The Escamilla Case In Court

The issue of U.S. Criminal jurisdiction to try Mario J. Escamilla for the alleged slaying of Bennie Lightsy, station manager on ice island T-3 (Fletcher's Ice Island) on 16 July 1970 was argued before U.S. Federal District Judge Oren R. Lewis in Alexandria, Virginia, on 5 May 1971.

The judge found sufficient grounds for taking jurisdiction and proceeded with the trial. Escamilla was then convicted of involuntary manslaughter. He has appealed.

Following are some observations on the jurisdictional aspect of the case.

1) It was evident throughout the hearings that the presiding judge wished, if possible, to decide the jurisdictional issue exclusively on the basis of U.S. domestic law, and that he was not disposed to address himself to abstruse questions of international law, once the Canadian waiver was on the record. At no point, therefore, did he express firm views on such matters as the international legal significance of T-3's origin, the possibility of permanent "possession" of such an island, the implications of a "ship" analogy as such for ice islands as a class, distinctions if any between ice islands and occupiable ice floes, and a host of other theoretical questions of universal, or at least arctic, applicability that might be considered of interest to an international lawyer.

2) In view of the very real, long continued, and unchallenged activities of U.S. Government agencies and Government grantees on T-3, the factual close connection between that particular ice platform and U.S. interests was so clear that the finding of proper criminal jurisdiction in the Escamilla case should probably not be given too broad a theoretical application.

3) One may argue that the case illustrated the extreme narrowness of the exclusively territorial basis for criminal jurisdiction (exceptions were noted) and that the judge was so troubled at the consequences of applying its pure logic in the Escamilla case that he chose instead to proceed on the basis of practical common sense and social responsibility, leaving it to others to split hairs over the meaning of commas in Section 7 of Title 18 of the U.S. Code or the analogies of ice islands with ships, guano islands, or commercial aircraft flying over the high seas.

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A List of Vascular Plants from Polaris Bay, Northwest Greenland

The flora of the northwest coast of Greenland, north of 80° is not as well known as that of the northeast coast[1,2]. Wulff[3] collected about 70 species at various locations along the northwest coast between 81°25' and 83°06'N., and Simmons[4] reviewed the earlier collections largely made at points south of 81°N. Two collections are reported from the vicinity of Polaris Bay, on the east side of Hall Basin at about 81°36'-40'N. Bessels[5] lists 22 species collected there in 1872, and Hart[6] lists 22 species collected by himself in May 1876, and in July and August 1876 by Dr. Coppinger of the same expedition. No recent reports are known of collections made in the Polaris Bay area.

On 17 August 1958, I had the opportunity to spend a few hours collecting vascular plants near the shores of Polaris Bay (81°36'N., 61°26'W.). Inland from the Bay a lowland gravel and clay plain extends eastwards towards Newman Bay. Along the coast of the Bay are dry, rocky-gravel and sandy terraces, with no prominent rock outcrops. A major river with its associated gravel and clay terraces and sand bars extends on to the coastal flats. Only a few coastal marshes exist above the intertidal zone which is very unstable owing to the action of large ice floes which are driven ashore. Generally the vegetation is sparse and is largely restricted to local areas favoured by more moisture. Collecting was restricted to the shores of the Bay for a distance of about one kilometre north of the river delta and for a distance of about 400 metres inland, onto the terraces of the lowland plain at a height of about 50 metres above sea level.

ANNOTATED LIST OF VASCULAR PLANTS

In the following list, the nomenclature of Porsild[7] is used throughout. Specimens of all species collected are deposited in the National Herbarium, Ottawa, Canada. A few species (4) were noted but not collected and have been included in the list for completeness. Distribution records are based on the maps of Porsild[7] and other literature reports.

Alopecurus alpinus L. 410. Common on wet clay of old estuarine and littoral areas.

Phippsia algida (Sol.) R. Br. 418. On moist clay flats of old river estuary.

Deschampsia brevifolia R. Br. 413. Moist littoral clay flats.

Poa alpigena (Fr.) Lindm. var. *colpodea* (Fr.) Schol. 416. On dried up clay flats close to sea shore.

Poa abbreviata R. Br. 407, 417. Common on clay flats and along small streams draining to sea.

Poa hartzii Gand. 424, 426. Common on moist clay and sandy littoral areas.

Pleuropogon sabinei R. Br. 415. Growing in small coastal marsh.

Colpodium vahlianum (Liebm.) Nevski 398a, 425, 427. On sandy-clay littoral flats.

Puccinellia angustata (R. Br.) Rand & Redf. 408, 425. On wet littoral clay flats.

Puccinellia andersonii Swallen 398, 399, 412. Common on dry sandy-clay littoral flats and on sandy gravel bar.

Eriophorum scheuchzeri Hoppe 431. Around edge of littoral marsh.

Carex ursina Dew. 397. One stand on wet sandy bank of stream near shoreline.

Carex maritima Gunn. 421. On littoral sandy-clay soils.

Carex stans Drej. 414. Edge of small littoral marsh.

Juncus biglumis L. 406. On clay estuarine flats and in littoral zone.

Salix arctica Pall. Observed in littoral zone and up to about 30 m. above the shoreline.

Oxyria digyna (L.) Hill 409. In wet clay pocket on top of old gravel river terrace. 40 m.

Polygonum viviparum L. 424a. Moist clay flats.

Stellaria crassipes Hult. 411. Wet clay littoral areas.

Stellaria monantha Hult. 423a. Sandy-clay areas.

Cerastium alpinum L. var. (*C. arcticum* auct. non Lange) 403, 404. On clay flats and gravel slopes of old river terraces.

Arenaria rubella (Wahlenb.) Sm. 402. On sandy-clay flats below old river terrace.

Melandrium apetalum (L.) Fenzl. ssp. *arcticum* (Fr.) Hult. 401. Wet clay flats below old river terraces.

Papaver radicatum Rottb. sensu lat. 400. Moist old river gravel terrace slopes.

Cochlearia officinalis L. ssp. *groenlandica* (L.) Porsild 420. Very common on moist sandy-clay littoral flats.

Lesquerella arctica (Wormskj.) Wats. Observed on dry gravel slopes of old river terraces.

Draba bellii Holm. 405. On rocky-gravel slopes down to shoreline.

Braya purpurascens (R. Br.) Bunge 419. On moist sandy-clay flats below old river terraces.

Braya thorild-wulffii Ostenf. 423. Sandy-clay flats below old river terraces.

Saxifraga cernua L. 422a. Moist littoral clay areas.

Saxifraga nivalis L. 420a. Moist littoral gravel slopes.

Saxifraga oppositifolia L. 422. Sandy-clay flats below old terraces.

Saxifraga rivularis L. 421a. In mosses at edge of small littoral marsh.

Potentilla pulchella Pursh 428, 429, 430. Common on sandy-clay and gravel soils.

Dryas integrifolia M. Vahl. Observed on dry gravel terrace slopes.

Cassiope tetragona (L.) D. Don 425a. On rocky gravel slope.

Taraxacum sp. ? *pumilum* Dahlst. Observed on moist clay flats. Recorded as *T. pumilum*.

The most significant range extension is for the littoral species *Carex ursina*, which had not previously been recorded north of 76° on the east coast and to 73° on the west coast of Greenland[7]. This species was recently collected from 81°25'N. on the west coast of Ellesmere Island[8], but the present collection is the northernmost record of this species in the world. The collection of *Stellaria monantha* is a considerable range extension for Greenland, not having previously been recorded north of 78°, but is known from farther north in Canada[7]. Several other collections — *Poa alpigena* var. *colpodea, P. hartzii, Puccinellia andersonii, and Saxifraga rivularis* — are important range extensions in northwest Greenland, but are known from higher latitudes in northeast Greenland[1]. *Puccinellia andersonii* has not been collected as far north as this in Canada, but the other 3 species are known from higher latitudes[7]. The collections of *Carex maritima* and *Draba bellii* are small northern range extensions in northwest Greenland. Several other species — *Deschampsia brevifolia, Carex stans* and *Arenaria rubella* would appear to be range extensions from Porsild's maps, but Ostenfeld[3] reported them collected by Wulff at more northern latitudes in northwest Greenland.

The foregoing list comprises 37 species. Bessels [5] and Hart[6] both list 22 species from the vicinity of Polaris Bay. Simmons[4] considered that some of the records of Bessels and Hall were wrongly determined, or could not be upheld as separate species, and produced a table recognizing only 25 species. From both lists can be added *Draba alpina* L. and *D. rupestris* R. Br., the latter probably being *D. subcapitata* Simm., and *Potentilla nivea* L. s. lat., which was not included by Simmons[4]. From Bessels' list[5] can be added *Dupontia fisheri* R. Br. (*D. psilosantha* Rupr.), *Poa arctica* R. Br., *Ranunculus niva-*

lis L., and a *Pedicularis* sp. (not acknowledged by Simmons from this area, although he includes a doubtful collection under the Bessels Bay area), while the assignment of *Taraxacum palustre* DC. is in doubt. The record of *Ranunculus nivalis* var. is doubtful, although it has been recorded from the east coast of Ellesmere Island. It is probably a specimen of *R. sulphureus* Sol. which has been recorded elsewhere in northern Greenland. Polunin[9] doubted the report of *Dupontia fisheri* from this area, however the recent finding of this species by Brassard and Beschel[8] at a similar latitude on the west coast of Ellesmere Island further supports this record. Bessels[5] recorded the presence of *Carex dioica* L., which is usually considered as a synonym of *C. gynocrates* Wormskj., but the known distribution of this species in Greenland casts doubt on the identification of Bessels' specimen, as was indicated by Simmons[4], Porsild[10] and Polunin[9]. Hart[6] includes a further *Draba* (*D. hirta* L.), *Melandrium* (*Lychnis*) *affine* (J. Vahl) Hartm., *Saxifraga caespitosa* L., *Luzula confusa* Lindebl. (*L. campestris* Sm.), *Festuca brachyphylla* (*F. ovina* L. var. *brevifolia* (R. Br.) Hart), and *Taraxacum Dens-leonis* Desf. (probably *T. phymatocarpum* J. Vahl). He also records *Potentilla frigida* Vill. and *Poa flexuosa* Wahl., but without the specimens it is difficult to assign these even tentatively. Ruling out any species for which the identification is in doubt, we can add 13 species from the lists of Bessels and Hart, giving a combined total of 50 species for the Polaris Bay area. This total is poor in number of species when compared with other areas of the High Arctic [1,8,11]. Additional collecting will undoubtedly add other species, especially if habitats occurring at higher altitudes on Polaris Promontory, or further inland are included.

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Winter Predation of *Mustela Erminea* in Northern Canada

Weasels are the most widely distributed mammalian predators in North America.[1] This paper reports the results of a study of short-tail weasel predation in northern Alberta and the Northwest Territories during the winter of 1964-65.