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**Title:** "The Bering Sea Controversy," by Thomas H. Evans

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*The Bering Sea Controversy.*

*Thomas H. Evans, '93*

Thomas Hart Evans

The real question involved in the Bering Sea Controversy may be stated in a few words. In 1867, the United States purchased Alaska from Russia for the sum of seven million two hundred thousand dollars. (\$7,200,000) A very material element in its value when purchased was its fur seal fisheries which were and are to-day considered the most important in the world. Consequently, since it became the possession of the United States it has, by lease, yielded a large amount of revenue to the Government of the United States, engaged great sums of American Capital and of-

fords an industry for many of our people.

Every year during the months of June, July, August and September this valuable Colony of seals, with almost human instinct, as if knowing that its separation from the Alaskan shore is necessary for its propagation, is accustomed to cross through <sup>the sea</sup> from the mainland to the Pribilof Islands where their young are produced and reared. In crossing to the Islands, however, they must necessarily cross a portion of the Bering Sea beyond the three mile limit, where according to international law they are regarded as beyond the jurisdiction of any particular people.

The Canadians have been accustomed for years past to fit out vessels for the purpose of shooting and capturing these seals beyond the three mile limit - Acts which Congress made criminal, by law, in 1870.

To enforce these laws and at the same time to protect the seals to and from these Islands war vessels have been sent into these waters.

The question then in a few words is this. Has the United States the right to protect its property and the business of its people from wilful and wasteful destruction; or, does the fact that it takes place beyond the three mile limit give to these poachers the

right to carry on this manufactory destruc-  
tion?

No one will deny for one moment  
that the United States has the right  
to protect its property. But, are these  
seals the property of the United States?  
England says they are not when beyond  
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First, The seal is amphibious. It  
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gation. It has a fixed habitation  
on the Alaskan shore from which it  
never departs for more than one third  
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variably returns and gives rise to a productive industry. It, therefore, demands the protection of our Government as does any other industry or property of the United States.

Second, We claim that whether on land or sea these seals deserve the same protection during a certain portion of the year that any other beneficial animal does. In all civilized countries there exist laws against the destruction of all animals, during their breeding season, which are beneficial to mankind. We have laws which prohibit us from destroying game during certain periods of the year, and it is the boast of Englishmen to-day

that there is no country in which the game laws are as strictly adhered to as in England. If, then, we have laws to protect our game, irrespective of place, in order to preserve it from extermination, shall we do less for the harmless and valuable seal?

There is danger, however, that unless, in the near future, the difficulties of the controversy are remedied, it will lead to the total destruction of the seal fishery and thus to the destruction of an industry the value of which can not easily be replaced. For it is reported that nearly six-sevenths of those shot in the water



suits and are lost. This is also evident from a statement made recently by our late Secretary of State in his Communication to England. He says that from 1870 to 1890 the seal fisheries carefully guarded and preserved yielded one hundred thousand (100,000) skins each year. The Canadian intrusions began in 1886 and so great has been the damage resulting from their destruction of seal life in the open seas surrounding the Tribble Islands that, in 1890, the Government of the ~~the~~ ~~the~~ United States limited the Alaskan Company to sixty thousand (60,000) skins. But the Company were able to secure only twenty-one (21,000)

a little more than one-fifth of the number secured four years previous.

Surely no one will deny that it is wrong to destroy the seal during the months before mentioned. As some one has said it is a question that should not require a moment's debate between Christian nations if it requires their mutual action.

As stated before, England holds that the United States has no right over these seals except within three miles of the Alaskan coast. She claims that the sea is free and that no nation is allowed to close the ocean against the ships of another nation. Upon what grounds, then, does the United States claim juris-

diction over these waters?

First, by Treaty. In 1799 the right to take the was granted by the Emperor of Russia to the Russian American Company. From the date of Alaska's discovery down to the time of its purchase by the United States no one ever questioned the right of Russia to exercise exclusive jurisdiction over the portion of sea lying between the coast and the Islands. No foreign vessel was allowed to touch at either of the Islands and seal life was protected both on land and in the sea. It is the fact of this unquestioned <sup>privilege</sup> that made Alaska so valuable to the United States.

If the waters of the Bering Sea were regarded as "high seas", then these seals were as free to our seal-hunters before the purchase as to any of the Russian hunters, and there was no need, so far as that is concerned, for the purchase. But, as we stated before, it was well understood that Russia controlled these waters, she made or proscribed regulations concerning them, she patrolled them with her navy and she forbade any foreign vessel to violate these regulations which were respected by all nations during her possession of nearly a century. By the treaty of cession therefore the United States claims the right to exercise all-

Authority over its property both on land  
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mean the extermination of all fish, must all peoples interested in the preservation of fish stand helplessly by and permit such an outrage? Or would it be likely to be discovered that these rights, like all others, must be exercised with a due regard to the rights of others? Surely the latter.

In my judgment freedom of the sea does not consist in allowing any one person or nation to carry on a business detrimental or destructive to the interests of other nations. But it consists in the right to pass to and fro in the pursuit of ones legitimate unarmes and unmolested.

Again, We claim the claim the right of jurisdiction by precedent. It must be admitted that precedents are not always right. But since there are precedents which have been accepted as right, by the common consent of civilized nations, it may aid in settling this controversy if they are given due consideration. For example, There is the instance mentioned by the late Mr Blair in one of his Communications to England in which he recells the fact that during the captivity of Napoleon upon the Island of St Helena, England forbade her own and all other vessels from trading or touching at

this Island or from hovering within, at least, twenty-five miles of the same under penalty of seizure. Why? Because not only her own but the interests of all Europe were endangered.

England to-day <sup>claims</sup> the same right which we claim, with respect to the Pearl fisheries, established in the Indian Ocean by a British Colony, and yet she, probably the foremost of all nations in exercising jurisdiction over her own interests in the sea indirectly tries to deprive us of the same right.

Now, we have shown that the seal, because it is amphibious and spends over two-thirds of its time on the la-



Caskau shore, is naturally the prop-  
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If, then, England continues  
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1893 Senior Oration of Thomas H. Evans, Class of 1893

Transcribed by Krista Gray, September 2008

Edited by Meg MacAvoy, September 2008

## The Bering Sea Controversy

The real question involved in the Bering Sea Controversy may be stated in a few words. In 1867, the United States purchased Alaska from Russia for the sum of seven million two hundred thousand dollars. (\$7,200,000) A very material element in its value when purchased was its fur-seal fisheries which were and are to-day considered the most important in the world. Consequently, since it became the possession of the United States it has, by lease, yielded a large amount of revenue to the Government of the United States, engaged great sums of American Capital and af-

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