

NOTE FROM THE EDITOR

The *Alaska Law Review* is pleased to present its December 2012 issue, the second in our twenty-ninth volume. The pieces in this issue include articles written by members of the legal community as well as student notes written by editors of the *Alaska Law Review* here at Duke. While a common thread relating to privacy rights runs through several of these pieces, the issue is intended to cover a variety of topics that we hope will be interesting to a wide range of Alaska practitioners as well as members of the broader legal establishment.

The issue begins with a comprehensive discussion of Alaska's distinctive case law governing personal possession of marijuana. In *The Continuing Vitality of Ravin v. State: Alaskans Still Have a Constitutional Right to Possess Marijuana in the Privacy of Their Homes*, Professor Jason Brandeis of the University of Alaska Anchorage Justice Center argues that the landmark 1975 Alaska Supreme Court case, holding that the right to privacy guaranteed in Alaska's constitution allows Alaskans to possess up to four ounces of marijuana in the privacy of their homes, remains good law even in light of seemingly contradictory state statutes. We hope this article will contribute to the national dialogue about state drug policy. This discussion is particularly relevant in light of the adoption of medical marijuana laws in numerous states throughout the last two decades, as well as the very recent passage of ballot measures in Colorado and Washington legalizing recreational use of marijuana.

Next, *Where the Wild Things Were: A Chance to Keep Alaska's Challenge of the Roadless Rule out of the Supreme Court* describes the ongoing battle over the Roadless Rule, a U.S. Forest Service rule prohibiting construction of new roads in designated tracts of public land. The Rule's validity is currently being challenged by the State of Alaska in a pending case before the the District Court for the District of Columbia. Kirsten Rønholt, an attorney practicing environmental law in Los Angeles, contends that the Supreme Court should refuse to overturn the existing case law from the Ninth and Tenth Circuits and protect the Rule's continued applicability in Alaska. This piece is especially timely: the ongoing nature of this legal issue is reflected in the Supreme Court's very recent denial of certiorari in the appeal of a similar case out of the Tenth Circuit.

The next article, *Your Papers Please: Police Authority to Request Identification from a Passenger During a Traffic Stop in Alaska*, explores another incarnation of Alaska's strong privacy right. Patricia Haines, an

assistant district attorney in Fairbanks and former Superior Court clerk, compares Alaska's law regarding traffic stops to the approach taken by other jurisdictions with less robust privacy protections. She goes on to conclude that the Alaska Constitution bestows even greater procedural protections than those provided by the Fourth Amendment to the United States Constitution and its attendant case law. We hope this article will prove helpful to criminal law practitioners engaged in cases involving traffic stops, as well as those with a more general interest in the implications of Alaska's unique approach to privacy rights.

Continuing with the theme of privacy, the issue's first student note examines the contours of Alaska law regarding voluntary consent to police searches. In *Anderson v. State: The Consent to Search Doctrine Revisited*, *Alaska Law Review's* Managing Editor Andrew Perrin uses a recent Alaska Court of Appeals case to illustrate deficiencies in Alaska's current consent doctrine and proposes a more objective alternative standard. The final piece in this issue comes from *Alaska Law Review's* Executive Editor Stuart Schüssel. In his note, *Copyright Protection's Challenges and Alaska Natives' Cultural Property*, the author responds to the unavailability of U.S. copyright law to protect Alaska Native art. He evaluates a variety of means currently available to defend culturally significant and economically beneficial traditional art without relying on copyright law.

On behalf of the editorial board, I hope that you will find the pieces in this issue both engaging and informative. As always, the authors and the staff have invested substantial time and effort in preparing this issue. Our goal is to create a polished publication of the highest quality, and we remain grateful to the Alaska Bar Association for allowing us the privilege of serving the Alaska legal community. We hope that you enjoy this issue of the *Alaska Law Review*.

Nick Passarello