

The Alaska Lands Controversy: A Fight Bigger than the Last Frontier

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“LOVERS OF CONGRESSIONAL DRAMA WILL BE GLAD TO KNOW THAT WE ARE BEGINNING TODAY the revival of that great old off-Broadway production known as the ‘Great Alaskan Lands Bill.’ Some other titles have been suggested: ‘The Great Lockup,’ ‘The Dig, Dam, Rape, and Plunder Bill,’ and others.”

With these words, Representative Morris Udall opened a 1979 hearing regarding the Alaska National Interest Lands Conservation Act (ANILCA). After nine years of debate—and only after provocation by President Jimmy Carter—Congress passed the legislation in its 1980 lame-duck session. The bruising battle over ANILCA can best be understood in the context of the broader fight to define “conservation” during the 1960s and 1970s. This paper considers ANILCA’s roots in Alaska’s statehood and the Alaska Native Claims Settlement Act of 1971 (ANCSA) as well as the intersection of the fights over conservation and to codify subsistence rights of Alaska Natives.

Political scientist R. McGreggor Cawley (1993: 17) argues forcefully that the meaning of “conservation” changed during the 1960s. Cawley writes of Gifford Pinchot’s articulation of three principles of conservation: development, prevention of waste, and use for the benefit of many. “New” conservation, according to Cawley, is the product of the preservation movement, which successfully appropriated the term “conservation.”

Indeed, as Stewart Udall argued in 1962, “Each generation has to redefine it [conservation] because it has new meaning” (quoted in Cawley 1993: 24). As Udall later wrote in *The Quiet Crisis* (1963):

Today, the conservation movement finds itself turning back to ancient Indian land ideas, to the Indian understanding that we are not outside of nature, but of it. From

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this wisdom, we can learn how to conserve the best parts of our continent.... [T]he task must begin immediately and be completed within the next three decades.

Udall's comments clearly indicate his desire—and that of his allies—to redefine conservation and shift its meaning to reflect a preservationist perspective.

The conflict in the 1960s and 1970s over the definition of conservation pitted traditional, extractive users against preservationists and recreational users. Traditional users benefited from “old” conservation and disagreed with Udall's claim that conservation needed redefining. New conservationists, John Muir's intellectual children, instead articulated a vision of conservation as the protection of the resource, not its use.

Unlike the later Sagebrush Rebellion, ANILCA was more than an old-versus-new conservation fight, for Alaska Natives were drawn into the controversy as well. Many non-Natives viewed Alaska Natives as interlopers on the land; the most extreme of the new conservationists wished to see Alaska preserved as an untrammled wilderness free from human influence, excluding Alaska Natives and non-Natives alike (Norris 2002: 76).

Fortunately, rather than quarrel over their differences Alaska Natives and new conservationists generally recognized that they both stood to benefit from ANILCA and worked together to secure its passage. As one Alaska Native wrote in a 1969 letter, “We Eskimos would like to join the Sierra Club. We have no money but lots of thoughts and collective action” (quoted in Catton 1997: 194–195). Luci Beach, executive director of the Gwich'in Steering Committee, put it even more bluntly, saying, “We've been accused of being puppets of the environmentalists, but this is our fight too. It's about saving ourselves, our way of life” (Sherwonit 2004). As we shall see, new conservationists welcomed Alaska Natives with open arms.

The relationship between old conservationists and Alaska Natives was another matter entirely. Old conservationists, particularly sportsmen, were demanding access to Alaska's fish and game resources—demands that threatened to “overwhelm” subsistence users and leave nothing for Alaska Natives (Norris 2002: 67).

The conflict between old conservationists and Alaska Natives has its roots in Alaska's statehood. When Alaska was granted statehood in 1958, Congress gave the new state the ability to “select” lands from federal holdings within it. As Morris Udall noted in *The Congressional Digest* in 1978, Alaska's land grant was on a magnitude dwarfing anything in the Lower 48:

The United States gave Alaska the largest, richest statehood land grant in history ... a whole California—104 million acres. Alaska got it right off the top, with priority selection to the best, richest lands, to mine them, to log them, to do anything they wanted with them. In contrast, my home state, Arizona, received only 10 million acres at statehood.

But the state quickly ran into conflict with Alaska Natives, for the statehood act had summarily extinguished their land claims.

Compounding Alaska Natives' displeasure with the statehood process was that many of the withdrawals included lands used by Alaska Natives for subsistence activities. Alaska

Natives refused to accept these withdrawals, perceiving them as a naked land grab; in 1961 alone, Alaska Natives formally contested state selection of 75,000,000 acres (Williss 1985).

United States Senator Ernest Gruening only exacerbated their concerns when speaking of a proposed dam, saying the impact would be minimal, flooding “only a vast swamp, uninhabited except for seven small Indian villages” (quoted in Williss 1985). Gruening later told the *Tundra Times* that the dam “would flood an area about as worthless from the standpoint of human habitation as any that can be found on Earth” (quoted in Daley and James 2004: 128). Local Athabascans were indignant. One individual excoriated Gruening in the *Tundra Times* a few months later, imploring readers not to “let [him] convince you the land is worthless. It may be to him but not to Natives. He never stops long enough in the villages ... to discuss with them their land problems” (quoted in Daley and James 1994: 129).

Led by the rabidly pro-development Gruening, the state, in the view of most Alaska Natives, was selecting all the best lands for itself and was forcing Natives off Native-owned land. Out of this conflict rose ANSCA, which created various Native corporations that would hold title to native lands across the state. Together the corporations’ grants totaled 40,000,000 acres of land and a \$925,500,000 settlement payment (Williss 1985). The corporations would manage the land to provide for the economic well-being of Alaska Natives. One commentator wrote at the time that the settlement amounted to “the great, final, and retributive payment for all of American history’s Native claims ... not only principal, but interest as well on more than twenty decades of national guilt” (quoted in Williss 1985). Rather than force Alaska Natives onto reservations, Congress opted for a more progressive approach in creating the Native corporations.

ANSCA is not without criticism or problems. It is often attacked as cultural imperialism, for it forced Western institutions on Native communities. Indeed, placing ownership of Native land in the hands of corporations is not without significant risk, as Native corporations, like any others, are subject to taxation, default, takeovers, and other negative events that could cause the land to pass out of Native ownership (Zellen 2008).

Further, ANSCA did not explicitly protect Native subsistence rights. The conference committee convened in 1971 to reconcile the House and Senate versions of ANSCA provides the only positive affirmation of the subsistence protection Congress intended ANSCA to provide. While the committee’s report unambiguously states that, “the conference committee expects both the Secretary [of the Interior] and the state to take any action necessary to protect the subsistence needs of the Natives,” this expectation was not written into the law. Because it was not in the law proper, it was easy for officials to overlook. The failure of both Department of the Interior and Alaskan state officials to adequately protect subsistence rights ensured that Alaska Natives would agitate for changes to ANSCA.

ANCSA did, however, contain a small section with potentially enormous consequences. Section 17d(2) authorized the secretary of the interior to withdraw up to 80,000,000 acres of unreserved public lands for study as possible additions to the national conservation system. The secretary then had two years to make any recommendations regarding these lands to Congress, which had five years thereafter to act on the recommendations. Afterwards, any lands not added to the national conservation system would revert back to “unreserved” sta-

tus, able to be selected by the state or by Native corporations. It is against this timeline that old and new conservationists, along with Alaska Natives, debated ANILCA.

The ANILCA debate featured everything needed for political drama—protests, raucous hearings, politicians hanged in effigy, and arson. It was a legislative battle on a massive scale, with most non-Native Alaskans joining forces to defend old-conservation values against outsiders sympathetic to a new definition of conservation.

In a 1972 comment in the Anchorage newspaper, one Alaskan likened the fight over ANILCA to Pearl Harbor, saying “I feel the same way I did on December 8, 1941 [W]e’re in for an awful battle and there’ll be a lot of blood-letting.” In the same issue, another Alaskan simply called early ANILCA proposals “premeditated assaults on Alaska’s sovereign rights.” Senator Gruening wrote in the *New York Times* (January 14, 1974) that outsiders sought to “convert Alaska into a combination of wilderness and zoo.” In southeast Alaska, a National Park Service (NPS) ranger wrote to his supervisor that “a threat against our [park staff’s] lives drew applause” (quoted in Allen 2010: 176). Later, an NPS airplane was set on fire as it sat at the local airstrip.

These comments and tactics are reminiscent of those made in another of the great fights between old and new conservation—the Sagebrush Rebellion of the late 1970s and early 1980s, in which Westerners clamored for federal lands in the West to be conveyed to the states. The rhetoric, protests, and other tactics used by the Sagebrush Rebels—representative of old conservation—mirror those used by Alaskans opposed to ANILCA.

ANILCA was frequently touted by new conservationists as “America’s final opportunity to get it right the first time” with respect to land conservation; during the ANILCA debate, the Sierra Club titled one of its statements before Congress “Alaska: The Last Great First Chance” (Wayburn 1977). President Carter (1980) alluded to this sentiment at ANILCA’s signing ceremony, saying, “We Americans have a history of viewing the environment as wilderness . . . that must be conquered.”

This language underscores how the meaning of conservation was changing. Surely Pinchot would have taken issue with the implicit statement that America did not “get it right the first time” by establishing the US Forest Service. President Theodore Roosevelt would undoubtedly have been equally put out—arguing that he “got it right the first time” by promoting a multiple-use agenda.

Although the language used in the ANILCA debate is similar to that seen in other land management conflicts, ANILCA’s alliance between new conservationists and Alaska Natives, along with its stunning magnitude, set it apart from other conservation battles. Overnight, the national park system and the national wildlife refuge system would more than double in size. The national wild and scenic river system would swell to almost twice its size, with twenty-five additions. The national wilderness preservation system would triple in acreage with a stroke of President Carter’s pen. In all, ANILCA permanently protected well over 100,000,000 acres—almost the size of Italy and Greece combined. Old conservationists simply could not afford to lose this battle. It was too big, too important, too all-encompassing.

Just two days before the d(2) land withdrawals were due to Congress, Interior Secretary Rogers C.B. Morton submitted them, withdrawing the maximum acreage allowed. Howls of

rage came swiftly. The *Anchorage Daily Times* editorialized (March 16, 1972) that, “Alaskans of the future may just be a collective glob of zoo-keepers. And the Sierra Club will cheer.” A resident of the Wrangell-St. Elias Mountains similarly protested that “[t]he real Alaskan and real American will never use this place” (Defenderfer and Walkinshaw 1981: 60).

The comment about “the real Alaskan” never using this place demonstrates how old conservation as applied in Alaska largely ignored the needs of Alaska Natives. Alaska Natives—the original “real Alaskans”—had been using Alaska’s resources in a sustainably consumptive, subsistence manner for generations. ANILCA would codify such use on the federal level and provide for its protection in perpetuity. For the first time, Alaska Natives would have guaranteed rights to access public lands and use them just as they had for generations.

New conservationists staunchly defended subsistence rights, for various reasons. Some environmentalists viewed subsistence hunting as a natural part of the ecosystem. Others viewed support for subsistence as a political tool to further the cause of creating new parklands in Alaska, arguing that “giving ground on subsistence hunting . . . gave greater moral authority to take a firm stand against sport hunting” (Catton 1997: 209–210). For its part, the Wilderness Society, in a statement before Congress, made new conservation nearly indistinguishable from the Native position when the society’s Alaska representative pointedly said, “We are going to the wall on this question. It is extremely important that it [subsistence] be protected” (Catton 1997: 210). Native Americans played little-to-no role in the Sagebrush Rebellion, but in the ANILCA controversy, Native rights were front-and-center.

After considering the subsistence rights proposal in 1979, the Senate Committee on Energy and Natural Resources lent its support to the idea and emphasized what its House counterpart had written the year before, when it stated in a report that:

The committee is convinced that developments since 1971 have combined to create a new situation requiring positive Congressional action to protect both renewable resources of the public lands in Alaska and the well-being of Alaska Natives and other persons who depend upon subsistence uses on such lands (p. 183).

Reflective of Congress’ frustration with the efforts of the secretary of the interior and Alaska to protect subsistence rights under ANSCA, this statement goes beyond mere disapproval. Congress’ inclusion of subsistence rights and linkage of those rights to “protecting renewable resources” has far-reaching implications. Not only does new conservation preempt the Pinchot-era idea of sustainable resource extraction, it goes so far in the opposite direction as to designate certain people (here, Alaska Natives and “rural residents”) as deserving special protection.

Native Alaskans therefore represent another part of the new meaning of conservation—the idea that sustainably consumptive, subsistence use of a resource is acceptable and takes precedence over other uses (e.g., sport hunting). This is vastly different than the system of conservation Roosevelt and Pinchot envisioned and is not a matter of interpretation; rather, such a priority is written into ANILCA itself, which reads, in part, that “it is necessary for the Congress . . . to protect and provide the opportunity for continued subsistence uses on the public lands by Native and non-Native rural residents.”

Congress thus established a priority order for public land use in Alaska. If managers must restrict the harvest of fish or game, ANILCA compels the restriction of all consumptive, non-subsistence uses before restricting subsistence use. ANILCA allows restriction of subsistence use only if it is absolutely necessary to protect a specific population and only after all other uses have been eliminated, establishing what is widely known as “the subsistence priority.”

It is not difficult to see the threat that this represents to old conservation, which postulates that everyone, and consequently all uses, should be accommodated as much as possible. As Representative Wayne Aspinall said in the early 1960s, conservation means “developing them [natural resources] for the best use of the people as a whole” (quoted in Cawley 1991: 25). The subsistence priority is certainly not concerned with “the people as a whole.” Rather, the subsistence priority is concerned with protecting natural resources first for a select group of people.

Ironically, it was not until after ANILCA’s passage that old conservationists realized the full impact of the “unholy” subsistence priority (Sherwonit 2004), which has been litigated for decades. Tribal scholar and Bureau of Indian Affairs official Karen Atkinson (1987) writes:

Many do not understand why fifteen percent of Alaska’s population has exclusive access to a disproportionate share of ... wildlife resources. Many non-Natives question the validity of such a priority. They question whether a subsistence priority is necessary.

Literally dozens of lawsuits, reaching to both the Alaska and United States supreme courts, have been heard by the courts since ANILCA; the legal wrangling over it continues to this day.

ANILCA, therefore, represents a defining moment in the conflict between those who sought to maintain conservation’s old definition, which as Aspinall put it, “means we do not waste; however, it does not mean we save merely for the sake of saving,” and those who sought to reshape the meaning of conservation into something more resembling Muir’s vision of resource preservation (Cawley 1993: 25). The rhetoric employed by individuals aligned on both sides of the policy debate over ANILCA reflects the debate over the proper definition of conservation; it is strikingly similar to that of the Sagebrush Rebellion. Further, ANILCA’s subsistence priority is a frontal assault on the traditional definition of conservation, as it is exclusionary rather than inclusionary in nature.

While Congress dithered over ANILCA’s details, time was running out, for ANSCA dictated a strict timeline for congressional action. When, in 1978, it looked like old conservationists had succeeded in delaying ANILCA to death, President Carter sent a bolt of lightning down Pennsylvania Avenue to Capitol Hill by using his authority under the Antiquities Act of 1906 to proclaim a whole set of national monuments that, when combined, covered *one-third* of Alaska’s landmass.

Alaska was beside itself. The tundra crackled with hostility towards Washington, pre-saging the 1979 Sagebrush Rebellion and giving perfect voice to the strident chorus of those

who were resisting the redefinition of conservation. Consider this city council resolution from Eagle, Alaska (Allen 2010: 129):

The city council of the City of Eagle, Alaska does not advocate violence, but we can no more be responsible for the actions of an individual citizen than we can be for any animal when it is cornered.

Tim Jacobsen, a miner who worked inside of the newly proclaimed Wrangell-St. Elias National Monument, spoke for many Alaskans when he said:

Christ, they [the Park Service] have 400 years to drive you out and they'll keep their same salary as they fine you and delay you and permit you to death. They have total power—they can keep you in court forever. If they want to close you down, they'll do it. The Park Service is anti-mining and I look at them as an adversary (Defenderfer and Walkinshaw 1981: 30).

The language used here is instructive. “Anti-mining” certainly would never be used to describe old conservation and “adversary” clearly points to the ongoing conflict over conservation’s definition.

Large, well-publicized, organized acts of civil disobedience took place across the state. In the waning months of 1979, the Real Alaska Coalition telegraphed Washington, D.C. with a simple message: the coalition was sponsoring an illegal sheep hunt in the Wrangell Mountains; if the NPS wanted to stop them, they would be happy to provide the agency with directions to the hunting camp for a showdown (Bleakley 2002: 125). NPS more or less gave up on law enforcement for the 1979 season, with a spokesperson simply telling the Fairbanks *Daily News-Miner*, “We’re just not out there hiding behind every rock waiting to catch someone doing something illegal” (Lewis 1979). For the time being, new conservation had yet to take hold in Alaska.

The situation in Glennallen, a gateway community to the new Wrangell-St. Elias National Monument, was no better. When NPS officials arrived, it was made apparent that they “were not welcome,” in the words of Robert Teich, a local business owner (Matthews 1979). Another business owner put it even more bluntly, saying, “I hope they leave peacefully, because what they are representing is not accepted.... [I]f they take it personal, it’s their misinterpretation.”

This sort of “misinterpretation” must have happened quite frequently in Glennallen the first summer after the proclamations. Park rangers received bomb threats, were evicted from their hotel rooms, and attended meetings where threats against their lives were followed with applause (Allen 2010). In the small village of McCarthy, wholly surrounded by the new monument, it was even more difficult to “misinterpret” the local populace’s feelings about the matter, for someone took a bulldozer to a hillside and carved “SIERRA CLUB GO TO HELL” on a mountainside (Allen 2010: 160).

Meanwhile, accusations of “Vietnam-style tactics” on the part of the Park Service began to fly in the national media. Hank Rust, who owned an air-taxi service in the area, told the *Wall Street Journal* that “They [park rangers] use helicopters in assault-type tactics and

come into camps wearing flak jackets and packing riot guns.... [T]hey are about as un-American as you can get" (James 1980). Indeed, the Park Service did use helicopters; an Interior Department helicopter was "turned away from a camp at gun-point" during the summer after the proclamations (Allen 2010: 149). Everything came to a head in the fall of 1979, when "an individual [in Glennallen] known to be friendly to rangers" was assaulted, and the Park Service's airplane was set ablaze as it set on the tarmac in an apparent arson attack (Williss 1985). Elsewhere in the state, President Carter was burned in effigy (Egan 2000).

The controversy that engulfed Alaska mirrored the national debate over the meaning of conservation. Advocates of old conservation, namely local residents accustomed to generally unrestricted access to public lands, abhorred attempts by organizations such as the Sierra Club to redefine conservation. ANILCA can be interpreted much the same—as part of the larger fight during the 1960s and 1970s over the meaning of conservation.

Where ANILCA differs from other incidents in this fight is its gargantuan scale and inclusion of Alaska Natives. ANILCA placed 100,000,000 acres into the national conservation system and provided federal protection of subsistence rights for rural Alaskans. Indeed, ANILCA did more than simply redefine old conservation for a large portion of Alaska—it repudiated it. Conservation, as articulated by Aspinall, is the management of resources for everyone's benefit. ANILCA turned this on its head: it established priority rights for rural Alaskans and created a system through which those individuals are the congressionally designated primary beneficiaries of Alaska's fish and game resources.

The protests in Alaska encapsulate the overarching debate of the 1960s and 1970s regarding the meaning of conservation. Further, the rhetoric used by individuals aligned on both sides of the battle as well as the tactics presaged the next great showdown between old and new conservation—the Sagebrush Rebellion.

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