Module 2

How did Public Lands Come to Be?

Main Takeaways

Federal public lands in the United States were created within the context of complex social and historical movements and mindsets.

A more complete understanding of public lands requires acknowledgement of the people and cultures who have been negatively affected throughout the complex history of public lands.

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This module will examine the history of federal public lands and waters in the United States. It is important for people to know the history of public lands so that we can understand the perspectives of others who have different types of connections to these places.

When conservationists talk about the establishment of federal public lands in the United States, they sometimes focus on governmental decisions to protect land for future generations. However, the protection of lands as public did not occur in a vacuum. The conservation of these places reflects the larger social, cultural, and political forces and events of United States history. These influences are as diverse as the lands themselves.

With this module, we provide a more comprehensive history of federal public lands. In doing so, we include the stories of some of the people and communities that have been left out of the traditional colonizer-settler narrative.

However, the history presented in no way encompasses the complete story of the many people with connections to public lands. This curriculum remains a living document that will continue to evolve as we engage with more communities and broaden our understanding and knowledge base.

As we move forward enjoying, sharing, and preserving our public lands, understanding the broader historical context can help us act more intentionally and work to build a more equitable conservation movement and public lands system.

We recognize that the terms "America" and "American" are widely used to refer to South, Central, and North America and the people living in all these regions. However, throughout this curriculum, the term "American(s)" is used to refer to the people who were and are still living in what is the United States today. This includes people who settled in the United States freely and those who were forcibly brought to the U.S. through enslavement and relocation. Additionally, in this curriculum the term "American(s)" does not refer to a person's citizenship or immigration status in the U.S. This term is also used to refer to land that is a part of the modern day U.S. (i.e., the American West).

Historical Overview

Time Immemorial

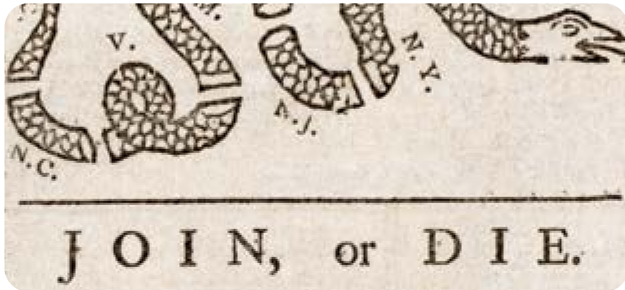
History is conveyed in different ways by different cultures. For the Indigenous peoples of the Americas, history begins at time immemorial - time before the reach of human memory. The history of connection to the land before memory is passed on through oral tradition. Different tribes have different origin narratives, some indicating that people rose from the center of the earth (Hopi) or that man hatched from eggs (Chinook). Indigenous knowledge about the populating of what is today known as the North American continent is one form of knowledge.

Scientific knowledge also contributes to our understanding of when people were present on this continent. Archaeological data indicates that humans were in this hemisphere at least 20,000 years ago, supporting Indigenous knowledge of a presence on this land going back into deep time. Pre-Colonial population estimates vary, but Indigenous people numbered in the millions before the arrival of Europeans, with multiple and diverse peoples across the hemisphere

Before European colonization beginning in the 15th century, Indigenous peoples had developed into sovereign tribes or nations, some independent and some nested within larger confederations. Each of these nations followed different traditions and had distinct leadership organizations. Intricate systems of trade and barter existed along trade routes throughout the continent, as well as flourishing agricultural

and scientific practices. In many cases, these practices were more advanced than those in Europe at the same time. Because of the violent suppression of these nations by European colonists and the failure to include Indigenous history in public education systems, our knowledge of the peoples and cultures on this landscape is incomplete. However, it is growing, both through academic study and sharing Indigenous knowledge of the past and present.

European Contact and Colonization



In the late 15th century, Europe was in the midst of an economic boom fueled largely by global trade from Asia and Africa. The desire for more efficient trade routes to southeast Asia (at the time called the East Indies) led trading nations like Spain and Portugal to finance expeditions across the Atlantic Ocean. On one of these expeditions, an explorer named Christopher Columbus accidentally made his way to an island in the Caribbean. At the time, he was thought to be the first European to have set foot in the Americas. However, new evidence suggests that the Vikings may have explored North America, possibly even into the New England area around 1000 A.D. In contrast to the Europeans, Viking exploration focused on acquiring wealth, resources, and enslaved peoples. For the Vikings, colonization was a secondary goal.

At the time of Columbus' arrival, the European powers were operating under the Doctrine of Discovery, a principle established to legitimize colonization of lands outside of Europe. The Doctrine, authorized by the Pope, claimed that European countries could seize lands occupied by Indigenous people who were not subjects of a European Christian monarch. Reports from Christopher Columbus and other explorers told of untapped resources and unending riches, and described the Indigenous peoples they encountered as "savages" who could be easily overpowered. After Columbus' arrival, European nations entered a race to colonize and establish trading enterprises on the North American continent. The Spanish sent many expeditions into the southeast region of what is now the United States, including expeditions led by Ponce de Leon in 1513 and Hernando de Soto in the 1540's, although evidence suggests that Spanish explorers trading enslaved people set foot on the Florida peninsula at an earlier time. In 1534, Jacques Cartier began his first of three explorations of Canada's Gulf of Saint Lawrence and the Saint Lawrence River and claimed the land as New France, convinced that he had reached Asia in search of riches. Additionally, in 1602 the Dutch commissioned Henry Hudson to explore the present day Hudson River area in search of a trade route to the Indies. The Dutch established settlements near present-day Albany, NY and Hartford, CT.

During these early explorations, one of the main motivations was the enslavement of Indigenous people to work locally and in mines and plantations in the European settlements in the Caribbean. From 1670 to 1715, it is estimated that between 24,000 and 51,000 Indigenous people were removed from their ancestral lands in the southeastern part of the North American continent and enslaved by the British. In New France (what is now Canada), records show that approximately 4,000 people were enslaved, the majority of whom were Indigenous people. Though most of the enslavement of Indigenous people was done by European settlers, inter-tribal enslavement also occurred between warring tribes.

Between 1607 and 1732, England established thirteen colonies along the East Coast of North America. The Dutch, French, Swedish, Scottish, and Spanish also founded settlements in North America during this time. The colonists brought with them the European concept of private land ownership. They believed that land can be privately owned by individual people, and viewed ancestral Indigenous land as wild and in need of clearing for cultivation and development.

African Enslavement

Privately owned land required significant human labor in order to meet European demand for "productive," cultivated landscapes. In the early 1600s, colonists were hungry for labor and created a variety of inducements to urge more able-bodied workers to come to the colonies. Among these inducements was the concept of a "headright" – which meant that for each person a colonist brought to the colonies, they would be granted a certain amount of additional land. Headrights motivated the larger landowners to bring in large numbers of indentured servants, who would sign contracts to work a set number of years before becoming landowners themselves. Although these contracts appeared to be an easy and exciting way for impoverished people to acquire passage to the colonies, they were often abused by contract holders, and people were indentured for far longer than agreed to.

When the indenture system fell short of labor needs in the new colonies, the European powers turned to slavery, exploiting political turmoil in West and Central Africa to induce wealthy kings and chiefs to sell and export enemy combatants and captured civilians as laborers for Europeans.

By 1660, a system of land cultivation dependent on the kidnapping and enslavement of African men, women, and children was well-established in the colonies of both North and South America. By 1860, when the last known ship carrying enslaved Africans arrived in the United States, the Trans-Atlantic Slave Trade had transported an estimated 12.5 million Africans to European colonies in North and South America, 10.7 million of whom survived the journey. As enslaved people, these African laborers were not permitted by their European and American overlords to own land, vote, learn to read or write, marry, gather in groups, organize, speak their language, practice most of their traditional customs, or participate in the American economic or political system.

Although some African Americans were born free (descendants of pre-slavery indentured Africans, free Natives, or white ancestors) or became free during the period of enslavement, slavery and racism still shaped and dominated their daily lives. The institution of slavery transformed African Americans' relationship to the land. Many enslaved African Americans spent their days planting, harvesting, and doing hard labor in fields under brutal conditions that included physical and psychological traumas and reflected deeply entrenched racial power dynamics. Violence and subjugation of African Americans and white supremacy were early hallmarks of African Americans' relationships with land and open spaces.

Genocide, Tribal Sovereignty and Broken Treaties

Upon their arrival, European colonizers immediately began occupation of Indigenous lands, Much of this occupation was accomplished through warfare, genocide, and slavery. In addition, many Indigenous people died of diseases carried by European colonists for which Indigenous people had no natural immunities. From the Europeans' perspective, these mass deaths left vast tracts of land "unoccupied" and available for the taking. Cultural differences between Europeans and Indigenous peoples were perceived by Europeans as evidence that Indigenous peoples were less than human, like the enslaved African laborers, further justifying the barbaric tactics the Europeans used.

By the 1700s, European countries had entered into numerous treaties with tribes. Many of these treaties recognized the principle in European law that the leadership of an Indigenous tribe had the legal standing of a sovereign government. Indigenous people were considered members of a sovereign nation, and the relationship between the European country and the tribe was a nation to nation relationship.

When the United States Constitution was adopted in 1787, it gave Congress the authority to regulate commerce with "foreign nations and among the several states, and with the Indian tribes." In the Marshall Trilogy of Supreme Court cases between 1823 and 1832, the Supreme Court affirmed the status of the tribes as sovereign nations. Federal courts have also recognized a "general trust relationship" between the federal government and federally recognized tribes, under which the government has a duty to protect tribal treaty rights, lands, assets, and resources.

Between the time of European colonization and passage of the Indian Appropriations Act of 1871, the British and United States governments entered into hundreds of treaties with tribal governments. Many of these treaties were written to either contain Indigenous peoples or take away their land. The Appropriations Act of 1871 ended the practice of interacting with or recognizing tribes through treaties. Ostensibly, those treaties that were in effect at the time of the Appropriations Act would remain in force. However, many of the promises made in those treaties were subsequently broken by the United States government.

Early Relocations

By the KING,

A PROCLAMATION.

GEORGE R.

In contrast to the European model of private land ownership, many Indigenous communities held and continue to hold a fundamentally different concept of land use and land ownership. Generally, Indigenous communities believe that people belong to the land and should live in ethical reciprocity with nature. While there is no singular view held by all Indigenous peoples, many modern Indigenous communities continue to follow cultural and religious practices that are strongly based on connections to the landscape and sharing common lands.

In 1763, the British Crown temporarily defined the limits of colonial land in North America. The Royal Proclamation of 1763 designated the lands east of the Appalachian Mountains as colonial lands, and the land west of the divide as an Indian Reserve. The Proclamation canceled all colonial land claims within the Indian Reserve, and prohibited colonists from purchasing land in the reserve without the permission of the British Crown.

The Royal Proclamation and the designation of the Proclamation Line had different effects for Indigenous peoples depending on location. For Indigenous peoples who lived west of the divide, the Proclamation temporarily limited westward expansion and recognized their right to remain on their ancestral land. In

contrast, many Indigenous peoples who lived east of the line were ultimately forced to move west because their ancestral lands were now considered to belong to the colonies, though some tribes remained on their Eastern homelands.

Shortly after the Royal Proclamation was issued, angry colonists and land speculators quickly began pressuring the Crown to move the Proclamation Line westward, which the Crown did through treaties signed with the Haudenosaunee and ᏣᎳᎩ(tsa-la-gi)/Cherokee peoples in 1768 and again with the ᏣᎳᎩ/Cherokee people in 1770. These three additional treaties moved the boundary so that colonial lands included what is now Kentucky and West Virginia.

Establishment of the Public Domain

We the People

Article 1

In 1776, the thirteen original British colonies declared their independence from Great Britain. The Revolutionary War that followed lasted until 1783. When the United States adopted and then ratified the United States Constitution in 1789, it declared that "[t]he Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States."

The Constitution does not describe which lands were to be considered public lands or part of the public domain. However, beginning with the cessions to the federal government of land claims by some of the original 13 colonies at the time the Constitution was ratified and continuing with the subsequent acquisition of claims by foreign nations, most of the land west of the 13 original colonies eventually came to be considered part of the public domain. As a result, many lands inhabited by Indigenous peoples were considered by the government to be public domain lands even though they were already occupied by Indigenous peoples.

With the adoption of the United States Constitution and the acquisition of land by purchase, cession, annexation and by treaty, the United States government became a large landowner early in the 19th century. In 1812, the government began the process of disposing of a portion of that land. In that year, the General Land Office (GLO) was formed. The GLO was created to survey and dispose of government land. In doing so, the GLO would play a pivotal role in westward migration and the settlement of the West. During its existence, the GLO administered two important land ownership and disposal laws: the Preemption Act and the Homestead Act. By 1849, the GLO was part of the Department of the Interior. In 1946, the GLO became part of the Bureau of Land Management.

Territorial Acquisition and Western Exploration

Purchase of the Louisiana Territory from France in 1803 prompted President Thomas Jefferson to launch the Lewis and Clark Expedition, which explored the northern plains and Pacific Northwest from 1804 to 1806. The expedition sought to map the new territory, find a navigable transportation route across the western half of the continent, establish a territorial claim to the region, assess the available resources, and establish relationships with Indigenous tribes along the Missouri River. Jefferson placed special importance on declaring United States dominion over the lands occupied by the tribes.

The expedition could not have been undertaken without the support of the many Indigenous tribes and tribal members across the country who guided and interacted with Lewis and Clark. At the same time, the expedition hastened the dispossession of Indigenous lands by stoking the growing fascination of white settlers and their descendants with the West and causing an influx of explorers, miners, fur traders, and others.

Manifest Destiny, Settler Colonialism and Early Wilderness Values

Throughout the 19th century, many Americans strongly believed in Manifest Destiny. Manifest Destiny was the idea that American settlers were destined to expand across North America. Historians have identified three component beliefs that comprised Manifest Destiny:

- Belief in the special virtues of the American people and their institutions.
- Belief that it was the mission of the United States to redeem and remake the West in the image of agrarian America.

• Belief in an irresistible destiny to accomplish this essential duty, sometimes described as a divine destiny or the will of God.

The widespread belief in these principles drew many colonists west, and allowed them to assume that their actions were sanctioned and perhaps even required by divine will. Because of their adherence to this belief system, the act of conquering and domesticating the frontier was a source of pride for colonists.

However, the use of the terms "frontier" and "pioneer," both then and now, reinforces the perception of the West as being empty land available for the taking and erases the presence of Indigenous inhabitants. In truth, this westward expansion was an example of settler colonialism in which European settlers sought to replace the Indigenous populations with settlements and farmland owned and occupied by Europeans. This colonization was not merely an organic movement driven by individuals. It was official United States government policy.

It is also worth emphasizing that American attitudes toward wild landscapes in the 19th century did not usually include conservation as we think of it today. The people moving westward generally saw no value in preserving landscapes in their natural state. Some considered undeveloped land to be evil, chaotic, dark, and sinister. This was, in part, because these lands were often the source of very real hardship and danger. However, it also reflected their belief that land should be put to productive use such as farming or industry. Thus, settlers viewed their migration with spiritual overtones. They saw it as the conversion of darkness into light, of barren to productive, the giving of order to chaos and the transformation of evil into good.

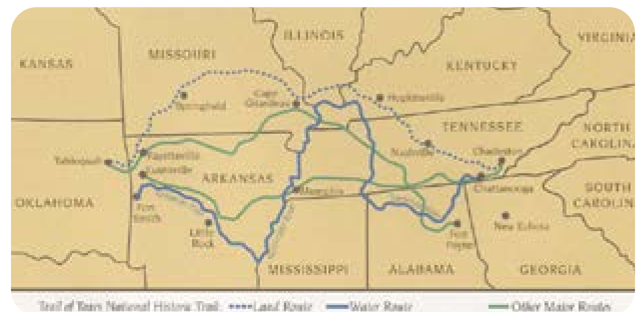
These beliefs shaped settlers' attitudes toward Indigenous people as well. As is common with settler colonialism, early Americans viewed themselves as racially superior to Indigenous people. Many European colonists and their descendants considered Indigenous people to be "savages" who were part of the wilderness and should be given the same status as animals. As a result of this dehumanization, settlers and the armies mustered in their name felt they had license to kill Indigenous people or relocate them and dispossess them of their lands.

The beliefs and perceptions of wilderness held by the settlers contrasted greatly with those of enslaved African Americans in the southern United States. By the beginning of the 19th century, all of the states in the North had abolished slavery (New Jersey was the last, in 1804). This greatly increased the opportunity for enslaved Africans in the southern United States to emancipate themselves by fleeing to freedom in the North. However, the road to freedom was a dangerous one, and in order to evade being caught, many African Americans followed routes through 'undeveloped' areas to reach safety. Some of these escapees even formed temporary or semi-permanent colonies of refuge in difficult-to-reach wilderness areas; these were known as maroon colonies, and the act of escaping to them was called marronage. These colonies are a powerful testament to the enslaved African Americans' resistance to oppression, and a hallmark of the unique way in which they saw a connection between wilderness and freedom.

The connection between freedom and wilderness was often shared by members of free People of Color communities across the eastern United States. Free People of Color were largely African Americans of partially Indigenous or European ancestries. They often descended from colonial era intermarriage between Black, white, and Indigenous indentured servants. Their ranks also included some Indigenous people, an occasional South Asian or South American immigrant, and a large number of people of mixed race parentage.

However, even free People of Color were prohibited by their race from attending schools, voting, or engaging fully in the social or political freedoms enjoyed by white citizens. As a result of the often-violent discrimination they encountered, these people frequently settled in "undesirable", geographically marginal areas – sometimes close to friendly Indigenous tribes or tolerant white religious communities like the Quakers. For free People of Color, whose very existence challenged the racist assumptions and strict racial hierarchy of the early United States, hiding could be essential for survival. To this day, some descendants of these communities continue to occupy areas close to wilderness.

Assimilation and Relocation



Colonial attitudes towards Indigenous peoples were reflected in a series of government actions taken during the 19th century that were a direct attack on Indigenous culture and cultural ties to ancestral lands. These actions were aimed at forcing Indigenous people to assimilate into white European culture, and to relocate and live in "Indian territory" and later on Indian reservations.

The designation of "Indian territory" and the relocation of Indigenous people to that territory was sometimes asserted as a way to protect Indigenous communities from encroachment by European settlers. However, in practice these designations afforded very limited protection from white encroachment. Ultimately, relocation made it possible for Europeans to settle the ancestral lands of Native Americans and convert the land to what they viewed as more productive uses such as agriculture, logging, mining, and grazing. Relocation also made it possible for the United States to establish the federal public lands system that we have today.

The Indian removal period began in earnest in 1830 when President Andrew Jackson signed the Indian Removal Act. This Act called for the removal of Indigenous peoples, including the Chickasaw, Choctaw, Muscogee/Creek, Seminole, and GWY/Cherokee people, from their ancestral lands mostly in Southern states in exchange for lands in what would become parts of Oklahoma. The Act was strongly supported by Southerners who wanted access and title to the lands occupied by the tribes. Many tribes objected to their removal and resisted the states and federal government. The journey of the GWY/Cherokee from their ancestral lands in the southeast to Oklahoma became known as the Trail of Tears because of its devastating effects. On the forced march, tribal members faced hunger, disease, exhaustion, and death. Out of 15,000 Indigenous people forced into the march, over 4,000 died.

Early in the Indian removal period, a Western explorer and writer named George Catlin envisioned the western United States as a protected reserve where Indigenous people would be allowed to continue to roam freely and live in the way they had historically lived without being confined to small areas. Catlin is sometimes credited with the first articulation of the national park concept in the United States. However, his vision for this park was very different from the type of park we know today. Unlike the vision of wilderness that emerged later in the 19th century, Catlin saw Indigenous people as a feature of the landscape. He did not regard the western landscape as empty of humans. This vision contrasted with many of those who came after him.

A number of influential forces ensured that Catlin's vision of the West as a reserve for Indigenous peoples would not become national policy. In 1846, Britain relinquished its claim on Oregon, and two years later, much of what is now the southwestern United States was acquired through the Mexican American War. These acquisitions had different overtones than the Louisiana Purchase forty years earlier. The Southwest was seen as conquered land acquired as the result of the United States military victory over Mexico. This contributed to a sense of national destiny to bring American values and governance to the western United States. Included in this, sometimes implicitly and sometimes explicitly, was a moral duty to subjugate Indigenous people living in the West, who were seen as inherently inferior to white settlers of European descent.

At the time of the Indian Removal Act in 1830, most of the officially recognized "Indian territory" was in present day Oklahoma. Less formally, the land west of the Missouri River and east of the Rocky Mountains was also considered Indian territory during this period. However, increased migration of settlers across this land during the 1840s and 1850s dispelled any notion that the land west of the Missouri River would remain Indian territory for very long. Events such as the passage of the Kansas-Nebraska Act in 1854 forced midwestern tribes that had been relocated by treaty to Iowa, Missouri, Kansas, and Nebraska into another round of treaty negotiations and land concessions. Ultimately, many of them were forced onto smaller reservations in Oklahoma.

In 1851, Congress passed the Indian Appropriations Act. This Act appropriated funds to move the western Native American tribes onto reservations established in the western states. This was the beginning of the western reservation system that still exists today. The relocation of the western tribes to reservations ignored Indigenous peoples' cultural and spiritual connections to their ancestral homelands.

There were many other acts passed between 1871 and 1889 under the title of "Indian Appropriations." These acts addressed the status of Indigenous nations as "wards of the government," the ability to sell land, and the settlement of "unassigned lands" by European settlers and their descendants.

The Dawes Act of 1887 was yet another legislative action that sought to assimilate Indigenous peoples into white settler conventions. Under the Dawes Act, most land designated as tribal land was surveyed to be divided up into individual allotments to be given to tribal members. Those individuals who accepted the parcels and agreed to live separately from the tribe were granted United States citizenship. This had the effect of dismantling tribal governments and privatizing communally held land. Any 'excess' land was confiscated by the federal government and sold on the open market. The Dawes Act dramatically reduced the amount of land occupied by Native Americans over the next few years.

In another effort to achieve assimilation, late in the 19th century the federal government began forcibly removing some Indigenous children from their families and ancestral lands and taking them to distant boarding schools for re-education. At the schools, Indigenous children faced many kinds of brutality, from forced assimilation to physical and sexual abuse. They were forced to dress in European American styles, forbidden from speaking their Indigenous language, and converted to Christianity. The children that resisted these rules were often met with physical retaliation from their teachers. In some cases, children at the boarding schools were forbidden from traveling back to their ancestral lands or from receiving family visitors, further severing their ties to Indigenous culture. In recent years, hundreds of unmarked graves of Indigenous children have been found near these boarding schools in Canada and the United States. It is estimated that 4,000 to 10,000 Indigenous children died in boarding schools. The full extent of what occurred in these boarding schools is still unknown.

Free People of Color

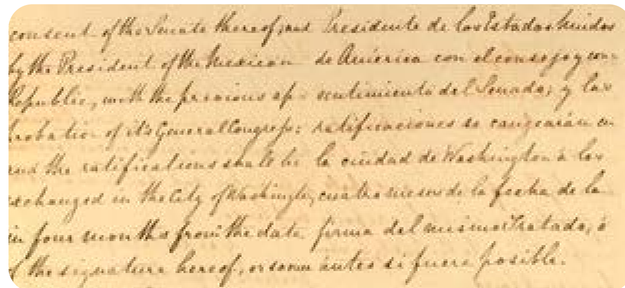
Before the Civil War, a small but growing number of African Americans gained their freedom and joined the communities

of free People of Color across the United States. Although these communities grew in size, there remained limitations on their political and legal power. Despite this fact, free African Americans and free People of Color became significant drivers of the growing movement to abolish slavery throughout the United States, which began to grow larger and more vocal in the early 1800s.

At the same time, a series of slave revolts (Denmark Vesey, 1822; Nat Turner, 1831) increased white Southerners' fears of both enslaved African Americans and the free People of Color. During the period of Indigenous removal, white Southerners also passed a series of laws targeting the free People of Color for removal. Members of this class were to be sent either to the West or to the new American colony of Liberia in Africa. These removal laws generally made it illegal for a free person of color to reside in the county or state where they were adopted and imposed punishments ranging from fines to jail for white people caught supporting or abetting them in staying. Although the free People of Color were of diverse origins, their most vulnerable members were African American and mixed-race; for these people, the legal punishment for being caught residing in states that had expelled them was to be sold into slavery. Historians have not yet uncovered exactly how many people were enslaved or re-enslaved during this period in this manner.

As a result, from 1830 to 1860, many free African Americans were forced to migrate out of the South, seeking survival and the possibility of refuge in the North and West. Those who had close previous ties to Indigenous tribes (or who were related to enslaved African Americans held by Indigenous people) were sometimes removed under the Indian Removal Act, ending up in Oklahoma, Kansas, and Texas. Those who came from strictly insular communities of free people often migrated toward the Midwest, to try to seek freedom through homesteading the land – they themselves becoming participants in western expansion. Others chose not to migrate, risking (and sometimes sacrificing) their own freedom to remain close to enslaved parents, spouses, children, or other family members in the South.

Further Acquisitions


consent of the Senate thereof; and
by the President of the Mexican
Republic, with the previous ap-
probation of its General Congress:
and the ratifications shall be
exchanged in the City of Washington,
in four months from the date
of the signature hereof, or sooner

Presidente de los Estados Unidos
de América con el consejo y con-
sentimiento del Senado; y las
ratificaciones se cangearán en
la ciudad de Washington á los
cuatro meses de la fecha de la
firma del mismo Tratado, ó
antes si fuere posible.

The United States acquired Texas in 1845, setting the stage for the 1846-48 Mexican American War. The war ended with the Treaty of Guadalupe Hidalgo, which established the Rio Grande River as the southern boundary of the United States. Through the treaty, Mexico ceded to the United States parts of what is now Texas, all of California, and a large area comprising roughly half of New Mexico, most of Arizona, Nevada, Utah, and parts of Wyoming and Colorado. Mexicans in the annexed areas were given the choice of relocating to within Mexico's new boundaries or receiving United States citizenship. Ninety percent chose to remain and become U.S. citizens.

Many Mexicans held the title to their land through grants signed by the Spanish or Mexican government over a century earlier. The treaty signed in 1848 included a provision that the United States would respect these titles and allow the new citizens to remain on their land. In practice, however, Mexican-Americans were often unable to protect themselves when European American settlers from the Eastern United States made claims and tried to settle on their land. Attempts by Mexican-Americans to enforce their land grants were often ignored, and the few cases that made their way into a court were tried in English. Many Spanish-speaking citizens were unable to understand or speak for themselves during these proceedings.

While white settlers from the East were allowed to own land, build houses, and accrue wealth, Mexican-Americans were often relegated to low-wage work in segregated mining and railroad towns. Additionally, passage of the Reclamation Act in 1902 allowed private corporations to draw water from federal public lands, effectively superseding Mexican-American water rights protected in the treaty of Guadalupe Hidalgo.

Homesteaders were blocked from settling certain areas of the Mexican Cession. However, instead of allowing Mexican-Americans to live in these areas, they became part of the public domain including areas of public lands that we have today.

In addition to the acquisition of the Southwest, in 1867 President Andrew Johnson signed the Alaska Purchase treaty with Russia. Through this treaty, the United States acquired about 370 million acres of territory for $7.2 million. Prior to the treaty, Russia's activity in Alaska was largely missionary work and fur trapping and was limited to coastal islands and accessible mainland. Nevertheless, during the Russian occupation, it is estimated that 50,000 Native Alaskans (half of the population) were killed due to warfare, disease, and enslavement. When Alaska became a United States territory, the remaining Native Alaskans were regarded the same as other Indigenous persons were at the time - they had no rights as United States citizens, could not vote, own property, and were subjected to the same assimilation practices.

The acquisition of Alaska significantly increased U.S. territory and ultimately resulted in a major expansion of the federal estate. Today, there are 104 million acres of federally protected parks and wildlife refuges in Alaska.

Legislative Milestones

Congress
BEGUN AND HELD AT THE CITY OF
in the District of Columbia
AN ACT

In 1862, Congress passed the Homestead Act, which provided homesteaders with 160 acres of government land for farming purposes. Ultimately, more than 270 million acres of land was given away for free to 1.6 million homesteaders. This amounted to nearly 10% of the total area of the United States.

Also in 1862, Congress passed the first of a series of Pacific Railroad Acts that provided government funding for constructing the first transcontinental railroad. The construction of a network of railroads throughout the country would later contribute significantly to efforts to protect a portion of the federal estate for conservation and recreation purposes. The railroads made it possible for eastern Americans to see and experience the undeveloped lands of the West. They were the basis for the "See America First" tourism campaign that sought to encourage people from the eastern United States to vacation in the American West rather than going to Europe. In this way, the development of the rail network contributed to a burgeoning movement to protect some lands for their natural beauty and scenic value.

While the construction of the railroad system was considered a sign of progress and a great national achievement, there were adverse consequences. In some instances, a portion of the land acquired to build the railways was seized from Indigenous peoples, leading to their relocation. The railroads also advertised "hunting by rail," contributing to the decimation of the buffalo, a vital food source to the Native American people of the Plains region. Additionally, the railroads themselves were built predominantly by East Asian laborers through the use of exploitative and discriminatory labor practices. Chinese immigrants began arriving in the 1860s, and worked on the railroads at a grueling pace in perilous working conditions. They were paid just one-third of what their white counterparts received.

Emancipation and Special Field Order #15

In 1863, President Lincoln put the Emancipation Proclamation into effect, which granted freedom to the 3.5 million people who had been enslaved in Confederate-held lands. Full abolition of slavery and involuntary servitude came in 1865 with the ratification of the 13th Amendment to the Constitution.

In January of 1865, before the ratification of the 13th Amendment, General William Tecumseh Sherman issued Special Field Order #15, setting aside land in coastal South Carolina, Georgia, and Florida to grant "a plot of not more than (40) acres of tillable land" to every family of formerly enslaved people. This plan was designed in consultation with the leaders of several African American churches in Savannah, as well as with prominent abolitionists and representatives of both the formerly enslaved and freeborn African American communities. Through land ownership, these families hoped to acquire full recognition as individual humans, and full access to the benefits of citizenship.

Under Sherman's order, a total of over 400,000 acres of land would have been distributed to formerly enslaved families. This land would have been under the control of an entirely African American local governance. However, the hopes of these freed families were quickly dashed in the fall of 1865 when President Andrew Johnson overturned the field order and returned the land to its former Confederate owners (provided they took an oath of loyalty to the Union). This field order (and its subsequent reversal) became the basis for the rallying cry of "40 acres and a mule" that continues to shape national conversations about reparations for enslavement in the United States.

Birth of the Colonial Conservation Movement

In the mid-1800s, settler attitudes toward wilderness began to change. The development of the West and the growing exploitation of natural resources began to cause concerns. Some settlers, many of them wealthy urbanites in the eastern states, started to view wilderness through a romantic lens and began to see nature as pristine, divine, inspirational, and a way to become closer to God. This is reflected in the Transcendentalist art and writing of the time by Thomas Cole, Henry David Thoreau, George Catlin, and Ralph Waldo Emerson, as well as the landscape paintings of the Hudson River School which portrayed unspoiled natural beauty. A common sentiment among Transcendentalists is captured in this Thoreau quote: "In wildness is the preservation of the world," marking the wilderness as a cultural resource.

Some of the earliest conservation efforts occurred in the cities of the East, where it was often wealthy city-dwellers who sought to develop and protect public green spaces for common use. New York's Central Park, created in 1857, was an early example of urban conservation in the United States. The history of the creation of Central Park is discussed in more detail in Module 3. The designer of Central Park, Frederick Law Olmsted, created dozens of urban parks across the country in his lifetime, focusing on curating natural spaces

that were accessible to all classes of people.

Growing concern over the exploitation of natural resources led to the first acts of land conservation. These acts were influenced and shaped by wealthy European Americans and their evolving view of the wilderness. Many of these actions coincided with and were made possible by the creation of the Indian reservation system and the relocation of Indigenous peoples within that system. Noteworthy early examples include:

Yosemite Valley: In 1864, President Lincoln granted Yosemite Valley to California as a public park. Some saw this action as a way to preserve the valley for its beauty. Others felt that Yosemite's primary benefit would be commercial tourism. Although celebrated as a significant conservation victory, the park could not have been designated without the forced dispossession of Yosemite Valley from the Ahwahneechee/Miwok people. The Mariposa Battalion was a militia group who were sent to the valley to remove the Ahwahneechee/Miwok in 1851. The Battalion burned the Ahwahneechee/Miwok villages and destroyed their food supply. The name "Yosemite" is derived from the Ahwahneechee/Miwok cry heard by Battalion members during the raid. Battalion members thought it was a place name, but in reality it was the Ahwahneechee/Miwok word for "killers." A handful of Ahwahneechee/Miwok who survived the raid were allowed to stay on the land, but only as a cultural attraction, performing basket weaving and other traditional activities for tourists.

Yellowstone National Park: In 1872, Congress designated Yellowstone as the first National Park. Park proponents were motivated by a desire to protect the area for people's enjoyment, and to prevent commercialization and the pillaging of natural resources and historical artifacts. However, similar to Yosemite, the land that is now Yellowstone National Park is vital land for many of the surrounding Indigenous tribes, including the Shoshone, Apsaalooke/Crow, Bannock, Tukudika/Sheep Eater, and Aaniiih/Gros Ventre tribes. Indigenous people had long lived and hunted on these lands and managed the area's ecosystems using fire. These activities were seen by the federal government as contrary to the purpose of protecting the park as untouched, uninhabited wild land and, as a result, the Tukudika/Sheep Eater people were removed in 1879. Various tribes continued to seasonally hunt within the park boundaries until 1895, when local law men raided an encampment of Bannock people and arrested them, killing one man and two children. Tribal leaders looked to the government to punish the raiders and uphold hunting rights that had been laid out in a treaty with the Bannock people in 1869. At first the Bannock hunting rights were honored in court. However, in 1896 the U.S. Supreme Court ruled that the Wyoming hunting rights granted by the treaty with the Bannock people were invalidated when Wyoming became a state in 1890.

Adirondack Forest Preserve: From 1885-1910, lands in New York's Adirondack Mountains were reorganized into a Forest Preserve to be managed by the state. New laws were passed restricting fishing, hunting, and making fires and the state began to patrol the forest. Settlements of subsistence families and people who were poor were not included on the official map of the Adirondacks and were evicted from their homes. In contrast, wealthy settlers maintained land ownership and put up fences and signs to keep poor people out of their lands. Along with establishing the Forest Preserve, the state passed lumber trespassing laws criminalizing the cutting of trees except by lumber companies, developed arson laws prohibiting fires, and erected fire observation stations to enforce arson laws.

During Henry David Thoreau's lifetime (1812-1862), a limited number of people subscribed to his views on wilderness and land protection. However, as the century wore on, this gradually changed as more people became concerned about overdevelopment. From 1870 onward, John Muir, a Scottish American explorer who was inspired by the writings of Ralph Waldo Emerson, traveled extensively in the high Sierra region of California, the Pacific Northwest, and Alaska, and published articles and essays about his travels. Muir believed wild spaces should be protected from human impact, including the impacts of Indigenous peoples, and that a person could be closer to God, improve themselves, and find a true home in the wilderness. Along with his supporters, he would later form the Sierra Club, and be directly involved in numerous high profile land protection campaigns.

The ideas of the Transcendentalists and other conservationists were, in many cases, taken from long-standing practices that were typical ways of life for many Indigenous communities. The problems that worried conservationists, such as exploitation of natural resources and dwindling connections to nature, had only come about after European arrival and colonization on the continent. These writers, thinkers, and advocates were effectively arguing for a return to the Indigenous way of life that had been in balance with the environment since time immemorial.

Growing Conservation Movement and Policy Changes — 1890-1920

By the late 19th century, an increasing number of people, many of them wealthy, began to adventure in the western landscape. Many of these people were inspired by Theodore Roosevelt, who began promoting land and water conservation for the benefit of recreation, hunting, and fishing. Roosevelt believed that a connection to nature fostered and encouraged the uniquely American quality of rugged individualism. Roosevelt warned of the dangers of "eroding masculinity" presented by industrialization and the closing of the frontier. He saw outdoor recreation, hunting, and fishing as a way to counterbalance the ease of city life. These activities were mostly catered toward

men. Theodore Roosevelt put 230 million acres of land into federal management as parks and monuments during his Presidency. Most of these lands remain public lands today. However, Roosevelt also supported Indigenous assimilation efforts and, as a result of his actions, many Indigenous peoples were dispossessed of their ancestral lands and moved to reservations.

During this period, the United States government was shifting its focus away from giving land to private owners, and moving toward land retention and management. In 1891, Congress passed the Forest Reserve Act. The Act gave the president the authority to create forest reserves, which later became National Forests.

This period also featured a growing debate about preservation versus conservation, with those increasingly concerned with the protection of wild places pitted against those who believed natural resource extraction was also an appropriate use of public lands. The main architects of this debate were John Muir, founder of the Sierra Club (discussed above), and Gifford Pinchot, the first Chief of the United States Forest Service. Muir believed natural resources should be preserved for their intrinsic values and the needs of future generations. Pinchot espoused a utilitarian view that natural resources should be extracted for the benefit of people, and should be managed for long-term sustainability.

Several noteworthy federal public lands events took place during the first decades of the 20th century. Among them:

1903 Pelican Island is declared the first National Wildlife Refuge.

1905 The United States Forest Service is established and given responsibility for managing the forest reserves created under the Forest Reserves Act of 1891.

1906 Passage of the Antiquities Act gives the president the authority to establish National Monuments that have objects of historic or scientific importance. Devils Tower, known to some tribal communities as Bear's Lodge or Mato Tipila, is established as the first National Monument. Devil's Tower was and is still considered a significant spiritual site for multiple Indigenous tribes in the region.

1911 The Weeks Act allows the federal government to purchase private land in service of protecting watersheds and streams, as well as setting aside land for forest reserves.

1916 The National Park Service is established to "conserve the scenery and the natural and historic objects and the wild life [of the National Parks] and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations." The National Park Service is the only agency to have enjoyment in its mission, which makes recreation a part of the federal government's land management mandate.

1920s The "See America First" campaign launched by the railroads in the 1880s starts to resonate with the American public when the National Park Service begins portraying national parks as national assets and encourages cross country train travel to visit them.

1924 New Mexico's Gila Wilderness is established as the first Primitive Area.

Many of these actions defined federal public lands as we know them today.

Conservation and Eugenics

As leaders in the environmental movement were advocating for conservation and preservation, some were also connected to the eugenics movement. Eugenics is the belief that some groups of people are genetically inferior to others, and that the groups judged to be inferior should be excluded from reproduction. Racist eugenic thinking focused on protecting an Aryan gene pool and sometimes was connected to the conservationist mindset of protecting wild nature.

One prominent figure in both movements was Madison Grant. In conservation, he is credited with helping establish the Bronx Zoo, helping found Glacier and Denali National Parks, and saving several species from extinction. At the same time, he was a formative leader in the eugenics movement, in 1916 authoring The Passing of the Great Race, a book heralding white supremacy. Eugenicist ideals influenced some conservation advocacy organizations and architects of the conservation movement, including Theodore Roosevelt and Gifford Pinchot.

The eugenics movement also influenced several areas of public policy in the first part of the 20th century. Advocates touted the benefits for the environment as a justification for implementation of these policies. Grant's book contributed to the passage of the Immigration Act of 1924, limiting "undesirable" immigration from Eastern and Southern Europe and Africa and outlawing immigration from Asia and the Middle East. Other policies limited reproduction by people eugenicists considered to be socially inadequate. States enacted laws that led to forced sterilization of 64,000 Americans with mental illnesses, epilepsy, disabilities, criminal records, and those living in poverty. Twenty-eight states outlawed interracial marriage, and six states inserted anti-miscegenation laws into their constitutions. These anti-miscegenation laws criminalized interracial marriage and sometimes sexual relations between people of different races. Most interracial marriage prohibitions remained in place until the late 1960s.

The Right To Participate in the Democratic Process

Although the actions described above to designate and protect federal public lands were noteworthy, we should acknowledge that nearly all of these decisions were made by white men. They were not made by a democratically representative cross section of the United States population that included people from all identities and backgrounds. At the time these decisions were made, white men were the only persons guaranteed the right to vote. As a result, white men were the only persons with a reliable opportunity to participate in the land management decision making process. For other groups, opportunities to participate came much later.

The Fifteenth Amendment to The Constitution, adopted in 1870, ostensibly gave male citizens of all races the right to vote. However, men of color were prevented from voting in many states through legal and physical limitations for another 100 years. In some places, white residents used violence to prevent People of Color from voting. These violent tactics included vigilante mob murders called lynchings. Lynchings were often presented as acts of justice for a variety of innocent activities or fabricated crimes. In addition to being killed for attempting to vote, People of Color were killed for walking on the wrong side of the street or for various accusations of insubordination. During the period of Jim Crow, at least 4,000 African Americans and People of Color were murdered in documented lynchings, though the total number killed is probably much higher.

Democratic participation improved somewhat in 1920 when the nation ratified the 19th Amendment to the United States Constitution, giving women the right to vote. Ratification of the 19th Amendment made decisions about the management of public lands somewhat more democratic. However, in practical terms, the 19th Amendment only extended the right to vote to white women. Continued discrimination in the voter eligibility laws prevented African American men and women from voting for another 45 years.

In 1924, the Indian Citizenship Act granted Indigenous people United States citizenship. Before passage of the Act, there were limited pathways to citizenship and voting rights for Indigenous people. The Indian Citizenship Act was controversial, even among tribal members. Some tribes and Indigenous people opposed the Act out of fear that it would undermine their rights as citizens of sovereign nations and erode their sovereignty over ancestral lands. Despite this opposition, the Act became law in 1924. However, the Act did not immediately confer voting rights on Indigenous people. Some states withheld these rights for many years. New Mexico did not allow Indigenous people to vote until 1962.

In 1965, Congress passed the Voting Rights Act. The Voting Rights Act gave meaning to the Fifteenth Amendment to The Constitution by outlawing the discriminatory voting processes that denied People of Color access to the ballot for decades. This allowed dramatically more People of Color to participate in the democratic process. Despite passage of the Voting Rights Act, some voter suppression efforts continue to this day.

Public Lands During the Great Depression

From the early 1920s through World War II, the conservation and preservation movement advanced slowly. The Great Depression halted many conservation efforts into the 1930s. However, during the era of the New Deal, government leaders saw conservation as an opportunity to create jobs. In 1933, the Civilian Conservation Corps (CCC) was created as a New Deal jobs program that offered young, unmarried men jobs, many of them on public lands. The CCC built many of the roads and structures that we see on public lands today. African Americans and Indigenous people were able to join the CCC. However, most lived and worked in segregated camps. A smaller program employed women during the same time period.

In 1934, Congress passed the Indian Reorganization Act, also known as the Wheeler-Howard Act. The goal of the Act was to encourage Indigenous nation sovereignty, restore some of the lands that had been lost due to the Dawes Act of 1887 and its subsequent amendments, and promote entrepreneurship, education, and employment opportunities. Indigenous peoples were allowed to vote on whether the act would apply to their tribe; it was rejected by 77 tribes and accepted by 266 tribes.

In 1935, Congress created Shenandoah National Park in the Blue Ridge mountains of Virginia. Creation of the park is a noteworthy act of land protection in the Eastern United States. However, the park was created by condemning private land and displacing 500 poor white families living in the area. Those people who were not physically removed were forced to leave when their subsistence hunting and fishing practices were criminalized.

The Postwar Years

In the early 1940s, conservation efforts fell by the wayside when the United States became embroiled in World War II. However, the latter half of the 1940s saw the re-emergence of federal public land management as a priority. In 1946, Congress created the Bureau of Land Management (BLM). Upon formation, BLM took over the functions of the General Land Office and the Grazing Service. It also became the biggest land manager in the United States, with 248 million acres of surface lands and 700 million acres of subsurface mineral rights. Shortly thereafter, Congress created the United States Fish and Wildlife Service in 1949. The Fish and Wildlife Service took over the management of the United State's National Wildlife Refuges.

During this period of renewed interest in federal land management, the government attempted to break up sovereign tribal nations and force assimilation through a series of laws promoting "Indian termination." Between the mid-1940's to mid-1960's, the federal government terminated recognition of over 100 tribes, removed 2.5 million acres of trust land from reservations, and allowed states to exercise jurisdiction over tribes and reservations. Additionally, in 1956, Congress passed another relocation act that paid for relocation expenses and vocational training to encourage Indigenous people to leave reservations and settle in select urban areas, with the stated intent of making Indigenous people self-sufficient. Around 31,000 Indigenous people moved to cities, often far from their ancestral lands.

By the 1960s and 70s, the environmental movement in the United States was energized, this time with a focus not only on protection of public lands, but also protection of air and water quality around the nation. Rachel Carson's 1962 book Silent Spring exposed the threat of environmental degradation caused by the chemicals used in pesticides and manufacturing and raised awareness of ecological issues in the United States. Immigrant farm workers laid the groundwork in the fight for the regulation of pesticides and continue to advance the cause to this day.

In the 1960s and 70s, Congress passed several laws that furthered the protection of federal public lands for conservation and recreation. These included:

1964 The Wilderness Act, which authorizes the designation of wilderness areas, the highest form of federal public land preservation. The Wilderness Act established the National Wilderness Preservation System, which now encompasses 803 Wilderness areas totaling 111 million acres.

1964 The Land and Water Conservation Fund Act (LWCF), which established an annual funding mechanism for acquiring high-value parcels of land for addition to National Parks, Forests, and Wildlife Refuges. LWCF also provides funding each year for the development of state and local parks and recreation facilities.

1966 The National Historic Preservation Act, which created the National Register of Historic Places, National Historic Landmarks, and State Historic Preservation Offices to preserve sites of historical or archaeological significance.

1968 The Wild and Scenic Rivers Act, which protects certain rivers and river corridors for their wild, scenic, and recreational value.

1968 The National Trails System Act, which established the National Trails System that includes the Appalachian Trail, the Continental Divide Trail and the Pacific Crest Trail.

1970 The National Environmental Policy Act (NEPA). NEPA is a bedrock law governing the federal decision making process that requires environmental review of the impact of proposed federal agency actions.

1973 The Endangered Species Act, which protects fish and wildlife species at risk of extinction.

1980 The Alaska National Interest Lands Conservation Act, a complex and wide-ranging law that sought to reconcile the needs of Indigenous subsistence hunters with the desire to create Wilderness areas in Alaska.

Changing Indigenous Legal Status

During the 20th century, Congress began to be more receptive to activism and advocacy of Indigenous peoples in favor of their rights. Throughout the last several decades, significant legal strides have been taken to protect Indigenous rights to land and cultural survival, though these rights continue to face significant challenges.

In 1978, following centuries of persecution at the hands of the United States government, the American Indian Religious Freedom Act (AIRFA) granted all "American Indian, Eskimo*, Aleut, and Native Hawaiians" religious freedom and protected their right to conduct religious practices and ceremonies, some of which take place on public lands. Prior to this act, many Indigenous religious practices were prohibited by law. (*Note that the term "Eskimo" is considered by many to be a derogatory term

due to its close ties to colonialism and white supremacy, and people who are not Indigenous to the Arctic region should not use this term. It is used here only because it was used in AIRFRA.)

In the Arctic, as natural resource extraction became more economically profitable in the region, some Alaska Natives protested, arguing their land ownership rights were not being properly recognized. What followed was the passage of the Alaska Native Claims Settlement Act (ANCSA) on December 18, 1971. ANCSA authorized Alaska Natives to select and receive title to 44 million acres of land, and $962,000,000 in cash as settlement of their aboriginal claim to lands within the state. Only a few years following this recognition of Indigenous rights to the economic benefits of the land in the Arctic region, the federal government took a huge step to protect federal public lands and Indigenous subsistence rights through the passage of the Alaska National Interest Lands Conservation Act (ANILCA) in 1980. This act protected 104 million acres of Alaska's highest value conservation lands as national parks, national wildlife refuges, national forests, national monuments, and conservation areas. ANILCA helped to both safeguard wildlife habitat and wilderness areas, as well as protect traditional and culturally important subsistence resources and practices for Native Alaskans.

In 1990, following advocacy by Indigenous leaders, Congress passed the Native American Graves Protection and Repatriation Act (NAGPRA), which established the right of "Indian Tribes and their lineal descendants" to recover possession of human remains, sacred objects, and other important items that were taken illegally or unethically, often to be kept in museums and universities. The Act requires certain institutions to identify and repatriate such items to their original communities. Two years after the passage of NAGPRA, Congress amended the National Historic Preservation Act to include culturally important sites for Indigenous communities. This qualified Indigenous cultural and religious sites to be added to the National Register of Historic Places, and requires federal agencies to evaluate the impact of all federally funded or permitted projects on historic properties through a process known as Section 106 Review.

In the present day, Indigenous tribes and nations have a unique legal position regarding federal public lands management. In addition to constitutional, treaty, and statutory requirements, each federal public land management agency has its own established policy requiring consultation with Indigenous governments on a variety of federal public land management decisions. In some locations, federal land managers are exploring co-management of public lands with Native Nations and entities like the Bears Ears Intertribal Coalition. These co-management arrangements involve shared decision-making based in part on the Traditional Knowledge of indigenous groups combined with Western science. Each one of these co-management arrangements is unique to the location in which they are being implemented. For more discussion on land co-management, see Module 5 — Current Issues in Public Lands Management.

Civil Rights and Public Lands

The United States' system of federal public lands was developed during a time when discrimination against Black Americans, and the violent enforcement of that discrimination, was protected by law. From the end of the Civil War Reconstruction period in 1877 until 1964, Jim Crow laws established and enforced a pervasive system of racial segregation in the United States. These laws separated Black Americans and other People of Color from white people in motels, restaurants, public transportation, public schools, colleges and universities, marriage, and many other legal and social institutions. Restrictive voting laws and practices also limited the rights of Black citizens and others to vote to change these laws, primarily in southern states.

Jim Crow laws were applied in some national parks in southern states through the designation of "Negro areas" within the parks. Black people were allowed to visit the parks, but were directed to camp and picnic in designated areas where they could not be seen by white people.

Generally, the parks followed local law and custom regarding segregation. Some bathroom facilities differed in quality with comfort stations for white visitors and pit toilets for People of Color. Some picnic grounds were segregated, as well as dining rooms, coffee shops, cabins, and even parking lots. Park visitors and civil rights groups sent many letters to the National Park Service objecting to segregation in national parks. One school teacher wrote that parks should be like embassies, with full rights for all.

Despite this discrimination, national parks were the only public parks available to People of Color in some areas. In 1939, Department of the Interior Director Harold Ickes experimented with integrating a single picnic area in Shenandoah National Park hoping to show it could be successful. By 1945 all picnic areas, overnight areas, and concessions were desegregated in Shenandoah National Park.

In 1964, Congress passed the Civil Rights Act, which outlawed discrimination on the basis of race, color, religion, sex, or national origin. The Act prohibited the states from discriminating in the voter registration process and outlawed racial segregation in schools, employment, and public spaces. The following year, Congress passed the Voting Rights Act of 1965 with the specific purpose of enforcing the voting rights conferred to People of Color by the Fifteenth Amendment to the United States Constitution. The Fair Housing Act, passed in 1968, outlawed discrimination in the real estate market on the basis of race, sex, sexuality, or citizenship. These landmark pieces of legislation ended

state-sanctioned racial segregation and enabled people to more fully participate in the democratic process. This has reduced the legal barriers that kept People of Color from fully enjoying our public lands, though many social and cultural barriers remain in place.

Throughout the 1960s, other populations that had been subject to discrimination continued to struggle to achieve acceptance and equal rights. Before 1962, homosexuality was illegal in the United States. However, in that year, Illinois became the first state to decriminalize homosexuality by repealing the state's sodomy laws. This began the slow process of destigmatizing homosexuality. Several states followed suit in subsequent years. In 1969, police raided the Stonewall Inn in New York City, a gay bar that served as a safe space for gay and lesbian people. The raid incited the Stonewall uprising, a protest against violence towards lesbian, gay, bi-sexual, trans, and queer people (LGBTQ). Within two years, LGBTQ rights groups were formed in every major United States city. In 2016, the Stonewall Inn was designated a National Monument, the first federal unit recognizing LGBTQ history.

As these communities gained legal nondiscrimination protections, their rights, dignity, and wellbeing increasingly became part of the cultural consciousness. These considerations also found their way into federal public land management and decision making. Recently, several new land designations recognized the struggle for civil rights.

2015 President Obama designated Honouliuli, the site of a former Japanese internment camp, as a National Monument in recognition of the internment of Japanese Americans during World War II.

2016 President Obama designated Bears Ears National Monument in southeastern Utah. The monument includes numerous sites that are sacred to the Diné/Navajo, Hopi, Nuchu/Ute, Ute Mountain Ute, and A:shiwi/Pueblo of Zuni people who are a part of the Bears Ears Inter-Tribal Coalition. The coalition fought for decades to protect cultural artifacts in the monument from theft. The designation created a structure in which sovereign tribal nations would co-manage the monument and sit alongside the National Park Service in making land management decisions.

2016 Stonewall became the first National Monument site dedicated to LGBTQ history one year after the Supreme Court legalized same sex marriage.

2017 President Obama designated three national monuments, Reconstruction Era, Birmingham Civil Rights, and Freedom Riders, to honor the Civil Rights movement.

2019 The John D. Dingell Jr. Conservation, Management and Recreation Act designated the Medgar and Myrlie Evers Home National Monument in Mississippi to honor the Civil Rights movement and Medgar Evers' assassination in 1963.

Federal Public Lands Today

Today, there are approximately 640 million acres of federal public land in the United States. Some lands are managed by agencies with a multiple use mandate, which requires balancing conservation, protection, and extractive industry. Other lands are managed by agencies that focus more on protection of land, water, wildlife, and historic and cultural resources. Each agency has a degree of discretion about how to manage lands within their jurisdiction.

Public lands are under constant pressure from interests that would like to use these lands and waters for other purposes. Efforts to conserve and protect federal public lands have long faced opposition from industries who believe the opportunity to extract resources from federal public lands should be prioritized.

At the same time, the protection of federal public lands for conservation and recreation consistently draws significant Congressional support. In early 2019, Congress passed the John D. Dingell, Jr. Conservation, Management, and Recreation Act - legislation that provides new protections for 2.3 million acres of federal public land and permanently reauthorizes and funds the Land and Water Conservation Fund. The Act passed both chambers of Congress by wide margins and was signed by Former President Trump.

The tension between protection of public lands and the development of those lands for commercial purposes will be discussed in more detail in Module 5.