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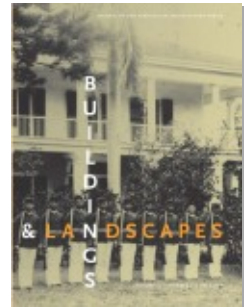
Viewpoint: "History Is as History Was, and Cannot Be Changed": Origins of the National Register Criteria Consideration for Religious Properties

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Viewpoint: “History Is as History Was, and Cannot Be Changed”

Origins of the National Register Criteria Consideration for Religious Properties

On May 1, 1962, responding to a congressional proposal to “provide for the honorary designation of Saint Francis Xavier Church, known as Old Bohemia, near Warwick, Maryland, as a national historic site,” the National Park System Advisory Board adopted an amendment to its “Criteria and Guidelines for the Classification of Sites and Buildings”:

Structures and sites which are primarily of significance in the field of religion or to religious bodies but are not of national importance in other fields of history of the United States, such as political, military, or architectural history, will not be eligible for consideration.¹

This general restriction on federal recognition of historic properties was adopted by the National Register of Historic Places in 1969 as Criterion Consideration A. As one of the eight constraints on the broadly crafted National Register Criteria, the “religious property exception” is the most frequently cited in National Register of Historic Places documentation. As of October 2008, nearly 7,700 listings included the religious property exception, representing more than half of all the criteria exceptions used in nominations.² While the traditional understanding of the foundation for the religious property exception begins with the First Amendment of the Bill of Rights and the principle of the separation of church and state, the story is more closely associated with the establishment of a federal role in the recognition of historic places during the three decades prior to the enactment of the National Historic Preservation Act.

Federal Historic Recognition Programs before 1966

With the passage of the Historic Sites Act of 1935, National Park Service (NPS) staff worked with the newly appointed citizen members of the National Park System Advisory Board to design and conduct a survey of historic places that were deemed to be nationally significant in American history. Over a thirty-year period the program known as the “National Survey of Historic Sites and Buildings” identified and evaluated a wide variety of properties while establishing many of the concepts and practices that structure the National Register of Historic Places today. By 1943, the National Park Service had identified 560 candidates and found 229 to be nationally significant. Of these, the Secretary of the Interior had designated only eighteen as National Historic Sites (NHS).³ Developing conventions for the identification and classification of historic sites was necessary, because after 1935 the National Park Service was “literally flooded with applications” from a broad range of interested parties seeking official recognition for historic sites from across the United States.⁴

In 1959, as part of the MISSION 66 program, the National Park Service established the Registry of National Historic Landmarks (NHL) to “recognize and endorse the preservation and protection” of historic places under nonfederal stewardship. NPS Director Conrad Wirth distinguished National Historic Landmarks, a new category of federal recognition for nationally significant historic properties, from National Historic Sites, a class of properties with “superlative national importance.” While National Historic

Site designation included execution of a cooperative agreement with the Secretary of the Interior that focused on resource stewardship, the only federal involvement with National Historic Landmarks was the issuance of registration certificates. Creating Landmarks helped the National Park Service deal with the “problem” of how “to utilize most effectively the results of the National Survey of Historic Sites and Buildings.”⁵ One of the principal findings of this survey was the pragmatic recognition that, even with the limitations imposed by the criteria and guidelines, there were many more nationally significant historic sites than could ever be included within the system of federally managed National Parks.⁶ In 1962, the National Park Service response to the Old Bohemia National Historic Site proposal was cradled in a quarter century of experience in the evaluation of historic properties.

Old Bohemia

Located in Cecil County, Maryland, the Saint Francis Xavier Church comprises a late eighteenth century (ca. 1792) church building that is connected to an early nineteenth-century rectory by a one-story hyphen. The church’s prominent tower was added at a later date and the entire building was extensively damaged by a fire in 1912, which destroyed much of the building’s interior woodwork. The site is important for its association with eighteenth-century Roman Catholicism. In 1704 the Society of Jesus established missionary activities at the site, which grew to a 1,200-acre plantation that included a grist and saw mill, a brick kiln, a blacksmith shop, and a wharf on the Bohemia River. In 1745 the Jesuits also established Bohemia Academy on the property, where Charles Carroll of Carrollton, a Signer of the Declaration of Independence, and John Carroll, the first Catholic Bishop in the United States, were both students. Together with the Newtown Manor mission in St. Mary’s County, Maryland, Old Bohemia laid the foundation for Roman Catholicism in the United States.⁷

In response to the proposed congressional resolution, NPS developed a statement on the history and significance of Old Bohemia. The report described the building, extensively rebuilt after

the 1912 fire, as a “modern religious memorial” that “is not in itself of historical significance.” Park Service historians noted that properties associated with the “first bishops” were of “primary concern” to their respective religious denominations. In addition, the Park Service considered it “impracticable” to identify historic places associated with the fifty-six Signers of the Declaration of Independence. Moreover, the Advisory Board had “long viewed” sites associated with the “actual achievements” of historic persons as being more significant than “contributory sites,” such as birthplaces, schools, and graves.⁸

Although the property’s physical integrity was compromised from its period of significance, the National Park Service review focused on the issue of recognizing properties associated with the history of religion. In crafting the 1962 policy on the evaluation of historic church properties, the Park Service historians noted a “growing demand” for federal recognition among the supporters of individual churches. This created a problem for the agency, because of the “impossibility of applying guidelines and criteria which would objectively evaluate the historical religious aspects of religious groups.”⁹

There are too many religious bodies in this country to undertake this recognition. Each of these has its origins, great leaders, and special events, but the history of these is primarily of concern to the members of a particular religious group. Moreover, the rivalry among and within the many church bodies makes the task of resolving conflicting claims of greatness an insuperable one, because there are no generally accepted standards which can be applied.¹⁰

The Advisory Board twice considered the historical significance of Old Bohemia during 1962, at its meetings in May and October. During the summer, the National Park Service communicated the Board’s “adverse report” on the significance of Old Bohemia to Congress and representatives of the Old Bohemia Historical Society, noting that it would be “incompatible with the constitutional principle of the separation of church and State” to recognize historic places on religious grounds.¹¹ In October, the Advisory

Board “considered carefully the additional data” submitted in support of the church’s significance but declined to alter its evaluation, noting again that the proper place to recognize the Signers of the Declaration of Independence was at Independence Hall in Philadelphia, Pennsylvania.¹² Recognizing the failure of his attempt to obtain federal recognition for Old Bohemia, Edward Ludwig was resigned:

History is as history was, and cannot be changed; however, it is rewarding to know that our efforts to bring honor to those priests and patriots who struggled at “Old Bohemia” in the formative years of our great nation . . . almost met with success.¹³

In addition to the religious property exception, the National Park Service used the Old Bohemia case to elucidate several concepts of historic site recognition that would be used by the National Register of Historic Places after 1966.¹⁴ The focus of recognition programs on sites associated with “actual achievements” versus “contributory” properties forecasted the general exclusion of birthplaces, boyhood homes, graves, and graveyards.

Evaluation of Historic Churches

In developing the religious property exception for historic site evaluations, the National Park Service identified several nonfederally owned religious buildings that had been previously recognized as National Historic Sites under the provisions of the Historic Sites Act of 1935. These five National Historic Site designations served as the foundation and justification for the application of the new policy to exclude properties associated solely with religious history. In the evaluation of Old Bohemia, the National Park Service stated that each of these previously honored churches were recognized for their association with historical trends or events, or for their distinction as great works of architecture. Examination of the designation process for each of these churches reveals that a variety of forces was at work as the National Park Service surveyed America’s nationally significant historic sites during the 1930s and 1940s.¹⁵

Church Tower Ruins, Jamestown Island, Virginia Designated December 18, 1940

In 1893, the Association for the Preservation of Virginia Antiquities (APVA) acquired 22.5 acres on Jamestown Island, Virginia. Long recognized as the site of the first permanent English settlement in North America, the only aboveground remains from the seventeenth century are the ruins of the ca. 1680s church tower. Funded by a gift from the National Society of Colonial Dames, in 1907 the APVA constructed a Memorial Church that encompassed the foundations of the church building associated with the surviving tower. Congress authorized the establishment of Colonial National Monument in 1930, which also included the Yorktown Battlefield, and the National Park Service acquired 1,500 acres of Jamestown Island in 1934.¹⁶

As adjacent stewards, relations between the APVA and NPS were sometimes strained during the 1930s. To resolve these issues, the Secretary of the Interior designated the entire twenty-two-acre APVA property as a National Historic Site because it was “so closely associated with the first successful English colonization in America” and to provide for a “unified program of development and administration” on the whole of Jamestown Island. The cooperative agreement, which spelled out the roles and responsibilities of the federal government and the APVA, was executed in September 1940 and National Historic Site designation followed in December.¹⁷ National Park System Advisory Board member and nationally recognized architectural historian, Fiske Kimball maintained a “keen and lively interest in the development of Jamestown” and supported its National Historic Site designation.¹⁸ At the time of its designation, the church tower ruin and the attached Memorial Church were not mentioned as a focal point of the historic site.

Church of San Jose y San Miguel de Aguayo, San Antonio, Texas Designated June 1, 1941

In 1935, at the request of Secretary of the Interior Harold Ickes, Congressman Maury Maverick of San Antonio, Texas, introduced the National Historic Sites Act in the House of Representatives. Maverick, who had family ties in Virginia,

was a strong proponent of the preservation and restoration of "Mission San Jose." As a Texan, Maverick was "more or less disappointed" with the eastern and Anglo-Saxon focus of preservation efforts, to the exclusion of the western sites associated with Spanish colonization. He saw the architecturally distinctive missions not solely as evidence of efforts in religious propagation, but as manifestations of the expansion of Spanish civilization. Addressing the concern from some in Congress that the federal government might use its power of eminent domain to acquire historic places, the act was amended to include a specific exemption that restricted the acquisition of religious property without the specific consent of the owner.¹⁹

Less than a month after enactment of the Historic Sites Act, Maverick formally nominated the San Jose Mission as a National Historic Site.²⁰ Its recognition was delayed, because of difficulties in obtaining owner consent from the Catholic church, which owned the two acres on which the church building was located and because the National Park Service leadership did not want to become involved in an ongoing restoration project that it did not control.²¹ Mission San Jose was designated as a National Historic Site in June 1941 under an agreement with the Texas State Parks Board and the Archbishop of San Antonio.²²

Gloria Dei (Old Swedes'), Philadelphia, Pennsylvania Designated May 17, 1942

Recognition of the historic significance of the Gloria Dei (Old Swedes') Church in Philadelphia was crafted around the building's association with Swedish colonization in the Middle Atlantic region of the American colonies. Beginning in the mid-1930s the Church's rector, Rev. John C. Roak sought historic designation by the federal government as part of a campaign to "clear the environs . . . of the blight and some of the inferior buildings that surround it."²³ The general idea was to create an urban park in time for the tercentenary of the 1638 Swedish colony. Although appreciating the history of the Gloria Dei church, the National Park Service relied on what had quickly become its standard response to inquiries regarding historic recognition, that individual distinction could not be conveyed

until a broader thematic study of similar sites had been completed. In early 1940, having missed the anniversary, Philadelphia Congressman Leon Sacks introduced a bill to establish a national park at the church, which "constitutes an enduring memorial of the contributions of the pioneer Finns and Swedes to the establishment of the American Nation." The legislation also noted Gloria Dei's significance as the oldest religious congregation in Pennsylvania.²⁴

As was its practice, the National Park Service relied on the expertise of the Advisory Board to evaluate the national significance of this religious property.²⁵ By October, the Advisory Board was ready to rule on the significance of Gloria Dei, and after reviewing a survey of Dutch and Swedish colonial settlements, it reported that Gloria Dei was "included on Dr. Kimball's list" of architecturally significant colonial churches.²⁶ In December, Newton Drury, director of the National Park Service, wrote to Frank Melvin, president of The Swedish Colonial Society with the news that Old Swedes' was declared an "interesting and important site from both an architectural and a historical standpoint."²⁷

National Park Service negotiations toward a cooperative agreement with the Gloria Dei Church continued until March 1942 when President Franklin Roosevelt "reluctantly approved" the designation of the Gloria Dei church as a National Historic site. While favoring the preservation "for public use" of nationally significant buildings, Roosevelt thought that it seemed "inappropriate, when the Nation is at war," to continue the study and recognition of historic places. He then suggested that the Interior Department suspend all designation efforts "for the duration."²⁸ The order designating the Gloria Dei (Old Swedes') Church as a National Historic Site cited it as a "splendid example of the cultural and religious aspects of Swedish colonization in North America."²⁹

Saint Paul's Church, Eastchester, New York Designated July 5, 1943

Located in Mount Vernon, New York, the present Saint Paul's Church was begun during the mid-1760s and completed in 1805. Saint Paul's principal claim to fame rested on its geographic

association with the site of an important event in the development of the Bill of Rights.³⁰ The “Great Election of 1733” was held on the Village Green adjacent to Saint Paul’s. The subsequent acquittal of John Peter Zenger, in 1753, for his allegedly seditious and libelous newspaper coverage of the election established one of the foundations of the principle of freedom of the press, another component of the First Amendment. Over the years the village green was engulfed by development and its true location has never been precisely identified. Thus, although the extant church was built decades after the Great Election, it became, in the minds of local preservationists, associated with the earlier event. Because of this association, church supporters focused on the recognition of the complex as a national shrine to the Bill of Rights. The church also was used as a hospital during the Revolutionary War.³¹

During the nineteenth century several changes were made to the interior of the church, pews were replaced with benches, and the colonial clear glass windows were replaced with stained glass. “By 1930 a slow but inexorable decay had settled on the building” so that it seemed “wiser to restore the Colonial aspect of the church, which during the years had become a hybrid.”³² Sara Delano Roosevelt, the mother of the future president, chaired the restoration committee. Although the Great Depression “presented obstacles” to restoration proposals, Mrs. Roosevelt was “certain the time will come our American people will see the necessity for the preservation and maintenance of this dear old church.”³³

In 1934, the National Park Service noted in a review of Saint Paul’s importance that whatever an individual property’s historic significance, the creation of a national monument at an actively used religious property would be “contrary to established policy,” but that the site would “fit nicely into a state system of historical parks.”³⁴ Two years later, John D. Rockefeller, who had sponsored the restoration of Colonial Williamsburg, and Myron G. Taylor, Chairman of the Board at United States Steel, requested that the National Park Service conduct “a little study” to support the restoration of Saint Paul’s. Considered a high priority project, former NPS Director Horace Albright “supervised” the NPS

study, which included the preparation of measured drawings and photographs, and personally delivered the results to Mrs. Roosevelt at her Hyde Park home.³⁵ In early January 1937, Representative James Fitzpatrick introduced legislation that would present Saint Paul’s Church with the honorary designation as a National Shrine. Again noting that “additional legislation is unnecessary,” the National Park Service referred the study to the National Park System Advisory Board in May 1938.³⁶ The Board’s architectural historian, Fiske Kimball, offered his opinion on the property:

I am familiar with this church and admire it. . . . On the strength of its architectural merit (not of its history), we might be able to declare the church to be of national significance as Congressman Fitzpatrick desired, but such an action would be very inappropriate unless we simultaneously also declared to be of national significance the other colonial churches of equal or greater merit.³⁷

Kimball provided a list of a dozen other churches more deserving of such recognition. He concluded: “I am sorry to give these negative opinions, as the people concerned in each recommendation include friends of mine, and people of great influence.”³⁸ Taking Kimball’s conditional review into account and given the active involvement of the president’s mother and other influential persons in the project, the Advisory Board bravely “disapproved” the church as a site of national significance at its next meeting in late 1938.³⁹

In the meantime, fundraising continued at the church and plans were made for its restoration, which began after Christmas services in December 1940. Saint Paul’s hired the architectural firm of Perry, Shaw, and Hepburn, known best for their work at Colonial Williamsburg, to direct the undertaking. Despite the prominence of the project’s sponsors, funds were hard to come by, but as the European war expanded, “suddenly the American way of life became infinitely more precious” and with “this revival of patriotism came also a love of and reverence for the past.”⁴⁰ Soon after the work began, Congressman Fitzpatrick used the occasion of the March 1941

National Park Service budget hearings to revisit the historical status of Saint Paul's Church. This subtle fiscal pressure had the desired effect and the agency agreed to reconsider the church's designation.⁴¹ That spring, Acting NPS Director Arthur Demaray wrote to Fiske Kimball suggesting that the conditions set forth in his 1938 objection to the designation of Saint Paul's Church for its architectural merit had been met.⁴² Kimball pragmatically responded:

Now that other churches of equal or greater merit than St. Paul's, Eastchester, have been declared eligible, I see no objection to such a declaration in that case also. Let the President and Mrs. Roosevelt have what they want.⁴³

Late in October the Advisory Board declared Saint Paul's Church as being nationally significant for its architectural qualities and the National Park Service quickly took steps to enter into a cooperative agreement with the church prior to its formal designation as a National Historic Site, noting that "architects regard it as one the finest surviving examples of the eighteenth century parish church."⁴⁴ Although the church celebrated its restoration on May 3, 1942, it was not until July 5, 1943, that Secretary of the Interior Harold Ickes designated it as a National Historic Site. According to the designation order, Saint Paul's was nationally significant because of its "close and intimate connection with the events leading to the establishment of the Bill of Rights, and its place in American architectural history and the American Revolution."

This designation led to continued pressure for the creation of a shrine for the Bill of Rights, recognition that was contrary to National Park Service plans and policy. A National Park Service description of Saint Paul's in 1944 includes the handwritten annotation:

This is the basis of the movement for a National Shrine of the Bill of Rights at St. Paul's. However, the church has no direct connection with the movement for a passage of the Bill of Rights, the story of which is more properly told by the N.P.S. at Federal Hall N.H.S. in N.Y. and at Independence Hall in Philadelphia.⁴⁵

The property's association with John Peter Zenger was described as "indirect and somewhat tenuous" and the architectural classification as "unique" was revised to "important."⁴⁶ Apparently, during the late 1940s and early 1950s, efforts to establish a national shrine stalled, much to the relief of Park Service officials.⁴⁷

The designation of Saint Paul's Church as a National Historic Site and its restoration to a former colonial style during the 1940s helped the parish survive as an active institution through the 1950s. However, by the mid 1960s, the "declining character of the neighborhood, the increasing cost of maintaining the buildings and cemetery" and the limited fiscal support from a small congregation forced the Diocese of New York to terminate its cooperative agreement with the Secretary of the Interior. Although the foundation of the relationship was that the Department of the Interior would provide technical and financial support for the preservation of Saint Paul's, the parish could "find no record of any such assistance ever having been given."⁴⁸ Terminating the cooperative agreement presented a "knotty" problem for the National Park Service. As noted by NPS Chief Historian Robert Utley:

St. Paul's was classified by the Advisory Board under congressional pressure and the NHS designation arranged as an alternative to addition to the NPS system [sic]. Historically, St. Paul's is not very significant, despite claims that accompanied the proposal originally. Architecturally, it is quite significant, although no more so than a number of other specimens of the same type. In other words, national significance is marginal.⁴⁹

In addition, the request to terminate the agreement came at the same time as the National Park Service was implementing provisions of the recently enacted National Historic Preservation Act. Negotiations regarding the future of Saint Paul's Church continued through the Bicentennial of the American Revolution. To the historians in the National Park Service, Saint Paul's historical association and even its symbolic value was extremely limited, especially because construction of the extant building did not begin until thirty years after the Great Election of 1733. The

criteria for new historical parks “implicitly recognize that some nationally significant properties are more valuable than others, and that only the more valuable sites should be in Federal ownership.” In 1978, despite the continued opposition of the Department of the Interior, the six-acre site became a unit of the National Park System.⁵⁰

Touro Synagogue, Newport, Rhode Island

Designated March 5, 1946

Within a decade of its enactment, the Historic Sites Act had been used to designate churches associated with Roman Catholicism (Mission San Jose), Anglicanism (Jamestown and Saint Paul’s, Eastchester), and Lutheranism (Gloria Dei). In February 1944, after helping support the designation of Saint Paul’s, Eastchester, Arthur Hays Sulzberger, publisher of *The New York Times*, suggested that NPS identify an appropriate Jewish property for recognition as part of an overall effort to mark important historic churches throughout the original thirteen colonies.⁵¹ After determining that Mr. Sulzberger’s request was an exception to the wartime ban on studying new National Historic Sites, the National Park Service quickly identified twenty-two churches that the Advisory Board had classified as being nationally significant. “In historic sites work, the religious growth and development of the Nation has not been singled out as a special theme study by the Advisory Board. Churches have been considered in relation to their contributions to the broad movements evident in the development of this country.”⁵²

In late February, NPS Acting Director Hilary Tolson sent a confidential memorandum instructing the Morristown National Historical Park Superintendent to quickly and quietly conduct a study of Touro Synagogue to confirm initial indications that it was a nationally significant example of American architecture and that it had valid historic associations.⁵³ With the field inspection completed, the Touro Synagogue nomination was reviewed by the Advisory Board in early December, where it was recommended as being nationally significant.⁵⁴ Board Member Fiske Kimball served as an important advocate for the site’s architectural qualities. In his 1928 history of American architecture, Kimball

had described the “fine synagogue in Newport” as one of several accomplishments of architect Peter Harrison, “the prince of the colonial amateurs,” whose “buildings set a new standard of classical dignity and correctness.”⁵⁵ At the Advisory Board, Kimball called it “one of the finest surviving examples of Colonial architecture in America, and . . . a building rich in historical associations.”⁵⁶

Having received a glowing review by the Advisory Board, in the spring of 1945 the National Park Service recommended that the president again permit an exception to the wartime ban on National Historic Site designations. As the memorandum was making its way through the Department of the Interior, President Roosevelt died (on April 12, 1945) and President Truman approved the designation on April 19.

As the negotiations for the cooperative agreement were underway, Mr. Sulzberger again expressed his opinion that Touro Synagogue’s true importance was as a “symbol of American unity and religious tolerance” and that one colonial church from each religious faith should receive federal recognition. Secretary of the Interior Ickes noted that the churches chosen for federal recognition “have been chosen on the basis of outstanding national significance in the history of this country not on the basis of creed.”⁵⁷ Designated as a National Historic Site on March 5, 1946, with Kimball’s statement of its architectural superlatives intact, the language of the plaque for Touro Synagogue focuses on its historical associations and contains only a passing reference to its architectural qualities.⁵⁸

“Structures of Outstanding Architectural Interest”

Early in its deliberations on how to craft a system of federal recognition for nationally significant historic properties, the National Park System Advisory Board addressed the issue of places representative of achievement in architecture.⁵⁹ In this area, Fiske Kimball, as a nationally recognized expert in architectural history, had broad influence on the Advisory Board.⁶⁰ During the late 1930s and early 1940s, Dr. Kimball presented several reports to the Advisory Board that tabulated “structures of outstanding

architectural interest.” At the request of the National Park Service, Kimball annotated these lists and taken together they provide a survey of American architecture during the seventeenth through nineteenth centuries.⁶¹ Soon after the restoration of Saint Paul’s, Eastchester was completed in May 1942, Acting NPS Director Demaray urged Kimball to complete his annotation of the list of exceptional churches.⁶² The National Park Service was willing to consider and accept the eligibility of the “churches of equal or greater merit” on Kimball’s list of nationally significant architecture in order to secure his blessing of the Saint Paul’s, Eastchester, nomination. It is also clear that the Touro Synagogue review was expedited by Kimball’s high praise for its design and its designer, Peter Harrison. In 1944, in response to Arthur Sulzberger’s interest in colonial houses of worship, the Park Service prepared a list of churches “considered and declared eligible” as nationally significant sites (Table 1).⁶³ In addition to the two previously designated National Historic Sites, these twenty churches reflect Kimball’s broad expertise—many of them were noted as being important examples in his 1928 survey of American Architecture.⁶⁴ More than half of them were subsequently designated as National Historic Landmarks during the early 1960s and all but two were so honored by the early 1970s.⁶⁵

Creating a list of colonial churches that were nationally significant for their architecture was consistent with the thematic approach established by the founders of the National Survey of Historic Sites and Buildings. In practice, the National Park Service preferred to execute comprehensive studies of various historical themes over individual “special studies” of particular properties.⁶⁶ The thematic approach was an important tool in managing the conduct of the national survey and “reflected a striving for professional respectability in the field of historic preservation.”⁶⁷ It also helped to limit the influence of site patrons, as the bureaucrats and historians could easily deflect interest in the recognition of individual properties by stating that the National Park Service will include consideration of this property in the appropriate theme study.

Another characteristic of the program during the period before and after World War II was the fact that the results of the Advisory Board deliberations were kept “absolutely confidential” by the National Park Service.⁶⁸ This secrecy was tied to the sensitivity of the Board’s deliberations. Although there were worries about the potential commercialization of designated historic properties, the National Park Service leadership was more concerned with raising expectations, among the owners of historic sites, that a determination of national significance meant that federal assistance or ownership was on the way. The confidential nature of the Advisory Board’s recommendations supported the preference for thematic studies, in that recommendations for individual properties were not discussed until a substantial number of similar properties had been studied and evaluated. This practice frustrated applicants for federal recognition, as did the general restriction that patrons could not appear before the Advisory Board.⁶⁹ Advisory Board recommendations were transmitted to the president’s office for approval prior to beginning confidential negotiations toward a cooperative agreement. Designation as a National Historic Site was of course a public affair.

During the 1940s federal recognition of the architectural significance of historic churches provided an opportunity to acknowledge the prominent role that religious structures have played in American history without crossing over the constitutional separation of church and state. Architectural history, as it were, provided a relatively objective, independent means to sift through competing claims of importance that plagued consideration of religious properties. At the same time, it significantly reduced the number of potential candidates for federal recognition. Fiske Kimball, representing the newly developing field of architectural history, established which properties were worthy of national recognition. Supporters of individual churches were eager to incorporate the veneer of architectural significance because it provided access to the desired federal recognition. In signage, publications, and other media, church boosters proclaimed their property’s importance as

Table 1. Nationally Significant Churches in the Thirteen Original Colonies, 1944

#	NAME	LOCATION	FEDERAL RECOGNITION
1	Gloria Dei (Old Swedes') Church	Philadelphia, PA	NHS 5-17-1942
2	Saint Paul's Church	Eastchester, NY	NHS 7-5-1943
3	King's Chapel	Boston, MA	NHL 10-9-1960
4	Saint Paul's Church	New York, NY	NHL 10-9-1960
5	Old Ship Church	Hingham, MA	NHL 10-9-1960
6	Saint Luke's Church	Isle of Wight County, VA	NHL 10-9-1960
7	Saint Michael's Church	Charleston, SC	NHL 10-9-1960
8	Christ Church	Cambridge, MA	NHL 10-9-1960
9	Saint John's Church	Washington, DC	NHL 12-19-1960
10	Lee Chapel	Lexington, VA	NHL 12-19-1960
11	Old North Church	Boston, MA	NHL 1-20-1961
12	Christ Church	Lancaster County, VA	NHL 5-30-1961
13	Holy Trinity (Old Swedes') Church	Wilmington, DE	NHL 11-5-1961
14	Dutch Reformed (Sleepy Hollow) Church	North Tarrytown, NY	NHL 11-5-1961
15	Saint Peter's Church	New Kent County, VA	NRHP 10-1-1969
16	Christ Church	Philadelphia, PA	NHL 4-15-1970
17	Bruton Parish Church	Williamsburg, VA	NHL 5-15-1970
18	Roman Catholic Cathedral	Baltimore, MD	NHL 11-11-1971
19	Monumental Church	Richmond, VA	NHL 11-11-1971
20	Saint Mary's Chapel (Sulpician)	Baltimore, MD	NHL 11-11-1971
21	Saint Philip's Church	Charleston, SC	NHL 11-7-1973
22	Ebenezer Church	Effingham County, GA	NRHP 12-4-1974

Source: "Churches in the Thirteen Original Colonies Considered and Declared Eligible by the Advisory Board on National Parks, Historic Sites, Buildings, and Monuments," February 1944, National Park System Advisory Board Minutes.

NHL = National Historic Landmark
 NHS = National Historic Site
 NRHP = National Register of Historic Places.

representative of broad themes in American history, often downplaying the architectural evaluations of the Advisory Board. Saint Paul's, Eastchester, proudly announced its association with the establishment of freedom of the press while Touro Synagogue touted its association with religious toleration. During this period, by accepting the recommendations for exceptional American church architecture as a means to recognize historic churches, the Advisory Board shaped the conditions for the religious property exception.

Foundations of Criterion Consideration A

After the passage of the Historic Sites Act in 1935, the founders of national historic preservation policy faced a variety of constraints and opportunities. Establishing a national survey of historic sites—defining what sites were and what sites were not nationally significant in the history of the United States—was intellectually and bureaucratically challenging. The approach to history developed by the National Park Service was one that generally avoided potentially controversial time periods, such as the recent past, and themes, such as the history of religion. In

addition, the purpose of the National Park Service criteria was to provide the decision-making process with a framework of academic objectivity and a bureaucratic buffer from influential patrons and political manipulation. In 1962, the National Park System Advisory Board and its National Park Service staff took the opportunity presented by the review of Old Bohemia Church in northeastern Maryland to formally adopt a long-practiced restriction on the recognition of historic properties associated primarily with religious history.

In theory, excluding religious properties lessened the National Park Service's ability to recognize places associated with a significant theme in the American experiment. No one within the National Park Service or the National Park System Advisory Board doubted the prominent role that religion has played in the social, cultural, political, or economic history of the country. This restriction was contrary to the thematic approach to American history that provided the Advisory Board with the appropriate historical perspective and comparative context through which to evaluate the national significance of individual properties. By excluding the history of religion as an important theme in American history, the National Park Service lost one of its most potent tools in the management of the survey of historic sites: the ability to defer consideration of an individual site while awaiting the results of a thematic study.⁷⁰

Cloaked in the constitutional concept of the separation of church and state, the religious history exclusion frustrated many church leaders, such as Edward Ludwig, who sought federal recognition for Maryland's Old Bohemia. And yet, religious leaders were often at the head of the preservation movement. In 1935, after his dramatic success in the restoration of Virginia's Colonial Williamsburg, the Reverend W. A. R. Goodwin gave important testimony on the importance of historic recognition programs at the Congressional hearings on the Historic Sites Act: "I am persuaded that the historic assets of this country are of more worth to this Nation financially and sentimentally than are the assets of any one industry that could be named in the United States."⁷¹ Several of the restoration and

recognition efforts at churches designated as a result of this new federal role were clearly linked with the rehabilitation and preservation of parishes that were threatened with both decay and development. Recognition of historic churches was part of neighborhood revitalization at Mission San Jose, Gloria Dei, and Saint Paul's, Eastchester. Each of the church parishes were suffering from reduced attendance because of neighborhood transformation and looked toward recognition as the foundation of increased visibility and viability.

By the late 1950s, the National Park Service leadership understood that federal recognition programs were not enough to ensure the preservation of historic sites and that, even with the chronological and thematic constraints imposed by the Advisory Board, there were many more nationally significant historic places than could be incorporated as units of the National Park System, or accommodated as cooperative ventures through National Historic Site designation. After a 1958 field trip to Pennsylvania and New York, NPS staff historian Charles Porter noted:

The moral to be drawn from the sorry plight of Gloria Dei and of St. Paul's Church, Eastchester would seem to be that the National Park Service should give closer regard to the criteria relating to the integrity of proposed National Historic Sites. Doubtless it was true that Gloria Dei and St. Paul's Church were designated as National Historic Sites in the hope that such designations would tend to promote their preservation in the face of advancing industrialization and economic change. However, it should be obvious to all of us now that historic sites designations are not enough to halt the advance of highways, the relentless march of oil tanks, factories and other concomitants of modern civilization which can wreck the integrity of a historical area.⁷²

Soon after Porter's analysis the National Park Service created a new category of federal recognition, National Historic Landmarks. Requiring less of a commitment by the federal government, and thus generating fewer expectations on the part of preservationists, the Landmark program was a strategic adjustment to the realities of an expanded view of what constituted a historic

place and a recognition of the pragmatic limitations of federal stewardship.

The constitutional provisions for the separation of church and state have, at times, led to confrontation between church leaders and the historic preservation community.⁷³ National Register Criteria Consideration A, in both its historical development and current application, reflects the constitutional paradox of the separation of church and state. The broad use of Criterion Consideration A within the National Register since 1966 illustrates how important religious properties are to the historic character of neighborhoods and communities across the United States. This exception to the general National Register criteria also recognizes that places of worship cannot be divorced from their association with the religious aspects of their history—a fact that is reflected in the religious symbolism that is inherent in well-executed architectural designs.

Federal recognition of the Jamestown Church Tower, Mission San Jose, Old Swedes', Saint Paul's, Eastchester, and the Touro Synagogue were not perfect precedents for the establishment of the religious history exclusion. Each designation skirted the issue of the separation of church and state by focusing on how the property either illustrated the broad patterns of European colonialism, symbolized high ideals of American government, such as the Bill of Rights, or represented high achievement in architecture. Another characteristic of this story is the role of what Fiske Kimball called "people of great influence" in the designation of National Historic Sites. The National Park Service and the Advisory Board consciously tried to avoid issues of influence by establishing chronological, thematic, and operational constraints on the Historic Sites Survey.⁷⁴ However, it was inherently difficult for the Advisory Board to deter the interest of Representative Maury Maverick, who had introduced the Historic Sites Act for the Department of the Interior; Sara Delano Roosevelt, the president's mother; and Arthur Hays Sulzberger, the publisher of *The New York Times*.⁷⁵ As Secretary Ickes related that the first five church designations as National Historic Sites were "not selected on the basis of creed," but several of them appear to

have been chosen under the influence of important persons.⁷⁶

The story of the development of Criteria Consideration A illustrates the continuing challenges faced by any government agency or advisory board in sifting through American history to recognize important historic places. "History is as history was, and cannot be changed," but only when well-crafted systems for the identification, evaluation, and recognition of historic properties are fairly and consistently implemented in an environment where there is a clear separation of patrons and process.

NOTES

The views and conclusions in this essay are those of the author and should not be interpreted as representing the opinions or policies of the National Park Service or the U.S. government.

1. Eighty-seventh Congress, First Session, House Joint Resolution No. 452 was introduced by Representative Thomas Johnson, from the Eastern Shore of Maryland. National Park System Advisory Board Minutes, May 1, 1962. Records of the National Park System Advisory Board, the Historic Sites Survey, and the National Historic Landmarks Program, as well as records associated with individual National Historic Sites are maintained at the National Park Service headquarters in Washington, D.C.

2. The National Register Criteria Considerations are defined in 36 CFR Part 60 and expanded upon in *How to Apply the National Register Criteria for Evaluation*, National Register Bulletin, National Park Service, 1990. Criteria Consideration A states: "Ordinarily . . . properties owned by religious institutions or used for religious purposes . . . shall not be considered eligible for the National Register, [unless it is] a religious property deriving primary significance from architectural or artistic distinction or historical importance." National Register of Historic Places, *Federal Register*, volume 34, no. 37, Tuesday, February 25, 1969: 2581. The National Register Criteria Consideration focuses on property ownership rather than the subject of religious history.

3. Barry Mackintosh, *The Historic Sites Survey and the National Historic Landmarks Program: A History* (National Park Service, 1985). *Additional Sites Declared Eligible for National Historical Landmark Status*, National Park Service press release, June 13, 1962.

4. For a history of the Historic Sites Act see Harlan Unrau and G. Frank Williss, "To Preserve the Nation's Past: The Growth of Historic Preservation in the National Park Service during the 1930s," *The Public Historian*, 9, no. 2 (Spring 1987): 19–50. NPS had received more than 500 requests for assistance by 1937 (37). Arno B. Cammerer, Director, National Park Service to Senator Charles L. McNary, December 10, 1936. McLaughlin Home National Historic Site File. President Roosevelt outlined the procedure for establishing National Historic Sites in letters to the Secretary of the Interior on February 6 and May 17, 1939. Secretary of the Interior to President Roosevelt, July 16, 1940, Jamestown National Historic Site File.

5. National Historic Sites, if they met criteria for suitability and feasibility, might become additions to the National Park System. Director, National Park Service to Secretary of the Interior, June 30, 1959. "National Survey of Historic Sites and Buildings." Approved in principle by Secretary of the Interior Fred Seaton, November 19, 1959. Mackintosh, *The Historic Sites Survey*, 20.

6. Charles B. Hosmer Collection, National Trust for Historic Preservation Library Collection, University of Maryland Libraries, Ernest A. Connally interview, July 28, 1981: 103, and Herbert Kahler interview, August 1, 1981: 15.

7. Saint Francis Xavier Church (Old Bohemia) National Register of Historic Places Nomination, 1975.

8. "Statement on Saint Francis Xavier (Old Bohemia) Church, near Warwick, Maryland," March 27, 1962.

9. "Evaluation of Historic Churches," National Park System Advisory Board Minutes, March 30, 1962.

10. *Ibid.*

11. Acting Secretary of the Interior John Carver to Edward Ludwig, September 13, 1962. Edward Ludwig was the Assistant to the President of the Old Bohemia Historical Society located near the church in Warwick, Maryland. In August 1962, Ludwig noted that "we can prove that the conclusions of the Board are based on assumptions that are erroneous." Ludwig to Secretary of the Interior Steward L. Udall, August 30, 1962.

12. National Park System Advisory Board Minutes, October 15–17, 1962. A decade later the National Park Service, in anticipation of the nation's bicentennial, had completed the "impracticable" survey of historic sites associated with fifty-six Signers of the Declaration

of Independence. See *Signers of the Declaration: Historic Places Commemorating the Signing of the Declaration of Independence* (National Park Service, 1972).

13. Ludwig to Harold P. Fabian (Chairman, National Park System Advisory Board), December 12, 1962.

14. National Register of Historic Places Criteria Considerations (36 CFR Part 61): "Ordinarily cemeteries, birthplaces, or graves of historical figures, properties owned by religious institutions or used for religious purposes, structures that have been moved from their original locations, reconstructed historic buildings, properties primarily commemorative in nature, and properties that have achieved significance within the past 50 years shall not be considered eligible for the National Register."

15. The five properties are the church tower ruins at Jamestown Island, Virginia; Mission San Jose, San Antonio, Texas; Gloria Dei (Old Swedes') Church, Philadelphia, Pennsylvania; Saint Paul's Church, Eastchester, New York; and Touro Synagogue, Newport, Rhode Island. Sponsors of the Old Bohemia nomination cited the Gloria Dei National Historic Site to reject the argument that federal recognition of sites associated with religious history was unconstitutional or contrary to policy. Edward Ludwig to Herbert Kahler, Chief, Division of History and Archaeology, November 18, 1962.

16. Charles B. Hosmer, *Preservation Comes of Age: From Williamsburg to the National Trust, 1926–1949* (Charlottesville: University Press of Virginia, 1981), 493–508, esp. 497; 534–36; and 610–16, esp. 615, regarding developments on Jamestown Island. See also James M. Lindgren, "A Spirit That Fires the Imagination": Historic Preservation in and Cultural Regeneration in Virginia and New England, 1850–1950," in *Giving Preservation a History: Histories of Historic Preservation in the United States*, eds. Max Page and Randall Mason, 107–30 (New York: Routledge, 2004). Julia A. King, "Landscape and the Use of the Past in 19th-Century Virginia," In *The Archaeology of 19th-Century Virginia*, eds. John H. Sprinkle Jr. and Theodore R. Reinhart, 77–110 (Richmond: Archeological Society of Virginia Press, 1999).

17. Order Designating the Jamestown National Historic Site, Virginia, December 18, 1940. The Advisory Board approved the national historical significance of Jamestown Island on July 16, 1940. Memorandum for the Secretary from Acting Director, December 9, 1940.

18. A. E. Demaray to Dr. Fiske Kimball, August 17, 1940. Hosmer Collection, Elbert Cox Interview, June 5, 1983: 4.

19. Hearings before the Committee on the Public Lands, House of Representatives, Seventy-Fourth Congress, First Session, on H.R. 6670, a Bill to Provide for the Preservation of Historic American Sites, Buildings, Objects, and Antiquities of National Significance and for other purposes, and H.R. 6734, Bill to Create a National Park Trust Fund Board and for Other Purposes, April 1, 2, and 5, 1935 (Washington, D.C.: Government Printing Office, 1935), 10.

20. Maury Maverick to Verne Chatelain, September 17, 1935. The Historic Sites Act was signed into law on August 21, 1935. Attached to this letter was a printed card that read: "NOTICE! I have a special personal interest in this. Please expedite! MAURY MAVERICK, M.C."

21. Memorandum for the Secretary, from Associate Director, December 31, 1935. National Park System Advisory Board Minutes, May 7–9, 1936.

22. Hosmer, *Preservation Comes of Age*, 286–89.

23. Rev. John C. Roak to Congressman Ernest Lundeen, March 24, 1936.

24. H.R. 8050, 76th Congress, 3rd Session, "A Bill to Provide for the Establishment of the Gloria Dei National Historical Park in the City of Philadelphia," January 22, 1940. Sacks (1902–1972) represented portions of Philadelphia in Congress from 1937 to 1943.

25. Memorandum for Mr. Moskey from Supervisor of Historic Sites, February 14, 1940. A. J. Wirtz, Acting Secretary of the Interior to Hon. Fritz G. Lanham, Chairman, Committee on Public Buildings and Grounds, House of Representatives, March 26, 1940. E. K. Burlew, Acting Secretary of the Interior to Frank W. Melvin, President, The Swedish Colonial Society, May 20, 1940.

26. National Park System Advisory Board Minutes, Washington, D.C. October 28–30, 1940. Interestingly, one of the sites recommended for national significance was Holy Trinity (Old Swedes') Church in Wilmington, Delaware, which is the oldest church associated with the Swedish colony in the mid-Atlantic region. Whereas the Philadelphia church was designated a National Historic Site in 1942, the Delaware church had to wait until 1961 for National Historic Landmark designation. In his "Preliminary Report on Gloria Dei (Old Swedes') Church, Philadelphia," A. P. Stauffer, Chief, Research and Survey Section, Branch

of Historic Sites, concluded that "Gloria Dei Church is undoubtedly one of the outstanding examples of the cultural and religious aspects of Swedish colonization in the present United States. Few churches in the United States have a longer history or have been so closely associated with the social evolution of a great city."

27. Newton B. Drury, Director, National Park Service, to Frank W. Melvin, President, The Swedish Colonial Society, December 2, 1940.

28. Memorandum for the Secretary from Acting Director, National Park Service, March 8, 1941. Hillary A. Tolson, Acting Associate Director, National Park Service to Frank W. Melvin, President, The Swedish Colonial Society, March 22, 1941. Franklin D. Roosevelt to the Secretary of the Interior, March 28, 1942. Roosevelt added a curious postscript to this memorandum: "In exceptional cases, please speak to me." Hosmer (*Preservation Comes of Age*, 717–19) describes FDR's as an example of how the National Park Service programs were impacted by World War II. Hosmer Collection, Herbert Kahler to Charles Hosmer, November 7, 1975. By 1940, all National Historic Site designations were submitted to the President via the Bureau of the Budget.

29. Order Designating the Gloria Dei (Old Swedes') Church National Historic Site, November 17, 1942.

30. Recognition of the birthplace of "Freedom of the Press" was a popular subject for the media during the 1933 bicentennial of the Great Election. "Freedom's Birthday," *Time Magazine*, October 30, 1933. The valuable support of the press was recognized by the sponsors of the Saint Paul's restoration in 1942.

31. "National Shrine for the Bill of Rights," Conrad Wirth, Director, National Park Service to Secretary of the Interior, January 4, 1954.

32. *Historic Saint Paul's Church, Eastchester: The Consecration of the Restored Church*, May 3, 1942.

33. Ibid.

34. Arno Cammerer, NPS Director to Senator Royal Copeland (N.Y.), March 9, 1934, "We have had several communications from people interested in St. Paul's Church . . . and have told them in reply that we did not believe that this area was of sufficient national significance to warrant recognition as a national historic monument." Cammerer to Lt. Leon Merrill, March 26, 1934, and Cammerer to The American Legion, Mt. Vernon Post, New York, May 10, 1934.

35. Horace Albright, former NPS Director, to Arno Cammerer, NPS Director, February 26, 1936. Albright forwarded Rockefeller's request that NPS conduct a study of the church. Hosmer Collection, Horace Albright to Charles Hosmer, "Historical Notes—Come Remembered Yesterday," 1975. Albright described the work of Roy Appleman, who conducted the NPS study of Saint Paul's.

36. Seventy-fifth Congress, First Session, H.R. 211, a bill to provide for the honorary designation of Saint Paul's Church, together with the churchyard and the village green associated therewith, in the town of Eastchester, Westchester County, State of New York, as a national shrine. January 5, 1937. Charles West, Acting Secretary of the Interior to Hon. James M. Fitzpatrick, May 28, 1937.

37. Fiske Kimball to Hillary Tolson, Director, National Park Service, October 7, 1938.

38. Fiske Kimball to Hillary Tolson, Director, National Park Service, October 7, 1938. Kimball also objected to the expenditure of federal funds toward the restoration of the church.

39. Memorandum for the Director from Supervisor of Historic Sites, March 25, 1939.

40. *Historic Saint Paul's Church, Eastchester.*

41. The Memorandum for the Director, from Hillary A. Tolson, Chief of Operations, April 2, 1941. Memorandum for the Director, from Ronald F. Lee, Supervisor of Historic Sites, April 25, 1941.

42. Acting NPS Director A. E. Demaray to Fiske Kimball, May 13, 1941.

43. Fiske Kimball, Member of the Advisory Board, to A. E. Demaray, Acting NPS Director, May 16, 1941. Mrs. Roosevelt (1854–1941) died on September 7. "Death of a Lady," *Time Magazine*, September 15, 1941. Although there was a distant family association with Saint Paul's, Eastchester, President Roosevelt and his mother were both interested in the church "because it had much to do with the creation of the Bill of Rights." Franklin Roosevelt to Edward R. Finch, May 4, 1942, Personal File #2033, Saint Paul's Episcopal Church (Eastchester), Franklin D. Roosevelt Presidential Library.

44. Memorandum for the Secretary, from Newton B. Drury, NPS Director, November 21, 1941. Approved by Secretary of the Interior Harold Ickes on November 27, 1941.

45. "Saint Paul's Church, Eastchester, National Historic Site, Mount Vernon, New York." April 12, 1944.

46. *Ibid.*

47. Confidential Memorandum to Regional Director, Region One, from Francis S. Ronalds, Coordinating Superintendent, July 29, 1949. After describing a conversation with Arthur Sulsberger of the *New York Times* regarding the status of Rev. Weigle, rector at Saint Paul's, Ronalds noted: "it confirms all our belief that we are not doing anything wrong in promoting the abandonment of the idea of a Zenger Memorial at Saint Paul's. Personally, I feel greatly relieved on this point. "National Shrine for the Bill of Rights," Conrad Wirth, Director, National Park Service to Secretary of the Interior, January 4, 1954.

48. Edmund J. Beazley, Administrative Assistant to the Bishop, Diocese of New York to Advisory Board on National Parks, Historic Sites, Buildings and Monuments, December 20, 1966.

49. "St. Paul's Church National Historic Site (Non-federal)." Robert M. Utley to Frank Harrison, December 12, 1966.

50. Ninety-fourth Congress, First Session, S.J. Res. 139, "To Authorize the Secretary of the Interior to accept Saint Paul's Church, Eastchester, and for other purposes," October 9, 1975. Nathaniel P. Reed, Acting Secretary of the Interior to Representative James A. Haley, Chairman, Committee on Interior and Insular Affairs, April 23, 1976.

51. Hosmer, *Preservation Comes of Age*, 736–38 discusses the designation of Touro Synagogue.

52. Memorandum for Mr. Demaray, Acting Director, NPS, February 28, 1944. The report suggests that Navy Lt. Charles Peterson would be a good candidate to study the Touro Synagogue.

53. Confidential Memo for Superintendent, Morristown NHP from Hillary Tolson, Acting Director, NPS, February 28, 1944. This memo mentions that the Secretary of the Interior "is desirous of securing this information at the earliest possible date."

54. National Park System Advisory Board Minutes, December 7–9, 1944.

55. Kimball, *American Architecture*, 43–44.

56. National Park System Advisory Board Minutes, December 7–9, 1944.

57. Harold Ickes, Secretary of the Interior, to A. Sulsberger, May 21, 1945. Chief Historian to Mr. Drury and Mr. Kahler, June 26, 1945. Memorandum for the Secretary, Newton Drury, NPS Director, February 14, 1946.

58. Touro Synagogue, Newport, R.I.; Designation as a National Historic Site. Federal Register, Tuesday, March 12, 1946.

59. John H. Sprinkle Jr., "Of Exceptional Importance": The Origins of the 'Fifty-Year Rule' in Historic Preservation," *The Public Historian* 29 (Spring 2007): 86–88. Hosmer, *Preservation Comes of Age*, 599 and 601.

60. *Ibid.*, 795–806. In 1948, Kimball sponsored the first National Historic Site listed entirely for its architectural qualities, Hampton, the Ridgely family estate near Baltimore, Maryland.

61. "Dr. Fiske Kimball's Annotated List of Structures of Outstanding Architectural Interest," Minutes of the National Park System Advisory Board, August 15–18, 1938. "Memorandum for Members of the Advisory Board, October 22, 1941," Minutes of the National Park System Advisory Board, October 28–30, 1941.

62. A. E. Demaray, Acting NPS Director, to Fiske Kimball, June 22, 1942.

63. "Churches in the Thirteen Original Colonies Considered and Declared Eligible by the Advisory Board on National Parks, Historic Sites, Buildings, and Monuments," attached to Memorandum for Mr. Demaray, February 25, 1945. Most of the nationally significant churches were noted in Kimball's 1928 history of American Architecture.

64. Kimball, *American Architecture*, 1928.

65. *List of National Historic Landmarks by State*, National Park Service, October 2008.

66. This preference for evaluations based on theme studies, as opposed to "special studies" is found in the current National Historic Landmark Program regulations, 36 CFR Part 65, published in 1983.

67. Mackintosh, *The Historic Sites Survey*, 11.

68. *Ibid.*, 14–15. Hosmer Collection, Herbert Kahler interview, August 1, 1981: 16. Herbert Kahler to Charles Hosmer, November 7, 1975.

69. Hosmer Collection, Herbert Kahler to Charles Hosmer, November 7, 1975.

70. Hosmer Collection, Hebert Kahler interview, August 1, 1981: 32.

71. "Statement of Dr. W. A. R. Goodwin," *Preservation of Historic American Sites, Buildings, Objects, and Antiquities of National Significance. Hearings before the Committee on Public Lands in the House of Representatives, Seventy-Fourth Congress, First Session, on H.R. 6670*: 29, (United States Government Printing Office, 1935). Goodwin noted that the first building restored in

Williamsburg was Bruton Parish Church, in 1903.

72. Staff Historian Charles Porter to Chief, Division of Interpretation, July 15, 1958. Porter recommended that "Care should be taken not to put the Service in the position of having to fight, at tremendous cost to the American taxpayer, industrial developments, and other modern changes. Only in the case of exceptionally important historic sites, such as Mount Vernon or Monticello, would such an effort on the part of the National Park Service be justified."

73. "Authority of the Department of the Interior to Provide Historic Preservation Grants to Historic Religious Properties Such as the Old North Church," Memorandum Opinion for the Solicitor, Department of the Interior, April 30, 2003. See David Bonderman, "Federal Constitutional Issues," in *A Handbook on Historic Preservation Law*, ed. Christopher J. Duerksen, 371–73 (Washington, D.C.: The Conservation Foundation and the National Center for Preservation Law, 1983). Robin Pogrebin, "Houses of Worship Choosing to Avoid Landmark Status," *New York Times*, December 1, 2008.

74. Fiske Kimball to Hillary Tolson, Director, National Park Service, October 7, 1938.

75. When one of his pet projects in San Antonio was evaluated as being ineligible for designation, Maury Maverick fired off a sarcastic note to Secretary Ickes: "The respectability of your Advisory Board, which breaks its neck over Williamsburg and church organizations' monuments and sites—in all of which I fully concur—can now maintain and continue its position of impeccability, rectitude, and piety." Maverick recommended that the high-minded Advisory Board be transferred to the State Department. Maury Maverick to Secretary of the Interior Harold L. Ickes, March 13, 1945.

76. Harold Ickes, Secretary of the Interior, to A. Sulzberger, May 21, 1945. NPS Director Newton Drury noted Arthur Sulzberger's personal interest in the Touro Synagogue came from his great-great-uncle, Moses Seixas's involvement with the temple. Drury to Sulzberger, May 20, 1944.