



Utah Land Revolt Spreads - California County Stands Up to B.L.M.

In response to what is being called “an avalanche of proposed closures on federal lands” in the State of California, the San Benito County Board of Supervisors has voted to “reassert its jurisdiction on 25 miles of county roads in an area currently closed by the federal government,” giving the fast spreading rebellion of the states a new ally, county rights.



Don Amador, Western Representative for the [Blue Ribbon Coalition](#), a national advocacy group for recreational rights, put it this way:

The San Benito County Board of Supervisors earned a place in the history books for taking a stand against a federal bureaucracy that has proposed a closure of historic proportions in their county. It was clear the Supervisors take seriously their constitutional role as a champion of the people and seek to protect the citizenry and the local economy from agenda-driven policies developed by unelected officials.

He continues,

When the federal government ignores the will of the people, local voters and users that visit the area have little choice but to look elsewhere for relief. Up and down the state, I see a growing number of counties who are joining with the people in defense of historic access to federal lands. Today’s vote to reopen the roads for street-legal vehicles should be a clear signal to the BLM that their effort to make the Hollister Field Office a ‘Human Free Zone’ is going to be challenged.

Call it a new, yet constitutionally sound, assertion of rights. It is the United States Constitution, Article IV, Section 4, that mandates: “The United States shall guarantee to every State in this Union a Republican Form of Government.” If we lived during the Founding Era, one way of looking at this consistent with the reality of how the Founders and their state governments viewed things back then, would be to say in essence:

As republican government under the United States Constitution guarantees that powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people; so also powers not delegated to the individual state governments by their constitutions, are reserved to the counties respectively, or to the people; and so on to the city government; and finally to families.

Consistent with this approach Mr. Amador noted that the disputed roads are historically linked to the county — and so it begs the question, why shouldn’t these roads be controlled by those who live there, who would use them most, and would possess the highest motivation to maintain them and the surrounding environment, rather than by distant unelected bureaucrats beholden to political and ideological forces?

The timing ought to give hope to the State of Utah and its governor Gary Herbert — recently



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proclaimed “the most conservative” Utah governor ever — who signed into law two bills (March 27, 2010) that assert the right of the state to reclaim all federal lands in Utah via an unusual eminent domain twist. Sited in the legal justification was the original contract between Utah and the United States at Statehood which promised to sell back all land then held by the federal government. The federal government never complied, but has since then only expanded their holdings till they’ve come to possess over sixty percent of the state’s land — a predicament not untypical throughout the Western States.

Governor Herbert hoped that his state’s bold move would inspire others and spread like wildfire throughout the Western States. It appears the flames are beginning to fan.

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