REVIEW: A NEW LEGAL RESOURCE FOR ALASKA

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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

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 aide 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

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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
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
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. 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. Had Sterling duplicated sources to fall under each appropriate heading, the bibliography itself would become too unwieldy and would no longer be user-friendly. 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.

Sterling’s treatment of sources detailing Alaska Native legal history also warrants comment. Sterling emphasizes his inclusion of Alaska Native sources at the outset, and devotes a substantial percentage of the bibliography to topics like “ANCSA,” “Subsistence,” and “Alaska Natives.” “Sources of Alaska’s Legal History” is still, understandably, very Anglo-American focused; for example, only English sources were included. 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.

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

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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.”).
the bibliography like law students from years past. 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.

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, and of the excitement I felt scouring libraries for my own


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.