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
United States, and any such claim shall be governed by the laws of the United States applicable therein; 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 hereinafore 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
ALASKA STATEHOOD ACT

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 that remains outstanding on the effective date of the patent, including the right to all rentals, royalties, and other payments accruing after that date under 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: Provided, That nothing herein contained shall affect the continued validity of any such lease, permit, license, or contract or any rights arising thereunder. Where only a portion of the lands subject to a lease, permit, license, or contract are selected, there shall be reserved to the United States the mineral or minerals subject 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></td>
<td></td>
<td>209</td>
<td>Yakutat Airport Addition</td>
<td>111</td>
</tr>
<tr>
<td></td>
<td></td>
<td>264</td>
<td>Bear Valley (Portage)</td>
<td>120</td>
</tr>
<tr>
<td></td>
<td></td>
<td>284</td>
<td>Hyder-Fish Creek</td>
<td>61</td>
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<tr>
<td></td>
<td></td>
<td>310</td>
<td>Elfin Cove</td>
<td>37</td>
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<tr>
<td></td>
<td></td>
<td>384</td>
<td>Edna Bay Admin Site</td>
<td>37</td>
</tr>
<tr>
<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 section and any subsequent 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 \(\text{(date of approval of this Act)}\), 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 \(\text{(date of approval of this Act)}\) 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 and laws of the proposed State of Alaska specified in section 7 shall be submitted to the electors qualified to vote thereon, and if adopted by a majority of the legal votes cast on said submission, the proposed constitution and laws of said State shall be deemed to have the same force and effect within said State as if enacted by the Territorial legislature of Alaska. The Governor of Alaska shall certify the results of said 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 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 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 Kuskokwim River 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
jurisdiction by appropriate legislation, or as denying to persons now or hereafter limiting the exclusive jurisdiction established in the United
the President.
Alaska by any other provision of law, or as continuing in effect laws relating to
property on the lands included in said park; and saving also to the persons
prosecutions for or on account of rights acquired, obligations incurred, or
prescribed by the
shall be exercised by the United
section the right to vote at all elections held within the political subdivisions as
forth, for the exercise by the Congress of the United
powers of exclusive
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.

Mount McKinley National Park

Sec. 11. (a) Nothing in this Act shall affect the establishment, or the right,
ownship, and authority of the United States in Mount McKinley National
Park, as now or hereafter constituted; but exclusive jurisdiction, in all cases,
shall be exercised by the United States for the national park, as now or
hereafter constituted; saving, however, to the State of Alaska 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 in said State, but outside of said park; and saving 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
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

(e) Nothing contained in subsection (d) of this section shall be construed as
limiting the exclusive jurisdiction established in the United States by subsection
(c) of this section or the authority of the Congress to implement such exclusive jurisdiction by appropriate legislation, or as denying to persons now or hereafter residing within any portion of the areas described in subsection (b) of this section the right to vote at all elections held within the political subdivisions as prescribed by the State of Alaska where they respectively reside, or as limiting the jurisdiction conferred on the United States District Court for the District of Alaska by any other provision of law, or as continuing in effect laws relating to the Legislature of the Territory of Alaska. Nothing contained in this section shall be construed as limiting any authority otherwise vested in the Congress or the President.

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;
(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 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 States court 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 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.”

Repeal

Sec. 20. Section 2 of the Act of October 20, 1914 (38 Stat. 742; 48 U.S.C., sec. 433), is hereby repealed.

Sec. 21. Immigration and nationality. Nothing contained in this Act shall operate to confer United States nationality, nor to terminate nationality heretofore lawfully acquired, nor restore nationality heretofore lost under any law of the United States or under any treaty to which the United States may have been a party.

Sec. 22. Section 101(a)(36) of the Immigration and Nationality Act (66 Stat. 170; 8 U.S.C., sec. 1101(a)(36)) is amended by deleting the word “Alaska,”.

Sec. 23. The first sentence of section 212(d)(7) of the Immigration and Nationality Act (66 Stat. 188, 8 U.S.C., sec. 1182(d)(7)) is amended by deleting the word “Alaska,”.

Sec. 24. Nothing contained in this Act shall be held to repeal, amend, or modify the provisions of section 304 of the Immigration and Nationality Act (66 Stat. 237, 8 U.S.C., sec. 1404).

Sec. 25. The first sentence of section 310(a) of the Immigration and Nationality Act (66 Stat. 239, 8 U.S.C., sec. 1421(a)) is amended by deleting the words “District Courts of the United States for the Territories of Hawaii and Alaska” and substituting therefor the words “District Court of the United States for the Territory of Hawaii”.

Sec. 26. Section 344(d) of the Immigration and Nationality Act (66 Stat. 265, 8 U.S.C., sec. 1455(d)) is amended by deleting the words “in Alaska and”.

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."

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.

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; 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 people, Alaska surrendered control of United States as trustee and paramount interest in other lands in United States for itself. Alaska did not waive bar of this act, as it did 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. Hegge, D.C. Alaska 1976, 424 F. Supp. 433, Fed. Courts 319. Federal Courts 319.

3. Selection of lands—In general
Native village corporation created under Alaska Native Claims Settlement Act was entitled to select for ownership lands that the state of Alaska had selected earlier pursuant to the Alaska Statehood Act of all rights to lands held by natives or by the state of Alaska at some time under Statehood Act but at time of filing land had been withdrawn from appropriation, and, during preferential period Alaska filed request that its initial selection of the disputed lands only be permitted to, the state under the Alaska Statehood Act. Tyonek Native Corp. v. Secretary of Interior, C.A.D.C., 1978. United States 1113.


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 preferential period Alaska filed request that its original application be amended to include additional lands, amendments amounted to reap-

Note 3

Possibility that the State of Alaska at some later time might, under the Alaska Statehood Act, seek to have land patented to it that would otherwise be claimed by the state of Alaska, Alaska Native Claims Settlement Act 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., 48 U.S.C.A. § 1601 et seq.; Alaska Statehood Act, § 1 et seq., 6(a, b), 48 U.S.C.A. preceding section 21. Konig, Inc. Village of Uyk v. Andrus, 580 F.2d 601. C.A.D.C., 1978. United States 1113.


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 preferential period Alaska filed request that its original application be amended to include additional lands, amendments amounted to reap-

Note 4
plication and claims subsequently filed by indi­
viduals to lands covered by original application
were properly rejected, Alaska Statehood Act,
§ 6(g), 48 U.S.C.A. following § 3. Udall v.
lic Lands ≈ 62.

Where individual claimants had noticed of
Alaska’s claim to lands which individual sought
to claim, Secretary of Interior did not abuse his
discretion in refusing to amend original applica­
tion and claims subsequently filed by time
that lands had been withdrawn. Alaska State­
hood Act, § 6(b), 48 U.S.C.A. following § 3.
ka,1968. Public Lands ≈ 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,
conveyance or other transaction, there was no
showing of a violation of prohibition against
state’s alienation of selected land. Alaska
Statehood Act, § 6(g), 48 U.S.C.A. following § 3.
ka,1968. Public Lands ≈ 62

Note 3

ALASKA STATEHOOD ACT

Provision of Alaska Native Claims Settlement
Act extinguishing all claims based upon
that extinguishment and others that are based on
claims of aboriginal title extinguishes trespass
claims based on aboriginal title and is not limited
to claims for conveyance of specific parcel of
land; hence, provision extinguished native
claims against State of Alaska and private
parties for trespass on aboriginal title lands prior
to extinguishment of that title; passage of State­
thood Act was located on shoreline, so as to entitle
homesteader to accreted land, in view of con­
struction extending more than 160 rods along
a navigable body of water was insufficient to
establish by operation of Constitutional Law
survey was located on shoreline, so as to entitle
homesteader to accreted land, in view of con­
troversy evidence that survey line paralleling the
shoreline was not true, from true, from true line;
therefore, the State of Alaska was entitled to
select the accreted lands pursuant to the Alaska
Statehood Act. Alaska Statehood Act, § 1 et
≈ 142.2

Provision of Alaska Native Claims Settlement
Act that prior conveyances of public land pursu­
tant to federal law as well as tentative approvals
pursuant to Statehood Act are to be regarded as
an extinguishment of any aboriginal title thereto
retroactively extinguished aboriginal title as of
date of prior conveyances or tentative approval
of state land under Statehood Act and did not
merely validate prior federal convey­
ances and tentative land selection approvals as
of effective date of Settlement Act; also, Act
extinguished aboriginal title and native
claims as of its effective date. Alaska
Native Claims Settlement Act, §§ 2 et seq., 4(a, b),
43 U.S.C.A. §§ 1601 et seq., 1603(a, b);
Alaska Statehood Act, § 6(g), 48 U.S.C.A.
preceding section 21. U.S. v. Atlantic Richfield
Lands ≈ 3

52

53
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 219(5).


9. Lawyers


10. Mining and mineral rights—In general

Enforcement of fishing and wildlife regulations under various federal statutes and executive order during period of United States sovereignty over Territory of Alaska was not sufficient to establish historic title to lower Cook Inlet as inland water, especially since it appeared that the geographic scope of such statehood was determined primarily if not exclusively, by the needs of effective management of the fish and game population involved, rather than as an intimated assertion of territorial sovereignty to exclude all foreign vessels and navigation. Submerged Lands Act, §§ 2-8, 43 U.S.C.A. § 23. Alaska Statehood Act, § 1539(e)(1); Alaska Statehood Act, § 1371; Alaska Native Claims Settlement Act, § 220, 43 U.S.C.A. § 1621(b). State v. Lewis, 559 P.2d 630. Alaska, 1977. Statutes 82.


Note 11
Congress give its consent to a change in its terms, not that there be a state constitutional amendment. Const. art. 8, § 9; art. 2, § 13; Alaska Statehood Act, § 8(b), 42 U.S.C.A. precd. § 21. Alaska, 1977. Mines And Minerals § 4; States § 4.19

12. Mineral leases, generally, mining and mineral rights

Effect of state law governing distribution to Territory of Alaska of proceeds of federal mineral leases and section of Alaska Statehood Act governing same was to make terms of Mineral Leasing Act (43 U.S.C. § 1701 et seq.) applicable to Alaska on same terms as to other states; straightforward reading of Statehood Act was a device to put Alaska in same position as other states with respect to distribution of such proceeds, neither Act nor MLA specifically required federal government to lease mineral deposits, Act did not specifically promise that royalties due to state would always be calculated in same way, Cong. retained power to amend MLA to change distribution formula applicable to all states, Congress of Interior had not been meant as literal promissory or statutory constructu

Section of Alaska Statehood Act governing distribution to state of proceeds of federal mineral leases carried with it no promise on part of United States to make federal mineral lands productive of royalty revenues for state; section at issue contained no express substantive obligation to which implied obligation of good faith and fair dealing might attach, and did not create non-participating royalty interest on part of state, see Pacific Tucker v. State of Alaska v. U.S., 35 Fed.Ci.685. Fed.Ci.1996. Mines And Minerals § 5.1(8)

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

Alaska's ownership of oil and gas that were subject matter of "Alaska Hire" in 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 38.40.010-38.40.090, 38.40.050(a); U.S.C.A.Const. art. 4, § 2, cl. 1; Alaska Statehood Act, § 6(e), 48 U.S.C.A. § 21. Trustees for Alaska v. State, 736 P.2d 324. Alaska, 1987. Mines And Minerals § 5.1(7)

Because Alaska's mineral leases do not require rents or royalties, in that value of required annual labor may be credited against rental, State of Alaska had hard task in meeting mineral leasing requirement of Alaska Statehood Act. Alaska Statehood Act, § 6(e), 48 U.S.C.A. § 21; AS 38.05.185, 38.05.205, 38.05.205(b), 38.05.210. Trustees for Alaska v. State, 736 P.2d 324. Alaska, 1987. Mines And Minerals § 5.2(1)

Application for oil and gas lease on public land which was pending at state time took land pursuant to Alaska Statehood Act was not an existing claim in law within meaning of taking of land. Alaska 736 P.2d 324. Alaska, 1987. Mines And Minerals § 5.2(1)

Note 14

14. Waters and watercourses—Internal waters

Where at time federal oil and gas lease of Alaska land was subject to lease was accepted renewal right to five year extension of lease had been subject to change by law at any time prior to expiration of initial term, lease's assignee after expiration of initial term and after passing of change law respecting extension became vested in state of Alaska was enti
tled only to line as extension as provided by state regula
in Alaska passed from the United States to Alaska.


In specific of congressional action to constitute riverbeds, waters and watercourses in Alaska which 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 Statehood Act, §§ 2, 6(m), 8(b), 48 U.S.C. note preceding § 21; Submerged Lands Act, § 2(c), 3, 4, 9, 43 U.S.C.A. §§ 1301(c), 1302, 1311, 1312, 1313(c); Outer Continental Shelf Lands Act, § 3, 43 U.S.C.A. § 1332. U.S. v. State of Alaska, 236 F.Supp. 388. D. Alaska, 1964.

16. Submerged lands—In general


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. Submerged Lands Act, § 2(b), c), 3(a), 43 U.S.C.A. §§ 1301(b), c), 1311(a); Alaska Statehood Act, §§ 2, 6(m), 48 U.S.C.A. preceding section 21. U.S. v. Alaska, 95 S.Ct. 2240. U.S. Alaska, 1975. Navigable Waters § 36(1)

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Even if boundary selected for purposes of enforcing fish and wildlife regulations coincided with an intended assertion of territorial sovereignty over the waters of the inlet, the title to the lower bay was not established in the period of United States sovereignty, notwithstanding failure of foreign nations to protest; consequently, the United States was entitled to exercise regulations in the inlet in the territorial period did not sufficiently inform foreign governments of United States' intention so as to acquire title by prescription and, hence, failure of foreign government to protest was inadequate proof of their acquiescence in claimed territorial sovereignty. United States v. Alaska, 95 S.Ct. 2240. U.S. Alaska, 1975. United States § 2


For Alaska to establish historic title to Cook Inlet as inland waters, the exercise of the claimed sovereignty must have been, historically, an exercise of federal 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 the then common Cannon 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; United States v. Alaska, 95 S.Ct. 2240. U.S. Alaska, 1975. Navigable Waters § 36(1)

Since general enforcement of fishing regulations in Cook Inlet or the United States during its sovereignty over Territory of Alaska was insufficient to demonstrate sovereignty over the inlet as inland waters, Alaska's following the same enforcement pattern was insufficient to give rise to historic title to the inlet as inland waters. 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. U.S. v. Alaska, 95 S.Ct. 2240. U.S. Alaska, 1975. Navigable Waters § 36(1)

Submerged lands—In general


In absence of any actual enforcement or official announcement of intent to exercise historic title, the internationa l fishing regulations in the inlet were 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; U.S.C.A.Const. art. 3, § 2, cl. 2; Alaska Statehood Act, § 6(m), 48 U.S.C.A. preceding section 21. U.S. v. Alaska, 95 S.Ct. 2240. U.S. Alaska, 1975. Navigable Waters § 36(1)

In absence of any actual enforcement or official announcement of intent to exercise historic title, the international fishing regulations in the inlet were 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; U.S.C.A.Const. art. 3, § 2, cl. 2; Alaska Statehood Act, § 6(m), 48 U.S.C.A. preceding section 21. U.S. v. Alaska, 95 S.Ct. 2240. U.S. Alaska, 1975. Navigable Waters § 36(1)


17. Rivers and navigable waters, submerged lands

United States retained ownership of submerged lands within National Petroleum Reserve-Alaska at statehood; Executive Order of existence of Alaska did not include submerged lands, and Alaska Statehood Act reflected clear congressional statement that United States owned and would continue to own submerged lands. U.S. v. Alaska, 1975. Navigable Waters § 36(1)

Rivers was navigable at time of Alaska's statehood, and title to submerged lands passed to

18. Transportation by water


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Note 23


23. — Aboriginal lands, generally, aboriginal title

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 valid existing rights, such as leases issued under Statehood Act, was to protect rights and expectations of persons who previously reposed interest in the land pursuant to federal law; to hold such prior lessors, permittees or grantees liable for trespass for entries made prior to effective date of Settlement Act; to give the express purpose fully protecting rights of those who entered the North Slope in reliance on federal authorization. Alaska Native Claims Settlement Act, § 4 (a), (b), (c), (d); 43 U.S.C.A. §§ 1605(a), 1613(g); Alaska Statehood Act, § 6(g), 48 U.S.C.A. preceding section 21. U.S. v. Atlantic Richfield Co., 435 F.Supp. 1009. D.Alaska,1977. United States 105.
Note 23

Barrier lands. Under the Alaska Native Claims Settlement Act, 83 Stat. 5425, 43 U.S.C.A. § 1601 et seq., and the Alaska Native Claims Settlement Act of 1980, 25 U.S.C.A. § 1601 et seq., the federal government must, within a specified time period, complete the process of extinguishing the aboriginal rights of Alaskan natives in those areas where such rights were recognized in law. The federal government is required to take possession of such areas, to extinguish such rights, and to turn them over to the state of Alaska. The federal government is also required to pay compensation to the natives for the loss of such lands.

The Alaska Native Claims Settlement Act is a complex and controversial piece of legislation that has been the subject of much litigation and controversy. It is a testament to the complexity of the issues involved in resolving claims for indigenous land rights.

Note 24

Statehood. The Alaska Native Claims Settlement Act (ANCSA), 83 Stat. 5425, 43 U.S.C.A. § 1601 et seq., is a federal law that was enacted to settle claims to native land in Alaska. The act was signed into law by President Jimmy Carter in 1971 and took effect on January 1, 1972. The act was designed to provide a resolution to the long-standing dispute between the federal government and the Alaskan natives over the ownership of native land.

The act provides for the extinguishment of the aboriginal rights of Alaskan natives, the transfer of title to the state of Alaska, and the payment of compensation to the native claimants. The act also established the Alaska Native Claims Settlement Board to oversee the implementation of the act.

The act has been the subject of much controversy, with some native groups criticizing the amount of compensation they received and the timing of the transaction. The act has also been criticized for its failure to address the issue of sovereignty and self-government of the native peoples.

In recent years, there has been a resurgence of interest in the issue of self-determination and sovereignty for the native peoples of Alaska. This has led to renewed efforts to renegotiate the terms of the ANCSA and to explore other options for resolving the claims of native peoples.

Note 25

Provision of Alaska Statehood Act. Section 4 of the Alaska Statehood Act, 48 U.S.C.A. § 1603(a), provides that "the act may be cited as the Alaska Statehood Act and shall be known as the Alaska Statehood Act." The act was signed into law by President Jimmy Carter on July 7, 1959.

The act was designed to provide a resolution to the long-standing dispute between the federal government and the state of Alaska over the status of Alaska as a state. The act was intended to establish Alaska as a state and to provide a framework for the governance of the state.

The act provides for the admission of Alaska as a state, the creation of a state government, and the transfer of federal lands to the state. The act also establishes the Alaska State Legislature and grants the state certain powers and responsibilities.

The act has been the subject of much controversy, with some critics questioning the constitutionality of the act and the process by which it was enacted. The act has also been criticized for its failure to address the issue of sovereignty and self-government of the native peoples.

In recent years, there has been a resurgence of interest in the issue of self-determination and sovereignty for the native peoples of Alaska. This has led to renewed efforts to renegotiate the terms of the Alaska Statehood Act and to explore other options for resolving the claims of native peoples.
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only recognized Indian rights, taking of which would be compensable by United States, but broader class of rights, including, in case of Alaska land, mere possession or occupation, and any land or other property including fishing rights, which may be held by any Indian, Eskimos, or Aleuts, or is held by United States in trust for such natives means undiminished and not exclusive.


ALASKA STATEHOOD ACT


Not only may land held in trust for Alaskan natives under either the Native Townsite Act or Native Allotment Act not be taxed by state or local government, the exemption extends as well to housing and realty utilized in such land. 43 U.S.C. (1970 Ed.) §§ 270-1, 733; Alaska Native Claims Settlement Act, §§ 2-23, 43 U.S.C. §§ 1601-1628; 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.Alaska, 1979. Municipal corporations ⇔ 967(1); Taxation ⇔ 2063


Section 1 of Article III of the federal Constitution relates only to federal courts and thereby no merit to contention that Congress could not create courts within state other than in conformity therewith. Alaska Statehood Act, § 18, 48 U.S.C.A. preceding section 21; Laws Alaska 1959, c. 50, §§ 31(2); U.S.C. Const. art. 3, § 1, U.S. v. Egelak, 173 F.Supp. 206. D.Alaska, Terr. 2D, 1959. Courts ⇔ 42(1); States ⇔ 92

Federal State Bill specifying that sections respecting termination of jurisdiction of District Court for Territory of Alaska shall not be effective until three years after effective date of Statehood Act unless President, by executive order, shall sooner proclaim that United States District Court for District of Alaska is prepared to assume functions imposed on it, and during such three-year transitional period District Court for Territory of Alaska shall continue to function as heretofore, is not unconstitutional on ground that it violates constitutional provision giving federal judges right to hold office during good behavior. Prior to Alaska’s admission to the Union, no federal superior courts were created within its territorial limits, but Congress’s exercise of power to establish such courts was subject to the condition that they be established thereat by means of a federal statute. S.Ct. 2005, 163 L.Ed.2d 1023. Functioning courts in Alaska after proclamation of statehood are legislative in character. 48 U.S.C.A. §§ 101, 112; U.S.C. Const. art. 3, § 1; U.S. v. Starling, 171 F.Supp. 47. D.Alaska, Terr. 2D, 1959. Constitutional Law ⇔ 4595; Judges ⇔ 7; Federal Courts ⇔ 1023

State has been granted concurrent jurisdiction over naval petroleum reserve No. 4 until Congress enacts legislation to the contrary. AS 07.10.030(2); Alaska Statehood Act, 48 U.S.C.A. preceding section 21; Mobil Oil Corp. v. Local An­nek, 1023. D.Alaska, Terr. 2D, 1959. Courts ⇔ 42(1); States ⇔ 92

In prosecution for violation of state law, instituted and concluded before Alaska became a state but prior to organization of constitutional state court system, it was proper, under state constitution and under state law, for United States to have Superintendence in indictment and that prosecution be by the United States attorney. Const.Alaska, art. 15, § 17; Alaska Statehood Act, § 1, 48 U.S.C.A. preceding section 21; Laws Alaska 1959, c. 50, §§ 31(2) as amended by c. 151, § 2; A.C.A.1949, § 66-1-4; 48

No arbitrary reservation by Congress to President of jurisdiction determining when newly organized state courts could assert jurisdiction was involved in provision that interim courts should remain in use for three years unless President sooner proclaimed that United States District Court for 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. Constitutional Law § 2623; Courts § 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 and Records Administration are in agreement that it would be impractical to do so at this time, some type of agreement should be pursued to determine permanent disposition. Alaska Op.Atty.Gen. § 63-93-0507, (March 10, 1994) WL 106740.

30. Transition, courts and judiciary


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 state 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 § 146.


31. Interim courts, courts and judiciary


To insure timely appeal on constitutional question, where defendant in interim court on Alaska courts 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. Annette Island R. v. Egan, 80 S.Ct. 1321. U.S.Alaska, 1960. Federal Courts § 501.


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 trial before federal territorial court sitting as interim state court, Alaska Statehood Act, § 1 et seq., 48 U.S.C.A. § 21; 28 U.S.C.A. § 7530(b); Rules App.Proc., Rule 210(k). Merrone 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 action was determined by judgment entered on date United States federal court for District of Alaska assumed its exclusively federal jurisdiction, case was still "pending" then (because time for appropriate motions and appeal was not patience). No petition for 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 Alaska, c. 50, § 1. Theodore v. Zurich General Acc. & Liability Ins. Co., 364 F.2d 51. Alaska, 1961. Courts § 42(1).


Appeal jurisdiction for interim courts was eliminated by inadvertence and Congress did not thereby reject Alaska's offer or proposal to use federal judicial system, and only disadvantage which resulted was that, when defendant in state court was accused in federal court, defendant was liable for federal jurisdictional provisions that have been statutorily created. Mahlum, 304 F.2d 285. C.A.9.Alaska, 1962. Federal Courts § 146.


33. Appeals, courts and judiciary

Under Alaska Statehood Act, which provided that appeals taken to federal court at time of statehood, but continuing the territorial court until District Court was prepared to assume its 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 reinstate defendant. Alaska Statehood Act, §§ 1 et seq., 15, 18, 48 U.S.C.A. preceding section 21. Woodring v. United States, 308 C.A.9.Alaska, 1962. Criminal Law § 101(1).


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

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


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]

Dwight D. Eisenhower

By the President:

Christian A. Herter,
Acting Secretary of State.
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