SCOMM

119:11

Alaska State Legislature

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Representative John Coghill

HJR 27 Maritime Boundary Dispute between Alaska and Russia

Sponsor Statement **March 10, 1999**

HJR 27 explains the boundary dispute between Russia and Alaska and requests the Governor and Attorney General to actively pursue resolving the problem.

The current boundary dispute arises from two sources. First, when the United States acquired much of Alaska from Russia in 1867, no boundary line was established since no land areas of Russia and the United States touched each other. Secondly, additional islands in the Arctic were added to Alaska in 1881, including Wrangell, Bennett, Jeannette, and Henrietta. Equal in size to Rhode Island and Delaware combined, Wrangell was discovered by the U.S. Revenue Marine ship Corwin commanded by Captain Calvin Leighton Hooper, whose landing party included the famed naturalist John Muir. The other three islands were discovered by the U.S. Navy expedition aboard USS Jeannette commanded by Lt. George Washington DeLong and the island group still bears the name of DeLong Islands. These additions to the United States were reflected in official territorial records, and much American activity was conducted in and around them. In 1924, Soviet Forces invaded Wrangell Island and interned the American inhabitants. The United States has never relinquished sovereignty over these islands to the Russians.

These areas became more valuable in 1976 when international law established the 200 nautical mile fishery conservation zones from every country's coasts. In 1983 the exclusive economic zones (EEZ) were added that gave countries the rights to seabeds and below. Thus any small island would have 125,000 square miles of ocean resources inside its 100 nautical mile radius. The disputed seabeds in the Arctic and Bering Sea amount to an area the size of Texas.

Because the U.S. and the former Soviet Union were within 400 nautical miles, it became necessary to negotiate a maritime boundary extending over 1200 miles. The U.S. and the former Soviet Union started boundary discussions in the late 1970's, but never invited the State of Alaska to participate in any negotiations despite the fact that the potential maritime boundaries would significantly affect Alaska's territorial, sovereignty, and property rights. The public and the U.S. Congress were also excluded from any knowledge or input. The negotiations extended over 10 years, consisting mostly of disagreements about how to draw a 1000-mile diagonal line from the Bering Strait to the end of the Aleutian Islands.

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In 1990, an executive agreement was reached between the U.S. State Department and the Soviet Foreign Ministry on a maritime boundary, and at the same time a proposed treaty was signed with the same provisions. This proposed treaty has never been ratified by the Russians and thus is not in force. The Russians are now demanding that the maritime boundary be moved even closer to Alaska so that it can get another 300 million pounds of fish per year from the American side and the State Department seems ready to concede to it.

The maritime boundary between Alaska and Russia thus remains unresolved, as does the status of the islands in the Arctic Ocean and at the end of the Aleutians. Under Constitutional principles, Alaska has the right to participate in any negotiations that affect its territory, sovereignty, or property, and consent to the terms of any agreement. California has passed resolves supporting Alaska's rights in this matter, and Idaho is anticipating passing a resolve on our behalf. The Governor and Alaska State Legislature cannot continue to stand by and allow the United States government to encroach any more on its states rights and valuable economic resources.

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FISCAL NOTE

STATE OF ALASKA
1999 LEGISLATIVE SESSION

BILL NO. HJR 27

Revision Date:

Title: Maritime Boundary between Alaska and ~~the former Union of Soviet Socialist~~ Rep.

Sponsor: Rep. John Coghill

Requester: ~~WTR~~

Dept. Affected

BRU

Component

Component Serial No.

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 00	FY 01	FY 02	FY 03	FY 04	FY 05
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES						
CHANGE IN REVENUES [ ]						

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
1091 Designated Program Receipts						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY98) cost:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: *(Attach a separate page if necessary)*

No fiscal impact.

Prepared by D. Mark Riehle Phone 465-6643

Phone

Date March 29,1999

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#15
Journal of Commerce
4 September 1997
(for personal use only)
Russians set to go on the offensive in US fish dispute=20
BY JOHN HELMER
JOURNAL OF COMMERCE SPECIAL

MOSCOW -- Russian officials believe the 18-day detention of a Russian=20 trawler by the U.S. Coast Guard will trigger parliamentary demands for=20 renegotiation of the Bering Sea economic zone.

In a front-page report this week, the Moscow daily newspaper Izvestia=20 charged the U.S. arrest of the Chernyaevo was due to the "unwise=20 policies of Moscow," claiming "temporary" concession of a 40,000 square=-20 kilometer zone of the Bering Sea to the United States was costing the=20 Russian Far Eastern fishing fleet an annual catch of 150,000 tons of=20 fish.

Foreign Ministry official Vladimir Sinitsin confirmed that the=20 Chernyaevo was in Russian territorial waters on the night of Aug. 15,=20 when a Coast Guard cutter ordered the vessel into the Alaskan Port of=20 Kodiak, where it remains today. U.S. officials say the Russians had=20 earlier been detected fishing in the American zone. Mr. Sinitsin did not=20 dispute the claim. He regretted that so far efforts by officials on both=20 sides had failed to secure the release of the ship and crew.

Russian officials in Moscow speculate that the Chernyaevo incident,=20 coming soon after First Deputy Foreign Minister Igor Ivanov discussed=20 the territorial waters issue on a visit to the United States, is=20 intended to pressure the government into accepting permanent American=20 control of the disputed zone. Izvestia editorialized that the United=20 States was "confirming agreements by scaring the Russians with a show of=20 force."

According to Mr. Sinitsin, the first concessions to allow American=20 fishing in Russian waters of the Bering Sea were granted by Leonid=20 Brezhnev in 1977. This was followed, he said, by an agreement in 1990=20 between Soviet Foreign Minister Eduard Shevardnadze and U.S. Secretary=20 of State James Baker. Mr. Sinitsin emphasized this "temporary"=20 arrangement was approved by President Mikhail Gorbachev and President=20 Reagan in Washington that year.

Legally, however, the Russian Foreign Ministry's position is that=20 without parliamentary ratification, there is no American right to=20 continue fishing in the concessionary zone.

Legislative jurisdiction over the continental shelf agreements is=20 exercised in the Duma, Russia's lower house of parliament, by the=20 Committee on Geopolitical Issues, which is a bastion of opposition=20 sentiment. The Duma resumes after its summer recess this week, and it is=20 expected Chairman Alexei Mitrofanov will go on the offensive, attacking=20 the Foreign Ministry for failing to recover the Chernyaevo, and=20 insisting on the cancellation of the Shevardnadze-Baker agreement.

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From Russia Today press summaries
http://www.russiatoday.com
Izvestiya
September 1997
Lead story
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More than 40,000 square kilometers of the Russian continental shelf, rich with fish, oil and gas, may pass to the United States as the result of the unwise policies of Moscow, the daily wrote.

The U.S. Coast Guard in the Alaskan port of Kodiak continues to hold the Russian trawler "Chernyaevo," which was seized on Aug. 15 in Russian waters of the Bering Sea. The Russian government has yet to receive an answer from the U.S. administration to its official request that the trawler be released.

The trawler belongs to the collective enterprise "50 Years of October." It was seized by a U.S. patrol boat. The daily wrote that if anything like that had been tried on an American schooner, the U.S.'s Seventh Fleet would be at Russia's borders immediately.

The trawler incident is another episode in the long controversy over delineation of the Bering Sea, which Russian and U.S. representatives drew up in a 1990 agreement. Russians in the Far East were angered at the agreement and at Eduard Shevardnadze, who signed it as head of the Soviet Foreign Ministry.

The pact has not yet been ratified by the Russian side, because it means large territorial concessions to the U.S. It is only in effect temporarily. If the agreement really had taken force, the U.S. would gain 40,000 square kilometers of continental shelf in the open part of the Bering Sea, which is rich with oil and gas.

Russia has, in fact, already been deprived of its annual catch of 50,000 tons of fish in the waters, the daily said. The Russian economic zone in the region is less than 200 miles, while the American zone is much greater.

After the memorable sale of Alaska, this was another act of idiocy on the part of Russia, Izvestiya wrote. The excesses of the American Coast Guard against Russian fishing boats are aimed at confirming the agreements by simply scaring the Russian side with a show of force.

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Russians won't back sea boundary

Scripps-McClatchy Western Service

WASHINGTON—A Bering Sea boundary agreement between the United States and the former Soviet Union is in jeopardy of unraveling, raising fears that Russian nationalists will assert fishing rights in areas that now are under U.S. jurisdiction.

Alaska Sen. Ted Stevens, a key player on fisheries issues in the Congress, described Russian opposition to the 1990 agreement as "a most difficult and dangerous situation."

The U.S. Senate ratified the treaty in 1991. Stevens said the Russian legislature is opposed to the deal because it "believes their negotiators gave away too much."

State Department sources, speaking on the condition that they not be quoted by name, said the Clinton administration is working furiously to rescue the agreement.

But they acknowledged that the dispute poses a serious diplomatic difficulty that can be resolved only through concessions to the Russians.

"Opposition to the treaty has emerged on the Russian side," a State Department source said. "It reflects the view of Russian fishing interests that the agreement disadvantaged them and that they lost opportunities to fish in the Bering Sea.

"We have engaged in informal negotiations to see if there is some way to deal with the opposition on the political side, recognizing that some of the (fish) stocks are on both sides of the boundary," the source said.

At stake is the Bering Sea's huge pollock fishery, which many believe is being overfished.

The North Pacific Fishery Management Council, which regulates the commercial pollock fishery in U.S. waters, is under pressure to drastically reduce harvesting. In Russian waters, the concern is that young pollock spawned in U.S. waters are being over exploited to raise cash for Russia's sputtering economy.

The dispute has the American Factory Trawler Association on edge. The association represents factory ships that fish pollock out of U.S. waters off the Alaska coast.

"There's a possibility of them moving the boundary line to take fishing grounds from us," said the association's lobbyist, Jim Gilmore.

Greenpeace, an environmental group that has targeted pollock fishing by the factory ships as the culprit in the collapse of the Steller sea lion population, is concerned that the negotiations could lead to increased fishing in the U.S. zone.

"The last thing we need is an agreement that brings more boats in," said Gerry Leape, Greenpeace's legislative director. "If the Russians insist on fishing in the U.S. zone, we'd insist on a comparable reduction in U.S. fishing effort."

The 1990 boundary agreement, reached after 10 years of negotiations, was initialed by President George Bush and former Soviet President Mikhail Gorbachev during a 1990 summit in Washington, D.C. It was one of the last bilateral agreements before the Soviet Union's collapse.

The agreement clarified the boundary left fuzzy for more than a century after the $7.2 million purchase of Alaska from Russia in 1867.

The impetus was settlement of increasing competition over Bering Sea fishing grounds and the ownership of subsea areas of the Navarin Basin of the Chukchi Sea, where U.S. companies had bid $105 million for oil-development rights in 1984.

The negotiations centered on a difference of opinion between the two countries on how to interpret a convention line cited in the 1867 agreement. The Soviets believed that the line should be final closer to the Alaska mainland while the United States said it belonged closer to the Russian shore.

The overlapping areas involved about 21,000 square nautical miles.

Fairbanks Daily News-Miner, Sunday, March 8, 1992

Russians set to go on the offensive in US fish dispute

BY JOHN HELMER
JOURNAL OF COMMERCE SPECIAL

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THE JOURNAL OF COMMERCE
THURSDAY SEPTEMBER 4, 1997

From Russia Today press summaries
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→Izvestiya
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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 Lisbourne, 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 *Vaigatch* 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 Junivak Island in Alaska to Wrangel Island and the Taimyr Peninsula in the USSR." The protocol was approved 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 Moshinskiy (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." Moshinskiy 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 Moshinskiy 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. ■

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

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.

Exhibit 41

Carl Olson 818 223 8660 P.02

Senate Joint Resolution No. 20

Passed State Senate 35-0, July 11, 1991
Passed State Assembly 73-0, Sept. 3, 1991

Introduced by Senator Rogers

May 2, 1991

Senate Joint Resolution No. 20—Relative to the boundaries of Alaska.

LEGISLATIVE COUNSEL'S DIGEST

SJR 20, as introduced, Rogers. Alaska boundary negotiations.

This measure would state the Legislative support for the State of Alaska in its rightful position of participation in any boundary negotiations involving its boundaries with the Soviet Union. The measure would memorialize the President to withdraw from the United States Senate the proposed boundary treaty between the United States and the Soviet Union and request the California United States Senators to decline to consider the proposed treaty until the State of Alaska has been allowed to participate in the treaty negotiations and has been guaranteed that its consent will be required for the agreement.

Fiscal committee: no.

WHEREAS, Every state has a compelling constitutional interest in determining its own boundaries with other states and foreign countries; and

WHEREAS, The State of Alaska's boundary with the Soviet Union has been the subject of negotiations between the United States government and the Soviet government since 1981; and

WHEREAS, The State of Alaska has never been permitted to participate in the negotiations carried on by the Department of State; and

WHEREAS, The Alaska Legislature has vigorously protested this exclusion in the form of Senate Joint Resolution 12, which was passed unanimously by both houses and signed by Governor Steve Cowper in May 1988; and

WHEREAS, The Department of State ignored these protests, and its negotiations have resulted in a proposed treaty titled "Agreement with the Union of Soviet Socialist Republics on the Maritime Boundary," which is now before the United States Senate for ratification; and

WHEREAS, The California Legislature previously expressed its support for the State of Alaska for its right to participate in any negotiations affecting its boundaries in the form of Resolution Chapter 122 of the Statutes of 1967; and

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

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

Resolved, That the California Legislature (1) respectfully memorializes the President of the United States to withdraw the proposed treaty from consideration by the United States Senate and (2) requests the California United States Senators to decline to consider the proposed treaty, until such time as the State of Alaska has been able to participate fully in negotiations and has been guaranteed that its consent will be required for any agreement affecting its boundaries; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and the 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, to the Governor of Alaska, to the President of the Alaska Senate, and to the Speaker of the Alaska House of Representatives.

Resolution author:

Sen. Don Rogers
State Capitol
Sacramento, Calif.
95814
916-445-6637

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48TH CONGRESS, 1st Session. } SENATE. { Ex. Doc. No. 204.

REPORT

OF THE

CRUISE OF THE U. S. REVENUE STEAMER

THOMAS CORWIN,

IN THE

ARCTIC OCEAN,

1881.

BY

CAPTAIN C. L. HOOPER, U. S. R. M.,
COMMANDING.

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1884.

LETTER

FROM

THE SECRETARY OF THE TREASURY,

TRANSMITTING,

In response to Senate resolution of February 27, 1884, the report and papers of Capt. C. L. Hooper upon the second cruise of the revenue steamer Corwin.

JUNE 30, 1884.—Referred to the Committee on Commerce and ordered to be printed.

TREASURY DEPARTMENT,
June 24, 1884.

SIR: Respectfully referring to the Senate resolution directing that the Secretary of the Treasury furnish to the Senate a copy of the report of Capt. C. L. Hooper, United States Revenue Marine, upon the second cruise of the revenue steamer Corwin in the Arctic Ocean, and its accompanying documents and illustrations, in possession of this Department, I have the honor to transmit herewith the report and papers mentioned.

Very respectfully,

H. F. FRENCH,
Acting Secretary.

HON. GEORGE F. EDMUNDS,
President pro tempore of the United States Senate.

REPORT

OF THE

SECOND CRUISE OF THE STEAMER CORWIN.

The Corwin sailed from San Francisco on May 4, 1881, at 1 p. m., accompanied out of the harbor by the revenue steamers Rush and Hartley, and a number of vessels of the San Francisco yacht fleet, under command of Commodore Harrison.

Moderate weather prevailed until the 15th instant, when, within 50 miles of Ounalaska Island, heavy gales and snow storms were encountered.

On the morning of the 16th the island was seen bearing northwest, distant 40 miles. Soon after it began snowing and the weather became so thick that we were compelled to proceed with great caution, and did not reach the entrance of the pass between Ounalaska and Onalga Islands until noon, when, owing to the rough state of the sea caused by a strong current running against the northwest gale which was blowing, we were glad to turn back and run into Beaver Harbor, barely escaping the loss of our boats.

The Onalga Pass, although very rough at times and subject to strong currents, is in many respects preferable to either the Ounimak or Akoutan Pass, especially to vessels bound to Ounalaska. It contains no hidden dangers, and is safely navigable by all classes of vessels except as mentioned before, when a strong gale is blowing against the current. At such times the sea truly boils and foams, and it is advisable to wait until slack water before attempting to go through.

Beaver Harbor affords ample protection for a vessel under such conditions. Although the water is deep, several good anchorages may be found near the shore, where vessels can lie in safety.

On the 17th of May we arrived at Ounalaska and hauled the vessel on the beach to repair the oak sheathing which had started off in many places. The oak being very dry when put on and closely fitted, had bulged off upon becoming wet and swollen. After repairing it we took on board a supply of coal and water and nine months' extra provisions. The latter were purchased from the Alaska Commercial Company with the understanding that, if not used, they were to be returned without cost to the Government.

The past winter was reported to have been unusually mild, although at this time the weather was quite cold and the island covered with snow to the sea. The natives were suffering from an epidemic of pleuro-pneumonia, which proved fatal in a great many cases.

Ounalaska settlement, or Illuluck, has been so often described that a repetition is unnecessary, but to those who are not familiar with the subject the following reference to it by the late Capt. George W. Bailey, U. S. R. M., will be found of interest:

> Ounalaska is the largest commercial port of the Aleutian Islands, and now a port of entry. * * * It is also the principal depot of the two large trading companies, the Alaska Commercial Company and the Western Fur and Trading Company. There is a full priest resident at Ounalaska, and the church building presents a creditable appearance, church matters being conducted at this station on a seemingly more proper basis than in any other part

water to wait for a more favorable chance. The ice was so closely packed around the vessel that the operation of turning around, assisted by steam and sail, poles and small spars to push against the ice, and all means at our command, occupied just one hour. After several hours' more hard work we reached the head of the lead. Although sadly disappointed at the failure of this third attempt this season to reach the land, I felt relieved to be again in clear water, and did not despair of ultimate success.

While in the ice a number of polar bears were seen near the vessel and one or two walrus. They showed no signs of fear of us, but a good deal of curiosity. One of the bears was just making a breakfast of seal, which he seemed to enjoy very much. It was evidently just killed, being still bleeding, and the bear's head, neck, breast, and fore legs being covered with blood. He seemed to be taking his breakfast very leisurely, and after eating awhile would go away a few feet and roll and play like a kitten. Although we were quite near him he paid no attention, not even looking at us. During the day we were fortunate enough to get good observations for latitude and longitude, which, with the bearings already attained, gave us a very close approximation to the position of the land. These were subsequently confirmed by bearings and observations taken near the land off its east coast. They show the land on the American Hydrographic chart to be laid down 18 miles too far south, although the general trend of the coast is very nearly correct. After reaching open water we followed the edge of the eastern ice, which gradually changed the direction of its trend from southeast to east and northeast. The weather, which had been very clear in the evening, had grown misty, so that the land became less distinct and seemed farther away during the afternoon. The trend of the ice was observed to be more to the northward, and it was noticed that as the mist cleared away a little from time to time the snow-banks on shore seemed nearer than at any time before. Bearings of one of these snow-banks taken from different points showed its distance to be only 13 miles. Soon after the edge of the pack fell back, so that we were enabled to steer a course almost directly for the land. We had just taken in all sail and changed our course, when the lookout reported ice on the starboard beam making off to the eastward as far as he could see, showing that we had been running into a lead. This we continued to follow until we came to its end, where we found the ice heavy and closely packed. We had 15 fathoms of water, with sticky bottom, and judged ourselves to be about 8 miles from the land. I believed that no great difficulty would be encountered in crossing on the ice to the land. Lieutenant Reynolds, Assistant Engineer Owens, Professor Muir, Mr. Nelson, and Corswain Gessler, having volunteered, were very anxious to make the attempt, but, owing to the mist and fog, which was rapidly shutting out the land from our view, and the uncertainty of holding our position in the lead, I was compelled to withhold my consent at that time, but determined to try to hold on in the lead until the fog should clear away. We observed the set of the current to be northeast, about one knot per hour. Running back to the eastward a short distance, to where the lead was about 3 miles in width, we came to with the kedge, in 19 fathoms of water.

The constant changes taking place in the position of the lead, owing to the set of the current, necessitated changing our position several times during the night to avoid the ice. We got under way at 4 a. m. (August 12). The mist began to clear away, giving us occasional glimpses of the snow patches that lined the cliffs. We had made all necessary preparations for crossing on the ice; the skin boat had been placed on runners, and arms, ammunition, provisions, &c., served out. At 4.30 we reached the end of the lead, which we judged to be 8 miles from the land, and which we found by bearing of points on shore that we could recognize as those we had observed the night before to have changed their position to the northward 8 miles during the night. The ice appearing to be much less closely packed than on the previous evening, I determined to shorten up the journey over the ice by pushing in with the vessel as far as possible before embarking the party. Accordingly we entered the ice at 5.30 and worked in the direction of a place where the land appeared low, with high, dark-looking cliffs on each side. The ice, which was quite heavy, continued to open as we advanced, until, at 6.30, we could see the shore line distinctly, and, in the direction in which we were steering, what appeared to be a small space of open water adjoining the land. As the ice still remained sufficiently open to admit of forcing a way through it at the expense of a good deal of hard bumping, squeezing, and pushing, hopes were entertained of reaching the open space of water with the vessel. The last 2 or 3 miles were made with a good deal

of difficulty. Inside of the 10 fathom curve we found much of the ice aground, while the floating portion was drifting past and occasionally shooting up over the top of the grounded pieces. Navigation under such circumstances was anything but safe or agreeable. However, we felt that the land was certainly within our reach, and thought of nothing but pushing ahead. At 7.30 we reached the open space and dropped anchor within a cable's length of the land in 5 fathoms of water. We immediately landed and, raising the American flag, took possession in the name of the United States of America. We landed at the mouth of a river, which at this time was about 75 yards in width, although the entire distance between its banks was about 200 yards. The cliffs in the vicinity of our landing place were of a dark slate formation, and from 100 to 300 feet high. On the beach small pieces of sandstone, quartz, and mica schist were found. The surface of the land where the slate has weathered away is composed of sticky clay, and is but sparsely covered with vegetation. As observed from the ship, while cruising in the vicinity and also from the shore, it presents the general appearance of smoothly-rounded hills, which, towards the interior and near the south side, are from 1,000 to 3,000 feet in height. The upper portion of the higher hills appeared more rugged in outline, as if composed of more enduring material, probably granite. These summits resemble those seen on the Siberian coast in the vicinity of Plover Bay, being entirely destitute of vegetation, with occasional red patches probably indicating the presence of iron. Those near the coast are remarkable for the smoothness and beauty of their outlines, and present here and there patches of green or gray, according to the nature of the vegetation. On the beach near the mouth of the river we found a kyack paddle, a cask-stave, a piece of small spar, probably part of a boat's mast, and a piece of board about a foot in length bearing ax-marks. All these things were below the marks of extreme high water, and were undoubtedly brought there by the current. Although the beach showed undoubtedly signs of a rise and fall of tide, no tidal change could be detected, probably owing to the fresh southerly wind which was blowing. The presence of this drift matter on the beach would seem to indicate that the east coast of Wrangel Island was at times entirely free from ice, though it does not necessarily follow, as it could easily have been carried through the pack to the shore by the constant twisting and turning to which it is at all times subject. I believe that it is a very unusual thing for the ice to leave any portion of Wrangel Island entirely. Our stay on shore was necessarily short on account of the strong northerly current, which was sweeping the ice-pack along with irresistible force. Much of the ice inside of 10 fathoms, as stated, was aground, but not sufficiently firm to form any protection from the drifting mass, the largest pieces of which were constantly being pushed and turned in every direction when struck by the drift, and the utmost vigilance was required to avoid getting caught between the drifting and grounded masses. At 9.30 a. m., being unable to maintain our position any longer, a gun was fired to recall the parties sent out to explore the cliffs in search of cairns or other signs of human life, and we began to work out towards the lead, which we reached at 11 a. m. We left the American flag flying and also a record of our visit. We had good observations during the day, and found our landing-place to be in latitude 71° 04′ north and longitude 177° 40′ west. This is undoubtedly the part of the land seen by Captain Kellett, R. N., in 1849, when he discovered and landed on Herald Island, and which since appeared on the British Admiralty charts as Plover Island, although erroneously laid down somewhat further to the eastward. We now know that Plover Island has no separate existence, and that what Kellett saw was the main island. As there is no record of any one else having seen the land previous to that date, or in fact until several years after, when, in 1876, it was seen by nearly the entire whaling fleet, all must accord to Captain Kellett the honor of its discovery.

WRANGEL ←

While steaming through the ice, in our several attempts to reach the land, a number of species of sea-fowl were seen from time to time, and carefully noted by Mr. Nelson. Among these the most numerous were the murres and guillemots (*Uria arra* and *Uria grylle*), with numerous kittiwake gulls (*Larus tridactylus* Kotzebue) and the common ice gull (*Larus glaucus*). More rarely single individuals of the Sabine's gull (*Xema Sabinei*) came circling about the ship. Numerous small flocks of black-headed turnstones (*Strepsilas melanocephala*) were seen near shore, and two parties of common eider ducks (*Somateria nigra*). In both instances the latter were females with their young. The second brood of eiders was seen swimming close along the shore and away from the mouth of the river as we made our landing. On shore we found numerous snow-buntings (*Plectrophanes nivalis*) and a snowy owl (*Nyctea nivea*), which, with a shrike picked up dead on the

beach and a solitary golden plover (*Charadrius fulvus*), complete the short list of land birds seen. At a number of places on the hillsides we found the droppings of wild geese so numerous that it was evident this place must have been a common resort for flocks of these birds earlier in the season. Their absence at the time of our landing is easily accounted for by the fact this was the time when the geese shed their large wing feathers and lose the power of flight. As this season comes on they congregate in large flocks in low marshy land and remain until their new growth of feathers enables them to spread over the country again a month or six weeks later.

Saddle-backs and hair-seals were rather common among the ice, and in addition there was a small species of hair seal unknown upon the American coast and perhaps new to science. Walrus were not rare on the outer edge of the pack, and their foe, the polar bear, was seen almost every time we entered the ice; on several occasions it was seen swimming in the water several miles from the pack. Upon the hilltops on shore were found numerous burrows of some animal, probably white fox (*Canis lagopus*), as some tracks of that animal were found mingled with those of the polar bear in the mud along the banks of the river. Stranded on the sand-bar at the mouth of the river lay the skeleton of a whale (*Balæna mysticetus*), which closes the list of mammals observed.

Numerous small fish, from two to four inches long, and having large heads, were brought to the surface by rolling masses of ice as it was turned over by contact with the vessel in her passage through it. These are called by the whalers ice-fish. No specimens were obtained, unfortunately.

The following plants we collected: Grasses, three varieties; dwarf willow, phlox, saxifrage, sibbaldeu, draba, potentilla, anemone, papaver, veronica, artemisia, carex, stellaria, three; mosses, three; lichens, five; and four compositæ. In many places where the snow remained in the ravines and in banks against the steep cliffs, it presents the peculiar reddish color caused by the presence of *Protococcus nivalis*, commonly called red snow. This is a minute plant with which the surface of the snow is often covered in high latitudes. It was seen and its appearance described by Sir John Ross in 1818, and by Sir Edward Parry in 1827, but its true character was not understood until many years later, when it became known as a vegetable growth.

Upon taking possession of this land in the name of the United States, the name New Columbia was provisionally given to it. The provision being the approval and concurrence of that portion of the Government having the authority to issue charts, &c., the decision of that body was adverse to my suggestion, and by its action I cheerfully abide not only on account of its undoubted right to decide according to its own judgment in this and all other matters over which it has jurisdiction, but because the size of the island, as now known, does not justify the bestowal of a name of this character, the name of one of the early Arctic navigators being much more appropriate. At the time I suggested the change of name I believed the land to be an island and had so reported it to the Department, but I supposed it to be considerably larger than it has proved. In the report of my first cruise in the Corwin, submitted November 1, 1881, page 50, I say, in reference to this land:

> The part of Wrangel Land which we saw covered an arc of the horizon of about fifty degrees from northwest quarter north to west quarter south (true), and was distant from 35 miles on the former bearing to 35 or 40 on the latter. On the south were three mountains, probably 3,000 feet high, entirely covered with snow, the central one presenting a conical appearance and the others showing slightly rounded tops. Northward of these mountains was a chain of rounded hills, those near the sea being lower and nearly free from snow, while the back hills, which probably reach an elevation of 2,000 feet, were quite white; to the north of the northern bearing given the land ends entirely or becomes very low. The atmosphere was very clear, and we could easily have seen any land above the horizon within a distance of 60 or 70 miles, but none except that described could be seen from the mast-head.

Again, on page 52, I say:

> I am of the opinion that Wrangel Land is a large island, probably one of a chain that passes entirely through the polar regions to Greenland; that there is other land to the north there can be no doubt * * * large numbers of geese and other aquatic birds pass Point Barrow going north in the spring, and returning in August and September with their young. As it is well known that these birds breed only on land, this fact must be regarded as proof of the existence of land to the north. Another reason for supposing that there is either a continent or a chain of islands passing through the polar regions is the fact that, notwithstanding the vast amount of heat diffused by the warm current passing through Bering Straits, the icy barrier is from six to eight degrees farther south on this side than on the Greenland side of the Arctic Ocean, where the temperature is much lower.

S. HRG. 105–36

NOMINATION OF SECRETARY OF STATE

HEARING

BEFORE THE

COMMITTEE ON FOREIGN RELATIONS
UNITED STATES SENATE

ONE HUNDRED FIFTH CONGRESS

FIRST SESSION

JANUARY 8, 1997

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PREPARED STATEMENT OF CARL OLSON, CHAIRMAN, STATE DEPARTMENT WATCH

State Department Watch is a nonpartisan public interest foreign policy watchdog group. We desire to raise significant ongoing issues and questions that Ambassador Albright should provide written answers for, so that the American public and the U.S. Senate can be fully informed as to the nominee's views.

UNITED NATIONS

1. The issues of slave labor and child labor have been decried by organs of the United Nations, such as the International Labor Organization and UNICEF. However, the United Nations does not have a policy to refuse to buy goods made by slave labor or child labor. The UN should make its rhetoric into a practical reality by adopting such a policy for its billions of dollars of purchases annually.

2. Troops under United Nations command are in a unique and sensitive position. Since the United Nations is not a government, it has no direct sovereignty. Any military person from a member country who is assigned for United Nations command duty should (1) be required to be a volunteer for such duty, (2) should not be required to swear a higher allegiance to the United Nations over his own country, (3) should enjoy all POW rights under the Geneva convention (even though the UN is not a signatory), and (4) should not need to surrender his rights or identity card for his own country's military.

BAN ON SLAVE-MADE IMPORTS

The ban on importing goods made in whole or in part by slave labor was well established in the Tariff Act of 1930. In today's world, the largest forced labor system is in China, and some gulags remain in the former Soviet Union. The Chinese array of 1100 "laogai" forced labor factories, farms, and other facilities use upwards of 20 million workers. They produce a wide range of products, from simple toys and tea to sophisticated machinery and electronics, much of which is exported, including to the United States. The American Harry Wu has documented this massive human rights abuse and economic warfare threat to American jobs and companies. For his efforts he was falsely imprisoned in Chinese jail for "spying" during the summer of 1995.

In order for the U.S. Customs Service to enforce this ban, it is necessary to inspect the suspected facilities. Under a Memorandum of Understanding that the Department of State negotiated with the government of China in 1992, these inspections were to be conducted easily and routinely in China. However, even though the Customs Service has made dozens of requests, only one factory has ever been inspected, and none has been in the last year and a half.

1. The Department of State should aggressively pursue its own MOU on inspecting suspected forced labor facilities, and it should emphasize to the Chinese government that over 95% of its own economy is also being unfairly disadvantaged by the existence of the forced labor system.

2. The Department of State should screen its own purchases to avoid slave-made goods, including those for the embassy in Beijing.

3. The Department of State should propose to all international agencies to adopt a policy to refuse to buy slave-made goods.

4. The Department of State should expand its coverage of this issue in its Country Reports on Human Rights.

RUSSIAN DEFAULTS TO THE AMERICAN TAXPAYER

Over the past decade, the countries of the former Soviet Union have conducted massive asset sales overseas by government agencies and various individuals. A vast amount of money received was left overseas in numerous investments and bank accounts, estimated authoritatively in the hundreds of billions of dollars. These funds are easily available for usage by the Russian and other governments of the former Soviet Union.

The Russian government (and others of the former Soviet Union) owe the American public (1) approximately $1 billion of bond debt from World War I, (2) approximately $1 billion of lend-lease debt from World War II, and (3) billions of dollars of recent U.S. agricultural loan defaults.

Unfortunately, the Department of State has on an annual basis routinely agreed to postpone collecting the World War II debt plus interest, and has not even asked for the World War I and agricultural loan defaulted amounts.

1. The Department of State should stop postponing collection of the World War II debts, and should press for collection of World War I debts and agricultural loan defaults.

2. The Department of State should also press aggressively to aid Americans who have filed valid claims with the Foreign Claims Settlement Commission against the countries of the former Soviet Union.

3. The Department of State should require the Russian government to make rea-

US-USSR MARITIME BOUNDARY AGREEMENT

The unratified US-USSR maritime boundary agreement and an executive side agreement suffer from serious equitable and constitutional problems. The stated intent was to agree upon the seabed boundary between Alaska and Siberia.

This agreement was signed by Secretary of State James A. Baker III on June 1, 1990, approved by the Senate in September 1991, and ratified by President George Bush in December 1991. However, it has never been ratified by the Soviet/Russian side, and thus is not in force.

Also on June 1, 1990, Secretary of State Baker signed an executive side agreement that provided "* * * pending the entry into force of that (US-USSR Maritime Boundary) Agreement, the two Governments agree to abide by the terms of that Agreement as of June 15, 1990."

The major problems that these agreement present are:

A. They were negotiated by the Department of State in complete secrecy without any input or review by the Congress, the public, or the State of Alaska. The dates and places of the negotiations and the names of the negotiators remain classified materials. At least, this treaty fails the test of requiring prior advice by the Senate.

B. The exclusion of the State of Alaska from participating in the negotiations and from approving its terms violates the federal principle of state-federal sovereignty involving boundary lines. In essence the federal government arrogated to itself the ability to affect Alaska's land and seaward boundary and property without its consent or participation. The legislatures of Alaska and California have repeatedly protested this extra-constitutional treatment.

C. The proposed maritime boundary line places 8 Alaskan islands and their 200-mile exclusive economic zones on the Russian side. This amounts to a giveaway of thousands of square miles of territory and tens of thousands of miles of oil-rich seabeds to the Russians, valued in the billions of dollars. The affected Alaskan islands in the Arctic are Wrangell, Herald, Bennett, Jeannette, and Henrietta, and the Alaskan islands at the end of the Aleutian chain are Copper Island, Sea Lion Rock, and Sea Otter Rock.

D. The proposed maritime boundary line creates a "western special area" on the U.S. side, but "* * * the United States agrees that henceforth the Soviet Union may exercise the sovereign rights and jurisdiction derived from the exclusive economic zone jurisdiction that the United States would otherwise be entitled to exercise under international law.* * *" This appears to be a unique cession of sovereignty on American soil to a foreign power.

E. The executive side agreement purports to do exactly what the main agreement does. Maritime boundary agreements need to be in the form of treaties to be put into force. By adopting this side agreement, the Department of State appears to be arrogating the power to adopt maritime boundaries without any consent by Congress or the President.

We suggest the following corrective actions:

1. The Department of State should withdraw the proposed US-USSR maritime boundary agreement.
2. The Department of State should re-negotiate it with the full participation and consent of the State of Alaska where it affects the Alaskan land and seabed boundary and property rights.
3. The Department of State should declassify the records of the negotiations over the agreement.
4. The Department of State should renounce the executive side agreement, and should provide a public report of its actions to implement this side agreement. It should also publicly renounce its unilateral ability of the Department of State to agree to matters that constitutionally belong to Congress, the Senate, or the President.

CUBA AND THE AMERICAN EXCLUSIVE ECONOMIC ZONE

The Department of State has failed to exert the U.S. exclusive economic zone in the vicinity of U.S. islands around Cuba. When the country of Cuba was created by the United States following the Spanish-American War in 1898, the only territory was the island of Cuba itself. The only other island ceded to it by treaty from the U.S. was the Isle of Pines (Isla de la Juventud), which lies about 50 miles southwest. There are numerous other small American islands surrounding Cuba.

In negotiating a maritime boundary line between the U.S. and Cuba in 1977, the Department of State failed to measure the EEZ from the American islands and thus would negligently ceded the islands and the thousands of square mile of EEZ around them to Cuba.

Inasmuch as this maritime boundary agreement has not been consented to by the U.S. Senate or put into force, the Department of State should renegotiate the maritime boundary agreement to include the U.S. islands around Cuba.

HAITI AND THE AMERICAN EXCLUSIVE ECONOMIC ZONE

The American Navassa Island is situated among Haiti, Jamaica, and Cuba. The Department of State has failed to assert the exclusive economic zone for it. Moreover, it has acceded to Haitian claims to EEZ around it. Haiti and Cuba have an agreement that creates a maritime boundary based on the assumption that Navassa belongs to Haiti. The Department of State should not only protest this agreement between Haiti and Cuba, but should assert the EEZ around Navassa and enter into negotiations with Haiti, Jamaica, and Cuba over the appropriate maritime boundary line.

U.S. PACIFIC ISLANDS AND EXCLUSIVE ECONOMIC ZONES

The Department of State has failed to assert the EEZ for Washington Island, Fanning Island, Kingman Reef, Baker Island, Nassau Island, and the Stewart Islands. These are valuable U.S. territories in the Pacific Ocean, and the Department of State should protect the public interest by asserting the EEZ for them.

ABANDONMENT OF AMERICAN STEWART ISLANDS

The Stewart Islands in the Pacific (near Guadalcanal in the Solomons) have been part of Hawaii since 1856. Nevertheless the Department of State has abandoned them and refused to recognize their American status. The inhabitants suffer several consequent problems, including outbreaks of malaria, one of the few places in the world where this disease still exists.

CREDIBILITY OF PUBLIC STATEMENTS

Information at the Department of State is subjected to various levels of secrecy. There are penalties for anyone divulging any secret information.

All statements made to the public contain only unclassified (nonsecret) information. Much of the time, when a public statement is made, there is related secret information that is not released. This secret information may amplify or even contradict the public statement. The public statement may well not be "the truth, the whole truth, and nothing but the truth." Public statements may well mislead the public, and this is not in the public interest. Years later if and when the secret information is declassified and released to the public, the truthful account of the situation is revealed.

In the interest of providing credibility to the American public, when the Department of State makes public statements in situations where there are related secret matters that amplify or contradict the public statement, the Department of State in its public statement should always include a disclaimer indicating that the public statement does not include significant related secret material.

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