

Accompanied by the Past by Karen Gray

History is the witness that testifies to the passing of time; it illumines reality, vitalizes memory, provides guidance in daily life, and brings us tidings of antiquity. **Marcus Tullius Cicero (106 BCE–43 BC3), Pro Publico Sestio**

Summarizing the Three-Decade Journey, 1938 to 1968

Our story began here in the June 2009 issue — but the struggle over the old C&O Canal lands began in the 1930s as a result of the B&O Railroad's near-bankruptcy during the Great Depression and the canal's purchase by the federal government.

First floated in 1935 and then resurrected in 1946, the idea of a Potomac Parkway was developed in considerable detail by the National Park Service in a 1950 report to congress that recommended canal lands for such a project. It was an idea appealing to Maryland's 6th district Congressman, J. Glenn Beall, who saw it as a better road between Hancock and Cumberland than old U.S. Route 40. Initial objections came from the Izaak Walton League and, in 1953, from a tough labor lawyer named Anthony Wayne Smith, as well as Irston R. Barnes, a nature writer for the *Washington Post* and president of the Audubon Society of D.C. On January 11, 1953, an article by Barnes appeared in the *Post* that called for making the C&O lands a "recreation park" with the canal "a highway for canoes" and the towpath "a country lane for hikers and bikers." A year later, in January 1954, a *Washington Post* editorial in favor of the parkway idea brought a letter from Supreme Court Justice William O. Douglas to the *Post*'s editors, calling for the preservation of the canal and inviting the editors to join him on a towpath hike. That hike took place March 20–27, with locally- and nationally-known environmental leaders joining in. It attracted significant media coverage and triggered much discussion by participants and regional interests of various compromises and possibilities that the canal lands offered.

The hike was followed on March 31 by a new editorial supporting the idea of a parkway route that would save as much of the canal as possible for recreational and scenic purposes. When Douglas and the C&O Canal Committee (formed by local supporters at the end of the hike) weighed in on the parkway idea in subsequent months, they

"did not differ greatly" from those recommendations. In 1956, however, the thinking of many canal supporters crystalized around the idea of a "National Historical Park" that would protect and utilize as much of the canal as possible. Perhaps one of the most important things about this vision was that it brought the engineering, social, and economic history of the canal into the picture that had previously focused predominantly on the canal's natural resources and recreational potential.

Subsequent efforts to get legislation through Congress were unsuccessful in the 85th, 86th, and 87th Congresses. Eisenhower's 1961 executive decision to declare the full length of the canal a National Monument under the Antiquities Act had the unfortunate effect of hardening opposition— especially that of Wayne Aspinall, chair of the House Interior and Insular Affairs Committee, who was not consulted before the National Monument proclamation was made.

In the mid-1960s canal park legislation efforts remained stalled, and dams emerged as a primary threat with a new Corps of Engineers study for controlling floods in the Potomac basins. However, President Johnson's Secretary of the Interior, Stewart Udall, opposed the Corps of Engineers' plan and recommended instead a more diverse study. That study culminated in a legislative effort to create a "Potomac National River" involving 67,000 acres on both sides of the river.

Ultimately, neither Rep. Charles "Mac" Mathias of Maryland nor any member of Congress from Virginia or West Virginia supported the national river idea, and by the end of the 90th Congress in late 1968, the Potomac National River scheme was dead.

The Battle to Save the Canal, Part V (from December 2011 *Along The Towpath*)

1969 and 1970: The Road Opens Up

When the 91st Congress began in 1969, much had changed. Udall, who had opposed the park bill in favor of the national river plan, was out of office, and Walter J. Hickel, President Nixon's Interior Secretary, was associated with neither proposal. Charles "Mac" Mathias, now a senator, and Maryland Congressmen Rogers C. B. Morton, Gilbert M. Gude, and J. Glenn Beall, Jr. — as well as John Saylor and Samuel S. Stratton of New York — supported the canal park idea and introduced park bills in the first session.

However the Senate Interior committee would not act on the park bill until its House counterpart was ready to do so — and the House committee was waiting to see what the administration's position would be. So, in the spring of 1970, whether Hickel would re-invigorate the national river plan, or that of a canal park, became a critical issue.

Canal park supporters focused on Hickel: Anthony Wayne Smith, in an April 6 letter to Hickel, declared that the national river project "will never get anywhere," and linked the canal park to the administration's urban initiative (that focused on the growing woes of American cities) by describing the canal park as "primarily for the benefit of the city people of the Washington Metropolitan Area." (A perspective that earned no points for the park in western Maryland.) More importantly, a group of park proponents led by Mathias and Gude met with Hickel to convince him of the importance and viability of the park proposal as contrasted with the impolitic nature of the National River scheme.

On May 27, 1970, Hickel communicated to Wayne Aspinall — the canal park's bitter enemy who was still chair of the House Interior and Insular Affairs Committee—that that administration was supporting the legislation for a C&O Canal National Historical Park.

Surprisingly, when Gude and Saylor met with Aspinall concerning the park bill, they found he accepted that the reasonable alternative. He even agreed to hold hearings on the new bill.

The National Park Service was now also on board insofar as its current director, George B. Hartzog, Jr., had decided to follow Hickel's lead on the matter. However Hartzog saw a canal park as a necessary first step toward a national river project. Perhaps in an effort to have his cake and

eat it too, Hartzog directed Park Service planner John M. Kauffmann to rework the NPS park plan in a manner consistent with that larger vision.

As envisioned in the 1970 bill, the proposed new park would encompass 20,239 acres and include the entire canal from Georgetown to Cumberland. It would also encompass the land between the canal and the river from Great Falls upriver, and add considerable land in some areas on the berm side of the canal. The land costs were estimated to be between approximately \$19.5 million and \$20.9 million, and development expenses around \$47 million. Although the total could well have reached upwards of \$68 million, it was pointed out that this was about one half of the national river plan's projected cost.

On August 11 — late in the 91st Congress — hearings began with Aspinall reminding everyone that Eisenhower's national monument proclamation "was not done in accordance with the wishes of Congress." He further portrayed the bitter battles over the park as having pitted land, recreation, and water conservationists against each other—but conceded that there now seemed to be uniform support for the canal park proposal. The hearings resumed on August 13.

There was disagreement over a provision for a comprehensive title search and survey of relevant boundaries, included in response to numerous disputes over private land claims. Speaking for the Interior Department, Hickel felt that provision would encourage disputes and prove to be very costly. Provisions in the bill for access to land between the canal and river also concerned him, and he asked for their removal in light of Interior's intention to acquire such land. He also wanted language for "public nonpark uses" deleted.

But changes would have taken time and, so late in the session, meant the death of the bill. Senator Mathias urged quick action, testifying that "this is the last blow of the trumpet as far as the C. & O. Canal is concerned." He held the park up as "the vertebrae upon which the State and local and private effort can build so that we can preserve the river." He also stressed the value of sportsmen's clubs, their past role in protecting the river, and the need to leave them undisturbed.

In his testimony, NPS Director Hartzog spoke of restoring the entire canal to varying degrees that would include rewatering half of it.

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Others who testified included: Spencer Smith of the Citizens Committee on Natural Resources, who urged giving priority to canal restoration over parking and other facilities; Anthony Wayne Smith for the National Parks and Conservation Association, who expressed its objection to plans for sizable parking lots and large motorboat areas; Colin Ritter, C&O Canal Association president; and Grant Conway for the Potomac Appalachian Trail Club, who minimized the need for intrusive developments. Speaking for the Audubon Naturalist Society and Rachel Carson Trust, Shirley A. Briggs urged that the legislation give natural values equal weight with historic and recreational ones.

Maryland's Department of Forest and Parks now favored the park, but did not want it to include the river; its director, Spencer P. Ellis, noted the state's intention to acquire riverfront lands in Green Ridge State Forest, Fort Frederick State Park, and the McKee Beshers Wildlife Management Area. He also noted that they wanted the right to lease portions of the park between the canal and river for hunting areas. To this latter suggestion, Aspinall stated emphatically that he was "not about to support legislation which permits hunting in any national park."

Barry Mackintosh, in his history of the making of the park, stated that "the most noteworthy aspect of the 1970 park hearings was the virtual disappearance of opposition." Nothing supports this state of things so clearly as the fact of the bill's passage in the house on October 5, without amendment and with only one vote against it. On December 15 the Senate's Interior Committee held a pro forma hearing and reported it favorably on December 21. For those with certain concerns, assurances were given that the southern boundary would not incorporate the river and that a 1953

easements law would apply to the park. The Senate approved it without dissent on December 22, 1970.

On January 8, 1971, while in residence at San Clemente, California, and without ceremony or — apparently — even a photograph being made, President Nixon signed Public Law 91-664 titled "Chesapeake and Ohio Canal Development Act."

It is appropriate to end this history with another quote from Mackintosh: "The national river proposal may have helped the cause of the park by making it appear innocuous by comparison." I believe that Barry hit the nail on the head as well in that this quirk in the process was characteristic of many similar quirks in the more-than-three-decade battle over the line of the C&O Canal and the lands proximate to the Potomac River. The many competing interests in this story slowed the progress toward agreement and eliminated numerous proposals. But they also created a setting in which many other options could be explored, and, ultimately, for a broadly-supported action to conserve both canal and much of Maryland's Potomac shore.

No single person or organization won this battle or even defined what was eventually created by the park legislation. Instead, the making of the C&O Canal National Historical Park is testimony to the democratic process and its ability to allow multiple and often-competing constituencies to arrive at compromises that ultimately win near unanimous agreement. As such, the history of the making of our park — like all histories — may hold valuable lessons for our present contentious age.