

# Villages Sue Governor Miller Over TAPS Road

Four Interior Native villages filed suit in Anchorage Monday against Gov. Keith Miller in an effort to block construction of the haul road for the Alaska Pipeline System.

Miller told Secretary of the Interior Walter Hickel on Friday that he had authorized TAPS to proceed with the construction of a permanent road from the Yukon River to the Arctic Slope of Alaska.

Filed in U.S. District Court by Alaska Legal Services attorneys David Wolf and John Hedland

on behalf of Allakaket, Bettles, Rampart, and Stevens Village, the suit charged that the Governor did not have the authority to take such action.

Minto, a fifth village in the Interior, was not included because it is south of where the 420-mile-long road begins.

In a telegram to the Secretary, Miller claimed that he had the authority to take such action under Section 932 of the United States Code which says that the state can assume the right of way

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# Sue Miller

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for construction of "public highways over public lands, not reserved for public uses."

The villages contend that their protest areas are not "public lands, not reserved for public uses" within the meaning of the code.

Also, in his letter Miller said that the land freeze order was modified last Jan. 7 to allow for the construction of an oil pipeline and for whatever is necessary for the construction and maintenance of the oil pipeline system.

On this point, the villages contend that the modification of the land freeze "serves only to permit the Secretary of the Interior to issue various rights of way and permits."

The villages pointed out that the Secretary has not issued such rights-of-way and, in fact, with respect to Stevens Village has been enjoined from doing so.

The Stevens Village action came April 1 as the result of a suit filed by Stevens Village, Bettles, Rampart, Minto and Allakaket in the U.S. District Court in Washington, D.C. seeking to bar Secretary Hickel from issuing construction permits for both the haul road and the pipeline.

The road and the 800-mile pipeline cross land claimed by the five villages.

In the case, Judge George L. Hart, Jr. issued a preliminary injunction which will prevent the Secretary from issuing such permits over land claimed by Stevens Village until the matter comes to trial.

According to David Wolf, attorney also on this case, the judge did not go into the issue of Rampart, Bettles, and Allakaket. The proposed pipeline and road do not cross land claimed by Minto at this time.

The attorneys for Hickel, Wolf added, have 10 days or until April 13 to ask the judge to reconsider the injunction. If they do not, he added, the injunction holds until the time of trial, which is not known.

Wolf stressed that in this case, the attorneys for the villages were in no way connected with the conservationists who have also filed suit against Hickel, seeking to bar him from issuing permits for the pipeline and haul road.

"Our clients," he said "simply want compensation for land rights they are giving up. The issue involved is that of property rights, not conservation."

With the judge's ruling in this case and the other points mentioned previously, the villages in their suit against the Governor have requested a "temporary restraining order and a preliminary and permanent injunction" prohibiting the defendants and all persons participating with them from taking any further action to construct or to authorize construction for the haul road.

**Our life is frittered away by detail . . . Simplify, simplify.**

**—THOREAU**