

The Federal District Court at Fairbanks, Alaska granted the companies the injunction they sought in the summer of 1946 and the Circuit Court of Appeals in San Francisco affirmed the decision of the lower court in November 1947. There are unprecedented aspects to this case. The trial court refused to grant a continuance to allow Government officials most familiar with the case time to appear to testify and the Affidavit of the Under Secretary of the Interior explaining the reasons for the establishment of the Karluk Reservation was excluded from the record by a ruling of the court. Moreover, neither in Fairbanks, nor in San Francisco, was the Native Village of Karluk a party to the case or the court action. The case is now before the October Term of the United States Supreme Court on appeal by the United States Government. There, in filing a brief amici curiae, together with the Alaska Native Brotherhood, the National Congress of American Indians, the Association on American Indian Affairs, and the American Civil Liberties Union, the Native Village of Karluk for the first time makes its appearance in a case in which the legal rights and fate of the village are being decided.

Though without precedent as to its character, the case of HYNES vs. GRIMES PACKING COMPANY, et al. is certain to set legal precedents for the future. A decision of the United States Supreme Court reversing the lower courts and reaffirming the rights of this helpless group of villagers to the control of their fishing waters will safeguard and assure similar rights of 35,000 other Alaskan native citizens of the United States.