

**STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS (Senate - October 22, 1991)**

**SETTLEMENT OF CLAIMS OF SWAIN COUNTY, NC**

Mr. HELMS. Mr. President, today I feel obligated to renew my efforts to fulfill a commitment to the people of Swain County in the far western part of North Carolina. I told those citizens that I would do everything in my power to require the Federal Government to keep a commitment it made to them back in 1943, nearly a half-century ago.

On July 12, I wrote to a committee of concerned citizens in Swain County to advise that I would again introduce legislation to bring the Government in full compliance with the 1943 agreement. This legislation--the Swain County Settlement Act of 1991--directs the Secretary of the Interior to fully honor the 1943 contract between the people of western North Carolina and the Federal Government.

Mr. President, at the outset I make this point: At issue here is whether the U.S. Government will keep its word, and live up to a very clear commitment made 48 years ago in exchange for the Federal Government being given the right to flood thousands of acres of Swain County land to create the Fontana Lake. The integrity of the Federal Government, and those of us who serve in Congress today, will be decided by what we do, or fail to do, in the minds of people who have been waiting for 48 years.

The Helms legislation proposes three things: First, it orders the Secretary of the Interior to build the road promised by the Federal Government in 1943; second, it directs the Secretary of the Treasury to pay Swain County, NC, the sum of \$16 million to compensate the county for the destruction of North Carolina Highway 288; and third, it orders the Park Service to erect a historical marker at Soco Gap to honor the contributions of the Cherokee Nation to the people of North Carolina and to the United States.

Senators should be aware of what happened 48 years ago to understand why I so vigorously support full settlement of this matter. In 1943 the Federal Government and the Tennessee Valley Authority decided they needed to flood land from the farmers in Swain County, in order to generate hydroelectric power. Literally thousands of Swain County residents packed up and left their homes because the Federal Government needed their land. The Government did not relocate them, nor did Government give North Carolina families additional land. The Government merely offered a few dollars for the land, but Swain County citizens have told me that they never received even a dime for their land.

I don't have to remind Senators, Mr. President, that in 1943, World War II was raging in Europe and the Pacific. Many of the men from the Swain County area were overseas fighting for their country's freedom--at the very time their land back home was being taken by the Federal Government.

When the Government took the 44,400 acres of land north of Fontana Lake, the Government: First, to reimburse Swain County for an existing highway that would be flooded in order to create Fontana Lake; and second, to build an around-the-park road to, among other things, provide access to gravesites left behind when the people were forced off the land.

With respect to the around-the-park road, the written agreement states:

[Page: S14995]

\* \* \* the Department agrees that, as soon as funds are made available for that purpose by Congress after the cessation of the hostilities in which the United States is now engaged, the Department will construct or cause to be constructed the following described sections of road, all of said sections being hereinafter collectively referred to as the 'Park Road':

(a) A section of road beginning at a point on the Fontana Dam Access Road near the crossing of Fox Branch and extending to a point on the western boundary of the land identified on Exhibit A as the property of North Carolina Exploration Company.

(b) A section of road beginning at the eastern boundary of said North Carolina Exploration Company land and extending to the eastern boundary of the Park as extended hereunder.

(c) A section of road across said North Carolina Exploration Company land connecting the ends of the sections of road described in paragraphs (a) and (b) above.

(d) A section of road beginning at a point in the road described in paragraph (a) above, and extending in a generally southerly direction to the west abutment of Fontana Dam.

*Provided*, however, that in lieu of the sections of road described in paragraphs (a), (b), and (c) above, the Department may at its election construct or cause to be constructed, as a part of the Park Road, a continuous section of road beginning at a point on the Fontana Dam Access Road near the crossing of Fox Branch and extending around the aforesaid property of the North Carolina Exploration Company (through existing Park lands) to the eastern boundary of the Park as extended hereunder.

Building the road was contingent on appropriations by Congress. However, it was clear that the Government assumed that the road would be built shortly after the war.

In July 1943, shortly after the agreement was signed, a Tennessee Valley Authority supervisor wrote the families about gravesite removal. The letter stated:

The construction of Fontana Dam necessitates the flooding of the road leading to the Proctor Cemetery located in Swain County, NC, and to reach this cemetery in the future will be necessary to walk a considerable distance until a road is constructed in the vicinity of the cemetery, which is proposed to be completed after the war has ended. We are informed that you are the nearest surviving relative of a deceased who is buried in this cemetery.

Because of the understanding mentioned in this letter--that the road would be completed shortly after the war--families agreed to leave their deceased relatives on the land taken by the Federal Government.

Mr. President, documents dating back to 1943 show that the Government did fulfill its promise to pay for Highway 288. In 1943 the Government paid to the State of North Carolina approximately \$400,000, an amount which represents the principal which Swain County owed on outstanding bonds.

According to my information, the Federal Government paid that amount to the State of North Carolina as trustee. A letter dated November 22, 1943, from the Treasurer of the Tennessee Valley Authority to the Treasurer of the State of North Carolina confirms that payment was made.

The money never reached Swain County, however, and the county continued to pay for the road until the late 1970's.

But, and let me emphasize this, the Federal Government never fulfilled its obligation to build the road. There were a few false starts, though. In 1963, the Federal Government built 2.5 miles of the road; in 1965 it built 2.1 miles; and in 1969 it built one additional mile and a 1,200-foot long tunnel. Then the environmentalists got into the act and the project was shutdown. Now you can visit one of western North Carolina's best-known sites, the 'Road to Nowhere.' It is a travesty--a monument a broken promise by the U.S. Government.

Legislation already introduced by the junior Senator from North Carolina however would be a surrender, a guarantee

that the U.S. Government's commitment will never be honored, and that the 'Road to Nowhere' will go nowhere in perpetuity.

With all due respect to my friend and colleague, this is an abject surrender to the Wilderness Society, the Sierra Club, the National Park Service, and a handful of politicians in Swain County.

In fact, the last time this issue was considered by the Senate--September 19 of this year--Senator **Sanford** quoted a letter from the Swain County Commissioners saying that those who want the road are a few small special interests. In response, I brought to the floor--and showed Senators and reporters from North Carolina--about 7,000 letters from current and former residents of Swain County who had written to me supporting the construction of the road when Senator **Sanford** first attempted in 1987 to vitiate the agreement between the United States and Swain County.

I cannot, and will not, agree that 7,000 citizens of western North Carolina are 'a small special interest.'

It is my information, and my colleague can correct me if I'm wrong, but he has not met with the citizens of Swain County since he left the Governor's Mansion in January 1965. He has only met with a few politicians who are eager to get their hands on the quick, easy 16 million Federal dollars, which the junior Senator has offered them in return for their support of his efforts.

As North Carolina's Gov. Jim Martin's representative testified in June 1987--when hearings were held on Senator **Sanford's** first Swain County bill:

When TVA acquired the communities and lands necessary to build Fontana Lake in the 1940's the Federal Government promised the residents a road so that they would be able to visit the gravesites of their ancestors. Senator **Helms'** bill honors this longstanding promise to the Swain County residents and their heirs. I support this approach because I feel that government must keep the promises it makes to its citizens. Credibility and trust in government are essential in our democratic system of government.

The Governor of North Carolina, as recently as September 18, has restated that position.

Senator **Sanford** suggests that Swain County has not been able to grow because it has not received the payment of \$16 million--which the Federal Government owes the county for destroying NC Hwy 288 in 1943. I disagree. Swain County and most of western North Carolina have suffered economic distress because--I repeat: because--as each year goes by more and more land in North Carolina is taken off the tax rolls and placed off limits.

Mr. President, over the years, North Carolinians in western North Carolina have watched the Federal Government seize their land for one purpose or another. They have very little industry. They have no tax base. The unemployment rate is high.

No one can fully appreciate how the Government has crippled the economy in western North Carolina until he or she looks at how much land the Federal Government has actually seized. In Swain County alone, out of 345,715 acres, the Federal Government has taken 276,577 acres. Nearby Graham County has the same problem. Of the 193,216 acres in that county, the Federal Government has taken 138,813 acres. Of the 353,452 acres in Haywood County, the Federal Government has taken 131,111 acres.

I mention all this to emphasize the frustration in western North Carolina. Meanwhile, in the four Tennessee counties bordering the Great Smoky Mountains National Park for instance, the Federal Government owns less than two-fifths of the land. I have no quarrel with our friends in Tennessee but facts are facts.

Another aspect of this story was omitted from Senator **Sanford's** statement in support of his legislation. Although the Great Smoky Mountains National Park is the most visited national park in the country, few tourists who travel through the Smokies have a place to pause on the North Carolina side

of the park. The road in Swain County, promised over 48 years ago, would change that. It would attract industry and tourists, not to the detriment of the scenic beauty of the Smokies but for the betterment of the citizens of western North Carolina.

Senator **Sanford** also stated that the Department of the Interior regulations and so-called environmental guidelines prevent the construction of the road and, for that reason he would not support full compliance with the 1943 agreement. The Helms legislation should ease Senator **Sanford's** concerns because it orders, notwithstanding any other provision of law, the Secretary of the Interior to build the road.

As Paul Harvey would say, `now you know the rest of the story.'

The narrow special interests want to stop all progress, and if they achieve their goal of persuading the Federal Government to abandon Swain County they will move closer to their goal. In effect Senator **Sanford** appears to favor enjoyment of the land for a minority at the expense of the majority. There has been too much of that already in western North Carolina.

Make no mistake about it, the radical environmentalists will not be satisfied until all of western North Carolina is locked up and the key is thrown away. They have opposed my efforts to achieve fairness for western North Carolina.

I have tried to compromise with the environmentalists and with Senator **Sanford**. I have introduced legislation in the 98th, the 99th, and the 100th Congresses. I agreed to place approximately 200,000 acres of North Carolina land into wilderness in exchange for three things: First, reimbursement for Highway 288 and a farmers home loan; second, exclusion of 44,000 acres of North Carolina land from wilderness; and third, the authorization of money for a primitive road to be built to the cemeteries north of Fontana Lake.

Mr. President, nothing has happened.

I made a commitment to the people of western North Carolina years ago. I promised to fight for their interest. If I lose, Senator **Sanford** and the Federal Government will lose the respect and confidence of thousands of North Carolinians.

I challenge my able colleague to go with me to Swain County and talk to the real people who have repeatedly told me their concerns and their needs through the years. I have already discussed the prospect of field hearings with the Energy and Natural Resources Committee with the distinguished ranking member, Senator **Wallop**, and the distinguished chairman of the Senate Republican Policy Committee, Senator **Nickles**. They are willing to go to Swain County. I trust the junior Senator from North Carolina do likewise.

Finally, Mr. President, I hope my able colleague will join me, Governor Martin, the people of Swain County, the Eastern Band of Cherokee Indians, and all of the other citizens of western North Carolina in supporting my effort to get Swain County moving toward a more prosperous future.

Mr. President, I ask unanimous consent that a letter from the Governor of North Carolina, a history of the North Carolina Shore Road-Wilderness controversy, a letter I wrote to the Fontana Agreement Bi-Partisan Committee on July 12, 1991, a copy of the 1943 agreement, and an article from the Winston-Salem Journal, be placed in the **Record** at the conclusion of my remarks.

There being no objection, the material was ordered to be printed in the **Record**, as follows:

[Page: S14996]

STATE OF NORTH CAROLINA,

Office of the Governor,  
*Raleigh, NC, September 18, 1991.*

Hon. JESSE HELMS,  
*Dirksen Senate Office Building,  
Washington, DC.*

**Dear Jesse:** I understand that an amendment to the Interior Appropriations regarding payment to Swain County, North Carolina in lieu of a road on the north shore of Fontana Lake is expected to be offered by Senator Terry Sanford. I would like to voice my opposition to that amendment.

The North Shore Road was promised to the people of Swain County in 1943, when the Tennessee Valley Authority flooded their lands and an existing road to create what is now Fontana Lake. The 1943 agreement required that a new road be built so that the people of Swain County would have access to ancestral lands and cemeteries that are now part of the Great Smoky Mountains National Park. In the ensuing years, the lack of federal action in carrying out the agreement has engendered a deep distrust of the federal government on the part of the people of Swain County. Only construction of the road would show that the federal government is true to its word and help alleviate that mistrust.

There are some who believe that the federal government should discharge its 1943 obligation via a \$16 million cash payment to the Swain County government in lieu of building the promised road. That would, in effect, compensate a third party instead of keeping the promise to the first party. I oppose this travesty, but urge that no such resolution be authorized without a referendum to show the will of the people of Swain County.

Thank you for your attention to this matter.

Sincerely,  
*James G. Martin.*

U.S. Senate,  
*Washington, DC, July 12, 1991.*

The Fontana Agreement Bi-Partisan Committee,  
*Bryson City, NC.*

**Dear Friends:** Many thanks for your letter of July 3, requesting my opinion of the legislation by Senator Sanford, authorizing the payment of \$16 million as a final settlement for the federal government's failure to keep its 1943 promise to the people of Swain County.

While I sincerely appreciate Senator Sanford's efforts to settle this matter, I must be frank with you: I cannot support any proposal which does not require the United States Government to honor its full and complete pledge--and that means the construction of the road.

Literally thousands of people who have written to me during the last five years feel the same way, and it is not my intent to turn my back on them. To me a commitment is a commitment, whether it is made by one person or the United States Government.

You also asked if I think that a two lane paved road will be built in the future. My answer to that must also be frank. The only way this road will be constructed is for the entire North Carolina congressional delegation to stand together and demand that the 1943 agreement be upheld.

For too long this issue has been dominated by special interest groups outside our state. These groups have promoted divisions among us--and you see the result. Our elected leadership can no longer permit these outside forces to dictate the economic future of a splendid section of Western North Carolina.

I will soon offer an alternative to Senator Sanford's legislation designed to bring the United States Government in full compliance with its 1943 commitment. This is not time to back down and compromise what was clearly promised to us.

I stand ready to work with you, Senator Sanford, and the Department of the Interior, to help Swain County and all of Western North Carolina move toward a prosperous future as we approach the 21st century.

Kindest regards.

Sincerely,  
*Jesse Helms.*

## **The Great Smoky Mountains Wilderness Controversy: The Real Story**

**(BY CHARLENE HOGUE TRIPLETT)**

Hardy pioneers, mostly Scotch--Irish, English and German, settled the mountains of Western North Carolina (WNC) in the 1800s. By the late 1800s, the area was very prosperous; unemployment was an unknown thing. The area was rich in natural resources, there were lumber companies, copper mines, farms, orchards, and prosperous towns with their own theatres, churches, and businesses. This was a time when a man's word was his bond and a handshake was sufficient for a contractual agreement.

The Great Smoky Mountains National Park (GSMNP) was authorized in 1927. The first land was purchased for the Park in 1928, and the original GSMNP was dedicated in 1934 by President Roosevelt. The mountain people in the region were proud that their beautiful homeland had been chosen to be a National Park 'for the enjoyment of all people'; even the school children raised money to help pay for the land, which was largely owned by huge lumber companies. Park land was paid for not only by donations from private citizens, but also towns, the States of North Carolina and Tennessee; and a large grant from J.D. Rockefeller.

The GSMNP lies between North Carolina and Tennessee; the majority in North Carolina. One mountain county of North Carolina, Swain, sacrificed more of its land than any other county to be included in the GSMNP. The total acreage held by the Park today within Swain County is 217,565 acres, or 65 percent of the county. More than 40 percent of the Park is in Swain County. 1

Prior to the early 1940s, there was one area of Swain County which was originally intended for inclusion in the Park, an area lying south of the original Park boundary and north of the Little Tennessee River. Originally, this strip of land was not purchased, partly because of lack of funds but also because the people who lived in that area vigorously refused to sell their land. But this area was later taken in the early 40s in another federal project.

As early as 1920, Alcoa, (Aluminum Corporation of America), a large corporation in neighboring Tennessee, began buying water rights and power plants in WNC. Later, when the Tennessee Valley Authority (TVA) was created, it became partners with Alcoa in many projects. With the onset of World War II, the United States' industrial sector began operating at full production, and TVA was called upon to produce more electric power to expedite the production of war materials. The eastern Tennessee region was a leader in the production of aluminum and war munitions, and more electricity was needed in this area for those existing industries. Alcoa already had plans to construct a dam on the Tennessee River in the region to provide more hydroelectric power. Therefore a deal was made between TVA and Alcoa, in which Alcoa transferred to TVA the land which it had already purchased, as well as other rights and interests in the Fontana Project and other Little Tennessee River projects; and TVA would pay Alcoa with electric power. 2

Congress authorized construction of Fontana Dam on December 17, 1941, as part of TVA's third wartime emergency program. The Fontana project was the biggest ever to be undertaken by TVA. Hydroelectricity

from the dam was to be used primarily to produce aluminum for airplanes in the big factories in eastern Tennessee. On completion, the dam was to be 480 feet high, the highest dam East of the Rockies and the fourth highest in the world at the time. Construction on the dam began January 1, 1942, and was completed by round the clock construction in record time. The closure of the dam occurred on November 7, 1944, and it began generating power January 20, 1945, ' . . . in time to be of considerable value in the closing phases of the war.' 3

The creation of Fontana Reservoir necessitated the acquisition of 11,800 acres of prime land in WNC, for the dam site and reservoir. The reservoir would also flood a State Highway, 288, leaving approximately 44,400 acres on the north shore of the planned reservoir isolated. (This area has been termed the 'North Shore'.) The land area acquired for the Project, which could have been about 12,000 acres, finally totaled 68,291 acres. 4

The official TVA document which recorded the project, The Fontana Project, gives us an account by which the land was acquired:

'Prices to be paid for the land were fixed by TVA's appraisal staff. No price-trading was permitted to enter into the negotiations and the property was either purchased at the appraised price or condemned . . . TVA's governing price policy is to purchase land and rights required at prices which will enable owners to relocate or re-establish themselves on properties at least equal in value to those they previously owned.' 5

TVA has its account of how the land was taken; the natives of the North Shore area also have their account:

'I might say a few things that I really do not like to say about the U.S. Government, but I believe I lost part of my heritage when it was taken over by the U.S. Government. My grandfather, Andrew J. Posey, owned 300-plus acres of land on Pilkey's Creek. [Which is on the North Shore.] He was not asked if he could sell it. He wasn't asked what he would take for it. He was told that he would get \$2,000 for it. Then when he refused to sign a deed, he was forced to watch a judge sign a deed for him,' thus states Joyce Posey Breedlove at a Senate Subcommittee Hearing. 6

Obviously 'TVA's governing price policy' was not used or taken into account in buying land for this project. Taylor

Kirkland, a native of the North Shore, also testified at this March 14, 1984 field hearing held in Bryson City, NC, by the Senate Subcommittee on Public Lands and Reserved Waters, stating: 'We had 99.9 acres of property. We were given \$1,435. . . . We came up here and relocated about 2 and 1/2 miles north of Bryson City, and we got 12 acres for \$1,300.' 7

Reverend Buford Woodard of the Deep Creek Baptist Church in Bryson City, NC, also testified at the hearing. He remembers how the TVA came and took his family's land:

'My mother was a widow. My father passed away in 1935 . . . and she was left with six children. At the time that the TVA came, of course, to take over the property, she had four children left. . . . She would never sign the deed because she felt that 600 acres was the inheritance of her family that she had worked hard to rear. But it was carried to the court . . . and there in the court of this country the deed was made to the TVA and \$5,000 put in the Bryson City Bank, . . . \$5,000 for 600 acres, 3 houses, 350 fruit-bearing trees.' 8

Countless testimonies at this 1984 Senate hearing clearly show that these people were not given fair market value for their land and homes. Some people's land was taken for county back taxes they owed. Others claim that they were never given a cent for their land. These testimonies question the constitutionality of how the TVA took the people's land.

Most private citizens were usually only given about six dollars an acre for their land. Mining property and developed industrial property brought the average price up to \$37.76 an acre, still the second lowest price

in TVA history. (The lowest price paid by TVA was for a reservoir which did not affect any towns or communities, nor did it contain rich copper mines or a prosperous industrial sector, as the Fontana Project did.) TVA tried to justify these low averages by stating that they ` . . . reflect the mountainous character and remoteness of the reservoir settings.' 9

But to the people who had chosen to live there, the land was invaluable. A price could not be placed on land which had been in one's family for generations. The mountain people recognized the land then, for what the `preservationists' (so called environmentalists) are proclaiming it today: as `crown jewels.'

It is no wonder these people, who had been taken advantage of, are bitter and mistrustful of the United States Government. Reverend Buford Woodard's story tells of how he was drafted into the armed service a year after his family's land was taken: ` . . . I received greetings from the President of the United States, saying that `You have been selected to honor your country.' I had a hard time dealing with that, because I had just gone through the trauma and the experience of seeing the Nation that called upon me to bear arms and defend its freedom take my own mother's home and take my inheritance . . .' 10

Not only were these mountain people cheated out of their land; they were misled by TVA officials. The Fontana Project reports that, of the land ` . . . secured for the project, 88.4 percent [was acquired] by voluntary sell . . . [the rest] by condemnation.' 11 These figures probably would have been reversed if the people affected had realized how they were being taken advantage of.

The TVA officials told the people almost anything which would appeal and get them to agree to give up their land.

This was a time when feelings of patriotism were high and everyone was trying to help in the war effort. Many of the husbands and sons were overseas fighting the war. TVA officials played on the feelings of these patriotic people, telling them that, if they did not move off the land, thousands more American boys would lose their lives in the war; or that the war would be over much more quickly if they would sell their land and make way for the project.

Everyone was assured, by TVA officials personally, and by official TVA letters, that as soon as the war was over and more resources were available, a road would be built back into the area. Some people were told that they could return to their land if it was not flooded. Millie Vickery once lived in Possum Hollow on the North Shore. `When the TVA came to take the land they told me and my husband that a road would be built which would allow us to come back and move our house, if we wanted to,' she stated at the March, 1984 Senate Hearing. 12 But when the people moved out, practically all the homes and buildings which were left were torched. In preparing land to be flooded for a dam reservoir, the proper method is to clear away everything which would be underwater. However, the land on the North Shore was above the high water mark; it was not necessary to burn existing buildings, especially since the people were promised they could return. Natives and descendants of the North Shore believe this was done to ensure they would never try to come back home to live.

Another major aspect of the TVA deception concerns the ancestral cemeteries in the area. Several cemeteries and graves in the planned reservoir area were moved either above the high water mark on the North Shore or to other areas in WNC, most in Swain County. Over 1,000 graves were left in the 28-plus cemeteries on the North Shore which was to be isolated. The people there were strongly encouraged by the TVA, which was trying to minimize grave relocation costs, not to move these cemeteries, as the new road would provide access back into the area.

As a July, 1943 official TVA letter to Mr. L.B. Cook of Marion, NC, reads:

`The construction of Fontana Dam necessitates the flooding of the road leading to the Proctor Cemetery located in Swain County, NC, and to reach this cemetery in the future will be necessary to walk a considerable distance until a road is constructed in the vicinity of the cemetery, which is proposed to be completed after the war has ended.' 13

In 1943 a four-party agreement was signed among Swain County, the State of North Carolina, the TVA, and the Department of the Interior, in which TVA transferred the land on the north shore of Fontana Lake to the Department of the Interior to be added to the GSMNP. In turn, the Park Service agreed to build a road . . . when constructed shall as a minimum standard be finished throughout its length with a dustless surface not less than twenty (20) feet in width . . .' from Bryson City to Fontana Dam to link up with Deal's Gap, Tennessee. 14 Swain County assumed the bond debt of State Highway 288, and the interest of this debt, a total sum of \$694,000. The State of North Carolina would contribute \$100,000 to assist in TVA's acquisition of the North Shore. TVA would contribute \$400,000 to the State of North Carolina to be held in trust for Swain County to help pay off the bond debt for Highway 288. North Carolina would construct a road from Bryson City to the Park Boundary line to connect with the new Park highway. 15

The Bryson City Times, a local paper, reports of the contract, termed the 1943 Agreement, on August 5, 1943:

' \* \* \* it would appear that Swain County came out on the losing end of the deal. But happily, this isn't the case. . . . The National Park Service says that as soon as money is made available after the war it will build a modern highway along the shores of Fontana Lake connecting Bryson City with the TVA access highway at Fontana Dam. . . . Anyone with the smallest amount of imagination can visualize what a road of this kind will mean to Bryson City . . . there is nothing that can keep Bryson City from becoming the tourist center of Eastern America.' 16

The 1943 Agreement reflects the schemes of high United States Government officials to take the North Shore and make it a part of the GSMNP. According to The Fontana Project: 'In the Fontana Reservoir vicinity . . . there was a strip of mountainous land [the North Shore] . . . which had not been acquired by the Department of the Interior because of lack of funds.' 17 The reason that Swain County agreed to accept the bond debt . . . was influenced by the fact that the National Park Service desired to acquire this land lying between existing park boundary and the river and to build a park highway paralleling the river from Fontana Dam to near Bryson City as soon as the necessary funds were available.' 18

The land on the North Shore was taken under false pretense by TVA officials who told the people the land was needed for the dam project when actually it was being taken for inclusion in the Park. Due to the speed of removal of the people and the lack of communication in the early 1940s, the vast majority of people did not know that their vacated land was going to be transferred to the Park Service. Many actually thought they were going to be allowed to return and live on the land.

To add insult to injury, the Department of the Interior has failed to live up to its end of the agreement; the promised Park Highway which was supposed to compensate so much, has not been constructed to this date. The Department of the Interior has tried to get out of building the road because the terminology in the 1943 Agreement reads, 'IF and when funds are made available by the Congress . . .' the road will be built. 19

However, the Department's own actions have clearly proven that they have a legal responsibility to construct the road. The State of North Carolina fulfilled its part of the contract; the road from Bryson City to the Park boundary was completed in 1959. The National Park Service then started construction on this 'New Fontana Highway,' completed almost nine miles of road into the Park, at which point construction was stopped due to outcry from 'environmental' or preservationist groups. 20 Swain County also fulfilled its end of the bargain; the flooded Highway 288 was finally paid off in 1974. Not only did Swain County pay a huge amount of money for this flooded road, it also sacrificed financially when the excessive amount of land was taken from its tax rolls.

In return for these sacrifices, Swain County has received nothing but so-far broken promises.

The people who were living on what is now the North Shore of Fontana Lake would never have peacefully agreed to leave their homes and cemeteries had they envisioned a future of broken promises and no access back. Over the years few trips were made back across the lake to the North Shore; these trips

were made by individuals in private boats. After several trips over a period of years, it became obvious that the National Park Service was neglecting the upkeep of the cemeteries. After people began protesting, this care was started. Finally, in 1977, the North Shore Cemetery Association was organized by former residents. They organized homecomings and scheduled annual visits to the cemeteries by pooling resources and renting boats. A couple of years later, the Park Service started helping with access and later, providing yearly access. Today this access consists of a boat ride across Fontana Lake, then a bumpy ride on the back of a truck, on hay bales, in jeeps, or in Suburbans. The transportation is insufficient and slow. This bittersweet journey is an arduous ordeal for the elderly and many are physically unable to continue to make the trip. But the religious tradition of cemetery visitation as well as the bitterness toward the Federal Government is passed on to children and grandchildren who still insist that the Park Service build the promised road.

Road construction was stopped by cries of 'environmental damage' by 'environmental groups' which had gained public recognition and political power in the 60s. Costly studies were then conducted by the Park Service, heavily influenced by preservationist sentiments, which found that further road construction '... would result in extreme cuts and fills and unstable conditions would cause environmental damage...' 21 Another argument used by the preservationists is that further damage would be done by Anakeesta rock which would be uncovered by road construction. This is a type of rock in which the surface emits acid when exposed to air and water. Senator Al Gore, debating on the Senate Floor, stated of Anakeesta rock: '... when uncovered by road builders this acidic material washes into nearby streams and kills them.' 22 Other environmentalists, using this argument, have said that all the fish in Fontana Lake would be killed when the acid 'leaches' down into the lake. Users of such arguments either have not done their research or are deliberately misleading the public.

Anakeesta rock is commonly found by WNC road builders and methods have been developed to deal with it. A federal geological survey states that the banks of Fontana Lake are lined with this acidic rock. Also, a recent federal study has found that acid rain is more acidic than Anakeesta rock. If the Anakeesta rock argument was true, the fish in Fontana would have all died long ago; instead, the fish population is thriving.

Tales of environmental damage road construction would cause are greatly exaggerated and often false. Joseph E. Beck, a professor of Environmental Health Sciences at Western Carolina University has written: 'Arguments that this... road could not be constructed without serious environmental damage makes a mockery of our technological abilities.' 23

In the late 1960s, the road construction issue became complicated by talk of Federal Wilderness by environmental groups. These preservationists worked to pass the Wilderness Act of 1964, which placed repressive restrictions on National Forests and Parks. The highest level of preservation given land by law is Wilderness designation.

Ron Arnold is the Executive Director of the Center for the Defense of Free Enterprise, in Bellevue, Washington; he is also a writer and a Wilderness expert. In his book, Ecology Wars: Environmentalism as if People Mattered, Arnold discusses Wilderness:

'Wilderness, at first blush, has a wholesome ring in modern America... A 1978 survey by Opinion Research, Inc., found that more than 75 percent of all Americans still didn't realize the difference between just any woody recreation spot and officially designated wilderness. The difference is monumental. The Wilderness Act of 1964, which created the National Wilderness Preservation System, mandated that wilderness is an area of at least 5,000 federally-owned acres and defined it thus:

'A Wilderness, in contrast to those areas where man and his works dominate the landscape, is hereby recognized as an area where the earth and its community of life are untrammelled by man, where man himself is a visitor who does not remain.' In practical terms, that means no roads, no buildings, no watershed management, severely restricted fire, insect, disease, and wildlife management, and in most places, not even toilets. It's the law. But the average American never even heard of it.' 24

When land is designated as a wilderness area, it is made inaccessible to a large majority of American Citizens. Because of the 'no roads' language in the Wilderness Act, the only people who can enjoy the land are those who have access to it, and who have the time, money, and physical capability to explore a 'wilderness.' The Wilderness Act is clearly discriminatory in this way.

According to expert Grant Gerber, founder of the Wilderness Impact Research Foundation in Elko, Nevada, when land is designated Wilderness, restrictions are placed on any kind of activity within. This activity can include such things as hunting, livestock grazing, and access to water. In many cases landowners adjacent to the Wilderness Area are affected with the establishment of 'buffer zones', or restricted zones outside the Wilderness boundary. 25

The Wilderness Act of 1964 contained a directive for all federal land agencies to study all units under their jurisdiction and recommend which units were suitable for Wilderness designation. Units so recommended were/are then managed as Wilderness until Congress passed legislation officially designating those units Federal Wilderness or releasing them from Wilderness management.

In 1975 the GSMNP was recommended for inclusion in the Wilderness Preservation System, therefore, any road construction would have been in direct conflict with the Wilderness management plan of the Park. 26

In 1980, after several proposals on how to resolve the North Shore road issue, the Secretary of the Interior supported a cash settlement being paid to Swain County in lieu of completing the road. Under this plan, the Park Service, would provide cemetery access to the North Shore Cemetery Association. 27 This proposal was exactly what the environmental groups wanted; once the road issue was settled, the Department of the Interior would be relieved of their legal obligation which would expedite the passage of a Great Smoky Mountain Bill. But the North Shore Association and Swain County people, who had been fighting for the road for years, were not satisfied with this proposal.

The North Shore of Fontana Lake contains a few old cabins, which were missed by the TVA, several building foundations, other historical structures, many old relics, old roads and trails, not to mention some 28-plus cemeteries. The area does not even meet the criteria for Wilderness designation; according to the Wilderness Act, a Wilderness is an area 'untrammelled by man.' The people from the area are very concerned that the Park Service will slowly remove all 'signs of man' from the area, wiping out the remains of their heritage. Reportedly, the Park Service has been seen destroying non-native plants such as rose bushes; and rainbow trout, which is also not native to the Smokies. In effect, the Park Service may be trying to 'create' an area suitable for Federal Wilderness designation, where none exists.

Concerned people have asked that at minimum the North Shore be exempt from Wilderness designation. However, top preservationist groups such as the Sierra Club have said, in effect, that all the Park be designated Wilderness, or the county will not receive the monetary settlement for the road. In effect, this amounts to blackmail, considering the power such groups have in Congress. Swain County is legally and morally owed a road and was promised other tourism-related developments by the Park Service prior to the signing of the 1943 agreement. Environmental groups, which were not party to this agreement, should have no place in negotiating proposals.

Various Wilderness bills have been sponsored since 1975, usually by Tennessee Senators, but none have passed. Senator Jesse Helms has led the fight against these bills. Helms promised that as long as he was in the United States Senate, he would do his best to see that the Government kept its word to Swain County people.

The most recent battle over Wilderness for the Smokies started in 1987 with the introduction of more Wilderness Bills. At this point a group of concerned property owners adjacent to the GSMNP organized to form 'Non-Partisan Citizens Against Wilderness in Western North Carolina'. Their primary goal was to block a Wilderness Bill which would affect the entire Park, including the North Shore.

On a current membership form, the Citizens group clearly lists their guiding philosophies:

'We are for multiple use of Public Land. We are for private ownership of land. We are for the fulfillment of the 1943 Agreement. We actively oppose any Wilderness legislation. We seek to elect officials who represent us, regardless of party affiliation. We work to educate the public concerning these issues.'<sup>28</sup>

In 1987 and 1988, this group sent a total of over 11,000 petitions and letters to Washington, DC. In July of 1988, when a Great Smoky Mountains Wilderness Bill was being debated on the Senate floor, the group distributed hundreds of 'Action Alerts' which asked people to telephone targeted Senators and listed their phone numbers. The group has also secured several resolutions against Wilderness designations and for the fulfillment of the 1943 agreement. Resolutions were secured from: the Swain County Board of Commissioners, the Graham County Commissioners, the Bryson City Board of Aldermen, The Swain County Chamber of Commerce, The Swain County Board of Education, the Swain County Coonhunters Club, The Republican Party of Swain County, the Democrat Men's Club (of Swain County), and several Democratic Precincts in Swain County. Swain, a county in which the Democrat to Republican ratio is 3 to 1, strongly supports the efforts of Senator Jesse Helms, a conservative Republican leader.

Additionally, the local Veterans of Foreign Wars Post voted to support the National VFW Resolution against any further Wilderness designation nationally. The Eastern and Western Cherokee Indian Nations also passed resolutions against Wilderness. Also, approximately 95 percent of the businesses in Bryson City signed a petition calling for the completion of the road as called for in the 1943 Agreement. All these efforts would have been in vain had it not been for Senator Jesse Helms, who courageously stood up for the people of WNC and blocked passage of the Wilderness Bill in the summer of 1988. In the following January, (1989), a Jesse Helms Appreciation Day was named, and Citizens Against Wilderness sponsored a dinner at which the Senator was the honored guest speaker.

The North Shore Road was intended to be much more than a cemetery access road. It was intended to secure Swain County's future. The proposed cash settlement for the road, (which totaled 15 million in 1988), is nothing compared to what Swain County could have been making through tourism, had the road been completed, along with promised National Park Service developments constructed on the North Carolina side of the Park.

According to The Fontana Project, the North Shore road was planned to diffuse heavy tourist traffic in the Park to Swain County and provide a better Eastern entrance to the Park. When the 1943 agreement was in the negotiating stages, much talk was about developing tourism opportunities in Swain County and along Fontana lake. This tourism industry was supposed to compensate Swain for all the land which had been removed from its tax rolls.

It is easy to understand why Tennessee members of Congress always sponsor Great Smoky Mountain Wilderness Bills. They want to make it impossible for the North Shore Road to be built; this would divert tourists from Tennessee. Tennessee does not want to share their rich tourist industry with North Carolina. In 1983 \$150 million was reaped from tourists in Gatlinburg, Tennessee while Swain County generally averages less than one-fifth that amount. <sup>29</sup>

As a direct result of the Government failing to fulfill its agreements, and because of excessive Federal ownership of land, Swain is one of the poorest counties in North Carolina, and consistently has the highest unemployment rate in (non-tourist) winter months. Excessive concern by preservationist groups for a near-pristine environment on private land has caused developers and industry to go elsewhere with their jobs and opportunities.

Swain County is currently 86 percent Federal land, containing parts of land from the GSMNP, TVA, the Cherokee Indian Reservation, Nantahala National Forest, and the Blue Ridge Parkway.

Despite this fact, Swain is still targeted for even more federal `protection' by preservationist groups, which, according to several members of Congress, `undoubtedly are the most powerful lobby in Washington, DC' 30

Because of these factors, Citizens Against Wilderness plan to become a permanent `watchdog' for private property in Western North Carolina. The group has gained support nationwide, and has become politically effective. At the 1988 National Wilderness Conference in Reno, Nevada, Linda G. Hogue, co-founder and chairman of the Citizens group, was a guest speaker, and was honored with the `Most Effective Grassroots Organization Leader of the Year Award.'

Hogue has vowed to continue pushing for the Federal Government to fulfill its agreement to the people of Swain County. `They should either build the road or give the land back,' she has stated. 31

\* \* \* \* \*

[Page: S14999]

<http://thomas.loc.gov/cgi-bin/query/F?r102:1:./temp/~r102TrZUig:e170883:>