



Valley of the Gods, Bears Ears National Monument,
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As several colleagues and I [noted](#) here recently, President Trump recently issued an [executive order](#) that will result in “review” of national monuments created since 1996. (The Antiquities Act grants Presidents the authority to reserve federal lands as national monuments, protecting them from much new resource extraction and development that would otherwise potentially be available on those lands.) As we [explained](#), the Antiquities Act doesn’t give Presidents the legal authority to abolish or downsize monuments established by previous Presidents, so Trump would likely lose in court if he attempts to do so. But the policy and political dimensions of monument designation remain important, regardless of the legal issues. One ascendant issue is the legitimacy of recent designations of large monuments in Utah and other states in light of the history of monument designations. While many politicians on the political right think the recent actions are inappropriate, a careful look at the early history of our national monuments shows that they’re wrong.

Some politicians and some residents of the American west believe that designation of monuments, which generally limits future rights to extract resources such as minerals and timber from our public lands, cuts against local values that elevate use of lands for economic benefit. They believe that revisiting the scope or designation of monuments is a good idea; in their view, recent Presidents have been misapplying the [Antiquities Act](#) by designating monuments outside the scope of what would generally have been accepted in prior decades. Leaders in the Republican Party and others on the political right are praising the prospect of Presidential review and attacking the scope of recent monument designations. Many of them say that monuments used to be more carefully designated and

tailored, and that recent designations deviate from longstanding practice. But these Republican leaders are either ignorant of, or selectively recalling, the history of the use of the Act. In fact, Presidents have designated enormous monuments, covering sweeping areas that include natural as well as cultural sites, since the Act's inception in 1906. And among the the Presidents who did this in the first decades after the Act became law were the archetypal Republicans of their time, representing various wings of the Republican Party in that era: Teddy Roosevelt, Calvin Coolidge, and Herbert Hoover.

Critics who attack recent monument designations as improper have included prominent political “conservatives” or libertarians, including Sen. [Orrin Hatch](#) of Utah and pundits in [National Review](#). Their basic critique relies on the idea that recent Presidents—Obama and Clinton in particular— have gone far beyond what anyone would have imagined or intended in the early years of the Antiquities Act. Sen. Hatch's critique is representative of this view:

The Antiquities Act was designed to preserve our nation's rich cultural heritage by giving presidents limited authority to place small sections of land under federal control to protect archaeological sites from looting and defacement. The Antiquities Act was a well-intentioned response to a serious problem. But in the last two decades, presidents have exploited this law in the extreme, using it as pretext to enact some of the most egregious land grabs in our nation's history.

The Trump administration evidently takes the same stance. Secretary of Interior Ryan Zinke expressed a similar opinion in a [media release](#) that cited local concern and opposition to monuments, and claimed that

Since the 1900s, when the Act was first used, the average size of national monuments exploded from an average of 422 acres per monument. Now it's not uncommon for a monument to be more than a million acres.

As Sen. Hatch noted, before [President Theodore Roosevelt](#) signed the Antiquities Act in 1906, much of the conversation that led up to the passage of the Act revolved around concern about looting of Native American sacred sites and other locations with physical manifestations of Native American culture (which were at that time often framed as archaeological sites or historical curiosities). Hatch and others also point to language in the Act that calls for monuments to consist of the “smallest area necessary” to protect the resource. They specifically cite as inappropriate the recent designation of the 1.35-million

acre [Bears Ears National Monument](#), which National Review calls “astounding” in its scope.

But the idea that large monument designations are new or inappropriate is, much like other current right-wing narratives about the [Environmental Protection Agency](#) and other federal agencies, a false story based on false history. Bears Ears contains tens of thousands of culturally and archaeologically significant sites. In this case, as in others, preserving a large area of land [is warranted](#) in order to adequately protect unique ecological and cultural resources. Beyond that, the history of the Act’s application, and the history of court decisions interpreting the Act, demonstrate that since the Act’s enactment, Presidents have lawfully designated large monuments to protect landscapes, ecosystems, and natural features as well as culturally important sites.

I haven’t done the math to fact-check the claim by Secretary Zinke that “since the 1900s, when the Act was first used, the average size of national monuments exploded from an average of 422 acres per monument.” The claim is written so ambiguously that it may mean any number of things. But any cursory look at the history of monument designations reveals that this claim, and similar claims by Sen. Hatch and others, are false or extraordinarily misleading.

In fact, the Antiquities Act has been used to protect enormous areas of land since 1908, when President Roosevelt designated the 818,000-acre [Grand Canyon National Monument](#). He also designated the 615,000-acre [Mount Olympus National Monument](#) in 1909, and the 60,000-acre [Petrified Forest National Monument](#) in 1906, within a few months of the passage of the Act.

A century ago, this issue transcended politics. Not only was Republican President Teddy Roosevelt the driving force behind preservation of public lands through the Antiquities Act and other means, but other Presidents of quite conservative political views continued these efforts. President [Calvin Coolidge](#), who the [Heritage Foundation](#) has called the “forefather of modern American conservatism,” designated the original [Glacier Bay National Monument](#) in Alaska in 1925. It was over a million acres in size. This was followed by the designation, by Republican President Herbert Hoover, of the [original Death Valley National Monument, at 1.6 million acres](#). Each of these designations has left a legacy of preservation to the present day—even more so since each was followed up, eventually, by Congressional designation as a national park, and each of these parks is among the jewels of our national park system.

Moreover, it was almost one hundred years ago that courts first upheld broad Presidential

authority to designate large monuments. The U.S. Supreme Court in 1920—hardly a “liberal” court—confirmed the appropriateness of the 800,000 acre Grand Canyon monument designation in [Cameron v. United States](#), and courts since then have consistently upheld Presidential authority. There is nothing novel or surprising about the practice of President Obama and other recent Presidents.

These examples make clear that neither the views of progressives or of federal courts about our public lands, nor presidential practices in designating monuments, have changed dramatically over the century since the Antiquities Act passed; rather, “conservative” views have changed significantly. Right-wing pundits, lawyers, and politicians are making up a story about what “conservative” core values used to be. Teddy Roosevelt still seems to be a hero among many on the political right today, including Secretary Zinke (as noted in an [astute editorial](#) published in the New York Times today). But their policy proposals, and the values they embody, are at odds with many of the principles he stood for, evidenced by the discrepancy between his evidently expansive view a hundred years ago of what was appropriate for monument designation and their very cramped view today.

The idea that [Bears Ears](#), at 1.35 million acres, is “astounding” or inappropriate is absurd in light of the designation of the original, century-old Death Valley, Glacier Bay, and Grand Canyon national monuments, at approximately 1.6 million, one million, and 800,000 acres respectively. More broadly, the idea that recent monument designations are any different in scope, intention, or appropriateness from the norms prevalent a hundred years ago is just false. While right-wing politicians and pundits claim the mantle of conservatism regarding our public lands and decry what they characterize as the perversion of our public land laws by progressives, their rhetoric is hollow and based on fake history.

[This post has been revised slightly to add some new material about large monument designations and to correct some minor errors.]