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★ CHAPTER 10 ★

Federal Influences and Intergovernmental Relations: Constraints, Conflicts, and Benefits

Clive S. Thomas and Michael L. Boyer

Much of what Alaska's state government does, and much of what it is unable to do, are influenced by other governments, particularly the federal government. Local governments across the state, as well as Alaska Native governments, also play a role. Consequently, the character of Alaska politics, the political issues that arise, and the day-to-day operations of state government are, in significant ways, a product of these ongoing relations with other governments. Issues such as the opening of the Arctic National Wildlife Refuge (ANWR) for oil and gas development, subsistence hunting and fishing rights, commercial and sports fishing, the funding and delivery of K–12 education, aspects of health and welfare, economic development, and transportation policies, among many others, involve some form of intergovernmental relations (IGR). In this chapter we delve into the formal structures and the political aspects of IGR as they affect Alaska.

Because of its central importance to Alaska politics and government, aspects of IGR are dealt with in other places in the book. Chapter 9 deals with federal-state-local government–Native government interactions primarily as they affect the Native community; Chapter 18 focuses on state-local IGR; and the policy chapters in Parts IV and V deal with IGR from their particular policy perspectives. This chapter provides a foundation for these later chapters by explaining the basics of IGR, describing its formal structure, emphasizing its political aspects, and examining the role of the federal government as it relates to Alaska, both legally and politically. Throughout the chapter we acknowledge that the federal-state relationship places some constraints on Alaska and its policy makers and certainly involves them in many conflicts. But we also assert that the state-federal relationship provides major benefits to Alaska and to the vast majority of its citizens, even though many of these benefits may not be readily apparent, fully understood, or appreciated.

The chapter begins with an explanation of IGR and how it relates to federalism. Next we consider the structure of Alaska's current IGR system and what has shaped it, followed by an overview of the development of Alaska's IGR. We then look at perspectives on the Alaska-federal relationship from Alaskan, federal, and holistic viewpoints. Next we consider the day-to-day politics of IGR, followed by a discussion of Alaska's IGR compared with that in other states. The conclusion offers a balance sheet of the constraints, conflicts, and benefits involved in Alaska's IGR, particularly as it relates to the federal government.¹

1. THE BASICS OF FEDERALISM AND INTERGOVERNMENTAL RELATIONS

We begin by explaining IGR and federalism and identifying their similarities and differences. This section also includes observations on the evolving nature of federalism over the years, raises the question of whether there is one "correct" interpretation of federalism, as some people argue, and offers observations on the problems with viewing the federal government as a governmental, administrative, and political monolith.

Comparing Federalism and IGR: A Legal and Constitutional Relationship versus Day-to-Day Interactions

When the American Founding Fathers met in Philadelphia in the summer of 1787 to revise the previously adopted Articles of Confederation, one of their challenges was to give more authority to the national government while continuing to allow the states extensive control over their own affairs. Although they did not purposely intend to create a new form of government, the solution they devised was, in fact, a new form and one of America's contributions to governance. They initially called this new form a "confederal" system because they saw it as a variation of the system under the Articles of Confederation, but it soon became known as *federalism*.

In a federal system, legal sovereignty—the ultimate power to make laws and thus public policies—is divided between the national government (often referred to as the federal government) and several constituent governments, those that together comprise the nation as a whole (usually referred to as states or provinces). Theoretically, each level of government has its own sphere of authority. Federal systems, such as those in the United States, Australia, and Germany, are contrasted with unitary political systems in which legal sovereignty is held by the central government, as in France, Norway, and New Zealand.

The formal provisions of federalism are typically set out in a national constitution and generally do not include provisions for local government. This is the case in the U.S. Constitution. As a result, each state determines the form of local government and the authority these governments will exercise. Local governments are, however, part of IGR.

Since 1787 the constitutional-legal relationships that form American federalism have led to many political consequences. These legal and political developments shaped not only federal-state relations, but also the relations of the states with other governments, including local governments and the governments of other states.² Besides the states and the federal government, according to the U.S. Census Bureau, there were 89,004 local governments of various types across the nation in 2012.³ There are also interstate compacts and regional governmental arrangements as well as organizations bringing together the states and local governments for a variety of purposes. For this reason, the most informative way to view federal-state relations is as part of the comprehensive and dynamic perspective of intergovernmental relations. IGR embraces both the legal and political ongoing relationships of various levels and types of governments. The day-to-day interactions of a state government like Alaska's may include those with other states, local governments, Native governments, unofficially with foreign governments, as well as with the federal government. Plus, the federal government has direct relations with Alaska's local and Native governments that do not involve state government.

While IGR is based primarily on legal relationships and involves much intergovernmental cooperation, it also produces many conflicts. The origin and development of these conflicts have much to do with the political development of federalism.

The Legal and Political Odyssey of American Federalism

The relationship between the federal government and the states, particularly regarding legal jurisdiction, has been a source of continuing and often heated debate since 1787. This is because conflict between the national and constituent governments is inherent in a federal system. The root of the conflict and the continual debate regarding federalism lies in a combination of factors. One is that the general way the federal-state relationship is set out in the U.S. Constitution (mainly in Article 1, Section 8, and in the Tenth Amendment) makes the relationship subject to various legal interpretations. A second is the varying views of the role of government among segments of American society. A third factor is that, particularly in the twentieth century, there was a substantial increase in federal authority resulting from wars, economic crises (like the New Deal response to the Great Depression in the 1930s), the promotion of civil and minority rights, as well as programs to enhance economic and personal welfare (such as Social Security and Medicare for senior citizens, and Medicaid for those with low incomes), and environmental protection, among other increases in federal authority. The upshot of this combination of developments has been increased conflict between the federal government and the states.

Is There One Definitive and “Correct” Federal-State Relationship?

A repeated theme of Republican Dan Sullivan’s successful bid to unseat Alaska’s Democratic U.S. Senator Mark Begich in the November 2014 election was that there was far too much “federal overreach” in Alaska. This buzz phrase has become the rallying cry of those who oppose what they see as increasing and unwarranted federal interference in the business of the states. Concern about federal overreach is an important part of the Tea Party movement that emerged across the country after the 2008 elections, and is shared by many right-wing Republicans and some libertarians. This overreach is considered so serious by many Alaska politicians that in 2015 the Republican-dominated state senate passed a resolution to establish a committee to look into this issue as they perceived it. The resolution also requested the governor to set up a working group to consider establishing a permanent state office or authority to protect state sovereignty.

Many supporters of this perspective argue that America should return to the original intentions of the Founding Fathers regarding the Constitution in general, and federalism in particular. This contention assumes that the founders’ intentions regarding federalism can be precisely determined. Yet it is very unclear, indeed very much in dispute, exactly what America’s founders envisioned. They even disagreed among themselves, as epitomized in the classic clash between Alexander Hamilton and Thomas Jefferson. Hamilton favored the prominence of the national government and Jefferson that of the states, though Jefferson became rather Hamiltonian in his views after he became president. Historians and others have written thousands of pages about this dispute over the “correct” interpretation of the Constitution with no generally accepted definitive conclusion.

Even if the founders’ intentions could be definitively determined, it is worth contemplating the following question: Would the federal-state relationship of 1787 in a country of fewer than four million people (about 20 percent of whom were slaves or indentured servants) and with only thirteen states, be appropriate today, well over two hundred years later, in a country of nearly 320 million people and fifty states in a vastly changed world, where nuclear weapons have replaced muskets, multinational corporations have supplanted the single merchant, and minority groups of all types are more or less fully enfranchised?

The debate about the “correct” federal-state relationship raises many questions, but none of them can be answered definitively. The often heated clashes of values and ideology regarding what is the proper role of government are largely the result of differences between what various people, groups, and interests see as their own respective economic, legal, and political gains and losses from various forms of federal-state relations.

From a practical perspective, at any one time political power determines the relationship. Who is in power in Washington, D.C., including the political complexion of the U.S. Supreme Court, is a major determining factor. Plus, the enormous financial resources

of the federal government and the importance of federal funds and intergovernmental transfers to all fifty states give the federal government major political leverage in the relationship. These dynamics give rise to the politics of fiscal federalism—broadly defined as the politics surrounding federal intergovernmental transfer payments.

To put things in perspective, over the years both federal and state authority has increased considerably from the laissez faire days of nineteenth century America to the proactive governments following the New Deal. Relatively, however, federal authority has increased more than that of the states. This increase has intensified the conflict in federal-state relations and has directly and indirectly affected the broader nexus of IGR. This has certainly been the case in Alaska.

The Federal Government Is Not a Governmental and Political Monolith

A final introductory point that is useful to bear in mind is that, like Alaska state government, and indeed all levels of governments in a democracy, the federal government is not a political, governmental, and administrative monolith united in its actions and policies—far from it. This is not the impression one might get from many Alaskans and their politicians who often refer to “the federal government” (whether in praise or in criticism) as if it spoke with one voice.

A much more realistic and accurate understanding of Alaska-federal relations is gained by realizing that, while on occasion the federal government can act in a united and forceful fashion, it is often divided within itself. The many departments, agencies, and divisions within the federal government are often in conflict among themselves over policies. One department, agency, or elected or appointed federal official may favor a policy while others oppose it. A state that wants to succeed in reaping benefits from the federal government realizes this and exploits these divisions to its advantage whenever possible.

2. ALASKA’S CONTEMPORARY IGR: INFLUENCES ON THE SYSTEM

Turning to the specifics of Alaska’s IGR system, the following six factors have been particularly important in determining both its formal structure and its political interactions: (1) constitutional and legal provisions, (2) a pervasive federal presence, (3) other external political and economic forces, (4) the fusion of elements of Alaska political culture with aspects of its political rhetoric, (5) Alaska’s revenue bonanza, and (6) the role of Alaska Natives.

Federal and State Constitutional and Legal Provisions

Of particular note in the U.S. Constitution is the so-called Supremacy Clause contained in Article VI, Section 2. This provides that the constitution, statutes, and treaties of

the U.S. government are the “supreme law of the land.” So long as the federal provisions are within the authority of the federal government to adopt, they will take precedence over state laws that are in conflict with them.

Also noteworthy, for purposes of IGR, is Article I, Section 8, which gives the federal government sole authority to deal with “Indian Tribes.” Section 10 of that article prohibits the states from making treaties with foreign countries but allows them to make compacts with other states with approval of Congress. Article IV, Section 1, provides that each state shall give “full faith and credit” to the laws and judicial proceedings of other states, and Section 2 of that article, the Privileges and Immunities Clause, requires each state to treat citizens of other states on an equal basis with its own residents.

The most important provision of the Alaska Constitution regarding IGR is Article X, which establishes Alaska’s local government system. Alaska statutes set out provisions for local government in Title 29.

Judicial interpretations of these constitutional provisions have also shaped Alaska’s IGR. A notable decision affecting the state’s relationship with Alaska Natives was the U.S. Supreme Court decision in *Alaska v. Native Village of Venetie Tribal Government*, which denied the existence of Indian Country in Alaska and Native sovereignty over land.⁴ Similarly, the Alaska Supreme Court has determined in several cases whether a state statute takes precedence over a local ordinance. Federal and state statutes also fill in the details of these constitutional provisions. Several federal laws affect federal-Alaska Native and state-Native relations.

A Pervasive Federal Presence

Federal influence in shaping Alaska’s IGR is based on four major factors. First, the federal government is a major landholder, with about 55 percent under its ownership, and it controls what happens on this land in terms of activities and development.⁵ Second, the federal government is a major regulator of a range of activities from rules relating to environmental protection to those regarding access to government buildings by the disabled. Third, federal relations with Alaska Natives have a major effect on Alaska’s IGR system.

Fourth, federal influence on IGR also comes from its major economic impact. As Chapter 6 on the Alaska economy explains, part of this comes from its presence as an employer in the state. The federal government’s role in fiscal federalism is also significant. As Chapter 8 explains in the context of state revenues, the federal government is a major source of state general funds. Some federal monies also go directly to local governments, to Native governments, and to nonprofit organizations.

Other External Political and Economic Forces

Besides the federal government, other external forces influence the politics of Alaska’s IGR. American public opinion, often manifested through the national media and national

interest groups (particularly environmental groups like the Sierra Club), shapes national policy, which often places constraints on Alaska's use of resources. Federal designation of the Arctic National Wildlife Refuge (ANWR) as off limits to oil development is an example of a federal policy spurred by national public opinion. Such constraints limit state revenues, as well as sometimes limiting state and local government policy, particularly regarding economic development. This situation exacerbates state-federal conflicts.

More indirectly, the decisions of multinational companies—particularly those in oil and mining—to operate in Alaska and the extent to which they wish to operate, plus the world price of natural resources, over which Alaska has no control, crucially affect state revenues and thus the all-important element of funding for the IGR system. Colonialism may no longer exist as it relates to Alaska, but the financial dependence of Alaska on external capital and business decisions made in capitals far away means that its political options, and thus the effectiveness of its IGR system, are not always determined in Alaska or even in the United States.

The Fusion of Elements of Alaska Political Culture with Aspects of Its Political Rhetoric

As noted in Chapter 5, Alaska's political culture is complex. It manifests elements of communalism and traditionalism, but mainly individualism, often expressed in fiscal conservatism and sometimes in libertarianism. These attitudes exist within the reality of a political economy long shaped by economic dependence on out-of-state businesses and on federal and state government. This clash between values and reality has been reconciled, to some degree, by a strong strain of political pragmatism. In this regard, Alaska reflects the political cultural paradox common in many western states, which touts individualism and self-help while, out of necessity, living off the largesse of government.⁶ Hence, Chapter 5 describes Alaska's political culture as manifesting pragmatic dependent individualism.

Among some Alaskans and some Alaska politicians, dependence and the constraints that often accompany it generate a populist perception of Alaskans as underdogs (in some cases even victims), particularly regarding the federal government and national and international forces. Some other Alaskans are either unaware of the paradox between dependence and individualism, or they simply deny any need for government or any dependence on it. In combination, these feelings often result in a political rhetoric that manifests these myths and contradictions and is sometimes translated into political action and policy. Examples of the fusion of elements of these traits of culture and political rhetoric and their effect on Alaska's IGR are considered later in this chapter.

Alaska's Revenue Bonanza

The unprecedented state revenues from oil and gas production in the ten years following the opening of the trans-Alaska pipeline system (TAPS) in 1977 enabled the state

government to bankroll local governments in significant amounts, including funding for numerous capital projects and providing much of their operating funds. This high level of funding was not directed just to rural-bush governments. Urban governments also received large sums from the state through direct appropriations and programs such as municipal revenue sharing. As a result, local communities had less need to tax their residents and, in many cases, even reduced property and other taxes. But beginning with the drop in oil revenues in 1986 and continuing with their subsequent fluctuations, the state drastically cut its financial assistance to municipalities. These cuts have significantly affected the politics of state-local IGR.

The Influence of Alaska Natives

The significant role of Alaska Natives in Alaska politics is covered in Chapter 9. Here we summarize their influence on Alaska's IGR.

Historically, the Native influence stems partly from the fact that agriculture is not possible on the bulk of Alaska lands. Consequently, there was no reason to remove Natives so that white settlers could farm the land, as was the case in many other states. In addition, by the time Alaska was colonized, a period of atonement toward Native Americans was underway in the United States. This explains why the reservation system never took root in Alaska. As a result, many Alaska Natives still live where they have always lived in rural-bush areas.

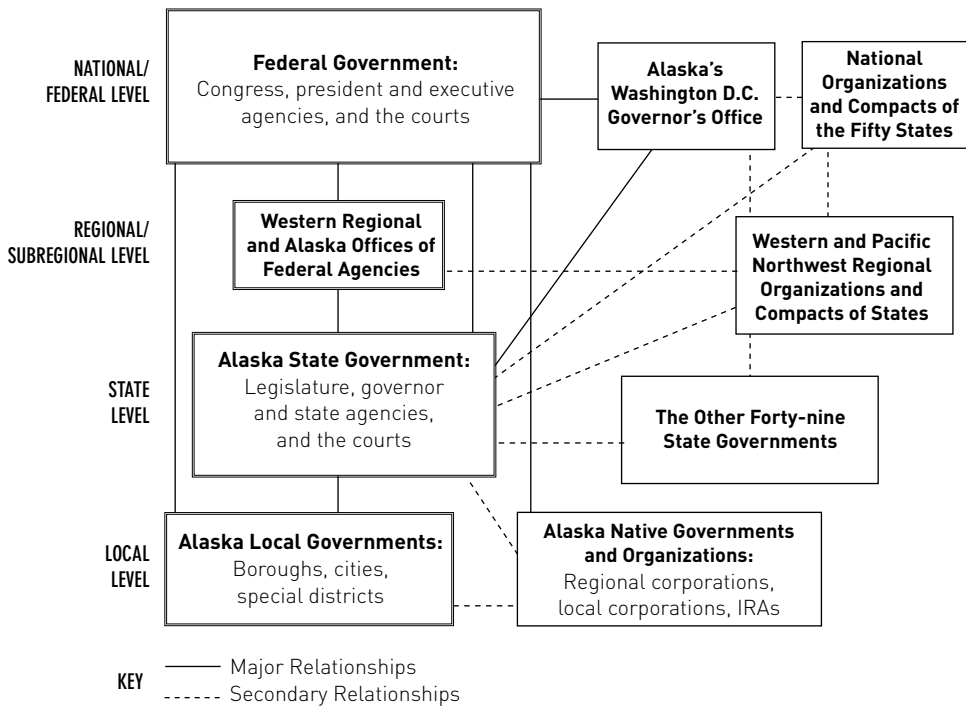
This means that Alaska's demographics set it apart from the other forty-nine states. While the rural population in all other states is predominantly white and nonindigenous, over half the population of rural-bush Alaska in 2010 were Alaska Natives.⁷ About half the state's 250 communities are Native communities. All these Native communities are located in rural-bush areas, and most are entirely Alaska Native in population, including the bulk of the state's 112 second-class cities.

In addition, there is a parallel Native local government system under federal law stemming from the Native community's relationship with the national government, plus a range of for-profit and nonprofit organizations at both the regional and local (village) level that have an impact on Alaska's IGR system. Most important is the right of tribes to adopt constitutions for self-government and to set up corporations under federal law to aid in tribal economic development. The nonprofit Native associations provide many services, particularly various types of social programs, and both the State of Alaska and the federal government interact with these organizations in several ways.

In combination, these factors mean that the Alaska Native community is a significant participant in the state's IGR system.

FIGURE 10.1

Alaska and the Nexus of Intergovernmental Relations



Source: Developed by the authors.

3. ALASKA'S CONTEMPORARY IGR: THE STRUCTURE AND INTERACTIONS OF A MULTIFACETED SYSTEM

The influences just considered produce a particular structure of Alaska's IGR system with some unique features compared with other states. Because of the existence of Alaska Native governments within the state that are not on federal reservations, Alaska has a dual IGR system, one of federal-state-local relations and one of relations of the federal, state, and local governments with Native governments. In particular, it is the relations between the state and its local governments with Native governments that give Alaska's IGR system its dual characteristic.

The nexus of Alaska's current formal interaction with various governments is set out in Figure 10.1. This shows that there are four levels of interaction in Alaska's IGR activities: federal, state, local, and regional. Various aspects of the web of IGR are explained in detail in this chapter and in other chapters.⁸ To provide a holistic perspective, however, we supplement Figure 10.1 with a brief explanation of the various levels of Alaska's IGR system in Box 10.1.

Types and Levels of Alaska's Intergovernmental Relations (IGR)

FEDERAL, STATE, AND LOCAL GOVERNMENT IGR

Federal-State Relations

These interactions revolve around federal funds flowing into the state; federal agency operations in Alaska, such as the U.S. Forest Service; enforcement of federal regulations, such as air and water quality; and disputes over federal versus state sovereignty and rights, such as over subsistence. Alaska presses its cause with the federal government through its congressional delegation, the governor's office in Washington, D.C., and visits by state officials. Despite the emphasis on conflict, often stressed in the media, and anti-federal rhetoric of many Alaska politicians, the major aspect of federal-state relations is cooperation.

Federal-Local Relations

Since the 1960s, direct IGR between the federal government and Alaska local governments has been increasing. Again, the major connection is funding. For instance, some Community Development Block Grants from the U.S. Department of Housing and Urban Development go directly to local governments, as do some Federal Aviation Administration funds for airports, and Department of Transportation funds for local public transport, such as purchasing new buses. Many local governments, particularly the larger ones, like Anchorage, Fairbanks, and Juneau, lobby for funds and other benefits in Washington, D.C.

State-Local Relations

This relationship also mainly revolves around money, particularly funding of local government services and local capital projects by the state. Local governments are among the most prominent and successful lobbying forces in Juneau aided by their legislators. The state-local IGR relationship is covered extensively in Chapter 18.

Local Government Relations with Other Local Governments

Local governments interact in several ways that, for the most part, involve cooperation. Cities within a borough, such as Homer and Seward within the

Kenai Peninsula Borough, work together to share some services and to prevent duplication and unnecessary costs. Adjacent local governments, like the cities of Fairbanks and North Pole within the Fairbanks North Star Borough, also often work together for similar reasons. Local governments interact in a major way through their state organization, the Alaska Municipal League (AML). This interaction occurs through AML's annual conference and other AML programs throughout the year. AML also lobbies on behalf of local government on general issues.

Sometimes, however, local governments differ over issues. This often occurs at AML meetings over policies that benefit some local governments and not others, as in the case of school funding. Also, local governments sometimes conflict over territorial jurisdiction issues. This occurred, for instance, between the Juneau and proposed Petersburg boroughs in 2011 and 2012 regarding annexing land in the Unorganized Borough (the part of the state with no organized local government).

FEDERAL, STATE, LOCAL IGR WITH ALASKA NATIVE GOVERNMENTS AND QUASI-GOVERNMENTS

This aspect of IGR is covered in Chapter 9 on Alaska Natives. In outline the main characteristics are as follows.

Federal-Native Government Relations

The federal government's responsibility for dealing with Indian tribes means that its role is the major aspect of IGR involving Alaska's Native communities. Although the reservation system is minimal in Alaska and the federal government has attempted to reduce its role with Alaska Natives since the Alaska Native Claims Settlement Act (ANCSA) of 1971, the federal government still provides major funding for many Alaska Native programs, including the Indian Health Service. And various Native organizations from the Alaska Federation of Natives (AFN) to regional and village corporations lobby the federal government in Alaska and in Washington, D.C.

State-Native Government Relations

Although the state has never recognized Native sovereignty, it has long worked with Native tribal governments to help fund services, especially where there is no state local government unit. The Alaska Court System and the Department of Public Safety, for instance, have long histories of cooperating with Native governments on legal and law enforcement jurisdictional issues.

Local Government-Native Government IGR

Tribal governments, Native village corporations, and Native regional nonprofit organizations, often overlap geographically with cities incorporated under state law. This is the case, for example, in Bethel in Southwest Alaska and Barrow on the North Slope. For efficiency purposes this necessitates cooperation between Native organizations and local government units, and such cooperation is common.

STATE IGR WITH OTHER STATES AND GOVERNMENTAL ORGANIZATIONS

Alaska State Government Relations with Individual States

Alaska's one-on-one IGR with individual states can occur through the auspices of the federal government or directly. An example of the former is through the North Pacific Fishery Management Council (NPFMC) in dealing with Oregon and Washington State. NPFMC is the federal advisory panel that manages fisheries in the federal Exclusive Economic Zone (EEZ) from three to two hundred miles offshore, whose membership also includes these other two northwestern states. Examples of

the second type of interaction include the return of fugitives and arrangements for exempting another state's residents from state sales tax, such as Washington State allows for Alaskans.

Alaska's Membership in State Compacts

These are agreements between the states to facilitate cooperation in areas of policy implementation and other activities that are advantageous to the member states.

Alaska belongs to several compacts. At the national level these include the Driver License Compact, the Interstate Civil Defense and Disaster Compact, and the Multistate Tax Compact. Regionally, Alaska is also a member of several compacts, including the Western Interstate Corrections Compact, the Western Interstate Nuclear Compact, and the Western Regional Higher Education Compact.

Membership in National and Regional Governmental Organizations

Like all states, Alaska, its three branches of government, and various state officials are members of a range of organizations that facilitate the exchange of ideas and often act as an advocacy group with the federal government and sometimes with foreign governments. These organizations include the Council of State Governments (CSG) and its regional office, the Western Council of State Governments, the National and Western Governors Associations (NGA and WGA), the National Conference of State Legislatures (NCSL), the National Center for State Courts (NCSC), and the National Association of State Budget Officers (NASBO).

Source: Developed by the authors.

Alaska's informal interactions with foreign governments are also part of the political aspects of IGR, as is the case in all states. This aspect of Alaska's IGR, however, is not included in Figure 10.1 and Box 10.1 because states cannot have formal diplomatic relations with foreign government such as Canada or Japan. However, the wide-ranging aspects of Alaska's informal interactions with foreign governments both under federal auspices and on its own are considered in Chapter 11 on Alaska and the world.

4. THE EVOLUTION OF THE STRUCTURE AND POLITICS OF ALASKA'S IGR

Even though the United States purchased Alaska from Russia in 1867, Alaska's IGR did not begin in a practical way until the creation of the Territory of Alaska in 1912. This is because from 1867 to 1912 there was no government for the vast region as a whole. Although there were local governments during this period, Alaska was run by various agencies of the federal government. Territorial status brought a Territorial legislature and a nonvoting member of Congress. It also established rules for local government, most notably the prohibition against the establishment of counties. This was the result of the influence of powerful economic interests, especially the fishing and mining companies, who feared the imposition of taxes and other interference by county governments.

The Territorial Period—1912–1959

The federal government was dominant in the IGR relationship during the Territorial period. Dominance was assured by the U.S. president's authority to appoint the governor of the Territory, by the authority of Congress to veto acts of the Territorial legislature, and by the absence of a Territorial judiciary—all courts were federal courts. The fishing and mining industries with major operations in Alaska exerted considerable influence in Congress and worked to prevent the Territorial legislature from having control over the management of fish and game and the management and settlement of Alaska lands.⁹ The federal government did contribute to the Territory's development, such as by constructing the Alaska Railroad between 1914 and 1923. However, the Territorial period was marked by a feeling of colonial status on the part of many Alaskans. This feeling ultimately led to the move for statehood.

During the Territorial years, two acts of Congress were particularly important in shaping Territorial-federal relations. Both continue to have important effects on IGR today. One was the Jones Act (formally the Merchant Marine Act) of 1920, which requires that goods shipped between U.S. ports must be transported in U.S.-built vessels with U.S. crews. The higher cost of building a vessel in the United States and the higher wage rates for U.S. crews compared with many other countries increases the cost of transporting goods to and from Alaska. The other act was the Indian Reorganization Act (IRA) of 1934, with particular Alaska provisions added in 1936, which established rules for recognizing tribes, strengthening tribal government, aiding tribal business activities, Native control over lands, and eligibility to receive federal aid.¹⁰

The expansion of the population as a result of Alaska's strategic importance in World War II fueled the statehood movement. Many Alaskans were frustrated by the constraints on their self-government, their lack of control of Alaska's land and its resources and their inability to combat the powerful Outside interests, primarily those of fishing and mining,

which had a huge influence on Alaska's political and economic life at the time. The successful drive for statehood, incorporated in the Alaska Statehood Act signed by President Eisenhower in July 1958, changed Alaska's IGR power relationship with the federal government in Alaska's favor in many ways. The new Alaska Constitution, which played a large part in securing statehood, set the pattern for the state-local IGR relationship.

The First Twenty-Five Years of Statehood

In the formative years of statehood, from 1959 to the mid-1980s, Alaska's IGR developed particular administrative and political characteristics. Together with the Statehood Act, the Alaska Native Claims Settlement Act (ANCSA) of 1971 (and its subsequent amendments), and the Alaska National Interest Lands Conservation Act (ANILCA) of 1980, were landmark events. The latter two marked a major change in federal-state relations in Alaska.

The provisions of ANCSA established for-profit regional corporations and village corporations and helped solidify the regional nonprofit associations, many of which had existed in some form before 1971. ANCSA was particularly instrumental in influencing Alaska's present dual IGR system involving Native governments.¹¹ ANILCA, which placed more than one hundred million acres of federal lands into national forests, parks, and wildlife refuges, was the manifestation in Alaska of a broader change in federal-state relations. This change was particularly evident in the western states and reflected a power shift in Washington, D.C., with the rise of the environmental movement. As John Katz, for many years the head of the Alaska governor's office in Washington, D.C., comments in Chapter 2, western lands were no longer to be used for economic development alone.¹² There was a strong reaction to this changing use of lands in the West, including in Alaska.¹³

The negotiations on ANILCA and its eventual passage and other actions, such as the U.S. Supreme Court striking down an early version of the Permanent Fund Dividend (PFD) program that gave more money to longer-term residents, together with a general antipathy to federal authority among many Alaskans and politicians, fueled anti-federal sentiment in these years. The state government tried unsuccessfully to block federal legislation to place over a quarter of Alaska's land area off-limits to development. These provisions, found in section 17(d)(2) of ANCSA (often referred to as "d2 lands"), were implemented through ANILCA. An extreme—political fringe—response to these various federal actions, but nevertheless representing a highly publicized manifestation of this federal antipathy, was from the Alaska Independence Party (AIP). The AIP had most of its support in Interior Alaska and at various times advocated Alaskan independence from the United States.

Two mainstream political expressions of concern among Alaskans about federal authority occurred in 1980 and 1982. In 1980 the voters narrowly passed, by 51 to 49

percent, a ballot measure (in this case, an advisory vote) asking the legislature to set up a statehood commission to reconsider Alaska's relationship with the federal government.¹⁴ Then in 1982 the so-called Tundra Rebellion initiative appeared on the ballot. This was Alaska's version of the Sagebrush Rebellion that was sweeping the American West in these years. Alaska's initiative, which passed overwhelmingly by 73 to 27 percent, claimed much of the federal land remaining in the state for Alaska.¹⁵ The statehood commission met and produced a report, but nothing came of it because, like the Tundra Rebellion initiative, it ran afoul of the U.S. Constitution and federal laws.¹⁶ These actions, as with many before and since, were symbolic expressions of the frustration of many Alaskans with federal actions. The federal government largely ignored them, and their effect on federal actions was close to zero.

While many Alaskans and several of their politicians, including members of the state's congressional delegation and Joe Vogler, the leader of the AIP, were soldiers in the battle against the federal government, none was more vocal, tenacious, and combative than Walter J. (Wally) Hickel. He took on this role despite, or perhaps because of, being appointed Secretary of the Interior by Richard Nixon from 1969 until Hickel's resignation in November 1970. From his first term as governor (1966–1969) when he unsuccessfully fought the federal government to get an exemption from the Jones Act for the Wickersham, a foreign-built ferry bought by the Alaska Ferry System, to his fight against the federally-mandated rural preference for subsistence hunting and fishing in his second term (1990–1994), he was a gladiator. It was a David in a battle with Goliath. He nonetheless fought to secure what he considered to be the federal promise to Alaska at statehood.¹⁷ In this case, however, Goliath won.

Hickel's deep belief in federal injustice toward Alaska led him to help establish both Commonwealth North and the Institute of the North, organizations to explore and promote Alaska solutions to problems and his idea of Alaska as an Owner State with its ownership of vast land and resources. In 1990 Commonwealth North published a book with the unambiguous title *Going Up in Flames: The Promises and Pledges of Alaska Statehood Under Attack*.¹⁸ Even as late as 2009, within a year of his death in May 2010, Hickel contributed a piece to the *Anchorage Daily News* headlined, "Feds have Abused Their Compact with Alaska."¹⁹ Even though he used the AIP party label to get elected to a second term as governor in 1990 (after he was defeated in the Republican primary), Hickel never pursued independence. Clearly, he wanted to work out an Alaska solution with the state remaining part of the United States.

Meanwhile, over the twenty-five years following statehood federal funds continued to flow into the state in various forms and in increasing amounts, in large part because of the increasing influence of Alaska's senior U.S. senator, Ted Stevens. And the twenty-fifth

anniversary of statehood in 1984 was marked by negotiations to transfer the Alaska Railroad from federal to state ownership. The transfer occurred the following year.

From the Mid-1980s to 2015

The period since the twenty-fifth anniversary of statehood has been marked by three major issue areas in federal-state IGR: the legal and political aspects of federal monies coming to Alaska and the two often related issue areas of federal regulations and land and natural resources management. These issue areas have involved both cooperation and conflict, and most of the specific issues within these areas can be traced to the formative developments in IGR following statehood.

Federal monies coming to Alaska are of various types, including direct payments to individuals in the form of salaries to federal employees and programs like Social Security, payments that go through the state for programs like Medicaid and a host of other services, direct payments to local governments, and funding and payments to Native corporations and other organizations. Whether one type of federal payment is considered by itself or whether total federal funds coming to the state overall are included, Alaska has ranked in the top five, and often as number one, from statehood to the present, among the fifty states in the amount of federal funds received on a per capita basis. Together with oil, the federal government is one of two major economic drivers of the Alaska economy. To put no finer point on it, Alaska is more dependent on federal funds than the vast majority of states, and it would be a much different place without these funds.²⁰ Even a small reduction can have serious effects on the state's economy. In fact, given the major expansion in programs of all types and the increase in federal funds to help finance them, Alaska was more dependent on federal funds in 2016 than it was at the time of statehood in 1959.

In regard to state-federal relations on particular policies and their administration, as with the majority of aspects of IGR, there has been extensive cooperation, though the state and federal government working in harmony gets little publicity. In part, this state-federal cooperation occurs because many programs, like Medicaid, those for disadvantaged children, as well as many transportation projects, require a state match of federal funds, and the state willingly goes along to receive the major federal contributions. Plus, the federal government protects Alaska's interests in fishing disputes with Canada and Japan and works with it on Arctic issues.

Some issues, however, particularly those regarding developers versus environmentalists (land use, oil and gas and mining development, air quality, protection of endangered species, among others) and involving Alaska Natives (especially subsistence), have been high-profile conflicts. The state won a major victory in the federal courts in the *Venetie* case, which denied the existence of "Indian Country" for most of Alaska and which was not received positively by many segments of the Native population. Perhaps the two

major issues in recent years that produced the most antagonism between many Alaskans and the federal government have been failure to open ANWR to oil and gas exploration and failure to resolve the subsistence issue.²¹

Other Developments in IGR since Statehood

Since statehood, there have been other developments in Alaska's IGR besides that with the federal government. Three are particularly noteworthy.

State-local relations have been affected by the slow development of the local government system as envisaged by Alaska's founders (see Chapter 18) and by the oil bonanza. Much of the state is still not organized into local governments, and the state has provided much of the funding for many local governments, though this funding has been considerably reduced since the crash in oil prices in 1986. The second is state relations with other states through the development of one-on-one relationships and state compacts and cooperation with other states through federal auspices like the North Pacific Fisheries Management Council. The third development is state-Native government and local government–Native government relations. Besides the *Venetie* case, these relations have primarily been shaped by ANCSA, the battle over subsistence, and the changing influence of Native politicians that reached its high point in the 1980s and early 1990s.

5. PERSPECTIVES ON THE ALASKA–FEDERAL RELATIONSHIP

While much media coverage of the Alaska federal-state relationship is balanced, and not all politicians vocalize anti-federal sentiments, over the years there has been more emphasis on what we might call the Hickel anti-federal sentiment than on the benefits the federal government provides to Alaska. As former Governor Knowles aptly put it regarding Alaska politicians: "You'll never lose a vote by beating up on the feds."²² In this section we offer three perspectives on the Alaska-federal relationship. The first is from Alaskans; the second comes from Washington, D.C., and the rest of the nation; and the third is a realistic and practical perspective.

Alaska Perspectives

Some Alaskans very likely understand little or simply do not care about the role of the federal government in their state. This is probably because the federal government does not appear to affect them directly or because they avoid politics and those involved in it. Of those Alaskans and their politicians who are concerned or closely affected by state-federal IGR, the views run the gamut from the former AIP position of seeking Alaska independence to those who see a very positive and indispensable role for Washington, D.C. These attitudes result from a complex set of factors, including ideology and political culture,

perceived economic and political gains and losses, particular events, and, in the case of state executive officials, current administration policy. Here we identify five perspectives, but emphasize that they are not mutually exclusive. Different organizations, groups, constituencies, and individuals may, at various times, express one or more perspectives.

First, there are some Alaskans who believe they have suffered from past federal policies and some who see federal actions as detrimental to them today. The point is not whether their concerns are justified. What is important is that they believe them to be so. It is not difficult to show that federal actions have been detrimental to them, at least in some way. These groups may not be totally anti-federal, but simply have what they see as legitimate concerns—concerns that are not so different from those that fueled the drive for statehood. More specifically, for many years and in some quarters today, Alaska Natives have seen themselves suffering at federal hands. For instance, Julie Kitka, president of the Alaska Federation of Natives at various times, characterized the historical role of the federal government as a “take it or leave it type approach or it has been that the federal policy makers make the decisions and the communities are just the recipients.”²³ Another group with such concerns is made up of those who want to develop the state, such as the late Governor Hickel, but are constrained by the federal government and who believe they may have fewer employment and other economic opportunities because of it.

Some of this feeling likely comes from the nature of the three broad types of public policies that the federal government develops and administers. These are explained in Chapter 3 as distributive, redistributive, and regulatory policies. Distributive policies, many of which are entitlement programs, such as Social Security and Medicare, raise little ire and are generally favorably viewed by Alaskans. Not so with the other two types of policies. Redistributive policies, like those related to giving rural residents (in reality Native Alaskans) priority over fish and game in times of shortage, irk many Alaskans, as do the many regulatory policies regarding the use of land and environmental protection.

The second perspective is shown by actions taken by the State of Alaska, as represented by the governor and his or her administration. One role that Alaska governors have taken on is that of “Defender of Alaska” against hostile Outside interests, and the federal government is often seen as being one of them. Consequently, over the years the state has taken the federal government to task, and sometimes even to court, on a range of issues, including the opening of ANWR, the Endangered Species Act, subsistence hunting and fishing, and jurisdiction over Little Diomedede Island in the Bering Strait. Sometimes state actions are driven by technical and nonpartisan concerns, as with state Senator Bill Wielechowski’s “Real ID” bill to prevent implementation of a federal I.D. system in Alaska (see Chapter 3, Box 3.5). At other times partisanship and ideology appear to be the primary motivators, as in Governor Palin’s rejection of federal stimulus funds in 2009 and Governor Parnell’s opposition to the Obama health care plan following its enactment in 2010.

The third perspective relates to an aspect of Alaska's political culture that is common among many Alaskans—an attitude toward Washington, D.C., that ranges from skepticism to negativism to downright hostility. In recent years “federal overreach” has become a catchphrase for those sharing this perspective. Sometimes this perspective has a rational basis, such as genuine disagreement with the federal government over a particular animal being placed on the endangered species list or restrictions on logging in the Tongass National Forest. But the claim of federal overreach can also be riddled with contradictions and emotions. Many Alaskans who share this perspective, and often the most vocal among them, have limited or selective knowledge on the issue at hand or are simply misinformed about the role of the federal government as it relates to the issue. The past AIP platform urging Alaska to secede from the Union is an extreme example.

A fourth perspective is that of Alaska's politicians. Since politicians often reflect the views of their constituents, it is not surprising that many politicians also have, or at least express, a negative attitude toward the federal government. Even though these politicians may realize the value of the federal government, they see political hay to be made out of federal bashing. Over the years, federal bashing has come from a wide range of politicians from both political parties, including the state's congressional delegation as well as governors, state legislators, and local government officials. The contradiction in this anti-federal attitude among both the public and their politicians is epitomized in the headline of an opinion piece by Julia O'Malley in the *Anchorage Daily News*: “Feds we loath you, please send money.”²⁴ This sentiment, described in Chapter 2 as the western political paradox, is a common feature of attitudes in the American West, particularly in the Mountain states. In Alaska, at least, this attitude is not confined to the federal government. It is part of Alaska's populist side and extends to just about any Outside group—the Seattle fishing industry, big oil, national environmental groups, among other forces. Whether in fact or fiction, these groups are seen as having an undue influence on Alaska's affairs and as holding a different set of values from the people who live in “the great land.”²⁵

The fifth perspective is that of those who see the value of federal action in Alaska because they personally benefit economically or politically, or they see the broader benefits to Alaska and its citizens. Those who hold this perspective overall may also, on occasion, take action because of what they see as intrusive or uninformed federal policies or for other reasons, such as the case of Senator Wielechowski and his legislation barring the expenditure of state funds to implement the federal Real ID law, even though his actions generally have indicated that he sees the value of the federal government. Those who hold this generally positive perspective range from federal employees to many segments of the Native community to those who want to put some controls on development in the state, particularly the Alaska environmental community. The strength of environmentalists in Alaska comes largely from federal laws and actions and from public support in the rest

of the nation and around the world, though there are certainly active, if relatively small, environmental groups within Alaska.

The Perspective from Washington, D.C., and the Nation

As in the case of Alaska's view of the federal government, there is no one perspective on Alaska from Washington, D.C., or among the states, organizations, and constituencies in the rest of the nation. These perspectives are diverse and vary from time to time on particular issues and in response to the positions taken by Alaska's state government and its political constituencies. Nevertheless, there are several reasons why Alaska's perspectives on issues and policies often meet with resistance from Outside forces.

First, the federal government, its branches, and myriad agencies, is the government for the entire nation and its territories. The national government has an obligation to uphold the U.S. Constitution and federal laws and to enforce those laws. Consequently, theoretically and in practice, it has to take a broad view in policy making and not just champion the cause of one state. This broad view produces potential clashes with the states. For example, possession and sale of marijuana is illegal under federal law, yet as of 2015 Colorado, Washington State, Oregon and Alaska have state laws making possession and sale legal in their states. At the same time, for a host of programs, from Medicaid to road construction, the federal government allows the states, including Alaska, the flexibility to fine tune the way they deliver these programs. It is certainly true that the federal government has made mistakes in applying laws and regulations to Alaska and that there will always be insensitive and inflexible federal government officials. However, the charge that the federal government "does not understand Alaska" and that the state is a "victim" of federal shortcomings, is much less accurate than many anti-federal elements in Alaska might believe.

A second Outside perspective, often at odds with prevalent Alaska perspectives, has to do with the view that surrounds Alaska in the minds of many Americans—that of the Last Frontier. From this perspective, Alaska is a special, even somewhat exotic and mystical, place that many would like to visit some day. Much of this mystique results from an idealized view of Alaska, but nevertheless it often translates into federal policies that many Alaskans find objectionable, in part because they simply disagree with them and in part because they undermine Alaskans' control over their own state. These external attitudes tend to favor the preservation of the state's natural resources, such as the outcry over the systematic killing of wolves during 1993–1994 under the second Hickel administration, and the long and unsuccessful fight to open ANWR. However, as a major landholder and with control over most of the oceans surrounding the state and with national policies to protect endangered species, the federal government is asserting its rights as reflected in American public opinion expressed through Congress and federal laws. In the end, it all boils down to politics and power.

Politics and power are at the root of the third Outside perspective relating to the Alaska-federal relationship and federal-state IGR. Federal-state relations across the nation are not static but constantly evolve and will continue to do so. This is largely because of public pressures and needs that are spearheaded by the President and Congress and usually affirmed by the federal courts. In particular, from the late 1960s onward, changes in the federal-state relationship were the case with the rise of federal policies regarding environmental conservation and protection, which has particularly affected Alaska. Consequently, from both a legal and a political perspective, there is no way that the federal government can be held to fulfill what many, including the late Governor Hickel, see as “the promise of Alaska statehood” dating back to 1959. The national government—much like Alaska—was itself on the receiving end of inexorable forces at that time, which swept across the nation as America developed into a post-industrial society and became concerned about not just economic benefits, but also quality of life issues and other values. So, in effect, those like Hickel who see the federal government as betraying the promise of statehood (though exactly what that promise was is subject to dispute) are caught in a time warp—politically frozen in a bygone age of Alaska-federal relations.

The fourth and fifth Outside perspectives are closely related: those of Alaska’s financial relationship with Washington, D.C., and how this influences the perceptions about Alaska among some politicians, journalists, and groups and individuals in the rest of the nation. The fourth perspective, which is a clearly demonstrable fact, is that Alaska, its citizens, and their lifestyle are heavily subsidized by the rest of the nation. Journalist Charles Homans sums up this reality well in the title of a 2007 article, “State of Dependence: Ted Stevens’s Alaska Problem—and Ours,” and in his observation that, “Simply put, Alaska has made a habit of transferring its operating costs to the federal government . . . a drain that looks especially bad in light of the state’s fiscal reality.”²⁶ The gist of Homans’s article is that, in large part, the political skill of Senator Stevens got Alaska much more than its fair share of federal monies. These funds have not come out of thin air, but indirectly from other states whose citizens pay more into the federal treasury than they get back. Certainly, many less well-off states, like Mississippi and Louisiana, receive more federal funds than they pay to Washington, D.C. But Alaska is not a poor state, with its \$52 billion Permanent Fund and, as of 2015, no state individual income tax and no state-wide sales tax. Put bluntly, this means that until Senator Stevens’s defeat in 2008, Alaska’s advantageous political position in Congress enabled it to use other states’ money while Alaskans were unwilling to dip into their own pockets and reserves to help themselves.

The fifth perspective—one of annoyance and resentment toward Alaska by many in Congress and of ridicule in the media—is a direct result of the huge amounts of earmarked federal funds that came Alaska’s way, largely through Senator Stevens’s efforts. Given the reality of Alaska’s dependence and political influence, this perspective is understandable.

And it is not surprising that moves were successful in ending congressional earmarks, at which Senator Stevens was a master. Nor is it surprising that there are sometimes articles in the national press mocking Alaska's annual payout of the PFD, the so-called "Bridge to Nowhere" (linking Ketchikan with its island airport and which in 2008 became the media poster child for the evils of congressional earmarks), and derision of earlier calls by the AIP for Alaskan independence. Concerned about Alaska's image in the rest of the nation, then Governor Frank Murkowski suggested hiring a public relations firm to counter the image that Alaska has acquired as a freeloaders' paradise.²⁷

A Holistic, Practical, Give-and-Take Perspective

The Alaskan, the federal, and the national public's views on Alaska-federal relations all have their merits, and the actions based upon them may have some influence on the relationship as it operates day-to-day. But at its core, the relationship is shaped by political power. As a result of the federal government's constitutional and statutory authority, its tremendous financial resources, and Alaska's dependence on federal funds, the federal government has the upper hand in its relations with Alaska. So, Alaska's success in dealing with the federal government depends on recognizing this superior position, on the skill of Alaskan politicians working in Washington, D.C., and on the ongoing give and take in the relationship.

Box 10.2 provides a holistic, give-and-take perspective on Alaska's relationship with the federal government by former Governor Tony Knowles. Four additional points help to supplement this perspective. First, as mentioned before, the federal government is not a monolith and should not be considered as such. Second, as with all states, major funding for programs such as Medicaid, transportation facilities, and some aspects of child welfare and education, come from the federal government, and the states must comply with federal rules and often match federal funds to receive these needed revenues.

Third, despite the restrictions on these and other monies, the federal government has long taken into consideration variations in state populations, geography, levels of economic well-being, and so on in allocating funds, and it often allows for state input and variations in programs. Washington, D.C., has become more "state friendly" in this regard as the result of political pressures since the 1960s. Alaska has benefited considerably from such federal formulas and variations.

Fourth, much of the negative attitude Alaskans have toward the federal government stems from frustration at Alaska's inability to control its own affairs. This frustration was the major push behind statehood in the 1950s and continues to be prevalent today. Ironically, however, Alaska's major dependence on federal funds undermines that independence. But, as Charles Homans points out, this is actually a dependence of choice, the choice to seek major federal funds and thus be bound by federal rules.²⁸ Furthermore,

sometimes ideology as opposed to economics or pragmatism undermines Alaska's control of its own affairs. As Governor Knowles points out in Box 10.2, this occurred over failure to deal with the subsistence issue. Another example is Governor Parnell's July 2012 decision not to set up a health care insurance exchange under the Affordable Care Act (commonly known as Obamacare) for those who need to buy health insurance, but to let the federal government run it instead.

6. THE POLITICS OF CONTEMPORARY FEDERAL RELATIONS WITH ALASKA GOVERNMENTS

While the legal context of Alaska-federal IGR is set by the U.S. Constitution, various legal and regulatory provisions, and their interpretation by the federal courts, the relationship on a day-to-day basis is determined by administrative relationships, politics, and power. Here we briefly examine this practical operation of Alaska-federal IGR, particularly the role of federal and state bureaucrats, the governor, the governor's office in Washington, D.C., and Alaska's congressional delegation.

By far the major aspect of Alaska-federal IGR is low-key, behind-the-scenes interactions between federal, state, and local government officials dealing with the myriad of policies and procedures that involve cooperation between the national and Alaska governments. This involves many diverse activities, including the transfer of funds for programs like Denali KidCare and contact between officials from the federal and state departments of transportation on various projects for roads, the Alaska Railroad, airports, and harbors. It also involves various federal agencies, such as the Bureau of Indian Affairs and the Indian Health Service, dealing with Native governments and Native corporations. Occasionally, high-level federal officials, such as the secretaries and deputy secretaries of departments like Interior and Homeland Security, visit Alaska to meet with state and local officials and with various Alaska constituencies on issues ranging from improving security at Alaska airports to oil drilling on federal land and in the Arctic.

There is no single attitude toward the federal government in Alaska and no broad agreement among its citizens or its politicians on what policies to pursue in Washington, D.C. However, at any one time, Alaska's governor pursues a more or less defined set of policies in close cooperation with the three members of Alaska's congressional delegation. Besides being in regular contact with the three members of the delegation, the governor is kept informed about federal issues by the state's Washington, D.C., office. This office acts as a coordinating body for Alaska state government, such as facilitating visits by state legislators and commissioners and as an information resource. John Katz, who headed this office for thirty years and served seven governors, explains the role of the office and

Alaska and the Federal Government— Past, Present, and Future: A Perspective by Former Governor Tony Knowles

The legacy of the heavy-handed federal actions of territorial days, buoyed by the more recent controversial decisions such as d2 lands withdrawals under ANILCA, ANWR's lack of development, and Tongass Forest management, continue to make the federal government an Alaska punching bag. As a result, many Alaskans relate to the anti-federal rhetoric of some state politicians, including Alaska's congressional delegation. And every governor, regardless of party affiliation, has taken the federal government to court, challenging both the administration of various laws and their substance.

Yet, history provides a different perspective. Rather than an extractive and dictatorial absentee landlord, as viewed by conventional wisdom, over the years congressional and presidential actions can be viewed as responsive to Alaska's and America's needs. In the Alaska Statehood Act, Congress addressed future jobs and economic development for a state that had no economic base by providing 103 million acres of land of the state's choosing. The state guaranteed its fiscal future by choosing, among other lands, the acreage on the Arctic North Slope that included the future Prudhoe Bay oil and gas discovery, the largest in American history.

Then, both ANCSA of 1971 and ANILCA of 1980 can be considered major benefits to Alaska and its people. In ANCSA, after two hundred years of broken promises and failed programs for its indigenous peoples, Congress took a new course in addressing social justice. Then ANILCA set the scene for conserving Alaska's natural beauty and environment.

One provision in ANILCA, Title 8, guaranteed an essential part of Alaska Native interests not included in the ANCSA bill. This grants a preference for subsistence hunting and fishing for "rural residents." As long as the state enforced this preference, Title 8 retained state management of all fish and game regulations on federal and state lands as well as private lands. Unwillingness by the state to provide for this preference would turn fish

and game management on federal land over to the federal government. By making the differentiation a geographical preference rather than a racial preference, ANILCA avoided imposing different rules for different families in a village, thereby pitting neighbor against neighbor.

Yet, intense legal and political controversy ensued. A group of hunting advocates from the Alaska Outdoor Council led the fight against any preference for access to hunting and fishing. Their cause was bolstered by two developments. The first was an Alaska Supreme Court ruling declaring unconstitutional the state's attempt to comply with ANILCA's rural preference requirement because it failed to provide equal access to state resources as required by the Alaska Constitution. The second was the Hickel administration's challenge to the authority of the federal government to implement such a rural preference.

It was my contention that there was no legal argument that prohibited the U.S. Secretary of the Interior from drawing up regulations implementing a national law. So when I took office in 1994 I dropped the lawsuit that the Hickel administration had begun. I realized that the only way out of the situation was to amend the Alaska Constitution to bring it in line with the federal preference requirement. However, despite overwhelming public support by all polls conducted and strong Alaska Native organizational support, the issue has been narrowly defeated in the legislature on several occasions and has not appeared on the ballot. The consequence was that the state lost the right to manage wildlife on federal lands, including subsistence.

Today, besides the ongoing issue of subsistence there are several other important issues that require good relations between the state and federal governments. While these issues are national in scope, some have a particular Alaska element. The military is particularly important to Alaska, and the state's geographical advantage for global deploy-

ment of rapid response military forces insures a continued strong military presence in Alaska. As the state with the largest per capita number of veterans, health care for veterans is of special significance to an aging Vietnam-era veteran population as well as the surge of new veterans from the Iraq and Afghanistan wars needing health care support. More broadly, health care through the Indian Health Service, Medicare to a rapidly aging population, and the national obligation to the uninsured and underinsured require a state-federal partnership that is essential to a many Alaskans.

The consequences of global climate change affect Alaska, America's only Arctic state, to a far greater degree than any other state. The repercussions to the environment, wildlife, fisheries, subsistence foods, and coastal development require close, cooperative relations between state and federal agencies for coping with and mitigating climate change.

Looking at the big picture of the state-federal relationship, there has to be give and take in a federal system like ours. There is a stark inconsistency between taking major federal benefits and not wanting federal restrictions. An anti-federal

attitude taken too far can be disadvantageous to the state and even undermine its long-cherished desires. For instance, having subsistence under the co-management of federal and state systems is not in the best interest of the resource or the people affected. Ironically, it means that a major goal behind statehood, for Alaska to exert more control over its own resources, has been partly relinquished because of the inability of Alaskans to come to a political solution to this problem. There continues to be an overwhelming effect on Alaska's future because of federal management decisions on federal lands and waters. The careful protection and utilization of these resources require a collaborative approach by state and federal governments.

Good science, sound management, and a cooperative relationship are the hallmarks of a federal-state relationship that may be bad political theater but provide good government. So however convenient and politically advantageous scapegoating and federal bashing may be, the relationship with the federal government will be far more successful for Alaska with engagement rather than estrangement.

Source: Developed by Clive Thomas and Anthony Nakazawa; based on an interview with former Governor Tony Knowles, March 8, 2009.

assesses its successes and disappointments in Box 10.3. Since Katz's retirement in 2013, however, the office has undergone major changes. The ban on congressional earmarks in 2011 reduced the office's workload as, until then, much time was spent on providing support for Alaska's congressional delegation to secure these special appropriations. Then, as a result of the downturn in oil prices in 2014 and beyond, in 2015 the office was reduced from five to two staff and the director's job went unfilled. This, according to Governor Walker, would save the state about \$400,000 a year.²⁹ In both the short and long term, however, this reduction in staffing could hurt Alaska given its major dependence on federal funds.

Much of the success of the governor's policy goals, both high and low profile, in relation to the federal government depends on Alaska's congressional delegation. With only three members of Congress (out of 535—100 in the Senate and 435 in the House of

The Governor's Washington, D.C., Office: Its Role, Successes, and Disappointments

Around forty states and U.S. territories have offices in Washington, D.C. Their functions differ depending upon gubernatorial mandates, issues, and budgets. These offices also range in size and function. Some engage in significant policy analysis and advocacy while others simply exchange information between state capitals and D.C.

Alaska's office was established by Governor Bill Egan in 1972. It usually has a complement of six staff members: a director, three associate directors who work in specific issue areas, and two support staff. When needed, additional technical assistance and lobbying are provided by private D.C. firms. The principal functions of the office are to:

- Identify and monitor issues affecting Alaska that arise in Congress and federal agencies in D.C.
- Analyze and help formulate state policy on these issues
- Advocate policy in various federal forums

The office is also the state's primary contact with the Alaska congressional delegation and works closely with the National Governors Association, the Western Governors Association, and other organizations that have an interest in issues affecting Alaska.

At any one time the office is dealing with more than one hundred issues. About 60 percent involve legislation in Congress; the rest are matters pending before federal agencies and administrative tribunals. Considerable time is spent on Alaska-specific natural resource and environmental matters. Other Alaska issues involve health, jobs and families, education, transportation, appropriations, and international affairs.

Many state-federal concerns can be resolved with the D.C. office playing a minimal role. However, when an issue concerns federal legislation, significant administrative policy, or a matter that cannot be settled elsewhere, the D.C. office becomes more heavily involved.

Recent successes in D.C. have included

- Legislation to facilitate the construction of a natural gas pipeline
- Appropriating funds to address the social, health, and economic needs of Alaskans
- Legislation accelerating the conveyance of lands under the Alaska Statehood Act and the Alaska Native Claims Settlement Act
- Reauthorization of the Magnuson-Stevens Fishery Conservation and Management Act, which governs federal management to the two hundred-mile limit
- Reauthorization of federal surface transportation legislation that provides funding for highways, ferries, and bridges
- Federal approval of a military base realignment plan that maintains essential operations at Eielson Air Force Base near Fairbanks

Perhaps Alaska's biggest disappointment is Congress's continuing unwillingness to approve oil development in ANWR. Another problem is the inability by Alaska and other western public land states to obtain reform of the Endangered Species Act including an increased role for states and making it easier to de-list a recovered species.

Alaska's maintenance of a governor's office in D.C. remains important. This is particularly the case given the significant presence in and impact of the federal government on the state. States with no D.C. office cite the reasons of operational expense and say that representation is the job of their congressional delegations. In fact, the expense is minimal considering the more effective advocacy that occurs, the successes of most D.C. offices, and the savings in travel costs incurred by state officials. Further, it is not the role of governors' Washington offices to duplicate the functions of their congressional delegations. It is to facilitate state decision-making on federal issues, explain policy positions, and enhance understanding between governors and state congressional delegations.

Source: Developed by John W. Katz, former Director of State-Federal Relations and Special Counsel to the Governor.

Representatives), on the surface it appears that Alaska has little chance of major successes given the need for 218 votes for passage of legislation in the House and 51 in the Senate. Success in Washington, D.C., however, depends less on the number of a state's seats in Congress and more on the power of the state's delegation, which is usually a function of what leadership positions, if any, they hold. In this regard, few members of Congress in U.S. history equaled the influence of the late Senator Ted Stevens, a Republican. With his political skill, ability to work across party lines with Democrats, and the powerful committees he chaired, Alaska was able to get far more funds per capita than many states with much larger congressional delegations.

Stevens, who served for forty years until his defeat by Democrat Mark Begich in 2008, was aided for many years by Republican Representative Don Young, who was first elected to Congress in 1972, and by Republican Senator Frank Murkowski, who served from 1981 to 2002. The seniority of the Alaska delegation enabled them to secure funds for Alaska, including five times the average earmarks of the average state. No one more than Stevens himself realized that it was long-standing relationships and political power that ultimately determined Alaska's success in IGR with the federal government.

Since Stevens's defeat, Alaska's power in Congress has waned considerably and will likely take several years to recover.³⁰ Congressman Young turned eighty-two in 2015, and as of 2015 Alaska had one U.S. senator, Lisa Murkowski, in a leadership position, and a new face, Dan Sullivan, who triumphed over Mark Begich in November 2014. The waning of Alaska's influence is evidenced by the major drop in earmarked funds coming to the state in the fiscal year after Stevens's defeat.³¹ Some of this decline can be attributed to the ban on earmarks adopted following the 2010 elections. Even though there have since been several moves to remove the ban on earmarks, the prohibition was still in place in late 2015. The ban has taken its toll on Alaska's share of federal funding.³² A good example of an IGR organization that thrived under Stevens's term in office, but which has suffered major cuts since his departure, is the Denali Commission described in Box 10.4 (on page 340). Regardless of party affiliation, Alaska's congressional delegation has consistently recognized that working across party lines and using a pragmatic, as opposed to an ideological approach are the key to Alaska exerting what power it has in dealing with the federal government. While Alaska's three members of Congress were in the Republican majority in 2016, if the Democrats win back one or both houses of Congress in 2016, the lack of a Democrat in the delegation could hurt Alaska.

7. ALASKA'S IGR SYSTEM IN COMPARATIVE PERSPECTIVE

In comparison to other states, there are both similarities and differences in Alaska's IGR, depending on the level and specifics of the interaction concerned. We look first at

the general elements of IGR throughout the fifty states and then those of Alaska's that distinguish it, in varying degrees, from other states.

At the general level, the constitutional, statutory, and political aspects of Alaska's IGR are very similar to those of other states. As in all states, Alaska's IGR involves interaction between and among the federal government, Alaska state government, and local governments. Like the other forty-nine states, Alaska also has relations with other states individually, through regional and national compacts, and through organizations such as the Council of State Governments and associations for state officials. In addition, whether it is Kansas, Maryland, Oregon, Alaska, or any other state, much of the politics of IGR concerns money and funding issues, particularly intergovernmental transfers between the federal government and state governments, the federal government and local governments, and the states and their local governments. Moreover, there are constitutional and jurisdictional issues that arise among the three levels of government. A recent example is over President Obama's health care legislation of 2010, which many states, including Alaska, opposed in part because they saw it as encroaching on their authority.

On a day-to-day basis, however, it is the fiscal aspects of IGR that determine the dynamics of the power relationship between the federal government and the states as well as between states and their local governments. In particular, the tremendous financial resources that the federal government commands give it the upper hand most of the time in the IGR power dynamic. Moreover, in Alaska, as in all states, IGR is essentially a political power relationship. However, the dynamics of the relationship vary from state to state and from time to time, as new developments occur, particularly major federal programs such as the New Deal programs of the 1930s, the Great Society programs of the 1960s, and the health care legislation of 2010. Overall, virtually all states have become increasingly dependent on federal funds as a result of these expanded national programs, as Figure 10.2 illustrates.³³

Some key contrasts between Alaska's IGR and other states give a unique character to the power dynamics in Alaska's relations with its local governments and the federal government. The genesis of these contrasts is the confluence of Alaska's late admission to the Union, the state's oil bonanza, and its physical geography. These elements have worked to produce three particular contrasts between Alaska's IGR and those in other states. One is the dual IGR system consisting of the relationships among the federal, state, and local governments on the one hand and the relationships of those levels of government with various Alaska Native governments and organizations on the other. The second contrast stems from Alaska's geography, which has contributed to the unusual situation that over 60 percent of Alaska has no organized local government and is theoretically under the jurisdiction of the state legislature. The third contrast is that much of the funding of rural-bush local government (especially for education) and some funding of urban government

The Denali Commission: A New Direction in IGR and Alaska's Power Decline in Washington, D.C.

Modeled after the Appalachia Regional Commission created in 1966 under the leadership of Senator Robert Byrd of West Virginia, the Denali Commission is an independent federal agency focusing on developing the economy of rural-bush Alaska. The commission was created by Congress in 1998 largely through the efforts of Alaska's Senator Ted Stevens, then chair of the appropriations committee.

The goals of the commission are to deliver federal government services in the most cost-effective manner by reducing administrative and overhead costs and to provide job training and other economic development services in rural-bush areas, particularly in distressed communities (many with unemployment exceeding 50 percent). However, due to its declining budget, the commission's role in promoting rural-bush development has been reduced to promoting village-based bulk fuel facilities and supporting village energy conservation measures.

Governed by seven commissioners representing the federal and state governments, the university, municipalities, Alaska Natives, and the private sector (labor and contractors), the two key features of the commission are as follows:

- Through its membership, the commission attempts to create a true IGR partnership that is controlled largely at the state level.
- Each commission member represents statewide interests, so there are no structural regional conflicts.

Since its inception the commission has worked

with various state and federal agencies providing more than \$1 billion for basic infrastructure needs in rural-bush Alaska, numbering some two thousand projects. Currently, the commission's budget is less than \$10 million a year. In its peak year of 2006 its funding topped \$150 million. To try to maintain its former level of service, the commission is aggressively pursuing alternative funding. The needs in rural-bush areas remain extensive.

Undoubtedly, the defeat of Senator Ted Stevens in November 2008 impacted the funding for the commission. Other causes of reduced funding include President Obama's spending cuts in Alaska, including those to health care construction overseen by the commission. Beginning in late 2012, the commission became embroiled in a controversy regarding alleged mismanagement and financial irregularities. This involved calls by federal investigators to abolish the commission. However, Alaska's three-member congressional delegation sought an investigation to get to the root of the allegation and together with the commission's members fought hard to save the commission.

Then, in August 2015, the commission got a major boost in responsibility and funding from President Obama's visit to Alaska, which focused largely on climate change. The president announced that the commission will be the lead agency in a three-year project to look at the environmentally threatened communities in Alaska and to decide whether they need relocating or not. So the commission's continued existence is assured through 2019 and most likely beyond.

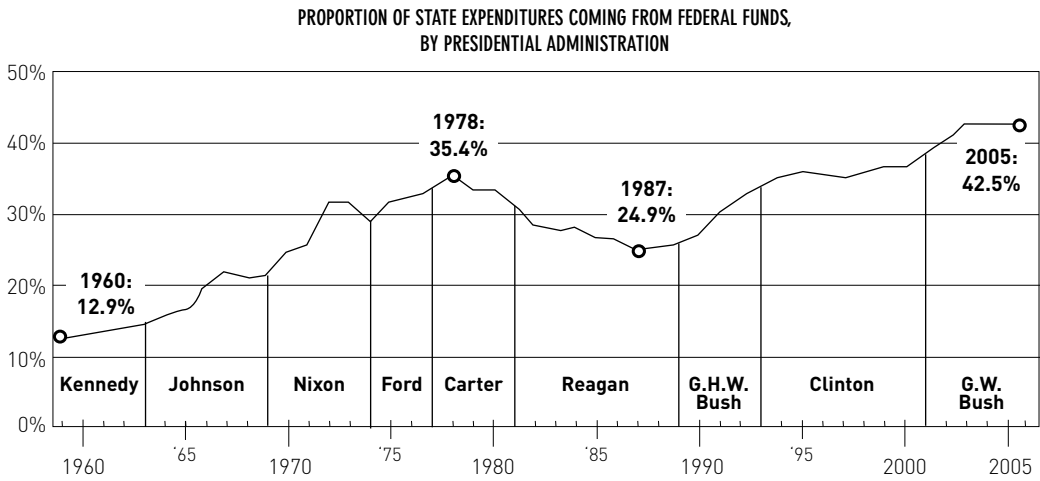
Source: Developed by Krag Johnsen, former Denali Commission staffer, Kevin Ritchie, author of Chapter 18, and Anthony Nakazawa.

(especially for capital projects) comes from the state. This rural-bush funding is, in part, because of the lack of any tax base in rural-bush areas, but mainly because of Alaska's oil bonanza since the late 1970s.

From a political perspective, these special circumstances mean that the IGR power dynamic has elements in Alaska not found in IGR politics of most states. Of particular

FIGURE 10.2

Tracking State Dependence on Federal Funds



The state dependency rate is a measure of how dependent states are on federal funds. Among recent presidential administrations, only the Reagan administration saw a significant decrease in the rate.

Source: Calculations based on U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services, National Health Expenditures by Type of Service and Source of Funds, Calendar Years 1960–2006, at <http://www.cm.hhs.gov/NationalHealthExpendData/downloads/nhe2006.zip>; and U.S. Department of Commerce, Bureau of Economic Analysis, National Income and Product Accounts Tables, Table 3.3, at <http://bea.gov/national/nipaweb/SelectTable.asp?Selected=N#S3>.

note is the political dimension in Alaska resulting from the dual IGR system and the existence of Native governments. This dual IGR system includes the particularly thorny political issues of Native sovereignty and subsistence. The number of Alaska Natives in rural-bush areas means they are able to elect Native legislators and others who push Native issues, which also affects the state-local IGR relationship in Alaska. To some extent the federal Indian Gaming Regulatory Act of 1990, allowing tribes to set up casinos, has increased Native American-state IGR in states like Idaho, New Mexico, and Oregon, but not in Alaska. This is primarily because Alaska has virtually no “Indian Lands,” which is a prerequisite to the establishment of Native casinos under federal law.³⁴

There is no data available to make comparisons between Alaska and other states regarding the funding relationships between the states and their local governments. However, because of the dependence of many Alaska local governments on state funding, it is likely that Alaska’s municipalities lobby state government more intensely than local governments in other states. The dependence of many local Alaska economies on state employment and capital budget funds contributes to the general dependence of Alaska local governments on state government with consequent effects on the state-local political power dynamic.

8. CONCLUSION: THE BALANCE SHEET OF CONSTRAINTS, CONFLICTS, AND BENEFITS AND THE PERSISTENCE OF POLITICAL RHETORIC

IGR is clearly an important and integral part of Alaska government, politics, and policy making. This is the case with all aspects of IGR: state government's involvement with its local governments, Native governments, other states, and interactions with the federal government and with foreign governments. The most significant relationship with other governments, however, is Alaska's relationship with the federal government. The major significance of this relationship since the Alaska Purchase of 1867, and particularly since statehood, brings into sharp relief several characteristics of Alaska politics—the significant role of external economic and political forces, the all-pervasive importance of government, and the political culture of pragmatic dependent individualism often coupled with the myths and contradictions of Alaska's political discourse. Alaska's dual IGR system illustrates the Alaska political characteristic of the prominent role of Alaska Natives.

The effect of the Alaska-federal relationship on the state and the various segments of its population is not a simple one and certainly not all negative, as some vocal Alaskans believe. The various attitudes toward the federal government among Alaskans and their elected and appointed officials are shaped by the level of knowledge of the role of the federal government and a complex set of values, including views on the role of government and perception of the degree to which various segments of Alaska society benefit or lose as a result of federal actions. These attitudes range across a spectrum from negative to positive and various combinations in between. For the state and its inhabitants as a whole, however, the positive definitely outweighs the negative. Not only is Alaska's standard of living higher because of federal monies flowing to the state, but the state receives more funds per capita than almost any other state. This means, in effect, that many of the other forty-nine states are subsidizing Alaska.

This is not to say that many of the conflicts in which Alaska's state government and its citizens find themselves with the federal government are not justified—sometimes “federal overreach” is real. It is also true that many Alaskans and the state are constrained to their detriment by actions or inactions of the federal government. Even so, it is important to bear two points in mind. First, as in all IGR and in politics in general, Alaska's relationship with the federal government is a political trade-off, in which both sides have legal and political obligations and no side gets all it wants. Second, like Alaska's state government, the federal government is not a monolith. Its three branches, particularly its executive branch agencies, are often at odds with each other. One branch or agency may well favor a policy that benefits a certain segment in Alaska while another branch or agency may disagree. So it is both inaccurate and unjustifiable to brand the federal government at large with all actions considered detrimental to the state and its citizens.

Yet many Alaskans and their politicians are not concerned with such distinctions, often for ideological reasons but sometimes because they do not understand the role of the federal government or do not want to acknowledge it because, as Tony Knowles explains in Box 10.2, federal bashing makes for good politics in many circles in Alaska. So federal bashing is likely to continue to be part of Alaska's political rhetoric for some time to come. This can be more or less harmless when it stays at the level of rhetoric. When rhetoric is combined with ideology, however, the combination can work to deny Alaska control of its affairs by ceding responsibilities to the federal government. That not only goes counter to the intentions of Alaska's founders, it can also be detrimental to Alaskans in general. This could be particularly detrimental to the state in the post–Ted Stevens era in which Alaska does not have the political influence it once had in Washington, D.C.

ENDNOTES

- ¹ This chapter draws, in part, on Clive S. Thomas, "Intergovernmental Relations in Alaska: Development, Dynamics and Lessons," *The Northern Review* [Special Issue on Central-Local Relations in the North], no. 23 (Summer, 2001): 17–37.
- ² David, C. Nice and Patricia Fredericksen, *The Politics of Intergovernmental Relations*, 2nd ed. (Chicago: Nelson-Hall Publishers, 1995), 2.
- ³ U.S. Census Bureau, *Newsroom Archives*, August 30, 2012, at: www.census.gov/newsroom/releases/archives/governments/cb12-161.html.
- ⁴ *Alaska v. Native Village of Venetie Tribal Government*, 522 U.S. 520 (1998).
- ⁵ Public Land Ownership by State, at www.nrcm.org/documents/publiclandownership.pdf.
- ⁶ Clive S. Thomas, ed., *Politics and Public Policy in the Contemporary American West* (Albuquerque: University of New Mexico Press, 1991), 15.
- ⁷ U.S. Census Bureau, *2010 Census: PL 94-171 Redistricting Data*, at <http://live.laborstats.alaska.gov/cen/redistr.cfm>, and *Urban and Rural Classification for Alaska*, at <http://labor.alaska.gov/research/census/urbrur.htm>.
- ⁸ In particular, Chapter 9 on the Native political economy considers the formal aspects of federalism and IGR regarding Native governments. Federal-state IGR politics is also considered in Chapter 18 on local government, including some reference to relations with Native governments as well as state-local IGR.
- ⁹ Gerald A. McBeath and Thomas A. Morehouse, *Alaska Politics and Government* (Lincoln: University of Nebraska Press, 1994), 42.
- ¹⁰ The Indian Reorganization Act and its application to Alaska are discussed more fully in Section 1 of Chapter 9 on Alaska Natives.
- ¹¹ See also Chapter 9 for details on the provisions of ANCSA and its pros and cons.
- ¹² See Box 2.3 in Chapter 2.
- ¹³ For attitudes in the western states toward the federal government in these years, see Richard H. Foster, "The Federal Government and the West," in Thomas, *Politics and Public Policy in the Contemporary American West*.

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- ¹⁴ Alaska Statehood commission advisory vote, at http://ballotpedia.org/wiki/index.php/Alaska_Statehood_Commission_Advisory_Vote_%281980%29.
- ¹⁵ See the provisions of the initiative at http://ballotpedia.org/wiki/index.php/Alaska_State_Ownership_of_Federal_Land_Initiative_%281982%29.
- ¹⁶ Alaska Statehood Commission, *More Perfect Union: A Preliminary Report* (Juneau, AK: 1982); Foster, “The Federal Government and the West,” 83; and McBeath and Morehouse, *Alaska Politics and Government*, 87.
- ¹⁷ On the Wickersham, see editorial, *Anchorage Daily Times*, January 29, 1972.
- ¹⁸ Malcolm B. Roberts, ed., *Going Up in Flames: The Promises and Pledges of Alaska Statehood Under Attack* (Anchorage: Alaska Pacific University Press, for Commonwealth North, 1990). For a review of the book see *Journal of the West* 31, no. 2 (April 1992): 116.
- ¹⁹ Walter J. Hickel, “Feds have Abused Their Compact with Alaska,” *Anchorage Daily News*, January 3, 2009.
- ²⁰ See Chapter 6 on the Alaska economy and Chapter 8 on state revenues, esp. Table 8.1, Chapter 12 on the role of government, Table 12.1, and Scott Goldsmith and Eric Larson, “Federal Spending and Revenues in Alaska” (Anchorage: Institute of Social and Economic Research, ISER, University of Alaska, 2003).
- ²¹ A fuller analysis of the place of IGR in several development and resources issues is provided in Chapters 21 through 24.
- ²² Interview with former Governor Tony Knowles, by Clive Thomas and Anthony Nakazawa, June 2, 2008.
- ²³ Julie Kitka, Presentation to Commonwealth North on April 20, 1999.
- ²⁴ Julia O’Malley, “Feds We Loath You, Please Send Money,” *Anchorage Daily News*, January 22, 2010.
- ²⁵ Interview with former Governor Tony Knowles.
- ²⁶ Charles Homans, “State of Dependence: Ted Stevens’s Alaska Problem—and Ours,” *The Washington Monthly*, November 2007, 13.
- ²⁷ *Ibid.*, 17.
- ²⁸ *Ibid.*, 15.
- ²⁹ Liz Ruskin, “Walker’s appointee for top DC job? No one,” *Alaska News Nightly*, Alaska Public Radio Network (APRN), November 12, 2015.
- ³⁰ See Chapter 30, Box 30.1, for a perspective on what Stevens’s defeat and death may mean for Alaska’s economic and political future.
- ³¹ See Chapter 8 on state revenues, Figure 8.8, for a comparison of congressional earmarks for Alaska in 2009 and 2010.
- ³² Carl Hulse, “Senate Won’t Allow Earmarks in Spending Bills,” *New York Times* [*The Caucus: the Political and Government of the Times*], February 1, 2011; Patti Epler, “Murkowski Wants Alaska Prepared for ‘World without Earmarks,’” *Alaska Dispatch*, February 24, 2011; and Peter Granitz, “Congress may Lift So-called Earmark Ban Next Year,” *Alaska News Nightly* (APRN), August 21, 2012.
- ³³ Figure 10.2 goes only to 2005 and not to 2015. This is for two reasons. First, there is a time lag with such data that is often as long as four years. More importantly, the stimulus package money that came to the states in 2009 and 2010 as a result of the major national and international economic

downturn in 2008 and beyond was an aberration and distorts the general trend. Thus, we end the comparison at 2005. However, judging by the close to fifty years covered by the figure, this upward trend in state dependence on federal funds is likely to continue regardless of the rhetoric of national budget cuts and one- or two-year aberrations in funding.

- ³⁴ G. Larry Mayes and William Taggart, "Intergovernmental Relations and Native American Gaming: A Case Study on the Emergence of a New Intergovernmental Participant," *The American Review of Public Administration*, 35, no. 1 (2005): 74–93.