

## Democratic Senator Thomas Hart Barton

**“[T]he federal government...became the monopolizer of vacant lands of the West: and this monopoly, like all monopolies, resulted in hardships to those upon whom it acted.”**

Which famous U.S. senator successfully made this argument to compel the federal government to transfer title to the vast stretches of federally controlled land in the west? Republican Senator Mike Lee of Utah whose state is 65% percent federally controlled? Or, maybe Republican Senator John McCain of Arizona whose state is nearly 50% federally controlled? Maybe it's a trick question. Could it be Republican Senator Ted Cruz of Texas whose state has about 1% federally controlled land? Give up?

**It's Democratic Senator Thomas Hart Benton** of Missouri whose state at the time was 90% federally controlled for decades. You may be thinking, “Benton is not a famous U.S. senator.” **Well, tell that to John F. Kennedy who included Thomas Hart Benton as one of eight prominent U.S. senators in his best-selling, Pulitzer Prize-winning book Profiles in Courage. Or, consider that Teddy Roosevelt wrote a 372-page biography of Thomas Hart Benton.**

**“Who is this guy?”** you're probably asking; but Thomas Hart Benton is no ordinary “guy.” He fought a 30-year battle to compel Congress to transfer the 90% of his state's lands that were under the control of the federal government – and won! Of his battle, Benton recounted, “...my election to the Senate of the United States ... found me doing battle for an ameliorated system of disposing of our public lands; and with some success. I resolved to move against the whole system ... I did so in a bill, renewed annually for a long time; and in speeches which had more effect upon the public mind than upon the federal legislation...”

“Few, or none of our public men, had raised their voice against this hard policy before I came into the national councils. **My own was soon raised** there against it: and it is certain that a great amelioration has taken place in our federal land policy during my time: and that the sentiment of Congress, and that of the public generally, has become much more liberal in land alienations...”

**Western states today are engaged in the same fight to shake off the same federal “monopolizer” of western lands, which “like all**

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**monopolies, result[s] in hardships to those upon whom it act[s].**” The burning question is: Who has the knowledge and the courage to be the modern-day Thomas Hart Benton?

Right now, fully half of all real estate from Colorado to the west is under the arbitrary, tight-fisted control of a distant, unaccountable federal bureaucracy. (Remember the October 2013 federal shutdown of the National Parks and Monuments?) ***Less than 5% of all land east of Colorado is federally controlled. Treating western states unequally – or holding them “in a different condition from other States” as Senator Benton phrased it – is unfair, and hurts not just these western states, but also the nation as a whole.***

The U.S. Supreme Court reiterated **the foundational doctrine that “the constitutional equality of the states is essential to the harmonious operation of the...Republic” and that “our nation was, and is a union of states, equal in dignity, power and authority.”**

Eastern states are increasingly stepping up to support the transfer of public lands to willing western states. This would put an end to raising billions in taxpayer dollars in the east to subsidize federal mismanagement of public lands in the west.

**Restrictive federal regulations and counterproductive management policies stifle local control and self-government in the west. As a result, public access to the federally controlled land is restricted, the health of our lands and forests suffers, and hundreds of billions of dollars in resources on federally controlled lands are locked up beyond reach.**

Besides being the fair and equitable thing to do, transferring ownership of the public lands to willing western states would benefit the country economically, as well as improve the health of our forests and ranges, and expand recreational access.

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**While Senator Benton was in office, his State filed an Application for a Change in the System of Disposing of the Public Lands in 1829, which argued that the federal government's mismanagement of the land was "highly injurious, in many respects, to the States in which these lands lie."** The surrounding "western States" – Illinois, Arkansas, Louisiana and Florida among them – **joined together with Missouri in demanding that Congress transfer title to the public lands. They argued that without the ability to manage their own resources, western states were at an economic disadvantage. In addition, if eastern states had stewardship over their lands, what authority did the national government have to deny this right on terms of equality to the western states? Finally, these joint appeals to Congress were adamant that the statehood enabling act terms were "obligatory upon the parties to it" such that "any act on the part of the [federal] government to delay...would doubtless be an infringement of the compact itself."**

Senator Benton contended, these "new States of the West were the sufferers by this federal land policy" and urged Congress to "fix their eyes steadily upon the period of the speedy extinction of the federal title to all the lands within the limits of their respective States."

The Senate record shows that Senator Benton introduced a bill concerning the injustice of federal land policy in the west in nearly every session from 1823 to 1836. Year after year, bills were presented before the Senate calling for federal public lands to be "ceded in full property to the States in which the same may lie."

Benton's perseverance was admirable. Of Benton's efforts to secure the transfer of the public lands in what was then "the west," Theodore Roosevelt reflected:

"He never gave up the struggle, although repulsed again and again...for he had to encounter much opposition, especially from the short-sighted selfishness of many of the northeasterners, who wished to consider the public lands purely as sources of revenue.

... As a whole, his theory of a liberal system of land distribution was undoubtedly the correct one, and he deserves credit for having pushed it as he did." (Theodore Roosevelt, Life of Thomas Hart Benton, 1886)

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Transferring federally controlled public lands to willing western states today would increase access to recreational lands for hikers, anglers and campers. It would improve the health of our rangelands and forests, reducing the risk of catastrophic wildfires. Transferring public lands would allow western states to take advantage of the abundant natural resources in their lands on terms of equality with eastern states, like Benton's home state of Missouri that already won this battle.

**Senator Benton knew the transfer of public lands would unleash better productivity and jobs, better health for the lands, and better access to the benefit of the whole nation.** There is a solution big enough for our national debt and overburdened and overreaching national government. It rests with you simply hiring and inspiring local, state and national representatives with the knowledge, the courage and the determination of Thomas Hart Benton to "battle for" the transfer of public lands to willing western states.