

Congressional Intent Regarding Wilderness Climbing

Our present National Wilderness Preservation System, encompassing 628 wilderness areas spread over 104 million acres in 44 states, came about through passage of the Wilderness Act of 1964. Though many people today view wilderness as an established form of legal protection, the Wilderness Act culminated several decades' worth of philosophical writings, national conferences, and contentious debate in Congress regarding the use and preservation of federal lands before the eventual compromise was reached that resulted in the Act's passage. In the AAC's continuing efforts to preserve wilderness and climbing access to it, we recently reviewed all relevant Congressional documents to determine the legislative intent when Congress passed the Wilderness Act.

As a result of the highly contested nature of the original Act, volumes of legislative history were generated. Proponents of the Wilderness System universally declared the system to be one of "multiple purposes." A Senate Committee report on the Wilderness Act declared that "recreational, scenic, scientific, educational, conservation and historical use values" are all recognized as legitimate, appropriate uses of the Wilderness system. In selling the Wilderness Act to the American people, supporters such as Senator Frank Church of Idaho described the system as "areas of unspoiled, pristine wilderness, accessible by a system of trails, unmarred by roads or buildings, but open to the considerate use and enjoyment of hikers, mountain climbers, hunters, fishermen, and trail riders."

While Congress never mentioned fixed anchors specifically in the debates regarding the Wilderness Act, the many mentions of climbing and mountaineering reflect a familiarity with the tools of these activities that connotes approval. In fact, if Congress had looked at the popular literature of the years leading up to the passage of the Wilderness Act, it would have found definitions and descriptions of fixed anchors, including bolts, in such popular magazines as *The Saturday Evening Post*, *Reader's Digest*, *Time*, *Newsweek* and *National Geographic*. The November 1962 issue of *National Geographic* even includes a series of photographs depicting a climber placing a bolt in what later became a Wilderness Study Area.

When the Forest Service interpreted the Wilderness Act's prohibitions too strictly, Congress, in discussing the Endangered American Wilderness Act of 1978, declared that "it was not the intent of Congress that wilderness be administered in so pure a fashion as to needlessly restrict its customary public use and enjoyment. Quite the contrary, Congress fully intended that wilderness should be managed to allow its use by a wide spectrum of Americans." Congress clearly intended the Forest Service to administer the National Wilderness Preservation System to allow for a wide variety of recreational uses. Attempts by the Forest Service to transform the wilderness system into an ecological preserve were soundly rebuked.

At least 30 separate National Forest wilderness areas included reference to climbing in the Congressional Record or Committee Reports when Congress debated their inclusion in the National Wilderness Preservation System. In not one of those locations did

Congress speak negatively about climbing in the proposed wilderness area. In fact, mountaineering, mountain climbing, technical rock climbing, and climbing were all reasons for which Congress designated certain areas as wilderness. In several cases, Congress even went so far as to declare their intention and belief that “wilderness designation will ensure that these activities can continue permanently in their present unspoiled surroundings.”

Within these 30 areas, before they were designated wilderness, rock and mountain climbing using fixed anchors was both popular and well documented. According to our own cursory review, well over 330 routes and/or peaks containing thousands of fixed anchors existed on Forest Service-administered lands before Congress designated these areas as wilderness. (Since the most significant and internationally famous climbing areas in the U.S. generally are located on National Park Service lands, these fixed anchors represent just the tip of the iceberg in terms of pre-wilderness-designation fixed anchors on public lands.) It would be difficult to believe that Congress knew about climbing in these areas, knew the tools that climbers used, referred to climbing as a reason for wilderness preservation and still disapproved of the use of fixed anchors.