



THE ANTIQUITIES ACT AND NATIONAL MONUMENTS

For over a hundred years, the Antiquities Act of 1906 has protected America's natural and historic wonders from mining, drilling, looting, and industrial development.



A reptile rests near a rock carving in Bears Ears National Monument. © Tim Peterson

What is the Antiquities Act?

Signed into law in 1906 by President Theodore Roosevelt, the Antiquities Act is a legal framework for the protection of national treasures, including some of the West's vast geologic wonders, vulnerable cultural sites, unique plant and animal life, and sites that memorialize some of our nation's most important historical sites.

The law gives presidents the power to protect federal lands and waters – lands already owned by all Americans – that contain “objects” of extraordinary “historic or scientific” value by designating them **as national monuments and safeguarding them from harm.**

How often has the Antiquities Act been used?

Every president since Theodore Roosevelt – with the exceptions of Nixon, Reagan, and George H.W. Bush – has used the Antiquities Act to protect iconic places.¹

Presidents have designated 168 national monuments.² Current national monuments – ranging in size from Stonewall National Monument's tenth of an acre, to Grand Staircase-Escalante National Monument's 1.8 million acres – are a small percentage of the estimated 640 million acres of federal land.

¹ “National Monument Facts and Figures,” National Park Service, <https://www.nps.gov/subjects/archeology/national-monument-facts-and-figures.htm>. Accessed Feb. 23, 2025.

² “National Monuments and the Antiquities Act (2025),” <https://www.congress.gov/crs-product/R41330>.

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U.S. Presidents Who Have Used the Antiquities Act



Theodore Roosevelt
26th President



William Taft
27th President



Woodrow Wilson
28th President



Warren G. Harding
29th President



Calvin Coolidge
30th President



Herbert Hoover
31st President



Franklin D. Roosevelt
32nd President



Harry S. Truman
33rd President



Dwight Eisenhower
34th President



John F. Kennedy
35th President



Lyndon B. Johnson
36th President



Gerald Ford
38th President



Jimmy Carter
39th President



Bill Clinton
42nd President



George W. Bush
43rd President



Barack Obama
44th President



Donald Trump
45th President



Joe Biden
46th President

Approximately half of the country's national parks were first protected as national monuments under the Antiquities Act, including Acadia, Olympic, Zion, and Grand Canyon National Parks.

The Antiquities Act is also used to protect significant cultural heritage sites, such as César Chávez's family home, and to tell the more complete story of our nation.



Valley of the Gods in Bears Ears National Monument.

© Tim Peterson

Are national monuments popular?

Yes! An Aug. 2024 analysis from the National Park Service reported more than 20 million visits to national monuments in the previous year, with Muir Woods and Cedar Breaks National Monuments among some of the most popular destinations.

Additionally, surveys of voters across the Mountain West³ have consistently found strong support for national monuments:

- **4 in 5** self-identified “MAGA” voters support keeping existing national monument designations in place.
- **89%** of voters oppose reducing or removing national monument protections.
- **72%** of Westerners want their elected officials to place more emphasis on protecting clean water sources, air quality, and wildlife habitat, while providing opportunities to visit and recreate on public lands.

State-specific polling in Arizona⁴ and Utah⁵ reflect similar sentiments.

³ Voters surveyed in Arizona, Colorado, Idaho, Montana, Nevada, New Mexico, Utah, and Wyoming. Colorado College's 15th annual State of the Rockies Project Conservation in the West Poll, January 2024.

⁴ GQR poll for Grand Canyon Trust, January 2025

⁵ New Bridge Strategy poll for Grand Canyon Trust, December 2024

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Grand Canyon National Park was first protected as a national monument. Its designation as a monument played a key role in the 1920 U.S. Supreme Court case *Cameron v. United States*. Michael Quinn / NPS

What have the courts said about the Antiquities Act?

Courts, including the Supreme Court, have uniformly upheld the president's authority to designate national monuments and to determine how much land to protect. No court has ever overturned a president's monument designation.

- Over a century ago, in *Cameron v. United States*, the U.S. Supreme Court recognized the president's authority to designate monuments protecting large landscapes by upholding the validity of the 800,000-acre Grand Canyon National Monument.
- In two subsequent cases – *Cappaert v. United States* and *Alaska v. United States* – the U.S. Supreme Court confirmed that presidents may designate national monuments to protect wildlife and their habitat.

Lower courts have also agreed that landscapes, ecosystems, and wildlife are protectable “objects” under the Antiquities Act.

- In *Mountain States Legal Foundation v. Bush*, the D.C. Circuit Court of Appeals rejected the argument that “Congress intended only to preserve ruins, artifacts, and other manmade objects situated on public lands – but not the land itself.”

- In *Tulare County v. Bush*, the D.C. Circuit held that “ecosystems and scenic vistas” are protectable objects of interest under the Act.
- And in affirming the validity of the Grand Staircase-Escalante National Monument in *Utah Association of Counties v. Bush*, the U.S. District Court for the District of Utah rejected the argument that the Antiquities Act could be used only to protect “man-made objects,” noting several instances in which the U.S. Supreme Court upheld the designation of natural objects in national monuments.



Grand Staircase-Escalante National Monument encompasses slot canyons and dinosaur fossils found nowhere else in the world. Left: Bob Wick / BLM. Right: BLM Utah

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Can presidents use the Antiquities Act to shrink or undo a national monument?

No. Any executive order revoking or diminishing a national monument would be contrary to law.

The Antiquities Act authorizes the president to take only two actions:

1. to “declare ... objects of historic or scientific interest ... to be national monuments,”
2. and, when doing so, to “reserve parcels of land as a part of the national monuments” to protect the historic and scientific objects.

Nothing in the Antiquities Act authorizes the president to remove parcels of land from a national monument, or otherwise to diminish or dismantle an existing monument.



The Wolfman Panel in Bears Ears National Monument.
© Tim Peterson

The Congressional Research Service – the nonpartisan government agency that provides policy and legal analysis to the U.S. House of Representatives and the Senate – has stated⁶ that the Antiquities Act does not authorize the president to repeal national monument designations:

“The Antiquities Act does not expressly authorize the President to modify or abolish national monuments established by earlier presidential proclamation.”

Numerous legal scholars have reached the same conclusion.⁷

The first Trump administration – in the largest rollback of federal land protection in the nation’s history – issued two proclamations in 2017 to strip monument protections from half of Grand Staircase-Escalante National Monument and nearly 90% of Bears Ears National Monument. On behalf of our clients, Earthjustice challenged the illegal actions. While the judge has not ruled on the merits, our lawsuits put Trump’s attack on the monuments in legal limbo until protections were fully restored by the Biden administration.

Congress’s intent was clear: The Antiquities Act is to be used by presidents to protect the nation’s archaeological, cultural, and scientific wonders – not to enable their destruction.

What economic benefits do national monuments bring?

National monuments are a good investment.

In 2023, national monuments generated billions of dollars in economic output from recreation visitors⁸, all while allowing a wide range of uses, including hiking, rafting, hunting, and fishing.

For context, public-land cattle and sheep grazing nationwide generated \$616 million in 2017, according to a U.S. Forest Service estimate⁹, while using nearly ten times the amount of public land – 155 million acres versus 17 million acres of public land.



Bears Ears National Monument. © Tim Peterson

⁶ “National Monuments and the Antiquities Act (2025),” <https://www.congress.gov/crs-product/R41330>.

⁷ Squillace, M., et al. “Presidents Lack the Authority to Abolish or Diminish National Monuments.” *Virginia Law Review* 103 Va. L. Rev. Online 55, June 9, 2017.

⁸ Flyr M and Koontz L. 2024. “2023 national park visitor spending effects: Economic contributions to local communities, states, and the nation.” *Science Report*. NPS/SR-2024/174. National Park Service. Fort Collins, Colorado. <https://doi.org/10.36967/2305351>

⁹ Sloggy, M.R., et al. 2023. “Economic Effects of Federal Grazing Programs” *Rangeland Ecology & Management* 88 (2023) 1–11. U.S. Forest Service. https://www.fs.usda.gov/psw/publications/sloggy/psw_2023_sloggy001.pdf



Rafting in Bears Ears National Monument. © Tim Peterson

Even before the pandemic supercharged the outdoor recreation economy, a 2020 study¹⁰ of communities near 14 national monuments designated between 1991 and 2014 demonstrated that boosts in new businesses and jobs were associated with national monuments.

Designating more national monuments can provide additional economic certainty to communities that are increasingly taking advantage of new opportunities in outdoor recreation businesses and tourism to power their local economies.



Browns Canyon National Monument. Bob Wick / BLM

“Our public lands exist for the benefit and enjoyment of all Americans, not for industry to plunder.”

Heidi McIntosh, Managing Attorney of Earthjustice’s Rocky Mountain Office



Mountain biking in Camp Hale National Monument.

Mason Cummings / The Wilderness Society

¹⁰ Margaret Walls et al. “National monuments and economic growth in the American West.” *Sci. Adv.* 6, eaay8523 (2020). DOI: 10.1126/sciadv.aay8523.

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What are current threats to national monuments?

National monuments are facing ongoing threats from both the Trump administration and Congress.

- The administration is currently laying the groundwork for another round of national monument attacks. Earthjustice and our partners are prepared to vigorously defend our public lands against any attack from the Trump administration.
- At the same time, members of Congress are pushing legislation to gut the Antiquities Act. U.S. Representatives have introduced legislation that would radically alter the Antiquities Act by removing the presidential power to declare national monuments and give that power only to Congress.

We anticipate additional attacks in the months to come that Earthjustice and our partners will work to fend off.

How is Earthjustice involved with national monuments?

Earthjustice has decades of history defending national monuments and the Antiquities Act itself – from litigation in the 1980s to protect Misty Fjords National Monument, into the 2000s to protect Giant Sequoia and Canyon of the Ancients National Monuments, and many more.

More recently, in 2017, Earthjustice filed lawsuits challenging President Trump’s dismantling of Bears Ears and Grand Staircase-Escalante National Monuments. After President Biden restored the monuments in 2021, we successfully intervened in a legal challenge to that restoration.

And in 2024, on behalf of our clients, Earthjustice moved to intervene in defense of President Biden’s designation of Baaj Nwaavjo I’tah Kukveni – Ancestral Footprints of the Grand Canyon National Monument in Arizona. The following year, the U.S. District Court for the District of Arizona dismissed the attempt to undo the designation of Baaj Nwaavjo I’tah Kukveni National Monument.



A hiker enjoys a vista at Río Grande del Norte National Monument. Bob Wick / BLM

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What do people with strong ties to our national monuments say about them?

"Our lifeways are inherently and forever intertwined with the integrity of this land.

"To threaten protections for Baaj Nwaavjo I'tah Kukveni is to threaten the destruction of our own identity and culture as Hualapai people."

Duane Clarke, Chairman of the Hualapai Tribe



Red Butte, in the south section of the Baaj Nwaavjo I'tah Kukveni - Ancestral Footprints of the Grand Canyon National Monument, is sacred to the Hualapai Tribe. *Amy S. Martin*

"Bears Ears is more than just a beautiful, rugged landscape; it is our ancestral home, where the narratives of our people are etched into the cliffs, passed on in our songs, and deeply rooted in the land itself.

"It connects us with our past, and give us a sense of both peace and inspiration — which underscores our collective responsibility to protect it."

Anthony Sanchez Jr., Head Councilman for the Zuni Tribe and Co-Chair of the Bears Ears Commission and Bears Ears Inter-Tribal Coalition



Basketmaker figures at Butler Wash in Bears Ears National Monument. © *Tim Peterson*

"There is still a great deal to learn from these Monuments. If they were once again reduced in size, these irreplaceable cultural treasures would lose the maximum level of protection they deserve."

Daniel H. Sandweiss, PhD, RPA, President of the Society for American Archaeology and Professor of Anthropology and Climate Studies at the University of Maine



Fishing in the Rio Grande Del Norte National Monument. *Bob Wick / BLM*

"As a small business founder, I cannot stress enough the value of permanently protected public land such as the Rio Grande del Norte National Monument. If national monuments are abolished, businesses like mine could disappear and the rural economies that depend on them will suffer."

Nick Streit, Business owner and Director of Friends of Rio Grande del Norte National Monument

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“Chuckwalla National Monument isn’t just a stretch of land — it’s a historic military training ground where American troops honed their skills in the unforgiving desert before heading into battle during WWII.

“It’s a place of deep significance where veterans and civilians alike find recreation, reflection, and refuge.”

Janessa Goldbeck, CEO of Vet Voice Foundation and U.S. Marine Corps. veteran



Remnants of Camp Coxcomb, a historic WWII training camp, at Chuckwalla National Monument.

Linda Castro / CalWild

“National monuments — like those found throughout New Mexico — play an essential role in protecting wildlife corridors, enshrining traditional ways of life, and hunting opportunities. Attacking any one monument threatens the whole system of interconnected lands and habitat.”

Mark Mattaini, Board member of New Mexico Backcountry Hunters and Anglers

“As a Quechan Tribal leader, I carry the responsibility of protecting our ancestral lands and ensuring that future generations can walk alongside the same trails, visit our shared sacred places, and continue the traditions of our people.”

Zion White, Tribal Councilman for the Fort Yuma Quechan Indian Tribe



Small, narrow steep-walled canyons wind throughout the Mecca Hills Wilderness in Chuckwalla National Monument.

Bob Wock / BLM



A cultural site in Bears Ears National Monument.

© Tim Peterson

“The lands within the present boundaries of Bears Ears and Grand Staircase/Escalante National Monuments have a remarkable archaeological record, including an estimated more than 100,000 archaeological sites.

“Once a cultural resource (such as an archaeological feature or site) is harmed, this resource is irretrievably lost.”

Dr. Edward Liebow, Executive Director of the American Anthropological Association (2012-2023)

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"Grand Staircase-Escalante National Monument preserves a truly outstanding record from the Age of Dinosaurs, one that we have only recently begun to appreciate."

"GSENM contains a one-of-a-kind treasure trove of fossils deserving of both long term study and long term protection."

Dr. Scott Sampson, Executive director and William R. and Gretchen B. Kimball Chair at the California Academy of Sciences



Teratophoneus fossil, discovered near the Rainbows and Unicorns Quarry in Grand Staircase-Escalante National Monument. *Dr. Alan Titus / BLM*

"The story of Chuckwalla encompasses the past, present and now more than ever — it's about the future."

Jonathan Koteen, Tribal Councilmember for the Fort Yuma Quechan Indian Tribe



Corn Springs, located deep in a canyon of the Chuckwalla Mountains in Chuckwalla National Monument, was a major site of prehistoric Native American Indians. *Bob Wick / BLM*

"Shrinking our national monuments is deeply unpopular in Utah and around the world, and shows contempt for the Native Nations that have worked tirelessly to protect these irreplaceable cultural landscapes."

Tim Peterson, Cultural Landscapes Director at Grand Canyon Trust



Bears Ears National Monument. *Steven St. John for Earthjustice*

"Many of us come from multi-generational families of hunters and/or military veterans and, as such, we have embraced the immense responsibility of protecting public lands and democracy. Diminishing any wild public lands, waters, and wildlife anywhere speaks to a fundamental disregard for the hunters, anglers, and the servicemembers and veterans of this great nation."

"Public lands are not a left or right issue, they're an American issue."

David Lien, Hunter, author, former Air Force missile launch officer. Involved with efforts to protect public lands for more than two decades

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