Imprecision in the meaning of the word "wilderness" plagued the wilderness movement during its early decades. Efforts to define wilderness in a practical way—usable in land management—began in the 1920s as the first formal wilderness preservation policies were formulated by Aldo Leopold and the Forest Service, and continued in the 1930s, notably in the work of Bob Marshall, the Forest Service, and a New Deal interagency task force. Wilderness Society and Sierra Club leaders and wilderness conference participants struggled with definitional complexities in the 1940s and 1950s. High-level government panels—a Library of Congress study in 1949 and a major federal commission in 1962—also probed these questions.

The culmination of all this effort was the Wilderness Act itself. As Howard Zahniser, executive director of The Wilderness Society, drafted the bill in the spring of 1956 that became the Wilderness Act of 1964, he was well aware of the complexities in usage of the word "wilderness" in post–World War II America. He had spelled out the problems in a masterful memorandum submitted to the Library of Congress as a contribution to its 1949 study of wilderness preservation issues:

It is not surprising that the use of the same word "wilderness" both as a description and as a designation should result in some confusion, when it is realized that cultural values have only comparatively recently been placed on the quality of wilderness and that attempts to apply this sense of values to practical land management is much more recent. The terminology of both the philosophy and the land-management technic [sic] is still formative. It is still necessary to be aware of context in using precisely the vocabulary of the movement. It is not yet feasible to insist on limited usage of the term "wilderness," nor is it expedient to restrict one's own use of the word.

Zahniser himself led the way in resolving this long-standing confusion about the word's definition: it was successful advocacy of the Wilderness Act that finally made it "feasible to insist on limited usage of the term" wilderness, because the act established a statutory definition and mandated its use by the four federal agencies that administer wilderness areas.

Designation and stewardship of wilderness
The Wilderness Act definition is an important guide as citizens, agencies, and Congress consider which lands to designate as wilderness. Yet even an act of Congress is not immune
bristlecone pine, Lost Creek Wilderness Area, Colorado, scratchboard by Evan Cantor
from misinterpretations by federal agencies that can lead to application of the word in ways informed neither by ecology nor by the original intent of the statute itself. Thus, it remains important for wilderness advocates and Congress to step in, as has often been necessary over the 37 years since the enactment of the law, to correct the agencies when they stray into misinterpretations. These misinterpretations—still too often voiced by local spokespeople of the agencies—can mislead the public into believing that the definition sets criteria stricter and more limiting than the act actually allows. As Congress has repeatedly asserted in a long line of precedents, the act’s definition accommodates protection for significant expanses of wild land with various histories of past use.\(^3\)

The definition in the Wilderness Act, correctly understood, also guides the stewardship of wilderness areas once designated. Whatever the differences in the other statutory mandates of the four federal land management agencies, once wilderness areas are designated the overriding mandate in the Wilderness Act is that each shall preserve the “wilderness character” of the areas. This command appears in both the declaration of congressional purpose in subsection 2(a) of the act, and in the management direction in subsection 4(b). In 1983 the Committee on Interior and Insular Affairs of the House of Representatives reemphasized this mandate, noting that: “The overriding principle guiding management of all wilderness areas, regardless of which agency administers them, is the Wilderness Act (section 4(b)) mandate to preserve their wilderness character.”\(^4\) In issues of wilderness management, too, Congress and wilderness advocates must remain vigilant against misinterpretations that would frustrate the goal of preserving an enduring resource of wilderness.

But what is the essence of the wilderness character the agencies “shall” protect? Where in the act do managers look to understand the goal for their stewardship?

The framers of the Wilderness Act intended that the first sentence of subsection 2(c) establish the meaning of “wilderness character”:

A wilderness, in contrast with those areas where man and his works dominate the landscape, is hereby recognized as an area where the earth and its community of life are untrammeled by man, where man himself is a visitor who does not remain.\(^5\)

These words animate the act’s wilderness concept. Without this definition, the subsection 4(b) mandate to preserve “the wilderness character of the area” would be cast adrift, left floating without clear and practical meaning on which administrators can base stewardship decisions.

At the heart of this goal for wilderness stewardship is the word untrammeled. No other word in the Wilderness Act is as misunderstood, both as to its meaning and its function in the law. The Oxford English Dictionary traces trammel to Latin and eleventh-century Old French roots meaning a kind of net used to catch fish or birds. Current dictionary descriptions of the word untrammeled include “unrestrained,” “unrestricted,” “unimpeached,” “unencumbered,” “unconfined,” “unlimited.” At the command of the Wilderness Act, we preserve wilderness character—by definition—by leaving “the earth and its community of life untrammeled by man.”

Too often, this word has been misread as untrampled, or misinterpreted as some synonymous variation of untrampled, with the erroneous connotation that it describes the present physical or ecological condition of the land or its past land-use history. The word was frequently misused in this way in disputes over designation of particular lands as wilderness in the years immediately after the Wilderness Act became law.

In the most blatant case, in the late 1960s, the Forest Service fostered a “purity” concept that distorted the intent of the Wilderness Act, perverted its definition, and threatened—had it become accepted—to circumscribe the extent of lands deemed qualified for designation.

The Forest Service’s fundamental misunderstanding—intentional or not—began at the highest levels, exemplified in 1968 Senate testimony of Chief Edward P. Cliff on the proposed Mount Jefferson Wilderness in Oregon. Citizen groups advocated that Congress override the agency’s recommendation to exclude Marion Lake and its surroundings, which would have left a deep indentation in the western boundary of the narrow wilderness area. Chief Cliff resisted, pointing to growing public use of the area:

> It is not an untrammled area. It is heavily trammled, and we need to get in there and provide sanitation facilities, and water and fire grills, and other recreational improvements, to accommodate the use that is already being made there, and to protect the resources of the area.\(^6\)

Contrary to Cliff’s statement, an “area” cannot be “trammelled” in the sense he sought to convey. The act applies the word untrammeled not to an “area” or its present condition, but to “the earth and its community of life,” that is, to the forces of Nature. Both the formal legislative history of the Wilderness Act (in the limited sense a judge or legal scholar
would use) and the history of Zahniser’s word choices as its draftsman provide clear guidance on the intended meaning of the word untrammeled and its function in the act’s carefully designed structure. The congressional champions of the act, abetted virtually every step of the way by Zahniser, went to great pains through eight years of hearings, debates, and committee reports to make their intent clear. Looking back, the leading Senate opponent of the act, Senator Gordon Allott (R-CO) confirmed: “... there is not a word in the Wilderness Act which [was] not scanned, perused, studied and discussed by the committee. Perhaps there is no other act that was scanned and perused and discussed as thoroughly as every sentence in the Wilderness Act.”

The ideal of wilderness for the future of wilderness

As the draftsman, Zahniser was careful to avoid having the ideal definition of wilderness focus on the present physical or ecological condition of an area of land, or its land-use history. He chose untrammeled as the uniquely best word to express a forward-looking perspective about the future of land and ecosystems: once designated, wilderness is to be allowed to express its own will—with the forces of nature untrammeled into the future.

This is just how Congress has applied the definition. For example, during the controversy in the early 1970s over whether once-disturbed areas on national forests in the East could be designated under the Wilderness Act definition, Senator James L. Buckley (R-NY), a member of the Senate Interior Committee, expressed a view consistent with Zahniser’s:

Of course, we begin from the ideal, just as the Wilderness Act does. But, if we are to have a national system of wilderness areas, as the drafters of the Wilderness Act obviously intended, less than pristine standards would be necessary for practical application. As a basis for public policy I believe it would be a mistake to assume that the Wilderness Act can have no application to once-disturbed areas.

Zahniser’s precision in choosing the word untrammeled is well documented. As he worked with congressional staff to refine the Wilderness Bill for reintroduction in 1959, several conservation colleagues urged him to drop the word. One asserted that this word was “hackneyed, relatively meaningless.” A notion commented that untrammeled was a “remnant negative now never used in its positive sense,” and that a word in current usage should be substituted—he suggested the word undisturbed.

To these entreaties, Zahniser replied that he had chosen the word untrammeled, when drafting the bill in the spring of 1956, only after “dissatisfaction with almost every other word that had been suggested,” and that he selected it as “a word that fitted our need both as to denotation and connotation.” He explained why the word undisturbed did not express his intent:

The problem with the word “Disturbed” (that is, “Undisturbed”) is that most of these areas can be considered as disturbed by the human usages for which many of them are being preserved; that is, temporarily disturbed. The idea within the word “Untrammeled” of their not being subjected to human controls and manipulations that hamper the full play of natural forces is the distinctive one that seems to make this word the most suitable one for its purpose within the Wilderness Bill.

A close confidant of Zahniser’s on these questions was Harvey Broome, a founder of The Wilderness Society and an attorney. In a 1966 letter, Broome recalled that:

Zahnie and I had this matter up about five years ago when the Forest Service was proposing a heavily [logged-over and] burned-over area in North Carolina as part of the Shining Rock wilderness area. We concluded that under the definition in the Bill, as then drafted, there was no conflict provided turned over and mechanical and other uses were prohibited. Congress apparently accepted the same understanding since the Shining Rock Wild Area was incorporated in the wilderness system....

Distinguishing the ideal and practical definitions

The context in which untrammeled is used in the Wilderness Act is all-important, for it circumscribes how Congress intended the word (and the entire sentence) to function in the structure of the act. The word appears in the first of two sentences in subsection (c) of the act. Congress (and Zahniser) intended each sentence to have a distinct definitional purpose—the first states the ideal while the second is the more practical characterization. Yet, intentionally or not, the Forest Service initially acted as if there were no such distinction.

In its written response to questions raised during the 1967 Senate hearing on the proposed San Rafael Wilderness—the first area added to the wilderness system after enactment of the Wilderness Act—the Forest Service asserted that:

the law describes wilderness, in part, as “... an area where the earth and its community of life are untrammeled by man...” which is “... managed so as to preserve its natural conditions and which (1) generally appears to have been affected primarily by the forces of nature...” [ellipses in original]
Compare this assertion of how the law describes wilderness with the actual words and punctuation of subsection 2(c) of the act and the sleight of hand becomes obvious; they mashed into one the two distinct sentences Congress deliberately separated in order to serve two different functions.

Commenting on the two-part structure of the definitions during the final Senate hearing in 1963, Zahniser noted that:

In this definition the first sentence is definitive of the meaning of the concept of wilderness, its essence, its essential nature—a definition that makes plain the character of lands with which the bill deals, the ideal. The second sentence is descriptive of the areas to which this definition applies—a listing of the specifications of wilderness areas; it sets forth the distinguishing features of areas that have the character of wilderness.... The first sentence defines the character of wilderness, the second describes the characteristics of an area of wilderness.18

We need not rely solely on Zahniser’s expression of intent, for the formal legislative history repeatedly emphasizes Congress’s intention to distinguish between two very distinct functions for the two sentences in subsection 2(c).

The first of these sentences originated in the Wilderness Bill introduced in the Senate on June 7, 1956.19 Slight word changes were made elsewhere in that sentence, but the clause embracing the word untrammeled did not change over the ensuing eight years. However, changes were made to the structure of the subsection around it, and these further clarified the function Zahniser and the sponsors intended from the outset.

What Congress intended in the definition of wilderness

When he introduced the original Wilderness Bill, Senator Hubert Humphrey (D-MN) included a detailed section-by-section interpretation of the bill in his introductory speech. He stated: “The opening section defines the term ‘wilderness’ both in the abstract and as used specifically in this bill....”20

In 1960 Senator James Murray (D-MT) reintroduced a refined version of the Wilderness Bill intended “to clarify and revise the measure” on the basis of earlier hearings, agency comments, and committee discussions.21 As the new lead sponsor and as chairman of the Senate committee handling the bill, his explanation is the authoritative expression of legislative intent, includ-

Whatever level of ecological “purity” characterizes portions of an area when it is designated, each is to be managed thenceforth toward the wilderness ideal.
ing why he added what became the second sentence in the sub-
section enacted four years later. Murray explained to the Senate: 
“The added detail in the definition of wilderness is in response to 
requests for additional and more concrete details in defining areas 
of wilderness.” The new second sentence Murray added was:

An area of wilderness is further defined to mean in this Act 
an area of undeveloped Federal land without permanent 
 improvements or human habitation which is protected and 
and managed so as to preserve its natural conditions and which 
(1) generally appears to have been affected primarily by the 
forces of nature, with the imprint of man’s work substantially 
unnoticeable; (2) has outstanding opportunities for soli-
tude or a rugged, primitive, and unconfined type of outdoor 
recreation; (3) is of sufficient size as to make practicable its 
preservation and use in an unimpaired condition, and (4) may 
also contain ecological, geological, archeological, or other fea-
tures of scientific, educational, scenic, or historical value.22

As distinct from the abstract, ideal definition, this second 
sentence defines what Jay Hughes called “institutional 
wilderness”—specific areas of land that “society has called 
‘wilderness’ in terms of definitely bounded, named, managed, 
and legally identifiable tracts of public land.”23 The bill’s con-
gressional sponsors repeatedly emphasized that the two sen-
tences serve two distinct functions.

In 1961, Senator Clinton P. Anderson (D-NM) succeed-
ed Murray as chairman of the Senate committee and lead 
sponsor of the Wilderness Bill. In opening hearings that year, 
he explained his interpretation in a detailed section-by-sen-
tion analysis:

Section 2(b) contains two definitions of wilderness.25 The first 
sentence is a definition of pure wilderness areas, where “the 
earth and its community of life are untrammeled by man....” 
It states the ideal.

The second sentence defines the meaning or nature of an 
area of wilderness as used in the proposed act: A substantial 
area retaining its primate character, without permanent 
 improvements, which is to be protected and managed so 
man’s works are “substantially unnoticeable.”

The second of these definitions of the term, giving the meaning 
used in the Act, is somewhat less “severe” or “pure” than the first.26

The Senate passed the Wilderness Bill twice, in 1961 and 
in the following Congress, in 1963. On both occasions, the 
formal reports of the Committee on Interior and Insular 
Affairs27 included a section-by-section analysis, which noted 
the nature of the two-part definition:

Section 2(b) defines wilderness in two ways: First, in an ideal 
concept of wilderness areas where the natural community of 
life is untrammeled by man, who visits but does not remain, 
and second, as it is to be considered for the purposes of the 
act: areas where man’s work is substantially unnoticeable, 
where there is outstanding opportunity for solitude or a 
primitive or unconfined type of recreation, which are of ade-
quate size to make practicable preservation as wilderness, and 
which may have ecological, geological, or other scientific, 
educational, scenic, and historical values.28

Representative John P. Saylor (R-PA) was the original 
sponsor and leading champion of the Wilderness Act in the 
House of Representatives. He explained the distinction 
between the two definitional sentences in his analysis as he 
introduced a refined version of the Wilderness Bill on 
November 7, 1963:

Section 2(b) defines wilderness in three sentences.29 The first 
states the nature of wilderness in an ideal concept of areas 
where the natural community of life is untrammeled by man, 
who visits but does not remain. The second sentence 
describes an area of wilderness as it is to be considered for the 
purposes of the act—areas where man’s works are substan-
tially unnoticeable....30

As traced here, every one of the lead sponsors of the 
Wilderness Act explicitly intended the first sentence of sub-
section 2(c) to express the “abstract” (Humphrey) or “ideal” 
(Anderson, Saylor), distinct from the “more concrete details in 
defining areas of wilderness” (Murray) which are spelled out 
in the second sentence.

As Zahniser had noted in 1949, it was important to rec-
ognize that the same word “wilderness” is used both as a 
description and as a designation. The two-part definition in 
the Wilderness Act follows that distinction. Of course, the dis-
tinction between an ideal definition and a less-than-ideal set of 
details for practical implementation was and is common.31

The non-degradation principle in wilderness stewardship

Given the precise word choices and the care taken in struc-
turing the two-sentence definition in the Wilderness Act, it is 
beyond dispute that:

Designation questions of whether a specific area of land 
meets the definition of wilderness in the Act are not about 
whether that land is “untrammeled” (or untrampled). The word untrammeled, which applies once an area is des-
ignated, appears only in the “pure,” “ideal” definition that serves a quite different function in the act. For its part, the Forest Service correctly defines untrammeled in the current version of the Forest Service Manual. The only criteria for designation of an area is the “somewhat less ‘severe’ or ‘pure’” (Anderson) defining details set forth in the second, non-ideal definition “for the purposes of the act.” A number of very clear qualifiers—“generally appears to have been affected primarily by the forces of nature, with the imprint of man’s work substantially unnoticeable”—provide practical, workable criteria for entry of areas into the National Wilderness Preservation System. This is how Congress intended and has consistently applied the Wilderness Act, and it is how a federal judge read it as well, in one of the few cases where these issues arose.

The ideal definition has an equally important, but different function; it is not mere congressional poetry, for the canons of statutory interpretation forbid such an interpretation. The function of this sentence—with its careful use of the word untrammeled—is to define the “ideal” (Anderson), the “essence” (Zahniser) of the wilderness character it is the duty of conservationists and land managers to protect.

There is a supreme logic to this careful structure of the two definitions. Applying the practical criteria of the second sentence in subsection 2(c), the 1964 act itself designated numerous areas with a fading history of the “imprint of man’s work,” and many others have been designated in subsequent acts of Congress. But, however less-than-pure such areas may have been when designated, once designated, the command of the act is to preserve the “wilderness character” of each area, restraining human influences in order that the earth and its community of life are untrammeled by man.

This is, at its heart, a non-degradation principle. Just as the non-degradation principle in the Clean Air Act does not allow polluting purer air down to minimum-level, health-based, air quality standards, but requires that areas of pristine air quality be protected, so the acceptance of past human imprints and disturbances in some lands being designated as wilderness does not mean such imprints and disturbances may therefore be allowed to invade other, wilder wilderness lands already designated. Whatever level of ecological “purity” characterizes portions of an area when it is designated, each is to be managed henceforth toward the wilderness ideal.

Zahniser was adamant that “management” of the ecosystem in each wilderness area should occur almost entirely by restraint on human influences from its boundaries, rather than by manipulation within. He gave us his admonition about wilderness management in the epigrammatic title he chose for an editorial in The Living Wilderness in 1963: “Guardians Not Gardeners.” The guardian philosophy, he wrote, is one of “protecting areas at their boundaries and trying to let natural forces operate within the wilderness untrammeled by man.”

A federal judge, writing in 1975, echoed Zahniser’s analogy: “Nature may not always be as beautiful as a garden but producing gardens is not the aim of the Wilderness Act.”

By stating the ideal of “pure wilderness,” its “essential nature,” Zahniser’s ringing first sentence of subsection 2(c) breathes ecological life into the phrase “wilderness character.” He and the Congress thus set the goal toward which our stewardship of wilderness areas is to strive. To free Nature within these special places, as best we can, from the fetters and trammels of man’s influence, so that wilderness may be—through our own self-restraint—areas “where the earth and its community of life are untrammeled by man.”

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NOTES


1957-1969. Zahniser returned to this point during discussions at the Sierra Club's 2nd Biennial Wilderness Conference in 1951. "Howard Zahniser thought the use of the same word, 'wilderness,' for both recreational and land-management problems (which are not the same) must be confusing; but even if we are not yet ready to restrict ourselves with too strict a definition, we must not lose sight of the necessity of preserving prairieland environment, freedom from mechanization, a sense of remoteness, and those characteristics that impress visitors with their relationship to nature." Sierra Club, 1964, Summaries of the "Proceedings of the First Five Biennial Wilderness Conferences," in Wildlands in our Civilization (San Francisco: Sierra Club), 144.

3. The legislative history and precedents relating to designation criteria for wilderness are reviewed in my article, 2001, Congress's practical criteria for designating wilderness, Wild Earth 11(1): 28-32. A series of Pew Wilderness Center Briefing Papers provides detail on legislative history and precedents for many topics involved in wilderness designation and management; see www.pewwildernesscenter.org. I welcome inquiries about issues and precedents not yet covered in this series, as well as suggestions of precedents I may have missed. 4. Now renamed the Committee on Resources.


7. Webster's 1913 unabridged dictionary defines trammeled as "Not hampered or impeded; free." The transitive verb form derives from the noun antonym, "trammel." The online dictionary Wordsmyth provides considerable additional detail. Here is a condensation of the full Wordsmyth entry found at www.wordsmyth.net.

TRAMMEL: Part of Speech noun. Definition 1. (usu. pl.) a restraint or impediment to freedom. Definition 2. a restraint or impediment on a horse's feet to teach it to amble; fetter.

Definition 3. a device used to gauge and adjust the alignment of machinery parts; tram.

Definition 4. a net for catching fish or wild birds. Part of Speech transitive verb Inflected Forms trammeled, trammed, tramming, trammsed. Definition 1. to impede, restrict, or confine; hobble. Definition 2. to enmesh with, or as if with, a net. Related Words trammeled or impeded; free. Related Phrases trammeled, trammel.


10. U.S. Senate, 1956, Subsection 1(c) of S. 4013, 84th Congress, 2nd Session.

11. Sen. Hubert Humphrey, 1956, Wilderness preservation, Congressional Record, June 7. The cited version is from page four of a booklet reprint of Senator Humphrey's speech and the text of the bill, which was printed for widespread distribution by H. Humphrey and The Wilderness Society.


14. This is the second sentence of subsection 1(d) of Murray's bill, S. 3809; it became subsection 2(c) of the final act. This wording was somewhat modified between 1960 and enactment of the act in 1964, but not in any material way. Congressional Record, 1960, July 2: 14455.


16. This became subsection 2(c) of the act.


18. Now renamed Committee on Energy and Natural Resources.


20. Rep. John P. Saylor, 1963, Congressional Record, November 7: 20354. Saylor's remarks came as he introduced H. R. 9070, the version of the Wilderness Bill that became the vehicle for House passage of the act the following summer.

21. For example, "all men are created equal," says the ideal in our Declaration of Independence, leaving the less-than-ideal details—no equality for women, no protection for slaves—to be worked out under U.S. Constitution.

22. The Forest Service Manual provisions on wilderness management define trammeled: "In the context of the Wilderness Act, an trammeled area is where human influence does not impede the free play of natural forces or interfere with natural processes in the ecosystem." Forest Service Manual 2320.5(2). For this and the entire manual chapter concerning wilderness management, see www.wilderness.net/nwpolicy/cyfs_manual_policy.cfm.

23. Parker v. United States, 1970, 309 F.Supp. 593, U.S. District Court for the District of Colorado, Memorandum Opinion and Order, February 27. This is the "East Mardow Creek" decision that assured protection of roadless lands contiguous to national forest "primitive areas" until Congress completed the review of each of those areas as required by the Wilderness Act.

24. It is, of course, a cardinal rule of statutory construction that effect should be given to every provision of a statute." Court of Appeals for the 10th Circuit, 448 F.2d 797.

25. The "prevention of significant deterioration of air quality" (PSD) provisions of the Clean Air Act prevent clean air emissions from being polluted to the worst levels allowed by the health-based National Ambient Air Quality Standards. 42 U.S.C. Vol. 42, secs. 7401-7421 (Part C, Title I).


27. Minnesota Public Interest Research Group v. Butz, 1975, 401 F.Supp. 1276, esp. 1331, U.S. District Court for the District of Minnesota, Memorandum and Order, August 13. This is one of several court opinions concerning logging in the Boundary Waters Canoe Area.