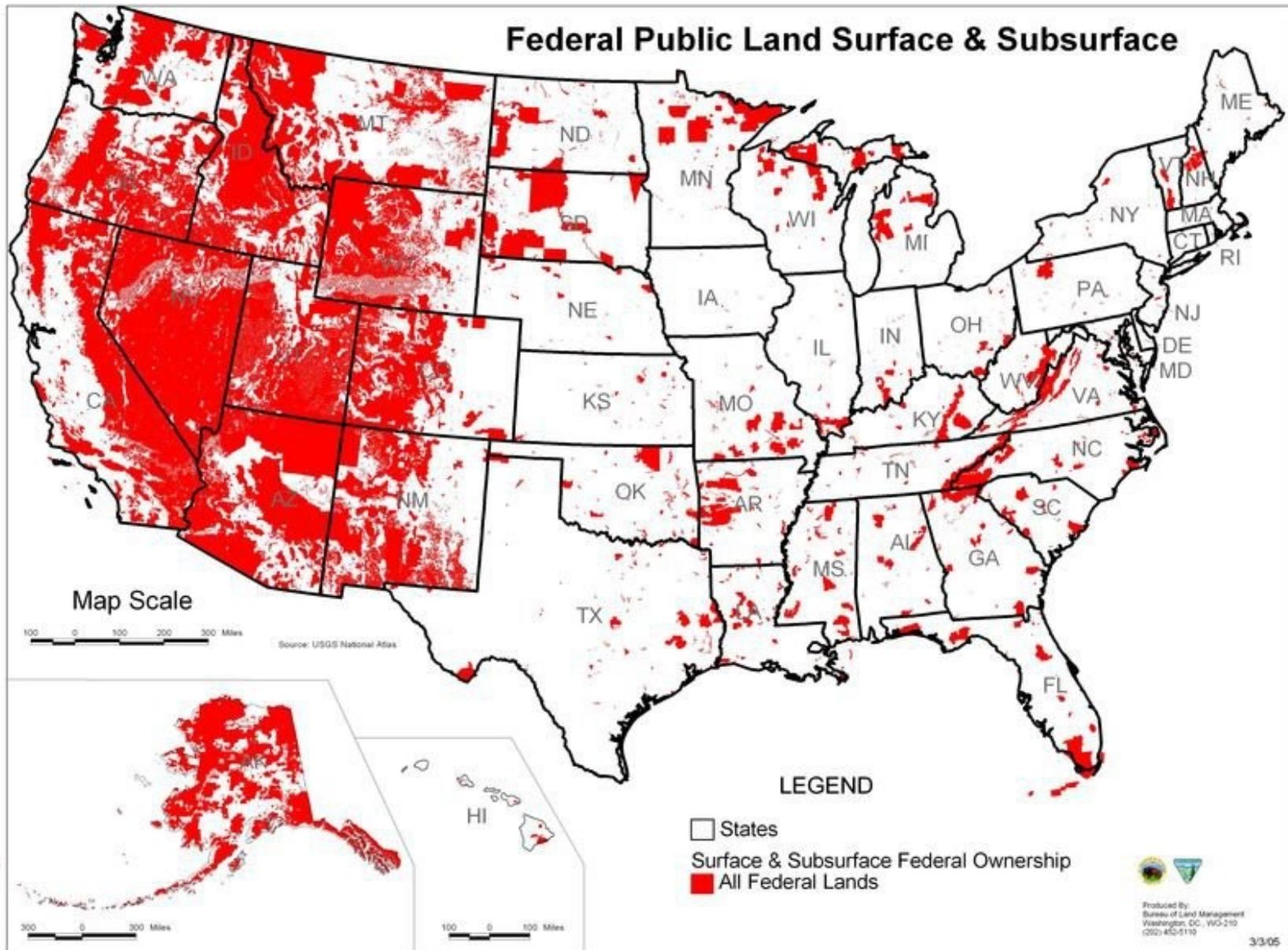


Federal Public Land Surface & Subsurface



U.S. Constitution, Article IV, Sec. 3 [New States], cl. 2

The Congress shall have **Power to dispose** of and make all **needful Rules and Regulations respecting the Territory** or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

Utah Enabling Act

Section 3, Second. That the people inhabiting said proposed State do agree and declare that they forever disclaim all right and title to the unappropriated public lands lying within the boundaries thereof; . . .; and that **until the title thereto shall have been extinguished by the United States**, the same shall be and remain **subject to the disposition of the United States**, . . . **no taxes shall be imposed by the State on lands or property** . . .

U.S. Supreme Court quotes the Northwest Ordinance

“ . . . a provision has been usually inserted in the compacts by which new states have been admitted into the Union that such interference with **the primary disposal of the soil** of the United States shall never be made. Such provision was inserted in the act admitting Missouri, and it is embodied in the present constitution, with the further clause that the legislature shall also not interfere ‘with any regulation that Congress may find **necessary for securing the title in such soil to the *bona fide purchasers.***’ ”

Gibson v. Chouteau, 80 U. S. 100 (1872)

Utah is perpetually last in
the nation in per pupil

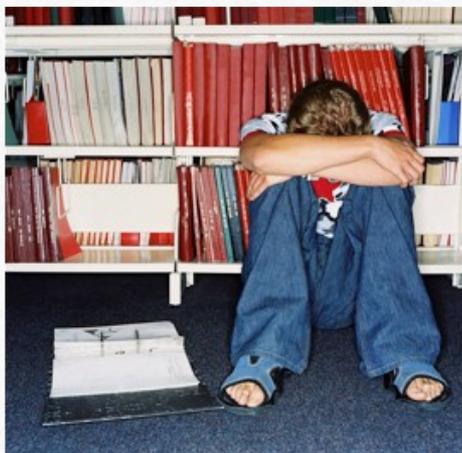
funding.
What would it take for Utah to
reach “average” in per pupil
funding?

Amount that Utah is below the national average for per pupil funding:

\$3,642

Amount to get to "average" (600,000 students X \$3,642):

\$2.18 Billion



20th Congress, 1st Session, House of Reps., Rep. No. 125, Graduate Price of Public Lands, February 5, 1828

Mr. Duncan, from the Committee on the Public Lands, to which the subject had been referred, made the following

REPORT:

*The Committee on the Public Lands, to which was referred a resolution directing an inquiry **into the expediency of reducing and graduating the price of public lands**, and of making donations to actual settlers, report:*

That their most diligent attention to the subject has been excited, as well on account of **the magnitude of the national interests involved** in the inquiry, as on account of **the strong solicitations of the Legislative memorials of the several States and Territories** of the United States, and **the petitions of the People**, which have been presented to Congress, so repeatedly, upon this subject.

It appears by the report of the Secretary of the Treasury, made to Congress at the commencement of their present session, that more than two hundred and sixty-one millions of acres, lying within the United States and Territories, have become the absolute property of the United States, free from Indian claim, since the organization of the Government; and that, during this time, only about nineteen millions have been sold to individuals. Thus, **in a period of about forty years, the amount of lands sold constitutes the one-thirteenth part of the quantity subject to sale**. Calculating upon the future from the past, then, **a period of more than five centuries must elapse, before the whole public domain of the Union**, now within the unrestrained control of Congress, **will become the property individuals**. None but the best lands have been sold, nor is it believed, that, under the present system, much, if any, of an inferior quality will sell, until the best shall have been exhausted. Considering how large a portion of the public lands is of small and no value; that nearly fifty-six millions of acres to which aborigines yet have title, will, in the course of a few years, be added to the vast quantity before named, making a total of more than three hundred and sixteen millions of acres; **we cannot reasonably expect, that, under the existing plan, the Government can dispose of them in any number of years within our power to enumerate. That so much territory should be withheld from sale for countless generations, presents very forcibly the prospect of infinite injury, both to the Federal Government and the States within they are situated:** to the former, on account of **the unproductiveness of an immense capital**; to the latter, on account of **the interminable suspension imposed upon cultivation and improvement, and upon the rights of eminent domain and taxation**; presenting withal **the anomaly of the exercise, on the part of a powerful Government, of sovereignty in fact, over about twelve-thirteenths of the whole territory of seven States, declared to be sovereign and independent by treaties, compacts and constitutions of Government.** To every citizen of the Union this state of things is injurious; whilst, collectively, they possess superabundant wealth, they

are, individually, subject to a tax upon imports, to sustain necessary revenue, and to pay the principal and interest of the public debt. **A conclusive proof of the insufficiency of the system now regulating this great national interest, is found in the fact that it has entirely failed to answer the end for which it was confessedly devised.**

...

It appears, therefore, to your Committee, **that the present mode of selling the public lands has been, and will continue to be, attended with the worst results.** The facts stated, present the question, **whether the interest of the Federal Government, of the People of the United States, and more especially of the new States, do not require that the sales shall be accelerated in time to come?** And this question seems to admit of no other than an affirmative answer. **A large part of these lands were ceded to the United States soon after the Revolution, for the purpose of enabling the Federal Government to discharge the public debt. So far from having accomplished that object, the public lands have increased the public debt.**

...

Is it not desirable, then, to the whole People of the United States, so to apply their own means as to relieve their Treasury from all embarrassment, or **to change an unproductive into a productive fund?** In the light of a question of mere national policy, your committee cannot hesitate to believe that **some radical change ought to be made in a system which has, for so many years, under some modifications, produced absolutely nothing.** But there is a point of view in which the subject presents itself more imposing. **The act of cession by which the United States acquired the soil of three States,** of the Michigan and Northwest Territories, **declares that the lands shall be "disposed of."** **These words confer the power of disposition in any mode which may consist with the interest of the nation:** no doubt one great object was to strengthen the credit of the Federal Government, by putting it into the power of Congress so secure the public creditors. Here we find that **these lands were pledged for the payment of the public debt.** May not another motive for the cession be found in a willingness on the part of Virginia to relieve her own citizens from a portion of the taxes which would fall to their lot, to pay this debt, and sustain the character and honor of the nation?

The situation of the new States is such as to claim a full portion of the consideration of this Government in reference to this subject. To those States, it is of pressing moment that the public lands should become the property of their citizens, with the least delay compatible with the national interest. The numerous petitions, memorials, and legislative resolutions, heretofore presented from them, evince the lively and anxious concern with which the present state of things impresses them.

If these lands are to be withheld from sale, which is the effect of the present system, in vain may the People of these States expect the advantages of well settled

neighborhoods, so essential to the **education of youth**, and to the pleasures of social intercourse, and the advantages of religious instruction. **Those States will, for many generations, without some change, be retarded in endeavors to increase their comfort and wealth, by means of works of internal improvements, because they have not the power, incident to all sovereign States, of taxing the soil, to pay for the benefits conferred upon its owner by roads and canals.**

When these States stipulated not to tax the lands of the United States until they were sold, they rested upon the implied engagement of Congress to cause them to be sold, within a reasonable time. No just equivalent has been given those States for a surrender of an attribute of sovereignty so important to their welfare, and to an equal standing with the original States.

A remedy for such great evils may be found in carrying into effect the spirit of the Federal Constitution, which knows of no inequality in the powers and rights of the several States: consulting, at the same time, the moneyed interests of the Confederacy, by **disposing of the means** (in exchange of lands for money) **of the exercise of an undue share of Federal influence over any [?].** These purposes may be answered, by pursuing a plan, so plain and obvious in itself, that it would appear to your committee to meet the ready assent of all mankind, viz: sell the public land upon the same principles that individuals sell private land, and property of every sort, for what it is worth, considering its quality and locality. By adhering to a minimum, you fix a price only upon the best, and leave that of less value a dead population of the States. It appears to your committee that a scale of prices, adapted to the various quality and value of lands, furnishes the most reasonable and expedient system. **This is the object of the many memorials before us, and is the essential proposition contained in another branch of the Legislature.** The bill now presented, embraces the same principle, and proposes –

1st. That lands, heretofore offered at public sale, and which remain unsold, should be offered at private sale, at annual reductions of price, commencing at one dollar per acre, and abating twenty-five cents per acres every two years, until a purchaser is found, or the lands fall to twenty-five cents. This provision is intended to operate upon such lands only as are now in market at \$1.25; a portion of which has been in market for about forty years, and other portions for five, ten, fifteen, twenty, and twenty-five years.

2^{dly}. That lands, not heretofore offered for sale, and which may, by proclamation of the President, be offered at public vendue, shall have the same rule applied to them.

3^{dly}. That small tracts, of eighty acres, be given to the heads of such families as will cultivate, improve, and reside on the same, for five years. This proposition has recommended itself to the consideration of your committee, by a knowledge of the fact, that there are many families, who are neither void of industry nor of good moral habits, who have met with a usual share of the difficulties always accompanying the settlement of a new country, and who, living very remote from market, never expect to see the day arrive, when they will be enabled to save enough, with all their efforts, from their means of actual support, to purchase a farm, and pay for it in cash. Besides, your committee believe that **such small earnings, applied to the improvement and cultivation of small**