



April 7, 2010

House Judiciary Committee
House of Representatives
Alaska State Legislature
Juneau, Alaska

Dear Members of the House Judiciary Committee,

I have been asked to provide some background information on the copyright of the Alaska State Song and the unofficial verse by Carol Beery Davis held by the University of Alaska Foundation. I am pleased to do so. This information has also been shared with the office of Senator Menard.

The University of Alaska Foundation holds in trust, for the benefit of the university and the public, the copyright to the music and first verse of the Alaska Flag Song. The music and first verse were authored and generously donated to the university by Elinor Dusenbury and Marie C. Drake, and are presently recognized as the Alaska State Song.

The Foundation similarly holds in trust the copyright to the second verse of the Alaska Flag Song. That verse was authored and generously donated to the university by Carol Beery Davis, and is presently being considered by the Legislature for recognition as a second verse of the Alaska State Song.

The University and Foundation have been honored to protect these works for public, non-profit use as the state song, and as trust properties for the benefit of the university. The Foundation is unaware of any effect on copyright ownership resulting from recognition of a work as the state song with the permission of the copyright holder, and likewise is unaware of any legal impediment to appending a verse to a work with the permission of the affected copyright holder. Thus the Foundation has no objection to recognition of the Carol Beery Davis verse as the second verse of the Alaska State Song, should the Legislature choose to do so.

In order to protect the copyrights, the Foundation asks that there be no alteration to the original texts, and that a notation appear on all copies of the state song produced for public use stating: "copyright University of Alaska Foundation, non-profit use permitted, all other rights reserved." We believe this puts issues of copyright protection squarely in the hands of the University of Alaska Foundation, thereby freeing the State of Alaska from any legal obligation resulting from such issues. Said statement also makes clear the verses are not in the public domain, a very important aspect of copyright protection.

Please contact me if you have any questions or concerns. 907-786-1373 or david.woodley@alask.edu.

Best Regard,

A handwritten signature in black ink, appearing to read "David Woodley".

David Woodley, Executive Director of
Advancement Services

I

THE ALASKA FLAG (Second Verse)

A native lad chose our Dipper's stars
for Alaska's flag that there be no bars
among our cultures. Be it known
through years our natives' past has grown
to share our treasures, hand in hand,
to keep Alaska our Great Land.
We love the northern midnight sky,
our mountains, lakes and the streams nearby;
Our Great North Star with its steady light
will guide our cultures clear and bright
with Nature's flag to Alaskans dear -
The simple flag of a Last Frontier.

Michael Rovito

From: Mary Rutherford [mary.rutherford@alaska.edu]
Sent: Thursday, February 18, 2010 2:37 PM
To: Michael Rovito
Subject: FW: AK Flag Song

Mike,

To follow up on our phone conversation:

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I hope this is helpful. Please let me know if I can be of any further assistance.

Mary

Sen. Linda Menard

From: CHANCELLOR'S OFFICE [aychanc@uaa.alaska.edu]
Sent: Friday, January 22, 2010 4:06 PM
To: Sen. Linda Menard
Subject: Alaska State Song

Dear Senator Menard,

I am delighted that you are proposing the second verse of the Alaska Flag song be adopted by the state as part of the official state song. I introduced that legislation many years ago; it passed the House but stalled in the Senate. I have long felt it important that both verses be sung on all occasions. Alaska Poet Laureate Carol Berry Davis wrote the second verse because she felt that the first verse did not recognize the contributions that Alaska Native people have made to our state. She asked me to introduce the bill, which I did and there were many people who supported it.

Years ago Carol Berry Davis gave the second verse to the University. I am not sure what rules might apply to the copyright. I am happy to have my staff look into this and help you with whatever contacts or permission is necessary in order to pursue this legislation.

Thank you so much for your work promoting the adoption of the second verse of the Alaska Flag song.

Best regards,
Fran Ulmer
Chancellor



Benny Benson chose the background color of the flag to represent both the blue sky and the forget-me-not. The Legislature later named the forget-me-not as the official State flower. This provides another symbolic link, one between the official State flag, the official song and the official flower.

Carol Beery Davis, a longtime Juneau resident and musician, wrote a second verse to the Alaska Flag song and gifted the words (protected by copyright) to the University of Alaska Foundation in February 1987. It has been unsuccessfully proposed as an addition to the official lyrics twice. The last time, in 2002, House Bill 285 sought to officially incorporate Davis' second verse into the Alaska state song. The bill passed the Alaska House, but it died in the Senate. Because of the copyright restrictions, it is not shown here. Instead, a link to it and more detailed information is provided at the bottom of the page

Source: Wikipedia

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Handwritten notes on a piece of paper, possibly a score or lyrics, with some dark markings.

Handwritten notes on a sheet of paper, appearing to be a musical score or lyrics, held up in the foreground.

