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1 IN THE HOUSE

2 HOUSE CONCURRENT RESOLUTION NO. 8
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 ELEVENTH LEGISLATURE - FIRST SESSION

5 Relating to the return or conveyance
6 to the State of Alaska of lands
7 retained by the United States in
8 excess of its Constitutional autho-
9 rity.

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

11 WHEREAS the United States Government claims ownership of the undeeded,
12 unappropriated, vacant lands in Alaska; and

13 WHEREAS the people of the Territory of Alaska were compelled as a condi-
14 tion of Statehood to disclaim any interest in these lands; and

15 WHEREAS the Constitution of the United States limits the acquisition of
16 lands by the United States within a state to lands purchased by the consent
17 of the legislature of the state for the establishment of forts, magazines and
18 arsenals, dock yards, and other needful buildings; and

19 WHEREAS the thirteen original states and Vermont, Kentucky, Tennessee,
20 Maine, Texas, West Virginia, and Hawaii entered the Union without the reten-
21 tion by the United States of the unappropriated, vacant lands within their
22 boundaries; and

23 WHEREAS the renunciation by the State of Alabama to unappropriated lands
24 within that state similar to the renunciation compelled from the State of
25 Alaska was held in Pollard v. Hagan to be "void and inoperative" by the
26 United States Supreme Court in 1845 because it denied to the State of Alabama
27 "an equal footing with the original states"; and

28 WHEREAS the State of Texas retained the ownership of all unappropriated
29 lands within its border when it was admitted to the Union in 1845, thus

1 setting a further precedent which inured to the benefit of states admitted
2 into the Union later for "equal footing"; and

3 WHEREAS the people of the State of Alaska have been denied the equal
4 "privileges and immunities" accorded to people of states which came into the
5 Union with the ownership of the unappropriated lands within their borders;

6 BE IT RESOLVED by the Alaska State Legislature that the Legislative
7 Council shall retain experts in the field of constitutional law to investi-
8 gate the possibility of suit against the Federal Government for the convey-
9 ance to the State of Alaska of all lands not allowed to the United States
10 Government by Article I, section 8 of the United States Constitution.

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