

REVIEW: A NEW LEGAL RESOURCE FOR ALASKA

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W. Clinton “Buck” Sterling, *Sources of Alaska Legal History: An Annotated Bibliography*, 110 LAW LIBRARY JOURNAL (forthcoming 2018).

The amount of information available at our fingertips today is astounding.¹ “With the advent of wireless technology and smartphones, we are becoming accustomed to finding answers online anywhere, at any time, and are exposed to more information than ever before in history.”² But having access to an ever-increasing amount of information does not necessarily make it easier for practitioners to find what they need. In an age where we are constantly barraged with new information, it can be increasingly difficult to find quality sources, or to even know where to begin looking. This problem is especially true with older sources, which may not be available online.³

Thankfully, those looking for reliable, historic Alaskan legal sources will no longer need to wonder whether they missed a key source in their research. W. Clinton “Buck” Sterling’s recent publication, “Sources of Alaska Legal History: An Annotated Bibliography,”⁴ fills an important

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1. See *Reno v. ACLU*, 521 U.S. 844, 853 (1997) (describing the internet as “a vast library including millions of readily available and indexed publications”).

2. Ellie Margolis, *Authority Without Borders: The World Wide Web and the Delegalization of Law*, 41 SETON HALL L. REV. 909, 909 (2011).

3. See Betsy Lenhart, *The Seventeenth Century Meets the Internet: Using a Historian’s Approach to Evaluating Documents as a Guide to Twenty-First Century Online Legal Research*, 9 LEGAL COMM. & RHETORIC: JALWD 21, 26 (2012) (“Although the availability of Internet-based information is increasing, the availability of reputable, online legal secondary sources is not.” (citing Ellie Margolis, *Surfin’ Safari – Why Competent Lawyers Should Research on the Web*, 10 YALE J.L. & TECH 82, 117–18 (2007); Leslie A. Street & Amanda M. Runyoun, *Finding the Middle Ground in Collection Development: How Academic Law Libraries Can Shape Their Collections in Response to the Call for More Practice-Oriented Legal Education*, 102 L. Lib. J. 399, 413–14 (2010))).

4. W. Clinton “Buck” Sterling, *Sources of Alaska Legal History: An Annotated*

void in Alaska's legal scholarship. Sterling, the public services librarian at the Alaska State Court Law Library's Anchorage branch, previously published a similar work for the State of Washington.⁵ Now we are fortunate to have an even more comprehensive annotation for Alaska. Just as Susan Falk's article on Alaskan legislative history has become the "go-to" source for attorneys learning how to conduct legislative research in Alaska,⁶ Sterling's new annotated bibliography, I suspect, will also become a mainstay for Alaskan legal practitioners and historians for years to come.

It is important to understand the scope of "Sources of Alaska's Legal History." It is, of course, not a source to cite in and of itself. It does not contain in-depth legal analysis or answers to specific historical questions. But "Sources of Alaska's Legal History" can, and should, be used as a starting point for researchers trying to understand any aspect of Alaska's legal history. Sterling arranges sources by subject, so a reader need only find a subject heading (or two) of interest,⁷ peruse the sources with Sterling's helpful descriptions, and then acquire the relevant works of interest in your search for answers. The sources Sterling highlights provide a wealth of information that will greatly aid legal research.

"Sources of Alaska's Legal History" is not without certain necessary limitations. First, it does not include sources for all of Alaska's history, although non-legal historians will certainly recognize many of the titles and authors.⁸ Second, the bibliography generally does not include many sources practitioners usually rely on, like case law and legislative history. Third, Sterling made the choice to list each source only once under a single subject heading, even when a source could fit into multiple subjects.⁹ Finally, Sterling "limit[ed] inclusion" of sources "to those . . . that the reader can reasonably expect to obtain."¹⁰

Although one could be critical of these omissions, Sterling's decisions to limit sources in these ways are thoughtful, necessary, and useful. "Sources of Alaska's Legal History" is for Alaska's legal

Bibliography, 110 LAW LIBR. J. (forthcoming 2018) (manuscript) (on file with editor).

5. W. Clinton Sterling, *Sources of Washington State Legal History: An Annotated Bibliography*, 102 LAW LIBR. J. 69 (2010).

6. See Susan Falk, *Introduction to Researching Alaska Legislative History Materials*, 28 ALASKA L. REV. 279 (2011).

7. See Sterling, *supra* note 4, (manuscript at 1-2) (table of contents/index).

8. See, e.g., *id.* (manuscript at 38) (citing ERNEST GRUENING, *THE BATTLE FOR ALASKA STATEHOOD* (1967)), (manuscript at 74) (citing Sheldon Jackson, *Report on the Condition of Education in Alaska*, Exec. Doc. 30, US Senate, 47th Congress, 1882).

9. *Id.* (manuscript at 3) ("While some entries fall under multiple subject headings, they are listed only once, under the subject heading that seemed the best fit.").

10. *Id.*

community, not necessarily for Alaska's broader community of historians.¹¹ There is also no need for his bibliography to include more traditional sources practitioners routinely rely on; attorneys can easily find relevant cases and legislative history through Westlaw or other legal research tools.¹² Had Sterling duplicated sources to fall under each appropriate heading, the bibliography itself would become too unwieldy and would no longer be user-friendly.¹³ And only including sources one "can reasonably expect to obtain" serves to curb the frustration of future readers who may not be able to access a hard-to-find but important-sounding source.¹⁴

Sterling's treatment of sources detailing Alaska Native legal history also warrants comment. Sterling emphasizes his inclusion of Alaska Native sources at the outset,¹⁵ and devotes a substantial percentage of the bibliography to topics like "ANCSA,"¹⁶ "Subsistence,"¹⁷ and "Alaska Natives."¹⁸ "Sources of Alaska's Legal History" is still, understandably, very Anglo-American focused; for example, only English sources were included.¹⁹ But Sterling's efforts at including sources detailing Alaska Natives' rich culture, laws, and history is admirable and provides a list of many foundational sources.²⁰

I suspect "Sources of Alaska's Legal History" will be consulted most frequently by law school students interested in writing about Alaskan legal issues and the law's development in Alaska. It should be required reading for future members of the *Alaska Law Review* looking to make their own contribution to Alaska's legal scholarship. In fact, any law student preparing to write about Alaska should go to "Sources of Alaska's Legal History" first; perhaps their work will make it into the next iteration of

11. *But cf. id.* (manuscript at 3) ("Items focusing on general history but thought to be helpful for understanding Alaska's legal history and context were included and identified as such in the annotation.").

12. *See generally* Falk, *supra* note 6.

13. Accessing an online or electronic version of "Sources of Alaska's Legal History" also helps solve the problem associated with a lack of duplication.

14. Sterling, *supra* note 4, (manuscript at 3).

15. *Id.* (manuscript at 2) ("I also included materials on the 'law ways' of the Alaska Natives, the distinctly Native and non-western approaches to law and justice developed by the Alaska Natives prior to contact and beyond.").

16. *Id.* (manuscript at 14-23).

17. *Id.* (manuscript at 124-29).

18. *Id.* (manuscript at 30-38).

19. *See id.* (manuscript) at 2 ("I have only included sources in English.").

20. *See, e.g., id.* (manuscript at 31) (citing DAVID S. CASE & DAVID A. VOLUCK, ALASKA NATIVES AND AMERICAN LAWS (3d ed. 2012)), (manuscript at 18) (citing Elizabeth Saagulik Hensley, *Looking Back to Go Forward*, 33 ALASKA L. REV. 287 (2016)), at 28 (citing Heather Kendall-Miller, *ANCSA and Sovereignty Litigation*, 24 J. OF LAND, RESOURCES, & ENVIRON. L. 465 (2004)).

the bibliography like law students from years past.²¹ And although “Sources of Alaska’s Legal History” is almost exclusively law-centric, historians too will benefit greatly from this work.

Beyond these two expected primary user groups, reliance on “Sources of Alaska’s Legal History” will likely be more limited. Most current practitioners will probably not need to rely on Sterling’s bibliography, absent a need to dive deep into the historical underpinnings of a specific area of the law. Practitioners needing to research a specific area of the law would certainly benefit from seeing what “Sources of Alaska’s Legal History” offers to supplement or provide context for existing case law. Additionally, history-oriented law clerks, judges, and retired attorneys would be remiss if they did not look to Sterling’s work before deciding what to read next; “Sources of Alaska’s Legal History” includes many of the “greatest hits” in Alaska’s more recent novels.²²

Alaska’s legal history evolved in the context of Alaska’s rugged, wild, and rich development. Thanks to Sterling, accounts of The Last Frontier’s transformation are now easily discoverable for those who wish to learn more about the past. Reading through “Sources of Alaska’s Legal History” is a trip down memory lane. It reminds me of sources I read years ago,²³ and of the excitement I felt scouring libraries for my own

21. See, e.g., *id.* (manuscript at 86) (citing Gabriel A. Blumberg, Note, *A Shot in the Dark: Why Strict Scrutiny Would Miss the Mark for Felon-in-Possession Restrictions*, 28 ALASKA L. REV. 161 (2011)), (manuscript at 28) (citing Andrew Josephson, Comment, *Katie John and Totemoff: The United States and Alaska Clash Over the Reserved Water Rights Doctrine and Native Alaska Hunting and Fishing Rights – The U.S. Supreme Court Passes on an Opportunity to Resolve the Subsistence Debate*, 6 DICKINSON J. OF ENVIRONMENTAL LAW & POLICY 225 (1997)), (manuscript at 10) (citing Victoria Sheets, Note, *Breaking Bad Law: Meth Lab Investigations Highlight Alaska’s Current Approach to Privacy*, 32 ALASKA L. REV. 373 (2015)), (manuscript at 23) (citing John F. Walsh, Note, *Settling the Alaska Native Claims Settlement Act*, 38 STAN. L. REV. 227 (1985–86)).

22. See, e.g., *id.* (manuscript at 4) (citing PAMELA CRAVEZ, *THE BIGGEST DAMNED HAT: TALES FROM ALASKA’S TERRITORIAL LAWYERS AND JUDGES* (2017)), (manuscript at 49) (citing VICTOR FISCHER, *TO RUSSIA WITH LOVE: AN ALASKAN’S JOURNEY* (2012)), (manuscript at 75) (citing STEPHEN HAYCOX, *BATTLEGROUNDS ALASKA: FIGHTING FEDERAL POWER IN AMERICA’S LAST WILDERNESS* (2016)), (manuscript at 50) (citing WILLIAM IGGIAGRUK HENSLEY, *FIFTY MILES FROM TOMORROW: A MEMOIR OF ALASKA AND THE REAL PEOPLE* (2009)), (manuscript at 76) (citing DAN O’NEILL, *THE FIRECRACKER BOYS: H-BOMBS, INUPIAT ESKIMOS, AND THE ROOTS OF THE ENVIRONMENTAL MOVEMENT* (1994)), (manuscript at 94) (citing ELIZABETH A. TOWER, *ICEBOUND EMPIRE: INDUSTRY AND POLITICS ON THE LAST FRONTIER 1898–1938* (2015)).

23. See, e.g., *id.* (manuscript at 31) (citing CASE & VOLUCK, *supra* note 20), (manuscript at 49) (citing FISCHER *supra* note 22), (manuscript at 87) (citing GRUENING, *supra* note 8), (manuscript at 73) (citing Stephen Haycox, “Races of a Questionable Ethnical Type”: *Origins of the Jurisdiction of the U.S. Bureau of Education in Alaska, 1867–1885*, 75 PAC. NW. Q. 156 (1984)), (manuscript at 21) (citing DONALD CRAIG MITCHELL, *SOLD AMERICAN: THE STORY OF ALASKA NATIVES AND THEIR LAND*,

research needs in high school, college, and law school. "Sources of Alaska's Legal History" is a real gift to Alaska's legal community. I look forward to seeing the work of future legal historians who, after having used "Sources of Alaska's Legal History" to kick-start their own research, will have benefited from a spark of curiosity catalyzed by Sterling.

1867-1959: THE ARMY TO STATEHOOD (1997)), (manuscript at 107) (citing JOHNATHAN M. NIELSON, ARMED FORCES ON A NORTHER FRONTIER: THE MILITARY IN ALASKA'S HISTORY, 1867-1987 (1988)).