

PRESERVING OUR HERITAGE



Art, Culture & the National Agenda

CENTER FOR ARTS AND CULTURE

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Issue Paper

ART, CULTURE AND THE NATIONAL AGENDA

The Center for Arts and Culture is an independent not-for-profit organization dedicated to examining critical issues in cultural policy. The Center initiated, in the Spring of 2000, a project called *Art, Culture and the National Agenda*. With generous support from a number of foundations, the Center solicited background papers on arts and cultural issues from dozens of scholars and practitioners over an 18-month period. The aim of *Art, Culture and the National Agenda* is to explore a roster of cultural issues that affect the nation's well-being -- issues that should be on the horizon of policymakers, public and private, and at national, state and local levels.

This issue paper, *Preserving Our Heritage*, is the second in the Art, Culture and the National Agenda series. Written by Keith Donohue, Creative Director at the Center for Arts and Culture, *Preserving Our Heritage* provides an overview and analysis of preservation efforts undertaken by the federal government. This issue paper, like others in the series, reflects the opinions and research of its author, who was informed by commissioned background papers and the assistance of the Center's Research Task Force. The paper does not necessarily represent the views of all those associated with the Center.

Cover Image: Newspaper Rock, Utah -- Native American petroglyphs.
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We would welcome commentary on this issue paper -- on our listerv or by mail (Suite 334, 401 F St. NW, Washington, DC 20001). Our hope is that the paper will become part of the informed dialogue on preservation policies. To join the listerv or find additional information about the Center, go to our web site at www.culturalpolicy.org.

Gigi Bradford
Executive Director

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EXECUTIVE SUMMARY

Cultural preservation, like the conservation of our natural resources, depends upon political leadership, the resources of civil society, and the popular will. While cultural heritage preservation has not yet become as engrained in the American consciousness as conservation of nature, the movement is growing as greater numbers of people and organizations see cultural resources as critical to the nation's memory and Americans' sense of themselves. As Richard Moe, President of the National Trust for Historic Preservation, says: "Here in the United States especially, we need old buildings and neighborhoods and works of art and archival documents because they help us to remember the marvelous diversity embodied in the word 'We.'" Indeed we do.

Cultural preservationists have turned to the natural conservation movement that President Theodore Roosevelt championed as an inspiration for the conservation of our cultural heritage. Peter Brink, Vice President of the National Trust for Historic Preservation, has said, "Our measurement and ideal is the environmental movement, and that is where we would like eventually to be, where preservation is built into the way people think." While most preservation efforts are undertaken through private initiative, more people are thinking of our shared cultural heritage as also a *public good*.

This public interest in preservation results in government policies, programs and support that augment and leverage private efforts. Many of these critical public sector efforts occur at the state and local levels. But in preservation, the federal leadership has provided an essential framework for the myriad of private, local, and state initiatives. This report focuses on the preservation efforts, strategies and structures of the federal government.

Federal policies and programs address at least five major sets of activities under the rubric of preservation:

(1) Historic Preservation -- of the built environment, landscapes, sites and monuments

The National Historic Preservation Act of 1966 (NHPA) provides for the National Register of Historic Places (administered by the National Park Service) and a grants program (the Historic Preservation Fund). The National Register has listed over one million historic buildings and sites on nearly 73,000 properties, and the Heritage Preservation Fund has since 1968 awarded over \$1 billion in grants. The problem is: the funds available are inadequate. The Save America's Treasures project has designated as urgent 722 projects, many in the built environment, that would cost at least \$2.6 billion to preserve.

Section 106 of NHPA requires federal agencies to consider the effects of their actions on historic properties; Section 110 requires them to consider the impact of federal and federally-assisted actions on historic properties and to establish preservation programs commensurate with their missions. Many federal agencies, however, have inadequate knowledge of the extent, importance, and condition of the historic properties for which they are responsible.

An even greater problem involves the blindness of federal policies in other areas — for example, transportation — to their impacts on historic landscapes. Sprawl marches out from city centers and older suburbs, obliterating ancient landscapes and increasing congestion and pollution. Tax codes are often biased toward new development, and building codes can make rehabilitation of old buildings or old uses prohibitively expensive.

The historic preservation tax credit (which allows a credit of up to 20 percent of the cost of renovation) provides a crucial incentive to private property holders. Over its history, this tax incentive has helped save more than 27,000 properties, stimulated \$18 billion in private rehabilitation, and created nearly 150,000 housing units. This credit does not, however, extend to private homeowners. Legislation (the Historic Homeownership Assistance Act) has been introduced in Congress to allow up to 20 percent

credits for qualified rehabilitation of private homes.

(2) Preservation of artifacts

Museums, libraries, and other collections are the principal repositories of artifacts – paintings, sculpture, photographs, aircraft, railway engines, gold ore dredges, advertising marquees – to name just a few of the artifacts that need, at least in part, to be preserved. The nation's 15,000 museums, for example, hold over 750 million objects and living specimens of plants and animals. A great deal of the support for these efforts comes from private fundraising and state and local public support. But the federal government also plays a critical role through direct subsidy programs of the Institute for Museums and Library Services (IMLS), the National Endowment for the Humanities (NEH), and the National Endowment for the Arts (NEA). The National Park Service's National Center for Preservation Technology and Training also makes contributions through research grants and technical assistance.

The federal government has its own collections of artifacts – of international as well as national significance. Among these are the extraordinary holdings of the Smithsonian Institution (Smithsonian), the Library of Congress (LoC), and the National Park

Service (NPS). In addition, the General Services Administration (GSA) which administers many federal buildings) and the National Archives and Records Administration (NARA) have significant works of art and artifacts of historic importance.

The problem once again is that the attention and resources allocated to the public stewardship of these artifacts is insufficient. It is much easier to secure support for a blockbuster show or the preservation of objects that hold national sentimental value (for example, the Star Spangled Banner or the Washington Monument) than it is to get day-in and day-out funding for the preservation of less well known objects that may be of even greater historical significance.

(3) Preservation of documents and archives

America's history is embedded in the millions of records, documents, and archives that established and changed us as a nation – that authorized and opposed our ventures in war and peace; our responses to inflation, depression, and inequality; and our initiatives to secure workers, older people and children, protect the environment, and preserve the nation's heritage.

Federal government records, documents, and archives fall primarily under the care of NARA, which holds 21.5 million cubic feet of textual materials; 300,000 reels of motion pictures; 5 million maps, charts and architectural drawings; and 14 million still pictures and photographs. In addition, LoC, the largest library in the world, holds 18 million books, 54 million manuscripts, 13.6 million visual images, and the largest and most comprehensive collection in the nation of film and television, American music, and sound recordings.

Many of these collections are deteriorating – in different ways and at different speeds. Many books and documents on paper become brittle with age. Recordings of music and words decay, and the means of their playback become obsolete and disappear. The same is true for film and television. One of the major problems facing NARA and LoC and other repositories involves the issue of prioritization. What documents and records must be saved? What might be saved? How does one decide, and who decides? Time and money are limited, even under the best of circumstances. Another problem involves the practice of discarding the originals when microfilming or digitizing records and documents. Losses can result from this practice when the micro-filmed or scanned records inadequately capture the original materials.

NARA's preservation problems are today compounded by the advent of electronic communications (numbered in the hundreds of millions), websites, and databases. While NARA is working with the National Science Foundation and the Defense Department to create an electronic records archive, the preservation task and associated costs are staggering. In the meantime, historically significant documents are being lost. Digital documents and records are today accessible only as long as the creators, producers, or owners of media storage space allow.

One of the best hopes for an individual item's survival and preservation is its popularity and accessibility through an open, nonproprietary collection. Building on the scientific community's network of PCs (currently based at 40+ libraries around the world) that preserves access to scientific journals published on the Web, the Council on Library and Information Resources (CLIR) has suggested a cultural preservation network for print to moving images, based on the Lots of Copies Keep Stuff Safe (LOCKSS) theory. CLIR also has recommended a "Federal Reserve of National Literature" run by a consortium of scholars and libraries to assemble and preserve a full record of American publications.

(4) Preservation of living cultural heritage

American society – *e pluribus unum* – includes hundreds, if not thousands, of living communities, traditions, skills, and understandings that continue to evolve, just as landscapes and the built environment evolve, as the patchwork quilts of community life change, as technology and education move forward. The living cultural heritage comprises both the old and the new – the firing of Appalachian pottery, the weaving of Navajo rugs, and the stories of America’s veterans, on the one hand, and the dances of Martha Graham and Merce Cunningham, on the other. Each of these cultural expressions is shared within a group; each includes a range of creative and symbolic forms; each is mainly learned orally, by imitation, or in performance. These concepts are at the heart of the 1976 American Folklife Preservation Act.

The NEA supports the folk and traditional arts through State apprenticeship programs that pair master artists with young apprentices and recognition of master artists in the National Heritage Awards. In addition, NEA and NEH have supported preservation of the art of dance and other performing arts.

The Smithsonian’s Center for Folklife and Cultural Heritage promotes understanding and continuity of contemporary grassroots cultures through its annual

Folklife Festival, Folkways Recordings, exhibitions, documentaries, publications, and research. The LoC’s American Folklife Center (with its archive of folk culture) sponsors public events and produces and makes available publications and recordings. The NPS protects cultural landscapes and has helped fund 23 National Heritage Areas that, among other things, “maintain,” for example, the culture of the steel industry – its industrialists and its workers – in and around Pittsburgh.

Once again, there is more to do than there are resources available. In the folklife area, there is the problem of maintaining an interest among young people – as apprentices and audiences. In dance and other live performing arts, there is the problem of how one captures the essence of a performance once the master artist is gone. And, there is the problem of access to creative works.

There is, moreover, a particular problem involving Native American cultures. How does one define and “maintain” what Russel Barsh calls “a layering of meanings ... associated with different epochs of the history of a people since creation?” Federal law acknowledges the importance of Native American cultural landscapes (which qualify for inclusion on the National Register) and offers protection for some of the individual elements of Native American cultures. Still, of the 92 sites, corridors, and areas on

the Register, only 12 relate to Native American peoples.

(5) Protection of Cultural Property

The protection of cultural property has both domestic and international dimensions. On the domestic side, the 1979 Archaeological Resources Protection Act (ARPA) provides protection for cultural artifacts on federal and Indian lands. The 1990 Native American Graves Protection and Repatriation Act (NAGPRA) provides for repatriation to lineal descendants and affiliated tribes of the human remains, funerary and sacred objects, and objects of cultural patrimony held in museums and federal agency repositories. Despite these and other protections, the past continues to disappear. Looting of cultural objects on federal lands continues to be an enforcement problem for the guardians of over 730 million acres (approximately 32 percent of the US land mass).

On the international side, treaties and US laws govern the circumstances under which foreign patrimony claims may result in American holders of cultural objects being required to return the objects to the countries of origin. US antiquities dealers and most American museums argue for a narrow definition of these circumstances. A variety of countries – and often the US State Department – argue that these

circumstances should be broadly construed.

Preservation policies need to go beyond both antiquarian concerns and transient tastes. The federal government has a two-fold responsibility: first, to continue, and improve upon, its tradition of stewardship of the cultural heritage within its care; and, second, to provide incentives that encourage others – through direct funding, tax incentives, national leadership, and international cooperation – to preserve cultural objects and practices.

This report suggests –

For the Federal Government:

Adherence to the National Historic Preservation Act. Each federal agency, as mandated in NHPA, should inventory its properties qualified for listing on the National Register. In doing so, each agency should look beyond the confines of its mission and embrace the cultural heritage principles underlying NHPA.

Collaboration among federal agencies. Each federal agency should upgrade the level of its participation in the Advisory Council on Historic Preservation. Consideration should be given to instituting advisory councils on artifacts, documents, archives, the living heritage, and cultural property. Best federal agency practices for the preservation of artifacts, documents, and archives should be documented, shared, and used.

Creation of a national repository system for conservation of original documents and archives.

National repositories of original format documents and other archival material – paper and other media — should be developed and established, either under the auspices of the federal government or under the auspices of consortia of scholars and libraries.

Establishment of principles governing electronic records, and establishment and endowment of a network for digital preservation.

The federal government should establish, and adhere to, principles and policies governing its electronic records (both those “born digitally” and those “reborn digitally”). The federal government should create a gateway or portal on the Web – similar to the FirstGov site – to catalogue and showcase cultural resources held by federal agencies and provide public access to those archives.

Adherence to the principles of cultural conservation of our living heritages.

Federal preservation programs should assist the “maintenance” of the living heritage on Indian reservations and other relevant federal lands. IMLS, NEA, NEH, Center for Folklife and Cultural Heritage, American Folklife Center, the NPS, and other federal programs, should receive adequate funding for the conservation of our intangible cultural heritage.

Increased funding for the preservation of the national collections and the facilities housing them.

Direct support for the collections (including digital collections) at the LoC, NARA and the Smithsonian should continue to be a priority. Funding for the facilities housing these collections is inadequate and should be increased. Collaborations of these institutions with the private sector, while a potential source for growth and development, should not replace or diminish federal responsibility and funding for the preservation in this area.

For assistance of the preservation efforts of others:

Increased funding for federal subsidies for preservation projects.

Appropriations for the Historic Preservation Fund should be made at the authorized level of \$150 million. Appropriations for NARA's National Historical Publications and Records Commission grant program should be increased to \$10 million, and the IMLS, NEA, and NEH should receive enhanced levels of support for their preservation efforts.

Extension the historic preservation tax credit to homeowners.

The proposed Historic Home-ownership Assistance Act should be enacted to provide tax credits for private homeowners, up to 20 percent of qualified rehabilitation expenditures.

Review of federal tax policies and highway policies and funding. A thorough review of federal tax policies and highway policies and funding should be undertaken in order to determine whether they are biased against preservation and in favor of new development and sprawl. The review should result in a report that is disseminated broadly.

National leadership for cultural heritage preservation. The President and his Administration should use the bully pulpit to make the case for preservation of our cultural heritages.

International cooperation on cultural property agreements. The United States should consider renewing its membership in the United Nations Educational, Scientific, and Cultural Organization (UNESCO), from which it withdrew in 1984. International laws and agreements should be enforced, and a full complement of members of the Department of State's Cultural Property Advisory Committee should be maintained. U.S. policy should attempt to balance the long-term U.S. public interest in encouraging international exchange of cultural objects with the need to protect important archaeological sites and ensure that other countries retain objects important to their national heritage.

PRESERVING OUR HERITAGE

The Four Modes of Preservation

The cultural impulse to preserve is rooted in shared feelings and concerns. The Blue Ridge farmer who maintains a working grist mill long after its practical use has ended is a preservationist. The Blackfoot Indian woman who teaches young people how to identify, dig, and roast bitterroot is a preservationist. So are the rural housewife who erects bluebird boxes along her fence line, the New York City youth who nurtures and trains pigeons, and the older Italian who fights to maintain a *bocce* court in the face of stiff competition for urban space. We are all preservationists when we document our lives -- the stories of our children's growth, our travels, and our grandparents' memories -- with family albums, journals, and video recorders.

Preservation presents many faces in our daily lives, but it is not always clear what is meant when the word "preservation" is invoked. It may therefore help our understanding to break out and describe the four principal modes of preservation: fixing, maintaining, copying the objects and activities to be preserved, and educating people about them and their preservation.

Preservation by fixing

The idea most often associated with preservation is the idea of “fixing” a physical object – that is, of preventing it from changing, or freezing it in time. Indeed, the original etymological sense of preservation, denoting the process of treating food to prevent decay, involves the idea of “fixing.” It is interesting, and perhaps paradoxical, that all these efforts “to fix” an object – whether it be a peach in jam or a Fra Angelico painting – always add new ingredients. And, “fixed” objects continue to change – relentlessly, but (one hopes) more slowly. Nothing can really be “fixed” in any absolute sense. The world is constantly changing and being changed, and so to keep things from changing, preservationists change them!

Preservation by “fixing” manifests itself in several domains in the modern cultural world. Libraries, archives, and museums contain billions of precious documents, artifacts, and other objects that are subject to decomposition. Preservationists attempt to “fix” these objects or restore them to their original condition. In the past 50 years, there has been rapid growth in the awareness of the general preservation needs of artifacts and documents. Cultural institutions have begun the expensive process of modifying institutional storage, servicing, and display procedures. Professional preservation laboratories have sprung up, both within larger cultural institutions and as separate organizations.

Preservation by maintaining

A second form of preservation, related to the first, acknowledges that some things cannot be “fixed” in time, and that the context of an object’s original state, like time itself, inevitably must change. Preservation by maintaining calls for a dynamic sense of that which is to be preserved. The preservation movement has shifted gradually from a focus on individual buildings and objects toward a focus on larger, more organic units of the built or living environment: the farm, the urban neighborhood, or the maritime community, for example. As the movement has expanded its scope, it has also moved toward more dynamic models of preservation. For example, even if it were possible and desirable to “fix” an individual building, it is clearly not possible to freeze a neighborhood. One must allow for the constant flux of people in and out of the houses, shifts in the nature and function of the shops, revolutions in utilities (water, sewage disposal, electricity, gas and oil), and changes in the macro-environment within which a dynamic unit like a neighborhood must function. Preservation by maintaining must be dynamic in order to provide for the self-sustaining continuities that are the real goal of preservation.

Similarly, efforts to preserve natural habitat must embrace some form of the idea of maintenance. Even goals like the preservation of individual species become

subordinated to the larger goal of maintaining the overall balance of the habitat that sustains many species within it. There is a sense in which all efforts to “fix” objects are really efforts to maintain them. But there is more than a difference of degree between efforts to preserve a 19th-century newspaper and efforts to preserve a hedgerow. In the first case, the goal is actual physical preservation, even if it is acknowledged that one’s efforts will necessarily fall short. In the second case, one starts with the understanding that the hedgerow, as a living element of landscape and habitat, must constantly change; the goal is to maintain a stability and continuity in the face of constant change.

Preservation by copying

The third mode of preservation is copying the content to be preserved onto a new medium. Here the focus is not on preservation of the physical object, but rather on preservation of the informational or cultural content of the object by making a surrogate from the original. Since ancient times, scribes have preserved documents by copying them, and copies provide also a mechanism for dissemination of content. The writings of these cultural traditions were maintained through the medieval period, and newer writings joined the stream of literature. Gutenberg’s invention of printing is thought of today as a tool of dissemination, but it is equally appropriate to think of it as a radical new means of preservation.

In the past century, techniques were developed to preserve the content of paper documents more scrupulously than by scribal copying. Some of these techniques are photographic: the printed page is photocopied onto another medium. Microfilm is a 20th-century form of preservation that strives to mimic the shape and content of the original printed page. Photocopying technology is now found in every office and many homes. Today, one might imagine digital technology providing for unlimited transfers of textual and photographic information into previously unimaginable shapes, forms, and media.

New technologies also make it possible today to copy aspects of the world of performance. The artistic and expressive forms that exist within the matrix of movement through space and time had never before been capturable in a form that recapitulates the original performance. With Edison’s invention of the phonograph and the invention of motion pictures in the late 19th century, renditions of music, dance, theater, and the spoken word could be captured for the first time as fair copies – in some cases facsimiles and highly accurate surrogates – not simply as notated approximations.

These inventions made the 1900s “the documentary century” – an era in which the means of documentation multiplied and were gradually democratized. The long-term effect of these innovations was to make the process of documentation part and parcel of the process of

culture itself. Now we live in a world where still photographs, sound recordings, and videotapes are part of everyone's tools for recording their observations and experiences. The multiplying tools for copying have become part of a common cultural repository, but the tools, paradoxically, have also created multiple preservation problems..

Copying as a solution is always more compelling if it seems that a one-time action will provide permanent preservation. The vellum of some medieval manuscripts is amongst the hardest of preservation media; non-acid paper can be wonderfully long-lived; and aluminum disc recordings are inordinately stable once they form a thin surface of aluminum oxide. But all these media eventually decay, and contemporary media such as laminated discs have uncertain futures. Some specialists are quietly concluding that we should start getting used to the idea of preserving information by copying it to a new format every generation or two.

Preservation by educating

Finally, preservation occurs through the age-old processes of education and training. All education is, in a manner of speaking, a form of preservation of knowledge. But in speaking of preservation by education, we refer to more specific forms of education and training by which knowledge of specific cultural attributes is passed along.

A simple illustration involves house paint. It was one challenge to preserve a room painted with a buttermilk-base paint a century ago. It is a different kind of challenge to preserve the skill and know-how of using buttermilk-base paints within the skilled trades today. Yet both are ways of perpetuating a particular facet of the craft of painting. The restorers of the Thomas Jefferson Building of the Library of Congress, which has been going through a restoration and renovation, peeled layers of paint from certain interior walls in order to reveal the original elaborate designs painted on the walls. Then they repainted the walls in a fashion that replicates the original paint job.

Such preservation work is exacting and intricate and requires a reservoir of knowledge and experience. Many advocates of historic preservation have come to realize that the idea of preservation is an empty dream without a cadre of people with the necessary particular skills required to do preservation and restoration work. Thus scientific research, systematic dissemination of knowledge, and formal training and apprenticeship have been incorporated into preservation work. Public-sector preservation centers have sprung up, both as independent entities and within larger museums and libraries, and private-sector companies have become specialists in various facets of preservation. The field of preservation has recognized the critical importance of both specialized scientific research and the maintenance of older strata of

expertise within various traditional skilled crafts and trades.

At a broader level, preservation by education merges into the general process of cultural maintenance. If the skilled trade of boat building maintains within it certain traditional knowledge that is needed for preserving a skipperjack, it also takes person-to-person apprenticeship and training to preserve the skill of sailing the ship once preserved. The first skill has to do with the artifact itself, while the second skill is the art of using it properly. It might indeed plausibly be argued that all cultural maintenance is a form of preservation. Thus the growing support for preserving forms of culture which pass along skills, traditions, knowledge and values led in 1976 to passage of the American Folklife Preservation Act, which created the American Folklife Center within LoC.

The seamless connection between preservation and cultural maintenance is particularly visible in the performing arts. Dance, music, and theater may have artifacts that are instrumental in the performance of the art – the musician's instrument, the dancer's shoes, the player's costume and set. But the central creations of these arts are performances that take place in time and are evanescent. Thus in each of these arts, there is great emphasis on teaching and apprenticeship in order to convey the art to the next generation. Documentation, which captures evanescent performance in an analogous medium,

is seen not simply as a means of preservation, but also as a teaching tool for passing down the living art to the next generation.

These four modes – fixing, maintaining, copying, and educating – provide useful distinctions that help explain the various goals and techniques of preservation. At the federal level, support for preservation has had a long and storied narrative. Through its support of the preservation of the built environment, landscapes, artifacts, documents, and archives, and the living cultural heritage, and with its legal system of tax incentives and cultural property protection, the United States has created a complex set of public policies that help to preserve our heritage.

BUILDINGS AND PLACES

Since 1906, when Congress passed the Antiquities Act, legislation has been in place to protect historic and prehistoric remains and objects of antiquity on federal land. The Historic Sites, Buildings and Antiquities Act of 1935 made it a specific federal policy to preserve historic sites, buildings and objects of national significance. This Act laid the groundwork for the eventual preservation of thousands of historically significant places through NPS and State historic preservation offices.

The National Historic Preservation Act of 1966 (NHPA) expanded the role of the federal government in preserving places. NHPA provides for the core of present federal preservation efforts. While NHPA acknowledges that historic preservation depends upon local community action, it creates the opportunity for federal leadership and partnerships with and among state governments. The major functions of the legislation are carried out through federal agencies, led by the National Park Service, and through State Historic Preservation Officers, appointed by governors. The core impetus behind the law is to preserve by “fixing” and “maintaining” places and objects.

Many of NHPA’s provisions are tied to the establishment of the National Register of Historic Places. The Register is administered by the NPS in conjunction with the States. Included under the framework of the National Register is a wide range of historic districts, sites, buildings, structures and objects important in American history, architecture, archeology, engineering and culture. To be considered for inclusion on the Register, these places must be at least 50 years old (although there are some exceptions). They must also be associated with important Americans or events, be good examples of distinctive historical or artistic styles or craftsmanship, or be able to contribute to our knowledge of the past. Objects and places can be either publicly or privately owned. Distinct cultural landscapes and

properties of traditional and religious importance have more recently also been included.

As a result of the Register, the U.S. has identified over one million historic buildings and sites on nearly 73,000 properties, more than in any other country. But merely being listed is often not enough. While federal laws provide some legal tools for conservation, it is a common misconception that properties listed in the Register are automatically protected from destruction or alteration. Most of the rules are those established by state or local governments, through zoning or construction and demolition review processes.

NHPA also provides for a program of grants through the Historic Preservation Fund. Since 1968, over \$1 billion in grant funds have been awarded to 59 States, territories, Indian Tribes, and local governments. The Historic Preservation Fund is funded from federal receipts resulting from mineral extraction on the Outer Continental Shelf. It is part of NPS’s Heritage Preservation Services, which also support American Battlefields, National Historic Landmarks, Historic Landscapes, and Tribal Communities. In terms of the built environment, the Historic Preservation Fund works through partnerships with local and state governments and the National Trust for Historic Preservation. These efforts are assisted by the Federal Historic Preservation Tax Incentives program (see below). Many

preservationists argue that the Historic Preservation Fund is underfunded, rarely receiving more than a third of what is annually authorized by Congress. Recent legislative efforts to raise the annual appropriated amount to \$100 million have been unsuccessful.

Founded in 1949, the National Trust now relies primarily on funding from the private sector. The Trust provides leadership, education and advocacy to save America's diverse historic places and revitalize communities. Save America's Treasures, a public-private partnership between the National Trust and NPS, along with the National Park Foundation and the Heritage Preservation program, is dedicated to identifying and rescuing the enduring symbols of American traditions, including public sites. Save America's Treasures is a unique partnership that provided \$95 million in federal grants 1999-2001. These grants have been matched by more than \$50 million in private support. The President has requested, and Congress appropriated, an additional \$30 million for 2002. But these funds barely begin to meet the need. Save America's Treasures has already designated as urgent some 722 projects that would cost at least \$2.6 billion to carry out. The result is many preservation efforts languish.

Post offices, courthouses and other historic federal buildings are often the cornerstone of community life in major cities, suburbs, and small rural towns. GSA (and

other federal agencies that own and manage real property) often lack resources for preservation. Without such resources, many important federal buildings (205 on the National Register, another 250 eligible) face a kind of demolition by neglect. "We may soon be disposing of landmark buildings at an accelerated rate," reads GSA's 2000 report *Held in Public Trust*. (12) Even in good economic times, there is simply not enough money to save everything worth preserving.

Preservation decision-making and priority setting are the functions of the Advisory Council on Historic Preservation. Established by NHPA, the Council is a Presidentially-appointed body of citizens, experts in the field, and of representatives from all levels of government. Its purpose is to provide a public forum for influencing federal historic preservation policies, programs, and decisions.

Two sections of NHPA influence the actions of federal agencies.

Section 106 requires all federal agencies to take into account the effects of their actions on historic properties and to give the Advisory Council the opportunity to comment on those decisions.

Section 110 (as amended) requires all federal

agencies to consider the impact of federal and federally assisted actions on historic properties through surveying, planning, and caring for what's under each agency's stewardship.

Some agencies and departments factor in Sections 106 and 110 in their regulatory framework. Clark Strickland, Director of the Center for Arts and Public Policy at the University of Colorado in Denver, points out that "at the Federal level . . . cultural preservation values should not be thoughtlessly sacrificed in meeting other policy goals. The regulations of the Department of Housing and Urban Development (HUD) call particular attention to historic properties. The Department of Defense's Legacy Program focuses effort on identifying and planning for the preservation of important historic and archeological properties. The Transportation Efficiency Act for the 21st Century . . . includes a title that makes funding available for the preservation of transportation-related historic properties." (Strickland, p.6)

Others argue that the federal government can do better. Richard Moe, President of the National Trust for Historic Preservation, says that, notwithstanding the fact that NHPA has been the law of the land for 35 years, "most federal agencies do not even know the extent, importance, or condition of the historic properties for which they are responsible." (Moe, 5) Properties in national parks, forts on military bases, and other buildings and sites are in need of restoration and repair.

"Policies that favor demolition, new construction and replacement rather than repair, rehabilitation and preventive maintenance. . . are prevalent." (Moe, 5) Moving federal buildings out of cities and precluding the use of historic buildings for federal offices add to the problem. The federal government needs to improve its grantmaking, education programs, and its stewardship of the historic properties on its inventory.

The most important incentive for historic preservation is the historic preservation tax credit. A 2001 report released by NPS concludes that the 25-year old Federal Historic Preservation Tax Incentives Program is "one of the most successful revitalization programs ever created." The Tax Reform Act of 1976 created the first federal tax incentives for historic preservation. The Act was amended to encourage private investment through credits for private investor rehabilitation of older buildings. Once-abandoned factories, warehouses, and office buildings, particularly in urban core communities, are now being preserved and re-used as a result of the Federal Historic Rehabilitation Tax Credit (which allows a credit of up to 20 percent of the cost of renovation). Rehabilitation efforts approved by the National Park Service in 2000 alone represented private investments of more than \$2.6 billion. Over its history, the incentives have helped save more than 27,000 properties, stimulated \$18 billion in private rehabilitation, and created nearly 150,000 housing units.

Other federal agencies also provide incentives to preserve. In HUD, the Empowerment Zones and Enterprise Communities part of the Community Development Block Grant program fuses “fixing” and “maintenance” through direct funding, private sector involvement, and incentives to revitalize urban communities. In addition, HUD’s programs specifically target the redevelopment of abandoned buildings, many of which have historic value. The Department of Agriculture maintains a parallel program for Rural Empowerment Zones and Enterprise Communities.

These federal incentives help combat urban sprawl. Moe calls sprawl “the biggest challenge facing the preservation movement today. . . .

Sadly, government policies and practices at every level – federal, state, and local – actually mandate or encourage sprawl. Tax codes are riddled with bias toward new development. Building codes can make rehabilitation of old buildings for new uses impossibly expensive. . . . Zoning laws prohibit mixed uses and mandate inordinate amounts of parking and unreasonable setback requirements. . . . Perhaps most damaging of all is federal transportation policy, which has been summed up by one critic as “feed the car, starve the alternative.” (Moe, 3)

One way to combat sprawl and serve preservation interests is through extending tax credits to private homeowners. The Historic Homeownership Assistance Act, introduced in both houses of the 107th Congress, would allow credits against taxes of up to 20 percent of qualified rehabilitation expenditures. Proponents point out that not only would this help preserve historic properties, it would also provide financial incentives for residents in older homes to stay in them. And, it would provide financial incentives for others to move back into the cities.

Historic preservation is moving away from its exclusive focus on individual buildings and sites. The trend is now to incorporate or integrate preservation of buildings with archaeology, vernacular architecture, history, folk-life and intangible elements of culture and community. Issues such as affordable housing, neighborhood revitalization, transportation policy, and sprawl are being integrated with historic preservation. Policymakers will increasingly need to look beyond historic façades – to understand the quality of life issues that are intrinsic to historic preservation.

ARTIFACTS

Federal preservation policy is not limited to historic buildings and sites. Hundreds of thousands of artifacts – from the Star-Spangled Banner at the National Museum of American History to the collection of outsider art at the Paris Gibson Square Museum of Art in Great Falls, Montana – are being saved through federal government artifact conservation efforts. While not concentrated in any one program, artifact conservation and preservation are made possible through the same combination of direct subsidies through grantmaking, federal stewardship, and tax incentive programs.

Museums, libraries, and other collections, private and public, are the principal repositories of artifacts. According to the American Association of Museums, there are over 750 million objects and living specimens in the nation's 15,000 museums. After their own family collections, Americans rank authentic artifacts in museums and historic sites as the most significant factor in creating a strong connection to the past.

Through a variety of programs at IMLS, NEA and NEH, the Federal government supports artifact conservation in hundreds of American museums. Over the past two decades, IMLS has made some 4,600 conservation grants, and last year alone, it awarded 169 conservation grants and an additional 150 grants for conservation

assessment. Those grants totalled \$3.027 million. In addition to its work in historic preservation of buildings and sites, Save America's Treasures (see above) has provided funding for conservation of artifacts – from the battle flag that inspired our National Anthem to outdoor sculptures in town squares across the country. The Save Outdoor Sculpture project, run by Heritage Preservation, has identified over 32,000 American sculptures through its inventory project; nearly half of these need conservation work, and 10 percent are in dire condition.

The National Center for Preservation Technology and Training, an NPS division, was founded through the Historic Preservation Act Amendments of 1992. In its first six years, this grantmaking program awarded over \$4 million for 150 projects in conservation training and education. Most artifact conservation training, however, is done through a network of private and public institutions. These include a small number of graduate programs at university and conservation centers, which receive federal funding, through grants and student loan guarantees.

Artifacts under the direct stewardship of the federal government include scores of monuments and statuary and the physical collections of the Smithsonian, LoC, and others. As the steward of many pre-historic and historic sites, NPS has conservation obligations not only for the

elements of historic buildings, such as paint analysis and restoration of weathered external elements, but also for many of the physical artifacts, furniture, and household belongings contained within them. Other agencies also have conservation responsibilities and programs. These include the Art-in-Architecture program at GSA and NARA's responsibilities and programs with respect to its artifacts (as distinct from its documents and archives). Conservation and preservation of artifacts are the responsibility of individual agencies, and as in the case of historic preservation, some agencies are better positioned and better motivated to fulfill those obligations than others. The major cultural artifact collections housed at the Smithsonian include many of the nation's most valued treasures.

The Smithsonian's 16 museums are augmented by affiliate museums and collections around the country – from the American Jazz Museum in Kansas City, Missouri, to the Wing Luke Asian Museum in Seattle. Not counting the affiliate collections, the Smithsonian holds more than 140 million artifacts and specimens, and conservation – from pandas to works-on-paper – is a major part of its mission. Unlike most other federal agencies, the Smithsonian receives funding from a variety of sources. Sixty-two percent of its FY 2000 operating budget came from federal appropriations, and 17 percent came through gifts and grants from individuals, foundations and corporations. (The remainder – 21 percent –

includes earnings from investments, contracts, business ventures, and other earned income.) Federal appropriations support the Smithsonian's core functions of caring for and conserving national collections; sustaining research in history, science and the arts; and educating the public.

Budgetary concerns and a decaying physical plant are immediate policy issues confronting the Smithsonian and, in particular, its conservation efforts. The National Academy of Public Administration, an independent not-for-profit asked by Congress to assess the state of the Smithsonian, estimates that it would cost \$1.5 billion to make vital repairs to the Institution's complex. Congress has appropriated \$67 million for physical repairs in FY 2002.

Citing the need to reallocate financial resources, the Smithsonian announced in 2001 that it will close its Center for Materials Research and Education. The Center was established in 1963 to provide technical support for analysis of the conservation needs of Smithsonian collections. Conservation of artifacts will now fall under the aegis of each member museum. Because the Smithsonian's operating budget is tied to the market performance of its investment portfolio, the institution's assets fluctuate in value. Record level fundraising – \$206.6 million in 2000 – and the rising market value of its endowment notwithstanding, the

Smithsonian, a quasi-public agency, will face several policy decisions that will affect its preservation responsibilities over the course of the next few years.

Unlike tax incentives earmarked for historic preservation, there is little direct correlation between conservation of artifacts and specific tax credits. Targeted conservation efforts – Save America’s Treasures work with the Washington Monument or the Star-Spangled Banner – are funded when the artifacts or sites hold national sentimental value. Less well-known objects of cultural significance remain at risk.

DOCUMENTS AND ARCHIVES

Issues surrounding the federal role for preserving documents and archives can be grouped into two subcategories: the role of government in preserving its own historical records; and the role of government support systems in helping to preserve other documents and archives.

Most federal records, documents and archives fall under the care of NARA, which holds about 21.5 million cubic feet of textual materials and more than 4 billion papers from the executive, legislative and judicial branches of

the federal government. NARA’s multimedia collections include 300,000 reels of motion pictures; 5 million maps, charts and architectural drawings; 200,000 sound and video records; and 14 million still pictures and photographs.

Collections of documents and archives of this size and scope present preservation and conservation challenges that have been made more complex by the rapid shift over the past 15 years to electronic record keeping. For example, in the NATO operations against Serbia, all orders were handled electronically through email, an historic first in American warfare. Other examples abound: thousands of federal agency websites and databases – such as those of Census 2000; billions of emails – such as the more than 25 million diplomatic messages to date at the State Department; and countless digital images, sounds, geographic information systems, and other electronic record formats. While NARA is working in collaboration with the National Science Foundation and the Defense Department to create an Electronic Records Archive, the preservation tasks and associated costs are staggering.

Page Putnam-Miller, former director of the National Coordinating Committee for the Promotion of History, estimates that it would require an additional \$100 million appropriated to NARA’s budget to allow NARA to make real progress. “[Y]et it may be five years before the

software and hardware for archiving electronic records systems is in place. In the meantime, some historically significant records that document the evolution of federal policies and the implementation of federal programs are being lost.” (Putnam-Miller, 3) Funding for NARA’s records preservation, particularly those federal records born digital, should be an essential appropriations item for Congress and the Administration.

NARA’s National Historical Publications and Records Commission (NHPRC) makes grants to institutions across the country to preserve, publish and make accessible historical materials – from the archives of the American Civil Liberties Union to the papers of Thomas Edison at Rutgers University. Despite years of outstanding work, funding for NHPRC grants has lost ground in real terms, standing today at roughly \$6.25 million annually. An appropriation of \$10 million annually would help meet the tremendous needs in the field.

Funding for the preservation of historical papers has also been available through NEH, which has helped fund ten Presidential Papers projects and a number of authoritative multi-volume editions of the writings, journals and correspondence of preeminent literary and historic figures from Willa Cather to Frederick Douglass. With few exceptions, foundations and individual donors do not generally support serious annotated editions of the papers of important figures in American history.

NARA’s duty to preserve federal documents and archives parallels the challenges facing the LoC. The mission of the LoC is “to make its resources available and useful to the Congress and the American people and to sustain and preserve a universal collection of knowledge and creativity for future generations.” The largest library in the world, LoC holds more than 120 million items – including 18 million books, 54 million manuscripts, 13.6 million visual images, and the largest and most comprehensive collection in the nation of film and television broadcasts, American music, and sound recordings. Its American Folklife Center (see *Living Cultural Heritage*) contains an additional 1.5 million items of traditional cultural documentation. Each day, LoC receives some 22,000 items and adds roughly 10,000 items to its collections.

Collection and preservation of this expanse of documents and archives requires extensive capital and human resources. All media are fragile, and the space necessary simply to store documents, let alone conserve physical artifacts, has long been a matter of great concern to librarians and policy makers. In *Double Fold*, Nicholson Baker critiques public policies regarding the preservation of documents and archives on paper. Baker singles out the inadequacy of microform as a re-formatting technique for newspapers and books. He notes microform’s inability to reproduce color, its instability, and its susceptibility to errors (missing pages, poor quality photography). Particularly distressing, Baker says, is the notion

that microform preservation somehow makes acceptable the disposal of the original materials. The Society of American Archivists and others have criticized Baker's analysis, noting that federal policies have changed regarding the disposal of original materials.

Yet, microfilming continues to be emphasized in public policy decisions regarding newspaper and "brittle book" preservation. Since the mid-1950s, LoC has chosen to microfilm most newspapers, serials and hundreds of thousands of books judged to be decomposing rapidly due to the acidity of the wood-pulp paper on which they were printed. Original books and newspapers, often destroyed in the filming process, have been discarded. Compounding the problem, many of the nation's other libraries have followed suit. NEH, through its Brittle Books program and the U.S. Newspaper Project, has given more than \$115 million to public and research libraries for microfilming titles. In the past, unfortunately, many of those books and newspapers were discarded. Over 770,000 books have been preserved through filming; but many of the original artifacts were destroyed in the process, reducing the possibility that better surrogates through better technology will ever be created.

More sophisticated re-formatting, such as the full-color electronic copies (with searchable text) developed by Octavo Corporation, produces a digital facsimile of the artifact itself. The problem is that the technology is

currently too expensive to be used on a mass scale. LoC's National Digital Library and the Digital Library Foundation's consortia of libraries are part of an international effort to pioneer the use of electronic-information technologies to extend collections and services and to preserve select cultural artifacts. Of the millions of documents and archives held by LoC, only a small fraction are in digital form. LoC's American Memory project, for example, provides access to more than 7 million digital items from more than 100 historical collections. The National Digital Library is a private-public partnership that has provided \$60 million from 1996-2000.

No matter how true the surrogate, originals should be kept and fixed as best as is possible. The Council on Library and Information Resources (CLIR) recommends stopping the practice of discarding books that have been re-formatted to microfilm or digitized. The CLIR's Task Force on the Artifact in Library Collections calls for a "Federal Reserve of National Literature." The Reserve would consist of an archival deposit system run by a consortium of scholars and libraries to assemble and preserve a full record of American publications. It would do this in coordination with the American Antiquarian Society's North American Imprint Program (holdings of print archives before 1876), LoC, and other appropriate bodies. (*The Evidence in Hand*, 25) Conservation of the original artifact represents good stewardship for future generations. It also provides for a necessary mode of

preservation and access to our cultural heritage.

Documents and archives in media other than paper present equally compelling challenges and risks. Film and videotape are highly susceptible to decay, and are often dependent upon playback material that becomes obsolete. Recorded music and spoken-word recordings face similar problems. What should happen, for example, to the “original” artifact of a waxed cylinder recording when there are few, if any, waxed cylinder players? Should a copy translated to another medium become the original artifact? If the electronic world goes totally digital, what should happen to original analog recordings?

The LoC Motion Picture, Broadcasting and Recorded Sound Division provides the bulk of the work toward saving media archives within the federal government. Through its National Film Preservation Board and the private National Film Preservation Fund, LoC is helping to save a vital part of the American heritage that has literally disintegrated. Fewer than 20 percent of complete Silent Film Era films survive. And, of American films produced before 1950, only half continue to exist. Even films from the latter half of the 20th century face threats of color-fading, vinegar syndrome (from the smell of polymer decay), shrinkage, and soundtrack deterioration. Videotape, audiotape, and optical disks are also polymer materials which deteriorate through chemical reactions with moisture, ultraviolet light, impurities in

the media themselves, or metal ions in storage environments.

Work on film preservation began in earnest with the establishment, with substantial NEA support, of the American Film Institute (AFI) in 1967. AFI’s work started with a “rescue” operation to locate and preserve a trove of 250 rare and historically important films. Later, AFI started cataloguing American feature films decade-by-decade, and in 1984, the AFI and NEA established the National Center for Film and Video Preservation. The AFI Collection at LoC includes over 27,500 titles. A 1994 survey by the National Film Preservation Board (NFPB) helped make the case for a grants award program that will safeguard over 175 endangered films and footage collections. Fortunately, the four major film archives in the United States – LoC, UCLA, the George Eastman House, and the Museum of Modern Art – all keep original materials, no matter how badly deteriorated, in the hope that new technologies will be developed to extract more information from these materials.

Recorded sound archives face the same problems of deterioration and obsolete playback equipment, and as analog systems continue to disappear, matters will get worse. Now is the time to preserve the original materials in digital formats as well as master preservation copies, but again, large capital expenditures are necessary. A century of sound recording has resulted in more

than 5,000 trillion bytes (5 petabytes) of professionally recorded audio material. (Cohen, *Folk Heritage Collections in Crisis*, 8) Collections of LoC, NARA, and the American Folklife Institute, and at colleges and universities, are in dire need of preservation. Congress passed the National Recording Preservation Act of 2000, establishing the National Recording Registry at LoC. The Registry's mission is to develop a national plan to assure the long-term preservation and accessibility of our audio heritage. As with film preservation, the first step of the Recording Registry will be to document the state of recorded sound.

According to the CLIR report, "[b]roadcast media – radio and television – are the stepchildren of the audio-visual media." (34) Collection and preservation, particularly of local broadcast news and entertainment, are done on a limited and sporadic basis. NARA's National Historical Records and Publications Commission and LoC offer very limited support for stewardship of broadcast collections. There is incentive and re-use potential for *popular* programming in the commercial sector, but there is no assurance that contemporary popularity necessarily equates with public value.

Preservation of documents and archives that were originally created as digital objects ("born digital") and of materials that are digital versions re-formatting source materials ("re-born digital") will be one of the major chal-

lenges of the 21st century. Documents and archives that are re-born digital – text, image, sound files – provide greater public access to cultural objects, particularly when they are posted on the Web. LoC's National Digital Library and American Memory Project, for example, leverage support for the quality and diversity of its collection from the private sector. The Smithsonian, NARA, GSA, and other federal agencies are taking advantage of the Internet to expose the public to their collections.

Other programs, including NEH's Edsitement, NPS's ParkNet, and the Kennedy Center's Artsedge, are developing new thematic exhibitions for the Internet. Federal grantmaking agencies – IMLS, NEA, and NEH, in particular – are allocating significant resources to cultural institutions so that they might digitize portions of their collections, for both preservation and public access purposes. Jane Sledge of the National Museum of the American Indian points out, however, that there is no gateway on the Internet for the Native American cultural heritage and no single portal to the numerous Native American archives held in public trust or supported through public dollars.

The notion of a gateway to the cultural heritage comes out of the federal working group, American Strategy, which met between July 1997 and June 1999. The working group recommended that an Interagency Council on

Electronic Access to Cultural Resources be formed, with members drawn from the Department of Interior, the Department of Defense, NARA, NEH, NEA, IMLS, Smithsonian, the National Science Foundation, and LoC. While the Council would promote electronic access to cultural resources, a significant part of its work would be to inventory the cultural heritage assets held by federal agencies. The idea is that leadership at the national level would set the example for cultural organizations across the country to join in developing an inventory of the heritage and a web portal to materials listed in it.

Items born digital are entirely dependent upon software for immediate access and upon hardware for storage and long-term access. Created and stored on a computer, these documents and archives exist and are accessible only as long as their creators, producers, or the owners of the storage space allow. Web sites disappear. Files cease to exist. Data disappears overnight. Content is constantly changed, updated, and migrated to proprietary media such as CDs. Works of significant historical or cultural interest – such as the U.S. Holocaust Memorial Museum’s “Do You Remember, When” exhibition (www.ushmm.org) or hipnotika’s Africa flashsite (www.hipnotika.com) or journalE’s collection of contemporary American stories (www.journale.com) — might have already disappeared by the time these lines are read.

Unlike archives on other media, even the most primitive or obsolete formats, digital files are not fixed to a form. Digital documents and archives are at risk, not only because their creators might destroy them, but also because of other factors such as magnetic fluctuations, environmental disturbances, overwrites, bit rot and human error. As technologies change, materials must be migrated or emulated into new formats, again allowing for loss or corruption. The Web, with its multiplicity of files and formats, is proving virtually impossible to catalogue or search, much less preserve. Efforts by national libraries in Sweden and France to save all content from their nation’s web sites depend upon the efficiency of web crawlers to scour and save.

What is likely to be preserved from born digital archives and documents? Certainly one of the best hopes for an item’s preservation is its popularity. Easy accessibility is also important, particularly where the object is created through open, nonproprietary standards. Research libraries and the scholarly humanities community have a vested interest in maintaining access and preserving key documents from their collections. A promising strategy, according to the CLIR report, is LOCKSS (Lots of Copies Keep Stuff Safe). CLIR cites the scientific community’s strategy as:

A network of PCs based at libraries around the world and designed to preserve access to

scientific journals that are published on the web. The computers organize polls among themselves to find out whether files on their hard disks have been corrupted or altered, and replace them with intact copies if necessary. (“Here, There and Everywhere,” *The Economist*, 24 June 2000)

LOCKSS is currently being tested at 40+ libraries worldwide with the support of 30+ publishers. If successful for the scientific community, LOCKSS could be adopted by archivists and others in the creative sector. A cultural LOCKSS could become a repository for digital documents and archives, something long desired by conservationists and preservationists in other media, from print to moving images.

Preservation constantly pushes up against copyright law, and perhaps nowhere is this more daunting than in the preservation of digital materials. The ease of copying born and re-born digital documents and archives creates tensions between publishers, producers and distributors, on the one hand, and libraries, archives and individuals on the other. One of the major public policy challenges of this decade will be to balance the intellectual property rights of creators or publishers with the right to fair educational and preservation use of documents and archives.

LIVING CULTURAL HERITAGE

In 1976, the nation's bicentennial year, the Congress passed the American Folklife Preservation Act, taking a broad view of what constitutes folklife:

American folklife means the traditional expressive culture shared within various groups in the United States: familial, ethnic, occupational, religious, regional; expressive culture includes a wide range of creative and symbolic forms such as custom, belief, technical skill, language, literature, art, architecture, music, play, dance, drama, ritual, pageantry, and handicraft. These expressions are mainly learned orally, by imitation, or in performance, and are generally maintained without benefit of formal instruction or institutional direction. (PL 94-201)

Over time, the term “folklife,” and its embrace of intangible cultural customs and mores, have come to represent ways of life and expressions of traditional values. In revising the National Historic Preservation Act in 1980, Congress requested a report from the Department of Interior and the American Folklife Center on America’s “intangible cultural resources.” The resulting report offered an overarching framework for the protection of the cultural heritage. It recommended that the term “cultural conservation” be adopted as the “concept for

organizing the profusion of public and private efforts that deal with traditional community cultural life.” (*Cultural Conservation: The Protection of Cultural Heritage in the United States*, iv) Mary Hufford, editor of *Conserving Culture: A New Discourse on Heritage* (1994), explains that the term cultural conservation proposes “an integrated approach based on grass-roots cultural concerns and guided by ethnographic perspectives.” (Hufford, 2)

As an alternative to preservation, conservation registers the dynamism of cultural resources, implying that, like natural phenomena, cultural phenomena inevitably change. Cultural conservation further suggests that resource identification be guided as much as possible by those whose cultures are affected. Moreover, its breadth and focus on action make cultural conservation the province of no single discipline, offering an ideal rubric for interdisciplinary initiatives. . . . Cultural conservation professionals include folklorists, anthropologists, archaeologists, historic preservationists, environmental planners, and scientists engaged in cultural conservation activities.” (Hufford, 3-4)

In recent years, the notion of preserving or conserving “living cultural heritages” has gained credence. As a cultural policy issue, it has become ingrained within the federal government structure of direct support,

stewardship, and education.

From a grantmaking perspective, the NEA has a long history of supporting the folk and traditional arts in partnership with state arts agencies and the private sector. Two categories of support, in particular, fund living cultural heritages. The State Folk Art Apprenticeship program pairs master traditional artists with young apprentices as a way of passing on traditions from boat-building to Native American handcrafts. The National Heritage Awards, begun in 1982, are the nation’s highest honor for traditional artists. These awards have recognized 250 artists – from santero makers to Creole musicians – with honoraria and a ceremony at The White House.

The NEA has also supported preservation of other living cultural traditions. Dance and choreography, like the folk and traditional arts, are passed down through generations – by apprentices studying, literally, at the feet of master artists. “Dance is four-dimensional, and dance notation charts the movements of a dozen different body parts that can shift in any direction in three-dimensional space and one dimension in time.” (Earl Ubell, “Capturing the Evanescent,” 16) Preservation of dance notation, prints, manuscripts, drawings, criticism, sculpture, painting, photography and other representation has helped build a multi-dimensional record of dance. Film and video have added to dance notation. Through the

support of the NEA and NEH, preservation and access to dance have helped capture its living legacy. Federal support was also responsible for the formation of private institutions such as the Dance Heritage Coalition and the National Initiative to Preserve America's Dance. Similar efforts in recording the experience of live arts performance in theater, opera and performance art are vital parts of the national endowments' dedication to preserving the living performing arts.

The Smithsonian's Center for Folklife and Cultural Heritage and LoC's American Folklife Center embrace complementary approaches to public stewardship of folklife archives and living cultural heritage.

The Center for Folklife and Cultural Heritage promotes understanding and continuity of contemporary grass-roots cultures in the U.S. and abroad through its annual Folklife Festival, Smithsonian Folkways Recordings, exhibitions, documentaries, publications, and research. The Folklife Festival brings together for several weeks on the National Mall tradition bearers and scholars for public demonstrations of music, song, dance, crafts, cooking, storytelling, and more. It has exposed more than 16,000 artists and crafts people from 54 nations and every region of the U.S. to millions of visitors. Folkways Recordings, the Global Sound project, and Save Our Sounds (a project of Save America's Treasures) are preserving and making available to listeners music, the

spoken word, and sounds disappearing from the aural landscape (such as those of the steam locomotive or the distinctive clacking keys of the typewriter).

The American Folklife Center, created in 1976 to protect and advance America's intangible cultural resources, incorporates LoC's Archive of Folk Culture, founded in 1928 as a repository for American folk music. The Center sponsors public events, produces publications and recordings, and makes available thousands of documents and archives through its online collections. One recent initiative, for example, created the Veterans' History Project, a public-private partnership to record the oral histories of the men and women who served the country in the Armed Forces. Their place, particularly the aging veterans of the Second World War, in the living cultural heritage must be recorded and preserved now, if they are to be recorded and preserved at all.

Place is also an important aspect of America's living cultural heritage, and NPS has taken an active role in promoting both the tangible and intangible aspects of cultural systems, particularly landscapes and cultural heritage areas. Through its American Battlefields, Historic Landscapes, and Tribal Communities initiatives, the NPS Heritage Preservation Services protect significant portions of cultural landscapes. In addition, the National Heritage Areas initiatives have earmarked 23 such areas – from the Rivers of Steel Area in and around

Pittsburgh to the Tennessee Civil War Area.

Native American cultural landscapes represent different cultural, social and spiritual values to Native American tribes, what scholar Russel Barsh calls embeddedness: “a layering of meanings, some older and some more recent, associated with different epochs of the history of a people since creation.” (Barsh, 8) Federal law acknowledges the importance of landscapes and offers protection for some of the individual elements of Native American cultures – providing for access to federal lands for ceremonial purposes and for the preservation of archaeological resources and artworks on federal or tribal lands. Native American cultural landscapes also qualify for inclusion on the National Register of Historic Places. Still, of the 92 sites, corridors and areas on the Register, only 12 relate to Native Americans, and only 17 percent of our National Monuments involve pre-Columbian architectural remains. The limited support for living and evolving Native American cultural landscapes and treasures extends as well to programs designed to preserve and renew Native American languages.

PROTECTION OF CULTURAL PROPERTY

Publicly owned cultural resources – from the original parchment of the Declaration of Independence to the vast complex of national parks, reserves, monuments and sites – are held in public trust by governments at the federal, state and local levels. Privately owned cultural resources present more complex issues, not only in the U.S., but in all countries based on open market economies. In the United States, the Constitution and other laws recognize the rights of individuals to own property and derive benefits from it, even if that property is of significant cultural value. Policymakers continue to search for appropriate balances between the needs of our national heritage and the rights of private property owners.

A federal role in cultural property protection is to formulate policy and procedures for the identification, assessment, scientific excavation, analysis, curation, and publication of findings with respect to the sites and artifacts on federal land. NPS and a dozen other federal agencies are involved in these matters.

One of the most pressing cultural policy concerns involves archaeological artifacts, particularly the artifacts, human remains, and art of Native Americans – what Bonnie Magness-Gardiner calls “the moveable

past.” She points to a central cultural preservation conundrum concerning Native American culture:

The study of artifacts, ethnological items, and human remains help us reach a better understanding of our past as a nation when these materials are scientifically excavated, analyzed and presented with their full archaeological, historical, and cultural context. Native American burials and other cultural artifacts are also part of their living tradition. As such, many items of Native American cultural property should be entrusted to their care or left undisturbed according to tribal needs and wishes. (Magness-Gardiner, 4)

The Antiquities Act of 1906 was created, in part, to stop the looting of prehistoric and historic Native American artifacts and the taking of Civil War souvenirs, but the Act has proved exceedingly difficult to enforce. The Archaeological Resources Protection Act of 1979 (ARPA) strengthened the Antiquities Act provisions by affording protection of cultural artifacts on federal and Indian lands from individual and commercial interests. ARPA brings together government representatives, archaeological professionals, private collectors, and Native American tribal representatives, to participate in the permitting process for archeological excavation. The 1990 Native American Graves Protection and

Repatriation Act (NAGPRA) provides for the repatriation to lineal descendants and affiliated tribes of the human remains, funerary objects, sacred objects, and objects of cultural patrimony held in museums and federal agency repositories (which reportedly hold some 200,000 Native American skeletons). NAGPRA also protects objects that may be excavated or inadvertently discovered on federal or Indian lands in the future. Finally, NAGPRA prohibits trafficking in Native American human remains and, in certain situations, cultural objects.

As noted above, an additional protection measure for the cultural heritage is Section 106 of the National Historic Preservation Act. NHPA outlines a five-step review process for historic properties. In 1969, the National Environmental Policy Act (NEPA) afforded consideration of the “cultural environment,” along with natural resources, in “a manner calculated to foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and to fulfill the social, economic, and other requirements of present and future generations of Americans.” (NEPA, Sec. 100 (a)) As a result of these provisions, federal agencies and other entities using federal funds are required to survey, identify and excavate thousands of historical artifacts, and to submit environmental impact statements.

Despite these protections, the past continues to disappear. Looting of cultural objects on federal land continues to be an enforcement problem for the guardians of over 730 million acres (approximately 32 percent of the U.S. land mass). Much of the land is rural, remote, and inaccessible, and looting is hard to detect. "In any given year," says George Smith, Chief of Investigations for NPS's Southeastern Archaeological Center, "from 800 to 1,600 incidents of looting are reported, but that's only a fraction of what we think is occurring." One newspaper account reports, for instance, that of the 20,000 archaeological sites in San Juan County, Utah, over 90 percent have been disturbed by looters. Another reports that a Revolutionary War cannon from the boat commanded by Benedict Arnold was offered for auction on eBay. Paul Hawke, chief of NPS's American Battlefield Protection Program, reports that thefts at battlefields, cemeteries and memorials are on the rise. State parks, like Lake Erie Metropark, home to both Native American and early American archaeological sites, are often vandalized. The curator there reports of one looter who had left hundreds of excavation holes at an off-limits part of the park where soldiers once camped.

Protection of the cultural heritage extends beyond our national boundaries. There are international agreements that govern the circumstances under which foreign patrimony claims against American holders for the return of antiquities or other cultural property imported into the

U.S. will be enforced. William Pearlstein argues that "[t]he applicable federal laws that govern these ownership disputes provide for alternate, inconsistent remedies. . . . U.S. law and policy reflects the tension between those. . . "cultural internationalists" who believe that the U.S. should promote the international exchange of cultural property with only limited exceptions and those ... "retentive cultural nationalists" who believe that the U.S. should prohibit the import of all manner of cultural property in the hope of either deterring the looting of foreign archeological sites or facilitating the retention of cultural property by foreign nations." (Pearlstein, 1-2)

There is no question that international agreements restrict the export and import of cultural property. The Department of State has an extensive list of specific artifacts that may not be imported into the United States. The agreements and State Department regulations curtail, to some degree, the looting of sites in countries from Peru to Mali. Pearlstein says law and policy are being undermined on three counts: the failure of past Administrations to appoint the full complement of members of the Department of State's Cultural Property Advisory Committee, particularly the mandated complement of antiquities dealers; imposition of blanket U.S. import restrictions on the requesting nation's entire inventory of cultural property; and the continued existence of alternate remedies under the National Stolen Property Act inconsistent with the legislative policy

underlying the Implementation Act.

Balancing the long-term U.S. public interest in encouraging international exchange of cultural objects with protecting important archeological sites and assuring that other countries might retain objects important to their national heritages is a public policy challenge for Congress and the Administration. Gustavo Aroz, Executive Director of the U.S. national committee of the International Council on Monuments and Site, points to U.S. participation in international cultural property conventions as one rationale for a reevaluation of U.S. membership in the United Nations Educational, Scientific, and Cultural Organization (UNESCO). While the United States withdrew from UNESCO in 1984, and in May 2001, the U.S. House of Representatives International Relations Committee approved an amendment to the State Department reauthorization bill requiring the President to take "all necessary steps" to renew U.S. membership in UNESCO.

ECONOMIC BENEFITS

The preservation of both the tangible aspects – buildings, landscapes, artifacts, documents – and intangible “ways of life” that constitute American cultures – has proven an economic boon to the growth of the cultural heritage tourism industry. Preservation advocates often cite these economic benefits. According to the Department of Commerce, 66 million Americans were “cultural heritage” tourists in 1996, and eight million visitors came from other countries to see America’s cultural treasures. Cultural heritage tourism was estimated to generate \$164 billion in 1997, and more money was made from foreign visitors than from the export of U.S. energy products that year.

The economic benefits of preservation, however, are secondary to the intrinsic value of that which is being preserved. Stan Katz contends we must take history more seriously, “to interrogate the meaning of our national experience, rather than exclusively to celebrate it. . . This is a plea, then, both for tough-minded honesty in making policy to preserve and present the historical heritage, and for a generosity in defining the scope of such policy. We must reach out to preserve all significant aspects of culture, not merely those that are politically and aesthetically appealing.” (3-4)

RECOMMENDATIONS

Preserving our heritage is a costly and delicate endeavor. Taking stock of our national treasures and objects of particular historical and cultural value challenges the resources of dozens of federal agencies and an array of organizations at state and local levels. From physical objects to living landscapes embodying spiritual values, the scope of these issues beggars description.

The central problem with the Past is that it continues to get bigger with each passing day. What should our priorities be? Who should choose what they should be? How should those choosing make their choices? Where is it most important to “fix,” where to “maintain,” and where to “copy?” Who do we need to educate about these matters?

The issues of cultural preservation intersect with dozens of issues on the broader national agenda – from the debates over copyright and intellectual property to the evolution of foreign policy in the area of cultural exchange. In each of the discrete areas outlined in this paper, policy makers can take specific actions to ensure the continued health of our nation’s heritage. National conversations and debates over tax policy, access to technology, education reform, and community revitalization, among others, should take into account the particular

concerns of preservationists and those who care about cultural conservation. Putting preservation on the national agenda requires, perforce, more than policy recommendations for the federal government, but since the federal government is involved in so many of these issues, this is where we begin.

The paper’s recommendations divide themselves into (1) those that affect objects and activities subject to the direct control of federal agencies, policies, and programs, and (2) those that are controlled privately and/or at State and local levels.

For the Federal Government:

Adherence to the National Historic Preservation Act. Each federal agency, as mandated in NHPA, should inventory its properties qualified for listing on the National Register. In doing so, each agency should look beyond the confines of its mission and embrace the cultural heritage principles underlying NHPA.

Collaboration among federal agencies. Each federal agency should upgrade the level of its participation in the Advisory Council on Historic Preservation. Consideration should be given to instituting advisory councils on artifacts, documents, archives, the living heritage, and cultural property. Best federal agency practices for the preservation of artifacts, documents, and archives should be documented, shared, and used.

Creation of a national repository system for conservation of original documents and archives.

National repositories of original format documents and other archival material – paper and other media — should be developed and established, either under the auspices of the federal government or under the auspices of consortia of scholars and libraries.

Establishment of principles governing electronic records, and establishment and endowment of a network for digital preservation.

The federal government should establish, and adhere to, principles and policies governing its electronic records (both those “born digitally” and those “reborn digitally”). The federal government should create a gateway or portal on the Web – similar to the FirstGov site – to catalogue and showcase cultural resources held by federal agencies and provide public access to those archives.

Adherence to the principles of cultural conservation of our living heritages.

Federal preservation programs should assist the “maintenance” of the living heritage on Indian reservations and other relevant federal lands. IMLS, NEA, NEH, Center for Folklife and Cultural Heritage, American Folklife Center, the NPS, and other federal programs, should receive adequate funding for the conservation of our intangible cultural heritage.

Increased funding for the preservation of the national collections and the facilities housing them.

Direct support for the collections (including digital collections) at the LoC, NARA and the Smithsonian should continue to be a priority. Funding for the facilities housing these collections is inadequate and should be increased. Collaborations of these institutions with the private sector, while a potential source for growth and development, should not replace or diminish federal responsibility and funding for the preservation in this area.

For assistance of the preservation efforts of others:

Increased funding for federal subsidies for preservation projects.

Appropriations for the Historic Preservation Fund should be made at the authorized level of \$150 million. Appropriations for NARA's National Historical Publications and Records Commission grant program should be increased to \$10 million, and the IMLS, NEA, and NEH should receive enhanced levels of support for their preservation efforts.

Extension the historic preservation tax credit to homeowners.

The proposed Historic Home-ownership Assistance Act should be enacted to provide tax credits for private homeowners, up to 20 percent of qualified rehabilitation expenditures.

Review of federal tax policies and highway policies and funding. A thorough review of federal tax policies and highway policies and funding should be undertaken in order to determine whether they are biased against preservation and in favor of new development and sprawl. The review should result in a report that is disseminated broadly.

National leadership for cultural heritage preservation. The President and his Administration should use the bully pulpit to make the case for preservation of our cultural heritages.

International cooperation on cultural property agreements. The United States should consider renewing its membership in the United Nations Educational, Scientific, and Cultural Organization (UNESCO), from which it withdrew in 1984. International laws and agreements should be enforced, and a full complement of members of the Department of State's Cultural Property Advisory Committee should be maintained. U.S. policy should attempt to balance the long-term U.S. public interest in encouraging international exchange of cultural objects with the need to protect important archaeological sites and ensure that other countries retain objects important to their national heritage.

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US National Committee of the International Council on Monuments and Sites – www.usicomos.org

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The Center for Arts and Culture is an independent think tank which seeks to broaden and deepen the national conversation on culture. Founded in 1994, the Center began its work by establishing the Cultural Policy Network, a confederation of scholars working on cultural policy research at 28 colleges and universities.

Through its cultural policy reader, *The Politics of Culture* (The New Press, 2000), the Center set out to provide the foundation for a national conversation on issues in cultural policy. The Center's second full-length set of essays, *Crossroads: Art and Religion* (The New Press, 2001), provides the context for understanding the relation of religion and the arts in the United States.

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