State Opposes Act Amendments–

Cites Concern of State to Some 77 Million Acres Selected

Attorney General John E. Havelock today told the Senate Committee on Interior and Insular Affairs that the State of Alaska opposes any amendments to the Native Claims Settlement Act that would attempt to wipe out the state's right to some 77 million acres of land it selected recently.

Havelock said his testimony as lead-off witness before the committee was marked by "courteous but firm exchanges" with Senator Lee Metcalf, who is sponsoring an amendment to the Claims Act that would subject Alaska to a continued freeze on its Statehood selection rights, as well as prohibiting other forms of entry under the Public Land Laws.

The Attorney General testified for the State at a session of the Interior and Insular Affairs Committee chaired by Senator Mike Gravel for the purpose of considering a bill of technical amendments to the Claims Settlement Act.

Touching on various aspects of the Act as relating to state land selection, Havelock concluded by reiterating "the opposition of the State of Alaska to any purported technical amendment which would have the effect of attempting to subordinate State selection rights to proposed conservation withdrawals."

He said, "In our view, if this proposal is included in the bill, the bill must not pass."

Havelock said the state urged the adoption of provisions of that technical amendment which "would provide for earlier disbursement of federally appropriated funds to regional corporations, prior to the completion of a Native enrollment."

He said the State also "urged a new amendment that would make money available to the Regional corporations well before any appropriated funds became available from the Congress."

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Oppose Amendments . .

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That amendment, Havelock said, "clarifies the rights of the Secretary of the Interior to allow the State of Alaska to distribute, directly to the Regional corporations and prior to enrollment, revenues from its two per cent over-ride portion of the settlement."

The State also proposed language for other technical amendments to the "clean-up bill" consistent with rights granted to the Natives and the State under the Settlement Act, the Attorney General said.

Concerning the lands it has made application to select, Havelock said, "The state recognizes that there have been and will be in the future 'expressions of interest' on the part of the Secretaries of Interior or Agriculture, or other departments of the federal government, in lands subject to the primary rights of the State of Alaska under the Alaska Statehood Act.

"It is not our intention to frustrate that interest, but only to assure that decisions made with regard to these areas of vital concern to Alaska, and areas subject to primary control of the United States which are also a vital concern to Alaska, are made cooperatively and with full regard for the quality of the human environment as Alaskans view the subject matter."

The Attorney General said the settlement act "creates a suitable vehicle for this purpose in the joint land use planning commission.

"With adequate professional staffing and federal funding for the work of this commission and related agencies, I am sure that the national interest in Alaska's public lands will be better preserved through the advice and cooperation of those people who know them best – the People of Alaska."

Recounting the history of the conservation provisions of the settlement act, Havelock concluded that "the omission of the State of Alaska from the land freeze was deliberate, and if the question was ever in doubt . . . it is firmly established in the statement of the conference committee."

He quoted the following excerpt from the committee report:

"the State does not make its selections before all of the native lands have been selected, but the state's interests are recognized as follows . . . . (d) state selections may proceed immediately in the areas outside the 25 township areas around native villages, and in lieu selection areas."

Havelock told the committee, "Any attempt to change the Settlement Act to make it appear that an impediment to state selection was intended would clearly not be a technical amendment and would clearly breech the Settlement reached."

He added, "If such an amendment were adopted, that provision would have to be viewed by the courts either as a violation of the equal footing directive of the Constitution of the United States, or as an act of eminent domain, requiring just compensation to the State of Alaska."

The Attorney General said it is "our view that at this time amendments to the Settlement Act should only be allowed which the principal parties agree do no injury to the basic bill."

Any amendment "purporting to extend the Congressional freeze to apply to selections made by the State of Alaska pursuant to the Statehood Act not only disturbs the bargain implicit in the Settlement Act, but also the bargain struck with the entry of the State of Alaska into the Union," Havelock said.