

BLM LE History Part 1

When I was hired as a BLM ranger in 1989, I knew very little about the BLM or the scope of BLM's law enforcement jurisdiction. I assumed I was a federal cop authorized to enforce any and all laws violated in my presence regardless of the location. BLM's gentle attempts to limit my enforcement actions to public lands confused and frustrated me. By the mid 1990s, the county supremacy movement was at its zenith. BLM's authority to own, manage, and regulate uses of the public lands was publically challenged and declared unconstitutional by special interest groups and some state and local government officials. Radical law enforcement officials seriously undermined employee self-confidence by threatening to arrest BLM employees including BLM law enforcement officers engaged in the performance of their duties. To strengthen my own resolve, I delved into the constitutional history of the public lands, the Federal Land Policy and Management Act of 1976, and the BLM. I learned BLM law enforcement authority, known in legal jargon as limited derivative police powers, is derived from article 4, section 3, clause 2 of the United States Constitution, which states, "The congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States." I learned the public lands are property belonging to the United States and the federal government doubtless has a power over its own property analogous to the police power of several states, a power the government utilized in managing and policing the public lands for 150 years prior to the enactment of FLPMA. What I learned not only renewed my professional confidence but provided me with a clear understanding of BLM's jurisdiction and how the law

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enforcement authority granted to me complemented and benefited the bureau's mission. The goal of this program is to provide an historical overview of the public lands and the evolution of federal resource protection. Together they constitute the foundation of the BLM law enforcement program and its continued success as an integral component in the management and protection of the public lands.