

LEG. FINANCE - BILLS 1985 - 1986 2280

SJR 28 - SJR 32

2280

COMMITTEE REPORT
SENATE

FURTHER:

1/13/86

Date _____

Mr. President

The Committee on FINANCE considered SJR 28
proposing amendments to the Constitution of the State of Alaska relating
to the Alaska Permanent fund.

and (a majority of the committee) (the committee) reports it back with
the following recommendations:

- do pass
- do pass with attached amendment(s)
- rep'ace with/or adopt CS for _____
- new title
- same title and recommends _____
- and attached a "LETTER OF INTENT" NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS

Chairman

Chairman recommendation

Introduced: 1/13/86
Referred: Finance

1 IN THE SENATE

BY KERTTULA AND V. FISCHER

2 SENATE JOINT RESOLUTION NO. 28

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 Proposing amendments to the Constitution
6 of the State of Alaska relating to the
7 Alaska permanent fund.

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

9 * Section 1. Article IX, sec. 15, Constitution of the State of Alaska,
10 is amended to read:

11 SECTION 15. ALASKA PERMANENT FUND. At least twenty-five percent
12 of all mineral lease rentals, royalties, royalty sale proceeds, feder-
13 al mineral revenue sharing payments and bonuses received by the State
14 shall be placed in a permanent fund, the principal of which shall be
15 used only for those income-producing investments specifically des-
16 ignated by law as eligible for permanent fund investments. Fifty
17 percent of the [ALL] income from the permanent fund shall be deposited
18 in the general fund unless otherwise provided by law. Fifty percent of
19 the income from the permanent fund shall be retained in the permanent
20 fund.

21 * Sec. 2. Article XV, Constitution of the State of Alaska, is amended
22 by adding a new section to read:

23 SECTION 29. UNDISTRIBUTED INCOME ACCOUNT. On July 1, 1987, all
24 assets of the undistributed income account established in AS 37.13.145
25 shall be added to the principal of the Alaska permanent fund.

26 * Sec. 3. These amendments take effect July 1, 1987.

27 * Sec. 4. The amendments proposed by this resolution shall be placed
28 before the voters of the state at the next general election in conformity
29 with art. XIII, sec. 1, Constitution of the State of Alaska, and the

1 election laws of the state.

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ALASKA STATE LEGISLATURE

.14th.. Legislature .2nd.... Session

SENATE JOINT RESOL., NO. 28....

By KERTTULA, V. FISHCER.....

Proposing amendments to the Constitution of the State of Alaska relating to the Alaska permanent fund.

Introduced in the Senate .1/13...., 19..86

HISTORY IN THE SENATE

1986

i 13

Read first time and referred to Committee on

Finance

Reported back with recommendation that

Read second time and

Read third time and

PASS	Effective Date
Yeas	Yeas
Nays	Nays
Absent	Absent
Excused	Excused

Reconsideration

PASS	Effective Date
Yeas	Yeas
Nays	Nays
Absent	Absent
Excused	Excused

Reported correctly engrossed
Signed by President
Sent to House

SECRETARY OF THE SENATE

HISTORY IN THE HOUSE

19

Read first time and referred to Committee on

Reported back with recommendation that

Read second time and

Read third time and

PASS	Effective Date
Yeas	Yeas
Nays	Nays
Absent	Absent
Excused	Excused

Reconsideration

PASS	Effective Date
Yeas	Yeas
Nays	Nays
Absent	Absent
Excused	Excused

Reported correctly engrossed
Signed by Speaker
Returned to Senate

CHIEF CLERK OF THE HOUSE

HISTORY IN THE SENATE

19

Received from House

To enrolling

Reported correctly enrolled

Sent to Governor

..... by Governor

Filed with Lt. Governor

Chapter No.

SECTIONAL ANALYSIS OF SENATE JOINT RESOLUTION 28

Proposing amendments to the Constitution of the State of Alaska relating to the Alaska permanent fund

Section 1

Would amend Article 9, Section 15 of the Alaska Constitution by requiring that 50% of the income of the Permanent Fund go into the general fund for distribution as dividends and the remaining 50% be retained in the Permanent Fund.

Section 2

Article 15 of the Constitution is amended by adding a new section which stipulates the following: All assets of the Undistributed Income Account are to be deposited into the Permanent Fund effective July 1, 1987.

Section 3

These amendments to the Constitution take effect on July 1, 1987.

Section 4

These proposed amendments shall be voted on by the people of Alaska at the next general election.

STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : _____

REQUEST

FISCAL DETAIL

Bill/Resolution No. : SJR 28
 Title : Proposing amendments to the
Constitution of the State of Alaska
relating to the Alaska Permanent
 Sponsor : Sen. Kerttula
 Requestor : _____
 Date of Request : _____

Agency Affected : All
 BRU : _____
 Fund : _____
 Components : _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
---------	---	---	---	---	---	---

REVENUE	0	0	0	0	0	0
---------	---	---	---	---	---	---

FUNDING : (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS :

FULL-TIME	0	0	0	0	0	0
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

Prepared by : Senator Jan Parks, Co-chairman Phone : 465-4523
 Division : Senate Finance Committee Date : 2/26/86

Approved by Commissioner : _____ Date : _____
 Agency : _____

Distribution (by Agency preparing fiscal note) :

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

512
28
POUCH Y STATE CAPITOL
JUNEAU ALASKA 99811
907-465-1800

M E M O R A N D U M

March 10, 1986

SUBJECT: Appropriation of money from the permanent fund

TO: Senator Richard Eliason

FROM: Tamara Brandt Cook *TBC*
Director
Division of Legal Services

You have asked whether the legislature may appropriate money from the principal of the permanent fund if the money represents deposits made to the fund in excess of the amount required under the constitution. The permanent fund is dealt with in Article IX, Section 15 of the Constitution of the State of Alaska as follows:

At least twenty-five percent of all mineral lease rentals, royalties, royalty sale proceeds, federal mineral revenue sharing payments and bonuses received by the State shall be placed in a permanent fund, the principal of which shall be used only for those income-producing investments specifically designated by law as eligible for permanent fund investments. All income from the permanent fund shall be deposited in the general fund unless otherwise provided by law. (Emphasis added)

The question you have posed has never been considered by the Supreme Court. Nevertheless, the language of the constitutional provision is so clear I feel certain that the court, if faced with the question, would hold that the legislature lacks the power to appropriate from the principal of the permanent fund regardless of whether the money being appropriated was from deposits in excess of the amount required.

The constitutional provision mandates that twenty-five percent of the money derived from certain sources be placed in the permanent fund, but it also provides for the possibility that the legislature could choose to put additional money

Senator Richard Eliason
Page 2
March 10, 1986

into the fund by modifying the language containing the deposit requirement with the words "at least". The provision then goes on to specifically state that the principal be used only for investments, without enunciating any distinction based on the source of the money that comprises the principal. Under the strict terms of Section 15, only the income of the permanent fund may be deposited in the general fund for possible appropriation by the legislature. Therefore, the legislature is powerless to appropriate from the principal of the fund unless the terms of Section 15 are relaxed through the adoption of a constitutional amendment by the voters.

TBC:mkr
m3/143

301228
Legal opinion file

BILL SHEFFIELD, GOVERNOR

REPLY TO:

1031 W 4th AVENUE
SUITE 200
ANCHORAGE, ALASKA 99501
PHONE: (907) 276-3550

1st NATIONAL CENTER
100 CUSHMAN ST.
SUITE 400
FAIRBANKS, ALASKA 99701
PHONE: (907) 452-1568

POUCH K - STATE CAPITOL
JUNEAU, ALASKA 99811
PHONE: (907) 465-3600

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

March 6, 1986

Honorable Dick Eliason
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

Re: Irretrievability of money appropriated to the permanent fund

Dear Senator Eliason:

You have requested our advice if money appropriated to the principal of the Alaska permanent fund (Alaska Const. art. IX, sec. 15) may be withdrawn. We have issued an opinion on this topic in 1977. See 1977 Inf. Op. Att'y Gen. (Aug. 31; 66-3-78-0106). We have reviewed the conclusions set out in the 1977 opinion and reaffirm them. We hope this memo answers your question, and apologize for any inconvenience caused by the delay in answering your question.

Sincerely yours,

HAROLD M. BROWN
ATTORNEY GENERAL

By:

James L. Baldwin
James L. Baldwin
Assistant Attorney General

JLB/pjg

Enc.

August 31, 1977

Hon. Clark Gruening
Chairman
House Special Committee on
the Permanent Fund
528 West Fifth, Suite 270
Anchorage, Alaska 99501

Re: Permanent fund, irretrievability
of money appropriated to;
our file J-66-106-73

Dear Representative Gruening:

You have asked whether money appropriated to the permanent fund in excess of the amount required by the constitution is irretrievable.

Section 15 of article IX of the Alaska Constitution, as added by the 1976 amendment to the constitution, reads as follows (emphasis added):

At least twenty-five per cent of all mineral lease rentals, royalties, royalty sale proceeds, federal mineral revenue sharing payments and bonuses received by the State shall be placed in a permanent fund, the principal of which shall be used only for those income-producing investments specifically designated by law as eligible for permanent fund investments. All income from the permanent fund shall be deposited in the general fund unless otherwise provided by law.

Your question really is whether the limiting language of section 15 applies not only to the mandatory 25 percent of mineral revenues placed in the permanent fund but also to any additional money placed in the fund.

We believe that the answer is yes.

The language of the amendment providing for the permanent fund is clear enough. There is to be a permanent fund. At least 25 percent of the enumerated mineral revenues are to be placed in it. The use of the words "[a]t least" clearly contemplates that additional monies may well be placed in the fund. Once there, they form the fund's principal. That principal "shall be used only" for income-producing investments. Hence, on its face, what becomes a part of the principal may no longer be withdrawn for another purpose. Only the income from investments of the principal is available.

It is a universal principle that the legislature's law-making power is plenary except as limited by the state or federal constitutions. In order to hold that the legislature may not appropriate additional monies to the permanent fund and also provide for their subsequent withdrawal, the courts must find an express or implied prohibition against its doing so. Facially, the constitution's restriction on the use of the fund's principal seems to constitute such an implied restriction, i.e., the principal may be invested but nothing else, including a withdrawal, may be done with it.

It could be possible, one might argue, for the legislature to make appropriations to the fund by law and specify that they are made on the condition that they are intended to be retrievable and are null and void ab initio if ruled not to be. The problem is that the courts would likely rule that the condition itself is so inconsistent with the provisions of section 15 that it is absolutely void, i.e., that the legislature is prohibited from withdrawing from the principal both directly and indirectly.

Or the legislature could appropriate to the fund and specify that the monies appropriated are not to be considered a part of the fund's "principal" in the sense of the constitution, i.e., as monies available solely for investment, but rather are to be considered as a temporary addition to the fund which is to be used for investment but which shall be accounted for separately and may be withdrawn. Again, the problem is that the courts would likely rule that such legislation is so inconsistent with the provisions of section 15 that it is void. Either there is a permanent fund or there is not.

We are dealing here with a peculiar--perhaps unique--quasi-trust. Unlike most trusts, the principal may not be reached whatever, either now or in the future. No one has a future right to the principal. Instead, the principal is to be invested in perpetuity to produce income.

Hon. Clark Gruening
August 31, 1977
Page 3

Only the income from investments may be reached. Absent still another constitutional amendment, we see no way around this result. A permanent fund was intended, and a permanent fund appears to have been achieved.

Accordingly, we doubt very much that any money appropriated to the permanent fund may subsequently--without a constitutional amendment--be withdrawn.

Sincerely yours,

AVRUM M. GROSS
ATTORNEY GENERAL

By:
Rodger W. Pegues
Assistant Attorney General

RWP:chp

Introduced: 1/13/86
Referred: Finance

1 IN THE SENATE

BY KERTTULA AND V. FISCHER

2

SENATE JOINT RESOLUTION NO. 28

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - SECOND SESSION

5

Proposing amendments to the Constitution

6

of the State of Alaska relating to the

7

Alaska permanent fund.

8

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

9

* Section 1. Article IX, sec. 15, Constitution of the State of Alaska,

10 is amended to read:

11

SECTION 15. ALASKA PERMANENT FUND. At least twenty-five percent

12

of all mineral lease rentals, royalties, royalty sale proceeds, feder-

13

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used only for those income-producing investments specifically des-

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17

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18

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19

the income from the permanent fund shall be retained in the permanent

20

fund.

21

* Sec. 2. Article XV, Constitution of the State of Alaska, is amended

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by adding a new section to read:

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SECTION 29. UNDISTRIBUTED INCOME ACCOUNT. On July 1, 1987, all

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assets of the undistributed income account established in AS 37.13.145

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shall be added to the principal of the Alaska permanent fund.

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* Sec. 3. These amendments take effect July 1, 1987.

27

* Sec. 4. The amendments proposed by this resolution shall be placed

28

before the voters of the state at the next general election in conformity

29

with art. XIII, sec. 1, Constitution of the State of Alaska, and the

1 election laws of the state.

COMMITTEE REPORT
SENATE

FURTHER:

2/14/86

Date _____

Mr. President

The Committee on FINANCE considered SCR 33

proposing an amendment to the Uniform Rules of the Alaska State Legislature relating to scheduling session work.

and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for _____
- new title
- same title and recommends _____
- and attached a "LETTER OF INTENT" NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS

Chairman

Chairman recommendation

Introduced: 2/14/86
Referred: Finance

1 IN THE SENATE

BY RODEY

2 SENATE CONCURRENT RESOLUTION NO. 33

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 Proposing an amendment to the Uniform
6 Rules of the Alaska State Legislature
7 relating to scheduling session work.

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

9 * Section 1. The Uniform Rules of the Alaska State Legislature are
10 amended by adding a new rule to read:

11 RULE 56. SESSION SCHEDULES. (a) The following schedule applies
12 to consideration of the appropriation bill for the general operating
13 budget and the capital budget:

14 (1) The house of origin must calendar the bill by the 90th
15 legislative day.

16 (2) The second house must calendar the bill by the 100th
17 legislative day.

18 (b) An appropriation bill may not be transmitted from the house
19 of origin of the bill to the other house under Rule 40 of the Uniform
20 Rules after the 100th legislative day unless transmittal after that
21 day is approved by an affirmative vote of two-thirds of the full
22 membership of the house of origin.

23 (c) Notwithstanding Rule 18 of the Uniform Rules, an appropria-
24 tion bill may not be placed on the calendar before the second day
25 after the day on which the bill is reported back from the finance
26 committee.

27 (d) A joint session of the legislature to consider confirmation
28 of appointees by the governor must be held by the 100th legislative
29 day.
S

ALASKA STATE LEGISLATURE

14th... Legislature ... 2nd... Session

SENATE CONC. RESOL. NO. 33

By RODEY

Proposing an amendment to the Uniform Rules of the Alaska State Legislature relating to scheduling session work.

Introduced in the Senate ..2/18... 19. 86

HISTORY IN THE SENATE

19 86	Read first time and referred to Committee on FINANCE										
2 13	Reported back with recommendation that										
	Read second time and										
	Read third time and										
	<table border="0"> <tr> <td>PASS</td> <td>Effective Date</td> </tr> <tr> <td>Yeas</td> <td>Yeas</td> </tr> <tr> <td>Nays</td> <td>Nays</td> </tr> <tr> <td>Absent</td> <td>Absent</td> </tr> <tr> <td>Excused</td> <td>Excused</td> </tr> </table>	PASS	Effective Date	Yeas	Yeas	Nays	Nays	Absent	Absent	Excused	Excused
PASS	Effective Date										
Yeas	Yeas										
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Excused	Excused										
	Reconsideration										
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PASS	Effective Date										
Yeas	Yeas										
Nays	Nays										
Absent	Absent										
Excused	Excused										
	Reported correctly engrossed Signed by President Sent to House										
	SECRETARY OF THE SENATE										

HISTORY IN THE HOUSE

19	Read first time and referred to Committee on										
	Reported back with recommendation that										
	Read second time and										
	Read third time and										
	<table border="0"> <tr> <td>PASS</td> <td>Effective Date</td> </tr> <tr> <td>Yeas</td> <td>Yeas</td> </tr> <tr> <td>Nays</td> <td>Nays</td> </tr> <tr> <td>Absent</td> <td>Absent</td> </tr> <tr> <td>Excused</td> <td>Excused</td> </tr> </table>	PASS	Effective Date	Yeas	Yeas	Nays	Nays	Absent	Absent	Excused	Excused
PASS	Effective Date										
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Excused	Excused										
	Reconsideration										
	<table border="0"> <tr> <td>PASS</td> <td>Effective Date</td> </tr> <tr> <td>Yeas</td> <td>Yeas</td> </tr> <tr> <td>Nays</td> <td>Nays</td> </tr> <tr> <td>Absent</td> <td>Absent</td> </tr> <tr> <td>Excused</td> <td>Excused</td> </tr> </table>	PASS	Effective Date	Yeas	Yeas	Nays	Nays	Absent	Absent	Excused	Excused
PASS	Effective Date										
Yeas	Yeas										
Nays	Nays										
Absent	Absent										
Excused	Excused										
	Reported correctly engrossed Signed by Spcaker Returned to Senate										
	CHIEF CLERK OF THE HOUSE										

HISTORY IN THE SENATE

19	Received from House
	To enrolling
	Reporter: correctly enrolled
	Sent to Governor
 by Governor
	Filed with Lt. Governor
	Chapter No.

**STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE**

Revision Date : _____

REQUEST

Bill/Resolution No. : HCR 33
 Title : Amending Uniform Rules of
 Legislature relating to
 scheduling session work
 Sponsor : Senator Rodey
 Requestor : _____
 Date of Request : _____

FISCAL DETAIL

Agency Affected : Legislature
 BRU : _____

 Components : _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		0	0	0	0	0

CAPITAL		0	0	0	0	0
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REVENUE		0	0	0	0	0
----------------	--	---	---	---	---	---

FUNDING : (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL		0	0	0	0	0

POSITIONS :

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

Prepared by : Jan Faiks, Co-chairman Phone : 465-4523
 Division : Senate Finance Committee Date : 3/11/86

Approved by Commissioner : _____ Date : _____
 Agency : _____

Distribution (by Agency preparing fiscal note) :

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

In which the supreme court adopted an exception to the rule made in *State v. ...*, No. 1724, 1725, 1726, 565, 3764, 2965, 3002).

... to strike telephone ... — Defendant in bribery waived his motion to record evidence based on ... under the state constitution to raise the issue at the *Hohman v. State*, Ct. File No. 6779, 669 P.2d

... to v. Malkin, Ct. App. No. 7508, 678 P.2d 1356

... of Kenai v. Kenai ..., Inc., Sup. Ct. Op. No. 4954, 5433, 642 P.2d

... v. State, Ct. App. Op. No. 4846, 645 P.2d 1229
... State, Ct. App. Op. No. 673 P.2d 904 (1983);
... App. Op. No. 371 (File No. 1358 (1984).

... seated at the general ... member, 1980.

... ion of Elections v. ... Ct. Op. No. 2704 (File No. 59 P.2d 537 (1983).

... nents. — This section ... reports made or actions or that directly affect legislation or the constitution be submitted to the court or not the statements in public. *State v. ...*

Dankworth, Ct. App. Op. No. 308 (File No. 7543), 672 P.2d 148 (1983).

Protected activities. — Two-part test used to determine whether activity is within the legitimate legislature sphere and thus within the protection of this section requires the activity to (1) be an integral part of the deliberative and communicative process by which members participate in committee and house proceedings and (2) address proposed legislation or some other subject within the legislature's constitutional jurisdiction. *Schultz v. Sundberg*, 759 F.2d 714 (9th Cir. 1985).

Political activities of legislators, which include attempts on behalf of constituents to influence the executive branch in carrying out administrative responsibilities, i.e., prosecuting criminals, are not privileged; but legislative activities which are performed in order to directly influence the enactment of specific legislation are privileged. *State v. Dankworth*, Ct. App. Op. No. 308 (File No. 7543), 672 P.2d 148 (1983).

State senate president who ordered the attendance of absent legislators to achieve a quorum so that the governor's appointments could be considered for confirmation was entitled to absolute legislative immunity because his action took place on the floor of the senate, the business was clearly legislative, and an action to compel attendance of other legislators at a legislative session is an integral legislative function. *Schultz v. Sundberg*, 759 F.2d 714 (9th Cir. 1985).

Actions of senate finance chairman in acquiring property while promoting its sale to the state at a purchase price which would result in his receiving substantial profits and in using his influence as a

legislator to secure an appropriation for the purchase by the state in the governor's proposed budget were clearly legislative and therefore within the immunity granted in this section. *State v. Dankworth*, Ct. App. Op. No. 308 (File No. 7543), 672 P.2d 148 (1983).

Immunity for nonparty legislators. — Alaska's immunity clause applies to legislators not parties in an underlying action. The president of the senate, the presiding officer at joint sessions of the legislature with the duty to call a joint session to order once convened by the governor and to preside over it, has a general duty to vote on the governor's appointees during a joint session and specific duties to perform as senate president; and any conversations between the senate president and the governor may be seen as acts in preparation for performance of these duties and as such are privileged. *Kerttula v. Abood*, Sup. Ct. Op. No. 2858 (File No. S-257), 686 P.2d 1197 (1984).

Termination of legislative researcher in administrative act. — Termination of a legislative researcher for the legislative affairs agency for expressing her economic and political views in an interview in violation of a "public neutrality requirement," an unwritten and informal understanding, for which she declined a reprimand, and for refusing to abide by the director's interpretation of the public neutrality requirement in the future was an administrative rather than a legislative act and was not within the scope of legislative immunity. *State v. Haley*, Sup. Ct. Op. No. 2560 (File Nos. 6004, 6608, 6609, 6610), 687 P.2d 305 (1984).

Section 8. Regular Sessions. The legislature shall convene in regular session each year on the fourth Monday in January, but the month and day may be changed by law. The legislature shall adjourn from regular session no later than one hundred twenty consecutive calendar days from the date it convenes except that a regular session may be extended once for up to ten consecutive calendar days. An extension of the regular session requires the affirmative vote of at least two-thirds of the membership of each house of the legislature. The legislature shall adopt as part of the uniform rules of procedure deadlines for scheduling session work not inconsistent with provisions controlling the length of the session.

in which the supreme court adopted an exception to the rule made in State v. ... (Nos. 1724, 1725, 1726, 565, 3764, 2965, 3002, 3).

Right to strike telephone lines. — Defendant in bribery case waived his motion to record evidence based on the state constitution to raise the issue at the hearing. *Hohman v. State*, Ct. App. Op. No. 6779, 669 P.2d 1356 (1983).

State v. Malkin, Ct. App. Op. No. 7508, 678 P.2d 1356 (1983).

City of Kenai v. Kenai Telephone Co., Inc., Sup. Ct. Op. No. 4954, 5433, 642 P.2d 1356 (1983).

State v. State, Ct. App. Op. No. 4846, 645 P.2d 1229 (1983).
State v. State, Ct. App. Op. No. 673, 673 P.2d 904 (1983);
 Ct. App. Op. No. 371 (File No. 1358) (1984).

Seated at the general assembly, 1980.

Commission of Elections v. State, Ct. App. Op. No. 2704 (File No. 59), 673 P.2d 537 (1983).

Statements. — This section covers statements made or actions taken that directly affect legislation or the constitution to be submitted to the voters or not the statements in public. *State v. ...*

Dankworth, Ct. App. Op. No. 308 (File No. 7543), 672 P.2d 148 (1983).

Protected activities. — Two-part test used to determine whether activity is within the legitimate legislature sphere and thus within the protection of this section requires the activity to (1) be an integral part of the deliberative and communicative process by which members participate in committee and house proceedings and (2) address proposed legislation or some other subject within the legislature's constitutional jurisdiction. *Schultz v. Sundberg*, 759 F.2d 714 (9th Cir. 1985).

Political activities of legislators, which include attempts on behalf of constituents to influence the executive branch in carrying out administrative responsibilities, i.e., prosecuting criminals, are not privileged; but legislative activities which are performed in order to directly influence the enactment of specific legislation are privileged. *State v. Dankworth*, Ct. App. Op. No. 308 (File No. 7543), 672 P.2d 148 (1983).

State senate president who ordered the attendance of absent legislators to achieve a quorum so that the governor's appointees could be considered for confirmation was entitled to absolute legislative immunity because his action took place on the floor of the senate, the business was clearly legislative, and an action to compel attendance of other legislators at a legislative session is an integral legislative function. *Schultz v. Sundberg*, 759 F.2d 714 (9th Cir. 1985).

Actions of senate finance chairman in acquiring property while promoting its sale to the state at a purchase price which would result in his receiving substantial profits and in using his influence as a

legislator to secure an appropriation for the purchase by the state in the governor's proposed budget were clearly legislative and therefore within the immunity granted in this section. *State v. Dankworth*, Ct. App. Op. No. 308 (File No. 7543), 672 P.2d 148 (1983).

Immunity for nonparty legislators. — Alaska's immunity clause applies to legislators not parties in an underlying action. The president of the senate, the presiding officer at joint sessions of the legislature with the duty to call a joint session to order once convened by the governor and to preside over it, has a general duty to vote on the governor's appointees during a joint session and specific duties to perform as senate president; and any conversations between the senate president and the governor may be seen as acts in preparation for performance of these duties and as such are privileged. *Kerttula v. Abood*, Sup. Ct. Op. No. 2858 (File No. S-257), 686 P.2d 1197 (1984).

Termination of legislative researcher is administrative act. — Termination of a legislative researcher for the legislative affairs agency for expressing her economic and political views in an interview in violation of a "public neutrality requirement," an unwritten and informal understanding, for which she declined a reprimand, and for refusing to abide by the director's interpretation of the public neutrality requirement in the future was an administrative rather than a legislative act and was not within the scope of legislative immunity. *State v. Haley*, Sup. Ct. Op. No. 2860 (File Nos. 6604, 6608, 6609, 6610), 687 P.2d 305 (1984).

Section 8. Regular Sessions. The legislature shall convene in regular session each year on the fourth Monday in January, but the month and day may be changed by law. The legislature shall adjourn from regular session no later than one hundred twenty consecutive calendar days from the date it convenes except that a regular session may be extended once for up to ten consecutive calendar days. An extension of the regular session requires the affirmative vote of at least two-thirds of the membership of each house of the legislature. The legislature shall adopt as part of the uniform rules of procedure deadlines for scheduling session work not inconsistent with provisions controlling the length of the session.

COMPARISON OF SENATE CONCURRENT RESOLUTIONS 7 AND 33

SCR 7

SCR 33

Applies to both operating and capital budget bills.

Applies to both operating and capital budget bills.

Must be reported out of the Finance Committee of the House of Origin by the 80th Legislative Day.

No Similar Requirement.

Must calendar in second reading by the 82nd day.

House of Origin must calendar by the 90th day.

Action on bill(s) must be completed and sent to the Second House by the 85th day.

No Similar Requirement.

Bill(s) must be reported out of the Finance Committee of the Second House by the 90th day.

No Similar Requirement.

Second House must calendar in second reading by the 92nd day.

Second House must calendar by the 100th day.

Action on bill(s) must be completed and transmitted back to House of Origin by the 95th day.

No Similar Requirement.

No Similar Requirement

Appropriations bill(s) may not be transmitted from the House of Origin the Second House after the 100th day except by a 2/3'rds vote.

No Similar Requirement

Appropriations bill(s) may not be placed on the calendar until 2 days after action by the Finance Committee

House of Origin must concur or refuse to concur and notify Second House by the 96th day.

No Similar Requirement.

Second House must recede or fail to recede by the 97th day.

No Similar Requirement.

If a Conference Committee has to be appointed, it must occur within one day of the Second House failing to recede from its amendments.

No Similar Requirement.

The Conference Committee must report any agreement or failure to do so by the 112th day.

No Similar Requirement.

The request for limited powers of Free Conference must be granted within one day of the request.

No Similar Requirement.

This Free Conference Committee with limited powers has 3 days in which to reach agreement or report that they cannot reach agreement.

No Similar Requirement.

If the Conference Committee fails to reach an agreement, a Free Conference Committee must be appointed within one day of the report.

No Similar Requirement.

This Free Conference Committee has two days in which to reach agreement or report that it cannot reach agreement.

No Similar Requirement.

Each legislative body has one day to vote on a Conference Committee or Free Conference Committee Report.

No Similar Requirement.

Joint Confirmation Session shall not be held earlier than the 100th day or later than the 120th day.

Joint Confirmation Session must be held by the 100th day.

Introduced: 2/14/86
Referred: Finance

1 IN THE SENATE

BY RODEY

2

SENATE CONCURRENT RESOLUTION NO. 33

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - SECOND SESSION

5

Proposing an amendment to the Uniform

6

Rules of the Alaska State Legislature

7

relating to scheduling session work.

8

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

9

* Section 1. The Uniform Rules of the Alaska State Legislature are

10 amended by adding a new rule to read:

11

RULE 56. SESSION SCHEDULES. (a) The following schedule applies

12

to consideration of the appropriation bill for the general operating

13

budget and the capital budget:

14

(1) The house of origin must calendar the bill by the 90th

15

legislative day.

16

(2) The second house must calendar the bill by the 100th

17

legislative day.

18

(b) An appropriation bill may not be transmitted from the house

19

of origin of the bill to the other house under Rule 40 of the Uniform

20

Rules after the 100th legislative day unless transmittal after that

21

day is approved by an affirmative vote of two-thirds of the full

22

membership of the house of origin.

23

(c) Notwithstanding Rule 18 of the Uniform Rules, an appropria-

24

tion bill may not be placed on the calendar before the second day

25

after the day on which the bill is reported back from the finance

26

committee.

27

(d) A joint session of the legislature to consider confirmation

28

of appointees by the governor must be held by the 100th legislative

29

day.

COMMITTEE REPORT

SENATE

FURTHER:

1/20/86

Date

3/4/86

Mr. President

The Committee on FINANCE considered SJR 32

requesting the Government of the United States to reassert jurisdiction over Pagan Island, Herald Island, Henrietta Island, Jeannette Island, and Bennett Island together with the surrounding outer continental shelf within the American waters of the Chukchi & East Siberian Seas & to pay the St. of Ak compensation for damages from their loss

and reports it back as follows:

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for _____
- new title
- same title and recommends _____
- and attached a "LETTER OF INTENT" NEW FISCAL NOTE
DSFC
- reports it back without recommendation
- recommends referral to _____ Committee

MEMBERS SIGNING
NO PASS

Paul Frank

MEMBERS HAVING
OTHER RECOMMENDATIONS

John Smith No Rec

Co-Chairman

no rec
Chairman recommendation

STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. : SJR 32
 Title : Reassert jurisd. over
islands in Chukchi and E. Siberian
Seas
 Sponsor : P. Fischer, Ferguson
 Requestor : G. DeVries
 Date of Request : _____

FISCAL DETAIL

Agency Affected : All
 BRU : _____
 Components : _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
----------------	---	---	---	---	---	---

REVENUE	0	0	0	0	0	0
----------------	---	---	---	---	---	---

FUNDING : (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS :

FULL-TIME	0	0	0	0	0	0
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

Prepared by : _____ Phone : 465-4523
 Division : Senator Jan Faiks, Co-chairman Date : 2/10/86
Senate Finance Committee

Approved by Commissioner : _____ Date : _____
 Agency : _____

Distribution (by Agency preparing fiscal note) :

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(es)

Introduced: 1/20/86
Referred: Finance

BY P. FISCHER, FERGUSON
AND DEVRIES

1 IN THE SENATE

2

SENATE JOINT RESOLUTION NO. 32

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - SECOND SESSION

5

Requesting the Government of the United

6

States to reassert jurisdiction over

7

Wrangel Island, Herald Island, Henrietta

8

Island, Jeannette Island, and Bennett

9

Island together with the surrounding

10

outer continental shelf within the

11

American waters of the Chukchi Sea and

12

the East Siberian Seas and to pay the

13

State of Alaska compensation for damages

14

from their loss.

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

16 WHEREAS Alaskans and other Americans remain justifiably grateful for

17 the fortitude shown by Captain Thomas Long and the crew of the whaling bark

18 Nile from New London, Connecticut who, on August 14, 1867, were the first

19 to confirm the existence of a 1,740 square mile island in the Chukchi Sea;

20 and

21 WHEREAS Wrangel Island, named by Captain Long after the former gover-

22 nor of Russian Alaska Baron Ferdinand Petrovich von Wrangel, is located

23 some 270 miles northwest of Cape Lisburne, Alaska and is larger than the

24 State of Rhode Island; and

25 WHEREAS Captain Long was the first to sight and to describe Wrangel

26 Island, the first recorded landing on the island occurred August 12, 1881

27 when Captain Calvin L. Hooper, commander of the Bering Sea Patrol, a divi-

28 sion of the U.S. Treasury Department and as such, the de facto governor of

29 Alaska, landed at Clark River on the eastern coast of Wrangel Island and,

1 with his fellow officers and John Muir (who later founded the Sierra Club)
2 raised the American flag and took possession of the island in the name of
3 the United States; and

4 WHEREAS Captain Hooper was engaged in a Congressionally sponsored
5 effort to rescue the Jeannette, a vessel engaged in Arctic research that
6 was locked in ice floes and subsequently lost and therefore Captain Hooper
7 had the authority to claim Wrangel Island for the United States; and

8 WHEREAS Wrangel Island became a part of the United States by right of
9 confirmed discovery and first possession and, later, a permanent settle-
10 ment; and

11 WHEREAS Wrangel Island and its nearby satellite island Herald Island
12 were placed by the United States Coast and Geodetic Service within the
13 District and later Territory and State of Alaska in publications from 1900
14 through 1977; and

15 WHEREAS the De Long Islands of Henrietta, Jeannette, and Bennett were
16 first discovered in the East Siberian Sea, were claimed, and named by U.S.
17 Navy Commander George W. De Long during his 1879 - 1881 expedition into the
18 Arctic who, with his crew, died when their ship, the Jeannette, was crushed
19 and sunk by ice floes; and

20 WHEREAS the first permanent settlement on Wrangel Island occurred when
21 the American ship Silver Wave landed a party on the island on September 15,
22 1921, and raised the American flag over the island under the direction of
23 Captain Jack Hammer; and

24 WHEREAS the party from the Silver Wave landed with provisions for only
25 six months as they stated that they planned to sustain themselves by hunt-
26 ing; and

27 WHEREAS the relief vessel in 1922 was blocked by ice floes; and

28 WHEREAS when the relief vessel Donaldson arrived on August 23, 1923,
29 the only survivor of the 1921 expedition was an Eskimo seamstress named Ada

1 "Blackjack" Johnson, who died just a few years ago in Alaska; and

2 WHEREAS a new party led by Charles Wells of Uniontown, Pennsylvania
3 continued settlement on Wrangel Island; and

4 WHEREAS on May 13, 1924, Secretary of State Charles Evans Hughes
5 stated that the American Lomen Brothers were the proprietary owners of
6 Wrangel Island; and

7 WHEREAS on August 20, 1924, an armed party from the Soviet gunboat Red
8 October landed on Wrangel Island, took Wells and the other Americans by
9 force, and told them that they were being returned to Alaska; and

10 WHEREAS notwithstanding their promises, they took the Americans to
11 Vladivostok and confiscated the pelts that the American trappers had accu-
12 mulated during the 12 bitter months on the island; and

13 WHEREAS the Americans who survived their ordeal in Vladivostok were
14 released following the intervention of the American consul at Harbin,
15 Manchuria but Charles Wells and two residents of Alaska died while detained
16 by the Soviet government; and

17 WHEREAS the residents of Alaska who survived their ordeal in Soviet
18 Siberia were all from Golovin Bay, Alaska and they survived notwithstanding
19 the severe physical and emotional trauma resulting from the assault, kid-
20 napping, false imprisonment, theft of property together with other vio-
21 lations of American and Alaska law by the agents of the Soviet regime; and

22 WHEREAS after seizing Wrangel Island, the Soviet government proceeded
23 to seize more American soil by occupying the nearby and defenseless Herald
24 Island; and

25 WHEREAS the Soviet government subsequently asserted a spurious claim
26 to the American De Long Islands of Henrietta, Jeannette, and Bennett; and

27 WHEREAS these illegal acts by the Soviet government interrupted 57
28 years of peaceful use of these islands by American seamen, herders, and
29 hunters; and

1 WHEREAS the Soviet occupation of what they refer to as Ostrova De Long
2 is an affront to all Americans, is an insult to the memory of their brave
3 discoverer, and a source of embarrassment to the United States Navy, which
4 memorializes his memory at the Naval Academy in Annapolis; and

5 WHEREAS the soil of all five of these American islands and their
6 surrounding continental shelf has been held by military force in contra-
7 vention of international law and by conduct that is contrary to what is
8 recognized as proper by civilized nations; and

9 WHEREAS the Soviet government has typified its uncivilized conduct by
10 establishing forced labor camps on Wrangel Island as reported in testimony
11 before the U.S. Senate Judiciary Committee in January 1973; and

12 WHEREAS it has been reported that Wrangel Island was the last known
13 place of imprisonment of Raoul Wallenberg, the Swedish Consul in Budapest,
14 Hungary at the end of World War II who was arrested by Soviet forces and
15 who was responsible for saving the lives of thousands of European Jews from
16 the Nazi Holocaust; and

17 WHEREAS this conduct on American soil has continued in defiance of
18 American law as well as in defiance of the international rules of conduct
19 resulting from the Nuremberg war crime trials after World War II; and

20 WHEREAS the continuing trespass by the Soviet government deprives the
21 State of Alaska and its people of their fundamental right to use the
22 islands of Wrangel, Herald, Henrietta, Jeannette, and Bennett together with
23 the surrounding continental shelf and its valuable resources; and

24 WHEREAS unlike the governments of Canada and Great Britain, the United
25 States has never surrendered its claims of sovereignty over these islands;
26 and

27 WHEREAS the State of Alaska does not believe that agreements between
28 the United States and the Soviet Union, whether they be secret or other-
29 wise, can affect American claims to these islands until they have been

1 ratified by the United States Senate;

2 BE IT RESOLVED by the Alaska State Legislature that the Government of
3 the United States assert and reassert American sovereignty over Wrangel
4 Island, Herald Island, and the De Long Islands of Henrietta, Jeannette, and
5 Bennett, their resources, and their territorial shelf in behalf of the
6 American people; and be it

7 FURTHER RESOLVED that the Government of the United States make satis-
8 factory compensation and restitution to the State of Alaska and its people
9 for the loss of this territory resulting from the neglect of the United
10 States Government to protect American lives and property when the lands
11 were seized in 1924; and be it

12 FURTHER RESOLVED that the State of Alaska asserts and reasserts its
13 claim to Wrangel Island, Herald Island and the De Long Islands of
14 Henrietta, Jeannette, and Bennett and their surrounding continental shelf
15 as an integral part of the State of Alaska; and be it

16 FURTHER RESOLVED the Governor of the State of Alaska is requested to
17 initiate appropriate legal claims for relief before the U.S. Foreign Claims
18 Settlement Commission, the U.S. Court of Claims or other legal forums of
19 the United States as may be appropriate.

20 COPIES of this resolution shall be sent to the Honorable Ronald
21 Reagan, President of the United States; to the Honorable George P. Shultz,
22 Secretary of State; to the Honorable George Bush, Vice-President of the
23 United States and President of the U.S. Senate; the Honorable Thomas P.
24 O'Neill, Jr., Speaker of the U.S. House of Representatives; and to the
25 Honorable Ted Stevens and the Honorable Frank Murkowski, U.S. Senators, and
26 the Honorable Don Young, U.S. Representative, members of the Alaska delega-
27 tion in Congress.

Introduced: 1/20/86
Feferred: Finance

BY P. FISCHER, FERGUSON
AND DEVRIES

1 IN THE SENATE

2

SENATE JOINT RESOLUTION NO. 32

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - SECOND SESSION

5

Requesting the Government of the United

6

States to reassert jurisdiction over

7

Wrangel Island, Herald Island, Henrietta

8

Island, Jeannette Island, and Bennett

9

Island together with the surrounding

10

outer continental shelf within the

11

American waters of the Chukchi Sea and

12

the East Siberian Seas and to pay the

13

State of Alaska compensation for damages

14

from their loss.

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

16 WHEREAS Alaskans and other Americans remain justifiably grateful for

17 the fortitude shown by Captain Thomas Long and the crew of the whaling bark

18 Nile from New London, Connecticut who, on August 14, 1867, were the first

19 to confirm the existence of a 1,740 square mile island in the Chukchi Sea;

20 and

21 WHEREAS Wrangel Island, named by Captain Long after the former gover-

22 nor of Russian Alaska Baron Ferdinand Petrovich von Wrangel, is located

23 some 270 miles northwest of Cape Lisburne, Alaska and is larger than the

24 State of Rhode Island; and

25 WHEREAS Captain Long was the first to sight and to describe Wrangel

26 Island, the first recorded landing on the island occurred August 12, 1881

27 when Captain Calvin L. Hooper, commander of the Bering Sea Patrol, a divi-

28 sion of the U.S. Treasury Department and as such, the de facto governor of

29 Alaska, landed at Clark River on the eastern coast of Wrangel Island and,

1 with his fellow officers and John Muir (who later founded the Sierra Club)
2 raised the American flag and took possession of the island in the name of
3 the United States; and

4 WHEREAS Captain Hooper was engaged in a Congressionally sponsored
5 effort to rescue the Jeannette, a vessel engaged in Arctic research that
6 was locked in ice floes and subsequently lost and therefore Captain Hooper
7 had the authority to claim Wrangel Island for the United States; and

8 WHEREAS Wrangel Island became a part of the United States by right of
9 confirmed discovery and first possession and, later, a permanent settle-
10 ment; and

11 WHEREAS Wrangel Island and its nearby satellite island Herald Island
12 were plac d by the United States Coast and Geodetic Service within the
13 District and later Territory and State of Alaska in publications from 1900
14 through 1977; and

15 WHEREAS the De Long Islands of Henrietta, Jeannette, and Bennett were
16 first discovered in the East Siberian Sea, were claimed, and named by U.S.
17 Navy Commander George W. De Long during his 1879 - 1881 expedition into the
18 Arctic who, with his crew, died when their ship, the Jeannette, was crushed
19 and sunk by ice floes; and

20 WHEREAS the first permanent settlement on Wrangel Island occurred when
21 the American ship Silver Wave landed a party on the island on September 15,
22 1921, and raised the American flag over the island under the direction of
23 Captain Jack Hammer; and

24 WHEREAS the party from the Silver Wave landed with provisions for only
25 six months as they stated that they planned to sustain themselves by hunt-
26 ing; and

27 WHEREAS the relief vessel in 1922 was blocked by ice floes; and

28 WHEREAS when the relief vessel Donaldson arrived on August 23, 1923,
29 the only survivor of the 1921 expedition was an Eskimo seamstress named Ada



Official Business

Alaska State Legislature

Senate

SENATOR PAUL FISCHER

Pouch V
State Capitol
Juneau, Alaska 99811

To: All Senate Finance Committee Members

From: Senator Paul Fischer *PF*

Date: February 26, 1986

Subject: SJR 32

While I maintain it is unnecessary for the Alaska Senate to consult with our U.S. Senators in instances where international issues are being addressed. I took the suggestion by members of the Finance Committee to do so in good faith and discussed SJR 32 with Senator Murkowski.

The previously distributed backup material, and the information I share with the committee regarding my conversation with Senator Murkowski, should provide the committee with ample information upon which to base a decision.

Attached is a letter of response which I received from Senator Murkowski, as well as his response to a Wall Street Journal * editorial which spoke in favor of U.S. claims of sovereignty over Wrangel and the other claimed islands.

* Included in the first information packet.

Letters to the Editor

Keep the Wrangell Wrangle on Ice

I was interested to read your Nov. 13 editorial "Border Dispute" about Wrangell Island and the U.S. Soviet maritime boundary discussions. Alaska has many ties to the boundary area and the islands you mention. It was two Alaskans, the Lomen brothers, who lost furs and trapping equipment when the Soviet ship landed on Wrangell Island in 1924. The Lomens received compensation for the personal property they lost in the 1959 Foreign Claims Settlement Commission decision you mentioned.

Currently, many Alaskans depend on the resource-rich waters in the Navarin Basin area of the Bering Sea for their livelihood. Although your editorial made a number of valid points, I believe it is important to separate the question of whether the U.S. has ever exerted claims over Wrangell Island and other territories north of the Soviet Union, from the negotiations now under way with the U.S.S.R. over the boundary in the Navarin Basin. I understand that the two issues can be linked, but it appears that our interests would be better served by resolving whatever issues can be addressed now, and working on the other issues as facts become more clear.

The Navarin Basin issue requires our immediate attention because Soviet activities in the waters off Alaska have become increasingly worrisome. This summer, the Soviets deliberately harassed U.S. drilling rigs involved in energy exploration in the Navarin Basin area. Soviet overflights of

rigs caused dangerous interference in the safe operation of helicopters carrying American workers to and from the oil rigs. These irresponsible incidents jeopardize the negotiations which we have been conducting over the maritime boundary, and put the lives of Americans at risk. The State Department protested the flights.

I am monitoring the negotiations because I am concerned that our negotiators keep American energy, fisheries and strategic interests foremost in their minds. The waters off Alaska contain some of the world's richest fisheries, and could also contain significant mineral deposits.

On the other issues you mention, I have reviewed a great deal of material about claims over Wrangell, Henriette and other islands, and I confess that the record is not clear. I believe Congress must be given a comprehensive review of the dispute, and hear all sides before a judgment is made about ownership. In this regard, I am considering legislation to require our government to give the Senate Foreign Relations Committee a full report, which could provide a basis for future hearings. In addition, any treaty negotiated with the Soviet Union that proposes to give up territory claimed by the U.S. will be subject to careful review by the Senate before it is ratified.

FRANK H. MURKOWSKI (R., Alaska)
U.S. Senate
Washington



Alaska State Legislature

Senate

Official Business

Senator Paul Fischer

Pouch V
State Capitol
Juneau, Alaska 99811

TO: All Co-sponsors and Finance Committee members

FROM: Senator Paul Fischer *PF*

DATE: February 10, 1986

SUBJECT: SJR 32

Enclosed, for your review, is a copy of SJR 32 and relevant backup materials. The hearing on this legislation is scheduled for Tuesday, February 11, 1986 at 8:30am in the Senate Finance Committee Room.

The resolution calls on the United States government to reassert jurisdiction over the Islands of Wrangel, Herald, Henrietta, Jeannette, and Bennett together with the surrounding outer continental shelf within the American waters of the Chukchi Sea and the Eastern Siberian Seas and to pay the State of Alaska compensation for damages from their loss.

This resolution asks the U.S. Government to formally assert a claim of sovereignty to these islands and the surrounding continental shelf. A formal claim will help ensure that negotiations undertaken by the our government will receive a public hearing. A sovereign claim will also have the effect of addressing claims to legal ownership of portions of Wrangel island by U.S. citizens.

In the event the State Department decides to cede U.S. claims of sovereignty over the islands, a treaty will be necessary. A treaty will require ratification by the United States Senate. This should guarantee our claims will receive a thorough public review.

In addition, the Governor of Alaska is requested to initiate appropriate legal claims for relief before the U.S. Foreign Claims Settlement Commission, the U.S. Court of Claims or other legal forums of the United States as may be appropriate.

I appreciate your co-sponsorship and support. Passage of this resolution should help ensure that claims to U.S. sovereignty will be considered in a fair and open process.

Table of contents

1. A report on the Cruise of the U. S. Revenue Steamer Thomas Corwin, in the Arctic Ocean, 1881, giving account of the Discovery of Wrangel Island to the 48th Congress, 1st Session, in the Senate.
2. A 1981 article on the History of Wrangel Island, published in the Musk Ox, a University of Saskatchewan publication, entitled "The Right of American Sovereignty over Wrangel Island, by D. Nolan and M. Seidenberg.
3. Statement of Real Property Ownership of Wrangel Island by U. S. Citizens. Gives legal description of property, which ties into an attached 1967 United States Department of Interior Publication, Dictionary of Alaska Place Names which names geographic features on Wrangel Island. - Geological Survey Professional Paper 567, page 91, bottom left column.
4. Testimony on U.S.S.R. Labor Camps, before the U.S. Senate, Committee on the Judiciary, 93rd Congress, First Session. Accounts of a political prisoner camp on Wrangel Island.
5. News articles on Wrangel Island and related concerns.
6. Editorials relating to sovereign claims to Wrangel and associated islands.
7. Resolutions supporting U.S. sovereignty of Wrangel Island and associated islands.
8. News releases supporting U.S. sovereignty of Wrangel Island and associated islands.

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.

OCCASIONAL PAPERS
OF THE
CALIFORNIA
ACADEMY OF SCIENCES

No. XXIV

The Discovery of
Wrangel Island

By SAMUEL L. HOOPER

COMMITTEE ON PUBLICATION

DR. HENRY C. MUIR, Chairman

DR. GEORGE P. PATTERSON

DR. EDWARD L. KNOWL, Editor

SAN FRANCISCO
PUBLISHED BY THE ACADEMY • 1934

the land, I felt relieved to be in clear water, and did not despair of ultimate success."

The movement of the ice due to the set of the currents made it necessary to change positions several times during the night. At 4:30 a.m. the *Carain* again entered the ice and this time with all preparations made to reach the land by crossing the ice if necessary, using the sledges and taking along the skin boat for crossing any open leads that might be encountered. However, as they fought their way closer to the land ice conditions improved. Inside the ten-fathom curve they 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 these conditions was neither comfortable nor safe, but they all felt that the land was now actually within reach and they pushed on. The captain's notes for that important day (see figure 3) read:

Friday, August 12, 1881. Lat. 71-04 Long. 177-46 of Wrangle [sic] Land. Got under way at 4:00 a.m. and steamed in toward the end of the lead and into the ice at 7:00 a.m. After a good deal of bumping and queuing we reached the land and anchored in a small clear space off the mouth of a small river. Went on shore and took possession in the name of the U.S.

This landing unquestionably established a valid claim to the area on the part of the United States. Muir in his text says, "A notable addition was made to the national domain when Captain Calvin L. Hooper landed on Wrangel Land and took formal possession in the name of the United States." Later the great Arctic explorer Vilhjalmur Stefansson in his book, *The Adventure of Wrangel Island*, describing an expedition undertaken in 1921 wrote, "... following 1881 ... the island was United States territory."

Many years later the Soviet claimed that Lieutenant Wrangel had actually discovered the island but unfortunately for their claim, Wrangel himself in his book, *The Narrative of a Voyage to the Polar Sea in the Years 1821, 1822, and 1823*, which was written long enough after his experiences so that he had plenty of time to make any changes or corrections, wrote "with a painful feeling of the impossibility of overcoming the obstacles with which nature had opposed us, our last hope vanished of discovering the land which we yet believe to exist ... we had done what duty and honor demanded, further attempts would have been absolutely hopeless and I decided to return." Wrangel located on his chart "from native report" the land which "we believe to exist" but he placed it some distance west of where it actually turned out to be located.

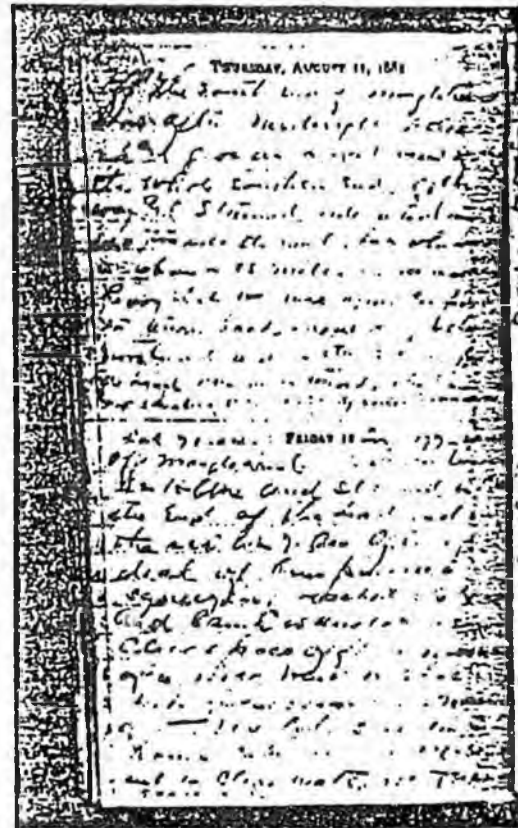


Figure 3. The original account of the discovery of Wrangel Island in the captain's own handwriting. This entry in his diary was written at the home on the very day of the landing.

As soon as the official shore party had completed the formalities of discovery, a careful search was made along the shore in each direction for evidences of a landing of any kind. After several hours of searching it became impossible to remain at anchor any longer and a gun was fired to recall all shore parties. Leaving an American dog lying and a complete record of their visit the *Carain* now worked her way out to the lead.

She was soon in open water and making all speed with steam and sail across the Arctic Ocean but this time with the Polar ice on her port beam. Having found no records of the *Jeanette* on either Herald Island or Wrangel Island, for the very good reasons as we now know that the De Long party had never touched on either of them, the *Carain* was hastening to Point Barrow in hopes of rendering assistance to the *Daniel Webster* in case she was still in the ice. On the way, however, they spoke the whalers *Howland* and *Hausboe* and learned from them that the *Daniel Webster* had been crushed in the ice and that part of her crew had reached Point Barrow. The remainder were supposed to still be on the park. Upon learning this the *Carain* skirted the Alaskan coast line closely and kept a careful watch for signs of any who might have reached the land before the ice went offshore. Constant contact was also made with the native villages along the way and many reports of the wreck were received, all of which were in some agreement.

Point Barrow was reached on August 16 and several whalers, which had been called only a few hours earlier, were found at anchor there, the ice having gone offshore the previous evening. The crew of the *Daniel Webster* were all at Point Barrow and every man accounted for. They were divided up among the whalers except for nine men who had their fill of whaling and "wanted out." These were taken on board the *Carain* to be returned to civilization and extra supplies were distributed to the other ships to allow for the extra loads taken aboard.

While the *Carain* was at Barrow the bark *Leopold Tealke* arrived, bringing the first mail they had received since leaving San Francisco. The *Leopold Tealke* had sailed from there on June 11. Since she was leaving at once, loaded with surplus bone and oil from the whaling fleet, the crew of the *Carain* sent mail sacks aboard for their dear ones at home.

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CORRECTION

THIS DOCUMENT
HAS BEEN REPHOTOGRAPHED
TO ASSURE LEGIBILITY

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. EDWARDS,
President pro tempore of the United States Senate.

THE CRUISE OF THE CORWIN

Journal of the Arctic Expedition
of 1881 in search of De Long
and the Jeannette

BY
~~WILLIAM FREDERIC BADE~~
EDITED BY
WILLIAM FREDERIC BADE



BOSTON AND NEW YORK
HOUGHTON MIFFLIN COMPANY
NEW BRUNSWICK FROM CAMDEN
1917

CHAPTER XV

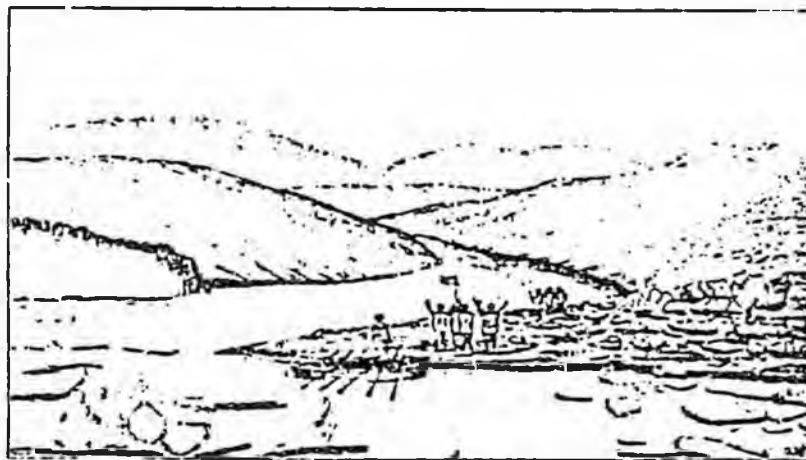
THE LAND OF THE WHITE BEAR

[*Sigsbee Corwin,
Wrangell Land, Aug. 12, 1881.*]

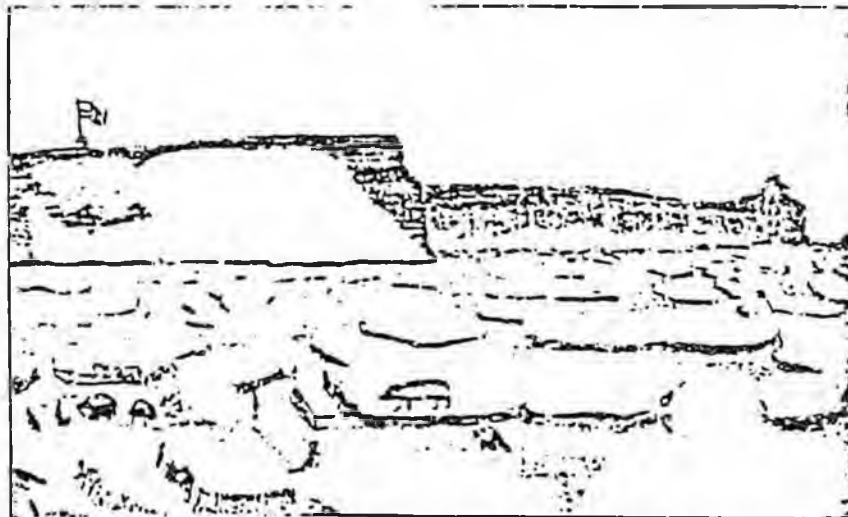
A NOTABLE addition was made to the national domain when Captain Cabin de Honoy landed on Wrangell Land, and took formal possession of it in the name of the United States. We landed near the southeast cape, at the mouth of a river, in latitude $71^{\circ} 4'$, longitude $177^{\circ} 40' 30''$ W. The extent of the new territory thus acquired is not definitely known, nor is likely to be for many a century, or until some considerable change has taken place in the polar climate, rendering the new land more attractive and more accessible. For at present even its southmost portion is almost constantly beset with ice of a kind that renders it all but inaccessible during both the winter and summer, while to the northward it extends far into the frozen ocean.

Going inland, along the left bank of the river, we found it much larger than it at first appeared to be. There was no snow left on the lowlands or any of the hills or mountains in sight, excepting the remnants of heavy drifts; nevertheless, it was still

~~The landing was made August 12, 1881.~~
[169]



FIRST LANDING ON WRANGELL LAND



THE AMERICAN FLAG ON WRANGELL LAND, NEAR EAST CAPE

from THE CRUISE OF THE CORWIN by John Muir.
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OCCASIONAL PAPERS
OF THE
**CALIFORNIA
ACADEMY OF SCIENCES**

No. XXIV

**The Discovery of
Wrangel Island**

By **SAMUEL L. HOOPER**

COMMITTEE ON PUBLICATION

Dr. HENRY C. MERRILL, Chairman

Dr. CLAUDE P. PATTERSON

Dr. EDWARD L. KILPATRICK, Editor

SAN FRANCISCO
PUBLISHED BY THE ACADEMY • 1936

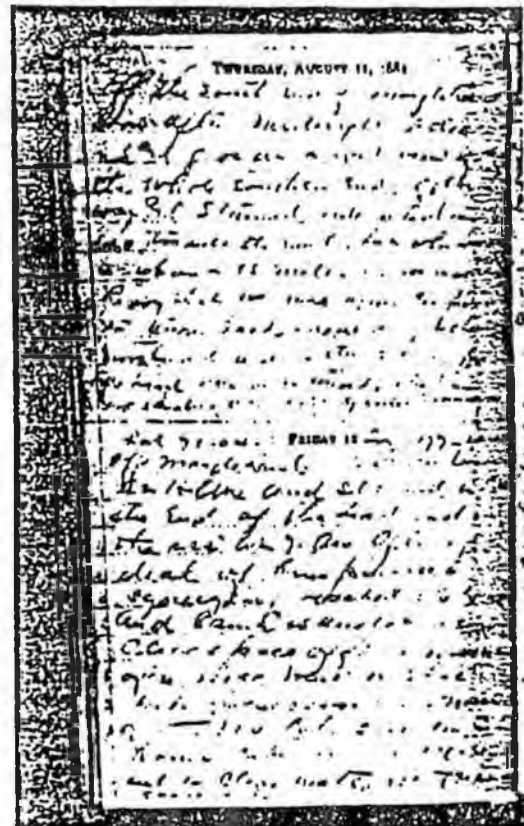


Figure 1. The original account of the discovery of Wrangel Island in the captain's own handwriting. This entry in his diary was written at the scene on the eve of the landing.

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The movement of the ice due to the set of the currents made it necessary to change positions several times during the night. At 4:30 a.m. the *Corwin* again entered the ice and this time with all preparations made to reach the land by crossing the ice if necessary, using the sledges and taking along the skin boat for crossing any open leads that might be encountered. However, as they fought their way closer to the land ice conditions improved. Inside the ten-fathom curve they found much of the ice aground while the floating portion was drifting past and occasionally slanting up over the top of the grounded pieces. Navigation under these conditions was neither comfortable nor safe, but they all felt that the land was now actually within reach and they pushed on. The captain's notes for that important day (see figure 3) read:

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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.

WASHINGTON:
GOVERNMENT PRINTING OFFICE,
1884.

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 Onminak 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. B. M., will be found of interest:

Ounalaska is the largest commercial port of the Alentian 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 further 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 Coxswain 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 kayak 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 $71^{\circ} 04'$ north and longitude $177^{\circ} 40'$ 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.

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 marres 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 (*Strepstilas 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-huntings (*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 (*Balaena 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, sibbaldia, 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 charters, &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 25 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 in 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.

RIGHT OF AMERICAN SOVEREIGNTY

compasses an area of two thousand square miles. As with other islands in the Arctic Ocean, accessibility is limited by thick fog and sea ice. Impenetrable ice floes block access even to its southern shore for at least ten months of each year.

Four nations have asserted interests over this island — the United States, the Soviet Union, the United Kingdom, and Canada. The superiority of the claim by the United States can best be understood when placed in the perspective of arctic history and international law.

Early recorded explorations into the Arctic did not intend to lay formal claim to, and take effective occupation of, arctic territory. Without these elements sovereignty will not arise over discovered land. The Greek navigator Pytheas of Massilia made the first recorded voyage into the Arctic Ocean in the fourth century, B.C.E., but was turned back by fog and ice.¹ The next recorded voyage into the Arctic of any significance was by a Norse chief named Ottar who sailed into the White Sea, after passing the Kola Peninsula.²

By the sixteenth century, England and other maritime nations sought better trade routes to the Orient than the long and arduous routes around the Cape of Good Hope and Cape Horn. In the year 1553 English merchants organized voyages to China by the Northeast Passage across the top of Europe and Asia.³ In 1594 the Dutch navigator Willem Barents sailed into the Kara Sea.⁴

A Cossack trader named Simon Dezhnev sailed eastward from the Kolyma River in the summer of 1648. The natives of eastern Siberia told him of a "large country" lying to the north of Chukchi and Alaska. He was the first white man to hear of this land called Beringia.⁵

In 1763, another Cossack named Andreyev heard of this land and traveled to the Medvezhi Ostrova to find it. He claimed to have seen a large land to the East from that island location. However, six years later three Russian surveyors named Leontev, Lesev, and Pushkarov confirmed that there was no land that could be seen from such location.⁶ Mirages of islands are not uncommon in the Arctic. This factor, added to the difficulty of obtaining star readings for location determinations in arctic fog, have often made land sightings unreliable.

Baron Ferdinand Petrovich von Wrangell, a lieutenant in the Imperial Russian Navy, also heard the tale of the land's existence from the Chukchi chiefs of Siberia. Between 1820 and 1824 he commanded several expeditions in search of the island but he never saw it, let alone land on or occupy it.⁷ In April of 1824, at the end of his last arctic expedition, Wrangell wrote:

[W]ith a painful feeling of the impossibility of overcoming the obstacles which nature opposed to us, our last hope vanished of discovering the land which we believed to exist. We saw ourselves compelled to renounce the object for which we had been striving through three years of hardships and danger.⁸

Despite this failure, Wrangell gained worldwide fame as an arctic explorer. He later became Governor of Russian America. Yet he was never to land upon the island that would bear his name in his honour.

During the mid-nineteenth century, England, still looking for a short-cut to the Orient, attempted to find a Northwest Passage. In 1845 Sir John Franklin left England with a company of 129 to travel over the top of America to Petropavlovsk, Kamachatka. By September, 1846, the expedition's ships had become locked in an ice pack twelve miles from King William Island.

On 11 June 1847 Sir John Franklin died. On 22 April 1848 the ships *Erebus* and *Terror* were deserted and what was left of their crew started on a hopeless march to safety. No one survived.⁹

By 1848 the Royal Geographical Society became concerned over the ships' disappearance and the British Admiralty agreed to its request to organize a search. The United States and Canada also organized searches for the missing ships.

On 6 August 1849, Captain Henry Kellett, R.N., of H.M.S. *Herald*, one of the Franklin search vessels, arrived at a small island west of Cape Lisburne. Upon landing, Kellett took possession and named the island *Herald* after his ship. He hoisted the Union Jack and claimed the island on behalf of Queen Victoria.

Kellett sighted a large land mass beyond *Herald* Island to the west which he called Plover in honor of another Franklin relief expedition ship. Whereas no land mass existed at the position noted by Kellett on navigation charts, it may have been a mirage rather than Wrangell Island. In any event, no further landing or exploration was made.

Six years later, on 13 August 1855 Captain John Rogers, in his flagship the U.S.S. *Vincennes*, reached the position ascribed to Plover Island, also known as Kellett Land on the Admiralty charts.¹⁰ When there was no land to be seen from the clear horizons, the charts by the Depot of Charts and Instruments of the U.S. Navy were changed accordingly. It should be noted that the Russian author Shvede gives credit to the American, Rogers, for discovering Wrangell Island¹¹ on that Congressionally authorized voyage.¹²

The United States' legal rights in the northwest of the North American Continent have a foundation in the

Treaty of Adams-de Onus of 22 February 1821 which ceded Spanish rights in Oregon Country to the U.S.¹⁶ The United States' claims to northern parts of the Oregon Country (now southern Alaska) are based, in part, upon voyages of discovery and annexation by Don Juan Francisco de la Bodega y Quadra and Don Ignacio Arteiga for the Spanish Government between 1775-1779.¹⁷

H.I.M. Tsar Aleksandr Pavlovich of Russia issued a ukase in 1821 banning "transaction of Commerce, and the pursuit of whaling and fishing or any other industry . . . all along the North West Coast of America from the Bering Sea to the 51st parallel."¹⁸ This coast was part of the area ceded to the United States by Spain in 1821. The Tsar's ukase prompted U.S. President Monroe, in his message to Congress on 2 December 1823, to proclaim the Monroe Doctrine. A compromise was reached on 11 January 1825. The United States government ceded the coast of America north of the 54°40' parallel to the Imperial Russian Government as part of a Treaty of Navigation and Fisheries of the Northwest Coast.¹⁹

As will be seen, this accord was superseded by the Seward-de Stoechl Treaty in 1867 which ceded Russian America to the United States. The 1825 treaty has no bearing on sovereignty over Wrangell Island which was undiscovered at the time.

By the middle of the nineteenth century, Russian interests in expansion beyond the Asian mainland waned just as American interest in expanding to the West increased. The loss of the Crimean War illustrated the vulnerability of the Russian Empire at its extremities.

The Russian government, fearing that its American colony was no longer defensible and recognizing its economic liability, sold the North American lands to the United States for 7.2 million dollars on 20 June 1867.²⁰ This convention between the governments of Russia and the United States ended all claims to sovereignty east of the demarcation line.

On 18 October 1867 the Tsarist double eagle flag was lowered over Novoarkhangelsk, the capital of Russian-America, and the Stars and Stripes was hoisted over the renamed city of Sitka. Alaska was now a possession of the United States.²¹

The Office of the Solicitor, U.S. Department of State, determined after a review of the documents leading up to and including the Seward-de Stoechl Treaty "that the Emperor of all the Russias ceded to the United States certain territories, and that the United States on its part entered into no commitment which could be interpreted as an understanding not to press claims to any land west of the particular line above described."²² Therefore,

there can be no inference that the United States ceded sovereignty to any as yet undiscovered island to the west of the Diomed Islands.

During this period the American whaling industry expanded into arctic waters. On 14 August 1867 Captain Thomas Long of New London, Connecticut, sailed his whaling bark *Nile* along a trek some thirty miles north of the route navigated by U.S.S. *Vincennes* some twelve years earlier. A seaman named Thomas sighted land (Cape Thomas) to the northeast from the ship's mast-head. Captain Long named this territory "Wrangell's Land" as an appropriate tribute to the memory of the Russian explorer who spent three consecutive years above the 69th parallel.²³ Long also was the first to sight the identifying volcano of more than 2000 feet in height on Wrangell Island. He sailed past the southern shore and returned to the port of Honolulu. Between 1868 and 1869 the news of the American discovery of "Wrangell's Land" spread worldwide. Geographical Societies in the United States and Europe honored Captain Long for his discovery.²⁴

Other American whalers — the captain Raynor of the *Reindeer*, Philips of the *Monticello*, and Bliver of the *Nautilus* also confirmed the sighting of the large land mass discovered by Thomas Long. They spread their belief that Wrangell was not an island but a frozen continent similar to that at the South Pole, a speculation that prompted the New York *Herald* to outfit an expedition in 1879, led by Naval Lieutenant George Washington De Long, to Wrangell Island and then the North Pole.²⁵ De Long and his ship, the *Jeannette*, formerly called the *Pandora*, never made it. The *Jeannette* became locked in ice floes and drifted westward past Wrangell Island where it was crushed and sunk in the summer of 1881.

Fearing for the fate of De Long, the U.S. Congress in early 1881 authorized one hundred and seventy-five thousand dollars for a search. The *Jeannette* relief ships, the U.S. Revenue Marine Steamer, the *Thomas Corwin* and the U.S.S. *John Rogers* entered the Bering Sea in the summer of 1881. Commanding officer of the *Corwin* was Captain Calvin Leighton Hooper.

Hooper at the time commanded the Bering Sea Patrol of the U.S. Revenue Marine, which made him the *de facto* Governor of Alaska. During the spring of 1877, jurisdiction of the District of Alaska was transferred from the Department of War to the Treasury Department. Treasury in turn placed Alaska under the charge of the U.S. Revenue Marine from that year until 1884.²⁶ Hooper clearly had authority at that time to discover and claim sovereignty over land on behalf of the United States.²⁷ The *Corwin* also carried aboard a complement of scientists. These included the world renowned naturalist, John Muir, who was later to found the Sierra Club.

The *Corwin* landed on Herald Island in hopes of finding the *Jeannette* or its crew. Unsuccessful in the rescue attempt, Hooper valiantly forced his ship through heavy ice floes to Wrangell Island to the west.²⁸

On 12 August 1881, Hooper, Muir, and their party of six made the first recorded landing by man upon Wrangell Island. Edward W. Nelson, a member of the landing party later noted.

The result of our examination of the Island, so far as we saw, gave not the slightest evidence of its ever having been visited by man before. All subsequent examinations of Wrangell Island by those who have visited it later appear to establish the fact that the landing party from the *Corwin* contained the first men to set foot on this island.²⁹

Landing at the mouth of the Clark River on the eastern side of the island, Hooper and his fellow officers raised the American flag and took possession of Wrangell Island in the name of the United States. While Hooper and Muir explored the island, other party members erected a rock cairn and deposited documents recording the significant event. William Reynolds, a member of the party, 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.³⁰

Hooper called the island "New Columbia." He explained,

It was believed that as the island had become, by our act of landing upon it, a part of the United States, by selecting a name of national character, no disrespect would be shown to the memory or offense given to the friends of the gallant officer whose name it bore, and that the name given would be adopted by all nations.³¹

The name "New Columbia" never replaced Wrangell, however.

Captain Hooper told Captain L. C. Owens of the American whaler *Belvedere* of his plan to annex Wrangell Island to the United States prior to landing there. The *Belvedere* became the second ship to land at Wrangell on 19 August 1881. "As soon as we got ashore we saw the signal planned by Lieutenant Reynolds, a small American ensign fastened to a slender piece of driftwood, driven into the soil," confirmed a *Belvedere* crew member.³²

On 26 August 1881 a party from the *Rogers*, the other relief ship, landed on Wrangell Island. They completed an official survey for the U.S. Government on 13 September of the same year. One crew expedition proceeded overland to the mountains, where a general view of land and water could be obtained. Another

group found the cairn left by the *Corwin*, and deposited copies of the documents contained therein, taking the originals for the Navy's report. The crew of the U.S.S. *Rogers* also raised the American flag over Wrangell Island.³³ The crew determined that its new U.S. possession was not a continent but a large island.

Major E. W. Clark, the Chief of the United States Revenue Marine Service, informed the U.S. Coast and Geological Survey in 1881 of the annexation of Wrangell Island to the United States. The U.S.C. & G.S. of the U.S. Treasury Department determined that Wrangell Island should be included in the District of Alaska.³⁴

Between the years 1881 and 1910 Wrangell Island was visited exclusively by Americans. These were mostly whalers and walrus and seal hunters. On 8 September 1889 the U.S.S. *Thetis* went to Wrangell Island while cruising the Arctic Ocean, "showing the American flag."³⁵ In the year 1910 Captain E. J. Lane sailed the ship *Adler* of Nome, Alaska, to Wrangell Island with a motion picture company from Hollywood, which filmed a polar bear hunt.

For a period of twenty-nine years following Hooper's claim, U.S. and Russian publications recognized United States sovereignty over Wrangell. U.S. Geological Survey Bulletin No. 169 in 1900, No. 187 in 1902, and Nos. 274 and 299 in 1906 included Wrangell Island as part of the U.S. Russian Naval Maps and Encyclopedia at the turn of the century also show the same designation.

In 1910 the Imperial Russian government, interested in compiling hydrographic charts to facilitate shipping routes from Kolyma to Vladivostok, commissioned two steel ice-breaking ships, the *Vaigatch* and *Taimyr*. On 16 September 1911 the *Vaigatch* anchored in a cove off Blossom Point at the southwest corner of Wrangell Island while taking shelter from a gale from the northeast.³⁶ Its captain sent a landing party ashore on 15 September via whaleboat and motor launch to establish the correct astronomical position by celestial observation. The landing party found a coal deposit and erected a ten meter structure to establish the astronomical position of the landing place before leaving.

The Russians then circumnavigated the island, but unfortunately at a distance too far to contribute to the definite outlining of the coast.³⁷ This was the only visit that the Russians ever made to the Wrangell Island before 1924, nor did they ever make any claim to the island during their stay.

In 1911 Dr. Rollin Harris, an American oceanographer, again raised interest in the possibility of an as-yet-undiscovered arctic continent. He hypothe-

sized the existence of "Harris Land" to explain tidal movements in the Arctic Ocean.

In 1913 the National Geographic Society planned to finance an expedition to the Arctic to find this new land. Sir Robert Borden, Prime Minister of Canada, asked and received permission to finance the expedition for fear that Americans might make new discoveries north of Canada for the United States.³⁸

Vilhjalmur Stefansson, a Canadian who had grown up on the plains of North Dakota, was chosen to lead the expedition. The Canadian government directed Stefansson that "any new or partly unknown lands which the expedition would touch would be observed, position fixed, and the British flag would be planted on these lands."³⁹

Stefansson's flagship was the whaler *Karluk* under the mastery of Captain Robert A. Bartlett. Bartlett was a U.S. citizen who had commanded the ship *Roosevelt* for the Peary and Henson expedition to the North Pole during the years 1905 to 1909. The *Karluk* suffered the tragic fate of other vessels and became caught in arctic ice, drifted west along the north coast of Alaska, and eventually sank. For two months the survivors walked south across the polar ice cap, arriving at Wrangell

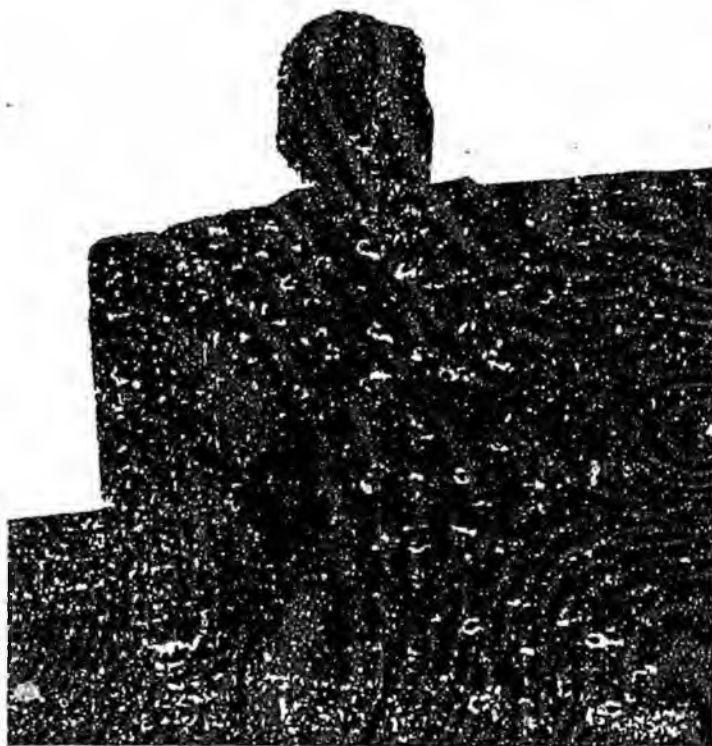


Figure 1. "Mugpi" — Mrs. Ruth Ipalook, daughter of "Auntie" Kiruk, Eskimo seamstress on the *Karluk*. Mrs. Ipalook now lives near Barrow, Alaska. She and William McKinlay, a Scottish schoolmaster who served on the Canadian Arctic Expedition of 1913-18 as magnetician and meteorologist, are the only living survivors of the disaster.

Island on 12 March 1914. Two members of the ship's crew, John Munro and Robert Templeman, raised the Canadian flag over Wrangell Island in celebration of Dominion Day, 1 July 1914.

Of course, Wrangell Island had already been formally claimed by the United States, and the previous establishment of U.S. sovereignty served to cut off subsequent rival claims. Furthermore, Great Britain had transferred jurisdiction of her rights to islands in the Arctic Ocean to the Canadian Government in 1880.⁴⁰ Therefore, whatever pretention to sovereignty Great Britain might have had to Herald and Wrangell Islands by virtue of the voyage of the H.M.S. *Herald* in 1849, or the landing on Wrangell in 1914, now belonged to Canada.

The shipwrecked members of the *Karluk* also recognized the prior discovery of Wrangell Island. Bartlett later wrote that "we passed Hooper cairn, which was built by a party from the U.S. Revenue cutter *Corwin* in August, 1881. The cairn, as I could see, was still intact."⁴¹

Captain Bartlett and an Eskimo crew member, Kakatovik, walked across the ice pack to summon help. Upon Bartlett's reaching Alaska, Captain William E. Reynolds, U.S.R.C.S., immediately ordered a rescue attempt. On 7 September 1914 the American ship *King and Wing* picked up the happy survivors on Wrangell Island (Figure 1). Not knowing that the *Karluk* survivors had already been rescued, the *Thomas Corwin* landed at Wrangell a few days later. The same ship that thirty-three years earlier had carried Hooper to claim the island, re-established the flying of the U.S. flag over Wrangell Island.

After the *Karluk* survivors were transferred to the U.S. Revenue Cutter *Bear*, they were transported to the ship's home port of Unalaska where the port commander, William Reynolds (who in 1881 had landed on Wrangell with Hooper) told Bartlett that the island was indeed part of Alaska.

On 13 November 1916 a challenge to U.S. sovereignty over Wrangell Island came from a different source. The Imperial Russian Embassy in Washington presented a memorandum to the U.S. Department of State regarding Russia's claim to lands in the Arctic. It claimed that Wrangell Island, Alaska, was one of the islands which "form an extension Northward of the Continental tableland of Siberia."⁴² This argument, like that of the sphere of influence, continuity, or sector theory to the Pole has no validity in international law.⁴³ Before this claim could again be pressed the Imperial Russian Government was overthrown by the Bolsheviks. World events were to continue to play a major part in the issue of sovereignty over Wrangell.

On 7 July 1918 Allied Commanders, and an army that included Japanese troops, assumed protection of the city of Vladivostok. The threat of the Japanese taking an imperialistic hold in eastern Siberia caused concern, just as the expansion of power by the Bolsheviks had done formerly. In 1920 Stefansson became worried that the Japanese government, in their desire to control eastern Siberia, might try to take Wrangell Island. He observed, "I felt certain that within a year or two they would realize the coming importance of Wrangell Island and would occupy it."

Great Britain, Japan, and the United States were allied against the Bolsheviks. However, if the Japanese (future Pacific rivals to the United States) were to occupy Wrangell Island, it would be difficult to oust them in favor of the Bolsheviks. Therefore, Stefansson met in Ann Arbor, Michigan, with Allen Crawford, a Canadian, and Sir Auckland Geddes, British Ambassador to the U.S., for the United Kingdom to plan an expedition to secure Wrangell Island and also to promote their own economic interests.

Crawford led a party that included four Americans on the American ship *Silver Wave*. When they landed on Wrangell Island on 15 September 1921 the crew raised the Stars and Stripes over the island under Captain Jack Hammer's direction. On 16 September 1921 Crawford raised the Union Jack over Wrangell "in the name of the King and the Empire" as a continuation of Stefansson's "right to the island already established by the Stefansson Canadian Arctic Expedition of 1913-18 and the shipwreck of the *Karluk*."⁴³ He did not tell anyone aboard the *Silver Wave* that he had raised the British flag over the island.

In 1922 it became a *cause célèbre* in the British and American press that Stefansson and company had "claimed" Wrangell Island, Alaska, as part of the United Kingdom. Anglo-American relations became strained over an island in which Great Britain had shown no interest since the discovery of Herald Island in 1849.

The Crawford party landed with provisions for only six months, saying they planned to sustain themselves with hunting. Stefansson's relief mission in 1922 was blocked by ice floes. When Harold Noice arrived aboard the relief ship *Donaldson* on 20 August 1923 only an Eskimo seamstress named Ada Blackjack survived of the original group. A new party led by Charles Wells of Uniontown, Pennsylvania, continued settlement of the island.

When Stefansson realized in 1924 that the Canadian government would not back a sovereignty claim as to *dominium directum* rights he sold his title and his *dominium utile* interests in Wrangell Island to the

Lomen Brothers company of Nome, Alaska (Figures 2(a) and 2(b)). On 13 May 1924 Secretary of State Charles Evans Hughes declared that the Lomen Brothers were the owners of the island (Figure 3). On 18 June of that year, the British Colonial Secretary stated in a confidential dispatch: "The United States Government is thought to have a strong, if not indisputable, claim to the Island."^{43a}

On 20 August 1924 the Soviet gunboat *Red October* landed on Wrangell Island, armed with a six-pound cannon and a company of Soviet infantry. The Soviets took Wells by force and the other thirteen Americans on the island and told them they were being taken to Alaska. Instead they were forcibly taken to Vladivostok.⁴⁴ The Soviet officials confiscated all the pelts which the trappers had accumulated during the twelve bitter months on the island.⁴⁵ Following intervention by the U.S. Consul at Harbin, Manchuria, the Soviets released the twelve Americans still living. The

UNITED STATES DEPARTMENT OF THE INTERIOR

WELLS, CHAS., a corporation of the Territory of British Columbia, for a valuable consideration by it and received, the receipt of which is hereby acknowledged, and of the Government and consent of James H. Lomen, hereinafter set forth, hereby sells, assigns and conveys to CHAS. S. WELLS, WELZ LOMEN, SALAM LOMEN and HAROLD J. WELLS, citizens of the United States, residing at Nome, Alaska, and there doing business under the firm name and style of WELLS BROTHERS,

ALL its right, title and interest in and to the goods, wares, merchandise, supplies, traps and equipment which said corporation has on Wrangell Island, located in the Bering Sea about three hundred miles northwest of Point Barrow, Alaska,

TOGETHER with all its plants in ground and other improvements erected and made thereon and in and to the furs, ivory and other property accumulated by its agents and employees upon said Wrangell Island,

TOGETHER with the possessory rights which it has in said island by reason of having actually taken possession thereof on September 6th, 1921 and of having since maintained thereon a permanent colony, which island was theretofore unoccupied,

TOGETHER with all benefits and rights which said corporation has under its contract with Allen S. Crawford and his associates for the establishment of said colony and under its contract with Charles Wells and others co-operating with it for the supporting and maintaining of said colony and carrying on the operations and activities of said corporation on said Wrangell Island.

In consideration of the foregoing agreement, James H. Lomen, hereinafter set forth, hereby binds himself to

transmit our lives to the said colonists on said Wrangell Island and afford them an opportunity to claim to and use between said Island and the Alaskan mainland and to enforce the position and obligation of said corporation in and under said contracts above referred to and without and save it harmless herefrom.

WILHELM HEINE and Stefansson Arctic Exploration & Development Company, Ltd. and Loren Brothers have caused this instrument to be duly executed this 1st day of April, 1924.

STEFANSSON ARCTIC EXPLORATION
& DEVELOPMENT COMPANY, LTD.

Attest:

[Signature] Secretary
[Signature] President

Witness:

[Signature] (Witness)
[Signature] (Witness)
[Signature] (Witness)
[Signature] (Witness)

Figures 2(a) and 2(b). Certificate of sale of his interest in Wrangell Island by Vilhjalmur Stefansson to the Lomen Brothers of Nome, Alaska, 1 April 1924.

Bolsheviks claimed that Wells had died of pneumonia. His diary was never found.

A year later the Soviets proclaimed Wrangell Island as their territory. But in 1930 the U.S. Department of the Interior publication entitled *Boundaries, Areas, Geographic Centers and Altitudes of the United States and the Several States* expressly included Wrangell Island as an American possession. Since that time no abandonment by the U.S. of its rightful sovereignty has occurred, nor under international law could such abandonment occur following a ~~cession~~ ~~by force~~ by force.

Besides the abducting of Americans on Wrangell Island, the Russians violated federally promulgated Alaskan law that prohibits the exercise of foreign jurisdiction. The Alaskan Organic Act of 1884 adopted Oregon law, which in turn had adopted the Iowa Territory prohibitions against foreign governmental interference with American sovereignty.⁴⁸

In 1973 the State Department reissued the *Ackworth Digest of International Law* which explained, "The United States has not relinquished its claim to Wrangell Island." In the centennial year of the American landing on Wrangell, the United States gov-

ernment's position has not changed. Captain Hooper formally claimed Wrangell Island on 12 August 1881 and the U.S. established effective occupation until the Soviet invasion.

NOTES

- ¹ The island has also been spelled Wrangel and Vrangell. The U.S. Board of Geographic names, by resolution named 29 July 1901 determined that Wrangell Island, Alaska, in the Arctic Ocean should be spelled with two l's. The island was named in tribute to Ferdinand Petrovich von Wrangell who spelled his own name with two l's when he wrote in the Roman alphabet.
- ² Dermot Cole. "Now We're Losing Wrangel Island." *Fairbanks Daily News Miner*, 1 October 1977.
- ³ David Mountfield. *A History of Polar Exploration* (New York: The Dial Press, 1974), pp. 15-16, 19-20.
- ⁴ *Ibid.*, p. 23.
- ⁵ *Ibid.*, pp. 27, 33.
- ⁶ *Ibid.*, pp. 33-39.
- ⁷ Leonid Vasilevich Gromov. *Oskolok Drevnei Beringi* (Moskva: Gos izd-vo gcogr. lit-ry, 1960).
- ⁸ *Ibid.*
- ⁹ Lieutenant Baron Ferdinand Petrovich von Wrangell, I.R.N., *Narrative of an Expedition to the Polar Sea in the Years 1820-1823*, ed. Major Sir Edward Sabine, R.A. (London: James Madden and Co., 1840) pp. 342-359.
- ¹⁰ "Wrangell Island," *The Geographical Journal*, Vol. 62, No. 6, (December, 1923), p. 441.
- ¹¹ Leopold McClintock. *The Voyage of the Fox: Discovery of the Fate of Franklin* (London: J. Murry, 1908).
- ¹² Bertold C. Seaman. *Narrative of the Voyage of the Herald during 1845-51*, (London: Reeve & Co., 1853), pp. 115-116.
- ¹³ Wilhelm Heine. *Die Expedition in die Seen von China, Japan und Ochoisk unter Commodore Colin Reingold und Commodore John Rodgers, in auftrage der Regierung der Jahren 1853 bis 1856* (Leipzig: H. Constenoble, 1858-59).
- ¹⁴ Evgenni Evgenievich Shevde "Ostrov Vrangelya" *Morskoi Bur-nik* God 76, No. 9 (Sept., 1923) pp. i-xiv.
- ¹⁵ 31 August 1852 (10 Stat. L. 100).
- ¹⁶ 8 Stat. L. 252.
- ¹⁷ Francisco Antonio Mourelle. *Journal of a Voyage in 1775* (London, 1781).

- ¹⁴ John J. Underwood, *Alaska: An Empire in the Making* (New York: Dodd, Mead, 1913) p. 265. It should be noted that Prof. William R. Hunt of the University of Alaska, in his book, *Alaska: A Bicentennial History* (New York: W. W. Norton & Company, Inc. and Nashville: American Association for State and Local History, 1976), p. 30, erred in ascribing the ukase to "Alexander II" (Tsar Aleksandr Nikolaevich of Russia).
- ¹⁵ 8 Stat. L. 302. For background information concerning counter-claims of sovereignty to the Oregon Country read Thomas Falconer, *Oregon Questions; or a Statement of the British Claims to the Government of the United States of America*, 2nd Ed. (London: Samuel Clark, 1845), and Travers Twiss, *The Oregon Question Examined* (London: Longman, Brown, Green and Longman, 1846).
- ¹⁶ 15 Stat. L. 539.
- ¹⁷ The name Alaska was gradually established for this region by local use while the Russians officially designated it Russian America. The name Alaska was proposed for official acceptance by W. H. Seward, Hon. Charles Sumner, and Maj. General H. W. Halleck after the U. S. Government took possession of the region.
- ¹⁸ Bretton G. Sciaroni, *The U.S. Claim to Wrangell Island*, Contract Study (No. 1722-620057) prepared for the U.S. Department of State on February 4, 1976, p. 30. Also see, F. M. Anderson, "Memorandum" (November 25, 1924), M. S. Department of State, file 861.0144/75 and S. Wittemore Boggs "Delimitation of Seaward Areas under National Jurisdiction," *American Journal of International Law*, 45, No. 2 (April, 1951), p. 240, fn 2.
- ¹⁹ Captain Thomas Long, "Arctic Land Discoveries," *The Pacific Commercial Advertiser* (Honolulu), 9 November 1867.
- ²⁰ "A Polar Continent: Reported Discovery of a Polar Continent in the Arctic Ocean," *New York Times* (7 December 1867); William W. Wherlens, "The New Arctic Continent or Wrangell's Land" (Chicago: American Association for the Advancement of Science, August 1868); K. M. Baer, "Nesholho slov po povodu novothritoy Vrangelyevshoy zemly," *Izvesti Russhovo Geograficheshovo Obshchestva*, (1968), V4, N7, pp. 333-349.
- ²¹ J. E. Nourse, *American Exploration in the Ice Zones*, (Boston: D. Lothrop and Company), pp. 365-66 and David Mountfield, *A History of Polar Exploration* (New York: Dial Press, 1974), pp. 123-124.
- ²² Formal letters of 17 and 24 March 1877 between Secretary of War George W. McCrary and Secretary of Treasury, John Sherman, National Archives, files of the Adjutant General (Microcopy MGGG, reel No. 358).
- ²³ International law has also recognized the status of private individuals to claim sovereignty on behalf of their country. A fortiori Hooper in his official capacity had no less authority regarding Wrangell Island than in his validly ordered claim of Wake Island on behalf of the United States in 1898, while in transit after the Spanish American War as a member of U.S. Pacific forces.
- ²⁴ Muir, *The Cruise of the Corwin*, pp. 140-158; Hooper, *Cruise of the Corwin*, 1881, pp. 53-54.
- ²⁵ Nelson, *Congressional Record, Senate*, 22 March 1922, p. 4261, col. 2.
- ²⁶ William Reynolds, *Congressional Record, Senate*, 25 March 1922, p. 4538, col. 2. Also included under these papers sent from the Secretary of Treasury Andrew W. Mellon to Secretary of State Charles Evans Hughes, 13 April 1922, M. S. Department of State, file 861.0144/7.
- ²⁷ Hooper, *Cruise of the Corwin*, 1881, p. 70.
- ²⁸ "Wrangel Land: A Description of the Island by a Visitor" *San Francisco Chronicle* (16 August 1882), p. 3.
- ²⁹ Nelson, *Congressional Record, Senate*, 22 March 1922, p. 4261, col., stated the "Rogers partly took possession of the island by right of [Captain Long's] discovery, and that was within a space of a few weeks [of the *Corwin* party taking possession for the United States Government]."
- ³⁰ In 1900 the U.S. Geological Survey, at the direction of Henry Gannett, issued U.S. Geological Survey Bulletin No. 169 which included Wrangell Island of the Arctic as part of Alaska. Gannett is known as the father of American map making, and was the Chief Geographer of the U.S.G.S., having started in 1882.
- ³¹ Jean Denuce "les expeditions polaires depuis 1800," *Bulletin de la Societe Royale de Geographie D'Anvers* (Anvers: J. Van Hille-De Bocher, 1911), p. 336. Also see: Charles Herbert Stockton, "The Arctic Cruise of the USS *Thetis* in the summer and autumn of 1889," *National Geographic Magazine* (1890), v. 2, No. 3, p. 194; and D. W. Knox, Captain, U.S.N. (Ret.), letter to Lt. Comdr. F. W. Mead, U.S.N. (Ret.) dated 31 October 1933.
- ³² Blossom Point was named by Lt. R. M. Berry, U.S.N. in 1881 after H.M.S. *Blossom*.
- ³³ L. M. Starokadomskiy, *Charting the Russian Northern Sea Route: The Arctic Ocean Hydrographic Expedition 1909-1919*; ed. and trans. William Barr, (Montreal: Arctic Institute of North America and McGill-Queen's University Press, 1976) pp. 60-64; Nikolai Nikolaevich Alekseev, "Ostrov Vrangelya," *Bulletin of the Far Eastern Branch of the Academy of Sciences of the U.S.S.R.* (Vladivostok: 1932) No. 3-4, p. 83; L. V. Gromov, *Ostrov Vrangelya* (Magadan: 1961) p. 24; Vilhjalmur Stefansson, "The Russian Visit to Wrangel Island," appendix 9, *The Adventure of Wrangel Island*, op. cit., pp. 393-394.
- ³⁴ Vilhjalmur Stefansson, *The Adventure of Wrangel Island*, pp. 50-51.
- ³⁵ Order-in-Council, approved 22 February 1913.
- ³⁶ Gordon W. Smith, "The Transfer of Arctic Territories from Great Britain to Canada in 1880, and some related matters, as seen in official correspondence," *Arctic*, March, 1961, Vol. 14, No. 1, pp. 53-73.
- ³⁷ Bartlett, *The Last Voyage of the Karluk*, op. cit., p. 173.
- ³⁸ The note of 13 November 1916 stated in part:
Le Gouvernement IMPERIAL profite de cette occasion pour faire ressortir qu'il considere aussi comme faisant partie integrante de l'Empire les îles Henriette, Jeannette, Bennett, Herald et Oujedinemia, qui forment avec les îles Nouvelle Sibirie, Wrangel et autres situees pres la cote asiatique de l'Empire, une extension vers le nord de la plate forme continentale de la Sibirie.

Le Gouvernement IMPERIAL n'a pas jugé nécessaire de joindre à la présente notification les îles Novaia Zemlia, Kologouev, Kolgouev, Waigatch et autres de moindres dimensions situées près la côte européenne de l'Empire, étant donné que leur appartenance aux territoires de l'Empire se trouve depuis des siècles universellement reconnue.

⁴¹ It should be noted that unsupported claims advanced by the Imperial Russian Government in the above note were rejected by the United States in 1902, as part of the "Whaling and Sealing Claims Against Russia." Herbert H. D. Peirce, *Foreign Relations of the United States, 1902*, Appendix I. (Washington: GPO, 1903), pp. 18 and 107. Fedor Fedorovich Martens, the legal counsel for the Imperial Russian Ministry of Foreign Affairs, rejected the notion that Russian sovereignty extended northward into the Arctic. He contended that the marginal seas north of the Russian mainland were *Mare Liberum* from the judicial point of view. F. F. Martens, "Du territoire de l'état", *Traite de droit international*, trans. Alfred Ler. (Paris: 1883) v. 1, pp. 495-496.

⁴² Stefansson, *The Adventure of Wrangel Island*, op. cit. p. 95.

⁴³ Ibid. pp. 128-131.

⁴⁴ Colonial Secretary to Governor General: confidential dispatch No. 537. Cited in Bretton G. Sciaroni, *The U.S. Claim to*

Wrangell Island, Contract Study No. 1722-620057 prepared for the U.S. Department of State on February 4, 1976, p. 15.

⁴⁵ Affidavit of 22 March 1977 by Hilda Koonuknowrunk Weber, one of the American prisoners.

⁴⁶ *Japan Advertiser*, 27 January 1925.

⁴⁸ On 7 May 1884 the U.S. Congress passed "An Act providing a Civil Government for Alaska", c. 53, 23 *Stat. at Large* 24. That act adopted Oregon law providing it does not conflict with other provisions of Alaskan law. This Act extended to Alaska "An Act Adopting the Statutes and Laws of the Territory of Iowa and the Common Law." *Oregon Acts and Laws Passed by the House of Representatives at a Meeting Held in Oregon City, August, 1845* (New York: N. A. Plemister Company, 1921) p. 16. It should be remembered that the Act of 12 August 1845 became part of the laws of the Territory of Oregon through "An Act to Establish the Territorial Government of Oregon", of 14 August 1848, c. 177, 9 *Stat. at Large* 323 (known as the Oregon Organic Act, Laws of the Territory of Iowa, passed at the Extra Session of the Legislative Assembly, begun and held in the City of Burlington: J. H. M. Kenny, 1840, and Des Moines: Historical Department of Iowa, 1902) c. 85.

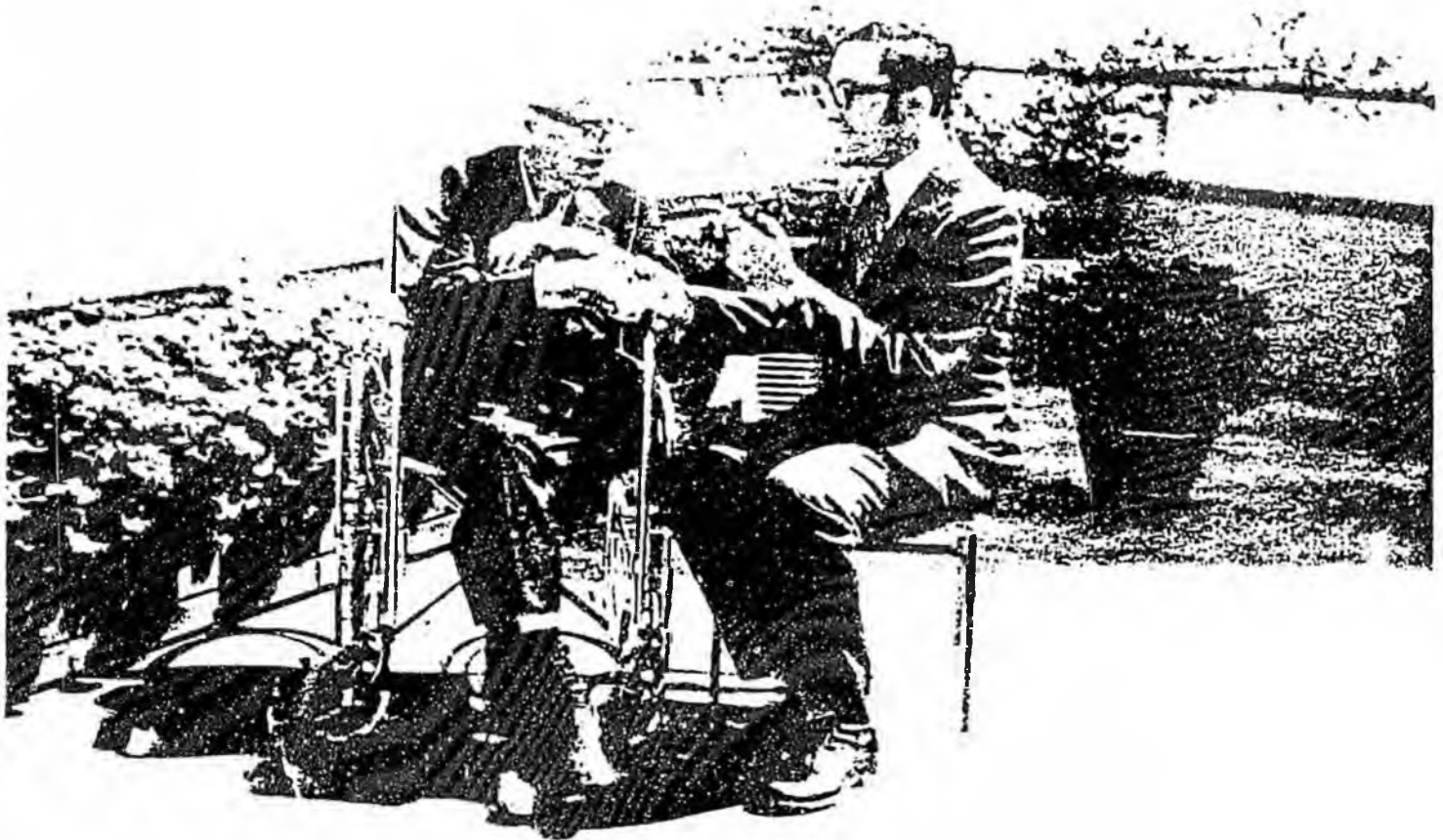


Figure 3. Mark Jerome Seidenberg with Ralph Lomen. Taken in Searie, Washington, in June 1976.

STATEMENT OF REAL PROPERTY OWNERSHIP

Alaska Division of Lands
323 E. 4th Avenue, Anchorage, Alaska 99501

78-0105
5-
FILED
NOV 1978
DI 171

6th day of February, 1978

I, Everett P. Wood, Administrator, Estate of
Ralph Lomen, hereby state that my street and
post office address is: 4747 35th Avenue N. E.
Seattle, Washington 98105 and that I am the
administrator for the Estate of Ralph Lomen,

Recorder's Date Stamp '78
1 FEB 18 1978
MARK J. SEIDENBERG
P.O. Box 48601
LOS ANGELES,
CALIFORNIA 90048
#65350
Recorder's Initials _____
Recorder's Filing No. _____

who was doing business under the firm name and style of LOMEN BROTHERS,
is the legal owner of the following described property located in the
Unorganized Borough, Nome Recording District of the Second Judicial
District, Alaska. Name of person filing this statement if other than legal owner
Everett P. Wood. Legal Description

The remaining lands of Ralph Lomen can be described as that portion
of Wrangell Island (a.k.a. New Columbia Land), of the Arctic Ocean, re-
recorded at the Nome Recording District in Book 281, Page 822-823, less
that portion conveyed to Mark Seidenberg on June 24, 1976 recorded at the
Nome Recording District in Book 278, Page 481-482. Wrangell Island is

(Use additional space on reverse side if necessary)

*Name of previous owner immediately prior to LOMEN BROTHERS purchase was STEFANSSON
ARCTIC EXPLORATION & DEVELOPMENT COMPANY, LTD.

Full title (patent or deed) to the above described property was acquired on 1 April
1924 (date).

(Administrator) Everett P. Wood
Estate of Ralph Lomen

State of Washington)
County of King) ss.

Everett P. Wood

being first duly sworn
on oath, each for himself and not for the other, deposes and says:
That (he) (they) (is) (are) the identical person(s) described in and who executed the
above and foregoing Statement of Real Property Ownership and that (he) (they) (has)
(have) read the same and know(s) the contents thereof and that the same is true.

Subscribed and Sworn to before me this 12th day of February, 1978

Theresa Virginia Linder
Notary Public

(SEAL)

about 1,700 square miles in area and is located in the Bering Sea [Arctic Ocean] about three hundred miles northwest of Point Barrow. The crew of the U.S.S. "John Rodgers" made the official survey for the U. S. Government between 26 August and 13 September 1881. Captain Calvin L. Hooper, USN (de facto governor of Alaska) with a party from the U. S. Revenue-Marine Steamer "Thomas Corwin" landed on Wrangell Island on 12 August 1881 and took formal possession in the name of the United States Government based on the right of discovery by the American Barque "Hile" in 1867. The U.S. Coast and Geodetic Service then placed Wrangell Island in the district of Alaska. It should be noted that Atherton Mountain is situated on the remaining lands of Ralph Lomen and listed in the following as part of Alaska:

U. S. Geological Survey Bulletin #169, by Henry Gannett
"Altitudes in Alaska", (Washington: GPO, 1900).

U. S. Geological Survey Bulletin #187, by Marcus Baker
"Geographic Dictionary of Alaska", (Washington: GPO, 1902).

U. S. Geological Survey Bulletin #274, by Henry Gannett
"A Dictionary of Altitudes in the United States",
(Washington: GPO, 1906).

U. S. Geological Survey Bulletin #299, by Marcus Baker
& James McCormick, "Geographic Dictionary of Alaska",
(Washington: GPO, 1906).

U. S. Geological Survey Professional Paper #567,
by Donald J. Orth, "Dictionary of Alaska Place Names"
First printing, (Washington: GPO, 1967).

U. S. Geological Survey Professional Paper #567,
by Donald J. Orth, "Dictionary of Alaska Place Names", Revised,
Second printing, (Washington: GPO, 1971).

U. S. Geological Survey Professional Paper #567,
by Donald J. Orth, "Dictionary of Alaska Place Names", Revised,
Third printing, (Washington: GPO, 1975).

U. S. Geological Survey Professional Paper #567,
by Donald J. Orth, "Dictionary of Alaska Place Names", Revised,
Fourth printing, (Washington: GPO, 1977).

United States Department of the Interior

STEWART L. UDALL, *Secretary*



Geological Survey

William T. Pecora, *Director*



United States Department of the Interior

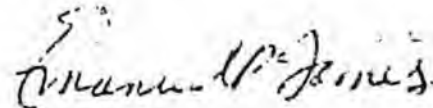
GEOLOGICAL SURVEY
RESTON, VIRGINIA 22092

January 10, 1978

Dear Mr. Seidenberg:

In regard to your note of December 21, 1977, paper work authorizing printing of Geological Survey reports is kept on file for three years; accordingly, paper work for the 1967 and 1971 editions of Professional Paper 567 has been destroyed. The 1975 and 1977 reprintings, which are exact reprints of the 1971 edition, were ordered by the GPO Superintendent of Documents and therefore any questions on these must be directed to Ms. Joyce M. Makel, Government Printing Office, Procurement Section, P.O. Box 1533, Washington, DC 20013.

We are enclosing copies of pages III, IV, and 91 for the 1967 and 1971 printings; copies of pages from the 1975 and 1977 printings can be obtained from Ms. Makel.


Emanuel P. James

DICTIONARY OF ALASKA PLACE NAMES

By Donald J. Orth

GEOLOGICAL SURVEY PROFESSIONAL PAPER 567

The principal names listed conform with nomenclature established through decisions of the U.S. Board on Geographic Names or are recognized by the Board as standard names for use on Federal maps and other publications



REPRINTED 1971
WITH MINOR REVISIONS

UNITED STATES GOVERNMENT PRINTING OFFICE, WASHINGTON : 1967

Atta Island

island, see Atka Island
island, 0.4 mi. across, in Necker
 east of Baranof I., 17 mi. SW of
 Arch.; 56°49'45" N, 135°29'00"
 (p. 5). *Var.* Atakou Island, Ostruv

ancient Indian name reported in 1809 by
 an Aleutian the first, IRN; published by Lt.
 J. A. W. Reade (1826, map 19), IRN, as "O[strov]
 Ataku," or "Ataku Island."

Atanik: locality, see Atanik.

Atanik: locality, on Chukchi Sea coast, 7 mi.
 NE of Point Belcher and 20 mi. NE of Wain-
 wright, Arctic Plain; 70°50' N, 159°21' W;
 (map 146). *Var.* Ahtenmuk, Ataniek, Atnik,
 Atanak, Atune.

Former Eskimo village recorded on Brit.
 Adm. Chart 595 (1827-55), as "Attanak."
 Lt. L. A. Zagoskin, IRN, reported the name
 as "Atinik" in 1847. Its population was
 given as 34 in the 1890 U.S. Census. The
 name may mean "straight."

Atayak Mountain: mountain, 3,000 ft., 3.5 mi.
 E of Kagai Lake and 80 mi. NE of Gonde-
 news, Kilburk-Kuskokwim Mts.; 59°52' N,
 159°57' W; (map 53). *Var.* Ataniach
 Mountain, Ataniak Mountain, Ah-tah-ai-ak.

Eskimo name reported in 1898 by J. E.
 Spurr and W. S. Post, USGS.

Atayak Mountain: mountain, see Ata-ai-ach
 Mountain.

Atcha Island: island, see Atka Island.

Atchaka Island: island, see Middleton Island.

Atchalugumut: locality, see Atchaluk.

Atchaluk: locality, "in the Kuskokwim district."
Var. Atchalugumut.

Former Eskimo camp or village listed as
 "Atchalugumut" with a population of 39 in
 the 1880 Census.

Atchelik River: stream, see Atchilik River.

Acheredina, Point: point of land, see Acheredin
 Point.

Atchka Island: island, see Atka Island.

Achō-kōverūshkā: hill, see Gull Hill.

Atchuelingak Slough: stream, see Atchuelingak
 River.

Atchuelingak River: stream, heads at 63°02' N,
 161°27' W, flows SW 165 mi. to Yukon River,
 25 mi. W. of Marshall, Yukon-Kuskokwim
 Delta; 61°57'30" N, 162°50'00" W. (map
 74). *Var.* Chuilnak River, Chuilanuk River,
 Five Day Slough, Atchuelingak Slough.

Eskimo name first appearing as "Chuilanuk"
 on a fieldsheet by R. H. Sargent, USGS, dated
 1916. Sargent notes that it is the "lower end
 of 5 day Slough]. It takes 5 days to row
 through this slough because it is so sinuous."
 The spelling has been modified to "Atchuelin-
 guk" on recent maps to conform more closely
 with pronunciation. It refers in meaning to
 "water that isn't roly."

Atchu Island: island, see Atka Island.

Atch Creek: stream, see Atchil Creek.

Atchka Island: island, see Atka Island.

Acheron Mountain: mountain, "11,700 feet
 high on south shore of Wrangell Island,
 Aleutian Ocean."

"So named by the British Admiralty, 1884."
 (Baker, 1906, p. 107).

Atigaru Point: point of land, on coast of Beau-
 fort Sea, extends E into Harrison Bay, Arctic
 Plain; 70°33' N, 151°42' W; (map 149).
Var. At-ligga-ru, Atigaru.

Eskimo name published on Maguire's map
 (Great Britain, 1854, facing p. 186) as "Atti-
 garu," and on Surgeon John Simpson's map of
 about the same date as "At-ligga-ru." Orth
 was told by an Anaktuvuk Pass Eskimo in
 1956 that it may mean "old coat" (atigaruak).

Atigun River: stream, in Endicott Mts., heads
 at glacier terminus, flows NE 45 mi. to Saga-
 vanirtek River 20 mi. S of its junct. with Rib-
 don River, Brooks Ra.; 68°31'30" N, 149°-
 01'00" W; (map 135).

Eskimo name reported in 1956 by USGS.

Atik: lake, see Atuk Lake.

Atilecōwraak: water passage, see Atiligorak In-
 let.

Atiligaurak Inlet: water passage, see Atiligorak
 Inlet.

Atiligauzaq: water passage, see Atiligorak Inlet.

Atiligorak Inlet: water passage, between a la-
 goon and Chukchi Sea, 8.3 mi. N of Cape
 Krusenstern, Kotzebue-Kobuk Low.; 67°14'
 N, 163°45' W; (map 128). *Var.* Atilecōw-
 rak, Atiligaurak Inlet, Atiligauzaq.

Eskimo name meaning "little outlet," re-
 ported in 1966 by E. S. Burch.

Atinaaq: locality, see Atinak.

Atinahk: locality, see Atinak.

Atinak: locality, neck of land between Ipiavik
 and Imierook Lagoons, 10 mi. SE of Kivalina,
 Kotzebue-Kobuk Low.; 67°38' N, 164°12' W;
 (map 123). *Var.* Atinaaq, Atinahk.

Eskimo name reported in 1966 by E. S.
 Burch.

Atka: village, pop. 119, on Nazan Bay, on E
 coast of Atka I., Aleutian Is.; 52°12' N, 174°-
 12' W; BGN 1945; (map 18). *Var.* Atkha,
 Nazan.

Named for Atka Island. Reported as
 "Atkha" by Schwatka (1805, p. 115), USA.
 Recorded in 1890 as "Nazan," with a popula-
 tion of 235, in the 1880 Census by Petroff
 (1894, p. 16). Atka post office was main-
 tained 1938-57 (Ricks, 1965, p. 5).

Atka Island: island, 55 mi. long, largest of
 Andreanof Is., Aleutian Is.; 52°07' N, 174°30'
 W; BGN 1890; (map 19). *Var.* Atcha Island,
 Atcha Island, Atchka Island, Atchu Island,
 Atghka Island, Atkha Isle, Ostruv Atka.

Aleut name reported by early Russian
 traders; published as "Atchu Island" by Rev.
 Coxe (1790, p. 156); "Atghka" by Capt. Cook
 (1795, v. 2, p. 503), RN; "Atkha Ile," by
 Capt. Lutke (1836, p. 507); IRN; "O[strov]
 Atka" or "Atka Island," on the 1840 Russian
 Hydrog. Dept. Chart 1490, and by Capt.
 Tshenkov (1852, map 27), IRN.

Atka Lake: lake, 0.1 mi. across, on west-central
 Saint George I., in Pribilof Is.; 56°34'45" N,
 169°39'25" W; (map 38). *Var.* Naro'am-
 an'vi.

This name is a translation of the Aleut
 name, "Naro'am-an'vi," recorded by Putnam

(1907, p. 1015), USC&GS, and "so called by
 Atka Island in the Aleutians) natives having
 lived in the vicinity." The name was pub-
 lished in 1898 by USC&GS.

Atka Pass: water passage, 5 mi. across, in
 Andreanof Is. between Atka and Oglodak Is.,
 Aleutian Is.; 52°00' N, 175°22' W; BGN
 1936; (map 18).

Named for Atka I. by members of the U.S.
 Navy Aleutian Island Survey Expedition of
 1934; published by the USC&GS in the 1944
 Aleutian Coast Pilot (p. 104).

Atkasak: village, see Meade River.

Atkasuk: village, see Meade River.

Atkha: village, see Atka.

Atkha Island: island, see Atka Island.

Atkin Island: island, see Atkins Island.

Atkins Island: island, 2 mi. long, in Shumagin
 Is. NE of Little Koniugi I., Aleutian Ra.
 55°03'30" N, 159°18'30" W; (map 27)
Var. Atkin Island.

Named about 1880 by W. H. Dall
 USC&GS, for the fishing schooner *Minnie G*
Atkins.

Atkoulick, Ile: island, see Atkulik Island.

Atkritoi: rocks, see Discovery Rocks.

Atkritoi Bay: bay, see Otkriti Bay.

Atkroiglaza: rock, see Eye Opener, The.

Atkulik: locality, on Agattu I., Near Is., Aleutian
 Is.; (map 13).

Former Aleut settlement or camp listed by
 Hodge (1907, p. 111), BAE.

Atkulik Island: island, elev. 725 ft., 1 mi. across
 4 mi. SE of Nakchamik I., and 26 mi. E. of
 Chignik, in Pacific Ocean, Aleutian Ra.
 56°16' N, 157°44' W; (map 31). *Var.* At-
 kunk, Ile Atkoulick, Ostruv Atkulik.

Native name, shown as "I[le] Atkoulick" by
 von Krusenstern (1827, map 20) and as "[Os-
 trov] Atkulik" by the Russian Hydrog. Dept.
 (1847, Chart 1379).

Atkulik, Ostruv: island, see Atkulik Island.

Atkunk: island, see Atkulik Island.

Atla Creek: stream, heads in Indian Mts., flow
 W 12 mi. to Koyukuk River, 6 mi. NNE of
 Hughes, Kokrines-Hodzana High.; 66°08' N,
 154°10' W; (map 115).

Indian family name recorded at Hughes in
 1956 by Orth. Archdeacon Stuck (1914b, p.
 170-171) mentioned an Indian called "O-
 Atler," who lived in this area in 1909.

Atlas Creek: stream, flows SE 2 mi. to Quartz
 Creek which flows to Kougarok River, 48 mi.
 SW of Imuruk Lake, Seward Penin. High.
 65°22' N, 164°45' W; (map 110).

Prospectors' name reported in 1906 by A. E.
 Brooks (in Collier and others, 1908, pl. 9)
 USGS.

Atlasta Creek: stream, flows S 3.2 mi. to Lo-
 Cabin Lake, S of Glenn Highway, 21 mi. N
 of Glennallen, Cooper River Basin; 62°04'30"
 N, 146°11'00" W; (map 83).

Name derived from a roadhouse which was
 named from a chance remark of the owner's
 wife on completion of the first building, "It
 just a house."

At-ligga-ru: point of land, see Atigaru Point.

Atliggaru: point of land, see Halkett, Cape.

December 29, 1977

SUBJECT: Wrangell Island, Alaska and the "giveaway"
to U.S.S.R.

To Whom It May Concern:

At the November 10, 1974 Schmitz Fest, Phoenix Club, Orange County, I was told*that the U.S. Department of State had plans to enter in secret agreements with the U.S.S.R. to drop its claim of title of sovereignty over Wrangell Island of the Arctic Ocean and recognize the claim of the U.S.S.R. over it, without going to Congress. I was shown*photo copies from the following government documents to prove that Wrangell Island of the Arctic Ocean was part of the State of Alaska:

*U.S. Geological Survey Bulletin #169, by Henry Gannett
"Altitudes in Alaska", Washington. GPO, 1900

*U.S. Geological Survey Bulletin #187, by Marcus Baker
"Geographic Dictionary of Alaska", Washington. GPO, 1902

*U.S. Geological Survey Bulletin #274, by Henry Gannett
"A Dictionary of Altitudes in the United States",
Washington. GPO, 1906

I was also shown*photo copies of the following to prove the U.S. Government took formal possession of Wrangell Island of the Arctic Ocean by Captain Calvin L. Hooper, U.S. Revenue Marine (Now known as the U.S. Coast Guard) on the 12th day of August, 1881. (NOTE: The Treasury Department administered our Alaskan possessions between 1877 and 1884. Captain Hooper in 1881 was head of the Bering Sea Patrol, which made him the de facto governor of Alaska when he took Wrangell Island for the U.S. Government.):

*Treasury Department Document #429, Washington. GPO, 1883

*H. Ex. Document #105, U.S. 47th Congress, 2nd Session,
Washington. GPO, 1883

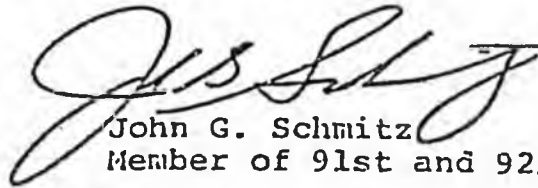
*S. Ex. Document #204, U.S. 48th Congress, 1st Session,
Washington. GPO, 1884

* by Mark Seidenberg

-2-

I verify that I have received the documents above and that
I referred Mark Seidenberg to Mr. Tony Sutton in October 1974.

Sincerely,

A handwritten signature in cursive script, appearing to read "John G. Schmitz".

John G. Schmitz
Member of 91st and 92nd Congress'

JGS/nr

U.S.S.R. LABOR CAMPS

HEARINGS

BEFORE THE

SUBCOMMITTEE TO INVESTIGATE THE
ADMINISTRATION OF THE INTERNAL SECURITY
ACT AND OTHER INTERNAL SECURITY LAWS.)

U.S. Congress, Senate OF THE
" → COMMITTEE ON THE JUDICIARY. ←

UNITED STATES SENATE

NINETY-THIRD CONGRESS

FIRST SESSION

PART 2

FEBRUARY 1, 1973

AFTERNOON SESSION

FEBRUARY 2, 1973

MORNING SESSION

Printed for the use of the Committee on the Judiciary



U.S. GOVERNMENT PRINTING OFFICE

91-742 O

WASHINGTON : 1973

For sale by the Superintendent of Documents
U.S. Government Printing Office, Washington, D.C. 20102
Price 60 cents domestic postpaid or 30 cents GPO Bookstore
Stock Number 8270-01780

It should be noted that there was absolutely no defense present at the preliminary hearings: the accused is even refused access to the code of laws used in the preliminary investigation. Thus, a person who had not been acquainted with the law prior to his arrest is unable to defend himself.

The trial took place on 24-27 May 1971. By this time the Jewish trials gained widespread notoriety in the free world and the authorities, afraid of adverse publicity and further leaks on what was taking place, conducted the trials with great haste: the trial took two and a half days instead of ten days. Departure from established procedure consisted above all in continuously interrupting the accused and preventing them from expressing themselves. The accused were: A. Shpil'berg (sentenced to 3 years), R. Aleksandrovich (1 year), B. Maftser (1 year), and myself (2 years). I believe that we received such short terms only because of the widespread publicity and support given our trial in the free world. Without this support all of us would have been sentenced to 4 to 7 years. Initially, Article 65, which carries sentences ranging from 10 years to the death penalty, was to be applied in sentencing us. The government, noting the publicity that the trials were accorded in the free world and desirous of maintaining an appearance of judicial propriety, substituted Article 65 of the Criminal Code by Article 70, which provides sentences ranging from 6 months to 7 years. Even in terms of this article the sentences imposed were mild. The effect of public opinion in the free world on the course of our trials and on the sentences imposed must be stressed once again, and compared with the sentence meted out at the first Leningrad trial of December 1970, whose severity, in my opinion, was due to the insufficient attention and support the trial received in the West before the sentence were passed. The protest by the West after the sentences were passed helped prevent the imposition of death sentences, but did not essentially reduce the severity of the sentencing since the article under which the sentences were passed and the terms imposed remained practically the same.

I served my sentence in Pot'ma (formerly Dubrovlag). The network of establishments in Pot'ma is known as "Institution ZhKh 385". The ZhKh Institution includes camps for both political prisoners and criminals, and men as well as women. The political prisoner camps included zones 10, 17, and 3, and were strict regime zones. Zone 3 also included a camp for women political prisoners. The above mentioned zones had approximately 2000 prisoners. The complex of institutions for political prisoners also included the Vladimirskaia prison, where prisoners particularly distasteful to the authorities are held.

Conditions of confinement

The factor which determines the nature of confinement in political labor camps at present is that their aims and objectives are still the same: as before, confinement in political labor camps is designed not only to remove a person from society, but to force people to renounce their views and convictions, give up all participation in public affairs. Thus the objective of a labor camp remains unchanged: what has changed are the means for achieving the objective; for at present the quick physical annihilation of political prisoners is no longer possible in the Soviet Union, so that annihilation is achieved through a slow process of destruction over a period of many years.

Continuous malnutrition, and the constant nervous tension to which the prisoner is subjected in his environment, is the essence of this method. As the year goes by, this inevitably leads to physical and psychic disabilities. The physical illness of a prisoner means that the first state of his subjugation has been attained. The prisoner's medical treatment depends very much on his attitude toward his political views. A person who does not renounce his political convictions receives practically no medical aid. In a labor camp such people are condemned to slow deterioration and death. The best example of how this method works is the death of Yuri Galanskov. He held out for 6 of the 7 years of his sentence (he was forced to work when his physical conditions was extremely bad—until the very end!)

Jewish prisoners who do not renounce their convictions, who do not repudiate their desire to leave for Israel, are in a similar position. Some of these prisoners are seriously ill. *Actually they will suffer the same fate as Galanskov, if no special intercession is made on their behalf!* The attention of the authorities is directed particularly toward the Jewish prisoners, for they not only don't renounce their political convictions, but, on the contrary, protest actively.

The best of the political prisoners of other nationalities understand and respect the struggle of the Jewish prisoners for their national liberation.

MIKHAIL SHEPHELOVICH.

Taken down by G. Ellna.

To: The Senate of the United States of America.
From: Roza Kogan, 28 Sereni Street, Givataim, Israel.

REQUEST

My husband, Idel' (Yehuda) Kogan, a citizen of Israel, born in Poland in 1922. Was arrested on 7 June 1962 in Kiev during a tourist trip to the U.S.S.R., for which he received a visa-permit from the Soviet Embassy in Israel.

He was arrested and sentenced to 10 years of prison, accused of deserting from the Soviet army. During the war (World War II) my husband was in the Kovol ghetto, then with the partisans, then served 6 months in the Soviet army until July 1945, and after that left for Israel.

Now my husband has now served 9 years and six months! We are both ill; ten of the best years of our lives have been snatched away from us! I beg your intercession in obtaining his release in advance of the six remaining months of his sentence, and thereby help reduce the additional and undeserved suffering of a family!

(My husband's address is: Moscow, UChR No. 6110/1, Zh. U. Idel' Kogan)
Respectfully and gratefully,

ROZA KOGAN.

DECEMBER 22, 1972.

Mrs. Golda Meir, [Israeli] Consul, arrived in Moscow on the day of Zhdanov's death; I was then working as a translator in one of the offices of the MVD (Ministry of Internal Affairs) in Odessa. On the day of her arrival I was sent to the Metropol Hotel in Moscow to participate in a reception for the guests in the guise of a waiter; I was instructed to eavesdrop on everything Mrs. Meir was to say in Yiddish. Since the guests were amiably received, I took the liberty of asking her in Yiddish what the country which she represented was like. She replied in Yiddish that it was the first Jewish state in history for Jews throughout the world. After the reception was over, I was sent directly to a prison in Odessa, for someone had eavesdropped on me during the conversation and denounced me to the KGB, saying I was a Zionist. I was arrested, served a great deal of time in prison, then released but thrown out of my job, victimized for more than ten years, finally arrested again in 1958, thrown into prison, and without any trial sent to the Amurskaya ASSR, and from there to Wrangel Island, where I remained until 1962.

At the camp I made the acquaintance of Rudolf Trushnovich, a former physician, Vasily Ivanovich Pelyakov, a former member (colonel) of the Vlasov army, a large number of SS and Gestapo Germans, and many Italians, who had long been declared dead, but who are actually still living on Wrangel in the Belopolyn'ye. Among them:¹

1. Kremer Ernest
2. Mgoler Paul
3. Kristover Otto

¹ The list of names of POWs on Wrangel Island requires further clarification, which the subcommittee is trying to obtain. Spellings are in question, first, because the names were written in by hand and some were not legible; and, second, because inaccuracies in spelling inevitably arise when German and Italian names are transliterated from Latin script to Cyrillic script for the camp records, and then transliterated back into Latin script. According to Shifrin, who has discussed the Wrangel Island matter several times with "Kozlov," "Kozlov" was in a position where he had access to camp records, but only in rare cases was "Milaneso," meaning "from Milan," was probably used instead of "Milan." Shifrin reported to the subcommittee staff that a representative of an Italian committee which is still seeking information about missing POWs had come to Israel to interview "Kozlov," and they had been able to match some of the names of Italian POWs whom "Kozlov" had met, or whose names he had seen listed in the camp records, against the list of missing Italian POWs believed to be in the Soviet Union.

4 - JUN - 6
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HEARINGS

BEFORE THE

SUBCOMMITTEE TO INVESTIGATE THE
ADMINISTRATION OF THE INTERNAL SECURITY
ACT AND OTHER INTERNAL SECURITY LAWS,

U.S. Congress, *Senate* OF THE

COMMITTEE ON THE JUDICIARY,

UNITED STATES SENATE

NINETY-THIRD CONGRESS

FIRST SESSION

PART 3

FEBRUARY 2, 1973

AFTERNOON SESSION

Printed for the use of the Committee on the Judiciary



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WASHINGTON : 1973

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4. Ambrolio Verito—65 years old—Gestapo
5. Zulvazino Cordion—65 years old—died there
6. Milano Trudati—1903—
7. Gračaneca Verona—1890—chief of police
8. Torello Firenze—1901—captain
9. Giovanni (?) Lassa—1907—SS Lieutenant
10. Mastellano Vivzina—1900—colonel
11. Leolo Vivas—1910—colonel
12. Pynalretta Piacenza—1900—died
13. Joradello Padova—1903—SS
14. Giovanni Bianchi—
15. Luigi Campanella—1901—SS
16. Lucca Brantyl (?)—1905
17. Messina Donato—1914—SS

The camp on Wrangel Island was an experimental camp, where experiments were conducted on living people. The experiments were in the form of tests, diets, oxygen tests on people who were ~~long~~ but were ~~about~~ that time (1962) and were working very hard in the camp. The guards and the administrative staff were former convicts, such as V. N. Rudnikov, A. I. Vasil'kov, a former convict and big-time bandit; Iv. Nik. Ivanov, Nikolay Artemevich Pitunov. The camp also had a military guard for a special camp in which people were trained for ~~spying~~ abroad. That camp was headed by Ivan Ivanovich Shevloy, a veteran MVD trooper. There were also many others, including Italian war prisoners. There was also Raoul Wallenberg, who had been Swedish consul in Budapest during the war and who under the German occupation, aided by money, helped Jews escape from Hungary, through Switzerland, into other countries. When the Russians entered Budapest, Raoul Wallenberg was immediately arrested at the request of the military commandant of the city of Budapest and sent by special train to Moscow. He was then 27 years old, and was a handsome, educated young man.

These are a few of the many facts which I know, having witnessed them personally. Unfortunately I cannot sign my real name [to the statement], as I still have some close relatives in Russia.

"Kozlov"

A true copy: [A stamp with Hebrew letters]

INDEX

(NOTE.—The Senate Internal Security Subcommittee attaches no significance to the mere fact of the appearance of the name of an individual or organization in this index.)

A

EDITORIAL NOTE: There are several accepted ways of transliterating names from Russian and Ukrainian into English. The *New York Times*, and most American newspapers, for example, will render the *ce* sound which terminates many Russian names with the "y". Library of Congress translators, however, following the Library of Congress style, use the letters "ly" to reproduce the same sound. The *New York Times* uses the letter "l" to reproduce the soft "l" sound in Russian. The Library of Congress reproduces the soft "l" with "ll". And so on through a whole series of differences in spelling, which nevertheless result in virtually identical pronunciations in English.

There will be differences, too, between transliteration of names and place names from Ukrainian into English by competent Ukrainian-English translators, and transliterations of the same names by competent Russian-English translators. For example, "Kiev" is the Russian-English transliteration and "Kyiv" the Ukrainian-English transliteration for the same city in the Ukraine.

Because the texts incorporated in this testimony come from several different sources, the spelling will vary according to the source. In general in this index we have followed the procedure of listing names under the dominant Russian transliteration. Although the spellings may vary slightly from one portion of the text to another, the reader should have no difficulty in recognizing the names because of the virtual uniformity of pronunciation.

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U.S.S.R. LABOR CAMPS

HEARINGS

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UNITED STATES SENATE

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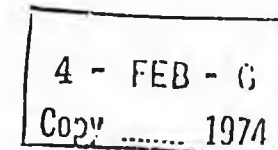
FIRST SESSION

PART 1

FEBRUARY 1, 1973

MORNING SESSION

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4

1961. The first stop in Tayshet was transportation camp No. 025, right alongside the main Moscow-Vladivostok line. There was a very high fence around the camp, so that the camp could not be seen from the railroad. The fence was higher at the corner to conceal the guard-towers.

THE INCIDENT OF THE RUSSIAN REPATRIATES FROM CHINA

In November '55, several days after Shifrin's arrival at Tayshet, there was a tragic incident involving repatriates from China. Shortly after the end of World War II the Soviets had launched a big campaign to entice White Russians who had fled to China and other countries after the Revolution to return to their motherland. Many White Russians in China were taken in by the lies and blandishments, and agreed to return with their children. The husbands were told that they would have to go first in order to get jobs and prepare homes for their families. Their wives and children would follow later. The husbands were sent to concentration camps instead.

On the day of the incident, some prisoners, including White Russians from China, were standing on the roofs of barracks in an effort to get a look at people in passing trains. A train stopped outside the camp and women and children got off. Some of the White Russians on the roof recognized their wives. They shouted to each other. The husbands asked their wives what they were doing there, at a concentration camp. "What do you mean, concentration camp?" the women shouted back. "The big sign on the fence says 'Petroleum Storage Depot.'"

The guards broke up the exchange by pulling the men from the roofs and pushing the women back aboard the train. Shifrin does not know what happened to the women afterwards. But before the exchange was broken up by the guards the women told the men that they had been informed that their husbands wanted them to join them.

SOME PEOPLE IN TAYSHET

Among the people Shifrin met in Tayshet were:

Aaron Yarkho, a Jewish general, who had been Chief of Chemical warfare troops. Assigned to occupation duty in Germany, he decided to defect and go to Israel. He was kidnapped from Milan in 1950 while on his way to Israel.

Siegfried Oelsner, a Wehrmacht captain, captured in World War II. He told Shifrin that Tayshet had housed at least 500,000 POWs at the end of the war. Now there were no more than 10,000. All the rest had died.

Oelsner told Shifrin that they had been sent into the forests with guards, had cut trees, built barracks and towers and fences. Then they made log roads from one camp to another, and from Tayshet to the Bodaybo gold mines. All the time, more and more prisoners—hundreds of thousands of Japanese, etc.—arrived in the camps. Then there came prisoners from all over the USSR. Oelsner said the death rate at times was almost ten per 1,000 per day.

Baron DeSainteur, a Frenchman, who said that he had been kidnapped from his office in Paris.

Henri Henyurts, a French officer, who told Shifrin that he had been a French major in Vienna, and had been kidnapped in 1949.

There were also many Soviet Jewish intellectuals who had been arrested after Stalin's death. The Jewish poet Grisha Bieryoskin said that he had been with a large group of Jewish writers arrested in 1947 and afterwards, and that most of them had been shot—including Markish, Bergelson, and approximately 30 other writers.

From the transportation camp, Shifrin was sent to penal concentration camp No. 306, approximately 300 km. from Tayshet. Along the entire route on both sides of the railway he saw an unbroken stretch of concentration camps. Sometimes they were interrupted for a mile or two, sometimes only a few hundred meters between camps. Each camp had its own cemetery nearby.

CRIME, PUNISHMENT AND REHABILITATION IN THE U.S.S.R.

Shifrin makes the interesting observation that mass political arrests in the U.S.S.R. occur with remarkable regularity at ten year intervals—1918, 1928, 1938, 1948, 1958, 1969-72.

Shifrin believes that the phenomenon of the ten year intervals and the fact that a great majority of the prisoners served a minimum of ten years is due to the fact that in most cases men are incapable of more than ten years hard labor in the camps, and the camp population had to be periodically replenished.

Prisoner labor on a mass scale was necessary for the Soviet regime because, in the absence of enormous economic incentives, no workers would normally go to God-forsaken places like Vorkuta, Karaganda, Norilsk, and Wrangel Island.

Shifrin was told by a Government friend that prisoners account for 30% of labor force.

The severity of the sentences handed down for political crimes, varied from one period to another. Thus, in the 1930s political prisoners were frequently sentenced to five years in the camps, while in 1951 the twenty-five year sentence became an almost universal rule—whether the prisoner in question had committed espionage, or had simply told a joke about the regime. Roughly 1958 there was a formal moderation in severity of sentence, when the theoretical maximum was set at 15 years.

Like so many other Soviet reforms, this limited concession to humanitarianism turned out to be fraudulent. Many criminal elements who had originally been sentenced to 25 years and had served more than 15 years were, in fact, released. But the same clemency was not extended to political prisoners, who continued to serve their full 25 year term. Among those released in 1972 after serving 25 years were Vladimir Gorbovoy, Ekaterina Zaritzkaya and Vasili Pirus, while Mikhail Soroka died after twenty-four years in prison. There were many others.

Legal maximums and the length of sentence handed down meant very little even in legal terms, because there were several legal devices for getting around the limitation.

Prisoners who were originally sentenced to three to five years were frequently resentenced in the camps to another three to five years. Shifrin met a Jewish Trotskyist by the name of Goldberg (or Goldbart) in camp No. 04 in Tayshet in 1955 who told him that he had been arrested as a Trotskyist in 1934 and he was then serving his fifth con-

this forest and built highway, and then near this highway they built railway. And they told me that now in my time—in 1954—it is here like resort. But I here heard this from living corpses. In 1945, 1946, 1947, 1948 it—they told me—was days when people died in hundreds each day from starvation. They showed me kilometers of cemeteries on the side, and then, I told you, I have seen these cemeteries which go near the railway. They explained to me that along this railway was the Kwantung Army and hundreds of thousands of other POW's. And it was truth. I don't know how many died there—maybe million and maybe more because it is a 600 kilometers railway and highway, and on both sides cemeteries without intervals.

When I came I met not millions of POW's: I met only thousands. But we know that in Kwantung Army was million soldiers.

In 1956 when they released these prisoners, I have seen how they put them in the trains near our concentration camp. They brought them from all along the railway; from all the concentration camps, and I have seen that it was only some 10,000 people: Germans, French, Spanish, Japanese,

Now, try to understand how many died here.

I have seen only maybe hundreds of these German officers, and they told me that most of these prisoners of war died there. After 1956 KGB released other foreigners from Tayshet, it was citizens from Czechoslovakia, Poland, Iran, and other countries.

It was also Belgian officers. Was maybe 12 to 15 of these officers. I don't know why they didn't release them in 1956. I don't know. They were there to 1962. At the end of 1962 they released them.

When Queen of Belgians came to U.S.S.R., she asked to see these officers and in big hurry came, KGB, to our concentration camp. The Belgians was in concentration camp No. 7 in Potma because in these days we was not in Tayshet; we was in Potma.

I told you yesterday they brought us from Tayshet to Potma in 1960, and these Belgians came together with us. Only in 1962 KGB sent them home.

Also in 1963 once I have met with group of criminals which came to our concentration camp, No. 7, and when I asked them in which place they were, they told me we were in Island of Wrangel. I asked, "Island of Wrangel! KGB has concentration camps there?" They answered me, "Yes: there is three concentration camps for prisoners of war and there sits only big officers from Germany, Italy, France, and Spain."

I didn't believe them, but now in Israel I met with one man in 1971—we have his letter; I would show his letter—and he explained to me, this man, that he was also in Island of Wrangel in 1962 and he have seen there three concentration camps with thousands of prisoners of war, and he explained to me that they have in one concentration camp atomic reactor, and they make experiments on the live people with radiation. In another concentration camp, they have experiments with physicians on the people and in third they have submarines and they have experiments with live people under water. And it is big secret, and he was there in the group of prisoners which gave to the prisoners food; he was not inside secret camps. He have heard from other prisoners about this work, and he sent to you letter and I gave to you this letter in which he wrote real names of these prisoners in Wrangel.

Also he told about two big people which he met on Wrangel. One of them, Alexander Trushnovich, head of anti-Communist Russian organization, NTS; he was kidnaped in 1953 from West Berlin. And another man which he have seen there and all the world don't know nothing about his fate; this man is Raoul Wallenberg, diplomat of Sweden, consul in Budapest, who save many thousands of Hungarian Jews from Nazis. They kidnap him in 1945, this man, and they always answer to free world that they don't know nothing about this man.

Senator GURNEY. Do we have the letter?

Mr. SHIFRIN. Yes; you have letter.

Senator GURNEY. Proceed.

Mr. SHIFRIN. No; I think that is all I can tell about prisoners of war.

Senator GURNEY. In summary, then, what you have said was that the Russians kept their prisoners—and they probably captured hundreds of thousands during the course of the war—for a period of 10 to 15 years after the war and used them for slave labor all during that time?

Mr. SHIFRIN. Yes; they also was in slave labor.

Senator GURNEY. And probably a majority of them died in prison camps?

Mr. SHIFRIN. Yes; I am sure a majority.

Senator GURNEY. And then the other significant point was that in this prison camp in Island of Wrangel there was—

Mr. SHIFRIN. Italian, French, Spanish, and German.

Senator GURNEY. And they used prisoners for medical experiments, which were atomic medical experiments, I suppose, to see what the effect of radiation would be upon the human body?

Mr. SHIFRIN. Yes.

Senator GURNEY. Do you have any other points that you want to cover, Mr. Shifrin, not on prisoners of war, but any other points?

Mr. SHIFRIN. Yes; I wanted very much to tell you something about this Jewish process in Leningrad, this Jewish trial in Leningrad. When they arrest these 12 people and 1 girl in 1970, crime of these people was only one; they want to go to Israel. And all of these 12 have two and three times refusal from Soviet Government when they gave documents and ask permission to go to Israel. Then these people decided to steal Russian plane, not hijack, but steal plane and to go to Sweden from Leningrad. It was their goal, and they arrest them before they committed this crime. They arrest them on land, not in the plane. They arrest them before they came to this plane, and they gave to these people death sentence, to two of them, and two others 15 and 10 years in prison.

Among those people was Silva Zalmanson, a brave Jewish girl, which is now in such situation that we wait maybe her death from day to day because she cannot swallow food. Something is wrong with her throat, and they don't permit the physician to see this girl. And permit me to tell that only some weeks ago we got letter from the prison from another prisoner, Galanskov, we also told to all the world that Galanskov maybe would die; that he is ill. And no one hear our voice. Now Galanskov died some weeks ago. Maybe it will be same with Silva; maybe it will be with her husband, Eduard

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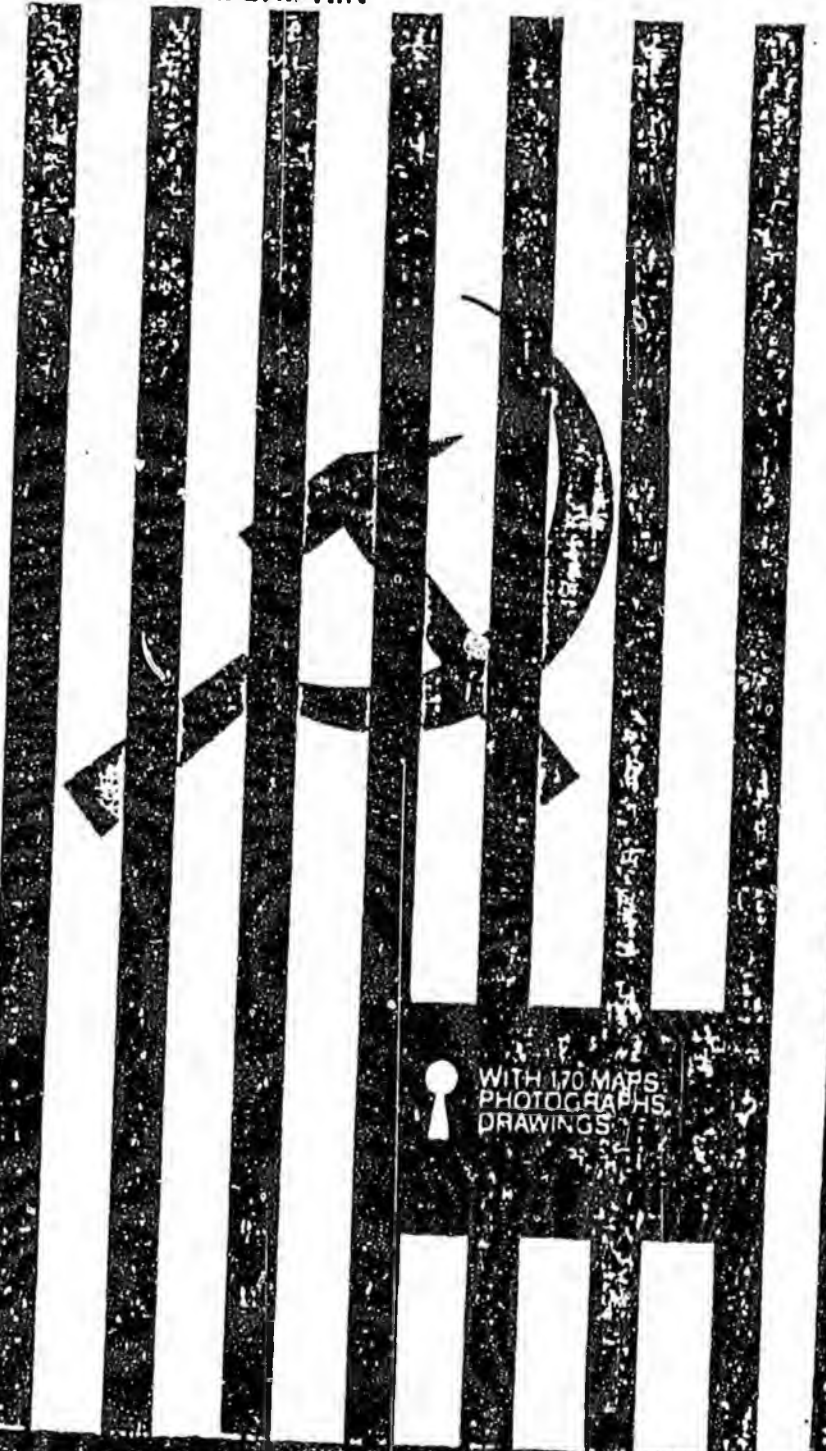
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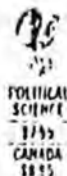
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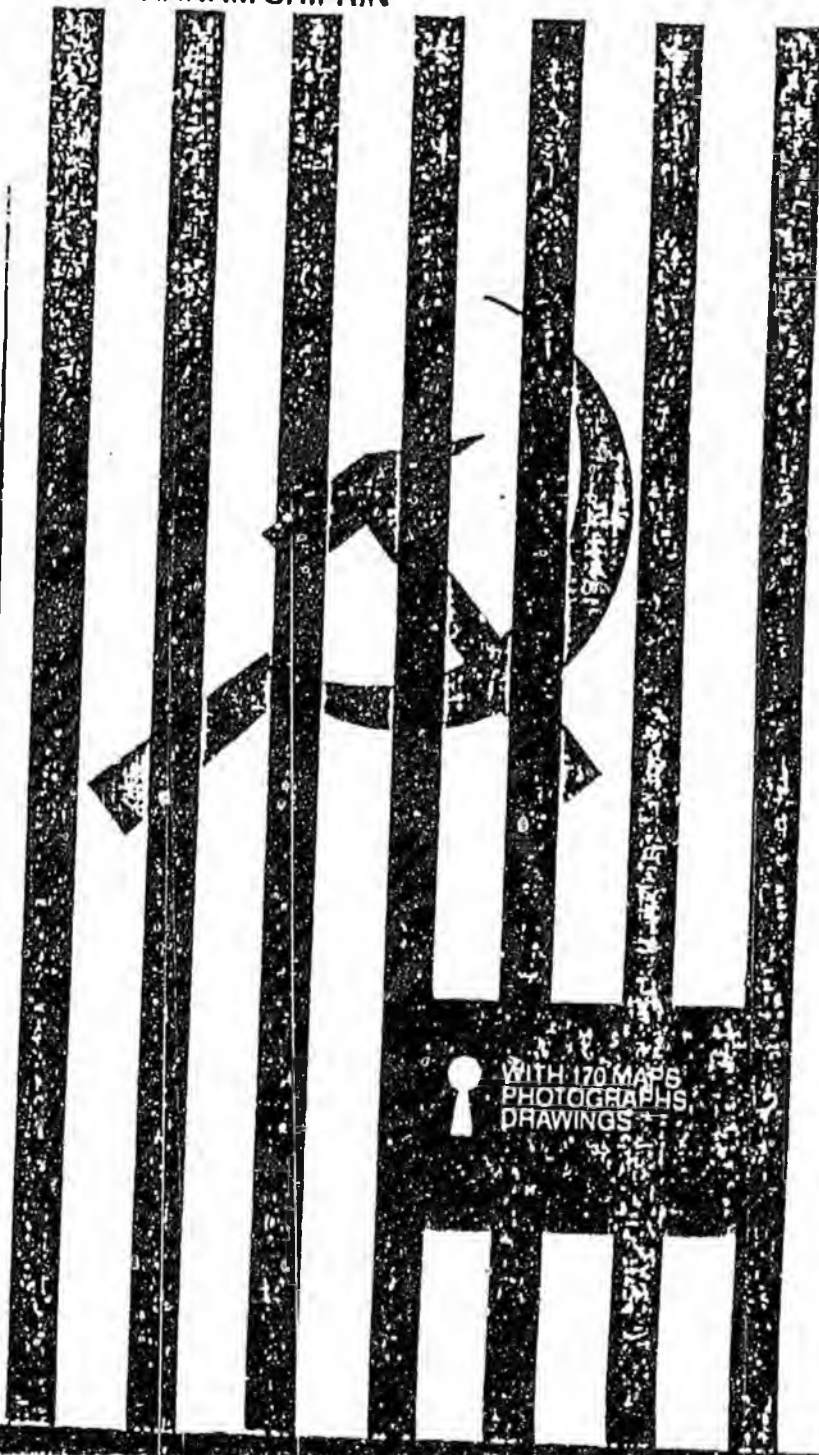


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BY AVRAHAM SHIFRIN



WITH 170 MAPS
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DRAWINGS

well as those of the prison, contain watchtowers (No. 18) for armed guards. Returning to the prison proper, we see the prison warehouse (No. 12) and the morgue (No. 11).

From this morgue, the corpses of prisoners are given to students in the medical institutes. Prior to delivery, however, the corpses are decapitated to prevent their being recognized.

No. 14 represents the small courtyards of the prison. The inmates are permitted to take a 30-minute walk every day in the small walled-off, roofless pathways around the facility. No. 13 indicates overhead connecting corridors used for transferring prisoners.

The final section of the prison, in the upper right corner of the diagram, is the work brigade area (No. 15) and the gates entering it (No. 16). In the same area, is the workers' prison building (No. 8). The two sections in the upper left of the diagram are far from the least important in the Vladimir prison: they house the Officer's School of the M.V.D. and its dormitory (No. 17).

The prison in Vladimir is reputed to be the strictest political isolation facility under the administration of the K.G.B. Inmates here are often not able to find out who is locked up in the neighboring cell.

The walls of this facility have come to know the tragic fate of many people. One of the most tragic cases here has been that of Raoul Wallenberg, the former Swedish diplomat. Kidnapped by the Communists in Budapest 35 years ago, this completely innocent human being, who rescued many Hungarian Jews at the end of World War II, has since been held prisoner in the camps and prisons of the Soviet Union.

Our Research Center has been able to trace Wallenberg's secret journey through the Soviet penal system. Soviet authorities have made two official statements on the case thus far; "Soviet authorities know nothing of the fate of Raoul Wallenberg" and "Raoul Wallenberg died in a K.G.B. prison in 1947".

We have found a number of witnesses, former political prisoners from the Soviet Union, who could name a series of camps and prisons in which Raoul Wallenberg was confined: on Vrangal' (Wrangell) Island; in a secret camp for foreigners in Zabalka, a prison in Verkhneuralsk, and the prison in Vladimir. We can confirm that Wallenberg was in building no. 4, cell no. 23. And he may still be there today.

The list of former inmates in Vladimir prison also includes Francis Gary Powers, the American pilot, and Vasilli Stalin, a son of the late Soviet dictator. More

recent inmates of the facility have included *Bukovski*, *Shcharanskii*, and other well-known political prisoners.

A.V., an eyewitness, describes life in this horrible prison: "Upon arriving in 1970, we were told by the prison authorities that we would first be put into quarantine. This meant living on starvation rations in a cell without mattresses, blankets, pillows, and without personal possessions or books. We were subsequently placed under strict regime for six months. The first of these six months was spent under isolation-cell conditions (approximately 800 calories).



The famous Swedish diplomat that saved thousands of Jews in WWII. He is an honorary American citizen.

Nadezhda Shumuk was arrested in 1978 for supporting Ukrainian independence. Her husband, D. Shumuk, and her brother, I. Svetichny, were also arrested. Her small son, N. Shumuk, was taken away from her upon her arrest. His fate is unknown.

but now occupied by the Soviet Union; part of *Sakhalin* Region)

Last but not least, the mascot of the Summer Olympic Games in Moscow 1980, Mishka himself, is a product of prisoner labor.

THE KIDNAPPING OF RAOUL WALLENBERG

Raoul Wallenberg, a Swedish diplomat, was stationed in Hungary at the end of World War II. He successfully organized a whole series of measures that rescued the lives of Hungarian Jews. Thousands of Jews owe him their lives.

Soviet troops, however, soon entered Hungary. On 17 January, 1945, Wallenberg was summoned to the military headquarters of the Soviet army. In violation of international law, he was arrested, secretly taken into the Soviet Union, and incarcerated in *Lubyanka Prison* in Moscow. (See photograph of *Lubyanka* in this *Guidebook*).

In response to all queries of the Swedish government, the Soviet Union disclaimed any knowledge of the matter. In 1958, however, after having repeatedly been confronted with conclusive evidence that organs of the Soviet secret police had kidnapped Wallenberg, the Soviet government officially released a statement that "Raoul Wallenberg died in a Moscow prison in 1947"

After their return from several years' imprisonment in Soviet labor camps, many former German prisoners of war reported having seen Wallenberg in the Soviet Union after 1947.

E. *Moshinskii*, whom I met in Israel in 1972, was imprisoned in a camp on *Vranghel' (Wranget)* Island, where he saw Wallenberg in 1962. Inquiries in Israel led to A. *Kalinskii*, who testifies that he saw Wallenberg in *Vladimir* prison in 1959.*

Wallenberg was also seen in Soviet camps by former prisoners from Hungary and Rumania between 1950 and 1960.

Yan *Kaplan*, an eyewitness, saw Wallenberg by chance in the hospital of Moscow's *Butyrka* Prison (see

*See the earlier discussion of this on page 240