

# CIVIL WAR PRESERVATION TRUST

*Saving America's Hallowed Ground*

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## **Testimony of O. James Lighthizer President, Civil War Preservation Trust**

### **Before the Committee on Natural Resources Subcommittee on National Parks, Recreation, and Public Lands United States House of Representatives**

*Congressional Hearing  
HR 2933, Civil War Battlefield Protection Act of 2007  
July 10, 2008*

#### **Introduction**

Mr. Chairman and members of the subcommittee, thank you for the opportunity to speak to you today. My name is James Lighthizer, and I am the President of the Civil War Preservation Trust (CWPT). CWPT is a 65,000-member nonprofit organization dedicated to preserving America's remaining Civil War battlefields. We have protected more than 25,000 acres of hallowed ground in 18 states, most of it outside National Park Service (NPS) boundaries.

I come before you today to state my organization's views on HR 2933, a bill to amend the American Battlefield Protection Act of 1996 and extend the authorization for that act. HR 2933 would extend the authorization from fiscal years September 30, 2009 through September 30, 2013 for battlefield acquisition grants under the Civil War Battlefield Preservation Act of 2002. The purpose of this act is to: (1) to protect battlefields and sites associated with armed conflicts that influenced the course of our history, (2) to encourage and assist all Americans in planning for the preservation, management, and interpretation of these sites, and (3) to raise the importance of preserving battlefields and related sites for future generations, for the upcoming sesquicentennial commemoration of the Civil War, 2011-2015.

#### **Civil War Battlefield Preservation Program**

The Civil War Battlefield Preservation Program is the primary tool used to protect Civil War battlefield land in the United States. It is a matching grants program that encourages partnerships between federal, state and local governments, the private sector and willing sellers. The program is financed through the Land and Water Conservation Fund.

In 1990 Congress established the Civil War Sites Advisory Commission to identify the nation's most historically significant Civil War Sites, determine their condition, assess the threats they face, and recommend alternatives for their preservation and interpretation. In 1993 the Commission published its report which listed 384 principal battles and classified them according to their historical significance and preservation status. The Commission also recommended that

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an “emergency” \$10 million-a-year matching grants program be established to protect high priority Civil War battlefields. This emergency program was first funded in FY1999 through a Congressional earmark. In December 2002, President George W. Bush signed into law the Civil War Battlefield Preservation Act, which authorized funding up to \$10 million a year for five years.

## **American Battlefield Protection Program**

Civil War Battlefield Preservation Program grants are competitively awarded by the American Battlefield Protection Program, an arm of the National Park Service. The grants are awarded based on three requirements: (1) the battlefield must be on the list of 384 priority sites determined by the Civil War Sites Advisory Commission; (2) the land must be outside the authorized boundaries of the National Park System, thus keeping the program from contributing to National Park Service maintenance costs; and (3) any land acquired with the assistance of the grant program may not be subsequently converted to a non-conservation use without the prior written permission of the Secretary of the Interior.

The American Battlefield Protection Program also set forth two additional requirements: (1) any grant awarded must be supported by an appraisal of the property’s value in accordance with federal standards for property appraisals; and (2) any land acquired with the assistance of the grant program must be protected by a perpetual easement to insure its preservation for future generations.

## **Grants**

These matching grants can be used for both fee simple and easement acquisition. To date, Civil War Battlefield Preservation Program grants have been used to save more than 15,000 acres of land in 14 states, including land at Antietam and South Mountain, Md.; Champion Hill, Miss.; Chancellorsville, Fredericksburg, and Manassas, Va.; Chattanooga and Fort Donelson, Tenn.; and Harpers Ferry, W.V.

Since FY1999, Congress has appropriated \$34.5 million for the Civil War Battlefield Preservation Program. These grants truly do encourage the private sector to invest in battlefield preservation. While CWPT is the primary national organization involved in Civil War battlefield preservation, we partner with many other organizations such as The Conservation Fund, Friends of Gettysburg, the Land Conservancy of Adams County, Pa., the Bull Run Civil War Roundtable, the Central Virginia Battlefield Trust, the Brandy Station Foundation, and Franklin’s Charge (Franklin, Tn.).

Although the program requires a 1-to-1 match, in many cases CWPT and other entities will contribute two or three — or more — times the amount of the federal grant. One example is the 208-acre Slaughter Pen Farm on Virginia’s Fredericksburg Battlefield. This is a site where 5,000 casualties occurred in one day of fighting in December 1862. Five medals of honor were earned by Union Soldiers for valor on the property. The Civil War Preservation Trust and a variety of partners are contributing \$10 million to augment the \$2 million awarded through the Civil War Battlefield Preservation Program.

At Fort Donelson National Battlefield in Tennessee, where future president Ulysses S. Grant earned his nickname “Unconditional Surrender” for demanding the immediate capitulation of the

12,000-man garrison, the National Park Service had independently preserved only the land where the Confederate lines once stood. With the help of the Civil War Battlefield Preservation Program, CWPT has been able to preserve a considerable portion of the Union lines as well. CWPT leveraged more than \$418,000 in federal grants with private donations to save a total of 236 acres of this historic battleground.

Antietam National Battlefield in Maryland is one of the most well-known Civil War battlefields in the country. The day of this battle, September 17, 1862, is considered the single bloodiest day in American military history. CWPT and our partners have used the Civil War Battlefield Preservation Program to preserve a total of 385 acres of battlefield land at Antietam.

Moreover, the presence of a federal grant program encourages state governments to allocate money to battlefield preservation since, between that and private donations raised by CWPT members, they receive a double or even triple return on their investment. Earlier this year the Commonwealth of Virginia allocated \$5 million in its budget for battlefield preservation.

### **Land Ownership -- How the Program Works**

Nearly all the land protected through this program is owned by nonprofit groups and state and local governments. The Civil War Preservation Trust is the primary nonprofit landowner. As noted about this keeps down federal land management costs — and also means that much of the land remains on local tax rolls. Sellers receive full market price that is negotiated between private sector parties, not government interests. There is no federal eminent domain associated with this program.

We have found that property owners generally like the program, because it gives them an alternative to selling to developers to get full market value for their property. We would like to share with you some of their comments about the program and the Civil War Preservation Trust.

Charlie Davis of Bentonville, N.C, says, “I am very supportive of the effort. I think it is a wonderful thing. These are priceless treasures, and we above all else wanted to preserve that... Overall I thought this was a nice clean deal, and that we could do something that we could feel good about and our heirs could feel good about for the rest of our life. And we were doing a good thing for the state as well.” CWPT purchased 173.75 acres from Mr. Davis in December 2006.

Gloria Warriner of Glendale, Va. says, “It was a win-win situation for us. Developers were coming around and we did not want to see the land developed. It was a good experience... They gave us the fair market value for the property.” CWPT purchased 220 acres from Ms. Warriner in April 2007.

These are just a couple examples of testimonials from landowners with whom the Civil War Preservation Trust has worked.

### **Importance of Preservation**

The Civil War was a defining moment in U.S. history and we earnestly believe we should preserve these last tangible links to a watershed moment in our nation’s history. These lands are

not just memorials that honor the sacrifices of Civil War soldiers; they honor the valor and proud service of all of America's veterans.

These preserved lands become outdoor classrooms for visitors, both today and for generations to come. Walking these grounds and literally following in the footsteps of heroes, seeing a landscape that looks much the same as when the battle raged, is a humbling experience. Reading about an event can be enlightening, to be sure. But standing where the actual fighting occurred offers visitors a different and deeper perspective, one that can not be replicated without the land itself.

I would like to reiterate that the Civil War Battlefield Preservation Program is the primary federal program for preserving battlefield lands. It is a successful land conservation program that Congress can take justified pride in creating and funding. Reauthorization is necessary to ensure the continued success of this program in the future. Throughout its history, the program has enjoyed bipartisan support in both the House and Senate. As of today, H.R. 2933 has 106 cosponsors, and the companion bill in the Senate enjoys the support of 32 cosponsors.

It is also worth noting that earlier this year, 44 Members of Congress and 20 Senators signed letters to the House and Senate Appropriations Committees requesting that the Civil War Battlefield Preservation Program be funded at its authorized level of \$10 million in FY 2009. Last fall, Congressman John Culberson (R-TX) sent a letter to the President requesting that he include \$10 million in his budget for the program. This letter was also signed by Reps. Zach Wamp (R-TN), Ben Chandler (D-KY), Bart Gordon (D-TN), and Dutch Ruppersberger (D-MD).

## **Conclusion**

Mr. Chairman, in conclusion I want to say that timing for the reauthorization could not be more fortuitous. Preserving additional battlefield land will help us prepare for the upcoming sesquicentennial commemoration of the Civil War beginning in 2011. The commemoration is expected to stimulate renewed interest in the conflict and generate unprecedented visitation to preserved Civil War battlegrounds.

Mr. Chairman, we look forward to working with you and the subcommittee on this and other battlefield preservation issues. Thank you for the opportunity to address your committee.