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General Article

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SOURCES OF ALASKA LEGAL HISTORY: AN ANNOTATED BIBLIOGRAPHY, PART II ^{a1}

WESTLAW LAWPRAC INDEX

LIB--Library Management & Resources

The author provides the second part of an annotated bibliography of sources for the legal history of Alaska.

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*478 Introduction

¶1 Nearly two decades ago, it was reported that the demand for legal history research was growing.¹ This bibliography helps meet that ongoing demand by contributing an annotated list of books, articles, occasional reports and papers, and selected unpublished materials that shed light on the rich, diverse, and vibrant legal history of Alaska, including both the territorial and statehood periods, as well as the period of Russian control, the period between U.S. acquisition in 1867 and the onset of territorial status in 1912, the Native Alaskan experience, and relevant federal law.

¶2 The bibliography is intended to be as comprehensive as possible. While I took a broad view of what constitutes Alaska legal history, I used certain guidelines for inclusion. I have included accounts of historical events with legal consequences, stories of legislative and court actions, and the biographies or biographical sketches of prominent members of the Alaska bar. I have also included sources that offer some history of the development of a particular area of Alaska law or that embed the state's legal history in a broader narrative. The bibliography also contains sections on crime and justice. In addition, since Alaska was under federal control for so long, and since federal rules and regulations still control much of the state, I include relevant federal legal history: for example, relations with Native Alaskans in areas such as education, subsistence, and land claims settlement. I also include materials on the "law ways" of the Alaska Natives, the distinctly Native and non-Western approaches to law and justice developed by the Alaska Natives prior to contact and beyond. Law from the period of Russian Alaska was a challenge. For one thing, I include only sources in English. For another, many of the rules used to govern were corporate rules from the Russian-American Company (RAC). Those are included, as are accounts of corporate history and the RAC's relationship and subservience to the imperial government.

¶3 To keep the size manageable, legal history sources found to be marginal or unhelpful are weeded out. Sources that merely present the state of an area of law at a given time or predict the effect of a court decision are excluded, as are most meeting *479 proceedings, newspaper accounts, legislative journals, and anything that is not cataloged in the OCLC database. The purpose of the latter approach is to limit inclusion to those items that the reader can reasonably expect to obtain. General history items that are helpful for understanding Alaska's legal history and context are included and identified as such in the annotations.

¶4 Beginning with the online catalog of the Alaska State Court Law Library, I developed a list of subject headings that I then searched in OCLC's WorldShare database, as well as the catalogs of the Anchorage Public Library and the Alaska Resources Library and Information Services (ARLIS). I also searched some discrete subjects in JSTOR. As topics of interest emerged, I leveraged the new subject headings as well. I also searched the tables of contents of Alaska's two law reviews,² Alaska's two bar journals,³ and several other relevant periodicals.⁴ Finally, I browsed shelves, here in the Anchorage Law Library and in the Loussac Library, the main branch of the Anchorage Public Library. Each identified item was then obtained and combed for references to additional items. When the well ran dry, my research was at an end.

¶5 The bibliography is organized with a modified list of the subject headings used by Dr. Joel Fishman in a compilation project he led of legal history articles in *Law Library Journal*.⁵ While some entries fall under multiple subject headings, they are listed only once under the subject heading that seemed the best fit. Where appropriate, I include an explanation of the subject heading, allowing me to truncate some annotations in the interest of avoiding repetition. Part I covered the subjects Alaska Bar, Practice and Education, through Education, and appeared in the Summer issue of volume 110 of *Law Library Journal*.⁶ Part II covers the subjects Environmental Law through Wilderness.

Bibliography

Environmental Law

Coates, Peter. "Project Chariot: Alaskan Roots of Environmentalism." *Alaska History* 4, no. 2 (Fall 1989): 1-31.

In 1957 the Atomic Energy Commission, eager to promote what it called "geographical engineering," hatched a plan to carve out a port in northern Alaska by detonation of an atomic device on Cape Thompson on the Chukchi Sea. This article traces the history of the plan and its opposition, which led to the emergence of local and national environmentalism. The use of a bioenvironmental study was a forerunner of the environmental impact study approach required by the National Environmental Protection Act.

***480** Haycox, Stephen. *Battleground Alaska: Fighting Federal Power in America's Last Wilderness*. Lawrence, Kansas: University Press of Kansas, 2016.

This narrative details the fights over the establishment of the Arctic National Wildlife Refuge, the Trans-Alaska Pipeline, and the Alaska Lands Act from the perspective of Alaskan interests and structures.

Joslin, Falcon. "The Conservation Policy in Alaska." *Alaska-Yukon Magazine* 9, no. 6 (May 1910): 341-49.

This article negatively reviews federal laws, including legislation, executive orders, and Forestry Bureau regulations, which limit the exploitation of coal and forestry on federal land in early twentieth century Alaska.

Kohlhoff, Dean W. *Amchitka and the Bomb: Nuclear Testing in Alaska*. Seattle: University of Washington Press, 2002.

This book is about the testing of nuclear devices in the Aleutian Islands, how the program came about, and objections to it and activism against it, including legal action that went all the way to the U.S. Supreme Court.

Laska, Lewis L., and Gregory C. Fant. "Water Pollution Control in Alaska: The Alaska Environmental Conservation Act of 1971." *UCLA-Alaska Law Review* 4, no. 2 (Spring 1975): 263-93.

The purpose of this article is to see how the Alaska state legislature handled water pollution control. Includes background on Alaska water law and the Alaska Environmental Conservation Act.

O'Neill, Dan. *The Firecracker Boys: H-Bombs, Inupiat Eskimos, and the Roots of the Environmental Movement*. New York, New York: Basic Books, 1994.

In this book-length treatment the author tells the story of how the Atomic Energy Commission attempted to “create an instant harbor on the coast of Alaska by detonating several thermonuclear bombs,” and the gathering and eventual success of opposition to the plan. It also includes the story of the conduct of an environmental study within the AEC to examine the project. It was effectively an environmental impact statement and it provided a model for the first ones produced after the enactment of the National Environmental Policy Act in 1969.

O'Neill, Dan. “H-Bombs and Eskimos: The Story of Project Chariot.” *Pacific Northwest Quarterly* 85, no. 1 (January 1994): 25-34.

This is a shorter treatment of the subject covered in O'Neill's *Firecracker Boys*.

Parker, Geoffrey Y. “Section 404(c) of the Clean Water Act and the History of State and Federal Efforts to Conserve the Kvichak and Nushagak Drainages of Alaska.” *Seattle Journal of Environmental Law* 2 (2011-2012): 219-278.

The first part of this article reviews forty-five years of “federal and state efforts regarding land use planning, conservation, and development” (1967-2012) in the drainages of Kvichak and Nushagak, including the protection of uplands.

Ross, Ken. *Environmental Conflict in Alaska*. Boulder, Colorado: University Press of Colorado, 2000.

This volume reviews various wildlife disputes and land management issues in Alaska, and the movement toward environmental responsibility and corporate accountability.

Trelease, Frank. J. “Alaska's New Water Use Act.” *Land and Water Law Review* 2, no. 1 (1967): 1-49.

This article includes a background and history of the 1966 statute, as well as the development of Territorial water law.

***481 Exxon Valdez Oil Spill**

_____, Notes and Information. *Litigation History*.⁷ Exxon Qualified Settlement Fund, 2007.

This brief summary of the complex litigation that followed the grounding of the *Exxon Valdez* and the resulting oil spill in the Prince William Sound is taken from trial Judge Russel Holland's Order 34.

Bardwick, Deborah S. "The American Tort System's Response to Environmental Disaster: The *Exxon Valdez* Oil Spill as a Case Study." *Stanford Environmental Law Journal* 19, no. 1 (January 2000): 259-89.

This article looks at the ability of the American tort system to handle the enormity of a case like the *Exxon Valdez*. The author looks at several theories of liability and how they played out in the litigation, including the public trust doctrine, federal maritime tort law, and cultural and spiritual damage to Alaska Natives.

Barker, Emily. "The Exxon Trial: A Do-It-Yourself Jury: Five Years After the Massive Alaska Oil Spill, Headstrong Jurors Listened to the Lawyers, Then Made Up Their Own Minds to Hit Exxon With a \$5 Billion Verdict." *American Lawyer* (November 1994): 69-77.

This article looks with some detail at how the jury in the Exxon trial levied large punitive damages against Exxon for their negligence in the spill.

Bristol, Tim. "Hard Choices for a Shaky Future: Alaska Natives in the Wake of the *Exxon Valdez*." *Native Americas: Akwe:kon's Journal of Indigenous Issues* 12 (Summer 1995): 32-41.

The settlement made by Exxon Oil Company in the *Exxon Valdez* litigation required the company to pay \$1.025 billion in civil and criminal fines. It was also used to create the *Exxon Valdez* Settlement Trustee Council, which was charged with using the settlement funds to "restore, replace, rehabilitate or acquire the equivalent resources injured." This article examines the Trustees' efforts to purchase Native holdings within the "spill zone" to carry out that charge.

Davidson, Art. *In the Wake of the Exxon Valdez*. San Francisco, California: Sierra Club Books, 1990.

While this book focuses primarily on the spill and the social ramifications of the disaster, it includes a chapter on the litigation and other efforts to find justice.

Dolin, Mitchell F. "An Overview of the *Exxon Valdez* Insurance Coverage Dispute." *International Insurance Law Review* 5, no. 10 (1997): 313-17.

This article discusses the facts of the accident, the insurance policies applicable and coverage, the claims, and the settlement.

General Accounting Office. *Natural Resources Restoration: Status of Payments and Use of Exxon Valdez Oil Spill Settlement Funds*. Report to the Chairman, Committee on Energy and Natural Resources, U.S. Senate. Washington, D.C.: General Accounting Office, 1998.

In 1991 Exxon agreed to pay \$900 million in civil claims and a \$25 million criminal settlement for its responsibility in the oil spill. A Trustee Council was set up to spend the money on, *inter alia*, cleanup and damage assessment; purchase land to protect or enhance damaged resources; conduct monitoring, research, and restoration; and pay administrative costs. The purpose of this report is to inform Congress how the money was spent.

***482** Grumbles, Benjamin H., and Joan M. Manley. "The Oil Pollution Act of 1990: Legislation in the Wake of a Crisis." *Natural Resources and Environment* 10, no. 2 (Fall 1995): 35-42.

While less well-remembered oils spills in 1988 and 1989 helped to inspire new federal legislation to address the issue, it was the *Exxon Valdez* disaster that helped reconcile the House and Senate approaches and get the legislation enacted. This article reviews the major provisions and issues in the legislative activity, and then looks at the post-enactment issues.

Hunt, Joe. *Mission Without a Map: The Politics and Policies of Restoration Following the Exxon Valdez Oil Spill: 1989-2002*. Anchorage, Alaska: Exxon Valdez Oil Spill Trustee Council, 2009.

The author defines this book as a "documented history of the Trustee Council." In it he reviews the legal actions that led to the \$1 billion settlement and the establishment of the Trustee Council, as well as its initial evolution. He also looks at public involvement and the development of restoration science.

Jenkins, Robert E., and Jill Watry Kastner. Comment. "Running Aground in a Sea of Complex Litigation: A Case Comment on the *Exxon Valdez* Litigation." *UCLA Journal of Environmental Law and Policy* 18, no. 1 (1999-2001): 151-216.

This comment reviews the history of the *Exxon Valdez* litigation, focusing on litigation between defendant Exxon and claimants who suffered injuries as a result of the spill. Also included are analyses of strategies adopted by the claimants as well as substantive and procedural tools used by Exxon in its own defense and Exxon's post-trial motions and appeals.

Keeva, Steve. "After the Spill: New Issues in Environmental Law." *ABA Journal* 77, no. 2 (February 1991): 66-69.

This article reviews the *Exxon Valdez* case as it was proceeding through Alaska federal court, noting procedural issues such as standing and class certification. The author also addresses areas where the litigation "almost certainly will make new law," such as natural-resources damages and the constitutionality of high punitive damages.

Lebedoff, David. *Cleaning Up: The Story Behind the Biggest Legal Bonanza of Our Time*. New York, New York: Free Press, 1997.

The author presents a narrative of the sticky and complex civil action resulting from what has been called the biggest drunk-driving case of all time, the *Exxon Valdez* oil spill in the Prince William Sound.

Lee, Martin R. *After the Exxon Valdez Spill: Oil Pollution Liability and Compensation Legislation*. CRS Report for Congress, 89-266 ENR. Washington, D.C.: Congressional Research Service, Library of Congress, 1989.

After a summary of current law the author gives a history of Congressional involvement in oil pollution liability and compensation.

Lovett, William A. "Exxon Valdez, Punitive Damages, and Tort Reform." *Tort Trial and Insurance Practice Law Journal* 38, no. 4 (Summer 2003): 1071-1128.

Prior to a lengthy examination of the evolution of punitive damages and tort reform, which gets a push from the *Exxon Valdez* litigation experience, the author provides a summary of the oil spill, cleanup efforts, and litigation.

Quam, Darrin J. Comment. "Right to Subsist: The Alaska Natives' Campaign to Recover Damages Caused by the Exxon Valdez Spill." *Georgetown International Environmental Law Review* 5, no. 1 (1992): 177-213.

***483** Overall the aim of this comment is to review and analyze the strategy of the Alaska Natives in seeking compensation for the damages incurred by the *Exxon Valdez* oil spill. Part I reviews the facts of the conflict that resulted in the commencement of actions in *Native Village of Chenega Bay v. Lujan* and *Chenega Corp. v. Lujan* (undecided at the time of the writing). The article also introduces the key players and analyzes their strategies and goals.

Raucher, Stephen. "Raising the Stakes for Environmental Polluters: The Exxon Valdez Criminal Prosecution." *Ecology Law Quarterly* 19, no. 1 (1992): 147-85.

The author attempts to reconstruct the criminal prosecution against Exxon and then looks at how the eventual settlement may make similar criminal prosecutions easier in the future.

Stoll, N. Robert. "Litigating and Managing a Mass Disaster Case: An Oregon Plaintiff Lawyer's Experience in the Exxon Valdez Oil Litigation." *Oregon State Bar Bulletin* 56, no. 1 (October 1995): 14-22.

This is an account of the *Exxon Valdez* litigation from the inside, with attention paid to case management, the discovery plan, funding the litigation, dual trials, and settlements, etc.

Wood, Amy Edwards. "In Re the Exxon Valdez: The Danger of Deception in a Novel Mary Carter Agreement." *Seattle University Law Review* 21, no. 2 (Fall 1997): 413-39.

This article looks at the controversy around a secret Mary Carter agreement between Exxon and seven Seattle food processors. Under the agreement Exxon settled with the Seattle Seven for compensatory damages but the Seattle Seven agreed to return any punitive damages to Exxon, thus reducing Exxon's burden. Revelation of the ruse outraged Judge Holland.

Federal, State & Local Government

Cease, Ronald C., and Jerome R. Saroff, eds. *The Metropolitan Experiment in Alaska: A Study of Borough Government*. New York, New York: Frederick A. Praeger, 1968.

This volume is a collection of contributions by participants in the development of local government in Alaska. In particular, it looks at the borough, a form of government unique in the United States, with topics that include "History, Powers and Organization," "Legislative History," "Law and the Attorney General," and also a focus on Juneau and Anchorage.

Graves, W. Brooke. *Establishing Local Government in Alaska*. Fairbanks, Alaska: University of Alaska, 1959.

This work, labeled "A Statement prepared for and at the request of the Alaska Legislative council," is a report, written by a Carnegie Visiting Professor at the University of Alaska. He analyzes the concept of "borough government" and looks at some of the problems of intergovernmental relations and service agencies.

McBeath, Gerald A. *North Slope Borough Government and Policymaking*. Man in Arctic Program: Monograph no. 3. Fairbanks, Alaska: Institute of Social and Economic Research, University of Alaska, 1981.

This study gives a pretty comprehensive view of the North Slope Borough, from development to political leadership to performance. Of particular interest here is Chapter 3, Development of a Regional Government Institution, 1972-1980.

*484 Morehouse, Thomas A., and Victor Fischer. *Borough Government in Alaska: A Study of State-Local Relations*. Fairbanks, Alaska: University of Alaska, Institute of Social, Economic and Government Research, 1971.

This study provides a history of evolution of local government in Alaska, an examination of the constitutional framework, and a history of borough government and politics, including their establishment.

Morehouse, Thomas A., and Victor Fischer. *The State and the Local Governmental System: Establishing Areawide Government in Alaska, Interim Report*. College, Alaska: University of Alaska, Institute of Social, Economic and Government Research, 1970.

This is a study of the evolution of local government in Alaska and the state's role in regional and community development. It also “examines the origins, environmental setting, and policy making process of establishing area-wide borough government in Alaska,” as provided for in the state constitution, a blend of county and unified metropolitan government.

Morehouse, Thomas A., Gerald A. McBeath, and Linda Leask. *Alaska's Urban and Rural Governments*. Lanham, New York: University Press of America, 1984.

This book is a treatment of local government in Alaska, including pre-statehood and constitutional history, and the establishment of boroughs.

Fish & Wildlife

Andrews, Clarence L. “The Salmon of Alaska.” *Washington Historical Quarterly* 9, no. 4 (October 1918): 243-54.

This article gives a history of salmon fishing in Alaska and the coming of regulation to that industry.

Carey, Michael J. “Save the Salmon: The Carlisle Cannery on the Yukon.” *Alaska Journal* 15, no. 3 (Summer 1985): 33-39.

This is a treatment of the Carlisle Cannery controversy, the first major subsistence fight in Alaska; it focused attention on conserving an important natural resource.

Clark, John H., Andrew McGregor, Robert D. Mecum, Paul Krasnowski, and Amy M. Carroll. “The Commercial Salmon Fishery in Alaska.” *Alaska Fishery Research Bulletin* 12, no. 1 (Summer 2006): 1-146.⁸

The Alaska state policies and regulatory structure are reviewed in a small portion of this long report, including Alaska management authority, the Pacific Salmon Treaty, and budget history.

Cook, Gregory F. "Alaska Waterfowl Management and the Law." In Richard E. McCabe, ed., *Transactions of the Fifty-first North American Wildlife and Natural Resources Conference: March 21-26, 1986, MGM Grand Hotel, Reno, Nevada*. 516-26. Washington, D.C.: Wildlife Management Institute, 1986.

This article reviews waterfowl management in Alaska, including the history of federal laws, such as the Alaska Game Law, and their enforcement. It also reviews the "Alaska Goose Litigation" from the 1980s.

Cooley, Richard A. *Politics and Conservation: The Decline of the Alaska Salmon*. New York, New York: Harper & Rowe, 1963.

This book looks at the effort to preserve the Alaska salmon runs. In particular, *485 Part Two provides extensive treatment of relevant federal legislation and regulation, as well as controversy over them.

Crutchfield, James A., and Giulio Pontecorvo. *The Pacific Salmon Fisheries: A Study of Irrational Conservation*. Baltimore, Maryland: The Johns Hopkins Press, 1969.

The purpose of this book is to demonstrate the consequences of open access and irrational conservation of a resource--in this case salmon fisheries--and set a framework for establishing effective conservation rules and efficient economic measures to prevent the diminishment of the resource. Four chapters focus on Alaska salmon fisheries, tracing their development, history of regulation, and potential economic yield.

Dean, David M. "Salmon and Sermons: Archdeacon Hudson Stuck and the Yukon River Cannery Controversy, 1918-1921." *Journal of the West* 9, no. 4 (October 1970): 552-66.

In 1918 the Carlisle Packing Company installed a floating canning operation at the mouth of the Yukon River, which quickly led to severely reduced catches by Alaskans living along the river, thereby threatening starvation. This article relates the story of Archdeacon Stuck's opposition to the cannery, which helped lead to the enactment of the strongest salmon conservation legislation prior to statehood.

Dunbar, Kurt, and Chris Friday. "Salmon, Seals, and Science: The *Albatross* and Conservation in Alaska, 1888-1914." *Journal of the West* 23, no. 4 (October 1994): 6-13.

While the *Albatross* conducted research into the marine fisheries of Alaska, it also served as the eyes and ears of the federal government by making data available regarding marine resources. In that capacity it conducted special

investigations into the fur seal islands, such as the Pribilofs, and it played a role in establishing conservationist arguments. It was also periodically called into service for the Navy and Revenue Cutter Service.

Frank, Michael J., Celia M. Rozen, and Edward W. Weiss. *Legislative History of Alaska Statutes Pertaining to the Protection of Anadromous Fish*. Anchorage, Alaska: Alaska Department of Fish and Game, Division of Habitat, 2000.

Anadromous fish are fish that migrate up rivers from the sea to breed in the fresh water from where they were born. This survey reviews the history of Alaska's efforts to protect anadromous fish-bearing streams, from 1917 forward, both legislative and regulatory.

Garza, Dolly. *Marine Mammal Management in Alaska: State vs. Federal*. Marine Advisory Bulletin #24. Fairbanks, Alaska: University of Alaska, October 1986.

Alaska managed its marine mammals prior to enactment of the Marine Mammal Protection Act in 1972. In 1984 Alaska considered applying to the U.S. Fish and Wildlife Service to return management authority over ten marine mammals to the state. A brief portion of this brief pamphlet describes the process of putting together the management plan.

Maguire, Peggy. Note. "*Alaska Fish and Wildlife Federation v. Dunkle*: Fouled Up Waterfowl Management on the Yukon-Kuskokwim Delta." *Environmental Law* 19, no. 4 (Summer 1989): 909-32.

The legislative history of efforts to protect Alaska's migratory waterfowl is reviewed in Section II, and Section III reviews the litigation that resulted in the *Alaska Fish and Wildlife Federation* decision.⁹

***486** McKnight, Donald E. *The History of Predator Control in Alaska*. Juneau, Alaska: Alaska Department of Fish and Game, 1970.

This brief report reviews the predator control policies in Alaska, including bounty payments, during the twentieth century, during both the territorial period and statehood.

Miller, Joanna. Note. "Six Million Sockeye Salmon and the Kenai Refuge: Analysis of the Ninth Circuit Court of Appeals' Two Decisions in *The Wilderness Society v. United States Fish and Wildlife Service*." *Journal of Land, Resources, and Environmental Law* 25 (2005): 85-97.

This article provides a history of Kenai Refuge in Alaska and the litigation and decision in *The Wilderness Society v. United States Fish and Wildlife Service*,¹⁰ in which the Cook Inlet Aquaculture Association was enjoined from annually stocking Tustumena Lake with sockeye salmon fry as an enhancement project.

Morehouse, Thomas A., and George W. Rogers. *Limited Entry in the Alaska and British Columbia Salmon Fisheries*. Fairbanks, Alaska: Institute of Social and Economic Research, University of Alaska, 1980.

The purpose of limited entry fishing programs is to preserve fish, and to keep too many fisherman from chasing too few fish. This study reviews, in part, programs in Alaska and provides a history of those programs.

Owers, James E. "Court Tests of Alaska's Limited Entry Law." *UCLA-Alaska Law Review* 11, no. 1 (Fall 1981): 87-102.

The Alaska legislature established a regulatory scheme to limit entry into the state's commercial fisheries in 1973. This article reviews its legislative history and also examines two constitutional challenges to it.

Price, Robert E. *The Great Father in Alaska: The Case of the Tlingit and Haida Salmon Fishery*. Douglas, Alaska: First Street Press, 1990.

This book focuses on the American Indian policies as they were brought to bear on the Tlingit and Haida in Southeast Alaska through the lens of the salmon industry. While the author maintains that the main factor that changed the lives of the Native Alaskans was the operation of the free market, he also reviews the legislative and judicial influences on them.

Ravalli, Richard. "The Near Extinction and Reemergence of the Pacific Sea Otter, 1850-1938." *Pacific Northwest Quarterly* 100, no. 4 (Fall 2009): 181-91.

This article reviews the exploitation of sea otter fur along the North American west coast with some focus on Alaska. In part, the fate of the sea otter was tied to the effort to aid the fur seals of the Pribilof Islands through the North Pacific Fur Seal Convention of 1911 and the conservationism of the Progressive Era.

Raymond-Yakoubian, Julie, Brenden Raymond-Yakoubian, and Catherine Moncrieff. "The Incorporation of Traditional Knowledge into Alaska Federal Fisheries Management." *Marine Policy* 78 (April 2017): 132-42.¹¹

This article reviews the recent introduction of local traditional knowledge, traditional knowledge holders, and the social science of traditional knowledge into the science, policy, and management initiatives of the North Pacific Fishery Management Council in their development of a federal Bering Sea Fisheries Ecosystem Plan. While it is

a departure from other Fisheries Ecosystem Plans, the authors *487 argue that the approach is consistent with the Magnuson-Stevens Fishery Conservation and Management Act ¹² and relevant federal regulations.

Roppel, Patricia. *Salmon from Kodiak: An History of the Salmon Fishery of Kodiak Island, Alaska*. Alaska Historical Commission Studies in History No. 216. Anchorage, Alaska: Alaska Historical Commission, 1986.

This book contains chapters that discuss statutes and regulations that had bearing on the salmon fisheries of Kodiak Island, particularly with regard to protecting the salmon runs.

Sherwood, Morgan. *Big Game in Alaska: A History of Wildlife and People*. New Haven, Connecticut: Yale University Press, 1981.

This book conveys the story of the development of wildlife management in Alaska as a conflict between hunters and conservationists. It also shows how federal wildlife policies in Alaska were affected by outside pressure, particularly from special interest groups in the lower forty-eight.

Sherwood, Morgan. "Specious Speciation in Political History of the Alaska Brown Bear." *Western Historical Quarterly* 10, no. 1 (January 1979): 49-60.

This article reviews the history of the struggle between national conservationists and local interests in developing game laws to regulate the hunting of Alaskan brown bears.

Spencer, David L., Claus-M. Naske, and John Carnahan. *National Wildlife Refuges of Alaska: A Historical Perspective*. Prepared for the Fish and Wildlife Service, U.S. Department of the Interior. Anchorage, Alaska: Arctic Environmental Information and Data Center, 1979.

This report reviews the history of conservation efforts and wildlife management in Alaska from the period of Russian control, with a focus on, among other things, establishment motivations and objectives. Part I covers the Aleutian Islands National Wildlife Refuge, Arctic National Wildlife Refuge, and Kenai National Moose Range.

Taylor, Joseph E., III. "'Well-Thinking Men and Women': The Battle for the White Act and the Meaning of Conservation in the 1920s." *Pacific Historical Review* 71, no. 3 (August 2002): 356-87.

This article recounts the passage of the 1924 White Act to regulate the salmon industry in Alaska. As a product of compromise the act failed to ensure the preservation of the fisheries as the catch increased, and didn't outlaw fish traps.

Wadman, Roger D., ed. *History and Management of the King Salmon of Cook Inlet*. Juneau, Alaska: Alaska Department of Fish and Game, 1963.

While this report is primarily a study of the king salmon in Cook Inlet, it provides a half page regulatory history.

White, Stephen M. "'Equal Access' to Alaska's Fish and Wildlife." *Alaska Law Review* 11, no. 2 (December 1994): 277-300.

This article looks at the treatment of Alaska's constitutional equal access clauses by the state Supreme Court, starting with the history and application of the clauses. It also looks at the "court's efforts to harmonize equal access jurisprudence with the 'preference among beneficial uses' and equal protection provisions of the state constitution."

***488** Young, Donald D., Jr., Rodney D. Boertje, C. Tom Seaton, and Kalin A. Kellie. "Intensive Management of Moose at High Density: Impediments, Achievements, and Recommendations." *ALCES* 42 (2006): 41-48. ¹³

This report includes regulatory history.

Floating Courts

_____, "40 Years Ago, They Handled It All." *Alaska Bar Rag* 20, no. 1 (January-February 1996): 8.

Judges held court on U.S. Revenue Cutter Service ships to bring justice to some of the more outlying communities of Alaska's sprawling geography, a sailing circuit more commonly known as the "Floating Court."

Arnett, Russ. "Alaska's Floating Court Found Unusual Cases." *Alaska Bar Rag* 13, no. 6 (November-December 1989): 11.

This brief article describes a visit by the floating court to Kodiak in 1956.

Burns, Walter Noble. "Uncle Sam's 'Floating Court.'" *Wide World Magazine* 33, no. 195 (April-September 1914): 259-69.

This article gives an account of how justice was brought to the Bering Sea and Arctic in the early twentieth century.

Chenoweth, James H. "Home from the Final Voyage of Alaska's Floating Court." *Alaska Bar Rag* 22, no. 3 (May-June 1998): 8-9.

Part III of the judicial journey of the *Wachusett*, from Nome to Barrow.

Chenoweth, James H. "The Last Voyage of the Floating Court." *Alaska Bar Rag* 22, no. 1 (January-February 1998): 22-23.

Floating courts took Alaskan justice by ship to some of the more far flung settlements in the territory, akin to "riding circuit." This article, the first of three excerpts from "Down Darkness Wide," a book then being written by the author, recounts the journey of the *U.S.S. Wachusett*, the last time the floating court put to sea (1957). This excerpt gives a brief history of the floating courts, and then covers the author's experiences aboard the *Wachusett* from Seward to St. Matthew Island in the Bering Sea.

Chenoweth, James H. "The Last Voyage of the Floating Court: Stebbins to Nome." *Alaska Bar Rag* 22, no. 2 (March-April 1998): 8-9.

Part II of the judicial journey of the *Wachusett*.

Naske, Claus-M. "Alaska's Floating Court." *Western Legal History* 11, no. 2 (Summer/Fall 1998): 163-83.

When Alaska was given a resident judiciary in 1884, what wasn't taken into consideration in the legislation was the size of the Alaska territory and the remoteness of its communities. To meet Alaska's needs, judges held court on U.S. Revenue Cutter Service ships to bring justice to some of the more outlying communities. It was, in a sense, a sailing circuit. This article gives a brief history of that uniquely Alaskan, but bygone, institution.

Schwaiger, Michael. "Salmon, Sage-Brush, and Safaris: Alaska's Territorial Judicial System and the Adventures of the Floating Court, 1901-1915." *Alaska Law Review* 26, no. 1 (June 2009): 97-133.

***489** The federal government established a "judicial presence" in Alaska to address, among other things, issues arising from the mining of valuable resources. Because of the remoteness of much of the territory, that presence was limited and not wide-reaching. This article recounts how several federal judges took their courts "on the road," riding circuit aboard U.S. Revenue Service ships, i.e., the "floating courts."

Gun Rights

Blumberg, Gabriel A. Note. "A Shot in the Dark: Why Strict Scrutiny Would Miss the Mark for Felon-in-Possession Restrictions." *Alaska Law Review* 28, no. 1 (June 2011): 161-88.

Among other things, this article reviews the history of [article 1, section 19 of the Alaska Constitution](#) (Right to Keep and Bear Arms) and also looks at the legislative history of the 1994 amendment to that section, which added the following language: "The individual right to keep and bear arms shall not be denied or infringed by the State or a political subdivision of the State."

Fred, John D. Note. "The Alaska Misconduct Involving Weapons Statutes: A History and Analysis." *Alaska Law Review* 20, no. 2 (December 2003): 335-55.

This note looks at the Alaska Misconduct Involving Weapons statute,¹⁴ concentrating on its interpretation by two Alaska Court of Appeals decisions, and also compares it to the federal statutes on which the interpretations are based.

Hill, John. "North to the Future of the Right to Bear Arms: Analyzing the Alaska Firearms Freedom Act and Applying Firearms Localism to Alaska." *Alaska Law Review* 33, no. 1 (June 2016): 125-55.

This article looks at the issue of gun rights from the standpoint of states' rights, local gun rights, and nullification, and also analyzes the Alaska Firearms Freedom Act of 2010.¹⁵ It includes a brief history of the right to bear arms in Alaska.

Health Care

Thierry, Judith, and Everett Rhoades. "History, Law, and Policy as a Foundation for Health Care Delivery for American Indians and Alaska Native Children." *Pediatric Clinics of North America* 24 (2009): 1539-1559.

Since colonial times American Indian and Alaska Native children have been impacted by federal laws intended to provide health services to citizens of federally recognized tribes. This article reviews various relevant public laws and programs, as well as the context in which they were designed.

History of Alaska

Bancroft, Hubert Howe. *History of Alaska, 1730-1885*. New York, New York: Antiquarian Press, Ltd., 1960.

This lengthy history provides an extensive look at the history of Russian Alaska but also covers the first twenty years of American rule. Legal issues, including criminal and civil, are occasionally examined in the broader narrative.

Gruening, Ernest. *The State of Alaska*. New York, New York: Random House, 1954.

The author, a governor of territorial Alaska and United States Senator after statehood, uses his history of the then-territory (at the time of the writing) to publicize *490 what he saw as federal neglect. Published during the final push for statehood, the book gives attention to legal issues, such as organic acts, self-government, establishment of the judicial branch, the New Deal, justice, and Native claims.

Naske, Claus-M., and Herman E. Slotnick. *Alaska: A History*. Norman, Oklahoma: University of Oklahoma Press, 2014.

While this is a very good overall history of Alaska, from *promishlenniki* to Palin, it is also useful for its excellent treatment of legal issues and their development in Alaska.

Insurance

Donley, Dave. "Insurance Wars in Alaska. Part III--Stacking and Increased Mandatory Offers of Uninsured and Underinsured Coverage." *Alaska Bar Rag* 25, no. 4 (July-August 2001): 20.

Dave Donley finishes the story of bringing mandatory auto insurance to Alaska, which went into effect in 1991, with some fine-tuning in subsequent years.

Donley, Dave. "Senator Recounts Origins of Alaska Mandatory Auto Insurance Statute." *Alaska Bar Rag* 25, no. 1 (January-February 2001): 21.

Part I. As a senate aide, Dave Donley was involved in the framing and passage of Alaska's first mandatory auto insurance statute, enacted in 1984. This brief article is an account of that effort and the opposition that the sponsors faced.

Donley, Dave. "Tracking the Insurance Wars in Alaska. Part II--The First Mandatory Auto Insurance Law Sunsets and the Current Law is Born." *Alaska Bar Rag* 25, no. 3 (May-June 2001): 30-31.

The 1984 legislation that Dave Donley described in Part I went out of force in 1989 due to a sunset provision in the original legislation. Part II recounts the introduction of an unsuccessful bill to create a more permanent statute, and Donley's part as a member of the legislature.

Stebing, David G. "Insurance Regulation in Alaska: Healthy Exercise of a State Prerogative." *Alaska Law Review* 10, no. 2 (December 1993): 279-331.

Section IV contains a history of insurance regulation in Alaska from the territorial period through the early 1990s. The section also includes a description of the administrative and enforcement mechanisms.

Labor

Foster, James C. "AFL, IWW and Nome: 1905-1908." *Alaska Journal* 5, no. 2 (Spring 1975): 66-74.

This is an account of labor activities in Nome, including the Nome waterfront strike of 1905 and subsequent mining strikes.

Foster, James C. "Syndicalism Northern Style: The Life and Death of WFM No. 193." *Alaska Journal* 4, no. 3 (Summer 1974): 130-41.

In 1907 the United Mine Workers of Tanana, Local 193 of the Western Federation of Miners, went on strike. Arrayed against them was the Mine Owners and Operators Association. This article tells the story of that strike, what the miners were striking for, and its outcome.

Foster, James C. "The Treadwell Strikes, 1907 and 1908." *Alaska Journal* 6, no. 1 (Winter 1976): 2-11.

Due to high wages and good working conditions, the Treadwell gold mine, on Douglas Island near Juneau, had not had to tolerate a union. This article is about *491 how the Western Federation of Miners tried to change that. Scabs, strikebreakers, police crackdowns, and federal troops all played a role.

Friday, Chris. *Organizing Asian-American Labor: The Pacific Coast Canned-Salmon Industry, 1870-1942*. Philadelphia, Pennsylvania: Temple University Press, 1994.

While this book examines Asian-American labor in the canning industry along the American west coast, some focus is given to issues in Alaska, as well as overall issues that affected the industry in Alaska, including unions and the contract system.

Guimary, Donald, and Jack Masson. "The Exploitation of Chinese Labor in the Alaska Salmon Industry." In *Chinese America: History and Perspectives*, 1990.91-105. San Francisco, California: Chinese Historical Society of America, 1990.

By the turn of the twentieth century, salmon was being canned in Alaska at the rate of several million cases per year. The canneries relied on Chinese workers, who were recruited through the contract system. This chapter is about how they were extra-legally and ruthlessly exploited.

Hinckley, Ted C. "Prospectors, Profits & Prejudice." *American West* 2 (Spring 1965): 58-65.

This article looks at the coming of mining to Juneau, Douglas, and the Gastineau Channel. In particular, it focuses on resistance to the employment of Chinese labor and legislation that sought to exclude them.

Hughes, Jonathan. "The Great Strike at Nushagak Station, 1951: Institutional Gridlock." *Journal of Economic History* 42, no. 1 (March 1982): 1-20.

The author recounts an experience he had early in his career in Clark Point, Alaska. Provided is information on law, property, and the labor force, work rules and management, and a narrative of the events.

Nash, Robert A. "The 'China Gangs' in the Alaska Packers Association Canneries, 1892-1935." In *The Life, Influence and Role of the Chinese in the United States, 1776-1960, Proceedings/Papers of the National Conference held at University of San Francisco July 10, 11, 12, 1975*. 257-83. San Francisco, California: Chinese Historical Society of America, 1976.

This paper examines the employment of Chinese nationals in the salmon canneries of Alaska, with focus on the Chinese labor contractor, workers' contracts, and earnings.

Pegues, Juliana. "Interrogating Intimacies: Asian Americans and Native Relations in Colonial Alaska." PhD diss., University of Minnesota, 2013. ¹⁶

This dissertation focuses primarily on settler colonialism and the racialization of Asians and Native Americans in Alaska, with accounts of labor conditions in the mines and canneries of the territory, as well as mob law, lynching, and violence directed against the two groups. There is also an analysis of the early career of James Wickersham in Tacoma, Washington, including his racial attitudes toward the Chinese and local Natives, as well as a description of his efforts to dispossess Natives of their land in his legal practice.

***492** Sullivan, Joseph. "Sourdough Radicalism: Labor and Socialism in Alaska, 1905-1920." In Stephen W. Haycox and Mary Childers Mangusso, eds., *An Alaska Anthology: Interpreting the Past*. 222-37. Seattle, Washington: University of Washington Press, 1996.

This article is primarily a political history of socialism in Alaska in the early twentieth century, but there is also focus on their demands for legal reform and application of sedition laws.

Law Enforcement

Blurton, David M., and Gary D. Copus. "Administering Criminal Justice in Remote Alaska Native Villages: Problems and Possibilities." *The Northern Review* 11 (Winter 1993): 118-41.

With P.L. 280,¹⁷ Congress transferred jurisdiction from the federal government to the state governments with regard to law enforcement in Indian country, changing the division of legal authority among tribal, federal, and state governments. The authors opine that the act created obstacles to tribal prosecution of criminal behavior. They examine the history of the act, which originally applied to only six states, and the later inclusion of Alaska.

Chenoweth, James H. *Down Darkness Wide: U.S. Marshals and the Last Frontier*. Baltimore, Maryland: Publish America, 2004.

Frontier lawmen, according to the author, did not die out after Arizona statehood in 1912; instead they moved to Alaska. This book recounts Chenoweth's experiences from 1951-1960, when he was Chief Deputy U.S. Marshal for the Third Judicial Division in the Territory of Alaska. It includes an account of the last "floating court," aboard the *U.S.S. Wachusett* in 1957.

Ferrell, Ed. *Frontier Justice*. Bowie, Maryland: Heritage Books, Inc., 1998.

The chapters of this book are taken from newspapers and other sources to convey a sense of frontier justice in gold rush and early territorial Alaska and Canada.

Haycox, Stephen. *The Law of the Land: A History of the Office of Attorney General and the Department of Law in Alaska*. Juneau, Alaska: Alaska Department of Law, 1998.

The Alaska attorney general serves, officially, as general counsel to the governor and executive departments, and to the legislature. This volume reviews law enforcement prior to statehood and then traces the development of the department with treatment of each attorney general.

Hunt, William R. *Distant Justice: Policing the Alaska Frontier*. Norman, Oklahoma: University of Oklahoma Press, 1987.

This book provides a look at early law enforcement in Alaska, from the arrival of the first officers to the judicial structure at statehood, with accounts of notable characters, from Nellie “Black Bear” Bates to Soapy Smith and Jack London.

Lautaret, Ron. “You Can’t Catch Bootleggers with Sunday School Teachers.” *Alaska Journal* 11, no. 1 (1981): 39-44.

This article looks at enforcement of the liquor control laws in Alaska in the early twentieth century and the officers who enforced them.

***493** Marenin, Otwin, and Gary Copus. “Policing Rural Alaska: The Village Public Safety Officer (VPSO) Program.” *American Journal of Police* 10, no. 4 (1991): 1-26.

The authors review the background, structure, and operation of the VPSO program, first in the context of delivering police services in rural Alaska, then by describing the program and its existing evaluations, and finally by a discussion of the comparative implications of the program.

McCoy, Donald R. “The Special Indian Agency in Alaska, 1873-1874: Its Origins and Operation.” *Pacific Historical Review* 25, no. 4 (November 1956): 355-67.

During the seventeen years between purchase from Russia and the promulgation of formally organized territorial government in 1884, the federal government was neglectful of the inhabitants' needs. This article recounts the history of one brief effort to bring American law to Alaska.

Rearden, Jim. *Sam O. White: Tales of a Legendary Wildlife Agent and Bush Pilot*. Missoula, Montana: Pictorial Histories Publishing Company, Inc., 2006.

This biography of a one-time Alaska game warden recounts how, when frustrated by the impossibility of enforcing conservation laws on the ground, he transformed the assignment by purchasing a plane and enforcing the rules from the sky.

Rychetnik, Joseph. “Law and Order Comes to the 49th State.” *Journal of the West* 38, no. 1 (January 1999): 77-84.

This article reviews law and order practices in Alaska from the Russian period through Statehood when responsibility for state law enforcement vested in the Department of Public Safety with the Alaska State Police as its investigative arm.

Wilbanks, William. *Forgotten Heroes: Police Officers Killed in Alaska 1850-1997*. Paducah, Kentucky: Turner Publishing Company, 1999.

This book provides short biographies of officers killed in the line of duty in Alaska, as well as information about their assailants and the circumstances of the crimes.

Williams, Gerald O., and the Alaska State Troopers Golden Anniversary Committee. *Alaska State Troopers: 50 Years of History*. Anchorage, Alaska: Alaska State Troopers Golden Anniversary Committee, 1991.

This lengthy and well-illustrated book provides a detailed history of the Alaska State Troopers, from their inception as the Territory of Alaska Highway Patrol in 1941, through other names and incarnations and their assumption of police service to areas not served by community police. Also provides treatment of law and order during the period of military rule.

Maritime

Kloenhamer, Larry Niles. *The History of Title Navigability in America and its Application to the State of Alaska*. Boulder, Colorado: Western Interstate Commission for Higher Education, 1979.

Title to navigable waters is usually retained by the states in trust for the public. This report reviews the history of title to navigable waters, from the early Public Trust Doctrine to the Navigability Test in America and subsequent development through case law. It also reviews how navigability has been treated in Alaska, through case law and administrative proceedings.

*494 Mental Health

Gottstein, James B., and the Law Offices of David T. Walker. "Mental Health Trust Lands Litigation."¹⁸

In 1956 federal land was put in trust by Alaska under the Alaska Mental Health Enabling Act in order to support Alaska's mental health program. In 1978 it was repurposed by the state legislature. This article gives a brief history of the litigation challenging that change in status.

Kaplan, John Stuart. "The Mental Health Land Trust Litigation: *State v. Weiss* and its Aftermath." *Alaska Law Review* 9, no. 2 (December 1991): 343-75.

By enacting the Alaska Mental Health Enabling Act in 1956 Congress granted the Territory of Alaska one million acres of land to be held in trust to fund the mental health programs of Alaska. In 1978 the land was reclassified by the State of Alaska as general grant lands. This article recounts the history of the treatment of the mentally ill

in Alaska, legislation to assist in that treatment, and the litigation brought by a group of mental health patients in the state after the reclassification of the trust lands.

Naske, Claus-M. "Bob Bartlett and the Alaska Mental Health Act." *Pacific Northwest Quarterly* 71, no. 1 (January 1980): 31-39.

For many years persons judged to be mentally ill in Alaska were sent "outside" for treatment, primarily at the Morningside Hospital in Portland, Oregon. Alaskans were not happy with the arrangement and felt that, for a variety of reasons, treatment could be better provided in Alaska. This article examines how the federal Alaska Mental Health Enabling Act, which provided for Alaskan treatment of the mentally ill, was shepherded through Congress by Alaska's Congressional Delegate, Bob Bartlett.

Shearon, Marjorie. "Hope for Alaska's Mentally Ill." *Congressional Record* 112, Part 4 (August 3, 1966): 18019-18027. (89th Congress, 2d Session).

This account of the effort to enact the Alaska Mental Health Act was inserted into the record by Senator Bob Bartlett when reviewing the legislation ten years after its passage.

Smith, Thomas G. "Detaining the Insane: Detention Hospitals, Mental Health, and Frontier Politics in Alaska, 1910-1915." *Pacific Northwest Quarterly* 73, no. 3 (July 1982): 124-33.

This article looks at the attempt to establish detention hospitals for the mentally ill in Alaska between 1910 and 1915. Along the way it provides insight into Alaskan mental health policy and politics, and federal-territorial relations during that time.

Smith, Thomas G. "The Treatment of the Mentally Ill in Alaska, 1884-1912: A Territorial Study." *Pacific Northwest Quarterly* 65, no. 1 (January 1974): 17-28.

Congress provided Alaska with an organic act in 1884, after which it relied on the laws of Oregon as a model for its own laws. However, Oregon's laws did not meet Alaska's needs with regard to treatment of the mentally ill. This narrative provides insight into how Alaska tried to meet those needs.

***495 Mining**

Deininger, Jim. "End of an Era and a New Direction?: A History of BLM-Alaska's Mining Law Administration Program." Part 1. *Alaska Miner* 35, no. 9 (January/February 2002): 6.

Federal management of mineral resources in Alaska changed with the passage of the Alaska Native Claims Settlement Act in 1971. This article, the first of a two-part series, includes the history of mineral patent examination in Alaska.

Graumann, Melody Webb. *Big Business in Alaska: The Kennecott Mines, 1898-1938*. Fairbanks, Alaska: Anthropology and Historic Preservation, Cooperative Park Studies Unit, University of Alaska, 1976, 1977 printing.

This report provides an overall view of the Kennecott Copper mine from early development to its final days. It also reviews the Ballinger-Pinchot Affair as well as various legal challenges to the owners of the mine, the Morgan and Guggenheim-controlled Alaska Syndicate.

Hopkins, Lewis. "Alaska's Lawless Era." *Law Notes Edward Thompson Co.* 49, nos. 2-3 (May-July 1945): 27-29.

This article gives a brief account of miners' meetings as sources of justice, both in the Canadian Yukon during the gold rush, and subsequently during other strikes in Alaska.

Hunt, William R. *Golden Places: The History of Alaska-Yukon Mining: With Particular Reference to Alaska's National Parks*. Anchorage, Alaska: National Park Service, Alaska Region, 1990.

While this publication gives an overall view of mining in the region, it touches on government action with regard to specific mines, and Chapter 10, "Government, Law and Natives," focuses more specifically on the development and application of mining laws.

Kelly, Sheila. *Treadwell Gold: An Alaska Saga of Riches and Ruin*. Fairbanks, Alaska: University of Alaska Press, 2010.

The Treadwell Mine, located on Douglas Island across the Gastineau Channel from Juneau, was in its day the largest hard rock gold mine in the world, and it produced more than three million troy ounces of gold between 1881 and 1922. It also produced labor strikes. While the author focuses primarily on the running of the mine, she also includes a chapter on labor that includes an account of the 1907 labor strike.

L'Ecuier, Rosalie E. *Prospecting and Mining Activity in the Rampart, Manley Hot Springs and Fort Gibbon Mining Districts of Alaska 1894 to the Present Era*. BLM-Alaska Open File Report 61. Anchorage, Alaska: U.S. Department of Interior, Bureau of Land Management, 1997.¹⁹

This publication is primarily a history of the mines in a portion of Interior Alaska. However, it also provides a narrative of Judge James Wickersham's judicial activities in the area.

McCulloch, Winifred. *The Glavis-Ballinger Dispute*. Inter-University Case Program, no. 4. Alabama: Alabama University Press, 1952.

While this publication does not recount the whole of the Ballinger Affair (it looks more closely at the dispute as illustrative of administrative behavior), nonetheless it does give some background on the issue of the conservation of Alaska's coal lands.

***496** Naske, Claus-M., and Thomas Stone. *Miners' Justice: Migration, Law and Order on the Alaska-Yukon Frontier, 1873-1902*. New York, New York: Peter Lang Publishing, Inc., 1988.

This book purports to be an “ethnology of law,” and focuses on how legal institutions succeeded or failed in the nineteenth century Yukon and Alaska gold fields. It also looks at how the institutions were affected by demographic and social changes from the 1870s through the turn of the century.

Penick, James L. *Progressive Politics and Conservation: The Ballinger-Pinchot Affair*. Chicago, Illinois: The University of Chicago Press, 1968.

While this book is primarily about the friction between Gifford Pinchot and Richard Ballinger over the direction of conservationism, it covers the illegal access to Alaska coalfields in 1909 by the Morgan-Guggenheim “Alaska Syndicate,” which blew up into a national scandal.

Ponko, Vincent W., Jr. “The Alaskan Coal Commission, 1920-1922.” *Alaska Journal* 8, no. 2 (Spring 1978): 118-29.

In 1920 Congress appropriated funds to the Department of the Navy to identify sources of Alaska coal with which to power naval ships in the Pacific Ocean. A secondary intent was to develop industry in Alaska. To that end, the Secretary of the Navy appointed the commission to carry out that task with a focus on the Chickaloon Coal Mine in the Matanuska Valley. In the end, the coal was found to be inferior to meet the Navy's needs.

Reynolds, Joseph Ward. *Reynolds Handbook of the Mining Laws of the United States and Canada with Reference to Alaska and the Northwest Territories, Also Including the Laws of British Columbia and Ontario*. New York, New York: W. B. Conkey Company, 1898.

This book attempts an “authoritative exposition of the law relating to mines and mining in the United States and Canada”²⁰ as it existed at the time of publication, with particular reference to Alaska and certain Canadian jurisdictions. It contains all the relevant statutes and regulations, “together with reference to all the judicial and departmental decisions construing such statutes and regulations”²¹

Roppel, Patricia. “‘Have I Got a Deal for You!’: Mining Frauds on Douglas Island.” *Alaska History* 5, no. 2 (Fall 1990): 17-29.

Douglas Island, across the Gastineau Channel from Juneau, was the site of the Treadwell Lode, one of the world's largest gold mines. While gold may not be ferrous it is still a magnet for frauds and swindles. This article weaves together tales of shenanigans on Douglas Island in the late nineteenth century.

Rudd, Joseph. “Who Owns Alaska?--Mineral Rights Acquisition Amid Rapidly Changing Land Ownership.” In *Rocky Mountain Mineral Law Institute* 109-62. (1975).

Prior to statehood land ownership was simple, but with the coming of statehood and, later, the passage of the Alaska Native Claims Settlement Act, the process became more complicated. This chapter describes some of the events that led to the change and also reveals some of the problems in the transition of land ownership from the United States to Alaska and to Natives and their corporations.

***497** Shepard, Thomas R. *Placer Mining Law in Alaska*. New Haven, Connecticut: Press of S. Z. Field, 1909.

This pamphlet looks at mining laws as they applied to placer mining in Alaska near the turn of the twentieth century. Includes analysis of case law.

Slotnick, Herman. “The Ballinger-Pinchot Affair in Alaska.” *Journal of the West* 10, no. 2 (April 1971): 337-47.

Secretary of the Interior Richard A. Ballinger was accused of using his influence to help the Morgan-Guggenheim “Alaska Syndicate” illegally gain access to Alaska coalfields in 1909. The affair blew up into a national scandal that ruptured the Republican Party. This article looks more closely at the effect of the scandal in Alaska.

Stone, Thomas. *Miners' Justice: Migration, Law and Order on the Alaska-Yukon Frontier, 1873-1902*. New York, New York: Peter Lang Publishing, Inc., 1988.

This book is a study of the “ethnology of law,” focusing on conflict management and effectiveness for limiting the potential for violence in the changing demographics and social conditions of the gold fields of late nineteenth century Yukon and Alaska. It reviews miners’ justice, police, federal authority, courts, and even Soapy Smith.

Tower, Elizabeth A. *Icebound Empire: Industry and Politics on the Last Frontier 1898-1938*. Louisville, Kentucky: Old Stone Press, 2015.

This book covers the early exploitation of Alaska resources, in particular by the Morgan-Guggenheim Alaska Syndicate, which built the Kennecott Copper Mining Company and the Copper River & Northwestern Railway. The focus is on three men, George Cheever Hazelet, Stephen Birch, and Captain David Jarvis, and their challenges and setbacks, including legal challenges from trust busters, conservationists, Judge James Wickersham, and rivals.

Wyman, Gilbert. *Public Land and Mining Laws of Alaska, the Northwest Territory, and the Province of British Columbia*. Fruitvale, California: G. Wyman, 1898.

This work presents a compilation of all the mining laws then in force, with a general explanation of those laws.

Native Corporations

Allison, Catherine Lynn. Note. “Alaska Native Corporations: Reclaiming the Namesake; Effectuating the Purpose.” *Public Contract Law Journal* 42, no. 4 (Summer 2013): 869-89.

The author provides a history of Alaska Native Corporations from their birth at the promulgation of ANCSA to date, their failure to perform as hoped, and their admission to the U.S. Small Business Administration 8(a) Business Development program, which gave them additional contracting benefits, and the subsequent failure to benefit Alaska Natives as intended despite those benefits.

Anders, Gary. “The Role of Alaska Native Corporations in the Development of Alaska.” *Development and Change* 14, no. 4 (October 1983): 555-75.

The author looks at the emerging role of Alaska Native corporations, first by providing a brief history of the settlement of Alaska Native land claims, and then by reviewing the major provisions of ANCSA and the various regional and village corporations brought into existence by the legislation. He also emphasizes the emergence of an Alaska Native elite who were able to skillfully mobilize two opposed lobbying groups, transnational oil companies and environmental organizations, to persuade Congress to generously settle the Native Alaskan land claims.

*498 Arnold, Robert D. "'71 Settlement Retrospect.'" *Alaska Native News* (November 1982): 13.

This article gives a brief progress report on how Alaska Native corporations were faring ten years after the passage of ANCSA.

Black, Kathryn A., David H. Bundy, Cynthia Pickering Christianson, and Cabot Christianson. "When Worlds Collide: Alaskan Native Corporations and the Bankruptcy Code." *Alaska Law Review* 6, no. 1 (June 1989): 73-131.

While this article is primarily a review of the Bankruptcy Code as it applies or conflicts with the Native-owned corporations set up under ANCSA, it also provides a brief review of the Congressional decision to exchange transfers of land to Native corporate entities for the extinguished aboriginal claims, and how the legislative purposes worked out in the first twenty years.

Buchanan, Travis G. "One Company, Two Worlds: The Case for Alaska Native Corporations." *Alaska Law Review* 27, no. 2 (December 2010): 297-340.

Preceding his main argument, the author provides a brief history of Alaska Native corporations and their context in terms of ANCSA and the Small Business Act.

Colt, Stephen. "Alaska Natives and the 'New Harpoon': Economic Performance of the ANCSA Regional Corporations." *Journal of Land, Resources, and Environmental Law* 25, no. 2 (2005): 155-81.

This article provides some background on the passage of ANCSA and the decision to choose corporations as the method for managing the settlement land and money. It also discusses the consolidated economic performance of the corporations from enactment until 1998.

Dombrowski, Kirk. "The Praxis of Indigenism and Alaska Native Timber Politics." *American Anthropologist* 104, no. 4 (December 2002): 1062-1073.

This article looks, in part, at the effect of ANCSA on timber harvesting by southeast Alaska Native corporations and the accumulation and sale of net operating losses, a tax loophole. One outcome was the encouragement of clearcutting of Native timber holdings. Another was that the revenue thus attained by the Native corporations exacerbated the split between shareholders in the Native corporation and the non-shareholders.

Flanders, Nicholas E. "The Alaska Native Corporation as Conglomerate: The Problem of Profitability." *Human Organization* 48, no. 4 (Winter 1989): 299-312.

This article reviews the problem of corporate viability when used as an institutional vehicle for generating Native profits under ANCSA. The author reviews ANCSA and its 1987 amendments in an economy prone to booms and busts while also trying to fulfill the social and economic needs of the shareholders.

Hirschfield, Martha. "The Alaska Native Claims Settlement Act: Tribal Sovereignty and the Corporate Form." *Yale Law Journal* 101, no. 6 (April 1992): 1331-1355.

The purpose of this article is to examine the "issues of membership and the landholding under ANCSA and consider how the contemporary corporate view of these concepts collide[s] with Native sovereignty." Among other things it describes the background of the act and explains its flaws relating to control of Native lands and membership in Native organizations.

Huhndorf, Roy M., and Shari M. Huhndorf. "Alaska Native Politics Since the Alaska Native Claims Settlement Act." *South Atlantic Quarterly* 110, no. 2 (Spring 2011): 385-401.

***499** This article looks at the effect ANCSA has had on Alaska Natives in various ways. For one example, it looks at the implication for land use and social organization of imposing corporate structure on tribal communities.

Lindsay, Britt. "Tribal Land Quarrels in Alaska: *Leisnoi v. Stratman*." *Public Land and Resources Law Review* 20 (1999): 169-83.

The *Leisnoi* decision²² examined the legal structure of ANCSA in the context of a resource extraction dispute between regional and village corporations. The article gives a brief history of ANCSA and provides background to the dispute before analyzing the decision.

London, J. Tate. "The '1991 Amendments' to the Alaska Native Claims Settlement Act: Protection of Native Lands?" *Stanford Environmental Law Journal* 8 (1989): 200-28.

Among other things this article analyzes the events preceding the passage of ANCSA and later implementation issues. It also looks at the legislative effort to pass the 1991 Amendments, which helped provide some limited protection of lands conveyed on behalf of Native Alaskans to for-profit corporations that were created pursuant to ANCSA.

Metcalf, Peter. *Earning a Place in History: Shee Atika, the Sitka Native Claims Corporation*. Sitka, Alaska: Shee Atika Incorporate, 2000.

This coffee table book relates the history of the Alaska Native claims movement, the passage of ANCSA, and the creation of Shee Atika, the Native corporation for the Sitka Natives.

Mills, James P. "The Use of Hiring Preference by Alaska Native Corporations After *Malabed v. North Slope Borough*." *Seattle University Law Review* 28 (2004-2005): 403-34.

Among other things, this article reviews Alaska constitutional law, Alaska statutes, and the *Malabed*²³ decision with regard to hiring preferences by Alaska Native corporations. It also provides background about the justifications used by Native Alaska corporations for using hiring preferences.

Morehouse, Thomas A. *The Alaska Native Claims Settlement Act, 1991, and Tribal Governments*. ISER Occasional Papers, No. 19. Anchorage, Alaska: Institute for Social and Economic Research, University of Alaska Anchorage, 1988.

This paper reviews the 1987 and 1991 amendments to ANCSA, in particular the protection of ANCSA corporations and the failure of Congress to authorize the transfer of ANCSA lands from corporations to "qualified transferee entities" (QTEs), predominantly village tribal governments. The author also reviews these issues against competing visions of political community--the dominant western culture of individualism and private property versus the Native culture of cultural identity and shared resources.

Price, Monroe E., Richard R. Purtich, and D. Gerber. "The Tax Exemption of Native Lands Under Section 21(d) of the Alaska Native Claims Settlement Act." *UCLA-Alaska Law Review* 6, no. 1 (Fall 1976): 1-33.

Section 21(d) of ANCSA exempted, with some exceptions, the taxation of lands conveyed to Alaska Natives and Native corporations by state and local entities. The implications were complicated. This article reviews the section and attempts *500 to elicit the legislative goals. It then looks at how various interpretations might influence Native corporate behavior and discusses strategies and possible alternative approaches in trying to achieve the legislative goals.

Pullar, Gordon. "The Legacy of the Russian-American Company and the Implementation of the Alaska Native Claims Settlement Act in the Kodiak Island Area of Alaska." *Ethnohistory* 60, no. 3 (Summer 2013): 403-17.

ANCSA allowed eligible Native Alaskans to receive, through Native corporations, fee title to 44 million acres of land as part of a broad land claim settlement. The new Native corporations took up the task of proving eligibility for enrollment, based on the formula of American citizenship and one-fourth or more Indian, Eskimo, or Aleut blood. This article looks, in part, at the difficulty of the Sugpiat, self-identified as Creole in Russian America, in proving their claim.

Smiddy, Linda O. "Responding to Professor Janda - The U.S. Experience: The Alaska Native Claims Settlement Act (ANCSA) Regional Corporation as a Form of Social Enterprise." *Vermont Law Review* 30, no. 3 (Spring 2006): 823-54.

The author contends that the modification of the business corporation form by Alaska Natives will develop a hybrid form of sustainable enterprise. Along the way she gives historical background to the development and purpose of this form of enterprise and its inclusion in ANCSA.

Oil and Gas

Aurora, Joel. Note. "Drill Here Not There: Petroleum Leasing and Conservation in Alaska's National Petroleum Reserve." *Hastings Law Journal* 65, no. 4 (May 2014): 1165-1190.

This note looks at ANILCA and its relevance to the National Petroleum Reserve in Alaska. It includes a background of ANILCA and a brief legislative history of the Naval Petroleum Reserves Production Act.²⁴

Beaver, James E., James N. Butler, III, and Susan E. Myser. "Stormy Seas? Analysis of New Oil Pollution Laws in the West Coast States." *Santa Clara Law Review* 34, no. 3 (1994): 791-839.

In response to public pressure, particularly after the *Exxon Valdez* spill in the case of Alaska, west coast states passed legislation to enhance oil spill prevention and response capabilities. The authors briefly review different issues state by state (Alaska, California, Oregon, and Washington).

Berry, Mary Clay. *The Alaska Pipeline: The Politics of Oil and Native Land Claims*. Bloomington, Indiana: Indiana University Press, 1975.

This book tells the story of the various fixes, legal and otherwise, that had to take place before the Trans-Alaska Pipeline could be built, from land settlements with Alaska Natives, to meeting NEPA requirements, to legislation, to dilatory court suits.

Bleakley, Geoffrey T. "A Policy History of Alaska Oil Lands Administration, 1953-1974." PhD diss., Washington State University, 1996.

This dissertation provides an "institutional retrospective of past decisions by clarifying the issues faced by decision makers and illuminating the various stages of the policy-making process," including focus on the Territorial Land Board, State Department of Natural Resources, Royalty and Price Administration, etc.

***501** Bradner, Tim. "Oil and Gas Conservation Regulations in Alaska." *Alaska Review of Social and Economic Conditions* 10, no. 1 (July 1973): 1-20.

This article discusses conservation regulations that pertained to oil and gas field development and production and that are of administrative concern to the Alaska Oil and Gas Conservation Committee and the Alaska Division of Oil and Gas. They are not the same as the broader forms of state and federal regulations that deal with oil exploration, pipeline construction, and oil tanker and transport facilities.

Busenberg, George J. *Oil and Wilderness in Alaska: Natural Resources, Environmental Protection, and National Policy Dynamics*. Washington, D.C.: Georgetown University Press, 2013.

The author examines the "development of national policies for oil development and nature conservation in the state of Alaska." In particular, he looks at the Trans-Alaska Pipeline System, ANILCA, and the *Exxon Valdez* spill and the Oil Pollution Act of 1990.

Coates, Peter A. *The Trans-Alaska Pipeline Controversy: Technology, Conservation, and the Frontier*. Bethlehem, Pennsylvania: Lehigh University Press, 1991.

The Alaskan pipeline is often seen as Alaska's first major environmental dispute, and it presented political, legal, and engineering, as well as environmental, challenges. This book looks in-depth at all of these.

Farrell, Martin A., and Randolph Berry. *Alaska Oil and Gas Legislative Tax Proposals: A Historical Perspective (1959-1986)*. Alaska, 1987.

This work provides a historical perspective of oil and gas taxation in Alaska as well as an inventory of oil and gas legislative tax proposals, a summary of proposals enacted, and historical and projected petroleum revenues.

Grauman, Melody Webb. "Oil Rights and the Alaska Homesteader." *Alaska Journal* 8, no. 3 (Summer 1978): 253-62.

This article looks at how the old homestead laws, including the Homestead Act of 1898, clashed with the urge to develop oil resources, especially in the Kenai Peninsula. It also includes an account of the effort to pass federal relief legislation promoted by Senator Ernest Gruening.

Johnson, William R., Jr. "Alaska v. Amerada Hess: Alaska Litigates For Oil Royalties, 1977-1992." PhD diss., Washington State University, 2005.

The state of Alaska believed that the oil corporations were undervaluing the final market value of the crude they were taking out of Prudhoe Bay, and were doing so by using “bookkeeping trickery.” This dissertation, based primarily on an examination of the unsealed portions of the court records, reviews the history of the lengthy litigation Alaska waged to recoup missing royalties from the oil companies.

Jones, G. Kevin. “The Development of Alaska's Outer Continental Shelf Oil and Gas Resources and the Federal Trust Responsibility to Native Alaskans.” *Virginia Journal of Natural Resources Law* 6, no. 1 (Fall 1986): 53-100.

Overall, this article is concerned with federal trust responsibility to Alaskan Natives when conducting an outer continental shelf leasing operation because of the possible impact to subsistence culture due to drilling. While the history of federal Indian trusteeship, development of Alaskan oil and gas resources, and settlement of federal-state conflicts over offshore jurisdiction are not individually “Alaska legal history,” they merge in the author's treatment to become so.

***502** Lieberman, Jethro K. *Checks and Balances: The Alaska Pipeline Case*. New York, New York: Lothrop, Lee & Shepard Books, 1981.

This book examines the history of the Trans-Alaska Pipeline, including a review of the judicial decisions that stopped it and the federal legislation that subsequently allowed it. It also briefly reviews the history of Native Alaskan land claims and some other relevant federal legislation.

Millard, Elizabeth R. “Anatomy of an Oil Spill: The *Exxon Valdez* and the Oil Pollution Act of 1990.” *Seton Hall Legislative Journal* 18, no. 1 (1993): 331-69.

This article reviews the path to the 1990 enactment of comprehensive federal oil spill legislation, and also gives an account of the *Exxon Valdez* disaster.

Myers, Henry R. “Federal Decisionmaking and the Trans-Alaska Pipeline.” *Ecology Law Quarterly* 4, no. 4 (1975): 915-61.

This article reviews the history of federal legal activity leading up to the construction of the Trans-Alaska oil pipeline and also covers some other major substantive issues, including the relevance of an Environmental Impact Statement.

Pasquinelli, Sara N. Comment. “To Drill or Not to Drill: The Arctic National Wildlife Refuge v. the ‘Need’ For U.S. Energy Independence.” *Golden Gate University Law Review* 33, no. 3 (Spring 2003): 503-55.

Apart from providing a history of Alaska's North Slope and its transformation by oil production, this comment also includes a legislative history of the 107th Congress' energy bill.

Roth, Stephen. "Oil and Alaska: The Fight for Naval Petroleum Reserve No. 4, 1959-62." *Journal of the West* 11, no. 3 (July 1972): 531-41.

This article recounts the unsuccessful legislative efforts by Alaska's congressional representatives to free up the Naval Petroleum Reserve No. 4 to oil exploration and extraction.

Rummel, Edgar F. "The Alaska Pipeline SLUP: An Exercise in the Legislative Process." *Federal Bar Journal* 33, no. 3 (Summer 1974): 204-17.

The first attempt to build an oil pipeline south from Prudhoe Bay was frustrated by the federal court decision in *Wilderness Society v. Morton*,²⁵ which ruled against Interior Department authorization of a special land use permit under the Mineral Leasing Act of 1920. This article recounts the history of the legislative impact of that decision.

Strohmeyer, John. *Extreme Conditions: Big Oil and the Transformation of Alaska*. New York, New York: Simon & Schuster, 1993.

This book reviews the coming of the oil industry to Alaska and its effect once there. One of the conditions precedent to building the Trans-Alaska Pipeline was the settlement of Native Alaskan land claims through the passage of ANCSA. This book tells that story, too.

Wilkinson, Cynthia M., L. Pittman, and Rebecca F. Dye. "Slick Work: An Analysis of the Oil Pollution Act of 1990." *Journal of Energy, Natural Resources and Environmental Law* 12, no. 1 (1992): 181-236.

Among other things, the authors review the state of the law prior to enactment of the 1990 Act and then contrast and compare the Act to the prior laws, with some insight into "the Act's key controversies and their resolutions in Congress."²⁶

***503 Permanent Fund**

¶6 The Alaska Permanent Fund is a public trust income-producing investment fund into which is deposited twenty-five percent of mineral bonuses, royalties, and related income (primarily from oil) for the benefit of the residents of the state, and from which there is an annual distribution of dividend to those who have resided in the state for the duration of the previous year. The fund was established by constitutional amendment in 1976 and conceived as a way to protect a portion of the state's resource

production income from dissipation and a hedge against lean years. In 1980 the Alaska Permanent Fund Corporation was established to manage the investments. Distribution of Permanent Fund dividends (PFD) was also established that year.

Groh, Clifford John, and Gregg Erickson. "The Permanent Fund Dividend Program: Alaska's 'Noble Experiment.'" *Alaska Journal* 13, no. 3 (Summer 1983): 141-46.

The Permanent Fund is where a large portion of Alaska's oil royalties are parked for investment and protection, and each year each resident of Alaska is given a dividend from the fund. It is an approach unique to Alaska and not replicated in the other states. This article reviews the history of how the fund came to be.

Hannesson, Rögnvaldur. *Investing for Sustainability: The Management of Mineral Wealth*. Boston, Massachusetts: Kluwer Academic Publishers, 2001.

The author describes mineral wealth investment scenarios in several countries, including, in Chapter 5, the Alaska Permanent Fund. The chapter describes the fund, its intent, and some of its history, including embedding it in the state constitution.

Kasson, Joan. "The Creation of the Alaska Permanent Fund: A Short History." In *The Early History of the Alaska Permanent Fund: Perspectives on the Origins of Alaska's Oil Savings Account*. Juneau, Alaska: Alaska Permanent Fund Corporation, 1997: 11-26.²⁷

This treatment reviews the history of the Permanent Fund, from the conception of Alaska in the state constitution as an "ownership state," to amendment of the constitution, to different proposals in the legislature and refinement of goals, to establishment, debates over how best to invest, and distribution of dividends.

Knapp, Gunnar, Scott Goldsmith, Jack Kruse, and Gregg Erickson. *The Alaska Permanent Fund Dividend Program: Economic Effects and Public Attitudes*. Anchorage, Alaska: Institute of Social and Economic Research, University of Alaska, 1984.

The purpose of this report is to examine the public attitudes toward the PFD program, the impact of the dividends on recipients, and the effects on the Alaska economy. It also provides a brief history of the origins of the program.

Rasmuson, Elmer. "A Founder's Reflection on the Early Days of the Alaska Permanent Fund Corporation." In *The Early History of the Alaska Permanent Fund: Perspectives on the Origins of Alaska's Oil Savings Account*. Juneau, Alaska: Alaska Permanent Fund Corporation, 1997: 1-10.²⁸

***504** The author was the first Chairman of the Board of Trustees of the Alaska Permanent Fund, and served on the Board from 1980-1986. He provides a brief history of the fund and recounts his experiences in the corporation, including board member issues, and observations on the dividend.

Rose, Dave, Charles Wohlforth, and Arliss Sturgulewski. *Saving for the Future: My Life and the Permanent Fund*. Kenmore, Washington: Epicenter Press, 2008.

The Permanent Fund was created by amendment to the Alaska Constitution and designed to invest at least twenty-five percent of Alaska's oil money to keep it out of direct political control. It was intended to survive the depletion of the oil reserves. In this book Dave Rose recounts his experiences and challenges, including political and economic challenges, as the first director of the fund.

Rural Research Agency, Alaska State Senate. "Alaska's Permanent Fund: Legislative History, Intent and Operations." In *The Early History of the Alaska Permanent Fund: Perspectives on the Origins of Alaska's Oil Savings Account*. Juneau, Alaska: Alaska Permanent Fund Corporation, 1997. 35-74.²⁹

This report is a narrative legislative history of the Permanent Fund. It reviews, among other things, the history and issues in the development of the concept, objectives, fiscal issues, structure, dividend fund, and 1982 amendments.

Pre-Statehood: 1868-1959

_____. *Building Alaska with the U.S. Army, 1867-1965*. Pamphlet No. 360-5. Seattle, Washington: Headquarters, U.S. Army, Alaska, 1965.

This pamphlet gives an overview of the United States Army's involvement in Alaska from purchase until the early years of statehood. The chapters of particular interest are those that cover the years after purchase and focus on the military government and the jurisdiction of the Army over Alaska.

_____. *Jurisdiction of the War Department Over the Territory of Alaska*. Exec. Doc. No. 135, U.S. House of Representatives, 44th Congress, 1876.

This brief report, prepared for Congress, apparently includes all documents relating to the legal status of Alaska at the time of production.

_____. *Laws Other than Criminal Relating to Alaska*. U.S. House of Representatives, H. Doc. No. 99, 1898.

This document is the Civil Code for the District of Alaska, submitted "in pursuance of a concurrent resolution of Congress directing the Commission to Revise and Codify the Criminal and Penal Laws of the United States to prepare a codification of the laws other than criminal, and a code of procedure thereunder, for the district of Alaska."

_____. *Providing for the Admission of Alaska Into the Union*, S. Rep. No. 1028, 83d Cong., 2d sess., 1954.

This report recommends passage of the statehood bill and reviews many of Alaska's "peculiar problems." It also includes a sectional analysis of the bill.

Beers, W. F. "The Government of Alaska." *Alaska-Yukon Magazine* (January 1908): 370-75.

The author includes a table, "Population of Territories and States at Organization," and compares those population densities to that of Alaska. His conclusion is that Alaska at the time did not have sufficient population density to push for *505 statehood. On the other hand, he opined that should a "South Alaska" territory be cleaved off from the whole, the smaller and more densely populated rump entity would be in a better position to be given self-government by Congress than the entire territory.

Bloedel, Richard H. "The First Bloom of Alaska Statehood, 1915-1916." *Alaska Journal* 2, no. 1 (Winter 1972): 8-18.

This article looks at the efforts of Alaska's delegate to Congress, James Wickersham, and others to coax Congress into providing statehood for Alaska.

Carlson, Leland H. "Nome: From Mining Camp to Civilized Community." *Pacific Northwest Quarterly* 38, no. 3 (July 1947): 233-42.

This article is about bringing law to Nome, where the formation of a Consent Government (established by citizens based on common consent), on the recommendation of federal judge Charles S. Johnson, and the appointment of a federal commissioner began to lift it out of gold rush chaos.

Carlson, Phyllis D. "Alaska's First Census: 1880." *Alaska Journal* 1, no. 1 (1971): 48-53.

This brief article gives an account of the first official census of Alaska after cession, a count made by Ivan Petrov.

Cavagnol, Joseph J. *Postmarked Alaska: A Saga of the Early Alaska Mails*. Holton, Kansas: Gossip Printery, Inc., 1957.

This is a history of mail service in Alaska from 1867-1900 and the conditions faced by the mail carrier.

Coates, Ken. "Controlling the Periphery: The Territorial Administration of the Yukon and Alaska, 1867-1959." *Pacific Northwest Quarterly* 78, no. 4 (October 1978): 145-51.

This article compares the national attitudes and perception in governing and developing distant colonies, Canada in the Yukon Territory and the United States in Alaska.

Crain, Mel. *When the Navy Ruled Alaska. Proceedings of the United States Naval Institute*, 81. Annapolis, Maryland: The Institute, February 1955. 198-203.

In the early years of American control over Alaska, experiments in home rule failed--no civil governing authority, no judiciary, no criminal and civil codes. To keep order the U.S. Navy was called in under the local command of Commander Lester Anthony Beardslee. This brief article covers the five-year period of Naval rule in Alaska.

Dunning, William A. "Paying for Alaska." *Political Science Quarterly* 27, no. 3 (September 1912): 385-98.

This article examines the events surrounding the purchase of Alaska from Russia in 1867. In particular, it looks at corruption and the bribery of key members of Congress to encourage them to support the purchase of the Russian possession.

Farrand, Max. "Territory and District." *American Historical Review* 5, no. 4 (July 1900): 676-81.

The author makes a distinction between territorial and district status for new acquisitions of territory by the United States, and how the distinction was applied to Alaska after cession by Russia in 1867. In particular, territorial status indicated an intention to incorporate the territory as a state, whereas, with regard to Alaska, there was no immediate probability, for a variety of reasons, that it would be incorporated as such.

***506** Ford, Aurora. "'We Know Full Well the Difficulties': Alaska Jewish Museum Exhibit Recounts a Fruitless 1939 Plan to Offer European Jews a Refuge in the Last Frontier." *Forum* (Summer 2017): 26-31.³⁰

This article examines the effort by U.S. Secretary of Interior Harold Ickes, just prior to World War II, to save European Jews by resettling them in the Territory of Alaska, which fell within his administrative domain. Despite the Slattery Report that opined that resettlement would have a positive impact on territorial development, there was opposition in Alaska and the effort did not come to fruition.

Glass, Commander Henry. "Naval Administration in Alaska." *Proceedings of the United States Naval Institute* 16 (1890): 1-19.

From 1867 until 1884 Alaska was administered as the Department of Alaska. From 1879 until 1884 the Department was administered by the U.S. Navy. This article gives an account of how the Navy went about establishing order during its administration.

Goss, Barney. "Alaska's First Delegate Elect." *Alaska Journal* 2 (Autumn 1972): 50-53.

When, by 1881, Congress had not established a method for Alaska to choose a delegate to the United States Congress, the citizens of the territory took matters into their own hands and elected Mottrom D. Ball to represent them in Washington, D.C. While Ball appeared before Congress he was never seated and Alaska had to wait until 1906 before it achieved representation in Congress.

Heath, Virgil, and John Clark Hunt. "Alaska CCC Days." *Alaska Journal* 2, no. 2 (Spring 1972): 51-57.

This treatment reviews the organization, responsibilities, and activities of the Civilian Conservation Corps in Alaska during the New Deal.

Hinckley, Ted C. *The Americanization of Alaska, 1867-1897*. Palo Alto, California: Pacific Books, 1972.

Acquisition of Alaska from the Russians in 1867 brought a lengthy period of transition from Russian to American culture, with Alaska initially governed by the Navy and then the Army. Hinckley tells the story of bringing American culture, including law, to Alaska during these early years and how standards of frontier development applied during the settlement of the American West did not always conform to conditions in Alaska.

Hinckley, Ted C. "Sheldon Jackson and Benjamin Harrison: Presbyterians and the Administration of Alaska." *Pacific Northwest Quarterly* 54, no. 2 (April 1963): 66-74.

This article recounts a working relationship of mutual trust between the Rev. Jackson and Senator, later President, Benjamin Harrison. Issues reviewed are education, the passage of the 1884 Organic Act, and the effectiveness of prohibition.

Hinckley, Ted C. "The United States Frontier at Sitka, 1867-1873." *Pacific Northwest Quarterly* 60, no. 2 (April 1969): 57-65.

This article recounts the onset of American control of the Alaska territory, including the extension of American law and governance to the territory.

*507 Hinckley, Theodore Charles, Jr. "The Alaska Labors of Sheldon Jackson, 1877-1890." PhD diss., Indiana University, 1961.

The author reviews and analyzes the career of Dr. Jackson in Alaska, from his efforts as a champion of Alaska Natives to his work as General Agent for Education in the territory, his stance regarding alcohol prohibition, and his efforts to bring reindeer to Alaska.

Holbo, Paul S. *Tarnished Expansion: The Alaska Scandal, the Press, and Congress, 1867-1871*. Knoxville, Tennessee: The University of Tennessee Press, 1983.

After the purchase of Alaska by the United States from Russia in 1867, accusations were made claiming that the deal was corrupt. This book provides a history of the events surrounding the claims and attempts to resolve them, specifically the claim that William H. Seward was bribed.

Hunt, William R. *North of 53°: The Wild Days of the Alaska-Yukon Mining Frontier, 1870-1914*. Fairbanks, Alaska: University of Alaska Press, 1974.

This book gives an overview of the cultures of several of Alaska's gold rushes and the challenges they presented. Topics covered include Judge Wickersham in Eagle and Nome, lawlessness in the camps, and outlaw Soapy Smith in Skagway.

Jenness, Diamond. *Eskimo Administration: I. Alaska*. Montreal, Canada: Arctic Institute of America, 1962.

This report articulates the administration of Native Alaskans from the beginning of American control of the territory until statehood. Among the topics examined are law enforcement, federal and territorial responsibilities, and education.

Jordan, David Starr. "Colonial Lessons of Alaska." *Atlantic Monthly* 82, no. 493 (November 1898): 577-91.

The author opines that the lack of adequate governance in Alaska is emblematic of multiple forms of government "pathology." In particular he reviews the lack of adequate control of the fur seal, sea otter, and salmon industries, the lack of federal concern and oversight, the appointment of unfit officials, the prevalence of fraud alongside well-established companies, and the rigid prohibition of alcohol as problematic and signs of mismanagement not unusual in a colonial setting.

Kitchener, L.D. (Lois Delano). *Flag Over the North: The Story of the Northern Commercial Company*. Seattle, Washington: Superior Publishing Company, 1954.

This book covers the history of the Northern Commercial Company (Alaska Commercial Company), as successor of the Russian-American Company, through its acquisition of a monopoly over sealing in the Pribilof Islands, and beyond. It also provides a history of the Russian-American Company.

Klein, Laura F. "Demystifying the Opposition: The Hudson's Bay Company and the Tlingit." *Arctic Anthropology* 24, no. 1 (1987): 101-14.

While this article primarily reviews the dynamics between the British Hudson's Bay Company and the Tlingit with regard to trade in Russian America, it also includes an account of the murder of John McLoughlin, Jr., Chief Trader at Fort Stikine, and the disputed jurisdiction over the murderer.

Lain, B.D. "The Decline of Russian America's Colonial Society." *Western Historical Quarterly* 7, no. 2 (April 1976): 143-53.

This article reviews the transition from Russian rule to American rule in Alaska.

Lain, B.D. "The Fort Yukon Affair." *The Alaska Journal* 7, no. 1 (Winter 1977): 12-18.

This article is about the effort of the United States government, shortly after assuming control of Alaska from the Russians, to evict the Hudson's Bay Company *508 from Fort Yukon, despite a lease agreement between the HBC and the Russian-American Company.

Lain, Bobby Dave. "North of Fifty-Three: Army, Treasury Department, and Navy Administration of Alaska, 1867-1884." PhD diss., University of Texas at Austin, 1974.

This dissertation looks at how Alaska was administered from cession in 1867 until the First Organic Act of 1884. During that time it was, in turn, administered by the U.S. Army, the Treasury Department, and the U.S. Navy. Issues that are addressed include regulation of alcohol, public order, military rule, and policy toward the Alaska natives.

Lane, Franklin K. "Freeing Alaska From Red-Tape." *North American Review* 201, no. 715 (June 1915): 841-52.

This article, penned by the Secretary of the Interior, lists the duties and responsibilities of various bureaus and departments of the federal government with regard to Alaska. He opines that such a patchwork administrative machinery leads to red-tape, citing specific examples, and calls for a more unified approach.

Lautaret, Ronald. *The Steamboat Inspection Service in Frontier Alaska*. 6th Annual Alaska History Symposium. Anchorage, Alaska: Alaska Historical Commission, 1983.

This paper reviews the enforcement of laws and regulations of national application that were written without an understanding of the realities of frontier Alaska.

Luthin, Reinhard H. "The Sale of Alaska." *Slavonic and East European Review* 16, no. 46 (July 1937): 168-82.

This article examines the events surrounding the claims of corruption in the deal allowing the purchase of Alaska from Russia in 1867. Particular attention is paid to the role of Robert J. Walker, former Senator from Mississippi and former Secretary of the Treasury.

Mary Margaret, Sister (Carolyn O'Connell). "Alaska From District to Territory." MA diss., University of Washington, 1955.

This dissertation reviews the history of civilian government in Alaska and the organization of home rule, ending with the political "triumph" of 1912, with the convening of the first territorial legislature. Included are chapters on the Organic Law and Legislature of 1899, the movement for congressional representation, the first election, and "anti-Guggenheimism."

McCollum, Pat. "Alaska's First Delegates: Waskey and Cale." *Alaska Journal* 3, no. 1 (Winter 1973): 50-55.

In 1906 Alaska at last gained (non-voting) representation in Congress and could elect a delegate. That year, Alaskans elected two delegates to Congress, one to serve out the remainder of the 58th Congress, the other to serve a full term in the 59th Congress. This article looks at the two simultaneous elections and the candidates who won.

McKinley, Charles, James C. Rettie, and Oscar Gass. *Suggestions Concerning Government and Administration in the Territory of Alaska*. Portland, Oregon: Alaska Resource Committee, 1937.

This report contains several chapters focusing on a variety of issues: coordination of federal agencies in the territory, Alaska's territorial government, territorial and local tax systems, justice and law enforcement, etc.

***509** Miller, Orlando W. *The Frontier in Alaska and the Matanuska Colony*. New Haven, Connecticut: Yale University Press, 1975.

The Federal Emergency Relief Administration was tasked during the New Deal with establishing rural rehabilitation colonies as part of the Depression era relief effort. One of the colonies was in the Matanuska Valley in the Territory of Alaska. This is a history of the establishment of that colony and includes a look at how it was run.

Mitson, Hannah L. "The King-Havener Bill of 1940: Dashed Hopes for a Jewish Immigration Haven in Alaska." *Alaska History* 14, nos. 1-2 (Spring/Fall 1999): 31-41.

In the 1930s anti-immigrant sentiment and restrictive immigration policies in the United States were disastrous to Jews seeking to escape persecution in Hitler's Germany and Europe. This article tells the story of how some members of Congress saw a possible way around immigration restrictions by allowing up to 10,000 Jewish immigrants to settle in Alaska. In the end the effort failed, partly because of parochialism, nativism, and anti-Semitism, but also because those allowed in under the law would not be allowed to settle anywhere else in the country. It would have set the Territory apart from the rest of the nation.

Naske, Claus-M. "Alaska and the Federal-Aid Highway Acts." *Pacific Northwest Quarterly* 80, no. 1 (October 1989): 133-38.

In 1955 President Dwight D. Eisenhower proposed a major road construction program for the nation. This article provides a history of road funding to give context to the activities of Alaska Congressional Delegate E.L. "Bob" Bartlett in making sure that Alaska got at least its fair share of the funding from the Federal Aid Highway Act of 1956.

Naske, Claus-M. "Blacks Blocked By Bureaucracy." *Alaska Journal* 1, no. 4 (1971): 8-10.

The author tells the tale of the unsuccessful effort by the colonization Branch of the United Congo Improvement Association to set up a colony of African-Americans in Alaska modeled on a farming colony started in the Matanuska Valley.

Naske, Claus-M. "Gov. Ernest Gruening, the Federal Government, and Economic Development." *Pacific Historian* 38 (Winter 1984): 5-17.

The author provides a history of post-World War II efforts to bring development to the Territory of Alaska, including a proposal for an Alaska Development Commission and other plans for federal administration of development.

Naske, Claus-M. "Governor Gruening and the Alaska War Council." *Alaska Journal* 16 (1986): 48-55.

Alaska was a war zone during World War II and so it came to be under military jurisdiction, which led to a turf war between the military and civilian officials. The Alaska War Council was set up to try to maintain civilian control of Alaska during the war and establish a working relationship with the military. As the author demonstrates, in the end the council had no real authority.

Naske, Claus-M. "Jewish Immigration and Alaskan Economic Development." *Western States Jewish Historical Quarterly* 8 (January 1976): 139-57.

This article is about the movement to bring Jewish refugees to Alaska in the 1930s and 1940s, and the opposition to that effort, as part of an effort to develop Alaska. It also reviews the failed effort to pass the King-Havenner bill through Congress.

***510** Naske, Claus-M. "Planning Never Came to Alaska." *Alaska Journal* 2, no. 2 (Spring 1972): 2-8.

When the oil fields of Alaska's North Slope started to be developed, the legislature tried to plan how best to use the windfall. Confusion reigned. According to the author, that should not have been so. This article demonstrates how a framework for long-range planning had been evolving since 1937.

Naske, Claus-M. "The Relocation of Alaska's Japanese Residents." *Pacific Northwest Quarterly* 74, no. 3 (July 1983): 124-32.

[Executive Order 9066](#) was issued by President Franklin D. Roosevelt after America's entry into World War II to authorize the Secretary of War to establish "military areas" from which certain people could be excluded for security reasons. This article is about the application of that order to the more than 200 Japanese Americans in the Territory of Alaska.

Naske, Claus-M. "Some Attention, Little Action: Vacillating Federal Efforts to Provide Territorial Alaska with an Economic Base." *Western Historical Quarterly* 26 (Spring 1995): 36-68.

This article reviews the history of federal efforts, often through legislation, to provide the infrastructure to allow Alaska to develop economically. The time period covered runs from circa 1900 to statehood.

Nichols, Jeanette Paddock. *Alaska: A History of its Administration, Exploitation, and Industrial Development During its First Half Century Under the Rule of the United States*. New York, New York: Russell & Russell, Inc., 1963.

This is a history of the first governments of Alaska, in which are covered such issues as administration of justice, Organic Act of 1884, civil code, police power, property rights, and criminal code.

Nielson, Jonathan M. *Armed Forces on a Northern Frontier: The Military in Alaska's History, 1867-1987*. New York, New York: Greenwood Press, 1988.

This book looks primarily at the military role of the U.S. Army and Navy in Alaska. However, between acquisition from Russia in 1867 and the passage of Alaska's first Organic Act in 1884, Alaska was governed as a Department under the jurisdiction of the Army (1867-1877) and then of the Navy (1879-1884).³¹ The early chapters look at, *inter alia*, how the two military branches brought law and law enforcement to the Department of Alaska.

Remsburg, Stanley Ray. "United States Administration of Alaska: the Army Phase, 1867-1877; a Study in Federal Governance of an Overseas Possession." PhD diss., University of Wisconsin, 1975.

This lengthy dissertation (two volumes) looks broadly at the U.S. Army's governance of Alaska during the ten years that followed acquisition in 1867. Topics treated include the Army's role policing and administering justice, the problem of alcohol, community self-government, and policy toward the Alaska natives.

Schwaiger, Michael. "Mining for Citizens: Race, Resources, and the Republic in the Alaska Gold Rush." *Western Legal History* 24, no. 2 (Summer/Fall 2011): 167-216.

This article reviews the history of United States citizenship in Gold-Rush Alaska and the path to it. It also includes a biographical sketch of Judge James Wickersham as well as a focus on the effort of John Minook to attain U.S. citizenship in a case decided by Judge Wickersham.³²

***511** Spicer, George Washington. *The Constitutional Status and Government of Alaska*. Johns Hopkins University Studies in Historical and Political Science Vol. 45, No. 4. Baltimore, Maryland: Johns Hopkins Press, 1927.

In a brief 115 pages this study reviews the civil and political rights of Alaska's inhabitants, the judicial system and administration of justice, and the legislative power in the territory, from the Treaty of Cession until the 1920s.

Strobridge, Truman R., and Dennis L. Noble. *Alaska and the U.S. Revenue Cutter Service 1867-1915*. Annapolis, Maryland: Naval Institute Press, 1999.

Following cession of Alaska to the United States by Russia in 1867, the U.S. Revenue Cutter Service was used to help establish U.S. sovereignty over the domain. Among its activities were relief, rescue, and such social

experiments as transportation of reindeer to Alaska and training of Alaska Natives on how to herd them, as well as transport of federal judges to bring justice to remote villages, which became known as the “floating courts.”

Stubbs, Valerie K. “The U.S. Army in Alaska: 1867-77: An Experiment in Military Government.” MA diss., The American University, 1956.

This thesis provides an account of the effort of the United States Army to administer the new, but giant, acquisition from Russia until Congress could provide some form of civilian government. It was saddled with a ten-year responsibility without legal standing or necessary authority.

Suratt, Richard. “The Law Came to Wrangell.” *Alaska Life* 8, no. 2 (February 1945): 45-49.

This article presents an account of the arrival and career in Wrangell of United States Commissioner James Sheakley, *ex-officio* Justice of the Peace, Probate Judge, Recorder, and Coroner.

William, Gerald O. “The Capital City of Alaska Was Named After its First Police Chief.” *Alaska Bar Rag* 4, nos. 6, 7, and 8 (June, July, and August 1981): 11, 14.

While the naming of the state capital is outside the scope of this bibliography, this brief history of the city, including legal history, falls squarely within. Subjects include naval oversight, military law, native law, and vigilante law.

Wilson, William H. “The Alaskan Engineering Commission and a New Agricultural Frontier.” *Agricultural History* 42, no. 4 (October 1968): 339-50.

In 1916 a Land and Industrial Department was added to the engineering commission to encourage the purchase of Alaska produce, act as a sort of agricultural immigration bureau, and get involved with land matters. Part of their efforts led to an easing of homesteading requirements as applied in Alaska. This article reviews the history of those efforts and their challenges.

Wilson, William H. “The Founding of Anchorage.” *Pacific Northwest Quarterly* 58, no. 3 (1967): 130-41.

Anchorage was founded in 1915 as a construction base for the Alaska Railroad and started its municipal life as a tent village. That didn't last long. This treatment is an account of how the community was planned and the challenges faced by the Alaskan Engineering Commission as it tried to establish the community's future government and enforce the Alaska Railroad Townsite Regulations issued by President Woodrow Wilson.

***512 Property and Land Use**

Alaska Department of Natural Resources, Division of Land and Water Management. *Promised Land: A History of Alaska's Selection of its Congressional Land Grants*. Anchorage, Alaska: Alaska Department of Natural Resources, 1987.

This report reviews the history of Territorial and Alaska Statehood Act land grants, selection efforts, and activity after the enactment of ANCSA and ANILCA.

Albert, Lawrence V. "Does the Alaska Constitution Provide Broader Protection for Taking or Damage of Property? An Analysis." *Public Land and Resources Law Review* 32 (2011): 27-101.

This article analyzes takings law in Alaska, by reviewing both the application of federal takings principles and the possible development of broader protections by the Alaska Supreme Court.

Bureau of Land Management. *History of Alaska Homesteading: The Last Chapter in America's Homestead Experience, 1898-1988*.³³ Anchorage, Alaska: Bureau of Land Management, 2012.

Homesteading was a way people could obtain land from the federal government at virtually no cost provided they met certain requirements. This government pamphlet provides information on the homesteading experience in Alaska, and outlines the laws and requirements as they evolved.

Castellon, Michael C. Note. "Standing to Challenge the Disposition of Land in Alaska: A Proposed Remedy For the Inadequacies in the Current Case Law." *Alaska Law Review* 2, no. 2 (December 1985): 393-408.

This article reviews standing to challenge Alaska land dispositions by the state and localities. Prefaced by a review of the background of standing to sue in Alaska, the article goes on to review four Alaska Supreme Court decisions that further refined standing in the state, for citizens and taxpayers.

Clapacs, Grantland M. Note. "'When in Nome': Custom, Culture, and the Objective Standard in Alaskan Adverse Possession Law." *Alaska Law Review* 11, no. 2 (December 1994): 301-36.

This note reviews the history and holding of the decision in *Nome 2000 v. Fagerstrom*,³⁴ as well as a brief overview of history and operation of adverse possession in Alaska.

Cooley, Richard A. *Alaska: A Challenge in Conservation*. Madison, Wisconsin: University of Wisconsin Press, 1966.

When Alaska was accepted into the Union it gained title to 104 million acres of land from the public domain. In this book the author reviews the selection, management, and disposal of those lands, as well as state constitutional issues, land and resources policies, and jurisdictional disputes.

Cooley, Richard A. "Evolution of Alaska Land Policy." In Thomas A. Morehouse, ed., *Alaska Resource Development: Issues of the 1980s*. Boulder, Colorado: Westview Press, 1984. 13-49.

This chapter reviews the origins and application of federal land policy in Alaska, including major federal laws and controversies, covering the time prior to, and after, statehood.

***513** Cooley, Richard A. "State Land Policy in Alaska: Progress and Prospects." *Natural Resources Journal* 4, no. 3 (January 1965): 455-67.

The Alaska Statehood Act of 1958³⁵ effected the transfer of more than 100 million acres to the state from the federal public domain, with the new state being tasked with selecting, classifying, and disposing of the lands. This article looks at how the Alaska transfer differed from earlier statehood transfers and how Alaska coped with the undertaking.

Gallagher, Thomas J. "Native Participation in Land Management Planning in Alaska." *Arctic* 41, no. 2 (June 1988): 91-98.

This article gives a brief history of land ownership and land management in Alaska, and also looks at four challenges that inhibit Native participation, including the large number of plans and differences in communication styles.

Hull, Teresa, and Linda Leask. "Dividing Alaska, 1867-2000: Changing Land Ownership and Management." *Alaska Review of Social and Economic Conditions* 32, no. 1 (November 2000): 1-12.³⁶

This article reviews the history of changing land ownership laws in Alaska primarily from cession until 2000, and then looks at the different types of land ownership and status in Alaska. Includes charts, maps, and tables.

Johnson, Hugh A. *Land Occupancy, Ownership & Use on Homesteads in the Kenai Peninsula, Alaska, 1955*. Palmer, Alaska: Alaska Agricultural Experiment Station, University of Alaska, Palmer, 1956.

This study looks at various aspects of homesteading in the Kenai Peninsula, from off-farm earnings, to livestock numbers, to average income and expenses. More pertinently, it reviews the settlement history and land withdrawals.

Leask, Linda. "Changing Ownership and Management of Alaska Lands." *Alaska Review of Social and Economic Conditions* 22, no. 2 (October 1985): 1-32.

This article reviews the history of changing land ownership laws in Alaska primarily from the advent of statehood until 1985, and then looks at the different types of land ownership and status in Alaska. It includes charts, maps, and tables.

Miller, Eric H. "From Accession to Exemption: A Brief History of the Development of Alaska Property Exemption Laws." *Alaska Law Review* 32, no. 2 (December 2015): 273-307.

This article traces the development of Alaska's debtor protections from early federal administration of Alaska through the territorial period and statehood.

Morawetz, Jennie. Note. "No Room for Squatters: Alaska's Adverse Possession Law." *Alaska Law Review* 28, no. 2 (December 2011): 341-70.

This note examines Alaska adverse possession law as it existed prior to the revisions brought by the passage of Senate Bill 93 in 2003, and then gives a brief history of Senate Bill 93 and the changes it brought.

Riley, Burke. *Federal Land Policy and Its Effect on Development and Settlement in Alaska*. Juneau, Alaska: Alaska Development Board, January, 1948.

This report is concerned with homesteading, which played a major role in settling territories acquired by the nation as it expanded west but, did not play a role in settling Alaska, where the frontier was "deliberately preserved." The author reviews the means of acquiring public land for private needs that were available at *514 the time of publication, including homesteading, school lands, national forests, and principal purchase provisions.

Thomas, Monica E. "Conflict and Controversy: Land Ownership in Alaska." *Land Use Policy* 5 (January 1988): 121-29.

This brief article provides historical perspective on the different types of land ownership in Alaska, from acquisition of the territory through statehood and into ANCSA.

Tussing, Arlon R. *When the Alaska "Land Freeze" Ends: Issues of Policy and Administration Associated with the Expiration of Public Land Order 4582*. Anchorage, Alaska: Federal Field Committee for Development Planning in Alaska, 1969.

This report briefly reviews the federal land laws as they applied to Alaska and the withdrawal of land from leasing and selection by the Interior Department in the 1960s prior to the resolution of Alaska Native land claims.

Reindeer

Andrews, C.L. "Reindeer in Alaska." *Washington Historical Quarterly* 10, no. 3 (July 1919): 171-76.

The author briefly reviews the influx of reindeer into Alaska from Europe and Siberia. Congress provided the funds for purchase of reindeer from time to time to provide food to the mining districts and also to spark a reindeer industry.

Brady, Judy. "The Reindeer Industry in Alaska." *Alaska Review of Social and Economic Conditions* 5, no. 3 (September 1968): 1-20.

This article gives an overview of the reindeer industry in Alaska and its history, including administrative activity by the Bureau of Land Management.

Brickey, James, and Catherine Brickey. "Reindeer, Cattle of the Arctic." *Alaska Journal* 5, no. 1 (Winter 1975): 16-24.

This article provides a narrative of the importation of reindeer to Alaska in order to provide a sustainable food supply for the Alaska Natives, the subsequent history of reindeer herding in Alaska, and the government's role in funding and regulating the industry.

Burdick, Charles G. *Reindeer Acquisition Unit, F.Y. 1940: Report to the Secretary of the Interior*. Juneau, Alaska: Alaska Native Service, 1940.

The author of this report was appointed special representative to the Secretary of Interior in order to effectuate Congressional legislation establishing a native reindeer industry. This report provides a history of the reindeer industry in Alaska and summarizes findings by the author, as well as recommendations.

Dillingham, Terese. "Playing Reindeer Games: Native Alaskans and the Federal Trust Doctrine." *Environmental Affairs* 26, no. 3 (Spring 1999): 649-85.

Among other things, this article looks at the history of the Native and non-Native reindeer industry in Alaska, the promulgation and enforcement of the Reindeer Industry Act of 1937, and the opening of the reindeer industry to non-Natives after the 1997 *Williams v. Babbitt* decision.³⁷ Also looks at how the federal government's trust responsibilities have been applied to Native Alaskans.

Hanson, Herbert C. "Importance and Development of the Reindeer Industry in Alaska." *Journal of Range Management* 5, no. 4 (July 1952): 243-51.

***515** This article provides a history of the growth and decline of the reindeer industry in Alaska and also reviews the government's role in supporting and regulating it.

Lantis, Margaret. "The Reindeer Industry in Alaska." *Arctic* 3, no. 1 (April 1950): 27-44.

This article provides an overview of the reindeer business in Alaska, including government involvement.

Olson, Dean F. "Reindeer Ownership in Alaska." *Polar Record* 14, no. 92 (1969): 629-35.

This brief article presents a history of reindeer herding in Alaska with a focus on ownership, including individual and joint Native ownership. Prior to the gold rush reindeer were seen as primarily a subsistence resource. After, they became a more lucrative commercial prospect.

Ray, Dorothy Jean. "Sheldon Jackson and the Reindeer Industry of Alaska." *Journal of Presbyterian History* 43, no. 2 (June 1965): 71-99.

This article reviews Rev. Jackson's role in the establishment, with federal help, of the reindeer industry in Alaska.

Ward, Karl. "A Study of the Introduction of Reindeer into Alaska." *Journal of the Presbyterian Historical Society* 33, no. 4 (December 1955): 229-37.

This article is the first part of a narrative relating the efforts of missionary Sheldon Jackson to introduce non-native reindeer into Alaska to provide relief for Alaska Natives. He saw the effort as part of his duties as General Agent of Education to oversee the educational development of the District of Alaska, in particular for the establishment of an agricultural school for stock raising. Congressional and departmental efforts are also recounted, which take the story to 1891.

Ward, Karl. "A Study of the Introduction of Reindeer into Alaska--II." *Journal of the Presbyterian Historical Society* 34, no. 4 (December 1956): 245-56.

Part II picks up the story from 1892.

Willis, Roxanne. "A New Game in the North: Alaska Native Reindeer Herding, 1890-1940." *Western Historical Quarterly* 37, no. 3 (Autumn 2006): 277-301.³⁸

This article reviews the history of reindeer herding in Western Alaska, from the importation of reindeer by the Rev. Sheldon Jackson in 1890, which sparked a small reindeer "industry," through hearings by the Congressional Reindeer Committee, to the passage of the Reindeer Act of 1937. The act authorized the purchase of all non-Native Alaska reindeer herds for transference to Native ownership, which had a collateral effect of putting Sami herders (Finnic) out of business.

Resources and Development

Ballinger, R.A. "A Portrayal of Bureaucratic Government in Alaska." *Alaska-Yukon Magazine* 12, no. 4 (November 1911): 253-62.

This article, taken from a 1911 address to the Public Lands Convention by former Secretary of the Interior Richard A. Ballinger, maintains that bureaucracy impedes the development of natural resources, which makes it a particular hindrance to the development of Alaska. He is also critical of the conservation movement for the same reason.

***516** Cook, Gregory F. "The Public Trust Doctrine in Alaska." *Journal of Environmental Law and Litigation* 8 (1993): 1-49.

The public trust doctrine, which has ancient roots, posits that the sovereign holds in trust for public use some of the resources of its jurisdiction on behalf of its people. This article examines the public trust doctrine and its history in Alaska, where it was implicitly adopted into the state constitution.

Cornwall, Peter G., and Gerald McBeath, eds. *Alaska's Rural Development*. Boulder, Colorado: Westview Press, 1982.

Among other things, the contributors of this work examine the experience of village and regional corporations in the first ten years after the passage of ANCSA, and also use the North Slope Borough as an example of what local government can accomplish. It also touches on subsistence.

Haycox, Stephen W. "Economic Development and Indian Land Rights in Modern Alaska: The 1947 Tongass Timber Act." *Western Historical Quarterly* 21, no. 1 (February 1990): 20-46.

This article examines the history of the passage of the Tongass Timber Act, which was promulgated in order to exploit the timber reserves of Southeast Alaska. The author opines that the developers won the battle at the expense of the Native land title claims and environmental integrity.

Naske, Claus-M., and William R. Hunt. *The Politics of Hydroelectric Power in Alaska: Rampart and Devil Canyon--A Case Study*. Fairbanks, Alaska: University of Alaska, Institute of Water Resources, 1978.

This study reviews the efforts to develop three separate hydroelectric projects in Alaska. Government efforts, in Congress and by federal agencies, are examined, as well as rivalries between agencies and opposition to the projects.

Rural Justice

Alaska Rural Justice and Law Enforcement Commission. *Initial Report and Recommendations of the Alaska Rural Justice and Law Enforcement Commission*. Anchorage, Alaska: Alaska Native Justice Center, 2006.

This report provides a brief history of law enforcement in rural Alaska, reveals systemic obstacles to law enforcement in those areas, and makes specific recommendations.

Angell, John E. *Alaskan Village Justice: An Explanatory Study*. Anchorage, Alaska: Criminal Justice Center, University of Alaska, 1979.³⁹

This study looks at the differences between rural and urban Alaskan justice with a focus on the relationships among Native customs, formal laws, and crimes in Native communities.

Angell, John E. *Public Safety and the Justice System in Alaskan Native Villages*. Jonesboro, Tennessee: Pilgrimage Press, 1981.

As background to describing the challenges and approaches of Native villages regarding public safety, the author discusses the social control traditions that informed "bush justice."

Carns, Teresa W. "A Picture of Rural Justice: Alaska Judicial Council Studies." *Alaska Justice Forum* 10, no. 3 (Fall 1993): 1, 4-5.

***517** This article examines the focus on rural justice issues through increased access to justice services beyond the presence of a Village Peace Officer (VPO) or a Village Public Safety Officer (VPSO), particularly by developing tribal courts or councils. The period of examination covers six years, from 1987, when the Alaska Judicial Council made access to justice services a top priority, until 1993.

Conn, Stephen. "The Extralegal Forum and Legal Power: The Dynamics of the Relationship - Other Pipelines." In Raymond Fogelson and Richard Newbold Adams, eds., *The Anthropology of Power: Ethnographic Studies from Asia, Oceania, and the New World*. 217-24. New York, New York: Academic Press, 1977.

This brief article looks at the interplay between agents of outside power and traditional power in Native Alaskan communities. At the onset of American control of Alaska there was little American legal process applied in the Native villages, but over time village councils began collaborating extralegally with civil law enforcement for dispute resolution (for example, reapplying power from the criminal justice system to resolve civil disputes).

Conn, Stephen. "Inuit Village Councils in Alaska: An Historical Model for Effectuation of Aboriginal Rights?" *Études Inuit/Inuit Studies* 9, no. 2 (1985): 43-58.

This article looks at the role of council governance and tribal tradition for Alaska Natives after ANCSA and ANILCA and as they seek to assert and implement their Native rights.

Conn, Stephen. "Rural Legal Process and Development in the North." In Theodore Lane, ed., *Developing America's Northern Frontier*. 199-229. Lanham, Maryland: University Press of America, 1987.

In assessing the role of state law in meeting changing needs in the Alaskan village, the author explores the long-term relationship between Native Alaskan social control, hybrid forms of village-based extralegal authority, and town-based personnel representative of state legal processes.

Conn, Stephen, and Arthur E. Hippler. "Conciliation and Arbitration in the Native Village and the Urban Ghetto." *Judicature* 58, no. 5 (1974-1975): 228-35.

After giving a brief history of Alaskan Native village councils, the article recounts the "village project," a study by the authors looking at how the legal system could "broaden its access to native residents and at the same time allow the locus of decision making in the administration of justice to be retained in the village."

Conn, Stephen, and Arthur E. Hippler. "Wedding U.S. Law to Eskimo Tradition." *Juris Doctor* 4, no. 4 (1974): 40-45.

The authors comment on the "strange evolution" of village law in Alaska. In particular, they look at the erosion of Native village councils' power to resolve minor local conflicts and offenses, with resolution moving from the village to the court system, which doesn't always exercise the tact and cultural understanding of the village councils.

Connors, Joan F. "Resolving Disputes Locally in Rural Alaska." *Mediation Quarterly* 10, no. 4 (Summer 1993): 367-86.

This article, based on an Alaska Judicial Council evaluation of three organizations, looks at how rural Alaskan communities are establishing culturally appropriate dispute resolution organizations to meet local justice needs.

Di Pietro, Susanne. "Tribal Court Jurisdiction and Public Law 280: What Role for the Tribal Court in Alaska." *Alaska Law Review* 10, no. 2 (December 1993): 335-61.

The second section contains a history of tribal courts in Alaska.

***518** Hippler, Arthur, and Stephen Conn. "The Village Council and its Offspring: A Reform for Bush Justice." *UCLA-Alaska Law Review* 5, no. 1 (Fall 1975): 22-57.

This article analyzes Native Alaskan values, attitudes, and "personality" with relation to their "law ways" from before contact, and then looks at the evolution of "village mechanisms for social control and law since then." Section III looks at the historical development of Native Alaskan "mechanisms for dispute adjustment" and how eventually the Village Council declined as a dispute resolving forum.

Johnson, Carl H. "A Comity of Errors: Why *John v. Baker* Is Only a Tentative First Step in the Right Direction." *Alaska Law Review* 18, no. 1 (June 2001): 1-57.

Along the way to proposing an alternative to the *John v. Baker* decision, this article also examines the role of tribal courts in administering justice in rural Alaska, examines the foundation of tribal sovereignty in Alaska, and analyzes the *John* case.

King, Rachel. "Bush Justice: The Intersection of Alaska Natives and the Criminal Justice System in Rural Alaska." *Oregon Law Review* 77, no. 1 (Spring 1988): 1-58.

The purpose of this article is to examine systemic aspects of the justice system in rural Alaska as a way to understand why the Alaska Native population is overrepresented in the Alaska prison system by a rate of nearly three to one. Aspects examined are: the attorney-client relationship; bail; the difficulty in participating in court proceedings; the tendency not to assert constitutional rights; jury selection and composition; sentencing; and probation compliance.

Lee, Nella. "Scattered Like Reindeer: Alaska Natives and the Loss of Autonomy." In Jeffrey Ian Ross and Larry Gould, eds., *Native Americans and the Criminal Justice System*. 217-33. Boulder, Colorado: Paradigm Publishers, 2006.

This chapter looks at the effect of the Alaska Native Claims Settlement Act on crime control and loss of autonomy in the Alaskan Bush.

Marenin, Otwin. "Patterns of Reported Crime in Alaska Villages." *Alaska Justice Forum* 8, no. 2 (Summer 1991): 1, 4-6, 8.

This article reports on research done into patterns of crime in Alaskan Native villages, based on incident files kept by Alaska State Troopers from January 1985 through May 1990.

Russian Alaska

Black, Lydia T. *Russians in Alaska, 1732-1867*. Fairbanks, Alaska: University of Alaska Press, 2004.

This is a survey of the Russian experience in Alaska, from discovery until sale to the United States. There is occasional treatment of legal issues.

Burbank, Jane. "An Imperial Rights Regime: Law and Citizenship in the Russian Empire." *Kritika* 7, no. 3 (Summer 2006): 397-431.

The author examines the Russian approach to and concept of law and custom. There were no natural rights. Instead, rights and duties were "assigned differentially to variously defined groups"⁴⁰ across the empire, in which Russian imperial law would accommodate by selectively legalizing social institutions extant prior to absorption into the empire. This article does not refer to Alaska but helps to provide a background into the Russian legal mindset as it operated in their North American colony.

*519 Case, David S. "The Russian Legacy of the Alaska Native Claims." In Barbara Sweetland Smith and Redmond J. Barnett, eds., *Russian America: The Forgotten Frontier*. 237-43. Tacoma, Washington: Washington State Historical Society, 1990.

This brief chapter reviews the requirements for how to treat Native Alaskans in the three charters of the Russian America Company. Over time the classifications of the Natives showed improvement toward more benign treatment.

Casson, Richard F. *Evolution of the Judicial System in 19th Century Imperial Russia*. Submitted in Partial Requirement for Fulfillment of the Senior Scholar Program, Colby College, 1960.⁴¹

Chapter one of this paper looks at the "Old Courts," those prior to the judicial reforms of the mid-1860s, and therefore relevant to the period of the Russian-American Company. While the paper does not offer any link to Alaska it does illuminate the legal system in which the company operated.

Dmytryshyn, Basil. "The Administrative Apparatus of the Russian-American Company, 1798-1867." *Canadian-American Slavic Studies* 28, no. 1 (Spring 1994): 1-52.

The Russian-American Company exercised economic and political control over the Russian settlements in Alaska. This article reviews the legal foundations of the administrative apparatus of the company under the act of incorporation and under different charters, as well as its legal responsibility toward the settlements. It also looks at the company's rights, privileges, and obligations within the Russian Imperial government, as well as the government's involvement in the company's operations.

Griněv, Andrei V. Translated by Richard Bland. "A Failed Monopoly: Management of the Russian-American Company, 1799-1867." *Alaska History* 27, nos. 1-2 (Spring/Fall 2012): 19-49.

This article presents a brief history of the RAC, which functioned as a hunting-trading organization as well as a quasi-state agency, to the extent that the tsarist government authorized it to govern the land and population of Russian America.

Griněv, Andrei V. Translated by Richard L. Bland. "The Dynamics of the Administrative Elite of the Russian-American Company." *Alaska History* 17, nos. 1-2 (Spring/Fall 2002): 1-25.

This article examines the transformation of the administrative structure of the Russian-American Company from a merchant organization to a specific state institution. The company became a military-bureaucratic monopoly and resembled a guild rather than a capitalistic entity. It also looks at laws passed in 1844 to regulate the RAC.

Grinëv, Andrei V. Translated by Richard L. Bland. "The Kaiury: Slaves of Russian America." *Alaska History* 15, no. 2 (Fall 2000): 1-18.

This article looks at the long history of using enslaved Native Alaskans (*kaiury*) to support the commercial activities of the Russians in North America, starting with Grigori Shelikhov's first permanent Russian settlement on Kodiak Island in the 1780s until the more enlightened 1820s when the *kaiury* became actual employees of the Russian-American Company.

***520** Grinëv, Andrei V. Translated by Richard Bland. "The Watchful Eye of Empire: Passport and Passport Control in Russian America." *Alaska History* 23, nos. 1-2 (Spring/Fall 2008): 21-34.

The total number of Russians in Russian Alaska was not high, 550 or so in all, for its entire history. What might have in another culture been seen as a land of opportunity was tightly controlled by the state, and it was the rigid passport system that controlled the mobility of Russians and blocked their ability to settle in the colony. This article examines the history of the Russian passport system, with particular regard to the needs of the Russian Alaska Company and its employees.

Gsovski, Vladimir. "Russian Administration of Alaska and the Status of the Alaskan Natives." Washington, D.C.: Government Printing Office, 1950. ⁴²

This study, which was requested by the Senate Committee on Interior and Insular Affairs, presents a history of Russian involvement in Alaska and contains, as Appendix 1, a survey of Russian laws dealing with Alaska, focusing primarily on how the Natives were to be treated.

Kalmykow, Alexandra. "Administration of Alaska by the Russians on the Eve of its Transfer to the United States." MA diss., Columbia University, 1947.

While this dissertation gives an overview of the administration of the Russian-American Company in the mid-nineteenth century, it also looks at how law was enforced by the company based on its corporate charter.

Kutscheroff, Samuel. "Administration of Justice Under Nicholas I of Russia." *American Slavic and East European Review* 7, no. 2 (April 1948): 125-38.

This article offers a look at the pre-reform legal system of Imperial Russia. While it does not offer any link to Alaska, it does provide an overview of the legal system in which the Russian-American Company operated.

Liapunova, R.G. "Relations with the Natives of Russian America." In S. Frederick Starr, ed., *Russia's American Colony*. 105-43. Durham, North Carolina: Duke University Press, 1987.

This article reviews, among other things, efforts to rein in the *promyshlenniki* (Russian trappers and fur traders) and encourage humane treatment of the Alaska Natives, issues of tribute laws applied to the Natives, and enslavement.

Lightfoot, Kent G. "Russian Colonization: The Implications of Mercantile Colonial Practices in the North Pacific." *Historical Archaeology* 37, no. 4 (December 2003): 14-28.

The author reviews the policies and practices applied by the Russian-American Company toward Native Alaskans. He also examines the corporate hierarchy and contrasts Russian trade practices and colonial encounters with British and American practices in North America.

Mazour, Anatole G. "The Russian-American Company: Private or Government Enterprise." *Pacific Historical Review* 13, no. 2 (June 1944): 168-73.

The author of this article makes the argument that the Russian-American Company was not an entity of private enterprise, at least not by the nineteenth century, but instead an "agency of the crown." In other words, it was a representative of the Russian imperial government in Alaska.

*521 Menzel, Dorothy. "Papers Relating to the Trial of Feodor Bashmakov for Sorcery at Sitka in 1829." *Kroeber Anthropological Society Papers* 5 (1951): 6-25.

These papers are held in the manuscript collection of the Bancroft Library, University of California, Berkeley, and derive from the collection of historian Hubert Howe Bancroft. They were translated by his secretary, Ivan Petrov.⁴³ They contain a copy of the charges to the Holy Synod, testimony, and other communications.

Miller, Gwenn A. *Kodiak Kreol: Communities of Empire in Early Russian America*. Ithaca, New York: Cornell University Press, 2010.

This book looks, in part, at the emerging community of Kodiak in the early years of Russian rule, 1780-1820. One focus is on the effort to control the complicated relations between the Native Alaskans and the colonializing Russians.

Okladnikova, E.A. "Science and Education in Russian America." In S. Frederick Starr, ed., *Russia's American Colony*. 218-48. Durham, North Carolina: Duke University Press, 1987.

This article looks at voyages of discovery, scientific expeditions, and Russian educational programs in their American colony, both clerical and secular.

Sarafian, Winston Lee. "Russian-American Company Employee Policies and Practices, 1799-1867." PhD diss., University of California, Los Angeles, 1970.

This dissertation looks at how the Russian-American Company treated its employees in all three categories, Russians, creoles (mixed heritage), and Native Alaskans. In its first charter (1799) the company was described as a "commercial corporation answerable to the emperor," while under its second charter (1819) it came under government control, as did the policies for treating its employees.

Tikhmenev, P. A. Translated and edited by Richard A. Pierce and Alton S. Donnelly. *A History of the Russian-American Company*. Seattle, Washington: University of Washington Press, 1978.

This work, first published by naval officer Pyotr Aleksandrovich Tikhmenev in 1863, is an indispensable source for information on the RAC, compiled in large part from primary sources, many of which are now lost. Of interest here is coverage of the corporate history, charter, rules for treatment of employees and Natives, settlement of border issues, etc.

Vinkovetsky, Ilya. *Russian America: An Overseas Colony of Continental Empire, 1804-1867*. New York, New York: Oxford University Press, 2011.

This volume provides a history of the Russian presence in Alaska in the nineteenth century, with some focus on the colonial administration of the Russian-American Company, its relation to the imperial government, and its system of labor.

Vinkovetsky, Ilya. "The Russian-American Company as a Colonial Contractor for the Russian Empire." In Alexei Miller and Alfred J. Rieber, eds., *Imperial Rule*. 161-76. New York, New York: Central European University Press, 2004.

The author describes the RAC as having a split personality, serving as both a colonial administrator serving the Russian Empire and as a commercial enterprise, and as such distinct from the rest of the Russian imperial apparatus.

Wheeler, Mary E. "The Origins of the Russian-American Company." *Jahrbücher für Geschichte Osteuropas* 14, no. 4 (December 1966): 485-94.

The author examines the foundations of the Russian-American Company in the *522 mid-eighteenth century up to when it was granted a twenty-year monopoly by Tsar Paul in 1799.

Wheeler, Mary E. "The Russian American Company and the Imperial Government: Early Phase." In S. Frederick Starr, ed., *Russia's American Colony*. 43-62. Durham, North Carolina: Duke University Press, 1987.

This treatment examines the early years of the Russian-American Company through its formation, mergers, reports, imperial ukases, and charters in the eighteenth century.

Seal Hunting and the Bering Sea Crisis

¶7 The Pribilof Islands, located in the Bering Sea and part of Alaska, were a center for sealing, which was limited to the American Commercial Company and the Natives who lived there. It was a lucrative business, though not for the Alaska Native sealers who were forced to harvest tens of thousands of the fur seals each year under conditions of virtual slavery. The ACC tried to harvest the seals sustainably but were outflanked by pelagic sealers--*seal pirates*, as it were--whose wasteful plunder threatened the continued viability of the once extensive herds. When Canadian British and Japanese sealers continued to poach pelagic seals both in and outside American waters, the American government authorized seizure of their ships, leading to a diplomatic crisis. It was ultimately resolved by the North Pacific Sealing Convention of 1911.

Bailey, Thomas A. "The North Pacific Sealing Convention of 1911." *Pacific Historical Review* 4, no. 1 (March 1935): 1-14.

This article describes the problem of seal poaching, pelagic and on shore, and then provides a narrative of the successful efforts to protect the seal herds by international agreement.

Busch, Briton Cooper. *The War Against the Seals: A History of the North American Seal Industry*. Kingston and Montreal, Canada: McGill-Queen's University Press, 1985.

While this book is mostly about sealing and its broader impact and its history in North America, an account is also given of the establishment of the Alaska Commercial Company and opposition to its monopoly over sealing, the condition of the Aleuts in the Pribilof Islands and the laws that kept them there, and the Bering Sea dispute and arbitration between the United States and Great Britain.

Campbell, Charles S., Jr. "The Anglo-American Crisis in the Bering Sea, 1890-1891." *The Mississippi Valley Historical Review* 48, no. 3 (December 1961): 393-414.

This article recounts the diplomatic arbitration to resolve the issue of pelagic seal poaching and establish rules.

Campbell, Charles S. "The Bering Sea Settlements of 1892." *Pacific Historical Review* 32, no. 4 (November 1963): 347-67.

Taking fur seals in the Pribilof Islands was a common crime in the late nineteenth century, with international implications. This article gives an account of the resolution of that problem.

Dorsey, Kurkpatrick. *The Dawn of Conservation Diplomacy: U.S.-Canadian Wildlife Protection Treaties in the Progressive Era*. Seattle, Washington: University of Washington Press, 1998.

This volume contains a section on the North American Fur Seal Convention.

***523** Elliott, Henry W. "The Loot and Ruin of the Fur-Seal Herd of Alaska." *North American Review* 185, no. 617 (June 21, 1907): 426-36.

Naturalist Henry Elliott was the first to sound the alarm regarding the decimation of the pelagic fur seals of the Pribilof Islands and worked to protect them. This is a brief account of his efforts, and those of the United States government, to protect them.

Gay, James Thomas. *American Fur Seal Diplomacy: The Alaskan Fur Seal Controversy*. New York, New York: Peter Lang Publishing, Inc., 1987.

This book examines the role of the fur seal in American diplomacy, with a focus on the controversy involving the United States, Great Britain, Japan, and Russia.

Gay, James T. "Harrison, Blaine and Cronyism." *Alaska Journal* 3, no. 1 (Winter 1973): 12-19.

This article looks at the corruption aspect, within the American administration, of the Bering Sea Crisis.

Gay, James Thomas. "Henry W. Elliott: Crusading Conservationist." *Alaska Journal* 3, no. 4 (Autumn 1973): 211-17.

This article reviews the life and efforts of Henry Elliott to save the Pribilof Islands fur seals from extinction.

Hinckley, Theodore C. "Rustlers of the North Pacific." *Journal of the West* 2, no. 1 (1963): 22-30.

This article is an account of the problem of pelagic seal poaching and the steps taken to resolve it and enforce the law.

Hornaday, William T. "The Rescued Fur Seal Industry." *Science* 52, no. 1334 (July 23, 1920): 81-82.

This brief celebratory piece notes the increase in the fur seal population in the Pribilof Islands year by year from 1912-1919.

Jordan, David Starr. *The Fur Seals and Fur-Seal Islands of the North Pacific Ocean*. Washington, D.C: Government Printing Office, 1898.

This is a lengthy report on the condition of the Fur Seal herds in the North Pacific, the history of sealing in the region, both terrestrial and pelagic, and its effect on the herds, and the international arbitration with the resulting regulations to protect and restore the herds.

Shalkop, Robert L. "Henry Wood Elliott: Fighter for the Fur Seals." *Alaska Journal* 13, no. 1 (Winter 1983): 4-12.

This article offers a brief account of the life and career of Henry Elliott, who tried to enforce laws that protected the pelagic fur seals of the Pribilof Islands and also exposed bad faith on the part of the administration of Benjamin Harrison, which, on the one hand offered to prohibit killing of seals pending arbitration with Great Britain, and on the other issued a secret permit to slaughter 60,000 seals.

Sherwood, Morgan. "Seal Poaching in the North Pacific: Japanese Raids on the Pribilofs, 1906." *Alaska History* 1, no. 1 (Fall 1984): 45-51.

In the late nineteenth century and the first decade of the twentieth, the Japanese engaged in pelagic sealing in the North Pacific, including on and around Alaska's Pribilof Islands (contemporaneously, "Seal Islands"), where it was illegal. This article recounts a fatal encounter by some sealers with federal enforcement on the islands, which led to American understanding that any permanent settlement of the pelagic sealing problem had to include the Japanese.

***524** Williams, Gerald O. *The Bering Sea Fur Seal Dispute: A Monograph on the Maritime History of Alaska*. Juneau, Alaska: Alaska Maritime Publications, 1984.

Apart from giving an account of the role of the Revenue Maritime and Cutter Service (today's Coast Guard) and the industry of fur seal peltry, this monograph also focuses on the dispute between Canada and the United States with regard to pelagic sealing and its effect on the rookeries of the Pribilof Islands.

Slavery

Donald, Leland. *Aboriginal Slavery on the Northwest Coast of North America*. Berkeley, California: University of California Press, 1997.

This book presents a panoramic view of aboriginal slavery in the Pacific North Coast, including among the Tlingit and Haida. Among the treated topics are production of slaves, slave labor, transactions in slaves, and changes in slavery from 1780 to 1880.

Mitchell, Donald and Leland Donald. "Some Economic Aspects of Tlingit, Haida, and Tsimshian Slavery." *Research in Economic Anthropology* 7 (1985): 19-35.

This article looks at the sources of slaves for the Tlingit, Haida, and Tsimshian, as well as their use as labor and commodities.

Paul, William L. "The Real Story of the Lincoln Totem." *The Alaska Journal*, 1, no. 3 (Summer 1971): 2-16.

In this article, William Paul, Tlingit lawyer, state legislator, and activist in the Alaska Native Brotherhood, disputes an account by James Wickersham that the Lincoln Totem pole was erected in 1883 by the Tlingits to honor Lincoln's freeing of the slaves. He presents his evidence and concludes with an account of the trial that ended inter-tribal slavery in Alaska in 1886, *In re Sah Quah*.⁴⁴

Townsend, Joan B. "Pre-Contact Political Organization and Slavery in Aleut Societies." In Elisabeth Tooker and Morton H. Fried, eds., *The Development of Political Organization in Native North America*. 120-32. Philadelphia, Pennsylvania: American Ethnological Society, 1983.

This chapter postulates that slavery was a pre-contact phenomenon and was not the result of pressure from the Russians.

The Spoilers

¶8 In 1901 a Republican national committeeman from North Dakota, Alexander McKenzie, hit upon a scheme to profit off the Nome gold rush by jumping the gold claims of some Swedish nationals there, initially through the manipulation of the process in Congress to adopt a civil code for Alaska. When that failed, he had the help of a crooked federal judge in the U.S. District Court for Nome, Arthur Noyes, who ruled that "foreigners" could not legitimately stake mining claims. He was reversed by the U.S. Court of Appeals in California but McKenzie ignored the ruling and continued to take gold from the mines. The Court of

Appeals had McKenzie arrested, found him in contempt, and sentenced him to a year in jail. After serving three months he was pardoned by President McKinley. Law and order was eventually restored through the effort of Judge James Wickersham.

*525 Beach, Rex E. *The Looting of Alaska: The True Story of a Robbery by Law*. Place of publication not identified, 1906 (Typewritten copy of articles from the Appletons' Booklovers magazine of Jan.-May 1906).

This is an account of the 1900 effort of the “Spoilers.”

Campbell, Robert W. “Brigandage by Judicial Process; An Incident in Alaskan Judicial History.” *Illinois Law Review* 17, no. 5 (1923): 345-68.

This is an account of the “Spoilers” based mostly “upon the records, and opinions of the courts in the proceedings before them” The author, who participated in some of the proceedings, also interviewed some of the interested parties.

Cole, Terrence Michael. “A History of the Nome Gold Rush: The Poor Man's Paradise.” PhD diss., University of Washington, 1983.

This dissertation provides a history of the Nome gold rush as well as an account of life in Nome during that time. It also treats, at some length, the conspiracy of the Spoilers.

Frederick, David C. *Rugged Justice: The Ninth Circuit Court of Appeals and the American West, 1891-1941*. Berkeley, California: University of California Press, 1994.

Chapter 4, “Intrigue at Anvil Creek,” is an account of the Spoilers and the role of the Ninth Circuit in maintaining its authority over the subordinate federal court in Alaska in *In re Noyes*.⁴⁵

Helms, Andrea R.C., and Mary Childers Mangusso. “The Nome Gold Conspiracy.” *Pacific Northwest Quarterly* 73, no. 1 (January 1982): 10-19.

The authors opine that there is a popularly understood (and not disputed) pattern to gold rushes: miners precede civil government, greed and violence ensue, miners' meetings provide the only law, vigilance committees are formed to enforce that law, confrontation with the bad guys follows. Nome, in their view, was something of an exception. While government authority broke down there wasn't the resort to vigilantism seen elsewhere but a reliance on legal process, which was, in the end, how the plans of the “Spoilers” were spoiled.

Lillo, Waldemar Engvald. “The Alaska Gold Mining Company and the Cape Nome Conspiracy.” PhD diss., University of North Dakota, 1935.

This analysis relies on court opinions, records, and transcripts, as well as Congressional materials, to give an account of the “Spoilers.” Special attention is given to the U.S. District Court for Nome, the legal battle for the mines, and the assertion of authority by the Circuit Court of Appeals.

McCown, Dennis. “The Crime of 1900 & its Role in the Establishment of Civil Law in Alaska.” *Alaska Bar Rag* 26, no. 3 (May-June 2002): 19-21.

This article is an account of the “Spoilers,” disgruntled miners who were backed by a United States Senator and tried to forcibly take claims staked by “foreigners.”

McKee, Lanier. *The Land of Nome: A Narrative Sketch of the Rush to our Bering Sea Gold-Fields, the Country, its Mines and its People, and the History of a Great Conspiracy 1900-1901*. New York, New York: Grafton Press, 1902. ⁴⁶

This book is a history of the 1900 Nome gold rush, including a treatment of the mining laws concerning Alaska, and a lengthy contemporaneous look at the effort to jump claims by the “Spoilers.”

***526** Morrow, William W. “The Spoilers.” *California Law Review* 4, no. 2 (January 1916): 89-113.

Justice Morrow, of the United States Court of Appeals for the Ninth Circuit, delivered an account of the “Spoilers” to the University of California's School of Jurisprudence Law Association on November 19, 1915. The *California Law Review* published text of the address in full.

Subsistence

Anderson, Robert T. “Sovereignty and Subsistence: Native Self-Government and Rights to Hunt, Fish, and Gather After ANCSA.” *Alaska Law Review* 33, no. 2 (December 2016): 187-227.

This article provides a history of Alaska Native rights prior to the passage of ANCSA as well as a history of ANCSA and its effect on tribal sovereignty and subsistence rights, and examines judicial and legislative treatment of Alaska Native sovereignty and subsistence uses post-ANCSA.

Atkinson, Karen J. Note. “The Alaska National Interest Lands Conservation Act: Striking the Balance in Favor of ‘Customary and Traditional’ Subsistence Uses by Alaska Natives.” *Natural Resources Journal* 27, no. 2 (Spring 1987): 421-40.

The purpose of this note is to examine the subsistence provisions of ANILCA and trace the nature of Native hunting and fishing rights, including the federal provisions established to protect them.

Behnke, Steven. "Alaska's Contested Rural Landscapes and the Subsistence Claims of Alaska Natives." In Kate Berry and Martha L. Henderson, eds., *Geographical Identities of Ethnic America: Race, Space, Place*. 149-73. Las Vegas, Nevada: University of Nevada Press, 2002.

Alaska is one of several regions in the world with significant indigenous populations that rely heavily on hunting and fishing. While reviewing competing ideas of various groups in the subsistence dispute, this article also presents a political and legal history of the issue.

Behnke, Steven R. *How Alaska's Subsistence Law is Working: Comparing Its Implementation Before and After 1992*. Juneau, Alaska: Alaska Department of Fish and Game, Division of Subsistence, 1996.

The purpose of this report is to examine the implementation of Alaska's 1992 subsistence law for the 1996 Alaska State Legislature as it contemplated reauthorization. As part of the examination the author also looks at the 1978 and 1986 subsistence laws.

Boardman, James Merithew. "McDowell v. State of Alaska: Is a Limited Entry Subsistence System on the Horizon?" *Willamette Law Review* 26, no. 4 (Fall 1990): 999-1018.

The Alaska Supreme Court in *McDowell*⁴⁷ "struck down legislation that granted exclusive subsistence rights to rural residents." This article gives the history of that litigation in the context of the Alaska Constitution and ANILCA.

Bridges, Karen. "Uncooperative Federalism: The Struggle Over Subsistence and Sovereignty in Alaska Continues." *Public Land & Resource Law Review* 19 (1998): 131-58.

This article looks, in part, at how Alaskan political, cultural, and legal history contributed to a "current crisis" over subsistence and state sovereignty in Alaska.

*527 Bruzzese, M. Lynne. Comment. "*U.S. v. Alexander*: Defining and Regulating 'Subsistence Use' of Resources Among Alaska Natives." *Natural Resources Journal* 33, no. 2 (Spring 1993): 461-91.

This comment examines *United States v. Alexander*,⁴⁸ which held that "subsistence use" by Alaskan Natives, as defined under ANILCA, could be used as a defense against prosecution by the state for regulatory violation. It also gives a brief coverage to the development of regulatory schemes in Alaska that impacted the Natives'

subsistence way of life, and describes the “broader context of the culture and traditional practices of rural residents in southeast Alaska.”⁴⁹

Bryner, William M. Note. “Toward a Group Rights Theory for Remedying Harm to the Subsistence Culture of Alaska Natives.” *Alaska Law Review* 12, no. 2 (December 1995): 293-334.

This note reviews federal and Alaska subsistence laws as they developed and concludes that both sometimes restrict it, and approach subsistence culture in Alaska as an individual right rather than a collective right.

Case, David S. “Subsistence and Self-Determination: Can Alaska Natives Have a More ‘Effective Voice’?” *University of Colorado Law Review* 60, no. 4 (1989): 1009-35.

This article gives an account of how the unwritten rules of Alaska Native fishing and hunting were replaced by formal rules, thus hindering tribal self-determination. Three regulatory regimes are reviewed with regard to opportunities for “co-management” of wildlife: the Alaska National Interest Lands Conservation Act (ANILCA), the Marine Mammal Protection Act, and the Alaska Eskimo Whaling Commission.

Caulfield, Richard A. “Alaska's Subsistence Management Regimes.” *Polar Record* 28, no. 164 (1992): 23-32.

This article examines subsistence management regimes in Alaska following the *McDowell v. Alaska*⁵⁰ decision. Along the way it reviews ANILCA's framework for subsistence in Alaska, and the *McDowell* decision itself.

Caulfield, Richard A. “The Role of Subsistence Resource Commissions in Managing Alaska's New National Parks.” In Milton M. R. Freeman and Ludwig N. Carbyn, eds., *Traditional Knowledge and Renewable Resource Management in Northern Regions*. 55-64. Edmonton, Alberta: IUCN Commission on Ecology, Boreal Institute for Northern Studies, 1988.

Part of the purpose of the Alaska National Interest Lands Conservation Act of 1980 was to enhance the role of Native people in managing renewable resources. Section 808 established “subsistence resource commissions” to leverage local knowledge and expertise in the management of new national park units in Alaska. This paper examines the role of seven of those commissions.

Conn, Stephen, and Steve J. Langdon. “Retribalization as a Strategy for Achievement of Group and Individual Social Security in Alaska Native Villages-- with a Special Focus on Subsistence.” In Benda-Beckmann, Franz von, et al., eds., *Between Kinship and the State: Social Security and Law in Developing Countries*. 437-50. Providence, Rhode Island: Foris Publications, 1988.

*528 According to the authors there are two types of retribalization. The first is official federal recognition, the second is a reconstitution of a shared and traditional cultural system. This paper looks at the strategies of Alaska Natives seeking to promote general welfare, including social security, through both understandings of retribalization. The authors also look at the development of the legal-regulatory scheme, as well as efforts by specific communities.

Fall, James A. "The Division of Subsistence of the Alaska Department of Fish and Game: An Overview of its Research Program and Findings." *Arctic Anthropology* 27, no. 2 (1990): 68-92.

This article provides an overview of the state and federal legislation that gives preference to subsistence uses in resource management, reviews research methods with findings regarding mixed subsistence-based economies in Alaskan villages, and illustrates how some of the data have been applied to management decisions.

Huntington, Henry P. *Wildlife Management and Subsistence Hunting in Alaska*. Seattle, Washington: University of Washington Press, 1992.

In reviewing the tension between Native Alaskan subsistence hunting and federal, state, and local regulatory regimes the author also provides a brief history of Alaska game laws and regulations. The author also reviews federal, state, and local management of wildlife in northern Alaska and the North Slope Borough.

Kancewick, Mary, and Eric Smith. "Subsistence in Alaska: Toward a Native Priority." *University of Missouri at Kansas City Law Review* 59, no. 3 (Spring 1991): 645-77.

This article explores the nature of Alaska Native "subsistence" and its legal history in legislation, administrative decisions, and court cases.

Kelso, Dennis D. *Technical Overview of the State's Subsistence Program*. Technical Paper Number 64. Juneau, Alaska: Alaska Department of Fish and Game, Division of Subsistence, 1981.

This paper reviews the State of Alaska's subsistence policy and regulatory development before and after enactment of the state's subsistence statutes.

Langdon, Steve J. *Alaskan Native Subsistence: Current Regulatory Regimes and Issues*. Paper for Roundtable Discussion of Subsistence, October 10-12, 1984, Anchorage, Alaska. Vol. 19. Anchorage, Alaska: Alaska Native Review Commission, 1984.⁵¹

Following a discussion of customary and traditional subsistence practices in Alaska, this paper provides a historical overview of state and federal subsistence management regimes in Alaska.

McLeod, Mary Beth. "The Subsistence Debate in Alaska: Who Will Control Navigable Waters?" *Hastings West-Northwest Journal of Environmental Law and Policy* 3, no. 2 (Winter 1996): 355-70.

This article includes a brief statutory history of ANCSA and a "History of the Rural Preference and its Clash with the Alaska Constitution."

Naiman, Joris. "ANILCA Section 810: An Undervalued Protection for Alaskan Villagers' Subsistence." *Fordham Environmental Law Journal* 7, no. 2 (Spring 1996): 211-350.

***529** This lengthy article provides background and history of the inclusion of Title VII, section 810 in ANILCA, the section requiring federal agencies to protect subsistence in their land-development decisions.

Noble, Heather. "Tribal Powers to Regulate Hunting in Alaska." *Alaska Law Review* 4, no. 2 (December 1987): 223-75.

This article describes how the state Board of Game in Alaska contemporaneously wrote regulations applicable to remote villages, and then reviewed federal Indian law defining territorial jurisdiction of tribes to determine whether that federal law can preempt state law, and then applied those principles to Alaska tribal governments.

Peel, Ryan T. Note and Comment. "*Katie John v. United States*: Balancing Alaskan State Sovereignty With a Native Grandmother's Right to Fish." *BYU Journal of Public Law* 15, no. 2 (2001): 263-79.

Provides historical background to subsistence rights in Alaska and the facts of the *Katie John* case before analyzing the opinion.

Rearden, Jim. "Subsistence: A Troublesome Issue." *Alaska* (July 1978): 5-6, 84-88.

This article contemplates the nuances in defining "subsistence" in Alaska and among different constituencies.

Rinaldi, Catherine A. "*Amoco Production v. Village of Gambell*: The Limits to Federal Protection of Native Alaskan Subsistence." *Virginia Journal of Natural Resources Law* 7, no. 1 (Fall 1987): 147-73.

While a procedural provision in ANILCA⁵² was designed to protect the subsistence interests of Alaskan Natives, the U.S. Supreme Court held in its *Gambell*⁵³ decision that it does not apply to the sale of oil and gas leases on the outer continental shelf. This article in part reviews the decision and the various lower court opinions that led up to it.

Sacks, Jeremy David. "Culture, Cash or Calories: Interpreting Alaska Native Subsistence Rights." *Alaska Law Review* 12, no. 2 (December 1995): 247-91.

As part of an examination of subsistence laws in Alaska the author provides an overview of the history of federal policy toward Alaska Natives, as well as an analysis of federal and state subsistence laws, including the Alaska Native Claims Settlement Act (ANCSA), 1971, and the Alaska National Interest Lands Conservation Act (ANILCA), 1980.

Shapiro, David G. "Jurisdiction and the Hunt: Subsistence Regulation, ANILCA and *Totemoff*." *Alaska Law Review* 14, no. 1 (June 1997): 115-40.

The author reviews the history of the conflict of laws between state and federal court holdings with regard to jurisdiction in Alaska subsistence cases. He also reviews the history and holding of the *Totemoff* case,⁵⁴ in which native subsistence hunters were convicted under state law for hunting deer on federal land.

Thériault, Sophie, Ghislan Otis, Gérard Duhaime, and Christopher Furgal. "The Legal Protection of Subsistence: A Prerequisite of Food Security for the Inuit of Alaska." *Alaska Law Review* 22, no. 1 (June 2005): 35-87.

This article reviews the development of the subsistence debate in Alaska, and analyzes the effects of resource management regimes on Native food security. It also demonstrates the need for legal protection of subsistence.

***530** Thornton, Thomas F. "Alaska Native Subsistence: A Matter of Cultural Survival." *Cultural Survival Quarterly* 22, no. 3 (Fall 1998) [np].⁵⁵

This article reviews the historical and legal framework for native subsistence rights in Alaska, as well as the federal trust responsibility for native subsistence rights.

Thornton, Thomas F. "Subsistence in Northern Communities: Lessons from Alaska." *Northern Review* 23 (Summer 2001): 82-102.⁵⁶

In looking at the roots of a subsistence crisis in Alaska Native culture, the author examines the effect of ANCSA and ANILCA on Native hunting and fishing rights, as well as conflicts between state and federal governments over rural preference.

Twitchell, Marlyn J. “*Amoco Production Co. v. Village of Gambell*: Federal Subsistence Protection Ends at Alaska's Borders.” *Environmental Law* 18, no. 3 (Spring 1988): 635-64.

This article provides a history of ANILCA and ANCSA, a history of oil and gas leasing on the outer continental shelf, and a review of the *Amoco Production* decision.⁵⁷

Voluck, David Avraham. “First People of the Tongass: Law and the Traditional Subsistence Way of Life.” In Carolyn Servid and Donald Snow, eds., *The Book of Tongass*. 89-118. Minneapolis, Minnesota: Milkweed Editions, Distributed by Publishers Group West, 1999.

This chapter briefly describes traditional property law. It also gives treatment to the land claims movement and the effect of ANCSA on traditional property ownership and the subsistence way of life, as well as the revival of subsistence rights in the Tongass resulting from the passage of Title VIII of ANILCA.

Wolfe, Robert J. “Subsistence and Politics in Alaska.” In Alexander B. Dolitsky, ed. *Politics and Environment in Alaska*. 13-28. Juneau, Alaska: Alaska-Siberia Research Center.

The author reviews the differences between subsistence approaches in unroaded, rural areas of Alaska where the cultural majority are Alaska Native groups, and urban, roaded areas where the “Euro-American political system” holds sway.

Worl, Rosita. “Competition, Confrontation, and Compromise: The Politics of Fish and Game Allocations.” *Cultural Survival Quarterly* 22, no. 3 (September 1998) [np].⁵⁸

This article briefly reviews the history of Native Alaskan subsistence rights, including compromise and conflict with non-Natives. In other words, a struggle between sides trying not to give up something: Native Alaskans giving up something they have as against non-Natives giving up something they want.

Suffrage

Flanders, Chad. "How Do You Spell M-U-R-K-O-W-S-K-I? Part I: The Question of Assistance to the Voter." *Alaska Law Review* 28, no. 1 (June 2011): 1-28. ⁵⁹

***531** This article gives background into the successful write-in campaign for re-election by U.S. Senator Lisa Murkowski and issues of voter assistance in associated litigation.

Harrison, Gordon S. "Alaska's Constitutional 'Literacy Test' and the Question of Voting Discrimination." *Alaska History* 22, nos. 1-2 (Spring/Fall 2007): 23-38.

This article examines the history and application of Article V, section 1 (removed by amendment in 1970) of the Alaska Constitution, which required voter ability to "read or speak the English language." The author concludes that the literacy test was not intended to be discriminatory, was not implemented in a discriminatory manner, and was not the reason Alaska was covered by the "preclearance" section of the Voting Rights Act.

Haycox, Stephen W. "William Paul, Sr., and the Alaska Voter's Literacy Act of 1925." *Alaska History* 2, no. 1 (Winter 1986): 17-37.

Tlingit activist and politician William Paul was able to put together enough of a political base in the 1920s to win elections, threatening the established, and often racist, political order in Alaska. This article examines the effort to diminish Native power by passing a literacy test for voters.

Landreth, Natalie, and Moira Smith. "Voting Rights in Alaska: 1982-2006." *Southern California Review of Law and Social Justice* 17, no. 1 (Fall 2007): 79-129.

This report covers the history of racial discrimination in Alaska, the difficulties faced by Natives in voting and everyday life, and the general minority voting experience under the Voting Rights Act in Alaska under the minority language and preclearance provisions of the Constitution.

Paul, Frederick. Historical Bar. "They Won't Let Me Vote." *Alaska Bar Rag* 12, No 2 (May 1988): 11, 13.

The author tells the family story of how his grandmother and her friend Charley Jones, both Tlingits, were arrested when Charley Jones voted in 1922. They were successfully defended at trial by William Paul, the author's father.

Taxes

Alaska Legislative Council. *Revenue and Taxation in Alaska, Part I: A Handbook*. Juneau, Alaska: Alaska Legislative Council, 1962.

This report to the Alaska legislature gives a brief history of several taxes in Alaska as well as a snapshot of where things stood at the time. (Part II evaluates the data collected and makes recommendations.)⁶⁰

Cole, Terence M. *Blinded By Riches: The Permanent Funding Problem and the Prudhoe Bay Effect*. Anchorage, Alaska: Institute of Social and Economic Research, University of Alaska Anchorage, 2004.⁶¹

This report examines the tax history of Alaska, from the territorial period into statehood, financial arguments for and against statehood, and the necessity of taxes as a step toward, and price for, statehood.

Groh, Cliff. "The Income Tax and How It Fits in Alaska's History and Future." *Alaska Bar Rag* 41, no. 1 (January-March 2017): 7.

This brief article reviews the history of the income tax in the Territory and State of Alaska, including its repeal in 1980 after a big flush of oil money.

***532 Torts**

Galbraith, Peter A. *Denali Justice*. Place of publication not identified: Peter A. Galbraith, 2014.

In December 1981 a small air taxi crashed at 10,000 feet on Denali. The four passengers survived and were quickly located. However, even though the weather was good no rescuers appeared and no emergency supplies were delivered for four days until rescuers finally arrived. This book tells the tale of the civil action that was tried two years later against the Army, Air Force, Federal Aviation Administration, and National Park Service.

Ingraham, Millard F. "Damages for Wrongful Death in Alaska." Part 1. *Alaska Law Journal* 4, no. 8 (August 1966): 113-14.

This three-part survey of wrongful death awards in Alaska looks at the history of the practice in Alaska from the territorial period until publication and concludes with some jury instructions.

Ingraham, Millard F. "Damages for Wrongful Death in Alaska." Part 2. *Alaska Law Journal* 4, no. 9 (September 1966): 129-31, 144.

Ingraham, Millard F. "Damages for Wrongful Death in Alaska." Part 3. *Alaska Law Journal* 4, no. 10 (October 1966): 145-46.

Keyes, Laurence. "Alaska's Apportionment of Damages Statute: Problems for Litigants." *Alaska Law Review* 9, no. 1 (June 1992): 1-40.

Among other things, this article traces the development of torts in Alaska prior to the passage of the Alaska Tort Reform Act in 1986,⁶² and then looks at the legislative intent of the act itself.

Transportation

Bernhardt, Joshua. *The Alaskan Engineering Commission: Its History, Activities and Organization*. Institute for Government Research, Service Monographs of the United States Government, no. 4. New York, New York: D. Appleton and Company, 1922.⁶³

This treatment reviews the history of railroad building in Alaska that preceded the establishment of a federal commission, including the movement for construction of a government railroad and the passage of federal legislation in 1898 that provided for rights of way. Provision for a commission was made in the legislation creating the Territory of Alaska in 1912. The author then defines the commission and its work.

Naske, Claus-M. *Paving Alaska's Trails: The Work of the Alaska Road Commission*. Lanham, Maryland: University Press of America, Inc., 1986.

The author traces the development of the Alaska Road Commission in its various incarnations, from establishment in 1905 as part of the War Department through its inclusion in the Bureau of Public Roads in the federal Commerce Department in 1956. After statehood it became the State of Alaska Department of Highways. The author provides encyclopedic coverage of federal and state policy, and a narrative tale of the work. The book contains an appendix listing laws relating to road construction in Alaska.

***533** Naske, Claus-M. "Tolls and Trouble: The Alaska Road Commission vs. the Alaska Railroad." *Northern Engineer* 15, no. 1 (Spring 1983): 8-13, 26-28.

Regulation came to the Richardson Highway after the Alaska Road Commission was transferred from the War Department to the Department of the Interior. Among the regulations were vehicle licensing requirements and tolls for commercial use, perhaps to equalize competition with railroad rates. This article relates the saga of the unpopular tolls.

Wilson, William H. "The Alaska Railroad and Coal." *Pacific Northwest Quarterly* 73, no. 2 (April 1982): 66-77.

This article reviews the attempt to use Congressional legislation to pave the way for railroad development in Alaska to stimulate resource extraction, particularly coal, and the bill was intended to exclude monopolists from exploiting the resource. In the end, coal production never really took off in Alaska because, while abundant, it was difficult and expensive to mine, and was of inferior quality.

Wilson, William H. "The Mayo Ore Deal: An International 'Gentleman's Agreement.'" *Alaska Journal* 9, no. 1 (Winter 1979): 74-80.

The opening of the Alaska Railroad to through traffic from Seward to Fairbanks led to competition for shipping in the Alaska interior with the White Pass & Yukon Route, a Canadian rail line, and their affiliated trading companies. An ore traffic agreement between them seemed to clear the way for more harmonious competition. This article looks at how the agreement came about and how it worked in practice.

Wilson, William H. *Railroad in the Clouds: The Alaska Railroad in the Age of Steam, 1914-1945*. Boulder, Colorado: Pruett Publishing Company, 1977.

The Alaska Railroad was the only railroad built in the United States by the federal government (with the exception of the Panama Canal Zone), a massive and unique experiment in nationally directed economic development. While most of this well-illustrated book is about the political and engineering aspects of building the ARR, it also provides information about the Alaska Engineering Commission, particularly its establishment and its role in recommending routes for developing Alaska's resources.

Wohlforth, Eric. "Alaska's First Big Fiscal Venture: The Financing of the State Ferry System." *Alaska History* 25, no. 2 (Fall 2010): 47-55.

With the demise of the steamship passenger service in Alaska in 1954 a ferry system was contemplated to provide a needed transportation network and attract investors to the state. Following statehood the First Legislature sent bond issues to the public for a vote, including \$18 million for ferries. This article recounts the process and the electoral victory.

Whaling

Bliss, Kevin J. Note. "International Whaling Commission Regulations and the Alaskan Eskimo." *Natural Resources Journal* 19, no. 4 (October 1979): 943-56.

The author gives a thumbnail history of the International Whaling Commission ban on whaling in general and the IWC ban on aboriginal whaling, followed by an account of the Inupiat suit against the federal government in *Adams v. Vance*.⁶⁴

***534** Freeman, Milton M. R., et al. *Inuit, Whaling, and Sustainability*. Walnut Creek, California: Alta Mira Press, 1998.

While this book explores cultural clashes over whaling it also reviews international laws, covenants, conventions, and strategies as well as management of whaling in Alaska.

Huntington, Henry P. *The Alaska Eskimo Whaling Commission: Effective Local Management of a Subsistence Resource*. Cambridge, England: Scott Polar Research Institute, University of Cambridge, 1989.

In response to the International Whaling Commission repeal of the Alaska Native exemption for hunting bowhead whales, the Alaska Natives formed the Alaska Eskimo Whaling Commission, which developed its own management plan for the harvest of bowheads. This paper examines the development of the AEWK, its management of whaling, and implications for other local wildlife management arrangements.

Leibhardt, Barbara. "Among the Bowheads: Legal and Cultural Change of Alaska's North Slope Coast to 1985." *Environmental Review* 10, no. 4 (Winter 1986): 277-301.

This article looks at the controversy over the regulation, access, and control of whales and how it affects the fate of Inupiat society. In particular, it looks at how the evolution of Western notions of species protection, in particular the whales, conflicted with Inupiat cultural needs--a narrowing of the cultural significance of whaling to "subsistence harvesting." History, cultural perspectives, and legal history are reviewed and explored.

Mason, Milo. "The Bowhead Whale Controversy: Background and Aftermath of *Adams v. Vance*." *Harvard Environmental Law Review* 2 (1977): 363-88.

This article examines the background, history, and competing legal interests in the *Adams v. Vance*⁶⁵ litigation, in which representatives of Alaska Native bowhead hunters fought for the Secretary of State to file an objection to the International Whaling Commission prohibition on Native subsistence hunting of bowheads.

Michie, Preston. Note. "Alaskan Natives: Eskimos and Bowhead Whales: An Inquiry into Cultural and Environmental Values that Clash in Courts of Law." *American Indian Law Review* 7, no. 1 (1979): 79-114.

This note looks primarily at whaling and native whaling but also includes a look at the *Adams v. Vance* decision and its fallout with regard to native whaling in Alaska.

Rosenblatt, Nathaniel M. "The Federal Trust Responsibility and Eskimo Whaling." *Environmental Affairs* 7, no. 3 (1979): 505-44.

While this article focuses primarily on the "balancing of interests that must be undertaken when examining the conflict between Eskimos seeking to preserve their subsistence culture and those people desiring to protect the bowhead whale," it examines some case law affecting Alaska Native rights to bowhead hunting. It also offers a brief history of federal trust responsibility to the Native Alaskans.

***535 Wilderness**

Allan, Timo Christopher. "Locked Up!: A History of Resistance to the Creation of National Parks in Alaska." PhD diss., Washington State University, 2010. ⁶⁶

This dissertation reviews the history of opposition to the creation of national parks in Alaska, from the nineteenth century up to and including the passage of ANCSA and ANILCA. There had long been tension between residents of the territory and the federal government but the idea that Alaska was for Alaskans alone became more and more entrenched following statehood.

American Forestry Association. "The Fight for Alaska's Forests." *American Forestry* 28 (April 1922): 200-07.

This article is about a proposed transfer of National Forests in Alaska from the Department of Agriculture to the Interior Department. A statement by Secretary of the Interior Albert Fall is included in part, claiming that he has been the subject of a propaganda attack. The American Forestry Association uses their space in the article to deny that assertion and musters statements in support from other government officials.

Brinkley, Douglas. *The Quiet World: Saving Alaska's Wilderness Kingdom, 1879-1960*. New York, New York: Harper Perennial, 2011.

This book tells the complex story of how public policy and conservation evolved to protect wilderness lands in Alaska, from just prior to territorial status up until the Eisenhower administration's designation of the Arctic National Wildlife Region (later the Arctic National Wildlife Refuge) soon after statehood, the first time a federal unit was preserved solely by the application of ecological principles.

Catton, Theodore. *A Fragile Beauty: An Administrative History of Kenai Fjords National Park*. Seward, Alaska: Kenai Fjords National Park, National Park Service, U.S. Department of the Interior, 2010.

The Alaska Statehood Act of 1958 set up a process of land-use planning and land allocations, which culminated in the Alaska National Interest Lands Conservation Act of 1980 (ANILCA). Among other things it established Kenai Fjords National Park. This publication recounts some of that history and reviews the challenges that distinguish Kenai Fjords from other National Parks in Alaska.

Catton, Theodore. *Inhabited Wilderness: Indians, Eskimos, and National Parks*. Albuquerque, New Mexico: University of New Mexico Press, 1997.

The author examines the creation of some of Alaska's national parks--i.e., Glacier Bay, Denali, Gates of the Arctic--and the struggle to reach accommodation with the Alaska Natives who were there first.

Catton, Theodore. *Land Reborn: A History of Administration and Visitor Use in Glacier Bay National Park and Preserve*. Anchorage, Alaska: National Park Service, 1995.

The administrative history of Glacier Bay National Park is reviewed chronologically in three parts: Science and Monumentalism, 1879-1938; Habitat Protection, 1939-1965; Wilderness Preservation, 1966-1992. The work also provides a history of federal legislation that affected the park, and reviews the different conceptions of the park's purpose.

***536** Chase, Anthony R. "Imminent Threat to America's Last Great Wilderness." *Denver University Law Review* 70, no. 1 (1992): 43-68.

This article provides, in part, some background into the establishment of the Alaska National Wildlife Refuge and a look into the components of the factual record, as well as the role of the Secretary of the Interior in producing that record.

Clusen, Charles. "Beyond Compromise: ANILCA at the Mercy of Expedience." *Wilderness* 47 (Spring 1984): 11-24.

ANILCA was enacted in the waning days of the Carter administration, which left the implementation to the new Reagan administration. The author uses this article to bemoan the new administration's effort to shift management priorities from wilderness protection to a multiple use approach, which he feels practically rewrote the legislation.

Conrad, David E. "Creating the Nation's Largest Forest Reserve: Roosevelt, Emmons, and the Tongass National Forest." *Pacific Historical Review* 46, no. 1 (February 1977): 65-83.

This article recounts the creation of the Tongass National Forest by President Theodore Roosevelt based on a proposal conceived by George T. Emmons, a retired naval lieutenant who had spent much time in Alaska.

Durbin, Kathie. *Tongass: Pulp Politics and the Fight for the Alaska Rain Forest*. Corvallis, Oregon: Oregon State University Press, 1999.

After World War II, the federal government encouraged the exploitation of timber in the Tongass National Forest. In time the mills brought jobs, growth, ecological havoc, and union unrest. This book gives a narrative account of the campaign, touching on the legal, legislative, and grassroots aspects, to bring balance and sustainability to the Tongass by activists, lawyers, and the Tlingit.

Eidson, Danny L. "Why Congress Should Grant Wilderness Status to the Coastal Plain of the Arctic National Wildlife Refuge." *South Carolina Environmental Law Journal* 7, no. 2 (Fall 1998): 209-58.

As the title suggests, this article pushes a particular policy proposal. However, Section I provides a legal history of the Arctic Refuge.

Haycox, Stephen W. "The Politics of Environment: Cecil Andrus and the Alaska Lands." *Idaho Yesterdays* 36, no. 3 (Fall 1992): 28-36.

This article examines why Secretary of the Interior Andrus encouraged President Jimmy Carter to use the Antiquities Act to preserve Alaskan lands. It also provides some historical and legal background into the Alaska lands "situation."

Joly, Julie Lurman. "National Wildlife Refuges and Intensive Management in Alaska: Another Case for Preemption." *Alaska Law Review* 27, no. 1 (June 2010): 27-48.

This article looks at the issue of federal preemption as the State of Alaska tries to implement its own Intensive Management policies when they conflict with federal regulations in the National Wildlife Refuge System. Various laws and regulations are examined.

Kallik, Steven E., and Durwood Zaelke. "The Alaska Lands Act: The Borax Exception." *Western Wildlands* 9 (Fall 1983): 8-11.

When Congress created the Misty Fjords National Monument as part of the ANILCA in 1980, it allowed the development of a molybdenum mine at Quartz Hill. Prohibited in the original iteration of the act, mining was allowed in a compromise but only after additional safeguards and stringent testing were applied. This article is about how the developer, U.S. Borax and Chemical Corporation, tried to get around strict regulation.

***537** Kaye, Roger. *Last Great Wilderness: The Campaign to Establish the Arctic National Wildlife Refuge*. Fairbanks, Alaska: University of Alaska Press, 2006.

This book presents a narrative of the effort to preserve an entire ecosystem in Alaska, including the people, the movement, and the legislation.

Kurtz, Rick S. "Alaska: Policy Dilemma in Glacier Bay National Park." *Journal of the West* 45, no. 3 (Summer 2006): 9-16.

This article reviews some of the 100-year policy dilemma and conflict in Glacier Bay between utilization of the resource, either for tourism or resource extraction, and preservation.

Lappen, Michael Anthony. "Whose Promised Land?: A History of Conservation and Development Management Plans for the Wrangell and Saint Elias Mountains Region, Alaska 1938-1940." MA diss., University of California, Santa Barbara, 1984.

According to the author, the treatment of the Wrangell Mountains is "intrinsic to the administrative history" of the National Park Service in Alaska since the 1930s. This study surveys the evolution of federal agency policies in the Wrangells since that time and addresses "key internal and external factors that compelled" sometimes unorthodox management plans.

Lurman, Julie, and Sanford P. Rabinowitch. "Preemption of State Wildlife Law in Alaska: Where, When, Why." *Alaska Law Review* 24, no. 2 (December 2007): 145-71.

Through the doctrine of preemption Alaska's intensive management statute must yield to federal laws and wildlife management policies in national park lands. This article reviews both relevant federal and Alaska laws and the application of preemption to wildlife management in Alaska.

Miller, Mike. "Alaska's Tongass Suit--The 'Exercise' at Juneau." *American Forests* 77, no. 2 (March 1971): 28-31, 50.

This article is about the trial of *Sierra Club v. Hardin*,⁶⁷ an action challenging a Forest Service timber sale.

Nagle, John Copeland. "Enjoying Katmai." *Alaska Law Review* 33, no. 1 (June 2016): 65-97.

This article provides a history of the Katmai area, its designation as a National Monument, and its later change in designation as a National Park and Preserve by ANILCA.

Nelson, Daniel. "Idealism and Organization: Origins of the Environmental Movement of Alaska." *Alaska History* 18, nos. 1-2 (Spring/Fall 2003): 12-35.

This article charts the emergence of various environmental and conservation organizations, starting with the Alaska Conservation Society in 1960, that helped provide the initiative, along with national organizations, to compel protection of wilderness in Alaska.

Nelson, Daniel. *Northern Landscapes: The Struggle for Wilderness Alaska*. Washington, D.C.: Resources for the Future, 2004.

This narrative starts with the emergence of the conservation movement and brings it into 1960s and 1970s Alaska. Close examination is given to Congressional activity and deliberation leading up to and including the passage of ANILCA.

***538** Norris, Frank. "A Lone Voice in the Wilderness: The National Park Service in Alaska, 1917-1969." *Environmental History* 1, no. 4 (October 1996): 66-76.

This article reviews the establishment of national parks and monuments in Alaska, their expansion, and the challenges faced by the NPS to administer, regulate, and protect the units.

Norris, Frank, Julie Johnson, Sande Anderson, and Logan Hovis. *The Alaska Journey: United States Department of Interior in Alaska*. Anchorage, Alaska: Alaska Support Office, National Park Service, 1999.

This booklet provides an overview of the activities of the Department of Interior and its components during its first one hundred years in Alaska.

Rakestraw, Lawrence. *A History of the United States Forest Service in Alaska*. Washington, D.C.: U.S. Department of Agriculture, Alaska Region, 2002. ⁶⁸

This volume offers a comprehensive look at the issues, federal policies, and court actions that informed the work of the Forest Service in Alaska from 1911 until the end of the twentieth century. It also includes a pre-history of the Alaska forests until 1910.

Williss, G. Frank. *"Do Things Right the First Time": The National Park Service and the Alaska National Interest Lands Conservation Act of 1980*. Washington, D.C.: U.S. Department of Interior, National Park Service, 1985.

While this volume examines the history of the National Park Service in Alaska and the legislative process that resulted in the passage of ANILCA, it is not a general history but one that "examines the role of one agency whose primary mission is preservation."⁶⁹

Footnotes

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^{aa1} Public Services Librarian, Alaska State Court Law Library, Anchorage, Alaska. I offer my sincere appreciation to Professor Stacey Gordon Sterling, Director of the Jameson Law Library, University of Montana, Missoula, Montana; Dr. Joel Fishman, Duquesne University Center for Legal Information/Allegheny County Law Library, Pittsburgh, Pennsylvania; Justice Peter Maassen, Alaska Supreme Court, Anchorage, Alaska; and Michael T. Schwaiger for their advice and assistance in reviewing this work. I also thank my colleagues at the Alaska State Law Library for their forbearance, in particular Susan Falk, Alaska State Law Librarian, Anchorage, Alaska; and Therese Veker, Library Assistant III, Alaska State Court Law Library, Anchorage, Alaska.

¹ Joel Fishman et al., *Bibliography of Legal History Articles Appearing in Law Library Journal, Volumes 1-94 (1908-2002)*, 95 LAW LIBR. J. 217, 220-21, 2003 LAW LIBR. J. 13, ¶ 2 (citing two reasons for the increased demand: more courses in legal history, reflecting greater interest by both faculty and students; and an increase in the number of legal history articles in the periodical literature).

² *Alaska Law Review* and *UCLA-Alaska Law Review*.

³ *Alaska Bar Rag* and the *Alaska Law Journal*.

⁴ *Western Legal History: The Journal of the Ninth Circuit Historical Society*, *Pacific Northwest Quarterly* and its predecessor, the *Washington Historical Quarterly*, *Journal of the West*, *Western Historical Quarterly*, *Pacific Historian*, *Alaska Journal*, and *Alaska History*.

⁵ Fishman et al., *supra* note 1, at 218-19.

⁶ W. Clinton "Buck" Sterling, *Sources of Alaska Legal History: An Annotated Legal Bibliography, Part I*, 110 LAW LIBR. J. 333, 2018 LAW LIBR. J. 15.

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⁹ *Alaska Fish & Wildlife Fed'n v. Dunkle*, 829 F.2d 933 (9th Cir. 1987).

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