

Statement of Congressman Denis Rehberg

Mr. Chairman, we are here today to debate an issue as old as our Republic. In fact, the issues before us deal very much with the same concerns that led our founding fathers to declare their independence from an overbearing monarchy almost three hundred years ago.

In the late night hours of January 17th, 2001, President Clinton and Interior Secretary Bruce Babbitt created the Upper Missouri River Breaks National Monument -- encompassing nearly 400,000 acres of federally owned land.

With less than ninety hours remaining in his Presidency, the Administration did not consult with the Congressional Delegation, the Governor or the private property landowners whom the act would directly affect. In fact, Mr. Chairman, landowners still have yet to be formally notified by the U.S. government that they are inside the boundary -- almost a year and a half after the proclamation.

In the rush to complete the executive order, more than 80,000 acres of private property were included within the boundaries of the new Monument. Ranchers and farmers that have worked the same land for generations awoke to find their family farms scooped up inside the boundary of an enormous new federal monument.

Let there be no mistake Mr. Chairman, the federal government's decision to include more than 80,000 acres of private land in the Monument's boundary sends one clear and unmistakable message to the families involved: "Washington Wants Your Land".

The Antiquities Act of 1906 states that lands included in a monument, quote, "shall be confined to the smallest area compatible with the proper care and management of the object to be protected..." This provision of the Antiquities Act was deliberately ignored in the case of this Monument. As you can clearly see from the map at the front of the room, -- private property is indicated by the fluorescent pink color -- private property was included not for proper care and management of the Monument, but for future acquisition and inclusion in the Monument. Officials at the BLM have stated as much publicly.

My point in bringing this to the Committee's attention is that it indicates the blatant abuse of the Antiquities Act that the inclusion of more than 80,000 acres of private property represents. And, frankly, it ultimately brings into question the legality of the Monument. But my point in coming before the Committee today and introducing this legislation is not to question the legality of the Monument. I support the Monument. Rather, I am here to represent the landowners in my state who wish to be taken out of its boundaries. These landowners have asked me, their Representative, to stand up and defend their private property rights, and today I am heeding their call for action in much the same spirit as Nobel Laureate August Von Hayek spoke almost sixty years ago to the day. On the eve of the final collapse of the German government in World War II, Mr. Von Hayek reminded future generations that: "private property is the most important guarantee of freedom, not only for those who own property, but for those that do not."

Mr. Chairman, my legislation has only one affect and it is a desired outcome that rightly heeds the warnings of the past by safeguarding our rights for the future. H.R. 4822 respects the private property rights of fourth and fifth generation ranchers and farmers who have appealed to my office to remove their lands from the Monument boundary. The legislation before the Committee today does not change the size of the federal Monument one square inch - nor does it limit the amount of land accessible to the public. My bill would simply remove private property from within the boundary of the Monument.

As various lobbying organizations from Washington, D.C. and Montana have geared up for the debate over this legislation, one fact seems to have been tossed aside in the stampede to ignore the rights of those affected: none of the folks opposed to my legislation are personally impacted by the Monument boundary. In fact, the minority witness we will hear from today lives outside the Monument boundary. As H.R. 4822 does not alter the size of the Federal Monument by one square inch, the minority testimony is not only irrelevant, it is a direct affront to the private property rights of those within the boundary pleading for this Congress to act.

Mr. Chairman, H.R. 4822 has the unanimous support of locally elected county commissioners representing the Upper Missouri River Breaks National Monument. H.R. 4822 has the strong support of Governor Martz. The largest daily newspaper in the region, the Great Falls Tribune, long an advocate for the Monument, editorialized this past week in support of my legislation. Quoting now from the editorial: "In addition to a clear map they can hold up when a tourist wanders onto their land, what the landowners are seeking is anything that might give them more leverage down the road in the event the larger public interest doesn't square with their own... We don't see much of a downside to that, the original framers of the Monument shouldn't either."

Most importantly Mr. Chairman, this legislation has the strong support of the private landowners who are actually affected. In the end, that should be all that matters to this Committee and the Congress.

H.R. 4822 will keep the entire Monument intact, allow for complete public access and uphold the Constitutionally guaranteed private property rights of the landowners upon whose behalf I stand today.

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