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Referred: Resources and
Judiciary

1 IN THE HOUSE

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2 HOUSE CONCURRENT RESOLUTION NO. 4

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 Relating to unjust and illegal in-
6 vocation of the Antiquities Act.

7 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

8 WHEREAS by a series of proclamations the President of the United States
9 has purported to establish national monuments encompassing over 55,000,000
10 acres of land in Alaska; and

11 WHEREAS the authority cited for the presidential action is the Act for
12 the Preservation of American Antiquities adopted June 8, 1906 (16 U.S.C.
13 431); and

14 WHEREAS that authority is severely limited by the Antiquities Act which
15 provides in part:

16 "The President of the United States is hereby authorized, in his dis-
17 cretion, to declare by public proclamation historic landmarks, historic
18 and prehistoric structures, and other objects of historic or scientific
19 interest that are situated upon the lands owned or controlled by the
20 Government of the United States to be national monuments, and may re-
21 serve as a part thereof parcels of land, the limits of which in all
22 cases shall be confined to the smallest area compatible with the proper
23 care and management of the objects to be protected.";

24 and

25 WHEREAS each proclamation contains a finding that the area reserved "is
26 the smallest area compatible with the proper care and management of the
27 objects to be protected"; and

28 WHEREAS the descriptions of the "objects to be protected" have no
29 possible rational relationship between the Act cited as authority, the

1 limitation of area to "the smallest area compatible with the proper care and
2 management of the objects to be protected" and the descriptions of those
3 objects; and

4 WHEREAS there is a real and readily apparent relationship between the
5 purported establishment of the national monuments, the concurrent withdrawals
6 by the Secretary of the Interior under sec. 204 of the Federal Land Policy
7 and Management Act of 1976 (43 U.S.C. 714), the failure of H.R. 39 (d-2 land
8 withdrawals), and the Senate Energy Committee bill to be enacted; and

9 WHEREAS this relationship is not conjectural and it has openly been
10 admitted; and

11 WHEREAS the actions of the President in flagrantly exceeding his power
12 under the Antiquities Act to achieve a purpose not contemplated by that Act
13 and not approved by Congress are an abuse of power which make a mockery of
14 the report of the Committee on Interior and Insular Affairs accompanying the
15 Alaska Statehood Act (Report No. 624, 85th Congress, 1st Session) which
16 concluded its analysis of the Alaska land situation by stating:

17 "If Alaska is to become a State, it must be a full and equal State and
18 not a puppet of the Federal Government";

19 and

20 WHEREAS these actions represent a flagrant abuse of the power of the
21 President and violate the duty imposed on him by the Constitution of the
22 United States to faithfully execute the law; and

23 WHEREAS these actions abrogate the moral and legal obligations of the
24 United States to the people of the State of Alaska; and

25 WHEREAS it is not morally right for the State of Alaska to recognize a
26 law unjust to its people so that the state becomes itself an agent of injus-
27 tice; and

28 WHEREAS the Alaskan lifestyle is dependent upon the continued tradi-
29 tional use of those lands currently affected by the Antiquities Act; and

1 WHEREAS any interruption of that use will cause unacceptable and un-
2 necessary hardship to those Alaskans;

3 BE IT RESOLVED by the Alaska State Legislature that it respectfully
4 requests the Governor of the State of Alaska and the people of the State of
5 Alaska to refuse to recognize the existence and legal effect of the series of
6 proclamations purportedly establishing the national monuments which abrogate
7 the moral obligation of the United States to the people of Alaska and to
8 refuse to participate in any way in implementation or enforcement pending
9 congressional or court resolution of Alaska lands legislation; and be it

10 FURTHER RESOLVED that the Alaska State Legislature establish an Anti-
11 quities Act Legal Defense Fund for the purpose of providing assistance to
12 Alaskans who are cited, arrested, or prosecuted for violation of any fed-
13 erally mandated Antiquities Act regulations occurring on newly created
14 national monuments; and be it

15 FURTHER RESOLVED that the Alaska State Legislature support the adminis-
16 tration in its vigorous pursuit through the federal court system of a lawsuit
17 affecting the removal of the effects of the Antiquities Act throughout
18 Alaska.

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