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AN ARCTIC HIGH

by Frank Arentowicz, Jr.

I am a third year law student who had the opportunity this summer to spend over three weeks "camping" on the frozen tundra of Bathurst Island, less than fifty miles from the Magnetic North Pole. Our party included my father-in-law, Dr. Robert Nichols, a practicing veterinarian in Skaneateles, New York, and my brother-in-law, John McEachern, an explorer, professional photographer, and environmental consultant from Vancouver, British Columbia.

People often ask me how the trip came about, what did I see, and would I go again. Close to a year ago my wife, Sara Nichols, began planning the trip with John and her father. John had spent five previous summers in the Northwest Territories so his experience allowed for efficient and economical planning. Bathurst Island had been recommended by John for three seasons: ultimate wilderness, diverse terrain, and abundant fauna. Research revealed that it would be light the whole month of June, the average temperature would be about thirty-five degrees with only slight variations, and the wind would blow constantly. We also knew that navigation would be a problem because a compass would be inoperative. This necessitated extensive map procurement that included infra-red aerial photographs which depicted vegetation concentrations. My wife had planned to take a month's leave of absence from TWA for the month of June, but she was denied this at the last minute. On less than forty-eight hours' notice I managed to accumulate life's neces-

sities for the Arctic: adequate clothing and footwear.

We flew from Toronto to Resolute Bay via Edmonton. Our one thousand pound survival kit included about three hundred and fifty pounds of food and about one hundred pounds of camera equipment. Landing in Resolute was quite an experience. It was the first time I has landed on a dirt runway, especially in a 737 Jet. Resolute, a support facility for the Canadian government and for large oil companies, is maintained by a seventy-five man work force. We visited the Resolute Eskimo Settlement of about two hundred Eskimos located about five miles from the airport. Polar bear skins on drying racks were in abundance, as well as ski-doo's. Seal meat was thrown about for the husky pets. White man's influence was evident: liquor and beer bottles scattered about, knife scars and charred huts proof of its effect. Little children ran in front of the school house spouting broken English and Eskimo. Such exposure increased our desire to be alone in the barren wilderness of Bathurst. On Thursday, June 6th, the weather



cleared enough for our charter flight. We traveled by twin otter to Bracebridge Inlet on the west-central coast of Bathurst Island (also known as Polar Bear Pass). Much to my surprise, the terrain was only about forty per cent covered with snow on this date. Bathurst receives very little snowfall and is considered a "polar desert", although ice crystals are often blowing which create the appearance of precipitation. The ground was too muddy to land on, so the pilot lowered the skis on the plane and down we headed for the polar ice. The ice had already started to melt, so water and slush flew everywhere. The pilot could not believe that we had less than a thousand pounds of gear. He was accustomed to carrying Canadian government financed flights that usually involve fifteen thousand pounds of equipment for a comparable stay. What a loney feeling when that plane takes off five minutes later and the pilot says, "See you in three weeks, weather permitting." We carried our gear about one half mile to dry land through three to four feet of slush leads.

The day we arrived on the tundra the wind was blowing close to forty miles per hour and setting up a tent was quite difficult. Although the permafrost is over seventeen hundred feet thick, the top five inches were thawed enough so as to enable us to tie our tent ropes to rocks that we had gathered and subsequently buried. As stated earlier, the average temperature was thirty-five degrees, but with winds *constantly* over thirty miles per hour the wind/chill factor was always near zero degrees. Because of the cold temperatures, it took longer to do things such as boiling water, drying wet clothes, and gathering fresh water. As I reflect now, the one thing that I was not mentally or physically prepared for was the unrelenting wind that blew so hard for so long (all the time!). John always made Doc and me feel better by stating that thirty miles per hour winds were mild and normal, while a real "blow" was seventy miles per hour winds that level everything.

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First, the client will benefit from a much more personalized and human treatment of his problem and secondly, the members of the profession of law will have a much healthier attitude towards dealing with their own lives.

Defendant's Burden To Reduce Homocide To Manslaughter Violates The Due Process Clause

ion acknowledged that *Winship* has long been the rule in Maryland, but nevertheless held that the "...Maine statute...is dissimilar to the Maryland statutes concerned with the crime of murder." *Id.* at 660-61. The Supreme Court disagreed. One week after *Mullaney*, the high court, in *Burko v. Maryland*, _____ U.S. _____, 95 S. Ct. 2624 (1975), vacated the judgement and the case was remanded to the Court of Appeals of Maryland for further consideration in light of *Mullaney v. Wilbur*.

A unanimous Supreme Court has told those states which have failed to join the majority in eliminating the homicide defendant's burden of reducing the crime to manslaughter that they have been violating the constitutional rights of due process of law guaranteed by the Fourteenth Amendment. As for the possibility of retroactive application of *Mullaney*, when one considers the dependence of *Mullaney* on the *Winship* holding, itself retroactively applied, combined with the due process aspects, retroactively will almost certainly be an issue litigated in the near future.

AN ARTIC HIGH

Fortunately, we did not experience a "blow".

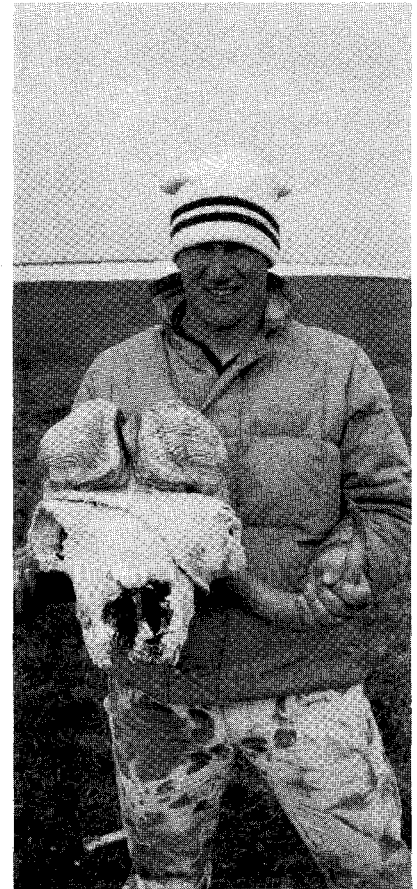
The terrain is very barren. Seeing moss, grass, or dwarf willow trees (forty years' old, but one inch in height) became a big thing with us. But as desolate as the land is, it has a stark beauty that you develop an appreciation of. In time I became very territorial. One day I discovered an area about ten miles from our campsite that had been tested for oil drilling. How disturbing it was to me to see the mark of man's corporate exploitation in an environment previously unmarked by man. Coke and whiskey bottles had made it to Bathurst Island.

We also developed an appreciation and respect for animal life that is able to survive in an environment with such a limited food supply. The highlight of our trip was discovering a herd of ten musk oxen. I crawled to within sixty-five yards of them and was able to take some great pictures. The many skeletons of musk oxen that we found on the tundra were proof of their constant fight for survival. The arctic wolves are their predators. The musk oxen must stay strong and healthy because the wolf flourishes on the weak.

We saw many ring seals; they are very alert and always mindful of the possible presence of a polar bear and his clandestine technique of covering his black nose with his white paw. There were Peary caribou, a variety of caribou quite small in stature. The mating season brought an abundance of birds including snow geese, snowy owls, king eiders, ptarmigans, arctic terns, knots, arctic loons, red phalaropes, sanderlings, arctic gulls, and snow buntings. The arctic tern lives at the South Pole and commutes annually over twenty-two thousand miles to the North Pole in order to breed. The knowledge that no settlement has ever existed on Bathurst Is-

land must give the birds some incentive to breed there.

Personally, such an experience allowed me much time to think about life and man's position on this earth without man-imposed distractions or limitations. It made me realize how mundane my daily "problems" truly are. Studying law and seeing the many conflicts man imposes upon himself (either individually or collectively through government), further reinforced within my own mind that man's selfish desires create his own inner-struggle and emotional trauma. Our society has so much materially, but we have accomplished so little in developing man's inter-personal relationships and in developing a fine sense of environmental appreciation. Never before did I feel so peaceful in mind and so close to nature.



When asked if I will go back to the Arctic, my answer is, "But of course." My wife and I are already planning a two week trip for next August to observe a large caribou migration and to catch Arctic Char.