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FREEDOM SPEAKS!

Journey's End: Feds Regulate Private Land in Alaska Supreme Court Challenge, Armed Agents Grab Unauthorized Power

**By
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Our Founding Fathers were raging paranoids – and for good reason! Their overriding concern – seared into the American consciousness by trial at the hands of a foreign power that had no compunction about seizing property, taking guns, and imprisoning innocents – inspired them to create a limited government structure, one that delegated few and defined powers to the federal government.

Today's administrative state, nearly limitless in scope and enforced too often at gunpoint, would startle the Founders, who would hardly recognize the behemoth of our federal government. The most frequently leveled accusation against the Obama administration, memorialized in an ever-growing list of lawsuits filed by groups like ours, is 'Executive Overreach.' In case after case and example after example, the Feds have infiltrated our lives – even, and more specifically, into areas where Congress has forbidden them from reaching.

On multiple occasions, Congress expressly declined to grant the National Park Service authority to exercise jurisdiction over private and state lands and waters that happen to lie within Alaska's national parks and preserves. Ignoring Congress's explicit prohibition, the National Park Service authorized armed federal agents to board the boat of Mr. Sturgeon, a 75-year old man simply traveling along a state river, and prohibit him from continuing his journey.

Recognizing that his rights were trampled upon, Mr. Sturgeon filed suit challenging the National Park Service's claim of extraterritorial jurisdiction and after many years the case have now arrived at the Supreme Court. Southeastern Legal Foundation filed an amicus brief supporting Mr. Sturgeon because this is yet another example of the Executive Branch's unconstitutional usurpation of power through creation of an expansive administrative state.

The Obama Administration has grown the administrative state through the expansion of existing agencies' jurisdiction – even when Congress expressly denies it those powers. This is of prime concern to SLF because expansion of administrative jurisdiction raise serious constitutional concerns and in the

case of Mr. Sturgeon violates the Fifth and Fourteenth Amendments of the Constitution. The “journey’s end” should be the court-enforced limits on Executive authority – not the end of constitutional liberty.

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