

United States Department of the Interior
National Park Service

For NPS use only

National Register of Historic Places
Inventory—Nomination Form

received

date entered

See instructions in How to Complete National Register Forms
Type all entries—complete applicable sections**1. Name**

historic Indian Watchtower at Desert View, Lookout Studio, Hopi House, Hermit's Rest

and/or common M.E.J. Colter Buildings (Preferred)

2. Location

street & number South Rim _____ not for publication

city, town Grand Canyon National Park _____ vicinity of

state Arizona code 04 county Coconino code 005

3. Classification

Category	Ownership	Status	Present Use	
<input checked="" type="checkbox"/> district	<input type="checkbox"/> public	<input checked="" type="checkbox"/> occupied	<input type="checkbox"/> agriculture	<input type="checkbox"/> museum
<input type="checkbox"/> building(s)	<input checked="" type="checkbox"/> private	<input type="checkbox"/> unoccupied	<input checked="" type="checkbox"/> commercial	<input type="checkbox"/> park
<input type="checkbox"/> structure	<input type="checkbox"/> both	<input type="checkbox"/> work in progress	<input type="checkbox"/> educational	<input type="checkbox"/> private residence
<input type="checkbox"/> site	Public Acquisition	Accessible	<input type="checkbox"/> entertainment	<input type="checkbox"/> religious
<input type="checkbox"/> object	<input type="checkbox"/> in process	<input checked="" type="checkbox"/> yes: restricted	<input type="checkbox"/> government	<input type="checkbox"/> scientific
	<input type="checkbox"/> being considered	<input checked="" type="checkbox"/> yes: unrestricted	<input type="checkbox"/> industrial	<input type="checkbox"/> transportation
		<input type="checkbox"/> no	<input type="checkbox"/> military	<input type="checkbox"/> other:

4. Owner of Property

name Fred Harvey Company

street & number P.O. Box 100

city, town Grand Canyon _____ vicinity of state Arizona

5. Location of Legal Description

courthouse, registry of deeds, etc. Coconino County Courthouse

street & number South San Francisco Street

city, town Flagstaff _____ state Arizona

6. Representation in Existing Surveys

1) List of Classified Structures Inventory

title 2) National Register of Historic Places this property been determined eligible? ☐ yes ☐ no

1) 1976

date 2) 1974, 1975, and in process ☒ federal ☐ state ☐ county ☐ local

depository for survey records National Park Service

city, town Washington _____ state D.C.

7. Description

Condition

☐ excellent

☒ good

☐ fair

☐ deteriorated

☐ ruins

☐ unexposed

Check one

☐ unaltered

☒ altered

Check one

☒ original site

☐ moved

date _____

Describe the present and original (if known) physical appearance

Hopi House, Hermit's Rest, Lookout Studio, and Desert View are all structures built on the precipice of the south rim of the Grand Canyon. The buildings, all designed by architect and interior designer Mary Elizabeth Jane Colter, were constructed by the Atchison, Topeka and Santa Fe Railway and managed by its concessioner, the Fred Harvey Company.

Hopi House (1905) is a large multi-story structure of stone masonry, shaped and built like a Hopi pueblo building. The building is rectangular in plan, and the multiple roofs are stepped at various levels giving the building the impression of pueblo architecture. The sandstone walls are reddish in color. Tiny windows, like those of true Hopi structures, allow only the smallest amount of light into the building.

On the interior, the floor finish on the first story is concrete, covered with carpeting in some of the rooms. Most of the rooms have the typical ceiling of that type of architecture: saplings, grasses, and twigs with a mud coating on top, resting on peeled log beams. Corner fireplaces, small niches in the walls, and a mud-plaster wall finish, typical of Hopi interiors, are also characteristics of this structure. Openings from one room to the next are characteristically small, and wood door frames where they exist are made of peeled saplings. The first floor is used as a sales area and an office.

The stairwell to the second story has Hopi murals on its mud plaster. The mural's artist is unknown. The second story, now used only for storage, has a wood floor, ceilings similar to those throughout the building, and mud-plastered walls. The original room configurations remain, and little has been done to change this area that is now closed to the public. One corner fireplace on this story is decorated with a "bulto" (Spanish religious statue) attached to its mantle. Paired gates separating two of the rooms are made of peeled saplings. Also on this floor is a room now erroneously called "the Kiva" which contains a Hopi shrine somewhat similar to the Powamu shrine Colter had constructed inside her Indian Building in Albuquerque. The shrine area holds religious artifacts such as kachinas and prayer feathers (ceremonial sticks with feathers attached) with bald eagle feathers. The opposite side of the shrine room contains more Hopi religious artifacts and some household and utilitarian items such as manos and metates for grinding corn, various pieces of pottery and baskets, and a piki oven for baking the paper-thin piki bread made from blue corn. The floor in this room is hard-packed adobe rather than wood. Access to this room

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is through a tiny handmade door, now locked for security.

The third floor contains an apartment where the manager of Hopi House lives. Although most of the apartment has been modernized for convenience, many original features remain. The apartment contains two bedrooms, a bath, a living room/dining room combination, a kitchen, and an entrance hall. Walls are finished with lime plaster, painted white, as are the ceilings.

Included in this landmark nomination are all of the historic furnishings and ceremonial objects. Colter, an avid collector of antiques for the Fred Harvey/Santa Fe, used them in her structures as important props to contribute to the nostalgic moods she wanted to create. The life-size mudhead, the Spanish-Colonial benches, the bultos, and Indian artifacts are among the objects included.

A sprinkler system has been installed in the structure. Most new electrical work has been added in exposed conduits so that the historic fabric remains untouched. Other changes to the building have been minor alterations to cosmetic finishes on the first floor, such as carpeting in the office.

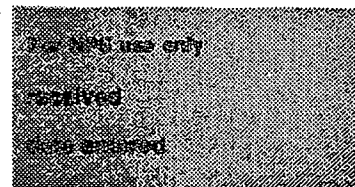
Hermit's Rest (1914), several miles to west of Hopi House, is an entirely different type of structure. The building, originally constructed as a rest stop for the short stage line that ran from El Tovar to this location, is now a gift shop and small refreshment stand. The stone structure is several feet back from the rim edge, protected at this point by a stone wall and metal railing. The structure is tucked into a small man-made earthen mound, built around and on top of the building to blend the structure in with its setting.

The approach to the structure is marked by a small stone arch set in a stone wall along the original pathway from the parking area to the building. The stone arch is topped with a broken bell that Colter acquired from a Spanish mission in New Mexico. In recent years vandalism to the stone arch and bell necessitated moving the access path a few feet north, so that visitors no longer walk under the arch (and are tempted to try dunk shots through the hole in the bell). Stone lanterns with small pathway lights illuminate the area after dark.

The exposed portions of the building that are not banked into the earth are of rubble masonry bonded with cement mortar, structural logs, and a few expanses of glass. The parapet of the flat roof

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is uneven, giving the building a rougher appearance. The chimneys are gently battered rubble masonry. The overall appearance of the stonework makes it look almost like a natural rock formation. The porch that shelters the entrance and covers a small portion of the gift shop is made of peeled log posts, tie-beams, and vigas (roof beams). A low stone wall of rubble masonry separates this outdoor observation area from the drop-off into the canyon.

The interior of the building is divided into two large spaces and several utility areas. The main room and most impressive space is in the central part of the structure. On its north side the central room is covered by the flat roof of the porch. Further into the interior the roof height opens up dramatically to nearly two stories, and is again flat with a viga and latia ceiling. The upper wall sections in this area have large windows, letting considerable natural light into the structure. On the south end of the room is an enormous alcove, shaped like a semi-dome. The stone alcove contains an arched fireplace decorated with ornate andirons, a brass tea kettle, and various antique kitchen and fireplace tools. Wrought-iron wall sconces holding candles flank the far edges of the alcove. The alcove's flagstone floor is stepped up above that of the remainder of the room, giving added architectural emphasis to the space.

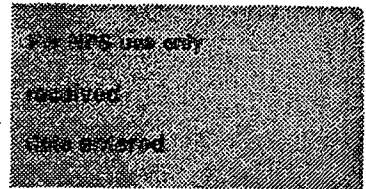
West of the main room is the snack bar area, office, and small storage area. These have all been updated to accommodate the present uses, although their original configuration remains. East of the main room is the area now used as the "rug room" where Navajo rugs are sold. The original stone fireplace remains in this area. A wood wainscotting has been added, covering the original finish. A small storage area is to the east of this room.

Hermit's Rest, like many of the other Colter buildings, contains antiques important to the structure's ambience. The furnishings included in this nomination are the rustic chairs, the chairs and tables that may be of German origin, the European pendulum clock, the bear traps, frontier items decorating the exterior post, and the other elements Colter added to create atmosphere.

Back along the canyon rim in the vicinity of Bright Angel Lodge is the Lookout Studio (1914)--a small structure where Colter allowed the surrounding landscape to guide her design. The native stone structure, originally known as "the Lookout," is built into the canyon rim and, in a sense, looks as if it grows

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out of it. The small structure is generally rectangular in plan and constructed of coursed rubble masonry. The uneven parapet of part of the roof steps up to incorporate the chimney and a small observation room within its lines. The observation room has a small balcony with a jigsawn-patterned railing. Low stone walls lead up to the building, protecting visitors from drop offs into the canyon. Although constructed for viewing the canyon the building now houses a rock and mineral shop.

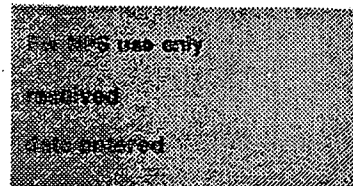
The interior of the structure is divided into several levels. Structural logwork is exposed on the interior (posts, beams, and ceiling joists) and a small stone fireplace provides the simpler atmosphere Colter achieved here. The floor is scored concrete. Interior walls are exposed stone. Because of all of the viewing windows around the walls of the structure, the interior is considerably lighter than most other Colter buildings. A small stairway with log newel posts and railings leads up into the small enclosed observation tower and down from the building's main level to an exit that opens to an exterior observation area. The original ceiling treatment, probably latias (saplings), has been covered over although the vigas remain exposed. The ceiling finish is now sheetrock or a similar material. Fluorescent lights, another alteration to the building, provide additional lighting on the interior. The building has undergone little alteration, other than those changes listed above.

The Indian Watchtower at Desert View (1932), the last of this series of Colter buildings, is at the eastern end of the south rim of the Grand Canyon. From a distance the building's silhouette looks like the Anasazi watchtower it was meant to mimic. In actual size the tower is considerably larger than any known Anasazi tower. In plan the structure is composed of one enormous circle at the north, a small circle at the south, an gently arced forms connecting the two. The largest circle and the arced portions are the sections of that building that are just one story in height. The smaller circular plan is for the tower itself, more than five stories high. The building sits out on a promontory overlooking the Grand Canyon.

The most noteworthy aspect of the exterior is the stonework--a variety of uncoursed rubble below and coursed sandstone above, with decorative patterns of triangular stones adding architectural interest directly below the tower's parapet and other bands of color masonry adding even more visual interest. Her use of texture in the masonry creates a visual depth. Large walls sections of the tower, for instance, have a relatively

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smooth finish that in places is broken up by slightly larger stones protruding from the wall surface. Fenestration in the tower is irregular--tiny windows or those with irregular shapes--with the exception of the observation area at the top of the structure where large trapezoids of plate glass allow the viewer to see the surrounding countryside in all directions. Colter's careful massing of forms added more architectural emphasis to the tower.

The main entrance into the structure leads into the largest room of the building, originally known as the kiva room, that is circular in plan. The ceiling is made up of logs salvaged from the old Grand View Hotel on Horseshoe Mesa at the Canyon. The logs are laid in a pattern found in prehistoric native American architecture and still used in some Indian structures today. A ladder from the center of the room leads up to an opening in the ceiling that looks functional but is actually false. A low, arched fireplace on one edge of the room has a small mantle and an enormous picture window directly above it where the chimney normally would be--the flue actually draws the smoke from an upper corner. The floor of this room is flagstone, and walls are stone. This room has undergone little change since construction. Directly above this room on the roof of this part of the structure is an outdoor observation deck. Other spaces on the first floor are used for sales areas, as this is, and a small amount of storage space. The kiva room contains heavy, rustic furnishings of large chunks of wood and rawhide, also included in this nomination.

The most architecturally impressive section of the building is undoubtedly the tower interior. The space is an open shaft surrounded by circular balconies edging the walls and small staircases that lead up to subsequent levels. Only the uppermost observation area has a complete floor area covering the circular plan, and large plate-glass windows overlooking the surrounding expanses of the vast southwest. The rooftop observation area, reached by a ladder of sturdy log construction, is closed to the public. The steel and concrete structure of this space is entirely plastered and all of the walls are covered with murals. The most distinct images, painted by Hopi artist Fred Kabotie depict various aspects of Hopi mythology and religious ceremonies. The other murals done by Fred Greer are more subtle in color and purposefully softer in detail, and are copies of prehistoric pictographs and petroglyphs. The tiny windows of the tower let in a minimal amount of light which adds to the cave-like, mystical atmosphere of the space. Experiencing the

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multiple levels and circular balconies and the hundreds of prehistoric images inundates the viewer with an overwhelming sense of the southwest.

Also included in this nomination are the two small outbuildings immediately adjacent to the Watchtower--the wood storage structure and the storage building. Both have stone veneers set in patterns similar to those of the Watchtower. Only the exteriors of those structures are included.

The building has changed very little since construction. Some of the small exterior staircases have been closed to the public. "Coyote" fences--vertical saplings held in place by wire woven around them--close off those areas. Radio telemetry has been added to the roof. For the most part the building retains its integrity and image Colter wanted to create.

8. Significance

Period	Areas of Significance—Check and justify below			
<input type="checkbox"/> prehistoric	<input type="checkbox"/> archeology-prehistoric	<input type="checkbox"/> community planning	<input type="checkbox"/> landscape architecture	<input type="checkbox"/> religion
<input type="checkbox"/> 1400-1499	<input type="checkbox"/> archeology-historic	<input type="checkbox"/> conservation	<input type="checkbox"/> law	<input type="checkbox"/> science
<input type="checkbox"/> 1500-1599	<input type="checkbox"/> agriculture	<input type="checkbox"/> economics	<input type="checkbox"/> literature	<input type="checkbox"/> sculpture
<input type="checkbox"/> 1600-1699	<input checked="" type="checkbox"/> architecture	<input type="checkbox"/> education	<input type="checkbox"/> military	<input type="checkbox"/> social/
<input type="checkbox"/> 1700-1799	<input type="checkbox"/> art	<input type="checkbox"/> engineering	<input type="checkbox"/> music	<input type="checkbox"/> humanitarian
<input type="checkbox"/> 1800-1899	<input type="checkbox"/> commerce	<input type="checkbox"/> exploration/settlement	<input type="checkbox"/> philosophy	<input type="checkbox"/> theater
<input checked="" type="checkbox"/> 1900-	<input type="checkbox"/> communications	<input type="checkbox"/> industry	<input type="checkbox"/> politics/government	<input type="checkbox"/> transportation
	Hopi House 1905-present	<input type="checkbox"/> invention		<input checked="" type="checkbox"/> other (specify)
	Hermit's Rest 1914-present			(tourism)
Specific dates	Lookout Studio 1914-present	Builder/Architect	Mary Elizabeth Jane Colter for the	
	Desert View 1931-present		Atchison, Topeka, and Santa Fe Railway	
Statement of Significance (in one paragraph)				

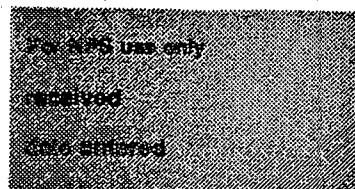
Hopi House, Hermit's Rest, the Lookout Studio and the Desert View Watchtower are not only the best and least altered, but some of the only remaining examples of the work of master architect and interior designer Mary Elizabeth Jane Colter. Colter's place in American architecture is important because of the concern for archeology and a sense of history conveyed by her buildings, and the feelings she created in those spaces. More importantly, her creative free-form buildings, Hermit's Rest and Lookout Studio, took direct inspiration from the landscape and served as part of the basis of the developing architectural aesthetic for appropriate development in areas that became national parks. The buildings are also significant as part of the Atchison, Topeka, & Santa Fe Railway and Fred Harvey Company development on the south rim of the Grand Canyon--their most important destination resort. Desert View has additional regional significance in its tower paintings of Indian design--they were copied from prehistoric pictographs and petroglyphs at a New Mexico archeological site that is now destroyed. These may be the only surviving record of that rock art.

During the 1870s the Atchison, Topeka, and Santa Fe Railroad (later the Railway) worked out an agreement with the Fred Harvey Company that allowed the latter to manage station hotels and restaurants that the railroad built. The Santa Fe hoped to lure passenger traffic away from competing railroads by providing these amenities along their line. In short, the strategy worked. By the turn of the century the restaurants known as "Harvey Houses" and the hotels along the expanding Santa Fe route became known for fine food, comfort, and extremely efficient service. The Fred Harvey Company also quickly noted the passengers' fascination with the Indians and the wares they sold at the railroad stops in the southwest and saw the situation as another merchandising opportunity. Their next logical step was to provide specific areas to sell the native american arts and crafts at some of their selected stops. Both the railroad and the Fred Harvey knew that through distinctive architecture they could create an image and ambience that would sell their merchandise better than a simple envelope of a building would. To add that distinction they hired architect and designer Mary Elizabeth Jane Colter.

Mary Jane Colter was born in Pittsburgh in 1869 and grew up in Texas, Colorado, and St. Paul, Minnesota. While attending the California School of Design in San Francisco she apprenticed at

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an architect's office and then went into teaching back in St. Paul. Besides teaching on the high school level, she also lectured on history and architecture in a university extension program, reviewed books for the St. Paul newspaper, and took courses in archeology. Through informal contacts with the Fred Harvey Company, Colter eventually landed a job as interior designer of the Indian Building adjacent to the Santa Fe's new Alvarado Hotel in Albuquerque, along the main line.

Although the Mission Revival style had been popular in California since the 1890s, the Alvarado Hotel and its adjacent Indian Building (both destroyed) were, according to the Fred Harvey literature, the first of their kind in New Mexico. Besides working adeptly on the displays for the Indian wares Colter also created a special ambience on the interior of the Indian Building. The small fireplace had comfortable seats around it and always had a fire burning. Colter arranged for anthropologist Henry Voth to construct a replica of a Powamu altar, or Hopi religious altar to show the visitors another side of the mystical and exotic southwest. The building also featured Navajo weavers and silversmiths who plied their trades for the enjoyment of the railroad passengers. This use of "living history" types of exhibits was later adopted by other railroad, particularly the Great Northern at Glacier National Park.

Colter's second contact with Fred Harvey and the Santa Fe was to design an Indian Building across from the Santa Fe's new hotel at the Grand Canyon--El Tovar. The interior of the Indian Building in Albuquerque had been so successful that Colter was given even greater responsibility in this structure: she was allowed to design the whole building as well as the interiors. She designed the structure to be a replica of a section of a Hopi pueblo at Oraibi, Arizona. The materials and configuration were identical to those of a pueblo structure. Instead of bringing the tourists out to the pueblo, she brought a sense of the pueblo to the tourists. She even included some elements that tourists would be forbidden from viewing in a pueblo: a sacred sand painting and another ceremonial altar.

In Hopi House, Colter's concern for an ethnohistorical correctness in this replication was an effort fueled by the contemporary scholarly interest in southwestern archeology. The building opened in 1905, at the same time that archeologist Edgar Hewitt of Santa Fe, New Mexico, was promoting the Act for the Preservation of American Antiquities which passed in 1906--an act

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that resulted in the establishment of a series of national monuments set aside to preserve the southwestern archeological ruins they contained. Colter's design of Hopi House went beyond the basic task of providing a good atmosphere for merchandising Indian goods. She introduced different aspects of Indian cultures--especially their architecture--to the rail-travelling public at a time when the preservation movement in the United States was in its infancy.

Colter's next building for Fred Harvey and the Santa Fe at the south rim was Hermit's Rest which was a very different sort of structure than Hopi House. Fred Harvey ran tours west along the rim to the end of the road at an old trailhead, and the company wanted a small refreshment stand where the passengers could recuperate after the dusty stage ride. Like all of the other Fred Harvey buildings, the company wanted something with character and style.

The building's design was unusual. Tucked away in a small, partially man-made hill a few feet from the rim of the canyon the native rock structure seemed to grow out of the landscape. Colter channelled her concern for historicity into a few well-chosen items--an old New Mexican mission bell at the entrance gate, wrought-iron sconces and andirons, roughly crafted rustic furnishings, and a few heavy pieces of heavy furnishings of probably northern European origin. The rugged stonework was given a medieval feeling by the forms it took: arched stone fireplaces with a huge semi-domed alcove sheltering one of them. The peeled logs making up part of the structural system and the exposed latias for a portion of the ceiling contributed to a primitive, frontier feeling in the building. When the building opened in 1914 and Colter was cajoled by some of the railroad men that the structure looked too dingy and full of cobwebs, she replied, "You can't imagine what it cost to make it look this old."

Colter's other design for the south rim that year was Lookout Studio--a building where visitors could photograph the canyon from its very precipitous edge and use the telescopes the company provided. In this structure Colter removed herself even further from her intent at Hopi House. Here, she allowed the edge of the canyon and the natural rock outcroppings give form to her multi-level structure that grew out of the edge of the rim. Inspired by the natural forms of the landscape around the site, the parapet rooflines and stone chimneys mimicked the irregular

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shapes of surrounding bedrock. The roof even had small native shrubs growing out of it to contribute to that illusion of nature.

Colter designed many more structures for the Fred Harvey Company and the Santa Fe Railway at the south rim and along the whole Santa Fe route, but her last major structure at Grand Canyon was the Indian Watchtower at Desert View (also known as Desert View Watchtower) on the eastern end of the south rim, completed in 1932.

At Desert View Colter returned to a sense of archeology and ethnohistory in her design--reminiscent of an Anasazi tower such as that found at Hovenweep National Monument--but endowed the building with more of a mystical fantasy than the archeological correctness she used at Hopi House. Colter visited a number of Anasazi sites throughout the southwest that had towers and spent approximately six months studying them. She studied their shapes, stone masonry, and construction techniques. She then built a model of the site on the south rim and constructed a clay model of the building. When it came time to build the structure, after the Santa Fe engineers beefed up the structural system to their satisfaction, she was frequently on the job giving directions to the workmen. She hired two artists to do murals in the tower. The symbolic paintings on the inside of the Hopi Room by Fred Kabotie, a now deceased Hopi artist, traced some of the religious mythology of the Hopi people. Other paintings by artist Fred Greer were copies of rock art from now destroyed archeological sites at Abo, New Mexico. These may be the only existing record of that rock art. Colter's extreme care in the selection of the artists, their subject matter, and even the colors they used was identical to the care she used in selecting the site, designing the structure, and choosing the stones for the exterior masonry.

Other buildings Colter designed for the Fred Harvey Company and Santa Fe Railway include Phantom Ranch (1922) at the bottom of the Grand Canyon; Bright Angel Lodge (1935), and the men's and women's dormitories (1936 and 1937 respectively) on the south rim; El Navajo at Gallup (1923); and La Posada at Winslow (1930). She also worked on interior for El Tovar, and La Fonda at Santa Fe.

Colter's impact on American architecture, particularly on park architecture, was noteworthy. Although the tourist favorites

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remain the charming Hopi House and Desert View Watchtower, their historical bent was secondary to the impact that Hermit's Rest and Lookout Studio created. In those two structures where she let the natural landscape shape the buildings, rather than the cultural landscape, she became a pioneer in the aesthetics of an architecture appropriate to a natural setting. Her use of natural materials in forms that mimicked nature served as the basis for later work by architect Herbert Maier and others who designed what we now term "rustic" architecture.

9. Major Bibliographical References

See continuation sheet.

10. Geographical Data

Acreeage of nominated property 1.06 acres = Desert View Less than 1 acre, Lookout Studio and
1.18 acres = Hermit's Rest Hopi House
Quadrangle name Bright Angel Quadrangle scale 1:62500
Vishnu Temple 1:62500
UTM References

Desert View A

1	2	4	2	5	7	1	0	3	9	8	8	8	2	0
Zone		Easting				Northing								

 B

1	2	3	9	7	3	7	5	3	9	9	0	7	6	0
Zone		Easting				Northing								

 Lookout
Hopi C

1	2	3	9	7	7	1	0	3	9	9	0	7	4	5
Zone		Easting				Northing								

 Herm
E

Zone		Easting				Northing								

G

Zone		Easting				Northing								

 H

Zone		Easting				Northing								

Verbal boundary description and justification

See continuation sheet.

List all states and counties for properties overlapping state or county boundaries

state	N/A	code	county	code
state	N/A	code	county	code

11. Form Prepared By

name/title Laura Soulliere Harrison Architectural Historian

organization National Park Service -- Southwest Region date 1986

street & number P.O. Box 728

telephone (505) 988-6787

city or town Santa Fe

state New Mexico

12. State Historic Preservation Officer Certification

The evaluated significance of this property within the state is:

☐ national ☐ state ☐ local

As the designated State Historic Preservation Officer for the National Historic Preservation Act of 1966 (Public Law 89-665), I hereby nominate this property for inclusion in the National Register and certify that it has been evaluated according to the criteria and procedures set forth by the National Park Service.

State Historic Preservation Officer signature

title

date

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I hereby certify that this property is included in the National Register

date

Keeper of the National Register

Attest:

date

Chief of Registration

United States Department of the Interior
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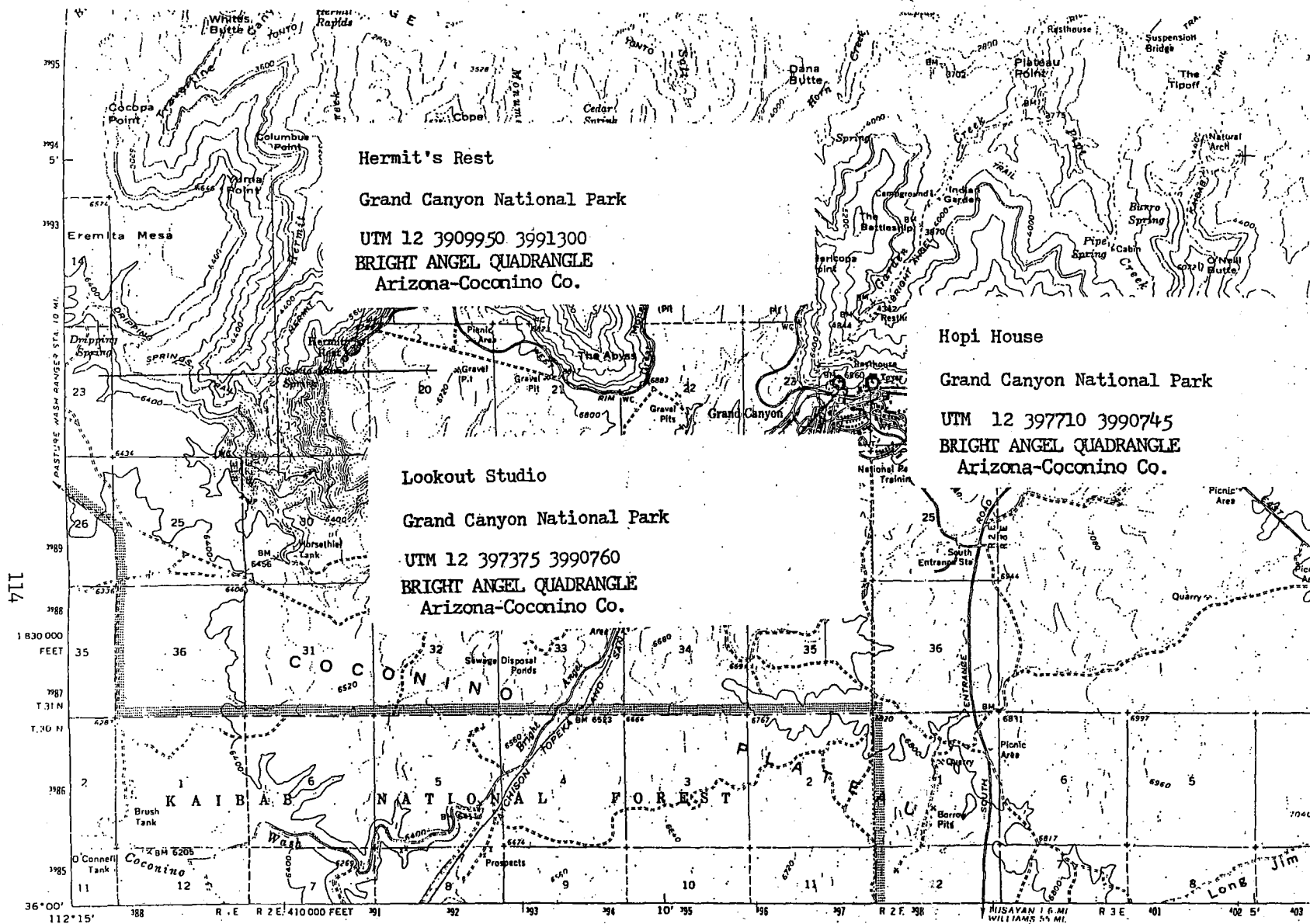
Boundaries

Hopi House. The boundary is a rectangle measuring 100 feet by 150 feet, centered on the building.

Hermit's Rest. The boundary, as shown on the enclosed sketch map, begins at a point at the southwest edge of the parking lot and runs southwest 260 feet, the northwest 200 feet to the canyon rim, then along the rim to a point 250 feet from the building's northeast corner, then back along the curb edge to the starting point.

Lookout Studio. The boundary is a square measuring 100 feet on each side, centered on the building.

Desert View Watchtower. The boundary begins at the curb at the northwest corner of the parking lot, then proceeds northwest 90 feet to the Canyon rim, then follows the rim edge northeast and then southeast to a point 262.5 feet northeast of the north corner of Building 1168 (the store), then 45 feet southwest to the north edge of the service road, then following the service road west to a point 20 feet northwest of the north corner of the trading post, then southwest 115 feet to the curb of the parking lot, then along the curb in a westerly direction to the starting point.



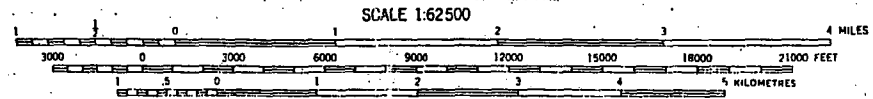
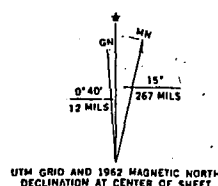
Mapped, edited, and published by the Geological Survey

Control by USGS and USC&GS

Topography by photogrammetric methods from aerial photographs taken 1954 and 1960. Field checked 1962

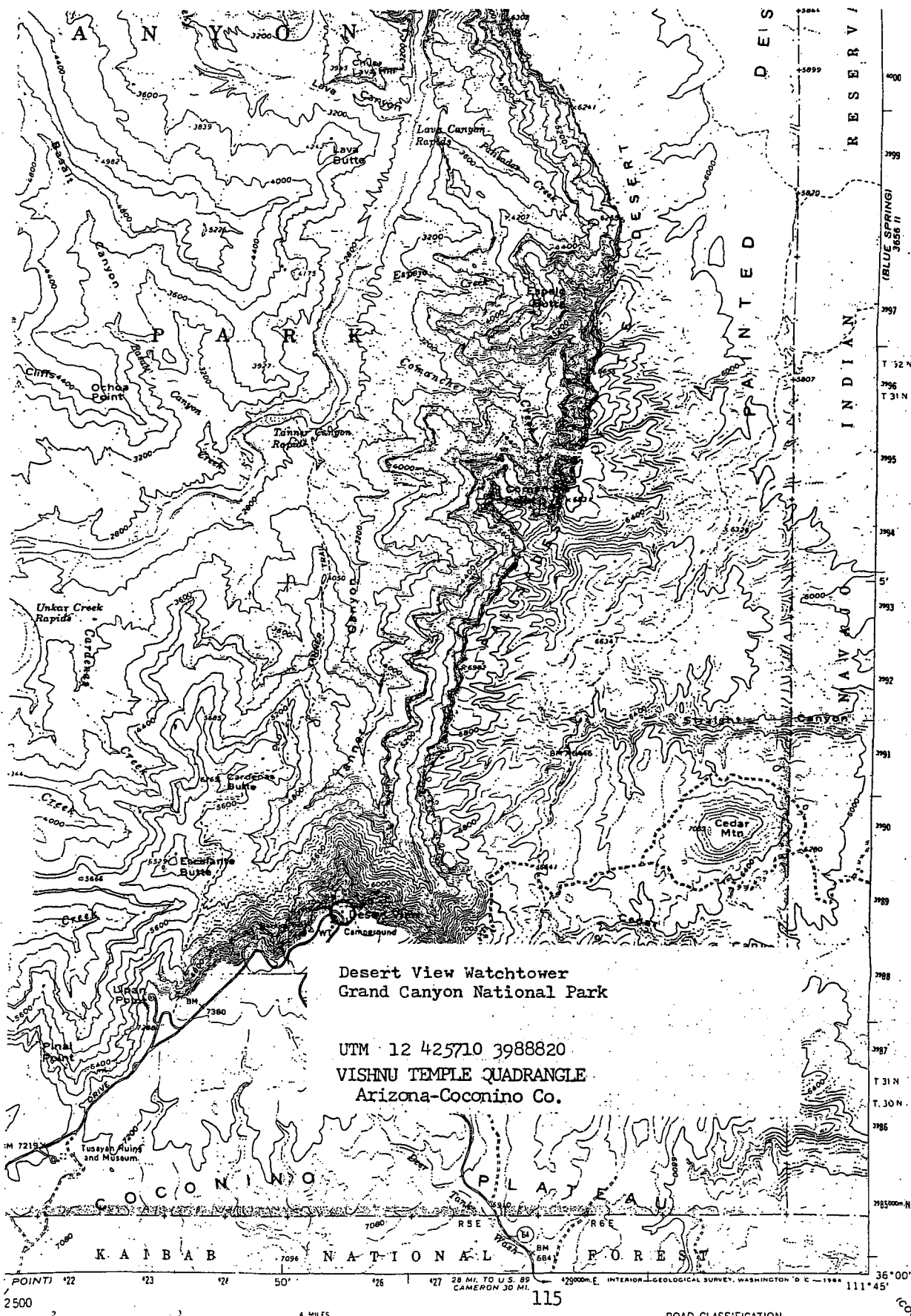
Polyconic projection. 1927 North American datum
10,000-foot grid based on Arizona coordinate system, central zone
1000-metre Universal Transverse Mercator grid ticks, zone 12, shown in blue

Where omitted, land lines have not been established

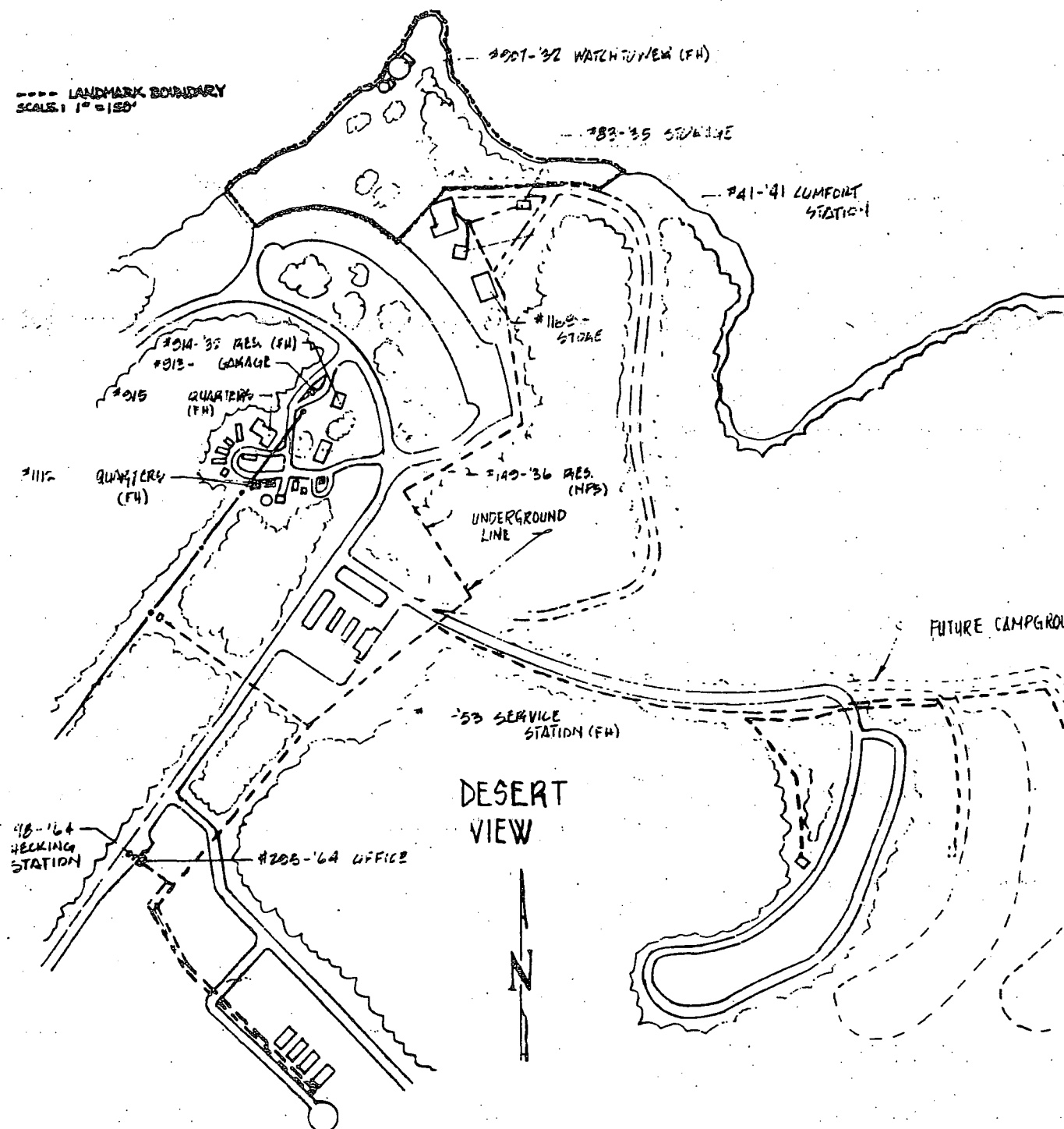


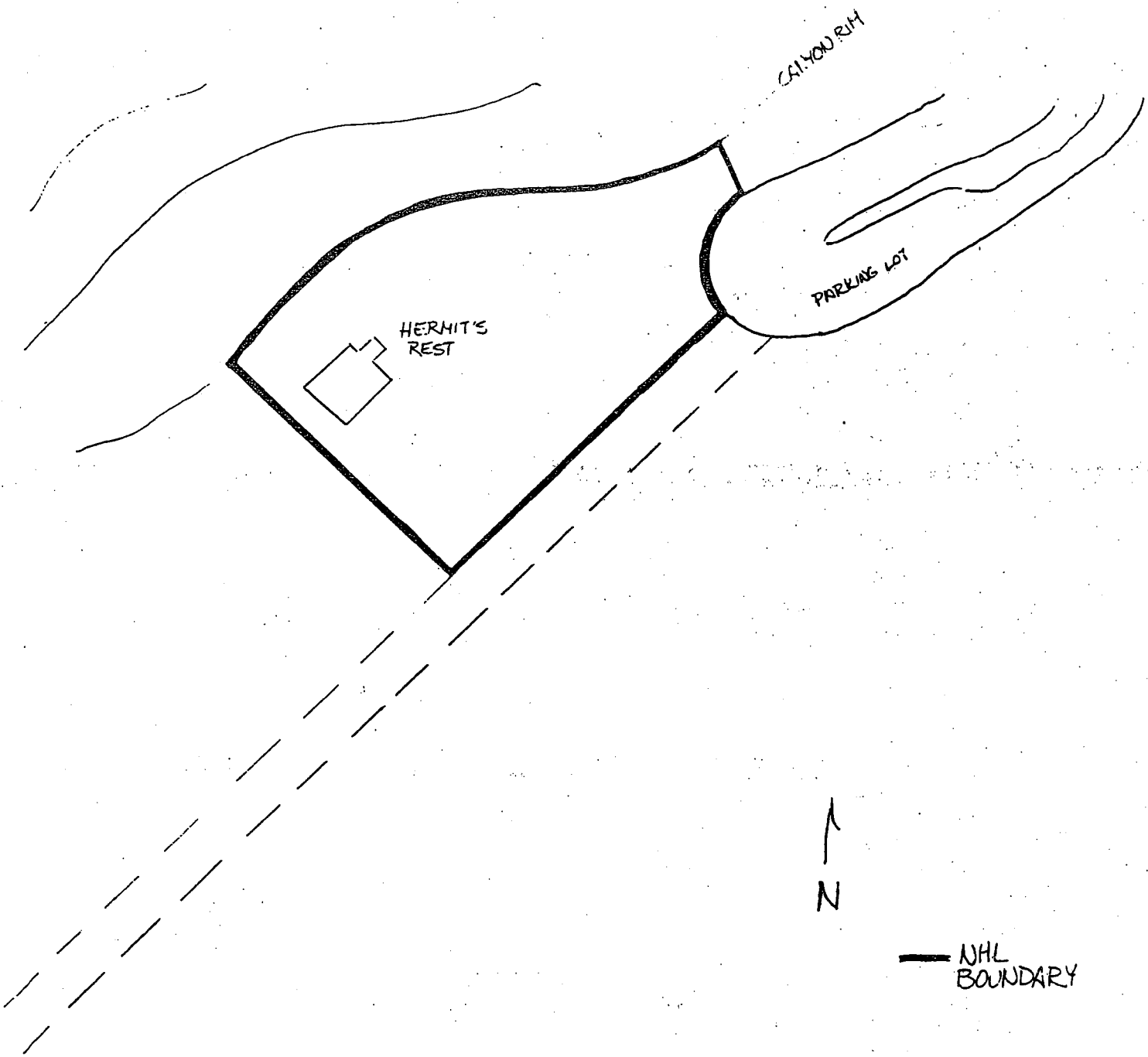
CONTOUR INTERVAL 80 FEET
DOTTED LINES REPRESENT 40-FOOT CONTOURS
NATIONAL GEODETIC VERTICAL DATUM OF 1929

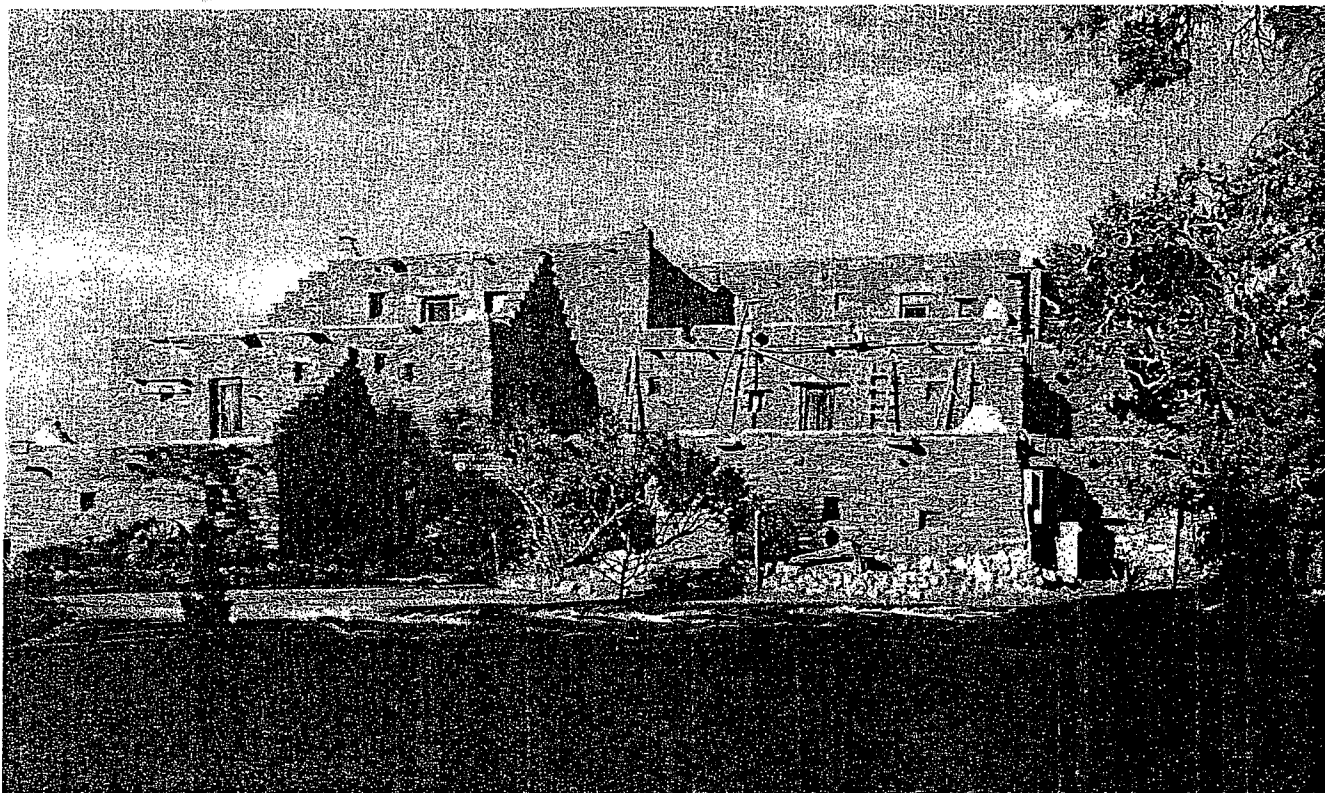
WITH NATIONAL MAP ACCURACY STANDARDS



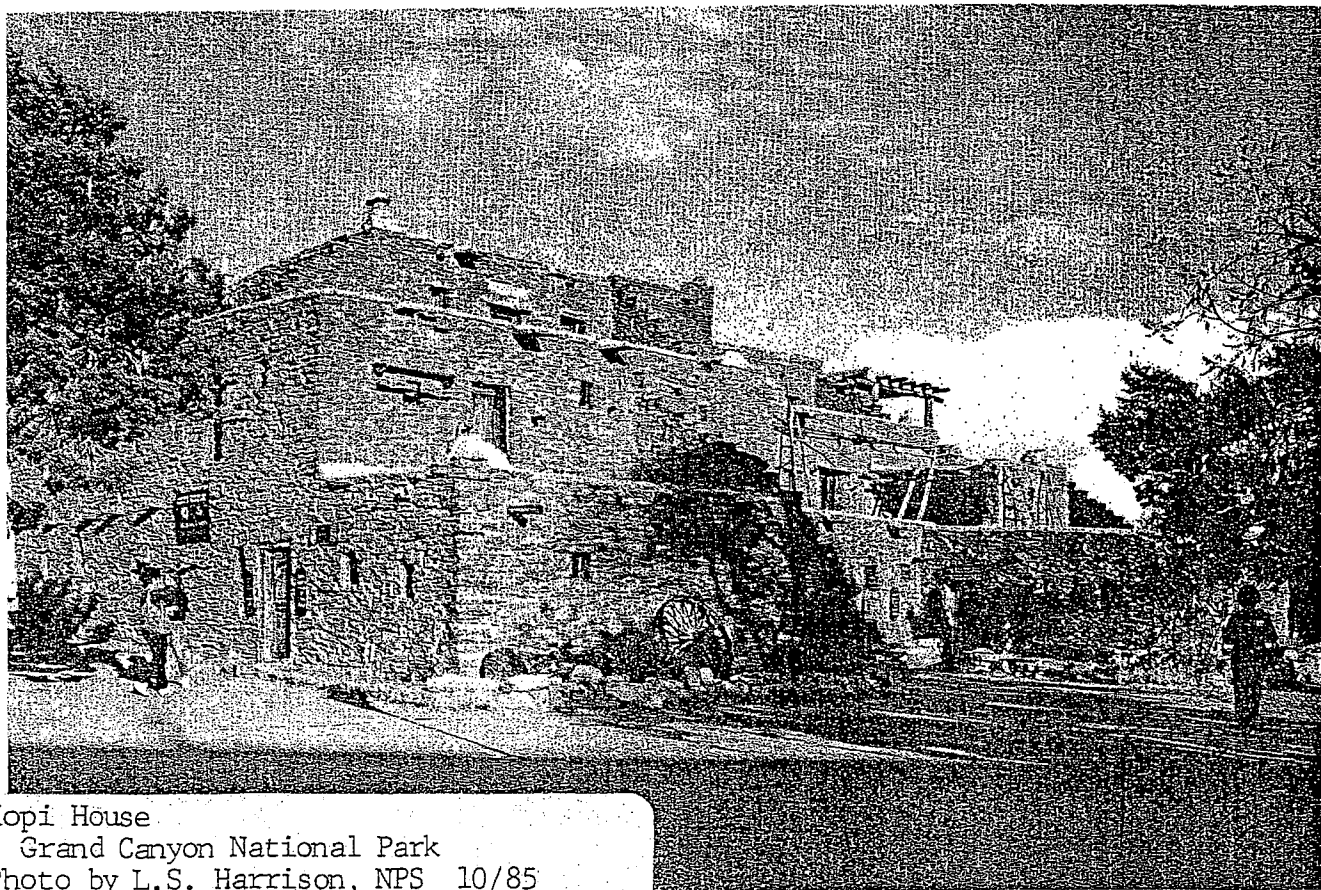
--- LANDMARK BOUNDARY
SCALE: 1" = 150'



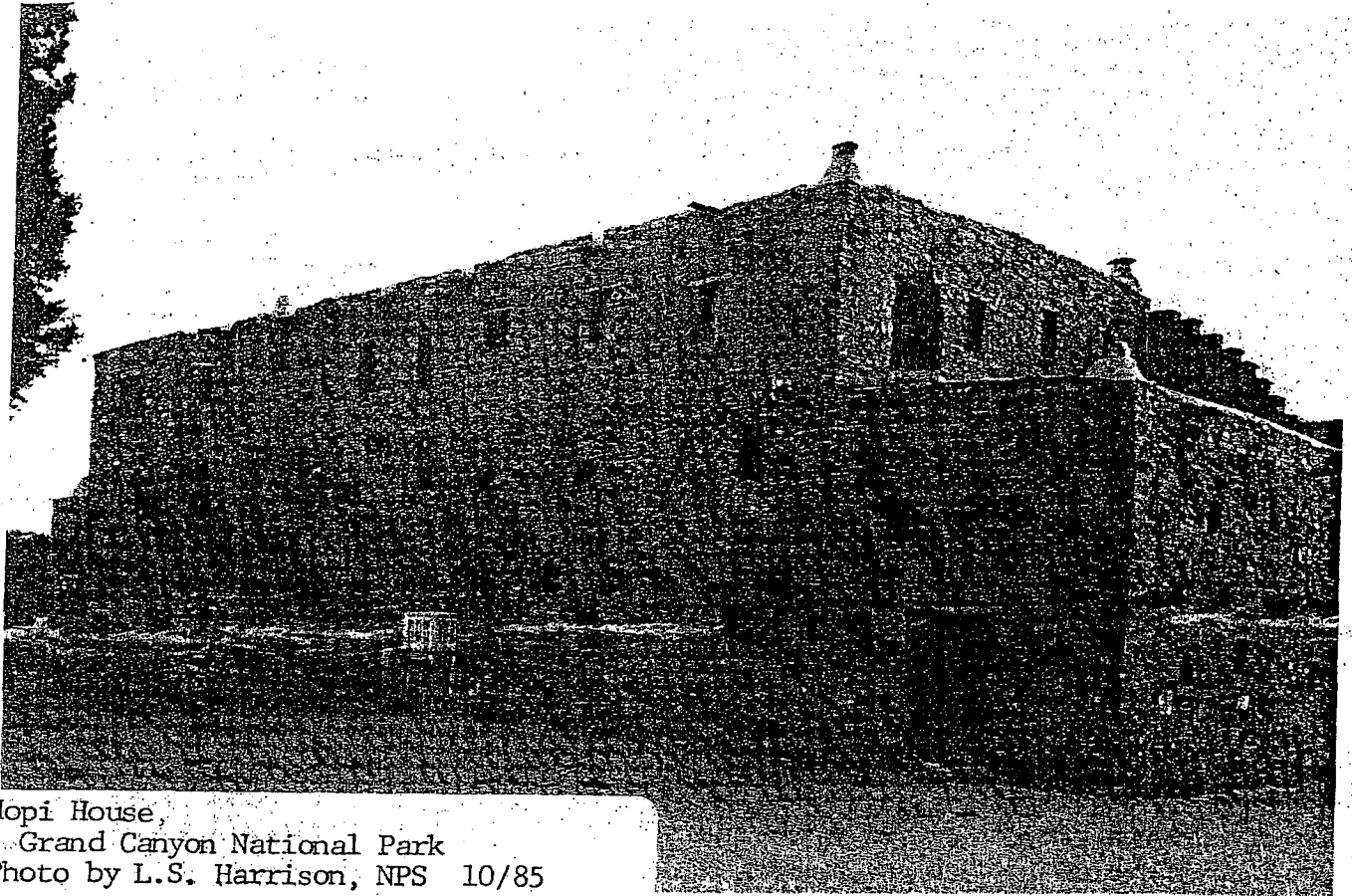




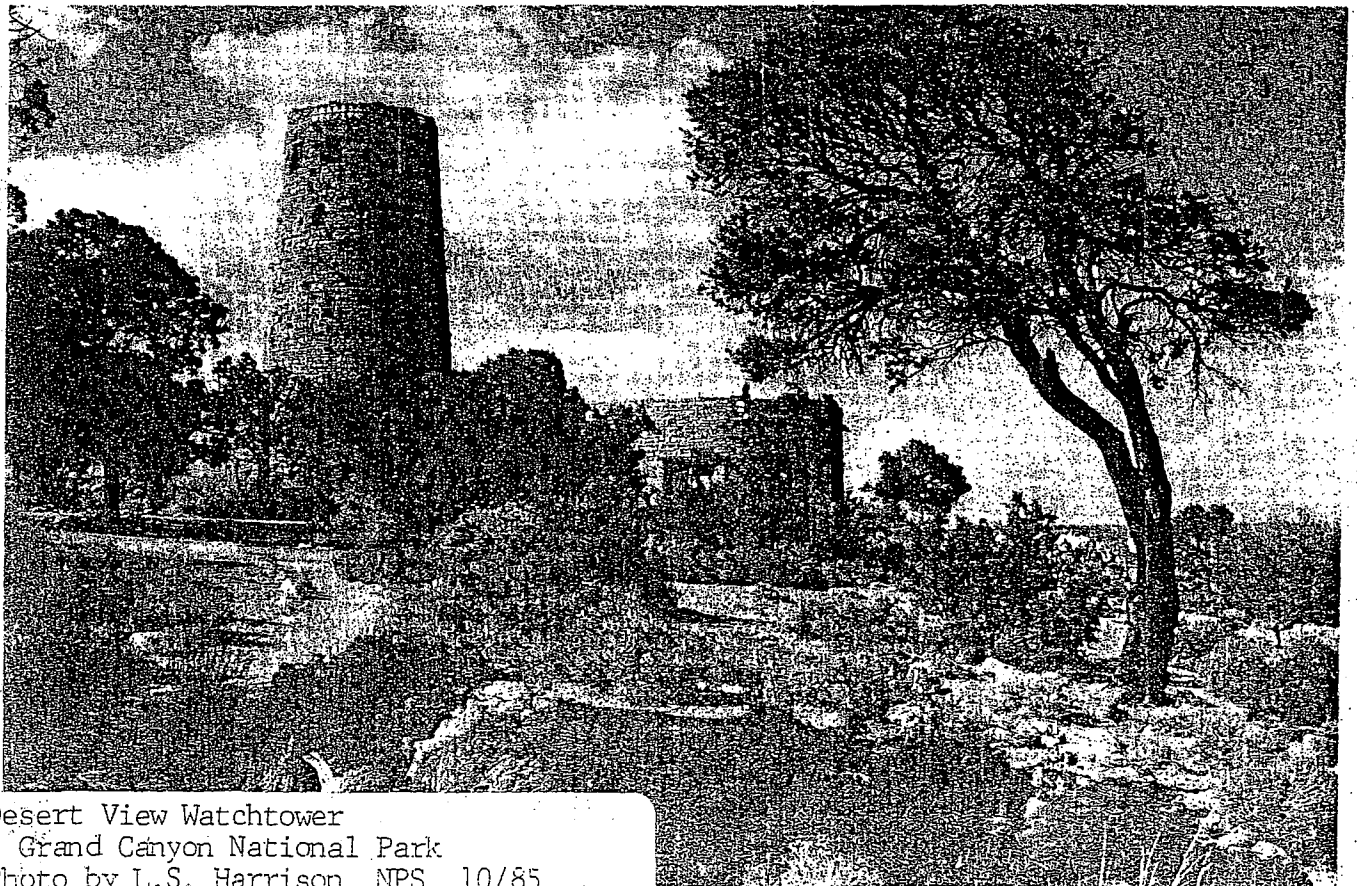
Hopi House
Grand Canyon National Park
Photo by L.S. Harrison, NPS 10/85



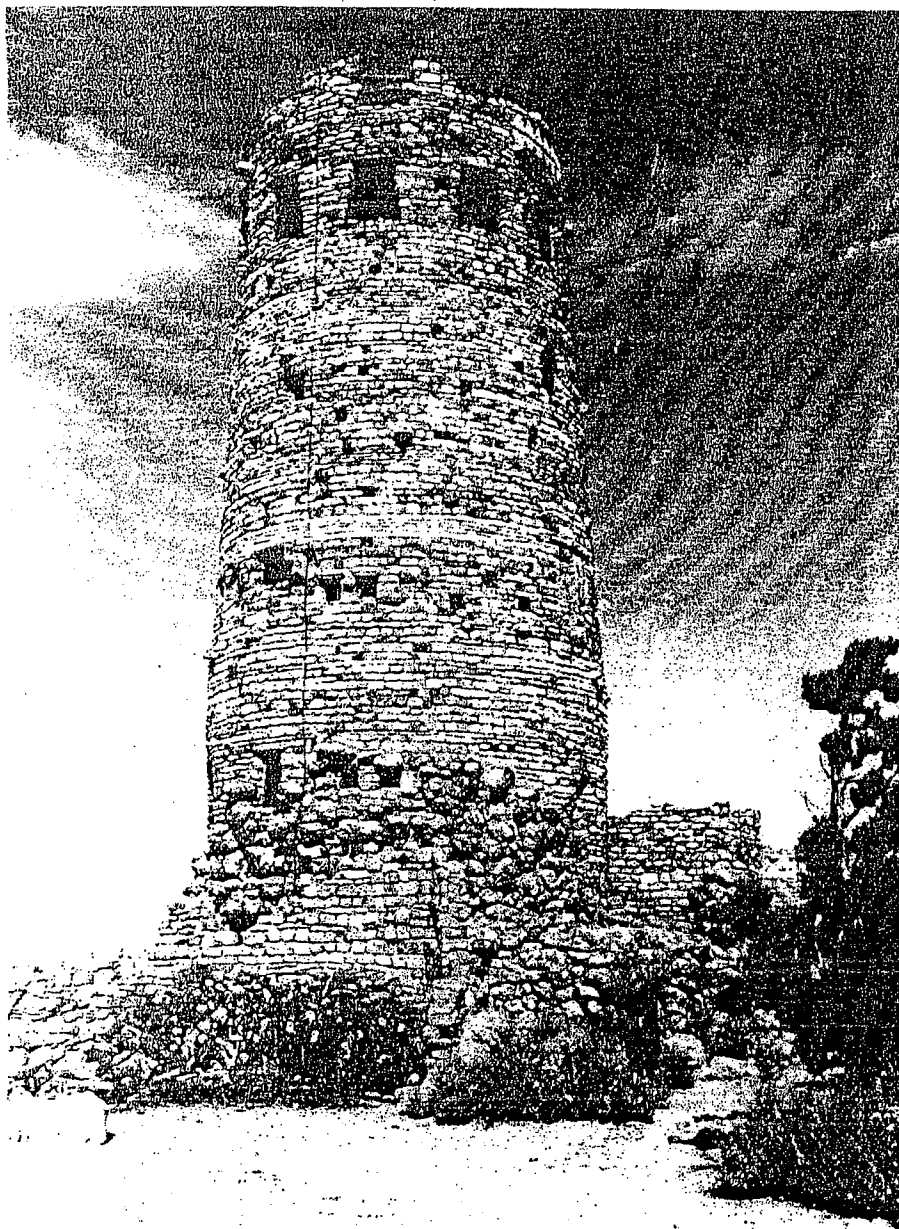
Hopi House
Grand Canyon National Park
Photo by L.S. Harrison, NPS 10/85



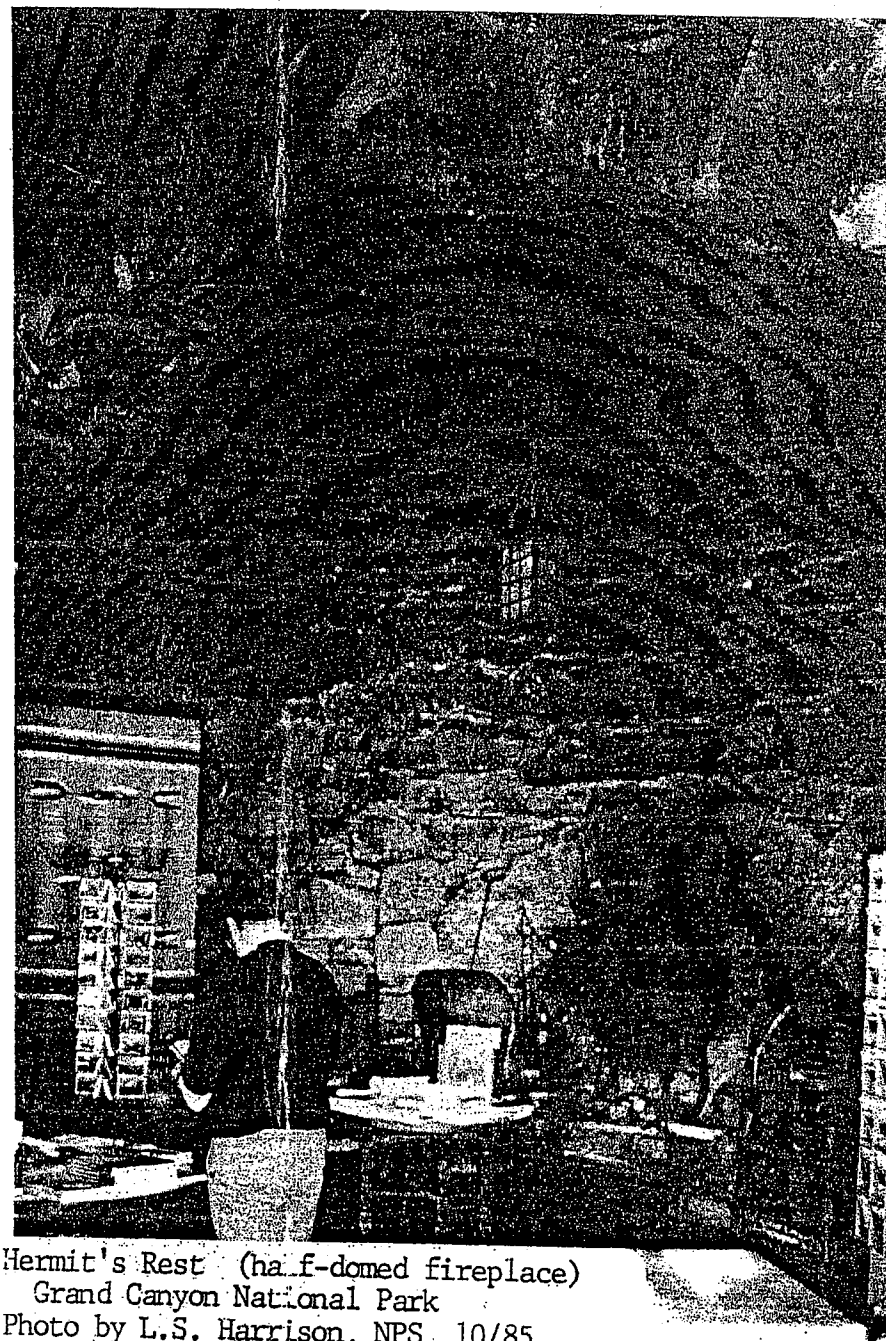
Hopi House,
Grand Canyon National Park
Photo by L.S. Harrison, NPS 10/85



Desert View Watchtower
Grand Canyon National Park
Photo by L.S. Harrison, NPS 10/85



Desert View Watchtower
Grand Canyon National Park
Photo by L.S. Harrison, NPS 10/85



Hermit's Rest (half-domed fireplace)
Grand Canyon National Park
Photo by L.S. Harrison, NPS 10/85



Hermit's Rest
Grand Canyon National Park
Photo by L.S. Harrison, NPS 10/85



Hermit's Rest
Grand Canyon National Park
Photo by L.S. Harrison, NPS 10/85



Marcia Keener/WASO/NPS
07/15/2003 01:41 PM

To: Chick Fagan/WASO/NPS@NPS
cc:
bcc:
Subject: Grand Canyon and the ACLU

Chick,

What type of response do you think is appropriate on these 2 points:

1) Plaques at GRCA?

Some thoughts are to send this part to the Supt. and ask for any response they may already be sending out already.

2) Naming of canyons?

Tell them the process and who to contact (once I find out)?

For the third question, I've got that licked, and I'm almost positive we are related somewhere along the way.

Marcia

----- Forwarded by Marcia Keener/WASO/NPS on 07/15/2003 01:41 PM -----



(b) (6) @aol.com
07/15/2003 12:49 PM
EDT

To: Marcia_Keener@nps.gov
cc:
Subject: Grand Canyon and the ACLU

Dear Marcia,

We have heard that the National Park Service acquiesced or gave in to ACLU's request to have removed three Plaques with verses from the Psalms, gifted to the Park 30 years ago by private funds.

We have also heard at the same time that the NPS is considering or has already given names of Hindu gods to certain canyons.

How can these actions be? Why would Christian Biblical verses be removed, presumably on the basis of Separation of Church and State violation, and then to name canyons after Hindu gods. This latter action is also a violation of Separation of Church and State.

Please give this message to Secretary Gayle Norton that we are very disappointed, concerned and disturbed if this is true about the removal of the Plaques and the naming canyons for Hindu gods. We have no reason actually to not believe this report. We, also, would hope the Secretary would order the Plaques to be replaced at the Grand Canyon where they'd been.

Respectfully yours,

K.Cannon
L.Powell
K.Cannon

A38 (GRCA 8211)

JUL 14 2003

Sister Daniella
Evangelical Sisterhood of Mary
9849 N 40 St.
Phoenix, Arizona 85028

Dear Sister Daniella:

Thank you for discussing the matter of the psalm plaques with me last Thursday. As you requested, we are returning the three plaques to you under separate cover.

You also asked that we provide a written explanation of our action.

Last winter, we received an inquiry about the plaques which caused us to carefully consider whether they are, or are not, appropriate in a federal facility.

We discussed the matter with our Solicitor, who informed us that federal courts have consistently ruled that the permanent installation of symbols or expressions of a particular religion on lands or buildings controlled by the federal government violates the Establishment Clause of the First Amendment of the United States Constitution. E.g., Separation of Church and State Comm. V. City of Eugene, 93 F.3d 617 (9th Cir. 1996), and Buono v Norton, 212 F. Supp. 2d 1202 (C.D. Calif. 2002).

It became clear that the psalm plaques were just such permanent expressions, and that we should remove them.

We recognize that, since the plaques were installed in the 1960's, many people have found them to be inspirational. We know that they were installed with the best of intentions, in full cooperation with our concessioner, the Fred Harvey Company.

On the other hand, the plaques have also brought a number of complaints and questioning over the years, the latest of which led us to our recent consideration, and this decision.

We appreciate your indulgence and your courtesy in this difficult matter.

Sincerely,

151

Kate Cannon
Deputy Superintendent

FNP:K.Cannon:lp:7/14/03:sister Daniella.doc
FC:lp:7/14/03

(b) (6)

Santa Clara, CA 95051

PS By the way, do you have relatives in the Pennsylvania area? Earl's father was born in Wumersdorff.

(0001)

JUL 18 2002

Sister Daniella
Evangelical Sisterhood of Mary
Canaan in the Desert
9849 North 40th Street
Phoenix, Arizona 85028-4099

Dear Sister Daniella:

I have recently learned of the discussions between you and officials of the National Park Service at Grand Canyon National Park concerning the placement with the park of three plaques that had been provided by the Evangelical Sisterhood of Mary in the 1960's.

I regret that further legal analysis and policy review did not take place prior to the removal of these plaques and their return to you. I would like to correct that situation. With your permission I would like you to return the plaques to our park officials so that they may be returned to their original location and condition. We will then promptly undertake the more in depth legal and policy review that should have taken place prior to these actions being taken.

There is no doubt that our Constitution and the various laws governing the National Park Service create very significant legal responsibilities that we must follow. It is just unfortunate that a resolution that had been in place for these many years could be upset without more care and attention to the balance that had been struck. I intend to exercise that care and attention and I would like to return to the historical situation that had been in place while we do that.

On a personal note, I regret and apologize for any intrusions that may be resulting from our actions. Speaking for all of the Department of Interior employees that have been concerned with this matter, I am sure that they have acted as devoted public servants trying to implement legal requirements as best they understood them and that we will regret any difficulties this may have presented to you and to the Evangelical Sisterhood of Mary. Please feel free to call me at 202-208-3818 or write me directly if you have any questions or would prefer to address this situation in a different way.

Sincerely,



Donald W. Murphy
Deputy Director

FNP:Dblackom:208-4621:07/18/03/my documents/sister daniella

*Sent to D. Cooker
1/12/04*



David Barna/WASO/NPS
07/21/2003 11:44 AM

To Mike Snyder/DENVER/NPS@NPS, Joe
Alston/GRCA/NPS@NPS, Rick Frost/DENVER/NPS@NPS,
Maureen Oltrogge/GRCA/NPS@NPS, Mallory
cc Pat Parker/WASO/NPS@NPS, Loran
Fraser/WASO/NPS@NPS, Chick Fagan/WASO/NPS@NPS,
David Barna/WASO/NPS@NPS, Elaine
bcc
Subject Decision on Grand Canyon

(0001)

Sister Daniella
Evangelical Sisterhood of Mary
Canaan in the Desert
9849 North 40th Street
Phoenix, Arizona 85028-4099

Dear Sister Daniella:

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Sincerely,

Donald W. Murphy

Deputy Director

FPN:Dblackom:208-4621:07/18/03/my documents/sister daniella



David Barna/WASO/NPS
07/22/2003 11:44 AM

To Elaine Sevy/WASO/NPS@NPS, Gerry
Gaumer/WASO/NPS@NPS, Carol
Anthony/WASO/NPS@NPS, Al Nash/WASO/NPS@NPS,

cc

bcc

Subject scheduled return of the plaques

----- Forwarded by David Barna/WASO/NPS on 07/22/2003 11:58 AM -----



Mallory Smith
07/22/2003 08:41 AM
MST

To: Don Murphy/WASO/NPS@NPS, Lisa
Mendelson-Ielmini/WASO/NPS@NPS, Mike
Snyder/DENVER/NPS@NPS, David Barna/WASO/NPS@NPS, Rick
Frost/DENVER/NPS@NPS

cc:

Subject: scheduled return of the plaques

I got a call last evening from Sister Pinea of the Evangelical Sisterhood of Mary communicating their plans to visit the park today and return the plaques to the NPS for re-installation. She said she understood that this was a "sensitive" issue and expressed her desire to return the plaques in a "low key manner" without news media if possible. We have put in place plans to meet the sisters when they arrive midday, and as they have asked, return the plaques in a low key manner to the three buildings - this afternoon and tomorrow morning if necessary.

Public Affairs Officer Maureen Oltrogge will be in contact with Dave and Rick on media or public information needs, as they come up.

We will let you know what transpires with the visit and when the work is complete.

Mallory Smith

Mallory Smith
Management Assistant to the Superintendent
Grand Canyon National Park
Phone: 928-638-7903
Fax: 928-638-7815

The National Park Service cares for special places saved by the American people so that all may experience our heritage.

EXPERIENCE YOUR AMERICA



Gerry Gaumer/WASO/NPS

08/28/2003 08:27 AM

To Chick Fagan/WASO/NPS@NPS, Sue Ellen
Wooldridge/SIO/OS/DOI@DOI, Maureen
Oltrogge/GRCA/NPS@NPS
cc David Barna/WASO/NPS@NPS

bcc

Subject For Review - GRCA Plaques

We are forwarding this draft response regarding the placement of inspirational plaques at Grand Canyon for your review. This letter will be used as standard language for future inquiries received about this issue. As regards the last paragraph of the letter, we were not sure of the process but thought that the Solicitor's office was reviewing this - if not please let us know. The final of this letter is due on September 5 - so we would appreciate your review ASAP. I will make sure that you get a hard copy of this draft as well as the electronic version.

Thanks for your help.

Please e-mail responses to myself and to Carol Anthony.



GRCAplaques.formletter.doc

Gerry Gaumer
NPS-Office of Communications
(202) 208-6843
(202) 219-0910 - FAX

The National Park Service cares for special places saved by the American people so that all may experience our heritage.

Dear XXX:

(b) (6)

Sincerely,



**Maureen
Oltrogge/GRCA/NPS**
08/28/2003 04:19 PM

To: Gerry Gaumer/WASO/NPS@NPS, Carol
Anthony/WASO/NPS@NPS
cc: Chick Fagan/WASO/NPS@NPS, David
Barna/WASO/NPS@NPS, Sue Ellen
Wooldridge/SIO/OS/DOI@DOI, Joe
bcc:
Subject: Re: For Review - GRCA Plaques

I think in this case less is better. (b) (5)

I would suggest something like:

Thank you for your recent inquiry to the National Park Service regarding the placement of religious plaques on three federally owned buildings within Grand Canyon National Park.

Following an inquiry earlier this year about the plaques, the park superintendent conducted a review of the issue which led to removal of the plaques. However, National Park Service Deputy Director Donald Murphy recommended that the plaques be reinstalled until further legal and policy review could be conducted by the Department of the Interior's Office of the Solicitor. Once that review has been completed and an opinion rendered, that information will be available to the public.

Thank you for your interest in this issue.

Sincerely,

Maureen Oltrogge
Public Affairs Officer
Grand Canyon National Park
(928) 638-7779

EXPERIENCE YOUR AMERICA

The National Park Service cares for special places saved by the American people so that all may experience our heritage.

Gerry Gaumer



Gerry Gaumer
08/28/2003 08:27 AM
EDT

To: Chick Fagan/WASO/NPS@NPS, Sue Ellen
Wooldridge/SIO/OS/DOI@DOI, Maureen Oltrogge/GRCA/NPS@NPS
cc: David Barna/WASO/NPS@NPS
Subject: For Review - GRCA Plaques

We are forwarding this draft response regarding the placement of inspirational plaques at Grand Canyon for your review. This letter will be used as standard language for future inquiries received about this issue. As regards the last paragraph of the letter, we were not sure of the process but thought that the Solicitor's office was reviewing this - if not please let us know. The final of this letter is due on September 5 - so we would appreciate your review ASAP. I will make sure that you get a hard copy of this draft as well as the electronic version.

Thanks for your help.

Please e-mail responses to myself and to Carol Anthony.



GRCPlaques.formletter.doc

Gerry Gaumer
NPS-Office of Communications
(202) 208-6843
(202) 219-0910 - FAX

The National Park Service cares for special places saved by the American people so that all may experience our heritage.

Dear XXX:

(b) (6)

Sincerely,

Oltrogge

September 3, 2003

Memorandum

To: David Barna, Director of Communications
From: Maureen Oltrogge, Public Affairs Officer
Subject: Comment Letters on Religious Plaques at GRCA

Dave, per our conversation last week, I am attaching comment letters that we received at GRCA on the removal of religious plaques. Although numerous comments were received, only those that are enclosed were seeking a response. Copies of these letters as well as others not seeking a response will be maintained at the park.

It is our understanding that a letter will be sent from your office in response to the attached letters. Once completed, we would appreciate receiving a copy of the letter for our files.

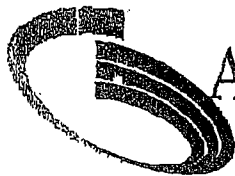
Dave, we appreciate all of the assistance we have received from you and your staff on this issue. Should you have any questions, please don't hesitate to contact me at (928) 638-7779.

BM

Maureen Oltrogge

Attachment

FNP:MOltrogge:mo:FNL09.03.02:RelPlaques



Alliance Defense Fund

cc. Pete
Randy M
Hugo
Pam B.

d. Sue Ellen

FYI

0051018

11/6/04

Gary S. McCaleb
Legal Counsel15333 N. Pima Road, Suite 165
Scottsdale, Arizona 85260

PHONE: 480-444-0020

FACSIMILE: 480-444-0028

E-MAIL: gsmccaleb@alliancedefensefund.org

December 11, 2003

Ms. Fran P. Mainella
United States Department of the Interior
National Park Service
1849 C Street, N.W.
Washington, D.C. 20240Molly Ross - Propaganda
+ Steve H. (Propaganda)
cc. Randy

Dear Ms. Mainella:

Thank you for your letter of September 22, 2003, which explained that the three plaques donated by the Evangelical Sisterhood of Mary were recently reinstalled to their original locations in Grand Canyon National Park (Park). The Evangelical Sisterhood of Mary has requested the Alliance Defense Fund Law Center (ADFLC) to contact you regarding the future display of the plaques at the Park. The ADFLC is a public interest law firm that specializes in eliminating discriminatory barriers to religious expression. We attempt to resolve unconstitutional restrictions through education, dialogue, and, if required, litigation. It is our goal that this information will assist your department in its pending legal and policy review.

STATEMENT OF FACTS

The Evangelical Sisterhood of Mary has a history of marking many of the world's best known scenic spots with plaques that reflect a religious view of the surrounding vista. Today, there are more than 2,000 plaques posted in about 30 countries.

During the summer of 1970, several Sisters traveled to the Grand Canyon. While they were there, the Sisters approached an employee of the souvenir shop to ask permission to mount three plaques on buildings within the Park. The employee directed the Sisters to the Park Service, but it was after five o'clock p.m., so the office was closed and a park ranger could not be found. In one last attempt, the Sisters returned to the souvenir shop and were directed to the manager of the Fred Harvey Company, a former Park concessionaire. In response to the Sisters' request, the manager responded enthusiastically and personally authorized the Sisters to mount the plaques and provided his card to show his support. When the Sisters returned to mount the plaques, an employee of the souvenir shop objected, but after seeing the card supplied by the manager, permitted the Sisters to complete their task.

For over thirty years, the plaques were unobtrusively displayed outside these buildings. Many park visitors have enjoyed the plaques, as evidenced by such comments as, "The plaques

12/22/03

put into words the awesome feeling that overwhelms one as he experiences the beauty of that place," and "[M]illions through the world, have been inspired by the Praise Plaques." On occasion, the Sisters would visit the Park and clean the plaques. Even though the plaques were appreciated by many, the plaques were removed on July 9, 2003, in response to an inquiry by an employee of the ACLU. The Park Service unexpectedly notified the Sisters by telephone of the Park's decision to remove the plaques. The Sisters requested and received written notice of this decision.

The removal of the plaques, however, generated public and congressional displeasure. Dennis Prager, *A Grand Victory at the Grand Canyon*, at <http://www.townhall.com/columnists/dennisprager/dp20030805.shtml> (last visited Nov. 25, 2003) (overwhelming response from secular as well as religious Americans who were in favor of the plaques). The plaques were invited back to their original locations at the Park, pending a legal and policy review within the Department of the Interior. This letter is intended to facilitate that review and demonstrate that the plaques may be lawfully displayed.

LEGAL ANALYSIS

A. THE PLAQUES ARE PRIVATE RELIGIOUS SPEECH THAT IS PROTECTED BY THE FIRST AMENDMENT

The National Park Service allows concessioners to provide visitor services within the Park. Under the terms of concession contracts, the Director of the National Park Service assigns the concession facilities to the concessioner. (Amfac Resorts, L.L.C. Concession Contract ("Contract") Sec. 8(a)(1).) As a former concessioner and assignee at the Park, the Fred Harvey Company had a property interest in the buildings where the plaques were mounted. Therefore, the Fred Harvey Company possessed expressive rights in its assigned interest that enabled the company to mount the plaques within the Park.

Moreover, while the exact agreement between the Fred Harvey Company and the National Park Service is not known, the current concession contract between the Grand Canyon National Park and the Amfac Resorts, L.L.C., protects the plaques provided to the Fred Harvey Company by the Evangelical Sisterhood of Mary. Under the terms of the contract, the concessioner will provide certain existing property of historic or other significance. (Contract Sec. 8(e)(2).) "This Historic Personal Property is intrinsic to the historic and cultural values of the Area, and may include artistic, historic or cultural artifacts." (*Id.*) In addition, the Contract provides that "[t]he Concessioner shall be responsible for maintaining this Historic Personal Property as necessary to keep it in service, available to the public, and in good and operable condition." (*Id.*) The Contract also states that the "Historic Personal Property shall be transferred to the successor concessioner" at the expiration or termination of the contract. (*Id.*) As a result of this contract provision, the plaques are protected as "Historic Personal Property."

The 2001 National Park Service Management Policies ("Policies") also protect the plaques provided to the Fred Harvey Company by the Evangelical Sisterhood of Mary. Under Chapter 9 of these policies, the plaques constitute "pre-existing commemorative works" and should be protected because they have "existed in the parks long enough to qualify as historic

features." (Policies 9.6.4.) "[T]he term 'commemorative work' means any . . . plaque designed to perpetuate in a permanent manner the memory of a person, group, event, or other significant element of history." (Policies 9.6.1.) According to section 9.6.4, commemorative works, such as the three Grand Canyon plaques, may not be removed:

Many commemorative works have existed in the parks long enough to qualify as historic features. A key aspect of their historical interest is that they reflect the knowledge, attitudes, and tastes of the persons who designed and placed them. These works and their inscriptions will not be altered, relocated, obscured, or removed, even when they are deemed inaccurate or incompatible with prevailing present-day values. Any exceptions require specific approval by the Director.

(*Id.* (emphasis added))

As the concession contract makes clear, the plaques are private speech protected by the First Amendment. Further, they have served as "commemorative works" in the Park for over thirty years. Because a reasonable observer is charged with knowledge of the government's policy, a reasonable observer of the plaques is charged with knowledge of the Park's "commemorative works" policy. *See Texaco, Inc. v. Short*, 454 U.S. 516, 531-32 (1982). Therefore, a reasonable observer would not believe that the plaques constitute an endorsement of religion by the Park. Under these circumstances, the Establishment Clause does not require the removal of the plaques.

It is well established that the Constitution protects the religious speech of private individuals under the First Amendment. *See, e.g., Heffron v. Int'l Soc'y for Krishna Consciousness, Inc.*, 452 U.S. 640 (1981); *Niemotko v. Md.*, 340 U.S. 268 (1951); *Sala v. N.Y.*, 334 U.S. 558 (1948). Because of this, the Constitution prohibits governmental entities from suppressing or excluding the speech of private individuals solely because their speech is religious or contains a religious perspective. *Rosenberger v. Rector & Visitors of Univ. of Va.*, 515 U.S. 819, 831 (1995) (Religion is a specific viewpoint.) The Supreme Court has stated:

Our precedent establishes that private religious speech, far from being a First Amendment orphan, is as fully protected under the Free Speech Clause as secular private expression. . . . Indeed, in Anglo-American history, at least, government suppression of speech has so commonly been directed *precisely* at religious speech that a free-speech clause without religion would be Hamlet without the prince.

Capitol Square Review and Advisory Bd. v. Pinette, 515 U.S. 753, 760 (1995). Therefore, the Park should permit the continued display of the plaques as constitutionally protected private speech.

B. THE DISPLAY OF THE PLAQUES DOES NOT CONSTITUTE AN ESTABLISHMENT OF RELIGION

Even if the plaques are governmental religious displays, rather than private speech, the National Park Service may continue to permit the display of the plaques without offending the

Constitution. To determine the constitutionality of governmental religious displays, lower courts evaluate whether the religious display passes the Supreme Court's three-prong *Lemon* test. *Bridenbaugh v. O'Bannon*, 185 F.3d 796, 802 (7th Cir. 1999), *cert. denied*, 529 U.S. 1003 (2000). Under the *Lemon* test, courts will inquire "whether the challenged law or conduct has a secular purpose, whether its principal or primary effect is to advance or inhibit religion, and whether it creates an excessive entanglement of government with religion." *Lynch v. Donnelly*, 465 U.S. 668, 679 (citing *Lemon v. Kurtzman*, 403 U.S. 602, 612-13 (1971)). In addition to the *Lemon* test, courts often look to the endorsement test, which asks whether a reasonable observer would believe that the governmental display constitutes an endorsement of religion by the government. *Adland v. Russ*, 307 F.3d 471, 479-80 (6th Cir. 2002) (citing Justice O'Connor's concurrence in *Lynch*).

Under the endorsement test, Justice O'Connor has also stated that the "history and ubiquity" of a practice is relevant "because it provides part of the context in which a reasonable observer evaluates whether a challenged governmental practice conveys a message of endorsement of religion." *County of Allegheny v. ACLU*, 492 U.S. 573, 630-631 (1989). In upholding the display of a religious plaque, the Third Circuit stated that the "age and history" of the Ten Commandments plaque, which was displayed by itself on the façade of a county courthouse, "provide a context which changes the effect of an otherwise religious plaque." *Freethought Soc., of Greater Philadelphia v. Chester Co.*, 334 F.3d 247, 264 (3d Cir. 2003). The court noted:

[T]he reasonable observer, aware of the history of these invocations of God, views the religious language as tempered by the secular meaning that has emerged over the passage of time; the overall effect is that the reasonable person would not perceive in these phrases a government endorsement of religion (despite the clear use of the word "God").

Id.

In this case, a reasonable observer would not perceive the three plaques as a government endorsement of religion. The "history and ubiquity" of the plaques provide context that demonstrate that the plaques commemorate the magnificence of the Grand Canyon from the religious perspective of the Evangelical Sisterhood of Mary and the concessionaire. The plaques have been undisturbed for over thirty years and are maintained by the Sisters, not the Park Service. While the plaques refer to "God" and the "Lord," these phrases do not constitute government endorsement, but merely "reflect the knowledge, attitudes, and tastes of the persons who designed and placed them." (Policies 9.6.4.) To remove any doubt, the Park Service could place additional plaques beneath the Sisters' plaques that indicates that the plaques are "pre-existing commemorative works" and do not constitute an endorsement by the Park Service of any religion. See, e.g., *Pinette*, 515 U.S. at 769 (Disclaimer is effective to dispel misconception that private speech is public sponsorship.).

In its letter to the Sisters, the Park Service noted the Ninth Circuit decision, *Separation of Church and State Committee v. City of Eugene*, in which the court held that a fifty-one foot Latin cross, located on a butte in a public park, violated the Establishment Clause. 93 F.3d 617, 619 (9th Cir. 1996). The facts in *City of Eugene* are inapposite to this case. Under the endorsement

test, there is a vast difference to a reasonable observer in the government displaying a cross on the crest of a butte, illuminated with neon lights on holidays, and three small plaques, visible only upon close inspection that offer a religious perspective on the Park's features. While the City of Eugene placed a plaque beneath the cross designating it a war memorial, a reasonable observer who viewed the cross from a distance may not see the disclaimer plaque and could reasonably perceive the cross as an endorsement of religion. If the park service were to place a disclaimer plaque beneath the Sisters' plaque, however, all observers who viewed the plaque would be simultaneously informed that the plaques are not a government endorsement of religion.

In removing the Grand Canyon plaques, the park service also pointed to the California district court decision, *Buono v. Norton*, 212 F.Supp.2d 1202 (C.D. Cal. 2002), in which the court held that the government display of a cross violated the Establishment Clause. In *Buono*, the religious display at issue was a five to eight foot latin cross that was "mounted on the top of a prominent rock outcropping" within a Preserve. 212 F.Supp.2d at 1205. The cross was "visible to vehicles traveling on the road from a distance of approximately 100 yards," and was not accompanied by a plaque that indicated the cross was a memorial for soldiers. The *Buono* court noted, "The latin cross is the preeminent symbol of Christianity. It is exclusively a Christian symbol, and not a symbol of any other religion." *Id.*

In this case, the Grand Canyon plaques do not represent the "preeminent symbol of Christianity" and, therefore, do not promote the message represented by the cross. In fact, many Christians and non-Christians view passages from the book of Psalms, such as that featured on the Grand Canyon plaques, as historic literature or poetry, not merely religious text. A reasonable observer would not perceive the Grand Canyon plaques as government endorsement of religion.

Even if the language on the plaques is considered purely religious text, the plaques are not prohibited by the Constitution. The Constitution does not require complete separation of religion and government. The Establishment Clause of the First Amendment merely requires the state to be neutral in its relations with religious believers and non-believers; it does not require the state to be their adversary. *Everson v. Bd. of Educ.*, 330 U.S. 1, 18 (1947). In fact, the Constitution "affirmatively mandates accommodation, not merely tolerance, of all religions, and forbids hostility toward any." *Lynch v. Donnelly*, 465 U.S. 668, 673 (1984). "State power is no more to be used to handicap religions, than it is to favor them." *Everson*, 330 U.S. at 18. As the Fifth Circuit has explained:

The guiding principle is government neutrality toward religion in the sense that a state cannot favor religion over non-religion or one religion over another. Yet neutrality is not self-defining. It does not demand that the state be blind to the pervasive presence of strongly held views about religion with myriad faiths and doctrines. Nor could it do so. Religion and government cannot be ruthlessly separated without encountering other First Amendment constraints, including its guaranty of the free exercise of religion. Such hostility toward religion is not only not required; it is proscribed.

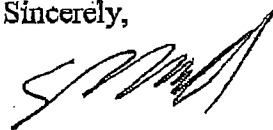
Van Orden v. Perry, No. 02-51184, 2003 WL 22664490, at *3 (5th Cir. 2003).

In this case, the National Park Service should not attempt to "ruthlessly separat[e]" the Park from the religious expression of the Sisters and the former concessionaire. The Park should recognize the strong conceptual distinction between the government mutely exhibiting the "preeminent symbol" of Christianity, as in *City of Eugene*, and the government using religious speech to comment on history and the natural surroundings of a place as magnificent as the Grand Canyon. See, e.g., *King v. Richmond County*, 331 F.3d 1271, 1286 (11th Cir. 2003) (State seal did not violate the Establishment Clause despite its inclusion of a depiction of the Ten Commandments.); *ACLU v. Capitol Square Review Advisory Bd.*, 243 F.3d 289, 291 (6th Cir. 2001) (State motto, "With God, All Things Are Possible," did not violate the Establishment Clause, even if a reasonable observer would know that it is derived from the New Testament.); *Murray v. City of Austin, Tex.*, 947 F.2d 147, 156 (5th Cir. 1991) (Seal depicting Latin cross with three crosslets, which was part of a historic coat of arms, did not violate the Establishment Clause). Therefore, the Park Service should continue to permit the display of the plaques as private speech that attests to the natural surroundings of the Park.

CONCLUSION

The Constitution does not require government officials to obliterate the religious expression of the Sisters or of the concessionaire by removing the plaques from Grand Canyon National Park. The plaques are private religious speech that is protected as "Historical Personal Property" under the current concession contract and as a "pre-existing commemorative work" under the applicable National Park Service policies. Even were the plaques government speech, they would not constitute government endorsement of religion because a reasonable observer of the plaques would perceive them as poetic attestations of the magnificence of the Grand Canyon. It is the hope of the Alliance Defense Fund that this letter will help dispel the confusion about the requirements of the Establishment Clause that prompted the unnecessary removal of the plaques last summer. We would be pleased to render our assistance as necessary to defend this proper accommodation of religious expression.

Sincerely,



Gary S. McCaleb

DRAFT – NOT FOR PUBLIC DISTRIBUTION – 01/15/04
Religion on Display in the National Parks

Issue: **Grand Canyon plaques**

Background: Three bronze plaques bearing biblical verses have been on public display since about 1960. The plaques were donated by the Evangelical Sisterhood of Mary and installed by the hotel operator.

Status: In July 2003, the Grand Canyon superintendent received a note from ACLU asking about the plaques. He conferred with DOI Solicitor in Denver and decided to have the plaques taken down and returned to the Sisters. Deputy Director Don Murphy determined that the decision needed review by other authorities. Murphy had the plaques returned and reinstalled to maintain the status quo until a final decision is made.

In a letter to the Evangelical Sisterhood of Mary, the group sponsoring the plaques, Murphy apologized for “any intrusion resulting from” the temporary removal of the plaques quoting Psalms 68:4, 66:4 and 104:24 and pledged “further legal analysis and policy review” before any new action is taken.

The matter is being referred to the DOI Office of Legal Counsel. There are “separation of church and State” issues in this case and the NPS wants guidance from a higher authority. In addition, many people believe that since the plaques had been in-place for over 40 years, they have become part of the historical resources of the park and should remain.

Issue: **Lincoln Memorial interpretive film**

Background:

The Lincoln Memorial serves two basic purposes. It celebrates the life and accomplishments of President Lincoln. In addition, the grounds of the Memorial have been the site of numerous first amendment rights demonstrations and other gatherings since it was dedicated in 1922. Twelve years ago the interpretive staff developed an eight- minute film that documented various activities that took place on the memorial grounds. The footage includes gatherings on African American civil rights, Dr. King’s, famous speech, gay and lesbian rights issues, abortion rights activists and Vietnam War protestors.

Concern about the possible “leftist political agenda” of the film has been raised by some private citizens, conservative groups, and the conservative media. Traditionally, civil rights protests have taken place on the Lincoln Memorial end of the National Mall in Washington, DC. First Amendment rights gatherings in support of “conservative” political issues are typically held on the U.S. Capitol end on the National Mall. Groups apply for permits with the NPS and choose the location that they are interested in.

Therefore, any historically accurate film highlighting activities at the Lincoln Memorial could be viewed as politically “one-sided”.

Status:

The National Park Service has agreed to modify and update the film. The original film, which is still being shown, was produced on old videodisc technology. The updated film will be converted to a VHS format.

NPS is not removing scenes of protestors. We are adding footage of other events that have taken place at the memorial. We are adding footage of every American President who has visited the memorial since its construction in 1922, footage of the millennium celebration on New Year’s Eve 1999, the annual Lincoln birthday celebration, and footage of the Desert Storm victory parade.

The footage of the first amendment rights demonstrations that celebrated African American civil rights, abortion rights, and gay & lesbian rights will still appear in the film, which will now be longer than the original eight minutes. We hope to have the new film, being produced by the Harper’s Ferry Center, available in February 2004.

Issue: Mojave Cross, Mojave National Preserve, California

Background:

The Park Service is also engaged in an extended legal battle to continue displaying an eight-foot-tall cross, planted atop a 30-foot-high rock outcropping in the Mojave National Preserve in California. The cross was placed on the property decades ago to honor World War I veterans. The Preserve became part of the NPS in 1994.

Status:

Former Park Service manager Frank Buono filed suit to force removal of the cross. That suit is now pending before the U.S. Ninth Circuit Court of Appeals. In addition, Congress is considering land swap legislation that would effectively take the cross out of the preserve and off of Federal land.

Issue: Grand Canyon book “A Different View”

Background:

This book by Tom Vails claims that the Grand Canyon is really a few thousand years old, developing on a biblical rather than an evolutionary timeframe. This book is for sale in the Grand Canyon bookstore, operated by a cooperating association. Park staff originally approved the book, but others have raised issues and suggest that the book should be removed.

Status:**Religion in the Parks**

We cannot tell the story of the history of the Nation without including the role that religion has played. Religious structures and symbols exist throughout the National Park System.

There are **permanent** structures that have historical significance to the history of the parks.

Examples include:

Devil's Tower National Monument in Wyoming, also known as "Bear Lodge", continues to play an important religious role to Native Americans.

Yosemite National Park includes a small chapel still used for weddings and other religious celebrations.

San Antonio Missions National Historical Park includes four Spanish Missions built by the Catholic Church in the 1700's.

Boston's Old North Church played an important part in America's revolutionary war and is included in the NPS.

Kalaupapa National Historical Park, Hawaii includes the Catholic Church used by Father Damian.

We also find **temporary** religious activities in parks that take place under our First Amendment Rights.

Examples include wedding ceremonies and Christmas trees & nativity scenes at the White House.

The National Park Service welcomes and celebrates the role that religion has played in America's history.

Science in the Parks

Our current policies and direction to park staff require teaching of the latest scientific methods for explaining the formation of geologic features in the parks. These methods are endorsed by the National Academy of Sciences, the National Science Foundation, and numerous professional scientific organizations.

We use these scientific explanations in our interpretive talks, visitor center films, wayside exhibits and other teaching opportunities.

While these bookstores support the interpretive themes of our parks, they also include other materials. The bookstores have offered inspirational books and texts based on Native American beliefs for many years. We recognize that other people have different belief systems. We are open to other opinions and respect other people's beliefs.

But we chose to teach the scientific explanation of the formation of geologic structures.

For example, there are at the least three beliefs in how Crater Lake in Oregon was formed. Native Americans and creationists have a viewpoint. The NPS teaches the scientific viewpoint that the crater is the remnant of millions of years of volcanic activity and erosion.

At Devils Tower in Wyoming, Native American's tell the story of a large bear clawing the striations into the mountain. We teach that these features are the result of the cooling of volcanic lava.

In a similar fashion, most public libraries in the U.S. include Native American texts and creationist books. But this does not mean that the local school system teaches from these texts, or that the local Government endorses these views.

We recognize that this diversity of opinion exists, we celebrate the freedom of religion that this country was founded on. Therefore, we believe that our bookstores can offer other viewpoints without jeopardizing our interpretive programs.



David Barna

02/02/2004 03:52 PM
EST

To: David Barna/WASO/NPS@NPS, Elaine Sevy/WASO/NPS@NPS, Carol Anthony/WASO/NPS@NPS, Gerry Gaumer/WASO/NPS@NPS, Rick Lewis/WASO/NPS@NPS, Frances Cherry/WASO/NPS@NPS, Terry Hall/WASO/NPS@NPS, Rosa Wilson/WASO/NPS@NPS, Barbara J Baxter/WASO/NPS@NPS, Al Nash/WASO/NPS@NPS, Jeff Taylor, Nathan Souder/WASO/NPS@NPS, Don Hellmann/WASO/NPS@NPS, Corky Mayo/WASO/NPS@NPS, Chick Fagan/WASO/NPS@NPS, Loran Fraser/WASO/NPS@NPS

CC:

Subject: Grand Canyon Issues

Nathan, et al.

I know you are getting calls about the Grand Canyon Book, and probably the religious plaques.

Below is some verbage you can provide to Congressional offices for their use in responding to public inquiries.

David



Grand Canyon Issues - feb 2.d

+++++

National Park Service

Grand Canyon National Park

Update on issues: February 2, 2004

Grand Canyon National Park – Sale of Book – Grand Canyon: A Different View in Grand Canyon Association Bookstores

In July 2003, the book Grand Canyon: A Different View, by Tom Vail, was approved as a sales item in Grand Canyon Association (GCA) bookstores within Grand Canyon National Park. The book claims that the Grand Canyon is only a few thousand years old, developing on a biblical rather than an evolutionary timeframe. Shortly after the book became available, some people raised concerns about its appropriateness and suggested that the book be removed. In August the Washington Office of Communications agreed to facilitate a review of the book for its appropriateness as a sales item at bookstores in the park. The book is currently being reviewed by the NPS offices of Policy, Natural Resources, and Interpretation. We hope to have final decision in February.

In December, the park received a letter from the American Geological Institute, opposing the sale of the book. The letter was accompanied by a letter signed by presidents of seven geoscience organizations expressing concern "about a young-earth creationist book currently being sold in bookstores at Grand Canyon National Park."

As of early January approximately 300 books had been sold and GCA continues to keep a moderate supply on hand pending a decision by the NPS.

Public Employees for Environmental Responsibility (PEER) issued a news release on December

22, 2003 regarding religion in national parks. The news release mentions the removal and subsequent return of three religious plaques at Grand Canyon, approval by the National Park Service to sell the book in GCA bookstores, and video at Lincoln Memorial. The news release prompted several news stories over the last several weeks, which peaked public interest.

Grand Canyon National Park – Religious Plaques

In the 1960s or 70s three religious plaques, constructed of fiberglass and measuring approximately one foot square, were prominently affixed to three federally-owned buildings assigned to the park concessioner and open to the public. The buildings are Hermits Rest, Desert View Watchtower and Lookout Studio, all of which were designed by nationally-renowned architect Mary Jane Colter and are National Historic Landmarks. The park's administrative history does not reveal either the date of the plaque installation or whether the NPS communicated any formal approval to the then-concessioner, the Fred Harvey Company when the plaques were installed. The concessioner has indicated that it approved the plaque installation by a religious organization named "Kanaan in the Desert," a branch of the Evangelical Sisterhood of Mary.

On February 28, 2003, the park superintendent received an email from the National Capital Area office of the American Civil Liberties Union inquiring about the plaques and asking the park to "shed[] light on why they are there." On May 5, 2003, the ACLU sent the park superintendent a brief follow-up email.

After consulting with the Regional Director, Intermountain Regional Office, and the Field Solicitor, Santa Fe, the superintendent asked for the removal of the plaques. The decision was based on previous federal court decisions, which had ruled that the permanent installation of symbols or expressions of a particular religion on lands or buildings controlled by the federal government violates the Establishment Clause of the First Amendment of the United States Constitution.

Shortly after the plaques were removed, media and public interest became intense. The park received over 100 phone calls, and thousands of emails and letters were received by the park, the NPS in Washington, D.C. and the Intermountain Regional Office in Colorado.

On July 18, 2003, a letter from NPS Deputy Director Donald Murphy to the Sisterhood, stated that the plaques would be reinstalled in the park if they were returned by the Sisterhood. He promised that after they are reinstalled, "[w]e will [] promptly undertake a more in depth legal and policy review. That review is currently taking place in the Department of the Interior Office of the Solicitor.

Contact: National Park Service, Public Affairs Office, tele: 202-208-6843

Elaine Sevy/WASO/NPS

11/23/2004 02:11 PM

To Gerry Gaumer/WASO/NPS@NPS, Al
Nash/WASO/NPS@NPS, Barbara J
Baxter/WASO/NPS@NPS, Frances

cc

bcc

Subject Some brief talking/message points on religious issues in
parks

Folks,

If you receive citizen requests/comments, Congressional or media inquiries, some brief talking points follow which I hope will prove helpful until the Solicitors complete their review:

We appreciate your letter (comment or email, etc.) regarding book sales at Grand Canyon National Park, and the status of the film shown at the Lincoln Memorial.

Questions have been raised regarding whether the sale of Tom Vail's book Grand Canyon: A Different View is appropriate at the bookstores of the Grand Canyon Association. The book's striking photographs are accompanied by text that supports a biblical rather than evolutionary timeline for the creation of the canyon.

The book was originally approved for sale in July 2003. Opposition to the sale of the book on scientific grounds first surfaced in December 2003. It was at this point that park staff sought guidance on the matter from headquarters staff in Washington, DC.

This is one of several questions concerning appropriate expression of free speech and freedom of religion involving our national parks that have been raised in recent months (others include the Mojave Cross and Grand Canyon plaques). As a group these matters are currently under review at the national level by several offices of the National Park Service and by the Office of the Solicitor of the Department of the Interior.

The book remains available for purchase at the sales outlets of the Grand Canyon Association pending review.

The video at the Lincoln Memorial along with the entire site exhibit, which is nearly a decade old, is being reviewed by the park superintendent and her staff in an effort to assure that the park's interpretive programs remain fresh and relevant to today's society. Superintendents at parks all over the National Park System undertake these periodic reviews to prevent films, programs, and exhibits from becoming dated and shabby.

3/19/04

Note to Randy Jones

From Chick Fagan

Hermit's Rest (1914), Lookout Studio (1914), and Desert View Tower (1932) are all historically significant M.E.J. Colter-designed structures, and part of a National Historic Landmark District at GRCA. As best I can tell, the religious plaques are affixed to the structures, but that should be confirmed before making an issue out of it.

A few other factors to consider:

1. The plaques were installed in 1970, which pre-dates the National Register and National Historic Landmark designations. (Although the structures were certainly recognized as historic well before they were formally designated.)
2. National Historic Landmark plaques have also been installed (but I would hope not on historic fabric).

Attached to this note are some other materials relating to a somewhat similar situation that occurred in 1998 at STLI. At that time there was a big ruckus over a Sri Chinmoy "peace blossom" plaque that the superintendent had allowed to be placed on the base of the statue.

I think you will find interesting Senator Murkowski's letter of indignation. In that particular case, the religious aspect did not have to be pressed, because there were other grounds for removing it.

The Sri Chinmoy plaque was removed, despite resistance from the superintendent and an army of Sri Chinmoy followers (one of whom camped out in front of Bob Stanton's office until removed by security). The Sri Chinmoy folks are probably watching the GRCA case very closely. We can expect to be revisited by them if the GRCA plaques are allowed to remain.

Final sent 8/16/2007

MOltrogge
SSchoblom
PWilson
SMartin

K14(GRCA 8211)

(b) (6)

Scottsdale, AZ 85260

Dear (b) (6)

Thank you for your letter dated May 29, 2007 regarding the placement of religious plaques on buildings within Grand Canyon National Park. We apologize for our delayed response.

The park received an inquiry in February 2003 about the plaques prompting a review of the issue. It was determined that these plaques were affixed to a building at Hermits Rest, the Desert View Watchtower, and Lookout Studio sometime in the late 1960s or early 1970s.

After consulting with the National Park Service Intermountain Regional Director and [Field] Solicitor, the superintendent asked that the plaques be removed. Shortly after the plaques were removed from these facilities, the Deputy Director of the National Park Service asked that they be reinstalled until the National Park Service could undertake a more in-depth legal and policy review regarding their appropriateness.

We are forwarding your letter to Chick Fagan, Acting Chief of Policy for the National Park Service for a response.

Thank you for your inquiry and interest in Grand Canyon National Park.

Sincerely,

Steve Martin
Superintendent

cc: Chick Fagan, Acting Chief of Policy, National Park Service 1849 C Street, MIB
7251, Washington, D.C. 20240 w/inc.

FNP:MOltrogge:mo:FNL08.10.07:Religious Plaques.FFerrie



Maureen Oltrogge
11/15/2007 01:48 PM
MST

To: Diane Cooke/WASO/NPS@NPS
cc:
Subject: Follow up on FOIA

Diane - I had our maintenance folks check on staff time for maintenance and upkeep of the plaques. They did not have a formal work order so have nothing in the FMSS data base. I know two employees were sent out to replace the plaques and one was sent to reinstall one that had fallen. They thought time costs were somewhere around \$100 - \$150. We do not maintain the plaques other than that. Please don't hesitate to call me if you have any questions. Thanks - Mo

Maureen Oltrogge
Public Affairs Officer
Grand Canyon National Park
(928) 638-7779
(928) 638-7609 fax
maureen_oltrogge@nps.gov

EXPERIENCE YOUR AMERICA

The National Park Service cares for special places saved by the American people so that all may experience our heritage.

April 15, 2008

Note to Deputy Director Wenk

From Chick Fagan

Chick

Re: Religious plaques at GRCA

*Chick -
I was reviewing a
pile of "stuff" and
found this - what
is current status*

Dan W

Maureen Oltrogge sent me the attached letter from Mr. (b) (6) who asks that the religious plaques at GRCA be removed. The letter hints at follow-up action if the park does not comply with his request. It was referred to WASO because "the ball is in our court," based on past actions.

In July 2003, the Grand Canyon superintendent received a note from ACLU asking about the plaques. He conferred with the DOI Solicitor in Denver and decided to have the plaques taken down and returned to the Sisters. At the Assistant Secretary's suggestion, Deputy Director Don Murphy determined that the decision needed review by other authorities. Murphy had the plaques returned and reinstalled to maintain the status quo until a final decision is made.

There has been some discussion in the Solicitor's Office over the intervening years, but no one seems willing to give us definitive advice on whether we are legally compelled to remove the plaques. I had spoken to Steve Martin about it several months ago and it seemed that he might take some additional action. But, with all the other issues at GRCA, and the fact that WASO had overridden the past superintendent's decision, it doesn't surprise me that the issue is being referred to WASO.

Any suggestions on how to deal with this?

[Attached is some additional background information.]

*Dan returned this to me
7/14/08. No particular discussion
about it.*



FAX COVER SHEET

Grand Canyon National Park
Superintendent's Office
P.O. Box 129
Grand Canyon National Park, Arizona 86023
Fax Number: 928-638-7815

Date: 4/7/2008

To: Chick Fagen

Fax Number: 202-219-8835

From: Jo Anne Blankenship (Supt.'s Office)

Office Number: 928-638-7945

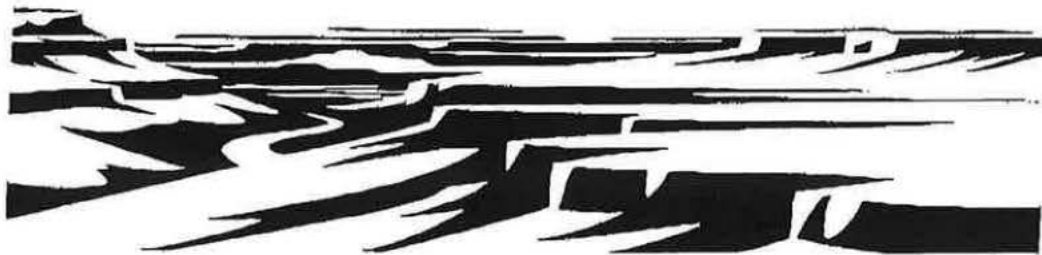
Number of Pages: (3)

Subject: Visitor Comment Concerning Wall Plaque

Remarks: Maureen Oltrogge, PIO for the Grand Canyon, informed me that you were the person to respond to these types of visitor comments.

Once a response has been sent could you fax/email/or mail me a copy so that I can attach to the original and file.

GRAND CANYON



NATIONAL PARK

MAR 17 2008

March 13, 2008

Superintendent
Grand Canyon National Park
P. O. Box 129
Grand Canyon, AZ 86023

Dear Sir/Madam:

I recently visited the Grand Canyon National Park and I am writing about something that I saw during my visit. I enjoyed my visit very much and want to commend you and you staff for the quality of the experience available to visitors.

When I went to the Hermit's Rest stop, I saw a plaque on the wall of the building housing the gift shop and "snack bar." The plaque displayed a quote from one of the biblical Psalms. In addition, I toured the Watchtower and saw another plaque with a quote from Psalms attached to the wall on the roof deck. (enclosed is a photo of one of the plaques)

It may be that the plaques are well intentioned but they are inappropriate and they should be removed. It is not the place of the Park Service to display religious pronouncements, nor is it acceptable for the Park Service to endorse a particular religious tradition or dogma. There are many quotes available that do not contain offensive religious connotations. Certainly America has produced a vast wealth of authors whose quotes would be more appropriate.

I would ask you to consider how a visitor who does not subscribe to the Judeo-Christian tradition might feel when visiting a park where the authorities in charge seem to favor a particular religious tradition. I have no religious affiliation but I believe in the separation of church and state and I do not accept religious pronouncements in a national park.

Are there other religious plaques displayed in other parts of the park? If there are, they should be removed as well. Please let me know how you will address this matter. If you can give me your assurance that the plaques will all be removed and the Park Service will not post religious tenets or quotes in the future, then this matter can be resolved.

Thank you for your attention to this matter.

Very truly yours,

(b) (6)

Ivins, Utah 84738





Sue Masica

05/21/2008 05:07 PM EDT

To: Chick Fagan/WASO/NPS@NPS

cc:

Subject: Re: GRCA religion issues

Let's defer ... but not let fall off the radar screen. Dan will not be at the squad meeting tomorrow, and he really needs to hear the conversation. But let's do at a future squad.

Sue Masica
National Park Service
Chief of Staff
phone: 202.208.3818
fax: 202.273.0896

Chick Fagan/WASO/NPS



Chick
Fagan/WASO/NPS

05/21/2008 04:41 PM
EDT

To: Sue Masica/WASO/NPS@NPS

cc:

Subject: GRCA religion issues

SUE: To follow up on our telephone conversation this morning there are two issues at GRCA relating to religion: (1) the religious plaques that are placed at three prominent locations in the park, and (2) the creationist book that is sold in the cooperating association bookstores. Regarding the plaques, that issue first surfaced in 2003 when the ACLU requested the plaques be removed and the regional solicitor advised the park to comply with the request. The park was subsequently ordered by the ASFWP (through Deputy Director Murphy) to restore the plaques while the issue underwent "legal analysis and policy review" in Washington. I spoke to Molly Ross, and she said that they have had serious discussions in SOL. Her boss indicated a strong interest in the issue, but it seems like he is inclined to find a way to allow the plaques to stay even though Molly believes that recent court decisions would lean heavily toward removing the plaques. We really cannot move forward one way or the other without a clear signal from SOL.

Regarding the creationist book, as far as the park is concerned, the ball is in WASO's court, since the previous superintendent had asked WASO to do a policy review and advise as to the appropriateness of selling the book. However, we have not taken action, and the current superintendent has been made aware informally that he has an opportunity to reclaim the decision at the park level. But he has not moved on it. I discussed it some more today with the park's public affairs officer, and she will have a conversation with the superintendent about it. She suggested that, if sales have tapered off, that would be a basis for removing the book. Also, there is a new cooperating association manager arriving in July, and the status of this book could be one of the topics of conversation with that person.

Anyhow, given the current status noted above, I'm not so sure that a conversation about either of these issues at tomorrow's squad meeting would produce any useful results. But it might be fun to talk about it, anyway. Would you suggest that we address either one or the other (or both) of these topics tomorrow, or defer to a later date? CHICK

Chick Fagan
Deputy Chief, Office of Policy
Phone: 202-208-7469



Maureen
Oltrogge/GRCA/NPS
07/08/2010 07:57 AM

To: (b) (6) <(b) (6)@hotmail.com>
cc:
bcc:
Subject: RE: Question

Dear (b) (6),

Thank you for your email dated June 10, 2010 reference your inquiry of a religious plaque affixed to an area on the Desert View Watch Tower located within Grand Canyon National Park. We apologize for the delay in responding.

We are aware of this and two other plaques within the park and believe they were installed sometime in the late 1960s.

Like you, other visitors have inquired about these plaques. We have notified our National Park Service Office in Washington D.C. of their existence and will forward your inquiry to that office.

We appreciate your interest in Grand Canyon National Park.

Sincerely,

Steve Martin
Superintendent

Sent by:
Maureen Oltrogge
Public Affairs Officer
Grand Canyon National Park
(928) 638-7779
(928) 638-7609 fax
maureen_oltrogge@nps.gov

EXPERIENCE YOUR AMERICA

The National Park Service cares for special places saved by the American people so that all may experience our heritage.

Kent Wagner <kent_wagner@hotmail.com>



(b) (6) <(b) (6)@hotmail.com>
06/10/2010 01:07 PM
Please respond to
<(b) (6)@hotmail.com>

To: <maureen_oltrogge@nps.gov>
cc:
Subject: RE: Question

Hi Maureen,

Thank you for your reply.

I was visiting the park last week and while standing on the newly renovated 'outside deck section' of the Desert View Watch Tower (which I understand is managed by Xanterra not the NPS) I saw a plaque/sign about 10" x 15" in size that read something to the effect of:

"All the earth shall worship thee, and shall sing unto thee; they shall sing to thy name. - Psalm 66:4"

I assume that Park administration has approved the display of this sign.

Upon seeing this it I must confess that I was mildly offended and somewhat put-off. I don't think part of the NPS mission statement should be to enlighten the masses while we have their attention.

I think you might find some agreement that many folks would rather not be offered religious opinions while contemplating the sublime wonders of Grand Canyon. The place speaks for itself.

And so I vacillate between simply suggesting that this be taken down to asking "who approved the posting of such a sign and what were they thinking?"

What do you think? Should we get the Supreme Court involved? :)

Thanks very much for your time!

(b) (6)

phone: (b) (6)

> Subject: Question
> To: (b) (6) @hotmail.com
> From: Maureen_Oltrogge@nps.gov
> Date: Tue, 8 Jun 2010 08:35:19 -0700
>
>
> Dear Mr. (b) (6)
>
> I understand from my colleague that you had a question regarding a plaque
> within the park. I'd be happy to respond to your question but want to make
> sure I fully understand the question. Can you please send that along to
> me?
>
> Maureen Oltrogge



Public Employees for Environmental Responsibility

2000 P Street, NW • Suite 240 • Washington, D.C. 20036 • 202-265-PEER(7337) • fax: 202-265-4192
e-mail: info@peer.org • website: www.peer.org

September 29, 2010

Mr. John Wessels
Regional Director
National Park Service
12795 Alameda Parkway
Denver, CO 80225

OCT 05 2010

Dear Mr. Wessels:

Public Employees For Environmental Responsibility (PEER) writes to inform you about two significant issues in parks under your supervision that demand scrutiny at the highest level. Both issues raise troubling questions about the National Park Service (NPS) conformity to the First Amendment of the United States Constitution. Both issues involve religious displays on Federal park property and demand a thorough and thoughtful review.

PEER has no hostility toward any religion or religion generally. Nor, we presume, does the NPS. PEER does, however, concern itself with the appropriate use of federal lands acquired, or otherwise set aside, in the national park system. NPS actions, or failure to act, can lead to unintended and prolonged litigation, such as that which involved the now-nonexistent cross in the Mojave National Preserve.

Petroglyph National Monument, New Mexico

Congress authorized the Petroglyph National Monument in Bernalillo County, New Mexico on June 27, 1990. The purpose of the monument is to preserve thousands of prehistoric and historic petroglyphs and approximately 65 other archeological sites. (P.L. 101-313; 104 STAT. 272). The NPS began acquiring nonfederal lands within the boundaries of the monument, among them a tract of land owned by a Mr. Harold Cohen. When the NPS acquired the Cohen property in full fee title, with no reservations to the former owners, the NPS came into possession of a ten-foot high Buddhist stupa.

The NPS responded passively to the stupa. Perhaps hoping that no one would notice, the NPS acquiesced in its continued existence. **The NPS now owns the stupa.** The NPS never undertook a legal review of its default decision to allow the continued existence of a permanent religious display on Federal lands; lands that the NPS acquired to serve the purposes of Petroglyph National Monument. That purpose DID NOT include perpetuation of Tibetan Buddhist holy sites. Nor is the stupa historic in any sense.

The stupa issue caused controversy earlier in 2010. The NPS assured a columnist for the *Albuquerque Journal* that the NPS would not remove the stupa. PEER believes that such



an NPS decision, if accurately reported, is both irresponsible and likely unconstitutional. Both the Ninth Circuit, and on August 18, 2010 the Tenth Circuit Court, have ruled Christian crosses on government property to be unconstitutional, even if intended to serve as memorials to war dead or, in the latter case, to fallen Utah Highway Patrolmen. Even the avowedly secular purpose of such displays did not serve to save the religious displays from violating the First Amendment.

There is no doubt that the stupa, just as the Christian cross, is a religious display. However, unlike the crosses, the stupa does not serve any secular purpose that the NPS has articulated. Even were the NPS now to concoct a secular purpose for the stupa, that purpose could not rise in authenticity to the secular purpose that failed to protect the now-unconstitutional crosses.

As an official whose oath compels you to uphold the Constitution, we call upon you to act on the stupa.

Grand Canyon National Park, Arizona

The issue of religious plaques affixed to government property at three locations of Grand Canyon National Park differs from the stupa.

In July 2003 former Deputy NPS Director Donald Murphy ordered NPS employees to install religious plaques on Federal property in Grand Canyon National Park. NPS employees implemented the task on official work time. Three plaques contain quotes from the Book of Psalms in the Old Testament. The plaques are at:

- Lookout Studio, in the Grand Canyon Village of the South Rim;
- Hermits Rest, South Rim and
- Watchtower at Desert View.


All of the locations are prominent points from which to view the most magnificent canyon in America, and perhaps the world; places visited by hundreds of thousands annually. The plaques were located to be conspicuous.

The plaques are the private property of a religious group, the Evangelical Sisterhood of Mary, based in Phoenix, Arizona. On July 14, 2003, NPS officials of Grand Canyon removed the plaques and returned them to their owner – the Evangelical Sisterhood of Mary. On July 18, 2003, Deputy Director of the NPS, Donald Murphy wrote to a Sister Daniella of the Evangelical Sisterhood. He asked that the Sisterhood return the plaques to the NPS at the Grand Canyon. He wrote: “With your permission (i.e. Sister Daniella’s) I would like you to return the plaques to our park officials so that they may be returned to their original location and condition.” He then promised to undertake “the more in depth legal and policy review that should have taken place prior to these actions (removal of the plaques) being taken.”

Seven years later, the NPS has not carried out an “in depth legal and policy review.” Please inform us within sixty days if you intend to conduct such a review and when.

Few responsibilities are more important than your obligation to protect the parks. One responsibility that is paramount is to conform to the United States Constitution. In the case of religious displays on park property, you will best protect our parks by applying the rules laid out by the Courts that defend the First Amendment.

Cordially,


Jeff Ruch
Executive Director

cc: ✓ Mr. Steve Martin, Superintendent, Grand Canyon National Park
Mr. Joseph Sanchez, Superintendent, Petroglyph National Monument

Steve -
Attached is the info
that we sent to Rich
Frost & Rob Eaton.
There is a conference
call on Wednesday
w/ WABO on this
Palma



United States Department of the Interior

NATIONAL PARK SERVICE
INTERMOUNTAIN REGION
12795 West Alameda Parkway
PO Box 25287
Denver, Colorado 80225-0287



In reply refer to:
(A3615) IMR-D

MAR 23 2011

Mr. Jeff Ruch
Executive Director
Public Employees for Environmental
Responsibility (PEER)
2000 P Street, NW, Suite 240
Washington, D.C. 20036

Dear Mr. Ruch:

Thank you for your letter of September 29, 2010, concerning three plaques bearing Old Testament quotations at Grand Canyon National Park, Arizona, and a Buddhist stupa at Petroglyph National Monument, New Mexico.

I have referred this matter to the Director of the National Park Service in Washington, D.C. The Director informs me that, in consultation with the Office of the Solicitor, he intends to review these religious expressions in these two parks. I will apprise you of the National Park Service's position on this matter after that review has been completed.

Thank you for your interest concerning Grand Canyon National Park and Petroglyph National Monument. If you have any other questions, please do not hesitate to contact me.

Sincerely,

John Wessels
Regional Director
Intermountain Region

cc:

Superintendent, Grand Canyon National Park
Superintendent, Petroglyph National Monument



United States Department of the Interior



NATIONAL PARK SERVICE
GRAND CANYON NATIONAL PARK
P.O. BOX 129
GRAND CANYON, ARIZONA 86023-0129

IN REPLY REFER TO:

A3823 (GRCA-8211)

OCT 24 2012

COPY

Stephanie A. Schmitt
Staff Attorney
Freedom From Religion Foundation
P.O. Box 750
Madison, Wisconsin 53701

Dear Ms. Schmitt:

Thank you for your letter of September 11, 2012. We acknowledge and appreciate your concern about the scriptural plaque attached to a rock pillar at Hermit's Rest on the South Rim of the Grand Canyon. This issue is currently under consideration by the National Park Service.

We will contact you once further information is available.

Sincerely,

David V. Uberuaga
Superintendent

Evangelical Sisterhood of Mary

Quite unexpectedly, July 2003, the three small plaques hit the newspapers, many newspapers! They became the subject of talk shows, TV programs, CNN, and caused Members of Congress to take a stand for religious expression.

What had happened?

For 33 years these three little praise plaques had held their places at Hermits Rest, the Lookout Studio and the Desert View Tower. To visitors of the Grand Canyon they quietly presented some Biblical truth:

All the earth worships Thee; they sing praises to Thee, sing praises to Thy name. – Psalm 66:4 Sing to God, sing praises to His name; lift up a song to Him who rides upon the clouds, His name is the Lord, exult before Him! – Psalm 68:4

O Lord, how manifold are Thy works! In wisdom hast Thou made them all; the earth is full of Thy riches. – Psalm 104:24

It is true, the story of how the plaques got to be at the Grand Canyon was exciting. It began with a hopeless situation together with a burning desire that God the Creator would receive thanks and praise at this glorious spot. Some prayer and a little bit of courage and faith and the sudden, kind permission of the manager of the concessionary company at the Grand Canyon village brought the story to its exciting conclusion. That was in 1970 and from then on the plaques quietly ministered to many thousands from all over the world and were well liked.

All of a sudden, an inquiry unraveled the peaceful situation – down came the plaques and were sent back to us. We Sisters didn't feel we should do anything except pray. God intervened.

"Bible verses out at Canyon" was the top headline of THE ARIZONA REPUBLIC on July 14. They were swamped with letters and calls as we heard. The news spread. We Sisters hardly knew which interview to take first. Talk shows, radio hosts and Pastors encouraged people to write to the Department of the Interior and the National Park Service. You, our dear friends, may have written some of those letters and emails. THANK YOU SO MUCH! They changed the whole situation. To our greatest surprise and delight, we were kindly invited to put up the plaques again. Well, we took the plaques back to the Canyon, but it was the men of the Park Service who put them up, as solidly as they could. This was July 23.

The plaques were warmly welcomed back! Some responses:

The removal of the scripture plaques at the Grand Canyon has hurt me deeply. I visited the canyon on the 5th of July and took a picture of the plaque. It was a beautiful sight to see. I returned there on the 12th, only to see the remaining cement used to hold the plaque in its rightful place. The plaques brought such joy to my heart. I wanted so much for people to know that our God created the Grand Canyon. P. K.

It is my sincere prayer that this will jolt many sleeping to what is occurring in our

country. A.P. The plaques put into words the awesome feeling that overwhelms one as he experiences the beauty of that place. A.L.

I feel that if a National Park is no place for religion, then the awesome scenery should also be removed, for all that makes up nature is the Word of God breathed into existence. R.G. I took a picture of the plaque just outside the store on the cliff. I thought it was a beautiful portrayal of God's sovereignty and providence in the midst of His creative excellence. D.G. I, along with millions through the world, have been inspired by the Praise Plaques, am disturbed, and sense this further wounding of the gracious heart of our heavenly Father, whose creation seeks to deny His very existence in the midst of His marvelous deeds. J.H.

To our great joy friends now ordered praise plaques for their yards or churches! [Please see enclosed brochure] Talk show host Dennis Prager said, "We are in the midst of [America's] second civil war.... Let the Grand Canyon plaques be our rallying cry."

Back to our story: When our two Sisters saw the first plaque, re-mounted at its original place, something very special happened: majestic California Condors circled above, six or seven of them. Coincidence? We think it was rather a confirmation that things had been made right again at the Grand Canyon, to the glory of God.

Every human artist receives recognition for his work. How much more then should the Almighty be acclaimed for His wondrous works of creation! Like a divine seal, praise plaques now mark many of the world's best-known scenic spots, from Kilimanjaro to the Swiss Alps, directing people to their Maker. **If only praise plaques could speak, what stories could they tell us!** But sometimes reports do come in, like this one concerning a plaque on the south coast of England. 'I have suffered from bouts of depression for a number of years and ... I went to **Beachy Head**, fully intending to throw myself over the cliff. I was very drunk — I have had a drink problem for many years, too. As I was staggering along the top of the cliffs, totally out of my head — I literally fell over a plaque, which I hadn't noticed. I won't tell you what I thought of whoever had put it in such a stupid place! Anyhow, I got up and decided to see what it was about and it read as follows: "Mightier than the thunders of many waters, mightier than the waves of the sea, the Lord on high is mighty!" (Psalm 93:4). God is always greater than all of our troubles." It was as if something snapped inside me and I sat and cried like a baby — anyone seeing me must have thought I was totally insane! I suddenly thought of my children and knew I couldn't do that to them, however desperate I was, so I rang my minister from the top of Beachy Head ...'

Praise plaques can be found, for instance:

In **Australia** at Alice Springs, Flinders Ranges, the Three Sisters at Katoomba, Sublime Point, Burratorang Lookout, St. Andrew's Cathedral (Sydney), the Snowy Mountains ...

In **New Zealand** on the Great Barrier Island, at View Gardens in Nelson, at the Pinnacles in the Kauaeranga Valley, in Yattton Park (Tauranga) ...

In the **United States** at the Grand Canyon (Arizona) and Vale (Colorado) ... In the **British Isles** at Beachy Head, North Yorkshire Moors, Edinburgh ... In **South Africa** on Table Mountain and in the Drakensberg Mountains ... as well as at many other places throughout the world.