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APPENDIX AF

History of the University of Alaska's Federal Land Grant

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A Land Grant College Without the Land
A History of the University of Alaska's
Federal Land Grant

A Report to the University of Alaska
Statewide Office of Land Management

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I. EXECUTIVE SUMMARY

The University of Alaska is a land grant college without the land. In 1915 Congress reserved for Alaska's land grant institution potentially more than a quarter-of-a-million acres in the Tanana Valley, proceeds from the sale and development of which would help finance the operation of the school. Under the terms of the measure written by Delegate James Wickersham, the college was to receive every surveyed and unclaimed section 33 in an area of about 14,000 square miles between Fairbanks in the north and the foothills of the Alaska Range in the south, in addition to the main campus of about 2,250 acres four miles from Fairbanks.

However this large Tanana Valley land grant never materialized. For decades almost of all the land in the Tanana Valley (like the rest of Alaska) remained unsurveyed and therefore unavailable. As late as the 1950s only 0.6 percent of Alaska had been properly surveyed under the standard rectangular system, and a territorial report concluded that at the speed Alaska was being surveyed, it could take as long as 43,510 years to complete the job. (Chipperfield 1954: 4) Due primarily to this incredibly slow pace of federal land surveys, Alaska's land grant institution received only a fraction of the land Congress reserved for it in 1915; in addition to its 2,250 acre campus, the University of Alaska received less than 9,000 acres out of a reservation created for it totalling approximately 268,800 acres.

To partially remedy the situation Congress granted an additional 100,000 acres to Alaska's land grant college in 1929, but even with this additional grant the total was less than half of the original acreage authorized in 1915.

Further efforts to increase the size of Alaska's higher education federal land grant were made from the 1930s through the 1950s. Several bills were submitted to Congress that would have reserved up to 10 million acres for Alaska's land grant college, but strong opposition, primarily from the Department of Interior, doomed the effort.

With the passage of the Alaska statehood bill in 1958, the university's legal rights to further land under the 1915 reservation were extinguished. The statehood act repealed the 1915 reservation because Congress apparently believed the enormous statehood entitlement of more than 103 million acres--far larger than that of any other state in American history--would provide sufficient resources so that the 49th state could adequately support its university. Alaska Delegate E.L. "Bob" Bartlett agreed with the majority of Congress that by not targeting specific amounts of land for specific purposes, such as had traditionally been done for the support of higher education elsewhere, the new state would have greater flexibility and more control of its own affairs.

Bartlett claimed in 1958 that in exchange for giving up the "in-place" grants--such as the Tanana Valley section 33 reservation--the state of Alaska had received not only a far greater percentage of the public domain than other western states, but also much greater freedom to choose land wherever it wished "without any reference at

all to the traditional section by section formula." This freedom, as Bartlett predicted, helped the state immeasurably, as for instance when the state selected land at Prudhoe Bay, which turned out to be the richest oil field in North American history. But the cost of this greater freedom in land choice was a vastly smaller educational land grant for Alaska.

Traditionally the size of land grants were most often determined by a state's population, not by its area. Nevertheless some of the last western states were given generous grants despite their sparse populations. For instance Oklahoma and New Mexico each received about one million acres to support higher education. But Alaskan higher education never shared in this federal bounty. Alaska received less land specifically dedicated for the support of higher education than any other western public land state, and less educational land or script than all but one of the contiguous states. Among the 48 states which had received federal land or land scrip to establish land grant colleges, mining schools, teachers' colleges and state universities, only Delaware received fewer acres than Alaska. Thus after statehood, Alaska in 1959 was in an anomalous position. While the state had received more land and a greater percentage of land from the federal government than any other western state, it ranked next to the bottom of the list in the amount of federal land it had received for higher education.

Since the statehood act had invalidated the university's 1915 Tanana Valley reservation, many Alaskans supported efforts to specifically designate a portion of the 103 million acre statehood entitlement for the support of the University of Alaska. In the

spring of 1959 the first state legislature passed a measure authorizing the state to grant the UA one million acres "for the purpose of replacing grants of certain Sections 33 in the Tanana Valley previously allowed under federal law and now superseded" by the statehood act.

To the dismay of the University of Alaska and its supporters, Governor William A. Egan vetoed the one million acre grant to the university on the grounds that it would complicate the enormous task of the Division of Lands in selecting the statehood entitlement, and would furthermore violate the Alaska constitution's prohibition against dedicated funds. University of Alaska President Ernest Patty, shocked at Egan's veto, believed that the governor did not understand the century-long tradition of American land grant colleges. President Patty did not share Egan's view that increasing the size of the university's land grant would violate the state constitution.

William R. Wood, Patty's successor as UA President, remembers that both state and federal officials agreed that the university had been short-changed in the statehood act, but that state officials believed additional lands should come from authorities in Washington, D.C., while federal officials told the university to look to Juneau for redress. Governor Egan's steadfast opposition to granting state land to the university essentially killed any chance of addressing the issue on the state level until Walter J. Hickel became governor in 1966. But shortly after Hickel's election he was greeted by Secretary of Interior Stewart Udall's land freeze halting

all transfers of federal lands until the issue of Alaska Native land claims could be settled.

Over the next 15 years controversies regarding Alaska land matters continued to boil, as the public domain in Alaska was carved up for the first time. In 1971 Congress passed the Alaska Native Claims Settlement Act, reserving 44 million acres for Alaska Natives and opening the way for the construction of the Trans-Alaska Pipeline. The pipeline marked the start of a national conservation battle in the 1970s over the future of Alaska's lands, which culminated in 1980 with the passage of the Alaska National Interest Lands Conservation Act, a measure which added 104 million acres to the state's conservation systems.

Now with many of the major Alaska land issues of the 1970s and 1980s settled, supporters of the University of Alaska have encouraged the state to re-examine the question of the university's land grant and consider granting the school additional lands in order for it to "achieve parity" with higher educational systems in other states.

This report is a brief historical review of the land grant issue as it pertains to the University of Alaska, a land grant college without the land.

II. ACRES FOR EDUCATION: THE TRADITION OF FEDERAL LAND GRANTS

The U.S. government helped finance America's educational system, from kindergarten to college, not with money, but with land. The practice of trading acres for education is one of the oldest traditions in American history, even pre-dating the United States Constitution. Dedicating land from the public domain to finance schools in the various states and territories was born of necessity, since the national government had a shortage of dollars and a surplus of acres. According to a 1939 Department of Interior tabulation, the total educational land grants to Alaska and the 48 states amounted to more than 200 million acres, an area bigger than the state of Texas.

The Ordinance of 1785 established the rectangular survey of New England as the basis on which all land west of the Ohio would be subdivided; land was surveyed into townships composed of 36 sections of 640 acres or one square mile each. The 1785 law also established the principle of federal land endowments for education by reserving section 16 of every township "for the maintenance of public schools, within the said township." (Taylor 1969: 131) After the admission of Ohio in 1803, section 16 of every township in every new territory or state was typically reserved for schools; any section 16 which had somehow been preempted was replaced by another section "in lieu thereof." (Hibbard 1939: 310)

Over the 19th century as the need for the expansion of education grew, so did the size of the federal land endowment for schools. With the admission of Oregon in 1848, the usual common school section grant doubled from one section to two (sections 16 and 36). Utah, New Mexico, and Arizona, three of the last four states admitted before Alaska, each received four sections for school lands (sections 2, 16, 32 and 36).

Common school grants were by far the largest in terms of acreage, however higher education also received varying amounts of land. Different states received federal land grants for seminaries, teachers' colleges, mining schools, military schools and universities totaling millions of acres. Most notable among the land grants for higher education were the land grant agricultural colleges created by the Morrill Act of 1862.

Morrill Act of 1862

The Morrill Act, which has been called "perhaps the most important single act for education ever passed by Congress," revolutionized higher education in America. (Taylor 1969: 111) Previously attending a college or university had been the privilege of an elite upper class, but supplied with government land grants totalling more than 11 million acres, the nation created new kinds of colleges in every state and territory that would stress the teaching of "agriculture and the mechanic arts" to the "industrial classes." Thanks to the creation of the system of land grant colleges and universities, which eventually spread to all fifty states, the District of Columbia, Guam, Puerto Rico and the Virgin

Islands, the doors of higher education swung open for the first time to millions of working class men and women. "Democracy's College" is the apt title of the classic history of the land grant college movement.

Inequities of the Land Grants

Despite the laudable goals of the Morrill Act, serious problems with the legislation emerged. The acreage of each state's land grant was based on population as measured by the size of its congressional delegation; for each senator and representative a state sent to Congress, it received 30,000 acres. Therefore the law favored the heavily populated, industrialized eastern states over the more sparsely settled and primarily agricultural western states. For instance Rhode Island, the smallest state in the union, received 120,000 acres in scrip, a larger land grant than that of either Oregon, Nebraska, Kansas, Nevada or Colorado, all of which received the minimum of 90,000 acres. Similarly Connecticut (180,000 acres) received more than California (150,000 acres), and New Jersey (210,000 acres) more than Montana (140,000 acres).

Besides the glaring inequities between eastern and western states, except in a few instances the land grants never created the financial endowments for the agricultural colleges which Congress had intended. As one historian has noted, the disposal record of the various states' agricultural college land grants "is clouded by scandal, fraud and poor management. Many states realized less than one dollar an acre for their land, and some were even swindled out of the proceeds of the sales altogether." (Madsen 1976: 34) The

poorest performance was that of Brown University in Rhode Island, which received only 42 cents an acre for its land.

One of the few states to earn a significant income from its land grant was New York, which received the largest grant of nearly one million acres (in scrip). Ezra Cornell, founder of New York's land grant college, Cornell University, invested the scrip in 500,000 acres of the pinelands of northern Wisconsin to amass a nest egg of \$5 million for the school. Historian Paul Wallace Gates noted in his 1943 study of Cornell's land grant that the university's investment in Wisconsin was "one of the largest and ultimately most successful land speculations in American history." (Gates 1943: 49) But Cornell University was the exception. "None of the states received through the Agricultural-College Act sufficient funds to place their agricultural colleges on a sound financial basis at the outset," Gates wrote, "and with the exception of New York no state east of the Mississippi River ever obtained from land or scrip what might be regarded as an adequate endowment." (Gates 1943: 245)

III. ALASKA'S EDUCATIONAL LAND GRANTS

The man who ensured that the federal government would provide land for the support of schools and colleges in Alaska, as it did elsewhere, was Alaska Delegate James Wickersham. In 1915 Wickersham pushed a measure through Congress which reserved lands for both a common school system throughout the Territory and an agricultural land grant college in the Tanana Valley near his hometown of Fairbanks.

Wickersham's 1915 school lands bill appeared to be the first giant step in the disposition of the public domain in Alaska, reserving potentially more than 20 million acres for education in the Territory. Despite earmarking this large reservation of federal land specifically for education however, federal officials did little to ensure that schools and colleges in Alaska would actually receive any of the land which had been reserved for them. The high cost and slow speed of Alaskan development, due in part to bureaucratic inertia and the lack of federal land surveys, invalidated the generous terms of the 1915 act, so that Alaska ultimately received only a tiny fraction of the 21 million acres of land Congress reserved for education in the Territory in 1915.

Tanana Valley Agricultural College Reserve

Delegate Wickersham's 1915 school lands bill followed the precedents in other states and territories by reserving specific

sections of federal land for the purposes of education. His legislation reserved every surveyed section 16 and 36 throughout the territory for the support of the "common schools" of Alaska. This total reservation--of potentially more than 20 million acres--was the largest public school grant (on paper at least) in American history.

Besides the enormous common school grant, Wickersham's bill also set aside potentially more than a quarter-of-a-million acres in the Tanana Valley for the support of an agricultural college and school of mines. Four sections around the Fairbanks Agricultural Experiment Station outside of Fairbanks were designated as the campus, while every section 33 in the Tanana Valley between 64 and 65 degrees north (approximately from the foothills of the Alaska Range to Fairbanks) and 145 and 152 degrees west (from near modern day Delta Junction in the east to the mouth of the Tanana River in the west) were reserved to provide an endowment for the support of the college. Wickersham's bill also followed the established procedure set in other states and territories by promising the territory "in lieu of" lands, if any of the reserved sections would be preempted before survey by homesteaders or otherwise disposed of by Congress.

Absence of Surveys Negate 1915 Grant

In 1917 the Alaska Territorial Legislature formally incorporated the Alaska Agricultural College and School of Mines (renamed the University of Alaska in 1935) as Alaska's land grant institution. However the land which Congress had reserved in 1915 to

provide an endowment for the school was never transferred from federal ownership due to the same problem that effectively negated nearly every Congressional land measure in Alaska: the absence of surveys.

At the time Wickersham introduced his measure in 1915 to reserve lands for a land grant college, no one in Congress was even certain about how much Tanana Valley revenue land they were actually reserving for the agricultural college. For instance before the bill's passage the report from the Committee on Public Lands stated that the agricultural college reserve in the Tanana Valley was "a very small one" of 134,400 acres, "which is a smaller number of acres than is usually given an agricultural college or school of mines." (U.S. House 1915: 5) Wickersham himself said on the floor of the House that the Alaska Agricultural College would receive only a total of 80 sections (51,200 acres). Another congressman claimed the reserve would be about 180,000 acres, while another claimed "it would be even more than that." (Congressional Record, 24 February 1915: 4544-4545) Still later the Dept. of Interior estimated that the section 33 grant totaled 336,000 acres. (U.S. Dept. of Interior, 1939: 3)

Confusion stemmed mostly from the fact that virtually none of the land under consideration had yet been surveyed, so no one could have known exactly how many sections were potentially included in the reserve. (According to calculations made years later by University of Alaska administrators, the total section 33 land reserved for Alaska's land grant college under the 1915 measure comprised 420 sections or 268,800 acres. (Patty to Egan, 8 February 1960, Pres. Papers, 60/61, Box 14, File 204)

The lack of surveys not only caused confusion about the size of the Alaska Agricultural College's reservation, it also effectively cancelled the value of the reservation itself. The land set aside in 1915 was clearly predicated on surveys; obviously the specific sections reserved for education could not be reserved until after they had been delineated. The first line in the 1915 law stated in part that the educational lands could be reserved only when the public lands of the Territory of Alaska are surveyed, under direction of the Government of the United States....

Considering the pace at which the federal government was completing the rectangular survey of Alaska, the college could have literally waited until the next ice age, or longer, to receive all of its land. In 1915 the General Land Office had hardly even begun the task of surveying the Territory. Even four decades later in 1952 only about 0.6 percent of Alaska's estimated area of 375 million acres had been surveyed. One politician predicted in the early 1950s that at the going rate of land surveys, it would take between 12,000 and 17,000 years to finish the job, while a less optimistic report from the Territorial Division of Lands estimated it might take as long 43,510 years! (U.S. House, Statehood For Alaska, 1957: 321; Chipperfield 1954: 4) Not until after statehood in the 1960s did the U.S. government finally begin to survey sizeable portions of the public domain in Alaska. (Ducker 1992)

Without surveys, the 1915 congressional school land reservations in Alaska for both public schools and the land grant college remained empty promises. Out of the estimated 20 million

acres that the 1915 grant reserved for the public schools of Alaska, the Territory of Alaska ultimately received only about 106,000 acres, or 0.5 percent of the original reservation. (Chipperfield 1954: 2; Stein 1987: 7)

The land grant college's expected Tanana Valley land grant never materialized either. In 1958 the university reported that only 19 section 33s--out of a possible total of 420 section 33s in the Tanana Valley--had been surveyed. "At present rate of survey," the university's land manager reported in 1958, "one might expect completion of survey in from 200 to 1,000 years." (Land Manager Report, 20 May 1958, Pres. Papers, 1958/59, Box 6, File 88) According to figures from the State Division of Lands, out of the 1915 reservation Alaska's land grant institution ultimately received only 11,211 acres, of which about 2,250 acres were the campus site reserved for educational purposes, leaving only 8,961 acres for revenue purposes. Thus the University of Alaska was granted less than 3.3% of the 268,800 acre Tanana Valley reservation Congress created for its financial support in 1915. (Stein 1987: 167)

Lack of Land Income

The lack of land was clearly seen in the university's balance sheet. During the University of Alaska's first three decades, from 1917 to 1946, the total revenue to its permanent fund from land sales, rentals and leases was only \$227.50. During that time the university's land income never amounted to more than \$30 a year. Other years were even worse. From 1926-1928 Alaska's alleged land grant college earned only seventy-five cents from its land grant. Nearly every third year until the late 1940s the UA earned absolutely no income from its land whatsoever. (UA Permanent Fund

Statement, 1917-1971, Pres Papers, 1971/72, Box "Higher Ed...",
File, Land--July-Dec)

1929 Land Grant

Congress recognized the inadequacies of the 1915 Tanana Valley agricultural college reservation when it passed a measure 14 years later to grant an additional 100,000 acres for the "exclusive use and benefit" of the Alaska Agricultural College and School of Mines. Under the 1915 act the educational lands were merely reserved, with title vested in the Federal government, but the 1929 act was an outright grant of 100,000 acres to the Territory for the support of the college.

The 1929 law required the granted land to be surveyed before selection, however unlike the 1915 in-place reservation which specified particular sections, the 1929 legislation was an actual quantity grant; under its provisions the Territory of Alaska could select 100,000 acres of "vacant, nonmineral, surveyed, unreserved public lands" anywhere in Alaska for the financial support of the college. (U.S. Senate 1929)

The 1929 quantity grant became the major land grant of the University of Alaska. By the 1960s virtually all 100,000 acres had been selected and patented, forming the bulk of UA's total land grant trust of approximately 111,000 acres.

10 Million Acres More

Charles E. Bunnell, the first president of the University of Alaska, and Delegate Anthony J. Dimond, never ceased their efforts

to increase the size of the UA's land grant and reserve. During the seven years from 1936 to 1943, Dimond introduced at least five nearly identical bills in the 74th, 75th, 76th, 77th and 78th Congresses, to extend the 1915 section 33 reservation in the Tanana Valley to the entire territory. Dimond's legislation proposed amending the 1915 act, stating:

...section 33 in each township in said Territory shall be, and the same is hereby, reserved from sale or settlement for the support of the University of Alaska...

Reserving each section 33 throughout the entire Territory of Alaska, not simply those in the Tanana Valley, would have increased the university land reserve to approximately 10 million acres. This would have been by far the largest higher education land grant in history, nearly equal by itself to the all of the land and script given to all of the land grant colleges and universities in the United States.

Dimond saw this 10 million acre land bank as the university's endowment for the future. He explained in a 1937 telegram that the land he proposed reserving was at present "of little if any value but eventually by increased value may be of substantial aid in maintaining university." (Dimond to Shattuck, 14 July 1937)

Opposition to the 10 million acre university reserve came principally from the Department of Interior. Year after year the Secretary of Interior recommended against expansion of the section 33 reserve on the grounds that the university already had more land than it needed. As evidence Interior officials pointed out that the

UA had taken no steps to select any of the 100,000 acres made available to it by Congress in 1929. "It appears," Acting Secretary of the Interior Charles West wrote in 1937, "that no selections have yet been made by the Territory of Alaska under said grant." (West to DeRouen, 3 April 1937)

No matter how it looked in Washington, D.C., the failure to file any selections was more a factor of Bunnell's short-handed administration than a lack of interest in acquiring additional land. Struggling to survive from one fiscal year to the next, the UA lacked the staff in the 1930s and 1940s to tackle the massive job of land selection that the 1929 act required. Officially Bunnell was both president and comptroller, and any issue of substance that concerned the university crossed his desk, from buying library books to selecting land.

Dimond asked Bunnell to explain in writing why the University genuinely needed the reservation of additional lands. However Dimond realized Bunnell's difficult position. The university had numerous dealings with Interior Department officials, and Bunnell could not afford to alienate them. "If you are disinclined to write a letter that I can use before the Committee," Dimond wrote Bunnell, "will you not at least with your superior knowledge of the entire subject, write me a memorandum which I may adopt in whole or part as my own without bringing your name into the controversy." (Dimond to Bunnell, 6 April 1937) If Bunnell ever wrote the memo which Dimond requested, it has not yet come to light.

In 1938 the university selected 1,927 acres near Fairbanks for its first quantity grant under the 1929 law. (Stein 1987: 7) Nevertheless the Interior Department continued to thwart Dimond's and Bunnell's efforts to reserve additional land for the university.

"The Department of the Interior is still vigorously opposed to having set aside for the University of Alaska any more of the public lands in the Territory....," Dimond wrote to Bunnell in February 1941. (Dimond to Bunnell, 11 February 1941)

A month later Dimond further explained: "The Department's argument against the bill seems to be based upon the theory that plenty of land has already been reserved for the University of Alaska and no more is needed. Specific reference was made to the fact that the grant of 100,000 acres made to the Territory of Alaska for the benefit of the University...has not yet been selected except for approximately 2000 acres...." (Dimond to Bunnell, 12 March 1941)

By the time Dimond introduced his 10 million acre bill for the fifth and last time in 1943, he had apparently resigned himself to the Interior Department's unwavering opposition. As Dimond expected, the Interior Department responded once again with a negative recommendation. Acting Secretary Abe Fortas wrote in July 1943 that Delegate Dimond's proposed 10 million acre reserve, added to the more than 20 million acres previously reserved in 1915 for common schools and higher education in Alaska, would create a

gigantic educational reserve of more than 30 million acres which Alaska did not need.

"Such an amount would be greatly in excess of the grants of public land made to any of the States," Fortas wrote, "and, considering the comparatively small population of the Territory of Alaska, approximately 60,000, an additional reservation of the amount proposed for educational purposes, would seem unwarranted and greatly out of proportion to the present or contemplated need of the Territory." (Fortas to Peterson, 19 July 1943)

In 1944 E. L. "Bob" Bartlett replaced Dimond as Alaska's Delegate to Congress. Bartlett told Bunnell he would resubmit Dimond's 10 million acre reservation proposal, but claimed it would be futile as the Interior Department would continue to thwart the measure. "I have no doubt that if I introduce a bill seeking the same objective a similar report will be made," Bartlett wrote, "but I am perfectly willing to do so in any event if such is your desire." (Bartlett to Bunnell, 30 December 1944)

Apparently Bartlett did not reintroduce Dimond's university land measure, as by that time a new force had arisen which would drastically alter Alaska's political landscape and the land question: the Alaska statehood movement.

III. THE STATEHOOD MOVEMENT

In 1916, one year after Congress reserved more than a quarter of a million acres in the Tanana Valley to finance a land grant college in Fairbanks, James Wickersham submitted the first bill requesting statehood for Alaska. Wickersham introduced his statehood bill, a symbolic gesture with no real hope of passage, on the 49th anniversary of the signing of the Alaska Purchase treaty. He patterned his measure after the statehood act of Oklahoma, supposing the generous grants of money and land for education would find favor with Democrats, traditional supporters of state's rights, who at the time controlled both Congress and the White House. (Atwood 1979: 306)

First Statehood Act proposes 11.3 Million Acres for Higher Education in Alaska

Wickersham's 1916 bill called for Congress to grant Alaska approximately 11.3 million acres specifically for the support of higher education, and approximately 20 million acres for public schools. If enacted the proposals would have been the most generous public education and higher education grants in the history of the United States. Among its other provisions, Wickersham's measure--anticipating Delegate Anthony Dimond's campaign in the 1930s and 1940s to increase the University of Alaska's land grant--proposed granting one section in each township throughout the territory for

higher education. Delegate Wickersham recommended granting every section 13 (about 10 million acres) for the equal benefit of Alaska's future universities, teacher's colleges, agricultural colleges and schools of mines. Furthermore instead of certain traditional land grants for internal improvements, and other swamp land grants which were not applicable to Alaska, the bill would have granted an additional 1.3 million acres for higher education dedicated as follows:

400,000 acres for universities

400,000 acres for agricultural colleges and schools
of mines

300,000 acres for teacher's colleges

200,000 acres for schools of forestry

(Daily Alaska Dispatch, 31 March 1916; Naske 1972: 3)

The 1940s Revival of the Statehood Campaign

Delegate Wickersham's 1916 statehood bill died without receiving a hearing, and it was not until more than a quarter of a century later that the question of Alaska statehood again surfaced in Congress. In 1943 bills were introduced in both houses calling for the admission of Alaska as a state, requesting extraordinarily generous land provisions. The bills would have given Alaska all of the unappropriated public land in the Territory, except for those lands actively used by the federal government. Furthermore Delegate Anthony Dimond's bill in the House also included his long standing proposal to grant the University of Alaska an additional 10 million

acres by reserving for it every section 33 in the Territory. (Naske 1972: 3)

When Congress seriously began to address the Alaska statehood issue following World War II, debate centered on the amount of land the proposed 49th state would receive. Initially most Alaskans assumed that the new state of Alaska would be given all the public land in the territory. Delegate Bob Bartlett's 1947 statehood bill, like his predecessor Anthony Dimond's bill four years earlier, recommended that the United States government convey to the state of Alaska all of the vacant public domain, and in addition reserve 20 million acres or two sections in each township (sections 16 and 36) for public schools, and 10 million acres or one section in each township (section 33) for the support of the University of Alaska. (U.S. House 1947: 2)

The Interior Department supported the concept of Alaska statehood, but fiercely opposed granting the future state government all of Alaska's public domain. Acting Secretary Warner Gardner wrote the department's official report on April 14, 1947, claiming most of Alaska should be held in trust for all of the people of the United States:

The custom has been for the Federal Government to grant to the new States lands for schools and for internal improvements, but to retain the bulk of the public lands under Federal ownership. I strongly recommend that there be no change in this practice in the case of Alaska.

Gardner suggested several changes in Bartlett's bill, which the secretary claimed would

permit Alaska to enter into the Union on a basis similar to that on which the western continental States were admitted. While retaining the greater part of the public lands for national management the Federal Government has made grants to the new States for school purposes and internal improvements. Similar grants should be made in the case of Alaska.

(U.S. House 1947: 12)

In particular Gardner's suggested amendments would reduce the state's land entitlement to about 21 million acres for public schools (every section 16 and 36), 500,000 acres for miscellaneous internal improvements, and approximately 438,000 acres for the support of the University of Alaska. (Under Gardner's proposal the university's total acreage would consist of the 2,250 acre campus, the 1915 Tanana Valley section 33 reservation--erroneously calculated by Interior to be about 336,000 acres--and the 1929 land grant of 100,000 acres.) (U.S. House 1947: 14)

In the spring of 1948 Delegate Bartlett and the Interior Department compromised on the size of the statehood land grant proposal; both agreed to support a grant of four sections in each township (Sections 2, 16, 32 and 36) totaling about 40 million acres, and to reassert the University of Alaska's rights to the entire 1915 Tanana Valley section 33 grant, i.e. about 268,000

acres, and the 1929 grant of 100,000 acres. (U.S. House 1949: 2)

Bartlett and other strong statehood supporters admitted that they would have preferred to ask for more land, but that political reality at the time dictated that four sections per township, plus section 33 in the Tanana Valley, was the best deal Alaska could hope to receive. As retired Delegate Dimond told a Senate committee in 1950, "...we have to take this or we do not get anything." (U.S. Senate 1950: 75)

Nevertheless others still maintained that unless Alaska received more land, it could never become economically viable as a state. Two statehood bills introduced in 1949 again repeated the original Dimond-Bartlett position: all public land not needed by the federal government, in addition to about 20 million acres for public schools (every section 16 and 36) and about 10 million acres for the support of the University of Alaska (every section 33). (H.R. 25 and H.R. 2300, 81st Congress, 1st Session)

From In-Place To Quantity Grants

Congress moved towards a revolutionary solution to the Alaska state land question in 1950, when it rejected traditional in-place grants of specific sections, and endorsed the concept of quantity grants of larger blocks of open acreage. Ironically the most eloquent case for changing the manner in which Alaska's land would be granted, and for also granting Alaska additional land, probably originated with statehood's most vocal opponent, Winton C. Arnold,

chief lobbyist and publicist for the Alaskan canned salmon industry.
(Naske 1972)

At numerous congressional statehood hearings Arnold showed charts and graphs illustrating that at the rate the rectangular survey was being extended to Alaska, it would literally take thousands of years to complete the task. (As noted previously estimates in the 1950s were that it might take anywhere from 12,000 to 43,510 years to survey all of Alaska.) For instance Arnold tabulated the history of land surveys in the last ten states admitted into the union, from North Dakota (1889) to Arizona (1912). On the date of admission the percentage of surveyed land in the new states ranged from a minimum of 20% in Idaho, to a maximum of 100% in Oklahoma. By contrast, Arnold noted that only 0.672 percent of Alaska had been surveyed by 1950. (U.S. Senate 1950: 414) Since Alaska could not receive title to a specific section of land until it had been surveyed, the state would virtually have to wait forever to receive all of its land, and Arnold maintained that therefore statehood was not a practical option for Alaska.

Instead of ruling out statehood however, the slow pace of surveys merely convinced the Senate Committee on Interior and Insular Affairs, as Bob Bartlett wrote, to adopt a "bold and precedent shattering way in determining how land should be transferred to the new state." (Naske 1972: 8) In 1957, the year before Congress finally voted to admit Alaska into the Union, Bob Bartlett recalled that during its deliberations in 1950 the Senate committee

evolved an entirely new principle in

respect to land grants. Its decision was that the historic manner of passing on to the new state numbered sections after survey should be discarded. Substituted therefor was the provision which has remained in every statehood bill since, namely the extraordinarily liberal and, I believe for Alaska, advantageous principle that the state should be allowed to select what land it desired from the public domain not already appropriated or reserved. Recognizing the fact that surveys were so far behind, the Senate Committee inserted language which would permit the state to select this land 25 years after admission. Transfer was to have been made after the exterior boundaries were surveyed by the Secretary of the Interior. This is intended to speed up the whole process of land selection so that title may pass swiftly to the state instead of the state having to wait for years and years--perhaps as many as 15,000!--before receiving its land patrimony.

(Bartlett to Franklin, 19 January 1957,
RG 223, Box 132, HR 50)

The committee abandoned the practice of in-place grants, and substituted quantity grants of blocks of land ranging in size from slightly more than five thousand to as much as fifty thousand acres,

surveyed on exterior lines only. Giving the state selection rights would enable it to choose the most valuable tracts of land, and avoid the traditional checkerboard pattern of land ownership which would only further increase the cost and retard the pace of Alaskan economic development. Carefully selecting land the new state could theoretically create a consistent strategy of land planning and resource development.

103 Million Acres

Besides replacing in-place grants with quantity grants, in the early 1950s Congress also broke with historical precedent by recommending Alaska receive far more acreage than any state in the history of the United States. This was necessary, a Senate report stated in 1954, because the laws for the disposal of the public domain in Alaska "have been and are vitiated to a large degree by the Federal policies of the last half century...." To alter Alaska's "distorted landownership pattern"--99 percent of the land was still under federal control--the Senate recommended in 1953 that the new state be given 103 million acres or nearly 30% of the area of Alaska, almost three times the percentage of land given to any other western state. (Later proposals would run as high as 182 million acres or about 50% of Alaska, though the final figure approved by Congress in 1958 was a total of 103,350,000 acres.) Even with such an enormous statehood entitlement however, more than two-thirds of Alaska would continue to be federal land. "From one point of view therefore," the Senate reported in 1954, "a grant of 103,350,000 acres may be unprecedented. From the other point of view, a grant of

any smaller amount would still leave the Federal Government in a position of overwhelming dominance over the land and resources of the new State and its people." (U.S. Senate 1954: 2)

Internal Improvement Land Specified for Higher Education

Most of the statehood bills submitted in the 1950s continued to recognize that higher education in general and the University of Alaska in particular should be given a specific amount of acreage. The basic formula for the 103,350,000 acre proposal, repeated in numerous bills submitted between 1953 and 1957, divided the state's total acreage into three categories: an unrestricted general use grant, community development grants, and internal improvement grants. (See Table No. 1)

The bulk of the land consisted of an unrestricted "general open grant" of 100 million acres; revenues from the disposition of this land could be "used for the running expenses and the development of the new State, as its people, through their elected representatives, may direct." (U.S. Senate 1954: 30) A second category of land was the community development grant of 800,000 acres, half of which would be selected from the public domain and half from the National Forests. These lands were designated for "the development and expansion of communities." (Stein 1987: 13)

The third and final category of land, comprising the remaining 2,550,000 acres, was for specific internal improvements, including penitentiaries, reform schools, public buildings, pioneers' homes, teachers' colleges and the University of Alaska. (See Table No. 1) Virtually every piece of statehood legislation Congress considered

Table No. 1

Typical Calculation of Acreage in proposed
Alaska Statehood Bills, 1953-1957

1. 100 million acres--General open grant, no restrictions.
2. 800,000 acres--Community Development Grants--to be used for expansion of communities. Half of acreage would come from the public domain, half from National Forest land.
3. 2,550,000 acres--for various specified state functions and internal improvements enumerated as follows:
 - 500,000 acres--University of Alaska
 - 500,000 acres--teachers' colleges
 - 500,000 acres--public buildings
 - 200,000 acres--schools and asylums for
the deaf, dumb and blind
 - 200,000 acres--penitentiaries
 - 200,000 acres--mental institutions
 - 200,000 acres--charitable, penal and
reformatory institutions
 - 250,000 acres--pioneer homes

(U.S. House 1953: 17)

until 1957 specified that higher education would directly receive at least one million acres of the 103,350,000-acre proposed statehood entitlement, consisting of 500,000 acres for the University of Alaska and 500,000 acres for the support of teachers' colleges or normal schools.

Proposed Elimination of 1915 Reserve

By the early 1950s it seemed likely that if and when Alaska achieved statehood, the University of Alaska would receive its long-delayed increase in the size of its land grant. Invariably all of the statehood bills before Congress addressed the need to give the university additional land. But impending statehood also raised fears in the Territory of cancellation of the 1915 public school and university land reservation. Given that Congress had rejected the concept of in place grants in favor of quantity grants, it seemed reasonable to many lawmakers, including Delegate Bob Bartlett, that Congress should revoke the 1915 reservations and substitute a larger quantity grant.

The Territorial Department of Land warned in a December 1954 report that Alaska was in danger of potentially losing the millions of acres which the United States had reserved for Alaska education almost three decades earlier. The statehood bill then under consideration (see Table No. 1) would repeal the 1915 school land reservation, and though it would provide up to one million acres specifically for the support of higher education (500,000 acres for the University of Alaska and 500,000 acres for a teachers' college), it would not provide specific acreage to support the school system,

traditionally the prime justification for granting land to states. The report recommended that some means be found to guarantee that land be granted to support Alaska schools, just as was being done for higher education with internal improvement land under the proposed statehood bill.

There may be no objection to the repeal of the school reservation act providing some other provision is made to grant the school system 20,101,488 acres, an amount equal to the amount it would have received under that act. The original and chief purpose of making grants of land to States was for benefiting the public schools. The proposed legislation...provides grants for many other State institutions and purposes for which grants are generally made but the most important grant for the public schools is not provided for. In fact, the school system would lose the reservations that have been previously granted.

(Chipperfield 1954: 13-14)

In March 1955 Territorial Land Commissioner W.A. Chipperfield drafted a bill which he believed would protect the land rights of Alaska's schools and the University of Alaska, by immediately granting to the Territory all surveyed reserved school and university sections, with funds from the sale or other use of such lands earmarked for the schools and the University of Alaska.

(Chipperfield to Heintzleman, 7 March 1955, E.L. Bartlett Collection, Legislative Bill File, Box 2, Folder 19)

In response to the concerns of Commissioner Chipperfield and others, Delegate Bartlett argued that dedicated school lands were not in Alaska's best interest. Bartlett claimed Chipperfield's proposal seemed to run "directly counter to the existing concept which has been expressed in the various statehood bills for the last few years, namely, that Alaska shall have the privilege of choosing its lands rather than having to accept them by reason of established sections...." (Bartlett to Heintzleman, 26 March 1955, Bartlett Collection, Legislative Bill File, Box 2, Folder 19)

Alaska's Commissioner of Education Don Dafoe voiced similar concerns about the lack of "specific land grants for schools." Dafoe wrote Bartlett that receipts from school lands should be added to the "permanent school fund with a view toward building it up to where it would be a good endowment in fifty to one hundred years from now...." (Dafoe to Bartlett, 16 April 1957) Dafoe argued that the long term interests of Alaskan education required careful management of the school lands.

Whether or not Alaska has a good solid permanent school fund 50 years from now will depend upon how carefully school land matters are handled at this time. There is a school of thought which believes in giving away these lands for little or nothing and which believes that the monies received should be subject to immediate use in total, rather

than going into the permanent school fund.

(Dafoe to Bartlett, 5 April 1957, Bartlett

Collection, Legislative Bill File, Box 2, Folder 20)

Bartlett responded that he was philosophically opposed to dedicating lands or funds for specific purposes.

...personally I have a very strong feeling that some of the fiscal woes of our government in all of its subdivision today are brought about by income segregations for stated purposes. Such income may be too much or too little for the objectives sought. All money for government use must come from the taxpayers, and I, for one, feel that the legislative bodies should not be shackled in appropriating according to the needs of the times.

(Bartlett to Dafoe, 19 April 1957, Bartlett

Collection, Legislative Bill File, Box 3, Folder 28)

Direct Grants of School and Univ. Land

Despite Bartlett's opposition to dedicated lands and funds, he did introduce a measure in May 1955 calling for the U.S. government to grant all reserved (i.e. surveyed) public school and University of Alaska lands to the Territory of Alaska. Under Bartlett's bill the Territorial Legislature would have the authority to dispose of the lands as they wished, however all "proceeds or income are to be expended solely for the exclusive use and benefit of the public

schools of Alaska and of the University of Alaska...." (H.R. 6242, 84th Congress, 1st Session)

The Interior Department supported Bartlett's proposal. Since the only reserved school lands were those which had been surveyed, the total acreage to be granted would have been relatively small (one estimate was about 160,000 acres). The bill provided however that as more sections were surveyed and therefore reserved each year, more acreage would be granted. "In all respects the school sections should be treated as if statehood had already been conferred on Alaska," Assistant Secretary Fred Aandahl wrote. However the Secretary wished Congress to consider both the public school land and the university land as one whole, rather than two separate pots of money. As Aandahl wrote,

At the present time, sections 16 and 36 throughout the Territory are set aside for the support of the common schools, while the sections numbered 33 in part of the Tanana Valley are set aside for the support of the University. We would prefer that no distinction be made by the terms of the statute, but that, instead, the proceeds from all the granted sections be set aside for the common support of the schools and the University and that the Territorial government be given discretion in the distribution of proceeds between these two educational purposes.

(Aandahl to Rep. Engle, U.S. House, National Archives, RG 233, Box 113, H.R. 6242)

The bill to grant school and university sections directly to the Territory failed, as did another measure introduced by Bartlett in 1955 which would have granted millions of acres directly to the Territory of Alaska without waiting for statehood. This bill would have repealed the 1915 school and university reservation, and simultaneously granted the Territory the right to select up to 20 million acres from the public domain, approximately the amount of land that could have been reserved under the 1915 act.

The Interior Department agreed with the spirit of Bartlett's bill, which called for in place grants to be replaced with a quantity grant.

A grant of school sections in place is a grant of lands widely dispersed on a geographical basis. Such a grant gives the recipient, within limits, a fair proportion of the various classes of lands within its boundaries, the good as well as the bad. Since the grantee's holdings are distributed over a wide area, large-scale exchange programs are required, as we have learned by experience, to bring the holdings together into manageable and economical units....

A very large proportion of the land in Alaska does not appear to promise, for the reasonably near future, any substantial economic return. A grant of school sections in place would, therefore, leave the Territory with a large body of widely dispersed holdings, needing

management and protection and yielding little in the way of revenues.

(Assistant Secy to Rep. Engle, RG 233, U.S. House, National Archives, Box 97A, H.R. 246)

Though the Interior Department favored quantity grants in principle, the department opposed revoking the 1915 school and university section reservation on the grounds that the Territory was not yet ready to manage 20 million acres. Rather the Assistant Secretary of the Interior suggested granting three million acres immediately to the Territory as the first installment of a large quantity grant that would eventually replace the 1915 reservations. Furthermore Interior Department officials suggested that the revenue from the three million acres be divided as follows:

20%--public schools

20%--University of Alaska

20%--University of Alaska Teacher Training

40%--discretion of the legislature

(Assistant Secy to Rep. Engle, 23 May 1956,

RG 233, U.S. House, Box 97A, H.R. 246)

UA Campaign for Additional Grant Land

Charles Bunnell's successors as University of Alaska president, Terris Moore (1949-1953) and Ernest Patty (1953-1960), both recognized the necessity for the university to gain additional land if it was to be placed on a secure financial footing. President Patty noted in 1955 that the university had virtually no income at all from its small amount of surveyed section 33 land in the Tanana

Valley, which he claimed was predominantly "moose pasture" anyway. He estimated the UA's total income from the Tanana Valley land reservation was only about \$20 a year. (Patty to Sen. Anderson, 21 July 1955, UA Pres Papers, 1955/56, Box 5, File 93)

President Patty made the acquisition of additional grant land and the repeal of the restrictions on existing university land-- especially the prohibition against selecting mineral lands, and the 10 year leasing limit, which eliminated the possibility of any private investments on educational land--primary goals of his administration. Under Patty for the first time in its history, the University actually designated a land manager to look after its holdings.

Starting in 1954 Patty made numerous proposals to the Secretary of Interior for more land, including a request that the U.S. government grant the university part of Naval Petroleum Reserve No. 4 on Alaska's Arctic coast, so that the school could participate in any bounties from future oil leases. In order to stimulate Alaskan economic development, Patty suggested in July 1954 that the Territory be immediately granted one million acres, instead of waiting to receive several million acres that could come with eventual statehood. (Land Manager Report, 20 May 1958, Pres. Papers, 1958/59, Box 6, File 88)

Since all recognized that the lack of surveys had effectively negated any effective land grants in the past, the University of Alaska Board of Regents unanimously passed an official resolution in October 1955, requesting the right to select half-a-million acres--including mineral rights--of unsurveyed lands, to support the institution. The resolution stated:

WHEREAS, the Board of Regents, recognizing their responsibilities in the furnishing of higher education in Alaska, and whereas (sic) must continually maintain an adequate source of funds for the conduct of a good university, and

WHEREAS, it is an accepted and desirable procedure for a state university to look to the income from land under its jurisdiction as a source of funds for the university, and

WHEREAS, valuable lands in Alaska are not being developed because they have not been surveyed, and

WHEREAS, the University is being denied an important source of income because mineral rights are withheld for land under its jurisdiction;

THEREFORE, BE IT RESOLVED that the Congress of the United States is urged to enact appropriate legislation to grant the University of Alaska the authority to select land up to 500,000 acres with full mineral rights and permission to select non-surveyed land....

(Minutes of UA Board of Regents, 24 October 1955)

Congress failed to act on the Board of Regents' request.

Elimination of Dedicated Land Grants

Initially university officials were not particularly alarmed at the prospect of losing the 1915 reservation with the coming of statehood. Most statehood bills would have given the university an additional one million acres--almost four times the amount of land that the institution would have lost with the abolition of the Tanana Valley educational reserve. In the final push towards statehood in 1957-1958, however, the internal improvement grants of 2,550,000 acres--including the 500,000 acres for the University and 500,000 acres for the University's teacher training programs--were consolidated into the 100 million acre general grant, leaving the disposition of all 102,550,500 acres at the discretion of the legislature.

Beyond eliminating the specific grant of one million acres for higher education, the final statehood bill also cancelled the 1915 education reserve (though it did confirm the university's rights to the few thousand acres of section 33 land that were already reserved and surveyed). The congressional intent clearly was that the massive unrestricted quantity grant substituted for the 1915 reserve. As Assistant Secretary of the Interior Hatfield Chilson wrote in March 1957, "In view of the quantify grants contained in the bill, we agree that section 1 of the 1915 act should be repealed. As of the present time, only a small percentage of the Territory has been surveyed, and we suggest that, as to such lands, the sections which have been reserved for educational purposes should be granted to the

State of Alaska to be used by it for the purposes for which they were reserved." (U.S. House 1957: 25)

Apparently the elimination of the designated internal improvement grants from the statehood bill for the University of Alaska and other essential state services was done with the full support and backing of Alaska Delegate Bob Bartlett, who had long opposed attempts to dedicate state land for specific purposes. Looking back on the issue in 1964, then Senator Bartlett explained his reasoning to Gov. William A. Egan. He had always opposed dedicated land grants, he said, because he did not want to see the chaotic inter-agency bickering which had plagued Alaska during Territorial days, the same fear which led Alaska's constitutional framers to create a powerful executive branch. Bartlett continued:

I have a particularly strong feeling on this because at many times during consideration of the statehood bill, efforts were made to set aside this amount of land or that amount of land for the common schools and for other educational uses. I always resisted these and, as it turned out, successfully. My conviction was--and is--that notwithstanding the possible need for such reservations in the early statehood bills, the reasons for such have long since evaporated. I suspect that in those days there was not the dedication or devotion to education which has since come into being and it was felt that an assured source of income must be

provided for the schools. That is not so in these days.... (I)f dedication is made for one institution or one purpose, what argument could be made against expanding? None, of course. The philosophy here is closely akin, as I believe, to board control of a state agency with the Governor serving only as a figurehead. If it is done for one department of government, then almost necessarily it must be done for all. Once we are there, we have the chaos of territorial days all over again. (Bartlett to Egan, 8 June 1964, UA Pres Papers, 1963/64, Box 14, Folder 212)

V. THE LAND GRANT COLLEGE WITHOUT THE LAND

Loss of a Quarter-million Acres Due to Statehood

The passage of the Statehood Act in 1958, without any provision for land specifically dedicated for the support of the University of Alaska, ended for the time being at least the possibility of getting additional land from the federal government. But even more critical from the point of view of the university was its loss of the balance of the Tanana Valley section 33 reservation-- more than a quarter million acres. The statehood act cancelled the 1915 reservation of educational lands, stopping any further lands under the act from being reserved once they were surveyed, though reaffirming the university's rights to any acreage already surveyed, selected and reserved.

University attorney Ed Merdes wrote Secretary of the Interior Fred Seaton in early 1960 to clarify the status of the section 33 lands. Merdes wrote that one interpretation of the statehood act, could be that all section 33s were still in fact reserved, pending a survey. Merdes argued:

From a reasonable interpretation of the language of the Act it appears that Section 33 continues to be reserved, subject only to being surveyed; and that upon the survey of these lands, title to the same immediately passes to the State for the University of Alaska. It is not clear whether such lands are included in or in addition to the grant of 102 (sic) million acres specified in

Section 6(b) of the Statehood Act and although we would like to think it is "in addition to", we suspicion (sic) it is "included in" the 102 million acres.

(Merdes to Seaton, 7 March 1960, Pres Papers, 1959/60, Box 6, File 90)

The Secretary's answer has not been found in the files, however it is clear from the historical record that the government maintained the section 33 land could not be reserved until surveyed and selected. Therefore any lands not surveyed prior to the statehood act, could in no way be still considered reserved.

The UA did make an effort to keep its rights to some of the disputed section 33 land. During the week before President Eisenhower signed the statehood act on January 3, 1959, UA land manager Donald Eynck filed 64,000 acres of indemnity selections chosen in lieu of surveyed section 33 land in the Tanana Valley which had been denied to the university. Eynck filed the applications, as attorney Merdes wrote, "to keep alive any possible rights the University might have to these lands," despite the repeal of the 1915 reservation by the statehood act. Merdes said the filing was also done because he thought it might possibly "be the basis for either grandfather rights or legislation that would grant the University additional lands, seemingly lost by said repeal." (Merdes to Wood, 15 November 1960, Pres Papers, 1959/60, Box 6, File 85; Board of Regents Minutes, 20-22 October 1960)

The Bureau of Land Management rejected the university's 64,000 acre indemnity selections on the grounds that the selections were not timely. BLM argued that as of January 3, 1959, the official day Alaska became a state, the reservation was no longer in existence. Since by that date the lands had not yet been reserved, title could not be transferred. It is unclear from the record however, precisely why applications filed prior to January 3 would have been automatically disallowed, and not given some grandfather rights.

Merdes contacted now Senator Bartlett's legislative assistant, Joe Josephson, about the impact of the statehood act on university land selections in the Tanana Valley. Based on his research in unpublished Congressional hearings, and discussions with Senator Bartlett, Josephson replied unequivocally that Congressional intent in the statehood act had been for the new state government to address the issue of the size of the university's land grant. In a memo to Merdes, Josephson wrote:

The theory of the land grant provisions in the statehood act was that they would replace inter alia [among other things] the reservations authorized in 48 U.S.C. 353 and that the State University would petition the State government to satisfy the needs of the University which previously to statehood were met in part by 48 U.S.C. 353.

(Josephson to Merdes, 10 November 1959, Pres Papers, 1959/60, Box 6, File 85)

Besides the legal issue, Josephson argued that it would be politically disastrous to ask Congress to reopen such a major clause of the statehood compact as the land grant.

Such a decision would encompass broad issues of tactics affecting all the legislation which relates to the welfare of Alaska. Unfortunately, there may still be members of Congress who look at the admission of Alaska with a disapproving eye and who would seize upon proposed legislation to make the terms of the Act of Admission more generous from the state's point of view to prove that their position against statehood was correct and, possibly, to justify rejection of other programs.

(Josephson to Merdes, 10 November 1959,
Pres Papers, 1959/60, Box 6, File 85)

Merdes accepted Josephson's reasoning, and recommended the university drop the 64,000 acre claim against the federal government and concentrate on getting additional land from the state government. "For even if the lands were reserved," Merdes wrote in a memo to the university president, "let alone merely filed upon, there still would be no chance of success, since the intent of Congress was to repeal 48USCA 353, and thereby permit the University to obtain future lands from the State under the generous grant given to Alaska in the Statehood Act, rather than as an individual entity." (Merdes to Wood, 10 November 1960, Pres Papers, 1959/60, Box 6, File 85)

Legislative Approval of One Million Acres for UA

The university sought redress for its land deficiencies from the State of Alaska. Probably the clearest evidence that many Alaskans assumed that the new state would designate additional lands for the support of the university was the passage by the first state legislature in the spring of 1959 of a measure authorizing the state to grant the UA one million acres.

The original version of the university land bill (House Bill No. 176) declared the legislature's intent was eventually to grant the university five million acres "for the purpose of replacing those grants previously allowed under federal law...which has been superseded...and for the further purpose of establishing a means by which the University may be properly maintained and operated and direct state support thereby reduced." The measure specifically called for the UA to "select, accept or secure by July 7, 1983" one million acres "from those lands granted the state by the federal government." Sixteen legislators from across Alaska--or 40 percent of the entire body--joined in sponsoring H.B. 176. Among others the list of sponsors of the UA's land restitution bill included future Alaska governor Jay S. Hammond of Naknek, House Speaker Warren Taylor, the entire Fairbanks delegation, and other members from Anchorage, Nome, McKinley Park, Cordova, McGrath, Seward and Point Barrow.

A committee substitute scaled down the legislative intent language to one million acres. "This reservation of land," the substitute bill stated, "shall be for the purpose of replacing

grants of certain Sections 33 in the Tanana Valley previously allowed under federal law and now superseded" by the statehood act. (Committee Substitute for H.B. 176)

After a heated debate, the committee substitute passed the House on March 24, 1959 by a vote of 26-10, with four absences. One legislative observer noted that opponents of the bill were either "anti-university" (no one from Southeastern Alaska supported the measure) or were "anti-dedicated fund votes as they considered the granting of land another form of earmarking funds..." (Butler to Patty, 24 March 1959, Pres Papers, 1958/59, Box 6, File 93) In the state senate the one million acre appropriation passed unanimously 20-0, after Senators changed the terminology in the bill from "granting lands" to "reserving lands for the support of." (Alaska Senate Journal, 1st Legislature, 1st Session, 1959: 859-860)

Egan's Veto of One Million Acre UA Reserve

It came as a shock to President Patty and the Board of Regents when Governor William A. Egan vetoed the one million acre bill on May 4, 1959. Egan gave numerous justifications for his rejection of the legislature's bill, and his veto message detailed his strong philosophical objections to it. His veto read in part:

I am vetoing COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 176, a bill intended to
reserve lands for the support of the
University of Alaska, because I believe
it wrong in principle, inconsistent with
constitutional concepts and not in the public

interest. In so saying, I may add that I would act similarly on any bill which sought, as this does, to make special disposition of the proceeds of public lands in aid of one public function to the exclusion of others.

For more than a century and a half, the United States has granted to new states on admission lands for particular purposes. These so-called 'internal improvement grants' have been made for a variety of purposes, i.e., public schools, universities, normal schools, capital building, penal institutions, etc., and have comprised in all, a hodge-podge of grants for varied purposes, without assurance that in selection, income potential, or quality, lands so earmarked would be equitably apportioned among state functions.

Governor Egan correctly stated that traditionally federal lands were specifically earmarked for internal improvements such as penitentiaries, mental institutions, etc.. But as this report has demonstrated, the vast majority of federal land grants to states were for the support of education. Egan then gave the legislature his version of why the land provisions in the Alaska statehood were unique.

Some years ago, a Senate Committee headed by Senator O'Mahoney of Wyoming, while considering Alaska's proposed admission to the union,

developed an entirely new concept of federal land grants to newly admitted states. That new concept sought, instead of the earmarked 'internal improvement' grants, to grant to the new state a specified total acreage for the support of state functions, yet earmarked for none. In short, the proceeds of such lands would go to the state treasury for suitable allotment of income by the legislature to the various state functions as circumstances might from time to time require.

That proposal, in terms of lands, is consistent with Alaska's constitutional and budget concepts regarding public monies and their earmarking, and allows desired flexibility in meeting changed conditions from year to year.

The governor then explained the heart of the matter as far as he was concerned. If the university received its internal improvement grant, how could the state refuse similar land grants for other state functions? According to Egan the university was no different from any other agency of state government.

If we are to return to the 'internal improvement' concept of earmarking state lands, can we in good conscience limit the practice to the University? Why not similar provision for common schools, public buildings, hospitals, penal institutions, highways, airports, aid to dependent children, and so

on throughout the entire list of important state functions? Certainly, this bill invites similar treatment for other state responsibilities. By this bill the door would be opened to an unplanned disposition, or dissipation, of the resource without regard to relative need and without regard to the clear constitutional and congressional intent.

Besides Egan's philosophical opposition to the state granting additional land to the university, he claimed UA leaders were mistaken in believing that unsurveyed section 33 lands were ever truly University of Alaska lands. The confusion arose from the difference between surveyed reserved lands (such as the 1915 in place section 33 reservation) and granted lands (such as the 1929 quantity grant of 100,000 acres).

Prior to the passage of the statehood bill, certain Sections 33 in the Tanana Valley were reserved, not granted, to the territory on the condition that their rental proceeds go to the University....To suggest that those other areas, which, on survey some time in the distant future, would have become numbered Sections 33 in the Tanana Valley, but which have never been surveyed and, therefore, have never been reserved nor productive of income for the University, have now been lost, is to say that the University has lost something it never had.

In conclusion Egan rejected what had long been the basic financial concept behind the land grant institution. "I wish to make it perfectly clear that I have great interest in the University of Alaska," he wrote, "and that this veto is motivated by good administrative practices alone. The University's financing will be sounder and more certain by reliance on the appropriation and bonding processes." (Alaska Senate Journal, 1st Legislature, 1st Session, 1098-1100)

Reaction to Egan's Veto

President Patty and the regents assumed that Egan's veto was based on the fact that the governor had been hospitalized with a severe illness when the measure was under discussion, and that he misunderstood the unique role and history of land grant colleges in America. Following the passage of the bill by the legislature, Patty had never even bothered to contact Egan, thinking the governor was sure to sign it into law. As Patty wrote one legislator on June 15, 1959:

We were completely caught off base by the Governor's veto of the land bill. I think he made a very serious mistake which was based largely on the fact that he did not understand that there is historical precedent in every state of land grants to their land grant university. Also, I feel he was not advised of the fact that the University lost potentially (sic) million acres of land under the Statehood act.

(Patty to Erwin, 15 June 1959, Pres Papers, 1959/60,
Box 6, Folder 96)

C.W. Snedden's Fairbanks Daily News-Miner, a key player in the battle for statehood, explained that Egan's veto left the "University in the slightly unique position of being a land grant university without any land to speak of." The News-Miner continued:

Governor Egan may have lost sight of the fact that with the coming of statehood to Alaska, the University of Alaska lost its right to acquire almost a million acres of Alaska land.

The University's rights to this land, as has been stated by Dr. Ernest Patty, president of the University, have been 'washed out' in the bill which granted more than a hundred million acres of land to the new state.

We agree with Dr. Patty in the belief that the theory behind depriving the University of this land was that Congress felt the state would provide adequately for the University through special land grants.

The assumption was proved correct when the Legislature acted to insure that a land area equivalent to that lost to the University by passage of statehood was restored....

We do not believe that Governor Egan's veto of this bill has or will ever have the support of the Alaskan public. We feel the veto reflects a lack of appreciation for the importance of providing an independent source of revenue for our University--an ever growing asset not subject to the whims of future legislatures. (News-Miner, 7 May 1959)

The UA's "Starvation Grant"

Patty wrote Egan in February 1960 to re-new the campaign for the university's land bill. "The Regents and I felt that this was the most forward looking Bill for the University that had ever reached the Legislature," Patty wrote, "and we were all surprised when you vetoed it. This veto came shortly after you returned from the hospital and I blamed myself for not making a special trip to Juneau to explain the background of the bill." (Patty to Egan, 8 Feb 1960)

In his six page letter, President Patty highlighted for the governor ten reasons why the legislation was essential:

1. The history and theory behind the Morrill Act setting up a Land Grant University in each State is based on the theory that each Land Grant University would be given a land grant for the partial support of the University....
2. The Statehood Act for Alaska took away from the University the major portion of its original Land Grant.
3. The University now has only a minimal grant of land; much of this is of no immediate value and compared, area wise, to the other States, it is one of the smallest and (sic) unpromising grants of any State University.
4. Most Universities now have a subsidiary income from lands or other property. This is generally used for research and for projects that cannot be readily financed from legislative appropriations. The income from lands should be

invested in an endowment fund and only the income from this fund should be disbursed. The idea the University might possibly secure an income beyond its reasonable need is a misconception beyond the realm of possibility.

5. There may come a time in the history of the State when some great financial crisis will develop. If the University, had by that time, developed an important endowment then the income from this might be very helpful in tiding the University through the difficult period.

6. To avoid duplication, the land granted to the University would be handled by the State Division of lands and there would be limitations on the amount of land which the University could acquire in any one year.

7. The Land Grant idea is workable and has 100 years of history behind it.

8. A broad financial base is important.

9. (A) Strong State University is vital to growth of State....

10. A subsidiary endowment income will help to make the difference between a moderately good University and an outstanding University.

Patty detailed the history of the university's land grant. He recounted how the statehood act had cost the university some 259,296 acres of the total 268,800 acre reservation created in the Tanana Valley in 1915 and called it a "pathetic situation." The university's total income from its 1915 Tanana Valley land was only \$243 a year.

Even with the 100,000 acre grant of 1929, which the statehood act had not effected, Patty calculated that the university's total land grant amounted to only 109,504 acres. "This is a starvation grant for a Land Grant University located in a State containing 365 million acres," Patty wrote. "Actually the requested addition of one million acres is very modest and is less than one percent of the land which the State will acquire."

The university president then blasted what he called the "trickle down theory" as completely counter to the theory behind land grant institutions.

Obviously, some of the State income from land will trickle down to the University, but this violates the original concept of the Land Grant Act which sought to provide a partial and separate form of income to supplement the work of the University, which cannot always be financed by annual appropriations.

The Board of Regents plan to use its land income as an endowment fund and to draw off only the income from this endowment. It would probably be 10 years hence before this endowment

would yield an important income. Who knows, if we could build up an endowment of several million dollars the income would be vital in keeping the University alive, if lean years should come. At the present time the endowment fund of the University, in the hands of the State Treasurer, totals only \$15,300.

Patty scoffed at the idea that the university might end up with too much money if it received additional land. "This is beyond even the most remote possibility," he wrote. "The chances are many times better that you or I might win the Nenana Ice Classic." At that time even the oil rich University of Texas received only 39% of their budget from their endowment. "What a wonderful thing it would be for all Alaska if a great oil bonanza should be developed on University land and we could accumulate an endowment of 50 million dollars and use the income from this in perpetuity."

In conclusion Patty suggested to Egan that the legislation allow the University of Alaska to select up to one million acres over the next twenty years. He predicted it could be a decade or longer before the endowment grew to any significant size. "However, I would expect that our grandchildren would conclude that we had great foresight."

Initially Patty believed in early 1960 he was making progress convincing Egan of the rightness of the university's cause. In a memorandum to the Board of Regents in late February, Patty noted: "When I talked to the Governor several weeks ago he told me that he had been reluctant to veto the Bill and even suggested that if we

would wait two or three years he might be willing to change his mind."

But on his next visit with Egan, Patty found the governor's position against the million acre grant had hardened. "Governor has become most adamant against this," he informed the regents, "and indicated that if the Legislature again passed this Bill he would veto it. Several members of the Legislature are anxious and willing to promote the Bill, but I did not encourage them for there seems to be no chance to pass the measure over the Governor's veto." (Patty to Regents, 29 February 1960, Pres Papers 1963/64, Box 14, File 206)

Continuation of Efforts in 1960s to Acquire Land

Governor Egan's steadfast opposition to granting the university additional land doomed the effort on the state level. Nevertheless bills to provide the UA additional land continued to find support in the legislature, and were regularly introduced throughout the 1960s.

Patty's successor as UA President, Dr. William R. Wood, kept up the fight for a new land grant from either the state or the federal government, or both. According to Wood state and federal authorities always agreed that the university should receive additional land, and agreed that the other party should provide it.

Wood found the possibility of acquiring new land particularly appealing, because, for the first time in its history, the university finally started to earn a sizeable income from its land holdings in 1961, when it began selling oil leases on its Kenai Peninsula land. In its first forty-three years, the university's

cumulative income from land was only \$16,256.03. But with the start of oil leasing in FY 60/61, the UA earned \$604,470 in one year alone, or about 38 times what it had earned since 1917. No oil was ever struck on university land however, and thereafter the amount netted from oil leasing steadily declined. (UA Permanent Fund Statement, 1917-1971, Pres Papers, 1971/72, Box "Higher Ed...", File, Land--July-Dec)

In April 1964, when Congress was grappling with relief efforts for the Good Friday Earthquake, President Wood wired Sen. Bartlett if it would be "presumptuous" to request amending the statehood act and give the university three million acres. "This could provide base for much-needed sustained support of University now central to development of State's resources and nationally valuable as regional environmental research center." (Wood to Bartlett, 25 April 1964) Bartlett's administrative assistant Mary Lee Council dashed Wood's hopes. "Since any omnibus or other legislation will relate strictly to the disaster," she wrote, "I would doubt very much whether legislation of the kind you mention would be entertained." (Council to Wood, 28 April 1964, Pres Papers, 1963/64, Box 14, File 212)

President Wood Lobbies for North Slope Land

Continuing discussions with both state and federal officials, President Wood tried a new approach to acquire the three million acres he believed the university required for financial security. Wood proposed to Senator Bartlett that the university be given land from either "within the Arctic Wildlife Range, from Naval (Petroleum Reserve) No. 4, when and if the Reserve is eliminated or diminished

in size, from the existing public domain, or from lands already acquired or to be acquired by the state." Before taking up Wood's suggestion with Secretary of Interior Stewart Udall, Bartlett conferred with Roscoe Bell, Director of the State Division of Lands. "I am reminded that Governor Egan once vetoed a bill involving the University lands," Bartlett wrote, "but my memory on the subject is somewhat hazy...." (Bartlett to Bell, 14 May 1964)

Lands Director Bell informed Bartlett that the state would continue to oppose giving the university new lands from the public domain, simply because it would merely take away land from the State of Alaska. Already the Division of Lands faced a difficult challenge finding land that would in fact produce any revenue. "Any new authorizations for University land selection from open public domain would appear unacceptable," Bell wrote Bartlett, "because such would in effect, reduce other state land suitable for selection. (The acreage of land having apparent value seems far below the state's entitlement of 103,000,000 acres." Bell then reiterated Egan's long standing objections. He wrote Senator Bartlett,

I am sure that you understand perfectly the state's past position in opposing a University land selection of several million acres of valuable land, which could result in a situation where the University has valuable lands producing more revenue than would be needed while other state functions were neglected because of lack of funds.
(Bell to Bartlett, 27 May 1964)

However there was one idea for giving the University of Alaska land to which Bell and Governor Egan responded enthusiastically: taking it from a pre-existing federal reserve, such as the nine million acre Arctic Wildlife Range (now known as the Arctic National Wildlife Refuge or ANWR) created in 1960.

Bell complained that though the Arctic Wildlife Range was supposed to be "subject to multiple use management," such a hope was unrealistic. The U.S. Fish and Wildlife Service, he charged, "is of necessity more or less beholden to conservationists, some of whom are radical and articulate single-use wilderness proponents (sic)." However, he speculated, "Perhaps revocation of the withdrawal could be accomplished if it were to permit a University selection for conservation and management as a 'great Arctic Wildland Management Laboratory.'" Bell explained his proposal in some detail, by which the Arctic Wildlife Range would be supplanted by a University laboratory.

The University and its motives in management could not be questioned. The University likewise has the potential for tapping foundation monies as well as entering into cooperative agreements with federal agencies under which it might be possible to develop a program of Arctic Wildlife Research and Resource Management without unbearable cost to the State of Alaska. As 'University Land,' the land would be under the full management control of the University. At the same time multiple use management and revenue production would be a

possibility without violation of the primary purpose of the 'Laboratory.' Because it appears that the State would have little probability getting the land restored to the public domain to permit normal selection and management procedures, and since the land does offer some possibility of producing revenue ultimately to help support the University, such a program might possibly be supportable by the State. Enabling State legislation would be required to authorize such a University selection of several million acres. To be acceptable such a selection would probably be limited to lands made available by revocation of the Arctic wildlife refuge. (Bell to Bartlett, 27 May 1964)

Governor Egan supported Bell's proposal that the Arctic Wildlife Range be replaced in whole or in part by a University of Alaska Management Laboratory. Thus the State of Alaska had no objection to the University of Alaska receiving millions of acres of additional land, if it came from a federal reserve closed to exploration and development, that would otherwise be unavailable for general state selection. There is no evidence in the record, however, that federal authorities ever showed any support for the plan.

After the Land Freeze

With the defeat of Governor Bill Egan by Walter Hickel in the 1966 election, Hickel promised a new era of Alaskan economic development. Yet the land freeze instituted by Secretary of Interior Udall in December 1966 virtually brought state land selections to a

dead stop, and extinguished the fading hope that the University of Alaska might be able to receive an additional land grant in the foreseeable future. Legally and politically the Alaska land picture grew more complex year by year. Within the next fifteen years the open public domain in Alaska would essentially vanish, as the entire state was parceled off among development interests, environmental interests and Native groups, with settlement of the Native Land Claims issue in 1971, construction of the Trans-Alaska Pipeline from 1974-1977, and passage of the Alaska National Interest Lands Conservation Act in 1980.

Now that Alaska's land issues have been somewhat resolved, university supporters have again proposed that additional lands be granted to the University of Alaska from either the state or the federal government, or both, to resolve the financial issue which continues to haunt the land grant college without the land.

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