

POLICY SYSTEM AND POLITICAL DYNAMICS
OF HERITAGE CONSERVATION IN THE UNITED STATES

DISSERTATION

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ABSTRACT

This study investigates the policy system and political dynamics in heritage conservation at the federal level. Problems, such as dichotomy in heritage, dispersion of administration and authority, and conflicts, often impede the view of the whole field; therefore, I attempt to perceive different types of heritage policy and politics from a big perspective through mapping. Different actors and their programs in the U.S. federal government will be identified, and their roles, policy tools and goals and multiple values will be analyzed. Further, one of the goals of this research is to explore the relationships and impacts among the actors and to pay attention to the communication and collaboration of actors in policy formation and implementation in order to understand the policy making system and dynamics in the field. The U.S. government has developed heritage policy to allow for a minimized input of resources at the federal level while raising the symbolic visibility to maximize the policy impact: the diverse values of heritage tend to impact policy and programs goals, and the types of heritage they relate to wield influence over the chosen policy tools.

DEDICATED

To my parents,
Soon Seon Lee and Kyoung Ho Cho

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TABLE OF CONTENTS

Abstract.....	ii
Dedication.....	iii
Acknowledgements.....	iv
Vita.....	vi
List of Figures.....	xii
Chapters:	
Chapter 1	
Introduction.....	1
The Purpose of the Study.....	3
Problem Statement.....	8
Dichotomy in Heritage: Tangible and Intangible Heritage.....	8
Conflicts, Competition and Selection: Values.....	11
Conflicts, Competition and Selection: Cultural Diversity.....	13
Dispersion in Administration and Authority.....	14
The Need for the Study.....	17
Methodology.....	19
The Limitation of the Study.....	23
Chapter 2	
Review of Literature.....	25
Philosophic Approaches on Heritage.....	25
Studies on Historic Preservation Effort in the U.S.....	28
Studies on Intangible Heritage.....	32
Studies on Public Policy.....	41
Chapter 3	
Conceptual Outline.....	47
Perspective of the Study on Heritage.....	47
Choice of Terminology.....	48

Defining Heritage policy.....	49
Identification of Actors and Their Programs.....	51
Framework for Analysis.....	55
Types of heritage.....	55
Institutional Settings.....	57
Core Values in Heritage.....	58
Political value.....	59
Preservation value.....	61
Economic value.....	62
Artistic/Aesthetic value.....	62
Policy Types and Tools.....	64
Direct government.....	68
Grant distribution.....	68
Regulations.....	69
Dynamic elements.....	70
Players Relationship in Policy Process.....	71
Resources.....	72
External Pressures.....	74
National environment.....	74
International environment.....	75
 Chapter 4	
Value Mechanism and Policy System in Tangible Heritage.....	78
Definition of Tangible Heritage.....	78
Issues in Tangible Heritage.....	81
Need of a Better Definition.....	82
Registration of Historic Properties.....	83
Historic Preservation as Liability.....	85
Rethinking Economic Benefits of Conservation.....	86
Core Values in Conservation in Tangible Heritage.....	88
Political Value.....	89
Economic Value.....	91
Preservation Value.....	94
Political Tools in Conserving Tangible Heritage.....	94
Direct Government for Conservation of Tangible Heritage.....	95
Incrementalism in NHPA.....	98
Grant Distribution to Support Tangible Heritage.....	102
Regulatory Tools to Support Tangible Heritage.....	107
Redistributive Tool to Support Conservation of Tangible Heritage.....	112
Constituent Tools to Support Conservation of Tangible Heritage.....	114
Off-budget Programs.....	116
 Chapter 5	
Players and Political Dynamics in Tangible Heritage.....	121

Institutional Settings.....	122
Players in Tangible Heritage Policy and Subgovernments.....	124
Policy Makers.....	126
President.....	126
Congress.....	128
Courts.....	132
Administrators.....	134
Department of the Interior.....	134
National Park Service.....	137
Department of Transportation.....	144
Department of Housing and Urban Development.....	147
Advisory Council on Historic Preservation.....	151
General Services Administration.....	154
Partners.....	158
White House.....	158
State Historic Preservation Officers.....	163
National Trust for Historic Preservation.....	165
Emphasis on Partnership.....	169
Political Relationships of the Players.....	173
Party Politics.....	184
 Chapter 6	
Value Mechanism and Policy Systems in Intangible Heritage.....	187
Definition of Intangible Heritage.....	187
Issues in Intangible Heritage.....	189
Terminologies: Traditional Culture, Folklore, Folklife and Intangible Heritage.....	190
Identity.....	196
Diversity.....	198
Authenticity and Sustainability.....	201
Authority and Ownership.....	203
Core Values in Intangible Heritage.....	205
Political Values.....	205
Artistic Value.....	208
Preservation Value.....	209
Economic Value.....	210
Policy Tools and Types.....	212
Direct Government.....	213
Grant Distribution in Conservation of Intangible Heritage.....	214
Regulatory Policy in Conservation of Intangible Heritage: IACA.....	216
Redistributive Policy in Conservation of Intangible Heritage: NAGPRA.....	220

Chapter 7	
Players and Political Dynamics in Intangible Heritage.....	222
Institutional Settings.....	223
Players in Intangible Heritage.....	224
President.....	225
Congress.....	226
American Folklife Center.....	230
Courts.....	232
The Center for Folklife and Cultural Heritage, the Smithsonian Institution.....	234
National Endowment for the Arts.....	239
National Endowment for the Humanities.....	241
National Park Service.....	244
Indian Arts and Crafts Board.....	245
Tribal Historic Preservation Officers.....	246
Third Party Government: Nonprofit Organizations.....	249
Political Relationship of Players in Intangible Heritage Conservation.....	251
Relationships in Folklife.....	252
Relationships between the Federal Government and Tribal Governments.....	255
Political Relationships in Indigenous Heritage Policies.....	260
Chapter 8	
A Comprehensive Approach.....	268
References.....	284

LIST OF FIGURES

Figure	Page
Figure 1: Types of Heritage.....	9
Figure 2: Core Values and Policy Goals/ Issues in Heritage.....	58
Figure 3-A: Application of Lowi’s Scheme in Conservation of NHPA.....	100
Figure 3-B: Application of Lowi’s Scheme in Conservation of Built Heritage.....	100
Figure 4: Historic Preservation Fund Appropriation fro FY 2001-2008.....	104
Figure 5: Community Development Block Grant from 2001 to 2004.....	149
Figure 6: Political Relationship in Distributive Aspect of NHPA: Reauthorization of NHPF in 1997.....	174
Figure 7: Political Relationship in Protective Regulatory Aspect of NHPA: Policy Discussion in Changing Section 106 in 2005.....	176
Figure 8: Political Relationship in Redistributive Aspect of NHPA: HBCU.....	179
Figure 9: Political Relationship in Formation of NHAPA.....	182
Figure 10: Application of Lowi’s Scheme in Conservation of Intangible Heritage....	212
Figure 11: Funding to Native Historic Preservation Officers.....	247
Figure 12: Political Relationship in American Folklife Act.....	253
Figure 13: Political Relationship of IACEA in 2000.....	261
Figure 14: Political Relationship in the Policy Formation of NAGPRA.....	263
Figure 15: Application of Lowi’s Scheme in Conservation of Intangible Heritage....	281

CHAPTER 1

INTRODUCTION

Heritage conservation is seldom a high priority issue for the U.S. government. In addition, the subject of heritage policy has received relatively little academic attention or government analysis, and it seems to be treated only symbolically as part of the realm of first ladies. The policy and financial support from the government has long been considered inadequate. However, it would be too reductive to suggest that the U.S. has developed little heritage policy due to its short history.

On the contrary, past congresses and presidents have consistently stressed the importance of heritage conservation and created policies and programs accordingly. Attempts to preserve natural and cultural heritage at the federal level started in the late nineteenth century. In the early 1930s, the National Park Service (NPS) administered federal historic preservation programs as part of the New Deal. In the midst of rapid national development, the National Historic Preservation Act of 1966 (NHPA) was enacted to protect and preserve cultural heritage, and has since served as the fundamental national policy on historic preservation. 1976 saw the endorsement of the American Folklife Act, and the federal government started supporting conservation of historic buildings through tax incentives in the 1980s. In addition, the White House has launched

programs for heritage conservation, and presidents have emphasized the importance of heritage and given specific responsibilities to agencies through executive orders.

At the federal level, issues of cultural heritage in relation to patriotism and diversity have been recognized by political leaders for a long time. President Jimmy Carter (1976) said “pride in our ethnic diversity, our religious diversity, our cultural diversity -- knowing that out of this pluralistic heritage has come the strength and the vitality and the creativity that has made us great and will keep us great.” More recently, to address the needs of a diverse society, the President’s Committee on the Arts and the Humanities identified preservation, along with technology, as one of two main priorities for the new century. In *Creative America: A Report to the President* submitted to President Clinton in 1997, the Committee stressed the importance of heritage and historic preservation, arguing that “cultural heritage defines us as Americans and reflects the diversity of our people.” It went on to observe that knowledge in humanities and culture “develops skills of reason, clear expression and informed choices that characterize effective citizenship.” It is noteworthy that the committee believed that heritage and historic preservation cultivate citizenship, national identity and patriotism in a diverse society.

After the dismantling of the Soviet Union and its satellite countries, the U.S. is no longer embroiled in the Cold War, and so much attention has been diverted to domestic issues. As American society becomes more complex and fragmented, the government needs to simultaneously address multiple domestic concerns, and heritage conservation becomes a useful tool for politics, economy, education, and recreation. Nau (2000) points out that domestic conflicts and violence gained major governmental attention in the world

of both democratic and democratizing countries. Community development and economic profit through supporting heritage became major goals. The importance of heritage conservation seems to be a global tendency, as more countries become more diverse and as heritage issues come to be regarded as a means of counterbalancing globalization. Therefore, it is useful to examine how federal policies in support of heritage conservation respond to different demands, how the different policies are coordinated, and who is responsible for the policy development and implementation.

The Purpose of the Study

Heritage conservation has always been a duty of governments, although the degree of dedication varies one country from another. If heritage conservation is so important for the United States and American citizens, how have different U.S. government agencies at the federal level addressed heritage issues? Who are the organizational and political actors in heritage conservation in the public and private sectors, and how do they interact? What are their values and goals regarding heritage? What are the relationships among actors at the federal, state, and local levels? The accommodation and construction of heritage policy for political benefit is not a new issue, yet the policy information currently available is not sufficient to inform a definitive model. However, some clear patterns are observable.

In the study of political science, the inevitable relationship between public administration and politics has long been recognized. The theory of clear politics-administration dichotomy has been replaced by a “bureaucratic politics” approach that takes into account the behavior of public agencies within the context of a broad political

system (Moe, 1991, p.108). Correspondingly, the relationship between politics and administration cannot be ignored in mapping the field of heritage conservation. In explaining subgovernments, Ripley and Franklin (1991) indicate that different types of policy have unique characteristics and sets of important actors and political relationships. In order to analyze the different dynamics of programs and political relations of heritage preservation at the federal level, it is necessary to understand the policy, programs and politics of key actors. However, the subject matter has not been studied comprehensively, and despite the interest in and need for such studies, the scholarship on heritage conservation policy and politics has been inadequate in the United States.

My dissertation aims to correct this oversight. Through mapping, I will outline and investigate the policy systems and political dynamics of heritage conservation in the United States. I will examine diverse actors and programs within the federal government and address the varied values and aims within the field. Further, it is one of the goals of this research to explore the impacts these actors have on one another, paying attention to the communication and collaboration of actors in policy formation and implementation in order to better understand this complex system of political dynamics.

The primary reason for focusing on the role of the federal government in heritage conservation is its significant influence. The United States federal government exercises neither a centralized administrative system nor control over the specific programs of state and local governments or cultural organizations. Nevertheless, it is able to influence their activities and encourages participation in heritage conservation in both direct and indirect manners. The federal system fosters interstate competition through pressure to conform

nationally (Berry and Berry, 1999). As a result, states often create programs similar to the federal heritage conservation programs.

In addition, intergovernmental collaboration takes place via regional branches of federal agencies, which forms national communication network system. Some federal agencies have regional branches or offices from which to operate their own heritage conservation programs and cooperate with agencies or organizations at state and local level or in the private sector. The General Services Administration (GSA) has eleven regions in its historic preservation program and strongly encourages the cooperation of regional and center preservation specialists. As of 1999, the National Park Service (NPS) had 379 sites, distributed across most states, and promoted cooperation and partnerships with other government bodies as well as foundations, corporations, and interest groups. In addition, national communication systems are established at non-federal levels. The National Conference of State Historic Preservation Officers has consistently served as an inter-state communication system, and the National Association of Tribal Historic Preservation Officers conformably promotes and advocates conservation of American Indian heritage.

Other agencies demonstrate the leadership in the field as well. The National Endowment for the Arts and the National Endowment for the Humanities both employ distributive methods such as grants and research support. Even institutions that do not offer monetary support or hold regulatory power, such as the Smithsonian Institutions or the Library of Congress, set models for the field through the collection and dissemination of information, exhibitions, and educational programs.

Different federal agencies employ unique value perspectives, policy tools, and support system in heritage conservation efforts; therefore, gaining a comprehensive understanding of their intentions and activities is necessary to obtain a precise picture of the field. This process begins with a series of questions.

I. Who are the actors: Governmental and nongovernmental

- What agencies and organizations are involved in heritage conservation at the federal level?
- Who are the important policy makers in administration and legislative settings?
- How, when and why did they become involved? What are their responsibilities in heritage conservation?
- What resources does each actor command?
- How do heritage policies create different levels of responsibilities and authorities of the actors?
- What interest groups and extra-governmental stakeholders participate in the policy process?
- What legislative committees address heritage policy?

II. What constitutes policy agenda in heritage conservation?

- What are priorities or goals regularly appear as part of this agenda?

III. What are the core values?

- What is the means by which these values guide heritage activities?

IV. How is heritage policy administered and implemented?

- How do different federal government programs address different types of heritage?
- Do different agencies employ different policy strategies?
- Are different heritage goals administered in different ways?
- Are various programs cohesively coordinated and communicated?

V. What are the policy systems and dynamics?

- How do national policies understand the nature of heritage conservation, and how does this understanding inform them?
- What kind of support/ opposition exists?
- What types of heritage are addressed in the policies?
- Are different types of heritage governed by different policy systems?
What are the heavily concentrated core support areas?
- How do the policies shape the role of actors and their programs?
- When congressional agencies have jurisdiction over heritage policies, do these programs exhibit different policy-making dynamics from those governed by executive agencies or third party agents?

Problem Statement

Prior to this analysis of policies and actors in heritage conservation, it is necessary to review the current state of the field, an undertaking that will make explicit the need for this study. This preliminary review will enable an understanding of heritage administration and the research needed to identify the difficulties that may arise for government agencies, namely: diverse methods of administration for tangible and intangible heritage; fragmentation of the preservation efforts via bureaucracy; cultural conflict and competition in the selection and presentation of multiple heritages; and the varied expectations of actors in heritage conservation.

Dichotomy in Heritage: The Tangible and the Intangible

Heritage has been commonly divided into tangible heritage and intangible heritage and understood separately in uneven way. Of these two designations, intangible heritage gained recognition far later than tangible heritage, resulting in a deficit of scholarship. In the 1972 Convention Concerning the Protection of the World Cultural and Natural Heritage, UNESCO defined as relevant to cultural heritage monuments and groups of buildings that hold outstanding historic, artistic, or scientific value and sites that present outstanding historical, aesthetic, ethnological or anthropological values. This definition refers largely to tangible heritage – in particular, built heritage. Presently, UNESCO lists information on intangible and tangible heritage separately on its website.

- ❑ Tangible Heritage
 - Immovable heritage (fixed heritage)
 - Built Heritage
 - Historic buildings
 - Historic sites/ designed landmarks
 - Monuments
 - Congressionally designated heritage areas
 - Natural Heritage
 - National Parks
 - Archeological sites
 - Congressionally designated heritage areas
 - Movable heritage (Objects/ Artifacts)
 - Historic artifacts/ traditional cultural properties
 - Documentation/ record of intangible heritage
 - Public arts
 - Collections of museums and libraries
- ❑ Intangible heritage
 - Tradition
 - Skills/ practices
 - Knowledge
 - Folklife
 - Festivals
 - Performing arts

Figure 1: Types of Heritage

The tendency to dichotomize tangible and intangible heritage has been common in federal heritage programs within the United States as well. Uneven policy attention and priority to tangible heritage over intangible heritage have been shown in defining and formulating policies and programs in conserving heritage. Heritage policy and programs appear to deal exclusively with tangible heritage or built heritage, referred as historic properties. NHPA and the National Register of Historic Places (NRHP) have focused on specifically on the subset of immovable heritage (Figure 1). In order to be listed in the National Register or to be considered a reminder of the past, heritage must be represented in a built environment or some other tangible form. As a result, intangible heritage has been given less attention, studied and conserved separately in both academics and politics, categorized as folklore or folklife. The conservation of traditional culture and oral history has historically received less support from the federal government, and the effort has been narrow, largely limited to indigenous heritage.

Consequently, scholars have raised the need to conserve both forms of heritage without boundaries. The International Council of Monuments and Sites disputes physical presentation as a legitimate basis for the distinction between tangible heritage and intangible heritage, deeming this distinction “artificial.” Tangible heritage, according to the Council, can only attain its true significance when light is shed on its underlying values. Conversely, intangible heritage must be integrated into the study of tangible heritage. Van Zanten (2004) points out the close connection between tangible and intangible heritage, saying that intangible cultural heritage is displayed in tangible forms. The two types of heritage often coexist, and intangible heritage is not only closely related to tangible heritage, but it also possibly influences the meaning and value of historic

properties. Arizpe (2004) argues that “all human achievement” is based on intangible heritage. Junzo Kawada (UNESCO, 2000) points out that the division between tangible heritage and intangible heritage is ineffective, as tangible products are created by techniques and skills which are themselves intangible. Therefore, Kawada asserts, both elements are the subjects of preservation.

Creating a distinction between tangible and intangible heritage can create obstacles in heritage conservation. Although this distinction is often unclear and overlapping, the activities and expectations related to intangible heritage and tangible heritage can suggest a different course of action for each. While the parameters of what is considered folklife call attention to sense of community and diversity, the programs of folklife tend to emphasize preservation and collection. Tangible heritage is often capitalized on by programs aiming to achieve political, economic, and educational goals. Intangible heritage, by contrast, poses difficulties for persuasive presentation, as it does not offer physical evidence. The separate program management by partial understanding of heritage results uneven or overlapping heritage management.

Conflicts, Competition, and Selection: Values

Heritage is related to a number of fields, including civic education, cultural diplomacy, urban and landscape development, tourism, entertainment, and the arts. The values and benefits of heritage are diverse, serving political, historic, artistic, and economic ends. Heritage conservation has historically reflected not only the political situation in the United States, but also the economic. Although the issues of diversity and national identity play significant roles, economic interest in heritage conservation has

become an immediate motivation at the state and local levels of government as well as in the private sector, and this has attracted various interest groups. It is often easier to generate interest through economic angles, rather than other ideological approaches, due to the tangible benefits. This trend has been particularly visible since the 1990s. Contrast to the Advisory Council on Historic Preservation (ACHP) and NRHP stress on the formation of national identity, in other word, the sense of social cohesion and continuity in a diverse society, the definition of the National Trust for Historic Preservation strongly shows the dimension of community development and rejuvenation, which connect to economic benefits of heritage conservation. The promotion of multiple values can create dissonance in strategies for conserving heritage, and more over, affect the quality or authenticity of heritage.

The question of authenticity is fundamental to the study of heritage, since all heritage must be adequately legitimized in order to have social import. However, the question of authenticity becomes more complex in the arena intangible heritage due to its continuing transformation and corresponding difficulty with respect to measurement. Unfortunately, often flexible or uncertain criteria to judge authenticity may justify virtually everything, possibly including fabrication of history or heritage for the purpose of economic profits through heritage tourism or promotion of political interests. Authenticity, as the value attribution of cultural heritage, becomes a key to the economic success of heritage tourism or to an agenda staging. This begs the following question: how authentic can the production and consumption of heritage tourism be? How economic and political interests can be coordinated along with cultural or historic values? The notion that people need to purchase or be educated cultural heritage is implicit in the

institution of heritage tourism or governmental historic preservation efforts, although this implication runs contrary to the definition of intangible heritage or living heritage culture.

Conflicts, Competition, and Selection: Cultural Diversity

Heritage can be a more complex issue in a multi-cultural society, such as the United States, than in a largely homogenous nation such as Japan or Korea. Promotion of diversity has been one of the central driving forces in heritage conservation in the United States, especially at the federal level. Promoting cultural diversity through heritage is a unique and distinctive way to nurture national identity in the United States, fostering a sense of to one big harmonious nation. It appears as though the American government's political strategy is to integrate diverse ethnicities and races while also respecting their cultural heritages. However, initiatives aimed at the promotion of diverse heritages can end up competing with one another, at times quite fiercely.

As cultural diversity as arose as part of the national agenda, the federal government became expected to recognize and present diverse heritage fairly. A particular time, a month or a date, is designated to celebrate the heritage of a different ethnic group, gender or historic events. Washington, DC became the setting for diverse groups to express their own cultural pride as well as their ideas about the national identity and how they might influence its direction (Abbott, 1999). Due to the symbolic representation of the Mall in the Nation's capital city, the limited space has been a battlefield for many ethnic groups attempting to raise their visibility and present history from their own perspectives (Trescott, 2004). The history of the American Indians, which was formerly the subject of an exhibit in the National Museum of Natural History, not in

the National Museum of American History, is now presented in their own voices in the National Museum of American Indian, which had its grand opening on the Mall in September 2004. After a prolonged effort, the National Museum of African American History and Culture accomplished to receive approval for a site near the Washington Monument in January 2006 (Smithsonian Institution, 2006). In addition, a plan for the National Museum of the American Latino has been proposed. The Mall has become a ground for fierce cultural competition.

The issue of diversity is not limited to competition among ethnic groups but expands to any groups or genres in the arena of heritage conservation -- for instance, genders, religions, regions, and industries. The National Women's History Museum bemoans the lacking representation of the "heritage of women's contributions throughout America's history" and emphasizes the need for a national institution in the nation's capital (Committee on Governmental Affairs, Senate, 2003). Conflicts in this arena arise from the issue of representation. Heritage is not something fixed, but rather something that changes and creates itself anew as history evolves. While the American government hopes that heritage conservation promotes cultural diversity politically and community development economically, different cultural values and heritage can cause dissonance. As Ashworth and Turnbridge (1996) ask, whose heritage do we celebrate?

Dispersion in Administration and Authority

Barthel (1996) stresses that American historic preservation efforts have been carried out via different perspectives and formal executions than those in Europe. She asserts that the country has achieved significant progress over its history in heritage

conservation through primarily private efforts. In addition, the United States has developed federal policy to protect heritage and has also pioneered efforts in natural and industrial heritage conservation without a central government agency that is responsible for overall coordination of historic preservation. However, the efforts are hard to recognize, since the administrative and legislative functions at both federal and local levels have been scattered and decentralized in the continued absence of a separate agency or cabinet body.

This dispersion is particularly evident in the evaluation process for federal programs aimed at historic preservation. The 1988 report “Implementation of Federal Historic Preservation Program Can Be Improved” by the General Accounting Office (GAO) evaluated the compliance with NHPA in six federal agencies dealing with historic building management: the Department of Agriculture’s Forest Service, the Department of the Interior’s Bureau of Land Management and National Park Service, General Services Administration, the Postal Service, and the Veterans Administration. The report presents findings on the activities of headquarters and field offices of the agencies as well as State Historic Preservation Offices. Six selected State Historic Preservation Offices were contacted or visited to obtain their perspectives on the historic preservation implementation performance of the six federal agencies, with the findings based on historic preservation documentation at the 25 federal agency field offices and 7 deteriorating federal properties. A questionnaire of 12 questions was sent out from the National Parks and Public Lands Subcommittee, House Committee on Interior and Insular Affairs. The questionnaire requested narrative descriptions of their historic preservation activities and/or their views on particular subjects. Evaluation of the six

agencies' historic preservation programs was specifically requested by the Public Lands (now National Parks and Public Lands) Subcommittee and House Committee on Interior and Insular Affairs in 1986, because a series of oversight hearings earlier in the year revealed significant noncompliance in historic preservation efforts by federal agencies. It is worth mentioning that many agencies are involved in the conservation of built heritage, an aspect of historic preservation, and the noncompliance was reported to Congress.

This makes it difficult for the ACHP to assist heritage programs at federal level. In the Report to the President and Congress of the United States 1994-1995, the ACHP indicates that the Council negotiated and assisted many agencies: the Army, the Bureau of Indian Affairs, the Bureau of Land Management, the Bureau of Reclamation, the National Park service, the Coast Guard, the Department of Defense, the Department of Energy, the Federal Emergency Management Agency, the Federal Energy Regulatory Commission, the Federal Highway Administration, the Forest Service, the General Services Administration, the Department of Housing and Urban Development, the National Resources Conservation Service, the Rural Utilities Service, and the Surface Mining Reclamation and Enforcement. The extensiveness of the cooperation evidences how historic preservation is spread out across agencies, even though many of those agencies are often overlooked as players in heritage conservation.

In a model with weak central direction and authority, implementation of heritage policy is difficult to organize effectively. This can cause coordination problems in the policy process, namely in the areas of policy issues definition, formulation, implementation, and evaluation. The dispersal of heritage conservation may lengthen the amount of time need for implementation as well as evaluation of policy. In this case, the

overlooking of actors, resulting in poor cooperation, will potentially cause inefficiency in resource accumulation, organizational design, resource mobilization, and monitoring of progress and impact.

The Need for the Study

Throughout the second half of the twentieth century, attention to heritage conservation has increased at both public and private level. Heritage conservation is everywhere in contemporary society. It takes place in residential neighborhoods, travel destinations, and the media. At the same time, heritage goals and interests have diversified. Despite limited federal support and attention, heritage conservation still serves the nation's needs. At times, it can be difficult to see clearly the extent of federal policy concerned with heritage because it is often related to and classified with alternate issues, such as identity formation, civic education, economics, diplomacy, and diversity. Those promoting heritage conservation expect that it will meet with the political needs and/or economic needs of the nation: the possibility of representing the greatest number of diverse cultures and/or revenue maximization.

In recent times, heritage conservation has been promoted to pursue political and economical advantages with little or vague guidelines and directions. Consequently, the public interpretation of different cultures and perspectives may cause conflicts. Selection and construction of heritage for specific objectives inevitably results in problems with the quality of preservation (Turnbridge and Ashworth 1996). Some common concerns associated with this are commercialism and questions of authenticity. As heritage tourism becomes increasingly popular, complex issues that go beyond mere profitability must be

carefully considered. The development of transportation or visitors' facilities, for example, can raise the vulnerability of historic properties, which can run counter to preservation efforts. It is crucial to identify the policy and political structure in heritage conservation, not in order to pander to particular political agendas, but rather to serve the nation and benefit its citizens.

While interest in and complications involved with heritage have grown dramatically, the understanding of the field has remained narrow. The precise assessment of the current field of heritage conservation from a broad and inclusive perspective is of urgent priority. This study will identify the actors at the federal level, focusing not only on their independent activities but also their relationship with lower levels of government and the private sector. The promotion of heritage development has become a collective effort, and it can be led by communities as well as state, local, and even federal government with ends that go beyond individual and institutional goals. Therefore, it is important to outline the relationships among actors in order to achieve more effective heritage conservation. The actors employ various perspectives can disagree but are willing to negotiate for a particular goal.

Despite increased and diversified interests in heritage conservation, relatively few studies of heritage conservation policy have been undertaken. The studies that have been conducted often fail to view heritage conservation policies as a whole arena. They have a tendency to focus on only a part of the heritage policy arena or concern themselves with only specific cases or programs. For instance, much policy analysis concentrates on NHPA or the implementation of individual programs of agencies. Commonly, policy analysis concerning heritage conservation is not directly connected to the dynamics of

political actors and their decision-making processes. Indeed, the tendency to neglect political dynamics in studying heritage conservation has long been recognized as a problem, and it could be a possible reason for the lack of analytical progress. In this research, both policy and politics in heritage conservation will be studied in order to achieve the most precise understanding of the field.

The significance of this study resides in its potential to increase awareness on the issues and politics in the multifarious field of heritage conservation, and also its potential to improve the understanding of gaps and conflicts in heritage through systematic mapping. I expect the study to be not merely an academic reference, but also a foundation for policy development and advocacy in heritage conservation.

Methodology

This research will rely heavily on analysis of first and secondary source documents. Various forms of written records are critical in studying political phenomena, and documentary analysis is one of most frequently employed methods in political science (Johnson and Joslyn, 1995). The records I will use in this research are books, journal articles, web pages, speeches and government documents. Government documents include policy statements, official government publications, Congressional records, press release, pamphlets and brochures. These documents are available in both hard copy and on the World Wide Web. Government agencies and the White House provide fairly comprehensive information on their heritage conservation programs, and many provide research papers and links to other resources. Newspaper articles, journal commentaries, and reports that evaluate the success of heritage conservation programs

will be examined in order to better understand the procedures, practices, purposes, and propaganda of players in heritage conservation and their relationship. Reports to the president and reports and evaluation prepared by the ACHP will be given special attention in order to analyze the federal government's goals and expected values in heritage conservation. In addition, numerous efforts have been made on the part of government agencies to develop a heritage conservation database for legal and administrative purposes. These databases often work as implementation tools, detailing the types of heritage they manage. While a mission statement or a program description is often broad and obscure, the collections in these databases will more clearly reveal the distribution of responsibilities and the standards of heritage conservation at the federal level.

Numerical data, as can be found in the areas of budgeting and human resources, lends itself well to comparisons in terms of the size and political power of programs, as well as the players in heritage conservation. A budget can be one of the most straightforward measurements of governmental support for a program, as well as provide a simple way to assess that program's resources. Therefore, budgets provide windows into financial and political authority in heritage. Budgets can help further the understanding of not only individual players and programs, but also the relationships of the players and their positions. Comparing budgets of multiple players can reveal the funding mechanisms for heritage conservation programs, even though monetary support does not always match political statements. Indeed, reviewing the history of funding for NHPF and heritage conservation programs at the federal level may reveal complex

political dynamics and ideological conflict among different actors in heritage conservation.

Of course, data gathered from publications, on-line documents and press releases are final products, and so they do not display the conflicts and disagreements of different interests groups in the process of development. Policy statements are articulated purposefully but often ambiguously (Anderson, 1990). Programs are often designed to achieve multiple goals and can involve a complex matrix of values (Stone, 2002). All of these sources of data invite the application of content analysis methods in order to conceptualize and interpret data.

Content analysis refers to “a research technique for making replicable and valid inferences from texts (or other meaningful matter) to the contexts of their use” (Krippendorff, 2004, p. 18). This is the documentary analysis technique that this research will employ. In this methodology, which can be applied in political science, cultural studies, and other fields, a researcher uses a physical record of communication to answer research questions. The forms that this record can take are myriad, ranging from written documentation to audio and video records. Miller (1997, p.77) argues that studying texts allows researchers to identify their social context, since texts are “pervasive in human service and social control institutions” and constitute socially constructed realities. In political science, content analysis can be used for the systematic extraction of symbolic behaviors, relations and types of political actors from the physical evidence of a communication (Manheim et al. 2002). Events, projects, and texts detailing the relationships of the key factors in heritage conservation can be also detected through content analysis.

This research aims to explain political phenomena with objective language. Therefore, ascribing common, socially agreed upon meanings to language is critical, as is attunement to political use of language. Although this research does not strictly follow the traditional research methods of sociological positivism, it relies on the primary assumption that a document is a “representation” of a system and its “manifest content” (Jupp and Norris, 1993, p.41). Frequent use or emphasis on particular words can certainly be of import in identifying the values and motivations of actors. For example, key words suggesting political value can be “national identity” or “diversity,” whereas mention of community “development” or “revitalization” indicates the economic value of heritage.

Focusing objectivity of evident content and surface meaning may result in failure to notice deeper layers of meaning (Jupp and Norris, 1993). Previously, studies in political science and public policy favored quantitative research methods. However, the limitations of quantitative methods have been recognized. These methods easily overlook characteristics of both actors and their actions), and many scholars now acknowledge the importance of qualitative methods, also termed “normative inquiries.” Indeed, studies on heritage are rarely based on solely quantitative data or statistics, due to the changing meanings and values depending on the perspectives of the stakeholders. In order to compensate for the limitations of the quantitative method, Fischer (1995) suggests also conducting qualitative research, to examine subjective goals and values.

This study employs qualitative research methods and relies on textual analysis and interpretation. Close textual analysis allows for the interpretation of individual values and how they create meanings (Thomas, 2003). When databases are used in heritage conservation, the significance of each historic property is hard to quantify. There have

been many attempts to translate the value in heritage to monetary values; however, employing quantitative data only is an insufficient approach for understanding the positions and intentions of stakeholders in heritage and the intrinsic value of heritage. The qualitative research approach will enhance the explanation of social and political phenomenon involving multiple perspectives in heritage conservation.

A major difficulty in conducting qualitative research is ensuring objectivity and validity. However, these issues arise in all types of research. Henwood and Pidgeon (1993) note that no methodology can offer absolute accuracy. It is always possible that a researcher's bias can come into play. Still, maximizing reliability and validity is critical for the quality of academic research. One research technique that is used toward this end is member validation, a strategy that attempts to ensure validity via direct communication with the members of the field of research (Bloor, 1997). This research will engage in member validation, confirming the research and findings through informal interviews. Once major policies and actors in heritage conservation are identified, the actors and their programs will be analyzed to illuminate the policy dynamics within heritage conservation, using the analysis framework for this research. The framework should help to ensure the internal consistency of the research.

Limitations of the Study

As indicated in the statement of problems, the artificial distinction between tangible and intangible heritage is blurry and ineffectual at best, and the identification of actors and programs can be difficult. This is a major challenge in this study. Still, acknowledging the presumed division will be useful in conducting this research. It is

awkward to position one agency as an actor of either type of heritage, as many deal with both types. For instance, GSA seems to be heavily focused on tangible historic properties such as the historic building and fine arts programs. Its National Historical Document Program excludes oral history projects. However, GSA collects and manages intangible heritage through its other programs. The collections of National Archives and Record Administration, the final repository for the permanent records of the three branches of government, houses what could be classified as folk culture and was a part of GSA before it became an independent agency in 1985 (The American Folklife Center, 1977). For instance, films about the sign language of the Great Plains Indians, Indian customs and dance, and African-American life and culture in both the United States and Africa are all of value to the federal government. The National Endowment for the Arts (NEA), typically identified as an important player in intangible heritage, funded *Save Outdoor Sculpture!* (SOS, n.d.), the national database that documents monuments and outdoor sculpture in the United States. Many federal agencies often have programs in both types of heritage, or even programs that blur the line between the two. Nonetheless, I will make use of collected and interpreted data according to the two types of heritage in order to expose the existing imbalance in scholarship and the variance in political dynamics in the arenas of tangible and intangible heritage.

CHAPTER 2

REVIEW OF LITERATURE

The purpose of this review of literature is primarily to enhance my research on heritage policy and politics in United States heritage conservation. Therefore, I have structured my criticism of the books or articles according to the purposes of my study rather than their value to the field at large. Naturally, some of the articles I consider to be more important for my study will be discussed in greater detail. In this chapter, I will focus on literature dealing with four elements of this study: philosophic approaches to heritage, heritage conservation in the United States, studies on intangible heritage, and public policy.

Philosophic Approaches on Heritage

The books and articles by Ashworth and Turnbrige help us to understand controversies in heritage, calling into question the political systems related to and driving forces behind heritage. They have proved valuable resources, and the discussion of conflicts and selection in heritage was the initial inspiration for this study. Although heritage conservation in the United States is not the focus of these books, the authors touch on interpretations and implications of heritage conservation and address its complex association with society, politics, and the economy.

Ashworth and Tunbridge (1999) demonstrate how politically constructed heritage conservation resulted from changes in the political system, ideology, the public planning system, and the property ownership system in Eastern Europe. As the authors indicate, the conflicts between political and tourist-economic uses of heritage, such as the removal or renaming of communist remains and the adoptive use of buildings and sites, mirror the changes in heritage conservation during post-colonial times and the process of decolonization. The authors explain that the new political system diminished national responsibilities and allowed for expanded commercialism. A review of the role and responsibilities of federal, state and local governments reveals changes over time. They state that the new heritage is aimed at social and regional cohesion.

In addition, Ashworth and Turnbrige (1996) discuss the social implications of heritage as an economic resource in *Dissonant Heritage: The management of the past as a resource in conflict*. In this work, they argue that heritage conservation can cause conflicts, specifically in the area of heritage dissonance. These potential conflicts include problems in development, distribution, and consumption of heritage in the market. The authors engage a marketing science perspective and treat heritage as a product, selected for particular purposes in order to be consumed by the public. Therefore, the inconsistency and disagreement associated with heritage demand management for optimum balance (Ashworth & Turnbrige, 1996). If heritage conservation involves diverse interests, how can the policy negotiate the various expectations of different actors?

Among numerous publications, the book *A Geography of Heritage: Power, Culture and Economy* is especially important, since it addresses the issue of heritage

conservation in society at large (Graham et al., 2000). The articles in the book discuss landscape and Museology as analogies of heritage and identify the implications relating to political powers, identity, class, gender and sexuality, ethnicity, language, religion and race. These factors are all crucial components in understanding heritage conservation in the United States as well. The authors effectively connect the political and social uses of heritage and the formation and reproduction of identity in chapter 2. Their definition work is also helpful in clarifying the cultural and social vocabularies. In chapter 3, they point out that heritage can generalize spaces and excessively idealize tradition.

Chapter 5, *Multi Cultural Heritage: From Dissonance to Harmony?*, analyzes cases of heritage conservation in the following diverse societies: the United States, Canada, Australia and New Zealand, Western Europe, Singapore, and South Africa. The market science perspective that the authors engage in *Dissonant Heritage* is applied in this chapter. The authors point out instances of market segmentation of heritage conservation in multicultural societies. Offering many cases makes the discussion fairly succinct and leaves room for in-depth information on heritage conservation, while still allowing for discussion on how heritage conservation is utilized differently in different social and political settings for the purpose of balancing and promoting diverse cultural interests. It indicates that multiculturalism is one of the key considerations in heritage conservation. The “inclusive” and “minimalist” approaches, along with the four models of integration, can be a good starting point for observing heritage conservation in a multicultural society.

Much of the philosophical and theoretical approaches in the literature reviewed above are helpful in explaining and understanding the heritage conservation cases in the

United States, despite social and political differences from culture to culture. These angles help to fill the gaps in the American heritage conservation studies and to advance the field. Indeed, many parts of the policies and programs, including the National Trust and the National Register in heritage, were modeled on British heritage conservation practices. Therefore, the studies will be valuable resources for this study as well.

The literature stresses the unique political and social conditions surrounding each heritage conservation case, reminding us that the American case could differ from cases in Europe in terms of both the level of government involvement and the emphasis on the promotion of a particular value of heritage. This further points to the need for the study of the politics and culture in the case of American heritage conservation. The understanding of heritage as the purposeful negotiation of the past and present times involves the study of various values of heritage and its relationship to other fields.

Studies on Historic Preservation Effort in the United States

The political and social structure in heritage conservation appears to have been studied more comprehensively outside of the United States, and the research has provided fundamental understanding on the issue and the field for this study. Nevertheless, as confirmed in the brief review of the literature, each heritage case is different due to the particular political and social conditions surrounding it. Therefore, in order to fully comprehend the perspectives and purposes of actors in American heritage conservation, these conditions must be taken into account.

Presence of the Past: A History of the Preservation Movement in the United States Before Williamsburg provides informative documentation on the early history of

heritage preservation in the United States (Hosmer, 1965). Rather than appearing as a late import from Europe or springing up suddenly in contemporary society, American heritage preservation dates back to the origins of the nation. Hosmer (1965) characterizes the efforts as voluntary and patriotic. Although this text details the roles of different actors and their beliefs regarding preservation, it does not provide any particularly profound political insights.

Various actors in heritage preservation and their expectations regarding the efforts are well described in Hosmer's subsequent article, *The Broadening View of the Historical Preservation Movement* (Hosmer, 1978). This article addresses the early history; written in 1970s, it does not cover the most recent two and half decades. The author presents information on early historic preservation programs here and also discusses the different roles of grassroots initiatives, private patrons, and the National Park Service (NPS), detailing their different motives for preservation projects. The primary motive with all groups is education, although the intended lesson differs. This raises a question regarding the construction of heritage conservation, namely: is heritage preserved entirely as is, or somehow belatedly developed in the preservation process? What lessons are the goals of heritage conservation, and for whom? The author indicates that there is "still philosophical confusion as to what preservers are trying to do and why they are doing it," which is a valid statement at the present time as well (Hosmer, 1978. p. 137). Unfortunately, despite much exceptional scholarship, the author fails to sufficiently discuss all aspects of players in government and policy making.

Keeping Time: The History and Theory of Preservation in America by William J. Murtagh (1997) is another informative study on the history of American historic

preservation. It addresses broader time periods and covers governmental involvement before and after World War II. Murtagh (1997) provides the history of the National Trust for Historic Preservation as well as each type of preservation effort, including historic districts, outdoor museums, and initiatives related to rehabilitation and preservation practice. With its comprehensive terminology explanations and helpful glossary, it is one of the best introductory books in the field.

Barthel (1996) describes the unique characters of the American preservation movement in the book *Historic Preservation: Collective Memory and Historical Identity*. She offers an objective and even-handed comparison of the situation in the United States with the British preservation movement. In the nineteenth century, Barthel notes, grassroots effort and patriotism characterized the arena of preservation in the United States. Due to its short history, the country has been more open to including recent history and adopting new subjects of heritage conservation. The author distinguishes the American preservation movement from the European preservation effort, thereby justifying the study of American historic preservation as a unique case within a larger framework. In addition, she points out that heritage preservation has been largely politically, rather than aesthetically, oriented, thus addressing diversity and a multiplicity of other social issues.

Whereas Barthel focuses on conceptual frameworks, *Myth, Memory, and the Making of the American Landscape* (2001) presents specific case studies of heritage construction and management in the United States, providing information beyond what is ordinarily accessible to the public in the historic sites. *Part II: Commemoration and the Making of a Patriotic Past* and *Part III: Nostalgia and the Legitimation of American*

Heritage questions the political intention, economic interest, class conflict and authenticity of the places. The individual sections detail the way in which historic preservation was used to control the past and to create public memory and collective identity, and how elements of heritage and historic preservation have been fabricated in accordance with today's needs. The cases, which focus on various participants and their differing expectations with regard to preservation projects, are well-organized in several subsections with concise introductions. Each case is informative, describing the preservation process from construction to management; however, thematic connections outlined in the introductions are sometimes lost in the dense explanation.

In *Cultural Resource Laws and Practice: An Introductory Guide*, King (1998) provides an informative legal and practical guide to cultural resources management. King has been assiduously updating the book in accordance with policy changes, and so it is one of few books to thoroughly discuss contemporary applications of preservation policy. In the introduction, King (1998, p.6) defines "cultural resource" as a "synonym for historic property", and I find that his term indeed better represents the significance and motivation behind historic properties. The history of the development of cultural resources regulation is helpful in understanding policy development and changes as well as the players. Also concisely explained are the roles of agencies generally overlooked in discussions of historic preservation, as well as the connection to the National Environmental Policy Act and its impact on cultural resources. His practical guideline is especially valuable in explaining and assessing Section 106 of NHPA. Nevertheless, the connection between policies and politics is tenuous, and dynamics among players are not sufficiently discussed. In his review of various federal laws related to cultural

conservation, he primarily discusses NHPA and neglects intangible heritage. In spite of this, the book provides a solid introduction to the field of historic preservation, and it is beneficial for its discussion of a wide array of governments, tribal officers, professionals, and scholars in the fields of historic preservation, archeology, environmental protection, and regional planning.

Studies on Intangible Heritage

The literature discussed above focuses largely on preserving immovable heritage, specifically built heritage of the tangible, whereas fewer publications deal with power mechanisms in intangible heritage. I have separated out the review of literature on intangible heritage in this section, since the subject is more closely tied to the field of folklore. I will review the related literature in public folklore in order to study the social issues and political angles of intangible heritage preservation. Also useful are the articles on public cultural conservation and the political influence on the field found in three books: *Public Folklore* (1992), *The Conservation of Culture* (1988), and *Conserving Culture* (1994). In addition, *The Written Suburb* (1989) approaches heritage as a postmodern phenomenon. These are valuable resources for the field and have proven helpful as both reference and motivation for this study, in particular.

While folklore is often misunderstood as the study of the culture of indigenous people or ethnic groups, *Public Folklore* (1992) approaches folk tradition in a fresh context. This book investigates the place of folklore in cultural institutions of higher education, examining folklore's place outside of the communities of tradition bearers. The term "public folklore," distinguished from "academic folklore," denotes applied

folklore in relation to ideology, politics, and economics. As the preface indicates, this has been insufficiently treated in previous studies. The dichotomy between applied and academic folklore has been perceived, and Kiershenblatt-Gimblett points out that the division is artificial and ineffective. The book serves as a good introduction to the field of public folklore, dividing its study into 3 parts: (1) Reflection and Direction, (2) Metaphors and Methods of Practice, and (3) Recovering a History of Public Folklore. The first section focuses on the definition and development of the term “public folklore,” and subsequent sections discuss particular issues in public folklore, including political and economic influences, authenticity, cultural mediation, recontextualization, and ideology.

Of particular benefit for this research and analysis are the articles investigating representation and conservation. Markets and government funding have impacted many folklore practitioners, directing their programs and professed identities to appeal to patrons at local, regional, and national levels. In one analysis, Kurin in a discussion of the Soviet-American Cultural Exchange in 1988, shows how traditional culture and heritage were employed to in representing nations. In this scenario, politics and ideology determined which players became involved in the selection process of culture as a nationally representative entity. In another, Cantwell reviews the institutionalization of festivals. Spitzer addresses the occupational practices of public folklorists and addresses several important, yet complicated issues, including negotiating bureaucracies and social problems simultaneously, selecting which perspectives to highlight, fostering continuity and creativity of culture, and improving the position of folk arts in cultural hierarchies and institutional politics. Public folklorists are described as cultural mediators, balancing

and articulating manifestations of heritage. Although the articles illuminate critical contours in the political structure of folklore, they fail to sufficiently examine “who” demands “how” to represent heritage, and for “what” purpose.

While this text adequately introduces a number of players in public folklore, describing much of their activities and political influence, the discussion of how these players and their programs interact with governments is not fully developed. As part of this investigation, Archie Green stresses the impact of public policy, advocacy, and ideology on contemporary folklore, and Kirshenblatt-Gimblett indicates that any amount of government funding tends to influence the practice of public folklore tremendously. While this is a useful finding, the funding mechanisms and extent of influence are inadequately investigated, and the discussion regarding the politics of the influential agencies remain inexplicable leaves many questions unanswered. For instance, what is behind the fact that the American Folklife Center (AFC) has constantly faced elimination? Who would benefit from its eradication, and how? Is there widespread skepticism as to the value of the Center? Also, why the reduction in the NEA funding? Was it a specific decision made by the agency itself, or merely a byproduct of the prevailing political climate?

The Conservation of Culture: Folklorists and Public Sector (1988) is another insightful book that reviews the political aspects of folklore and investigates the political relationship between folklore and governments. In the introduction, Feintuch points out the important role of public agencies in the history of folklore and introduces major actors in the federal government and their programs. The first two articles discuss folklore at the federal level, and the multiple articles that follow investigate the

manifestations of public folklore at state and local levels. Interestingly, this book devotes attention to heritage conservation at the federal, state, and local levels in proportion to the governmental support available at each level.

David E. Whisnant wraps up the discussion in his article entitled *Public Sector Folklore as Intervention: Lessons from the Past, Prospects for the Future*. Whisnant urges folklorists to be aware of the political, economic and social environments in all cases related to conserving traditional culture and heritage, especially in those situations when preservationists are faced with short funding and strong opposition. Whisnant believes that public folklorists have a responsibility to educate and bureaucrats a historically grounded perspective of cultural conservation and to advocate the application of social knowledge in policy formation and implementation. Although as Feintuch is well aware of, this text's criticism of the field and ardent demand for training and subsequent political response might not be welcomed by many folklorists, I consider his argument vital for the survival of the field.

The two books discussed above, *The Public Folklore* (1992) and *The Conservation of Culture* (1988), have similar weaknesses. While they raise important concerns, there are many issues left unresolved. Much confusion arises with the use of the word "public," as the authors do not adequately define what they consider to constitute the public sector, leaving room for significant ambiguity. Green (1992) indirectly set the boundaries of what constitutes "public" by specifying the work places of so-called public folklorists, namely museums, parks, agencies, and bureaus. *Public Folklore* (1992) discusses AFC, NEA, and the Smithsonian Institution, focusing in particular on its annual folklife festival. All three are identified as major players in

folklore at the federal level. The book comprehensively details the origin of the American Folklife Society, thereby making it a point to cover government involvement, as well as that of nonprofits. However, the full parameters of the “public sector” are still somewhat obscure, making it sometimes difficult to identify all the players in public folklore.

In addition, the books’ understanding of the players in intangible heritage is limited. With the exception of the three major players identified at the federal level, most players are hardly recognized for their contributions. While the books emphasize the involvement of local communities and state governments in the conservation of culture, they do not adequately credit players other than the three major actors, and they lack full investigation of these players’ participation and leadership in the field. The intergovernmental, or cross-sectional, relationship is also not addressed. If the federal government’s involvement is largely one of direction and oversight, rather than direct participation in the field, the individual actors need to be identified, along with the nature of their influence with regard to other governments and the private sector.

The Written Suburb, by John Dorst (1989), investigates the construction of heritage through a case study of Chadds Ford, a suburb in southeastern Pennsylvania. The case of a suburb that used its heritage as a springboard to reinvent itself economically and otherwise, illustrates issues of identity formation, community development and revitalization, heritage tourism and authenticity, and the politics of cultural institutions. The book draws on Dean MacCannell’s concept of “Staged Heritage” in *The Tourist* (1979) and engages the postmodern concepts of commodification, simulacrum, and late capitalism. The affirmation of diverse heritage and coordination of different historic

importance broadened the appeal of a particular site and increased its value as a tourist destination.

Despite its many valuable contributions to the field, the book exemplifies inadequate recognition of the public policy and the public sector in discussions of heritage conservation, a phenomenon criticized in much of the previously discussed literature. Dorst, in his study of the characteristics of heritage development from a postmodern perspective, neglects to identify the participants in the process and how they function. Dorst notes that the cultural totalization of Chadds Ford was a collectively produced effort, involving the removal of history deemed unnecessary. Who was involved with this collaborative transformation? Whose perspective it was ultimately represented? Who had the authority to sanction or eliminate certain aspects of heritage? Heritage tourism depends heavily on the architectural heritage of the town; in this case, the adoption of old buildings for the presentation of agricultural heritage. Are building owners restricted from renovations or demolition? Do they receive tax incentives for their participation? If so, how do the buildings become eligible for these benefits? Was there any attempt made to register any building to the National Register of Historic Preservation for the purposes of validating historic value and raising public recognition? As with much literature in the field, the legal and political elements of heritage development and tourism are not the primary focus of this book. However, these often overlooked questions are indeed the core questions in my study. The study of players, their roles in the process, and their ultimate goals with respect to conservation is a crucial one in illuminating the image construction and ideological discourse in this field.

Therefore, a particular useful text for my research is *Conserving Culture: New Discourse on Heritage* (1994), a book in which these political concerns take center stage. Similar to the two previously discussed books, it is a frequently used reference in the field, particularly in the areas of construction and the sustainability of heritage. While *Public Folklore* (1992) focuses broadly on the United States, the articles in *Conserving Culture* (1994) more fully develop an analysis of policy and politics, making use of cases from individual regions of the United States as well as international cases. This makes the book particularly valuable, as the issue of heritage conservation is not solely a domestic concern, and American efforts have been consistently influenced by cross-national communication and international tourism.

The book is organized effectively, divided into three sections addressing built, nature, and intangible heritage, respectively. In the introduction, Hufford explains that the American government ordinarily classifies heritage as either nature heritage, built heritage, or folklife. The three sections of the book are based on this legal perception, allowing for an effective comparison of issues in each of these three arenas. The book also offers a useful investigation of the conflicts between tangible and intangible heritage, the relationship between manmade and natural heritage, and discord between national and local interests. Part One, *Conserving History*, discusses selection and interpretation, specifically in the cases of historic buildings and physical sites, paying special attention to conflicts of interest. Part Two, *Protecting Biocultural Diversity*, analyzes natural resources as sources of cultural heritage, investigating the administrative system in bureaucracy through studying the organizational structure of NPS. Part Three, *Encouraging Folklife*, examines festivals as a production of folklife and enumerates the

technical and legal support available to those involved with the conservation of intangible heritage.

Examining varying perspectives in the selection and recreation of the past is the major focus of this text, which recognizes and analyzes potential conflicts in conservation efforts. DeNatale takes on the case of the Lowell, Massachusetts revitalization project, reviewing sources of influence and difficulties related to urban development, ethnic conflicts, image construction, the impact of new industry, and the relationship between local authorities and the federal government. Other cases take an interest in the frequent failure of legal and administrative authorities to ascribe full importance to the traditions of indigenous communities, focusing on cases involving Navajo American Indians, cultural tourism in Thailand, and development in African communities founded on tribal structures. Different perspectives value even same tradition differently and create their roles in conservation accordingly.

Certain themes, such as ideology, identity, environment, and tourism, recur in discussions of all types of heritage. However, how the manifestations of these themes can be dissimilar, a point that is often lost in the prevailing research. While a methodology that stratifies types of heritage conservation according to common categories can sometimes prove useful, it can also impede the free-flowing comparison of different types of heritage policy approaches. In addition, the federal government is often erroneously represented as a homogenous group, despite the fact that conflicts can occur among players at the federal level due to varying perspectives and value judgments.

The failure to clarify the parameters of the “public sector” in the literature results in a fragmented assessment of the players in intangible heritage. One motivation for these

books is raising the awareness of political and economical influence in folklore or folklife, and so the books place much emphasis on the role of government. NEA, AFC, and the Center for Folklife and Cultural Heritage in the Smithsonian Institutions make repeated appearances, but influential administrators receive inadequate recognition for their efforts. Also mentioned frequently are the Department of the Interior (DOI) / NPS, which have played significant roles in the preservation of tribal traditional culture and heritage. Even when such actors are identified, they sometimes receive only partial recognition for their role in intangible heritage conservation. For example, much literature recognizes NEA as one of the major actors in folklore for its traditional and folk art program. However, the NEA's programs in support of intangible heritage are numerous, including dance and other often omitted performing arts programs. The performing arts, of course, constitute intangible cultural heritage as defined by the Convention for the Safeguarding of the Intangible Cultural Heritage by UNESCO. Overall, programs protecting intangible heritage and related policy are inadequately investigated in the scholarship. Much literature fails to explain the intergovernmental relationships and governmental cooperation with nonprofit organizations that accompanies these programs. Achieving a broad understanding of governments' participation and goals with respect to intangible heritage is crucial, and I intend for my study to compensate for this gap in the literature.

In addition, I believe that the literature needs to address advocacy in heritage further, specifically in the field of public folklore. Green (1992) notes that folklorists have largely avoided involvement in political disputes in spite of the tremendous influence that politics wields over the field. Although grassroots efforts have been

important in American heritage preservation, their influential ability also reveals the lack of organized, institutional effort. The usual pattern constitutes a temporary and voluntary group of patriotic citizens organizing in response to a publicized plan for the destruction or development of a building or other form of immovable heritage. This group emphasizes the multifaceted community-wide, as well as national, significance of the endangered historic property, utilizing the media to popularize their mission. The solicitation of sympathetic public opinion has saved countless historic buildings and sites in American history; however, this is not enough. Public folklorists need to strategize in order to procure secure, cooperative long-term advocacy in heritage conservation.

Studies on Public Policy

There are several major areas of policy study: types of policy, policy stages, and organizations. In my research, the review of various public policy theories and frameworks is valuable in determining what is most valuable for heritage policy analysis. This is a necessary undertaking, as heritage, as opposed to a field like health care that has brought heated policy discussion, has historically received less attention in the arena of policy scholarship. Because my study will engage Lowi's "Arena of Power", this section will focus on and review the related typology and policy discussion. The theories developed by Spitzer and Anderson are worthy of significant attention, as they heed Lowi's scheme with the ultimate goal of enhancing policy theories.

Lowi asserts that "policies determine politics" and points out that the different policy types are characterized by distinctive characters in administration (Lowi, 1972, p. 299). Lowi originally proposed three policy types: distributive, regulatory and

redistributive. This initial framework was conceived in 1964; the category of constituent policy was added in later. In “Arenas of Power,” Lowi examines the political relationships relevant to each policy sphere, highlighting distinctive patterns in administration and distinguishable variations in political relationships. Lowi’s policy typology, lauded by Steinberger (1980) as a “powerful and useful theory of the policy process,” has led to dynamic discussion and expanded education in the field. His work has illuminated linkages between politics and policy, investigating how political relationships and the nature of participation are changed in accordance with each policy type. The study of public agencies, their behaviors, and their unique policy systems with respect to heritage can be used to test Lowi’s typology.

It appears that the central difficulty of the typology is the establishment of clear boundaries and the means to assign policies objectively. A policy often presents elements that transcend categorization, which is certainly a valid concern in heritage conservation, which has historically relied heavily on singular policy. Many scholars have been critical of Lowi and attempted to improve his theory, and Steinberger (1980) indicates difficulties in placing policies in the categories as well. Speaking to these challenges, Schlager (1999) tries to clarify the characteristics of theory, model and framework. Her criteria for frameworks are as follows: types of actors, development of general classes of variables, and the relationships among them. Lowi’s typology seems to fit into these criteria, falling along lines of policy type, types of actors, the nature of their relationships, the stability of these relationships, and the visibility of decisions. On the other hand, the simplicity is what many critics argue against but can be one of the strengths of the typology. Certainly, flexibility and generality can promote Lowi’s scheme and allow for

the identification of linkages between substance and process through the study of politics associated with particular policies.

Spitzer (1987) criticizes Lowi's scheme as "both misleading and simplistic" and proposes a revision of Lowi's arenas of power, adding diagonals within policy categories to distinguish pure cases from mixed cases and to make room for the exceptions that do not fit into Lowi's categories; however, the definitions of pure and mixed policy are still blurred. Determining the line between these two types of policy is unclear, and locating a policy with both distributive and redistributive characteristics, that are still separated in the chart, is uncertain. In addition, Spitzer (1987) criticizes Lowi's emphasis on the economic aspect of public policy, adding another diagonal to distinguish economic and social regulation in the regulatory category. Asserting that Lowi's theory ignores normative aspects, Spitzer tries to correct this problem. While considering social values in policy scheme is a more evolved approach, it also presents difficulties. Economic and social issues are often intertwined. For instance, the conceptualizing of racial inequality can be a byproduct of economic class issues. Again, Spitzer's specifications lead to confusion when used in identifying policy types. Furthermore, this framework factors into regulatory policy only at the exclusion of other policy types. The existence of subcategories further complicate the classification of policy types, and the result is that there has been little progress toward amending the ambiguity of Lowi's categories.

In the article *Promoting Elegance in Policy Theory: Simplifying Lowi's Arena of Power*, Kellow reviews various theories developed in response to Lowi's arena of power. Kellow (1988), despite integrating these theories and identifying the strengths of each, insufficiently credits newly developed theories and glosses over the importance of their

revisions of Lowi. Instead, he criticizes many revisions, arguing that they fail to capture public policy structure at large and “destroy much of the elegance of Lowi’s categories.” Ultimately, Kellow’s point that the “simpler and more powerful the theory, the better” seems convincing, not simply because Kellow provides strong logic to refute Spitzer’s revision, but because the dichotomous approach lacks effectiveness.

One of the most compelling yet problematic articles on this subject is Anderson’s *Governmental Suasion; Refocusing the Lowi Policy Typology*. Anderson (1997) stresses the importance of acknowledging the power of manipulation and persuasion, focusing on coercion and conflict. Anderson (1997) nicely integrates public policy with postmodern theory, primarily referencing Foucault. For Foucault, the world exists as a series of detailed hierarchies in which Panopticon plays a role in everyday life and knowledge is that which a group of people sanctions as truth. Unsurprisingly, Anderson pays more attention to the elite power structures in political hierarchies, considering from the ways in which policy implementers manipulate and persuade the public. In addition, he implicates economic hierarchy in sustaining these structures.

Still, the simple recognition of power struggles fails to sufficiently explain the dynamics of policy structure. Suasion is not limited to the relationship between government officials and agencies versus the public, but can also occur horizontally. Policy initiatives often require the involvement of diverse actors in government who not only differ from the public in perspectives and goals, but also differ among themselves. Anderson cites economics as a major factor in divergent interests, but the economy is only one of the many factors that fracture approaches to policy making. It is also important to note that the power of persuasion can also be wielded by the public.

Anderson tends to describe the public as passive, but it should be recognized as an effective constituency with access to multiple channels of influence.

In terms of policy categories, Anderson's utilization and placement of the Suasive Based Policy leaves numerous questions unanswered. Anderson states "suasion is a part of the policies," giving the impression the suasion occurs with all policy types, but he later uses the term "suasively based public policy" to refer to only one type (p.269). This can easily cause confusion; did Anderson add suasively based policy to Lowi's four policy categories, or is he using the term as an umbrella phrase for all four categories? Anderson emphasizes that suasively based policy adapts to diverse policy settings and techniques. In any case, suasion is a crucial technique in many policy types and stages of execution.

Thankfully, Lowi resists the urge to ignore the issues of coercion and rhetoric. Anderson, on the other hand, narrows Lowi's policy categorization and treatment of policy procedures, and he reveals limitations to understanding the policy procedures and political structure. Manipulation or persuasion can appear in every policy stage, as Lowi (1997) indicates, and runs particularly rampant in formation and reformation, where more conflict among players exists than in other stages. Anderson's point that education is a more distinctive technique in policy making is credible, as education can occur at any stage of the process. Actors at various government levels persuade each other to make particular decisions, and many times, they require sufficient information. One useful example is that of congressional hearings. While agencies and officers have easier and more direct access to the decision-making process, public policy can emerge in response to policy demand on both governments as well as private citizens and interest groups.

Grassroots lobbying can have tremendous impact, and these groups and their lobbyists manipulate language in order to serve their interests and produce results. Although Anderson's argument about the distinctive role of rhetoric in policy procedures and political structure is a helpful one, Lowi maintains that suasion is everywhere and so there is no need for a unique category such as the Suasive Based Policy.

I agree with Sabatier (1999), who considers the arenas of power as a framework. Lowi's scheme might not achieve the level of a theory, but it proves one of the best analytical frameworks in political science for its systematical classification in public policy, outlining the association between the each policy category, and identifying distinct and predictable patterns of political behavior. Of course, Lowi's "Arena of Power" will not be the only policy study with which this research will engage, but it is useful as a point of departure. I consider Lowi's classification to be a valuable one, as it is clear and simple, yet makes possible an explanation of the inherently dynamic nature of the policy process that drives political change.

CHAPTER 3

CONCEPTURAL OUTLINE

Perspective of the Study on Heritage

Before discussing how to preserve heritage, I need to address a series of foundational questions: What is heritage? What should be preserved and protected? and who has the power to decide in such matters? Graham et al. (2000, p. 2) provide a philosophical definition of heritage as a “contemporary use of the past [which] has the advantage of side-stepping some contentious issues, while improving the focus upon others”; they also assess the concepts of interpretation and representation in heritage. International organizations and national governments have developed their own definitions of heritage, as discussed in Chapter 1. Although the many definitions share significant similarities, they are slightly different and indicate that heritage can be understood differently depending on perspectives.

This point became an initial inspiration for my interest in the political structure of heritage and has led me to consider the policies and conflicts of interests in heritage conservation in the United States. As stated in the literature review, this study is inspired by the foundational work on heritage by Ashworth and Turnbrige. Grounded in their theory, this research engages with the notion that heritage is not fixed but something selected or even constructed. Therefore, it is important to consider who has the most at

stake in the politics of heritage preservation. The particulars of discourse and subject will of course be different according to the specific historical circumstances of a given time and place. In this study, the theoretical framework of Ashworth and Turnbrige will be applied to heritage preservation in the U.S.

Choice of Terminology

This study will adopt the term “heritage conservation” except in cases where a particular policy or agency explicitly names it otherwise. In literatures and policies on tangible heritage, the term “historic preservation” is frequently used, and the term puts emphasis on the extended protection and veneration of historic objects and sites. In reference to heritage, the terms tangible and intangible had been rarely used until the early 1990s, when “intangible heritage” finally became more widely acknowledged. Despite this discursive progress largely due to the efforts of UNESCO, there remains a universal imbalance between tangible and intangible heritage.

The term “conservation” is also critical here, since this research is not a study of heritage in general but of a federal system and its institutional effort to protect, preserve, and conserve heritage. Currently, the agencies that set and define U.S. heritage policy typically use the term “preservation” but often intend protection, preservation, and conservation concurrently. In contrast, many studies on intangible heritage demonstrate a more conscious use of terminology and differentiate the three terms. Crucial to all aspects of heritage efforts and studies, these terms are defined by UNESCO as follows:

- Preservation: Ensuring that certain social practices and representations are maintained.
- Protection: Ensuring that certain social practices and representations do not suffer damage.
- Conservation: Taking measures to preserve social practices and representations from neglect, destruction or exploitation.

The terminologies show considerable similarities, but the term “conservation” is broader and suggests a more active commitment than “preservation” and “protection.” Hufford (1994) describes cultural conservation as a “concept for organizing the profusion of public and private efforts that deal with traditional community cultural life.” In turn, I consider “conservation” to be the most appropriate term for the purpose of this study.

Defining Heritage Policy

Since the concept of heritage, which, at its most expansive, could be taken to include every aspect of human life, has not been clearly defined, any definition of heritage policy becomes rather difficult. Anderson (1990, p. 4, 5) broadly defines public policy as “the relationship of a governmental unit to its environment” or a governmental choice “to do or not to do”. According to the characteristics that Anderson identifies, this study understands public policy as a purposive or goal-oriented legislative action, either positive or negative, that is developed by governmental bodies and officials in response to public demand to manage a problem or a matter of concern. Identifying these important characteristics in the definition of public policy in general can provide a useful

guide to understanding heritage policy in particular. Heritage policy can be the purposive actions of a governmental unit in matters concerning heritage. The purposeful protection, preservation or promotion of heritage is considered the most important aspect of policy for heritage conservation. A heritage policy does not necessarily cover both tangible and intangible heritage, but can be prepared to support a particular type of heritage or to protect the heritage of a specific ethnic community. Many times, the title of policy can indicate its purpose, as seen in the National Historic Preservation Act (NHPA) or the National Environment Protection Policy Act (NEPA).

While the purpose of a particular policy may not be primarily intended toward heritage conservation, if it affects or contributes to preservation or promotion of heritage in any way, it should not be neglected in studying heritage policy. For instance, the Department of Transportation Act primarily executes transportation policy. Its purpose is the “development of transportation policies and programs that contribute to providing fast, safe, efficient, and convenient transportation at the lowest cost.” (P.L.89-670). However, Section 4(f) of the Act is considered “the strongest federal preservation law on the books” (National Trust, 2004). A policy or program that does not have a primary goal in heritage can nevertheless significantly affect historic preservation efforts, and these policies and programs should not be overlooked.

This study will encompass policies that are devoted entirely or partially to the preservation and promotion of cultural heritage. Such policies can be divided into three groups:

- (1) Policy or program at the federal level that are designed to protect, preserve and conserve heritage.
- (2) Policy or program at the federal level that has a part in ensuring heritage conservation or protection.
- (3) Policy or program at the federal level that has tangential relations or conflicts with heritage conservation.

Identification of Players and Their Programs

A policy designates authoritative individuals or agencies to implement to its stated goals, thus making it convenient to identify the specific players charged with and held responsible for heritage conservation. A review of NHPA will therefore help in identifying the key agents of conservation, especially in terms of built heritage. In cases of nature heritage and intangible heritage, such identification becomes vague on account of the absence of a guiding policy.

Even in the case of NHPA, identification of agents and authorities is not as straightforward as one might think. Since Section 106 of the Act mandates federal agencies “to take into account the effects of their undertakings on historic properties and afford the Council a reasonable opportunity to comment on such undertakings” (16 U.S.C. 470s), and Section 110 designates historic preservation within the “jurisdiction or control of the agency”, heritage preservation should be an inherent concern of all federal agencies, and their programs each relate, directly or indirectly, to heritage preservation. However, it is clear that not all federal agencies are affected to the same degree by these sections of NHPA, and each agency’s responsibilities in heritage conservation remain

widely indeterminate. To be recognized as a proper executor of heritage policy, an agency should have an administrative body or program designed to ensure the preservation or promotion of heritage.

Another useful way to identify the players in primarily built heritage is to assess particular instances of collaboration. The Advisory Council for Historic Preservation (ACHP), for example, consults and guides an array of federal agencies in the efforts for historic preservation. Looking at the agencies and projects assisted by the ACHP can indicate the many players in heritage conservation and their specific programs. In addition, a study of collaboration can display the political dynamics and patterns at work in the conservation, and often reveals a strong reliance on intergovernmental cooperation. The heritage field tends to be most distinctively divided into tangible and intangible conservation projects, but it is imperative to understand when and how players in intangible and tangible heritage conservation cooperate and to determine who has more authority.

Additionally, a study of heritage conservation at the federal level does not limit looking at federal agencies and their programs in heritage conservation and must account for the decentralization of heritage policy enacted by federal agencies and programs. NHPA, for example, has invited the participation of individual states and Indian tribes. Though a particular player may not be a federal agency in itself, this study will recognize it as acting on a federal level if it is acknowledged as an important actor in heritage conservation or its cooperation with federal agencies required in the development of federal policy initiatives. For instance, the National Trust for Historic Preservation was created by NHPA and funded through the National Historic Preservation Fund (NHPF)

until 1998, although it is designated as a nonprofit organization. As a non-governmental partner, it works with federal agencies. For instance, NEA and the National Trust cooperate for the implementation of the White house's initiative "Save America's Heritage."

In contrast, the absence of an umbrella policy for intangible heritage conservation makes it more difficult to identify the key agents of this field. In 1977, the American Folklife Center (AFC) published "Folklife and the Federal Government: A Guide to Activities, Resources, Funds, and Services," which can serve as a guidebook to identify the players in the conservation of intangible heritage. The book lists the federal government agencies that are associated with folklife and provides concise information about their programs, such as available assistance, potential beneficiaries, and contact information. Since it is a public directory of folklife programs at the federal level rather than an analytical work, this document has limited use in the present study; Furthermore, the information could be outdated, since it was published almost three decades ago. Most programs still operate, but many of their names and directives have been changed. While providing little information beyond their services and short program description, the inventory can nonetheless be a useful resource in the general identification of agencies involved in the promotion and preservation of folklife.

That said, the criteria for the exclusion of particular players from this study should be mentioned. Those who become secondarily involved in heritage conservation but do not have their own programs to this effect will not be included here. For example, the Internal Revenue Service (IRS), which is associated with the preservation of built heritage by way of tax incentives for rehabilitating historic buildings, will be excluded

because it does not have its own program specifically geared toward heritage support. Likewise, the Department of Labor employed folk artists and provided unemployment grants to state and local art agencies and organizations in the 1970s. The program did not have a significant influence on heritage conservation, unlike the New Deal programs of NPS, although they were similarly designed as employment projects.

In addition, the conservation of movable heritage will not be examined apart from other forms of tangible heritage, since there is no basic legal definition or policy statement concerning heritage objects or artifacts. Technically, movable heritage has been treated a part of a wider policy that encompasses immovable and intangible heritage. For instance, the definition of historic properties includes historic objects. Responsibility for the preservation of artifacts seems to rest primarily with nonprofit organizations and institutions, along with individual private collectors. Perhaps because they are so numerous and mobile, artifacts seem to retain more flexibility than more unwieldy manifestations of immovable heritage; however, there are important policy and legal issues concerning the ownership of such objects, especially with regards to repatriation and representation. For example, the Native American Grave Protection and Repatriation Act (NAGPRA) was instituted to protect Native American spiritual objects, and repatriation of illegally looted artifacts has been a major controversy in the museum field. Distinguishing artifacts and their policy treatment is further complicated by the fact that these objects are often considered part of a particular historic site: Agencies dedicated to collecting, preserving, and exhibiting movable heritage, such as the Institute of Museum and Library Services, the National Archives, and the Smithsonian Institution, will not be discussed. Because of the aforementioned problems inevitable when dealing with

artifacts, and in the interest of defining a manageable research topic, this study will focus primarily on immovable and intangible heritage.

Framework for Analysis

This research aims to study the governmental policies and political dynamics in the field of heritage conservation in the United States. Different types of heritage preservation policies, as well as various actors and their programs in the U.S. federal government, will be identified, and the multiple values, roles, and goals of the key figures and agencies will be subsequently analyzed. It is one of the goals of this research to explore the relationships and among the diverse group actors and the impact each has on the others. I will examine their communication and collaboration of actors in policy formation and implementation in order to critically understand the institutional processes and discursive dynamics involved in heritage conservation at the federal level. To avoid overwrought description and allow for more valuable analysis, theories in public policy and studies in American bureaucracy will frame my examination of the players of both tangible and intangible heritage conservation, who will be reviewed with regards to institutional setting, types of heritage, values, tools, political instruments, and resources.

Types of Heritage

Anderson (1990) classifies policies as either substantive or procedural. Heritage itself could be the basis for the development of substantive policy. Different types of heritage, tangible and intangible, can develop different substantive policies and involve different actors. Actors may deal with one kind of heritage exclusively or both types of

heritage through separate programs within an agency, which can develop along a number of different policy lines and political dynamics.

While the classification of heritage types can be a tricky and often superficial business, tangible and intangible heritage could be nominal levels of heritage. Tangible and intangible heritage will here be treated as separate categories in order to explicate potentially divergent political mechanisms at work within the different types. At the nominal level, tangible and intangible heritage are equal, but an analysis of their respective protection policies and programs may reveal a subtle hierarchy in official valuation. The emphasis on the type of heritage in certain written laws, such as nomination and repatriation will serve as the primary criterion, in this study, for the distinction between the two classifications of heritage.

Heritage policies emphasize different points depending on the types of heritage to be preserved. Figure 1 displays two basic types of heritage, tangible and intangible. Tangible heritage can be classified as either fixed or movable heritage, immovable or fixed heritage being understood as built or natural heritage. The boundaries between categories are often difficult to distinguish. Conceptualizing different types of heritage is critical in policy development and implementation, a point which will be discussed more extensively in the research framework later in this chapter. Similarly, a single federal agency may specialize in conserving a particular type of heritage or may be responsible for more than one type. NHPA, for example, tends to focus on built heritage, while NEPA that oversees the effects environment broadly promotes conservation of both natural and built heritage.

Institutional Settings

External to the three branches—legislative, executive, and judicial—of the United States government, there are about 60 independent agencies that do not belong to any department and report directly to Congress or the president (Meier, 1987). Different leading agencies in heritage conservation possibly exhibit and/or evoke different cooperative dynamics and political allegiances, which can be detected with a look at the primary actors in conservation policy. Seidman (1998) emphasizes the importance of institutional types, since these influence both the government's political behavior as well as public attitude. Different agency structures are characterized by different political dynamics. Legislative agencies and their policy commissions often exhibit different dynamics than executive agencies. Since focusing on the operation of governmental agencies has become standard in the study of public administration, this study will concentrate on the dynamic differences among institutional types rather than simply looking individual programs and agencies in isolation.

Many federal players in the heritage conservation including the General Services Administration (GSA), the National Endowment for the Arts, the National Endowment for Humanities, the Smithsonian Institution, and the ACHP—are independent agencies. The executive departments, such as the Department of the Interior (DOI)/ NPS, often have more influential programs and greater responsibilities in heritage conservation than independent agencies. The politics surrounding independent agencies may differ from that of agencies associated with one of the three branches and their respective party affiliations; however, not all independent agencies necessarily display the same dynamics, and unlike independent agencies in the economic sector, independent agencies

in heritage conservation often have neither regulatory power nor adequate resources. This study will examine the diverse roles and relationships of each governmental institution in heritage conservation.

Core Values in Heritage

Policies and programs in heritage conservation can be seen to sharply reflect “problems” and “demands”—the political, educational, and economic needs, as well as social issues peculiar to the United States. The different values and goals of heritage conservation efforts lead to the advent of different programs, procedures, and actors.

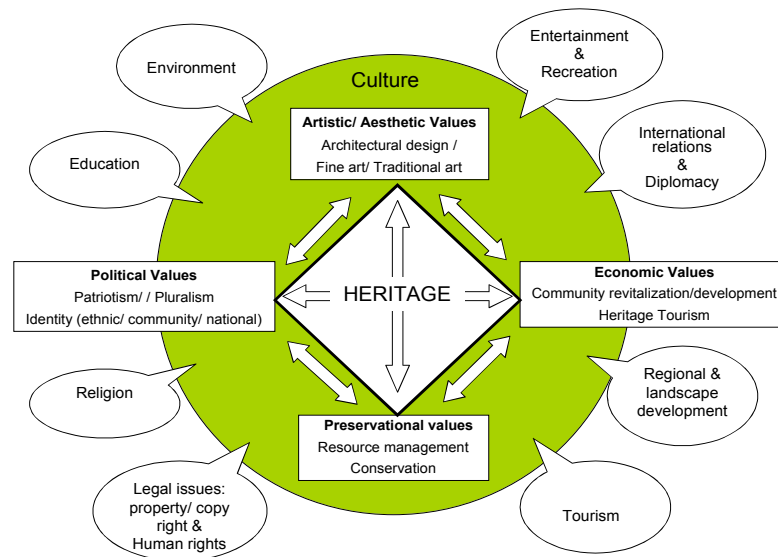


Figure 2: Core Values and Policy Goals/ Issues in Heritage

Stone (2002) suggests that different political values evoke different political dynamics and often function as a framework to structure problems or decide on an action or transaction.

Figure 2 displays these values and correlations, which in turn produce different political dynamics. Values can be the fundamental key to understanding the goals of the players in heritage conservation and may possibly assist in determining the political tools or instruments used by each. Such values are often more complex and influential in heritage conservation than in other fields, since it is often difficult to quantify the output and benefits of the subject. At the onset, I identify four primary values: political, economic, preservation, and artistic/aesthetic values.

Political Value

The political value of heritage is the value that promotes cohesion and succession of a nation. Usually, it is closely associated with patriotism and national identity. In the United States, heritage conservation has been motivated more by political than aesthetical concerns and frequently addresses social issues. It is largely divided into the promotion of national identity or patriotism and support for cultural diversity. The former was stressed persistently in earlier periods of U.S. history, while the latter has become more important in recent decades as diversity issues intensifies. Shackel (1993) shows how historic preservation has been used to control the past and influence public memory and collective identity, and how it has likewise been fabricated by today's needs. These claims seem to call for a study of historic preservation in the United States on its own social and political grounds.

Barthel (1996) distinguishes between the U.S. and European preservation efforts in terms of differing motivations and rationale for historic preservation. In Europe, the aesthetics of heritage has been most valued traditionally. In the United States, on the other hand, patriotism has been the biggest motivation for preserving tangible heritage. Murtagh (1997) notes that patriotism, what he called “secular pietism,” is the most distinguishable characteristic of historic preservation in the 19th century United States. George Washington, for example, was unquestionably considered a great national hero, and virtually every places associated with him became the subject of preservation. Grassroots efforts and patriotism characterize the United States heritage preservation effort in the 19th century (Barthel, 1996).

Heritage and history, as useful tools for the promotion of certain cultural or political agendas, are expected ultimately to cultivate national identity and patriotism in a diverse society. Generally, this common expectation tends to neglect, or at least avoids mentioning, diverse heritage and can cause cultural and social conflicts. So it becomes imperative that we ask what will be taught through heritage and what will be the benefits of heritage education? Political value is closely related to educational value, since teaching American values and constructing national identity boosts patriotism for citizens and upholds a positive national image for those outside of the United States.

The most distinctive characteristic of the recent heritage movement in the United States is probably the promotion of identity and cultural and ethnic diversity. This inclusive approach to heritage not only accepts but also actively cultivates all types of heritage (Graham et al., 2000). The President’s Committee on the Arts stresses the importance of heritage and historic preservation in asserting that “cultural heritage

defines us as Americans and reflects the diversity of our people” and that diversified cultural knowledge “develop(s) skills of reason, clear expression and informed choices that characterize effective citizenship” (Creative America, 1998). In short, the President’s Committee on the Arts views heritage promotion as a tool to educate citizens for particular goals.

Preservation Value

Preservation value may be an awkward category of value judgment for heritage conservation, since all other values justify an effort to protect, preserve and conserve heritage. I use the term “preservation” to distinguish it from other concepts, namely, conservation and development. Heritage can be modified and developed by political and economic interests, and the artistic/ aesthetic value of heritage respects creativity. Preservation value can be distinguished from other values by its disregard for the sustainability or transformation of heritage.

The lack of ulterior motive, such as economic profit or ideology, can be interpreted as an acceptance and support of all kinds of values in heritage. The actors who primarily promote preservation value rarely interpret the significance of historic properties or sites but often make decisions regarding the preservation or protection of such spaces. They need to know the significance so as not to harm historic properties and sites. For instance, Section 106 of NHPA and Section 4(f) of the Transportation Act have saved innumerable historic buildings and places from destruction by federal projects and highway constructions. As a result, the protected or conserved heritage makes possible the preservation and protection of specific properties associated therein.

Economic Value

While patriotism was the major motivation behind many nineteenth century preservation efforts, the economic benefits of heritage conservation quickly drew attention, which Barthel (1996, p. 20) describes as a “culturally specific response to industrialization.” The preservation and development of intangible heritage has provided economically invigorating opportunities for many declined industrial areas (Graham et al., 2000). Organized efforts of various groups have appeared on account of this interest, and these efforts appear to be related to community revitalization through heritage tourism. The coalition includes both for-profit and non-profit players who take risks for financial returns. The planning process of the development involves resource management that affects regional economy, and the marketing is an important part of the process to attract businesses, residents, and tourists. As state and local governments started viewing heritage as a productive source of employment and revenue, they have increased their support of heritage conservation accordingly. State and local efforts to develop historic sites as tourist attractions seem to be reaching new heights, and registration in the National Register for Historic Properties often serves as a hallmark to attract tourists.

Artistic/Aesthetic Value

Heritage is recognized at both national and international levels for its artistic value, although art and heritage are often treated as separated subjects. UNESCO, though, does include aesthetic values in its treatment of cultural heritage. American heritage

policy tends to value artistic contributions of both tangible and intangible heritage. For example, artistic excellence can satisfy the selection criteria for the National Register, assuring “the quality of significance.” In addition, the criteria call for selections “...that represent the work of a master, or that possess high artistic values,” clearly indicating that artistic elements are important characteristics of historic places. The American Folklife Preservation Act covers “a wide range of creative and symbolic forms” in folklife and includes art, music, play, drama and performance. The emphasis placed by the National Trust for Historic Preservation on “appearance” certainly suggests the large role that aesthetics plays in heritage preservation efforts aimed at neighborhood and community improvement.

While artistic / aesthetic value is clearly paramount in heritage conservation, its importance is often downplayed in accordance with political motives, at times finding itself trumped by economic concerns. However, visual appeal and architectural superiority can also serve political and economic ends. For instance, European countries traditionally cite artistic quality, and architectural excellence in particular, as the most compelling reason for preservation, crediting visual beauty with facilitating national pride. The motivations and rationales behind heritage preservation strategies differ from country to country, but it is largely agreed upon that the artistic / aesthetic value of heritage has been undervalued in the United States (Barthel, 1996). American heritage preservation found its origins in natural resources and archeological remains, and the emphasis on this arena is still very strong. Fewer agencies have programs dedicated primarily to the aesthetics.

While the discrete reasons for valuing heritage are often intertwined, some stand out more than others in policy debates or program implementation. Each actor does not necessarily espouse a singular motivation, as a given public policy initiative or program will commonly have multiple objectives. Figure 2 illustrates the core values of heritage and the related fields these values affect. The interaction with related fields often offers the most forceful reasons for heritage preservation, making application visible. This interaction can also illuminate how and for what purpose a single actor negotiates multiple values.

Policy Types and Tools

Political tools or instruments are closely related to policy types and can also reveal interests, such as political ideology (Peters, 2002). Therefore, I will connect policy types and policy tools in heritage conservation using Lowi's policy typology, which provides a useful framework for this research by revealing the matrix of the content, policy and political relationship in the heritage field. The research hypotheses of this study are as follows: heritage policy has been influenced by heritage types and has subsequently shaped the actors and their administration in heritage; the types of heritage determine policies; and policies determine the politics of heritage. Lowi's scheme makes it possible to explain the inherently dynamic nature of the policy process that drives political changes in heritage.

One sticking point is that Lowi does not set explicit definitional criteria, and some conservation policies exhibit complex characteristics elude one exacting category. Therefore, rather than trying to fit a heritage conservation policy into one policy type, I

will apply Lowi's classification in the hopes of identifying different characteristics of the policy types within heritage policies, and NHPA in particular. In addition, the characters can be raised from the social and political issues of a specific time period, and I will be mindful of the fact environmental influences in the policy discussion and changes in heritage conservation.

Lowi (1972) describes distributive policy as the "closest to being a complete privatization of the public." Governments distribute tangible benefits directly to individuals, groups, organizations, and corporations, contingent on their willingness to accept. The recipients do not directly compete for the benefit; therefore the degree of conflict is low and the relationship among actors is stable. Distribution, then, is a fairly decentralized system, and the influential ability of congressional subcommittees and administrative bureaus is strong (Ripley and Franklin, 1991). Meier (1993) considers distributive policy to be the broadest manifestation of federal action.

Grant distribution can be a relatively uncomplicated approach to initiate a new policy, without taking high risk in government expenses and dealing with complex constituency. The eligible grantees tend to automatically comprise supportive constituency to the policy and its implementing agency. Through this type of policy, the federal government initiated support for historic preservation through NHPA, and distribution of the National Historic Preservation Fund remains crucial to such projects. Among diverse federal distributive programs, Meier (1992) identifies the following distinctive types of distribution: Distribution of Subsidies, Government Support of Research, Collection and Dissemination of Information, and Creation of Distributive Public Goods. Each of these types plays a role in the field of heritage conservation;

NHPA, in particular, relies heavily on the distribution of funding and consultation with the Secretary of the Interior and the ACHP.

Regulatory policy involves setting rules that control certain conducts, goods and services through the use of sanctions, penalties and prohibitions (Spitzer, 1987). Counterpart in that distributive policy involves decentralization and few conflicts, regulatory policy relies largely on centralized bureaucrats and Congress, and the level of conflict is relatively high. Among the forms of regulation identified by Meier, “limitation of access to public goods” appears most explicitly in issues of historic preservation (Meier, 1992). The regulatory aspects of NHPA have been strengthened over amendments and regulations to protect indigenous heritage were developed relatively recently. The restrictions applies to immovable heritage, such as historic buildings and sites and national parks are especially visible; The protection of historic properties can poses difficulties for other agencies or programs, such as when they attempt to develop, destroy, or alter historic properties.

Redistributive policy denotes any allocation or reallocation of resources that involves ideological and class conflicts. It is highly influenced by the president and centralized bureaucracy, as well as Congress (Ripley and Franklin, 1991). Bureaucracies are instrumental in redistribution, and public involvement is more visible here than in other policy types. One example is tax policy in which a tax paid by one group is used for the benefit of another; as may be expected, redistributive policy is the most controversial of Lowi’s four policy types (Meier, 1993). Targets for redistribution in conservation may be specific ethnic groups or discrete regional areas.

In comparison with the other three policy types, constituent policy has received relatively little attention, perhaps due to its late adoption or its emphasis on governmental authority (Spitzer, 1987). Lowi (1972) points out that constituent policy requires a broad scope in order to attract a substantial interested public. Meier (1993) notes that constituent agencies either serve the nation or the government as a whole. The power and involvement of agencies and agency bureaucrats is weak, and Congress is the most important player. This is an important policy component in heritage conservation, and it accounts for the continuous involvement of the federal government. This type of policy and agencies are sensitive to the political environment and tends to easily accept surrounding changes of government and politics. Therefore, visibility is key in this policy type. Of course, all heritage programs and policies in the United States are directed at the nation as a whole, or even the world, but in terms of the more direct function of agencies, constituent agencies provide services mainly to the government.

Examination of policy characteristics is essential to the study of policy tools in the field, and the study of policy tools, in turn, is critical to the understanding of political dynamics. Salamon (1989) suggests that different implementation tools or methods are characterized by differing political dynamics, and he considers the tool approach to be effective in the study of processes, institutional arrangements, and actor behaviors. The types of implementation tools in conservation range from lists and regulations to grants and partnerships, and studying the use of these tools should allow for broad observation and coherent understanding of the political dynamics involved, a result that can be difficult to achieve when analyzing individual programs or actors.

Direct Government

Direct Government refers to the delivery of services or goods by federal employees using funding allocated by the federal treasury, and it implies significant internal administrative effort (Salamon, 1989). In the early stage of historic preservation, the federal government was directly involved through the New Deal unemployment projects. NPS, for example, was in charge of the Civilian Conservation Corps and Historic American Building Survey, and it remains directly active in governmental heritage programs, specifically the conservation of natural heritage throughout the national park system. GSA runs the Fine Arts Program as well as Historic Building Programs, and the American Folklife Center and the Center of Folklife and Cultural Heritage in the Smithsonian Institution have been instrumental in documenting, recording and exhibiting intangible heritage. While the Smithsonian Institution is not entirely federally funded, their programs are considered direct service delivery by the federal government (Salamon, 1989).

Grant Distribution

Grant programs dominated federal funding from the New Deal until the mid-1970s. Although the rapid growth of federal grant spending ceased in the late 1970s due to the national deficit, grants are still one of the most commonly used tools in heritage conservation. Both executive agencies and independent agencies look to the grant system to support both tangible and intangible heritage. Through NHPA, the federal government has distributed NHPF grants to state and local governments, as well as American Indian tribes.

In intergovernmental grant programs, grant allocation can have impact that goes well beyond funding. For the federal government, grants provide a means of delegating duties to and imposing regulations on state and local governments (Fesler and Kettl, 1991). In the case of categorical grants, which pose restrictions of the grant use for a specific purpose, the goals and values of the federal government are transmitted along with the financial flow. Thus, grant distribution allows the influence of the federal government to be upheld relatively easily with little conflict. Another type of grants, block grants, can be used for broad purposes (Fesler and Kettl, 1991). They are often utilized to strengthen the authority of the federal government over state and local governments (Seidman, 1998). Grants in support of heritage are generally categorical grants, but block grants have also been distributed by the Department of Housing and Urban Development to encourage preservation and rehabilitation of privately owned historic buildings.

Regulations

Bardach (1998) views social regulations as the enforcement of responsibilities. The strength of regulation in policy has varied historically, peaking in 1940, 1964, and 1980 (Bardach, 1998). In the 1960s, rapid industrial development alerted the public to the need to protect cultural resources and the environment and increase awareness of preservation initiatives, and so organized movements influenced the growth of social regulations. Out of these same cultural conditions of the 1960s came the call for protective policy regarding historic buildings and sites. Peters (2002) points out that conservative governments have a tendency to prefer regulations over direct public

ownership. Regulations regarding heritage conservation tend to appear in later periods of policy trends, so and do not always correspond to the aforementioned regulatory peaks. The manifestations of these initiatives include direct regulations, the management of a list, and tax laws.

Dynamic Elements

Political dynamics may differ depending on which level of intergovernmental system is responsible for implementing a given heritage policy. Ripley and Franklin (1991) point out that the federal, state, and local governments have their own programs as well as intergovernmental programs that require cooperation in development and implementation.

Both historically and presently, preservation efforts at the state and local levels have been crucial, and federal policies as well as the bureaucratic system have systematically worked toward improving collaboration. Regional branches of federal agencies and national communication network systems are two of the formal manifestations of this effort. Some federal agencies involved with historic preservation have regional branches or offices from to operate their own programs and cooperate with agencies or organizations at state and local levels or in the private sector. In addition, collaboration with American Indian tribes is an important part of intergovernmental collaboration, however, the policy dialogue must be different from that of the traditional intergovernmental relationships due to the issues of sovereignty and self-determination of Indian governments..

Also beyond intergovernmental relationships, nonprofit organizations and their own relationships with governments are critical elements of the heritage field. The National Trust for Historic Preservation, a nonprofit organization, was recognized and funded through NHPA by Congress, and it has remained one of the most important players in heritage. Salamon (1989, 2002) also points to the increased importance of the “third party government,” which can be viewed as an expanded approach to the intergovernmental relationship. According to Salamon (1989, 2002), the third party government often advances the federal government’s policy purposes, thereby increasing its importance. This new governing sector includes public and private institutions, such as state and local governments and nonprofits, that serve public purposes. The federal government exercises limited control over the safeguarding of heritage, and the third party government has historically shared the responsibility for the preservation or promotion of heritage and leads the field.

Players Relationship in Policy Process

The study of traditional actors in the “iron triangles” can be insufficient in explaining policy changes initiated by administrative agencies or legislative committees. Research regarding political dynamics in heritage conservation should not be limited to federal agencies and their heritage programs. Groups from the private sector like to break the stasis of reluctant governments, initiating policy change for particular interests. A subgovernment generally consists of the House and the Senate, members of congressional staffs, bureaucrats, and representatives of private groups and organizations (Ripley and

Franklin, 1991). As Ripley and Franklin (1991) point out, subgovernments exist numerous and are not observed in all policy process.

Sabatier (1999) calls this process inaccurate and criticizes the top-down focus. In response, he developed the Advocacy Coalition Framework (ACF) to account for policy change, emphasizing subsystems or policy networks and combining the top-down and the bottom-up models. In the ACF, the concepts and the roles of actors are broadened, and the iron triangle disappears. Policy subsystems involve not only actors from all levels of government, but also and interactions with actors from relevant outside institutions that keep tabs on and seek to influence governmental policy decisions. This network includes the traditional actors from the iron triangles as well as journalists, researchers, policy analysts, and actors at every level of government active in policy formulation and implementation. Sabatier (1999) believes that basic shared beliefs bring actors from a variety of public and private institutions together at all levels. The initiation for a change is assumed to come from the public, as governments are often reluctant to interrupt their stasis. Although it is important to recognize various actors and their influences on policy changes, it seems that the characters of governments themselves can become obscured in the process of decentralization or collaboration.

Resources

The allocation of resources can illuminate the power structure in heritage conservation. Resources can be categorized into formal and informal resources, and both can be translated into power (Ripley and Franklin, 1991). Congress allots formal resources, such as authority and financial and human resources, and the legislative body

has the power to create agencies as well. A comparison of numbers, such as budget and staff allocations, is a useful tool in identifying authorities in heritage conservation and determining the sizes and impacts of players.

Out of all possible formal resources, money is generally considered the most straightforward indicator of an agency's power. Governments use the flow of money as an important management tool through which to monitor and control implementation (Fesler and Kettl, 1991). Tracking the flow of money allows for identification of governmental actors as well as those actors and programs in the private sector. Historically, financial support from governments at all levels has been seriously inadequate, the situation could be worse, as historic preservation can be an extremely expensive endeavor (Stipe, 2003). Heritage, of course, is a bipartisan issue; nevertheless, the appropriation for NHPF has historically been met with scant enthusiasm in Congress. During the Reagan administration, the Fund was in danger of being erased entirely (Stipe, 2003). Nonetheless, although the allocation of NHPF has consistently proved unimpressive, it is still useful to study this allocation to illuminate the power structure and political system among players in heritage.

Informal resources, on the other hand, can be less tangible and therefore tricky to measure or trace. Still, they are important because they often increase the formal power of a given agency. Those resources categorized as informal include an agency's ability to control information, its ability to publicly criticize events and/or decisions, and its ability to influence other agencies and players (Ripley and Franklin, 1991). Leadership in the field does not necessarily correlate with an agency's store of quantitative resources. Stewardship and fellowship are two examples of valuable assets that come with high

visibility and low cost. Indeed, the field of heritage preservation has been an exemplar of maximum impact with minimal funding.

External Pressure

The observation of time lines in heritage policy raises the possibility for cycles in policy adoption and change. The policy changes may come from outside of the heritage field, and influential factors can arise domestically as well as internationally.

National Environment

The reasons behind the development and protection of built heritage may differ depending on time period and social circumstances, as do the reasons for prioritizing the needs and desires of a specific group. Many issues of attention in heritage respond to social conditions and trends in related fields. Reviewing agenda attention and program preferences allows to study how heritage policies have historically responded to contemporaneous cultural climates including: the nation's formative advancement at the turn of 20th century, the New Deal projects in the early 1930s, rapid development in the 1960s, the celebration of the Bicentennial in the mid 1970s, and American Indian issues in the early 1990s. Much like the Bicentennial celebration, *Save America's Treasures* was initiated as a part of the White House's millennium projects. A review of this relation to other fields and society indicates how heritage policy has responded to the national needs, making overt this strong character of constituent policy.

The interaction of policies is another critical dimension in studying political dynamics as a policy can be influenced by other policies. This has proved particularly

true in the case of the NHPA. In spite of the enactment of NHPA, policy and program development in heritage preservation remained inactive into the 1970s, and the field was largely influenced by policy with alternate visions and goals. While historic preservation was not one of the priorities of the Carter Administration, preservation prevailed because of the strong support for environmental policies like the National Environmental Policy Act. The Act requires federal agencies to review comprehensive environmental impacts of land use and development decisions and remains as a strong protector of natural and cultural resources.

International Environment

External environment can also influence domestic policy. Peters (2002) points out that advanced information systems and technology as related to globalization tremendously affect national policymaking. Domestic policy has been influenced by the policy of other countries, which can be studied as case studies, and international or cross-national influence on national policy has recently emerged as an international trend especially noticeable in socioeconomic policies. This also comes into play with heritage policy and programs. After all, the creation of the National Trust for Historic Preservation and the National Register for Historic Properties largely mirrored that of the British system. Countries share ideas and are inspired by other countries' political strategies. In addition to the exchange of information, international environment can strengthen national policy. International organizations such as World Bank and the World Trade Organization support these approaches (Peters, 2002).

In the absence of an independent administrative body solely dedicated to heritage conservation, resources provided by international organizations can be useful. UNESCO has offered guidelines for both tangible and intangible heritage and transcended national borders in working for the best interest of worldwide heritage and cultural resources. Even when the United States was not a member, the American Congress voted to receive financial and technical support from UNESCO for conserving Yellowstone National Park. UNESCO has raised the international profile of heritage issues and has practiced regulatory power through its Conventions. When Canada planned to develop mines in 1993, UNESCO assessed the negative effect and acted to protect American cultural resources (McHugh, 1997). Although some argue that there is little concrete evidence, the international community plays a significant role in allotting legal support for traditional culture and heritage in the United States. The policies defining the relationship between the American government and bearers' groups since the early 1990s is definitely the same direction with dominant international opinions.

Ultimately, these categories can be intertwined. For instance, grants can be used toward interdependent relations or subgovernmental interactions. They constitute a financial resource that an agency can provide to lower level governments, institutions or individuals, while at the same time generating positive attention for the agency and increasing its leadership. This list is useful as a research guideline, providing checkpoints in the analysis of single players in heritage. In addition, players at different levels can display the characters in a number of ways. Full identification of the political structure in

heritage demands a synthesis of the analysis of individual players and the possible political characters.

CHAPTER 4

VALUE MECHANISMS AND POLICY SYSTEMS IN TANGIBLE HERITAGE

This chapter focuses on understanding tangible heritage and its operation at the federal government by looking at policy instruments. Reviewing definitions of heritage in federal heritage policy invites the discussion of issues and values in tangible heritage conservation. The values of tangible heritage often direct the choice of policy tools or instruments, the method or mechanism to achieve a given policy goal, in conservation. NHAPA will be discussed extensively, as amendments to the Act indicate how different goals determine policy and the use of particular policy tools in different time periods. In addition, the National Heritage Area Partnership Act of 2005 (NHAPA) will be studied along with NHPA. This research considers NHAPA to be policy relating to tangible heritage conservation due to the designation system based on geography. This chapter also works as a basis for the studies of players and their political relationships in next chapter. Engagement of the values and policy tools by each player will be reserved for the study of players in Chapter 5.

Definitions of Tangible Heritage

Tangible heritage depends on the permanent physical presentation of heritage and is often understood as cultural or natural heritage. According to the World Heritage

Convention, “cultural heritage is a monument, group of buildings or a site of historical, aesthetic, archaeological, scientific, ethnological or anthropological value. Natural heritage designates outstanding physical, biological, and geological features; habitats of threatened plants or animal species and areas of value in scientific or aesthetic grounds or from the point of view of conservation.” UNESCO offers a very broad, internationally applicable definition of heritage that includes all possible kinds of valuable cultural assets. While UNESCO’s definition is applicable to the United States, it does not specifically account for the complex government perspective that facilitates support for heritage preservation.

The U.S. heritage policy provides a compatible definition for cultural heritage. The National Historic Preservation Act, a major policy touchstone in this field, defines historic resources or historic properties as “any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in the National Register of Historic Places, including artifacts, records, and material remains related to such a property or resources.” National Register includes the subdivisions such as National Historic Landmarks (NHL), National Historic Sites (NHS), National Historical Parks, National Military Parks/Battlefields, National Memorials and National Monuments. Not only at the federal level, historic preservation at all levels depends heavily on the criteria of the National Register of Historic Places. Its criteria is widely inclusive as to what constitutes tangible heritage; however, buildings and sites less than 50 years old are generally considered ineligible absent evidence of exceptional importance. The criteria do not actually provide clear guidelines, as can be seen below:

The quality of significance in American history, architecture, archeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and:

- A. That are associated with events that have made a significant contribution to the broad patterns of our history; or
- B. That are associated with the lives of persons significant in our past; or
- C. That embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- D. That has yielded or may be likely to yield, information important in prehistory or history.

National Register for Historic Preservation, 2003

The key repeated words, “significance” and “importance,” are regrettably vague, and thus require the separate interpretation of each historic property under consideration. This definition is clearly focuses on the built heritage and indicates the lack of the methodical understanding of cultural heritage.

In addition, the Advisory Council on Historic Preservation (ACHP), the independent federal agency that was created by NHPA, has weighed in on the rationale for heritage preservation. The ACHP (2001) states that “...citizens depend on cultural heritage and traditions to reinforce values and their own sense of worth.... [They] want to reside and participate in communities that make the most of their heritage, preserve its best reminder and use older homes, commercial districts and noted landmarks to establish their community identity...” In other words, heritage is “valuable,” a “reminder of past” that helps communities build identities for both the present and the future. This suggests

that heritage or historic sites can be selected purposefully and constructed to be a permanent remembrance. Private organizations also embrace the concept of historic preservation as the preservation of “our past and its reminders.” The National Trust for Historic Preservation, a non-profit organization based in Washington, D.C. and dedicated to historic preservation, blends the definition and benefits of preservation. It categorizes the benefits of preservation broadly into Appearance, Economics, and History and Culture. “Historic places tell a community where it came from -- what previous generations achieved, what they believed, what they hoped to be. By protecting these reminders of the past, preservation also builds the present and the future, since it saves valuable resources and recalls a community’s goals and dreams...” While this definition insufficiently explains what historic properties are, they stress values, indicating the values are cardinal in policy discussion and making for conservation of built heritage.

Issues in Tangible Heritage

The definitions imply the problems and concerns in the conservation of tangible heritage. The vagueness demands formation of a clearer definition, and heavy dependency on the National Register requires constant bureaucratic and evaluation effort on the registered properties. The emphasis of certain values indicates important issues in conservation of immovable heritage. Economic value of historic preservation has been also frequently emphasized in legislations, for which further considerations are needed in pursuing. Not all the issues are considered in policy discussion. One of the most important yet controversial issues in policy discussion is related to Section 106 of NHPA that requires federal agencies to consider effects on historic properties in conducting their

programs. The agencies are required to make a well-informed decision that benefit the nation and its citizens by coordinating agencies interest and preservation responsibilities at the best possible degree.

The Need for a Better Definition

Currently, the line between built and natural heritage in immovable heritage, also between built and movable heritage in tangible heritage, is murky. The role of the legislation and the administration in defining key terms in heritage conservation has been fairly unclear and resulted in confusion; however, due to the dominant influence of NHPA, the terms “historic properties” and “preservation” have been consistently used in conservation of tangible heritage. However, this is only a partially comprehensive way of discussing tangible heritage. While UNESCO recognizes both cultural and natural heritage as tangible under the World Heritage Convention, NHPA covers both immovable and movable heritage (Figure 1) but does not address natural heritage. In addition, aesthetic or scientific qualities of tangible heritage are barely acknowledged. Although movable heritage is partially included and treated belongs to the historic building or site, it seems tangential in the implementation of NHPA due to its mobility. Therefore, NHPA typically focuses its tangible heritage guidelines on the components of built heritage. This limitation of the term to historic resources or properties is one of the reasons that some scholars have opted to use the term “cultural resources” to view heritage inclusively, without being limited to built heritage, and embrace traditional culture, indigenous cultural heritage, archives and collections (King, 1988).

Furthermore, many heritage programs are run without clarifying the definition of heritage or related key terms. The website of National Endowment for the Humanities, for example, takes no pains to clarify the definition of heritage or historical places in its explanation of the Landmarks of American History programs. The program, which focuses primarily on education through workshops for K-12 educators and community college faculty, promote the study of American history through significant historical sites and the use of archival and other primary historical evidences. Terminologies, such “heritage” and “history” are often used very broadly in describing the goals of such programs, but the programs often target to promote a certain area or way of heritage conservation that eligible grantees should comprehend. Despite the ambiguity of key terms, it is obvious that the program utilizes tangible heritage exclusively for its educational purposes.

Registration of Historic Properties

Recognition or designation of a tangible cultural resource is an important step for both protection and development. Due to the physical presence of tangible heritage, its identification and development can be easier than that of intangible heritage. Therefore, in many countries, lists or registers are better and more widely developed for tangible heritage than its intangible counterpart. The degree of governmental protection and support to the listed properties are various according to countries.

The National Register for Historic Properties in the United States is largely symbolic and does not change the ownership of the historic properties or guarantees any funding. The National Historic Landmark program started with 92 sites in 1960 and was

adopted in the National Register for Historic Preservation. NHPA has approved the pre-existing guidelines of the National Register, rather than provide unique, specific criteria for historic properties. Indeed, it is common practice for preservation programs in federal agencies to follow the standards and eligibility requirements of the Register. Subsequently, state and local governments have quickly incorporated these criteria into their administrative and legal systems (Fowler, 2003).

Relying on the National Register's criteria presents several problems. First, the number of registered historic properties has increased significantly over the last four decades, resulting in nearly 79,000 such properties in existence today (National Register Research, n.d.). Management of the list requires regular re-evaluations and eliminations, as expanded listing can lead to increased bureaucratic intervention, regulations, and public expenses. Second, the National Register does little to provide protection for modern heritage. The minimum 50-year requirement can be an obstacle to identification and management of recently developed heritage. Since historic properties are widely considered "something old," both governments and the general public might easily ignore the importance of contemporary cultural resources, thus placing them in a vulnerable position. Third, while both the National Register and national parks are administered by the National Park Service, they tend to be understood and conserved separately. UNESCO has recognized natural heritage as an important element of tangible heritage since the early 1990s, stressing the need to create harmony between sources of built and natural heritage (Rössler, 2002). This issue can be more serious in France due to its heavier degree in governmental commitment to conservation but is certainly relevant in the United States. Fourth, comprehensive representation can be a complex endeavor.

How can the historic properties in the National Register recognize and represent cultural diversity -- regional, temporal, and ethnic -- in the United States? Consequently, these issues invite the development of additional legal tools to address the combining of natural and cultural heritage as well as modern heritage. In addition, the private owners of the registered historic properties often feel that the registration offers little benefits but impose legal restrictions on private ownership. Most part, the Register itself respects the private property right and allows maximum freedom in the use and interpretation of registered properties. Therefore, the role of states is crucial due to their role in selecting historic sites for recommendation and developing regulations.

Historic Preservation as Liability

While it is easier to develop management tools for tangible heritage than for intangible heritage, the former comes with less flexibility. Immovable heritage can often pose problems for transportation and regional development projects. Making way for such projects is often not possible given that, when a building or structure is moved from its original place, it may severely decline in value and thus fail to qualify for inclusion in the National Register.

Another element of federal protection of historic properties that raises perhaps the most concern is the conducting of Section 106 review. These reviews are often considered excessively expensive and time-consuming, and when an agency's primary mission is something other than heritage conservation, alternate focuses and goals can give rise to conflicts. Evaluation can be difficult, as records tend to detail how many properties were saved but not how many were lost. In addition, these numbers do not

accurately represent property values. Currently, with the exception of the judiciary, there exists little legal or administrative structure to enforce the review requirement. While federal agencies ensure implementation with their own detailed process, NHPA does require “consideration” and “consultation,” the decision rests with the agency. However, courts often compel federal agencies to take on responsibilities in the protection of historic properties. All in all, historic preservation has become something of a hot potato for many agencies due to these difficulties in implementation and evaluation.

Rethinking Economic Benefits of Conservation

Internationally, scholars have recognized significantly increased interest in the economic aspects of heritage conservation (Barthel, 1996, Throsby, 2001, Ashworth & Turnbridge, 1996). Studies in the United States further confirm this phenomenon, often focusing specifically on cases of historic districts and heritage areas in advocacy and policy discussion. However, few studies explore the impact and value of heritage preservation, and even fewer use firm and reliable methods to calculate the economic benefits of historic preservation. Barthel (1996), for example, believes the role of heritage tourism can be easily overestimated, but stops at addressing the recent trends and expectations in heritage tourism.

Throsby (2001) examines the economic value of heritage as “cultural capital” in the book *Cultural Economics*. The author presents possible economic evaluation approaches, pointing out the difficulty in assessing values for heritage projects due to the lack of market data. He essentially applies a “cost-benefit analysis” to tangible heritage and employs “contingent valuation methodology” in economic analysis to measure non-

market benefits. He assesses both economic and cultural values and rigorously questions concentrations of power in determining cultural values, drawing connections to policy and the means by which cultural and economic values help drive policy formation. For all the incisiveness of this strategy, however, Throsby still stresses that the assessment methods are dependent on the cultural values of a heritage site; thus, it seems the article brings us back to the initial question of “significance” of heritage and the vague criteria of the National Register of Historic Preservation.

Grefe (2004) studies job creation related to heritage preservation in France, which can be a valuable case study for the United States. Grefe (2004), like many scholars, has experience difficulty in calculating the values of particular heritage preservation undertakings. For this reason, he rejects the market analysis approach and engages the “heritage ecosystem approach.” His data comes from various employment channels in the heritage sector, including direct and indirect jobs, induced jobs, and jobs in the tourism sector. Ultimately, the study shows that rates of direct employment directly hired by heritage related institutions constitute only a fraction of jobs in the heritage sector. In fact, the number of direct jobs in heritage conservation is significantly smaller than the number of jobs from other employment sources; induced jobs, that utilize heritage for profit, make up over three times the number of the direct jobs, and jobs in the non-heritage tourism sector that is not related to heritage is well over twice. Overall, the data indicates, heritage institutions create a nearly 190% expansion in the job market. This finding supports preservation advocates’ rationale on positive relationship between historic preservation and economic revitalization by the creation of employment opportunities.

While his study could be positive news for governments, especially at the state and local levels, it suggests a dilemma in heritage preservation. Greffe (2004) points out that cultural tourism is not a magic solution to economic problems; development has some drawbacks, such as an insignificant job multiplier effort, the scarification of the neighborhood, constant or increasing development costs, and the destruction of original historic sites. The article indicates that smaller or rural areas are at greater risk for these perils. These are the crucial issues that will affect many governments or communities as they consider the potential economic and social benefits through preservation in the age of heritage tourism.

Core Values in Conservation of Tangible Heritage

Implicit in the definition of heritage is its value, and certain conservation conflicts arise from the search for improved articulation of value-related issues. In the 1997 House hearing before the Subcommittee on National Parks and Public Lands in support of the reauthorization of NHPF, Jack Willaims, the president-elect of the National Alliance of Preservation Commissions, summarized the benefits of historic preservation; “it protects our culture’s historic resources; it creates jobs; it saves neighborhoods, and it fosters pride in our communities” (H. Hrg.105-66, 1997). The statement clearly concerns preservation and related economic and political values. It also evidences that artistic, or aesthetic, value is the least valued element of tangible heritage. While NHPA promotes various values, “cultural, educational, aesthetic, inspirational, economic, and energy benefits,” as a policy often pursues multiple goals; however, it is also particularly explicit in articulating particular values: political and economic values. In this section, the four

fundamental values identified in the previous chapter, which are political, economic, aesthetic, and preservation values, will be discussed specifically in the conservation of tangible heritage.

Political Value

Since the creation of NPS, the federal government has viewed the conservation of natural and cultural heritage as inexorably linked. Although American involvement in historic preservation began considerably later than in European countries, the United States government has pioneered and demonstrated leadership in the management of natural heritage (Murtagh, 1997). This new category of heritage was established in the hopes of promoting national identity and patriotism. This strategy was certainly an innovative one for a young country with a largely undeveloped history. The American government considered the natural beauty of the country a source of national pride, one comparable to the historic remnants and traditions of Europe (Abrahams, 1994).

These expectations are attributed to the conservation of built heritage. In the Purpose of the Act, NHPA recognizes the importance of historic heritage as “the spirit and direction of the Nation are founded upon,” and its preservation and development nurture “a sense of orientation to the American People” (§1(b), P.L. 89-665., amend. 2000). It goes on stressing that the federal responsibility in preservation for future generation of the country. Congress emphasizes that the benefits are for present and future generations of Americans, and the way to weigh the significance of heritage for the nation indicates the constituent characteristic of the Act. These aspects again emphasizes in the purpose of NAAPA, stating NHA are “in the national interest and will benefit

future generations” (§1(b), P.L. 109-388, 2005). In addition, due to the community based designation of NAAs, diversity was promoted in NAAPA, considering NAAs “represent the diversity of our national character.” Both acts implicates historic resources are valuable for building foundation and succession of the nation.

According to the public laws, identifying, educating, and administrating the historic heritage of the nation is one of the crucial part of preservation, and NPS has been responsible for the implementation as an administrator for the programs. Concurrently, NPS has built an inventory of historic sites associated with the nation’s political leaders and events. One of the earliest examples, Chickamauga Battlefield, was designated the world’s first National Military Park in 1890. As NPS acquires more built heritage, the project’s promotion of patriotism becomes increasingly evident. Presidential buildings and monuments in Washington D.C., such as the White House, the Washington Monument, and the Lincoln Memorial, are managed by NPS. NPS also manages Independence Hall in Philadelphia as well as the birthplaces and homes of several presidents, including Franklin D. Roosevelt.

NPS states, “As Americans we take a pride in the men who have served and continue to serve this nation as president.... [Presidents] and the event of their lives that led them to the presidency are held in high esteem by all Americans as links to our common heritage and the growth of our nation” (NPS, “Celebrating the American Presidency,” n.d.). In the case of national parks, the preservation of natural or cultural heritage furthers these goals. In selecting candidates for preservation, the federal government has carefully chosen the natural resources, historic sites, and monuments that best represent the country to nurture national identity and patriotism. In this case and

others, conservation policy and programs are politically motivated and preservation is employed as a tool to serve particular political ends.

Economic Value

Historically but more in recent years, the economic benefit of tangible heritage conservation has been most prominent. Financial returns are often employed as persuasive reasons for conservation, and federal programs and policies have consistently reflected such expectations. The economic value of historic heritage was particularly stressed in the purpose of NHPA along with the political value. The Act expects that the federal preservation efforts through NHPA will “assist economic growth and development” (§1(b), P.L. 89-665., amend. 2000). NHPA also considered a NHA as an opportunity to increase “economic sustainability” and such development toward economically viable” community conservation (§1(b), P.L. 109-388, 2005). The federal government started to stress federal leadership in the use of historic buildings for community revitalization in the 1990s, and to this end, the role of GSA has become increasingly important. Through the adoptive use of federally owned historic buildings, federal agencies may improve local economies or contribute to community revitalization and set positive examples for non-federal sectors. In the testimonies in the 1997 House hearing, much emphasis was placed on economic advantages. Wyoming State Historic Preservation Officer John T. Keck stressed the crucial role of heritage tourism in state development, and Virginia State Historic Preservation Officer H. Alexander Wise, Jr., called attention to the contribution of historic preservation to community revitalization (H. Hrg.105-66, 1997). This recent trend of emphasis on economic value may be

attributed to the fact that all other benefits of heritage have profit potential in themselves.

Whatever the rationale, economic value has attracted many active supporters to the field of conservation. State and local governments, always a few steps ahead of the federal government in historic preservation, were quick to view historic properties as economic resources and put this idea in regional planning and development. State and local governments have also provided significant support for the protection of valuable historic properties throughout the 19th century and, since the 1930s, have been using and developing historic districts as a part of urban planning (King, 1998). In 1931, America's first municipal preservation ordinance was passed, and Charleston, South Carolina became the nation's first historic district. Then, in 1936, the Louisiana State constitution was amended to create a commission to preserve the Vieux Carré, or French Quarter, in New Orleans. The initial historic districts in the 1930s did not have strong regulatory provisions, but in the 1950s, the regulations to structure a culturally coordinated community for a historic tourism market has become strict and direct specific architectural details such as exterior designs from roof to fence and sidewalk maintenance.

This "pro-market preservation" invites the participation of for-profit preservation firms, real estate businesses, in addition to historians, preservationists and cultural institutions (Greenfield, 2004). This process includes not only planning and construction, but also marketing strategies. State legislation authorizing a selected area as a regulated zone in order to foster historic preservation has become common as nearly every state engages in this practice (Murtagh, 1997). The selection of a special zone cannot happen without the estimation of economic profitability, and sociological changes always follow

(Murtagh, 1997). Preservation efforts have influenced American landscape and sometimes involve possibly re-structure of a village or town. It is rather obvious that historic districts are expected to bring economic benefits to the community, a practice emphasizing both community revitalization and tourism development.

The boom of historic preservation has expanded the subjects of conservation. The growth of historic preservation has provided economically invigorating opportunities for many declining industrial areas (Graham et al., 2000). Developers are ardent to discover even under-recognized heritage and transit it from the forgotten or destroyed part of the past to historic charms for financial returns, and they have played major roles in National Heritage Area legislations. The National Coal Heritage Area in West Virginia, for example, is designated for the celebration of coal mining heritage, and the Silos & Smokestacks National Heritage Area was formed in 1991 with the purpose of preserving and promoting the contribution of Iowa to the world agriculture. These sites are expected to procure economic returns for their communities and their states.

Emphasis on economic value has been the most persuasive means of generating diverse constituency; economic benefits have raised the profile of historic preservation and facilitated expansion of constituency and legislative collaborations. This diversity in collaboration, though, can lead to heritage dissonance. The argument for community development through the conservation of tangible heritage runs contrary to the history that conservation efforts have often been in conflict with urban and land development and have imposed time-consuming and costly burdens on federal agencies as well as their contractors. California Representative George Randovich indeed described this ardent development interests as “dangerous trend” (S. Hrg. 108-24, 2003). Although heritage

conservation is attractive to many constituencies because of its economic values, heritage can be misused or overused as a development tool.

Preservation Value

The value of preservation might be considered the foundation of heritage conservation efforts, and this is often the stated rationale in written policy, allowing for multiple interpretations. This value sometimes is called as “historic” value, as appeared in NHAPA, or “cultural value” in NHPA. In accordance with the criteria of the National Register, a minimum 50 years in age is a requisite in measuring a given site’s preservation value. All federal agencies are responsible for preserving historic properties and sites, as they have intrinsic value in addition to their potential political, economic, or artistic benefits or based on those values, correspondingly. In contrast, executive orders frequently focus on one or more elements of heritage that reflect political or social interests. President Clinton, for example, advocated for the promotion of diversity through heritage, and President Bush has repeatedly emphasized the economic value of conservation. Privileging one benefit over others are often more apparent in the programs of individual agencies, a point that will be discussed further in Chapter 5.

Political Tools in Tangible Heritage Conservation

Conservation efforts pursuing various values and specific policy outcomes demand effective means. In the earliest conservation efforts at the federal level, which dealt with national parks and a small number of archaeological remnants, Congress directed the federal government to engage in the direct governmental provision of

conservation. The country was spurred to identify national heritage and to promote a sense of belonging and pride by its short history and significant immigrant population. The legislature's duties as a manager of tangible heritage increased significantly due to expanding numbers of parks and other historic sites. In response to demand for more comprehensive conservation of built heritage, the federal government also needed to improve the efficiency and efficacy of its programs. Therefore, legislatures searched policy instruments other than acquisition and direct management of historic sites in achieving the same policy goal, historic preservation. This effort created NHPA and shaped its relationship with supporting policies. NHPA began as built heritage policy and focused on preservation effort at the federal level. Current system asks commitment of all federal agencies and relies on intergovernmental collaboration fundamentally through grant distribution. NHPA has engaged in diverse policy tactics that display regulatory protective and distributive approaches, and additional policy tools have been applied. In this section, diverse political tools for built heritage will be discussed in the framework of Lowi's policy types.

Direct Government for the Conservation of Tangible Heritage

The federal government directly manages certain policy areas such as defense, national security, and interstate roads. As it requires financial and administrative efforts, direct government involvement is frequently conceptualized as an indicator of the value of a given field. Direct governing of tangible heritage occurs through the following channels: the management of public lands, support for the internal government's needs, and assistance for research and education. However, the federal government has not had

substantial involvement in this area. In addition, the proportion of direct government involvement in the field has been steadily decreasing since the expansion of support to historic preservation at the state and local government levels. .

Between two groups of immovable heritage, natural heritage was first developed and managed as a direct responsibility of the federal government. National Parks are federally owned and managed sites for both natural and built heritage, administrated and operated by NPS in order to conserve the prominent. The rationale for this set-up is complex and multi-faceted; initially, the federal government was inexperienced in the area of conservation, and, at the time national park system was established, the need to identify and preserve heritage in this country of immigrants was deemed paramount. National parks were valued not only for their natural magnificence, but also as symbols of America and American democracy. In addition, industrial development and automobile popularization increased interest in travel and recreation. The acquisition and management of national parks was initially quite manageable, though the fast growing number of parks came to far exceed expected expenditures.

The initial approach of direct government in historic preservation has held steady for decades without major modification. However, the programs have grown substantially, and increased registration has necessitated massive administrative efforts over the past few decades. Therefore, direct government of heritage has become an unfavorable option, and Congress searched collaborative options in saving historic properties, while still promoting the federal leadership position. This tendency has influenced preservation advocacy for recent policy making. For instance, supporters of the National Heritage Area Partnership Act (NHAPA) try to emphasize the fact that the

Act does not compound the federal government's responsibilities in funding and administration. Congress has consistently searched for ways to minimize federal spending and effort on the conservation of tangible heritage while expanding the role of state and local government and the private sector by providing guidance and limited financial support.

Another way for the federal government to assist the conservation of tangible is through research and education to serve the federal government as well as the public. The ACHP is an educator and advisor in historic preservation for federal agencies, State Historic Preservation Officers, and Tribal Historic Preservation officers. In addition to the educational material and guideline the Council provides, the Annual Report to the President is informative resource on activities in the federal conservation. While the service of the ACHP is more toward to governments, NPS has been faithful to its educational mission and actively involve in public education, cooperating frequently with states, universities, and cultural institutions for the purpose. Its collection of publications, including "CRM: the Journal of Heritage Stewardship" and newsletters, is valuable resource in the field. The Smithsonian Institution services to the public through museum education and publish extensively in the fields of history, anthropology, archeology, and musicology. Furthermore, the Government Accountability Office (GAO) produces the reports on audits, surveys, and evaluation of federal programs for Congress and investigated several cases in conservation: Implementation of NHPA, cost calculation to restore Historically Black Colleges and Universities, and National Heritage Areas. Since the GAO has access to the internal federal government and advantage in information gathering, its reports often assess policy needs and implementation that the general public

or a single federal agency is hard to conduct. They have been valuable resources in policy discussion as well as persuasive evidences in advocacy. The various channels of research and education activities at the federal level inform the federal activities and direction in conservation and also narrow the gap between academic and professional spheres in the fields.

The level of direct government tangible heritage conservation can appear minimal, as the preservation efforts of state and local governments and the private sector have led the movement and are still dominant in the field. GSA, for example, serves the government primarily internally, but its management and reuse of federally owned historic properties has external impact. Rehabilitation of old post office buildings and adoptive use of historic buildings are expected to attract businesses and traffic to downfallen downtowns. Its policy has profound and directed consequences for larger policy initiatives. The scale of direct government in historic preservation may not be sizable, but it should not serve as the sole indicator of the impact and influence of federal government on historic preservation. A more accurate picture would account for shared responsibilities among agencies various levels of government.

Incrementalism in NHPA

In the case of built heritage conservation, the federal government's involvement constitutes no acquisition, but bureaucratic administration. Until the creation of NHPA, federal administrative efforts were not enacted through formal persistent programs, but rather applied to specific, policy-oriented cases. Resulted by the urgent need to save historic properties in the rapid development process, the enactment of NHPA have

federal agencies to protect historic properties and established permanent preservation programs and a funding system for built heritage. NHPA created a protective support system at the federal level and allocated administrative duties to NPS; however, the federal government's regulatory and spending capacities had historically been limited.

As the result, NHPA was amended to change value emphasis and policy tools. Figure 3-A, Application of Lowi's Scheme in Conservation of NHPA, diagrams the characteristics of Lowi's four policy types, associated types and values of heritage, and the components of NHPA. From the time of its establishment, NHPA has always exhibited strong characteristics of a distributive policy as well as of a constituent policy, while the policy goal was protection of historic properties. After several decades, it incorporated a regulatory component and, more recently, a redistributive component in order to address complex issues in the built heritage. As the regulatory component has strengthened, the role of the Secretary of the Interior has become more important due to the insufficient regulatory authority of the ACHP.

Governmental preference for minimum involvement is not limited to issues of monetary support; legislative efforts are often met with resistance as well, particularly in the area of tangible heritage. Instead of creating new policy in response to new issues, these issues are often subsumed by NHPA as new programs, which have been broadened on multiple occasions. At times, these extended NHPA provisions resemble separate legislation, as in the case of the National Historic Lighthouse Preservation Act of 2000 (NHLPA); however, this was not an individual policy initiative, but rather an NHPA amendment. This atypical form of amendment was probably resulted due to the joint administration of NPS and GSA.

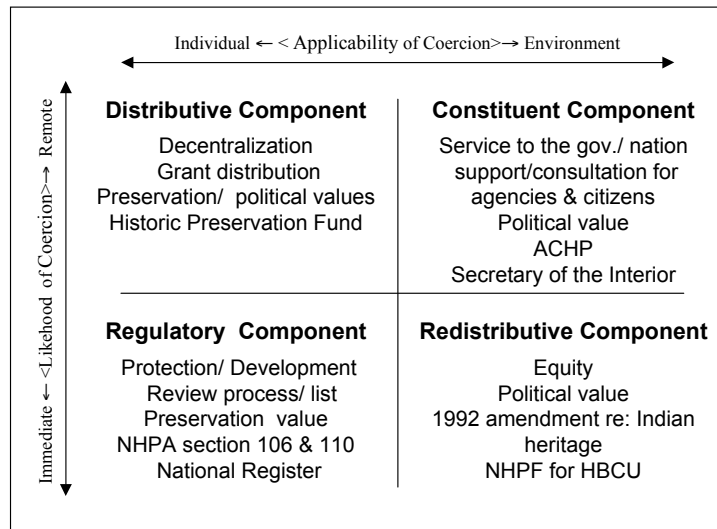


Figure 3-A: Application of Lowi's Scheme in Conservation of NHPA

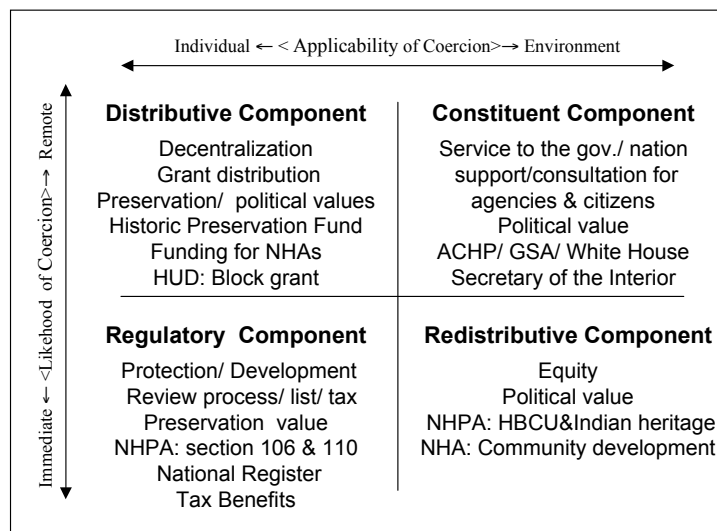


Figure 3-B: Application of Lowi's Scheme in Conservation of Built Heritage

Not all issues related to tangible heritage can be incorporated into NHPA. When a particular case or problem does not have significant ramifications for the field at large, or no need exists for federal involvement with the problem, there is little reason to amend NHPA. Several cases to be policy agenda in historic preservation and will likely be addressed in NHPA can be (1) an issue exists that demands multi-region federal involvement, (2) an project is persistently affect in conducting the duties of the federal agencies, (3) an project or issue beyond the capacity of private sector. Amendments involving SHPOs and THPOs are good examples. Another case is NHLPA that was resulted due to the unique values and locations of historic lighthouses. Management of historic lighthouses are closely related to conducting the duties of the U.S. Coast Guard, and their locations are difficult to be accessed by private preservation efforts. Ordinarily, regionally-specific built heritage will be designated as a historic district at the state or local level, except the cases of national parks at the federal level. In this way, Congress can attend to current demands in built heritage conservation without laboring through a full-fledged policy formation procedure.

Due to these tendencies, Congress has often appeared reluctant to create new heritage conservation policy, particularly comprehensive policy with broad ability to encompass similar issues and cases in the future. Since the designation of the Illinois and Michigan Canal National Heritage Corridor in 1984, thirty-seven historic areas have been designated as individual cases, though significant uncertainty has characterized the process of and criteria for designation. NPS explains a national heritage area as “a place designated by the United States Congress where natural, cultural, historic and recreational resources combine to form a cohesive, nationally-distinctive landscape

arising from patterns of human activity shaped by geography.” For a decade, the program operated without definitive criteria for designation, and the development of a systematic process urgently needed. NPS was postponing any decision regarding designation until the enactment of the National Heritage Area Act, which was enacted as the National Heritage Area Partnership Act in 2005. Due to the absence of both criteria and established systematic process, the designation and management of national areas has had highly disorganized and inconsistent, and Congress had neglected to seriously consider a federal policy for administering NHAs; here again, the lower levels of government and the private sector have played lead roles in the conservation effort and active in advocacy.

While historic preservation still depends largely on the NHPA of 1966, regulatory gaps do exist, and they are filled by other policies. Evident in the Act is a lack of independent authority; responsibilities of supervision are scattered throughout different agencies and various levels of governments and private organizations (King, 1998). As shown in figure 3-B, which details the application of Lowi’s Scheme in built heritage, implementation of conservation initiatives has been ensured by other regulatory provisions, such as the Community Development Act or NEPA.

Grant Distribution in Support of Tangible Heritage

Another fundamental tool of governmental policy with regard to the built heritage occurs through grant distribution, and the major funding for these initiatives comes from the NHPF’s matching grants, which are designed to encourage states’ investment in the conservation of built heritage. As an essential method of funding historic preservation

since 1968, the grant has been distributed among states, territories, Indian tribes, local governments, Historically Black Colleges and Universities (HBCUs), and the National Trust for Historic Preservation Sites. In the initial stages of NHPA's enactment, the protection of historic places was the primary goal. With the exception of the special provisions, the preservation and political values of tangible heritage are evident in the policy itself; however, other benefits related to heritage can be promoted in implementation. For example, through the distribution of funds, states participate in decision-making as well as financial support. The Fund has been expanded to account for diverse needs in historic preservation; therefore, the fund allocation itself exhibits some characteristics of redistribution, as there are special provisions for traditionally neglected areas in conservation. The White House initiatives in heritage conservation, "Save America's Treasures" and "Preserve America", are also funded by NHPF.

Although NHPF has served as the major funding system for nearly four decades, it has been lacking in its response to constituents' demands. In the mid 1970s, the fund increased annually: \$15.6 million in 1975, \$20 million in 1975, then to \$24.4 million in 1976. The fund increase was encouraging to the field, and after one decade, states were ready to increase spending on conservation for built heritage and hoped for more federal support that they could match. The growth of preservation effort and state governments' willingness to spend more in conservation can indicate the policy success, on the other hand, the constituency has felt that the federal government's commitment in preservation does not response the need of the field appropriately. By the fiscal year 2006, appropriation funds reached \$72.9 million; still, that amount is not considered

commensurate with growth in the field. The fund increase has been the center of the advocacy effort in historic preservation.

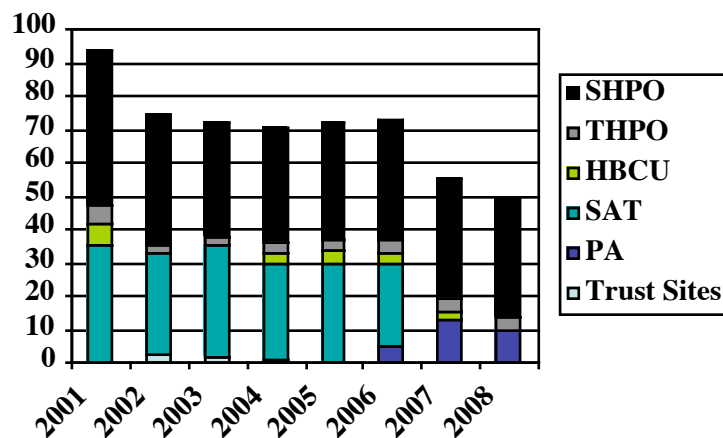


Figure 4: Historic Preservation Fund Appropriation from FY 2001-2008

The growth of the fund was not without obstacles. Reauthorizations of NHPF have historically been a relatively uncontroversial process supported by players at the federal level and lower; nonetheless, some have advocated for delegating the entire field of historic preservation to the private sector (Boren, 2005). In recent years, funding for NHPF has been characterized by fluctuations rather than the dramatic funding increases

of the initial stages (Figure 4). In the case of individual states, funding has remained relatively stable. Some heritage types, such as HBCUs and National Trust sites, have had to cope for years without funding. In the case of tribal governments, despite the fact that their participation in conservation has grown through THPOs, the amount of funding for each THPO has been reduced.

These funding priorities of the categorical funds under NHPF indicate value preferences and hierarchy of the players in nonfederal level. State governments have been partners in historic preservation and structure intergovernmental network with the federal governments. At the same time, their influence is vast as a major constituency. Although the past three appropriations for SHPOs has been flat as \$35.7 million, their funding status has been relatively secure, especially considering about 20 percent decrease in the total amount of NHPF for fiscal year 2007. The House Bill 1606 for the reauthorization of funding to HBCU was very close but did not pass. The enthusiastic advocacy effort for seven years were well organized, armed with the GAO report on the fund demands. Therefore, Congress decided to discontinue distributing NHPF for HBCUs by the end of year 2002 and for the National Trust a decade earlier. Since the 1990s, NHPF has funded newly added programs, for instance, tribal historic preservation as well as the White House initiatives. While funding for THPOs was practically decreasing, the fund sustains permanent tribal participation in the national historic preservation system. The federal government has investigated funding utilization to affect the field at large, rather than supporting specific sites or ethnic heritage.

The categorical funds can be effective to promote selected values. The emphasized support to a particular category can strategically deliver the federal

government's message to encourage historic preservation at lower governments level and in the private sector, even through the entire amount of NHPF or other funding subgroups are decreased. The White House initiatives that address the current political and economic issues in conservation with high visibility often become main concerns in funding and administration. The re-launch of Preserve America was supported by the President's Executive Order and accompanied with significantly funding increase from \$5 million for fiscal year 2006 to \$12.6 million for fiscal year 2007. This exhibits the White House's leadership in promoting economic values of tangible heritage conservation. However, the funding for Save America's Treasure was eliminated, and the program grants would be distributed under the funding for Preserve America that also stress political values of preservation. In that case, the total funding for the White House initiatives was dramatically decreased from \$35 million to \$12.5 million. The White House maximized visibility in promoting the preferred values, political and economic values, of preservation with almost 60 percent reduced funding. This restructuring funding categories allows giving clear federal direction to the lower governments and private sector in the field without increasing federal expenses.

Although the fund's monetary allotment has hit a plateau lower than its 2001 funding level, it continues to have a tremendous impact on the field (Folwer, 2003). The field of heritage has been decentralized due to broad grant distribution, and the federal government has shared its conservation responsibilities with individual states and tribes. To maximize the influence of the fund, NHPF is allocated to governments rather than individuals or institutions. Currently, the key elements of NHPF are funding to governments and the White House initiatives for greater impact and visibility.

Regulatory Tools to Support Tangible Heritage

Current regulation regarding tangible heritage establishes legal limitations on the general population's access to public resources. Unfortunately, a study of the scope or impact of regulatory elements of tangible heritage policy can prove fairly obscure. First of all, no responsible supervisory body exists, which makes analyzing the structure or environment of a regulatory agency rather difficult. In 1978, the ACHP was given responsibility to support heritage impact assessments (Sect 106) of federal projects, but no regulatory power to implement the regulatory provision. Secondly, the law enforcement elements are vague and lack criteria for implementation. NHPA's regulatory arm creates a foundation for the broad and complex relationship of players in heritage conservation, as the regulations of NHPA apply to all federal agencies and federally funded projects.

Both NHPA and the National Register began with rather ineffectual regulatory provisions, but, over time, NHPA increased its regulatory requirements for the federal agencies, and the National Register has become the standard for implementation. The Section 106 of NHPA specifically requires federal agencies to consider the effects of their plans and projects on all historic places included in the National Register of Historic Properties. Therefore, the Register constitutes the criteria for the identification stage of the Section 106 Process. Although a list is a common tool in regulation, the National Register does not have regulatory power over the owners of the registered historic properties, as NHPA is mindful of private property rights. NHPA was amended in 1980 to specifically stress the responsibility of the federal government in the identification and

protection of historic properties via Section 110. The protection of historic properties is not limited to those buildings or sites listed in the National Register. In addition to properties owned by federal agencies, historic properties that can be affected by federal programs should be considered in any discussion of Section 110. Section 110 (a)(2) requires a consultation with the Secretary of Interior for any preservation program at the federal level. The ACHP may review federal preservation programs and make recommendations for improvement (Section 202(a)(6)). This section was strengthened by the 1992 amendment. National Register status is often an eligibility pre-requisite for tangible heritage programs and resources, and federal agencies are required to consider the effects of their programs on all properties either currently listed or eligible for listing in the future. All in all, the regulatory sections of NHPA evidence the incremental nature of policymaking.

Since the regulations ask “consideration” and “consultation” to federal agencies, and they are limited to federally managed or funded programs, the Section 106 review process can easily become formality. Instantly, two questions emerge: how to ensure the quality of the implementation, and how to impact such regulation in state and local governments and the private sector. Unlike the National Environmental Protection Act, NHPA itself does not wield strong regulatory power nor has created an independent regulatory agency. While NHPA possesses limited regulatory power, it often serves as a trigger for other policy action. However, as NHPA has been vague in setting criteria and delegating responsibilities, agencies have often format more clarified and detailed policy in tailored with their program goals and needs. Agencies such as the Department of Transportation (DOT) and the General Services Administration (GSA) have initiated new

policies or implementation processes to further the implementation of Section 106.

Ultimately, the regulatory authority of NHPA is fortified by other authorities, namely the National Environmental Policy Act (NEPA) and non-federal governments.

Historic preservation is often intertwined with environmental considerations. The National Environmental Policy Act of 1969 (P.L. 91-190) established the environmental impact statement, stressing the continuing federal responsibility to “preserve important historic, cultural, and natural aspects of our national heritage.” The 1970 Environmental Quality Improvement Act (P.L. 91-224) authorized the Office of Environmental Quality and assured federal implementation of environmental laws. In 1978, the Presidential Memorandum on Environmental Quality and Water Resources Management directed the ACHP to issue binding regulations on the implementation of Section 106. The ACHP elevated its procedures to true regulations for the first time in 1979, and these regulations remain legally binding today. Section 800.8 of NEPA encourages federal agencies to coordinate compliance with Section 106 with NHPA. Agencies appear to pay more attention to environmental reviews than to historic preservation reviews. DOT has developed implementation and evaluation procedures concerning environmental reviews. Its website provides further thorough information on the topic, including guidelines, performance measures, project development and policy initiatives. Historic preservation falls under the “environment” section, and little information on the 106 procedure or policy requirement was available as of 2006. As NHPA does not have adequate regulatory authority over implementation, the National Environmental Policy Act has functioned as a safeguard to NHPA, requiring federal agencies to consider all potential environmental impacts of a given action.

In addition to national policy, policies of state and local governments often have stricter and more specific legal regulations for the conservation of built heritage. The regulatory element of NHPA applies fundamentally to federal agencies and influences state and local governments and the private sector, as their role in monitoring the implementation and supporting the review process has been crucial. NHPA does not regulate state and local governments or private owners, and it fully respects the owners' rights related to their private historic property. With a resemblance to direct government methods of inducing increased participation from outside of the federal government, the list aims for external impact. Private owners of historic places listed in the National Register are guaranteed their full property rights and do not have responsibilities related to protection. Private owners of historic properties in National Heritage Areas are likewise guaranteed full ownership rights.

While the federal government does not place restrictions on nationally recognized historic properties except properties in national parks, state or local governments impose restrictions by historic district legislation. These districts operate as zoning mechanisms for the purpose of historic preservation. State and local government explain that legal control over such properties is for the protection of property and neighborhood values, and often require the owners to acquire Certificates of Appropriateness for alterations, construction and demolition of historic properties. North Carolina and Arlington, Virginia are two examples among many state and city governments have such requirements. As appeared in management of the Amherst Historic District, the regulations of historic districts commonly recommend maintenance and minimal changes close to the original use and look of the buildings and principally prohibit demolition. The detailed guidelines

are prepared for architectural exterior designs as well as materials. This strict regulations have raised cooperation as well as opposition in the field and instigated organized the advocacy effort of private owners who are against the registration system. Constituency for historic preservation has not been a homogeneous group but a supportive network in advocacy. Now, the constituency displays involvement of complex groups with opposing interests policy goals, and the conflicts are brought in policy discussion.

As has become evident, the regulatory elements of heritage conservation extend farther than a single policy or agency; rather, the role of the federal government in regulation takes two main directions: direct and indirect regulation. National Parks owned and managed by the federal government fall under strict protection. After September 11, 2001, the security clearance for visitors has tightened according to the strengthened national security plan. NHPA attempts to influence broader sectors by regulating federal agencies and their contractors, but its implementation tools and criteria lack enforcement power and are hardly autonomous. NEPA raised the regulatory bar for federal agencies from the inclusive perspective in which tangible heritage was deemed an environmental resource. State and local governments have added specific policy directions and tools that are tailored to their particular regional and cultural needs.

Through these policy expansions, non-cultural departments in regional and urban development, economic and diversity play important in the field. For instance, the Department of Planning and Development of City of Providence, Rhodes Island has been planned and implemented historic area renewal projects since the 1950s. Some local governments have established preservation departments, depending on the relative importance of historic district in the city economy. The City of Charleston, South

Carolina has the Department of Design, Development and Preservation that is responsible for the management of the famous historic district, and its Zoning Department intensely involved in preservation process as well. The dependent policy dynamics of tangible heritage conservation can still easily cause administrative confusion in policy implementation and evaluation.

Redistributive Tools Supporting the Conservation of Tangible Heritage

Heritage conservation has almost always been associated with the promotion of diversity. NHPA has undergone numerous amendments, and the National Historic Preservation Fund (NHPF) includes provisions, such as the Historically Black College and Universities (HBCU) and American Indian programs, to protect certain ethnic heritage. HBCU, the matching grant to protect historic buildings on campus, has provided over \$4 million over four decades. Other redistributive attributes of NHPA pertain to indigenous heritage, and the 1992 amendment increased and improved the quality of participation and formal responsibility of American Indian tribes, Alaskan Natives, and Native Hawaiians in the historic preservation system. The fund for tribal heritage conservation under NHPF has been provided since 2001. Due to the acceptance of intangible heritage and the policy relationships with other indigenous heritage policies, and this policy changes will be examined with the political dynamics of American Indian heritage in Chapter 6 and 7. The value of heritage is often intertwined with an issue of importance to a minority group, and such conservation efforts will be related to the protection of that group's rights rather than part of an independent conservation plan.

These categories are in more venerable positions in terms of funding and have

exhibited more fluctuation or decrease than the overcall changes of NHPF. In response to funding difficulties in the conservation of HBCUs, H.R.1606 was proposed in 2001. This bill was written to authorize additional appropriations for HBCUs and reduce the 50 percent matching requirement. Clearly, the actors and political relationships related to HBCU conservation differ from those of NHPA and NHPF. In the case of the bill, the role of the subcommittee of NPS would have been important at the very early stage, although only for a short period. Ultimately, no triangular relationship was formed, as NPS opposed the bill despite its stated fundamental stance in support of HBCU conservation. The opposition of the administrative bureau was rooted in concern that the proposed funding increase for HBCUs would decrease funds for other NHPF categories (Legislative hearing 107-72, 2001). As to the legitimacy of this hesitation, it is true that, unless the total funding for NHPF were increased, the change could potentially affect states and tribal governments negatively. In addition, NPS presumed that approving a decreased matching requirement for HBCU would invite similar requests from other organizations. These are both reasonable concerns for the bureau, which must take a comprehensive view of the use of NHPF.

Most widely promoted redistributive aspect is community revitalization through historic preservation is to solve the old inner-city slum problems and develop the nation in balance. The Public Buildings Cooperative Use Act of 1976 encourages the federal use of historically, architecturally or culturally significant building, and this idea was highlighted again in Executive Order 12072 by President Carter in 1978 and has been more actively promoted in past two decades. As historic preservation is considered a tool for community development and rehabilitation, the 1992 Amendment expanded federal

agencies' responsibilities, calling for their leadership in administering and utilizing historic properties for the social and economic benefits of present and future generations, regardless of whether a given property was federally owned. Prior to 1990, economic redistribution through historic preservation was subtly addressed in the NHPA, and the Act does not specify the nature of re-use or adoptive use of built heritage, nor its relationship to community revitalization. Congress has strongly supported community development by converting previously active industry sites to resources for heritage tourism by approving National Heritage Areas (NHA), for instance, Wheeling and Detroit, and the enactment of NHPA. In addition, Presidents have encouraged federal agencies' commitments in advancing economic values of historic properties. In 1996, President Clinton further emphasized this position in Executive Order 13006, stressing the federal government's responsibility to "utilize and maintain, wherever operationally appropriate and economically prudent, historic properties and districts, especially those located in our central business areas." The Bush administration has consistently promoted the economic value of heritage, establishing the funding program entitled Preserve America under the auspices of NHPF. This significantly increased interest in these benefits has been reflected in both existing policies as well as new ones.

Constituent Tools in Support of Tangible Heritage

Constituent policy promotes broad benefits to the nation. The conservation of built heritage exhibits its constituent nature in two ways: service to the nation as a whole, and service to government in particular. Although heritage is universally valued, no agency specifically supervises heritage conservation policy; rather, the responsibilities

have been dispersed among multiple actors. Several key agencies assist governments to support the conservation of built heritage. GSA, the property manager and landlord of federal agencies, ensures that the Section 106 process supports the rehabilitation and adoptive use of federally owned historic buildings, in addition to managing the federal government's art collections. The ACHP and the Secretary of the Interior have served as consultants to federal agencies as well. The ACHP was created to assist federal agencies in carrying out their responsibilities with respect to preserving and protecting immovable heritage. Through Section 110, the role of the Secretary has strengthened and become more influential than the ACHP. Finally, NPS works with non-federal governments, including American Indian governments. Congress, through legislation and appropriation, wields the decisive power and has made fundamental use of NHPA. Further, the ambiguity and insufficient regulatory power of NHPA allow for flexibility in implementation in order to meet diverse national needs.

Because heritage policy is sensitive to the contemporaneous national atmosphere and prevailing public opinion, it has developed in accordance with the nation's demands, and has proved particularly receptive to major national events including celebrations and crisis. As observed in the case of the Smithsonian Folklife Festival in celebration bicentennial, instead of developing extensive programs, lawmakers often choose to support programs with high visibility. Therefore, diverse motivations are behind the selection of politically valuable heritage. Those programs aiming at political benefit are not necessarily a large scale, but may to maximize visibility in order to exert impact. A good example of this is the symbolic involvement of first ladies in heritage issues. In particular, two agencies provide useful case studies: Save America's Treasures was

created for the celebration of millennium and the promotion of diversity, and Preserve America was formed to increase action on behalf of economic interests in conservation. Both involve highly visible public events and the media, and Preserve America has been recreated as a new program with an emphasis on the economic value of conservation.

Heritage is emphasized at the times of the national crisis calling patriotism for overcoming such difficult times. The September 11 attack amplified consciousness on national identity and patriotism, and the former World Trade Center sites became a historic site that will be commemorated as a memorial. The Freedom Tower, currently under construction after conflicts on security and design, at ground zero represents liberty and independence, inspired by the American Revolution (Avlon, 2004). More recently, Congress called national attention to save historic properties damaged by Hurricanes Katrina and Rita and discussed the recovery plans. It allocated the emergency supplemental appropriations under NHPF, and the State of Mississippi received \$26,000,000. Reflected the urgency and value of the subject, the hearing was held before the House Subcommittee on Federalism and the Census of the Committee on Government Reform. This decision was based on the understanding the historic district in New Orleans is one of the national treasures that shaped American history and culture, and the federal government was willing to take the cost of the benefit on behalf of the nation.

Off-budget Programs

In addition to fund distribution, the federal government has historically supported heritage conservation indirectly through off-budget programs. Richard L. Moehl states “if

we are to expect capable nonprofit organizations to partners with government agencies, there has to be more incentive to encourage them to do so” in support of the National Historic Lighthouse Preservation Act of 1997 before the Senate Committee on Energy and Natural Resources (S. 1403, 1997). Tax deduction in historic preservation is one of such incentives. Grant distribution involves competition and selection process, but tax benefit rewards the private sector broader, since all eligible applicants can receive the benefit. While the benefits may seem a sweet treat from the government, tax incentives can also be a strong regulatory policy tool and is influential in the private sector. Tax benefits are “both positive encouragement and extensive regulation and oversight” (Scrivner, 2001, p. 126). They do not intervene of direct expenditures but forego a portion of government’s anticipated income. Diverse tax laws that benefit organizations as well as private individuals promote the conservation of built heritage.

The unique means by which the federal government supports art and culture has, in general, occurred through tax exemptions for nonprofit organizations. Federal law provides a tax-exempt status, 501(c)(3), for organizations that serve the public and are operated “exclusively for religious, charitable, scientific, literary, or educational purposes” (Salamon, 2001). The law also authorizes nonprofits to accept tax-deductible contributions from individuals and corporations. Nonprofit organizations in the arena of heritage, such as historic houses and museums, living museums, and historic societies, are largely housed under Section 501(c)(3) for their educational purposes and, so they receive the tax benefits of the status.

In addition to general support for nonprofits, special tax laws have been enacted for the purpose of conserving historic buildings, and the modification of the laws display

policy learning process. In 1981, Congress passed the Economic Recovery Tax Act, which provides a 25 percent tax incentive for the rehabilitation of historic buildings. Four years later, private investment in historic buildings reached more than \$5 billion. In order to deter abuses of this provision on the part of large investors and developers, the Tax Reform Act of 1986 reduced the economic incentive from 25 percent to 20 percent for income-producing properties, and 10 percent for residential buildings constructed prior to 1936. Learned from the implementation of the 1981 act, the 1986 act better articulated the directions of governmental support in conservation by differentiating tax advantage and adopting the criteria for historic properties in existing federal policy. It gives bigger benefits to businesses reside in historic buildings to support adoptive use and rehabilitation. The mark of “1936” on the condition for residential buildings is resulted by the “50 years” rule in the National Register. These tax benefits for heritage conservation initiatives are crucial due to meager direct government funding. Tax incentives have historically provided tremendous motivation for the preservation and rehabilitation of historic buildings, and while eligibility for these benefits is admittedly narrowly defined, the legal advantages can be afforded to private owners for the protection of historic buildings overlooked by grant distribution programs or federal regulation.

Ultimately, tax benefits have greatly encouraged historical preservation from an economic perspective. The monetary support afforded by tax benefits has regularly exceeded the funding provided by NHPF in a given period of time, and, indeed, NPS reports that total investment in historic properties has reached more than \$12 billion. This number encompasses almost 19,000 properties since the 1976 passage of the Tax Reform

Act through September 1987 (Murtagh, 1997), and the amount of investment had reached \$33 billion by 2004 (H. Hrg. 109-7, 2005). The rehabilitation of properties in the National Register has also been boosted by the federal investment tax credit, and the amount of money in this sector reaches \$3 billion yearly (Nau, S. Hrg. 108-24). This can be seen particularly clearly in the case of the year 2004. For the year, 1200 historic properties received the tax benefit for private-sector rehabilitation and generated over 50,000 job creations, almost 16,000 residential units, and a record revenue of \$33.88 billion (H. Hrg. 109-7, 2005). Private investment in historic preservation has dramatically increased overall, spurred not only by the tax benefit but also by the potential outcome of community development and rehabilitation, particularly within the past two decades. Although the benefit primarily applies within the limits of the “built heritage” designation, these incentive programs ultimately reached a broader population and more historic properties than mere direct support.

In comparison with temporarily situated intangible heritage, tangible heritage is an effective and convenient means of promoting the aforementioned values. If there exists no physical remainder of a significant site, some form of permanent visual material is often constructed or rehabilitated; these forms of reconstructed heritage include monuments, memorials, statues, or restoration of the historic site or place -- in other words, the creation of tangible heritage. These attempts are motivated by the values of immovable heritage: political, aesthetic, economic, and preservation values. While the preservation value becomes the foundation, the political and economic interests have been dominant in American preservation efforts. Previously, the economic value of built

heritage was paramount primarily at state and local levels and in the private sector, but now this trend is spreading to the federal level as well. These two values, political and economic, are most frequently invoked as part of efforts advocating the conservation of tangible heritage, and involved various policy tools. The use of policy tools will be further examined in the study of the players in next chapter.

CHAPTER 5

PLAYERS AND POLITICAL DYNAMICS IN TANGIBLE HERITAGE

Chapter 4 addressed how emphasis on diverse values set goals and guide policy tools in the conservation of tangible heritage. Chapter 5 will follow up this discussion with an analysis of individual players and their programs. These include policy implementers as well as policy makers, and their activities will elucidate how the values and benefits, policy goals, and policy tools function at the bureaucratic level. NHPA serves as the guiding articulation of tangible heritage policy for federal agencies and their programs. Another focus of this chapter is the relationships between the players and their roles in the political dynamics of conservation policy.

The National Heritage Area Partnership Act (NHAPA) incorporates a policy learning process as it aims to reflect the wish lists of the federal government. While the act did not begin as comprehensive policy for heritage conservation, it will presumably come to be the most inclusive in the field, coordinating natural and built heritage and placing emphasis on elements of intangible heritage, still focusing on efficient federal governance. The reliance on intangible heritage in determining the values of a historic property is better articulated in NHAPA than other policy. An NHA should be located in a culturally, naturally, and historically valuable “area,” as the physical and geographic sites can be designated. Both NHPA and NHAPA tend to focus largely on tangible

heritage; they provide guidelines for heritage conservation and have the National Park Service (NPS) act as the administrative bureau. Enlightening similarities and contrasts can be seen from a comparison of these two pieces of legislation.

Institutional Settings

Tangible heritage has always been one of America's foremost resources, and policy on immovable heritage is often considered to be a part of environmental policy or resource management policy. The federal government has been involved in the conservation of immovable heritage, largely divided into the conservation of natural and built heritage. Most actively and directly in the case of natural heritage (the field is often divided into the two categories of natural and built heritage), national parks, for example, are acquired by the federal government and managed by federal funds. The federal government began conserving archeological sites in the late nineteenth century, and there were miscellaneous policies relating to archeological remains. However, broad-spectrum awareness of built heritage protection did not come until much later. It was not until the mid-1960s that the need for national historic preservation policy received congressional attention.

In spite of the often dichotomized approach to immovable heritage, this issue of whether a given heritage site is considered natural or built does not significantly affect administration, as both types of heritage are primarily managed by NPS. NPS, charged specifically with managing and safeguarding natural heritage, was created under the Department of the Interior (DOI). Since the 1872 designation of Yellowstone as the first national park, NPS has administered more than 40 national parks. While NHPA mandates

shared federal responsibilities, the management of immovable heritage is largely delegated to NPS, which administers the National Register, National Historic Preservation Fund (NHPF), and National Heritage Areas (NHAs) in the absence of a federal agency solely charged with heritage conservation. In the discussion of delegated heritage management, making distinctions between natural and built heritage often proves pointless, as natural heritage is similarly valuable for its representation of history and culture. Indeed, nearly 60 percent of the units in the National Park Service were designated due to historic value (H. Hrg.105-66, 1997). In this way, NPS naturally acts as guardian to the overall category of immovable heritage.

In addition to being the domain of NPS, conservation responsibilities range widely across executive and independent agencies. Multiple institutional settings can compensate for one another's particular inadequacies, thus balancing the roles and responsibilities in historic conservation. NPS, for example, is an executive bureau, while the Advisory Council on Historic Preservation (ACHP) functions as an independent agency that does not belong to any department or branch. This arrangement works well, due in part to the ACHP's autonomous status, which allows it to objectively monitor and advise federal historic preservation programs. In addition, the position of an independent agency seems an appropriate structure for encouraging the cooperation of multiple parties in the public and private sectors. NPS / DOI, on the other hand, faces potential conflicts of interest; DOI owns lands and resources that are required to adhere to Sections 106 and 110 at the same time that it must consult on issues related to these requirements.

It would be inaccurate to assume that the case of NPS and the ACHP solidifies the roles of executive agencies as administrators and independent agencies as advisors.

Although the General Services Administration (GSA) is an independent agency like the ACHP, its position in historic preservation is unique in that it owns collections of both immovable and movable heritage. Further it has authority and responsibilities in decision-making with respect to the renovation or reuse of federally owned historic buildings. Through these programs, GSA generates profits for the government and economic benefits for communities. As can be seen, this agency's authority and resources are what the ACHP lacks; clearly, an institutional setting does not automatically determine the allocation of authority and responsibilities in this field.

Support for the creation of a cabinet-level secretariat for cultural affairs has existed for quite some time. Today, preservation efforts in the United States are still considered decentralized and fragmented, with the most influential players not necessarily functioning in a governmental capacity. However, as evidenced by the growth of NPS/ DOI and GSA, agencies with strong constituent characteristics tend to shoulder the most responsibilities and receive the most support. Also, the growth of particular players appears to be correlated with which values they promote.

Players in Tangible Heritage Policy and Subgovernments

The focus of this section will be individual players in tangible heritage conservation. I will analyze their roles and positions in heritage policy and politics to illuminate the division of responsibilities among players and the way in which federal programs respond to and reflect particular issues of interests. Federal players in intangible heritage can be categorized roughly into three groups. This categorization is modeled on the previously stated categorization procedures in tangible heritage

policymaking, primarily those of NHPA: (1) policy makers: players who format and revise the policy, (2) administrators: players who administer and implement the policy at the federal level, and (3) partners: players at the non-federal level. Congress, the president and the courts are most influential in the arena of policymaking, and federal agencies and preservation partners tend to carry out the implementation in principle.

The role of implementers and partners in advocacy and policymaking has been steadily increasing. They participate in policymaking and evaluation, and they can, in turn, influence policy changes. Since NHPA allocates the responsibility of protecting historic properties to all federal agencies, all federal agencies are supposedly actors in heritage conservation. However, the degrees of their involvement and dedication in the process may not be equal, and the focuses of individual agencies may differ from one another. DOI / NPS works as the policy administrator and implementer; also prominent in the process are the Department of Transportation (DOT) and the Department of Housing and Urban Development (HUD) in the executive branch, and GSA and the ACHP as independent agencies. In addition, NHPA has created a conservation partnership between federal and lower levels of government through State Historic Preservation Officers (SHPOs), Native Historic Preservation Officers (NHPOs). It has built extensive partnership in the private sector, for instance, the National Trust for Historic Preservation are important partners supported by the policy.

Policy Makers

The President

In the continued absence of a separate agency or cabinet body for heritage conservation, presidents remained active in the field through his executive power, affecting multiple players and programs. Through his organizational power, he appoints the heads of the actors in historic preservation, as he appoints the heads of the principle executive departments. The Secretary of Interior has the most prominent responsibility for historic preservation, and the heads of DOT and HUD supervise important conservation programs as well. As cabinet members, they tend to have more interaction with the president, thereby increasing the possibility of reflecting the president's directives in the implementation of preservation policy. The president is directly involved with the governing of independent agencies that do not belong to any bureaucratic department and appoints the chairs of the ACHP and the Council on Environmental Quality (CEQ) as well as several Council members who are professional members, private citizens and representatives of local and state governments. The chair of the ACHP reports directly to the president, and the CEQ works closely with executive departments and White House offices for the NEPA review. Presidential authority over appointments can appear limited, as they requires Senate confirmation, and his guidance with respect to historic preservation is often partial or indirect.

In the situation that no bureaucratic agency is responsible for development of domain laws and rules for heritage policy and that multiple departments share duties of conservation, the President promulgates the administrative procedures of heritage policy, when it is necessary using the power of the Commander in Chief. Executive orders

provide a more explicit way for presidents to guide historic preservation; these usually address one or two specific issues in heritage conservation. Most of the executive orders in this field have concerned the conservation of tangible heritage, particularly with respect to federal agencies. Although the executive orders in the field have numbered few more than a dozen in four decades, they have visibly influenced the shape of built heritage policy and programs and exhibit the presidential leadership in conservation.

Executive orders are primarily used to confirm or emphasize selected elements of a heritage policy or program. Executive Order 11593, for example, signed in 1972 by President Richard Nixon, addressed two provisions found in the Section 106 of NHPA. The first is the language requiring federal agencies to consider the effects of their projects on historic properties in the National Register, and the second broadened the criteria for “eligibility” to be included in the Register. The order deterred further delinquency in implementation of the act and paved the way for later policy change. Another example is the case of the Section 110(a)(1) of NHPA that stresses the federal leadership in rehabilitation and adoptive use of historic buildings for community development, and it was re-emphasized by Executive Order 13006 in 1996. Most recently, President George W. Bush has stressed the economic benefits of heritage tourism through two Executive Orders. In situations where a policy can be often unclear and results in confusion, executive orders can create a new policy in its place or provide a firmer framework for implementation (O’Connor and Sabato, 1999).

In this arena, the president can greatly affect the roles and relationships of both policy and actors. GSA became an important actor in conservation by mandate of Executive Orders 12072 in 1972 and 13006 in 1996. Both concern urban historic districts

and downtown rehabilitation through federal use of historic buildings. In addition, other laws and recent executive orders related to tangible heritage have prioritized the economic benefits of conservation. In 1994, for example, President Clinton emphasized environmental and diversity issues relating to historic preservation by signing Executive Order 12898. Ultimately, this situated contemporaneous historic preservation efforts in a broader national context than before.

While executive orders are highly visible, their power to force implementation may not be as strong as it seems (O'Connor and Sabato, 1999). Insufficient justifications for litigation, executive orders are hardly independent laws unto themselves, particularly in the eyes of courts. In addition, delays in the implementation of executive orders have been quite typical. In one instance, National Trust Regional Director Barbara Pahl criticized GSA for taking more than two years to prepare formal guidelines for the implementation of the Executive Order 13006 (S. Hrg. 105-621, 1998). The purpose of these executive orders is not to legally oblige agencies to carry out requirements, but rather to remind and reinforce. Other than giving executive orders and appointments, the role of the president in the formation or modification of heritage policy and political relationships has been minimal, and so his relationship to other actors in the field is largely obscured.

Congress

Congress demonstrates its power over conservation efforts in several ways: legislation, appropriation, and Senate confirmation of presidential appointments. Prior to the enactment of NHPA, the legislative body tested out heritage policy formation in the

case of natural heritage and archeological resources, planting the seeds for the conservation of built heritage. With the passage and amendments of NHPA, Congress created both actors and structures for inter-governments relationships, and the related guidelines illuminate the history of built heritage. NHPA provides a fairly accurate indication of who are involved with tangible heritage conservation and the relationships between them, as well as a large-scale picture of federal preservation efforts. For example, NHPA established the legal systems that invite participation from states and tribal governments, and share responsibilities through the mechanism of decentralization.

The American advocacy effort for historic preservation legislation predates the nineteenth century, but a true coalition of scientists, academics, federal agencies, preservation organizations, and enthusiastic citizens did not materialize until the early twentieth century, resulting in the 1906 Antiquities Act. The Great Depression opened another rare policy window, and coalition efforts led to the passage of the 1935 Historic Sites Act. After similar stirrings in the 1950s failed at generating support from Congress and state and local governments, NHPA was enacted. Despite several decades of further advocacy efforts, the creation of a single agency that can be charged with overseeing historic preservation has not established.

As the post-World War II economy developed rapidly, two major development projects, DOT's interstate roads program and HUD's urban renewal program, resulted in widespread destruction of historic structures. Although the Antiquities Act of 1906 and the Historic Sites Act of 1935 were already in existence at that point, no national policy or guidelines guarded against the loss of historic properties until the early 1960s. NHPA created the ACHP and expanded the National Register of Historic Places. Preservation

value, along with political values, were dominant concerns in the early period of NHPA and also in preliminary policies, while the individual sites responded to emphasis on other values.

Protection is the primary goal of NHPA; regardless, Congress has structured the act similarly to a distributive policy. The relationship between Congress and federal bureaucrats is also tied with resource allocation, especially through appropriation. While appropriations for the players in conservation are important, one of the most visible issues in historic preservation every year is the appropriation for the National Historic Preservation Fund (NHPF). Through the fund, congress also initiated a grant-in-aid program for individual states and established matching grants under the existing National Trust for Historic Preservation. The annual allocation of the fund signifies the nation's support for and dedication to historic preservation and is often one of the focal points for advocacy.

Congress has continuously strengthened federal agencies' responsibilities in historic preservation, and so more federal agencies have become involved. In 1980, Congress amended the act to require agencies to establish historic preservation programs, nominate their historic properties to the National Register of Historic Places, and maximize the use of these properties. As both NHPA and NEPA require the federal government to consider environmental impacts of programs and projects, all federal government agencies are technically responsible for historic preservation. However, some agencies have more direct responsibilities than others. Property destruction related to rapid national development signaled the need for formal historic preservation programs, and ever since, agencies related to land management and development, such as

DOI, DOT, and HUD, have been heavily involved with tangible heritage preservation. Some ran heritage programs before the enactment of NHPA and they have since stepped up their efforts. The emphasis on preservation responsibility has been accompanied with development of regulations on federal agencies, which increased the characteristic of a protective regulatory policy to NHPA.

The policy formation of and amendments to the conservation of built heritage, more specifically, to NHPA, is a process involving members of Congress and the executive branch. The Subcommittee on National Parks of the Senate Committee on Energy and Natural Resource and the Subcommittee on National Parks, Recreation and Public Lands of the House Committee on Resources have led policy formation and amendment of NHPA and peripheral programs and have become the most influential arm of Congress with respect to conserving tangible heritage. Players such as NPS and the ACHP frequently testify in front of Congress. In particular, NPS almost always appears in hearings due to its prominent position. It is also crucial for the bureaus to weigh in on the particulars of a given bill, expressing their unique standpoints in order to protect their authorities. While their influence is hard to measure, they facilitate policy change by providing valuable information regarding policy requirements or the process of implementation. All in all, in terms of players' responsibilities, policy implementation is paramount.

In the 1970s, advocacy efforts have become more active and better organized by expanded interest groups in historic preservation, and Congress enacted environmental policy that favors historic preservation gain (Kurtz, 2006). These created positive policy environment for historic preservation, and interest groups expanded. The government

agencies charged with urban development and economic vibrancy, along with private developers previously opposed to historic preservation, joined with new allies from the environmental sector in support of common goals. In the trend of peak association appearances in the 1980s, preservation advocacy organizations such as Preservation Action became prominent in the field. The National Conference of State Historic Preservation Officers and the National Conference of Tribal Historic Preservation Officers have historically acted as crucial supporters for historic preservation in front of Congress. In addition, the media has consistently been involved with this process. Many policy development theories pay attention to its role in policy initiation and issue mobilization (Jones et al., 2003; Berry and Berry, 1999), and it is undoubtedly influential in advocating historic preservation. Most frequently, the media will become involved in fights to save individual landmarks; rarely will the press agitate in favor of the field as a whole. In addition, technological advances facilitated relatively inexpensive means of affording wide support to conservation initiatives. The National Trust has actively participated in policy discussion and has strengthened its leading position in advocacy effort, in part through its e-newsletter and alerts to reach a broader constituency in a prompt manner. When the subgovernmental system for an issue clearly forms, the political dynamics become active and mutually reinforcing. In the case of general historic preservation, many interest groups can form, and often with disparate goals.

Courts

The majority of legal cases involving historic preservation are settled in local and state courts, with approximately 160 federal historic preservation law cases filed and

resolved in four decades (Advisory Council for Historic Preservation, n.d.). Federal courts function primarily as interpreters, mediator and arbitrators of statutory heritage policy, settling conflicts and ensure uniformity in historic preservation efforts. Therefore, they participate indirectly in policy formation and implementation through case law by setting and clarifying standards for ambiguous policy. The Supreme Court, in particular, settles disputes between states or between a state and the federal government, though such cases are rare within this field. As states compete increasingly for economic returns of preservation, the Supreme Court will begin to play a larger role, managing this competition in the face of pro-cooperation policy. The court decisions can improve general implementation by narrowing interpretations. The direct effect of the decisions are limited to specific instances of policy implementation but can also serve as a guideline for similar cases in the future and foster more comprehensive amendments. In addition, the courts have the power to invalidate executive orders or actions on grounds of unconstitutionality or statutory violation.

Already, specific conflicts and corresponding cases have significantly impacted by the Supreme Court's interpretation of constitutional law. Concerning preservation, the First Amendment of the United States Constitution, which protects freedom of speech and religion, also prohibits unconstitutional regulations on historic church architecture (Miller, 2006). The Fourth Amendment, which guarantees property rights, also figures into NHPA; specifically, private owners of historic properties receive compensation in the event of government acquisition. Further, the equal protection provisions of the Fourteenth Amendment prohibit discrimination against these private owners.

The federal courts related to NHPA have been largely concerned with implementation. Significant strides have been made in clarifying when and how to apply Section 106 in addition to who is charged with the responsibility. The case laws on the subject articulate the procedural duties of federal agencies more fully than those of NHPA. One consequence of court decisions has been extended consultative capacities for the ACHP and the Secretary of Interior. Courts have consistently stressed the stand-alone importance and higher standards of Section 110(f), as compared to Section 106, with regard to compelling federal compliance (*Coalition Against a Raised Expressway, Inc. v. Dole*, [1987] 17 Env'tl. L. Rep. (Env'tl. L. Inst.) 20, 466 (S.D. Ala. Oct. 20, 1986), *aff'd*, 835 F.2d 803 (11th Cir. 1988), *National Trust for Historic Preservation v. Blanck*, Civ. Action No. 94-1091 (PLF) (D.D.C. Sept. 13, 1996). Through legal interpretation, the federal historic preservation case laws have not only more clearly defined the responsibilities of the actors, but their relationships as well.

Administrators

The Department of the Interior

The Department of the Interior (DOI) manages public land and natural resources, and it also administers NPS, a major player in the conservation field. Congress allocates responsibilities and authority to DOI, which is charged by NHPA with maintaining the National Register; the majority of its duties is assigned to NPS in its capacity as host agency. The department manages domestic cultural resources and also serves as a delegate, representing the country in the international heritage conservation community. The 1980 amendment to NHPA appointed DOI as the primary representative to Congress

and delegate to the World Heritage Convention. DOI works with UNESCO under the Convention, leading the cooperative efforts with other agencies. DOI is responsible to report to Congress before addressing any problem with the Convention, and NPS is the American contact point (McHugh, 1997).

DOI and NPS are separated here for the purposes of reviewing the general administrative and functions of DOI with respect to heritage conservation aside from NPS and studying the roles of: the Secretary of the Interior; the programs of the Bureau of Indian Affairs (BIA); and special initiatives. NPS has been given the clearest mission for protecting and interpreting historic resources, and the Bureau of Land Management and the Forest Service have become crucial to the implementation process of NHPA, and more importantly in NHPA. As of 2005, DOI was implementing several special heritage projects, namely *Preserve America*, *Take Pride in America*, and *Lewis and Clark 200*.

With its responsibility for running these programs, DOI displays more constituent characteristics than NPS. It responds to presidents' calls to service and manages those visible initiatives that function as political assets. The tendency to associate natural resources and preserved heritage with patriotism is particularly evident in DOI's special programs, rather than their permanent counterparts. *Take Pride in America*, for example, is a national program encouraging volunteerism in the effort to protect public resources, public land, and historic sites ("Take Pride in America", n.d.). The program was initiated in 1985 and subsequently readopted as a part of the President's U.S.A. Freedom Corps effort in 2002. Celebrity spokespeople such as Clint Eastwood helped to raise visibility and, by extension, the impact of the initiative. As the title indicates, the program fosters

and feeds off of national pride. In light of its diverse programming, DOI engages with a broad variety of policy tools, and grant distribution in particular. In 1979, the agency awarded \$5 million in matching grants to maritime preservation projects across the nation. With the exception of several notable funding initiatives, these grants are mostly allocated through NHPF, which relies on NPS to take on the related administrative responsibilities.

The legislature and the president have mandated the responsibilities and authorities of DOI in preservation. The constituent role of DOI becomes evident through its consulatory service to federal agencies, which facilitates the implementation of NHPA's regulatory elements (Figure 3-A, B). The amended act of 1980 also imposed specific responsibilities on the Secretary of the Interior, specifically the providing of support and guidance for federal historic preservation programs. This goal was to be accomplished through guidelines, training programs, awards, and other activities. NHPA has allocated many responsibilities, as well as authority over historic preservation, to DOI, while presidents have specified directions for the agency to take and programs for implementation. In the field of preservation, the authority of the Secretary of the Interior has expanded significantly through other policies. However, DOI's exercise of regulatory power began prior to the 1980 amendment. The Tax Reform Act of 1976 (P.L. 94-455) established important tax incentives for the preservation and rehabilitation of those commercial and income-producing structures certified as historic properties by the Secretary of the Interior, as well as tax penalties for demolition. The next year, DOI weighed in on the Tax Reform Act, issuing regulations for certification procedures and rehabilitation standards. Finally, with the writing of the 1980 amendment, DOI came

fully into its role as constituent and regulatory agency, promoting interagency cooperation federal historic preservation.

DOI is also deeply involved with economic redistribution through historic preservation, a relatively recent addition to federal programs. For example, the NHPA assigned DOI the responsibility of planning and rehabilitating historic districts. In addition, DOI's assessment role as part of *Preserve America* focuses on community development and heritage tourism, and it publishes the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings. While these guidelines do not constitute mandatory requirements, they provide information and basic structures for the rehabilitation of historic buildings.

Naturally, DOI interacts frequently with other agencies. For example, the Historic American Engineering Record was established by DOI in 1969 through a joint agreement with NPS, the American Society of Civil Engineers, and the Library of Congress. Its purpose is the documentation, study, and preservation of America's engineering and industrial structures. As NHPA has tasked DOI with consultation for federal agencies, it collaborates with the ACHP for assessment of *Preserve America* programs. In addition, it frequently cooperates with other bureaus and federal agencies to ensure historic preservation, while NPS deals primarily with actors at state and local governments, tribes, and nonprofit organizations.

The National Park Service

The National Park Service (NPS) does not hold an independent position in the executive branch, but its role as cultural resources manager functions similarly to the

bureau for historic preservation in other countries, in that it. Due to its own clear mission and programs in conservation, this study will treat it separately from DOI. NPS acts as a “cultural administrator” and was established under DOI in 1916 to “promote and regulate the use of the federal areas known as national parks, monuments, and reservations” (The National Park System Organic Act, 1916). The organizational history of NPS can be divided into three categories: (1) its position in protecting nature and archeological heritage, (2) its organizational expansion through the New Deal programs and executive orders in 1930s, and (3) its consecration as a guardian of cultural resources by NHPA. Its authority in the conservation of immovable heritage is confirmed through legislation and executive orders. As NPS accumulates more responsibilities, it engages an increasing variety of policy types and political tools.

The United States federal government originated its preservation efforts with natural heritage and archeological remains, which are also the areas for which NPS was initially responsible. As a result, it grew into one of the primary players in conservation. The year 1872 brought a major milestone to the field, with Yellowstone named the first National Park not only in the United States but also in the World. Subsequently, in 1890, Congress authorized Chickamauga Battlefield in Georgia to be the first National Military Park. Up until 1930, however, federal involvement in preservation was minimal and split relatively evenly between the War Department, which was responsible for monuments and battlefields, and NPS.

NPS expanded its responsibilities with regard to archeological sites over time. In 1935, the Historic Sites Act provided an updated version of the 1906 Antiquities Act, the first national law designed to protect prehistoric sites from further destruction. Its purpose

was to “provide for the preservation of structures, objects and archeological sites of national significance,” and Murtagh (1997) considers it to be the first federal legislation allowing for coherent planning. The Historic Sites Act, then, harnessed NPS to direct the Secretary of the Interior to initiate a survey of the country. This survey would identify “additional historic properties, to acquire properties for the purpose of preservation, and to develop educational programs on the subject of preservation.” In 1967, the Office of Archeology and Historic Preservation was established as part of NPS to protect archeological remains. By the time of the enactment of NHPA, NPS was already a vital guardian of natural and archeological remains.

Beginning in the 1930s, NPS began to assert greater authority with respect to the acquisition of national historic places (Barthel, 1996). In 1933, almost 50 historic places were placed under its supervision, and Roosevelt’s Executive Order 6166 transferred over the War Department’s parks and 15 national monuments from the Forest Service. More importantly, the national capital parks, including the White House, the Washington Monument, and the Lincoln Monument, became NPS territory (Executive Order 6166, 1933). This resulted in regionally diverse management duties, with historic areas in the east and natural heritage and archeological remains in the west. In 1960, NPS initiated a limited register of nationally significant landmarks, which served as a forerunner to the National Register of Historic Places. While NPS’s new responsibilities were for concentrated bureaucratic growth, the decision was a part of a larger bureaucratic centralization, which promoted managerial convenience and policy uniformity, leading to diminutive support for historic preservation (Kurtz, 2006).

From early periods in historic preservation, the economic benefits have proved a tremendous motivator, and NPS has historically managed projects with the goal of overcoming economic depressions. For example, the success of the Historic American Building Survey (HABS) during the Great Depression brought greater support to NPS. HABS was a New Deal project aimed at establishing a national architectural archive for practical and academic purposes in 1933. Its immediate purpose was to create employment for architects, and the programs were more focused on documentation than on preservation; however, Murtagh (1997) still considers the creation of a national archive with consistent recording techniques and a broad spectrum of preservation to constitute considerable progress, despite an uneven distribution of workforces and buildings.

In the same year, the Civilian Conservation Corps (CCC) was established as an independent agency under the authority of an emergency employment act for war veterans and Indians, a program affording members of these groups work in the emergency conservation and natural resource development. The program functioned as a mechanism for economic redistribution, targeting specific groups to reap the benefits. As DOI took partial responsibility for the planning and organizing of the effort, NPS was given an extensive mission for the program as well. This program provided significant depression relief, but the CCC was also notable for closely linking environmental and cultural resources on a large scale for the first time (Mackintosh, 1999). Furthermore, the CCC extensively increased the number of properties administered by NPS, and, by extension, increased its responsibilities, authority, and level of professionalism.

When the prevailing legal and administrative systems were still insufficient for heritage preservation, presidential orders and programs at the national level took aim at preventing the destruction of archeological sites and providing federal management for sites of national importance. These also significantly increased the responsibilities and authority of NPS and shaped the national historic preservation system for the future.

The NHPA's mandated registration processes increased the responsibilities of NPS. Through the administration of NHPF, NPS has amassed a group of fairly well-organized and geographically dispersed clientele, which forms constituency for the bureau as well as the support infrastructure for the field. In addition, it administers several grant programs to certified local governments and Indian tribes; these include Battlefield Partnership Grants as well as grants for technical support. The act also directed NPS to create and administrate the National Register of Historic Place, and NPS also assists the Secretary of the Interior regarding tax benefits and community rehabilitation. When state and tribal historic preservation officers play major roles as dictated by NHPA amendments, NPS is responsible for overseeing their performances. Overall, through NHPA, the role of NPS in heritage conservation has broadened from the maintenance of the national park system and the coordination of a spectrum of cultural resources with preservation partners nationwide.

NPS originated as a fairly small office with a total budget of \$19,500, but it grew commensurately with the development of national heritage policies. By 2005, its proposed fiscal year budget was \$2.4 billion, and is currently the third largest manager of public lands among the thirteen bureaus of DOI. As of 1999, it controlled 379 distinct areas, spread across the majority of the states; through these territories, it worked to

promote cooperation and partnerships with foundations, corporations, private groups, and other government bodies. With the CCC, NPS established the regional system that makes central administration possible. As an administrator of the nation's natural and cultural resources, NPS has been protecting national parks, monuments, recreation areas, seashores, and other nominated sites and developed its recreational and educational programs. Priority status goes to the management national parks, which are considered exceptional for their nature and cultural values in American history. Consequently, the treatment of American national parks is heavily influenced by considerations of the political value of these heritage resources. Political considerations across the heritage spectrum shape policy goals and tools, this case, direct government. They also guide heritage conservation efforts and related government initiatives.

NPS assumes crucial responsibilities in both the natural and built heritage arenas, and securing adequate funding has not been easy. Therefore, the aforementioned management duties are often invoked in funding increase requests, as they are undoubtedly more demanding and more visible than NPS' administrative burden. These requests often highlight the upkeep of national parks, rather than built heritage. In a 2005 House hearing on the matter, for example, built heritage went almost unmentioned (H. Hrg. 109-150, 2005). Admittedly, this omission could be due to the fact that many historic sites are considered NPS-managed national parks, such as Independence Hall in Philadelphia. In any case, highlighting national parks can be a more effective rhetorical tactic than pointing to heritage program administration. As part of its plea, the agency also offered specific reasons for urgent fundraising, including: increased security

demands; economic benefits; improved efficacy and efficiency in management and administration; the development of an evaluation system; and visitors' satisfaction.

NPS has more congressional allies than other players in heritage due to two subcommittees: the Senate Subcommittee on National Parks of the Senate Committee on Energy and Natural Resource, and the Subcommittee on National Parks, Recreation and Public Lands of the House Committee on Resources. As a more specialized subsets of a Congressional government, the subcommittees have historically offered support and supervision for congressional endeavors; in one instance, the Subcommittee on National Parks of the Senate Committee on Energy and Natural Resource sent a letter to the Appropriations Committee in favor of increasing the president's requested operating budget for NPS (S. Hrg. 109-84, p.2). Because these subcommittees oversee relevant policy, in this case, NHPA, as well as the corresponding actor, NPS, their legislative decisions with respect to heritage conservation are generally cohesive.

Clearly, NPS functions as more than simply a land manager, and so its legislative position is relatively secure. Nonetheless, King (1998) views many of its historic preservation programs as vulnerable, due to their "external," or out-of-house, functions. These include the National Register, Archeology and Ethnography programs, and various grant programs. Murtagh (1997) points out the possibility of internal conflicts of interests, as NPS is housed within DOI, a land holding agency. The internal coordination of interests or conflicts, if any, is hard to observe; DOI's programs do not specifically involve the cultural resources of NPS. The success of these programs does depend on cooperation between NPS and actors such as other federal agencies, state governments, local governments, tribes, and the public.

The Department of Transportation

The Department of Transportation (DOT) occupies an interesting position in the heritage conservation field. The department's primary mission does not directly related to conservation, and it frequently causes conflicts with some conservation efforts; nonetheless, DOT has been an important participant in historic preservation since the 1960s. The development of the interstate highway system, for instance, directly contributed to the birth of NHPA, calling attention to the need for national protection of cultural resources. Currently, One of DOT's present goals, the "Rebuilding America and Preservation of Community" initiative, also encompasses historic preservation efforts (Department of Transportation, n.d.).

DOT derives its heritage-related responsibilities from several policies, namely the National Historic Preservation Act (NHPA), the National Environmental Protection Act (NEPA), and the Department of Transportation Act (DTA). The Federal Highway Administration (FHWA) must demonstrate compliance with Section 106 prior to the Section 4(f) review process of DTA. It must also adhere to NEPA requirement that federal agencies examine the potential environmental impact of proposed projects. Failure to consider alternatives that would reduce or avoid negative impact to historic and/or natural resources constitutes a violation of NEPA, as several court cases have confirmed (Ferster and Merritt, 2000). FHWA attempts to protect a broader array of historical and natural resources than Section 106 and proclaims sole authority. DOT sets regulations and wields authority over the process. Compliance with various federal

policies, coupled with the negotiation of multiple actors with different interests, has caused visible conflicts, and court action is sometimes required.

DOT's role in protecting tangible heritage has been ensured through transportation policies. In one instance, the Demonstration Cities and Metropolitan Development Act of 1966 (P.L. 89-754) requires the department to consider options for the preservation of natural and manmade sites along highway routes. In another, the Department of Transportation Act (P.L. 89-670) provides protection for any publicly owned public park, recreation area, or wildlife or waterfowl refuge, as well as any land from an historic site of national, state, or local significance. This provision applies to sites from all highway programs and projects, with a few exceptions.

The FHWA regulations and guidance recommend, among other things, flexibility in highway design (23.U.S.C. § 109 (c)(1)). Section 4(f) focuses on saving built and natural heritage from destruction by highway construction; it mandates cooperation with other federal agencies as well as individual states. This section is considered to be the strictest and most definitive federal policy on tangible heritage conservation (Ferster and Merritt, 2000, DOT, "Issues and Initiatives", n.d.). It does not limit its protection provision to those properties listed in or eligible for the National Register of Historic Properties, as mandated by Section 106 of NHPA; rather, it encompasses national, state, and local historic sites, including parks, wildlife refuges, and recreation areas. In addition to regulatory tools, DOT offers educational resources related to the preservation of immovable heritage and runs its own conservation programs. FHWA's Historic Preservation and Archeology Program is a comprehensive undertaking aimed at improving cultural resource preservation. Specifically, this program provides guidance

and technical assistance to federal, state, and local governments regarding federal policy on cultural resources management (DOT “Program Overview”, 2005). It works closely with state archeological programs to develop educational and public outreach initiatives related to collections management. DOT also makes significant contributions to the preservation of historic bridges and roads; the Historic Bridge Program (Section 144(o) of Title 23) states that the rehabilitation, reuse, and preservation of historically significant bridges are valuable for their contributions to national architecture, engineering, and culture. The combination of regulatory policy and direct government with strong authority is unique to the heritage policy and programs of DOT.

These programs are numerous; however, they have not emerged as frontrunners in the competition for funding. Most heritage programs housed within the Transportation Equity Act for the 21st Century programs received flat funding from the fiscal year 1998 to the fiscal year 2003, while the appropriation for the TEA-21 increased during the same period (Department of Transportation, n.d.). In addition, funding for the National Scenic Byways Program, which focuses on archeological, historic, nature, and recreational resources, increased from \$23.5 million to \$26.5 million for the same period. Several programs also received increased funding in 1999, and funding for the Woodrow Wilson Memorial Bridge gradually increased until 2002. Ultimately, DOT’s historic preservation programs are likely considered to be merely a portion of its larger responsibility for environmental protection -- in other words, not a major independent initiative. Moreover, in the Performance Plan for 2003, the environmental focus was stressed separately, while historic preservation appeared neglected (Department of Transportation, 2002).

This may indicate the lesser authority and therefore diminished clout of NHPA, as compared to NEPA.

Ultimately, historic preservation is hardly an economic boon for DOT. Failure to consider preservation-friendly alternatives is still one of the most frequent problems in project implementation, and the assessment of historic properties is often blamed for delays (Ferster & Merritt, 2000, Costello, 2003). The most frequently used keyword in DOT's heritage policy and programs is *protection*: is a given site is valuable enough to trump highway construction? Evidently, preservation value is paramount in the heritage programs of DOT.

The Department of Housing and Urban Development

Like the DOT, the Department of Housing and Urban Development (HUD) is housed in the executive branch. Although HUD is a much smaller agency than DOT, the two are similar in that they were largely responsible for the rapid national development of the 1940s and 1950s, and both departments raised concerns about historic preservation. However, their roles in historic preservation are dissimilar, as are the political tools they employ. While DOT is concerned broadly with historical and natural resources, as well as attempting to safeguard cultural resources, HUD focuses specifically on the development of historic buildings for contemporary social benefit.

The agency's concern with economic development and built environment has done much to shape its historic preservation program. HUD primarily employs grant distribution as a support tactic; existing categorical grant programs housed under HUD were consolidated into a single new program of community development block grants

when the Housing and the Community Development Act of 1974 (P.L. 93-383) (HCDA) was signed into law. These block grants were designed to provide support to state and local governments as they carried out their Section 106 responsibilities. The act also established the National Institute of Building Sciences. While most grants for the preservation of historic buildings are awarded to governments and organizations, HUD grants may be distributed to private owners.

HUD's participation in historic preservation is largely economically motivated, with a primary goal of linking historic preservation and community development. Specifically, historic preservation is cited as a facilitator of community revitalization and energy conservation (Sweeny, 2001). Historic buildings, in particular, serve as economic assets for communities and resources for development. This is evidenced by the National Neighborhood Policy Act of 1977 (Title II of P.L. 94-24), which proclaims "existing city neighborhoods are a national resource to be conserved and revitalized wherever possible." For maximum economic benefit, HUD recommends the active re-use and adoptive use of historic properties beyond rehabilitation, preservation, or limited restoration of buildings (Sweeny, 2001). The department makes further strides in the direction of social welfare through federal redistributive housing programs (Meier, 1993). In addition to increasing the economic value of historical sites and buildings, the Community Development Block Grant aims to reallocate wealth by making funds available to individuals with low or moderate incomes (Section 101(c)). This particular national objective is specifically cited in the Guide for Local Government Officials and Program Managers. HUD has advised local governments, in particular, to support preservation projects in or outside of "slum or blighted areas" (Sweeny, 2001. p.2),

believing that such activities will create jobs for those with low or moderate incomes. In summation, HUD encourages economic redistribution and community revitalization through historic preservation in the private sector, as opposed to GSA, which works toward these objectives at the federal level.

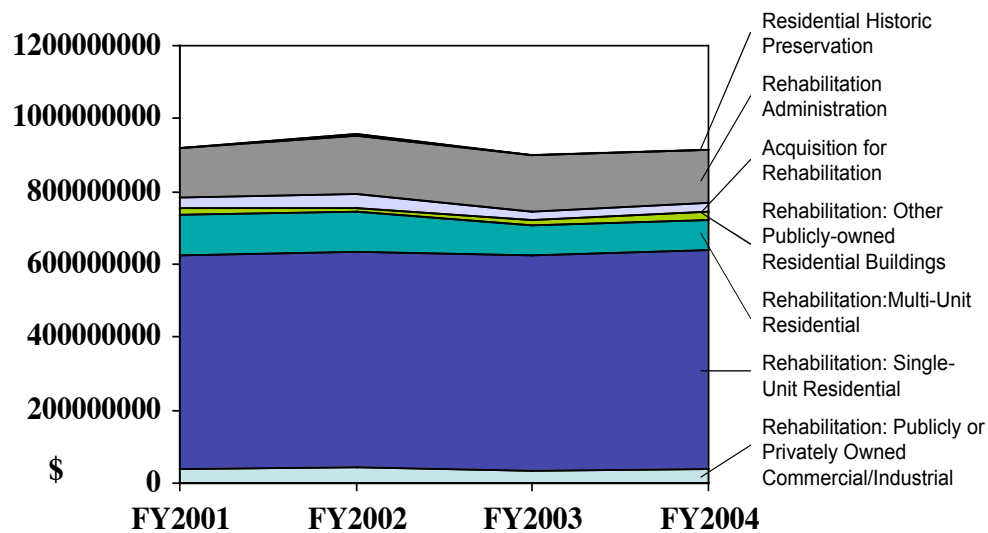


Figure 5: Community Development Block Grant from 2001 to 2004

Historic preservation programs are positioned in plays a role in several rehabilitation and urban renewal programs. HUD published *Preserving America* to

provide a guideline for those using the Community Development Block Grant (CDBG) funds for historic preservation and tourism. While the CDBG is not allocated entirely for historic preservation, grants can be used for this purpose according to the Section 105(a)(1)(c) of the HCDA. Figure 5 details the preservation-related categories and funding allocations in the early twenty-first century. The CDBG directed about \$3 million in the fiscal year 2001, about \$3.4 million in the fiscal year 2002, and under \$2 million in the fiscal years 2003 and 2004 toward residential historic preservation projects (Department of Housing and Urban Development, 2004). Overall, the CDBG allocation for residential historic preservation has declined, and constituted less than 0.05 percent of the total funding in 2003 and 2005. To fully understand the import of these figures, one might look to NEA for comparison; in the fiscal year 2003, the agency distributed nearly \$ 4.5 million through the grant category “Heritage/Preservation.”

However, taking into account only the allocation for the Residential Historic Preservation grant can be a myopic strategy. The grant is unique in that it applies to only one particular niche of federal support for historic preservation. Most grants in this field are not available to private owners, and the Residential Historic Preservation grant is available to only a small group, namely those privately owned historic buildings eligible for inclusion in the National Register for Historic Preservation. If rehabilitation grants are classified as elements of historic preservation funding, the grant funding available for built heritage conservation totals an average of \$900 million per fiscal year, with the Residential Historic Preservation grant comprising an insignificant portion of this sum. Community development and the promotion of cultural tourism benefit historic preservation both directly and indirectly, as many communities include historic sites and

memorials that figure into development or rehabilitation plans. As the funding for historic preservation is spread out among a multiplicity of parties and closely tied to economic development, it can be difficult to delineate which funds are flowing into this field in particular. Although HUD is a notably small executive bureau, its support for built heritage conservation is noticeable. Of particular importance is the ability of HUD grants to assist in conserving those elements of built heritage that NHPF and GSA's Historic Building Service barely cover.

The Advisory Council on Historic Preservation

The ACHP, an independent federal agency created by the NHPA, does not have specific clientele, but rather serves all federal agencies for the purpose of historic preservation. Its mission, "to promote the preservation, enhancement, and productive use of our Nation's historic resources, and advise the president and Congress on national historic preservation policy" (Advisory Council on Historic Preservation, 2002), is dictated by NHPA, which also allocates its responsibilities. In 1969, the Advisory Council on Historic Preservation (ACHP) issued its first guidelines for protecting those historic and cultural properties listed or eligible for listing in the National Register of Historic Places from any adverse effect brought about by the federal, federally assisted or federally licensed undertakings. Described as "a lean, competent arbitrator of problems and disputes in the preservation arena" (H. 1552, 1997), the ACHP is responsible to implement the regulatory authority over heritage impact assessments for the Section 106 process. This authority, which applies to federal projects, was granted in 1978. The ACHP's duties were then expanded in the 1980s to include the evaluation of federal

agencies' historic preservation programs. Amended further in 1992, the NHPA remarkably increased the ACHP's responsibilities with respect to federal agencies. The new mission statement reflects the expanded role of federal agencies as per the 1992 amendment. The ACHP is now responsible for overseeing the NHPA Section 106 review, carrying out research and educational initiatives, and advising Congress and the president. While the ACHP has regulatory power over the Section 106 Process and the application of Section 110, its practical authority is fairly weak, and so it remains in an advisory position. Ultimately, the ACHP strongly demonstrates the characteristics of a constituent, rather than a regulatory, agency.

As a constituent agency, it is loyal to the president and the legislature, promoting the political value of heritage conservation. The ACHP (2001) states that "...citizens depend on cultural heritage and traditions to reinforce values and their own sense of worth.... want to reside and participate in communities that make the most of their heritage, preserve its best reminder and use older homes, commercial districts and noted landmarks to establish their community identity... ." This indicates that the ACHP's understanding of heritage is limited to tangible heritage or built heritage, which are referred to as "historic properties." In addition, the Council emphasizes identity formation through heritage, which is cited as "valuable" and a "reminder of past" that builds community identities for the present and the future. This suggests that heritage and historic sites can be selected and/or constructed in such a way that they will be permanently remembered.

As an independent agency, the ACHP can avoid the pressure from particular clientele; this may be understood as weak support from allies. In the most crucial matters,

such as reauthorization, the Council has historically received just enough support for its purposes. However, scant defensible support is observable in congressional budgetary. NHPA establishes the ACHP's funding amounts by submitting its annual budget to a related bureau of DOI. In each fiscal year from 1997 to 2005, no more than \$4 million could be authorized for appropriation (Section 470(t)). For the fiscal year 2004, the ACHP received \$3.974 million, approximately one fifth of the budget for cultural programs of NPS. The amount of financial support allocated to the Council seems nominal even in light of the fact that no percentage of the funding goes out as grant in aid. In 1998, ACHP director John Fowler testified to the lack of resources in front of Congress (H. Hrg. 109-66, 1998); Many long-term staffers were unable to be hired as federal employees, so did not receive full benefits. Between 1995 and 1997, the operations of the Council were cut by nearly 20 percent, and, due to financial scarcity, it could not submit the required commitment of staff resources in its annual report to Congress. As part of the reauthorization process, the Council requested the removal of the time limitation and the \$4 million annual budget ceiling for the permanent appropriations authorization. Subsequently, in 2005, the Senate proposed to forgo a budget ceiling in favor of "such amounts as may be necessary to carry out this title," and President Bush approved the change, signing NHPA Amendment Act of 2006 (S. 1378, 2005). Ultimately, the agency lacks autonomy. A dearth of resources, both financial and in terms of authority, has proved one of the primary difficulties for the Council, which must support essentially all players in the field as per congressional direction.

The General Services Administration

The General Services Administration (GSA) administers the buildings, products, services, technology, and other workplace essentials necessary to support federal agencies (GSA, “About GSA”, 2005). One of the functions of GSA is as landlord for federal agencies. The Amendment of the Federal Property and Administrative Services Act of 1949 (P.L. 92-362) permits the transfer of federal surplus real property to the agency, and it has been responsible for many federal historic buildings since the passage of the act. The amendment to the Public Buildings Act of 1959 (P.L. 94-541) recommends the federal use of public buildings for the purpose of preserving buildings of historical or architectural significance. This act, among its other mandates, requires GSA administrator to encourage the public appropriation of these buildings for "cultural, educational, and recreational activities.” As a constituent agency, its clientele is composed of other government agencies, and its programs and responsibilities are assigned by Congress (Meier, 1993).

As the agency has acquired more properties, it has gained responsibility as well as authority, and its role in historic preservation has also grown. GSA is directly involved in historic building preservation, offering a biannual award program featuring the Historic Building Survive Heritage Award. In addition, through the Public Building Program, GSA administers more than 1600 buildings that meet the 50 years old qualification for listing in the National Register. Approximately 450 of these are considered historically significant, while 210 are listed in the National Register and 30 are distinguished as National Historic Landmarks. Outside of its own properties, the agency leases historic buildings on behalf of federal agencies. Its authorities and responsibilities have grown

extensively, particularly through policy and executive orders relating to historic preservation.

The historic building programs emphasize the values of historic properties and seek economic benefits for private level. GSA contributes to the revitalization of inner city communities and, in doing so, influences urban socio-cultural environments. In addition to the historic buildings in the government's inventory, GSA was leasing about 50 historic buildings as of 2005 (GSA, "Historic Buildings," 2005). The Public Building Cooperative Use Act of 1976 (40 U.S.C. 601(a) and 611) further amended the Federal Property and Administrative Act of 1949 and the Public Building Act of 1959 to emphasize the federal leadership in using historic buildings and requires for GSA to give 10% preference to historic buildings in providing such spaces for leasing spaces. Along these lines, *Public Building Service* encourages local bodies of government to facilitate the preservation of historic buildings by authorizing revenue-producing activities and adaptive use, if such use would benefit the public and prove compatible with the purposes of historic monuments (1972). In the 1990s, as historic buildings and community revitalization projects received amplified attention, increased emphasis was placed on the responsibilities of federal agencies to actively utilize historic buildings in economically declined areas. Both the NHPA and Clinton's Executive Order 13006, specifically, highlighted this need. Accordingly, the PBS heritage award recognized accomplishments in the following categories: (1) completed alterations, (2) adoptive use, (3) conservation and restoration, (4) education, outreach and community involvement, and (5) stewardship. All in all, community revitalization through historic preservation aims to procure economic benefits for a redistributive purpose.

GSA considers artistic excellence to carry historic value, and so, in addition to its role as provider of space, goods, and services for federal agencies, it maintains federally owned properties that include artworks. In 1972, GSA reintroduced the Art in the Architecture program, which was formerly termed the Fine Arts in New Federal Buildings Program (1962 to 1966) (GSA, “Design Excellence and the Arts,”2005). The program commissions American artists to create works for new federal buildings and conserves a substantial inventory of art collections from the past. These efforts are intertwined with other initiatives, such as Art in Architecture, the Fine Arts Program, Design and Construction Excellence, and various programs related to community and urban development. Through Art in Architecture, the agency preserves and maintains public art owned by the federal government; parallel initiatives occur through the Fine Arts Program under the umbrella of the Public Buildings Service.

GSA manages specifically defined collections, and so evidences the political elements of historic presentation more clearly than either NPS or the ACHP. Despite the fact that historic building and art programs explicitly promote the economic and artistic value of tangible heritage, these initiatives are predominantly aimed at achieving political benefit. GSA takes the position that public statements of American culture are “meaningful contributors to the vibrancy of our democracy,” and public investment in local heritage conservation will contribute to the vitality neighboring communities (GSA, “Design Excellence and the Arts,”2005). Therefore, the agency views office buildings, laboratories, and courthouses as symbols of democracy, housing federally owned artistic resources that represent the ideals of American society. Thus, art programs proliferate due to the political value of collections.

In addition to supporting historic conservation through direct government, GSA protects immovable heritage by implementing NHPA and NEPA. Section 106 of NHPA related to the regulations and procedures of the agency, particularly in its preparation of the Section 106 Compliance Report Template in a simple, outline format. GSA also created a more comprehensive checklist for environmental impact assessments under NEPA; this new checklist takes into account both socio-cultural and natural environment. NEPA's checklist process ensures NHPA Section 106 compliance in agency programs. Although the GSA review process is limited to federally owned properties, so does the Section 106 of NHPA. While GSA is not an agency created for the purpose of lending support to heritage conservation, and while it is not directly mentioned in NHPA, it remains a crucial player in implementing those NHPA sections that emphasize the responsibility of the federal government in historic preservation. Without fail, GSA promotes diverse values of intangible heritage by employing different policy tools.

The size and power of independent agencies vary as much as their purposes. GSA is often considered an authoritative agency; in 1991, it was one of only a few independent agencies receiving nearly \$50 million; its human resources reached approximately 20,000 people. GSA is certainly larger in size than HUD and other small bureaucratic agencies. This enables it to draw on numerous resources; one such resource is its network. Its historic preservation program covers eleven regions and stresses cooperation between regional and central preservation specialists (GSA, "About GSA," 2005). The implementation of these programs often depends on the action of regional branches. GSA also claims far more extensive financial resources than other players in heritage conservation. Rather than spending federal funds, as do many other agencies, GSA

delivers its profits to the federal government. Its annual revenue totals an average of \$16 billion. In the fiscal year 2000, the allotment for the *Public Building Services* program came to \$ 6.74 billion, appropriated through Federal Building Fund revenues and other funding sources (GSA, 2001). For that same year, the budget for NEA was \$97.6 million; annual appropriation for the ACHP could not exceed \$4 million until 2005. In terms of expenditures, the Public Building Program's budget may not be directed entirely toward historic preservation, but it provides a rough indicator of the program's relative size. One of the reasons why is difficult to accurately calculate the expense of the Section 106 process is that its elements are dispersed throughout multiple GSA programs. Barbara Pahl, the agency's Regional Director of National Trust, noted that GSA as a whole appears inconsistent in its devotion historic preservation and community involvement, despite its active role shepherding successful cases through this process (S. Hrg. 105-621, 1998). Thus, the Public Building Programs is a clearer indicator of GSA's commitment to and involvement in historic preservation efforts. Still, while there is little doubt about GSA's contribution to historic preservation, evaluation of its dedication to and impact on the field remains still difficult and obscure.

Partners

The White House

The White House has no advisory body, nor any permanent program, devoted to heritage conservation. However, the President's Committee on the Arts and the Humanities has established tangible heritage programs. The programs *Save America's Treasures* and *Preserve America*, founded in 1998 and 2003, respectfully, came out of

the White House; these initiatives are similar to one another in terms of the political tools they employ, the type of heritage they promote, and their administrative patterns. However, they differ in that they emphasize different values related to tangible heritage. The president communicates with the heritage policy actors, primarily using formal channels, and First ladies have traditionally led heritage conservation initiatives of the White House as the honorary chair of the committee. In addition, first ladies have often taken key roles in with special projects, a tradition initiated by Jacqueline Kennedy's restoration of the White House. Their counterbalanced roles in conservation promote same values of conservation to assist heritage conservation in the private level.

Save America's Treasures (SAT) is one of a number of millennium-related initiatives launched by the White House. This grant program aims to "celebrate American creativity, innovation, and discovery" by emphasizing history-focused education and the preservation of tangible heritage in order to "convey our nation's rich heritage" (Institute of Museum and Library Services, 1999). President Clinton established the program via executive order as part of the Millennium Projects, and First Lady Hillary Clinton took the helm. In the Bush administration, First Lady Laura Bush serves as the program's Honorary Chair. As indicated by the patriotic rhetoric in the program's name, SAT focuses on the political value of tangible heritage. SAT considers these pieces of heritage to be "the enduring symbols of American tradition that define us as a nation" and representation of "America's diverse cultural legacy" (Save America's Treasures, n.d.). Clearly, fostering national pride through heritage is one of the program's primary goals.

Through NHPF, SAT funds the conservation of both movable and immovable heritage, and the matching grant opportunities are open to federal agencies as well as

non-profits. State governments, local governments, and federally recognized Indian tribes are also invited to apply for these grants, and active religious organizations with relationships to historic properties or collections may be eligible as well (Save America's Treasures, n.d.). Twelve federal agencies were selected as the first recipients in 1999. This program is designed to be a partnership between the White House Millennium Council and the National Trust for Historic Preservation, and so the president of the National Trust serves as a co-chair.

The current Bush administration has launched yet another heritage program, *Preserve America* (PA), under the leadership of First Lady Laura Bush. Executive Order 13287 established this program, which aims to “provide leadership in preserving America’s heritage” (Executive Order 13287, 2003). The related grants fall primarily into two categories: support to those communities that developed preservation programs, and funding for historic education via resources development assistance and awards for history teachers.

Laura Bush, in a speech on this subject, stated that the grants are intended to assist communities in preserving their cultural and natural resources (White House, 2004). She stressed the importance of heritage preservation and gave a clear indication that she planned to promote the economic and educational value of the field. Economic value, in particular, was originally emphasized by the executive order, which expressed the view that historic preservation and the use of historic properties should “contribute to the local community and its economy”; to this end, the ACHP and DOI are required to report to the president on economic development (Section 4 & Section 2(c), Executive Order 13287). It is notable that Section 5 of the executive order specifically stresses support to

heritage through tourism. Ultimately, the initiative's emphasis on economic development and heritage tourism in historic preservation become stronger, and a new Preserve America Neighborhood designation program was launched in 2005 (Advisory Council on Historic Preservation, 2005).

Currently, Laura Bush seems to be more focused on promoting PA than SAT. This may be a function of PA's status as a new program in more need of promotion and publicity, or it may be because serving a program initiated by the Bush Administration is preferable to succeeding the role of Hillary Clinton in SAT. With PA, Mrs. Bush can distinguish her own leadership in the heritage field. In any case, community revitalization and heritage tourism are comprise a popular and demanding trend both nationally and internationally. In the Clinton administration, diversity promotion played a central role in heritage programs, and it is still considered very important. By contrast, the Bush administration, which gained a reputation for running the government "like a business," seems to emphasize the economic value of heritage.

White House initiatives often involve public events and so receive much media attention, which may give the impression that they constitute a form of advertisement. In the case of PA, which was highly publicized, the White House promoted the initiative without increasing the amount financial support to historic preservation. At the launching event on January 15, 2004, Laura Bush announced that the president's budget for the fiscal year 2005 would include a proposal for \$10 million (Advisory Council on Historic Preservation, 2004). In the finalized appropriation of NHPF for the fiscal year 2006, \$5 million was set aside for PA. This allotment, allocated for the first time through NHPF, drew from the total \$29.86 million that had been reserved for SAT programs. Therefore,

despite the funding of new programs, the difference between NHPF appropriations, \$71.57 million and \$72.9 million, for fiscal years 2005 and 2006 is negligible.

As the White House's role is to raise a program's profile, rather actually implementing it, these initiatives rely on intergovernmental collaboration for full realization. NPS is responsible for administration, and the ACHP and the Secretary of the Interior are required to submit assessment reports to the president every third year, in addition to preparing advisory guidelines (Executive Order 13287, 2003). The ACHP, under the direction of the president and Congress, has been PA's biggest enthusiast and promoter since the beginning of the program. In particular, the intergovernmental cooperation efforts of Laura Bush raised generated significant publicity. PA has been touted through websites and White House press releases, and information on the program has been dispensed by DOI, NPS, the ACHP, and individual grant recipients. Though they do not explicitly take part in this intergovernmental collaboration, HUD and DOT have stressed their roles in this historic preservation initiative through public release and the publication of guidelines. Many federal agencies responded immediately to the White House initiative, or at least gave the public appearance of immediate response.

PA and SAT are notably similar. For one, they both sharply reflect a primary social concern of the administration at the time of origination. In both cases, the White House proclaimed determination to accomplish a specific goal through heritage conservation; however, this commitment did not involve any administrative or financial expenditure on the part of White House. Both programs were also established by executive orders, with first ladies serving as honorary chairs in order to maximizing visibility. Finally, both programs emphasize tangible heritage. Funds earmarked for the

programs are allocated under NHPA, and NPS functions as the administrator. Through these special initiatives, the federal government can increase its influence over state and local governments, as well as nonprofits, particularly in the case of promoting a specific direction or goal in heritage conservation.

State Historic Preservation Officers

State and local governments had made intermittent forays into the preservation field as early as 1816, while federal involvement did not begin until the late nineteenth century. Although NHPA is a policy on the federal government, but the large part of implementation has to rely on state and local governments. Shortly after the enactment of NHPA, the Secretary of the Interior decided to share DOI's historic preservation duties and asked state governors to appoint an official for each state to carry out national historic programs (Murtagh, 1997). States responded by appointing delegates initially named State Liaison Officers (SLO) and later renamed State Historic Preservation Officers (SHPO). The growth in the power and effectiveness of state and local governments in the preservation field is evidenced by the organization of the State Historic Preservation Offices in the 1970s, as well as by the 1980 amendment to NHPA, which heightened the necessity for intergovernmental cooperation (King, 1998). It increased the importance of intergovernmental relationship in heritage.

Individual states were officially recognized for conservation efforts at the federal level when NHPA delegated authority for the Section 106 process to SHPOs. The 1980 amendment to the NHPA recognized state governments in numerous ways, mandating their participation in and endorsement of nominations for the National Register of

Historic Properties (King, 1998). Until the 1980 amendment, NHPA offered almost no identifiable output, but the amendment brought large-scale changes to heritage conservation at the state level and explicitly articulated the duties of SHPOs in providing authorities for the certification of local government preservation programs (King, 1998). In doing so, they identify, evaluate, register, interpret, and protect historic resources at the state level; they also provide consultative assistance at every step in the Section 106 review process at the federal level (King, 1998). It also clarified the nature of local government participation in the National Register nomination and the Section 106 processes.

The efforts of SHPOs at the state and local levels were especially important at a time when federal support for historic preservation proved insufficient. During the Reagan Administration, federal support declined, and grants for SHPOs were consequently diminished. In addition, NPS suffered a dramatic budget cut. Dilsaver (1994) describes the time from 1981 to 1992 as “a System Threatened” due to reduced funding and increased demands for service. However, many SHPOs still managed to develop their preservation programs in creative and positive directions (King, 1998).

Currently, the role of SHPOs extends beyond simply carrying national historic preservation programs. They provide comprehensive support to state programs, focusing on the technical, financial and advocacy elements of successful execution. In 1969, the National Conference of State Historic Preservation Officers (NCSHPO) was founded to provide a forum for the exchange of information and the solution of mutual problems. NCSHPO serves as an inter-state communication system, allowing SHPOs to ensure national conformity in conserving heritage. Through the conference, they are able to

present a collective voice for advocacy. NCSHPO has worked toward securing the NHPF, engaging in advocacy tactics, such as congressional testimony.

All in all, decentralization is fast become the norm. State governments may more effectively protect and preserve heritage since they are better informed on the regional demand for preservation and have direct access to historic properties, sites, and bearers' communities than the federal government. The increased tendencies in Congress and policymaking are observed in federal preservation efforts, increasingly requiring consultation with state governments or private sector organizations and hoping to reap benefits from shared decision-making and implementation. In this case, policy subsystems and issue networks tend to become more homogeneous and therefore less controversial (Meier, 1993). The federal government can avoid the possibility of dealing with particularly large or diverse groups, and so respond to problems more smoothly. Ultimately, decentralization via SHPOs and consultation with the Secretary of Interior or the AHCP occurred as incremental changes and that both reflected and influenced general public policy making.

The National Trust for Historic Preservation

In response to the need for a national organization to support and unite the growing American preservation movement, President Truman signed legislation for the creation of the National Trust for Historic Preservation in 1949. Subsequently, the National Historic Preservation Act of 1966 created a matching grant program to make a federal fund available for the Trust, which was the only private organization in the country cited by its name in the law. DOI, as part of its budget for the fiscal year 1969,

allocated the first preservation grants-in-aid to individual states and the Trust. All in all, with legal support, the Trust accomplished significant organizational expansion during the 1960s. It has remained the largest single national organization representing the private citizen on a broad spectrum of preservation issues. Presidential endorsement for federal establishment and recognition accelerated its creative program development and positioned its organizational identity similarly to that of a national institution (Murtagh, 1997).

Its mission statement explains that “the National Trust for Historic Preservation is a privately funded non-profit organization that provides leadership, education and advocacy to save America's diverse historic places and revitalize our communities” (National Trust, “About the National Trust,” n.d.). This demonstrates that the two major goals in heritage conservation are diversity promotion and community revitalization, which seem to be driven by the political and economic values of heritage. The combination of these two values can appeal different government bodies as well as grassroots supporters. Barthel (1996) notes that the American Trust has been responsive to political agendas and taken a more active role in advocacy than the British Trust. Positioned between government and the private sector, the Trust has sharply responded to social changes, explicitly emphasizing the promotion cultural diversity since 1991 (Barthel, 1996). The Trust clearly reveals the most notable values in the recent American heritage movement and identifies its role as fostering appreciation of the meaning of America’s cultural diversity and ethnic heritage. It also encourages community preservation and revitalization by safeguarding historic environments.

Emphasizing the economic value of heritage can be a strategic decision, made to appeal to a given constituency at state or local government, or community. State and local governments have begun viewing cultural tourism as a significant source of employment and revenue, and they can be active supporters and collaborators. As a nonprofit organization, the Trust relies on contributions from the private sector as well as those of individuals, corporations, and foundations. The Trust's current website focuses primarily on the economic benefit of preservation; namely, community revitalization. Established 1980, the National Main Street Center promotes immovable heritage as a tool for revitalizing traditional business districts. It also notes the creation other programs with focuses on rural preservation (1979), heritage tourism (1989) and statewide organizational development (1994) (National Trust, "About the National Trust," n.d.).

To provide timely, hands-on assistance for local preservationists, the Trust opened its first field office in San Francisco in 1971. During the 1980s, the Trust adopted a corporation-like strategic management system and built a network structure composed of headquarters and regional offices. Through the regional offices, the Trust was able to reach a wider public more effectively. Its major initiatives, Stateside & Local Partnerships and Community Partners, focus on cooperation with lower levels of governments as well as communities. The History Is in Our Hands public service campaign includes 58 state and local organizations dedicated to preserving America's heritage. Community Partners, which employs a similar approach in historic residential neighborhoods, began in 1994. In the area of monetary allocation, the Preservation Services Fund was created in 1969 to provide financial assistance to local preservation projects, and National Trust Loan Funds are available to stimulate economic development

and rehabilitation through historic preservation. As the process of strategic planning continued, so did the growth of the organization. As of 2004, more than 300 staff members are hired to operate a nationwide network of regional offices, a collection of 21 historic sites, and a wide range of programs, projects, and services. Its membership of more than 250,000 and annual budget of \$40 million clearly evidence organizational growth (National Trust, "History of the National Trust," n.d.).

In addition to serving as a valuable asset for development of individual heritage programs, this network can be crucial for organizational survival on the whole. When federal financial support has been unstable, strengthening the organizational structure and programs is necessary to compensate. Attempts to change the organization were made during the Carter administration, and the Reagan administration endeavored to eliminate the federal financial support to the Trust. Indeed, the grant significantly diminished during the 1980s (Murtagh, 1997). National Trust received almost \$7 million from NHPF in the early 1990's, but this amount dropped to \$3.4 million in later years, and funding was discontinued altogether in 1998. Discontinuation of funding to the Trust could be possible due to the impressive growth of the National Trust, both in efficacy and in size. This discontinuation has the potential to alter organizational characters and directions. Murtagh (1997) indicates that the network not only demonstrates complex cooperation in the area of conservation, but also the development of practical programs in response to the emerging needs of special-interest constituencies.

Another informal yet crucial resource of the Trust, the ability to publicly criticize governments' activities and decisions on heritage, had also made itself apparent. The Trust has served as a watchdog for federal policy on built heritage. Although it is

patterned after the British National Trust, the American National Trust differs in that it is intended to be a private non-profit organization. This design responded to a need for an organizational entity that was fully responsible for current and future historic properties and offered a non-governmental perspective (Barthel, 1996). The agreement to discontinue federal aid can be understood as the Trust's effort to have independent voice and role in heritage conservation. The Trust subsequently became more service-oriented, responsive to community demands, and stronger in its preservation-related advocacy. Since 1969, it has provided Preservation Services Fund to support and strengthen local, state, and national preservation interests, influencing public policy to shape the values and methods of preservation initiatives. Ultimately, it becomes clear that, for more than a half-century, the organization has been a leader in preservation; thus, Murtagh (1997) notes that the history of the National Trust and its growth is analogous to the broader history of the American preservation movement at large.

Emphasis on Partnership

The federal government has tried to determine ways to reduce the cost of heritage conservation, while still best serving the public. Direct government has become increasingly expensive and demanding with respect to immovable heritage, and federal involvement falls short of fully attending to national needs. A large percentage of natural heritage is located in government-owned lands, and the conservation of built heritage requires more complex policies due to limited funding availability and ownership issues at the private level. NHPA has evolved a complicated policy resulting from the federal

government's efforts to search for ways to better support the conservation of built heritage in an effective and efficient way.

NHPA does not encourage or guide directly management of historic properties at the federal level; rather, the policy requires inter-agency cooperation in the implementation, which was emphasized by the relevant policy. Despite the fact that Congress directs the cooperation, the success of conservation initiatives relies on agencies, while they are sensitive to their administrative and political terrains and independence. The field of tangible heritage conservation has no dependable leader or coordinator in the form of an authoritative agency; failure to consult with the Secretary of the Interior or the ACHP is a common problem, as is conflict among agencies, and discord often results. Ultimately, the problems enumerated above are often minimized or concealed in hearings, most likely so as not to disturb the legislative process.

The basic approach of NHPA is minimizing federal input while maximizing output at all levels of government as well as in the private sector. NHPA has become an extensive policy in part because it demands the participation of an extensive range of players in both the public and private sectors. While it is a policy directed fundamentally at federal agencies, it has developed conservation systems for individual states and Indian governments, and it has requested equal input on the federal government's conservation-related expenditures. Robert Stanton, Director of NPS, explains that NHPA and NHPF make it possible for NPS to "maximize the services and resources available at all levels of the government" (H. Hrg.105-66, 1997). Indeed, this is the ultimate goal for both NHPA and NHPF. John L. Nau, III, Chairman of the ACHP, described the national historic preservation program as a "bargain" for the federal government, as state

governments pay half of the cost (p. 18. S. Hrg. 108-24). The role of State Historic Preservation Officers has been considered particularly important, as these officers constitute the actual workforce, and grassroots involvement has been acknowledged as crucial to every stage of the process, from nominations to implemented conservation. H. Alexander Wise Jr., State Historic Preservation Officer and Director of the Virginia Department of Historic Resources, stressed that federal money goes a long way under NHPF. Through the fund, it has decentralized duties within the conservation field, while at the same time stressing federal agencies' responsibilities and leadership roles in protecting and rehabilitating historic properties. Also, its emphasis on intergovernmental and cross-sector collaboration has been strengthened over amendments.

The NHPA's stance to minimize federal input and encourage inter-governmental and cross-sector partnership has been strengthened in the legislation of NHAPA. In developing NHAs, the federal government does not acquire any historic site or property, and it fully respects private owners' rights and non-federal governments' desired directions. The federal government promises only limited assistance in the form of financial and technical support lasting generally between ten and fifteen years. The designation guarantees neither permanent funding nor support from the federal government. Instead, it minimizes federal expenses and support while maximizing the input at the state and local levels and in the private sector. In some cases, one NHA can sustain more than one state, which allows the federal government to support multiple states through grant for one national heritage area. The GAO report on NHA designation processes and funding situations supports the effectiveness of this plan, finding that the federal funding for NHAs totaled \$14 million in 1997 and \$ 34 million in 2000, but

declined to \$28 million in 2002. Non-federal funding, on the other hand, has continually grown, jumping to nearly triple the amount of federal funds allocated in 2002 (General Accountability Office, 2004). This type of partnership in the area of historic preservation is certainly not a recent trend; in fact, it is entirely characteristic of built heritage policy in the United States, and something that has been even further emphasized by NHPA.

This promotion of intergovernmental and cross sector collaboration was made clear through the NHPA's creation of a nonprofit organization, the National Trust for Historic Preservation, instead a bureau or agency focusing on tangible heritage conservation. The federal government sets standards and provides advisory and technical assistance and grants for the participants in this process. Therefore, vertical cooperation, or partnership, is crucial in the implementation of tangible heritage conservation initiatives. Partnership, or contracting, between government and nonprofit organizations is the recent trend of federal governance (Ott, 2001). It should be noted here that some nonprofit organizations have suffered a loss of autonomy or increased bureaucratization as a result (Young, 2001). The government has also often been criticized for shirking accountability when it comes to the expenditure of public resources (Young, 2001). Nonetheless, the government has found this arrangement attractive due to the potential for increased efficiency in many ways. Ultimately, being able to deliver an intended service with improved quality, decreased effort, and reduced expenditures is a highly attractive prospect.

Political Relationships of the Players

Legislation relating to heritage conservation is often small in scale, combining issues in single hearings or omnibus park management acts. At most of the hearings, apposition or conflict rarely appear; political relationships in this arena remain fairly simple, and the level of conflict is usually quite low. However, there are times when divergent interests in a particular issue become engaged in complex relationships. Even though NHPA is a single policy, it encompasses many issues and a diversity of relationships among the many actors involved in policy formation and implementation as employing different policy tools in conservation of built heritage (Figure 3-A).

Individual bureaus and their constituents usually eschew disagreement and exhibit a cooperative relationship in support of historic preservation policy, at least in front of Congress. Seemingly, NPS and the ACHP maintain a partnership as NHPA intended; however, it is difficult to fully ascertain the nature of this relationship outside of congressional hearings, in which they appear to be one another's best supporters. In the 1997 hearing to reauthorize NHPF, both NPS and the ACHP held that they had maintained an "excellent" relationship (H. Hrg.105-66, 1997). Agencies at the federal and state levels, as well as nonprofit organizations, strongly supported this reauthorization measure, and so tried to avoid detailed discussions of the proposed changes. One reason that bureaus and constituents minimized disputes over the proposed transfer of NPS duties to the ACHP may have been concerns about a resulting delay in the decision to reauthorize. Similarly, in 2003, DOI / NPS strongly supported the reauthorization of the ACHP in 2003, and partnership was greatly emphasized in these hearings as well.

However, several cases do demonstrate the strained relationship between NPS and ACHP in congressional hearings. The bill H.R 1522, introduced by Congressman Joel Hefely, was inspired by Executive Order 13006, which promoted the rehabilitation of old buildings by the federal government; it tries to follow suit by improving federal administration service. Addressed in the 1997 NHPF reauthorization hearing, this part of the bill proposed the transfer of NPS's administrative authority over the NHPF, the National Register, and State Historic Preservation Offices to the ACHP (Figure 6). They carry out some of the same functions, which could result saving in excess federal

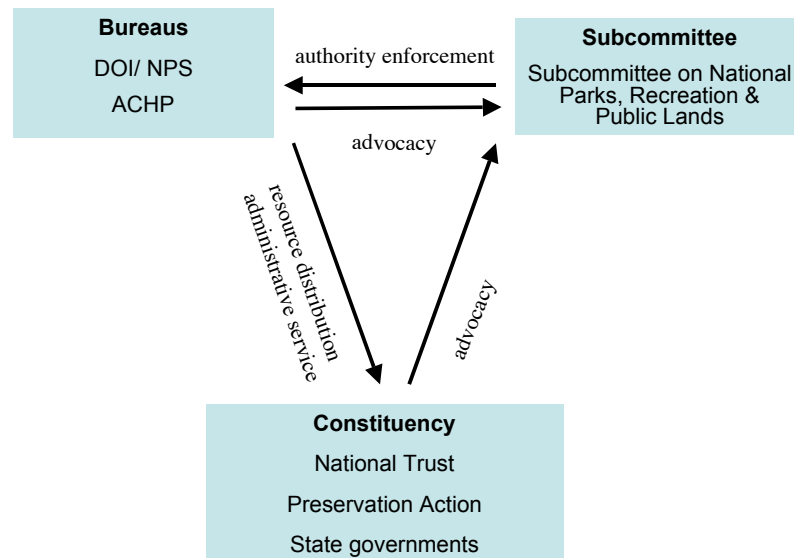


Figure 6: Political Relationship in Distributive Aspect of NHPA: Reauthorization of NHPF in 1997

spending and employment in the event of such a transfer. NPS has its own, in house review panel composed of specialists, so it would require little assistance from the ACHP to carry out conservation projects. Ultimately, John Fowler, the director of the ACHP, reluctantly admitted that the review processes of the two bodies overlapped, and so the NPS in-house review process could be merged into a part of the ACHP operations (H. Hrg. 109-66,1998). DOI and NPS strongly resisted this change so as not to forfeit their prominent positions in historic preservation, and they agitated to reauthorize without significant changes. Facing the opportunity to increase its diminutive authority, the ACHP opposed the proposed changes without clarifying the rationale for doing so. Edward M. Norton, Vice President of Law and Public Policy of the National Trust, considered the transfer of authorities a danger to preservation efforts, as the change could potentially disrupt or eliminate ongoing NPS projects. Overall, NHPA and NHPF have managed controversy fairly well, although some details, including distribution of financial resource and authorities, do not always satisfy the actors. This may be the case because it is least disruptive to the current policy structure, as expectations for significant policy expansion or growth in the scope of the fund may jeopardize the field in the absence of concrete support from Congress or the president. The political relationships evident in policy formulation and legitimation can be most closely likened to the characteristics of distributive policy; the influence of congressional subcommittees, bureaus, and the private sector is prominent, and the relationships among actors remain reasonably stable.

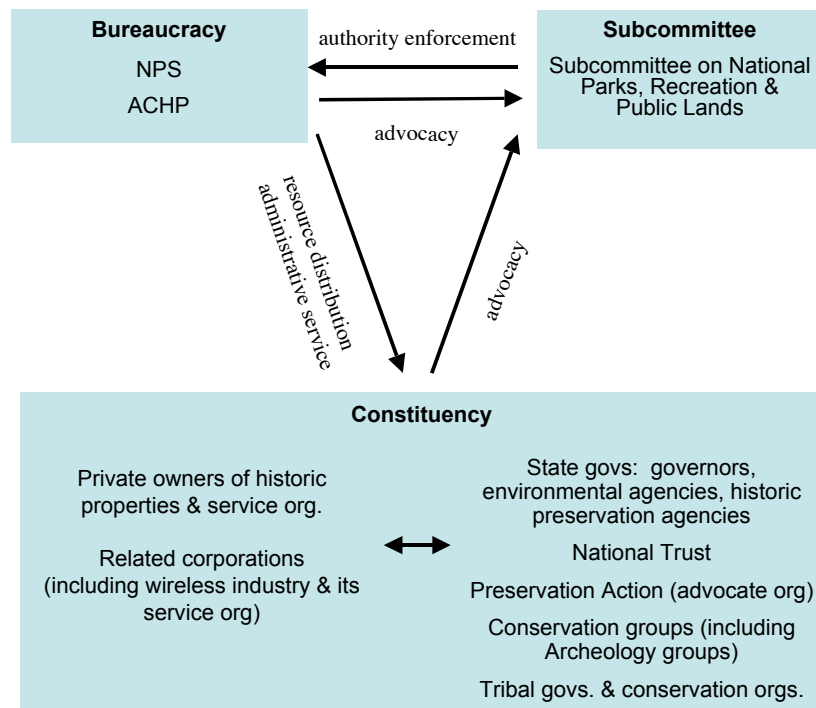


Figure 7: Political Relationship in Protective Regulatory Aspect of NHPA: Policy Discussion in Changing Section 106 in 2005

Regarding federal responsibilities to protect historic resources, relationships in this arena display characteristics close to protective regulatory policy, and the stability of the relationship becomes less tenuous. Federal agencies have compromised to achieve policy goals and prepare their own procedures; however, cases of disagreement are often reported. As the National Register increases in size and the federal duties of conservation

congeal, the pressure on and regulation of the private sector intensifies. These conflicts were exposed in the discussion about changing Section 106 of NHPA in 2005 (Figure 7).

Section 4 of H.R. 3223 proposed removing “eligible for inclusion in the National Register” from Section 106 of NHPA and limited federal protection to only those properties already listed. This proposition generated heated debate, and both businesses and private citizens with tried to influence the decision to protect their interests. Private owners of historic properties, in particular, resisted the heavy regulation inherent in NHPA implementation process, despite its sensitivity to property rights, and they requested the right to oppose inclusion in the Register. Wireless companies testified to the ineffectiveness of the section from their experiences yielding optimum wireless tower locations in order to cooperate with preservation efforts and so supported the change. Their opinions were represented by two organizations, the Property Rights Foundation of America, Inc. and the Wireless Association.

In contrast, the proposed modification was considered unacceptable in the larger field of heritage conservation and characterized as “devastating changes to the core piece of legislation that lays out the federal government’s commitment to historic resource protection” (MacIntosh, 2005). Players at the federal and state levels, as well as in the private sector, raised collective opposition. Federal agencies, NPS, and the ACHP exerted influence through this joint advocacy effort rather than independently.

American Indian communities were especially frustrated by the proposal, which would put their tangible heritage is at risk. Tribes also faced the possibility of forfeiting their power of consultation, as the majority of American Indian sacred sites and cultural resources are not listed in the Register. This opposition took several forms, including

testimony by James Martin, the Director of United South and Eastern Tribes, Inc, and written statements submitted by representatives of tribal governments and historic organizations. American Indian advocacy groups also found a strong supporter in the Subcommittee. Congressman Dale E. Kildee, a member of the Subcommittee on National Parks and Public Lands under the Committee on Resources at the time of the hearing and a former co-chair of the Native American Caucus, has been an avid advocate for American Indian issues and strongly opposed the proposed change of the bill in the interest of protecting native cultural heritage. Finally, individual members of the American Indian community also took active roles in the opposition.

The 2006 amendment to NHPA did not include the changes to Section 106 in its discussion draft. However, the policy discussion demonstrates the range of diverse interests and how the proposal intensified their preservation concerns. The collaboration within the conservation field was impressive, and the partnership between NPS and the ACHP was particularly fundamental to the opposition effort. However, with the exception of these two parties, important federal players, such as GSA, DOT and HUD, in the conservation of tangible heritage hardly evidenced opinions on the change, most likely due to their own contradictory positions on conservation. They usually seem inactive in policy formation and modification. The intergovernmental and cross-sector cooperation is not only crucial in implementation, but also in policy formation and change.

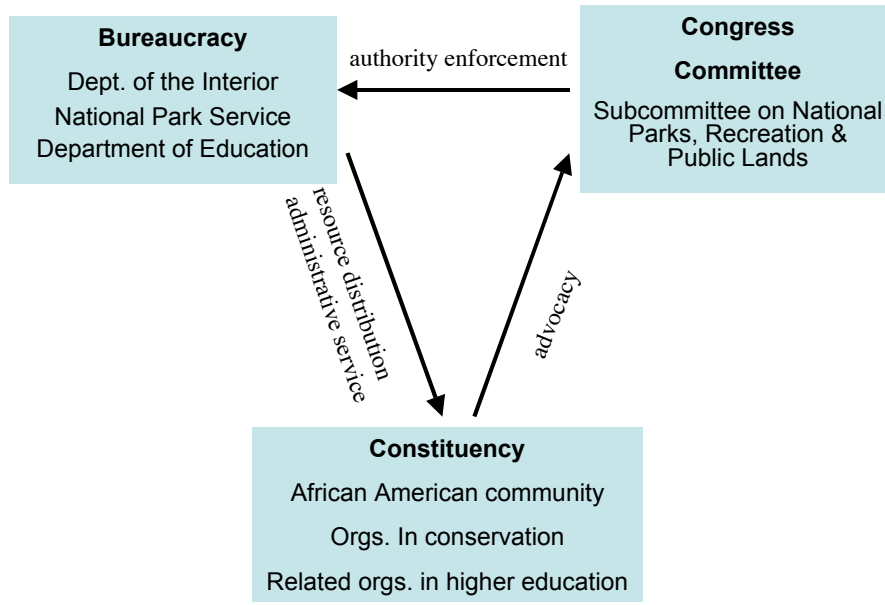


Figure 8: Political Relationship in Redistributive Aspect of NHPA: HBCU

In addition, NHPF has provided redistributive grants to protect African-American heritage and legacy in American history, and this has attracted a different constituency and created political relationship dissimilar from the previous cases (Figure 8). NPS acts as the administrator for NHPF grant to HBCUs, but some other departments also work in favor of legislation in this area. NPS essentially supports HBCUs, trying to maintain its position as an administrative partner, rather than merely a grant distributor, but it has objected to a proposed bill to reauthorize the matching grant program that would protect a particular type of African-American historic properties of African Americans. In contrast,

the advocacy from the African-American community was active under strong leadership. In the absence of support from the bureau, the strategic approach of Congressional Black Caucus (CBC) was to request that the Government Accounting Office (GAO) study the estimated cost of conserving endangered HBCUs. The data resulting from the one-year research became a convincing force in the legislation. In addition, Congressman James E. Clyburn, who had proposed the bill and worked closely with the constituency, the CBC, and the GAO, provided effective leadership. In response, the Democratic Policy Committee urged the Senate to support HBCUs continuously in 2004. In 2005, the Office of Postsecondary Education in the Department of Education summarized the pertinent programs, including HBCU preservation programs within DOI, and the report also stressed the importance of support to the HCBC.

The workforce in support of the bill was not composed of the usual players in conservation, but rather the advocacy groups working to protect African-American academic legacy. Clearly, this debate is not wholly situated within the arena of historic preservation, as it minority and education issues come into play as well. Whether the HBCU serves as either a protective regulation or a simple grant distribution, its characteristics suggest that it could be categorized under the umbrella of redistribution since it is intended to exert influence related to a particular value of an ethnic group. Furthermore, a proposal that privileges African-American heritage over other heritage by decreasing the non-federal funding to HBCUs also suggests redistributive characteristics. The relationship between the players is typical for redistributive policy; both the Subcommittee and the NPS played insignificant roles in policy-making while Congressional influence through the newly enacted NAGPRA and the CBC took a highly

visible position. Interest groups remained active and well represented. Viewing the issue as merely a preservation program can limit one's understanding of the big picture.

These discussions and their relationships to different policy characteristics have been reflected in the policy formation of NHAPA, a process that demonstrates policy incrementalism in the field. The act endeavors to reduce the conflicts of interest in the arena of regulation, as well as increasing the participation of diverse interests. It ensures protection of private ownership rights and emphasizes intergovernmental relationships with limited federal support.

The role of states in conservation has been consistently crucial, and NHAPA recognizes the importance of their mutual cooperation even further. Through the SHPO networks, states have shared the information and found a unified voice for advocacy in their dealings with conservation issues at the federal level. More importantly, SHPOs helped through funding and resources each other at the times of crises, for instance, New Orleans' historic properties damage by Hurricane Katrina. However, they continue to compete for community development programs and revenue from heritage tourism. NHAPA dispensed with geographical boundaries in this arena, opening a new channel for considering effective conservation unrestricted by state borders. Obviously, natural and historic resources are not necessarily enclosed within one governmental territory; a river or mountain range can run through multiple states, and community development often follows suit, as "nature, ecology, and topography shape the culture of a community" (NPS, "What is a National Heritage Area?," n.d.). Therefore, the act allows for the possibility that an NHA will transcend state lines. For example, the John H. Chagfee Blackstone River Valley National Heritage Corridor runs through both Massachusetts and

Rhode Island, and Quinebaug & Shetucket Rivers Valley National Heritage Corridor stretches from Massachusetts to Connecticut. Still, the majority of NHAs remain located within a single state, but five out of ten NHAs that were nominated in 2006 are managed by more than one state. Especially, the Gullah/ Geechee Cultural Heritage Corridor is under jurisdiction of four states: North Carolina, South Carolina, Georgia and Florida. More collaboration and conflicts may arise among states as a given NHA is managed by multiple governments increase.

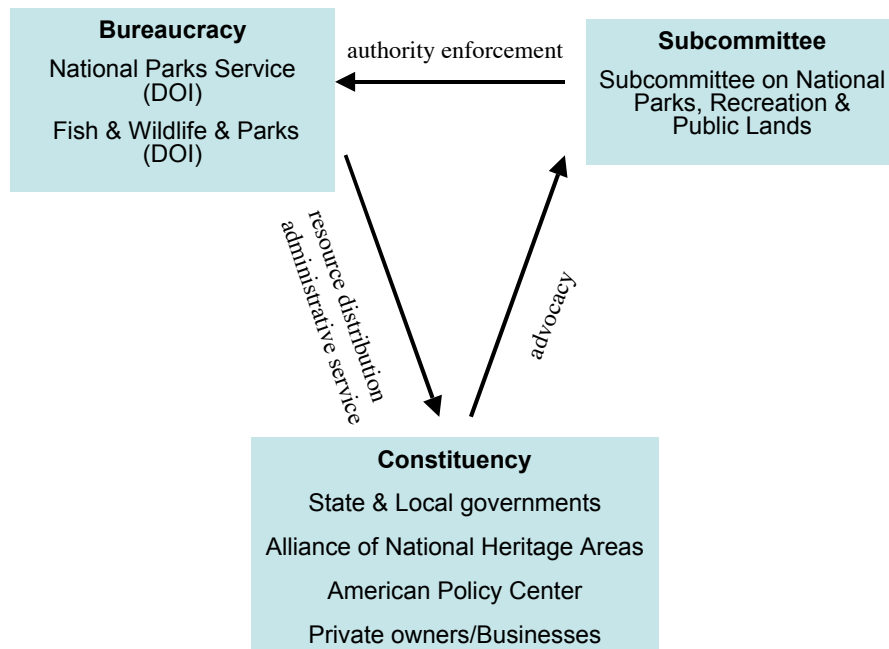


Figure 9: Political Relationship in Formation of NHAPA

NHAs have expanded active and clear subgovernmental dynamics in policy formation (Figure 9). In particular, the constituency for heritage conservation has expanded widely, and advocacy coalition has become part of the legislation processes. The Automobile National Heritage Area, for example, was made possible by the collective effort of various interest groups, including local government, corporations, labor unions, cultural and educational groups, preservation groups, and environmental organizations. These disparate players came together through their common goal of urging Congress to acknowledge the automobile industry as a symbol of American industry that changed the world and should be recognized on a national level. Congressman John Dingell led the legislation, acting as a central force for collaboration during the process. Another pertinent example is that of the Silos & Smokestacks National Heritage Area, formed in 1991 to preserve and promote the contribution of Iowa to world agriculture (Pillifant, 2002).

The federal government has not altered its approach to heritage conservation; the field remains quite decentralized, and funding has continually proved insufficient. Nonetheless, NHAPA is a testament to advancement. It is a stellar example of harmony in conservation, both in terms of types and in terms of players. NHAPA, as a recent policy, also demonstrates the new authority of heritage conservation heads. In comparison with previous policies, it evidences a more inclusive understanding of heritage conservation, as well as increased interest and awareness both in government and in the private sector.

Party Politics

Heritage conservation is often believed to be a bipartisan, non-contraversial subject. Representative Joel Hefley of Colorado has expressed the opinion that heritage conservation is an incontrovertible arena in which “no particular politics in this (historic preservation)- no Democrat, no Republican, really no liberal – conservative philosophical differences” (H. Hrg. 105-66, 1998. p. 38). Emily Wadhams, the Vice President of the National Trust, expressed a similar view, saying that every congress committed continuous improvement of NHPA due to “the bipartisan consensus that saving America’s heritage is a national goal” (H. Hrg. 109-7, 2005, p. 28). These statements confirm the perception that heritage has universal and intrinsic value; however, they critically reveal the weakness of overall political support for heritage conservation. In addition, while the subject itself is agreed upon as crucial to the national interest, it is not necessarily free of controversy, nor is it politically “easy.” Heritage conservation is intrinsically tied to politics, and this may increase its perceived importance and urgency. Policy formation and implementation, allocation of resources and authorities, and expressions of ideology can all contribute to controversy within heritage conservation.

A review of tangible heritage policy over the past 10 years demonstrates subject can attract the attention of different political parties depending on which issues are at stake. Republicans tends to introduce bills regarding general conservation issues, as well as those issues in tangible heritage relating to distinctive political values. Democrats, on the other hand, tend to be more active in a support capacity. The bill regarding ACHP reauthorization (H.R. 834) was sponsored by a republican, Representative Joel Hefley, with seven democrats and three republicans co-sponsoring. The bill proposing the

expansion of Wildness Battlefield (H.R. 1665) was also introduced by a republican, Representative Herbert H. Bateman, with nine democrats and three republicans co-sponsoring. Similar situations occurred with the bills relating to the Vietnam Veterans Memorial Visitor Center Act (H.R. 1442) and the Vietnam Veterans Memorial Plaque (H.R. 3293). Thirty-two republicans and fifty-three democrats co-sponsored the former; 127 Republicans and 158 Democrats were involved with the latter. Because these measures invoked Vietnam Veterans and so were of high visibility, the bills received more attention and more co-sponsors than other tangible heritage bills.

Party dynamics differ in the case of measures on minority heritage. Most bills introduced in support of minority heritage through NHPF were neither sponsored nor co-sponsored by republicans. HBCU bills H.1606 and H.R.1179, for example, had no republicans co-sponsoring. Senate Bill 684, which endeavored to provide participating opportunities and a steady source of funds for American Indian and Native Hawaiian historic preservation projects, was proposed by a democrat, Wyche Fowler Jr. The measure was then co-sponsored by seventeen other senators, all of them democrats. One exception to this rule is the bill to approve Martin Luther King, Jr. Memorial in Washington, D.C., which was sponsored by a republican, Representative Constance Morella, and had three Republicans and three democrats co-sponsoring. On closer examination, however, this example remains within the established pattern; although it concerns African-American heritage, its political value is paramount due to the national heroic status of Dr. King.

In general, democrats are more supportive of the conservation of tangible heritage, while republicans take leading roles in initiating and changing those policy

initiatives that have political value. Republicans appear to put more emphasis on national identity and patriotism than diversity, with democrats taking the opposite tack. Still, conflict between political parties remains low-profile. In 2003, heavily motivated by the economic value of heritage, the Congressional Historic Preservation Caucus, was formed to promote conservation efforts. A republican, Representative Michael Turner, and a democrat, Representative Bard Miller, came together to create the subgroup, and the ratio of democrats to republicans remains well-balanced. Democrats comprise about 66% of the members, and so have a slight majority. This indicates the partnership of political parties in the field of conservation.

CHAPTER 6

VALUE MECHANISM AND POLICY SYSTEMS IN INTANGIBLE HERITAGE

Intangible heritage has been protected, preserved and conserved under different programs from tangible heritage programs due to the long standing dichotomy in heritage conservation. This may involve different value preferences and engage policy implementation tools. In this chapter, I will examine important issues that should be considered for the creation or improvement of policy in intangible heritage, primarily using the definitions and guidelines provided by a UNESCO Convention. Understanding the definition of intangible heritage is crucial for identifying important issues and positioning it in policy arena. Then, the discussion will be connected to values and policy tools in conservation of intangible heritage.

Definition of Intangible Heritage

The U.S. heritage policy does not provide a definition of intangible heritage. The most widely accepted definition of intangible heritage is probably the one prepared by the Convention for the Safeguarding of the Intangible Cultural Heritage. The United Nations Educational, Scientific and Cultural Organization (UNESCO) has safeguarded cultural heritage since World War II when it began to look at the legal issues of intangible heritage. However, its visible recognition of intangible heritage is relatively recent

compared to tangible heritage, which was already ensured protection in the 1972 Convention for the Safeguarding of Monuments, Buildings and Natural Landscapes. Three decades later, UNESCO stressed the importance of intangible cultural heritage and guided its recognition and protection in the Convention for the Safeguarding of the Intangible Cultural Heritage in October 2003. Article 2 of the UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage defines intangible cultural heritage as “the practices, representations, expressions, as well as the knowledge and skills, that communities, groups and, in some cases, individuals recognize as part of their cultural heritage” (UNESCO, 2003). The Convention further explains the characteristics as below:

The intangible cultural heritage is transmitted from generation to generation, and is constantly recreated by communities and groups, in response to their environment, their interaction with nature, and their historical conditions of existence. It provides people with a sense of identity and continuity, and its safeguarding promotes, sustains, and develops cultural diversity and human creativity.

The Convention for the Safeguarding of the Intangible Cultural Heritage,
2003

The Convention emphasized the transmission of intangible cultural heritage from generation to generation and the important role of community or groups for such transmission and constant re-creation. The definition and concept has been introduced to the U.S. through the Center of Folklife and Cultural Heritage in the Smithsonian Institution.

The Convention identified the noticeable domains in intangible heritage, which helped clarify the definition and concept of intangible heritage. The forms of intangible heritage are identified as follows:

- Oral traditions and expressions, including language as a vehicle of the intangible cultural heritage
- Performing arts
- Social practices, rituals and festive events
- Knowledge and practices concerning nature and the universe
- Traditional craftsmanship

These categories are useful when describing the relationship with close terminologies, such as traditional culture, folklore, and folklife. In addition, they help to identify players and programs in intangible heritage.

Issues in Intangible Heritage

The definition and genres of intangible heritage by UNESCO indicates important issues in the field both explicitly and implicitly. This explanation exhibits the important issues: identity, diversity, sustainability, and authority and ownership. There are important issues that are not detailed in the definition, but are forceful motivations or goals in the operation of intangible heritage, such as authenticity, various economic benefits and political purposes. These issues can act as values to protect and conserve heritage and spur policy actions. Conflicts may occur among the issues as well. In addition, the issues and operation in intangible heritage can vary depending on history and politics of a country, although some issues are fairly universal.

Terminologies: Traditional Culture, Folklore, Folklife and Intangible Heritage

Folklore started emerging as an academic field in Europe, especially England and Germany, in the nineteenth century, but the term folklife appeared relatively recently (Dorson, 1982). While the terms “folklore” and “folklife” are often used interchangeably, there is a general distinction between the two. Folklore has received criticism for its narrow perspective, whereas folklife expands the scope to perceive traditional culture and include oral folklore and material culture (Dorson, 1972). It is also generally understood that folklife is more attentive to living culture. However, Dorson (1972) considers that the limited understanding of the term folklore is a common misunderstanding and that it does embrace living culture.

The U.S. government’s awareness of intangible heritage started consciously, and its support has been purposeful. This is observable in the selection and use of terminologies in heritage in federal policy and programs. The U.S. federal government has been consistent in its use of the term “folklife,” instead of “folklore” or “intangible heritage,” as shown in the American Folklife Act in 1976, the American Folklife Center in the Library of Congress, and the Smithsonian Center for Folklife and Cultural Heritage. If the folklife festivals are carefully presented, the term “folklife” must be consciously selected. Why has the U.S. government chosen to use the term “folklife”? Why not traditional culture or folklore?

The General Conference of UNESCO adopted the Recommendation on the Safeguarding of Traditional Culture and Folklore in November 1989. In the recommendation, the definition of traditional culture and folklore was given as following:

The totality of tradition-based creations of a cultural community, expressed by a group or individuals and recognized as reflecting the expectations of a community in so far as they reflect its cultural and social identity; its standards and values are transmitted orally, by imitation or by other means. Its forms are, among others, language, literature, music, dance, games, mythology, rituals, customs, handicrafts, and architecture and other arts.”

Safeguarding Traditional Culture and Folklore, 2001

Traditional culture and folklore were considered together and equivalent in the convention.

Many scholars consider tradition important to understand folklore. Brunvand (1986) defines folklore as “those materials in culture that circulate traditionally among members of any group in different versions, whether in oral form or by means of customary example, as well as the processes of traditional performance and communication” (p.9). George and Jones (1995) explain folklore as “expressive forms, process, and behaviors (1) that we customarily learn, teach, and utilize or display during face to face interactions, and (2) that we judge to be traditional (a) because they are based on known precedents or models, and (b) because they serve as evidence of continuity and consistencies through time and space in human knowledge, thought belief, and feelings” (George and Jones, 1995, p. 1). Common qualities between traditional culture and folklore can be identified in oral or custom related content, traditional form and transmission, multiple versions, anonymousness, and formulization. For that reason, folklore is generally characterized as “oral tradition” (George and Jones, 1995).

Widespread assumption about folklore is that the field deals with insignificant and romantic cultural aspects, related to something old, past, rural, and poor (Hufford, 1991).

Cultural hierarchy constructed from European elitism that considers traditional culture or folk culture inferior is still widely common in contemporary society. Kurin (2000) notes that the European definition of “folk” is often a politically invented term and tends to refer to native culture. In international society, the political connotation of the words “traditional culture and folklore” due to “earlier system of colonialist thought and domination,” and the use of terms by UNESCO was considered problematic (van Zanten, 2004). In world history, political colonialization almost always involves degrading the traditional culture of indigenous people or the culture that becomes dominated.

Kirshenblatt-Gimblett (1992) points out that American folk art historians consider folk art as a separate category from fine and decorative art and set aside from the field of art and academy. In the U.S., folklore has often been understood in relation to minority or ethnic studies. The general understanding of folk art displays similar misconceptions. Vlach (1992, p.13, 29) criticizes the limited notions on folk art that views it as “a traditional, often ethnic expression, which is not affected by the stylistic trends of academic arts” or “expression of the common people.” The author (1992) notes that folk art reflects the values of a particular community and expresses its informal tradition aesthetically, stressing the need of new perspective in viewing the field. These perceptions can be found in the U.S. folklife programs as well. In this research, I do not attempt to define the terms, folklore and folk art, but will observe how the federal agencies understand traditional culture and folk arts and the way in which they are reflected in their programs. This invites a review of the politics of folklore.

Therefore, the word “folklife” can be a wise choice to comprise a broad range of cultural heritage and avoid negative implications. Whether the criticisms are valid or not,

policy makers in the U.S. would naturally avoid the term “folklore” which could be viewed as limited and negative. Policy makers might preferred to the new term “folklife” to stress American heritage to the term “folklore” that is associated with the European culture and academic tradition. Don Yoder, a folklorist at the University of Pennsylvania, considered “folklife” as “a broader and wider reference than folk” and supported the selection of the term in 1967 (Kurin, 1998, p. 113). The Smithsonian Folklife festival has emphasized the presentation of “contemporary living cultural tradition” and embraced aspects of people’s lives including food, craft, music and dance (Center for Folklife and Cultural Heritage, “On the Mall,” 2005). The word “folklife” stresses the past, as well as the present “life” to describe the mission of the festival clearly.

The scope of the Collections Policy Statement of the American Folklife Center also shows the broad understanding of folklore from oral tradition to material culture.

The definition of folklife of the Library of Congress is following:

The term “American folklife” means the traditional expressive culture shared within the 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, handicraft; these expressions are mainly learned orally, by imitation, or in performance, and are generally maintained without benefit of formal instruction or institutional direction.

From P.L. 94-201
The American Folklife Preservation Act (1976)

The definition emphasizes the role of communities and the ways of transmission and shows various forms in folklife.

Despite the effort to distinguish traditional culture, folklore and folklife from one another, the terminologies share significant common ground. In addition, these terms exhibit many similarities with the definition of intangible heritage. Prott (2000) finds the origin of the word, intangible heritage, in Japanese legislation in 1950 and indicates that the word folklore has been commonly used in the field of anthropology. The definition of intangible heritage was developed through several international meetings over many years, and the 2003 Convention embraced the human rights side and the importance of community. The earlier definition, which was adopted at the Turin meeting in March 2001, received criticism for not including human rights issues and the concept of community. In addition, the definition was considered difficult to apply in operation (van Zanten, 2004). Reviewing the definitions of traditional culture and folklore, and intangible cultural heritage by UNESCO; the definitions of folklore by folklorists; and the definition of folklife by the U.S. government indicate common characteristics. The terms emphasize tradition-especially, oral tradition-and focus on human knowledge and belief. They all stress the critical role of community in creation and transmission. The forms of traditional culture, folklore, folklife, and intangible heritage extensively overlap as well. Customs or social practices, language, performing arts, and rituals are included in the definitions of each terminology. The definition of folklife by the Library of Congress stresses tradition and the range of collection is very similar to the domains of intangible cultural heritage identified by UNESCO.

Naturally, the overlapping characteristics cause confusion in the use of terms. A better definition of folklore is still under search, and Junzo Kawada (2000) notes that the definition of folklore has remained vague. As discussed earlier, traditional culture and

folklore often are considered together or interchangeable, and the boundaries of folklore and folklife are blurry. More often in the past, but still today, the term folklore has been used instead of intangible heritage (Kirshenblatt-Gimblett, 2004). Also, folklife and intangible heritage are similar in that both terms stress “way of life” or “living culture.” Indeed, van Zanten (2004) points out that the term “intangible heritage” is often considered interchangeable with the term, “living culture.” In that sense, folklife and intangible heritage can be the closest synonyms. While there is considerable resemblance, intangible heritage is considered the most inclusive term that embraces all forms of culture including traditional and folk culture, as agreed in the international community (Kirshenblatt-Gimblett, 2004).

Many folklorists express concern that the term “intangible heritage” should not lead to disregard for “folklore” or “traditional culture.” As Dorson (1972) stresses, folklore comprises living culture. It is important to recognize that the negative implications of the words derive from international politics, such as post colonialism. “The Recommendation Ten Years: Towards a Critical Analysis,” published by the Smithsonian Institution, stresses the need to understand folklore as a “social activity” and explains that the word “intangible” degrades the value of folklore and traditional culture (McCann, 1998). It seems that the terminologies still need careful studies for better usage.

Therefore, the characteristics and categories of intangible heritage are applicable in understanding folklife or traditional and folk arts in federal programs, and the shared understanding is the foundation in federal programs. The definitions of the American Folklife Act and NEA demonstrate the concept of promoting cultural diversity and a

sense of community, and appear as conservation at the level of particular ethnic groups. Promotion of diversity and national identity was one of the major motivations for the Smithsonian Folklife Festival. These programs have different emphases and directions according to their purposes, as shown by their use of terminology. While the term folklife is consistently used, “traditional and folk art” was used in supporting arts in intangible heritage. “Heritage” was used by NEH, and NEA is gradually using the term more often for its programs. NHPA has used the term “intangible heritage” in policy discussion since the early 1990s. Different emphases maintain balance in intangible heritage: preservation and conservation; political and artistic/aesthetic value; and prevention of overlap in government functions. However, absence of unified terminology likely causes confusion.

Identity

In viewing traditional culture and folk art, the reflected values of the host community is often prioritized over the artist’s intention and links to the communal identity. The Convention for the Safeguarding of the Intangible Cultural Heritage argues that intangible cultural heritage promotes “a sense of identity and continuity” for members of community (UNESCO, 2003). For the federal government, it can be translated into promotion of national identity and patriotism. National identity depends on a collective “story about the past” as personal identity depends on the individual “story about the past” (Glover, 1997). Political authorities often attempt to preserve and exhibit the past and present, as they desire to create public memory, which can be connected to national identity and patriotism (Glover, 1997). In this case, national identity is socially and politically constructed. This point of view rationalizes nations’ purposes to preserve

and present their past as public memory, and intangible heritage can create a sense of belonging and identity at different levels of communities.

Among many forms of intangible heritage, festivals can be a friendly and fun way to share collective memory within a community or a nation, and promote collective identity. Festivals often involve presentations of various aspects of intangible heritage. In many ways, the Smithsonian Folklife Festival is a representative event in the U.S. and is associated with national identity and patriotism. This festival is scheduled around Independence Day, at the National Mall where visitors can view the Capitol and the Washington monument. Feintuch (1988, p.4) describes the festival as “the largest cultural event in our capital city” and points out its unquestionable value as a national treasure and point of pride.

The U.S. bicentennial anniversary in 1976 was a momentous time to celebrate the nation’s history and heritage. The celebration of American independence focused on the nation’s legacy and consisted of special projects, events, and publications. The festival took place over three months, instead of the usual two-week period, and its location on the Mall heightened national pride and patriotism, and tied diverse people together under one nation. The Smithsonian Folklife Festival provides the opportunity for different people to gather in the perfect time and place to celebrate the nation’s heritage and prosperity and to foster national pride.

Similar efforts to promote national identity and social diversity by stressing heritage were emerged again during the preparation for the millennium. The President’s Committee on the Arts and the Humanities (1998) identified preservation, along with technology, as one of the two priorities for the new century in its report, *Creative*

America: A Report to the President, submitted to President Clinton in 1998. In the report, the committee stressed the importance of heritage and historic preservation, since it believed that “cultural heritage defines us as Americans and reflects the diversity of our people” and that knowledge in humanities and culture “develop skills of reason, clear expression and informed choices that characterize effective citizenship” (President’s Committee, 1998). It is observable that heritage and history is expected to ultimately cultivate national identity and patriotism in a diverse society.

Although heritage is expected to nurture identity at many levels, it is very difficult to keep one’s own cultural identity and tradition in the age of globalization. Folklore and traditional culture have been diminished or have lost respect in the flow of mass culture. Brown (2005) indicates that global circulation of culture can weaken a community’s cultural identity and awareness of authenticity, and suppress local creativity. These aspects can threaten authenticity of heritage and encourage commodification as well. Developing policy and programs that support intangible heritage without isolating it from the rest of the world seems another challenging task.

Diversity

Another very distinguishable issue of heritage, both internationally and nationally, is the issue of diversity. The Convention for the Safeguarding of the Intangible Cultural Heritage believes that intangible heritage “promotes, sustains, and develops cultural diversity and human creativity” (UNESCO, 2003). Cultural diversity, indeed, seems to be the major *raison d’être* for the federal government to support heritage, whether tangible or intangible. The most distinctive characteristic of the recent heritage movement in the

U.S. is the promotion of cultural and ethnic diversity. This can be a major social and political issue in a multi-cultural nation like the United States, and the government consciously promotes heritage for that purpose. While the U.S. government tends to promote diversity and national identity concurrently in heritage programs, promotion of diversity is more heavily exhibited in federal folklife programs than in historic preservation programs.

The goal to foster an appreciation of the character and meaning of America's diverse cultural and ethnic heritage is apparent in the mission of the Smithsonian Folklife Festival. The Center for the Folklife and Cultural Heritage in the Smithsonian Institution promotes "the understanding and continuity of diverse, contemporary grassroots cultures in the United States and around the world" (Center for Folklife and Cultural Heritage, "The Center for Folklife...", 2005). The Smithsonian Folklife Festival emphasizes promotion of diversity and does so on multiple levels: ethnic, regional, and genres of folklife.

The presentation of cultural heritage in the Smithsonian Folklife Festival has diversified over time. The first festival in 1967 used continents as geographic divisions and presented performances under themes. The second festival was organized differently, selecting a state, and presenting the regional culture including Native American arts and craft. In the 1970s, the presentation of Native American culture and heritage was heavily emphasized. In 1974, the structure was modified again and divided into three sections: Regional America, Native Americans, and Working Americans. During the 1990s, the concept of diversity was expanded as society became more complex, and the federal government started to give more attention to ethnic diversity. The cultural representation

of the Smithsonian Folklife Festival has reflected that direction. The center has led the promotion of diversity and conservation of both national and international culture through various programs.

The diversity presented in the festival is not limited to the American heritage, but extends to world heritage. Since the beginning, the Smithsonian Folklife Festival has presented international culture. For instance, Russian, Scottish, and Irish dances were presented in the 1967 festival “Performances” and German, Italian, Lebanese, Japanese, and Mexican cultures were presented in “Old Ways in the New World” in 1975. African culture was introduced in the section “African Diaspora” in the three consecutive years in the 1970s. After re-organization, the countries that were selected each year represented ethnic diversity. In the case of tangible heritage, the U.S. territory may work to provide boundaries for what to include or not. If the historic buildings and places are in the land of the U.S., they are probably considered tangible heritage of the country. However, in the case of intangible heritage, the boundaries are more difficult to identify. People arrived in the country with their own heritage, culture, and way of living. In the age of globalization, cultural products that consume and construct traditional knowledge and customs are distributed to the world. The everyday life of different parts of the world becomes similar. How can American heritage be defined or understood? Without identifying it, how can American intangible heritage be conserved?

There is little documented explanation why foreign arts and culture are included in the nation’s folklife festival. Inclusion of culture of foreign countries can mean more than understanding other countries, but necessary for a nation built by immigrants. One of the possible reasons for the inclusion of international culture can be found in the fact

that a large, if not majority, part of the American culture and tradition was originated in other countries and brought to the country by immigrants. This aspect is connected to the promotion of diversity at the domestic level without considering the international level. Many ethnic festivals in the U.S. provide opportunities to recognize and appreciate the different cultures that the immigrants have brought to the country. The import of foreign tradition continues in present time through immigration and media. Different traditions and cultures come through immigration, since the countries people come from have changed and are more diversified compared to past centuries. In a large part, it was a domestic need to raise respect for diversity and to educate people to understand other people's origins and culture. Understanding the places where American people come from may help people understand that different cultures that exist in the United States.

Authenticity and Sustainability

Munjeri (2004) states that value or valorization of cultural heritage depends on authenticity. In the Nara Document on Authenticity, authenticity is considered to include “traditions, techniques, spirit, feeling, historic and social dimensions of cultural heritage” based on the belief that “all cultures and societies are rooted in particular forms and means of both the tangible and the intangible” (Munjeri, 2004, p. 16). The 1994 Nara Convention on Authenticity points out that authenticity should be judged in cultural context, not by fixed criteria. The convention identifies major sources of authenticity: (a) in forms and design, (b) in materials and substance, (c) in use and function, (d) in traditions and techniques, (d) in location and setting, and (e) in spirit and feeling. Reliance on both tangible and intangible forms in determining the value of cultural

heritage is noteworthy. While authenticity and sustainability are crucial issues of conservation of intangible heritage, balancing these with economic interests and competing with mass culture have been challenging for both agencies and bearers in policy development and cultural practice. The flexible criteria to judge authenticity may justify virtually everything, possibly including fabrication of history or heritage, for the purpose of economic profits, heritage tourism. Since tradition and heritage are viewed as possible attractions, along with social customs, and arts and crafts, they have become resources for heritage tourism (Chhabra et al. 2003). The economic benefits of heritage tourism quickly generate interests from governments and businesses. It is often viewed as a tool for community development or revitalization (Chhabra et al. 2003). The quality of a cultural event or site often depends on the level of authenticity, and many scholars argue that the quality of heritage tourism can be improved by authenticity (Chhabra et al. 2003). Authenticity, as the value attribution of cultural heritage, becomes a key to the success of heritage tourism in an economic sense.

Heritage tourism, perhaps, implies the notion that people need to purchase cultural heritage, which is against the definition of intangible heritage or living heritage culture. While authenticity is considered important in heritage tourism, how authentic can the production and consumption of heritage tourism be? MacCannell (1976) points out that heritage tourism selectively reconstructs “nostalgic collective memory” from the past for the needs of the present time. It has become common for folk artists to modify their artwork and their identities to appeal to patrons on local, regional, and national levels (Joyce, 1992). MacCannell (cited in Chhabra et al. 2003, p.705) uses the term “staged authenticity” to explain selection and representation of cultural heritage for sales in ethnic

tourism and criticizes the constructed and inauthentic heritage for victimizing visitors.

Prott (2000) indicates that commodification of heritage and tourism deteriorates respect of tradition and negatively affects its transmission of heritage.

The impacts of commercialism and construction in intangible heritage may be a part of the cultural changes that occur in dealing with modern society. Crick (1989) disagrees with the perception of “staged authenticity.” According to Crick, selection and change of heritage is inauthentic, since all cultures are in a way “staged” through constant invention, restructure, and reorganization. While the 2003 Convention for the Safeguarding of the Intangible Cultural Heritage does not offer extensive explanation regarding authenticity, it emphasizes sustainability of intangible heritage. This UNESCO convention points out that intangible cultural heritage “is constantly recreated by communities and groups, in response to their environment, their interaction with nature, and their historical conditions of existence” (UNESCO, 2003). It becomes more complex in intangible heritage due to its constant transformation and the difficulty in its measurement.

Authority and Ownership

The heritage dissonance regarding authority and ownership has been a critical subject in conservation of indigenous heritage. UNESCO’s position is that indigenous people have the rights to the identification, continuation, and development of their cultural heritage both on individual and communal levels (World Heritage Committee, 2001). The Convention for the Safeguarding of the Intangible Cultural Heritage recognizes the rights of communities and groups that create and sustain intangible

heritage. Giving authority to communities that originally created and/or currently practice cultural heritage has earned general agreement in international society (van Zanten, 2004). According to the UNESCO glossary, the definitions of the terminologies related to intangible heritage are following:

- Bearer: a member of a community who recognizes, reproduces, transmits, transforms, creates and forms a certain culture in and for a community. They can also function as practitioner, creator, and custodian.
- Agency: the capacity to make decisions that have an impact on social practices and representations in which individuals and communities are involved.

(Cited in van Zanten, 2004)

Authority and ownership on American Indian heritage has been an intense subject, and the federal government has tried to improve the relationship between the agency, the Department of the Interior (DOI) mostly through NPS in relation to cultural heritage, and bearer groups, Indian communities. The early 1990s brought active political dialogue and prominent results: the Native American Graves Protection and Repatriation Act (NAGPRA) in 1990; the 1990 Amendment of Indian Arts and Crafts Act (IACA); and the Amendment of NHPA in 1992. The regulations in the policies have grown stricter through amendments, and executive orders in 1996 confirmed and strengthened the principles that the U.S. government has played in the role of “agency” that gives authority to “bearer” groups, American Indian communities. The legislative body, Congress, gave administrative authority to a bureaucratic agency, DOI and the power to protect and conserve tribal heritage to federally recognized Native American tribes.

Requirements for trademark registration of IACA caused obvious conflict with the existing policy—requirement for trademark ownership in the Trademark Act of 1946—since the Indian trademarks are “owned by the government” (S. Hrg. 106-568, 2000). After NPS approves Tribal Historic Preservation Officers (THPOs) and Tribal Historic Preservation Plan, tribes retain their rights on tribal culture and heritage. There have been problems and obscurity in implementation of the policies, yet policy changes indicate progress toward building respect for the intangible heritage of indigenous communities.

Core Values in Intangible Heritage

Political Value

Conservation of intangible heritage has several routes: (1) programs to support folklife and traditional culture, (2) tangible heritage policies, such as NHPA and NHAA, that started to recognize and embrace intangible heritage, and (3) Indian policies in relation to the protection of their cultural heritage. Therefore, intangible heritage has been continuously conserved in different programs through several separate policies. Policy windows for intangible heritage seem to open during particular times that emphasize the importance of national identity and diverse cultural heritage. Attempts to establish a national folklife center did not generate enough support and were unsuccessful for approximately a decade before the American Folklife Act. However, in discussing the establishment of the American Folklife Center (AFC), indeed, supporting the bill for the Center itself did not bring much of political debate. The timing—the American Revolution Bicentennial—could not have been better, and was emphasized several times

during testimonies at the hearing to establish the center. AFC was expected to increase the understanding of different people in the United States and embrace them in the American culture and identity. Instead of improving an existing policy, new small special programs tend to appeal as a part of big celebrations, such as the American Revolutionary Bicentennial and the millennium, and maximize the policy visibility.

It is widely accepted that supporting diverse heritage promotes a harmonious society through respecting different cultures and traditions. As heritage is generally believed to promote diversity, the heritage policy and programs in the U.S. have reflected that idea; further, supporting folklife has been always a way to encourage cultural diversity. NEA identifies that one of the major goals and roles of folk art organizations is “to promote, present, preserve or serve the folk and traditional arts, heritage, or traditional culture of diverse regional, ethnic, occupational or religious groups,” and promotion of diversity is certainly one of the goals of Folk and Traditional Arts program of NEA (Peterson, 1996, p.60). While the National Heritage Fellowship has honored a wide variety of folk and traditional arts, the majority of the recipients of the National Heritage Fellowships are minorities with distinctive proportions of American Indians, African Americans, and Appalachians. NEA stressed the importance of support to art and cultural diversity, noting that it leads “to a sense of self-respect on the part of each as well as to the appreciation of the contributions of all groups to produce a strong, cohesive force to unite the country” (H. Hrg. 421-1, 1974, p. 30). While this applies to both tangible and intangible heritage, the issue of diversity has been most visibly stressed in conservation of intangible heritage and less likely to focus on heroic or patriotic features, compared to the issues in conservation of tangible heritage.

Smithsonian Folklife festivals have addressed social and political issues with high visibility and flexibility. For the nation's commemoration, the Smithsonian Institution prepared the 1976 folklife festival with exceptional budget of \$2 million, which is approximately four times the budget of the festival in 1997, and received \$50,000 from NEA (H.R. 8770, 1974). The 2006 festival featured New Orleans, celebrating the history and culture of the city that was still trying to recover from the nature disaster Katrina. The program could be understood as recognition of its rich cultural heritage and encouragement for restoration efforts; however, the tragic occurrence was not mentioned in the festival or its booklet. The role of the festivals appears to be to polish celebrated moments to create joyful memories for Americans and foreigners, making the country more beautiful and culturally abundant. Along with national identity, diversity seems to be another appealing subject that makes governments pay attention to heritage. While diverse ethnic heritage are presented, the presentation is to honor, not to distinguish conflicts.

In recent years, cultural diplomacy using intangible heritage seems more flourished due to today's diverse international relations to extend the reach of traditional diplomacy and improve a nation's image. In this case, the players are usually not typical participants in heritage conservation, and presentation is the primary focus rather than succession or collection of heritage. The Department of State launched the Jazz Ambassadors Program in 1997 and considers the program to convey American values as well as artistic expression that can be universally appreciated. The form of intangible heritage often offers flexibility and convenience to travel and presentation. Performances of music or dance could range in terms of scale and expenses. Cultural diplomacy

through the Smithsonian folklife festival will be discussed in studying the Center for Folklife and Cultural Heritage in chapter 7.

While promotion of heritage can be a political strategy that embraces diverse ethnicities and races to achieve one harmonious nation, different cultural values and heritage can cause conflicts among various ethnic groups that try to protect their heritage. Is heritage a matter of identification of ethnic groups? Experts are concerned that a discussion of heritage, especially indigenous culture and heritage, has become the issue of biological species (Brown, 2004). It can be a big assignment for the U.S. government to balance the respect of diverse ethnic heritage.

Artistic Value

The programs in intangible heritage seem to weigh artistic value more than those in tangible heritage. Aesthetic/artistic value is important in tangible heritage and is almost always one of the crucial criteria to evaluate the quality of tangible heritage, such as architectural excellence or natural beauty. Aesthetic aspects of immovable heritage have been associated with recreation and resource management. However, it is hard to find a program in which artistic creativity is the most important standard in appraising tangible heritage. Artistic or aesthetic aspects of intangible heritage appear more distinguished, mostly because there are programs dedicated to support artistic quality of intangible heritage in NEA. In addition to performing arts, NEA values artistic creativity in traditional and folk art.

The artistic value of intangible heritage seems to display hierarchy in presentation. Folk and traditional arts are often considered to be less refined or a lower

value of art, and seem to be rarely presented in fine art museums or upscale performing art centers. Rather, folk art or crafts are generally presented in history or natural history museums, and folk music and traditional dance are considered best suited in festivals or less formal stages. Jazz, the most well-known musical form in African American traditional and folk music, seemed to obtain recognition and popularity over time and is presented regularly in the John F. Kennedy Center for the Performing Arts in Washington, DC. American Indian music and dance are most often presented in festivals and powwows and do not seem to be appreciated to the same degree as European high arts.

Preservation Value

Intangible heritage is continually undergoing transformation, which makes difficult the effort of preservation. Transformations of heritage can change its meanings or values. The issue of authenticity and sustainability is complex and makes the legal and administrative aspects of intangible heritage difficult. In addition, traditional culture and folklore often have numerous variations and adopt new cultures and lifestyles. Documentation and presentation of intangible heritage becomes complicated. Why bother to document when it changes or evolves constantly? If a folk musician plays in a festival wearing Nike Air, is the performance inauthentic? If the musician performs in traditional outfit, is it more authentic or “staged”? The concern that any of the terms, preservation, conservation, or protection may support “freezing intangible heritage” has increased (van Zanten, 2004, p.41). This could be the reason that UNESCO uses the word “safeguarding” instead of those other terms.

Although recognition of traditional culture and folklife is not foreign to the U.S. government and stressed “living culture” by the term “folklife,” folklife programs, especially in the early development, has commonly used the term “preservation” and left little room for sustainability. The policy on intangible heritage found in the American Folklife Act also stresses preservation. A large part of federal programs in intangible heritage have been primarily interested in documenting oral traditions and other disappearing cultures. Efforts to document and record traditional culture and oral history have been important projects taken on by AFC and CFCH. The Smithsonian Folklife Festival is the conscious effort to conserve cultural heritage, while respecting sustainability; while it is temporary and difficult to document the festival itself, it tries to conserve as well as continue culture traditions. Balancing the conflicting qualities of intangible heritage is a complex task; yet, federal programs have tried to yoke them together.

Economic Value

The economical success of the Smithsonian Folklife festivals has inspired and influenced a boom of other festivals. However, the economic value of intangible heritage was not recognized until fairly recently. It took time to develop ways to make profits from intangible heritage, due to the lack of physical or lasting character. The perspective that devalues traditional culture or folklife could delay the development. While the field still heavily depends on individual artists or crafts people, some efforts to organize started to appear as cultural tourism booms. Indian arts and crafts can be an example.

As the Indian arts and crafts market became competitive, protecting economic profits of the market turned into a bigger issue beyond the Indian community. Economic interest has been the main driving force in formation and changes of the policy. Advocates for the Act chose to emphasize the economic aspects over heritage conservation. This is not necessarily a sign of ignorance of heritage and tradition in Indian communities, but probably an advocacy strategy to attract political support beyond the Indian community. The House report 101-400 (1990) stressed the national economic loss to foreign forgeries of Indian art and crafts that was filed in the Report to Congress by the Department of Commerce (DOC) in 1985. DOC calculated at that time that the fraud and misrepresentation of Indian arts and cultural appropriations was approximately 10 to 20 percent of the market, which translated into about \$400 to \$800. During hearings in 2000 (S. Hrg. 106-568, 2000), the economic stake of Indian arts and crafts to their community as well as the nation was emphasized again. Testimonies repeatedly stressed the heavy dependency on arts and crafts in Indian communities, with high unemployment rates and the benefits to the communities from cultural tourism. The tourist market provides job opportunities for Indians and is a source of revenue for Indian and State governments. Moreover, testimonies stated that the market is valuable for the nation on both domestic and international levels.

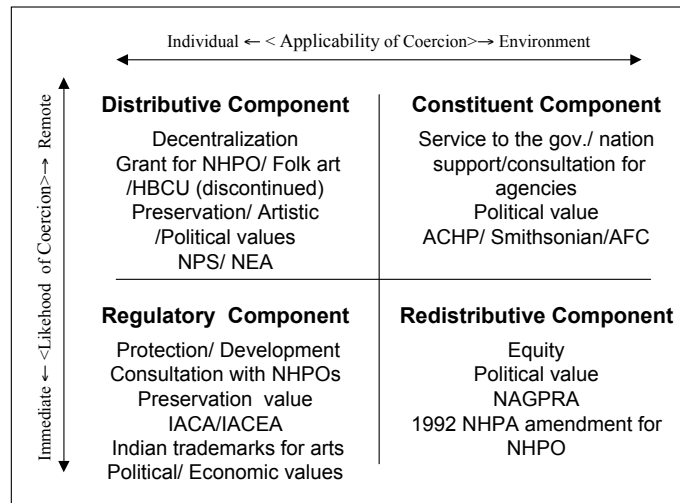


Figure 10: Application of Lowi's Scheme in Conservation of Intangible Heritage

Policy Tools and Types

The federal government gets involved in conservation of intangible heritage through collecting, researching, exhibiting, and distributing funds. However, policy strategies are not the same, and many policy tools employed to conserve tangible heritage are not available for intangible heritage (Figure 10). Tax incentives are less available in conservation of intangible heritage. Nonprofit organizations that research and promote conservation of intangible heritage can receive the tax benefits and contributions. However, the tax benefits toward rehabilitation of historic buildings cannot be applied to many bearers of traditional culture. The bearers and folk artists who work individually hardly receive legal protection or support for their contributions to keep tradition and

heritage. The distinctive character in policy tools for intangible heritage is that each tool tends to address very focused areas.

It is possibly because the early development of the U.S. conservation system was largely inspired by the European system—in particular, the British system, which does not have a separate legal recognition for intangible heritage. The registration for intangible heritage was introduced fairly recently to western countries. Now, through UNESCO publications, the Japanese registration system for intangible heritage has gained broad recognition, and other countries' legal attempts to protect their traditional culture or indigenous heritage have been shared. In fact, the term intangible heritage originated from the English translation of Japanese legislation for heritage in the 1950s (Prott, 2000). The impact of the national heritage conservation system of Japan can be traced back almost a century. It recognizes built heritage as well as masters in traditional arts and culture as national treasures. It heavily influenced the intangible heritage policy of the Republic of Korea in the 1960s. So far, the registration for intangible heritage has gained awareness, led by the Center of Folklife and Cultural Heritage, but there is no sign of actual changes in policy in the United States.

Direct Government

The federal government supports preservation, exhibition, research and documentation of collections in recorded versions as well as live versions of intangible heritage by direct government. On the folklife side, AFC and CFCH are the two representatives. On the art side, the Kennedy Center for the Performing Arts presents performing arts. These centers deliver the intention and direction of the federal

government in the field and are presented as national showcases to nonfederal governments and the private sector. They do not provide administrative, financial or technical support and offer very limited assistance to the field. They are usually not active advocates, while being cooperative in policy formation and improvement. Direct government in intangible heritage is limited to these several players who can raise the visibility and demonstrate American heritage domestically and internationally.

The administrative support for intangible heritage seems narrow, basically limited to indigenous heritage. The function is largely through NPS and Indian Arts and Crafts Board (IACB) under DOI. Its involvement with indigenous heritage has existed for decades, but a series of Indian policies, NAGPRA, the Amendment of NHPA in 1992, and the amendments of IACA since 1990 affected its political position. The changes in the 1990s are more than expansion of programs or the responsibilities of the agencies. While the programs still mainly concern built heritage and artifacts of Indian tribes, they are important due to the respect of Indian philosophy and religions. Before, Indian remains, burial objects, and their sacred sites were considered archeological resources that belong to the U.S. government. Therefore, DOI/ NPS were the administrators to manage and control. The policies in the 1990s resulted in a change of power dynamics, and their position became the administrator to collaborate with Indian governments for indigenous heritage. Through the policies, the relationship of agencies and bearers of traditional culture has set in a respectable way, while there is a long way to practice it.

Grant Distribution in Conservation of Intangible Heritage

The grant distribution is a fundamental approach for tangible heritage, and funds

are available to promote conservation of intangible heritage. The primary funding source for heritage conservation, the National Historic Preservation Fund (NHPF) has been largely distributed for built heritage, and a stable route to support conservation of intangible heritage in an inclusive way is absent. Therefore, the proportion of grant distribution in conservation of intangible heritage is definitely smaller than those in conservation of tangible heritage. Without the fundamental funding source, the grants for conservation of intangible heritage are available by several means; grants provided by NEA and funding for Native Historic Preservation Officers (NHPOs) through NHPF.

NEA provides grants for performing art and folk music, the categories have been smaller than others, and the amount has been nominal. The Folk and Traditional Arts program of NEA is unique in supporting the artistic side of traditional culture. Even before the program, NEA provided \$39,500 to the National Folklife Festival Association, the precedent organization of the National Council for the Traditional Arts, among the first grants in 1967. NEA has supported folk and traditional arts under five strategies: infrastructure, documentation, presentation, education, and recognition. Through grants, NEA sustains positioning folk and traditional arts in state government and building network. It has been also a way to support “low art,” since other programs tend to recognize European “high art.” Even as grants are less available for intangible heritage, they are still crucial policy tools to support intangible heritage, more specifically, folklife and performing arts and indigenous heritage. Although these funds cover each partial area in intangible heritage, they not only raise recognition but also build a supporting structure at lower level governments and the private sector.

Regulatory Policy in Conservation of Intangible Heritage: IACA

Emphasis on leadership and little direct governmental involvement in intangible heritage can be translated to absence of regulatory power. The players identified in intangible heritage tend to lack political authority. A list or registration could be a common policy tool that serves as an instrument not only for identification and recognition, but also protection that demands further actions. A national list for intangible heritage is unavailable, and a recognition or nomination system is nonexistent aside from the fellowship by NEA. Intangible heritage itself is more difficult to legally manage due to lack of physical form and possible relation with human rights and individual freedom. Bureaucratic agencies hardly worked on intangible heritage before; however, the role of DOI in intangible heritage has increased. Several policies in the early 1990s mandated DOI to consider intangible heritage for American Indian culture, and some policies, such as IACA and NAGPRA, provided authority to regulatory sanctions on tangible heritage.

In recent years, the ownership of indigenous heritage is especially apparent in the health care and medical field. Most people hardly consider folklore and traditional culture as a large part of their everyday life, but failure to legally protect the traditional knowledge and living forms, including food and diet, can affect everyday life of people in the world, not limited to the community of the traditional culture. Patents on traditional medical knowledge have radically increased the cost of health welfare and the cost of medicine internationally, and protection of traditional medicine has been an important issue in the World Health Organization (Bodeker, 2000). India has attempted to register traditional medical knowledge and constructed a national database to protect from commercial exploitation by giant pharmaceutical companies. India also digitalized all

national medical plant knowledge and plans to distribute to possibly all patent offices in the world in the form of CD-Roms. Currently, there is no federal database on such medical knowledge, while it is an important issue in the U.S. Native American Ethnobotany Database, a 25-year work prepared in academia that explains food, drugs, dyes, fibers and the use of plant for medical purposes.

Similarly, unfair market practices brought policy formation to protect Native American culture and heritage in the U.S., and a trademark registration program and an artist certification program was created under IACA. IACA employs the government-issued trademark as a way to certify Indian craftsmanship or artisan status. It waives the fee for enrolled members of federally recognized tribes to register the trademarks as a way to support them. In addition, the heritage programs of NPS have compiled various databases. Among these programs, the Archeology and Ethnography Program developed the National Archeology Database and the National NAGPRA manages several databases regarding Native American culture and heritage. However, the registration or databases scarcely provide grants or present regulatory power, but rather, recognition for ownership for a commercial purpose (H. Report 101-400, 1990). The federal government's efforts to construct registration or a database for intangible heritage have been limited to Indian arts and craft.

One of the goals of the Indian Arts and Crafts Act (IACA) is to protect authenticity of indigenous heritage in cultural tourism. Initially enacted in 1935 as a part of the Indian New Deal during the Roosevelt administration, IACA has been developed for many decades. It was originally created "to promote the development of Indian arts and crafts, for improving the economic status of Native Americans" by prohibiting the

fraud and misrepresentation of Indian arts and cultural appropriations (P.L. 101-644). The act is a regulatory policy that established criminal penalties for violation of its provisions and essentially a legal response to the rapidly growing market for Indian arts and crafts. As a “truth-in-advertising law,” it is classified under the auspices of business and trading law rather than heritage policy (Department of the Interior, 2006). However, it bears a relationship to heritage in that it is a protective measure for traditional culture and folk art, and so it involves questions of authenticity. While this form of regulation has been fairly common in the business field, the concept of fair presentation and competition is new to heritage conservation. While its is a marketing law protects Indian tribes and Indian artisans and craftspeople, Indian owned businesses, and consumers, it has received little attention in Indian heritage conservation communities. There is no information or resources regarding IACA on the website of the National Association of Tribal Historic Preservation Officers. However, the act is closely related to the authenticity and succession of indigenous heritage.

Modifications of IACA have focused on strengthening legal punishments and reflecting the Indian voice. Despite the criminal provisions and penalties for violation (H.R. Rep. 101-400, 1990), the 1935 act hardly was enforced, making a well intentioned, but meaningless policy for more than six decades. House Report 101-400 (1990) points out the ineffectiveness of IACA. Not a single prosecution was filed since the enactment, and any evaluation of the performance of the Indian Arts and Crafts Board (IACB) was absent. Changes have been responses to the problems of the act raised by Indian tribes, as they became a crucial part of the policymaking process. The 1990 Act reinforced regulatory aspects, radically increased criminal penalties, and created legal variations for

violations. In the past, the act did not cover attorney's fees for a prevailing plaintiff, which was one of the main complaints raised by Indian communities, and was not reflected in the amendment. The Native American groups felt that lack of coverage prevented effective implementation of the act. Such criticisms have appeared in testimonies for the 1990 and 2000 amendments. While the evaluative testimony by DOI remained positive, the Indian communities called the act an ineffective and powerless "paper tiger" act (S. 106-568, 2000). Finally, the 2000 Act created opportunities for Indian artisans and organizations by providing financial compensation for legal actions and IACB's assistance and representation.

Not all Indian artists or organizations benefit from IACA. Congress defines who is considered Native American and sets eligibility for the purpose of a policy. Indian status is often decided by political or legal distinctions of biological or racial conditions, and many policies and programs on indigenous heritage have adopted these perspectives. Sheffield (1997) points out that the act disqualifies as a property right policy due to the required political status for certified tribal artists. For example, in the Indian Arts and Crafts Act of 1990, an Indian tribe is defined as "any Indian tribe, band, nation, Alaska group or community which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians; or any Indian group that has been formally recognized as an Indian tribe by a State legislature or by a State commission or similar organization legislatively vested with State tribal recognition authority" (P.L. 101-644, Sec. 105). Although biological aspects are still dominantly important, recognition of the cultural heritage of Native Americans in the eligibility of policy has been recently added. By passing Resolution 92-98 in 1992, artisans and crafts

people who are not Indians by blood but practice Indian tradition and culture through arts and crafts can be certified as tribal artists. Through the modification, IACA is less restricted by biological ethnicity and better protects the transmission of Indian tradition and cultural heritage.

Redistributive Policy in Conservation of Intangible Heritage: NAGPRA

NAGPRA established basic compliance and legal standards for the repatriation of Native American human remains, funerary objects, sacred objects, and cultural patrimony. The act asks museums and federal agencies to return such archeological or historical collections to American Indian tribes or communities. It mandates organizations to prepare summaries and inventories of Native American collections, so the data can be used as references for tribes to request repatriation. It created a review committee to advise and monitor the implementation of the act. The Committee consists of seven members who represent a diverse constituency and different expertise: museums, academia, and tribal communities. Although the act is usually regarded as a human rights legislation rather than a heritage preservation policy, its significance stems from the creation of the legal rights of indigenous people on their cultural properties (Abraham et al., 2002).

NAGPRA may be understood as a protective regulatory policy, since it provides legal protection of sacred sites and objects of indigenous people. The act is designed to benefit a particular underprivileged ethnic group, indigenous people, whose human remains and funerary objects have been treated differently and which fill the gap in the U.S. policy (McKeown and Hutt, 2002/2003). The process involves relocation of

resources, in this case, returning sacred objects. The act limits the interests of scientists groups as well. This political relationship is closer to the political relationship of redistributive policy that Ripley and Franklin identified (Ripley and Franklin, 1991). Most importantly, absence of enforcement provision makes this act less a regulatory policy, and more a redistributive policy.

For the initial 10 years, museums and federal agencies submitted more than 1,000 summaries and 700 inventories. Most returns have been done by mutual agreement, but there have been a few litigations (S. Hrg. 106-708, 2000, American Association of Museums, 2000). More disputes have been in regard of new excavations and discoveries rather than returns of museum collections, and this trend is predicted to continue (American Association of Museums, 2000). Several factors prevent tribes from initiating a return: lack of inventory, reluctant federal agencies, long review processes, insufficient necessary resources and inadequate consultation with tribes during the process (S. Hrg. 106-708, 2000). Another pressing concern for tribal communities has been release of esoteric information (S. Hrg. 107-519, 2000). Both the federal government and tribes need a coordinative body to handle these complicated issues, and the policy demand was reflected in the amendment of NHPA in 1992.

CHAPTER 7

PLAYERS AND POLITICAL DYNAMICS IN TANGIBLE HERITAGE

It is easy to assume that folklife research and conservation efforts at the federal level are scarce, save for a few renowned programs. Inadequate support for the conservation of intangible heritage is recognized widely in the academic arena and, occasionally, before Congress. In 1974, Lucien Nedzi, the chairman of the Subcommittee on Library and Memorials, pointed out that the field of folklife had been almost completely neglected by the government (H.R. 8770, 1974). Three decades later, in spite of the establishment of the American Folklife Center (AFC), many are skeptical that the situation has improved; the basic support system for intangible heritage remains almost unchanged.

It also true that the identification of programs and players in intangible heritage is more difficult than with respect to tangible heritage due to the absence of oversight policy. No agency monitors the conservation of intangible heritage, and the lack of overall policy hampers the development of programs and actors. These problems have been discussed, however, with regard to the conservation of tangible heritage, with the result that policies have created actors and programs in that arena, intangible heritage has begun to follow suit. This chapter aims to outline the distinct differences between

tangible and intangible heritage in their respective policy developments and dynamics, and to provide a rationale for this disparity.

Institutional Settings

The available institutional settings for the conservation of intangible heritage are diverse, ranging from executive bureaus to independent agencies. Their functions are diverse as well: administration, research, recording and presentation. Each agency has primary focuses in intangible heritage, which, on the whole, can be a broad and complex subject. The National Park Service (NPS) has served as an administrator for indigenous heritage, the National Endowment for the Arts (NEA) has been a grant provider for the performing and folk arts, and AFC has documented and recorded disappearing traditional and living cultural heritage. Support for these projects tends to focus on distinctive elements of intangible heritage. To this end, the Smithsonian Institution's Center for Folklife and Cultural Heritage (CFCH) embraces broad definitions of folklife for its mission of research and education.

This dispersion of players can be troubling, potentially signaling that intangible heritage has no institutional home. This concern was highlighted by the difficulty in finding a location for the AFC. Although there was much support for the 1974 proposed House Bill 8770 creating the AFC, the prospect of situating a new national folklife center within the federal government generated many questions. Where would such a center best fit in? The Library of Congress? The Smithsonian Institution? This latter option was raised due to its contemporaneous presentation of the annual Festival of American Folklife. One complication in situating the center was that the proposed grant allowing

AFC to function would have duplicated some grant programs of NEA. Agencies were unwilling to house the center, and the suggestion was made to create an entirely new agency for folklife (H.R. 8770, 1974). Robert A. Brooks, working under the Secretary of the Smithsonian Institution, described folklife as “something of a homeless orphan” in reference to the 1974 dispute (H.R. 8770, 1974, p. 18).

The prospect of an institutional setting for these fairly dense approaches to intangible heritage affects not only program development, but tool choice as well. For example, the legislative branch employs the Library of Congress to assist with conservation efforts executed through the AFC. Though the original bill establishing the AFC included a grant distribution function, the Library of Congress has not traditionally engaged in grant distribution, and so the center followed suit; its creation necessitated neither added administrative effort nor increased federal expense. The Smithsonian Institution has not typically been involved in grants either, and so the CFCH’s duties fall mainly in the areas of research, documentation, and presentation. Clearly, tool choice is closely related to institutional type in these cases, and the institutions devoted primarily to the conservation of intangible heritage are not generally charged with grant distribution.

Players in Intangible Heritage

Folklore and folklife do not fit easily into a particular government agency or bureau, but many actors in both the public and private arenas contribute to the proliferation of these fields (Green, 1992). While the federal government does not play a sizable role, it can be credited with pioneering folklore conservation initiatives, beginning

with the establishment of the Bureau of American Ethnology in the late nineteenth century. The Archive of Folk Culture, the first official federal program dealing with traditional culture, was founded in 1928, and the New Deal projects took up the charge of conservation in the early 1930s. The term “folklife” was not used until 1967, when the Smithsonian Institution introduced its Festival of American Folklife; after that, the term became widespread. NHPA’s influence in this sector was not significant until the early 1990s; currently, differing policies affect the conservation of intangible heritage and result in disparate political dynamics.

The President

The power of the president over the conservation of intangible heritage consists in the following: power of appointment, executive orders, and President’s Committee on the Arts and the Humanities initiatives. These are the same options available when dealing with tangible heritage. The president appoints the chairs of NEA and the National Endowment of Humanities (NEH), as well as council members for both. The chair and committee members of the President’s Committee on the Arts and Humanities, also appointed, work closely with federal agencies on heritage conservation projects.

This last committee was established by Executive Order 12367 during the Reagan Administration in order to “assist in effort to increase private sector support for the art and the humanities.” Working closely with NEA and NEH, it identifies and addresses issues requiring governmental attention, and its initiatives represent prevailing federal directions in the relevant fields. Approaching arts and culture as symbols of social vitality and the success of democracy, this group promotes cultural diplomacy through

international programs; it also aims to reinforce civic, educational, and historic values through youth and preservation programs domestically. In addition to the president, first lady serves as the Honorary Chairman and raises the visibility of the political value of these initiatives.

Executive orders have also historically played important roles in the conservation, and one in intangible heritage concerned native cultural heritage. As examined in Chapter 4, such orders have addressed insufficiency in existing policies and placed emphasis on particular aspects of policy implementation. President Clinton issued Executive Order 13007 to improve federal executive agencies' relationship to NAGPRA by clarifying its mission and proposed implementation process. For example, the term "sacred places," a source of much controversy, was more specifically defined. Clinton also requested a report with recommendations for policy improvement and better implementation; this was one of few cases in the history of heritage conservation in which the president was closely involved with policy implementation and change.

Congress

Congress demonstrates its power over the conservation of intangible heritage through the same channels it uses for tangible heritage conservation: legislation, appropriation, and Senate confirmation of presidential appointees. Treaty ratification is another avenue through which Congress becomes involved with indigenous heritage. It has historically played the most prominent role in intangible heritage conservation, establishing agencies and programs, defining key terms, and allocating funding.

Congress passed the National Foundation on the Arts and the Humanities Act of 1965 with an aim to “promote progress and scholarship in the humanities and the arts in the United States” (P.L. 89-209, 1965). Congress also established NEA and NEH, which remain important players in the arena of intangible heritage. In the cases of these institutions, Congress chose to create them as independent grant-making agencies, thereby designating grants as their political tools. The legislature also mandated inter-agency cooperation among the usual actors in the field, namely the AFC, NEA, NEH, and the Smithsonian Institution, and the Secretary of the Interior was added to this list later. The dominant role of Congress suggests the strong presence of constituent policy in intangible heritage programs and policy at the federal level.

The American Folklife Act was created in 1976 “to provide for the establishment of an American Folklife Center in the Library of Congress, and for other purposes” (P.L. 94-201, 1976). The act’s definition of folklife appears in the Collections Policy Statement of the AFC, and it serves as a useful guide for collections management. The center’s collection drew heavily from the collections of the Archive of Folk Culture, established at the Library of Congress in 1928 for the “conservation and study of traditional culture in the United States.” Ultimately, the center broadened the understanding of traditional culture through its new terminology “folklife” as well as through its programs and activities, which constitute a visible example of success in conservation and a source of encouragement for those working in the field.

At the time, the prospect of expanding existing policy in the conservation of intangible heritage proved unfeasible due to the absence of foundational policy in the first place. Thus, Congress enacted a new law and created a new player, though not one which

was an independent agency. The newly legislated and created center represented a number of goals, including the identification of folklife as a “fundamental influence on the desires, beliefs, values, and character of the American People” and the foregrounding of national identity (Section 2 (a)(3)). 1976 was the year of the American Bicentennial, a celebration of national history and prosperity, and it coincided with efforts to bring the country together in the wake of social fragmentation during the Vietnam War. The preceding seven years of grassroots advocacy for folklife conservation culminated at this well-timed juncture, and the resulting act embraced not only national identity, but national diversity as well. This can be observed in the first article in Section 2(a) of the American Folklife Preservation Act, which states that diversity contributes to cultural richness and nurtures a fuller sense of American identity. The presence of this section indicates that diversity had already become an issue of national concern, and its inclusion in the definition of folklife suggests a predominant sense of urgency regarding the preservation of disappearing heritage and the ensuring of equity in those efforts.

The role of Congress is most visible in cases dealing with indigenous heritage. Although efforts to save American Indian historic and archeological sites have long existed both in the public and private sectors, initial legal attention to indigenous heritage was minimal. Hosmer (1965) considers the first historic preservation project in this area to be the 1847 effort to save “Old Indian House” in Massachusetts. Elements of American Indian heritage have often been classified as prehistoric or archeological resources, and the profile of this heritage was raised with the federal government began protection efforts in this area as a part of national resources management. The Antiquities Act of 1906 is the initial policy effort in this arena, along with two important federal

policies enacted in the late 1970s: the American Indian Religious Freedom Act (AIRFA) in 1978 and the Archeological Resources Protection Act (ARPA) in 1979. While not affording tribes any legal authority or channels for influencing federal agencies, AIRFA raised awareness of American Indian religious practices as part of the field heritage. ARPA was the first piece of legislation to legally acknowledge tribal rights of self-determination with respect to elements of heritage on their own territory. These acts jointly became the legal foundation for the expansion of both indigenous heritage program development and tribal advocacy efforts in the 1980s. However, it was not until the early 1990s that federal policy began taking into account tribal perspectives on own their traditions and heritage.

The legal acknowledgement of Indian tribes' rights to govern their culture and heritage was a gradual process that necessitated enormous efforts over a long period of time. In the early 1990s, legal protection for American Indian heritage went further, increasing tribal historic preservation programs. The Native American Grave Protection and Repatriation Act (NAGPRA) of 1990 established basic compliance and legal standards for the repatriation of human remains, funerary objects, sacred objects, and cultural patrimony. Specifically, it required museums and federal agencies to return archeological or historical collections to American Indian tribes and communities. Although the act is usually regarded as a piece of human rights legislation rather than a heritage preservation policy, it is significant for its avowal of the legal rights of indigenous people concerning their cultural properties (Abraham et al. 2002). Each act relating to American Indian heritage conservation further diversified the use of policy tools in intangible heritage, with the result that components of regulatory and

redistributive policy have been integrated into the conservation process. The development of indigenous heritage policy can be understood as policy incrementalism, falling in line with other American Indian-related policies. These acts changed previous relationships between agencies and bearers, influencing overall governmental direction of heritage conservation policies.

The American Folklife Center

The Library of Congress is a federal cultural institution that serves and reports to both Congress and the American public. The American Folklife Center was created within it by the American Folklife Act of 1976 to “preserve and present these great heritage of American folklife through programs of research, documentation, archival preservation, reference service, live performance, exhibition, publication, and training” (American Folklife Center, 2004). The rationale for its establishment in the Library of Congress lies mainly in the fact that the library had already collected the archives that were slated for transfer to the center; further, no other existing institution or program had emerged as an appropriate home. The center tends to embrace a view of intangible heritage, and indigenous heritage in particular, as a national resource.

While the act declared that federal support for American folklife is “appropriate and necessary,” the center has nonetheless received insufficient legislative and financial support since its inception. Firstly, the act did not provide for permanent authorization, and so the center was forced to renew its charter every two or three years until 1997. Secondly, the center has been faced with several threats of elimination, as well as budget and staff cuts. Congressman Dave Obey, a long time advocate for the center, proposed

the transfer of the center to the Center of Folklife and Cultural Heritage in the Smithsonian Institution, which was approved by the House Committee on Appropriation (H.R. 104-657, 1997). In the fiscal year 2002, the AFC's budget was \$49,310 and comprised about 21% of the gift and trust fund (American Folklife Center, 2002). In spite of the clear mission and responsibility of the center, Congress seems to set its standard for "appropriate" support for the institution very low. Thirdly, it is debatable that the Library of Congress has provided best parental support for the center. In 1996, the Librarian of Congress, James Billington requested the 20 percent budget cut and transfer of 30 percent of staff to other divisions for the center (H.R. 104-657, 1997). In addition, Billington asked for repeal of the center's independent status to reduce its visibility and risks of elimination. Owing to Senator Mark Hatfield's strong support to the center, the Senate Legislative Branch Appropriations Subcommittee rejected the requests proposed by Obey and Billingson and retained 10 percent budget cut. However, despite funding and other shortages, the responsibilities of the center to serve Congress and the American public have only expanded since its founding.

The center was assured input and cooperation from federal agencies in its efforts to conserve intangible heritage. Specifically, the American Folklife Act requires the appointment of the following heads of federal agencies dealing with folklife: the Secretary of the Smithsonian Institution, the Chairman of NEA, and the Chairman of NEH, who consist of the Board of Trustees. In addition, the president appoints four federal officials to attend to this field. NPS occasionally proposed cooperation on a specific project, such as the Blue Ridge and Paradise Valley projects, and the center collaborated on research and planning. In the 1980 amendment, Congress commissioned

the Secretary of the Interior to cooperate with the AFC to “prepare a report on preserving and conserving the intangible elements of our cultural heritage such as arts, skills, folklore and folkways” (Section 502 (16 U.S.C. 470a note), The National Historic Preservation Act Amendments of 1980). Through measures like this, Congress has acknowledged the center as a major supporter of American folklife. After three years, the center published “Cultural Conservation,” a resource for federal government in conserving and protecting intangible cultural heritage that also guides the relationship between key fields and makes administrative and legislative recommendations. This paved the way for federal action in the conservation of intangible heritage.

Courts

The religious freedom provision in the First Amendment is not always interpreted as absolute, and the balance between religious liberty and compelling governmental interests has proved tricky for American Indians in particular. The United States Supreme Court sanctioned the Religions Freedom Restoration Act to protect the free exercise of religion, and it has historically privileged the religious freedom of minority religious groups over general laws (*Employment Division v. Smith*, 494 U.S. 872, 1990). Prior to the 1990s, court appeals relating to indigenous heritage were rare. American Indian tribes did not have control over their own heritage, and archeological remains found on federal land could legally be confiscated for scientific study. Tribal governments were only afforded legal grounds when claiming violations of the National Environmental Policy Act (NEPA) or the National Historic Preservation Act (NHPA). In the 1990s, however, due to both the ambiguity of the NHPA and increased tribal sovereignty and authority

over cultural items through NAGPRA, more cases reached federal appellate courts. After the 1992 amendment to NHPA, court cases relating to NEPA and NHPA violations increased, especially in situations where tribes have not been consulted on key decisions. Examples of this include: *Abenaki Nation of Mississquoi v. Huges* (805 F.Supp. 234 D. Vt. 1992); *Muckleshoot Indian Tribe v. United States Forest Service* (177 F.3d 800 9th Cir. 1999); and *Western Mohegan Tribe and Nation v. New York* (100 F.Supp. 2d. 122, N.D.N.Y. 2000).

Court cases regarding NAGPRA tend to deal with the excavation or examination of a cultural item, rather than repatriation claims. The NAGPRA review committee has settled many disputes out of court. The most recognized court decision is the Kennewick Man case. In 1996, Members of the Army Corps found the 9200-year-old human bones along the Columbia River near Kennewick, Washington. American Indian tribes opposed scientific study of the bones and requested their repatriation for immediate burial by a coalition of five tribes. A group of scientists then filed a lawsuit opposing the request and stressing the scientific importance of analyzing the peopling of North America. The Supreme Court ultimately found little evidence of descendency from or cultural affiliation with American Indians, and allowed scientific studies on the remains. The decision states that “Congress did not create a presumption that items of a particular age are ‘Native American’” (*Bonnichsen v. United States*, 217 F. Supp. 2d 1138; D. Or. 2002). This case, then, highlighted the need to clarify the act’s definition of “Native American”, and, in 2005, Senator John McCain of Arizona proposed to remedy the confusion by applying the act to any ancient remains that lacked ancestral proof (S. 536, 2005).

Of late, if a human remain or artifact has a clear cultural affiliation with American Indians and is found on federal lands, Indian lands, or lands possessed by a federally-granted organization, the case is generally treated as a straightforward instance of a rightful claim by American Indians. In the case of *Na Iwi O Na Kapuna O Makapu v. Dalton* (894F. Supp. 1397; D. Haw. 1995), physical examination on the cranium, a process usually involving DNA analysis or extensive metric or nonmetric analyses, was disallowed to perform by the federal grant recipient. The Bishop museum instead used standard physical anthropological methods to determine cultural affiliation.

NAGPRA often works in American Indians' favor; however, it also outlines restrictions that cause many tribes to doubt its overall benefits. In one case, the Supreme Court did not recognize the repatriation right of the plaintiff, a linear descendent of the Lipan Apache chief Cuelas de Castro, as the human remains in question were found on municipal land in Universal City, Texas, not on federally owned land (*Romero v. Becken*, 256 F.3d 349. 5th Cir. 2001). In addition, the Lipan Apache Band of Texas was not even eligible to make a repatriation claim, as the tribe was not federally recognized at the time of the decision. American Indian communities often feel that these cases prove the troubling limitations of NAGPRA, and court decisions are looked to assist with its implementation by clarifying the act and presenting new prospects for policy discussion.

The Center for Folklife and Cultural Heritage, the Smithsonian Institution

Museums of the Smithsonian Institution collect, preserve, research, and exhibit traditional culture and folklife. However, their programs tend to be artifact-oriented. The Center for Folklife and Cultural Heritage (CFCH) seeks to counterbalance this

predominant approach by supporting “living culture,” and so it presents research and educational programs that promote “understanding and continuity of diverse, contemporary grassroots cultures in the United States” through documentation, exhibitions, and publications (Center for Folklife and Cultural Heritage, 2005). The CFCH clearly indicates that its programs are geared toward supporting sustainability and authenticity in a way that does not freeze intangible heritage. The best-known program of this kind is the Smithsonian Folklife Festival.

The Smithsonian Folklife Festival holds a special position among federal folklife programs. While documentation and recording efforts offer little public visibility, festivals are highly visible and necessitate community involvement and a variety of forms of arts and culture. As “a set of traditional behavior,” a festival serves as one context for folklore genres and is generally associated with traditional clothing, food, drink, dance, music, and stories (Smith, 1972, p. 168). Smith (1972) identifies the primary function of a festival as providing an opportunity for positive group interaction and communication, pointing, in particular, to the economic and political impacts of festivals in the early 1970s. Three decades later, the interests involved in promoting festivals have become more diverse and intensified, resulting in an event that addresses many major issues raised in both the operation of intangible heritage and the development of related programs and policy within the United States.

Presented on the Mall since 1967, the annual Folklife Festival could easily constitute the most visible and widely recognized program funded by the federal government. Whether its goal is heritage conservation or the promotion of identity and diversity, it takes on particular importance due to its congressional mandate. It is

probably the most strategically constructed festival in the United States, providing an opportunity for community interaction and bonding. Selecting a specific foreign culture to highlight each year allows for the presentation of international history and arts in a cohesive and comprehensive way, and seems both appropriate and necessary for a country founded by immigrants. Due to its impermanent character and diverse programming, it is a flexible institution with the potential to address a wide array of political, cultural, educational, economic, and entertainment goals.

All in all, the Smithsonian Folklife Festival is a political necessity. The presentation of traditional culture and folk festivals has often been influenced by politics and national ideology (Kurin, 1992); however, there is little evidence that these functions were specifically intended. Folklore has historically played a significant role in domestic politics, as can be seen from studies on the political uses of folklore in the United States and the U.S.S.R during the Cold War. Numerous elements of the Folklife Festival: its appointed time of the year, the two weeks surrounding Independence Day; its location on the Mall in the nation's capital; and its ardent celebration of diverse culture from within the United States and around the world make it possibly the best environment for nurturing national identity and promoting harmony at home.

While it is difficult to quantify the political impact of the festival, its economic benefit speaks for itself. With some fluctuations, over a million people visit the Smithsonian Folklife Festival each year. Visitors pay no admission charge, but instead spend money at eating, drinking, and purchasing souvenirs. The Folklife Festival offers food concessions, craft booths, and educational resources, which has led to some concern about potential conflicts between the sales and presentation when it comes to arts and

crafts. The idea of selling items on exhibition was initially met with resistance, raising worries regarding possible profit loss.

Kurin (1991) notes that the 1985 discussion of creating a bazaar or market for the 19th Festival of American Folklife, *Aditi: A Celebration of Life* and *Mela! An Indian Fair*, was met with mostly favorable responses. The sale of merchandise was intended to enhance visitors' experiences, providing another avenue for Americans to learn about Indian culture and economy. The festival took in a profit of over \$100,000 in 10 days; a decade later, the sales of food and goods have exponentially increased the festival's revenue. In 1996, for example, the profit from food sales only exceeded \$260,000, and, for that year and the two afterward, the festival earned an average of \$200,000 from the sale of goods (Kurin, 1998). The marketplace is now one of the most popular aspects of the event. In my personal travels to the festival, I observed clearly its expansion in the period of time from the late 1990s to the early 2000s. By 2003, the bazaar was the largest and most crowded tent, with security guards managing two lines of shoppers to keep occupancy under control.

The expectation that the festival would generate economic profit goes beyond transactions on the Mall. The domestic regions and foreign countries selected to present their culture hope to bring economic benefits back home with them, particularly in the area of tourism. In 1992, an exhibition on New Mexico opened in the Smithsonian Institution's National Museum of American History, and the Smithsonian Folklife Festival simultaneously showcased the state's culture and heritage. As a result, the state generated more than \$610,000 through sales to the Smithsonian Institution in preparation for the exhibit and festival, an extra \$390,000 was expected from sales of merchandise

and food. However, the direct profit from these endeavors was dwarfed by New Mexico's \$1.2 million investment for a bigger stake later on. The state considered this a prime opportunity to promote cultural tourism, and the New Mexico Department of Tourism spent nearly \$5 million on media advertisements (Hickox, 1992). The foreign countries participate in the festival can also have similar expectations. The Indonesian government, for example, considered the festival to be not only an opportunity for promoting cultural tourism, but an avenue through which Indonesia could broaden business cooperation with the United States (Tanen, 1991). Tanen (1991) points out that this latter possibility can benefit a country economically not only by providing actual business opportunities, but by enhancing its image to the American society

Still, for foreign countries, the primary incentive for their participation in the festival is often political rather than economic. Cultural diplomacy through folklife festivals has emerged as a phenomenon. The CFCH has only been showcasing the history, culture, and lifestyle of a particular nation since 1982, but international culture has always been an important part of the festival. As international relations increasingly involve economics, business opportunities, cultural tourism, and ideology, folklife could emerge as an important tool in cultural diplomacy. Similarly, the United States may choose to present the culture and heritage of particular countries not only for educational reasons, but diplomatic purposes as well (Tanen, 1991). The cultural exchange heavily depends on the political circumstances in selecting the forms of heritage, and the folklife of the Soviet Union has historically been a rare offering, with the exception of Russian dance. In the interest of national security, the American government actively supported cultural exchange with the U.S.S.R. during the Cold War era, but the content of that

exchange was carefully selected to serve political purposes. In the cultural competition, high arts, such as paintings and ballet, were frequently presented, whereas folklore, while employed for political ends domestically, might not have been considered an effective method of proving one's national supremacy. A series of folklife exchanges between the Soviet Union and the United States, for example, became possible as political environments evolved; the Smithsonian Institution Office of Folklife Programs (OFP) and the U.S.S.R. Ministry of Culture cooperated on the exchange during the Soviet political and economic reconstruction in the mid-1980s known as Perestroika. In 1988, the "Musics of the People's of the Soviet Union" program was presented at the Smithsonian Folklore Festival in Washington, D.C. (at that time, it was known as the Festival of American Folklife), and the United States reciprocated with participation in the International Folklore Festival in Moscow (Kurin, 1992). This conjecture aside, it is difficult to confirm the political intentions of festival programming, and festivals rarely influence the political standpoints of governments (Tanen, 1991). However, this type of cultural cooperation should not be overlooked as a potential window into political issues.

The National Endowment for the Arts

The National Endowment for the Arts (NEA) developed its folk arts program in 1974, responding to demands for diverse artistic and cultural heritage. The Folk and Traditional Arts Program was categorized as a special project before it became a separate program. As the American Folklife Center and the Center for Folklife and Cultural Heritage each emphasized different elements and goals of folklife, NEA found its own unique mission: promoting intangible heritage with an emphasis on artistic/aesthetic

value. Heritage programs are difficult to identify if one is only looking at the names of programs and initiatives. Many NEA programs that do not use “heritage,” “tradition,” or “folk” in their titles are nonetheless working in support of this field; dance and other performing arts, for example, are also considered artistic traditions and supported through grants, which allows for the preservation of a particular element of intangible heritage.

NEA also has recognized individual artists and specific forms of traditional art through offerings such as National Heritage Fellowships. These fellowships are designed to promote the preservation of folk and traditional arts, which are defined below:

The folk and traditional arts which include music, crafts, dance, storytelling, and others are those that are learned as part of the cultural life of a community whose members share a common ethnic heritage, language, religion, occupation, or geographic region. These traditions are shaped by the aesthetics and values of the shared culture and are passed from generation to generation, most often within family and community through observation, conservation, and practice.

National Endowment for the Arts (n.d.).

The NEA’s Folk and Traditional Arts Program also supports heritage preservation, as well as recognizing individual artistic excellence.

Through these programs, the agency has aided in the preservation and continuance of intangible heritage and commended folk artists and craftspeople who are working in traditional forms largely ignored by the fine arts market and institutions. In addition, NEA recognizes those institutions or organizations that do promote the preservation of intangible heritage and tradition, such as the Alaska Native Heritage Center. These initiatives not only honor cultural traditions, but also support the communities that keep them alive. Chosen artisans or craftspeople, such as basket

weavers, quill workers, and tradition bearers, have been honored as masters in their fields. Some examples include Emily Kau'i Zuttermeister, a hula master, and Paul Tiulana, an Inupiaq Eskimo mask maker, dancer, and singer, two Native American artists who received awards in 1984. Philip Simmons, a blacksmith and ornamental ironworker, was recognized in 1982, and Joseph T. Wilson, a folklorist, was also commended for his contributions and advocacy in the field of folklore. Because folk art and cultural traditions pass to future generations via informal settings within a given community, the outside recognition of individuals with special artistic skills is particularly important.

As a grant-distributing agency, NEA supports programs as well as individuals in this field. Unfortunately, following an initial increase, the available financial resources for the folk arts have failed to grow significantly. As part of its Folk Arts program, NEA distributed \$1,532,537 for the fiscal year 1978, \$3,128,314 for the fiscal year 1985, and \$3,269,700 for the fiscal year 1995 (NEA, 1978, 1985, 1995). Recently, the programs were broken down into the following: National Heritage Fellowships in Individual Fellowships; Folk and Traditional Arts Initiatives in Leadership Initiatives; and Heritage Preservation. In the fiscal year 2001, these programs distributed \$120,000, \$800,000 and \$3,525,500, respectively. While the amount for each year may seem relatively low and therefore insignificant, NEA has demonstrated invaluable leadership in supporting the folk and traditional arts for three decades.

The National Endowment for the Humanities

The National Endowment for the Humanities (NEH) also supports intangible heritage, largely through research and education in the fields of history and archeology. Its understanding of the humanities is broad and so encompasses heritage conservation;

still, NEH often receives little attention in the field, most likely due to the lack of the word “heritage” in the titles of its programs. The NEH definition of “humanities” is as follows:

The term ‘humanities’ includes, but is not limited to, the study of the following: language, both modern and classical; linguistics; literature; history; jurisprudence; philosophy; archeology; comparative religion; ethics; the history, criticism, and theory of the arts; those aspects of social sciences which have humanistic content and employ humanistic methods; and the study and application of the humanities to the human environment with particular attention to reflecting our diverse heritage, traditions, and history and to the relevance of the humanities to the current conditions of national life.

The National Foundation on the Arts and the Humanities Act of 1965

As the term “humanities” is understood here to represent human environments that reflect “heritage, traditions, and history,” NEH has developed several programs dedicated to heritage, focusing in particular on historic preservation and history education.

While NEA tends to direct attention toward traditional arts and artists, NEH focuses largely on history and education in schools. The Preservation and Access division supports cultural legacies through research, publications, and public programs, and it has provided grants to state agencies for these initiatives. In one instance, NEH supported the Illinois Historic Preservation Agency’s 1994 publication of the legal papers of Abraham Lincoln (NEH, 1994). The National Heritage Preservation program also supports research into and documentation of significant cultural and educational institutions.

NEH also promotes heritage through educational initiatives like *Landmarks of American History*. This program offers the *Landmarks of American History Workshops* for K-12 educators and community college faculty in an effort to encourage the study of

American history through significant historical sites, as well as through archival and other primary sources. As indicated by the initiative's title "A National Conversation on American Pluralism and Identity," the promotion of diversity and national identity are high priorities.

Although NEA and NEH are often considered identical in terms of size and potential for political efficacy, the NEH's heritage programs receive more funding than those traditional and folk art programs run by NEA. In 1991, the Historic Center and the Office of Preservation allocated \$348,189 and \$19,853,103 in grant money, respectively (NEH, 1991). In 1992, these amounts increased significantly, and the increases brought with them new names. \$1,587,123 was allocated through the History Project, and \$25,137,489 came from the Division of Preservation (NEH, 1992). In 1994, \$203,302 and \$24,048,418 were sent out through the History Project and the Division of Preservation and Access, respectively (NEH, 1994). Although the size of grants given to the NEH's heritage programs has historically fluctuated, the funding has always far exceeded that of NEA. Explanations for this phenomenon are variable and often vague; one possibility is that NEH programs include education components. However, the disparity could also be attributed to an imbalance in support for tangible and intangible heritage, as NEH often funds research and documentation related to historic properties, thereby encouraging the utilization of tangible heritage as an education resource. Another possibility is the privileging of political value over artistic/aesthetic value when dealing with heritage.

The National Park Service

In the field of heritage conservation, the three players often considered most important are the AFC, NEA, and the CFCH. The AFC is housed within a legislative agency, the Library of Congress, whereas the others function as independent agencies or institution. Overall, scant bureaus or agencies in the executive branch were considered relevant to this field before NPS began administrating the intangible aspect of indigenous heritage. Since the early twentieth century, NPS has taken part in the conservation of American Indian built heritage, implementing the Antiquities Act of 1906 and the 1970 Archeological Resources Protection Act. The American government, particularly in the early periods of conservation history, has often evidenced a lack of respect for traditional American Indian philosophies of conserving and continuing heritage. Continuing this trend, NPS, in its capacity as manager of indigenous heritage, has failed to fully appreciate and reflect the intangible elements of that heritage in its programs.

The new administrative role of NPS in conserving the intangible cultural heritage of American Indians has been particularly emphasized in recent policy developments. In deference to American Indian sovereignty, it implements NAGPRA via the Great NAGPRA program, working with Native Historic Preservation Officers (NHPOs) and providing grants and technical assistance for tribal preservation projects. Ultimately, the individual duties of NPS in supporting indigenous heritage can seem to be at odds with one another, and these contradictory responsibilities feed into conflicts of interest at the constituent level.

The Indian Arts and Crafts Board

DOI has worked closely with federally recognized Indian tribes through both NPS and BIA. Through these two bureaus, it implements policies related to tribal heritage and administers related programs. In 1935, IACA created the Indian Arts and Craft Board (IACB) under DOI, playing a major part in shaping its advisory role. As a clientele agency that serves a particular group's economic interest, the IACB provides information and guidelines relating to the American Indian arts and crafts market. Its primary mission is "to promote the economic development of American Indians and Alaska Natives through the expansion of the Indian arts and crafts market" (DOI, 2006). The Board of Commissioners consists of five experts, appointed by the Secretary of the Interior to provide advice and assistance. Public outreach programs have been key in their efforts, raising the profile of the policy and programs through education for American Indian merchants and their consumer base. The IACB supports the American Indian arts and crafts market through the operation of and fundraising for three regional tribal museums. In addition, the IACB has produced a directory of American Indian arts and crafts businesses. Its work with specifically targeted clientele, federally recognized Indian tribes makes for an illuminating comparison with the traditional and folk art program of NEA in value promotion and program impact.

Amendments to IACA have strengthened the regulatory power of the IACB as well. The board protects cultural goods produced by members of federally or state recognized Indians, as mandated by IACA. However, its lack of regulatory power has been one of the main obstacles to effective implementation, restricting its role to solely that of an informative counselor. For decades, it focused primarily on educating about

IACA. While its efforts have raised the IACA's profile, many American Indian communities still felt the role of the board could be strengthened considerably. In response, the 1990 amendment significantly increased its authority; today, the IACB is authorized to administer and set standards for newly mandated trademark systems (25 U.S.C. § 305a). It now provides technical and managerial support for the market in addition to making loan recommendations. More importantly, it refers complaints for criminal investigation and prosecution to the attorney general via the Secretary of the Interior, and the board is empowered to represent American Indian individuals, tribes, and arts and crafts organizations in legal action. Further, the IACB has become responsible for drafting the substantive and detailed versions of those regulations based on the 1990 act; the board issued its final version in 1996. The 2000 act directed the IACB to provide definitions for and specific examples of American Indian products in promulgating regulation.

Tribal Historic Preservation Officers

The 1992 amendment to NHPA increased and improved the participation and formal responsibilities of American Indian tribes, Alaska Natives, and Native Hawaiians in the historic preservation system. Subsequently, tribes, intertribal groups, and related government agencies such as NPS and BIA became important players in tribal heritage preservation. The amendment allowed, first, for the creation of Tribal Historic Preservation Officer (THPO) programs and the necessary related funding mechanism. Second, it provided for the creation of a tribal competitive grant program. Finally, it reserved a seat for an American Indian or Native Hawaiian on the Advisory Council on

Historic Preservation (ACHP) as a presidentially-appointed member. Specifically, Section 101(d)(2) stated that THPOs, established in conjunction with NPS, could assume SHPOs' responsibilities for tribal heritage and substitute their own procedures for the ACHP's Section 106 review. Through the amendment, American Indians and Native Hawaiians were given autonomy in protecting and preserving tribal sites of cultural and religious significance according to their own belief system.

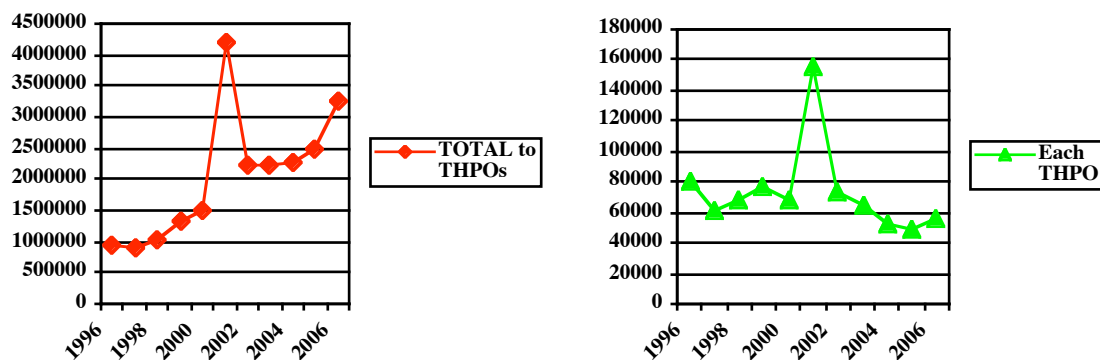


Figure 11: Funding to Native Historic Preservation Officers

Funding for NHPOs has been available since 1996, and the total amount has almost tripled in the last decade. However, this should not be construed as an indicator of

increased resources overall for the conservation of American Indian heritage; in fact, funding for each individual THPO has decreased as THPO participation has increased (Figure 11). Due to the five times increased numbers of NHPOs within a decade, each NHPO now receives less amount of funding than 10 years ago. In comparison with funding for SHPOs, THPO support has fluctuated more, and with a significant funding decrease.

With the 1992 amendment, the NHPA adopted NAGPRA's basic principles, as well as other policies on American Indian heritage, and it initiated tribal participation in historic preservation. These representatives are officially designated either by federally recognized Indian tribes or Alaska Native groups for their tribal historic preservation efforts, approved by NPS and recommended for consultation with the Secretary of the Interior under NHPA. With THPOs functioning as delegates from their nations, the federal government affords authority and responsibilities to tribal governments in matters related to heritage conservation, while still retaining final authority through the administrative bureau. This created an effective bureaucratic tool for the federal government in the conservation of tribal heritage. Rather than negotiating diverse advocacy groups in the process of preserving American Indian heritage, the federal government now works with THPOs. Through this construction, points of contention are more likely to become streamlined, and conflicts can be reduced and more easily managed.

Individual tribes benefit from the amendment as well. As guardians of tribal heritage and culture, THPOs can represent and coordinate American Indian interests. They can support tribal sovereignty and cultural confidentiality without the legal

boundaries of common historic preservation practices confidentially and across boundaries, a need that has been frequently neglected. The National Association of Tribal Historic Preservation Officers (NATHPO), formed in 1998, facilitates the collaboration and communication of THPOs. This association has played a crucial role in tribal heritage conservation. For example, NATHPO came forward to criticize the lack of and stress the need for guidelines regarding consultation with American Indian tribes in the process of drafting the Notice of Proposed Rulemaking on the Protection of Historic Properties, a document developed by the ACHP in 1992 and 1997 (NATHPO, n.d.).

In addition, NHPA, which has been largely focused on built heritage, expanded to include the conservation of intangible heritage as a result of NAGPRA and the 1992 amendment. This new direction may have been the impact of discussions on traditional culture and heritage in an international society. Although the policies were put in place prior to the UNESCO Convention on Intangible Heritage, the need for agencies and indigenous communities to respect one another's roles in safeguarding intangible heritage and reflecting community self-determination was already a dominant international theme by the early 1990s.

Third Party Government: Nonprofit Organizations

Federal programs related to intangible heritage are largely concerned with demonstrating leadership in the field. They tend to be small in scale, designed to encourage and support intangible heritage programs at lower levels of government. Ott (2001) points out that the increased interdependence and cooperation between government and nonprofit organizations obscures the distinction between the two sectors,

a phenomenon that is certainly evident in the field of intangible heritage. The Smithsonian Folklife Festival is a perfect example of this cross-sector collaboration; NEA and NEH provide grants to state and local governments, institutions, and individuals. This contributes to agency constituency and helps to build networks in the field.

The federal government has historically relied heavily on the third party government sector in promoting and conserving intangible heritage, with the American Folklore Society likely serving as one of the most crucial nonprofit organizations in the field. *The Public Folklore* emphasized its importance in founding American public folklore. Folk museums have made a priority of the collection and interpretation of traditional culture and folklore, endeavors often neglected by history and fine art museums. In addition, other types of museums such as historic societies and open-air, or “living,” museums have developed programs in support of intangible heritage.

Virtually every cultural group has its own method of celebrating its culture, and the American people are no exception, staging festivals that comprise both borrowed and unique components. Brunvard (1998) places the origin of American folk festivals in the 1930s. Among the examples given is the National Folk Festival in St. Louis, founded in 1934. This festival was initially limited to the presentation of white American culture, but later embraced immigrant and ethnic culture as well. Another example is the Arkansas Folk Festival, which spotlights rural culture, as do many other regional festivals. Other American festivals focus primarily on ethnic heritage and the celebration of a particular culture and its history.

While the preservation of intangible heritage is a rigorous process, the development of such heritage can be flexible in nature. In the case of intangible heritage presentation, institutional structure and resources are often smaller obstacles to presentation than with tangible heritage. While the physical nature of tangible heritage makes it easier to administrate or manage, it can work as a restriction in presentation, especially the fixed locations of immovable heritage. Today, it is widely believed that a festival can be produced in the absence of an overseeing cultural institution and without extensive financial input (Gursoy, Kim, and Uysal, 2004). As a result, the popularity of festivals has greatly increased in recent times; festivals can allow for community development, generate economic benefits for those producing them, and provide a travel destination and/or entertainment for consumers (Gursoy et al., 2004). They can enhance feelings of cultural and social identity for hosting communities; however, the emphasis on political values at the federal level seems to have faded when it comes to economic value at lower levels of government or in the private sector.

Political Relationships of Players in Intangible Heritage Conservation

One distinguishing characteristic of intangible heritage conservation is the division of the field into two areas: general folklife and indigenous heritage. This dichotomy is at times difficult to see, as indigenous heritage policy and programs have long comprised a significant part of general folklife programs. NPS and BIA, working under DOI, are most closely aligned with indigenous heritage, and the AFC and the CFCH take a general approach to folklife, with a strong emphasis on indigenous heritage. Although the AFA and NEA definitions demonstrate the promotion of cultural diversity

and a sense of community, the ACF used to focus heavily on the conservation of indigenous heritage, and it is still a major part of the more diversified center's program. NEA concentrates on the artistic aspect of folklife, a focus that includes dance, music, and visual art. Neither a central funding policy nor a permanent funding source is available to support overall conservation of intangible heritage. For this reason, it is difficult to bring about significant policy changes and improvement for the intangible heritage field and development of its infrastructure.

Relationships in Folklife

Actors in all arenas of intangible heritage typically lack sufficient funds to finance their programs; however, actors in folklife are in a particularly vulnerable position. Demonstrating leadership through research and collection does not always secure the positions of the players in this area. NEA and AFC have overcome several serious arguments for eliminations. The presence of certain players has frequently been called into question; as funding for intangible heritage is generally provided by agency-specific appropriations, these players' budgets can be frozen, especially in the case of programs support artistic or aesthetic elements of heritage. Minimal cost to the federal government was a major convincing factor in the formation of the AFA, in addition to the potential impact on the American people. With limited federal resources and the absence of a network, it is difficult to encourage intangible heritage conservation at the state, local, and private levels. Formation of interest groups and their advocacy efforts of specially formed interest groups have proved inactive, with the exception of cases in which a notable issue is raised. Those cases receiving substantial societal attention and

stimulating political dialogue are related to American Indian issues.

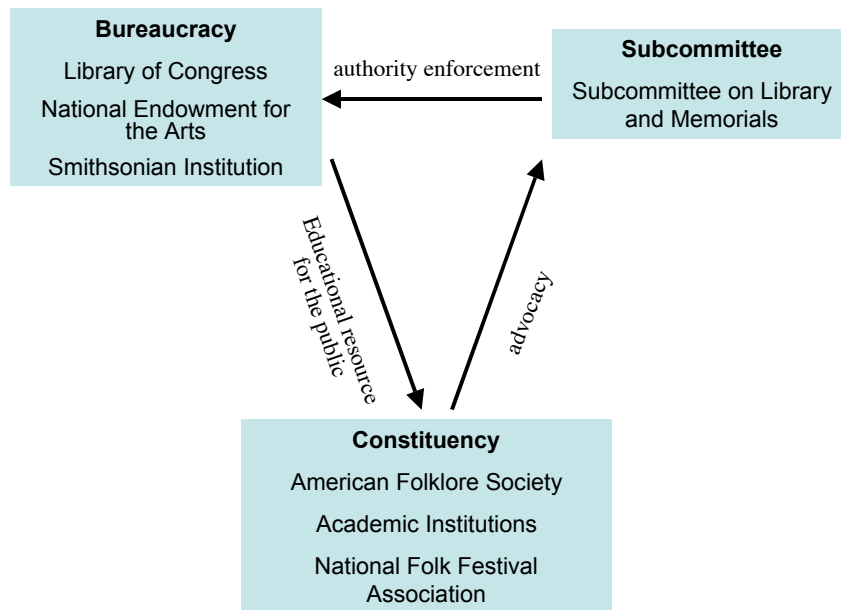


Figure 12: Political Relationship in American Folklife Act

Although the players and programs are strongly tied to politics, they hardly evidence political concerns or associations on the surface. One case in which this is particularly clear is that of the enactment of and amendment to the American Folklife Act (Figure 12). The political relationships related to American folklife legislation resemble

that of the distributive policy identified by Ripley and Franklin (Ripley and Franklin, 1991). This is likely due to the fact that the bill was originally proposed as a grant-making endeavor for the center. The Subcommittee on Library and Memorial actively spearheaded this legislation, and in addition to the Library of Congress, NEA and the Smithsonian Institutions and the constituency lent their support for reauthorization in 1998. While this political relationship does not necessarily position it as a redistributive policy, the purpose of the bill and testimonies indicates that the field of folklife has been, for the most part, neglected, and is in need of special attention from the federal government (H.R. 8770, 1974).

Policies and players in intangible heritage, as well as in folklife in general, display constituent characteristics. They work for the benefit of the nation as a whole, and are mandated to serve other players in intangible heritage conservation at the federal level. The American Folklife Act requires the cooperation of federal agencies and non-profit organization; the heads of the AFC, the Smithsonian Institution, NEA as well as Presidents of the American Folklore Society and the Society for Ethnomusicology serves to the center's Board of Trustees. When the secretary of the Smithsonian and the chairman of NEA were first required to serve on the board, both parties expressed noticeable reluctance, despite promising their cooperation in support of folklife (H.R. 8770, 1974). As placed under the Library of Congress that service Congress and the public, the AFC acts in accordance. At the request of Congress and NPS, the AFC has conducted directed research; serving the federal government and aiming for high visibility is one of the obvious distinctions of constituent agencies.

For the Center of Folklife and Cultural Heritage, the annual folklife festival provides a convincing justification for funding requests, and the CFCH has received an NEA grant and corporate sponsorship as a result. To carry out a complicated mission with multiple purposes, the center needs to cooperate with other federal agencies, as well as state and local governments, non-profits and commercial organizations, and the selected foreign country in bringing about the annual program development. The Mall, which serves as the festival grounds, is the property of NPS, and so the center collaborates with NPS for its use. Due to only receiving partial funding from Congress, the center must also work with corporate sponsors as well as other contributors. Volunteers serve as one of the most important resources for the preparation and presentation of festival programs. A festival is a collaborative community effort, and the Smithsonian Folklife Festival embodies this through the participation of individuals, organizations, and governments at all levels in the larger community of the United States of America.

Relationships Between the Federal Government and Tribal Governments

American Indian culture has received particular recognition in heritage policy, with American Indians being possibly the only ethnic group with policies protecting their heritage as well as guaranteeing assistance from other heritage programs. Through decades of development, American Indians have placed increased emphasis on issues of political independence, as well as on healthcare and education. Therefore, their culture and heritage rights have been better recognized in relatively recent times, resulting in policies such as NAGPRA in 1990 and the amendment to the NHPA in 1992. Intangible

heritage policy and programs in the United States, often using the words “folk” or “traditional,” used to frequently refer to American Indian culture and tradition, despite the fact that the arena of folklore and traditional culture clearly not extends beyond American Indian heritage.

The history of American Indian policy is found in the relationship between the American government and Native American tribes, and policies relating to indigenous heritage comprise part of that relationship. For a long time, these policies deprived American Indians of their cultural heritage and assimilated them to the dominant white, European culture (McCool 1985). In addition, American social and economic welfare programs often neglected indigenous cultural and historic environments. In the 1960s, BIA promoted economic development programs on reservations in cooperation with tribes, with conflicts ensuing between cultural traditions and industrial development (Vinje 1985). While indigenous heritage was suppressed politically, the effort to incorporate the value of traditional culture into mainstream America, combined with the need for economic development, has forcefully encouraged the production of cultural souvenirs in proportion with the growing cultural tourism market. Indian communities have sought legal protection for their traditional culture and economic interests; however, ownership and authority are still sticking points in this relationship, begging the questions of who lays claim to such heritage and who profits from it.

The American government, particularly in the early stages of heritage conservation efforts, exhibited a lack of respect for the traditional methods of promoting and conserving heritage in American Indian culture. Historically, indigenous heritage policy has served primarily as an acknowledgment of this cultural patrimony,

underscoring its importance as an element of national resource preservation. Subsequent policies and programs focused on the archeological remains of American Indian culture, as in the case of the 1892 congressional authorization of Arizona's Casa Grande reservation, the prehistoric adobe ruins designated as America's first National Monument. The Antiquities Act of 1906, the first national legislation endeavoring to protect prehistoric ruins on federally owned lands, supported Western scientific study and neglected American Indian spiritual and cultural practices. In addition, American Indian remains and sacred objects were classified as archeological resources, allowing them to be excavated and handled for research. Colwell-Chanthaphonh (2005, p.375) considers the act a legal process aimed at "incorporating Native Americans into the web of national politics and markets" and placing American Indian cultural resources under American governmental control. The tension between cultural extermination and archeological preservation of indigenous heritage resembles that of colonial cultural practices which despise and exterminate aboriginal culture, often including language, while at the same time appropriating said group's artistic and cultural treasures.

The American Indian policy advocacy is closely tied to the fate of the Senate Committee on Indian Affairs. The committee's existence can be traced back to the early nineteenth century; it was abolished in 1946 and then re-established as a select committee in 1973, becoming the focal point of advocacy efforts for American Indian rights [S. Res. §105, 95th Congress, 1st Sess.]. The 1970s are widely considered to have solidified Indian sovereignty through the Self Determination and Education Act, and in 1984, the committee was repositioned as a permanent institution [S. Res. §127, 98th Congress, 2nd

Sess.]. It is not surprising, then, that many American Indian advocacy efforts advanced in the 1980s.

The policy developments established political environment working in favor of indigenous heritage. Throughout the 1990s, via their advocacy experiences in the arenas of political independence, civil rights, and health and education in the previous decade, the Committee on Indian Affairs and Indian communities accumulated political confidence and policy development strategies for issues related to cultural heritage. Based on this increased advocacy capacity and policy and administrative experience, American Indian communities emphasized “self-determination” in heritage conservation and attempted to increase tribal ownership of heritage. In conjunction with political and economic interests, diverse groups within American Indian communities, such as tribal governments, religious leaders, businesses, and cultural organizations, have participated in supporting such policy development. With the institutionalization of the Committee on Indian Affairs and the growth of organized American Indian advocacy efforts, certain key components of a policy subgovernment have risen to the forefront of the movement, differing from the subgovernment in historic presentation. Outside of presentation and recognition through folklife programs, indigenous heritage has come to be acknowledged as part of American Indian rights. As a consequence, policy activity on indigenous heritage has been more dynamic in the past two decades than in the previous two centuries.

The most recent policies have established the relationship between the federal government and tribal governments as partners in conservation; however, they have often displayed opposing positions to the Indian coalition efforts. DOI/NPS has not historically

been supportive of expanding tribal authority on indigenous heritage, though the agency might potentially consider such a proposal to reduce its authority and responsibilities in historic preservation. Regarding the establishment of NHPOs, NPS and the Secretary of the Interior have been contemptuous (S. Hrg. 102-418, 1992). While agreeing to the concept of adopting Indian heritage as outlined by NHPA, they eschewed supporting American Indian organizations through NHPF and approving the automatic eligibility of tribal historic sites and properties to the National Register. They also strongly opposed requiring consultation with tribes in the Section 106 process. Mostly, NPS questioned the applicability of intangible values of Indian heritage in NHPA, stating “we do not believe it is possible to apply to the provision of Historic Preservation Act to intangible values such as religious and cultural values, nor is it eligible for inclusion in the National Register of Historic Places” (S. Hrg. 102-418, 1992. p.12). For the 1992 amendment to NHPA, American Indian heritage policies have been supported not only by the affected communities but also the preservation network: State Historic Preservation Officers and non-profit and advocacy organizations in the field. Impressively, many Senators have shown their support for the bill through testimony. For the Kennewick man case, NPS did not explicitly ground itself in a position, but agreed to the court decision through an official announcement at the end of the process. In addition to the court decision and the agency’s official position, NPS’ decision to pay litigation expenses with NHPO funding aggravated many American Indian communities. The Kennewick man case proved the policy limitation in defining “Native American” in NAGPRA, and the Senate Bill 536 was proposed to endeavor expansion of the legal definition in 2005, which NPS further opposed. Despite little support from the administrative bureau, the policy formation and

changes in indigenous heritage have been successful. Following congressional directives, NPS and the IACB have been major implementers, and DOI has worked on raising accountability through confirmative actions such as a Secretarial Order.

Political Relationships in Indigenous Heritage Policies

Several policies can be identified as protective of intangible heritage; IACA and NAGPRA, which exhibit some common characteristics, are two such measures. Both acts elude categorization, indicating elements of regulatory and redistributive policies. The acts, while potentially restricting the trading and conservation activities related to indigenous heritage, can work for the collective benefit of American Indians. The demand for the policies increased due to legislative gaps in this area; for example, American Indian arts and crafts, as well as American Indian intellectual property, were left unprotected by the Trade Act of 1946. In addition, American Indian cultural and religious objects, including human remains, were being traded outside of the Common law, and uproar over largely contributed to the formulation of NAGPRA. The primary purpose of both NAGPRA and IACA, then, is not the protection of intangible heritage. Rather, these are American Indian policies aimed at protecting economic and human rights. Therefore, the involved players and their political relationships differ from those in tangible heritage.

Although the administrators, the IACB and NPS, function under the umbrella of DOI, these acts were developed through the Senate Committee on Indian Affairs rather than the Committee on Interior and Insular, and the subcommittee on National Parks, Recreation and Public Lands involvement has been insignificant. Importantly, although

these two acts were not designed as heritage policies, they both affect the conservation of intangible aspects of indigenous heritage. By the end of the 1980s, American Indian heritage policies now come about within a mutually supportive political alliance that includes the Senate Committee on Indian Affairs, an American Indian constituency, and concerned federal agencies and programs.

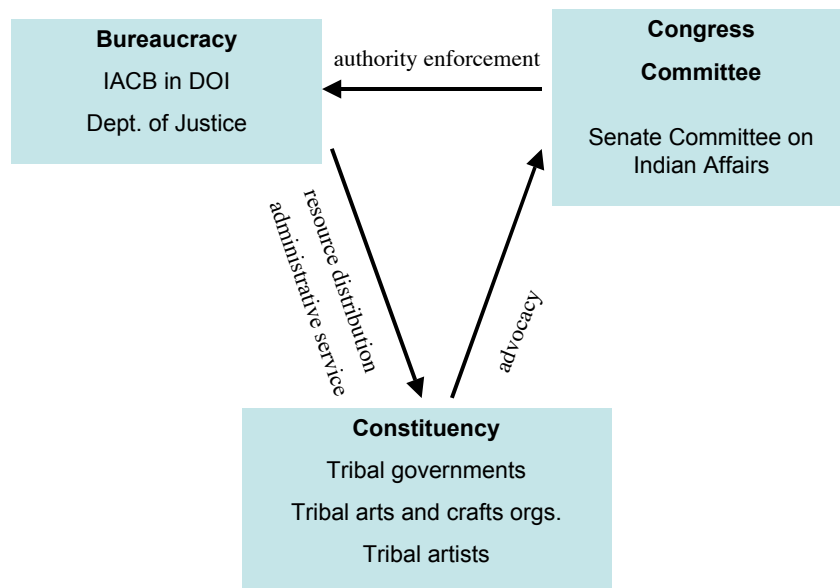


Figure 13: Political Relationship of IACEA in 2000

the Committee on Interior and Insular Affairs and the Committee on the Judiciary and their involvement in policy discussion in strengthening the regulatory and criminal provisions were important, while the Committee on Indian Affairs participated in the process as well. Senator Jon Kyl, one of a few American Indians to have served in Congress, led the push for the 1990 amendment and recently introduced an updated bill in 2005 for improvement. The Indian Arts and Crafts Enforcement Act of 2000 (IACEA), the new version of IACA was discussed under the Committee on Indian Affairs, and collaborative support between constituency and the Committee was crucial in the policy formation, as illustrated by Figure 13. All of these parties supported the act, though their particular related interests and concerns varied. The act was predicted to generate support at the state level, as some states, such as Arizona and New Mexico, earn a sizable portion of their revenue through sales of American Indian cultural products. The Department of Justice has responded with sensitivity to the expansion of the IACB in terms of prosecution. The constituency consists of tribal governments, organizations, artists, and businesses related to American Indian culture; little conflict occurs among these groups.

The establishment of organizations to protect and promote American Indian arts and crafts has helped shape the current IACA. While folk arts and crafts still depend heavily on individual artists or craftspeople, some advocacy efforts have begun to organize, appearing in conjunction with the cultural tourism. In the late 1990s, nonprofit organizations such as the Indian Arts and Crafts Association and the Council for Indigenous Arts and Culture were established to protect the legal trade of aboriginal arts and crafts primarily by education. DOI documents often demonstrate communication with American Indian organizations on specific cases related to implementing IACA. In

addition to promoting American Indian arts and crafts in the market, the organizations have taken active advocacy roles. The testimonies of American Indian artists and organizations before the Senate evidence differing opinions on the act from the agency's evaluation on implementation in the hearing for IACEA. The presence of an organized advocacy effort has been one of the key factors in reflecting American Indian voices in amending the act. Representatives from the Council for Indigenous Art and Culture and Indian Arts and Crafts Associations spoke out in favor of the current implementation, emphasizing the future need to better protect American Indian arts and crafts.

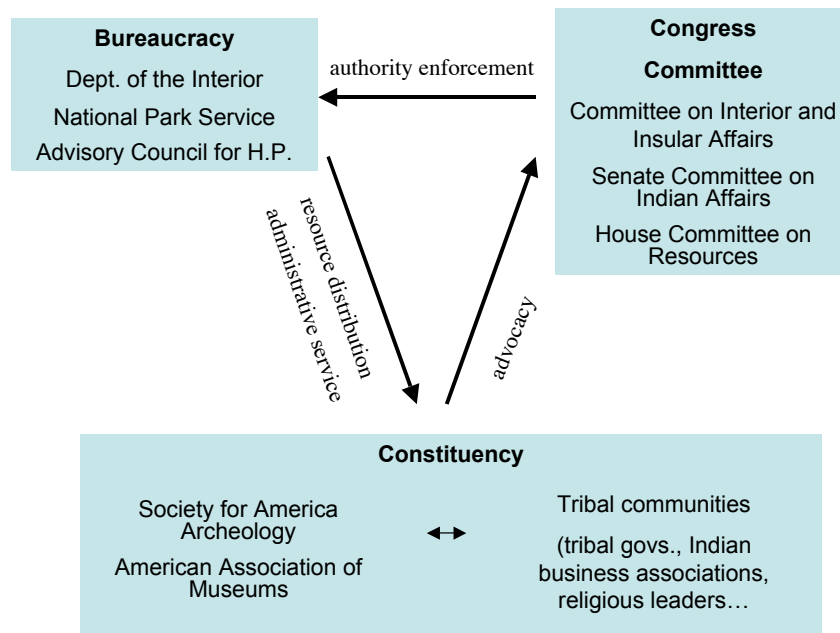


Figure 14: Political Relationship in the Policy Formation of NAGPRA

Political relationships in the formation of NAGPRA were complicated, as the legislative processes involved conflicting constituencies and agencies (Figure 14). The subgovernmental phenomenon was absent, and the role of bureaus and subcommittees were insignificant in policy formation. Instead, committee involvement became important. The Senate Committee on Indian Affairs strongly supported the act, and the Committee on Interior and Insular Affairs and the Committee on Resources were concerned that the act would heavily restrict the use of federal lands and resources while increasing the administrative responsibility of NPS. There was no involvement from NPS, nor from other DOI bureaus with duties related to American Indian affairs; instead, the House Committee on Interior and Insular Affairs represented their positions for them.

The policy agenda raised high conflict with opposing interest groups in the private sector. The IACA constituency was relatively simple, but that of NAGPRA was more complex. In the case of NAGPRA, interest groups on both sides of the issue wielded significant influence, and Congress was forced to balance the demands of three distinct factions: scientists, museum professionals, and American Indian communities. Service organizations, professional and trade associations, and the media played important roles in informal policymaking and issue development (Sharamitaro, 2001). Archaeologists and related museums were represented by two service organizations, the Society for American Archeology (SAA) and the American Association of Museums (AAM). Their role was crucial not only in the formation of the act but also in implementation, as the act would affect all three factions and require their collaboration. In particular, the concession between AAM and American Indian communities was key to the passage of the law. This conversation between museums and tribal communities was nothing new; in

fact, it began in 1988, two years prior to the enactment. Suzan Shown Harjo, who served as president and executive director of the Morning Star Institute in 2000, has reflected on how agreement was reached when museum representatives became increasingly sensitive toward the intimate and personal nature of human remains and sacred artifacts; officials then began to treat them as emotional touchstones rather than museum collections (AAM, 2000). In addition, a new stream of museum professionals with art and humanity backgrounds and community outreach training has a better understanding of tribal communities than previous generations in the field (AAM, 2000). The enactment of the act was made possible when different constituencies became ready to communicate; Congress mandates that its implementation reflect diverse constituency voices via the Review Committee, which should have three members nominated by American Indian tribes and three appointed by museum and scientific organizations (P.L. 106-201, Sec. 8, 1999).

This heritage dissonance between American Indian governments and professionals from outside of the ethnic group has existed for centuries. In the early periods of implementation, the participation of museums for summaries and inventory was crucial, as was the partnership between tribal communities and museums or federal agencies. Policy evaluations of the initial 10-year implementation are mixed. The Society for American Archeology and the American Association of Physical Anthropology evidence overall satisfaction; however, tribal communities disagree, describing it as “limited success” (S. Hrg. 106-708, 2000, S. Hrg. 107-519, 2000). Regardless, it is indisputable that official channels now exist to allow for cooperation between the

American government and tribal governments in finding solutions to the difficult questions that still remain.

While the policies reflecting American Indian perspectives and participation have been active in policy formation and modifications, tribes still have little authority in implementation and so depend heavily on agencies. American Indian communities continue to work toward increasing access to IACA on behalf of American Indian artists and craftspeople, and great ambiguity remains in the definitions and implementation process of NAGPRA. For this reason, THPOs are particularly important, as they compensate for gaps in federal heritage policies. For instance, the version of the NHPA that existed prior to the 1992 amendment was unable to account for the conservation of indigenous heritage. THPOs assist in protecting those tribal historic sites and properties barely recognized by the National Register of Historic Preservation. They consult with federal agencies, maintain tribal cultural tradition in an unadulterated manner, and take into account aspects of intangible heritage in tribal historic programs. Tribes have finally progressed from being to subjects of preservation projects to partners in the process.

Collaboration has been heavily promoted in the relationships among the players. Heads of the federal players in intangible heritage have formed each other's board of trustees and participated decision-makings at the federal level, which promotes conformation and prevents overlapped programs in the field. Such boards of trustees often invited participation of representatives of nonprofit organizations in the related areas, exhibiting a strong cross-sector cooperation. However, intergovernmental collaboration in the field is weak as well despite initiatives like the NEA grant for folk

and traditional art, which has encouraged states to establish folk art divisions. This results in a national network and support system for NEA, but collaboration within the network has still been limited to a part of folklife. The establishment of NHPOs created the permanent channel of cooperation between the federal and tribal governments. NPS and tribal governments have tried to build effective collaborations for the conservation of indigenous heritage, but the intergovernmental partnership in this arena has only been a partial one as well, mirroring the policies and programs in the field.

Policy attention to intangible heritage is uneven and primarily focused on indigenous heritage and the acknowledgment of their cultural patrimony. Despite numerous federal programs contributing to the conservation and presentation of American Indian arts and culture, indigenous heritage has often been understood as an “Indian matter” rather than an issue of heritage conservation. Therefore, the policies relating to indigenous heritage tend to be well supported by the Senate Committee on Indian Affairs and tribal communities. Active advocacy is the most vocal element of the constituency for indigenous heritage, and so the committee has focused on policy advocacy and formation. The dominant positions of NHPA and national park system in immovable heritage led policy discussion handled by the House Committee on Resources and Senate Committee on Energy and Natural Resources, and the Subcommittee on National Parks, Recreation and Public Land and the Subcommittee on Public Lands, National Parks and Forests also play important roles. In contrast, the divisions in intangible heritage conservation inhibit development of inclusive policy coordination and conformation of a subgovernment system.

CHAPTER 8

A COMPREHENSIVE APPROACH

A major policy in the field of heritage conservation, the National Historic Preservation Act (NHPA) has transformed into a complex means of formatting the American historic preservation system. The policy acutely expresses the overall stance of the federal government toward heritage conservation, which is one of maximized leadership in the field in order to encourage the expanded involvement of state and local governments and the private sector through a relatively minimal distribution of funds. In doing so, the act has been amended and expanded for four decades. It has remained principally dedicated to demonstrating federal leadership, but new angles and approaches have been added as they developed. These additions are primarily concerned with diverse issues and values of heritage; therefore, it can be inferred that NHPA employs a variety of policy tools to minimize government expense and effort while maximizing policy impact.

Originally, NHPA was established as a distributive policy, and it has accordingly promoted decentralization in conservation. Through the distribution of the National Historic Preservation Fund (NHPF), the conservation infrastructure consisting of federal agencies, lower levels of government, and the private sector has blueprinted and

strengthened intergovernmental as well as cross-sector cooperation. The matching grants demand commensurate support from grantees for investment in historic preservation, and they encourage more extensive support by non-federal players in the field. In addition, the presence of the fund's categories increases congressional control and flexibility in promoting particular policy sub-goals. This system has worked as a fundamental foundation for NHPA implementation and helped to facilitate policy improvements. Such a support network is absent in the field of intangible heritage conservation.

At the same time, NHPA displays characteristics of constituent policy in its conceptualization of built heritage as a valuable resource and conservation on the whole as beneficial to the nation. For this reason, the role of constituent agencies in assisting federal preservation efforts has been increased. NHPA created the Advisory Council for Historic Preservation (ACHP) to serve federal agencies' needs in relation to conservation, and it repeatedly emphasized mandatory consultation with the Secretary of the Interior. The responsibilities of General Services Administration (GSA) in utilizing federally owned historic buildings and Section 106 implementation have been increased due to its position as an administrator as well as landlord to federal agencies. White House initiatives maximized the visibility of the federal leadership in conservation. In addition, heritage policy has been sensitive to the national environment, and Congress has permitted flexible application of NHPF toward the uses of national celebration and addressing national crisis (i.e., the Millennium and Hurricane Katrina). NHPA involves a wide array of players from all three branches, as well as independent agencies, owing to the constituent characteristic of heritage conservation. Considering heritage conservation a non-controversial and bi-partisan subject, it is the responsibility of all levels of

governments as well as private citizens. This supposition justifies NHPA's demands for all federal agencies' participation in conservation.

The aforementioned characteristic is exhibited in the regulatory aspects of NHPA as well, which demand federal effort and expenditure toward heritage conservation. NHPA serves as a protective regulatory policy that primarily affects federal agencies and federally involved projects. Its Section 106 review process has been both strengthened and better articulated by amendments, and this process has brought about the participation of players such as the Department of Transportation (DOT), the Department of Housing and Urban Development (HUD), and GSA, resulting in a dispersion of federal conservation efforts. However, the regulatory provision of NHPA remains vague. Regardless of its seemingly heavy dependency on the National Register of Historic Preservation, the Register remains a largely symbolic measure, one with no regulatory power to protect registered historic properties and poorly defined criteria for application. Due to its lack of clear guidelines, the major players in conservation to prepare their own detailed processes, which increase bureaucratic control in implementation. In addition, NHPA created no regulatory agency for implementation, nor any effective system for evaluation. While the act did increase the ACHP's active role in conservation, it still serves primarily as a consultant to federal agencies. It is considered an important player, but its serious lack of authority and financial resources often limit its influence over implementation of federal requirements. As a result, the implementation process is often written off as a mere bureaucratic liability. Due to NHPA's passivity in this arena, as well as its minimal financial and administrative efforts, fair and accurate NHPA implementation often depends on adherence to the National Environmental Policy Act

(NEPA). NEPA, which provides for broader and stronger protection of environmental resources, requires that federal agencies consider natural and cultural heritage resources when executing environmental protection efforts, thus contributing to comprehensive heritage conservation. This issue concerning authorities and responsibilities has raised controversy to the field that is supposedly non-controversial.

The redistributive elements of NHPA target specific issues or groups and are largely focused on either support for minority heritage or economic rehabilitation. Minority heritage has often been overlooked by both the National Register system, therefore also in the Section 106 process, and this oversight has required policy attention. Under NHPF, grants have been distributed to protect Historically Black Colleges and Universities (HBCUs) for nearly three decades; NHPF also established funding for Native Historic Preservation Officers (NHPOs) according to the 1992 amendment. The recognition of ethnic heritage has historically reflected the policy environments of the time, often following the civil rights movement of a particular ethnic group. While NHPA does promote cultural diversity, it does not earmark support for multiple discrete ethnic groups, and funding for HBCUs was discontinued soon after funding was initiated for NHPOs. Rather than drawing from multiple funding categories in support of the same policy goal, the federal government adopted a funding category to promote economic value of conservation. The White House's Preserve America initiative encourages community development through rehabilitation and heritage tourism. By employing redistributive funding categories, Congress has addressed pressing issues in heritage conservation and promoted equity in the field.

Due to the NHPA's largely limited focus on built heritage, policies and programs regarding intangible heritage have been developed through separate channels. As in the case of tangible heritage conservation, the players in intangible heritage conservation prioritize the spotlighting of the federal leadership, carried out primarily through inspiring showcase programs. The proportion of direct government is higher in this case, owing to the management of the American Folklife Center, the John F. Kennedy Performing Art Center, and the Center for Folklife and Cultural Heritage in the Smithsonian Institution. These federally funded institutions raise the profile of intangible heritage programs and encourage similar program development at lower levels of governments and in the private sector; however, they demonstrate almost no distributive or regulatory authority. NEA has influenced the establishment of folk art divisions at the state level, in addition to fostering a nationwide network for folk art through grants. Indigenous heritage policies have historically been treated as "Indian matters" and have come about through separate infrastructure avenues that rely on tribal governments and communities. The absence of an umbrella policy or major funding source has resulted in weak or fractional infrastructure in this arena.

Policy development in the arena of intangible heritage has been heavily devoted to conservation of indigenous heritage, which has become an issue of crucial concern in the international conservation community. The Indian Arts and Crafts Act (IACA) of 1935 has been empowered in terms of practical implementation through amendments since 1990, and NAGPRA (1990) has been responsible for acknowledging tribes' rights to funerary objects, human remains, and religious customs. Influenced by these policies, the 1992 NHPA amendment mandated both that federal conservation efforts demonstrate

consideration of tribal rights, and that NHPOs be allowed to manage tribal conservation in consultation with federal agencies. Today, funding for NHPOs is now the largest grant category that respects intangible heritage. While there is little evidence to suggest that UNESCO has impacted these policy changes, it is undeniable that Congress has taken the same measures toward respecting cultural sovereignty that UNESCO recommends.

This division of heritage conservation efforts has resulted in disparate political dynamics and fragmented advocacy work in policy development. Advocacy efforts are divided into NHPA, folklife, and American Indian concerns. Among these three categories, support for folklife, or intangible heritage as a whole, is weakest. There is no congressional committee or subcommittee suited to permanent responsibility for folklife; those players focusing on educational missions lack bureaucratic authority and have faced possible elimination in past policy discussions.

NPS holds a more secure position in heritage conservation than other players, forming a type of historic preservation subgovernment. The Subgovernment phenomenon does not seem particularly dominant in heritage on the whole, but once a heritage policy becomes stable and routine, a subgovernment can function with little obstruction until a special issue of concern is raised. Due to its immovable heritage conservation responsibilities, consisting of National Parks management as well as administration of NHPA and NAA, NPS has relied on the assistance of the House Subcommittee on National Parks, Recreation, and Public Lands and the Senate Subcommittee on Public Lands, National Parks, and Forests as well as the constituency consisted by NHPF distribution. This subgovernment is dominant in discussion of NHPA, especially regarding distributive and constituent issues that involved low level of conflicts. NPS, in

conjunction with the ACHP, has actively participated in policy discussions and changes, and in the process the role of the agencies in advocating conservation blurs with the role of constituency. Conversely, although DOT, HUD, and GSA are important implementers of multiple heritage policies, they rarely make appearances in policy discussions, with the exception of cases in which their administrative authorities or duties are directly relevant. This assistance from subgovernmental networks, however, does not guarantee support from appropriation committees.

In discussions of NHPA funding for ethnic heritage conservation, the subgovernment has been interrupted. As the fund was still distributed by NPS under NHPF, policy discussions involving funding for Historically Black Colleges and Universities (HBCU) and the establishment of NHPOs took place under the two relevant subcommittees; however, the political relationships that developed differed from those of prior policy discussions. The policy agendas attributed to the change in the relevant constituency: namely, African American educational institutions and communities in the case of HBCUs, and tribal coalition in the case of NHPOs. Advocacy efforts in these arenas were spearheaded and supported by members of Congress. While NPS still actively participated in policy discussions, it clearly distinguished its stance from the constituency and prioritized the protection of its administrative position and bureaucratic authority rather than collaborating the issue promotions. NPS disapproved the request to reduce 50 percent matching condition for the HBCU grant due to possible consequences on other categories of NHPF. Further, NPS strongly opposed to the establishment of NHPOs, concerning their impact to its given their authority to consult with federal agencies and interrupt the heritage infrastructure. Participation of the ACHP diminished,

and non-heritage related agencies emerged as potential players, for example the Department of Education, took a role in preserving HBCUs. The specific funding targets attracted interest groups in associated ethnic communities, resulting in a new and different NHPA constituency.

In issues related to intangible indigenous heritage, political relationships have proven more controversial and complex in terms of conflicts of interest. Geared by effective Indian advocacy efforts in the 1980s, active coalition efforts on the part of tribal governments, religious leaders, businesses, and organizations have solidified policy formations and changes to protect indigenous heritage, all of which were supported by the Senate Committee on Indian affairs. These efforts toward increasing tribal rights over intangible cultural heritage, resulting in amendments to IACA, have focused on improving the implementation of the act's regulatory provision. In the case of NAGPRA, the formation and implementation of this act has been controversial due to constituency conflicts of interest. Both coalition efforts were based on advocacy strategies from past decades, and these policy developments were made possible by policy improvements in terms of American Indian self-determination and sovereignty. In the 1990s, tribal coalition efforts laid the policy foundation for respecting elements of cultural heritage such as religions and other beliefs, as well as offering protection for political and economic rights; the resulting measures reflected federal conservation efforts in this sphere.

Advocacy coalition efforts play a visible role in discussions of both heritage types, driven by diverse belief systems and values. The study of political relationships and programs according to heritage type becomes an intricate and ineffective process, not

only due to the importance of the element of intangible heritage in measuring value of tangible heritage, but also due to the emergence of different heritage types within tangible heritage policies. Instead of fostering the development of separate intangible heritage policy, measures to protect the concept of intangible heritage has added to policies and programs of tangible heritage. With the establishment of NHPOs, NHPA began embracing elements of intangible heritage, and national heritage areas consequently initiated attempts to actively coordinate tangible (both built and natural) and intangible heritage. NPS takes the position that one benefit offered by National Heritage Areas is the conservation of such aspects of intangible heritage as regional pride, integrity, traditions, and stories (NPS, n.d.). Primarily, NPS seeks to decrease existing gaps among different types of heritage, recommending the integration of natural and built heritage with intangible heritage and exhibiting a model for balanced conservation. Even before the enactment of the National Heritage Area Partnership Act, the interim criteria for the nomination of a National Heritage Area indicated the importance of intangible heritage, stressing “traditions, customs, beliefs, and folk life that are a valuable part of the national story” as major components of suitability and feasibility for this designation (Hoffman, 2003 hearing). In addition, the NPS stresses NHAs to celebrate the heritage of the past as well as the present, respecting “living culture” in both natural and built heritage (NPS, n.d.).

The legislations of individual NHAs as well as NHAPA were no oriented by a particular heritage type, but the values and benefits, and different issues in NHPA have attracted different constituencies due to specific value promotions. Therefore, examination of the values of heritage is crucial to the field, as it can reduce the

discrimination and mitigate the gap between the two types of heritage, ultimately encouraging the formation of a comprehensive plan for conservation. As policy assumes an increasingly inclusive approach to conservation that respects multiple types of heritage, these values emerge as the fundamental driving force behind heritage policy.

This research originated with the hypothesis that the shaping of these policies depends largely on types of heritage, which in turn shapes the political dynamics that govern heritage conservation. Of course, numerous other factors may intervene along the way. The federal government has operated NPS in order to conserve the nation's natural and historic sites, and it has implemented NHPA with the purpose of demonstrating federal leadership in the conservation of built heritage. Because the government's approach to heritage conservation has been neither planned nor managed in a balanced manner, conservation efforts have historically been fragmented, and the conservation gap between tangible and intangible heritage has widened considerably. Issues related to policymaking have proven disparate as well; in the case of tangible heritage conservation, protecting the rights of private owners of historic buildings has arisen as a major point of concern, whereas American Indian sovereignty and religious freedom have become controversial subjects in the conservation of intangible heritage. However, these disagreements derive primarily from value judgments, rather than the type of heritage at hand, though certain aspects of intangible heritage do increase the complexity of the issues.

Values of heritage tend to direct policy goals, and federal conservation programs displays different value preference. Artistic or aesthetic value still arise frequently in discussions of value judgment of heritage; however, it is seldom highlighted or

prioritized in policy discussion for federal heritage conservation. In contrast, political value is generally paramount, and receives attention through various channels including the promotion of national identity, patriotism, and diversity. This last area of attention has become increasingly emphasized in recent times, being a point of major social concern, and so support for diverse ethnic and cultural heritage has become more visible in intangible heritage conservation programs. This predominance of diversity showcasing in folklife arena can be attributed to a tendency to focus on singular national identity and patriotism in the selection of built heritage for preservation, as well as to widespread association of folklife and ethnic culture. Political value often serves as a foundational value, and other values can be easily incorporated into related initiatives. Traditionally, political values have particularly stressed at the federal level, and the addition of economic values at lower levels of government and in the private sector has helped to facilitate a heritage conservation boom.

Economic values have historically been the most convincing rationale for historic preservation efforts and expanded constituency. The expectation that historic buildings and districts will come with financial returns has brought about ardent participation from lower levels of governments, for-profit developers, and real estate businesses, and all three have often collaborated with nonprofit organizations toward this end. The federal leadership in the adoptive use of historic buildings for community rehabilitation has been shaped by the subsequent policy development of the Federal Property and Administrative Act of 1949, the Public Building Acts of 1959 and the Public Building Cooperative Use Act of 1976, which increased the responsibilities of GSA in historic preservation. HUD's community development programs support such activities in the private sector, targeting

slum areas, and the Tax Reform Act of 1986 provides tax benefits to owners of registered historic properties for rehabilitation. NAAs are the legislative outcomes of these organized efforts at the federal level. In the 1990s, heritage policy repeats highlighted federal leadership in economic development though historic preservation was high, and, most recently, Bush administration executive orders and the White House's "Preserve America" initiative have strongly encouraged historic preservation for community development, and heritage tourism was particularly emphasized as a mean. In these instances, economic values become intertwined with other values; Preserve America, for example, promotes both the political and economic benefits of preservation. While invoking economics has generated increased advocacy and interest, it has also invited organized opposition efforts aimed at protecting personal property rights and corporate profits in the face of preservation regulations.

An analysis of preservation value necessitates some philosophical deliberation. This term refers to the intrinsic cultural value of heritage, which is thought to be implicit in the other values. Does invoking this value imply that a given project is imbued with multiple values, or does it suggest that preservation value is the only true value of heritage, with the promotion of political and economic benefits serving only the agendas of parties who would manipulate our history toward their own ends? This question is a particularly difficult one to answer in light of the fact that the political and economic benefits of heritage often cannot be tangibly verified. In this particular study, preservation value is used to analyze federal heritage policy and programs that do not distinguish between specific conservation values. Ultimately, it seems that the cardinal value of

preservation is present in all conservation activities, but is relatively ineffectual for advocacy purposes.

Both tangible and intangible heritage have the potential to promote all of the aforementioned values, but which values are emphasized may differ according to the heritage type at hand. In addition, values can be combined or coordinated. Heavy promotion of political values and economic values is visible in both types of heritage; tangible heritage provides convenience in development and financial returns through policies and programs, while intangible heritage offers profitability through festivals and historic villages. Indigenous heritage may also promote political values, and presentation initiatives in this arena often come with financial gain. Legal protection for indigenous heritage can be understood as a measure in favor of American Indian political rights and economic interest. After all, values are what make heritage important and the fundamental reason of conservation, regardless types of heritage.

The Figure 15 is the application of Lowi's scheme in the field of heritage conservation, displaying federal heritage policy, programs and actors according to the policy types. Whereas the diverse values presented here tend to impact policy and programs goals, the types of heritage they relate to wield influence over the chosen policy tools. While recognitions and grants are common policy instruments for both types of heritage, tangible heritage is easier to identify and register; therefore, it allows more diverse policy tools and intangible heritage for conservation. Historic properties are suitable to apply tax benefits and regulations. While customs, beliefs and oral are hardly restricted by physical environments, certain aspects of intangible heritage such as esotericism demand careful consideration in policy formation. So far, heritage policy has

not been lack of comprehensive planning, which is reflected in unbalanced policy and program development.

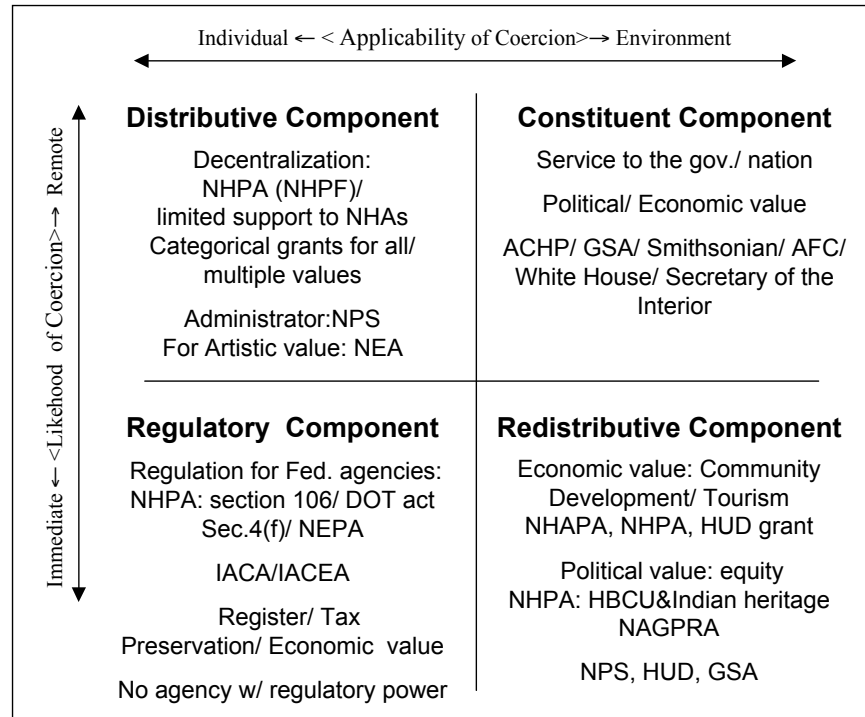


Figure 15: Application of Lowi's Scheme in Conservation of Heritage

Regarding policy implementation, the players in heritage conservation are selected for their capabilities, rather than directly dictated by the particular type of

heritage at play in a given case. Grants for folklife has failed to find an administrative bureau, and grants for indigenous heritage used the existing funding channel, NHPF. Heritage policy has given authorities oriented by the immovable heritage that bureaus manage. For this reason, GSA and NPS are two of the most influential players in conservation. Through its historic building and fine arts collections, GSA has promoted federal building use for community rehabilitation. Largely due to the absence of an agency specializing in heritage conservation, heritage policies tend to increase the responsibilities of NPS. The bureau originally managed only archeological sites and national parks is now responsible for not only a more extensive national park system, but also administering NHPA, the Native American Grave Protection and Repatriation Act (NAGPRA), and National Heritage Areas (NHAs). NPS administers diverse policy programs dealing with a broad range of heritage types, yet, they still display clear division between natural and built heritage within immovable heritage as well as a dichotomy between tangible and intangible heritage. Players established for the purpose of conservation tend to lack resources despite increasing responsibilities.

Congress has developed heritage policy to allow for a minimized input of resources at the federal level while raising the symbolic visibility of the programs in question. The visibility has been crucial in directing value promotions in heritage. Long before NHPA, prominent natural heritage sites began to be designated as national parks, and they serve as American symbols. NHPA has more paramount impacts: NHPF has worked as seeds in conservation that have grown into joint ventures, and regulations toward federal agencies have influenced policy developments at state and local government levels. In order to save legislative effort and avoid changes in the

administrative structure, the act has adopted to important elements of heritage conservation fundamentally by reorganizing the fund categories and strengthening the regulations. In the process, many policies such as transportation policy, community development policy, tax law, and environmental policy worked as supplemental policies to NHPA. In addition, NAGPRA arose to exclusively address the controversial subject of cultural patrimony and repatriation for indigenous people and influenced NHPA to ensure respect for indigenous heritage through the participation of NHPOs. The National Heritage Area Partnership Act facilitates effective administration of NAAs and further this congressional stance. Therefore, the legislation efforts related to heritage conservation have resulted in the operation of individual programs, rather than in a broad, well-coordinated effort. Ultimately, the field has relied heavily on inter-agency, inter-governmental, and cross-sector collaboration, all of which have resulted in the establishment of a conclusive partnership in the field.

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