



FACTS FOR FEDS

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The Origins of Executive Order 11593: Protection and Enhancement of the Cultural Environment

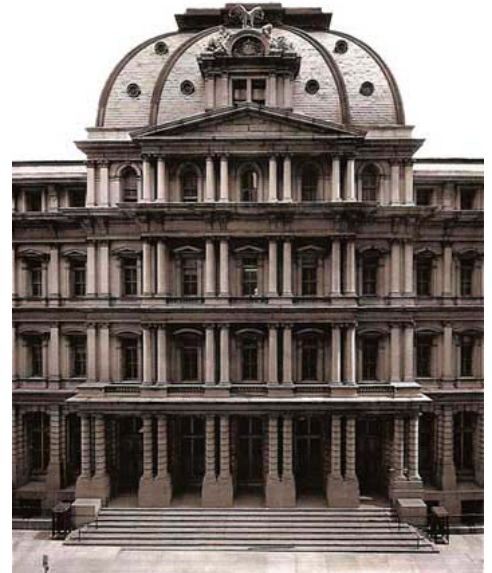
Forty years ago, on May 13, 1971, President Richard M. Nixon directed each Federal agency to identify, evaluate, and nominate all eligible historic properties to the National Register of Historic Places within a two year period. While many of the provisions of Executive Order 11593 were codified in 1980 as Section 110 of the National Historic Preservation Act (NHPA), the Executive Order's (EO) immediate and lasting impact came from interim procedures which guided federal agency treatment of their historic resources while the comprehensive survey was undertaken. President Nixon's most significant contribution to the American preservation movement was that the haphazard execution of Executive Order 11593 effectively added the phrase "or eligible for inclusion" to the language of Section 106 of the National Historic Preservation Act. Since, as a practical matter, the survey of eligible historic properties could never be completed, the interim guidance became, by default, the standard practice among federal agencies.

During the summer of 1970, the Council on Environmental Quality (CEQ), a new agency established as part of the implementation of President Nixon's National Environmental Policy Act (NEPA), was tasked with preparing creative proposals which would foster historic preservation in the United States. One principle President Nixon supported regarding the role of government was: "We can't ask industry and states and cities to act if we don't set an example." In historic preservation, this meant that each Federal agency needed to take a leadership role in the stewardship of

historic resources under its jurisdiction. To this end, the National Park Service recommended the development of a comprehensive policy for the preservation of federally owned buildings "as living parts of our community life and development."

As CEQ refined its proposals, the status of the Old Custom House and Post Office in Saint Louis, Missouri, took center stage in the nationwide debate over what to do with surplus, federally-owned, historically significant buildings proposed for sale, transfer, or demolition. Since the mid-1930s, Congress has permitted the General Services Administration (GSA) to transfer surplus property, at no cost, to state and local governments for use as historic monuments. GSA rules, however, prevented the Old Post Office from being adaptively reused for commercial purposes. Joining the controversy, the *New York Times* architecture critic, Ada Louise Huxtable, published a blistering attack on the proposed demolition of the post office. Calling GSA's "restrictive stipulation" "ludicrous and dangerous nonsense," Huxtable concluded that without a change in Federal laws governing the transfer of surplus buildings, "the only landmark that GSA can give St. Louis is a dead one."

Huxtable's article appeared three days before the Advisory Council on Historic Preservation (ACHP) debated the fate of the Old St. Louis Post Office. "The future of many monumental public buildings significant to the nation for reasons of historical associations, architectural quality, environmental influence, and



United States Custom House and Post Office,
Saint Louis, Missouri

use potential in the cultural life of a community may be in the balance." One serious flaw in the surplus building program was that Federal agencies were generally unaware of which buildings they occupied were historic.

Executive Order 11593 was drafted by CEQ's William K. Reilly, who later served as the Administrator of the Environmental Protection Agency under President George H.W. Bush. To resolve the historic building inventory problem, CEQ recommended that the Federal government encourage State Historic Preservation Officers (SHPO) "to include and, where appropriate, to nominate Federal properties for Register listing, in their state surveys and programs." CEQ concluded that there would be "no cost" for this program as the SHPOs were directed in the NHPA to "conduct a comprehensive statewide survey of

historic properties.” The directive also put forth the concept, recommended by National Park Service (NPS) Director George Hartzog, that Federal agencies consider all buildings over 50 years of age as being potentially historic.

The goal of the comprehensive survey was pragmatic. “Determination of historic significance,” said Office of Management and Budget (OMB) reviewer Richard Austin, “is best determined outside the pressure of threatened demolition or substantial alterations, which may be surrounded by local economic as well as sentimental issues.” With the completion of an adequate inventory, Federal agencies could “give special treatment” only to those properties actually listed on the National Register. For this approach to work, “all federal properties would be scheduled for review for historical significance and either placed on the National Register or rejected for that purpose within a fixed time period.” Austin concluded, “We believe that updating the National Register should be the first order of business.”



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In its final form the presidential directive created a system whereby the Federal government would demonstrate leadership in historic preservation by doing its part to complete the National Register of Historic Places. Rather than leading survey efforts, the role of the SHPOs was reduced to one of consultation regarding the historic significance of Federal properties and the Department of the Interior was assigned a lead role in developing and disseminating guidance and technical information on preservation practices. Throughout the review process, it is clear that Federal agencies believed that the impact of the EO was limited to consideration of Federal buildings. On the advice of the ACHP's Robert Garvey, the language of the Executive Order expanded the scope and complexity of the proposed comprehensive Federal inventory beyond buildings to include all types of National Register properties.

President Nixon's use of the Executive Order to direct agencies to inventory and evaluate their historic properties was a pragmatic and noncontroversial assignment, yet one that had major unanticipated consequences within American historic preservation. Soon after the EO was signed, Secretary of the Interior Rogers Morton called for each Federal agency to designate historic preservation liaison officers to coordinate Federal inventory and nomination efforts and in November 1971, NPS sponsored the first meeting of Federal Preservation Officers (FPO). It was the inability of Federal agencies to complete their historic property inventories from 1971 to 1973 that transformed the requirement to “exercise caution during the interim period” into the concept, enshrined in Section 106 of the National Historic Preservation Act, that federal agencies must consider the effects of their undertakings on properties either listed in or “eligible for inclusion in the National Register.”



Detail of United States Custom House and Post Office, Saint Louis, Missouri

Enrolled as part of the NHPA in the 1976 amendments that established the ACHP as an independent federal agency, the survey and evaluation requirement envisioned by Executive Order 11593 has been at the foundation of American cultural resource management practice ever since. Because of this regulatory short cut, the requirements of EO 11593 and Section 110 to nominate Federal properties have been generally disregarded. Despite being stewards of large numbers of eligible historic properties, Federal agencies annually produce only about six percent of all National Register listings. This forty year old directive to inventory and nominate Federal properties remains a significant goal for Federal agencies, as mandated in the *Secretary of the Interior's Standards for Federal Agency Historic Preservation Programs*.

For more information see: John H. Sprinkle, Jr., "A Careful Inventory and Evaluation": The Origins of Executive Order 11593" in CRM: The Journal of Heritage Stewardship, forthcoming.