Statehood
For Alaska

The Issues Involved

And

The Facts About the Issues

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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 l ever more

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.

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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 which three-fourths of Congress, even

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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.

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 ov

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 oxn419.cted to m0.281 Tw 0 /P <4MCID 1 >BDC BT/TT0 1 Tf0 Tc 0 Tw2530 023212 72 350.1618

THE CHIEF ADVANTAGE OF STATEHOOD

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

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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

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

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 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:

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

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

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 Slates 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,

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 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"

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.

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.

ONLY FIRST STEP TOWARD EQUALITY

To sum up, by a favorable vote in October, Alaska would place one foot firmly on the first rung of the ladder leading toward eventual statehood. Thereafter it is for Alaska to make its choice whether to remain on the first step, whether to step back off the ladder entirely, or whether to climb toward equality among the sisterhood of states.

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

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

taxpayer was beginning to receive the benefit of many services... not realized under territorial government.

The arguments against statehood, which were used in Arizona, were insuffiency of population and prohibitive cost of supporting government. Subsequent events demonstrated that the arguments had no merit at all. It was well understood at the time they were advanced that opposition to statehood, within Arizona, was confined to industrialists who desired the status quo and to a few politicians whose views were formed in Washington.

STATEHOOD COST 46 CENTS APIECE

Unlike Alaska, the territorial government of Arizona derived its chief support from a property tax. State officials estimate that prior to statehood the average taxpayer, other than the corporations referred to, paid $3.10 for the support of the territorial government, while after statehood in 1914 he paid $3.56. The per capita cost of statehood, in other words, was 46 cents a year.

New Mexico, admitted as a state in the same year as Arizona, reports that there was no great increase in governmental expenses from 1912 to 1916. The territorial budget amounted to about $5,000,000 annually. Governmental expenses have, of course, increased progressively with the growth of population and the addition of governmental services until they now total $31,000,000 a year, which figure includes, however, the contributions made by the federal government to the state and its various subdivisions.

New Mexico now has a population of 532,000. Per capita tax collections by the state in 1944 were actually $1.41 less than were those of the territorial government in 1911.

Montana had a real and personal property tax of two mills to meet territorial expenses. This tax levy after statehood remained at two mills.

These examples should serve to demonstrate that there is nothing necessarily or inherently costly about the state form of government as compared with the territorial one.

PEOPLE COULD USE PUBLIC CREDIT

Statehood would give Alaska the power to incur a debt, which it is unable to do under the territorial Organic Act. There is nothing frightening about a debt. In 1945, with a single exception, every state in the Union had one. Such debts are incurred for the purpose of financing improvements which would be impossible otherwise. A state debt is incurred on the theory that it is more equitable to charge improvements to the people who enjoy them than it is to require their ancestors to store up funds for such

always on a cash basis. If such a program could ever be undertaken, many who contributed to the fund would be dead and buried before the roads were built.
If Alaska were a state, on the other hand, it would have authority, if its people voted to do so, to borrow the $10,000,000 in advance, build the roads when they are needed, and retire the debt as the roads are used, by collecting taxes from the people actually living in the state at the time the benefits of the expenditure are enjoyed. It has been found advantageous for states, like individuals or corporations, sometimes to incur debts.

If might be argued that the debt which would be incurred by a state of sparse population would be enormous. In this connection it is interesting to note that the only state which did not have an outstanding debt in 1945 was Nevada, the state with the smallest and

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	3hem the

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.

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.

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 t
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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.

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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.

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:ETEMC /P /MCID 4 >ment:ETup8h1bsproveka TDasiSt23 c bo d fought

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

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.

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-GEORGE SUNDBORG, July, 1946.