

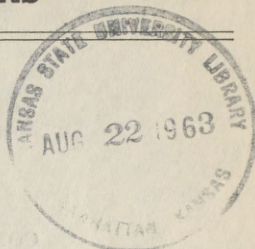
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RUSSIAN TRAWLER TRAFFIC IN U.S.
TERRITORIAL WATERS

GOVERNMENT

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HEARINGS
BEFORE THE
SUBCOMMITTEE FOR SPECIAL INVESTIGATIONS
OF THE
COMMITTEE ON ARMED SERVICES
HOUSE OF REPRESENTATIVES
EIGHTY-EIGHTH CONGRESS

FIRST SESSION
UNDER THE AUTHORITY OF

H. Res. 84

HEARINGS HELD JULY 9 AND 10, 1963



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RUSSIAN TRAWLER TRAFFIC IN U.S. TERRITORIAL WATERS

HEARINGS

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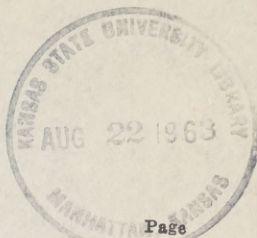
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JOHN T. M. REDDAN, *Special Counsel*

WALTON WOODS, *Staff Investigator*

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RUSSIAN TRAWLER TRAFFIC IN U.S. TERRITORIAL WATERS

TUESDAY, JULY 9, 1963

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ARMED SERVICES,
SUBCOMMITTEE FOR SPECIAL INVESTIGATIONS,
Washington, D.C.

The subcommittee met at 10 a.m., Hon. Porter Hardy, Jr. (chairman of the subcommittee), presiding.

Members present: Congressmen Hardy (presiding), Richard E. Lankford, Otis Pike, Walter Norblad, and Charles S. Gubser.

Staff present: John T. M. Reddan, special counsel; Walton Woods, investigator; and Phyllis M. Seymour, secretary.

Mr. HARDY. The committee will come to order.

I have a brief prepared statement with which I would like to open this hearing.

The Subcommittee for Special Investigations is meeting today under direction from the chairman of the full committee and the action taken by the full committee in resolution form.

For some time now, the activity of the Russian fishing fleet has been a matter of interest to the subcommittee.

We are aware of press reports that Russian trawlers have interfered with the trials of at least one of our nuclear submarines, and have been involved in cable cutting incidents, and in addition Russian ships have been active in the area where our Navy has been searching for the sunken submarine *Thresher*.

The size of Russia's fishing fleet has been variously estimated at from 23,000 to 25,000 steam- and diesel-propelled vessels of modern design and capabilities. They are scattered around the world engaged perhaps partly in fishing, but perhaps also gathering scientific data and other intelligence of military value. Many of the trawlers are equipped with special radio antenna configuration and electronic equipment which one would not normally expect to find on a fishing boat. There is also reason to believe that many of the trawlers are commanded by Russian naval officers. According to the Soviet Minister for the fishing industry, Russia has hundreds of these fishing vessels in the North Atlantic. Two hundred to four hundred of these appear to operate almost continuously off Georges Bank in close proximity to our northeast coast.

The hearing, which is beginning today, will be concerned with a portion of these Russian ships which cruise our Atlantic coastline, particularly along the coast of Florida. Although Russian fishing vessels have been observed off the coast for the past 3 years, it was not until 6 or 7 months ago that they were observed cruising southward close into the Florida shore—within the 3-mile limit. In view of their adaptability for purposes other than fishing, the presence of these Russian trawlers within our territorial waters is a matter of particular interest to this subcommittee. Their presence raises many questions. For example, do these vessels constitute a threat to our national security? And if so, of what nature and magnitude? What is the policy of the United States with respect to these vessels in U.S. waters? How and by whom was this policy established, if one exists? What operational procedures does the policy require? Have these procedures been established? How effective are the policy and procedures in protecting the security of the United States? What are the responsibilities of the Navy and the Coast Guard in these matters? What part does the Department of State play in this picture?

To help the subcommittee find the answers to these and other questions which will be raised, we have asked the Navy, the Coast Guard, and the Department of State to give us the benefit of their knowledge. Admiral E. J. Boland, Commandant of the Coast Guard, and Admiral I. J. Stephens, commander of the Coast Guard Seventh District, and members of their staffs, have been asked to attend these hearings and to be of help to the committee.

Ambassador Alexis Johnson will represent the State Department, at least I suppose he will. There was some little question this morning about that. Is anybody here from the State Department?

(Mr. Yingling raises hand.)

Mr. HARDY. Will Mr. Johnson be present with us tomorrow?

Mr. YINGLING. Tomorrow morning, yes, sir. I am Raymond T. Yingling.

Mr. HARDY. From the Navy Department, we have Admiral Reed, Admiral Streat, and Admiral Taylor, with members of their staffs.

We will also hear from Capt. E. B. Kitchell of Fort Lauderdale, Fla., who operates his own fishing boat off the coast of Florida, and who has observed Russian trawlers in our territorial waters.

Now this is a subject which has been discussed on the floor of the House and on a good many occasions by at least two of our colleagues from Florida: the gentleman from Florida, Mr. Rogers, and the gentleman from Florida, Mr. Fascell, have both spoken about the problem that is involved here, and they have been extremely cooperative with the committee in trying to develop information about it.

I am glad that Mr. Rogers and Mr. Fascell are both present here now.

Dante, why don't you come on up here and join Paul briefly at the table.

Mr. FASCELL. Thank you, Mr. Chairman.

Mr. HARDY. Now, the Chair would be pleased to have a brief expression from Mr. Rogers, because I know of his intense interest, and then we will hear from Mr. Fascell.

STATEMENT OF HON. PAUL G. ROGERS, MEMBER OF CONGRESS
FROM FLORIDA

Mr. ROGERS. Thank you very much, Mr. Chairman.

I do have just a short statement I would like to make. I am very grateful for this opportunity to appear before you on a matter of great concern not only to the people of our State, Florida, but to the entire Nation as well.

From information which I have submitted, as confirmed by the Coast Guard, it has been established that Soviet vessels have in recent weeks repeatedly violated U.S. territorial waters along the Florida coast.

The entire subcommittee I feel is to be commended for realizing the urgency of this situation. And you, Mr. Chairman, are doing this Nation a real service in conducting this investigation, and the gap in our coastal defenses should be closed as a result I think of these hearings and your efforts.

It is painfully evident that the U.S. coastline nearest Cuba is highly vulnerable to penetration by these vessels. For example, one Soviet vessel passed within 2 miles of the homes used by the President during his winter stays in Palm Beach, Fla.

Another Soviet vessel crossed a zone marked on published U.S. nautical charts as restricted military area prohibiting anchorage for vessels of more than 12-foot draft. But, nevertheless, on the charts it is marked as restricted.

Mr. HARDY. Let me say to the gentleman, if he will permit an interruption, that we are going to try to develop factually as much of this information as we can.

Mr. ROGERS. All right, sir. I will just briefly go on.

When I first received reports of the Soviet vessels in our waters on May 14, which was the day Cooper was to go into orbit, I contacted the White House, the Department of State, Defense, Washington headquarters of the Navy and Coast Guard, as well as the field headquarters of those services.

I assumed that our intelligence network was such that my inquiries would be immediately and substantially answered. This was not the case.

The Coast Guard said that the presence of Soviet vessels inside our 3-mile limit at that date was "categorically denied." A spokesman in the Office of the Chief of Naval Operations stated that the fact that the Navy was not concerned should indicate that there was no reason for me to be concerned.

Now I was shocked at these reactions because I had assumed, along with millions of other Americans, that U.S. defenses were in their highest state of alertness nearest our own shores.

Now what are the operations of the Soviet trawlers? I think it might be interesting just to bring to the attention of the committee that in the Navy publication "Proceedings," Cmdr. Bernard Kassel states that the trawler fleet is used for purposes ranging from commercial fishing to outright espionage, and the use of Soviet trawlers

to receive low frequency radio messages broadcast by Soviet agents stationed along our coast is a distinct possibility.

Mr. HARDY. Will the gentleman give us the citation of that again?

Mr. ROGERS. It is the Navy publication entitled "Proceedings." Comdr. Bernard Kassel is the author.

Mr. HARDY. Thank you.

Mr. ROGERS. And the FCC advises me that low frequency broadcasts of a range small enough to go undetected on land could be amplified for longer range when beamed over the ocean from points near a beach.

Trawlers could be used to monitor U.S. space flights from Cape Canaveral and probably Wallops Island, Va., as well. NASA says that trawlers could also be used to menace electronic communications during our space flights.

Mr. HARDY. I will say to the gentleman we expect to explore that rather fully.

Mr. ROGERS. I am delighted, and I think it is most essential that that be gone into thoroughly, Mr. Chairman.

Now presumably these vessels would be interested in the variety of electronic communications also which pass from the U.S. Naval and Air Force operations in the Caribbean and the Atlantic, as well as the entire eastern coast of the United States.

It has been suggested that Soviet ships entering our waters may be due to the U.S. Coast and Geodetic Survey publication "U.S. Coast Pilot," which recommends that vessels using the Gulf Stream to Cuba should steer inland between Jupiter, Fla., and to points just south of Miami. This suggested route would put a vessel within the 3-mile limit.

However, I am sure the committee would agree that the existence of this recommendation is not a valid excuse for allowing Soviet vessels to pass through our waters.

Well, whatever purposes these Soviet vessels have in this hemisphere, it is not in the national interest to allow them to continue their operations as they have. And I strongly feel that our coastline should be afforded the same protection we now have from Soviet violations of our airspace.

And just a point or two more, and then I will conclude, Mr. Chairman.

In addition to the extensive aerial defense network we have guarding the United States against Soviet air attack, this Government presently has safeguards against nonmilitary Soviet flights into this country.

The Federal Aviation Agency tells me that any Soviet flights entering the United States would have to be cleared in advance. They must state the estimated arrival and departure time, the purpose and destination of the trip, and in some cases they would have to allow U.S. officials to board prior to entering the U.S. territory.

And it would seem to me to be the same logical safeguards which should be extended to Soviet-flag ships.

Mr. Chairman, on September 17, 1963, your committee, the House Armed Service Committee, approved a special report, House Report

No. 73, which urged that measures be taken to strengthen U.S. defenses in the Southeastern United States.

The purpose of the report was to preclude possibilities of an air attack from the Southeast. The committee clearly had Cuba in mind, and the report's timeliness is startling in view of last October's missile crisis.

The wisdom, perception, and alertness of the committee in anticipating the dangers of the Soviet military buildup in Cuba are commendable. I ask the committee today to exercise the same wisdom in stressing our shoreline defenses in order that they too will match the degree of preparedness we have against air attack.

Mr. Chairman, the House has just approved some \$47 billion in Department of Defense appropriations. This \$47 billion is to provide for this Nation's defense in all parts of the world. Yet how effective will these expenditures be if Cuban-based Russian ships are free to operate in our own backyard?

The subcommittee's investigation, I feel sure, points up the need and will as you develop it for an overall defense tightening along the Florida coast.

This investigation particularly points up the need to end the use of Cuba as a base of Communist operations in this hemisphere.

I thank the chairman.

Mr. HARDY. Well, let me on behalf of the committee express appreciation to you for the help that you have given the committee in connection with this, and for being here today to focus attention on this problem. The committee is grateful to you.

Mr. ROGERS. Thank you, Mr. Chairman.

Mr. HARDY. Now, members of the committee, any questions that you would like to ask Mr. Rogers?

Mr. PIKE. As a matter of policy, Mr. Chairman, I would like to know whether we should not get on the record—I am concerned as the gentleman from Florida was with the reaction which you got from the Navy and from the Coast Guard, and I think maybe we should get on the record who in particular you were speaking to at these times and who made these statements to you.

Mr. ROGERS. Yes. I will be glad to furnish that for the committee from our notes.

Mr. HARDY. I believe we already have it. If we don't, I wish you would let us have it.

Mr. ROGERS. Yes.

Mr. HARDY. Because we would want to explore it.

Mr. PIKE. It seems to me important whether it is a person really in a responsible position or not, and I think it would be useful to know exactly who you were talking to.

Mr. ROGERS. If the committee does not have that. I think we furnished it to the committee. If not, we will be glad to.

Mr. HARDY. I think we have it. Thank you.

Now the committee will be pleased to have Mr. Fascell, our colleague from Florida, with us.

Dante, we will be glad to hear from you.

STATEMENT OF HON. DANTE B. FASCELL, MEMBER OF CONGRESS
FROM FLORIDA

Mr. FASCELL. Thank you, Mr. Chairman. I am happy to have this opportunity to join my distinguished colleague from Florida on the subject matter under consideration by this subcommittee. The violation of territorial waters and the security aspects of this problem as it affects the United States is not only legitimate and timely but vital and necessary for this committee to study.

I would also request that very careful study and consideration be given with respect to one of the great naval installations on the entire Atlantic seaboard, and I am talking now about Key West.

I don't presume to be a naval expert or a military expert of any kind, and I am certain and satisfied that the Navy has taken every precaution, let's put it that way, in line with congressional interest and action to see to it that the defenses, both naval and air, are sufficient, and are maintained constantly at Key West and other points close to Cuba.

This is a matter of grave concern to me as the Representative from that area because I have had this fight many times. Especially today, I don't think it is time to inject any considerations in the question of defense other than that which is best for the United States. I am sure that that is the case. But I would only ask the committee to focus its attention also as it goes into this problem on that very vital matter, the adequacy of U.S. defenses at Key West. I am sure that it will.

Now I would ask one other thing, Mr. Chairman, as you discuss this matter. Not too long ago, I believe it was in March, one of these Russian fishing vessels that have been reported was brought into Key West by some Cuban refugees who had hijacked it. It was the *Omicron 50*. It was reportedly one of a large fleet of vessels given by the Russians to the Cubans.

We have had all kinds of conflicting and inconsistent rumors and reports with respect to the operation of this fleet, the size of it and its capability. This particular vessel was a brand new one, had never been equipped for fishing. It was suitable for long—

Mr. LANKFORD. Is it a Russian vessel that was hijacked by the Cubans?

Mr. FASCELL. It was a Russian-built vessel delivered to the Cubans.

To the best of our information it slept—it could handle a crew of four, could stay at sea a long time. I am sure the Navy knows all of this, and I would only add that if the vessel is still available that perhaps the subcommittee would like to come down to that great naval installation at Key West, Fla., and take a look at the first and the only tangible evidence.

Of course, I wouldn't begrudge you an airflight over the Atlantic if you wanted to spot one of these vessels. But I am just adding my invitation now to the subcommittee, the chairman, and the staff to come down to Key West and take a look for yourselves at one of the vessels we are talking about.

Mr. HARDY. I can't think of anybody that the subcommittee would rather be guests of than the gentleman from Florida, Mr. Fascell.

Mr. FASCELL. I assure you that it would be my privilege and I would be delighted to meet you there whenever the subcommittee decides to

go, and I am serious about this. Rumors come in every day and night about the operation of these vessels and these are people who are there and they are serious and very much concerned about it as you are.

I know you want firsthand evidence, and this is the place to get it, down in our district, and I am seriously inviting you if time permits that you come down there.

Mr. HARDY. Well, the committee will, of course, entertain such a suggestion, if developments seem to indicate the necessity for it.

Mr. FASCELL. I would hope so.

Finally, Mr. Chairman, let me say this, that there are not only the security aspects of this matter which are of vital concern to your committee and to the people of the United States, but the economic aspects are also of vital concern. Therefore I would respectfully request, let me put it that way, that whatever material is developed by your investigation which is pertinent to the Committee on Merchant Marine and Fisheries immediately be made available during the course of your investigation to that committee for such action as it may see fit. It is very obvious, Mr. Chairman, that this is a double gambit, if it is any kind of a gambit at all on the part of the Russians. While we have our eyes fixed on security they are outfishing us and penetrating economically into the fishing industry.

This is a legitimate area for the Congress and the American people to be concerned about. And I would hope that the material that you turn up that is useful or necessary for the Committee on Merchant Marine and Fisheries would be made available to them.

Mr. HARDY. Let me express appreciation for your presence here and for the comments you have made. And you may be sure that the subcommittee is going into this matter very thoroughly.

I think you also know that it has always been my policy in each of the committee operations which I have conducted to make available to other committees of the House any information which is developed in the course of our hearings or investigations which would be helpful to them. And the Merchant Marine Committee will certainly be advised.

Mr. FASCELL. I know that is a fact, Mr. Chairman, because it has been my pleasure to work with you. You have been one of the leaders in the field of making information available, not only to the committees of Congress, but to the public generally.

I didn't say that as any reminder to you, but simply to focus attention to the fact that there is a fisheries problem.

Mr. HARDY. Any members of the committee have any questions you want to ask Mr. Fascell before setting a date of his invitation?

Mr. LANKFORD. I was going to bring that up, if he would set a more specific date so the committee could take it under consideration.

Did you make any inquiries, as Mr. Rogers did of the Coast Guard and Navy, and so forth?

Mr. FASCELL. No. Since he was making the inquiries with respect to the security aspects of this matter and other aspects of it, I did not.

Mr. LANKFORD. I was just wondering if you had, what sort of answer you got.

Mr. FASCELL. I figure they were taking enough heat without any more from me.

Mr. HARDY. Any further questions?

Well, the committee is very pleased to have had your comments.

Mr. FASCELL. Thank you, Mr. Chairman, I appreciate it.

Mr. HARDY. I see we are honored by the presence of another distinguished colleague from Florida. We are glad to have you. Would you like to add a comment or two before we get started, Mr. Pepper?

STATEMENT OF HON. CLAUDE PEPPER, MEMBER OF CONGRESS
FROM FLORIDA

Mr. PEPPER. Thank you very much, Mr. Chairman, and members of the committee.

I want to join very heartily in the invitation extended by my colleague to this committee to visit our area. I officially extend to you an invitation to visit the north half of Dade County, including Miami Beach and Miami and Hialeah and all that, and I am sure—

Mr. NOBLE. Mr. Pepper, is this invitation for July or January?

Mr. PEPPER. It is both. You can practice up during the summer in order to be ready for the winter.

But we all are, of course, very vitally concerned about this matter of the encroachment of Russian trawlers inside the 3-mile limit of our country because I am informed that these trawlers have been in within 2 miles of our coastline on the east coast of Florida, that certainly does seem to me to be a security risk to our country as well as an encroachment upon the fishing grounds of our own people.

While the Florida constitution, I believe, defines the east boundary of the State of Florida as along the Atlantic coastline, as distinguished from the gulf coast, where we go three leagues out in the Gulf of Mexico, nevertheless this is certainly U.S. territory, immediately adjacent to our shore, and we do feel that our own American citizens, of course, should have the preemptive right for fishing in that area and foreign craft have no right except under international law to enter that territory.

There has been much talk about this subject, so much concern about it, but the facts have not been known to the public. I think this great committee in whom the public would have implicit faith and confidence could render a distinct public service by finding out and publicly disclosing what the facts really are, and then making such recommendations as would be in the interest of our people. And I am sure we can well rely upon the competence and the determination of this committee to do that.

So I wish, if I may, Mr. Chairman, besides thanking you for your kindness in allowing me to say something, to associate myself with the remarks of my two eminent colleagues, Mr. Rogers and Mr. Fascell, on this matter.

Mr. HARDY. Thank you very much.

Thanks again to all three of you for helping us out in the beginning of the hearings. Please feel free to join any time that you have an opportunity and time enough to sit in on these deliberations.

Mr. PEPPER. Thank you.

Mr. ROGERS. Thank you.

Mr. FASCELL. Thank you very much.

Mr. HARDY. Now I think perhaps as good a starting place as any would be with Captain Kitchell.

Captain Kitchell, will you come up, please? Have a seat, Captain. Captain KITCHELL. Is this all right here?

Mr. HARDY. I think maybe if you would get closer to the reporter it would be better, nearer the center of the table. Thank you. Just have a seat.

Captain, the committee is pleased to have you with us. Would you give us your name and address and your occupation, please, sir.

STATEMENT OF CAPT. EDWARD B. KITCHELL

Captain KITCHELL. E. B. Kitchell, charter boat captain, charter boat operator.

Mr. HARDY. Charter boat operator. And where is your home?

Captain KITCHELL. Fort Lauderdale, Fla.

Mr. REDDAN. Where is your boat based, Captain?

Captain KITCHELL. At Hillsboro Inlet.

Mr. REDDAN. Hillsboro Light?

Captain KITCHELL. Hillsboro Light and Hillsboro Inlet.

Mr. REDDAN. How large a boat is it?

Captain KITCHELL. It is 40 feet.

Mr. REDDAN. A charter boat for deep-sea fishing?

Captain KITCHELL. That is right.

Mr. REDDAN. And how long have you been in that business, sir?

Captain KITCHELL. Twenty-four years, roughly.

Mr. REDDAN. And how much of that time has been off the coast of Florida?

Captain KITCHELL. Oh, well, since 1947 continuously almost, and several years previous to that, off and on.

Mr. REDDAN. As you know, Captain, the subject matter of the committee's inquiry, the hearing today deals with the presence of Soviet trawlers in waters off the coast of Florida. Have you observed any of these trawlers?

Captain KITCHELL. Yes, I have seen four, a total of four trawlers.

Mr. REDDAN. When was the first trawler sighted by you?

Captain KITCHELL. Well, the first ones I have seen I didn't pay too much attention to because I have heard reports of them up and down the coast. I don't remember the exact dates, but I'd say roughly, 2, 3, 4 months ago. And I saw one recently. I crossed the Gulf Stream just a week or so ago and saw one about 28 miles out. And the one that I think you have reference to that you want my testimony on was, let's see, here I have it in a log.

Mr. REDDAN. Do you have with you the log of your ship?

Captain KITCHELL. May 23, 1963.

Mr. REDDAN. You have a log entry?

Captain KITCHELL. That is right; yes, sir.

Mr. REDDAN. And would you read that entry, please, sir?

Captain KITCHELL (reading):

May 23, 1963, sighted Russian trawler approximately 10:05 a.m., No. 9106 on trawler bow, red flag, yellow emblem flying aft. Took fathometer readings east of same.

The vessel I am on, the *Picaroon*, was in approximately 470 feet of water. Now I made a mistake there because I didn't pay too much attention to the readings at that time. I was fishing.

Mr. REDDAN. Do you have the fathometer?

Captain KITCHELL. I have the graph with me.

Mr. REDDAN. You have the graph with you?

Captain KITCHELL. With my initials on it and people that verified it.

Stepped off this distance on chart, putting *Picaroon* approximately $2\frac{1}{2}$ miles north—

nautical miles offshore—

vessel being west of me about 300 yards put her in approximately 450 feet of water according to the chart.

Upon hearing me talk to another fishing boat in Lauderdale, the *Coriwa*, whose captain said he was going to or did notify the Coast Guard and he was told a plane was to be sent to investigate—I changed my course from due south—no, the trawler changed its course to due south, from due south to southeast, I am sorry. The fathometer reading and Red ship were verified by Mate Stan Brewer and passengers aboard at that time.

Ran due south course approximately in wake of trawler with automatic pilot engaged for about 5 minutes. Noticed he changed course to southeast. South of Hillsboro Light, saw a plane at the trawler about 15 to 20 minutes after *Coriwa* called the Coast Guard.

Mr. REDDAN. Do you know approximately what position the Russian trawler was in when the Coast Guard plane arrived?

Captain KITCHELL. Yes, sir; it was approximately off Hillsboro Light.

Mr. REDDAN. Do you know how far, sir?

Captain KITCHELL. I know exactly.

Mr. REDDAN. You have there a chart?

Captain KITCHELL. These are two photographs I took off of my fathometer showing the bottom and you step it off on these charts. The bottom in this vicinity has a more or less standard depth, 3 miles or 2 miles or 4 miles offshore. The vicinity where she changed course approximately was half a mile north of Hillsboro Light.

Mr. REDDAN. Now the fathometer readings that you have there, they give you the depth of the ocean directly beneath your boat?

Captain KITCHELL. Exactly.

Mr. REDDAN. And by comparing the depth shown on those photographs with the depths shown on the official charts, you then locate your position, by that means and by means of triangulation on the shore?

Captain KITCHELL. Well, I used both. I mean I only used this for searching the bottom. I mean I can tell my depth offshore roughly by that, but fairly close.

Mr. REDDAN. Were you informed or did you see anything in the press later with respect to this particular vessel which confirmed your observation that it was within the 3-mile limit?

Captain KITCHELL. No. What I did read in the local papers was when the Coast Guard got there it was reported more or less 5 miles off, sort of making a liar out of me.

Mr. HARDY. Well, that would be a little difficult to do, wouldn't it, with your charts?

Captain KITCHELL. Right now it will.

Mr. HARDY. Now you reported that to the Coast Guard and how long was it after that before the Coast Guard plane—

Captain KITCHELL. I did not report it to the Coast Guard. I was ridiculed several times, more or less—the other boatmen up the line were when they reported things, sort of made liars of them in the paper and I just did not call the Coast Guard. I talked to another boat and he voluntarily called the Coast Guard. I did not ask him to.

Mr. HARDY. He called the Coast Guard? Do you know how long it was after he called before the Coast Guard had a boat there?

Captain KITCHELL. It was a plane, 15 to 20 minutes. We more or less timed it just for the novelty of it.

Mr. HARDY. Fifteen to twenty minutes after the phone call?

Mr. NORBLAD. Who was doing this ridiculing? Do you mean the Coast Guard?

Captain KITCHELL. No; no, I don't say any individual was. I am saying the papers were. Naturally the boats were further offshore when they got there, I figure.

Mr. HARDY. Of course, if they headed offshore, in 15 minutes they could get outside the 3-mile limit without much trouble.

Captain KITCHELL. Exactly.

Mr. LANKFORD. Captain, this trawler, when you first saw it, was inshore of you?

Captain KITCHELL. Definitely; it was roughly 300 yards inshore of me.

Mr. LANKFORD. Where had it come from?

Captain KITCHELL. From the north.

Mr. LANKFORD. Had you had it under observation for some time?

Captain KITCHELL. No, I only noticed it roughly a mile north of me but I was fairly in the direct line of its course.

Mr. LANKFORD. And you kept it under observation approximately how long?

Captain KITCHELL. Well, I can only estimate that.

Mr. LANKFORD. Well, just about what, 15, 20 minutes?

Captain KITCHELL. Well, I saw it I guess maybe a mile north of me and I was just inshore of it and I crossed its bow, it was going very slow and noticed the numbers of each side of it and I would say I kept, before I got to the other side of it, maybe 5 minutes, 6 minutes.

Mr. LANKFORD. Then you kept it under observation?

Captain KITCHELL. Yes, then when it got abeam of me, why I checked the fathometer reading.

Mr. LANKFORD. And this was—what was that date again?

Captain KITCHELL. May 23.

Mr. LANKFORD. But you had seen trawlers previous to this?

Captain KITCHELL. Previously.

Mr. LANKFORD. Were they within the 3-mile limit or—

Captain KITCHELL. Well, you can't pin me down on that because I did not pay that much attention to it. I thought, you know, it was a normal thing to see ships going 2 miles, a mile and a half, a mile, maybe.

Mr. LANKFORD. Is this a fairly recent occurrence seeing these trawlers, I mean in the last year or so?

You say you have been fishing off there?

Captain KITCHELL. I have not seen them up until maybe the last 4 or 5 months.

Mr. LANKFORD. Since 1947 you have been fishing?

Captain KITCHELL. I never noticed them. When you are doing what I was doing, you don't notice every ship that passes because there are so many.

Mr. LANKFORD. You are looking for the fish? Thank you.

Mr. REDDAN. Captain, what was the number of that ship, the Russian trawler?

Captain KITCHELL. 9106.

Mr. REDDAN. Could you describe the ship briefly to the committee, its speed and its antenna configuration, the size, how it was riding in the water, or anything of that sort?

Captain KITCHELL. I can just guess at the speed. I would say from 8 to 10 knots because I was only—we troll roughly down there around 5 or 6 miles an hour. He wasn't going so fast that he rode me aground. And I would say roughly that the ship was anywhere between 130 and 180 feet long. I couldn't come—try to be any closer on an estimate.

Mr. REDDAN. Have you seen that particular vessel more than once?

Captain KITCHELL. No, no.

Mr. NORBLAD. Is this area a normal steamship or ship lane where the ship was traveling?

Captain KITCHELL. Yes, it is.

Mr. NORBLAD. I have seen ships that seem to be fairly close, a lot of ships.

Captain KITCHELL. They can come into within a mile of the beach there, there is a reef 45, or 60 feet deep. As long as they stay out of there it is all right.

Mr. NORBLAD. My question is, is this a normal area where the ships are going, say you are going from New York to the gulf, would they pass in this area?

Captain KITCHELL. Mostly southbound.

Mr. NORBLAD. Our tankers and so on?

Captain KITCHELL. Yes, sir.

Mr. HARDY. Captain, if this ship was proceeding at a slow rate of speed, it obviously was not in a hurry to get to any particular destination?

Captain KITCHELL. No, definitely not.

Mr. HARDY. Do you have any knowledge or could you tell anything about what it was doing?

Captain KITCHELL. Well, you know, a bunch of us boys get together, we talk about things like that and some of the subject came up that well, for instance I wrote it down here so I would not forget it. The reasons: to get inside the Gulf Stream naturally would be No. 1 for anybody that was using his head to get south.

No. 2, I would say could be to survey the coastline harbors and installations, whatever you want to call it.

No. 3, to search the bottom for wrecks which I myself know, I have never seen any Government charts, although I imagine they have them, outside of today. And I know of wrecks in this vicinity that they could be looking for and I understand you can lay a submarine against these wrecks, As long as the Government knows they are there, they would just assume they are wrecks, that they already know about.

And No. 5, I don't know what a trawler is used for down here outside of shrimp fishing and I don't think the Russians eat shrimp so often, do they?

Mr. HARDY. I am not familiar with their diet but I am interested in trying to develop just what they are capable of doing; that is why I wondered whether you could tell anything.

Now your first reason that you mentioned would be to get east of the Gulfstream?

Captain KITCHELL. That would be a primary reason for any good pilot, I would say, yes.

Mr. HARDY. Now that being the case——

Captain KITCHELL. Not east of it, west of it.

Mr. HARDY. West of it, yes.

That being the case, presumably he would be expected to be cruising at a normal rate of speed?

Captain KITCHELL. If he wanted to get somewhere, yes.

Mr. HARDY. If he was going anywhere.

Unless he was just loitering along with other purposes. Maybe he had some people aboard doing some fishing like you had. He wasn't trolling, was he?

Captain KITCHELL. He was going a little faster than that.

Mr. HARDY. I'm just trying to see what he would be capable of. Now, for instance, you said he could be sounding to locate wrecks?

Captain KITCHELL. That is right.

Mr. HARDY. What——

Captain KITCHELL. I have some of my photographs here incidentally that I brought just to show that I know them and maybe some of the officers could identify them.

I would give them the locations. They most likely have the charts for this.

Mr. HARDY. But in any event these wrecks don't show on the Coast and Geodetic charts?

Captain KITCHELL. Not on my charts, no. I put them there myself because I know they are there through my experience there, that is all.

Mr. HARDY. You don't know whether actually the Coast Guard and the Navy may have those wrecks charted themselves?

Captain KITCHELL. They most likely have. I mean if I can find them, they ought to be able to find them.

Mr. HARDY. I would think they would be able to find them. You said this is the only trawler that you have observed closely?

Captain KITCHELL. Outside of the one we saw crossing to the Bahamas, I forget the date. I took another boat over and we were about I would say half a mile away from one going north.

Mr. LANKFORD. This one, the one you observed closely, you were half a mile away from, was headed north?

Captain KITCHELL. Yes; that was about 28, 25, 28 miles offshore, that was about a week ago.

Mr. HARDY. I am trying to see what they could be doing out there. How much chance would there be of detection if they undertook to put frogmen over the side of the ship?

Captain KITCHELL. They would not have to do that.

Mr. HARDY. They would not?

Captain KITCHELL. I don't think so. I think at the rate they go and the void of space in the summer amongst fishing vessels down there and the other private craft, why I could take people off that boat and bring them in without any notice. Right with my own boat.

Mr. HARDY. Right with your own boat?

But now that would involve having another boat at least rendezvous with them out there and take them off?

Captain KITCHELL. Yes, but that has been thought of too. You don't know who the enemy agents are in this country. They can run out of Hillsboro Inlet in a private boat with three of them, put one on the trawler, take one off and go back in with three people and nobody would know the difference.

In fact I can leave this country on a private boat that is not documented without clearing for a foreign port, pick up somebody in the Bahama Islands and bring him back in unbeknownst to anybody. I don't have to even clear out of the Bahamas or clear in here if I did not want to, if I wanted to do it illegally.

Mr. HARDY. Well, that is the Bahamas you are talking about there now?

Captain KITCHELL. Well, I am talking the same subject if you went out to meet a trawler 20 miles offshore.

Mr. HARDY. You would have no problem bringing in anybody you wanted to bring in?

Captain KITCHELL. None whatsoever. If you went out with three and transferred one to the boat and took one off, or messages or anything you wanted to get.

Mr. REDDAN. To go back for a moment, Captain, I believe you indicated that these trawlers might be interested in pinpointing wrecks?

Captain KITCHELL. That is right.

Mr. REDDAN. So that a submarine could lie alongside of it and a searching vessel picking off an object in that area would be confused thinking it was a charted wreck?

Captain KITCHELL. I don't know too much if that is true or not. I mean that would have to be backed up—

Mr. REDDAN. Do you know anything of an incident off Fort Lauderdale where a fishing group down there sought to establish a feeding ground for fish by dumping automobile bodies in the water?

Captain KITCHELL. Yes, I do.

Mr. REDDAN. Tell the committee about that, sir.

Captain KITCHELL. The headman in that was, his name was Bob Davis; he is very interested in fishing and he has his own boat and is very conservation minded.

He got this group together, the way I understand it, and was buying all these old automobile bodies and transporting them out there on barges. They dumped quite a few. But I understand after they dumped a certain amount the Navy or whoever is responsible for that stopped them. And I—he told me and somebody else told me that the Navy stopped them because they did not want any metallic reefs in there for some reason.

Now—like I say, don't quote me on that.

Mr. REDDAN. His name is Bob Smith?

Captain KITCHELL. Bob Davis.

Mr. REDDAN. Bob Davis?

And he is located in Fort Lauderdale?

Captain KITCHELL. He is a private boatowner and his boat is called the *Sea Hunter*. He has a lot of electronic gear on it, he fishes like I do, he knows a lot of these wrecks, too.

Mr. REDDAN. To come back to the possible landing of enemy agents on the shore, do I understand your testimony is that you feel that at

the present time, either day or night, you could, without detection, discharge and pick up enemy agents off the coast of Florida?

Captain KITCHELL. I would like somebody to tell me how I could not.

Mr. REDDAN. Would this require your bringing your ship into shore?

Captain KITCHELL. Definitely.

Mr. REDDAN. Could you pick them up and discharge them in transit, however?

Captain KITCHELL. Pick them up from, let's say a trawler and then transfer them to another vessel?

Mr. REDDAN. No, I mean as a trawler, discharge a possible agent with scuba equipment or anything else, a mile and a half offshore and let them land under their own power?

Captain KITCHELL. Yes, quite frequently we see these skindivers out on this second reef out here which is in 40, 50, 60 feet of water. They are diving on that, which is roughly a mile offshore.

Mr. REDDAN. Roughly a mile offshore?

Captain KITCHELL. But I have never seen anybody out farther than that; there is no reason to be.

Mr. REDDAN. Thank you.

Mr. HARDY. Any questions?

Mr. PIKE. Yes, I would like to ask a couple.

I think you indicated in your testimony, Captain that when the Russian vessel heard your radio broadcast it changed course. Is that what you are saying to us?

Captain KITCHELL. It did not hear my radio broadcast.

Mr. PIKE. Well, it heard the broadcast of the *Corixa* calling the Coast Guard.

Captain KITCHELL. That is right, roughly at that time.

Mr. PIKE. Yes, but are you basing this just on the supposition that because these things happened at the same time it did hear the broadcast or do you have any indication that the Russian vessels are monitoring and listening to your transmissions?

Captain KITCHELL. I could not—you could not pin me down on that. I mean it might have been a coincidence. I can't say that it was not, but slightly after the *Corixa* called me and said a plane was on its way up and would be up in 15 or 20 minutes the Russian trawler changed course.

Mr. PIKE. Changed from south to southeast?

Captain KITCHELL. Because I was on an automatic pilot course right in line with him and I maintained my course which is fairly accurate, I am not all over the place, and he definitely headed south-east.

Mr. PIKE. Sure.

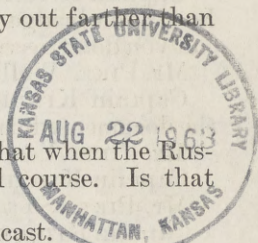
How far west do you have to come to get inside the Gulf Stream?

Captain KITCHELL. Well, still it varies. I have seen the edge of the Gulf Stream 8 miles offshore.

Mr. PIKE. And what is the other extreme?

Captain KITCHELL. The other extreme would be the reef, roughly three-quarters of a mile offshore.

Mr. PIKE. You mean sometimes it comes in as close as three-quarters of a mile offshore?



Captain KITCHELL. That is right.

Mr. PIKE. So that it could be necessary to come inside the 3-mile limit in order to be inside of the Gulf Stream.

Captain KITCHELL. Well, it would not be good practice for any ship drawing any water, because you are limited to your depth there, unless you knew the waters very well, although some of the ships coming out of Palm Beach running to Cuba—the car ferries used to run inside between two reefs down on the sand bottom, which lays between two reefs, way inside.

Mr. PIKE. Now as far as this business of moving people in and out, whether it is off a ship or otherwise, what you are saying is that there is nothing which checks on the passengers on a private charter boat going out to sea and checks who these people are or checks who comes back in?

Captain KITCHELL. None whatsoever.

Mr. PIKE. Would it not also be possible for any boat that had the range to just leave and if expected in Cuba, go to Cuba?

Captain KITCHELL. There is only one possible check in my neighborhood; the bridge tenders check every boat going out and coming in, but you don't necessarily have to come back in the same inlet.

Mr. PIKE. Well, what do you mean they check them?

Captain KITCHELL. They take either the Coast Guard number or the documented name.

Mr. PIKE. Yes, but do they check the people on the boat?

Captain KITCHELL. Oh, no, definitely not, just the boat itself.

Mr. PIKE. So a boat could go out and come in a day later?

Captain KITCHELL. Oh, yes, sure.

Mr. PIKE. And nobody would know whether the people on it were the same people or not?

Captain KITCHELL. No.

Mr. PIKE. And it could go to Cuba?

Captain KITCHELL. It could go to Cuba but to get back in the States it would have to do it illegally.

Mr. PIKE. Well, I think we have to presume that anybody who is trying to do this is not going to be concerned with the niceties of our immigration laws.

Captain KITCHELL. That is right.

Mr. PIKE. That is all I have, Mr. Chairman.

Mr. LANKFORD. Mr. Chairman?

Mr. NORBLAD. I don't suppose there is any possibility, in view of the fact this was a trawler, moving rather slowly, that this ship could have been used to carry freight at all, was it. Was it well loaded, was it down in the water?

Captain KITCHELL. It seemed to be on its waterline, it did not seem to be riding high, it might have been in ballast or something. If you look at the pictures, I mean that the *Lauderdale News* put out, she was not sitting above the waterline.

Mr. NORBLAD. I would assume they would not use a ship of this size to go all the way from the Soviet Union to Cuba carrying freight, it would be too small.

Captain KITCHELL. You got me, I don't know.

Mr. NORBLAD. Could I ask a question of Mr. Rogers?

Paul, it is my understanding that the people from the Soviet Embassy here in Washington are barred from going to certain parts

of the United States. Are they barred from the coast of Florida, along there, the Hillsboro Inlet and that area?

Mr. ROGERS. I am sorry, I can't answer that question, I just don't know. From my understanding they restrict the Soviet people to the same degree that our people are restricted in Russia.

Mr. NORBLAD. Yes, certain areas in the United States, I did not know whether this was one or not.

Mr. ROGERS. I don't know; I am sorry.

Mr. NORBLAD. Thank you.

Mr. HARDY. Mr. Lankford?

Mr. LANKFORD. Captain Kitchell, you said that you did not report this trawler because the local newspapers had ridiculed reports of trawlers before. Had you in the past reported the presence of Russian ships?

Captain KITCHELL. No; somebody beat me to it.

Mr. LANKFORD. You had had no personal experience then with this at all?

Captain KITCHELL. None whatsoever.

Mr. LANKFORD. And you had not contacted the Coast Guard or Navy or anyone like that?

Captain KITCHELL. No.

Mr. LANKFORD. But this had happened to some of your colleagues and friends?

Captain KITCHELL. Yes, up the coast, north of us. And, as I say, they were not evidently under surveillance at that time because these boys know how far offshore they are because they fish certain spots.

Mr. LANKFORD. Yes.

Captain KITCHELL. And you can step those spots off and they are that far offshore.

Mr. LANKFORD. What response—in this particular instance this was a plane, a Coast Guard plane, was it?

Captain KITCHELL. Well, I imagine so. It looked like a——

Mr. LANKFORD. But there was a plane?

Captain KITCHELL. PBY, it looked to me, I am not sure, because it was a fairly good distance away from that time. I continued fishing, I turned east.

Mr. LANKFORD. But a plane did come out as a result of the *Corixa's* call?

Captain KITCHELL. Yes.

Mr. LANKFORD. Do you know whether in other instances there had been a response to——

Captain KITCHELL. One other ship I saw coming down from the north had a plane circling it and taking pictures, previous to that.

As I say, I don't remember the dates or anything because I did not take too much interest in it. I figured the Government knew what they were doing.

Mr. LANKFORD. Thank you, sir.

Mr. NORBLAD. Is there a Coast Guard base there at Fort Lauderdale or the immediate vicinity?

Captain KITCHELL. There is a Coast Guard based boat there, I don't know if it is a base. It is a 60- or 65-footer.

Mr. NORBLAD. You don't know where the nearest base or air station is?

Captain KITCHELL. Opa-locka.

Mr. NORBLAD. That is down in Miami?

Captain KITCHELL. I don't even know if that is in use here. Homestead is the nearest base.

Mr. NORBLAD. I thought Opa-locka had been closed down. I will ask the Coast Guard when they testify.

Thank you.

Captain KITCHELL. I am not familiar with it, sir.

Mr. GUBSER. Captain, you have seen three of these trawlers?

Captain KITCHELL. I have seen four.

Mr. GUBSER. Four. In any one of the four have you seen anything which would be evidence that this trawler had been fishing or was apparently going to engage in fishing?

Captain KITCHELL. Not immediately. I know enough about shrimp boats to know that if you are going to fish you have got nets hung on your booms on deck, and we did take particular notice that there were no nets on the boom and they were both swung inboard.

Mr. GUBSER. In other words, there is absolutely nothing—

Captain KITCHELL. There is nothing showing relating to fishing.

Mr. GUBSER (continuing). That would show it is a bona fide fishing vessel?

Captain KITCHELL. Well, there was nothing showing to prove that they were about to fish, I will say that. It—I don't even know—everything looks different on their boats anyway.

Mr. GUBSER. Did you see any nets at all?

Captain KITCHELL. No.

Mr. GUBSER. Are there refrigeration facilities in the holds of these ships?

Captain KITCHELL. I guess there would have to be.

Mr. GUBSER. Is there ever any outward indication, such as a water tower for example, of a refrigeration facility on fishing boats?

Captain KITCHELL. Not that I could see it. I mean there was so much junk on it here and there.

Mr. GUBSER. In a normal trawler can you see anything that is an outward indication of refrigeration?

Captain KITCHELL. I would say no.

Mr. GUBSER. I see. Thank you.

Mr. HARDY. Captain, I want to return for just a minute to this discussion about the attitude of the papers or of the—I might refer back to Mr. Rogers' comments about the attitude of the Coast Guard and the Navy on this matter.

You seem to have—if you didn't say it in so many words, you left the impression that the Coast Guard wasn't pleased to get these reports.

Captain KITCHELL. No, I don't think I said that.

Mr. HARDY. No, you didn't say that, but you indicated that the press was trying to make out anybody who saw one of these boats to be a liar, didn't you?

Captain KITCHELL. Well, you might have interpreted it as that, but I don't think it was done intentionally. I think that when the planes got there after they had been notified, why, they got there late enough that they couldn't certify the statement of the charter boat or fishing vessel that caught them inside the limit and they didn't try to straighten

it out and say, well, there is a possibility that they were, we got here too late to be sure.

Mr. HARDY. Maybe I drew the wrong inference from your comment, but I got the distinct impression—and it may have been that I drew it from my friend, Mr. Rogers' statement—but I got the distinct impression that there was at least a feeling that there is a lack of interest in receiving these reports from shipping boats.

Captain KITCHELL. That is right.

Mr. HARDY. I mean from fishing boats.

Captain KITCHELL. We, up and down the coast, I know most of the boys, and they all feel: what is the difference?

Mr. HARDY. Well, the question that is running through my mind is this—and I don't know, maybe it isn't of any importance in the eyes of the Coast Guard, the Navy. But we will develop that a little bit later. But I was just wondering if actually these pleasure charter fishing boats wouldn't be a good source of information to the Coast Guard and the Navy.

Captain KITCHELL. Yes, it would, if they would send out a notice to mariners, at least to all the commercial boats, documented boats, which we get anyway in a lot of cases, just tell them to report any sightings of these things, why, they would get information on it and they would have almost complete surveillance of the coast and even over in the Bahamas.

Mr. NORBLAD. They don't do anything like that at all?

Captain KITCHELL. No, because we are different, we are not in the Navy or the Coast Guard.

Mr. NORBLAD. I know, but you are out there every day of your life, I assume.

Captain KITCHELL. Just about.

Mr. HARDY. And so I get the impression that there is resentment over reporting of these things, rather than a request for voluntary information.

Captain KITCHELL. It isn't resentment really. It is just lack of interest and—due to the fact that when the report gets in the paper it makes a fool out of anybody reporting these things. I get silly questions asked me every day from parties: How far offshore are we and this and that.

Mr. HARDY. Take a case that you talked about, the one that you sighted on May 23. Now, did the newspaper carry an account of that one?

Captain KITCHELL. Yes, it did.

Mr. HARDY. And it said, in effect, that the Coast Guard found that instead of its being in our waters it was 5 or 7 miles offshore?

Captain KITCHELL. I forget exactly what the newspapers said, but it was 4 or 5 miles.

Mr. HARDY. Of course they couldn't get that information from anybody except the Coast Guard. Was there anything in there that said the Coast Guard plane didn't get there until 15 minutes after it had been reported?

Captain KITCHELL. I don't recall it, no.

Mr. HARDY. Was there anything in that news story that said that this ship had changed course after it was reported?

Captain KITCHELL. I don't recall that either.

Mr. HARDY. That is just the point that I am trying to develop. The question here of the location of the ship, at the time that it is actually under surveillance of one of our aircraft might be very different from what it was at the time it was reported.

Captain KITCHELL. Well, that is where the lack of interest comes in. I mean you are sort of made a fool of in the eyes of the public after they read the newspaper report.

Mr. HARDY. Mr. Rogers.

Mr. ROGERS. May I just comment on this, Mr. Chairman? My experience was I recall on May 14, I was contacted by people at home, fishing captains whom we checked out, that they had reported on that date to the Coast Guard at 9:15 in the morning and at 12:15 in the morning the passage of two Russian ships. When I got the report I called the Coast Guard in Miami and they sent out a plane to check, but as I recall it was about 2 or 2:30 when the check was made.

Now, at that time the Coast Guard told me—and then, of course, it was true what the Commandant's office told me, that they categorically denied that they were in territorial waters at that time. Well, that is true, when they checked it at 2:30, it is probably so. No, I don't doubt the Coast Guard at all. So this is what I think the captain is referring to and which caused me concern, is the fact that the reports are having to come from fishing captains, you see, and in some instances had not been checked out quickly.

Mr. HARDY. Well, now, let me say this: I have a communication from Admiral Stephens that apparently relates to this same date; it is classified "confidential."

I might just make this observation right now. I think we are going to have to look at some of these classifications on these things and we may have to reconsider some of them. It is a little difficult for me to see how any of the people in the military can justify classifying some of the stuff that you throw this classification on, and we may have to explore that rather carefully.

But here is information that is known, and the public is entitled to know whether or not it is accurate. And I propose to try to find a way to make that clear.

Now, I certainly don't want to do anything that is going to impinge at all on our security, because otherwise we wouldn't be holding these hearings. But there has been so much that has been in the press that has been semiofficial and so much that has been official that to try to hide inadequacies now behind classification is just not going to be permitted, I don't think. So we just as well face up to the facts of life right now.

Mr. ROGERS. Thank you, Mr. Chairman. I do want to say this, though, that after I had contacted the Coast Guard that day and have since had contact with them, the Coast Guard on its own initiative did call me when they did locate two vessels later within the 3-mile limit, and on their own initiative did call and say that they had located them and they were in the 3-mile limit.

Mr. HARDY. That is the same day?

Mr. ROGERS. That was not the same day.

Mr. HARDY. Not the same day?

Mr. ROGERS. No; that was a later date.

Mr. HARDY. Well, thank you very much.

Mr. ROGERS. Yes, sir.

Mr. HARDY. Now, any further questions of Captain Kitchell?

(No response.)

Mr. HARDY. Captain, the committee appreciates your presence and your helpfulness. Thank you very much.

Now, Admiral Stephens, will you come on up with anybody that you would like to hold your hand.

Admiral STEPHENS. OK, sir.

I seem to have a team here, Mr. Chairman, but—

Mr. HARDY. That is good, that is good. I know something about these team operations.

Let me express my pleasure at having you back with us to help us on this matter. I have had to worry you in times past on other matters and I am sure that you are going to be as helpful to us in this particular one as you always have been. The committee is very pleased to have you with us. I wonder if it wouldn't be a good idea, Admiral, if you would identify the members of your staff who are with you so that as we go on any one of them that can help us out can just do so without having to be identified at that time.

TESTIMONY OF REAR ADM. I. J. STEPHENS, COMMANDER, 7TH COAST GUARD DISTRICT; ACCOMPANIED BY CAPT. GEORGE R. REYNOLDS, CHIEF, PORT SECURITY AND LAW ENFORCEMENT, OFFICE OF OPERATIONS, U.S. COAST GUARD HEADQUARTERS; CAPT. WALTER S. BAKUTIS, CHIEF OF OPERATIONS, 7TH COAST GUARD DISTRICT; AND COMDR. G. D. CLIZBE, INTELLIGENCE AND LAW ENFORCEMENT OFFICER, 7TH COAST GUARD DISTRICT

My name is Rear Adm. I. J. Stephens, and I am the commander of the 7th Coast Guard District. My headquarters are in Miami.

On my right hand is my operations officer, Capt. W. S. Bakutis.

On my far left is my intelligence officer, also from Miami, Comdr. Gart Clizbe.

And immediately on my left is one of our headquarters staff people from Washington, this is Capt. George Reynolds, who is in charge of our port security and law enforcement program within the Office of Operations at headquarters.

Mr. HARDY. Thank you, Admiral.

Now go ahead. Do you have a statement?

Admiral STEPHENS. We have a short prepared statement, sir, and if it pleases the committee I would like to have Captain Reynolds read this, because he represents our headquarters. This is our basic Coast Guard policy from the Washington level, a policy which we implement down in Miami.

Mr. HARDY. That is fine. Thank you very much. Then, Captain, if you will just go ahead and read the statement the committee will be very pleased to have it.

Mr. NORBLAD. May I ask: How big is the area of the 7th Coast Guard District? What area does it comprise?

Admiral STEPHENS. It is the States of South Carolina, Georgia, the State of Florida over to the Appalachian River, and then, as I describe it, everything in the Caribbean down to the north coast of South America.

Mr. NORBLAD. That is the gulf side?

Admiral STEPHENS. That is the gulf side. Now, as far as the Gulf of Mexico goes, the line from the Appalachicola River in Florida runs down to the Yucatan Peninsula. This is for certain types of operation, basically search and rescue operations. In addition to my main headquarters at Miami, I have a subheadquarters which we call the Greater Antilles section, down in San Juan.

Mr. HARDY. Thank you. Go ahead.

STATEMENT OF CAPT. G. R. REYNOLDS, CHIEF OF THE PORT SECURITY AND LAW ENFORCEMENT DIVISION OF THE OFFICE OF OPERATIONS, COAST GUARD HEADQUARTERS

Captain REYNOLDS. Mr. Chairman, gentlemen, I am Capt. G. R. Reynolds, Chief of the Port Security and Law Enforcement Division of the Office of Operations at Coast Guard Headquarters. I am here to discuss Coast Guard policy and operations with respect to Soviet fishing vessels that enter U.S. territorial waters.

First, I would like to take up Coast Guard jurisdiction for enforcement of U.S. laws.

Under 14 U.S.C. 2, the Coast Guard is charged with enforcement of all applicable Federal laws on the high seas and waters subject to the jurisdiction of the United States.

Within the territorial waters of the United States, that is, inside the 3-mile limit, the Coast Guard may, subject to certain limitations I shall discuss later, stop and board any vessel, U.S. or foreign, examine its documents, question persons involved and under certain statutes seize the vessel. This authority derives from 14 U.S.C. 89. When operating under this statute, a Coast Guard boarding officer acts as an agent of the Federal agency charged with administration of the particular law.

Within the contiguous zone, that is, within 12 miles of the coast, the Coast Guard can take similar action against a vessel that is suspected of having violated the customs laws.

On the high seas, the Coast Guard can enforce U.S. laws with respect to U.S. vessels, but can act against foreign vessels, in the absence of treaty, only for the crime of piracy. An exception exists in the case of hot pursuit. A Coast Guard vessel or aircraft may pursue a foreign vessel to the high seas and seize her there, if this vessel, while in territorial waters, has violated a U.S. law making her liable to seizure, or while in the contiguous zone has violated a customs law. The pursuit must begin in the territorial waters or contiguous zone and must be continuous to the point of seizure on the high seas.

Now, I should like to discuss the right of innocent passage which restricts the action that the Coast Guard might otherwise take under U.S. law with respect to foreign vessels in the territorial sea.

The right of innocent passage has long been recognized in international law and was embodied in the Convention on the Territorial Sea and the Contiguous Zone adopted at Geneva in 1958. This convention has not yet been ratified by enough nations to become effective, but has been ratified by the United States and is a fair expression of national policy. The Soviet Union has also ratified the convention.

Articles 14 through 23 are concerned with innocent passage. I shall try to summarize some of the salient points.

Innocent passage is the right of a foreign vessel to traverse the territorial seas of a coastal state en route from one point to another on the high seas, from the high seas to the internal waters, or from the internal waters to the high seas, so long as the passage is not prejudicial to the peace, good order, or security of the coastal state.

A coastal state may not hamper innocent passage, but may make laws to prevent fishing in the territorial sea by foreign vessels, or to regulate navigation. Vessels in innocent passage must observe these laws.

When essential to its security, a coastal state may temporarily suspend the right of innocent passage in specified areas of the territorial sea, but this suspension must not discriminate between foreign ships.

Notwithstanding any right of innocent passage, the Coast Guard can stop, board, and search any foreign vessel in the territorial seas which by its actions gives reason to believe that it has violated any of the following laws:

- (a) Espionage laws,
- (b) Immigration laws,
- (c) Customs laws,
- (d) Conservation laws,
- (e) Navigation laws, and
- (f) Oil pollution laws.

The steamship lanes used by the maritime nations of the world pass through the territorial seas of many coastal states. If passage through such areas were denied, many thousands of miles would be added to the normal steamship routes and many areas would become inaccessible by water. The United States, as a leading maritime and naval power, has traditionally advocated the free use of the seas by all nations and has vigorously opposed any effort to place restrictions on the right of innocent passage.

One area where the steamship lanes pass through the territorial sea of the United States lies off the east coast of southern Florida. Here the southbound navigator sets his course very close to the coast in order to avoid the 3-to-4 knot northerly set of the Gulf Stream. Ships of all nations follow the recommendations of "United States Coast Pilot 4" for these waters which states:

Southbound vessels from Jupiter Inlet to Fowey Rocks Light usually follow the coast at a distance offshore of 1 to 1.5 miles to Hillsboro Inlet Light, thence 1.5 to 2 miles offshore, passing 1 mile eastward of Miami lighted whistle buoy 2 and Fowey Rocks Light.

As the Navy representatives here will subsequently testify, the Soviet Union has been engaged in large-scale exploitation of the north-west Atlantic fisheries in recent years. Some vessels from their fishing fleet go south to Cuba with their catches or for refitting and crew recreation.

In their voyage south these vessels have followed the normal steamship lanes. Some, when they near the coast of southern Florida, have diverted slightly to seaward and remained just outside the territorial sea. Others have continued along the normal lanes, entering the territorial sea near Palm Beach and leaving it south of Florida.

All of the vessels observed close to or within the territorial sea by the Coast Guard have been typical fishing vessels configured for fishing.

The Coast Guard regards their navigation through the territorial sea as innocent passage and has not interfered with them, but has watched them closely.

Mr. HARDY. Captain, you have raised some very interesting questions. Thank you for your statement. But you raised some very interesting questions which I think we are going to need to explore.

Now, you point out that the convention which embodies this innocent passage hasn't been ratified by enough nations to be effective, so that it is not actually in effect except by the voluntary act of the individual country; is that right?

Captain REYNOLDS. This has been a recognized principle of international law for generations and has just been codified in this convention.

Mr. HARDY. How has it been recognized as a principle of international law? Is it a matter of practice that has been agreed upon by—is it actually in the international law?

Captain REYNOLDS. Yes, sir.

Mr. HARDY. Then if it is, why is any reference made to the Geneva Convention if it is already a matter of international law; why do we bring up the Geneva Convention at all?

Captain REYNOLDS. Well, sir. I am not an international lawyer, but there have been areas of disagreement in case of innocent passage. Just how it applies and so on, the convention tries to make all of this clear.

Mr. HARDY. Well, does Russia permit our ships loaded down with electronic gear to pass within a mile and a half of her coastline?

Captain REYNOLDS. I don't know of any instance where that has been done, sir.

Mr. HARDY. Russia doesn't have any territorial waters where we would normally have shipping in close to her coastline, is that right?

Captain REYNOLDS. Very little at the present time. Conceivably there could be areas where we would—

Mr. HARDY. How about the Bering Straits, do we have any occasion to go close to Russian territory there? We don't have much shipping through there, do we?

Captain REYNOLDS. Not very much, sir.

Mr. HARDY. Once in a while we send a ship up to Point Barrow; would that pass up through there?

Admiral STEPHENS. I think I can answer that. I was up there in the 1930's. In the middle of the Bering Straits there are the Big Diomedes and the Little Diomedes Islands. The Big Diomedes are on the Russian side and the Little Diomedes are on the Alaskan side.

The normal passage for U.S. ships is between the Alaskan mainland and Little Diomedes, which is the U.S. waters. So this would be the normal route up there for all practical purposes.

Mr. HARDY. It hasn't been so very long since we had a little hassle over Big Diomedes. Didn't we get a little adverse action from over there?

Admiral STEPHENS. I am not aware of it, sir. It may well be.

Mr. HARDY. I recall being up that way one time and we didn't dare fly within shooting distance of it.

Admiral STEPHENS. I think that was true when I first went up there in 1933, sir. We were kind of cagey about going over there.

Mr. HARDY. This was a long time since then. I was just trying to see whether there are any Russian territorial waters where there would be an opportunity to test whether Russia would accord us the same consideration which we are apparently bending over backward to accord her.

Captain REYNOLDS. I have tried to find any such waters with a limited amount of research and have found none at this point.

Mr. HARDY. Do you know whether Russia permits innocent passage to anybody?

Admiral STEPHENS. I am not sure, sir. I wonder whether the Navy's statement would be able to better answer that?

Mr. HARDY. We will explore that.

The only thing is, I've got your statement here now and that is what I am working on. We will get the Navy on our record when they make their statement.

Admiral STEPHENS. If I could, on the point you are driving at, again if I may go back to my experience some years ago. This has long been a precept of international law. In those days, granted I am talking about 30 years ago, it was a recognized practice for the Coast Guard to visit on the Siberian mainland. I made two Arctic cruises myself, and both times we visited points on the Siberian mainland and we transited the territorial waters of Siberia. This was a recognized thing.

Now I am not commenting about the present day because I am not—

Mr. HARDY. Was that under Mr. Stalin?

Admiral STEPHENS. No, sir, I believe it was before Mr. Stalin.

Mr. HARDY. Oh, well, now, you are—

Admiral STEPHENS. I am going back to 1933.

Mr. HARDY. We are talking about a different set of circumstances, aren't we?

Admiral STEPHENS. This is right. I am trying to establish the fact that this has been a long-recognized precept.

Mr. HARDY. I don't know whether this is necessarily comparable. You were actually paying them a little visit, weren't you?

Admiral STEPHENS. Yes, sir.

Mr. HARDY. Sort of a good will thing. This wasn't a matter of innocent passage at all.

Admiral STEPHENS. I would say the concept was the same, sir, because we were transiting territorial waters.

Mr. HARDY. But you actually, according to your statement, you were actually going to see them. You went over there and stopped for a spell, didn't you?

Admiral STEPHENS. This is right. In addition to the transit.

Mr. HARDY. This was a good neighbor proposition.

Admiral STEPHENS. Yes, sir.

Mr. HARDY. Who ever heard of a good neighbor practice being conducted by anybody in the Russian orbit since the czars were superseded?

Admiral STEPHENS. I won't argue the point with you, sir.

Mr. HARDY. Well, that is not very valuable, in my book. Now let's talk about something else that you said here.

You defined "innocent passage," Captain, and you said "so long as the passage is not prejudicial to the peace, good order, or security of the coastal state."

Is there a definition of what constitutes a threat to the security of the coastal state?

Captain REYNOLDS. It is not contained in the convention.

Mr. HARDY. Well, I didn't expect that it would be, but do you have anything other than this listing of things which you have put down here. You list six things which you say would justify the Coast Guard to stop, board, and search a foreign vessel. If you had reason to believe it had violated any of the following laws, that is.

Now is that the only thing that in the eyes of the Coast Guard constitutes an action which is prejudicial to the security of the coastal States of the United States?

Captain REYNOLDS. If a vessel was going to be used for an attack on the United States, it would certainly be prejudicial to our security, it would be included, and that could be any type of attack.

Mr. HARDY. Let's get away from this business of attack. I don't want to talk about attack from these vessels. But how would you determine whether—maybe I should express it another way: How have you determined that these trawlers aren't engaged in something that is prejudicial to the security of the United States? Have you made that determination?

Captain REYNOLDS. I suppose that the answer would be in the opposite direction, we have no evidence that they are being used—

Mr. HARDY. Then you haven't made a determination that they are not prejudicial to our security.

Have you made a determination, for instance, that they aren't actually conducting espionage? Have you made a determination that they aren't mapping our defense?

Captain REYNOLDS. No, sir.

Mr. HARDY. Have you made a determination that they aren't jeopardizing the operation of our own electronic equipment onshore?

Captain REYNOLDS. When I say that I have not, I mean that the Coast Guard—

Mr. HARDY. Admiral, if you want to hop in here, come right ahead. Let's make this a free-for-all.

Admiral STEPHENS. The Coast Guard has not, this is correct, the Coast Guard has not.

Mr. HARDY. Has the Navy told you that they don't constitute any threat to the security of the United States?

Admiral STEPHENS. Not in the sense you are expressing it, sir, no, sir.

Mr. HARDY. In what sense have they told you, then?

Admiral STEPHENS. If I may point out one thing here, Mr. Chairman, I think it might clear the air a little bit.

Mr. HARDY. Maybe the State Department has told you that they are not prejudicial to the United States.

Admiral STEPHENS. No, sir; again, they have not. But if I may point out one thing, the aspects the Coast Guard is primarily concerned with are law enforcement aspects.

As Captain Reynolds pointed out, we are primarily concerned with the enforcement of all maritime laws. The listing of the six types

of laws that you referred to basically bring the Coast Guard into the picture on account of the law enforcement aspect.

Mr. HARDY. But you are carrying out not only U.S. laws, you are honoring the international law of innocent passage, to which you refer.

Admiral STEPHENS. Precisely so, this is the issue.

Mr. HARDY. But in honoring the law of innocent passage you have to make a determination that the passage of these ships is not prejudicial to the interests of the United States. Now have you made such a determination?

Admiral STEPHENS. From a practical operational standpoint, and this is exactly what is happening down in Florida right now—if one of these ships, regardless of his flag, is inside territorial waters, then the presumption is that he is engaged in innocent passage.

Now the only way that I can determine that is to keep an eye on him all the time he is in territorial waters, because by “innocent passage” here we presume he is not going to stop, anchor, not going to fish and so forth, and in the cases where we clearly establish he is inside, we keep a constant surveillance on him.

In the other cases, as has been put in the record already, we spot check these, where they are outside.

Mr. HARDY. I don't want to interrupt you on this, Admiral, but at the time that two Japs visited the Department of State on the morning of December 7, 1941, it was presumed that they were honest and that there wasn't anything going on that was prejudicial to the security of the United States. Isn't that so?

Admiral STEPHENS. This is correct, sir.

Mr. HARDY. Then we get ourselves in one awful mess by accepting at face value this kind of a presumption, and you are making the presumption all on the side of the Russians.

Admiral STEPHENS. I was going to close out with this statement in direct answer to your question. We have not, we have not, and I repeat that, we have not determined on our initiative under Coast Guard responsibilities that these fellows are doing anything inimical.

This is the reason I prefaced my remark by saying that from a practical operational standpoint this is what we are doing down there right now—we are keeping an eye on them, to see that they keep moving. Now this is basically the only thing that we can testify to.

Mr. HARDY. I meant to ask Captain Kitchell another question a while ago and I forgot it.

I think we have information to the effect that, I believe it was on May 14, that the fishing boats down there reported that their radios went out of operation when this Russian trawler was in their vicinity. Now that may not be of any significance to the Coast Guard.

Admiral STEPHENS. Well, I would make one comment there, sir, this is the first I am hearing of that.

Commander CLIZBE. That is right.

Mr. HARDY. I am sorry I didn't ask about it.

Admiral STEPHENS. This is the first I have heard it and the first my staff has heard of it. We were not aware of it. This is the first we heard of it.

Mr. HARDY. I meant to ask Captain Kitchell, because I had been told that he would testify to this. But anyway, that is a matter that could be established one way or the other.

Admiral STEPHENS. I wouldn't refute the statement, but this is the first we have heard of it down in Miami.

Mr. HARDY. He is scared to talk to you all. He doesn't want to be made out a liar.

Admiral STEPHENS. Could I make one comment on that?

Mr. HARDY. I want you to talk about that.

Admiral STEPHENS. In the 7th Coast Guard District we have a lot of people, a lot of boats, and some of our best friends are—believe me—guys like Captain Kitchell and other sports fishermen. We get an awful lot of tipoffs on our search and rescue work, and on Russian trawlers. We even have people that report Russian trawlers from the 15th floor of the Fountainebleu Hotel. I am exaggerating—

Mr. HARDY. Don't you dare do that, you know you never exaggerate.

Admiral STEPHENS. No, sir, I do occasionally. But the point I would like to clear the record on is we can't be responsible for what a newspaper might report, and sometimes maybe they do misrepresent.

Mr. NORBLAD. The Coast Guard isn't belittling the captain that made the report?

Admiral STEPHENS. No, the Coast Guard is not, for at least as long as I have been there, and I think I can speak also for my predecessors, the Coast Guard is not about to belittle any report or ridicule anyone—

Mr. HARDY. He said you didn't ridicule—

Admiral STEPHENS. Yes, sir, because we depend too much on these people. These are not only our sources of information but they are the very people that we are trying to protect down there.

Mr. HARDY. I want to get into that whole business of his observations a little bit later, but let me finish with this statement. I don't want to take up all the time, I want to let my real barristers on the committee get into this in a minute.

I am still concerned that the presumption seems to be all in favor of the Russians and not in favor of us, and I am a doggone sight more interested in the security of the United States than I am in presuming that they are not going to do anything wrong.

Now, on the last page of your statement, Captain, the first paragraph after your quotation, you say that some vessels from their fishing fleet go south to Cuba with their catches or for refitting and for crew recreation. Do you know that for a fact? If you don't, I wish you hadn't said it.

Captain REYNOLDS. I would prefer that the Navy people who are going to testify subsequently answer—

Mr. HARDY. They will have an opportunity to do that, too, but you said this.

Captain REYNOLDS. My information stems from them.

Mr. HARDY. The Navy told you that this is so? They are going to have an opportunity, by golly, to either prove it or back up and withdraw it, one, because I don't know whether you can prove it. If you can, why that is fine. If you can't, don't come in here with this kind of statement because it messes up our record.

Admiral STEPHENS. I think I could throw a little light on it.

Mr. HARDY. Either it is true or it is false. If you can, let's have it.

Admiral STEPHENS. Obviously I don't think we can prove every case but in a good many of these cases—as a result of our incidental patrols, I am talking about Coast Guard patrols now, not Navy patrols—as a result of a good many other sightings, incidental and related sightings after we get these people clear of the Florida coast south of Miami, they do head for Cuba and we have spotted them, we have spotted them going directly into Cuba, as close as we go to Cuba. Again, if I have to, I will presume, Mr. Chairman, that they do go to Cuba. Now this is from our own knowledge. Now this is not in every case but it is incidental.

Mr. HARDY. All right, I will accept that. They go to Cuba, they go to and from Cuba. But that they go down there with their catches, go down there to take the fish to the Cubans, do you know that? Do you know whether they've got a fish aboard or not?

Admiral STEPHENS. No, not from my own knowledge.

Mr. HARDY. Okay. Unless you know it is a fact, let's don't say it.

Admiral STEPHENS. Well, this is a fact, if I can report it as reported by Havana radio, which we monitor down there——

Mr. HARDY. Do you believe everything Havana radio says?

Admiral STEPHENS. No, sir, but I think this is an indicator.

Mr. HARDY. So you are picking out what you want to believe.

Admiral STEPHENS. No, sir, but as applied to this question, just last week I think it was, they took the Cuban populace off of ration cards for fish.

Mr. HARDY. You have a pretty good idea they get some fish somewhere.

Admiral STEPHENS. This is a relationship.

Mr. HARDY. But it doesn't necessarily mean that it was on these trawlers that came down inside our 3-mile limit.

Admiral STEPHENS. No, that is true.

Mr. HARDY. Then we are making deductions to suit somebody's convenience but they are not necessarily true——

Admiral STEPHENS. Do you mean do we look in the holds?

Mr. HARDY. No, I am not talking about looking into the holds, I am talking about whether you know it through any means or whether you are just guessing.

Admiral STEPHENS. As far as the Coast Guard's own knowledge on the thing I have just recounted the basis we would have to work on.

Mr. HARDY. How do you know that they take their crews down there for recreation? Do they want to get these Russians down there to recreate with the Cuban girls?

Mr. LANKFORD. What was——

Admiral STEPHENS. Again, sir, I believe we have some intelligence from Cuba, though not on Coast Guard initiative, which is the point Captain Reynolds is trying to make.

Mr. HARDY. Then you are assuming they have intelligence that would support it?

Admiral STEPHENS. That is true. We have very close coordination.

Mr. HARDY. Here is your intelligence officer who wants to talk.

Commander CLIZBE. Utilizing Life magazine——

Mr. HARDY. Now we are really getting somewhere.

Commander CLIZBE (continuing). You have some pictures of trawlers that were sighted coming down and in there. There was a story,

I don't remember exactly what it was about, but I think I can find out, that some of the Russians were fraternizing and were engaging in activities for recreational purposes.

Mr. HARDY. Recreation, that is good. But that is intelligence we get from Life magazine.

Commander CLIZBE. Yes, sir.

Mr. HARDY. That is a real fine thing.

Commander CLIZBE. But there is other intelligence of a confidential nature I am sure that would be brought out.

Mr. HARDY. We will get into that directly, unless you have some of your own.

Admiral STEPHENS. We have no intelligence of our own from Cuba, sir.

Mr. HARDY. Well—

Admiral STEPHENS. I am speaking about the U.S. Coast Guard.

Mr. HARDY. Let me toss just one other question in here now. How do we decide they carry the Cubans down there for recreation? Maybe they have other purposes. Do we have any way of knowing?

Admiral STEPHENS. They are not carrying Cubans.

Mr. HARDY. I mean the Russians. I don't know, they might have some Cubans aboard too.

Admiral STEPHENS. That is possible, that is possible. We don't check these crews.

Mr. HARDY. Do they or don't they, do you know?

Admiral STEPHENS. No, sir, we don't.

Mr. HARDY. You don't know whether they do or don't?

Admiral STEPHENS. We have no occasion to check the crews, we do not.

Mr. HARDY. How do you know that they are not taking Russians down there as technicians; maybe they are taking these crews down there for training purposes; maybe they come back with Cuban crews to break them in.

Admiral STEPHENS. We don't know of our own initiative, sir, we do not.

Mr. HARDY. I am just doing a lot of speculating and you are just about as ignorant as I am on this, as far as your own knowledge is concerned.

Admiral STEPHENS. I can speculate, I can agree with you, sir. Yes, sir, I sure could. I could think of a lot of reasons. I think basically, though, the reasons are as set out.

Mr. HARDY. Just one other thing in your statement here. This one is in your last paragraph: "All the vessels observed close to or within the territorial zone by the Coast Guard have been typical fishing vessels configured for fishing."

I had this picture here a while ago and it is not classified. All the pictures the Coast Guard has sent me have a classification on them. This one was somebody else's. It has got an awful lot of aerials on it and antennas and stuff stuck all over that ship. Is that what you call typical fishing configuration?

Captain REYNOLDS. I would say that was a typical configuration for a modern—

Mr. HARDY. Russian fishing boat?

Captain REYNOLDS. Modern fishing vessel that is going to operate many miles from its base.

Mr. HARDY. A modern Russian fishing vessel. How many vessels of that—fishing vessels—do we have that have that kind of electronic antenna and gear on them? Did you ever see a U.S. fishing vessel equipped like one of those?

Admiral STEPHENS. I would say basically, sir; yes, sir. Now, in the first place—

Mr. HARDY. I don't know what you mean by "basically." You bring in more words here that you have to define so I can understand them.

Admiral STEPHENS. In the first place, and I am not an expert on the fisheries, I don't believe we have the same type of global fishing fleets that the Soviets have, but as far as I have seen—

Mr. HARDY. We obviously don't have this kind of vessel.

Admiral STEPHENS. Yes, sir, we do.

Mr. HARDY. Do we?

Admiral STEPHENS. We do.

Mr. HARDY. We have the same kind of vessels they've got. What do we use them for?

Admiral STEPHENS. For fishing.

Mr. HARDY. For electronic work, oceanographic work, wouldn't we use that kind of vessel for that?

Admiral STEPHENS. No, sir. Again speaking as a neophyte, I am not an electronic expert, from my study of the pictures these are configured as typical fishing vessels, they do have high-powered radios, I don't think there is any question about that. That accounts for the antenna. They do have radar, so do our fishing vessels. They have something which they attribute as a fish finder.

Mr. HARDY. You say "attribute"; they attribute as a fish finder?

Admiral STEPHENS. No, which we do.

Mr. HARDY. You attribute as a fish finder?

Admiral STEPHENS. Yes, sir. I think basically our—

Mr. LANKFORD. Is this sonar?

Admiral STEPHENS. Sonic; yes, sir, sonar.

Mr. LANKFORD. How can you see—where do you see that? That is underwater.

Admiral STEPHENS. Yes, sir. Well, I think we have the same idea on the fathometer, for example, you locate schools of fish this way.

Mr. LANKFORD. But how do you know they have them on these vessels, the sonar thing?

Admiral STEPHENS. We are talking about what shows above. I am just saying what we would find typically on a vessel fishing. I don't know, maybe they do not have sonars. But from my own layman study of the pictures, what shows above, I don't see anything that is out of the ordinary for global fishing vessels. Again I say—

Mr. HARDY. We are going to have some more experts on that particular point, so we won't pursue that further.

Members of the committee, if you want to get in on this, go ahead. I want to take off on another tack.

Mr. LANKFORD. I would like to ask some questions about what form the surveillance takes.

Mr. HARDY. Go ahead.

Mr. LANKFORD. Admiral, you said that you keep these vessels that are determined to be inside the 3-mile limit under surveillance?

Admiral STEPHENS. Yes.

Mr. LANKFORD. What form does that take?

Admiral STEPHENS. First, to clear the air on some of the questions that were asked of Captain Kitchell: Our nearest aviation base is right at Miami at Dinner Key. Now, he mentioned Opa-locka. At the present time we have an augmented force of airplanes there as related to the Cuban problem, another aspect of this thing, not in relation to the trawlers.

So, basically, we do have right in the Miami area, we have our main air station at Dinner Key with an overflow facility at Opa-locka, which is also in Miami. We also have a base with patrol boats—these are of the 82-foot and 95-foot class—also at Miami. Additionally, in Fort Lauderdale we have one patrol boat. Up at Palm Beach we have a lifeboat station with some small boats.

Basically, when we get a sighting—and again I emphasize that we have not done anything more, generally, than a spot check on the reports that we get in—but when we get a report in that a fellow is really on the 3-mile limit or inside, we do our best to check those things out, as best as possible from the unit near to him. For example, at Hillsboro or at Palm Beach, or at Fort Lauderdale, wherever it happens to be. Then if on our own cognizance we determine that the vessel is inside the 3-mile limit, we will send an airplane up, we will send a helicopter up, and a patrol boat. We will keep an eye on this fellow until he gets out of the territorial waters which will be down south of Miami when he rounds Fowey Rocks. At that place, he is starting to bend off and make his crossing.

Mr. LANKFORD. Do you keep a chart of these, do you plot the movements of these vessels?

Admiral STEPHENS. We do, sir.

Mr. LANKFORD. Have you determined any schedule or any pattern of movement of these vessels?

Admiral STEPHENS. No, sir.

Mr. LANKFORD. In these pictures we have I think two or possibly three trawlers can be identified by number.

Admiral STEPHENS. Well, we have done this.

Mr. LANKFORD. 9106 and 9004.

Admiral STEPHENS. Yes, sir.

Mr. LANKFORD. I think those are two. Do you keep track of those vessels?

Admiral STEPHENS. Yes, sir; we have separately identified 18 different trawlers, from bow numbers. We have photographed 14 of those.

Mr. LANKFORD. Is there any pattern that has been established? Let us take just a hypothetical number, 9106, do you plot her down the coast, have you been able to plot anyone down the coast, and then plot it back up again going up to the northern Atlantic for fish or something like that?

Admiral STEPHENS. No, sir; and for this reason: The operation we are considering right now is only within a fairly limited stretch of coastal waters where we have them under surveillance. This would be, as the Coast Pilot says, from Jupiter Inlet to just south of Miami. So for that much of the southbound journey we would plot them, we might have them under surveillance. Except for an incidental sighting we have nothing under surveillance going north because they would be well offshore, out in the Gulf Stream, maybe 15, 20 miles.

Mr. LANKFORD. You don't make any attempt to?

Admiral STEPHENS. No; if we sight one of those incidentally, we do send in a classified message on this. This is a classified report sent in on every one of these things.

Incidentally, sir, this accounts for—and I share your views on classification—but this accounts for the reason that I had to classify my letter to you, because it related to other classified matter.

Mr. LANKFORD. Have you been able to establish any pattern?

Admiral STEPHENS. No, sir; not in the sense you are talking about.

Mr. LANKFORD. Have you identified—

Admiral STEPHENS. As far as a certain boat coming down every 10 days, or something like that?

Mr. LANKFORD. Have you identified any one of the trawlers going—

Admiral STEPHENS. Repeaters?

Mr. LANKFORD. And identified that same trawler going north?

Admiral STEPHENS. No.

Commander CLIZBE. Yes, sir.

Admiral STEPHENS. Have we? Probably infrequently, then.

Mr. LANKFORD. How many of these?

Commander CLIZBE. I wouldn't be able to give an exact number, but 9106, as I recall, made four or five or possibly six different passages.

Mr. LANKFORD. How long did he stay?

Commander CLIZBE. Now, as far as determining how long they were in Cuba, we haven't done that.

Mr. LANKFORD. You assume they go to Cuba; how long do they stay there?

Commander CLIZBE. We haven't determined that.

Mr. LANKFORD. What is the time lapse between passages?

Admiral STEPHENS. In the first place—

Mr. LANKFORD. Southbound passage and northbound passage.

Admiral STEPHENS. I am not sure that we would be able to reconstruct this, because it may have been, for example, that on the sighting that we picked her up northbound we may not have picked her up southbound. This is a possibility, you see.

Mr. LANKFORD. Is there any difference in the way these trawlers ride northbound and southbound?

Admiral STEPHENS. Yes, sir; southbound—what we are talking about—they are close inshore, they are trying to duck the Gulf Stream.

Mr. LANKFORD. I say, how they ride.

Admiral STEPHENS. We could probably tell that from the pictures, but I don't know offhand.

Commander CLIZBE. No, I haven't checked that out. We don't evaluate that.

Mr. LANKFORD. You don't?

Commander CLIZBE. We have very little evaluation capability; we try to obtain all the information we can, and it is essentially raw material.

Admiral STEPHENS. This is ground—

Commander CLIZBE. We feed it into the intelligence community, and I am sure that this can be—

Mr. LANKFORD. You turn this into what, the Defense intelligence agency, or Navy, or to whom do you give this?

Admiral STEPHENS. Basically, the pictures come up to our headquarters in Washington.

Mr. LANKFORD. I see.

Admiral STEPHENS. Locally we send them.

Commander CLIZEE. Yes, sir.

Mr. HARDY. If you find out where it goes, you are going to be good, because we had a little fun trying to run that down before we started these hearings.

Admiral STEPHENS. We can tell you where it goes to.

Mr. LANKFORD. What is your standard operating procedure on a sighting?

Admiral STEPHENS. First, we call them a Mer-sight—this is a classified report.

Mr. HARDY. A what?

Admiral STEPHENS. M-e-r-s-i-g-h-t. This is broken down, for there are certain things we have to report. This is a classified message. We send this into numerous levels of command—to our Coast Guard Headquarters in Washington here, and we send it to appropriate levels which I am afraid I have to—I would have to go off the record on this. We can tell you.

Mr. HARDY. We are in open session, Admiral, so if there is anything that is classified—

Admiral STEPHENS. Yes.

Mr. HARDY (continuing). We just can't have it here in open session.

Admiral STEPHENS. I believe the committee has this information.

Mr. LANKFORD. I think this is something that we should know.

Mr. HARDY. It is something we should know, and I am not a bit sure that these aspects of the thing are properly classified, but we are going to have to explore it sooner or later.

Admiral STEPHENS. I might say that the committee has this information, sir, as to just which commands get these Mer-sights.

Mr. HARDY. Well, I am not sure we have.

Admiral STEPHENS. Mr. Woods, I believe you have that.

Mr. HARDY. We have got something, but it is—

Mr. LANKFORD. Well, now, this I think you can answer without violating any security: Does the Seventh Coast Guard District make the report to the other agencies, or is it made through channels by way of Coast Guard Headquarters?

Admiral STEPHENS. No, sir; it is made to all these other addresses in the same message, a simultaneous message.

Mr. LANKFORD. "Info to"?

Admiral STEPHENS. "Info to," for information; yes.

Mr. LANKFORD. The message goes to Coast Guard Headquarters, information copies to these other agencies?

Admiral STEPHENS. To these other Navy commands; yes, sir.

Mr. LANKFORD. Do you keep a plot of all ships coming in the coastal waters?

Admiral STEPHENS. Russian trawlers, you are talking about?

Mr. LANKFORD. No; all ships.

Admiral STEPHENS. No, sir; we don't, because there are a good many ships. We don't keep them under surveillance, such as American-flag ships.

Mr. LANKFORD. Do you keep a plot of all Russian vessels inside the 12-mile limit, the territorial waters?

Admiral STEPHENS. No, sir; but inside the 3-mile limit; yes, sir.

Mr. LANKFORD. Inside 3 miles?

Admiral STEPHENS. Yes, sir.

Mr. LANKFORD. But—

Admiral STEPHENS. The 12-mile limit referred to was for customs laws enforcement, also. We do not plot them inside of that; no, sir.

Mr. LANKFORD. It is only if they come within the 3-mile limit?

Admiral STEPHENS. Yes, sir; 3-mile limit.

Mr. HARDY. If the gentleman would permit.

Now, you don't want to leave the impression that you keep under surveillance every one of these Russian trawlers that come within the 3-mile limit?

Admiral STEPHENS. That is precisely the impression I want to leave, sir, because this is what we do.

Mr. HARDY. Now, if I understand the testimony that we have had, and other information which we have received, a lot of these things you don't know about and actually the one that was testified to here with respect to May 23, you didn't know about that until it was outside of the 3-mile limit?

Admiral STEPHENS. This is right.

Mr. HARDY. You didn't get there to see it—

Admiral STEPHENS. But the point I want to emphasize, and I have used this term, in cases where the Coast Guard on its own cognizance has checked out one of these guys inside the 3-mile limit, we keep a constant surveillance.

Mr. HARDY. All right. You keep a surveillance on the ones you know within the 3-mile limit.

Admiral STEPHENS. This is right.

Mr. HARDY. But you don't know how many passed within that 3-mile limit that you didn't even find out about?

Admiral STEPHENS. No, sir. In fact, on the captain's testimony—I think it is true that fishing boats can report one of these fellows inside of a mile or so and 15 minutes later, which is not a bad time for us to get a plane up there, the guy might be outside of the 3 miles.

Mr. HARDY. That is correct, but I don't want this record to show that on every occasion that you know about every Russian trawler or any other vessels that come within the 3-mile limit, because you can't, can you?

Admiral STEPHENS. No, sir; only those that we have on our own cognizance determined as being within 3 miles we surveil.

Mr. HARDY. Instead of 18 trawlers that actually came down there, there might be a hundred?

Admiral STEPHENS. This is possible.

Mr. HARDY. All right.

Mr. LANKFORD. Admiral, do you fly patrols within the confines of the 7th Coast Guard District?

Admiral STEPHENS. Yes, sir; we have several patrols instituted right now in relation to the Cuban problem which have nothing to do with the trawler problem. You may remember about the first of April, shortly before that, some of the exiles down in Miami shot up a Russian freighter, and the President took a position on that and issued a directive that they were to discontinue these hit-and-run raids.

The Coast Guard fell heir to that job, specifically the seventh district. That is the reason I have these extra airplanes. So we do have special patrols down there for this purpose.

Incidentally, we make use of these patrols, you see, but the thing you are talking about, sir, we do not have a regular special patrol for the Russian trawlers; these are on occasion only.

Mr. LANKFORD. No; I didn't ask about a special patrol for the Russian trawlers. I asked if you had a patrol in this area where the normal sealane would bring vessels within the 3-mile limit?

Admiral STEPHENS. No, sir. We don't have a special patrol there. Our special Cuban patrols are all south of this area of the coast.

Mr. LANKFORD. I am not talking about special patrols; I said a patrol.

Admiral STEPHENS. All right, we have no patrol in the area you are talking about.

Mr. LANKFORD. You do not?

Admiral STEPHENS. No, sir.

Mr. LANKFORD. Not by air or by sea?

Admiral STEPHENS. No, sir; that is right.

Mr. LANKFORD. Where do you—you said you had some 82-footers and some 95-foot—

Admiral STEPHENS. And 95-foot patrol boats.

Mr. LANKFORD. Where do they patrol?

Admiral STEPHENS. Well we have a general patrol of the area south of the Florida coast and we patrol the area in the Gulf Stream off of Miami—the northern part there—and then we have another patrol which curves on down to the west of the Bahamas. These are all south, all these patrols are south of the area that we are talking about.

Mr. LANKFORD. You have no patrols at all in this area that your normal sealanes would bring up—

Admiral STEPHENS. No, sir; not on a regular patrol basis, no. We have boats and planes out quite often on other purposes, search and rescue and things like that, but no regular patrol, no, sir.

Mr. HARDY. Admiral, correct an impression that you just gave me, if I am wrong. I get the impression from where your patrol is located, what you are doing is protecting Cuba against attack.

Admiral STEPHENS. This is almost it, sir. We are carrying out a Presidential directive on this.

Mr. HARDY. So we are protecting Cuba against attack and neglecting our own coastline?

Admiral STEPHENS. No, sir. If I can clear the air on this. In the latter part of March—we instituted this operation on the 1st of April, but in the latter part of March—and this is a matter of public record—the President put out this directive directed at the Cuban exiles who were making these hit-and-run attacks on Cuba, that this was against the U.S. national interest, and I might say I personally subscribe to this, because a little incident like this against a Russian freighter could get you into war with Russia and I think that we should have the right to dictate if we are going to get into war with Russia and the Cuban community should not.

This was the thesis of the thing. So the job we were given was not to protect Cuba, sir, but it was to carry out that Presidential directive.

Mr. HARDY. I am glad you straightened this out. I don't want to get into this discussion of the philosophy behind this business of protecting Cuba or protecting our coastline.

Admiral STEPHENS. Yes.

Mr. HARDY. But I do think that we need to get the facts straight.

Admiral STEPHENS. Yes, sir.

Mr. HARDY. And without getting into a question as to the merit of the thing, I do not want to know——

Admiral STEPHENS. Does that clarify the point for you, sir?

Mr. HARDY. I think it does, actually.

We are in effect protecting Cuba against attack by the Cubans who might be based on the U.S. soil. Would this then mean that we would also protect Cuba against attack from Cubans who might be based somewhere else?

Admiral STEPHENS. I have no orders to do that, sir. No, sir. I have enough problems down in Florida.

Mr. LANKFORD. Admiral, let me go back to one thing and get it clear in my mind. I am trying to get the picture of the surveillance.

Admiral STEPHENS. Yes, sir.

Mr. LANKFORD. And you keep this trawler under surveillance until it goes outside the 3-mile limit?

Admiral STEPHENS. Yes, sir.

Mr. LANKFORD. And the minute it goes outside the 3-mile limit you drop your surveillance?

Admiral STEPHENS. Not at the minute. We will follow it down a little while. You see, the normal course—I wish I had a chart to show you.

Mr. LANKFORD. We have some charts. I would like to take a look at it.

Admiral STEPHENS. I believe the Navy has some charts here, sir, if I could use one of these.

Commander CLIZBE. I have charts.

Admiral STEPHENS. This I think will give you a pretty good idea.

Now actually what is traced out here is this thing that was read to you from the sailing directions and as Captain Kitchell himself pointed out, I believe, any good navigator will follow this recommended sailing direction because it keeps him out of this northerly set of the Gulf Stream.

So it brings us in up here. This is Palm Beach, here is Jupiter Inlet which is generally where you start out at $3\frac{3}{4}$ miles.

You come by Palm Beach; here at Boynton Beach you are a mile and a half off. You continue on down.

Here is Miami, which we are leading up to. So in the meantime you are off Hillsboro, which I mentioned, and Fort Lauderdale, which has been mentioned; also Port Everglades.

Now we are getting down to Miami. Right down at this part here, Fowey Rocks, the Florida Keys break in like this, and I think we have another chart for that, yes.

The Florida Keys break around like this.

Now about this stage, most of these fellows are heading on a south-westerly heading. So we will run them down until it looks like they

are headed fair for Cuba and then we discontinue surveillance. By then they are outside of the 3-mile limit.

I might mention incidentally that the red line is the axis of the Gulf Stream. And this, as Captain Kitchell pointed out, will vary in velocity and will also vary in closeness to the beach.

Sometimes, as he pointed out, it might be a mile off the beach, sometimes it might be miles off.

This is the recommended track, the black line coming down.

Mr. LANKFORD. How about off the coast of Jersey and Delaware, your recommended route comes in close there; do you know—I realize this is not in your district, but do you know of sightings up there?

Admiral STEPHENS. I am assuming here because I don't know. I presume what they do there is follow the normal track, which is the offshore lights.

Mr. LANKFORD. Perhaps the Captain could answer that from headquarters.

Captain REYNOLDS. We have a number of reports of sightings in the Grand Banks or rather in Georges Bank area.

Mr. NORBLAD. Where is that?

Admiral STEPHENS. Up in here.

Mr. LANKFORD. Way up there, yes, but I am talking about down.

Captain REYNOLDS. Somewhat further south. We have no reports to my knowledge of them being close in shore or in the territorial waters off New Jersey or in that area.

Mr. LANKFORD. Well, this is what I am trying to get at.

Your recommended southbound route, you have two courses, one you can go eastward of the Gulf Stream, the other you can go to the westward. Of course, to the eastward of the Gulf Stream if you came down, going down to Cuba, it seems to me it would be shorter.

Admiral STEPHENS. I think the point involved here is that as the Gulf Stream goes further north it loses its velocity. So this is no longer a real consideration up there you see.

Mr. LANKFORD. Yes, but I am talking about—let me show you what I mean. You said that you did not know of sightings up in this area?

Admiral STEPHENS. That is right.

Mr. LANKFORD. Although there have been some, we have got a picture right here.

Now wouldn't the normal course, if you are going down to here, be to come down outside the Gulf Stream rather than come in and hug the coastline around here?

I am trying to get at why they would be going inside rather than outside?

Admiral STEPHENS. Well, you notice they both converge down here at the key point again which is Jupiter Inlet you see.

Mr. LANKFORD. Yes.

Admiral STEPHENS. This is the area here that we have been talking about. As far as just what their normal track is up here I could not tell you.

Mr. LANKFORD. You mean they don't—they have not been picked up until they have gotten here to Jupiter Inlet?

Admiral STEPHENS. This is right, because their distance off is academic up to there. We may have had incidental reports, you see.

Mr. LANKFORD. You don't know of any others in this area?

Commander CLIZBE. You have had a random report.

Admiral STEPHENS. A random report, but I don't think they are involved with this 3-mile limit at all.

Mr. LANKFORD. No; not necessarily the 3-mile limit; I am trying to establish whether they are just hugging the coastline—of course, no matter which course they would take—

Admiral STEPHENS. Right, it would still—

Mr. LANKFORD. Yes.

Admiral STEPHENS. But we don't have regular patrols on that, so any reports we have would be purely random. So I could not answer your question as to just what the pattern was. I don't know, you see.

Mr. HARDY. Show me where Fowey Rocks is on there.

Admiral STEPHENS. Yes, sir; it is right down here [indicating], right south of Miami.

Mr. HARDY. South of Miami?

Admiral STEPHENS. Yes; right where the coast makes the break to the southwest.

Mr. HARDY. Now the statement that the captain read said south-bound vessels from Fowey Rocks to Key West usually follow a course 1 or 2 miles off the Florida reefs?

Admiral STEPHENS. Yes, sir, but the trawlers don't take that course, sir; these are—

Mr. HARDY. The trawlers don't take that route?

Admiral STEPHENS. No, sir; when they get here they start off fair for Cuba.

Mr. HARDY. This same document which is the Coast and Geodetic Survey, the 1959 edition, in the upper part which the captain read—where is this thing—right at the top of the page, last page, this leads me to believe—of course, I did not know where Fowey Rocks was—but it led me to believe that this was a normal thing for them to come off Fort Lauderdale up farther north there within the 3-mile limit.

Actually, according to this same document, it has this to say, "most of the regular lines bound for the straits of Florida use the route outside the Gulf Stream."

Now this is southbound from Diamond Shoals Lightship to Jupiter Inlet?

Admiral STEPHENS. Yes.

Mr. HARDY. So it says most of them use the outside one?

Admiral STEPHENS. That is right.

But we don't know about the trawlers because we are not surveying them up there. They may well be using that. This becomes of interest down here at Jupiter Inlet when these two routes merge.

Mr. HARDY. Don't we have some interest above Jupiter Inlet, too?

Admiral STEPHENS. Yes, sir. But again I don't know, you see. We have had random reports up here, but this thing is not—I would say even if they are using this inside route they are not involved with the territorial waters, they are not involved with the 3-mile limit, you see.

Mr. LANKFORD. Wouldn't they be up there just south of Hatteras, wouldn't they be pretty far inside there, pretty close?

Admiral STEPHENS. I don't believe so, sir, but again I really can't answer you on that; I don't know.

Dick, do you know? Do you have any reports?

Captain REYNOLDS. I have no reports of it.

Admiral STEPHENS. We have had no reports of it, sir.

Mr. HARDY. Have you had any reports of these trawlers being inside the 12-mile limit or inside the 3-mile limit off Cape Canaveral?

Admiral STEPHENS. Yes, we had. In fact, I think the original reports that we heard from Congressman Rogers were that, in the vicinity of Cape Canaveral.

Mr. HARDY. You didn't catch them until they had gotten outside the 3-mile limit?

Admiral STEPHENS. By the time we got the particular report they were south of Canaveral, yes, outside; yes, sir. These were the reports he was referring to.

Mr. HARDY. They were on the inside then instead of out in the outer route? They were in——

Mr. LANKFORD. Where is Canaveral on there?

Admiral STEPHENS. Right here is Cape Canaveral.

Mr. HARDY. They would have had to be inside.

Admiral STEPHENS. Yes, sir; I see your question. If they were reported off here, which we weren't able to confirm, then they would be using this inside track, that is right, sir, as opposed to this outside track.

Mr. HARDY. Excuse me. Dick, did you finish with that?

Mr. LANKFORD. Yes.

Mr. HARDY. I don't know whether—it is getting to quitting time. We are going to have to quit here in a minute.

Off the record a minute.

(Discussion off the record.)

Mr. NORBLAD. You have had no search or seizure of any of these trawlers?

Admiral STEPHENS. No, sir.

Captain REYNOLDS. No seizures——

Admiral STEPHENS. Excuse me. I should say in my district. There are some problems that Captain Reynolds can tell you about.

Captain REYNOLDS. We have boarded several of the vessels up in the 1st Coast Guard District, which is in New England.

Mr. NORBLAD. New England?

Captain REYNOLDS. Yes, sir.

Mr. NORBLAD. You have, over a period of the last couple of years?

Captain REYNOLDS. Yes, sir.

Mr. NORBLAD. Anything that you found that was out of the ordinary?

Captain REYNOLDS. No, sir.

Mr. NORBLAD. Normal fishing vessels?

Captain REYNOLDS. Well, wouldn't say they were all normal fishing vessels. One was a tug. This is a tug that accompanies the fishing fleet.

Mr. NORBLAD. I mean there was nothing unusual about the boats at all?

Captain REYNOLDS. No, sir.

Mr. NORBLAD. What is the jurisdiction between yourself and the Navy in Florida?

Admiral STEPHENS. My line is——

Mr. NORBLAD. What does the Navy do and what do you do as far as these trawlers are concerned?

Admiral STEPHENS. As far as the trawlers are concerned, we are doing that under our law enforcement.

Mr. NORBLAD. What does the Navy do?

Admiral STEPHENS. As far as trawler surveillance?

Mr. NORBLAD. Yes.

Admiral STEPHENS. Nothing on their own cognizance that I am aware of. I would prefer—

Mr. NORBLAD. I am wondering what line of jurisdiction is—what operation you have and what do they have?

Admiral STEPHENS. The distinction here is that this is a law enforcement problem and theirs is the—

Mr. NORBLAD. Theirs is national defense?

Admiral STEPHENS. Theirs is national security.

Mr. NORBLAD. I might say with reference to the matter of innocent passage you are absolutely correct. Some number of years ago I took a course in admiralty law and did practice admiralty law for several years on the west coast and innocent passage was a normal doctrine of the day. So it has been in the law, as I know it, for many, many years.

Mr. HARDY. The question that is bothering me is its interpretation, what it constitutes.

Mr. NORBLAD. I took this at Harvard and I don't know whether they gave me an interpretation up there or not. I was never sure.

That is all I have.

Mr. HARDY. Mr. Pike.

Mr. PIKE. Mr. Chairman. On these ships that were stopped or boarded up north, were they inside the territorial waters?

Captain REYNOLDS. Yes, sir.

Mr. PIKE. So they weren't following any of these routes?

Captain REYNOLDS. This was not innocent passage. These vessels had sought shelter in a storm or come in because of breakdown.

Mr. PIKE. Did they have fish in their holds?

Captain REYNOLDS. I cannot say as to that. I didn't receive a report of the boarding, but other than that there was nothing abnormal found.

Mr. PIKE. I would have to agree that the chairman, it seems to me, has put his finger right on the crux of this when he gets to the—

so long as the passage is not prejudicial to the peace, good order, or security of the coastal state.

Now, you have indicated, Admiral, that it is your desire to keep them under surveillance, to see that they keep moving.

Admiral STEPHENS. Precisely, sir.

Mr. PIKE. Do you find nothing particularly unusual in the testimony of Captain Kitchell to the effect that they were only moving at about 8 or 10 knots?

Admiral STEPHENS. No, sir. I think that this is a matter of the seaman's eye. I think these things probably have a top speed of about 10 knots. I don't know. This is again our presumption. These are trawlers, fishing vessels, so I don't find anything unusual in that, no, sir, and those that we have observed seem to be going at a conventional cruising speed for trawlers. That is right.

Mr. PIKE. Captain Kitchell also said that he observed one passing through an area or somebody observed one, I won't swear he said

it was himself, but somebody observed one passing through an area which was marked on the chart as a restricted zone.

Have you ever had any experience with these Soviet trawlers in these restricted zones?

Admiral STEPHENS. I spoke with Congressman Rogers on the phone about that case. He was referring to a restricted anchorage area off of Port Everglades, in which anchoring, as was pointed out, anchoring is prohibited by any vessel.

Mr. PIKE. But he also said that the chart indicates that it is a restricted zone?

Admiral STEPHENS. It is a restricted anchorage zone, sir, and the chart indicates that it is restricted for anchorage only.

Mr. NORBLAD. Why, for cables or something down beneath?

Admiral STEPHENS. That is right. The Navy has a project there, sir.

Mr. PIKE. If you found a vessel stopped within the territorial waters, do you have a policy which tells you to board it?

Admiral STEPHENS. We do have a policy; yes, sir.

Mr. PIKE. And if a vessel were stopped, it would be boarded?

Admiral STEPHENS. If I may ask, sir, I must go to classification here for this reason, that my instructions are classified, I think very logically because I don't think we should let the Russians know what we would do, you see.

Mr. PIKE. I agree, Admiral.

Frankly, I also agree with your interpretation here. I am not shocked at the presumption of innocence that you give to a vessel following this normal coastal route when our own literature says that this is the route to follow. I am concerned as to whether or not this does not in some manner prejudice the security of the United States of America. That is all.

Mr. HARDY. Thank you.

Now, Admiral, just one question you stimulated in me a minute ago about speed of these vessels. Did you ever try to catch one but couldn't?

Admiral STEPHENS. Not that I know of.

Captain BAKUTIS. Yes—pardon me, sir.

Mr. HARDY. Maybe you don't want to talk about it.

Admiral STEPHENS. Oh, no, sir. There are some things I may not know about.

Captain BAKUTIS. This was a very definite sighting, it could have been the 14th of April in which—

Admiral STEPHENS. Excuse me, sir. We had a 30-footer, this is true, we had a 30-footer that, as I recall the circumstances, the trawler had gotten so far south by the time we got the 30-footer out there, that the trawler was out of range.

Mr. LANKFORD. What does a 30-footer do?

Admiral STEPHENS. Thirty-foot patrol boat.

Mr. LANKFORD. I know what they look like; how fast will they go?

Captain BAKUTIS. Eighteen in a good sea, but in a rough sea they can't hardly do it.

Mr. HARDY. This fellow was going north?

Captain BAKUTIS. Southbound.

Admiral STEPHENS. I think this was a southbound man.

Mr. HARDY. I think you will find—

Admiral STEPHENS. I don't think it necessarily follows that because a 30-footer at 18 knots couldn't get this guy, that the trawler was going over 18 knots, the man was just too far south to make a stern chase practical.

Mr. HARDY. Are we talking about the same one, is this the May 27 one?

Admiral STEPHENS. What date, sir?

Mr. HARDY. May 27.

Captain BAKUTIS. No.

Admiral STEPHENS. No. Again, I don't know which particular one you are referring to.

Mr. HARDY. I suggest we pass this over for the time being.

Mr. PIKE. May I ask another line of questioning that I did want to touch on, Mr. Chairman?

You mentioned the fact that the radio and radar antenna were typical configuration for a trawling vessel and I agree with you, but isn't it also true that this identical equipment, a fish finder, for example, is a depth finder, and it can be used just as Captain Kitchell's fathometer chart indicated, it can be used and is normally used for mapping the bottom of the ocean shore?

Admiral STEPHENS. Well, if you speak about it—you are getting into a little technical field. If you speak about the ordinary type of fathometer, it is not used for mapping so much as for locating yourself in reference to something like Captain Kitchell uses his, to find out he is so far offshore. In other words, I believe there are more sophisticated types of depth finders that would be used for mapping.

Mr. PIKE. Right. Do you know what types of depth finders these Soviet trawlers have?

Admiral STEPHENS. No, sir; I don't have the slightest idea.

Mr. PIKE. The depth finder, you just presume that they have depth finders from the fact that we have depth finders?

Admiral STEPHENS. That is right, and practically every oceangoing ship has a depth finder.

Mr. PIKE. And a depth finder can certainly be used to map the ocean bottom and to find wrecks such as Captain Kitchell commented on?

Admiral STEPHENS. These are all possibilities; yes, sir.

Mr. PIKE. Would you like to comment on his speculation about a submarine nestling up alongside the wreck?

Admiral STEPHENS. Yes, sir; I would comment that this is speculation; this is entirely possible. I wouldn't refute anything of that nature, but it is speculation, sir.

Mr. PIKE. Thank you.

Mr. NORBLAD. They don't need to find depths, they can just buy one of our charts.

Admiral STEPHENS. There they are, there are all the depths, the ocean depths have been well plotted.

Mr. HARDY. I expect that we had better stop for the night until 10 o'clock in the morning. Let the committee stand adjourned to reconvene in this room at 10 o'clock in the morning.

(Whereupon, at 4:58 p.m., the subcommittee adjourned until Wednesday, July 10, 1963, at 10 a.m.)

RUSSIAN TRAWLER TRAFFIC IN U.S. TERRITORIAL WATERS

WEDNESDAY, JULY 10, 1963

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ARMED SERVICES,
SUBCOMMITTEE FOR SPECIAL INVESTIGATIONS,
Washington, D.C.

The subcommittee met at 10:05 a.m., Hon. Porter Hardy, Jr. (chairman of the subcommittee) presiding.

Members present: Congressmen Hardy, Richard E. Lankford, Otis Pike, Walter Norblad, and Charles S. Gubser.

Staff present: John T. M. Reddan, special counsel; Walton Woods, investigator; and Phyllis M. Seymour, secretary.

Mr. HARDY. Will the committee come to order.

On yesterday when we adjourned, we had Admiral Stephens who was about to conclude the Coast Guard testimony, but we did not quite get finished with him.

Admiral, if you will come on back to the table, along with any cohorts you would like to have with you?

Admiral STEPHENS. OK, sir.

Mr. HARDY. There was one topic that we were pursuing just before adjournment that I think would be well to clear up, if we can, first.

That had to do with the sighting of a trawler on May 27.

Now I don't know whether the testimony so indicated, but I believe there were two trawlers that were pursued and not overtaken, is that correct, Admiral?

FURTHER TESTIMONY OF REAR ADM. I. J. STEPHENS, COMMANDER, 7TH COAST GUARD DISTRICT; ACCOMPANIED BY CAPT. GEORGE R. REYNOLDS, CHIEF, PORT SECURITY AND LAW ENFORCEMENT, OFFICE OF OPERATIONS, U.S. COAST GUARD HEADQUARTERS; CAPT. WALTER S. BAKUTIS, CHIEF OF OPERATIONS, 7TH COAST GUARD DISTRICT; AND COMDR. G. D. CLIZBE, INTELLIGENCE AND LAW ENFORCEMENT OFFICER, 7TH COAST GUARD DISTRICT

Admiral STEPHENS. I believe so, sir. On that particular date the trawlers we are talking about, after we got the first report—

Mr. HARDY. Yes?

Captain BAKUTIS. We sent a 30-foot patrol boat out of Palm Beach. But, initially, by the time the patrol boat got out, the trawler was too far out of range southbound. So that initially we were not able to pick that up.

Mr. HARDY. Which one was that, Admiral?

Maybe Commander Clizbe would be a better one to respond to that.

Admiral STEPHENS. Yes, if I may refer to the details.

Commander CLIZBE. We are referring to May 27, now?

Captain BAKUTIS. No.

Mr. HARDY. We were referring—first of all, let's back up a little. How many times has the Coast Guard sighted trawlers and undertaken to overhaul them and not been able to catch them?

Admiral STEPHENS. I believe the answer I gave you yesterday, sir, was one. I was unsure of my facts.

Subsequently, I believe there was one other occasion.

Captain BAKUTIS. That is correct.

Mr. HARDY. Let's see if we can bring that up to date.

Is two the correct answer?

Commander CLIZBE. Two, I would say; yes, sir.

Mr. HARDY. Can we have the dates of those?

One was May 27; and what was the other?

Commander CLIZBE. May 14.

Mr. HARDY. Now let's take the May 14 one first. Didn't we have some testimony yesterday about a May 14 interception? Now that—I don't mean that interception. I meant to say "sighting." We have reference to that May 14 one in the letter of July 3, which is marked "Confidential."

Can't we paraphrase this thing so we can get the substance of it in the record?

Admiral STEPHENS. Yes, sir; we can.

Commander CLIZBE. Yes, sir.

Mr. HARDY. Commander, suppose you tell the committee, then, what occurred on that May 14 sighting?

Commander CLIZBE. In the letter there was inadvertently left out a chase by the 30-footer, which was not in our messages but is contained in the logs.

We had a report from the *Two Georges*—that is a naval fishing vessel, and the *Sea Mist*—that there was a trawler in the vicinity that was passed on by Lake Worth Lifeboat Station. Lake Worth Lifeboat Station then dispatched—

Mr. REDDAN. What time did you receive that message from Lake Worth? Do you have a copy of your log there, sir?

Commander CLIZBE. We have a copy of the messages; yes, sir. At 9:45 in the morning—the 30-footer then was dispatched from Lake Worth and started to tail chase. The trawler was heading south, and she was unable to overtake it.

Mr. HARDY. Now how long was it after you got the message before you got your 30-footer in the chase?

Commander CLIZBE. Do we have that information?

Captain BAKUTIS. We don't have that information.

Mr. REDDAN. Doesn't the log show the time the boat went out?

Commander CLIZBE. I am sure the log will. I'll find out about this later.

I wrote the letter in question and I was not aware of the fact that there had been a 30-footer dispatched.

Mr. HARDY. What time did you say you received that message?

Commander CLIZBE. At 9:45.

Captain BAKUTIS. The station log will show that.
Received by RCC, in Rescue Control Center.

Mr. REDDAN. What was the sea condition at that time?

Captain BAKUTIS. I don't have that information.

Mr. REDDAN. What was the speed of the 30-footer in normal seas?

Captain BAKUTIS. Approximately 17 knots.

Mr. REDDAN. And what sort of a ship was it chasing?

Captain BAKUTIS. A trawler.

Mr. REDDAN. Of what class, sir?

Captain BAKUTIS. The OKEAN.

Mr. REDDAN. The regular type of trawler that we have been discussing here?

Captain BAKUTIS. Yes, sir.

Mr. HARDY. And with a speed of 17 knots you could not overtake her?

Captain BAKUTIS. As I recall, the position of the trawler when they started was approximately $76^{\circ}33'$ N., which puts it well south of Lake Worth. So they were starting with quite a handicap in distance.

Mr. HARDY. I don't believe that is the position, if we are talking about the same trawler.

Mr. LANKFORD. Twenty-six degrees?

Admiral STEPHENS. Twenty-six, I think.

Mr. REDDAN. Do you have a chart there, Commander, that you could point out to the committee the location of the trawler when sighted by the Lake Worth Station and where it was at the time your 30-foot craft started in pursuit?

Captain BAKUTIS. This was an unnumbered one, wasn't it?

Commander CLIZBE. That was later verified.

Captain BAKUTIS. Oh.

Do you want to use the board?

Mr. LANKFORD. I wonder if we could get that?

Maybe the chart we had yesterday—

Captain BAKUTIS. Well, this is identically the same, with our plot on it.

Mr. LANKFORD. Oh.

Mr. REDDAN. You want some thumbtacks to put it up there on the board? Here are some tacks, over here.

Commander CLIZBE. Fine. What is that position, again? It is $26^{\circ}33'$.

Captain BAKUTIS. Eighty west.

That would make it this position.

Captain BAKUTIS. Would you stand the other way, so the committee can see it? Point to it.

Mr. HARDY. Now, that is where it was sighted?

Commander CLIZBE. This position, right here.

Mr. HARDY. That is where it was sighted, is that right?

Commander CLIZBE. Yes, sir.

Mr. HARDY. Now, that was at 9:15 or 9:45 in the morning.

Commander CLIZBE. Now we have the message from Lake Worth Lifeboat Station, that the *Sea Mist* and the *Two Georges* had sighted it, and the lifeboat station gave the position as 26 degrees, 33 minutes north and 80 degrees west.

Mr. HARDY. All right. Now let's get the time on this. What does your log show as to the time it was sighted?

Commander CLIZBE. The time of the message was 1414, 15 Zebra, which is 9:15 in the morning.

Captain BAKUTIS. 9:15?

Commander CLIZBE. Right.

Mr. HARDY. Now what time was a boat dispatched and from where?

Admiral STEPHENS. Point out Palm Beach.

Commander CLIZBE. Here is Palm Beach. Here is the position.

Admiral STEPHENS. If I may interrupt, sir?

When we speak about our lifeboat station at Lake Worth, we are talking about Palm Beach, which he is pointing out there.

Mr. HARDY. In miles how far is that?

Commander CLIZBE. Nine miles.

Captain BAKUTIS. Nine to ten miles?

Mr. HARDY. About 9 to 10 miles?

Captain BAKUTIS. Right.

Mr. HARDY. What time was the boat dispatched? Do you have that?

Commander CLIZBE. I don't have that.

Mr. HARDY. All right. Let us assume that it was dispatched promptly. It might be a rather cockeyed assumption, but let's assume that anyway. If that were the case, it would have taken, what, about half an hour to reach that scene, if she was running that 17 knots—a little less than a half hour, is that right?

Commander CLIZBE. Yes, sir.

Admiral STEPHENS. If I may point out, sir? In the meantime the trawler would have gotten a lot more distance on us.

Mr. HARDY. That is right. So the trawler would have been proceeding a bit farther, too. Now how long did the chase last?

Commander CLIZBE. I don't have that information.

Admiral STEPHENS. We could furnish all this for the record later on, sir. But I think what we will have to do is to go back to the lifeboat station and get their station log for these facts, which apparently we don't have right now.

Mr. HARDY. I think you understand the basis for these questions.

Admiral STEPHENS. Oh, yes, sir, perfectly.

Mr. HARDY. There is a question in my mind as to how long it took to get that boat off.

Admiral STEPHENS. Right.

Mr. HARDY. I know the Coast Guard normally gets them off awfully fast.

Admiral STEPHENS. This is true. We certainly try to; yes, sir.

Mr. HARDY. So if it only was 8 or 10 miles away, a 30-footer traveling at 17 or 18 knots ought not to have had any trouble overtaking a trawler that did not travel but 10 to 11 knots.

Admiral STEPHENS. Right.

Mr. HARDY. There is something a little bit fishy about this thing.

Admiral STEPHENS. Well, if I may just interject here, sir? From the station log we could ascertain the weather conditions, for example. We could ascertain whether or not, hopefully as you say, that the boat was dispatched promptly.

Mr. HARDY. Well, the question in my mind—suppose you had caught him, what would have happened? Would you have had to board him?

Captain BAKUTIS. No, sir.

Admiral STEPHENS. No, sir.

Mr. HARDY. What would they have done?

Admiral STEPHENS. Kept him under surveillance.

Mr. HARDY. Kept him under surveillance.

Admiral STEPHENS. Exactly. That is, assuming that she was inside the 3-mile limit by the time we sighted her.

Mr. HARDY. If that had been a rescue, the Coast Guard would have gotten there—if that boat had been in trouble, the Coast Guard would have gotten there in plenty of time.

Admiral STEPHENS. There may be another complication, that we may have been otherwise committed at the time. We would have to check the station log. Sir, I would quite agree with you. I would hope in this particular case there was no undue delay in getting the boat out, but we just cannot answer as of our own immediate knowledge.

Mr. HARDY. Now let's take the other one. In this case the trawler was proceeding southward, is that right?

Admiral STEPHENS. Yes, sir.

Commander CLIZBE. Yes, sir.

Admiral STEPHENS. In all these cases.

Mr. HARDY. Let's be careful here.

Admiral STEPHENS. No. Excuse me.

Captain BAKUTIS. The next one was northbound.

Admiral STEPHENS. I am sorry, the next one was northbound. I answered too rapidly.

Mr. HARDY. All right. Now the one of the 27th, was it the 27th?

Mr. REDDAN. Yes, sir.

Mr. HARDY. Now tell us what happened on the 27th?

Captain BAKUTIS. I would like to read from the report here, sir.

Station WTVJ, which is located on Miami Beach, called in by telephone. We had a call from Fred Moore, and a Mr. Joe Carter, reported:

A Russian trawler sighted near Kenilworth Hotel, at 10205 Collins Avenue, Miami Beach. Heading north at 1:50 p.m. Color, grey; 175 feet in length. Smokestack in the center. Red flag.

And a few other details; 10 or 12 knots speed.

We took action as follows: We directed our base at Miami Beach to send a 40-footer, identify and fix position. They in turn—our message went to them at 2:15 p.m. They in turn ordered the vessel out at—oh, I will have to back up. The vessel went out at 2 o'clock. They were unable to overtake the vessel.

Mr. HARDY. Now, that was a 40-footer launched at Miami Beach?

Captain BAKUTIS. Yes, sir.

Mr. HARDY. And this trawler was sighted just 3 miles off Miami Beach; is that right?

Captain BAKUTIS. It is depending whether it is north or south, sir. This could have been 10 miles away.

Mr. HARDY. Where is the Kenilworth Hotel?

Captain BACKUS. 102d Street.

Mr. HARDY. Where is the Coast Guard station?

Admiral STEPHENS. Zero Street, the equivalent of Zero Street, the lower end of Miami Beach.

Mr. HARDY. How far is that in miles?

Admiral STEPHENS. Can you step it off on there?

Captain BAKUTIS. I think you could. This Government cut—

Commander CLIZBE. This is Government cut here. Do we have dividers?

Captain BAKUTIS. No; we did not bring them.

Mr. HARDY. We don't have to be minutely accurate, but I would like to know about where it is.

Captain BAKUTIS, where was it recorded?

Captain BAKUTIS. 102d Street.

Commander CLIZBE. It does not have the streets on here. I am not familiar with Miami Beach.

Admiral STEPHENS. That upper causeway is 79th Street.

Captain BAKUTIS. It is above 79th Street.

Admiral STEPHENS. Go up a little further.

Captain BAKUTIS. Go further north, up to Bakers Haulover. What is that distance?

Commander CLIZBE. From here down to here [indicating] about 7½ miles.

Captain BAKUTIS. About 7½ miles.

Mr. HARDY. 7½ miles.

Well, now, your 40-footer; what is her speed?

Captain BAKUTIS. Eighteen, sir.

Mr. HARDY. Eighteen, if she is not in a hurry. If she is in a hurry, she can do better than that, I tell you. You know doggone well she can do better than 18 knots.

Admiral STEPHENS. I would doubt it very much, sir.

Mr. HARDY. Is that right?

Admiral STEPHENS. Yes, sir.

Mr. HARDY. All right; let's take 18. That is a good, round figure. If she was launched 5 minutes after this boat was sighted—I think that is the way I understand it, is that right, Captain?

Captain BAKUTIS. Yes, sir.

Mr. HARDY. That is real fast operating.

Now, the trawler was northbound and she had 7½ miles to go; it could not overtake that trawler?

Do you have anything to indicate the condition of the weather and the water?

Captain BAKUTIS. Well, his message reported that the vessel was 4 to 5 miles off Hollywood Beach by the time he increased speed to overtake it, but he said he was unable to keep up.

I assume that the weather conditions prevented him from making his speed.

Mr. HARDY. What is the basis for that assumption?

Captain BAKUTIS. The simple fact that he says he was unable to keep up.

Mr. HARDY. Unable to keep up?

Captain BAKUTIS. Yes, sir.

Mr. HARDY. You don't suppose his inability to keep up was because of the speed the trawler was making, do you?

Admiral STEPHENS. No, sir.

Mr. HARDY. That is just as good a supposition as the other one.

Captain BAKUTIS. No, sir; I don't think so, very frankly. He reported a trawler speed of 15 to 18 knots, which seems doubtful. We question that.

Mr. HARDY. That is what I was just wondering.

Our previous information has indicated a trawler speed of 10 to 11 knots. Here was a boat that had a speed of 18 knots, took out 5 minutes after this trawler was sighted, and a distance of $7\frac{1}{2}$ miles away, and could not catch him.

That trawler could not do but 10 or 11 knots?

Mr. GUBSER. Did he sight the trawler at all?

Captain BAKUTIS. No; he was not able to identify it. There were quite a number of vessels which were also northbound.

Mr. GUBSER. Why did he estimate the speed at 15 to 18 knots?

Captain BAKUTIS. It was the speed of the vessel that he sighted. Actually, he never spotted a trawler in this case.

Mr. GUBSER. What does this vessel that was sighted have to do with this case?

Mr. Chairman, am I spoiling your intended line of questioning?

Mr. HARDY. No.

What did the Coast Guard do after that? You sent aircraft out, didn't you?

Captain BAKUTIS. Yes, sir. We canceled the chase and ordered the air station to send an airplane out.

Mr. HARDY. The airplane went out when?

Captain BAKUTIS. We ordered the aircraft out at 3:29 p.m.

Mr. HARDY. That was an hour and a half after the report. And if the vessel was only making its 10 knots, it could have only gotten—I'm trying to convert knots to miles. Well, we will talk about nautical miles. It could only have gotten 15 nautical miles away, is that right?

Where did the plane spot it?

Captain BAKUTIS. Well, the plane departed at 3:36 and they located it in position 26, 47 north, 79, 45 west.

Mr. HARDY. What is that in terms of miles?

Captain BAKUTIS. Could you plot that?

Commander CLIZBE. Yes, sir. That is 26, 47?

Captain BAKUTIS. Right.

Commander CLIZBE. 26, 47, and 79—

Captain BAKUTIS. 79, 45.

Commander CLIZBE. Here.

Captain BAKUTIS. Right off Palm Beach.

Commander CLIZBE. Just opposite Lake Worth.

Mr. REDDAN. How far out from shore at that time, sir?

Captain BAKUTIS. Well, it probably would be about 15 miles.

Mr. HARDY. 15 miles offshore? And how many miles up?

Captain BAKUTIS. Close to 60.

Mr. HARDY. Sixty?

Captain BAKUTIS. Yes, sir.

Commander CLIZBE. Just about.

Mr. HARDY. Well, if that is the same vessel, you sure had to be moving to get there, didn't you, Captain?

Captain BAKUTIS. It would seem so, yes, sir.

Mr. HARDY. You still have your estimate of 10 or 11 miles on her speed?

Admiral STEPHENS. Well, I would assume automatically something is wrong with this data.

Mr. HARDY. I would not think the Coast Guard would make that kind of a mistake.

Admiral STEPHENS. No, sir. It would seem to me in an hour and a half, as we are reconstructing this, for a vessel to make 60 miles in an hour and a half—

Mr. HARDY. It is quite fast, isn't it?

Admiral STEPHENS. Yes, sir, I think there is something wrong there.

Mr. HARDY. For just a fishing trawler.

Admiral STEPHENS. Yes, sir. I think—it just appears to me that there is something wrong on it. And it is not a question of the speed of the trawler.

Mr. HARDY. Now let me ask you something else now. This vessel was proceeding northbound, is that right?

Admiral STEPHENS. Yes.

Captain BAKUTIS. Yes, sir.

Mr. HARDY. It is not a normal route for a northbound passage, is it?

Captain BAKUTIS. Fifteen miles offshore is a normal route, yes, sir.

Admiral STEPHENS. You mean off Miami?

Negative. That is not normal.

Mr. REDDAN. Was any position given on the original report, any approximate position of the boat as to its distance from the shore?

Admiral STEPHENS. It is 3 miles, isn't it?

Captain BAKUTIS. Three miles?

Commander CLIZBE. From the hotel.

Mr. HARDY. Three miles offshore. And they could even stand on the beach and see the red flag. Didn't they give you the number?

Captain BAKUTIS. No, sir.

Mr. HARDY. Now she was going northward 3 miles off Miami Beach. As a matter of fact, did they say 3 miles or 2½ to 3 miles? Anyway, it does not matter about that.

But this was not normal innocent passage, was it? That ship was not supposed to be going that way, down that close to the shore.

Captain BAKUTIS. Well, if he was 3 miles off, the route of innocent passage would not be involved.

Mr. HARDY. If you want to get technical and say if it was 3 miles and 1 foot he was all right; but—

Mr. LANKFORD. The point is it wasn't taking advantage of the normal set of the Gulf Stream.

Captain BAKUTIS. No, sir.

Mr. HARDY. And this would be in itself out of the ordinary, isn't it?

Admiral STEPHENS. In the usual sense, yes, sir. But it is possible, I think, as Captain Kitchell testified yesterday, the Gulf Stream is not a fixed thing.

Mr. HARDY. I realize that.

Admiral STEPHENS. This will vary off the beach there. And particularly coming around the bend right off Miami, it is pretty close inshore.

Now I don't know what the recommended northbound and southbound routes were exactly. But I think the point is when you get up around Palm Beach, that the core of the Gulf Stream is well offshore. But it is pretty close to the shore at Miami Beach because it is making a bend.

I don't know if we have the coast pilot handy, but we could probably—as far as the recommended routes that you are speaking about. You see, it may be close in at Miami.

Mr. HARDY. Captain Kitchell testified it was at times as close as 8 miles.

Admiral STEPHENS. I believe he said, sir—he was speaking about Hillsboro Inlet, where he fishes. I believe he says that it varies between 8 and gets as close as about three-quarters of a mile. I think he said something like that.

Mr. HARDY. That is my recollection.

Admiral STEPHENS. Yes, sir. But the point I am trying to make is that the configuration of the Gulf Stream is, as it goes further up the coast of Florida, the further out it gets.

Mr. LANKFORD. Yes, sir.

Admiral STEPHENS. But as it sweeps around the corner there, the bend, which is right at a Miami area, it is closer inshore.

Mr. HARDY. Well, it is pretty wide along there. He certainly did not have to be that close in, even if he was riding the Gulf Stream.

Admiral STEPHENS. This is correct, sir. Now in the sense that this would not be the normal path for the northbound, I would quite agree with you.

But if this is the only case that we ever developed—that is what frankly confused me on this one, because when we speak about north-bound we are never concerned with them. And I had frankly forgotten about this case. Because they are conventionally further out.

Mr. HARDY. Doesn't it raise a little suspicion when one of them comes in that close, or does it?

Admiral STEPHENS. Well, I must answer you frankly, sir, and say "No, not to me." It would not. I don't know. Navigators make mistakes sometime. They can goof. They can figure that they have this thing figured out for themselves.

Here again, the man was probably trying to save a few knots of speed and so forth. It may have been an error in navigation. I could not in all honesty tell you that I figured that that would be suspicious. I think that this could be an honest error in navigation or it might be his way of navigating as far as that goes.

Mr. HARDY. Well, it is out of the ordinary.

Admiral STEPHENS. I would say, yes.

Mr. LANKFORD. Whether you call it suspicious or not, it is out of the ordinary?

Admiral STEPHENS. This is right. As a matter of fact, this is the only one I am aware of that a trawler has been that close in. But as I say this would not automatically make me suspicious on this particular case.

Mr. LANKFORD. But the normal procedure is for them to take advantage of the set of the Gulf Stream.

Admiral STEPHENS. Yes, sir. But as I say in this particular case he may have figured that by getting in 3 miles close to the bend down there that he was taking better advantage of the Gulf Stream right at that particular time, you see.

Mr. LANKFORD. Off the record.

(Discussion off the record.)

Admiral STEPHENS. Again, I will be frank to admit, I can't, without getting into the logs and analyzing these cases, I can't guarantee you a prompt dispatch or anything else in this case.

Mr. LANKFORD. Well, what is the—excuse me, Mr. Chairman.

Mr. HARDY. Go ahead.

Mr. LANKFORD. What is the standard procedure with the handling of messages to the various agencies when sightings—that is, when a station is notified of a sighting?

Admiral STEPHENS. Well, the typical procedure—I referred to this yesterday—

Mr. LANKFORD. Yes.

Admiral STEPHENS (continuing). Is what we call mersights—m-e-r-s-i-g-h-t-s.

Mr. LANKFORD. Yes. But I am talking about at the station itself. Do these messages have any priority? Are they ordinary?

Admiral STEPHENS. These are operational priority.

Mr. LANKFORD. Operational priority?

Admiral STEPHENS. This is a very high priority; yes, sir.

Mr. LANKFORD. And they should go out right away, then?

Admiral STEPHENS. Yes. But as far as the message, as far as getting the message, the sighting information into the mill, this is rapid.

Mr. LANKFORD. What is called rapid?

Admiral STEPHENS. Well, operational priority, which is a high priority.

Mr. LANKFORD. I mean in terms of time.

Admiral STEPHENS. You mean in terms of time. From the time we draft the message?

Captain BAKUTIS. It takes precedence over any transmission.

Mr. LANKFORD. How long—suppose—

Admiral STEPHENS. We are talking about a matter of minutes at the most.

Captain BAKUTIS. Five minutes.

Mr. LANKFORD. Suppose at 10:30 a Coast Guard station received a message from a fishing vessel.

Admiral STEPHENS. Yes, sir.

Mr. LANKFORD. Sighting at such-and-such a position. How long should it take, then, for it to go out?

Admiral STEPHENS. Well, just to give you a curbstone opinion, I would say that within 15 minutes we would have the information up to our office. We would be coding it and we would be putting it on the line.

Mr. LANKFORD. Well, now, the Coast Guard station sends the information to COM-7, is that correct?

Admiral STEPHENS. That is correct.

Mr. LANKFORD. Then COM-7 sends it out to the action agencies, and so forth?

Admiral STEPHENS. Yes, sir; as I was telling you about; yes, sir.

I might mention, to further pin that down in your mind: A good many of these reports will come, say, via a fishing boat, such as Captain Kitchell was talking about—a good many of them we got from these charter boats, and so forth. They will call in to one of our units.

Now, for example, up at Hillsboro Inlet, we have no unit except a lighthouse. But they will call the lighthouse. The lighthouse will give it to us and then we put it in the mill.

In the case of Lake Worth this would be a lifeboat station. But again the fishing boat may call it into the lifeboat station and they pass it on down to us.

Mr. LANKFORD. By voice they pass it to you?

Captain BAKUTIS. Teletype.

Mr. LANKFORD. Teletype.

Admiral STEPHENS. Teletype.

Well, in the case of Hillsboro this would be telephone.

Captain BAKUTIS. Telephone.

Admiral STEPHENS. In the case of the lighthouse station this would be telephone. In the case of the lifeboat station, this would be teletype.

This is a regular set procedure, incidentally, as far as the form of the report, and so forth.

Then the same thing applies to the message, the classified message we prepare. It is a regular A, B, C, D, E, F type of information.

Mr. LANKFORD. I just want to get this straight.

Admiral STEPHENS. Yes, sir.

Mr. LANKFORD. The message comes into a Coast Guard facility—

Admiral STEPHENS. Right.

Mr. LANKFORD. Whether it is a lighthouse or lifeboat station.

Admiral STEPHENS. Right.

Mr. LANKFORD. That is sent by land, land of some type, teletype or telephone, to COM-7.

Admiral STEPHENS. Yes, sir.

Mr. LANKFORD. COM-7 then codes it.

Why is this encoded when it has already been in the clear from the fishing vessel to the Coast Guard facility?

Admiral STEPHENS. Why the classification?

Commander CLIZBE. Primarily it is classified because it tells where it is going and to whom it is going.

Admiral STEPHENS. I think it is probably a matter of addresses, as much as anything.

Mr. HARDY. The content certainly wouldn't—

Admiral STEPHENS. No, sir. Because usually they stem from public reports anyway, you see.

Mr. HARDY. Yes.

Mr. LANKFORD. And then it is encoded and sent how? Teletype?

Admiral STEPHENS. Yes, sir; over our regular teletype circuits.

Captain BAKUTIS. Yes, sir.

Mr. LANKFORD. Then from then on you don't know what happens?

Admiral STEPHENS. No, sir—well—

Mr. LANKFORD. The Coast Guard has discharged its responsibility.

Admiral STEPHENS. That is right, sir. Actually, you see, what we are doing: We are part of a system here which is feeding intelligence into the defense system.

You are exactly right. Once we have sent in the mersight, which we have collected from whatever source, then from the reporting standpoint we have discharged our responsibility.

And I might say from the security evaluation standpoint, we are out of the picture; yes, sir.

Mr. LANKFORD. You make no attempt to evaluate the significance of the sighting?

Admiral STEPHENS. No, sir. As I was trying to say yesterday—and I think this is an important distinction—our concern with these matters is on the law enforcement side of the thing.

Mr. LANKFORD. Yes.

Admiral STEPHENS. And naturally we are concerned on the national security aspects, too, but our basic concern is on the law enforcement side.

Mr. LANKFORD. Now, do you make any distinction between the flag that a vessel is wearing, in how these are handled? In these sightings, is every commercial vessel of every flag reported?

Admiral STEPHENS. I will have to hesitate. I think—we are getting into a little classification here. But very broadly speaking, we do distinguish between some types of flags. Am I correct on that?

Captain BAKUTIS. Yes.

Commander CLIZBE. Yes, sir.

Admiral STEPHENS. We do distinguish between some types of flags. And frankly, I mean—it should be obvious, but this is the point I am making. But this is classified, this part. We would be glad to go into detail with you on that.

But these are all set procedures. These are procedures. And as I say we are just one cog in a big wheel, you see.

Mr. HARDY. Is that all?

Mr. LANKFORD. That is all.

Mr. HARDY. Mr. Gubser?

Mr. GUBSER. Nothing at this time, Mr. Chairman.

Mr. HARDY. To return briefly to this question of law enforcement, with which you are primarily concerned.

Admiral STEPHENS. Yes.

Mr. HARDY. Yesterday Captain Kitchell referred to the ease with which it would be possible to bring aliens in.

That would be your responsibility, wouldn't it?

Admiral STEPHENS. No, sir—well, yes, in an indirect sense. Because the Coast Guard laws on this thing, as you know, are very broad. And we are charged broadly—we are the seagoing police force for the U.S. Government.

Mr. HARDY. Yes.

Admiral STEPHENS. And we are charged with the enforcement of all maritime laws.

Additionally—that is on the territorial waters. On the high seas in respect to American vessels, also.

So, as such, if there is a violation of the immigration laws, we act as agent for Immigration and Naturalization. If there is a violation of customs laws, we are acting as customs agents.

Mr. HARDY. Wouldn't you then have a responsibility in connection with the detection of any—

Admiral STEPHENS. Well, I think what we are talking about here, sir—and I believe one of the gentlemen directed the question to Captain Kitchell—I think there are a lot of things we can get away with if we want to go about doing things illegally.

I would not refute for one moment the statement that he made that he could go out and go over to the Bahamas and bring back everybody he wanted. This is true. I don't think there is any question about it.

Mr. HARDY. He or any other fishing boat could pull up alongside one of these trawlers and take people off it and take them ashore.

Admiral STEPHENS. This I think would reasonably be true. But I would point out here that we have a lot of boats out there.

Now, surreptitiously, I think they could do it all right. But while he is out there doing this, he has a lot of his compatriots out there, you know, fishing, too.

Mr. HARDY. That is, of course, assuming that the transfer took place during daylight.

Admiral STEPHENS. Yes, sir.

Mr. HARDY. When they would be visible. Now if they took place at night—

Admiral STEPHENS. This is right.

Mr. HARDY (continuing). It would be more difficult to detect.

Admiral STEPHENS. This is right. And it would be quite possible to do just what he was speaking about.

Mr. HARDY. Now, one other aspect. The question was raised—I think maybe I raised the question, and perhaps others, yesterday—about the possibility of putting saboteurs over the side. That would be possible?

Admiral STEPHENS. Yes, sir. Certainly it would be possible.

Mr. HARDY. And it wouldn't be too difficult for them to get ashore?

Admiral STEPHENS. No, sir; not in my opinion. No, sir. I would make this distinction—

Mr. HARDY. This brings up the question of policy with respect to what we do—

Admiral STEPHENS. Yes, sir.

Mr. HARDY (continuing). About these things. What is the Coast Guard policy with respect to the security aspect of these vessels?

Admiral STEPHENS. Well, if I could—I think I could best point it out this way, sir, and this is my understanding of our policy.

Now I am going to go back briefly to World War II. During World War II as far as the Coast Guard was concerned, we had a pretty good picket line all up and down the east coast, particularly the area we are talking about. We had horse patrols, we had dog patrols, and we had foot patrols. And we were guarding against surreptitious entry such as this. We were in a wartime condition.

And I think my answer from the standpoint of national policy is that we are not in a wartime condition right now. This is the way I personally would view this thing, sir.

In other words, we are not on the same footing right now. We are not on any expanded footing whatsoever to guard against this type of entry.

Mr. LANKFORD. Do you have any beach patrols at all?

Admiral STEPHENS. Negative; none whatsoever, sir.

Our typical setup right now—in fact, I have just given a part of it. We have nothing, for example, between Palm Beach and Miami, by way of facilities.

We do have a 95-footer, excuse me, at Fort Lauderdale. But these boats are stationed—for example, we have several boats stationed at Miami. We have one boat stationed at Port Everglades, near Fort Lauderdale, and then we have the lifeboat station at Palm Beach. That is covering generally this area we are referring to.

But aside from those boats based there at those places, we have no patrols, either by boat or otherwise, and we have no beach patrols and no foot patrols and nothing of that sort right now. This is a peacetime footing.

Mr. HARDY. Now, Admiral, you talk about a peacetime footing.

Admiral STEPHENS. Yes, sir.

There is an operations instruction, No. 30-63 dated June 7, 1963.

Mr. HARDY. That touches on this matter?

Admiral STEPHENS. Yes, sir.

Mr. HARDY. And under subsection (c) of section 3, it says—well, just reading part of it:

(c) Finally, the study concluded that, if all of these agencies joined in a well-coordinated program, whereby, in the course of conducting their regular business, all field personnel would be alert to detect and report any unusual or suspicious activity along the coast, the risk deterrent against the smuggling of enemy agents or weapons into the United States could be raised to a more acceptable level.

Is that a suggestion, then, that you put into effect—alert your personnel, field personnel of the Coast Guard, or other agencies perhaps, also?

Admiral STEPHENS. I think I can best answer your immediate question, sir, on this directive by telling you the same thing that I told a newspaperman in Miami on Friday.

This directive just came to us last week, and this was a wire story out of New York on this thing. The reporter asked me what effect this would have down in Florida. And I told him—and I am reading the action paragraph, if you will notice, on page 5, at the bottom of the page there.

I said that on a quick study of this thing the gist of this directive is to emphasize the need for good coordination between the agencies involved with these problems.

And I told him as far as I am concerned down here we have got coordination coming out of our ears on these other matters and we work on a very daily basis with all these agencies concerned.

So we do have a high degree of coordination right at the present time.

Mr. HARDY. What do you—now this is talking about coordination among Federal agencies.

Admiral STEPHENS. That is right, sir.

Mr. HARDY. How do you construe paragraph 5 on page 3? The very first sentence of it says "The Coast Guard must take any action within its power to thwart a landing attempt and arrest a landing party."

Admiral STEPHENS. Yes, sir. I would interpret it this way: "Must take any action within its power." And to me this means within its capabilities, sir.

Mr. HARDY. If you don't know whether a ship is attempting a landing, obviously you can't take any action to thwart it.

Admiral STEPHENS. Even if there was a landing being attempted and we had no capability at that particular point at that particular time, we couldn't do it.

Mr. HARDY. You would just have to let them land.

Admiral STEPHENS. Yes, sir; we would have to let them land, very frankly.

Again we do not have any beach patrols, you see. We are not geared up to any type of a wartime footing.

Mr. HARDY. Well, you heard Captain Kitchell's statement to the effect that small boat operators down there would be glad to cooperate if requested.

Have you done anything about that?

Admiral STEPHENS. Yes, sir. This was just brought to my attention this morning.

Would you like me to read from it for you? It is the point I was trying to make yesterday.

If I may say, in spite of what Captain Kitchell said, we get an awful lot of reports from his compatriots. This is a big source of information for us. I am quoting now from our operations order, which is the basic bible for the way we do business.

Mr. HARDY. Is that the same one I have been quoting from?

Admiral STEPHENS. No, sir; I don't think.

Mr. HARDY. This is another one?

Admiral STEPHENS. Yes, sir, this is the operations order for the 7th Coast Guard District. This is in appendix—it is kind of complicated, but it is appendix 1 to annex H. And it has—

Mr. HARDY. Who the Sam Hill would ever find it buried like that?

Admiral STEPHENS. Yes, sir.

Mr. NORBLAD. You say it just came to your attention this morning?

Admiral STEPHENS. No, sir, not this. I was referring to another document. I signed this one, sir.

Mr. NORBLAD. That is what I was wondering.

Admiral STEPHENS. This has to do with prevention and detection of illegal entry.

If I may read this part? Because I believe it is particularly pertinent to what your question is, sir.

Mr. HARDY. Yes.

Admiral STEPHENS. "It is recognized in respect to the above"—and we are talking about the illegal entry, we are talking about Federal agencies and so forth, and coordination—I continue:

It is recognized in respect to the above that Coast Guard forces in the 7th district are widely scattered along the coastline and are inadequate for providing a patrol of the beaches and inlets. Assistance from outside sources must be secured. Essentially this assistance will consist of relying on the eyes and ears of the following categories of civilians to detect illegal entry: local citizens, fishermen and party boat operators, municipal, county and State police, and members of Federal and State fish and wildlife service.

Now to me that is a very gutty paragraph.

Mr. HARDY. That is a real fine paragraph.

Admiral STEPHENS. Yes, sir.

Mr. HARDY. When was that issued?

Admiral STEPHENS. Well—

Captain BAKUTIS. Issued January 1.

Admiral STEPHENS. This is reissued every year.

Mr. HARDY. Reissued. Well, who does it go to?

Admiral STEPHENS. It goes to our forces. This is the operating bible.

Mr. HARDY. How in the Sam Hill are these boatowners going to find out about it?

Admiral STEPHENS. The boatowners know about this, sir. I mean they do this automatically.

Mr. HARDY. Well, I guess Captain Kitchell wouldn't do it automatically, because he thought the Coast Guard was belittling him.

Admiral STEPHENS. With all due respect, I would call attention to the fact that Captain Kitchell also pointed out that he had never once reported anything to the Coast Guard.

Mr. NORBLAD. He was probably not encouraged to report anything to you people.

Admiral STEPHENS. I don't know. All I can quote is the other side of the story.

Mr. HARDY. We didn't pick him out on purpose. We just tried to get one of these boat captains.

Admiral STEPHENS. Believe me, I am not trying to belittle Captain Kitchell. But some of these things I can't understand.

Mr. HARDY. You have a real high-sounding operational order out there. But if it doesn't get out to the people that could respond to it, it wouldn't be much good.

Mr. NORBLAD. What you need is a good public relations officer down there.

Admiral STEPHENS. Well, we have that, sir. But again—I think Commander Clizbe can make a further comment. But I would like to make this one statement, that I believe the proof of the pudding is in the eating on this thing. And the fact remains, whether we publicize this poorly or well, we get an awful lot of information.

Mr. HARDY. You get a lot of reports, but you don't know how many you don't get. You don't know how many of these ships are going up and down there that you don't know anything about.

Admiral STEPHENS. You mean as far as the trawlers?

Mr. HARDY. That is right, that is what we are talking about.

Admiral STEPHENS. Well, again, we have—I am pulling this sort of out of the air. But we have some of these cases where we get these guys—four and five reports on the same guy as he comes down the coast. So it looks like to me that our unofficial surveillance is pretty good in a lot of cases, sir.

I really can't believe seriously that anybody down there is afraid to call the Coast Guard and tell them something for fear of being ridiculed. I will not accept that, sir.

Mr. HARDY. Well, that is good. I hope that if there are any gaps in your public relations in that respect that you will get them corrected.

Admiral STEPHENS. A big part of my job is public relations—not particularly on this point, but I spend a lot of time traveling about, visiting our civilian component, the Coast Guard Auxiliary, I am speaking of, which is made up of the very people we are talking about. These are yacht owners, these are fishing boat operators, these are pleasure-boat owners, and they have a kinship with the regular Coast Guard that is really fantastic, it is as far as I am concerned—and the bulk of those people I know are good eyes and ears here.

Mr. HARDY. I think that the Coast Guard Auxiliary is doing a very good job in the area with which I am familiar.

Admiral STEPHENS. A fabulous job, no question about it.

Mr. HARDY. Now, are you going to get into that policy question, Mr. Reddan?

Mr. REDDAN. Yes.

Mr. HARDY. Go ahead.

Mr. REDDAN. Admiral, do you know how many boats are involved in this passage along—

Admiral STEPHENS. Trawlers?

Mr. REDDAN. Yes, trawlers.

Admiral STEPHENS. I believe the figure is that we have separately identified 18 of them.

Commander CLIZBE. Eighteen of them.

Admiral STEPHENS. We photographed 14 of them. And in the past 5 months we have had, what, 125—

Commander CLIZBE. Approximately 125.

Admiral STEPHENS. Separate sighting reports.

Mr. REDDAN. Do these boats, when they are coming down, go on the outside?

Admiral STEPHENS. Yes, sir; conventionally. They will come down southbound 3 miles off more or less. They will go northbound further off. This is a typical pattern of operation.

Mr. REDDAN. Well, have you plotted, or have you made any analysis of the number of sightings that you have made of the individual boats?

Admiral STEPHENS. The southbound, sir, or all of them?

Mr. REDDAN. Yes.

Admiral STEPHENS. Yes, sir; I believe that has been done.

Commander CLIZBE. Sightings from all sources, that is, sightings, RCC—

Mr. REDDAN. No.

What I am trying to say is this: for instance, boat 9020. How many passages has that made?

Commander CLIZBE. Yes, sir; we have as of last night tried to do some evaluating.

Mr. REDDAN. Fine. Did you find any inconsistency in the passages of the various boats?

Commander CLIZBE. Taking the 9020, we have one passage—

Mr. REDDAN. It happened once? How about 9106?

Commander CLIZBE. 9106? We had four passages. And each one of those was a passage south. Evidently they made four passages north, which were not sighted by the Coast Guard.

Mr. HARDY. At least?

Commander CLIZBE. At least; yes, sir.

Mr. REDDAN. How many boats do you have down there that you have only sighted once?

Commander CLIZBE. Eight.

Mr. REDDAN. That is one more than I have. You only saw those once?

Commander CLIZBE. Once.

Mr. REDDAN. Would that suggest that perhaps you are missing some of the passages?

Commander CLIZBE. I am certain that we are missing some of the passages.

Mr. REDDAN. Do these boats travel at night as well as in the day?

Commander CLIZBE. We have night passages.

Mr. REDDAN. Have you ever had any reportings?

Commander CLIZBE. But not as prevalent as the day passages.

Mr. REDDAN. Have you had any reportings of night passages, sir?

Commander CLIZBE. They have been sighted at night, yes.

Mr. REDDAN. Could you identify them, please, the date?

Commander CLIZBE. I have not evaluated it from that standpoint. I could not say right now.

Mr. REDDAN. Well from the information that we obtained from your logs, all the sightings were in the daytime.

(Admiral Stephens nods.)

Admiral STEPHENS. Without being able to give you a positive answer, I would say that the chances of a nighttime sighting from our sources of information, other than Coast Guard units, would be pretty darn slim, because I think it would be hard to identify these people.

Now any sighting that we might make with our own forces would have to be to surface sightings.

We would be unable to make an air sighting on these people because all we would see would be a light on the water and you could not tell what it was. And I would say that any surface sighting that we would make would also be very rare by one of our units, and purely by happenstance, and frankly with the same degree of difficulty, that is, firm identification. I would feel—I am doing just a little curbstoning—but I would feel that practically all of these would have to be daytime sightings if you have any sort of identification.

Mr. LANKFORD. Admiral, do our coastwise merchant vessels give you any information on this?

Admiral STEPHENS. Yes, sir.

Captain BAKUTIS. Quite a few. They are all part of this system.

Mr. LANKFORD. Hurriedly, I noticed they were practically all fishing vessels. Now some of our coastwise vessels—

Admiral STEPHENS. I have been alluding to that. There are many sources of information. Anybody on the water is an excellent source. And frankly, just like has been read in the record here, I wasn't exaggerating on this tourist in the Fountainsbleu Hotel. This is a potential source. Or people on the beach, in other words.

Mr. LANKFORD. Well, our coastwise vessels would follow presumably the same track?

Admiral STEPHENS. That is right.

Mr. LANKFORD. That the trawlers do?

Admiral STEPHENS. This is right.

Mr. LANKFORD. And have you gotten any night sightings from them?

Admiral STEPHENS. I could not pinpoint them. But again I would say the same thing, sir. The prospect of a good identification, that this is a trawler in the first place, and that it is a Russian trawler in the second place, would be pretty slim.

Simply because any ship at night, all she carries is her normal navigational lights, and these are standard for all vessels. And except in rare circumstances, like a clear moonlight night with a proper back-

ground, I don't even think you would be able to read bow numbers or anything like that.

Mr. LANKFORD. Now do you have any sightings of northbound vessels for which there is no—northbound trawlers for which there is no southbound passage that you can hook up to?

Captain BAKUTIS. Yes; there would be many there. In other words, as I say we tried to point out yesterday, there is no guarantee at all that these figures I have quoted cover every trawler passage that has ever been made.

And it is quite possible that in the usual case there are many southbound passages that we cannot match up northbound because we don't have the same extensive reporting system. They are further out.

So you might say they are somewhat more academic for one thing.

But being further out from the beach, the chances of a sighting are probably more remote, you see.

Mr. LANKFORD. Now, when did these trawler sightings begin?

Captain BAKUTIS. I think basically about January.

Commander CLIZBE. January 22.

Admiral STEPHENS. In January. This is about the first month.

Commander CLIZBE. There are 6 northerly passages and 33—I just counted them—southerly.

Admiral STEPHENS. Now we, by comparison, we have 6 northerly passages and 33 southerly passages, to give you a comparison.

Mr. LANKFORD. Now, is there any corresponding increase in activity on the banks by Russian trawlers?

Admiral STEPHENS. I will have to refer that to Captain Reynolds, our headquarters man.

Captain REYNOLDS. The activity was somewhat less as I recall, and then has increased again, and is at a level of perhaps 100 vessels or 150 vessels, somewhere in that area. I think probably you can get better information on this from the Navy people that will testify subsequently.

Mr. LANKFORD. Well, what I am trying to get at is the relationship between Cuba and the activity of these trawlers. And prior to October, let's say, were there fewer Russian trawlers on the banks fishing?

Captain REYNOLDS. I don't believe so, sir.

Mr. LANKFORD. In January when these sightings in the south here began, was there stepped up activity on the banks, fishing banks?

Mr. HARDY. Maybe we can get answers to those questions from the Navy better than the Coast Guard.

Mr. LANKFORD. Yes. But the Coast Guard did, in their testimony yesterday, testify as to sightings on the banks of Russian trawlers, and that is the reason I was wondering if they had any information as to a tie-in there.

Captain REYNOLDS. I think there has been somewhat of a decrease in the efforts close in on George Bank.

And there has been a shift in their efforts from the fishing for her-
ring with drift nets to trawling for bottom fish of various types.

The exact numbers I would not be able to say. We have not had as
many penetrations, or had very few penetrations of the 1st Coast
Guard District in recent months.

Mr. HARDY. Is that all?

Mr. LANKFORD. All right.

Mr. HARDY. Do you have any questions, Mr. Norblad?

Mr. NORBLAD. No.

Mr. HARDY. Mr. Gubser?

Mr. GUBSER. Nothing at this time, Mr. Chairman.

Mr. HARDY. Go ahead, Mr. Reddan.

Mr. REDDAN. To move over to another area, Admiral, on June 19 of
this year you issued operations instruction No. 31-63 which dealt
with the treatment of foreign fishing vessels in U.S. territorial waters.

The copy I have is classified confidential.

Admiral STEPHENS. Yes, sir.

Mr. REDDAN. But is there anything in that which could be declassi-
fied that you could tell the committee about as to the present policy?

Admiral STEPHENS. I will have to consult with the man who
drafted this thing for just a minute.

Mr. REDDAN. How about—

Mr. HARDY. Can you tell us why it was classified? Actually, I don't
think it contains any more information than the State Department
instruction. If it does I don't know where it is. And that is not
classified.

Captain REYNOLDS. There is one matter in here that is classified and
I would not like to discuss it at all.

The other matter is that it just states our policy. This is the way
we are going to treat these people when they do this or that.

We don't feel this is a wonderful thing to tell them. We would
rather keep them guessing.

Mr. HARDY. All right.

That policy is based on what?

Captain REYNOLDS. On national—

Mr. HARDY. It is based on some instruction, is it not, from some-
where else?

Captain REYNOLDS. It is based—

Mr. HARDY. Is it based on the State Department letter?

Captain REYNOLDS. Yes, sir; as that represents national policy.

Mr. HARDY. All right. Then the basis for your instruction is the
State Department letter, is that correct? The State Department letter
of January 26, 1963?

Captain REYNOLDS. Yes, sir.

Mr. HARDY. That letter is not classified. And that is official Gov-
ernment policy, I take it. At least it does not carry any classification
on the copy that I have. Is there any reason—do you know whether
that letter has been released?

Captain REYNOLDS. I don't know whether it has been released out-
side of the Government. It is rather broadly held in the Government
now, I think.

Mr. HARDY. It has not any classification on it.

Where did we get it, Mr. Reddan?

Mr. REDDAN. We got that from the State Department.

Mr. HARDY. Now this letter refers back to a communication from the Coast Guard dated April 25, 1962.

Do you have a copy of this before you?

Captain REYNOLDS. I don't have a copy of that letter; no, sir.

Mr. HARDY. This is a letter addressed to Admiral Roland. And it refers to a communication from the Chief of Port Security and Law Enforcement Division of the Coast Guard, dated April 25, 1962. You are familiar with that one?

Captain REYNOLDS. Yes, sir. That was from my predecessor.

Mr. HARDY. That was your predecessor?

You occupy that post at the present time?

Captain REYNOLDS. Yes, sir.

Mr. HARDY. Well, let me read from this letter.

The letter indicated—

I am reading from the letter of the Department of State—

The letter indicated that the Coast Guard believed "that it would be most consistent with the interest of national security and the interest of the other agencies involved for it to adapt a policy of boarding any such vessels found fishing, hovering, or anchored within our territorial waters."

The concurrence of the Department of State was requested, according to this letter.

Then the letter continues:

On December 18, 1962, the Under Secretary of State approved the support by this Department of a general policy of stopping or boarding foreign fishing vessels found in the territorial sea not in innocent passage, for the purpose of examining the vessel's papers, checking for violation of U.S. laws, or ordering the vessel to leave the territorial sea. Such policy would be followed with respect to foreign fishing vessels without discrimination.

I don't know what that means.

At the same time he also approved support by the Department of State of efforts by the Department of the Interior to clarify and strengthen U.S. laws prohibiting fishing in the territorial sea by foreign vessels.

Then the letter continues:

In the implementation of the above policies the Department of State will be guided, so far as innocent passage is concerned, by the provisions of articles 14 through 17 of the Convention of the Territorial Sea and the contiguous zone adopted at the first Law of the Sea Conference in Geneva in 1958 and subsequently ratified by the President with the advice and consent of the Senate on March 24, 1961.

Although this convention has not yet come into force because 22 countries have not yet ratified or acceded to it, nevertheless it is considered to represent the policy of this Government and its concept of international law on the subject covered.

Now that is fundamentally your policy, is that right?

Captain REYNOLDS. Yes, sir.

Mr. HARDY. The letter continues:

It will be evident from the foregoing that the Department of State is in general agreement with the policy recommended by the Coast Guard in its letter of April 25, 1962.

Officers of this Department will be available at any time for consultation on matters relating to the implementation of that policy.

What has been done about that?

Was the policy that we referred to a minute ago, the policy statement issued by the Coast Guard—what is the date?

Mr. LANKFORD. June 7.

Mr. HARDY. On June 19.

Commander CLIZBE. No; June 19.

Mr. LANKFORD. June 19.

Mr. HARDY. Did that grow out of consultation with the Department of State?

Captain REYNOLDS. This is the 19th of June operations instruction?

Mr. HARDY. That is right.

Captain REYNOLDS. Yes, sir; we consulted with the man who drafted the letter from State. He looked over our operations instruction and decided it was consonant with the policy of State.

Mr. HARDY. Was that developed essentially by the Coast Guard, by the Department of State, or was it a joint development of policy?

Captain REYNOLDS. The letter was prepared on the basis of the letter from State and our own ideas on the subject.

It pretty much made official the practice which was already in effect. We were already following this policy before this letter came out.

Mr. HARDY. Did the Navy participate in the discussions of that policy?

Captain REYNOLDS. I don't believe they participated in the formation of it; no, sir.

Mr. HARDY. Did anybody in the Department of Defense participate in it from the standpoint of national security considerations?

Captain REYNOLDS. No, sir.

Mr. HARDY. So then virtually it was dictated by the Department of State, in its letter of some time back.

Admiral STEPHENS. Excuse me.

The gentleman from the Navy does say they did participate in that.

Mr. HARDY. Well, Admiral, I will get you to correct that when you all come on the stand then, because we will want to know the extent to which the Navy did participate.

Captain REYNOLDS. I would say that perhaps it was a tacit participation.

I wrote this document. I do not recall that I consulted anyone from the Navy. But the policy is one which generally is known and recognized.

Mr. HARDY. Let's explore that a little. You wrote the document? What did you do with it? Did you have a conference with the Department of State about it?

Captain REYNOLDS. After the document was completed, it was sent over to the office at State for clearance. They initialed off on it. We made one or two small changes.

Mr. HARDY. Did you have any conference on the preparation of this document with anybody representing the Department of State prior to its final draft?

Captain REYNOLDS. Just about the second from final draft was initialed by the two offices at State.

Mr. HARDY. Well, that did not quite answer my question. Did that initialing grow out of a conference or a discussion?

Captain REYNOLDS. No, sir. It was just hand-carried over and read in their offices, and some changes were suggested to the young officer that carried it over, and brought it back.

Mr. HARDY. So you did not have any discussions with the Department or any of its representatives about this? It was just a matter of it being prepared and submitted to them, and they made some changes for you and you made the changes, and they approved it, is that right?

Captain REYNOLDS. Yes, sir.

Mr. HARDY. Now, do you know specifically who approved it?

Captain REYNOLDS. The letter was read in State by a Mr. Taylor, in their Fisheries Office, and Mr. Yingling, their lawyer on international law.

Mr. HARDY. You have no personal knowledge that it was submitted to the Navy or any element of the Department of Defense for clearance?

Captain REYNOLDS. I did not submit it; no, sir.

Mr. HARDY. Did you submit your opening statement to the Department of State for clearance before it was presented to the committee?

Captain REYNOLDS. By telephone.

Mr. HARDY. You read it over the telephone?

Captain REYNOLDS. Yes, sir.

Mr. HARDY. Did you make any changes in it?

Captain REYNOLDS. Yes, sir.

Mr. GUBSER. What were they?

Mr. HARDY. A very interesting situation we have here. Who did you talk to, Captain?

Captain REYNOLDS. I talked with Mr. Yingling. And I was talking about international law.

Mr. HARDY. This is a very strange situation.

Now just a couple of days ago the liaison man for the Department of State advised us that he did not think this was of sufficient interest to the Department of State for them to send any witnesses up here.

And now they are clearing your testimony that you submitted to the committee. I am a little bit concerned as to who is running this show. Anybody from the Department of State here this morning?

(No response.)

Mr. HARDY. Well, I am sorry they are not here.

They apparently don't have enough interest to attend the hearings, but they do censor the statements that are made by witnesses summoned by the committee.

What was the nature of the comments in your statement that they took out?

Captain REYNOLDS. Well, I was speaking about international law, which is a field that I am not an expert in.

I called for a clearance on this to make sure that what I stated in my statement was, in fact, international law. Essentially what I had written was correct. It was a matter of making some minor changes in terminology.

Mr. GUBSER. Did he read the whole statement or just the part which dealt with international law?

Mr. HARDY. Did you read the whole statement, your whole statement, to the Department of State?

Captain REYNOLDS. Yes, sir.

Mr. HARDY. And they just deleted certain sections of it; is that right?

Captain REYNOLDS. I don't know that there were any major deletions.

Mr. HARDY. Of course, you and I might not agree on what is major. And I don't want to get into anything that might have a security connotation. But I would presume that you would not have to be instructed by the Department of State with respect to security.

Captain REYNOLDS. No, sir. There were not any security considerations about this. It was an unclassified statement.

Mr. GUBSER. Mr. Chairman?

Mr. HARDY. Yes.

Mr. GUBSER. What prompted you to seek clearance from the Secretary of State? Were you instructed to do so, or did you do this on your own volition?

Captain REYNOLDS. I consulted with Mr. Yingling because he was an international lawyer and is the man I talk to over there when I want to find out—

Mr. GUBSER. Well, am I to deduce from your answer then that you were not instructed to clear this?

Captain REYNOLDS. No, sir.

Mr. GUBSER. By any superior?

Captain REYNOLDS. No, sir.

Mr. GUBSER. You did this on your own volition?

Captain REYNOLDS. Yes, sir.

Mr. HARDY. That is unusual. Maybe that set the pattern for the Navy.

I have a feeling—we will find out directly from them, but I have a feeling that State was a little more specific in that case.

Anything further?

Mr. REDDAN. There is one thing in here.

Admiral, this particular directive or operations instruction required you to issue instructions and establish procedures to implement the policies. Have you done that yet, sir?

Admiral STEPHENS. Specifically we are in the process of doing it.

I think, as Captain Reynolds pointed out, this formalized an outstanding procedure.

Basically what this tells us to do is what we have been doing for years in respect to our statutory responsibility under title 14.

Now as a matter of fact—and very frankly this thing arrived on my desk last week. It is being staffed down there now. There will be supplementary instructions put out. But right at the present time, there have been none put out. But this is not to say that we are not carrying on the same procedures that will be called for in this directive.

Mr. REDDAN. At the present time, Admiral, who under your command can make a decision that a ship is not in innocent passage?

Admiral STEPHENS. Well, basically, me. I am the one. Now in my absence, my acting district commander. I might say that all these things come to my personal attention. We have sighting reports and these things come to my desk. They come to my personal attention. And I am in on the act every inch of the way when I am on duty in Miami. When I am not on duty, the acting district commander, who is my chief of staff, makes the decisions on these.

Mr. REDDAN. That decisionmaking power is not delegated to the operators of Coast Guard vessels?

Admiral STEPHENS. No, sir. They are fact collectors on this. They report in what they see.

Mr. REDDAN. If a decision is made to stop and board a vessel, who makes that decision within your command, sir?

Admiral STEPHENS. I would make that decision. And very frankly and practically, I would immediately get on the phone with the Commandant, if it would come to the point where we board one of these things. Because, you see, this is not the going pattern.

Mr. HARDY. By the time he got permission from the State Department the vessel would probably be out of reach. He could not overtake him.

Admiral STEPHENS. This thing would not go to the State Department, sir.

Mr. HARDY. That is what you think.

Admiral STEPHENS. No, sir. I am positive of that, sir. I am positive of that.

Mr. HARDY. Well, I am not at all positive of it.

Admiral STEPHENS. Well, my instructions on this are pretty clear. The matter of my going to the Commandant would be more for information, instantaneous information, than it would be for approval or guidance.

Mr. HARDY. I tell you what I will gamble. I will gamble you would have to get Mr. Yingling's approval before you can do it.

Admiral STEPHENS. I do not share your view, Mr. Chairman. I don't share your view.

Mr. HARDY. You don't know how powerful Mr. Yingling is.

Admiral STEPHENS. I don't share your view, sir.

I would be carrying out my responsibilities under Coast Guard law, which is title 14.

Mr. HARDY. I hope my fears in this are not well founded.

Admiral STEPHENS. Yes, sir.

Mr. GUBSER. Admiral, do you have the authority to board without contacting the Commandant?

Admiral STEPHENS. Positively. And I would, sir.

There wouldn't be any timelag in this, and I would have no hesitation.

But, because of the obvious implications, I would get on the phone and tell him what I was doing.

But in this case I do not look upon my orders or my policy guidance or anything else, to have to come from anybody in Washington to carry out my duties.

Mr. HARDY. In case of attack, an open, overt, aggressive act, why I suppose there would be no problem?

Admiral STEPHENS. There would not be any problem anywhere, where I was convinced in my own mind that there was a reasonable violation of the law, a reasonable violation of the right of innocent passage.

Mr. HARDY. Again, we get right back to the interpretation of what constitutes "innocent passage" and what constitutes—how does the language read?

"Danger to peace and security"?

Admiral STEPHENS. I think this is true. I would not refute this, sir. But as I tried to point out yesterday, my practical application

of the theory of right of innocent passage is very basic—as long as he keeps moving, as long as he does not do anything undue that I can see there——

Mr. HARDY. He can put somebody over the side?

Admiral STEPHENS. Yes, sir; he surely can.

Mr. HARDY. While he is moving?

Admiral STEPHENS. He can; yes, sir. And he might do it when I am not looking, too.

Mr. HARDY. Is that all?

Mr. REDDAN. Yes.

Mr. HARDY. Anything more on this?

Mr. LANKFORD. I have one question to follow up that Mr. Rogers asked.

Mr. HARDY. All right; go ahead.

Mr. LANKFORD. Admiral, Mr. Rogers has asked that I ask you this question.

What is to prevent the Soviets, by using repeated trawler violations of our waters, from lulling us into a false sense of security?

Could they not use the same tactics, of gradually increasing the size of their operations along our coast, that they seem to be using in South America?

Admiral STEPHENS. Would you read the first part of that question again, sir?

Mr. LANKFORD. What is to prevent the Soviets, by using repeated trawler violations of our waters, from lulling us into a false sense of security?

Admiral STEPHENS. Well, again, sir, I will have to take exception with one word in there, where he speaks of violations of our waters, because the policy that I am implementing does not look upon these things as violations of our waters, sir. This is the right of innocent passage. This is the issue involved here. Now, as far as being lulled into a false sense of security, I will speak for the Coast Guard and I will speak for them here in Washington and down in Miami, that I don't think we are about to get lulled into a false sense of security.

I think that we are very much alert to the potential dangers of this situation. And down there particularly because I am right in the hot corner on the thing and I am overly alert if anything.

So my direct answer to that question would have to be that I don't think we are going to get lulled into a false sense of security, and particularly by virtue of these innocent traverses of territorial waters on the part of these trawlers.

That would have to be my answer, sir.

Mr. LANKFORD. Off the record.

(Discussion off the record.)

Mr. HARDY. The key to this whole thing is, using the language which the captain used in his presentation, that this is innocent passage

so long as it is not prejudicial to the peace, good order, or security of the United States.

Admiral STEPHENS. I can answer your point on that, sir.

I think basically here—as I believe Mr. Pike pointed out yesterday—it seems to me basically that what we are speaking about may be a presumption of innocence here.

I think this is underlying this whole thing.

Mr. HARDY. Well, I don't object to a presumption of innocence. I think that is a philosophy to which we adhere. But it is a right good idea to watch the fellow that you are presuming to be innocent if you have reason to be suspicious of him.

Admiral STEPHENS. Well, of course he—

Mr. HARDY. You don't have to be suspicious of a specific trawler, at least I don't, because I am suspicious of anything the Russians do.

Admiral STEPHENS. No, in fact I will contradict myself. I might presume innocence on the part of these guys, but if they get inside our waters I am going to watch them all the time.

Mr. HARDY. You don't know—

Admiral STEPHENS. I watered down my presumption.

Mr. HARDY. You don't watch them, because you don't know what they are doing.

Admiral STEPHENS. No, sir. But again I must say from the practical application, which is the only application I can make down there, I presume—this is true, I presume he is in innocent passage as long as he keeps moving. This is basically what it amounts to.

Mr. HARDY. As a matter of fact, if you had reason to be suspicious, you have not enough people to police the whole shore down there anyway, have you?

Admiral STEPHENS. There is no question about that, no question.

Mr. HARDY. So we have a gap there that is essentially unprotected?

Admiral STEPHENS. This is true. You are speaking of it from a very tight security standpoint?

Mr. HARDY. That is what I am speaking of, from the standpoint of the security of the country.

Admiral STEPHENS. There is a gap there, and we acknowledge it. There is no question about it.

Mr. HARDY. Thank you very much, Admiral.

Let me express appreciation to you and to your associates for your helpfulness on this. Thank you very much.

Admiral STEPHENS. It is our pleasure, sir. Thank you, sir.

Mr. HARDY. Well, Admiral Reed, if you and your cohorts will come up and take these hot seats vacated by the Coast Guard.

Admiral REED. They have them well warmed up for us.

Mr. HARDY. Admiral, the committee appreciates your being here, along with your associates from the Navy, to give us help on this matter. I believe you have a prepared statement?

Admiral REED. I do, sir. I have a short statement.

Mr. HARDY. Just proceed with your statement.

TESTIMONY OF REAR ADM. A. L. REED, ACTING DEPUTY CHIEF OF NAVAL OPERATIONS; REAR ADM. B. M. STREAN, ASSISTANT CHIEF OF NAVAL OPERATIONS; REAR ADM. R. L. TAYLOR, DIRECTOR, NAVAL INTELLIGENCE; CAPT. J. B. McDEVITT, DIRECTOR, INTERNATIONAL LAW DIVISION, OFFICE OF THE NAVY JUDGE ADVOCATE GENERAL; CAPT. H. E. OST, DIVISION LEGAL ADVISER TO THE POLITICO-MILITARY POLICY DIVISION, OFFICE OF THE CHIEF OF NAVAL OPERATIONS

Admiral REED. Before I proceed with it, Mr. Chairman, may I introduce the other officers who are with me?

Mr. HARDY. I wish you would.

Admiral REED. On my right is Rear Adm. R. L. Taylor, the Director of Naval Intelligence.

On my left is Rear Adm. B. M. Strean, Assistant Chief of Naval Operations for Fleet Operations.

Captain McDevitt, of the Office of the Judge Advocate General, on the right, and Captain Ost, of the Office of Political-Military Policy Division of the Chief of Naval Operations.

Mr. HARDY. Thank you, Admiral. And thank you, gentlemen, all of you, for being with us.

Admiral REED. Mr. Chairman and members of the committee, I am Rear Adm. A. L. Reed.

(The biographies of Admirals Reed, Taylor and Strean are as follows:)

REAR ADM. ALLAN L. REED, U.S. NAVY

Allan Lorentz Reed was born on May 21, 1908, in Manila, P.I., son of William Allan Reed, who was then Governor of the Province of Lopante Bontoc, and Mrs. Grace Peterson Reed. He was graduated from Little Rock, Ark., high school with highest scholastic average, and attended the University of Arkansas for 1 year before his appointment to the U.S. Naval Academy in 1927. As a midshipman he participated in swimming and was a member of the "Log" staff. Graduated with distinction, fifth in the class of 1931, he was commissioned ensign to rank from June 4, 1931, and subsequently advanced to the rank of captain, to date from July 1, 1949. His selection for the rank of rear admiral was approved by the President on July 26, 1957, his date of rank July 1, 1958.

After graduation from the Naval Academy, he served for 6 months in the U.S.S. *Oklahoma*, and in January 1932, reported for duty on the staff of commander battleships, attached to the U.S.S. *West Virginia*, flagship. Detached in March 1933, he had 3 months' duty on board the U.S.S. *Tennessee*, then was ordered to Asiatic station for communication and gunnery duties in the U.S.S. *Parrott*, a unit of Destroyer Squadron 5. In April 1936, he was transferred to the U.S.S. *Milwaukee*, in which he served as torpedo officer until May 1937.

During the next 2 years he had communication duty in the Office of the Chief of Naval Operations, Navy Department, Washington, D.C. While there he had instruction in cryptanalysis, and for a year conducted a correspondence course in cryptanalysis. In June 1939, he reported for communications security duty on the staff of Commander in Chief, U.S. Pacific Fleet, on board the U.S.S. *Pennsylvania*, flagship. In that assignment he served as assistant to the fleet communications officer until August 1941.

When detached from staff duty he joined the U.S.S. *Helm* as executive officer, and served in that capacity until January 1943. The *Helm* was the only ship of the fleet which was fully manned and underway at Pearl Harbor when the Japanese attacked the fleet there on December 7, 1941. During the early period of World War II she participated in the Guadalcanal campaign and the first battle of Savo Island in 1942.

Returning to the Navy Department in February 1943, he served in the Office of the Chief of Naval Operations as assistant director of naval communications for cryptographic aids until October 1944. For outstanding services in the development of a combined British-United States cryptographic system, he received a letter of commendation, with authorization to wear the Commendation Ribbon, from the Secretary of the Navy. In December 1944, he assumed command of the U.S.S. *John Hood*, and participated in combat operations in the North Pacific (Aleutian Islands) area. "For meritorious service as commanding officer of the U.S.S. *John Hood* during operations against enemy Japanese forces in the Pacific war area from June 10 to August 11, 1945 * * *" he was awarded the Bronze Star Medal with Combat V. The citation further states:

"A skilled and determined officer, Commander Reed ably directed his crew in delivering accurate and effective gunfire during bombardments of enemy positions at Matsuwa Island and Suribachi Wan and during antishipping sweeps in the Sea of Okhotsk. In action west of Harumukotan Island on June 25, he rendered valuable assistance in destroying a hostile convoy * * *."

Following the Japanese capitulation in August 1945, the *John Hood*, under his command, participated in the occupation of northern Japan during September, October, and November 1945. In March 1946, he became executive officer of the U.S.S. *Fargo*, operating from April of that year to May 1947, in Atlantic and Mediterranean waters as flagship of U.S. Naval Forces in the Mediterranean. Upon his return to the United States, he had instruction at the Naval War College, Newport, R.I., and upon completion of the senior course in May 1948, was again ordered to the Office of the Chief of Naval Operations, for duty in the Strategic Plans Division.

In April 1949, he was transferred to the Office of the Secretary of Defense, where he served for a year as Navy member of the Executive Secretariat. He then joined the U.S.S. *Worcester*, to serve as Chief of Staff to Commander, Cruiser Division 4, which twice cruised in the Mediterranean. From October 1951, to September 1952, he commanded the U.S.S. *Botetourt*, an attack transport operating in the Atlantic, after which he again served in the Office of the Chief of Naval Operations, this time as head of the estimates section, Office of Naval Intelligence.

Detached from the Navy Department in July 1954, he had duty on the staff of the commander in chief, U.S. Pacific Fleet, serving for 1 year as fleet plans officer, and a second as assistant chief of staff for plans. He commanded the U.S.S. *Saint Paul* (CA-73) from December 1956 until October 1957 when he became chief of staff to Commander U.S. Taiwan Defense Command.

In June 1958, he was assigned to the Office of the Chief of Naval Operations, Navy Department, and on October 31 that year assumed duty as Deputy Director of Naval Intelligence in the Office of the Chief of Naval Operations. He was commander, South Atlantic Force from June 1960 to March 1962, when he was ordered to duty as Assistant Chief of Naval Operations (Fleet Operations and Readiness), Navy Department.

In addition to the Bronze Star Medal with Combat V, and the Commendation Ribbon, Rear Admiral Reed has the American Defense Service Medal, fleet clasp; the American Campaign Medal; Asiatic-Pacific Campaign Medal with three operation stars; World War II Victory Medal; Navy Occupation Service Medal (Asia and Europe clasps); and the National Defense Service Medal.

He and Mrs. Reed, the former Marjorie Hollowell of Seattle, Wash., have two daughters, Alison and Marcia Hollowell Reed. His official address is 3402 West Markham Street, Little Rock, Ark.

REAR ADMIRAL RUFUS L. TAYLOR, U.S. NAVY

Rufus Lackland Taylor was born in St. Louis, Mo., on January 6, 1910, son of Mrs. Caroline Newman Taylor and the late Rufus L. Taylor. He attended Holderness School in Plymouth, N.H., and Hall's School, Columbia, Mo., before entering the U.S. Naval Academy, Annapolis, Md., on appointment from Missouri, on August 25, 1929. Graduated on June 1, 1933, he was not commissioned ensign in the U.S. Navy due to previous congressional legislation, until May 29, 1934. Through subsequent promotions he attained the rank of captain, to date from July 1, 1952. His selection for the rank of rear admiral was approved by the President on May 30, 1963.

After graduation in June 1933, he was commissioned in the U.S. Naval Reserve, and from October of that year until June 1934 was attached to the 37th Fleet Division, 7th Battalion, 6th Naval Reserve area, at St. Louis. Upon accepting his commission in the U.S. Navy, he was assigned to the U.S.S. *Arizona*, flagship of Battleship Division 2, Battle Fleet, and while aboard was commended for zeal and efficiency in contributing to high main battery score for battleships. He was attached to the ship's aviation unit, Observation Squadron 2-B for several months before his transfer late in 1936 to duty in the U.S.S. *Preston*, of destroyers, Scouting Force.

From September 1938 to September 1941, he was a student of the Japanese language, at the American Embassy, Tokyo, Japan. He then reported to the 16th Naval District Headquarters, at Cavite, Philippine Islands, for duty as a communications officer. After the U.S. troops at Bataan had surrendered to the Japanese he escaped Corregidor by motorboat and submarine to Australia, and from April 1942 until February 1943 served on the staff of the commander, Allied Naval Forces, Southwestern Pacific.

Returning to the United States, he served from March 1943 to November 1944 in the Office of the Chief of Naval Operations, Navy Department, Washington, D.C. He was again ordered to the Pacific in December 1944, and throughout the remaining period of the war had communication duty at Headquarters, 14th Naval District, Pearl Harbor, Territory of Hawaii. He was awarded the Bronze Star Medal with Combat V, for "meritorious achievement while attached to the Division of Naval Communications, from December 7, 1941, to September 2, 1943 * * *," the Army Distinguished Unit Badge with oak leaf cluster in recognition for service with the U.S. Navy Inshore Patrol in defense of the Philippines under Army command during the period December 7, 1941, to April 9, 1942; and the Navy Unit Commendation for service with the U.S. Naval Communication Intelligence Organization during the period December 7, 1941, to September 2, 1945.

He was attached to the General Headquarters, U.S. Army Forces, Pacific, in August 1945, and was included in the first contingent of U.S. Forces to set foot in Japan after the capitulation of the Japanese. He remained in Japan with the Occupation Forces from August to November 1945.

He continued work in communications when he returned to the Office of the Chief of Naval Operations in November 1945, and after detachment in December 1946, was a student at the Armed Forces Staff College, Norfolk, Va., for 6 months. He commanded the U.S.S. *Noa* (DD-841), from June 1947 to April 1948. In May of that year he was transferred to duty in the Office of Naval Intelligence, where he remained until November 1951, when he became assistant head of the Security Branch, Communications Division, Office of the Deputy Chief of Naval Operations (Administration).

In May 1953 he was detached with orders to the National Security Agency Directorate, Washington, D.C., and in December of the same year was transferred to the Office of the Secretary of Defense. On March 17, 1955, he was ordered to duty on the staff of Commander, Naval Forces, Far East, as assistant chief of staff for intelligence and a year later was transferred to the staff of Commander in Chief, U.S. Pacific Fleet, again as assistant chief of staff for intelligence.

He received a letter of commendation, with ribbon, from the Secretary of the Navy as follows: "For meritorious achievement as a member of the staff of commander in chief, U.S. Pacific Fleet, during the period January-March 1959. Exercising outstanding initiative, foresight, and sound judgment, Captain Taylor was instrumental in the acquisition of unique information of the highest value to the planning and conduct of future naval operations. By his unusual professional ability and tireless devotion to the fulfillment of an exacting assignment, he made a major contribution to the planning of naval warfare and upheld the highest traditions of the U.S. naval service."

On April 9, 1959, he was ordered detached for further duty in the Office of the Chief of Naval Operations, Navy Department. There he served first as Assistant Director for Foreign Intelligence, later as Deputy Director of Naval Intelligence. On June 25, 1963, he was designated Assistant Chief of Naval Operations (Intelligence) and Director of Naval Intelligence.

In addition to the Bronze Star Medal with Combat V, the Commendation Ribbon, the Army Distinguished Unit Badge with Oak Leaf Cluster and the Navy Unit Commendation Ribbon, Admiral Taylor has the American Defense Service Medal with star; Asiatic-Pacific Campaign Medal with stars; American Campaign Medal; World War II Victory Medal; Navy Occupation Service

Medal, Asia clasp; National Defense Service Medal; and the Philippine Defense Ribbon with star.

Rear Admiral Taylor and his wife, Mrs. Karin Gerdtz Taylor, have three children: Rufus L. Taylor III, Carol Inga Taylor, and Lisa Noel Taylor. They currently reside in Sandy Spring, Md. They reside in Quarters V, Navy Yard Annex, Washington, D.C.

REAR ADM. BERNARD M. STREAN, U.S. NAVY

Bernard Max Strean was born in Big Cabin, Okla., on December 16, 1910, son of Ralph and Maude (Hopkins) Strean. He attended Attica (Ind.) High School and Marion (Ala.) Military Institute prior to his appointment to the U.S. Navy Academy, Annapolis Md., from the State of Illinois in 1929. As a midshipman he was a member of the crew for 4 years and participated in football. Graduated and commissioned ensign on June 1, 1933, he progressed in rank to that of rear admiral, to date from May 1, 1960.

Following graduation from the Naval Academy in 1933, he reported on board the U.S.S. *Pennsylvania*, and in June 1935 was detached for flight training at the Naval Air Station, Pensacola, Fla. Designated naval aviator, he next had consecutive duty with Fighting Squadrons 6 and 3 on board the U.S.S. *Saratoga*, and in January 1938 transferred to Patrol Squadron 11, Naval Air Station, San Diego, Calif. In June 1939, he joined Patrol Squadron 23 at the Naval Air Station, Pearl Harbor, Territory of Hawaii, and from December 1940 was an instructor at the Naval Air Station, Jacksonville, Fla. In October 1942, he became commanding officer of the Flight Standardization Board, Kansas City, Mo.

In May 1943, he assumed command of Fighting Squadron 1 attached to the U.S.S. *Yorktown*. He was awarded the Air Medal with gold stars in lieu of the second, third, fourth, fifth, and sixth Air Medal, and gold stars in lieu of the second and third Distinguished Flying Cross for combat missions in the Pacific area covering the period November 1943 to July 1944. For specific actions he was awarded the Distinguished Flying Cross, the Navy Cross, and gold star in lieu of the seventh Air Medal. The citations for the latter decorations follow in part:

Distinguished Flying Cross: "For heroism and extraordinary achievement * * * as commanding officer of Fighting Squadron 1 * * * operating against enemy Japanese forces in the vicinity of the Marianas Islands. Leading his squadron in a bold fighter sweep against the Bonin Islands on June 15, 1944, Commander Strean personally shot down one hostile aircraft. On June 19, encountering Japanese air groups attempting to strike at our warships, he led his squadron in an attack on these enemy planes to down 2 out of 32 destroyed and 8 probably destroyed by his squadron * * *."

Navy Cross: "For extraordinary heroism * * * in action against major units of the Japanese Fleet during the First Battle of the Philippine Sea, June 20, 1944. Courageous in the face of most hazardous conditions, [he] aggressively led his squadron in the first attack on the enemy fleet and personally scored a direct bomb hit on a hostile aircraft carrier. By his gallant fighting spirit and inspiring leadership, he contributed in large measure to the success of an extremely difficult operation * * *."

Gold star in lieu of seventh Air Medal: "For meritorious achievement * * * during operations against enemy Japanese forces in the vicinity of the Bonin Islands on July 4, 1944. Leading a 16-plane flight in a daring strafing attack on two hostile destroyer escorts and two freighters escaping toward Japan, Commander Strean contributed directly to the destruction of the two warships and the severe damaging of the freighters * * *."

He is also entitled to the ribbon for and a facsimile of the Presidential unit citation awarded the U.S.S. *Yorktown*.

In September 1944 he became commanding officer of Air Group 98, and in May 1945 transferred to command of Air Group 75, attached to the U.S. *Franklin D. Roosevelt*. He continued in the latter command until November 1946, then reported as operations officer on the staff of Commander Fleet Air, Quonset, at Quonset Point, R.I. A student officer at the Armed Forces Staff College, Norfolk, Va., from August 1949 until January 1950, he was next assigned as head of the technical training programs section, Office of the Chief of Naval Operations, Navy Department, Washington, D.C.

He assumed command of Air Transport Squadron 8 in October 1952, and from August 1954 until April 1956 served as commanding officer of the Naval School Preflight, at the Naval Air Station, Pensacola, Fla. He next commanded the

U.S.S. *Kenneth Whiting*, and in August 1957 reported as a student at the National War College, Washington, D.C. In February 1958 he was ordered to command the U.S.S. *Randolph*, and in March 1959 joined the staff of Commander Naval Air Force, U.S. Atlantic Fleet, as chief of staff and aid. On July 1, 1960, he became Commander Fleet Air, Whidbey, with headquarters at the Naval Air Station, Whidbey Island, Oak Harbor, Wash. There he had additional duty as Commander Naval Air Bases, Thirteenth Naval District, and Commander Fleet Air Wing 4.

On June 24, 1961, he became commander U.S. Taiwan Patrol Force/commander Fleet Air Wing 1 and in October 1962 was ordered detached for duty as Assistant Chief of Naval Operations (Fleet Operations), Navy Department.

In addition to the Navy Cross, Distinguished Flying Cross with two gold stars, Air Medal with six gold stars, and the Presidential unit citation ribbon, Rear Admiral Strean has the American Defense Service Medal; American Campaign Medal; European-African-Middle Eastern Campaign Medal; World War II Victory Medal; Navy Occupation Service Medal, Europe Clasp; National Defense Service Medal; and the Philippine liberation ribbon.

His official address is Attica, Ind. His wife is the former Janet Lockey of Palo Alto, Calif., and they have three children, Bernard M. Strean, Jr., Richard L. Strean and Judy Strean.

Admiral REED. It is a pleasure for me to be here this afternoon. I am here as a representative of the Secretary of the Navy to discuss with you the presence of Soviet fishing trawlers within the U.S. territorial waters. I am Acting Deputy Chief of Naval Operations for Operations and Readiness, and in this capacity, it is my responsibility to be knowledgeable of the presence of such vessels in U.S. waters.

There have been several reports that southbound Soviet fishing trawlers have been operating within the U.S. territorial waters by passing within 1 to 1½ miles of the Florida east coast. This has been going on for several months and I would like to explain the situation as the Navy sees it.

Since World War II, the Soviet Union has developed a high seas fishing fleet that is now considered to be the largest and most modern of its kind in the world. This fleet—which comprises the entire complex of operations involving research, fish finding and catching, refrigeration and processing—numbers several thousand ships totaling probably more than 2 million gross register tons. For some years it has operated ever more widely and in increasing numbers in international waters—the northwest Atlantic, the Norwegian Sea, the South Atlantic, the Bering Sea, the Gulf of Alaska, and the Indian Ocean. Its whaling flotillas are active in the Antarctic and the North Pacific.

In July 1962, several Soviet fishing trawlers commenced activities in Cuba for the announced purpose of training Cuban fishermen and rehabilitating the Cuban fishing industry. From the Cuban point of view, it has been for some years necessary to import 15,000 to 20,000 metric tons of fish per year.

In September of 1962, the Castro regime announced a Soviet-Cuban agreement whereby the Soviet Union would assist in the construction of a large fishing port in Havana Bay. Although Cuba stressed that the new port would be entirely Cuban, it announced that it was committed to provide services to Soviet trawlers in North Atlantic waters for 10 years and preferably much longer.

As of today, a dozen or more Soviet trawlers are operating out of Havana. These trawlers are in frequent transit between Havana and the North Atlantic fishing grounds. These trawlers transiting the Straits of Florida generally follow the sailing directions of the U.S. Coast Pilot to take advantage of the Gulf Stream or counter currents. The Coast Pilot recommends—

The Coast Guard witness quoted yesterday from the Coast Pilot, so I will not repeat that quotation.

(The quotation not read is as follows:)

Southbound vessels from Jupiter Inlet light to Fowey Rocks light usually follow the coast at a distance offshore of 1 to 1.5 miles of Hillsboro Inlet light, then 1.5 to 2 miles offshore, passing 1 mile eastward of Miami lighted whistle buoy No. 2 and Fowey Rocks light. (Area between Palm Beach and Miami.)

Northbound vessels follow the Gulf Stream in the Straits of Florida about 8 miles off Florida Reefs, passing Fowey Rocks light at a distance of 10 to 12 miles and Jupiter Inlet light 15 miles, thence follow the main axis of the Gulf Stream in the Atlantic Ocean.

Admiral REED. The Navy appreciates that inadequate knowledge of the offshore activities of Soviet ships could be a threat to our security and to this end, in coordination with the Coast Guard, regular and careful surveillance of this traffic is maintained to the maximum extent feasible within existing capabilities. There has been no evidence developed to indicate that the trawlers in this traffic are doing anything other than engaging in legitimate fishing operations and using recommended navigational routes in going between the fishing grounds and their base. The Navy does not believe that this traffic as presently carried out constitutes a threat to U.S. security.

The right of innocent passage of merchant ships is well recognized in international law. In essence, it provides that ships of any nation engaged in peaceful pursuits and violating no laws can pass through the territorial waters of a coastal state.

The doctrine of innocent passage and the right to exercise it are greatly in U.S. interests. This right is now invoked on a daily basis by our own merchant ships as they transit the world oceans in their peaceful pursuits. There are narrow straits such as the Straits of Messina, Singapore, and others, in the world which involve passage through claimed territorial waters and which must be transited in order to move freely from one part of the high seas to another. If this use of claimed territorial waters were not available to our merchant ships, longer, less economical runs would result in increased shipping costs and decreased support to our economy and our defense posture.

If the United States, without evidence of violation of our laws and as a matter of policy, abridged the right of innocent passage for these Soviet trawlers, it is the opinion of the Navy that other nations could use such stopping and boarding as an example of the failure of the United States to respect the right of innocent passage. Our own merchant and fishing vessels could be subject to boarding or harassment by coastal states. Further, stopping and boarding of these trawlers in transit might have the effect of weakening our argument as to the right of innocent passage of warships. While all states do not recognize this right, the United States does. This is of great importance to the U.S. Navy because free passage of ships on peaceful purposes, both merchant and naval, has always been a cardinal part of the principle of freedom of the seas. Freedom of the seas is necessary for security of the United States. Without it, our ships cannot move freely between different parts of the high seas in meeting the Navy's worldwide commitments.

There are certain further disadvantages to our interfering with innocent passage through our waters which I will be pleased to discuss in executive session.

In conclusion, I would like to assure the committee that the Navy intends to keep the entire subject of Soviet shipping off our coasts under careful scrutiny. We will continue our close collaboration with the Coast Guard, to remain alert to possible violations of domestic or international law.

Mr. HARDY. Admiral, thank you for this statement.

It may be that before we conclude these hearings it will become necessary to go into executive session for the discussion of classified aspects of it. However, in view of the publicity which has been given to a good many of the aspects of the subject, there certainly ought not to be any problem of classification within the areas of the committee's present interest.

Before getting into some specifics with respect to your statement, let me ask you this. A while ago we were discussing with the Coast Guard the part which the Department of State played in clearing their statement. Now, let me ask you. Did the State Department clear your statement?

Admiral REED. Mr. Chairman, I do not consider that the State Department cleared my statement. Mr. Yingling requested that he be permitted to read the statement. I provided a copy of it to him for that purpose. He suggested that I omit two sentences. They were not omitted. He made one or two minor editorial suggestions, which were adopted.

Mr. HARDY. They were not omitted?

Admiral REED. The sentences which he suggested be omitted were not omitted. They are in the statement as read.

Mr. LANKFORD. Which sentence?

Mr. GUBSER. Who is Mr. Yingling?

Mr. HARDY. I don't know. Mr. Yingling is a very ringing name in the Department of State, but I don't know what his job is. Maybe the admiral can tell us what his job is.

Mr. GUBSER. He is big enough to call an admiral of the Navy and ask to see his statement.

Mr. HARDY. As a matter of fact, he delayed the submission of the statement to the committee. That much we do know.

Mr. NORBLAD. Do you know, Admiral, Mr. Yingling? Who is he?

Admiral REED. I met him; yes, sir. I understand he is an international law officer of the Department of State.

Mr. HARDY. When he called you, did he outline his authority in the Department of State?

Admiral REED. No, sir.

Mr. HARDY. You didn't know, really, who he was?

Admiral REED. Well, my feeling was much the same as that of Captain Reynolds, that we were dealing in matters of international law and he was a recognized international law expert.

Mr. HARDY. How did you know that?

Admiral REED. Well, he had been identified to me as a legal, one of the legal officers.

Mr. HARDY. Now you have all the competence that the Navy needs in international law. You have Captain McDevitt, and you have Adm. Bob Powers.

Admiral REED. That is right.

Mr. HARDY. A good constituent of mine.

Admiral REED. Yes, sir.

Mr. HARDY. I know that you didn't need any legal competence in the Navy Department.

Admiral REED. Probably not.

Mr. HARDY. So don't give me that "who-struck-John." There were other reasons for this. It wasn't legal competence. You don't lack that.

Admiral REED. I agree with you.

Mr. HARDY. Captain McDevitt could have shed any light that you needed on the legal aspect of this thing. And if he couldn't, Bob Powers could have answered it for you in a second. And as a matter of fact, I understand that you and Bob have been in consultation on this matter for some little while. So you haven't lacked any legal advice.

Now come on, just why did Yingling indicate that he wanted to see it?

Admiral REED. I couldn't answer for him, Mr. Chairman.

Mr. HARDY. We are going to give him an opportunity to answer for himself.

Admiral REED. He requested an opportunity to read it, and I, perhaps too readily, assented to his request.

Mr. HARDY. I just wonder where he gets his authority, that is all.

Suppose some clerk over there—how did you know what he was? Have you had any dealings with him before?

Admiral REED. No, sir.

Mr. NORBLAD. Did he call you? Was it his initiative or yours?

Admiral REED. His initiative.

Mr. NORBLAD. How did he know of your coming up here?

Mr. GUBSER. Through the Coast Guard.

Admiral REED. I think—

Admiral TAYLOR. I can clear this up.

The witnesses to appear here were known to include State, the Navy, and Coast Guard.

Mr. HARDY. Well, that is the striking thing about it. You know, actually, they should have known, but they didn't know apparently until—they were a little irritated on Monday because they didn't read the mail Monday afternoon. They didn't know they were supposed to come. They said they had to read it in the newspaper.

But they had my letter in the Department of State on Friday morning. Actually, Mr. Yingling didn't know about it until Tuesday.

When did he call you about this?

Admiral REED. It was last week, sir, I believe Friday.

Mr. HARDY. Last week. So he was really anticipating. He is trying to read my mind now, let alone yours. And that is a little hard to do sometimes, even for me.

So Mr. Yingling calls up and he says "Admiral Reed, this is Yingling over in the State Department. Before you send the statement over to the Hardy committee I want to see what you are going to say."

Is that it?

Admiral REED. That is essentially it, sir.

Mr. HARDY. And you said "Okay, I will send it right over." You didn't say "Let me see Mr. Rusk's authority for that"?

Admiral REED. No, sir; I am afraid I didn't.

Captain OST. If I may offer some comment—I am Captain Ost.

Mr. HARDY. Captain, come on and help yourself to the floor.

Captain OST. I have been working in the Office of the Judge Advocate General for the Navy since 1946, and since that date from time to time I have known Mr. Yingling. He has been with the State Department for a good many years.

Mr. HARDY. Did you tell Admiral Reed about that?

Captain OST. And I probably mentioned——

Mr. HARDY. You probably did. But he didn't remember. He didn't remember a thing in the world about it.

You know, you ought to do better than that. You should have known who the admiral was talking to.

If one of my subordinates did that to me, Captain, I don't know what I would do about it.

Captain OST. I probably don't know.

He made the phone call, and I don't monitor all the phone calls.

But I know I introduced the admiral to Mr. Yingling at a meeting a few days ago.

Mr. HARDY. You know it is bad enough when we get some of the people up in Mr. Hitch's office trying to run the Navy and the operations of the Navy, without having Mr. Yingling tell the Navy what the Sam Hill it can do, or even what it can testify to to a congressional committee.

I get a little bit squeamish about this, Admiral. But anyway, that is one of the facts of life. And I am glad to know—I am going to ask you a little later on to identify the sections for me which he wanted deleted.

Admiral REED. Yes, sir.

Mr. HARDY. Let me ask you just one or two questions about the statement.

On the first page of your statement you refer to the Soviet fishing fleet, and you have this statement:

This fleet, which comprises the entire complex of operations involving research, fish finding and catching, refrigeration and processing.

How do you know that?

Admiral REED. I think I would like to ask Admiral Taylor to answer that, sir.

Mr. HARDY. Fine. He is your ONI.

Tell us how you know that, Admiral.

Admiral TAYLOR. Yes, sir.

Most of what we know, as you probably know, Mr. Chairman, is based on circumstantial evidence. These fishing activities are kept under rather close surveillance by naval aircraft and by ships at sea from all sources from which we can collect information. We have open Soviet literature describing the ships and the processes, the program, and so on.

Mr. HARDY. Of course, their literature would only contain what they want the world to know or believe.

Admiral TAYLOR. That is quite true. However, the evidence adduced in addition to what they say themselves supports many of their statements.

Mr. HARDY. Then the only reason you know this is by deduction.

You haven't ever seen it. You don't know what processing facilities they have.

Admiral TAYLOR. We have been aboard some of these ships, Mr. Chairman.

Mr. HARDY. Did you have an opportunity to examine their electronic gear, the same way that you apparently have examined their fish processing?

Admiral TAYLOR. Yes, sir.

Mr. HARDY. So then you do know what their electronic gear consists of.

Admiral TAYLOR. Yes, sir.

Mr. HARDY. And you are not just deducing from the external antenna, and so forth?

Admiral TAYLOR. That is correct, sir.

In the case of the so-called OKEAN-class trawlers and some of the other trawlers, we have been aboard them, seen their electronic gear, and our technicians then are able to deduce from that gear what it is for and what it might be used for. In the case of the electronic configured vessels to which you referred, we have only sightings and photographs of those at sea. A fine example, which I think you have seen, is the *Vega*.

By means of careful analysis of the photographs we can tell what in general that electronic gear is for.

Mr. HARDY. Well, let's get back.

We are in this process of deducing and speculating now. And I gather from your last statement that actually we don't know except by deduction what electronic equipment these ships have, that have these outside antenna and so forth. I gather that that was not one of the ships which you inspected.

Admiral TAYLOR. No, it was not, sir. Those have been inspected externally only.

Mr. HARDY. Well, that is rather disappointing. I don't think your testimony as to knowledge of the kind of electronic equipment they have is very good if it is based entirely on deduction.

Admiral TAYLOR. Actually, sir, you can tell quite a great deal from the size and dimensions of antenna, their shapes, configuration, what they would be useful for.

Mr. HARDY. Could you or anybody flying over the *Enterprise* determine the capability of its radar?

Admiral TAYLOR. Probably, yes, sir.

Mr. HARDY. If you could, you would surprise me.

Admiral TAYLOR. Yes, sir. We could determine——

Mr. HARDY. You and I are going to have a little private conversation about that.

Admiral TAYLOR. This ought to go into executive session.

Mr. HARDY. I am not getting into detail on it, but I just want to know whether it could be done.

Admiral TAYLOR. Yes, sir.

Mr. HARDY. And that is why I wonder the extent to which you can make the determination from just visual observation of the external configuration of these ships.

Admiral TAYLOR. We can, sir, by comparing them to others that we have already observed or acquired and by their dimensions.

Mr. HARDY. Well, I know you can gather some reliable deductions, but I wish that I could feel as complacent about it as you all seem to.

Now, on page 2, you said, "As of today, a dozen or more Soviet trawlers are operating out of Havana."

I don't know what you mean by "operating out of Havana."

Admiral REED. Havana, Mr. Chairman?

Admiral STREAN. Yes, sir.

Admiral REED. Yes, sir.

Our information, Mr. Chairman, is that these trawlers which have been turned over to the Cubans or have been allocated, shall I say, by the Soviets to the Cuban fishing trade, are basing in Havana and going where the fish are to be found. They have fished in the Gulf of Mexico. They have also fished off the Grand Banks, the Georges Bank and the North Atlantic. They number some, more than a dozen.

Mr. HARDY. Well, these vessels would not be the 9,000 series, then?

Admiral REED. They would.

Admiral TAYLOR. Yes, sir.

Mr. HARDY. Well, that doesn't seem to jibe—maybe I misunderstood—but that doesn't seem to jibe with the information that the Coast Guard puts out.

Now, they spoke of a smaller boat that had been assigned to Cuba by the Russians, and I had thought they were distinguishing between that and these 9,000 series, or whatever the name of it is.

Admiral TAYLOR. May I comment on that?

Admiral REED. Yes, sir. Admiral Taylor can answer that, sir.

Admiral TAYLOR. Captain Kitchell gave, from a seaman's eye, I think, a rather accurate description of the 500-ton ocean type, or Okean-class trawler. He described it as somewhere between 130 and 180 feet in length. Actually, it is 167 feet in length. These are refrigerated trawlers. Five of them were given to the Soviets in July of last year—

Admiral REED. To the Cubans.

Admiral TAYLOR. I mean to the Cubans, in July of last year, with promises of more.

A treaty was made at that time and announced on the Cuban radio, in a speech from Mr. Castro and a speech from Mr. Ishkov—I-s-h-k-o-v, Alexander Ishkov, who is the Chairman of the State Fisheries Committee of the Soviet Union. This was intercepted by the FBIS—and I have a full transcript of it—Foreign Broadcast Information Service. I have a full transcript of it here, as I say, in which promise was made to build a base in Cuba to support Cuban need for fish. Castro warned, according to this broadcast, that he would support Russian fishing operations out of Cuba for a period of 10 years.

In ad libbing, he went on to say that he expected it would go on much longer than that.

It was anticipated in this particular discussion as listed by the FBIS, that perhaps as many as 130 trawlers would eventually operate out of this base in Havana Harbor.

As I say, five of the initial vessels were this Okean-class refrigerated medium trawler.

This is the type that Captain Kitchell described.

Mr. GUBSER. Which flag do those five fly?

Admiral TAYLOR. They fly the Soviet flag. They are numbered.

The number that he gave is on our list of those that we know about. It also has a name, the *Tebiya*. This vessel has also been seen in the Gulf of Mexico. It was examined outwardly, at Veracruz, by our representatives when it made a call there for water and supplies.

Mr. HARDY. They weren't invited to take a guided tour?

Admiral TAYLOR. They indeed were not, sir.

Mr. HARDY. Now, if there is a dozen of these things that have been assigned to Cuba or given to Cuba by Russia, this, as you have indicated, then represents only a small fraction of the total number of Soviet trawlers that are operating out of Havana.

Admiral TAYLOR. These five?

Mr. HARDY. Twelve, or whatever it is.

Admiral TAYLOR. It represents what is operating there immediately, Mr. Chairman.

The Coast Guard representative gave a figure of 18 operating out of there.

Mr. HARDY. I thought you said something about ultimately 100 or more.

Admiral TAYLOR. Yes, sir; I did. I said the objective was ultimately 130, some of which would be Cuban manned.

One of the objectives of this particular treaty was to train the Cubans.

If I may, sir, I would like to suggest to you that your record might wish to include excerpts from FBIS Report No. 188 of 1962, dated September 26, 1962, which contains these statements made on the Cuban radio by Mr. Castro and by Mr. Ishkov.

Mr. HARDY. Well, of course, we would be glad to have those. But we would recognize immediately that they probably had a good bit of self-serving material in them and they wouldn't tell us anything factual except what the Soviets and Mr. Castro wanted us to know.

Admiral TAYLOR. That is right.

Mr. HARDY. Now, have there been sightings of vessels in this Russian movement that have been indicated to be other than fishing vessels?

Admiral TAYLOR. In the Cuban area, sir, or generally?

Mr. HARDY. In the Cuban area.

Admiral TAYLOR. One vessel is suspected of being a fisheries research ship. The evidence on this is not clear.

One of the practices of the Russians, as we have observed them over the past 7 or 8 years, since they started building up their trawler fleet, is to send out a fisheries research vessel to the areas where they think there might be lucrative fishing. The fisheries research vessel inspects the area and determines what might be available there in the way of fish and presumably reports back. We see this, for example, in the Georges Bank when there was a particularly good run of herring up there. What we thought was a research vessel went over to make an appearance and examine the area, along with several other of the normally configured trawlers. Subsequently, large numbers of Soviet trawlers appeared on the Georges Bank at the time that the herring run came in.

Mr. HARDY. Might that kind of a vessel be something other than a fishing research vessel?

Admiral TAYLOR. It could, indeed, sir.

Mr. HARDY. Have we spotted any similar vessels in the Caribbean area?

Admiral TAYLOR. No, sir; just one. One of these vessels is in the Caribbean area.

Mr. HARDY. Was that characterized as a fishing research vessel or more of a survey ship, or something like that?

Admiral TAYLOR. As a survey vessel, sir.

Mr. HARDY. So that might just as well have had purposes other than related to fish?

Admiral TAYLOR. Indeed it could, sir.

Mr. HARDY. Now, these trawlers, what are their real capabilities? Do we actually know what their speed is?

Admiral TAYLOR. Yes, sir. We think we have pretty good information on their characteristics.

They are roughly 500 tons. They carry a cargo of fish of something just over 200 tons. Their length is 167 feet. Their beam is 29 feet. The draft at the waterline full load is 12 feet. Their speed, judging from the engines in them and the size of the ship as calculated by our engineers and also contained in their own descriptions of these vessels—some of these were built in East Germany by the way. It is a little easier to get the information there. A speed of 11 knots. A normal crew of about 32. Estimated fuel capacity of around 117 tons. An endurance of around 30 days. And one diesel engine of 540 horsepower.

Mr. HARDY. Now, is that their Okean class, or whatever you call it?

Admiral TAYLOR. Yes, sir, that is the Okean class.

Mr. HARDY. Weren't some of these vessels actually built in England?

Admiral TAYLOR. In England?

Mr. HARDY. Yes.

Admiral TAYLOR. None of these—

Mr. HARDY. Some of them.

Admiral TAYLOR. None of these trawlers, no, sir.

Mr. HARDY. Is Britain building some of their new class of trawlers?

Admiral TAYLOR. Not that I know of.

I would like to refer to Lieutenant Commander Leary who is here. Do you know of any new trawlers being built in England?

He states there have been rumors of a contract, but we have no reliable information.

Mr. HARDY. That is the TROPIC class?

Admiral TAYLOR. The TROPIC class is already operating, sir.

Mr. HARDY. None of them has been built in England?

Admiral TAYLOR. That is a 3,700 ton stern chute type trawler—a big vessel.

Mr. HARDY. Well, on page 74, of "The U.S. Naval Institute Proceedings"—I don't know which part of it—is this quotation:

The Brooke Marine Shipbuilding Co., in Lowestoft, England, took an order for 20 trawlers, the last of which slid down the ways in May 1958.

I wonder what class they are?

Admiral TAYLOR. This is Commander Kassell's article here?

Mr. HARDY. I believe it is.

Admiral TAYLOR. I can't answer that, sir.

I don't believe this contract has ever been fulfilled.

Mr. HARDY. Then he is wrong that he says:

The last of these will slide down the ways in 1958. The total cost to the Soviet Union was between \$16,800,000 and \$19,600,000.

Admiral TAYLOR. To the best of our knowledge he is in error.

(Addressing Commander Leary.) You correct me if I am in error?

To the best of my knowledge that is in error.

I think he may be referring to some other type of building contract. And I will examine that, to see——

Mr. HARDY. This is Kassell's article, and it has the figures. He calls them 20 trawlers.

And he goes on to give the speed. He says a speed in excess of 12 knots.

Admiral TAYLOR. I am unaware of these, sir.

Mr. HARDY. What is the official status of this publication?

Admiral TAYLOR. It is a private publication, sir, for the purpose of publishing articles of naval interest by anyone who wishes to submit them and which are acceptable.

Mr. HARDY. That wouldn't necessarily have any authenticity at all, then. It might be entirely fiction, if somebody wanted to write it and put it in there?

Admiral TAYLOR. It is possible, sir, but I think the editorial board is rather careful about what they print.

I may say that Commander Kassell, a retired Reserve officer, is a rather well-grounded individual in Soviet transportation. But his sources and availability of information for the last few years I think have had to depend entirely upon open sources of doubtful reliability.

Mr. NORBLAD. What year was that published?

Mr. REDDAN. 1960.

Mr. NORBLAD. It was published in 1960. Had he retired then?

Admiral TAYLOR. Yes, indeed; he had.

As a matter of fact, in 1959 he wanted to get a job with us and we had no billet or finances, or funds available to hire him. Otherwise we would have.

Mr. HARDY. Any questions?

Mr. NORBLAD. I have, on a different subject.

One thought occurs to me. On page 3 you state:

There has been no evidence developed to indicate that the trawlers in this traffic are doing anything other than engaging in legitimate fishing operations. * * *

And you recall the Coast Guard's testimony yesterday that they had examined several of these ships, I believe in the Boston area, that came in because of storms or engine difficulty, they had examined them and found no fish aboard whatsoever, and you also boarded one, you say. Were any fish found on that ship?

Admiral TAYLOR. I don't believe that anybody looked in the refrigerated spaces at that time.

Mr. NORBLAD. Well, I am just trying to add up why the constant lack, or why none of these inspections found any fish aboard, and yet where you say you are positive they are legitimate fishing operations.

There must have been fish aboard, I would think.

Admiral TAYLOR. There may have been fish aboard at this time.

Mr. NORBLAD. But you didn't check that out at all?

Admiral TAYLOR. I didn't check out whether or not the fish holds were examined at this time.

Mr. NORBLAD. Do you recall my asking the Coast Guard that question?

Admiral TAYLOR. Yes, sir; I do.

Mr. NORBLAD. They said, "No;" they did not see any fish.

Captain REYNOLDS. Sir, would I be in order if I answered?

Mr. NORBLAD. Go ahead.

Captain REYNOLDS. I checked that when I got back to the office, and there were fish reported on two vessels that were boarded.

Mr. NORBLAD. OK. That had been my understanding yesterday, that you said there had not. Thank you for the correction.

Captain REYNOLDS. I said I didn't know yesterday.

Mr. NORBLAD. I see.

With reference to the research vessels sending back radio messages with regard to fish, I happen to come from a fishing community on the west coast, and that is perfectly common out there with our own American fisheries. Off the Oregon and Washington coasts they do it constantly when the tuna runs in.

Mr. HARDY. Admiral, if I could return a minute to your statement. In connection with what we know about these things, your statement says:

The Navy appreciates that inadequate knowledge of offshore activities of Soviet ships could be a threat to our security.

Well, you are not contending that we have adequate knowledge, are you?

Admiral REED. I say, Mr. Chairman, that we have knowledge consistent with our capabilities.

Mr. HARDY. Well, I noted that you had added that little bit. That is not in your printed statement.

Admiral REED. That is correct, sir.

Mr. HARDY. But you stuck that on, and I have that written down here. Because you said—

to the extent feasible and within our capabilities—

or something like that.

Admiral REED. Ocean surveillance, Mr. Chairman, to have it air-tight, would require forces far in excess of anything that we now have.

Mr. HARDY. Well, I get the impression that you think that our knowledge is adequate. Because then you go ahead and say that in coordination with the Coast Guard, regular and careful surveillance is maintained to the extent feasible.

Admiral REED. Yes.

Mr. HARDY. And within our capability.

Admiral REED. Yes.

Mr. HARDY. But I don't know where that leaves me. We've got a question here as to whether it is adequate. The Coast Guard says they haven't any way of determining what is happening to these ships. There is a frank acknowledgment that they could put saboteurs over the side if they were of a mind to do it.

Admiral REED. I would agree with that, Mr. Chairman, they could. But in the general picture of surveillance of shipping off our coast, we feel that we have adequate knowledge of the general patterns of operations and activities resulting from regular reconnaissance, inter-

change of information between interested agencies, reporting from our own ships—merchant, naval, and aircraft—so that we do maintain a picture of what goes on in the waters near our coast.

Mr. HARDY. By a very limited sampling procedure, looking only at the external characteristics of these ships?

Admiral REED. That is correct, sir. We do not board any ships.

Mr. HARDY. There are several things that are very disturbing to me about this. Is there a capability of these ships to monitor all of our broadcasts?

Admiral REED. If you are referring to the trawlers that are passing through—that we are addressing—passing through the Florida Straits that have been sighted, I would say, Mr. Chairman, they do not have that capability.

Mr. HARDY. They do not have that capability. Their radio capabilities are not such that they could monitor our broadcasts?

Admiral REED. Well, they can of course tune in on our normal commercial broadcasts, as anyone with a radio could.

Mr. HARDY. But they could not tune in on the frequencies that we use in our military communications?

Admiral REED. I don't believe they would have the equipment to do that, Mr. Chairman.

Admiral TAYLOR. I believe that, sir, that their equipment would be too limited to do a professional job of monitoring. The specially configured trawlers could, we believe, do that, but not the——

Mr. HARDY. Let me see. You made a distinction there.

Admiral TAYLOR. I made a distinction—I mentioned the *Vega* earlier. There is a small percentage of all of these trawlers, somewhere I would say in the neighborhood of 1 percent or less as we have observed them, that are configured for electronic intercept.

Mr. HARDY. Well——

Admiral TAYLOR. May I interrupt just a moment, sir?

Mr. HARDY. Sure.

Admiral TAYLOR. Before we go on, I would like to correct a statement I made earlier.

Lieutenant Commander Leary here, who is head of our Merchant Shipping and Fishing Section, reminded me that the British did build 20 Pioneer class trawlers. They are 190-foot type, different from this type we are talking about here.

Mr. HARDY. Well, thank you for correcting that.

Admiral TAYLOR. Yes, sir.

Mr. HARDY. Now the *Vega*, that you have just referred to, what does she have that these other trawlers don't have?

Admiral TAYLOR. Sir?

Mr. HARDY. What does the *Vega* have that these other trawlers don't have.

Admiral TAYLOR. It had a remarkable array of various types of antenna, in sizes and shapes and dimensions of which indicated a capability for a broad range of frequency coverage.

Mr. HARDY. Well, I don't——

Admiral TAYLOR. In addition to that——

Mr. HARDY. I don't know much about these things. But I have a picture of the *Vega* here, in this U.S. Naval Institute proceedings. And I have some pictures here of some of these Russian trawlers that we have been talking about.

Maybe some of you all will have to identify these things for me, because I can't tell much about them. But, by jingo, they really have a whole scad of stuff on them.

Admiral TAYLOR. Yes, sir, they have. And if I could submit for the record a classified statement, I can submit to you a document identifying each one of those.

Mr. HARDY. Well, we may need to do something of that kind. But don't I understand that actually these trawlers do have a capability of electronic interference with some of our missiles.

Admiral REED. None.

Admiral TAYLOR. I think not, sir, not the regularly configured fishing trawlers. There is no evidence of any jamming gear or types of antenna that would be necessary to jam those ultrahigh frequencies.

Mr. HARDY. Are you aware of any—I raised the question yesterday, after Captain Kitchell left, which I should have raised before he left—but are you aware of any interference which these vessels produce on commercial radio?

Admiral TAYLOR. No, sir, I am not.

Mr. HARDY. Are you aware of any problems in connection with these Russian trawlers in the vicinity of Cape Canaveral, at the time of intended launchings?

Admiral TAYLOR. No, sir, I am not.

Admiral REED. No, sir.

Mr. HARDY. Are you aware of the extent to which the equipment on these trawlers may interfere with our electronic devices?

Admiral TAYLOR. As I said earlier, sir, I doubt that on any of these normally configured, as we term them, fishing trawlers, that they are configured—I doubt that they are so configured.

Mr. HARDY. Well——

Admiral TAYLOR. We have seen no——

Mr. HARDY. Is there a question of compatibility of some of our own radar and electronic equipment with our own weapons systems?

Admiral REED. I don't believe I quite follow you, Mr. Chairman.

Mr. HARDY. What is Project Hero?

Admiral REED. Well, that is hazards of electronic radiation to ordnance.

And it is true that with some of the high powers of electromagnetic energy being radiated by some of our shipboard radars that we sometimes have a problem with respect to some of the ordnance characteristics. These are safety problems, and we are getting into a classified area.

Mr. HARDY. And it is an electronics interference relationship, is it not—electronic compatibility?

Admiral REED. Yes, sir.

Admiral TAYLOR. I see your point, Mr. Chairman.

Mr. HARDY. You understand what I was talking about?

Admiral TAYLOR. Yes, sir.

Mr. HARDY. I thought you would have understood it initially.

Admiral TAYLOR. I understand the point of your question. It could well be that they might come up and interfere on frequencies that are used by us, as long as those frequencies are within their capability. But this would be in a very limited range.

Mr. HARDY. Have you had any contact with NASA?

Admiral TAYLOR. Yes, sir.

Mr. HARDY. About this problem?

Admiral TAYLOR. Our Scientific and Technical Intelligence Center has discussed this matter with NASA, yes, sir.

Mr. HARDY. You, I presume, are familiar with this—who was it put out by? I am looking at an article by James N. Payne.

Admiral TAYLOR. Yes, sir.

Mr. HARDY. Which appears in volume 1 of the "Biological Effects of Microwave Radiation."

Are you familiar with that publication?

Admiral TAYLOR. No, sir, I am not.

Mr. HARDY. Well, Mr. Payne has under his name "U.S. Naval Weapons Laboratory, Dahlgren, Va." He is discussing this particular project. This is not a classified document. And among other things, he has this to say:

I think it is safe to say that both ordnance and personnel hazards depend on frequency. Our evidence indicates that for ordnance the hazards are greater in the communications band than in the radar band.

So even if these are communications bands that are involved here, they could rather seriously impinge on the operation of ordnance; is that right?

Admiral TAYLOR. Yes, sir, I think you could make a case for that.

As a matter of fact, NASA, before they make a shoot-down at Canaveral, asks us to provide them any information that we can of vessels in the area that might be making electromagnetic emanations.

Mr. HARDY. Do you have any knowledge that any launchings from Cape Canaveral have actually been delayed because of the proximity of Russian trawlers?

Admiral TAYLOR. No, sir; I don't, sir.

Admiral REED. I haven't; no, sir.

Mr. HARDY. The Navy, then, believes that it has a good evaluation of the capability of these trawlers?

Admiral REED. Yes, sir.

Admiral TAYLOR. Yes, sir; we do.

Mr. HARDY. Maybe a presumption of innocence is a proper presumption normally. But I don't like to make too many presumptions where Russia is concerned.

What do we use to bolster our presumption of innocence of these vessels when we are accepting the idea that their passage so close to our shores is not prejudicial to our own security?

Admiral REED. Mr. Chairman, I would like to answer that, sir.

It would be, of course, a question, as you have said, of interpretation of what is prejudicial to our security. Lacking evidence of any overt act which can be seen and determined as constituting a potential hazard to our security, and by that I refer to such things as stopping, anchoring, hovering, or behaving in a suspicious manner—lacking such evidence, it is our belief that although there is always a potential threat as you have indicated of putting a swimmer overboard or radiating on some sort of electronic equipment—but lacking that evidence, and in the light of the general pattern of ordinary navigation which appears to have been established here, it is our feeling that the advantages to the United States to be gained by respecting the right of innocent passage under these circumstances are greater in the worldwide sense than the advantages which would be obtained by

our abridging this right and stopping and boarding these ships in these particular circumstances that exist at present.

Mr. HARDY. Well, I don't want to get into the merits of that position. I wouldn't want to just leave it at this point. But do we have any indication that Russia would accord us this same—

Admiral REED. Mr. Chairman, the Soviet Union subscribed to the Convention on Territorial Sea and Contiguous Zone and the right of innocent passage in the 1958 Geneva Convention. The Soviet Union has subscribed to that.

We have not recently had any occasion to test their position in this respect. But we might very well have occasion to do so at some time in the future.

Mr. HARDY. There aren't very many places where you could do it very reasonably, are there?

For instance, is there anything, or is there any reason that we might have to be in the Black Sea?

Admiral REED. We have entered the Black Sea, Mr. Chairman, and visited Soviet ports.

Mr. HARDY. But have we cruised within 3 miles of the Russian coastline?

Admiral REED. We have not cruised within 3 miles of the coastline, but when you pass even to visit a port you are exercising this right of passage through territorial waters.

Mr. NORBLAD. You mean our ships have been and docked at Russian ports?

Admiral REED. Yes, sir.

Mr. NORBLAD. What about the Bering Sea, have you ever tried between the Diomedes to go up through there? There is a passage in there.

Admiral REED. I am not sure.

Mr. NORBLAD. The Coast Guard said they went between the American Diomedé and the American mainland going up, rather between the two, the big and little ones, which I assume would be in the territorial waters, the joint territorial waters.

Admiral REED. I am not prepared to say whether we have actually sailed any ships up through there, sir.

Mr. HARDY. Any questions?

Mr. LANKFORD. I would like to address one question to Admiral Taylor, if I may.

You were here I believe yesterday, Admiral, when I believe the Coast Guard testified that a trawler had been brought into Key West by some Cuban refugees?

Admiral TAYLOR. Yes, sir, I was.

Mr. LANKFORD. Was that one of those Okean class?

Admiral TAYLOR. No, sir; it was not. It was a small boat of about 50 feet in length. You are referring to the Omicron 2, I think.

Mr. LANKFORD. Yes.

Admiral TAYLOR. Omicron. And this was a Cuban-built, small fishing craft.

Mr. LANKFORD. Oh, this was a Cuban built craft? I understood from their testimony that it was a Russian-built craft.

Admiral TAYLOR. No, indeed. There were two of them actually, Mr. Lankford, that have been brought into Key West by Cuban refu-

gees. They seized the boats in Cuba and brought them into Key West, seeking asylum.

Mr. LANKFORD. Yes, sir.

Mr. HARDY. I think the Coast Guard did testify to one.

Mr. LANKFORD. I was under the impression that they were Russian-built.

Admiral TAYLOR. No.

I think the Congressman from Florida, from the Key West—the district that includes Key West, made the statement that they were Russian, but with all due respect I think he is mistaken.

Mr. HARDY. I think if you will look back at the testimony, I believe the gentleman will recall the testimony of the Coast Guard was that this was a Russian-built vessel, but one which Russia had given to Cuba.

Mr. LANKFORD. That was my understanding.

Mr. HARDY. I am pretty sure that is the Coast Guard testimony.

Admiral TAYLOR. There are two that I know of—

Mr. NORBLAD. Captain Reynolds can—

Mr. HARDY. Captain Reynolds—

Captain REYNOLDS. I don't have any knowledge on this, sir. Perhaps—

Mr. LANKFORD. We might get the answer from Commander Clizbe.

Commander CLIZBE. I am not sure it was Russian-built or not. I understood it was a Russian design. I don't remember the testimony of the Coast Guard saying it was Russian. I remember Mr. Fascell saying—

Mr. LANKFORD. Nevertheless, they are not the same type?

Admiral TAYLOR. They are not the same type, Mr. Lankford. They are not the big seagoing vessel we are talking about here.

Commander CLIZBE. They have approximately an 8½-ton cargo capacity, compared to, as indicated, over 200—

Admiral TAYLOR. Over a 200-ton capacity for loading.

Mr. LANKFORD. Admiral Reed, I was interested in the procedures used by the Coast Guard when notified of the sighting of the trawler. As far as I could gather, the procedure is that the Coast Guard informs the facility, the Commandant of the 7th Coast Guard District, who in turn sends out messages to certain other governmental agencies, the Navy or a portion of the Navy being one of them.

Admiral REED. Yes, sir.

Mr. LANKFORD. What is the procedure on the Navy's part when it receives a message giving the position of a Russian trawler?

Admiral REED. Mr. Lankford, the sighting reports of ships, Soviet and others, are transmitted to the commander of the Antisubmarine Warfare Force, Atlantic, by standing instructions, and are then by him—

Mr. LANKFORD. Do these have an operational priority, these messages?

Admiral REED. Yes, sir; they are operational and immediate, and then disseminated by Commander ASW Force Atlantic to the Commander in Chief, Atlantic Fleet, as well as interested local area commanders, commander Eastern Sea Frontier, the Chief of Naval Operations, the Coast Guard headquarters, and other interested activities, and then are put into the central system of surveillance which

is automated, which is maintained in computers at Norfolk, so that we have a record of what is sighted, where, when, what direction it is going, and what speed.

Mr. LANKFORD. You keep a plot, then, of these?

Admiral REED. Yes, sir; you could say you could keep a plot there. It is actually a computerized runout, which can be turned out daily, to plot anything you are interested in.

Mr. LANKFORD. Are there any action addresses on these messages?

Admiral REED. Commander ASW Force Atlantic.

Mr. LANKFORD. And what is his procedure, then?

Admiral REED. Well, he maintains a running record of these contact reports received from all sources, passes the information on to as I said, area commanders, the CNO, and others.

Mr. LANKFORD. I am speaking now of the entire Atlantic coast and not just the 7th Coast Guard District.

Admiral REED. I understand it.

Mr. LANKFORD. I am using that simply as an example.

Does the Navy undertake any surveillance of these vessels when they are notified of a sighting?

Admiral REED. Mr. Lankford, to get into detail on this would be more or less classified, but I can say this. The Navy maintains regular patrols in the entire area off the east coast of the United States, on a daily basis.

Mr. LANKFORD. Now—

Admiral REED. Aircraft patrols.

Mr. LANKFORD. Now, have you—well, would you like to comment on the remark—this has interested me. It was made to Mr. Rogers of Florida, on his inquiry of the Navy, that “the Navy is not upset about it, why should you be?”

Admiral REED. My only comment on that, sir, is that it is extremely distressing to me to hear that, and I would be very happy to know the identity of the person who made that rejoinder.

Mr. LANKFORD. I trust, then, that this is not a Navy policy.

Admiral REED. You are absolutely right.

Mr. LANKFORD. In assuring a Member of Congress. I would hope not.

Has there been a buildup of the trawler activities on the Georges Bank, the Grand Banks, and the fishing areas?

Admiral REED. I think Admiral Taylor can probably answer that better than I. I think it fluctuates in the various seasons of the year.

Admiral TAYLOR. Yes.

Admiral REED. But I don't believe there has been a significant buildup.

Mr. LANKFORD. The reason I am asking this, Admiral Taylor, is because I am interested in the fact that these sightings off the coast started roughly January 2 of this year, and prior to that, from all I can gather, there had been practically none.

Well, this is some time after the speech which you referred to, of 6 months or more afterward?

Admiral TAYLOR. Yes, sir. There has been a buildup. They follow the fish, Mr. Lankford, and as the fish run up, the word gets around and trawlers go up to make the catch. This is what we presume that they are doing. There has been a steady buildup of the Soviet trawler force over the past 6 or 7 years.

About, somewhere around 40 percent of the Soviet diet is fish protein products. They made a plan, around 1956, to increase their then catch of about 1.5 million tons per year to 5 million tons per year. And they started building ships, trawler type, big refrigerator ships, refrigerator factory ships, and so on, to do this.

They are appearing in ever-increasing numbers on all of the major fishing banks, following the fish.

Mr. NORBLAD. They are showing up in the North Pacific, too, aren't they?

Admiral TAYLOR. Yes, sir. They are showing off the Walvis Ridge—off the west coast of Africa, and wherever they can get information that there is lucrative fishing.

Mr. LANKFORD. Well, how does this tie in with the trawler traffic to Cuba?

Admiral TAYLOR. I—

Mr. LANKFORD. Particularly after this lapse of time.

I can understand their buildup of the trawler fleet and their taking it back to Russia. But I am interested in this buildup of the north-south traffic.

Admiral TAYLOR. Let me illustrate that, if I may, sir?

I have here a document, which I will submit to the committee, which shows the concentration of the world's fishing resources within 2,000 miles of Cuba. And in the Atlantic alone it shows something around 14 percent. If you add 7.4 percent over here in the Pacific side, roughly 21 percent of the world's fishing resources are within 2,000 miles of Cuba.

This makes it a practical matter for the Russians to attempt to base their fishing operations out of Cuba to tap this market, rather than the long, hard run over extremely rough waters back to their own coasts along the Murmansk area, Archangel and that area.

The committee might be interested in this document.

Mr. LANKFORD. Then I gather from this, Admiral, that you feel that these trawlers are taking fish to Cuba to be processed and then sent back to Russia by larger ships?

Admiral TAYLOR. Yes, sir. What I feel actually is happening is, and the evidence that we have indicates that what is happening is, that the catches of the trawlers are either brought back into Cuba and processed there for Cuban use, or to the extent that the Cubans don't require it transferred to larger refrigerator factory ships at sea and taken back to Russia.

In that connection—again we are referring to what it is that people like Castro and Ishkov have said, but with the committee's indulgence, I would like to read from this—

Mr. HARDY. The only problem about that, Admiral, is this—if Mr. Lankford will let me get in this little one point—I get the impression this is pure conjecture. You haven't a thing in the world to back this up, other than what Castro said.

Admiral TAYLOR. No.

Mr. HARDY. If you have, I think we would be particularly glad to get what evidence you have that they are actually offloading these fish from the trawlers onto the reefer ships at sea and sending them back to Russia.

Admiral TAYLOR. We have had photographic evidence of this from our aircraft actually surveilling the fishing operations in the banks.

We have had extremely reliable reporting from Cuba of the unloading of fish in the newly built fishing port in Havana for processing there.

Mr. LANKFORD. Well, do you have any evidence of transfer of the catch at sea?

Admiral TAYLOR. Yes, sir; we do.

Mr. HARDY. Photographic evidence?

Admiral TAYLOR. I think I can produce photographs of it. Our aircraft has observed these things.

Mr. HARDY. You have aerial observation?

Admiral TAYLOR. Yes, sir.

Mr. LANKFORD. Well, I asked the Coast Guard this question, too. Is there any—can you tell by the way the ships are riding, these trawlers are riding on their north- and south-bound passages, whether they are laden or not?

Admiral TAYLOR. We can tell whether they are laden.

But their observations of them on the northbound passage, as the Coast Guard people testified, are sporadic.

And offhand I can't tell you the degree to which we can say they were laden or unladen going north.

Mr. LANKFORD. They have been fishing prior to January.

Were there Russian trawlers in numbers on the fishing banks?

Admiral TAYLOR. Yes, sir.

Mr. LANKFORD. But it was in January that they started going to Cuba. Prior to this, were they making that long haul back?

Admiral TAYLOR. Yes, sir; they were.

Mr. LANKFORD. Has the number increased appreciably just prior to January 22?

Admiral TAYLOR. The number of—

Mr. LANKFORD. The number of Russian trawlers fishing on the banks?

Admiral TAYLOR. Offhand I could not answer that. Do you happen to know?

Commander LEARY. No, sir.

Admiral TAYLOR. I am afraid I can't answer that offhand.

Mr. LANKFORD. Well, how about this fishing port in Cuba—Havana, then? Was this completed in January? I am trying to establish—

Admiral TAYLOR. No.

Mr. LANKFORD. You see what I am getting at? I am trying to establish why this sudden start of traffic in January.

Admiral TAYLOR. The fishing port, from the reports we get out of Cuba, and from various sources, is not yet completed. It is still under construction.

According to, again, the Russian statement, it was not to be completed until 1965. He promised in a television interview in Havana, which was intercepted by our people, that it would be finished by the end of 1963. The reports we get from Cuba is that it is well advanced. From the initial five trawlers that were provided to the Cubans in July of last year, the number moved up to a total of 20 at one time.

The Coast Guard mentioned the figure 18. The figure that we figure is operating out of there now is 15. Some of them have gone back to the Soviet Union.

One of the objectives of this arrangement was to train the Cubans to fish. Our information also indicates that aboard these trawlers there are anywhere from 8 to 10 Cuban trainees.

The reason for starting these things in January I could only speculate about, sir. And that is (a) fish availability on the banks, and (b), availability of trawlers in Cuba.

Now as you will remember, we had a pretty close surveillance of all traffic going in and out of Cuba starting last fall, and the situation was rather tense. This may have had some influence on it. I am speculating now. This is not a very satisfactory answer, but it is the best I can give you, sir.

Mr. LANKFORD. I have no further questions, Mr. Chairman.

Mr. HARDY. I think we will try to finish here very quickly. But if you have some questions, I will get back to you in just one minute, Mr. Pike.

Mr. LANKFORD. May I ask one question for Mr. Rogers?

Mr. HARDY. Surely.

Mr. LANKFORD. Another one of the questions he asked me to ask the Navy is this:

Do any of these trawlers, particularly not in the pictures furnished the committee, which—I don't know whether you are familiar with them or not—appear to be submarine tenders? And I imagine he would want added on there "or have capabilities of being submarine tenders"?

Admiral REED. Our answer to that would be "No," Mr. Lankford. We do not think they appear to be or have any such capability.

Mr. LANKFORD. Thank you.

Mr. HARDY. I recognize that the discussion that we are having here in open session presents some problems to a complete discussion. But in view of the statements made in the classified submission which we had, I find a little problem in accepting as adequate some of the expressions we have had here. And maybe we will have to, in order to have a better understanding of the total capability and the reasons for this Russian operation, perhaps we will have to supplement this by some executive session testimony.

But the objectives of the Russian fleet, Russian trawlers in Cuba, are obviously not limited to purely fishing activity. At least I don't believe any of us are sanguine enough to believe that the Russians would not use them for something else.

So that gets us down to a question of the capability of these ships, these trawlers—the electronic capability, the capability of transporting munitions, missiles, or what have you, the capability of using them as launch platforms, who knows.

But there are certainly aspects of their capabilities that it seems to me we can't ignore in considering whether this passage so close to our coast is prejudicial to our own security, and if we are dropping our alertness at all, why I would be very much concerned about this. Because the possibilities of what they could do bother me considerably.

And this electronics interference thing: I don't get the notion that that is as minimal as you folks seem to suggest. Otherwise, I don't know why we would be engaged in such things as Project Hero. Because that is very definitely tied to the question of compatibility of electronic equipment with our weapons systems. Isn't that right?

Admiral REED. Yes, Mr. Chairman.

If I might remark on that? If indeed we had any indication that any type of Soviet ship within our territorial waters was radiating in such a way as to interfere with any of our weapons systems, this would certainly be immediate cause for apprehension, or boarding. This is not innocent passage.

Mr. HARDY. Well, Admiral—

Admiral REED. We have not to this date detected any such activity on the part of these ships. But were such detected and fixed as to the source of the emanation and its location, I think we would take action immediately, even if it were outside of our territorial waters.

Mr. HARDY. And have you consulted with NASA about that aspect of this matter?

Admiral REED. I have not myself, sir.

I am not aware of direct interference emanating from these ships in this traffic.

Mr. HARDY. Are you aware of the capability for direct interference?

Admiral REED. No, sir.

Mr. HARDY. Admiral Taylor was testifying that they didn't have.

Admiral REED. It is a possibility.

Mr. HARDY. But I hope you are accurate, Admiral. I have my fingers crossed about that. I am not at all sure you know what you are talking about.

Admiral TAYLOR. Let me put it this way, sir, if I may. I don't think they have a design capability for this purpose.

Mr. HARDY. Well, let's not talk about design. I am more interested in practical capability than I am on what they show on the outside.

Admiral TAYLOR. Well, I don't believe that from their configurations, their communication equipment is intended for other than communications.

It is like a man owning a shotgun and out with his bird dogs. As long as he is out with his bird dogs and engaged in the innocent pastime of shooting birds, one would never suspect him of misuse of that shotgun, but if he walks into a bank with it, you would.

Mr. HARDY. Admiral, you have some communications stations located in my district. You acquired an awful lot of land around those communications stations to safeguard against any possible electronic interference. Now, that was electronic interference, or electrical interference. As a matter of fact you even went to the extreme of putting suppressors on farm tractors.

Now I have reason to believe that radio communications of taxicabs in the Cape Canaveral area have presented some problems down there.

Admiral TAYLOR. Yes.

Mr. HARDY. Now if they have the capability of presenting a problem to Cape Canaveral, what would all of this electronic gear on a Russian trawler off the coast present?

Admiral TAYLOR. I would say it also has such a capability. It has essential capability, there is no doubt of it.

Mr. HARDY. That is a little bit different, I think, from the kind of impression you left me with earlier.

Admiral TAYLOR. Well, I didn't mean to leave a false impression, Mr. Chairman. I was trying to distinguish between that which would be deliberate and that which is inadvertent.

Mr. HARDY. Mr. Pike, do you have any questions?

Mr. PIKE. Yes, sir.

You say you haven't detected any such activity of jamming or electronic interference?

Admiral REED. That is right.

Mr. PIKE. Can you in an open session tell me whether you have suspected such activity?

Admiral REED. We have not, sir.

Mr. PIKE. Let's assume that they have this capability of jamming communications or of interfering with electronic guidance systems. We couldn't do a darn thing about it anyway if they moved outside of the 3-mile limit, could we?

Admiral TAYLOR. [Nods affirmatively.]

Admiral REED. I am not quite positive. I would like to refer that to Captain McDevitt.

Captain McDEVITT. If it is anything that would affect our national defense, if it is actually inimical to our national security in our activity at the time. Now I would think interference could be inimical in some of our operations; yes. You can justify it as a defensive action.

Mr. PIKE. Now you say to me—the Coast Guard was in here yesterday and they were talking about this, what their authority was. And they set forth certain categories in which they can act within the territorial waters of the United States of America. Then they can only act in the contiguous zone against a vessel that is suspected of having violated the customs laws.

Now you are telling me now that regardless of whether this is in international waters or not, the Navy feels that it has the right to move in on any vessel which it thinks is using a jamming technique?

Captain McDEVITT. No. I would say the key is, any vessel which is committing a hostile act.

Mr. PIKE. And you would interpret——

Captain McDEVITT. Every nation is entitled to a reasonable use of the high seas. The use becomes unreasonable if its act is hostile to the integrity or security of a nation.

Mr. PIKE. And you would interpret any radio interference as hostile to the security of the Nation?

Admiral REED. I don't believe we could make that statement.

Captain McDEVITT. No.

Admiral REED. At this time, Mr. Pike.

Mr. PIKE. All right.

Mr. GUBSER. How about between 3 and 12 miles, is there any difference?

Mr. PIKE. There is——

Admiral REED. Twelve miles as I understand is only the contiguous zone for customs purposes. It is the high seas for all other purposes.

Mr. PIKE. As far as the Navy is concerned it is the high seas because you are not involved with the customs aspects of it.

Admiral REED. Yes.

Mr. PIKE. Let me ask you this, Admiral Taylor. You were talking about the 14 percent of the fisheries being located within such-and-such many miles of Cuba, and then another 7 or 8 percent in the Pacific. And therefore Cuba is a reasonable base to operate from. How do they get from the Atlantic to the Pacific?

Admiral TAYLOR. They would have to transit the Panama Canal.

Mr. PIKE. This is what I was leading up to. Do they transit the Panama Canal?

Admiral TAYLOR. Not yet.

Mr. PIKE. Suppose they try?

Admiral TAYLOR. They are entitled to use it as far as I know.

Admiral REED. They are entitled to it—

Mr. PIKE. And we are going—all right, you have answered my question.

Admiral REED. They pay the toll charges.

Mr. PIKE. And your feeling would be that this too would be innocent passage?

Admiral REED. Yes, sir.

Mr. PIKE. Are Soviet ships using the Panama Canal at the present time?

Admiral REED. They do; yes, sir.

Admiral TAYLOR. Yes, sir.

Mr. PIKE. I want to go to your statement on page 3, the first full paragraph.

The Navy appreciates that inadequate knowledge of the offshore activities of Soviet ships could be a threat to our security.

I suspect this is one of the sentences that the State Department may not have been very happy with.

Admiral REED. That is not correct, sir.

Mr. GUBSER. What did he say?

Admiral REED. That is not one of them, sir.

Mr. PIKE. Well, I am surprised. But I am not only surprised, I am delighted.

In other words, your conclusion is that we do have adequate knowledge of the offshore activities of these ships?

Admiral REED. Yes, sir; it is essential. That is our conclusion.

As I have indicated, the patrols and the surveillance which we conduct on a regular basis gives us what we consider to be adequate knowledge of the general activities.

Mr. PIKE. That is all I have, Mr. Chairman.

Mr. GUBSER. May I ask—

Mr. HARDY. Go ahead.

Mr. GUBSER. Admiral, do all wrecks appear on internationally published charts?

Admiral REED. I believe all that our Oceanographic Office has knowledge of, Mr. Gubser, would be placed there.

Mr. GUBSER. Now, the civilian charter boat captain indicated yesterday, or at least I interpreted his testimony to mean that there were a lot of wrecks which weren't on the charts. Is that possible?

Admiral REED. It might be possible in the case of small craft that had gone down for one reason or another. I doubt very much there would be any major oceangoing wrecks that were not identified.

Mr. GUBSER. Assume, and this is an assumption, that there were wrecks which could harbor a submerged submarine and keep it from being detected by normal electronic means, would you consider the charting of previously uncharted wrecks to be an activity that would violate the doctrine of innocent passage?

Admiral REED. Well, sir, in the first place there are pretty practical considerations that would operate against this type of activity.

To chart wrecks would require considerable hovering and loitering, sounding in the area. This in itself would be suspicious and a cause for action that the vessel concerned was not indeed in innocent passage. As has been testified, as long as they keep moving, it is not possible for them to chart wrecks.

Mr. GUBSER. Didn't someone testify yesterday, Mr. Chairman, that one of these was proceeding 3 to 4 knots?

Admiral REED. It was my recollection that he spoke in terms of 8 knots.

Mr. PIKE. Eight.

Admiral REED. Captain Kitchell.

Mr. GUBSER. Charting would be impossible at that speed?

Admiral REED. I believe it would; yes, sir.

Mr. GUBSER. That answers my question.

Admiral REED. If it is going along taking soundings as it goes along, he is not doing any kind of mapping that would be of any use at all.

Mr. HARDY. Well, I think that the captain, Captain Kitchell, yesterday indicated that his soundings would indicate wrecks on the bottom when he was traveling at trolling speed. I don't know exactly what that is.

Admiral REED. It is probably about 3 knots.

Admiral TAYLOR. That is about it.

Mr. HARDY. Now, do these trawlers have a capability of interference or interfering with the guidance of our missiles or rockets?

Admiral REED. We don't believe that they are so equipped, Mr. Chairman.

Mr. HARDY. You don't think so?

Admiral REED. No, sir.

Mr. HARDY. Do they have a capability of monitoring the electronic impulse?

Admiral REED. I believe that these particular ones that we are discussing in this fishing trade and the ones which have been identified and spoken to here do not have this capability. It is possible that some—

Mr. HARDY. You hope that is not wishful thinking?

Admiral REED. It is possible that some of those which are specially configured for electronics work might have this monitoring capability.

Mr. HARDY. Don't they all have considerable configuration that would support electronic equipment?

Admiral REED. As Admiral Taylor indicated a while ago and is our belief, sir, the electronic equipment on these particular ones in the Cuba-Havana trade is for communication and navigational purposes.

Mr. HARDY. Well, all right. I am ready to drop that one.

Now I have one more, to wind up here, to get back to the comment that was made when the Coast Guard was testifying, Admiral.

I would like to understand what has been the participation of the Navy in the policy decision with respect to the action which the Coast Guard will take?

Admiral REED. I don't believe I can answer that from my own knowledge.

Captain McDEVITT. I can.

Admiral REED. But Captain McDevitt can.

Captain McDEVITT. I think when Captain Reynolds indicated that the Navy had not been checked on this thing, he had reason to believe he was on fairly sound ground because the Coast Guard has a liaison officer over in the Office of the Chief of Naval Operations, Commander, and I think now recently Captain, Carkeek. On all of these policy problems, like this, he works in liaison between the Chief of Naval Operations and the Office of the Judge Advocate General, and even the DOD level in the policymaking business, and did coordinate the State Department policy from which you read, contained in the unclassified letter that State sent to Admiral Roland.

That policy was definitely coordinated with all of the interested offices in the Navy, operations, and legal, and in Defense.

Mr. HARDY. Now, that is the letter which the State Department wrote to the Coast Guard back in April of 1962?

Captain McDEVITT. No, sir.

Admiral REED. That was January 1963, was it, the State Department letter to the Coast Guard?

Mr. HARDY. Well, I don't think we are talking about the same thing.

Captain McDEVITT. The only one I am referring to is January 26, 1963.

Mr. HARDY. Oh, January of 1963. The April letter was from the Coast Guard to the Department of State.

Captain McDEVITT. Yes, sir.

Admiral REED. Yes, sir.

Mr. HARDY. Now, then, the committee can understand that the Navy did participate with the Coast Guard and the Department of State in preparing the letter which went back to Admiral Roland?

Captain McDEVITT. No. There were conferences held at which the Coast Guard letter of April to the Department of State was considered. It was the subject of the various conferences.

And I might point out that the Department of the Interior was also represented, because the fisheries problem was involved here. And the Coast Guard in their letter proposed what they thought the policy should be. And you will note that this letter says "It will be evident from the foregoing that the Department of State is in general agreement with the policy recommended by the Coast Guard in its April letter."

So that the specific matter that we discussed when we held the conference was the Coast Guard's proposed policy, which was then approved by everybody.

Mr. HARDY. All right. Now, who participated in those conferences, Captain?

Captain McDEVITT. Well, Mr. Taylor, the Special Assistant for Fisheries and Wildlife of State, and representatives of the Department of Interior, that is the Fisheries and Wildlife Section of Interior were there.

I can't name all these individuals although I can furnish you with the names because my file has the names.

Mr. Yingling of the State Department was there. Captain Reynolds, (addressing associate) it must have been your predecessor, of the Coast Guard.

(Captain Reynolds indicated affirmative.)

Captain McDEVITT. These names I can give you, Mr. Chairman.

Mr. HARDY. All right. Now maybe you can tell me, then, why it took 8 months to answer that letter.

Captain McDEVITT. No; I can't tell you.

Mr. HARDY. Here is a request for a policy statement that comes from the Coast Guard to the Department of State in April of 1962, and is not answered until 8 months later, in January of 1963.

So you don't know the answer to that?

Captain McDEVITT. No. I think Mr. Yingling would be the best source.

Mr. HARDY. He will have an opportunity to do that.

Now, when the Coast Guard was testifying about this particular matter, it was stated that the Coast Guard, following receipt of this letter in January, proceeded to issue implementing instructions. And they checked those with the Department of State. Now that is what I thought he was talking about, when he was talking about getting approval of the Department of State.

Captain McDEVITT. But he did not confer with the Navy on that instruction.

To my knowledge—I can say that my office did not see this particular Coast Guard policy instruction prior to its issuance. Now whether someone else in the Navy did, I can't say.

Captain Ost, can you indicate whether your office did see it? The Coast Guard instruction of June 1963?

Captain Ost. I am not certain whether anyone in operations saw it or not.

Captain McDEVITT. Again, I can check this out and see, sir.

Mr. HARDY. That is all right. I am just concerned here to see who is calling the shots.

Captain McDEVITT. Yes, sir.

Mr. HARDY. Apparently the State Department is calling all the shots, because the Navy was not even consulted by the Coast Guard. They did call State.

Now we get back into another situation where the Coast Guard calls State to get the clearance on the statement that they made to this committee.

Captain McDEVITT. Well, I can make a comment on this, which I think—I am sure you probably may already know this, Mr. Chairman. But the State Department is charged with the primary responsibility for the conduct of the foreign relations of the United States.

Mr. HARDY. I think I have heard that somewhere before, Captain.

Captain McDEVITT. Yes. Therefore, we, as a matter of practice, coordinate all these things with them, these policy statements, when it comes to a matter of international law, because it affects our relations worldwide.

Mr. HARDY. Well, I think this is a good place to quit. Anything further?

(No response.)

Mr. HARDY. Now, off the record just a minute.

(Discussion off the record.)

Mr. HARDY. I see Mr. Leahy of the State Department is here.

(Further discussion off the record.)

Mr. HARDY. That being the case, let the committee stand adjourned to reconvene at 3:45.

Admiral REED. Mr. Chairman, will you wish us to come back?

Mr. HARDY. We are all through with you. Thank you very much, Admiral. We appreciate the helpfulness of you and your cohorts. (Whereupon, at 1 p.m., the committee was adjourned.)

AFTERNOON SESSION

Mr. HARDY. Let the committee come to order.

Mr. Secretary, I want to express my appreciation for your coming over to visit with us on this matter. I didn't want to create any more problems for you than was necessary, and I hope that our scheduling of you this afternoon didn't mess up your other appointments because Mr. Leahy indicated earlier today that you had canceled an appointment this morning in order to be here. I am awfully sorry about that, because we tried to make it clear yesterday that we wouldn't get to you until this afternoon.

Mr. JOHNSON. I appreciate your making it this afternoon, Mr. Chairman. There is no problem. I am very glad to be here.

Mr. HARDY. I hope that it didn't inconvenience you by causing you to break an engagement with the Ambassador this morning, as Mr. Leahy indicated earlier today. I would feel very badly if we had done that.

STATEMENT OF HON. U. ALEXIS JOHNSON, DEPUTY UNDER SECRETARY FOR POLITICAL AFFAIRS, ACCOMPANIED BY RAYMUND T. YINGLING, ASSISTANT LEGAL ADVISER FOR SPECIAL FUNCTION PROBLEMS, DEPARTMENT OF STATE

Mr. JOHNSON. It has worked out perfectly all right. I appreciate your courtesy.

Mr. HARDY. Again, let me express appreciation for your coming over.

Now, I suppose that some of your people have probably indicated to you the matter of the committee's interest in connection with the Russian trawlers operating off Florida.

Mr. JOHNSON. Yes.

Mr. HARDY. I take it you do not have a prepared statement?

Mr. JOHNSON. I do not, Mr. Chairman. I have read the statements of Admiral Reed and Captain Reynolds of the Coast Guard, and in general those covered the facts insofar as I know them, and they seem to be fairly complete.

I have no prepared statement of my own. I am here to answer any questions, and be of any help I can.

Mr. HARDY. Thank you very much. I wonder if you would be good enough to outline for the committee just what is the policy of the Department of State in connection with these trawlers? Just what action the Department takes with respect to reported trawler encroachments in the Florida waters, in our coastal waters, and if we could find out

just what the Department of State does in this matter I think it would be very helpful. It has been a little confusing to us.

Mr. JOHNSON. Well, first, as far as the policy is concerned, of course this is primarily embodied in our laws and treaties, and in general we look to the law enforcement agencies, of course, to carry these out in accordance with our laws and treaties.

As far as these particular trawlers or any other incidents occurring in our territorial waters, or on the high seas, for that matter, involving any other country, we would expect that the appropriate agency in the case of these trawlers in this area, this being the Coast Guard, we would expect the appropriate agency to carry out its duties as far as law enforcement is concerned, and to inform us of what they are doing so that we would be in a position to handle protests or make protests of our own vis-a-vis the foreign government, no matter what foreign government might be involved.

If one of these trawlers was engaged in an activity that in the judgment of the Coast Guard was illegal, we would expect the Coast Guard to take whatever action it should take under the law, and at the same time informing us, and in the light of the information they give us we would be prepared to take this up with the foreign government concerned.

Thus far, there has not been any occasion of this kind called to our attention.

Mr. HARDY. Well, in trying to get together some data on this general subject before we began the hearing, I got the impression from your office that this was a matter that you sat right on top of and some of it may have come from Mr. Rogers—I am not sure—but that any decision with respect to an action concerning one of these vessels supposedly in innocent passage would be referred to you before anybody could act on it. Is that right?

Mr. JOHNSON. I don't believe those are the instructions of the Coast Guard. They take whatever action is required by the circumstances and report it to us as to what they are doing.

Mr. HARDY. How do they report it to you, if we could explore that a little bit?

Mr. JOHNSON. The normal channel or physical channel of reporting is to our Operations Center in the State Department, which is our Communications Operations Center, as it implies, which is a 7-day-a-week, 24-hour-a-day affair. In turn, the Operations Center would inform the desk officer of whatever country was involved, and if it appeared to be an incident of some gravity they would also inform me.

Mr. HARDY. In your Operations Center, does it stay in intimate contact almost continuously with the Coast Guard on these things?

Mr. JOHNSON. Yes.

Mr. HARDY. Maybe they do more than I realize. I am just trying to understand.

Mr. JOHNSON. Yes, in the sense that the Coast Guard, if there is an incident or a question involving the State Department in any way, the Coast Guard will immediately phone to our Operations Center as well as to Flag Plot in the Navy.

Our Operations Center has a direct line to Flag Plot in the Navy and they also have their connections with the Coast Guard, and the communications are there, and the Operations Center, in turn, makes

this immediately available to whoever the appropriate officer in the Department would be.

Mr. HARDY. Let us take a case. Here is a Russian trawler sighted by a fishing vessel. It notifies the Coast Guard. The Coast Guard sends a boat out to check on it. It keeps that Russian trawler under surveillance for a while if it catches up with it. I don't know whether presumably there have been occasions where there have been some violations of the right of innocent passage—I am not sure—but suppose there were, and suppose the Coast Guard decided to board that vessel. Would it have to come back to your operations office before it could do it?

Mr. JOHNSON. It would not. If the Coast Guard had grounds for feeling that United States law was being violated, the Coast Guard does not have to ask the authority of the State Department to enforce the law.

Mr. HARDY. A whole lot could happen while they are getting through all of this chain of command and finally getting to the State Department.

Mr. JOHNSON. Certainly.

Let me state a case in which they do normally consult with us before acting, and that is when a vessel, a Soviet vessel, as has happened in these cases, asks for shelter under stress of weather, or because of mechanical damage, or things of this kind. Normally, their procedure is to consult with Treasury, and in turn with the State Department, as to whether or not refuge should be granted, that is permission to enter territorial waters for refuge. This is a different thing from the innocent passage.

Mr. HARDY. That is not the thing we are talking about at the moment.

What is the normal routine so far as the Department of State is concerned with respect to notice that a Russian trawler is within our territorial waters? Is the State Department concerned with that at all under normal circumstances?

Mr. JOHNSON. Normal circumstances, no, if it is proceeding in innocent passage in the normal way, with no indication of anything out of line, the State Department isn't concerned.

Mr. HARDY. The impression I got is that your operations office knew where every one of these boats were, that they kept track of them; that is an erroneous impression, isn't it?

Mr. JOHNSON. Yes, I would say that would not be correct. We look to the Navy and the Coast Guard for that type of operation and control, in turn calling to our attention anything they think should be called to our attention, but we do not have in our Operations Center a plot board which plots the locations of all of these vessels.

Mr. HARDY. Who is the gentleman you have with you?

Mr. JOHNSON. Mr. Raymond Yingling of the legal office.

Mr. HARDY. He is in the operations office?

Mr. JOHNSON. No, he is in the legal advisers' office.

Mr. HARDY. He is the legal expert that the Coast Guard and Navy were referring to this morning?

Mr. JOHNSON. Yes, he probably is.

Mr. HARDY. Mr. Yingling, I take it, then, doesn't have any direct control over this operations office, or does he?

Mr. JOHNSON. No, he does not. He is legal adviser in the Department.

Mr. HARDY. Sometimes the legal advisers take the liberty of running everything, just like the Supreme Court is doing. They want to run everything.

Mr. JOHNSON. Mr. Yingling is not in the habit of doing that.

Mr. HARDY. I hope that is the case.

We found out today that he took the liberty of calling an admiral in the Navy, in the Chief of Naval Operations Office, and told him to read his statement to him before he could present it to this committee.

Mr. JOHNSON. I don't think so.

Mr. HARDY. That is the very definite impression I got.

Mr. YINGLING. That isn't so, Mr. Chairman. I went to a meeting at the Department of Defense at which the Navy and Coast Guard were represented, on instructions from Mr. Johnson here.

Mr. HARDY. Will you give us the date of that meeting?

Mr. YINGLING. Monday morning, at 10 o'clock—this past Monday morning.

Mr. HARDY. Will you identify the people there?

Mr. YINGLING. I don't think I can do that. Most of the people who have been before this committee were the people who were there. Admiral Stephens and Captain Reynolds, Coast Guard, and some other officers, Admiral Reed from the Navy, and several other admirals.

Mr. HARDY. Admiral Reed testified this morning. You better read his testimony. He didn't even know who you were when you called and said you wanted to clear his statement before he testified.

Mr. YINGLING. I don't know why because I was sitting right at the table closer to him than I am to you now.

Mr. HARDY. You don't make as much impression on him as you are making on me.

Mr. LANKFORD. Mr. Chairman, I think in all fairness you may have overlooked Captain Ost's testimony. I think he testified he had introduced Mr. Yingling to Admiral Reed, Monday morning, as I recall.

Mr. HARDY. I missed that part of it, but that introduction didn't make much of an impression on Admiral Reed.

Mr. YINGLING. I went after the meeting had begun at Mr. Johnson's instructions.

Mr. NORBLAD. Where did Mr. Johnson get in the act?

Mr. YINGLING. I think we were all summoned to come before this committee.

Mr. HARDY. That bothers me a little.

Mr. Johnson, will you tell me what instructions you issued, and when you issued them for this meeting?

Mr. JOHNSON. Yes. I can't remember the date. It must have been on Monday, though.

Mr. YINGLING. Friday, probably.

Mr. JOHNSON. I am trying to think.

Mr. HARDY. The reason I asked the question is because Mr. Wexler called us Tuesday and said you didn't know about the hearing, that my letter to Secretary Rusk hadn't come through to you.

Mr. JOHNSON. That is correct. I had word—I was trying to recall how the word got to me—I had word from the Coast Guard that this committee called for hearing on this subject, and the Coast Guard

informed me they were having—yes, it was a direct call from the Coast Guard. I am sorry I can't remember the date. I am inclined to think it was, but I am not sure.

Mr. PIKE. When?

Mr. JOHNSON. I think this must have been Friday.

Mr. NORBLAD. You didn't bring any of your files with you at all?

Mr. JOHNSON. No, I didn't. As a matter of fact, a call like this I wouldn't keep any record on it. It was that this committee called for hearings on this, and that they were having a meeting at the Coast Guard with respect to these hearings.

I had up to that time not received the letter from the committee inviting the State Department to participate in his and they asked me if we would like to participate, and I indicated I would, and asked Mr. Yingling, who is our legal expert on this, to participate in the meeting with them at the Coast Guard headquarters, which under my instructions Mr. Yingling did.

Mr. HARDY. I am glad to get clear as to how this came about because I was under some confusion this morning.

Then it is your testimony that this conference was initiated apparently by the Coast Guard?

Mr. JOHNSON. Yes.

Mr. HARDY. That conference was held on Monday, and then it was following that that Mr. Yingling took it on himself to advise the Navy what they should or should not say to the committee?

Mr. JOHNSON. I will let Mr. Yingling speak to that.

Mr. YINGLING. I went to this meeting at Mr. Johnson's direction to be of what help I could in the preparation of whatever testimony the Navy and Coast Guard were going to give because obviously they were going to be dealing with questions of international law, like the right of innocent passage, and it was thought I might be able to be of some assistance. I hope I was. Maybe I wasn't. But that was my purpose in being there. I think it was a perfectly legitimate purpose, and I was not there on my own initiative or giving any directions to anybody, but I did say after the meeting, and after these things had been discussed in general terms, that I would like to see the statement that both the Coast Guard and the Navy was going to make, because they had statements in them about international law, particularly about innocent passage, and I would like to see those statements.

Mr. HARDY. Well, I begin to understand a little bit now, because the Coast Guard witness testified that he called you for clearance on the statement.

Mr. YINGLING. That is right, he did.

Mr. HARDY. The Navy testimony was that you called Admiral Reed.

Mr. YINGLING. I did not call Admiral Reed. I said at the meeting I would like to see a copy of their statement, and later some junior officers called me and said they would send me a copy of the statement, which they did in draft, and later they sent a copy of the final statement which I take it they made here today.

Mr. LANKFORD. You didn't talk with Admiral Reed at all?

Mr. YINGLING. Not to my knowledge, except in this meeting which was a meeting around the table with probably a dozen or more people, and I don't recall talking to him directly unless I was addressing him as chairman of the meeting.

Mr. LANKFORD. Admiral Reed's testimony was you telephoned and suggested the deletion of two sentences.

Mr. YINGLING. No, I sent the draft over and I suggested a deletion of two sentences on the draft, but I did not to my knowledge call Admiral Reed at any time.

Mr. HARDY. Maybe this isn't important.

Mr. LANKFORD. We may have misunderstood Admiral Reed.

Mr. HARDY. I wanted to try and get it clear.

Now, if I could get back to the question of the normal participation of the Department of State in these matters. Sometimes I get the impression that the State Department is pretty well controlling the policies which these other agencies carry out. Now, there was a letter, as I remember it, from the Coast Guard—perhaps addressed to you, Mr. Secretary—do you have it here?

Mr. JOHNSON. Is that the letter of April?

Mr. HARDY. April 1962, I believe. April 25, 1962, yes. This is a letter to the Department of State. It inquires about the policy with respect to these ships, these so-called innocent passages, I presume, but I don't have that letter. Now, then, there was a reply from the Department of State on January 26, 1963, which gave the Coast Guard authority to proceed on a policy.

Is it normal procedure for the Department of State to be the key factor in determining this kind of policy?

Mr. JOHNSON. If it is a matter involving foreign countries and our relations with foreign countries, it is normal procedure for other agencies of the Government to consult with us in the carrying out of that policy. This does not mean that we make the laws or the regulations, but simply the means of implementation. I would be very glad to speak to the history of this letter.

Mr. HARDY. I would like for you to do that and particularly to give a little background of the development of the reply of January 26, 1963, and with reference also to the fact that it took 8 months to get an answer.

Mr. JOHNSON. The history of this is related to fishing and fishing problems, rather than to security problems, at this time. The genesis of this letter of the 25th of April from the Coast Guard is that prior to that time, early in 1962, our Fish and Wildlife Section in the Department—Mr. William Herrington is head of this—in his contacts with the fishing industry had had raised with him questions with regard to non-American vessels fishing in American territorial waters, not that this had yet happened, but what the situation would be.

This caused Mr. Herrington to make some inquiries of the Coast Guard as to what their regulations and procedures were, as there seemed to be some question as to what these were. We in the State Department took the initiative to consult interdepartmentally with all of the departments concerned, that is, the Navy, Treasury, including the Coast Guard, the Department of Interior, and Commerce—was Commerce involved?

Mr. YINGLING. No, not Commerce; Justice.

Mr. JOHNSON. Yes, Justice is the other one—consulted with them on the establishment of a policy, and assuring that there were clear instructions and regulations applicable to the Coast Guard that would enable them to deal with the problem of any foreign vessel fishing in our territorial waters.

Mr. HARDY. That was the initial basis for it?

Mr. JOHNSON. That was the initial basis for it. Those were oral discussions.

During the course of those discussions the Coast Guard undertook to draft what it felt a policy and procedure should be on this and incorporated this in this letter to the State Department of April 25. Taking this policy, which was drafted by the Coast Guard, we met interdepartmentally and consulted interdepartmentally, that is with Interior and Justice, and Navy, on this policy, and this took some time.

I would just like to say in fairness, I don't think all of the delays were on the part of the Department of State in this.

Mr. HARDY. I didn't mean to suggest that. I don't know where the delays were, but it did seem 8 months was a right good while to take.

Mr. JOHNSON. In the meanwhile, my impression is that the Coast Guard in fact is carrying out this policy.

I will let the Coast Guard speak on that.

After the completion of those interdepartmental consultations, we addressed this letter to the Coast Guard in January affirming what had in fact been affirmed by these oral consultations. Now, this was all directed at fishing, and this was all at the initiative of the Department of State.

Mr. HARDY. I get the impression, at least from testimony this morning, that the Coast Guard's inquiry was related to a lot more than fishing, because following that letter of January 26, which you addressed to Admiral Roland, the Coast Guard issued an operating instruction, and the testimony this morning was that one was followed up by another operating instruction issued on June 19, 1963, which, as I understand the testimony, was also based on the letter of April 25, 1962, to State, and your letter of January 26, 1963, back to Admiral Roland, and certainly the operations instructions No. 31-63 of June 19 of Coast Guard goes far beyond any fishing business that you have been talking about.

Mr. JOHNSON. Now, that may have followed the first incidents of these Soviet trawlers off the coast of Florida being called to our attention.

I would be glad to speak to that.

Mr. HARDY. As a matter of fact, the Soviet trawlers had already begun to appear in January when your letter was written.

Mr. JOHNSON. They were appearing off the northeast coast in fishing operations there. They had not yet appeared in the Florida waters, I don't believe.

Mr. HARDY. Mr. Secretary, I am not sure about that, but this was some 6 months after, 6 or 7 months, after Mr. Khrushchev had announced he was going to establish a fishing base in Havana, and he and Mr. Castro had issued pretty much a joint statement, I think, and I believe that actually the Coast Guard sighting these vessels on January—well, the first one I am aware of is January 22, which was 4 days before your letter was written.

Mr. JOHNSON. Sighted where, in the Florida coast?

Mr. HARDY. Off the Florida coast. This was not just one straight trawler, either. If they didn't call that to your attention, I am amazed.

Mr. JOHNSON. All I can say is I did not have that called to my attention. I don't say we were not informed some place in the State

Department. I would say it is early in June when it was first called to my attention that Soviet trawlers were using this inside—I don't know if you call it the inside passage, or this passage along the Florida coast, and there were two separate cases—I think one on the 8th of June and one on the 10th of June, of which the Coast Guard informed us, and which was called to my attention.

May I say at the time that this was called to my attention I took the initiative in calling an informal meeting of the Navy and the Coast Guard and the Treasury, and our own legal adviser here to examine the situation and determine whether or not any change in existing policy on this would be desirable or required.

I was particularly interested in getting the views of the Navy on the security aspects of it, and I was interested in getting the views of the Coast Guard on whether their present instructions they felt adequately covered this situation.

I had this meeting on June 13 with these various agencies represented, and we examined them at that time, and the opinion of the Navy that they gave me was that there was not the security problem on this.

The Coast Guard felt that its instructions and operating procedures adequately covered the situation, and it was my conclusion on the basis of this that no additional action on the part of the U.S. Government was called for, and the Coast Guard seemed to have it well in hand.

Mr. HARDY. Maybe we ought to get you to define the word "adequate," because you used it, and I don't know what it means. The Coast Guard testified this morning, and the Navy supported it, that these trawlers were fully capable of putting people overside for subversive purposes, saboteurs could be landed from these boats, that it is impossible to watch them.

They talked about it not being necessary. I don't know.

Mr. JOHNSON. Let me say my understanding, Mr. Chairman, when I use the term "adequate," the Coast Guard procedures were that they followed these boats both at sea and by air surveillance, and that if the boats behaved in a manner not consistent with innocent passage, that is if they did anything that looked suspicious to those shadowing them, their instructions adequately covered them stopping and boarding the vessels to determine whether or not there was any violation of the law.

Mr. HARDY. Of course, there is an assumption in these matters that the Coast Guard is aware of all of the ships. Have you any notion as to what percentage of these ships that come into our coastal waters that the Coast Guard actually does know about?

Mr. JOHNSON. I do not. Let's say my general impression is between the Navy and the Coast Guard they have these spotted.

Mr. HARDY. I wish I could believe that.

Mr. GUBSER. Mr. Chairman, the *Santa Maria* was lost for several days with the whole Navy looking for it. That is a pretty big ship.

Mr. JOHNSON. We in the State Department don't have any reconnaissance craft or ships to go check on them.

Mr. HARDY. Of course, it was following this particular session that you have been talking about in June that the Coast Guard issued its revised instructions.

Mr. JOHNSON. I was not personally aware of that. Possibly you were.

Mr. YINGLING. I think, Mr. Chairman, if my memory is correct, that I cleared those instructions for State. I think other people in State also saw them.

Mr. HARDY. I thought maybe you wrote them.

Mr. YINGLING. Well, I would like to take credit for a lot of things that I don't deserve.

Mr. GUBSER. Mr. Chairman, may I ask a question.

Is it a matter of concern to the State Department that the number of innocent passages by Soviet trawlers has increased dramatically since the 22d of January? Is that under investigation or consideration by the Department?

Mr. JOHNSON. First, anything involving our security is of concern to us. Next, as far as the number is concerned, I am not under the impression that there has been an alarming increase or an increase that would be inconsistent with these vessels being fishing boats and innocent passage.

Mr. GUBSER. Right at this point I think if I have raised my question on a faulty premise I think it ought to be corrected. Has there been a dramatic increase since the 22d of January?

Mr. HARDY. The 22d of January, if my memory serves me correctly, there were several trawlers that were sighted. I believe these were the first we have record of. Subsequent to that time there have been a good many.

Mr. JOHNSON. I was not present for the testimony.

Mr. HARDY. I understand that you weren't, but I thought they were keeping you advised.

Mr. Yingling must know all about this. Your operations office must know all about this. Don't they get this information and follow on up eventually, or how long does it take for them to get it?

Mr. JOHNSON. They get it immediately, but I have not had any report from the Coast Guard of any vessel since the ones of the 8th of June, and the one of the 10th of June.

Mr. GUBSER. Mr. Secretary, since this trawler situation has been under your consideration for some time, don't you as a matter of course inquire as to whether or not there is any increase in the number of innocent passages?

Mr. JOHNSON. I rely on the Coast Guard to keep us informed if they think there is an increase, and I have not had any information from the Coast Guard to this effect.

Mr. GUBSER. It really concerns me that the State Department is so concerned about a statement that the admiral was going to make here this morning that they will ask to see it in advance, will offer corrections, and yet in a matter of where our security is concerned you don't know that there has been a dramatic increase of innocent passages of Russian trawlers since the 22d of January.

Mr. JOHNSON. Perhaps our difficulty is over the term "dramatic," and what we mean by that.

Mr. HARDY. Substantial.

Mr. JOHNSON. There has been a substantial increase.

Mr. HARDY. You don't have any more trouble with that than I have with "adequate."

Mr. JOHNSON. There has been a substantial increase. This is the reason for my calling this meeting of June 13 to see whether additional measures on our part were required.

Mr. GUBSER. I am delighted that you did, and I hope your concern continues.

Mr. JOHNSON. I expect it to, sir.

Mr. HARDY. I wonder how it happened that you initiated this, and why it wasn't initiated by the Navy or Coast Guard, the meeting in June.

Mr. JOHNSON. It could have been initiated by any of us, I suppose. I was interested in it, and I wanted to look into it.

Mr. HARDY. Before I turn to Mr. Pike, let me just ask you this: Who runs your operations office that you have been referring to?

Mr. JOHNSON. It is responsible directly to Mr. Brubeck, who is the executive secretary of the Department.

Let me say on this, Mr. Chairman, the operations center is not a substantive center—it corresponds, you might say—well, I don't like to draw too close a parallel with the war room, say, of the Pentagon. It is a point for receiving information.

Mr. HARDY. Which is filed?

Mr. JOHNSON. Oh, no. It is a point for receiving information on a 24-hour day, 7-day-a-week basis, and then seeing that it gets to the proper individual. They call any time of the day or night whoever needs to be called about something. Their responsibility is to see that the information gets to the proper individual and that action is done. They themselves do not take action normally.

Mr. HARDY. They don't take any action?

Mr. JOHNSON. They don't normally take action themselves, except if they have a standing instruction on something.

Mr. HARDY. If they get these messages around you ought to give them another duty of handling the mail. But just one other aspect of this operations center thing. I am not clear—you said a minute ago that they get this information immediately, which gives the inference at least that there is a direct wire to the Coast Guard. I sort of have had the impression that information about these Russian trawlers wouldn't necessarily get into the operation office at all unless there was some overt act.

Mr. JOHNSON. I will say first, of course, they get it or it takes the Coast Guard or Navy to call them and give it to them. I mean they don't take the initiative. I am under the impression that they are called about anything that the Coast Guard or the Navy thinks unusual that should be called to our attention. I am not under the impression that the Coast Guard or the Navy necessarily calls them and gives them the information just on the passage of a ship that they think has some unusual aspects.

Mr. HARDY. Well, we are running all around Robin Hood's barn. Actually we talked a while ago about this sighting on January 22 of some Russian trawlers. So far as I know, that might have been considered usual and you might not ever have gotten a report. Maybe it didn't ever show up in your operations center. So far as I know, although we had reason to believe otherwise the other day, none of these more recent incidents were automatically reported to your operations center. If they were, they had a rather circuitous routing to go

through, because apparently they went—and if I am wrong on this I would like somebody to clear it up—apparently the routine was that a fishing ship called the Coast Guard, and the Coast Guard Headquarters, the District Headquarters, would notify a station to send out a boat if it was something that seemed to be highly unusual. Apparently they would also notify Coast Guard Headquarters in Washington.

Whether Coast Guard Headquarters in Washington was notified late, I don't know. I don't know whether they would consider it important. Now, under some circumstances presumably they also notified CINCLANT in Norfolk, but there isn't anything in this whole picture that indicates—and I don't know whether it should, but at least the testimony has been confusing and your testimony doesn't help clear it up any, because I don't know—where the information goes and whether your office actually knows a blessed thing about what is happening down in these waters, except in a very unusual situation where somebody thinks it has gotten out of hand and calls your attention to it. Maybe that is as it should be, but I would like to know what the situation is.

Mr. JOHNSON. Of course it is difficult for me to speak to the procedures of the Coast Guard. I am not directly familiar with them. Let me say with respect to this use of the operations center and the procedures. Prior to June 13 there was not a clear channel from the Coast Guard and a clear procedure established between the Coast Guard and State on these matters.

Coast Guard would normally, if it was a fishing matter, Coast Guard was normally in touch with our Fish and Wildlife Section in the State Department. If it was something involving Soviet ships they might be in touch with the Soviet desk in this regard. It was following June 13 that I instructed Coast Guard to have all contacts on all of these matters with the operations center to make sure I was informed and that the whole machinery of the Department was immediately informed.

However, prior to June 13 the operations center has always had direct contact and direct line with the National Military Control Center and with Flag Plot in the Navy. And if there was anything that the Navy thought should be called to our attention, the Navy would also do it. The present procedure that has been established since June 13 is that the Coast Guard now clearly understands that the operations center is the point to which they should make their report. I, of course, don't know, and neither does our operations center know what the Coast Guard does not report to us.

Mr. HARDY. I am not sure I got a clear understanding of that this morning. We can firm it up again in a minute. If I understand your testimony right now, it is that following the June 13 meeting you instructed the Coast Guard that they should report all such sightings to your operations center, is that right?

Mr. JOHNSON. I instructed them to report anything that they felt should be reported to the Department of State.

Mr. HARDY. Oh, you are beating the devil around the bush now for sure. That doesn't mean a thing in the world to me. You just as well not have told them anything, because if they thought it ought to be reported to you before they would have done it.

Mr. JOHNSON. Yes, but they did not have a clear channel for doing so, Mr. Chairman, and what I did was establish a clear channel for their doing so. I do not recall making a direct request on the Coast Guard for reporting any and all sightings of Soviet trawlers. I feel that the Coast Guard is an adequate judge of whether it feels something should be called to our attention.

Mr. HARDY. Were any minutes of the June 13 meeting kept?

Mr. JOHNSON. No, sir; they were not.

Mr. HARDY. So the only thing you have to rely upon is the memory of people there?

Mr. JOHNSON. That is correct.

Mr. HARDY. Do we have any list of the people who were there?

Mr. JOHNSON. Yes, I know most of them who were there. I have refreshed my memory on that, yes.

Mr. HARDY. Where did you find a record to refresh it?

Mr. JOHNSON. My secretary had—Mr. Chairman, I have many meetings every day. She keeps some information on it.

Mr. HARDY. I am sure you do. I wondered how in the world you were able to refresh your memory.

Mr. JOHNSON. She made the calls to invite people to come.

Mr. HARDY. Thank goodness for secretaries.

Mr. JOHNSON. Yes.

Mr. NORBLAD. You have had incidents out in the Northwest Pacific out in my country involving Russian trawlers for periods of years and apparently nothing has been done about that either. The papers have been full of it in the last 4 or 5 years, through Canada and Oregon and Washington.

Mr. JOHNSON. I don't recall any incidents of their being in territorial waters.

Mr. NORBLAD. They have been coming in too close fishing.

Mr. JOHNSON. There are Russian fishing vessels operating in a major way out there.

Mr. NORBLAD. They have not been reported to you, have they?

Mr. JOHNSON. In a general way.

Mr. NORBLAD. We have had these incidents long before the Florida case.

Mr. JOHNSON. There has been no case I know of that a Russian vessel has violated territorial waters out there. There have been allegations or statements they have done so.

Mr. NORBLAD. Particularly Alaska and the State of Washington.

Mr. JOHNSON. The Coast Guard has investigated them, but have not been able to confirm them.

Mr. NORBLAD. Did you have a pipeline in there involving that, or wait until you got to the Florida incident before you did?

Mr. JOHNSON. We always had contacts on all of these fishing matters.

Mr. NORBLAD. All of a sudden you establish procedures when trawlers show up off Florida when we have had them out in our country for the last couple of years.

Mr. JOHNSON. There has always been the procedure of the Coast Guard dealing with our Fish and Wildlife division on fishing matters. There has always been a procedure on this. My changing of the procedure was simply to the operations center.

Mr. NORBLAD. I thought you meant there was no procedure prior to the sighting off Florida down here.

Mr. JOHNSON. No; there has always been a procedure.

Mr. HARDY. Let me say something before I pass it on to Mr. Pike. Who did your secretary say attended the meeting on June 13, so we can have it in our record?

Mr. JOHNSON. Admiral Craighill, Captain Dybdal, Commander Parks of Navy, Mr. Charles Sullivan of Treasury Department, Special Assistant Secretary of Treasury, Mr. Cross of the Treasury Department, and Commander McCann, of the Coast Guard.

Now, I have a little feeling there were a couple of others in that room, but these are the names that I have a record of.

Mr. HARDY. Well, they are the ones she was able to identify for you anyway.

Now, Mr. Pike.

Mr. PIKE. Mr. Secretary, first of all I am interested in the coincidence that after a lapse of 8 months there was a lapse of only 4 days between the time of the first sighting of Russian trawlers within the territorial waters of the Florida coast and the time that the answer went out from the State Department to the Coast Guard. You don't think that there was any communication to the State Department that these trawlers were operating there and it might be useful if they got an answer to their letter?

Mr. JOHNSON. No, sir; there was not. The two matters, in a sense, were unrelated, in that the first matter was with regard to fishing. The first matter was raised at the instance of the State Department with respect to foreign vessels fishing in our territorial waters and it was a matter under discussion interdepartmentally, but was not a matter that was of high urgency at the time because it wasn't happening yet, but we were trying to get a policy on it.

Mr. PIKE. The sightings then of these Russian trawlers on January 22 within the territorial waters of the United States were not brought to your attention?

Mr. JOHNSON. This January 22 date—no; they were not. Is this sighting off Florida?

Mr. PIKE. This was the sighting off Florida.

Mr. HARDY. It was sighting off Florida.

Now, the question of being in territorial waters is not too clear. Actually, the report was 3 or 4 miles off the coast. Now that is rather indefinite.

Mr. PIKE. This was not brought to your attention?

Mr. JOHNSON. No, this date doesn't mean anything to me.

Mr. PIKE. From the date of January 22 until the date of June 8, were any of these sightings of Soviet trawlers off the coast of the United States brought to your attention?

Mr. JOHNSON. No, they were not, not to my personal attention.

Mr. PIKE. On January 8 and on—not January but June 8 and on June 10, two separate sights were brought to your attention?

Mr. JOHNSON. They were, yes.

Mr. PIKE. What was there about these two sightings which caused them to be brought to your attention?

Mr. JOHNSON. I am not sure. Our Fish and Wildlife section, as I recall it, received the reports from the Coast Guard. That is the first one that mentioned it to me. Then I made subsequent inquiries on it and I can't remember the exact sequence of events.

Mr. PIKE. Have any such sightings since June 10 been brought to your attention?

Mr. JOHNSON. No, they have not.

Mr. PIKE. But it was as a result of the sightings of June 8 and June 10 that you called for this meeting on June 13?

Mr. JOHNSON. That is correct.

Mr. PIKE. And established it, at least routings of such reports, and I believe you testified that they were to go to the operations center to make sure you were informed?

Mr. JOHNSON. To make sure that I and other proper people in the Department were informed, yes.

Mr. PIKE. So if there have been similar sightings since June 13, either the Coast Guard has failed to report them or somebody within your Department has failed to carry out your own policy?

Mr. JOHNSON. As I previously said, I did not make a direct request on the Coast Guard to report to us all sightings. I confirmed the instructions the Coast Guard had and I confirmed that when there were incidents or unusual circumstances that they felt should be called to the attention of the Department of State, this should be done to the operations center.

Mr. PIKE. Was anything said about the desirability of calling to the attention of the Department of State Soviet trawlers within our territorial waters?

Mr. JOHNSON. I can't recall a definite statement on this, but the interest I had evidenced in it made it clear I wanted to know.

Mr. PIKE. In your opinion is it desirable that Soviet trawlers within our territorial waters should be reported to the operations center?

Mr. JOHNSON. Not unless there is an unusual increase in the traffic or unusual incident in connection with that.

Mr. PIKE. In other words, a Soviet trawler exercising this right of passage, you are simply not interested in?

Mr. JOHNSON. I am interested but not as an individual ship. I am interested in the general pattern of the traffic. I am interested in whether or not they are doing anything in violation of our laws with regard to such passage.

Mr. PIKE. Well, if it is just involved in the normal passage, it is not doing anything in violation of our laws, is it, Mr. Secretary?

Mr. JOHNSON. No, it is not.

Mr. PIKE. So then if it is just involved in the normal passage, I still haven't been able to make up my mind whether you are or are not interested in it.

Mr. JOHNSON. I am interested in the pattern of it. I am not interested in having every vessel reported to me. What I am interested in is if there is an unusual increase or if they are behaving in a way differently than they normally would or should, or if there is some unusual aspect to it. I am very definitely interested in the pattern of it.

Mr. PIKE. Whose job is it to establish the pattern?

Mr. JOHNSON. That of the Navy and the Coast Guard.

Mr. PIKE. In other words, there is no desire on your part or requirement on their part that any reports be made to your operations center until some pattern has been established?

Mr. JOHNSON. Well, to put it in exactly those terms, some change in pattern has been established. That is, if there is an unusual increase in the number, I am definitely interested. If 10 trawlers were to start through the passage tonight, I would expect both Navy operations and Coast Guard to inform us of it. If there is an isolated vessel going through, I would not expect to be informed.

Mr. PIKE. One of the troubles I arrive at at this juncture is, I don't think anybody in the State Department or in the Navy or Coast Guard is keeping any kind of a record which would allow the establishment of what the existing pattern is.

We have random sightings and we have random reports, but you are not interested in the present pattern—you are interested in a change in the pattern, is that correct?

Mr. JOHNSON. That is correct.

Mr. PIKE. But nobody knows what the present pattern is.

Mr. HARDY. That is correct, and now the Secretary just said that if a group went down at night he would want to know about it. But we had testimony this morning that it would be virtually impossible for him to know about the number of these trawlers going down at night.

Mr. JOHNSON. I would have to turn to the Coast Guard and Navy as to what their capability is. My impression is their capabilities are very high on that.

Mr. PIKE. It seems to me the trouble is everybody is turning to somebody else. You are turning to the Navy and Coast Guard to tell you whether there is a change in the pattern; the Coast Guard is turning to you to find out what you want to know; the Navy is keeping some record of what they sight, but they are not charting it enough to create a pattern and the net result is that nobody knows today what the pattern of these trawlers along our coast is; nobody is going to notify you of anything because you are not interested unless the pattern changes and there can't possibly be any notice to you because nobody knows whether it is going to change or not.

Mr. JOHNSON. I am under the impression that Navy Flag Plot does establish the pattern and does keep a close record.

Mr. HARDY. We didn't get that impression.

Mr. PIKE. We didn't get that picture from the Navy.

Mr. JOHNSON. I defer to the Navy on that, of course.

Mr. HARDY. If I could follow up just very quickly for a moment, I don't know whether your responsibility actually requires that you have this information. What would you do with it? What is your interest? Is it defense, is it determination of innocent passage insofar as it impinges on our foreign relations or where is your major concern with this pattern?

Mr. JOHNSON. My concern first is general observation of what they are up to. This is of interest to us in the Department.

Mr. HARDY. But that is not your responsibility.

Mr. JOHNSON. Security, we are of course interested in.

Mr. HARDY. That is not your major responsibility.

Mr. JOHNSON. It is not our major responsibility, no; that is correct.

Mr. HARDY. I am just trying to see how deep your finger is in this pie and why.

Mr. JOHNSON. It is deep in the pie because a foreign country is involved.

Mr. HARDY. So then we get into this question, you are concerned with protecting the relations with foreign governments and protecting this doctrine of innocent passage?

Mr. JOHNSON. We are also interested in protecting security as well.

Mr. HARDY. Of course, we all have that interest. Every citizen has that interest, but that is not fundamentally the problem of the Department of State. That is fundamentally the problem of the Department of Defense, isn't it?

Mr. JOHNSON. Well, I don't mean to be flippant when I say I think it is the responsibility of all of us.

Mr. HARDY. It is the responsibility of every citizen for that matter.

Mr. JOHNSON. I feel it very deeply.

Mr. HARDY. As a citizen or as Deputy Under Secretary of State, where is your responsibility? Certainly it is not your responsibility to direct the Department of Defense with respect to the security measures they should take; is it, or is it not?

Mr. JOHNSON. No.

Mr. HARDY. Is it your responsibility to direct the Coast Guard in the policies it shall make?

Mr. JOHNSON. It is our responsibility to see that the policies that the Coast Guard follows are consistent with our treaties and international law and that we are able to defend those policies and support those policies.

Mr. HARDY. Then if these policies impinge on security aspects of the matter as seen by the Department of Defense, where would we be?

Mr. JOHNSON. There has been—this is purely hypothetical.

Mr. HARDY. Suppose it is hypothetical. It could develop.

Mr. JOHNSON. This would be a matter for decision by the President then or the National Security Council.

Mr. HARDY. Yes.

Mr. JOHNSON. Actually, Mr. Chairman, I have not found ourselves in conflict at all with the Department of Defense.

Mr. HARDY. I don't know whether we are or not. Go ahead.

Mr. PIKE. If there isn't any conflict, I am sort of interested then in why the Department of State felt it necessary to recommend to the Navy the deletion of certain parts of Admiral Reed's testimony.

Mr. JOHNSON. I will let Mr. Yingling speak to that.

Mr. YINGLING. I will be glad to speak to that.

I will be glad to speak to it off the record because the reason I didn't want—

Mr. PIKE. You mean because it is classified?

Mr. YINGLING. I don't mean because it is classified, but I think it is not in the general interest of the United States to have a public record which indicates any difference of view between two departments of the executive branch of the Government.

Mr. PIKE. I would agree with you, but by the same token then—

Mr. HARDY. I won't buy that.

Mr. NORBLAD. I won't buy that.

Mr. PIKE. Wait a minute. I do think it is to the interest of the United States not to have a disagreement, but I think it is far less in the interest of the United States to pretend there isn't any disagreement when there may in fact be, and this is what I am concerned about.

Mr. YINGLING. I don't think that the disagreement is vital or that it affects anything vital. There is no difference in objective between—

Mr. PIKE. Let me ask you this—

Mr. YINGLING. Could I finish? I think you will understand my point better.

Mr. PIKE. Go ahead.

Mr. YINGLING. I think that there is no difference in objective; there is no difference in what we are trying to get or what we are trying to do. There may be a difference in how we do it. There may be a difference as between lawyers as to what the law is; there may be difference as between lawyers as to how the law should be applied.

This is what the difference is, if there is a difference, and I didn't see, since it is not involved in these hearings, that there was any reason for bringing up the question of the rights of warships to innocent passage through the territorial sea. That is as broad and as long as it is.

Mr. PIKE. The deletions then which you recommended had to do with international law?

Mr. YINGLING. That is right.

Mr. PIKE. And you felt that the Navy, which I assume has some experts in international law, had gotten bad advice or had gotten incomplete advice?

Mr. YINGLING. I say, Mr. Pike, that I think that there can be differences of view between lawyers as to what the law is.

Mr. PIKE. I agree with you.

Mr. YINGLING. And there is a difference of view here between lawyers as to what the law on this is. I don't see that the United States has anything to gain from spreading those differences on a public record, particularly when it may be important at some time in the future should we have another conference, for instance, an international conference on the law of the sea.

It might be desirable that these differences not be known and therefore there not be an opportunity to exploit them by foreign countries with whom we might be dealing in such an international conference. That is what I had in mind.

Mr. HARDY. If there is any pertinence in that, we will take this from the record.

Go ahead.

Mr. YINGLING. That is all. I mean I am perfectly willing to—

Mr. PIKE. I want to get back to the question of whose responsibility is where, and it is your position that where there is a difference between the Navy and the State Department as to the interpretation, for example, of the law, as to innocent passage, this would be a matter in which the State Department would have the responsibility of overruling the Navy?

Mr. YINGLING. I wouldn't like to put it in terms of overruling. I think if the thing became serious enough where there was a disagreement between two executive departments, the matter would be solved by the Chief Executive. It would be solved at the White House.

If it is a question of dealing with foreign governments, I think that the responsibility is the responsibility of the State Department and the State Department's officers would have to be guided by their own legal advisers.

Mr. PIKE. Thank you, Mr. Yingling. I think, Mr. Chairman, that I have chased this as far as I want to, but what I am concerned about, and I think what you indicated you are concerned about, is the fact that there are all kinds of feeling of responsibility, but there isn't any real pattern for conducting responsible actions here and I think that the responsibility is so divided that nobody knows who is doing what and the net result is that what should be done is not being done.

Mr. HARDY. I think that is a pretty good summation of the situation. One particularly disturbing aspect of it to me is that we get into a possible conflict as between the interpretation of what constitutes innocent passage and what might actually be prejudicial to our own security.

I don't question that the objective of all of us is toward the same end, but it is a little bit disturbing to see that we are seemingly going off in a lot of different directions without any very good idea of where we are.

Mr. JOHNSON. Mr. Chairman, I don't think there has been any difference of view on this, as between the departments concerned as far as these incidents are concerned. I am not aware of a difference of view. The difference of view that Mr. Yingling or Mr. Pike were referring to do not involve these incidents at all.

Mr. HARDY. I don't think that has any particular significance to this issue we are talking about. That was a related matter, but not directly.

Any further questions?

Mr. NORBLAD. I am curious as to why this conference was held on Monday. Was that so you could coordinate your testimony and all tell us the same story?

Mr. JOHNSON. No; I think that is perfectly reasonable when questions of law, questions of international law and law were to be made in a public forum.

It is important that we have agreement on what the law is that we are talking about and the U.S. Government speak with one voice.

Mr. NORBLAD. The conference was to settle certain legal questions, and no other reason?

Mr. JOHNSON. Mr. Yingling went there entirely as legal adviser and not a policy adviser.

Mr. NORBLAD. I will ask you, Mr. Yingling, what was the purpose of the meeting on Monday, since you were the one that attended it?

Mr. YINGLING. The purpose of the meeting was to decide how they would proceed.

Mr. NORBLAD. The Department could decide that themselves. The Navy would know who their special men were going to be. You didn't have to advise on that.

Mr. YINGLING. I was there to be of any help I could on any legal problem involved.

One of the legal problems involved and very much involved, in fact, this whole thing involved innocent passage and it was thought as an international lawyer I might be helpful. Now, whether or not I have been, I am in some doubt about it at this point, sir.

Mr. NORBLAD. The purpose of the thing was not to coordinate the story?

Mr. YINGLING. No, it wasn't.

Mr. HARDY. You know actually the only reason that bothers me——

Mr. YINGLING. I didn't intend to tell the Department of Defense what they should tell Mr. Hardy.

Mr. NORBLAD. You were at the conference. Was that their purpose, to get together so that the Navy and Coast Guard would tell the same story?

Mr. YINGLING. I wouldn't care to speculate what they had in their minds. They were here the last 2 days.

Mr. HARDY. Of course this business of State Department clearing the statements puts a little connotation on it that I don't really thoroughly appreciate.

Now, I can understand a conference to resolve any question of legal differences, but if the conference also involved an agreement on the facts that are going to be testified to, then I am specifically concerned.

Mr. NORBLAD. That is exactly what I had in mind.

Mr. YINGLING. Mr. Chairman, I had no concern with what they were going to testify to on facts, because I didn't know the facts. They were carrying on these operations. I am not an operations officer, but I anticipated the very thing that has happened might happen, and I was trying to avoid that.

Mr. HARDY. In order that we may have a little clearer picture of what actually took place at this conference, in view of the fact that the Department of State does not have a memorandum on it, I am—we are talking about the conference of June 13.

Mr. PIKE. No; we are talking about Monday.

Mr. HARDY. That's right. Do you have any minutes of that or any memorandum?

Mr. YINGLING. No, sir; because I just attended it.

Mr. HARDY. That would be right interesting. Now maybe we will have to clear up some of these other misunderstandings. We may want to ask the Coast Guard to vouch for its memorandum concerning the meeting of June 13.

Captain Reynolds, do you have such a memorandum?

Captain REYNOLDS. Yes, sir; I have it in my office.

Mr. HARDY. I didn't mean right now.

I would appreciate it if you could furnish it so we could get a little clearer picture of what took place. I think it would be helpful. We would appreciate that.

Is there anything further?

Mr. GUBSER. I just want to ask a question on a general subject of international law. Does an American vessel, American-flag vessel, have somewhat the same sanctity at sea in international waters as a piece of American territory would?

Mr. YINGLING. I think not. I mean, this is an idea which I think has become obsolete. There used to be some doctrine to the effect that a warship particularly was a piece of floating territory and that it was always immune from any other jurisdiction. I think this fiction was exploded in a famous case before the Lord Privy Council in London and that it is not territory. A ship, depending on what

kind of a ship it is, has certain rights on the high seas and has certain rights in the territory of another country.

Any ship that flies the American flag is subject only to U.S. jurisdiction on the high seas.

Now, when it is in national waters, for instance, a port of another country, it is subject to the jurisdiction of that country. Through the territorial sea it has a right of innocent passage. A warship properly defined is not subject to the jurisdiction of a foreign country, even though it is in its port, even though it is in its national waters. It must accord with the terms of its invitation, and if the foreign country doesn't like the way it is acting, they tell it to leave, but they can't exercise jurisdiction over it.

Mr. GUBSER. In the absence of a state of war and a few other conditions that I can't think of for the moment, then there is no right of any foreign nation to board an American vessel on the high seas?

Mr. YINGLING. Unless it is a pirate.

Mr. GUBSER. Does the same idea apply to American-owned property, such as a cable in international waters?

Mr. YINGLING. One of the freedoms of the sea—and this is a well-established doctrine in international law—is the freedom to lay submarine cables on the seabed. Of course, when the cable is in the territorial sea of some other country, then it is subject to its jurisdiction, but so long as it is on the high seas, no other country has any jurisdiction over it.

Mr. GUBSER. Mr. Johnson, is your office alerted as a matter of routine whenever an American cable is cut by a Russian trawler in international waterways?

Mr. JOHNSON. Yes; we would be. We would be alerted through intelligence channels. That would be the channel for it, and we are alerted.

Mr. GUBSER. Has there been any cable cutting within our territorial waters that you know of?

Mr. JOHNSON. Not that I know of. Not in the territorial waters.

Mr. GUBSER. Do you care to say anything in open session about cutting of American cables or would you rather I ask that of you privately?

Mr. JOHNSON. I would rather you ask it privately.

Mr. HARDY. You have anything further?

Mr. LANKFORD. No, sir.

Mr. HARDY. Well, Mr. Secretary, we appreciate your presence, and you, too, Mr. Yingling.

I think that pretty well concludes it, except I want to get Captain Reynolds to come back up briefly.

Thank you very much.

Mr. JOHNSON. Thank you, Mr. Chairman, for your courtesy.

Mr. HARDY. Captain, we won't keep you but a minute or two, but there is one aspect of this route that has come up, I would like to have a little clarification on.

FURTHER TESTIMONY OF CAPT. GEORGE R. REYNOLDS, CHIEF, PORT SECURITY AND LAW ENFORCEMENT, OFFICE OF OPERATIONS; ACCOMPANIED BY LT. COMDR. ROBERT P. DINSMORE, CHIEF, OCEANOGRAPHY BRANCH, U.S. COAST GUARD

Captain REYNOLDS. Mr. Chairman, this is Commander Dinsmore.

Mr. HARDY. We are glad to have you, Commander.

The reason that I asked you to come back, Captain, was the fact that there was called to my attention what appears to be some irregular charted routes between Grand Banks and Savannah that go considerably east of the ones that we have been talking about this morning. A chart has just been placed on the board. I believe it shows an additional route which hasn't been discussed. Are you familiar with that?

Captain REYNOLDS. This came to my attention at about 3:30 when I was getting ready to come over here. I consulted Commander Dinsmore, who, of course, has had no time to prepare himself for this. He is our oceanographer.

Mr. HARDY. This ought not to be something that requires preparation. I think this would be something he would more or less automatically be knowledgeable in.

Have you looked at the charts to see whether there are other prescribed routes than the ones we discussed this morning?

Captain REYNOLDS. There is another route that could be followed. As a navigator I would not follow it.

Mr. HARDY. Would you tell us why you wouldn't follow it?

Captain REYNOLDS. I like the idea of getting the landfall where there would be a moderate amount of danger in the event I make an error in navigation or in the event the light I expect to find might be out.

I had a personal experience before the war in going south, headed for the gulf, I believe. We chose the outside route going down to pick up, I think it is Mantanilla Shoal, and then to head across to Jupiter Inlet Light and down the inside route. The Gulf Stream was misbehaving for this period. There had been a very strong north wind. We were not delayed as much by the outer area of the Gulf Stream as we expected to be, and we picked this Mantanilla Shoal, up dead ahead several hours before we expected to be there.

I was the navigator and the captain was very upset about this, and if that buoy had not been lighted, very likely I would be pumping gasoline now.

Mr. HARDY. Well, is that the route that we are talking about now?

Captain REYNOLDS. I think it is, sir.

Mr. LANKFORD. I think that is the one we discussed yesterday, wasn't it? The outside route coming down that comes farther out than that?

Mr. HARDY. We talked about two different routes yesterday.

Captain REYNOLDS. Two different routes were spoken of, and one was inside the Gulf Stream. This one on here should be disregarded. The other recommended route comes down and picks up the Mantanilla Shoal, and then goes across inside and then down here, and then I believe the one you spoke of goes through this passage here, the Crooked Isle passage here.

Mr. LANKFORD. There were two routes shown yesterday on the chart.

Captain REYNOLDS. Yes, sir. One was inside the Gulf Stream and the other outside the Gulf Stream to Mantanilla Shoal.

Mr. LANKFORD. Is there a third that comes farther east and goes down through the—

Commander DINSMORE. There is a passage through Providence Channel and then there is a passage through Crooked Isle and a passage through Caicos, three passages through the Bahamas.

Captain REYNOLDS. Do you want to discuss this from here?

Mr. LANKFORD. Would you show us where the three passages are?

Commander DINSMORE. If I might put this chart up—

Mr. PIKE. That is too small.

Commander DINSMORE. The most common passages used are the Florida Strait passages through here. The next most used is a passage recognized by ships coming from southern European and Mediterranean ports. This is the passage to the gulf coast. The tankers, say, coming from the Suez to the gulf coast ports would use the North Providence Channel, which comes over through here and angles up and down through the Florida Straits.

Mr. HARDY. That wouldn't come down to the coast of Florida at all?

Commander DINSMORE. No, sir. This is not a widely used passage. The most recommended passage even for low-powered steamers from European ports, once again converges at Jupiter Inlet to get inside the Gulf Stream.

Mr. LANKFORD. Where would your great circle route bring you from northern European routes?

Commander DINSMORE. That would come down like this, approximately.

Mr. LANKFORD. From the African ports it would be down farther and you would come through that second?

Commander DINSMORE. We would come something like this (indicating).

Mr. LANKFORD. Then down through that passage there?

Commander DINSMORE. Yes, sir.

Experience has shown that this passage is rather unreliable now. Tankers, especially traveling at high speed and not exercising the caution that oldtime mariners perhaps once exercised, rely more heavily on the landfall that Captain Reynolds was speaking of.

Jupiter Inlet is a far more reliable light than any of these in the Bahamas, so I am almost certain we would find most ships would make their landfall at either near Cape Canaveral or Jupiter.

Mr. LANKFORD. What is the third passage?

Commander DINSMORE. The third passage is a passage by Crooked Island which is a passage here (indicating). This is known as the Windward Passage route. Either Crooked Island or South Caicos Passage would be used by ships heading for Panama.

Then either coming from the northern part, they would—coming from the northern United States or Canada—would make the Crooked Island Passage down through here, or coming from Europe they make the Caicos Passage coming from here and then pass on to Windward Passage.

Mr. HARDY. There are a lot of ways for them to get out of Havana without coming into our coastal waters?

Commander DINSMORE. No question about that.

Mr. HARDY. If this were not a reliable route it looks to me like somebody ought to suggest the Coast and Geodetic Survey take it off their approved charts.

Commander DINSMORE. This is the Hydrographic Office chart.

Mr. HARDY. What is the other one?

Commander DINSMORE. Also the same.

Mr. HARDY. I got the agency wrong.

Commander DINSMORE. The agency which promulgates the so-called recognized or recommended routes for the United States is the Naval Oceanographic Office. This is the present name of the former Hydrographic Office.

Mr. HARDY. They are the ones who prepared these charts and show these routes on there. It looks to me like if they are not safe the Coast Guard ought to suggest to the Navy they change it and bring everybody down inside, west of the Gulf Stream.

Commander DINSMORE. Well, mariners are an unusual lot. They hate to be dictated to.

Mr. HARDY. That being the case, why show anything at all?

Commander DINSMORE. I don't think they would care less if we took them completely off the chart.

Mr. HARDY. That may be the answer to it. I don't know why we have charts at all except just to locate where these things are, but we ought not to put any suggested shipping routes on there at all.

Commander DINSMORE. There is an older conference, international conference that urges each nation to promulgate to its mariners recommended and recognized shipping routes.

Mr. HARDY. That is what we have done and we have provided one here that would suggest that they go by the eastern tip of Cuba and come on into Havana that way but nobody seems to want to do that.

The Russian trawlers come in where they can get a close look at our shores.

Commander DINSMORE. Our recommended routes correspond to the recommended route by most other nations which say that from the northern United States, Canada or northern Europe the recommended route is via Jupiter Inlet and close along the Florida Keys.

Mr. LANKFORD. Going north from Havana, how would you go?

Commander DINSMORE. There is no question going northward. We go over and pick up the axis of the Gulf Stream and ride it right up.

Mr. LANKFORD. You would go——

Commander DINSMORE. This is Havana here. The axis of the Gulf Stream is along the line I am tracing now. It follows approximately or it can go in as close as 3 miles off Miami.

Mr. HARDY. How far out does it go?

Commander DINSMORE. It is a rather vague eastern boundary. It probably grazes the Bahama Islands.

The only well-defined edge of the Gulf Stream is the westward edge.

Mr. HARDY. You would not get much benefit of a current if you get way over on the edge or would you?

Commander DINSMORE. No, sir. The Gulf Stream is certainly something which must be taken into consideration. Our own tankers keep

thermograph records of the temperature of their passages and a master of a tanker submits these records to his home office.

If it turns out he was in the Gulf Stream heading south he loses his job and if he was not in the Gulf Stream heading north he will still lose his job.

Mr. HARDY. Maybe somebody ought to tell the Russians where the Gulf Stream is because some of their trawlers were 50 miles off, I understand.

Commander DINSMORE. A great many oceanographers are still looking for the Gulf Stream and we know the Russian trawlers have a bit of interest in oceanography and they may be looking for it.

Mr. HARDY. In that case what are they looking for when they are west of it?

Commander DINSMORE. They are looking for its westward edge which is perhaps the most interesting part of it.

Mr. HARDY. That is the most enlightening testimony we have had. We appreciate that.

Any further questions?

Mr. PIKE. I would like to ask Captain Reynolds a question.

Following your meeting of June 13, what is your current policy on notifying the operations center in the State Department of the sighting of Soviet trawlers?

Captain REYNOLDS. Our instructions to our operations center is that they transmit to State any messages wherein the vessels are reported inside the territorial waters, inside the territorial sea——

Mr. PIKE. Report all of them?

Captain REYNOLDS. They do not report all of them.

Mr. HARDY. Inside the the territorial waters.

Captain REYNOLDS. Inside the territorial sea or where there are any special circumstances that might be of interest to State.

Mr. PIKE. Are you going to report all inside the territorial waters?

Captain REYNOLDS. Yes, sir.

Mr. PIKE. Or any outside of the territorial waters under unusual circumstances?

Captain REYNOLDS. Yes, sir.

Mr. PIKE. Have there been any such sightings since June 13?

Captain REYNOLDS. Yes, sir, there have been. I won't say how many.

Mr. PIKE. Could you tell me how many?

Captain REYNOLDS. No, sir, I won't say how many. I would say perhaps three.

Mr. PIKE. In other words, since June 13 there have been reports from the Coast Guard to the State Department made as a result of this conference on June 13 and they have not gotten upstairs.

Mr. HARDY. Mr. Johnson does not know about it. Of course that is not your fault.

Mr. PIKE. The reports have been made to the State Department?

Captain REYNOLDS. Yes, sir.

Mr. HARDY. Anything further?

Mr. Lankford?

Mr. LANKFORD. No, thank you.

Mr. HARDY. Mr. Gubser?

Mr. GUBSER. Thank you for coming back, Captain.

Mr. HARDY. We appreciate your coming and bringing Commander Dinsmore with you. He is doing fine. As a matter of fact I think it might be a good idea for him to go to the State Department to see if he cannot improve their evaluation.

Captain REYNOLDS. I don't think the Admiral would want to spare him.

Mr. HARDY. Thank you very much. We will stand adjourned subject to the call of the Chair.

(Whereupon, the committee was adjourned.)



