SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

FROM: Supervisor Jeff Stone **SUBMITTAL DATE:** July 7, 2011

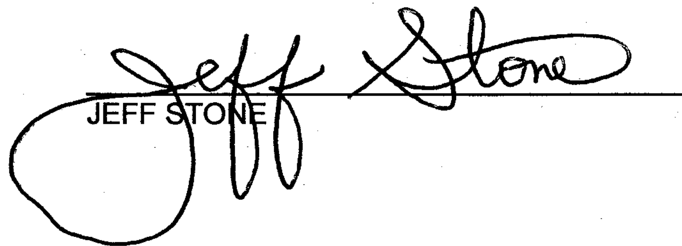
SUBJECT: STATE OF SOUTH CALIFORNIA NOW proposal (SOS NOW)

RECOMMENDED MOTION:

That the Board of Supervisors of Riverside County support a joint public meeting with the counties of Fresno, Imperial, Inyo, Kern, Kings, Madera, Mariposa, Mono, Orange, San Bernardino, San Diego and Tulare to discuss the continuing assault of the state on local government coffers and consideration of participating counties to de-annex from the State of California and form a new 51st State, South California.

BACKGROUND:
Local governments have been besieged by our dysfunctional State Legislature over the past decade robbing us of our traditional tax revenue streams to provide for state and federally mandated services and discretionary expenditures for public safety, not limited to but including the District Attorney, Sheriff, Probation, Public Defender, etc. After local governments have been cut to the bone, the State Legislature again passed a local government grab in their 2011-12 quasi balanced budget with the same old gimmicky and overstated revenue predictions that will not materialize. I have come to the conclusion that the State of California is too big to govern, that the political priorities of Southern California and Northern California are completely different.

(continue on next page)



JEFF STONE

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Stone, seconded by Supervisor Ashley and duly carried, IT WAS ORDERED that the above matter is approved as modified to include all Counties and Cities of the State of California and insure that no government funds or resources will be used and keep discussion of secession on agenda in the event consensus is not made.

Ayes: Buster, Stone, Benoit and Ashley
Nays: None
Absent: Tavaglione
Date: July 12, 2011
xc: Supvr. Stone

Kecia Harper-Ihem
Clerk of the Board
By:
Deputy

3.3

Note the following statistics providing fuel for support that a new state be considered by demising our existing state into two states:

1. **JOBS** - California ranks 50th of the 50 states as the non-business friendly state *(Best Worst States for Business Magazine, ChiefExecutive.net, May 3, 2011 by JP Donion)*. Following is a partial list of the medium to large businesses that have left or expanded out of our once golden state:

   Abraxis Health, Adobr Systems, Inc. Alza Corp., American AVK, American Racing, Apple Computer Audix Corporation, Apria Healthcare Group, Assurant Inc., Barefoot Motors Bazz Houston Co., Beckman Coulter, Bild Industries Inc., Bill Miller Engineering, Ltd. BMC Select , BPI Labs, Buck Knives, CalPortland Cement California Casualty Group, CalStar Products Inc., Checks To-Go, Chivaroli & Associates CoreSite, A Carlyle Company, Creel Printing , Dassault Falcon DaVita Inc. , Denny's Corp., Digital Domain, Ditech DuPont Fabros Technology, ebay, Inc., EDMO Distributors, Inc. Edwards Lifesciences, Electronic Arts, Inc., EMRISE Corp., Facebook FallLine Corporation, Fidelity National Financial, First American Corp., Fluor Corp. Foxconn Electronics, Fuel System Solutions, Gregg Industries, Hewlett-Packard Hilton Hotels Corp., Hino Motor Manufacturing USA, Intel Corporation, Intuit of Mountain View J.C. Penney , Kimmie Candy Co., Klaussner Home Furnishings, Knight Protective Industries Kulicke & Soffa Industries Inc., LCF Enterprises, Lennox Hearth Products Inc., Lyn-Tron, Inc. Mariah Power, Maxwell America, Miasolé, MotorVac Technologies Nissan North America, Northrop Grumman, One2Believe, Patmont Motor Werks, Inc. Paragon Relocation Resources, Pixel Magic, Plastic Model Engineering, Inc. Precor, Premier Inc., Pro Cal of South Gate, Race Track Chaplaincy of Amer., Red Truck Fire & Safety Co. SAIC, Scale Computing, Schott Solar Inc., SimpleTech Smiley Industries, Solaicx, SolarWorld, Special Devices Inc. StarKist , Stasis Engineering, Stata Corp., Tapmatic Teledesic, Telmar Network Technology Inc., Terremark, Terumo Cardiovascular Systems Toyota, True Games Interactive Inc., TTM Technologies, Understand.com US Press shifted, USAA Insurance, Yahoo and many more. http://thebusinessrelocationcoach.blogspot.com/2010/05/list-reaches-new-high-of-140-companies.html

   As a result of these 1000's of jobs leaving our state, those citizens waiting for this economic cycle to turn are in for a very big disappointment. When the economy stabilizes in the United States, the existing State of California will be at a loss of thousands of high paying jobs that have fled the state. It has been estimated that many business' can relocate to Texas and expect to save 20-40%! What will remain here is a "welfare state."

2. **Excessive and duplicative regulations** -The State of California has burdened business with excessive regulations causing many businesses to either "throw in the towel" or move to business friendly states. For example, why do we need California Environmental Quality Act (CEQA) when we have the federal equivalent of National Environmental Policy Act (NEPA), causing duplicative environmental review of projects in California?

3. **Over Taxation** - Many CEO's of companies have moved or expanded their businesses to tax friendlier States such as Texas, Nevada, Colorado, North and South Carolina to name a few. In Texas, there is no corporate or personal income tax which creates a huge incentive for wealthy entrepreneurs to create jobs in that state versus California.

4. **Full Time Legislature** - Why do we need legislators working full time earning $400 per day to enact more and more useless and costly laws and regulations? Prior to 1966, California functioned very well as a "part-legislature" when the State was home to aerospace, defense contractors, automobile manufacturers that have just about all fled the State!

5. **Pension Reform** – The pension obligation to California's 350,000 present employees and retirees is in the billions of dollars and is unsustainable! Instead of getting union concessions, Governor Jerry Brown, in another move to shower political favors on his union supporters, approved a 4% pay increase to our State prison guards with 8 weeks paid vacation and unlimited accumulated time and vacation buyouts! This means that retired prison guards can cash out at the end of their career with $200,000 to $300,000 of taxpayer money! Our illustrious Governor also approved a new budget robbing local government of their job creating redevelopment funds and re-directing them to schools with the caveat that teachers cannot be laid off! So much for local control by our elected Boards of Education!

6. **Automation** – The state is more interested in preserving antiquated jobs than using existing and emerging technologies to reduce costs and expedite services to the taxpayers. Why do we need 250 offices of the Department of Motor Vehicles? Why can't a citizen pay their fees online and renew their car registrations? Gas consumption and traffic loads would diminish and long waiting lines at DMV offices would disappear.

7. **Illegal Immigrants** - This is a huge cost for the taxpayers who are mandated to provide medical services, welfare services, pay the costs to incarcerate illegal immigrants, and due to recent legislation, subsidized tuition to illegal immigrants to our state colleges and universities while our taxpaying constituents pay the full share of their tuition.

Summary: For the aforementioned reasons, it is recommended that the 13 counties congregate a local government summit at the Riverside Convention Center to discuss our future as cities, counties, and state and come up with an action plan to address the impacts we all share and must continually endure.

Proposed suggestions to form a new state would embrace the following:

1. A new part-time legislature with emphasis on governing with more local control.
2. No term limits.
3. Members of the part-time legislature would receive a $600 per month stipend and no other financial benefits except travel expenses to the new state capitol. Legislation would occur for 3 months every two years and the new legislature would pass two year budgets.
4. The new constitution would have a balanced budget provision, wherein the legislature could not spend more than it takes in revenue.
5. The new constitution would mandate the same provisions of Proposition 13 and would protect local government's revenue from any state raids.
6. The new constitution would make it illegal to spend taxpayer money generated by South Californians on citizens not legally here in the United States.
7. A new State Capitol built for a part-time legislature.
8. Eliminate duplicative governmental agencies and fully automate government functions with the advances in technology, saving millions in taxpayer dollars and allowing government to work more efficiently.

FACTS:

1. The State of California was once the **4th** largest economy in the world, now struggling to be the 8th!
2. California's economic policies are **non-business friendly** have driven businesses, large and small, to other business friendly states, e.g. Texas, Nevada, Arizona, South Carolina, and others.
3. California remains over–regulated and attempts to lead a global effort by itself to reduce greenhouse gasses. This is a detriment to our local economy and creates an uneven playing field with other states that don't have such regulations or those states that do not support the weak science of "global warming."
4. California is not run by independent elected officials, but rather, by well financed unions selectively funding elected officials that will promote the best interest of their union employees over the best interest of the taxpayers. As a result, pension obligations are bankrupting our state, further jeopardizing our present and future financial fiscal health.
5. The state has not been able to govern politically for over a decade creating a state that is obviously **too big to govern**. Some state senators are representing larger populations than congressional house of representative office holders!
6. Our citizens are the **most taxed** of the 50 States and receive **less services** than most other States
7. It has been reported that up to 44% percent of Californians are on some form of government assistance. We have **30%** of the nation's welfare cases yet have only **12%** of the nation's population!
8. California, with its limited resources, gives benefits including in-state tuition to illegal immigrants minimizing the financial resources available for our legal resident taxpayers!
9. Once the darling of public education, we are now 49th of the 50 states in test scores, and yet we spend more on education than any other state!

10. The state legislature has raided the gas taxes (former Proposition 42) paid by our citizens, and used the monies to pay for non-infrastructure programs resulting in more crowded freeways, and crumbling infrastructure. Why does our state legislature continuingly enact legislation circumventing the will of the taxpayers? This must stop!

11. The state's recent budget action is balanced on the backs of local governments potentially causing many cities to become fiscally insolvent. This will have a ripple effect on the finances of their respective counties.

12. It is time to take corrective and decisive action!

Such a meeting would be coordinated by the Riverside County Executive office to be held at the Riverside Convention Center as soon as logistically possible.

The meeting would also present the findings of the collective opinion of the County Counsels of each respective County as to the process to forming the 51st State, testimony for County's support or opposition to such a formation, and, testimony from Cities within each County, and finally the collective desire to move forward, or not, with this bold but important consideration.

"Insanity: Doing the same thing over and over again and expecting different results" -Albert Einstein

Ignoring our continuing repetitive plight can only be characterized as "Insane."

Statement in Favor of SOS Now

13 Counties to Secede from California

Delivered Tuesday, 12 July 2011

WHO WE ARE:

I am Brent Austin with the Civilian Disaster and Emergency Rescue Corps, a California Unincorporated Non-Profit Association, here in Riverside. We are a self-supporting NON-governmental organization. I have been requested to represent hundreds of local legal citizen voters and hundreds more distributed across the state of California. In principle we are in favor of Riverside County Board of Supervisors member, Jeff Stone's, proposal for the 13 counties to secede from the State of California. We are a grass roots organization leaning heavily toward our U.S. Constitution as conservative patriots endeavoring to teach our citizens how to survive in any disaster, whether natural, man-made, terrorist, economic, and/or political.

OUR PHILOSOPHY WITH RESPECT TO THE PROPOSAL:

We agree with the basic premises stipulated in Supervisor Stone's proposal. However, in addition to recognizing Mr. Stone's financial, logistical, political, and educational concerns, we must add that a part-time legislature should have limited term-limits and that any new government that We the People create WILL be regulated by We the People. We will NOT allow the government to maintain that IT is our Master and that WE are their SLAVES. As our 16th President, Abraham Lincoln, so eloquently defined: we are a nation "of the people, by the people, and for the people." And as President Harry Truman adamantly declared: "The buck stops here!"

WHAT WE ARE WILLING DO:

We are ready, willing, and able to work with Mr. Stone and others who are ready to start to gather others together to begin the constitutional process to secede to create a new and better state without the corruption, graft, greed and despotic totalitarianism that is currently forcing us into poverty and total subjegation.

Respectfully,

Brent A. Austin

Natural Born Citizen and conservative voter of the United States of America

Submitted by BRENT Austin

7-12-11 Item 3.3
(date)

July 12th, 2011

On Friday, July 1st, 2011 the newspaper and channel 9 ran a story about a County official who wants to break away from the state and create a new state. I wont give this sick puppy's name but will ask you to guess. This is the same man who skimmed off nearly $400,000.00 of campaign money to his sister along with a county car and who wants to ration bathroom paper to county employees. The same man who in 1999 when he was mayor of Temecula and a pharmacist agreed to a settlement with the State Board of Pharmacy over 20 accusations they had made that he had operated a unlicensed pharmacy, improperly labeled drugs, and committed dishonesty, fraud, deceit and corruption. Under the settlement he admitted to four of the charges, all of them minor and reimbursed the Pharmacy Board and State Attorney's Generals office a total of $10,000 for the cost of the investigation. This is the same man who the Press Enterprise Friday, June 10th, 2011 reported paid a $16,000.00 fine by the State Fair Political Practices Commission. This is the same man who I believe Supervisor Buster as reported in the Press Enterprise Friday, July 1st, 2011 called crazy and out in the sun too long. This sick puppy also known as Supervisor Jeff Stone appears to have broken away from the state of reality.

I have one document for the Clerk of the Board. A letter to the Attorney General along with documentation from Kevin Jeffries, State Assembly Member, 66the District asking for an investigation. A man who has served the people well and who deserves the good reputation that he enjoys as the People's Representative for the 66th District. One of the documents he gave to the Attorney General was Supervisor Ashley's report to the Board on 4/12/2011 in agenda 3.30 describing in detail the fraud committed by the County in Supervisor Stone's district which Stone has continued to cover up to this day.

Mr. Stone, are you going to name your new state the state of stupidity. If so, you are well qualified to be Governor.

Robert Mabee
3086 Miguel St.
Riverside, Ca 92506
951-788-4858

STATE CAPITOL
P.O. BOX 942849
SACRAMENTO, CA 94249-0066
(916) 319-2066
FAX (916) 319-2166

Assembly
California Legislature

KEVIN JEFFRIES
ASSEMBLYMEMBER, SIXTY-SIXTH DISTRICT

DISTRICT OFFICE
41391 KALMIA STREET, SUITE 220
MURRIETA, CA 92562
(951) 894-1232
FAX (951) 894-5053

April 28, 2011

Attorney General Kamala D. Harris
California Department of Justice
P.O. Box 944255
Sacramento, CA 94244-2550

CONFIDENTIAL

Dear Attorney General Harris:

Enclosed please find a matter for possible review by your Department.

First let me state this matter involves a dispute between a private homeowner and the County of Riverside. As I am in fact a candidate for the Riverside County Board of Supervisors, my involvement in this matter could easily be perceived externally as being politically driven. I am therefore recusing myself from this matter in hopes that your office can determine the facts and a course of possible correction.

This case involves a long legal dispute between an elderly gentleman (Robert Mabee) and the County of Riverside. I believe Mr. Mabee deserves an independent review of this matter by your office. One of the current County Supervisors (Mr. Marion Ashley), has identified several significant concerns (see attached agenda letter of April 12, 2011) related to the treatment of Mr. Mabee. Mr. Mabee, who has since lost his home, alleges that the courts were misled by the County as to an easement having been granted and recorded for use by Mr. Mabee for ingress and egress to his (former) home. He believes the courts may have made a determination (against Mr. Mabee) based on possibly inaccurate testimony from the County that an easement had been granted and recorded - when it now appears that the easement had never been recorded.

It is my hope that your office will be able to review this matter and determine if Mr. Mabee has been improperly treated by the county or courts.

I have enclosed ALL of the original material (and copies) that have been furnished by Mr. Mabee. His contact number is: (951) 788-4858.

I appreciate your consideration.

Sincerely,

KEVIN D. JEFFRIES
Assemblyman, 66th District

Enclosures:

Printed on Recycled Paper

Riverside County Board of Supervisors
Request to Speak

Submit request to Clerk of Board (right of podium), Speakers are entitled to three (3) minutes, subject Board Rules listed on the reverse side of this form.

SPEAKER'S NAME: Stephen ("Steven") L. Rush
Representing Main St. Suffrage Mvmnt

Address: StephenLRush@aol.com
(only if follow-up mail response requested)

City: Redlands **Zip:** 92373

Phone #: (909) 213-2750

Date: 7/12/11 **Agenda #** 3.3

PLEASE STATE YOUR POSITION BELOW:

Position on "Regular" (non-appealed) Agenda Item:

X **Support** _____ **Oppose** _____ **Neutral**
Only with modification

Note: If you are here for an agenda item that is filed for "Appeal", please state separately your position on the appeal below:

_____ **Support** _____ **Oppose** _____ **Neutral**

I give my 3 minutes to: _______________

Riverside County Board of Supervisors
Request to Speak

Submit request to Clerk of Board (right of podium), Speakers are entitled to three (3) minutes, subject Board Rules listed on the reverse side of this form.

SPEAKER'S NAME: JEFF Comerchero

Address: City of Temecula
(only if follow-up mail response requested)

City: Temecula **Zip:** 92591

Phone #: 951-696-0600

Date: 7/12/11 **Agenda #** 3.3

PLEASE STATE YOUR POSITION BELOW:

Position on "Regular" (non-appealed) Agenda Item:

✓ **Support** _______ **Oppose** _______ **Neutral**

Note: If you are here for an agenda item that is filed for "Appeal", please state separately your position on the appeal below:

_______ **Support** _______ **Oppose** _______ **Neutral**

I give my 3 minutes to: ____________________

Riverside County Board of Supervisors
Request to Speak

Submit request to Clerk of Board (right of podium), Speakers are entitled to three (3) minutes, subject Board Rules listed on the reverse side of this form.

SPEAKER'S NAME: MIKE NAGGAR

Address: ______________________
(only if follow-up mail response requested)

City: ______________ **Zip:** ______________

Phone #: ______________

Date: 7/12/11 **Agenda #** 3.3

PLEASE STATE YOUR POSITION BELOW:

Position on "Regular" (non-appealed) Agenda Item:

✓ **Support** ______ **Oppose** ______ **Neutral**

Note: If you are here for an agenda item that is filed for "Appeal", please state separately your position on the appeal below:

______ **Support** ______ **Oppose** ______ **Neutral**

I give my 3 minutes to: ______________________

Riverside County Board of Supervisors
Request to Speak

Submit request to Clerk of Board (right of podium), Speakers are entitled to three (3) minutes, subject Board Rules listed on the reverse side of this form.

SPEAKER'S NAME: Dary McAllister

Address: ______
(only if follow-up mail response requested)

City: Murrieta **Zip:** 92562

Phone #: ______

Date: 7/12/11 **Agenda #** 3-3

PLEASE STATE YOUR POSITION BELOW:

Position on "Regular" (non-appealed) Agenda Item:

✓ **Support** ______ **Oppose** ______ **Neutral**

Note: If you are here for an agenda item that is filed for "Appeal", please state separately your position on the appeal below:

______ **Support** ______ **Oppose** ______ **Neutral**

I give my 3 minutes to: ______

Riverside County Board of Supervisors
Request to Speak

Submit request to Clerk of Board (right of podium), Speakers are entitled to three (3) minutes, subject Board Rules listed on the reverse side of this form.

SPEAKER'S NAME: Paul Jacobs

Address: ______________________
(only if follow-up mail response requested)

City: Temecula **Zip:** 92592

Phone #: ______________

Date: 7/12/11 **Agenda #** 3.3

PLEASE STATE YOUR POSITION BELOW:

Position on "Regular" (non-appealed) Agenda Item:

✓ **Support** _______ **Oppose** _______ **Neutral**

Note: If you are here for an agenda item that is filed for "Appeal", please state separately your position on the appeal below:

_______ **Support** _______ **Oppose** _______ **Neutral**

I give my 3 minutes to: ______________________

6 minutes total

Riverside County Board of Supervisors
Request to Speak

Submit request to Clerk of Board (right of podium), Speakers are entitled to three (3) minutes, subject Board Rules listed on the reverse side of this form.

SPEAKER'S NAME: JULIE WALTZ

Address: ____________________
(only if follow-up mail response requested)

City: ____________ **Zip:** ____________

Phone #: ____________

Date: 7-12-11 **Agenda #** 3.3

PLEASE STATE YOUR POSITION BELOW:

Position on "Regular" (non-appealed) Agenda Item:

_____ **Support** _____ **Oppose** _____ **Neutral**

Note: If you are here for an agenda item that is filed for "Appeal", please state separately your position on the appeal below:

_____ **Support** _____ **Oppose** ✓ **Neutral**

I give my 3 minutes to: ____________________

Riverside County Board of Supervisors
Request to Speak

Submit request to Clerk of Board (right of podium), Speakers are entitled to three (3) minutes, subject Board Rules listed on the reverse side of this form.

SPEAKER'S NAME: REBECCA LODICK

Address: ____________________
(only if follow-up mail response requested)

City: ____________ **Zip:** ____________

Phone #: ____________

Date: ____________ **Agenda #** 3.3

PLEASE STATE YOUR POSITION BELOW:

Position on "Regular" (non-appealed) Agenda Item:

______**Support** ______**Oppose** ______**Neutral**

Note: If you are here for an agenda item that is filed for "Appeal", please state separately your position on the appeal below:

______**Support** ______**Oppose** ______**Neutral**

I give my 3 minutes to: JULIE WALTZ

Riverside County Board of Supervisors
Request to Speak

Submit request to Clerk of Board (right of podium), Speakers are entitled to three (3) minutes, subject Board Rules listed on the reverse side of this form.

SPEAKER'S NAME: Robert Melsh

Address: Dist 1
(only if follow-up mail response requested)

City: Riverside **Zip:** 92507

Phone #: ______________

Date: 7-12-11 **Agenda #** 3.3

PLEASE STATE YOUR POSITION BELOW:

Position on "Regular" (non-appealed) Agenda Item:

_____**Support** __X__**Oppose** _____**Neutral**

Note: If you are here for an agenda item that is filed for "Appeal", please state separately your position on the appeal below:

_____**Support** _____**Oppose** _____**Neutral**

I give my 3 minutes to: ______________________

Riverside County Board of Supervisors
Request to Speak

Submit request to Clerk of Board (right of podium), Speakers are entitled to three (3) minutes, subject Board Rules listed on the reverse side of this form.

SPEAKER'S NAME: BRENT AUSTIN

Address: 8190 MISSION BLVD #B-48
(only if follow-up mail response requested)

City: RIVERSIDE CA **Zip:** 92509

Phone #: 951 515 0250

Date: 12 July 2011 **Agenda #** 3.3

PLEASE STATE YOUR POSITION BELOW:

Position on "Regular" (non-appealed) Agenda Item:

___ **Support** (circled) ___ **Oppose** ___ **Neutral**

Note: If you are here for an agenda item that is filed for "Appeal", please state separately your position on the appeal below:

___ **Support** ___ **Oppose** ___ **Neutral**

I give my 3 minutes to: ___

Riverside County Board of Supervisors
Request to Speak

Submit request to Clerk of Board (right of podium), Speakers are entitled to three (3) minutes, subject Board Rules listed on the reverse side of this form.

SPEAKER'S NAME: Robert MABEE

Address: 3086 Miguel St
(only if follow-up mail response requested)

City: Riverside **Zip:** 92501

Phone #: 788-4858

Date: 7-10-4 **Agenda #** 3.3

PLEASE STATE YOUR POSITION BELOW:

Position on "Regular" (non-appealed) Agenda Item:

_____**Support** _____**Oppose** _____**Neutral**

Note: If you are here for an agenda item that is filed for "Appeal", please state separately your position on the appeal below:

_____**Support** _____**Oppose** _____**Neutral**

I give my 3 minutes to:_____________________

Riverside County Board of Supervisors
Request to Speak

Submit request to Clerk of Board (right of podium), Speakers are entitled to three (3) minutes, subject Board Rules listed on the reverse side of this form.

SPEAKER'S NAME: GARRY GRANT

Address: 27018 JARVIS
(only if follow-up mail response requested)

City: PERRIS **Zip:** 92570

Phone #: ____________

Date: JULY 17TH **Agenda #** 3.3

PLEASE STATE YOUR POSITION BELOW:

Position on "Regular" (non-appealed) Agenda Item:

____ **Support** X **Oppose** ____ **Neutral**

Note: If you are here for an agenda item that is filed for "Appeal", please state separately your position on the appeal below:

____ **Support** ____ **Oppose** ____ **Neutral**

I give my 3 minutes to: ____________

Memorandum

To: Michelle Ouellette **Client-Matter No.:** 26493.00003

From: Ward Simmons,
Melissa Cushman

Date: January 20, 2006

Re: RCA: The Procedures For Becoming A State

I. **CONSTITUTION:** The general requirement for statehood may be found in the United States Constitution, Article IV, Section 3:

> Section 3. New states may be admitted by the Congress into this union; but no new states shall be formed or erected within the jurisdiction of any other state; nor any state be formed by the junction of two or more states, or parts of states, without the consent of the legislatures of the states concerned as well as of the Congress. U.S. Const., art. I, § 3, cl. 1.

II. **MODEL:** The process set up for becoming a state in the Northwest Ordinance (1 Stat. 51) was the same process used for most of the states in the United States. The process had three stages:

A. **Stage 1 to becoming a state:** When the territory had 5,000 or less free adult males Congress would appoint a governor to oversee the territory who would make laws for the territory. Congress also appointed judges to hold court.

B. **Stage 2 to becoming a state:** When the population of a territory reached 5,000 free adult males a local self government was elected and a non-voting representative was sent to Congress.

C. **Stage 3 to becoming a state:** A territory could become a state when its population reached 60,000. It would write its own state constitution and would be equal to the other states that were part of the United States. (http://brt.uoregon.edu/cyberschool/history/ch10/expansion.html)

III. **ATTACHMENTS:**

A. George Sundborg, Statehood For Alaska: The Issues Involved And The Facts About the Issues (1946).

B. Northwest Ordinance. 1 Stat. 51 (1787).

C. Hawaii's Enabling Statute. 73 Stat. 4 (1959).

D. Alaska's Enabling Statute. 72 Stat. 339 (1958).

7/12/2011 3.3

A

Statehood
For Alaska

The Issues Involved

And

The Facts About the Issues

By George Sundborg

Alaska Statehood Association

Anchorage, August, 1946

Index

Subject	Page
Foreword	3
The Statehood Issue	4

(Beginning of Text)

Territory vs. State	6
The Arguments Against Statehood	10
The Chief Advantage of Statehood	15
How Alaska Got Its Government	22
The Disadvantages of Territorialism	25
How Much Territorial Government Is Enough?	29
The Procedure for Becoming a State	31
The Population Question	35
How Much Will It Cost?	38
Highway Development Under Statehood	45
Federal Powers, Resources and Responsibilities that Would Go to the New State	48
History Repeats Itself	55
Statehood Summarized	58
Acknowledgements	61

FOREWORD

Because statehood for Alaska is more than a temporary problem of the year 1946 in which the referendum on that matter was scheduled the Alaska Statehood association decided to have its report on the subject preserved in this permanent booklet form. The association was formed primarily to win the referendum vote but its members, Alaskans from all sections of the Territory, realize that statehood cannot be attained in a day and even after the U. S. congress has enacted the enabling legislation, the state has been set up and its officers have begun to function, the original aims and desires of the people still will have to be sought out and carried forward.

George Sundborg, author of this report, newspapered at Juneau, did research work for the Alaska office of the National Resources Planning board and for the US State Department, and served as assistant director of the North Pacific Study, a joint Canadian-U.S. undertaking. Author of the book, "Opportunity in Alaska," he also has been a marketing official with the Bonneville administration and is a frequent contributor to magazines and newspapers.

We believe this study has permanent value for both citizens and students. We hope it will become one of the state papers of the new State of Alaska.

ALASKA STATEHOOD ASSOCIATION

THE STATEHOOD ISSUE

ALL AMERICANS probably agree in principle on the desirability of self-government and the largest possible measure of home rule. At any rate, the principle, which formed a cornerstone at the founding of our nation, has never been renounced.

The form which self-government and home rule have taken in the United States is statehood. Immediately upon winning their independence, the thirteen American colonies became states. Statehood has been the goal - the successful goal - of all the Americans who since that time have pushed the frontier from the Alleghenies to the Pacific. It seems that Americans no sooner got their feet upon the ground than they wanted to make the ground into a state. The process, insofar as the continental area between Canada and Mexico is concerned, was completed in 1912.

Not since February 14, 1912, when Arizona became the 48th State, has there been an addition to the Union. Statehood stopped at the water's edge. It stopped despite the fact that hundreds of thousands of Americans, presumably with exactly the same ideas about self-government and home rule, live in the non-contiguous a r e a s of Alaska and Hawaii. There seems little doubt but that both Alaska and Hawaii would have been admitted to statehood long since if only they touched at some point an already existing state.

IDEALOGICAL BARRIER SUBJECT TO ATTACK

An ideological barrier seems somehow to have been erected against the admission as states of areas outside the continent or not contiguous with already existing states. This idea has been hallowed by time, but it is now being challenged. Just why it should exist is a little difficult to explain on a rational basis. Paraphrasing a report made to Congress early this year by a subcommittee of the Committee on Territories, which investigated the problem of admitting Hawaii to the Union:

> Modern inventions have annihilated distance. Juneau today is closer to the American mainland in time than the cities of Boston and New York were to the capital in the early days of the nation. Alaska is closer to the seat of the government today than all but the immediately adjacent states were when Washington first became the capital of the United States. With efficient and seven-hour service for and rapid communication by cable, radio, or telephone, mail or passenger planes, Alaska can no longer be characterized as isolated.

Alaska does not touch any existing state. Yet there exist within the Union, as parts of 11 states, several areas of non-contiguous territory. In addition to islands off the coasts and in the Great Lakes, these include two portions of the North American mainland separated entirely, as is Alaska, by intervening Canadian territory. One is the part of Minnesota lying north of Lake of the Woods. The other is the peninsular portion of Washington containing the village of Point Roberts, which is cut off by the 49th parallel and Boundary Bay from the rest of the state.

SELF-GOVERNMENT STILL DESIRABLE GOAL

At one time Congress considered seriously, and apparently without mental reservations, a proposal to annex all of Alaska as a county of the State of Washington. If parts of states may be non-contiguous with the rest of the nation, why may not entire states? The question is being asked I ever more persistently. Vigorous statehood movements exist in Hawaii and Alaska. To many residents of these territories it seems logical that they should be admitted to the same privileges of self-government and of participation in national affairs enjoyed by the citizens of the states.

All Alaskans, like other Americans, probably can agree in principle that statehood would be a good thing. As Alaska's then Delegate to Congress, Anthony J. "Tony" Dimond, put the issue a few years ago:

> Unless we are willing to abandon our historic positions, we are bound to demand statehood at the earliest possible time. The whole form and fabric of our free government is based upon the assumption that people can govern themselves in better fashion than they can be governed by anyone else. And as a result it follows that the largest possible powers of self-government should be exercised by every community and by every political subdivision, leaving only to the supreme governmental authority that part of the government which affects the whole state, or the whole nation, and thus cannot be exercised by local communities or political subdivisions.
>
> In Alaska we have often complained of the long-range government from Washington, which in many respects is the only kind of government possible under our territorial status. We have talked disparagingly about "bureaus" and "bureaucrats" and have denounced the ineptitude of both. Therefore, I suggest that the people of Alaska should, and do, ardently desire statehood unless economic or other considerations still prevent the accomplishment of that ambition. We all know that we can do a better job in taking care of our own affairs than can be done by some secretary of a department, or chief of an agency, or head of a bureau, whose office is in Washington, D.C., and who necessarily is lacking intimate, first-hand knowledge of a country so far away from Washington as Alaska.
>
> In fact, unless we have a firm belief in the principle of local self-government, a belief that we are eager to transmute into action, there is no reason why we should not join with the many people of the world who have yielded to the seductive ease and the personal lack of responsibility for government involved in a dictatorship.

So the question really is whether Alaska is ready for statehood. To form an intelligent answer to this question we need first to examine statehood, to find out what it is and what its advantages and responsibilities are, and to determine wherein it differs from the territorial form of government in effect in Alaska.

HOW A TERRITORY DIFFERS FROM A STATE

THE TERRITORIAL plan of government was devised for regions under the sovereignty of the United States to which Congress felt itself compelled to allow a measure of self-government, but to which it was unwilling at once to grant full membership in the Union. The status of territory has always been regarded as a sort of governmental adolescence, from which, with increasing population, the area would eventually grow into adult statehood. When a territory has acquired about 60,000 people, it has usually been regarded as of age. Every state west of the Alleghenies, except Texas and California, passed through this stage of development.

COURTS UNCERTAIN WHAT CLAUSE MEANS

Since the whole theory of territorial government was based on the assumption that the period of territorial tutelage would be short, and would be followed by statehood, not too much time or effort was ever expended by Congress in perfecting it. As applied to the continental area, the ill consequences of any imperfections in the territorial system could only be temporary. What is this system, and how well adapted is it to provide government on a more or less permanent basis to such an area as Alaska?

The fundamental law of the land has very little to say on the subject of the relationship of American territories to the Union. The only indication of the intention of the makers of the Constitution is in Article IV, Section 3, which reads: "The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States." The rest of the instrument seems to postulate, both in spirit and in wording, a group of states and nothing else.

Since the time of the annexation of Louisiana in the early 1800's the interpretation of this clause has vexed the nation. The Supreme Court has answered ' that the power to govern all the areas not admitted to statehood resides in Congress. The extent of this congressional authority " was a subject of contention before the courts all during the last century and is not yet entirely settled.

Territories such as Alaska and Hawaii are sometimes classified as "incorporated" territories as distinguished from such "unincorporated" possessions as the Virgin Islands, American Samoa and Guam. The term refers to the fact that territories like Alaska and Hawaii have been incorporated into the Union, that is, brought entirely under the protection of the Constitution.

The treaty with Russia providing for annexation of Alaska declared that: The inhabitants of the ceded territory, shall be admitted to the enjoyment of all the right, advantages, and immunities of citizens of the United States; and shall be maintained and protected in the full enjoyment of their liberty, property, and religion.

Of course, the people of Alaska are to this day conspicuously denied one of the rights and advantages which citizens of the United States hold most dear. This is the right, through the ballot to control in some measure the functioning of the national

government. It is obvious, but not often appreciated by those who do not reside in the territories, that American citizens participate in determining the policies of the national federation only through the medium of the states. The President is selected by an electoral college composed of members from each state. The Senate is made up of two members from each state. The House of Representatives is apportioned according to the population of the states.

PEOPLE DENIED MANY BASIC RIGHTS

An amendment to the Constitution must be approved by a two-thirds vote of both houses of Congress - houses chosen by the states - and approved by the legislatures of or conventions in three-fourths of the states. From beginning to end, the reins which guide the progress of the national government lead only from the states and citizens of the states. The territories and possessions are out of it. Apparently it was inconceivable to the founding fathers that Americans anywhere or of any era should exist for long under a form of government in which the benefits of suffrage and representation are denied them.

It is true that Alaska sends a Delegate to Congress. But this representative has no vote. His influence, if any, is personal. It is also true that both of the major political parties grant representation to the territories in their nominating conventions. But this results in only indirect, indefinite power. As for any share in the formal, legal control of the federal government, such as the citizens of the states have, the people of Alaska have no more than the bears in the hills, the salmon in the sea, the trees in the forest or indeed the stones in the field.

Not only are territories inferior to the states in that they exercise no influence over the federal government but also in that the federal government has much more authority over the territories than over the states: first, from the general theory of the federation itself; and, second, from the interpretation which the courts have put upon the constitutional restrictions on Congress.

FINAL AUTHORITY RESTS WITH STATES

It is fundamental in the constitutional theory of the American federation that the states are sovereign in certain fields; that they have certain inherent powers, certain authority which is neither granted nor delegated to them. The federal government, on the other hand, has only the powers specially delegated to it, such as the powers to declare war, to levy taxes, to regulate commerce between the states, and to coin money. All governmental powers not granted to the national government are, according to the Tenth Amendment, reserved "to the states or to the people."

The theory of federal power does not apply to the territories. They are not sovereign. They have no inherent powers. Any authority which they have is delegated to them by Congress. One of the prime tests of sovereignty of an area is its ability to change its form of government. States can do this at will, except only as limited by the federal constitutional provision that they shall have a republican form of government. But the territories have governments handed to them by Congress. All governmental powers

over the territories are in Congress. The Congress allots what authority it wishes to whatever agencies it desires to set up in a territory such as Alaska.

Nor are there any limitations upon the legislative powers of Congress, as respects territories, save those imposed upon it by the Constitution, which in this respect are slight indeed. All "those powers reserved to the states" by the Constitution repose, in the case of Alaska, in the federal government. From time to time, and especially in the Organic Act of 1912, Congress has granted certain local and territorial legislative powers to the people of Alaska. This grant of powers is not absolute. Congress may legislate - and does continue to do so - in purely local and territorial matters.

U.S. ALSO EXERTS AUTHORITY LOCALLY

The acts of Congress take precedence over and repeal acts of the Territorial Legislature in conflict therewith. At any time Congress may increase or decrease its grant of powers to the Territorial Legislature. Although some mentally resourceful "constitutional lawyers" have sought to maintain the opposite, it is no doubt true that Congress could entirely withdraw this grant of power. Any law passed by the Territorial Legislature is subject to veto by the Governor of the Territory, a federal official, and laws may be passed over his veto only by a two-thirds vote in each house of the legislature. Any law of the legislature may be rendered void by a specific action of Congress. Otherwise, it is for the courts to decide upon the legality of territorial legislation if and when it is challenged.

The power of the national government over the territories differs from the power of the national government over the states not only as to the establishment of local government but also as to the regulation of the social and personal relations of the people. Over them in the territories Congress has also that power which in our federal plan we have allotted to the states. The chief additional power in dealing with the local affairs of the territories is what is known as "the police power of the states." This is the power to make laws concerning the private affairs of individuals, concerning property, contracts, public safety, public health, public morals, and the general welfare of the community. As Judge Morrow of the Circuit Court of Appeals for the Ninth Circuit once declared, in a decision respecting Alaska:

> The United States having rightfully acquired the territories and being the only government which can impose laws upon them has the entire dominion and sovereignty, national and municipal, federal and state... It may legislate in accordance with the special needs of each locality and vary its regulations to meet conditions and circumstances of the people. Whether the subject elsewhere would be a matter of local police regulation, or within state control under some other power, is immaterial to consider.

RIGHTS OF STATE VERSUS ALASKA'S

And so, while congressional acts regulating the speed of automobiles, the making of contracts, or the closing of shops on Sunday within the state of Oregon would be

unconstitutional as invading the functions of the state government, yet the same laws for Alaska would be entirely within the rightful powers of Congress.

As to the rights of individual citizens, however, except for the right to take a hand in controlling national affairs, people in Alaska are not inferior to those of the states. The humblest newborn child in Fairbanks could no more have the plentitude of his privileges of American citizenship taken from him than could the governor of New York.

In terms of political rights the differences between Alaska and the State of California are these: Over Alaska, Congress has powers of local regulation, unrestricted by many of the usual curbs, while it has no such power over California; Congress could give to the people of Alaska any type of government which congressmen, in their wisdom, thought appropriate, while the people of California themselves determine their own mode of government, subject only to the constitutional provision that it be republican in form; the people of Alaska can have no share in the control of the federal government, even as respects their own area, while the people of California exercise such control through voting representation in Congress, through choice of the electors who select the President and through their powers of amending the Constitution; for amendments to the Alaska Organic Act Alaskans must depend on the federal government, while the people of California, without reference elsewhere, may change their laws and their state constitution in the manner prescribed in that document; any law of the Alaska Legislature could be amended or abolished by Congress, while the laws of the California Legislature are not subject to national review except by the courts as to their constitutionality; finally, Alaska's chief executive, the Governor, possessing veto power over acts of the Territorial Legislature, is appointed by the President, while the people of California elect their Governor from among their own number.

THE ARGUMENTS AGAINST STATEHOOD

THERE are few who would contend that 'territorial status is preferable to statehood. There have been some, however, who have taken the corollary position that statehood for Alaska is not to be desired.

Probably the most complete and fervent exposition of the anti-statehood viewpoint which is available in organized written form is a report which was made three years ago by the Legislative Committee of the Juneau Chamber of Commerce. At the time, this report was adopted by only the narrowest of margins when submitted to a vote of the membership. Last year a greatly modified attitude, on the whole favoring statehood, was taken by the committee, whose members remained the same, with a single exception, and this later report was endorsed by a much more representative vote of the whole Chamber. So it would be unfair to cite the earlier report as embodying the point of view of this particular organization today: but it is not unfair to cite it as a well considered and carefully prepared statement of the arguments against statehood.

For the purpose of allowing statehood opponents a fair presentation of their arguments, unalloyed by the statements of those whose attitude may differ on the question, pertinent extracts from the 1943 report of the Legislative Committee of the Juneau Chamber o: Commerce are here set forth:

> Along with the privileges (of statehood) there would be responsibilities. The ones your committee believes should have mature consideration are those connected with the costs of operation of the proposed state and whether the economy of the territory, as at present constituted could, without undue hardship, take on the added financial burden of statehood...
>
> SOURCES OF REVENUE FOR STATE UNCERTAIN
> The costs (of the present territorial government) would all continue under statehood. In addition, we would necessarily have to set up state courts. The cost of four courts based on actual District Court cost records would be $500,000 per year. This represents cost of the courts, including all operations, marshals, commissioner, operation of jails, etc...
>
> It is certain that the costs of administering a state government would greatly exceed the cost of the territorial administration, and it is impossible to see at this time any additional sources of revenue which would be available to the people of Alaska, if it were made a state...
>
> If the state took over complete control of the fisheries, it would not affect the revenue from the fisheries, which now go entirely to the territory, but it would require additional appropriations from such funds as the state was able to raise by taxation, amounting to nearly $700,000 a year...

It might well be that if Alaska were made a state, the financial task of providing care, education, health facilities, hospitalization, etc., of the Alaska Natives would devolve upon the new state... The cost of this care, based on appropriations recently made to cover the fiscal year 1943-44, is $1,909,800... If Alaska were made a state, it is very likely that Congress might continue to care for the Indians and to continue the large appropriations now deemed necessary for their welfare, but there is no assurance of that...

(It is a) vastly more complicated and expensive government we maintain now compared to the earlier territories. There were no governmental social activities then as now, absorbing half or more of the territorial revenues...

The vast natural resources about which we have heard so much and know so little will not stimulate settlement nor produce tax revenue unless someone finds them and develops them. They might exist, as heralded. We do not presume to know, but we can find no reason to believe that statehood, with higher taxes inevitable, would encourage development. If taxes were excessive, the reverse would likely be true.

We believe the prevalent idea that the rapid settlement and development of territories, now states, was due to statehood has no foundation. People change residence and capital moves from place to place for many reasons, but not for the reason that a state is preferable to a territory.

'ONLY CONJECTURE ON OTHER RESOURCES

We have now and would have under statehood, two major industries which largely influence our economic development. The commercial fisheries are now very well stabilized and may not be greatly enlarged unless or until means are found to profitably take and market the several varieties of the less desirable food fishes... It is impossible to say at the present time just what will be the future of gold... From all accounts, there is no immediate prospect of development of major forest products, and of other natural resources there is only conjecture..,

Although under the existing law our present delegate (Dimond) has no vote, he has very ably represented the territory in Congress for many years and we have not suffered from lack of an able representative at the nation's capital. We would undoubtedly have the right (under statehood) to elect our own Governor and judges and other officials, but we do not believe the people of the territory, as a whole, are of the opinion that we have suffered any great hardships because these officials are appointed and not elected...

Even if we took over the administration of the forests, with again a very considerable cost of administration, we would have gained nothing, for we cannot say that the national forest reserves could be administered any more efficiently or fairly than under the present law and by the present administration of the Forest Service...

The federal government now has about one-half of the entire area of the territory in reserves of one form or another. This committee feels that it would be unwise to disturb the present system of forest reserves... If (other) reservations are continued, and there is no assurance that they would not be, the new state would be deprived of all jurisdiction over them. In many of these reservations, mining, prospecting, settlement and development have been made impossible.

INDIAN RIGHTS CALLED THREAT

Another serious question is the current agitation for turning over to the exclusive use of the Indians along the coast the most valuable fisheries under asserted ancient tribal rights... If (the claims) are successful, it would deprive the federal government, under the present state of affairs, and the state, if Alaska were created one, from exercising any regulation whatsoever over most of the area in Southeastern Alaska where salmon fishing is now carried on. This also applies to the game in those areas...

We should certainly acquire no additional sources of revenue while at the same time requiring a greatly increased budget. This could only be attained by very drastic increases of present taxes and by the levy of additional taxes. Any legislature of the territory at the present time, or the legislature of the State of Alaska, would be very reluctant to materially increase the burden of taxation so long as it can be avoided. This is so because of the heavy tax demands of the federal government, which we know must and will continue for generations...

We are still in the position of having to discover and develop additional natural resources before we can assimilate any considerable number of new residents who would in turn have to build up taxable accumulations of wealth before there will be any additional tax sources. Whether there will be an influx of population after the war is again speculation; but if there is depression in the states, or some millions of men are out of employment, as seems very likely during the years of readjustment following the war when ten or twelve million men are discharged from the armed forces and ten or fifteen million others are released from war production, it may well be that there would be an influx of population here, but far from being a desirable thing, it may place an additional financial burden on the territorial government.

We feel we must not overlook some mention of the care of the insane. This duty and the expense involved would surely be transferred to the State of Alaska... The appropriation for the care of Alaska insane for the present fiscal year is $273,000. This cost would be the same under statehood.

COST OF ALASKA ROADS WOULD RISE

All of the present states of the Union are contiguous one to the other. Alaska would be a non-contiguous state, and on account of its geographical position, it would be deprived of certain revenues which are obtained in every other state

through gasoline taxes. The Public Roads Administration builds roads in national forests and their vicinity, but after these roads are built, where the national forests are within states, the cost of maintenance after the first two years must be borne by the state... Therefore, the cost of maintenance of the system of public roads within the national forests, which would have to be borne by the State of Alaska, would be approximately $150,000 a year for the present system of roads. This would increase, of course, as more roads are built. Regular appropriations for the Alaska Road Commission average about $750,000 a year... This would naturally be abolished under statehood and in its place we would probably have aid from the Federal Highway Act... These appropriations, however, are matched funds and the states are called upon to supplement the appropriations made by the federal government... If Alaska were to become a state now, with land reservations unchanged and about 98% of the public domain under the control of the United States and if the Federal Highway Act were applied to the new state, its proportion of contribution to the funds appropriated for road building would increase with any increase in the public domain over which it would be given jurisdiction, and the larger the amount that came under the jurisdiction of the state, the larger would be its required contribution... The standards required under the Federal Highway Act are very much higher than those required by the Alaska Road Commission, so that whatever roads should be built would be several times more expensive per mile to build.

We neglected to mention the capital investment of the federal government in the facilities for caring for the Natives. Unless all this property were given by the federal government to the new state, we should face the necessity of an expenditure of over $2, 000,000 for its acquisition...

TIME IS CALLED INOPPORTUNE

Those who think through the problem, and base their calculations upon human experience rather than on speculation, and place on one side the possible benefits to be derived, and, on the other side, the probable disadvantage and the vastly increased burden of taxation, they will be forced to the conclusion that the present is an inopportune time to change the form of government in the territory.

The above, which in length is about half of the Juneau Chamber of Commerce Legislative Committee's report, which was printed and given considerable circulation at the time, is presented as a fair summary of that report. All of the points made in the report are made above. In the interests of conserving space, excess verbiage has been eliminated. None of the language of the original report has been changed. It is, of course, with apologies to the Juneau Chamber of Commerce and to its present Legislative Committee, that the matter is quoted at all.

There are other points which might be raised against statehood. These include the following:

1. Alaska is too remote from the rest of the nation to develop interests and problems of the same nature as exist in the 48 states.
2. Territorial status is one of governmental adolescence. As was maintained by a congressional subcommittee only last year, Alaskans have not grown up to the point of showing willingness to accept a proper share of the cost and responsibility of maintaining desirable governmental services.

TERRITORY UNIQUE: STATEHOOD ISN'T

3. The federal government, through its many agencies, now takes an interest in Alaska matters and spends much money in the territory, which it would not do if Alaska were a state.
4. The matter of being something a little bit special - of being one of only two or three territories instead of one of 49 or 50 states - brings Alaska extra attention in other ways and has advertising value.
5. The Present Organic Act gives us control over most of our domestic affairs, while friendly congressmen manage pretty well to look after our larger interests.
6. Restrictions in the Organic Act prohibiting special legislation, territorial bond issues and other indebtedness, and limiting tax rates, are desirable as safeguards against taxing business to a burdensome extent and thereby discouraging the advent of new capital and payrolls.
7. After almost 80 years under the American flag, the white population of Alaska totals only something like 40,000. Many of these do not consider Alaska as a place of permanent abode. The population is not large enough for statehood.
8. There are some features of the statehood enabling act which have been introduced in Congress which are not sufficiently clear or sufficiently advantageous.

THESE ARGUMENTS DESERVE AN ANSWER
There are fields in which men are legitimately entitled to differ. Many of the arguments made in the two sections above fall in these fields. It is arguable, for instance, that Alaska's economy is not sufficiently diversified, its population sufficiently large or its experience in exercising governmental responsibility sufficiently broad to make statehood desirable at the time.

In addition to these arguments which are debatable, there are others which can be automatically proved to be false. All that is required to disprove them, and thus clear the field for a discussion of the real issues, is an examination of the facts about the allegations. Unfortunately, there are among the arguments which have been made against statehood some which belong in the second category, as for instance that having to do with the care of the native population.

All these arguments require careful consideration. They will be examined and elaborated upon in this study, to the end that the real issues may be considered on their merits.

THE CHIEF ADVANTAGE OF STATEHOOD

THE DIFFERENCE between a territory and a state is in the rights of each as a political entity. In an age of ever increasing federal control, it is undeniable that Alaska suffers acutely from the lack of any control whatsoever over Congress and the administrative agencies of government This disadvantage is a matter of daily concern to Alaska's Delegate to Congress, to her Governor and indeed to all who have to go through the bewildering and frustrating process of trying to obtain from a preoccupied national government the attention which would be Alaska's as a matter of course were she a state.

As the present Delegate, E.L. "Bob" Bartlett puts it: "All it would take to convert the most uncompromising foe of statehood into an enthusiastic supporter would be to have him come to Washington and take over the Delegate's job for a week." Judge Dimond, whose twelve-year experience in Washington as Delegate preceding Bartlett's should qualify him to speak on the subject, says:

> The political advantages of statehood, inevitably embracing economic benefits, as compared with territorial status are simply immense. Alaska at the present time has no vote in the Congress of the United States. That is the outstanding fact which should be remembered every day by every citizen of Alaska. When statehood comes, Alaska will have two voting members in the United States Senate and at least one in the House of Representatives, more in the House when population shall warrant. With statehood, Alaska is no longer a beggar at the national table but a recognized member of the household, eligible to share in all the benefits and all the responsibilities of the nation. At present, what we desire for Alaska of the national government we must ask for respectfully, almost with 'hat in hand,' but when statehood comes we shall have the dignified and powerful position of an equal among equals. The results of this improved status, as affects all types of legislation, are incalculable. To have that place alone will be more than worth all the additional taxes which we must pay for the support of state government.

ECONOMY BEGINS ON TERRITORIES

Simply because it is a territory, Alaska loses vast sums in appropriations every year. It is well known that in general, under the practice which is known as "log rolling," members of Congress simply do not slash each other's appropriations. The delegation from Montana, let us say, is going to support the reclamation projects in the State of Arizona because when Montana's turn comes they expect reciprocal generosity. And they get it. But when this process is all completed and we come to the territories, then the members of Congress become statesmen and announce vigorously: "This spending must stop; we have got to start balancing the budget."

Alaskans have seen this happen through the years. Whenever an economy wave is on, it is the territories which get pinched the most. Through the years Alaska has been

denied vast sums which, under the yardstick applied to the states would have been hers. And these are appropriations desperately needed to build up the country.

Numerous examples might be cited of the discriminations Alaska suffers for lack of voting representation in Congress.

1. Probably the outstanding example is the Federal Highway Aid Act. This applies to all the states. Various calculations have been made of the sums Alaska would receive annually under this act. If only half the land area of the territory were used as a basis for calculation, Alaska would have received some $12,000,000 to $14,000,000 annually from the federal government for road purposes. To be conservative let us say the amount would have been $10,000,000 a year. Transfer of the Alaska Road Commission to the Interior Department took place about 1930. If the Federal Aid Highway Act had been effective since that time Alaska would have received a minimum of $160,000,000. By comparison, we have received from the Interior Department during that period a total of $25,511,773. Of this amount, $2,198,805 came from the Alaska fund, which is really territorial tax money. So we have received one federal dollar for roads where under the Federal Highway Act, which applies to all the states, we would have received more than six. Even admitting that Public Roads Administration construction would not result in the same mileage of road, dollar for dollar, as that of the Alaska Road Commission, it is obvious that we would have been infinitely better off with respect to roads than we now are. If there is one point on which all of us probably agree, no matter what position we take with respect to statehood, it is that the development of a pioneer country is in direct ratio to expansion of its roads

PUBLIC DOMAIN ACT EXCLUDED ALASKA

2. Late in the 1930's an appropriation bill carried $200,000,000 for roads on the public domain. Despite all the efforts of the Alaska Delegate, the benefits of this appropriation were limited to the states. Judge Dimond was able to have the territories included in the bill in a Senate amendment, but the amendment was lost in conference, and so once more Alaska was discriminated against by reason of its territorial status. Had Alaska been a state it could not have been left out of the bill.
3. Under the formula covering forest highway allotments, for the three-year postwar period, Alaska's share should be $2,213,928 per year. Alaska was arbitrarily cut in this act to $1,500,000 a year, and the difference distributed among several of the states. For no other reason than that it is defenseless, Alaska thus is being deprived of a total of $2,141,784. This is not an act of economy. The money, belonging to Alaska by every right, is being given to the states.
4. With respect to appropriations for education of the Indians and Eskimos of Alaska, as compared with the Indians of the States, Alaska is placed on a somewhat lower basis with respect to expenditures. Congress recognizes its obligation to treat the Natives of Alaska the same as the Natives of the states,

but when it comes to the practical application of this principle, Alaska is subject to some discrimination just because it is a territory and for no other reason whatever.

5. Alaska's Commissioner of Education recently has had to travel all the way to Washington, and return without assurances, to beg Congress to authorize payment of tuition for Native children attending territorial schools, notwithstanding the fact that Oklahoma and other states have long admitted Indians to their schools under a tuition contract with the federal government. Thus the states secure almost automatically an advantageous arrangement over which Alaska must engage in a long-range battle, which may or may not turn out favorably for the territory.

ADAMS ACT FUNDS: ALASKA'S SHARE CUT

6. Alaska has never had its share of appropriations for agricultural development. A good example is the Adams Act, passed in 1906, and providing for support of agricultural experiment stations. For 30 years it was not extended to Alaska; then it was in 1936. But how? Instead of getting our share according to the formula specified in the act, which would have yielded $90,000 a year, Alaska received in the first year $5000; in the second year $7500, and there has been a progressive formula by which in the next year, 1947, we will receive $37,500, and then $45,000 thereafter. In other words, Alaska is never going to get more than half, as long as it is a territory.
7. In the late 1930's Delegate Dimond was finally successful in obtaining enactment of a bill authorizing appropriations for Alaska under the Smith-Lever act having to do with the Department of Agriculture. The authorization provided that the appropriations should be increased each year until they reached a certain figure and then should remain at that figure. But the Appropriations Committee of the House did not take the authorization act at its face value. They have increased the appropriations at a lower level than called for by the act. Last year the House reported the bill out with no increase whatever; in the Senate, Delegate Bartlett had the full amount restored, but in conference it was cut in two and the same thing occurred this year. This is because the chairman of the subcommittee handling this bill takes a very dim view of the possibilities of agriculture in Alaska. If Alaska had voting representation in Congress, which might possibly include membership on the Appropriations Committee of the House, and much more likely would include representation on the Appropriations Committee of the Senate, there would be no doubt whatever that the intent of that authorization act would be lived up to.
8. When the act creating the Reconstruction Finance Corporation was first passed it covered only the states. Later it was necessary for Alaska's Delegate to institute special legislation to embrace the territories.
9. The act providing for guarantee of bank deposits in like manner was limited to the states. Delegate Dimond did his best - which, as Alaskans know, was a great deal - to have the territories included and to that end appeared before the House Committee on Banking and Currency and the Senate committee also. He was

assured that his views would have careful consideration, but when the bill was reported out and passed the territories were still on the outside. Later the act was amended and then it was only by offering an amendment on the floor of the House that the territories were brought in. The chairman of the committee was still not sympathetic but he did not oppose the amendment, and so it was adopted. There was no sound reason to leave the territories out in the first place, and the only excuse was that they were territories and had no political standing.

PULP AND PAPER DEVELOPMENT HURT

10. Years have been allowed to elapse without amendment of the act of Congress which gives the Secretary of Agriculture the final decision on stumpage rates in Southeast Alaska, notwithstanding the protestations of pulp and paper interests that they will not start operations in Alaska until an appeal to the courts from such a decision is allowed, as it is elsewhere.
11. The case of the Anchorage bond issue is in point in this regard. In any of the states, the community which pays the bills has the right to determine how much money it should borrow. In Alaska, such a community must appeal all the way to Washington for special legislation from Congress, and endure seemingly endless delays, before it can engage in a program of betterment involving a bond issue. Rejecting the earnest request of Anchorage for permission to issue bonds in the amount the community considers reasonable and necessary, Congress has just reduced the authorization by one-third, reportedly because an eastern congressman who knew nothing about Anchorage or Alaska, felt the original amount I too large. This is a discrimination against Alaska which is special and extremely recent, in fact contemporary.
12. Two great areas set apart for more than a generation as Mount McKinley National Park and Glacier Bay National Monument have remained almost wholly undeveloped because Congress has repeatedly failed to pass appropriations requested for them. Nothing similar has happened in any state. There is another type of disadvantage which Alaska suffers Congress. All of the above are discriminations on the part of the Congress itself. There is also a long list of discriminations practiced against Alaska by the executive bureaus and agencies of the federal government. None of the following discriminations could conceivably be practiced against a state with two Senators and one Representative wielding the leverage of a vote on all congressional matters, including the power of life and death over most administrative agencies.

EVEN WAR INSURANCE OMITTED ALASKA

13. Perhaps the worst example of the disability under which the territories labor is that of the executive order providing for war damage insurance during the recent conflict. As originally promulgated by the Chairman of the RFC under executive authority, the losses which might be suffered by the citizens of the United States through war damage could be paid only on property located in the states. For example, if the enemy had dropped a bomb on Omaha the sufferers, under the order, would be compensated for their losses, but if at that time a similar bomb had been dropped on Juneau no compensation could have been paid. Judge

Dimond who was then Delegate, terms this the "most outrageous example of discrimination against citizens of the United States who live in the Territories that I have ever known, and I have known of a good many." Fortunately, the Delegates from Alaska and Hawaii took the matter up with Secretary of the Interior Ickes, who viewed the subject just as they did, and he brought it up at a cabinet meeting. Although there was considerable objection expressed to bringing the territories within the scope of this beneficial order, President Roosevelt finally directed Chairman Jones of the RFC to revise his order so as to embrace the territories and the citizens of the territories.

14. Several years ago a considerable amount of money had accumulated in the treasury which on the basis of the law should have been allocated to Alaska for construction of forest highways. These allocations were not made, for the reason that the man in the Department of Agriculture who had the final voice in this matter had once made a trip to Alaska and did not believe roads should be built there. That was that, and his decision was final despite the protests of Judge Dimond. That official would never have acted as he did had we voting members of Congress who could have taken the floor of the two houses not only to express an opinion about this high-handed procedure but to vote against the department's general appropriation.

FREIGHT RATE MOVE ALMOST SUCCEEDED

15. Last November a certain highly placed member of the U.S. Maritime Commission attempted to throw Alaska overboard by trying to force War Shipping Administration ships back into private operation with a doubling of freight rates, without allowing a period for stabilization after the war. This was prevented only by the most strenuous efforts on the part of the Attorney General of Alaska and the Alaska Development Board. If Alaska were a state and had been a state through these years, it is highly unlikely the steamship companies would have gotten away with the execrable service and high rates to which Alaskans have been subject.
16. Failure of the Wage Stabilization Board and the War Shipping Administration to expedite authorization of the recent maritime wage settlement permitted a tie-up of Alaska ports and resulted in the unloading of rotten cargo into the bay. Nothing similar occurred in any port in the states.
17. Administrative reservations of land made for wartime purposes are still in effect in dozens of cases, including the withdrawal of all land along the Alaska Highway. If Alaska had the influence over the Interior Department which votes in Congress would confer, these reservations would have been vacated long since and reopened to settlement.
18. Lacking influence in Washington, Alaska witnessed long delay in the location of a regional office of the Veterans Administration in the territory, although there were many pressing reasons why Alaska should be given such an office.
19. Alaska's Governor was obliged to engage in a long struggle to obtain overseas credit toward discharge for Alaska boys who served in the Aleutians, though soldiers from the states obtained such credit automatically.

ALASKANS DON'T SIT ON FISHING BOARD

20. On the International Fisheries Commission dealing with halibut caught off the coast of the two nations, but chiefly off the coast of Alaska, no Alaskan has ever been appointed, though there has been a nice balancing of appointments from British Columbia and the State of Washington, whose fisheries are involved to lesser extent.

Such examples could be recited almost without end. The Legislative Reference Service of the Library of Congress reports that, aside from the Federal Highway Aid Act, there are three other regular appropriations measures from which Alaska has been completely excluded. These are: the Mineral Lands Leasing Receipts Act of February 25, 1920: the Flood Control Act of June 28, 1938 and the Act of August 29, 1935, having to do with the cost of administering state forest lands. Delegate Bartlett now has before Congress a bill to cure the mineral lands leasing act omission, and hopes for enactment at the next session.

As Governor Ernest Gruening has said:

> It is a fact, of course, that by superhuman effort, by fighting like the devil, we are able to overcome some of these discriminations, but it means using all kinds of energies and efforts which should be utilized in helping Alaska to move forward, not fighting merely to hold our ground. To my mind, the intangibles are all-important - the great advantages that would automatically accrue to Alaska, when, as a state, it has two Senators and a Representative with a vote.

Discrimination against Alaska is found first in what seems to be the eternal struggle to have the territories included in new money bills, and, second, and certainly equally as important, in receiving for the territories just appropriations. Then there are the discriminations which are not confined to the language of the law but which are to be discovered almost daily in the application of the law, to a certain degree in Congress and more notably in the executive departments.

FUNDS FOR ALASKA TOO OFTEN A SOP

Delegate Bartlett has been struggling in Washington on Alaska's behalf for almost two years. His testimony on this point is as follows:

> My observation after serving here since January 1945 is that all too frequently what is given us in the way of money is given us as a sop as it were and not because we are entitled to it or because its expenditure would reflect advancement of the national interest.

Some might argue, in fact have argued, that Alaska's delegation to Congress would be too small to affect, by its votes, the national decision in any matter. Alaska, these people point out, would have only two votes out of 98 or 100 in the Senate and one out of 436 or so in the House. Yet anyone acquainted with the life of our national government, as distinguished from its mere form, knows that a vote in Congress is the most decisive

force and the most convincing argument an area can possess. That congressional respect for Alaska's needs would materialize automatically with statehood is indicated by the example of the present states. Nevada, Wyoming, Delaware and Vermont have never had more than two votes apiece in the Senate and one in the House; yet their interests have never suffered in Congress. So it would be with Alaska, which would have exactly the same representation immediately upon admission.

HOW ALASKA GOT ITS GOVERNMENT

ALMOST half a century of struggle by the people of Alaska was crowned with success in 1912 when Congress passed an act giving the territory a legislature. This is Alaska's Organic Act, the basis of the present territorial government. Even in the hour of victory, the then Delegate, James Wickersham, who had been prominent in the fight for home rule, spoke with misgivings about Alaska's new governmental charter.

> Alas, the end is not yet. While the people of Alaska have an elective delegate in the House of Representatives to speak for them, and an elective legislature to pass laws for their local necessities, these representatives and powers are not constitutional representative Powers, but are congressional, and therefore, subject to change by Congress by later acts passed by that body in conflict with them. And thus without repealing or even directly mentioning or amending the organic laws of Alaska territory, Congress has rendered them of much less force and value than identically the same laws possessed in the older territories. By later congressional acts, sometimes even by executive proclamations, and more often by rules and regulations prepared and adopted, by some or all of the numerous United States bureaus engaged in public activities in Alaska and which have or are assumed to have the force and effect of the United States statutes, the organic laws of Alaska are rendered less effective and in some instances practically repealed, though not mentioned in the Acts of Congress creating the bureaus.

The enabling act of 1912 made Alaska a potential state. But the special limitations which had to be inserted in the act to insure its passage have not been removed in the years since elapsed.

MANY LAWS FORBIDDEN TO ALASKA LEGISLATURE

The national government's gift to Alaska of a legislative body falls far short of fulfilling territorial aspirations for home rule, since Congress has specifically forbidden the Territorial Legislature to enact certain kinds of laws. Among these specific prohibitions are the following:

> It may not pass any law interfering with the primary disposal of the soil; it may not authorize bonded indebtedness or the creation of any debt by the territory or municipalities thereof; it may not create or assume any indebtedness for the actual running expenses of the territorial government in excess of the actual income of the territory for a given year; it may not levy any tax for territorial purposes in excess of one per centum upon the assessed valuation of property, nor within the incorporated towns (for town purposes) in excess of two per centum; it may not pass any law providing for the formation of county government within the territory without the affirmative approval of Congress: it may not "alter, amend, modify, or repeal" the "game" and "fish" laws passed by Congress and in force in Alaska.

The Organic Act also extends to Alaska limitations imposed in a separate act of 1886 prohibiting passage of local or special laws by legislatures of the territories.

Delegate Wickersham had told the senate committee in charge of the so-called Alaska home rule bill that he considered the sumptuary provisions (limiting territorial expenditures and taxes) an insult to his constituents and that he expected them to be repealed "when Congress learns to have confidence in the integrity of the people of Alaska." However, the provisions remain to this day.

FISHING INTERESTS SOUGHT TO EVADE TAX

The Organic Act had been intended to be even more restrictive. One of the most interesting spectacles in Congress during its consideration was the effort made by the fishing interests to limit the power of the legislature to tax them. This effort and its unforeseen result are described by Jeannette Paddock Nichols in her admirable book Alaska: a Study of Its Administration, Exploitation and Industrial Development During Its First Half Century Under the Rule of the United States:

> They secured upon the floor of the House the insertion of a clause including among those laws which the legislature was forbidden to "alter, amend, modify, and repeal" measures relating to game and fish... These precautions went for naught, however, as far as taxation of the fisheries was concerned: for in the inevitable committee of conference of the two houses on the bill as amended by the Senate, the House conferees put through a "joker", following the clause above referred to: "Provided further, that this provision shall not operate to prevent the legislature from imposing other and additional taxes or licenses." The joker was in the bill to stay, and although it is the only clause giving the legislature authority over the fisheries, it has served to empower that body to use the industry as the chief mainstay of the territorial treasury.
> The main question of debate when territorial government, and not statehood, was at stake was the old, old issue between home rule and big business. Their lobby was asking: "Would big business be required to pay the costs of home rule, and to suffer under the jurisdiction of the local legislature?" The Organic Act, as presented to the 62nd Congress, was carefully drawn to quiet their concern. Expenditures and taxes were to be limited in the manner already described; non-residents were to be taxed no higher than residents; county organization was prohibited, and indebtedness was carefully hedged about to preclude extravagance. These restrictions were explained as due to the fact that it was not a question of what was right for Alaska to have, but, as Delegate Wickersham put it, of what the particular interests "will let Congress pass for us, because, they are in a position to defeat the bill if they determine to do so.

Such is the genesis of the charter under which Alaska's territorial government functions. It is underlain by, and incorporates by reference, even older and less satisfactory scraps and pieces of congressional legislation. The earlier Organic Act of 1884, according to the Nichols account:

> ...Was evolved from a composite of honest intentions, ignorance, stupidity, indifference, and quasi-expediency. The Senate debated it at some length on five

consecutive days in January of 1884; and on May 13 following the House adopted the measure precisely as it came to them, after about two hours desultory discussion.

The act as passed was a compromise bill drawn in the Senate Committee on Territories to provide "a simple, temporary form of government without meeting any constitutional stumps."

Similarly, Alaska's tax system stems from a time when the territory had no local government, no representation in Congress, no legislature and no means of assessing or collecting an equitable tax. It was motivated by a desire on the part of Congress in 1898 to legalize the liquor traffic in an area in which absolute prohibition had been the law, though far from the practice. Taxes were levied upon the residents in general, according to the business in which they were engaged, whether it was billiards or boarding houses, meat marketing or taxidermy. The fisheries were taxed according to their output, for example, four cents for each case of canned salmon and ten cents for each barrel of salted salmon. The gold mines were taxed by the number of stamps in operation, three dollars per stamp. This system of licensing all businesses on the same principle as saloons adapted itself readily to Alaska, because of her lack of the usual organization for levying ordinary taxes. There was some justification for such a tax system in that day. But it has been retained, with some modifications, to date.

THE DISADVANTAGES OF TERRITORIALISM

THERE is an old Aleut saying which was current in Alaska at the time of Russian occupation: "God is high and the Czar far away." It was paraphrased in 1904 by the Nome Nugget in complaining bitterly of official neglect of Alaska as: "God is afar off and it is a long way to Washington." Forty-two years later the saying still has point as applied to Alaska's territorial form of government.

Alaska is so far removed from Washington, and has so many unique requirements, that it is almost fantastic to expect good local government in the Territory to stem from the national capital. Yet, under the territorial system, that apparently is the expectation. It has never been fulfilled. The history, as someone has said, is one of how Congress occasionally and hastily fashioned a few legislative garments for Alaska ... how those clothes were never cut to fit, how Alaska tore them out in the seams and wore them out at the elbows, with Congress too busy to mend.

Aside from the relationship which it creates between the territory and Congress, in the one case, and between Alaska and the federal bureaus in the other, there are other and serious disadvantages to territorialism. One of these was discovered as long ago as 1921 by Alaska's then Attorney General, John Rustgard. He had sought to obtain for Alaska the same privileges afforded residents of the states in the matter of using foreign ships. In brief, the law provides that merchandise shipped from one American point to another over the Canadian railroads may be shipped in a British bottom over the water part of the route, as on the Great Lakes.

ALASKA WAS VICTIM OF DISCRIMINATION

The Attorney General took the position that a section of the Jones Act which denies this same privilege to the people of Alaska in utilizing more economical Canadian transportation is unconstitutional in that it discriminates against Alaska in matters of interstate commerce. The court held that Congress not only has the right to discriminate against Alaska in this manner but could, if it saw fit, close every port in the territory. The Supreme Court sustained this position. Commenting on the decision, Rustgard suggested a remedy.

> The blow is a severe one, and there is no remedy for it except to give to Alaska a state government in which event the people will have the same protection against discriminatory legislation as is accorded people of the states. The decision of the Supreme Court is the best argument in support of a demand for state government.

Alaska's present Attorney General, Ralph Rivers, recently summed up some of the more important legal disadvantages of territorial status as follows:

> Alaskans cannot elect their Governor or Secretary... The Alaska Legislature cannot alter the number of Representatives or Senators in the Territorial Legislature as increased population or shifts in population might warrant. Alaskans cannot have a delegate in the United States Senate... The legislature cannot create

courts either with original jurisdiction or appellate powers... Alaska cannot control its fisheries and wildlife, excepting as incidental to taxation. The legislature cannot pass a local or special law no matter how necessary in a particular case. Municipal corporations cannot bond themselves in excess of 10 per cent of the taxable value of property...and cannot levy a tax in excess of two per cent... The territory cannot levy a tax for territorial purposes in excess of one per cent...and assessments for the purpose of taxation on property must be according to the "actual value thereof," which restriction imposes an almost insurmountable obstacle to any reasonable property taxation program within the usual constitutional restrictions. The territory cannot bond itself no matter how great the need might become, unless Congress would pass a law allowing it. Although money from license taxes on trades and occupations imposed by Congress...goes to the municipalities or to the Alaska Fund...the disbursement of the Alaska Fund, under the law, by the US Treasury, is absolutely arbitrary ... The President is directed to submit territorial laws to Congress so that it may disapprove any law enacted by the Territorial Legislature. This is a useless indignity because Congress, with its plenary power over territories, can pass special laws for Alaska in derogation of our local enactments at any time. All of these restrictions could be abolished by granting statehood.

The faults of the territorial form of government were so glaringly revealed during the debates upon statehood for Oklahoma, New Mexico and Arizona in the early 1900's that Governor Brady of Alaska, for one, proposed that Alaska should remain unorganized until ready for statehood. This, of course, was an extreme view, which not many Alaskans shared. Bad as it is, territorial status undoubtedly is justified as a temporary expedient, as a step toward statehood. No one ever intended it should continue as long as it has in Alaska.

MANY PRESIDENTS FAVORED STATEHOOD

The history of the territorial expansion and political development of the United States is one of the advance of area after area from territorial status to statehood. This has been the logical development for any substantial American area.

It would seem to be a logical development at this time for the two areas, Alaska and Hawaii, which have the advanced and special position of being "incorporated territories" and which have developed the general problems common to American territories in their progression toward full self-government and inclusion in the family of states.

There is no doubt but what Secretary Seward had eventual statehood in mind when he concluded the arrangements for Alaska's annexation. In a lengthy and learned speech in support of ratification of the treaty of purchase of Alaska, Senator Charles Sumner also specifically dedicated Alaska to future statehood in the Union and made a prophetic appeal to the Senate on behalf of the tide of Americans to follow into Alaska in the future. Others prominent on the national scene since that time, including Presidents Theodore Roosevelt, Franklin D. Roosevelt, and Harry S. Truman, have spoken of statehood as Alaska's destiny. The late James Wickersham, who was Alaska's

Delegate to Congress longer than any other man, looked forward to the time when Alaska "will emerge from the chrysalis of territorial darkness, adopt a state constitution and attain final home rule as the sovereign state of Alaska."

MANY KNEW LITTLE; MORE CARED LITTLE

On the other hand, there has been no lack of persons of opposite view, though it is fair to say these have always been the men who knew the least about Alaska, and cared even less than that. During the period of total national neglect of Alaska from 1867 to 1884, the Congressional attitude toward the new possession was expressed by Representative Price of Iowa, who said: "Now that we have got it and cannot give if away or lose it, I hope we will keep it under military rule and get along with as little expense as possible."

Every session of Congress from 1868 to 1884 saw at least one bill for providing temporary government for Alaska introduced in the national legislature. None was passed. Most died in committee or were killed by "objection:" The difficulty was a lack of information and interest to pass legislation for a region which gave no congressman a constituency. The history since that time has been hardly less unhappy.

ECONOMIC GROWTH DELAYED BY STATUS

Alaska spent 45 years in painfully acquiring the political status commonly accorded to our territories after a comparatively brief and uneventful novitiate. Alaska belonged to the United States 17 years before it had any legal government whatsoever. Sixteen more years passed before Congress determined what laws should guide her people in their daily conduct. Another six years elapsed before the territory was permitted an official representative at the national capital, and an equal and additional length of time before the people were permitted to take any part in making the local laws under which they were governed. Since the territory was given a legislature, 34 more years have passed into history with relatively little improvement in Alaska's governmental status. That for which Alaskans have been struggling since 1912 has not been political recognition, as such. It has been economic development. Yet, for economic development Alaska is almost totally dependent upon the action of Congress. And the favorable action of Congress has been found to be all but impossible without statehood.

If this view be accepted - and it is difficult to place any other interpretation on the events - Alaska's political struggle must begin anew, the fight for home rule must recommence, and Alaska should begin now to equip herself for entrance into the sisterhood of states as one of the greatest.

STATEHOOD MOVE BEGAN IN 1915

The statehood movement in Alaska already has many years, and the long efforts of many good men, behind it. Cries for statehood began to be heard throughout the territory in 1915, as many people came to realize that in no other way could they hope to throw off the shackles of colonialism with which Alaska was continually being burdened. The second Territorial Legislature saw introduction of a statehood bill by

Senator O. P. Hubbard, who the following year became the first president of the first Alaska Statehood Club, organized at Valdez on February 16, 1916.

A bill for statehood was also introduced in Congress by Delegate Wickersham in 1916, causing the newspapers of the United States to take up the question of admitting Alaska, while of course the press of the territory devoted much editorial "space to the issue." Delegate Wickersham's bill came to naught. Far from being interested in giving Alaska more self-government, the federal government at that time was busily engaged in trying to take back what few privileges had been accorded the Territory by the Organic Act of 1912.

PEOPLE: HOLD FATE IN THEIR OWN HANDS
Delegate Wickersham was succeeded by Delegate Dimond, who throughout his dozen years in Washington, while winning many new advantages for Alaska as a territory, made statehood for Alaska a continuing and ultimate aim. Now Delegate Bartlett is continuing the long struggle to bring Alaska's statehood aspirations prominently to the attention of the Congress and the nation. Whether he, or whether some successor as Delegate, will succeed in gaining admission for Alaska depends primarily upon how vigorously and insistently the people of the territory show their desire for such a step.

HOW MUCH TERRITORIAL GOVERNMENT IS ENOUGH?

HOW LONG an apprenticeship should an area serve before it is adjudged ready for statehood? This question is a little difficult to answer, though we may draw some conclusions from the examples afforded by the history of the present states.

The area of the 13 original states of the Union, as will be recalled, extended as far west as to include the land embraced in the present states of Wisconsin and Illinois. Out of this area, 12 more states were ultimately formed, in addition to the original 13. The other 23 states of the Union were formed from the rest of the continental area westward to the Pacific Ocean. One of these, Texas, which had been an independent republic, was admitted as a state upon annexation. Another, California, never had a territorial form of government, but was granted statehood from an unorganized status within two years after annexation. The tabulation which follows shows all the states outside the area of the 13 original colonies ranked according to years elapsed between annexation and statehood, with Alaska interpolated as of 1946.

State	Years Elapsed	State	Years Elapsed
Texas	0	Minnesota	55
California	2	Kansas	58
Louisiana	9	Nebraska	64
Oregon	13	Arizona	64
Nevada	16	New Mexico	67
Missouri	18	Colorado	73
Florida	26	**ALASKA**	**79**
Arkansas	33	Montana	86
Washington	43	North Dakota	86
Iowa	43	South Dakota	86
Idaho	44	Wyoming	87
Utah	48	Oklahoma	104

It is seen that Alaska already has belonged to the United States longer than any state at the time of its admission, with the exception of Montana, the Dakotas, Wyoming and Oklahoma. These were all formed of territory contained in the Louisiana Purchase, and at the time of annexation were so remote from the national life of that era that settlement, or even exploration, did not reach them until many years later. Having served more than three-quarters of a century under the American flag, Alaska would seem to be entitled -at least morally entitled - to statehood.

COURT DEFINED STATUS OF ALASKA

Alaska was granted territorial government in its present form in 1912. It did, however, possess some of the aspects of a territory before that time. The first Organic Act was passed in 1884. If organization as a territory should be considered as dating from that time, Alaska by 1946 has already been a territory for a longer period of time than any other area in all the history of the republic.

The legal status of Alaska among the non-contiguous possessions of the United States was considered settled by the Supreme Court in 1905. Al that time, Hawaii and the possessions which had recently been acquired from Spain (Puerto Rico and the Philippines) were declared to be "unincorporated" territories, appurtenant to, and dependencies of, the United States, but not a part of the United States. On the other hand, Alaska was placed by the court along with Oklahoma, Arizona and New Mexico in the class of incorporated territories. The reasoning was that the treaty with Russia concerning Alaska manifested an intention to admit the inhabitants of the ceded territory to the enjoyment of citizenship and expressed the purpose to incorporate the territory into the United States. These decisions gave Alaska the proud title of "territory" in the place of the name of '"district" with which she had been burdened since 1884.

Even if 1912 be considered as the date of organization of territorial government in Alaska, the territory by 1946 has been an organized territory longer than any but four states in our history. The following tabulation ranks the states outside the area of the 13 original states according to years which elapsed between organization as territories and admittance to statehood, with Alaska interpolated as of 1946.

State	Years Elapsed	State	Years Elapsed
Florida	No Terr. Gov.	Arkansas	17
Texas	No Terr. Gov.	Oklahoma	17
California	No Terr. Gov.	Wyoming	21
Kansas	7	Montana	25
Louisiana	8	Idaho	27
Iowa	8	North Dakota	28
Minnesota	9	South Dakota	28
Missouri	9	**ALASKA**	**34**
Oregon	11	Washington	36
Nebraska	13	Utah	46
Nevada	14	Arizona	49
Colorado	15	New Mexico	62

Other considerations being favorable, it is obvious that Alaska fulfills the qualifications for statehood in the matter of time served in apprenticeship.

THE PROCEDURE FOR BECOMING A STATE

TWO BILLS to provide statehood for Alaska have been introduced in Congress within the past year. Delegate Bartlett's bill was given the number H.R. 3898 in the 1st Session of the 79th Congress. Later Senator McCarran of Nevada introduced an identical bill in the Senate. It was given the number S. 1788 in the 2nd Session of the 79th Congress. While it is not known as this report is written exactly what statehood legislation will be before the 80th Congress, there is every likelihood that a measure closely resembling in its essentials the Bartlett-McCarran bill will be introduced. This bill sets forth the procedure which would be followed in admitting Alaska as a state.

First, of course, the bill would have to be passed by both houses of Congress and signed by the President. Within 30 days after its approval the Governor of Alaska would issue a proclamation ordering an election of delegates to a constitutional convention. Candidates would be given a period for filing: primaries and then a general election would be held. The bill provides that the primaries could not be held earlier than two months after the Governor's proclamation or the general election earlier than five months after the proclamation. The convention would convene on the first Tuesday following the 90th day after the general election.

The session to draft a constitution then would continue for not to exceed 75 days. Another election, this time for ratification of the proposed constitution, would be held 75 to 100 days after adjournment. After canvass of the ratification vote, if it is found to be favorable, the Governor would certify the results to the President. The President, after a study of the articles of the proposed state constitution to determine whether they met the requirements laid down by the Federal Constitution and by Congress' Alaska statehood act, would so certify to the Governor. Within 30 days after such notification the Governor would issue a proclamation calling for an election of state officers and a Representative and two Senators to serve in the national Congress.

STATEHOOD IS NOT ONE-DAY ACHIEVEMENT

Again a period would be allowed for filing and for primary and general elections. The final election would be held from two to six months after the election proclamation. After the customary canvass, the Governor would certify the election results to the President. Thereupon the President would issue a proclamation admitting Alaska to the Union. Then, and not until then, would Alaska become a state.

Through some such process have passed most of the states. The complicated procedure is recited here to emphasize the fact that the process is a long one. Statehood cannot be achieved in a day, or even in a year. A study of the provisions of the Bartlett-McCarran bill indicates that the mere mechanics of statehood would consume more than 15 months and possibly as long as three years. That is, the mechanics would consume that length of time after the passage of enabling legislation by Congress.

Alaska's Territorial Legislature has provided that the people of Alaska will record their preference for or against statehood at the general election to be held in the territory in October of this year.

It needs to be emphasized that a vote in favor of statehood in the October referendum does not mean Alaska would forthwith become a state. Far from it. Congress would still have to pass an enabling act and the people of Alaska would still have to go through the long procedure outlined above. There is no assurance how soon Congress would, or indeed whether it ever would, act favorably in carrying out the mandate of the people of Alaska.

HAWAII VOTED AND IS STILL WAITING
It should be noted in this regard that in 1940 the people of Hawaii voted overwhelmingly in favor of statehood in an election identical with that which Alaska will hold in October.

Yet Congress has not acted, six years later, even to start Hawaii on the road to statehood. The Territorial Legislature since has renewed Hawaii's plea. The Hawaiian Delegate has worked unceasingly for statehood. The Secretary of the Interior, whose department has jurisdiction over the territories, has issued a statement endorsing statehood for Hawaii. A Gallup Poll taken in the states indicates that two thirds of the people are in favor of extending statehood to Hawaii. Finally, a subcommittee of the Committee on Territories has visited the Islands, made a thorough study of the matter and recommended in the strongest language that the Committee on Territories give immediate consideration to legislation to admit Hawaii to statehood.

And yet Congress has not acted.

Arizona and New Mexico, both admitted in 1912, are the only states which have joined the Union in the past 50 years. The people of both pressed their appeal for admission energetically over a long term of years.

Alaska, even after it votes on statehood and even though the vote should be overwhelmingly in favor, must be prepared to suffer similar delays and disappointments. The question which every Alaskan should ask himself before going to the polls in October is not, "Is Alaska ready for statehood now?" but rather, "Am I in favor of statehood in principle, and if so, might Alaska be ready for statehood within the foreseeable future?"

Those who are best in a position to judge the temper of the national government are agreed that a negative vote in October, or anything less than decisive approval, will bury all hopes of statehood for many years to come. It also seems clear that such a result, signifying Alaska's unwillingness to assume the responsibilities of adult statehood after so many years of territorial tutelage, would create in Congress and throughout the nation a distinctly unsympathetic attitude toward Alaska's needs and problems, whatever they may be in the future.

UNFAVORABLE VOTE WILL INJURE ALASKA

So the second fact which needs to be emphasized is that a vote against statehood in the October referendum will kill all hopes for statehood for many years to come and react against Alaska's interests in other ways as well.

To most residents of the states it is inconceivable that Alaskans should not be in favor of statehood. Every state, without a single exception, has had a happy experience in advancing from territorial to statehood status. Every state has profited, not only through satisfaction of the natural craving of the people for self-government but also because of the material benefits which have flowed to the states as a result. In specific terms these benefits have been the enticement of population and wealth, the development of natural resources and the creation of a more highly organized society with its concomitants of improved educational facilities, more and better highways and all the blessings associated with an advanced stage of civilization. No one has ever heard of the area which regretted the step to statehood, or yearned for a return to territorial status.
A third fact which needs to be emphasized is that a vote for statehood in the October referendum does not commit Alaska unalterably to statehood or begin a process in that direction which the people of Alaska will not have abundant opportunity to stop later should they so desire.

CONSTITUTION ALSO SUBMITTED TO VOTE

The statehood-enabling act, as has been noted, would provide for election of the delegates to a constitutional convention. If Alaskans decide they do not like the provisions of the particular enabling act which Congress provides, they may elect delegates who are opposed to its provisions, or even to statehood under any terms. These delegates then could refuse at the constitutional convention to draft a constitution. That is one way in which the process toward statehood could be stopped. The enabling act would also provide that the people of the territory must approve the proposed state constitution at an election held after the convention. If they do not approve, the statehood process stops completely.

In any event, full control over whether the territory becomes a state remains firmly in the hands of the people of Alaska until after the election on ratification of the state constitution. At best, that is an event some years in the future. Fears that Alaska might be rushed into statehood soon after the October referendum, and before the people know as much about it as they would like to, are groundless. It couldn't possibly happen. It follows from the above that arguments about particular provisions of, or omissions from, the Bartlett or McCarran statehood bills are beside the point at this time. Both bills have now lapsed, with the adjournment of Congress, before the October referendum. It is also idle to speculate now on what the Alaska state constitution might contain, or to base an attitude toward statehood upon that. These are matters for the future, and over them Alaskans will have control.

What is at issue in the October referendum is the general desirability of statehood and the general willingness of Alaskans to assume the responsibilities of self-government.

THE POPULATION QUESTION

ONE OF THE arguments advanced most frequently against statehood for Alaska is to the effect that the population of the territory is too sparse. It was made in the case of many of the territories of the West which have subsequently became states. Opponents to the admission of Arizona, for instance, argued strongly that the population was too small to support a state government, and was in addition illiterate and unfit to assume the responsibilities of government.

The argument is not new even in Alaska. It was used to oppose the granting of an elective Delegate to Congress. President McKinley in 1899 thought Alaska's area too vast and population too scattered and transitory to make an elective legislative body wise. In an address at the Alaska-Yukon-Pacific Exposition in Seattle ten years later, President Taft declared himself opposed to a bill which had been drawn by the Alaska Delegate providing for a legislative assembly and home rule. These he felt should not be considered seriously until the territory's population had "increased in size and stability."

The 1940 Census recorded an Alaska population of 72,524. All signs indicate a substantial increase since that time. Estimates presented last spring at a hearing before the U.S. Maritime Commission on Alaska rates indicated the territory's population had grown to 85,000. The Attorney General has mentioned 90,000 as the probable figure. It is a little difficult to tell just how large the population of any given state was at the time of admission, unless admission should have occurred in a census year. Assuming that Alaska might be admitted before 1949, the tabulation which follows shows how the territory ranks with the states in the population recorded for each in the last census before admission.

State	Admitted	Before Admission	After Admission
Oklahoma	1907	790,391	1,657,155
New Mexico	1912	327,301	360,350
Utah	1896	210,779	276,749
Arizona	1912	204,354	334,162
Kansas	1861	107,206	364,399
South Dakota	1889	98,268	348,600
Texas	1845	No Data	212,592
California	1850	No Data	92,597
Idaho	1890	No Data	88,548
Louisiana	1812	76,556	153,407
Washington	1889	75,116	357,232
ALASKA	Not Admitted	72,524	
Missouri	1821	66,586	140,455
Wyoming	1890	No Data	62,555
Florida	1845	54,447	87,455
Iowa	1846	43,112	192,214
Colorado	1876	39,864	194,327

Montana	1889	39,159	142,924
North Dakota	1889	36,909	190,933
Arkansas	1836	30,388	97,574
Nebraska	1867	28,841	122,933
Oregon	1859	13,294	52,462
Nevada	1864	6,857	42,491
Minnesota	1858	6,077	172,023

In population, Alaska is seen to be about in the middle of this list of the states outside the area of the original colonies. It is certain that half a dozen states -Arkansas, Florida, Missouri, Nevada. Oregon and Wyoming -all had smaller population at time of admission than Alaska has today.

It will be noted in the table above that in many cases a very large increase occurred in the decade in which admission took place. Much of this was due to the general wave of western migration which was in progress all during this period. But some of it undoubtedly can be attributed directly to statehood, which in the case of Arizona and some other states, itself had a very definite influence on the growth of population. According to the Arizona Department of Library and Archives, the psychological effect of the conferring of statehood was to focus the eyes of the nation upon the new commonwealth and to cause a considerable tide of immigration to set in.

In the decade of admission, Arizona's population increased 63.4 percent. Something similar occurred in Nevada, which the census of 1860 showed as having a population of 6,857. Population upon admission in 1864 was somewhere between this figure and the 42,491 enumerated in 1870. It is arguable that the increased population of Nevada in 1870 over 1860 was one of the direct and inescapable effects of the coming of statehood. Commenting upon this, former Delegate Dimond pointed out that:

> No suggestion has been made that the people of Nevada ever regretted their choice, and it seems certain that at the present time, when Nevada has a population of 110,247, according to the 1940 census, any citizen of that state who advised that the state should go back to territorial status would be considered a fit subject for inquiry as to mental competence.

Under ordinary circumstances it hardly seems likely that Alaska could become a state before, say, 1955. By that time Alaska should have a population of about 100,000. That is the outlook with continuation of the rate of growth which has prevailed since 1929. If Alaska in the next decade fulfills the bright promise which many foresee for her, the population should be substantially greater. But even 100,000, as has been seen, is more people than lived in many of our greatest states at the time of their admission. It is more, for example, than lived in California. By 1955, Alaska will have been under the American flag without statehood longer than any other possession in all our history, with a single exception. That exception is Oklahoma, which as part of the Louisiana Purchase was uninhabited and unknown at the time of annexation, and which did not become a state until 104 years later.

EASIER TO BUILD FOR NEW CITIZENS

What will happen to Alaska's population in the future is, of course, a matter for conjecture. Most people expect it to show a steady increase. This was the trend all through the 1930's. It is not generally known that ever since 1914 the Bureau of the Census has made an annual July 1 population estimate for every state and territory. Population has not been estimated since 1941 because of the insufficiency of data on wartime changes.

The most recent estimates for Alaska are as follows:

1930	60,271
1931	61,596
1932	62,921
1933	64,245
1934	65,570
1935	66,894
1936	68,219
1937	89,544
1938	70,868
1939	72,193
1940	73,517
1941	74,842

In every single year since 1930 the increase has exceeded 1,000.

Statehood at the earliest possible moment, in view of this continued trend, has been suggested as desirable by former Delegate Dimond for the reason that

STATE SHOULD CONTROL FLOW OF IMMIGRANTS

Under a state government managed by the people of Alaska, it will be much easier and much more advantageous to everyone to aid, and in a measure control, the stream of new people who are likely to come to Alaska for permanent residence at the earliest practicable moment. Therefore, I am confident that in providing statehood for Alaska we are building not only for ourselves but a sound economy for posterity.

It should also be noted that Alaska's resources are so great and her economy such that during normal years prior to the war the territory's exports exceeded imports by an average of some $28,000,000 annually. This has a large bearing on Alaska's ability to be self-supporting notwithstanding smallness of population in relation to geographical extent. Furthermore, at least 20,000 seasonal workers not counted in the census are transported each year to and from Alaska, which movement creates an enlarged summer population quite properly susceptible to taxation in support of statehood.

HOW MUCH WILL IT COST?

MOST of the doubts which Alaskans entertain as to the desirability of statehood come down to the question of what the additional costs of state government might be. We are all familiar with the attempt which has been made to picture statehood as an extravagance or a luxury which might be pleasant to have but which, because of its great cost, Alaska could not afford.

Like sparseness of population, this argument of excessive cost has been trotted out many times during the long fight for home rule in Alaska. Frequently the two arguments have been linked together, as they were before congressional committees in 1897 by Louis Sloss, spokesman for the Alaska Packers' Association,, who according to the Jeannette Nichols account:

> ...Expressed fear lest most of the devices suggested to help Alaska should hinder her. He said that as long as Alaska lacked means of communication and a stable population, territorial government must remain impracticable... The only kind of delegate he would favor was an appointed one, and he was decidedly averse to the inauguration of a property tax.

In 1902, when it appeared Congress might enact a bill giving Alaska territorial government, Joseph McDonald, superintendent of the Treadwell Mines, urged those with business interests at stake to:

> ...inform Congress of Alaska's true nature: first, that she lacks a settled population, engaged in diversified productive industries, which make the burdens of local government bear equally upon the people; second, that her only industries are mining and fishing, which largely carry the transportation burden, and cannot afford additional taxes; third, that as the whole interest of the fisheries is to escape the burdens of government as far as possible, the only industry left to meet expenses is mining, which is yet in a formative state; fourth, that the shifting nature of Alaska's population will result in the filling of the offices by men without permanent interest in the region, and they are the ones desirous of securing territorial government; fifth, that territorial government must greatly retard the future development of the country.

In 1907, Alaska's highly unpopular Governor W. B. Hoggatt estimated the cost of territorial government would be so great as to bring ruin to Alaska industry. Such ruin, did not, of course, materialize with the coming of territorial organization five years later. By such means, every step of Alaska's progress toward self-government has been retarded. The argument delayed for many years Alaska's representation in Congress by a Delegate. It delayed organization as a territory, and it delayed the granting of a territorial legislature. It has been used recently to oppose overhauling of Alaska's vastly outmoded taxation system. Now it is being used as an argument against statehood.
It is interesting to find on looking into the matter that all of the arguments which are being made today against statehood for Alaska were also made years ago in the case

of each of the states most recently admitted. All of these arguments were refuted by history.

ARIZONA MET SAME FINANCIAL OBSTACLES

Because of its many parallels to conditions in Alaska today, the statehood experience of Arizona, last of the states to be admitted, probably will prove instructive to Alaskans.

Inquiry has been made of the Governor of Arizona as to this experience and has brought the following reply:

> Arizona's resources, although developed only to a minor extent, were real; but its public revenue was altogether unequal to the building of roads, to securing the various things the desire for which moved the territory's people to seek self-government.

ARIZONA REVENUES SHOWED BIG GAIN

No great perspicacity was required to discover that the reason for this lack of public funds was inherent in the territorial revenue system. Taxes were, as a matter of fact, quite low - a condition, other things being equal, usually deemed to be highly desirable - but these other things, such for instance as taxes, were not equal. The reason was that by means of defective laws relating to the subject, corporate property - meaning specifically the property of mining, railroad, express telegraph and telephone, and private car line companies - constituting by far the territory's major wealth, was assessed on a basic representing only an insignificant fraction of its value.

When victory finally came to the forces which for so long had been struggling for statehood (and it is pertinent to mention that internal opposition to this movement centered to a large extent in the interests responsible for the prevailing unequal and inadequate taxation), the problem described was attacked.

A few figures will serve to illustrate the result. In 1911 -the year immediately preceding statehood - all property in the territory was valued at less than $100,000,000. Mining property comprised 19.3% of the total and railroad property 19.1%. In 1914 when the state's new tax system became fairly operative, the assessed valuation was $407,000,000, of which 38% was mining property and 22.14% railroad property, a readjustment rendered still more conspicuous by fairly adequate assessments of the property of express companies, private car lines, and telephone and telegraph companies. The territorial levy of 90 cents on each $100 of valuation in 1911 was reduced in 1914 to 44 1/2 cents, and there was a proportionate reduction in county levies, while the total revenue of $881,000 for territorial purposes in 1911 grew to $1,806,000 in 1914...

The state experienced no difficulty in supporting its government while at the same time greatly strengthening its educational system, providing free text books, constructing highways and giving services to the people which previously had been unknown. The equalization of taxes made possible sufficient revenue without undue burden, and the

to operate on some kind of a basis in Alaska and will relieve the state from taking over the whole burden now carried by the federal government in this regard.

Since some of the federal agencies do not break their costs down completely on an area basis, it is not easy in every case to determine exactly what the total expenditures are at the present time for all of the purposes listed. This is true particularly of court and police costs. However, a thorough study of federal expenditures in Alaska, which did involve a careful breakdown of such items, was made several years ago covering the period 1928-37. This developed some useful figures, which are available. Adjusting them to their more recent (and somewhat higher) levels, and applying to them the assumptions made in the foregoing three paragraphs, it is indicated that the annual cost of the additional services which would have to be provided by the State of Alaska would be approximately as follows:

Judiciary	$680,000
Police system	250,000
Care of insane	300,000
Fish and game	350,000
Governor and Secretary	40,000
Legislature	25,000
TOTAL	$1,645,000

It will be noticed that some of these expenses are less, but most of them more, than in the anti-statehood statement contained in an early chapter of this report. The total does not include anything for a state capitol or for other buildings which might eventually be required. It does, however, include all other foreseeable expenses. Certainly an allowance of $350,000 a year to cover upkeep, interest charges and repayment of principal on any outlay for state buildings is more than ample.

The total thus postulated, $1,995,000 a year, compares very closely with an estimate made several years ago by then Delegate Dimond, who said:

> To furnish the equivalent of the services being supplied to us by the federal government at the present time would reasonably require an expenditure by the newly created state of approximately $2,000; 000 per year. The additional $2,000,000 a year of revenue which I have mentioned might not give us quite such elaborate establishments as some of the federal government agencies which we would take over, but I am convinced that the job could be done just as well, if not better, than it is being done at the present time. It is almost axiomatic that local government is more economical than long-range government, and we can reasonably expect that to be the rule in Alaska as it has been elsewhere.

Considerable assistance toward meeting the additional costs of statehood would be forthcoming from several sources. In the first place, against the court expenditures already mentioned should be offset the sums which would be collected by the courts in

fines, etc. In the ten-year period on which our estimates were based, receipts of the federal courts in Alaska averaged $377,957 a year.

PROCEEDS OF FUR SEAL OPERATIONS
There is no reason why the state should not receive in addition the net proceeds of the Pribilof sealing operations which are carried on under treaty on the basis of a United States trusteeship for the benefit of the United States, Canada and Russia, and averaging more than $500,000 a year for the past ten years. Such net proceeds are the result of an Alaska resource, but of course will never be turned over until insisted upon by a voting congressional delegation from Alaska.

Upon granting statehood the federal government customarily makes a gift to the new state of lands, timber and other resources for the benefit of state institutions. Revenue from the sale of these lands and from the use of these resources is used by the state to help support its schools, public buildings and other institutions.

Could Alaska afford to spend from $1,000,000 to $1,500,000 a year more for statehood?

The cost of running the territorial government is now about 52,750,000 a year. Alaska meets this cost without imposing a property tax, without imposing an income tax and without tapping other sources of revenue commonly made use of elsewhere to underwrite governmental services.

Alaska's governmental costs under statehood would be roughly half again as great as they are at present. On its face, this would appear to mean a 50 per cent increase in everyone's tax bill, that is, in his territorial tax bill as distinguished from the amounts paid for municipal, school district or federal purposes. Statehood would not change these later. It is submitted that most Alaskans at the present time hardly know they are paying territorial taxes, these levies being so moderate. (The special transactions tax, which is to create a fund for Alaska veterans, is not included in any of the computations made in this study, since it is of temporary nature.)

ABSENTEE INTERESTS WOULD PAY SHARE
The burden which statehood would place upon the individual Alaskan probably would be even less heavy than the foregoing discussion would indicate, since statehood almost inevitably would mean an overhauling of Alaska's notoriously inequitable tax system. Under it, large corporations owned and operated from outside the territory get by virtually scot-free. It is suggested that these alone, and particularly the non-resident fishing, mining and transportation interests, could well afford to pay the entire additional amount needed for statehood, without doing harm to themselves.

On a straight per capita basis, which is not contended would apply; the increased cost of statehood for Alaskans would be about $17.50 per year.

It should be remembered by Alaskans in considering whether they can afford to make such an outlay for statehood, that any money paid in local taxation to a state government would be deductible from income in calculating federal income taxes. Therefore, while the local taxes of Alaskans might have to be increased slightly to support a state government, their federal taxes would to some extent be diminished.

As to Alaska's ability to meet the costs of statehood, Judge Dimond has made the observation that:

> The revenue of the territorial government is derived from a system of taxation - if it can be called a system -that is primitive beyond any comparison to be found elsewhere in the nation. No one can justly say that by any ordinary standards our tax burden is now a heavy one. Since Alaska is a frontier country it is highly desirable that taxes be kept just as low as is consistent with the public welfare. So much productive labor must be done in any frontier country to bring the wilderness in subjection that special attention should be given to the problem of keeping taxes to a minimum. But that desideratum must have been in the minds of all the peoples of all the territories when they considered statehood, and yet they deliberately, and I believe rightly, embraced in each instance the proposal to become a state. Alaska, in my judgment not only without oppression but easily and readily, and in complete harmony with the maxim of low taxes for frontier countries, can secure enough additional local revenue to undertake the burdens of statehood.

As perhaps throwing some light upon Alaska's ability to maintain a state government, it has been pointed out that the value at wholesale of alcoholic beverages shipped into the territory last year was more than twice as much as the additional costs of statehood would be. It might well be asked whether the people of Alaska are not willing to pay for the part of their civilization which is necessarily embraced in that proposed extension of free government which is called a state a small fraction of what they now pay for some material thing such as liquor which at best can be classed only as a luxury.

Against the probable costs, every Alaskan should weigh the probable benefits of statehood. These include self-government, a sounder and more progressive fiscal arrangement, a more efficient administrative system, votes and influence in Congress both to obtain the material things Alaska needs and to help guide the course of national affairs, funds for road-building through extension to Alaska of the Federal Highway Act, release of resources now controlled by the federal government, and many other boons obtainable in no other way.

Whatever statehood costs. Alaska should get far more back, not merely in the abstract, but in simple financial and economic returns. When all these factors are considered, it becomes a question not so much of whether Alaska can afford statehood as whether Alaska can afford not to become a state.

HIGHWAY DEVELOPMENT UNDER STATEHOOD

IN THE FOREGOING estimates, nothing has been included for increased costs of constructing and maintaining roads. The omission was intentional, for this is not an increased cost of statehood as against territorial government; it is an increased cost of having roads as against not having them. Alaskans, almost without exception, agree upon the desirability, even the necessity, of a greatly expanded system of roads. What has gone on in this respect should in itself convert the most doubting person to the advantages of statehood. After the Alaska Road Commission was transferred from the War Department to the Department of Interior in 1930, it is almost literally true that no funds for new construction were made available until the war period. They were appropriated then not primarily because the Interior Department asked for them and they were considered by Congress as desirable to develop the territory but because the War Department reported them as being urgently necessary in the prosecution of the war.

If anything seems clear from recent developments in Congress with respect to Alaska it is that the territory in the future is going to have to pay a larger share of highway costs. A provision requiring Alaska to match federal funds appropriated for the Alaska Road Commission was insisted upon by the House Appropriations Committee in the appropriation bill for the current fiscal year. Delegate Bartlett, after prolonged and vigorous efforts, was able to have the provision eliminated, but the only argument which appealed to Congress in this regard was that since the requirement was made without notice, the Territorial Legislature had had no opportunity to appropriate matching funds, and if the prevision were permitted to remain, no use could be made during the present construction season of any of the 1946-47 federal appropriation.

The congressional conference committee which finally eliminated the matching requirement served notice in doing so that in subsequent years Alaska will be expected to match federal funds appropriated for highway purposes in the territory.

MORE U.S. FUNDS FOR ALASKA ROADS

The federal government will do infinitely more for Alaska roads (probably at least five or six times as much annually) under the Federal Highway Aid act than it has ever done in the past or is likely to do in the future under any other arrangement. An increase above what the territory has been spending on roads undoubtedly will be required when Alaska is admitted to participation in this act. The important thing to remember here is that such an increase will be required at that time irrespective of whether Alaska is a state or still a territory.

The Territorial Legislature has petitioned Congress to admit Alaska to the benefits of the act. Alaska's claim to participation has been pressed most vigorously in Congress by the present Delegate and over a long period of years by his predecessor, but without success, for reasons which were explained fully in an earlier section of this study. The truth is that without votes in Congress Alaska has no weapon with which to enforce its claim. With statehood, Alaska would immediately come under the act, since there would

no longer be any excuse to exclude her from the provisions of this beneficial measure which applies to all the states.

To what extent would Alaska benefit under the Federal Highway Aid act? According to Delegate Bartlett:

> If Alaska were to become a state I very seriously doubt whether the formula used in the ether states could be made to apply, because if all the acreage of Alaska were calculated on that formula we should be receiving a disproportionate amount of money and, in fact, more money than we could spend with economic justification. If a formula such as the one suggested in the bill first introduced by Judge Dimond and later by me - providing that half the land area be used as a basis of calculation - were adopted, we should profit enormously by comparison with our actual experience under the system which has been used. But we are a territory, and I doubt whether that formula will ever be applied to us so long as we are a territory.

Delegate Bartlett states that those who have spent some time considering the matter have indicated Alaska would receive some $12,000,000 to $14,000,000 of federal assistance annually with only half the land area being used as a basis for calculation.

COSTS OF ALASKA FOR ROAD PURPOSES
How much would Alaska have to appropriate on its own account in order to obtain federal expenditures of this magnitude on Alaska roads? Judge Dimond makes an informed estimate, as follows:

Under the Federal Highway act, the states must take care of the maintenance charges. Those charges for Alaska roads made by the Alaska Road Commission alone at the present time amount to approximately $1,000,000 per year. It may be that Congress will make a special exception for the State of Alaska for a few years, but we cannot expect that any such exception will be permanent, and it may not be made at all. Moreover, the appetite of Alaska for roads, if one may use that figure, is simply insatiable. Further consideration of the subject has convinced me that Alaska should be prepared to appropriate at least $2,000,000 per year for the maintenance and construction of roads from the outset.

By that I don't mean $2,000,000 in addition to current appropriations, but $2,000,000 per year in all. If the federal government should retain under its control a large share of the public land of Alaska, then by the present road formula our share for the cost of construction of new roads, as distinguished from maintenance of existing roads, would be proportionately lower than would be the case if all of the public land of Alaska, or practically all of it, were turned over to the State of Alaska. We do not know just what kind of action Congress will take on the subject and, therefore, I suggest that to take care of every possible eventuality we should make an allowance of $1,000,000 per year, or approximately that, for the maintenance of existing roads, and at least another $1,000,000 a year for new construction.

Thus, with the expenditure of about $2,000,000 a year, not all of which would be an increase, Alaska would receive $14,000,000 to $16,000,000 a year worth of highway construction and maintenance.

If Alaska did not wish to spend $2,000,000 a year for $14,000,000 to $76,000,000 worth of roads, we could, of course, refuse to take advantage of the act, and thus not be required to make the highway appropriations mentioned. Undoubtedly other states would be delighted. Obviously, though, this would be poor business for Alaska.

FEDERAL POWERS, RESOURCES AND RESPONSIBILITIES WHICH WOULD BE TRANSFERRED TO THE STATE

THE federal government owns most of the land and other natural resources of Alaska. There rests upon the federal government, therefore, a special responsibility for the administration of public affairs in the Territory. This responsibility no doubt will continue to some extent even after Alaska becomes a state.

A statement last year by the Department of the Interior advocating statehood for Alaska, included the paragraph:

> It should be borne in mind... that statehood does not necessarily bring with it ownership of all of the public domain within the boundaries of the territory. The states of the Union, by federal grant, were given substantial acreage for schools, for roads, and for other public purposes, but the rest of the federal land was reserved to the federal government for disposal under appropriate congressional action.

Unfortunate consequences of the federal land policy as it was applied to the western states caused Congress to follow a different policy with respect to Alaska. The older continental practice of outright sale of land and resources has been superseded by a policy of leasing for development purposes.

Under this policy, Alaska coal lands were withdrawn from entry in 1906, the very large Tongass and Chugach National Forests were created in 1909, Alaska oil lands were withdrawn from entry in 1910 and a leasing law for oil lands enacted in 1920, and there have been many more recent withdrawals and reservations familiar to present-day Alaskans.

Thus the coal, the forests, the oil and other resources of the Territory have been reserved, in effect, in a kind of "store house" for future use. While this policy of withdrawal and leasing has no doubt protected Alaska's natural wealth to a certain extent from pre-emption by predatory interests, it is indisputable that it has also slowed up the process of resource development in the North. It is past time that the Alaska storehouse should be unlocked. Statehood is a way - probably the best way - to do it. With statehood, Alaska will itself receive control of a large share of the wealth which has so long been held in reserve.

LAND TURNOVER TO STATE OF ALASKA

The Bartlett-McCarran statehood bill provides that the federal government will turn over to the State of Alaska all vacant and unappropriated lands, including lands reserved or withdrawn from entry, except for the following:

1. Land actually used by the United States or a federal agency for some governmental purpose.

2. Land and adjacent waters reserved for the use or benefit of native Indians, Eskimos or Aleuts.
3. Sections 16 and 36 in each township, reserved for support of common schools in the state; and Section 33 in each township, reserved for support of the University of Alaska.
4. Mount McKinley National Park.
5. Glacier Bay National Monument.
6. The naval petroleum reserve in northern Alaska.
7. The Pribilof Islands.
8. All of the Aleutian Islands west of 172° west longitude required for military purposes.

With these specific exceptions, all the vacant and unappropriated federal lands within Alaska's borders would become the property of the new state. The sections set aside for support of the schools and the university would, to all intents and purposes, belong to the state also. They are excepted from the lands contained in the outright gift because of a provision reserving them from sale or settlement. The state would be permitted to select lieu lands to replace any part of the specified sections where settlement with a view to homestead entry had already been made.

The part of the Aleutian chain which 'might be withheld for military purposes is that west of Amukta Passage. Among the islands east of the 172nd meridian which would become state land are Umnak, Akutan, Unalaska and Unimak.

There are several rather significant omissions from the lands which the bill would withhold from the state. Apparently the federal government would turn over to the state the area now reserved in Katmai National Monument. The large petroleum reserves now held by the federal government in addition to the naval reserve of northern Alaska would also become state property.

In all, some 200,000,000 acres of land - more than half of all Alaska - would be turned over to the new state to become its property to do with as it pleased. At a stroke, the many withdrawals and restrictions, which have served to delay development within this area, would be ended.

This is an enormous gift of natural wealth to the state. It is larger than was the grant to any of the present states. Montana was given 5,860,645 acres out of a total state area of 94,000,000 acres. The gross area of the grant to Arizona was 8,239,000 acres out of total area of 72,931,840 acres. Even today, 73 per cent of Arizona's area remains in federal ownership. The federal government owns 44 percent of the total area of New Mexico and 92 percent of Nevada.

The grant of natural wealth contemplated by the authors of the Bartlett-McCarran bill, which, incidentally, follows Judge Dimond's previous bill in exact text, has been noted. It has also been noted that this bill has not been passed, nor have hearings on it been held in congressional committees. As to exactly how much of land and other resources

Congress would be disposed to grant to Alaska when a statehood-enabling act is actually passed, the simple fact is that no one can say at this time. It might fairly be accepted as a principle, however, that Congress would be no less generous to Alaska than it has been to other states. There is no reason why Alaska should be unique among all states, for instance, in that the fisheries would not be placed under state control, as some have contended. If Congress should attempt to withhold the fisheries, or make a special case out of Alaska in some other respect, Alaskans need not accept the gift of statehood, and undoubtedly would reject it at their election on ratification of the state constitution.

U.S. FOREST LAND IS SPECIAL PROBLEM

A special situation unique to Alaska has to do with the status of national forest land. The two national forests in Alaska contain 20,850,000 acres and embrace virtually all the land in two of the most promising areas, Southeastern Alaska and Prince William Sound.

The difference between Alaska and any of the states in this regard is that there the national forest reserves are intermingled with other forested land, either public domain or privately owned, to which the individual can obtain title. In Southeastern Alaska there is no other available land. It is all in the national forests. On Prince William Sound the entire coastal area, which is most choice from the standpoint, for instance, of tourist development, is in reserve and cannot be obtained by purchase or otherwise. It is true that such of this land as is classified as agricultural in character is subject to entry, but practically none of it is. It is true that the prospective investor in tourist lodges and camps, could get a permit to use some of this land, but these permits are good only for 15 years and can be revoked at any time. The fact is that tourist development has not taken place under this system.

Alaska might well ask the federal government to include in its grant of lands to the new state substantial areas from the forest reserves. Such a grant would serve two purposes: it would promise the new state a valuable source of revenue through sale of land and timber, and it would open to private ownership and development areas now held completely in federal control.

A precedent respecting national forest areas was established at the time of admission of Arizona and New Mexico. By act of Congress the two states were granted sections 2, 16, 32 and 36 in each township, but with the provision that where such sections occurred within the limits of an established national forest, they would continue to be administered as parts of the national forest, with a part of gross national forest receipts being paid to the state annually, in proportion to the national forest area comprised by the granted sections. Subsequent action by the two states has differed markedly. Arizona largely has allowed the granted sections to continue in their original status, and has accepted the annual payment from the Forest Service. New Mexico, on the other hand, rather generally has traded the granted sections for sections of public domain outside the national forests, either for sale or for management as grazing properties by the state.

The situation in these states, however, differs materially from that which will prevail in Alaska. It is for this reason that outright grant of some of the national forest area to the State of Alaska is suggested.

The proposed Alaska statehood-enabling act provides with respect to the fisheries and with respect to fur and game, as follows:

> All of the property of the United States situated in the Territory of Alaska used in connection with the conservation and protection of the fisheries and of the fur and game of Alaska, except technical and research plants and establishments and appurtenant property, are hereby transferred and conveyed to the State of Alaska. The State of Alaska shall possess and exercise the same jurisdiction and control over the fisheries and the fur and game of Alaska as are possessed and exercised within their respective territorial limits including adjacent waters, by the several states.

This bill is not even before Congress at the present time, let alone enacted into law, but it probably furnishes a reliable guide to the kind of fishery arrangement which would be provided with statehood.

FISHERIES CONTROL BY STATE DETAILED

It has been seen that the territory exercises over the fisheries only such controls as are involved in the taxing power. The federal government, as is well known, now regulates the fisheries of Alaska. It establishes seasons, restricts gear, designates closed areas and promulgates all the numerous regulations involved in managing this important resource. The federal government performs no such function with respect to the fisheries of the states, and would cease to exercise such powers in Alaska with the coming of statehood. The states possessing substantial fisheries were admitted to the Union so long ago that all of the surrounding circumstances were quite different from what they are in the case of Alaska. In the era in which Washington, Oregon and California became states, for instance, the federal government did not exercise any effective regulatory control over the fisheries. Each of the states assumed jurisdiction over all fisheries, commercial and sport, in her waters out to a distance of three nautical miles. Each of the states, through its legislative body, exercises control over all fishery resources within these waters. The federal government as regards fisheries has only such jurisdiction as might be granted it by the state legislature.

STATES HAVE CONTROL TO 3-MILE LIMIT

In the state of Washington at the present time the U.S. Fish and Wildlife Service maintains hatcheries for the protection of sport and food fish in several areas. It also maintains a propagation system to take care of salmon ascending the Columbia River to Grand Coulee Dam. In Oregon, the federal agency has conducted fisheries research studies and surveys designed to be beneficial to the state in the administration of the fishery of the Columbia River. Salmon hatcheries formerly maintained on Oregon tributaries of the Columbia and on the Rogue River are no longer in operation. In California, the Fish and Wildlife Service carries on a function which is entirely advisory.

In the case of the salmon and sardine fisheries, this agency is making investigations in co-operation with the state.

Complete regulatory powers over the fisheries in each state and offshore for three nautical miles reside in the states themselves. This extends to the controlling of gear, the limiting of catches, the designation of open seasons, the regulating of the amount of fish which may be used in reduction processes, and all related matters.

Alaska, with statehood, will assume similar all-inclusive authority over her fisheries. Authority over game and fur also will pass to the new state. The federal government will retain jurisdiction over such matters only in national park and national monument areas and as respects migratory waterfowl.

It has been asked whether the Alaska Railroad would pass to the state. There is no reason to believe there would be any change in the status of the railroad, unless the new state should wish to take it over and operate it as a state venture. The proposed enabling act is silent on the subject, except to say that all property in the actual possession of and used by the United States shall remain in federal control.

Another permanent concern of the federal government is the Native population. The welfare of the Natives, in Alaska as in the states, is a peculiar claim upon the federal government. This responsibility in Alaska will not be lessened or materially affected by statehood. As a matter of policy, if not strictly of treaty stipulation, the Native races of Alaska, Indian, Eskimo and Aleut, have always been treated and considered by the federal government just the same as the Indians of the states, in that their support and care is a federal and not a state obligation.

With apologies for laboring a point should be self-evident, the following information is given with respect to the provision made by the federal government for Indians in Arizona and New Mexico before and since statehood.

STATEHOOD AIDS INDIAN GROUPS
Arizona had 29,201 and New Mexico about 20,000 Indians at time of admission in 1912. The Office of Indian Affairs has provided the following record showing total federal expenditures by the Indian Service in Arizona and New Mexico in the years preceding and following statehood:

Before Statehood		After Statehood	
1901	$660,091.95	1913	$709,414.24
1902	$293,331.64	1914	$786,022.94
1903	$529,988.85	1915	$1,024,945.18
1904	$533,438.32	1916	$854,303.96
1905	$632,081.18	1917	$920,576.05
1906	$604,143.31	1918	$834,762.06
1907	$618,729.10	1919	$978,915.10

1908	$801,583.36	1920	$1,173,857.69
1909	$666,446.97	1921	$1,422,341.49
1910	$795,982.58	1922	$1,244,234.75
1911	$738,382.65	1923	$3,365,792.09
1912	$869,045.27	1924	$1,575,816.15

It will be seen from the above that, far from decreasing, federal expenditures for Indians in these states actually increased considerably after statehood. In 1940 Arizona had 55,076 and New Mexico 34,510 Indians. Expenditures by the federal government on behalf of Indians in the two states totaled $10,851,934 in that year. Since 1912, the year of admission of the two states, the Indian population has increased 82 percent; federal expenditures for Indians have increased 1150 per cent.

Inquiry submitted to state officials in Arizona brought the reply that: After statehood the Indians were provided for on the same basis as in territorial days.

New Mexico officials report: The new state never did take over any of the Indian Department's activities.

Montana, which upon admission had 11,571 Indians, reports:

> The state has never at any time provided money for the support or aid of the Indian Population of Montana. These people are under the jurisdiction of the federal government. All trials concerning Indians are held in federal courts. The laws and regulations relating to the Indians are the same in any state or territory.

NO GUARANTEE OF U.S. SPENDING

The evidence on this point, that the Natives of Alaska will continue after statehood to be a federal responsibility, apparently is conclusive.

It has been complained that there is no guarantee in the proposed statehood bill as to how much money the Office of Indian Affairs will spend in Alaska after statehood, with the implication that some such assurance ought to be incorporated in the bill. Obviously, that cannot be done, first because the Congress which provides for Alaska's admission cannot bind future Congresses in the matter of appropriations, and second, changing conditions might also invalidate any guarantee or commitment.

The third point might be added that the statehood enabling act should not be expected to, and cannot possibly, cover every matter about which some cautious Alaskan might entertain a doubt. It would be a strange statehood enabling act indeed which went into such matters as how much should be paid for the tuition of Eskimo children, what percentage basis should apply in admitting Alaska to the Federal Highway Act, just what constitutes an Indian reservation, whether rent might be charged state agencies for the use of federal buildings, what should become of proceeds from the seal rookeries, how aboriginal rights might be disposed of, and who gets the boats and bunkhouses used by

the federal government in enforcement of the fishery and game laws. These are matters for separate legislation or for administrative action within the framework of existing laws.

HISTORY REPEATS ITSELF

EXCURSIONS into history sometimes serve to illuminate the perplexing problems of a later day. A careful reading of the history of Alaska will show that the forces which have consistently fought every extension of self-government to Alaska are the absentee interests. They fought each of the Organic Acts; they fought the appointment of a Delegate, they fought the creation of a legislature, and they are, of course, fighting statehood. The people who look upon Alaska as just a place to extract from, and who believe in putting nothing back, are all against statehood.

It is not difficult to understand why this should be so. Those who profit under an inferior form of government naturally are not anxious to see an improvement. Particularly to be feared by them is any change which would place the reins of government in the hands of the people.

As Dr. Nichols points out in her carefully documented history of the development of Alaska's territorial government:

Partisanship in Alaska, and inevitably the home rule movement also, have long been sensitive to corporate influence. The conditions of Alaska's economic and political history, her routes of commerce, and the distribution of her resources have always been such as to foster the growth of monopolies. Therefore it has naturally followed that the keynote of Alaska's history has been her natural resources and the attempts made by individuals and corporations to obtain a free hand in their exploitation... The interests long opposed home rule on the grounds of excessive taxation...

Like the canning and transportation companies, Seattle business soon acquired a vested interest in Alaska which demanded the closest possible attention to the policy of Congress and the administration as affecting that interest. Insignificant and few indeed would be the Alaskan issues which could be settled without consulting the wishes of these highly organized combinations. The effect of their interference has been constantly evident in the home rule movement.

The most perplexing type of influence at Washington was that of the lobby, which was of two kinds chiefly, the commercial and the sectional. In the former, not less than six large corporations...were represented, all eager to be heard on questions of interest to them... The Alaska lobby then acquired the characteristics it has retained to the present time ... The ... members are seldom all-year-round residents of Alaska, but they are always pecuniarily interested, and often carry credentials from one chamber of commerce or another... In addition to these lobbyists there were the chamber of commerce interests of the Pacific Coast, to which their northern customers made frequent appeals wherein Alaskan associations of a like character joined.

SAME GROUP FOUGHT MOVE FOR TERRITORY

It has been said that in addition to the absentee corporate interests the only group which opposes statehood in Alaska is "the sourpuss branch of the sourdough family."

While this undoubtedly is too harsh a dictum, a spectacle for wonder is the manner in which some Alaskans have always reflected, as from a mirror, the attitudes of their out-of-territory associations. It is a little difficult now to understand how anyone could have opposed the organization of territorial government. At the time this forward step was being offered in the early 1900's, the home rule movement took the form of debates, held first at Skagway, then at other Panhandle towns and Nome, on the subject: "Resolved that a territorial form of government will be beneficial to Alaska:" It is recorded that: If a debate were held at a meeting of a commercial club, the verdict was often negative; if at a public mass meeting, more frequently affirmative.

A few years later when a congressional committee visited Alaska to judge the sentiment for territorial government, the Juneau Chamber of Commerce took a vote upon territorial government in the presence of the junketers. It resulted in a tie, broken by the chairman in opposition to organization.

There are always "good sound men" about to point out a reason why this is not the time to take a forward step. If their cautious counsels had prevailed, men would still be wearing the skins of animals and huddling in caves.

Several years ago, then Delegate Dimond foresaw the alignment of forces which would occur when statehood became an issue before the people of Alaska. At that time he issued the warning:

> Nor should we Alaskans be deflected from carrying out our own considered judgment by the shortsighted, and, in many cases, the not entirely unselfish arguments which are bound to be made against the proposal for statehood by those who, on account of circumstances or position, have no really vital interest in the development of Alaska. Such persons are largely included in two categories; first, those who, although owning and operating property in Alaska, do not reside in the Territory and, therefore, are quite naturally only desirous of speedily getting as much out of Alaska as they can lawfully obtain, and second, those who represent various agencies of the federal government, few of them really residents of Alaska, and who equally naturally are more concerned with maintaining their own authority and power than they are in building the State of Alaska as an abode for the future citizens of the Territory.
>
> Every change upon every possible argument and objection to statehood will be rung by individuals or groups of the two classes and by their representatives in Alaska who are, so closely associated with them economically or socially as to be subject to their control or influence. We should take care to guard ourselves against being unduly swayed by the arguments of those who really have no concern for Alaska but who in opposing statehood are simply trying to maintain their own position or status of authority or for profit.

This is not to argue that there do not exist in Alaska many persons of sincere conviction who are opposed to statehood. This would hardly be a democracy if all thought alike.

PEOPLE APPROVE STATEHOOD IDEA

There seem to be abundant evidences, however, that the people of Alaska do favor statehood. In electing Delegates to Congress the people of Alaska have, over the past 20 years, consistently chosen candidates who announced themselves as in favor of statehood, and have elected these men in preference to others who were opposed or who were silent or half-hearted on the statehood issue. The Territorial Legislature has adopted memorials requesting statehood, and statehood planks have been included in the party platforms of political conventions. The congressional group which visited Alaska last year reported:

> During the committee's visit to Alaska much was said concerning statehood for the Territory and many outstanding citizens announced themselves as being in favor of it. It was ascertained that a majority of the citizens of Alaska have an unlimited faith in its future and strongly favor statehood at an early date.

Tony Dimond has said that: I firmly believe that when they understand what is involved, 90 percent of the really permanent residents of Alaska will demand statehood so forcefully as not to be denied.

The decision rests with the people of Alaska. The Department of the Interior has gone on record with the statement that "statehood is the only form of self-government appropriate to Alaska, and Alaska is equipped for statehood." But the Department of the interior cannot make Alaska a state. President Truman has announced he would welcome Alaska's entry into the Union as a state whenever the Territory is ready for the step.

But the President of the United States has not the power to make Alaska a state. Congress, however forcefully it might be inclined in that direction, cannot make Alaska a state. Only the people of Alaska can do that.

Taking a long view, statehood for Alaska probably is inevitable. The question, therefore, is one of whether the immediate future - the next five years - is the time. That is the question which the people of Alaska will answer by their votes in October's election. It seems certain that all of the many faults which statehood is designed to cure will become progressively worse until Alaska is admitted to full standing in the Union. This, then, would seem to be none too early for Alaska to begin making progress toward the ultimate goal.

Alaska Statehood Issues and Facts in Brief

The information developed in the course of this study may be summarized very briefly as follows:

1. The territorial form of government has many inherent disadvantages and was never intended to continue for long.
2. A territory is inferior to a state in that it exercises no influence over the federal government, while the federal government has much more authority over a territory than over a state.
3. Self-government generally is preferable to government by others, and home rule superior to government from a distance.
4. Alaska is so far removed from Washington, and has so many unique requirements, that it is fantastic to expect under the territorial form that good local government will stem from the national capital.
5. The congressional grant of legislative powers to Alaska has been wholly inadequate to permit the fiscal affairs of the territory to be placed on a sound basis.
6. The territory's grant of powers, as to have a legislature or a Delegate in Congress, may be taken away at any time. Alaska has no inherent powers.
7. Other specific disadvantages of the territorial form of government are that laws passed by the legislature may be vetoed by the Governor or nullified by Congress, the Governor is a federal appointee, and the authority given the legislature is so restricted as to make real self-government impossible.
8. Lacking a vote in Congress and an equal standing with the states, Alaska now suffers many discriminations which can be ended only by statehood.
9. The vote in Congress, the chief advantage of statehood, would be of immense benefit to Alaska. It alone would be worth the additional cost of statehood.
10. There is no sound reason in this day of rapid transportation and communication why a non-contiguous area should not become a state, if it possesses the other qualifications.
11. Alaska already has served a territorial apprenticeship longer than any but four states in all our history and has belonged to the United States, without statehood, longer than all but five possessions in all our history.
12. The mere mechanics of statehood, even if Congress should act immediately to enable Alaska's admission, probably would consume about three years. Many states required much longer.
13. The population of Alaska is larger than that of many states at time of admission and is sufficient now to support a state government. It has been growing steadily ever since 1929. The experience of the other states has been that statehood itself attracts new population and wealth to an area.
14. Because of the stream of new people coming to the Territory, a state formed now could reflect in its constitution and institutions the point of view of the people who really know Alaska, whereas in a few years this might no longer be possible.
15. No state regrets, or ever did regret, taking the step from territorial status to statehood.

16. There is nothing necessarily or inherently costly about the state form of government as compared with the territorial one.
17. The argument of excessive cost was made against statehood in virtually every territory and has been used repeatedly to thwart governmental reforms in Alaska. Subsequent events in every case demonstrate that the argument has no merit at all.
18. The additional expense of statehood would be $1,000,000 to $2,000,000 a year, a cost which Alaska would have no difficulty in meeting.
19. Whatever statehood costs, Alaska should get far more back, not merely in the abstract, but in simple financial and economic returns.
20. Territorial impotence is costing Alaska vast sums annually in congressional appropriations rightfully hers and which will be obtained with statehood.
21. Statehood would obtain for Alaska the benefits of the Federal Highway Aid act, amounting to $12,000.000 to $14,000,000 annually in road grants for a state outlay of $2,000,000.
22. The gift of natural wealth to Alaska proposed in the Bartlett-McCarran statehood bill is generous beyond the gift made to any existing state.
23. Statehood would bring release of many of the reservations and withdrawals of land and resources made through the years by the federal government.
24. Portions of the large national forest reserves should pass with statehood to Alaska and result in development of a type not now possible.
25. With statehood, complete control over the fisheries will pass to Alaska.
26. The Native Indian, Eskimo and Aleut residents of Alaska are a permanent concern of the federal government, which will continue to provide for their welfare on exactly the same basis after statehood as at present.
27. There are numerous anti-statehood arguments. These deserve study.
28. There have been numerous evidences that the people of Alaska do favor statehood. The October referendum will give them an opportunity to formally declare this attitude.
29. A vote in favor of statehood in the October referendum does not mean Alaska would forthwith become a state. It would merely be an indication to Congress that the people of the territory desire that the long process toward statehood be commenced. Hawaii voted overwhelmingly in favor of statehood six years ago, and yet Congress has not responded to that mandate.
30. A vote for statehood in the October referendum does not commit Alaska unalterably to statehood or begin a process which the people of Alaska cannot stop later should they desire to do so. Full control over whether the territory becomes a state remains firmly in the hands of the people of Alaska until after a state constitution is ratified by popular vote.
31. A vote against statehood in the October referendum will kill all hopes for statehood for many years to come and react against Alaska's interests in other ways as well.
32. The forces which are opposing statehood today have fought every extension of self-government to Alaska all through the years. They are the people who look upon Alaska as just a place to extract from, and who believe in putting nothing back.

33. Statehood for Alaska probably is inevitable. With every year of delay, the many faults which statehood is designed to cure will become progressively worse. Therefore, this is the time to take the first step.

ACKNOWLEDGMENTS

THIS investigation of the issues involved in statehood for Alaska owes much to the helpful assistance extended by many persons both within and without the Territory and within and without the government.

Particular thanks are due to Delegate E. L. "Bob" Bartlett and his secretary, Mary Lee Council, for arranging interviews in Washington with officials of the federal agencies which are now attempting as best they can to provide Alaska government by remote control. Joseph T. Flakne, Chief of the Alaska branch of the Division of Territories and Island Possessions, was similarly helpful.

Luther Evans, Librarian of Congress, and Robert C. Gooch, Chief of the General Reference and Bibliography Division of the Library of Congress, made reference material available.

Counsel and information on specific phases of inquiry were extended by Paul Fishinger of the Office of Indian Affairs, Chicago, and L. F. Kneipp, Assistant Chief of the U. S. Forest Service, Washington, D. C.

One of the most fruitful areas of inquiry proved to be the state governments and historical societies of various of the states which as territories faced problems in some respects similar to those which Alaska faces today. Particular mention in this department should be made of the assistance rendered by the Hon. Sidney P. Osborn, Governor of Arizona; The Hon. John J. Dempsey, Governor of New Mexico; The Hon. Walter S. Goodland, Governor of Wisconsin; Herbert M. Peet, Executive Secretary of the Governor's Advisory Commission of the State of Washington; Mrs. Anne McDonnell, Assistant Librarian of the Historical Society of Montana; Emil J. N. Ott, Jr., Executive Secretary of the California Division of Fish and Game; Milo Moore, Director of the State of Washington Department of Fisheries; Arnie J. Suomela, Master Fish Warden of the Fish Commission of Oregon; F. G. Wilson, Superintendent of the Conservation Department of the State of Wisconsin; Mulford Winsor, Director of the Department of Library and Archives of the State of Arizona, and V. J. Jaeger, Director, New Mexico State Planning Board.

Valuable suggestions were made by Frank Bane, Secretary, and Lynton K. Caldwell, Director of Research and Publication of the Council of State Governments, Chicago.

Much has been drawn from the writings and labors of District Judge Anthony J. "Tony" Dimond, of Anchorage, who served so long and so effectively as Alaska's Delegate to Congress, and who came away from Washington convinced that statehood is the answer to Alaska's desperate governmental problem.

Governor Gruening and Attorney General Ralph Rivers, for much help and information and President Evangeline Atwood and Secretary-Treasurer J. L. McCarrey of the

Alaska Statehood association, for great assistance and inspiration, also deserve deep appreciation,

-GEORGE SUNDBORG, July, 1946.

B

NORTHWEST ORDINANCE

Secretary for the department of war, his duty.

shall be an executive department to be denominated the Department of War,(a) and that there shall be a principal officer therein, to be called the Secretary for the Department of War, who shall perform and execute such duties as shall from time to time be enjoined on, or entrusted to him by the President of the United States, agreeably to the Constitution, relative to military commissions, or to the land or naval forces, ships, or warlike stores of the United States, or to such other matters respecting military or naval affairs, as the President of the United States shall assign to the said department, or relative to the granting of lands to persons entitled thereto, for military services rendered to the United States, or relative to Indian affairs; and furthermore, that the said principal officer shall conduct the business of the said department in such manner, as the President of the United States shall from time to time order or instruct.

1798, ch. 35, sec. 5.

Principal clerk, his duty.

Sec. 2. *And be it further enacted,* That there shall be in the said department an inferior officer, to be appointed by the said principal officer, to be employed therein as he shall deem proper, and to be called the chief clerk in the department of war, and who, whenever the said principal officer shall be removed from office by the President of the United States, or in any other case of vacancy, shall, during such vacancy, have the charge and custody of all records, books and papers, appertaining to the said department.

Oath of office.

Sec. 3. *And be it further enacted,* That the said principal officer, and every other person to be appointed or employed in the said department, shall, before he enters on the execution of his office or employment, take an oath or affirmation well and faithfully to execute the trust commited to him.

Secretary to take charge of papers, &c. of war department.

Sec. 4. *And be it further enacted,* That the Secretary for the department of war, to be appointed in consequence of this act, shall forthwith after his appointment, be entitled to have the custody and charge of all records, books and papers in the office of Secretary for the department of war, heretofore established by the United States in Congress assembled.(b)

Approved, August 7, 1789.

Statute I.

Aug. 7, 1789.

Chap. VIII.—*An Act to provide for the Government of the Territory North-west of the river Ohio.*

1800, ch. 41.
1802, ch. 40.

Whereas in order that the ordinance of the United States in Congress assembled, for the government of the territory north-west of the river

I do owe faith and true allegiance to the United States of America; and I do swear (or affirm) that I will, to the utmost of my power, support, maintain and defend the said United States in their freedom, sovereignty and independence, against all opposition whatsoever." And the oath of office shall be in the words following: "I, A. B. appointed to the office of do swear (or affirm) that I will faithfully, truly and impartially execute the office of to which I am so appointed, according to the best of my skill and judgment; and that I will not disclose or reveal any thing that shall come to my knowledge in the execution of the said office, or from the confidence I may thereby acquire, which in my own judgment or by the injunction of my superiors ought to be kept secret." That the form of the oath of fidelity heretofore prescribed by Congress, and all former resolutions of Congress relative to the department of war, be, and they are hereby repealed.

Done by the United States in Congress assembled, the twenty-seventh day of January, in the year of our Lord one thousand seven hundred and eighty-five, and of our sovereignty and independence the ninth.

RICHARD HENRY LEE, *President.*

Charles Thomson, *Secretary.*

(a) The Secretary at War, as the legitimate organ of the President, under a general authority from him, may exercise the power, and make the allowance to officers having a separate command. Parker v. The United States, 1 Peters, 296.

(b) By "an act to establish an executive department to be denominated the Department of the Navy, passed April 30, 1798, chap. 35, the navy department was established, and by the 5th section of that act so much of the act of August 7, 1789, as vested any of the powers given to the department over the navy, by the act of April 30, 1798, were repealed.

Ohio may continue to have full effect, it is requisite that certain provisions should be made, so as to adapt the same to the present Constitution of the United States.(*a*)

Act of April 30, 1802, ch. 40.

(*a*) *An Ordinance for the Government of the Territory of the United States north-west of the river Ohio.*

Be it ordained by the United States in Congress assembled, That the said territory, for the purposes of temporary government, be one district; subject, however, to be divided into two districts, as future circumstances may, in the opinion of Congress, make it expedient.

Be it ordained by the authority aforesaid, That the estates both of resident and non-resident proprietors in the said territory, dying intestate, shall descend to, and be distributed among their children, and the descendants of a deceased child in equal parts; the descendants of a deceased child or grandchild, to take the share of their deceased parent in equal parts among them: And where there shall be no children or descendants, then in equal parts to the next of kin, in equal degree; and among collaterals, the children of a deceased brother or sister of the intestate, shall have in equal parts among them their deceased parents' share; and there shall in no case be a distinction between kindred of the whole and half blood; saving in all cases to the widow of the intestate, her third part of the real estate for life, and one third part of the personal estate; and this law relative to descents and dower, shall remain in full force until altered by the legislature of the district.—And until the governor and judges shall adopt laws as hereinafter mentioned, estates in the said territory may be devised or bequeathed by wills in writing, signed and sealed by him or her, in whom the estate may be (being of full age) and attested by three witnesses;—and real estates may be conveyed by lease and release, or bargain and sale, signed, sealed and delivered by the person, being of full age, in whom the estate may be, and attested by two witnesses, provided such wills be duly proved, and such conveyances be acknowledged, or the execution thereof duly proved, and be recorded within one year after proper magistrates, courts and registers shall be appointed for that purpose; and personal property may be transferred by delivery; saving, however, to the French and Canadian inhabitants, and other settlers of the Kaskaskies, St. Vincent's, and the neighbouring villages, who have heretofore professed themselves citizens of Virginia, their laws and customs now in force among them, relative to the descent and conveyance of property.

Be it ordained by the authority aforesaid, That there shall be appointed from time to time, by Congress, a governor, whose commission shall continue in force for the term of three years, unless sooner revoked by Congress: he shall reside in the district, and have a freehold estate therein, in one thousand acres of land, while in the exercise of his office.

There shall be appointed from time to time by Congress, a secretary, whose commission shall continue in force for four years, unless sooner revoked; he shall reside in the district, and have a freehold estate therein, in five hundred acres of land, while in the exercise of his office: it shall be his duty to keep and preserve the acts and laws passed by the legislature, and the public records of the district, and the proceedings of the governor in his executive department; and transmit authentic copies of such acts and proceedings, every six months, to the secretary of Congress: There shall also be appointed a court to consist of three judges, any two of whom to form a court, who shall have a common law jurisdiction, and reside in the district, and have each therein a freehold estate in five hundred acres of land, while in the exercise of their offices; and their commissions shall continue in force during good behaviour.

The governor and judges, or a majority of them, shall adopt and publish in the district, such laws of the original States, criminal and civil, as may be necessary, and best suited to the circumstances of the district, and report them to Congress, from time to time; which laws shall be in force in the district until the organization of the general assembly therein, unless disapproved of by Congress; but afterwards the legislature shall have authority to alter them as they shall think fit.

The governor for the time being, shall be commander-in-chief of the militia, appoint and commission all officers in the same, below the rank of general officers; all general officers shall be appointed and commissioned by Congress.

Previous to the organization of the general assembly, the governor shall appoint such magistrates and other civil officers, in each county or township, as he shall find necessary for the preservation of the peace and good order in the same: After the general assembly shall be organized, the powers and duties of magistrates and other civil officers shall be regulated and defined by the said assembly; but all magistrates and other civil officers, not herein otherwise directed, shall during the continuance of this temporary government, be appointed by the governor.

For the prevention of crimes and injuries, the laws to be adopted or made shall have force in all parts of the district, and for the execution of process, criminal and civil, the governor shall make proper divisions thereof—and he shall proceed from time to time, as circumstances may require, to lay out the parts of the district in which the Indian titles shall have been extinguished, into counties and townships, subject, however, to such alterations as may thereafter be made by the legislature.

So soon as there shall be five thousand free male inhabitants, of full age, in the district, upon giving proof thereof to the governor, they shall receive authority, with time and place, to elect representatives from their counties or townships, to represent them in the general assembly; provided that for every five hundred free male inhabitants, there shall be one representative, and so on progressively with the number of free male inhabitants shall the right of representation increase, until the number of representatives shall amount to twenty-five; after which the number and proportion of representatives shall be regulated by the legislature: provided that no person be eligible or qualified to act as a representative, unless he shall have been a citizen of one of the United States three years, and be a resident in the district, or unless he shall have resided in the district three years; and in either case, shall likewise hold in his own right, in fee simple, two hundred acres of land within the same: provided also, that a freehold in fifty acres of land in the district, having been a citizen of one of the States, and being resident in the district, or the like freehold and two years residence in the district shall be necessary to qualify a man as an elector of a representative.

The representatives thus elected, shall serve for the term of two years; and in case of the death of a representative, or removal from office, the governor shall issue a writ to the county or township, for which he was a member, to elect another in his stead, to serve for the residue of the term.

The general assembly, or legislature, shall consist of the governor, legislative council, and a house of

Governor to make communication to the President of the U. States.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That in all cases in which by the said ordinance, any information is to be given, or communication made by the governor of the said territory to the United States in Congress assembled, or to any of their officers, it shall

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representatives. The legislative council shall consist of five members, to continue in office five years, unless sooner removed by Congress; any three of whom to be a quorum: and the members of the council shall be nominated and appointed in the following manner, to wit: As soon as representatives shall be elected, the governor shall appoint a time and place for them to meet together, and, when met, they shall nominate ten persons, residents in the district, and each possessed of a freehold in five hundred acres of land, and return their names to Congress; five of whom Congress shall appoint and commission to serve as aforesaid; and whenever a vacancy shall happen in the council, by death or removal from office, the house of representatives shall nominate two persons, qualified as aforesaid, for each vacancy, and return their names to Congress; one of whom Congress shall appoint and commission for the residue of the term. And every five years, four months at least before the expiration of the time of service of the members of council, the said house shall nominate ten persons, qualified as aforesaid, and return their names to Congress; five of whom Congress shall appoint and commission to serve as members of the council five years, unless sooner removed. And the governor, legislative council, and house of representatives, shall have authority to make laws, in all cases, for the good government of the district, not repugnant to the principles and articles in this ordinance established and declared. And all bills having passed by a majority in the house, and by a majority in the council, shall be referred to the governor for his assent; but no bill or legislative act whatever, shall be of any force without his assent. The governor shall have power to convene, prorogue and dissolve the general assembly, when in his opinion it shall be expedient.

The governor, judges, legislative council, secretary, and such other officers as Congress shall appoint in the district, shall take an oath or affirmation of fidelity, and of office; the governor before the president of Congress, and all other officers before the governor. As soon as a legislature shall be formed in the district, the council and house assembled, in one room, shall have authority, by joint ballot, to elect a delegate to Congress, who shall have a seat in Congress, with a right of debating, but not of voting during this temporary government.

And for extending the fundamental principles of civil and religious liberty, which form the basis whereon these republics, their laws and constitutions are erected; to fix and establish those principles as the basis of all laws, constitutions, and governments, which forever hereafter shall be formed in the said territory: to provide also for the establishment of States, and permanent government therein, and for their admission to a share in the federal councils on an equal footing with the original States, at as early periods as may be consistent with the general interest:

It is hereby ordained and declared, by the authority aforesaid, That the following articles shall be considered as articles of compact between the original States, and the people and States in the said territory, and forever remain unalterable, unless by common consent, to wit:

ART. I. No person, demeaning himself in a peaceable and orderly manner, shall ever be molested on account of his mode of worship or religious sentiments, in the said territory.

ART. II. The inhabitants of the said territory, shall always be entitled to the benefits of the writ of habeas corpus, and of the trial by jury; of a proportionate representation of the people in the legislature, and of judicial proceedings according to the course of the common law. All persons shall be bailable, unless for capital offences, where the proof shall be evident, or the presumption great. All fines shall be moderate; and no cruel or unusual punishments shall be inflicted. No man shall be deprived of his liberty or property, but by the judgment of his peers, or the law of the land, and should the public exigencies make it necessary, for the common preservation, to take any person's property, or to demand his particular services, full compensation shall be made for the same. And in the just preservation of rights and property, it is understood and declared, that no law ought ever to be made, or have force in the said territory, that shall in any manner whatever interfere with, or affect private contracts or engagements, bona fide, and without fraud previously formed.

ART. III. Religion, morality, and knowledge, being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged. The utmost good faith shall always be observed towards the Indians; their land and property shall never be taken from them without their consent; and in their property, rights and liberty, they never shall be invaded or disturbed, unless in just and lawful wars authorized by Congress; but laws founded in justice and humanity shall from time to time be made, for preventing wrongs being done to them, and for preserving peace and friendship with them.

ART. IV. The said territory, and the States which may be formed therein, shall forever remain a part of this confederacy of the United States of America, subject to the articles of confederation, and to such alterations therein, as shall be constitutionally made; and to all the acts and ordinances of the United States in Congress assembled, conformable thereto. The inhabitants and settlers in the said territory, shall be subject to pay a part of the federal debts, contracted or to be contracted, and a proportional part of the expenses of government, to be apportioned on them by Congress, according to the same common rule and measure, by which apportionments thereof shall be made on the other States; and the taxes for paying their proportion, shall be laid and levied by the authority and direction of the legislatures of the district or districts or new States, as in the original States, within the time agreed upon by the United States in Congress assembled. The legislatures of those districts or new States, shall never interfere with the primary disposal of the soil by the United States in Congress assembled, nor with any regulations Congress may find necessary for securing the title in such soil to the bona fide purchasers. No tax shall be imposed on land the property of the United States; and in no case shall non-resident proprietors be taxed higher than residents. The navigable waters leading into the Mississippi and St. Lawrence, and the carrying places between the same, shall be common highways, and forever free, as well to the inhabitants of the said territory, as to the citizens of the United States, and those of any other States that may be admitted into the confederacy, without any tax, impost, or duty therefor.

be the duty of the said governor to give such information and to make such communication to the President of the United States, and the President shall nominate, and by and with the advice and consent of the Senate, shall appoint all officers which by the said ordinance were to have been appointed by the United States in Congress assembled, and all officers so appointed shall be commissioned by him; and in all cases where the United States in Congress assembled, might, by the said ordinance, revoke any commission or remove from any office, the President is hereby declared to have the same powers of revocation and removal.

Officers to be appointed by the President and Senate.

To be commissioned and removed by the President.

SEC. 2. *And be it further enacted*, That in case of the death, removal, resignation, or necessary absence of the governor of the said territory, the secretary thereof shall be, and he is hereby authorized and required to execute all the powers, and perform all the duties of the governor, during the vacancy occasioned by the removal, resignation or necessary absence of the said governor.(a)

In cases of death, removal, &c., secretary to execute the power of governor during such vacancy.

APPROVED, August 7, 1789.

STATUTE I.

Aug. 7, 1789.

CHAP. IX.—*An Act for the establishment and support of Lighthouses, Beacons, Buoys, and Public Piers.*(b)

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That all expenses which shall accrue from and after the fifteenth day of August,

Act of July 22, 1790, ch. 32.

ART. V. There shall be formed in the said territory, not less than three, nor more than five States; and the boundaries of the States, as soon as Virginia shall alter her act of cession, and consent to the same, shall become fixed and established as follows, to wit: The western State in the said territory, shall be bounded by the Mississippi, the Ohio and Wabash rivers; a direct line drawn from the Wabash and Post Vincents due north to the territorial line between the United States and Canada; and by the said territorial line to the Lake of the Woods and Mississippi. The middle State shall be bounded by the said direct line, the Wabash from Post Vincents to the Ohio; by the Ohio, by a direct line drawn due north from the mouth of the Great Miami, to the said territorial line, and by the said territorial line. The eastern State shall be bounded by the last mentioned direct line, the Ohio, Pennsylvania, and the said territorial line: Provided however, and it is further understood and declared, that the boundaries of these three States shall be subject so far to be altered, that if Congress shall hereafter find it expedient, they shall have authority to form one or two States in that part of the said territory which lies north of an east and west line drawn through the southerly bend or extreme of lake Michigan. And whenever any of the said States shall have sixty thousand free inhabitants therein, such State shall be admitted, by its delegates, into the Congress of the United States, on an equal footing with the original States, in all respects whatever; and shall be at liberty to form a permanent constitution and State government: Provided the constitution and government so to be formed, shall be republican, and in conformity to the principles contained in these articles; and so far as it can be consistent with the general interest of the confederacy, such admission shall be allowed at an earlier period, and when there may be a less number of free inhabitants in the State than sixty thousand.

ART. VI. There shall be neither slavery nor involuntary servitude in the said territory, otherwise than in punishment of crimes, whereof the party shall have been duly convicted: Provided always, that any person escaping into the same, from whom labour or service is lawfully claimed in any one of the original States, such fugitive may be lawfully reclaimed, and conveyed to the person claiming his or her labour or service as aforesaid.

Done by the United States in Congress assembled, the thirteenth day of July, in the year of our Lord one thousand seven hundred and eighty-seven, and of their sovereignty and independence the twelfth.

WILLIAM GRAYSON, *Chairman.*

CHARLES THOMSON, *Secretary.*

(a) The States of Ohio, Indiana, Illinois, and Michigan, were, after the enactment of this law, formed out of part of "The Territory of the United States, northwest of the river Ohio," and became members of the federal Union.

OHIO was established as a State April 30, 1802. INDIANA was admitted into the Union December 11, 1816. ILLINOIS was admitted into the Union December 3, 1818. MICHIGAN was admitted into the Union January 26, 1837.

(b) See acts of July 22, 1790; act of March 3, 1791; act of March 2, 1793; act of March 2, 1795; act of May 30, 1796. Few acts have been specially passed since 1796 for the support &c. of lighthouses, &c. Provision for the same has been made in the general appropriation laws. By the 7th section of the act of May 15, 1820, "No lighthouse, beacon nor landmark shall be built or erected on any site previous to the cession of jurisdiction over the same being made to the United States."

Suits for pilotage on the high seas, and on waters navigable from the sea, as far as the tide ebbs and flows, are within the admiralty and maritime jurisdiction of the United States. The Thomas Jefferson, 10 Wheat. 428. Peyroux *v.* Howard, 7 Peters, 324. Hobart *v.* Drogan, 10 Peters, 108

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70 Stat. 512.
21 USC 342.

proviso of section 402(c) of the Federal Food, Drug, and Cosmetic Act is amended by striking out "March 1, 1959," and inserting in lieu thereof "May 1, 1959,".

(b) The third proviso of section 402(c) of such Act is amended to read as follows: "*And provided further*, That, without regard to the requirements of sections 406(b) and 701(e), the Secretary shall promptly establish, and may from time to time amend, regulations (1) prescribing the conditions (including quantitative tolerance limitations) under which the coal-tar color known as Citrus Red No. 2 (more particularly to be defined in such regulations) may be safely used in coloring the skins of oranges which are not intended or used for processing (or, if so used, are oranges designated in the trade as 'packing house elimination'), and which meet minimum maturity standards established by or under the laws of the States in which the oranges are grown, (2) providing for separately listing such color solely for such use on such oranges, and (3) providing for the certification of batches of such color, with or without harmless diluents, for such restricted use; and such oranges, if colored prior to September 1, 1961, and to the enactment by the Congress (subsequent to the date of enactment of this proviso) of general legislation for the listing and certification of food color additives under safe tolerances, in conformity with this proviso and such regulations, with Citrus Red No. 2 from a batch certified in accordance with such regulations, shall not be deemed to be adulterated within the meaning of this paragraph."

21 USC 346, 371.

Approved March 17, 1959.

Public Law 86-3

March 18, 1959
[S. 50]

AN ACT

To provide for the admission of the State of Hawaii into the Union.

Hawaii, statehood.

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 7(c) of this Act, the State of Hawaii 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 Hawaii entitled "An Act to provide for a constitutional convention, the adoption of a State constitution, and the forwarding of the same to the Congress of the United States, and appropriating money therefor", approved May 20, 1949 (Act 334, Session Laws of Hawaii, 1949), and adopted by a vote of the people of Hawaii in the election held on November 7, 1950, 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 Hawaii shall consist of all the islands, together with their appurtenant reefs and territorial waters, included in the Territory of Hawaii on the date of enactment of this Act, except the atoll known as Palmyra Island, together with its appurtenant reefs and territorial waters, but said State shall not be deemed to include the Midway Islands, Johnston Island, Sand Island (offshore from Johnston Island), or Kingman Reef, together with their appurtenant reefs and territorial waters.

Constitution.

SEC. 3. The constitution of the State of Hawaii 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.
42 Stat. 108.
48 USC 691.

SEC. 4. As a compact with the United States relating to the management and disposition of the Hawaiian home lands, the Hawaiian Homes Commission Act, 1920, as amended, shall be adopted as a provision of the Constitution of said State, as provided in section 7, subsection (b) of this Act, subject to amendment or repeal only with the consent of the United States, and in no other manner: *Provided*, That (1) sections 202, 213, 219, 220, 222, 224, and 225 and other provisions relating to administration, and paragraph (2) of section 204, sections 206 and 212, and other provisions relating to the powers and duties of officers other than those charged with the administration of said Act, may be amended in the constitution, or in the manner required for State legislation, but the Hawaiian home-loan fund, the Hawaiian home-operating fund, and the Hawaiian home-development fund shall not be reduced or impaired by any such amendment, whether made in the constitution or in the manner required for State legislation, and the encumbrances authorized to be placed on Hawaiian home lands by officers other than those charged with the administration of said Act, shall not be increased, except with the consent of the United States; (2) that any amendment to increase the benefits to lessees of Hawaiian home lands may be made in the constitution, or in the manner required for State legislation, but the qualifications of lessees shall not be changed except with the consent of the United States; and (3) that all proceeds and income from the "available lands", as defined by said Act, shall be used only in carrying out the provisions of said Act.

Title to property.

SEC. 5. (a) Except as provided in subsection (c) of this section, the State of Hawaii and its political subdivisions, as the case may be, shall succeed to the title of the Territory of Hawaii and its subdivisions in those lands and other properties in which the Territory and its subdivisions now hold title.

Land grants.

(b) Except as provided in subsection (c) and (d) of this section, the United States grants to the State of Hawaii, effective upon its admission into the Union, the United States' title to all the public lands and other public property within the boundaries of the State of Hawaii, title to which is held by the United States immediately prior to its admission into the Union. The grant hereby made shall be in lieu of any and all grants provided for new States by provisions of law other than this Act, and such grants shall not extend to the State of Hawaii.

U.S. property reservation.

(c) Any lands and other properties that, on the date Hawaii is admitted into the Union, are set aside pursuant to law for the use of the United States under any (1) Act of Congress, (2) Executive order, (3) proclamation of the President, or (4) proclamation of the Governor of Hawaii shall remain the property of the United States subject only to the limitations, if any, imposed under (1), (2), (3), or (4), as the case may be.

(d) Any public lands or other public property that is conveyed to the State of Hawaii by subsection (b) of this section but that, immediately prior to the admission of said State into the Union, is controlled by the United States pursuant to permit, license, or permission, written or verbal, from the Territory of Hawaii or any department thereof may, at any time during the five years following the admission of Hawaii into the Union, be set aside by Act of Congress or by Executive order of the President, made pursuant to law, for the use of the United States, and the lands or property so set aside shall, subject only to valid rights then existing, be the property of the United States.

Report to President; conveyance.

(e) Within five years from the date Hawaii is admitted into the Union, each Federal agency having control over any land or property that is retained by the United States pursuant to subsections (c) and (d) of this section shall report to the President the facts regarding its continued need for such land or property, and if the President determines that the land or property is no longer needed by the United States it shall be conveyed to the State of Hawaii.

Public trust. Use.

(f) The lands granted to the State of Hawaii by subsection (b) of this section and public lands retained by the United States under subsections (c) and (d) and later conveyed to the State under subsection (e), together with the proceeds from the sale or other disposition of any such lands and the income therefrom, shall be held by said State as a public trust for the support of the public schools and other public educational institutions, for the betterment of the conditions of native Hawaiians, as defined in the Hawaiian Homes Commission Act, 1920, as amended, for the development of farm and home ownership on as widespread a basis as possible for the making of public improvements, and for the provision of lands for public use. Such lands, proceeds, and income shall be managed and disposed of for one or more of the foregoing purposes in such manner as the constitution and laws of said State may provide, and their use for any other object shall constitute a breach of trust for which suit may be brought by the United States. The schools and other educational institutions supported, in whole or in part, out of such public trust shall forever remain under the exclusive control of said State; and no part of the proceeds or income from the lands granted under this Act shall be used for the support of any sectarian or denominational school, college, or university.

48 USC 691.

Schools and colleges.

"Definitions."

(g) As used in this Act, the term "lands and other properties" includes public lands and other public property, and the term "public lands and other public property" means, and is limited to, the lands and properties that were ceded to the United States by the Republic of Hawaii under the joint resolution of annexation approved July 7, 1898 (30 Stat. 750), or that have been acquired in exchange for lands or properties so ceded.

48 USC 661.

Repeals.

(h) All laws of the United States reserving to the United States the free use or enjoyment of property which vests in or is conveyed to the State of Hawaii or its political subdivisions pursuant to subsection (a), (b), or (e) of this section or reserving the right to alter, amend, or repeal laws relating thereto shall cease to be effective upon the admission of the State of Hawaii into the Union.

Submerged lands.
43 USC 1301 note, 1331 note.

(i) The Submerged Lands Act of 1953 (Public Law 31, Eighty-third Congress, first session; 67 Stat. 29) and the Outer Continental Shelf Lands Act of 1953 (Public Law 212, Eighty-third Congress, first session, 67 Stat. 462) shall be applicable to the State of Hawaii, and the said State shall have the same rights as do existing States thereunder.

Certification by President.

SEC. 6. As soon as possible after the enactment of this Act, it shall be the duty of the President of the United States to certify such fact to the Governor of the Territory of Hawaii. Thereupon the Governor of the Territory shall, within thirty days after receipt of the official notification of such approval, issue his proclamation for the elections, as hereinafter provided, for officers of all State elective offices provided for by the constitution of the proposed State of Hawaii, and for two Senators and one Representative in Congress. In the first election of Senators from said State the two senatorial offices shall be separately identified and designated, and no person may be a candidate for both offices. No identification or designation of either of

the two senatorial offices, however, shall refer to or be taken to refer to the term of that office, nor shall any such identification or designation in any way impair the privilege of the Senate to determine the class to which each of the Senators elected shall be assigned.

Election of officers; date, etc.

SEC. 7. (a) The proclamation of the Governor of Hawaii required by section 6 shall provide for the holding of a primary election and a general election and at such elections the officers required to be elected as provided in section 6 shall 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 Hawaii 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 Hawaii may prescribe. The Governor of Hawaii shall certify the results of said elections, as so ascertained, to the President of the United States.

(b) At an election designated by proclamation of the Governor of Hawaii, which may be either the primary or 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, the following propositions:

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

"(2) The boundaries of the State of Hawaii 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 Hawaii are consented to fully by said State and its people."

In the event the foregoing propositions are adopted at said election by a majority of the legal votes cast on said submission, the proposed constitution of the proposed State of Hawaii, ratified by the people at the election held on November 7, 1950, shall be deemed amended as follows: Section 1 of article XIII of said proposed constitution shall be deemed amended so as to contain the language of section 2 of this Act in lieu of any other language; article XI shall be deemed to include the provisions of section 4 of this Act; and section 8 of article XIV shall be deemed amended so as to contain the language of the third proposition above stated in lieu of any other language, and section 10 of article XVI shall be deemed amended by inserting the words "at which officers for all state elective offices provided for by this constitution and two Senators and one Representative in Congress shall be nominated and elected" in lieu of the words "at which officers for all state elective offices provided for by this constitution shall be nominated and elected; but the officers so to be elected shall in any event include two Senators and two Representatives to the Congress, and unless and until otherwise required by law, said Representatives shall be elected at large".

In the event the foregoing propositions are not adopted at said election by a majority of the legal votes cast on said submission, the provisions of this Act shall cease to be effective.

Certification of voting results by Governor.

The Governor of Hawaii 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 propositions shall be made by the election officers directly to the Secretary of Hawaii, 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 Hawaii, the President, upon certification of the returns of the election of the officers required to be elected as provided in section 6 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 Hawaii 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, the persons holding legislative, executive, and judicial office in, under, or by authority of the government of said Territory, and the Delegate in Congress thereof, 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 Hawaii 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, 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 be admitted 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.

Representative.

SEC. 8. The State of Hawaii 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.

Judicial and criminal provisions.

SEC. 9. Effective upon the admission of the State of Hawaii into the Union—

(a) the United States District Court for the District of Hawaii established by and existing under title 28 of the United States Code shall thenceforth be a court of the United States with judicial power derived from article III, section 1, of the Constitution of the United States: *Provided, however*, That the terms of office of the district judges for the district of Hawaii then in office shall terminate upon the effective date of this section and the President, pursuant to sections 133 and 134 of title 28, United States Code, as amended by this Act, shall appoint, by and with the advice and consent of the Senate, two district judges for the said district who shall hold office during good behavior;

(b) the last paragraph of section 133 of title 28, United States Code, is repealed; and

(c) subsection (a) of section 134 of title 28, United States Code, is amended by striking out the words "Hawaii and". The second sentence of the same section is amended by striking out the words "Hawaii and", "six and", and "respectively".

Appeals.

SEC. 13. Parties shall have the same rights of appeal from and appellate review of final decisions of the United States District Court for the District of Hawaii or the Supreme Court of the Territory of Hawaii in any case finally decided prior to admission of said State into the Union, whether or not an appeal therefrom shall have been perfected prior to such admission, and the United States Court of Appeals for the Ninth Circuit and the Supreme Court of the United States shall have the same jurisdiction therein, as by law provided prior to admission of said State into the Union, and any mandate issued subsequent to the admission of said State shall be to the United States District Court for the District of Hawaii or a court of the State, as may be appropriate. Parties shall have the same rights of appeal from and appellate review of all orders, judgments, and decrees of the United States District Court for the District of Hawaii and of the Supreme Court of the State of Hawaii as successor to the Supreme Court of the Territory of Hawaii, in any case pending at the time of admission of said State into the Union, and the United States Court of Appeals for the Ninth Circuit and the Supreme Court of the United States shall have the same jurisdiction therein, as by law provided in any case arising subsequent to the admission of said State into the Union.

Judicial and criminal code provisions.

SEC. 14. Effective upon the admission of the State of Hawaii into the Union—

(a) title 28, United States Code, section 1252, is amended by striking out "Hawaii and" from the clause relating to courts of record;

(b) title 28, United States Code, section 1293, is amended by striking out the words "First and Ninth Circuits" and by inserting in lieu thereof "First Circuit", and by striking out the words, "supreme courts of Puerto Rico and Hawaii, respectively" and inserting in lieu thereof "supreme court of Puerto Rico";

(c) title 28, United States Code, section 1294, as amended, is further amended by striking out paragraph (4) thereof and by renumbering paragraphs (5) and (6) accordingly;

(d) the first paragraph of section 373 of title 28, United States Code, as amended, is further amended by striking out the words "United States District Courts for the districts of Hawaii or Puerto Rico," and inserting in lieu thereof the words "United States District Court for the District of Puerto Rico,"; and by striking out the words "and any justice of the Supreme Court of the Territory of Hawaii": *Provided*, That the amendments made by this subsection shall not affect the rights of any judge or justice who may have retired before the effective date of this subsection: *And provided further*, That service as a judge of the District Court for the Territory of Hawaii or as a judge of the United States District Court for the District of Hawaii or as a justice of the Supreme Court of the Territory of Hawaii or as a judge of the circuit courts of the Territory of Hawaii shall be included in computing under section 371, 372, or 373 of title 28, United States Code, the aggregate years of judicial service of any person who is in office as a district judge for the District of Hawaii on the date of enactment of this Act;

Repeal.

(e) section 92 of the Act of April 30, 1900 (ch. 339, 31 Stat. 159), as amended, and the Act of May 29, 1928 (ch. 904, 45 Stat. 997), as amended, are repealed;

Repeal.

(f) section 86 of the Act approved April 30, 1900 (ch. 339, 31 Stat. 158), as amended, is repealed;

USC prec. Title 1.

article I, section 8, clause 17, of the Constitution of the United States, in all cases whatsoever over such tracts or parcels of land as, immediately prior to the admission of said State, are controlled or owned by the United States and held for Defense or Coast Guard purposes, whether such lands were acquired by cession and transfer to the United States by the Republic of Hawaii and set aside by Act of Congress or by Executive order or proclamation of the President or the Governor of Hawaii 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 Hawaii 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 Hawaii, 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 vest and remain in the United States only so long as the particular tract or parcel of land involved is controlled or owned by the United States and used for Defense or Coast Guard purposes: *Provided, however*, That the United States shall continue to have sole and exclusive jurisdiction over such military installations as have been heretofore or hereafter determined to be critical areas as delineated by the President of the United States and/or the Secretary of Defense.

Federal Reserve System.

SEC. 17. The next to last sentence of the first paragraph of section 2 of the Federal Reserve Act (38 Stat. 251) as amended by section 19 of the Act of July 7, 1958, (72 Stat. 339, 350) is amended by inserting after the word "Alaska" the words "or Hawaii."

Maritime matters.

SEC. 18. (a) Nothing contained in this 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 Hawaii and other ports in the United States, or possessions, or is conferring on the Interstate Commerce Commission jurisdiction over transportation by water between any such ports.

(b) Effective on the admission of the State of Hawaii into the Union—

49 Stat. 1999.

(1) the first sentence of section 506 of the Merchant Marine Act, 1936, as amended (46 U.S.C., sec. 1156), is amended by inserting before the words "an island possession or island territory", the words "the State of Hawaii, or";

49 Stat. 2003.

(2) section 605(a) of the Merchant Marine Act, 1936, as amended (46 U.S.C., sec. 1175), is amended by inserting before the words "an island possession or island territory", the words "the State of Hawaii, or"; and

49 Stat. 2011.

(3) the second paragraph of section 714 of the Merchant Marine Act, 1936, as amended (46 U.S.C., sec. 1204), is amended by inserting before the words "an island possession or island territory" the words "the State of Hawaii, or".

Nationality.

SEC. 19. Nothing contained in this Act shall operate to confer United States nationality, nor to terminate nationality heretofore lawfully acquired, or restore nationality heretofore lost under any law of the United States or under any treaty to which the United States is or was a party.

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Public Law 85-508

AN ACT

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

July 7, 1958
[H. R. 7999]

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.

Alaska, statehood.

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.

Territory.

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.

Constitution.

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, belonging to the United States or which may belong to 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 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.

Compact with U.S.

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 twenty-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 land so occupied.

(b) The State of Alaska, in addition to any other grants made in this section, is hereby granted and shall be entitled to select, within twenty-five years after the admission of Alaska into the Union, not to exceed one hundred and two million five hundred and fifty thousand acres from the public lands of the United States in Alaska which are vacant, unappropriated, and unreserved at the time of their selection: *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 legislative days after the Secretary of the Interior certifies to the Congress that the Alaska State Legislature has made adequate provision for the administration, management, and conservation of said resources in the broad national interest: *Provided*, That such transfer shall not include lands withdrawn or otherwise set apart as refuges or reservations for the protection of wildlife nor facilities utilized in connection therewith, or in connection with general research activities relating to fisheries or wildlife. Sums of money that are available for apportionment or which the Secretary of the Interior shall have apportioned, as of the date the State of Alaska shall be deemed to be admitted into the Union, for wildlife restoration in the Territory of Alaska, pursuant to section 8 (a) of the Act of September 2, 1937, as amended (16 U. S. C., sec. 669g-1), and for fish restoration and management in the Territory of Alaska, pursuant to section 12 of the Act of August 9, 1950 (16 U. S. C., sec. 777k), shall continue to be available for the period, and under the terms and conditions in effect at the time, the apportionments are made. Commencing with the year during which Alaska is admitted into the Union, the Secretary of the Treasury, at the close of each fiscal year, shall pay to the State of Alaska 70 per centum of the net proceeds, as determined by the Secretary of the Interior, derived during such fiscal year from all sales of sealskins or sea-otter skins made in accordance with the provisions of the Act of February 26, 1944 (58 Stat. 100; 16 U. S. C., secs. 631a-631q), as supplemented and amended. 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 Act of February 26, 1944, as supplemented and amended, 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. Nothing in this Act shall be construed as affecting the rights of the United States under the provisions of the Act of February 26, 1944, as supplemented and amended, and the Act of June 28, 1937 (50 Stat. 325), as amended (16 U. S. C., sec. 772 et seq.).

55 Stat. 632.

64 Stat. 434.

Public school support.

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

(g) Except as provided in subsection (a), all lands granted in quantity to and authorized to be selected by the State of Alaska by this Act shall be selected in such manner as the laws of the State may provide, and in conformity with such regulations as the Secretary of the Interior may prescribe. All selections shall be made in reasonably compact tracts, taking into account the situation and potential uses of the lands involved, and each tract selected shall contain at least five thousand seven hundred and sixty acres unless isolated from other tracts open to selection. The authority to make selections shall never be alienated or bargained away, in whole or in part, by the State. Upon the revocation of any order of withdrawal in Alaska, the order of revocation shall provide for a period of not less than ninety days before the date on which it otherwise becomes effective, if subsequent to the admission of Alaska into the Union, during which period the State of Alaska shall have a preferred right of selection, subject to the requirements of this Act, except as against prior existing valid rights or as against equitable claims subject to allowance and confirmation. Such preferred right of selection shall have precedence over the preferred right of application created by section 4 of the Act of September

27, 1944 (58 Stat. 748; 43 U. S. C., sec. 282), as now or hereafter amended, but not over other preference rights now conferred by law. Where any lands desired by the State are unsurveyed at the time of their selection, the Secretary of the Interior shall survey the exterior boundaries of the area requested without any interior subdivision thereof and shall issue a patent for such selected area in terms of the exterior boundary survey; where any lands desired by the State are surveyed at the time of their selection, the boundaries of the area requested shall conform to the public land subdivisions established by the approval of the survey. All lands duly selected by the State of Alaska pursuant to this Act shall be patented to the State by the Secretary of the Interior. Following the selection of lands by the State and the tentative approval of such selection by the Secretary of the Interior or his designee, but prior to the issuance of final patent, the State is hereby authorized to execute conditional leases and to make conditional sales of such selected lands. As used in this subsection, the words "equitable claims subject to allowance and confirmation" include, without limitation, claims of holders of permits issued by the Department of Agriculture on lands eliminated from national forests, whose permits have been terminated only because of such elimination and who own valuable improvements on such lands.

Mineral leases, permits, etc.

48 USC 432, *passim.*

(h) Any lease, permit, license, or contract issued under the Mineral Leasing Act of February 25, 1920 (41 Stat. 437; 30 U. S. C., sec. 181 and following), as amended, or under the Alaska Coal Leasing Act of October 20, 1914 (38 Stat. 741; 30 U. S. C., sec. 432 and following), as amended, shall have the effect of withdrawing the lands subject thereto from selection by the State of Alaska under this Act, unless such lease, permit, license, or contract is in effect on the date of approval of this Act, and unless an application to select such lands is filed with the Secretary of the Interior within a period of five 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, and shall include the entire area that is subject to each lease, permit, license, or contract involved in the selections. Any patent for lands so selected shall vest in the State of Alaska all right, title, and interest of the United States in and to any such 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 such 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 such 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.

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 condition 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.

Repeals.

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 grant 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. 43 USC 1301 note.

(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.

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 propositions 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 be admitted 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.

Definitions.

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.

House of Representatives, membership.

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.

National defense withdrawals.

(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.

(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

Jurisdiction.

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.

62 Stat. 683.

(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 civilian individuals or civilian agencies and in such manner as the President shall from time to time, by Executive order, direct or authorize.

(7) The United States District Court for the District of Alaska shall have original jurisdiction, without regard to the sum or value of any matter in controversy, over all civil actions arising within such withdrawals under the laws made applicable thereto by this subsection, as well as over all offenses committed within the withdrawals.

(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.

Mount McKinley National Park.

SEC. 11. (a) Nothing in this Act shall affect the establishment, or the right, ownership, 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.

USC prec. Title 1.

(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 of 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 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 with-

Civil and criminal jurisdiction.

drawal or withdrawals as may be established pursuant to section 10 of this Act until such lands cease to be subject to the exclusive jurisdiction reserved to the United States by that section.

Judicial and criminal provisions.

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

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

"81A. Alaska";

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

"§ 81A. Alaska

"Alaska constitutes one judicial district.

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

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

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

(e) The words "the District Court for the Territory of Alaska," are stricken out wherever they appear in sections 333, 460, 610, 753, 1252, 1291, 1292, and 1346 of title 28, United States Code;

(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: "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 of Alaska 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. 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 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."

48 Stat. 168. 64 Stat. 873. 12 USC 1811 note.

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.

Approved July 7, 1958.

Public Law 85-509

July 11, 1958
[S. 2007]

AN ACT

To amend the United States Grain Standards Act, 1916, as amended, to permit the Secretary of Agriculture to charge and collect for certain services performed, and for other purposes.

United States Grain Standards Act, amendment.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 6 of the United States Grain Standards Act (39 Stat. 484; 7 U. S. C. 78) is hereby amended to read as follows:

"SEC. 6. Whenever standards shall have been fixed and established under this Act for any grain and any quantity of such grain sold, offered for sale, or consigned for sale, or which has been shipped, or delivered for shipment in interstate or foreign commerce shall have been inspected and a dispute arises as to whether the grade as determined by such inspection of any such grain in fact conforms to the standard of the specified grade, any interested party may, either with or without reinspection, appeal the question to the Secretary of Agriculture, and the Secretary of Agriculture is authorized to cause such investigation to be made and such tests to be applied as he may deem necessary and to determine the true grade: *Provided*, That any appeal from such inspection and grading to the Secretary of Agriculture shall be taken before the grain leaves the place where the inspection appealed from was made and before the identity of the grain has been lost, under such rules and regulations as the Secretary of Agriculture shall prescribe. Whenever an appeal shall be taken or a dispute referred to the Secretary of Agriculture under this Act, he shall charge and assess, and cause to be collected, a reasonable fee, in amount to be fixed by him. The fee, in case of an appeal, shall be refunded if the appeal is sustained. All such fees, not so refunded, shall be deposited and covered into the Treasury as miscellaneous receipts. The Secretary of Agriculture is authorized to pay employees assigned to perform appeal inspections for all overtime, night, or holiday work at such rates as he may determine and to accept from persons, Government agencies and departments, and Government corporations for whom such work is performed reimbursement for any sums paid for such work. The findings of the Secretary of Agriculture as to grade, signed by him or by such officer or officers, agent or agents, of the Department of Agriculture as he may designate, made after the parties in interest have had opportunity to be heard, shall be accepted in the courts of the United States as prima facie evidence of the true grade of the grain determined by him at the time and place specified in the findings."

Approved July 11, 1958.

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

Repeal.

SEC. 21. 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.

Immigration and nationality.

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".

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".

Transportation by water.
41 Stat. 999.

(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.

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."

Mines and mining.
38 Stat. 744.

(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 52½ per centum thereof shall be paid to the State of Alaska for disposition by the legislature thereof".

41 Stat. 450.