

Strictly a Military Monument

The War Department's Battle for Control of Lee Mansion

BY KAREN B. KINZEY

It was a clear, sunny morning on Sunday, April 9, 1933, when Horace Albright arrived at the south entrance of the White House. Albright, the Director of the National Park Service, was to join President Franklin D. Roosevelt and others for a tour of Shenandoah National Park. The irony of the date was not lost on Albright. Exactly sixty-six years ago, General Robert E. Lee had surrendered the Army of Northern Virginia to General Ulysses S. Grant at Appomattox Court House. Historic figures such as Lee weighed heavily on Albright's mind. He hoped for an opportunity to discuss an important issue with the President—the transfer of military parks and battlefields to the National Park Service. For years Albright had dreamed of acquiring such places from the War Department and the Forest Service. His driving motivation was his desire to preserve and interpret historic places for the public, but Albright also hoped to secure the future of his agency by expanding its jurisdiction to include historic parks located in the eastern United States.

The opportunity Albright had long anticipated arrived that afternoon when President Roosevelt joined the Director in his car for the ride back to Washington. Albright outlined the advantages of transferring the battlefields and historic sites to the Park Service and insisted that his agency would provide the best protection for such places. To Albright's delight, the President agreed and indicated that the transfer could be incorporated into his forthcoming plan to reorganize the Executive Branch. Roosevelt proved to be a history enthusiast, and the conversation soon turned to a discussion of Lee, Grant, and Appomattox.¹

Two months later, Albright was shocked to learn exactly how persuasive he had been on that fateful Sunday afternoon drive. Executive Order 6166, which provided for the reorganization of the Executive Branch of the Federal Government, was sweeping in its scope. The order transferred battlefields, monuments, parks, District of Columbia parks and public buildings, and national cemeteries located within the continental United States to the National Park Service. Although some forty-eight areas were transferred from the War Department and the Forest Service, including Petersburg, Appomattox, and Antietam, perhaps no site was more bitterly contested than Arlington National Cemetery and Lee's Mansion in Arlington, Virginia.

On June 10, 1933, President Roosevelt signed Executive Order 6166, which was to take effect two months later. War Department officials launched an aggressive campaign to have the transfer of Arlington National Cemetery and Lee's Mansion rescinded. In the matter of the cemetery, the War Department scored an easy victory. Albright himself had been aghast at the transfer of still-active cemeteries to the Park Service, especially Arlington National Cemetery. He encouraged Quartermaster General John L. DeWitt, the officer in charge of War Department burials, to ask President Roosevelt for Arlington to be excluded from the order. When General DeWitt, who was "scared to death of Roosevelt," refused, Albright resorted to threats. If DeWitt refused to ask for the return of Arlington, Albright promised "we in the Park Service are not going to worry about burying Generals by themselves. We're going to bury them the same as if they were privates, and let God Almighty decide if there is any reason for carrying rank after death. That's the way the Park Service would run Arlington." Deeply offended, DeWitt agreed to ask the President for the return of the cemetery.²

The battle for control of "Lee Mansion" proved far more intricate. On July 28, 1933, the President signed Executive Order 6228, which "postponed until further order" the transfer of Arlington and most of the other national cemeteries. The order clearly specified that Lee Mansion was included in the areas ceded to the National Park Service. Unwilling to relinquish control of the mansion, the War Department doubled its efforts to retain its hold on the historic home. For the next six years, the War Department left no stone unturned in its quest to reclaim Lee Mansion for its own.

On August 1, 1933, Colonel Charles G. Mortimer, Officer in Charge of Arlington National Cemetery and supervisor of the restoration of the Lee Mansion, argued the War Department's case for its continued administration of the site. First, the separate control of the mansion by the National Park Service would, in essence, require a duplication of staff, which would significantly increase operational costs. Second, General William E. Horton, former Chairman of the Committee for Restoration and Refurnishing of Arlington Mansion, had donated his large collection of period furniture *to the War Department* for the purpose of furnishing the mansion. Horton's bequest would be in serious jeopardy should the Park Service assume control. Finally, Mortimer pointed out that the mansion was "not established by law as a national monument" and that Congress had charged the Secretary of War with the responsibility of restoring and furnishing the home in 1925.³

Colonel Mortimer's lobbying for control of Lee Mansion extended far beyond government officials. First, he enlisted the aid of General Horton, who wielded considerable influence even after his retirement from the US Army and

the restoration committee. At Mortimer's urging, General Horton contacted General Louis A. Johnson, the National Commander of the American Legion, to request support for the War Department's campaign for control of the site. On August 5, Horton cabled General Johnson, "We are most anxious for Arlington Mansion to remain with the War Department. It is strictly a military monument and the former home of a great soldier. Won't you please help to keep the mansion with the War Department?" Johnson wired his reply that same afternoon. The American Legion would ask the President to leave the mansion with the War Department.⁴

Horton and Mortimer sought additional allies from patriotic and fraternal organizations. Horton asked the leadership of the Order of the Founders and Patriots of America, headed by Colonel U.S. Grant III, to oppose the transfer of the Lee Mansion to the National Park Service. Mortimer approached the National Society Daughters of the American Revolution for their backing. He informed the President-General of the organization that "nearly all patriotic societies have passed resolutions arguing that Arlington mansion continue to be under the jurisdiction of the War Department, as it is entirely a military house and shrine." Mortimer requested the Daughters to draft a similar resolution of their own for release to the press.⁵

In August, 1933, the transfer of Lee Mansion, as well as the funds earmarked for its continued restoration, became effective, and for the remainder of the year an uneasy status quo prevailed at Arlington. At the request of Park Service officials, the War Department continued to administer the home and progressed with its restoration program under the direction of Colonel Mortimer. In October, in order that "essential rehabilitation and planned work may be started at once," Quartermaster General DeWitt requested that the \$12,209 allocated for restoration projects "be transferred to this office." Arno B. Cammerer, Director of the National Park Service, saw through the thinly-veiled attempt to reestablish control. His reply underscored the Park Service's new role of authority. "It is agreeable to this office for the work to be done by your forces, but inasmuch as this office is now responsible for what is done there, it will be necessary for us to know the plans and approve them," he informed DeWitt. Cammerer also stated that all bills for work related to the restoration must be sent to the Assistant Director of the National Park Service.⁶

Unwilling to accept the loss of autonomy at Arlington, the War Department stepped up its campaign. Two days after Christmas, Secretary of War Harry H. Woodring appealed directly to the White House. In a letter to President Roosevelt, Woodring argued that all national cemeteries should be returned to the War Department. Lee Mansion was an integral component of Arlington National Cemetery, he reasoned, and thus would be most appropriately admin-

istered by his department. He reminded the President that the War Department had carried out the restoration of the mansion. Echoing the earlier arguments set forth by Colonel Mortimer, Woodring insisted that the home had never been granted status as a monument or memorial and that "the subdivision of authority" was counterproductive to "economy of administration." The Secretary went so far as to draft an Executive Order for the return of the mansion to the War Department. General DeWitt hand delivered the documents to the White House.⁷

In early 1934, the Commission of Fine Arts threw its support behind the War Department. On January 25, Charles Moore, the Chairman of the commission, drafted a letter to President Roosevelt. Moore was no stranger to controversies surrounding Arlington. In the 1920s, he had led the charge to have the home "restored" as a specimen of colonial revivalism, despite legislation that called for its restoration to "the condition in which it existed immediately prior to the Civil War." The War Department had allowed the Commission of Fine Arts to exert significant influence over the restoration program at Arlington, and Moore was unwilling to relinquish control. Moore emphasized that the War Department had restored the home "with dignity, historical accuracy, and a certain elegance" due in part to the commission's advice. The transfer of Arlington to the Park Service would result in "a host of petty authority conflicts and unnecessary expense." The mansion and the cemetery should remain under War Department control "in the interest of good administration." Moore concluded his letter with the shocking statement "I have talked with the park people and the cemetery people and each set is agreeable to leaving the Mansion with the War Department."⁸

Despite his earlier support of Park Service administration of historic sites, President Roosevelt forwarded Moore's letter to Secretary of Interior Harold Ickes with an attachment that read, "I rather agree with Moore. What do you think?" When Ickes questioned Director Cammerer about the veracity's of Moore claim, Cammerer set the record straight. He had once remarked in a casual conversation that "if there were *superior reasons* why it would be more advantageous to the United States to have the control of the mansion under the War Department rather than our department I would not stand in the way of it." Upon further reflection, Cammerer had then called Moore to inform him that he "was opposed to any such change." Furthermore the Director was eager to "inaugurate our full program" and pointed out that "restoration work is now being carried out under our direction." He concluded "At Lee Mansion the solution of our problems in this transition lies not in returning the site to the War Department and returning once more to a lack of system in managing these historic Shrines, but rather in the enlargement of the grounds about the Mansion house and the development of a program adequate to the dignity and importance of the Lee Mansion."⁹

When the President failed to act on the War Department's request, bureau officials decided upon a new course of action. New legislation passed in the summer of 1935 allowed the Director of Procurement to assume full control and management of Federal property "declared to be in excess of the needs of the Federal agency having control thereof." Quartermaster General L.H. Bash decided to refer the War Department's case to the Judge Advocate General in the hopes that "this matter would come within the purview of the act, provided it is found that the property is in excess to the needs of the Interior Department." On November 17, Judge Advocate General A.W. Brown issued his ruling:

I do not find any language in the act that might be construed as authorizing the Director of Procurement to divest himself of his control and management by transferring the property to the custody and control of a particular department of the Government. I am constrained to the view that there is no existing authority of law for the return of the Lee mansion to the custody and control of the War Department by Executive Order or otherwise.¹⁰

Although the Judge Advocate General's ruling appeared to settle the matter once and for all, Arlington's future remained uncertain. In January, 1936, Bash decided to force the issue of control of the mansion by resorting yet again to the earlier argument that General Horton's bequest of furniture was in jeopardy. Ignoring two and a half years of political maneuverings instigated by War Department officials, Bash claimed, "we were not questioning the wisdom of the Presidential orders transferring Arlington Mansion to the Interior Department." Instead, he insisted to Secretary of the Interior Ickes, "that our main interest was to preserve General Horton's bequests and not have them lost to the Government." Ickes merely responded that the War Department could accept the items before it turned them over to the Department of Interior for care and exhibition through a memorandum of agreement between the two departments. "This probably kills the proposition of obtaining control of Arlington mansion," Bash mourned.¹¹

War Department officials received more discouraging news that same year when the Judge Advocate General refused to alter his decision regarding the custody of Lee Mansion. He did suggest that the Secretary of War might seek a permit from the Secretary of the Interior "to enter and use the property pending securing necessary statutory authority from Congress for a retransfer." Bash forwarded the suggestion to the President's military aide, noting that "the method is perfectly practicable and would be a simple solution to the difficulty involved in accepting the bequests under General Horton's will." War Department officials must have realized the futility of this effort to gain control of the mansion. Later in the year, the first sign of interdepartmental cooperation

emerged. Henry Gibbins, the new Quartermaster General, recommended that the two secretaries sign a joint letter in which “the Secretary of War agrees to accept the bequest in the name of and as representative of the United States, and further that the Secretary of Interior agrees that they will be placed in the Arlington House and displayed permanently.”¹²

For nearly two years, a fragile peace prevailed at Arlington. The National Park Service retained custody of Lee Mansion.

For nearly two years, a fragile peace prevailed at Arlington. The National Park Service retained custody of the mansion and continued to oversee the restoration program. Colonel Mortimer remained in control of day-to-day operations and continued to voice his opinion on all work related to the restoration of the mansion. In 1939, two events inspired renewed effort on the part of the War Department to regain control of Arlington: President Roosevelt issued another reorganization plan, which required reduced expenditures and the elimination of “duplication of efforts,” and Miss Grace Sharp began a personal campaign to return Arlington to the jurisdiction of the War Department.

Eighteen years earlier, Grace Sharp, a high school history teacher from Shreveport, Louisiana, had visited Arlington National Cemetery. While there she met Jim Parks, a former Arlington slave who still lived in the vicinity. Miss Sharp became so interested in “Uncle Jim” that she eventually wrote a newspaper article about his long and interesting life. An interest in “all things Arlington” resulted. In February, 1939, Miss Sharp wrote to the Secretary of Interior to inform him of her opinion about the grave injustices that had been wrought at Arlington. The separation of the mansion from the cemetery was “the head being decapitated from its body.” Furthermore, the War Department had been “deprived of the fruit of their labor” inasmuch as it had carried out the restoration. Finally, Congress had placed the house in the custody of the War Department for the purposes of restoration and preservation in 1925. Miss Sharp demanded “personal and historic justice” be done.¹³

Her letter to the Secretary proved merely the opening volley in Grace Sharp’s campaign. She contacted Colonel Mortimer and the two began a secret correspondence. Mortimer informed Miss Sharp that the War Department might be able to regain the mansion under certain provisions of the Reorganization Act of 1939. Miss Sharp quickly wrote to Representative Overton Brooks of Louisiana to inform him of the tragic miscarriage of justice at Arlington and to request its return to its original custodian. Congressman Brooks forwarded her letter to the President’s secretary, Marvin McIntyre, with the recommendation that he “give the thoughts and suggestions of Miss Sharp serious consider-

ation.” Next she turned her attention to Congressman Sol Bloom of New York, with whom she had earlier worked on publicizing the Sesquicentennial Celebration. Using the information fed to her by Mortimer, Miss Sharp argued that the Reorganization Act’s requirement that government operating expenses be reduced made the War Department the rightful custodian of Arlington in light of the savings that would be realized. Miss Sharp observed, “I feel assured that all concerned desire to do the right thing, and I am only bringing out ‘law and order.’”¹⁴

In addition to lobbying Congress, Miss Sharp sought sympathy for her cause from the Sons of Confederate Veterans, a hereditary organization for male descendants of Confederate veterans. She persuaded J. Roy Price, the Commander in Chief of the organization, to join the fight. Mr. Price drafted a letter of support for the War Department’s case which was published in the Virginia and Washington D.C. newspapers. The Sons also lobbied both Virginia senators to support the transfer of Arlington. During their 1939 annual meeting, the Sons drafted a resolution asking the President to return the mansion to the War Department. Miss Sharp “assisted in drawing the resolution,” which she then submitted to Colonel Mortimer for his review. Throughout her maneuverings, Miss Sharp worked in conjunction with Mortimer and relied on him for information and advice. She wisely kept their relationship secret, and maintained the public façade “that it is wholly MY CASE.”¹⁵

Throughout the summer of 1939, Grace Sharp continued her personal crusade. She personally visited Congressman Brooks in Washington D.C. and subsequently reported to Mortimer, “He wishes it returned.” The congressman arranged an appointment for Miss Sharp to see Mr. McCandless, who was drafting the orders for President Roosevelt’s next reorganization plan. For “three quarters of an hour” she argued the merits of returning the mansion to the War Department. She continued to publish articles on its role in restoring Arlington, and never failed to stress the appropriateness of that agency’s “morally superior” claim to the mansion. The absence of tangible results failed to deter Grace Sharp from her tireless crusade. In a singular understatement, she noted blithely, “I refuse to be discouraged.”

While Miss Sharp fought the political battle to have Arlington returned to control of the War Department, Mortimer and his colleagues argued the financial correctness of an interagency transfer. After scrutinizing the provisions that required the reduction of expenses, the elimination of duplication of effort, and the increase of efficiency, the War Department launched its next attack. Colonel Mortimer developed his own formula for calculating the operating expenses before and after the National Park Service assumed responsibility for the mansion. Based on his calculations, the government was spending an additional

\$7289.30 to allow the Park Service to manage the site. War Department officials padded Mortimer's estimates in a memorandum to Congress. Echoing the language from the 1939 Reorganization Act, the memo concluded with the damning statement "six years of administration under the Interior Department has resulted not in any savings or efficiency, but in increased costs, duplication of effort, lack of coordination and dissatisfaction on the part of the public."¹⁶

Ironically, at the same time the War Department was campaigning to expel its competitor from Arlington, a Park Service official agitated for greater control at the mansion. Randle B. Truett, the new Superintendent of Lee Mansion and the Lincoln Museum, sought additional property inside Arlington National Cemetery. In Truett's opinion, inefficiency resulted from the unnecessary presence of the War Department. Truett wrote the Director of his agency to suggest that driveways, parking areas, the gardens, comfort station, potting shed, and all historical records related to the mansion be transferred to the National Park Service. Associate Director John White replied that while some of the areas listed were desirable, "in view of the delicate negotiations involved with the War Department" it would be advisable to try to reach some understanding with Colonel Mortimer. He cautioned that it would be a grave mistake to approach the War Department without first consulting Mortimer. He tactfully suggested that Truett "be a little longer on the job" before tackling such an ambitious agenda, and the plan was shelved at that time.¹⁷

Despite the aggressive campaign launched by the War Department and its allies, Lee Mansion remained in the custody of the National Park Service. As international events began to shape national policy in the United States, less attention was accorded interagency squabbles. War Department officials never lost their emotional tie to the mansion; in August, 1939, former Quartermaster General Bash poignantly observed, "Its return is our dearest ambition." Two years later, when the United States entered World War II, the battle for Arlington lost much of its momentum. The day after the Japanese bombed Pearl Harbor, Colonel Charles Mortimer, the staunchest advocate for War Department control of Arlington, agreed to transfer additional property to the National Park Service. Delayed by wartime concerns, the transfer was finally formalized in 1947, after a last protest from Colonel Williamson, the Officer in Charge of the

Thirty years after Rep. Louis Cramton offered a resolution authorizing the restoration of Lee Mansion, Congress passed legislation that officially dedicated Arlington as a permanent memorial to Robert E. Lee.

cemetery, who “personally believed that the Lee Mansion should be returned to the War Department.” In 1955, thirty years after Representative Louis Cramton offered a resolution authorizing the restoration of the mansion, Congress passed legislation that officially dedicated Arlington as a permanent memorial to Robert E. Lee.

On that Sunday afternoon in 1933, Horace Albright could little have imagined the long and bitter battle that would follow when he proposed adding military sites to the national park system. The War Department proved as unwilling to relinquish Lee Mansion as the National Park Service was determined to acquire it. For years officials from each organization reacted to each other with suspicion and hostility. The acrimony that characterized the long feud for control testified to each department’s profound emotional investment in Arlington. In the end, both the War Department and the National Park Service, each in its own way, sought to adhere to the spirit of stewardship expressed so long ago by Robert E. Lee when he found himself the custodian of Arlington:

You must not think I desire the house to be repaired from any expectation of enjoying it . . . I think it right to improve everything for which we are responsible as far as necessary for its object and within our means. I wish the place to be properly preserved and not either to suffer from or exhibit neglect. It matters not who is benefited by our labours so long as our part is done.¹⁸

Karen B. Kinzey is the historian at Arlington House The Robert E. Lee Memorial. In addition to directing the site’s research program, Ms. Kinzey administers the Applied History Internship Program at Arlington. This article was written as a component of an administrative history of Arlington House.

Endnotes

¹ Horace M. Albright as told to Robert Cahn, *The Birth of the National Park Service* (Salt Lake City: Howe Brothers, 1985) pp. 291-297. National Park Service officials had tried to accomplish the transfer during President Hoover’s administration. Hoover attempted to reorganize the Executive Branch but Congress refused to grant him the authority to do so.

² Albright, *The Birth of the National Park Service*, p. 302. The President also changed the name of the bureau to the Office of National Parks, Buildings, and Reservations. Park Service employees hated the name, none more than Albright. The traditional name was restored some years later. For the purpose of simplicity, the name National Park Service is used for this article. Throughout the 1920s and 1930s, the mansion was referred to as Lee Mansion (as specified in Congressman Louis Cramton’s legislation which authorized the restoration of the home), Arlington, Custis Mansion, and Arlington House. This article makes use of several of those names.

- ³ Telegram from C.G. Mortimer to Quartermaster General John L. DeWitt, August 1, 1933, Date Files, copy in Arlington House The Robert E. Lee Memorial Archives. (The "Date Files" are the chronologically-organized research files compiled by former Arlington House historian Murray Nelligan as he was writing the official site history, *Arlington House The Story of the Robert E. Lee Memorial*.)
- ⁴ Telegram from General William E. Horton to General Louis A. Johnson, August 5, 1933; telegram from General Johnson to General Horton, August 5, 1933; Date Files, copies in Arlington House Archives.
- ⁵ Letter from U.S. Grant III to Brigadier General William E. Horton, June 11, 1934; letter from Colonel Charles G. Mortimer to Mrs. William Russell Magna, April 18, 1934; Date Files, copies in Arlington House Archives.
- ⁶ Letter from J.L. DeWitt to "Dear Sir," October 2, 1933; letter from Arno B. Cammerer to General DeWitt, October 10, 1933; Date Files, copies in Arlington House Archives.
- ⁷ Letter from Harry H. Woodring to "Mr. President," December 27, 1933, Date Files, copy in Arlington House Archives.
- ⁸ Letter from Charles Moore to "My Dear Mr. President," January 25, 1934, Date Files, copy in Arlington House Archives. Ironically, President Roosevelt had originally planned to transfer the Commission of Fine Arts to the National Park Service under Executive Order 6166. Albright was able to have the CFA removed from the order. Moore's claim of historical accuracy was somewhat disingenuous. The War Department and the CFA had "restored" the mansion with rooms that never existed, and in some instances had removed original historic fabric of which they disapproved. For more information, see Karen Kinzey, "Battling for Arlington House, To Lee or not to Lee?" *Arlington Historical Magazine*, Vol. 12, No. 3 (Oct. 2003) pp. 21-30.
- ⁹ Memorandum to the Secretary, January 31, 1934, Date Files, copy in Arlington House Archives.
- ¹⁰ Memorandum from L.H. Bash to The Assistant Secretary of War, October 24, 1935; memorandum from A.W. Brown to Assistant Secretary of War, November 17, 1935; Date Files, copies in Arlington House Archives.
- ¹¹ Memorandum of Conference, January 15, 1936, Date Files, copy in Arlington House Archives.
- ¹² Memorandum from L.H. Bash to Lt. Col. E.M. Watson, January 17, 1936; memorandum from Major General Henry Gibbins to The Judge Advocate General, April 15, 1936; Date Files, copies in Arlington House Archives.
- ¹³ Letter from Grace Marmaduke Sharp to Secretary of the Interior, February 20, 1939, Date Files, copy in Arlington House Archives.
- ¹⁴ Letter from Grace M. Sharp to "My Dear Mr. Brooks," April 29, 1939, Date Files, copy in Arlington House Archives.
- ¹⁵ Letter from Grace M. Sharp to Colonel Mortimer, June 13, 1939, Date Files, copy in Arlington House Archives.
- ¹⁶ Memorandum from C.G. Mortimer to Chief of Memorials Branch, April 27, 1939; Memorandum to the Congress of the United States, 1939; Date Files, copies in Arlington House Archives. According to Mortimer's estimates, the War Department would somehow be able to administer the mansion for less than it had cost in 1933. While he included the entire annual salary of the Park Service Superintendent, he only billed for 2 hours per day of his own time.
- ¹⁷ Memorandum for Mails and Files signed by J.R. White, Acting Associate Director, National Park Service, July 28, 1939, Date Files, copy in Arlington House Archives.
- ¹⁸ Letter from Robert E. Lee to Mrs. Lee, July 9, 1855, Lee Family Papers, Library of Congress, Date Files, copy in Arlington House Archives.