

H.R. 2489

The American Battlefield Protection Program Amendments Act

Written Statement of Proposed Testimony before the Subcommittee on National Parks, Forests and Public Lands, Tuesday, January 24, 2012, 10 AM, Longworth House Office Building, room 1324, by David Hackett Fischer

Introduction: An Accelerating Problem

Thank you for inviting me to appear before you today. I am here to speak in support of a new bill for the acquisition and protection of nationally significant battlefields and associated sites of the Revolutionary War, the War of 1812, and the Civil War, under the American Battlefield Protection Program.

On July 10, 2008, I was in this room to support an earlier version of the bill, "The Revolutionary War and War of 1812 Battlefield Protection Act." It passed the House of Representatives with many sponsors from both parties, and nearly unanimous support.

With every year that goes by, this legislation grows more urgent. We continue to lose sites and historic buildings in many states. Leaders of the National Parks Conservation Association estimated on January 19, 2012 that "every year this nation loses more than 1 million acres," of historic sites associated with the Civil War, American Revolution, and War of 1812.

The National Park Service has surveyed 825 "nationally significant" battlefields and associated sites for the American Revolution and the War of 1812. Of that number it finds that 107 have been lost, another 245 are in poor or fragmentary condition, and 22 are in danger of destruction in the next ten years.

The rate of loss is accelerating. Sites now presently endangered include some of the most important events in the history of the American Revolution. Among them are sites of fighting on the day of the day of Lexington and Concord in 1775, the fighting around New York at Pell's Point and other places in 1776, the Delaware crossing on Christmas night in 1776; the first battle of Trenton on December 26, 1776, the second battle of Trenton on January 2, 1777, the battle of Princeton on January 3, 1777, the Forage War in New Jersey from January to March in 1777, and Howe's East Jersey campaign against Washington in the spring of 1777, the battle of Brandywine in September 1777, and many more. These were not minor or marginal events. They were the major campaigns. Some of these sites are now at risk, but might be preserved and protected at least in part if we can act decisively.

These endangered sites are located on open land in suburban or exurban areas around our cities and large towns. As urban growth begins to revive after the great recession, real estate development is picking up again, and the loss of historic sites will increase with it, unless we find a way to deal

with it.

Some of these losses are the inevitable price we pay for economic growth, which is fundamental to the health of this great republic. But even as development continues, we could protect some of the most important sites, and this legislation would make a major difference that way.

The existing Civil War Battlefield Protection Program was already done so, with much success. It has helped to preserve 17,000 acres of historic sites. In many cases, it did so with matching grants that extended the reach of the program, while limiting costs. It has also operated effectively on the principle of acquisition from "willing sellers" only. Prior experience with the use of eminent domain for historic sites, as at Minuteman Historic Park in the 1950s, clearly demonstrates the wisdom and even the necessity of a "willing seller" rule.

Growing Interest in Historic Sites

Today, even as dangers to historic sites are increasing, so also are our opportunities for their protection and preservation-- and in several ways. One factor is that more people who taking an interest in the American Revolution, and in historic sites.

During the past two decades we have seen a growth of interest in history generally, after a period in the late 20th century when the trend had moved in the opposite direction. Before 1990, history books disappeared from bestseller lists, history enrollments declined both in undergraduate and graduate programs. Historical and patriotic organizations tended to lose members. The popular culture of that period turned away from the American past. In the universities the movement called postmodernism denied the possibility of historical truth.

Since about 1990, these trends reversed. One of the most interesting tendencies was a sudden surge of interest in the American Revolution and the War of Independence, without benefit of anniversaries or commemorations. Part of it grew from the success of new books on the American Revolution. A leading example was David McCullough's excellent biography of John Adams--a massive work, on an improbable subject, for a runaway best seller. Many other dense and academic books about the American Revolution reached a large reading public, to the surprise of their authors.

Clearly there is a new public for history today. Those of us who write history know about it because our readers write to us and tell us who they are and why they care. They are people in mid-career. They were not history majors in college. Many of them are in the knowledge business-- the old professions, the new digital disciplines. They work with complexity, and their skills require rigor, and they came to history that spirit. They don't want it to be dumbed down, and they also have very little interest in academic historiography which they regard as the shadow of the thing and not the thing itself. Neither popular history or academic history serves them well. A new genre of history works better for them. It has the seriousness and breadth of inclusion of the new social and cultural history. And it also has the people, leaders, events, and choices. Most of all it's about

people making choices, and choices making a difference in the world. And in that way, it speaks to our condition. It is also an idea of history that is rooted in places such as the sites that this legislation seeks to protect.

The Importance of Historical Sites

This newly enlarged constituency for this history in the United States numbers in the millions, and the numbers are growing. But other millions of people are not part of it. They have little interest in history, and that is a problem for us all. Surveys show that people who don't know much about history also know little of current events. They are less apt to vote, or to have a sense of civic engagement. They are less engaged in the civic life of the republic. The question is how to reach these people, and to encourage an interest in history. One way to reach some of them is to engage in thinking about history on the ground.

A few stories might suggest some of the ways in which historic sites can have a major impact. One place where I have seen it happening is in the town of Lexington, Massachusetts, along the Battle Road where the Revolutionary War began. We were there, on a small piece of preserved ground, watching a reenactment. Some in the re-enactors dressed as militia and others wore redcoats. A third group wore 18th century civilian dress-- men, women and children. They call themselves pickets, and their job is to work the crowd, mingling among them, engaging individuals in informal conversations about history. One of these pickets was a lawyer named Miles McConnell. He stood on the edge of the field, between the battle road and a bike path, popular with families who were speeding by as the battle reenacting. We watched as a family of bikers came by, outfitted in lycra bodysuits and intergalactic helmets, bike helmets on the edge of the battle field. One of the children noticed first. He screeched to a stop and came over to the Miles McConnell, the picket, and they started to talk-- the child in his galactic biking helmet and Miles McConnell in a cocked hat. A volley was fired and the child was fascinated. The parents came biking over, and a crowd began to gather listening with close attention to Mile McConnell. The old stories were new to them and they learned about them on the ground with interest and even a sense of wonder. Their bike trip suddenly became a journey of discovery. And a history that might have been learned painfully in a classroom was absorbed effortlessly on an historic site, with laughter and a light touch.

Another story. Recently my wife and I were in Charlotte, North Carolina on history business. Afterward, we had some time to ourselves and drove to National Battlefield Historic Park at Cowpens in South Carolina. I noted in the parking lot an unmarked black van with New York license plates. As we walked onto the field, we met two men, lean and muscular, with haircuts high and tight. They were wearing black combat fatigues, black jump boots, and black tee shirts that were inscribed "We own the streets! NYPD." They were New York cops who worked on the sharp end in that city. Their hobby was history, especially the history of the American Revolution. They took a week of their vacation and drove several thousand miles to visit battlefields in the southern states. From their reading they knew the ground of Cowpens as intimately as the streets of their city. We learned from their depth of knowledge. They responded to the site in another spirit, as if

they were on sacred ground. There is a book about that by a philosopher, Edward Tabor Linenthal, called *Sacred Ground; Americans and Their Battlefields* (Illinois Press, 1993). As we talked about what had happened on the field at Cowpens, these hard men in a very tough job were moved to tears by their memory of what had happened there.

A third story is not about laughter or tears, but history in another key. It happened at Minuteman National Park. We were with a Hollywood director, and producers and a screen writer. They were full of high spirits and irreverent Hollywood humor. As we drove through Concord, they were impressed by the houses, and one of them said, you didn't tell us that the Revolution began in Boston's Beverly Hills. We talked about what had happened there, in the fighting along a country road. Then we walked a stretch of it, about half a mile called the Nelson neighborhood, past the ruins of farm house that had belonged to families of that name. The road was unpaved, very wide. It ran between stone walls that had been built in the 18th century, with ancient oak trees on either side of the road. The sunlight was filtered through the leaves. It was early in the morning, after a rain the night before. The ground was wet and wisps of a ghostly mist were rising around us. Suddenly the entire group went completely silent and we walked the old road without a word. They knew what had happened there. But now suddenly they felt it. And they knew in that deeper way that others had walked this earth before them. That past was not a foreign country. That our own forbears lived there, and their lives were linked to ours. It came to them with the force of revelation. That's what an historic site can do.

Sites and Trails

Since 2008, something else has been happening as a way of preserving the historic sites of the American Revolution. Mainly it is about the development of historic trails that link those sites together. It has been going on since at least 1947, when William Schofield and Bob Winn, a journalist and a church worker, founded Boston's Freedom Trail--a ribbon of red brick, 2.5 miles long, that connects sites for the Revolution, Early Republic, War of 1812, and the Civil War. Many other trails are now in process of development. One is Baltimore's Star Spangled Trails, a network of 23 trails for driving and walking. They follow many themes that variously center on the American Revolution and Early Republic, the War of 1812, Slavery and the Civil War, and the maritime and social and cultural history of Baltimore. It is one of the most ambitious of many historical projects in any of our cities.

Another is the Overmountain Victory National Historic Trail. It centers on a single event in the War of Independence--the battle of King's Mountain in South Carolina on Oct. 7, 1780, where many backcountry militia who supported the new America republic came together to defeat an army that served the British Crown. The Overmountain Trail follows the march of the many American units who converged on that battle field. The result is a huge web of trails that stretch for 200 miles across the states of Virginia, Tennessee, North Carolina and South Carolina, It may eventually include parts of Georgia, West Kentucky and Georgia. Many people have joined together to make it work-- private landowners, public officers, schoolchildren, boy scouts many

more.

One of the largest of these new history trails is the Washington-Rochambeau-Revolutionary Route. It was given that name in the Public Land Management Act of 2009, and known to many people as the W3R Trail. This one presently runs for 680 miles through nine states and the District of Columbia. It follows the movements of French and American armies from Newport to Yorktown, and once again it brings together many historic sites, and communities and individual people

All of these trails are works in progress. All have great strengths, devoted organizers, and a very broad base of enthusiastic support. All combine public and private assistance from individual landowners, corporations, local governments, state agencies, and national institutions such as the Park Service.

But even as they combine many strengths, they also share a major challenge. The historic sites along the trails have presented many problems--more than the trails themselves. Some sites are in bad repair, or in danger of loss. Here again the Battlefield Bill could make a difference.

A Few Examples in the Countryside.

Much of the Saratoga battlefield is carefully protected and maintained, as a national Historic Park. But Saratoga was the name of a campaign, and some very important small battles in the outcome. One of them was the battle of Bennington in August, 1777. It bears the name of a town in Vermont, but the battlefield itself is in the state of New York, and the site has been neglected by both states. The land is almost entirely unprotected, and it is increasingly at risk from the spread of development through that area. A grant from a National Battlefield Protection Program could bring the two states together in a common cause, and protect one of the most interesting, and appealing and important small battlefields in American history.

Other rural sites are in tidewater Virginia, and were part of Lafayette's campaign in 1781, that preceded the larger campaign of Washington Rochambeau. In the months before the Yorktown campaign there were several small battles of large significance. Their sites have also been neglected. An example is the battle of Greenspring, which is very important for an understanding of the leadership of the Marquis de Lafayette and the American General Anthony Wayne. It was also an event that a major impact on the Continental army's sense of itself, and what it could do, and it taught British and Hessian leaders what they could not do. The National Park Service noted that this battlefield is almost entirely intact, but in danger of development.

Many sites in central New Jersey were part of a campaign that has not yet found its historian. It happened in the spring and early summer of 1776, when General Howe led his troops from New York City to central New Jersey in an attempt to trap and destroy Washington's army. The result was a major campaign without a large battle—an eighteenth century affair of small skirmishes. In the end Howe failed to trap Washington and suffered serious losses. He also lost nearly half of the

campaigning season in 1777, with disastrous results for the Philadelphia campaign and the Saratoga campaign that followed. It was also a brilliant bit of soldiering by Washington and his lieutenants. The two armies moved back and forth across spectacular terrain. Washington made effective use of a high escarpment that runs diagonally across the New Jersey countryside for many miles. Only a few years ago it was mostly open land. Today is rapidly developing. Pockets of open land still remain, and could draw many people to the study of history. The Battlefield Protection Bill could make a difference here.

Examples from an American City: Boston

Another large-spirited program of small improvements in historic sites might be envisioned for the center of a major American city. Here are a few specific suggestions of some things that might be done with the help of the Battlefield Protection Program.

Spring Lane is a small alley off Washington Street between Milk and Water Streets. It is dark, gloomy, and forbidding, with an air of danger and decay. To venture into it is to discover an old plaque that marks the location of a spring that was a center of settlement and town life in the seventeenth century. This dreary alley could be turned into a very attractive place that might commemorate Boston's 17th century beginnings in an active and engaging way. A fountain could be installed to represent the old spring. Lively monuments might commemorate the Puritan founders-- men, women, and children. An outdoor cafe could be set there, with banks of shade plants to soften the walls, and imaginative lighting and music in the evening. In the summer it could be a cool spot on a hot day. We could convert a dirty, dreary and dangerous alley into an attractive and very interesting place, where people might be invited to reflect on the Boston's early history.

Province Street just off the Freedom Trail from School Street, offers a possibility for broadening the history of the Revolution in an attractive way. The street takes its name from Province House, the seat of the Royal government in Massachusetts. In 1775 it was the official residence of General Thomas Gage and his American wife Margaret Gage who was deeply divided in her heart by the revolution. Nothing remains of Province House but an iron gate that led to 18th century gardens on its grounds, and a heavy flight of granite steps that lead up to Bosworth Street. One could reconstruct a small eighteenth century garden at the dead end of Bosworth Street. It might be about 2000 square feet, with a monument to Boston's loyalists, the forgotten Americans in the War for Independence. Perhaps it could also include a memorial to General Gage and Mrs. Gage modelled after the Copley portraits. All this could be done with care, restraint, and fidelity to fact, but also with flair and color and imagination. One might turn a shabby run-down dead-end corner on the edge of Boston's former combat zone into a place of grace and beauty and historical interest. Once more the Protection Bill could lead to something very creative.

Hanover Square is the forgotten eighteenth century name for the intersection of Washington and Essex Streets. It was also called the Elm Neighborhood, after a grove of ancient trees that had ben

planted by the founders of Boston. In 1765 one of those elms was adopted by the Sons of Liberty and called the Liberty Tree. Many important events in the history of the American Revolution happened here, from 1765 to 1775. The tree was cut down by a Tory mob in 1775, and for many years the town venerated the Liberty Stump as it was called. At present, nothing remains but a few old signs that are hard to find and harder to read, and a few scrawny locust trees. There is an open space on the south side of Essex Street in front of the China Trade Center. Here again this Bill could have an impact.

A Suggestion for Funding: a New Source of Income

A major problem these days is about how to pay this program. The bill envisions expenditures of \$10 million a year for Civil War sites, and another \$10 million for the American Revolution and War of 1812 combined. How might we pay for it?

On the principle of "pay as you go," and to win support both in the Congress and the country, we might build on several precedents which were adopted in the 1990s to support Civil War sites.

The first precedent was set by Congress in 1992, when it authorized the Treasury to mint and sell Civil War commemorative coins which yielded a net return of \$5.9 million. This money was used to buy lands for Civil War battlefields, and 5,200 acres were acquired.

A second precedent came also from Congress in 1998, when it authorized approximately 32 million dollars in the form of grants to the states from Land and Water Conservation Funds to acquire and protect historic sites and battlefield lands in particular. These funds were used to acquire and protect another 11,800 acres. These grants and gifts were combined with matching funds which extended their reach. Something similar could be done to pay for the acquisition of historic sites and battlefields from the American Revolution and the war of 1812.

One could also encourage contributions that might have an added purpose. A model in the 19th and again in the 20th century, was a fundraising campaign for the preservation of USS Constitution. It invited schoolchildren to send pennies for the Constitution. The drive drew much attention, and succeeded in several ways. Many children contributed pennies, The example of the children inspired adults to pitch in. And for the children themselves, the experience of giving encouraged them to form a sense of identity and even ownership of the Constitution, and its history. It could happen again with battlefields and historic sites. Very small contributions could be pay large dividends, not only for the protection of the battlefields themselves, but for the preservation of the Republic in generations to come.

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