

Testimony of Congressman Denny Rehberg (MT-AL)
House Subcommittee on National Parks, Forests and Public Lands
Legislative Hearing on Bills to Prohibit New, Unilateral National
Monument Designations
September 13, 2011

Chairman Bishop, members of the subcommittee, thank you for inviting me to testify here on behalf of my legislation – the Montana Land Sovereignty Act.

You know, I'm reminded of a Greek myth about a guy named Damocles who's forced to sit on the king's chair beneath a huge sword. The sword hangs from its handle above his head by a single hair of a horse's tail. Damocles is constantly aware of the sword's presence. He's miserable.

For Montanans, the Antiquities Act is something like the sword of Damocles. Like the myth, we must cope with a constant knowledge that, one day, we could wake up to find that with the stroke of a pen, the President declared their back yard a National Monument.

For us, it's no myth. In the eleventh hour of the outgoing Clinton Administration, the Antiquities Act was used – some say abused – to create the Upper Missouri River Breaks National Monument, despite strong opposition across the state.

The Montana Land Sovereignty Act isn't about stopping new National Monuments. It's simply about making sure that the American public has a voice in the process.

We were left out in 2001. Ten years later, history is repeating itself.

By now, you've heard about the "NOT FOR RELEASE" Department of the Interior memo that recommends millions of acres for new National Monuments, including 2.5 million acres in Montana.

While the Department of Interior has downplayed the memo, the Associated Press wrote that "The e-mails show detailed discussions that went into brainstorming" for the plan. The Great Falls Tribune read the documents and concluded that, "the rumors started at the top levels of Interior Department agencies."

And all of this happened in secret. The only reason we found out was because the documents were leaked. We got lucky this time. We had time to weigh in, and the opposition to the plan is clear at the town hall meetings I hosted and on billboards, bumper stickers and road signs

across the state. But for all that opposition, the President could still act on those secret plans at any time. That's just wrong.

When we go back and look at the original House and Senate Reports from 1906, the debate was about archeology and protecting Native American ruins from looters. When it passed, this bill's strongest support came from the Archaeological Institute of America, the American Anthropological Association and the Smithsonian Institution.

The Antiquities Act was never meant to circumvent Congress and designate huge parcels of land as National Monuments. In fact, this question was directly considered during the debate. On June 5, 1906, Mr. Stephens of Texas asked on the House floor if the Antiquities Act could be used to tie up large parcels of land, the bills' sponsor assures him: "Certainly not. The object is entirely different. It is to preserve these old objects of special interest and the Indian remains in the pueblos in the Southwest."

Mr. Chairman, members of the subcommittee. I didn't introduce the Montana Land Sovereignty Act to undermine the intent of the Antiquities Act. On the contrary, my legislation restores this valuable law to its original intention: the preservation of American antiquities.

But the Montana Land Sovereignty Act is also about protecting the American people from the unchecked, unaccountable expansion of Antiquities Act power.

Consider this: In one of the leaked memos, the BLM recommends using the Antiquities Act to designate Monuments, "should the legislative process not prove fruitful." In other words, if the people say no, unelected bureaucrats will do it anyway.

But in the states of Wyoming and Alaska, Presidential designations of large National Monuments must be ratified by Congress. For those states, BLM lays out a different policy recommendation: "The BLM also recommends that the Administration begin a dialogue with Congress to encourage the conservation of these areas."

That's the approach Montanans deserve: dialogue instead of top-down federal mandates. Under current law, Congress must approve any National Monument designation in Wyoming and in parts of Alaska. My common-sense bill simply establishes the same requirement of congressional approval for new National Monuments in Montana.

With your support in this committee, we can restore the Antiquities Act to its intended purpose. More importantly, we can restore the power to govern in this country to the people. That's where it belongs.