

ALASKA LEGISLATURE SPECIAL COMMITTEE / SUBJECT FILES 8672

714 SCOMM22: ALASKA LANDS FILE 1977-78

Submitted by: Chairman of the Assembly
at the request of the Mayor
Prepared by: Department of Law
For Reading: August 14, 1979

ANCHORAGE, ALASKA
AR. NO. 79-168

APPROVED
Date: 8-14-79

A RESOLUTION URGING THE STATE OF ALASKA TO JOIN NEVADA AS A FRIEND OF THE COURT IN THE STRUGGLE WITH THE FEDERAL GOVERNMENT OVER LAND MANAGEMENT.

WHEREAS, the Nevada State Legislature has passed into law a bill (A.B. 413) which places in State management 43.4 million acres of public land previously administered by the U.S. Bureau of Land Management; and

WHEREAS, this action was not taken precipitously but after years of careful study and repeated good-will efforts to convince Congress to administer public lands in Nevada fairly, responsibly and with sound conservation practices; and

WHEREAS, in spite of these pleas, the Federal government has increasingly instigated and imposed regulations that have proven to be harmful to the welfare of the people of Nevada, opposing the necessary and natural expansion of communities and obstructing the wise use and development of its resources; and

WHEREAS, the State of Alaska is in a similar position and has felt the same frustrations to an even greater degree as, apart from Native owned lands, less than one percent of Alaska's land is in private ownership; and

WHEREAS, Nevada's bold and precedent-setting action has focused national attention on a wide spectrum of public land

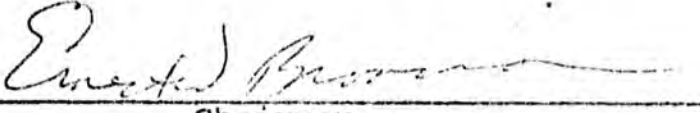
issues in the Western states, issues of which most Americans have been totally unaware, and issues vital to the health and future of the State of Alaska; and

WHEREAS, if the Nevada law is tested in court, the case will rest heavily on the "equal footing doctrine" which guarantees to all states the same rights, privileges and responsibilities as the original thirteen states and those rights include fair and equal treatment regarding land and how it is managed; and

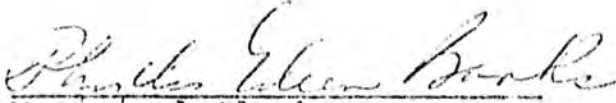
WHEREAS, if the U.S. Supreme Court rules in favor of Nevada, a multitude of state's rights issues can be resolved in Alaska and the Western states.

NOW, THEREFORE, be it resolved that the Anchorage Municipal Assembly urges the Governor and the Legislature of the State of Alaska to join Nevada as friend of the court (amicus curiae) in the impending Federal Court test of the Nevada Land Bill.

Passed and approved by the Anchorage Assembly, this
14th day of August, 1979.


Chairman

ATTEST:


Municipal Clerk

RESOLUTION NO. 4

A RESOLUTION ON THE d-2 LANDS ISSUE

WHEREAS, Alaska's cultural and economic future is directly related to the ability of Alaskans to make necessary use of the lands of the state; and,

WHEREAS, contracts by the federal government with the State of Alaska in the statehood act and with Alaska's natives in the Alaska Native Claims Settlement Act have not been fully honored; and,

WHEREAS, the state administration and legislature have adopted seven points that must be met for any lands bill adopted by the U.S. Congress to be acceptable to Alaska; and,

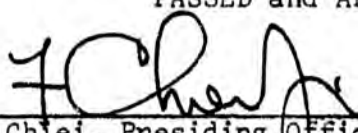
WHEREAS, there has been some indication that the state administration may be willing to accept a lands bill which does not achieve all seven consensus points previously agreed to:

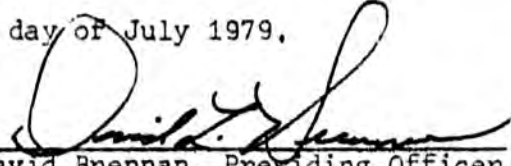
NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE MUNICIPALITY OF ANCHORAGE, THE ASSEMBLY OF THE FAIRBANKS NORTH STAR BOROUGH, AND THE CITY COUNCIL OF THE CITY OF FAIRBANKS, MEETING IN JOINT SESSION AT FAIRBANKS, ALASKA, ON JULY 20, 1979, THAT:

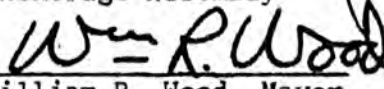
Section 1. Every effort possible be expended to achieve a fair land bill which incorporates, as a minimum, all seven consensus points, and that the state administration declare unacceptable any bill which does not meet all seven consensus points.

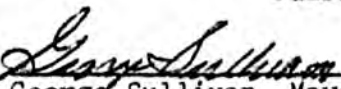
Section 2. Copies of this resolution be transmitted to the Governor, Lieutenant Governor, each legislator, Alaska Municipal League, and all others who can influence the accomplishment of its objectives.

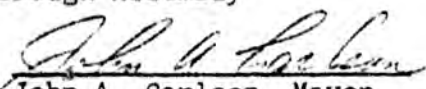
PASSED and APPROVED this 20th day of July 1979.


Fred Chiei, Presiding Officer
Anchorage Assembly


David Brennan, Presiding Officer
Fairbanks Borough Assembly


William R. Wood, Mayor
City of Fairbanks


George Sullivan, Mayor
Municipality of Anchorage


John A. Carlson, Mayor
Fairbanks North Star Borough



*Legislature
File*

KETCHIKAN GATEWAY BOROUGH

344 FRONT STREET
KETCHIKAN, ALASKA 99901

September 20, 1979

Dear Governor Hammond and
Members of the Legislature:

Please find enclosed a copy of Resolution No. 357
adopted by the Borough Assembly at the regular meeting
of September 17, 1979, and transmitted for your infor-
mation.

Sincerely,
KETCHIKAN GATEWAY BOROUGH

Tommy Nebl

(Mrs.) Tommy Nebl
Borough Clerk

9/10/79tn

Voting "yes": Elkins
Shay
Watt
Salazar
Emard
Freeman
Finney
Zastrow
Laurance

Voting "no": None
Absent: Bolling
McBride

Effective Date: 9/17/79

K E T C H I K A N G A T E W A Y B O R O U G H

RESOLUTION NO. 357

A RESOLUTION OF THE ASSEMBLY OF THE
KETCHIKAN GATEWAY BOROUGH, ALASKA,
URGING THE STATE OF ALASKA TO JOIN
NEVADA AS A FRIEND OF THE COURT IN
THE STRUGGLE WITH THE FEDERAL GOVERN-
MENT OVER LAND MANAGEMENT.

R E C I T A L S

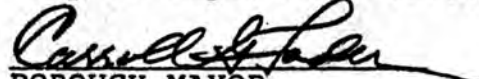
- A. The Nevada State Legislature has passed into law a bill (A.B. 413) which places in State management 43.4 million acres of public land previously administered by the U.S. Bureau of Land Management.
- B. This action was not taken precipitously but after years of careful study and repeated good-will efforts to convince Congress to administer public lands in Nevada fairly, responsibly and with sound conservation practices.
- C. In spite of these pleas, the Federal government has increasingly instigated and imposed regulations that have proven to be harmful to the welfare of the people of Nevada, opposing the necessary and natural expansion of communities and obstructing the wise use and development of its resources.
- D. The State of Alaska is in a similar position and has felt the same frustrations to an even greater degree as, apart from Native owned lands, less than one third of one percent of Alaska's land is in private ownership.
- E. Nevada's bold and precedent setting action has focused national attention on a wide spectrum of public land issues in the Western states, issues of which most Americans have been totally unaware, and issues vital to the health and future of the State of Alaska.
- F. If the Nevada law is tested in court, the case will rest heavily on the "equal footing doctrine" which guarantees to all states the same rights, privileges and responsibilities as the original thirteen states, and those rights include fair and equal treatment regarding land and how it is managed.
- G. If the U.S. Supreme Court rules in favor of Nevada, a multitude of state's rights issues can be resolved in Alaska and the Western states.

NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE
KETCHIKAN GATEWAY BOROUGH, ALASKA, as follows:

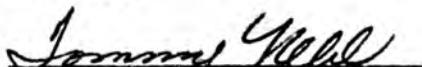
Section 1. The Assembly of the Ketchikan Gateway Borough urges the Governor and the Legislature of Alaska to join Nevada as friend of the court (amicus curiae) in the impending Federal Court test of the Nevada Land Bill.

Section 2. This resolution is effective immediately.

APPROVED AND ADOPTED this 17th day of September, 1979.

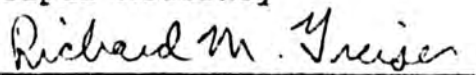

BOROUGH MAYOR

ATTEST:


BOROUGH CLERK

Approved as to form:

Municipal Attorney

By 
Assistant Municipal Attorney



Matanuska-Susitna Borough

BOX B, PALMER, ALASKA 99645 • PHONE 745-3246

BOROUGH ASSEMBLY

August 17, 1979

Honorable Jay Hammond
Governor, State of Alaska
Pouch A
Juneau, Alaska 99801

Dear Governor Hammond:

To show the concern of the residents of our Borough with the land problems with the Federal Government, the Assembly has adopted a resolution urging that the Legislature support and lend assistance to the State of Nevada in efforts to obtain return of public lands withheld by the Federal Government. A copy of this resolution is enclosed.

By a copy of this letter and a copy of the resolution, we are notifying our Congressional Delegation, our local senator and representative and various Anchorage Legislators of this action.

Your efforts on behalf of the citizens of Alaska are always appreciated by the people of our Borough.

Yours respectfully,

A handwritten signature in cursive script that reads "Ronald L. Larson".

Ronald L. Larson
Borough Mayor

Introduced by: Borough Manager
Prepared by: Borough Attorney

MATANUSKA-SUSITNA BOROUGH

RESOLUTION SERIAL NO. 79-104

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY URGING THE STATE OF ALASKA TO SUPPORT THE CITIZENS OF NEVADA IN THEIR EFFORTS TO RECEIVE FEDERAL LANDS IN THAT STATE.

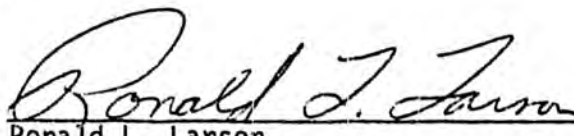
WHEREAS, the State of Nevada has commenced litigation on behalf of its citizens seeking return of many thousands of acres of public lands wrongfully held by the Federal government in violation of the Constitution and other provisions of law; and

WHEREAS, the citizens of the State of Alaska and, in particular, the citizens of the Matanuska-Susitna Borough share the concerns expressed by the citizens of the State of Nevada over the retention by the Federal government of nearly all lands in that State; and

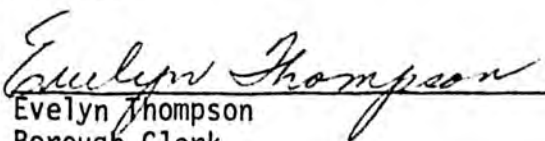
WHEREAS, Federal control of vacant western lands, together with certain Federal economic, environmental and other regulatory constraints creates unreasonable and arbitrary limits to industrial, agricultural, mineral and recreational development of the western states thereby wrongfully depriving those states of equal footing guaranteed to the States under the Federal Constitution.

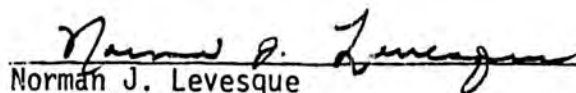
NOW THEREFORE, the Assembly of the Matanuska-Susitna Borough resolves that the State Legislature be urged, on behalf of the citizens of the Matanuska-Susitna Borough, to support and lend its assistance to the State of Nevada in its efforts to obtain return of public lands improperly withheld from them by the Federal Government.

PASSED AND APPROVED by the Assembly of the Matanuska-Susitna Borough this 7th day of August, 1979.


Ronald L. Larson
Borough Mayor

ATTEST:


Evelyn Thompson
Borough Clerk


Norman J. Levesque
Borough Manager

(SEAL)

SENATE BILL NO. 240—SENATORS GLASER, BLAKEMORE,
KEITH ASHWORTH, ECHOLS, JACOBSEN, SLOAN, LAMB,
GIBSON, NEAL, HERNSTADT, FAISS, CLOSE, DON ASH-
WORTH AND McCORKLE

FEBRUARY 15, 1979

Referred to Committee on Natural Resources .

SUMMARY—Provides for control of certain public lands by
State of Nevada. (BDR 26-251)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: Contains Appropriation. .

EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT relating to public lands; creating the Nevada lands commission; provid-
ing for state control of certain lands within the state boundaries; providing
penalties; making an appropriation; and providing other matters properly
relating thereto.

1 WHEREAS, The intent of the framers of the Constitution of the United
2 States was to guarantee to each of the states sovereignty over all matters
3 within its boundaries except for those powers specifically granted to the
4 United States as agent of the states; and

5 WHEREAS, The attempted imposition upon the State of Nevada by the
6 Congress of the United States of a requirement in the enabling act that
7 Nevada "disclaim all right and title to the unappropriated public lands
8 lying within said territory," as a condition precedent to acceptance of
9 Nevada into the Union, was an act beyond the power of the Congress
10 of the United States and is thus void; and

11 WHEREAS, The purported right of ownership and control of the public
12 lands within the State of Nevada, by the United States is without founda-
13 tion and violates the clear intent of the Constitution of the United States;
14 and

15 WHEREAS, The exercise of such dominion and control of the public
16 lands within the State of Nevada by the United States works a severe,
17 continuous and debilitating hardship upon the people of the State of
18 Nevada; now, therefore,

19
20 *The People of the State of Nevada, represented in Senate and Assembly,*
21 *do enact as follows:*
22

23 Section 1. Chapter 321 of NRS is hereby amended by adding
24 thereto the provisions set forth as sections 2 to 10, inclusive, of this act.

1 SEC. 2. As used in sections 2 to 10, inclusive, of this act, unless the
2 context otherwise requires:

- 3 1. "Commission" means the Nevada lands commission.
- 4 2. "Public lands" means all lands within the exterior boundaries of
5 the State of Nevada except lands:
6 (a) To which title is held by any private person or entity;
7 (b) To which title was held by the State of Nevada or any of its local
8 governments before July 1, 1979;
9 (c) Which are located within national parks, monuments or other
10 recreational areas;
11 (d) Which are controlled by the United States Department of Defense
12 or Bureau of Reclamation; or
13 (e) Which are subject to treaties between the United States and Indian
14 tribes.

15 SEC. 3. 1. There is hereby created the Nevada lands commission.

16 2. The commission consists of:

- 17 (a) Twenty members who shall be elected from the state senatorial
18 districts in the same proportionate numbers as senators are elected; and
19 (b) A chairman, who shall be appointed by the governor. The
20 chairman shall preside over the commission and may vote only in the
21 event of a tie among the commissioners present.

22 3. Except for initial appointments, the members of the commission
23 shall be elected in nonpartisan elections when members of the legislature
24 are elected and shall serve for terms of 2 years.

25 SEC. 4. 1. The commission may contract for or employ such profes-
26 sional and clerical personnel as are needed to carry out its functions.

27 2. The commission may adopt rules for its own governance, but no
28 regulation which imposes any limitation upon the people of Nevada is
29 effective until approved by the legislature.

30 SEC. 5. 1. The commission shall manage the public lands of the
31 state in an orderly and beneficial manner.

32 2. The commission may sell, lease, exchange or encumber the
33 public lands when specifically authorized to do so by an act of the
34 legislature and under the terms and conditions set forth in the act.

35 3. No public lands may be disposed of before July 1, 1981, except
36 for any sales or exchanges which were pending on July 1, 1979, or
37 rights-of-way for public purposes.

38 SEC. 6. 1. Subject to existing rights of the people, on and after
39 July 1, 1979, all public lands in Nevada, all waters on and below the
40 surface of the land and all minerals not previously appropriated are the
41 exclusive property of the State of Nevada.

42 2. Until equivalent measures are enacted by the State of Nevada,
43 the rights and privileges of the people of the State of Nevada under the
44 National Forest Reserve Transfer Act (16 U.S.C. §§ 471 et seq.), the
45 General Mining Laws (30 U.S.C. §§ 21 et seq.), the Homestead Act (43
46 U.S.C. §§ 161 et seq.), the Taylor Grazing Act (43 U.S.C. §§ 315 et
47 seq.) and the Desert Land Act (43 U.S.C. §§ 321 et seq.) and all rights-
48 of-way and easements for public utilities must be preserved under admin-
49 istration by the state.

1 3. Public lands in Nevada which have been administered by the
2 United States under international treaties or interstate compacts must
3 continue to be administered by the state in conformance with those
4 treaties or compacts.

5 SEC. 7. The public lands of Nevada must be used to the greatest
6 extent possible for recreation, wildlife habitat, agriculture, mineral and
7 timber production and for the development, production and transmission
8 of energy and other public utility services under principles of multiple
9 use which provide maximum benefit to the people of Nevada.

10 SEC. 8. The annual fees charged for grazing leases must not exceed
11 the fair market value of the leases, as determined upon consideration
12 of the prices for livestock and the costs of raising livestock. Each lease
13 must provide for a term of not more than 10 years.

14 SEC. 9. All proceeds of sales, fees, rents, royalties or other money
15 paid to the state under sections 2 to 10, inclusive, of this act must be
16 deposited with the state treasurer for credit to the state general fund.

17 SEC. 10. 1. The State of Nevada has exclusive jurisdiction to enforce
18 the provisions of sections 2 to 9, inclusive, of this act.

19 2. A citizen of Nevada may institute civil action to recover damages
20 for any injury or loss which he sustains as the result of any violation of
21 sections 2 to 9, inclusive, of this act.

22 3. Any person who attempts to exercise jurisdiction over the public
23 lands in a manner not permitted by the laws of the State of Nevada
24 shall be punished by imprisonment in the state prison for not less than
25 2 years nor more than 10 years.

26 4. Any corporation or other entity which attempts to exercise juris-
27 diction over the public lands in a manner not permitted by the laws of
28 the State of Nevada shall be punished by a fine of not more than \$5,000.

29 SEC. 11. 1. The legislative commission shall conduct a study of the
30 public lands of Nevada to determine, in conjunction with the respective
31 boards of county commissioners and the planning commissions of the
32 several counties:

33 (a) Which lands in each county should be made available for disposi-
34 tion;

35 (b) Which lands in each county should be retained by the state as
36 habitats for wildlife or for recreational or other public purposes; and

37 (c) Which lands in each county should be made available for county
38 administration in accordance with the appropriate provisions of NRS
39 regarding county property.

40 2. The legislative commission shall submit a report of its findings
41 and recommendations to the 61st session of the legislature.

42 SEC. 12. The governor shall appoint the first members of the Nevada
43 lands commission, who shall be representatives from the senatorial dis-
44 tricts in the same numbers as senators are elected, and who shall serve
45 until November 7, 1980.

46 SEC. 13. 1. There is hereby appropriated to the Nevada lands com-
47 mission from the state general fund the sum of \$125,000 for the bi-en-
48 nium beginning July 1, 1979, and ending June 30, 1981, for support of
49 the commission in carrying out the purposes of this act.

1 2. After June 30, 1981, the unencumbered balance of the appro-
2 priation made in subsection 1 shall not be encumbered and must revert
3 to the state general fund.

②

PLEASE NOTE: THE FOLLOWING PAGES WERE TREATED
AS A UNIT IN THE ORIGINAL DOCUMENT.



STATE OF NEVADA
OFFICE OF THE ATTORNEY GENERAL
CAPITOL COMPLEX
CARSON CITY 89710

RICHARD H. BRYAN
ATTORNEY GENERAL

LARRY D. STRUVE
CHIEF DEPUTY ATTORNEY GENERAL

August 29, 1979

Senator Mike Colletta
P. O. Box 3188
Anchorage, Alaska 99501

Dear Senator Colletta:

Enclosed please find a copy of the Final Agenda for the Western Coalition on Public Lands Regional Meeting to be held at the Sahara Reno Hotel in Reno, Nevada, on September 6-7, 1979. We hope you are able to attend this important session dealing with the public lands.

Very truly yours,

RICHARD H. BRYAN
Attorney General

By

Harry W. Swainston
Harry W. Swainston
Deputy Attorney General

HWS:j11
encl

FINAL AGENDA
(Revised 8/25/79)

WESTERN COALITION ON PUBLIC LANDS
REGIONAL MEETING
Reno, Nevada
September 6-7, 1979
Sahara Reno Hotel
Third Floor Convention Center

Wednesday, September 5, 1979

- | | |
|-----------------|---|
| 1 p.m. - 6 p.m. | Early Registration, Lobby in Third Floor Convention Area |
| 4 p.m. | Western Interstate Region NACo Board of
of Directors and Public Lands Committee
Joint Meeting |
| 6 p.m. | Reception |

Thursday, September 6, 1979

- | | |
|-----------------|--|
| 8 a.m. - 9 a.m. | Registration, Lobby in Third Floor Convention Area (Coffee, Tea, Danish) |
| 9 a.m. | Opening Session - Town Hall Room II |
- Nevada Hosts:
- Senator Richard E. Blakemore,
Chairman, Nevada Select Committee
on Public Lands
 - Jack Pettiti, Commissioner, Clark
County, Nevada, and Past Chairman,
WIR/NACo

Welcoming Remarks:

- Governor Robert List, Nevada, Vice
Chairman, Western Conference, CSG
- Jean Stoess, Vice Chairman, Washoe County
Commission

Official Officers:

Senator Robert H. Ziegler, Sr., Alaska,
Chairman, Western Conference, CSG
(Presiding)
Cal Black, Commissioner, San Juan
County, Utah, and Chairman,
WIR/NACo

Keynote Speaker:

U.S. Senator Orrin G. Hatch, Utah

10:15 a.m.

General Session - Town Hall Room II
Retention Versus Disposal - State
Action, Federal Action

Moderator: Assemblyman Dean A. Rhoads,
Nevada
Alex J. Armijo, Commissioner of Public
Lands, New Mexico
Attorney General Richard H. Bryan,
Nevada
Frank Gregg, Director of BLM
Tom Nelson, Assistant Chief, U.S.
Forest Service

Noon

Lunch - Sahara Reno Opera House

Speaker:

Lt. Governor Terry Miller, Alaska
"Alienation of the West--The Rise of
the Western Coalition"

1:30 p.m.

Work Sessions (Panel Discussions)
1) The Sagebrush Rebellion - (Where
Do We Go From Here?)
2) Public Lands Payments - State/
County Relationships, and Current
Legislation in Congress
3) BLM (Organic Act Regulations and
Wilderness Review)
4) Forest Service (RARE II and Regu-
lations under RPA and NFMA)

3:15 p.m.

Break

3:30 p.m.

Work Sessions (Develop Positions)
1) The Sagebrush Rebellion - (Where Do
We Go From Here?)
2) Public Lands Payments - State/
County Relationships, and Current
Legislation in Congress
3) BLM (Organic Act Regulations and
Wilderness Review)
4) Forest Service (RARE II and Regu-
lations under RPA and NFMA)

Evening

Optional: Attendance at "My Fair Lady" in the Sahara Reno Opera House. The full Broadway production stars Douglas Fairbanks, Jr.

Friday, September 7, 1979

7:30 a.m. - 8 a.m. Coffee, Tea, Danish in Registration Area

8 a.m. General Session - Town Hall Room II

Moderator: Cal Black, Commissioner, San Juan County, Utah
U.S. Representative Don Clausen, Ranking Minority Member, House Interior and Insular Affairs Committee.
"The BLM Organic Act: Congress' Intent"

8:45 a.m. Report of the Work Sessions
Discussion and Establishment of Western Coalition Priorities and Responsibilities
Decision on Work Program for 1979-80

10:45 a.m. U.S. Representative James Santini, Chairman of Mining and Minerals Subcommittee of House Interior and Insular Affairs Committee.
"Land Management, Wilderness Review and the Future of Mining in the West"

11:15 a.m. Resumption of General Session.

12:15 p.m. Lunch

Speaker:
U.S. Senator Paul Laxalt, Nevada,
Co-Chairman, U.S. Senate Western Coalition

Adjournment

2 p.m. Followup of CSG, Nevada, and WIR/
NACo staff

2 p.m. Special Meeting - Subcommittee on Public Lands, CSG's Western Conference Agriculture Committee

Assembly Bill No. 413—Assemblymen Rhoads, Hayes, Mann, Marvel, Bergevin, Polish, Robinson, Banner, Hickey, Horn, Brady, Dini, Glover, Chaney, Bennett, Tanner, Stewart, FitzPatrick, Price, Prengaman, Fielding, Sena, Craddock, Barengo, Cavnar, May, Getto, Bremner, Malone, Westall, Vergiels, Weiss, Harmon, Rusk, Webb, Jeffrey and Mello

CHAPTER.....

AN ACT relating to public lands; creating a board of review; providing for state control of certain lands within the state boundaries; providing penalties; making an appropriation; and providing other matters properly relating thereto.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. Chapter 321 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 9, inclusive, of this act.

SEC. 2. *The legislature finds that:*

1. *The State of Nevada has a strong moral claim upon the public land retained by the Federal Government within Nevada's borders because:*

(a) *On October 31, 1864, the Territory of Nevada was admitted to statehood on the condition that it forever disclaim all right and title to unappropriated public land within its boundaries;*

(b) *From 1850 to 1894, newly admitted states received 2 sections of each township for the benefit of common schools, which in Nevada amounted to 3.9 million acres;*

(c) *In 1880 Nevada agreed to exchange its 3.9-million-acre school grant for 2 million acres of its own selection from public land in Nevada held by the Federal Government;*

(d) *At the time the exchange was deemed necessary because of an immediate need for public school revenues and because the majority of the original federal land grant for common schools remained unsurveyed and unsold;*

(e) *Unlike certain other states, such as New Mexico, Nevada received no land grants from the Federal Government when Nevada was a territory;*

(f) *Nevada received no land grants for insane asylums, schools of mines, schools for the blind and deaf and dumb, normal schools, miner's hospitals or a governor's residence as did states such as New Mexico; and*

(g) *Nevada thus received the least amount of land, 2,572,478 acres, and the smallest percentage of its total area, 3.9 percent, of the land grant states in the far west admitted after 1864, while states of comparable location and soil, namely Arizona, New Mexico and Utah, received approximately 11 percent of their total area in federal land grants.*

2. *The State of Nevada has a legal claim to the public land retained by the Federal Government within Nevada's borders because:*

(a) *In the case of the State of Alabama, a renunciation of any claim to unappropriated lands similar to that contained in the ordinance adopted by the Nevada constitutional convention was held by the Supreme Court of the United States to be "void and inoperative" because*

it denied to Alabama "an equal footing with the original states" in *Pollard v. Hagan*, 44 U.S. (3 How.) 212 (1845);

(b) The State of Texas, when admitted to the Union in 1845, retained ownership of all unappropriated land within its borders, setting a further precedent which inured to the benefit of all states admitted later "on an equal footing"; and

(c) The Northwest Ordinance of 1787, adopted into the Constitution of the United States by the reference of Article VI to prior engagements of the Confederation, first proclaimed the "equal footing" doctrine, and the treaty of Guadalupe Hidalgo, by which the territory including Nevada was acquired from Mexico and which is "the supreme law of the land" by virtue of Article VI, affirms it expressly as to the new states to be organized therein.

3. The exercise of broader control by the State of Nevada over the public lands within its borders would be of great public benefit because:

(a) Federal holdings in the State of Nevada constitute 86.7 percent of the area of the state, and in Esmeralda, Lincoln, Mineral, Nye and White Pine counties the Federal Government controls from 97 to 99 percent of the land;

(b) Federal jurisdiction over the public domain is shared among 17 federal agencies or departments which adds to problems of proper management of land and disrupts the normal relationship between a state, its residents and its property;

(c) None of the federal lands in Nevada are taxable and Federal Government activities are extensive and create a tax burden for the private property owners of Nevada who must meet the needs of children of Federal Government employees, as well as provide other public services;

(d) Under general land laws only 2.1 percent of federal lands in Nevada have moved from federal control to private ownership;

(e) Federal administration of the retained public lands, which are vital to the livestock and mining industries of the state and essential to meet the recreational and other various uses of its citizens, has been of uneven quality and sometimes arbitrary and capricious; and

(f) Federal administration of the retained public lands has not been consistent with the public interest of the people of Nevada because the Federal Government has used those lands for armament and nuclear testing thereby rendering many parts of the land unusable and unsuited for other uses and endangering the public health and welfare.

4. The intent of the framers of the Constitution of the United States was to guarantee to each of the states sovereignty over all matters within its boundaries except for those powers specifically granted to the United States as agent of the states.

5. The attempted imposition upon the State of Nevada by the Congress of the United States of a requirement in the enabling act that Nevada "disclaim all right and title to the unappropriated public lands lying within said territory," as a condition precedent to acceptance of Nevada into the Union, was an act beyond the power of the Congress of the United States and is thus void.

6. The purported right of ownership and control of the public lands

within the State of Nevada by the United States is without foundation and violates the clear intent of the Constitution of the United States.

7. The exercise of such dominion and control of the public lands within the State of Nevada by the United States works a severe, continuous and debilitating hardship upon the people of the State of Nevada.

SEC. 3. As used in sections 2 to 9, inclusive, of this act, unless the context otherwise requires:

1. "Division" means the division of state lands of the state department of conservation and natural resources.

2. "Public lands" means all lands within the exterior boundaries of the State of Nevada except lands:

(a) To which title is held by any private person or entity;

(b) To which title is held by the State of Nevada, any of its local governments or the University of Nevada System;

(c) Which are located within congressionally authorized national parks, monuments, national forests or wildlife refuges, or which are lands acquired by purchase consented to by the legislature;

(d) Which are controlled by the United States Department of Defense, Department of Energy or Bureau of Reclamation; or

(e) Which are held in trust for Indian purposes or are Indian reservations.

SEC. 3.5. 1. There is hereby created a board of review composed of the:

(a) Director of the state department of conservation and natural resources;

(b) Administrator of the division of environmental protection of the state department of conservation and natural resources;

(c) Administrator of the division of mineral resources of the state department of conservation and natural resources;

(d) Administrator of the division of state parks of the state department of conservation and natural resources;

(e) State engineer;

(f) State forester firewarden;

(g) Chairman of the state environmental commission;

(h) Director of the department of energy; and

(i) Executive director of the state department of agriculture.

2. The chairman of the state environmental commission shall serve as chairman of the board.

3. The board shall meet at such times and places as are specified by a call of the chairman. Five members of the board constitute a quorum. The affirmative vote of a majority of the board members present is sufficient for any action of the board.

4. Except as provided in this subsection, the members of the board serve without compensation. The chairman of the state environmental commission is entitled to receive a salary of \$40 for each day's attendance at a meeting of the board and the travel expenses and subsistence allowances provided by law for state officers.

5. The board:

(a) Shall review and approve or disapprove all regulations proposed by the state land registrar under section 4 of this act.

(b) May review any decision of the state land registrar made pursuant to sections 2 to 9, inclusive, of this act if an appeal is taken pursuant to section 8.5 of this act, and affirm, modify or reverse the decision.

SEC. 4. 1. The division shall hold the public lands of the state in trust for the benefit of the people of the state and shall manage them in an orderly and beneficial manner consistent with the public policy declared in section 6 of this act.

2. The state land registrar may with the approval of the board of review adopt regulations necessary to manage the public lands in an orderly and beneficial manner and to carry out the provisions of sections 2 to 9, inclusive, of this act and the public trust created in those sections.

3. Except as provided in this subsection, the state land registrar may contract for or employ such professional and clerical personnel as are needed to carry out his functions. Any contract for professional services must be approved by the state board of examiners and any money necessary to compensate those persons must be approved for expenditure by the legislature or the interim finance committee.

SEC. 5. 1. Subject to existing rights, all public lands in Nevada and all minerals not previously appropriated are the property of the State of Nevada and subject to its jurisdiction and control.

2. Until equivalent measures are enacted by the State of Nevada, the rights and privileges of the people of the State of Nevada under the National Forest Reserve Transfer Act (16 U.S.C. §§ 471 et seq.), the General Mining Laws (30 U.S.C. §§ 21 et seq.), the Homestead Act (43 U.S.C. §§ 161 et seq.), the Taylor Grazing Act (43 U.S.C. §§ 315 et seq.), the Desert Land Act (43 U.S.C. §§ 321 et seq.), the Carey Act (43 U.S.C. §§ 641 et seq.) and the Public Rangelands Improvement Act (43 U.S.C. §§ 1901 et seq.) and all rights-of-way and easements for public utilities must be preserved under administration by the state.

3. Public lands in Nevada which have been administered by the United States under international treaties or interstate compacts must continue to be administered by the state in conformance with those treaties or compacts.

SEC. 6. The public lands of Nevada must be administered in such a manner as to conserve and preserve natural resources, wildlife habitat, wilderness areas, historical sites and artifacts, and to permit the development of compatible public uses for recreation, agriculture, ranching, mining and timber production and the development, production and transmission of energy and other public utility services under principles of multiple use which provide the greatest benefit to the people of Nevada.

SEC. 7. 1. Except as provided in subsection 2, no sale, conveyance or other disposal of the public lands may be permitted or authorized by the state land registrar, unless specifically authorized by an act of the legislature enacted after July 1, 1979.

2. To the extent that the public lands may be conveyed, leased, permitted, or licensed by the Federal Government or any of its agencies, the state land registrar is hereby authorized to convey, lease, license or permit the use of public lands to the same extent or in the same manner as those

lands are conveyed, leased, licensed, or permitted to be used by the Federal Government or any of its agencies.

3. All proceeds of fees, rents, royalties or other money paid to the state under sections 2 to 9, inclusive, of this act must be deposited with the state treasurer for credit to the state general fund.

SEC. 8. 1. Except as it is authorized pursuant to section 5 of this act or except as it may be authorized by the state land registrar pursuant to any authority conferred upon him by law, any sale, lease, exchange, encumbrance or other disposal of any parcel of or any interest in the public lands is void.

2. Any person who intends to perform or who actually carries out any act with respect to the use, management or disposal of any of the public lands under color of any statute, ordinance, regulation, custom or usage of the United States or otherwise, shall obtain written authorization from the state land registrar approving or confirming any such act, which authorization shall be given only to the extent it is authorized under the laws of this state.

3. Any person who does not obtain written authorization from the state land registrar as required by subsection 2 may be enjoined by the state land registrar from attempting to perform or continuing to carry out any act respecting the use, management or disposal of any of the public lands in any court of competent jurisdiction of this state within whose jurisdiction any of the affected public lands are located or the person resides.

4. Any person who receives any money or other consideration for any purported sale or other disposition of any public land which was made contrary to the provisions of sections 2 to 9, inclusive, of this act is liable to the state for that money or for the value of any other consideration. The money may be recovered in an action brought by the state land registrar in a court of competent jurisdiction of this state within whose jurisdiction any of the affected public lands are located or the person resides.

SEC. 8.5. 1. Any person who is aggrieved by a decision of the state land registrar made pursuant to sections 2 to 9, inclusive, of this act may appeal by letter to the board of review within 30 days after the date of the decision from which the appeal is taken. The letter must set out:

(a) The decision from which the appeal is taken;

(b) Legal grounds for the contention of the appellant that the decision exceeds the authority of the state land registrar; and

(c) Facts to support the contention, with sufficient particularity to permit the state land registrar to prepare for a hearing.

2. Upon receiving the letter, the board may:

(a) Dismiss the appeal if it appears from the letter to lack any merit; or

(b) Set a date for a hearing of the appeal which must be not less than 15 days nor more than 45 days after the date on which the board receives the letter. The board shall notify the state land registrar and the appellant of the date, time and place of the hearing.

3. Any hearing held by the board must be informal.

4. The state land registrar or his representative shall present at the hearing the facts considered in reaching his decision. The appellant or his



*file
Nevada
Sagehen
Rebellion*

July 25, 1979

Honorable Mike Colletta
Box 3188
Anchorage, AK 99501

Dear Mike:

Enclosed is a resolution passed by the Board of Directors of Commonwealth North yesterday in support of Nevada's valiant efforts to get the attention of the Federal government regarding public land policy.

Before taking our action, we heard from the author of the bill, Dean Rhoads, and we researched the Nevada position thoroughly.

We hope you will agree that Alaska should join Nevada as a "friend of the court" in the impending federal court test of the Nevada statute.

As well as our resolution, I have enclosed some relevant newspaper reports.

Sincerely,

Helen Fischer
Vice President

Governor William A. Egan, Co-Chairman • Governor Walter J. Hickel, Co-Chairman
Max Hodel, President • Helen Fischer, Vice President • Morris Thompson, Vice-President • William Sheffield, Vice-President
Robert Hartig, Secretary • Millett Keller, Treasurer • Carl Brady, Sr. • Larry Carr • Henry Hedberg • Loren Lounsbury • Dr. Glenn Olds
Glenn Simpson • William J. Tobin
Malcolm B. Roberts, Executive Director

935 West Third Avenue / Anchorage, Alaska 99501 / 907-276-1414

A RESOLUTION FOR ALASKA TO JOIN NEVADA AS A FRIEND OF THE COURT
IN THE STRUGGLE WITH THE FEDERAL GOVERNMENT OVER LAND MANAGEMENT

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF COMMONWEALTH NORTH:

WHEREAS, the Nevada State Legislature has passed into law a bill (A.B. 413) which places in State management 43.4 million acres of public land previously administered by the U.S. Bureau of Land Management, and

WHEREAS, this action was not taken precipitously but after years of careful study and repeated good-will efforts to convince Congress to administer public lands in Nevada fairly, responsibly and with sound conservation practices, and

WHEREAS, in spite, of these pleas, the Federal government has increasingly instigated and imposed regulations that have proven to be harmful to the welfare of the people of Nevada, opposing the necessary and natural expansion of communities and obstructing the wise use and development of its resources, and

WHEREAS, the State of Alaska is in a similar position and has felt the same frustrations to an even greater degree as, apart from Native owned lands, less than one third of one percent of Alaska's land is in private ownership, and

WHEREAS, Nevada's bold and precedent-setting action has focused national attention on a wide spectrum of public land issues in the Western states, issues of which most Americans have been totally unaware, and issues vital to the health and future of the State of Alaska, and

WHEREAS, Commonwealth North is a bi-partisan, non-profit organization, made up of Alaska businesspeople and labor leaders, Natives, and non-Natives, Democrats and Republicans, dedicated to the betterment of the commonwealth and the enlightenment of public policy.

BE IT RESOLVED that the Board of Directors of Commonwealth North urges the Governor and the Legislature of the State of Alaska to join Nevada as friend of the court (amicus curiae) in the impending Federal Court test of the Nevada Statute.

Passed by unanimous consent
July 24, 1979

EDITORIAL PAGE

The Anchorage Times

ROBERT B. ATWOOD
Editor and Publisher

WILLIAM J. TOBIN
Associate Editor
And General Manager

CLINTON T. ANDREWS JR.
Managing Editor

Wednesday, July 11, 1979

Page 4

A Compelling Case

WHEN THE LEADER of Nevada's "Sagebrush Rebellion" stood up to present his state's side of its land battle with the federal government, some Alaskans may have been disappointed. Assemblyman Dean A. Rhoads was not a wild-eyed, tubthumping, fiery rebel.

Instead, his state's "rebellion" turned out to be one based on quiet, sound and persuasive constitutional reasoning.

And those who beforehand glibly or disdainfully dismissed Nevada's challenge to the federal government looked silly.

If you can believe Assemblyman Rhoads — and the quiet-spoken rancher and legislator turned out to be a compellingly believable fellow — Nevada has Uncle Sam plenty worried.

THIS SO-CALLED rebellion, he told a breakfast meeting of Commonwealth North yesterday, does not fit your classic dictionary definition. The State of Nevada is not really up in arms in a literal sense. But it is sincerely challenging the federal government's control and administration of public lands in the state.

It argues that the Bureau of Land Management — and it is only BLM lands that are in dispute in the legal test — has not been a good trustee of public land in Nevada. It contends the state can do better.

It argues also that the federal government has not observed the constitutional doctrine of "equal footing."

In simplified form, Mr. Rhoads said, "this means that every state which entered the union after the first 13 has all the rights, privileges and responsibilities of the original states. These are rights that Congress, by law, may not diminish. With respect to public lands, the states west of the Rockies have not been treated equally with the states east of the Rockies."

BECAUSE of this unequal treatment, the leader of the Sagebrush Rebellion said, Nevada has become stymied and frustrated — unable to develop economically, unable to manage its lands for the benefit of its people, unable to escape the heavy hand of federal management over almost all of the land within

its borders.

From this frustration came legislation by which Nevada proposes to take control of all BLM land within the state. Forest Service land and other land controlled and managed by federal agencies, some 19 million acres, are not involved.

In Nevada BLM land is substantial — 43.4 million acres of the state's total acreage of 70.7 million acres. Only nine million acres are in non-federal ownership and only four million of them, according to Mr. Rhoads, are in "productive and useful private ownership."

The Sagebrush Rebellion would change that. The legislation passed with almost unanimous support in both the Nevada Senate and the Assembly, was signed into law a month or so ago and went into effect July 1. The state is now in the process of preparing regulations to implement the law.

IT IS at that point, when the regulations are put into effect, that the federal government is expected to respond by bringing suit to block state officials from taking control of the land away from Uncle Sam.

Then the battle will be joined. And it should be a good one. Indications are, the Nevada assemblyman said, that federal lawyers are extremely worried about the outcome of the case. He says Nevada legal advisors, including its attorney general, are equally optimistic.

To strengthen its case, Nevada is seeking a coalition of other Western states to join in the legal battle. Support, he says, is running strong.

Alaska is being invited to join because Alaska's land fights are similar to those of Nevada. Some Alaskans have responded that such a test has little legal merit and could anger federal officials and impair Alaska's D2 battle in the Congress.

Nonsense, says Assemblyman Rhoads. There has been no retaliation by federal officials or agencies against Nevada, a move some initially feared.

And besides, he asked a bipartisan group of Alaska legislators when he met with them at lunch yesterday:

"When you're behind 20-0, what difference does it make?"

'Sagebrush rebellion' mushrooms

By BRUCE SCOTT
Daily News reporter

Support for Nevada's "sagebrush rebellion" is mushrooming like backing for California's Proposition 13 did two years ago, Nevada Assemblyman Dean Rhoads said Monday.

Rhoads said legislation similar to Nevada's "sagebrush rebellion bill" is pending in six states and under consideration in two others, as well as the Senate Judiciary Committee. And Nevada legislators are stumping the country looking for even more allies.

The bill returns to the state some 43.3 million acres now under federal management.

"There are a lot of other states who feel their rights are being walked on and they're jumping on the bandwagon," he said. "It's sort of like the Howard Jarvis bill."

Jarvis co-authored California's Proposition 13, which severely cut property taxes. Several states followed suit.

"We need as much support from other states as we can possibly get," he told members of Commonwealth North, a bipartisan organization of Alaskan businessmen and politicians, at the Captain Cook Hotel Monday.

The "sagebrush rebellion bill," also known as AB413, went into effect July 1, two months after being passed by the Nevada state legislature.

The bill entrusts about 43.3 million acres of federal land within the state, administered by the Bureau of Land Management, to the Nevada Department of Conservation and Natural Resources.

And the bill makes it illegal for federal officials to exercise jurisdiction over the newly-acquired "state land" without the approval of the state land registrar.

"We believe that the legal arguments in support of our position apply to forest lands, too," Rhoads said.

"Because in Nevada our problems and frustrations come from our dealings with the BLM and not with the forest service, we chose only to address BLM land," he said.

Rhoads said the bill was prompted by Nevadans' frustration over the fact that only 13 percent of the land in the state is in nonfederal ownership.

Nevada is pinning the legality of the new law on the U.S. Constitution, which the state's legislators argue takes precedence over the Nevada constitution — which renounced future property rights as a condition of statehood.

This section of Nevada's constitution "is invalid," Rhoads said, "since Congress had no power to extract such a concession from the state."

Rhoads said Nevada expects a major court battle with the federal government over the state's efforts to regain control of its land.

"From meetings our attorney general has had in Washington, it is clear that the Justice Department is taking the matter very seriously," he said.

The state's legal case is based on what Rhoads called the "equal footing doctrine" of the U.S. Constitution, and the "trust theory."

Explaining the equal footing doctrine, Rhoads said that it has been determined in the courts that the states "are vested with absolute title to the beds of navigable waters (within the state) as of the time of statehood."

While no court has extended the equal footing doctrine to encompass unappropriated public lands as well as navigable waters, "neither has any court been asked to do so," he said.

He said that such an extension of the doctrine — giving the states absolute title to all unappropriated land as it existed at the time of statehood — would be consistent with "the intent of the framers of the Constitution."

In simplified form, Rhoads said, the "trust doctrine" means that "the lands that have come into the possession of the federal government as a result of purchase or war were held in trust pending disposal into private ownership."

"The central argument of the 'trust theory' is that the unappropriated, unreserved public lands located in Nevada do not belong to the federal government in its own right," he said. "They are held by the federal government in its capacity as trustee, pending their disposal."

representative may present matters in support of his contention that the state land registrar's decision exceeds his authority.

5. *If the appellant does not appear in person or by representative, the board may consider the matters set forth in his letter of appeal and may dismiss the appeal or take any other action which it finds to be reasonable and proper.*

6. *The board shall issue its order as soon as practicable after conducting the hearing. The order of the board is a final decision in a contested case.*

SEC. 9. *The attorney general may initiate or defend any action commenced in any court to carry out or enforce the provisions of sections 2 to 9, inclusive, of this act or seek any appropriate judicial relief to protect the interests of the state or the people of the state in the public lands. The right to enforce the provisions of sections 2 to 9, inclusive, of this act vests exclusively in the attorney general.*

SEC. 10. 1. *The department of conservation and natural resources shall conduct an inventory and a study of the public lands of Nevada to determine, in conjunction with the respective boards of county commissioners and the planning commissions of the several counties, the methods of management that will best satisfy the requirements of section 6 of this act and establish a basis for determining the best uses of the land.*

2. *The department of conservation and natural resources shall submit a report of its findings and recommendations to the 61st session of the legislature.*

SEC. 11. *There is hereby appropriated to the interim finance committee from the state general fund the sum of \$250,000 for the biennium beginning July 1, 1979, and ending June 30, 1981, for the support of the state land registrar and the division of state lands of the state department of conservation and natural resources in carrying out the purposes of this act, and for the attorney general for any litigation arising out of this act. All costs of litigation incurred by the attorney general in enforcing the provisions of this act are a charge upon the appropriation made in this section.*

· PLEASE NOTE: THE PRECEDING PAGES WERE TREATED
· AS A UNIT IN THE ORIGINAL DOCUMENT.



STATE HEADLINES

The Council of State Governments

September 7, 1979 No. 79-18

DAVID CREATES GOLIATH-LIKE STATE DAMAGE

With a death toll exceeding 1,000 persons, damages totaling tens of millions of dollars, and in the wake of widespread power outages, Hurricane David swept itself up the east coast and out into the ocean as a "tropical depression" as the week ended. PUERTO RICO Governor Carlos Romero-Barcelo received a disaster declaration from President Carter, and governors in FLORIDA, GEORGIA, SOUTH CAROLINA, VIRGINIA, and northeastern coastal states were assessing damages as of Friday afternoon, deciding whether to ask for disaster assistance. Damages in Savannah alone were expected to peak at \$4 million. Florida Governor Robert Graham said elders citizens he ordered evacuated were "very happy and grateful" despite a few "isolated" instances of dissatisfaction.

WINTER WINS IN MISSISSIPPI

Former MISSISSIPPI Lieutenant Governor William Winter defeated present Lieutenant Governor Evelyn Gandy in a Democratic runoff for the governor's race. Winter will face Republican Gil Carmichael in November.

GOVERNORS WANT SOLAR CENTERS AUDITED BY GAO

Midwestern governors, who say there is "little evidence" that the federal regional solar centers are implementing programs to promote the commercialization of solar energy, have asked the U.S. General Accounting Office to do program audits on the regional solar energy centers. Another resolution adopted at the conference held August 26-28 in Osage Beach, MISSOURI, calls for a North American Energy Supply Policy which recognizes and embraces "continental" energy needs and supplies. Missouri Governor Joseph Teasdale is the new conference chairman. Vice chairman is Governor James R. Thompson of ILLINOIS, who will host the 1980 annual meeting. Conference speakers included newsman Howard K. Smith, actor Robert Redford, U.S. Senator Robert Dole of KANSAS, and OMB director James McIntyre.

NEW INITIATIVES WOULD COST \$5.2 BILLION

Two new CALIFORNIA constitutional initiatives being promoted by Howard Jarvis forces would halve the state's income tax and eliminate the business inventory tax reducing tax income by \$5.2 billion, according to the state's legislative analyst, William Hamm. The measures are targeted for the June 1980 ballot.

DELEGATE SELECTION CHALLENGED

WISCONSIN Attorney General Bronson C. La Follette has sued the state's Democratic Party, the U.S. Democratic Party, and the Democratic National Committee contending the political party's plans to set up a caucus system for selecting delegates to the 1980 convention violate Wisconsin's Open Presidential Preference Primary law. In a suit filed August 29 in the state's supreme court, La Follette says the delegate selection process effectively disenfranchises more than 700,000 citizens who voted in the last three Democratic presidential primaries.

AGs STUDY SAGEBRUSH CONTROL

The Public Lands Subcommittee of the Western Conference of Attorneys General will prepare a legal brief documenting the western states' case for public land reform. Meeting in Reno, NEVADA, September 5-7, the subcommittee also voted to establish an information exchange program on the "Sagebrush Rebellion" issue. For further information, contact the Western Office of the Council of State Governments, (415) 986-3760.

**INDIAN LAND
CLAIMS SETTLED**

NEW YORK Governor Hugh L. Carey, the U.S. Department of the Interior, and the Cayuga Indian Nation have reached an agreement on the Indians' claim to land rights in Cayuga and Seneca counties. The state will turn over a state park to the Indians in late 1983. The federal government will return 3,629 acres of U.S. Forest Service lands and pay the Indians \$8 million. In MAINE, former president Richard Nixon's lawyer, James St. Clair, has been hired to defend the state if a 12.5-million-acre Indian land claim suit goes to trial.

**CITIES GET
GOOD NEWS,
BAD NEWS**

The good news for CALIFORNIA cities is that Governor Edmund G. Brown, Jr., has signed legislation empowering municipalities to assess special fees for police and fire protection when approved by two thirds of the persons voting on the issue. The bad news is Attorney General George Deukmejian has stated in an opinion that cities may not prohibit the transportation of radioactive materials within city boundaries because of current federal statutes and regulations.

**STRIKING
TEACHERS**

Teacher strikes in 15 states have affected 650,000 elementary- to college-level students. Two states, MISSOURI and NEW YORK, settled with their educators. As of September 5, 13 states still had 33,000 teachers on strike. Affected states are ALASKA, CONNECTICUT, ILLINOIS, INDIANA, LOUISIANA, MICHIGAN, NEW JERSEY, OHIO, OKLAHOMA, OREGON, PENNSYLVANIA, RHODE ISLAND, and VERMONT.

**VANPOOLING
INNOVATION**

The KENTUCKY Department for Human Resources (DHR) has initiated a new vanpooling operation for state workers under which the vans will be put out on bid by the state, bought and owned by a private leasing company, and driven by state employees. DHR will establish routes and fares, sell commuter passes, and assign employees and passengers to vanpools. For further information, contact Robert C. Ward (502) 564-7530.

**PROPERTY
SEARCHES
OVERTURNED**

A NEW JERSEY state appeals court has reversed a lower court decision and ruled that finding a small amount of marijuana is not sufficient cause to authorize police to conduct property searches.

**INDIANA SEEKS
LSA DIRECTOR**

The INDIANA Legislative Services Agency is seeking candidates for the position of executive director. Applicants need a law degree, experience in the legislative process and with management of a professional staff, and some familiarity with text data processing and fiscal and management analysis. Resumes should be sent to Senator Martin K. Edwards, President Pro Tem of the Senate, in care of Arden R. Chilcote, Room 302, State House, Indianapolis, Indiana 46204. Anthony E. Ard, the former executive director, resigned August 31.

**WELFARE WINNERS
MIGHT BE LOSERS**

The PENNSYLVANIA Department of Public Welfare and the state's revenue department are trying to locate public assistance recipients who fail to report winnings from the state's lottery. The computer match program will aim at winners of \$1,000 or more. Public welfare recipients who fail to report winnings could lose public assistance benefits, be prosecuted for welfare fraud, or be forced to reimburse the state for overpayments. The program has already located 118 such cases.

**\$18 MILLION
IN STATE SAVINGS
PREDICTED**

IDAHO Governor John V. Evans has received the report of his management task force appointed earlier this year making recommendations to streamline the state's government. The group estimates that implementation of the 212 recommendations in the report will lead to an annual savings for the state of over \$18 million.

MEMORANDUM

July 19, 1979

TO: Sharon Long
(D) (2) Information Office

FROM: Marcie Sharrock
(D) (2) Legislative Liaison

RE: "Sagebrush Rebellion"

Attached please find for your records a copy of Nevada Senate Bill No. 240, that provides for control of certain public lands by the State of Nevada.

STATE HEADLINES

May 18, 1979 No. 79-10

REVENUE SHARING IN CONFERENCE

The fate of states' \$2.3 billion portion of revenue sharing is in the hands of a House/Senate conference committee which will reconvene this week. On May 7, the House upheld by a 195-190 vote a recommendation by the House Budget Committee that the states' share of revenue sharing be deleted for fiscal 1980. Earlier, the Senate voted to keep the program intact.

DRINKING AGE HIKED

NEW HAMPSHIRE has become the second northeastern state to raise the legal drinking age from 18 to 20. MASSACHUSETTS took the same action in March. In CONNECTICUT, Governor Ella Grasso vetoed May 15 a bill which would have raised the legal age for buying alcoholic beverages in stores to 19 while leaving the age for drinking in bars at 18.

NUCLEAR WASTE HAULING HALTED

After a truck hauling Uranium 238 from CALIFORNIA to a radioactive waste dump site in Beatty, NEVADA, caught fire, Nevada Governor Robert List ordered an indefinite halt to nuclear waste shipments from California to Nevada. The governor said the material was improperly containerized causing the fire.

MICHIGAN WILL SUE OVER WASTE

MICHIGAN Attorney General Frank Kelley has told a U.S. House subcommittee his state will sue the U.S. Environmental Protection Agency for "doing virtually nothing" to prevent poisonous chemicals from being dumped at an Air Force base near Oscoda, Michigan. He said the chemicals are contaminating groundwater there.

AGE OF CONSENT RAISED

The NEW JERSEY legislature has revised its new penal code, scheduled to take effect September 1, to delete a provision lowering the age of sexual consent from 16 to 13. The lowered age of consent had been part of a reform of the state's rape code drafted by two local feminist groups to reduce the number of statutory rape cases brought by irate parents of sexually consenting teenagers.

TAX CAP SIGNED

Vowing to return to the next legislative session for a zero-growth tax cap, MASSACHUSETTS Governor Bruce King signed into law a 4 percent cap on property tax increases passed by the legislature. During a 10-day extension on signing the bill, volunteers from the governor's campaign staff attempted to collect 500,000 signatures on a petition favoring the zero percent lid.

ANTISMOKING ACTION

The NEBRASKA legislature voted May 15 to require separate smoking and nonsmoking areas in most public facilities. The bill was modeled on a four-year-old MINNESOTA law. In NEW YORK, the Assembly passed a measure to prohibit smoking in almost all public places unless there is a designated smoking section. A local antismoking referendum in Dade County, FLORIDA, was defeated May 9 by less than 1,000 votes.

DEFENSIVE STATE DRIVING

A defensive driving course for state employees who operate WEST VIRGINIA vehicles has resulted in a 16 percent reduction in losses during a seven-month comparison period, according to Robert Corey, risk manager for the state's insurance board. About 8,000 employees have taken the eight-hour National Safety Council course.

COAL BAN UPHELD

States do have the right under U.S. environmental law to stop utilities from importing coal from other states, a KENTUCKY federal court judge ruled May 7. A section of the 1978 Clean Air Act says states may force utilities to burn "regionally available coal" if importing coal will hurt the state's economy. OHIO officials exercised that authority by banning imports of low-sulfur coal. Kentucky and a coal company said Ohio's action unconstitutionally interferes with interstate commerce. The decision will be appealed.

OBSCENITY LAWS VOIDED

In a suit against the state's attorney general and two sheriffs, the RHODE ISLAND Supreme Court has ruled that the state's obscenity law is unconstitutional. In its May 14 decision, the court said the law is too broad because the legislature included in the definition of obscenity the phrase "patently offensive sexual conduct." The TENNESSEE Supreme Court has also declared unconstitutional the state's 1978 antiobscenity law which outlawed everything from topless waitresses to written articles about sex. The court said the law violated state and federal constitutional guarantees of free speech and free press.

CIGARETTE TAXES

WISCONSIN's cigarette tax laws do not apply to cigarettes sold by Indians, Attorney General Bronson C. La Follette said in a May 9 opinion to the state revenue department. The attorney general said U.S. Supreme Court decisions have made it clear that a general exemption from state taxes extends to Indian tribes and Indian persons within reservation boundaries.

APPOINTMENT AUTHORITY CHALLENGED

CALIFORNIA Governor Edmund G. Brown, Jr., has asked the state's supreme court to void Lieutenant Governor Mike Curb's recent appointment of a presiding justice of the Los Angeles appeals court. The lieutenant governor made the appointment while Governor Brown was out of the state. The governor asked the court to rule that the lieutenant governor may not exercise the governor's authority unless the governor is "temporarily disabled" instead of just traveling out of state or there is an "emergency" situation.

SALES TAX REMOVAL

NEVADA's sales tax on food would be eliminated if voters approve a measure placed on the June 5 ballot by the legislature as a partial alternative to a Proposition 13-style, citizen-initiated constitutional amendment (Question 6). Question 6 was approved by voters in November 1978, but must be approved again in November 1980 to become effective. If the food tax cut passes, it would self-destruct if voters opt for Question 6 in 1980.

COMPREHENSIVE JOB TRAINING

INDIANA Governor Otis Bowen has signed legislation providing state assistance for comprehensive job training and related services for the economically disadvantaged, unemployed and underemployed. The state will continue to provide aid through the new Opportunities Industrialization Centers Act even if the federal government eliminates its assistance.

TRI-STATE ENERGY PACT SIGNED

A 13-point emergency energy plan, which would include Sunday subway service and a reserve bus fleet, has been signed by VIRGINIA Governor John N. Dalton, MARYLAND Governor Harry Hughes, and DISTRICT OF COLUMBIA Mayor Marion Barry, Jr. The plan is designed to provide coordinated and complementary policies on energy in the D.C. area.

DOOR-TO-DOOR REGISTRATION

CONNECTICUT Governor Ella Grasso has signed legislation authorizing door-to-door voter registration. Another law signed by the governor (S.B. 3119) allows gas and electric companies to include the cost of state-approved promotional advertising in their operating expenses.

GASOLINE RATIONING

To correct a problem with the odd/even gasoline rationing plan which occurred when stations closed on the weekends, CALIFORNIA Governor Edmund G. Brown, Jr., issued another order requiring stations to retain one-sixth of their gasoline allocations and stay open on weekends under their own odd/even system based on the numbers in the stations' state licenses. In another action, a San Francisco superior court judge temporarily restrained gasoline stations from carrying out their threatened four-day moratorium until a hearing can be held on a state antitrust suit filed by Attorney General George Deukmejian. Station owners met later and decided to suspend their planned moratorium for 30 days. Assembly Speaker Leo McCarthy has named a legislative committee to investigate the gasoline shortage and gave the committee subpoena power. Assemblyman Mel Levine will chair the investigation.

INDIAN RIGHTS UPHELD

A federal district court judge May 8 upheld the unlimited fishing rights in certain MICHIGAN waters granted to Indians in two nineteenth century treaties with the U.S. government. In the decision, involving the Bay Mills and Sault Ste. Marie Chippewa tribes, the judge held that the state has no authority to impose regulations on Indians or limit treaty rights—that such regulation rests with Congress.

ABORTION RULING

States are not required to go any further in providing their own funds for abortions than federal law requires, the U.S. Supreme Court ruled in a MASSACHUSETTS case. The court refused to hear a challenge to a state law that removed state financing from all abortions except those necessary to prevent the death of the mother or in instances of rape or incest. Federal law requires Medicaid funding of abortions "in those instances where severe and long-lasting physical health damage to the mother would result if the pregnancy were carried to term."

POLITICAL STATUS HEARINGS

A commission on the political status of AMERICAN SAMOA completed hearings recently in Honolulu. The commission, led by former legislative leader Aumoeualogo Salanoa, is considering three alternatives for the territory's political status—continued territorial status, an Organic Act of Congress, or commonwealth status similar to PUERTO RICO and the VIRGIN ISLANDS.

URBAN UPLIFT

The IOWA legislature has passed an urban revitalization bill providing significant property tax exemptions on the value of improvements made by owners to residential, commercial or industrial property in blighted urban areas.

HEW REMAINS RESTRAINED

A federal judge May 11 refused to lift a temporary restraining order which stops the U.S. Department of Health, Education, and Welfare from cutting off some of the \$89 million in aid to the University of NORTH CAROLINA. The university and HEW are involved in a dispute over desegregation of the state's university system.

MENTAL COMMITMENT RULING

States must now present a stronger case in mental institution commitment proceedings than in other civil cases, the U.S. Supreme Court ruled in a TEXAS case April 30. The Court said, "clear and convincing evidence" must be presented before a person can be involuntarily committed.

**SUNSET
MANAGER
SOUGHT**

The NEW HAMPSHIRE Sunset Committee is seeking a program manager to administer, supervise, and coordinate state sunset program evaluations. Minimum of five years' experience in managing program evaluations and bachelor's degree required; master's degree preferred. Salary based on experience. Submit resume and salary history to New Hampshire Sunset Committee, Room 301, State House, Concord, New Hampshire 03301.

**EMPLOYEES GET
COST OF LIVING**

GEORGIA state employees will receive 8.5 percent cost-of-living pay raises for the 1980 fiscal year. After obtaining clearance from the President's Council on Wage and Price Stability, Governor George D. Busbee approved the increases which will be given in two segments of 5.5 percent on July 1, 1979, and 3 percent on January 1, 1980. The pay raises are not in violation of the federal guidelines because the two segments fall within different program years.

**LAND REFUNDS
OFFERED**

The Federal Trade Commission (FTC) has announced that thousands of buyers of undeveloped COLORADO land may be eligible for 70 percent refunds because of deceptive claims by the sellers. About 75,000 acres of the land have been sold—primarily through ads in national magazines and newspapers. The refund agreement between the FTC and Bankers Life and Casualty Company of Chicago, 11 other companies and one individual also enjoins Bankers Life and the others from misleading consumers in future land sales, including Colorado and FLORIDA where the companies have most of their land holdings.

**NEW PRISONS
PROPOSED**

Citing the inadequacy of the state's current reformatories and a voter-approved measure eliminating "good time" sentence reductions for certain offenders, MICHIGAN Governor William G. Milliken has outlined a \$404 million corrections improvement program. The plan calls for eight new prisoner facilities including a prototype regional facility. The governor said construction could be accomplished with bonds or the general fund, but added he prefers a pay-as-you-go approach. The governor said the voter-approved measure will increase prison population by 2,200 persons for a total of 18,400.

**GEOTHERMAL
OWNERSHIP**

WASHINGTON Governor Dixy Lee Ray has signed legislation giving private property owners the right to tap geothermal energy sources beneath their lands. Although opponents of the bill argued that geothermal steam should remain in the public domain, supporters said private ownership of the resource would encourage its development.

**CONTROLLING
WESTERN LAND**

In an address to the Western Conference of the Council of State Governments, ALASKA Lieutenant Governor Terry Miller urged western states' delegates to form a coalition to take control of western lands from the federal government. The proposal received quick endorsement from NEVADA delegates. The federal government controls 87 percent of Nevada land. Congress is considering bills involving millions of acres of Alaska land which were declared national monuments by President Carter.

**INTEREST RATE
HIKED**

A long-standing controversy over interest rates was settled in TENNESSEE when the legislature passed a bill increasing the maximum interest rate to 10 percent on loans under \$1,000 and setting a floating rate of 5 percent above the federal discount rate on loans over \$1,000.

Senator Pat Rodey
Western Coalition Meeting On Public Lands
September 5-7, 1979

276-3222

TRAVEL Sept. 5 Western #720 Anc 9am - Sea 2:05 pm
 Air West #41 Sea 4:55pm - Reno 6:22pm

 Sept. 7 United #312 Reno 10:40am - Sea 12:11pm
 Western #989 Sea 9:25pm - Anc 10:38pm

HOTEL Sahara Reno Hotel (Reservation 9/5-6)
 (702) 322-1111
 Mail Deposit of \$36.00 to
 Sahara Reno Hotel
 Attention: Room Reservations
 P.O. Box 1291
 Reno, Nevada 89504

Note Date of arrival on Check, as well as
name of meeting

TR Charged to Legislative Council

No. 197270



THE WESTERN CONFERENCE of

The Council of State Governments



Conference Staff
The Council of State Governments
Western Office
165 Post Street, 5th Floor
San Francisco, California 94108
(415) 986-3760

Preliminary Agenda

WESTERN COALITION MEETING ON PUBLIC LANDS

Sahara - Reno Hotel
September 5-7, 1979

Wednesday, September 5

Afternoon

6:00 p.m.

Early Registration

Reception

Thursday, September 6

8:00 a.m.

9:00 a.m.

Registration (coffee available)

Opening Session

-Nevada Hosts:

Senator Richard E. Blakemore, Chairman, Nevada
Select Committee on Public Lands
Jack Pettitti, Commissioner, Clark County,
Nevada, and Past Chairman, WIR/NACo

-Welcoming Remarks:

Governor Robert List, Nevada, Vice-Chairman,
Western Governors' Conference, CSG

-Official Officers:

Senator Robert H. Ziegler, Sr., Alaska, Chairman,
Western Conference, CSG
Cal Black, Commissioner, San Juan County, Utah,
and Chairman, WIR/NACo

-Keynote Speaker:

U.S. Senator Orrin G. Hatch, Utah

10:15 a.m.

Work Sessions

- Public Lands Payments - State/County Relationships
- Organic Act Regulations
- Wilderness Review
- Current Legislation in Congress

Noon

Lunch

-Speaker:

U.S. Senator Dennis DeConcini, Arizona,
Co-Chairman, Senate Western Coalition (invited)

1:30 p.m.

Work Sessions

- Public Lands Payments - State/County Relationships
- Organic Act Regulations
- Wilderness Review
- Current Legislation in Congress

3:30 p.m.

General Session: Nevada's Sagebrush Effort

-Moderator:

Assemblyman Dean A. Rhodes, Nevada

-Panelists:

Governor
Attorney General Richard H. Bryan, Nevada
Lieutenant Governor Terry Miller, Alaska
staff, U.S. Senator

Evening

Free for your own activities. Special rate available
for Performance of "My Fair Lady" starring
Douglas Fairbanks, Jr. (See Registration Form)

Friday, September 7

9:00 a.m.

-Speaker:

U.S. Representative James Santini, Nevada (invited)

Topic: Implementation of RARE II and BLM
Wilderness Review on the Future
of Mining in the West

General Session

-Moderator:

Cal Black, San Juan County Commissioner, Utah

- Report of the Work Sessions
- Discussion and Establishment of Western
Coalition Responsibilities
- Assignment of Coalition Responsibilities
- Decision on Work Program for FY 1979-80

10:30 a.m.

Break

11:00 a.m.

Continuation of General Session

12:15 p.m.

Lunch

-Speaker:

U.S. Senator Paul Laxalt, Nevada, Co-Chairman,
Senate Western Coalition (invited)

Adjournment



August 10, 1979

Honorable Mike Colletta
Alaska State Senator
Box 3168
Anchorage, AK 99501

Dear Mike:

We were very pleased to see the Legislative Council take action to study the Nevada land fight.

There are vital questions at stake in that struggle over federal ownership and management of land, and Alaska must stay in the thick of that battle.

Thank you for your efforts on behalf of the State and our future.

Sincerely,

Helen Fischer
Vice President

and the Board of Directors of Commonwealth North

Governor William A. Egan, Co-Chairman • Governor Walter J. Hickel, Co-Chairman
Max Hodel, President • Helen Fischer, Vice President • Morris Thompson, Vice-President • William Sheffield, Vice-President
Robert Hartig, Secretary • Millett Keller, Treasurer • Carl Brady, Sr. • Larry Carr • Henry Hedberg • Loren Lounsbury • Dr. Glenn Olds
Glenn Simpson • William J. Tobin
Malcolm B. Roberts, Executive Director

935 West Third Avenue / Anchorage, Alaska 99501 / 907-276-1414

Colletta - ✓

Rodney - 276-5929 ✓

Hanges - 3rd at town -

Wills - 276-4340 ✓

De Hoon - ✓ 3600

Ron Brink - ✓

Miles

Rodney - 5th avenue

TR

8 Hotel

Airline
reservations

6th
return
with
of 6

4 hours

8/21

Joe Hayes out of town
till Sept 10
will be attending Reno
conference
Reservations arriving 9/5
for meeting 6th & 7th
Council of State Governments
San Fran (415) 986-3760

Sahara Reno Hotel

single/double \$36⁰⁰
Registration Fee \$25⁰⁰
My Fair Lady \$15⁰⁰

WESTERN STATE'S LAND COMMITTEE

Senator Pat Rodey
Senator Mike Colletta
Representative Joe Hayes
Representative Bill Miles

Sept 5, 1979 Staffs, Western AG's
Sept 6,7, 1979 Western Coalition, State Legislatures

Sahara Reno Hotel, Reno, Nevada
Council of State Governments, San Francisco Office (415) 986-3760

Harry W. Swainston, Deputy Attorney General
Heroes Memorial Building, Capitol Complex
Carson City, Nevada 89710
(702) 885-4170



COMMITTEE TO RESTORE THE CONSTITUTION, Inc.

Inspired by the Hon. John Janney (1877-1967), last of a long line of Virginia patriots.

Suite 480, Savings Building ★ Howes at Oak ★ Fort Collins, Colorado 80521 ★ Phone: 303-493-2408

OFFICERS

Hon. John R. Rarick,
Former Congressman
St. Francisville, La.
CHAIRMAN

Hon. Bruce Alger,
Former Congressman,
Dallas, Texas,
PRESIDENT

Mr. Norman Dodd, former Dir.
Committee to Investigate Tax
Exempt Foundations, House
Virginia
VICE PRESIDENT

Mrs. Betty J. Mills
National Legislative Chmn.
Committee to Retrieve NRA
Indiana
SECRETARY

Mr. Arthur Kroetch, Pres.
Little Scottman Industries
South Dakota
TREASURER

Hon. T. David Horton,
District Attorney,
Carson City, Nevada
COUNSEL

Archibald E. Roberts,
Lt. Col. AUS, ret.
Fort Collins, Colorado
DIRECTOR

COUNCIL

Dr. T. Dale Alford, M.D.,
Former Congressman,
Little Rock, Arkansas

Mr. Don Bell, Publisher
Don Bell Reports,
Florida

Cmdr. Homer Brett, Jr., Trustee
Military Order of World Wars
Maryland

Mr. E. D. Brown, Editor
South African Observer
Pretoria, South Africa

Mrs. Mary D. Cain,
Publisher, T.W.C.
Summit, Mississippi

Dr. N.M. Camadee, M.D., Pres.
Council of Medical Staffs,
Ohio

Colonel Curtis B. Dall,
Chairman, Liberty Lobby
Virginia

Bishop James Parker Deas,
Anglican Orthodox Church,
North Carolina

Mr. Hilaire DuBerrier,
Int. Political Analyst,
Monte Carlo, Monaco

Mr. Delamer Duverus,
Editor-in-Chief,
The American Sunbeam
Missouri

Dr. Howard E. Kevahner, L.H.D.
Columnist & Author,
Texas

Mrs. Margaret S. Kline, Pres.
National Assn. ProAmerica
Ohio

Brig. Gen. William C. Lemly, V.P.
Liberty Amendment Committee,
California

Dr. Revilo P. Oliver, Ph.D.
Professor of the Classics
Illinois

Mr. Robert L. Preston, Pres.,
American Research Institute
Utah

John Rakus, Esq. Counsel
Nat. Justice Foundation
California

Dr. Frank A. Rogers, M.D.
Executive Director,
National Coordinating Council
California

Tatavich & Grand Duke
H.H. Aleksei N. Romanoff
New York

Brixton H. Tabb, Jr., Trustee
Sons of the Am. Revolution
Virginia

Mr. John W. VonDouris,
Pres. Gen. Nat. Soc.
Sons Am. Colonists
California

November 8, 1979

Senator Mike Colletta
1016 West 6th Ave., Suite 435
Anchorage, Alaska 99501

*file
Sagbrush*

Dear Senator Colletta:

REF: Alaska House Bill No. 398, "An Act relating to state control of certain land within state boundaries.."

June Allen, Officer of the Governor, Anchorage, asked that I send you background information on the origins of subject bill which would claim State sovereignty over 96.4% of Alaska territory now claimed by the federal government.

Enclosed August & September bulletins, and April, 1978 Committee of Correspondence letter (blue) published by the Committee to Restore the Constitution, Inc., cites the 'equal footing doctrine' basis for the successful "Sagbrush Rebellion", center of interest by thirteen western states and national media.

Alaska, too, may claim jurisdiction over 'public lands' as did Governor Robert List of Nevada. All that is necessary is public education on the principles of state sovereignty and support for reintroduction of Alaska House Bill #398. Neither the Supreme Court nor the U.S. Congress have authority in the matter.

You are invited to use information contained in CRC publications in any manner you deem appropriate and helpful to assert Alaska sovereignty over land, water and minerals within her borders.

Sincerely,

Archibald E. Roberts

Archibald E. Roberts, Lt. Col., AUS, ret., Director, CRC

Encl: as stated

Copy: Alaska State Senators & Representatives

June Allen, D-2 Information Office
Alaska Citizen Correspondents on Resolving D-2
Office of the Governor
1016 West Sixth Avenue, Suite 435
Anchorage, Alaska 99501 - (907) 277-2415

Attorney T. David Horton, Counsel
Committee to Restore the Constitution, Inc.
Sweetland Building
3115 Douglas Lane
Carson City, Nevada 89701 - (702) 883-1966



"If every person has the right to defend - even by force - his person, his liberty, and his property, then it follows that a group of men have the right to organize and support a common force to protect these rights constantly." *THE LAW*, by Frederic Bastiat, Paris, 1850.

Suite 480, Savings Building Howes at Oak Fort Collins, Colo. 80521 Phone: 303-493-2408

SCOPE OF NEVADA'S 'GOVERNMENT LANDS' ACT COMPARED TO LOUISIANA PURCHASE

THE LOUISIANA PURCHASE, 827,192 square miles of land bought by the United States from France in 1803 for \$15,000,000, extended from the Gulf of Mexico to Canada and from the Mississippi to the Rocky Mountains.

Nevada's Assembly Bill No. 413, 15 February 1979, declaring sovereignty over 49 million acres of land within State borders (property now controlled by the Bureau of Land Management) challenges the entire concept of 'government lands'. The statute became effective 1 July 1979.

At stake is 1,188,148 square miles of territory, an area greater than the Louisiana Purchase.

Involved are the ambitions and future of the people and governments of twenty-four states west of the Mississippi River, including Alaska and Hawaii.

Eleven federal agencies now claim jurisdiction over 760,414,810 acres within State boundaries. Nevada says that continued federal dominion deprives the State and its people of fees and revenues, inhibits use and development of resources, and violates constitutional guarantees of State sovereignty.

An example is extraction fees for coal, gas, oil, oil shale and other energy resources on 'government lands' now paid by industry to federal agencies. These funds, if paid to state treasuries instead, could free western states of revenue sharing blackmail and strike at the heart of unconstitutional federal regionalism.

Nevada's action will affect the Bureau of Land Management, U.S. Forest Service, Corps of Engineers, Bureau of Reclamation, U.S. Park Service, Bureau of Indian Affairs, Fish and Wildlife Service, Nuclear Regulatory Commission, U.S. Navy, U.S. Air Force, U.S. Army and others.

"Like a wind-whipped brush fire, Nevada's 'sagebrush rebellion' threatens to spread into a states rights revolt against federal land control across the West", reported the Fort Wayne Indiana JOURNAL GAZETTE, 28 July 1979.

"Today", the Journal Gazette said, "ranching and mining interests see potential wealth in the land, and the States see taxes flowing away to Washington."

District Attorney T. David Horton, Counsel, Committee to Restore the Constitution, who drafted the original Nevada statute, quotes the "equal footing doctrine" as authority for State sovereignty over lands within its borders.

"Both the enabling legislation of Congress and the Presidential Proclamation announcing Nevada's admission, recognize her to be on an 'equal footing' with the other Parties to the Constitution", Horton declared.

Chapter XXXVI of 13 United States Statutes at Large (1864) provides that:

"said state (Nevada), when formed, shall be admitted into the Union upon an equal footing with the original states in all respects whatsoever."

The Presidential Proclamation signed by Abraham Lincoln 31 October 1864, echoed the same requirement:

"... the said State of Nevada is admitted into the Union on an equal footing with the original states."

"Nevada could not have been on an 'equal footing' if she did not have sovereign ownership of her land". Attorney Horton pointed out.

"Nevada has always owned her public lands", Horton noted. "Federal bureaucrats can have no authority from the Constitution to rule over the public lands. The Constitution gives no such authority. Their present control is due solely to the fact that Nevada has, until now, allowed it."

Nevada Governor Robert List, then Attorney General, in a 66-page opinion, "Equal Footing Doctrine and Its Application by Congress and the Courts", May 1977, noted:

"The constitutional doctrine of equality of states, also referred to as the equal footing doctrine, is a well settled truism of constitutional law although the term 'equal footing' does not appear in the United States Constitution, nor was it employed in the Articles of Confederation."

In *Escanaba Co. v. Chicago*, 107 U.S. 678 (1883), Mr. Justice Field writing for the United States Supreme Court described the State of Illinois' admission to the Union:

"On her admission she at once became entitled to and possessed of all the rights of dominion and sovereignty which belonged to the original States. She was admitted, and could be admitted, only on the same footing with them. The language of the resolution admitting her is 'on an equal footing with the original States in all respects whatsoever'. 3 Stat. 536. Equality of constitutional rights and power is the condition of all the States of the Union, old and new."

"What is the solution to a problem where the Constitution requires one thing and bureaucrats are doing something else?", asked Mr. Horton during public debate on the Nevada 'public lands' issue, 19 August 1976.

"The solution", he said, "is simple, Enforce the Law. It is as important for the Nevada State Legislature to pass statutes that stop violations of the Constitution as it is to pass statutes prohibiting burglary or robbery."

The framers of the Constitution understood this clearly. Many members of the Kentucky legislature of 1799 knew personally those who had set up the Constitution. On 19 November 1799 the Kentucky legislature resolved:

"Whensoever the general government assumes undelegated powers, its acts are unauthorized, void and of no force; that to the Contract (the Constitution) each State acceded as a State and is an integral party; its co-states forming as to itself, the other party; that government created by this Contract was not made the exclusive or final judge of the extent of the powers delegated to itself, since that would have made its discretion, and not the Constitution, the measure of its powers. But, that as in all other cases of compact among parties having no common judge, each party has an equal right to judge for itself as well of infraction as of the mode and measure of redress."

James Madison said:

"The ultimate right of the parties to the Constitutional Compact to judge whether the Compact has been dangerously violated, must extend to violations by one delegated authority as well as by another; by the judiciary as well as by executive; or the legislature."

"But it is not just a right of the State Legislature to enforce the Constitution with regard to Nevada's public lands", Attorney Horton said in his 1976 testimony. "It is a duty. Each

(continued page 2)

SCOPE (cont.)

State legislator is bound by his oath 'to support this Constitution'. By 'this Constitution' is meant the Agreement between the States as the framers and adopters intended it."

The New York legislature of 1833 roundly condemned: "The dangerous heresy that the Constitution is to be interpreted not by the well understood intentions of those who framed and those who adopted it, but by what can be made out of its words by ingenious interpretation".

Mr. Madison's Report puts an end to this subterfuge that would destroy the Constitution:

"If the decision of the judiciary be raised above the authority of the sovereign parties to the Constitution, the decisions of the other departments, not carried by the forms of the Constitution before the judiciary, must be equally authoritative and final with the decisions of that department.... However true therefore it may be that the judicial department is, in all questions submitted to it by the forms of the Constitution to decide in the last resort, this resort

must necessarily be the last in relation to the other departments of the government; not in relation to the rights of the Parties to the Constitutional Compact, from which the judicial as well as the other departments hold their delegated trust. On any other hypothesis, the delegation of the judicial power, would annul the authority delegating it; and the concurrence of this department with the others in usurped powers, might subvert forever, and beyond the possible reach of any rightful remedy, the very Constitution which all were instituted to preserve."

"The rule of law: 'A sovereignty is never estopped', means that a State is never prevented by delay from exercising any of its powers", charged Mr. Horton.

Nevada's Assembly Bill No. 413 declaring sovereignty over 49 million acres of land within State borders is an example of a State exercising its sovereign powers. It is a beginning.

Shouldn't your State legislators be told about the Nevada action?

end

FACTS BEHIND THE NATIONAL CRISIS*

*From a thirty minute television interview with Archibald E. Roberts, Lt. Col., AUS, ret., Director, Committee to Restore the Constitution, Inc., and Mr. John Adams, KQTV, St. Joseph, Missouri 6 April 1979.

MR. ADAMS: Our guest today is Lt. Col. Archibald Roberts. Mr. Roberts, or Colonel, what should I call you?

COL. ROBERTS: Whatever you like John. Whatever you are comfortable with.

MR. ADAMS: Colonel, you are a retired Lt. Col. from the United States Army. Could you give us first of all a little background. I know why you are here, we'll go into that later.

COL. ROBERTS: 'OK' John. I am the director of the Committee to Restore the Constitution, a national organization headquartered in Fort Collins, Colorado. The Committee is involved in bringing the facts behind the national crisis to the attention of the American people. Now, we know that there are many who talk about problems in America. The Committee is unique in that we offer a solution to those problems. Perhaps, we can start talking about the solution rather than just the problem itself.

My position, at least here, while on this tour, is to speak around the States of Kansas and Missouri to help our chapters, (we are organized by county chapters), to assist in bringing these facts before county commissions and state legislative bodies. For example, in the State of Kansas we have a concurrent Resolution #5010 which calls for the formation of a joint committee of the state legislature to investigate federal regionalism and land control. Now, we have gone through this process in the State of Missouri. In fact, we did this two years ago.

MR. ADAMS: 'OK'. Before we go any further, could you explain federal regionalism and land control.

COL. ROBERTS: You bet. Unfortunately, although the impact of federal regionalism is directly associated with the problems that Americans are faced with today, such as capricious zoning laws, land control laws, gun legislation, forced busing, socialized medicine, and a host of impositions placed on the American people without their knowledge or consent, there is really very little knowledge about the source of these problems. The core issue, John, is federal regionalism. Federal regionalism is a new kind of government which was created by former President Richard M. Nixon in 1969. On the 27th of March of that year, Mr. Nixon merged the fifty sovereign states into ten federal regions in violation, I might add, of the prohibitions of Section 3, Article IV, of the Constitution...

MR. ADAMS: Which is...

THE SILENT REVOLUTION

COL. ROBERTS: Which prohibits the merger of two or more states into larger political units. This act was, of course, in violation of the Constitution. But, I think it sets the stage for everything that has happened since. The creation of regional government established the provincial capitols. For example,

the capitol for Kansas and Missouri is Kansas City, provincial capitol for federal region VII.

Now the reason that regional government is illegal, is that it replaces elected officials with appointees. And the way it does it is by the use of federal revenue sharing funds withheld or awarded on the basis of whether or not a local unit of government will go along with regional guidelines and administrative laws set up by the regional headquarters. This is fiscal blackmail. It's the use of tax dollars to coerce local units of government into going along with regional government and the impositions inherent in the program. So, we are confronted by the violation of law. Law is the absence of force. But here we have appointed officials under regional government using tax dollars to blackmail local governments into adopting regional programs. This is the danger inherent in regional government. It is a new kind of government imposed upon the people without their knowledge or consent.

What we are asking the State legislatures in Kansas and in Missouri to do is to define the law. The law is the Constitution of the United States, John. If it is found that any of these programs under regional government violate specific prohibitions of the Constitution, it is clear that the state legislators, each of whom has taken an oath of office to defend and preserve the Constitution, must do whatever is necessary to enforce the Articles of the Constitution within the borders of the state.

That is the basis of our campaign. Number one, to show that federal regionalism does change local and state government without the knowledge or consent of the people. Number two, that federal regionalism seeks to change or modify the freedoms of person or property (such as the rights of private property guaranteed under the Fifth Amendment). And third, to prove that federal regionalism is an attempt to overthrow the Constitution and erect a new kind of government on the ruins of the Republic.

MR. ADAMS: You are saying that President Nixon had in mind, had plotted to overthrow the government...

HIDDEN POWER BEHIND REVOLUTION

COL. ROBERTS: John, we have to get into the origin of this problem. I think it is clear that the revolution of the magnitude that we are talking about, could not be achieved by any individual, much less the college revolutionary, or the black community, or the Chicano community. None of these have the necessary financial authority to create the kind of revolution that we are talking about. Mr. Nixon called regional government a "silent revolution" and it is certainly that because it is changing the face of our government all over the United States. When we talk about Mr. Nixon launching federal regionalism we are merely talking about a man who was used as an instrument to create a new kind of government by the passage of Executive Order #11647, Executive Orders, unconstitutional as they are, therefore indicate that some power, some vast authority, forced the President and all of the succeeding administrations to go along with this conspiracy (your word). But the conspiracy is real. We have found by our

(continued page 3)

own investigations, John, that regional government is a consolidation of government into a new system. In other words, a centrally controlled government from Washington, D.C. But the necessary financing of this kind of control over our federal government is exercised by the tax-exempt foundations. In our own research, now over nineteen years of investigation...

MR. ADAMS: Are you talking about churches and foundations like that?

COL. ROBERTS: No, we are talking about the Rockefeller Foundation and the Carnegie Foundation and the Ford Foundation. These are the foundations that funded the regional revolution in the United States. For example, John, when we examined the situation in the states to locate the origins of these new administrative laws and regulations, we found in Montana, for example, that the new Constitution for the State of Montana (allegedly originating in the halls of the Montana State University in Bozeman) was not the product of post-graduate students that were promoting this but rather that they had received a blueprint for the introduction of a new constitution for Montana from the Brookings Institution.

The Brookings Institution, we found by further research, is funded by the Rockefellers. So here we have a clear example of the kind of insidious control and the emotionalizing and propagandizing of the people of Montana to enter into an alleged review of the old Constitution to introduce the new one.

We also found that the new Constitution for the State of Montana did not originate in the halls of the state legislature as the Montana people were told. Instead, the new Constitution was taken out of what is called ACIR Blue Book. The Advisory Commission on Intergovernmental Relations Blue Book is a collection of ten major works. All of them deal with specific facets of the economy, the government, society itself, and that there is a collection therefore of recommended laws, regulations, administrative procedures, set up by a mail order house called the Advisory Commission in Intergovernmental Relations. We also found that the ACIR is a quasi-legal end of government and that it was launched and initiated and inspired by the Rockefeller family, in this case, Nelson Rockefeller. So we have, over the years, shown the interlock of this silent revolution with vast resources which have been accumulated under the tax-exempt foundations, some of which I have identified. We are in fact talking about a conspiracy as you suggest.

MR. ADAMS: What would Nelson Rockefeller, who was once a Vice President of the United States, have to gain by overthrowing the Constitution?

GOVERNMENT AS A BUSINESS

COL. ROBERTS: Well, I think everything, John. Because you see at the turn of the century, where we must begin, these families, Ford, Rockefeller, and Carnegie, are involved in a master plan to change the form of government in the United States from a republic with elected officials to a centralized government controlled from Washington. They realized that the most profitable business in the world, or at least in the United States, is government. Government is the most profitable business because government can allocate special privileges, such as tax exemption, and privileges in industry and finance. This means, therefore, that those who control the government can write the rules for the advancement of their own interests.

Therefore, the interlocking and international governments that we are dealing with, and we are now an international government, and of the multi-national corporations and international banking system, such as the Chase Manhattan Bank, mean that we are subjects of a world government concept. Regional government is world government in action at the local level. In other words, regionalism is the replacement of elected officials with appointees who are responsible, not to the electorate, but to a central government operating under what is called administrative law. Regionalism is a government of men rather than law. And this is the issue that we are bringing before the people.

MR. ADAMS: Are you saying... maybe I have you wrong here. I want to clear something up. Are you saying that it was Nelson Rockefeller's plan in effect, maybe not immediately but in the future looking on down the road, that it might have been Nelson Rockefeller's plan to rule the world?

COL. ROBERTS: Well, you are talking about the generation of Nelson Rockefeller, whereas we are talking about families. This is a continuity. None of this could occur overnight. Revolutions not only are expensive, but they take long periods of time to gestate. So what we are talking about is the end result of a long period of preparation.

MR. ADAMS: I see.

NEWSTATES CONSTITUTION

COL. ROBERTS: And when we speak about this kind of operation, let me give you an example. Perhaps, you recall that in 1976 which was our Bicentennial celebration that there was some talk about the Constitution being reviewed to determine if it was a horse and buggy constitution. What most Americans were not aware of is that the Constitutional Convention was to be used as a springboard for degrading the U.S. Constitution and to introduce what is called the Newstates Constitution. The fact is, you see, that although that first move failed, there is a thirteen year campaign on right now to introduce that Newstates Constitution and replace the Constitution of the United States. The interesting thing about this, John, is that the Newstates Constitution was prepared at what is called the Center for the Study of Democratic Institutions in Santa Barbara, California. The Center for the Study of Democratic Institutions took ten years to prepare the so-called Newstates Constitution. The cost was \$2.5 million a year for ten years. That is \$25 million. We believe, therefore, that the people who financed this study, to prepare what is called the Newstates Constitution, are sincere. They really believe that they can replace the Constitution with this new document.

Now, the financing for this \$2.5 million a year came from the Ford Foundation, and it is called the Fund for the Republic. This is the evidence that we must understand. Despite the ignorance, or perhaps the deliberate withholding of information from the American people regarding these moves, the end results are real.

The Newstates Constitution was published in a book called the "Emerging Constitution" by Rexford G. Tugwell. Rexford Tugwell is a Socialist. He has a long history of promoting world government and the system that we now are witness to. The Newstates Constitution produced by Mr. Tugwell and 100 other change artists at the center in California, is an attempt to validate the so-called merging of the fifty states into ten federal regions. It also proposes that our government shall be a government of appointees rather than elected officials.

So, we know that they have already prepared a largely secret program to eventually coerce the American people by various types of emergencies. I think if you read the paper you can see that. The objective is to condition us to believe that we must have a new modernized kind of government under this Newstates Constitution. The fact is that all of the apparatus, that is, the new government called regional government, already exists. We do have the new provincial capitol in Kansas City for a four-state region. We do have the Councils of Government which combine the formerly free counties of the states. Therefore, we have already established this third layer of government.

MR. ADAMS: I may be wrong, excuse me, but it is my understanding that the reason regional government or the regions were set up under the Nixon administration was simply to consolidate a lot of work that was ordinarily done by governmental agencies in each state and we put them all together in one office, in this case, you are pointing out our region, Kansas City, which you are terming a capitol of the region. But that is the largest city in the region with the exception of St. Louis, that's the largest city in the four states and it is located closest to the center of the four-state area and it makes sense to the federal government that if you are going to save money by consolidation that you would want to have the city that you do it in in the most central point to that. Is that a logical argument?

WHAT IS THE LAW?

COL. ROBERTS: Logical, perhaps. But legal is something else. We are not really talking about streamlining government. We're not really talking about bringing government closer to the people. We're not really talking about efficiency in government, because all of these stated

(continued page 4)

FACTS (cont.)

aims obviously have proven to be false. They are propaganda ploys. The reality is that we are talking about "what is the law?". The law is the Constitution of the United States. If these programs, however emotionally attractive they may be, if they violate the prohibitions of the Constitution, then we are involved in a revolution. In other words, an attempt to overthrow the Constitution.

MR. ADAMS: Why didn't anybody in government point this out or see this as a violation to the Constitution? Are they part of this conspiracy?

COL. ROBERTS: No, not necessarily so, John. We use the word conspiracy mostly to identify those agencies and consolidations of political and financial power which inspired the program.

MR. ADAMS: The Rockefeller Foundation.

COL. ROBERTS: Yes. We do not necessarily mean those who are brought into the system, and this includes government officials as well as elected officials in Washington, because they, of course, pass the laws or the administrative laws, which have promoted this program. It does not mean that they have to be a part of the conspiracy itself in order to support it. The federal agency is not going to warn us that what they are doing is illegal because then they would be subject to criminal sanctions under Title 18, U.S. Criminal Code. Those individuals who are found to be in collusion to overthrow the Constitution are subject to criminal sanctions. Obviously they are not going to suggest that they are doing something in violation of their oath of office.

The reason that we go to the state legislature for corrective legislation and corrective action, John, is not because the federal government is supreme. Quite the reverse. You see, under the Constitution, the states, the first thirteen states, then sovereign nations, created the central government by the first three Articles of the Constitution. This means that we are talking about principal versus agent. That is, the state is the principal. It has the power and the authority to correct the excesses of its agents in Washington. We have been bound, that is, the American people and the states and their local governments, have been bound by the action, the illegal actions, of agencies in Washington, because the principal, the state, has so far failed to challenge the unconstitutional acts of its agents.

MR. ADAMS: Would you suggest one of the things that we touched on earlier, Colonel, was the fact that it was a type of blackmail to get the governments to go along with because of revenue sharing. And you suggest that we may rid ourselves of revenue sharing? Would that be one solution?

NO FREE LUNCH

COL. ROBERTS: There is, of course, that to consider, but I think that the reality is that revenue sharing is on the way out because it is bankrupting the federal government. We are already bankrupt. We are a trillion dollars in debt. So that is a minor issue. What regional agents are sharing is not money but debt. What happens is that when revenue sharing allocations are made on the basis of specific funding of programs, then whether it be a multi-county sewage system or whatever the case might be, that eventually those federal funds are terminated. They begin with the federal government allegedly financing up to eighty percent of the cost but after a year or two the federal government funds run out and the local unit of government must then raise the taxes, or the mill levy on private property, in order to meet the increased costs. Now, this happened in Colorado, my state, where the government budget for the State of Colorado, twenty years ago, was three hundred million dollars. Last year the budget was one billion three hundred million dollars. That increase is totally due to the mandated programs set up by Federal Region VIII in Denver, Colorado.

This is the reality of the so-called free lunch, that is, revenue sharing funds. There is no free lunch. Eventually the producer, the farmer, rancher, businessman, and so on, must pay for these programs. They are bankrupting the business community, the farm and ranch people. All across the nation this is a pattern of destruction of the producing element of this society.

MR. ADAMS: You don't see yourself as a Senator McCarthy of the 1970's or anything like that?

COL. ROBERTS: Well, that is a little inaccurate. Let me point out that in Indiana where we are very active, we have formed coalitions with other organizations which are similarly concerned. This includes the Catholic Church and the Baptists involved in the Right to Life, for example. It includes sports organizations, gun owners, and so on. Our representation in the State of Indiana now totals one million people. We have a voice in the State Legislature.

It is because of this concern, and hurt of the individual citizen, that we are able to bring together the disenfranchised and the exploited citizens of whatever level and to point out how their particular problem relates to a central core problem: regional government. Therefore the solution must be the elimination of this third layer of government called federal regionalism. When that is done, all of the evils flowing from regional government will dissipate.

MR. ADAMS: When you are having your meetings like you are having some in Kansas right now, do you find a good turnout?

THE CONSTITUTIONAL CONVENTION TECHNIQUE

MR. ADAMS: A recent poll showed that most people in the United States, most Americans, are on the wave length right now where they think that the less federal government, the better. Now, this obviously goes along with you so you are not having any problem finding that true in the places that you are going to.

COL. ROBERTS: No. What we have found difficult in some instances is to translate an individual's problem, loss of a farm, for example, because of elevated taxes, or in the case of the tractorcade in Kansas, to the realization that the march on Washington by tractors would not solve the problem, because Washington is the source of the problem rather than the source of its solution. We had to translate that issue of parity into its proper context, which is that the federal government sets the rules which will eventually bankrupt the individual and independent farmer and to put him off the land so that they are able to create what is called a corporate farm. In other words, vast areas controlled by a central agency of farm produce manufacturing. This means that we are going into a system where Americans will soon find themselves serfs on the land that once was theirs. Americans will be merely producers on the land, but have no title to it. These are the realities that we must finally grapple with. The problem is much greater than merely one man's problem. But one man's problem translated into a solution will solve everybody's problem.

MR. ADAMS: Do you support the recent move that's going on right now to meet for constitutional convention?

COL. ROBERTS: Well, this, of course, has been a very emotional issue. The Constitutional Convention technique, John, is a means to capitalize on the dissidence and on the emotional issues or factions which deal with balancing the federal budget, or gun control, water control, land control, or whatever, and the assurances that if a Constitutional Convention is called it will deal only with that narrow issue of balancing the budget. But the reality, John, is that when a Constitutional Convention is called, if it is called, it will not be limited to any particular issue. The representatives who go on to this meeting will be given carte blanche by the states and if you remember when we had our first Constitutional Convention they threw out the original Articles of Confederation and the delegates adopted a completely new law, the Constitution of the United States.

So a Constitutional Convention is not limiting and we know that the Constitutional Convention is indeed being promoted and advanced through these various agencies controlled by such groups as the tax-exempt foundations for that very purpose. In other words, it is a very sophisticated revolution to exploit the American people by these various interest areas and to bring them into a main stream of demand for a Constitutional Convention. But, what is forgotten is that the same people who created the Newstates Constitution will control that so-called Constitutional Convention.

MR. ADAMS: Thank you very much. We're running out of time, Colonel. Our guest has been Colonel Archibald Roberts, Committee to Restore the Constitution, Fort Collins, Colorado.

end

COMMITTEE TO RESTORE THE CONSTITUTION, Inc.

"If every person has the right to defend - even by force - his person, his liberty, and his property, then it follows that a group of men have the right to organize and support a common force to protect these rights constantly." THE LAW, by Frederic Bastiat, Paris, 1850.

Suite 480, Savings Building Howes at Oak Fort Collins, Colo. 80521 Phone: 303-493-2408

NEVADA CLAIMS VAST "GOVERNMENT LANDS"

GOV. ROBERT LIST SIGNS BILL DECLARING STATE SOVEREIGNTY OVER 49 MILLION ACRES OF TERRITORY "OWNED" BY FEDERAL GOVERNMENT. ALASKA, OREGON, OTHERS MAY FOLLOW.



Nevada's legislature passed and Governor Robert List signed in early June a State law of such mind-boggling magnitude that it makes inflation and energy issues picayune by comparison.

Central to Nevada's challenge of federal claim to western lands is the "equal footing doctrine" which describes the admission and status of new states on a basis of constitutional equality of right and power with the original States. The doctrine prohibits Congress from imposing, by consent or otherwise, conditions on admission to statehood which infringe upon the equality of the new state in relation to the other States.

Implementing statute is Nevada Assembly Bill No. 413, dated 15 February 1979, "AN ACT relating to public lands; creating a board of review; providing for state control of certain lands within the state boundaries; providing penalties; making an appropriation; and providing other matters properly relating thereto".

The Nevada law flows from a Senate Bill No. 398, dated 25 March 1977, drafted by Attorney T. David Horton, Counsel, Committee to Restore the Constitution, a Colorado non-profit corporation. (See, "Nevada Challenges 'Public Lands' Concept", CRC Committee of Correspondence letter, April 1978.)

Horton's argument is that the land clearly belongs to the State of Nevada by way of the Constitution; it merely needs enforcement; it is not a matter of the federal government giving or approving anything.

"Article 1, Section 8, Clause 17 of the Constitution". Horton says, "specifically restricts federal agencies and prohibits them from having any lands within the boundaries of a state once formed unless: 1. They are purchased; 2. Consent of the Legislature is given; 3. They are used for the erection of forts, arsenals, dockyards or other needful buildings."

Complaints, authorities and provisions of the 1979 Act are set out in seven pages of text. Among its highlights:

SEC. 5. 1. Subject to existing rights, all public lands in Nevada and all minerals not previously appropriated are the property of the State of Nevada and subject to its jurisdiction and control.

SEC. 5. 3. Public lands in Nevada which have been administered by the United States under international treaties or interstate compacts must continue to be administered by the state in conformance with those treaties or compacts.

SEC. 7. 3. All proceeds of fees, rents, royalties or other money paid to the state under sections 2 to 9, inclusive, of this act must be deposited with the state treasurer for credit to the state general fund.

Nevada's Attorney General Robert List (prior to his election to the office of Governor) enunciated the sovereignty of the State regarding unappropriated lands within its border in a sixty-six page opinion, "Equal Footing Doctrine and Its Application by Congress and the Courts", May 1977.

"The Power of Congress to admit new States into the Union does not carry with it the authority to maintain colonies or territories in perpetuity", said the Attorney General. "The retention under federal

dominion in perpetuity of vast areas of public lands within the boundaries of a State by Congress is an exercise of a power after statehood which is denied by the Constitution before statehood. Such a situation places the equal footing doctrine in direct conflict with the Property Clause, a conflict, which if litigated, might well result in a Supreme Court holding that Congress must pursue an active plan of disposal of unappropriated public lands", he said.

Harassed by Bureau of Land Management excesses, mining and ranching interests have spurred Nevada into calling on other western states to join in battle against federal dominion over state lands. Nevada's Legislature has appropriated \$250,000 to back their challenge.

The Nevada action involves no less than 87% of the entire State. That's how much is now under federal dominion. In all western states the federal government controls 607 million acres. That much land is more than twice the area of all European countries combined. One-third of the State of Colorado is controlled by the federal government, and the percentage for other western states is eye-popping: 96.4% of Alaska; 66.2% of Utah; 63.7% of Idaho; 52.3% of Oregon; and 45% of California. The U.S. Government claims 64% of all land in 13 western states - in contradiction to constitutional prohibitions.

Nevada argues that the U.S. Constitution and historic court rulings show the U.S. government was supposed to hold these lands in trust and turn them over to the territories when statehood was achieved. The State wants the revenues from the vast acreage involved. Ranchers fear that Washington,

(continued page 2)

NEVADA (cont.)

under pressure from environmentalists wielding lawsuits, will cut back grazing on public lands. Ranchers and miners are in a rage over congressionally ordered plans to create new wilderness areas.

Constitutionally and historically the law is on the side of Nevada. Sovereignty over lands and resources within the borders of each of the original thirteen colonies, which by constitutional compact created the Union, is clearly set out in the Declaration of Independence:

"We, therefore, the representatives of the United States of America in General Congress assembled...solemnly publish and declare That these United Colonies are, and of right ought to be free and independent states...; and that as free and independent states, they have full power...to do all other acts and things which independent states may of right do."

Significantly, Article II, Articles of Confederation, adopted by the Continental Congress 15 November 1777, confirmed the sovereignty of each state.

"Each State retains its sovereignty, freedom and independence and every power, jurisdiction, and right, which is not by this confederation expressly delegated to the United States..."

Further, Article IX provided that no state shall be "deprived of territory for the benefit of the United States".

At the time the Constitution became effective (1789) and the thirteen independent nations became a Union, each state had, and continues to retain, dominion, title, as well as jurisdiction of all lands within its borders.

"The internal sovereignty of these States was complete from the time they declared themselves free, sovereign and independent States and became thus entitled to all the rights and powers of sovereign states." *Harcourt v. Gaillard*, 1827, 12 Wheat. 523 527.

In a related case the Bureau of Land Management, attempting to appropriate coal under 91,780 acres of privately owned land in Alabama, has instituted litigation against 47 property owners and coal mining companies charging "trespass".

Mr. James Free, Washington correspondent for the BIRMINGHAM NEWS, stated in an article, "Lawyer Says State Owns Coal Lands in Dispute", 11 March; "But David Horton, a Carson City, Nevada Attorney and long time fighter against what he calls federal usurpation of state's property,

says that all this coal really belongs to the State of Alabama. And he cites the U.S. Constitution and an 1845 U.S. Supreme Court decision to back up his claim".

The Supreme Court decision cited by Horton came in the case of *Pollard vs. Hagan*. At issue was an attempt by Congress to retain control over public land in Alabama and Mississippi as a condition to their admission into the Union.

The two States refused to disclaim title to the public lands in their respective borders, and the issue was brought to federal court, which ruled that:

"The United States have no constitutional capacity to exercise municipal jurisdiction, sovereignty, or eminent domain, within the limits of a state, or elsewhere, except in cases in which it is expressly granted."

The high court also declared, "The right of Alabama and every other new state to exercise all the powers of government which belongs to and may be exercised by the original states of the Union, must be admitted".

Horton said this ruling has never been overturned and suggested that the Alabama Legislature use its power to "block the pretensions of Bureau of Land Management bureaucrats".

In Oregon Representative Curt Wolfer's House Bill No. 2430 defining, "title to 'public lands' be vested in the State of Oregon", received initial hearing 3 May 1979. Testifying in favor was Archibald E. Roberts, Lt. Col., AUS, ret., Director, Committee to Restore the Constitution.

Patterned after Nevada's original Senate Bill No. 398, the Oregon bill is undergoing modification in compliance with recommendations by members of the Agriculture and National Resources Committee, according to Mr. Michael Kelsay, Legislative Aide.

In Alaska Representative Ray Metcalfe's House Bill No. 398 claiming 'public lands' for the State, will be introduced when the legislature reconvenes on 14 January 1980, reported Ms. Jennie Noah, Administrative Assistant, Legal Services Division.

Nevada's Legislature has focused the attention of legislators and citizens on an issue of immense importance: enforcement of the U.S. Constitution within the borders of the State.

The Denver ROCKY MOUNTAIN NEWS, in an editorial of 10 June, "Landlord of West", concluded, "Should Nevada prove successful in its land grab, it could do more to change the physical nature of our nation than anything since the Louisiana and Alaska land purchases".

REGIONAL BUREAUCRACY PART IV

TRANSCRIPT OF TESTIMONY BEFORE JOINT INDIANA COMMITTEE ON CORRECTIVE LEGISLATION

CONTINUED FROM THE JULY CRC BULLETIN

One of the clearest examples of this can be found in the history of the Habeas Corpus Act which all lawyers take for granted today. But it was not always so. There was a time when six members of the British Parliament were seized on the streets of London and thrown into the Tower of London for refusing to vote the King's revenue at a time when all British citizens had a right of habeas corpus. But it was only after the British Parliament enacted the Habeas Corpus Act and gave effective process to the vindication of that right, that we today can enjoy that right of habeas corpus.

Similarly, so far as the limitation in the Constitutional compact is concerned, they are very plain and very clear and we have a milieu of examples of where federal agents have exceeded these expressly enumerated powers. The question for this legislature and for any legislature is to determine whether or not they are going to continue to implicitly ratify the unauthorized acts of its agents.

So far as the acts of regionalizers in Indiana are concerned, they are acting as agents of the State, because they have no authority under the Constitution. The Constitution prohibits...

SENATOR EDWARDS: Excuse me, but do... what may be the theory of this act is one thing, and I think we all understand what you are striving toward and I am not trying to initiate a Constitutional debate or a legal debate between lawyers, which I happen to also be on occasion when I am not practicing the legislative practice, but what is the intent and what is in fact written before us and we are asked to consider as a document may vary. What you are saying to me and what I read in this document, are not necessarily the same thing. I am concerned as a technician that if in fact this does require us to make a judicial decision. I am still not satisfied that you have given me an answer to that question.

MR. HORTON: No, I am saying that you are making a finding, a legislative finding.

SENATOR EDWARDS: But you are asking us to declare something void.

MR. HORTON: This is correct.

SENATOR EDWARDS: And you don't consider that to be a judicial determination.

MR. HORTON: Oh, no. Just like the powers of contempt are not the exclusive province of a court. But legislatures have the

(continued page 3)

power to directly punish for contempt just like courts do. Similarly if the legislature finds that there is an attempt in 11647 to exercise: (1) powers that were not delegated by this state in agreeing to the Constitution; (2) to exercise them in a manner that is prohibited by the agreement itself. In other words, being legislative in nature and being exercised by so-called Executive Order.

SENATOR EDWARDS: Let me ask you a question as a constitutional lawyer, do you not agree with the concept that the constitutionality of an Executive Order is well established?

MR. HORTON: Oh, heavens no. By no means. In other words, there is such a thing as a valid Executive Order. This is something where a head of a department, in this case the President, tells the Secretary of State or the Secretary of Defense what to do. But that's not the nature...

SENATOR EDWARDS: But, I think you are agreeing with me in the fact that we may be disagreeing or debating whether or not in fact this executive order is constitutional. But I think, if I understand the answer to your question, you are really saying that you do agree that the constitutionality of an executive order, assuming that we can both agree that the content is proper, is well established.

MR. HORTON: There is such a thing as a valid Executive Order, yes. 11647 happens to not be one of them.

SENATOR EDWARDS: That may be exactly right and the only thing that concerns me as a legislature is that you are asking us to make that determination and we are really crossing the separation of powers into the judicial branch of government.

MR. HORTON: Well, I think if you look at it as a question of defining what the problem is that you are addressing yourselves to legislatively, then you won't find the quandry or the qualms that many lawyers will feel. In other words, we lawyers are part of this problem. We continually think in terms of handling situations such as this by bringing a lawsuit. You have a client come into your office as a private practitioner with a problem. If you don't know what the answer is off the top of your head or you can't find it in a book, you say we can always put our nickel, or your thousand dollars as the case may be, into the slot machine of this litigation, pull the handle, it will come out jackpot or lemons.

SENATOR EDWARDS: Well, maybe you do that in Nevada. I don't know that we do that here.

MR. HORTON: I think in this particular case...

SENATOR EDWARDS: Paramutual has been declared unconstitutional in the State of Indiana.

MR. HORTON: I think that you will find this sort of thing go on in every law shop. The point, however, is in trying to address it in the terms that we ordinarily use as lawyers. We overlook the plenary power of the state in dealing with the basic constitutional infraction. And it is this that the statute is addressed to.

Now, if you feel, for example, that the description in the statute is too broad, it is perfectly feasible to single it out for specific use. For example, if it were addressed specifically to the actions of OSHA, you have probably had plenty of problems here, they have had plenty of problems in South Dakota for example, so much so have they had problems that they have solved their problems almost without a statute, but they are still coming in with a statute patterned after this that is addressed to the question of there being no authority in the federal agencies to address themselves to the general police powers exercised under OSHA. Therefore the act in South Dakota of the OSHA-crats can be, and if the bill passes, will be made a criminal act. And it will also provide several remedies for its enforcement.

SENATOR EDWARDS: I would point out in Indiana we're still attempting to fight regionalism and federalism by using Indiana's own version of OSHA and operate under that rather than under the federal...

MR. HORTON: Well, I don't know whether that's necessarily fighting... Of course it's... if you are going to have to take a pill like that you may prefer to have one with a local sugar coating. But when the shots are called, by the life tenure bureaucrats and in an area that is specifically prohibited to them by the Constitution, then it is whether you have a formal OSHA bill in Indiana or not. It is, again, the state power that is being used or misused in these areas.

SENATOR EDWARDS: Well, I don't think you and I basically disagree in conceptual arguments on federalism. I think my concern is one of a technical nature as to the nature of this bill. I won't utilize all the time. Representative Becker, you indicated you had a question.

REP. BECKER: Thank you, Mr. Chairman. I don't care who answers this question. Somebody that is learned in the particular bill.

We as legislators are sworn to uphold the Constitution. One of the things that we are not able to legislate is a criminal act that is vague. The Constitution has been interpreted to say that any criminal law cannot be vague. In other words, the man on the street has to know what the law is so that if he does commit the crime he does know at the time that he is committing a crime.

Now, my question with the bill that is before us today deals in that area and section II says "any act by branch or agency of the federal government purporting to group a state or states into a 'so-called region' is void in Indiana" and then the penalties come afterward.

My question is, can anybody please describe for us, and the list may go on and on and on, but, what is a so-called region so that the citizens of the State of Indiana and the elected officials would know when they are treading upon this criminal activity.

MR. HORTON: I think that in the front of the April '78 issue of the Committee of Correspondence of the Committee to Restore the Constitution, you will find identified in the broad black lines the various regions that are referred to in Executive Order 11647 and it means that if you have an effort after Senate Bill 100 becomes law, for example, in Region V, I believe it is, for governmental powers to be exercised that have an effect in Indiana, even though they may have an effect in Illinois, where they may not object to it, or in Wisconsin where they may not object to it. If it has an effect in Indiana to this precise extent, the Constitution is being violated because the states, in spite of its prohibition, are being combined to that precise extent. In that respect it is an additional violation of the Constitution.

Now, that would be prohibitive conduct. Examples of it will depend upon what they are trying to do. But if they are trying to, by means of Executive Order 11647, exercise any kind of governmental power on a regionalistic basis then they had better stay out of Indiana.

Now, so far as whether or not to modify Senate Bill 100 in order to limit its scope. This concern of not having specifically defined criminal acts set out, is something that can be handled very nicely by using, let's say, an OSHA modification. You can have an EPA modification if they are giving you some trouble there.

I learned at the first meeting of the interim committee that you were even having a public land problem. We've got a dandy bill in Nevada that will do the trick beautifully.

The important thing is not that all bases be covered, but that a base start to be covered. Once the state starts to use its legislative powers to correct constitutional infractions, the writing will be plainly on the wall. I anticipate that if, let's say, the Public Lands Bill goes through in Nevada, that our BLM bureaucrats who try to control 88% of the State will come to the office, if they don't transfer them out, which is option number one. They will take the phone off the hook, they will lock the door behind them and they will sit there and read funny papers rather than run the risk of being accused of the prohibitive conduct that is in the proposed Senate Bill 398.

Now, this is perfectly precise enough to stop the type of prohibited conduct that you are trying to arrest. We haven't tried, even in the Lands Bill, to cover all of the areas that public lands are involved in. We left out the so-called 'green hornets'. The Forest Service. But it was thought to be technically completely immaterial whether they were put in or weren't put in, because they would realize that in the definition of what lands this bill applies to. Two words alone would be needed in the event the Forest Service continued to get out of line.

So if you make a start and cover one base, take any base you want, if you make a start and start to correct the constitutional infractions in any area, you will find that the benefits of that permeate the entire state and a lot of your problems won't arise.

REP. BECKER: You would agree then that this is vague. As the bill is written here.

BUREAUCRACY (cont.)

MR. HORTON: I don't feel that it's vague because if you look at 11647 and see what they are trying to do and you lay that along side of...

REP. BECKER: Excuse me, this bill doesn't... preamble... But the law itself, that part that the elected officials are going to be held accountable for says "any act by a branch or agency of the federal government purporting to group a state or states into a so-called region" and anybody that is an elected official that purports to enforce or uphold, which I think would mean anybody that has a dealing with that, would be committing a crime in the State of Indiana.

Now, I would tend to agree with what you are saying at the last, and maybe we would be better off picking a few examples and saying that is bad and unconstitutional and we're not going to support that in the State of Indiana. I personally have a problem with the language being too vague and that if we do anything we end up being declared unconstitutional to begin with.

MR. HORTON: What ever you feel comfortable with is the thing to go with. The important thing is not to try to fix all infractions in one fell swoop. The important thing is to start and if you start in one little corner you will find that the whole picture begins to improve.

SENATOR EDWARDS: Senator Peterson.

SENATOR PETERSON: Senator Edwards, ladies and gentlemen, I appreciate your testimony very much. I am not sure who may want to answer the question, whomever feels that it is most appropriate.

I think all of us share your concern for bureaucracy whether it be at the federal level or the state level. I think all of us encounter bureaucracy at the local level. Senator Edwards and Representative Becker's questions are very much legal points that I think are well taken and should be well considered by your group.

I'd like to ask you a question about the thrust of your philosophical approach. Mr. Dodd's remarks concern me somewhat. I think there will be legislation passed in this General Assembly that may well be unconstitutional and there may be aspects of what you are fighting against that may well at some time be unconstitutional. Yet, I don't think there is a legislator in this General Assembly who is involved in any conspiracy to destroy mayors or county commissioners. Isn't it possible that what you are fighting against is a difference in philosophy? But when you come to us and find a conspiracy dating back to prior, to World War I, to destroy our government, beginning with the various foundations, do you consider the various Presidents from Wilson forward to be a part of that conspiracy or do you consider them duped by that conspiracy? Or is it possible that it is not a conspiracy, that within our great government, exist people who differ in philosophy and at one time or another we have the federal government or local governments or even state government extending themselves beyond their constitutional limits?

MR. HORTON: I think you are going to get two barrels on this. Col. Roberts has indicated he wants seconds.

I would say that it is not entirely by any means the result of a conspiracy. Many things happened that are not a result of a conspiracy. However, I think the best way to gauge what they are up to is by what they say themselves. In this case the Carnegie-Hiss Foundation, they call it the Carnegie Peace Foundation, but as Mr. Dodd has pointed out to you they were engaged in other activities that explain not just the original objectives of those who formed it, but some of the very anomalous conduct of such presidents as Nicholas Murray Butler and various others who have preceded to use this grant-making power in a way where I think it could best be described as a conspiracy.

However, this is immaterial as to whether or not the state can or should do something about it. The basic question is what is the end result. If the result is something that goes against the basic structure of constitutional limitation and the authority and responsibility of elected officials to keep their powers, not because we locals are perfect, but because we are more accountable and also we are more lawful. A state legislature is a plenary body. It has all legislative powers unless it is prohibited by either the state or the federal Constitution. The exact reciprocal is the case with Congress. Yet we find the Congress legislating in all kinds of different

areas. Or pretending to. They may do this in this state and in any other state as long as the body having the authority to speak for the state in its highest sovereign capacity, does nothing. They don't need any authority under the Constitution because they can get all the authority they need from usurpation.

But usurpation is a bilateral act and it is not necessarily the result of conspiracy. Even when good-meaning people and sometimes they are the most dangerous, come forward and undertake to exercise governmental powers that are prohibited under the Constitution, because they have such pure motives and humanitarian aims. Sometimes they can do a lot more damage than the actual scoundrel who is merely trying to line his pocket. I'd a lot rather deal in law enforcement with a scoundrel than with a fool.

Similarly, when it comes to determining whether it is a philosophical difference or whether it is the result of people putting their heads together, conspirators curiously enough, tend not to let us in on their secrets until after it is too late to remedy the deprivations. Consequently, even the law of conspiracy is governed by inferences, circumstantial evidence that you can't use in other types of crimes, for example. Because of the covert nature of it. But from the legislative standpoint, it is completely immaterial as to whether it is the result of a conspiracy or not. The question is does it violate the terms of the compact and if it does, do you want to continue to ratify it?

I'll pass this over to the Colonel.

COL. ROBERTS: Mr. Chairman, I would respectfully recommend the refocusing of the members of this Committee on the reality that now confronts us, namely, that we are involved in a revolution.

I do not believe that it is pertinent to discuss the detail as to whether or not this body, at this point, has authority to deal with revolution. I believe that it is clearly the responsibility of this body to deal with the revolution called federal regionalism. It is obviously going to deteriorate into a much more serious aspect unless something is done. The fact that federal regionalism itself is a conspiracy, I think, is evident. It is evident from not only the material that we have provided this evening, but in the documents that are presented to the two Committees.

One of these is the Newstates Constitution. The Newstates Constitution is the result of ten years of study by the Center for the Study of Democratic Institutions in Santa Barbara, California. That study was funded by the Ford Foundation in the amount of two and a half million dollars a year for ten years, an investment of twenty-five million dollars. The preparation of this Newstates Constitution, which is to replace the Constitution of the United States, is prima facie evidence that we are dealing with a revolution of such magnitude that it cannot be ignored by this or any other state legislative body. It is a conspiracy. It is funded by those agencies which do have vast financial resources and political authority available to them. Namely, the vast reservoirs of money collected under the tax exempt foundations.

It is therefore the responsibility of courageous men and women in this legislative body to challenge the conspiracy, to call a halt to the march toward dictatorship. To expose and to explain that this Newstates Constitution is a reality and that it is the objective to call a constitutional convention in the Congress of the United States for the purpose of introducing this Newstates Constitution.

This Newstates Constitution, incidentally, is taken out of "The Emerging Constitution" by Rexford G. Tugwell, who is the principal author of the Newstates Constitution. Those of you who are familiar with Rexford G. Tugwell, realize that he is a Socialist and that this new Constitution does reflect a Socialist government for the United States of America to replace elected officials in the Congress with appointees under regional government. To give color of law, to validate the regional concept by the merger of the states into the ten federal regions.

These are conspiracy movements. They are funded, as Mr. Dodd so eloquently pointed out, by the tax-exempt foundation families who began this conspiracy at the turn of the century.

It is within your powers to reverse this revolution and to restore control of government to the people of Indiana where it properly belongs.

end



COMMITTEE OF CORRESPONDENCE

"Each of us has a natural right—from God—to defend his person, his liberty and his property. These are the three basic requirements of life, the preservation of any one of them is completely dependent upon the preservation of the other two."

THE LAW, by Frederic Bastiat, Paris, June 1850

POST OFFICE BOX 986

APRIL, 1978

Fort Collins, Colorado 80522

GROWING STRUGGLE FOR STATE SOVEREIGNTY



I-Numbered Regions

Legislators in five more States (since April 1977) have joined the growing struggle for state sovereignty and constitutional law.

Michigan, Iowa, Nebraska, Colorado and Idaho, united with Indiana, Oregon, Illinois, Kansas, Georgia, Ohio, Texas, New Mexico, Wisconsin, South Dakota, Minnesota, Nevada and Missouri, have introduced implementing resolutions or activated state commissions to consider charges by the Committee to Restore the Constitution that the federal regional concept: (1) Seeks to transfer political authority from elected officials to appointed regional planners, (2) Intends to seize control of private property and production facilities, and (3) Is an attempt to erect a socialist state upon the ruins of the Republic.

Completed public hearings in Indiana, Missouri and South Dakota confirm the indictment of "criminal conspiracy." Both Senate and House bodies of the South Dakota legislature voted "do pass" on a corrective statute which would have placed the power and authority of the State at the disposal of individuals who challenge federal executive orders, administrative laws, and other unconstitutional edicts. On 24 February 1978, Governor Richard F. Kneip vetoed Senate Bill No. 102 thus denying the people of South Dakota protection against the

●-Regional Capitols

-Emerging Sovereign States

tyranny of federal regionalism. Governor Kneip's unconscionable action, contemptuous of his oath "...to defend and preserve this Constitution", and the people of South Dakota he was elected to serve, promises serious countermeasures by an already exasperated electorate.

A similar situation, with equally explosive potential, exists in Indiana where Senator Robert J. Fair, Chairman, Rules and Legislative Procedures Committee, blocked voting by Senate and House members on Senate Bill No. 16. SB Sixteen would have "outlawed" regional governance in Indiana; provided criminal sanctions for violators, and offered injured citizens legal remedy to recover property and damages sustained as a result of regional planning and programming. Irate men and women promise to blow the dome off the Indiana State Capitol Building when the legislature reconvenes.

Insolent, tax-gorged and Washington-pampered regional administrators, who consider elected officials expendable, are part of the problem of national crisis. Their removal by corrective state legislation is the beginning of a solution to the problem.

The criminal few who oppose the people will perish.

NEVADA CHALLENGES "PUBLIC LANDS" CONCEPT

State legislative remedy aimed at wresting control of sixty-million acres of Nevada land from the federal government, Senate Bill No. 398, introduced by Senator Norm Glaser and Senator Rick Blakemore, continues to generate both public and private support in Nevada, and in other western States where similar conditions of federal control over vast tracts of real estate exist.

Attorney T. David Horton of Battle Mountain, Nevada, legal counsel for the Committee to Restore the Constitution said in testimony before the Senate Natural Resources Committee on 6 April, 1977, twelve days after its introduction, that, "SB #398 may be the most important piece of legislation in Nevada's history; it will open up our vast resources to development rather than restrictions and stagnation; it will broaden our economic base and increase our economic autonomy; it is developing the type of measure that will protect Nevada gaming from any further federal crusade against it."

SB #398, "An ACT relating to public lands; creating the Nevada lands commission; providing penalties; making an appropriation; and providing other matters properly relating thereto", addresses the problem of State sovereignty involving eighty-seven percent of the total land area in the State.

Senator Glaser explained that the bill was patterned after the initiative petition that was widely circulated throughout the State. Thrust of the petition drive was inspired by Mr. Horton's erudite assessment of "Equal Footing Doctrine", set out in a definitive, "Public Lands and Federal Bureaucracy", article, CRC bulletin, January 1977.

The proposed statute "deals with a problem that has plagued Nevadans for over 100 years", Glaser told his fellow lawmakers. The problem was the domination of public lands in Nevada by federal agencies. These problems "were brought into sharp focus last year with the passage of the Bureau of Land Management Act", he said. The regulations to implement the Act were an example of "government by men, and not by law." He said ranchers, miners and sportsmen "all are beginning to feel the pressure."

"Senate Bill 398 will bring control (of Nevada land) to the Legislature", Glaser said.

Senator Richard Blakemore, alluding to possible coercive reaction by federal agencies, told the committee that the threat of loss of federal funds for highway construction was "a bug-a-boo." States with no federally-controlled lands within their borders receive seventy-five percent federal funding. Nevada gets about ninety-five percent for construction and nothing for maintenance. "If we drop to the lowest rate," Blakemore continued, "we would still get seventy-five percent government (federal) construction funds." In addition, Nevada would get the revenues from the public lands now garnered by the Bureau of Land Management.

Horton's argument is that the land clearly belongs to the State of Nevada by way of the Constitution; it merely needs enforcement; it is not a matter of the federal government giving or approving anything. "Article I, Section 8, Clause 17 of the Constitution specifically restricts federal agencies and prohibits them from having any lands within the boundaries of a state once formed unless: 1. They are purchased; 2. Consent of the Legislature is given; 3. They are used for the erection of forts, arsenals, dockyards or other needful buildings."

Horton asked, "What can be done when our Constitution says one thing and the processes of law have become twisted so as to do what the law forbids? The answer to usurpation has always been - not litigation - but legislation - define the law and then enforce it."

"The citizens of Nevada strongly support the efforts of this committee and the Nevada Legislature to bring to Nevada the enjoyment of all the sovereign rights of a Member of the Constitutional Compact - rights that Nevada had always had - rights that she must now exercise if she is to keep from surrendering them; not to the Divine Right of Kings, that was our enemy in former times, but to the Divine Right of Bureaucrats."

Nevada State Attorney General, Robert List, further enunciated the sovereignty of the State regarding unappropriated lands within its border in a sixty-six page opinion, "Equal Footing Doctrine and Its Application by Congress and the Courts", May, 1977.

"The equal footing doctrine is a Supreme Court created doctrine", said Mr. List in a concluding summary, "which describes the admission and status of new States on a basis of constitutional equality of right and power with the original States. The doctrine prohibits Congress from imposing by consent or otherwise conditions on admission to statehood which infringe upon the equality of the new State in relation to the other States. Such conditions are invalid except insofar as they are a recognition of the limitation placed upon the States under the Constitution or as legislation within Congress' granted powers. The equal footing doctrine is generally concerned with political matters, but it does include areas of significant property interests."

"The power of Congress to admit new States into the Union does not carry with it the authority to maintain colonies or territories in perpetuity," he said. "The retention under federal dominion in perpetuity of vast areas of public lands within the boundaries of a State by Congress is an exercise of a power after statehood which is denied by the

Constitution before statehood. Such a situation places the equal footing doctrine in direct conflict with the Property Clause. A conflict which, if litigated, might well result in a Supreme Court holding that Congress must pursue an active plan of disposal of unappropriated public lands."

An article by Laura Horton, HUMBOLDT SUN, Winnemucca, Nevada, 21 April 1977, revealed a great number of land-oriented organization spokesmen testifying in favor of SB #398, and confirming opinion by individual citizens.

Dwayne Worthington, Chairman, Northeastern Nevada Miners and Prospectors Association, observed, "What becomes of Nevada's Public Lands can best be decided by the People of the State. Nevada's land should be governed by Nevadans, not by the

(continued on page 4)

S.B. 398

SENATE BILL NO. 398—SENATORS GLASER AND BLAKEMORE

March 25, 1977

Referred to Committee on Natural Resources

SUMMARY—Provides for control of certain public lands by State of Nevada, (BDR 26-1000)

FISCAL NOTE: Local Government Impact: No.
State or Industrial Insurance Impact: Contains Appropriation.

Explanation—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT relating to public lands; creating the Nevada lands commission; providing for state control of certain lands within the state boundaries; providing penalties; making an appropriation; and providing other matters properly relating thereto.

1 WHEREAS, The intent of the framers of the Constitution of the United
2 States was to guarantee to each of the states sovereignty over all matters
3 within its boundaries except for those powers specifically granted to the
4 United States as agent of the states;

5 WHEREAS, The imposition upon the State of Nevada by the Congress of
6 the United States of a requirement in the enabling act that Nevada "dis-
7 claim all right and title to the unappropriated public lands lying within
8 said territory," as a condition precedent to acceptance of Nevada into
9 the Union, was an act beyond the power of the Congress of the United
10 States and is thus void;

11 WHEREAS, The purported right of ownership and control of the public
12 lands within the State of Nevada by the United States is without founda-
13 tion and violates the clear intent of the Constitution of the United States;
14 and

15 WHEREAS, The exercise of such dominion and control of the public
16 lands within the State of Nevada by the United States works a severe,
17 continuous and debilitating hardship upon the people of the State of
18 Nevada, now, therefore,

19 The People of the State of Nevada, represented in Senate and Assembly,
20 do enact as follows:

21 Section 1, Chapter 321 of NRS is hereby amended by adding
22 thereto the provisions set forth as sections 2 to 10, inclusive, of this act.

23 SEC. 2 As used in sections 2 to 10, inclusive, of this act, unless the
24 context otherwise requires

- 1 1. "Commission" means the Nevada lands commission.
- 2 2. "Public lands" means all lands within the exterior boundaries of
- 3 the State of Nevada except lands:
 - 4 (a) To which title is held by any private person or entity;
 - 5 (b) To which title was held by the State of Nevada or any of its local
 - 6 governments before July 1, 1977;
 - 7 (c) Which are located within national parks, monuments or other rec-
 - 8 reational areas;
 - 9 (d) Which are controlled by the United States Department of Defense
 - 10 or Bureau of Reclamation; or
 - 11 (e) Which are subject to treaties between the United States and Indian
 - 12 tribes.
- 13 SEC. 3. 1. There is hereby created the Nevada lands commission.
- 14 2. The commission consists of:

- 15 (a) Twenty members who shall be elected from the state senatorial
- 16 districts in the same proportionate numbers as senators are elected; and
- 17 (b) A chairman, who shall be appointed by the governor. The chairman
- 18 shall preside over the commission and may vote only in the event of a
- 19 tie among the commissioners present.

20 3. Except for initial appointments, the members of the commission
21 shall be elected in nonpartisan elections when members of the legislature
22 are elected and shall serve for terms of 2 years.

23 SEC. 4. 1. The commission may contract for or employ such pro-
24 fessional and clerical personnel as are needed to carry out its functions.

25 2. The commission may adopt rules for its own governance, but no
26 regulation which imposes any limitation upon the people of Nevada is
27 effective until approved by the legislature.

28 SEC. 5. 1. The commission shall manage the public lands of the state
29 in an orderly and beneficial manner.

30 2. The commission may sell, lease, exchange or encumber the public
31 lands when specifically authorized to do so by an act of the legislature
32 and under the terms and conditions set forth in the act.

33 3. No public lands may be disposed of before July 1, 1979, except
34 for any sales or exchanges which were pending on July 1, 1977.

35 SEC. 6 1. Subject to existing rights of the people, on and after July
36 1, 1977, all public lands in Nevada, all waters on and below the surface
37 of the land and all minerals not previously appropriated are the exclusive
38 property of the State of Nevada.

39 2. Until equivalent measures are enacted by the State of Nevada,
40 the rights and privileges of the people of the State of Nevada under the
41 National Forest Reserve Transfer Act (16 U.S.C. §§ 471 et seq.), the
42 General Mining Laws (30 U.S.C. §§ 21 et seq.), the Homestead Act (43
43 U.S.C. §§ 161 et seq.), the Taylor Grazing Act (43 U.S.C. §§ 315 et
44 seq.) and the Desert Land Act (43 U.S.C. §§ 321 et seq.) and all rights
45 of way and easements for public utilities shall be preserved under admin-
46 istration by the state.

47 3. Public lands in Nevada which have been administered by the
48 United States under international treaties or interstate compacts shall con-
49 tinue to be administered by the state in conformance with those treaties or
50 compacts.

— 3 —

1 SEC. 7. The public lands of Nevada shall be used to the greatest
2 extent possible for recreation, wildlife habitat, agriculture, mineral and
3 timber production and for the development, production and transmission
4 of energy and other public utility services under principles of multiple use
5 which provide maximum benefit to the people of Nevada.

6 SEC. 8. The annual fees charged for grazing leases shall not exceed
7 the fair market value of the leases, as determined upon consideration of
8 the prices for livestock and the costs of raising livestock. Each lease shall
9 provide for a term of not more than 10 years.

10 SEC. 9. All proceeds of sales, fees, rents, royalties or other money paid
11 to the state under sections 2 to 10, inclusive, of this act shall be deposited
12 with the state treasurer for credit to the state general fund.

13 SEC. 10. 1. The State of Nevada has exclusive jurisdiction to enforce
14 the provisions of sections 2 to 9, inclusive, of this act.

15 2. A citizen of Nevada may institute civil action to recover damages
16 for any injury or loss which he sustains as the result of any violation of
17 sections 2 to 9, inclusive, of this act.

18 3. Any person who attempts to exercise jurisdiction over the public
19 lands in a manner not permitted by the laws of the State of Nevada shall
20 be punished by imprisonment in the state prison for not less than 2 years
21 nor more than 10 years.

22 4. Any corporation or other entity which attempts to exercise juris-
23 diction over the public lands in a manner not permitted by the laws of the
24 State of Nevada shall be punished by a fine of not more than \$5,000.

25 SEC. 11. 1. The legislative commission shall conduct a study of the
26 public lands of Nevada to determine:

- 27 (a) Which lands should be made available for disposition; and
- 28 (b) Which lands should be retained by the state as habitats for wild-
29 life or for recreational or other public purposes.

30 2. The legislative commission shall submit a report of its findings
31 and recommendations to the 60th session of the legislature.

32 SEC. 12. The governor shall appoint the first members of the Nevada
33 lands commission, who shall be representatives from the senatorial dis-
34 tricts in the same numbers as senators are elected, and who shall serve
35 until November 7, 1978.

36 SEC. 13. 1. There is hereby appropriated to the Nevada lands com-
37 mission from the state general fund the sum of \$125,000 for the biennium
38 beginning July 1, 1977, and ending June 30, 1979, for support of the
39 commission in carrying out the purposes of this act.

40 2. After June 30, 1979, the unencumbered balance of the appropria-
41 tion made in subsection 1 shall not be encumbered and shall revert to
42 the state general fund.

*T. David Horton, Attorney, Battle Mountain, Nevada, member, District of Columbia, Virginia and Nevada Bar, Chairman, Executive Council, Defenders of the American Constitution, Inc., Publisher, Square Dollar Series, Professional witness before numerous Congressional Committees, Graduate, Ohio State University, American University, Washington, DC, Catholic University, Washington, DC, and Hamilton College, Clinton, New York. Legal Counsel, Committee to Restore the Constitution, Inc.

NATIONAL RIFLE ASSOCIATION STILL HAS TROUBLES...

By Major Reginald Shinn, Chairman pro tem, AMERICAN PISTOL AND REVOLVER ASSOCIATION

With the revolution that took place in Cincinnati in 1978 at the annual meeting of the National Rifle Association, it appeared that the pro-gun and pro-Constitution group (for which the N.R.A. had been established) had regained control of the organization from the hands of certain "environmentalists" who seemed to be following the recommendations of the Oram Report which would have decentralized the pro-gun advocates of N.R.A. and developed N.R.A. into a "Sierra Club" type structure.

When the revolt was over, and the smoke cleared, some of the top echelon people had been removed from office without mercy and Mr. Harlan Carter was chosen as the Executive Vice-President and Robert Kukla, who had been an assistant to Carter, was selected to head the Institute of Legislative Action.

THE FIRING OF KUKLA

However, all was not perfect, and during the period from the hiring of Kukla until the quarterly Executive Committee meeting in Sacramento, California on January 4th, there was fear that the job of fighting gun control was not being adequately handled, and eventually there arose a rift between Harlan Carter and Bob Kukla and the followers of each leaving the vast majority of members wondering "Wot happened!" Being that both men are very popular with the general membership, and with the A.P.R.A. membership as well, any rift is a detriment to N.R.A. and N.R.A. is the loser.

Your Chairman pro tem was honored to have been present at this meeting and present during the hearings, and it was his impression that the hearing was held on a very "professional" basis, and that there was no ill will shown toward Mr. Kukla by any of the Committee members and that the only concern was whether or not the personal problems of Mr. Kukla would preclude him from performing the important tasks of the future.

It was your Chairman's opinion that the past was judged by the Committee to judge the future, and no more. There was good reason to retain Kukla and there was also sufficient doubt to relieve him from his duties: it was a difficult decision, indeed!

A NEW SPECTOR ON THE HORIZON

While there did not seem to be much publicity on the matter in the mass media, the "gun" and "hunter" periodicals, of course, carried many articles and one of the most interesting was that of a series of questions asked of both Carter and Kukla and taped with their permissions. Later, both conversations were given voice stress analysis, a modern lie-detecting technique. While the results were inconclusive and left the reader to make up his own mind on the details of the rift, they seemed to show that Harlan Carter may have had more difficulty in his recollection of events.

The questions that were asked appeared not to reach into

the question of future performance, but, rather, into past matters.

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION GUN-CONTROL MEASURES AND THE DEVELOPMENT OF A NATIONAL POLICE FORCE

Now comes an accusation that is easily resolvable: that the N.R.A. has been taken over by L.E.A.A. forces. If the accusation is accurate, then N.R.A. members have reason for alarm, and A.P.R.A. should take an active part, because L.E.A.A. is one of the most insidious disasters to have ever been voted into law by the Congress.

Not only is L.E.A.A. silently getting gun control laws passed by the various State legislatures without proper notice to the public, it is well on its way to establishing a National Police Force through Revenue Sharing procedures and through the "Regional Government" wherein the United States was divided into ten separate States by Executive Order of Richard Nixon while the newspaper and TV headlines featured his trip to Communist China in betrayal of the freedom-loving Chinese people.

If our N.R.A. leaders are embracing L.E.A.A., then N.R.A. is being defeated in their pro-gun stance from within; and the N.R.A. support for L.E.A.A. is self-defeating.

A formal resolution denouncing L.E.A.A. and asking for its abolition by the Congress would clear the air and reassure the N.R.A. membership.

A NECESSARY RESOLUTION

Be it resolved, then, for the assurance of all concerned, that the National Rifle Association go on record of favoring abolition of the Law Enforcement Assistance Administration in recognition that a National Police Force has been developed and that gun-control bills are being passed in the State Legislatures; and that such are inconsistent with and incompatible to a free society; and, that such forces are contrary to the dictates of that great contract between man and his government, the United States Constitution.

A.P.R.A. has, as one of its objectives, the free, unfettered right to keep and bear arms, and A.P.R.A. opposes all gun registrations and all other restrictions upon gun owners; and it would be in keeping for A.P.R.A. to pass a similar resolution to outlaw L.E.A.A. as a threat to our freedom; and as a threat to remove from the people the means by which Citizens can protect themselves from oppressive government.

A.P.R.A. and N.R.A. members will never be interested in living in a society where a National Police Force exists and has all the guns while the citizens have none.

Such a resolution will be prepared and presented to the N.R.A. membership in Salt Lake City in April, and all Life Members are urged to attend.

NEVADA CHALLENGES (cont.)

Washington demi-gods and leeches." Worthington presented the committee with petitions containing over 2,000 signatures of registered voters who support the Nevada Public Lands Ownership Act.

Doug Miller, chairman of the State Advisory Mining Board, State President of the Miners and Prospectors Association, Member of the Nevada Mining Association, Western Mining Council and Northeastern Nevada Miners and Prospectors Association, said, "We the taxpayers buy all the highway maintenance, including I-80.

"In 1975 we produced in this State 258.4 million dollars. This year, \$211.2 million. Take five percent of that as our net mining proceeds.

"The federal agencies in their overall plans are taking over all the activities that the State normally has. Can you imagine the Legislature legislating on 13 percent of our land in the State of Nevada for 650,000 people? Somewhere along the line we have to meet our adulthood. I think Nevada has now reached it. I just can't see further harassment and controls by federal agencies when we are still able to take care of our own needs."

Chuck White, Executive Vice President, Nevada Farm

Bureau, said, "We support State ownership of lands managed on a multiple use concept. The legislation before you at this time really is just the first step on a very long trip. And we can only make that trip if we can make that first step. We would urge your passage of this bill."

The American Legion, Chamber of Commerce, County Commissions, Development Corporations, Land Action Association, Veterans of Foreign Wars, Nevada Cattlemen's Association, Citizens Against Bureaucracy, American Institute of Mining Engineers, and other organization spokesmen testified in favor of the bill. No one testified against Senate Bill No. 398.

"All the States east of the Mississippi River have been given back their public lands, (but) the government has retained public lands in many of the western states, including Nevada", Senator Glaser observed.

The legislation proposed by Senators Glaser and Blakemore would create a Land Commission empowered to sell, lease, or exchange land in Nevada when authorized to do so by the State Legislature.

Full text of the bill accompanies this article.

Times 8/15/77

Legislators Visit Nevada

Four Alaska legislators will travel to Nevada the first week in September for a meeting with Nevada state officials regarding Nevada's challenge to federal land ownership within its boundaries.

Recent action by the Nevada Legislature requires the state of Nevada to proceed to court on the issue, which has become known as "the Sagebrush Rebellion."

The Alaska Legislative Council has named a special committee to consider how the challenge relates to Alaska. Sens. Mike Colletta and Pat Rodey and Reps. Bill Miles and Joe Hayes, all of Anchorage, are the committee members.

Colletta said Friday the committee has been directed to report back to the council this fall after "seeing what is necessary to get Alaska involved."

"I also spoke informally to the attorney general (Avrum Gross)," Colletta said. "He said we could hire private counsel, if we were more comfortable."

The plan is to talk to the Nevada officials "and see the best way we can help them," the senator added. "We are going to decide whether to join their suit, when it is filed, or file our own law suit. There's a lot of confusion over this issue."



Attorney General Avrum Gross has decided not to move into the court building, according to Rep. Russ Meekins.

State panels named

The Associated Press

JUNEAU — Legislators have been named to consider what Alaska might do to support Nevada's so-called "sage brush rebellion" and to grab additional office space in the State Capitol from the attorney general.

In addition, a committee will be named to consider a look at Alaska's future patterned after a Brookings Institute project following the first sale of Prudhoe Bay oil leases 10 years ago.

Attorney General Avrum Gross has reversed a previous decision to vacate the offices on the fourth floor of the capitol and move across the street to the court building, according to Rep. Russ Meekins.

"I'd ask the help of the Legislative Council in getting the fourth floor," Meekins said. Meekins also said that Rep. Jim Duncan, chairman of the joint Budget and Audit Committee, has been told to vacate his fourth floor offices.

Funds had been appropriated to construct a skywalk from the capitol to the court building, but there has been disagreement on what floors it would link, according to members of the Legislative Council.

Sen. George Hohman, chairman of the council, named a committee of House and Senate members to approach Gross on the question.

The attorney general has said that legislators cannot move an administration department.

The council also established a committee to study recent legislation passed by the Nevada Legislature, which provides the basis of an expected lawsuit challenging federal ownership of lands under the Bureau of Land Management in that state.

Rep. Fred Brown and Sen. Pat Rodey said that while Alaska's attorney general has said the Nevada law is clearly unconstitutional, there are other legal issues which Alaska should be willing to support, perhaps by joining in the lawsuit.

"There are lots of other legal issues that have not been explored to any depth," Rodey said. Several legislators will meet with Nevada officials later this month.

The Alaska future study was suggested by Sen. George Hohman, to look at what kind of followup has been made to the Brookings study 10 years ago.

Citizens from throughout the state would be involved in the project, examining the state's mineral revenues, human resources and environment.

The Legislative Council was also told that negotiations for an out-of-court settlement are being conducted with Sharman Haley, a self-professed socialist who was fired from her legislative research job after she participated in a demonstration on the capitol steps.

She was later reinstated, given back pay, then fired before the research division was dismantled.

She has claimed her constitutional rights to free speech were violated and filed suit.

SCOMM

#22:49

STEPHEN C. COWPER
DICK L. MADSON

LAW OFFICES OF
COWPER & MADSON
SUITE 210, NERLAND BUILDING
543 THIRD AVENUE
FAIRBANKS, ALASKA 99701

AREA CODE 907
452-4215 · 452-4254

December 20, 1979

The Honorable Mike Colletta
P. O. Box 3188
Anchorage, Alaska 99501

Dear Mike:

Before giving up the ghost, the Steering Council encumbered some \$30,000 for the purpose of settling the claims of Louis Harris' subcontractors, who were considered to be innocent parties to the manipulation of the results which caused us to refuse payment to Harris. After talking to Marcie and to Myrt Charney about this, I went to New York on December 19, 1979, in order to initiate negotiations.

In New York, I conferred with Dick Dresner, who was formerly associated with Harris and who is now President of Dresner, Morris & Tortorello Research, 305 Madison Avenue, New York, New York 10017. Dresner informed me that he and his contractual employees had finally been paid in full by the Harris organization, and that as far as he knows all persons who worked on the poll were paid, except of course Harris.

Incidentally, Dresner reaffirmed the fact that Harris had disavowed the analysis written by his people after talking to Secretary Andrus, and without even bothering to read the poll. Dresner says that in his opinion Harris will not pursue this matter because of potentially damaging evidence which would, of course, tend to show that he rigs his polls to suit his friends. If the suit is ever brought, Dresner is willing to testify for us as to the sequence of events.

Under the circumstances, I think it would be appropriate to transfer the encumbered funds to other purposes approved by the Legislature, or to allow them to lapse. This would have to be done with the understanding that Harris retains the right to sue until the claim is barred by the applicable statute of limitations, even though it appears unlikely that he will do so.

Very truly yours,

COWPER & MADSON

By:

Stephen C. Cowper

1/30/80
Copy To Sharon Sturrock, Aect.

STEPHEN C. COWPER
DICK L. MADSON

LAW OFFICES OF
COWPER & MADSON
SUITE 210, NERLAND BUILDING
543 THIRD AVENUE
FAIRBANKS, ALASKA 99701
December 20, 1979

AREA CODE 907
452-4215 • 452-4254

The Honorable Mike Colletta
P. O. Box 3188
Anchorage, Alaska 99501

Dear Mike:

Before giving up the ghost, the Steering Council encumbered some \$30,000 for the purpose of settling the claims of Louis Harris' subcontractors, who were considered to be innocent parties to the manipulation of the results which caused us to refuse payment to Harris. After talking to Marcie and to Myrt Charney about this, I went to New York on December 19, 1979, in order to initiate negotiations.

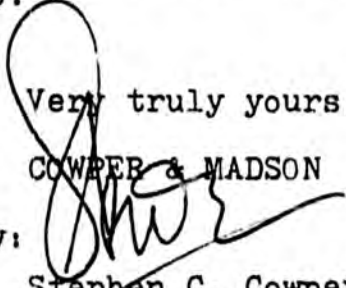
In New York, I conferred with Dick Dresner, who was formerly associated with Harris and who is now President of Dresner, Morris & Tortorello Research, 305 Madison Avenue, New York, New York 10017. Dresner informed me that he and his contractual employees had finally been paid in full by the Harris organization, and that as far as he knows all persons who worked on the poll were paid, except of course Harris.

Incidentally, Dresner reaffirmed the fact that Harris had disavowed the analysis written by his people after talking to Secretary Andrus, and without even bothering to read the poll. Dresner says that in his opinion Harris will not pursue this matter because of potentially damaging evidence which would, of course, tend to show that he rigs his polls to suit his friends. If the suit is ever brought, Dresner is willing to testify for us as to the sequence of events.

Under the circumstances, I think it would be appropriate to transfer the encumbered funds to other purposes approved by the Legislature, or to allow them to lapse. This would have to be done with the understanding that Harris retains the right to sue until the claim is barred by the applicable statute of limitations, even though it appears unlikely that he will do so.

Very truly yours,

COWPER & MADSON

By: 

Stephen C. Cowper

JAY S. HAMMOND
GOVERNOR



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

MAR 29 1980

MAR 20 1980

*Full
(2) 12
Funding*

March 27, 1980

The Honorable Mike Colletta
Alaska State Senate
Pouch V
Juneau, Alaska 99811

Dear Senator Colletta:

Enclosed for your review is a copy of a letter to Senator Sackett regarding my request for a \$4.5 million amendment to House Bill 923. I have concluded funding in this amount is needed to support a paid advertising campaign to complement the Alaska lands lobby effort.

Sincerely,

A large, stylized cursive signature of Jay S. Hammond, written in black ink.

Jay S. Hammond
Governor

Enclosure

cc: Lt. Governor Miller

March 27, 1980

The Honorable John Sackett, Chairman
Senate Finance Committee
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Dear Mr. Chairman:

House Bill 923 now before the House Finance Committee, requests a supplemental appropriation to the Office of the Governor in the amount of \$528,600 for continuation of the state's overall D-2 effort - lobbying, litigation and information - but does not include funds for paid advertising.

Following discussion with Lt. Governor Miller, John Katz, and D-2 Media Coordinator Robert Miller, I have concluded that a paid advertising campaign in other states is an appropriate addition to the Alaska lands effort now in operation. I therefore have requested that House Bill 923 be amended to include \$4.5 million for this purpose.

The appropriation of \$4.5 million specifically earmarked for paid advertising designed to supplement the State's ongoing public relations and lobbying activities in Washington, will enable the State to conduct a print media campaign in special interest publications such as Outdoor Life and Sports Afield, and in the daily newspapers in a limited number of carefully-selected states, probably 12 or 15. The funds will cover the cost of production and placement of full-page or page-dominant advertisements in major publications in the selected states in May, June and July. The advertising program also would provide for the possible placement of ads in August and September in case the Senate vote is postponed. It seems prudent to protect the State's options in this manner given the uncertainty about the timing of the vote.

This proposal does not contain plans for advertising on radio and television because of the high probability that many stations would not accept such politically-oriented advertisements on a controversial issue, and those who did might feel constrained to offer equal time to those with opposing points of view. A formal opinion letter on this matter has been requested from J. Roger Wollenberg, a nationally-known FCC lawyer, and should be available within a week.

The Honorable John Sackett

-2-

March 27, 1980

I am enclosing as further background in support of my request to Representative Meekins, a memorandum containing a more detailed discussion of the advertising program I propose and I have asked John Katz and Robert Miller to provide any additional information you may require. Lt. Governor Miller is also available to discuss this matter with you at any time.

Sincerely,

Jay S. Hammond
Governor

Enclosure

cc: Lt. Governor Miller

MEMORANDUM

TO: ☐ Governor Jay Hammond
Through: Don Argetsinger

DATE: March 21, 1980

FILE NO: D-2 Information Office

TELEPHONE NO:

FROM: Robert L. Miller *RLM*
D-2 Communications Coordinator

SUBJECT: Recommendation on Paid Advertising
to Supplement D-2 Public Relations,
Media Effort.

The Question

Should the State of Alaska embark on a paid advertising campaign to supplement the D-2 public relations, media effort, and, if so, what should be the scope of the campaign?

The Background Research

The above question has been the subject of numerous discussions with virtually everybody involved in the day-to-day activities related to the Alaska lands issue, and there are as many opinions as there are people involved.

In addition to all these discussions, the D-2 Information Office commissioned one of the nation's largest advertising agencies, Needham, Harper and Steers Advertising, Inc., to research the question and to develop cost figures within parameters provided by the D-2 Information Office. NH&S is the 14th largest agency in the U. S., and the 18th largest agency worldwide. Billings last year were \$340 million. The agency's client list includes ITT, Xerox, General Mills, Amtrak, Union Carbide, Atlantic Richfield Co., Honda, Kraft, State Farm Insurance and McDonald's.

Briefly, the NH&S report showed that an integrated media (newspapers, magazines, radio, television) campaign could be conducted in 24 states and some national publications for a 13-week period prior to July 21, 1980, when Senate floor action is expected, for a total of \$16,631,534. An optional maintenance program for another eight weeks, in case the bill is not acted upon in July, would place the total cost at \$25,633,945. At these costs, the campaign would be intensive and reach 97-98% of the populations in each of the 24 states. Variations in cost could be made, of course, by changing the states, altering the integrated nature of the campaign, reducing frequency and/or market penetration in the selected states.

The Problems

The report was reviewed extensively and certain problems and pitfalls with such an ambitious advertising program, not to mention the high cost, identified as follows:

--Time. Given the need for administration review, legislative approval and appropriation, selection of the agency, necessary market research and production of top-quality radio and television material, it would be difficult for the campaign, at least the electronic portion, to begin before late May or early June.

---Issue-oriented advertising is relatively new and decidedly different from marketing advertising. The effort is to make people aware, move them to action (persuasion) and then remind them they've made a decision to take action. It is difficult to translate such an issue-oriented campaign into specific actions, i. e., writing letters to senators.

--Hesitance of radio and television stations to accept politically-oriented advertisements in view of the fairness doctrine, particularly in an election year.

--Such a campaign would be in direct competition with numerous political advertisements, and the media coverage of the national political conventions.

--There is a high probability of at least some backlash from senators who could be expected to react adversely to the expenditure of such a large sum of money by the State in an obvious effort to influence votes.

The Recommendation

It is my recommendation that \$4.5 million be appropriated for paid advertising on the lands issue.

This amount would enable the State to advertise in certain special interest publications, and in newspapers in a limited number of states prior to the vote on the Senate floor. Specifics regarding advertising concepts and content, frequency and timing also have been discussed, and would be finalized with the advice of the selected advertising agency. Public discussion on the specifics of the campaign should be limited to as great an extent as possible at this time because it would be highly counter-productive to announce the State's plans in advance and thereby enable opponents of the State's position to make their plans accordingly.

This proposal does not include funds for advertising in broad national publications (TIME, NEWSWEEK, PEOPLE), nor on radio and television stations (see following section on Rationale for Recommendation).

There is bound to be publicity about any amount appropriated for advertising, and it is my recommendation that the State proudly announce what it is spending and why, i. e., "Resolution of the Alaska lands issue is of vital importance to the environmental and economic future of Alaska, and yet it is widely misunderstood in other parts of the country. We will do no less than make an energetic, ambitious effort to increase this nation's awareness of just exactly what's at stake as the Senate begins its deliberation on legislation to resolve the issue."

Rationale for Recommendation

This recommendation was developed as the most pragmatic response to the need for sharply focused advertising on the lands issue, i. e., advertisements designed for specific audiences or for populations of specific states.

By limiting the number of states, the cost of the advertising campaign is reduced, and the backlash problem mentioned earlier is minimized.

This proposal does not contain plans for advertising on radio and television because of the high probability that the stations would not accept

-3-
politically-oriented advertising because of the fairness doctrine.

John W. Katz, Special Counsel to the Governor on Alaska Lands, has requested a formal opinion letter from a nationally known Federal Communications Commission lawyer on the fairness doctrine, and we should have it within two weeks.

In the meantime, however, there is adequate reason to believe that it would be difficult, if not impossible, to place such advertisements.

Following are statements, excerpts and news reports on the Fairness Doctrine in recent months.

William R. Hesse, senior vice president and president of the American Association of Advertising Agencies from 1975 to 1979, at a symposium on "Advocacy Advertising and First Amendment Freedoms" sponsored by John Hopkins University on December 7, 1978:

"....Now, if we include broadcasting, including radio and television media, we must turn to the Federal Communications Commission and the Fairness Doctrine issued in 1949. The Fairness Doctrine provides that whenever a licensee broadcasts materials that can be identified as a public controversy, it has a firm obligation to seek out opposing viewpoints. It is suggested that these replies to earlier broadcasts must be offered free air time...The net effect of this Fairness Doctrine has led far too many broadcasters to refuse to accept advertising when anything even hints of controversy. Networks find it difficult and I am told are actually rejecting not only the prospect of accepting advertising indicating a certain company's position but also those who are willing to pay for the advertising of the opposite view at the same time. Allstate brought this to the attention of networks in respect to air bags and Mobil has also advanced this notion. Both have been denied access..."

-0-

From interview with Hesse on March 14, 1980--"...The most recent attempt by a major company to use broadcast for even a moderately controversial communication was Kaiser Aluminum. They were denied access by all three networks and all the independent stations....Therefore, I suggest it is quite risky to run controversial commercials on any broadcast media..."

-0-

(head) NETWORKS BAR MOBIL COMMERCIAL -- New York, Jan. 30, 1980 -- (AP) -- What's more profitable -- an oil company or a television network? Mobil says a network is and it's made a TV commercial saying so. The networks say they won't run the commercial.

"I think it's censorship," Mobil's executive vice president, Herbert Schmertz, said today. "I don't think their motive is censorship, but that is the result."

The networks said the decision to reject the ad was based on long-standing policies against airing commercials on controversial public issues, and has nothing to do with the discussion of their profits.

WASHINGTON POST

"...In 1969 the Supreme Court...upheld the constitutionality of the fairness doctrine in the 'Red Lion' case: 'It is the right of the viewers and listeners, not the right of the broadcasters, which is paramount'....The fairness doctrine is the only way we now have to respond to the concerns of most of those who have wrestled with Minow's dilemma over the past half-century."

Nicholas Johnson, former FCC Commissioner reviewing "The Fairness Doctrine and the Media," by Steven J. Simmons, advisor to President Carter on broadcast policy, in the Columbia Journalism Review, May/June 1979

¹
Newton Minow, former FCC commissioner

-0-

Los Angeles, Jan. 2, 1979 -- a coalition of environmentalists has accused seven California TV stations of violating the fairness doctrine by refusing to broadcast rebuttles to a utilities advertising campaign. The complaint was filed with the FCC by the Media Access Project on behalf of the Environmental Defense Fund.

WASHINGTON POST

Additionally, there is the constraint of time which is crucial for the development, production and duplication of top-quality radio and television material. Following legislative appropriation, it would take

a minimum of three weeks to distribute the RFP and select an agency, and it would take a minimum of another 6-8 weeks for the production and duplication of the material.

The constraints of time, combined with the probability that radio and television stations would refuse the advertisements, motivate against including the electronic media in the State's program.

Newspaper and magazine advertising, however, could be developed and produced relatively quickly and effectively placed within the time frame available.

Continuing Public Relations, Media Effort

It must be emphasized that the State has begun a vigorous public relations and media effort on D-2, and that effort will continue whether advertising is approved, assuming this office's supplemental budget request for the period March through June 1980 is approved.

Briefly, here's a look at activities now underway nationally:

Alaska lands news bureaus have been established in New York City, Washington, D. C., Seattle, Portland and San Francisco in the offices of Carlson, Rocky and Associates, Inc., the national public relations agency retained by the D-2 Information Office.

Letters of introduction and background information on D-2 are being sent to the media in each city to inform them of the bureaus.

Press kits are being developed for distribution to print and electronic media nationally.

Former Lt. Governor H. A. "Red" Boucher is on the road in Florida, Alabama and Georgia making media contacts and other appearances on behalf of Alaska until April 5. Another tour will be scheduled as soon as this one is completed.

Television and radio talk shows have been identified, and in the last two weeks Alaskans in Miami for the National Wildlife Federation convention have appeared on such shows, as well as making other media appearances. Such appearances will be scheduled as often as possible. A media plan to maximize media coverage of the D-2 issue during the National Wildlife Federation meeting was developed through the joint efforts of the D-2 office, CMAL and other interested organizations.

Representative Ray Metcalfe and other legislators have participated by telephone on radio talk shows in New York, Texas, Maryland and Georgia in the last several weeks, and another one is scheduled for Miami Beach next month. This office has provided the stations with background material, and the response to the shows has been very good.

Within the last two weeks, representatives of Alaska have talked with the energy editors of U. S. News and World Report, The Washington Star and United Press International in Washington, D. C., and with the editorial board of the Portland Oregonian.

Editorials have been prepared for distribution through a subscription service to weekly and small daily newspapers throughout the country.

Op-ed pieces are being prepared for placement in newspapers which have run editorials in opposition to the State's position. Generally, it is the policy to have the piece placed by one of our friendly contacts in the state where the newspaper is located.

ACCORD (Alaska Citizen Correspondents on Resolving D-2) the State's grass roots organization, now mails directly to more than 24,000 active members in all 50 states. Hundreds of ACCORD contacts are "relay" members who pass information along through newsletters and bulletins to memberships in the hundreds of thousands.

ACCORD mailing lists have been computerized and the office now has the capability of mailing to members in all states at once, or of mailing to residents of one state, or one group of states. Each state has developed letter-response groups which respond to anti-Alaska letters to editors.

Generally, ACCORD mailings go out about every six weeks, or more frequently, depending on D-2 developments.

Numerous national and regional organizations have been contacted or will be contacted to elicit their support in our grass roots effort to generate mail to Congress. The organizations include the General Federation of Womens Clubs and other women's groups, the American Petroleum Institute, Americans for Energy Independence, U. S. Chamber of Commerce, NRA, American Gas Association, International Snowmobile Industry Association, International Longshoremen's and Warehousemen's Union and other labor groups, Aircraft Owners and Pilots Association and many, many others, too numerous to list.

Within the last two weeks State representatives have met in Washington, D. C., with representatives of the Institute of Professional Geologists and the National Tire Retailers Association. A State spokesperson also appeared at a lands forum in Washington. The forum was sponsored by the U. S. Chamber of Commerce and the National Cattlemen's Association.

International Jaycees, a Jaycee chapter in Anchorage, has announced plans for a national project involving 15 teams of Alaskan Jaycees to visit all 50 states, including some 200 cities, between May 25 and July 4, and the D-2 office is assisting in planning for the project. The office is developing both written and audio-visual material for the speaking teams to use in their appearances. In addition, a mailing is being prepared for all Jaycee chapters in the U. S.

National news clippings on the D-2 issue are compiled each week and sent to a large number of Alaskans in an effort to keep them informed as to how the national media is covering the issue. Other background information is sent, as appropriate.

The response to the mailing by Representative Ray Metcalfe to all state legislators in the country was excellent, and has resulted in the radio talk show appearances as well as legislative resolutions and numerous letters to senators. Another mailing, this time to municipal

and county officials, is in the works.

During the next month, a great deal of time will be spent making personal contact with East Coast media, primarily in New York and Washington by the D-2 Communications Coordinator, in other states by Boucher and agency representatives.

Organization of a committee of prominent Americans to espouse Alaska's position is still in the discussion stages, and a decision is to be made on the matter within the next two weeks.

In summary, this is an overview of the public relations, media activities, all of which are planned to continue regardless of whether there is paid advertising. The public relations side of the media effort can stand by itself, but could be supplemented effectively by advertising. Advertising, however, by itself would be ineffective without a commensurate, or greater, public relations effort in the necessary states.

cc: Lt. Governor Terry Miller ✓
Jerry Reinwand

MEMORANDUM

OFFICE OF THE LIEUTENANT GOVERNOR

John Katz
Bob Miller
John Miller
Legislative
Committee

TO: ☐

Senators Tillion, Colletta,
Kerttula and Sumner;
Representatives Hayes,
Smith, Miles, Cotton,
and Gardiner

DATE:

January 16, 1980

FILE NO:

TELEPHONE NO:

FROM:

Terry Miller
Lieutenant Governor

SUBJECT:

d-2 Legislative Oversight
Committee meeting

We anticipate holding a meeting of the d-2 Legislative Oversight Committee on or about January 31. The meeting scheduled for January 17, which has been canceled, was to have served as an interim report to you on the present status of the d-2 program and legislation. However, it was decided with the press of opening legislative business, that we would forgo the interim report in favor of an updated and comprehensive one at the end of this month.

This timetable will allow John Katz, Special Counsel to the Governor, to go back to Washington, D.C. for a series of meetings with key senators and our lawyer-lobbyist team to receive an up to date appraisal of the situation in Washington. Meanwhile, Bob Miller, d-2 Communications Co-ordinator, is making final adjustments to a suggested media program to be coordinated with the Washington lobby effort.

Attending the January 31 meeting from the Administration will be myself, John Katz, Bob Miller and Ron Mierzejewski. At that time we will present: 1) a thorough briefing on the status of the d-2 legislation in Congress; 2) a complete report on the past year's d-2 activities and budget; 3) a comprehensive d-2 budget and program proposal for 1980.

As date of the meeting draws nearer, we will be in touch with you to select a mutual time convenient to the committee members.

cc: John Katz
Bob Miller

Rm 426

Mackay Bldg

1:30 - 4:30

Tue, Dec 14

Oversight meeting

Dec 14 1:30
Rm 426
Mokoy Bldg

D2 legislative
oversite group

I. Gardner # 247-8231 / 465-3720

S. Cotton 694-9385 / 694-2581 ~~out of town till 31st~~

B. Miles 337-7942 ~~out of town for a couple of weeks~~ Bonnie 272-3471

J. Hayes 0-272-8222 H-243-8844
message in the red box

S. Smith H 456-4637 0 452-7171
in D.C. Wed PMat Sheffield

C. Tillian 235-8000
briener

M. Colletta

B. Sumner 272-4541

J. Kartulka # 745-3051
message 0-376-2675

11 Mutual
Saw
R. k
NBA
Senator
Kartulka

274 B561

Thursday
Held on
Monday



Alaska State Legislature
House of Representatives

MEMORANDUM

POUCH V
JUNEAU, ALASKA 99811
OFFICIAL BUSINESS

TO: ✓ Senator Mike Colletta
Senator Bill Sumner
Senator Jay Kerttula
Representative Bill Miles
Representative Sally Smith
Representative Sam Cotten
Representative Joe Hayes

FROM: Representative Terry Gardiner

DATE: January 11, 1980

RE: D-2 Oversight Committee

John Katz has requested a meeting Thursday, January 17 with the D-2 Oversight Committee. I have scheduled a meeting at 4:00 on January 17th in the Speaker's Office. Mr. Bob Miller will also be attending. If you have a conflict with this time or unable to attend, please notify my office at 465-3720.

Paddy

*Put on Calendar
See if okay with Mike*

*12/21/79
(13) 23
overnight
make new file for
front office*

T.G.

ALAN CRANSTON
CALIFORNIA

United States Senate

WASHINGTON, D.C. 20510

December 14, 1979

Honorable Mike Colletta
Senate Majority Leader
Alaska State Legislature
Post Office Box 3188
Anchorage, Alaska 99501

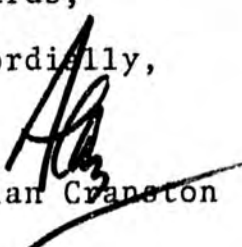
Dear Mike,

Warm thanks for sending along the two
issues of "Alaska Outdoors." I'll very
much enjoy looking through them.

Many thanks for thinking of me.

With best regards,

Cordially,


Alan Cranston

Penco Inc.

101 AIRPORT HEIGHTS ROAD
907 • 277-2522
ANCHORAGE, ALASKA 99504

Sing it again, Sam!

2 The Anchorage Times, Monday, July 2, 1979

ALASKA WANTS AMERICA TO DECLARE A NEW INDEPENDENCE DAY.

203 years ago, America began its struggle for independence from oppressive foreign domination.

Today, our nation faces a new kind of foreign domination: a dependence on foreign resources which steadily saps our strength. As costs of imported fuels soar ever higher, as dollars of declining value flow across the seas to foreign treasuries, America's major resource storehouse remains locked by governmental decree.

Alaska!

Alaska, a land mass one-fifth the size of the rest of the nation, is our most resource-rich state. As Alaskans, we have the resources and the will to help America regain its independence. But we can't do it until we achieve our own independence. Because although we were granted Statehood 20 years ago, Alaska has yet to receive the lands promised us under the Statehood Act.

What Alaska can do for America.

Alaska has the potential to help eliminate the lines at America's gas stations. We have known energy reserves, or the potential, to heat — and cool — the homes and industries of America until well into the next century. Last year, we supplied nearly one-sixth of the nation's oil production... a fraction of the potential that may yet be discovered in the 49th State. We have already discovered trillions of cubic feet of natural gas. Our coal could fuel America for 20 centuries.

Energy and environment — we've shown they can be balanced.

As Alaskans, we know and love our land. From what we have received, we created the nation's largest state park — Chugach, near Anchorage. We have fought oil development, successfully, in areas where other values are of greater importance to Alaskans. Our penalties for environmental abuse are among the toughest anywhere. We want to extend these same considerations to our new lands, in a balanced, planned search for much needed resources for America.

What America can do for Alaska.

Under the 1959 Statehood Act, Alaska was promised title to 104 million acres of land. To date, we have received patent to just 21 million acres. In 1971, Congress awarded an additional 44 million acres to Alaska's Native peoples. But they have received only 7 million acres. Lands granted by the Statehood and Native Claims Act, are almost certain to contain resources vital to America. But we must be permitted to search, to learn what is

in Alaska now, before the panic of some future energy emergency lays waste to our land.

Alaska wants only the rights granted to every other state.

We ask only for title to our lands; access to them; the right to manage our fish and wildlife; the ability to continue our lifestyles; the exclusion of known valuable resources from prohibitive federal systems. Finally, we ask an end to discriminatory federal incursions into our lives as American citizens.

How you can help America and Alaska.

Only the citizens of the United States have the power to move Congress, and the Administration. Call, write, wire or visit your U.S. Senator. Ask him to:

1. Reject the pending Udall-Anderson bill that does not balance rational development with adequate environmental protection.
2. Overturn the President's unprecedented, unilateral action withdrawing 57 million acres of Alaska as "National Monuments."
3. Support alternative Senate legislation which assures Energy Independence for America, protects our precious environmental heritage, and grants Alaskans the rights inherent in U.S. Statehood.

Come to Alaska to see for yourself how Alaskans cherish and protect our unique land.



This appeal paid for by the people of the State of Alaska, from a special appropriation by the State Legislature.

ALASKA

"Independence Day for Alaska,
Independence Day for America."

These have to be effective!
Please do some more!

Bob Penney



Alaska State Legislature

House of Representatives FEB 15 1980

Official Business

Pouch V
State Capitol
Juneau, Alaska 99811

February 13, 1980

Representative Terry Gardiner
Speaker of the House
Room 210, Capitol

Dear Terry:

At the Legislative Council meeting on Feb. 6, I expressed concern about the Rowan d-2 report which is being prepared for members of Congress. At your request, Senator Hohman, who contracted for the survey and report, agreed that the report would be reviewed by the Legislative D-2 Oversight Committee prior to being released.

Since you are a member of the Oversight Committee, I wished to simply clarify my concerns. The purpose of the Oversight Committee is to provide that d-2 efforts be coordinated through one legislative entity. The value of coordination and unity on d-2 have, I think, been well proven this last year.

I am not saying that the Rowan report should not be released to Congress if the Oversight Committee decides that it would not serve a useful purpose-- only that the committee should have the opportunity to review it first and make possible suggestions as to its use. The report could still go to Congress with a disclaimer making clear that it did not carry the sponsorship of the Alaska Legislature.

What I want to avoid is the release, under the auspices of the Legislative Council, of a report which would appear to represent the Alaska Legislature as a whole when in fact the legislature had no involvement.

Sincerely,

A handwritten signature in dark ink, appearing to read "H. Malone".
Representative Hugh Malone

cc: Senator George Hohman
all members of D-2 Oversight Committee

HM:nl

Sen. Colletta
Capitol, Rm. 111

SCOMM

#22:50

DOROUS 278-2502

Dear Fellow Legislator:

This letter is being sent to you in the hope that you might contact your Washington delegation with a sense of urgency concerning an issue that has a substantial impact on the future of your state as well as mine.

Alaska is capable of contributing more than any state in the nation to bring an end to the gas lines, the energy crisis, and the dependence on foreign oil. With approximately 49 billion barrels of oil (onshore and offshore), Alaska may have enough oil to replace half of all foreign oil, at the United States' current rate of import, for the next 35 years.

Current estimates by various government agencies and many energy companies suggest that well over one-third of our nation's remaining energy potential is in Alaska. Alaska has as much as 25% of the nation's onshore potential of natural gas and up to 44% of the nation's offshore natural gas potential. Alaska's coal fields could fill the nation's appetite for coal for the next two thousand years.

In spite of this, our Federal Government is doing all that it can to keep these little known facts the biggest secret in Washington. Our Federal Government is in the process of tying the hands of the people of Alaska and blocking the development of many of these resources.

In 1906, Congress passed what was known as the Antiquities Act, giving the President the authority to protect objects or sites of national historic value. This act was for the purpose of preserving sites such as the Custer Battlefield or the sites of our first settlements. The President has chosen to abuse this power by declaring millions of acres of rich Alaskan lands an antiquity. Much of those lands that have not been declared an antiquity by the President have otherwise had their development blocked by the Secretary of the Interior through the use of similarly imprudent tactics.

The fact of the matter is that the figures shown above could very well be only a portion of Alaska's energy resources. According to a recent news broadcast, Canadian oil companies are actively drilling in the Beaufort Sea portion of the Arctic Ocean. Some of their officials feel that the Arctic Ocean region and Polar Cap areas may contain larger oil reserves than the Mideast O.P.E.C. countries. The discoveries of similar reserves in Alaska may be jeopardized because of the impairment of our ability to develop the necessary onshore support facilities.

Collectively, the Federal Government is exerting control over areas of Alaska equalling nearly twice the size of Texas, and currently controls approximately 85% of the land within our State. In contrast, most eastern states control 90% to nearly 100% of the land within their boundaries. In attempting to permanently withdraw vast areas of Alaskan lands, the Federal Government threatens to break the compact under which Alaska agreed to become a state, as well as to stifle development of resources that if developed, could be a giant step toward energy dependence.

Even after implementation of the Statehood Act and the Alaska Native Claims Settlement Act, the Federal Government will control approximately 60% of Alaska's lands.

The absurdity of all of this is that it is being done in the name of "environmentalism," in spite of the fact that Alaska has amongst the most stringent environmental quality laws of any state, some of which are even included in our constitution. Thus, Alaska's environmental requirements have contributed to the pipeline corridor being replanted with vegetation where the caribou and other animals seem to find good grazing.

The misuse of the Antiquities Act by the President was in lieu of Federal legislation proposing similar treatment for Alaska, which the President and Congressman Udall were successful in pushing through Congress last year. Many Congressmen have been responsive to this legislation because the only portion of their constituency that is aware of this issue and is applying pressure to the direction that Congress takes is a group of fervent environmentalists who wish to see this action taken. We have challenged the President's action in court, but the House of Representatives has already passed Congressman Udall's desired legislation, and it appears that the Senate will take up the measure in the next thirty to sixty days. This issue will have a major impact on our ability to end our dependence on foreign oil, as well as our ability to supply adequate heating oil and to end the frustration of motorists in gas lines.

For the above reasons, I sincerely hope that you will find the time to call or write your Washington congressional delegation concerning this matter and to express your opposition to Alaska lands legislation that does not address the concerns that have been outlined in a resolution by the Alaska State Legislature (copy attached). If you find that your representative wishes to support the Alaska lands legislation, please urge that he/she support S.9, which was recently reported by the Senate Energy and Natural Resources Committee, rather than Congressman Udall's bill. S.9 provides strong protection for Alaska's important scenic and wildlife resources. At the same time, S.9 addresses many of the concerns which I have discussed.

Additionally, I would ask that you release a copy of this letter to your local media. If your constituency knew what is happening in Alaska, certain members of Congress could not continue their current direction with this issue.

I want to touch briefly on one other subject. It has been widely rumored that Alaska is exporting oil to Japan. Such action would be prohibited by Federal law. Please rest assured that Alaska is not selling its oil to any foreign nation.

If you find the time, I would sincerely appreciate knowing what action you found appropriate as a result of this letter. If you require more information, please call me at my Anchorage office or drop me a note, and I would be most pleased to send you any further information you desire.

Most sincerely yours,

Ray Metcalfe
House of Representatives
State of Alaska

Phone: (907) 277-9014

Enclosure: State Legislature Resolution

D2 legislative
oversite group

I. Gardner
S. Cotton

B. Miles

J. Hayes

S. Smith

C. Tillian

M. Colletta

B. Sumner

J. Kertulla

Alaska State Legislature

SENATOR MIKE COLLETTA



SENATE FLOOR LEADER

Senate

MEMO TO SENATOR MIKE
FROM MARCIE

APRIL 17, 1979

Sharon called this afternoon to apologize for not getting information to you per your request and asked that I relay the following:

If there is no bill, (d) (2), by August 31, the Anchorage office will need funding to keep going. Current cost of operations is \$ 25,000 per month. *(6 months = \$150,000)*

Sharon also indicated that your discussion with her was to cover 1/2 of additional staff person salary from the remaining Steering Council funding by encumbering funds now.

ALASKA CITIZEN CORRESPONDENTS ON RESOLVING D-2

1016 West 6th, Suite 435 / Anchorage, Alaska 99501 / (907) 277-2415

Dear Sen. Colletta:

If your schedule permits, you and Marcie are cordially invited to the first playing of the Free Alaska and D2 To You, Too, Rag--at 5 p. m. today at Steve Roberts house at 711 "M" St. (just across the way here.

Be the first kid on your legislative block to hear these soon-to-be-famous, D2-resolving songs which we call "The Alaskan sound!" A disco frontier ballad and a flip, fun protest by Alaskans who would rather meet a bear than a bureaucrat on a lonesome tundra trail.

Sincerely,

The Lyricist
June Allen

Fairbanks meeting with John Katz 11-12 AM, Library Tuesday 5th:

Left Messages:

Bennett, Brown, Farhenkamp, Parr, Randolph,

Not reached:

Bettisworth, Smith

Will Not be in Fairbanks:

Hackney, Rogers

Anchorage meeting with John Katz, 8 AM, (d)(2d) Office Wed. 6th:

Planning to come:

Barnes, Chatterton, Colletta, Martin, McKinnon,
Metcalf, Miles, Montgomery, Phillips, Sturgulewski
and Hohman

Not able to come:

Buchholdt, Cotten, Dankworth, Halford, Hayes,
Munson, Sumner, Meekins

Not reached:

Kelly, Parker, Stimson

Left Messages:

Beirne, Bradley, Rodey



POUCH V
JUNEAU, ALASKA 99811

Alaska State Legislature

Senate

MEMORANDUM

July 25, 1979

TO: All State Legislators

FROM: Marcie Sharrock *MS*
(d) (2) Legislative Liaison

The Department of Interior will hold hearings in Anchorage August 15th and in Fairbanks August 16th on the proposed regulations for administration of 15 of the 17 Alaska National Monuments. Involved are 13 National Park Service (NPS) and 2 Fish and Wildlife Service (FWS) areas which include 53 million acres. (Misty Fjords and Admiralty Island are managed by the Department of Agriculture, National Forest Service under existing regulations.)

HEARINGS

ANCHORAGE	WEDNESDAY, AUGUST 15 10 AM & 7 PM	STUDENT CENTER ALASKA PACIFIC UNIVERSITY
FAIRBANKS	THURSDAY, AUGUST 16 10 AM & 7 PM	DUCKERING BUILDING UNIVERSITY OF ALASKA

The hearings will be conducted on a first-come-first-serve basis. Individuals wishing to testify will be asked to sign in as they arrive and will be heard in that order. Individuals required to travel to the hearings should write in advance to either the National Park Service or the U.S. Fish and Wildlife Service to advise that they wish to testify.

WRITTEN COMMENTS WILL BE ACCEPTED UNTIL SEPTEMBER 26, 1979.

Comments should be addressed as follows:

NPS REGS. - Area Director	FWS REGS. - Area Director
National Park Service	Fish & Wildlife Service
540 W. Fifth Avenue	1011 East Tudor Road
Anchorage, AK 99501	Anchorage, AK 99503

Enclosed please find the Federal Register, Part II, NPS Regulations; Part III, FWS Regulations; Department of Interior Questions and Answers; and DOI Summary of Proposed Regulations.

[Also enclosed is the SENATE ENERGY & NATURAL RESOURCES COMMITTEE SUMMARY AND SIDE-BY-SIDE BILL COMPARISONS OF ALASKA NATIONAL INTEREST LANDS LEGISLATION.]

JAY S. HAMMOND
GOVERNOR



1016 W. SIXTH AVENUE, SUITE 435
ANCHORAGE, ALASKA 99501
(907) 277-2415

STATE OF ALASKA
OFFICE OF THE GOVERNOR
D-2 INFORMATION OFFICE
ANCHORAGE

To: All Alaska State Legislators
From: June Allen, ACCORD Contact
Re: ACCORD membership drive

The D2 Information Office coordinates the state's non-partisan, all-Alaskan citizen grassroots lobby effort called ACCORD (Alaska Citizen Correspondents On Resolving D2).

ACCORD has enrolled more than 1,000 Alaskans as citizen lobbyists and more than 2,000 former Alaskans and family and friends of Alaskans Outside.

The ACCORD office sends out newsletters, informational material and D2 updates as well as "calls for action" in letter-writing to all members periodically. Alaskan members write to their contacts Outside, asking them to write, wire or call their Senators, urging support for the position of the State of Alaska in any D2 Alaska lands legislation.

WE NEED YOUR HELP. SPOKESMEN FROM VARIOUS ALASKAN ORGANIZATIONS CONTACT YOUR OFFICES OFTEN. WOULD YOU, AS PART OF THE ACCORD EFFORT, ASK THEM TO CONTACT JUNE ALLEN AT THE ACCORD OFFICE, 1016 W. 6th SUITE 435, ANCHORAGE, AK 99501 or call collect 277-2415? WE WOULD LIKE TO ENROLL THEIR MEMBERS IN THIS CITIZEN LOBBY EFFORT.