

FEDERAL LANDS

America is truly blessed with a beautiful and bountiful landscape. “From the mountains to the prairies to the ocean white with foam,” the United States’ rich natural resources combined with her citizens’ ingenuity has sprung a fountainhead of prosperity for centuries (3). This economic growth has unfolded in spite of the federal government, not because of it, with Washington hoarding hundreds of millions of acres in land.

Today, federal agencies like the Bureau of Land Management and Forest Service own 635-640 million of the United States’ 2.27 billion acres. That’s an incredible 28% of the country’s landmass, with western states hit the hardest. Obviously, federal agencies need sufficient land to exercise their constitutional functions, like military bases for national security and interstate highways for commerce. However, the vast majority of this land is not used for such purposes, but rather sits idle with little access given to American citizens. Washington’s hoarding of inactive federal lands is legally questionable and economically destructive, necessitating these lands to be speedily transferred to their rightful owners, We the People.

HISTORICAL BACKGROUND

The legal case for transferring inactive federal lands to the states is rooted in American history. Upon accepting a new state into the Union, Congress historically passed “Enabling Acts” detailing the logistics of transferring responsibilities from the federal government to the newly christened state. Such Enabling Acts explicitly spelled out the federal government’s intent to “extinguish title” of their land to the new state.⁴ Sadly, the federal government has evaded its promises ever since it made them. As early as 1828, new states like Illinois, Indiana, Missouri, Arkansas, Louisiana, Alabama and Florida successfully petitioned Washington to turn over its inactive land within their borders.

Unfortunately, not much has improved since the 1828 decision. The federal government hoarded the land of newly annexed Western states ever since, despite promising otherwise in future Enabling Acts. Indeed, all three branches of the government have acknowledged their responsibility to turn over federal lands to states in a timely manner. Besides congressional state charters, President Andrew Jackson reaffirmed the federal government’s commitment in 1833, and the Supreme Court clarified the language of Enabling Acts in the 1915 case *Christianson v. King County*. Yet, Washington has not kept its promise. As a result, 93% of the federal government’s land today is concentrated in the 13 states west of Texas, seriously hindering their economic development.

ECONOMIC EFFECTS

The federal government’s excessive ownership of inactive land has had two major effects on America’s economic development, especially in Western states. Since state and local governments cannot collect property taxes on federal lands, many Western states have resorted to levying high income taxes to fund their government functions, which are more economically destructive. As a result, Western states like California have astronomical taxes to fund their activities, including an unbelievable 13.3% top individual income tax rate, hindering growth in the Golden State as well as its regional peers (5).

QUICK FACTS

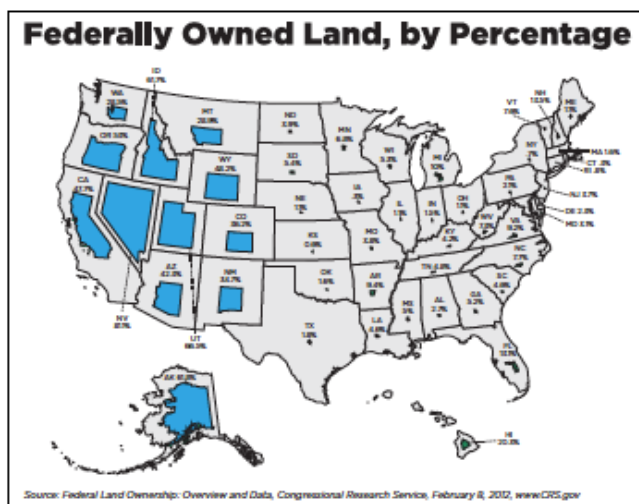
- 28% of America’s landmass is owned by the federal government (1).
- 93% of the federal government’s land is concentrated in 13 states west of Texas.

NOTABLE & QUOTABLE

“If these lands are to be withheld . . . Those States will, for many generations, without some change, be retarded in endeavors to increase their comfort and wealth, by means of works of internal improvements, because they have not the power, incident to all sovereign States, of taxing the soil, to pay for the benefits conferred upon its owner by roads and canals.”

- **20th U.S. Congress**, Public Lands Committee Report, February 5, 1828 (2)

However, what has hurt development even more than high taxes is the opportunity cost of inactive federal lands. The hundreds of millions of acres that sit idle across the country would be better owned by citizens to build homes and businesses, increasing economic activity, or with ranches and wildlife reserves that also produce value. Any sort of activity would be an improvement to the status quo of inactivity. Indeed, the federal government notoriously underuses its lands. To give one example from the Obama administration, oil production on federal lands decreased 14% on federal lands from 2010 to 2011 even as production on non-federal lands grew (6). The simple fact is that property owners have greater incentive to care for and create value from their land than federal bureaucrats. Ceding control of inactive federal lands could lead to an economic boom for the American economy.



CONCLUSION

Most Americans acknowledge that the federal government has a role to play in managing our nation's vast landmass. National parks, military bases, and interstate highways are all federal lands that are understandably under Washington's control. However, every acre of land that does not fulfill these basic functions of government is an acre that could have been better used by a private citizen or company. Unfortunately, this opportunity cost applies to the vast majority of federal lands that sit idle as an untapped frontier for prosperity.

Endnotes:

1. Ross W. Gorte, Carol Hardy Vincent, Laura A. Hanson, Marc. R. Rosenblum, "Federal Land Ownership: Overview and Data," Congressional Research Service (February 8, 2012), <http://www.fas.org/sgp/crs/misc/R42346.pdf>.
2. "We Can't Wait Talking Points," American Lands Council, <http://www.americanlandscouncil.org/we-can-t-wait-talking-points.html>.
3. "God Bless America," ScoutSongs.com Virtual Songbook, <http://www.scoutsongs.com/lyrics/godblessamerica.html>.
4. "Quick Fact #3: Did We Really Give Up Our Lands At Statehood?," American Lands Council, <http://www.americanlandscouncil.org/quick-fact--3-did-we-really-give-up-our-lands.html>.
5. "California," Tax Foundation, <http://taxfoundation.org/state-tax-climate/california>.
6. Phil Taylor, "Drilling leaves fed land because state, private acres are cheaper, says BLM chief," Red Lodge Clearinghouse (March 15, 2012), <http://rlch.org/news/drilling-leaves-fed-lands-because-state-private-acres-are-cheaper-says-blm-chief>.

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