

Introduced: 1/16/79
Referred: Resources

1 IN THE SENATE

BY ZIEGLER

2 SENATE JOINT RESOLUTION NO. 5

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 Relating to federal policy concerning
6 land in Alaska.

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

8 WHEREAS the development of a wise national resource use policy requires
9 that public land be utilized on an enlightened multiple-use basis, accommo-
10 dating all reasonable uses for which the land is suited; and

11 WHEREAS the Congress of the United States has recognized and approved
12 this concept as the general policy of the United States in the Federal Land
13 Policy and Management Act of 1976 which states in sec. 102(a)(7) (43 U.S.C.
14 1701(a)(7)) that

15 "The Congress declares that it is the policy of the United States
16 that . . .

17 (7) goals and objectives be established by law as guidelines for
18 public land use planning, and that management be on the basis of multi-
19 ple use and sustained yield unless otherwise specified by law;"

20 but (b) of that section states:

21 "(b) The policies of this Act shall become effective only as
22 specific statutory authority for their implementation is enacted by this
23 Act or by subsequent legislation and shall then be construed as supple-
24 mental to and not in derogation of the purposes for which public lands
25 are administered under other provisions of law.";

26 and

27 WHEREAS by a series of proclamations the President of the United States
28 has purported to establish national monuments encompassing over 55,000,000
29 acres of land within the State of Alaska, citing as authority for this action

1 the Act for the Preservation of American Antiquities adopted June 8, 1906 (16
2 U.S.C. 431); and

3 WHEREAS the authority under the Antiquities Act is severely limited,
4 allowing the president only:

5 "to declare by public proclamation historic landmarks, historic and
6 prehistoric structures, and other objects of historic or scientific
7 interest that are situated upon the lands owned or controlled by the
8 Government of the United States to be national monuments, and may re-
9 serve as a part thereof parcels of land, the limits of which in all
10 cases shall be confined to the smallest area compatible with the proper
11 care and management of the objects to be protected";

12 and

13 WHEREAS each of the proclamations contain a solemn declaration by the
14 President of the United States that the area reserved "is the smallest area
15 compatible with the proper care and management of the objects to be pro-
16 tected", yet:

17 (1) the total area taken by the proclamations exceeds the total
18 area of New England, with New Jersey, Delaware and Maryland added for good
19 measure;

20 (2) the total area taken by the proclamations exceeds the total
21 area of Austria, East Germany and Belgium combined;

22 (3) the total area taken by the 14 proclamations exceeds the total
23 area of the 20 largest-in-population standard metropolitan statistical areas
24 in which over one-fourth of the total population of the United States work
25 and live, with in excess of 20,000 square miles left over to provide the
26 national monuments near the concentrated population areas which are so sorely
27 needed; and

28 WHEREAS no one, including a President of the United States angered by
29 failure of the passage of a major bill he supported, could consider such

1 outrageous reservations a reasonable exercise of presidential discretion to
2 reserve "the smallest area compatible with the proper care and management of
3 the objects to be protected" if the target of the taking was other than
4 Alaska; and

5 WHEREAS the Alaska Statehood Act, which is a compact between the people
6 of Alaska and the United States, provides:

7 ". . .the State of Alaska is hereby declared to be a State of the United
8 States of America, is declared admitted into the Union on an equal
9 footing with the other States in all respects whatever";

10 and

11 WHEREAS the Statehood Act provided that substantial land could be
12 selected by the State of Alaska and would be granted to the state upon
13 selection, and the reasons for the selection and grants, as stated in the
14 report of the Committee on Interior and Insular Affairs accompanying the
15 bill, including the finding that:

16 "In Alaska very little land has passed out of Federal title and there
17 seems to be little chance of any marked change in this situation under
18 existing Federal policies"

19 leading to the conclusion that the land must be conveyed to the state since,
20 as stated in the report,

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

23 and

24 WHEREAS, in fact, only an insubstantial proportion of the land to which
25 the State of Alaska is entitled under the Statehood Act has actually been
26 granted to the state despite the passage of almost 20 years; and

27 WHEREAS the stated intention for the creation of the national monuments,
28 the withdrawals under the Federal Land Policy and Management Act of 1976, and
29 other withdrawals, reservations and reclassifications which occur when the

1 Executive Branch of the federal government finds another possible loophole,
2 has been candidly stated to be the frustration of the right of land selection
3 granted to the State of Alaska; and

4 WHEREAS in truth and law Alaska is a State of the United States "on an
5 equal footing with the other States in all respects whatever" and is not a
6 colony or "a puppet of the Federal Government" as some would have it be;

7 BE IT RESOLVED by the Alaska State Legislature that it requests the
8 Congress of the United States to act promptly and decisively to overturn
9 these unjust actions, thereby doing justice to the people of Alaska and of
10 the whole United States and reaffirming the core constitutional principle of
11 the United States that all states are on an equal footing.

12 COPIES of this resolution shall be sent to the Honorable Henry M.
13 Jackson, Chairman, Senate Energy and Natural Resources Committee; the
14 Honorable Morris K. Udall, Chairman, House Interior and Insular Affairs
15 Committee; and to the Honorable Ted Stevens and the Honorable Mike Gravel,
16 U. S. Senators, and the Honorable Don Young, U. S. Representative, members of
17 the Alaska delegation in Congress.

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