

STEVE STOCKMAN
36TH DISTRICT, TEXAS

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The President
The White House
Washington, D.C. 20500

The Honorable Sally Jewell
Secretary of Interior
Washington, D.C. 20240

The Honorable Neil Kornze
Director of the Bureau of Land Management
1849 C Street, N.W.
Washington, D.C. 20240

Dear Mr. President, Secretary Jewell, and Director Kornze:

Although the BLM announced last weekend that it was standing down in its ongoing dispute with the Bundy Family in Nevada, many sources are reporting that BLM is ramping up its presence in the area. Because of this standoff, I have looked into BLM's authority to conduct such paramilitary raids against American citizens, and it appears that BLM is acting in a lawless manner in Nevada.

As the federal government possesses only limited, enumerated powers, and does not have right to assume preemptory police powers, that role being reserved to the States, many federal laws require the federal government to seek assistance from local law enforcement whenever the use of force may become necessary.

43 U.S.C. Section 1733 defines the law enforcement authority over BLM lands vested by Congress in the Secretary of the Interior. Subsection (c) of that statute provides as follows:

Congress of the United States
House of Representatives
Washington, DC 20515-4336

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326 CANNON HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225-1555

8060 SPENCER HIGHWAY
SAN JACINTO COLLEGE
BUILDING 1, ROOM 108
PASADENA, TX 77505
(281) 478-2799

420 GREEN AVENUE
ORANGE, TX 77630
(409) 883-8075

907 E. HOUSTON ST.
CLEVELAND CITY HALL
CLEVELAND, TX 77327
(409) 883-8028

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"When the Secretary determines that assistance is necessary in enforcing Federal laws and regulations relating to the public lands or their resources he **shall** offer a contract to appropriate local officials having law enforcement authority within their respective jurisdictions with the view of achieving maximum feasible reliance upon local law enforcement officials in enforcing such laws and regulations." [emphasis mine]

Under this statute, whenever the Secretary of the Interior determines that force may be "necessary" to secure obedience to federal law and regulation, the Secretary must first seek the cooperation of local law enforcement officials in order to "achieve maximum feasible reliance" on locally-elected law enforcement officials

In the case of Bunkerville, Nevada, the relevant local law enforcement officials appear to be the Sheriff of Clark County, Nevada, Douglas C. Gillespie. Yet, at the Bundy farm, on the federal law enforcement front line were BLM Law Enforcement Rangers and BLM Special Agents. The Sheriff of Clark County has been on the sidelines.


It appears, then, that the Secretary placed "maximum feasible reliance" on federal officials in direct conflict with the statutory federal mandate of "achieving maximum feasible" reliance upon local law enforcement officials, and thereby, violated her statutory duty under 43 U.S.C. section 1733(c)(1).

Indeed, the exact type of crisis that the federal government has provoked at the Bundy ranch is the very type of incident that Congress knew could be avoided by relying on local law enforcement officials.

I call on the Administration to bring the BLM into compliance with 43 U.S.C. section 1733.

Until this possible violation of federal law can be more fully investigated, and the statute requiring reliance on local law enforcement followed in both letter and spirit, the federal government must not only stand down, but remove all federal personnel from anywhere near the Bundy ranch.

Sincerely,


Steve Stockman
Member of Congress