

# STATE OF ALASKA

## THE LEGISLATURE

1979

Source

Legislative  
Resolve No.

HCSSJR 5

5



Relating to federal policy concerning land in Alaska.

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

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

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

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

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

but (b) of that section states:

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

and

WHEREAS by a series of proclamations the President of the United States has purported to establish national monuments

encompassing over 55,000,000 acres of land within the State of Alaska, citing as authority for this action the Act for the Preservation of American Antiquities adopted June 8, 1906 (16 U.S.C. 431); and

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

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

and

WHEREAS each of the proclamations contains a declaration by the President of the United States that the area reserved "is the smallest area compatible with the proper care and management of the objects to be protected", yet:

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

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

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

WHEREAS no one could consider such reservations a reasonable exercise of presidential discretion to reserve "the smallest area compatible with the proper care and management of the objects to be protected" if the area was other than in Alaska; and

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

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

and

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

the finding that:

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

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

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

and

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

WHEREAS in truth and law Alaska is a State of the United States "on an equal footing with the other States in all respects whatever" and is not a colony or "a puppet of the Federal Government";

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

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