



**PROPOSAL TO
THE ALASKA HISTORICAL COMMISSION
TO ACT PURSUANT TO THE
ALASKA HISTORIC PRESERVATION ACT
AND WITH ALL DELIBERATE SPEED
TO PRESERVE AND PROTECT
THE FOURTH AVENUE THEATRE
IN ACCORDANCE WITH ALASKA STATE POLICY OF
PRESERVING AND PROTECTING FOR FUTURE GENERATIONS
A PROPERTY THAT IS IMPORTANT TO THE HISTORIC AND
CULTURAL HERITAGE OF ALASKA**

INTRODUCTION

This proposal is made by The Friends of the Fourth Avenue Theatre (“Friends”). Friends is a coalition of individuals and organizations who share a common belief that the Fourth Avenue Theatre (630 West Fourth Avenue) in Anchorage is a unique and important part of the historic and cultural heritage of Alaska that should be preserved and protected in accordance with the policy and terms of the Alaska Historic Preservation Act, AS 41.35, (AHPA).

Immediate Interim Action Required. Time Is of the Essence.

The current owner of the Fourth Avenue Theatre (the Theatre) was recently issued a permit to demolish the Theatre. As a result, we respectfully ask and urge that as soon as possible the Alaska Historical Commission (AHC), using the AHC’s policies and authorities as enumerated in AS 41.35, immediately undertake all measures available to protect and preserve the Theatre from any demolition or damage, inside or out, to give the AHC fair and reasonable time to evaluate the merits of this proposal and make a recommendation on it to the Alaska Department of Natural Resources.

To that end, we respectfully request that the AHC immediately notify Anchorage Mayor Ethan Berkowitz that this proposal is now before the AHC and request that he promptly withdraw or suspend the demolition permit that has been issued and also advise the owner in writing that no demolition of the Theatre may occur without the written authorization of his office and the written consent of the AHC.

ALASKA STATE POLICY ON HISTORIC PRESERVATION

Alaska state policy on historic preservation is established and stated in the first section of the Alaska Historic Preservation Act, **AS 41.35.010**. It provides:

It is the policy of the state to preserve and protect the historic, prehistoric, and archeological resources of Alaska from loss, desecration, and destruction so that the scientific, historic, and cultural heritage embodied in these resources may pass undiminished to future generations. To this end, the legislature finds and declares that the historic, prehistoric, and archeological resources of the state are properly the subject of concerted and coordinated efforts exercised on behalf of the general welfare of the public in order that these resources may be located, preserved, studied, exhibited, and evaluated.

THE IMPORTANCE OF THE FOURTH AVENUE THEATRE TO THE HISTORIC AND CULTURAL HERITAGE OF ALASKA

The Fourth Avenue Theatre¹ is of great and unique importance to the historic and cultural heritage of Alaska and the United States for many reasons.

It is important because of the man who built it—Austin E. “Cap” Lathrop, often called the “Father of Modern Alaska”—and the prominent role he played in transforming the settlements of Alaska into modern towns and cities with thriving, diverse economies.

It is important because of Lathrop’s purpose in building that kind of grand building in Alaska at that particular time—an elegant and extravagant building of modern American design, decorated with world-class murals by world-class muralists depicting the natural beauty, the natural resources, the industrial progress and the promise of the future of Alaska. It was risky to build such a large, elegant and expensive 1,000-seat theater in a town of about 10,000 residents. The fact that Cap Lathrop began building the Fourth Avenue Theatre at age 76, and completed it at age 82, reflects his extraordinary vision, dedication, and hope for the future of Alaska.

It is important because, probably more than any building then built, the Fourth Avenue Theatre symbolized and announced to the world that Anchorage had become a major U.S. city north of the 60th parallel, a city that in the fast-developing era of aviation was destined to become an international hub for air travel between Europe and Asia and a strategic location for the development of major U.S. military bases.

It is important because of its prominent place in the cultural and architectural history of the United States and, in particular, the cultural and architectural history of the great era of cinema. Movies and movie theaters were important cultural phenomena of the first half of the 20th Century. Along with the development and proliferation of the telephone, the electric light, the automobile, and aviation, movies and movie theaters were a key part of the rural to urban movement in the U.S. during that time. Movie theaters helped draw Americans from the countryside into towns and cities. The movies opened peoples' eyes to things they might have never seen nor even imagined, expanding their view of the world and, in the process, expanding their imaginations.

“Going to the movies” became a cultural event and for many was a kind of magical experience. As the movie industry grew and its technology developed to create what became known as the Golden Age of Hollywood, the experience of going to the movies changed as well. Local movie theaters ceased being old dance halls with temporary screens and chairs. Proper movie theaters began being built in towns and cities throughout the country—cinemas designed specifically to present the new 20th Century art form. Cinema architects, designers and entrepreneurs understood that watching movies could be a magical, transformative experience. To that end, they sought to make the theater itself part of that experience, building grander and more elegant cinemas referred to as “movie palaces,” often giving them grand names like “The Coliseum,” a place for spectacular events, and “The Orpheum,” named after the Orpheus of Greek myth whose performances were so spellbinding that they even mesmerized the gods.

The Fourth Avenue Theatre is important as the leading example of such a cinema, the only one like it in Alaska.

Completed in 1947, the Fourth Avenue Theatre is one of the last, if not the last, of the great American Art Deco/Streamline Moderne cinemas built in the United States. Its architectural style and interior décor are archetypal examples of an important period in the development of an American style of architecture, interior design and décor that came to prominence between the two World Wars.

It is said that in the 1920s Art Deco “represented luxury, glamour, exuberance and faith in social and technological progress.”² In the 1930’s, during the Great Depression, Art Deco gave birth to a sparer and streamlined style called Streamline Moderne that reflected the economy and values of those times. These were American styles of design that in concept, form and function embodied the characteristics of the modern, industrial age of the 20th Century that the United States came to lead—powerful, inventive, efficient, streamlined, and with an understated elegance. The Fourth Avenue Theatre is a leading example of these quintessentially American styles of architecture, interior design and décor.

A man of great industry and vision, Lathrop dedicated himself to helping develop modern cities of permanence and vitality in Alaska, a purpose and goal that led him to erect buildings that were designed by modern architects and were intended for permanence, buildings built with techniques and materials, such as reinforced concrete, that Lathrop believed—and eventually proved to the skeptics—could withstand the sometimes harsh and variable Alaska environment. As described by Alison K. Hoagland: “Commercial architecture began to lose its boomtown character as wooden structures were replaced by Moderne or Art Deco buildings. Concrete, which was mixed locally and fireproof, was particularly suited for these sleek styles. Some of the most flamboyant applications of Art Deco were movie theaters erected by Cap Lathrop, who had a chain across the state.”³

The Fourth Avenue Theatre is important to the history and cultural heritage of Alaska because it was Cap Lathrop's building—his last and arguably his greatest building achievement.

Austin E. “Cap” Lathrop: The Father of Modern Alaska and the Father of The Fourth Avenue Theatre

Many people came to Alaska in the 19th and early 20th centuries to live in the wilderness; to commercially fish in the summers; or with hopes of finding quick mineral riches and then returning to the Lower 48 states for a life of luxury. However, a few Alaska pioneers envisioned more for Alaska and worked their entire lives to achieve it. One of the most influential and successful of those visionary pioneers was Austin E. “Cap” Lathrop (1865-1950).

Looking for new opportunities after the Panic of 1893, Lathrop became interested in frontier Alaska in 1895 after hearing that gold had been discovered in the Turnagain Arm section of the northern Kenai Peninsula. It was not the lure of mining gold that attracted him, but the business opportunities in shipping and freighting that a gold rush provided. Through a loan from A.E. Barton of the Fry Meat Packing Company, he jointly purchased with Captain (“One Eye”) Kelly and John O’Neill the *L.J. Perry*, a small, two-masted schooner, and piloted from port to port in Alaska, carrying passengers and freight. Beginning in 1907, he expanded his businesses into transportation, construction, coal mining, and broadcasting. After seeing the potential of the Copper River & Northwestern Railway, he started his Alaska Transfer Company in Cordova, the shipping point for the rich copper mines at Kennecott. He set up a draying business in Cordova, and contracted to haul all supplies from the docks to the railroad working areas. In 1915, he relocated his Transfer Company to Anchorage to handle the business created by the building of the Alaska Railroad. Lathrop formed a chain of Alaskan theaters in the years between 1910 and 1929, starting with the Empress at Cordova in 1915. His other theaters included Anchorage’s Empress (1916) and Fourth Avenue (1947), and the Empress (1927) and

Lacey Street (1939) in Fairbanks, and others reportedly in Ketchikan, Nome, and Valdez.⁴ His interest in the movies led him in 1922 to co-create the Alaska Moving Picture Corp. that in 1924 produced “The Cheechahcos,” [sic] the first feature-length film shot entirely in Alaska⁵ that in 2003 was selected to be included in the National Film Registry.⁶ In his later years, Lathrop expanded his economic domain, with new interests in the *Fairbanks Daily News-Miner*, Healy River Coal Mine, and his development of the broadcasting industry in Alaska, with KENI (Anchorage) and KFAR (Fairbanks)—the forerunners of what became the Midnight Sun Broadcasting Company.

As noted by historians Bruce Parham and Walter Van Horn:

He was the single most powerful businessman in the Territory of Alaska and its richest resident. He has been called an ‘industrialist,’⁷ ‘the builder of modern Alaska,’⁸ and ‘Alaska’s first homegrown millionaire.’⁹ Remembered as a man of great drive, vision, and the capacity for work, Lathrop was in the forefront of development in construction, transportation, communications, and mining. He built a substantial portion of its pre-World War II infrastructure that facilitated the admission of the 49th state into the Union. Over the course of a fifty-year career in the Pacific Northwest, forty-five of them in Alaska, Lathrop gradually extended his diverse interests to Cordova, Suntrana, Fairbanks, Anchorage, and other parts of Alaska. He owned a chain of movie theaters throughout the Territory, a coal mine at Suntrana, a newspaper, and two radio stations in Anchorage and Fairbanks. Other enterprises included banks, major buildings, apartments, and a model salmon cannery.¹⁰

During the first half of the 20th century, Lathrop was widely recognized “as the leading public figure”¹¹ of the Territory. He was a member of the Alaska House of Representatives from 1921 to 1923 and for a number of years represented Alaska on the Republican National Committee (1928 to 1932; 1948 to 1950). For 18 years (1932-1950), Lathrop was a member (including vice-president) of the Board of Regents of the Alaska Agricultural College and School of Mines, renamed in 1935 as the University of Alaska. He was esteemed as a self-made man who stayed and reinvested his profits in Alaska rather than outside.¹²

Architectural Design by B. Marcus Priteca, America’s Preeminent Theater Architect

The Fourth Avenue Theatre is also historically and culturally important because Cap Lathrop commissioned B. Marcus Priteca to be its principal architect. Mr. Priteca was the preeminent movie theater architect in North America during the coming-of-age era of the movie industry and movie theater entertainment in the United States, from 1915 to

1950, the Golden Age of Hollywood.¹³ Elected a Fellow of the American Institute of Architects, Priteca was called “the ‘dean’ of theatrical architects in America.”¹⁴ The Fourth Avenue Theatre was one of the last movie theaters he designed.

Mr. Priteca began designing theaters around 1915 for Alexander Pantages, developer of one of the largest movie theater chains in North America. He reportedly designed over 150 theaters in his career, including 22 for Pantages.¹⁵ Most are now lost to history, casualties of downtown development and the suburbanization of America when movie theaters became box-like multiplexes in or around suburban shopping malls.

Among the theaters designed by Mr. Priteca are The Coliseum Theatre in Seattle (1915), advertised when it opened as “the world’s largest and finest photoplay palace”¹⁶ and later called “the first of the world’s movie palaces” by the *Journal of the Royal Institute of British Architects*;¹⁷ the Pantages Theatre in Tacoma, Washington (1918); the Pantages Theatre in downtown Los Angeles (1920); the Pantages Theatre in San Diego (1924); the Pantages Theatre in Fresno, California (1928); the Paramount Theater in Seattle (1929); the Pantages Theatre in Hollywood (1930),¹⁸ the last and largest of the Pantages theaters. He also designed the Warner Theater on Pacific Boulevard in Huntington Park (1930); the Washoe Theater in Anaconda, MT (1931-36);¹⁹ and the Orpheum Theater (1927)²⁰ in Vancouver, Canada. Of these, only a few have survived. Those that have survived and been restored are magnificent and are considered architectural jewels in the cities where they exist.²¹

World Class Murals Designed, Created, and Installed by Preeminent Muralist Artists of the A.B. Heinsbergen Company

The Fourth Avenue Theatre is also historically and culturally important because of the extraordinary and unique murals decorating its walls that were designed, created, and installed by world-class muralists A.B. Heinsbergen and his protégé, Frank Bouman who, according to Heinsbergen, “worked on the murals extensively ... installed them and supervised the entire decorative scheme.”²²

Heinsbergen was born in The Netherlands in 1894. At an early age, he quit school and apprenticed to a master Dutch muralist renowned for his ability to create murals on concave and convex walls and ceilings that maintained their proper perspective and scale in spite of the curvature of the surfaces. He kept his technique a secret. As a result, he was in great demand. The young Heinsbergen asked the master for his secret, but to no avail.

When Heinsbergen was about 13 years old, he emigrated with his family to the United States. The story is that the master muralist went to the dock to see his young apprentice off. Just before the departure, he handed Heinsbergen a sealed envelope and made him

promise he would not open it until he reached the United States. Upon arrival, Heinsbergen opened the envelope. Inside were instructions from the master how to create murals on curved surfaces.²³

Heinsbergen went on to become one of the leading muralists in the world, founding the A.B. Heinsbergen Company in Los Angeles around 1922. His work was so important that the Smithsonian Institution created an exhibit of his murals that traveled the country for two years, from 1972 to 1974.²⁴ Heinsbergen died in 1981. His son, Tony Heinsbergen, took over the company after his death and much of his work thereafter was devoted to restoring murals that had been created by his father and associate Frank Bouman. The company closed after Tony died in 2004.

Other Reasons the Fourth Avenue Theatre Is Historically Important to Alaska

The Fourth Avenue Theatre is reportedly the first venue where the Supreme Court of Alaska heard oral arguments after Alaska became a state.²⁵ That is a testament to the common perception that the building was of such dignity and grandeur that it was appropriate to serve as the hearing room for oral arguments before the highest court of the state.

Cap Lathrop made the opening of the Fourth Avenue Theatre more than simply the first time a new movie theatre showed a movie. He made it a truly grand opening—a celebratory event for the State of Alaska that Cap called a “dedication.” As he explained in the dedication brochure he handed out at the event:

This theatre was built especially for Alaskans ... it is the culmination of a sincere wish to bring to the people of Anchorage, and visitors from all parts of Alaska, a theatre unexcelled on the American continent.^[26]

Political leaders and celebrities were invited, and the opening ceremonies included the Anchorage Community Chorus performing the “Alaska’s Flag” in a beautiful four-part vocal arrangement by Alaska pioneer Lorene Harrison.²⁷ At the dedication, Cap was presented with a portrait of him painted by renowned Alaska artist Eustace Ziegler. Cap referred to the opening of the Fourth Avenue Theatre as “the happiest day of my life.”²⁸

The Fourth Avenue Theatre is among the historical buildings profiled in Alison Hoagland’s *Buildings of Alaska* (New York: Oxford University Press, 1993). This book was among the first of a multi-volume series, *Buildings of the United States*, commissioned by the Society of Architectural Historians as part of a nationwide effort to produce a publication about the country’s architectural heritage on a state-by-state basis. The foundation for selection of individual entries, such as the Fourth Avenue Theatre,

was in the nominations and surveys undertaken by state historic preservation offices and the National Park Service for the National Register of Historic Places.²⁹

For decades, the Fourth Avenue Theatre has been iconic of downtown Anchorage, not only the subject of numerous well-known photographs but also the subject of a number of the late Byron Birdsall's most famous paintings of Alaska. And, of course, Cap Lathrop's beautiful Fourth Avenue Theatre withstood the devastating 1964 earthquake, a symbol of the strength and survival of the city and the people who built it.

The Society of Architectural Historians has recognized the importance of the Fourth Avenue Theatre in the history of American architecture and interior design and décor, describing in detail the building and the interior decorative work of A.B. Heinsbergen and Frank Bouman, calling it “fantastic.”³⁰ The fact that the Fourth Avenue Theatre also has its own substantial Wikipedia entry is itself significant. The information contained in that entry about the building, its principal architect and its Art Deco/Streamline Moderne architectural style—and the significance of those styles in the movement to establish a truly American identity in architecture—speaks volumes of the building's importance, not only to the culture of Anchorage and Alaska, but also to its place in the history of American architecture and interior design.

The Fourth Avenue Theatre is on the National Register of Historic Places of the United States. It has been on that register for over 30 years—since 1982. *See* the site inventory and nomination form to add the building to the National Register of Historic Places and the associated photographs of the interior and exterior of the building that are being submitted with this proposal. The inventory/site nomination contains much information about the history of the building and its cultural and architectural importance.

SUMMARY AND REQUEST FOR ACTION

The Fourth Avenue Theatre opened on Memorial Day weekend, 1947. Shortly after the opening, Bob Atwood, the owner of what was then Alaska's largest newspaper, the *Anchorage Daily Times*, wrote a tribute to the new theater. He called it “one of the grandest additions to life in the vicinity of Anchorage [and] the finest theater in Alaska, containing features not found in any theater on the Pacific Coast.”

Mr. Atwood pointed out that the theater was more than an expensive and elaborate place to see motion pictures. In his words, the Fourth Avenue Theatre

is a landmark in the transition of Anchorage from a frontier community to a city of permanence. It is a landmark in the development of a city in which families live, work, play and die.

Mr. Atwood had it right. He understood the importance of the Fourth Avenue Theatre to the development of modern Alaska.

The Fourth Avenue Theatre stands as an icon of the Great Era of Cinema in America, a “movie palace” built in the heart of Anchorage that embodies American styles of architecture, interior design and décor—a building that in a unique and meaningful way helped establish Anchorage as a modern, major city and made going to the movies a cultural event. It is one of the few theaters of its kind remaining in the United States, and it is located here in the heart of downtown Anchorage, Alaska.

In the words of historian Bruce Parham, “When a city loses a building with the historic importance of the Fourth Avenue Theatre, it not only loses a large part of its past, but it also loses a large part of its identity for current and future generations.” The destruction of the Fourth Avenue Theater would deprive the people of the State of Alaska and generations of future Alaskans, as well as countless visitors from all over the world, of the opportunity to see and experience a building that is a unique and important landmark in this history of the development of Alaska and its cultural heritage.

The Alaska Historic Preservation Act was conceived and enacted expressly to preserve such rare and special historic Alaska properties as the Fourth Avenue Theater. Protecting and preserving the Fourth Avenue Theater would fulfill Alaska’s laudable, far-sighted policy of protecting its cultural heritage and resources for future generations.

For these reasons, we respectfully request that the Alaska Historical Commission make the following findings, declarations, reports and recommendations as soon as possible:

A) find,

1. that the Fourth Avenue Theatre is a property of great and unique importance to the historic and cultural heritage of Alaska that should be protected and preserved for future generations to experience, study, learn from and enjoy;
2. that based on the foregoing that the Fourth Avenue Theatre is a property that is “important for state ownership” as authorized by AS 41.35.060(b);
3. that the Fourth Avenue Theatre is in danger of destruction or serious impairment (*see* AS 41.35.060(b)); and

B) promptly report its findings and conclusions to Governor Walker and to the Alaska Department of Natural Resources as authorized by AS 41.35.030 and AS 41.35.060, and make the following recommendations:

1) a recommendation to Governor Walker that he declare by public order the Fourth Avenue Theatre to be an Alaska monument or historic site after requesting and obtaining the consent of the current owner as authorized by AS 41.35.030; and

2) a recommendation to the Alaska DNR that it act with all deliberate speed to make the following findings and act to protect the Fourth Avenue Theatre from destruction as follows:

a) find that the Fourth Avenue Theatre is a property of great and unique importance to the historic and cultural heritage of Alaska that should be protected and preserved for future generations to experience, study, learn from and enjoy;

b) find that the Fourth Avenue Theatre is in danger of destruction or serious impairment (*see* AS 41.35.060(b));

c) find on the basis of the foregoing that the Fourth Avenue Theatre is a property that is “important for state ownership” as authorized by AS 41.35.060(b); and

d) based on the foregoing findings, establish parameters of the use of the Fourth Avenue Theatre that will preserve its historic character and value, and promptly communicate those use parameters to the current owner of the Fourth Avenue Theatre as authorized by AS 41.35.060(b).

We hope and believe that the current owner of the Fourth Avenue Theatre will be impressed by the large body of evidence we have collected concerning the history of the Fourth Avenue Theatre, its unique and prominent role in the history of Alaska and its importance to the historic and cultural heritage of Alaska. We also hope and believe the current owner would be honored to have the Fourth Avenue Theatre officially designated by Governor Walker as an Alaska monument and historic site.

We are confident that if the Fourth Avenue Theatre is protected and preserved for future generations to experience, study, learn from and enjoy, then those future generations will be forever grateful to all those who, in these current times, showed the foresight, courage and dedication to preserve and protect this beautiful, unique building that is such an important part of the cultural and historic heritage of Alaska.

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- ¹ The developer of the Fourth Avenue Theatre, Austin E. “Cap” Lathrop, always used the British spelling— theatre—in naming buildings in his chain of movie theaters. *See* note 10, below.
- ² “Art Deco,” *Wikipedia*, https://en.wikipedia.org/wiki/Art_Deco (accessed February 25, 2017).
- ³ Alison K. Hoagland, *Buildings of Alaska* (New York: Oxford University Press, 1993), 73.
- ⁴ *See*, Evangeline Atwood, *Anchorage: All-American City* (Portland, OR: Binforde & Mort, 1957), 51; and “Work Begins on Empress Theatre,” *Cook Inlet Pioneer*, May 11, 1916, 1.
- ⁵ <https://www.alaska.edu/uajourney/regents/1932-1950-austin-lathrop/>
- ⁶ Chris Beheim, “The Cheechahcos,” <https://www.loc.gov/programs/static/national-film-preservation-board/documents/chechahcos.pdf>
- ⁷ Evangeline Atwood, *Anchorage: All-American City*, 52.
- ⁸ “‘Cap’ Lathrop was Pioneer,” *Fairbanks Daily News-Miner*, 17th Golden Days Edition, July 1969, A-24; and Elizabeth A. Tower, *Alaska’s First Homegrown Millionaire: Life and Times of Cap Lathrop* (Anchorage: Publications Consultants, 2006), 5.
- ⁹ Elizabeth A. Tower, *Alaska’s First Homegrown Millionaire: Life and Times of Cap Lathrop* (Anchorage: Publications Consultants, 2006).
- ¹⁰ Bruce Parham and Walter Van Horn, “Lathrop, Austin E.,” Cook Inlet Historical Society, *Legends & Legacies, Anchorage, 1910-1940*, <http://www.alaskahistory.org/biographies/lathrop-austin-eugene-cap/> (accessed February 28, 2017) Copy attached as Exhibit 4.
- ¹¹ “Fourth Avenue Theatre,” National Register of Historic Places Inventory—Nomination Form, December 31, 1984, AHS Site No. ANC-284, National Park Service, *National Register of Historic Places*, <https://npgallery.nps.gov/pdfhost/docs/nrhp/text/82001620.pdf> (accessed February 26, 2017).
- ¹² Claus M. Naske and Herman E. Slotnick, *Alaska: A History* (Norman: University of Oklahoma Press, 2011), 225.
- ¹³ Eric C. Flom, “Priteca, B. Marcus (1899-1971),” *HistoryLink: The Free Online Encyclopedia of Washington State History*, <http://www.historylink.org/File/8815> (accessed February 27, 2017)
- ¹⁴ *Ibid.*
- ¹⁵ *Ibid.*
- ¹⁶ Eric L. Flom, “Coliseum opens in Seattle on January 8, 1916,” *HistoryLink: The Free Online Encyclopedia of Washington State History*, <http://www.historylink.org/File/2538> (accessed February 25, 2017).
- ¹⁷ “Coliseum Theater” Seattle: A National Register of Historic Places Itinerary, National Park Service, <https://www.nps.gov/nr/travel/seattle/s13.htm> (accessed February 25, 2017).
- ¹⁸ Pantages Theatre, Los Angeles Conservancy, <https://www.laconservancy.org/locations/pantages-theatre> (accessed February 25, 2017).
- ¹⁹ *See* <http://cinematreasures.org/theaters/4332> (accessed February 27, 2017).
- ²⁰ Quoted from Orpheum (Vancouver), *Wikipedia*, [https://en.wikipedia.org/wiki/Orpheum_\(Vancouver\)](https://en.wikipedia.org/wiki/Orpheum_(Vancouver)) (accessed February 25, 2017): “In 1973, for economic reasons, Famous Players decided to gut the inside of the Orpheum and change it into a multiplex. A ‘Save the Orpheum’ public protest and fundraising campaign was launched, which even Jack Benny flew in to help with, and the Orpheum was saved. On March 19, 1974, the City of Vancouver bought the theatre for \$7.1 million, with \$3.1 million coming from the city itself, and \$1.5 million from each of the provincial and federal governments. The Orpheum closed in November 1975 and a renovation and restoration was done [...]. Tony Heinsbergen, a U.S. designer who originally chose the color scheme for the interior (ivory, moss green, gold and burgundy) was brought back, fifty years later, for the renovation.” The theatre was designated a National Historic Site of Canada in 1979. *Id.*
- ²¹ *See e.g.*, Chuck Davis, *History of Metropolitan Vancouver*, The Orpheum Theatre/Tony Heinsbergen. <http://www.vancouverhistory.ca/orpheum2.htm> (accessed February 27, 2017); <http://cinematreasures.org/theaters/4332> (accessed February 27, 2017); <http://www.grandvision.org/warner-grand/history.asp> (accessed February 27, 2017);
- ²² Excerpt of letter of Anthony B. Heinsbergen to Michael E. Carberry dated January 6, 1978, quoted in Michael E. Carberry, *Patterns of the Past: An Inventory of Anchorage’s Heritage Resources*, (Municipality of Anchorage, Historical Landmarks Preservation Commission, 1979), 64.
- ²³ Davis, *op. cit.* <http://www.vancouverhistory.ca/orpheum3.htm> (accessed February 27, 2017).
- ²⁴ Reported in *Orinda Assn v. Bd. of Supervisors*, 182 Cal. App. 3d 1145, 1152–53, 227 Cal. Rptr. 688, 692 (Cal. App. 1986)

²⁵ Reported by retired Alaska attorney Kermit E. Barker, January 10, 2017. In the 1970s, Barker and retired Alaska attorney David B. Ruskin had their law office in the building.

²⁶ Carberry, *op. cit.* at p. 67. See Exhibit 8

²⁷ See accompanying Exhibit 9, excerpted from, Diane Barske, *Mostly Music: The Story of Lorene C. Harrison, Alaska's Cultural Pioneer* (Anchorage: Publication Consultants, 1999), p. 85, 86.

²⁸ Quoted in Carberry, *op. cit.* at p. 67.

²⁹ Alison K. Hoagland, *Buildings of Alaska*, v and viii.

³⁰ <http://sah-archipedia.org/detail%2Fcontent%2Fentries%2FAK-01-SC004.xml?q=type%3Astations> (accessed February 27, 2017).

SUPPORTING EXHIBITS

ORDER AND CONTENT

Exhibit/ Tab No.

Description

1. Excerpts of the three most Relevant Alaska Statutes from the Alaska Historic Preservation Act (AHPA) and the summary of the procedures specified by the AHPA for the state to identify appropriate properties and act to preserve and protect those properties.
2. Photos of the interior and exterior of The Fourth Avenue Theatre. Used with permission.
3. Newspaper articles, editorials from the 1940s; Dedication Program May 31, 1947: Used with permission: UAA Consortium Library, Elizabeth Towers collection.
4. Biography: "Lathrop, Austin Eugene "Cap," by Bruce Parham, Cook Inlet Historical Society
5. Biographical information: Architect B. Marcus Priteca
6. Biographical information: Muralist Heinsbergen
7. The complete application/nomination form submitted to the Nat'l Park Service that resulted in the Theatre being place on the Nat'l Register of Historic Places
8. *Patterns of the Past* Title page and pages 64-67. 1979 edition; Anchorage.
9. *Mostly Music* Lorene Harrison, Title page and pages 85, 86: about the singing of "Alaska's Flag" at the Theatre's opening in 1947
10. Article: Cap Lathrop's "The Cheechahcos". (Filmed in Anchorage.)
11. Architectural Styles:
 - a. Art Deco
 - b. Streamline Moderne
12. Editorial Cartoons about the Fourth Avenue Theatre by Peter Dunlop Shohl; Anchorage Museum Archive; Collection B2009.017

TAB 1

KEY STATUTES OF THE ALASKA HISTORIC PRESERVATION ACT

The Alaska Historic Preservation Act was enacted to ensure that properties of importance to the historic and cultural heritage of Alaska should be preserved and protected for future generations of Alaskans and visitors to experience, study, learn from and enjoy. It specifies the steps that should be taken to preserve such historic properties.

The Alaska state policy and relevant procedures for fulfilling that policy are set forth in the following Alaska statutes.

AS 41.35.010. Declaration of policy

It is the policy of the state to preserve and protect the historic, prehistoric, and archeological resources of Alaska from loss, desecration, and destruction so that the scientific, historic, and cultural heritage embodied in these resources may pass undiminished to future generations. To this end, the legislature finds and declares that the historic, prehistoric, and archeological resources of the state are properly the subject of concerted and coordinated efforts exercised on behalf of the general welfare of the public in order that these resources may be located, preserved, studied, exhibited, and evaluated.

AS 41.35.230(2) defines “historic, prehistoric, and archeological resources” as including

structures [and] buildings ... which provide information pertaining to the historical or prehistorical culture of people in the state as well as to the natural history of the state.

AS 41.35.030 Designation of monuments and historic sites

Upon the recommendation of the commission, the governor may declare by public order any particular historic, prehistoric, or archeological structure, deposit, site, or other object of scientific or historic interest that is situated on land owned or controlled by the state to be a state monument or historic site, and the governor may designate as a part of the monument or site as much land as is considered necessary for the proper access, care, and management of the object or site to be protected. When an object or site is situated on land held in private ownership, it may be declared a state monument or historic site in the same manner, with the written consent of the owner.

AS 41.35.060. Power to acquire historic, prehistoric, or archeological properties

(a) The department [of Natural Resources], with the recommendation of the [Alaska Historical] commission, may acquire real and personal properties that have statewide historic, prehistoric, or archeological significance by gift, purchase, devise, or bequest. The department shall preserve and administer property so acquired. The department may acquire property adjacent to the property having historic, prehistoric, or archeological significance when it is determined to be necessary for the proper use and administration of the significant property.

(b) If an historic, prehistoric, or archeological property which has been found by the department, upon the recommendation of the commission, to be important for state ownership is in danger of being sold or used so that its historic, prehistoric, or archeological value will be destroyed or seriously impaired, or is otherwise in danger of destruction or serious impairment, the department may establish the use of the property in a manner necessary to preserve its historic, prehistoric, or archeological character or value. If the owner of the property does not wish to follow the restrictions of the department, the department may acquire the property by eminent domain under AS 09.55.240 - 09.55.460.

AS 41.35.090. Notice required of private persons

Before any construction, alteration, or improvement of any nature is undertaken on a privately owned, officially designated state monument or historic site by any person, the person shall give the department three months notice of intention to construct on, alter, or improve it. Before the expiration of the three-month notification period, the department shall either begin eminent domain proceedings under AS 41.35.060(b) or undertake or permit the recording and salvaging of any historic, prehistoric, or archeological information considered necessary.

TAB 2

Photos of the Interior and Exterior of The Fourth Avenue Theatre

IMPORTANT: The color interior photographs in this collection are particularly central to this proposal's request to preserve and protect The Fourth Avenue Theatre.

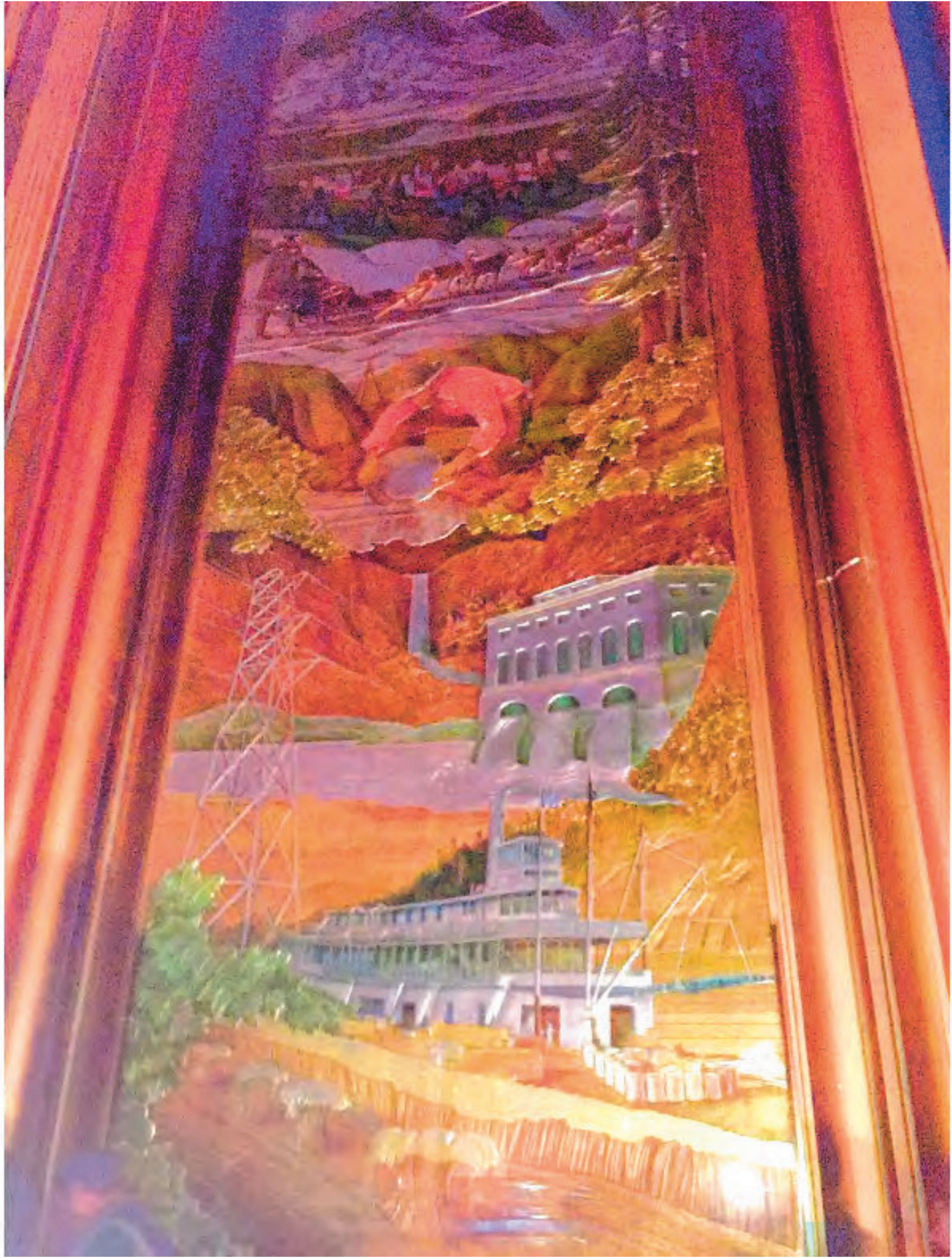
All were taken on May 5, 2015. They show the condition of the interior of the theatre and its priceless, iconic frieze/murals on that day.

This date was *after the owners installed a new roof on the theatre, preventing future water damage.* The building has been kept dry, warm and secured since that date.

These photos can, therefore, reasonably be said to accurately and objectively present the condition of the interior and iconic artwork of The Fourth Avenue Theatre today.











HABS No. AC-28-1 HABS No AK-28-1



SN0 AK-28-3 HBB - No. 212-28-3







© Robert

Sio Theatre, Anchorage, Alaska

TAB 3

Fairbanks Daily News-Miner

America's Farthest-North Daily Newspaper — Member of The Associated Press

VOLUME XXVIII

FAIRBANKS, ALASKA, MONDAY, JUNE 10, 1940

PRICE TEN CENTS

TROOPS OF IL DUCE MARCH INTO FRANCE

\$400,000 Structure To Be Built in Anchorage By Capt. A. E. Lathrop

Building Will Be Six Stories with Theatre and Store Rooms on Ground Floor, Three Floors of Hotel Rooms and Two Floors of Apartments and Two Penthouses

Plans have been completed for erection of a six-story hotel and theatre building in Anchorage by Capt. Austin E. Lathrop, he announced today at his office in Fairbanks.

The structure will cost \$400,000. Work will be started immediately and completion will be effected by next spring.

Location in Central

Centrally located on Fourth across from the new Federal Building, the new Lathrop structure will be of re-inforced concrete and steel. The ground floor will be occupied by a new theatre and by retail store space.

Three of the upper floors will be hotel rooms and the two other upper floors will be partitioned into hotel apartments.

Two Foot Rooms On the roof there will be two pent houses.

All the appointments and furnishings will be the best procurable. Suggestions for the structure were obtained by Capt. Lathrop on his trip to large cities in the States from which he returned here Saturday evening after three month absence.

Specifications and architectural details are being drafted in Seattle. Among the cities the Captain visited, besides Seattle, were Portland, Ore., St. Louis, Chicago and Detroit. Arrangements were made for material for the Anchorage structure.

"Unless the war hits us too hard Alaska is in for a banner year," the Captain predicted.

Paris Apartment Bombed



Italy Declares War On France, Great Britain

Norway Surrenders To Germany

STOCKHOLM, June 10. All Norway surrendered to Germany Sunday at midnight after a fight of exactly two months against Nazi invaders, but King Haakon and the government, who fled to England, announced they would help the British and French on the Western Front.

ROME, June 10.—At approximately 6:30 p. m. tonight Italian forces marched into French territory through Riviere, following Premier Benito Mussolini's declaration of war against the Allies a few hours before.

It Dees, in joining Germany against France and England, said:

"Our great people stand ready to face its destiny and make our history in the future. We want to break the chains that suffocate us in the Mediterranean. This gigantic struggle is only one phase in the development of our revolution against strangulation by rich nations and the dis is now cent."

Mussolini's voice rose to almost a breaking point several times as he drew points home between frequent interruptions from the roaring mass of people gathered under the palace balcony to hear their leader make his historic pronouncement.

Continuing, Mussolini said: "The entire world has been witness to the fact that Italy strives to avoid this war. The

THE FOURTH AVENUE THEATER

THE FOURTH AVENUE Theater, which was formally opened over the Memorial Day week end, is one of the grandest additions to life in the vicinity of Anchorage.

The building and appointments are superb. It will always be a pleasure to have this palace for relaxation and entertainment.

Many thousands of local residents took the opportunity on the holiday to visit the show house before the formal opening. Visitors were in accord that it is a masterpiece of planning, construction and comfort.

Residents of Anchorage will always point with pride to their theater. Visitors to America's last frontier will be amazed.

CONSTRUCTION OF this modern building was marked by trouble. Started in 1941, the work had to be halted during the war. Materials were not available. Shipping space was insufficient to allow the movement of those materials that were available. Labor conditions were such as to further complicate the picture.

During the years the building project was at a standstill, Capt. A. E. Lathrop, the owner, quietly made his construction program more elaborate. While friends sympathized with him for the delays, Lathrop was engaged in changing the original plans to make them more and more difficult to achieve and slower to complete. This policy was effected under conditions which would usually have resulted in a simplification and cheapening of a building project so as to speed completion.

Mr. Lathrop has every reason to be proud of his accomplishment—the construction of the finest theater in Alaska, containing features not found in any theater on the Pacific Coast.

THE GREATEST SIGNIFICANCE is one that will touch the daily lives and thinking of all persons who call Alaska home. The Fourth Avenue theater is more than an expensive and elaborate building. It is more than a place to see motion pictures.

The theater is a landmark in the transition of Anchorage from a frontier community to a city of permanence. It is a landmark in the development of a city in which families live, work, play and die.

The theater is a demonstration of the fact that the Anchorage area has grown to a point where a permanent investment of a million dollars is sound. It will spur others to consider their homes and their occupations permanent.

It can be recalled that before construction of the federal building, many residents of 20 years standing questioned whether the city would be permanent. But when the federal government invested a million dollars in its concrete building, the decision was made. Many families immediately placed concrete foundations under their homes, added rooms and planned to stay.

Captain Lathrop, by investing his money in the Fourth Avenue theater, has shown his conviction that Anchorage has a brilliant future and his business is more than a "boom" proposition. Other businessmen will adopt the same policy and great improvements in business and recreational facilities can be expected.

When the history of Anchorage is written, the opening of the Fourth Avenue theater will be one of the highlights in development that will always be mentioned.

—Editorial by Robert B. Atwood

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N. C. Brown..... Editor

THANKS, "CAP" LATHROP

Anchorage should feel a great debt of gratitude to Capt. A. E. Lathrop, who this week opened the 4TH AVENUE, magnificent new moving picture theater, to the public.

More than six years in the building because a war against enemy aggression took every ounce of materials, the theater is now long past its original premier, but Anchorage people who have already inspected it, and those who will see it in the near future, will agree that it was well worth waiting for. Perhaps not so large as some Pacific Coast stateside theaters, none will surpass it for years to come in richness of finishing, in tasteful decorating and in general beauty.

In presenting the 4TH AVENUE to Anchorage, Captain Lathrop has given the city a lasting and useful monument to be enjoyed for years to come by young and old alike, for the most cursory inspection will reveal that it is no get-rich-quick enterprise, and that personal monetary gain was secondary importance to the building.

What a fine gesture of appreciation to fellow Alaskans the 4TH AVENUE is, and what a fine memento it will continue to be in years to come as Anchorage people are able to enjoy the pleasures of a first-order entertainment place. The city's main street is enhanced by one of the most architecturally perfect structures on the entire Pacific Coast.

We feel we are not overstepping our privileges as a newspaper when, on behalf of Anchorage, we say simply but very sincerely, "Thank you, Cap Lathrop."

Avenue



THEATRE • ANCHORAGE • ALASKA



SOUVENIR PROGRAM



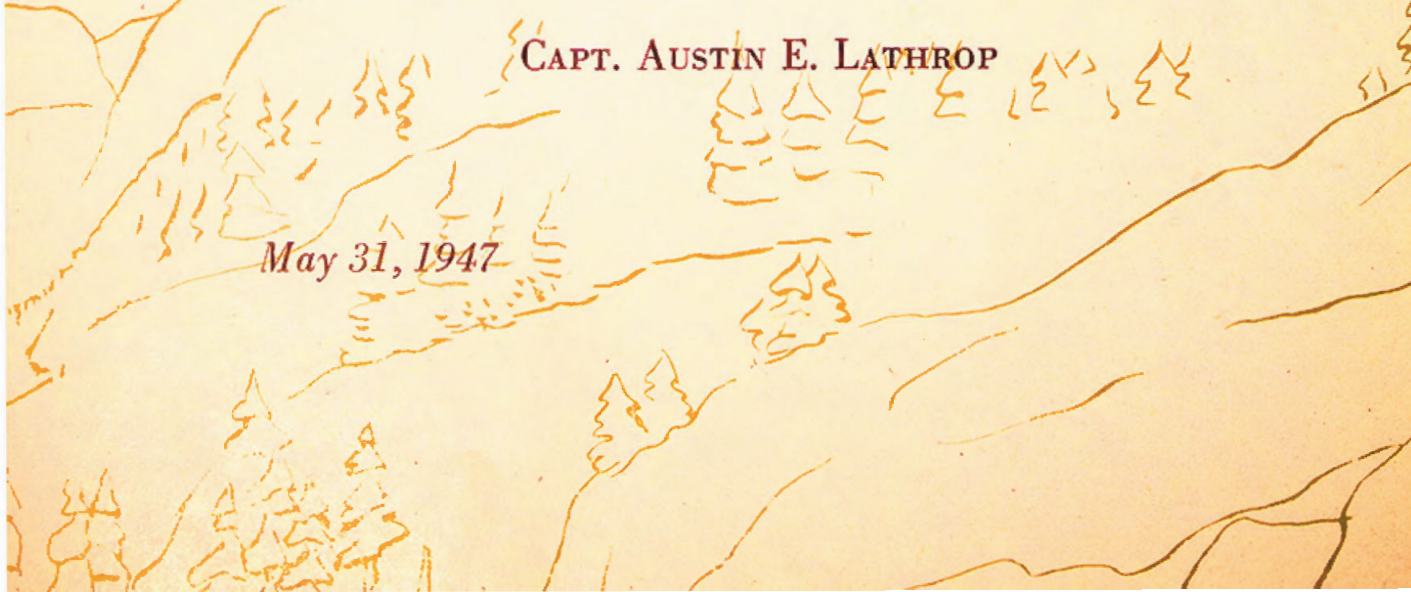
HIS THEATER was built especially for Alaskans . . . it is the culmination of a sincere wish to bring to the people of Anchorage, and visitors from all parts of Alaska, a theater unexcelled on the American continent.

Regardless of effort and cost, we have tried to make this theater a place of comfort and beauty . . . a place where you will enjoy fine motion pictures, presented with the latest in sound and projection equipment.

We have deeply appreciated the patience you have shown during the war years when we were forced to stop construction. We hope you will feel repaid by the Fourth Avenue Theater, as we proudly present it to you today. It is for you, your family and friends.

CAPT. AUSTIN E. LATHROP

May 31, 1947





B. MARCUS PRITECA · A. PORRECA
ARCHITECTS

TAB 4

Lathrop, Austin Eugene "Cap"

1865-1950 | Business Entrepreneur, Self-Made Tycoon, and Developer

Austin E. “Cap” Lathrop was the single most powerful businessman in the Territory of Alaska and its richest resident. Remembered as a man of great drive, vision, and the capacity for work, Lathrop has been called an “industrialist,”¹ “the builder of modern Alaska”² and “Alaska’s first homegrown millionaire.”³ He was in the forefront of development in construction, transportation, communications, and mining. While an opponent of Alaska statehood, he built a substantial portion of its pre-World War II infrastructure that facilitated the admission of the forty-ninth state into the Union. Over the course of a fifty-year career in the Pacific Northwest, forty-five of them in Alaska, Lathrop gradually extended his diverse interests to Cordova, Suntrana, Fairbanks, Anchorage, and other parts of Alaska. He owned a chain of movie theaters throughout the Territory, a coal mine at Suntrana, a newspaper, and two radio stations in Anchorage and Fairbanks. Other enterprises included banks, major buildings, apartments, and a model salmon cannery. In 1896, he came to Alaska as the business manager and, then, skipper of the *L.J. Perry*, and foresaw the opportunities for shipping and freighting during a gold rush on Cook Inlet immediately prior to the start of the Klondike gold rush.

Early Years

Austin Eugene Lathrop was born on October 5, 1865, in Lapeer, Michigan, to Eugene and Maria Parson Lathrop. His father was a teamster and a farmer. He was still a baby when the family moved to Harrisville, Michigan. He completed elementary school but quit school early in the ninth grade after being wrongfully expelled for vandalism for damages caused when tampering with a water heater. He chose to help his father haul wood instead of returning to school when the real culprit was identified.⁴ When Austin was sixteen years old, he moved with his family to Ashland, Wisconsin. In Ashland, he went to work at the age of fifteen, pulling stumps with his own team of horses. He worked in a variety of other jobs relating to the draying and contracting business with teams of horses.⁵

Great Seattle Fire (1889)

Lathrop left his close-knit family in Ashland after learning of the Great Fire of Seattle (June 6, 1889).⁶ Virtually overnight, swarms of people converged on Seattle seeking good jobs. Over the next year, job seekers and their families arrived at the rate of 2,000 per month. Seattle’s population doubled from 26,740 to 42,837 people. Development and construction continued unhindered and Seattle was called the “boomingest place on earth.”⁷

Lathrop recognized that the disastrous Seattle fire that destroyed the city’s business district (today’s Pioneer Square) presented him with an opportunity to participate in the rebuilding of the Puget Sound metropolis.

While the fires were still smoldering, he left Ashland within twenty-four hours and was on his way to Seattle. He wired his father for several teams of draft animals trained to haul Wisconsin lumber. He had already lined up enough jobs as teamster removing building debris and clearing the land for rebuilding. He pushed his business with such energy that in a short time he was working with forty teams and became known as “the boy contractor.”⁸

Developing Anacortes, Washington

After Seattle had been largely rebuilt by 1890, Lathrop accepted a new challenge. By the following year, he had moved his equipment and business north of Seattle to Anacortes, Washington on Fidalgo Island, proclaimed to be the prime future port on Puget Sound. He secured contracts to clear the townsite, graded streets, and built the electric railroad from Anacortes to Fidalgo City, where land needed to be cleared. Prospects were so promising that he sent for his parents and two sisters to join him. He made plans to marry eighteen-year old Maude Woodcock, who was his special guest on the inaugural run of the Anacortes Railroad in the spring of 1893. The rail line was constructed for the distribution of island farm crops to growing mainland markets. After the railroad dedication, he leased six hundred acres on Protection Island, some twelve miles from Port Townsend, and built homes for himself and his family.⁹

Lathrop started several businesses on the family compound, which included docks, a hunting resort, and a model poultry farm. These enterprises developed into one of the region’s showplaces, where he entertained many famous visitors, including former President Benjamin Harrison. The poultry farm, with 5,000 laying hens and 2,500 chicks hatching every three weeks, used the new practice of date-stamping eggs for market to indicate their freshness.¹⁰

In the spring of 1893, a precipitous drop in U.S. gold reserves triggered a national economic depression. Since Seattle was still rebuilding from the 1889 fire and depended heavily on Eastern capital, the King County and Puget Sound region plunged into a deep economic depression that would last four years until the start of the Klondike gold rush. On May 5, 1893, the New York stock market declined dramatically, setting off a nationwide panic and economic depression that swept across the United States and then spread to the Pacific Northwest. The ensuing Panic of 1893 hit Seattle hard. The jobless, including Lathrop, fled Seattle, Portland, and other urban areas hoping to find work elsewhere.¹¹

Lathrop’s prosperity was ruined by the Panic of 1893. Eastern investors in the Anacortes Railroad declared bankruptcy and never paid him for the work completed on the railroad line. He was forced to give up the buildings and properties on Protection Island and to move his family to a small house in Seattle. Lathrop, without work and in debt, abandoned plans of marriage and even pawned the gold watch that Maude Woodcock had given him to get money for food.¹²

Alaska

In 1895, Lathrop embarked on a new adventure that marked the beginning of his Alaskan ventures. One day in the fall of 1895, Lathrop was in a Seattle waterfront saloon hoping for a free meal when he met a long-time acquaintance, Captain Kelly, a “salted maritime man.”¹³ Kelly had learned from some prospectors of a new

gold discovery in the Turnagain Arm section of Cook Inlet in Alaska. Both men became very interested, not in prospecting, but in the opportunities that shipping and freighting could bring during a gold rush and considered obtaining a boat. Lathrop remembered the *L.J. Perry*, a small two-masted steam schooner that had transported hay for his horses while he was working in Anacortes. Although he had no money, his credit was still good. Through a loan from A.E. Barton of the Fry Meat Packing House and John O'Neil, Lathrop bought the *L.J. Perry*. Captain Kelly signed on as skipper. O'Neil served as the chief engineer and Lathrop, with no boating experience, became the purser and business manager. The small vessel was placed into dry dock at Ballard over the winter to prepare for rough going in sub-Arctic waters. On April 6, 1896, a year before news of the Klondike gold strike reached Seattle, the *L.J. Perry* left Galbrath Dock with a cargo of supplies bound for the Alaska Commercial Company in Kodiak.¹⁴ Their initial voyage to Kodiak led to years of steady success.

In 1896, Lathrop and his partners freighted and traded extensively along the coast from Southeastern Alaska and around the treacherous waters of Cook Inlet.¹⁵ The *L.J. Perry* had a shallow draft and was ideal for areas on Turnagain Arm and Cook Inlet that were too dangerous for larger ships, which would unload cargo at Tyonek.

Lathrop returned to Seattle in the winter of 1896 with sufficient financial resources to marry, but found that Maude Woodcock had married someone else. He persuaded his father to come to Alaska to open a store at Sunrise on Turnagain Arm. Lathrop obtained his master mariner's license in 1897 and bought out his partners, becoming owner, business manager, and captain of the *L.J. Perry* for the next four years. It was this connection with the sea which won Lathrop the title of "Captain," and he has since been known as "Cap."¹⁶

Although the news of the gold strikes in the Klondike led many miners in Cook Inlet to stampede to the new fields, Lathrop remained in southcentral Alaska. In 1898 he hauled supplies and horses for the Glenn Expedition, a small detachment of U.S. Army troops under the command of Captain (later Major General) Edwin F. Glenn, which had orders to probe the Chugach Mountains for routes to the Copper and Susitna Rivers and to seek the best way to the Yukon River.¹⁷

Valdez and Cold Bay

In 1901, Lathrop moved to Valdez and, with the assistance of San Francisco investors, organized the California-Alaska Mining and Developing Company to prospect for copper in the Kotsina district. Copper was found, but could not be profitably mined because of the lack of transportation facilities to move it to market.¹⁸

While wintering in Seattle that year, Lathrop met Mrs. Lillian McDowell, an attractive widow with a fourteen-year old daughter, Cleo McDowell. They accompanied Lathrop back to Alaska. On February 18, 1901, in the first wedding in the history of Valdez, Captain Austin E. Lathrop and Lillian McDowell were united in matrimony at the residence of the Reverend D.W. Crane. The couple then traveled east, visiting the Pan American Exposition in Buffalo, New York. On this trip Lathrop convinced J.H. Costello, a wealthy Buffalo capitalist, to bankroll an oil drilling project in Dry Bay in Cook Inlet. The Lathrop family returned to Alaska, spending the winter of 1902-1903 in Valdez. Lathrop and Costello drilled several wells at Dry Bay