

**David Fanelli 8/1/08**

- \* Why did Pres. Bush use the Antiquities Act?

- \* History of the Act – enactment, other examples of its use.

- \* Advantages – speed, avoid political compromises – were these necessary in the case of

Papahānaumokuākea?

- \* Disadvantages – funding sources are uncertain, lack of transparency and ability of interested parties to participate in decisionmaking – no advisory committee

- \* Does the Antiquities Act provide proper statutory authority – is there area 50 miles around these islands “lands of the United States”?

- \* As a practical matter, what should be done now? – Is Congress likely to act? Would Congress mess it up, if it did act?