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MONUMENTS AND MEMORIALS 16 § 431

NATIONAL AND INTERNATIONAL MONUMENTS AND MEMORIALS

Cross References

Protection of timber upon national monuments from fire, disease, or insect ravages, see section 504 of this title.

§ 431. National monuments; reservation of land; relinquishment of private claims

The President of the United States is authorized, in his discretion, to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Government of the United States to be national monuments, and may reserve as a part thereof parcels of land, the limits of which in all cases shall be confined to the smallest area compatible with the proper care and management of the objects to be protected. When such objects are situated upon a tract covered by a bona fide unperfected claim or held in private ownership, the tract, or so much thereof as may be necessary for the proper care and management of the object, may be relinquished to the Government, and the Secretary of the Interior is authorized to accept the relinquishment of such tracts in behalf of the Government of the United States.

June 8, 1906, c. 3060, § 2, 34 Stat. 225.

Historical Note

National Monument Commission. Act Aug. 31, 1954, c. 1160, §§ 1 to 6, 68 Stat. 1020, provided for a Commission to obtain plans and designs for a useful monument to the Nation symbolizing to the United States and the world the ideals of a democracy as embodied in the five freedoms (speech, religion, press, assembly, and petition) and to submit such

plans to Congress for legislative authorization after approval by the Secretary of the Interior, the National Capital Planning Commission, and the Commission of Fine Arts. The Commission terminated 30 days after submission of required report which was submitted in 1957 but audit of business was not completed until September 1961.

States § 74.

Appropriation

with sums, but not more than the provisions of sections

States § 123.

NATIONAL MONUMENTS ESTABLISHED UNDER PRESIDENTIAL PROCLAMATION

The following National Monuments were established under the proclamations listed:

National Monument	Proc.	Stat. at Large
Arches National Monument, Utah [abolished and funds thereof made available to Arches National Park by Pub.L. 92-155, § 1, Nov. 12, 1971, 85 Stat. 422. See section 272 of this title]	1875	46 Stat. 2988
Aztec Ruins National Monument, New Mexico	1923	42 Stat. 2205
Bandelier National Monument, New Mexico	1322	39 Stat. 1701
Black Canyon of the Gunnison National Monument, Colorado	2033	47 Stat. 2558
Buck Island Reef National Monument, Virgin Islands	3143	70 Stat. 1111
Cabrillo National Monument, California	1255	38 Stat. 1905
Capitol Reef National Monument, Utah [abolished and funds thereof made available to Capitol Reef National Park by Pub.L. 92-207, § 1, Dec. 18, 1971, 85 Stat. 730. See section 273 of this title]	2246	50 Stat. 1854
Capulin Mountain National Monument, New Mexico	1340	39 Stat. 1792
Casa Grande National Monument, Arizona	1470	40 Stat. 1818
Castillo de San Marcos National Monument, Florida	1713	43 Stat. 1908
Cedar Breaks National Monument, Utah	2054	48 Stat. 1705
Chaco Canyon National Monument, New Mexico	740	35 Stat. 2119
Channel Islands National Monument, California	2281	52 Stat. 1541
Chesapeake and Ohio Canal National Monument, Maryland	3391	75 Stat. 1023
Chiricahua National Monument, Arizona	1092	43 Stat. 1916
Colorado National Monument, Colorado	1126	37 Stat. 1681
Craters of the Moon National Monument, Idaho	1091	43 Stat. 1917
Devil Postpile National Monument, California	1160	37 Stat. 1715
Devils Tower National Monument, Wyoming [Act Aug. 9, 1905, c. 617, 69 Stat. 575 provided for addition of approximately 150 acres to monument and for exchange of monument lands]	658	34 Stat. 3230
Dinosaur National Monument, Utah-Colorado	1313	39 Stat. 1752
Edison Laboratory National Monument, New Jersey [redesignated, along with Edison Home National Historic Site and certain adjacent lands, as Edison National Historic Site by Pub.L. 87-628, § 1, Sept. 5, 1962, 76 Stat. 428]	3148	70 Stat. c10
Effigy Mounds National Monument, Iowa	2800	61 Stat. A371
El Morro National Monument, New Mexico	605	34 Stat. 3261
Fort Jefferson National Monument, Florida	2112	40 Stat. 3340
Fort Laramie National Monument, Wyoming [redesignated as Fort Laramie National Historic Site by Pub.L. 80-441, § 3, Apr. 29, 1960, 74 Stat. 81]	2202	53 Stat. 2401
Fort Pulaski National Monument, Georgia	1713	43 Stat. 1948
Gila Cliff-Dwellings National Monument, New Mexico ..	781	35 Stat. 2102
Glacier Bay National Monument, Alaska	1733	47 Stat. 1988
Grand Canyon National Monument, Arizona	2022	47 Stat. 2517
Gran Quivira National Monument, New Mexico	882	30 Stat. 2503
Great Sand Dunes National Monument, Colorado	1094	47 Stat. 2500
Holy Cross National Monument, Colorado	1877	40 Stat. 2903
Hovenweep National Monument, Colorado-Utah	1054	42 Stat. 2200
Jackson Hole National Monument, Wyoming	2578	57 Stat. 731
Jewel Cave National Monument, South Dakota	700	35 Stat. 2180
Katmai National Monument, Alaska	1487	40 Stat. 1835
Lava Beds National Monument, California	1755	44 Stat. 2501
Lehman Caves National Monument, Nevada	1018	42 Stat. 2200
Marble Canyon National Monument, Arizona	3880	83 Stat. 924
Meriwether Lewis National Monument, Tennessee [included, along with Ackia Background National Monument, in Natchez Trace Parkway by Pub.L. 87-131, Aug. 10, 1961, 75 Stat. 335. See section 400-1 of this title]	1825	30 Stat. 890

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NATIONAL MONUMENTS ESTABLISHED UNDER PRESI- DENTIAL PROCLAMATION--Continued

The following National Monuments were established under the proclamations listed:--
Continued

National Monument	Proc.	Stat. at Large
Montezuma Castle National Monument, Arizona	696	34 Stat. 3265
Mound City Group National Monument, Ohio	1653	42 Stat. 2398
Muir Woods National Monument, California	793	35 Stat. 2174
Natural Bridges National Monument, Utah	804	35 Stat. 2183
Navajo National Monument, Arizona	873	36 Stat. 2191
Old Kasaan National Monument, Alaska	1351	39 Stat. 1812
Oregon Caves National Monument, Oregon	870	36 Stat. 2497
Pinnacles National Monument, California	796	35 Stat. 2777
Pipe Spring National Monument, Arizona	1663	43 Stat. 1913
Rainbow Bridge National Monument, Utah	1043	36 Stat. 2703
Russell Cave National Monument, Alabama	3413	75 Stat. 1058
Saguaro National Monument, Arizona	2032	47 Stat. 2557
Scotts Bluff National Monument, Nebraska	1547	41 Stat. 1779
Shoshone Cavern National Monument, Wyoming	880	36 Stat. 2591
Sitka National Monument, Alaska [redesignated as Sitka National Historical Park by Pub.L. 92-501, Oct. 18, 1972, 86 Stat. 964]	959	36 Stat. 2601
Statue of Liberty National Monument, New York	1713	43 Stat. 1968
Sunset Crater National Monument, Arizona	1911	46 Stat. 3023
Timpanogos Cave National Monument, Utah	1610	42 Stat. 2285
Tonto National Monument, Arizona	787	35 Stat. 2168
Tumacacori National Monument, Arizona	821	35 Stat. 2205
Tuzigoot National Monument, Arizona	2344	53 Stat. 2548
Walnut Canyon National Monument, Arizona	1318	39 Stat. 1701
Wheeler National Monument, Colorado	831	35 Stat. 2214
White Sands National Monument, New Mexico	2025	47 Stat. 2551
Wupatki National Monument, Arizona	1721	43 Stat. 1977
Yucca House National Monument, Colorado	1549	41 Stat. 1781
Zion National Monument, Utah [combined with Zion National Park into single national park unit by Act July 11, 1956, c. 508, 70 Stat. 527. See section 346b et seq. of this title]	2221	50 Stat. 1080

NATIONAL MEMORIALS

National Memorial	Authorization
Arkansas Post National Memorial, Arkansas	Authorized by Pub.L. 86-595, July 8, 1959, 74 Stat. 333.
Benjamin Franklin National Memorial, Pennsylvania	Authorized by Pub.L. 92-551, Oct. 25, 1972, 86 Stat. 1161.
Chamizal National Memorial, Texas	Authorized by Pub.L. 89-479, July 12, 1966, 80 Stat. 232.
Castle-Lee Mansion National Memorial, Virginia	Authorized by Act Mar. 4, 1925, c. 562, 41 Stat. 1350. Made permanent memorial by Act June 29, 1955, c. 223, 69 Stat. 190.
Federal Hall National Memorial, New York	Designated May 26, 1939. Designation changed from Federal Hall Memorial Historic Site by Act Aug. 11, 1955, c. 779, 69 Stat. 632.
Fort Caroline National Memorial, Florida	Authorized by Act Sept. 21, 1950, c. 973, 64 Stat. 897. Established Jan. 10, 1953.
House Where Lincoln Died National Memorial, District of Columbia	Authorized by Act June 11, 1896, c. 420, 29 Stat. 439.
Johnstown Flood National Memorial, Pennsylvania	Authorized by Pub.L. 88-516, Aug. 31, 1964, 78 Stat. 752.
Lincoln Boyhood National Memorial, Indiana	Authorized by Pub.L. 87-407, Feb. 19, 1962, 76 Stat. 9.
Lincoln Museum National Memorial, District of Columbia	Authorized by Act Apr. 7, 1896, c. 28, § 1, 14 Stat. 23.
Lincoln National Memorial, District of Columbia	Authorized by Act Feb. 9, 1911, c. 42, 36 Stat. 898.
Mount Rushmore National Memorial, South Dakota	Authorized by Act Feb. 25, 1929, c. 315, 45 Stat. 1300.
Seabees of the United States Navy Mem- orial, District of Columbia	Authorized by Pub.L. 92-422, Sept. 18, 1972, 86 Stat. 678.
Thomas Jefferson National Memorial, District of Columbia	Authorized by Act June 26, 1934, c. 763, 48 Stat. 1243.
Washington Monument National Memorial, District of Columbia	Authorized by Act Aug. 2, 1876, c. 250, § 1, 19 Stat. 123.
Wright Brothers National Memorial, North Carolina	Kill Devil Hill National Monument au- thorized by Act Mar. 2, 1927, c. 251, 44 Stat. 1204. Name changed to Wright Brothers National Memorial, Dec. 1, 1953.

Miscellaneous National Monuments. Agate Fossil Beds National Monument, Nebraska, was authorized by Pub.L. 89-33, June 5, 1965, 79 Stat. 123.

Abilates Flint Quarries and Texas Panhandle Pueblo Culture National Monument, Texas, was authorized by Pub.L. 89-151, Aug. 31, 1965, 79 Stat. 587.

Big Hole Battlefield National Monument, Montana, was established by Ex.Ord.No. 1216 on June 23, 1910 and redesignated as Big Hole National Battlefield by Pub.L. 88-24, § 1, May 17, 1963, 77 Stat. 18.

MONUMENTS AND MEMORIALS

Authorization

Authorized by Pub.L. 86-505, July 6, 1960, 84 Stat. 333.

Authorized by Pub.L. 92-551, Oct. 25, 1972, 86 Stat. 1161.

Authorized by Pub.L. 80-470, July 12, 1968, 80 Stat. 232.

Authorized by Act Mar. 4, 1925, c. 562, 43 Stat. 1550. Made permanent memorial by Act June 20, 1935, c. 223, 49 Stat. 9.

Designated May 20, 1939. Designation changed from Federal Hall Memorial Historic Site by Act Aug. 11, 1953, c. 40, 69 Stat. 632.

Authorized by Act Sept. 21, 1950, c. 973, 64 Stat. 897. Established Jan. 10, 1953.

Authorized by Act June 11, 1800, c. 420, 29 Stat. 439.

Authorized by Pub.L. 88-510, Aug. 31, 1964, 78 Stat. 752.

Authorized by Pub.L. 87-407, Feb. 10, 1962, 76 Stat. 9.

Authorized by Act Apr. 7, 1800, c. 28, § 1, 2 Stat. 23.

Authorized by Act Feb. 9, 1911, c. 42, 36 Stat. 1808.

Authorized by Act Feb. 25, 1920, c. 315, 45 Stat. 1300.

Authorized by Pub.L. 92-422, Sept. 18, 1972, 86 Stat. 678.

Authorized by Act June 20, 1934, c. 703, 48 Stat. 1243.

Authorized by Act Aug. 2, 1876, c. 250, § 1, 19 Stat. 123.

Devil Hill National Monument authorized by Act Mar. 2, 1927, c. 251, 44 Stat. 1201. Name changed to Wright Brothers National Memorial, Dec. 1, 1933.

Well Beds National Monument, Nebraska, 70 Stat. 123.

Pueblo Culture National Monument, 71, 1905, 79 Stat. 687.

Montana, was established by Ex.Ord.No. 1. Hole National Battlefield by Pub.L.

Custer Battlefield National Monument, Montana, was proclaimed "National Cemetery of Custer's Battlefield Reservation" on December 7, 1894. The name was changed to Custer Battlefield National Monument by Act Mar. 22, 1946, c. 110, 60 Stat. 59.

Florissant Fossil Beds National Monument, Colorado, was authorized by Pub.L. 91-60, Aug. 20, 1969, 83 Stat. 101.

Fort Matanzas National Monument, Florida, was established October 15, 1921.

Fossil Butte National Monument, Wyoming, was authorized by Pub.L. 92-537, Oct. 23, 1972, 86 Stat. 1000.

Hohokam Pima National Monument, Arizona, was authorized by Pub.L. 92-525, Oct. 21, 1972, 86 Stat. 1017.

Pecos National Monument, New Mexico, was authorized by Pub.L. 80-51, June 28, 1965, 79 Stat. 195.

Library References

Armed Services 51.
Woods and Forests 8.

C.J.S. Army and Navy § 107.
C.J.S. Woods and Forests § 11, 12.

Code of Federal Regulations

National cemeteries, use of, see 36 CFR 12.1 et seq.

Special regulations for particular areas, see 36 CFR 7.1 et seq.

Notes of Decisions

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Transfer of monuments 6

1. Objects which may be declared monuments

Under this section, the President was authorized to establish a monument reserve embracing the Grand Canyon, of the Colorado River; it being an "object of scientific interest." *Cameron v. U. S.*, Ariz.1920, 40 S.Ct. 410, 252 U.S. 450, 64 L. Ed. 650.

2. Grounds for proclaiming monument

Proclamation No. 2578, Mar. 15, 1913, 57 Stat. 731, declaring the Jackson Hole Country in Wyoming a national monument because of its historic landmarks, prehistoric structures, and other objects of historic or scientific interest, was not shown to be arbitrary so as to justify interference by the courts. *State of Wyoming v. Franke*, D.C.Wyo.1915, 58 F. Supp. 800.

The court cannot take any judicial interest in the motives which may have inspired Proclamation No. 2578, Mar. 15, 1913, 57 Stat. 731, declaring the Jackson Hole Country in Wyoming a national monument, which proclamation was de-

scribed as an alleged attempt to circumvent congressional intent and authority in connection with such lands, since such discussions are only applicable as an appeal for congressional action. *Id.*

3. Designation of area in proclamation

That the area designated in Proclamation No. 2578, Mar. 15, 1913, 57 Stat. 731, establishing the Jackson Hole National Monument was not consistent with the preface to such proclamation was not material, where the area over which control was threatened was in any event limited to that defined in such proclamation. *State of Wyoming v. Franke*, D.C.Wyo.1915, 58 F.Supp. 800.

4. Reservation of mineral interests

To bring a lode mining claim within the saving clause in the withdrawal of public lands for a monument reserve, under this section, in respect of any "valid" mining claim theretofore acquired, the discovery must have preceded the creation of that reserve. *Cameron v. U. S.*, Ariz.1920, 40 S.Ct. 410, 252 U.S. 450, 64 L.Ed. 650.

5. Abolishment of monuments

Section 431 et seq. of this title, authorizing the President to establish national monuments, does not authorize him to abolish them after they have been established. 1939, 30 Op.Atty.Gen. 185.

6. Transfer of monuments

It was not within executive authority to transfer national monuments under administration of War Department and Department of Agriculture to National

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Historical Note

Codification. Section comprises only part of the last sentence of section 1 of Act Sept. 11, 1950. The remainder of such section, except that part of the last sentence which repealed sections 406 to 406d of this title, is set out as sections 406d-1 and 451a of this title.

1950, see note under section 406d-1 of this title.

Legislative History. For legislative history and purpose of Act Sept. 11, 1950, see 1950 U.S.Code Cong.Service, p. 3746.

Repeal of Inconsistent Laws. Repeal of laws inconsistent with Act Sept. 11,

Cross References

National parks in Wyoming, limitation on further extension or establishment, see section 451a of this title.

§ 432. Permits to examine ruins, excavations, and gathering of objects; regulations

Permits for the examination of ruins, the excavation of archaeological sites, and the gathering of objects of antiquity upon the lands under their respective jurisdictions may be granted by the Secretaries of the Interior, Agriculture, and Army to institutions which they may deem properly qualified to conduct such examination, excavation, or gathering, subject to such rules and regulations as they may prescribe: *Provided*, That the examinations, excavations, and gatherings are undertaken for the benefit of reputable museums, universities, colleges, or other recognized scientific or educational institutions, with a view to increasing the knowledge of such objects, and that the gatherings shall be made for permanent preservation in public museums. The Secretaries of the departments aforesaid shall make and publish from time to time uniform rules and regulations for the purpose of carrying out the provisions of this section and sections 431 and 433 of this title.

June 8, 1906, c. 3060, §§ 3, 4, 34 Stat. 225.

Historical Note

Codification. The last sentence only of this section was derived from section 4 of Act June 8, 1906, the remainder being from section 3.

The Department of War was designated the Department of the Army and the title of the Secretary of War was changed to Secretary of the Army by section 205(a) of Act July 26, 1917, c. 343, Title 11, 41 Stat. 501. Section 205(a) of Act July 26, 1917, was repealed by section 53 of Act Aug. 10, 1950, c. 1041, 70A Stat. 611. Section 1 of Act Aug. 10, 1950,

enacted "Title 10, Armed Forces" which in sections 3011 to 3013 continued the military Department of the Army under the administrative supervision of a Secretary of the Army.

Secretary of the Air Force. For transfer of certain functions relating to real property under the jurisdiction of the Department of the Air Force, to the Secretary of the Air Force from the Secretary of the Army, see Secretary of Defense Transfer Order No. 14 [1 2 (25)], eff. July 1, 1918.

Code of Federal Regulations

Preservation of antiquities, see 25 CFR 132.1 et seq., 43 CFR 3.1 et seq.