

Declaring Hundreds of Thousands of Acres as a National Monument Perverts the 1906 Antiquities Act

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Protesters oppose the Chuckwalla National Monument in Southern California. Courtesy of Ron Kliewer



By Ron Kliewer

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In recent decades, presidents have used the 1906 Antiquities Act to bypass Congress and declare massive swathes of land as “national monuments,” especially in western states. This practice was taken to a new level by the federal government announcing the [designation](#) of the Chuckwalla National Monument in Southern California on Jan. 7.

The monument will cover more than 600,000 acres. There certainly isn’t 600,000 acres worth of “historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest,” as [required](#) by federal law.

These declarations have been happening for years, sometimes locking up large tracts of land as big as a small state and bigger than most counties. Now measuring in many millions of acres, this perverts the original intent of the Antiquities Act. The core idea of the short, succinct Act—before it was amended in 2014—was only [one paragraph](#), which I have included below to remove all doubt as to its original intent:

From 16 U.S.C. 431. National monuments; reservation of lands; relinquishment of private claims: “The President of the United States is authorized, in his discretion, to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Government of the United States to be national monuments, and may reserve as a part thereof parcels of land, the limits of which in all cases shall be confined to the smallest area compatible with the proper care and management of the objects to be protected. When such objects are situated upon a tract covered by a bona fide unperfected claim or held in private ownership, the tract, or so much thereof as may be necessary for the proper care and management of the object, may be relinquished to the Government, and the Secretary of the Interior is authorized to accept the relinquishment of such tracts in behalf of the Government of the United States.”

I would like to emphasize that the Act stated the president “may reserve as a part thereof parcels of land, the limits of which in all

cases shall be confined to the smallest area compatible with proper care and management of the objects to be protected.”

The original intent of the Act was to mainly protect something historical that may be situated upon a specific tract of land—the smallest amount necessary to preserve that piece of history.

The president was given authority to do this so that the administration could protect threatened resources or sites in an expedited manner. It was not meant to be a blanket declaration of a monument that stretches for miles upon miles, as is the case with the Chuckwalla National Monument, located where the Colorado and Mojave Deserts meet.

In so perverting the intent of the Antiquities Act, one of the consequences is that commerce on public land gets shut down, mainly in the form of banning mining on public lands going forward. This has had the effect of locking away vast quantities of rare earth elements and other critical minerals that could be utilized in environmentally friendly ways.

Other countries like China don't have the strict environmental mining laws we have, so the cell phone you carry probably wasn't mined with environmentally friendly practices. The United States imports 100 percent of many critical minerals from China, Russia, and other foreign countries who are not our allies, and has done so for many years.

China is now [reducing access](#) to some minerals that the United States desperately needs for defense and civilian purposes. The ironic part is the U.S. has these critical minerals in abundance, but has chosen to lock them up indefinitely.

There are many groups opposed to this new monument being declared by the use of the Antiquities Act, but opposition to the monument has not been mentioned in any of the news coverage by major news agencies covering the story. Several of us tried submitting articles to local and regional news outlets, but they were largely ignored. The

Antiquities Act was never intended for hundreds of thousands of acres at a time. As I explained above, the Antiquities Act was designed specifically to protect small historical locations.

Also, the areas in question already have several layers of regulatory protection, making the monument designation just another layer of bureaucracy. Cities like [Blythe](#) and businesses located within or adjacent to the new designated monument area are also against it. Locking up so much desert puts additional pressure on what's left, with more people using less acreage.

Not so far down the road, the federal government may want to close the small area that's left because of possible overuse by many more people. That's partly why we are here with Chuckwalla. Remember the Mojave National Preserve? That is now a huge area without access. In the early 1990s when the preserve was being proposed, we were told the roads would stay open and the 1,500 mining claims could still be accessed. Now the roads are closed, and the area is nearly completely closed, including federal mining claims, all gone.

Everyone wants their electronic devices, but they don't want mining to take place. Everything we have that isn't grown, is mined. There was a hole in the ground somewhere. We need to extract minerals from the earth to make modern devices work. As these areas are being closed, the vast mineral wealth is locked up, furthering our dependence on foreign nations for our raw materials.

It sounds great to protect the land, and we're all for that, but the land in question was already protected and heavily regulated, while still being available for public access and multiple uses. Congress should have had an in-depth hearing on this, listening to all sides before taking any action.

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Ron Kliewer

Author

Ron Kliewer is president of Public Lands for the People, a nonprofit organization dedicated to preserving the rights of the public to access and use public land.

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