



James A. Glass

**The Beginnings of a New National
Historic Preservation Program, 1957 to 1969**

with a foreword by
Charles B. Hosmer, Jr.

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American Association for
State and Local History
Nashville, Tennessee

and

National Conference of State
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Washington, D.C.

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Glass, James A.

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national historic pres

To my parents,
Marjory B. and Robert L. Glass,
without whose encouragement
this book would not have been written.

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Foreword

For many years the amateurs and professionals who have fought to identify and preserve America's historic buildings have operated in a double vacuum. They have often been unaware of preservation efforts similar to their own, and they sometimes have fallen into the trap of believing that they would have to develop techniques of their own without reference to campaigns carried on in the past. It is true that organizations like the National Trust for Historic Preservation and the American Association for State and Local History have tried to fill this void, but busy historians often believe they do not have time to write down the story of their own work.

There is no comprehensive history of historic preservation in this country covering the years since 1950. The National Trust has published several volumes covering its own history, and the National Park Service has produced administrative studies of its Landmarks program

and the challenges that came with the passage of the National Historic Preservation Act of 1966.

James A. Glass has filled a most important gap in showing us the people and organizations that came together in the early 1960s to preserve the built environment of the United States in opposition to the forces of "progress." For the first time professionals in historical and preservation agencies will have a clear understanding of the National Historic Preservation Act, a major piece of legislation that has affected all of us. His lively text gives recognition to key actors in the drama that unfolded in Washington between 1964 and 1969. We can only hope Glass will develop the themes touched on in his last chapter and provide us with a survey of the 1970s and the activities that did so much to put preservation into the mainstream of American culture.

Charles B. Hosmer, Jr.

Preface

Historic preservation, the practice of conserving man-made structures, sites, and objects because of their historical, aesthetic, or archeological importance, is today a diverse activity that extends throughout the United States. During the past twenty years, the impulse to preserve has been fostered by a national program established by Congress in 1966. Under the terms of the National Historic Preservation Act, the federal government and the states and territories have jointly encouraged the preservation and protection of historic places. At present, each state receives an annual grant from the United States Department of the Interior as a partial reimbursement for the cost of conducting statewide surveys of historic properties, registering such sites, carrying out comprehensive preservation plans, guiding the rehabilitation of tax-depreciable historic structures, and participating in a review of federal projects aimed at protecting historic places.

Some aspects of the program have been judged widely successful; others have caused conflict among the participants. One of the most popular features of the national program today, dispensing income tax incentives for the rehabilitation of historic structures, has attracted more than \$10 billion in private investment since 1976, while the protective review conducted by the states and the Advisory Council on Historic Preservation has become "institutionalized" in the practices of federal agencies. On the other hand, the need for several aspects of the program has been debated in recent years, particularly federal grants-in-aid to the states for the acquisition and development (that is, restoration, rehabilitation, and archeology) of historic properties and detailed federal oversight of the national program in each state.

Both the popular and controversial features of the program are rooted in the events of the 1960s that led to adoption of the Historic Preservation Act and shaped the administrative system devised to carry out the legislation. For example, the current investment tax credits are directly descended from a 1966 recommendation of the Rains Committee, a blue-ribbon preservation study group. The protective review of the states and Advisory Council originated in the agitation of preservationists between 1957 and 1966 for a mechanism that would slow the destruction of historic landmarks by federally financed projects. Grants-in-aid to assist in the preservation of historic buildings was one of the principal rationales for the 1966 legislation, and the authority for federal regula-

tions that today require detailed accounting for expenditures derives in part from provisions for record-keeping that were included in the National Historic Preservation Act.

Despite the relevance of the beginnings of the preservation program to current practices, until recently little had been written about the early years. To help fill this void, the author recently prepared a doctoral dissertation that examines the formative period of the program. Based on a review of more than a thousand primary documents and some twenty taped interviews, the dissertation provides a detailed reference source for scholars and other specialists in the preservation field. The present booklet is condensed from the larger work.¹

Several qualifying remarks should be made regarding the following account. Drawn mainly from the archives of the National Park Service and interviews with people who spent their careers in Washington, D.C., the book tends to reflect points of view held by Service employees and by government officials and preservationists in the national capital. Due to limitations of time and money, no investigation was attempted of surviving state records for the period from 1966 to 1969. Mention of the role played by the states in the program is based on correspondence in the files of the Park Service and interviews with several former state preservation officials.

Also, little is said in this account concerning the National Trust for Historic Preservation after the 1966 legislation authorized federal grants to the private organization. This omission was partially dictated by current restrictions against use of the Trust archives, but also by indications in the documents of the Park Service that the Trust pursued activities that were not central to the federal-state program.

As a final caveat, this book attempts to present the period from 1957 to 1969 as perceived by participants in the events described. This approach allows present participants in the national program easily to put into perspective policies that originated two decades ago. The desires and objectives of the people who set forth the policies initially can be compared with current motivations and rationales.

NOTES

¹See James A. Glass, "The National Historic Preservation Program, 1957 to 1969" (Ph.D. diss., Cornell University, 1987).

Acknowledgments

For encouragement and assistance in preparing the book, the author wishes to express his thanks to several people. Larry E. Tise, a state historic preservation officer for many years, first suggested that a condensation of the author's doctoral dissertation be prepared. As director of the American Association for State and Local History, Tise volunteered the auspices of the Association for publication of this work through AASLH Press. Candace Floyd and Joanne Jaworski saw the manuscript through the editorial and printing stages.

Robert M. Utley and Charles E. Lee, both participants in the early years of the national preservation program, were kind enough to read through the entire manuscript and offer helpful criticisms. Charles B. Hosmer, Jr., reviewed the work and supplied comments drawn from his unique perspective as historian of the preservation movement. At the National Park Service, Jerry L. Rogers, the associate director for Cultural Resources, and Barry Mackintosh, the bureau historian, read the manuscript and made valuable suggestions. Eric Hertfelder, executive director of the National Conference of State Historic Pres-

ervation Officers, furnished a lucid critique of the work from the viewpoint of the states. After initial revisions were made, Rogers, Hertfelder, and Robert R. Garvey, Jr., all veterans of the national program, reviewed the concluding chapter and recommended several improvements.

A word should also be directed to those who made possible the research and writing of the dissertation. The author would like to acknowledge the Ronald F. Lee Research Fellowship made possible in 1985 by Frederick L. Rath, Jr., and the Eastern National Park and Monument Association and the encouragement and hospitable research environment provided by Jerry Rogers and the Cultural Resources staff of the National Park Service during the summer of 1986. In addition, the project was nurtured at Cornell University by the members of the doctoral committee: Professors Michael A. Tomlan, Barclay G. Jones, and John W. Reys.

Finally, the author wishes to thank Charles Hosmer for taking time from a busy schedule to write a foreword.

Introduction

The program created in 1966 was not the first venture of the federal government in the field of historic preservation. Some one hundred years before, the United States War Department had assumed custody of battlefields associated with the Revolutionary and Civil wars, both to memorialize the conflicts and to protect the sites from civilian encroachment. The settlement of the American West in the decades after the Civil War brought the national government further into preservation activities. Pot hunters and vandals aroused the concern of archeologists and other citizens interested in the prehistoric ruins surviving in western states. Popular outcries over the destruction of such remains on federal lands stimulated Congress to pass the Antiquities Act of 1906, which authorized the President to declare sites in the public domain that were of great prehistoric, historic, or natural value as national monuments. Such an action placed the endangered artifacts under the protection of the federal government.¹

Most of the national monuments were placed in the custody of the National Park Service when the park bureau was created as part of the Department of the Interior in 1916. Thereafter, a second method of extending federal protection to prehistoric and historic properties was available to preservation advocates: persuading Congress to acquire such sites and include them as parts of the new National Park System. In 1933, President Franklin D. Roosevelt considerably enlarged the Park System by transferring to the Park Service most of the historic battlefields and forts that the War Department had previously maintained.²

The New Deal years of the 1930's brought a further expansion of preservation activities on the part of the Park Service. A series of national historical parks commemorating the colonial and Revolutionary War periods of American history were created in Virginia and New Jersey, and the Historic American Buildings Survey was launched under Service leadership to put the unemployed architects of each state to work preparing measured drawings and taking photographs of historic architecture. Spurred by growing public interest, Congress established in 1935 a national program for the preservation of historic properties outside of the National Park System.³ The Historic Sites Act of that year authorized the Park Service to inaugurate surveys of nationally important historic sites and to work cooperatively with other units of government and private citizens to preserve such properties for

the "inspiration and benefit" of the American people.⁴

After adoption of the 1935 law, the park bureau organized a Historic Sites Survey to inventory nationally important historic places and recommend sites illustrating significant historical themes in the American past for inclusion in the Park System. The Service also continued operation of the Historic American Buildings Survey and published state catalogs of historic architecture recorded by the architects. The burst of preservation activity by the federal government came to an end in 1942, as the United States entered World War II and the budget of the Park Service shrank. Following the end of the war in 1945, the Park Service slowly resumed its peacetime activities. Nevertheless, funds were insufficient to revive either the Historic Sites Survey or the Historic American Buildings Survey. Until the late 1950's, the national preservation program created in 1935 remained largely dormant.⁵

Meanwhile, the conclusion of the war brought sweeping changes to American society with implications for historic properties outside the Park System. The national population expanded rapidly, as returning veterans set off a "baby boom" by getting married and beginning families. The increasing numbers of households brought a steadily growing demand for additional housing and spawned countless new suburban residential tracts on the outskirts of existing urban areas, financed with mortgages guaranteed by the federal government. The national economy also entered a "boom" period, as American trade expanded throughout the world and consumer demand at home brought forth many new businesses producing both durable goods and luxuries.⁶

The diversion of people from cities to suburbs was accompanied by a corresponding decline in the vitality of older residential neighborhoods and central business districts. Physical decay appeared in communities across the nation. At the same time, a rapid increase in popular mobility due to the growing use of automobiles led to a desire on the part of many people for changes in the layout of cities. Those who lived in suburbs or "bedroom communities" wanted a quick way to travel between their homes and downtown working places. City street patterns, which had been laid out in a horse-drawn age, seemed to foster constant traffic jams.

Automobiles and trucks also rapidly became the preferred modes of inter-city transportation for pleasure travelers, business people, and shippers of commercial

and industrial goods. Advocates of better roads urged that a national network of highways be constructed that would permit swift transit across the United States.⁷

Alarmed by the decline in cities and anxious to adapt urban areas and the countryside to meet the demands of growth, private lobbyists, representatives of city and state governments, and officials of federal agencies persuaded Congress and the administrations of presidents Harry S. Truman and Dwight D. Eisenhower to launch ambitious federal programs. The new national activities resulted in the destruction of many treasured historic landmarks and aroused the resistance of preservationists, who pressed for new preservation legislation.

Notes

¹For a summary of the War Department's role as custodian of historic military sites, see Charles B. Hosmer, Jr., *Preservation Comes of Age: From Williamsburg to the National Trust, 1926-1949*. (Charlottesville: University Press of Virginia for the Preservation Press, 1981), I, pp. 471-74.

²Ibid., pp. 474-77; 527-32.

³Ibid., pp. 493-576.

⁴See "Public Law 74-292 [Historic Sites Act]," *United States Statutes at Large*, 49 (1935-1936), p. 666.

⁵See Barry Mackintosh, *The Historic Sites Survey and National Historic Landmarks Program: A History* (Washington, D.C.: History Division, National Park Service, 1985), pp. 4-33.

⁶See Mel Scott, *American City Planning Since 1890* (Berkeley, Calif.: University of California Press, 1969), pp. 415-513.

⁷Ernest Allen Connally alludes to the physical changes occurring across post-war America in his essay, "Origins of the National Historic Preservation Act of 1966 [Part I]," *CRM Bulletin*, 9, No. 1 (February, 1986), pp. 7-10.

Note Concerning Citations

Because this account is based on the author's doctoral dissertation, citations from the larger work have been supplied in most of the chapter notes, as an aid to those readers who wish to delve into the episodes described in more detail. Copies of the dissertation may be ordered from University Microfilms International, Inc., Ann Arbor, Michigan 48106 (800-521-0600).

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immediately, and local citizens soon voiced concern over the destruction by highway projects of the scenic and historic character of many communities. By 1958, objections were commanding national publicity. *The New York Times* reported that to some preservationists, the interstate highway system had become "perhaps the most menacing threat [to historic landmarks]."³

The Housing Act of 1956, which authorized the Housing and Home Finance Agency (HHFA) to advance sums to local redevelopment authorities for clearance of municipal slums, acted as a catalyst for additional destruction of historic structures and neighborhoods. By the late 1950s the annual budget of the HHFA had risen to \$343 million, a large portion of which was devoted to Urban Renewal grants for the clearance and redevelopment of older urban areas.⁴ Preservation advocates began to question the use of renewal funds to demolish large numbers of urban landmarks, and Richard W. E. Perrin, an opponent of the program, suggested that the federal Urban Renewal program seemed likely to follow the destructive pattern of the highway construction effort.⁵



Preservationists in Lexington, Kentucky, attempt to stop the destruction by a redevelopment bulldozer of one of the oldest buildings in the city, November, 1969. Courtesy, National Register Branch, National Park Service (WASO).

As the real estate arm of the federal government, the General Services Administration (GSA) was charged with providing quarters for federal agencies throughout the nation. Following World War II, the GSA began to abandon many nineteenth-century federal buildings and replace them with new structures. By the end of the 1950s, notable landmarks across the nation were threatened with abandonment and demolition, including such monuments as

the Pension Building and the former Patent Office in Washington, D.C., the St. Louis Post Office, and the former San Francisco Mint. Local preservationists grew concerned about an apparent lack of consideration for historical and aesthetic values at the GSA.⁶



Members of the National Trust stand on the steps of the endangered San Francisco Mint, October, 1962. Photograph by Barney Peterson, San Francisco Chronicle. Courtesy, National Trust for Historic Preservation.

The principal national organizations with preservation mandates were unable to restrain the federally financed destruction. The National Park Service had been charged under the Historic Sites Act of 1935 with preserving for public use historic sites, buildings, and objects of national significance. Nevertheless, the only means afforded for preservation under the law was acquisition of a threatened property by the federal government. The addition of such sites to the National Park System required acts of Congress and often large expenses for acquisition, restoration, and maintenance. By the 1950s, it had become clear that only small numbers of nationally important landmarks or sites could be saved through inclusion in the system.⁷

Under Conrad L. Wirth, who served as director from 1951 to 1963, the Park Service emphasized the rebuilding

Chapter 1

Antecedents to Legislation, 1957-1966

Three federal agencies in particular precipitated the adoption of new historic preservation legislation. The Bureau of Public Roads, the Housing and Home Finance Agency,¹ and the General Services Administration carried out policies that incurred opposition of preservationists across the United States. Lobbying by preservation advocates, together with increasing public concern over damage to the human environment, gradually captured the attention of both the executive branch and the Congress. Three impulses toward legislation then pro-

duced proposals and the necessary political backing for a new law.

The interstate highway system, requested by President Dwight D. Eisenhower in 1956, won ready approval in Congress. The Federal-Aid Highway Act of that year authorized more than \$31 billion to be spent in grants by the Bureau of Public Roads (BPR) to state highway departments for construction of a national network of interstate and other public highways.² The impact of the expenditures on the physical fabric of cities was felt almost



Construction of an interstate highway interchange in Hartford, Connecticut, circa late 1960s. Courtesy, National Register Branch, National Park Service Washington Office (WASO).

of its deteriorated facilities and acquisition of a limited number of additional natural and historical sites. In 1956, Wirth secured the approval of President Eisenhower and Congress for Mission 66, a \$1 billion, ten-year program to finance the reconstruction and expansion of the National Park System. As a part of the program, Wirth's historical staff persuaded him to revive on a modest scale the Historic Sites Survey and Historic American Buildings Survey (HABS).⁸

A new series of historical theme studies conducted by Park Service regional historians began in the late 1950s. The studies were intended to serve both as a guide to future acquisitions of historical parks and as an inventory of nationally significant properties likely to remain

outside the National Park System. In 1960, the Park Service established a Registry of National Historic Landmarks to recognize especially important sites and structures not administered by the park bureau. Although the thrust of the landmark program was to promote preservation of designated properties, no sanctions could be brought against an owner who demolished or altered a national landmark. Meanwhile, under the leadership of veteran historical architect Charles E. Peterson, summer teams of student architects recorded early architectural monuments of the eastern states for the Historic American Buildings Survey. The objective of the HABS was to provide a permanent record of the design and appearance of historic buildings, many of which were threatened with destruction.⁹



Helen Duprey Bullock (third from left) speaking at a preservation conference sponsored by the New York State Council on the Arts, January, 1966. Others present from the left are James Marston Fitch of Columbia University, Robert M. Anderson of Syracuse University, Bernd Foerster of Rensselaer Polytechnic Institute, John B. Hightower of the New York State Council on the Arts, Barclay G. Jones of Cornell University, and Assemblyman S. William Green of New York City. Photograph by Marvin P. Lazarus. Courtesy, National Trust for Historic Preservation.

Despite the creation of the Registry and the projects mounted by the HABS, during Wirth's tenure the Park Service operated an inward-looking preservation program, in which activities that enhanced its own historical monuments and parks were emphasized. In addition, the restriction of the Historic Sites Survey to the study and designation of nationally important landmarks meant that conflicts over loss of historic properties and urban districts of local or regional interest remained outside the purview of the Park Service.¹⁰

A second national preservation organization, the private National Trust for Historic Preservation, had been chartered by Congress in 1949 to acquire and preserve sites and structures of great historical or architectural value and to promote public participation in historic preservation.¹¹ Again, the sole means afforded to the Trust for preserving properties was acquisition. With its funds coming wholly from private donations, the preservation organization was able to assume ownership of only a few structures.¹²

The Trust was more effective in serving as a "clearing-house" for information about preservation and threats to important landmarks. Helen Duprey Bullock, editor of the Trust quarterly, *Historic Preservation*, wrote editorials alerting members of the Trust to the destructive potential represented by the federal highway construction program, the Urban Renewal policy, and the abandonment of historic federal buildings by the GSA. She also published letters from members presenting local experiences with the destruction occasioned by federally financed projects and referred readers to articles in other periodicals describing the problems faced by preservationists.¹³

Desperate to halt the use of federal funds to destroy notable landmarks and urban areas, preservationists turned to their representatives in Congress. Between 1957 and 1962, bills were submitted in each Congressional session seeking to require agencies to consider historic sites and structures in the planning of federally financed activities. Several ideas with considerable merit emerged in the legislative proposals introduced by Senator Ralph Yarborough of Texas and Congressmen Willard S. Curtin of Pennsylvania, Henry S. Reuss of Wisconsin, and Harris B. McDowell of Delaware.¹⁴

In keeping with increasing public concern regarding landmarks of local interest, one bill proposed that inventories be conducted of historic properties important to states and localities, as well as to the nation as a whole. Another proposal would direct the Secretary of the Interior to

publish lists of the inventoried properties and require federal agencies to take into account these sites and structures when approving plans for construction projects. A third stipulation found in several bills would require public hearings to be held in the locale of a threatened property or area in order to ascertain the merits of the site and the degree to which its integrity was threatened by a project.¹⁵

Despite the introduction of growing numbers of such preservation bills, the concept of protecting historic structures through new legislation found little support in either the executive or legislative branches of the federal government. The National Park Service itself, absorbed in carrying out Mission 66, recommended that the Eisenhower administration oppose bills requiring the Department of the Interior to assume a role in the preservation of historic properties not of national significance. In addition, the targets of the proposals, such as the Housing and Home Finance Agency and General Services Administration, termed the bills unduly burdensome. With the Eisenhower administration opposed to enactment of the preservation legislation, the Interior subcommittees in Congress did not even bother to hold hearings on the bills.¹⁶

After 1960, popular sentiment arose for intervention by the federal government to protect the natural "environment," which had become threatened by uncontrolled industrial and commercial growth. The new administration of President John F. Kennedy sensed the increasing public desire for federal action, and Secretary of the Interior Stewart L. Udall led successful efforts to create a Land and Water Conservation Fund, from which grants could be made to the states for conservation and recreation purposes. Udall, writing a widely circulated book, *The Quiet Crisis*, and speaking across the United States,¹⁷ became an outspoken advocate for conservation.

At the same time, several writers called into question the effectiveness of the federal Urban Renewal program and criticized the design of new construction in American cities since World War II. Jane Jacobs in the *Death and Life of Great American Cities* and Martin Anderson in *The Federal Bulldozer* attacked the failure of federal redevelopment policies to revitalize urban areas. In *God's Own Junkyard*, architect and journalist Peter Blake bitinglly condemned the lack of aesthetic considerations observed in both public and private development projects. Blake drew particular attention to the importance of older architectural landmarks in providing an attractive character for American cities.¹⁸



Secretary of the Interior Stewart L. Udall speaking in 1966. Photograph by Jack E. Boucher, National Park Service Photographic Collection, Springfield, Virginia.

Implicit in several of the writings was the view that man-made historic sites and structures were part of the human environment and frequently just as worthy of preservation as unspoiled natural features. This broad concept of environmental conservation dominated the discussions at a Seminar on Preservation and Restoration sponsored by the National Trust and Colonial Williamsburg Foundation in 1963. Preservationists at the seminar criticized the clearance policies of local redevelopment authorities across the United States and drew up a statement urging the Urban Renewal Administration of the HHFA to encourage the conservation of whole urban areas possessing important historical or architectural elements.¹⁹

Beginning in 1964, three impulses toward the creation of a new national preservation program arose in response to a swelling of popular concern and interest. The impulses came from the administration of President Lyndon B. Johnson, the National Park Service, and the Rains Committee, a private study group. Of prime importance was the impetus provided by Johnson, who became President in late 1963. The new chief executive continued the

popular natural conservation policy of the Kennedy administration, and his wife, Lady Bird Johnson, adopted the protection of natural beauty as one of her principal interests. Through the influence of Mrs. Johnson, the President decided to emphasize preservation of the unspoiled environment as one of his principal domestic policies.²⁰



Lady Bird Johnson presents a National Historic Landmark designation certificate to Gordon Gray, Chairman of the National Trust, August, 1964.

In 1964, Johnson appointed a task force to report on the preservation of natural beauty. The panel, which included critics of federal urban programs as well as advocates of natural conservation, urged in its recommendations that a joint, federal-state program be established in historic preservation. The Department of the Interior through the National Park Service should coordinate completion of a comprehensive inventory of historic sites and structures important in states and localities. To protect significant properties and areas, a governmental board should be instituted with the power to veto federal expenditures for projects that would result in the destruction of such properties. The task force also suggested that matching federal funds be provided for the National Trust, in order to increase the effectiveness of the private organization.²¹

In February 1965, the President sent a "Message on Natural Beauty" to Congress, drawn largely from the recommendations of the presidential task force. Johnson

observed that an increasing amount of preservation activity was occurring throughout the United States and that preservationists were objecting to the loss of historic structures. He pledged that his administration would assist local efforts in preservation and recommended that legislation be adopted authorizing federal grants to local governments for the acquisition, development, and maintenance of private historic properties. Also, the National Trust should be encouraged and supported. To further discussion of the points raised in his message, the President announced that he would call a White House Conference on Natural Beauty in the spring of 1965.²²



Gordon Gray standing with his wife, Nancy, in the entry to the San Francisco Mint, October, 1962. Photograph by Barney Peterson, San Francisco Chronicle. Courtesy, National Trust for Historic Preservation.

With the First Lady opening the proceedings, the conference took place in Washington on May 24 and 25. The Townscape panel at the meeting considered the preservation aspects of environmental conservation and under the prodding of Gordon Gray, chairman of the board of trustees of the National Trust, adopted recommendations for a national preservation policy.²³ Gray urged that a

survey be created to inventory "landmarks of all types and grades of historic, architectural, and unique community value" and asserted that machinery to veto federal expenditures resulting in destruction of landmarks was essential. In addition, the national government should provide loans or matching grants to state and local authorities for preservation activities and subsidies to the Trust.²⁴



George B. Hartzog, Jr., circa 1964. National Park Service photograph. Courtesy, National Park Service Photographic Collection, Springfield, Virginia.

Simultaneous with efforts of the Johnson administration, a second impulse toward new legislation was taking shape within the National Park Service. In 1963, Secretary Udall had appointed George B. Hartzog, Jr., to succeed Wirth as director of the Service.²⁵ When Hartzog assumed office in January 1964, he began to search for ways in which the park bureau could expand its influence in fields related to its mandates. One such field was historic preservation. As already noted, under Wirth the Park Service had concentrated its efforts on rebuilding and augmenting the National Park System. Outside the system, the preservation activities of the bureau had been limited to designating nationally significant sites, structures, objects, and districts as National Historic Landmarks and recording historic buildings through the HABS. Hartzog, in contrast, wanted the Service to assume a leading role in the preservation movement, which increasingly was turning its attention to the conservation of properties important to states and localities.²⁶

Late in January, Hartzog asked Bernard R. Meyer, the solicitor of the Park Service, whether the bureau could provide financial assistance to the states for preservation projects of regional or local interest. Meyer replied that under the Historic Sites Act of 1935, the Service might furnish grants to the states for preserving properties of national historical significance, but not for sites and structures of state or local importance.²⁷

The director shelved the matter until the middle of 1964, when Ronald F. Lee, the senior authority on historic preservation in the Park Service, urged him to reclaim the primacy the bureau had enjoyed in the preservation

movement before the 1960s.²⁸ Lee, who had spent more than thirty years as an administrator associated with the history and preservation programs of the bureau, was concerned that historic preservation was diminishing in importance in the Park Service. Knowledgeable preservation administrators and professionals were retiring, and successors were not being developed rapidly enough. In addition, recent reorganizations had diluted the identity of the Service divisions that handled preservation matters outside the Park System, resulting in confusion among preservationists seeking help.²⁹



Ronald F. Lee, circa early 1960s. Photograph by Abbie Rowe, National Park Service. Courtesy, National Park Service Photographic Collection, Springfield, Virginia.

Hartzog responded by appointing Lee to head a committee of senior Park Service administrators that would examine the problems and recommend remedies.³⁰ As background information, Lee sent the director in September a draft report that he had helped prepare for the National Trust on "Principles and Guidelines for Historic Preservation in the United States." The report, which was to be distributed to the public as a Trust leaflet, stressed the dislocating effect of large-scale urban change on the character of American cities and drew attention to changes in the nature of the preservation movement itself. Once limited to retaining notable historic landmarks as museums, the movement now sought to preserve architectural and aesthetic values as well as historical elements. Increasingly, preservationists were endorsing adaptation of historic structures to "living," contemporary uses as the best means of preservation. Activists were redefining historic preservation in terms of environmental conservation. The movement was changing swiftly, and the Park Service was losing touch with current ideas outside the federal government.³¹

In December 1964, Lee submitted the report of his committee to the director, calling for the Department of the Interior and the Park Service to re-assert their leadership in the preservation movement "as part of contemporary conservation." The bureau should expand its historical services and activities outside the National Park

System as rapidly as funds and personnel could be secured. To increase its effectiveness, the Service should consolidate the scattered members of its preservation staff in a single organizational unit.³²

Under the stimulus of the Lee's reports, Hartzog asked the Division of History Studies in the park bureau to draw up scenarios under which the Service could become active in historic preservation at the local level, using the authority of existing law. During the fall of 1964, Robert M. Utley, the new chief of the division, prepared several draft papers and analyses suggesting that the Park Service participate in local preservation efforts through cooperation with other federal agencies that could provide financial assistance.³³ Under one proposal, the Service would advise the states on how to carry out preservation projects financed by the Bureau of Outdoor Recreation of the Department of the Interior. Under another, the park bureau would advise local redevelopment authorities receiving assistance from the Urban Renewal Administration on the preservation of historic structures in renewal areas. Although none of Utley's proposals went further than discussion, several of his ideas re-emerged later.³⁴



Robert M. Utley in 1967. Courtesy, Robert M. Utley.

President Johnson's Message on Natural Beauty in February 1965 offered an opportunity for the Department of the Interior and the Park Service to assume an expanded role in historic preservation. Shortly afterward, Secretary Udall directed the Service to draft legislation authorizing grants to local authorities that would help them preserve "private landmarks of beauty and history." Early in September 1965, the History Studies staff and the legal division of the Service completed work on a bill that would authorize matching federal grants to the states for historic preservation activities.³⁵

In writing the draft legislation, Utley and his colleagues borrowed features from the system previously developed by the Bureau of Outdoor Recreation for making recreation grants to the states.³⁶ Under the bill, the federal government would finance a survey in each state conducted by the state historical society or a similar agency. Each

inventory would be based on the standards and procedures used by the Historic Sites Survey of the Park Service in inventorying properties of national significance. Each state would then prepare a comprehensive, statewide preservation plan drawn from the results of the survey. Once approved by the Secretary of the Interior, the plan would serve as the guide for federal grants to the state for acquiring, preserving, and developing public or private historic properties. Sites and structures of importance to regions, states, and localities, as well as those of national significance, would be eligible for financial assistance.³⁷

The Park Service also drafted in September 1965 a bill providing for matching grants to the National Trust. Assistance to the private organization was not to exceed \$2 million in any one fiscal year. Soon after the two grant bills were finished, the third impulse toward legislation pushed both proposals into the background.³⁸

The last impulse was sparked by two men: Laurance G. Henderson, a housing lobbyist, and Carl Feiss, a city planner and preservationist.³⁹ In 1964, Representative Albert M. Rains, chairman of the House Subcommittee on Housing, decided to retire. Rains told Henderson, a friend, that he was interested in pursuing a project of public interest after leaving office. Henderson then approached Feiss, who was a trustee of the National Trust, and suggested that Rains head a special study of historic preservation, a topic of growing popular interest. The two men decided that the former Congressman should lead a non-partisan, blue-ribbon committee, which would visit Europe to examine preservation activities abroad and produce a report presenting the need for preservation in the United States.⁴⁰

After Rains agreed to the idea, Henderson and Feiss visited several foundations during the summer and early fall of 1965 to seek funds for underwriting the activities of the proposed committee. At first no foundation would entertain their proposal, which appeared vague and lacked the endorsement of established institutions. Finally, Henderson persuaded the United States Conference of Mayors to create a Special Committee on Historic Preservation that would take the tour and produce a report. The Ford Foundation then agreed to underwrite the project, and Henderson, Rains, and Feiss recruited members for the committee.⁴¹

On the advice of Robert R. Garvey, Jr., executive director of the National Trust,⁴² the impresarios of the project asked

the heads of federal agencies involved in financing construction projects or pursuing preservation activities to serve as *ex officio* members. The



Robert R. Garvey, Jr., in 1967. Photograph by Dunlop, Washington, D.C. Courtesy, Robert R. Garvey, Jr.

administrator of the General Services Administration and the Secretaries of the Departments of the Interior, Housing and Urban Development, and Commerce readily agreed to participate.⁴³ Rains and Henderson also asked people with influential political connections to serve on the panel, including Senator Edmund S. Muskie of Maine; Congressman William B. Widnall of New Jersey; Governor Phillip Hoff of Vermont; former Mayor Raymond R.

Tucker of St. Louis; and Gordon Gray, chairman of the National Trust.⁴⁴

In preparation for the committee's trip abroad, Feiss made a list of monuments and preservation activities that the group should see. Garvey, who had helped the previous June to found the International Council on Monuments and Sites in Warsaw, Poland, set up meetings with leading spokesmen for historic preservation. Henderson served as director of the committee and orchestrated arrangements for the trip, assisted by Casey Ireland, an aide to Congressman Widnall. In late October and early November, the special committee, or Rains Committee, as it soon became known, visited eight European countries with notable records in preservation.⁴⁵

It soon became clear that the national governments in Europe had assumed the principal responsibility for preserving and restoring their physical heritage. George Hartzog, who represented Secretary Udall on the trip, later recalled that seeing the war-damaged sections of European cities rebuilt and restored under public auspices persuaded the committee that the federal government in the United States had to participate in preservation efforts. Private enterprise alone could not afford to preserve the historic features of American cities.⁴⁶



Several weeks after returning from Europe, the Rains Committee met in New York City and approved recommendations drafted by Feiss and Casey Ireland for a new national preservation program in the United States. During December Feiss collaborated with Helen Bullock, the National Trust's editor, and a small clerical staff in assembling a book containing essays, photographs, and the committee report. *With Heritage So Rich*, the handsomely mounted result of their efforts, arrived in Washington from the publisher at the end of January 1966. With a foreword by Lady Bird Johnson, essays on the varied nature of the physical heritage of America, and attractive photographic plates, the new volume commanded immediate public attention.⁴⁷

In its report, the Rains Committee recommended that the federal government take an active role in historic preservation. In doing so, the government should embrace a

Gordon Gray, Senator Edmund S. Muskie, and Albert M. Rains leave a conference attended by the Rains Committee in London, October, 1965. Photograph by Robert R. Garvey, Jr. Courtesy, National Trust for Historic Preservation.



Mrs. Robert R. (Nancy) Garvey, Jr., Ronald F. Lee, and Carl Feiss (left to right), about to cross the English Channel, October, 1965. Photograph by Robert R. Garvey, Jr. Courtesy, Robert Garvey.

"new preservation" that could keep pace with the swift changes in American society. Such a policy should acknowledge the importance of architecture, design, and aesthetics and emphasize the conservation of areas and districts that contained special meaning for each community.⁴⁸

The committee advocated establishing a National Register of historic sites and structures, which would serve as a master list of all properties discovered through inventory and survey programs. To assist those involved in making decisions that affected historic sites and structures, the Register would be divided into three categories of importance, ranging from prime national monuments of great value to historic properties of local interest. At Hartzog's insistence, the panel recommended that responsibility for the Register be given to the National Park Service, and that the park bureau be authorized to make grants to state and local governments for carrying out inventory efforts. The Park Service would also publish and distribute the National Register. To assist preservation activities, the committee recommended that federal government make matching grants to public agencies for the acquisition and

preservation of historic structures and that existing federal housing loan programs be expanded to assist private groups and individuals in acquiring and rehabilitating historic properties. In addition, tax relief should be afforded to the private owners who undertook restoration of landmarks.⁴⁹

As a result of the continuing outcry over federally financed destruction of historic properties, represented in the deliberations of the Rains Committee by Gray and Garvey of the National Trust, the panel recommended several actions. A national preservation policy board, the Advisory Council on Historic Preservation, should be created and include representatives of federal agencies, state and local governments, and private preservation and urban development organizations. The council would draw up policies and guidelines for resolving preservation conflicts involving federal projects and advise the President and Congress on preservation matters. To afford additional protection for historic properties, the Rains Committee urged that federal agencies be required to ascertain the location and status of such sites and structures before proceeding with or approving development projects.⁵⁰



Participants in the Rains Committee trip observe restoration work in the courtyard of the Hotel de Sully, Paris, November, 1965. From left to right, Ronald F. Lee; Gillis Long, Assistant to the Director of the Office of Economic Opportunity; John J. Gunther, Executive Director of the U.S. Conference of Mayors; Walter I. Pozen, Special Assistant to Secretary Udall of the Interior; Senator Edmund S. Muskie; and Carl Feiss. Photograph by Robert R. Garvey, Jr. Courtesy, Robert Garvey.



The Rains Committee party prepares to embark on a tour of canals in Amsterdam, November, 1965. From left to right, Hiroshi Daifuku, Program Specialist at the Museums and Monuments Division of the United Nations Economic, Social, and Cultural Organization (UNESCO); a Dutch guide; and Laurance G. Henderson, Director of the Committee. Photograph by Robert R. Garvey, Jr. Courtesy, Robert Garvey.

The influence of several individuals was paramount in crystallizing and directing the impulses that were building toward Congressional legislation at the end of 1965. Lady Bird Johnson persuaded her husband to emphasize the preservation of natural beauty, including historic preservation, in his domestic legislative program. Gordon Gray and Robert R. Garvey, Jr., of the National Trust made sure in both the White House Conference on Natural Beauty and the activities of the Rains Committee that protection of historic properties from federally financed projects was emphasized. At the Park Service, George B. Hartzog, Jr., and Ronald E. Lee aggressively sought to augment the role of the park bureau in the preservation movement, and Robert M. Utley supplied many of the ideas that emerged in the draft legislation of the Department

of the Interior. Finally, Laurance G. Henderson and Carl Feiss sensed that a propitious moment for preservation had arrived and instigated establishment of the Rains Committee, which proved to be a suitable vehicle for bringing together all of the parties who would have to concur on the provisions of a new preservation law.

Notes

¹In 1965 the Housing and Home Finance Agency became the Department of Housing and Urban Development.

²See "13-Year Highway Program," *Congressional Quarterly Almanac*, vol. 12 (Washington, D.C.: Congressional Quarterly News Features, 1956), pp. 398-400.

³Nona Brown, "The Fight to Save the Nation's Landmarks," *The New York Times*, September 28, 1958, p. X37

⁴See "70,000 Public Housing Units in 1956 Act," *Congressional Quarterly Almanac*, vol. 12 (Washington, D.C.: Congressional Quarterly News Features, 1956), p. 511; "Appropriations—Independent Offices," *Congressional Quarterly Almanac*, vol. 16 (Washington, D.C.: Congressional Quarterly News Features, 1960) p. 400.

⁵"From Our Correspondents," *Historic Preservation* 11:3 (1959): 111.

⁶See Helen Duprey Bullock, "Preservation Features: Government and Citizenry," *Historic Preservation* 17:5 (September-October 1965) 169-171; Brown, "The Fight to Save the Nation's Landmarks."

⁷See "Public Law 74-292 [Historic Sites Act]," *United States Statutes at Large*, vol. 49 (1935-1936), pp. 666-668; Ernest Allen Connally, "Origins of the National Historic Preservation Act of 1966 [Part I]," *CRM Bulletin* 9:1 (February 1986): 10.

⁸For a description of Mission 66, see Conrad L. Wirth, *Parks, Politics, and the People* (Norman, Oklahoma: University of Oklahoma Press, 1980), pp. 237-284.

⁹Barry Mackintosh, *The Historic Sites Survey and National Historic Landmarks Program: A History* (Washington, D.C.: History Division, National Park Service, 1985), pp. 33-41; taped interviews with Ernest Allen Connally, June 9, 1986; Russell V. Keune, July 8, 1986; and Lee H. Nelson, July 16, 1986.

¹⁰Taped interview with Robert R. Garvey, Jr., June 30, 1986.

¹¹See "Public Law 81-408," *United States Statutes at Large* 63 (1949): 927-929.

¹²See David E. Finley, *History of the National Trust for Historic Preservation 1947 to 1963* (Washington, D.C.: National Trust for Historic Preservation, 1965), p. 17.

¹³For examples of alarms raised by Mrs. Bullock, see H[elen]. D[uprey]. B[ullock], "41,000 Miles to . . .?" *Historic Preservation* 9:2 (1957): 30, and "From Our Correspondents," *Historic Preservation*, 11:3 (1959): 111.

¹⁴For a detailed discussion of the preservation bills introduced between 1957 and 1961, see James A. Glass, "The National Historic Preservation Program, 1957 to 1969" (Ph.D. diss., Cornell University, 1987), pp. 29-44.

¹⁵Ibid.

¹⁶Ibid.

¹⁷See "Land and Water Conservation Act Passed," *Congressional Quarterly Almanac*, vol. 20 (Washington, D.C.: Congressional Quarterly Service, 1964), pp. 477-480; Stewart L. Udall, *The Quiet Crisis* (New York: Holt, Rinehart and Winston, 1963).

¹⁸See Jane Jacobs, *The Death and Life of Great American Cities* (New York: Random House, 1961); Martin Anderson, *The Federal Bulldozer: A Critical Analysis of Urban Renewal, 1949-1962* (Cambridge, Mass.: The MIT Press, 1964); and Peter Blake, *God's Own Junkyard: The Planned Deterioration of America's Landscape* (New York: Holt, Rinehart and Winston, 1964).

¹⁹Glass, pp. 49-56; Committee on a Declaration, "A Declaration by the Seminar on Preservation and Restoration. Williamsburg, Virginia. September 11, 1963," pp. 1-4 (from the files of Barclay G. Jones, professor of City and Regional Planning, Cornell University, Ithaca, N.Y.).

²⁰Taped interview with George B. Hartzog, Jr., July 2, 1986.

²¹*Report of the President's Task Force on the . . . Preservation of Natural Beauty* (Washington, D.C.: U.S. Government Printing Office, 1965), pp. 21-22.

²²See "President Asks Congressional Action to Preserve Natural Beauty in Cities and Countryside," *Congressional Quarterly Almanac*, vol. 21 (Washington, D.C.: Congressional Quarterly Service, 1965), pp. 1380, 1382.

²³Member of a wealthy family from Winston-Salem, North Carolina, Gordon Gray had devoted much of his career to public service. In the late 1940s President Truman appointed him Secretary of the Army. From 1950 to 1955 Gray served as president of the University of North Carolina, and in 1958 he became President Eisenhower's National Security Advisor. Upon retirement from government in 1961, Gray accepted election to the board of trustees of the National Trust and in 1962 became chairman of the board. During the next ten years he devoted much of his time to advancing the interests of the preservation organization. See Glass, pp. 63-64.

²⁴*Beauty for America: Proceedings of the White House Conference on Natural Beauty, Washington, D.C. May 24-25, 1965* (Washington, D.C.: Government Printing Office, 1965), pp. 78-80, 636.

²⁵George B. Hartzog, Jr., was a self-educated lawyer who passed the South Carolina bar examination after reading law with a prominent attorney in his home town. In the late 1940s, he joined the staff of the National Park Service and rapidly rose to assistant superintendencies in several national parks. In 1959 he became superintendent of the Jefferson National Expansion Memorial in St. Louis and supervised construction of the famed Arch on the Mississippi waterfront. A person of great energy and an able administrator, he caught the attention of Secretary Udall when the latter began to search for a new Park Service director. See Glass, p. 66.

²⁶Ibid., pp. 65-68.

²⁷Memorandum from Bernard R. Meyer, Assistant Solicitor, National Parks, to Director, National Park Service [G. B. Hartzog]. Subject: "Grants-in-Aid Program for Historical Sites," February 18, 1964. [From file, "Guidelines for Historic Structures Reports Misc.," History Division files, Washington Office, National Park Service (WASO)].

²⁸Ronald F. Lee was one of the most influential people in the American preservation movement from 1933 to 1968. As chief historian and chief of interpretation at the Park Service, Lee developed many of the ideas that guided the bureau in carrying out its responsibilities under the Historic Sites Act of 1935. During the late 1940s, Lee helped to found the National Trust for Historic Preservation and served as a trustee of the private organization through the late 1960s. He also helped in 1940 to organize the American Association for State and Local History, which adopted preservation as one of its purposes. See Charles B. Hosmer, Jr., *Preservation Comes of Age: From Williamsburg to the National Trust, 1926-1949*, vol. 1 (Charlottesville: University Press of Virginia, 1981), pp. 583-587; vol. 2, pp. 809-865; Russ Olsen, *Administrative History: Organizational Structures of the National Park Service 1917 to 1985* (Washington, D.C.: National Park Service, 1985), pp. 69, 77, and 81, and taped interview with Connally, June 9, 1986.

²⁹Ronald F. Lee, Regional Director, Northeast Region, National Park Service, "Statement on Historic Preservation Opportunities and Problems for the National Park Service," Regional Directors' Meeting,

Philadelphia, July 16, 1964, pp. 1-3 (From file, "Guidelines for Historic Structures Reports Misc.," History Division files, WASO).

³⁰The committee included Lee as chairman; Ben Thompson, assistant director for Resource Studies; Howard W. Baker, assistant director for Operations; Elbert Cox, regional director, Southeast Region; and Robert Hall (position not known). See memorandum from Howard W. Baker to Chief, Division [of] Interpretation and Visitor Services. Subject: "Steering Committee, Historic Preservation," July 24, 1964 (from file, "Guidelines for Historic Structures Reports Misc.," History Division files, WASO). See also Glass, p. 71.

³¹See "A Report on Principles and Guidelines for Historic Preservation in the United States," Preservation Leaflet Series (Washington, D.C.: National Trust for Historic Preservation, October 31, 1964), pp. 3-10.

³²See "Report of the Committee on the National Park Service and Historic Preservation," December 7, 1964, pp. 1-8 (from file, "Guidelines for Historic Structures Reports Misc.," History Division files, WASO).

³³Robert M. Utley, who was then thirty-four years old, came to the Division of History Studies from the Santa Fe regional office of the Park Service. Previously he had served as a regional historian, preparing inventories of nationally important landmarks for the Historic Sites Survey. He also had become known in the historical profession for his books recounting conflicts between Indians and the United States Army in the history of the American West. See Glass, p. 77.

³⁴Ibid., pp. 76-85.

³⁵Ibid., pp. 63, 87-92.

³⁶Under the Land and Water Conservation Act of 1964, the Bureau of Outdoor Recreation stimulated creation of recreation programs and construction of facilities through matching grants-in-aid to the states. As a condition for receiving grants, each state prepared a comprehensive plan describing goals and proposing recreation projects. See "Major Recreation Legislation of 1964," *Congressional Quarterly Almanac*, vol. 20 (Washington, D.C.: Congressional Quarterly Service, 1964), p. 474; "Land and Water Conservation Act Passed." Also see Glass, p. 78.

³⁷R.M. Utley, "Grants-in-Aid for Historic Preservation" (typescript draft), September 28, 1965, pp. 1-5 (from "Historic Preservation" notebook, vol. 1, Grosvenor files, National Register Branch, Interagency Resources Division, WASO).

³⁸Glass, pp. 85-89, 92.

³⁹Laurance G. ("Larry") Henderson, split his time between selling airplanes wholesale and lobbying for housing legislation in Congress. A talented entrepreneur and organizer, he had become an influential lobbyist by the early 1960s. Carl Feiss, a person of diverse talents,

had led simultaneous careers in architecture, city planning, urban renewal, and historic preservation. In the 1950s and 1960s he became a leading consultant in preservation planning and from 1959 to 1971 served as a trustee of the National Trust. Taped interviews with Casey and Lucille Ireland, August 8, 1986; Carl Feiss, June 27, 1986; and with Robert R. Garvey, Jr., June 30, 1986. See also Glass, p. 93.

⁴⁰Carl Feiss, "Present at Creation: A Personal History of 'With Heritage So Rich,' an Address to the National Conference of State Historic Preservation Officers Annual Meeting, Washington, D.C., March 9, 1981" (typescript manuscript), pp. 2-3 (from the files of Carl Feiss, Gainesville, Florida). Also, taped interview with Feiss, June 27, 1986.

⁴¹Glass, pp. 95-97.

⁴²Robert R. Garvey, Jr., had entered the field of historic preservation in 1954, when he became executive director of Historic Salem, Inc., in Winston-Salem, North Carolina. After six years of success in raising funds and expanding the restoration activities of the private organization, Garvey was recruited by the National Trust to serve as its executive director. At the Trust, he helped place the national organization on a sound financial footing and worked persistently for legislation that would protect historic structures from destruction by federally financed projects. See Glass, p. 37.

⁴³The Secretary of Housing and Urban Development operated the federal Urban Renewal program, and the Secretary of Commerce oversaw operations of the Bureau of Public Roads.

⁴⁴Glass, p. 97. Muskie was a member of the Senate Subcommittee on Housing, and Widnall was the ranking minority member of the House Subcommittee on Housing. Hoff had entree to the National Governors' Association, and Raymond Tucker was a former president of the U.S. Conference of Mayors. Gordon Gray was a former Secretary of the Army and had been National Security Advisor to President Eisenhower.

⁴⁵Taped interviews with Feiss, June 27, 1986; the Irelands, August 8, 1986; and Carvey, June 30, 1986.

⁴⁶Taped interviews with Hartzog, July 2, 1986; and Lawson B. Knott, Jr., August 5, 1986.

⁴⁷See Glass, pp. 103-105.

⁴⁸*With Heritage so Rich: A Report of a Special Committee on Historic Preservation Under the Auspices of the United States Conference of Mayors with a Grant from the Ford Foundation* (New York: Random House, 1966), pp. xv, 203, 207-208. See also Glass, pp. 105-107.

⁴⁹*With Heritage So Rich*, op. cit., pp. 208-210. Also see Glass, pp. 104, 107-110.

⁵⁰*With Heritage So Rich*, pp. 208-210; Glass, pp. 108-109.

Chapter 2

The National Historic Preservation Act of 1966

Although the Johnson administration, National Park Service, and Rains Committee were now agreed that there should be legislation, each was pursuing a slightly different objective. The administration desired to encourage a popular activity through grants to the states. The Park Service wanted to enhance its position in the preservation movement through a grants-in-aid program. The Rains Committee was seeking primarily to curb destructive actions financed by federal agencies. During 1966, bills were introduced, modified, and combined, as each party strove to have its objective emphasized in the legislation and features amended that it did not favor.

The administration acted first. On February 23, 1966, President Johnson promised in a message to Congress that he would recommend a program of matching grants for historic preservation to the states and the National Trust.¹ A few days later, Secretary of the Interior Udall transmitted a preservation bill endorsed by the administration to the House of Representatives and the Senate. Introduced on March 7 as Senate Bill 3035 (S. 3035) and House Bill 13491 (H. R. 13491), the measure resembled the state grants proposal drafted the previous September by the Park Service. S. 3035-H. R. 13491 would likewise establish a program of matching grants to the states, beginning with the financing of a statewide historic sites survey and continuing with assistance for the preparation of a comprehensive preservation plan. Matching grants would then be made to the states for the acquisition, preservation, and development of historic properties in non-federal ownership.²

The principal new provisions of the administration bill were borrowed from the report of the Rains Committee. The Secretary of the Interior would be authorized to "maintain a national register of sites, buildings, and objects significant in American history and culture" and to make matching grants to the National Trust.³ The bill did not provide for the protection of historic properties from federally financed actions, indicating that the main interest of the administration and Department of the Interior lay in stimulating preservation through grants-in-aid.

Members of the Rains Committee also began in February to pursue enactment of their legislative agenda. Laurance G. Henderson arranged for a copy of *With Heritage So Rich* to be placed on the desk of every Senator and Congressman. He then asked the Interior Department to draft a preservation bill containing the Rains Committee proposals that fell within the jurisdiction of the National Park Service. At the same time, Henderson requested that the Department of Housing and Urban Development (HUD) draft a measure based on the recommendations in *With Heritage So Rich* for preservation grants to municipalities, loans for private rehabilitations, and other features related to housing and Urban Renewal.⁴

On March 17, 1966, two members of the Rains Committee, Senator Edmund S. Muskie and Congressman William B. Widnall, introduced the Interior and housing bills of the committee. The Rains Interior proposal, S. 3098-H. R. 13972, contained similar provisions to those in the administration bill for making grants to the states and National Trust and creating a National Register. Unlike S. 3035-H. R. 13941, the Rains measure also provided for protection. The head of any federal agency having jurisdiction over a proposed project would be required to take into account the effect of such an activity on any nationally significant property included in the National Register.⁵

The Rains housing bill was introduced as S. 3097-H.R. 13790. Title I was chiefly concerned with authorizing preservation grants-in-aid to municipalities and making changes in existing Urban Renewal and housing laws to allow more favorable treatment of historic properties. Title II was derived from the recommendation of *With Heritage So Rich* that called for the establishment of a "National Advisory Council on Historic Preservation." Under Senate Bill 3097, such a council would be established and composed, like the Rains Committee itself, of the heads of the principal federal agencies involved in historic preservation, as well as state and local governmental officials and private citizens. The advisory body would develop

and recommend policies for preservation at the federal, state, and local levels.⁶

With vigorous lobbying by Albert M. Rains, Senator Muskie, and Congressman Widnall, the House and Senate gave rapid consideration to the housing bill of the Rains Committee.⁷ In March and April, the Housing Subcommittees of both chambers held hearings on S. 3097-H.R. 13790, and during the summer of 1966, the two panels reported favorably on the provisions in Title I involving Urban Renewal and grants to municipalities.⁸

In contrast, the Interior bills, S. 3035-H.R. 13491 and S. 3098-H.R. 13792, became stalled in the House Interior Committee. Chairman Wayne N. Aspinall, a Colorado Congressman chiefly interested in mining and grazing rights, did not consider the measures vital and made no move to schedule hearings. The administration was unwilling to put pressure on Aspinall to consider the bills, and Rains, Muskie, and Widnall lacked influence with members of the Interior panel. Finally, Gordon Gray of the National Trust asked Senator Henry M. Jackson, a personal friend and chairman of the Senate Interior Committee, to hold a hearing on the bills immediately. Jackson agreed, and a hearing was set for June 8, 1966.⁹

In preparation for the Senate hearing, Robert M. Utley of the Park Service Division of History Studies drafted a prospectus describing how the park bureau would administer the preservation program envisioned in the administration bill. Utley stated that the Park Service would promptly establish the National Register and set forth criteria for evaluating properties for inclusion. Any property listed in the Register would be deemed worthy of preservation. As a suggestion of the kind of criteria that could be used in the program, Utley attached to the prospectus a copy of the twelve conditions used by the Park Service's Historic Sites Survey to evaluate national historical significance.¹⁰

Each state desiring to participate in the new program would designate a responsible agency, possibly the state historical society, to carry out the responsibilities assumed by the state. The Park Service would furnish the states with guidelines for organizing, financing, and conducting the statewide surveys and for preparing the comprehensive preservation plans. The states would list in their plans those historic properties that merited assistance through federal grants. The Park Service would then review and approve the plans as the basis for distributing matching preservation grants.¹¹

Armed with Utley's prospectus, George B. Hartzog, Jr., appeared as the witness of the Department of the Interior at the Senate hearing. Senator Jackson did not object to the federal government making preservation grants, but he asked for assurance that standards would be established that permitted only "truly qualified" preservation projects to receive assistance. The director of the Park Service assured him that criteria comparable to those used in the Historic Sites Survey would be instituted for the selection of properties to be included in the National Register.¹²

Gray also testified at the hearing. Drawing on testimony prepared by Robert R. Garvey, Jr., and the Trust staff, he pressed Jackson to provide in Senate Bill 3035 for the protection of historic properties from federally financed destruction. Gray proposed that the committee adopt the provision in the Rains housing bill for an Advisory Council on Historic Preservation. The committee chairman readily agreed that coordination of the activities of federal agencies was needed and asked Frank E. Harrison, an attorney from the Park Service, for his opinion.¹³ Harrison endorsed the creation of the council and suggested that the administration measure also include the section in the Rains Interior bill requiring federal agencies to take into account historic sites before approving projects.¹⁴

Jackson then expressed doubt that the requirement of the Rains Interior bill would be effective. Nothing in the section would prevent an agency from declaring that it had considered the effect of an activity when it had not done so. The chairman told the witnesses that the provision should have "some teeth in it." Accordingly, with the concurrence of Gray and the Park Service, Jackson directed the staff of the committee to draft an amendment to Senate Bill 3035 stating that the head of a federal agency could not proceed with any change to a historic building or site that had been included in the National Register.¹⁵

On July 7, 1966, the Senate Interior Committee reported an amended version of the administration bill to the full Senate. The bill now consisted of two titles—I providing for the Secretary of the Interior to make grants to the states for surveys, plans, registration, and preservation projects and II creating an Advisory Council on Historic Preservation. Title I also contained Section 106, which directed the heads of federal agencies to report to the Advisory Council any assisted project that affected

properties listed in the National Register. No federal funds were to be spent on such a project for sixty days after the council was notified.¹⁶

Shortly before the Senate Interior Committee reported Senate Bill 3035, the Johnson administration expressed its opposition to the protective provisions of the bill. In a letter to Senator Jackson, Wilfred H. Rommel of the Bureau of the Budget objected to the establishment of an advisory council and to the sixty-day waiting period required in Section 106. Not adamant in opposing the council, Rommel only voiced a belief that such a body was unnecessary. On the other hand, he told Jackson that the proposed delay could "seriously interfere" with the execution of important federal programs. Instead, he suggested that the heads of federal agencies be required to seek the advice of the Advisory Council regarding projects that affected historic properties. The Interior Committee took no action on Rommel's request, but included his letter as an appendix to the report of the panel.¹⁷

On July 11, the Senate passed Senate Bill 3035, and advocates of the legislation were able to persuade Chairman Aspinall of the House Interior Committee and Chairman Roy Taylor of the House Subcommittee on National Parks and Recreation to schedule hearings. At the subcommittee hearing on July 15, much of the discussion centered on the protective provisions of the measure. The staff of the panel asked Hartzog, again the witness for the Interior Department, whether actions directly authorized by Congress, such as military construction and the erection of federal buildings, or activities licensed by federal agencies, such as the construction of dams, would be subject to the requirements of Section 106. Hartzog declared that such undertakings would probably be exempt. Gray, who testified for the National Trust, disagreed with the director of the Park Service. Gray told the panel that Section 106 should apply to all situations in which federal funds or licenses were involved.¹⁸

The full House Interior Committee filed its report on Senate Bill 3035 at the end of August. The panel made several amendments to the bill, most of them dealing with protection. Persuaded by Gray's testimony, the committee retained the broad authority of the Advisory Council to review federally financed actions and extended the scope of Section 106 to include licenses issued by federal agencies. Heeding Rommel's earlier recommendation, the panel amended the protective section to require

federal agencies to afford the Advisory Council a "reasonable opportunity" to comment on undertakings.¹⁹

The committee also responded to lobbying by Hartzog and designated the director of the National Park Service as executive director of the Council. Hartzog therefore emerged from the committee hearings with control for the Park Service of all aspects of the national program envisioned in the amended bill—surveys, plans, registration, grants, and protection.

Opposition by conservative Congressmen prevented approval of Senate Bill 3035 when its floor managers brought it up for action by the House of Representatives in mid-September. Referred to the Rules Committee, the measure languished until Gray intervened with Chairman Howard W. Smith and asked him as a personal favor to allow the bill to be considered again. In early October, the measure passed the House, and the Senate agreed to the House amendments. On October 15, 1966, President Johnson signed Public Law 89-665, which became known as the National Historic Preservation Act.²⁰

The preamble of the new law declared that the historical and cultural past of the nation should be preserved as "a living part" of community life in order to "give a sense of orientation to the American people." Title I authorized the Secretary of the Interior to expand and maintain a National Register of districts, sites, buildings, structures, and objects significant in American history, architecture, archeology, and culture. The title also allowed the Secretary to grant matching funds to the states to assist them in conducting statewide surveys of historic sites and in preparing comprehensive preservation plans. The plans were to serve as the basis in each state for matching grants to help in the acquisition, preservation, and development of historic properties. Federal funds were also authorized for the National Trust to assist the private organization in carrying out its mandates.²¹

Section 106 of Title I required the heads of federal agencies that financed or licensed projects to take into account the effect of the undertakings on any properties included in the National Register, prior to approving the expenditure of funds or issuing licenses. The Advisory Council on Historic Preservation was to be allowed a reasonable opportunity to comment on such projects.²²

Title II of the act created the Advisory Council, which was to consist of the administrators of six federal agencies; the chairman of the National Trust; and ten, non-federal

members appointed by the President.²³ Section 202 directed the Council to advise the executive and legislative branches of the national government on historic preservation matters; encourage public and private participation in preservation; recommend studies on national, state, and local preservation policies; furnish guidelines to assist state and local governments in drafting preservation legislation; and encourage training and education in the preservation field. The director of the National Park Service was designated as executive director of the Council.²⁴

Passage of the National Historic Preservation Act undoubtedly occurred in part because of its endorsement by President Johnson as part of his domestic legislative program. During the mid-1960s, Congress adopted many presidential bills aimed at improving conditions in American society. The preservation bill also attracted Congressional support as a measure aimed at preserving the national heritage. The legislators were aware of increasing popular interest in conserving historic landmarks and of public disquiet over the damaging affects of federally financed construction activities.

Nevertheless, despite the popular appeal of Senate Bill 3035, the bill would not have become law and assumed its final form without the determined lobbying of several people. Members of the Rains Committee, especially Chairman Albert M. Rains, Senator Edmund S. Muskie, and Congressman William B. Widnall, influenced members of the House and Senate to support preservation legislation. Gordon Gray of the National Trust won a hearing for the Interior bills through his appeal to Senator Henry M. Jackson and persuaded the Senate Interior chairman to include protective provisions in the legislation. George B. Hartzog, Jr., working "behind the scenes" with the members and staffs of both the Senate and House Interior Committees, enlisted votes for the bill and ensured that the Park Service would play a dominant role in the scenario being established. Staff people, in particular Robert R. Garvey, Jr., of the National Trust and Robert M. Utley of the Park Service, supplied points for Gray and Hartzog to emphasize in their testimonies at the Congressional hearings. Even after all of the lobbying, Senate Bill 3035 would have died in September if Gray had not again intervened to secure another hearing for the measure in the House.

Notes

¹Lyndon B. Johnson, "Preserving Our Natural Heritage—Message from the President of the United States Transmitting Programs for Controlling Pollution and Preserving Our Natural and Historical Heritage," February 23, 1966. 89th Cong., 2d. Sess. House of Representatives Exec. Doc. 387, p. 9.

²"S. 3035 (89th Cong., 2d. Sess.) in the Senate of the United States, March 7, 1966," pp. 1-3 (from black notebook [1966 legislative documents], Grosvenor files, WASO). See also James A. Glass, "The National Historic Preservation Program, 1957 to 1969" (Ph.D. diss., Cornell University, 1987), pp. 115-117.

³"S. 3035," p. 3; Glass, pp. 117-118.

⁴See James M. Lambe, "Legislative History of the Historic Preservation Act of 1966" [typescript manuscript] (Washington, D.C.: National Park Service, December, 1967), pp. 22-24; Glass, pp. 120-121.

⁵"S. 3098 (89th Cong., 2d. Sess.) in the Senate of the United States, March 17, 1966," pp. 1-10 (from black notebook [1966 legislative documents], Grosvenor files, WASO). See also Glass, pp. 122-123.

⁶See "S. 3097 (89th Cong., 2d. Sess.) in the Senate of the United States, March 17, 1966," pp. 10-16 (copy in E. A. Connally's sheaf of correspondence, etc. in portfolio, "OAHF History," R.M. Utley's box of files, History Division, WASO). See also Glass, pp. 124-127.

⁷Rains, of course, was a former chairman of the House Subcommittee on Housing; Muskie was a member of the Senate Housing subcommittee; and Widnall was the ranking minority member of the House subcommittee. Taped interview with Casey and Lucille Ireland, August 8, 1986; Glass, p. 127.

⁸The Urban Renewal and preservation grants provisions of Senate Bill 3097 were incorporated in the final housing bill of 1966, the Demonstration Cities and Metropolitan Development Act. See Glass, pp. 168-170.

⁹Glass, pp. 127; 132-133; taped interview with the Irelands, August 8, 1986; and comment received from Robert M. Utley, April 1988.

¹⁰Cover memorandum from Robert M. Utley, Chief, Division of History Studies, to Assistant Director, Resource Studies (Howard Stagner). Subject: "Materials for Hearings on Grants-in-Aid Legislation," June 2, 1966, with attached "Preliminary Prospectus for Conduct of Grants-in-Aid Program Under Jackson and Aspinall Bills," pp. 1-5 (from notebook, "Historic Preservation," vol. 1, Grosvenor files, WASO). See also Glass, pp. 133-136.

¹¹Ibid.

¹²U. S. Congress, Senate, Committee on Interior and Insular Affairs, Subcommittee on Parks and Recreation, *Preservation of Historic Properties*, Hearing, 89th Cong., 2d. sess., June 8, 1966 (Washington, D.C.: U.S. Government Printing Office, 1966), pp. 1; 12-14. See also Glass, pp. 138-142.

¹³George Hartzog had left the hearing.

¹⁴Subcommittee on Parks and Recreation, Hearing, pp. 17-22.

¹⁵Ibid., pp. 22-27; Glass, pp. 142-144.

¹⁶U.S. Congress, Senate, Committee on Interior and Insular Affairs, "Preservation of Historic Properties," Report No. 1363. 89th Cong., 2d. Sess., July 7, 1966, (Washington, D.C.: U.S. Government Printing Office, 1966), pp. 6-8. See also Glass, pp. 144-150.

¹⁷Senate Interior Committee, Report No. 1363, p. 18; Glass, pp. 148-149.

¹⁸See Lambe, pp. 95; 98-100; 102-103; 107. See also Glass, pp. 151-153.

¹⁹U. S. Congress, House, Committee on Interior and Insular Affairs, "Establishing a Program for the Preservation of Additional Historic Properties Throughout the Nation," Report No. 1916, 89th Cong., 2d. sess., August 30, 1966 (Washington, D.C.: U.S. Government Printing Office, 1966), pp. 5-8. See also Glass, pp. 156-157.

²⁰Glass, pp. 158-162. The act as printed bore no name. Early in 1967 Robert Utley referred to it as the "National Historic Preservation

Act" in a speech that he wrote for George Hartzog, and that name became generally accepted.

²¹"Public Law 89-655," *United States Statutes at Large* 80 (1966): pp. 915-916. See also the appendix at the end of this book.

²²*Ibid.*, p. 917.

²³*Ibid.* The six federal members of the council were to include the Attorney General of the United States; the administrator of the General Services Administration; and the Secretaries of the Interior, Housing and Urban Development, Commerce, and the Treasury.

²⁴*Ibid.*, pp. 918-919. See also Glass, pp. 162-168.

Chapter 3

The Park Service Devises Standards and Procedures for the New Program, 1966-1967

When President Johnson signed the National Historic Preservation Act on October 15, 1966, the National Park Service was suddenly faced with the challenge of creating a mechanism for administering a new preservation program. The Secretary of the Interior delegated to the Service responsibility under Title I of the law for preparing criteria, standards, and procedures to guide the states in surveying and registering historic places, preparing preservation plans, and carrying out acquisition, preservation, and development projects.¹ During the nine months that followed, the Park Service devised criteria, standards, and procedures that still serve as the basis for state participation in the national program.

Early in November 1966, George B. Hartzog, Jr., asked four senior administrators of the Park Service to set forth a plan for executing the legislation.² Led by veteran historian Ronald F. Lee, the administrators recommended that a Historic Preservation Task Force be formed to devise criteria, standards, and procedures for making grants-in-aid to the states. They also suggested that the legal division of the park bureau draft a letter for the Secretary of the Interior to send to the governors of the states and territories, requesting that liaisons for the new program be appointed. Lastly, the administrators submitted to Hartzog a list of possible nominees for the non-federal seats on the Advisory Council on Historic Preservation.³

James M. ("Mike") Lambe, a Park Service attorney, drafted the letter to the governors. Lambe emphasized the cooperative nature of the preservation program, in accord with President Johnson's "Creative Federalism" policy, which advocated that the federal government supply the states with funds to carry out governmental functions properly exercised at the state and local levels.⁴ Under the Historic Preservation Act, federal assistance would be made available to the states to accelerate their preservation activities. Following the precedent established by the Bureau of Outdoor Recreation in making its grants to the states, Lambe asked each governor to name an official to represent the state in carrying out the program.⁵

At the end of 1966, Secretary Udall approved Lambe's draft, and letters signed by the Secretary were sent to the governors. Some of the state executives replied promptly and expressed immediate interest in the preservation program. Others acted more slowly. Nevertheless, by early 1967, the Park Service was receiving regular inquiries from newly appointed "state liaison officers" concerning the procedures that should be followed to secure grants-in-aid.⁶

The officials named by the governors headed a diverse assortment of agencies. About half of them represented state historical commissions or societies; a third park and recreation departments; and the remainder miscellaneous entities, such as planning or economic development agencies, tourism divisions, secretary of state offices, and even a state highway department.⁷ The high proportion of liaison officers appointed from historical agencies was undoubtedly due in part to the strong public identification in 1966 of historic preservation with the work of historical societies. It also probably derived from a letter sent by William T. Alderson, Jr., director of the American Association for State and Local History, to the heads of state historical commissions and societies. Alderson alerted his colleagues to the advent of the new grants program and the possibility of state historical executives securing appointments as liaisons.⁸

The Historic Preservation Task Force met for the first time in late November 1966. The group included representatives of the three professional fields within the Park Service related to historic preservation: history, historic architecture, and archeology. Robert M. Utley, chief of the Division of History Studies and a historian, served as chairman and selected Murray H. Nelligan, William E. Brown, and John A. Hussey to represent also the historical discipline. Other members included Russell V. Keune, representing historic architecture and architectural history, and Zorro A. Bradley, an archeologist.⁹

As the senior preservationist on the staff of the Park Service, Ronald Lee drafted an outline of activities that the task force should pursue and acted as an unofficial advisor to the group. He suggested that the task force

first acquaint themselves quickly with preservation practices outside the National Park Service. Information regarding criteria for evaluation used in historic sites surveys, elements included in preservation plans, and procedures followed in registering significant properties could be obtained from federal, state, and local agencies engaged in preservation. A manual should then be prepared to assist the state liaison officers in carrying out the national program.¹⁰

Drawing on Lee's outline, Utley laid down an ambitious schedule for the task force to follow. Members of the task force were to define the National Register by mid-December; prepare criteria for expanding the Register by mid-January; and agree on standards and procedures for the new national program by the end of January. Utley also hoped that the task force could produce an illustrated brochure on the Register, including the current listings, for use by federal agencies in complying with the requirements of Section 106.¹¹

The task force completed its first draft of a definition for the National Register on December 1, drawing on references made in the National Historic Preservation Act and reports of the Interior committees of Congress. The group then looked for existing criteria that could be used to determine whether properties discovered through the state surveys merited inclusion in the Register. In mid-December, the task force decided to follow the lead of Utley's June 1966 prospectus and base the Register criteria on the conditions already used by the Historic Sites Survey for evaluating national historical significance.¹² Late in the month, the group prepared preliminary guidelines to assist the states in carrying out the provisions in the preservation act related to grants.¹³

On December 20, Utley told his colleagues that they should draw together their various drafts into a single, "talking paper" for discussions with the states, other federal agencies, and professional preservationists.¹⁴ After a recess for the holidays, William Brown analyzed the assignments still before the task force. The central remaining task would be to devise a "framework" for the Park Service and states to use in carrying out the National Historic Preservation Act. The framework would be cast in the form of a report and contain criteria for listing in the National Register, explanations of their application, standards for state participation in the national program, and procedures for administering the program. Brown told his colleagues that the criteria and standards

should serve as basic principles, and the procedures as tentative statements, intended to evolve as the program developed.¹⁵

During January and the first half of February 1967, the task force drafted the report suggested by Brown and met with outside professional organizations and preservation groups to explain the provisions of the national program and solicit advice. The finished document consisted of definitions for the National Register and terms related to the Register, criteria for evaluating historic properties, a preliminary draft of the manual that the states would follow in carrying out the program, and a draft inventory form for use in the statewide surveys. On February 16, the group transmitted its finished document to Hartzog and was disbanded.¹⁶

The task force defined the National Register as a list of the significant evidences of the national heritage, including districts, sites, buildings, structures, and objects important in American history, architecture, archeology, and culture. Drawing on the Historic Sites Survey criteria, the task force stated that properties would be considered significant that were associated with important events or persons in American history or with inspiring American ideals. Also eligible for listing would be examples of a site or structure especially valuable for studying a period, style, method of construction, or work of a master, and sites that had produced, or might produce, important scientific information. To qualify for the Register, any otherwise eligible property would also be required to retain the integrity of its historical location, design, setting, materials, workmanship, "feeling," and associations.¹⁷

Certain properties would usually not be admitted to the Register, including cemeteries, birthplaces or graves of historical personages, properties owned by religious institutions, structures moved from their original location, reconstructed historic buildings, properties primarily commemorative in nature, and sites and structures that had become important within the past fifty years. Because some properties covered by the exclusions would merit preservation on other grounds, a list of exceptions that could be included was provided.¹⁸

The task force decided not to follow the lead of the Rains Committee, which had recommended that the Register be divided into three categories of value, ranging in importance from national monuments to properties of local interest. Instead, the National Register would be an ungraded, uncategorized list of properties. In

avoiding the division of the Register into hierarchical classifications, the task force was heeding the advice of several state and local preservation leaders, who had protested that historic properties with less than prime ratings in local surveys were sometimes automatically selected for removal by proponents of redevelopment.¹⁹

The draft manual attached to the report contained standards and procedures for the national program. The standards were legal requirements and administrative principles set forth by the National Park Service as conditions for participation by the states. The procedures were steps for the states to follow in carrying out the provisions of the Historic Preservation Act and in applying for matching grants.²⁰

The task force emphasized professionalism as the foundation for any state preservation effort. The manual required the staffs that carried out the statewide surveys and comprehensive plans to possess professional credentials in the fields of history, archeology, and architecture. In addition, the contents of the surveys and plans were to be reviewed in each state by a "consulting committee," the members of which met similar professional requirements.²¹

With respect to procedures, the liaison officers were to nominate historic properties discovered through the surveys for inclusion in the National Register. The Secretary of the Interior would list the sites submitted after review by the Park Service. Nominations would be made on a standard Register inventory form, and the officers were to include in their state preservation plans the inventory forms of all properties recommended. The states were to observe other procedures when they applied for grants-in-aid to assist in acquisition, preservation, and development projects. Only those states with plans approved by the Secretary of the Interior would be eligible to receive such grants, and recipients of the assistance would be required to assume the cost of maintenance, repair, and administration of the properties involved. The amounts appropriated annually by Congress for preservation grants would be apportioned by the Secretary among the states on the basis of need.²²

Attached to the draft manual was a preliminary version of the National Register inventory form. Russell Keune, who designed the form, based it on an inventory sheet then in use by the Historic American Buildings Survey. The two-page Register form requested information

on the location, appearance, condition, significance, and history of the property.²³

After the task force completed its report, Utley turned his attention to briefing leaders of the preservation movement on the new national program. In February 1967, he sent a summary of the actions taken by the Park Service since October to individuals who were authorities on historic preservation and to professional groups interested in preservation, such as the American Institute of Architects, the American Institute of Planners, and the American Society of Civil Engineers.²⁴

At the beginning of March, Utley explained the national program to participants in a workshop organized by the National Trust to revise the 1964 "Principles and Guidelines for Historic Preservation" leaflet.²⁵ He and members of his staff then distributed copies of the task force report and related information to those present. After the workshop, Utley and Keune²⁶ contributed descriptions of the preservation program for the text of *Historic Preservation Tomorrow*, the revised booklet that the Trust published.²⁷

In late March, 1967, the Park Service sent the draft manual and most of the other attachments of the Historic Preservation Task force report to a hundred reviewers. Receiving the material were the forty-one officials who had been appointed as state liaison officers, participants in the Trust workshop, and representatives of federal agencies with an interest in the national program. During the following two months, more than half the recipients sent comments to the Park Service. By June, Keune had reviewed most of the points made and prepared a digest of especially pertinent comments. He was now ready to revise the manual.²⁸

With the receipt of comments from the reviewers, most of the preliminary preparations for operating the new national program in the states were complete. Assisted by Ronald F. Lee, the "elder statesman" of historic preservation in the Park Service, Robert M. Utley and his task force had devised draft standards and procedures that could be used by the states when appropriations for grants-in-aid became available.²⁹

Pressed by a tight schedule, the task force did relatively little research on the ways in which existing programs of survey, registration, and planning were conducted at

the state or municipal levels. Instead, the historians who made up most of the group relied on criteria and procedures with which they were already familiar, principally the criteria for historical significance used in the Historic Sites Survey of the Park Service and administrative procedures already developed by the Bureau of Outdoor Recreation (BOR).

The most important legacy of the task force was setting forth the concept of significance as the basis for evaluating historic or prehistoric properties. During the subsequent twenty years, most other bases for evaluation used by states or municipalities were dropped or modified to be compatible with those followed in the national program. The National Register criteria of significance set the standard for evaluation in the preservation movement.

The administrative system outlined by the 1966 legislation and defined further by the Historic Preservation Task Force also endured: conducting statewide surveys, registering inventoried properties, incorporating the survey results into comprehensive preservation plans, and using the plans as a guide for state activities in historic preservation.

Notes

¹Under Title II, the park bureau was also expected to see that an Advisory Council on Historic Preservation was appointed and to work out procedures for ensuring the compliance by federal agencies with the protective requirements of the law. The establishment of the Advisory Council is discussed in Chapter 6.

²The four administrators were Ronald F. Lee, chairman; Howard R. Stagner, assistant director for Resource Studies; Frank E. Harrison, chief of the Division of Legislation and Regulation; and Samuel V. Moore, chief of the Management Policy Division. See James A. Glass, "The National Historic Preservation Program, 1957 to 1969" (Ph.D. diss., Cornell University, 1987), pp. 254-255; 323.

³Ibid., pp. 254-258; 265. See chapter 6 for a discussion of how the members of the Advisory Council were appointed.

⁴The President had first urged a policy of "Creative Federalism" in a speech that he gave in 1964. In November 1966, Johnson repeated his desire for a cooperative relationship with the states in a memorandum sent to Secretary Udall and other members of the President's cabinet. Hence, "Creative Federalism" was on the minds of officials in the Department of the Interior. See Glass, pp. 189; 275.

⁵"'Creative Federalism' Plans Get Little Attention in 1967," *Congressional Quarterly Almanac*, vol. 23 (Washington, D.C.: Congressional Quarterly Service, 1968), p. 1088; J. M. Lambe, Draft letter from the Secretary of the Interior to state governors, November 15,

1966, pp. 1-2 (from "Historic preservation" notebook, vol. 2, Grosvenor files, WASO). See also Glass, pp. 189; 263-264.

⁶See Glass, 241-242; 264; 290. The state liaison officers renamed themselves "state historic preservation officers" in the early 1970s.

⁷Ibid., pp. 741-743.

⁸Taped interview with Charles E. Lee, June 26, 1986; and letter from William T. Alderson, Jr., director, American Association for State and Local History, to Member [heads of major historical agencies], November 15, 1966 (from National Register files, South Carolina Department of Archives and History, Columbia, S.C.).

⁹Glass, pp. 323-335.

¹⁰R.F. Lee, "Preliminary Notes for Discussion Purposes on National Register, Grants to States and Trust, Comprehensive Plans, Advisory Council, Etc." [typescript outline], November 14, 1966 (from "Historic Preservation Task Force—1966," Robert Utley's box of files, History Division, WASO). See also Glass, pp. 325-335.

¹¹Glass, pp. 334-339. See the discussion of publishing the National Register in chapter 7. The Park Service in late 1966 still thought a supplemental appropriation to begin the national program was possible in early 1967. Hence, Utley felt pressured to produce quickly criteria, standards, and procedures for use by the states. Ibid., p. 383, and chapter 5.

¹²See chapter 2. The task force undoubtedly was also heeding the promise made by George B. Hartzog, Jr., to Senator Jackson during the June 1966 Senate Interior hearing to use such criteria.

¹³Glass, pp. 339-349; 360-364; 371-379.

¹⁴Memorandum from Chairman [Robert M. Utley] to Historic Preservation Task Force: Nelligan, Bradley, Brown, Keune, and Thomas. Subject: "Action Program," December 20, 1966, pp. 1-2 (from file, "Special Committee—Historic Preservation," National Register administrative files, WASO).

¹⁵Glass, pp. 394-399. Brown did not mention preparation of a National Register brochure, as initially directed by Robert Utley. Probably Brown thought that the other tasks he outlined would absorb all of the group's time. No further action was taken on publishing the Register until the fall of 1967. See chapter 7.

¹⁶Memorandum from Chairman, Historic Preservation Task Force [R.M. Utley] to Director [G.B. Hartzog]. Subject: "Report of the Historic Preservation Task Force," February 16, 1967 (from file "Federal Register," National Register administrative files, WASO). See also Glass, pp. 399-401.

¹⁷Memorandum from Chairman to Director, Attachment 3—"Criteria of Evaluation." See also Glass, pp. 360-364; 375; 411.

¹⁸Memorandum from Chairman to Director, Attachment 3A—"Criteria Evaluations." Glass, pp. 412-414.

¹⁹See Glass, pp. 108; 340-342; 405; 438-349. When the final version of the Register nomination form was released in December 1968, the state liaison officers were asked to indicate whether the property involved was of national, state, or local significance, but no division of Register entries into categories of value was stipulated. Ibid., Appendix J.

²⁰Memorandum from Chairman to Director, Attachment 4—"Draft—Historic Preservation Act of 1966. A Guide for State Action," pp. 1-3. See also Glass, pp. 414-415.

²¹Memorandum from Chairman to Director, Attachment 4, pp. 5-6. Also see Glass, pp. 417-418. The idea for consulting committees was borrowed from the Historic Sites Survey, in which a "consulting committee" reviewed all proposals for designation of National Historic Landmarks or Districts. See Barry Mackintosh, *The Historic Sites Survey and National Historic Landmarks Program: A History* (Washington, D.C.: History Division, National Park Service, 1985), pp. 35-36.

²²Memorandum from Chairman to Director, Attachment 4, pp. 8-12. See also Glass, pp. 421-424.

²³The draft form is reproduced in Glass, pp. 426-429.

²⁴*Ibid.*, pp. 287-292.

²⁵See chapter 1.

²⁶Keune assumed responsibility for carrying out preparations for operating the program after the task force was disbanded in February. See chapter 4.

²⁷Glass, pp. 287-289; 291-292; 443-451. Also see *Historic Preservation Tomorrow: Revised Principles and Guidelines for Historic Preservation in the United States; Second Workshop, Williamsburg, Virginia* (n.p.: National Trust for Historic Preservation and Colonial Williamsburg, 1967).

²⁸Glass, pp. 451-463. See chapter 7 for a discussion of revisions made to the manual.

²⁹See discussion of appropriations in chapter 5.

Chapter 4

“The New Preservation,” 1966-1968

Besides devising standards and procedures for operating the new national program, the National Park Service organized during the winter of 1966 to 1967 a special office to execute its preservation responsibilities. Later, the bureau held a series of conferences to spread word of the program among preservationists throughout the United States. In recruiting administrators for the office and publicizing the conferences, the Service invoked a theme that symbolized the philosophical orientation of the 1966 legislation.

At the beginning of 1967, Robert M. Utley wrote a speech for George B. Hartzog, Jr., to deliver regarding the preservation mandates of the Park Service. In the director's speech, Utley referred to the tenets that underlay the National Historic Preservation Act as “the New Preservation.”¹ He used the term to distinguish between the charges given the bureau by the 1966 law and the program the Park Service had previously carried out under the Historic Sites Act of 1935.²

While the “old preservation” had been concerned with a few “shrines of transcendent significance to the Nation,” the “New Preservation” embraced thousands of local landmarks important to states or communities. While the earlier concept had emphasized associative and inspirational values, the new version stressed the importance of architecture, design, and aesthetics. Unlike the old preservation, which had encouraged the preservation of single buildings as museums, the “New Preservation” would foster the conservation of historic communities, areas, and districts through adaptation to “compatible modern uses.”³

Although Utley used the term for the first time in early 1967, the broadened precepts represented by the “New Preservation” had already shaped the administrative structure that the Park Service organized to carry out its enlarged preservation responsibilities. In May 1966, Hartzog had appointed a Special Committee on Historic Preservation to recommend ways in which the park bureau could re-assert itself in the preservation movement. The director had named to the panel three men with distinguished professional credentials. As chairman,

Hartzog chose Ronald F. Lee, one of the senior historians of the Service. At Lee's suggestion, the director asked J. O. Brew, director of the Peabody Museum at Harvard University, to represent the field of archeology and Ernest Allen Connally, professor of the history of architecture at the University of Illinois, to represent the field of historic architecture.⁴

The Lee-Brew-Connally Committee, as it became known, interviewed senior administrators, historians, architects, and archeologists of the Park Service, soliciting opinions on how the reputation of the bureau in historic preservation could be improved. In June 1966, Ronald Lee wrote a draft report on behalf of the committee. He recommended that the director create an Office of Archeology and Historic Preservation to supervise the Service's preservation activities.⁵

As already seen,⁶ Lee believed that the Park Service must acknowledge the new emphases in the preservation movement on historic architecture, aesthetic landmarks, and urban conservation. In addition, the bureau must keep abreast of the latest restoration techniques. Accordingly, he recommended that the proposed office be headed by a historical architect⁷ respected in preservation circles and that one of the divisions in the organization be devoted to historic architecture. The office should also include the existing Park Service divisions of archeology and history, as well as a new unit concerned with preservation matters outside the National Park System.⁸

With minor changes, Hartzog accepted Lee's recommendations in September 1966, shortly before the National Historic Preservation Act was approved. Late in the same month, Lee and Brew recommended that the director offer the top position in the new office to their colleague on the committee, Ernest Connally. The latter possessed an unusual combination of credentials: a Ph.D. degree in architectural history, experience with the Park Service both as a supervisor of Historic American Buildings Survey documentation projects and as a restoration architect, and familiarity with the broad, environmental conception of preservation that Lee wished to stress.

Connally was also a witty and erudite person who could represent the Park Service with persuasiveness and authority in encounters with outside agencies and the public at large. Hartzog readily agreed to hire the architectural historian, who accepted the post at the end of September.⁹



Ernest Allen Connally at the University of Illinois in 1964. Courtesy, Ernest A. Connally.

Connally could not enter duty as chief of the Office of Archeology and Historic Preservation (OAHP) until the following June, when the academic year at the University of Illinois concluded. The tasks of carrying out the 1966 preservation mandates of the Park Service therefore fell to Lee, Utley, and the Historic Preservation Task Force.¹⁰ Connally devoted his attention to designing a suitable organizational structure for the office and seeking qualified professional people to head divisions and subdivisions in the new unit.¹¹

The new chief immediately encountered difficulty in finding suitable candidates within the Park Service for the administrative posts of the OAHP. Few professional people or administrators in the bureau were knowledgeable about the "New Preservation." The solution appeared to lie in recruiting from the preservation movement outside the Service. Hartzog had already filled one post in the office with an "outsider." Early in the fall, the director and Robert R. Garvey, Jr., executive director of the National Trust, had agreed tentatively that Garvey would assume the job of liaison between the Park Service and the Advisory Council on Historic Preservation.¹²

In December, Connally asked Russell Keune, a member of the Preservation Task Force and former student of Connally at the University of Illinois, to act as a liaison to other federal agencies and the states regarding the new national preservation program. Later in the month, Utley, whom Connally had nominated to head the History Division, advised the OAHP chief to create a unit for administering the National Register, either as part of the History Division or as part of Connally's immediate office. Utley believed that the head of such a unit would have to be sought outside the park bureau.¹³

Early in January, 1967, Connally drafted an organization chart for the Office of Archeology and Historic Preservation and recommended that Utley be appointed acting chief of the office.¹⁴ The OAHP chief proposed that three divisions—for archeology, historic architecture, and history—carry out the Service's responsibilities under the Historic Sites Act of 1935 and assist in executing the charges of the 1966 law. Attached to Connally's own office would be two small units devoted entirely to carrying out the new preservation program: a National Register unit and the staff of the liaison to the Advisory Council. At Utley's suggestion, Connally decided to call the administrator heading the Register unit "keeper of the National Register."¹⁵

Due to lack of the Congressional appropriations,¹⁶ the Park Service was unable to fill most of the new positions envisioned by Connally. Instead, the OAHP chief reassigned Keune to serve as acting keeper of the Register and charged him temporarily with carrying out all activities of the office related to the 1966 legislation.¹⁷



William J. Murtagh in 1967. NPS Photographic Collection, Springfield, Virginia.

Connally offered the keeper position itself to William J. Murtagh, director of program for the National Trust. Murtagh seemed to embody the precepts of the "New Preservation." Like the OAHP chief, he held a Ph.D. degree in architectural history and had been trained as an architect. For seven years he had served as director of education at the Trust and had organized many local and regional conferences on current principles and techniques in historic preservation. Through much public speaking, Murtagh had become an eloquent advocate of environmental conservation and aesthetic values. He could effectively promote the broad interpretation of preservation represented by the national program and explain the National Register and other features of the National Historic Preservation Act.¹⁸

Murtagh tentatively accepted Connally's offer in February 1967. In April, Hartzog and Garvey reached final agreement on the appointment of the Trust director as executive secretary of the Advisory Council, the liaison

position broached earlier. In May, Murtagh's appointment as keeper was confirmed. By mid-June, when Connally arrived in Washington to take up his duties formally, four people experienced in the "New Preservation" or the preservation movement had been recruited as administrators for the Office of Archeology and Historic Preservation.¹⁹

Two were veterans of the Park Service. Although concerned chiefly before 1966 with the "old preservation," Robert Utley had conceived many of the concepts in Title I of the Historic Preservation Act and proven an apt pupil of the changing emphases in the preservation movement. In addition, the chief of the History Division was an able executive who had led the efforts of the Park Service to organize an administrative system for carrying out the new program²⁰ and understood the workings of the federal bureaucracy. In every respect, he was well suited to serve as one of Connally's principal advisors.



Russell V. Keune in 1969. Photograph by Harris & Ewing, Washington, DC. Courtesy, Russell V. Keune.

Russell Keune, acting keeper of the Register until Murtagh reported for duty in August, had been trained both as an architect and architectural historian at the University of Illinois. He was familiar with inventory and documentation techniques through work at the Historic American Buildings Survey and with restoration principles through previous assignments as a historical architect in the National Park System. A person with considerable organizational ability, Keune had also carried out single-handedly most of the preparations the Park Service made during the spring of 1967 to begin operation of the new program.²¹

Garvey and Murtagh, like Connally himself, were newcomers to federal service. Garvey was an astute administrator with fifteen years of experience in operating nonprofit preservation organizations. In July he took over coordination of the protective functions of the Historic Preservation Act.²² Murtagh, the keeper of the National Register, brought an intimate knowledge of the outside preservation movement to the OAHP. He was to head the small Register unit attached to Connally's office and administer

the survey, planning, registration, grants-in-aid, and Section 106 provisions of the new national program.²³ The keeper thus had the opportunity to endow all aspects of the program with the point of view associated with the "New Preservation."²⁴

After joining the Park Service staff, Murtagh devoted much of his attention to publicizing the provisions of the National Historic Preservation Act. He asked Keune, now assistant keeper, to plan a series of regional conferences concerning the national program and invite the attendance of state liaison officers, administrators of federal agencies, and representatives of private preservation organizations. Drawing on his experience at the National Trust, Murtagh hoped to make officials of the Park Service aware of their new partners, the state governments and local preservation groups, and make preservationists alert to the opportunities opened by the 1966 legislation.²⁵

The administrators of the OAHP selected the "New Preservation" as the theme for the conferences. Although interest in environmental conservation and aesthetics was common among architects interested in preservation, urban design critics, and neighborhood advocates, it was still rare among the state and local historical societies that made up much of the preservation movement. For many such societies and the public at large, historic preservation still denoted the commemoration of famous events and personages through operation of museums in historic structures. Murtagh and his colleagues at the Office of Archeology and Historic Preservation hoped to implant in their history-oriented constituents an appreciation for masterworks of architecture, old structures renewed in adaptive uses, and historic districts preserved as living communities.²⁶

Early in the fall of 1967, Keune and Jerry L. Rogers, who had joined the National Register unit as a historian in June, designed a brochure for distribution at the eight regional conferences. On the outside flap Keune reproduced an elevation drawing of the Robie House in Chicago, a noted residential design of famed American architect Frank Lloyd Wright. Beneath the drawing in large bold letters appeared the words "The New Preservation."²⁷

The inside of the brochure contained the schedule for the two-day meetings. On the first day, officials of the National Park Service would brief participants from the host region on the National Historic Preservation Act and new national program. Representatives of the principal national organizations involved in preservation and state liaison



Participants in the Richmond Regional Conference, Jefferson Hotel, January, 1968. Courtesy, National Register Branch, National Park Service (WASO).

officers of the region would then explain their activities. On the second day, Park Service administrators would conduct seminars for the liaison officers on the draft grants manual and on procedures that the Park Service had prepared since the fall of 1966 for carrying out Section 106.²⁸ The seminars were intended to offer a chance for the OAHP staff and state officials to meet each other and for the liaison officers to ask questions about the national program.²⁹

The first of the "New Preservation" conferences was held in Boston at the end of November 1967; the last occurred in Omaha at the beginning of May 1968.³⁰ On the first day of the meetings, Murtagh explained that preservation now entailed a "concern for the total environ-

ment," while Connally emphasized that the "new historic preservation" represented by the national program would be a cooperative effort between the National Park Service and state and local preservation agencies. The Park Service would coordinate the program, but the bureau would not send out ". . . a stream of messages from Washington telling how it is to be accomplished." Instead, results would depend on the initiative and insight supplied by local organizations.³¹

On the second day of the conferences, delegates from the states and territories discussed and debated parts of the draft grants manual with Murtagh, Keune, Utley, and Park Service solicitor Bernard Meyer. At several conferences, delegates urged the Park Service to allow

decisions in the program to be made at the state level. At all of the meetings, liaison officers criticized the lack of appropriations available for grants-in-aid.³²

During the exchanges, Murtagh's objectives in holding the meetings were realized. The characteristics of the "New Preservation" were clearly communicated to the audiences at each conference, and the Park Service staff became acquainted with the state liaison officers and aware of their opinions on the infant program. On their side, the state officials and their staffs were briefed on the standards and procedures that would govern state preservation activities and met the individuals in the Office of Archeology and Historic Preservation who would guide them in carrying out the Historic Preservation Act.

Faced in 1966 with assuming large new mandates in historic preservation, George B. Hartzog, Jr., heeded the advice of Ronald F. Lee and took seriously the changes that had occurred in the philosophical orientation of the preservation movement. Lee persuaded the director to organize a preservation office in which knowledge of "environmental preservation" would serve as a prime criterion in selecting administrators. As a result, three talented outsiders with stature in the preservation movement—Ernest Allen Connally, Robert R. Garvey, Jr., and William J. Murtagh—were recruited along with insiders Robert M. Utley and Russell V. Keune to establish the 1966 preservation program.



William Murtagh speaking at the New Preservation Regional Conference held in Richmond, Virginia, January, 1968. At left is George Hartzog and at right Ernest Connally. Photograph by Cecil Stoughton, National Park Service. Courtesy, National Register Branch, National Park Service (WASO).



Opening session of the New Preservation Conference held in Denver, Colorado, March, 1968. Speakers at the head table include, from left to right, Ernest Connally; William G. Marshall, Executive Director, Colorado Historical Society; Stephen H. Hart, President of the Colorado Historical Society; Governor John A. Love of Colorado; Robert Utley; William Murtagh, and Russell Keune. Courtesy, National Register Branch, National Park Service (WASO).

The term coined by Utley, "New Preservation," proved an effective theme for promoting the program, and at the regional conferences Murtagh used the term to argue persuasively that architectural significance, aesthetic values, and historic districts should be emphasized in historic preservation, in addition to historical associations, inspirational qualities, and individual landmarks.

Notes

¹Utley borrowed the term from the findings section of *With Heritage So Rich*, the report of the Rains Committee. See chapter 1.

²"Remarks by George B. Hartzog, Jr., Director of the National Park Service, at the Annual Meeting of the Society of Architectural Historians, Cleveland, Ohio, January 27, 1967," (news release), p. 2 (from file, "Historic Preservation Task Force—1966," Utley's file box, History Division, WASO). See also James A. Glass, "The

National Historic Preservation Program, 1957 to 1969" (Ph.D. diss., Cornell University, 1987), p. 278.

³"Remarks by George Hartzog, Jr." pp. 2-4. See also Glass, pp. 277-280.

⁴Glass, pp. 175-176.

⁵[R.F. Lee], "Draft Report of Special Committee on Historic Preservation, May 24-25, 1966, Washington, D.C.," attached to memorandum from Ronald E. Lee, Assistant to the Director, to J.O. Brew and E.A. Connally. Subject: "Report of Special Committee on Historic Preservation," June 2, 1966 (from E.A. Connally's sheaf of correspondence, R.M. Utley's box of files, History Division, WASO). See also Glass, p. 178.

⁶See chapter 1.

⁷The term "historical architect" in the Park Service referred to an architect who was trained in maintenance and restoration techniques for historic structures. In the preservation movement, such individuals were usually termed "restoration" or "preservation" architects.

⁸[Lee], "Draft Report," 15-16. See also Glass, pp. 177-180.

⁹Glass, pp. 180-192.

Chapter 6

The Advisory Council Assumes Its Responsibilities, 1966-1968

The Advisory Council on Historic Preservation was one of the first governmental bodies of its kind, an inter-agency panel that brought together the representatives of six domestic federal agencies, the chairman of the National Trust, and ten citizens from outside the federal government. The Historic Preservation Act charged the council with mediating in conflicts between federal agencies and preservationists and suggesting measures to foster historic preservation.¹

Gordon Gray, Robert R. Garvey, Jr., and others who had supported providing for the panel in Senate Bill 3035 had seen the council primarily as a mechanism for coordinating the actions of governmental agencies so as to minimize the destruction of historic sites and structures. Carl Feiss and Casey Ireland, who wrote the report of the Rains committee, from which Title II of the 1966 legislation was derived, had cast the body also in the role of a national policy board for preservation. During the first year of the council's existence, the National Park Service, the panel itself, and Executive Secretary Garvey sought both to establish the protective authority of the body and to carry out its responsibility to recommend policies. Despite the initial effort at balance, by the end of the year, protection had emerged as the dominant function of the council.

George B. Hartzog, Jr., had sought in 1966 to have himself designated as executive director of the Advisory Council in part because of the nature of the panel's mandate under Section 106. He had concluded that the advisory body would find itself engaged in "high-risk" political decisions, due to conflicts that would arise with federal agencies over the protective requirements of the preservation law. If the Park Service assumed the staff function for the council, the bureau could guide the panel away from actions that would provoke hostility. Hartzog also believed that because the President would name the non-federal members of the advisory body, political appointments were probable. In order for the panel to establish a credible reputation among preservationists, its decisions would have to be based on professional recommendations. The Park Service director thought that

the preservation staff of his own bureau was best qualified to offer such advice.²

After the Historic Preservation Act was adopted, Hartzog decided that the new Office of Archeology and Historic Preservation (OAHP) should carry out the staff work associated with Section 106, and that Ernest Allen Connally, the chief of the office, should exercise the director's authority as executive director of the council. Another official in the OAHP would provide liaison between the Park Service and the Advisory Council and coordinate the preparation of comments by the panel on Section 106 cases.³

As already seen in chapter 4, early in the fall of 1966, Hartzog agreed to hire Garvey for the liaison post. The Trust executive was a capable administrator who was experienced in working with a board of trustees similar to the Advisory Council and knew how to accomplish goals in the Washington political scene. Garvey could steer the governmental body away from damaging confrontations.⁴

In November 1966, the four Park Service administrators advising Hartzog on how to establish the new preservation program⁵ gave him a list of possible nominees for the Advisory Council. Robert M. Utley and the Division of History Studies then investigated the background of each person, added a few names, and sent the list back to Hartzog, who reviewed the list and appended more nominees. Secretary Udall forwarded the final list to the President. During the first months of 1967, Garvey met with Matthew Coffey of the White House appointments staff and urged that qualified professional people and preservation advocates be named to the council. On March 1, the White House announced the President's appointments for the ten non-federal seats on the panel.⁶

Coffey made an effort to select members for the council who were both involved in historic preservation and enjoyed the support of powerful figures in Congress. Four of his choices held professional credentials in the preservation field. Sylvester K. Stevens, whom the President appointed as chairman of the body, was executive director of the Pennsylvania Historical and Museum Commission and a nominee of Senate Minority Leader Hugh L. Scott

of Pennsylvania. Russell W. Fridley, president of the American Association for State and Local History and director of the Minnesota Historical Society, was the candidate of Vice President Hubert H. Humphrey, while Richard D. Daugherty, professor of anthropology at Washington State University, was associated with Henry M. Jackson, chairman of the Senate Interior Committee. Christopher Tunnard, chairman of the Department of City Planning at Yale University, apparently was the only purely professional appointment.

Members selected with an avocational interest in preservation included Albert M. Rains, chairman of the Rains Committee; San Francisco landscape architect Lawrence Halprin, who had assisted in Lady Bird Johnson's beautification efforts; Joseph B. Cumming, chairman of the Georgia Historical Commission and a nominee of several members of his state's Congressional delegation; Mrs. Ernest L. Ives of Illinois, a preservationist active in Illinois and North Carolina and sister of former Democratic presidential candidate Adlai E. Stevenson; attorney Harold L. Kennedy of Texas, a friend of President Johnson; and Colonel John A. May of South Carolina, probably-nominated by Senator Strom Thurmond.⁷

Due to the absence of a 1967 fiscal year appropriation for the national preservation program, the Park Service was unable to inaugurate the Advisory Council until July 1967, the beginning of the following fiscal year. Many months were also required before the spring of 1967 to secure approval from the Civil Service Commission for the appointment of Robert Garvey. As a result, the Trust executive did not report for duty until the summer of 1967.⁸

During the nine months that preceded Garvey's arrival, Utley took charge of carrying out Section 106 of the Historic Preservation Act. In the fall of 1966 he and the Historic Preservation Task Force met with representatives of the federal Bureau of Public Roads (BPR) and supplied suggestions for a memorandum that the BPR wished to send its regional and divisional engineers regarding Section 106. As finally drafted, the memorandum directed the engineers to compile case reports for any highway project that would "adversely affect" properties included in the National Register.⁹

During the spring of 1967, Utley, now acting chief of the Office of Archeology and Historic Preservation, and Russell V. Keune, acting keeper of the Register, worked out an informal procedure with the Bureau of Public Roads for meeting the requirements of Section 106. The

BPR would provide the OAHP with information on highway projects located in the vicinity of National Historic Landmarks.¹⁰ The OAHP staff would evaluate each situation and give the BPR an opinion as to whether the undertaking would damage the historic property. If an adverse effect were involved, the Park Service would advise the Bureau of Public Roads to "examine feasible alternatives." If an alternate way could not be found for carrying out the project, the highway bureau would refer the case to the Advisory Council for comment.¹¹

While they were discussing procedures with the BPR, Utley and Keune also reviewed a few undertakings involving federal agencies. One case in particular set a precedent for the application of Section 106 to federally financed highway projects. The state of New Mexico was planning to build a road through the old Spanish-Mexican village of Las Trampas, a National Historic Landmark District. The location of the new highway had been decided without considering the historic architecture along the route. Nathaniel A. Owings, a prominent architect who lived near the village, opposed the plan and called Hartzog in the spring of 1967 to ask if the new preservation law could be used to stop the project.¹²

The director agreed to intervene and asked the Bureau of Public Roads, which was financing part of the cost of the highway, to halt payment of the federal grant to New Mexico. The BPR quickly acceded to Hartzog's request and sent word to the state highway department that no money would be released for the project until the state observed the requirements of Section 106. The New Mexico Highway Commission immediately agreed to negotiate with local preservationists and representatives of the Park Service. Utley later recalled the solution that the three parties adopted:

The preservationists did not insist on the highway bypassing the town, only that it be designed in a way that alleviated the adverse effects on the historical values. This was accomplished by paving only half the right of way, of adopting a little more circuitous alignment to avoid some of the buildings, and in bridging the stream with a harmonious wooden bridge instead of a big concrete span. The Bureau of Public Roads then took the freeze off and they built the highway.¹³

Early in June, Utley reported to Hartzog that only one federal undertaking reviewed by the Office of Archeology and Historic Preservation had involved an "adverse

Service that Congress had intended the entire \$100,000 to go to the National Trust. He added that dividing \$82,500 under the formula among fifty-five states and territories would not "do much good," while reducing the share of the Trust from the \$300,000 granted in 1968 to \$17,500 would do great damage. For their part, some of the liaison officers disliked the formula because they thought it guaranteed too large a proportion of the grant appropriation to the Trust!¹⁵

In October 1968, the Park Service sent the state liaison officers the final draft of the grants manual for the national program, providing explanations of the standards each state must meet in order to apply for aid and the procedures that should be followed in applying.¹⁶ In December the Office of Archeology and Historic Preservation invited the states to request money from the "token funding" in the 1969 appropriation. Each state participating would receive an amount that would be in the same proportion to the \$82,500 being distributed as the amount of the application from the state was in proportion to the total of all requests made by the states.¹⁷

Possibly because so little money was available, only twenty-five liaisons officers applied for grants. On March 26, 1969, the new Secretary of the Interior, Walter J. Hickel, announced the disposition of the funds. Under the apportionment formula announced by the Park Service in December, the more money a state requested, the larger the amount of need assumed by the Service.¹⁸ The states demonstrating the greatest "need" would receive the largest grants. Missouri apparently submitted the highest request and received the most money, \$11,745; Maine and Ohio tied for the lowest grants, \$788.51. The apportionment formula resulted in such anomalies as Alaska, Nebraska, and West Virginia, none of which had yet established historic preservation programs, receiving more funds than some states with established preservation records, such as New York, Virginia, Connecticut, and Massachusetts.¹⁹

Reactions from state liaisons officers to the Park Service apportionments were not enthusiastic. Daniel R. Porter, the liaison officer for Ohio, registered his disgust with the small size of his grant by mailing the check sent to him back to the Park Service. Porter told Murtagh and the National Register staff that accepting the grant would cost his state more in processing charges than the amount was worth. Other officers thought that the National Trust should not have received more than any one state had

been granted. Most of the state officials were disappointed in what they saw as the failure of the federal government to honor its promises of financial assistance.²⁰

Long after the 1969 disbursements, several state liaison officers continued to blame the Department of the Interior and the Park Service for failing to begin operation of the preservation program in the states earlier than 1969 and for failing to secure grants closer to the large sums authorized by the National Historic Preservation Act. On their side, administrators in the OAHP often felt frustrated by the lack of understanding among some of the state officers regarding the difficulty in the federal government of obtaining an appropriation for the full amount authorized in legislation.²¹

In retrospect, responsibility for meager appropriations after 1966 probably should be assigned to the Johnson administration, which did not consider financing the newly created preservation program a priority. Without approval by the Bureau of the Budget of an adequate budget request each year, chances of securing sufficient funds in Congress were slim. On the other hand, even with greater support in the administration, the preservation appropriations might have been small, given the huge sums required during 1967 and 1968 for the war in Vietnam.

Whether or not greater funds could have been secured, the OAHP, National Trust, and several state liaison officers learned a fundamental lesson in the summer of 1968 about influencing Congress. By organizing a network of lobbyists in the districts and states of key members of the House and Senate, preservation advocates could persuade appropriations subcommittees to increase the amounts in Park Service grants-in-aid budgets.

Notes

¹See James A. Glass, "The National Historic Preservation Act, 1957 to 1969" (Ph.D. diss., Cornell University, 1987), pp. 166; 230; 93-94.

²*Congressional Record*, 89th Cong., 2d. Sess., 112, (1966), pp. 22,029-22,031. See also Glass, pp. 159-160.

³The fiscal year followed by the federal government in 1966 ran from July 1 to June 30. Budget requests by federal bureaus were submitted to the parent departments in late summer of the preceding year, followed by submission of the department requests to the Bureau

of the Budget in early fall. The bureau decided on the final amounts to be requested from Congress and compiled the President's budget in November or December. The budget reached Capitol Hill in January. Appropriation of funds by Congress occurred in the spring or early summer, and expenditures by agencies began on July 1. See Glass, pp. 230-234.

⁴Ibid., pp. 232-234.

⁵Ibid., pp. 235-246.

⁶The Park Service intended to use the remaining \$250,000 from the \$2 million authorization for administration of the national preservation program. See Ibid., p. 230.

⁷Taped interview with Ernest Allen Connally, June 9, 1986. See also Glass, pp. 738-739.

⁸Glass, pp. 296-298; 739-741.

⁹Ibid., pp. 747-749.

¹⁰Ibid., pp. 756-761.

¹¹Taped interview with Connally, June 9, 1986; Glass, 760-761.

¹²Ibid.

¹³Ibid., pp. 765-766.

¹⁴Ernest Allen Connally, informal comments contained in transcript of the proceedings of the "Second Annual Meeting, Committee on Federal Programs in History, American Association for State and Local History," March 12, 1969 (n.p.: n.p., 1969), pp. 18-19. See also Glass, pp. 766-767.

¹⁵Letter from Gordon Gray, Chairman of the Board of Trustees, National Trust for Historic Preservation, to J.E.N. Jensen, Associate Director, National Park Service, September 25, 1968, pp. 1-2 (from second sheaf of correspondence between the National Trust and the Office of Archeology and Historic Preservation regarding grants, National Register administrative files, WASO). See also Glass, pp. 768-769.

¹⁶See discussion of the grants manual in chapter 7.

¹⁷Glass, pp. 769-770.

¹⁸Need was the sole criterion set forth by the National Historic Preservation Act for the Secretary of the Interior to consider in apportioning grants-in-aid.

¹⁹"25 States, Puerto Rico, Share in Historic Preservation fund," Department of the Interior news release, March 26, 1969, p. 2 (from file, "Press Releases," National Register administrative files, WASO). See also Glass, p. 771.

²⁰Taped interview with William J. Murtagh, June 17, 1986. See also Glass, pp. 771-774.

²¹Taped interview with Russell V. Keune, July 8, 1986; Robert M. Utley, July 22, 1986; and Connally, June 9, 1986; conversation with Frederick L. Rath, Jr., October 1985.

Chapter 5

Difficulties in Obtaining Appropriations, 1966-1969

The new national preservation program was a “pump-priming” operation. The Secretary of the Interior was to grant matching funds to the states, which would be stimulated to conduct surveys, prepare plans, register historic properties, and finance preservation projects. In order for this cooperative system to function, the administration in power had to request each year from Congress sufficient funds to underwrite grants-in-aid for the states and an administrative staff at the National Park Service. Congress in turn had to appropriate adequate funds. During the three years after the enactment of the National Historic Preservation Act, appropriations for the program were very meager, and the partnership between the Park Service and the states almost died for lack of money.

When the Senate Interior Committee amended Senate Bill 3035 in June 1966, the National Park Service made sure that the revised measure authorized ample sums for the first four fiscal years of the national program. The final version of the National Historic Preservation Act allowed \$2 million to be spent in the 1967 fiscal year and \$10 million in each of the following three years. If such amounts were spent annually, the Service predicted that the states could complete their statewide surveys and preservation plans and register all of their historic properties by June 30, 1970, the end of fiscal year 1970. A new series of authorizations could be then sought for making grants to the states for acquisition, preservation, and development projects.¹

Nevertheless, under the federal budgetary system, legislative authorizations were only guidelines for the administration and Congress to consider in appropriating funds. A portent of future problems appeared in September 1966, during floor debate by the House of Representatives on Senate Bill 3035. Congressmen Durward G. Hall of Missouri, H.R. Gross of Iowa, and Craig Hosmer of California nearly defeated the bill on the grounds that the \$32 million it authorized could not be spared at a time when increasing sums were needed to carry on the war in Vietnam.²

Despite its sponsorship of the preservation legislation, the Johnson administration soon showed that it had reached the same conclusion as Hall, Gross, and Hosmer. In mid-October, on the same day that the President signed the Historic Preservation Act, the Bureau of the Budget at the White House refused to submit to Congress the request of the Interior Department for a \$2 million preservation appropriation for the remainder of the 1967 fiscal year. The action of the budget bureau meant that until the opening of fiscal year 1968 on July 1, 1967, no grants-in-aid would be available for the states and National Trust, and no money could be secured for establishing the Advisory Council.³

The administration failed again to support the preservation program when the Department of the Interior requested the full \$10 million authorized for grants-in-aid and administration in the 1968 fiscal year. In December 1966, the Bureau of the Budget reduced the amount of the request by 80 percent, allowing only \$2 million for the program in the President's budget.⁴

In February and March of 1967, the Interior Appropriations Subcommittees of the House and the Senate held hearings on the fiscal 1968 budget. Chairman Julia Butler Hansen of the House panel warned George B. Hartzog, Jr., and the other Park Service witnesses that the demands of the Vietnam War would necessitate sacrifices in many worthwhile activities, including the preservation program. The amount finally approved by Congress in June bore out Mrs. Hansen's prediction. Of the \$2 million recommended in the President's budget for grants-in-aid and program administration in the 1968 fiscal year, only \$447,000 was appropriated—\$300,000 for grants and the remainder for beginning operation of the Advisory Council and making modest additions to the staff of the Office of Archeology and Historic Preservation.⁵

The small sum provided for grants delayed the start of the national preservation program in the states for another year. During the hearings on Senate Bill 3035 in 1966, the Park Service had promised to make available

\$1.75 million to the National Trust from the fiscal year 1967 appropriation.⁶ When the Johnson administration refused to submit a request for the first year, the Park Service deferred the grant to the Trust until the 1968 fiscal year. After Congress reduced the \$2 million requested for 1968 to \$300,000, the bureau was left with insufficient funds to begin both the disbursement promised to the Trust and the financing of survey and planning activities in the states. Because most of the states were not yet ready to participate in the preservation program, the Park Service granted all of the 1968 appropriation to the National Trust.⁷

In order to persuade the administration and Congress to increase the appropriation for grants in fiscal year 1969, the Office of Archeology and Historic Preservation asked the new state liaison officers to estimate the amount of federal funds they would need during the following year for survey and planning. By the end of October 1967, thirty-seven liaison officers had submitted estimates totalling \$1.493 million, or about \$40,400 per state. The National Register staff incorporated the estimates in the Historic Preservation budget justification of the Interior Department for the 1969 fiscal year.⁸

During the fall of 1967, the Johnson administration ordered a general reduction in the budgets of domestic federal agencies, in an effort to meet the increasing demands of the Vietnam War. As a consequence, despite the evidence assembled by the Park Service of need for funds among the states, the budget bureau cut the Interior Department's request for preservation grants to \$680,000, only 7 percent of the \$10 million authorization for 1969.⁹

At the spring 1968 Congressional hearings on the President's budget, the war overshadowed every non-defense appropriation. Hartzog attempted to draw the attention of the House appropriations subcommittee to the preservation grants item by emphasizing the large sums requested by the home states of several members of the panel. Although the director's strategy was effective in the House, where Chairman Hansen recommended renewal of the fiscal 1968 appropriation for grants-in-aid, the Senate appropriations subcommittee deleted the grants item altogether. When the full Senate adopted the recommendation of its subcommittee, the national program was suddenly faced with death. The states would drop their participation if the federal government failed for a third year to produce funds to assist them.¹⁰

Ernest Allen Connally and the senior staff of the Office of Archeology and Historic Preservation acted quickly to save the appropriation. They telephoned Senators and Congressional staff members whom they knew and urged that the House-Senate conference committee considering the Interior appropriations bill restore the \$300,000 approved by the House. In addition, the chief of the OAHF asked a friend who served as lobbyist for a Texas oil company to intercede for the program in the Senate. Robert M. Utey, William J. Murtagh, and others in the OAHF called state liaison officers whose Congressmen or Senators were likely to be influential and asked the officers to make known the need of the states for grants. Gordon Gray of the National Trust helped by writing letters to all members of the conference committee and making several personal calls.¹¹

Swayed by the lobbying, the conference committee compromised between the House and Senate versions of the bill and recommended \$100,000 for grants-in-aid in the 1969 fiscal year. Congress accepted the conference report without change. The new national preservation program had been saved, but only barely.¹²

The appropriation of an amount that was only one-hundredth of the \$10 million authorized for grants in 1969 left the Park Service in an uncomfortable situation. How could so small a sum be divided equitably between the National Trust and the states? Clearly, both parties must receive some funds. The Trust had begun expensive restoration projects during the previous year and would be hurt by a curtailment of federal funds. On the other hand, if the states did not to receive any matching money in the new fiscal year, many would drop out of the program.¹³

After much discussion, Connally and his staff decided that they would recommend to Secretary Udall that the states receive most of the 1969 grants-in-aid appropriation. The OAHF then devised a formula for apportionment, allotting 82.5 percent of the \$100,000 to the states and 17.5 percent to the National Trust. The percentages in the formula approximated those that the Service would have used if the full \$10 million authorized for 1969 had been appropriated. Connally later explained that the OAHF used the formula in order to start the national program in the states and still keep the commitment of the Park Service to the Trust, even if only in token terms.¹⁴

The apportionment formula made neither the Trust nor the state liaison officers happy. Gray told the Park

¹⁰See discussion of the activities of Lee, Utley, and the task force in chapter 3.

¹¹Glass, p. 192.

¹²Taped interview with Robert R. Garvey, Jr., July 1, 1986; Glass, pp. 195-196. See also discussion in chapter 6 of Garvey's position at the council.

¹³Letter from Robert M. Utley, Chief, Division of History Studies, to Professor Ernest A. Connally, December 23, 1966, pp. 1; 5-6 (from Connally's correspondence sheaf, Utley's file box, History Division, WASO). See also Glass, pp. 194-195; 198-202.

¹⁴Utley was to administer the new office until Connally began his duties formally in June.

¹⁵Letter from Ernest Allen Connally to George B. Hartzog, Jr., January 6, 1967 (from portfolio, "Organization (I)," R.M. Utley's file box, History Division, WASO). Connally's draft chart is reproduced in Figure 5.1 of Glass, p. 205. See also Glass, pp. 203-210.

¹⁶See chapter 5.

¹⁷See Glass, pp. 194; 210.

¹⁸Taped interviews with Ernest Allen Connally, June 9, 1967, and with William J. Murtagh, June 17, 1986; Glass, p. 211.

¹⁹Glass, pp. 216; 222.

²⁰See chapters 3 and 6.

²¹Taped interview with Russell V. Keune, July 8, 1986. See also Glass, pp. 194; 290-295; 451-463; and the discussion of Keune's activities during the fall, winter, and spring of 1966-67 in chapters 3 and 6.

²²Taped interview with Robert R. Garvey, Jr., June 30, 1986; Glass, pp. 37; 195-196. See the discussion in chapter 6 of Garvey's role at the Advisory Council.

²³George Hartzog had ordained that the professional staff of the OAHP would investigate the cases that arose under Section 106, while Robert Garvey coordinated the Advisory Council's comments on the cases. See chapter 6.

²⁴Taped interview with Keune, July 8, 1986.

²⁵Glass, pp. 659-660.

²⁶Taped interview with Murtagh, June 17, 1986. Also see Glass, p. 663.

²⁷"The New Preservation" regional conference brochure, c. October 1967 (from participant folder for the Boston regional conference, in R.M. Utley's file box, History Division, WASO). See also Glass, pp. 666-669.

²⁸See chapters 3 and 7 for a discussion of the draft grants manual that was distributed at the regional conferences. See chapter 6 for a discussion of the Section 106 procedures.

²⁹Glass, pp. 661-662; 669.

³⁰The other conferences in 1968 were held in Richmond, Virginia (January); Columbus, Ohio (February); San Juan, Puerto Rico (February); Asilomar, California (March); Savannah, Georgia (April); and Denver, Colorado (April). See Figure 13.1 in Glass, p. 665.

³¹*Ibid.*, pp. 691-693. With his emphasis on cooperation and local initiative, Connally was invoking President Johnson's "Creative Federalism" policy. See Chapter 3.

³²Glass, pp. 682-687; 669-705; 716-723. See the discussion of appropriations in chapter 5.



Approach to the town of Las Trampas, New Mexico, prior to construction of a Federally-financed highway, July, 1967. Photograph by Fred Mang, Santa Fe Regional Office, National Park Service. Courtesy, History Division, National Park Service (WASO).

evaluation.” The acting OAHP chief believed that the case—a highway planned across the Long Island of the Holston, near Kingsport, Tennessee—would make a poor test for making a negative comment. The island, a National Historic Landmark, was more important as a symbol of the Revolutionary War than for what actually transpired there. In addition, much of the historical integrity of the site had already been destroyed, and Utley sensed little interest in the local community for preserving the surviving historical features. Also, the character of the terrain appeared unlikely to allow feasible alternate routes for the highway.¹⁴

To Utley, the Holston situation illustrated the dangers that the Park Service faced in providing federal agencies with formal opinions concerning the effect of projects on historic properties. He told Hartzog that such evaluations would either exculpate the agency and risk rousing the ire of preservationists or cast the project involved in an unfavorable light and risk incurring the enmity of the agency.¹⁵

The acting chief’s solution was to encourage the state liaison officers, who had been given no role in Section

106 reviews by the National Historic Preservation Act, to assume much of the evaluation function when the national program began to operate fully. He hoped that the officers would cultivate an amicable relationship with state agencies involved in federally financed construction. Potential conflicts between the goals of such agencies and preservation values could then be discovered while alternate courses were still possible. Utley viewed the Advisory Council as a “Supreme Court of Preservation,” entering cases only when conflict could not be avoided. The advisory body should decide in its comments where the public interest in each situation lay and advocate preservation, destruction, or some point between the two extremes.¹⁶

In July 1967, Garvey reported for duty as executive secretary of the Advisory Council and received three instructions from Hartzog. The director told Garvey to guide the council so that it accomplished its charges under the National Historic Preservation Act, prevent the panel from creating friction between the Park Service and the administration or Congress, and retain control of the direction in which the council moved.¹⁹

Despite his broad mandate from Hartzog, the new executive secretary found his freedom of action limited by two earlier actions that the director had taken. As already seen, Hartzog had designated Connally to act as executive director of the Advisory Council and placed Garvey's position in the Office of Archeology and Historic Preservation. In order to carry out the director's instructions, Garvey required administrative discretion and standing as the executive officer of the council. As a subordinate of Connally, he lacked both authority and standing. The result was tension between the OAHF chief and council secretary, as each attempted to oversee operations of the advisory body.¹⁸

Garvey showed his political acumen almost immediately, as he planned the first meeting of the Advisory Council. For the inaugural ceremony of the body, the executive secretary invited the Congressional sponsors of council members, representatives of the Interior committees in Congress, and influential staff people from the House or Senate. He also arranged for the council to be welcomed in prestigious settings, including a reception at the White House hosted by Lady Bird Johnson, a luncheon in the private dining room of S. Dillon Ripley, secretary of the Smithsonian Institution, and a buffet at Decatur House cosponsored by Gordon Gray of the National Trust and George Hartzog of the Park Service.¹⁹

When the Advisory Council met in Washington on July 20 and 21, 1967, the executive secretary made sure that equal time on the agenda was given to the advisory and protective charges of the panel. On each day he arranged for the body to be briefed by representatives of the federal agencies sitting on the council, both as an orientation for the members and as a means of gathering information for future dissemination to the public. On July 21, the council authorized the staff of the Office of Archeology and Historic Preservation to negotiate on behalf of the panel with federal agencies. Chairman Stevens of the council told his colleagues that the number and frequency of federal undertakings under Section 106 would preclude comment by the council on each one. Instead, the threat of action by the panel would often be enough to induce agencies to resolve differences with preservationists. Only cases involving irreconcilable conflicts would be brought to the council for comment.²⁰

Following the July meeting, Garvey sent out press releases regarding the inauguration of the Advisory Council to the principal newspapers of the nation and saw to it

that an article appeared in *Preservation News*, the monthly periodical of the National Trust. Preparing for the second meeting of the council in September, he drafted a plan for carrying out the advisory and educational responsibilities of the panel and collaborated with Keune of the National Register unit on a draft procedure for carrying out Section 106.²¹

The procedure cast the keeper of the National Register in a central role, soliciting news of federal undertakings from state liaison officers, investigating each undertaking reported, evaluating the nature its effect, negotiating with the agency involved, and referring cases in which conflicts could not be resolved to the Advisory Council. Under the procedure, the state liaison officers would also play an important part. Garvey agreed with Utley that participation by the states in the review of Section 106 cases was desirable. If the National Register staff and the Advisory Council were to evaluate where the public interest lay in each situation, they needed to know how local opinion regarded the undertaking, as well as the attitude of the federal agency. For the Park Service to gather such opinions throughout the United States would be impossible. Garvey believed that permanent agents were needed in each geographic region to present local views. The state liaison officers offered the best opportunity for conveying such information.²²

At the second council meeting in September 1967, the panel considered a range of issues related to its advisory responsibilities and adopted resolutions on such diverse subjects as the preservation of redwood trees in California, the effect of sonic booms on cultural properties, the use of automatic data processing in the national preservation program, and the draft grants manual being prepared by the National Register staff.²³ The council also endorsed the preliminary procedures that Garvey submitted for carrying out Section 106 and were told by Keeper William J. Murtagh that for all ten federal undertakings under review by the Register unit, solutions to the problems involved either had been found or were "evolving" through negotiation.²⁴

One of the cases Murtagh mentioned at the meeting had set another important precedent for the application of Section 106. In June 1967, the Office of Archeology and Historic Preservation had learned that the Springfield (Massachusetts) Technical Institute planned to demolish a group of historic buildings at the Springfield Armory, a National Historic Landmark. Three federal



The Advisory Council on Historic Preservation is sworn in at the beginning of its inaugural meeting, July 20, 1967. From left to right: N. O. Wood, Jr., administering the oath to the non-Federal members; Secretary of Agriculture Orville L. Freeman; Secretary of Housing and Urban Development Robert C. Weaver; Secretary of the Interior Stewart L. Udall; Mrs. Ernest L. Ives; S.K. Stevens, Chairman of the Advisory Council; Albert M. Rains; Richard D. Daugherty; Harold L. Kennedy; Col. John A. May; Russell W. Fridley; Joseph B. Cumming; Lawrence Halprin; and Christopher Tunnard. Department of the Interior photograph. Courtesy, National Park Service Photograph Archives, Springfield, Virginia.

agencies were involved in the proposed demolition. The Department of Defense was closing the armory and seeking new uses for the grounds; the General Services Administration (GSA) was disposing of the site as surplus federal property; and the Department of Health, Education, and Welfare (HEW) was transferring the threatened buildings to the technical institute as part of a program to convey surplus federal property to educational institutions.²⁵

Utley believed that the transfer of federally owned real estate to another party should be considered an "undertaking" within the meaning of Section 106. At his urging, the Park Service asked Assistant Secretary of the Interior Stanley A. Cain to advise the General Services Administration that a transfer to the institute would be subject to the requirements of the National Historic Preservation Act. Cain agreed to send the GSA a letter notifying the agency of its responsibilities. The GSA referred the matter to

the Department of Health, Education, and Welfare, which opposed any interference with the transferral scheme.²⁶

Shortly afterward, HEW, the GSA, the Defense Department, and several Congressmen from Massachusetts began to pressure the Interior Department to stay out of the Springfield situation. Faced with so much "heat," Cain asked the Office of Archeology and Historic Preservation to conduct a special study of the need for preservation at the Springfield Armory. Connally assigned an interdisciplinary team composed of Frank B. Sarles, a historian, and Denys Peter Myers, an architectural historian, to visit the armory, analyze the historical importance of the threatened buildings, and collect architectural drawings of the structures. Connally himself and Keune, then acting keeper of the National Register, also evaluated the site.²⁷

In August, the OAHP completed a report presenting statements on the significance of each building and recommendations for the preservation of certain structures. The

report suggested that several buildings could be adapted by the Springfield Institute to new uses as classrooms. Using the study, Udey and Keune attempted to persuade the Department of Health, Education, and Welfare to attach restrictions to the deed of transfer binding the institute not to destroy the historic buildings. Although HEW refused to write such covenants, the agency agreed to attach the OAHP report to the instrument of conveyance, obligating the school to respect the recommendations of the Park Service.²⁸

Following the September meeting of the Advisory Council, the National Register unit successfully invoked Section 106 in an Urban Renewal project. The Department of Housing and Urban Development (HUD) was providing financial assistance to the Memphis (Tennessee) Housing Authority for redeveloping the Beale Street area, a National Historic Landmark District. In late November, Keune accompanied George A. Karas of HUD on a visit to the district, which was associated in American popular music with the beginning of the "blues." At the site, Keune,



Building 13 of Main Arsenal, Springfield Armory, in Springfield, Massachusetts, September, 1974. Photograph by Polly M. Rettig. Courtesy, History Division, National Park Service (WASO).



Aerial view of Georgetown University campus, circa 1967. At left is a sketch of the original design of the heating and cooling plant proposed for Observatory Hill at the university. Photograph by Air Photographics, Inc., Silver Spring, Maryland. Courtesy, History Division, National Park Service (WASO).

Karas, and representatives of the housing authority were able to agree on a rehabilitation scheme for the project that would preserve the exterior character of historic structures in the area.²⁹

Meanwhile, a Section 106 case was unfolding in Washington, D.C., that would require the Advisory Council to issue its first comment on a federal undertaking. The Department of Health, Education, and Welfare had made a grant to Georgetown University for construction of a medical teaching center. Part of the assistance was intended for a heating and cooling plant, which the

educational institution had decided to erect at the top of a hill, adjacent to the landmark observatory of the university. The site was part of the Georgetown National Historic Landmark District, and preservationists in the area had complained about the location of the plant to the Appropriations Committee of the United States Senate. The committee had then written to HEW and asked for an immediate explanation. The letter persuaded the federal department to seek the comments of the Advisory Council.³⁰

Early in November 1967, Garvey received the request of HEW for action by the council. In December the Office

of Archeology and Historic Preservation investigated the project. Connally asked Joseph Watterson, chief of the Division of Historic Architecture,³¹ to supervise a study of alternate designs for the plant. A month later, shortly before the Advisory Council was to meet, Georgetown University decided to move the heating structure to another site at the base of the observatory hill.³²

On February 8, 1968, at the third meeting of the Advisory Council, Connally and Watterson briefed the panel on the project and the results of the OAH design studies. The advisory body then visited Georgetown University and examined both of the locations that had been proposed for the plant. At the new site, the structure would be buried enough so that the roof-line would rise no more than twenty feet below the crest of the hill. The visual disturbance to the character of the historic district would be diminished considerably. The council voted to advise the Secretary of Health, Education, and Welfare that the original site would have affected adversely the historic district, but the alternate location was acceptable.³³

Georgetown case established both the authority of the Advisory Council to comment on federal undertakings and the principle that disrupting the intangible, visual characteristics of a historic district constituted an adverse effect. The case also demonstrated that increasing demands were being exerted on the advisory body by its protective mandate.

The third meeting of the council was dominated by matters related to Section 106. Besides the Georgetown comment, which consumed nearly a third of the two-day session, the panel found much of its time taken by an unscheduled appeal by Assistant Secretary of Transportation M. Cecil Mackey for the council to oppose construction of a bridge that would impinge on the character of several historic areas in the District of Columbia.³⁴

In order to prevent business related to Section 106 from overwhelming the meetings, the council decided at the February session to promulgate formal rules for carrying out its protective function. Louis E. Reid, Jr., Secretary Udall's representative at the meeting, told his colleagues that they should devise a procedure that would regulate presentation of issues before the panel, but still allow agencies to bring up controversial matters quickly. Patricia H. Collins, the representative of the Attorney General, endorsed Reid's call for rules and recommended that Stevens form an ad hoc group to assist the staff of the panel in

preparing procedures. The chairman accepted the suggestion on behalf of the council.³⁵

Following the meeting, Garvey asked Uteley if he could spare a historian to draft guidelines for carrying out Section 106. The chief of the History Division assigned Benjamin Levy, a historian with the Historic Sites Survey, to the task. As background information, Levy reviewed the legislative history of the National Historic Preservation Act; the initial procedures adopted by the Advisory Council in September 1967; the relevant files of Uteley and Garvey; and notes on carrying out Section 106 that Ronald F. Lee had prepared for Connally and Garvey the previous fall. The historian then prepared a working paper on Section 106.³⁶

In the report, Levy agreed with one of Lee's central points: that the 1966 legislation charged the Advisory Council, rather than the Park Service, with initiating investigation of Section 106 cases and with providing ultimate professional review. The role of the Park Service was limited to furnishing professional services upon the request of the council. When federal agencies found that one of their projects would harmfully affect a property included in the National Register, they should inform the executive director of the Advisory Council (that is, Connally, whom Hartzog had designated to act in his behalf) and request comments on the undertaking. The executive director should then ask the keeper of the Register to investigate the case and provide a report presenting his conclusions to the staff of the council.³⁷

Levy believed that the ultimate goal of the Advisory Council should be to achieve a system in which each federal agency considered the impact of its projects early in the planning stages and avoided detrimental effects on registered properties, precluding the need for Section 106 review. In order for such a system to function properly, field representatives of the agencies would require easy access to the National Register, in order to know which sites and structures were protected. The agencies would also need guidance on how to "take into account" the effect of projects on historic properties and a precise definition of the word "effect" itself.³⁸

After reviewing the paper, Garvey recommended to Stevens that the ad hoc committee on procedures proposed at the February meeting be formed. In order to secure rules that would be acceptable to federal agencies, the chairman of the council appointed to the

committee representatives of the Departments of Justice, Interior, Housing and Urban Development, and Transportation.³⁹ With Patricia Collins of the Justice Department serving as chairman, the ad hoc committee met during March and April and drafted procedures.⁴⁰

At the fourth meeting of the Advisory Council in early May 1968, Miss Collins presented the report of the committee to the full body. The ad hoc panel recommended that the protective mandate of the council be brought into full operation. Of prime importance, the Secretary of the Interior should publish the National Register in the *Federal Register*, the daily bulletin of the federal government, and send a letter to the heads of all federal agencies engaged in financing or licensing construction activities and notify them of their responsibilities under the National Historic Preservation Act.⁴¹

The procedures that the ad hoc committee proposed for carrying out Section 106 followed the lead of Levy's paper. Agencies were asked to take the effects of their projects into account by consulting the National Register when planning began for a project and by applying "criteria of effect" to determine if the undertaking would affect any property listed in the Register. If an effect would result from the project, the agency should consult with the state liaison officer in whose jurisdiction the undertaking would occur and with the staff of the Office of Archeology and Historic Preservation to ascertain whether the impact would be adverse.⁴²

If such an effect were found, the agency should remove it through the use of a "prudent and feasible alternative." Failing an alternate course, the effect should be reduced as much as possible. In situations in which the adverse impact remained unresolved, the agency should refer the matter to the Advisory Council for comment. The committee anticipated that comment by the council would be required only in a few instances.⁴³

The criteria for effect included in the procedures were based on a suggestion by Garvey that the criteria be tied to those used in evaluating properties for the National Register. A federal undertaking would be considered to affect a National Register listing when any aspect of the project would result in a change to the characteristics that qualified the property for inclusion in the Register. Adverse effect would be construed to occur when a Register property was destroyed or altered; its immediate environment was removed or altered; or visual, audible, or atmospheric elements were introduced inconsistent with its character

and setting. To determine which characteristics were affected, the agency should refer to the National Register criteria.⁴⁴

The committee concluded its report by setting forth procedures for comment by the Advisory Council. The panel would decide which cases required its review and would notify the agency involved of its intention. The executive director of the council would coordinate preparation of a report presenting the views of all parties involved for each case that the advisory body reviewed.⁴⁵

The Advisory Council adopted the report of the ad hoc committee at the May meeting. In June, the Section 106 procedures of the panel took effect and entered into use by the council itself, the Office of Archeology and Historic Preservation, and by the federal agencies. The rules would not be fully effective until the listings in the National Register and the procedures themselves were disseminated to all federal agencies. These tasks were left for the staff of the OAHP.⁴⁶

Soon after the rules were adopted, an important change occurred in the staff operation of the Advisory Council. Garvey had reached the conclusion since the previous summer that his position as a subordinate of the chief of the Office of Archeology and Historic Preservation hampered him in persuading high-level administrators in federal agencies to comply with Section 106. In addition, so long as Connally held Hartzog's delegation as executive director of the Advisory Council, the federal members of the panel were likely to question whether the comments prepared by the council staff on Section 106 cases were disinterested.⁴⁷

The procedures adopted by the advisory body in May underscored the latter point. Under the rules, Connally and the OAHP were responsible for both evaluating a federal project in preservation terms and preparing a report for the council based on the opinions of the federal agency, as well as the preservation view. The difficulty of the same organization performing both tasks credibly soon became apparent.⁴⁸

In July 1968, Garvey persuaded Hartzog that the delegation of authority to the OAHP chief should be removed. The director designated Harthorn L. Bill, deputy director of the Park Service, to replace Connally as executive director of the council. Garvey became a special assistant to Hartzog and the *de facto* executive officer of the advisory body. The director's action removed Garvey from the Office of Archeology and Historic Preservation,

bestowed him with a higher Park Service rank, and gave him authority over all aspects of Section 106 review. A larger conflict of interest issue, whether the staff of the council as employees of the Park Service and Interior Department could prepare reports on Section 106 cases that did not reflect the point of view of any one agency, remained unresolved.⁴⁹

At the end of its first year, the Advisory Council was firmly established. Thanks to the efforts of the Park Service, the panel had met the first challenge of any new federal body: securing funds for operation. Beginning in fiscal year 1968, the park bureau had obtained sufficient funds to pay the cost of a small staff and the expense of holding council meetings.⁵⁰

Of greater importance in the eyes of the preservationists who had supported creation of the panel, the protective authority of the council had been upheld repeatedly, in varied circumstances. There were several reasons for this success. Above all else was the predisposition of the Johnson administration during the last two years of the President's tenure (1966-68) to incorporate environmental considerations in federal decisions involving construction and development projects.

In 1966, for example, the administration had accepted inclusion of Section 4(f) in the act creating the Department of Transportation. The section required the new agency to meet an even greater standard of avoiding environmental damage through transportation projects than imposed by Section 106 of the National Historic Preservation Act.⁵¹ As a consequence, the Bureau of Public Roads, which had been transferred by the legislation to the Transportation Department, was more willing to acknowledge natural and historic elements in reviewing project plans, as evidenced by its efforts to comply with the preservation law even before the Park Service had devised protective procedures.

Another agency, the Department of Housing and Urban Development (HUD), tried after its creation in 1965 to assert an interest in historic preservation and reduce the emphasis in its Urban Renewal program on clearing older buildings. In 1966, Congress and the President approved the Demonstration Cities and Metropolitan Development Act, which included the provisions of the Rains Committee housing bill requiring HUD to consider the historic features of urban areas when approving local redevelop-

ment plans. The speedy resolution of the Beale Street conflict in Memphis was the result of HUD's new preservation mandate, as well as its obligation to comply with Section 106.⁵²

The success of the Advisory Council also owed much to the support given it by Secretary of the Interior Stewart L. Udall, one of the principal advocates of environmental conservation in the President's Cabinet. Udall was willing to pursue Section 106 cases involving powerful entities, as witnessed by Assistant Secretary Stanley A. Cain's intervention in the politically charged Springfield Armory case.⁵³

In addition, the National Park Service itself aggressively sought to carry out the law. George B. Hartzog, Jr., hired a leading advocate of controls on the "federal bulldozer," Robert R. Garvey, Jr., to serve as executive secretary of the Advisory Council, and Garvey made protection one of his principal goals after taking office. The director of the Park Service himself readily agreed to intervene with the Bureau of Public Roads to halt construction of the highway at Las Trampas, the site of the first Section 106 case. Although Robert M. Utley questioned whether the Park Service should allow itself to be caught between preservationists and federal agencies in Section 106 situations, he and Russell V. Keune attempted to secure every possible consideration for the historic features involved at Las Trampas and the Springfield Armory. After Ernest Allen Connally and William J. Murtagh took office, they both forcefully supported the use of Section 106 to obtain consideration for preservation values.

As the Advisory Council exercised its protective mandate repeatedly during the first year, the advisory and educational functions given the body rapidly subsided in importance. The primary impetus for creating the Council had been a desire for protection, and as Section 106 increasingly absorbed the attention of the panel, the absence of a popular constituency pressing the Council to set preservation policy became obvious. The pattern set in 1967-68 has changed little in the years since: the protective responsibilities of the Council continue to dominate the activities of the panel and its staff.

The first year of the Advisory Council was also important because the state liaison officers, whom the National Historic Preservation Act had given no responsibility with respect to Section 106, assumed a role in the protective portion of the national program. Utley and Garvey advocated including the state officials in Section 106

procedures as a way both to shift negotiations between preservationists and federal agencies from the Park Service in Washington to state and local governments and to secure reliable opinions from a preservation point of view regarding individual cases. Within a few years, the part played by the liaison officers in Section 106 became as important as the statutory responsibilities that the states carried out.

Another tendency that became noticeable in 1967 and 1968 involved the uneasy relations between the Advisory Council staff and the Office of Archeology and Historic Preservation. Although Hartzog had tried to ensure the ascendancy of the Park Service in the new preservation program by placing the staff function for the body in the park bureau, the arrangement did not work well. Both Garvey and Connally tried to administer the operations of the Advisory Council, and Garvey concluded that the staff of the panel could not achieve a disinterested reputation in the eyes of federal agencies while it was part of the OAHP and the Park Service. Some of the immediate problems eased with the removal of the executive secretary from the office, but the potential for a conflict of interest arising in a Section 106 case remained as long as Garvey was an employee of the Park Service and the OAHP prepared professional comments on each case.

Notes

¹Taped interview with Robert R. Garvey, Jr., June 30, 1986. See also James A. Glass, "The National Historic Preservation Program, 1957 to 1969" (Ph.D. diss., Cornell University, 1987), p. 523.

²Taped interview with George B. Hartzog, Jr., July 2, 1986. See also Glass, pp. 157-158.

³Taped interview with Ernest Allen Connally, June 9, 1986. Also see Glass, pp. 157-158; 206; 218-219; 525.

⁴Glass, pp. 195-196.

⁵See chapter 3.

⁶Taped interview Garvey, June 30, 1986; news release from the Office of the White House Press Secretary on the appointment of the Advisory Council, dated March 1, 1967 (from file "Historic Preservation Task Force—1966," Utley's file box, History Division, WASO). See also Glass, pp. 214-215; 239; 265-269.

⁷News release from the Office of the White House Press Secretary; "Biographical Information" [summaries prepared regarding members of the Advisory Council in July, 1967], pp. 1-2 (from file, "Advisory Council Meeting 7/20-21/67," store room files, National Register Branch, WASO); comments sent the writer by Robert M. Utley, July 28, 1987. See also Glass, pp. 269-272.

⁸Glass, pp. 213-218; 524.

⁹Circular Memorandum from E. H. Swick, Director of Right-of-Way and Location, Washington, D.C., Bureau of Public Roads, to Regional and Divisional Engineers. Subject: "Preservation of Historical Sites," December 29, 1966, pp. 1-3 (from "Historic Preservation" notebook, vol. 2, Grosvenor files, WASO). See also Glass, pp. 303-309.

¹⁰As will be seen in chapter 7, until the states began to nominate properties of state and local significance to the Register, the national listing would contain only National Historic Landmarks and the historical monuments and parks of the National Park System.

¹¹Glass, pp. 311-312.

¹²Taped interview with Russell V. Keune, July 8, 1986. Also see Glass, pp. 313-314.

¹³Robert M. Utley, informal remarks contained in transcript of proceedings of the "First Annual Meeting, Committee on Federal Programs in History, American Association for State and Local History, March 4-5, 1968" (n.p.: n.p., 1968), p. 27 (from file, "American Association for State and Local History," History Division files, WASO). Also see Glass, pp. 314-315.

¹⁴Memorandum from Robert M. Utley, Acting Chief, Office of Archeology and Historic Preservation, to Director [C.B. Hartzog]. Subject: "National Register Relations with Construction Agencies," June 9, 1967, pp. 1-2 (from "Historic Preservation" notebook, vol. 2, Grosvenor files, WASO). Also see Glass, pp. 316-317.

¹⁵Memorandum from Utley to Hartzog, p. 2. See also Glass, p. 317.

¹⁶Memorandum from Utley to Hartzog, p. 2. Also see Glass, pp. 317-318.

¹⁷Taped interview with Robert R. Garvey, Jr., July 1, 1986. See also Glass, pp. 526-527.

¹⁸Taped interviews with Connally, June 9, 1986, and Garvey, July 1, 1986. See also Glass, pp. 524-526; 565-569.

¹⁹Glass, pp. 528-529. Decatur House, a National Historic Landmark near the White House, was the headquarters of the National Trust.

²⁰[Linda Ward], Minutes of "Advisory Council on Historic Preservation [meeting] July 20-21, 1967," p. 15 (from file, "Advisory Council Meeting, 7/20-21/67," storeroom files, National Register Branch, WASO). See also Glass, pp. 540-546.

²¹Glass, pp. 548; 569-573.

²²Ibid. pp. 554-563; 572-574; taped interview with Robert Garvey, Jr., July 3, 1986.

²³See chapter 7.

²⁴Minutes, "Advisory Council on Historic Preservation [meeting], Executive Office Building, Indian Treaty Room, Washington, D.C., September 27-28, 1967," passim (from file, "Advisory Council on Historic Preservation," R.M. Utley's file box, History Division, WASO). See also Glass, pp. 599-610.

²⁵Glass, pp. 549-551.

²⁶Ibid., pp. 551-552.

²⁷Ibid., pp. 552-553.

²⁸Office of Archeology and Historic Preservation, *Springfield Armory: Evaluation Under Provision of Historic Preservation Act of 1966* (Washington, D.C.: OAHP; National Park Service, 1967), pp. ii-iii; 35. See also Glass, pp. 553-554.

²⁹Taped interview with Keune, July 8, 1986. Also see Glass, pp. 624-625.

³⁰Robert R. Garvey, Jr., informal comments contained in transcript of proceedings of "First Annual Meeting, Committee on Federal Programs in History, American Association for State and Local History," pp. 24-25. See also Glass, pp. 627-628.

³¹Watterson, a prominent architect and former editor of the *Journal of the American Institute of Architects*, had just become chief of the division. See Glass, p. 490.

³²*Ibid.*, pp. 628-629.

³³Garvey, informal comments contained in transcript of proceedings of "First Annual Meeting, Committee on Federal Programs in History, American Association for State and Local History." See also Glass, pp. 629-630.

³⁴[Linda Ward], Minutes of "Advisory Council on Historic Preservation [meeting], Department of State, Department of the Interior, Washington, D.C., February 7-8, 1968," passim (from file, "February 7-8, 1968. COUNCIL MEETING, Washington, D.C. NO 106 Case," Advisory Council on Historic Preservation files, Washington, D.C.). See also Glass, pp. 633-638.

³⁵[Ward], Minutes . . . February 7-8, 1968, pp. 25-26. See also Glass, p. 634.

³⁶Glass, pp. 638-639.

³⁷[Benjamin Levy], "Proposed Procedures for Cases Arising Under Section 106 of the Historic Preservation Act of 1966: A Working Paper," passim, attached to memorandum from Benjamin Levy, Historian, Division of History, to Executive Secretary, Advisory Council on Historic Preservation [R. R. Garvey]. Subject: "Proposed Procedures under section 106 of the Historic Preservation Act of 1966," March 15, 1968 (from file, "Procedures—106—1968," Advisory Council on Historic Preservation files, Washington, D.C.). See also Glass, pp. 639-644.

³⁸[Levy], "Proposed Procedures." See also Glass, pp. 640-641.

³⁹The Department of Transportation had been created by Congress in 1966 to oversee the activities of the Bureau of Public Roads and

other federal transportation agencies. Since July, 1967, a representative of the Secretary of Transportation had been sitting on the Advisory Council by invitation of the body. See Glass, p. 542.

⁴⁰Glass, pp. 645-647.

⁴¹"Report of the Ad Hoc Committee on Procedures," undated [c. June 18, 1968], pp. 1-2 (from file, "Procedures—106—1968," Advisory Council on Historic Preservation files, Washington, D.C.). See also Glass, p. 647.

⁴²"Report of the Ad Hoc Committee," pp. 2-3. See also Glass, pp. 648-649.

⁴³"Report of the Ad Hoc Committee," pp. 2-3. See also Glass, p. 649.

⁴⁴"Report of the Ad Hoc Committee," p. 4. Taped interview with Garvey, July 3, 1986. See also Glass, p. 650.

⁴⁵"Report of the Ad Hoc Committee," pp. 5-6. See also Glass, pp. 651-652.

⁴⁶Glass, p. 654. See chapter 7 for a description of the efforts to publish the Register in the *Federal Register*.

⁴⁷Taped interviews with Garvey, June 30 and July 3, 1986, and with Keune, July 8, 1986. See also Glass, pp. 566-569.

⁴⁸Glass, p. 655.

⁴⁹*Ibid.*, pp. 654-656. In 1976, this issue was also resolved, when an amendment to the Land and Water Conservation Act made the Advisory Council an independent Federal agency. See chapter 8.

⁵⁰See chapter 5.

⁵¹See "Public Law 89-670, the Department of Transportation Act," *United States Statutes at Large* 80 (1966): pp. 931-950.

⁵²See "Public Law 89-754, the Demonstration Cities and Metropolitan Development Act of 1966," *United States Statutes at Large* 80 (1966): pp. 1,255-1,296, and the discussion of Senate Bill 3097, the Rains housing bill, in chapter 2.

⁵³Taped interview with Hartzog, July 2, 1986.

Chapter 7

The Park Service Completes Preparations for Operating the New National Program, 1967-1969

In addition to helping the Advisory Council assume its responsibilities, the National Park Service completed between 1967 and 1969 the preparations necessary to administer the registration, survey and planning, and grants-in-aid features of the national preservation program. Publication and distribution of the National Register, which was central to the operation of most other aspects of the national program, was the greatest challenge faced by the staff of the Office of Archeology and Historic Preservation, as delays postponed the first release of the listing for nearly two years. Also important was completion of the grants manual, containing the standards and procedures that the states would need.

Officially, the National Register was a listing that predated adoption of the National Historic Preservation Act. During the Congressional hearings on Senate Bill 3035, George B. Hartzog, Jr., had maintained that the Register already existed in the guise of the Registry of National Historic Landmarks, created by the park bureau in 1960 under the authority of the Historic Sites Act.¹ The Senate Interior Committee had accepted the director's interpretation and defined the National Register as an expansion of the existing Registry to include historic properties of state and local significance. Accordingly, the National Historic Preservation Act authorized the Secretary of the Interior to "expand and maintain a national register."²

In practice, the 1966 Register was a new registration device, without precedent for most of its functions. Unlike the 1960 Registry, which had promoted preservation indirectly through drawing public attention to the historic qualities of designated landmarks, the primary function of the National Register was as an instrument for planning. Once all eligible properties were included in the 1966 list, it could be used to determine which properties in each state merited funds for acquisition and development and which sites and structures should be protected from harmful effects of federally financed activities.

Initially, the Register included the same properties as the Registry,—that is, the historical parks and monuments of the National Park System and National Historic Landmarks or Landmark Districts located outside the System.

When the state liaison officers began to nominate places of state or local importance, the character of the Register would change considerably, as the large numbers of historic properties and districts important to limited areas or regions came to outnumber those of national significance.³

One of the first tasks the Park Service faced after enactment of the 1966 legislation was to determine the form in which the National Register was to be issued to the public. In the spring of 1967 Robert M. Utley recommended to Hartzog that for reference and publicity purposes, the National Register should be published annually in an attractive format listing historic properties by state. Such a version would make preservationists and the general public aware of the nature of the Register and provide federal agencies with an indication of properties that must be taken into account for purposes of Section 106. In July 1967, Ernest Allen Connally endorsed Utley's proposal, and the director agreed to publish an annual edition of the National Register.⁴

When William J. Murtagh became keeper of the National Register in August, he assumed responsibility for publishing the edition. In mid-September, the keeper presented a proposal to Connally for undertaking the project. The Register volume should consist of two sections. The first would contain the listings in the Register proper and be well-illustrated and annotated. The second would contain an advisory list of properties that the Historic Sites Survey had inventoried, but not recommended for designation as National Historic Landmarks, and all structures inventoried or recorded by the Historic American Buildings Survey (HABS).

The Register section would, of course, furnish a useful checklist for the states and federal agencies to consult. The advisory list would promote awareness among federal agencies of historic sites and structures likely to be nominated to the National Register and furnish the states with an initial list of properties that should be nominated.⁵ The two sections together, published in an attractive volume, would be suitable for use by tourists as a guidebook to historic sites in the United States.⁶

On September 19, Hartzog approved Murtagh's proposal and agreed that the publication should be called the "National Register of Historic Places." During the fall of 1967 and winter of 1968, a typescript of the Register edition slowly emerged, the result of collaboration by the staffs of the National Register unit, Historic Sites Survey, Historic American Buildings Survey, and the Division of Archeology. The goal of the Office of Archeology and Historic Preservation was to complete editorial work on the publication by June 1968, with release to the public by the end of the summer.⁷

At the February 1968 hearing of the Senate Interior Appropriations Subcommittee on the 1969 budget, Hartzog described the National Register. He told Acting Chairman Alan Bible of Nevada that the Register would be a book revised periodically, as new entries were added from the statewide surveys and plans. Eventually, the Park Service expected the Register to include some 300,000 listings.⁸ The publication would be needed by most federal agencies and all of the state liaison officers and could be used to promote tourism in each region of the nation.⁹

Complications in meeting the schedule for completion arose in May 1968, when the Advisory Council and the Park Service agreed that the National Register should be published in the *Federal Register*.¹⁰ Russell V. Keune and Jerry L. Rogers of the Register unit stopped work on the edition and compiled a list of current National Register entries for use in the federal bulletin.¹¹

In June, completion of both Register projects became mired in delay. The Johnson administration had imposed a "freeze" on all governmental contracts, preventing the award of a contract for laying out the Register edition, and the Department of the Interior had not yet requested publication of the listing in the federal bulletin. In order to make the National Register available immediately to the states and federal agencies, the Park Service issued and distributed in late July a booklet based on the text prepared for the *Federal Register*.¹²

Although a note at the beginning described the July version as "a preliminary interim working list," the OAHF entitled it "The National Register of Historic Places." It was therefore the first publication of the national listing. Invoking the emphasis of the "New Preservation" on historic architecture, Keune reproduced on the cover a measured drawing of St. Michael's Episcopal Church in Charleston, South Carolina, a notable monument of the colonial period.¹³

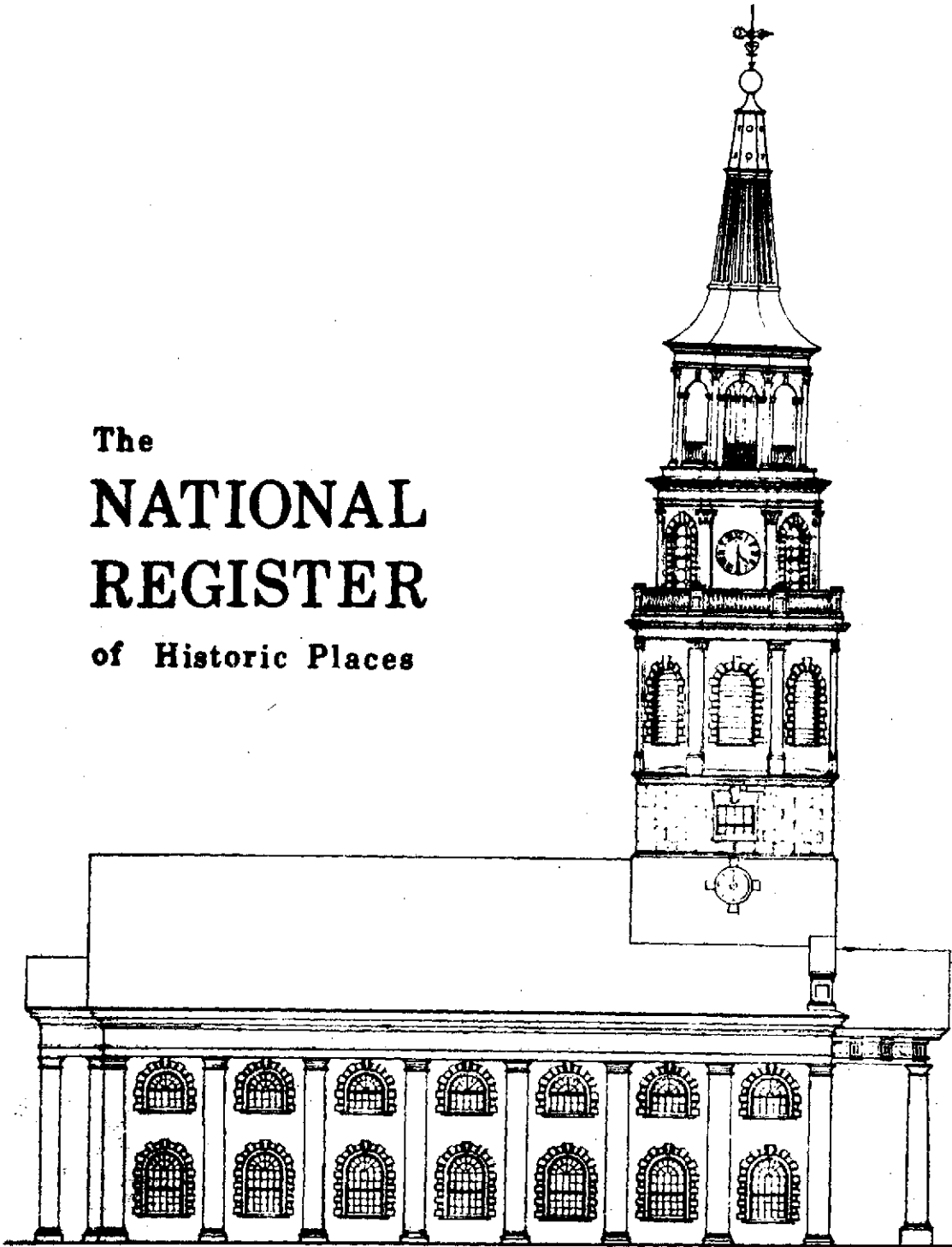
The booklet opened with a definition of the Register adapted from the grants manual for the national program and then presented the names and addresses of the current historical units of the National Park System and all National Historic Landmarks, with each listing arranged according to location.¹⁴ At the end appeared a reproduction of the National Historic Preservation Act. The Office of Archeology and Historic Preservation distributed copies of the Register to the regional offices of the Park Service, the state liaison officers, and some federal agencies.¹⁵

In late August 1968, Chairman S. K. Stevens of the Advisory Council wrote to Secretary of the Interior Stewart L. Udall and asked that he publish the National Register in the *Federal Register* as quickly as possible. In September Udall agreed to act. Shortly afterward, Keune and Rogers asked the administrative committee that published the federal bulletin to accept a notice containing the Register. The secretary of the committee refused at first, doubting that publication of such a list in the *Federal Register* could be justified. A delay of several months then ensued, while the Park Service convinced the committee that dissemination of the National Register throughout the United States was essential.¹⁶

Finally, in January 1969, the administrative committee agreed to publish the National Register, together with the May 1968 procedures of the Advisory Council. On January 15, Secretary Udall sent letters to all federal agencies involved in construction and licensing activities, alerting them to the forthcoming publication of the National Register in the *Federal Register* and reminding them of their responsibilities under Section 106. When the notice appeared on February 25, it contained several sections. Included was an explanation of Section 101 of the National Historic Preservation Act, authorizing expansion of the National Register; a list of the state liaison officers; the Register criteria; an explanation of the rules governing grants-in-aid; the Advisory Council procedures; and an alphabetical listing of the 1,000 properties then listed in the National Register.¹⁷

The appearance of the February notice in the *Federal Register* was an important advance toward full operation of the national program. Also helpful was completion of the grants manual for the program. Keune and Rogers had begun the task of revising the manual in June 1967, reorganizing the draft assembled by the Historic Preservation Task Force and incorporating some of the suggestions made by the reviewers of the task force document.¹⁸

The
**NATIONAL
REGISTER**
of Historic Places



Cover of the "National Register of Historic Places," July, 1968. Source: "National Register of Historic Places 1968" (Washington, D.C.: Office of Archeology and Historic Preservation, 1968).

The Register staff presented an initial revision to the Advisory Council at the September 1967 meeting of the panel. The advisory body suggested minor changes and endorsed the draft, which Keune and Rogers again revised.¹⁹ The new version of the grants manual, completed in November 1967, gave equal weight to the four principal activities that the states would carry out in the national preservation program: statewide surveys; preservation plans; nominations for the National Register; and acquisition, preservation, and development projects.²⁰

The November draft contained several changes in the National Register "criteria of evaluation" that the Historic Preservation Task Force had drafted. At Connally's suggestion, an interdisciplinary panel composed of himself, Murtagh, Utley, Joseph Watterson, John M. Corbett, Keune, and Rogers had carefully analyzed the criteria and amended them.²¹ The group had decided to delete the criterion referring to "inspiring American ideals" and expand the condition involving examples of a distinctive type to include features of artistic or aesthetic importance and districts containing vernacular architecture. The panel also had clarified the criterion that had referred to properties expected to produce "important scientific information," substituting the words "information important in pre-history or history."²²

The National Register unit distributed the November draft of the grants manual to the state liaison officers at all of the "New Preservation" regional conferences. During each meeting, Keune made notes of the questions and comments that delegates made regarding the manual. After the last conference in May 1968, Keune and Rogers revised the document for the third time. Connally, Murtagh, Utley, and Park Service solicitor Bernard Meyer then reviewed the text. The final draft of the manual was finished in July. The following month, J.E.N. Jensen, associate director of the Park Service, approved the manual on behalf of Hartzog and declared it to be in effect.²³

By mid-October of 1968, all the state liaison officers had received copies of the document, which bore on its cover a photograph of an eighteenth-century coin and the title *Grants for Historic Preservation: A Guide for State Participation*. The states could now apply for federal grants-in-aid, conduct statewide surveys, and prepare preservation plans.²⁴ They could not yet nominate properties to the National Register; the grants guide contained no nomination forms.²⁵

The National Register staff had revised the Register inventory form of the Historic Preservation Task Force several times. In January 1968, Keune had redesigned the sheet to include space for a legal description; classification of the property involved as a district, site, building, structure, or object; and an indication of whether the property was represented in other surveys. Keune had changed the heading of the "historical summary" section to read "statement of significance," as an encouragement to the state liaison officers to present justifications for inclusion in the Register, rather than histories of nominated properties.²⁶

In June 1968, the Office of Archeology and Historic Preservation had contracted with the International Business Machines Corporation (IBM) to design the National Register forms in a way that would allow the data included to be stored in an automatic data processing system and retrieved easily. IBM completed work on the form in November, and the following month, the Park Service approved the inventory sheets for use.²⁷

The December 1968, "National Register of Historic Places Inventory-Nomination Form" consisted of four pages. In addition to the information requested on the previous versions, the states were now asked to indicate the kind of property involved, its present use, the type of ownership, whether the property was occupied and accessible to the public, the current condition of the property, and the degree of historical integrity remaining. To assist the liaison officers in completing the statement of significance, the Register unit included boxes in which to indicate the historical period associated with the importance of the property. Twenty-three categories of human endeavor were also furnished, from which the state agencies could select the type of significance associated with each site or structure. IBM incorporated boxes with automatic data processing codes in all sections of the form involving location.²⁸

During the fall of 1968, progress toward publication of the National Register edition ceased. Although the staff of the OAHF had finally completed the text, illustrations, and lay-out for the volume in September, the Park Service postponed publication until after the presidential election in November. With the subsequent change in administrations from Lyndon B. Johnson to Richard M. Nixon, Hartzog decided to defer release of the Register edition until after Walter J. Hickel, the new Secretary of the Interior, took office in January 1969.²⁹

During the spring of the new year, the National Register unit made slight revisions to the Register section of the text, ensuring that the entries were current, and divided the original manuscript into two volumes—one for the Register proper and the other for the advisory list. The OAHF staff then sent the final version to the United States Government Printing Office.³⁰

Late in 1969, the two volumes arrived from the printing office, and Hartzog arranged for an elaborate dedication ceremony to be held at Decatur House, the headquarters of the National Trust. At a candlelight reception, members of Congress and other dignitaries were presented with copies of the *National Register of Historic Places* bearing their names embossed in gold.³¹ With the impressive inauguration at Decatur House, the National Register assumed a new identity as an illustrated guide to the historic properties of the nation.

All of the administrators involved in historic preservation at the Park Service recognized from an early point that the National Register was likely to be of prime importance in the new national program. Even before passage of the 1966 legislation, George B. Hartzog, Jr., had recognized that whichever federal agency was able to demonstrate that it already operated such a register would likely to be given the largest share of the preservation mandates recommended by the Rains Committee.³² He therefore told the Senate Interior Committee that the Park Service already possessed a National Register. As finally drafted, the National Historic Preservation Act placed the National Register at the center of both survey and planning activities and review of Section 106 cases.

Initially, the Park Service intended to publish the current listings of the Register as a brochure that could be distributed quickly to federal agencies and assist them in complying with Section 106.³³ Later, Robert M. Utley and William J. Murtagh perceived the educational and promotional value of the listing and urged that an illustrated National Register edition be compiled. Murtagh's vision of a handsome "coffee-table" volume suitable for use as a touring guidebook established a public image for the Register as an "honor roll" of especially notable properties and districts, a perception that continued even after revisions of the initial volumes were discontinued.³⁴

The grants manual released in the fall of 1968 drew attention to the importance of the Register in the survey

and planning activities that the states were to carry out. Statewide inventories were to be conducted using the criteria for evaluation set forth for the Register, and nominations to the Register based on the survey results were to be made by the state liaison officers. In addition, both the inventory results and proposed nominations were to be presented by the states in their comprehensive preservation plans. In turn, recommendations in the plans for state preservation activities were to be predicated on the findings of the surveys and the choices made in nominating properties. Only those properties listed in the National Register would be eligible for federal acquisition, preservation, and development grants.

In order for the Register to be used by the states and federal agencies, a current version had to be published and distributed. When the OAHF staff encountered delays in finishing the illustrated Register book, they rushed into circulation an "emergency" version. With the appearance of the National Register in the *Federal Register*, the listing at last became available to agencies and state liaison officers across the United States and entered fully into use as planning instrument.

Notes

¹The director made this assertion for two reasons. He believed that demonstrating that the Park Service already maintained a register would help ensure that the park bureau, rather than another agency, would be given authority over the national preservation program. In addition, Hartzog wished to place the Park Service in a position that would allow it to proceed with the registration of properties of state and local importance, even without approval of Senate Bill 3035. Taped interviews with Robert M. Utley, July 22, 1986; Ernest Allen Connally, June 9, 1986; and William J. Murtagh, June 17, 1986. See also James A. Glass, "The National Historic Preservation Program, 1957 to 1969" (Ph.D. diss., Cornell University, 1987) pp. 132.

²Glass, pp. 132; 138-139. See also "Public Law 89-665 [National Historic Preservation Act]," *United States Statutes at Large* 80 (1966): 915, or the appendix in this book.

³For more than two years after approval of the 1966 act, the National Register contained only the historical parks and monuments in the National Park System and National Historic Landmarks. Until the grants manual providing registration criteria, standards, and nomination forms became available (see discussion later in this chapter), the states were unable to nominate properties of state or local importance to the Register. See Glass, p. 302.

⁴Ibid., pp. 300-303; 498.

⁵Memorandum from William J. Murtagh, Keeper of the National Register, to Chief, Office of Archeology and Historic Preservation [E. A. Connally]; Subject: "First Edition of National Register," September 18,

1967, passim (from file, "Director's Decisions 1967, 1970," E. A. Connally's administrative files, WASO). See also Glass, pp. 503-504.

⁶Taped interview with Murtagh, June 17, 1986.

⁷Glass, pp. 506-508; 780.

⁸Hartzog derived this figure from an estimate made by Robert Uley in a January 1968 report. *Ibid.*, p. 519.

⁹U.S. Congress, Senate Committee on Appropriations, Subcommittee on the Department of the Interior and Related Agencies, *Department of the Interior and Related Agencies Appropriations for Fiscal Year 1969*, Hearing, 90th Cong., 2d. Sess., February 27, 1968 (Washington, D.C.: U.S. Government Printing Office, 1968), pp. 994-996. See also Glass, pp. 778-779.

¹⁰See chapter 6.

¹¹Glass, pp. 781-783.

¹²*Ibid.*, pp. 781-783; 803.

¹³See "The National Register of Historic Places 1968" (Washington, D.C.: Office of Archeology and Historic Preservation, National Park Service, 1968). A copy is in the National Register administrative files, WASO. See also Glass pp. 784-785.

¹⁴Properties of state and local significance had not yet been nominated by the states, pending release of the grants manual. See discussion later in this chapter.

¹⁵"The National Register," passim. See also Glass, pp. 785-788. Evidence survives in the Park Service files only of distribution to the regional offices and liaison officers, but transmittal to federal agencies likely also occurred, given the urgency under Section 106 of providing agencies with a current list of Register entries. See chapter 6.

¹⁶Glass, p. 803-804.

¹⁷*Ibid.*, pp. 805-806; "National Register of Historic Places," *Federal Register* 34:37 (Tuesday, February 25, 1969): pp. 2,580-2,596.

¹⁸Glass, pp. 470-471. See chapter 3.

¹⁹At this early point, the Park Service regarded the Advisory Council as a review body for all important policies related to the national program.

²⁰"Grants-in-Aid Manual (Draft). Public Law 89-665. 80 Stat. 915 (1966). The National Historic Preservation Act of 1966" (Washington, D.C.: National Park Service, U.S. Department of the Interior, November, 1967), passim (from file, "Historic Preservation Task Force—1966," Uley's file box, History Division, WASO). See also Glass, pp. 487-488.

²¹Watterson had just become chief of the Division of Historic Architecture. Corbett was chief of the Division of Archeology. See Glass, p. 490.

²²Taped interview with Jerry L. Rogers, June 20, 1986; comments sent to author by Rogers, July 7, 1987; "Grants-in-Aid Manual," pp. 4-5. See also Glass, 489-491.

²³Glass, pp. 488; 788-789.

²⁴Under the Historic Preservation Act and guidelines of the manual, a state could not receive federal grants for acquisition, preservation, or development projects until it had completed an approved preservation plan.

²⁵See *Grants for Historic Preservation: A Guide for State Participation* (Washington, D.C.: Office of Archeology and Historic Preservation, National Park Service, January 1969), passim. See also Glass, pp. 789-794.

²⁶See Glass, p. 797 and appendix H.

²⁷*Ibid.*, p. 800. Much time was spent between 1967 and 1968 by Robert Garvey and the National Register staff attempting to persuade the Park Service and other federal agencies to develop an automatic data processing system for the National Register, so that the national listing could be rapidly compiled, and data from its files could be easily retrieved and transmitted swiftly across the United States. Lack of money and interest defeated the effort, except for a single study compiled by IBM under contract to the OAHF and the coding incorporated in the National Register nomination form. See detailed discussion in Glass, pp. 563-565; 600-608; 613-614; and 636-637.

²⁸*Ibid.*, pp. 800-802 and appendix J.

²⁹*Ibid.*, pp. 783-784. The director wished to draw the attention of the new Secretary to the national preservation program by affording Hickel the opportunity to issue the first Register volume.

³⁰*Ibid.*, p. 807.

³¹Taped interview with Murtagh, June 17, 1986. Glass, p. 807.

³²In 1966 Hartzog felt a sense of competition with the Department of Housing and Urban Development (HUD) for control of the preservation program set forth by the Rains Committee. As noted in chapter 2, HUD emerged from the 1966 legislative session with authority for preservation grants to municipalities, but not for a separate National Register.

³³See chapter 3.

³⁴The final cloth-bound edition appeared in 1976, the bicentennial year of the American Revolution.

Chapter 8

Legacies of the Early Years

What were the legacies of the National Historic Preservation Act and the first years of the 1966 national program?¹ Eight in particular can be distinguished.² First, the philosophical orientation symbolized by the “New Preservation” theme extended after 1968 throughout much of the American preservation movement. Second, during the 1970s, grants-in-aid for acquisition and development projects became one of the principal features of the national program, helping to underwrite demonstrations of historic preservation values in communities across the nation.

Third, after the near-death of the national program in 1968, the state liaison officers organized a potent lobbying organization to obtain adequate appropriations. Fourth, in order to secure a stable source of money, the Office of Archeology and Historic Preservation and the states drafted a legislative proposal for creating a Historic Preservation Fund, and preservationists convinced Congress to create the fund. Fifth, as the sums involved in grants and state preservation offices grew in size, the National Park Service required stricter accounting for funds and increased emphasis on comprehensive planning by the states.

As a sixth legacy, the environmental movement in the 1960s, which had contributed to the adoption of the National Historic Preservation Act, continued to influence Congress and the Executive Branch into the 1970s, resulting in an initiative that greatly extended the scope of the protections in Section 106 and ultimately in enactment of tax incentives for rehabilitating historic structures. Seventh, the National Register was gradually superseded as a planning instrument by less formal “determinations of eligibility” made by state historic preservation officers and the federal agencies and by registers of historic properties established by the states. Finally, the conflict of interest question involving the placement of the Advisory Council staff within the Park Service grew as a problem in the early 1970s, until resolved by a change in the 1966 legislation.

In the decade following the regional conferences of 1967 and 1968, William J. Murtagh and the staff of the National Register unit energetically preached the en-

vironmental values of the “New Preservation.” A host of new preservationists rehabilitating historic urban neighborhoods or adapting commercial buildings to different uses attended subsequent conferences and learned about the architectural and aesthetic sides of preservation. Simultaneously, the requirement in the grants manual for state historic preservation offices to employ architects or architectural historians³ produced a cadre of professionals in each locale trained to analyze the architecture of cities and the countryside.

During the 1970s, the staffs of the state preservation offices took over from the Park Service the task of educating the public about historic preservation and accelerated a swing from historical and inspirational connotations in most communities to environmental conservation. As a result, by 1986, more than 75 percent of the listings in the National Register were cited for architectural importance.⁴ A revolution in the rationale for preservation occurred after 1966, due in large measure to the “missionary” efforts of the Park Service and states in promoting the “New Preservation.”

Despite the emphasis of the National Historic Preservation Act on the actions of state governments and federal agencies, the Johnson administration and Park Service had viewed the provision for acquisition and development grants as a stimulus to municipal authorities and private owners of historic properties to engage in preservation activities. The promise of the grants-in-aid to spread the influence of historic preservation was finally realized in the early 1970s, when sufficient funds to begin acquisition and development grants were appropriated. Local preservationists drew upon the possibility of matching federal funds as an incentive for private property owners, developers, and municipal governments to retain landmarks and rehabilitate them. In addition, restoration projects financed partially through federal grants and carried out to exacting Park Service standards provided illustrations for people in every community on how historic properties should be renovated.⁵

A related development was the emergence of an effective preservation lobby for appropriations. The state

liaison officers led the way, working through an association organized in 1969, the National Conference of State Historic Preservation Officers (NCSHPO).⁶ During the early 1970s, the National Conference embarked on a coordinated campaign of persuading key Congressmen and Senators to vote for increased appropriations. The state officials achieved results by showing members of the House and Senate Interior Appropriations Subcommittee evidence of the improvements being brought to most Congressional districts and states through grants-in-aid projects.⁷

In 1974 the NCSHPO was joined in its "educational" efforts by a lobby organized by private preservationists, Preservation Action. By the mid-1970s a coalition to secure yearly appropriations had come together, including the National Conference, Preservation Action, and the National Trust. The administrators of the Office of Archeology and Historic Preservation also lobbied discreetly. The activities of the preservation groups were successful. From the \$88,500 approved by Congress and the President for fiscal year 1969, monies for grants-in-aid to the states rose to \$17.6 million in fiscal year 1975.⁸

Noting the reluctance of the Office of Management and Budget⁹ and Congress to appropriate funds for historic preservation out of general federal revenues, Ernest Allen Connally and W. Robert Williams, president of the National Conference of State Historic Preservation Officers, decided to seek a more reliable method of securing money. In 1976 the preservation lobbying coalition persuaded Congress to adopt a proposal drafted by the OAHF and the NCSHPO for creation of a special fund from which yearly appropriations could be made. Modeled on the Land and Water Conservation Fund, which had been used since 1965 to finance recreation and conservation, the new Historic Preservation Fund was to be drawn from revenues derived by the federal government from off-shore mineral drilling leases.¹⁰

Largely as a result of the change in law, preservationists were able to induce Congress between fiscal years 1975 and 1979 to increase by nearly three times the appropriation for the national preservation program. Grants-in-aid to the states rose to a peak figure in fiscal year 1979 of \$47.121 million,¹¹ a large proportion of which was dispensed for acquisition and development projects in the states and local communities.

After 1981, in response to popular restiveness with domestic grant programs, the administration of President

Ronald Reagan did not request any money from the Historic Preservation Fund for preservation appropriations.¹² In addition, during the 1981-88 period, neither the Reagan administration nor Congress approved funds for acquisition and development grants. The states in the 1980s struggled to carry out the national program with modest matching grants for survey and planning, approved by Congress each year over the objection of the administration. The potential of the Historic Preservation Fund to place the national program on a stable financial basis faded, while the "pump-priming" capacity of the national program diminished markedly.

As the states received larger allotments of grants-in-aid during the 1970s, the National Park Service issued regulations requiring stricter accounting of the federal funds spent for survey, planning, and "bricks and mortar" projects. The regulations came in response to urgings by solicitors in the Interior Department that the Office of Archeology and Historic Preservation promulgate formal rules so that financial irregularities and unsound stewardship of public monies could be avoided. As grounds for such rules, the lawyers pointed to the mandates of the 1966 legislation for procedures and record-keeping and the Administrative Procedures Act of 1974, which required agencies to issue regulations to govern activities authorized or mandated by law.¹³

The first Park Service regulations concerning grants-in-aid appeared in the *Federal Register* in 1975, and although based on the initial procedures set forth in 1968, required that the states provide considerably more detail in their financial records, applications for federal funds, and claims for reimbursement by the Interior Department. Regulations treating the other activities carried out by the states under the Preservation Act soon followed, as the Park Service endeavored to achieve regularization of procedures in the national program. At the end of the 1970s, the Office of Archeology and Historic Preservation strove to make the comprehensive preservation plans prepared by the states more useful in decision-making. An elaborate system of rational analysis was devised by the office as the basis for the plans and instituted through guidelines distributed to the states.¹⁴

Many of the state historic preservation officers (SHPOs), who had become accustomed during the early years of the national program to making decisions informally, questioned the need for detailed regulations and planning guidelines. Since the late 1970s, Park Service officials

and SHPOs have debated regularly the degree of federal oversight necessary in the program.¹⁵

A sixth legacy of the beginnings of the 1966 program was the inclusion of historic preservation considerations in a movement to afford additional protection to natural resources. Public concern over the deterioration of the human environment continued to mount at the end of the 1960s, building a momentum for new protective legislation that proved irresistible even for the Nixon administration, which took office opposed to further government intervention in the environmental field. After Senator Henry M. Jackson pushed the National Environmental Policy Act of 1969 (NEPA) through Congress, President Richard M. Nixon decided to seize upon a popular impulse and develop his own proposals.¹⁶

The President desired a program that would both carry out the 1969 legislation and create some initiatives identified with his administration. Aware of the environmental orientation of the national preservation program, the President's Council on Environmental Quality recruited authorities on historic preservation as well as natural conservationists to formulate the presidential policy.¹⁷

George B. Hartzog, Jr., Ernest Allen Connally, Robert R. Garvey, Jr., and the staffs of the Office of Archeology and Historic Preservation and the Advisory Council all advised the environmental panel. Garvey succeeded in having the advisory body designated to participate in the review of the environmental impact statements required of federal agencies by the 1969 act. He and his staff also persuaded William K. Reilly of the Council on Environmental Quality to draft a presidential executive order directing every agency to incorporate historic preservation in its planning.¹⁸

Signed by President Nixon in May 1971, Executive Order 11593 considerably expanded the application of the National Historic Preservation Act. The directive instructed all land-holding federal entities to devise preservation policies for the care of the thousands of historic sites and structures that they administered and required agencies that financed projects to take into account properties eligible for the National Register, as well as those already included in the listing.¹⁹ Since 1971, the executive order has acted as a catalyst for the institutionalization of preservation in much of the federal government.

Connally and his staff suggested to Reilly and Boyd Gibbon of the environmental council that some of the

recommendations of the Rains Committee not included in the 1966 preservation legislation—especially tax relief for historic properties and federally guaranteed loans for the repair of historic houses—should be included in the Nixon environmental legislative package. In addition, Connally persuaded Reilly and Gibbon to call for a bill that would improve the existing arrangements for the transfer of surplus historic federal properties from the General Services Administration to local authorities.²⁰

All three measures became law during the 1970s, although the home loan and surplus property measures never met their initial promise. The tax relief bill, on the other hand, which the preservation lobbying coalition finally convinced Congress to adopt as an amendment to the Tax Reform Act of 1976, had a profound effect. Providing income tax deductions for owners who rehabilitated depreciable historic properties, the 1976 law stimulated more than \$1 billion in private investment between 1977 and 1981. Under the Economic Recovery Tax Act of 1981, which authorized generous investment tax credits for such rehabilitations, an additional \$9 billion in private funds was spent by 1987.²¹

The tax incentives compensated for the loss of acquisitions and development grants with respect to commercial, industrial, and income-producing residential properties. The success of the incentives also helped the preservation lobbyists persuade Congress to appropriate monies for administration of the national program during the financially austere 1980s. On the other hand, the incentive policy did not completely supersede the need for acquisition and development grants. Non-depreciable historic properties held by private owners and historic properties under public ownership did not qualify for the tax credits.

As a consequence of Executive Order 11593 and the curtailment of acquisition and developments grants, the goal implied in the National Historic Preservation Act of listing all the historic properties of the nation in the National Register declined in importance. Originally, only those historic places included in the national listing were covered by the protective requirements of Section 106 and could qualify for matching grants-in-aid. State preservation offices and private preservation organizations pursued nominations in order to extend Section 106 review to endangered historic properties and districts, secure matching acquisition and development funds, and

obtain federal recognition of historic significance of the properties. As a consequence, the number of listings in the Register rose from 954 in 1968 to 13,392 in 1976.²²

With the issuance of the executive order, the Register ceased to be the sole indication of what should be taken into account by federal agencies. Instead, lists of properties declared eligible for the Register largely replaced the national listing in determining which federally financed actions were subject to Section 106 review. After 1981, the halt to acquisition and development grants further reduced the impetus for nominations. New inducements to nominate properties came with the Tax Reform Act of 1976 and the Economic Recovery Tax Act of 1981. The 1981 law reserved the highest levels of tax benefits for owners who rehabilitated structures listed in the National Register or designated as landmarks by local governments. During the five years following passage of the 1981 tax act, despite the end of acquisition and development grants, the number of listings in the Register doubled, increasing from 27,084 in 1980 to 45,500 in 1986.²³

Nevertheless, only a fraction of eligible properties are likely to be nominated to the National Register. Its role as a planning instrument has been taken over by determinations of eligibility made by the states, federal agencies, and the Park Service and by inclusion of the historic properties in state registers by the state historic preservation officers.²⁴

A final legacy of the late 1960s, the ambiguous position of the Advisory Council and its staff, was resolved in the mid-1970s. The possibility for a conflict of interest involving the Park Service or the Department of the Interior existed even after Garvey was removed from the Office of Archeology and Historic Preservation, in part because the professional staff of the OAHF continued to investigate Section 106 cases on behalf of the council. In 1972 a celebrated case involving construction of a sight-seeing tower near Gettysburg National Battlefield forced the park bureau to confront the problem. Benjamin Levy of the Office of Archeology and Historic Preservation was asked by Harthorn Bill as deputy director of the Park Service to prepare a justification for the bureau to grant an easement for the tower. Almost simultaneously, Levy received a request from Bill as executive director of the Advisory Council to prepare an assessment of the impact of the tower on the historical qualities of the battlefield.²⁵

As a result of the ensuing controversy, Hartzog removed several professional staff people from the OAHF and placed them directly under Garvey's supervision. Nevertheless, the possibility of conflict of interest remained as long as the staff of the Advisory Council were employees of the Park Service and the Department of the Interior. Soon after the Gettysburg incident, Garvey began negotiations with the staff of the Senate Interior Committee to remove the Advisory Council and its staff altogether from the Interior Department. In 1976 the executive secretary and his staff attorney, Kenneth Tapman, succeeded in having a rider attached to the Land and Water Conservation Act making the Advisory Council on Historic Preservation an independent federal agency.²⁶

During the late 1970s, the advisory body enjoyed success as a separate entity, securing an increased budget from Congress and extending the effectiveness of Section 106, the National Environmental Policy Act, and Executive Order 11593. After 1981 the council found its review of federal actions under attack from the Reagan administration, which sought to reduce the application of Section 106 as part of the President's general campaign to "cut red tape" in the federal government. Congress intervened in 1983 to rebut the arguments of the administration for restricting the authority of the council, and between 1981 and 1988 Congress renewed most of the agency's appropriation in the face of cuts recommended by the President.

Despite the swing in the public mood during the 1980s against federal domestic expenditures and regulations, the national preservation program has survived. From its origins in the desperation of preservationists to stop federally financed destruction and the desire of an activist Presidential administration to "prime the pump," the program has attracted a political constituency in regions throughout the United States. Grants-in-aid, tax incentives, and the protective review of the Advisory Council have all left their marks in local communities. As a result, during the "storms" of the 1980s, advocates of the national preservation program have been able to persuade Congress to keep it functioning.

Notes

¹Chapter 8 is drawn primarily from some sixty taped interviews that the author conducted with people involved in the national

preservation program during the 1970s and 1980s. The interviews included people associated with all of the principal agencies and organizations active in the years after 1969. Some documentary material from the files of the participating agencies was also reviewed.

²Of course, the legacies of the 1960s were only part of the factors that shaped the national program during the following two decades. The full story awaits a history of the federal-state partnership after 1969.

³See chapter 3.

⁴Carol D. Shull, "The National Register After 20 Years," article in "With Heritage Still So Rich: A Celebration of the 20th Anniversary of the National Historic Preservation Act," [supplement to] *Preservation News* 26:10 (October 1986): S9.

⁵Taped interview with Ernest Allen Connally, June 9, 1986.

⁶The liaison officers renamed themselves "state historic preservation officers" in the early 1970s.

⁷Taped interviews with Russell W. Fridley, October 17, 1986; Charles E. Lee, June 26, 1986, William Penn Mott, Jr., August 5, 1986; William J. Murtagh, June 17, 1986; and Merle W. Wells, October 22, 1986.

⁸Taped interviews with Tersh Boasberg, July 24, 1986; Jerry L. Rogers, June 13, 1986; and Connally, June 9, 1986. Advisory Council on Historic Preservation, *Report to the President and Congress: Twenty Years of the National Historic Preservation Act* (Washington D.C.: Advisory Council on Historic Preservation, 1986), p. 37.

⁹In 1970 the Bureau of the Budget became the Office of Management and Budget.

¹⁰Taped interview with Connally, June 9, 1986.

¹¹Advisory Council on Historic Preservation, *Report to the President*.

¹²The Reagan administration maintained that the Historic Preservation Fund was not a fund of money dedicated to a specific purpose, but a non-binding entry in the accounts of the United States Treasury.

¹³Taped interview with Rogers, June 13, 1986.

¹⁴Ibid.; taped interview with Lawrence E. Aten, July 10, 1986.

¹⁵Taped interview with Rogers, June 13, 1986; conversation with Eric Hertfelder, May 1, 1986.

¹⁶Taped interview with George B. Hartzog, Jr., July 2, 1986; Robert R. Garvey, Jr., July 1, 1986; and Connally, June 9, 1986.

¹⁷Taped interviews with Garvey and Connally.

¹⁸Ibid.

¹⁹Office of White House Press Secretary, "Executive Order [11593]. Protection and Enhancement of the Cultural Environment," May 13, 1971 (from file, "OAHP History," R.M. Utley's box of files, History Division, WASO). The dictates of the executive order were incorporated in the Historic Preservation Act by amendments in 1976 and 1980. See Advisory Council on Historic Preservation, *Report to the President* p. 23.

²⁰Taped interview with Connally, June 9, 1986.

²¹Ibid.; taped interview with Nellie L. Longworth, July 15, 1986; H. Ward Jandl, "Preservation Tax Incentives: Past and Present," in "With Heritage So Rich: A Celebration of the 20th Anniversary of the National Historic Preservation Act," *Preservation News* 26: 10 (October 1986): S6.

²²Advisory Council, *Report to the President*, p. 37.

²³Ibid.; Jandl, "Preservation Tax Incentives"; Shull, "The National Register."

²⁴Determinations of eligibility are made by the states and the Park Service in connection with Section 106 cases and in certain cases in which nomination to the National Register is not possible. Federal agencies use the determination of eligibility procedure to comply with their obligation under Executive Order 11593 (incorporated in the Historic Preservation Act by amendment in 1980) to inventory all of their properties that meet the criteria for inclusion in the National Register. Several states award state grants-in-aid only to the owners of historic properties listed in the state register, much as the Historic Preservation Act requires listing in the National Register as a condition for matching federal acquisition and development grants.

²⁵Taped interviews with Garvey, July 1, 1986 and with Murtagh, June 17, 1986.

²⁶Taped interview with Garvey, July 1 and 3, 1986.

APPENDIX

Public Law 89-665

The National Historic Preservation Act of 1966



Public Law 89-665
89th Congress, S. 3035
October 15, 1966

An Act

80 STAT. 915

To establish a program for the preservation of additional historic properties throughout the Nation, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,
The Congress finds and declares—

Historic properties,
Preservation program established.

(a) that the spirit and direction of the Nation are founded upon and reflected in its historic past;

(b) that the historical and cultural foundations of the Nation should be preserved as a living part of our community life and development in order to give a sense of orientation to the American people;

(c) that, 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; and

(d) that, although the major burdens of historic preservation have been borne and major efforts initiated by private agencies and individuals, and both should continue to play a vital role, it is nevertheless necessary and appropriate for the Federal Government to accelerate its historic preservation programs and activities, to give maximum encouragement to agencies and individuals undertaking preservation by private means, and to assist State and local governments and the National Trust for Historic Preservation in the United States to expand and accelerate their historic preservation programs and activities.

TITLE I

SEC. 101. (a) The Secretary of the Interior is authorized—

Buildings and objects, etc. Expansion and maintenance of National Register.

(1) to expand and maintain a national register of districts, sites, buildings, structures, and objects significant in American history, architecture, archeology, and culture, hereinafter referred to as the National Register, and to grant funds to States for the purpose of preparing comprehensive statewide historic surveys and plans, in accordance with criteria established by the Secretary, for the preservation, acquisition, and development of such properties;

Grants to states.

(2) to establish a program of matching grants-in-aid to States for projects having as their purpose the preservation for public benefit of properties that are significant in American history, architecture, archeology, and culture; and

(3) to establish a program of matching grant-in-aid to the National Trust for Historic Preservation in the United States, chartered by act of Congress approved October 26, 1949 (63 Stat. 927), as amended, for the purpose of carrying out the responsibilities of the National Trust.

National Trust for Historic Preservation.
16 USC 468-468d.

(b) As used in this Act—

(1) The term "State" includes, in addition to the several States of the Union, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa.

"State."

(2) The term "project" means programs of State and local governments and other public bodies and private organizations and individuals for the acquisition of title or interests in, and for the develop-

"Project."

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80 STAT. 916

ment of, any district, site, building, structure, or object that is significant in American history, architecture, archeology, and culture, or property used in connection therewith, and for its development in order to assure the preservation for public benefit of any such historical properties.

"Historic preservation."

(3) The term "historic preservation" includes the protection, rehabilitation, restoration, and reconstruction of districts, sites, buildings, structures, and objects significant in American history, architecture, archeology, or culture.

"Secretary." Conditions for grants.

(4) The term "Secretary" means the Secretary of the Interior.

SEC. 102. (a) No grant may be made under this Act—

(1) unless application therefor is submitted to the Secretary in accordance with regulations and procedures prescribed by him;

(2) unless the application is in accordance with the comprehensive statewide historic preservation plan which has been approved by the Secretary after considering its relationship to the comprehensive statewide outdoor recreation plan prepared pursuant to the Land and Water Conservation Fund Act of 1965 (78 Stat. 897);

16 USC 4601-4 note.

(3) for more than 50 per centum of the total cost involved, as determined by the Secretary and his determination shall be final;

(4) unless the grantee has agreed to make such reports, in such form and containing such information as the Secretary may from time to time require;

(5) unless the grantee has agreed to assume, after completion of the project, the total cost of the continued maintenance, repair, and administration of the property in a manner satisfactory to the Secretary; and

(6) until the grantee has complied with such further terms and conditions as the Secretary may deem necessary or advisable.

Waiver.

(b) The Secretary may in his discretion waive the requirements of subsection (a), paragraphs (2) and (5) of this section for any grant under this Act to the National Trust for Historic Preservation in the United States, in which case a grant to the National Trust may include funds for the maintenance, repair, and administration of the property in a manner satisfactory to the Secretary.

(c) No State shall be permitted to utilize the value of real property obtained before the date of approval of this Act in meeting the remaining cost of a project for which a grant is made under this Act.

Apportionment.

SEC. 103. (a) The amounts appropriated and made available for grants to the States for comprehensive statewide historic surveys and plans under this Act shall be apportioned among the States by the Secretary on the basis of needs as determined by him: *Provided, however,* That the amount granted to any one State shall not exceed 50 per centum of the total cost of the comprehensive statewide historic survey and plan for that State, as determined by the Secretary.

Limitation.

(b) The amounts appropriated and made available for grants to the States for projects under this Act for each fiscal year shall be apportioned among the States by the Secretary in accordance with needs as disclosed in approved statewide historic preservation plans.

The Secretary shall notify each State of its apportionment, and the amounts thereof shall be available thereafter for payment to such State for projects in accordance with the provisions of this Act. Any amount of any apportionment that has not been paid or obligated by the Secretary during the fiscal year in which such notification is given, and for two fiscal years thereafter, shall be reapportioned by the Secretary in accordance with this subsection.

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Sec. 104. (a) No grant may be made by the Secretary for or on account of any survey or project under this Act with respect to which financial assistance has been given or promised under any other Federal program or activity, and no financial assistance may be given under any other Federal program or activity for or on account of any survey or project with respect to which assistance has been given or promised under this Act.

Coordination
with other Fed-
eral programs.

(b) In order to assure consistency in policies and actions under this Act with other related Federal programs and activities, and to assure coordination of the planning acquisition, and development assistance to States under this Act with other related Federal programs and activities, the President may issue such regulations with respect thereto as he deems desirable, and such assistance may be provided only in accordance with such regulations.

Sec. 105. The beneficiary of assistance under this Act shall keep such records as the Secretary shall prescribe, including records which fully disclose the disposition by the beneficiary of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount and nature of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

Records.

Sec. 106. The head of any Federal agency having direct or indirect jurisdiction over a proposed Federal or federally assisted undertaking in any State and the head of any Federal department or independent agency having authority to license any undertaking shall, prior to the approval of the expenditure of any Federal funds on the undertaking or prior to the issuance of any license, as the case may be, take into account the effect of the undertaking on any district, site, building, structure, or object that is included in the National Register. The head of any such Federal agency shall afford the Advisory Council on Historic Preservation established under title II of this Act a reasonable opportunity to comment with regard to such undertaking.

Sec. 107. Nothing in this Act shall be construed to be applicable to the White House and its grounds, the Supreme Court building and its grounds, or the United States Capitol and its related buildings and grounds.

Exemptions.

Sec. 108. There are authorized to be appropriated not to exceed \$2,000,000 to carry out the provisions of this Act for the fiscal year 1967, and not more than \$10,000,000 for each of the three succeeding fiscal years. Such appropriations shall be available for the financial assistance authorized by this title and for the administrative expenses of the Secretary in connection therewith, and shall remain available until expended.

Appropriation.

TITLE II

Sec. 201. (a) There is established an Advisory Council on Historic Preservation (hereinafter referred to as the "Council") which shall be composed of seventeen members as follows:

Advisory Council
on Historic
Preservation,
membership.

- (1) The Secretary of the Interior.
- (2) The Secretary of Housing and Urban Development.
- (3) The Secretary of Commerce.
- (4) The Administrator of the General Services Administration.
- (5) The Secretary of the Treasury.
- (6) The Attorney General.
- (7) The Chairman of the National Trust for Historic Preservation.

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Terms of office.	<p>(8) Ten appointed by the President from outside the Federal Government. In making these appointments, the President shall give due consideration to the selection of officers of State and local governments and individuals who are significantly interested and experienced in the matters to be considered by the Council.</p>
Chairman, selection.	<p>(b) Each member of the Council specified in paragraphs (1) through (6) of subsection (a) may designate another officer of his department or agency to serve on the Council in his stead.</p>
Duties.	<p>(c) Each member of the Council appointed under paragraph (8) of subsection (a) shall serve for a term of five years from the expiration of his predecessor's term; except that the members first appointed under that paragraph shall serve for terms of from one to five years, as designated by the President at the time of appointment, in such manner as to insure that the terms of not less than one nor more than two of them will expire in any one year.</p> <p>(d) A vacancy in the Council shall not affect its powers, but shall be filled in the same manner as the original appointment (and for the balance of the unexpired term).</p> <p>(e) The Chairman of the Council shall be designated by the President.</p> <p>(f) Eight members of the Council shall constitute a quorum.</p>
Report to President and Congress.	<p>SEC. 202. (a) The Council shall—</p> <p>(1) advise the President and the Congress on matters relating to historic preservation; recommend measures to coordinate activities of Federal, State, and local agencies and private institutions and individuals relating to historic preservation; and advise on the dissemination of information pertaining to such activities;</p> <p>(2) encourage, in cooperation with the National Trust for Historic Preservation and appropriate private agencies, public interest and participation in historic preservation;</p> <p>(3) recommend the conduct of studies in such areas as the adequacy of legislative and administrative statutes and regulations pertaining to historic preservation activities of State and local governments and the effects of tax policies at all levels of government on historic preservation;</p> <p>(4) advise as to guidelines for the assistance of State and local governments in drafting legislation relating to historic preservation; and</p> <p>(5) encourage, in cooperation with appropriate public and private agencies and institutions, training and education in the field of historic preservation.</p> <p>(b) The Council shall submit annually a comprehensive report of its activities and the results of its studies to the President and the Congress and shall from time to time submit such additional and special reports as it deems advisable. Each report shall propose such legislative enactments and other actions as, in the judgment of the Council, are necessary and appropriate to carry out its recommendations.</p>
Other Federal agencies, co-operation.	<p>SEC. 203. The Council is authorized to secure directly from any department, bureau, agency, board, commission, office, independent establishment or instrumentality of the executive branch of the Federal Government information, suggestions, estimates, and statistics for the purpose of this title; and each such department, bureau, agency, board, commission, office, independent establishment or instrumentality is authorized to furnish such information, suggestions, estimates, and statistics to the extent permitted by law and within available funds.</p>
Compensation.	<p>SEC. 204. The members of the Council specified in paragraphs (1) through (7) of section 201 (a) shall serve without additional compen-</p>

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80 STAT. 919

sation. The members of the Council appointed under paragraph (8) of section 201(a) shall receive \$100 per diem when engaged in the performance of the duties of the Council. All members of the Council shall receive reimbursement for necessary traveling and subsistence expenses incurred by them in the performance of the duties of the Council.

Sec. 205. (a) The Director of the National Park Service or his designee shall be the Executive Director of the Council. Financial and administrative services (including those related to budgeting, accounting, financial reporting, personnel and procurement) shall be provided the Council by the Department of the Interior, for which payments shall be made in advance, or by reimbursement, from funds of the Council in such amounts as may be agreed upon by the Chairman of the Council and the Secretary of the Interior: *Provided*, That the regulations of the Department of the Interior for the collection of indebtedness of personnel resulting from erroneous payments (5 U.S.C. 46e) shall apply to the collection of erroneous payments made to or on behalf of a Council employee, and regulations of said Secretary for the administrative control of funds (31 U.S.C. 665 (g)) shall apply to appropriations of the Council: *And provided further*, That the Council shall not be required to prescribe such regulations.

Executive
Director.

68 Stat. 483.

(b) The Council shall have power to appoint and fix the compensation of such additional personnel as may be necessary to carry out its duties, without regard to the provisions of the civil service laws and the Classification Act of 1949.

Personnel.

Ante, p. 288.

(c) The Council may also procure, without regard to the civil service laws and the Classification Act of 1949, temporary and intermittent services to the same extent as is authorized for the executive departments by section 15 of the Administrative Expenses Act of 1946 (5 U.S.C. 55a), but at rates not to exceed \$50 per diem for individuals.

60 Stat. 810.

(d) The members of the Council specified in paragraphs (1) through (6) of section 201(a) shall provide the Council, on a reimbursable basis, with such facilities and services under their jurisdiction and control as may be needed by the Council to carry out its duties, to the extent that such facilities and services are requested by the Council and are otherwise available for that purpose. To the extent of available appropriations, the Council may obtain, by purchase, rental, donation, or otherwise, such additional property, facilities, and services as may be needed to carry out its duties.

Approved October 15, 1966.

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Sept. 19: Considered in House.
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JAMES A. GLASS holds a Ph.D. in architectural history and historic preservation planning from Cornell University, an M.A. in the history of urban development from Cornell, and an M.A. in history from Indiana University. With fifteen years work experience in the preservation field, he has held positions as staff historian for the Indianapolis Historic Preservation Commission, field supervisor for the Historic American Buildings Survey, and preservation consultant on private and public development projects. Currently, Glass serves as project manager for historic preservation activities at Greenhorne & O'Mara, Inc., a Greenbelt, Maryland, consulting firm.

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