

enjoyment of their rights, property, and religion." This obligation was reaffirmed in Acts of 1884 and 1891, in which the United States restated the right of the natives of Alaska to "the possession of any lands actually in their use or occupation or now claimed by them."

Recognizing the need for a definitive statement of land and water rights of Karluk Village, the Secretary of the Interior established the Karluk Reservation in May 1943 by Public Land Order No. 128 under the authority vested in the Secretary of the Interior by the Alaska Indian Welfare Act of 1936. The reservation included the tidelands and waters 3,000 feet from shore as part of the traditional area used and occupied by the natives of Karluk and indispensable to their economic life. In March 1946 the Secretary further approved and promulgated Commercial Fishing Regulations for Alaska which included the prohibition of commercial salmon fishing in Karluk Reservation waters, save as the Native Village of Karluk, now a municipal corporation, authorized and licensed such fishing.

The modest licensing system established by the Village was complied with readily by all fishermen who used Karluk waters including all who were fishing for the companies. None the less, the fishing companies took precipitate action to enjoin the enforcement of these fishing regulations and to have the Public Land Order under which Karluk waters are part of the Reservation declared invalid. Action was begun on June 25, 1946 by Grimes Packing Company, Kadiak Fisheries Company, Libby, McNeill and Libby, Frank McConaghy and Co., Inc., Parks Canning Co., Inc., San Juan Fishing and Packing Company, and Uganik Fisheries, Inc. as Plaintiffs. Frank Hynes, Regional Director of the Fish and Wildlife Service of the Department of the Interior was named as Defendant. The defendant was friendly to the action of the plaintiffs, and had apparently been persuaded by them, prior to the suit, to threaten to arrest all fishermen who were fishing for the companies--an empty gesture, since all had complied with the regulations.