P.S. to the NEWS
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THE SAGEBRUSH REBELLION

The Sagebrush Rebellion is sweeping across the West and may grow into the political tidal wave of the early 1980s as powerful as Proposition 13 in the late 1970s. Behind both is a deep-seated resentment against the Federal Government's gathering unto itself so much of our money and control over so much of our lives and property.

The kernel of the problem is the tremendous percentage of state lands owned by the Federal Government in the Western states. More than 96 percent of Alaska is controlled by the Federal Government, 86 percent of Nevada, 66 percent of Utah, 63 percent of Idaho, 52 percent of Oregon, and 45 percent of California.

Federal control of Washington, Wyoming, Montana, New Mexico and Colorado is also very high. Federal control of all other states averages less than 9 percent.

The Nevada Legislature this year approved the Sagebrush Rebellion act, an attempt by Nevada to gain control over the federal lands within its boundaries. These public lands have been controlled by the Federal Government for more than 100 years and are now administered by the U.S. Bureau of Land Management.

The first basis for the Nevada act is the "equal footing" doctrine. While the U.S. Constitution does not specifically require that states be admitted to the Union on an "equal footing," Congress always used the specific language "equal" or "same" footing when admitting states to the Union after 1796. Case law has upheld the "equal footing doctrine" as though it were an inherent attribute of the United States.

For example, Alabama had renounced any claim of ownership of unappropriated lands. The Supreme Court, however, in Pollard v. Hagan (1845), declared that Alabama's renunciation was void because it denied Alabama an "equal footing with the original states."

When Nevada was admitted to the Union in 1864, the Enabling Act contained a section which required Nevadans to "agree and declare that they forever disclaim all

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right and title to the unappropriated public lands lying within" Nevada. Since earlier states were not required to give any such disclaimer, Nevada argues that it impairs Nevada's ownership of its own lands and its sovereignty as a state.

The second argument made in the Sagebrush Rebellion act is that Congress holds any federal lands in trust until disposed of in an orderly manner, and that the BLM has no right to use them for other than a "federal" purpose, or to change the purpose from "orderly disposal" to "retention." Nevada claims that Congress, in passing the Federal Land Policy and Management Act of 1976, breached the trust by changing the purpose to "retention," and that therefore the public lands revert to Nevada.

Arizona is considering a measure to put all federal lands on the state tax rolls by 1981 unless the Federal Government applies to the legislature to retain ownership. California, Alaska, Oregon, and other Western states have expressed interest in joining the movement.

The Sagebrush Rebellion has been activated by the Federal Government's current "Land Withdrawal" policies which restrict or segregate public lands to the specific purpose for which it is "withdrawn." In the past several years, the environmentalist lobby has brought about the withdrawal of more and more public lands as "wilderness" or recreation areas.

Almost three-fourths of all public lands in the United States have been effectively withdrawn from the development of minerals, oil, and timber, even though we must import large quantities of these essential resources from abroad. This widespread and continuing withdrawal of potentially energy-rich land is irresponsible in the face of current and accelerating energy demands.

The Sagebrush Rebellion is a means of achieving a multiple use of public lands under a policy which would balance enviromental interests with exploration and development of new resources. The inevitable court battles between the Western states and the Federal Government over the Sagebrush Rebellion will be one more front in the controversy between the advocates of domestic energy growth and those who want to freeze our economy under a no-growth policy.

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