About a month ago, President Trump floated the idea of reopening the federal prison at Alcatraz. The prison has been closed for decades, and it is now part of the Golden Gate National Recreation Area, managed by the National Park Service, and a major tourist attraction.

While a lot of the press coverage focused on the cost and practical feasibility of Trump's proposal, I want to highlight a legal barrier. As part of the Golden Gate National Recreational Area, Alcatraz is part of the National Park System. And that status imposes some pretty sharp limitations on what can be done at Alcatraz.

Golden Gate National Recreation Area was created – as all national parks are – by an act of Congress in 1972. The law requires that the Interior Department (which the Park Service is part of) "shall preserve the recreation area, as far as possible, in its natural setting, and protect it from development and uses which would destroy the scenic beauty and natural character of the area." Of course, Alcatraz Island is pretty developed, but converting the island back into a prison could be interpreted as "development" that is prohibited under the law.

As a component of the National Park System (and as part of the original act creating the park), Alcatraz must be managed consistent with the Park Service Organic Act, which requires that national parks be managed "by means and measures that conform to the fundamental purpose of the System units, which purpose is to conserve the scenery, natural and historic objects, and wild life in the System units and to provide for the enjoyment of the scenery, natural and historic objects, and wild life in such manner and by such means as will leave them unimpaired for the enjoyment of future generations." Again, converting the historic site into a new prison, presumably without public access, probably is not "conserv[ing] the . . .historic objects" of the old prison, in a way that will "provide for the enjoyment of the scenery, natural and historic objects . . . in such manner and by such means as will leave them unimpaired for the enjoyment of future generations."

In other words, it will take Congressional action to permit conversion of Alcatraz into a new prison. I'm skeptical that will be forthcoming.