

SJR

61

HOUSE STATE AFFAIRS COMMITTEE

NEXT COMMITTEE: RESOURCES

BILL: SJR 61

CURRENT VERSION:

SCHEDULED: MARCH 7, 1988

SPONSOR: FISCHER

PHONE NO: 3791

CONTACT FILE: _____

BILL SUBJECT: REQUESTING U.S. TO REASSERT JURISDICTION OVER WRANGEL, HERALD, HENRIETTA, ETC. ISLANDS

SPONSOR BACKUP: IN FILES

AFFECTED AGENCIES:

<u>DEPARTMENT</u>	<u>CONTACT/PHONE</u>	<u>COMMENT</u>
N/A		

FISCAL NOTES

<u>AGENCY</u>	<u>REQUESTED</u>	<u>DATED</u>	<u>FY 88 AMT</u>	<u>FY 89 AMT</u>
N/A		2/19/88	-0-	-0-

ACTION

<u>DATE</u>	<u>COMMENT</u>
3/7/88	PASSED FROM STATE AFFAIRS

Alaska State Legislature

Senator Paul Fischer
Senate District D
Box 784
Soldotna, Alaska 99669
(907) 262-9420 W
262-9269 H



State Senate

While in Juneau
P.O. Box V
Juneau, Alaska 99811
(907) 465-3791

MEMORANDUM

TO: Representative Fran Ulmer, Chair
House State Affairs Committee

FROM: Senator Paul Fischer *PF*

SUBJECT: Senate Joint Resolution 61
(reasserting U.S. sovereignty over Wrangel Island)

DATE: March 4, 1988

I appreciate your scheduling the above referenced resolution before the House State Affairs Committee on Monday, March 7.

As you may be aware, I co-sponsored this identical resolution in 1986. It passed the Senate on a vote of 16 Yeas and 4 Nays but time ran out for it to be addressed in the House at the end of the Fourteenth Legislature.

Basically what this resolution does is to request that the government of the United States reassert jurisdiction over Wrangel, Herald, Henrietta, Jeannette, and Bennett Islands;, together with the surrounding outer Continental Shelf within the American Waters of the Chukchi and East Siberian Seas and to pay the State of Alaska compensation for damages from their loss.

The legal basis and historical grounds supporting the validity of our claim to these islands is set forth throughout the whereas clauses of the resolution.

I've attached a packet of materials for the committee's information (accumulated in 1986 as well as copies of the new materials received this year). Further background information is available upon request from my office.

PAF/sgn

Attachment

STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

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May, 1988

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMPR. In order to save space copies of minutes have not been left in the files.

Mary Van Nimwegen

House State Affrs.

3/7/88

Washington Times

, JANUARY 1, 1988

WASHINGTON, D.C.

Islands Route Soviets



ALASKA

From page A1

ture Department employee, has spent more than a decade battling to reassert what he claims is U.S. sovereignty over Wrangell Island, a patch of frozen tundra in the Arctic Ocean that has been suggested to be the site of a Soviet concentration camp.

Also in dispute are four smaller islands off the same Soviet coastline — Herald, Bennett, Henrietta and Jeannette.

Carl Olson, chairman of State Department Watch, a group which has also fought for U.S. rights to the islands, said in a telephone interview from Los Angeles that he is "equally optimistic the United States will retain the islands."

"The important thing is to get the State Department on our side, but so far they have shown zero initiative," Mr. Olson said.

"We have not been able to get anything out of State," he said. "They

refuse to talk about it — point blank. And they've stonewalled the House Foreign Affairs Committee and the Senate Foreign Relations Committee."

A House bill introduced last Jan. 6 by Rep. William E. Dannemeyer, California Republican, would require that Congress approve any treaty for "transfer of territory or setting of a boundary line" between the United States and any foreign country. The bill has at least 30 co-sponsors.

On the Senate side, Sen. Jesse Helms, North Carolina Republican, has introduced similar legislation, complaining that surrendering the five islands would amount to handing over half of the entire outer continental shelf, which Mr. Olson said contains "vast oil-rich seabeds."

The State Department official said the United States "obviously hasn't sent any drilling ships to the area."

But he added: "The Department of Interior and other geologists haven't found any indication of any

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[oil] up there."

"And as far as our maritime boundary agreement negotiations go, we are actively looking for natural resources — oil, fisheries, what have you — that might benefit us."

The official said that, contrary to complaints from both lawmakers and other individual parties, the State Department has and will continue to brief Congress and state officials in Alaska of its ongoing boundary negotiations with the Soviets.

The California state legislature passed a joint resolution in September that said the State Department should go a step further, and include Alaska in future U.S.-Soviet negotiations.

Mr. Seidenberg, charging harassment, said two FBI agents stopped by his Arlington apartment one night three weeks ago to ask why he was so obsessed for the past 14 years with seeing the island chain become U.S. territory.

"The FBI picked me up because the State Department asked them to," Mr. Seidenberg said in an inter-

view yesterday.

"The agents told me to keep silent, that anything I say can be used against me," he said. "It was an upsetting experience."

The agents, who carried no arrest warrant, asked Mr. Seidenberg to accompany them to their waiting car, where he was interrogated for an hour and a half.

"They wouldn't even let me call my attorney," he said. "They went so far as to tell the receptionist in my apartment building not to call my attorney when I asked her to. They told her, 'You don't want to do that,' and then proceeded to escort me out of my building."

Some officials conclude that Wrangell Island has been under Russian control since 1924, when the last 14 Americans occupying it — reindeer meat shippers — were captured and shipped to Siberia.

As far as U.S. officials know, little else other than snow has fallen on Wrangell since, although author Abraham Shifrin suggests in his book, "The Concentration Camps of the Soviet Union," that a Soviet

prison camp might be on the island.

The other four islands are believed uninhabited, and are ice-covered most of the time.

Perhaps this is why the State Department is so willing, as some critics have charged, to "give away" the five islands, which dot the ocean 300 to 900 miles off Alaska's northwest coast.

"Somehow the idea has crept out that we're going to give these islands away," said the State Department official.

"Wrangell Island was discovered in the 19th century, and there was some U.S. involvement in the discovery," the official said. "But lawyers from our government have searched out and tried to find what belonged to Alaska, but the U.S. never made a claim to the islands. The Russians, on the other hand, have claimed sovereignty to them."

Mr. Seidenberg, who is by no means alone in his endeavor to keep the island chain out of Soviet hands, is not so convinced.

His interest in Wrangell Island,

which began as a high school student in 1963, became greater when Ralph Loman, a U.S. businessman who claimed to have bought the island in the early 1920s, asked Mr. Seidenberg to continue working to get it returned to the proper owner. Mr. Loman made the request 14 years ago when he was on his death bed.

If the islands were not returned to him, the dying man at least wanted them returned to the United States, of which he was a citizen. Mr. Loman tried to sue the Russian government before his death over his rights to the land, but to no avail.

"I will not let this [or] the FBI's visit to my apartment stand in the way," said Mr. Seidenberg, who has pressured not only the State Department, but Moscow. "I will do everything I can to keep the islands in Alaska and in the United States."

In 1986, the Alaska Senate voted 16-4 on its own resolution that restated Alaska's sovereignty over the five islands, and the assembly is scheduled to take up the issue again when it convenes later this month.

Es posible que se consuma este año la entrega de 5 islas de Alaska a la URSS

También gran parte de la plataforma continental con una gran riqueza petrolera

Por ARIEL REMOS

Una nueva concesión de EE. UU. a la URSS, esta vez la entrega de 5 islas que forman parte del territorio de Alaska y gran parte del lecho marino de esa zona, rico en petróleo.

Se trata de las islas Wrangell, Herald, Bennett, Henrietta y Jeannette, situadas en el Mar Artico al norte de Siberia; y parte de la plataforma continental, que duplica el tamaño de California.

La noticia fue ofrecida por Carl Olson, presidente de la organización no partidista "State Department Watch", con sede en Washington.

"Contrariamente a sus explicaciones previas, el Departamento de Estado está admitiendo ahora que la entrega está avanzando, y que la negociación sobre una mayor parte del estado de Alaska, está al hacerse con el Kremlin muy pronto", afirmó Olson. "Lamentablemente para la opinión pública de EE.UU., el Departamento de Estado ha rodeado las 8 rondas de negociaciones con los soviéticos de completo secreto e intenta llevar adelante la entrega sin firmar un tratado que necesitaría la ratificación del Congreso. Además, el

Departamento de Estado ha excluido totalmente a todos los representantes del estado de Alaska de los equipos negociadores,

un flagrante y arrogante abuso de nuestro sistema federal de gobierno", agregó Olson.

En la nota de prensa ofrecida

por State Department Watch, el periódico Washington Times informó con fecha 1 de enero de este año que un funcionario del Departamento de Estado declaró que "Una vez que la línea de demarcación sea acordada por las dos naciones, lo cual podría ocurrir a principios de este año, se puede apostar sin temor que la

(Pasa a la Pág.11-A Col.5)

Es posible que se consuma este año la entrega de 5 islas de Alaska a la URSS

(Viene de la Pág.1-A)

cadena de cinco islas se convertirá en territorio oficial soviético".

Sin embargo, señala Olson que la oposición a esta nueva entrega a la URSS, se ha intensificado últimamente, a pesar del secreto en que han estado envueltas las negociaciones. Con el propósito de evitarlo, se han pronunciado el Representante republicano por California, William Dannemeyer con el proyecto de ley 341 respaldado por 30 colegas, exigiendo que cualquier transferencia de territorio se haga mediante un tratado, y el senador Jesse Helms, quien va a proponer un proyecto similar en el Senado.

La Legislatura de Alaska esta apoyando un proyecto de resolución conjunta del senador Riek Uehling, protestando por la exclusión del estado de Alaska de las negociaciones y los terminos finales del plan del Departamen-

to de Estado. Ya en 1986, esa Legislatura habia aprobado una resolución urgiendo al Departamento de Estado a no acceder a las pretensiones de la URSS sobre las islas y la plataforma continental; y el Senado estatal habia aprobado otra resolución reafirmando la soberanía del estado de Alaska sobre las cinco islas del Océano Artico.

La posición del estado de Alaska, fue respaldada en septiembre pasado por la Legislatura de California.

"Pelegaremos hasta el final contra esta entrega del departamento de Estado", dijo Olson, para concluir con esta otra afirmación; "La entrega del Canal de Panamá palidece en comparación con esta de las cinco islas. No solo tiene esa area un inmenso potencial de riqueza natural, sino que esta en nuestra primera línea de defensa frente a la URSS"

Front Page

To require a treaty for any relinquishing to any country of any territory, exclusive economic zone, or fishery conservation zone of the United States, and for establishing international boundaries.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 6, 1987

Mr. DANNEHEIMER introduced the following bill: which was referred to the Committee on Foreign Affairs

A BILL

To require a treaty for any relinquishing to any country of any territory, exclusive economic zone, or fishery conservation zone of the United States, and for establishing international boundaries.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 SECTION 1. LIMITATION ON RELEASE OR TRANSFER OF TER-
4 RITORY OR CLAIMS OF THE UNITED STATES.

5 The President may not relinquish or transfer to any
6 country any territory, land, exclusive economic zone, or fish-
7 ery conservation zone of the United States or any claim of
8 the United States to any right, title, or interest in or to any

2

1 territory, land, exclusive economic zone, or fishery conserva-
2 tion zone unless provided for by a treaty between the United
3 States and that other country.

4 SEC. 2. BOUNDARIES TO BE ESTABLISHED BY TREATY.

5 A boundary (including land boundaries, maritime bound-
6 aries, exclusive economic zones, and fishery conservation
7 zone boundaries) between the United States and any other
8 country may be established only by treaty, signed by the
9 President and ratified by the Senate.

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CO-SPONSORS OF HR341

22 January 1988

Sponsored by William Dannemeyer(R-CA)

Total: 34

Robert Badham (R-CA)
Joe Barton (R-TX)
Charles Bennett (D-FL)
Helen Bentley (R-MD)
Dan Burton (R-IN)
Howard Coble (R-NC)
Jack Davis (R-IL)
Thomas DeLay (R-TX)
Robert Dornan (R-CA)
Mickey Edwards (R-OK)
Elton Gallegly (R-CA)
Newt Gingrich (R-GA)
Fred Grandy (R-IA)
Ralph Hall (D-TX)
Paul Henry (R-MI)
Wally Herger (R-CA)
James Inhofe (R-OK)
John Kasich (R-OH)
Robert Lagomarsino (R-CA)
Donald "Buz" Lukens (R-OH)
Ron Marlenee (R-MT)
Matthew Martinez (D-CA)
Carlos Moorhead (R-CA)
Stan Parris (R-VA)
John Porter (R-IL)
Bill Schuette (R-MI)
Robert Smith (R-NH)
Bob Stump (R-AZ)
Pat Swindall (R-GA)
Fred Upton (R-MI)
Curt Weldon (R-PA)
Frank Wolf (R-VA)
George Wortley (R-NY)

Senator Jesse Helms Needs Your Support To Stop the Giveaway of 5 Key Alaskan Islands With Vast Oil Potential to the Soviet Union

90TH CONGRESS
1ST SESSION

S. RES. 279

Expressing the sense of the Senate with respect to any transfer of United States territory, including certain islands in the Arctic Ocean.

IN THE SENATE OF THE UNITED STATES

December 18 legislative day, December 19, 1967
Mr. Helms: Mr. Helms, Mr. Harter, Mr. East, and Mr. DeLoach submitted the following resolution, which was referred to the Committee on Foreign Relations

RESOLUTION

Expressing the sense of the Senate with respect to any transfer of United States territory, including certain islands in the Arctic Ocean.

Whereas Wrangell Island became a part of the United States by right of confirmed discovery during the voyage of Captain Thomas Long, a citizen of the United States, of the barque Nile in 1807 and the right of first possession formalized during the voyage of Captain Calvin L. Hooper of the United States Revenue Marine steamer Corwin in 1881;

Whereas the Senate had printed a "Report of the U.S. Revenue Steamer Thomas Corwin, in the Arctic Ocean," as Executive Document Numbered 204 in the first session of the Forty-eighth Congress;

Whereas the House of Representatives had printed reports on the cruise of the United States Revenue Marine steamer

Corwin in Alaska and the Northwest Arctic Ocean in the second session of the Forty-seventh Congress, in the first session of the Forty-ninth Congress, and in the first session of the Fiftieth Congress;

Whereas the Senate and House of Representatives of the United States of America approved on March 18, 1873, an Act in aid of a polar expedition designed by James Gordon Bennett, a citizen of the United States, which authorized the Secretary of the Treasury to issue an American register to the vessel Jeannette, purchased in Great Britain;

Whereas the Senate and House of Representatives of the United States of America approved on February 27, 1870, an Act authorizing the Secretary of the Navy to accept and take charge of the ship Jeannette for the use of a North Polar expedition;

Whereas Jeannette Island was discovered on May 18, 1881, and formally taken possession of on June 3, 1881, during the voyage of United States Navy Commander George Washington De Long on the Jeannette;

Whereas Henrietta Island was discovered on May 24, 1881, and formally taken possession of on June 3, 1881, during the voyage of United States Navy Commander George Washington De Long on the Jeannette;

Whereas Bennett Island was discovered on July 11, 1881, and formally taken possession of on July 29, 1881, during the voyage of United States Navy Commander George Washington De Long on the Jeannette;

Whereas Wrangell, Herald, Jeannette, Henrietta, and Bennett islands were surveyed by the United States Navy for the United States Coast and Geodetic Survey in 1881.

Whereas the United States Coast and Geodetic Survey placed Wrangell, Herald, Jeannette, Henrietta, and Bennett islands in the District of Alaska;

Whereas beginning in 1900 the United States Geological Survey included Wrangell, Herald, Jeannette, Henrietta, and Bennett islands as part of the district, later territory, and State of Alaska; and

Whereas unlike the Governments of Canada and Great Britain, the Government of the United States has never surrendered its sovereignty over these islands; Now, therefore, be it

1 Resolved, That (a) it is the sense of the Senate that
2 under the United States Constitution any right, title, or inter-
3 est of the United States in any territory, outer continental
4 shelf, exclusive economic zone, or fishery conservation zone,
5 including the territory described in subsection (b), may only
6 be transferred to any other country—

7 (1) by treaty, in accordance with article II, sec-
8 tion 2, clause 2 of the United States Constitution
9 which states that "[the President] shall have Power,
10 by and with the Advice and Consent of the Senate, to
11 make treaties, provided two-thirds of the Senators
12 present concur"; and

13 (2) by enactment of Congress in accordance with
14 article IV, section 3, clause 2 of the United States
15 Constitution which states that "[the Congress shall
16 have power to dispose of and make all needful rules

and

1 and regulations respecting the territory or other prop-
2 erty belonging to the United States."

3 (b) The territory referred to in subsection (a) includes
4 the islands of Wrangell, Herald, Bennett, Henrietta, and
5 Jeannette which are located in the Arctic Ocean and the
6 outer continental shelf of, and the exclusive economic zone
7 surrounding, those islands.

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BACKGROUND REPORT

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WEST COAST OFFICE
Post Office Box 7981
Northridge, California 91327
818-886-5710

HISTORICAL DOCUMENTS PROVE U.S. STATE DEPARTMENT WRONG TO EXCLUDE STATE OF ALASKA FROM BOUNDARY NEGOTIATIONS WITH SOVIET UNION

"Historical documents, dating back to Daniel Webster, show conclusively that the U.S. State Department has been totally wrong to exclude representatives from the State of Alaska in the boundary negotiations that have been going on since 1961 with the Soviet Union," it was charged by Carl Olson, Chairman of State Department Watch, a nonpartisan foreign policy watchdog group, headquartered in Washington, D.C.

"These negotiations by the State Department have caused a constitutional crisis because they are usurping the sovereignty of the State of Alaska over its own borders, and are threatening to give away to the Soviets five strategic Alaskan Arctic islands and vast oil-rich and fishery-rich seabeds in the Arctic Ocean and Bering Sea," Olson noted.

The rights of states to be secure in their own boundaries were scrupulously respected when the boundary between the U.S. and Canada was negotiated in 1842. Historical documents show that the U.S. Secretary of State Daniel Webster and President John Tyler were adamant in requiring the participation of the States of Maine and Massachusetts in any negotiations and final agreement with Great Britain over the matter.

In letters to the Governors of Maine and Massachusetts, dated 11 April 1842, Secretary Webster wrote, "The President proposes, then, that the Governments of Maine and Massachusetts should, severally, appoint a Commissioner or Commissioners empowered to confer with the authorities of this Government upon a Conventional line, or line of agreement, with its terms, conditions, considerations and equivalents, with an understanding that no such line will be agreed upon without the assent of such commissioners."

Secretary Webster went on to say, "The mode of proceeding, or some other which express assent before hand, seems indispensable, if any negotiation for a Conventional line is to be had, since if happily, a treaty should result of the negotiation, it can only be submitted to the Senate of the United States for ratification."

Indeed, the State of Maine appointed Commissioners Edward Kavanach, Edward Kent, John Otis, and William Pitt Preble, and Massachusetts appointed Commissioners Abbott Lawrence, John Mills, and Charles Allen. Following considerable negotiations in Washington involving Lord Ashburton of Great Britain, the Webster-Ashburton Treaty was eventually agreed upon and ratified. It is important to note the the boundary with Canada did not touch the State of Massachusetts, but it was included because it retained residual property interests in the areas of dispute along the Maine-Canada border.

With respect to the current negotiations with the Soviet Union, there have been six rounds held alternately between Moscow and Washington. The position of the State Department has been to yield up to the Soviets the Alaskan islands of Wrangell, Herald, Bennett, Jeannette, and Henrietta, plus the vast outercontinental shelf in the Arctic Ocean and Bering Sea.

The Alaska legislature passed resolutions of concern in 1986, including House Joint Resolution Resolution 82, which was signed by the governor in April 1986, and Senate Joint Resolution 53, which passed the Senate on a 16-4 vote just prior to the legislature adjourning. Nevertheless, the State Department has not relented in its

by virtue of possession, and more; that she obtained much more than she could claim under the letter of the Treaty of Paris; and that she obtained nearly 900 square miles of territory in the basin of the upper St John over and above that awarded by the King of the Netherlands. She conceded an area of 150 square miles in the basin of the upper Connecticut River. She also conceded a strip between the 45th parallel and the 'old line' with an area of 73 square miles, but, as the 'old line' is in places south of the 45th parallel, she received, east of St Regis, a strip containing 11½ square miles. So far as these 'strips' were concerned, the United States and Great Britain had valid titles by virtue of occupation, and the concessions were simply validations. In addition to the foregoing the Ashburton settlement ended a controversy that had disturbed the relations of the two countries for nearly sixty years; that had, on several occasions, brought two great nations to the verge of war; and that had seriously interfered with commercial intercourse. Finally, it is worthy of note that the commission appointed to adjust the respective claims of New Brunswick and Quebec to the area west of the 'due north line' awarded to Great Britain by the Ashburton Treaty, reported in 1848, six years later, 'that a tract of country lies between the north highlands westward of the due north line, and the line of the United States, which, according to the strict legal rights of the two provinces, belongs to neither, . . . and which, in 1763, formed part of the ancient territory of Sagadahock.' This 'tract of country' was confirmed to Great Britain by the Ashburton Treaty.

THE NORTHEASTERN BOUNDARY NEGOTIATIONS

While the negotiations were carried on at Washington by Secretary of State Daniel Webster and Lord Ashburton, those negotiations, so far as they concerned the northeastern boundary, were in a very real sense participated in by commissioners of Maine and of Massachusetts appointed at the suggestion and request of President Tyler. In the letters of Webster to the Governors of Maine and Massachusetts dated April 11, 1842 (published correspondence, 64-66), it was expressly stated that no conventional line would be agreed on "without the assent of such commissioners"; and the first formal note written on the northeastern boundary question was that of Ashburton to Webster of June 13, 1842, the day on which Webster had his first conference with the commissioners of the two States, who were Edward Kavanagh, Edward Kent, John Otis, and William Pitt Preble, for Maine, and Abbott Lawrence, John Mills, and Charles Allen, for Massachusetts (*ibid.*, 34-37, 71, 72).

Massachusetts had property interests which were affected by any settlement of the northeastern boundary, for in the public lands of Maine a half interest was reserved by Massachusetts upon the separation (act of June 19, 1819, Laws of the Commonwealth of Massachusetts, 1819, 248-60; and act of March 3, 1820, 3 Statutes at Large, 544); and the frontier in dispute was very largely that of Maine, though partly that of New Hampshire, Vermont, and New York. Indeed, the Legislature of the State of Maine did not consider that the Government of the United States possessed "the constitutional power to conclude any such negotiation without the assent of Maine" (published correspondence, 70), a view which was also expressed by the Legislature of Massachusetts (*ibid.*, 64); that theory should doubtless be considered in the light (*inter alia*) of Article 5 of the Treaty of Ghent (Document 33) and the proceedings thereunder, and particularly of the fact that under that article and the convention

of September 29, 1827 (Document 58), a reference had been made of the northeastern boundary question to arbitration by the King of the Netherlands.

That constitutional theory, moreover, had been explicitly supported by the Federal Government during the negotiations with Great Britain which followed the decision of the King of the Netherlands of January 10, 1831, regarding the northeastern boundary, and the subsequent refusal of the Senate, on June 23, 1832, to accept that award; the British Government at various times and in varied language had been officially informed that "under the peculiar structure of our political system, the Federal Government cannot alienate any portion of the territory of a State, without its consent" (Secretary of State Forsyth to Sir Charles R. Vaughan, D.S., 6 Notes to the British Legation, 18, April 28, 1835). President Jackson in 1832 had had negotiated and signed an agreement between the United States and the State of Maine providing for the relinquishment to the United States of any rights of that State in the disputed territory; the text of that agreement is printed in the notes to Document 58, which should be consulted generally; that agreement, however, failed to go into force, owing to the decision of the Maine Legislature that a referendum thereon would be necessary (see Burrage, Maine in the Northeastern Boundary Controversy, ch. X). So far as the Executive could decide such a question, the constitutional view of the State of Maine had been accepted by the Government of the United States, although the extreme Maine view, which went so far as to maintain that the convention of September 29, 1827, with Great Britain (Document 58) "tended to violate the Constitution of the United States and to impair the sovereign rights and powers of the State of Maine, and that Maine is not bound by the Constitution to submit to the decision, which is or shall be made under that convention" (Resolves of Maine, 1831, 245, resolve of February 23, 1831), was not supported at Washington (D.S., 6 Notes to the British Legation, 16, April 23, 1835):

If the distinguished Arbitrator agreed upon had found himself able to come to a decision upon the subject satisfactory to his own judgment, the Government of the United States would not have hesitated for a moment, whatever might have been its opinion of the justice of such decision, to have united with His Majesty's Government in carrying it fully and immediately into effect.

In a long letter to Governor Kent, of Maine, dated March 1, 1838, reviewing the history of the northeastern boundary negotiations up to that time, Secretary of State Forsyth thus restated the constitutional principles involved as seen by President Van Buren; and it is to be noted that "imperious public necessity" was mentioned as a possible ground of competence (to negotiate a cession) which otherwise the Federal Government would lack (D.S., 29 Domestic Letters, 336-66; Richardson, III, 442-59):

The principles which have hitherto governed every successive administration of the Federal Government, in respect to its powers and duties in the matter, are—

1st That it has power to settle the boundary line, in question, with Great Britain, and the

1783, either by direct negotiation, or, in case of ascertained inability to do so, by arbitration; and that it is its duty to make all proper efforts to accomplish this object by one or the other of those means.

2^d That the General Government is not competent to negotiate, unless perhaps on grounds of imperious public necessity, a conventional line involving a cession of territory to which the state of Maine is entitled, or the exchange thereof for other territory not included within the limits of that State, according to the true construction of the treaty without the consent of the State.

In these views of his predecessors in office, the President fully concurs, and it is his design to continue to act upon them.

In the similar letters of Webster to the Governors of Maine and Massachusetts dated April 11, 1842 (D.S., 32 Domestic Letters, 298-91; published correspondence, 61-66), were these paragraphs:

The opinion of this Government upon the justice and validity of the American claim has been expressed, at so many times, and in so many forms, that a repetition of that opinion is not necessary. But the subject is a subject in dispute. The Government has agreed to make it matter of reference and arbitration; and it must fulfil that agreement, unless another mode for settling the controversy should be resorted to, with the hope of producing a speedier decision. The President proposes, then, that the Governments of Maine and Massachusetts should, severally, appoint a Commissioner or Commissioners empowered to confer with the authorities of this Government upon a Conventional line, or line by agreement, with its terms, conditions, considerations and equivalents, with an understanding that no such line will be agreed upon without the assent of such commissioners.

This mode of proceeding, or some other which shall express assent before hand, seems indispensable, if any negotiation for a Conventional line is to be had, since if happily, a treaty should be the result of the negotiation, it can only be submitted to the Senate of the United States for ratification.

The Legislature of Massachusetts had previously (March 3, 1842) granted plenary power to "the governor, with the advice and consent of the council, . . . to adopt such measures to secure the rights and interests of the Commonwealth in said territory, and to produce an honorable and satisfactory adjustment as the emergency may demand"; under that authorization the three commissioners of Massachusetts were named (Acts and Resolves Passed by the Legislature of Massachusetts, 1839-42, 564; published correspondence, 63-64, 66-69); Webster was formally notified by the Secretary of State of Massachusetts of their appointment (D.S., Northeastern Boundary, envelope 18, letter of John P. Bigelow of May 28, 1842).

The Legislature of Maine was summoned in extra session; and a preamble and five resolutions were adopted on May 26, which included the following (Acts and Resolves Passed by the Legislature of Maine, 1842, 111; published correspondence, 69-71):

Resolved, That there shall be chosen, by ballot, in convention of both branches of the legislature, four persons who are hereby constituted and appointed commissioners, on the part of this state, to repair to the seat of government of the United States, and to confer with the authorities of that government touching a conventional line, or line by agreement, between the state of Maine and the British provinces, having regard to the line designated by the treaty of 1783 as uniformly claimed by this state, and to the declarations and views expressed in the foregoing preamble, and to give the assent of this state to any such conventional line, with such terms, conditions, considerations and equivalents as they shall deem consistent with the honor and interests of the state; with the understanding that no such line be agreed upon without the unanimous assent of such commissioners.

President Tyler was formally notified by the Governor of Maine (John Fairfield) of the election of the four commissioners of Maine (published correspondence, 69, letter of May 27, 1842).

By a resolution of the Legislature of New Hampshire of June 23, 1842, the Senators and Representatives of that State in Congress were requested "to take such measures as may be necessary, during the pending negotiations at Washington relative to the Northern and North Eastern Boundary of the United States, to best sustain the rights of this State to the territory over which we have always heretofore claimed and exercised jurisdiction" (Laws of New Hampshire, June 1842, 599). That resolution, however, was not communicated to President Tyler until July 15, 1842 when the northeastern boundary had been settled as between Webster and Ashburton, with full satisfaction of the claim of New Hampshire; and the participation of the New Hampshire delegation in Congress in the proceedings appears to have been limited to the submission, on July 19, 1842, of a brief statement citing certain documents and papers (see published correspondence, 99-102).

Aside from the formal exchanges of June 17, 1842 (*ibid.*, 38), the written negotiations regarding the northeastern boundary comprised four notes (*ibid.*, 34-37, 39-56), three of Ashburton (June 13, June 21, and July 11) and one of Webster (July 8), with which is to be read its enclosure, the letter of the Maine commissioners to Webster of June 29 (*ibid.*, 72-80); also to be mentioned is a second letter of the Maine commissioners to Webster of July 16 (*ibid.*, 84-91), which, while dated after the accord of the two Plenipotentiaries, was doubtless drafted before the terms thereof were communicated. Moreover, during the period of the correspondence there were informal communications of one sort and another (see *ibid.*, 77, 79).

There was expressed a common desire to avoid "the interminable discussion on the general grounds on which each party considers their claims respectively to rest"; notwithstanding this, a considerable portion of the correspondence was argumentative, with historical and geographical references.

In his first note, of June 13, Ashburton gave no precise indication of a line to be proposed; but he spoke of the portion of the disputed territory which might come to Great Britain as being "as worthless for any purposes of habitation or cultivation as probably any tract of equal size on the habitable globe"; and he even suggested that Great Britain would have given up the controversy "if it were not for the obvious circumstance of its connecting the British North American provinces". That necessity of intercolonial communication was the admitted basis of any agreement for a conventional line; it is mentioned in each of the two above-cited letters of the Maine commissioners and is spoken of with emphasis in the note of Webster, who acknowledged "the general justice and propriety of this object" and agreed that "a conventional line ought to be such as to secure it to England".

Ashburton made the first proposal in his note of June 21, after a formal conference on June 18, of which there is no protocol. He

proposed a line north from the source of the St. Croix to the St. John (the line of 1817-18, regardless of its deviation from the true north), and the line of the St. John "up to some one of its sources" (a somewhat ambiguous expression, but meaning approximately up to the source of the southwest branch as mentioned in Article 1 of the treaty), except for a deviation on the right bank so as to include in New Brunswick the whole of the Madawaska settlement, which extended on both sides of the river "from the mouth of the Madawaska up to that of the Fish river"; and with that boundary he was willing to engage that "all lumber and produce of the forest of the tributary waters of the St. John's shall be received freely without duty, and dealt with in every respect like the same articles of New Brunswick", to agree to the old Valentine and Collins line from the Connecticut to the St. Lawrence, and also to accept the American contention as to the source of the Connecticut.

The note of Webster of July 8 presented and supported the counterproposal of Maine (see the letter of the Maine commissioners of June 29). The yielding of any territory on the south side of the St. John so as to include the Madawaska settlement in New Brunswick was definitely rejected. The counterproposal of boundary, with the concurrence of the commissioners of Massachusetts and with the condition that the United States would furnish to the two States "an equivalent", was the main channel of the St. John (from the crossing point of the due-north line from the source of the St. Croix) to a point three miles above the mouth of the Madawaska; thence straight to the outlet of Long Lake; thence westerly by a direct line to the point where the St. Francis enters Lake Pohenegamook; and thence, continuing the same line, to the highlands dividing the waters of the River du Loup from those of the St. Francis (the various *loci* may be conveniently seen on the map in Moore, *International Arbitrations*, I, between pp. 148 and 149); and while it was intimated that equivalents to some extent might be found if territorial cessions by Great Britain were possible, such as the island of Grand Manan, the islands in Passamaquoddy Bay, or a portion of the so-called strip between the north line and the St. John, it was understood that the British Plenipotentiary was without power to consent thereto.

The last note written before the verbal accord was that of Ashburton of July 1. He intimated that he would yield on the question of the Madawaska settlement; but he made it clear that he could not and would not yield as to the territory north and east of the St. Francis, which was British territory under the line proposed by the King of the Netherlands; Ashburton's final instructions as to the northeastern boundary had definitely limited him to that line (Ashburton Papers, instruction No. 8, May 26, 1842).

Thus the correspondence ended; as Ashburton urged, it was succeeded by conferences, of which there is no formal record. Sending to the Maine commissioners the note of Ashburton of July 11, Webster wrote on July 12 that he would soon meet with them, "being very desirous of making progress in the business in which we are engaged,

and satisfied that the various parties in interest are as well prepared now to come to a decision as they are likely to be at any time hereafter" (published correspondence, S1).

The position as it was left by the correspondence was this: North from the source of the St. Croix to the St. John and thence as far up the St. John as a point just beyond the mouth of the Madawaska, there was common ground; the portion of the region north of the St. John and between the St. Francis and the Madawaska which Maine had demanded, Ashburton had positively refused; for any agreement to be reached it was essential that that part of the claim of Maine should be abandoned; there was left for discussion an area which may be described as bounded on its three sides by a line as follows: (a) along the upper St. John from the mouth of the St. Francis to Met-jarmette¹ portage (the line proposed by Ashburton); (b) along the highlands from that portage north to a point about due west of the entrance to Lake Pohenegamook; and (c) thence to and through that lake and down the St. Francis to the St. John. The result was that the claim of Maine to any territory between the St. Francis and the Madawaska north of the St. John was given up; and the remaining area in dispute was divided. One may learn something of the verbal discussions from the despatches of Ashburton of July 28 and August 9 (Nos. 15 and 17, quoted below).

An accord on the northeastern boundary was reached by the negotiators for the two Governments just prior to July 15, 1842. That it had not been reached by July 13 appears from Ashburton's despatch No. 13 of that date, as follows (Ashburton Papers):

The last Despatch which I had the honor of addressing your Lordship the 29th of last month No 10 on the subject of my negotiations relating to the North Eastern Boundary must have conveyed expectations of an earlier and more satisfactory settlement than I regret to say, I have, with every exertion on my part, been hitherto able to realize. Delay and difficulties have resulted from the present condition of this Government and from the pertinacious resistance of the Commissioners from the North by whom that Government is in this business guided and over-ruled. If I were not warned by the past from over-confidence, I should say that two or three days more could not fail to bring us to a settlement and to the outlines of a convention, but I fear that it may be on rather less favorable terms, than I had given your Lordship to expect. I now proceed to state what has occurred on this subject since I last wrote.

The written proposals submitted by me having circulated among the Commissioners from Maine and Massachusetts, I soon learned that although they differed much among themselves about some parts of them, they all concurred with great earnestness on the one point that we were not to be permitted to cross the St. John, nor consequently to save the southern portion of the Madawaska settlements. I was assured by the best-informed and by the best-disposed persons from New England, that the Commissioners would not dare to return to their own country after making such a concession, and finding indirectly that our pretensions in this respect would be considered extravagant in the Senate, and through the whole country, I made up my mind not further to press this part of our claim, especially as I had no equivalent to offer in territory, and I thought it neither prudent nor expedient to offer any in money.

The Commissioners from Maine submitted to the Secretary of State an answer to my proposals, and after keeping it some time the latter sent it to me with his own formal reply, as no regular communications could take place between the

¹ Now spelled "Metjermette".

Commissioners and me. Your Lordship will find these two papers inclosed. As these discussions began to be talked of abroad, as it was rumoured that serious differences existed, and as I was sensible that injury might arise from drawing the public press into the controversy, I lost no time and sent Mr Webster my note the day after the receipt of his. It is also enclosed herewith. [The three enclosures to this despatch are (a) Webster to Ashburton, July 8, 1842 (published correspondence, 44-50); (b) the Maine commissioners to Webster, June 29, 1842 (*ibid.*, 72-80); (c) Ashburton to Webster, July 11, 1842 (*ibid.*, 50-58).]

These papers will show your Lordship the present state of this question, and require little explanation. You will see that I invite personal conference in preference to a long desultory controversial correspondence because at this advanced period of the Session, and in the state of parties here, delay might wholly defeat our object, and there can be no doubt that, with some at least, that defeat is much desired.

It will be observed that the informal memorandum of the Maine Commissioners contains some rather coarse insinuations which would hardly have passed unnoticed, if presented in any other form. Your Lordship will see that, though I thought it best to give them no direct attention, they induced me to state our sense of our own rights in rather a firmer tone than I otherwise should have done, and I have reason to believe that this has been of service towards accelerating a termination of these discussions.

I can hardly now hope to communicate by this packet any final settlement of this question. Various rumours will of course reach Europe, as to the probability of any settlement whatever. I am not myself apprehensive of not coming to some terms within the limits of my powers, but the difficulties of my task have certainly increased, owing to the character of the persons who influence this negotiation, and of those whose duty it is more immediately to conduct it with me. I trust your Lordship will be assured that it has not failed to receive from me the most anxious and cautious attention.

July 14 is almost certainly the exact date of the agreement reached by the two Plenipotentiaries regarding the northeastern boundary. In the archives of the Department of State is an annotated copy of the second edition of Dashiell's Map, the edition which was issued after the award of the King of the Netherlands of January 10, 1831, regarding the northeastern boundary; Dashiell's Map, which was based, in its watercourses and its disputed boundary lines, on Map A of the convention of September 29, 1827 (Document 58, the notes to which, particularly p. 356, should be consulted), showed, as originally issued in 1830, the northeastern boundary lines as claimed by the two countries, drawn in green for the United States and in red for Great Britain; the second edition of that map (of which the archives of the Department of State contain some fifty examples, of one or the other of the editions) added a yellow line as the line "of the Arbitrator" or the line suggested by the King of the Netherlands; the annotated copy mentioned is signed "W. S. Derrick" in the upper margin; it has, in the handwriting of William S. Derrick, then a senior clerk and soon afterwards Chief Clerk of the Department of State, the notation, "The blue ink marks the proposed conventional line. 14 July, 1842"; the signature and the notation are written in the same blue ink as is the line drawn to show the northeastern boundary according to the Webster-Ashburton Treaty; the evidence is convincing that that copy of Dashiell's Map was annotated by Derrick on July 14, 1842, to show the agreement of Webster and Ashburton then reached (see "An Annotated Dashiell's Map", in *American Historical Review*, XXXVIII, 70-73); and it may be added that it was William

S. Derrick who took to London for exchange the United States instrument of ratification of the Webster-Ashburton Treaty, with authority, if occasion arose, to act in place of Everett in making the exchange (D.S., 15 Instructions, Great Britain, 58-59; 3 Credentials, 26).

In his letters of July 15 to the commissioners of Maine and Massachusetts, enclosing a statement of the proposed line of the northeastern boundary in almost the exact language of Article 1 of the treaty, Webster wrote as follows (published correspondence, 81-83; a draft in Webster's handwriting is in D.S., Northeastern Boundary, envelope 18):

You have had an opportunity of reading Lord Ashburton's note to me of the 11th of July. Since that date I have had full and frequent conferences with him respecting the eastern boundary, and believe I understand what is practicable to be done on that subject, so far as he is concerned. In these conferences he has made no positive or binding proposition, thinking perhaps it would be more desirable, under present circumstances, that such proposition should proceed from the side of the United States. I have reason to believe, however, that he would agree to a line of boundary between the United States and the British provinces of Canada and New Brunswick, such as is described in a paper accompanying this (marked B), and identified by my signature (see published correspondence, 83-84; D.S., Northeastern Boundary, envelope 18, a draft copy with interlineations and corrections).

In establishing the line between the monument and the St. John, it is thought necessary to adhere to that run and marked by the surveyors of the two Governments in 1817 and 1818. There is no doubt that the line recently run by Major Graham is more entirely accurate; but, being an *ex parte* line, there would be objections to agreeing to it without examination, and thus, another survey would become necessary. Grants and settlements, also, have been made, in conformity with the former line, and its errors are so inconsiderable that it is not thought that their correction is a sufficient object to disturb these settlements. Similar considerations have had great weight in adjusting the line in other parts of it.

The territory in dispute between the two countries contains 12,027 square miles, equal to 7,697,280 acres.

By the line described in the accompanying paper, there will be assigned to the United States 7,015 square miles, equal to 4,459,600 acres; and to England 5,012 square miles, equal to 3,207,680 acres.

By the award of the King of the Netherlands, there was assigned to the United States 7,908 square miles, 5,061,120 acres; to England 4,119 square miles, 2,636,160 acres.

The territory proposed to be relinquished to England, south of the line of the King of the Netherlands, is, as you will see, the mountain range, from the upper part of the St. Francis river to the meeting of the two contested lines of boundary, at the Metjarquette Portage, in the highlands, near the source of the St. John's. This mountain tract contains 893 square miles, equal to 571,520 acres. It is supposed to be of no value for cultivation or settlement. On this point you will see, herewith, a letter from Captain Talcott, who has been occupied two summers in exploring the line of the highlands, and is intimately acquainted with the territory. The line leaves to the United States, between the base of the hills and the left bank of the St. John, and lying along upon the river, a territory of 657,280 acres, embracing, without doubt, all the valuable land south of the St. Francis and west of the St. John. Of the general division of the territory, it is believed it may be safely said that while the portion remaining with the United States is, in quantity, seven twelfths, in value it is at least four fifths of the whole. [For the letter of Captain Talcott, see published correspondence, 84.]

Nor is it supposed that the possession of the mountain region is of any importance, in connexion with the defence of the country or any military operations. It lies below all the accustomed practicable passages for troops into and out of Lower Canada: that is to say, the Chaudière, Lake Champlain, and the Richelieu, and the St. Lawrence. If an army, with its *material*, could possibly pass into

Canada over these mountains, it would only find itself on the banks of the St. Lawrence below Quebec; and, on the other hand, it is not conceivable that an invading enemy from Lower Canada would attempt a passage in this direction, leaving the Chaudière on one hand and the route by Madawaska on the other.

If this line should be agreed to, on the part of the United States, I suppose that the British minister would, as an equivalent, stipulate, first, for the use of the river St. John, for the conveyance of the timber growing on any of its branches, to tide water, free from all discriminating tolls, impositions, or disabilities of any kind, the timber enjoying all the privileges of British colonial timber. All opinions concur that this privilege of navigation must greatly enhance the value of the territory and the timber growing thereon, and prove exceedingly useful to the people of Maine. Second: That Rouse's Point, in Lake Champlain, and the lands heretofore supposed to be within the limits of New Hampshire, Vermont, and New York; but which a correct ascertainment of the 45th parallel of latitude shows to be in Canada, should be surrendered to the United States.

It is probable, also, that the disputed line of boundary in Lake Superior might be so adjusted as to leave a disputed island within the United States.

These cessions on the part of England would enure partly to the benefit of the States of New Hampshire, Vermont, and New York, but principally to the United States. The consideration on the part of England, for making them, would be the manner agreed upon for adjusting the eastern boundary. The price of the cession, therefore, whatever it might be, would in fairness belong to the two States interested in the manner of that adjustment.

Under the influence of these considerations, I am authorized to say, that if the commissioners of the two States assent to the line as described in the accompanying paper, the United States will undertake to pay to these States the sum of two hundred and fifty thousand dollars, to be divided between them in equal moieties; and, also, to undertake for the settlement and payment of the expenses incurred by those States for the maintenance of the civil posse, and also for a survey which it was found necessary to make.

The line suggested, with the compensations and equivalents which have been stated, is now submitted for your consideration. That it is all which might have been hoped for, looking to the strength of the American claim, can hardly be said. But, as the settlement of a controversy of such duration is a matter of high importance, as equivalents of undoubted value are offered, as longer postponement and delay would lead to further inconvenience, and to the incurring of further expenses, and as no better occasion, or perhaps any other occasion, for settling the boundary by agreement, and on the principle of equivalents, is ever likely to present itself, the Government of the United States hopes that the commissioners of the two States will find it to be consistent with their duty to assent to the line proposed, and to the terms and conditions attending the proposition.

The President has felt the deepest anxiety for an amicable settlement of the question, in a manner honorable to the country, and such as should preserve the rights and interests of the States concerned. From the moment of the announcement of Lord Ashburton's mission, he has sedulously endeavored to pursue a course the most respectful towards the States, and the most useful to their interests, as well as the most becoming to the character and dignity of the Government. He will be happy if the result shall be such as shall satisfy Maine and Massachusetts, as well as the rest of the country. With these sentiments on the part of the President, and with the conviction that no more advantageous arrangement can be made, the subject is now referred to the grave deliberation of the commissioners.

Both Maine and Massachusetts gave their formal assent to the proposal, subject to certain conditions. The assent of the commissioners of Massachusetts is dated July 20, 1842 (D.S., Northeastern Boundary, envelope 18; published correspondence, 92-93), and concludes as follows:

Whether the national Boundary, suggested by you, be suitable or unsuitable; whether the compensations that Great Britain offers to the United States for the territory conceded to her, be adequate or inadequate; and whether the Treaty,

which shall be effected, shall be honorable to the Country, or incompatible with its rights and dignity,—are questions, not for Massachusetts, but for the General Government, upon its responsibility to the whole country, to decide. It is for the State to determine, for what equivalents she will relinquish to the United States her interests in certain lands in the Disputed Territory, so that they may be made available to the Government of the United States, in the establishment of the North-Eastern Boundary, and in a general settlement of all matters in controversy, between Great Britain and the United States. In this view of the subject, and with the understanding that by the words, "the nearest point of the highlands", in your description of the proposed line of boundary, is meant, the nearest point of the crest of the highlands; that the right to the free navigation of the river Saint John shall include the right to the free transportation thereupon of all products of the soil as well as of the forest; and that the pecuniary compensation to be paid by the Federal Government to the State of Massachusetts, shall be increased to the sum of one hundred and fifty thousand dollars, the State of Massachusetts, through her Commissioners, hereby relinquishes to the United States her interest in the lands, which will be excluded from the dominion of the United States, by the establishment of the Boundary aforesaid.

The conditions stated on behalf of Massachusetts were all met by the terms of the treaty; the words "the nearest point of the summit or crest of the highlands" are in Article 1 (they are indeed in the print of the paper "B" in published correspondence; but in the draft copy thereof "summit or crest of the" are interlined, and at the end of the same sentence "summit or crest" replace "dividing highlands"); "produce . . . of agriculture" is included in Article 3; and the sum to be paid to Maine and Massachusetts "in equal moieties" (Article 5) is \$300,000.

The assent of the commissioners of Maine was under date of July 22 (D.S., Northeastern Boundary, envelope 18; published correspondence, 93-99); its concluding paragraph and the memorandum therein mentioned are in these terms:

We are, now, given to understand that the Executive of the United States, representing the sovereignty of the Union, assents to the proposal, and that this Department of the Government at least is anxious for its acceptance, as, in its view, most expedient for the general good. The Commissioners of Massachusetts have already given their assent, on behalf of that Commonwealth. Thus situated, the Commissioners of Maine, invoking the spirit of attachment and patriotic devotion of their State to the Union, and being willing to yield to the deliberate convictions of her Sister-States as to the path of duty, and to interpose no obstacles to an adjustment which the general judgment of the Nation shall pronounce as honorable and expedient, even if that judgment shall lead to a surrender of a portion of the birth-right of the People of their State, and prized by them because it is their birth-right, have determined to overcome their objections to the proposal, so far as to say, that if, upon mature consideration, the Senate of the United States shall advise, and consent to, the ratification of a Treaty, corresponding in its terms with your proposal, and with the conditions in our Memorandum accompanying this note, marked A, and identified by our signatures, they, by virtue of the power vested in them by the Resolves of the Legislature of Maine, give the assent of that State to such Conventional line, with the terms, conditions and equivalents herein mentioned.

(A)

The Commissioners of Maine request that the following provisions, or the substance thereof, shall be incorporated into the proposed Treaty, should one be agreed on:

1st That the amount of the "disputed territory fund" (so called) received by the authorities of New Brunswick, for timber cut on the disputed territory, shall be paid over to the United States, for the use of Maine and Massachusetts, in

full, and a particular account rendered; or a gross sum to be agreed upon by the Commissioners of Maine and Massachusetts shall be paid by Great Britain, as a settlement of that fund; and that all claims, bonds and securities taken for timber cut upon the territory be transferred to the Authorities of Maine and Massachusetts:

2^d That all grants of land, within that portion of the disputed territory conceded to Great Britain, made by Maine and Massachusetts, or either of them, shall be confirmed; and all equitable possessory titles shall be quieted to those who possess the claims; and we assent to a reciprocal provision for the benefit of settlers falling within the limits of Maine. And we trust that the voluntary suggestion of the British Minister, in regard to John Baker and any others, if there be any similarly situated, will be carried into effect, so as to secure their rights:

3^d That the right of free navigation of the St John, as set forth in the proposition of Mr Webster on the part of the United States, shall extend to, and include, the products of the soil, in the same manner as the products of the forest; and that no toll, tax or duty be levied upon timber coming from the territory of Maine.

The conditions of Maine were also embodied in the treaty text; Article 5 deals with the "Disputed Territory Fund"; by Article 4 grants of land in the disputed territory are confirmed; and the clauses of Article 3 are broad enough to cover the provisions desired by the commissioners of Maine regarding the navigation of the St. John River. The "voluntary suggestion of the British Minister, in regard to John Baker", is referred to below.

A statement of the agreement reached on the northeastern boundary question (Articles 1 and 3-6 of the treaty) was part of the note of Webster of July 27, which set forth the entire boundary settlement (Articles 1-7), with a detailed description of the line "proposed to be agreed to" (Articles 1 and 2). The answering note of Ashburton of July 29 gave his assent; there remained only the drafting of certain of the articles, some of which had been already written (see published correspondence, 58-62).

In the presidential message to the Senate of August 11 the assent of the two States to the boundary clauses was prominently mentioned. That message, which deals with the whole negotiation and which was written by Daniel Webster (The Writings and Speeches of Daniel Webster, XII, 21), follows (published correspondence, 19-25):

I have the satisfaction to communicate to the Senate the results of the negotiations recently had in this city with the British minister special and extraordinary.

These results comprise—

1st. A treaty to settle and define the boundaries between the territories of the United States and the possessions of her Britannic Majesty in North America, for the suppression of the African slave-trade, and the surrender of criminals, fugitive from justice, in certain cases.

2d. A correspondence on the subject of the interference of the colonial authorities of the British West Indies with American merchant vessels driven by stress of weather, or carried by violence, into the ports of those colonies.

3d. A correspondence upon the subject of the attack and destruction of the steamboat Caroline.

4th. A correspondence on the subject of impressment.

If this treaty shall receive the approbation of the Senate, it will terminate a difference respecting boundary which has long subsisted between the two Governments—has been the subject of several ineffectual attempts at settlement, and has sometimes led to great irritation, not without danger of disturbing the

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Association

January 29, 1988

Honorable Ronald Reagan
The President of the United States
The White House
Washington, D.C. 20500

Dear Mr. President:

Enclosed is a copy of a resolution relative to the Alaska Boundary Negotiations which passed unanimously at our last California Republican Party Convention.

I ask that you consider the support by the California State Legislature with respect to Joint Resolution 37, and our membership's convictions on the matter of involving the State of Alaska in boundary negotiations with the Soviet Union.

Respectfully,

Robert Naylor
Chairman

cc: Vice President George Bush
Hon. Jim Wright,
Speaker of the House
Steve Cowpers,
Governor of Alaska
California Congressional Delegation

PASSED BY CALIFORNIA REPUBLICAN PARTY IN
CONVENTION, ANAHEIM, CALIFORNIA
SEPTEMBER 27, 1987

RESOLUTION

RELATIVE TO ALASKA BOUNDARY NEGOTIATIONS

SUBMITTED BY: CARL OLSON

WHEREAS, A resolution was passed by the California State Legislature Joint Resolution 37, authored by Marian LaFollette (38 AD) and co-authored by Assemblymen William Leonard, Gil Ferguson, Nolan Frizzelle, Eric Seastrand, John Lewis, Bill Bradley, Stan Statham, Gerald Felando, and Phil Wyman, and by Senators Don Rogers and Ed Royce supporting the State of Alaska in boundary negotiations with the Soviet Union; and

WHEREAS, The boundaries of the State of Alaska are of vital concern to the state government of Alaska; and

WHEREAS, The essence of sovereignty of a state within America's federal system requires that a state government have complete and unambiguous jurisdiction over well-defined geographical boundary lines; and

WHEREAS, Any time that boundaries of a state are to be altered in any way, that state has an essential and overriding interest in the determination of the boundary; and

WHEREAS, Alaska is unique among all American states in that it is the only state with the potential for having boundaries with more than one foreign country (Canada and the Soviet Union); and

WHEREAS, Boundaries with foreign countries and a state are, and ought to be, coterminous with America's national boundaries with those foreign countries; and

WHEREAS, Negotiations are underway between the United States Department of State and the government of the Soviet Union over setting boundaries between the United States and the Soviet Union, and there have been at least seven rounds of negotiations on this issue since 1981; and

WHEREAS, The economic issues of petroleum, fishery, and other valuable resources have great impact on Alaska's welfare and prosperity; and

WHEREAS, At no time has the United States Department of State allowed, or even offered to invite, a representative of the state government of Alaska to be on any negotiating delegation, or has it formally solicited the input or advice of the state government of Alaska over the content or form of these negotiations; and

WHEREAS, These negotiating delegations that the United States Department of State has assembled have included representatives of various other agencies of the federal government; and

WHEREAS, It is settled procedure for negotiations of boundaries that representatives of any affected state not only must be included in the negotiations, but also must consent to the proposed terms of the boundary treaty (such as was the case when Secretary of State Daniel Webster negotiated with Great Britain in 1842 over the boundary between Canada and the State of Maine); and

WHEREAS, The usurpation of one state's rights and sovereignty is an attack on the entire federal system of the United States of America; now, therefore, be it

RESOLVED, That the California Republican Party supports the State of Alaska in its rightful position of participation in any boundary negotiations involving its boundaries with the Soviet Union or Canada; and, be it further

RESOLVED, That the California Republican Party urges the President and U.S. Congress to ensure that any terms and conditions of any boundary agreement with respect to Alaska's boundaries is consented to by the State of Alaska, and that any such boundary agreement is drafted in the form of a treaty or ratification by the United States Senate; and, be it further

RESOLVED, That the Secretary is directed to transmit copies of this resolution to the President and the Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States, and to the Governor of Alaska.

WATCH STATE DEPARTMENT

NEWS RELEASE

For immediate release

22 October 1987

Contact: Carl Olson
818-886-5710

NATIONAL HEADQUARTERS
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Washington, D.C. 20035
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CALIFORNIA LEGISLATURE COMES TO AID OF STATE OF ALASKA TO PREVENT U.S. STATE DEPARTMENT FROM SETTING ALASKAN BOUNDARY WITH SOVIET UNION WITHOUT ANY PARTICIPATION BY THE STATE GOVERNMENT OF ALASKA

The California Legislature has come to the aid of the State of Alaska in its battle to prevent the U.S. State Department from making a boundary agreement with the Soviet Union which does not include any representative of the State of Alaska and which would likely result in Alaska losing five Arctic islands and vast oil-rich seabeds to the Soviet Union, it was announced by Carl Olson, Chairman of State Department Watch, a nonpartisan foreign policy watchdog group headquartered in Washington, D.C.

Reacting to the injustice that the U.S. State Department is perpetrating on the State of Alaska by excluding it from the seven rounds of boundary negotiations with the Soviet Union, Assemblywoman Marian LaFollette (R-Northridge, 916-445-8366) introduced Joint Resolution 37 to side with the State of Alaska in this constitutional crisis. It passed the Assembly without dissent, and won the Senate on a vote of 24-2 on 10 September.

Boundary negotiations between the U.S. State Department and the Soviet Union have proceeded since 1981 in such secrecy that the State Department even refuses to disclose the names of the negotiators. As noted in AJR37, "at no time has the United States Department of State allowed, or even offered to invite, a representative of the state government of Alaska to be on any negotiating delegation, nor has it formally solicited the input or advice of the state government of Alaska over the content or form of these negotiations."

In addition to the constitutional crisis that the State Department is creating by attempting to set a state's boundaries without its consent, there are indications of an immense giveaway of land and seabeds to the Soviet Union in the works. From the sketchy reporting on the content of the seven rounds of negotiations, it appears that the State Department has made certain policy decisions to give away to the Soviet Union the five Alaskan Arctic islands of Wrangell, Herald, Bennett, Henrietta, and Jeannette, plus the immense outercontinental shelf that goes with them (equal in area to about four times the size of the State of California).

The resolution goes on to note historical precedent on the side of Alaska: "It is settled procedure for negotiation of boundaries that representatives of the affected state not only must be included in the negotiations, but also must consent to the proposed terms of the boundary treaty (such as was the case when Secretary of State Daniel Webster negotiated with Great Britain in 1842 over the boundary between Canada and the State of Maine).

Leading the fight in the Alaska State Legislature to assert its state's rights has been State Senator Rick Uehling (R-Anchorage, 907-465-4821) who introduced Senate Joint Resolution 12. In addition to his expressing alarm over the attack on the Federal system of states which the State Department's actions have amounted to, the resolution points out the vast fishery, petroleum, and other economic resources which are in danger of being given away to the Soviet Union.

"It's natural that states with boundaries with foreign countries should come to the aid of Alaska," commented State Department Watch Chairman Olson. "But we expect many other states in addition to California which borders Mexico, to rally to the defense of a co-equal state in the Federal system and pass similar resolutions of support."

---END---

STATE OF CALIFORNIA

Assembly Joint Resolution No. 37

RESOLUTION CHAPTER 122

Assembly Joint Resolution No. 37—Relative to the boundaries of Alaska.

Adopted September 10, 1987
[Filed with Secretary of State September 17, 1987.]

LEGISLATIVE COUNSEL'S DIGEST

AJR 37, La Follette. Alaska: boundary negotiations.

This measure would state the Legislature's support for the State of Alaska in its rightful position of participation in any boundary negotiations involving its boundaries with the Soviet Union or Canada. It would memorialize the President and Congress of the United States to ensure that any terms and conditions of any boundary agreement with respect to Alaska's boundaries is consented to by the State of Alaska and that the agreement is drafted in the form of a treaty for ratification by the United States Senate.

WHEREAS, The boundaries of the State of Alaska are of vital concern to the state government of Alaska; and

WHEREAS, The essence of sovereignty of a state within America's federal system requires that a state government have complete and unambiguous jurisdiction over well-defined geographical boundary lines; and

WHEREAS, Any time that boundaries of a state are to be altered in any way, that state has an essential and overriding interest in the determination of the boundary; and

WHEREAS, Alaska is unique among all American states in that it is the only state with the potential for having boundaries with more than one foreign country (i.e. Canada and the Soviet Union); and

WHEREAS, Boundaries with foreign countries and a state are, and ought to be, coterminous with America's national boundaries with those foreign countries; and

WHEREAS, Negotiations are underway between the United States Department of State and the government of the Soviet Union over setting boundaries between the United States and the Soviet Union, and there have been at least seven rounds of negotiations on this issue since 1981; and

WHEREAS, The economic issues of petroleum, fishery, and other valuable resources have great impact on Alaska's welfare and prosperity; and

WHEREAS, At no time has the United States Department of State allowed, or even offered to invite, a representative of the state government of Alaska to be on any negotiating delegation, nor has it formally solicited the input or advice of the state government of Alaska over the content or form of these negotiations; and

Res. Ch. 122

— 2 —

WHEREAS, These negotiating delegations, which the United States Department of State has assembled, have included representatives of various other agencies of the federal government; and

WHEREAS, It is settled procedure for negotiation of boundaries that representatives of any affected state not only must be included in the negotiations, but also must consent to the proposed terms of the boundary treaty (such as was the case when Secretary of State Daniel Webster negotiated with Great Britain in 1842 over the boundary between Canada and the State of Maine); and

WHEREAS, A usurpation of one state's rights and sovereignty is an attack on the entire federal system of the United States of America; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California supports the State of Alaska in its rightful position of participation in any boundary negotiations involving its boundaries with the Soviet Union or Canada; and be it further

Resolved, That the Legislature of the State of California respectfully memorializes the President and Congress of the United States to ensure that any terms and conditions of any boundary agreement with respect to Alaska's boundaries are consented to by the State of Alaska, and that any such boundary agreement is drafted in the form of a treaty for ratification by the United States Senate; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the Governor of Alaska.

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WATCH
STATE DEPARTMENT

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703 579 1070

STATE OF ALASKA

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

October 13, 1987

STEVE COWPER, GOVERNOR

REPLY TO:

1031 A ST AVENUE
SUITE 207
ANCHORAGE ALASKA 99501-4679
PHONE 907-276-3887

INTERNATIONAL CENTER
100 CUSHMAN ST
SUITE 400
FAIRBANKS, ALASKA 99701-4679

P.O. BOX 44 - STATE CAPITOL
JUNEAU ALASKA 99801-0044
PHONE 907-465-3500

R. Brian Kidney
Assistant Chief Clerk
Assembly
California Legislature
State Capitol
Sacramento, California 95814

Re: Assembly Joint Resolution
No. 37, relative to the
boundaries of Alaska

Dear Mr. Kidney:

Alaska Governor Steve Cowper asked that I respond to your September 24, 1987 letter which invited our attention to Assembly Joint Resolution No. 37, relating to the boundaries of Alaska.

On behalf of Governor Cowper and all Alaskans, please communicate our thanks for this resolution of support for Alaska sovereignty. As the California Legislature correctly notes, states have "an essential and overriding interest" in the negotiation of the United States' international boundaries when the negotiation may have the effect of altering state boundaries. The United States currently has disputes with Canada over boundary delimitation in Dixon Entrance to the south of Alaska and the Beaufort Sea to the north, as well as the dispute with the Soviet Union to the west.

The United States Supreme Court has repeatedly noted that the treaty power does not authorize the federal government unilaterally to divest a state of territory without its consent. See, e.g., DeGeofroy v. Riggs, 133 U.S. 258, 33 L.Ed. 642, 645 (1890); Fort Leavenworth R.R. Co. v. Lowe, 114 U.S. 525, 541 (1885). Rest assured that Alaska will fully assert its sovereign rights in this regard.

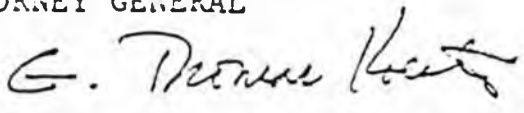
R. Brian Kidney
Assistant Chief Clerk

October 13, 1967
Page 2

We appreciate California's support in this effort.
Thank you for communicating our appreciation to both houses of
the California Legislature.

Sincerely,

GRACE BERG SCHAIBLE
ATTORNEY GENERAL

By: 
G. Thomas Koester
Assistant Attorney General

GTK:dln

cc: Honorable Ted Stevens
United States Senate
522 Hart Building
Washington, D.C. 20510

Honorable Frank N. Murkowski
United States Senate
709 Hart Building
Washington, D.C. 20510

Honorable Donald E. Young
House of Representatives
2331 Rayburn House Office Bldg.
Washington, D.C. 20515

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John Iriscoe, Esq.

Michael W. Reed, Esq.

WHEN THE HEAT IS ON
THE STATE DEPARTMENT
SENDS OUT THE F.B.I.
TO DO ITS DIRTY WORK

Just look at what the State Department's reaction was to the expose of its giveaway plan for the five strategic Alaskan islands to the Soviet Union. Why can't the State Department just come clean with the American public and disclose exactly what moves it has already made to seal the giveaway? Why is it able to hide behind the F.B.I.'s skirts?

Crusader for Island In Soviet Union Says The FBI Paid a Visit

Seidenberg Says Two Agents Freed Him After Seeing Journal Story About Him

By ROBERT S. GREENBERGER

Staff Reporter of THE WALL STREET JOURNAL

WASHINGTON—Mark Seidenberg, who has been badgering the U.S. for years to tell him about secret border negotiations with the Soviet Union, finally got some attention. Earlier this week, he says, he was briefly taken into custody by the Federal Bureau of Investigation.

Mr. Seidenberg's crusade—to get the U.S. to reclaim from the Soviets Wrangell Island, which is north of Siberia—was the subject of a front-page story in The Wall Street Journal Monday. Wednesday night, Mr. Seidenberg says, he was visited at his suburban apartment near Washington by two FBI agents, Robert Oszood and Keith Bolcar, who questioned him about a recent letter he had written to the State Department concerning the negotiations.

In the letter, the 40-year-old Agriculture Department bureaucrat said he had information about a meeting last month between State Department officials and Alaskan officials. He wrote that he would publicize the information, which he implied was on a tape, unless the State Department told him it was classified.

An FBI spokeswoman, Barbara Wallace, said the agency won't discuss the activities of its agents or whether an investigation is under way. However, Mr. Seidenberg's attorney, David Nolan, said he spoke to Mr. Oszood's supervisor, who confirmed that the two agents visited Mr. Seidenberg.

At his apartment, says Mr. Seidenberg, he wouldn't answer questions and refused to grant permission for a search because

the agents didn't have a warrant. According to Mr. Seidenberg, the agents then told him they were taking him into custody. They refused Mr. Seidenberg's request to call his attorney; indeed, he says they even refused to let him bring along a Treasury bond that he wanted to use to post bail.

Escorted to the lobby of his building, Mr. Seidenberg gave his attorney's name and telephone number to a receptionist, and asked her to call. But the FBI agents warned her not to. The receptionist, Jeanne Shauklas, confirmed the incident in an interview yesterday.

Standing outside the building near the agents' automobile, Mr. Seidenberg was again questioned, and again refused to respond. After about 10 minutes, Mr. Seidenberg asked if he could put his hands in his pockets because he was cold. Not until his pockets were searched, the agents said. Mr. Seidenberg says the cautious G-men asked if he had any hypodermic needles in his pockets, and when he said he didn't, each agent put one hand in each of Mr. Seidenberg's pockets.

Mr. Seidenberg says the agents made further efforts to question him while he sat in their car. Finally, after one agent had returned from making a telephone call, Mr. Seidenberg was asked why someone from suburban Virginia had such interest in Alaska. "You can read it all in The Wall Street Journal," he says he replied. The agents asked for a copy of the story and, about 90 minutes after they had first arrived, the two accompanied Mr. Seidenberg back to his apartment, obtained a copy of the article and left. Mr. Seidenberg says he asked them if they would be returning with a search warrant and they said they would not.

Mr. Seidenberg believes he is being harassed by the State Department because of his persistent questions about the U.S.-Soviet border talks. However, a U.S. official who didn't want to be named asserts it was Mr. Seidenberg's letter, raising the possibility that the briefing session may have been illegally taped, that prompted the investigation.

Mr. Seidenberg says this isn't the first

time the FBI has contacted him. About a year ago, he claims, the agency called and asked if he would cooperate with a surveillance operation of his neighbors, a Slavic couple the FBI suspected of being Soviet spies. Mr. Seidenberg, who considers himself a staunch anti-communist, agreed to help, but the couple soon moved. Mr. Seidenberg says the FBI official who contacted him at that time identified himself as special agent Tracy.

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ZIP
MR ABRAHAM SOFAER, LEGAL ADVISOR
U.S. DEPARTMENT OF STATE
23 & C ST NORTHWEST
WASHINGTON DC 20520
DEAR MR SOFAER:

THIS IS A VIGOROUS PROTEST ABOUT THE POLITICAL HARASSMENT THAT YOUR ASSISTANT LEGAL ADVISOR ELIZABETH VERVILLE HAS APPARENTLY CONDUCTED AGAINST OUR GROUP'S VICE CHAIRMAN MARK SEIDENBERG. IN RESPONSE TO MR SEIDENBERG'S WRITTEN INQUIRY TO MS VERVILLE REGARDING A BRIEFING SHE PARTICIPATED IN WITH RESPECT TO THE ALASKAN AND U.S. BOUNDARY NEGOTIATIONS WITH THE SOVIET UNION, MS VERVILLE APPARENTLY INITIATED A CRIMINAL CHARGE AGAINST MR SEIDENBERG. YOU CAN READ ABOUT THE NEGOTIATIONS AND MR SEIDENBERG'S REVEALING RESEARCH EFFORTS IN THE FRONT PAGE ARTICLE OF THE DECEMBER 7 WALL STREET JOURNAL.

LAST NIGHT (DECEMBER 9) TWO FBI AGENTS CAME TO MR SEIDENBERG'S HOME AT ABOUT 10:00PM AND INFORMED HIM THAT HE WAS NOW SUBJECT TO A CRIMINAL PROBE. ALL THEY PRODUCED AS THE BASIS WAS MR SEIDENBERG'S WRITTEN INQUIRY. THEY HELD HIM INCOMMUNICADO FOR 1 1/2 HOURS.

IS FREEDOM OF SPEECH AND INQUIRY DEAD IN THE U.S.? DON'T YOU FORBID YOUR ASSISTANT LEGAL ADVISORS FROM GROSSLY ABUSING THE PUBLIC WHEN IT MAKES WRITTEN INQUIRIES ABOUT COMPELLING PUBLIC POLICIES? WE DEMAND AN APOLOGY AND A DISCIPLINARY INQUIRY INTO MS VERVILLE'S BEHAVIOR.

CARL OLSON, CHAIRMAN
STATE DEPARTMENT WATCH
PO BOX 65398
WASHINGTON DC 20035
379-1070

31139 EST

MGMCOMP

241 (11/7/07)

WE'RE COMING OUT FIGHTING.

THE STATE DEPARTMENT WILL

NEVER SILENCE OR DETER

STATE DEPARTMENT WATCH!

**STATE DEPARTMENT
WATCH**

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Washington, D.C. 20035
703-379-1070

We are slugging it out here in Washington. Your help is needed to defeat these self-anointed bureaucrats. Get your Senators and Congressmen to demand not only an investigation--but also for laws to stop this sort of anti-American act designed to intimidate lawful inquiry.

By the way, the response so far to this protest telegram has been the typical arrogant answer: silence

Administration's Detente Mentality

The threat of the State Department to give away five strategic Alaskan islands and vast oil-rich seabeds to the Soviet Union has generated growing opposition around the country (page one, Dec. 7). The proposed giveaway reflects the unfortunate "detente" mentality which grievously undermines the Reagan Doctrine.

The vehicle for abandoning the islands is the State Department's negotiations over a boundary line between the U.S. and the Soviet Union. Currently no treaty has even been adopted establishing such a boundary between Alaska and the Soviets, even though they are less than three miles apart in the Bering Straits.

The State Department is fighting to create a boundary line which puts the Alaskan Arctic islands of Wrangell, Herald, Bennett, Henrietta and Jeannette on the Soviet side. It has held eight super-secret rounds of negotiations with the Soviets so far on the exact location of the line, with the last round held in October. So sensitive is this potential giveaway that State has systematically excluded all representatives of the state government of Alaska from the negotiations, and has completely stonewalled the U.S. Congress.

Congressional members have rightly become upset and have introduced measures to bring this constitutional issue to a head. The principle of congressional approval being required for the transfer of territory to a foreign country and the setting of boundaries is at stake.

The Alaskan legislature has also been adamant. In 1986 it overwhelmingly passed a resolution sponsored by Rep. Roger Jenkins and signed by Gov. Bill Sheffield demanding that the State Department not give in to the Soviet demands in the boundary negotiations regarding the resource-rich Bering Sea. Also in 1986 the Alaska Senate passed on a 16-4 vote a resolution restating Alaska's sovereignty over the five islands. Currently pending is a resolu-

tion by Sen. Rich Uehling complaining bitterly that the State of Alaska has been totally excluded from the setting of its own boundaries.

In support of the State of Alaska, the state legislature of California passed a joint resolution in September urging that any boundary agreement be in the form of a treaty and that the State of Alaska be completely involved in the terms of the treaty.

Yet the giveaway of these five islands and immense outercontinental shelf, which would make the Panama Canal giveaway pale in comparison, remains shrouded in the recesses of Foggy Bottom.

CARL OLSON

Chairman, State Department Watch
Washington

THE WALL STREET JOURNAL MONDAY, DECEMBER 28, 1987

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WATCH STATE DEPARTMENT

NEWS RELEASE

For immediate release
4 January 1988

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STATE DEPARTMENT ADMITS GIVEAWAY OF FIVE ALASKAN ISLANDS AND VAST ARCTIC SEABED TO SOVIET UNION WILL HAPPEN "EARLY THIS YEAR"; CAMPAIGN OPPOSING GIVEAWAY INTENSIFIES IN CONGRESS, ALASKA, AND THE OTHER 49 STATE GOVERNMENTS

The State Department's giveaway of five strategic Alaskan islands and vast oil-rich seabeds to the Soviet Union has been set for "early this year", and opposition to the giveaway of this Arctic national resource will intensify across the country, it was reported by Carl Olson, chairman of State Department Watch, a nonpartisan foreign policy watchdog group headquartered in Washington, D.C.

"Contrary to its previous stories, the State Department is now admitting that the giveaway is in progress, and that a deal is to be made very soon with the Kremlin over a major portion of the State of Alaska," Olson charged. "Unfortunately for the American public the State Department has shrouded the eight negotiating sessions with the Soviets in complete secrecy and intends to carry out the surrender without signing a treaty which would need to be ratified by Congress. Moreover, the State Department has totally excluded all representatives of the state government of Alaska from the negotiating teams—a blatantly unconstitutional and arrogant abuse of our Federal system of government."

As reported in the Washington Times on January 1, 1988, an unnamed State Department official stated, "Once a boundary line is agreed to by both nations, which could come early this year, it's a safe bet that the five-island chain will become official Soviet territory."

The opposition to this unprecedented giveaway, involving Wrangell, Herald, Bennett, Henrietta, and Jeannette Islands and outercontinental shelf larger than twice the size of California, is mounting rapidly across the country.

In Congress, Representative William Dannemeyer (R-CA) (202-225-4111) has introduced a bill H.R. 341 along with 30 co-sponsors to require a treaty in case of any boundary line or territory transfer agreements. Senator Jesse Helms (R-NC) (202-224-6342) intends to introduce a similar bill in the Senate.

The Alaskan Legislature is gearing up behind State Sen. Rick Uehling (R-Anchorage) (907-465-4821) whose Senate Joint Resolution 12 protests strongly the exclusion of the State of Alaska from the negotiating sessions and the final terms of the State Department's plan. In 1986 the Alaska Legislature passed a resolution sponsored by State Rep. Roger Jenkins (R-Anchorage) (907-248-4234) urging the State Department not to yield to Soviet demands over a boundary line in the oil-rich and fishery-rich Bering Sea, and the State Senate passed a resolution sponsored by State Sen. Paul Fischer (R-Soldotna) (907-465-3762) restating Alaskan sovereignty over the five islands in the Arctic Ocean.

Under the leadership of California Assemblywoman Marian LaFollette (R-Northridge) (818-368-3838) the California Legislature passed a resolution in September coming to the defense of the State of Alaska in its battle with the State Department. Moves are under way in other states to have the governors and legislatures issue similar pronouncements.

"We will fight this State Department giveaway to the bitter end. The Panama Canal fiasco pales in comparison with this intended surrender," Olson declared. "Not only does the area have immense natural resource potential, but it is in our front line of defense against the Soviets. Such a fall-back will give the Soviets a tremendous diplomatic victory over the United States and the Reagan Doctrine."

--END--

Border Dispute

Question: What country was the first to lose territory to Soviet aggression?

Answer: Not Finland, not even the unfortunate Baltic States, but the United States of America.

That happened on Aug. 20, 1921, when the crew of the Soviet gunboat Krasny Oktober (Red October) landed on Wrangell Island off the northeast coast of Siberia and took as prisoners the 14 American fur trappers encamped there. Twelve survivors were eventually released. Two men died in captivity. The Soviets claimed Wrangell and now operate a political prison camp on the island.

On "Face the Nation" last month, National Security Adviser Robert McFarlane indicated that the Wrangell "boundary dispute" will be on the table at the Geneva summit. Some members of Congress believe the State Department wants to finally resolve the island's status—in the Soviets' favor. Resolutions demanding that any agreement be subject to congressional approval have been drafted by Sen. Jesse Helms and Rep. Mark Siljander.

A U.S. irredentist claim to a chilly piece of Arctic real estate might sound like small potatoes. But the congressmen figure that it doesn't make much sense to complain to the Soviets about their expansionist tendencies—as President Reagan clearly intends to do—while at the same time politely forgetting that they once grabbed some land from the U.S. itself.

The U.S. claim to Wrangell and four small nearby islands dates from 1881. A U.S. Revenue Marine (Coast Guard) party that included John Muir, the famed naturalist and founder of the Sierra Club, visited the area that year. Mr. Muir later wrote that they "landed on Wrangell Land and took possession of it in the name of the United States." A czarist explorer, Lt. Ferdinand Wrangell, ad-

mitted in his memoirs that he never actually discovered the island that bears his name. Until the Krasny Oktober showed up, there was no official Russian presence.

Several U.S. oil companies are interested in searching for oil on the continental shelf between the U.S. and the Soviet Union. When last year the Interior Department announced it would begin leasing tracts in the Arctic Ocean, the State Department warned that anyone bidding on tracts to the west of the so-called 1867 Convention Line should be aware that the area might become Soviet territory.

As recently as 1973, the State Department maintained that the U.S. had never relinquished its claims to Wrangell and the other islands, and that the "convention lines" depicted on maps *did not* constitute an international boundary. But in December 1984, after some negotiations in Moscow, the department said it had not "found any evidence that the Government of the United States has ever formally asserted a claim to any of the islands." That seems to contradict the John Muir account. It also ignores a 1959 ruling of the Foreign Claims Settlement Board that the property of the fur trappers was illegally expropriated. *Russian* maps made early in this century show the islands as American.

We've had our own doubts about irredentist claims. The further back in history you go, the greater amount of disputed acreage there is. But the Soviets themselves are among history's most aggressive irredentists. Aside from their grab of the Baltic States and their expansion of the old czarist empire westward to the Elbe and southward to Kandahar, they have border disputes with Norway, Sweden, Japan and China. Whatever the prospects for satisfaction, the U.S. should hang tough over Wrangell Island just to demonstrate its resistance to Soviet imperialism.

**SUMMIT MEETING
IN GENEVA IN 1985
HAD THE GIVEAWAY OF
ALASKAN ISLANDS TO
THE SOVIET UNION
ON THE AGENDA.**

If you want the Wall Street Journal to publish a hard-hitting editorial on the Alaska giveaway, as it did just before the Summit Meeting in 1985, please write ASAP to:

Mr. John Fund
Editorial Page Asst. Editor
Wall Street Journal
200 Liberty Street
New York, NY 10281

THE WALL STREET JOURNAL.

WEDNESDAY, NOVEMBER 13, 1985

Time to Sober Up

Let's hope President Reagan's pre-summit TV address tonight will sober up the Washington community, which is suffering from a terminal case of silliness over its hopes about what Mr. Reagan's sitdown with Mikhail Gorbachev is likely to accomplish.

Contributing to the air of unreality are tales of White House gnomes delivering tons of briefing papers to the Oval Office and setting up projectors to show the president the Gorbachev-Mitterrand game films. Newspaper Style sections this Sunday will describe in infinite detail what Nancy will wear when she has tea in Geneva with the lovely Raisa. Tim O'Neill is taking time out from the budgetary chaos he presides over on Capitol Hill to make the outrageous claim that Congress has given the president the support he needs for a summit "success."

On a more serious level, George Shultz has been treating with the Soviets since his meeting with Andrei Gromyko last January, laying the summit groundwork. Without knowing the game plan, it's impossible to assess how well Mr. Shultz is doing. But we mostly have been hearing about gifts the State Department might like to lay before Mr. Gorbachev. Surrender of the U.S. claim to Wrangell Island (discussed in this space yesterday) is one possibility. An offer to pool fusion energy research with the Russians is another. And the U.S. is prepared to go on pretending SALT II is a real agreement, however much abuse it gets from the Russian side.

In short, the Washington community, by merely following its own instincts, is once again setting the president up to have his pockets picked. Mr. Reagan's Strategic Defense Initiative is being negotiated and renegotiated on Mr. Gorbachev's behalf. The president is being urged to rush back, as Richard Nixon once did, to dramatically present some "breakthrough" to a joint session of Congress. Word is going around, as it always does, that the Soviet leader is in deep trouble and will be eager to make deals.

Mr. Reagan has tried to discourage such nonsense. He has wisely rejected the idea of a post-summit communique, for example, saying that you don't promise a communique when all you are doing is having a little get-acquainted session. He has discouraged the notion that there will be any "agreements." But even for a president with Mr. Reagan's keen understanding of what the U.S.-Soviet relationship is and must be, there are dangers of being trapped. Arms control is, as always, the biggest area of danger.

The policy of abiding by SALT II, which Mr. Shultz seems prepared to continue, hasn't made much sense. Consider the just-published "Military Balance" report of London's well-respected International Institute for Strategic Studies. It says the Soviets have increased their supply of long-range nuclear warheads by 37% in just three years. They now enjoy a 2.4-to-one advantage over the U.S. in land and submarine based megatonnage. That's mutual restraint?

U.S. soft-liners want the president to promise that the U.S. will not over the next five years exercise its option to withdraw, on one year's notice, from the 1972 anti-ballistic missile treaty. That treaty also has not placed much restraint on the Soviets. The IISS says the Soviets are actively pursuing their own space-based nuclear defense research even while they attack the U.S. effort. A Pentagon report sent to the White House Tuesday cites a series of serious Soviet ABM treaty violations. So while Mr. Reagan temporizes and generously offers to make future U.S. defense technology available to all comers, the Russians are actually putting a defense in place. The danger in this is clearly outlined in the open letter to the president from Rep. Kemp and Sen. Wallop excerpted nearby.

People often ask why the Russians have invested so much in weapons of mass destruction while living standards in the Soviet Union are, on the whole, only slightly above Third World levels. The summit ballyhoo in the U.S. provides the obvious answer. They want to be feared. They surround themselves in mystery so that American congressmen, permitted an audience with the Great Gorbachev, will come away awed by having been spoken to in English or fixed with his steely gaze. Showmanship of this skill level wins concessions.

Richard Nixon, who has had some experience with summits, wrote in the latest Foreign Affairs some cautionary words: "This is a long struggle with no end in sight. Whatever their faults, the Soviets will be firm, patient and consistent in pursuing their foreign policy goals. We must match them in that respect."

A good way to match them will be for Mr. Reagan to go to the summit, complain as he intends about Soviet aggressions and abuses of human rights and make no promises. And tonight will not be too soon to start damping down the mindless euphoria that has overtaken pre-summit Washington.

STATE DEPARTMENT BOWS TO SOVIET DEMANDS AND FORCES HUNDREDS OF PRO-AMERICAN AND ANTI-SOVIET PROTESTERS AWAY FROM THE STATE DEPARTMENT'S PUBLIC BUILDING IN WASHINGTON.

A foreign mission

Reaction around town indicates this column was not taken overly seriously when we reported last week that during the visit of Soviet Foreign Minister Eduard Shevardnadze, the State Department designated its main building a foreign mission.

It's no joke. That astonishing move, reflecting what Sen. Jesse Helms and other conservative critics have been saying all along, enabled State to invoke a law to keep protesters 500 feet away from the building. At least for the duration of Mr. Shevardnadze's visit, our State Department was a foreign mission.

— John Elvin

The Washington Times

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Crusade to Reclaim Arctic Island for U.S. May End at Summit

Bureaucrat Has Devoted Life
To Cause Despite Odds;
Site of Soviet Foul Deeds?

By ROBERT S. GREENBERGER

Staff Reporter of THE WALL STREET JOURNAL

WASHINGTON—Mark Seidenberg believes that Aug. 20, 1974, was a day of infamy for the United States.

On that day, the Soviet warship Red October steamed into Doubtful Harbor on Wrangell Island in the Arctic Ocean. Armed with a six-pound cannon and a company of soldiers, the Red October captured 14 Americans who worked for Lomen Reindeer & Trading Corp. and shipped them off to nearby Siberia.

Carl Lomen, a U.S. businessman, had just bought the island. He sued the Soviets to regain 167 fox skins and 40 polar-bear skins, and complained to the U.S. State Department. The U.S. was miffed but said that it couldn't do much because it didn't officially recognize the new Soviet government. The Americans were freed after the Red Cross paid \$1,600 to transport them to Seattle, but Mr. Lomen fought the rest of his life to regain Wrangell, passing the torch to Mr. Seidenberg before he died.

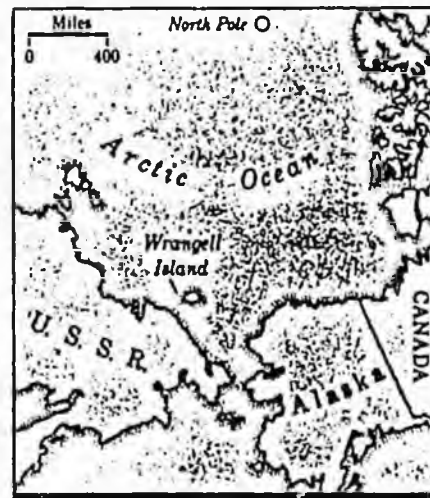
Daunting Odds

Mr. Seidenberg, a 40-year-old Agriculture Department bureaucrat, is obsessed with reclaiming the island and uncovering alleged Soviet foul deeds there. He has enlisted such conservative stalwarts as Sen.

Jesse Helms in his cause, but he faces daunting odds. The State Department maintains that the U.S. has never claimed ownership of Wrangell, even though its assertion is flatly contradicted in official U.S. publications.

Right now, Mr. Seidenberg worries that the U.S. may quietly deal the island away, perhaps during this week's U.S.-Soviet summit. "I have great respect for the president," he says. "It's some of his advisers at the State Department who are causing the difficulty. Whatever they can do to shove this under the table, they'll do."

The latest wrangle over Wrangell involves secret negotiations between Washington and Moscow, under way since 1981, over establishing a border between the two nations; right now, there is only a "con-



vention line" drawn when the U.S. bought Alaska in 1867. The State Department insists that Wrangell isn't part of the talks. Conservatives contend that ownership of Wrangell—and four other nearby islands—could affect where and how the borderline is drawn. And, they say, that, in turn, may determine who owns what may be billions of barrels of oil beneath the sea.

"If we surrender these islands, we will be surrendering an area that amounts to almost half our entire outer continental shelf," warns Sen. Helms. The North Carolina Republican, who complains that the State Department won't even tell him who the U.S. negotiators are, has introduced a bill requiring the State Department to negotiate a treaty, which would make review

and approval by the Senate necessary. Otherwise, he fears, the department will make a deal under executive authority.

Mr. Seidenberg is convinced not only that the Soviets are illegally occupying Wrangell Island but also that it is the site of a huge Soviet gulag that once held Raoul Wallenberg. The Swedish diplomat, who helped thousands of Danish Jews escape from the Nazis during World War II, disappeared in 1945 after being arrested by the Soviets in Hungary.

Mr. Seidenberg has spent countless hours researching Wrangell at the National Archives. At his own expense, he traveled to Israel to interview Efrim Moshinsky, a former Soviet citizen who claims that he communicated with Mr. Wallenberg while they were both imprisoned at Wrangell in 1958. Mr. Seidenberg also found an obscure reference on page 10,065 of the March 16, 1984, Federal Register that indicated to him that the State Department was about to make a border deal with Moscow.

"I just want to do something to help Wallenberg. He helped so many people, but nobody wants to help him," says Mr. Seidenberg, his voice cracking with emotion. "The State Department acts like they're totally disinterested. It's a non-important issue to them."

Or he sent a letter to Moscow praising a Russian geography article and asking whether its publishers could send him any material on Wrangell Island. They did. "I've gotten more information out of the Soviets than I have from the State Department," Mr. Seidenberg complains.

State Department officials sent him "denials—always denials," Mr. Seidenberg says. "They even wrote me a letter once denying that the island existed."

But Mr. Seidenberg isn't easily deterred. In 1976, to help get the department's attention, he took title to the 93,000 acres on Wrangell Island where he thinks the prisons are. Mr. Lomen, then 89 years old and dying, had wanted to give Mr. Seidenberg the land to carry on the fight, but Mr. Lomen's accountant warned of the tax consequences of such a gift. So they entered into a swap: Mr. Seidenberg got part of Wrangell, and he gave Mr. Lomen one square foot of Alaskan land that he had received as a promotional gift in 1967 when he opened a bank account.

But owning a piece of the 3,400-square-mile island didn't increase Mr. Seiden-

berg's influence with the State Department. Once, in 1986, he and a colleague attended a public State Department social function in order to accost Secretary of State George Shultz. When Mr. Shultz came by to shake hands, Mr. Seidenberg held on and asked him about the negotiations. A startled Mr. Shultz, in what was apparently an imitation of the late comedian Jimmy Durante, responded, "Everybody wants to get into the act," and quickly moved on.

A State Department official familiar with the negotiations says that all the talk about a giveaway is inaccurate. "There's a great misperception that somehow these islands have been claimed by the U.S. We've looked very carefully at the history of this. . . . There was never any claim made to them by the U.S. government."

Mr. Seidenberg, too, has looked very carefully, but he has reached a different conclusion. It all started when an American, Capt. Calvin Hooper, planted an American flag on Wrangell on Aug. 12, 1881, claiming it for the U.S. His ship, the U.S. Reserve Vessel Thomas Corwin, was part of a mission authorized by Congress to find the Jennette, a ship that had been crushed by ice during a North Pole expedition financed by the New York Herald the year before.

During the search, Capt. Hooper and a party that included John Muir, the naturalist who later founded the Sierra Club, landed on Wrangell. The island was named for Baron Ferdinand Petrovich von Wrangell, even though the Russian arctic explorer never set foot there.

A 1973 printing of the Digest of International Law, an official State Department publication, states that "the United States has not relinquished its claim to Wrangell Island." Five years later, with detente in full flower, a successor publication, the Digest of United States Practice in International Law, did an about-face, stating: "We have found little evidence that the United States has ever actively asserted a claim to Wrangell Island."

Mr. Seidenberg first stumbled on Wrangell in 1963, when he was a high-school senior writing a research paper on Russian exploration of the American Northwest. Textbooks at the time said that Wrangell was unoccupied. In 1973, Mr. Seidenberg learned that Wrangell had surfaced in a Senate Judiciary Committee hearing about

Soviet prison camps. That's when he first heard about Mr. Wallenberg's plight.

A year later, Mr. Seidenberg uncovered what he says was a quiet State Department effort to cede Wrangell to the Soviets. The two nations signed an environmental agreement under which some musk oxen from Alaska were to be shipped to a Soviet island. Moscow asked that the animals be shipped to Wrangell, and the State Department agreed, thereby conceding ownership, Mr. Seidenberg says. When the agreement was signed at Bethel Airport, in Bethel, Alaska, Mr. Seidenberg arranged to have the airport manager watch from a distance and give him a blow-by-blow report over the telephone.

Now, Mr. Seidenberg fears that Wrangell will be lost forever at the summit. Ironically, when Mr. Lomen wrote his memoirs, "Fifty Years in Alaska," he thought his efforts would preserve the U.S. claim on Wrangell for some future U.S.-Soviet negotiating session. He wrote: "We felt that at least we had provided our government with a strong case. If the day ever comes when representatives of the American and Soviet governments sit down at the council table for the settlement of claims, the matter of American sovereignty over Wrangell Island should prove of importance."

**Note: Mr. Mark Seidenberg
is the Vice Chairman of
State Department Watch.**

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