

FOR IMMEDIATE RELEASE:

Contact: James Hallinan

December 5, 2017

(505) 660-2216

AG Balderas: Trump Lacks Legal Authority to Shrink National Monuments

Pledges to protect New Mexico's national monuments

Las Cruces, NM - New Mexico Attorney General Hector Balderas released the following statement after President Trump announced that he is decreasing the size of Bears Ears National Monument and Grand Staircase-Escalante:

“President Trump simply has no legal authority to alter monument designations under the Antiquities Act. His drastic reduction of the Utah monuments is a direct attack on the proud natural, historical and cultural heritage of the Southwest, and it ignores critical voices of tribal leaders and local stakeholders on these lands. If the President chooses to continue these attacks and comes after either Organ Mountains-Desert Peaks or Rio Grande del Norte, I will fight him every step of the way.”

Attorney General Balderas wrote a letter to Interior Secretary Ryan Zinke in May expressing deep concern over the Administration's “review” of national monuments. In September, reports showed Zinke recommended changes that would scale back protections for the Organ Mountains-Desert Peaks and Rio Grande del Norte National Monuments.

The Antiquities Act was passed specifically to protect Native American artifacts and cultural history in New Mexico and the Southwest. The second national monument established is El Morro in New Mexico. Republican President Teddy Roosevelt signed the Antiquities Act into law in 1906, giving presidents the authority to designate—but not to terminate—national monuments. Over the last 111 years, millions of Americans and tourists from around the world have witnessed the breathtaking beauty of our country's national monuments.

The power to revoke or modify existing national monument designations rests exclusively with the Congress. Any power a President has to revoke or modify a national monument therefore must be based on a delegation from Congress. Congress eliminated any ambiguity on this point when it passed the Federal Land Policy and Management Act of 1976, which says withdrawals of federal land should be reserved to any congressional delegation of this power must be specific.

###