NATIONAL ARCHIVES

The Jimmy Carter Presidential Library and Museum

Presidential Power & Precedents:

Jimmy Carter, Alaska and The Antiquities Act









Presented by Joshua Montanari, Education Specialist

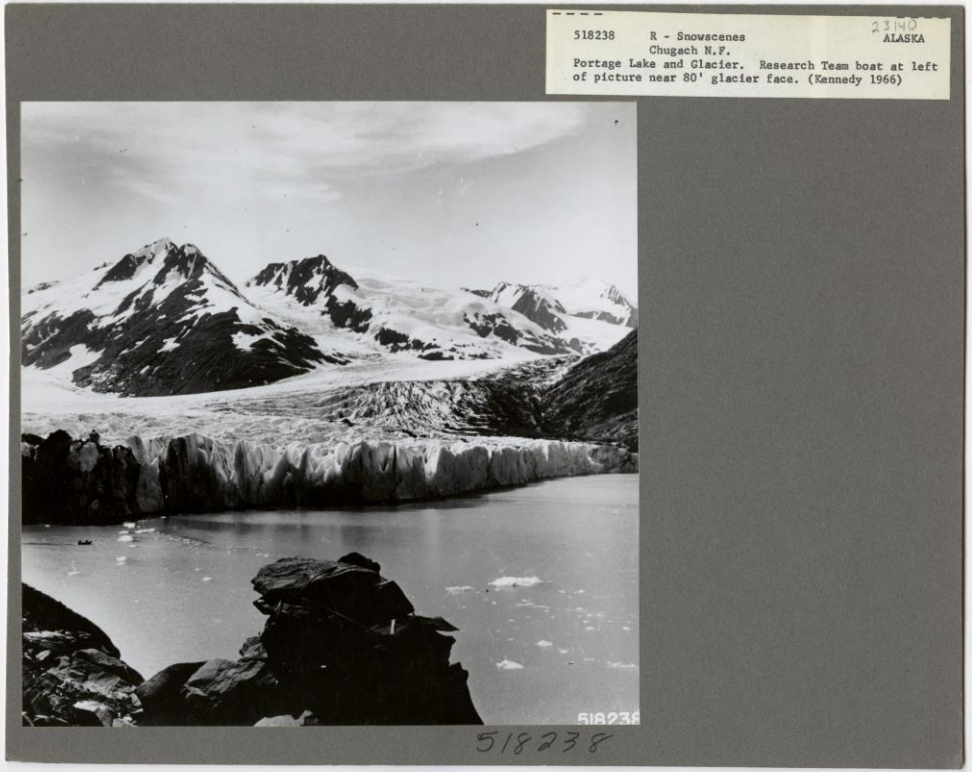
Program Overview



- Russian Colonial Period
- Alaska & the U.S.
- Alaska Native Claims Settlement Act (ANCSA)
- Antiquities Act of 1906
- Alaska National Interest Lands Conservation Act (ANILCA)
- Constitutional Checks and Balances

Left: *Proposals authorized by the Alaska Native Claims Settlement Act (National Archives Identifier: 42203688)*

About Alaska



- Name derived from Aleut word “Aleyska,” meaning “great land”
- 663,300 square miles
- 231 federally recognized tribes
- Has 17 of the 20 highest peaks in U.S.
- 100,000 glaciers
- 6,640 miles of coastline (33,904 miles of shoreline w/islands)

Left: Portage Lake and Glacier. Research team boat at left of picture near 80-foot glacier face (National Archives Identifier: 7035071)

Russian Colonial Period

- Great Northern Expedition commissioned by Tsar Peter I, 1733
- Vitus Bering & Aleksei Chirikov land in Aleutians in 1741
- Aleut and Alutiiq peoples systematically taken hostage by *promyshlenniki* to leverage resources & expand fur trade
- Numerous companies consolidated into Russian-American Company, 1791



Right: *Sea Otter, from The Marine Mammals of the North-Western Coast of America, by Charles Scammon (Oregon Historical Society)*

Russian-American Company

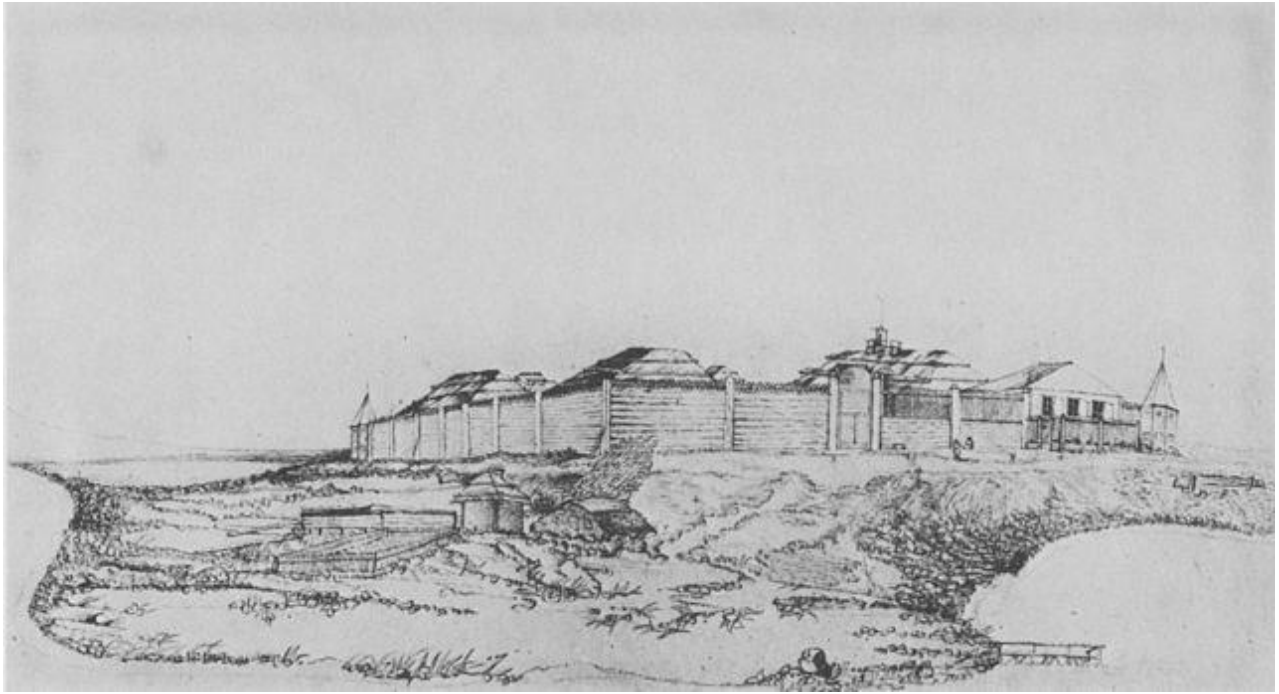


- Comparable to Massachusetts Bay Company, government-sponsored commercial venture
- Generally ventured no more than 100 miles inland as focus is sea otters
- Alexander Baranov appointed first Chief, oversees commercial operations & colonial government

Left: Alexander Andreyevich Baranov, Chief Manager of the Russian-American Company, 1790-1818 (NPS Archives)

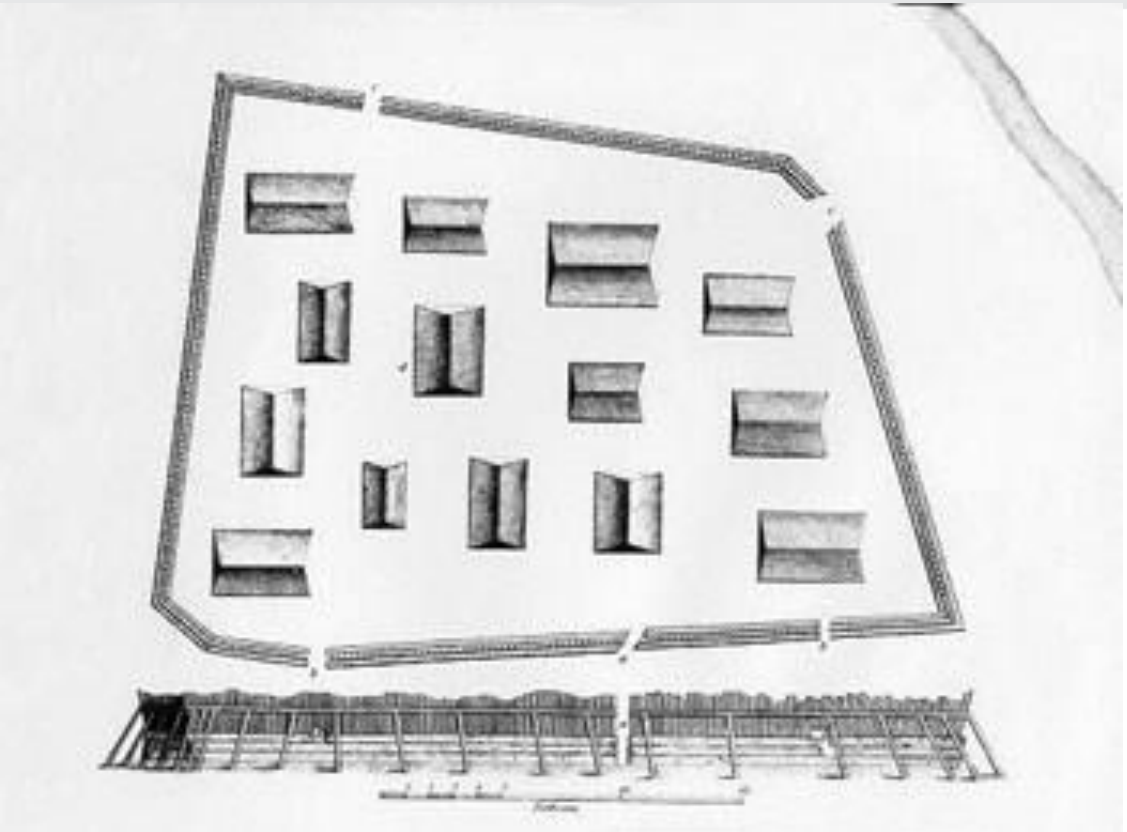
Conflicts of Interest in the Southeast

- By late 1700s, Sea Otter numbers are depleted in Northwest Alaska; RAC turns to Southeast
- Lingit already trading resources with American & British in exchange for firearms & European commodities
- RAC negotiates with Sitka Lingit to establish small trading post; reneges & builds Fort Saint Michael
- Lingit destroy fort in 1802, drive Russians out of Sitka



Fort Saint Michael, built seven miles north of present-day Sitka, was attacked and destroyed by the Lingit, 1802 (NPS Archives)

The Russians Return to Sitka

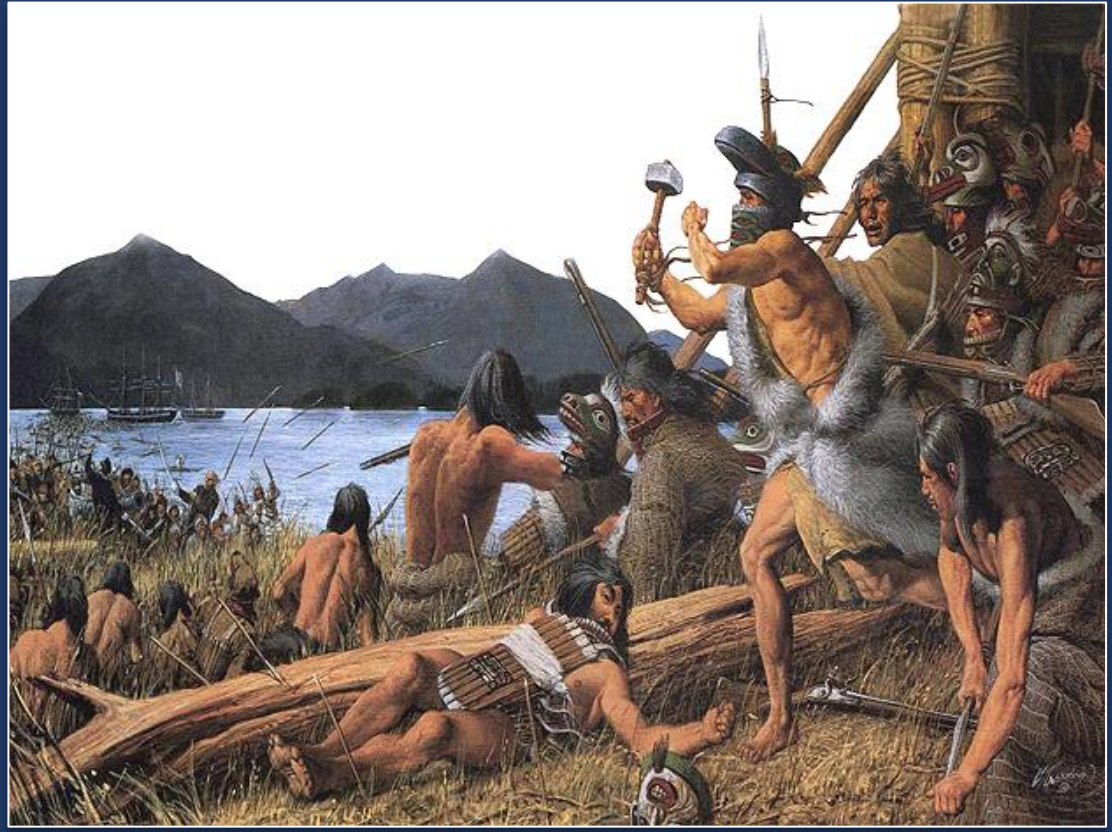


The Battle of Sitka, 1804

- Lingit clans unite under K'alyáan, build fortification *Shís'gi Noow* at mouth of Indian River
- Baranov organizes war party including Aleut & Alutiiq hunters coerced into service
- Lingit initially repel attack, but lose gunpowder reserves, forced to withdrawal
- Russians take control but are blockaded by Lingit (supplied by Americans) through 1822 with uneasy peace reached

Left: Lisianskii's drawing of the Tlingit fort, Shís'gi Noow (NPS Archives).



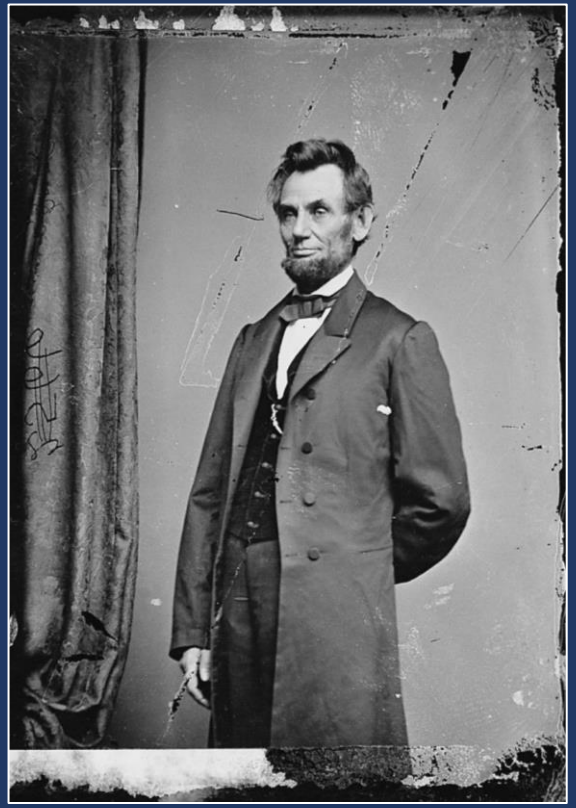


Left: *Pulled With Uncommon Strength, Neva Crosses Sitka Sound by Mark R. Myers depicting Aleut and Alutiiq hunters forced to assist the Russians in preparation for an attack to reclaim Sitka from the Lingit, 9/28/1804 (NPS Photo)* ***Above:*** *The Battle of Sitka, a painting by Louis S. Glanzman depicts K'alyáan leading Lingit warriors against the Russian war party (NPS Photo)*

19th Century U.S.–Russian Relations

- Crimean War & commercial ventures pit Russia against Great Britain (& most of Europe)
- Lincoln desperate to prevent British (& French) intervention in U.S. Civil War
- Abolitionist movement in U.S. parallels calls to end serfdom in Russia
- U.S. assists Russia circumventing British blockade in Pacific NW
- Russian profits from Alaska in decline while the U.S. seeks to consolidate geopolitical power in Pacific NW





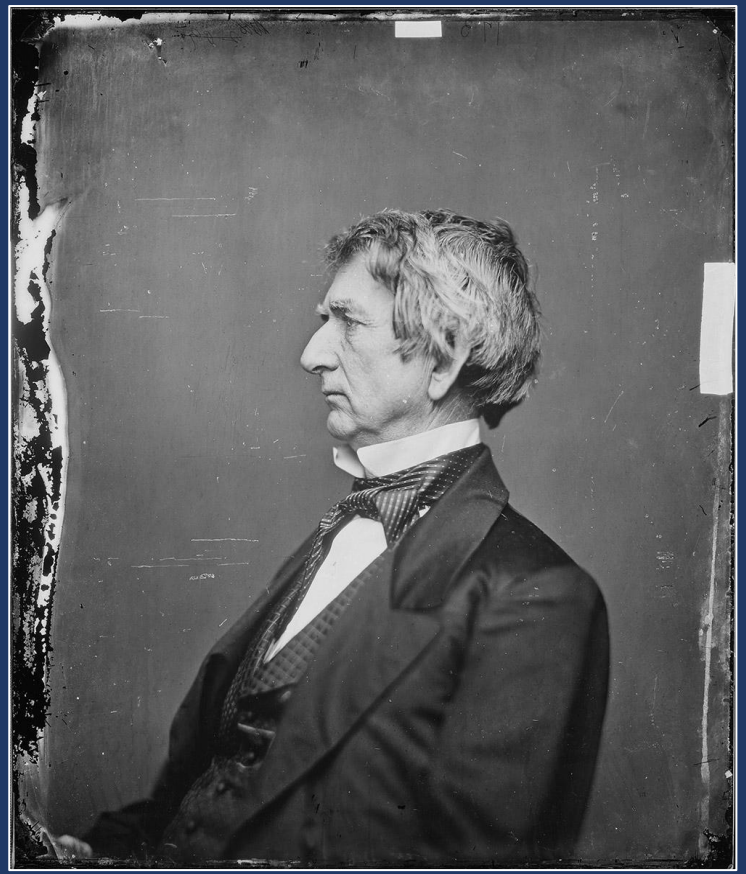
Left: *Czar Alexander II of Russia, ca. 1860-1865 (National Archives Identifier: 526175)* ***Right:*** *Abraham Lincoln, President, U.S., ca. 1860-1865 (National Archives Identifier: 527823)*

Alaska Purchase: Folly to Fortune

- Arranged by Secretary of State William Seward in 1868 for $7.2 million (less than 2 cents/acre)
- Ridiculed as “Seward’s Folly” until discovery of gold in 1890s and ensuing rush of prospectors
- Excess of $1 trillion in U.S. profits since purchase



Treasury Warrant in the Amount of $7.2 Million for the Purchase of Alaska (National Archives Identifier: 301667)



Secretary of State William Seward (National Archives Identifier: 528347)

A New Star on the Flag

1959: Alaskan Statehood proclaimed by President Eisenhower

- Includes mandate for 104 million acres to be transferred to state control
- Existing Alaska Native land claims unaffected for later settlement
- Lands deemed “vacant” by the state can be claimed by it



Right: President Eisenhower celebrates after signing the official proclamation admitting Alaska at the 49th State, 1/3/1959 (Eisenhower Library)

New Leaders, New Developments



1967: Alaska Federation of Natives (AFN) formed to address Alaska land claims & financial settlement; Emil Notti elected President

1968: Oil discovered in Prudhoe Bay

- Pipeline to transport oil to Valdez approved by Nixon but permit not granted until Native land claims settled

1969: AK Governor Keith Miller rejects AFN proposals on basis they have no claim to state land

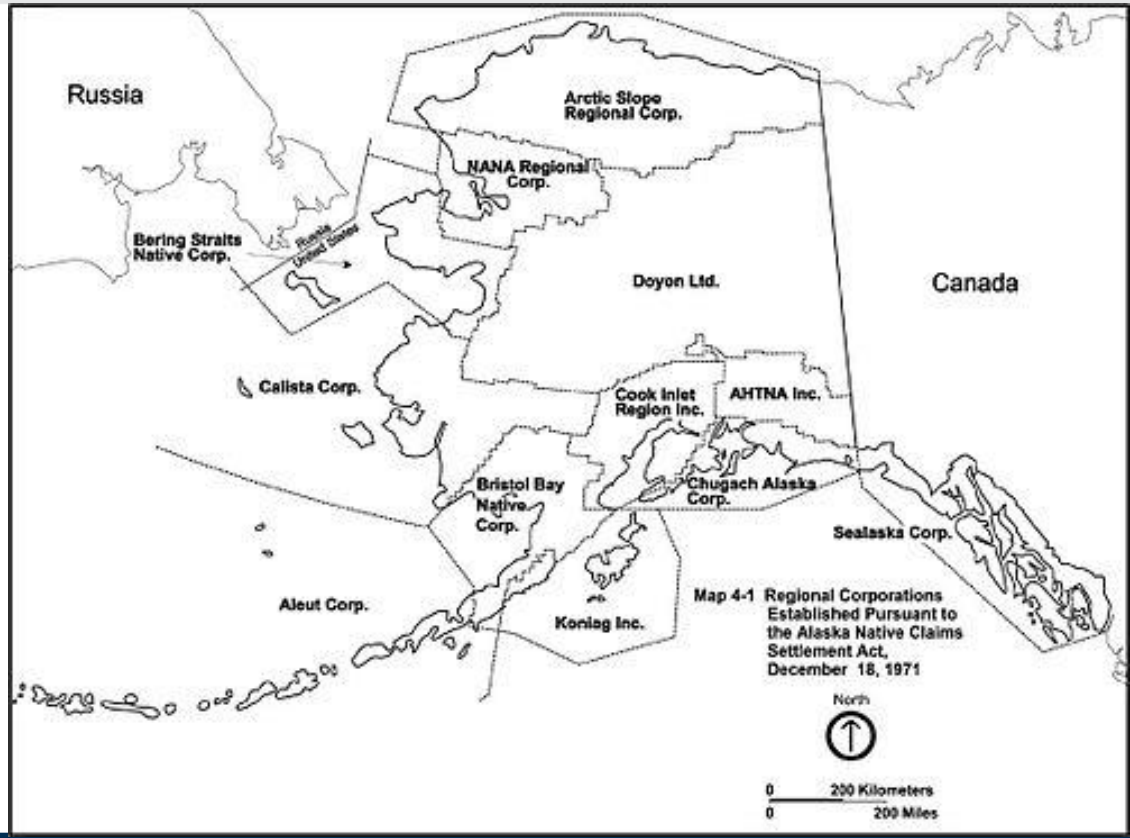
1970: Newly-elected Governor William Egan responsive to AFN land & settlement requests & Alaska Coalition demands, advances negotiations with U.S. DOI

1971: Alaska Native Claims Settlement Act passed

Left: Alaska Federation of Natives President Emil Notti standing next to Alaska Governor William Egan as he cuts a cake for his birthday, 12/2/1972 (Alaska Digital Archives Identifier: AMRC-B1990-014-5-Pol-12-52)

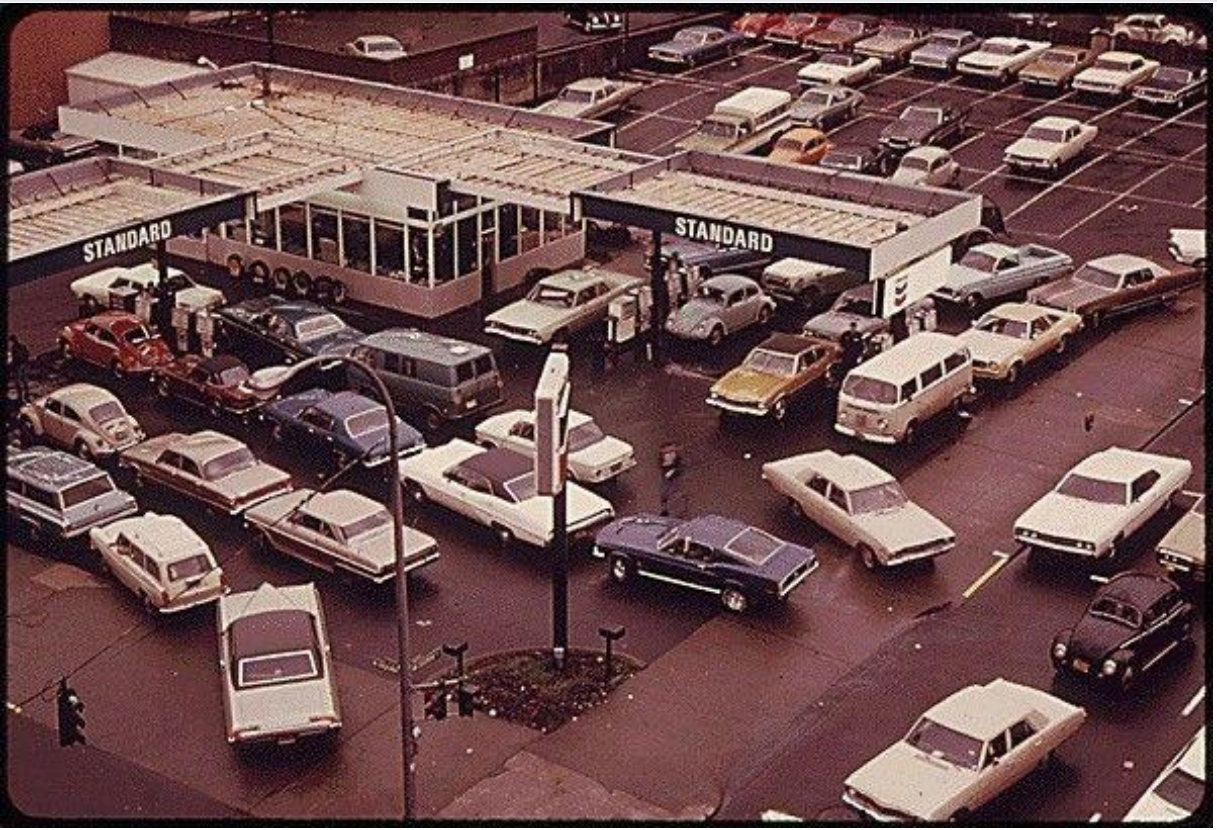
Alaska Native Claims Settlement Act

- Provision for $962.5 million, 44 million acres of land to be distributed amongst & privately managed by Alaska Native Regional/Village Corporations
- Authorized Secretary of Interior to withdraw 80 million acres for federal conservation consideration
- **Deadline to implement: 12/18/1978**



Right: Regional Corporations Established Pursuant to the Alaska Native Claims Settlement Act, December 18, 1971 (NPS Archives)

The Energy Crisis



A Sense of Urgency

- U.S. efforts to counter Soviet influence in Middle East results in Arab Oil Embargo 1973-1974; cost of oil goes up 350%
- High unemployment and inflation aka “stagflation” hits all sectors of American life
- Impetus for focus on domestic energy sources, including Alaska crude oil requiring transportation

Left: Bird’s eye view of an average gas station in Portland, Oregon, 12/1973 (National Archives Identifier: 555457)

A Pipeline Across Administrations

- Trans-Alaska Pipeline running 800 miles from Prudhoe Bay to Valdez approved by Nixon
- Route determination slowed by negotiations with Tribes & other landowners; creates urgency for comprehensive Alaska Lands Bill
- Construction continues into Carter administration



Right: *President Ford touring the Trans-Alaska Pipeline, 11/29/1975 (National Archives Identifier: 23898559)*

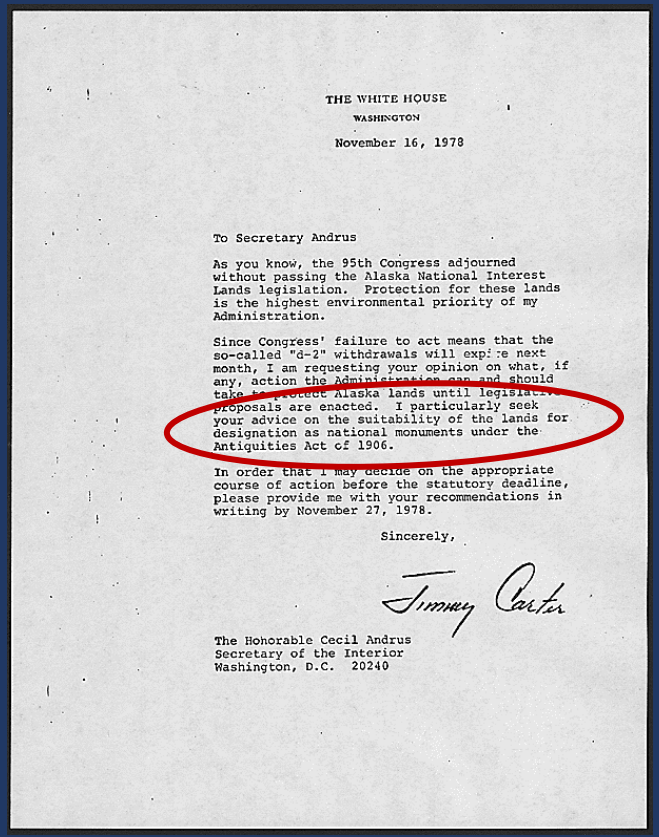
Carter's Message on Energy & Environment



- Pollution and Health
- Energy and Environment
- Urban Environment
- Natural Resources
- National Heritage
- Global Environment
- Improving Government

Left: *Jimmy Carter giving the Energy Address, 7/15/1979 (National Archives Identifier: 6783239)*

12/1978 ANCSA Deadline: Carter Seeks Advice



THE WHITE HOUSE
WASHINGTON

November 16, 1978

To Secretary Andrus

As you know, the 95th Congress adjourned without passing the Alaska National Interest Lands legislation. Protection for these lands is the highest environmental priority of my Administration.

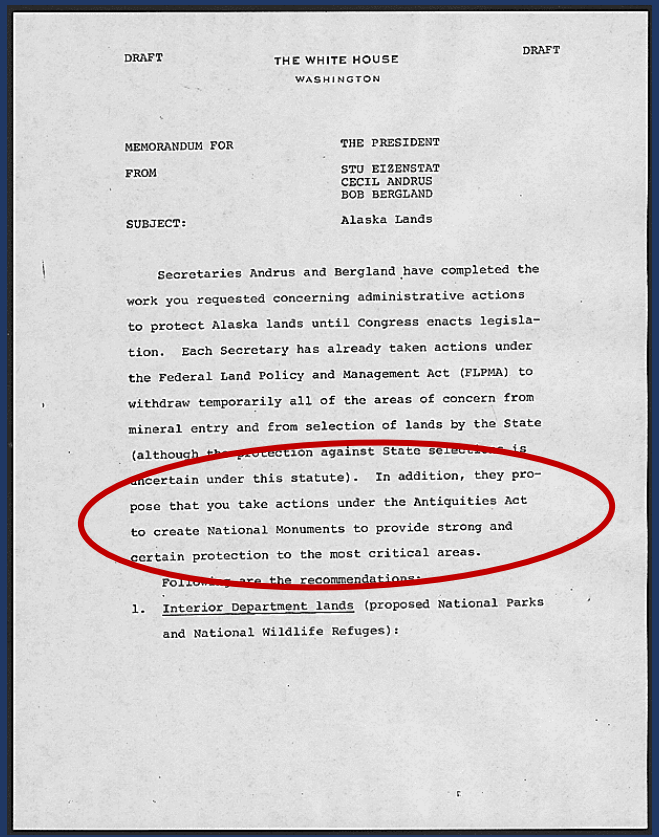
Since Congress' failure to act means that the so-called "d-2" withdrawals will expire next month, I am requesting your opinion on what, if any, action the Administration can and should take to protect Alaska lands until legislative proposals are enacted. I particularly seek your advice on the suitability of the lands for designation as national monuments under the Antiquities Act of 1906.

In order that I may decide on the appropriate course of action before the statutory deadline, please provide me with your recommendations in writing by November 27, 1978.

Sincerely,

Jimmy Carter

The Honorable Cecil Andrus
Secretary of the Interior
Washington, D.C. 20240



DRAFT THE WHITE HOUSE DRAFT
WASHINGTON

MEMORANDUM FOR THE PRESIDENT

FROM STU EIZENSTAT
CECIL ANDRUS
BOB BERGLAND

SUBJECT: Alaska Lands

Secretaries Andrus and Bergland have completed the work you requested concerning administrative actions to protect Alaska lands until Congress enacts legislation. Each Secretary has already taken actions under the Federal Land Policy and Management Act (FLPMA) to withdraw temporarily all of the areas of concern from mineral entry and from selection of lands by the State (although the protection against State selection is uncertain under this statute). In addition, they propose that you take actions under the Antiquities Act to create National Monuments to provide strong and certain protection to the most critical areas.

Following are the recommendations:

1. Interior Department lands (proposed National Parks and National Wildlife Refuges):

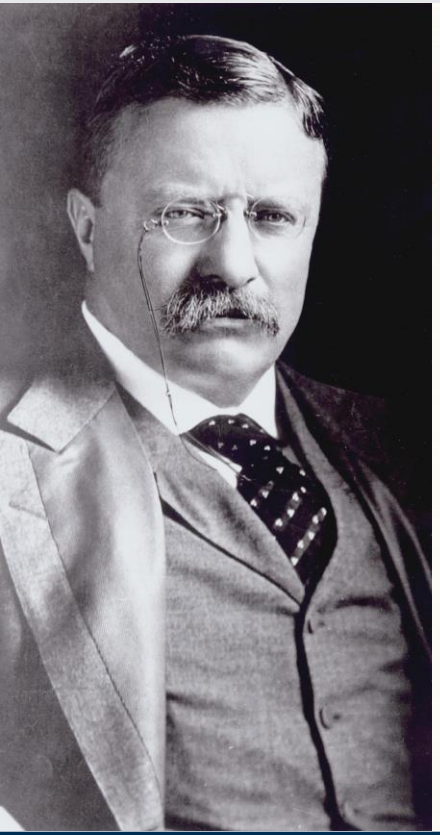
Left: *Letter from Jimmy Carter to Cecil Andrus seeking counsel on use of Antiquities Act of 1906 to protect public lands in Alaska (National Archives Identifier: 140574)* **Right:** *Excerpt from Alaska Lands Memo, 11/28/1978 (National Archives Identifier: 140572)*

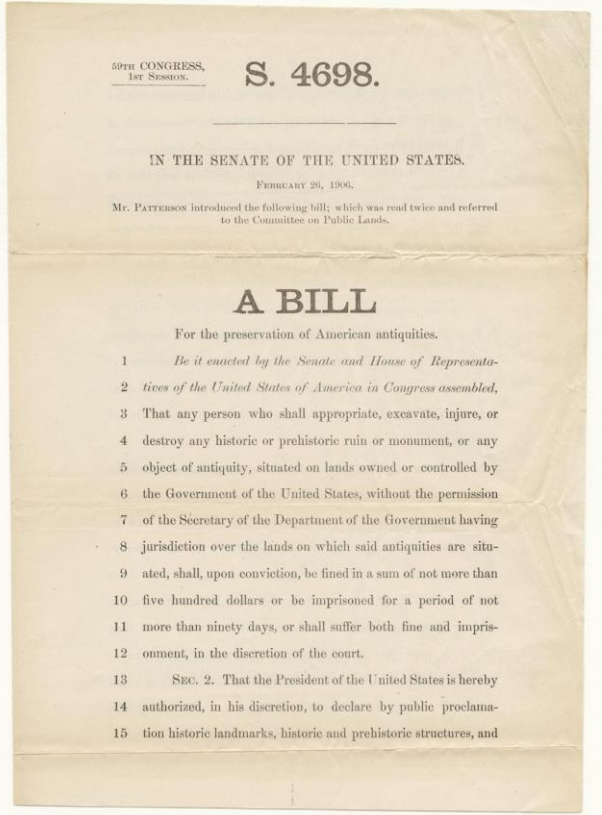
Article II, Section 2

"…he may require the Opinion, in writing, of the Principal Officer in each of the executive departments…"

Carter advised, *"take actions under the Antiquities Act to create National Monuments to provide strong and certain protection to the most critical areas."*

The Antiquities Act of 1906





59TH CONGRESS, 1ST SESSION. **S. 4698.**

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 26, 1906.

Mr. PATTERSON introduced the following bill; which was read twice and referred to the Committee on Public Lands.

A BILL

For the preservation of American antiquities.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any person who shall appropriate, excavate, injure, or destroy any historic or prehistoric ruin or monument, or any object of antiquity, situated on lands owned or controlled by the Government of the United States, without the permission of the Secretary of the Department of the Government having jurisdiction over the lands on which said antiquities are situated, shall, upon conviction, be fined in a sum of not more than five hundred dollars or be imprisoned for a period of not more than ninety days, or shall suffer both fine and imprisonment, in the discretion of the court.

SEC. 2. That the President of the United States is hereby authorized, in his discretion, to declare by public proclamation historic landmarks, historic and prehistoric structures, and

"The President of the United States is hereby authorized, in his discretion, 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…"*

Left: *President Theodore Roosevelt (National Archives Identifier: 166698144)* ***Right:*** *S. 4698, A Bill for the Preservation of American Antiquities (National Archives Identifier: 28264995)*

Grand Canyon Tests Antiquities Act



Photograph of the Grand Canyon Looking East from the Foot of Toroweap, 1871 (National Archives Identifier: 517795)

Protection, Not Preservation

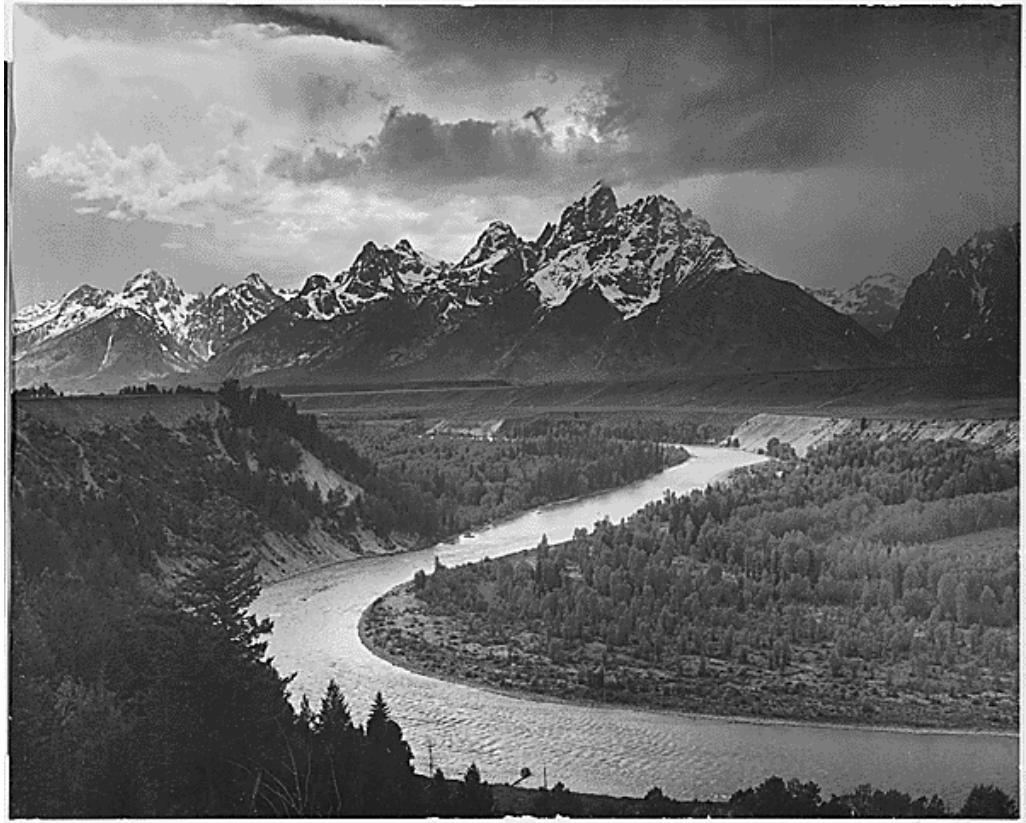
- Grand Canyon National Monument declared by Teddy Roosevelt, 1908
- Unregulated private interests & commercial activity continue as declaration challenged in Supreme Court; Court rules use of Antiquities Act valid & constitutionally legal
- Fully protected in 1919, congressional legislation designating Grand Canyon National Park is passed, signed by Woodrow Wilson

Antiquities Act Checked by Wyoming

1950: Compromise to establish Grand Teton National Park

"…no further extension or establishment of national parks or monuments in Wyoming may be undertaken ***except by express authorization of the Congress****."*

*Note the revision to the Antiquities Act by **U.S. House of Representatives**



Right: "The Tetons – Snake River", Grand Teton National Park, Wyoming, by Ansel Adams (National Archives Identifier: 519904)

Carter & DOI Act

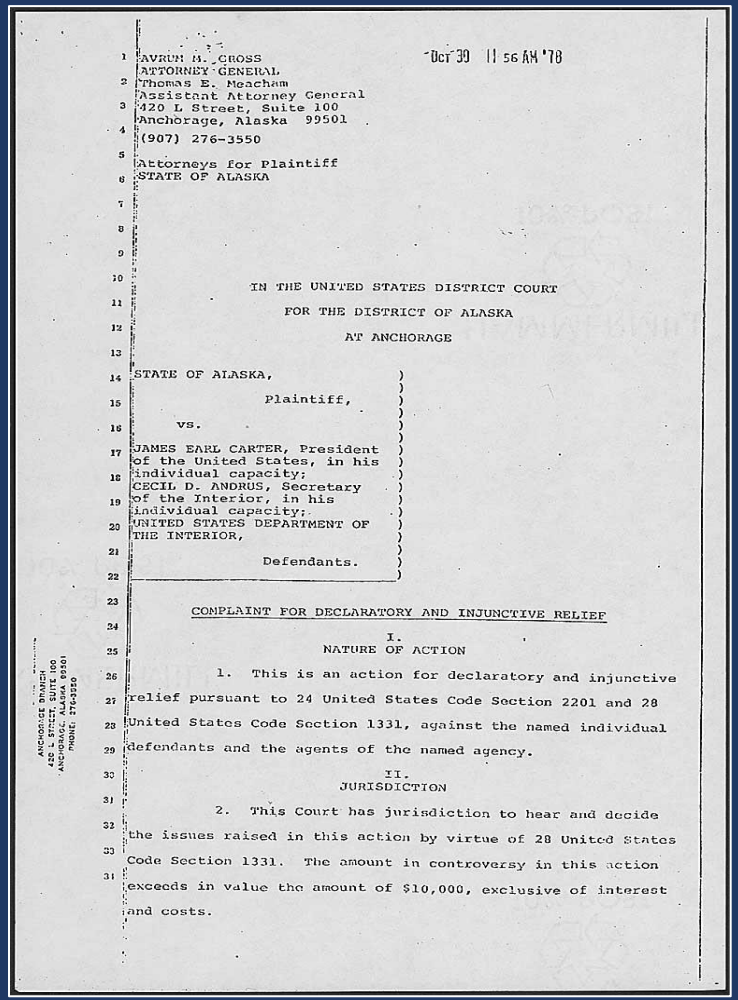


- **12/01/1978:** President Carter invokes Antiquities Act to protect 56 million acres of Alaskan lands
- Secretary of Interior Andrus withdraws additional 40 million acres for 20-year period of consideration

Left: Jimmy Carter and Secretary of the Interior Cecil Andrus conduct a briefing on new water proposals, 6/6/1978 (National Archives Identifier: 179715)

Alaska Reacts

- State of Alaska sues Federal government for failure to enact ANCSA & land withdrawals exceeding 80 million acres
- Unrest and acts of civil disobedience break out in Alaska at sites of proposed public land designations



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(907) 276-3550

Attorneys for Plaintiff
STATE OF ALASKA

Dec 30 11 56 AM '78

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA
AT ANCHORAGE

STATE OF ALASKA,
Plaintiff,
vs.
JAMES EARL CARTER, President of the United States, in his individual capacity;
CECIL D. ANDRUS, Secretary of the Interior, in his individual capacity;
UNITED STATES DEPARTMENT OF THE INTERIOR,
Defendants.

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

I.
NATURE OF ACTION

1. This is an action for declaratory and injunctive relief pursuant to 24 United States Code Section 2201 and 28 United States Code Section 1331, against the named individual defendants and the agents of the named agency.

II.
JURISDICTION

2. This Court has jurisdiction to hear and decide the issues raised in this action by virtue of 28 United States Code Section 1331. The amount in controversy in this action exceeds in value the amount of $10,000, exclusive of interest and costs.

ANCHORAGE BRANCH
420 L STREET, SUITE 100
ANCHORAGE, ALASKA 99501
PHONE: 276-3550

Alaska Land Case Complaint, 12/30/1978 (National Archives Identifier: 140575)



President Carter burned in effigy following use of Antiquities Act in Alaska (University of Alaska Fairbanks Archive)

Success, Antiquities Act Checked



- **12/2/1980:** Despite losing 1980 election, Carter successfully leverages the Antiquities Act to press Congress to pass Alaska National Interest Lands Conservation Act (full transcript)
- Implementation of Alaska Natives Claims Settlement Act of 1971, protects more than 100 million acres of federal public lands
- Provides State of Alaska 104 million acres of lands promised in 1959
- **Subsequent Federal public land designations in Alaska greater than 5,000 acres require Congressional approval**

Left: President Jimmy Carter signing ANILCA, 12/2/1980 (National Archives Identifier: 166691808)

Comprehensive Guidance for Alaskans

- Wilderness
- Subsistence
- Transportation and Utility Corridors
- Oil and Gas Leasing
- Mining
- Public Access
- Hunting, trapping and fishing



Right: *Two subsistence hunters pull a recently harvested seal from icy waters in Alaska (Department of Interior Photo)*

Public Lands Created/Altered by ANILCA

Alaska Maritime National Wildlife Refuge	Izimbek National Wildlife Refuge	Steese National Conservation Area	Alaska Peninsula National Wildlife Refuge
Arctic National Wildlife Refuge	Katmai National Park and Preserve	Becharof National Wildlife Refuge	Tongass National Forest
Admiralty Island National Monument	Kenai Fjords National Park	Innoko National Wildlife Refuge	White Mountains National Recreation Area
Aniakchak National Monument and Preserve	Kenai National Wildlife Refuge	Kanuti National Wildlife Refuge	Wrangell - St Elias National Park and Preserve
Bering Land Bridge National Preserve	Kobuk Valley National Park	Koyukuk National Wildlife Refuge	Yukon-Charley Rivers National Preserve
Cape Krusenstern National Monument	Kodiak National Wildlife Refuge	Nowitna National Wildlife Refuge	Yukon Delta National Wildlife Refuge
Denali National Park and Preserve	Lake Clark National Park and Preserve	Selawik National Wildlife Refuge	Yukon Flats National Wildlife Refuge
Gates Of The Arctic National Park and Preserve	Misty Fjords National Monument	Tetlin National Wildlife Refuge	
Glacier Bay National Park and Preserve	Noatak National Preserve	Togiak National Wildlife Refuge	

Permanent Pipeline: Ecotourism



Economic Impact of Alaska's Visitor Industry, 2017:

- **Peak Season Jobs:** 52,000
- **Taxes & Revenues:** $125.6 M
- **Visitor Spending:** $2.8 B
- **Labor Income:** $1.5 B
- **Total Visitors:** 2.24 M
- **Total Economic Impact:** $4.5 B

Left: Alaska's Marine Highway - Kayaking near Kodiak (National Archives Identifier: 7716889)

Belated Recognition

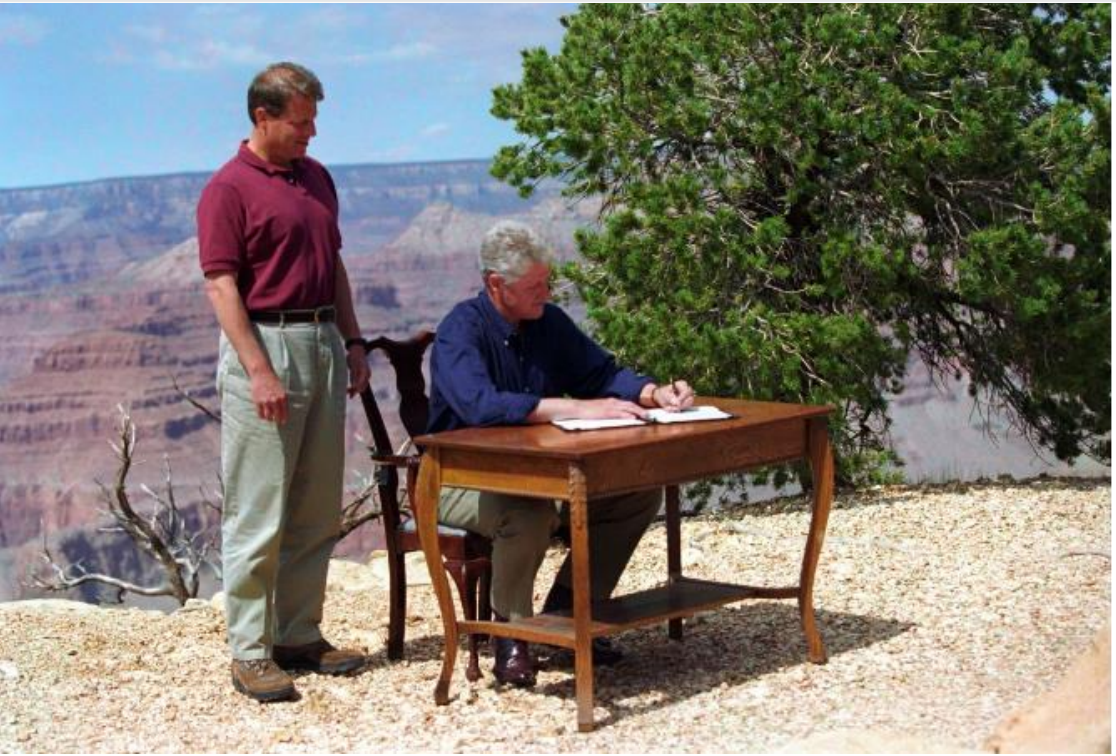


- Made Honorary National Park Ranger, highest civilian honor of the National Park Service
- Established total of 39 NPS units during one-term presidency (in addition to other federal agency public land units)
- Created numerous programs critical to NPS Urban Agenda

Read full details of this honor from the National Park Service

Left: For his contributions to conservation as President, Jimmy Carter is made an honorary National Park Ranger by the National Park Service, April 17, 2016 (NPS Photo)

Antiquities Act Debate Continues



Vice President Gore stands beside President Clinton as he signs Proclamation 6920, establishing the Grand Staircase-Escalante National Monument at Grand Canyon National Park , 9/18/1996 (National Archives Identifier: 183374002)

Grand Staircase-Escalante & Bears Ears National Monuments

- Grand Staircase-Escalante declared by Clinton, 1996
- Bears Ears created by Obama, 2016
- In 2017, Trump reduces Grand Staircase-Escalante by half, Bears Ears by 85%
- Commercial permitting process begins in 2020 for both sites
- Perceived as illegal, Trump rollbacks reversed by Biden administration, re-establishing borders of original designations

Constitutional Checks and Balances

1. Did President Carter's use of the Antiquities Act in Alaska exceed Constitutional powers of the Executive branch?
2. Were there checks or balances applied to his actions by the Legislative or Judicial branches, or state governments?
3. How has the Antiquities Act strengthened or weakened democracy? How has it served to stimulate civic engagement?



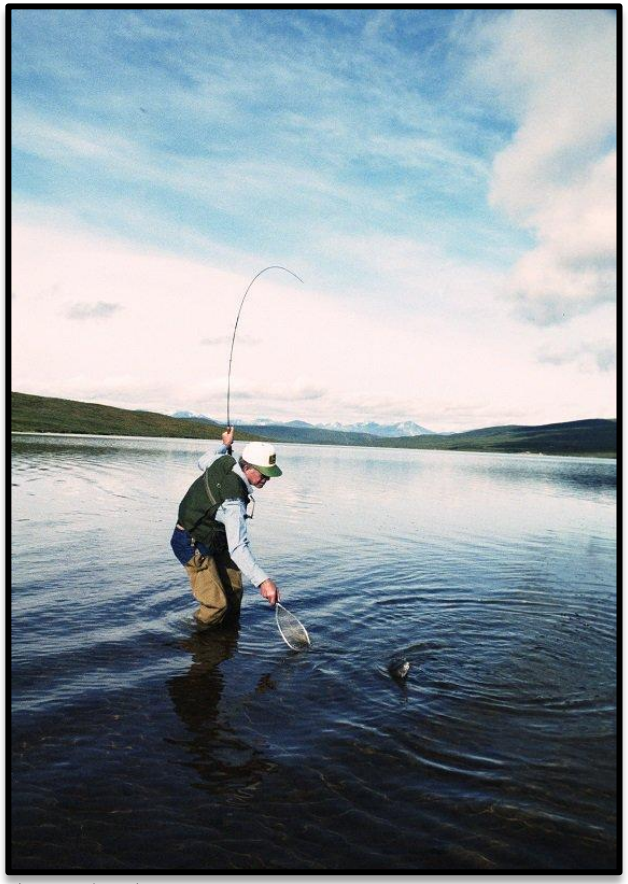
Clockwise from top: *Supreme Court Building (National Archives Identifier: 594954); The United States Capitol, 1/15/1977 (National Archives Identifier: 6384310);The White House, 1/15/1977 (National Archives Identifier: 6384319)*

Further Inquiry

The Record of Jimmy Carter (National Archives Identifier: 143373)
Alaska Land Case, 11/78-12/78 (Carter Library)
The Cynthia Wilson Papers (Carter Library)
Alaska Digitization Project (National Archives)
National Monuments and the Antiquities Act (Congressional Research Service)
The Antiquities Act: History, Current Litigation, and Considerations for the 116th Congress (Congressional Research Service)
The Monumental History of the Antiquities Act (National Park Service)
NPS History: The Antiquities Act of 1906 (National Park Service)

NATIONAL ARCHIVES

The Jimmy Carter Presidential Library and Museum



(Carter Library)

"It is good to realize that if love and peace can prevail on earth, and if we can teach our children to honor nature's gifts, the joys and beauties of the outdoors will be here forever."

—Jimmy Carter—