

Antiquities Act Reaffirmed

October 7, 2003

The Supreme Court turned aside an appeal by the Mountain States Legal Foundation to overturn lower court rulings against their group, which was seeking to have several Clinton-era national monument designations invalidated. The Court's denial of the appeal essentially ends the case, to which the SAA had joined as a defendant-intervenor.

The Mountain States challenge to the monument designations was the latest in a series of attacks upon the Antiquities Act by those who feel that too much land, especially in the West, is under the control of the federal government, and that the Act itself is an unconstitutional delegation to the President of congressional authority. Over the past eight years, numerous bills have been introduced in Congress to reduce or eliminate the President's Antiquities Act authority, but none have been enacted.

SAA and many others believe that the Act is one of the most powerful tools available for the preservation of natural and historic resources, including archaeological sites, on public land from adverse use or destruction.