

A Lasting Legacy: Presidents, National Monuments and the Antiquities Act

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ABSTRACT

The Antiquities Act became law in 1906 at the urging of President Theodore Roosevelt. Roosevelt wanted a way to preserve public land without having to face the cumbersome process of congressional legislation. The law basically allows presidents to declare national monuments, and thus preserve public land, without having to obtain congressional approval. While the use of the act has ebbed and flowed over the years, in recent administrations, especially Democratic ones, this legislation has become a major tool in enhancing a given president's environmental legacy. This paper will examine the use of the Antiquities Act by presidents, both over time and in recent administrations, in order to understand the evolution of this act as a policy tool and what this development says about environmental policy-making at the executive level in modern times.

INTRODUCTION

In the past three decades, environmental policy has become a highly-charged partisan issue. This level of partisanship has held steady in recent years even as the political environment in the US has changed (Gallup, 2017). Gone are the days of consensus that characterized policy-making in this area in the 1960s and 1970s. Given this situation, and the nature of the American system of separated powers at the national level, presidents interested in making an impact on environmental policy have had to seek out new ways of influence, especially ones that avoid the often gridlocked Congress. One such instrument is the Antiquities Act of 1906. Passed during the administration of President Theodore Roosevelt, the act gives presidents the authority to declare national monuments, and thus preserve public land, without having to gain congressional approval. The Act was "rediscovered" in recent years, particularly by presidents who had an activist agenda in environmental policy-making, and has become an important tool in the construction of an environmental legacy. This study will examine the use of the Antiquities Act by presidents, with particular focus on presidents in the modern environmental era (since 1969), in order to understand the evolution of this act as a policy tool and what this development says about environmental policy-making at the executive level in modern times.

The paper will begin with a look at the history of the Antiquities Act, the circumstances in which it was enacted, and the goals of its early proponents. The analysis will then turn to the use of the powers of the Antiquities Act by presidents since 1906. As this process is examined, attention will be paid to placing the powers of the Antiquities Act under the broad framework of the environmental presidency, with particular focus on the Chief Executive role under that structure. Statistical analysis will then examine some of the key political factors that affect the use of the powers under this act, with specific emphasis on how the party of the president influences this variable. The final section of the paper will discuss the policy implications of the development of this policy tool both in terms of enhancing presidential influence in environmental policy-making and deepening our understanding of the environmental presidency.

LITERATURE REVIEW

Background on the Antiquities Act

President Theodore Roosevelt signed the Antiquities Act into law on June 8, 1906 (Brinkley, 642). In its one hundred years-plus of existence, the Act has had an enormous impact on environmental policy in the United States. The Act gave unprecedented power over public lands policy to presidents (Mantel, 2016, 373). It is said to be “among the most important of American conservation and preservation laws” (McManamon, 2014, 324). 157 national monuments have been proclaimed by presidents, protecting tens of millions of acres (National Parks Conservation Association, 2017). Sixteen US presidents have used the Act, and only three (Nixon, Reagan, George H.W. Bush) have not (Wilderness Society, 2015). Despite controversy and criticism, Congress has only reversed a small percentage of these proclamations (Tseng, 2015, 9). Congressional efforts to restrict executive powers under this act have been largely unsuccessful (Belco and Rottinghaus, 2009, 610-613, 617). The courts

have also been reluctant to curtail this presidential power (Sanders, 2016, 7-8; Righter, 1989, 296). As Brinkley states, “More than any other policy Roosevelt adopted as president, the signing of the Antiquities Act has earned him praise from modern environmentalists” (Brinkley, 643).

The Antiquities Act is rather modest in proportion, containing only four sections and less than 500 words (16 USC 431-4333; Thompson, 2000, 266). What it packs into this small container is quite substantial in terms of policy. The legislation states that, “the President of the United States is hereby authorized, in his discretion, to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Government of the United States to be national monuments” and “may reserve as a part thereof parcels of land, the limits of which in all cases shall be confined to the smallest area compatible with proper care and management of the objects to be protected” (16 USC 431-433). In Section 3, the Act makes clear that any use of the said monuments be “undertaken for the benefit of reputable museums, universities, colleges, or other recognized scientific or educational institutions, with a view to increasing the knowledge of such objects, and that the gatherings shall be made for permanent preservation in public museums” (16 USC 431-433). As will be pointed out below, this language was selected very carefully, in order to maximize executive discretion and to deny commercial uses of the land in question. Overall, the Antiquities Act represents “an unparalleled tool for the president to use” (Brinkley, 643).

The genesis of this act begins with concerns about the preservation of archaeological sites in the American Southwest (McManamon, 325; Sanders, 5; Thompson, 213). As Righter notes, “Professional archeologists were the prime movers” (Righter, 282). The increasing pressure to conserve these and other sites led to a movement for reform that began in earnest around

1900. In the first six years of the 20th century, “scholars and scientists, archaeological organizations, politicians and government officials played key roles in the creation of the Antiquities Act” (McManamon, 330). Interestingly, “Theodore Roosevelt was not engaged in the details of legislation crafting the Antiquities Act”, even though his “executive and legislative philosophy supported those working on the law” (335). The “hero” of the moment was actually a Republican representative from Iowa, John F. Lacey, who was very influential in drafting the law and putting the language in the proper form (McManamon, 330-331; Brinkley, 642-646). In fact, Theodore Roosevelt himself sent a note of gratitude to Lacey for “championing more knolls, buttes, spurs, ruins and ravines than anyone else in America” (Brinkley, 648). The Antiquities Act became known as the Lacey Act for his strong support and key role in bringing about its passage (Thompson, 242).

Several features of the Antiquities Act stand out. First, the Act gave enormous power to the President and relatively little to Congress. Congress had been “tricked” according to one author (Brinkley, 644). Theodore Roosevelt saw it as “A contraption with which he could dictate land policy in the West, circumventing Congress” (Brinkley, 755). Second, the Act did not specifically limit acreage (Brinkley, 643; McManamon, 338; Belco and Rottinghaus, 608). This allowed presidents like Theodore Roosevelt to use the powers to great extent without fear of a judicial backlash (Brinkley, 754; McManamon, 340). Third, the words, “scenic and scientific” were intentionally inserted to again give presidents wide discretion in declaring monuments (Brinkley, 646). Fourth, the Act incorporated key aspects of the developing “scientific approach” to land management. As McManamon states, “...Section 3 of the act calls for three of the four components of the scientific land management approach recognized as part of Progressive conservation” (McManamon, 336; Hays, 1999; Thompson, 222). What the law became was “loosely written” legislation, “instead of the narrow archeological application” envisioned by its

early proponents (Righter, 285).

Theodore Roosevelt pursued these new powers with abandon. As Brinkley states, “Nature may not have proceeded by leaps, but Theodore Roosevelt did” (Brinkley, 755). Rothman adds, “An object of ‘scientific interest’ could be broadly construed and Theodore Roosevelt interpreted the law liberally” (Rothman, 1986, 46). On issues such as size of new monuments and historic or scientific interest, Roosevelt interpreted the Act broadly (McManamon, 338). He did not hesitate in using his powers, designating four national monuments before the year 1906 was even over (338). Two of these first four, Devil’s Tower in Wyoming and the Petrified Forest, are notable for their iconic status in the US today. Another icon, the Grand Canyon, was also first saved by Roosevelt, as his 1908 declaration of monument status stopped plans for developing the area in its tracks (339). National park status for the area followed 11 years later under President Wilson (340). The final scorecard for Roosevelt’s conservation agenda included 230 million acres of public land protected, including the designation of 18 national monuments. (Mantel, 373; Thompson, 247). With these actions, Roosevelt established a precedent of broad powers under the Act for his successors to follow (Rothman, 47).

Roosevelt’s successors have used the power of the Antiquities Act to varying degrees. Before World War Two, the Act was used extensively by both Republican and Democratic presidents. Every president from Taft to Franklin Roosevelt declared at least ten monuments, with a mean of 17.0 monuments for these six presidents. Franklin Roosevelt had a record 30 monuments created or expanded, a level not seen again until Barack Obama in the 2010s. Post-war presidents did not use the Act as much, with the Truman, Eisenhower, Kennedy and Johnson averaging 8.5 monuments created or expanded and only the first two reaching double digits. Beginning with Nixon, the formerly bipartisan nature of the use of the Antiquities Act begins to change. Of the five Republican presidents since 1969, three did not use the Act at all

(Nixon, Reagan, George HW Bush), Ford created/expanded two monuments and George W. Bush did six. The Republican average since 1969 is a very low 1.6. The Democrats are a totally different story during this time period. The three Democratic presidents since 1969--- Carter, Clinton and Obama---have declared or expanded 73 monuments, a mean of 24.3 (National Parks Conservation Association, 2017). Clinton's 1996 declaration of Grand Staircase-Escalante National Monument in 1996 was particularly noteworthy, as it marked an important "change of direction" in how this power is used and implemented by presidents (Belco and Rottinghaus, 606; Sussman and Daynes, 2004, 347). Clinton "rediscovered" the Act and made important changes with regard to how the act was to be implemented (Belco and Rottinghaus, 606). With a flurry of activity in his last year in office, President Obama took the all-time lead in monument creation/expansion, with 34, as well as the all-time lead in acres protected with 265 million (National Parks Conservation Association, 2017; Sanders, 4). The recent difference between the two parties in the use of the Antiquities Act is stark and a major goal of this study is to determine how significant this difference is in terms of both politics and policy.

OTHER RELEVANT SCHOLARLY LITERATURE

Previous scholarship relevant to this study covers three broad areas: general studies of the presidency, specific studies of the environmental presidency, and studies of the effects of partisanship on environmental policy-making. In the first category, Barilleaux notes that scholars have relied on several levels of analysis to understand the presidency, including the idiosyncratic (or individual) level, the governmental level and the environmental level (dealing with the larger political environment) (Barilleaux, 1984, 73-74). Presidents have significant formal and informal powers to influence public policy choices (Rosenbaum 2014: 84). Presidential success in using these powers is based on a number of factors. Personal political skills have been a major focus in some studies of presidential success (Neustadt 1991;

Greenstein, 2000). Others have focused on a president's rhetorical skills (Tulis 1987; Kernell, 2006). Some have sought to combine communication and political skills into a set of characteristics that define "great" presidents. One set of authors argues that "great" presidents have three characteristics: "takes the public to school" (use leadership skills to demonstrate to the public why certain actions are necessary); is a "conservative revolutionary" (while holding the Constitution and laws in highest respect, great presidents take bold actions that are necessary to take the nation forward); and is a "strong party leader" (successfully use the political party as a vehicle to accomplish policy goals) (Landy and Milkis, 2000).

In contrast to those who put the emphasis on a given president's personal skills, Skowronek argues that the political environment a president faces is a crucial determinant of success. He introduces the idea of "political time" as a significant factor in presidential performance. According to Skowronek, "political time is the president's construction of 'where we are' as a polity and 'whither we are tending', a construction designed to authorize a certain course of political action in the moment at hand" (Skowronek, 2011, 18). This view argues that the personal skills of a president are less important to their success than their political surroundings. In particular, two questions are important: the question of whether they are affiliated or opposed to the prevailing political regime and the question of whether that regime is vulnerable or resilient (85). For example, under the framework put forth by Skowronek, both Bill Clinton and Barack Obama are examples of the "politics of preemption", presidents politically opposed to a prevailing and resilient political regime. Although such presidents can be successful, they are unlikely to enact bold policy innovations (107-113, 167-194). In contrast, George W. Bush would be an example of the "politics of articulation" (85). Bush was affiliated with the dominant regime and the regime had a degree of resiliency at the time of his presidency. The categorization of presidents can have much to say about their ability to influence the policies and politics of their time.

The area of environmental policy holds specific challenges for presidents, although it has received “minor attention” from scholars (Sussman and Daynes, 2004, 337). As Soden (1999) points out, environmental policy is often an area of “second-level importance” to presidents, given the “multiple-item agenda of contemporary American politics” (2-3). Presidents do have power resources in this area, but they “may vary dramatically as a result of the specific role the president is playing” (2). In general terms, the key presidential roles are (from most powerful to least powerful): commander-in-chief, chief diplomat, chief executive, legislative leader and opinion/party leader (Soden, 3-4; Tatalovich and Daynes, 1984; Sussman and Daynes, 2000, 339). (The power structure of these roles is different for the environmental presidency---see below). These roles combine with the key power resources held by presidents: authority, decision making, public opinion, expertise and crisis (Soden, 5). The combination of roles and resources define the boundaries of presidential success in environmental policy-making.

Several recent studies of environmental policy making have focused on individual presidencies. Flippen's (2000) study of the Nixon Administration's approach to environmental policy demonstrates the power of public opinion and political pressure in this area, as these factors pushed a reluctant leader to embrace environmental action, at least temporarily (9-10, 202-213). Numerous authors have noted the abrupt change in environmental policy that occurred during the Reagan Administration (Kraft and Vig 1984, Landy 1994), as this administration “began with a pervasive and determined commitment to turn the environmental tide” (Hays 1987, 491). Daynes and Sussman (2007) compare the two Bushes (with Clinton as a control variable) and also examine the environmental presidencies of the two Roosevelts, Richard Nixon and Bill Clinton (Sussman and Daynes 2004). Of note in the latter article is their insight that presidents use different power resources when approaching environmental issues.

While Theodore Roosevelt and Bill Clinton made extensive use of their executive authority (including the Antiquities Act), Franklin Roosevelt and Richard Nixon used both legislative and executive authority to get environmental measures enacted (348). The authors also have a book-length treatment of the environmental policies of the presidents from FDR to George W. Bush (Daynes and Sussman 2010). Stine (1998) addressed the environmental policies of the Carter Administration and Daynes assesses the Clinton Administration's policies (1999). Nie also discussed Clinton's approach to the environment and concludes that one of the unique aspects of the Clinton record was his attempt to bring together environmental and economic concerns in a way few others have attempted (Nie, 1997, 49).

Soden and Steel (1999) evaluate the environmental presidency in the post-war era and conclude the power roles of the president in the environmental area are different than overall (see above). In the environmental area, chief executive and legislative leader have greater power, while chief diplomat and commander-in-chief have less (346). This finding is part of the rationale for this study's focus on the Antiquities Act, as this power is a key weapon in the arsenal of a president as chief executive. Other authors have looked at additional powers in this presidential role.

Tzoumis, Bennett and Stoffel (2015) examine the role of chief executive in greater detail, by analyzing the use of executive orders in environmental policy. The authors find that executive orders are an effective weapon used by presidents, as neither the Congress nor the courts have demonstrated great enthusiasm for modifying them (402). In the specific area of environmental policy, the authors find that about a quarter of executive orders issued from FDR to the Obama Administration were "environmentally-focused" (24%). Additionally, presidents vary in their use of executive orders to promote environmental policy (404). While the overall record shows no pattern of partisanship in the use of environmental executive orders (in contrast to other

findings), the authors do note that, “environmental policy changed drastically under President Reagan” (405) and that recent Democratic presidents Clinton and Obama have used environmental executive orders more than most presidents (405). Clinton and Obama rank high in terms of the percentage of environmental executive orders that had a pro-environment tone (406). A final point made by the authors is that environmental executive orders are more common in a president’s second term than in the first (405).

Ozmy and Jarrell (2015) examined the policies of criminal enforcement at EPA under the two most recent administrations, George W, Bush and Barack Obama. The authors find relatively little difference between the two administrations in this area, stating that, “Comparatively, the data do not show that the Bush EPA was extremely friendly towards companies or that the EPA under Obama was relatively punitive” (50). They say that, “the agency appears to follow a fairly steady course, prosecuting a range of offences over time, regardless of the political environment” (51). They attribute this lack of difference to “a strong agency culture that values enforcement of the law by rank-and-file administrators, chronic resource constraints relative to vast responsibilities, and often conflicting prerogatives of various political principals” (39).

The overall findings of these numerous studies are generally consistent with a division of the eight presidents in the modern environmental era into three broad categories. These categories are as follows. In the first grouping, the Innovators, we have the presidents (Nixon, Ford and Carter) who served during a time of relative bipartisan consensus on environmental policy, of solid public support for government action in this area and at a time when environmental policy needed significant development (more laws, regulations, agencies, etc.). These presidents set the stage for a new approach in environmental policy, one characterized by enhanced government activity in this area and a command-and-control approach to regulation

(Rosenbaum: 182). In the second grouping, the Regressors, we have two presidents (Reagan and George W. Bush) who sought from the outset of their administrations to “roll back” the environmental policy choices made by the presidents in the first category. Riding into office on a wave of anti-government rhetoric, presidents in this category used the environment as a convenient example of the overreach of the federal government. These presidents attempted, with some success, to reduce environmental regulation and oversight in the United States. The third category includes presidents who did not have the luxury of pursuing great advances in environmental policy like the Innovator presidents----the political environment they faced would not allow that. Unlike the Regressor presidents, these presidents did not loudly proclaim their intention to roll back environmental regulation. In fact, their campaign rhetoric suggested the opposite. George H.W. Bush, Bill Clinton and Barack Obama fall into this third category.

The third area of scholarship relevant to this study is the effect of partisanship on environmental policy-making. One of the first to note a pattern of partisan division on environmental policy was Englebert (1961). In an analysis of congressional debates and voting records from 1790 to 1950, Englebert concluded that Democrats are better environmental stewards than Republicans overall (224-256). Other authors have supported these conclusions. Ritt and Ostheimer (1974) argue that partisanship and ideology are the key factors shaping congressional voting on environmental issues. Dunlap and Allen (1976) and Kraft (1989) concur in this general conclusion. Shipan and Lowry argue that divergence on environmental policy, at least in the Congress, has grown significantly since 1970 (Shipan and Lowry, 2001, 250-251). As noted above, Kraft and Vig (1984), Landy (1994) and Hays (1987) emphasize the sharp break in environmental policy that occurred in 1980 and the resulting partisanship that has affected policy-making in this area ever since.

There are those who argue that the effects of partisanship are overstated. Cohen's (1995) analysis of the 1990 Clean Air Act shows that bipartisanship is possible in this area. Sussman and Kelso (1999) conclude in a study of environmental legislation that, "there appears to be no clear relationship between the party of the president, or presidential administrations, and the passage of pro-environmental legislation" (140). Guber (2001) notes that voters do not really perceive a significant difference between the parties on environmental issues. Party platforms are vague and ambiguous. High profile actions like legislation seem to exhibit no real differences between the parties. Perhaps this is why voters do not see the environment as a defining issue (460-464). Klyza and Sousa (2010) argue that the laws of the 1960s and 1970s have become "embedded" and "institutionalized" and that efforts to significantly roll back these laws have met with continuous, and somewhat predictable, failure over the last three decades (444, 463).

Overall, the record on whether partisanship guides environmental policy is mixed. There is significant evidence that partisanship is a key factor in congressional voting. There is strong evidence that the parties have diverged on the issue since at least the 1980s. However, some ambiguity remains in terms of the extent to which partisanship guides presidential decision-making on environmental issues. Resolving this ambiguity is a major goal of this study. Clearly, there have been partisan differences in the approaches to the Antiquities Act. The significance of these differences is the key question to be addressed here.

THEORY/HYPOTHESES

The theory behind this study argues that the powers of the Antiquities Act are an essential tool of presidential policy-making in the environmental realm. This is especially true for Democratic presidents in the modern era. This policy implement has largely fulfilled its promise

as a way for presidents to do an “end run” around Congress and protect natural areas that they feel should be protected. The Antiquities Act is thus a major component of the president’s role as Chief Executive under the environmental presidency. Recent attempts to weaken the act and deny presidents this power are noteworthy for two reasons. First, if such attempts are successful, they would significantly weaken the president’s ability to pursue his/her chosen environmental agenda. Second, because of the way these powers have been used in recent decades, the effect of any weakening of the Antiquities Act would fall disproportionately on Democratic presidents.

The specific hypotheses on which this study will focus all involve political factors that may influence the use of the Antiquities Act. The three main hypotheses under examination are as follows:

Hypothesis #1	Use of the Antiquities Act will be greater under Democratic presidents than Republican presidents
Hypothesis #2	Use of the Antiquities Act will increase as the number of Congressional seats held by the opposite party of the president increases
Hypothesis #3	Use of the Antiquities Act will increase as the level of polarization in Congress increases.

Hypothesis #1 is based on the idea that the Democrats have traditionally been the more pro-environmental party in the US (especially so in recent years). Hypothesis #2 is based on the idea that presidents who find land protection options limited legislatively will more apt to use the Antiquities Act, as congressional approval is not required under this legislation. Hypothesis #3 is based on the idea that as Congress becomes more and more polarized, legislative land

protection options will become more difficult, leading presidents to explore options, like the Antiquities Act, that do not involve Congress. The hypotheses will be tested in the manner described below.

OPERATIONALIZATION OF VARIABLES

The key variables in this study will be operationalized in the following manner:

Dependent: Use of Antiquities Act by presidents

Operationalization: Number of times Antiquities Act used to create or expand national monuments over the course of a president's term

Discussion: Creation and expansion are both used because sometimes the expansion of a monument can be as significant as its initial creation. An example would be the California Coastal National Monument. Created by Clinton in 2000, the monument was expanded to almost ten times its original size by Obama in 2014 and 2017 (National Parks and Conservation Association, 2017). Use is preferred over acreage for two reasons. First, a particularly large monument creation or expansion in terms of acreage might give a misleading impression about a president's environment agenda (example, President George W. Bush's designation of the Northwestern Hawaiian Islands National Monument, now known as Papahānaumokuākea Marine National Monument; the monument, in its original dimensions covered 140,000 square miles) (National Parks and Conservation Association, 2017). Second, because both George W. Bush and Obama created or expanded large marine environments, acreage does not really apply in these cases. Omitting these actions would also create a misleading impression about presidential action in the area of land protection.

Independent #1: Party of President

Operationalization: Coded 1 for Democrat; 0 for Republican

Independent #2: Opposition Party Seats in Congress

Operationalization: Average number of seats held in House and Senate over the course of a president's term

Discussion: Several variations on this factor were tested and this method yielded the strongest results.

Independent #3: Polarization in Congress

Operationalization: Average level of polarization in House and Senate over the course of a president's term, as determined by DW-NOMINATE scores

Discussion: This is a widely-used measure of polarization in Congress and the averaging method seemed the best way to address the influence of the variable throughout a presidential term.

The expected findings for each variable are as stated above. Data will be obtained from various sources (see below). The data will be analyzed using standard correlation measures and linear regression. The threshold for statistical significance for the rejecting the null hypothesis of a relationship between variables will be at the .05 level.

DATA ANALYSIS**Bivariate Correlations**

The following results were attained through simple bivariate correlations among the major variables:

TABLE 1: BIVARIATE CORRELATIONS

INDEPENDENT VARIABLES	DEPENDENT VARIABLE: MONUMENTS, CREATED OR EXPANDED
PARTY OF PRESIDENT	.510*
OPPOSITION PARTY SEATS IN CONGRESS	-.495*
POLARIZATION IN CONGRESS	.323
*---significant at .05 level	**---significant at .01 level

The party of the president has a statistically significant relationship with monuments, in the direction predicted. Opposition party seats in Congress also has a statistically significant relationship with monuments, although the relationship is negative, not positive as predicted. Polarization does not have a statistically significant relationship with monuments, although the relationship is positive, as predicted.

A linear regression model yields the following results:

TABLE 2: REGRESSION MODEL #1

INDEPENDENT VARIABLES	DEPENDENT VARIABLE: MONUMENTS
R-Squared: .512	**---significant at .01 level
Significance values in parentheses	*---significant at .05 level
PARTY	7.402 (.057)
OPPOSITION PARTY SEATS IN CONGRESS	-.066 (.105)
POLARIZATION IN CONGRESS	10.641* (.043)

The R-squared for this model was .512, meaning 51.2% of the variance in monument creation/expansion was accounted by these variables. This measure indicates a moderately robust model. In terms of the independent variables, polarization in Congress was significant at the .05 level and in the direction predicted. Party of the president was just outside the required significance level and was consistent with the hypothesized relationship. Opposition seats in Congress was not statistically significant and again had a relationship that was contrary to the hypothesized relationship.

If we break the data down by time periods, things get a little more interesting. The theoretical basis for doing so is to account for the emergence of the modern environmental movement around 1969. Thus, presidents from Theodore Roosevelt to Lyndon Johnson (11 presidents) belong to the era before modern environmentalism and the presidents from Nixon to Obama (8 presidents) belong to the modern era. The results of the analysis for each era are below:

TABLE 3: BIVARIATE CORRELATIONS, ERA #1

INDEPENDENT VARIABLES	DEPENDENT VARIABLE: MONUMENTS, CREATED OR EXPANDED
PARTY OF PRESIDENT	.011
OPPOSITION PARTY SEATS IN CONGRESS	-.395
POLARIZATION IN CONGRESS	.035
*---significant at .05 level	**---significant at .01 level

TABLE 4: REGRESSION MODEL #2

INDEPENDENT VARIABLES	DEPENDENT VARIABLE: MONUMENTS
R-Squared: .175	**---significant at .01 level
Significance values in parentheses	*---significant at .05 level
PARTY	-2.171 (.701)
OPPOSITION PARTY SEATS IN CONGRESS	-.091 (.265)
POLARIZATION IN CONGRESS	-2.124 (.810)

For the era before the modern environmental movement, the explanatory power of the political variables is weak. In the bivariate correlations, none of the three variables achieve statistical significance. In the regression model, the R-squared is a relatively weak .175 and none of the variable achieve statistical significance. This analysis would indicate that from 1906-1968, the political factors under analysis here played little role in decisions about national monuments.

When we focus on the era of the environmental movement, the picture changes dramatically. The results of this era are summarized below:

TABLE 5: BIVARIATE CORRELATIONS, ERA #2

INDEPENDENT VARIABLES	DEPENDENT VARIABLE: MONUMENTS, CREATED OR EXPANDED
PARTY OF PRESIDENT	.935**
OPPOSITION PARTY SEATS IN CONGRESS	-.576

POLARIZATION IN CONGRESS	.653
*---significant at .05 level	**---significant at .01 level

TABLE 4: REGRESSION MODEL #3

INDEPENDENT VARIABLES	DEPENDENT VARIABLE: MONUMENTS
R-Squared: .983	**---significant at .01 level
Significance values in parentheses	*---significant at .05 level
PARTY	20.332** (.001)
OPPOSITION PARTY SEATS IN CONGRESS	.025 (.366)
POLARIZATION IN CONGRESS	11.161** (.009)

For the bivariate correlations, party of the president has a strong and statistically significant relationship with monuments. The other two variables do not have statistically significant relationships. In the regression model, the R-squared is a very strong .983. The party of the president is statistically significant and shows that Democrats have created or expanded over 20 more national monuments in the modern environmental era than Republicans. The opposition seats in Congress variable was not statistically significant. The polarization variable was statistically significant and shows that a 1-point gain in polarization leads to over 11 more national monuments created or expanded.

In terms of the hypotheses put forth above, the following claims can be made:

Hypothesis #1. Democratic presidents will use the Antiquities Act more than Republican presidents. Confirmed for modern environmental era. Not true in the period from 1906-1968. Overall, the relationship narrowly misses the threshold for statistical significance.

Hypothesis #2: The number of seats held by the opposing party in Congress will have a positive relationship with presidential use of the Antiquities Act. Not confirmed overall or for either era. The relationship was in the opposite direction from the hypotheses five out of six times. The variable only met statistical significance standards once in six tries.

Hypothesis #3: The level of polarization in Congress will have a positive relationship with presidential use of the Antiquities Act. Strong, positive relationship overall and in the modern environmental era. No statistically significant relationship in the period from 1906-1968.

CONCLUSIONS AND IMPLICATIONS

The purpose of this study was to examine the Antiquities Act of 1906 and its impact on environmental decision-making. In particular, the paper attempted to understand the importance of this law as a method of implementing environmental policy, especially under recent Democratic administrations. Several hypotheses were put forth and these hypotheses were tested based on relevant political data using the statistical methods of bivariate correlation and linear regression.

The study has several findings that are relevant to scholarship in this era. First, the findings demonstrate that Democratic and Republican presidents used the Antiquities Act similarly in its first 60 years. Political factors such as party of the president, opposition seats in Congress and polarization proved to be weak explanatory variables for monument creation and expansion during this time period. Second, the results show that Democratic presidents are much more likely to use the Act in the years since 1969, as environmental protection became a more partisan issue. Third, political polarization in the Congress also had a strong effect on monument creation and expansion in the recent period. This also reflects the partisan divide in environmental policy-making that has arisen in the past few decades. Fourth, the number of

opposition seats in Congress does not seem to have a significant impact on the use of the Act. There has been some speculation that the Antiquities Act is a way to by-pass Congress when government is divided, but the data provide scant support for that claim.

These findings have both scholarly and practical implications. The scholarly implications have to do with the understanding of the environmental presidency, specifically the Chief Executive role. This role has long been seen as one of the more significant environmental power centers for a president (see Soden and Steel) and this study confirms that. In fact, given findings on other powers within this role (see above), one could claim that monument creation and expansion is one of the most significant executive powers a president has in terms of environmental policy-making. The practical implications are related to our understanding of political choices and their impacts. Previous research has suggested that selecting one party or another for the presidency, even in our very polarized era, does not have the dramatic impacts on environmental policy one might expect (see above). High profile actions, such as legislation, spending and rule enforcement, do not seem to vary as much as one might expect based on the party of the president. In the area of monument creation and expansion, however, we see clear and sharp differences. The amount of land protected under the Antiquities Act in recent administrations has largely depended on the party of the president, and that trend is likely to continue in the future. This finding has much to say about the significance of voting choices in contemporary presidential elections.

DATA SOURCES

VARIABLE	SOURCES
Number of national monuments created or expanded by president, 1906-2017	<ol style="list-style-type: none"> 1. National Parks Conservation Association (2015). <i>Factsheet: List of Proclaimed National Monuments</i>. Retrieved from: www.npca.org. 2. National Parks Conservation Association (2017). <i>Monuments Protected under the Antiquities Act</i>. Retrieved from:

	https://www.nps.gov/resources/2658-monuments-protected-under-the-antiquities-act#sm.00000p4mvawy9ecl10gsu4oqq4ylm
Number of Opposition Party Members in House and Senate	<i>The World Almanac and Book of Facts 2017</i> . New York: Infobase Learning, pp. 557-558
Index of Polarization	<i>The Polarization of Congressional Parties</i> (21 March 2015). Retrieved from: http://voteview.com/Political_Polarization_2014.htm

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