

HJR

22

Alaska State Legislature

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Representative Al Vezey

HJR 22 SPONSOR STATEMENT

Currently the boundary between Russia and Alaska is a matter of dispute. At issue is a vast amount of seabed equivalent to an area the size of the state of Texas. Under U.S. Constitutional law Alaska has a right to participate in any negotiations affecting its boundaries and Alaska must concur in any changes that are made.

The current boundary dispute arises from two main sources. When the United States purchased Alaska from Russia in 1867 each party received a hand drawn map showing the Territory of Alaska being sold to the United States.

Then in 1881 Wrangel Island was discovered by an exploration and rescue party lead by Lt. Berry commanding the U.S. revenue cutter Rodgers. There is a body of evidence to establish that the Treasury Department (the governing body for Alaska for much of the 19th Century) added this newly discovered territory to the Territory of Alaska.

In 1924 Soviet Forces took Wrangel Island by force and interned its American inhabitants. The United States maintained its territorial sovereignty over Wrangel Island until as recently as 1976.

In 1977 the United States established the 200 mile Exclusive Economic Zone which was soon adopted by the rest of the world. All of sudden there was renewed interest in who owned which Island. Given a 200 mile EEZ, a single rock in the ocean could qualify a country for 30,000 square miles of seabed over which it would hold the right of an Exclusive Economic Zone.

When the United States and Russia sat down to work out the details of determining and managing their EEZ's, they discovered that the

two hand drawn maps did not agree with each other. In question where several small islands in the western Aleutians, and some other rocks in the Bering Sea.

In addition the Russians and the Americans could not agree on how to interpret the line drawn on the map between Russian and Alaska. Was it an arc of a great circle as the U.S. maintained or was it a rump line (a straight line projected onto a globe)? The difference can be as much as a 50 mile east-west shift in a boundary line.

Over Alaska's and California's protest, the U.S. entered into boundary negotiations without the participation of representatives from Alaska. The U.S. Senate subsequently ratified the proposed treaty without the consent of Alaska.

At the same time the Soviet Union broke up and the successor Russian government never ratified the treaty.

The boundary between Russia and Alaska remains unresolved as does the status of the territory of Wrangel Island and other islands in the Arctic Ocean. Someday this matter will have to be resolved and Alaska has a right to a place at the bargaining table.

The Wrangle over Wrangell

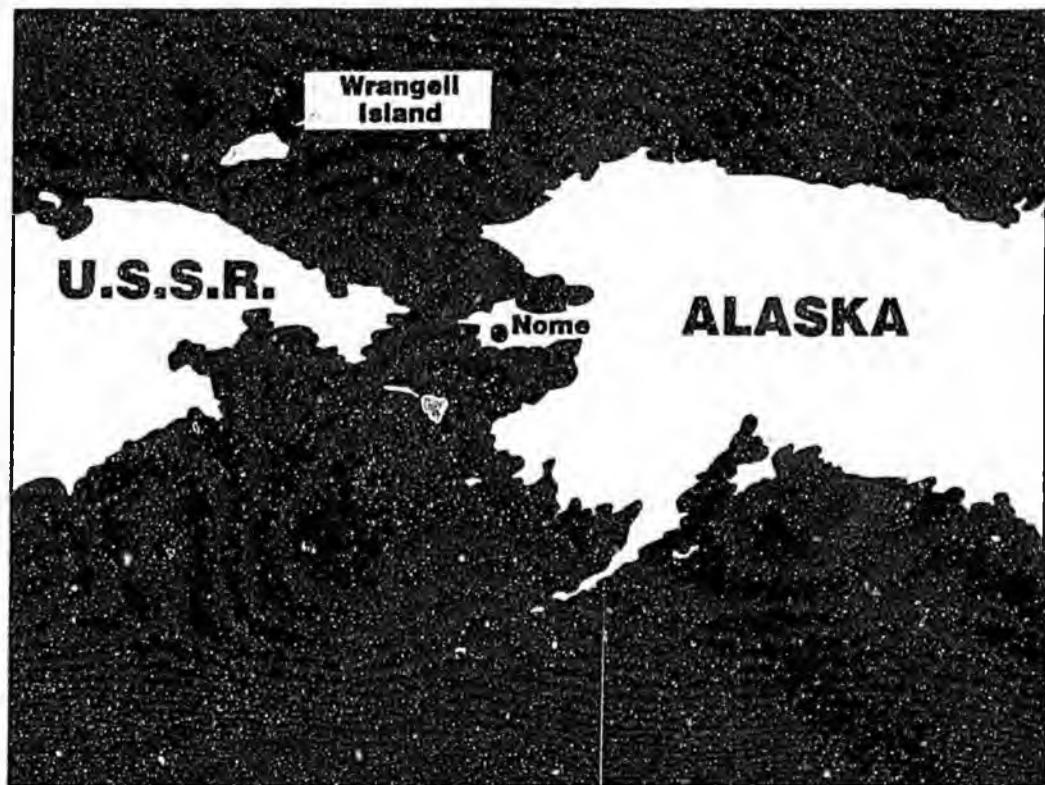
A treaty proposing the most disgraceful surrender of U.S. territory and economic interests since the surrender of the Panama Canal is now pending in the Senate. Hearings were held in mid-June and the pact, titled the "Soviet Union-United States Maritime Boundary Agreement," could soon be sent to the floor for debate and a ratification vote.

The agreement was signed on June 1, 1990 by Secretary of State James Baker and then-Soviet Foreign Minister Eduard Shevardnadze, and transmitted to the Senate by President Bush on September 26th. At first glance, it may appear innocuous, since it merely seeks to establish a maritime boundary between the U.S. and USSR that would eliminate existing disputes regarding sea, continental shelf, and economic jurisdictions in the Arctic Ocean, Bering and Chukchi Seas, and a portion of the North Pacific Ocean. But when closely scrutinized, it becomes shockingly apparent that what it amounts to is a willing capitulation by our government to Soviet demands.

Surrendering U.S. Soil

Although the treaty does not specifically say so, one of its effects would be to surrender to the Soviets sovereign control of five islands, including huge Wrangell (often spelled "Wrangel") Island off the northeast coast of Siberia. Four of the five islands were discovered by Americans; all of them became part of the U.S. in the last half of the 19th Century.

The treaty would establish as the maritime boundary line between the two countries the demarcation line defined in the 1867 treaty that transferred Alaska to the United States for the "Seward's folly" sum of \$7.2 million. The demarcation line terminated all Russian claims to sovereignty to the east, but had absolutely no bearing on future U.S. claims on as yet undiscovered territories to the west. At the time, four of the five islands affected by the pending treaty



had not been discovered. In 1924, State Department Solicitor F. M. Anderson reviewed documents leading to the 1867 treaty, and the treaty itself, and confirmed (in a memorandum dated November 25, 1924), "The Emperor of all the Russias ceded to the United States certain territories, [while] the United States in its part entered into no commitment which could be interpreted as an undertaking not to press claims to any land west of the particular line above described [the demarcation line]."

The question today is whether the 1867 demarcation line should become a formal maritime boundary line between the U.S. and USSR. That is what the pending treaty would do, and should it be ratified, the five Alaskan islands situated west of the line would become Soviet territory.

The State Department, always anxious to protect Soviet interests when they conflict with those of the U.S., has for more than a decade contended that the 1867 line is already a legal maritime boundary.

The language of the 1867 treaty, however, does not even hint that the

demarcation line could serve as a boundary line. In 1978, Dr. William E. Butler, dean of the faculty of law at University College in London, wrote in the authoritative *International Straits of the World*: "The Russo-American Convention Line of 1867 is not regarded as a state frontier, and the continental shelf boundary in the Chukchi Sea and northward remain to be negotiated." And, as we shall see shortly, in 1984 the Interior Department admitted that there is no maritime boundary between the U.S. and USSR (or its Russian predecessor). The pending treaty would establish one for the first time, on terms stacked heavily in favor of the Soviets.

Startling Claim

Negotiations regarding the maritime boundary line began in 1981. They were conducted in strictest secrecy. It was only by chance that the scheming came to light. Mark Seidenberg, who is today vice-chairman of State Department Watch (the organization most responsible for keeping Americans informed about

in 1916, 1924 and 1925, and have "occupied" Wrangell Island since 1924. (As we shall see, the term "occupied" to describe the Soviet presence on Wrangell is indeed appropriate).

Wrangell Island is located some 85 miles off the northeast coast of Siberia, and 270 miles northwest of Cape Lisburne, Alaska, in the Chukchi Sea. It covers about 2,800 square miles, making it slightly smaller than Delaware and Rhode Island combined. It, and nearby Herald Island, are collectively called the Chukchi Sea Islands. Bennett, Henrietta and Jeanette Islands are located farther northwest, in the East Siberian Sea near the East Siberian Islands. Collectively, they comprise the De Long Islands. Herald Island was discovered by British Captain Henry Kellett in 1849, and was later acquired by the U.S. when the initial claim was abandoned.

On August 14, 1867, while searching for whales, Captain Thomas Long of New London, Connecticut sailed his whaling bark *Nile* within sight of unfamiliar land that he named "Wrangell's Land" in honor of the famed Russian Arctic explorer Baron Ferdinand Petrovich von Wrangell. The Baron, who had heard rumors of the island's existence from some Chukchi chiefs of Siberia, conducted a number of valiant (but unsuccessful) expeditions to find it between 1820 and 1824.

Other U.S. whalers later confirmed the sighting, and the rumor spread that the large land mass was actually an undiscovered frozen continent similar to Antarctica. That exciting possibility prompted *New York Herald* publisher James Gordon Bennett to cooperate with the Navy in outfitting an expedition in 1879 led by Naval Lieutenant George Washington De Long. In June and July 1881, during the search for the new "continent," De Long discovered Bennett, Henrietta and Jeanette Islands (he named them for, respectively, publisher Bennett and Bennett's mother and sister). Shortly thereafter, De Long's ship, the *Jeannette*, met a tragic fate when it became trapped in ice floes, drifted westward past Wrangell, and was crushed and sunk. Fearing the worst,

Congress had already appropriated funds to finance a search by two of the vessel's relief ships, the *Thomas Corwin* and the *John Rodgers*.

Captain Calvin Leighton Hooper commanded the *Thomas Corwin*. At the time, Hooper also headed the Bering Sea Patrol of the U.S. Revenue Marine, thereby making him the de facto governor of Alaska (the District of Alaska was under jurisdiction of the Treasury Department, which had placed Alaska under the charge of the U.S. Revenue Marine). Hooper had full authority to discover and claim sovereignty over land on behalf of the United States.

While searching for the *Jeannette*, Hooper and his crew (which included John Muir, the renowned naturalist) landed on Wrangell Island on August 12, 1881. It was the first time on record that man had set foot on the island. Hooper and his fellow officers raised the American flag and took possession of the island in the name of the United States. Crew member William Reynolds later recalled: "I had the flag and with the Captain's permission waved it and took possession of the new land in the name of liberty and of the Government of the United States of America. I planted the flag on a bluff a little to the northwest of our landing place and left it there together with a record of our visit." And naturalist John Muir would later write in his book *The Cruise of the Corwin* that "a notable addition was made to the national domain when Captain Calvin L. Hooper landed on Wrangell Land and took formal possession in the name of the United States."

Captain Hooper renamed the island New Columbia. He meant no offense to Baron von Wrangell, but believed that since it had become, "by our act of landing upon it, a part of the United States," a name reflecting that national character was more appropriate. But custom prevailed, and Wrangell Island it has remained.

On August 26, 1881 a party from the *John Rodgers* landed on Wrangell and, by September 13th, completed an official U.S. government survey. The ship's crew also raised the American flag and confirmed that the new U.S. possession was merely a large island, not a continent.

The chief of the U.S. Revenue Marine Service informed the U.S. Coast and Geodetic Survey in 1881 that Wrangell Island had been annexed to the United States, and determined that it should be included in the District of Alaska (along with the three islands discovered by De Long). In 1884 the Departments of the Treasury, Navy and War, as well as the U.S. Coast Survey and the Smithsonian Institution, listed Wrangell Island as part of Alaska, and therefore U.S. territory. U.S. Geological Survey Bulletins Nos. 169 (1900), 187 (1902), and 274 and 299 (1906) included the island as part of the United States, as did Russian naval maps and encyclopedias at the turn of the century.

Russian Claim

The first visit to the island by Russians occurred in mid-September 1911, when the ice-breaker *Valgatch* took shelter from a storm at the southwest corner of the island. A landing party was sent ashore, and the ship subsequently circumnavigated the island. But the crew made no claim of discovery.

On November 13, 1916 the Imperial Russian Embassy in Washington wrote a memorandum to the U.S. State Department, claiming that Wrangell Island (and the other four as well) belonged to Russia. The memorandum claimed that the islands "form an extension Northward of the Continental tableland of Siberia," a contention that had no validity in international law. Today, the State Department implies that when the U.S. did not respond to the Russian memo, it agreed to its terms, which is nonsense, since the memo became moot within a few months when the Russian government was booted out in March 1917.

Great Britain, Japan and the United States formally opposed the Bolsheviks. In 1920, Vilhjalmur Stefansson, a Canadian who had led an earlier, unsuccessful expedition to Wrangell, became concerned with the prospect that the Japanese government might attempt to grab Wrangell Island as part of its designs on eastern Siberia. Stefansson met in Michigan with a Canadian (Alan Crawford) and the British ambassa-

torical record to the contrary, beginning with the first "claim" by Captain Hooper in 1881.

The Department also contends that "discovery itself is not sufficient to establish a right of sovereignty over or valid title to territory not already under the sovereignty of a country." Discovery must be followed by "effective occupation by which the claimant nation exercises the actual, continuous, and peaceful display of the functions of a state over the territory." The Soviet invasion was hardly peaceful. And the Americans who were kidnapped could reasonably be regarded as the nucleus of a valid settlement which might have matured and expanded had it been allowed to do so.

In 1959, the Foreign Claims Settlement Commission, a U.S. government agency, ruled that personal property confiscated by the Soviets from the American fur trappers on Wrangell in 1924 had been illegally expropriated. The Lomen company was granted compensation. While, as the State Department now contends, "the Board's decision did not address the question of the island's sovereignty," the conclusion that the Soviets acted illegally would indeed seem to have implications for the sovereignty issue.

Nixonian Protocol

Today, wildly exaggerated environmental concerns (about ozone, global warming, acid rain, etc.) are serving as the excuse for international agreements that are seriously eroding our national sovereignty and independence. Such use of environmentalism is not new. In 1972, President Richard Nixon and Soviet President Nicolai Podgorny signed an Agreement on the Cooperation in the Field of Environmental Protection. A protocol under the agreement falsely described Wrangell Island as being "in the USSR." The protocol's stated objectives included: "To study the ecological problems associated with the expansion of muskoxen populations into new areas of the Arctic. It is planned to prepare for and execute a transplant of muskoxen from Nunivak Island in Alaska to Wrangell Island and the Taimyr Peninsula in the USSR." The protocol was ap-

proved by President Gerald Ford on November 24, 1974 and on December 12th of that year then-Environmental Protection Agency Administrator Russell Train signed an "environmental protection" memorandum which included the text of the protocol. On April 14, 1975 our government gave the Soviets formal use of Wrangell Island during an airport ceremony in Bethel, Alaska. Using the appeal of "environmental cooperation," those involved apparently intended to mislead the American people into believing that Wrangell Island had belonged to the Soviets all along. Thanks to the courageous and persistent efforts of such groups as State Department Watch, and legislators like Senator Helms, it didn't work.

Gulag Expansion Project

Not only have the Soviets occupied Wrangell Island, there is also compelling evidence that they have extended their gulag there. On February 2, 1973 Avraham Shifrin, who was imprisoned for many years in the USSR at the height of Josef Stalin's anti-Jewish campaign, testified before the Senate Internal Security Subcommittee. He asserted that he had a decade earlier met a new group of prisoners who told him they had been transferred from a concentration camp on Wrangell Island, and that there were "three concentration camps for prisoners of war" on the island. Shifrin did not believe them, but in 1971 he received a letter from a man who (in Shifrin's words) "was also on Island of Wrangell in 1962 and he have [sic] seen there three concentration camps with thousands of prisoners of war," in one of which there was an "atomic reactor, and they make experiments on the live people with radiation." In another "they have experiments with physicians on the people and in third they have submarines and they have experiments with live people under water."

In a sworn statement dated December 15, 1977 given to the American consul in Tel Aviv, Efim Moshinsky (a former operative of SMERSH, a Stalin-era division of Soviet intelligence, who was arrested by the KGB and imprisoned in 1958)

asserted (with spelling errors in the original corrected) that he "was transferred, through a deportation prison in Vladivostok, to the Wrangell Island; this happened in May 1958." Moshinsky claimed that there had been "one huge concentration camp divided into three separate camp zones for prisoners with whom I had many opportunities to communicate." At one such zone, "prisoners were sometimes transferred for some experiments the essence of which the prisoners did not know."

The most famous prisoner believed to have served time on Wrangell Island was Raoul Wallenberg, the Swedish diplomat noted for his efforts to save 100,000 Hungarian Jews during World War II. In 1988, Soviet officials claimed that Wallenberg had died in a Soviet prison in Moscow in 1947. But Moshinsky claims that Wallenberg was among the prisoners on Wrangell Island while he himself was there.

According to the *Anchorage Times* for November 18, 1990, a "Hungarian who had been a prisoner at a different Soviet camp in Siberia claimed to have met Wallenberg in 1967. He reportedly said he [Wallenberg] had just been transferred from Wrangell Island."

The *Anchorage Times* also reported that in 1975 Simon Wiesenthal, the head of the Nazi-hunting Jewish Documentation Center, located another prisoner from Wrangell Island who heard about a Swedish inmate when he was on the island in the 1960s."

To sum-up, the Soviets, in illegally annexing Wrangell Island, invaded U.S. territory, kidnapped the Americans they found, then apparently established concentration camps that included Nazi-like experimentation. Our State Department responded to all of this by offering to give the Soviets Wrangell, the other four U.S.-owned islands, and vast areas of oil-rich seabed.

In his September 26, 1990 message transmitting the proposed U.S.-USSR Maritime Boundary Treaty to Congress, President Bush stated: "I believe the agreement to be fully in the United States interest." Those who disagree are letting their senators know about it without delay. ■

0-LS0527AE
Bannister
4/20/98

SENATE CS FOR HOUSE JOINT RESOLUTION NO. 22(RLS)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - SECOND SESSION

BY THE SENATE RULES COMMITTEE

**Offered:
Referred:**

Sponsor(s): REPRESENTATIVES VEZEY, Barnes, Hodgins, Davies, Kemplen, Austerman

A RESOLUTION

**1 Relating to the maritime boundary between Alaska and the former Union of
2 Soviet Socialist Republics.**

3 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

**4 WHEREAS, on June 1, 1990, the United States negotiated and signed the United
5 States - U.S.S.R. Maritime Boundary Agreement without the participation or consent of Alaska
6 in the negotiations or terms of the agreement; and**

**7 WHEREAS the maritime boundary described in the Agreement places on the U.S.S.R.
8 side the following eight islands and their entire territorial seas and seabeds: Wrangell, Herald,
9 Bennett, Henrietta, and Jeannette Islands in the Arctic, and Copper Island, Sea Lion Rock, and
10 Sea Otter Rock on the west end of the Aleutian Chain; and**

**11 WHEREAS the maritime boundary described in the Agreement delimits the territorial
12 sea and seabeds of Little Diomede Island at less than the normal 3-mile or 12-mile extent; and**

**13 WHEREAS Alaska may have sovereignty and potential or actual property interests in
14 these islands and their territorial seas and seabeds; and**

**15 WHEREAS the Fifteenth Alaska State Legislature unanimously passed Senate Joint
16 Resolution 12, which requested that a representative of Alaska be included in the United States**

1 Department of State's negotiations on setting a maritime boundary between Alaska and the
2 Soviet Union: however, a reply was never received from the Department of State, and a
3 representative of Alaska was never included in the negotiations; and

4 **WHEREAS** the views of 28 bipartisan members of the Alaska House of
5 Representatives and eight bipartisan members of the Alaska Senate were expressed on the
6 Agreement in a letter dated May 17, 1991, to Senator Joseph Biden, Jr., of the United States
7 Senate Committee on Foreign Relations, stating in part:

8 "We firmly believe United States interests and Alaskan interests are at stake
9 and in jeopardy in the proposed treaty. . . No Alaskan official has ever been
10 invited to participate in the treaty negotiations, in spite of abiding Alaskan
11 interests in fisheries, petroleum and other potential continental shelf resources
12 and the considerations of navigation in the area. In the entire history of the
13 treaty negotiations, Alaska has had no official voice. Alaska has not been fully
14 consulted in the entire matter. . . It is our purpose to urgently recommend that
15 the presently-proposed treaty not be ratified by the U.S. Senate, and that
16 negotiations be continued to include appropriate Alaskan officials and current
17 United States and Alaskan historic, territorial, and resource interests";

18 and

19 **WHEREAS** the California Legislature unanimously passed in 1991 Senate Joint
20 Resolution 20 supporting Alaska, and the resolution requested the President to withdraw the
21 proposed Agreement from consideration by the United States Senate and the California United
22 States Senators to decline to consider the proposed Agreement until Alaska has been able to
23 participate fully in negotiations and has been guaranteed that its consent will be required for
24 any agreement affecting its boundaries; and

25 **WHEREAS** the U.S.S.R. dissolved itself without taking action to approve the
26 Agreement, and the Agreement has not been put into force; and

27 **WHEREAS**, at the same time he signed the Agreement on June 1, 1990, Secretary of
28 State James A. Baker III signed a side agreement with the U.S.S.R. Foreign Minister that
29 stated that, pending the entry into force of the Agreement, the two governments agreed to
30 abide by the terms of the Agreement as of June 15, 1990; and

31 **WHEREAS** the side agreement was not publicly revealed at the time or mentioned in

1 the transmittal of the Agreement to the United States Congress, in the Department of State
2 testimony to the United States Senate Committee on Foreign Relations, in the committee
3 report, or in the Senate floor debate; and

4 **WHEREAS** the authority of the Secretary of State to establish on his own a maritime
5 boundary that has implications for land territory, seabed jurisdiction, sovereignty, and Alaska
6 property raises questions of constitutionality;

7 **BE IT RESOLVED** by the Alaska State Legislature that because the proposed United
8 States - U.S.S.R. Maritime Boundary Agreement was not put into force before the dissolution
9 of the U.S.S.R., the agreement does not have legal force, and any agreement on a maritime
10 boundary between Alaska and eastern Russia must be negotiated anew with whatever new
11 foreign government has sovereignty in the area at the time; and be it

12 **FURTHER RESOLVED** by the Alaska State Legislature that for an agreement on a
13 maritime boundary between Alaska and eastern Russia to be negotiated by the United States
14 government, Alaska must be formally represented in the negotiations and its consent obtained;
15 and be it

16 **FURTHER RESOLVED** that the Alaska State Legislature considers null and void the
17 side agreement requiring the two governments to abide by the Agreement pending its entry
18 into force and requests the United States Department of State to reveal any and all acts,
19 directives, and reports regarding implementation of the side agreement; and be it

20 **FURTHER RESOLVED** that the Alaska State Legislature urges the Alaska delegation
21 in the Congress to promote and aggressively pursue the views expressed in this resolution,
22 especially the need for state representation in any negotiations over setting a maritime
23 boundary between the state and eastern Russia; and be it

24 **FURTHER RESOLVED** that the Alaska State Legislature finds that setting a
25 maritime boundary between the state and eastern Russia is a states' rights issue and
26 respectfully requests the Governor and the Attorney General of Alaska to actively pursue the
27 matters described in the previous resolves.

28 **COPIES** of this resolution shall be sent to the Honorable Bill J. Clinton, President of
29 the United States; the Honorable Madeleine K. Albright, U.S. Secretary of State; the
30 Honorable Janet Reno, Attorney General of the United States; the Honorable Jesse Helms,
31 Chair of the U.S. Senate Committee on Foreign Relations; the Honorable Benjamin A.

1 Gilman, Chair of the U.S. House Committee on International Relations; the Honorable Joseph
2 R. Biden, Jr., Ranking Minority Member of the U.S. Senate Committee on Foreign Relations;
3 the Honorable Lee H. Hamilton, Ranking Minority Member of the U.S. House Committee on
4 International Relations; and to the Honorable Ted Stevens and the Honorable Frank
5 Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of
6 the Alaska delegation in Congress.