New Frontiers in Preservation

Speeches from the
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Winter 2004
Contents

Winter 2004 • Volume 18 • No. 2

Introduction
Richard Moe ................................................................. 4

How Creativity and Sense of Place Fuel the New Economy
Richard Florida ............................................................. 10

Lewis and Clark’s American Odyssey
Dayton Duncan ............................................................ 16

Native America in the 21st Century: Out of the Mists and Beyond Myth
W. Richard West .......................................................... 24

A Partnership to “Preserve America”
Gale A. Norton ........................................................... 30

New Roles for Preservation in Housing and Community Development
Paul C. Brophy ............................................................ 38

Integrating GSA’s Portfolio and Stewardship Strategies to Benefit Historic Buildings
F. Joseph Moravec ........................................................ 43

The 25th Anniversary of the Penn Central Decision: Its Impact Then and Now
Randall T. Shepard ....................................................... 50

This conference was paid for in part by a State Historical Fund Grant from the Colorado Historical Society.

Cover photo:
Conference attendees outside the Paramount Theatre. Photo by Bill Cronin, Cronin Photography
The year 2003 marks my eleventh year as president of the National Trust. Looking back over the past decade, I can honestly say it has been the most challenging and rewarding period of my life. Today we are a stronger, more focused and, I believe, better organization than ever before.

Last May we formally celebrated the successful completion of our first-ever comprehensive campaign, in which we raised our goal twice—and still exceeded it. It not only cemented our transition from reliance on federal funding but also brought us new resources and tools to help save America’s historic places.

Our public-relations campaign developed with the Ad Council and our partnership with Home & Garden Television have broadcast the message of preservation to new audiences and led them to become directly involved by joining the National Trust and our partner organizations. Thanks in large part to the hard work of the 59 statewide and local organizations that joined us as PSA partners, more than 40,000 of our radio and TV ads ran in the first six weeks of our “History Is in Our Hands” PSA campaign. Our broadcast ads have shown up in prime time, and print ads have appeared in USA Today as well as local newspapers from San Francisco to Washington, D.C. Each ad directs viewers to visit the Trust’s website—and since the campaign was launched, traffic on our website has more than doubled.

Our partnership with Home & Garden Television has also produced some marvelous results. HGTV’s public-affairs initiative called “Restore America: A Salute to Preservation” is giving national visibility to 12 historic sites across the country that are participating in our Save America’s Treasures program. In addition to spotlighting these sites before an audience of 80 million households, HGTV is also providing financial support for the restoration of these landmarks and the work of the Trust.

When the National Trust last met in Denver, back in 1969, it was only the third time that the National Preservation Conference had been held west of the Mississippi. In those days, Trust membership was almost entirely confined to the Northeast and the South, and many conference attendees were probably curious to see what “preservation” meant out in Colorado. What they saw in Denver opened their eyes. They saw that preservation has reclaimed blighted residential areas and transformed shabby downtown blocks into lively enclaves of shops, restaurants, and apartments.

Today, preservation in the West mirrors the success of other regions. And in many areas, Western preservationists are blazing new trails, dealing with issues unique to this region, developing new models that all of us can—and should—emulate.

The National Trust is taking several steps to strengthen its presence here in the West and Southwest. Let me tell you about a few of them.

The National Trust and The National Society of the Colonial Dames of America in the State of Colorado have entered into an interim partnership concerning the marvelous Hotel de Paris Museum. Located in Georgetown, a 19th-century mining town high in the mountains 45 minutes west of Denver, the Hotel de Paris was established in 1875 and quickly won a reputation as one of the most elegant hotels west of the Mississippi. It’s now operated as a museum that preserves and interprets the era when silver mining earned Georgetown the nickname “Silver Queen of the Rockies.”

Our hope and expectation is that the Hotel de Paris will become a National Trust Historic Site in the near future. You’ll be hearing more about this arrangement in the coming months; for now, I’ll just say that we are very excited by this opportunity to form a mutually beneficial partnership with The National Society of the Colo-
nial Dames, one of the oldest and most respected organizations of its kind in the nation. This partnership will help ensure the preservation of one of the West’s most distinctive historic places and further our goal of expanding and diversifying our collection of historic sites to represent all the voices that tell America’s story.

As another indication of our strengthened presence in this region, I am delighted to announce the creation of the National Trust Southwest Intervention Fund, which will allow the Trust and our partners to work more effectively in the states of Arizona, Colorado, Kansas, New Mexico, Oklahoma, Texas, and Utah. The fund will support legal, public policy, and communications efforts in the region, offer small catalytic grants to state and local organizations, and provide timely funding for emergency interventions to save treasures in danger of being lost.

Finally, a foundation grant has enabled us to hire a lawyer in our Washington legal office who will work with a coalition of other preservation and environmental organizations to deal with issues pertaining to the protection of Native American sacred sites on public lands in the West. This is an issue of enormous and growing concern for us as more and more sacred and cultural sites, including some of the nation’s most significant archeological treasures, are falling victim to neglect, inappropriate development, and vandalism. Since 1988 more than a dozen Native American sites have appeared on our list of America’s 11 Most Endangered Historic Places, and many others are being looted, paved over, or otherwise destroyed every year.

The initiatives I’ve just described will help the National Trust meet preservation challenges here in the West more effectively than ever before. But other, equally serious, challenges face us—not just in this or any other single region, but nationwide.

It’s ironic that now—when fewer older buildings are being thoughtlessly demolished, when statewide and local organizations are growing stronger, and when preservation is changing the face of communities everywhere—right now, laws and programs that form the very core of preservation are under attack. Two of these attacks are especially alarming. Unless we fend them off, we could be robbed of some of the tools we depend on most heavily.

First, budget crises in many states are endangering programs that form the very bedrock of preservation success. There’s an example right here in Colorado: A recent article in the Denver Post reported that some legislators have pushed for changes to the state constitution that would divert money from the State Historical Fund. This innovative Fund, comprising a portion of the revenues generated by limited-stakes gambling, has distributed some $130 million to support preservation projects in every county in Colorado—but now a cash-strapped state is eyeing it as a potential source of funding for other activities.

Similar threats are being reported from coast to coast. Earlier this year, California’s fiscal woes threatened the continued existence of the state’s Main Street program. In Connecticut, proposals for dealing with revenue shortfalls have included closing four historical museums, eliminating two preservation grant programs, and killing the successful Historic Homes Tax Credit. All over the country, state historic preservation offices are being hit by budget cuts that hamper their ability to carry out the responsibilities assigned to them by state and federal law.

Obviously, tough economic times require that states make tough choices—but crippling or eliminating programs that create jobs, foster tourism, and help bring new economic vitality to troubled communities is shortsighted at best. Preservation has proven its effectiveness in all these areas—and our challenge is to make sure that legislators know and understand that fact. Admittedly, it will be an uphill fight, and it will take the best efforts of preservationists everywhere to win it.

On another front, we’re dealing with a serious attack on the strongest federal preservation law on the books.

The 1929 Paramount Theatre, featuring Denver’s premiere Art Deco interior, provided a grand setting for the conference’s opening plenary session. Photo by Bill Cronin, Cronin Photography.
Under the guise of “regulatory streamlining,” DOT and some members of Congress are proposing changes that would eviscerate Section 4(f) of the Department of Transportation Act. Adopted in 1966, when DOT was created to help preservation win some dramatic victories. It was Section 4(f) that stopped construction of an elevated roadway that would have formed an ugly barrier between the Mississippi riverfront and the French Quarter in New Orleans. It kept an interstate highway from being rammed through Overton Park in Memphis. And it helped persuade officials to build a tunnel under Baltimore Harbor instead of a massive highway bridge that would have loomed over historic Fort McHenry.

Efforts to weaken Section 4(f) grow out of the mistaken perception that measures designed to protect natural and cultural treasures cause major delays in road projects. In fact, a study by the Federal Highway Administration itself attributes delays to many causes, with environmental and preservation requirements ranking far down the list. Because of this, and because the measure has so effective in saving America’s heritage from needless destruction, the National Trust has placed the protection of Section 4(f) at the top of our legislative priority list.

Already this year, we’ve been working with others to convince Congress not to eliminate the Transportation Enhancements program—

and just last August, the House of Representatives voted to restore guaranteed funding for this program, which is the largest single source of federal preservation funding. Saving Enhancements was a tough fight, and saving Section 4(f) will be even tougher. The preservation laws on which we depend are on the books today because people fought for their enactment. Now we’re fighting to keep them intact—and your help is essential if we’re to have any hope of winning.

Over the past ten years, my job has enabled me to see preservation mature into a powerful tool for creating and sustaining livable communities. The very nature of our movement has undergone a profound shift. Originally dedicated to restoring individual landmarks as museums, we later focused on the rehab and reuse of buildings as vital parts of daily life. More recently, we’ve demonstrated preservation’s value in economic revitalization and tackled tough issues such as sprawl and affordable housing. Our efforts are—and always will be—rooted in a respect for the past, but we’ve turned our faces to the future.

And what does that future hold? More challenges, I’m sure, including those I’ve already mentioned and others that we can’t foresee. We must redouble our efforts to retain and strengthen the preservation laws that undergird our work. We need to develop methodologies for evaluating and preserving the buildings and landscapes of the recent past. We must do more to encourage good contemporary architecture so that the new buildings we create will be worthy of preservation by generations to come.

I know we’ll do it, because I’ve seen what we can do. In my travels, I’ve seen firsthand what a difference preservation is making in America’s communities. I’ve seen countless buildings restored, downtowns given new economic life, and neighborhoods rescued from decades of decline and disinvestment, and I’ve met the men and women whose vision and tenacity have made it happen. Supposedly, heroes are a rare breed, but I’ve encountered them—and been inspired by them—in cities and towns from coast to coast.

They provided the energy and support that enabled this organization and the preservation movement to grow stronger and more effective over the past decade. I hope you share my pride in the great distance we’ve traveled and the many victories we’ve won along the way. Equally important, I hope you share my excitement over the opportunities we’ll face in the future.

The National Trust and the cause of historic preservation have enjoyed a great decade, but I’m confident that our best years are still ahead of us.

Richard Moe is the president of the National Trust for Historic Preservation.
How Creativity and Sense of Place Fuel the New Economy

Richard Florida

New ideas require old buildings. Everybody knows who said that—Jane Jacobs in 1961, more than 40 years ago, in The Death and Life of Great American Cities, the most important work ever written about the nature and extent and dynamics of urban life. When I met with Jane just a year ago, she said the same thing. New ideas require old buildings. They provide the authenticity, the credibility, the sense of community, the sense of history that bind people in a fast-moving, 24/7, ever-changing world. They ground us. They provide a sense of self, a sense of identity in this creative age that we are moving into.

Now, I don’t come to you as a person with a great knowledge of preservation, of architecture, of urban design. I am a student of economic growth, of technology, of innovation in places like Boulder and Austin, Seattle and San Francisco, Silicon Valley. I try to understand the inner logic and motor forces of why economies grow. But I know that what you do in preserving and renovating and adaptively using and stewarding places is critical to our urban fabric, and to protecting and preserving our history.

What you do is also important because it helps to stimulate and create economic growth. New ideas, innovation, value-added economic activity, high-tech economic growth—the things the chambers of commerce, business leaders, CEO federations, national policymakers all over the world want to stimulate—come from what you do. We can’t innovate, we can’t grow, we can’t be competitive, we can’t increase our living standards and provide a prosperous and sustainable future for our children and our grandchildren unless we preserve and protect and use our history.

Over the past five years I have been conducting research, and writing, and speaking on what makes our economies grow. That work is encapsulated in a book The Rise of the Creative Class. But in just a few minutes here, let me tell you what are the three basic precepts of that book and why your work is so important to what we have to achieve as a country.

Precept One: The New Economy Is Driven by Creativity

People typically think economic growth comes from jobs. In a recession you hear this from politicians all over the land, politicians of all political persuasions: We have to create the jobs. We have to replace the manufacturing jobs that we’re losing.

Well, how do they do it? If you want to create the jobs, you have to create the companies. And you have to lure the companies to your city. To do that, you have to hand out giant amounts of tax and financial incentives.

I come from Pittsburgh, a city that has a wonderful history, a wonderful built and natural environment, a city that under some leaders has tried to erase history, but we’ve fought that. Pittsburgh was once a technology center—a technology mecca. We were a great center of American industry. And here’s what we learned when we created a company called Lycos, a spin off of Carnegie Mellon University. We nurtured that company, we supported it, and we invested in it.

When I was at Harvard’s Kennedy School as a visiting professor, one morning I read in the Boston Globe that Lycos was moving from Pittsburgh to Boston. Why? It wasn’t because Boston was offering financial incentives and tax breaks. It was to get access to talented and creative people. In this ironic reversal, the people weren’t moving to the jobs as the theory said; the jobs were moving to the people.

And that forced me to ask why. I began to think our view of economic growth was a bit too narrow. It’s not just technology that spurs economic growth. It’s not just companies that spur economic growth. It’s not just jobs. It’s a broader category of human existence called human creativity. Of course, we need technology and technological creativity, innovation and invention. But we also need economic creativity, entrepreneurship, turning those inventions into commercial and saleable products. We need aesthetic and design and architectural creativity, creating appealing goods that people want to buy. We need civic and political creativity. And when all those things come together, and we preserve and protect our history, we get economic growth. From Rome to Venice, Athens, Florence, Vienna, Berlin, London, New York, San Francisco, the great economic centers of all time have been creative centers.

Now, some people who read my book have said, isn’t this about the high-tech industries, the software industries, the biotech industries, the internet industries, the multimedia industries? No. This book is about every industry.
It’s not just technology that spurs economic growth. It’s not just companies that spur economic growth. It’s not just jobs. It’s a broader category of human existence called human creativity.

Let me give you some facts. At the turn of the century, most of us worked on farms. Some of us worked in factories. Less than 5 percent of us worked on what I call the creative piece of the economy—art, architecture, design, engineering, information technology, science, and the knowledge-based professions such as law, health care, and finance. In the 1950s people moved from the farms to the factories. More than 50 percent of us worked in factories; still less than 10 percent of us worked in these creative fields. In the year 1980, less than 15 percent of us worked in the creative sector of the economy.

Today in the United States and across the advanced industrial world, more than a third of all people work in the creative sector of the economy. Call them the creative class, a third of the workforce, 40 million Americans out of a workforce of 135 million, bigger in number and percentage than the entire industrial manufacturing working class.

If you look at the economic impact of the three great sectors of the economy—the manufacturing sector, the service sector, and the creative sector—and you add up all the wages and salaries paid, the creative sector of the economy accounts for more than 50 percent of that economic impact. In places like Denver, Pittsburgh, Boston, and Seattle, it’s two-thirds to three-quarters. In this recession as we eliminate manufacturing jobs, we continue to grow creative-sector jobs.

This is the biggest economic and social transformation of the past 300 years. It is bigger than the transformation from farm to factory, because in that transformation we took one physical input, land, and we added physical labor. In this transformation the physical components no longer are solely important. The key contributor, the key economic factor, is human intelligence, knowledge, and creativity. That’s the first point.

Precept Two: Jobs Come to Where the Creative People Are

The second point is to consider where this creativity comes from. You can’t produce it in a mine. You can’t produce it in a factory. You can’t drill it out of the ground. You can’t pump it out of a well. Creativity comes from people. We are the factor of production. People, for the first time, are the key economic assets.
and talented people are.” End of story.

So creativity is the economic force, and creativity comes from people, which brings me to my third point—which is why you are so important.

Precept Three: Creative People Seek Vibrant, Authentic Places

The driving factor in the old industrial economy was very simple. It was the business firm, the industrial corporation. That’s what drove growth. That’s what created the jobs. But today the tables have been turned.

What’s the economic driving force? What’s the social and economic organizing unit? What’s the way that we organize these people with their creative capacities and bring that to bear in creating new products and processes and growing our economy? It’s our community. It’s our urban center, our town center. It’s our place, the thing that we strive so hard to preserve and protect. Geographic place is not only important for its physical beauty, its historic credibility, its architectural sense. It’s the important organizing, collecting unit of our economy.

Now, why would I say that? What does a company do? It pays wages and salaries and benefits. It helps people. It makes philanthropic investments. How did a company do that in the old days? It matched people to jobs. My father worked for the company for life. Now the average American works in a job less than three years. An American under 30 works in a job less than one year. How do we match people to jobs? What was Carly Fiorina really saying to the governors? Why did Lycos move from Pittsburgh to Boston?

The answer lies in places. Places provide a sense of authenticity, a sense of credibility, something to connect with. As people told us in our interviews, when we move to a city where we don’t know anyone, or when we have to connect and build a career or build a business, we want to move to a city and a community that has a history. We don’t want to live nowhere. We want to live somewhere. And that somewhere comes from the unique history of a place. They said time and time again, “We do not want generics. We want something unique and filled with our history.” That’s why place is so important.

Last year, my colleague and I visited Copenhagen, London, and Amsterdam. In preparing for that visit, we assessed European cities.

People in our focus groups and interviews all over the country told us that places provided somewhere they could go and find a sense of community, and become attached in this ever-mobile, hard-working, stressful world.

We developed creativity index measures, and we found that the United States was no longer first. Sweden, Finland, the Netherlands, Norway, and other countries were catching up, and one of those countries was ahead of us on our measures. They were technologically advanced. They had talent. They were tolerant. They did all the right things.

However, we were heard in our travels, in our interviews and e-mails, that for the first time in history America isn’t the only country attracting the best and the brightest. That was our core competitive advantage, not our market size or technology. We would bring the best and the brightest to our shores—the Pilgrims, the Jews and Italians like my dad, Germans, and more recently Indian, Hispanic, and Asian people. Thirty percent of all the businesses in Silicon Valley in the 1990s were founded by a foreign-born American. Now other countries are opening their borders. They’re attracting foreign-born people. They’re attracting Americans.

Creativity comes from our history. There’s no such thing as a great individual genius. We stand on the shoulders of giants. Our cities stand on the shoulders of giants. Our creativity comes from our history. We build on the past. So in this creative era when knowledge, intelligence, and abstract human capabilities are so important, our history and your work are more important than ever before.

Richard Florida is professor of regional economic development at Carnegie Mellon University and author of The Rise of the Creative Class.

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Lewis and Clark’s American Odyssey

Nearly 200 years ago, in the spring of 1805, Lewis and Clark and their small band of explorers called the Corps of Discovery had passed the mouth of the Yellowstone River, entering what is now Montana—pushing forward, farther than any white men had ever gone before on the Missouri.

The riverbanks swarmed with game—and the men were astonished not only at the number of animals but at their relative tameness.

“I think that we saw at one view nearly one thousand animals,” wrote John Ordway, a young sergeant from New Hampshire. “They are not today very wild, for we could go within 100 yards of them in open view, before they would run off, and then they would go but a short distance before they would stop and feed again.”

“Saw a buffalo calf,” he continued, “which had fell down the bank and could not get up again. We helped it up the bank and it followed us a short distance.”

The first bighorn sheep they had ever seen appeared on cliffs above the river. Geese, swans, pelicans, and cranes flew overhead. Bald eagles were everywhere, and Ordway got the quills from one of them to use in writing his daily journal.

Beaver were so numerous that the smacking of their tails on the water kept Clark awake at night. Lewis had brought along a Newfoundland dog, and it caught an antelope crossing the river. The men briefly made pets out of a litter of wolf pups.

“The game is getting so plenty and tame in this country,” Ordway finally wrote, “that some of the party clubbed them out of their way.”

Then he looked down on the ground and saw the biggest paw prints he had ever seen. He and the other men began to get excited—and very curious to discover the animal that could leave such huge tracks.

The previous winter, the Hidatsa Indians had told the explorers about a bear they would meet farther west: big, ferocious, absolutely fearless, and almost impossible to kill.

On April 29th, Lewis and another hunter finally saw their first one and killed it. It was the grizzly—never before described for science.

This bear was big—weighing at least 300 pounds though not yet fully grown, Lewis estimated, and compared to a black bear, “a much more furious and formidable animal [that] will frequently pursue the hunter when wounded.” Yet, while he could understand why Indians might be frightened of one, Lewis wrote in his journal, Americans with muskets had little to fear.

Then they met another grizzly. And then another, and another.

One chased Private William Bratton for over half a mile, even though he had put a bullet through the center of its lungs.

Three days later, a hunting party of six men opened fire on another grizzly, only to find themselves running for their lives across the prairie when it turned on them. Two of the men tossed their rifles away in panic and jumped off a 20-foot embankment into the river. The bear jumped in after them. Just at the last moment, a shot to the head brought the bear down. When they dragged him to shore and opened him up, they found nine musket balls in his body.

Finally, a chastened Lewis wrote in his journal, “I find that the curiosity of our party is pretty well satisfied with respect to this animal.”

Nearly two centuries have passed since the Corps of Discovery first headed west, pursuing the dream of Thomas Jefferson that perhaps, somehow, the nation’s destiny lay in that direction. The nation itself has long since crossed the continent, become a world power, and dispatched hundreds of other explorations not just to unknown parts of North America but to the farthest reaches of outer space.

And yet, I must say that the curiosity of Americans with respect to this first expedition is never satisfied.

What does the expedition mean—not just to me and so many other Americans, but to America itself?

Fascinating Individuals

For starters, there’s a fascinating cast of characters.

Meriwether Lewis—the brilliant, but troubled, commander. His journey took him from the comfort of the White House at the side of one of our nation’s greatest presidents and greatest minds—Thomas Jefferson—to becoming the first United States citizen to reach the Continental Divide, then on to the Pacific and back to Washington, D.C., where one senator told him it was as if he had just returned from the moon. And his personal journey also took him to a darker rendezvous with his own demons at Grinder’s Stand, three years after becoming a national hero, when he took his own life.

There’s William Clark—gregarious, steady, trustworthy; a self-taught mapmaker of the highest order, perhaps not as poetic a journalist as his co-commander, but more reliable at recording each day’s events and sometimes more enjoyable to read. (He spelled
Clark, two very fortitude, all the while nursing every difficult mile with equal a group of hardened military a young woman traveling with Shoshone who joined the expedi-
tions of because of his color.

It was Lewis and Clark—the team—that succeeded. Lewis and Clark, two very different men who nevertheless forged one of the great friendships of all time—and are now, rightfully, joined forever in history.

There was York, Clark’s slave. The startled Indians, who had never seen a black man before, considered him “Big Medicine” because of his size and color. Oh, if only he had kept a journal! What we might learn from someone, raised a slave because of his color, who found himself in cultures that honored him because of his color.

Sacagawea, the teenaged Shoshone who joined the expedition at the Mandan villages—a young woman traveling with a group of hardened military men, enduring every hardship and facing every danger across every difficult mile with equal fortitude, all the while nursing her baby boy.

And there’s Toussaint Charbonneau, Sacagawea’s husband, about whom neither Lewis nor Clark ever have one good word to say—except that he made an exquisite white pudding, boudin blanc, using a hastily emptied buffalo intestine.

And there are all the others in the Corps of Discovery—soldiers and frontiersmen, tailors and farmers, men from New Hampshire and Virginia, Pennsylvania and Kentucky; three French Canadians who were sons of white fathers and Indian mothers.

They began the journey as a motley crew—rough and undisciplined, given to disobeying the captains, falling asleep on guard duty, or breaking into the whiskey supply in the middle of the night—suffering from punishments of 100 lashes on the bare back, and suffering again by Lewis’s favorite medical treatment for all ailments: a super-laxative pudding, what the historian Bernard DeVoto called “the Main Spring of the action.”

With Jefferson’s involvement, the expedition takes on a larger meaning. Interminned with his dispatching Lewis and Clark, Jefferson purchased the Louisiana Territory, that incredible act of diplomacy that doubled the size of his country, faced us westward, and changed the course of American history. Try to imagine the United States without it—a United States that ended at the Mississippi; St. Louis as a “foreign city,” other parts of the West casted into other nations; the United States the equivalent of a North American Brazil.

As you know, Jefferson asked that three accomplishments be engraved on his tombstone: that he was the author of the Declaration of Independence, author of the article of religious freedom in Virginia’s constitution, and founder of the University of Virginia.

I’m here to tell you he left out something else: the Louisiana Purchase—the peaceful transfer of an immense wilderness beyond the Missis-

There’s also an essential person who never made it west of the Allegheny Mountains—Thomas Jefferson. To Lewis he was “the author of our enterprise;” Clark called him “that great Character the Main Spring of the action.”

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I’m here to tell you he left out something else: the Louisiana Purchase—the peaceful transfer of an immense wilderness beyond the Missis-

sippi, what the historian Bernard DeVoto called “the province of the American future.” “No event in all American history,” DeVoto said, “not the Civil War, nor the Declaration of Independence nor even the signing of the Constitution—was more important.”

An Important Ethnographic and Scientific Record

What else can we find in this remarkable journey?

If you are interested in ethnology, there exists no better record of the amazing diversity of Indian peoples of the West at the dawn of the 19th century than the journals of Lewis and Clark.

Each tribe’s customs, habits, dwellings, food, and other details were studiously recorded and written down. Those journals are invaluable to science—descriptions of 122 animals and 178 plants never before written down for what Lewis called “the enlightened world” and never before seen by the people who lived, as all the journalists referred to it, “back in the States.”

The journals also provide us with vivid descriptions of a terrain filled with wildlife in ways none of us will ever see: Grizzly bears and elk living not in isolated numbers in remote mountains but openly on the plains. Buffalo herds numbering, Clark estimated at one spot, nearly twenty thousand; herds that made him stop his canoes on the Yellowstone for hours as the beasts crossed the river. California condors flying overhead near the Pacific. The Columbia River choked with salmon.

The expedition traveled the entire length of the
Missouri and substantial stretches of the Snake and Columbia—upstream as well as down—when those rivers were undammed and untamed. They went through grasslands that had never experienced a fence or a plow, forests that had never been touched by a saw.

“This immense river,” Lewis wrote on his way up the Missouri, “waters one of the fairest portions of the globe. Nor do I believe there is in the universe a similar extent of country.” A little farther on, still caught in the thrall of his surroundings, he added: “It seemed as if those seem of visionary enchantment would seemed as if those scenes of the universe a similar extent of country.”

Sadly, many of those scenes have ended, although with some searching a few can still be located. But all of them who wants to travel any part of it, using the explorers’ journals as their museum guide to learn what the West looked like at the start of the 19th century, before the United States moved west and changed it forever—and then compare for themselves the differences between what Lewis and Clark saw and what they can see now with their own eyes.

Nearly 23 million Americans are expected to visit some part of this “museum” during the expedition’s bicentennial. They will benefit from the work the National Trust has done along the trail.

Traveler’s Rest, near Lolo, Mont., was a unique place for the expedition—a campsite the Corps of Discovery used on both their westbound and eastbound journeys, an important staging ground for the expedition’s difficult crossing of the Bitterroot Mountains, and then, on the return trip, a place to rest again before they split into separate groups to explore more of Montana on their way home. It’s also just about the only campsite along the entire trail that has been authoritatively located.

The National Trust was involved in the work that helped identify the specific site and then, more importantly, after putting it on the list of America’s 11 Most Endangered Historic Places in 1999, helped save the site from being turned into a trailer park.

And at Pompey’s Pillar National Monument east of Billings, Mont.—where William Clark’s signature is inscribed in the soft sandstone—I’m sure millions of people will learn to appreciate the National Trust’s noble mission that much more when they see a giant grain elevator desecrating the view, despite the Trust’s effort to help local groups block it from being built. Two hundred years from now, let us all hope that Clark’s signature—the only physical evidence of the expedition still left on the landscape—will still be there at Pompey’s Pillar; and let us work to see that the grain elevator despoiling this national treasure is long gone.

A Great American Story

What else keeps the Lewis and Clark saga so vibrant in our nation’s memory? More than anything else, it’s simply because this is a great story—our nation’s own Odyssey.

Sent by a young nation that itself would soon embark toward the Pacific, Lewis and Clark took our first transcontinental “road trip”—and since that time, road trips have held a special place in the American imagination. Think of Huckleberry Finn, On the Road, Travels with Charley, Life on the Mississippi, Lonesome Dove, even Star Trek or Thelma and Louise.

Tales of journeys are what we most readily respond to, perhaps because journeying is so intertwined with our past. And within this epic road trip are significant moments of American history—accompanied, I think, by important lessons to be learned from them.

At Lemhi Pass on the border of what is now Montana and Idaho, Lewis finally reached the Continental Divide, expecting at last to behold the great prize that every explorer since Columbus had been seeking: the fabled Northwest Passage, the water route to the Pacific that would open up the interior of North America for trade with the Orient, bringing wealth and empire to whichever country discovered and controlled it.

Instead he was confronted by an unimaginably discouraging vista: endless mountains where mountains were not supposed to exist. At that moment, the dream of a Northwest Passage died. But also at that moment, Lewis and his Corps of Discovery pressed on, in spite of the unexpected obstacle that had been thrown in their path. Crossing those mountains would be their greatest ordeal,

The Lewis and Clark Trail: A Living Museum

I like to think of the Lewis and Clark Trail as a 4,000-mile-long museum running through the heart of the nation. It is a remarkable museum, accessible to every American family that time, road trips have held a special place in the American imagination. Think of Huckleberry Finn, On the Road, Travels with Charley, Life on the Mississippi, Lonesome Dove, even Star Trek or Thelma and Louise.

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At Lemhi Pass on the border of what is now Montana and Idaho, Lewis finally reached the Continental Divide, expecting at last to behold the great prize that
Instead of simply issuing an order, the captains decided that the Corps of Discovery would face this issue the same way it had facedevery hardship along the way. They would face it together—with each person casting a vote.

There they are, this remarkable, diverse community in and of itself, which has traveled through the homelands and been befriended by so many other communities of native peoples; there they are, beyond the fixed boundaries of the United States, having crossed the continent the nation will spend the rest of the century expandingacross, and they make this decision democratically, by involving everyone. Everyone.

York votes—a half century before slaves are emancipated and enfranchised—“back in the states.” Sacagawea votes—more than a hundred years before women or Indians are granted the full rights of citizenship—“back in the states.”

It was, I think, an extraordinary and powerfully symbolic moment; a moment that even now—perhaps now most particularly—reminds us of an essential American promise: from diversity, strength; from different origins, a common destination; E pluribus, unum.

It was Lewis and Clark at their best, which I believe is America at its best.

In some things, it took our country fifty or a hundred years to catch up with Lewis and Clark and to follow their example. In some other things—like their relations with Indians—we never did.

But the example is still there—a Corps of Discovery who woke up each morning to face an unknown horizon whose only certainty was another day of hard work; a Corps of Discovery who pushed forward with, if not confidence, then at least dogged determination to move at least a little farther toward that horizon before the sun went down.

The struggle up the seemingly endless Missouri. The uncertainty—and potential for disaster—at every unexpected fork in the river.

The month-long portage of the Great Falls—with violent hail storms, broiling sun, maddening bugs, prickly pear cactus, and a rough, broken ground that was wearing out their moccasins every two days.

Dragging their canoes up the shallow and stony Jefferson and the Beaverhead Rivers. The terrible ordeal over the Bitterroots.

And those three discouraging weeks near the mouth of the Columbia, pinned down by storms, their clothes rotting and supplies dwindling, just a few miles from the ocean they had already traveled so many miles and suffered through so much to behold.

They captured it all in three simple words that form the most recurrent phrase in their journals: “We proceeded on.”

“We proceeded on.” It became their unofficial slogan, nearly summarizing the only way to cross a continent at 12 miles a day; the only way to push forward and expand the boundaries of knowledge; the only way to overcome daily disappointments and constant barriers to progress and reach a better tomorrow.

One step at a time. “We proceeded on.”

Across the divide of nearly two centuries, the story of Lewis and Clark still speaks to us today.

We can and should follow their trail and open their journals to re-experience their stirring adventure.

We can find inspiration in their perseverance and courage.

We can mourn what’s been lost in the time between their journey and ours, perhaps dedicate ourselves to honoring their promises or to restoring something of the “scenes of visionary enchantment” they beheld with such awe.

We can applaud and maybe even try to emulate their bond of friendship and community.

And each day, as we wake up to face our own uncertain horizons and face our own unexpected obstacles, if we listen closely enough, we can still learn something personally from Lewis and Clark.

“We proceeded on,” they tell us. “Every day is a day of discovery.”

Dayton Duncan is the writer and producer of Lewis & Clark: The Journey of the Corps of Discovery and the author of five other books, including Out West: An American Journey along the Lewis and Clark Trail. His book of essays on Lewis and Clark, Scenes of Visionary Enchantment, will appear in March from the University of Nebraska Press. Copyright 2003 by Dayton Duncan. Reprinted with permission.
Native America in the 21st Century: Out of the Mists and Beyond Myth

W. Richard West

To talk with you about this country's Native past, our discussion necessarily must include a conversation about the Native present. Because our view of history is profoundly circular rather than linear, for us the past is never far from the present and, indeed, is inevitably an inextricable part of it. Finally, I would like to close with some brief reflections on the implications of our journey through Native America for the movement to which all of you have given so generously—namely, historic preservation.

In thinking about how to describe the Native past, I always remember a quotation that long has been engraved on my Cheyenne psyche, lest I forget the challenges history brings us. The quotation is from a book entitled American History: A Survey, by Richard N. Current, T. Harry Williams, and Alan Brinkley—distinguished American historians all. Here is what they wrote approximately a decade ago:

For thousands of centuries, centuries in which human races were evolving, forming communities, and building the beginnings of national civilizations in Africa, Asia, and Europe, the continents we know as the Americas stood empty of mankind and its works... The story of this new world... is a story of the creation of a civilization where none existed.

The facts utterly belie this Eurocentric and unfortunate historical and cultural myopia. The reality is that when Europeans arrived in this hemisphere, it already was the home of remarkable civilizations and cultural achievements. The demographic statistics of this hemisphere alone would surprise many people here today. In 1492 approximately 75 million people lived in the Americas, with some 6 to 9 million occupying what is now known as the United States. Of the ten most populated cities in the world in the year A.D. 1000, two were located in the Western Hemisphere.

I also believe that the achievements of the Native peoples who lived right here in what is now the United States continue to be little understood and grossly undervalued. Many accept the notable accomplishments of the precontact cultures of Central and South America, but how many appreciate the contemporaneous accomplishments of the Hopewellian culture in what is now the Ohio Valley? Its Newark earthworks, each of which covers literally thousands of square feet and which stretch across miles, reflect a highly advanced understanding of geometry and astronomy. Indeed, this knowledge is fully as sophisticated as anything the Mayans knew at the apex of their civilization. These earthworks, which comprise geometrically perfect octagons and circles, are lunar in orientation, as reflected in their meticulous and correct alignment with the movement of the moon.

I believe we also should know that some three thousand years ago, near what is now Poverty Point, La., one sun-aligned settlement existed that was seven times the size of its contemporary, Stonehenge, in England. The Poverty Point settlement was established, developed, and prospered while its contemporary, Rome, was quite literally nothing more than a minor, largely rural, and very muddy village.

I think we should know that during what Western historians call the Middle Ages in Europe, an urban settlement we now call Cahokia existed near St. Louis, Mo., that had a population estimated at 30,000 to 50,000 people. The urban landscape of Cahokia was characterized by vast ceremonial centers, plazas, and monumental earthen pyramids that rose some 12 stories high. To give you a horizontal time reference and comparison, this metropolis of the Americas was considerably more populous than London, England, at the same time.

Without browbeating people for the sins of their ancestors, the arrival of Europeans represented, in a word, a holocaust for the first citizens of this hemisphere. Entire orders of civilizations and communities that had a time depth of thousands of years were destroyed and eliminated, quite literally wiped out in a generation, through disease and military action. At the time Columbus sailed into our waters, historians and anthrop-
Eric “Many Winds” Herrera shared his musical tradition at the closing plenary session. Photo by Bill Cronin, Cronin Photography.

In the face of all of the foregoing, I do not wonder that the state of Indian affairs, from a socio-economic standpoint, has been so dismal. I remember, as a young attorney, coming across something that captured in a few words this devastation and that left me sitting there, stunned and transfixed, for a very long time. What I read appeared in the report of the United States concerning its compliance—or, I should really say, its lack thereof—with the international human rights accords, and here is what it said:

Native Americans, on the average, have the lowest per capita income, the highest unemployment rate, the lowest level of educational attainment, the shortest lives, the worst health and housing conditions and the highest suicide rate in the United States. The poverty among Indian families is nearly three times greater than the rate for non-Indian families and Native people collectively rank at the bottom of every social and economic statistical indicator.

Notwithstanding this disheartening note, through all of this, the Native peoples of the Americas, some 30 to 40 million by present count, have persisted—we are still here, and we are not leaving. Furthermore, as startling as the statement may seem in some ways, we are ultimately optimistic about the future. Despite the hard economic and social realities that will continue to afflict Native America well into this century, from a cultural standpoint, a seminal shift has occurred in the thinking of Native peoples about their future.

Indeed, the point I wish to make bespeaks not of Native Americans’ ultimate cultural destruction but, instead, of our tenacity—a will to survive, a capacity for continuance, an insistence on a cultural future. Native communities across the United States and elsewhere in the hemisphere are experiencing a cultural renaissance that is unprecedented in their history. We have determined, finally, in terms of our own self-image and cultural self-perceptions, and notwithstanding the legacies of the past 500 years, that ours, in the end, represents a truly worthy system of cultural values and ways of life.

Native communities across the United States and elsewhere in the hemisphere are experiencing a cultural renaissance that is unprecedented in their history.

Cultural Insights for All Americans

So what is it that I want most for you to take from this journey through Native America? In the end, my aspiration is not that you concede the worthiness of what Native America has contributed, over thousands of years, to what we call civilization—although I, of course, hope you will. Or that I convince you of the fact that contemporary Native peoples will have a cultural future as well as a past and present—although I believe we will.

What I aspire to most, both as a Cheyenne and most certainly as the director of the Smithsonian’s National Museum of the American Indian, is your more complete understanding that this story represents a key and frequently misunderstood element of the shared cultural heritage of every person here, be he or she Native or non-Native. Even more important to me, this story offers guidance, in the form of philosophies, world views, and social and cultural values that are relevant to the future of all of us as we make our way, together as we must, into the 21st century. Western civilization, I believe, finally is willing to concede that it just may not have gotten everything exactly right. The relentless advance of technology, broadly defined, with its admittedly great advantages, nonetheless can threaten and, indeed, diminish life on this planet, in all its variety and wonder, as well as the humanistic values that underpin and define our respect for the sanctity of that life.

Against this very background, the transcendent capacity of Native people to see the world whole, in all respects, beckons to all of us. Our Native ability to see and act on the presence of life everywhere and its interconnectedness, the fusion of the profoundly spiritual with the purely physical and material, a profound respect for place, the symbiosis of who we are and what we do, embodies a whole
I believe that the Native experience I have described counsels a view of cultural preservation that goes beyond the protection of the built environment.

Implications for Preservation

Let me add some brief observations on the implications of what I have just said for the important work that we do in preservation. First, I urge the national preservation movement to continue, as it is beginning to do, to encompass the full diversity of the cultural range and experience that is America. Each of the individual threads of this cultural heritage is beautiful and important in and of itself, but their combination in a national cultural tapestry is more wondrous still—truly greater, more significant, and compelling than the sum of its parts. The National Trust has made great strides during my tenure on the board in diversifying its collection of sites in all kinds of ways—and I do not mean only in terms of ethnicity but also from the standpoint of geography, type of built environment, and specific histories represented, among others. Through the pursuit of creative partnerships that do not involve its outright ownership of potential sites, the Trust also has leveraged its capacity to represent the breadth and depth of the cultural heritage of this great nation.

Second, that Native concept of time, so circular rather than linear, where the present circles back always to the past, and where that past is embedded inseparably in the present, is worthy of preservation’s consideration. The act of preserving cultural heritage is inherently dynamic and not static—it moves through time. Preservation should not be limited to the physical protection of structures, time-frozen in history, but instead should represent an interface between the past and present in which the former informs the latter, where the present gains critical context and meaning. Perhaps most important from a societal standpoint, that interface promotes not only the preservation of the physical but, far more important and enduring, the preservation of cultural and community linkage and wholeness—the pulling together of all the threads of history and heritage into a more reconciled present.

In articulating these principles, I cannot help thinking of the community revitalization program of the National Trust. I admire this program because it recognizes the linkages not only between past and present, or the value of historic structures in linking the two, but, more profoundly, the importance, indeed, the absolute necessity, of revitalizing the spirit of a community and not just its physical structures—or, as we Cheyennes might say, of keeping the people whole and human.

Finally, I believe that the Native experience I have described counsels a view of cultural preservation that goes beyond the protection of the built environment. I had the privilege of speaking recently on the subject of historic preservation at the Pueblo of Acoma in the state of New Mexico. The specific occasion was a fund-raising celebration of the work the Pueblo has accomplished so successfully in restoring and preserving the mission church that is so much a part of Acoma heritage and experience, even though the origins of the church were external initially.

But as I was standing in front of the church in the early evening before the ceremonies began—taking in the hues of a magical New Mexico sunset, complete with a double rainbow, watching the evening clouds and their rain that hangs in the sky and does not reach the earth—what resonated with me the most, down to my very core, was the beautiful wholeness of it all. I was standing on a mesa top occupied and lived on by the Acoma for at least a millennium, in front of a church imposed by outsiders but now an integral part of the heritage and present of the Acoma, and looking out over a landscape—a place—that encompassed both and that gave meaning to each.

My simple point is this: If nothing else, Native America has taught us the importance of place in the preservation of history and heritage. Preservation, at its most progressive edges, has begun a conversation over the past several years about the centrality, in many instances, of cultural landscape in describing and defining heritage—and I urge that conversation to continue. American historic preservation legitimately may have begun in one place, borne of particular cultural experience and perspective, but its potential will be realized more fully by a willingness to explore new and different cultural paths, equally valuable and precious in their own way.

So my journey with you through Native America and historic preservation now draws to a close. But our journey as preservationists—inclusive in heart and mind, seeing the value for the present of a preservation of the past, appreciating in the conjoining of the two the vast potential for transformational mutual understanding and reconciliation—continues, as it should and as it must.

On that seminal journey, I wanted to send you on your way today, in blessing and good will, in Cheyenne rather than English, since we Cheyenne, along with our Ute and Arapaho brothers and sisters, lived for centuries in the very place we now are.

W. Richard West is director of the National Museum of the American Indian, Smithsonian Institution, in Washington, D.C., and a National Trust trustee.
Yet not all of Colorado’s history is so young.

Some of the oldest remaining human habitations in the United States are found on the other side of the Rocky Mountains. The ruins of the ancient civilizations at Mesa Verde, the stunning petroglyphs on the cliffs in the Canyons of the Ancients National Monument, and other important Native American sites of the Southwest provide a different perspective on our country’s history. These remnants of a civilization flourishing eight centuries ago still have not fully revealed their mysteries.

My experiences since moving to Washington, D.C., have reinforced for me the importance of learning from history. We all experienced one of the defining moments in history on September 11, 2001. I will never forget looking out my office window and seeing smoke billowing from the Pentagon.

In difficult and challenging times, when geopolitical forces upset our routine, we can draw inspiration and guidance from history. When our fundamental beliefs of freedom and equality are challenged, we find it is important to go back and examine what we stand for as a people. Historic sites become a touchstone for us. They reinforce what America is, what we believe, where we have been, and where we are going.

History and the power of historic places becomes a sort of civic glue that holds us together. Preserving history is our contract with past generations that we will remember, and it is our promise to future generations that there is continuity and purpose.

There is a power to standing in a historic site and imagining what went before. But it isn’t just the physical aspect—the bricks and mortar—that we celebrate. As with so many of our historic treasures, it is the story—the story of the people who created this historic place.
It is the story that moves us to preserve, to protect, to restore, and to rehabilitate our past. All history is important but the stories of this nation should be a part of all of our lives. Unfortunately, this knowledge is often sorely lacking.

The President, the First Lady, and Vice President Cheney’s wife, Lynne, all have expressed concern for the level of history illiteracy in this country. When asked the significance of Memorial Day, too often the answer is, “the day the pool opens.”

Recent college graduates couldn’t put the Civil War in the right half-century on a test. When I was at the Wright-Patterson Air Force Aircraft Museum, a volunteer told me he overheard a teacher explaining to her students that the planes were from World War eleven.

All of us have a duty to make sure history remains an important part of the education for the nation’s children.

The President has taken this to heart with his recent Executive Order on Preserve America. The initiative has become a cause for both the President and First Lady Laura Bush. She has said: “Our nation’s cultural and natural resources are important parts of our history and our heritage.

President Bush strongly believes in taking care of the icons and historic treasures that are in our care. That goal is reflected in his commitment to taking care of the maintenance backlog in our national parks.

People often think of national parks in terms of geyers and grizzlies. But more than 60 percent of our 388 units of national parks preserve some aspect of American history. From historic battlefields to petroglyphs, from President John Adams’ home to the Lincoln Memorial, we endeavor to hold fast to our heritage.

The National Trust for Historic Preservation can perhaps understand better than any other group just how challenging a task that is. Let me give you an example.

Federal Hall is in the heart of the Wall Street district of New York. It was built in the early 1800s on the site where George Washington took his first oath of office as president. It was never designed to withstand the vibrations of a nearby subway—and certainly not the shock of the collapsing World Trade Center towers only a few blocks away. After those disturbances, a major crack threatened the survival of Federal Hall. We quickly undertook a multi-million dollar effort to restore strength to the building.

At other historic structures, from Independence Hall in Philadelphia and Ellis Island in New York to the Spanish missions in San Antonio and the Presidio in San Francisco, we are working to care for the historic treasures entrusted to the Department of the Interior.

For the first time, we have developed a business-like system to manage our Park Service buildings and structures. We are doing a nationwide assessment of the condition of park facilities that will be completed next year.

A new computer system lets us track and evaluate how and when maintenance takes place. We can identify the most pressing needs across the country and set priorities so that we repair the leaking roof before we buy new carpet.

Some 900 maintenance backlog projects have been completed since President Bush took office, and 900 more are underway or will be started this year. Not all of them are at historic places, but many are.

A recent addition to the National Park Service is the Cedar Creek and Belle Grove National Historical Park in Virginia. In 1864 the Belle Grove Mansion bustled with the activity of Union officers under the command of General Philip Sheridan. Confederate soldiers approached and the calm fields became a battleground. The National Trust, along with partners Belle Grove, Inc., Cedar Creek Battlefield Foundation, and Shenandoah Battlefield Foundation, helped us to preserve this battlefield. With partnerships like these, since President Bush has been in office, we have preserved more than 4,600 acres of Civil War battlefield land through the National Park Service’s American Battlefield matching grants.

Exciting projects and events are in the works. In December 2003 we will celebrate the Centennial of Flight at National Park Service sites in Dayton, Ohio, and Kill Devil Hills, N.C.—and honor the work of the Wright Brothers.

Unfortunately, we don’t always get to things in time. Theodore Roosevelt’s Elkhorn Ranch in Theodore Roosevelt National Park, N.D., disappeared before anyone had a chance to save it. While the ranch is gone we do have the opportunity to protect the landscape that remains. It is this landscape—almost exactly as it was when Roosevelt lived there—that inspired him to adopt his unprecedented con-
Heritage Tourism

An important part of the Preserve America initiative is to help communities preserve their story and develop heritage tourism programs.

A new study from the Travel Industry Association of America and Smithsonian Magazine shows a remarkable 81 percent of U.S. adults who traveled in the past year are considered historic/cultural travelers. This is up 13 percent from 1996. In fact, for 30 percent of these travelers, their destination choice was influenced by a specific historic or cultural event. The study also determined that these travelers spend more money compared to the average U.S. traveler and stay longer at their destinations.

Heritage tourism serves a dual purpose of bolstering local economies while teaching Americans more about their story and developing heritage tourism programs. Fortunately there are a number of tools that allow the Department of the Interior to aid in that process.

Protecting Historic Properties

Almost 44,000 historic and prehistoric properties have been preserved through federal/state/local consultation under Section 106 of the National Historic Preservation Act—just since President Bush took office.

Since I became Secretary, we have designated more than 40 historic properties as National Historic Landmarks. They range from the nation’s first public beach—Revere Beach in the Boston area—to Sun Records Studio in Memphis, Tenn.—the recording home for B.B. King, Johnny Cash, and Elvis Presley.

Our National Register of Historic Places now lists more than 1.3 million properties—not because government mandated it, but because people had the passion and incentive to do so. The 1966 National Historic Preservation Act designed a bottom-up process where the citizens of a community nominate the sites.

Those properties include ones with tribal significance. Since the early 1990s, tribes have been able to appoint a tribal historic preservation officer. We now have more than 40 such officers in Indian Country, and fully half of them have been named under this administration. A corollary to that effort is that we have under consideration naming the Navajo Council Chamber in Window Rock, Ariz., as a National Historic Landmark.

I believe it is important to recognize and highlight Native American cultural history. It is why Weatherman Draw in south-central Montana was important to me. We were able to come together with the Indian community, the National Trust, and a private entity to protect significant petroglyphs.

During this administration, more than 2,000 historic commercial buildings in city centers and small towns have received historic rehabilitation tax benefits. These represent a private-sector investment of almost $5 billion with less than a $1 billion cost to the Treasury. The tax credit has generated almost $30 billion in preservation funds since its inception in 1976. The National Trust and many state organizations have been leaders in helping establish these tax incentives.

Let me give you an example. In 1985, the deteriorated Westside Courthouse in Denver was home to vagrants who took over the once stately judges’ chambers. But the
A Partnership to Preserve McGraw Ranch

The partnership to save McGraw Ranch in Rocky Mountain National Park is a perfect example of working together for common goals. In 1920, the 1920-era building had great bones, original mosaic tile, and intricate exterior brickwork. The property was sold to the Hispanic Heritage Center, which took on a $4 million rehabilitation of the building. The center applied for the 20 percent historic rehabilitation tax credit. And today the new Bernard Valdez Hispanic Heritage Center is home to the Denver Hispanic Chamber of Commerce, the Latin American Education Fund, and Habitat for Humanity.

This tax credit is an effective tool to promote urban and rural revitalization and to encourage private investment in rehabilitating historic buildings. In fact, each tax incentive project approved by the National Park Service creates an average of 40 new jobs in a local area. To give you an idea of what that means, more than 50,000 jobs were created just in the last year thanks to the rehabilitation tax credit.

The partnership to save McGraw Ranch in Rocky Mountain National Park is a perfect example of working together for common goals. Maybe George Washington never slept there, but Kansas Governor and presidential candidate Alf Landon did. Homesteaded in 1884, the ranch eventually became a dude ranch. That it exists today is a testament to the work of preservation advocates from Estes Park, Boulder, Longmont, and Denver and especially to the Trust’s Midwest Office which helped Rocky Mountain National Park see the value of saving the ranch for an ongoing productive use.

The National Trust helped the local preservation community raise money. With help from the State Historical Fund coupled with a $1.2 million commitment from the Park Service, McGraw Ranch avoided the wrecking ball. It is now listed in the National Register of Historic Places and serves as a valuable research center for Rocky Mountain National Park.

But McGraw Ranch has another significance. It is the “can do” model for all our parks and communities to learn that with vision, perseverance, and an ethic of reusing the old—rather than always having to resort to new—we can protect our heritage. We can tell the stories and continue to keep our past working for us today. That is what I call a true “win–win.”

It is the model for a new partnership for the future: White Grass Dude Ranch.

One of the most evocative images of the American West is the historic ranch on the High Plains or the historic mining or ghost town in the great Rocky Mountains. These unique and endangered historic properties typically were built of log, wood, and stone. Such structures have unique and complex conservation and historic preservation needs.

We have recently signed an agreement with the National Trust to adapt the White Grass Dude Ranch in Grand Teton National Park as the Western Preservation Training and Technology Center. Under this agreement, the National Trust will attempt to raise up to $1 million to help make this a reality.

This new center will teach National Park Service employees and volunteers how to preserve, rehabilitate, and find new uses for historic rustic structures in national parks, starting with Grand Teton and Yellowstone. It will also house and train volunteer groups, such as the Michigan Volunteers who annually perform preservation maintenance and stabilization of historic structures in Grand Teton—and who assisted with the McGraw Ranch project.

Once again we are working together with the National Trust and its partners to make the past work for the future.

There is an increasing homogenization of our world where every mall guarantees you the same fast food restaurants and the same clothing chain stores.
New Roles for Preservation in Housing and Community Development

Paul C. Brophy

My goal today is to focus on the nexus between historic preservation and housing, and to put some emerging ideas in play that, if executed, could strengthen the connection between the two, with the hoped-for outcomes of improved older neighborhoods and an increase in affordable housing. I want to focus particularly on what the National Trust and its partners can do.

My starting point is to describe some broad trends in the field of housing and community development, where there is a growing understanding that the approaches that have been in use, in fact, need clarification and redirection.

This growing understanding is marked by three key elements:

1. Approaches need to be tailored to communities based on market conditions.

In the community development field, we are now characterizing cities as strong-market and weak-market cities. Strong market cities have robust real estate markets. Population is growing, demand pressures push up housing prices, older neighborhoods get discovered and improved. Weak-market cities are losing population, housing prices are generally low and show only modest appreciation. Neighborhoods in these cities may be in such decline that they are experiencing widespread housing abandonment. Of course, each of these kinds of cities have strong-market and weak-market neighborhoods.

Overall the 1990s were good years for central cities. Housing demand was up, crime was down, local government budgets improved. However, recovering health was not a uniform phenomenon among American cities. Twenty seven percent of cities (53) with populations over 100,000 lost population since WWII, and lost 14,000 abandoned housing units. Between 1998 and 2001, 28 percent of Americans moved into the city. During the 1990s the median house price in the Portland metropolitan area doubled, the second highest rate of increase for any American city. City government has established a number of initiatives aimed at preserving the affordability of housing, including the creation of the Portland Community Land Trust, a fund that is being used to purchase properties for long-term ownership by non-profit groups.

Baltimore, on the other hand, is a weak-market city. Baltimore has been losing population since WWII, and lost 11 percent of its population in the 1990s. The city now has 14,000 abandoned housing units. Between 1998 and 2001, 25 percent Baltimore neighborhoods showed a decline in the median sales price of homes. Another 28 percent reported a rise in property values of 10 percent or less, which did not keep up with inflation.

We have radically different housing markets among cities and within them, and the housing and community development field is beginning to understand that very different policies are needed in each of these places.

2. Community development is not synonymous with affordable housing. Community development is about the improvement of places, and the condition of a place—a community, a neighborhood. Affordable housing is concerned with helping a group of people get good housing at affordable prices—and we need more affordable housing, in our central cities and also near suburban job centers.

   • 30 percent of Americans pay more than they can afford for housing.
   • 14.3 percent of Americans spend more than half their income for housing. And, between 1997 and 2001, the number of lower-middle and middle-income households in this category surged by more than 700,000.
   • Nowhere in the nation, says The State of the Nation’s Housing report, can a full-time worker earning minimum wage afford to rent a modest one-bedroom apartment.

3. The future of older neighborhoods is fully con-
Continuing sprawl is bad for central cities, and we are sprawling out of control.

Most metropolitan areas in the United States are adding urbanized land at a much faster rate than they are adding population. Between 1982 and 1997, the amount of urbanized land in the United States increased by 47 percent, from approximately 51 million acres in 1982 to approximately 76 million acres in 1997. During this same period, the nation’s population grew by only 17 percent. Of the 281 metropolitan areas included in a July 2001 Brookings Institution report, only 17 (6.0 percent) became more dense.

Another key indicator: New home sales grew 7.7 percent in 2001-2002, producing 973,000 new homes in 2002 and estimated to be just over one million this year. At $182,000 a house in sales—the median home cost for July 2003—that means that we’ve spent about $182 billion on new homes. Not all of these were in areas that would qualify as sprawl locations, but many were. In contrast, in 2002 we spent less than that in remodeling all of the existing housing in the country—$164 billion—and the rate of remodeling expenditures went up only 2.5 percent between 2001 and 2002.

There is great congruence among the community development specialists who aim to improve older neighborhoods, the affordable housing proponents, especially those working to help people live close to jobs, and the smart growth advocates who are trying to limit sprawl for environmental reasons.

New Directions for the National Trust

That’s a very broad overview of parts of the changing landscape in the housing and community development world. Let me now connect these trends to the work of the National Trust and historic preservation generally.

I have been working with the Trust’s staff and some outside stakeholders in a process to reassess the Trust’s work in housing and community development. It has involved great soul searching, with very lively thinking and learning, and I want to report to you on the emerging thinking.

First, the Trust has a strong base from which to build. It has provided technical and financial assistance to nonprofit groups and it knows the complexities of rehabilitation work. It has a strong board and staff and a strong network of state organizations and partners. And it has broad recognition and respect throughout the country.

The Trust also has a stated mission “to provide leadership, education and advocacy to save America’s diverse historic places and revitalize our communities.”

The reassessment process has led to a call for the National Trust to expand its vision and its work in three ways.

The first is to take the market-oriented approach described above working with partners in tailoring its community development and housing work to fit local conditions.

The second is, while continuing to focus on certified historic structures and communities, to extend its interest to “older communities,” a phrase meant to include areas that, although not officially designated as historic, add to the overall texture of our country. The community development field would benefit from an organization as strong as the Trust lending its talent, energy, and reputation to working as an advocate for older neighborhoods. Increased attention to historic areas as well, as historic preservationists and community development interests find increasingly common ground.

The third is, where appropriate, to go beyond rehabilitation to help to develop infill housing that is in keeping with the design and quality of the older neighborhood. A recent Brookings study reports that 15 percent of the land in the 100 largest cities is “vacant usable land.” To put this amount of land in perspective, this average of 15 percent means that the 100 largest cities in the country have the equivalent of the total combined land area of New York City, Los Angeles, Chicago, Houston, Philadelphia, and San Diego sitting idle. Not only do these vacant properties provide an opportunity for urban revitalization, but they also offer an alternative source of developable land to green space at the edges of our metropolitan areas. A good deal of this vacant land is in older neighborhoods of concern to the National Trust, and the Trust could add great value in seeing to it that this land is developed in ways that are compatible with the surrounding areas.

Moving in these directions will be a challenge for the Trust, and, if it is to succeed, a number of principles need be followed including these:
1. The Trust’s housing and community development efforts should build from its core strengths and be done in partnership with strong national, state, local, and community groups working in housing and community development.

2. The Trust needs to get capital and steer the capital of others. Housing and community development needs money and, to be helpful, the Trust needs to bring capital to the table as it has been doing with its current affordable housing programs and its partnership with Bank of America on the Historic Tax Credit. The Trust might be more effective if it increasingly uses its capital to steer the capital of others into historic and older areas.

3. Grow the perceived value of older housing, and the recognition that high quality design and construction build value. The fact that we are putting as much capital into new construction as we are into renovation is astounding. More needs to be done to encourage renovation of older housing. As we get more done, more historic homes will be restored. Just as the Trust has been the national leader in helping Americans understand that we must preserve our heritage, the Trust can play a major role in helping the nation see the value of older housing. It can do that by advancing rehab techniques and by helping to make older housing physically safe through the removal of lead and other hazards.

4. Broaden the Trust’s policy work to include housing and older neighborhoods more directly. This is an aggressive agenda, one that could put the Trust in a partnership role with many of you involved in historic preservation and with national interests concerned with housing and community development. I am convinced that the shifts outlined here can serve as the basis for the Trust being clear about its future role in housing and community development, in a way that is well received in the housing and community development world.

The community development field would benefit from an organization as strong as the Trust lending its talent, energy, and reputation to working as an advocate for older neighborhoods.

Paul C. Brophy is a principal with Brophy & Reilly LLC, a Maryland-based consulting firm specializing in housing, community development, and the management of urban redevelopment projects.

Integrating GSA’s Portfolio and Stewardship Strategies to Benefit Historic Buildings

The U.S. General Services Administration (GSA) was created in 1949 to harness the government’s economy of scale to procure federal office supplies, space, and communication systems more cost effectively. The mission of the Public Buildings Service is to provide superior workspace for federal workers and superior value for American taxpayers.

In response to the well-documented backlog of property maintenance and repair needs across government, GSA and other agencies have developed plans to pare down the federal inventory of vacant and underutilized properties and to explore new ways to finance necessary capital investment to keep aging buildings viable.

Let me share some of the critical realities we face:

• 241 of GSA’s 1,600+ buildings provide 95 percent of the portfolio income;
• Chronic under-funding has led to a backlog of $6 billion in portfolio repair and replacement needs;
• The Public Buildings Service has only the money the Federal Buildings Fund will generate to use for capital reinvestment; and
• The Federal Buildings Fund is not sufficient to maintain the owned portfolio properly.

GSA’s Portfolio Strategy calls for divesting of buildings that do not generate enough rental revenue to cover necessary repair and operating costs, and for reinvesting in strong financial performers so they can continue to meet federal workspace needs. This includes restructuring the owned inventory to consist of strong, income-producing properties, curing or disposing of non-performing assets, and concentrating resources on performing and under-performing assets.

Our restructuring goals are to:

1. create a sustainable owned inventory, in which income covers operating and capital needs;
2. improve the quality of space for our customers, in support of the mission of the government, and
3. maximize the financial performance of our retained assets.

**Special Considerations for Historic Buildings**

These are all highly laudable business objectives. But what about historic buildings and federal preservation laws and policies? Central to the National Historic Preservation Act are the mandates to use historic buildings first and to involve the public in decisions affecting them. The Act also provides special authority, under Section 111, to lease space in underutilized historic buildings to non-federal tenants. We realize that our strategy needs to consider more than quantitative values.

The financial health, physical condition, and future of our historic buildings are very important to us and to the many communities where our historic buildings are located. About one-fourth of the more than 1,600 buildings GSA owns are historic. These 414 buildings include courthouses, custom houses, and office buildings in all 50 states and several territories. They were constructed to last and to provide about 55 million square feet of workspace.

GSA’s Center for Historic Buildings has worked closely with the agency’s Office of Portfolio Management to fashion a vision of sound real estate management that also takes into account GSA’s responsibility to maintain a quality inventory that positively represents the federal government’s public building legacy, especially its monumental historic buildings and architectural icons. The goal of the Legacy Vision is to position the government’s finest buildings to be strong financial performers. The strategy requires GSA to take a second look at historic buildings that are not performing well and to make every effort to make them financially viable.

**Evaluating Buildings’ History and Quality**

To put this strategy into perspective, let’s take a closer look at the entire GSA-owned inventory. We have separated our buildings into five eras reflecting the changing mission and philosophy of the federal government toward design and construction.

**Historic**

Prior to World War II, the Department of Treasury oversaw the design and construction of public buildings. They were designed by the Supervising Architect of the Treasury and other top architects of the time. These buildings were designed to create a strong and dignified image for the federal government.

**War Years**

In the 1940s the federal government responded to very different needs. Buildings were quickly constructed for temporary, utilitarian purposes. Many of these industrial buildings were adapted to serve as government offices after the war.

**The Great Society**

In 1949 GSA was created to bring efficiency to government procurement, producing pens, pencils, and federal workspace for the expanding government of the Great Society. Top construction priorities were efficiency and economy. GSA has more than 600 buildings from this era—from 1950 to 1979—in the inventory. Although they offer some advantages such as large flexible floor plans, only a few are architecturally exceptional and many are not aging well.

**Contemporary**

In the 1980s, GSA followed the national trend toward a more sophisticated modern design. But for the most part, these buildings reflect the typical commercial architecture of their time.

**Design Excellence**

In the early 1990s GSA reexamined its mission and its effect on communities. With the creation of the Design Excellence Program, GSA elevated the profile of design and is making the federal government once again a leader in American architecture by constructing exceptional buildings designed by the nation’s top architects. We believe many of these buildings will be tomorrow’s landmarks.

Our Legacy Vision acknowledges that making value distinctions between buildings is appropriate and in the interest of American taxpayers and communities. Few would argue that a contemporary masterpiece designed by one of the nation’s top architects and a least-cost 1960s building should be given equal priority for use as federal workspace. Preservation groups also support making value distinctions between historic buildings as part of a comprehensive strategy. Few would argue that a utilitarian warehouse built to meet immediate production needs during World War II or

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*About one-fourth of the more than 1,600 buildings GSA owns are historic, and they include custom houses, office buildings and courthouses such as Denver’s Byron R. White Courthouse pictured above. Photo: U.S. General Services Administration.*
even a 1930s community post office typical of its day should be given the same priority for retention and reinvestment as a one-of-a-kind 1870s Second Empire custom house designed as the focal point of a historic coastal city.

The Legacy Vision gives priority to those buildings that best represent the federal government’s public building legacy by making every effort to keep these Legacy buildings occupied and viable. Let me give you some examples of what we are doing specifically.

**Strategies to Keep Historic Buildings Viable**

Specific financial turnaround measures include undertaking necessary repairs and improvements to eliminate vacant space, relocating tenants from leased space or non-historic federal buildings to historic federal buildings, increasing rent rates to better reflect operating and repair costs, and supplementing federal tenancies with non-federal (outlease) tenants.

Our first step is to make sure we are accounting for and receiving all possible revenue from our buildings. It is important that we have accurate figures for building square-footage and assigned square-footage by tenant to ensure proper billing. We can also increase our revenue by raising rents to be more in line with market rent for comparable space. At a number of special-use facilities such as courthouses and border stations we can use Return on Investment rent pricing for rehabilitation projects. The courts have welcomed this approach when it allows them to remain in the historic courthouses.

At the National Historic Landmark U.S. Custom House in Savannah, our customer satisfaction rating is 100 percent and the building is fully occupied. Market rent in the Savannah Central Business District is $20/sf, but the building rent was lagging at $8.41. Recent rent adjustments are expected to turn the underperforming 1852 building into a strong performer. A Return on Investment rate of $17.33/sf now supports the cost of investment in the aging infrastructure and other repairs to keep the building functional in its originally intended use. Remeasuring the building significantly increased billable square footage.

Attracting tenants to vacant space in historic buildings can require imaginative marketing. Space that was insensitively remodeled in the 1970s, such as the postal work area in our Minneapolis Federal Building, can be a hard sell. By using graphic simulation to show what the space will look like after the suspended ceilings are removed to expose the original arched windows and vaulted ceilings, our regional realty staff was able to secure a new federal tenant.

Section 111 of the National Historic Preservation Act allows us to lease space not currently needed by the government to non-federal tenants. Outleasing, as we call it, can be used in several ways to keep our historic buildings occupied and viable. Section 111 is primarily used by GSA to supplement a predominant federal occupancy. We also use it to keep a building occupied during interim periods between federal tenants. Long-term, whole-building outleases are rare and are generally reserved for buildings of exceptional significance in markets where the government has a long-term interest. We require all outleases to make good business sense. Leases are for limited terms, generally based on the reinvestment payback period, and the terms must be advantageous to GSA.

Our Legacy Vision acknowledges that making value distinctions between buildings is appropriate and in the interest of American taxpayers and communities.

The 1868 U.S. Custom House in Portland, Maine, is one of the most architecturally significant buildings in the region. It will be partially vacant when a secondary tenant leaves. Outlease revenue will fund the necessary HVAC and ADA upgrades to attract back-fill tenants to keep the building for continued federal use. At the 1929 U.S. Court-
focus federal workspace plans on increasing historic building occupancy and eliminating vacant space. For example, the federal office space inventory in Portland, Ore., includes four architecturally and historically significant buildings. None of these buildings are meeting the financial performance benchmarks set by the Portfolio Strategy. The regional portfolio team is looking at Portland’s historic inventory as a whole to ensure that helping one building does not jeopardize the others.

The Pioneer Courthouse, a National Historic Landmark built in 1869, is the oldest and most significant federal building in the region. It is fully occupied and continues to serve its original use as a federal courthouse. It is currently undergoing modernization and seismic upgrade. A Return on Investment rent rate will be charged on completion of the project, repositioning the building as a stable and healthy financial performer.

The 1933 Solomon Courthouse, prominently situated in downtown Portland, has high customer satisfaction and a 12 percent vacancy. The region is working to backfill the building with both federal and non-federal outlease tenants to generate revenue required to rehabilitate the building within the next ten years. When the project is completed, the Bankruptcy Courts will backfill the building. In the meantime, the building is serving as swing space while the Pioneer Courthouse is under renovation.

The outcome for the 1898 U.S. Custom House is not yet resolved. It is an architecturally exceptional building in a prime location where land values can be expected to rise because of tight controls on development to limit sprawl. The current federal tenant will vacate the building soon and a backfill tenant is not available. A long-term outlease is being considered to secure private investment funds for the necessary seismic, systems, and code upgrades and to enable the government to maintain ownership of the high-quality asset for future federal use.

Sometimes the best option is a public benefit transfer. The 1918 Post Office is located in the Pearl Historic District, an area experiencing rapid redevelopment. The building will be vacant within two years. Given limited prospects for future federal tenancy and the high cost to renovate and seismically retrofit the building, reinvestment for long-term retention of this asset is not practical. As part of the local redevelopment master plan, the city would like to use the first floor of the building and the surrounding site for a public market and convert upper floors to loft housing. We will ensure that the city, as the successor owner of the property, will be held to the same high standards of stewardship as we are.

Combining Strategies

Some buildings require a blend of strategies to remain viable, such as the 1848 New Orleans Custom House. Strategies being used to turn around this under-performing National Historic Landmark asset include:

- auditing to ensure that all occupied space earns rent,
- increasing rental rates,
- outleasing vacant ground floor space to a non-federal tenant for use as an Insectarium, and
- undertaking fire safety improvements that will make the building’s top floor suitable for occupancy.

The building is already generating substantially higher revenue and is projected to have a positive FFO (Fund from Operations) and NOI (Net Operating Income) in the next fiscal year.

The Legacy Vision is already making a difference in GSA’s ability to keep important historic buildings occupied and viable. The number of historic buildings on our “troubled building” watch list is shrinking.

But in some communities, we no longer have a sufficient federal presence to justify the turnaround effort. Vacancy at our 1935 courthouse in Vicksburg, Miss., increased over the years as the court presence shrank. This building will soon be transferred to the state of Mississippi for use as offices. In this case, as we seek new space for federal tenants, there is an opportunity to use another historic building. The courts in Vicksburg will soon relocate to an 1853 Greek Revival auditorium in Natchez, Miss., a smaller building that is the right size and offers a dignified presence for the courts.

In demonstrating that sound business practices and good stewardship can go hand in hand, GSA is proud of the part we play in the continued vitality of cherished community landmarks and the economic health of America’s historic town and city centers.

F. Joseph Moravec is the commissioner, Public Buildings Service, U.S. General Services Administration.
The 25th Anniversary of the
Penn Central Decision: Its Impact
Then and Now

Every now and then there are particular years that seem to mark a special moment in some part of our national history. The year 1903, for example, has been called the “year the world was shrunk.” It was the year of the first transcontinental motor car trip, the year of the first flight by the Wright Brothers, the year Panama and the United States agreed to build the Panama Canal, and the year the Times of London began its transcontinental news service using Mr. Marconi’s new wireless.

I have always thought that 1976 was a year of special importance for the historic preservation movement. The bicentennial of American independence, for example, seems in retrospect a moment when people began to pay more attention to American history than they had in the years before that. The country was alive with all sorts of programs cooked up for the celebration—from the vast rehabilitation of Washington, D.C.’s Union Station to the decoration of neighborhood fireplugs; and there was the restoration of countless local historic sites, projects that propelled the preservation movement in ways that few other events had done.

Likewise, 1976 was the year Congress passed the Tax Reform Act. It provided the first incentives for the rehabilitation of historic buildings ever to appear in the tax code. The 1976 act gave us our first real development tool, an excellent economic talking point in public campaigns and private negotiations. And it led later to the investment tax credit, which today generates more money for the rehabilitation of historic properties in a single year than all the bake sales we’ve held since the ladies saved Mount Vernon some 150 years ago.

And finally, 1976 was the year when the Penn Central Transportation Company decided to go to the highest court of the state of New York seeking to overrule the New York City Landmarks Preservation Commission, which had denied its request to build a skyscraper on top of one of the great American landmarks of all time: Grand Central Terminal.

The Penn Central struggle was an intricate campaign waged on two levels. It was one part litigation strategy and one part an effort to win the hearts and minds of New Yorkers and Americans more generally. It was law and Chautauqua at the same time.

Legal Landscape
Before Penn Central

Some of the legal questions posed by the litigation could fairly be characterized as genuinely new. While both the original federal Bill of Rights and the Fourteenth Amendment had long declared that government could not “take” private property without paying just compensation, for the first 125 years of the nation’s history, judges and everybody else believed that this simply meant that if the government seized your land, say, to build a highway, it had to pay you the fair market value of the acreage it took.

At the very close of the 19th century, courts began to say that the government might have to pay compensation even when it did not seize property outright. These situations came to be called “regulatory takings.” Plainly it had always been true that various government actions could affect the value of private property, but until the Supreme Court decided the case of Chicago, Burlington, and Quincy Railroad v. Chicago in 1895, these actions were deemed not to invoke a citizen’s rights under the takings clauses of the Fifth and Fourteenth Amendments.

It was at the dawn of the regulatory takings doctrine that the early 20th-century cases about zoning occurred. Most courts embraced the idea that zoning was constitutional because zoning conferred “reciprocal benefits.” This notion was that if your house was in a neighborhood zoned only for residences and therefore protected from commercial encroachment, all of the parcels in the zone received a reciprocal economic benefit. While it was true that an individual owner would suffer a limitation on how she could use her parcel, each owner also obtained the benefit of knowing that the people next door could not build a smelter and destroy the value of her home. This concept sustained not only local zoning but also the later innovation of historic district ordinances.
The mutual protection that land-use regulations represent is still a good talking point for our movement. In local debates about designating new districts, I often point out that purchasers of land in suburban subdivisions willingly pay a premium for covenants that confer the same economic benefit that historic designations confer in inner-city neighborhoods.

But how could this idea be applied to a regulatory regime that picked out single buildings and restricted them, while leaving the rest of the neighborhood unregulated? This was one of the legal conundrums that the Penn Central case presented. While New York City had designated some 400 individual buildings at the time of the Penn Central litigation, even this substantial number was a mere pebble in the vast pond of New York City real estate. It was very difficult, if not impossible, to demonstrate that as a matter of economics a single lot in Brooklyn was benefited by the same ring as the Court s deci-

Assessing Penn Central's argument that the designation of landmarks is inevitably arbitrary because it is “basically a matter of taste,” the Court said that the argument “has a particularly hollow ring in this case.”

Grand Central. The loss of Pennsylvania Station a decade earlier was still much lamented in New York and elsewhere, and the prospect that the city’s other great station might suffer a desecration generated agitation at the highest levels. Organizations such as the Municipal Arts Society took up the cause, and a host of New York’s luminaries joined the protest. The Committee to Save Grand Central, with offices just across from Grand Central in a corner of the Biltmore Hotel itself later lost to redevelopment, beat the drum repeatedly with assistance from such notables as Jacqueline Kennedy. The collective sense of pending loss which these protests articulated gave rise to the Committee’s slogan, my favorite preservation slogan of all time: “No More Bites Out of the Big Apple.” This slogan showed up on bumper stickers and other ephemera and on delightful blue ties featuring red apples with one chunk taken out.

The Supreme Court Decision

Fortunately, the Penn Central litigants arrived in the judiciary’s marble palace on Capitol Hill at a time when the activist momentum of the Earl Warren/William Brennan court had not yet petered out.

The Court’s 1978 opinion, like the larger struggle itself, reflected both legal and environmental doctrine. It is worth celebrating the victory, still sweet 25 years later, by recalling what the opinion was like.

The Court’s opinion is sprinkled with mention of the role the National Trust plays in preserving America’s built environment and the role it played in the Penn Central case. Footnote One cites two publications of the Trust; Footnote Four cites Frank Gilbert, the dedicated advocate for preservation law whose tireless travels helped create countless local preservation commissions. And it cites Gilbert quoting Trustee Robert Stipe’s speech to a 1971 Trust conference on preservation law.

The Court quotes liberally from the findings of the New York City Landmarks Preservation Commission. Observing that the developers originally proposed to strip off the facade of the station and rebuild the exterior to fit the new tower, the Court quotes the Commission’s declaration that “To protect a Landmark, one does not tear it down. To perpetuate its architectural features, one does not strip them off.”

Assessing Penn Central’s argument that the designation of landmarks is inevitably arbitrary because it is “basically a matter of taste,” the Court said that the argument “has a particularly hollow ring in this case.” While Brennan is writing for a majority of six, a number that I’ll suggest later has recent significance.

So much for frolic. What was the law that Brennan announced?

First, designation of a landmark cannot be a taking standing all by itself. Rather, a regulatory taking can only occur in the context of real site-specific economic activity.

Second, the factors that indicate a regulatory taking, or whether the government has “gone too far” as Justice Holmes once put it, include the economic impact on the property (especially the extent to which the designation interferes with legitimate investment-back expectations), and whether the government actions can be fairly characterized as a physical invasion of the landowner’s property. Another was whether the regulation generally advances broadly the health, safety, morals, or general welfare of the community.

Third, whether there has been a taking is determined by whether the economic value of the property taken as a whole has been effectively eliminated rather than whether a particular aspect of the property has been diminished in value.

Fourth and very interestingly, the Penn Central court rejected the claim that there could be no reciprocal economic advantage in a regime designating isolated landmarks. The Court observed that New York had designated lots of structures throughout the city, including a good number in districts near the terminal, and brushed off the claim. No problem here, said Brennan: “Legislation designed to promote the general welfare commonly burdens some more than others.”

Finally, Penn Central lost on two grounds important to the modern work of historic district commissions. For one
thing, the developers had sought permission only for draconian 50-story additions, nothing less, and the Court was satisfied that the Landmarks Preservation Commission was open to lesser proposals. For another, the air rights above the terminal were transferable and thus hardly lost altogether (even if no tower were ever built).

A Turning Point for Preservation

What, then, has been the broader meaning of the preservation movement’s big victory at the Supreme Court?

To be sure, the Penn Central decision created for our movement a legal environment that has sustained local landmarking activity over the intervening decades.

To be successful at that, preservationists have necessarily become savvier at working the economics of preservation. Our emphasis on the economic benefits became such a central part of the movement’s message during the late 1970s and early 1980s that one year the Trust commissioned a Preservation Week poster featuring a house that looked like an oil can. The idea was to play into the national focus on energy independence. The oil and energy theme became so prominent that it led us off-center from the place where preservationists really live. Most people came to the movement because we love the architecture and the sense of place and neighborhood that historic buildings provide in modern life.

It is possible to love the architecture and still stay focused on the fact that we deal regularly with people who own land, want to build its value, and must react to the market forces that affect their chance to do that. The movement has become ever so much better at remembering, as loquacious James Carville might say, “It’s real estate, stupid.”

Among the lessons of Penn Central was that to succeed outside the courtroom we must be prepared to deal with land for what it is to most other people, namely property. To do that, the movement has created an impressive array of incentives in federal and state tax law, devised innovative real estate practices, and created various vehicles to raise capital for historic property investment. Many of these are things we only dreamed about in 1978. Better yet, preservation organizations at all levels now have the technical expertise to help landowners and developers work their way through these various opportunities, something only a few organizations could do 25 years ago. The techniques that Savannah and Pittsburgh and Denver pioneered in the 1970s are now replicated in countless preservation organizations in virtually every corner of the country.

The maturing experience of the Penn Central episode helped give the movement a second gift: the capacity to be tough-minded in deciding what to save and what to give up on. While it is true that Justice Brennan refused to accept the contention that landmark designations were a matter of taste, I think what preservation sometimes provides in community debates is a voice for good design. That’s useful but tricky; not everybody thinks good taste is a legitimate grounds for public policy. I think we are better at making these calls than we used to be, better at walking away when the economics and the politics of a given situation appear to dictate that we do so. It saves our credibility and conserves our resources for the next series of battles.

Facing New Challenges

While these advancements in the movement’s capacity and maturity have been good news for old building huggers, preservationists and their allies who rely on land-use regulation facing growing legal assaults as the 1980s and 1990s unfolded. Now, Justice Scalia is right about a good number of things, but not about his 15-year campaign to realign takings law in ways congenial to big box developers. Nevertheless, it is a serious campaign, the seriousness of which was demonstrated early on by the 1987 decision in Nollan v. California Coastal Commission. In Nollan, the Court struck down a commission requirement that landowners provide certain beach access as a condition of receiving permission to build a large new house on the site of a smaller one. It held that the state had not shown an adequate “nexus” between its objectives and its means.

The Court upped the ante in Dolan v. City of Tigard, 1994, in which the city’s greenway requirements were set aside on grounds that the city had not proven that there was “rough proportionality” between the need for green space and the environmental loss effected by paving over more land for parking. These decisions constituted a second-guessing of state and local officials on an aggressive level not usually associated with the Republican Party, which is typically a defender of local government.

The judiciary has not been alone in feeling the temptation to intervene in local land-use decisions. Proposals in the Congress to permit disappointed permit-seekers to go straight to federal court without even appealing in state court have several times passed one House or the other. If such legislation ever passes, local zoning boards (not to mention preservation commissions) will find new meaning in the old question, “Are we going to make a federal case out of this?”

Thus, there was reason during the 1990s to wonder...
whether Penn Central and the principles for which it has stood these last two and a half decades might be in real danger. While I still think that risks exist, last year’s decision in Tahoe-Sierra Preservation Council v. Tahoe Regional Planning Agency was something to write home about. In that case, the glacial motion of good old-fashioned planning activities had created a 32-month development moratorium in one of America’s hottest real estate markets. By a vote of 6 to 3, the Court held that the moratorium was not a taking. Justice John Paul Stevens wrote Tahoe-Sierra with full recognition of the validity and legal usefulness of the tests Penn Central articulated. Justice Stevens was a dissenter in Penn Central, but he’s heard the music and come to like it.

An Inspiring Preservation Story

We can thus celebrate Penn Central’s 25th birthday with some confidence in the vitality of the legal and political values vindicated on the rock of one of the greatest landmarks in the nation’s greatest city.

We can thus celebrate Penn Central’s 25th birthday with some confidence in the vitality of the legal and political values vindicated on the rock of one of the greatest landmarks in the nation’s greatest city.

Just as all Americans enjoy the fruits of what the modern preservation movement has become, New Yorkers were hardly alone in sensing that the railroad’s plans 25 years ago threatened a place that was important to our national life.

My parents took me to see Grand Central during a visit from the Midwest in 1952 or so, because there were rumors it might be torn down. But people who had never set foot in Grand Central could imagine its grandeur and feel the allure of train travel to distant points. The great terminal excited the public’s imagination as millions of them listened to the opening sequence of the popular radio show Grand Central Station (on from 1937 to 1954) and heard the announcer say: “As a bullet seeks its target, shining rails in every part of our great country are aimed at Grand Central Station, heart of the nation’s greatest city. Drawn by the magnetic force of the fantastic metropolis, day and night great trains rush toward the Hudson River, sweep down its eastern bank for 140 miles, flash briefly by the long row of tenement houses south of 125th Street, dive with a road into the two-and-a-half-mile tunnel which burrows beneath the glitter and swank of Park Avenue and then...Grand Central Station...a thousand stories daily.”

The victory in Penn Central made possible thousands of great preservation stories during the years since 1978. I say it is our duty to be stout-hearted in writing thousands more.

The Honorable Randall T. Shepard is the Chief Justice of the Indiana Supreme Court and a trustee emeritus of the National Trust.