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
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United States, and any such claim shall be governed by the laws of the United States applicable thereto; and nothing in this Act is intended or shall be construed as a finding, interpretation, or construction by the Congress that any law applicable thereto authorizes, establishes, recognizes, or confirms the validity or invalidity of any such claim, and the determination of the applicability or effect of any law to any such claim shall be unaffected by anything in this Act: And provided further, That no taxes shall be imposed by said State upon any lands or other property now owned or hereafter acquired by the United States or which, as hereinabove set forth, may belong to said natives, 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. (Amended June 25, 1959, P.L. 86-70, § 2(a), 73 Stat. 141).

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: And 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-oyster 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 may be prescribed by the Secretary of the Interior, 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 un surveyed 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

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, and including any authority that may have been retained by the United States to modify the terms and conditions of 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 swampland 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>
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</thead>
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<tr>
<td></td>
<td></td>
<td>209</td>
<td>Yakutat Airport Addition</td>
<td>111</td>
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<tr>
<td></td>
<td></td>
<td>264</td>
<td>Bear Valley (Portage)</td>
<td>120</td>
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<td></td>
<td></td>
<td>284</td>
<td>Hyder-Fish Creek</td>
<td>61</td>
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<td></td>
<td>310</td>
<td>Elfin Cove</td>
<td>37</td>
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<td></td>
<td></td>
<td>384</td>
<td>Edna Bay Admin Site</td>
<td>37</td>
</tr>
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<td></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 proposed constitution of the proposed State of Alaska, ratified by the people at the election held on April 24, 1956, shall be deemed amended accordingly. In the event any one of the foregoing propositions is not adopted at said election by a majority of the legal votes cast on said submission, the provisions of this Act shall thereupon cease to be effective.

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 said 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 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,
jurisdiction by appropriate legislation, or as denying to persons now or hereaf-

forty, for the exercise by the Congress of the United

exclusive jurisdiction, in all cases, to the said State the right to serve civil or criminal process within the limits of the aforesaid park 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

savel further to the said State the right to tax persons and corporations, their franchises and property on the lands included in said park; and saving also to the persons residing now or hereafter in such area the right to vote at all elections held within the respective political subdivisions of their residence in which the park is situated.

Military, naval, etc., lands; civil and criminal jurisdiction

(b) Notwithstanding the admission of the State of Alaska into the Union, authority is reserved in the United States, subject to the proviso hereinafter set forth, for the exercise by the Congress of the United States of the power of exclusive legislation, as provided by article I, section 8, clause 17, of the Constitution of the United States, in all cases whatsoever over such tracts or parcels or land as, immediately prior to the admission of said State, are owned by the United States and held for military, naval, Air Force, or Coast Guard purposes, including naval petroleum reserve numbered 4, whether such lands were acquired by cession and transfer to the United States by Russia and set aside by Act of Congress or by Executive order or proclamation of the President or the Governor of Alaska for the use of the United States, or were acquired by

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 whatsoever 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:

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“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 termina-
tion 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 State 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."

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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.


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 reapp.
plication and claims subsequently filed by indi­
viduals to land covered by original applica­tion were therefore rejected. Alaska Statehood Act, § (6, g), 48 U.S.C.A. following § 3. Udall v. Kalerak, 396 F.2d 746. C.A.9,Alaska,1968. Public Lands =u 62

Where individual claimants had notice of Alaska's claim to lands which individual sought to claim, Secretary of Interior did not abuse his discretion in accepting Alaska's request to amend original application as a timely reassem­
blage of original application which had been filed at time lands had been withdrawn. Alaska Statehood Act, § (6b), 48 U.S.C.A. following § 3. Udall v. Kalerak, 396 F.2d 746. C.A.9,Alaska,1968. Public Lands =u 62

Where selection of government land was made in name of state and in so far as record showed it was not subject to any contract, conve­
yee or other transaction, there was no showing of a violation of prohibition against state's alienation of selected land. Alaska Statehood Act, § (6g), 48 U.S.C.A. following § 3. Udall v. Kalerak, 396 F.2d 746. C.A.9,Alaska,1968. Public Lands =u 62


Shore Space Restoration Order of 1935 wavin­
g, as regards land "situated on the Gastineau Channel and described as United States Survey No. 2136," the statutory prohibition on any homestead extending more than 160 rods along a navigable body of water was insufficient to estop Alaska from extinguishing title. Constitutional Law,aging, as regards land "situated on the Gastineau Channel and described as United States Survey No. 2136," the statutory prohibition on any homestead extending more than 160 rods along a navigable body of water was insufficient to estop Alaska from extinguishing title. Constitutional Law,§ 6(a), 48 U.S.C.A. preceding section 21. File v. State, 593 P.2d 268. Alaska,1979. Public Lands =u 142.2

4. Purposes for selection of lands provi­
s - Forest Service's interpretation 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, under which land grants were for purpose of furthering development of and ensuring economic and social well-being of new state. Alaska Statehood Act, § 6(a), 48 U.S.C.A. preceding section 21. File v. State, 593 P.2d 268. Alaska,1979. Public Lands =u 142.2

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 creation of trust and public lands. Alaska,1977. Public Lands =u 172


Specific purpose of Alaska Statehood Act sec­tion authorizing state to select up to 400,000 acres of land from national forests, with approval of Secretary of Agriculture, under which land grants were for purpose of furthering develop­
People of state of Alaska, in permitting Civil Aeronautics Board to regulate state’s interstate air commerce during period of transition from territory to state, by an arrangement which could be terminated by Alaska at any time it chose to act, surrendered no sovereignty, and statutory provisions permitting Board so to act were not unconstitutional. Alaska Statehood Act, § 6(d), 48 U.S.C.A. preceding section 21. Ketchikan Packing Co. v. Seaton, 267 F.2d 660, C.A.D.C., 1959. Statutes = 2195)(5).

In view of variety of federal interests and comprehensive scheme of regulation established by Congress, any ambiguity on question of survival of any regulatory interest inconsistent with substantive federal plan was to be resolved against state’s assertion of authority. Civil Aeronautics Board v. New England Fisherman’s Union, 369 U.S. 605, 82 S.Ct. 926, 8 L.Ed.2d 698. Note preceding § 21.

In view of variety of federal interests and comprehensive scheme of regulation established by Congress, any ambiguity on question of survival of any regulatory interest inconsistent with substantive federal plan was to be resolved against state’s assertion of authority. Civil Aeronautics Board v. New England Fisherman’s Union, 369 U.S. 605, 82 S.Ct. 926, 8 L.Ed.2d 698. Note preceding § 21.

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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 foreclose mineral in character at time of State selection; case was one of public significance where plaintiffs could maintain declaratory action for declaratory judgment that right or equitable claim subject to allowance and confirmation under the Alaska Statehood Act. Act July 7, 1958, § 6(b), 72 Stat. 339.


14. Waters and watercourses—Internal waters

Statehood Act at issue merely introduced Alaska into pre-existing legal framework. ACOG held to be pre-existing legal scheme subject to legislative amendment. Section of Act using term “net” referred to Alaska’s status as separate federal land. State would have no authority to lease section of Alaska Statehood Act. Alaska v. State, 736 P.2d 324. Alaska,1987. Declaratory Judgment § 294


13. — Oil and gas leases, mining and mineral rights

Alaska’s ownership of oil and gas that were subject matter of “Alaska Hire” law did not constitute sufficient justification for law’s discrimination against nonresidents where right of law included employers who had no connection with state’s oil and gas, performed no work on state land, and had no contractual relationship with state and received no payment from state and coverage of law was not limited to activities connected with extraction of Alaska’s oil and gas. AS 38.40.101-38.40.090, 38.40.050(a); U.S.C.A.Const. art. 4, § 2, cl. 1; Alaska Statehood Act, § 1 et seq., 60.60; 48 U.S.C.A. preceding section 21. Hickel v. Orbeck, 98 S.3d 2482, U.S.,1978. Constitution Law § 2953; Labor And Employment § 31.

Application for oil and gas lease on public land which was pending at time state took land pursuant to Alaska Statehood Act was not an existing claim in law within meaning of statute where charters of incorporation of Alaska’s oil and gas. AS 38.40.010-38.40.090, 38.40.050(a); U.S.C.A.Const. art. 4, § 2, cl. 1; Alaska Statehood Act, § 1 et seq., 60.60; 48 U.S.C.A. preceding section 21. Hickel v. Orbeck, 98 S.3d 2482, U.S.,1978. Constitution Law § 2953; Labor And Employment § 31.

Coalition of environmental, Native, and fishing groups had standing as taxpayer-citizens to maintain action for declaratory judgment that expenses incurred by applicant in support or defense of his application for oil and gas lease on public land did not establish existing valid or equitable claim to lease.
ALASKA STATEHOOD ACT

Even if boundary selected for purposes of enforcing fish and wildlife regulations coincided with an intended assertion of territorial sovereignty over lower waters of the Inlet, historic title to the lower bay was not established in the period of United States sovereignty, notwithstanding failure of foreign nations to protest; consequently, the enlarged field and change in fishing regulations in the inlet in the territorial period did not sufficiently inform foreign governments of the United States' claim so as to constitute recognition and, hence, failure of foreign government to protest was inadequate proof of their acquiescence in claimed territorial sovereignty over Cook Inlet and the harbor, as well as adjacent submerged lands, prior to statehood; since the exercise of sovereignty over Cook Inlet as an inland body of water was necessary to establish a claim to such submerged lands, the acquiescence of foreign powers was necessary to prove claim of ownership over Cook Inlet as an inland body of water; the conflict between the United States and the Russian Empire over control of Cook Inlet was viewed, it could not be concluded that 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.

ALASKA STATEHOOD ACT


15. Riverbeds, waters and watercourses


Title to beds of navigable inland waterbodies in Alaska passed from the United States to Alaska 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. Alaska v. U.S., DeAlaska 1987, 662 F.Supp. 455, affirmed 891 F.2d 1401, certiorari denied 110 U.S. 959, 59 S.Ct. 11, 109 L.Ed.2d 312.

Navigable Waters 36(1) Navigable Waters 36(1)

Submerged lands—In general


Note 14

Note 17

ALASKA STATEHOOD ACT

Arrangement between common carrier by water and motor carriers whereby motor carrier picked up cargo at shipper's premises and delivered it to pier for loading and shipment to various ports and motor carrier issued through bills of lading in its name covering entire journey up to final delivery and charged for full journey was "through route" and "joint rate" arrangement and rates were subject to Interstate Commerce Commission jurisdiction, Shipping Act, 1916, § 144, 46 U.S.C.A. §§ 801-842; Shipping Act, 1952, §§ 1-8, 2, 46 U.S.C.A. §§ 843-848, 844; Interstate Commerce Act, §§ 1-323, 216(c), 305(b), 49 U.S.C.A. §§ 901-923, 316(c), 905(b), Alaska Statehood Act, § 21, Alaska S.S. Co. v. Federal Maritime Commission, 399 F.2d 623, 8 C.A.9, 1968, Commerce § 19.5.18

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 because of jurisdiction, where no further construction would take place until Congress resolved certain problems and legality of the permit might become moot if the federal permit taxation area could validly acquire the land under Alaska Statehood Act, 16 U.S.C.A. §§ 497, 497a, 551; Act July 7, 1958, 72 Stat. 479, 539. 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 concurrently; and Secretary reasonably read words "under existing laws" in Westland proviso as including ordnance and regulations covering aboriginal fishing rights held and reserved for Indians under treaty with United States § 21732(a, b); Alaska Statehood Act, § 4, 48 U.S.C.A. 901 et seq., 1009. Alaska Native Claims Settlement Act, § 2-31, 43 U.S.C.A. § 1001-1028, Alaska Statehood Act, § 4, 48 U.S.C.A. preceding section 21, People of South Naknek v. Bristol Bay Borough, 466 F.Supp. 870, D.A. Alaska, 1979. Taxation § 3063

22. Aboriginal rights—In general


Statehood Act must be construed as barring approval of state selections by the Secretary of Interior which involve land within the “absolute jurisdiction and control of the United States” any lands “the right or title to which” was held by Alaska natives or held by tribes in possession of such lands. Alaska Statehood Act, §§ 4, 6(a, b, g) as amended 48 U.S.C.A. preceding section 21. Edwardsen v. Morton, 369 F.Supp. 1359. D.D.C.1973. Indians ≈ 171


Submerged lands, aboriginal rights

Provision of Alaska Statehood Act is disclaiming all submerged lands which “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. Ahtna, Inc., C.A.9 1985, 766 F.2d 1406 certiorari denied 110 S.Ct. 1949, 495 U.S. 919, 109 L.Ed.2d 312. Navigable Waters 361(Navigable Waters ≈ 361)

Statehood Act retained sufficient to support standing of environmental groups challenging Bureau of Land Management policy excluding submerged lands from amount of acreage charge against Alaska's entitlement, and Alaska natives' entitlement, could occur before total number of acres conveyed exceeded statute's granted limit, over-erection and prioritization scheme significantly affected future of natural resources the group sought to conserve for their recreational use. Alaska Statehood Act, § 1 et seq., 48 U.S.C.A. prec. § 21; Alaska National Interest Lands Conservation Act, § 906(e), 43 U.S.C.A. § 1635(e). Wilderness Soc. v. Griles, 824 F.2d 4, 113 F.2d 189 Analysis and Procedure ≈ 668. United States ≈ 113
ALASKA STATEHOOD ACT

25. — Hunting and fishing, aboriginal rights

Word "absolute" in section of Alaska Statehood Act by which Alaska disclaimed all rights and title to and United States retained absolute jurisdiction and control over any lands or other property, including fishing rights, held by any Indian, Eskimo, Aleut or any Indians, Eskimos, Aleuts held by United States in trust for such natives means undiminished and not exclusive. Alaska Statehood Act, § 4, 48 U.S.C.A., preceding section 21; Metlakatla Indian Community, Annette Islands Reserve v. Egan, 82 S.Ct. 552, 4 U.S. Alaska, 1962. Indians § 360


Environmental groups, contesting Bureau of Land Management policy excluding submerged lands from amount of acreage chargeable against proceeds to state and native groups and seeking to protect their interests in enjoying "natural, scenic, historic [and other] values" of Alaskan wilderness, were within "zone of land transferred from federal government to Alaska to disclaim all right and title to and United States took any lands or other property, including fishing rights, held by any Indians, Eskimos, Aleuts or any Indians, Eskimos, Aleuts held by United States in trust for such natives means undiminished and not exclusive. Alaska Statehood Act, § 4, 48 U.S.C.A., preceding section 21; Organized Village of Kake v. Egan, 82 S.Ct. 562. U.S. Alaska, 1962. Indians § 363; Indians § 360


ALASKA STATEHOOD ACT

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Section of Alaska Statehood Act providing for conveyance of United States properties used for sole purpose of conservation and protection of fisheries and wildlife of Alaska contemplated were not permitted to engage in trap fishing, equity supported application for an order restraining Alaska and its Governor and agents of Supreme Court from interfering with fishing communities' attempts to erect 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 scientific and definitive nature that the Supreme Court would have command four votes for review. 48 U.S.C.A. §§ 221, 222; Alaska Statehood Act, § 1 et seq., 48 U.S.C.A. preceding § 21; c. 95. Organized Village of Kake v. Egan, 82 S.Ct. 562. U.S. Alaska, 1962. Fish § 363; Fish § 364

Where Secretary of Interior, in promulgating regulations according Metlakatla Indian Community rights to erect and operate salmon traps in waters surrounding Annette Islands, acted under White Act and Alaska Statehood Act, neither of which authorized his action, instead of exercising discretion under which United States Supreme Court would vacate judgment of Alaska Supreme Court adverse to Metlakatla Indian Community, the Annette Islands Refuge was closed to give ample opportunity for Secretary of Interior with all due regard to the statute, and also any lands or other property including fishing rights, which may be held by any Indians, Eskimos, or Aleuts, or is held by United States in trust for natives protects not...
Section 1 of Article III of the federal Constitution relates only to federal courts and does not confer on the state courts of any state power of review and control over the state courts of another state.


Functioning courts in Alaska after proclamation of statehood in 1959 continued to function under the territorial constitutional and statutory laws which had been enacted by the Territorial Legislature and under the Constitutional Law § 4535. Judges ¶ 7; Federal Courts ¶ 1023.


In prosecution for violation of state law, state courts of the United States have concurrent jurisdiction over state law violation because the state courts of the United States have concurrent jurisdiction over state law violation as a result of acts of Congress.


In prosecution for violation of state law, state courts of the United States have concurrent jurisdiction over state law violation because the state courts of the United States have concurrent jurisdiction over state law violation as a result of acts of Congress.


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ALASKA STATEHOUSE ACT

Interim courts, courts and judiciary

31. Interim District Court

The interim District Court was created by the Alaska Statehood Act of 1959 to assume the jurisdiction of the old territorial courts. Its jurisdiction included all cases other than those that were specifically assigned to the United States District Court for Alaska. The interim District Court sat for a period of two years, until the newly created United States District Court for Alaska assumed its functions.

ALASKA STATEHOUSE ACT

Federal courts

32. Federal courts and jurisdiction

Federal courts in Alaska were established by the Alaska Statehood Act of 1959. They included the United States District Court for Alaska, which had jurisdiction over all cases arising under federal law, and the United States Court of Appeals for the Ninth Circuit, which had appellate jurisdiction over the District Court. The District Court had original jurisdiction over all cases arising under federal law, as well as diversity jurisdiction over cases where the amount in controversy exceeded $75,000.

Note 28


Congress did not reject Alaska's proposal to use federal courts until its own were organized by requiring that such courts be in use for three years unless President sooner proclaimed that United States District Court for District of Alaska was prepared to assume its functions. Alaska Statehood Act, § 18, 48 U.S.C.A. preceding § 21; A.C.L.A.Supp. § 52A-1-31. Hobbs v. State, 359 P.2d 956, Alaska,1961. Courts env. 42(1).


29. Territorial courts, courts and judiciary

Segregation of judicial territorial court records did not occur in the manner provided for in the Alaska Statehood Act, and while the Alaska Archives and Records and the National Archives took notice of arrangements made in agreement that it would be impractical to do so at this time, some type of agreement should be determined to preserve permanent disposition. Alaska Opin. 1961-93-0507, (March 10, 1994 WL 106740).

30. Transition, courts and judiciary

Alaska Enabling Act contemplated, for period of three years or less, that old territorial court would perform as here, handing state cases as well as federal cases, as well as other cases, as the United States District Court, § 1 et seq., 48 U.S.C.A. preceding section 21. Mahlum v. Carlson, 304 F.2d 285. C.A.9.Alaska,1962. Federal Courts env. 146.

Provision in Alaska Enabling Act that territorial court was to continue on for three years or less to adjudicate pending federal cases was constitutional as to all cases other than criminal cases pending on date Alaska became a state. Alaska Statehood Act, § 1 et seq., 48 U.S.C.A. preceding section 21. Mahlum v. Carlson, 304 F.2d 285. C.A.9.Alaska,1962. Federal Courts env. 146.


Court of Appeals would take judicial notice that, on date Alaska's statehood became effective, there was much concern throughout Alaska though it was necessary for him to appeal to Supreme Court of Alaska rather than to Court of Appeals for Ninth Circuit, acting as intermediate appellate court. Alaska Statehood Act, §§ 12(e), 15, 48 U.S.C.A. preceding § 21; A.C.L.A.Sup. § 52A-1-31. Hobbs v. State, 359 P.2d 956, Alaska,1961. Constitutional Law env. 4765; Courts env. 42(1).

32. Federal courts and jurisdiction

Alaska Statehood Enabling Act provisions transferring to federal district court for Alaska cases that the interim District Court for Alaska could have heard at time of statehood, but continuing the territorial court until District Court was prepared to function, 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 reinstitute defendant. Alaska Statehood Act, §§ 1 et seq., 15, 18, 48 U.S.C.A. preceding section 21. Woodring v. U.S., 308 C.A.9.Alaska,1962. Criminal Law env. 101(1).


To assure timely appeal on constitutional question, when Federal Supreme Court was to continue on for three years or less, that old territorial court would perform as here, handing state cases as well as federal cases, as well as other cases, as the United States District Court, § 1 et seq., 48 U.S.C.A. preceding section 21. Mahlum v. Carlson, 304 F.2d 285. C.A.9.Alaska,1962. Federal Courts env. 146.

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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. 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, owner challenged right to use such by motion to strike 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.

West's
ALASKA STATUTES ANNOTATED

Treaty of Cession of 1867

Notes of Decisions

In general

Alaska Statehood Act

Notes of Decisions

16. Submerged lands—In general

17. — Rivers and navigable waters, submerged lands