

Congress of the United States
House of Representatives

October 5, 2012

President Barack Obama
The White House
1600 Pennsylvania Avenue, NW
Washington, D.C. 20520

Dear President Obama,

I'm writing you on behalf of the great state of Montana to ask for your unequivocal promise not to misuse the authority granted under the Antiquities Act to designate any new National Monuments in Montana at the end of your first term in office.

As you know, the Antiquities Act was passed in 1906. As the name suggests, it was meant to preserve antiques, especially Native American ruins, from looters. It was primarily supported by the Archaeological Institute of America, the American Anthropological Association and the Smithsonian Institution. It was never intended to circumvent Congress and designate huge tracts of land as National Monuments. In fact, this question was directly considered during the debate on June 5, 1906, when Mr. Stephens of Texas asked on the House floor if the Antiquities Act could be used to tie up large parcels of land. The bill's sponsor assured 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."

Despite this, in final hours of his presidency, on January 18, 2001, President Bill Clinton created the Upper Missouri River Breaks National Monument. Overnight, tens of thousands of acres in Montana were locked up. Similar designations were made across the West. He had promised an open, transparent process with plenty of public input, but when his chosen successor Al Gore lost the election, those promises were abandoned in favor of unilateral, unpopular executive action.

Montanans are rightfully concerned about a similar last-minute designation from your Administration. These concerns have been justified by internal Department of Interior documents which revealed your Administration is considering using this law to create as many as 14 new National Monument designations in the West. Specifically, the leaked portion of the memo identified 2.5 million acres of land in Montana to be set aside as a National Monument.

When pressured by swelling public opposition, Interior Secretary Ken Salazar assured us that his agency had no plans to designate new National Monuments. Montana's own Senator Tester, who had campaigned with Secretary Salazar in 2006, assured Montanans that there were no plans for a new National Monument in Montana.

But there are two problems with these empty promises.

First, the designation of a national monument through the authority of the Antiquities Act is done by Presidential decree, not agency action. While assurances from Secretary Salazar carry no

weight of law, it simply wouldn't matter if they did. It's not up to Secretary Salazar or those of the Department of Interior to designate national monuments. The only person whose promises matter is you.

Second, your Administration is sending disturbing mixed signals. On one hand, Secretary Salazar and Senator Tester have assured Montanans that there are no plans for new monument designations under the Antiquities Act. On the other hand, your Administration is moving forward with public meetings about new designations in Montana. If there are not in fact plans, as we are told, then why is your Administration hosting information-gathering meetings in Malta, Helena, Bozeman, Missoula, and Ovando?

I am therefore asking for an assurance, without reservations or qualifications, that you will not invoke the Antiquities Act to designate any new national monuments in Montana during your first term as President.

Thank you for your consideration,



Denny Rehberg
Member of Congress