, and historic benefits. This is especially so regarding historic structures successfully rehabilitated for modern commercial uses. The preservation of such historic properties may have an additional economic benefit to enhance the likelihood of their preservation within the context of modern economic conditions.

The National Historic Preservation Act has broader application than either of the earlier laws. The extent to which it applies varies with the extent of federal involvement. Determination of treatment varies according to ownership of specific resources and whether or not there is any federal involvement in an undertaking that may affect specific resources.

Preserving National Monuments

Prior to the Antiquities Act, specific areas had been set aside as parks or reserves; for example, Hot Springs, Arkansas (1832), Yellowstone National Park (1872) and Casa Grande Ruin,

Arizona (1892). However, each of these parks or reserves required an act of Congress as well as Presidential approval. The Antiquities Act made the establishment of national monuments administrative actions that were quicker and far more easy to execute.

Section 2 of the statute gives the President the authority to set aside for protection "...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..." These protected areas were then designated as "national monuments" and the federal agencies assigned to oversee them were required to afford proper care and management of the resources. This section of the statute provided an additional tool for Progressive politicians and their supporters to determine the uses of public lands and resources in the rational, conservation-oriented manner they favored (see Rothman 1989:52-71).

Teddy Roosevelt, between 1906 and 1909, proclaimed the national monuments of El Morro, Montezuma's Castle, Chaco Canyon, Gila Cliff Dwellings, Tonto, Tumacacori, Devil's Tower, Petrified Forest, Lassen Peak, Cinder Cone, Muir Woods, Grand Canyon, Pinnacles, Jewel Cave, Natural Bridges, Lewis and Clark, and Olympic. Since then, this provision of the act has been used to protect dozens of archeological sites and other places of outstanding scientific or natural importance. Many of these national monuments are now units of our national park system or are specially cared for by other land managing agencies. Presidents Taft, Wilson, Harding, Coolidge, Franklin D. Roosevelt, Truman, Eisenhower, Kennedy, Johnson, and Carter all established national monuments by executive proclamation.

Support for Professional and Scientific Methods and Techniques

The final broad policy established by the Antiquities Act is that the investigation and removal of archeological resources must be conducted by appropriately qualified and trained experts using the best contemporary methods and techniques. Professional and scientific approaches in the examination and treatment of other kinds of cultural resources, including historic structures, museum objects, cultural landscapes, etc., are accepted and valued. The Antiquities Act established such approaches as a basic aspect of public policy in dealing with such resources.

The law prohibited individuals from digging haphazardly into ancient or historic sites, disturbing whatever caught their fancy, and removing artifacts for personal use or commerce. Section 3 of the Antiquities Act required that "...the examination of ruins, the excavation of archeological sites, or the gathering of objects of antiquity..." on lands administered by the Departments of Interior, Agriculture, or War be carried out only after a permit to do so had been issued by the Secretary of the department responsible for the land in question. The permits were to be issued only to institutions "...properly qualified to conduct such examinations, excavations, or gatherings..." Any excavation, collection, or removal of artifacts and other kinds of archeological remains be directed by qualified specialists and use up-to-date archeological methods and techniques. Only organizations with appropriate expertise, equipment, commitment, and proper facilities to care for the recovered artifacts and information were permitted to undertake studies. By emphasizing these requirements, the federal government supported the professionalization of the young discipline of archeology. The careful excavation and removal of artifacts required by Antiquities Act permits were necessary for the development of typological and stratigraphic description and analysis that would become methodological and technical standards for professional archeology in the United States in the last decade of the 19th century and the first decades of the 20th century (Willey and Sabloff 1993:38-95).

Furthermore, the objective of these permitted activities was to be "...for the benefit of reputable museums, universities, colleges, or other recognized scientific or educational institutions, with a view to increasing the knowledge of such objects." The act required that approved investigations would result in public education and benefit. As one means of ensuring these public benefits, Section 3 also required that the collections of materials from these investigations be placed in public museums for preservation and public benefit.

Conclusions

In the 90 years since the Antiquities Act became law, the means of preserving and interpreting America's archeology have expanded and improved, in particular through the Historic Sites Act and the National Historic Preservation Act. The enforcement and protection aspects of the Antiquities Act also have been improved upon. Although the Antiquities Act proved to be a means of overseeing and coordinating educational and scientific archeological investigations on federal and Indian lands, it did not effectively prevent or deter deliberate, criminal looting of archeological sites on those lands. Problematic for many years, this situation became critical in the 1970s when several attempts by federal land managing agencies and prosecutors in the southwest to convict looters using the Antiquities Act resulted in adverse court decisions. In two cases judges ruled

that the terms of the act were unconstitutionally vague and therefore unenforceable (Collins and Michel 1985). This situation lead to a concerted effort by archeologists and preservationists, their allies in the law enforcement community and several essential supporters in Congress to strengthen the legal protection of archeological resources. The eventual outcome was a new statute, the Archaeological Resources Protection Act of 1979, rather than an amendment of the Antiquities Act.

The Antiquities Act is important for many reasons, both specific and general. Specifically, it asserted broad and general public interest in and control over archeological resources on federal and Indian lands. This assertion of public interest and concern continues to the present and is the basis for public agency efforts to protect archeological sites from looting and vandalism. The act also permitted the protection and preservation of specific areas important for their archeological, historical, and scientific resources. The act also stands as an important achievement in the progress of conservation and preservation efforts in the United States. Its passage involved a whole generation of dedicated effort by scholars, citizens, and members of Congress...More important, this generation, through its explorations, publications, exhibits, and other activities, awakened the American people to a lasting consciousness of the value of American antiquities, prehistoric and historic. This public understanding, achieved only after persistent effort in the face of much ignorance, vandalism, and indifference, was a necessary foundation for many subsequent conservation achievements. Among them were several of great importance to the future National Park Service, including the establishment of many national monuments, development of a substantial educational program for visitors, and eventually the execution of a far-reaching nationwide program to salvage irreplaceable archeological objects threatened with inundation or destruction by dams and other public works and their preservation for the American people (Lee 1970:86).

Many public agencies, such as the National Park Service, Bureau of Land Management, Bureau of Reclamation, Fish and Wildlife Service, Forest Service, State Historic Preservation Officers, State Archeologists, universities, museums, Indian Tribes, and local governments, play important roles in contemporary archeological and historic preservation. State programs exist that provide models, such as the especially noteworthy public-private partnership between the Arkansas Archeological Survey and Arkansas Archaeological Society. Private, professional, and advocacy organizations, such as the Society for American Archaeology, Society for Historical Archeology, the Archeological Conservancy, the Archaeological Institute of America, and the National Trust for Historic Preservation, also are important partners. Widespread support for archeological preservation and interpretation is essential for better understanding the depth and variety of American history and prehistory.

The world is more complicated than it was in 1906. There exist contemporary perspectives regarding the treatment of archeological resources that were not envisioned by the promoters and supporters of the Antiquities Act. Those of us who work at archeological protection, preservation, and interpretation seek to accomplish these goals and to develop consensus about appropriate treatments that take into account the multitude of perspectives. We also have recognized the legitimate claims to traditional uses of other kinds of cultural and natural resources and the value of ethnographic approaches to develop appropriate consultation and treatment in these contexts.

Indeed, these days, many more individuals and distinct groups have expressed opinions about archeological sites. Some have made claims of unique or sole authority regarding how archeological resources are to be treated. Worse, some individuals have taken actions to destroy sites for personal or commercial gain, thereby excluding the possibility of any public benefit deriving from the resources.

The goals of modern archeological protection, preservation, and interpretation must be accomplished while also taking account of a range of legitimate perspectives. The traditional uses and views of American Indians, Native Alaskans, Native Hawaiians and other Pacific Islanders, as well as other ethnic groups with close associations to particular archeological sites must be taken into account through appropriate consultation and treatment. We continue to reject, as the Antiquities Act did in 1906, those who pillage archeological sites for personal or commercial gain. Such behavior destroys the public benefit that can be derived from careful study of archeological sites and objects.

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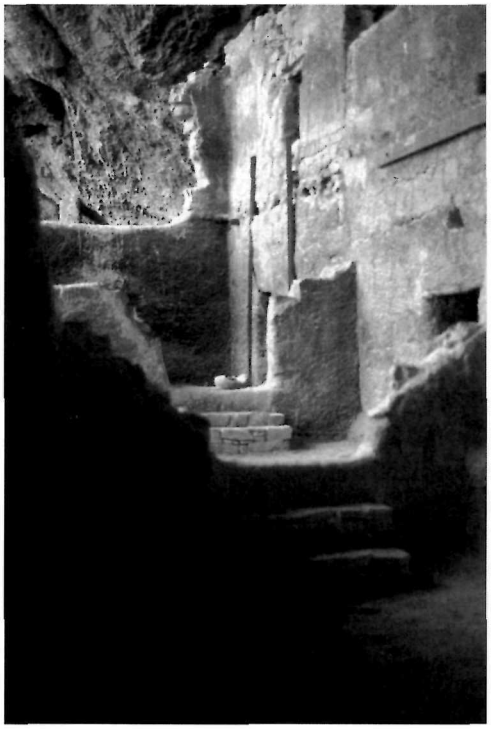
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William D. Lipe

In Defense of Digging
Archeological Preservation as a Means, Not an End

The passage of the Antiquities Act was a critical early victory in the battle to save archeological sites in the U.S. from wasteful destruction, because it established a national policy to protect and regulate the use of such sites on the public lands. The battle still continues, and in fact, there will be no end to it, because authentic archeological sites of any particular period can only be protected or lost, not created anew. Site protection today has many more legal tools to work with than it did in 1906, but population growth and the increased pace of development mean that the threats to site survival are also more pervasive.

Tonto National Monument, AZ.



Passage of the National Historic Preservation Act (NHPA) in 1966 led to the development of a fairly comprehensive set of procedures for considering the effects of federal undertakings on archeological sites, of weighing the values embodied in these sites against other socially desirable ends, and of protecting site integrity when feasible. Although cumbersome and faulty in some respects, these procedures have greatly increased our ability to protect sites from destruction due to federally-related economic development, and in our ability to study some of those that cannot be saved.

The inclusion of archeological sites in a larger historic preservation system has and will continue to have positive results, but I believe that there also are certain problems in the way that archeological preservation is currently being carried out in the U.S. These problems are rooted in the particular kind of social value that most archeological sites have, and in the way that archeological preservation programs have come to deal with this value.

I think that a starting point for federal archeological preservation programs is consideration of the primary social contribution of archeology, i.e., the production and dissemination of new information about the past based on the systematic study of the archeological record. Many archeological sites have associative or educational values in addition to or independent of their research value, but most sites in fact gain their primary social value because they have the potential to contribute new information about the past when subjected to archeological study. This, of course is a basic tenet of the Antiquities Act and is described in Section 3 of the statute. In order for an Antiquities Act permit to be granted, carefully conducted and recorded investigations, curation of the

material recovered, and the intention of increasing knowledge were required.

Under the NHPA, if sites are preserved on the grounds that this makes it possible for them to be studied in the future, one measure of a preservation program's success is whether anything useful or at least interesting to scholars and the general public has been learned by the subsequent study of those sites. It follows that decisions about the physical preservation of archeological sites should take into account how these sites can contribute to public understanding and appreciation of the past through archeological study or interpretation. The public benefits of preserving any particular archeological site may not be realized for a long time, or perhaps never; my point is that programs of archeological preservation need to consider both the means (preservation) and the ends (increased public understanding and appreciation of the past), and not assume that the latter will somehow take care of itself.

Of course, research excavations represent a shift from preservation of the non-renewable archeological record to its consumptive use. Excavations affect the physical integrity of the archeological record, albeit while generating various proxies for it, ranging from maps, notes, and provenienced collections to synthesized descriptions of archeological contexts. Excavating carries significant ethical responsibilities for archeologists: the work must be well justified; it must be carried out frugally with respect to the kind and amount of archeological record affected, and results must be disseminated, with collections and notes ultimately assigned to a public repository (SOPA 1996; Kintigh 1996; Lynott and Wylie 1995). Existing records and collections may often suffice to support contemplated research, and should be considered before new work is undertaken on sites (Lynott and Wylie 1995:30). Nevertheless, what enables archeologists to justify the preservation of the archeological record is their ability to read new information out of it by judicious use of archeological methods, including excavation. An archeology without excavation is one that cannot fully achieve its potential social contributions.

On the basis of previous published statements (e.g., Lipe 1974, 1984, 1985), I am not a likely candidate for promoting the indiscriminant excavation of sites that have been preserved in place by federal programs. That is not my point. I don't want to argue against a conservation ethic, but to consider whether our current zeal for preserving archeological sites may not in some cases be undercutting our ability to realize the values for which they are being preserved. I believe that public support for archeological preservation will (and should) be proportional to public perceptions that there is something useful (or at least interesting) to be learned by archeological study of the archeological record of the past. I see several trends in federal preservation programs that may in some cases work against generating and disseminating the archeological information that is the presumed long-term goal for most site preservation. These are: (1) treatment of site preservation as an end in itself; (2) policies that preclude consumptive research except at "threatened" sites; and (3) "banking" of sites or groups of sites for some undefined future time.

1. Site preservation as an end in itself.

In most cases, when a historic building is preserved in place, this will have been because of its outstanding esthetic and/or associative values. The public benefit of having preserved it is relatively direct—it stands as a visually understandable, public representation of the qualities that have made it worthy of preservation. Public appreciation of these values can be enhanced, of course, if additional interpretive and contextual information about the building is made available, and if public access is granted to the building's grounds and interior. Further study of the physical structure itself by scholars may require permission for access and for conducting at least some intrusive investigations. Such study, if the results are adequately disseminated, may further enhance both scholarly and public understanding and appreciation of the structure. Even if these latter enhancements are not forthcoming, however, the major public benefit of preservation can often be achieved by physical preservation alone.

For archeological sites having information potential as their primary value, the benefits of preservation are seldom so direct. Physical preservation of most archeological sites simply maintains their physical integrity until they can be studied at some indefinite time in the future. Most archeological sites, even if they have associative as well as informational value, either lack visual characteristics, or have very slight visual impact that relates to their value and cannot readily stand as visual public representations of those values. As noted above, the social benefit of preserving archeological sites is usually so they can be studied in the future, and for a few sites, so they can be publicly interpreted in the future. Furthermore, both the scholarly and public benefits of archeology are less focused on specific preserved sites than on the story that the sites and artifacts of a particular period and region can tell in aggregate. Preservation of sites is essential if archeology is to carry out its mission of continuing to provide new information and interpretations of the past, but

preservation alone is only the starting point for this mission.

Because the scholarly and public benefits from archeological preservation are generally more diffuse and indirect than is the case for historic buildings does not mean that archeology is unpopular. The extensive public interest in things archeological is amply documented by the circulation of Archaeology Magazine (over 200,000 subscribers), the hundreds of thousands of visitors to archeological museums and parks each year, and by the popularity of video and print treatments of archeological finds and interpretations. For much of this public benefit, formal research is the mediator—that is, researchers provide and authenticate the interpretations and contexts on which popular books, videos, and articles are based. Even when the "real thing"—specific artifacts and sites—are publicly displayed, they usually require more subsidiary interpretation—in the form of signs, guides, etc.—than do most preserved historic buildings.

It seems to me that federal archeological preservation programs will be most successful if they can treat both sides of the means-ends equation—if they balance in-situ preservation efforts with a continuing flow of public benefits, including scholarly studies, site tours, interpretive treatments in the print and visual media, and museum displays. Because archeological knowledge and insights are generally based on populations of sites rather than on single ones, each and every preserved site does not have to be the object of study or interpretation. The best scale both for research and interpretation may often be statewide or regional, involving multiple agencies and the SHPOs.

Montezuma Castle National Monument, AZ.

The Section 106 process currently produces an enormous amount of new information about the archeological record—not only from data recovery projects, but from preservation-oriented inventory and evaluation studies as well. The descriptive reports resulting from this work are increasingly being done to a very high technical standard. Yet even reports representing hundreds of thousands of dollars of research are often difficult to obtain, and may lack concise synthetic and problem-oriented summaries useful to scholars. I think we need to find ways to present the necessary descriptive documentation more efficiently, and to place substantially greater emphasis on concise summaries that can be widely circulated. Funds from multiple projects also need to be pooled to support really high-quality regional or statewide interpretive treatments—print, video, museum—that are directed to school students and the general public.



As research archeologists and cultural resource managers, we generally lack the training and talent to produce the kinds of interpretive products that the public expects. Yet we have the information on which these products are based, and we control access to the artifacts, photographs, and sites that provide the tangible link between an interpretive story and the authentic record of past cultures. I think that we need to work much harder to develop friendly interfaces between our worlds and those of the interpretive specialists who have their own incentives for helping us deliver the benefits side of preservation. These include scholars, museum directors, freelance writers, video producers, and K-12 teachers. Developing those interfaces, and opening up our various "systems" so the interfaces work can't be an add-on, volunteer, or afterthought process—it has to be part of our basic responsibility. A number of federal agencies, SHPOs, archeological organizations, and individual archeologists have begun developing and delivering interpretive products, often in conjunction with interpretive specialists from "outside the system." But much more remains to be done.

All these things are easy to say, of course, but hard to put into practice because they involve changing some of our priorities and some of our systems. I know that funds are increasingly squeezed for archeological resource programs at both the federal and state levels. But I think that rethinking both the means and ends sides of preservation programs may help us find solutions that don't require more money. And in any case, if we do not begin to put more emphasis on the ends, i.e., on delivery of public benefits, we may find our funds even more reduced.

2. Limiting consumptive archeological research to "threatened" sites.

Although there is a great deal of variability in whether or how federal land-managing agencies and SHPOs apply this principle, and whether it is espoused by archeologists as a matter of profes-

sional ethics, it clearly has gained currency in the past 20 years or so. Although I can probably take some of the blame for this (Lipe 1974), I now see it as another symptom of treating preservation as an end in itself.

That is, it seems to me that pledging to dig only on sites that are otherwise threatened has the unintended effect of trivializing archeological research and its contributions to society. Essentially, what we are saying is that any other socially approved activity, plus the prospect of looting, ranks higher as a reason for excavating sites than does the prospect of learning something about the past through good archeological research on an important archeological problem. Therefore, the widening of a state highway, or the digging of a stock pond, are acceptable reasons for excavating at a site in order to mitigate the impact of the construction, but that having a good research question and design are not acceptable reasons, if the site would not otherwise be altered. I think this puts us in a really weak position when we try to argue that archeology and archeological knowledge are valuable, because de facto we have said that research is a less important way of consuming the archeological record than is digging a stock pond or widening a highway.

Furthermore, given the institutional structure of American archeology today, confining research to threatened sites is a guaranteed way to exclude the academic sector from excavation, except in those rare cases where academic departments maintain contract archeology programs. Many academics simply ignore the "threatened site" principle now, and this is driving a further wedge between the CRM and academic parts of the field.

An additional point here is that some types of problem and some kinds of archeological record are very unlikely to be accessible to research under the "threatened site" rule. My own research currently focuses on locating, mapping, and dating A.D. 1100-1300 Puebloan community center sites in the northern San Juan region. These sites generally have from 50 to more than 500 structures, and most are on public land. During the A.D., 1200s, a very large majority of the Puebloan people who were living in the area lived in these villages. I think that learning about these sites is essential to understanding community and intercommunity organization in the northern San Juan region of SW Colorado and SE Utah during this period. Yet these sites are not "threatened" by public projects, because they are too big. Properly, they are avoided by pipelines, powerlines, highways, and the like, because "mitigating" them would just be too expensive. So in general, this is a victory for conservation archeology. With regard to threats from looters, the middens of many of these sites have been dug over for 100 years or more by pothunters looking for burials with associated artifacts. On public land, this threat is diminishing, but it is still there. However, most of the research problems I and my colleagues at the Crow Canyon Center are interested in require excavating not in middens, but in and around structures, which the pothunters generally have left alone.

Does the fact that the structural portions of these sites are not currently "threatened" mean that we should not use well-justified consumptive research to learn something from them? I don't think so. Archeologists at the Crow Canyon Center are engaged in testing a few of these sites, to examine models based on surface evidence and on excavations done elsewhere. They are successfully developing techniques for obtaining critical information from these sites by excavating far, far less than one percent of them. I think this is perfectly justifiable under a conservation model, which is driven by the continuing success of research, which requires continuing frugal use of the archeological record. If the research stagnates, then some of the justification for saving the sites for the future disappears.

Let's face it—modern archeological research is one of the smallest current and future threats to the integrity of the archeological resource. We should focus our efforts on fighting looting and getting archeological values considered in project planning, and not spend our energies on keeping other archeologists from doing well-justified, consumptively frugal, research. What I am calling for is a recognition that well-justified, problem-oriented, consumptive research on judiciously selected "non-threatened" sites is ethically acceptable. It must be well-designed, well-done, well-published, and the collection well-curated, of course, but if it is, it can make a substantial contribution to the "benefits" side of regional preservation programs, by fostering both scholarly and public interpretive studies.

3. Banking sites for the future.

The practice of "banking sites" consists of prohibiting consumptive research until some indefinite time in the future when our archeological techniques will presumably be better and our problems will be more sharply defined (cf. Lipe 1974). This is related to the notion of mitigating the impacts of development projects on sites by redesigning the project to avoid them rather than by carrying out "data recovery." There are two practical and one logical problem with the "banking" approach if it is carried out unthinkingly. The logical problem is that one can continue to make the argument about saving a site for the future *ad infinitum,* provided archeological data recovery

techniques continue to show promise of improving. So one is left in the paradoxical position that the information value for which the site is being saved can never be obtained, because a better job could always be done sometime in the future; hence, study must be further postponed forever. I think that resource managers and research archeologists can get out of this impasse if they set a time certain for when the future will be declared to have arrived or they simply set a high threshold for the conduct and publication of projects involving consumptive research. I have no problem with some classes of sites or some spatial sets of sites being held to a higher standard for consumptive research, but feel that open-ended banking is likely to be counterproductive.

The practical problems with "banking" are whether effective site preservation will, in fact, be carried out as well, so that the research option stays open and whether persistently keeping a class of sites or a large spatial set of sites off-limits to research will undercut the basic justifications for protecting those sites. Quite a bit has been written about the first point, and I think that most of us are becoming more skeptical of site avoidance as the preferred way of mitigating development impacts, unless it is coupled with a protection plan that has a good chance of succeeding. The other problem, I think, is beginning to show up in the National Park Service, which as a general policy, discourages consumptive research in the parks, if comparable studies can be done outside them. Because relatively little impact-driven research gets done either, this increasingly means that we have to write the prehistory of some areas without much recent information from the national parks in those areas. I think the parks are special, and I would encourage that consumptive research be held to a higher standard in them. But a policy that either directly or de facto shuts off even frugal, well-justified research on important archeological resources ultimately does not serve archeology or the public good.

Conclusions

In sum, what should drive archeological preservation is the social benefit that archeology can provide to society over the long run. That benefit is primarily the contribution of knowledge about the past derived from systematic study of the archeological record. *In situ* preservation of archeological resources is a tool for optimizing that benefit. The Antiquities Act aimed to protect archeological sites on public lands from wanton destruction. It required that the investigation and removal of archeological artifacts and other remains be done carefully, using scientific excavation methods and techniques. These requirements were based upon the policy that the main public benefit of archeological resources was a social good reached through improved understanding of the American past. The world has changed plenty since 1906. One change is our increased appreciation of the need to conserve non-renewable archeological sites. Yet, the basic value of archeological sites to the American public has not changed.

Archeologists must accept an ethical obligation to try to minimize the impacts of development projects on archeological sites, and to fight against looting and vandalism. And they must recognize that archeological sites sometimes have associative as well as research value. To the extent that preservation is justified by a site's information potential, those preservation efforts need to be coupled with a longer term focus on the generation of knowledge from archeological study of the populations of sites that are preserved. Long-term, frugal consumption of the archeological record by well-justified research—both problem-oriented and mitigation-driven—must be an accepted and integrated part of the preservation program. If the research doesn't get done, or if it gets done and we don't learn anything from it, or if only scholars learn from it and the public is shut out, then preservation will have been in vain, because its goals will have not been achieved.

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The Antiquities Act
Regulating Salvage of Historic Shipwrecks

The Antiquities Act of 1906, 16 U.S.C. Section 431, et seq., which provides for the protection of antiquities on lands owned or controlled by the United States, has recently proven to be very successful in protecting historic shipwrecks located on submerged lands under federal control. The application of the Antiquities Act to the marine environment is the latest approach used by the United States to protect these nonrenewable resources against treasure-hunters. While the determination of ownership of such vessels and their cargo can often be unclear, a federal court has now recognized that the United States can exercise its regulatory authority to help ensure that salvage of historic shipwrecks is done in a manner consistent with the federal archeological program.

The dispute between treasure-hunters and federal and state governments concerning possession of recovered historic shipwrecks and their cargo has been in existence for over 30 years.[1] During the last several decades, treasure-hunters have traditionally asserted that admiralty law justifies recovery of historic shipwrecks. Specifically, they argue that, under the law of finds, title to abandoned historic vessels and their cargo vests in the person who first reduces those artifacts to his or her possession with the intention of becoming the owner thereof.[2] Alternatively, the treasure-hunters have argued that salvage law authorizes a salvage award for services rendered.[3] In some instances, courts will grant treasure-hunters a salvage award that is equal to the value of the entire vessel and its cargo.[4]

Until somewhat recently, the United States' main defense to the treasure-hunters' position is that the United States has ownership rights to abandoned historic vessels and their cargo in waters under federal control.[5] Unfortunately, the position taken by the United States' has not been entirely successful in protecting historic shipwrecks.[6]

Several developments in this area of the law, however, have recently occurred that should prove to be more promising in protecting submerged cultural resources. For example, on April 28, 1988, The Abandoned Shipwreck Act of 1987 ("ASA") became effective.[7] In passing the ASA, Congress exercised the United States' sovereign prerogative by asserting federal title to abandoned shipwrecks and their cargo located within state and territorial waters. The ASA further provides that the United States then transfers title to those shipwrecks and their cargo to the states and territories in or on whose submerged lands the shipwrecks are located.[8] This transfer of title allows states and territories to manage these submerged cultural resources as part of their duty to manage natural resources.[9] While the ASA now solves the problem of protecting abandoned historic shipwrecks found within the submerged lands of the states and territories of the United States, the problem of protecting historic shipwrecks that are located on submerged lands outside of state and territorial waters still remains a challenge.

Another statute that has shown to be very helpful in protecting historic shipwrecks is the National Marine Sanctuary Act ("NMSA").[10] Under the NMSA, Congress provided that the Secretary of Commerce shall have the authority to designate and manage "certain areas of the marine environment possess[ing] conservation, recreational, ecological historical, research, education, or esthetic qualities which give them special national significance."[11] In fact, the very first marine sanctuary that was designated under the NMSA was established in 1975 to protect the USS *Monitor,* which was lost when it sank off the coast of North Carolina on December 31, 1862.[12]

The NMSA is also being used as a preservation tool today by the Department of Justice, on behalf of the National Oceanic Atmospheric Administration, in the pending matters of *United States v. Melvin A. Fisher, et al.,* Case No. 92-10027 CIVIL-DAVIS (S.D. Fla., filed April 21, 1992) and *Motivation, Inc. v. The Unidentified, Wrecked and Abandoned Vessel, et al.,* Case No. 95-10051 CIVIL-DAVIS (S.D. Fla., filed August 3, 1995). Both of these cases concern the salvage activities of treasure-hunter Melvin Fisher, his son and others that occurred within the Florida Keys National Marine Sanctuary. In the *United States v. Fisher* matter, the United States is taking the position that Mr. Fisher, et al. performed their treasure-hunting activities in violation of the NMSA, which resulted in damage to sanctuary resources. In the Motivation, Inc. matter, the United States is arguing that Mr. Fisher, et al. not only violated the NMSA, but also failed to obtain an Antiquities Act permit prior to conducting his treasure-hunting activities, in violation of Section 3 of the Antiquities Act of 1906. These two cases are prime examples of how submerged cultural resources can be protected under the NMSA.

It is also important to note that these two cases link the effects treasure-hunting on natural

resources with those effects on submerged cultural resources. The establishment of this important link has proven to be very successful due to the fact that people have become increasingly more aware of the importance of protecting marine resources such as coral, seagrass and marine animals. By recognizing that our nation's submerged cultural resources are also part of the marine environment, we will be better able to protect our submerged cultural resources.[13]

As discussed above, the Antiquities Act can also be used to protect submerged cultural resources. The Antiquities Act provides, in pertinent part:

> . . . That any person who shall appropriate, excavate, injure, or destroy any historic or prehistoric ruin or monument, or any object of antiquity, situated on lands owned or controlled by the Government of the United States, without the permission of the Secretary of the Department of the Government having jurisdiction over the lands on which said antiquities are situated, shall upon conviction, be fined in a sum of not more than five hundred dollars or be imprisoned for a period of not more than ninety days, or shall suffer both fine and imprisonment, in the discretion of the court.
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> That permits for the examination of ruins, the excavation of archeological sites, and the gathering of objects of antiquity upon the lands under their respective jurisdictions may be granted by the Secretaries of the Interior, Agriculture, and War to institutions which they may deem properly qualified to conduct such examination, excavation, or gathering, subject to such rules and regulations as they may prescribe: *Provided,* That the examinations, excavations, and gatherings are undertaken for the benefit of reputable museums, universities, colleges, or other recognized scientific or educational institutions, with a view to increasing the knowledge of such objects, and that the gatherings shall be made for permanent preservation in public museums.
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> —*Antiquities Act, sections one and three (emphasis provided in original).*[14]

Prior to the initiation of the Motivation, Inc. matter, the Antiquities Act has been applied to submerged cultural resources in two other cases—one in which the United States was not successful, *Treasure Salvors v. The Unidentified Wrecked and Abandoned Sailing Vessel,* and the other in which the United States was very successful, *Lathrop v. The Unidentified, Wrecked & Abandoned Vessel,* 817 F. Supp. 953 (M.D. Fla. 1993). The Treasure Salvors matter involved a challenge to the ownership of the historic shipwreck believed to be the Nuestra Senora de Atocha ("the Atocha"), located beyond state waters on the outer continental shelf. The dispute was between Mel Fisher and the United States. As discussed above, Mel Fisher asserted that, under admiralty law, he was entitled to possession of and confirmation of title to the *Atocha.*[15] In its counterclaim, the United States asserted title to the vessel.[16] The basis for the United States' ownership claim was based on two grounds, including the application of the Antiquities Act to objects located on the outer continental shelf of the United States.[17] Specifically, the United States argued that the Outer Continental Shelf Lands Act, 43 U.S.C. Sections 1331, et seq. ("OCSLA"), demonstrates a "Congressional intent to extend the jurisdiction and control of the United States to the outer continental shelf."[18] Accordingly, the United States argued that the Antiquities Act was applicable because the Atocha was located on lands under the control of the United States.[19] The Fifth Circuit, however, disagreed with the United States' application of the Antiquities Act. It held that the OCSLA only extended United States control over the outer continental shelf for purposes of exploration and exploitation of the natural resources of the continental shelf and, therefore, the United States did not, for purposes of the Antiquities Act, have "control" over the submerged lands upon which the Atocha rested.[20] Based on the Fifth Circuit's rejection of the United States' theory of ownership under the Antiquities Act and on all other grounds, the Court ultimately ruled in favor of Mel Fisher in the Treasure Salvors, Inc. matter.[21]

The United States was, however, successful in its application of the Antiquities Act in the Lathrop case.[22] In January of 1988, prior to the effective date of the ASA, Randy L. Lathrop filed his admiralty action in the United States District Court for the Middle District of Florida.[23] The Lathrop case involved a treasure-hunter, Randy L. Lathrop, who sought either 1) title to an unidentified historic vessel allegedly located within three miles of the Florida coast in the Cape Canaveral National Seashore, north of Cape Canaveral, Florida; or, alternatively, 2) a salvage award for his services.[24]

After filing his admiralty action, Lathrop published a notice of the pending action in a local newspaper in March of 1988.[25] Due to a lack of response to his notice of publication, or an asserted interest in the alleged vessel, Lathrop filed a Motion for Entry of Default, which was subsequently granted.[26] Lathrop then conducted salvage activities between the months of August and December in 1989 and in the early months of

1990.[27] In April of 1990, Lathrop tried to resume his salvage activities, but was met with opposition from both the State of Florida and the United States. The State of Florida informed Lathrop that he would first need to obtain a permit before conducting his salvage operations.[28] Accordingly, Lathrop submitted a permit application to the State of Florida Division of Historical Resources.[29] The State, however, later informed Lathrop by letter from the State Archaeologist and Chief of the Bureau of Archaeological Research that a salvage contract would be inconsistent with the permitted land uses for the Cape Canaveral National Seashore, which includes the preservation and protection of the outstanding natural and historic values of the Seashore.[30] An Assistant United States Attorney also informed Lathrop that the United States took a similar position.[31] As a result, Lathrop filed a Motion for Preliminary Injunction seeking to prohibit any interference with his salvage operations in June of 1990.[32] At the hearing and during briefing, the United States raised the issue of ownership of the alleged shipwreck.[33] The Court then granted Lathrop's Motion for a period of 90 days, claiming that general admiralty law would not be consistent with the United States' claim of ownership.[34] After the preliminary injunction was entered, Lathrop resumed his salvage activities, utilizing the boat's prop-wash deflectors and creating large craters in the seabed and causing damage to the Cape Canaveral National Seashore.[35]

On October 22, 1990, Lathrop filed a Motion to Modify the Preliminary Injunction seeking to have the injunction remain in effect until October 1, 1991.[36] The Court denied Lathrop's Motion on January 11, 1991, due to the fact that the salvage season had ended.[37] For the next six months, Lathrop did not conduct salvage activities because the State of Florida had informed him that it had worked out an agreement in principle that would permit Lathrop to conduct his salvage activities.[38] The State, however, emphasized that two conditions must be met before the agreement could be finalized: 1) additional time would be needed to obtain final approval of the agreement and to prepare a written document; and 2) Lathrop must also obtain permission from the United States to conduct his salvage operations.[39]

On July 8, 1991, the United States Army Corps of Engineers informed Plaintiff's counsel that the court's admiralty jurisdiction did not preclude the Corps from exercising its regulatory authority over salvage activities that occurred within the Corps' dredge-and-fill jurisdiction.[40] Although the United States remained firm on its position that Lathrop needed to obtain a federal permit prior to conducting any further salvage activities, Lathrop resumed his salvage operations.[41]

At that point, after the above-mentioned events had occurred, and while the case was still pending, in mid-July of 1991, I was assigned to represent the United States in the Lathrop matter. After learning that Lathrop had resumed his salvage operations, I informed Lathrop's counsel that the United States took the position that his client's activities were illegal and must immediately cease until such time as he obtains a dredge and fill permit from the Corps pursuant to Section 10 of the Rivers and Harbors Act of 1899, 33 U.S.C. Section 403. Lathrop's salvage operations did not cease and, accordingly, the Corps of Engineers issued a cease and desist order.[42]

After a status conference in September of 1991, Lathrop and the United States entered into settlement negotiations.[43] As a result of these negotiations, Lathrop agreed to complete his Corps dredge and fill permit and stop all dredging and salvaging activities within the boundaries of the Cape Canaveral National Seashore, including using a metal detector or magnetometer, which is in violation of National Park Service regulations.[44] In addition, I informed Lathrop that he would also need to obtain an Antiquities Act permit. I explained to Lathrop that, pursuant to the dedication instrument, the State of Florida delegated exclusive management and control of the submerged lands of the Cape Canaveral National Seashore to the United States. Accordingly, an Antiquities Act permit must first be obtained prior to conducting salvage activities on an historic shipwreck. I then handed Lathrop an application form.

In January of 1992, Lathrop had made little progress in obtaining the State of Florida's consent to perform his salvage activities.[45] As a result, Lathrop filed a Second Motion for Preliminary and Permanent Injunction on February 24, 1992.[46] Subsequently, the Corps denied Lathrop's dredge and fill permit application due to the fact that Lathrop failed to obtain the other necessary permits, which is a prerequisite to obtaining a permit under Section 10 of the Rivers and Harbors Act of 1899.[47] Additionally, the State of Florida's Department of Environment Regulation denied Lathrop's permit application under its regulatory authority.[48] Lastly, Lathrop refused to even submit his Antiquities Act permit, citing his ineligibility under the accompanying regulations to obtain such a permit.[49]

In his brief in support of his Second Motion for Preliminary and Permanent Injunction and at the hearing on his Motion, Lathrop asserted that admiralty law exempts him from complying with any Act of Congress such as the Antiquities Act or the Rivers and Harbors Act. In essence, Lathrop's theory amounted to an "admiralty law conquers all" approach to treasure-hunting. The United

States, however, argued that several Congressional enactments, such as the Antiquities Act and the Rivers and Harbors Act, modified the substantive law of admiralty. In short, regulation as to the manner of salvaging historic shipwrecks does not interfere with the underlying principles of admiralty law. The court agreed: "[c]ongressional enactments restricting the manner in which a potential salvor excavates property located on federally owned or managed lands does not offend these sound constitutional limitations [to maritime law and admiralty jurisdiction]."[50]

The court was also persuaded that regulation of Lathrop's activities was necessary as the dedication of the Cape Canaveral National Seashore by the State of Florida was done for a specific purpose: "'to preserve and protect the outstanding natural, scenic, scientific, ecologic, and historic values of certain lands, shoreline, and waters of the State of Florida, and to provide for public outdoor recreation use and enjoyment of the [park].'"[51] If Lathrop were to conduct his salvage activities, the Seashore would be used in a manner inconsistent with the specified purpose. In such an event, pursuant to the terms of the reverter clause contained in the dedication instrument, the State of Florida would be allowed to reenter and reclaim possession of the Seashore.[52] As a result, Congress, in an effort to protect the Cape Canaveral National Seashore, "enacted legislation allowing the Secretary to terminate a right of use and occupancy retained by an owner of improved property in the park if the land is being used in a manner inconsistent with its specified purpose."[53] The court specifically referred to the Antiquities Act and the Rivers and Harbors Act as being among those statutes Congress enacted to protect the Seashore.[54] Specifically, the court stated:

> In order to protect national parks, such as the Cape Canaveral National Seashore from being endangered, Congress has passed various laws which prohibit the appropriation of historic artifacts [the Antiquities Act], or excavation [the Rivers and Harbors Act] on federal lands without first obtaining a permit from the Corps of Engineers [in the case of a Rivers and Harbors Act permit or from the National Park Service in the case of an Antiquities Act permit]. The permitting process is comprehensive, but it considers the effects of the proposed activity on the public interest as well as the effect on the environment, wildlife, and historical and cultural resources. Such laws, however do not deprive a federal court of admiralty jurisdiction. Nor do they necessarily prohibit a potential salvor from conducting salvage activities, although they might. Rather, these statutes supplement admiralty law by providing substantive rules for lawfully conducting salvage operations on federally owned or managed lands.

The requirement that a salvor act lawfully while salvaging a vessel is consistent with general admiralty law. By itself, possession of abandoned property is not sufficient to establish a salvage claim. Before a valid claim can be established, a salvor must acquire possession lawfully. Otherwise, as one court noted, "buccaneering would again flourish on the high seas." It is for Congress—through appropriate legislation—to substantively supplement admiralty law and determine the lawfulness of certain salvage activities.

Lathrop, 817 F. Supp. at 963 (citations and footnotes omitted) (emphasis in original).[55] The Court continued its discussion supporting regulation of salvage activities:

> Without any restrictions, Plaintiff's salvage activities could not only destroy the alleged vessel and its historic artifacts, but also could disrupt the delicate marine life living on the seabed. . . . Legislation which supplements admiralty jurisdiction by imposing necessary restrictions on salvage activities is an important legislative function properly reserved to Congress.

Id. (footnote omitted). Based on this reasoning, the Court held that, due to his failure to obtain the necessary permits prior to conducting his salvage activities, Lathrop did not demonstrate a substantial likelihood of prevailing on his salvage claim.[56] Accordingly, and in addition to other reasons stated in the Court's opinion, Lathrop's Second Motion for Preliminary and Permanent Injunction was denied.[57]

As demonstrated by the Lathrop case, the Antiquities Act of 1906 is clearly a modern archeological protection tool, particularly in the marine environment. It has proven to be a powerful statute that can protect historic shipwrecks on lands owned or controlled by the United States. The reach of the Antiquities Act when linked with the NMSA can be even further extended as the NMSA provides a basis for application of the Antiquities Act to the submerged lands of a marine sanctuary, wherever located, within 0-200 miles offshore.[58] The linkage of these two statutes cures the Fifth Circuit's concerns set forth in the Treasure Salvors, Inc. holding as Congress did exercise the United States' sovereign prerogative to protect marine resources, including historic shipwrecks, when it passed the NMSA. Thus, the NMSA gives the United States, for purposes of applying the Antiquities Act, control over submerged lands within a marine sanctuary, even if located up to 200 miles offshore.[59]

Perhaps, with the enactment of additional legislation designed to protect submerged cultural

resources located beyond state waters, historic shipwrecks will be afforded even better protection, which they so desperately deserve. Until that time, we must continue to rely on statutes such as the Antiquities Act of 1906, which has proven to be extremely important to the preservation of our cultural heritage. In any event, it can certainly be said that the Antiquities Act of 1906 is alive and well on its 90th Birthday.

Notes

1 See, e.g., *Wiggins v. 1100 Tons, More or Less, of Italian Marble,* 186 F. Supp. 452, 456-57 (E.D. Va. 1960); *Rickard v. Pringle,* 293 F. Supp. 981, 984 (E.D.N.Y. 1968); *Treasure Salvors, Inc. v. The Unidentified Wrecked and Abandoned Sailing Vessel,* 569 F.2d 330, 336-37 (5th Cir. 1978); and M. Norris, The Law of Salvage Section 156 (1958).

2 Id.

3 See, e.g., Treasure Salvors, Inc. at 336-37.

4 Id. at 337.

5 See, e.g., id.

6 See, e.g., id. at 330-43. But see *Klien v. Unidentified Wrecked and Abandoned Sailing Vessel,* 758 F.2d 1511 (11th Cir. 1985) (The United States was held to have ownership of an 18th-century shipwreck partially buried in the submerged lands of the Biscayne National Monument based on both exceptions to the law of finds: 1) the vessel was found to be embedded in submerged lands belonging to the United States that are part of National Park System; and 2) the United States had constructive possession of the shipwreck because the wreck was indicated on an archeological assessment, performed on behalf of the National Park Service, demonstrating that the United States had the power and intention to exercise dominion and control over the wreck.)

7 The Abandoned Shipwreck Act of 1987, Pub. L. No. 100-298, 43 U.S.C. sections 2101-2106 (1988).

8 Id. The ASA, however, does not apply to abandoned shipwrecks located in or on federal public lands and abandoned shipwrecks located in or on Indian lands. 43 U.S.C. sections 2101, 2105.

9 Id.

10 The NMSA is Title III of the Marine, Protection, Research and Sanctuaries Act of 1972, 16 U.S.C. sections 1431, et seq..

11 16 U.S.C. Section 1431(a)(2) (emphasis added).

12 When the USS *Monitor* was found in 1973, there was excitement about the discovery and concern about its potential destruction due to looting or salvage. In order to protect and preserve the USS *Monitor,* two avenues were pursued: 1) designating it as a National Historic Landmark under the National Historic Preservation Act, 16 U.S.C. Section 470a and the regulations promulgated thereunder; and 2) designating it as a National Marine Sanctuary. As a result, the USS *Monitor* became the first national marine sanctuary in 1975.

13 For example, the United States successfully linked the effects of treasure-hunting on an alleged historic shipwreck to those effects on turtle nesting grounds in the matter of *Lathrop v. The Unidentified, Wrecked & Abandoned Vessel,* 817 F. Supp. 953 (M.D. Fla. 1993).

14 Sections one and three of the Antiquities Act. It should also be noted that the Antiquities Act was under a constitutional attack in two cases: 1) *United States v. Diaz,* 499 F.2d 113 (9th Cir. 1974) (In that case, the Ninth Circuit held that the Antiquities Act was unconstitutionally vague and therefore a violation of due process. Specifically, the Court found that the definitions of "ruin," "monument," or "object" could also include objects made recently and, as a result, provided insufficient notice to the public of the applicability of the Act's penalty provisions); and 2) *United States v. Smyer,* 596 F.2d 939 (10th Cir. 1979) (In the Smyer case, the Tenth Circuit upheld the constitutionality of the Antiquities Act. The Court distinguished the Smyer case from the Diaz case: the Diaz case involved face masks made in 1969 or 1970 as opposed to the objects appropriated in the Smyer case, which involved artifacts that were 800-900 years old and were taken from ancient sites for commercial purposes. Id. The Court found that, as it applied to the case before it, the Act suffered "no constitutional infirmity" and must be considered "in the light of the conduct with which the defendant is charged." Id.).

15 Treasure Salvors, Inc., 569 F.2d at 333.

16 Id.

17 Id. at 337.

18 Id. at 338 (while the Court recognized that Congress can exercise the United States' sovereign prerogative to extend U.S. jurisdiction to protect historic resources on the outer continental shelf, it held that Congress did not do so under the OCSLA).

19 Id.

20 Id. at 337-40.

21 Id. at 330-43.

22 *Randy L. Lathrop v. The Unidentified, Wrecked & Abandoned Vessel,* 817 F. Supp. 953 (M.D. Fla. 1993).

23 Id. at 956.

24 The Cape Canaveral National Seashore is owned in fee title by the State of Florida. By means of a dedication instrument dated April 1, 1980, the United States was given exclusive use, management and control of the Seashore. Subsequent to the execution of the dedication instrument, the Cape Canaveral National Seashore was established by Congress as a National Seashore, to be administered by the United States National Park Service. 16 U.S.C. Section 459j.

25 Lathrop at 956.

26 Id.

27 Id. at 956-57.

28 Id. at 957.

29–32 Id.

33 Id. at fn.3.

34 Id. at 957-58.

35 Id. at 958.

36 Id..

37 Id. at 959.

38–42 Id.

43 Id. at 960.

44 Id. The Park Service regulations which the United States argued that Lathrop had violated include 36 C.F.R. sections 2.2(a)(2), 2.31(c)(2) and (c)(3).

45 Lathrop, 817 F. Supp. at 960.

46 Id.

47 Id. See also Section 10 of the Rivers and Harbors Act of 1899, 33 U.S.C. Section 403 and the regulations promulgated thereunder.

48 Lathrop, 817 F. Supp. at 960.

49 See Plaintiff's Memorandum of Law in Support of Plaintiff's Motion for Preliminary and Permanent Injunction at 6.

50 Lathrop, 817 F. Supp. at 962 (emphasis in original).

51 Id. (quoting 16 U.S.C. Section 459j).

52 Lathrop, 817 F. Supp. at 963.

53 Id. (citing 16 U.S.C. Section 459j-2(b)) (emphasis in original).

54 Lathrop, 817 F. Supp. at 963.

55 Id. (quoting *Martha's Vineyard Scuba HQ. v. Wrecked and Abandoned Steam Vessel,* 833 F.2d 1059 (1st Cir. 1987)) (citations and footnotes omitted) (emphasis in original).

56 Lathrop, 817 F. Supp. at 963 (footnote omitted).

57 Id. at 967.

58 The NMSA can be applied to "those areas of coastal and ocean waters, the Great Lakes and their connecting waters, and submerged lands over which the United States exercises jurisdiction, including the exclusive economic zone [up to 200 miles offshore], consistent with international law . . . ." 16 U.S.C. Section 1432(3).

59 Id.

Caroline Meredith Zander is a trial attorney in the Environmental & Natural Resources Division of the U.S. Department of Justice.

—*continued from page 6*

1996, 128 pages, maps, photographs, bibliography of recommended readings. $37.50, paperback; $70.00, limited cloth edition signed by the author. Reviewed by Lawrence F. Van Horn.

Spread respectively among five states in the United States and one province in Canada—Nebraska, North Dakota, Montana, South Dakota, Wyoming, and Saskatchewan—the author provides a well-organized guide for automobile tourists to visit the various types of sites associated with the Great Sioux War of 1876–1877, which he calls "a military-cultural epic with little parallel in American history" (page 17). Paul Hedren is a geographer and historian and superintendent of Fort Union Trading Post National Historic Site, North Dakota.

The historical narrative is interwoven with 54 "GETTING THERE" vignettes keyed to the text. With acknowledgements, an introduction, and instructions on how to use this guidebook, Hedren organizes his material into five chapters: "An Orientation Tour through the Sioux War Landscape," "Setting the Stage," "The Summer War, March–October 1876," "The Winter War, 1876–1877," and the "Sioux War Aftermath, 1877–1881." These chapters are succinct but still comprehensive with each of the interspersed vignettes giving a concise statement of historical significance along with regional and local highway directions to the site. The arrangement works because of the extensive cross-referencing in each chapter to the vignettes. Every time a site is mentioned, its "GETTING THERE" number follows in bold parentheses for convenient page turning.

The Lakota and Northern Cheyenne fought during the Great Sioux War in a valiant attempt to maintain their cultural, geographical, and subsistence integrity from increasing Euro-American inroads. Hedren recounts their struggles mainly from the United States Army's perspective of its mission "to move the roaming Sioux to their reservation" (page 25). Thus, a concern of mine about this book is the need for greater sensitivity to and inclusion of Indian perspectives, both then and now about strategies, tactics, and cultural values.

One of Hedren's recommendations for further reading poignantly discusses the concept of total war—Jerome Greene's *Slim Buttes, 1876: An Episode of the Great Sioux War* (Norman: University of Oklahoma Press, 1982). More than once, total war became the hallmark of the Great Sioux War in which non-combatant women and children were killed along with combatant warriors. Hedren alludes to total war in his discussion of the Dull Knife Battle, Wyoming, which took place on November 25, 1876:

> Thirty Cheyennes were killed in the battle. Eleven babies froze to death that night, exposed to the frigid weather without shelter. More than any other fight in the Great Sioux War, the ferocity and conclusiveness of the Dull Knife battle demonstrated to the Indians that nothing short of absolute submission would end this war (page 92).

Hedren notes that the Lakota group devastated by Captain Anson Mills and his contingent of Third Cavalry on September 9, 1876, at Slim Buttes, South Dakota, was on reservation land—the Great Sioux Reservation. Apparently there was no need to attack this group within the overall mission of the army, which was reservation containment as mentioned above. The attacking United States force probably did not know that reservation land was involved (pages 77 and 79). But given total war, perhaps this knowledge would have made no difference.

The cultural importance today of certain Indian sites and land statuses could have been presented more clearly. By way of example, Hedren refers to the land of the Crow Nation that contains part of the Little Bighorn Battlefield, Montana, as being only under federal "Bureau of Indian Affairs jurisdiction" (page 63). The concept of Indian sovereignty is still current and consistent with the 1834 nation-within-a-nation opinion of Chief Justice John Marshall. So current, in fact, is this concept that the Memorandum of April 29, 1994, of President William Jefferson Clinton emphasizes federal consultations on a basis of "Government-to-Government Relations With Native American Tribal Governments." Hedren might have added that jurisdiction, especially from the Indian perspective, is with the Crow Nation.

On a minor note, many photographs that Hedren provides are properly attributed as to their source, naming the collection of which they are a part. Others, however, are not credited. It would have been more helpful simply to attribute all historic and contemporary photographs in the book, even if supplied by the author.

Hedren is particularly strong in describing the geographic landscapes of the Great Sioux War (pages 23–26). I applaud him on this because these landscapes literally set the stage for what happened and provide background information that is useful for additional cultural and ethnohistorical research. Further interest has been provoked, at least for me, in Plains Indian grass burning, which Hedren mentions as a military tactic but implying a larger cultural and ecological practice related to indigenous land management (pages 61, 73, and 91). It would seem that prairie grass was burned as a diversion militarily and to reduce the grazing available for the enemy's livestock. Ecologically, it apparently affected the floral balance in certain desirable ways and induced new growth.

This book is a precise, well-written roadside guide, both historically sound and stimulating. It should be of lasting value to those not only wanting to visit the actual sites of the Great Sioux War, but also to those who want to know more about North American Indians and United States soldiers and why, how, and where they fought.

How the Other Half Lived: A People's Guide to American Historic Sites by Philip Burnham; reviewed by Dwight Pitcaithley.

How the Other Half Lived is based on a simple question: how have museums and historic sites assimilated the social history scholarship of the past 30 years? To answer this question, Philip Burnham took two years visiting several dozen historic sites and museums operated by local, state, private, and national entities. The results of his inquiry are represented in five topical chapters; "The Indian Battle," "The Plantation," The Mission," "Hearth and Home," "The Railroad," and a conclusion. Burnham's choice of sites is in keeping with his curiosity. Do plantation sites discuss slavery as well as the architecture of the manor house and the social life of its owners? Are mission sites presented only from the perspective of the Spanish, or do they incorporate the views of the novitiates? Do battle sites present a balanced view of the event, or do they tend to glorify and reinforce ethnocentrist views of one side or the other?

Burnham is not encouraged by what he found. Too many historic plantations still refer to slaves as servants, too many mission sites offer stereotypical views of the Spanish and their Indian charges. For the most part, Burnham discovered that most historic sites and museums (at least of the ones he visited) present one-dimensional views of the past, uncomplicated by recent research. Instead of offering the past with all the complexity and richness that historians now know existed, museums and sites remain (according to Burnham), stuck in a philosophical conceptualization that romanticizes the past and reinforces traditional stereotypes. While new scholarship could be used to paint much clearer and more complete images of the past, Burnham finds that most sites and museums avoid dealing with historical complexity or controversy despite the educational potential to be found in doing so.

Incorporating social history research into educational programs is, indeed, more difficult than operating a historic site that reflects only one view of the past. Burnham proposes that managers and administrators grapple with the issue, get beyond the typical house tour, and ask "who did the work here, and under what conditions?" These are good suggestions. Historic sites and museums should regularly reassess their educational programs in light of recent research and develop new, different, and challenging ways of exploring the past for the visiting public. The places where we learn our history should be more about education than reaffirmation.

How the Other Half Lived could serve as a blueprint for incorporating new research into exhibits and historic site presentations. It disappoints, however, for Burnham never fully engages his subject. He skirts about the edges, probing and picking, but never really grappling with the substance of the issue. He finds fault with almost every exhibit, (sometimes with good reason, sometimes a bit too quickly for this reviewer), but seldom suggests how the subject might be presented more effectively and completely using social history research. His singular reference to the Smithsonian Institution, for example, is to its outmoded railroad exhibit. Recent Smithsonian Institution exhibits including, "First Ladies: Political Role and Public Image," "Parlor to Politics: Women and Reform, 1890–1925," "Field to Factory: Afro-American Migration, 1915–1940," and the Institution's remarkable contribution to the bicentennial of the Constitution, "A More Perfect Union," are nowhere in evidence. Sites that do appear, by the author's own account, to incorporate new scholarship, receive only oblique approval. Smaller deficiencies include the bibliography, which contains only ten items; the endnotes, which reference only quoted material; and the index, which was somehow omitted.

Philip Burnham had, by all accounts, a great deal of fun compiling this book, but in the process compromised its usefulness. His propensity for making flip comments in lieu of balanced assessments regularly clashes with the importance of the subject at hand. This is unfortunate, for Burnham asks important questions—questions that need to be addressed by all museums and historic sites that present themselves as educational institutions. In spite of its problems, *How the Other Half Lived* is worth reading; in amongst the glib observations and the unbalanced presentation are thoughts worthy of careful consideration.

—Dwight Pitcaithley

SOLINET

The Southeastern Library Network (SOLINET) has introduced its Preservation Services web pages, now available as a part of the SOLINET web site. Information available includes full text leaflets and bibliographies, a Reference Question of the Month, workshop schedules and descriptions, listing of preservation publications for sale, a description of the Audiovisual Loan program, and an overview of the Microfilm Service. The "What's New" page features new programs, news from members, and upcoming events. The URL is http://www.solinet.net/presvtn/preshome.htm. If you are a member of SOLINET and would like to submit a short article related to preservation for the "News From Members" section, contact Sharla Richards, 1-800-999-8558, ext. 228 (sharla_richards@solinet.net) or Christine Wiseman, 1-800-999-8558, ext. 241 (christine_wiseman@solinet.net).

NCPTT

The National Center for Preservation Technology and Training (NCPTT) announces its 1997 Preservation Technology and Training Grants in historic preservation. The Center is a National Park Service initiative to advance the practice of historic preservation in the fields of archeology, architecture, landscape architecture, materials conservation, and interpretation. Grants will be awarded in three program areas: research, training, and information management. All proposals that seek to develop and distribute preservation skills and technologies for the identification, evaluation, conservation, and interpretation of cultural resources will be considered.

Grants will be awarded on a competitive basis, pending the availability of funds. Only government agencies and not-for-profit institutions may apply.

Proposal deadline is December 20, 1996. The complete 1997 PTTGrants announcement, including the request for proposals and instructions on how to prepare and submit applications, is available via NCPTT's fax-on-demand computer and NCPTT's World Wide Web page and Internet gopher.

For more information via fax, telephone NCPTT's fax-on-demand computer at 318-357-3214, and follow the recorded instructions to receive a 1997 PTTGrants announcement by return fax; via World Wide Web, the address is http://www.cr.nps.gov/ncptt/; and via gopher, the address is gopher://gopher.ncptt.nps.gov. The 1997 PTTGrants announcement is posted under About the National Center...../Announcements/.

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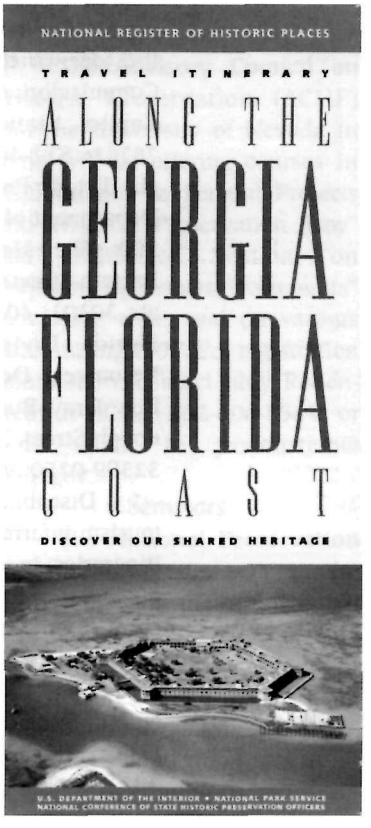
Historic Sites Brochures

Heading South or West? Interested in historic buildings, districts, sites, structures, and objects? The National Park Service highlights many of these areas in its *National Register of Historic Places Travel Itineraries of South and West Texas* and *Coastal Georgia and Florida*. These publications are part of *Discover Our Shared Heritage*—a National Register Travel Itinerary Series that explores our country's past through visiting historic places which reflect major aspects of American history. Included in the itineraries are national parks, National Historic Landmarks, and other sites listed in the National Register of Historic Places, the nation's official list of places important in our history and worthy of preservation.

The travel itineraries consist of self-guided tours which include a brief historical essay and a description of each place's significance in American history, architecture, archeology, engineering, and culture. They provide maps, locations, photographs, and sources of additional information on the historic sites that can be used to develop individualized tours targeting specific geographic areas, historic periods, or aspects of history.

The Texas itinerary describes 43 historic places associated with the early history of South and West Texas. It includes sites associated with the first explorers and settlers of Texas—the American Indians—as well as historic missions, *presidios* (forts), and towns reflective of the European and later American experience in Texas. The major themes highlighted in this itinerary are: encounters between Europeans and native peoples, development of the Spanish mission system, Spanish and Mexican settlement, the Texas independence movement, and the impact of European immigration. The tour of historic places in southern Texas extends through the western frontier.

The coastal itinerary describes 51 historic places associated with the early history of coastal Georgia and Florida. It



includes sites associated with American Indians, historic forts, churches, plantations, and towns reflective of the European and later American experience in Georgia and Florida. The major themes highlighted are: encounters between Europeans and native peoples, Spanish and British occupation, pioneer settlement, plantation agriculture based on African slavery, African-American culture, and beginning about 1890, tourism, which remains an important industry. The tour of historic places along coastal Georgia and Florida begins in Savannah, Georgia, and follows the Atlantic coast to the southernmost point of Florida—Fort Jefferson in the Dry Tortugas.

This National Register of Historic Places Travel Itinerary was developed as a demonstration project by the National Park Service, U.S. Department of the Interior, and the National Conference of State Historic Preservation Officers. Copies of the travel itinerary are being made available for distribution at the sites included on the tour and through the State Historic Preservation Offices. There may be a charge for the itineraries. Contact one of the sites on the tour, or the Texas Historical Commission, P.O. Box 12276, Capitol Station, Austin, Texas 78711; 512-463-6100; the Georgia Historic Preservation Division, Department of Natural Resources, 500 The Healy Building, 57 Forsyth Street, NW, Atlanta, Georgia 30303; 404-656-2840; or, the Florida Division of Historical Resources, Department of State, R.A. Gray Building, 500 S. Bronough Street, Tallahassee, Florida 32399-0250; 904-488-1480.

Distributors of travel and tourism information can order the itineraries in quantity (minimum 50 copies per order) for $2.00 per copy from: the National Conference of State Historic Preservation Officers, 444 North Capitol Street, N.W., Suite 332, Washington, D.C. 20001; 202-624-5465, Fax 202-624-5419. For more information on the travel itineraries, contact the National Register of Historic Places, National Park Service, P.O. Box 37127, Washington, DC 20013-7124; 202-343-9536, Fax 202-343-1836.

—Patrick Andrus
Historian, National Register of Historic Places

National Park Trust Names Executive Director

The National Park Trust (NPT), a Washington, DC-based land conservancy, has named Bruce Craig as the organization's new Executive Director. Craig brings to the position 20 years of national park-related experience, having previously worked for over a decade with the National Park Service, as well as eight years with National Parks and Conservation Association. Most recently, he served as Executive Director of the Conference of National Park Cooperating Associations.

Founded in 1983, the National Park Trust is a private, non-profit land conservancy. Funded through individual and institutional contributions and grants, the Trust is the only nationally-based land trust exclusively dedicated to preserving and protecting America's endangered national park units. NPT seeks to protect parks by acquiring inholdings of private property within authorized park boundaries; it also seeks to expand existing parks by purchasing lands and interests in lands in and around national park units and to create new national park units. The NPT also provides a direct grants to the NPS to acquire parcels of land for which there are no federally-appropriated moneys. Craig has pledged to do everything possible to raise public awareness and the necessary funds to save America's endangered national parks.

The **Southern American Studies Association** biennial meeting will be held February 27 to March 2, 1997, in Seaside, FL. The theme is "American Communities: Past and Present." For more information, contact Dr. Lynne Adrian, Department of American Studies, P.O. Box 870214, University of Alabama, Tuscaloosa, AL 35487-0214.

The Ninth Conference on Research & Resource Management in Parks and on Public Lands will be held March 17–21, 1997, in Albuquerque, New Mexico. Sponsored by the **George Wright Society**, the conference theme is "Making Protection Work: Parks & Reserves in a Crowded, Changing World." For registration information, write The George Wright Society, P.O. Box 65, Hancock, MI 49930-0065; email:gws@mail.portup.com; or visit the conference web page at http://www.portup.com/~gws/gws97.html.

Conference on Wood Protection

The Forest Products Society announces the development of a conference of critical interest to individuals involved in or interested in the protection of wood from fungi and insects using water-diffusible preservatives. The conference should be of direct interest to manufacturers of wood-based products that may benefit from diffusible treatments; home builders (especially log homes); pest control operators and regulatory personnel; wood treaters; suppliers of wood preserving and pest control equipment and chemicals; building preservation/restoration personnel; and others concerned with pest control and wood preservation.

The conference will feature technical presentations (both formal and poster) and tabletop exhibits on:

- International status of the use and effectiveness of diffusible preservative systems.
- Practical applications of diffusible preservatives by pest control operators to various types of structures.
- Techniques and equipment for application of diffusible preserv-

atives in modern and historic structures.
- Use of diffusible preservatives for control of subterranean, drywood, and Formosan termites; wood boring beetles; carpenter ants; and decay fungi.
- Use of diffusible systems in treatment of logs, poles, lumber, crossties, composites, and pallets.
- Environmental aspects of the use of diffusible preservatives.

The conference is being sponsored by the Forest Products Society in cooperation with the National Center for Preservation Technology and Training—National Park Service, and several other organizations.

What is the Forest Products Society?

The Forest Products Society is an international, nonprofit educational association founded in 1947. Its Vision is to be the world leader in technical information transfer to further the socially beneficial use of wood and fiber resources.

The Society's Mission is to foster innovation and research in environmentally sound processing and use of wood and fiber resources by disseminating information and providing forums for networking and the exchange of knowledge.

Society members represent public and private research, development, industrial management, production, marketing, education, engineering, sales, supply and consulting interests. With over 3,000 members and subscribers from more than 50 countries, the Society provides an invaluable international network of expertise related to wood and fiber resources and their use.

The Forest Products Society International Headquarters is located in Madison, Wisconsin. A full-time professional staff in Madison, and an extensive network of volunteers at the local and regional level, generate the many services the Society provides.

For more information, contact: Forest Products Society, 2801 Marshall Court, Madison, Wl 53705-2295; 608-231-1361, ext. 201, Fax: 608-231-2152.

The National Council for Preservation Education, in partnership with the National Park Service and Goucher College, is inaugurating a series of invitational conferences focusing on critical issues in the field. The first conference, to be held March 20–22, 1997, at Goucher College in Towson, Maryland, will examine the concept of historic significance as it has been, and as it might be, applied to historic preservation public policy and professional practice. The theme is "Preservation of What, For Whom? A Critical Look at Historic Significance." For more information, contact Michael A. Tomlan, Project Director, National Council for Preservation Education, 210 West Sibley Hall, Cornell University, Ithaca, NY 14853; 607-255-7261; Fax: 607-255-1971; email: mat4@cornell.edu.

Call for Papers

The **Society for American Archaeology (SAA)** will meet in Nashville, Tennessee, April 2–6, 1997. The theme for the meeting is "Celebrating National Commitments to Archaeology." In 1997, the National Historic Preservation Act will have been in place for 30 years, and during that time cultural resource management, very broadly defined, has revolutionized archeology in the USA and shaped national programs far beyond our borders. The program committee encourages the membership to think about the theme when submitting papers and sessions. Papers and symposia are encouraged to critique the results of national commitments to archeology, e.g., overviews of major field projects past and present; local, subregional, and regional syntheses of work accomplished; discussions of actual or potential problems resulting from political use of archeological information; surveys of public involvement and public education; or explorations of ways in which various legally-mandated programs and systems can be improved. Manuscripts are requested by late fall. For information about the SAA, and registration information for the Nashville meeting, contact Society for American Archaeology, 900 Second Street, NE, #12, Washington, DC 20002-3557; 202-789-8200; Fax: 202-789-0284; Internet: meetings@saa.org; email: info@saa.org; or David G. Anderson, 904-580-3011, ext. 344; Internet: danderso@seac.fsu.edu.

Courses

The University of British Columbia **Museum of Anthropology** is introducing a new certificate program in museum studies for mid-career professionals working in museums, historical sites, and other collection-based institutions. For information, contact Anna Pappalardo, Museum of Anthropology, The University of British Columbia, 6393 NW Marine Drive, Vancouver, BC V6T 1Z2; 604-822-5950; Fax: 604-822-2974.

The **Advisory Council on Historic Preservation** (ACHP) and the University of Nevada in Reno will be offering courses in "Introduction to Federal Projects and Historic Preservation Law" and "Advanced Seminar on Preparing Agreement Documents" in various cities and on various dates during 1997. For registration information, contact Judy Rodenstein at ACHP, 202-606-8584, or send email to jrodenstein@achp.gov.

Seminars

The **National Preservation Institute** will present seminars for cultural resource managers during the fall of 1996 and winter of 1997. The courses include "Cultural Resources and the National Environmental Policy Act" (NEPA), "Identification and Management of Traditional Cultural

Places," "Scope It Out: Developing a Scope of Work for Cultural Resource Compliance," "Issues in Federal Cultural Resource Compliance," "Photodocumentation of Historic Structures," "Cultural Resource Management Plans: Preparation and Implementation," "Accessibility and Historic Integrity," "Twentieth-Century Architectural Styles: Problems of Identification and Definition," and "Affordable Housing and Historic Preservation." For registration information, contact the National Preservation Institute, P.O. Box 1702, Alexandria, VA 22313; 202-393-0038; http://www.npi.org; email: info@npi.org.

The **Institute for the Study of Classical Architecture** will conduct a two-day seminar/workshop on the legacy of classical architecture in New York and the country November 2–3, 1996. The event is intended for practicing architects, interior designers, furniture designers, educators, historians, preservationists, craftspeople, and property owners with a practical as well as scholarly interest in classical design. For further information, contact Judith Lief, Seminar Coordinator, Traditional Building Magazine, 69A Seventh Avenue, Brooklyn, NY 11217; 718-636-0788; Fax: 718-636-0750.

Workshop

RESTORE and the Historic Charleston Foundation will present a workshop on "Cleaning Masonry Structures: Current Technology and Practice" on November 7–8, 1996 in Charleston, South Carolina. This is the third in a *Series of Workshops on Architectural Conservation Techniques* offered by RESTORE and the Historic Charleston Foundation. The workshop will provide detailed information on identification of masonry materials, soiling conditions on masonry structures, testing and selection of the right cleaning process. It will also focus on the health and environmental issues related to cleaning masonry—information that is vital to a thorough understanding of the cleaning process. For further information, contact RESTORE, 152 Madison Avenue, Suite 1603, New York, NY 10016; 212-213-2020; Fax: 212-213-3743.

Award

The Robert Kelley Memorial Award

The **National Council on Public History** (NCPH) announces the initiation of its "Robert Kelley Memorial Award." The award seeks to perpetuate the legacy and memory of a founder of the public history movement, Dr. Robert Kelley. It honors distinguished and outstanding achievements by individuals, institutions, non-profit or corporate entities for having made significant inroads relevant to individual lives of ordinary people outside of academia. The award presentation will be made at the 1997 NCPH meeting in Albany. Deadline for submission of nominations is December 1, 1996. For information on procedures and submission requirements, write to Bruce Craig, Chair, Robert Kelley Memorial Award Committee, P.O. Box 1000, Harpers Ferry, WV 25425.

FY 1997 Cultural Resource Training Initiative

The National Park Service announces the Cultural Resource Training Initiative for FY 1997. The Initiative underwrites training in history, architecture, archeology, anthropology, landscape architecture, curation, interpretation, and other fields of cultural resource preservation. Projects funded in FY 1996 include: "Treat Historic Aircraft with Care," "Northern Great Plains Local Preservation Leaders Symposium," "Interpreting the Homes of Artists and Writers," "Chart a Course for Preservation: A Workshop Promoting Cooperation Among Maritime Parks," and 22 other training activities. Applications must be submitted by offices or units of the National Park Service, but partnerships with non-profit organizations, professional associations, training institutes, and academic institutions are encouraged.

Proposals for training activities that promote the objectives of Section 101 (j) of the National Historic Preservation Act Amendments of 1992 are encouraged. This legislation specifically calls for increasing preservation training opportunities for other federal, state, tribal and local government workers, and students; technical or financial assistance, or both, to historically black colleges and universities, to tribal colleges, and to colleges with a high enrollment of Native Americans or Native Hawaiians. We strongly encourage you to develop your proposals in partnership with organizations that will reach the identified audiences.

Approximately $400,000 to $450,000 will be available in FY 1997. The maximum amount awarded will be $25,000 per training activity. Five copies of each proposal, complete with supplemental materials, must be received by October 15, 1996. The application is available via electronic means, but all final proposals must be submitted on paper. Faxed applications will not be accepted.

Selections will be announced on or shortly after November 29, 1996.

For applications, please contact Michael Auer, Coordinator, Cultural Resource Training Initiative, Heritage Preservation Services (2255), P.O. Box 37127, Washington, D.C. 20013-7127; telephone 202-343-9594; email: Michael Auer (WASO-Heritage Preservation Services).

Working on the Past

Developed by the Heritage Preservation Services Program of the National Park Service, this 40-minute video (VHS) on the *Secretary of the Interior's Standards for the Treatment of Historic Properties* offers a clear explanation of both the practical and philosophical differences between Preservation, Rehabilitation, Restoration, and Reconstruction. The process of selecting and applying the most appropriate treatment is spelled out, with particular emphasis on how each treatment can affect historic materials and features and—in turn—the public understanding of a place. This is essential preservation guidance for all audiences—historic property owners and managers, historic preservation commissions, design professionals, and students.

To purchase the video, make check or money order for $15.00 payable to: Historic Preservation Education Foundation, P.O. Box 77160, Washington, D.C. 20013-7160. Include your name, address, organization name, and telephone number. HPEF also accepts purchase orders.



Twelve Tribes Become Full Partners in the National Historic Preservation Program.

On July 17, 1996, National Park Service Director Roger G. Kennedy announced a new era in the national historic preservation program by approving 12 American Indian tribes as full partners. The 12 tribes will assume a role parallel to that of state government in administering the national program on their reservations. Tribes will tailor the program to accommodate tribal values and address tribal priorities. "This action marks a new beginning in the relationship between the federal government and tribes in the protection of the nation's heritage," said Kennedy. "The nation will benefit immeasurably from the unique tribal perspective on the preservation of historic resources associated with Indian culture."

The 1992 Amendments to the National Historic Preservation Act recognized the tribes' growing capabilities in historic preservation and the tribes' rightful place in the national program. Specifically, the 1992 Amendments provide for tribes, at their request, to assume responsibilities for such functions as identifying and maintaining inventories of culturally-significant properties, nominating properties to the National Register of Historic Places, conducting Section 106 review of federal agency projects on tribal lands, and administering educational programs on the importance of preserving historic properties.

The 12 tribes include: the Hualapai Tribe, AZ; the Yurok Tribe, CA; the Leech Lake Band of Chippewa Indians, MN; the Mille Lacs Band of Ojibwe Indians, MN; the Confederated Salish and Kootenai Tribes of the Flathead Nation, MT; the Standing Rock Sioux Tribe, ND & SD; the Confederated Tribes of the Umatilla Reservation, OR; the Confederated Tribes of the Warm Springs Reservation, OR; the Confederated Tribes of the Colville Reservation, WA; the Spokane Tribe of Indians, WA; the Lac Du Flambeau Band of Lake Superior Chippewa Indians, WI; and the Navajo Nation, AZ, NM, & UT.

For many years, a number of Indian tribes have been carrying out historic preservation activities according to their own ordinances and traditions. Some have developed sophisticated programs focusing especially on cultural and archeological sites. The 1992 Amendments recognized and built upon these significant capabilities, and enabled tribes to play a primary role in making decisions about historic and cultural resources on tribal land.

The national historic preservation program also will benefit from this development because tribes manage historic resources growing out of ancient tribal cultures, which are an important part of the fabric of the nation. Tribal decisions about their own tribal heritage will result in decisions more respectful of the cultures that produced and continued to maintain them. As a result, the national patrimony will be enriched. Indian reservations represent a wide range of land areas. The largest, the Navajo reservation, is about 16 million acres, which is comparable to the combined land masses of the states of Maryland, Delaware, and New Jersey.

The National Historic Preservation Act establishes the federal, state, tribal, local government, and private sector partnership that works to protect historic properties throughout the nation. Today, this partnership plays an important role in identifying historic properties in numerous communities, assisting the public with nominating properties to the National Register of Historic Places, enhancing the planning for using and preserving historic properties, providing tools to

encourage preservation, administering the Federal Historic Preservation Tax Incentives, using historic places to educate the public, and offering a wide range of technical assistance and training for agencies, organizations, and individuals.

—Bryan Mitchell and Cindy Daly

School for Scanning: Working in A Digital World

The National Park Service and the Northeast Document Conservation Center at the Smithsonian Institution

Most cultural resource managers encounter digital records daily in their electronic mail and World Wide Web sites, and as they prepare electronic publications and databases. Yet these same managers frequently don't know how digital technology works; what the jargon means; when it is appropriate to digitize objects for access or preservation; what the "big issues" are during digitization; and what legal, technical, and cost control issues exist for digital work. A new National Park Service workshop, "School for Scanning: Working in a Digital World," cosponsored by the NPS Interpretation and Museum Management Programs, is helping to change this.

On September 11–13, 275 cultural and natural resources managers, including 140 NPS archivists, curators, interpreters, librarians, historic preservation specialists, registrars, and others attended the NPS workshop "School for Scanning: Working in a Digital World," held at the Smithsonian's National Museum of American History. The workshop, held in the Carmichael Auditorium, was standing room only with attendees coming from as far away as Alaska, Brazil, California, and India. Attendees represented such diverse organizations as state, federal, and presidential libraries and archives; national endowments and foundations; universities, laboratories, and research institutes; museums and galleries; and federal, state, and local agencies.

Following a final mailing of follow-up handouts to course participants in October, the planners hope to circulate a limited edition "course in a box" version of the workshop to cultural resource organizations for educational purposes. The "course in a box" will provide access to the 400-page workbook, the MiniManual on Digitization produced for the workshop as well as to the workshop video and audiotapes. Planners are currently looking for funding to edit the tapes into a more easy-to-use summary of the conference. The planners also hope to hold additional sessions of the workshop at other locales if funding can be found. Locales interested in hosting such a workshop should contact Diane Vogt-O'Connor, c/o the Museum Management Program, 800 N. Capitol St., NW, Suite 230, Washington, DC 20002; or via NPS email.

The National Park Service sponsored this event and provided speakers through the joint efforts of the Interpretive Program and the Museum Management Program. The Northeast Document Conservation Center (NEDCC), a nonprofit regional conservation center that receives funding from the National Endowment for the Humanities, managed the seminar. The Smithsonian Institution provided the Carmichael Auditorium of the National Museum of American History and speakers. The Getty Art History Information Program provided the services of speaker Howard Besser and handouts.

The initial greeting and opening remarks were given on September 11th by Roger Kennedy, Director of the NPS; on the 12th by Michael Heyman, Secretary of the Smithsonian Institution; and the 13th by Paul Handly, NPS Web Master. The workshop drew on faculty from flagship federal, state, and academic organizations nationwide including: Howard Besser, University of California at Berkeley; Paul Conway, Sterling Memorial Library, Yale University; Steve Dalton, NEDCC; Carl Fleischauer and Melissa Smith Levine, National Digital Library, Library of Congress; Paul Handly, Lincoln Fairchild, and Edie Ramey of the National Park Service; Henry Kelly, the Government Office of Technology Policy; Steve Puglia, National Archives and Records Administration; James Reilly, Image Permanence Institute; and Dianne van der Reyden of the Smithsonian Institution's Conservation Analytical Laboratory.

Key sessions focused on:

- Digital Technology: How It Works
- Digital Jargon: What It Means
- File Formats: What are They
- Content Selection for Digitization: How Best to Do It
- Legal Issues: An Overview
- Text and Image Scanning: How Best to Do It
- Quality Control and Costs
- Redefining Preservation in a Digital World
- Digital Preservation
- World Wide Web Publications
- CD-ROM Publications
- Digital Projects: How to Manage Them.

—Diane Vogt-O'Connor

Editor's Note: Book Reviews

P. 6, *Traveler's Guide to the Great Sioux War.* Reviewer Lawrence F. Van Horn is a cultural anthropologist with the NPS Denver Service Center.

P. 34, *How the Other Half Lived.* Reviewer Dwight Pitcaithley is the Chief Historian of the NPS.



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