

Welcome to Civil Discourse. This podcast will use government documents to illuminate the workings of the American Government and offer contexts around the effects of government agencies in your everyday life. Now your hosts, Nia Rodgers, Public Affairs Librarian and Dr. John Aughenbaugh, Political Science Professor.

Nia Rodgers: Morning, Aughe.

John Aughenbaugh: Morning, Nia. How are you?

Nia Rodgers: I'm good. How are you?

John Aughenbaugh: Oh, lovely, thanks. We have a guest today.

Nia Rodgers: We do have a guest. It's very exciting.

John Aughenbaugh: Yes, it is.

Nia Rodgers: We have a fellow librarian, Eric Johnson, who's here. He's the head of the workshop and people who come to the library will know what that means is the basement where all the cool stuff happens. That's Eric's department. He does 3D printing and the sound studio, and the video studio. You could have sewing machines, so you have all kinds of stuff down there. Right, Eric?

Eric Johnson: Cameras and audio recorders, all that stuff people could check out. Then like you say, there's studios in our spaces for people to use.

Nia Rodgers: Even better, people to help you use those things.

Eric Johnson: That's the big key.

Nia Rodgers: That is the big key because you can hand me a camera and I'd be like, "Huh," and I'd probably put out an eye unless somebody showed me how to use it. Or I'd make that picture that we were talking about earlier. For listeners, you'll be hearing this later in the summer, but we're recording here in the spring. A picture just came out of President Biden and Dr. Biden who visited President Carter and Mrs. Carter. Boy, was that not a good picture. They could have used the workshop to help them figure that out. That's all I'm saying.

John Aughenbaugh: Yeah.

Nia Rodgers: Sorry, Aughe.

John Aughenbaugh: No, but to Eric's point, for long-standing listeners, when we first started this podcast, we used this studio. We had some of Eric's fine staff actually teach us and by the way, this was definitely the case for me, less so with Nia. We were ranked amateurs with heavy emphasis on the adjective rank.

Nia Rodgers: Oh, yeah.

John Aughenbaugh: As it related to what the studio could do for us.

Nia Rodgers: Well it's Ken, and John, and Keyes, and all the students, all those that pushed us and got us through to where we could do that. Then Zoom happened because of the pandemic.

John Aughenbaugh: But today listeners, Eric's not with us because of his expertise in all things library.

Nia Rodgers: He's wearing a different hat.

John Aughenbaugh: Yeah, he's wearing a different hat. If you saw the actual visual acuity, he's actually wearing a hat. He's here to talk about the national parks in the United States. We feel very fortunate to have Eric join us today.

Nia Rodgers: Eric, can you start with why you have what we in the library, your colleagues call a gentle obsession with the national parks? It's like when I said I want to cover the national parks, six or seven of our colleagues were like, "You're going to get Eric to do that, right?" It's a known thing. What's up with that?

Eric Johnson: That's funny. Yeah, really what is up with that actually? It's actually a really good question as to why. I have had a lifelong love of the national parks. I grew up in Northern Virginia. The national park environs of DC was very easily accessible like running downtown, and seeing the monuments, and going on to the mall, and stuff like that. My biggest nature experiences were heading out to the Shenandoah Valley. We would go to Shenandoah National Park and the Blue Ridge Parkway hike on the Appalachian Trail, I've never hiked the entire AT but we hiked on sections of the Appalachian Trail. At one point, I did big volunteer project at the C&O canal, which is a national park unit as well. But the big thing that really kicked off my adult love of the national parks was a trip that my family took, my wife and I went with her mother and brother from weirdly, Milwaukee, Wisconsin all the way out to Seattle by van. My mother-in-law had just bought a new van, and so we decided we were going to break it in by doing this trip. We met her in Milwaukee because she had been visiting family in Wisconsin.

John Aughenbaugh: I've got to pause you right now, Eric. Was this a minivan or was this a regular van?

Eric Johnson: Oh, this was a minivan.

John Aughenbaugh: Oh, dude, I'm so sorry.

Nia Rodgers: Wow. But that's cool because you drove across Montana, which most people cannot say they have driven across Montana. That's like saying I drove across three European countries. It's huge.

Eric Johnson: Exactly, England state. In our minds, I think Milwaukee was halfway across the country and we would be like the other half of the country. Then we looked at the map, we're like, "No, that's two-

thirds of the US, [inaudible] , and two-thirds of that is Montana." But yeah, so we did this trip, two weeks I think it was hitting national park units all the way out and back. We actually drove that both directions.

Nia Rodgers: You camped?

Eric Johnson: We didn't camp. We stayed at hotels. We did a couple of hotels or lodges that we knew we were going to stay in. Then the rest was a little bit like, as we're approaching evening, let's look ahead and find a place so we could stay. [inaudible] .

Nia Rodgers: Oh, fun. That's great.

John Aughenbaugh: Fun?

Nia Rodgers: Classic road trip.

John Aughenbaugh: Okay. Some of the worst discussions I've ever had, Nia, is at the end of the day when you're tired, and you're trying to decide where to pull off to actually find shelter for the night, God bless you all for actually having those conversations.

Eric Johnson: We still love each other. It's very [inaudible].

John Aughenbaugh: Good Lord. Some of our listeners, I imagine you know what I'm talking about because you've spent all day with the same people, you're tired, and somebody says, "I think we need to go ahead and find something at the next exit," and somebody else goes, "Oh no, we can go forward for another half hour or 45 minutes.".

Eric Johnson: Keep going. Gas is getting low.

Nia Rodgers: You've got the person who drives where they don't stop except for food and gas, and to go to the bathroom, and you must do all three of those in the same place so that we don't have to stop as often. That was my father. Then you have my mother who was like, "Let's pull off at the scenic byway and look over the gorge. Let's pull off. But he drove with purpose and she drove with sidebar until we would run into something like the giant ball of twine, which my father insisted that we pull off and pay to go see. It's funny, it sounds like that kind of trip, which I just think is marvelous. I think it's marvelous that you married into a family who also likes to do that sort of thing.

Eric Johnson: Yeah. Towards that, the big thing that happened was, of course, early on we got one of those national park passport books. Every park unit has a stamp that you can stamp into this passport book. It turns out this year is the 30th anniversary of that program, I learned.

Nia Rodgers: Oh, yay.

Eric Johnson: Yeah. Of course, being a family at some point, conversation came up about making it a competition. We decided that every year, we were going to start recording where we go with these national park passports and whoever at the end of the year had the most stamps, one, and if you're going to win something, you have to win something. My mother-in-law, she was trying to think of the most ridiculous things she could think of said, "Whoever wins, I will bake a special muffin." We're done. We needed a price, that's the price. We started calling these muffin stamps. In our minds, that's what those are called. We forget that nobody else would ever refer to it that way. It's the national park passport book, but it's the muffin stamps. Ultimately, it ended up that we mounted a muffin on a trophy, so we have an actual physical trophy.

John Aughenbaugh: Well done.

Eric Johnson: There is now recorded around the base of the trophy, the winner of the annual muffin competition. My mother-in-law would report it in her Christmas letter every year because people would get all obsessed like, "Who won this year? Did Mike win? Did Eric and Cheryl win? Who won?" We wound down, of course, COVID was a big interruption anyway, but my mother-in-law has retired from the game by now. I think that trophy, I believe, is still at our house and needs to be updated because past couple of years have not been recorded. But this idea of hitting parks as you go through the year has been something that we've continued to do. The thing about my wife Cheryl and I keep chuckling at is every time we go to a park, we're like, "Man, there's a really good reason this is here." This is really interesting whether it's a historical park or a natural park. Any reason, of course, there's a reason it's there. It's basically always really interesting.

John Aughenbaugh: Okay. Eric, you just made an important distinction. We have national parks that were created for, if you will, historical reasons versus those that are "natural parks." Is there an easy way to distinguish between those two?

Eric Johnson: In a manner of speaking, yes and no, and that'll probably come up a lot of times as we talk. Yes and no is the right answer. That is the major distinction that there are these natural parks, natural areas, and historical sites or cultural sites. Those are the two big distinctions.

Nia Rodgers: Wait, I have a question.

Eric Johnson: Sure.

Nia Rodgers: By natural, is that more like a preserve? This chunk of nature is not allowed to be built on or done something to or whatever. Is that the point of that?

Eric Johnson: Yeah. Loosely speaking, that's exactly it. It's to preserve a notable scenic view or natural resource or ecosystem. Those have evolved over time. I mean, the earliest parks were like scenic madness. That's what we want to preserve, right? It's this amazing place.

John Aughenbaugh: Yellowstone for instance, Yellowstone would be "natural park," but someplace like Gettysburg is more of a historical. I'm from Central Pennsylvania and let's face it, if there wasn't a big

civil war battle, and for listeners from Pennsylvania, you can give me crap all you want. But let's face it, there's not a lot going on yet, Gettysburg. But if it wasn't for the fact that there was an infamous civil war battle there.

Eric Johnson: There's not a "Geyser shooting out of the ground," in Gettysburg.

John Aughenbaugh: The designation question is that generally speaking, a thing that is formally called a national park, and that's part of the confusion is that we refer to all these units, what the park service calls national park units. There are 423 national park units, but they're only 63 national parks. The big things, the big scenic, beautiful geyser-filled, mountain-filled areas. But there are now, I think it's 19 different designations for kinds of national parks units. There are national battlefield parks, or national military parks that stick with the military side of things, or national lakeshores, or national recreation areas, wild and scenic rivers. All of these things are particular kinds of things and a lot of time they've been trying to codify it a little bit more about what's in each kind of thing. But a lot of times it's been a little catch-as-catch-can in terms of congressional naming because it's always congress confusing things.

Nia Rodgers: If I'm hearing you correctly, someone took a simple system and bureaucratized it to the point where now nobody can even figure out what something should be called, and Congress just says, "Oh, call it a battlefield, " because that's what it feels like.

John Aughenbaugh: I have to give them a little credit. I would say that is what happened and now they're trying to make it make more sense again. Loosely speaking, you can start to tell what is, by its name, what the nature of the site is. A national historic site is going to be a cultural-historical thing. Memorials become confusing, we may talk about that in a bit because that was a specific designation that the president could apply to an area to conserve it. Originally historical but then also scientific merit, and then so you start again confusing them, but that didn't involve Congress at all. Presidents could just be like, "Boom." Excuse me not right. I said right, I meant national monument. Congress wasn't involved in those designations at all. Though sometimes those have then become national park or that kind of thing.

Nia Rodgers: Is that done by executive orders?

John Aughenbaugh: It is, yeah.

Nia Rodgers: Okay, Executive Order 4,922, this statue is now a national monument.

John Aughenbaugh: Right.

Nia Rodgers: You can't just go down taking it down without-.

John Aughenbaugh: Or this Grand Canyon.

Nia Rodgers: I'm sorry, or this?

John Aughenbaugh: I said Grand Canyon.

Nia Rodgers: The Grand Canyon. Well, anyway, we'll get to that. But I have a more fundamental question, which is, we have not always had national parks. We have not always had anything like that's been designated or put aside. The founders didn't say, "You know what? Let's take this chunk of Pennsylvania, which we think in the future might be super-important, and stick it aside somewhere." That didn't happen.

John Aughenbaugh: Right.

Nia Rodgers: For them, all of it was nature preserve because they didn't have industrial and they weren't building on it. When did it become a thing?

John Aughenbaugh: Yeah, it's an interesting history really. Because of course, going back to the Middle Ages in England or in Europe, this idea of a preserve or a park of some nature was there, but that was for their aristocracy and the nobility. These are enclosed. They were kept "Natural," idea mostly like hunting preserves. If you think about Robinhood getting in trouble for hunting the king's deer. That's because kings would have a deer park where the land was being managed to sustain a deer population to make the nobles trot out on their lovely horses and go kill some deer like that, and that was a lovely way to spend a day or a couple of days. But that was not available to the people. That was just not a thing. There were in the US or the pre-US, the colonial US of course, towns would have commonses or that also was in Europe too, a natural area within the confines of the urban community. Often they would have sheep and cattle in there, that sort of thing, but that was also a bit of nature available to people without having to hike outside of town. But the idea of setting aside land or this concern for trying to create a natural area really started to come out. It pops up occasionally in the 18th and early 19th century. Thomas Jefferson, when he ran across Natural Bridge here in Virginia, which is a beautiful stone arch that was out in the Shenandoah Valley area, he specifically said at that point, "I want to buy this land so that nobody else can keep people from seeing it." It was still private property and he spent 20 shillings, bought it from the king to have this property. But his thinking was people need to see the sublimity of this natural wonder. Niagara Falls.

Nia Rodgers: He bought it but he left it open.

John Aughenbaugh: He bought it but people could visit it. There was actually an enslaved band that he had there who would show people the arch and stuff. That's interesting, a precursor to the idea of a park I guess. Then Niagara Falls had been discovered as this massive amazing wonder that the world needed to see. There was part of this idea of the US has this incredible scenery. Europe should come and see this amazing wild America idea. Niagara Falls fell down because they didn't preserve it in any way that we would recognize as a park. All of these people, they bought up all the scenic overlook and would charge people to go see it. Guides would hang out like vultures at carriage stops or later on railroad stations and glom onto people as often happens when you go to tourist sites today. These people leap on you to try to say, "I'm a guy and I'll show you around."

Nia Rodgers: That happens quite a bit in a number of European cities that I've been to. If you get off the train, there'll be people there holding up things and saying, "We're guides. You can get on our bus. It leaves in 10 minutes," or whatever. So a similar idea.

John Aughenbaugh: But then the early 19th-century, of course, transcendentalism started to come up and you had this idea that God can be found in nature, not in the works of humanity, not in churches, not in places like that. That became a real cultural force and people started thinking about this idea. In many people's thinking at the time, and since then, nature is only so helpful as we can make use of it. If we can mine it, we can cut it down, we can burn it, that's good. Just looking at it doesn't do us any good, but that idea started to get some push back from transcendentalists and others who were like, there actually is some merit in having this emotional attachment to a bigger view.

Nia Rodgers: Nature as art.

John Aughenbaugh: Nature as art, exactly.

Nia Rodgers: An art in and of itself is not particularly valuable beyond what people are willing to pay for it, whatever. But the act of looking at it is somehow transformative for many people.

John Aughenbaugh: Right. Exactly. There were some nascent ideas of preserving certain areas. The Hot Springs, Arkansas, in 1830s Andrew Jackson administration had more or less said, "That's ours. You can't build on it," but they didn't do anything with it. They didn't promote this as a thing to go visit. They actually just let people lease it and build around that area anyway, but it was reserved to the US instead of just sold off. Typically, of course, all this Western lands was the US owned it until somebody settled on it, put in a claim, and then it was their private property idea. The idea of setting aside some areas was new, and there were smaller local park ideas. But these big thing was it was a new concept that came up really 19th century, late 19th century as well. We'll probably talk about it.

Nia Rodgers: So you get that more in the settling of the West?

John Aughenbaugh: Yeah.

Nia Rodgers: Okay.

Nia Rodgers: I can sum up my knowledge of the vague beginnings of National Parks by saying, I know that Theodore Roosevelt was somehow involved. I know that John Muir was somehow involved. John Muir founded the Audubon Society I think.

Eric Johnson: Sierra club.

Nia Rodgers: Sierra club. There was also John Audubon. [inaudible] But anyway that you have, like somehow a Nexus comes together. In my mind, what you have is Theodore Roosevelt, and then you have a big X where the thing is unknown. Then you have National Parks.

Eric Johnson: Right. That's it.

Nia Rodgers: That's it. Is that the equation. An x is just unknown?

Eric Johnson: Theodore Roosevelt arrow box arrow

Nia Rodgers: What is that?

Eric Johnson: Really people talking about basically Yosemite in California as being the first real National Park idea. It's not the first National Park. But this government preserving big view happened in Yosemite in the early 1850s. White settlers in the Sierra Nevada who were there of course because it was California Gold Rush, 1848, '49, '50. They as white people so often have done, formed a unit to go right through the mountains trying to round up Indians and put them into reservations. Because now the white people wanted all this area. One of those groups came across this valley with this 1,000 foot waterfall and all this incredible scenic vista. Most of those soldiers couldn't care less about that. Because they were there looking for Indians. One of the guys who was there did stop and be like, this is incredible. What is this amazing place. Don't any of you agree? Basically none of them did.

Nia Rodgers: Whatever.

Eric Johnson: Scenic it's not useful, like who cares. After this 1851 incursions of valley, some descriptions of it got out. There was a guy, James Mason Hutchings, who basically read about that, he had been trying to make his fortune in the West, decided that the way to do that was to publish about California as a scenic wonder. When he saw this little report, 1,000 foot waterfall, what's that about? He and a group of basically tourists went in 1855 into what we now know as the Yosemite Valley. He was like, this is it. He had an artist with him who sketched it. When he got back to "civilization himself", he started publishing about this amazing scenic Valley, accompanied by lithographs. People are like, "This is amazing. We should go see this." He decided that what he needed to do was go back in and basically set up shop as a tour guide, and lets take all the hotel of a lodging keeper.

Nia Rodgers: He's the Rick Steve's of his day.

Eric Johnson: Exactly.

Nia Rodgers: Come here, it's gorgeous, It's fabulous.

Eric Johnson: It's amazing, come and visit this.

Nia Rodgers: I'll go away, because I don't want you to live here. We don't want people to move there and ruin it. We just want you to visit and then go away.

Eric Johnson: Well, he wanted people to move there. He would not say ruin it, of course. But there was some starting to create some tension between to what extent do we develop this thing versus preserve it? That's attention that keeps coming up with National Park establishment. 1864 comes and

congressmen, one of the senators, the junior senator from California, basically put in a bill into Congress saying, a cadre of wealthy or our important people have asked me to put this in basic to preserve this valley. This is 1864, it's in the middle of the Civil War. Battle of the Wilderness is going on. This comes through Congress and there wasn't a whole ton of debate about it. One senator opposed it because he's like, "Again, this is useless. All we're going to do is prevent ourselves from being able to make money selling this land." But nobody really disputed the idea of setting that aside. He ended up passing this bill in the House. It was funny. The house supporter for the house sponsor for it. In his speech was basically saying, we have done our due diligence. There is nothing useful about this land. You can't farm it, you can't do anything else on it. So let's go ahead and preserve it. That's fine. That did pass. Yosemite was set aside as this nationally owned, but what they immediately did was turn it over to the State of California to manage it. The state of California was given administrative authority over it. It's not really a national park the way we would think of it now. California had that fast-forward, spew onward. But then John Muir moved in after this Yosemite Grant was created. He, of course, fell in love with these mountains. He moved there as a basically a sheep herder and Sawyer. But what he was looking for was the sublimity of nature. Places where, he's very famous for, of course, going out in the mountains for days and communing with rocks and things. He really loved this experience, got very troubled that the way that this land was being managed, this park area, this Brant was being managed. Ultimately ended up much later 1898s helping passage for wind surrounding that brand to be preserved as a national park. But we can talk about that later because then finally that grant ended up also being incorporated into it as a much more national park. But point being that this was set aside, but it wasn't yet at that point in 1860s a national park. Because again, it was California theoretically managing it which meant hiring one guy who they often didn't pay to keep tabs on it. While these people kept showing up to experience the sublimity of nature and to start building buildings and stuff there. Nobody was really stopping that from happening.

Nia Rodgers: I didn't realize that there were buildings, Aughe.

John Aughenbaugh: A few moments ago, Nia mentioned President Theodore Roosevelt. This had to be a couple of years ago. Nia and I were making reference to an Old West Wing episode where Josh Lyman goes ahead and encourage president Bartlett, to go ahead and designate something as a national monument. Her, one of my favorite laws of all time, the Antiquities Act of 1906.

John Aughenbaugh: What was Roosevelt's role here in regards to, if you will, pushing along this idea of a national park service?

Eric Johnson: Yeah. He basically was at that point a well-established outdoors man and hunter and rough rider and Teddy believe Teddy and all these good things. He had visited the Sierra Nevada and Yosemite in 1903, visited with John Muir, who of course, urged on him these notions of preservation of nature. But by 1906, one of the things that had started happening in a lot of Western public lands, parklands, other sites was a bunch of ancient Puebloan people's sites had been found in the west, like Chaco Canyon, if any of the listeners may be familiar with that, or Mesa Verde, cliff dwellings, these sites had started to be found that were full of pots and other antiquities. Without any control, people were just moving in and taking all that stuff out and selling it. They would just go into some of these amazing sites where it still looked like people had just left, even though it was hundreds of years earlier. There

were pot sitting out, there were fire pits that were visible. These things were amazing in these sites. These people, they got the nickname pot hunters, would just come through and sweep all that stuff out and go sell it off to the highest bidder basically.

Nia Rodgers: Like the Valley of the Kings.

Eric Johnson: Yeah, yeah, exactly.

Nia Rodgers: With Egypt where the British came in and they were like, "Well, we're here, let's just take stuff and take it home or sell it or do whatever."

Eric Johnson: Exactly.

Nia Rodgers: Some people probably convinced themselves that they were preserving it in that way.

Eric Johnson: Right. Somebody needs to keep this.

Nia Rodgers: Exactly. Somebody needs to keep this, that kind of thing. Not thinking in terms of the archaeological value of looking at things in their place before you move them. Like now when we find a thing, we photograph the ever-living snot out of it. We take radar, we do all stuff so that we could in fact put it back if we had to exactly the way it was to study it, which they didn't do until relatively recently in science [inaudible].

Eric Johnson: Exactly. There were a few people.

Nia Rodgers: Earlier in the century, they didn't preserve in situ anything like that. That's not.

Eric Johnson: Yeah, there were a couple people that were doing that idea. A nascent, proper modern archaeological practice. But these folks typically weren't that at all. They didn't care, they just wanted the thing so they could sell the thing because it's free money sitting on the ground. As a response to that, there became more and more pressure to be able to rapidly respond to a problem like that and so the Antiquities Act was created in 1906, which is really a marvelous idea. Basically giving the president the authority to declare something a national monument, full stop. Just this area. One of the things that was, let me see if got it.

Nia Rodgers: Does that also include enforcement power that you can send somebody out to protect it or do you just say, "I declare that off-limits." Then, people are like, "I'm sorry, I can't hear you over the sound of me stealing stuff."

Eric Johnson: Yeah. That was the challenge actually, and that was what ended up giving rise to a more formal Park Service in 1916, was this idea that we really do need to have somebody protecting these areas. Sometimes in some of these areas, the army was sent as the best federal policing that we've got at the moment to protect these areas. Often they had an administrator or this person who might have a small staff. But usually, there's one or two people for this huge area. But one of the things that was

really interesting in the enacting legislation for Antiquities Act, was that originally the wording was just going to say something like, the President can name this thing a national monument, but nothing more than 640 acres because anything more than that, Congress needs to be involved. At the last minute, the wording of that got changed to the smallest area compatible with the proper care and management of the objects to be protected. Scientific objects or cultural objects, things like that.

Nia Rodgers: If it's a mountain and the mountain is considerably more acreage than that, then you get the whole mountain. You don't just get to tippy, tippy, or whatever, or one face of it.

Eric Johnson: Exactly or the small steep on the side of it. Yeah. Yeah. For instance, the largest national monument we now have, which is actually been conglomerated from a couple, it wasn't one fell swoop that made this happen, but it's I think 373 million acres out in the Pacific Ocean northwest of Hawaii. There is a National Marine monument or marine national monument out there that is basically just under the size of Alaska.

Nia Rodgers: Water and land or just water?

Eric Johnson: Water and land. Little earth whole land out there. Yeah. It's not managed by the park service, that's an official Wildlife Service and NOAA manages that one, which is an interesting side thing, is that not every one of these national lands is a National Park Service coordinated thing. There are lands that are managed by others.

Nia Rodgers: You're getting ahead because we're going to get to that.

Eric Johnson: Yeah. For sure.

Nia Rodgers: Aughe, did you have a question or comment?

John Aughenbaugh: Well, with the Antiquities Act I mean in reading the statute, it gave such broad authority to the president. In many ways, it was entirely dependent upon a president. A president would go ahead and get to decide. That to me is one of the more and interesting is a poor choice of words. But I when I teach my students, the rise of the modern president, so much of this is because of laws that basically go ahead and say to a President, the executive branch has the authority to make this decision. When I read the Antiquities Act, I was just like, "Good Lord Congress why don't you just go ahead and hand over the power." Because if you look at the Constitution, it's the United States Congress that gets to go ahead and decide what to do with property of the US government, right?

Eric Johnson: Right.

John Aughenbaugh: It's not the president. But the Antiquities Act, I was just like, if you've got a president like Roosevelt, you might as well just go ahead and give him a blank checkbook and say, "Write all the checks you want, dude." It is truly astounding.

Nia Rodgers: But is the flip of that Could President Biden have a completely insane afternoon and get rid of all of the national parks.

Eric Johnson: Not the national parks proper because those are of course those are designated by Congress.

Nia Rodgers: Sorry.

Eric Johnson: Yeah.

Nia Rodgers: The monument things that the president have done by executive order, could he say again not feel in it?

Eric Johnson: In theory.

Nia Rodgers: I've decided to sell all that to China.

Eric Johnson: Yeah. There's one of the big ones that had been in the news the past couple of years is Bears Ears National Monument out in Colorado. I think, which was President Obama, had designated this very large area as a national monument. President Trump said, "No, make it smaller." That's actually been taken to court at this point because that does seem to limits of authority to make these changes has not really been explored. I think it's one of those areas and arguably no more to say that but where the limits of executive authority are unclear because they've never been tested in court. Apparently, presidents certainly have made adjustments to monuments, they've added to them. Adding to them seems pretty easy because if you've got the power in the first place, you can just add more. But the taking away.

John Aughenbaugh: Yeah. Eric's point is a good one. Because unless a state or states or private, if you will, interests push back, presidents expanding is well established. The difficulty is what if a president wants to go ahead and retract what a previous president has done. Then at that point, Nia, one of our favorite laws kicks in, the Administrative Procedures Act.

Nia Rodgers: They can't just be capricious. As we know, that is sometimes the presidents are capricious. They are arbitrary and they do something because they're just being cantankerous. I would imagine that the difficulty would be if one president makes it big, another president makes it smaller, and then a third president wants to make it big again, that needs to be fixed. I think if I run for President, I'll fix that. I'll put that on my list of things to fix.

Eric Johnson: That'll be your contribution to this whole business.

Nia Rodgers: Exactly because I'm going to fix to the whole, you can't just.

John Aughenbaugh: Eric, a few moments ago you went ahead and mentioned not everything falls under the purview of the National Park Service.

Eric Johnson: Right.

John Aughenbaugh: We don't get a "National Park Service", correct me if I'm wrong, until 1916 with the infamous and again, I'm not entirely sure why they stuck the word organic into this. The National Park Service Organic Act of 1916.

Nia Rodgers: Because organic makes things sound cooler and they are more expensive. You understand organic?

Eric Johnson: [inaudible]

John Aughenbaugh: Okay.

Nia Rodgers: Exactly.

John Aughenbaugh: That's the 21st Century definition of organic. I'm trying to figure out about how an early 20th Century United States Congress, somebody plot the word organic into it.

Nia Rodgers: Because these people are the earliest hippies. They're the earliest people who wanted to be like, "Dude we got to protect the Earth, man. It's organic." Yeah.

Nia Rodgers: Instead of weed. Sorry, I shouldn't have said that. But anyway, however, we arrive at that name, what does it do?

John Aughenbaugh: This is when we get the "National Park Service," right?

Eric Johnson: Right. The organic in this case actually refers to origin. It's the originating act, and so organic was that word. In fact, I think the Yellowstone act in 1872 establishing that was also the Yellowstone Organic Act or something like that, by name. But yes. Sorry.

John Aughenbaugh: Eric, I appreciate you giving us the definition of the word organic. As in, this is the origin. Congress finally creates the National Park Service. But let's be very clear here. The United States Congress in the early 20th century, there was this pitched battle going on in the federal government between the "progressives" and many in the United States Congress who were supporting, if you will, industrialization. I'm fascinated by how a Congress that in many ways wasn't all that, shall we say, warm and fuzzy about conservation, transcendentalism, nature, could be convinced to go ahead and create a National Park Service.

Eric Johnson: The easy answer is to manage bureaucracy more than anything else, I would say. It came from this realization that there were these areas that were being managed by the Department of the Interior, but also at the time the Department of War, eventually became Department of Defense, was managing some of these public lands like national battlefields, were being managed through the War

Department originally. Then we had all these things and wouldn't it make sense to bring all of that together into a singly managed unit.

Nia Rodgers: Does National Park Service Organic Act create the National Park Service? Does it create the agency?

Eric Johnson: I think it's exactly, yeah.

Nia Rodgers: Okay. Approximately 10 years after we started making these things, we thought, gosh, there ought to be a way to organize this stuff?

Eric Johnson: Right.

Nia Rodgers: One would think that could have been done in the reverse. But when I'm president, I'll fix that. I'll go back in time and I'll fix that.

Eric Johnson: Yeah. The most famous name probably associated with this effort is a guy named Stephen Mather, basically, he was a Borax salesman. That's where he made his original bones, was as less like the Borax itself than marketing. He was a real marketing genius, ended up leaving one company and helping start another one. Became a millionaire by his 40s and quit working so he could go pursue his dream projects. He had by that point been a nature lover, joined the Sierra Club, met John Muir, and really started to lobby for and defend the idea of these parks. In 1914, he wrote to the Secretary of the Interior because he was cranky about abuses happening in these public lands and was disgusted by it and the legend is that of course, he wrote to the Secretary of the Interior and Secretary of Interior said, "Well, if you've got a problem with it, why don't you come out and fix it," and basically he did that.

Nia Rodgers: If you think you can do better.

Eric Johnson: Exactly.

Nia Rodgers: If you think you can do better step up. He is like, "All right, I can do better."

Eric Johnson: I could do better. He came to DC as an assistant secretary in the Department of Interior managing park stuff.

Nia Rodgers: Aughen, is interior one of the oldest departments or is it at this point a relatively baby department?

John Aughenbaugh: It was created after the Civil War.

Nia Rodgers: So it's still a young department?

John Aughenbaugh: Yeah. Because it wasn't one of the ones that were specifically enumerated in the US Constitution, but it definitely reflected post-Civil War, the federal government recognizing, we have all

of this land. How do we manage it? Again, Eric touched upon this earlier in the podcast episode. As we move into the late 1800s, you start seeing a lot of conflicting pressures on what to do with all this federal land. You had commercial enterprises who are like, there is a lot of natural resources and minerals that we could mine and make money on. You had states that were like, wait a minute here, there are huge chunks of our jurisdiction that are owned by the federal government. Then eventually, as you move into the late 1800s, you have the conservationists who were like, hey, wait a minute here. This is some really beautiful land and as historians have chronicled, many of them pointed out that in industrialization, you need someplace to go to slow down. To take a breath, to get a pause.

Nia Rodgers: Recharge your batteries.

John Aughenbaugh: Yeah. The Interior Department in many ways reflected what went on in the country post-Civil War as our economy shifted from agrarian to industrialization. But also the pressures that you saw with a faster pace American society.

Nia Rodgers: Another concern here is if you use it up now, then future generations will have nothing. That's the other thing is, even if you do believe in the use-use-use attitude, you still should be relatively conservative in the use-use-use attitude or you get to where we are now with oil. Worldwide oil production is slowing because it's a finite resource and there's only so much that you can do with a finite resource. Slowing down means that you can have that resource for longer which I'm assuming at least some of the people who use-use-use were also relatively conservative in that sense. So back then we have a bunch of mixture there.

John Aughenbaugh: Hold on here. Remember Teddy Roosevelt was a Republican.

Nia Rodgers: That's right.

John Aughenbaugh: What we know about political parties today doesn't fit the political parties in the late 1800s, early 1900s. The Democratic Party at the turn of the 20th century was not "progressive". The progresses we're more likely to go ahead and have, if you will, supporters in the Republican Party. This is one of the reasons why I'm fascinated by the creation of the National Park Service in 1916 because the president who signed it into law was a Democrat, Woodrow Wilson. Wilson was not necessarily known for being extremely progressive.

Nia Rodgers: The equivalent of that modernly would have been Donald Trump signing a very progressive law.

John Aughenbaugh: Sure.

Nia Rodgers: I'm blanking on something that he would have signed into law. Like him signing in gay marriage. It would not have been a thing he would have done.

John Aughenbaugh: Yeah, It would have been like Ronald Reagan saying, "I'm going to go ahead and doubled down on welfare. I'm going to go ahead and expand it so that the United States becomes much

like Scandinavian countries in Western Europe." That's how shocking Woodrow Wilson signing this law would have been.

John Aughenbaugh: That's part of the reason why I asked Eric all these questions about the creation of the National Park Service because politically, it just didn't make sense.

Nia Rodgers: So it's a landmine, politically?

John Aughenbaugh: For sure.

Nia Rodgers: It's huge drama. If you vote for that, you're voting against party interests.

John Aughenbaugh: A Democrat.

Nia Rodgers: If you're a Democrat.

John Aughenbaugh: Yeah.

Nia Rodgers: Okay. Wow. Complicated.

John Aughenbaugh: I mean, in matters role in all of this, it takes us back to how early on in our country's history, only the wealthiest would run federal government agencies because otherwise, who could afford to go ahead and work for the government?

Nia Rodgers: Right. Because he probably got a super small, if any, salary.

Eric Johnson: In fact, he use his personal money. You got his salary was \$2,400 a year or something like that. He used his own personal money to double his assistant salary and hire other people to help. The government didn't give him more money.

Nia Rodgers: The idea that the wealthy serve because the poor cannot afford to, which is still a problem in government, not in the middle levels of government but in some of our higher levels of government. It's hard to be president if you're middle-class. It's hard to run for the presidency at the expense that that cost is enormous.

John Aughenbaugh: Well, again, think about the salary decrease you have to accept if you become president. I know many Americans are just like.

Nia Rodgers: Yeah, Jeff Bezos for President. He's like, "Are you kidding me? I can't take that kind of pay cut. I have alimony payments," or in this case, Bill Gates. That's one of the things Lee Iacocca said about running for president. Somebody asked him, he was the president of Ford, I think.

John Aughenbaugh: Chrysler.

Nia Rodgers: Chrysler. They said, "Would you run for president?" He's like, "I can't afford to." The difference between his CEO salary and what the President was making at the time.

John Aughenbaugh: Nia, you and I talked about this last summer when we did the Summer of the Supreme Court and the role of the clerks. You have clerks for Supreme Court justices who after working for justice for a year, will go out and make five, six times more money than the justice that they work for.

Nia Rodgers: Right.

John Aughenbaugh: A lot of people are just like, "Why would you give up a lucrative job in corporate law to go work as a federal judge?"

Nia Rodgers: Because [inaudible] a respect of your colleagues.

John Aughenbaugh: Because a lot of my students are just like, "But justices on the Supreme Court make over \$200,000. That's a lot of coin," and I'm like, "Yeah, but if a clerk that worked for you at 25 is leaving your office and is pulling down \$1.5 million a year and you're 70 years old, you got to be thinking, what did I do wrong?"

Nia Rodgers: Life choices. If you're a lawyer at the level of the Supreme Court Justices, you could be pulling down two, three, five, \$10, \$20 million a year because people would hire you and pay you enormous amounts of money to prosecute their cases. I'm sorry.

John Aughenbaugh: Rich dude Mather takes over National Park Service and his chief lieutenant is this guy by the name of, is it Horace Albright?

Eric Johnson: Horace Albright, yeah.

John Aughenbaugh: In full disclosure here, as we conclude this episode because we're going to have a Part 2. But full disclosure, I just remember their names from the PBS special which by the way, if you've not watched it, he's got the book.

Nia Rodgers: Eric is holding at the book because he has the book at the library, if you're wondering.

Eric Johnson: We do.

John Aughenbaugh: Well, in listeners, Nia, let's go ahead and put this on the resource guide because I think there is a link for the PBS special which I was just fascinated by for a full week. I mean, I just binge-watch.

Eric Johnson: It's so good.

John Aughenbaugh: Right?

Nia Rodgers: Well, and Ken Burns did.

John Aughenbaugh: He was the producer.

Nia Rodgers: It's the Ken Burns one.

Eric Johnson: It's the Ken Burn's one.

Nia Rodgers: About the national parks. That's such a wonderful.

John Aughenbaugh: The narrator is Peter Coyote. I don't know about you, Eric, but I've always wanted Peter Coyote's voice.

Eric Johnson: Yes, seriously.

Nia Rodgers: Yeah, I'd like him to narrate my life. Even though my life isn't particularly interesting, he could make it sound interesting because there's something about his voice. We have these guys and they've developed the NPS, the National Park Service, to the point of having range. At that point, do we have park rangers and do we have the people that we think of now as the beginning infrastructure, is that?

Eric Johnson: That's Mather's big, other than expanding parks. I mean, his original scope was the lands managed by the Department of the Interior, specifically, that were the randomly things. He glammed that all together with the National Park Service Organic Act, created the service. Then he worked towards really professionalizing the whole idea. The big thing he did was marketing the whole service because again, remember, he made his bones as a marketer, selling borax, 20 year-old.

Nia Rodgers: Then he started selling parks.

Eric Johnson: He basically started selling parks to the US. When I talked about how he used his wealth to hire this other guy, who he hired was a basically a PR expert, a writer who could start working on advertising, on articles, on just all these things. They started to develop, especially during World War I and then also World War II, this idea of come visit your parks because you can't go to Europe right now, there's a war on. Go visit your park.

Nia Rodgers: Come visit your parks where you're much less likely to get killed.

Eric Johnson: Correct. Exactly. Not entirely risk-free but not as like as Europe. Then one of the things he did do was exactly was create a professional class of rangers. There were people doing this at various sites and they decided that it was going to be healthy people who could do. They first set up parameters like what makes a ranger a ranger. One of the things that is very cool is that actually, from the very beginning, there were women who were rangers. It wasn't like it was just a male thing and then eventually, women came on. Probably part of that was because it was World War I basically getting

underway as they're professionalizing the ranger corp. There were opportunities to do that. But he established the uniform, did the flat brimmed ranger hat that was a little different style than it is now but the fundamental idea of this ranger equals person in uniform with flat-brimmed hat was something that he established really early on. His assistant that Aughe mentioned, Horace Albright, Mather was the idea guy, the really big personality guy, and so he could really get this stuff going. Albright was like every big personality leader needs, their detail, right-hand man, good at maneuvering through Congress, understood DC well, and so he was the one who implemented a lot of that. He ended up becoming the second director of the National Park Service after Mather who said he was going to do this for a year, ended up being there from 1915, '16 till mid-1929, he ended up stepping down. He had had health problems, actually, apparently suffered from bipolar disorder. Then Albright who had taken over at times when Mather wasn't available, he had come in as interim, ended up carrying it forward, both expanded the numbers of parks. Because of course, early on, it was all West in the Mississippi, and then now, we had a couple of parks starting to come from the East. Acadia National Park in Maine was the first Eastern park. Shenandoah rolled in, The Great Smokey National Park in the border of North Carolina to Tennessee. They nationalized the national parks and the park service or professionalized the park service.

John Aughenbaugh: At that point, let's go ahead and stop. We'll pick it up for our next episode, listeners, by talking about what happened after the creation, but also the experience of going to a national park. Eric, stay with us, we're going to record another episode and we'll stop right there, okay?

Eric Johnson: Great.

Nia Rodgers: Cool. Thanks, guys.

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