

Often overlooked by historians, the Land and Water Conservation Fund Act “has arguably exerted a far greater influence on the nation’s environment than its more famous Wilderness Act cousin.” It was signed into law the same day as the Wilderness Act in 1964. Photographs of the presidential signing ceremony reveal a great deal about how the two laws were perceived when passed—perceptions that continue today.

# LBJ, WILDERNESS, AND THE LAND AND WATER CONSERVATION FUND

**O**n the 50th anniversary of the signing of the Wilderness Act, it seems appropriate to begin this essay with the almost iconic image of President Lyndon Johnson affixing his signature to what many assume is this long-sought and hard-fought bill, surrounded by an impressive cadre of wilderness

warriors beaming in approval. It is the morning of September 3, 1964, and this black-and-white time capsule perfectly captures the culmination of the assembled group’s efforts to protect the wild and “untrammled” places under siege by the nation’s yearly multiplying millions. Countless historians, reporters, students, and websites have uncritically illustrated this important moment with this famous photograph.

Now look again...closely. What *exactly* is Johnson signing in this photo? My question arises because, although not many people realize it, on the morning of September 3, 1964, in the Rose Garden of the White House, President Lyndon Johnson signed not one but two remarkable pieces of environmental legislation: the well-known Wilderness Act and the far-lesser-known Land and Water Conservation Fund (LWCF) Act. Just a few minutes prior to the photographer’s capturing this image, Johnson had proclaimed: “It is with a great deal of pride and pleasure and hope for the future that we enact into law today by signing these bills some of the most far-reaching conservation measures that a farsighted nation has ever coped with.”<sup>1</sup> So, which one is under Johnson’s pen at this precise historical moment? As it turns out, even the archivists at

the LBJ Presidential Library cannot say for certain.

The fates of wilderness and the LWCF had long been intertwined, and the cooperative bipartisan effort that finally led to successful wilderness protection depended heavily on the politics of the LWCF. The objective of the measure, officially called the Land and Water Conservation Fund Act of 1965, was “to assist in preserving, developing, and assuring accessibility to all citizens” of outdoor recreation resources.<sup>2</sup> More specifically, the LWCF had two primary purposes: to provide funding for the management and acquisition of federal lands, including the purchase of private in-holdings and the augmentation of existing wilderness areas, parks, and forests, and to provide matching grants to states for recreation planning, land acquisition, and facilitate development of projects such as urban parks and municipal playgrounds. To accomplish these goals, Congress organized the LWCF as a federal “trust fund” that could accumulate revenues, up to an established annual ceiling. The LWCF was popular and palatable because in many ways it was what I like to call “green-pork” environmentalism—it created a win-win situation for legislators, who could pick and choose the projects they wished to fund.

BY SARA DANT



ABBIE ROWE, "LEJ SIGNING WILDERNESS ACT," 3 SEPTEMBER 1964, NATIONAL PARK SERVICE HISTORIC PHOTOGRAPH COLLECTION

President Lyndon Johnson signing legislation into law on September 3, 1964, in the Rose Garden of the White House accompanied, from left to right, by: Rep. Quentin Burdick (D-ND), Margaret "Mardy" Murie, Rep. Wilbur Mills (D-AR), Sen. Frank Church (D-ID), Alice Zahniser, Rep. Wayne Aspinall (D-CO), Sen. Norris Cotton (R-NH), Sen. Clinton Anderson (D-NM), Secretary of Agriculture Orville Freeman, Rep. John Saylor (R-PA), Secretary of the Interior Stewart Udall.

The individuals gathered before the camera document the close relationship between these twin pillars of conservation legislation. The two women to Johnson's right, for example, are Margaret "Mardy" Murie (left) and Alice Zahniser, wife of advocate Howard Zahniser, who both had long family traditions of citizen activism on behalf of wilderness protection. But standing there with them, fourth from the left, is Idaho Democratic senator Frank Church, who had shepherded both proposals through the formalities of legislation by serving as floor manager for both the Wilderness Bill and the LWCF. Church had effectively linked the two laws by calling the LWCF a vital supplement to the "precious resource" of wilderness.<sup>3</sup>

The LWCF idea had originated early in the John Kennedy administration, but its fate soon became connected to the politics of wilderness. In particular, House Interior Committee chair Wayne Aspinall (D-CO, sixth from left) was frustrated that the super-efficient Senate Interior Committee was inundating his committee with conservation legislation, leaving the House to play a subordinate, rubber-stamping role. Realizing that Aspinall could hold the wilderness bill hostage, Senate wilderness proponents consented to letting Aspinall take the lead on the LWCF

bill. Before Johnson took his seat at this table that morning, he observed: "I think it is significant that these steps have broad support not just from the Democratic Party, but the Republican Party, both parties in the Congress."<sup>4</sup> Indeed, the congressional unity on display during the summer of 1964 was nothing short of remarkable, as the Senate passed the LWCF by a whopping 92-1 majority, while the House voted "aye" on the Wilderness Bill in a similarly lopsided 373-1 vote.<sup>5</sup> The smiling men in this photograph, hailing from both sides of the aisle, perfectly capture that rare political harmony.

But back to the mystery of *which* act Johnson is signing in this image. I am willing to put my money on the Wilderness Act and not the LWCF Act, and here is why. The Wilderness Act became Public Law 88-577 and the LWCF Act became Public Law 88-578, which means that Johnson signed the Wilderness Act first.<sup>6</sup> In the photograph, Johnson has an impressive array of pens lined up in front of him and also clutched in his left hand. Presidents commonly use numerous pens to sign important legislation so that they can reward supporters with a commemorative souvenir from the occasion. Given the number of unused pens remaining, it seems likely to me that Johnson has just begun the signing



process, and thus has the Wilderness Act in front of him.

However, the most telling clues come from the two photograph contact sheets of this historic event, which show sequentially numbered prints made directly from uncut film negatives. Interestingly, even the contact sheets needed some sleuthing. Although the archival numbering system begins at the top left of the first page shown here, it distorts the actual order of the photographs; whoever developed the contact sheet accidentally placed the first set of negatives on the third line. But close examination of the actual negative numbers reveals the true sequence of the morning: image 1A (#364-13 on the contact sheet), the logical starting number for the photo shoot, shows Johnson delivering his opening remarks, and is followed by image 2A (#364-14), a wider-angle image of the original photo above. As Johnson begins signing, he also begins distributing pens: Howard Zahniser's widow Alice gets the first, Margaret Murie the second. The number of pens begins to diminish and with good reason: the president's daily diary entry for September 3 lists 64 attendees at the signing, and most were there on behalf of wilderness.<sup>7</sup>

The image on the opposite page, I contend, shows Johnson sign-

ing the LWCF Act. On the second contact sheet, sequentially numbered and following the first, Johnson's signing of the Wilderness Act appears to culminate three frames prior to this photo, with Secretary of Interior Stewart Udall leaning over the president's shoulder to confirm completion (#364-34). Johnson then got up and shook a few hands, as seen in the next two photographic frames, before returning to his desk, and a much-diminished pen supply, to sign, in this image here, the second bill of the morning: the Land and Water Conservation Fund Act of 1965. In many ways, this photo illustrates the status of the LWCF vis-à-vis the Wilderness Act, both at the time and ever since. To put it bluntly, the LWCF was an afterthought—no one was watching or clapping, no one was waiting for a pen, indeed, no one was paying even the slightest attention to the birth of this quiet, almost anonymous act that has arguably exerted a far greater influence on the nation's environment than its more famous Wilderness Act cousin.

The LWCF has long attempted to resolve the essence of William Cronon's lament in his "The Trouble with Wilderness" essay: too much environmental protection "out there" and not enough at home.<sup>8</sup> Since 1968, the fund's major source of revenue has been

CECIL STOUGHTON, "CONTACT SHEET SHOWING SIGNING OF WILDERNESS ACT," SERIAL #: CSS-364-1T024-64, 3 SEPTEMBER 1964, LBJ PRESIDENTIAL LIBRARY



This contact sheet shows the first twenty-four of forty-seven images that the official White House photographer captured during the historic signing of the Wilderness Act and the Land and Water Conservation Fund Act on September 3, 1964.



CECIL STOUGHTON, "LBJ SIGNING THE LAND AND WATER CONSERVATION FUND ACT, SERIAL # 366-37-WH64, 3 SEPT 1964, LBJ PRESIDENTIAL LIBRARY

*President Lyndon Johnson signs the Land and Water Conservation Fund into law with no one watching.*

the mineral leasing receipts generated by oil and gas drilling on the Outer Continental Shelf. This shrewd political move not only provides a lucrative wellspring of money, it also assuages a great deal of congressional guilt by allowing mineral exploitation to fund land and water conservation. The law stipulates that 60 percent of the money from the LWCF be available to the states, while the federal government’s four land management agencies have access to the other 40 percent. Significantly, the law also contains a formula that sets aside fully 85 percent of federal funding for acquisitions east of the 100th meridian. This provision not only allayed western senators’ fears of a “federal land grab” but also ensured adequate spending on what Church called “the section of the country where land is most desperately needed for recreational purposes.”<sup>9</sup> Thus the LWCF allows federal agencies to buy in-holdings in wilderness, park, and forest areas—“out there”—but it has also built urban parks, baseball diamonds, swimming pools, and playgrounds where most Americans actually *live*.

The “Playground for All Children,” pictured on the following page, is a fine example of the fund’s efforts to provide state and local matching grants for the acquisition and development of high-quality outdoor recreation areas. Begun in 1980 and dedicated four years later, this LWCF-funded project in Queen’s Flushing Meadows section of New York City is a pioneering urban public space dedicated to both disabled and able-bodied children.<sup>10</sup> In this image, children traverse a 12-foot-long suspension bridge that spans a knowable space in their own neighborhood, not some remote river in some distant wilderness area to which they could never travel. And they can do so with crutches, in a wheelchair,

or on their own two feet. The playground aligned with the Great Society’s ideal of making the American Dream—which now included a healthy environment—accessible to all Americans, and fulfilled Johnson’s vision for an act that could “create new concepts of cooperation, a creative federalism, between the National Capital and the leaders of local communities.”<sup>11</sup> As Cronon admonished, “we need to embrace the full continuum of a natural landscape that is also cultural, in which the city, the suburb, the pastoral, and the wild each has its proper place.” The LWCF does exactly that.

Because of the LWCF, several states now have playgrounds like this one, as well as permanent recreation planning and development programs. Maryland, for example, instituted Program Open Space to acquire parklands, while New Jersey created the Green Acres Program to provide loans as well as grants for local land acquisition, rehabilitation, and development. In addition to providing impressive state-aid grants, the LWCF has also funded scores of new national park units—seashores, lakeshores, trails, wild and scenic rivers, historic sites, and recreation areas.<sup>12</sup> And though the original legislation indicated that the primary focus of the fund’s preservation efforts should be the acquisition of recreation lands in the East, near major population centers, all regions of the country, including the West, have fared remarkably well.<sup>13</sup>

Although few may have been paying attention when Johnson signed the LWCF Act on that September morning back in 1964, this mighty funding engine has enriched the nation by furnishing the fiscal muscle necessary to develop urban recreation and acquire adequate easements for environmental protection. And if Johnson





NEW YORK CITY PARKS PHOTO ARCHIVE

“Kids in Playground,” c. 1984. Children crossing a suspension bridge at the LWCF-funded Playground for All Children, the nation’s first completely accessible public playground for both disabled and able-bodied children, in Flushing Meadows, New York.

appears to be squelching a slight smile as he quietly signs the LWCF into law, it may be because he already planned to use this new fund to buy the last parcel for creating Guadalupe Mountains National Park in his home state of Texas, where private property advocates abound.<sup>14</sup> As one writer commented, the LWCF “forged a powerful alliance of private citizens and government officials at the federal, state, and local levels,” and analyzing these photographs helps environmental historians clarify and illuminate this powerful alliance.<sup>15</sup> For 50 years, this anonymous act has quietly set aside some of the last, best places in both wild and urban environments so that we may all get on with the task of living fully and rightly in the world. □

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early uses of the Weber River. The author wishes to thank Neil Maher, Cindy Ott, Christopher Banks, Doug Scott, Ed Zahniser, Tom Smith, and Mark Harvey. This article originally appeared in *Environmental History* (2014) 19(4): 736–43.

#### NOTES

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## FREQUENTLY ASKED QUESTIONS ABOUT THE LAND AND WATER CONSERVATION FUND

### WHAT IS THE LAND AND WATER CONSERVATION FUND?

The Land and Water Conservation Fund (LWCF) takes a portion of royalties energy companies pay the government for extracting publicly owned offshore oil and gas from the Outer Continental Shelf. The government then takes those revenues and reinvests them in the conservation of our federal, state, and local public lands and natural resources.

### HOW DOES THE FEDERAL GOVERNMENT USE THE LAND AND WATER CONSERVATION FUND?

The federal government uses the fund to acquire and protect pockets of private lands within our national parks, forests, refuges, trails, Bureau of Land Management lands, and in other places. The "stateside" of LWCF is distributed to all 50 states, DC, and the territories by a formula based on population, among other factors.

### WHY IS THE LAND AND WATER CONSERVATION FUND IMPORTANT?

Over its 50-year history, the Land and Water Conservation Fund has protected more than seven million acres of land and supported more than 41,000 state and local park projects. The LWCF has protected land in 98 percent of United States counties.

### IS THE LAND AND WATER CONSERVATION FUND SECURE?

Although the Land and Water Conservation Fund is authorized to receive up to \$900 million per year, Congress nearly always diverts the funds for other uses. This often leads to inadequate funding for vital conservation projects.

Despite inadequate funding, LWCF remains the premier federal program to conserve our nation's land, water, historic and recreation heritage.

### LOCAL COMMUNITIES AND ECONOMIES

The Land and Water Conservation Fund contributes to the overall health and economic strength of local communities.

- **LWCF is vital for public access to outdoor recreation**  
More than 42,000 grants totaling over \$4 billion have supported protection of three million acres of recreation lands and over 29,000 recreation facility projects on the state and local levels. Funding supports conservation efforts by the four federal land management agencies: National Park Service, Bureau of Land Management, U.S. Fish and Wildlife Service, and U.S. Forest Service.
- **LWCF is an important economic driver**  
The Land and Water Conservation Fund supports jobs and the revitalization of local communities. The Department of the Interior estimates that the \$214 million spent on land acquisitions in 2010 returned more than double that investment, supporting an estimated \$442 million in economic activity and about 3,000 jobs.
- **LWCF attracts other kinds of funding**  
Over the life of the program, more than \$3 billion in LWCF grants to states has leveraged more than \$7 billion in nonfederal matching funds.
- **LWCF returns are greater than the investment**  
Research has found that every \$1 of LWCF funds invested results in a return of \$4 in economic value from natural resource goods and services alone.

Sources: *The Wilderness Society, U.S. Forest Service*

