

Testimony of Congressman Gary Miller
Before the Committee on Natural Resources
Subcommittee on National Parks, Recreation, and Public Lands
United States House of Representatives

Congressional Hearing
HR 2933, Civil War Battlefield Protection Act of 2007
July 10, 2008

Introduction:

Chairman Grijalva, Ranking Member Bishop, and members of the subcommittee, thank you for the opportunity to appear before you today to discuss the importance of H.R. 2933, a bill to reauthorize the Civil War Battlefields Preservation Program. Preservation of our Nation's Civil War Battlefields is an issue that I hold close to my heart and fresh in my mind. Having been born in Arkansas, a state that participated in the Civil War, I grew up appreciating the influence the War has on our modern society. Without a physical link to the past, we are left with only a passing glimpse of who we are as a nation.

Why Battlefields Preservation is Needed:

Our historic battlefields provide outdoor classrooms for visitors to recreate the history of heroes from generations come and gone. In 1993, the Civil War Sites Advisory Commission, a blue-ribbon panel created by Congress to investigate the status of America's battlefields. The Commission reported that 384 Civil War battlefields were considered high priority and were in serious danger of destruction. The report concluded that almost 20 percent of the Civil War battlefields were lost or fragmented, 17 percent in poor condition, and 60 percent to have been lost or in imminent danger of being fragmented and lost as coherent historic sites. Congress recognized the need to safeguard the only living link to the "War Between the States" and in Fiscal Year 1999 a preservation program was financed for the first time.

Civil War Battlefield Preservation Program:

In 2002, I authored the bill that created the Civil War Battlefield Preservation Program. To date, this program has helped save more than 15,000 acres in 14 states. The American Battlefield Protection Program, an arm of the National Park Service, manages and competitively awards the Civil War Battlefield Preservation Program grants. Furthermore, this legislation will facilitate the creation of partnerships at the State and local level, encouraging the private sector to preserve, conserve, and enhance nationally significant Civil War battlefields.

The program's 50/50 matching grants formula encourages both public and private sector investment in battlefield protection. Grants are directed to state and local governments for land acquisition only and are not issued to nonprofit or private groups. Grant money cannot be used for administrative costs or overhead.

The grants are awarded based on five requirements: (1) The battlefield must be on the list of 384 priority sites determined by the Civil War Sites Advisory Commission; (2) The land must be outside the authorized boundaries of the National Park System, thus keeping the program from contributing to National Park Service maintenance costs; (3) Any land acquired with the assistance of the grant program may not be subsequently converted to a non-conservation use without the prior written permission of the Secretary of the Interior. (4) Any grant awarded must be supported by an appraisal of the property's value in accordance with federal standards for property appraisals; and (5) Any land acquired with the assistance of the grant program must be protected by a perpetual easement to insure its preservation for future generations.

Private Property Protections:

The effect of this program and intent of this legislation is to preserve nationally significant Civil War battlefields through conservation and purchases of those battlefields from willing sellers at fair market value. Preservation of historic battlefields involves only willing sellers when properties become available, and since only willing sellers are involved in the transaction, all private property rights are preserved. There is absolutely no eminent domain authority associated with this program. Willing sellers are compensated at fair-market value and the program allows preservation groups to compete with developers to buy land.

Successes of the Program:

Among the sites saved as a result of this program are historic properties at: Fort Donelson, Tennessee where the Union scored its first major victory of the war and Union General Ulysses S. Grant earned the nickname "Unconditional Surrender"; Antietam Maryland, where 23,000 soldiers were killed, marking the bloodiest day in American history and leading to the issuance of the Emancipation Proclamation; and, Chancellorsville Virginia, where a much smaller Confederate force defeated the larger Union force, while suffering the loss of the famed General Thomas "Stonewall" Jackson.

The Future Need for the Program

Despite the progress, we still have more to do. Many sites have only been partially preserved and those that have no opportunity for acquisition run the risk of being lost forever. Only about 20 percent of the actual battlefields upon which the Civil War was fought are currently preserved. All of the rest of that hallowed ground is either unprotected or has already been destroyed.

These battlefields offer a porthole to the past. The vivid imagery of an epic conflict can remind visitors of the struggles our country has gone through to preserve the banner of liberty and justice for all. Memorializing the conflict, Oliver Wendell Holmes said, "We have shared the incommunicable experience of war. We felt, we still feel, the passion of life to its top. In our youths, our hearts were touched by fire." By preserving this Nation's historic Civil War Battlefields, we can give visitors a sense of what Mr. Holmes was talking about.

Conclusion:

Since FY1999, Congress has appropriated \$36 million to preserve Civil War Battlefields and the White House included a \$4 million request for the program as part of its Fiscal Year 2009 budget. H.R. 2933 is a clean bill that would extend the authorization from fiscal years 2009 through 2013 for battlefield preservation grants under the Civil War Battlefield Preservation Act of 2002. The programs necessity, and proof that the preservation of history is a bi-partisan issue, is demonstrated by the 106 Cosponsors the bill currently enjoys. 55 Democrats, and 51 Republicans. A companion bill, authored by Senator Jim Webb of Virginia, has already been approved by the Senate Committee on Energy and Natural Resources and enjoys widespread support in that chamber. I thank the subcommittee for your time this morning and I respectfully request and urge you to support this legislation.