Alaska Statehood Act


AN ACT To provide for the admission of the State of Alaska into the Union.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, subject to the provisions of this Act, and upon issuance of the proclamation required by section 8(c) of this Act, the State of Alaska is hereby declared to be a State of the United States of America, is declared admitted into the Union on an equal footing with the other States in all respects whatever, and the constitution formed pursuant to the provisions of the Act of the Territorial Legislature of Alaska entitled, "An Act to provide for the holding of a constitutional convention to prepare a constitution for the State of Alaska; to submit the constitution to the people for adoption or rejection; to prepare for the admission of Alaska as a State; to make an appropriation; and setting an effective date", approved March 19, 1955 (Chapter 46, Session Laws of Alaska, 1955), and adopted by a vote of the people of Alaska in the election held on April 24, 1956, is hereby found to be republican in form and in conformity with the Constitution of the United States and the principles of the Declaration of Independence, and is hereby accepted, ratified, and confirmed.

Territory

Sec. 2. The State of Alaska shall consist of all the territory, together with the territorial waters appurtenant thereto, now included in the Territory of Alaska.

Constitution

Sec. 3. The constitution of the State of Alaska shall always be republican in form and shall not be repugnant to the Constitution of the United States and the principles of the Declaration of Independence.

Compact with U.S.

Sec. 4. As a compact with the United States said State and its people do agree and declare that they forever disclaim all right and title to any lands or other property not granted or confirmed to the State or its political subdivisions by or under the authority of this Act, the right or title to which is held by the United States or is subject to disposition by the United States, and to any lands or other property (including fishing rights), the right or title to which may be held by any Indians, Eskimos, or Aleuts (hereinafter called natives) or is held by the United States in trust for said natives; that all such lands or other property (including fishing rights), the right or title to which may be held by said natives or is held by the United States in trust for said natives, shall be and remain under the absolute jurisdiction and control of the United States until disposed of under its authority, except to such extent as the Congress has prescribed or may hereafter prescribe, and except when held by individual natives in fee without restrictions on alienation: Provided, That nothing contained in this Act shall recognize, deny, enlarge, impair, or otherwise affect any claim against the
Title to property

Sec. 5. The State of Alaska and its political subdivisions, respectively, shall have and retain title to all property, real and personal, title to which is in the Territory of Alaska or any of the subdivisions. Except as provided in section 6 hereof, the United States shall retain title to all property, real and personal, to which it has title, including public lands.

Selection from public lands

Sec. 6. (a) For the purposes of furthering the development of and expansion of communities, the State of Alaska is hereby granted and shall be entitled to select, within thirty-five years after the date of the admission of the State of Alaska into the Union, from lands within national forests in Alaska which are vacant and unappropriated at the time of their selection not to exceed four hundred thousand acres of land, and from the other public lands of the United States in Alaska which are vacant, unappropriated, and unreserved at the time of their selection not to exceed another four hundred thousand acres of land, all of which shall be adjacent to established communities or suitable for prospective community centers and recreational areas. Such lands shall be selected by the State of Alaska with the approval of the Secretary of Agriculture as to national forest lands and with the approval of the Secretary of the Interior as to other public lands: Provided, That nothing herein contained shall affect any valid existing claim, location, or entry under the laws of the United States, whether for homestead, mineral, right-of-way, or other purpose whatsoever, or shall affect the rights of any such owner, claimant, locator, or entryman to the full use and enjoyment of the lands so occupied: Provided further, That no selection hereunder shall be made in the area north and west of the line described in section 10 without approval of the President or his designated representative.

(c) Block 32, and the structures and improvements thereon, in the city of Juneau are granted to the State of Alaska for any or all of the following purposes or a combination thereof: A residence for the Governor, a State museum, or park and recreational use.

(d) Block 19, and the structures and improvements thereon, and the interests of the United States in blocks C and 7, and the structures and improvements thereon, in the city of Juneau, are hereby granted to the State of Alaska.

Fish and wildlife resources

(e) All real and personal property of the United States situated in the Territory of Alaska which is specifically used for the sole purpose of conservation and protection of the fisheries and wildlife of Alaska, under the provisions of the Alaska game law of July 1, 1943 (57 Stat. 301; 48 U.S.C., secs. 192 – 211), as amended, and under the provisions of the Alaska commercial fisheries laws of June 26, 1906 (34 Stat. 478; 48 U.S.C., secs. 230 – 239 and 241 – 242), and June 6, 1924 (43 Stat. 465; 48 U.S.C., secs. 221 – 228), as supplemented and amended, shall be transferred and conveyed to the State of Alaska by the appropriate Federal agency: Provided, That the administration and management of the fish and wildlife resources of Alaska shall be retained by the Federal Government under existing laws until the first day of the first calendar year following the expiration of ninety calendar days after the Secretary of the Interior certifies to the Congress that the Alaska State Legislature has made adequate provision for the administration, management, and conservation of said resources in the broad national interest: Provided, That such transfer shall not include lands withdrawn or otherwise set apart as refuges or reservations for the protection of wildlife nor facilities utilized in connection therewith, or in connection with general research activities relating to fisheries or wildlife. Sums of money that are available for apportionment or which the Secretary of the Interior shall have apportioned, as of the date the State of Alaska shall be deemed to be admitted into the Union, for wildlife restoration in the Territory of Alaska, pursuant to section (8)(a) of the Act of September 2, 1937, as amended (16 U.S.C., sec. 669g–1), and for fish restoration and management in the Territory of Alaska, pursuant to section 12 of the Act of August 9, 1950 (16 U.S.C., sec. 777k), shall continue to be available for the period, and under the terms and conditions in effect at the time, the apportionments are made. Commencing with the year during which Alaska is admitted into the Union, the Secretary of the Treasury, at the close of each fiscal year, shall pay to the State of Alaska 70 per centum of the net proceeds, as determined by the Secretary of
the Interior, derived during such fiscal year from all sales of sealskins or sea-otter skins made in accordance with the provisions of the Fur Seal Act of 1966. In arriving at the net proceeds, there shall be deducted from the receipts from all sales all costs to the United States in carrying out the provisions of the Fur Seal Act of 1966, including, but not limited to, the costs of handling and dressing the skins, the costs of making the sales, and all expenses incurred in the administration of the Pribilof Islands, and the payments made to any municipal corporation established pursuant to section 206 of the Fur Seal Act of 1966 and to the civil service retirement and disability fund pursuant to section 208 of the Fur Seal Act of 1966. In administering the Pribilof Islands fund established by section 407 of the Fur Seal Act of 1966, the Secretary shall consult with the State of Alaska annually. Nothing in this Act shall be construed as affecting the rights of the United States under the provisions of the Fur Seal Act of 1966 and the Northern Pacific Halibut Act of 1937 (16 U.S.C. 772 – 772i).

Public school support

(f) Five per centum of the proceeds of sale of public lands lying within said State which shall be sold by the United States subsequent to the admission of said State into the Union, after deducting all the expenses incident to such sales, shall be paid to said State to be used for the support of the public schools within said State.

(g) Except as provided in subsection (a), all lands granted in quantity to and authorized to be selected by the State of Alaska by this Act shall be selected in such manner as the laws of the State may provide, and in conformity with such regulations as the Secretary of the Interior may prescribe. All selections shall be made in reasonably compact tracts, taking into account the situation and potential uses of the lands involved, and each tract selected shall contain at least five thousand seven hundred and sixty acres unless isolated from other tracts open to selection or, in the case of selections under subsection (a) of this section, one hundred and sixty acres. The authority to make selections shall never be alienated or bargained away, in whole or in part, by the State. Upon the revocation of any order of withdrawal in Alaska, the order of revocation shall provide for a period of not less than ninety days before the date on which it otherwise becomes effective, if subsequent to the admission of Alaska into the Union, during which period the State of Alaska shall have a preferred right of selection, subject to the requirements of this Act, except as against prior existing valid rights or as against equitable claims subject to allowance and confirmation. Such preferred right of selection shall have precedence over the preferred right of application created by section 4 of the Act of September 27, 1944 (58 Stat. 748; 43 U.S.C., sec. 282), as now or hereafter amended, but not over other preference rights now conferred by law. Where any lands desired by the State are unsurveyed at the time of their selection, the Secretary of the Interior shall survey the exterior boundaries of the area requested without any interior subdivision thereof and shall issue a patent for such selected area in terms of the exterior boundary survey; where any lands desired by the State are surveyed at the time of their selection, the boundaries of the area requested shall conform to the public land subdivisions established by the approval of the survey. All lands duly selected by the State of Alaska pursuant to this Act shall be patented to the State by the Secretary of the Interior. Following the selection of lands by the State and the tentative approval of such selection by the Secretary of the Interior or his designee, but prior to the issuance of final patent, the State is hereby authorized to execute conditional leases and to make conditional sales of such selected lands. As used in this subsection, the words “equitable claims subject to allowance and confirmation” include, without limitation, claims of holders of permits issued by the Department of Agriculture on lands eliminated from national forests, whose permits have been terminated only because of such elimination and who own valuable improvements on such lands. As to all selections made by the State after January 1, 1979, pursuant to section 6(b) of this Act, the Secretary of the Interior, in his discretion, may waive the minimum tract selection size where he determines that such a reduced selection size would be in the national interest and would result in a better land ownership pattern.

Mineral leases, permits, etc.

(h) Any lease, permit, license, or contract issued under the Mineral Leasing Act of February 25, 1920 (41 Stat. 437; 30 U.S.C. 181 and the following), as amended, or under the Alaska Coal Leasing Act of October 20, 1914 (38 Stat. 741; 30 U.S.C. 432 and the following), as amended, shall have the effect of withdrawing the lands subject thereto from selection by the State of Alaska under this Act, unless an application to select such lands is filed with the Secretary of the Interior within a period of ten years after the date of the admission of Alaska into the Union. Such selections shall be made only from lands that are otherwise open to selection under this Act. When all of the lands subject to a lease, permit, license, or contract are selected, the patent for the lands so selected shall vest in the State of Alaska all the right, title, and interest of the United States in and to that lease, permit, license, or contract, together with such further rights as may be necessary to the full and complete enjoyment of all rights, privileges, and benefits under or with respect to that lease, permit, license, or contract; upon the termination of the lease, permit, license, or contract, title to the minerals so reserved to the United States shall pass to the State of Alaska.
Mineral land grants

(i) All grants made or confirmed under this Act shall include mineral deposits. The grants of mineral lands to the State of Alaska under subsections (a) and (b) of this section are made upon the express conditions that all sales, grants, deeds, or patents for any of the mineral lands so granted shall be subject to and contain a reservation to the State of all of the minerals in the lands so sold, granted, deeded, or patented, together with the right to prospect for, mine, and remove the same. Mineral deposits in such lands shall be subject to lease by the State as the State legislature may direct: Provided, That any lands or minerals hereafter disposed of contrary to the provisions of this section shall be forfeited to the United States by appropriate proceedings instituted by the Attorney General for that purpose in the United States District Court for the District of Alaska.

Schools and colleges

(j) The schools and colleges provided for in this Act shall forever remain under the exclusive control of the State, or its governmental subdivisions, and no part of the proceeds arising from the sale or disposal of any lands granted herein for educational purposes shall be used for the support of any sectarian or denominational school, college, or university.

Confirmation of grants

(k) Grants previously made to the Territory of Alaska are hereby confirmed and transferred to the State of Alaska upon its admission. Effective upon the admission of the State of Alaska into the Union, section 1 of the Act of March 4, 1915 (38 Stat. 1214; 48 U.S.C., sec. 353), as amended, and the last sentence of section 35 of the Act of February 25, 1920 (41 Stat. 450; 30 U.S.C., sec. 191), as amended, are repealed and all lands therein reserved under the provisions of section 1 as of the date of this Act shall, upon the admission of said State into the Union, be granted to said State for the purposes for which they were reserved; but such repeal shall not affect any outstanding lease, permit, license, or contract issued under said section 1, as amended, or any rights or powers with respect to such lease, permit, license, or contract, and shall not affect the disposition of the proceeds or income derived prior to such repeal from any lands reserved under said section 1, as amended, or derived thereafter from any disposition of the reserved lands or an interest therein made prior to such repeal.

Internal improvements

(l) The grants provided for in this Act shall be in lieu of the grant of land for purposes of internal improvements made to new States by section 8 of the Act of September 4, 1841 (5 Stat. 455), and sections 2378 and 2379 of the Revised Statutes (43 U.S.C., sec. 857), and in lieu of the swamp land grants made by the Act of September 28, 1850 (9 Stat. 520), and section 2479 of the Revised Statutes (43 U.S.C., sec. 982), and in lieu of the grant of thirty thousand acres for each Senator and Representative in Congress made by the Act of July 2, 1862, as amended (12 Stat. 503; 7 U.S.C., secs. 301 – 308), which grants are hereby declared not to extend to the State of Alaska.

Submerged lands

(m) The Submerged Lands Act of 1953 (Public Law 31, Eighty-third Congress, first session; 67 Stat. 29) shall be applicable to the State of Alaska and the said State shall have the same rights as do existing States thereunder.

(n) The minimum tract selection size is waived with respect to a selection made by the State of Alaska under subsection (a) for the following selections:

<table>
<thead>
<tr>
<th>National Forest</th>
<th>Community Grant</th>
<th>Application Number</th>
<th>Area Name</th>
<th>Est. Acres</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yakutat Airport Addition</td>
<td>Yakutat</td>
<td>209</td>
<td>Yakutat Airport</td>
<td>111</td>
</tr>
<tr>
<td>Bear Valley (Portage)</td>
<td></td>
<td>264</td>
<td>Bear Valley (Portage)</td>
<td>120</td>
</tr>
<tr>
<td>Hyder-Fish Creek</td>
<td></td>
<td>284</td>
<td>Hyder-Fish Creek</td>
<td>61</td>
</tr>
<tr>
<td>Elfin Cove</td>
<td></td>
<td>310</td>
<td>Elfin Cove</td>
<td>37</td>
</tr>
<tr>
<td>Edna Bay Admin Site</td>
<td></td>
<td>384</td>
<td>Edna Bay Admin Site</td>
<td>37</td>
</tr>
<tr>
<td>Point Hilda</td>
<td></td>
<td>390</td>
<td>Point Hilda</td>
<td>29</td>
</tr>
</tbody>
</table>

(o)(1) The State of Alaska may elect to convert a selection filed under subsection (b) to a selection under subsection (a) by notifying the Secretary of the Interior in writing.

(2) If the State of Alaska makes an election under paragraph (1), the entire selection shall be converted to a selection under subsection (a).

(3) The Secretary of the Interior shall not convey a total of more than 400,000 acres of public domain land selected under subsection (a) or converted under paragraph (1) to a public domain selection under subsection (a).

(4) Conversion of a selection under paragraph (1) shall not increase the survey obligation of the United States with respect to the land converted.

(p) All selection applications of the State of Alaska that are on file with the Secretary of the Interior under the public domain provisions of subsection (a) on the date of enactment of this subsection and any selection applications that are converted to a subsection (a) selection under subsection (o)(1) are approved as suitable for community or recreational purposes.

Certification by President

Sec. 7. Upon enactment of this Act, it shall be the duty of the President of the United States, not later than July 3, 1958, to certify such fact to the Governor of Alaska. Thereupon the Governor, on or after July 3, 1958, and not later than August 1, 1958, shall issue his proclamation for the elections, as hereinafter provided, for officers of all elective offices and in the manner provided for by the constitution of the proposed State of Alaska, but the officers...
so elected shall in any event include two Senators and one Representative in Congress.

**Election of officers; date, etc.**

SEC. 8. (a) The proclamation of the Governor of Alaska required by section 7 shall provide for holding of a primary election and a general election on dates to be fixed by the Governor of Alaska: Provided, That the general election shall not be held later than December 1, 1958, and at such elections the officers required to be elected as provided in section 7 shall be, and officers for other elective offices provided for in the constitution of the proposed State of Alaska may be, chosen by the people. Such elections shall be held, and the qualifications of voters thereat shall be, as prescribed by the constitution of the proposed State of Alaska for the election of members of the proposed State legislature. The returns thereof shall be made and certified in such manner as the constitution of the proposed State of Alaska may prescribe. The Governor of Alaska shall certify the results of said elections to the President of the United States.

(b) At an election designated by proclamation of the Governor of Alaska, which may be the general election held pursuant to subsection (a) of this section, or a Territorial general election, or a special election, there shall be submitted to the electors qualified to vote in said election, for adoption or rejection, by separate ballot on each, the following propositions:

"(1) Shall Alaska immediately be admitted into the Union as a State?"

"(2) The boundaries of the State of Alaska shall be as prescribed in the Act of Congress approved ............................................. (date of approval of this Act)

and all claims of this State to any areas of land or sea outside the boundaries so prescribed are hereby irrevocably relinquished to the United States.

"(3) All provisions of the Act of Congress approved ............................................. (date of approval of this Act)

reserving rights or powers to the United States, as well as those prescribing the terms or conditions of the grants of lands or other property therein made to the State of Alaska, are consented to fully by said State and its people."

In the event each of the foregoing propositions is adopted at said election by a majority of the legal votes cast on said submission, the provisions of this Act shall become effective immediately.

**Certification of voting results by Governor**

The Governor of Alaska is hereby authorized and directed to take such action as may be necessary or appropriate to insure the submission of said propositions to the people. The return of the votes cast on said proposition shall be made by the election officers directly to the Secretary of Alaska, who shall certify the results of the submission to the Governor. The Governor shall certify the results of said submission, as so ascertained, to the President of the United States.

**Proclamation by President**

(c) If the President shall find that the propositions set forth in the preceding subsection have been duly adopted by the people of Alaska, the President, upon certification of the returns of the election of the officers required to be elected as provided in section 7 of this Act, shall thereupon issue his proclamation announcing the results of said election as so ascertained. Upon the issuance of said proclamation by the President, the State of Alaska shall be deemed admitted into the Union as provided in section 1 of this Act.

Until the said State is so admitted into the Union, all of the officers of said Territory, including the Delegate in Congress from said Territory, shall continue to discharge the duties of their respective offices. Upon the issuance of said proclamation by the President of the United States and the admission of the State of Alaska into the Union, the officers elected at said election, and qualified under the provisions of the constitution and laws of said State, shall proceed to exercise all the functions pertaining to their offices in or under or by authority of the government of said State, and officers not required to be elected at said initial election shall be selected or continued in office as provided by the constitution and laws of said State. The Governor of said State shall certify the election of the Senators and Representative in the manner required by law, and the said Senators and Representative shall be entitled to seats in Congress and to all the rights and privileges of Senators and Representatives of other States in the Congress of the United States.

**Laws in effect**

(d) Upon admission of the State of Alaska into the Union as herein provided, all of the Territorial laws then in force in the Territory of Alaska shall be and continue in full force and effect throughout said State except as modified or changed by this Act, or by the constitution of the State, or as thereafter modified or changed by the legislature of the State. All of the laws of the United States shall have the same force and effect within the State as elsewhere within the United States. As used in this paragraph, the term "Territorial laws" includes (in addition to laws enacted by the Territorial Legislature of Alaska) all laws or parts thereof enacted by the Congress the validity of which is dependent solely upon the authority of the Congress to provide for the government of Alaska prior to the admission of the State of Alaska into the Union, and the term "laws of the United States" includes all laws or parts thereof enacted by the Congress that (1) apply to or within Alaska at the time of the admission of the State of Alaska into the Union, (2) are not "Territorial laws" as defined in this paragraph, and (3) are not in conflict with any other provisions of this Act.
House of Representatives Membership

Sec. 9. The State of Alaska upon its admission into the Union shall be entitled to one Representative until the taking effect of the next reapportionment, and such representative shall be in addition to the membership of the House of Representatives as now prescribed by law; Provided, That such temporary increase in the membership shall not operate to either increase or decrease the permanent membership of the House of Representatives as prescribed in the Act of August 8, 1911 (37 Stat. 13) nor shall such temporary increase affect the basis of apportionment established by the Act of November 15, 1941 (55 Stat. 761; 2 U.S.C., sec. 2a), for the Eighty-third Congress and each Congress thereafter.

National Defense Withdrawals

Sec. 10. (a) The President of the United States is hereby authorized to establish, by Executive order or proclamation, one or more special national defense withdrawals within the exterior boundaries of Alaska, which withdrawal or withdrawals may thereafter be terminated in whole or in part by the President.

(b) Special national defense withdrawals established under subsection (a) of this section shall be confined to those portions of Alaska that are situated to the north or west of the following line: Beginning at the point where the Porcupine River crosses the international boundary between Alaska and Canada; thence along a line parallel to, and five miles from, the right bank of the main channel of the Porcupine River to its confluence with the Yukon River; thence along a line parallel to, and five miles from, the right bank of the main channel of the Yukon River to its most southerly point of intersection with the meridian of longitude 160 degrees west of Greenwich; thence south to the intersection of said meridian with the Kuskokwim River; thence along a line parallel to, and five miles from, the right bank of the main channel of the Kuskokwim River to its confluence with the Yukon River; thence along a line parallel to, and five miles from, the right bank of the Kuskokwim River to the mouth of said river; thence along the shoreline of Kuskokwim Bay to its intersection with the meridian of longitude 162 degrees 30 minutes west of Greenwich; thence south to the intersection of said meridian with the parallel of latitude 57 degrees 30 minutes north; thence east to the intersection of said parallel with the meridian of longitude 156 degrees west of Greenwich; thence south to the intersection of said meridian with the parallel of latitude 50 degrees north.

Jurisdiction

(c) Effective upon the issuance of such Executive order or proclamation, exclusive jurisdiction over all special national defense withdrawals established under this section is hereby reserved to the United States, which shall have sole legislative, judicial, and executive power within such withdrawals, except as provided hereinafter. The exclusive jurisdiction so established shall extend to all lands within the exterior boundaries of each such withdrawal, and shall remain in effect with respect to any particular tract or parcel of land only so long as such tract or parcel remains within the exterior boundaries of such a withdrawal. The laws of the State of Alaska shall not apply to areas within any special national defense withdrawal established under this section while such areas remain subject to the exclusive jurisdiction hereby authorized: Provided, however, That such exclusive jurisdiction shall not prevent the execution of any process, civil or criminal, of the State of Alaska, upon any person found within said withdrawals: And provided further, That such exclusive jurisdiction shall not prohibit the State of Alaska from enacting and enforcing all laws necessary to establish voting districts, and the qualification and procedures for voting in all elections.

(d) During the continuance in effect of any special national defense withdrawal established under this section, or until the Congress otherwise provides, such exclusive jurisdiction shall be exercised within each such withdrawal in accordance with the following provisions of law:

1. All laws enacted by the Congress that are of general application to areas under the exclusive jurisdiction of the United States, including, but without limiting the generality of the foregoing, those provisions of title 18, United States Code, that are applicable within the special maritime and territorial jurisdiction of the United States as defined in section 7 of said title, shall apply to all areas within such withdrawals.

2. In addition, any areas within the withdrawals that are reserved by Act of Congress or by Executive action for a particular military or civilian use of the United States shall be subject to all laws enacted by the Congress that have application to lands withdrawn for that particular use, and any other areas within the withdrawals shall be subject to all laws enacted by the Congress that are of general application to lands withdrawn for defense purposes of the United States.

3. To the extent consistent with the laws described in paragraphs (1) and (2) of this subsection and with regulations made or other actions taken under their authority, all laws in force within such withdrawals immediately prior to the creation thereof by Executive order or proclamation shall apply within the withdrawals and, for this purpose, are adopted as laws of the United States: Provided, however, That the laws of the State or Territory relating to the organization or powers of municipalities or local political subdivisions, and the laws or ordinances of such municipalities or political subdivisions shall not be adopted as laws of the United States.

4. All functions vested in the United States commissioners by the laws described in this subsection shall continue to be performed within the withdrawals by such commissioners.

5. All functions vested in any municipal corporation, school district, or other local political subdivision by the laws described in this subsection shall continue to be performed within the withdrawals by such corporation, district, or other subdivision, and the laws of the state or the laws or ordinances of such municipalities or local political subdivision shall remain in full force and effect notwithstanding any withdrawal made under this section.

6. All other functions vested in the government of Alaska or in any officer or agency thereof, except judicial functions over which the United States District Court for the District of Alaska is given jurisdiction by this Act or other provisions of law, shall be performed within the withdrawals by such
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the United States by purchase, condemnation, donation, exchange, or otherwise: Provided, (i) That the State of Alaska shall always have the right to serve civil or criminal process within the said tracts or parcels of land in suits or prosecutions for or on account of rights acquired, obligations incurred, or crimes committed within the said State but outside of the said tracts or parcels of land; (ii) that the reservation of authority in the United States for the exercise by the Congress of the United States of the power of exclusive legislation over the lands aforesaid shall not operate to prevent such lands from being a part of the State of Alaska, or to prevent the said State from exercising over or upon such lands, concurrently with the United States, any jurisdiction whatever which it would have in the absence of such reservation of authority and which is consistent with the laws hereafter enacted by the Congress pursuant to such reservation of authority; and (iii) that such power of exclusive legislation shall rest and remain in the United States only so long as the particular tract or parcel of land involved is owned by the United States and used for military, naval, Air Force, or Coast Guard purposes. The provisions of this subsection shall not apply to lands within such special national defense withdrawal or withdrawals as may be established pursuant to section 10 of this Act until such lands cease to be subject to the exclusive jurisdiction reserved to the United States by that section.

Judicial and Criminal Provisions

Sec. 12. Effective upon the admission of Alaska into the Union—

(a) The analysis of chapter 5 of title 28, United States Code, immediately preceding section 81 of such title, is amended by inserting immediately after and underneath item 81 of such analysis, a new item to be designated as item 81A and to read as follows: "81A. Alaska;"

(b) Title 28, United States Code, is amended by inserting immediately after section 81 thereof a new section, to be designated as section 81A, and to read as follows:

§ 81A. Alaska

"Alaska constitutes one judicial district.

"Court shall be held at Anchorage, Fairbanks, Juneau, and Nome."

(c) Section 133 of title 28, United States Code, is amended by inserting in the table of districts and judges in such section immediately above the item: "Arizona * * * 2", a new item as follows: "Alaska * * * 1";

(d) The first paragraph of section 373 of title 28, United States Code, as heretofore amended, is further amended by striking out the words: "the District Court for the Territory of Alaska,": Provided, That the amendment made by this subsection shall not affect the rights of any judge who may have retired before it takes effect;

(e) The words "the District Court for the Territory of Alaska," are stricken out wherever they appear in sections 333, 460, 610, 753, 1252, 1291, 1292, and 1346 of title 28, United States Code;
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(f) The first paragraph of section 1252 of title 28, United States Code, is further amended by striking out the word “Alaska,” from the clause relating to courts of record;

(g) Subsection (2) of section 1294 of title 28, United States Code, is repealed and the later subsections of such section are renumbered accordingly;

(h) Subsection (a) of section 2410 of title 28, United States Code, is amended by striking out the words: “including the District Court for the Territory of Alaska”;

(i) Section 3241 of title 18, United States Code, is amended by striking out the words: “District Court for the Territory of Alaska, the”;

(j) Subsection (e) of section 3401 of title 18, United States Code, is amended by striking out the words: “for Alaska or”;

(k) Section 3771 of title 18, United States Code, as heretofore amended, is further amended by striking out from the first paragraph of such section the words: “the Territory of Alaska,”;

(l) Section 3772 of title 18, United States Code, as heretofore amended, is further amended by striking out from the first paragraph of such section the words: “and of the District Court for the Territory of Alaska”;

(m) Section 2072 of title 28, United States Code, as heretofore amended, is further amended by striking out from the first paragraph of such section the words: “and of the District Court for the Territory of Alaska”;

(n) Subsection (q) of section 376 of title 28, United States Code, is amended by striking out the words: “the District Court for the Territory of Alaska, “: Provided, That the amendment made by this subsection shall not affect the rights under such section 376 of any present or former judge of the District Court for the Territory of Alaska or his survivors;

(o) The last paragraph of section 1963 of title 28, United States Code, is repealed;

(p) Section 2201 of title 28, United States Code, is amended by striking out the words: “and the District Court for the Territory of Alaska”; and

(q) Section 4 of the Act of July 28, 1950 (64 Stat. 380; 5 U.S.C., sec. 341b) is amended by striking out the word: “Alaska”.

Continuation of suits

Sec. 13. No writ, action, indictment, cause, or proceeding pending in the District Court for the Territory of Alaska on the date when said Territory shall become a State, and no case pending in an appellate court upon appeal from the District Court for the Territory of Alaska at the time said Territory shall become a State, shall abate by the admission of the State into the Union, but the same shall be transferred and proceeded with as hereinafter provided.

All civil causes of action and all criminal offenses which shall have arisen or been committed prior to the admission of said State, but as to which no suit, action, or prosecution shall be pending at the date of such admission, shall be subject to prosecution in the appropriate State courts or in the United States District Court for the District of Alaska in like manner, to the same extent, and with like right of appellate review, as if said State had been created and said courts had been established prior to the accrual of said causes of action or the commission of such offenses; and such of said criminal offenses as shall have been committed against the laws of the Territory shall be tried and punished by the appropriate courts of said State, and such as shall have been committed against the laws of the United States shall be tried and punished in the United States District Court for the District of Alaska.

Appeals

Sec. 14. Appeals. All appeals taken from the District Court for the Territory of Alaska to the Supreme Court of the United States or the United States Court of Appeals for the Ninth Circuit, previous to the admission of Alaska as a State, shall be prosecuted to final determination as though this Act had not been passed. All cases in which final judgment has been rendered in such district court, and in which appeals might be had except for the admission of such State, may still be sued out, taken, and prosecuted to the Supreme Court of the United States or the United States Court of Appeals for the Ninth Circuit under the provisions of then existing law, and there held and determined in like manner; and in either case, the Supreme Court of the United States, or the United States Court of Appeals, in the event of reversal, shall remand the said cause to either the State supreme court or other final appellate court of said State, or the United States district court for said district, as the case may require: Provided, That the time allowed by existing law for appeals from the district court for said Territory shall not be enlarged thereby.

Transfer of cases

Sec. 15. All causes pending or determined in the District Court for the Territory of Alaska at the time of the admission of Alaska as a State which are of such nature as to be within the jurisdiction of a district court of the United States shall be transferred to the United States District Court for the District of Alaska for final disposition and enforcement in the same manner as is now provided by law with reference to the judgments and decrees in existing United States district courts. All other causes pending or determined in the District Court for the Territory of Alaska at the time of the admission of Alaska as a State shall be transferred to the appropriate State court of Alaska. All final judgments and decrees rendered upon such transferred cases in the United States District Court for the District of Alaska may be reviewed by the Supreme Court of the United States or by the United States Court of Appeals for the Ninth Circuit in the same manner as is now provided by law with reference to the judgments and decrees in existing United States district courts.

Succession of courts

Sec. 16. Jurisdiction of all cases pending or determined in the District Court for the Territory of Alaska not transferred to the United States District Court for
the District of Alaska shall devolve upon and be exercised by the courts of original jurisdiction created by said State, which shall be deemed to be the successor of the District Court for the Territory of Alaska with respect to cases not so transferred and, as such, shall take and retain custody of all records, dockets, journals, and files of such court pertaining to such cases. The files and papers in all cases so transferred to the United States district court, together with a transcript of all book entries to complete the record in such particular cases so transferred, shall be in like manner transferred to said district court.

Sec. 17. All cases pending in the District Court for the Territory of Alaska at the time said Territory becomes a State not transferred to the United States District Court for the District of Alaska shall be proceeded with and determined by the courts created by said State with the right to prosecute appeals to the appellate courts created by said State, and also with the same right to prosecute appeals or writs of certiorari from the final determination in said causes made by the court of last resort created by such State to the Supreme Court of the United States, as now provided by law for appeals and writs of certiorari from the court of last resort of a State to the Supreme Court of the United States.

Jurisdiction of District Court; Termination date

Sec. 18. The provisions of the preceding sections with respect to the termination of the jurisdiction of the District Court for the Territory of Alaska, the continuation of suits, the succession of courts, and the satisfaction of rights of litigants in suits before such courts, shall not be effective until three years after the effective date of this Act, unless the President, by Executive order, shall sooner proclaim that the United States District Court for the District of Alaska, established in accordance with the provisions of this Act, is prepared to assume the functions imposed upon it. During such period of three years or until such Executive order is issued, the United States District Court for the Territory of Alaska shall continue to function as heretofore. The tenure of the judges, the United States attorneys, marshals, and other officers of the United States District Court for the Territory of Alaska shall terminate at such time as that court shall cease to function as provided in this section.

Federal Reserve System

Sec. 19. The first paragraph of section 2 of the Federal Reserve Act (38 Stat. 251) is amended by striking out the last sentence thereof and in inserting in lieu of such sentence the following: “When the State of Alaska is hereafter admitted to the Union the Federal Reserve districts shall be readjusted by the Board of Governors of the Federal Reserve System in such manner as to include such State. Every national bank in any State shall, upon commencing business or within ninety days after admission into the Union of the Statet in which it is located, become a member bank of the Federal Reserve System by subscribing and paying for stock in the Federal Reserve bank of its district in accordance with the provisions of this Act and shall thereupon be an insured bank under the Federal Deposit Insurance Act, and failure to do so shall subject such bank to the penalty provided by the sixth paragraph of this section.”

Transportation by Water

Sec. 27. (a) The third proviso in section 27 of the Merchant Marine Act, 1920, as amended (46 U.S.C., sec. 883), is further amended by striking out the word “excluding” and inserting in lieu thereof the word “including”.

(b) Nothing contained in this or any other Act shall be construed as depriving the Federal Maritime Board of the exclusive jurisdiction heretofore conferred on it over common carriers engaged in transportation by water between any port in the State of Alaska and other ports in the United States, its Territories or possessions, or as conferring upon the Interstate Commerce Commission jurisdiction over transportation by water between any such ports.

Mines and Mining

Sec. 28. (a) The last sentence of section 9 of the Act entitled “An Act to provide for the leasing of coal lands in the Territory of Alaska, and for other purposes”, approved October 20, 1914 (48 U.S.C. 439), is hereby amended to read as follows: “All net profits from operation of Government mines, and all bonuses, royalties, and rentals under leases as herein provided and all other payments received under this Act shall be distributed as follows as soon as practicable after December 31 and June 30 of each year: (1) 90 per centum thereof shall be paid by the Secretary of the Treasury to the State of Alaska for
disposition by the legislature thereof; and (2) 10 per centum shall be deposited in the Treasury of the United States to the credit of miscellaneous receipts."

(b) Section 35 of the Act entitled "An Act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain", approved February 25, 1920, as amended (30 U.S.C. 191), is hereby amended by inserting immediately before the colon preceding the first proviso thereof the following: 

"and of those from Alaska 52% per centum thereof shall be paid to the State of Alaska for disposition by the legislature thereof."

Separability Clause

Sec. 29. If any provision of this Act, or any section, subsection, sentence, clause, phrase, or individual word, or the application thereof to any person or circumstance is held invalid, the validity of the remainder of the Act and of the application of any such provision, section, subsection, sentence, clause, phrase, or individual word to other persons and circumstances shall not be affected thereby.

Repeals

Sec. 30. All Acts or parts of Acts in conflict with the provisions of this Act, whether passed by the legislature of said Territory or by Congress, are hereby repealed.

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1. Purposes


2. Sovereign immunity

Alaska did not waive its Eleventh Amendment immunity to being sued in federal court when it agreed to terms and conditions of section of the Alaska Statehood Act, whereby state disclaimed all rights and title to lands or other property held by any Indians, Eskimos, or Aleuts or held by the United States in trust for said Natives. Harrison v. Hickel, C.A.9 (Alaska) 1993, 6 F.3d 1347. Federal Courts 266.1 Federal Courts § 266.1

By adopting section of Alaska Statehood Act, 48 U.S.C.A. prec., § 21, which recognized paramount interest in certain lands in Alaska native lands, through control of United States as trustee and paramount interest in other lands in United States for itself, Alaska did not waive bar of this action and in disputes over land selected for allotment by Alaska natives, even if complaint sufficiently alleged acts which would have overcome common-law doctrine of sovereign immunity and even though United States, as trustee for Alaska natives, or tribe of Alaska natives could have brought suit against state. Aguilar v. Heppe, D.C.Alaska 1976, 424 F.Supp. 433. Fed. Courts 319 Federal Courts § 319

3. Selection of lands—In general


Where Alaska filed application for selection of land as part of its allotment pursuant to Alaska Statehood Act but at time of filing land had been withdrawn from appropriation and, subsequently, withdrawal order was revoked, and during preference period Alaska filed request that its original application be amended to include additional lands, amendments amounted to reaplication of preference period Alaska Statehood Act which was sufficient to confer standing on the state as party aggrieved to appeal to the Secretary of Interior from determinations of the Bureau of Indian Affairs that such villages were eligible for selection of land under the latter Act, and the Secretary's permitting the state to appeal in such cases was not a plainly erroneous interpretation of the applicable regulations. Alaska Native Claims Settlement Act, § 2 et seq.; Alaska Statehood Act, §§ 1 et seq., 48 U.S.C.A. preceding section 21. Konig, Inc. v. Village of Uyak v. Andrus, 580 F.2d 601. C.A.D.C., 1978. United States § 115

Note 3

Alaska Statehood Act of all rights to lands held by natives or by the United States in trust for natives barred state from challenging the Alaska Native Claims Settlement Act, it did not bar state from attempting to show that a given village did not meet the threshold requirements for selection of land under the latter Act. Alaska Native Claims Settlement Act, § 2 et seq.; Alaska Statehood Act, § 6(a, b), 48 U.S.C.A. preceding section 21, Konig, Inc. v. Village of Uyak v. Andrus, 580 F.2d 601. C.A.D.C., 1978. United States § 115


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ALASKA STATEHOOD ACT


It was not unreasonable to require Alaska to settle any expectation that land would be used for community development and expansion for purposes of Alaska Statehood Act section authorizing Alaska to select up to 400,000 acres of land from national forests, with approval of Secretary of Agriculture. Alaska Statehood Act, § 6(a), 48 U.S.C.A. note prec. § 21. State of Alaska v. Lyng, 797 F.2d 1479. C.A.9.Alaska,1986. Public Lands ≡ 62


5. School lands

Under grant of lands under Alaska Statehood Act and consent by people of Alaska to terms and conditions of the federal act, there was created a trust of school lands. Under § 1, 48 U.S.C.A. preceding section 271; 43 U.S.C.A. § 213; Public Lands Constitutional Law ≡ 142.2

6. Elections


Election was not held because the election company which contracted with state of Alaska to build pioneer road across land held by plaintiff under grazing lease from United States, and lease was not for purpose of construction of road was not held because road building methods for construction of pioneer roads supported finding that road construction was not neglegent and that construction was not cause of flooding of lease's hay meadow. AS 19.30.010-19.30.100, 19.30.020, 19.30.040; Alaska Statehood Act, § 6(a), 48 U.S.C.A. preceding section 21; 43 U.S.C.A. § 932 Act Cong, Mar. 4, 1927, §§ 3a, 44 Stat 1452; Taylor Grazing Act § 1 as amended 43 U.S.C.A. § 315. Mercer v. Yutan Const. Co., 420 P.2d 323. Alaska,1966. Public Lands ≡ 17

8. Federal enactments and regulatory powers

Where no reading of words of statute, no part of legislative history and no contemplation of


11. Reservation of rights, mining and mineral rights

Minerals contained in gold mine ttailings which were disposed of on tidal and submerged lands became real property, even though tailings had not been abandoned and, therefore, to tailings passed to state upon statehood, and were reserved by state in patent granting property to mine operator. Alaska Statehood Act, §§ 1 et seq., 69. 48 U.S.C.A. note prec. § 21. AS 38.05.320 (now AS 38.05.820). Hayes v. Alaska Juneau Forest Industries, Inc., 748 P.2d 332. Alaska,1987. Navigable Waters § 36(1); Navigable Waters § 36(3); Navigable Waters § 37(4)

Title to minerals contained in mine ttailings, which had been disposed of on tidal and submerged lands, passed to state upon statehood and were reserved by state in land patent which reserved minerals of every name, kind, or description in or upon land. Alaska Statehood Act, §§ 1 et seq., 69. 48 U.S.C.A. note prec. § 21. AS 38.05.320 (now AS 38.05.820). Hayes v. Alaska Juneau Forest Industries, Inc., 748 P.2d 332. Alaska,1987. Mines And Minerals § 3; Mines And Minerals § 37(4)

A compact arose as a result of the adoption of the constitutional provisions agreeing that all sales or grants of lands be subject to such reservations from which the federal imposition of restrictions on alienation of mineral rights subsequently set forth in the Alaska Statehood Act, and in order for the compact to be altered, it was only necessary that
ALASKA STATEHOOD ACT

State’s mineral leasing system violates Alaska Statehood Act because it does not require payment of rent or royalties on mining leases, and that State incorrectly construed lease restrictions in Act to be both severable and divisible. Application for oil and gas lease on public land did not establish existing valid oil and gas leases as to lands affected by such withdrawals, allocating such lands instead to Arctic Slope Regional Superfund. Action of Secretary of Interior in making “deficiency withdrawals” of Alaska North Slope was for application of funds for drilling or exploratory purposes and to protect federal oil and gas leases as to lands affected by such withdrawals, allocating such lands instead to Arctic Slope Regional Superfund. 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Title to beds of navigable inland waterbodies in Alaska passed from the United States to Alaskans when Alaska entered the Union; therefore, beds of navigable waterbodies in Alaska were not available for selection or chargeable to either the Alaska Native Claims Settlement Act or the Alaska Statehood Act. 

15. Riverbeds, waters and watercourses

Title to riverbeds lying beneath navigable waters in Alaska did not pass from federal government to state of Alaska at time it became a state, as riverbeds were previously withdrawn by United States under Alaska Statehood Act, and power of exclusive legislative jurisdiction over lands being used for military purpose remained with United States under Alaska Statehood Act. Alaska v. United States, 117 S.Ct. 1187, 148 U.S.C.A. § 1332. 

16. Submerged lands—In general


In absence of any actual enforcement or official announcement of intent to exercise authority under Submerged Lands Act, § 295.11 (1958), an assertion of power to exclude all foreign nations from Cook Inlet as inland waters, historic title to the lower part of Cook Inlet as inland waters under Alaska Statehood Act, § 6(m), 48 U.S.C.A. preceding section 21. 

For Alaska to establish historic title to Cook Inlet as inland waters, historic title to the lower part of Cook Inlet as inland waters the United States sovereignty, if at all, only over waters of the Strait of Juan de Fuca was inadequate as a demonstration of authority over waters of Cook Inlet, for purposes of determining its establishment as a historic bay, where shortly after it had been issued the ukase was unequivocally withdrawn in face of vigorous protests from the United States and England. United States v. Alaska, 95 S.Ct. 2240, 54 U.S.C.A. note preceding section 21. 


17. Rivers and navigable waters, submerged lands

United States retained ownership of submerged lands within National Petroleum Reserve-Alaska at Alaska's statehood; Executive Order No. 11441 of May 21, 1969, which Alaskan protesting-owned and would continue to own submerged lands. United States v. Alaska, 1144, 138 L.Ed.2d 1051. 

Note 14


In specific absence of congressional action to change limits of internal waters of Alaska were those waters which on date of its admission into union were recognized by executive branch of government in its dealings with foreign nations to be internal waters of United States and territory of Alaska. Alaska Shelf Lands Act, §§ 2, 6(m), 8(b), 48 U.S.C.A. note preceding § 21; United States v. State of Alaska, 236 F.Supp. 388. D.Alaska, 1964.

Title to riverbed lying beneath navigable waters in Alaska did not pass from federal government to state of Alaska at time it became a state, as riverbeds were previously withdrawn by United States under Alaska Statehood Act, and power of exclusive legislative jurisdiction over lands being used for military purpose remained with United States under Alaska Statehood Act. Alaska v. United States, 117 S.Ct. 1187, 148 U.S.C.A. § 1332.


In absence of any evidence that Russian fur trader, who about 1786 fired a cannon at an English vessel attempting to enter Cook Inlet in vicinity of Port Graham, was acting with government authority, such incident was entitled to little legal significance in determining whether Russia exercised sufficient authority over the lower inlet so as to constitute it a historic bay; in any event, under then common Canon Shot Rule, firing of a cannon from shore was wholly consistent with present position of the United States that the inland waters of Alaska near Port Graham are to be measured by the three-mile limit. Submerged Lands Act, §§ 2-8, 43 U.S.C.A. §§ 1301-1315; Alaska Statehood Act, § 6(m), 48 U.S.C.A. preceding section 21.

Since general enforcement of fishing regulations in Cook Inlet or the United States during the same basic pattern of enforcement was insufficient to serve as a basis of historic title in that although Alaska, as against Japan, claimed the waters as inland waters the United States neither supported nor disavowed the State's position; regardless of how the incident was viewed, it could not be concluded that Alaska's exercise of sovereignty was acquiesced in by Japan, which bilaterally protested and never acceded to Alaska's position. Submerged Lands Act, §§ 2-8, 43 U.S.C.A. §§ 1301-1315; Alaska Statehood Act, § 6(m), 48 U.S.C.A. preceding section 21. United States v. Alaska, 95 S.Ct. 2240, 54 U.S.C.A. note preceding section 21.


Issuance by Tsar Alexander I in 1821 of a ukase that purported to exclude all foreign vessels from waters thin 12 miles of the Alaska Coast was inadequate as a demonstration of Russian authority over waters of Cook Inlet, for purposes of determining its establishment as a historic bay, where shortly after it had been issued the ukase was unequivocally withdrawn in face of vigorous protests from the United States and England. Submerged Lands Act, §§ 2-8, 43 U.S.C.A. §§ 1301-1315; Alaska Statehood Act, §§ 2, 6(m), 48 U.S.C.A. preceding section 21. United States v. Alaska, 95 S.Ct. 2240, 54 U.S.C.A. note preceding section 21.

Note 17


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Alaska at that time, if river was susceptible to use as highway for commerce, regardless of actual use of river; such use did not have to be without difficulty, extensive, or long and continuous. The words did not have to use interest in transportation of water-borne freight by carrier whose purpose was to make money from transportation. Submerged Lands Act, § 3(a), 43 U.S.C. § 1311(a); Alaska Statehood Act, § 6(m), 48 U.S.C. prec. § 21. State of Alaska v. Ahna, Inc., 891 F.2d 1401, C.A.9.Alaska,1989. Navigable Waters = (3); Navigable Waters = § 361.


Claim that title to submerged lands beneath river did not pass to Alaska at statehood because reservation of title by Congress would be considered on appeal, though it was raised for first time on appeal, because issue was purely legal and facts were fully developed. Alaska Statehood Act, § 4, 48 U.S.C. prec. § 21. State of Alaska v. Ahna, Inc., 891 F.2d 1401. C.A.9.Alaska,1989. Federal Courts = § 612.1.


18. Transportation by water


19. Hunting and fishing, generally

Court of Appeals would exercise judicial discretion and dismiss suit by unincorporated association of commercial fishermen to have declared invalid a revocable special land use permit issued by the Department of Agriculture for construction and operation of an oil tank farm and terminal facility within Chugach National Forest, Alaska, without a determination on the merits of existence of jurisdiction, where no further construction would take place until Congress resolved certain problems and legality of the permit might become moot if the permit taxation unit could validly acquire the land under Alaska Statehood Act. 16 U.S.C. §§ 497, 497a, 551; Act July 7, 1958, 72 Stat. 339. Wilderness Soc. v. Morton, 479 F.2d 842. C.A.D.C.1973. Declaratory Judgment = § 395.

In effect, Westland proviso made Secretary of Interior a ‘trustee’ for both federal government and new state of Alaska in the broad national interest during transition of administration from federal to state authorities and, in that unique capacity, Secretary could not reasonably disregard valid law of Alaska which was ‘existing’ on effective date of Alaska Statehood Act, which defined his powers over wildlife resources for interim period concurrent; and Secretary reasonably read words ‘under existing laws’ in Westland proviso as including ordinances which had become effective by title with Statehood Act, and he properly concluded that Statehood Act, which “acquired, ratified and confirmed” Alaska Constitution and ordinances, amended Whiteakte by prohibiting use of fish traps in Alaskan waters as set forth in ordinance. 48 U.S.C. §§ 221, 226; Alaska Statehood Act, § 6(c), 48 U.S.C. preceding section 21. Ketchikan Packing Co. v. Seaton, 267 F.2d 660. C.A.D.C.1959. Fish = § 9; States = § 9.

20. National parks

Congress was not required to act pursuant to enumerated powers in creating national park on lands retained under federal authority in Alaska Statehood Act; Congress had power to retain federal land for public purposes under property clause. U.S. v. Vogler, C.A.9.(Alaska) 1988, 859 F.2d 638, certiorari denied 109 S.Ct. 787, 48 U.S. 1006, 102 L.Ed.2d 779. United States 57 United States = § 57.

21. Fixtures and improvements


22. Aboriginal rights—In general


23. Aboriginal lands, generally, aboriginal rights

Purpose of provision of Alaska Native Claims Settlement Act that all conveyances pursuant to the Act are subject to valid existing rights and that patents issued under the Act are subject to patent's or lessee's rights, as leases issued under Statehood Act, was to protect rights and expectations of persons who previously received interest in the land pursuant to federal law; to hold such prior lessees, permittees or grantees liable for trespass for entries made prior to effective date of Settlement Act; and to express purpose fully protecting rights of those who entered the North Slope in reliance on federal authorization. Alaska Native Claims Settlement Act, § 4(a), 43 U.S.C.A. §§ 1603(a), 1613(c); Alaska Statehood Act, § 6(g), 48 U.S.C. preceding section 21, U.S. v. Atlantic Richfield Co., 435 F.Supp. 1009. D.Alaska,1977. United States = § 105.

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Note 17

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Note 18

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The State of Alaska did not have standing as an aggrieved party to appeal determinations made by the area director of the Alaska Bureau of Indian Affairs in respect to aboriginal land claims of native villages under the Alaska Native Claims Settlement Act where the State's only interest was the speculative possibility that at some later time for some undisclosed reason it might, under the Statehood Act, seek to have land patented to it that would be claimed by villages. Alaska Statehood Act, 48 U.S.C. preceding section 21; Alaska Native Claims Settlement Act, § 6(e), 43 U.S.C. § 1606(e). Kolotin v. U.S., 515 F.Supp. 1560. D.C.1975. United States 105.


Note 23

Note 24

24. - Submerged lands, aboriginal rights

Provision of Alaska Statehood Act, that "may be held" by any natives, or held by the United States in trust for natives, was too general to give rise to inference of intent by Congress to Alaska's equal footing entitlement to ownership of lands submerged beneath navigable waters. State of Alaska v. Shell Oil Co., 420 U.S. 140; certiorari denied 110 S.Ct. 1949. 495 U.S. 919, 109 L.Ed.2d 312. Navigable Waters 361

Note 24

512. - Submerged lands, aboriginal rights

Provision of Alaska Statehood Act, that "may be held" by any natives, or held by the United States in trust for natives, was too general to give rise to inference of intent by Congress to Alaska's equal footing entitlement to ownership of lands submerged beneath navigable waters. State of Alaska v. Shell Oil Co., 420 U.S. 140; certiorari denied 110 S.Ct. 1949. 495 U.S. 919, 109 L.Ed.2d 312. Navigable Waters 361.
ALASKA STATEHOOD ACT

25. — Hunting and fishing, aboriginal rights


Section of Alaska Statehood Act by which Alaska disclaimed all rights and title to and United States retained jurisdiction and control over any lands or other property, including fishing rights, held by any Indians, Eskimos, or Aleuts, or is held by United States in trust for them does not authorize Indian communities to use fish-traps in Alaska waters in violation of Alaska Anti-Fish-Trap Conservation Law. Alaska Statehood Act, § 4, 48 U.S.C.A. preceding section 21; Conserve of United States, whose economic viability was solely dependent on fishing and canning operations, and District Court for District of Alaska denied villages an injunction prohibiting enforcement of a statute against them and villages intended seek review that judgment by Supreme Court, and almost one-third of fishing season had expired, and irreparable injury affecting Indian communities would be sustained if they were not permitted to engage in trap fishing, equity supported application for an order restraining United States and Governor and agents of Supreme Court, from interfering with villagers' attempts to erect, maintain and operate fish traps and to restrain enforcement of statute against them, and questions proposed to be presented to Supreme Court for review were of such significance and difficulty that without a substantial prospect they would command four votes for review. Alaska Statehood Act, § 4 et seq., 48 U.S.C.A. preceding section 21; c. 71, L.A.C. 1959. Const. Alaska, art. 12, § 12. Organized Village of Kake v. Egan, 80 S.Ct. 33. United States Alaska, 1959. Injunction "138, 48. Federal Courts "138.


ALASKA STATEHOOD ACT

Title 27.

Courts and judiciary—Continuation of actions

United States District Court for District of Alaska, in which defendant previously indicted in inferior court, was succeeded in prosecution for violation of territorial statute, under Act of Congress enacted to continue prosecution. United States v. Lyle, 313 F.2d 396, 115(2); D.Alaska, 1969. Criminal Law § 92

Note 28

ALASKA STATEHOOD ACT

Title 27.

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Note 28

§ 27.

Courts and judiciary—Continuation of actions

United States District Court for District of Alaska, in which defendant previously indicted in inferior court, was succeeded in prosecution for violation of territorial statute, under Act of Congress enacted to continue prosecution. United States v. Lyle, 313 F.2d 396, 115(2); D.Alaska, 1969. Criminal Law § 92

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Note 28
ALASKA STATEHOOD ACT


Where instructions were reduced to writing and sent to jury room and jury's copy was made part of record, it was not suggested that instructions read to jury differed in any respect from instructions sent to jury, defendant was not prejudiced by any error trial court committed in failing to record and transcribe reading of jury instructions at his 1959 trial before federal territorial court sitting as interim court. Alaska Statehood Act, § 21; 28 U.S.C.A. § 753(b); Rules App. Proc., Rule 210(k). Marrone v. State, 653 P.2d 672. Alaska App., 1982. Criminal Law = 172(15).

Neither state courts nor federal court for district of Alaska having been organized when post-statehood action on pre-statehood judgment was commenced, action was properly commenced in interim district court, and even though case was determined by judgment entered on date federal court for district of Alaska assumed its exclusively federal judicial jurisdiction, case was still “pending” then, for purposes of motions and appeals, pending removal having been filed, appeal was properly taken to Alaska Supreme Court, notwithstanding fact that action was one within original jurisdiction of federal court. Const. art. 4, § 2; Alaska Statehood Act, § 16, 48 U.S.C.A. preceding section 21; 28 U.S.C.A. § 1446; Laws 1959, c. 50, § 1. Theodore v. Zurich General Acc. & Liability Ins. Co., 364 P.2d 51. Alaska, 1961. Courts = 42(1).


31. — Interim courts, courts and jurisdiction


To insure timely appeal on constitutional question, where federal court for district of Alaska was 21/2 years in future, interim District Court was considered the highest court of Alaska, for purpose of appellate jurisdiction of federal Supreme Court, even though, before action was commenced, contingency had occurred conferring appellate jurisdiction on Alaska Supreme Court, and thereafter judges had been appointed and rules adopted, 28 U.S.C.A. § 1257(2); Alaska Statehood Act, §§ 12-18, 48 U.S.C.A. preceding section 23. Laws Alaska 1959, c. 50, §§ 31(2), 32(4) as amended by Laws Alaska 1959, c. 151, § 1; c. 50, § 32(3); Const.Alaska, art. 4, §§ 1, 2; art. 15, §§ 17, 25. Metlakatla Indian Com. v. Government of the United States, 304 P.2d 1321. U.S.Alaska, 1960. Federal Courts = 501.


32. — Federal courts and jurisdiction, courts and judiciary

Alaska Statehood Enabling Act provisions transferring to federal district court for Alaska actions that were pending in territorial court at time of statehood, but continuing the territorial court until District Court was prepared to assume its functions, did not authorize transfer to District Court of prosecution begun by indictment in territorial court after statehood, and hence District Court had no jurisdiction to continue prosecution after termination of territorial court, and better practice would have been to reinstate defendant. Alaska Statehood Act, §§ 1 et seq., 15, 18, 48 U.S.C.A. preceding section 21. Wooring v. State, 308 P.2d 308. C.A.9.Alaska, 1962. Criminal Law = 101(1).


33. — Appeals, courts and judiciary


United States District Court for the District of Alaska having continued federal jurisdiction over criminal cases arising under laws of United States during three-year transitional period when Alaska advances from territory to full state status or until President by executive order shall proclaim that the United

Under Alaska Statehood Act, which provided for remand of federal cases which had been appealed prior to statehood or in which final judgment had been rendered, to either federal or state court "as the case may require", remand should be to court where case should have been commenced, had state and federal judicial systems, existing after statehood, been in effect when suits were instituted. Alaska Statehood Act, § 14, 48 U.S.C.A. preceding section 21; 28 U.S.C.A. preceding section 23. Arctic Maid v. Territory of Alaska, 297 F.2d 28. C.A.9.Alaska, 1961. Federal Courts ⇒ 146


Where housing authority instituted condemnation proceedings, using declaration of taking and by motions attacking summons and sufficiency of complaint, Supreme Court in review of proceedings determined that authority had no right to use declaration and issued mandate directing trial court to take proceedings in conformity with opinion, trial court declined to dismiss action and owner petitioned for review, but property had been taken and buildings located thereon removed, so that any decision on balance of owner's motions would be fruitless, Supreme Court would direct dismissal of action. Alaska Statehood Act, § 16, 48 U.S.C.A. preceding section 23. Bridges v. Alaska Housing Authority, 352 P.2d 1118. Alaska, 1960. Eminent Domain ⇒ 263

Under the Alaska Statehood Act provisions by which appeal from District Court for Territory of Alaska in murder case was directed to Court of Appeals for Ninth Circuit and under which, in event of reversal, case would be remanded to state Supreme Court, it was intended that United States and state have concurrent interest and responsibility in such cases, and Alaska state court had jurisdiction to issue writ of habeas corpus. Alaska Statehood Act, §§ 14, 15, 16, 48 U.S.C.A. preceding section 23. Application of House, 352 P.2d 131. Alaska, 1960. Habeas Corpus ⇒ 612.1


Proclamation 3269
Admission of the State of Alaska into the Union

By the President of the United States of America
A Proclamation

WHEREAS the Congress of the United States by the act approved on July 7, 1958 (72 Stat. 339), accepted, ratified, and confirmed the constitution adopted by a vote of the people of Alaska in an election held on April 24, 1956, and provided for the admission of the State of Alaska into the Union on an equal footing with the other States of the Union upon compliance with certain procedural requirements specified in that act; and

WHEREAS it appears from information before me that a majority of the legal votes cast at an election held on August 26, 1958, were in favor of each of the propositions required to be submitted to the people of Alaska by section 8 (b) of the act of July 7, 1958; and

WHEREAS it further appears from information before me that a general election was held on November 25, 1958, and that the returns of the general election were made and certified as provided in the act of July 7, 1958; and

WHEREAS the Acting Governor of Alaska has certified to me the results of the submission to the people of Alaska of the three propositions set forth in section 8 (b) of the act of July 7, 1958, and the results of the general election; and

WHEREAS I find and announce that the people of Alaska have duly adopted the propositions required to be submitted to them by the act of July 7, 1958, and have duly elected the officers required to be elected by that act:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby declare and proclaim that the procedural requirements imposed by the Congress on the State of Alaska to entitle that State to admission into the Union have been complied with in all respects and that admission of the State of Alaska into the Union on an equal footing with the other States of the Union is now accomplished.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington at one minute past noon on this third day of January in the year of our Lord nineteen hundred and fifty-nine, and of the Independence of the United States of America the one hundred and eighty-third.

[Seal]

By the President:

Christian A. Herter,
Acting Secretary of State.
Treaty of Cession of 1867

Notes of Decisions

16. Submerged lands—In general


17. — Rivers and navigable waters, submerged lands


28. — Judicial jurisdiction, courts and judiciary

The Alaska Statehood Act (ASA) expressed Congressional intent to retain submerged lands underlying the waters of Glacier Bay in Alaska as part of a federal reservation, rebutting the presumption, under the equal footing doctrine and the Submerged Lands Act (SLA), that Alaska held title to those submerged lands; ASA clause directed transfer to Alaska of any United States property used for sole purpose of conservation and protection of Alaska's fisheries and wildlife as identified under three particular federal wildlife laws, but proviso after clause expressly stated that the transfer did not apply to lands withdrawn or otherwise set apart as refuges or wildlife reservations, and the submerged lands under Glacier Bay were set apart by the proclamations that created the Glacier Bay National Monument, which later became national park, which was created to preserve the nature and wildlife therein. Alaska v. U.S. (2005) U.S., 125 S.Ct. 2137, 545 U.S. 75, 162 L.Ed.2d 57, entered 126 S.Ct. 1014, 546 U.S. 413, 163 L.Ed.2d 995. Water Law ⇔ 2660