



Testimony
of
Myron Ebell
Director, Center for Energy and Environment
Competitive Enterprise Institute

on

The National Park Service's Implementation of the Government Shutdown

before the
Committee on Oversight and Government Reform
and the
Committee on Natural Resources
United States House of Representatives
Washington, DC
16th October 2013

Chairman Issa and Chairman Hastings, thank you for inviting me to testify today on the National Park Service's implementation of the federal government's partial shutdown. My name is Myron Ebell, and I am director of the Center for Energy and Environment at the Competitive Enterprise Institute in Washington, DC. CEI is a non-profit and non-partisan free market institute that specializes in regulatory issues. A large part of our work is devoted to environmental issues, including management of the federal lands by the four federal land agencies. Twenty years ago I was the Washington representative of the American Land Rights Association, which was originally founded in 1978 as the National Park Inholders Association.

Thus I have considerable historical experience of the ways the National Park Service frequently mistreats and threatens private property owners and permittees inside and adjacent to our National Parks. Over the past few days with the help of the head of the American Land Rights Association, Chuck Cushman, I have e-mailed and talked with several park inholders and concessionaires about their circumstances during the shutdown.

It is clear that many federal facilities, including National Parks, are going to be closed during a partial federal shutdown. That was certainly the case in the shutdowns of 1995 and '96. This means that many vacations are going to be ruined or cancelled and many businesses in and near National Parks are going to suffer. The questions are whether the National Park Service has gone far beyond what it was required to do under the Anti-Deficiency Act, what its motives are in doing so, and who is to blame for these decisions.

Let me begin to answer these questions with a few of the more widely-reported examples of Park Service misconduct in the sixteen days since the shutdown began:

- The Park Service kept the George Washington Parkway open, but closed a parking lot it leased to Mount Vernon and that was operated and maintained by the Mount Vernon Ladies' Association.
- The Park Service also kept open the Clara Barton Parkway, but closed Glen Echo Park. Montgomery County funds and operates Glen Echo, where hundreds of arts and other programs have been cancelled.
- The Park Service closed the Claude Moore Colonial Farm, even though it is privately funded and operated and relies on Fairfax County police protection.
- The Park Service closed Langley Fork Sports Park, which is leased, maintained, and operated by Fairfax County. It was reported that the Park Police chased away parents who were trying to remove the barricades so that their children's games could go on.

- The Park Service has kept the Blue Ridge Parkway open, but closed the Pisgah Inn and the Peaks of Otter Lodge, privately-operated concessions that provide food and lodging to travelers on the parkway.
- In closing Yellowstone National Park, the Park Service locked four dozen elderly foreign tourists into their hotel for two days, did everything they could to stop them from taking photos on the grounds that since the Park was closed all recreation was prohibited, and then prevented their bus from stopping for a restroom break when they were deported.
- At Mount Rushmore, the Park Service closed turn-offs along a state highway so that tourists could not pull over to enjoy the view and take photos.
- At Yosemite National Park, the Park Service closed hotels and hundreds of vacation rental properties in the village of Wawona, which is located near the park boundary and on a highway that has not been closed.
- The Park Service has kept Acadia National Park in Maine open to some types of visitors, but has handed out citations to others.
- The Park Service closed the City Tavern in Philadelphia, even though it is not enclosed behind a fence at Independence National Historical Park and indeed opens onto two major city streets. Had King George the Third's ministers in the colonies had the authority and the foresight to close it down, they might have prevented the American Revolution.

These examples are just the tip of the iceberg. One common factor in these examples is that the Park Service has gone out of its way to spend money—that it claims not to have to keep Parks open—in order to close facilities not operated by the Park Service that it normally pays little attention to and spends no money on. Questions that I think are worth pursuing are: Where did all these barricades and printed signs come from? And when were they ordered?

Another common factor is that the Park Service has relented and allowed most of these facilities to re-open. But they have done so only because their misdeeds have been exposed to the light of day. Widespread media and internet coverage has shamed the Park Service and the Obama Administration into relenting.

And the Park Service, the Secretary of the Interior, the White House, and President Barack Obama should be ashamed. Their conduct has been revealed as petty, nasty, and malicious. They have been caught abusing their authority in arbitrary and capricious ways. The founders—including Adams, Franklin, Washington, and Jefferson—who gathered each night at the City Tavern in Philadelphia during the First and Second Continental Congresses would be no more amused by the disgraceful antics of President Obama, his Secretary of the Interior, and his Park Service Director than they were by those of King George and Lord North.

Last week, my colleague, CEI Senior Attorney Hans Bader, filed three Freedom of Information Act requests with the Department of the Interior, the National Park Service, and the U. S. Forest Service that seek records on who made the decisions about which facilities and units to close down and which to keep open and their reasons for these decisions. FOIA requests are not being processed while the federal government is partially shut down, but even after normal operations are resumed, our experience with other FOIA requests during the Obama Administration suggests that they will not comply with FOIA's legal deadlines, but will delay and stonewall until we are forced to file suit in federal court to compel compliance.

While it might be interesting some years from now to discover more about who made these decisions and how they were made, these recent incidents should come as no surprise for those who have firsthand experience of the ways the National Park Service regularly treats its inholders, neighbors, and park visitors. As former Secretary of the Interior Gale Norton remarked to the press early in the shutdown, "The National Park Service has a long history of dramatizing budget issues by inconveniencing the public. They often choose the most dramatic type of action in order to get their message across."

My hope is that these widely-reported incidences of National Park Service misconduct will help the public to distinguish between the National Parks and the National Park Service. Americans love America's great National Parks, and for decades the National Park Service has taken advantage of that deep public affection. But you can love our National Parks and still recognize that the National Park Service has a terrible record of dealing with people who live in or near

National Parks and an equally dismal record of managing and protecting many of our greatest natural wonders and most important historic sites. If the public starts to understand that the National Parks are great, but that the National Park Service is not, then perhaps the Congress will be able to investigate what is wrong with the National Park Service and undertake long-needed reforms. A serious investigation of the National Park Service may conclude that private and state ownership and management of many units would be preferable to National Park Service mismanagement. The Mount Vernon Ladies' Association is only one of many good examples.

Finally, however, the National Park Service has only been acting as a tool for advancing the Obama Administration's mean-spirited and small-minded political agenda. If President Obama and his political appointees at the Department of the Interior were against locking up and deporting elderly foreign tourists at Yellowstone, they would have objected as soon as it was reported and people would have been fired. Instead, the President and his administration have continued to use unwarranted National Park closings to try to anger the public and target that anger at their political opponents. As one park ranger told the press early in the shutdown, "We've been told to make life as difficult for people as we can." To his credit, the ranger added, "It's disgusting."