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89-65 TWELVE-MILE FISHERY ZONE

GOVERNMENT

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HEARINGS
BEFORE THE
SUBCOMMITTEE ON
MERCHANT MARINE AND FISHERIES
OF THE
COMMITTEE ON COMMERCE
UNITED STATES SENATE
EIGHTY-NINTH CONGRESS

SECOND SESSION

ON

S. 2218

A BILL TO ESTABLISH A CONTIGUOUS FISHERY ZONE
BEYOND THE TERRITORIAL SEA OF THE UNITED STATES

MAY 18, 19, AND 20, 1966

Serial No. 89-65

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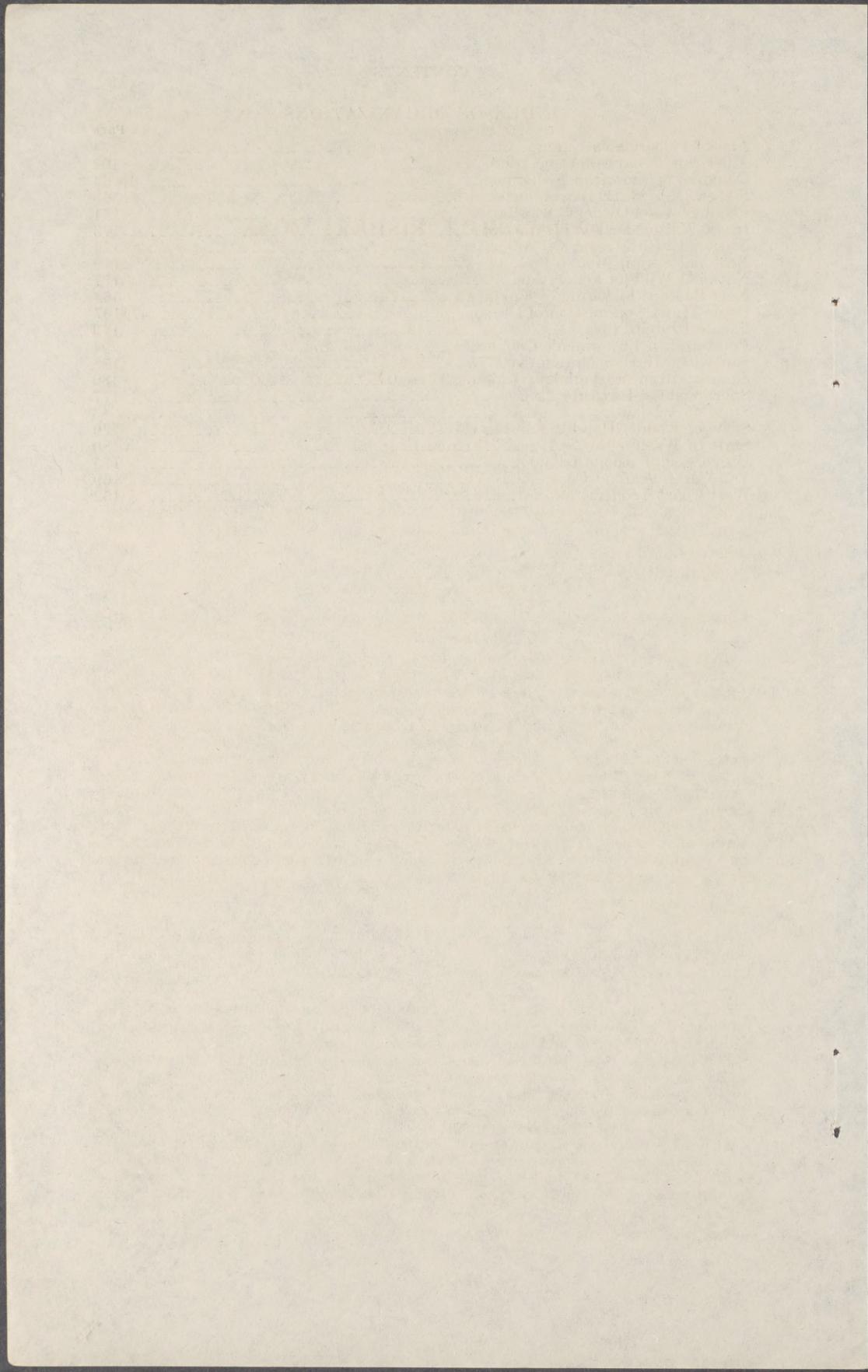
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TWELVE-MILE FISHERY ZONE

WEDNESDAY, MAY 18, 1966

U.S. SENATE
COMMITTEE ON COMMERCE,
SUBCOMMITTEE ON MERCHANT MARINE AND FISHERIES,
Washington, D.C.

The committee met at 10 a.m. in room 5110, New Senate Office Building, Hon. E. L. Bartlett, presiding.

Senator BARTLETT. The committee will be in order.

The purpose of our hearing this morning is to receive testimony on S. 2218, a bill proposing a 9-mile contiguous zone beyond the present 3-mile territorial sea for the conservation and protection of our coastal fishery resources.

(Bill follows:)

[S. 2218, 89th Cong., 1st sess.]

A BILL To establish a contiguous fishery zone beyond the territorial sea of the United States

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is established a fishery zone contiguous to the territorial sea of the United States. The jurisdiction of the United States extends to all waters in the zone and the United States will exercise the same exclusive rights in respect to fisheries in the zone as it has in its territorial sea subject to the continuation of traditional fishing by foreign states within this zone as may be recognized by the United States.

SEC. 2. The fishery zone has as its inner boundary the outer limits of the territorial sea and as its seaward boundary a line drawn so that each point on the line is nine nautical miles from the nearest point in the inner boundary.

SEC. 3. Whenever the President determines that a portion of the fishery zone conflicts with the territorial waters or fishery zone of another country, he may establish a seaward boundary for such portion of the zone in substitution for the seaward boundary described in section 2.

(The agency reports follow:)

DEPARTMENT OF STATE,
Washington, May 18, 1966.

HON. WARREN G. MAGNUSON,
*Chairman, Committee on Commerce,
U.S. Senate.*

DEAR MR. CHAIRMAN: Your letter of June 30, 1965 enclosed copies of S. 2218, introduced by Senator Bartlett; S. 2225, introduced by Senator Magnuson; on which the Department of State's comments were requested.

The purpose of the proposed legislation is to establish for the United States a 12-mile exclusive fisheries zone measured from the baseline from which the breadth of the territorial sea is measured but subject to the continuation of such traditional fishing by foreign states and their nationals as may be recognized by the United States Government.

Although the Geneva Conference of 1958 adopted four Conventions on the Law of the Sea, it was recognized that the Conventions left unresolved the twin questions of the width of the territorial sea and the extent to which a coastal state could claim exclusive fishing rights in the high seas off its coast.

The Conference adopted a resolution suggesting that the United Nations call a second conference to deal with these unresolved problems, which the United Nations did. At the second conference, which was held in 1960, the U.S. and Canada put forward a compromise proposal for a 6-mile territorial sea, plus a 6-mile exclusive fisheries zone (12 miles of exclusive fisheries jurisdiction in all) subject to the continuation for 10 years of traditional fishing by other states in the outer 6 miles. This compromise proposal failed by one vote to obtain the two-thirds vote necessary for adoption.

Since the 1960 Law of the Sea Conference there has been a trend toward the establishment of a 12-mile fisheries rule in international practice. Many states acting individually or in concert with other states have extended or are in the process of extending their fisheries limits to 12 miles. Such actions have no doubt been accelerated by the support for the proposals made at the Geneva Law of the Sea Conferences in 1958 and 1960, of a fisheries zone totalling 12 miles as part of a package designed to achieve international agreement on the territorial sea.

In view of the recent developments in international practice, action by the United States at this time to establish an exclusive fisheries zone extending 9 miles beyond the territorial sea would not be contrary to international law. It should be emphasized that such action would not extend the territorial sea beyond our traditional 3-mile limit and would not affect such traditional freedoms of the sea as freedom of navigation or of overflight. With one or two possible exceptions, it is not likely that such action would be unfavorably received by other governments in view of the provision for recognition of traditional fishing, which the Department regards as a desirable provision.

In the above circumstances, the Department has no objection from the standpoint of United States foreign relations to establishing a 12-mile exclusive fisheries zone subject to the continuation of such traditional fishing by foreign states as may be recognized by the United States Government.

Whether the establishment at this time of a 12-mile exclusive fisheries zone would serve the longer-term economic interests of the United States and the United States fishing industry is, of course, a separate question which is discussed in a report prepared by the Department of the Interior. Inasmuch as United States establishment of a 12-mile exclusive fisheries zone would tend to support the trend already referred to, the passage of the proposed legislation would make it more difficult, from the standpoint of international law, to extend the zone beyond 12 miles in the future.

Time has not permitted the Department to obtain the advice of the Bureau of the Budget with respect to this report.

Sincerely yours,

DOUGLAS MACARTHUR II,
Assistant Secretary for Congressional Relations
(For the Secretary of State).

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., May 17, 1966.

HON. WARREN G. MAGNUSON,
Chairman, Committee on Commerce, U.S. Senate, Washington, D.C.

DEAR SENATOR MAGNUSON: Your Committee has requested the comments of this Department on S. 2218, a bill "To establish a contiguous fishery zone beyond the territorial sea of the United States," and an identical bill S. 2225.

The bills unilaterally establish a fishery zone contiguous to the present 3-mile territorial sea of the United States. This additional zone would be nine nautical miles from the outer limits of our territorial sea. The bills permit the recognition of traditional fishing by foreign countries. The United States would exercise the same rights and powers with respect to fisheries in this 9-mile zone as it has in its territorial waters.

The Act of May 20, 1964 (16 U.S.C. 1081-1085) which prohibits foreign fishing vessels from, among other things, engaging in the fisheries within the territorial waters of the United States "or within any waters in which the United States has the same rights in respect to fisheries as it has in its territorial waters" will apply in this zone.

While the United States does not now assert fishery jurisdiction in this 9-mile zone, American fishermen now fish in this zone exclusively. Except for two or three isolated instances foreign fleets have not fished in the zone. With the advent, however, of large-scale expanded fishing operations by foreign fishing

fleets, a demand has developed within certain segments of our fishing industry for an expansion of the present fishery jurisdiction of the United States so that American fishermen might enjoy an exclusive right to exploit the fishery resources of this expanded area. These bills respond to this demand.

There are from a fisheries standpoint reasons for and against the extension of the fishery jurisdiction of the United States.

The principal reason for such an extension is that an enlarged fishery jurisdiction would reserve to some American fishermen exclusively larger fishing areas than they now enjoy. It will result in some economic advantages to these fishermen. This is based on estimates we have developed relative to the fishery catch of American fishermen off the United States and foreign coasts.

The total average fishery catch for the 1959-1963 period was about 5,100 million pounds. About 63 percent of this total was taken within our present territorial waters, and about 26 percent of this total was taken beyond 12 miles and off foreign coasts. Thus, about 11 percent of the total fishery catch by American fishermen was made in the 9-mile area which the bill would add to our present fisheries jurisdiction. This percentage may, of course, vary because of conditions and the migratory nature of the resource.

The principal reason against the extension of the fisheries jurisdiction of the United States is that a substantial part of the United States commercial fishing industry is dependent upon its ability to fish in waters up to three miles off foreign coasts. In recent years, a number of nations have taken unilateral action to extend their seaward limits from 3 to 12 miles along their entire coastlines. A similar unilateral move by the United States would give added impetus to this trend, providing still other nations with the needed excuse to extend their fishery jurisdictions. Any unilateral action on the part of the United States would make it extremely difficult to object to such extensions on behalf of those segments of our fishings industry which now enjoy the freedom of the seas off foreign coasts up to the traditional 3-mile belt now recognized by the United States.

From a fisheries standpoint, we therefore do not object to the establishment of a 12-mile fisheries zone although the advantages and the disadvantages to the United States commercial fishing industry as a whole are so balanced at this time that there is no clear case for such action.

It should be pointed out that the extension of the fisheries jurisdiction of the United States would in most cases be of relatively little value in solving conservation problems. A significant proportion of the fish stocks which now support United States coastal fisheries move freely from coastal waters to offshore waters. A conservation scheme which admitted of conservation measures in only a part of the area inhabited by these stocks and left exploitation of these stocks in other waters unregulated, would be a half measure at best, and would amount to vain regulation of American fishermen. We may cite as examples the salmon, halibut, and king crab resources in waters off Alaska, the conservation of which would be benefited little by the extension of United States jurisdiction to 12 miles.

The Bureau of the Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely yours,

STEWART L. UDALL,
Secretary of the Interior.

GENERAL COUNSEL OF THE DEPARTMENT OF COMMERCE,
Washington, D.C., May 23, 1966.

HON. WARREN G. MAGNUSON,
Chairman, Committee on Commerce,
U.S. Senate,
Washington, D.C.

DEAR MR. CHAIRMAN: This is in reply to your request for the views of the Department with respect to S. 2218 and S. 2225, identical bills to establish a contiguous fishery zone beyond the territorial sea of the United States.

S. 2218 and S. 2225 would establish a contiguous fishery zone stretching for nine miles beyond the territorial sea of the United States. The jurisdiction of the United States would extend to all waters in the zone and the United States would exercise the same exclusive rights in respect to fisheries in the zone as it has in its territorial sea, subject to the continuation of traditional fishing by foreign states within this zone as may be recognized by the United States. We

understand that most countries have claimed jurisdiction beyond three miles for fishery or other purposes.

The Department of Commerce is, of course, interested in the commercial aspects of the United States fishing industry. In its report to your committee the Department of the Interior found that there is no significant foreign exploitation of fishing resources in the nine mile area which the two bills would add to the United States fisheries jurisdiction. On the basis of these findings it would appear that enactment of the proposed legislation would not result in reduced imports of fish and thereby in helping to improve our balance of payments situation, and would not materially benefit the United States commercial fishing industry at this time. On economic grounds, therefore, we do not favor enactment of S. 2218 and S. 2225.

We defer, however, to the Departments of State and Defense with respect to the bearing the proposed legislation would have on the foreign relations of the United States and our national defense.

We have been advised by the Bureau of the Budget that there would be no objection to the submission of this report from the standpoint of the Administration's program.

Sincerely,

ROBERT E. GILES, *General Counsel.*

FEDERAL MARITIME COMMISSION,
OFFICE OF THE CHAIRMAN,
July 7, 1965.

HON. WARREN G. MAGNUSON,
Chairman, Committee on Commerce,
U.S. Senate,
Washington, D.C.

DEAR MR. CHAIRMAN: This is in reply to your request of June 30, 1965, for the views of the Federal Maritime Commission with respect to S. 2218, a bill to establish a contiguous fishery zone beyond the territorial sea of the United States.

Inasmuch as the bill does not affect the responsibilities or jurisdiction of the Commission, we express no views as to its enactment.

The Bureau of the Budget has advised that there would be no objection to the submission of this letter from the standpoint of the Administration's program.

Sincerely yours,

JOHN HARLEE,
Rear Admiral, U.S. Navy (Retired), Chairman.

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, D.C., July 13, 1965.

HON. WARREN G. MAGNUSON,
Chairman, Committee on Commerce,
U.S. Senate.

DEAR MR. CHAIRMAN: By letter dated June 30, 1965, you requested our comments on S. 2218 and S. 2225, 89th Congress, which are bills "To establish a contiguous fishery zone beyond the territorial sea of the United States."

We have no special information that would assist the committee in its consideration of these measures and have no comment to offer with regard to the action to be taken on them.

Sincerely yours,

FRANK H. WEITZEL,
Acting Comptroller General of the United States.

DEPARTMENT OF THE NAVY,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, D.C., May 25, 1966.

HON. WARREN G. MAGNUSON,
Chairman, Committee on Commerce,
U.S. Senate, Washington, D.C.

MY DEAR MR. CHAIRMAN: Your request for comment on S. 2225 and S. 2218, identical bills, "To establish a contiguous fishery zone beyond the territorial sea of the United States," has been assigned to this Department by the Secretary of

Defense for the preparation of a report thereon expressing the views of the Department of Defense.

The bills provide for United States jurisdiction over waters in the fishery zone, with exercise by this country of the same exclusive rights to fisheries in the zone as it has in its territorial sea, subject to continuation of traditional fishing by foreign states as may be recognized by the United States. The President could adjust the zone boundaries to avoid conflict with the territorial waters or fishery zone of another country.

Since 1793 the consistent position of the United States, strongly supported by the Navy, has been that a nation's territorial sea extends three nautical miles seaward from its shores and no further. All waters seaward of this narrow belt are high seas to which certain freedoms, including fishing and navigation, are extended to all nations alike.

We consider it imperative from the point of view of the security interests of the United States to preserve the existing right of free navigation on the high seas for warships and aircraft. We would, therefore, wish to avoid any action by the United States that might in any way impair or affect adversely this right. We have been advised that the Department of State report on the bills states that in view of the recent developments in international practice, action by the United States at this time to establish an exclusive fisheries zone extending 9 miles beyond the territorial sea would not be contrary to international law, and further states that such action would not extend the territorial sea beyond our traditional 3-mile limit and would not affect such traditional freedoms of the sea as freedom of navigation or of overflight.

Accordingly, we do not oppose enactment of S. 2218 and S. 2225.

This report has been coordinated within the Department of Defense in accordance with procedures prescribed by the Secretary of Defense.

The Bureau of the Budget advises that, from the standpoint of the Administration's program, there is no objection to the presentation of this report on S. 2225 and S. 2218 for the consideration of the Committee.

For the Secretary of the Navy.

Sincerely yours,

F. R. DOWNS,

Commander, U.S. Navy, Director, Legislative Division, Acting.

THE GENERAL COUNSEL OF THE TREASURY,

Washington, D.C., June 6, 1966.

HON. WARREN G. MAGNUSON,
*Chairman, Committee on Commerce,
U.S. Senate, Washington, D.C.*

DEAR MR. CHAIRMAN: The Department would like to take this opportunity to express its views on S. 2218 and S. 2225, identical bills, "To establish a contiguous fishery zone beyond the territorial sea of the United States", which are pending before your Committee.

The bills would establish a fishery zone contiguous to the territorial sea of the United States nine miles wide in which the United States would exercise exclusive rights, in respect to fisheries, to the same extent as it exercises these rights in its territorial sea. Provision is made for the continuation of traditional fishing by foreign states as well as for the establishment of seaward boundaries where the zone established by the act conflicts with the territorial waters or fishery zone of another country.

The impact of the bill on this Department would be difficult to assess at this time. Under existing law, the Coast Guard enforces Federal law upon the high seas and waters subject to the jurisdiction of the United States. Present operating practices of the Coast Guard do not normally demand intensive surveillance of all existing territorial limits. If the bills were enacted, it is anticipated that present levels of patrol and enforcement activity would continue unless there is evidence of widespread violations of prohibitions contained in the bills. Existing long-range plans of the Coast Guard provide for a moderate increase in resources which can be made available for enforcement activity. This level of surveillance is the maximum which can be provided with existing and planned personnel and equipment.

The Department notes that the bills contain no penalty or other enforcement provision in case of violation of the exclusive rights in respect to fisheries which the United States would exercise under the extension of jurisdiction stated in the bill. Under the bills' provisions, however, the penalty provisions found

in Public Law 88-308 would apply to persons and vessels violating the exclusive rights of the United States to fisheries in this fishery zone.

Although the bills' provisions contain the potential for a significant increase in Coast Guard activity if the exclusive right of the United States in the fishery zone is to be strictly enforced, there are other areas in which the bills would have an effect. The Coast Guard, in the past, has worked in close cooperation with the Department of the Interior on conservation matters. If the bills result in further conservation measures, the Coast Guard would, of course, continue to participate in their enforcement. The assertion by the United States of this limited national jurisdiction over an area that until now has been open to fishing operations of other nations involves considerations of foreign relations and national security about which the Department expresses no opinion.

The Department has been advised by the Bureau of the Budget that there is no objection from the standpoint of the Administration's program to the submission of this report to your Committee.

Sincerely yours,

FRED B. SMITH, *General Counsel.*

Senator BARTLETT. Almost a year ago I introduced this bill with Senator Magnuson of Washington and Senator Kennedy of Massachusetts as cosponsors. Since then Senators Pastore, Ribicoff, Gruening, Morse, Muskie, Smith, and Saltonstall have joined as cosponsors.

The extension of fishing limits would in no way alter our employment of the 3-mile limit which presently defines our territorial sea. As in the past, total sovereignty is recognized in these waters, with right of innocent passage given to ships of other states. From the standpoint of trade and navigation, a narrow territorial sea still seems desirable.

The protection of our fishery resources, on the other hand, is becoming increasingly more important. Each year we see greater numbers of foreign ships near our shores—not small wooden-hulled trawlers and trollers we usually think of in connection with coastal fishing, but huge steel-hulled, oceangoing factories capable of processing the catch while acting as mother ships—furnishing fuel and supplies for whole fleets of smaller fishing vessels.

This mass invasion of our coastal waters threatens our fishing industry, and, if permitted to continue, might significantly deplete our resources. Other countries have seen this same development and have extended their fishery jurisdiction beyond the 3-mile limit. In fact, over 50 nations have extended fishery jurisdiction to 12 miles and a dozen have even broader jurisdiction.

It is in this Nation's vital interest to protect its coastal resources for future generations. This bill is a big step in that direction.

I have a statement from Chairman Magnuson which I propose to read. The chairman, of course, was most anxious to be here today, but another pressing engagement prevents his coming. But before reading this, I am going to call a cosponsor of the bill, who is required to go elsewhere soon, and we were honored yesterday when Senator Kennedy appeared before us in connection with the fish protein concentrate measure and we are very pleased to hear from him now in reference to the bill before us.

**STATEMENT OF HON. EDWARD M. KENNEDY, U.S. SENATOR FROM
THE COMMONWEALTH OF MASSACHUSETTS**

Senator KENNEDY. Mr. Chairman, I appreciate the opportunity to testify this morning in support of S. 2218, a bill which I was pleased to cosponsor.

I consider this bill, to establish a contiguous fishing zone for 9 miles beyond the present 3-mile territorial sea, to be still another step in what has become a significant congressional program to mobilize our enormous marine resources.

Under the leadership of the eminent chairman, Senator Magnuson, and Senators Bartlett and Pell, there are presently pending before Congress bills to establish a national council which would provide Federal coordination and policy guidance in the development of our marine resources; to establish national sea-grant colleges which would increase our knowledge and use of our marine resources; and to build experimental plants to further the commercial exploitation of fish protein concentrate. And as a result of congressional prodding, there is to be a substantial upgrading of the rank and increases in the staff of the Special Assistant for Fisheries in the Department of State.

The bill being considered today, which would permit the United States to reserve a 9-mile zone for the conservation and protection of our enormous untapped coastal fishing resources, is still another step in this systematic mobilization.

At the outset, I would like to stress that I do not believe this proposal is contrary to the doctrine of freedom of the seas—a doctrine which I consider a fundamental part of U.S. foreign policy, and which I firmly believe this country should continue to support and espouse.

First, it should be noted that establishment of this zone is only an assertion of limited jurisdiction for one particular purpose. It would have no effect on continued free access of other nations through this zone for purposes of navigation and commerce.

Furthermore, as Senator Bartlett persuasively argued in his statement on the Senate floor on June 9, 1965, this proposal is not new. There are numerous recognized qualified departures from the 3-mile rule—indeed, the departure proposed in this legislation is so well established that the United States can count only 10 other countries in the world who, along with us, have not extended their fishing zone jurisdiction more than 3 miles.

We have waited all these years because we were afraid that unilateral action on our part would lead others to follow and perhaps make still more expansive claims. But the other nations have not waited, and in my judgment we have nothing further to gain and much to lose by inaction.

The United States is not maintaining its relative position in the world as a great fishing power. For the past 30 years the U.S. fish catch has remained static while fish use has increased. In the last decade alone, the United States had dropped from second to fifth place in the scale of the world fish catch, and that part of our consumption which we import has increased by 25 percent to more than 50 percent of total fishing consumption.

This decline can be attributed in part to our failure as a nation to take the aggressive and imaginative action necessary to make our fisheries competitive with other nations. But it is also in part a result of the enormous fleet of foreign fishing vessels, principally Japanese and Russian, which are operating off our shores taking fish resources which should be ours. Denying these vessels access to our fish resources within this 9-mile zone should help our fishing industry considerably.

Most of our present fish catch comes from this 9-mile zone, and the untapped potential of this zone could triple our fish production.

Moreover, exercising such jurisdiction would make possible for the first time the future cultivation and harvesting of the resources of the sea.

Once our national sea-grant program is in operation, our National Council is planning future developments, and the commercial production of fish protein concentrate has moved into high gear, the existence of such a zone will make possible the economic management and conservation of our marine resources which is required to implement these dramatic new programs.

I therefore strongly urge that speedy and favorable action be taken on this important piece of legislation.

Senator BARTLETT. Thank you, Senator Kennedy.

There is considerable agitation and much concern now on the west coast from California to Alaska because Russian and Japanese fleets in great numbers are moving down to catch principally bottom fish. And I am informed that in some cases they are sweeping the bottom of the seas clean, depleting the resources.

This has been a situation, as I understand, which has existed for even longer off the New England coast, and many foreign fleets, other than Russian and Japanese, but including them, have participated in this fishing effort. Is this correct?

Senator KENNEDY. That is correct, Mr. Chairman. I think without pointing the accusing finger at any particular nation, I have had an opportunity in visiting some of the ports in Massachusetts to see for myself and have conversations with the fleet captains, pieces of chains and netting which go below the 4-inch limit which has been established as a conservation feature for the North Atlantic. We have been attempting to determine where these nets were made. And there is evidence that they have been made in Eastern Europe, and there are a number of significant questions which are posed by the existence of the Soviet fleets off our coast in New England. We have had them for a period of time, and we have had considerable difficulties with them and I think that this is an extremely modest approach, certainly, the ones which have been suggested by this legislation, but is quite fundamental.

Most of our fishing activities take place beyond this area, this zone, but I do feel it is still another measure which is helpful and constructive and positive in helping and assisting our industry as a whole.

Senator BARTLETT. Some people have told us, well, after all, extend the fishing zone to 12 miles, and there really won't be much of a beneficial effect insofar as American fishermen are concerned. This is a theory, and argument, which I cannot subscribe to. What is your opinion?

Senator KENNEDY. I support your analysis of this. I think you have made an extremely persuasive and effective argument, but one which could be made by many of us who come from maritime States. I think it will make an extremely useful contribution and protection and I think that until we are able to develop the kind of conservation techniques which are generally acceptable in the international group of nations, I think this is absolutely mandatory.

Senator BARTLETT. I think an important paragraph in your statement, Senator, relates to your informing us that only 10 other countries in the world have not moved to extend their fishing jurisdiction. It is my understanding that practically all of the principal mari-

time nations have done so, and have done so unilaterally. Is that in harmony with your understanding?

Senator KENNEDY. That is my understanding. The Senator from Alaska knows full well the history of the Convention of the Sea that was convened in 1960, and the considerable debate that involved this area and our general reluctance, as I stated in my statement, to provide leadership, and because of our historical position of freedom of the seas, to provide leadership in extending the 3 to 12 mile for fishing.

Nonetheless, in the immediate post period we have seen these countries, as the Senator from Alaska correctly stated, taking unilateral action, principally by the maritime nations. I feel now that we are fully justified in pursuing this course of action. And I think that we—I feel we are not unjustified, but I feel it is obligatory if we are going to protect our industries which have been deeply affected by this foreign intervention.

Senator BARTLETT. The record shows we assuredly would not be establishing a precedent. We would be merely following one long since established by other leading fishing nations.

Senator KENNEDY. Yes. And I think the legislation, as well, as the Senator commented, protects the historical fishing rights and protects our relations with Canada.

Senator BARTLETT. Which is important.

Senator KENNEDY. Which is extremely important. And I think that this is something which is recognized as well.

Senator BARTLETT. Senator Dominick?

Senator DOMINICK. Thank you, Mr. Chairman. I don't know that in my great fishing State of Colorado, that I should be talking about this. We don't have much of this extraterritorial jurisdiction. But I thought I could get some information from you, Senator, because I know you are well versed in this field, concerning the impact that this might have on the efforts that have already been made by the Latin and South American countries to spread their fishing rights out and to prohibit our boats from fishing—I think it was in a 24-mile area.

Senator KENNEDY. In the case of Peru, for example, I believe it is 200 miles. A number of the Latin American countries have extended this far beyond what can be considered reasonable.

Senator DOMINICK. Is it your feeling that passage of this bill would give us some impetus in trying to get an international agreement on this?

Senator KENNEDY. Well, I think the history on this, the meetings as I mentioned when you came in, the Conventions of the Sea, where efforts were made to get an international agreement, it only failed, as I remember that Convention, by just one vote. There was extensive debate in Geneva. I think certainly from the appearances of many of the nations who opposed that resolution at the time, and have subsequently gone ahead and unilaterally declared the 12-mile limit, I would think there would be broad agreement for 12 miles.

Senator DOMINICK. Are you not concerned this might lead other nations to start extending theirs by some sort of self-legislation similar to this, which might create more problems for us?

Senator KENNEDY. I think the 12 miles is not something which is new, as Senator Bartlett pointed out on the floor of the Senate. This 12 miles has been long standing, both historically and has been con-

sidered in international discussions for a period of time and is generally acceptable.

I think that the examples which concern certainly the Senator from Colorado, and myself, and particularly the States on the west coast, California, Washington, and Oregon, which are the great tuna fishing areas, down on the west coast of Latin America, are completely unreasonable and irrational and I think irresponsible. So I think we have demonstrated, on this particular issue, remarkable restraint, and a willingness to work with our fellow nations in trying to reach accord, and as I mentioned in the testimony, there are only 10 nations who have not extended it; the great majority have, and I think we are now acting responsibly.

I think any nation which was to look to the U.S. action at the present time and say this is a precedent which justifies our extending our boundaries to unreasonable limits, I think it would probably be a nation which would extend it under any event.

Senator DOMINICK. Thank you.

Senator BARTLETT. It is my understanding, too—I don't know if this is correct or not, but I believe it is—at the 1958 Geneva Conference the U.S. Navy, which has jealously adhered to the principal of the 3-mile territorial sea, was ready to make an agreement for a 6-mile territorial sea with a further extension of 6 miles for fishing.

I don't know what the attitude of the Navy is in respect to this bill, but that was their feeling at the time.

Senator Neuberger?

Senator NEUBERGER. No questions.

Senator BARTLETT. Thank you very much, Senator Kennedy, for a valuable contribution.

Now I shall read the statement by Senator Magnuson, Chairman Magnuson:

It is a serious disappointment to me that I will be unable to personally attend the hearings on S. 2218, though I appreciated the opportunity to see many of you at the State Department meeting yesterday. We are just now at the peak of the Senate Appropriations Committee meetings, and I have responsibilities there which you know are very meaningful to our fishing industry.

I am pleased that another with the fisheries interests at heart, the Senator from Alaska, Mr. Bartlett, is able to preside and record your testimony.

There are few fisheries issues today which rank in importance with that of fishery jurisdiction, and it is a problem which will require good patience and understanding for solution. Two world Law of the Sea Conferences at Geneva—one in 1958, the other in 1960—were unable to achieve an area of agreement, but it is my feeling that a third conference would not only reach decision, but further that such decision might well provide some assurance of conservation requirements of our important ocean resources.

On Monday of this week, I presented a statement and an eleven-point program to the United States Senate, specifically designed to provide for protection to the stocks of fish on our continental shelf and adjacent sea. Some of the facets are immediate, others embody some long-range requirements.

In addition to this program, I advised the Senate of my receipt of thousands of telegrams from my own State, prompted in large measure by an article by Raymond Schuessler in Navy Magazine. This is not an official government publication, and thus far the U.S. Navy has not publicly responded to the charges that Soviet trawlers have been placing "homing devices" on our Continental Shelf for potential attack purposes. I do not know whether the statements are true, but this Committee intends to seek the truth and act accordingly. Senator Bartlett has advised me that he will be available to continue these hearings into Friday, so that we can include testimony from the magazine article author and the editor of Navy Magazine, if available, to be followed by witnesses from the U.S. Navy.

As Chairman of the Senate Commerce Committee, may I extend my greetings to all of you, and my particular appreciation to those of you who have made sacrifice in coming great distances to present your expert testimony for the deliberations of this committee.

We are searching for the author of this article, because I think his testimony will be extremely important.

At this time I want to place in the record a statement by Congressman St Germain from the First District of Rhode Island endorsing the bill.

(The statement follows:)

STATEMENT BY HON. FERNAND J. ST GERMAIN, U.S. REPRESENTATIVE FROM THE STATE OF RHODE ISLAND

GENTLEMEN: In 1703, the Dutch jurist Bynkershoek suggested that the width of a nation's coastal belt should be determined by the range of a cannon shot. One hundred years later, as a result of test done by the Navy, the United States' coastal range was set at three miles because that was the shore cannon range. Beyond that range, jurisdiction ended. Thus the position established by Thomas Jefferson in 1793—that the three mile coastal range constituted the scope of the United States territorial waters—was upheld. And it has remained unaltered to this day.

For navigational purposes, the three mile coastal range marks the imaginary line separating international and inland rules of the road. For fishing purposes, the three mile coastal range marks the end of our jurisdiction over foreign fishermen who are exploiting our coastal waters of their fishing stocks.

Gentlemen, the status of our fishing industry is such that it demands extension of the three mile limit for purposes of conservation and to enhance the much needed development of our fishing industry. Since 1957, the United States has dropped from second to fifth place among the nations in total world catch while Peru, increasing its output 140 times since 1948, now is the world's leader. In 1950, the United States accounted for 13 percent of the world's catch. In 1963, we accounted for less than 6 percent. And this sharp decrease in output, gentlemen, has occurred in the midst of a rapidly growing world-wide demand for fish.

In 1962, about 33 million metric tons, live weight, of fish were caught for food use. By 1970, the demand may be between 40 and 45 million tons. In addition to this, large quantities of fish are caught for reduction purposes—e.g., to be used as feed for farm animals. This also has been growing at an extremely rapid rate. By 1970, the total world demand for fish for all purposes may be between 52 and 72 million tons.

In other words, while the world demand for fish has increased, we have failed to develop our fishing industry in accordance with this demand and have allowed the rapidly developing foreign fishing fleets to come within three miles of our coast to gather their catch, which in many cases, have in turn been sold back to us because we import approximately 50 percent of the edible fish consumed in the United States.

Why do we persist in maintaining a three mile limit? Is it because this is the limit traditionally held by the majority of nations and therefore we do not wish to disrupt what is commonly regarded as an internationally fixed limit?

Let us examine this view. At a conference called by the League of Nations in 1930, more countries favored the three mile limit than any other distance but a large number of other widths were claimed. However, at the 1958 Geneva Conference on the Law of the Sea, only 23 of the 86 nations represented claimed a three mile territorial sea. Therefore, to invoke the majority principle in arguing for the retention of a three mile limit is impossible.

Gentlemen, there is no uniformity in the territorial sea nor fishing claims established by the various countries of the world. Let us look to our neighbors: Canada claims a twelve mile limite while Mexico claims a nine mile limit. Scanning across the globe, we find that Albania has a ten mile limit, Cambodia-five miles, Iceland-four miles, Korea-twenty miles and Costa Rica has two hundred miles. Many nations have territorial limitations and fishing zones—e.g., South Africa maintains a six mile territorial sea and a twelve mile fishing zone.

Realizing the lack of uniformity, the United States during the 1958 Geneva Convention proposed a six mile territorial sea plus and adjoining six mile ex-

clusive fishing belt plus access to nations with historic rights. This proposal or any other proposal for uniformity failed to meet the approval of the majority of the nations.

Therefore, gentlemen, in view of the lack of uniform world-wide criteria, the growing number of nations who are extending their territorial waters and fishing zones, the growing world demand for fish, the growing infringement upon our territorial waters by foreign fishermen, and the diminishing status of the American fishing industry, I propose that now is the time to establish a contiguous fisheries zone of nine miles beyond the territorial sea, extending three miles from the coast of the United States.

We cannot delay effectual legislation on this matter which is so vital to the future stability and growth of our nation. Through legislation we must protect our fishermen from the exploitation of foreign fishermen and must foster the development of our fishing industry. This, I believe, can be largely accomplished through the establishment of a nine-mile contiguous fishery zone beyond the territorial sea.

Senator BARTLETT. The next witness is Congressman Keith.

**STATEMENT OF HON. HASTINGS KEITH, U.S. REPRESENTATIVE
FROM THE COMMONWEALTH OF MASSACHUSETTS**

MR. KEITH. I am very pleased to see you and your committee moving ahead in this most essential area. I have a prepared statement, which I believe has been made available to you.

I also have for the record a telegram from the general manager of the Seafood Producers Association, New Bedford, endorsing the legislation before you today.

Senator BARTLETT. Do you want that put in the record?

MR. KEITH. I would like very much to have it put in the record.

Senator BARTLETT. It shall be incorporated.

(The telegram follows:)

NEW BEDFORD, MASS., May 17, 1966.

Congressman HASTINGS KEITH,
House Office Building, Washington, D.C.:

Seafood Producers Association, New Bedford, Mass., representing 168 boat owner members employing 1276 fishermen in accord with bill S 2218. Protection and conservation of our fisheries resources vital. Urge you do utmost for passage of this bill. Pledge our support.

OCTAVIO MODESTO,
General Manager, Seafood Producers Association.

MR. KEITH. I have a prepared statement. It is rather short, but I will submit it for the record.

I would second the remarks made by the junior Senator from Massachusetts, Mr. Kennedy, as well as those of Senator Magnuson, and say that I believe in the long run the fisheries of the oceans of the world are the answer to our problems of taking care of the people not only of this country, but of the underdeveloped nations; that in order for good conservation practices to be put into effect, it would be necessary to have additional jurisdiction for this country out to and including the 3-12-mile fisheries area that is called for in this legislation.

I can read my prepared statement, if you like.

Senator BARTLETT. I would like you to do so, because your testimony is always helpful and I think everyone in the audience ought to have an opportunity to hear it now.

MR. KEITH. Mr. Chairman, it is my pleasure to be able to testify here today in behalf of the bill to extend our country's offshore fishing limits to 12 miles.

S. 2218 is a bill which has my strong support. In fact, I have filed a similar one on the House side. My interest in protecting our coastal resources is a longstanding one. I have not filed this bill in past years, however, in the belief that it would cause international problems. But today, in view of the fact that we are among only about 15 nations which have offshore limits as small as 3 miles, the situation has changed.

The reason for the urgency of this bill is our declining relative position among fishing nations of the world. The need for the bill is rooted in the fact that foreign nations are building more and more large oceangoing ships, and soon there will be few waters our fishermen can count on having to themselves. Since 65 percent of our total catch comes from within 12 miles of our shores, this bill could give our fishermen substantial protection. I do not contend that many foreign fishermen are within 12 miles of our shore right now. But it does appear that the longer we wait the more foreign nations will be using these waters. International custom will require then that we allow those fishermen to retain the right to fish even if we later extend our limits to 12 miles.

In my view the most urgent problem is the matter of Soviet fishing. Recently I traveled to the Soviet Union for the House Merchant Marine and Fisheries Committee. One of the main purposes was to try to make a better assessment of the Russian effort in fishing. We spoke with officials of the Soviet Ministry of Fisheries and inspected shipyards in Poland which supply a large percentage of Soviet ships. It became obvious to us that the Soviets have definite plans to move further and further south with their fleets, which are already in every ocean of the world. They are building large factory ships, mother ships, and trawlers which can stay at sea for as long as a year or two. The only limiting factor is the human element.

The Soviet danger is a very real one. Not only are they competing with us for the total world supply of fish, they may soon also be competing for what has traditionally been our own domestic supply. Our yearly catch is declining, while theirs has increased 250 percent since 1953. They are in fourth place among fishing nations of the world while we are in fifth. And, of course, we cannot afford to forget that Soviet vessels notoriously do far more than just fish in the waters off our coasts.

I happen to have been aware of this situation for some time. The Russian fishing fleet has been off the coast of my district for some years. In fact, in a recent inspection made by the Coast Guard at my request, 72 Soviet fishing vessels were sighted 60 miles south and east of the Nantucket lightship. The people of my district are very alarmed about the presence of these ships.

Conservation is another major argument for increasing U.S. jurisdiction over fisheries. Soviet fleets are large and efficient. The effect on the supply of fish in a small area could be devastating. And unfortunately, if we depend entirely on international conventions and treaties, remedial action may come too late.

Hopefully this bill will include automatically, or can be written to include the same penalties we established in the 88th Congress for those who illegally take the resources of the Continental Shelf or fish in the territorial waters of the United States. In Public Law 88-308, we

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established the principle that a penalty of a fine, forfeiture of the vessel, or imprisonment would be levied on those who did not comply with the law.

Another point I might mention is that I hope that concurrently with this legislation we will consider plans for conservation and management of the fishery resources out to 12 miles. Whether the States are best qualified to have this jurisdiction, or the Federal Government, remains to be seen. The important point is, as I see it, that we should start now thinking about the long-range management of the resources. The 12-mile fishing limit is rapidly becoming a fact of life. We must establish our rights now—for the future of the fishing industry, the conservation of our resources, and the protection from the Soviet threat.

I urge this committee to report favorably on S. 2218.

Senator BARTLETT. Thank you, Congressman.

At the outset, I want to compliment you on your vigorous and continuing advocacy of all measures having to do with the upgrading and upbuilding of the American commercial fisheries. You have been a great help to us here as well as being instrumental in the House in the passage of so many bills that have been enacted in the last few years to help this industry.

In mentioning the construction of Soviet fishing vessels that can stay at sea for a year or two, may I ask you this: What do they do, transfer this fish to smaller vessels which go to the home ports?

Mr. KEITH. They have three or four different kinds of vessels that are in one of these fleets. They have a mother ship which I would imagine is there to maintain the vessels at sea, and to provide certain rest and recreational facilities for the crews of the trawlers who accompany the mother ships.

They also have factory ships which are able to make fish protein concentrate or fish meal right at sea, or to freeze the fish into blocks so that it can be shipped back to the Soviet Union or other country to whom the product is sent.

Then, of course, they have the small trawlers, as we do, and they have stern trawlers. When I testified on the bill which became law 2 years ago, the one on the Continental Shelf, I pointed out that the efficiency of the Russian fleet was such that not even the gulls bothered to follow their fishing vessels, because there was so little that was left over. They use every fish that they catch, and they make a clean sweep, I believe, of the bottom in many cases.

Senator BARTLETT. Congressman Keith, you stated at the outset that you had a reluctance to offer a bill of this nature, which you have now done in the House, because you feared it might create "international problems." Well, I think over here to a degree we shared that apprehension, too. I know some of us preferred that this be done by executive action, rather than by legislation, because my memory is that our situation today began back about 1793, stemming from an executive order issued by the then Secretary of State Thomas Jefferson.

But for a variety of reasons, it does not seem that we can hope for such an executive order, and that is why so many of us, including you, have reached the decision that legislative action is required.

Mr. KEITH. That is a factor, Mr. Chairman, that was prominent in my thinking at that time. In 1958, at Geneva, there were four con-

ventions that were considered, and one of them was known as the Territorial Convention, I believe, which we sponsored jointly with the Canadians, which would have provided a 6-mile territorial limit and a 6-mile fishing limit beyond that. This was actively under consideration at the time I considered filing this bill, and it only failed by one vote.

Had that not failed, this legislation would not be necessary. That having failed, this is our best recourse.

Senator BARTLETT. You made a very pertinent statement, in my view, when you applauded the penalty provisions provided for in Public Law 88-308, in respect to the Alaska fisheries. I am sure this will be the case elsewhere, if it has not been already, this has been of massive assistance to our fishermen and will be even more so in the future, I am sure.

I notice that the chairman, Senator Magnuson, has appropriated for the moment all of the money that is to be appropriated this morning—

The CHAIRMAN. Yes, all of it. I gave up.

Senator BARTLETT. Perhaps he would want to make a statement.

The CHAIRMAN. No. I wonder if any of the witnesses have expressed any comment—and maybe the Congressman could—on instead of having a literal horizontal 12 miles, on an agreed coastline, whether we might propose a larger area, or the shelf, whichever is the greatest? A shelf may go 20 miles out in one place, and 10 miles in another, where the fishing occurs.

This is a little more difficult than drawing a line. But we have brought up here the limits of the shelf, which show the Pacific coast limits narrower than the Atlantic coast and the gulf. Of course, the Bering Sea has a tremendous shelf, running out many, many miles.

I wonder whether or not we might suggest we use the continental shelves as the guidelines, rather than an arbitrary 12 miles?

Mr. KEITH. I do have some comments and I am sure the State Department witnesses who will testify later will further support the information which I am going to give you, and which I am sure you are quite well aware of.

The vast majority of the nations of the world do not have a continental shelf, that kind of delineation. And we would upset the existing pattern of international law in this field. There are approximately 90 countries with coastlines that we have to think about. Twenty-five of them have a 12-mile territorial limit, 35 have less territory, but 12 for fishing, and a very small number of countries have the larger limits of 100 to 200 miles. They are India, Chile, Nicaragua, Ecuador, Peru, Costa Rica, and Korea. So we would have a hard time winning support.

If they should invoke similar legislation in their countries, our tuna fishermen would be unable to go over the coast of Mexico in the fertile areas which they do, and the countries of Latin America.

Our shrimp fishermen would be handicapped in their efforts to get into the gulf. And if Canada should reciprocate, we would have problems for our Gloucester fishermen. There are, I suspect, many other reasons.

But it would be contrary to the trend and would in my view pose a problem of reciprocal action that would be adverse to our interests, as well as to those of other countries.

The CHAIRMAN. It is kind of a double-edged sword.

Mr. KEITH. Yes, it is.

The CHAIRMAN. You don't know which is in the best interests of the fishermen; they are divided on this, which is only natural, depending on their condition. What would you have to say about where there has been established historical fishing grounds that may be a few miles off and beyond a 12- or 15-mile limit?

Mr. KEITH. Well, historically these historical grounds have been accepted by the nations of the world as they adjudicate these matters.

The CHAIRMAN. There have been some treaties on historical grounds. But our situation has been new with treaties, and don't you think the ultimate answer, when we get beyond establishing a limit, would be an international conference?

Mr. KEITH. Yes.

The CHAIRMAN. On conservation, which then would preserve the historical rights, conservationwise, for people that fish. So someone new coming into a fishing ground might be able to fish but he couldn't—he would have to observe some conservation guidelines. So there would be fish for everybody.

Mr. KEITH. I thought the statement you made yesterday at the time we were discussing the possibility of an Assistant Secretary of State for Fish and Wildlife Conservation, that that really offered the greatest hope for progress in feeding the multitudes of people that will be populating this earth. We must have that convention.

The CHAIRMAN. And you can establish some guidelines on the high seas for the benefit of everybody.

Mr. KEITH. Yes.

The CHAIRMAN. Then American fishermen would still be faced, we know, with a problem, on how to be able to economically compete. This is something we have to keep at. More modern fleets and things of that kind.

But it seems to me, the more I look at this thing, the more complicated it gets. So I think we ought to think seriously of establishing a limit, such as we are talking about here, on one hand, and then keep pushing to the best of our ability, vigorously, international conference for other fishing beyond this.

Thirdly, to separate fishing from territorial waters, navigation, because obviously we wouldn't want to close the Straits of Dover, or the Gibraltar or about 13 others I can think of, including 3 of them that are very valuable to us, and leave them in the hands of the country that happens to be right there.

Defensewise, we wouldn't want to do that.

Mr. KEITH. That is right.

The CHAIRMAN. But I think you are on the right track, to discuss a reasonable limitation and then push the other thing along with it, parallel to it.

Mr. KEITH. I think this proposal is reasonable, and I think this international conference that you have suggested for conservation measures on the high seas is a must, and I would hope it would get the support of our State Department.

The CHAIRMAN. You mentioned that about 65 percent of our domestic fisheries now is within the 12 miles?

Mr. KEITH. Yes, sir.

The CHAIRMAN. Is the other 35 percent out farther, or would it be in a 25-mile zone, or 30?

Mr. KEITH. I think it is in many cases out farther. A great deal of our fishing comes from its banks, and I think that they are beyond 35 miles.

The CHAIRMAN. It would be way out?

Mr. KEITH. It would be quite a ways out. It would still come, I believe, within the 200 mile limit, most of our fishing.

The CHAIRMAN. Well, in some cases, it would; some cases, it wouldn't. But the big bulk of it would?

Mr. KEITH. Yes.

The CHAIRMAN. Thank you, Mr. Chairman.

Senator BARTLETT. Senator Neuberger?

Senator NEUBERGER. This isn't exactly pertinent to just the statement of Congressman Keith, but I don't know if there is anybody in this room that is going to oppose this bill or not. I presume this is a bill that there is very little opposition to. The only thing, as I listened to Senator Kennedy and the Congressman, and I have read the resolution, and so on, how much can we affect this? Is it up to the State Department, or is it so involved in foreign policies, or treaty-making?

You have the problem the chairman has, and the presiding officer, and I have, about our local situation. How much can the Congress do?

Mr. KEITH. Well, we did something in the legislation of a couple of years ago. You may recall when the Cubans were coming in close to the shores of Florida that there was no Federal law that made it possible for us to police them.

There was, I believe, a State statute that was finally invoked, and the legislation, which, I think, came from this committee, provided in the Continental Shelf bill authorization for our Coast Guard to apprehend and to bring the vessels into port. And, interestingly enough, they are tried, not in a Federal court, but in the district court of the State involved. I believe I am right in that.

I see a quizzical expression, but I think it is the district court. The Coast Guard brings them in.

That is what I wonder. You pass this bill——

The CHAIRMAN. Excuse me. In the Florida case, they had an argument about who had jurisdiction, the State or Federal court?

Mr. KEITH. I think the State court finally had jurisdiction. There was no penalty in the Federal law.

Senator NEUBERGER. But we pass the bill, and I assume we can do it very easily. What happens then when a Russian ship comes pulling in off our shore and we send out the Coast Guard, and we can enforce this law, can we?

Mr. KEITH. We can.

Senator NEUBERGER. I was just on the west coast recently, while the Russians were out there, and then I went to San Francisco, and they were faced with a problem just then of one of their ships having engine trouble. And they wanted to bring it in for repair, but it was quite interesting that, before the Russians would allow the Coast Guard to go abroad, they transferred all of the cargo to another ship that didn't need repair.

Really, I was reading the story, and it honestly sounded like an international spy case, or something.

I wonder what they transferred? What was on that ship, besides the fish they caught, or electronic equipment? What was it? It made me wonder just how much we could scare them off, drive them off.

Senator BARTLETT. May I perhaps make a contribution here by quoting from the act of May 20, 1964, which is the public law you referred to in your statement, Congressman?

It is unlawful—

Section 1—

It is unlawful for any vessel, except a vessel of the United States, or for any master or other person in charge of such a vessel, to engage in the fisheries within the territorial waters of the United States, its territories and possessions, and the Commonwealth of Puerto Rico, or within any waters in which the United States has the same rights in respect to fisheries as it has in its territorial waters, or to engage in the taking of any continental shelf fishery sources, which appertains to the United States, except as provided in this Act or as expressly provided by an international agreement to which the United States is a party.

Those words, and I quote again:

Or with any waters in which the United States has the same rights, in respect to fisheries as it has in its territorial waters—

were deliberately added in anticipation of the possibility that our fisheries zone might be extended.

Senator NEUBERGER. For the edification of a member of your committee, what happened when we had the Japanese fisheries people here a year or two ago and we met with them? Were they inside our waters, or what happened?

Senator BARTLETT. No. This related to their high seas fishery. The answer is, nothing happened, unfortunately.

Senator NEUBERGER. I see, because of our salmon going out into the high seas?

Senator BARTLETT. Way, way beyond any 200-mile limit.

Senator NEUBERGER. Naturally, I am for this legislation. I just wanted to know if there were any reason why it couldn't be enforced.

Senator BARTLETT. The provision is in existing law.

Senator NEUBERGER. We can just establish what our territorial rights for fishing are; is that it?

Senator BARTLETT. As practically every other great maritime nation has done unilaterally within the past 2 or 3 years particularly.

Senator NEUBERGER. Why don't we hurry up and pass this bill out then and get it going?

Senator BARTLETT. Good idea.

Senator NEUBERGER. That is all.

Senator BARTLETT. Senator Dominick?

Senator DOMINICK. I have only one question. I think Congressman Keith's testimony has been extremely valuable in pointing out some of the problems in the bill and the necessity for doing something. But on page 2, you say that the Russians are in fourth place among fishing nations of the world, while we are in fifth.

Are we talking about total catch, or are you talking in terms of fishing fleets, or what is the terminology in the first, second, third, fourth, and fifth places?

Senator BARTLETT. It is tonnage of fish landed.

Senator DOMINICK. Where do we get those figures from?

Senator BARTLETT. The Bureau of Commercial Fisheries, I believe, is going to testify on this legislation, and I think that they are the ones that furnished this information to me.

Senator DOMINICK. How about their fishing fleet, as such? I saw that you had been to the Soviet Union and inspected it. Do you believe they are well ahead of us in techniques?

Mr. KEITH. They are way ahead of us in techniques and their ability to fish the seven seas. And, of course, their progress is not solely in the fishing field, but they are doing an extraordinary job with the merchant marine. I believe they have 10 times as many ships on order for their merchant fleet as we do. And I believe that, within 10 years' time, the Russian merchant fleet will exceed that of Great Britain. And, of course, they will far exceed ours.

The same thing holds true in fishing. They are doing it according to plan, and, in my view, they have as an objective a capability of feeding not only their own nation but the underdeveloped countries of the world.

With their merchant marine coupled with the fishing fleet, they will have a lot of economic power that will help them in international deliberations, help them at the United Nations with the support they can get from the little nations who need the fish.

Senator DOMINICK. I have received a number of reports indicating that the Russians are mapping the bottom of the oceans in the seven seas area, and I wondered if you could say for the record here as to the accuracy of the reports?

In other words, are the fishing fleets doing this, or is this specially equipped and different types of vessels?

Mr. KEITH. We have reason to believe that, in applied oceanography, they are ahead of us. And we have reason to believe that some of the vessels of the fishing fleet are equipped with oceanographic instruments that enable them to search more effectively for the fish. And, incidentally, to the fishing activities, they furnish data that is helpful to them in their mapping of the oceans, and other purposes as well, defense, in particular.

Senator DOMINICK. Thank you very much.

Senator BARTLETT. One final question: You said that many of the Soviet fishing vessels are being built in Poland. Is this because of the lack of shipbuilding capacities within the Soviet Union?

Mr. KEITH. I would say that there probably is an interchange of capabilities. The Poles have these ports. They have this technique. They have the know-how, and they are contributing to the Soviet strength in this field. Probably there is some way in which the Soviet reciprocates. But, as you know, it is a very intergrated relationship, economically speaking, as well as philosophically speaking.

Senator BARTLETT. Thank you, Congressman Keith.

Senator BARTLETT. Congressman Meeds is not here. He probably will come in later in the hearings.

Next we will hear from Leonard C. Meeker, Legal Adviser, Department of State, accompanied by Stuart Blow, Office of Under Secretary for Economic Affairs, and accompanied by others, too, I note.

STATEMENT OF LEONARD C. MEEKER, LEGAL ADVISER, DEPARTMENT OF STATE; ACCOMPANIED BY STUART BLOW, OFFICE OF THE UNDER SECRETARY FOR ECONOMIC AFFAIRS; RAYMUND T. YINGLING, ASSISTANT LEGAL ADVISER, DEPARTMENT OF STATE; AND STANLEY N. FUTTERMAN, SPECIAL ASSISTANT TO THE LEGAL ADVISER

Mr. MEEKER. If I may, I would like to introduce Mr. Raymund Yingling, Assistant Legal Adviser, Department of State, and Mr. Stanley Futterman, special assistant to the Legal Adviser.

I appreciate very much this opportunity to appear this morning on behalf of the Department of State concerning S. 2218. The purpose of this legislation is to establish for the United States a 12-mile exclusive fisheries zone measured from the baseline from which the breadth of the territorial sea is measured but subject to the continuation of such traditional fishing by foreign states and their nationals as may be recognized by the U.S. Government.

Although the Geneva Conference of 1958 adopted four Conventions on the Law of the Sea, it was recognized that the Conventions left unresolved the twin questions of the width of the territorial sea and the extent to which a coastal state could claim exclusive fishing rights in the high seas off its coast. The Conference adopted a resolution suggesting that the United Nations call a second conference to deal with these unresolved problems. This the United Nations did, and a second conference was held 2 years later.

At that Conference the United States and Canada put forward a joint proposal for a 6-mile territorial sea, plus a 6-mile exclusive fisheries zone beyond it, subject to the continuation for 10 years of traditional fishing by other nations in the outer 6 miles.

As Congressman Keith has already told the committee, this compromise proposal failed by one vote to obtain the necessary two-thirds. In the last 6 years, since the Conference of 1960, there has been a definite trend toward the establishment of a 12-mile fisheries rule in international practice. Many states acting individually or in concert with other states have extended or are in the process of extending their fisheries limits to 12 miles. Such actions have no doubt been accelerated by the support for the proposals made at the Geneva Law of the Sea Conferences in 1958 and 1960, of a fisheries zone totaling 12 miles as part of an overall settlement designed to achieve international agreement on the territorial sea.

In view of the recent developments in international practice, action by the United States at this time to establish an exclusive fisheries zone extending 9 miles beyond the territorial sea would not, in the view of the State Department, be contrary to international law. We would emphasize that such action would not extend the territorial sea beyond our traditional 3-mile limit and would not affect such traditional freedoms of the sea as freedom of navigation or of overflight.

With one or two possible exceptions, it is not likely that such action on the part of the United States would be received unfavorably by other governments, particularly in view of the provision contained in S. 2218 for recognition of traditional fishing.

The Department of State considers this a very desirable provision. In these circumstances, we have no objection, from the viewpoint of

the U.S. foreign relations, to establishing a 12-mile exclusive fisheries zone, subject to the continuation of such traditional fishing by foreign states as may be recognized by the U.S. Government.

Whether the establishment at this time of a 12-mile exclusive fisheries zone would serve the longer term economic interests of the United States and the U.S. fishing industry is, of course, a separate question which is discussed in a report prepared by the Department of the Interior. Inasmuch as U.S. establishment of a 12-mile exclusive fisheries zone would tend to support the trend to which I have already referred, the passage of the proposed legislation would make it probably more difficult, from the standpoint of international law, to extend the zone beyond 12 miles in the future.

Mr. Chairman, there is one matter of language in the bill which I would like to comment on. This relates to the second sentence in section 1 of the bill. That second sentence reads now as follows: "The jurisdiction of the United States extends to all waters in the zone and the United States will exercise the same exclusive rights in respect to fisheries in the zone as it has in its territorial sea, subject to the continuation of traditional fishing by foreign states within this zone as may be recognized by the United States."

We note in that language a mention of the word "jurisdiction," in regard to some waters which lie beyond the territorial sea. From the standpoint of the State Department, we would suggest some shortening of the sentence, so that it would read instead: "The United States will exercise the same exclusive rights in respect to fisheries in the zone as it has in its territorial sea * * *" and so forth. To shorten it in that fashion would eliminate the reference to jurisdiction. We believe this would be desirable, so as to make absolutely clear that we would not by this action be purporting to extend our territorial sea and sovereignty at all.

We think that the sentence so shortened would nevertheless give us all of the rights and powers of control necessary to effectuate the purposes of the legislation and would continue to make it possible for this legislation to relate to the act of May 20, 1964, which provides penalties.

That is all I would like to say at this time, Mr. Chairman.

Senator BARTLETT. Chairman Magnuson, do you have any questions?

The CHAIRMAN. No. I presume you are for the bill?

Mr. MEEKER. As we have stated, we think that this is compatible with international practice as it has been developing, and we see no objection to it.

The CHAIRMAN. What have you to say about—suppose we decide on 20 miles, instead of 12?

Mr. MEEKER. From the point of view of international law—

The CHAIRMAN. If 65 percent of our catch now is within 12, why should we let 35 of it go? Only 4 percent, I think, is beyond—off, way off. Why shouldn't we make it 20 or 25?

Mr. MEEKER. I think there are two kinds of considerations involved here. One is what international law would recognize, as far as we are able to assess that, and the other is the practical consideration of what impact this would have on the U.S. fishing interests.

On the first point, we see a great deal of support for a 12-mile zone. Over 60 countries now have 12 miles of exclusive fishing jurisdiction.

And we think the development of this trend strongly supports the development of a rule of law under which a 12-mile claim is proper.

There is not, in our opinion, any such basis for a zone wider than 12 miles. There are very few countries—

The CHAIRMAN. You are talking international—you say international law basis. There are all kinds of bases for the other 35 percent of the catch, isn't there?

Mr. MEEKER. I am speaking first of how we would view this from the point of view of international law.

The CHAIRMAN. Yes; all right.

Mr. MEEKER. From that point of view, we see strong support for a 12-mile zone and we do not see support for a zone wider than 12 miles.

Now, there is another kind of consideration which we have to think about, which Congressman Keith has already referred to, and that is what would be the impact, what would be the effect and consequences of the United States adopting some wider zone for exclusive fisheries? We think there would be two kinds of consequences which would give us some concern.

One is that while it would help perhaps some of the American fishing industry, it would harm other substantial segments.

The CHAIRMAN. What, for instance.

Mr. MEEKER. Certainly this would be true off of the west coast of South America. It would be true in our opinion in the Gulf of Mexico. And it might well be true in other areas as well.

The CHAIRMAN. How do you mean it would be true of the west coast of South America, when their limit is much larger?

Mr. MEEKER. We do not recognize that larger limit.

The CHAIRMAN. I know you don't recognize it, but nothing has ever happened. I don't know how it can be detrimental. This has been going on for years. The State Department always comes up and says if we do this, we won't be able to negotiate with Ecuador and Peru and the other countries. We have been negotiating for as long as I can remember, and we are not getting anyplace.

How can they complain?

Mr. MEEKER. I think it is not that they would complain. It is simply they would then have a basis for carrying out the claims which they have asserted.

The CHAIRMAN. Don't they now?

Mr. MEEKER. No, we think they do not. And we have resisted their claims, and in a number of cases we think that we have effectively restricted them far within their outer claims. So that they do not actually—

The CHAIRMAN. I don't know what the practical situation is. But they still claim 200 miles.

Mr. MEEKER. They continue to claim it.

The CHAIRMAN. I had a discussion with the President of Peru not long ago, and he claims 200 miles. And he claims we set that, not they. He said Mr. Roosevelt set that. What we set was a neutral zone during the war and they have kept it for fishing.

Mr. MEEKER. This zone of 200 miles claimed for fisheries purposes by those west coast countries in South America came after the war, and—

The CHAIRMAN. Yes, but they used the basis they had 200 miles, this is what he told me himself, during the war, as a zone for protection.

Mr. MEEKER. I think the chronology is that those South American countries adopted that claim after the United States issued its proclamations in early 1945 with respect to the Continental Shelf and fisheries.

The CHAIRMAN. The point I make is we keep saying this might hurt our negotiations to get the west coast countries of South America to coincide with a lesser limit. And we never have. It is there all of the time. It never changed.

Mr. MEEKER. It would entirely defeat our efforts to keep the enforcement—

The CHAIRMAN. But your efforts have been completely in vain.

Mr. MEEKER. Senator, I don't agree with that statement, because I don't think they have been in vain. This is something on which perhaps—

The CHAIRMAN. Tell us what you have accomplished off the coast of Peru? Just use that as one example. I say they have been in vain. I know you have been trying to do something, but nothing has happened. Or Ecuador or Chile, any one of them. Pick any of them.

Mr. MEEKER. Senator, in the case of each of the three countries, Chile, Ecuador and Peru, the governments have continued to assert their claims of 200 miles, but they have not enforced them uniformly against the U.S. fishing vessels. We have resisted that enforcement with greater or less success in the case of each of the three countries, and we are continuing to resist any enforcement beyond 12 miles. This is our policy, we do our best to give it effect and we have had at least some success—not 100 percent success.

The CHAIRMAN. You are not naive about this. They let us win the 200 miles, they still claim it, because we make this partners; economic partners.

If we didn't do that, they would throw us out. My office is full of cases where we had to have the State Department get fellows out of jail, they have been shot at, all of these things. Lately there hasn't been an incident, in the last year or two. But they still maintain, do they not—maybe I am wrong—the 200-mile limit?

Mr. MEEKER. That is correct. They maintain that claim. We do not agree with it. We continue to oppose and resist it.

The CHAIRMAN. We don't agree. Why should they complain if we put ours out a little bit?

Mr. MEEKER. They would not complain; they would welcome this action on our part, because it would deprive us of any possibility of our resisting their claims.

The CHAIRMAN. Not necessarily. What if we moved it out 20? We say to them in effect 200 is too much.

Mr. MEEKER. We would, of course, be unable to object to anything up to 20 miles, if we moved our own zone to 20 miles. But I think in going beyond 12, beyond the point which international practice now supports, we would be in effect opening up the gates and making it very difficult to stop any other country at 20 or 30 or 50.

The CHAIRMAN. If there was some daylight at the end of the tunnel in your negotiations, I would say you had a point. I have never seen

it. I don't know of any vessel seized this year personally, but I understand there are more than ever. There was one last week, the *Day Island* off Panama. So I just can never buy this argument that this will hurt our negotiations with them, when we have been negotiating and resisting and talking with them, or trying to, for years and years, and nothing ever happens.

Mr. MEEKER. In regard to the *Day Island* case, off the coast of Panama, there the action of Panama was founded on their claim that the vessel had fished within 12 miles. This was not on the basis of an assertion of a wider jurisdiction.

The CHAIRMAN. Yes. Of course, the point you make is 12 miles would be more in keeping with international trends in this field. I agree with that.

But maybe it is not in the best interests of American fishermen to draw back that far. And then we would surely have a right, like anyone else—some of the countries that have 12 miles, they don't fish anyway. So I just can't understand why we don't first of all say let's protect our fishing rights on the coastal waters, and if it happens to be 20, why that is our position. If it happens to be 12, or if it happens to be 80, just because 60 other countries want 12, doesn't mean we have to do it.

Mr. MEEKER. Senator, we have two points of view from which it is necessary to look at this problem. Not only from the point of view of fisheries adjacent to our coasts, we certainly have to look at that, but we also have to look at it from the point of view of those segments of our fishing industry which fish far away from our own shores, nearer to the coast of other countries.

The CHAIRMAN. Yes, I understand that.

Mr. MEEKER. Those are the two parts of the problem which it is necessary to look at and balance out.

The CHAIRMAN. But I have never seen any hesitation of these other countries if we—of course, we don't do much fishing in other coastal waters of other countries. I don't know how much, if any. But if we would start to fish 16 miles off the coast of Japan, I will tell you what they would do tomorrow. Thirteen miles. They would extend it as far as they thought it was necessary. Because it would be in their interests.

If we start working some of their pearl beds over there, because they are international waters, you would have screaming and hollering going on at the State Department so you couldn't hear the sound of your own voice.

I just think we are losing sight of the fact that we have tried everything we can to internationally get the people to sit down with us, and they just haven't. They have refused. And so then we ought to start on the basis that we are going to establish a territorial limit which is in the best interests of our people, whether it be 12, 15, 20, or 80. Then we can sit down and talk with them.

We always go with position papers. We ought to be like some of the lawyers, we sue for 10 and hope they settle for 5. We never have any bargaining with them. They say, "Oh, nice America," they are willing to go along with 3, 12 miles, and so on.

I don't know that we shouldn't think of this in another way. All right, excuse me. But I have been at this so long and I have sat in so

many hundreds of hearings on this same thing, and nothing ever happens. We made a step forward yesterday, I think, you know, in setting up a new policy level in the State Department. This could be helpful. Our fishermen are in an economic position where if you don't preserve their coastal fishing against foreign competition, that is about all they have left, because they can hardly compete with a purely Government subsidized fishing such as the Russians.

It is just impossible. Unless we would subsidize them here to that extent. I don't know what magic there is in the number "12." And even the legal background of 3 miles is a little bit fuzzy. Why did we pick 3 miles? Why did we pick 12? I think the countries ought to pick a reasonable territorial fishing limit, reasonable. I am not saying way out or close in, but a reasonable one that would protect their coastal fishing. I use the word "coastal" literally, absolutely literally. It may be 4 in one place and 20 in another. But the line ought to be far enough so that the bulk of the coastal fishing would be protected for that country.

I would be perfectly willing for any other country to approach it the same way. If they get unreasonable, we know what is unreasonable. I mean fishermen know that, we do, too.

Well, I am glad you are for the 12 miles anyway. Thank you.

Senator BARTLETT. Senator Dominick?

Senator DOMINICK. Mr. Meeker, every time we have tried to do something on behalf of our domestic industries, we have heard reports that we shouldn't because it would interfere with the Trade Expansion Act of 1962, or would interfere with the Kennedy round of tariffs, in Geneva, and so on, and so forth.

How is it that the State Department now says it is OK to defend the fisheries, but not anything else?

Mr. MEEKER. I don't believe there is a relationship—

The CHAIRMAN. Well, they are making a little beginning here with the fisheries. This is their first day in church, and they are converting. Excuse me.

Mr. MEEKER. In answer to your question, I don't believe there is a relationship between this bill and the other measures and negotiating processes that you referred to.

Senator DOMINICK. Why not?

Mr. MEEKER. There is nothing inconsistent between this measure and the Trade Expansion Act, or our negotiating efforts in the Kennedy round.

Senator DOMINICK. One of the purposes of this act is to protect and try to help along our domestic fishing industry which is suffering from foreign competition? Shouldn't the same thing be true of other industries?

Mr. MEEKER. This relates to the fixing of a zone seaward of our territorial sea for exclusive fisheries rights for the United States, which is quite another matter from the question of tariffs, for example, on manufactured goods.

Senator DOMINICK. Well, that is a question which reasonable men can differ on. But I just attended a breakfast on the problems of dumping on a variety of products—imports coming in from Japan, Israel, and Europe, to the detriment of this country's industries.

It would seem to me if we have got that problem here in fishing, where other countries are taking the raw materials which we are relying on, that we should have the same right to a market and a right to the products here. There may be some differentiation in terms of whether or not you are taking natural resources, but after all, we have got the same problem in industry and the reason behind the bill is the protection of the fishing industry.

It is my understanding that at least the State Department is not opposing this particular bill. Is that correct?

Mr. MEEKER. That is correct. I think in this connection as in the case of trade, what is necessary to do is what is very familiar, and that is to balance the considerations, what are the interests involved, and to decide what will be most in the national interest.

Now, in the field of trade, there is an interest in protection. There is also an interest in free trade and exchange of goods. Here in this field there is an interest in protecting coastal fisheries, which are being fished by U.S. fishermen and there is also an interest in protecting the ability of the U.S. fishermen to fish off the coasts of other countries.

Those interests which are often competing and conflicting have to be balanced, and some sort of decision has to be made between the competing interests.

In our view, at this time, with respect to fishing, we think a 12-mile zone is reasonable.

Senator DOMINICK. Well, we could make an analogy and say no imports of wood products could be imported from Canada into the first 200 miles of United States, along the northern boundary. Or 14 miles, whatever you want to pick.

Is this going to make a differentiation in the attitude of the executive departments on this particular problem?

Mr. MEEKER. I wouldn't really see a relationship between a 200-mile zone along the northern boundary of the United States and a contiguous fisheries zone off our coast.

Senator DOMINICK. Thank you. That is all.

Senator BARTLETT. I will be brief, Mr. Meeker, because you haven't too much time to get to your appointment on the other side of the Capitol.

I think I know the answer to this question, but I will put it anyway: To your right you will see a chart. Depicted in red are the Continental Shelves of the United States, going out to a depth of 200 meters. I anticipate the testimony will be given to the committee before these hearings conclude suggesting (a) the fishing zone be extended to 200 miles; and (b) that it be extended to that 200-meter line, wherever it may be found, on our Continental Shelves.

What would be the attitude of the Department of State in reference to the shelf proposal?

Mr. MEEKER. I think we would be strongly opposed to it, as regards fisheries. First, because in our opinion there is not a basis for it in international law, and we are concerned to relate our own actions to international law. And secondly, we could see substantial impacts of such action on our part on what other countries would then be in a position to do to the U.S. fishing off of their coasts. So we would be opposed to such a proposal.

Senator BARTLETT. You are "agin" it?

Mr. MEEKER. Yes, we are.

Senator BARTLETT. Can you relate to us, Mr. Meeker, the value of U.S. fisheries catch in our coastal waters, in percentage terms, compared to the value of fish which our fleets catch off the coasts of foreign nations?

Mr. MEEKER. Mr. Blow states that in our present territorial waters of 3 miles, about 60 percent of the catch is taken, and going out—

Senator BARTLETT. Would you repeat that, please?

Mr. MEEKER. Sixty percent of the catch is taken within the present territorial waters of 3 miles, which is also our exclusive fisheries zone under the law today; another 15 percent is taken in the next 9 miles, making a total of about 75 percent in the 12 miles next to the coast. And a smaller percentage is taken off of the coasts of other countries.

The CHAIRMAN. Fifteen percent, says the Interior Department, is taken off foreign coasts, approximately.

Mr. MEEKER. That is correct. In their report which they have submitted just recently.

The CHAIRMAN. And 24 percent is taken off the United States in coastal waters, but beyond 12 miles.

Senator BARTLETT. I am going to maintain otherwise, until I am corrected by authoritative figures. I am going to maintain that 90 percent, in value, of our fishery catch is within our territorial seas, or immediately adjacent. That only 10 percent of our catch relates to that taken off the coasts of foreign nations and the value of that latter catch in 1964 was about \$40 million. I won't ask you to reply to this, but I think we ought to be able to arrive at the truth before the hearings are concluded.

The CHAIRMAN. Well, this is a communication to us, Senator Bartlett, from the Secretary of the Interior just this morning. These are the figures they put down. I don't know.

Senator BARTLETT. We can press Commissioner Pautzke closely as to this, because I am sure he will have authentic information.

Now, as a matter of fact, Mr. Meeker, several American fishing vessels have been taken into port by Peru this year. Maybe as many as five—I can't recall the exact figure—at distances greater than 50 miles from their coast. What happens when American vessels are seized by one of these South American countries? Does the State Department make payment to the foreign nation?

Mr. MEEKER. What occurs in such a case is according to the following pattern: If we are unsuccessful in our representations and if the Peruvian authorities, for example, should insist upon fining the vessel for fishing in what they have claimed to be their waters, then the fine is paid by the owner of the vessel. Thereafter, the owner of the vessel makes a report of this to the State Department, the State Department under an act of Congress certifies this amount to the Treasury Department and the Treasury Department reimburses the vessel's owner for the fine that has been paid.

Senator BARTLETT. He is reimbursed then for the fine. Of course, he isn't and can't be reimbursed for the time lost from his fishing effort?

Mr. MEEKER. The law does not cover that additional element.

Senator BARTLETT. Is any progress being made at all with Peru or Ecuador or Chile or Panama or any of these countries that would lead you to believe that a happier day might arrive when they would abandon these claims of jurisdiction so far from their line of coast?

Mr. MEEKER. I think there are two aspects of the problem. First, what they claim in public for political reasons, and secondly, what they do in practice. We do not see very much prospect of any of those west coast South American countries abandoning their political claim.

Chile, Ecuador, and Peru have a treaty to which they attach political importance. We do see the prospect of working out with them practical arrangements under which they will not enforce this claim, which seems to us beyond all reason.

We have had such an arrangement with Ecuador, and we continue to discuss this problem and it is our hope that as time goes on we will work out successful practical arrangements.

Senator BARTLETT. You think progress is being made?

Mr. MEEKER. We continue to work at it and we feel there has been progress.

Senator BARTLETT. We have, thanks to the Department of State, lists showing the maritime nations which have moved unilaterally, or in concert, to extend their fishing jurisdiction from whatever to 12 miles. And if there is no objection, those lists will be placed in the record at an appropriate point, mainly as a demonstration that if this bill or a similar bill is passed, the United States most assuredly will not be creating a precedent but will be acting only in a manner that most other nations have.

(The information mentioned above follows:)

DEPARTMENT OF STATE,
Washington, April 22, 1966.

Hon. E. L. BARTLETT,
U.S. Senate.

DEAR SENATOR BARTLETT: Your letter of March 30 requested information on the claims to fisheries jurisdiction of the various coastal states, in connection with expected hearings on this subject. For your information we have updated a table showing the territorial sea and fishing jurisdiction claimed by the nations which are members of the United Nations system. The tabulation is based on information supplied by the individual nations in connection with the 1958 and 1960 United Nations Law of the Sea Conferences and on later information available to the Department. For this reason we cannot guarantee the absolute accuracy of every entry, but believe it to be substantially accurate.

I regret that no information is available for several countries. I hope to be able to further update the table by including entries for these countries before too long.

Since you indicate that other members of the Committee on Commerce are interested in the tabulation, I am enclosing a number of copies.

Sincerely yours,

DOUGLAS MACARTHUR II,
Assistant Secretary for Congressional Relations
(For the Secretary of State).

BREADTH OF TERRITORIAL SEA AND FISHING JURISDICTION CLAIMED BY MEMBERS OF THE UNITED NATIONS SYSTEM

The following information is based on the synoptical tables concerning the breadth and juridical status of the territorial sea and adjacent zones prepared

for the 1958 and 1960 Geneva Law of the Sea Conferences, and additional information available to the Department of State (April 1966).

Country	Territorial sea	Fishing limits	Other
Afghanistan	No coast		Continental Shelf—including sovereignty over superjacent waters.
Albania	10 miles	12 miles	
Algeria	12 miles		
Argentina	3 miles	10 miles	
Australia	do		
Austria	No coast		
Belgium	3 miles	12 miles ¹	
Bolivia	No coast		
Brazil	3 miles	12 miles	
Bulgaria	12 miles	do	
Burma	do	do	Continental Shelf—to 50 meters including sovereignty over superjacent waters.
Burundi	No coast	do	
Byelorussian S.S.R.	do	do	
Cambodia	5 miles	12 miles	
Cameroon	6 miles		
Canada	3 miles	12 miles	
Central African Republic	No coast		
Ceylon	6 miles		
Chad	No coast		
Chile	50 kilometers	200 miles	
China	3 miles		
Colombia	6 miles	12 miles	
Congo (Brazzaville)	(²)		
Congo (Léopoldville)	(²)		
Costa Rica		200 miles	
Cuba	3 miles		
Cyprus	12 miles		
Czechoslovakia	No coast		
Dahomey	3 miles	12 miles	
Denmark	do	do ¹	Undefined protective areas may be proclaimed seaward of territorial sea, and up to 100 miles seaward of territorial sea may be proclaimed fishing conservation zone.
Greenland		do	
Faroe Islands		do	
Dominican Republic	3 miles	15 miles	
Ecuador	12 miles	200 miles	
El Salvador	200 miles		
Ethiopia	12 miles		
Federal Republic of Germany	3 miles	(³)	
Finland	4 miles		
France	3 miles	12 miles ¹	
Gabon	(²)		
Ghana	12 miles		
Greece	6 miles		
Guatemala	12 miles		
Guinea	130 miles		
Haiti	6 miles		
Holy See	No coast		
Honduras	12 kilometers		
Hungary	No coast		
Iceland		12 miles	
India	6 miles	100 miles	
Indonesia	12 miles		
Iran	do		Continental Shelf—including sovereignty over superjacent waters.
Iraq	do		
Ireland	3 miles	12 miles ¹	
Israel	6 miles		
Italy	do	12 miles ¹	
Ivory Coast	3 miles		
Jamaica	do		
Japan	do		
Jordan	do		
Kenya	do		
Korea		20-200 miles	
Kuwait	(²)		
Laos	No coast		
Lebanon		6 miles	
Liberia	3 miles		
Libya	12 miles		
Luxembourg	No coast	(³)	
Malagasy Republic	12 miles		

See footnotes at end of table.

Country	Territorial sea	Fishing limits	Other
Malawi	No coast		
Malaysia	3 miles		
Maldiv Islands	(²)	6 miles	
Mali	No coast		
Malta	(²)		
Mauritania	6 miles	12 miles	
Mexico	9 miles		
Mongolia	No coast		
Morocco	3 miles	12 miles	Exception—6 miles for Strait of Gibraltar.
Nepal	No coast		
Netherlands	3 miles	(³)	
New Zealand	do	12 miles	
Nicaragua	do	200 miles	Continental Shelf—including sovereignty over superjacent waters.
Niger	No coast		
Nigeria	3 miles		
Norway	4 miles	12 miles	
Pakistan	3 miles	do	Plus right to establish 100 mile conservation zones.
Panama	12 miles		Continental Shelf—including sovereignty over superjacent waters.
Paraguay	No coast		
Peru		200 miles	
Philippines	(²)		
Poland	3 miles		
Portugal	(²)	12 miles ¹	
Romania	12 miles		
Rwanda	No coast		
Saudi Arabia	12 miles		Plus 6 miles contiguous zone.
Senegal	6 miles		
Sierre Leone	12 miles		
Singapore	(²)		
Somali Republic	(²)		
South Africa	6 miles	12 miles	
Spain	do	do ¹	
Sudan	12 miles		
Sweden	4 miles	12 miles ¹	
Switzerland	No coast		
Syria	12 miles		Plus 6 miles "necessary supervision zone."
Tanzania	do		
Thailand	6 miles	12 miles	
The Gambia	3 miles		
Togo	12 miles		
Trinidad and Tobago	(²)		
Tunisia	6 miles	12 miles	Territorial sea follows the 50-meter isobath for part of the coast (maximum 65 miles).
Turkey	do	do	
Uganda	No coast		
Ukrainian S.S.R	12 miles		
U.S.S.R	do		
United Arab Republic	do		
United Kingdom	3 miles	12 miles ¹	
Colonies	do		
United States of America	do		
Upper Volta	No coast		
Uruguay	6 miles	12 miles	
Venezuela	12 miles		
Vietnam		20 kilometers	
Yemen	(²)		
Yugoslavia	10 miles		
Zambia	No coast		

¹ Parties to the European Fisheries Convention which provides for the right to establish 3 miles exclusive fishing zone seaward of 3-mile territorial sea plus additional 6-mile fishing zone restricted to the convention nations.

² Not available.

³ Signatories of the European Fisheries Convention.

NOTE.—No distance indicated under fishing where same as territorial sea.

Isn't it true, Mr. Meeker, that even Japan, which in the past has strenuously objected to any nations going beyond the 3-mile limit, has in her own case created in one area at least a 12-mile zone?

Mr. MEEKER. Mr. Chairman, I think the only instance of that is in certain waters that lie between Japan and Korea, which was done by an agreement between the two countries.

Senator BARTLETT. But, however it may be arrived at, I know that Japan says this is all right if it is under a treaty arrangement, and all wrong otherwise. A few years ago Japan would have screamed to high heaven if anyone suggested she would ever enter into such an arrangement.

If there are no further questions, Mr. Meeker—

The CHAIRMAN. I was going to say I think the record ought to show—I am sure the evidence bears this out, Mr. Secretary—that Japan has never been too interested beyond intercoastal waters for a very simple reason: She has fished them all out; there is no fish there, which should be a warning to us that we don't want our coastal waters to be fished out.

So basically, that is the reason why she never was too interested in moving out, because she figured she might want to move in closer, because she has fished them all out. She has fished the Bering Sea on her side out, and I don't think there is any doubt in the minds of anyone knowledgeable in this field that the Japanese—and I have said this over and over—they don't practice conservation as we look at conservation.

The Russians, as you know, when they have entered a treaty of conservation, they quite meticulously live up to it, when they have entered a treaty of conservation. But this is the reason.

Now, I wanted to ask one other question. I wouldn't vote for this bill at all if I thought we were going to freeze ourselves in a 12-mile position. I think that maybe this is one step, as you well point out, where maybe we can get together internationally and have conservation on the high seas. But unless there is some greater progress in conservation on the high seas, I want to be sure that my position on this is wide open to protect the coastal fisheries, to go further. If there is an international agreement on conservation beyond that, then it is a different story. I hope this won't be considered as a permanent freeze on fishing rights.

I think your point about the navigation in territorial waters is well taken. I can understand that. That would be a good point for us and all nations to stop. But I think the Senator from Alaska probably is in agreement with me on this, we are just struggling to get a little here for our coastal fisheries.

Senator BARTLETT. But we want more. We are struggling for more.

The CHAIRMAN. I wouldn't vote for the bill at all if I thought it was going to freeze it.

Mr. MEEKER. If I may comment on that, it seems to me this legislation and any action under it would, of course, be without prejudice to whatever might be undertaken by way of conservation under existing treaties or under any arrangements which might be arrived at in the future.

The CHAIRMAN. And I think we ought to put in the record the Truman proclamation—

Senator BARTLETT. We shall.

The CHAIRMAN (continuing). And the statements by the late President Kennedy and President Johnson on this matter of our claim to coastal fisheries.

Senator BARTLETT. And Cordell Hull.

The CHAIRMAN. Which goes much further, the boss goes much further than the State Department, if I can read English.
(The information requested above follows:)

STATEMENT BY PRESIDENT LYNDON B. JOHNSON ON SEPTEMBER 4, 1964

The third round of negotiations with Canada and Japan on North Pacific fisheries problems is scheduled to begin in Ottawa on September 9. I have just received a report on the issues involved from Ambassador Benjamin A. Smith II, who will head the United States Delegation in these negotiations. The major problem with which the negotiations will deal is the revision of the existing international arrangements for the conservation and rational utilization of the fishery resources in the north Pacific Ocean.

Two earlier rounds of negotiations were held in Washington and Tokyo last year. They made substantial progress toward full agreement. I hope the negotiations can be completed during the new round of discussions.

The primary objective of the United States in these negotiations is to protect the interests of Alaska and the Pacific Northwest in the North Pacific fisheries, which consist principally of salmon and halibut. The economy of these regions is heavily dependent upon the U.S. fisheries supported by these resources. The interests of the United States in these fishery stocks have been advanced by the International Convention for the High Seas Fisheries of the North Pacific Ocean. Basic to that Convention is the concept that in special situations, such as those exemplified by the North American salmon and halibut fisheries, where the countries participating in the fisheries have built up and maintained the resources through major research and regulatory programs, other countries should exercise restraints on their fishing of the type provided for in that convention. This concept provides the incentives necessary to the establishment and continuation of the conservation measures essential to the attainment, both now and in the future, of the maximum harvest of food for mankind. This will insure the conservation of important marine resources and prevent irreparable damage to them through over-exploitation. This is in the common interest of Japan, Canada, and the United States.

Over the years we have made major contributions to the restoration and maintenance of the salmon and halibut fisheries. For this reason, we have a special interest in them. We are determined to protect that interest, while giving every consideration to the legitimate interests of the other parties to the convention. I am confident that Ambassador Smith, who was the United States representative during the earlier discussions, will effectively present our point of view.

I urge that the three delegations work out a solution that will permit the conservation of these resources for future generations, taking into account the unique circumstances surrounding the Convention and the interests of all parties to it.

STATEMENT BY PRESIDENT JOHN F. KENNEDY ON SEPTEMBER 10, 1963

Ambassador Benjamin A. Smith II will lead a delegation being sent to Japan to discuss with Japan and Canada international arrangements for the conservation and use of fishing resources in the North Pacific Ocean. The discussions, which are scheduled to begin on September 16, represent the second attempt to reach agreement on the questions raised by Japan about the restrictions upon its rights under an existing convention relating to fishing in the North Pacific. The first attempt was made last June.

The abstention principle, which calls for fishing restrictions when certain criteria occur, will be the central issue in the new discussions. I believe this principle is sound and reasonable. Without restraints of this nature the nations of the world would run serious risks of depleting fisheries. We have already seen Atlantic halibut fisheries decline from 13,500,000 pounds to 300,000 pounds. In Bristol Bay, the record catch of 24.7 million salmon in 1938 has fallen to a level of 2.8 million. On the other hand, research and careful regulation have restored depleted Pacific halibut fisheries from a low of 40 million pounds in 1923 to an annual average of 70 million pounds.

It is obvious that unless international conservation agreements are strictly enforced there is grave danger of permanent injury to our ocean resources. I hope that it is possible to implement Senate Resolution 392, which called for an international fishery conference so that much damage can be avoided.

In dealing with the North Pacific fisheries problems we shall be mindful of our responsibilities for the preservation of vital fishing resources. When the Convention criteria called for the removal of Bering Sea halibut from abstention, this was done despite the disadvantage to American fishermen. We shall hope for the same understanding from other nations—to retain the abstention principle when appropriate—for only in this way will it be possible to reach agreement in the common world interest.

POLICY OF THE UNITED STATES WITH RESPECT TO COASTAL FISHERIES IN CERTAIN AREAS OF THE HIGH SEAS

Whereas for some years the Government of the United States of America has viewed with concern the inadequacy of present arrangements for the protection and perpetuation of the fishery resources contiguous to its coasts, and in view of the potentially disturbing effect of this situation, has carefully studied the possibility of improving the jurisdictional basis for conservation measures and international cooperation in this field; and

Whereas such fishery resources have a special importance to coastal communities as a source of livelihood and to the nation as a food and industrial resource; and

Whereas the progressive development of new methods and techniques contributes to intensified fishing over wide sea areas and in certain cases seriously threatens fisheries with depletion; and

Whereas there is an urgent need to protect coastal fishery resources from destructive exploitation, having due regard to conditions peculiar to each region and situation and to the special rights and equities of the coastal State and of any other State which may have established a legitimate interest therein;

Now, therefore, I, Harry S. Truman, President of the United States of America, do hereby proclaim the following policy of the United States of America with respect to coastal fisheries in certain areas of the high seas:

In view of the pressing need for conservation and protection of fishery resources, the Government of the United States regards it as proper to establish conservation zones in those areas of the high seas contiguous to the coasts of the United States wherein fishing activities have been or in the future may be developed and maintained on a substantial scale. Where such activities have been or shall hereafter be developed and maintained by its nationals alone, the United States regards it as proper to establish explicitly bounded conservation zones in which fishing activities shall be subject to the regulation and control of the United States. Where such activities have been or shall hereafter be legitimately developed and maintained jointly by nationals of the United States and nationals of other States, explicitly bounded conservation zones may be established under agreements between the United States and such other States; and all fishing activities in such zones shall be subject to regulation and control as provided in such agreements. The right of any State to establish conservation zones off its shores in accordance with the above principles is conceded, provided that corresponding recognition is given to any fishing interests of nationals of the United States which may exist in such areas. The character as high seas of the areas in which such conservation zones are established and the right to their free and unimpeded navigation are in no way thus affected.

In witness whereof, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

Done at the City of Washington this 28th day of September, in the year of our [SEAL] Lord nineteen hundred and forty-five, and of the Independence of the United States of America the one hundred and seventieth.

HARRY S. TRUMAN.

By the President:

DEAN ACHESON,

Acting Secretary of State.

SUMMARY OF A STATEMENT MADE ON NOVEMBER 22, 1937, BY THE AMERICAN GOVERNMENT TO THE JAPANESE GOVERNMENT IN CONNECTION WITH THE ALASKA SALMON FISHERY SITUATION

Beginning in 1930, and in every year since then, there have been present in the Bristol Bay area of western Alaska during the salmon-fishing season Japanese

fishing fleets made up of floating canneries and auxiliary vessels varying in type from small motorboats to Diesel-powered trawlers. As long as the activities of these vessels were confined to the taking of crabs which abound in the Bering Sea they gave the American Government no cause for serious concern. Recently, however, evidence has accumulated which indicates that the Japanese fishing vessels operating in Bristol Bay are engaging in salmon fishing, thus raising the question of the protection and perpetuation of the salmon resources in these and other Alaskan waters.

In this connection the following trend of events is noteworthy: In 1936 the Japanese Government announced that a 3-year fishing survey of the salmon resources of Bristol Bay would be undertaken. Two years of the survey have been completed and a third year will carry it through the 1938 fishing season. The regular appearance in Bristol Bay of the fishery survey vessels, coupled with the operations of Japanese fishing fleets, has caused deep concern among large sections of the American public with regard to the object and significance of such activities.

Now reports from reliable sources have become increasingly numerous that Japanese fishing vessels operating in Bristol Bay are beginning to intercept the salmon runs of these waters. Such reports are becoming more and more insistent and reliable, and during the past season their authenticity has been supported by impressive affidavits, and by actual photographs of the fishing operations in question.

The American Government has understood from assurances given by the Japanese Government to the American Embassy at Tokyo that no licenses were being granted to Japanese fishing vessels to fish for salmon in the Bristol Bay area. Nevertheless evidence which continues to reach the American Government raises a strong presumption that Japanese nationals have actually begun salmon fishing on a substantial scale in the waters in question. The fact of such fishing being without the authority of the Japanese Government renders it of no less concern to the affected American interests. The persistence by Japanese nationals in such fishing operations in Alaskan waters would inevitably cause, among American interests, the gravest anxiety for the future of the salmon fisheries with which is inseparably joined the employment and economic welfare of large sections of the American people.

The American Government must also view with distinct concern the depletion of the salmon resources of Alaska. These resources have been developed and preserved primarily by steps taken by the American Government in cooperation with private interests to promote propagation and permanency of supply. But for these efforts, carried out over a period of years, and but for consistent adherence to a policy of conservation, the Alaska salmon fisheries unquestionably would not have reached anything like their present state of development.

The laws enacted by Congress for the protection of the fisheries of Alaska have especially provided for the perpetuation of the salmon resources by requiring an escapement for breeding purposes of at least 50 percent of the runs. To assure such escapements the fishing laws provide for weekly closed periods and prohibits commercial salmon fishing at the mouths of all but the larger Alaska salmon streams. The Secretary of Commerce is authorized to fix the size and character of nets, boats, and other equipment used in salmon fishing, to limit the catch of fish, and to regulate the length of the fishing season. In practice the season is limited to approximately 1 month, and fishing equipment to the simplest varieties, but Japanese nationals fishing in Bering Sea appear to be without restrictions as to season or equipment. The effect of these measures of conservation has been not only to maintain normal production from the Alaska salmon fisheries but to raise the salmon pack in recent years to the highest levels in the history of the industry. Conservation measures have also included biological surveys, the development of hatcheries, supervisory patrols, and the maintenance of special facilities for the conduct of these activities. The cost of these conservation measures to the American Government over the past 10 years has averaged annually the substantial sum of \$358,000.

The cost of the extensive efforts made by the Government to regulate salmon fishing and to perpetuate the supply of salmon has been borne by the American people, and not infrequently American fishermen have suffered loss of employment and income as a result of the various restrictions imposed. Because of such sacrifices, and the part that American citizens have played in bearing the cost of conserving and perpetuating the salmon resources, it is the strong conviction, and thus far unchallenged view, on the part of millions of American

citizens on the Pacific coast interested in the salmon industry, and on the part of the American public generally, that there has been established a superior interest and claim in the salmon resources of Alaska.

Large bodies of American citizens are of the opinion that the salmon runs of Bristol Bay and elsewhere in Alaskan waters are an American resource; that the salmon fisheries relate to and are linked with the American continent, particularly the Northwest area; and that for all practical purposes, the salmon industry is in fact a part of the economic life of the Pacific Northwest coast. The fact that salmon taken from waters off the Alaskan coast are spawned and hatched in American inland waters, and when intercepted are returning to American waters, adds further to the conviction that there is in these resources a special and unmistakable American interest.

The Bristol Bay red salmon spawn in the tributary rivers and lakes of the adjacent region; the young hatch and remain in their fresh-water habitat for 1 or 2 years and then migrate to sea. After the seaward migration the salmon return in 2 or 3 years to their native streams where they spawn and die. It is during the spawning migration that salmon are exposed to commercial fishing, and the need for conservation measures arises.

In the principal Alaska fishing areas, and particularly in Bristol Bay, salmon appear in runs near the surface of the water and, in large part because of the shallowness of these waters, are subject to capture chiefly after they have passed from the open ocean to the continental shelf. The continental shelf, extending for a considerable distance from shore, thus becomes a kind of bridge between the deep sea and the inland rivers and lakes where salmon spawn.

American fishermen are aware that salmon-fishing operations can be successfully conducted in the comparatively shallow offshore area of certain Alaskan waters; and that by using motorpowered vessels, long and deep fishing nets, and special seines, the per capita catch of salmon may be greatly increased. The prospect of the use of these more effective methods by Japanese nationals engaging in offshore fishing in Alaskan waters, while similar methods are denied to American fishermen, has provoked among American citizens expressions of serious concern and resentment. It is clear to all that if foreign nationals are permitted to carry on fishing operations off the shores of Alaska, the conservation efforts of the American Government would in a comparatively short period be completely nullified, whatever the intentions of those engaged in such fishing operations. Such an eventuality would be all the more deplorable for the reason that no conceivable economic gain would compensate the nationals of Japan for the probable destruction, however unintentional, of resources developed through the general efforts of American citizens.

The economic welfare of the Pacific coast and the perpetuation of the salmon industry are peculiarly interdependent. Employees engaged in the fisheries and the capital invested in them come largely from the States of the Pacific Northwest. The Alaska salmon industry in turn has been developed from a single cannery producing 12,500 cases in 1878 to an industry which in 1936 comprised 117 modern canneries, employed 25,000 persons, and packed approximately eight and one-half million cases of salmon. Bristol Bay operations began with an experimental pack of 400 cases, and by 1936, 24 canneries were in operation; 8,000 persons were employed, and the salmon packed in 1936 amounted to one and one-half million cases.

The Alaska salmon industry is not only of importance in itself but has had and continues to have a direct and important influence upon allied and related industries, in which many thousands of American citizens are employed. Shipbuilders, transportation companies, insurance companies, banks, and producers of marine supplies and fishing equipment on the Pacific coast, have predicated their investments and operating plans on the expectation of normal levels of production in the salmon industry. It is reliably estimated that the Alaska canned salmon industry as a whole annually pays to steamship companies for the handling of passengers and freight approximately \$3,500,000, pays about \$7,500,000 for canning materials, and expends roughly \$15,000,000 in taxes and for supplies incident to the operation of the salmon industry. The manufacture of supplies and equipment for the fishing industry contributes substantially to employment and industrial enterprise not only in the Pacific coast area but in widely separated regions of the country.

The interest of the residents of Alaska in the adjacent fishing waters is also real and vital. Upon the maintenance of a prosperous salmon fishing industry depends the entire fiscal and economic welfare of the Territory of Alaska. About

80 percent of the public revenues are derived from the salmon-fishing industry. It is clear therefore that not only expenditures for the ordinary functions of the Government of Alaska but also funds for the maintenance of its school system and public institutions depend upon the perpetuation of the salmon resources of Alaskan waters. It is also an important fact that Alaska's trade with the United States is confined to water transportation, and the facilities upon which such intercourse is based are indirectly dependent upon the stability and prosperity of the salmon industry.

The views hereinbefore expressed are strongly supported by Members of Congress, the Delegate to Congress from the Territory of Alaska, a large section of the American press and business interests, and residents of the Pacific coast generally.

The American Government is confident that the Japanese Government will realize the seriousness of the problem involved in this situation and the urgency of there being taken early and effective action to dispose of it. The American Government also believes that any solution or arrangement arrived at for the protection of Alaska salmon resources should cover not only the Bristol Bay area but also include and afford protection to all principal American salmon fishing waters adjacent to the Territory of Alaska. The emphasis which has been placed in this statement upon the situation in Bristol Bay arises from the fact that the activities of Japanese fishing vessels have been chiefly observed there; it should not be inferred for this reason that a similar situation in other Alaskan waters would be of less concern to American fishing interests.

Having in mind the high importance of the Alaska salmon fisheries as an industry fostered and perpetuated through the efforts and economic sacrifices of the American people, the American Government believes that the safeguarding of these resources involves important principles of equity and justice. It must be taken as a sound principle of justice that an industry such as described which has been built up by the nationals of one country cannot in fairness be left to be destroyed by the nationals of other countries. The American Government believes that the right or obligation to protect the Alaska salmon fisheries is not only overwhelmingly sustained by conditions of their development and perpetuation but that it is a matter which must be regarded as important in the comity of the nations concerned.

THE ALASKA SALMON FISHERY SITUATION

As a result of discussions between the American Government and the Government of Japan in regard to the salmon-fishing activities of Japanese nationals in the offshore waters of Alaska, especially in the Bristol Bay area, reported during the past fishing season, the Japanese Government has given, without prejudice to the question of rights under international law, assurances as follows: (1) That the Japanese Government is suspending the 3-year salmon-fishing survey which has been in progress since 1936 in the waters in question; (2) that inasmuch as salmon fishing by Japanese vessels is not permitted without licenses from the Japanese Government, and as the Government has been refraining from issuing such licenses to those vessels which desired to proceed to the Bristol Bay area to fish for salmon, it will, on its own initiative, continue to suspend the issuance of such licenses; that in order to make effective this assurance the Japanese Government is prepared to take, if and when conclusive evidence is presented that any Japanese vessels engage in salmon fishing on a commercial scale in the waters in question, necessary and proper measures to prevent any such further operations.

The American Government appreciates these assurances which the Japanese Government has given in the spirit of collaboration in the efforts of the American Government to conserve and protect the Alaskan salmon-fishery resources and is gratified that discussions have been conducted by the two governments concerned in a friendly manner.

In view of the above assurances it is evident that if ever Japanese vessels, which were present in the waters in question to engage in crab fishing or in production of fish meal, caught salmon in commercial quantities in the past, such fishing was conducted without the knowledge of the Japanese Government.

Furthermore, these assurances of the Japanese Government are regarded as regulating the situation until such time as the problems involved may call for, and circumstances may render practicable, the taking of other measures.

The American Government will continue to give constant and practical attention to the question of the Alaska fisheries and the question of ways and means to ensure the protection and perpetuation of the highly important food resource and industries involved. To this end the fullest possible collaboration of the appropriate agencies of the Government will be utilized. In accordance with this objective, and for the general purpose of removing cause for apprehension on the part of American fishing interests, the Bureau of Fisheries and the Coast Guard will continue to be charged with the duty of observing fishing activities in Alaskan waters.

The CHAIRMAN. I have no further questions.

Senator BARTLETT. Mr. Foster has one question.

Mr. FOSTER. I would like to raise this in clarification of one of the points made by the chairman and Senator Bartlett. You suggested that in the State Department's view a unilateral extension beyond 12 miles would be in violation of international law. If it were determined that it would be in the national interest to extend our fisheries jurisdiction beyond 12 miles, what steps might the United States take to accomplish that?

Mr. MEEKER. Well, I suppose there are two main routes by which action of this sort is taken. One is unilateral action by the U.S. Government. Another is an agreement with other countries. Naturally, the more countries that support the action we are taking, that are in agreement with the action we are taking, the better basis our action will have under international law. And, obviously, if there were a world treaty signed and ratified by a very large number of countries, this gives a very strong basis for action.

We think today that the claims of some of the South American countries to 200 miles of fishing jurisdiction is a very poor claim, unsupported, and that is why we continue to resist it, both for that reason and because it is contrary to our interests.

Mr. FOSTER. But a third Geneva-type conference might be one approach to be used to this problem?

Mr. MEEKER. It certainly could be, if we felt that we wanted to move in that direction and if we felt that the prospects for success of such a conference were reasonably good.

Mr. FOSTER. Thank you.

Senator BARTLETT. One last question.

One of these bills at least, Mr. Meeker, was introduced in June of last year. But you say in the concluding paragraph of your statement, "Time has not permitted the Department to obtain the advice of the Bureau of the Budget with respect to this report."

Isn't 11 months long enough?

Mr. MEEKER. Mr. Chairman, I think the situation is this—and it is not unfamiliar. Among the different departments of the executive branch, there have been a number of different views. We have done our best to bring those views together. We think our views are pretty near together with those of the other executive departments.

There may not be that exact coincidence which would enable the Bureau of the Budget to say this is finally cleared, 100 percent agreed.

Senator BARTLETT. I think the committee can fairly take it for granted that the Department of State represents the administration's view, and we shall.

Thank you very much.

Senator BARTLETT. The next witness is Clarence F. Pautzke.

STATEMENT OF CLARENCE F. PAUTZKE, DEPUTY ASSISTANT SECRETARY FOR FISH AND WILDLIFE AND PARKS, U.S. DEPARTMENT OF THE INTERIOR; ACCOMPANIED BY HAROLD E. CROWTHER, DEPUTY DIRECTOR, BUREAU OF COMMERCIAL FISHERIES, DEPARTMENT OF THE INTERIOR; AND WILLIAM TERRY, ASSISTANT DIRECTOR FOR INTERNATIONAL RELATIONS, BUREAU OF COMMERCIAL FISHERIES

Mr. PAUTZKE. Mr. Chairman, I brought two individuals from the Bureau of Commercial Fisheries with me, Mr. Crowther, the Deputy Director, and Mr. Terry, who is the international expert. I have a short statement. I will read it.

Mr. Chairman and members of the committee, I am pleased to appear before your committee to give our views on the two bills, S. 2218 and S. 2225, which would extend the fisheries jurisdiction of the United States from the present 3 miles to 12 miles offshore. While we do not object to the enactment of these bills, we would like to present pertinent information for the committee's consideration as to what effect their enactment at this time may have on the American fishing industry.

In 1958 and 1960, Law of the Sea Conferences were held in Geneva on the question of fishery jurisdiction. But no agreement was reached. Subsequent to those meetings certain nations took unilateral action to extend jurisdiction over fisheries. As these developments took place the Department assessed its own position in relationship to the effect any proposed extended jurisdiction by the United States might have on the domestic industry.

Our present position on the proposed 12-mile fisheries limit has been arrived at against the background of several years of study and debate.

After evaluating all factors involved, we conclude that the advantages and disadvantages when balanced against each other are such that there is no clear case for extending U.S. fisheries jurisdiction beyond 3 miles at this time. As for the future, the Department's estimates of supply and demand suggest that there will be increased demands upon the U.S. commercial fishing industry and upon the resources now within the range of that industry for more fish and fishery products. The estimates also suggest the possibility of a demand which the industry may not be able to satisfy from the fishery resources off the U.S. coasts. While these admittedly are estimates, we do believe that future uncertainties require the preservation of flexibility for future U.S. actions.

As a practical matter, it should be noted that only American fishermen now fish in the zone between 3 and 12 miles, except off the coast of Alaska where we know of intermittent Japanese and Soviet fishing.

It seems evident, of course, that growing foreign fishing operations may alter this situation. In the Northeast Pacific several hundred Japanese and Soviet fishing vessels operate off our coasts, mostly well beyond 12 miles. We believe it is probable that there will be an increase in the operations of these vessels within 12 miles of the U.S.

coasts at some time in the future. However, in view of the species they now seek and the location of these fish, it seems doubtful that this shift will occur in the immediate future.

One of the arguments often advanced against extension of U.S. jurisdiction is that an important part of the U.S. industry relies upon fishing in waters close to the coasts of foreign countries and that these fishermen would be adversely affected by any retaliatory extension by other countries. We estimate that during the period 1959-63 about 15 percent by value of the U.S. catch was taken off foreign coasts. The catches consist largely of tuna and shrimp.

Also of importance in considering the fisheries jurisdiction question is the fact that a significant portion of the fish stocks now supporting the U.S. coastal fisheries can and does move freely through the zone of water between 3 and 12 miles and beyond.

The total average marine fishery catch off our coasts for the 1959-63 period was about 4,500 million pounds. About 68 percent of this was from our present territorial waters. About 13 percent of the catch was taken between 3 and 12 miles which these bills would add to our exclusive fishing zone. The remaining 19 percent was taken beyond 12 miles.

In summary, the establishment of an exclusive fishing zone out to 12 miles would offer some protection to a portion of our domestic industry, but may result in other segments of our fishing industry losing part of their present catch off foreign coasts. Should foreign fleets begin to fish extensively within 12 miles of the U.S. coast, the advantages of establishing a 9-mile contiguous zone beyond the territorial sea of the United States would soon outweigh the disadvantages cited.

SENATOR BARTLETT. Something tells me, Mr. Commissioner, that you are liable not to make your plane. I think there is going to be a question or two.

THE CHAIRMAN. Well, I can't follow this argument at all. You say this will offer some protection for the American fishermen. Why don't we give it to them? What is the reason?

MR. PAUTZKE. We don't oppose this—

THE CHAIRMAN. If they just get a little bit, isn't that better than what they have got? You claim it wouldn't amount to much. That is just like the State Department, they are always afraid of Ecuador, Peru, and Chile, afraid they will do what? I don't know what they would do, any more than what they are doing now. I am afraid the arrangement, however loose it is, it will still go on, the practical arrangement and the political—what did you say, the political arrangement, was also going to be there. But I just think that we have got to start to protect our coastal fisheries, until somebody sits down and says we will have some guide rules of conservation, and until we do, I am not concerned about Chile, Peru, or Ecuador.

There are other things that they are concerned with than fish with us. And I think it is just entirely wrong to be always worried about them. I think the tuna fishermen will be able to fish just as much tuna as they fished before if we extend our limits to protect our coastal fisheries. And we have that responsibility whether it makes somebody mad or whether it even violates international law, that we are not a party to yet. Let's start from there. That is all.

Senator BARTLETT. Why is it, Commissioner Pautzke, that in your statement you used the period 1959-63? Aren't more recent figures available?

Mr. PAUTZKE. Mr. Chairman, these are the most accurate figures that we have in detail, that we have summarized and analyzed.

Senator BARTLETT. You don't have any more up-to-date figures?

Mr. PAUTZKE. We have up-to-date figures which we could present for the 1964 period. As you know, our figures do come in from all parts of the world, in addition to the one we collect ourselves and it takes time to verify and analyze this material.

Senator BARTLETT. Figures from American fishermen and elsewhere?

Mr. PAUTZKE. Our own figures are fairly accurate. It is the catch of foreign nations.

Senator BARTLETT. I see. Did you know that two-thirds of the shrimp catch made off Kodiak Island by the Soviet fishing fleet is within 12 miles of shore?

I think this is a most authoritative statement because it comes from the Bureau of Commercial Fisheries.

Mr. PAUTZKE. Yes, Mr. Chairman, we know that.

Senator BARTLETT. Don't you think it would be some help to the Alaska fishermen if the Russians were prevented from fishing within those 9 miles?

Mr. PAUTZKE. Yes. It would benefit the Alaska fishermen if they utilized the stock.

Senator BARTLETT. Now let us turn to the report of the Department of the Interior, which I read at a very early hour this morning. I don't know whether the Department of the Interior is for or against the bill. But I only want to make reference to one declaration in that:

The principal reason against the extension of the fisheries jurisdiction of the United States is that a substantial part of the United States commercial fishing industry is dependent upon its ability to fish in waters up to 3 miles off foreign coasts.

I wish you would go into some detail about this. You say a substantial part of the U.S. commercial fishing industry is dependent upon their ability to move within 3 miles of foreign coasts. Tell us about this.

Mr. PAUTZKE. In my statement, Mr. Chairman, I stated that 15 percent of our total U.S. catch was from off the foreign shores.

Senator BARTLETT. Well, let's narrow that a bit. What foreign shores?

Mr. PAUTZKE. We fish off of Mexico, off of South America, and off of Canada.

Senator BARTLETT. Don't we have a little trouble fishing 4 miles off the coast of Peru, for example?

Mr. PAUTZKE. We have been, we have had difficulties, as Mr. Meeker stated.

Senator BARTLETT. Actually all those countries to the south oppose our coming within the limit of the territorial sea, and the only place where this is really at issue is in Canada, with whom we are negotiating now. Isn't that right? We don't move off the coast of Japan, we don't go within 3 miles of the coast of Japan, do we?

Mr. PAUTZKE. We do not fish off of Japan.

Senator BARTLETT. So actually, considering the fact that these South American, Central American countries, maintain they have a breadth of sea, which we say is beyond that which it should be, there isn't a substantial segment of the U.S. fishing industry dependent upon moving to within 3 miles of the coastline of foreign countries, is there?

Mr. PAUTZKE. Not within.

Senator BARTLETT. Up to?

Mr. PAUTZKE. Up to 3 miles?

Senator BARTLETT. Yes.

Mr. PAUTZKE. About 2 percent of our total catch is caught within that 9 miles.

Senator BARTLETT. And yet this is cited in the report as a substantial part of the U.S. commercial fishing industry is dependent upon this. But now you tell us it is 2 percent.

Mr. PAUTZKE. The total amount is not caught by one segment of the industry. Several U.S. fisheries are involved, and in the aggregate they can be considered "a substantial part." The total catch is only 2 percent within 12 miles, but for some of these segments their part of the 2 percent is important.

Senator BARTLETT. Would you please furnish at a convenient date a statement for the record in elaboration of this?

Mr. PAUTZKE. Yes.

(The information requested above follows:)

*U.S. catch of species taken by U.S. fishermen off U.S. and foreign coasts—1959-63 average*¹

[In million pounds]

Species of fish	Off U.S. coasts			Off foreign coasts		Total
	0-3 miles	3-12 miles	Beyond 12 miles	0-12 miles	Beyond 12 miles	
Cod:						
Atlantic.....	1.4	8.0	31.7	0.7	2.7	44.5
Pacific.....	.3	.5	1.0	2.7	1.8	6.3
Flounders:						
Atlantic.....	5.2	13.7	69.3		.7	93.9
Pacific.....	1.9	23.9	19.0	1.7	2.4	48.9
Groupers.....		.4	6.0		.7	7.1
Haddock.....	.9	6.3	98.9	1.8	16.7	124.6
Halibut: Pacific.....	9.9	7.0	30.6	.8	3.0	51.3
Ocean Perch:						
Atlantic.....		9.7	17.8	6.7	94.3	128.5
Pacific.....		.5	9.5	.3	3.7	14.0
Rockfishes: Pacific.....	1.8	11.9	8.5	.9	3.6	26.7
Sablefish.....	1.1	2.6	4.5		.2	8.4
Salmon.....	256.3	10.2	2.1	1.1	1.5	271.2
Sardines: Pacific.....	7.9	3.9	27.7	(1 2)		39.5
Snappers.....	0.2	0.5	8.7		4.1	13.5
Swordfish: Atlantic.....			1.3		0.1	1.4
Tuna:						
Atlantic.....	0.2	0.3	4.8		0.4	5.7
Pacific Coast.....			52.4	25.5	213.7	291.6
Central Pacific.....	0.1	8.5	2.7			11.3
Whiting.....	16.4	26.0	62.5	0.1		105.0
Other fish ³	76.8	157.9	129.4	1.7	7.7	373.5
Shellfish:						
Shrimp:						
Atlantic and gulf.....	65.6	40.5	62.3	5.3	25.8	199.5
Pacific.....	13.7	1.4	4.4	(1)	(1)	12.5
Total.....	459.7	338.7	655.1	49.3	383.1	1,885.9

¹ Does not include species taken off U.S. coasts only.

² Less than 50,000 pounds.

³ Includes cusk, white hake, and Atlantic pollock.

U.S. catch—1959-63 average, by regions and by distances from shore

QUANTITY

[In millions of pounds]

Area	Atlantic and Gulf States	Pacific Coast States	Central States	Central Pacific	Total
Off the U.S. coast:					
0-3 miles	2,610.2	461.2	143.5	1.6	3,216.5
3-12 miles	448.2	119.7		8.9	576.8
Beyond 12 miles	600.8	261.0		2.9	864.7
Total	3,659.2	841.9	143.5	13.4	4,658.0
Off foreign coasts:					
0-12 miles	14.9	34.4			49.3
Beyond 12 miles	151.1	232.0			383.1
Total	166.0	266.4			432.4
Grand total	3,825.2	1,108.3	143.5	13.4	5,090.4

VALUE

[In millions of dollars]

Off the U.S. coast:					
0-3 miles	112.9	55.8	13.7	0.7	183.1
3-12 miles	26.3	12.1		1.7	40.1
Beyond 12 miles	70.3	19.8		0.4	90.5
Total	209.5	87.7	13.7	2.8	313.7
Off foreign coasts:					
0-12 miles	2.7	4.1			6.8
Beyond 12 miles	16.9	29.6			46.5
Total	19.6	33.7			53.3
Grand total	229.1	121.4	13.7	2.8	367.0

Senator BARTLETT. I have no further questions.

The CHAIRMAN. If it is only 2 percent, or say it is 3 or 4 percent, we are denying the right of protecting our coastal fish for approximately 95 percent of our catch, or 96, on a fear that somebody down in South America will do something. Now they have 200 miles now. Do you think if we raised it to 12 or 15 or 20, that they would make it 500 miles?

You have it now. How are you going to change it? Two hundred miles is ridiculous to begin with. But it is still there. I don't see how they could suggest that they are going to retaliate, whatever they want to call it, and make it 500 miles, or 400. I don't see that there is—I think this is a strawman that everybody is setting up here.

Mr. PAUTZKE. May I answer that, Senator?

The CHAIRMAN. Yes, I can't see the logic of it.

Mr. PAUTZKE. When we presented our data here, as I stated, we do not object to this, we are simply laying out in front of the committee the pros and cons. Then you can pick your choice. Personally, as you look at our coastline here, and take the significance of our total fisheries, we are probably in an era of taking a real strong look at the cost of complete protection of our own fishery.

The CHAIRMAN. Yes, we passed a bill out yesterday for you to give us more facts and data on coastal fisheries. The committee passed it out yesterday. But I don't see what more they could do down there,

than what they are doing. They are going to make an arrangement, they will always make an arrangement for us to fish down there. You know why, don't you? Every fisherman in this room knows why. It is perfectly legitimate, but I don't know why we should worry about Peru or Chile or South America when they have 200 miles now. They couldn't even complain if we went 200 miles. We would say, we are doing just what you are doing, legitimately complain. We are talking about protecting our coastal fisheries, that is all.

Well, we have some other letters from Department of Interior here, Mr. Chairman, which we will keep for the files.

Senator BARTLETT. All right, the committee recognizes the Commissioner is in a frustrating position.

Mr. PAUTZKE. Mr. Chairman, I do not desire to deny this committee any time from me and I would be glad to pass up the airplane trip to answer any questions.

Senator BARTLETT. The committee wishes you a good flight. I have no further questions.

The CHAIRMAN. And you are going to be in salmon negotiations?

Mr. PAUTZKE. Yes.

Senator BARTLETT. Thank you very much.

Robert Simon, Regional Supervisor, Department of Fish and Game, State of Alaska.

STATEMENT OF ROBERT SIMON, REGIONAL SUPERVISOR, DEPARTMENT OF FISH AND GAME, STATE OF ALASKA, JUNEAU, ALASKA

Mr. SIMON. Thank you.

Senator BARTLETT. Mr. Simon is here representing the Governor of Alaska. You have a prepared statement, which the committee will be glad to hear, Mr. Simon.

Mr. SIMON. Yes, Mr. Chairman.

Mr. Chairman and members of the committee, I am Robert Simon, regional supervisor of Westward Alaska for the Alaska Department of Fish and Game representing the State of Alaska at this hearing. The State of Alaska is in firm agreement with the intent of S. 2218 and supports its passage.

The area for which I am responsible stretches from Cook Inlet to the tip of the Aleutians, a lineal distance of almost 1,600 miles. For the past several years this area has been blighted by the largest concentration of foreign fishing vessels off the United States. In 1965 there were approximately 228 Japanese and 650 Soviet vessels involved in fishing ground fish, shrimp and king crab in these waters. It is estimated they took about 2 billion pounds of fish in Alaskan waters.

We in Alaska have long realized the destructive force inherent in the present and potential foreign fishing effort. We have seen the foreign fishing effort grow by leaps and bounds. Unless proper steps are taken, this effort will continue to accelerate. Nations presently prosecuting fisheries off our coasts are increasing their fleets and improving their vessels and techniques each year. New nations, such as China, Korea and perhaps Poland are expected to soon enter these distant water fisheries in the Pacific as their economies and fishing

technologies improve. The United States must not sit idly by while these important resources are being harvested at an alarming rate by other nations without regard to conservation needs. The United States must take action to protect and preserve our coastal fisheries.

The present stocks and potential catch on the U.S. shelf, plus the economics of a distant water fishery compared to a coastal fishery, make these U.S. coastal stocks more desirable to us than those in any distant water fisheries we are presently prosecuting or will be interested in. The United States must make sure it takes the necessary action to preserve these stocks for our nationals to develop for our population's food supply.

Admittedly, a 12-mile fisheries limit is not adequate to give our coastal fisheries the full protection they need. It will, however, be a necessary step in the right direction and will be of immeasurable help. It will give protection to fish and shell fish resources in a direct manner by the extension of 9 miles. It will clearly allow the closure to foreign encroachment of over 15 large bays and passes containing important stocks of fish such as Cook Inlet, Shelikof Strait and areas in the Shumagin and Aleutian Islands.

Additional protection of some of our pelagic and ground fish stocks will be afforded by a 12-mile fisheries limit. Even more important will be substantial and perhaps full protection afforded to several of Alaska's major shrimp stocks, those in Kodiak, the Shumagin areas and possibly others. These stocks of shrimp do to some degree extend out beyond 12 miles but it is doubtful if a full fledged foreign operation could profitably take place upon them outside of 12 miles.

Further protection would also be afforded Dungeness and king crab and the U.S. fishery for these stocks in several ways. The majority of the Dungeness stocks exist within 12 miles of shore. In the area south of the Alaska Peninsula and in the Aleutians, more than half of the domestic king crab effort is carried on within 12 miles of shore. Although it is true that king crab are presently protected from foreign encroachment under the 1958 Geneva Convention of the Continental Shelf, a 12-mile limit would further insure that illegal foreign fishing under the guise of trawling for ground fishing could not take place on these stocks in this zone.

It would also relieve within 12 miles the present pressing problem of U.S. gear being destroyed by foreign trawlers. This has been a fairly frequent event during the past few years. During 1965 alone there were 16 separate verified incidents in which 65 units of gear were lost by U.S. fishermen. With ever increasing fleets, both foreign and United States, it can only increase in intensity. A zone of 12 miles free of foreign vessels would be a real boon to Alaska fishermen.

Data demonstrate that crab are very susceptible to injury and death from trawls particularly during the soft-shell stage. Soft shell crab congregate in large concentrations in the more shallow waters predominately within 12 miles. There is no doubt that intensive trawling in these areas especially that of the large foreign trawls does considerable damage to the crab stocks.

Therefore a 12-mile fisheries limit would add this indirect benefit of protection to crab stocks, primarily king crab.

There is another manner in which a 12-mile limit would make it more difficult for a foreign fleet to operate adjacent to Alaskan waters. With

the present 3-mile limit, there are some locations on the coast where foreign processing ships can find enough shelter in foul weather to carry on normal load transferring and processing activities. Assuming that transporting, transferring and, I suppose eventually, processing are valid parts of a fishing operation, and an additional 9-mile limit would at times make it extremely difficult for a foreign fleet to carry out these crucial activities.

In conclusion, it seems incongruous to the State of Alaska that the United States should retain the archaic 3-mile fishery jurisdiction when it is apparent that by far the majority of coastal States have asserted their jurisdiction to at least 12 miles and many in excess of this. Alaska respectfully urges favorable consideration of S. 2218.

Senator BARTLETT. Thank you, Mr. Simon. Mr. Chairman?

The CHAIRMAN. I am glad he made the statement on page 2, when he says, "Admittedly, the 12-mile fisheries mile limit is not adequate to give our coastal fisheries the full protection. It will, however, be a necessary step in the right direction and be of immeasurable help."

I think that that is a conclusion that is reached by everybody. And I think that we ought to strive to give them full protection, but, if we can't do that, we will do this: A step in the right direction. This is a position paper that ought to be sent down to the State Department.

Senator BARTLETT. Well, I think there are some State Department people around yet, who might hand-deliver it.

The CHAIRMAN. I have no further questions.

Senator BARTLETT. This represents the official position of the State of Alaska?

Mr. SIMON. Yes, sir, it does.

Senator BARTLETT. And you were sent here especially by Governor Egan to make this statement?

Mr. SIMON. That is correct.

Senator BARTLETT. You heard me speak to Commissioner Pautzke about the Bureau of Commission Fisheries' report, to the effect that about two-thirds of the total Soviet effort of Kodiak, in respect to shrimp fishing, was within 12 miles of shore.

You live at Kodiak; do you not?

Mr. SIMON. Yes, sir, I do.

Senator BARTLETT. Do you have any personal knowledge of this?

Mr. SIMON. I have flown over the Soviet fleet on various occasions and the people I supervise have flown over it much more often than I have. I would think that the two-thirds figure would be somewhat conservative.

Senator BARTLETT. Conservative?

Mr. SIMON. This is my opinion. I think that the 12-mile limit would practically bring to a halt the Soviet shrimp fishing around the Shumagin Islands and Lighthouse Rock, where it has been carried on.

Mr. Chairman, I have a chart here showing some of our gear difficulties.

Senator BARTLETT. Yes. We will look at it afterward. There is no way to incorporate it in the record. I was impressed particularly perhaps by two statements you made, one to the effect that crab, especially in the soft-shell stage, are damaged, many of them are lost, by the trawling efforts.

Does this represent a considerable loss?

Mr. SIMON. Some of the research that we carried on, starting in 1954, indicated that we had immediate mortalities of in excess of 50 percent from trawling on soft-shell crab, and later experiments, I think around 1956 or 1957, demonstrated that we had delayed mortality that brought the total up to as much as 84 percent, in some instances.

Senator BARTLETT. Only 16 percent left for harvesting and for reproduction?

Mr. SIMON. Right. The trawling is at present not legal for king crab in Alaska.

Senator BARTLETT. I knew there were a lot of ships up there, from foreign nations, but I am shocked, I must admit, to have you declare that 228 Japanese and 650 Soviet fishing boats were off the Alaskan coast last year.

Are these small vessels? Or in some cases are they large factory ships?

Mr. SIMON. I think that the smallest vessel the Soviets use is around 130 feet. Their SRT's run from 130 to 167 feet, and they go up from there to the 350-foot BMRT's and 600-foot factory ships.

Once in a while, we encounter small freighters that are supplying the fleets and taking some of the catch back.

Senator BARTLETT. Are there any fishing grounds in the world that can withstand such a massive fishing effort?

Mr. SIMON. Not to my knowledge. In fact, in the Soviet take of redrock fish, what they call "ocean perch," was 40,000 metric tons less in 1965 than it was in 1964.

Senator BARTLETT. How much?

Mr. SIMON. 40,000 metric tons. This is the best figure we have been able to come up with. They took 240,000 metric tons in the gulf, or in Alaskan waters, predominantly the gulf, in 1964, and dropped to 200,000 in 1965.

Senator BARTLETT. They are sweeping the floors of the ocean clean then?

Mr. SIMON. Yes. This is quite a slow-growing fish and they have quite an effect on them.

Senator BARTLETT. How about crab? How many years does it take to reach the harvest stage?

Mr. SIMON. Under Alaskan regulations, crab is approximately 8 years old when it reaches legal size.

Senator BARTLETT. If it lives to be that age, after all of the trawling efforts. We will incorporate those charts in the file.

The CHAIRMAN. Perch don't mature for 10 to 12 years; is that correct?

Mr. SIMON. Offhand, I couldn't give you the figure.

The CHAIRMAN. It takes quite a while.

Mr. SIMON. The perch they are concentrating on is around 12 inches long, and these fish run up to 13 years old.

The CHAIRMAN. But, if they fish those out, it will be a long time before they can come back.

Mr. SIMON. Yes, sir; it would be.

Senator BARTLETT. We are told this is true also on the Oregon coast, where the Oregon fishing efforts have declined to something like 29 percent on perch, because of foreign competition and the statement was made that this is a slow-growing fish, and it is about 8 years old before it reaches the harvestable stage.

Then, Mr. Simon, would it be correct to state that your view, and the view of the State of Alaska, is that this at least represents, this bill at least represents a beginning in the direction we ought to go?

Mr. SIMON. Yes, sir.

Senator BARTLETT. So, as far as Alaska is concerned, wouldn't it have another beneficial effect? We all know there is some cheating going on now, some of these foreign vessels come right to shore, way out in the Aleutians, particularly, to get fresh water. And this is illegal, of course, but they do.

And as our Coast Guard is better fortified to exercise supervision there, and it is going to be much better off, because we just appropriated money for some big fast planes, as the fishing limit is moved out to 12 miles, they are going to have more difficulty in coming into our base and filling up their ships with fresh water; are they not?

Mr. SIMON. Yes, sir; they are. Not only to get water, but they fish in pretty close, too, Senator.

Senator BARTLETT. They fish a little bit in places where they should not?

Mr. SIMON. I saw a large photograph of a boat with a Russian trawler, with all of its number covered up, fishing less than a mile off the beach at Mitro Fania Island, Chignik, just before I left for Washington. Unfortunately, I couldn't bring it with me.

Senator BARTLETT. Very recently?

Mr. SIMON. Gentlemen, they were fishing the wharfs, all of the numbers covered up.

Senator BARTLETT. Was the Coast Guard notified?

Mr. SIMON. They took the pictures, but they couldn't get the cutter in fast enough to intercept them, because the fish was only 10 or 15 minutes from the limits of territorial waters, and the cutter was a number of miles to the west.

Senator BARTLETT. We are going to have a faster cutter up there soon, faster airplanes, too. Maybe we can haul them in, I hope.

Thank you very much, Mr. Simon.

Senator BARTLETT. Dr. Harvey?

After Dr. Harvey has concluded, we will recess the hearings for today and start again in the morning.

STATEMENT OF DR. EDWARD W. HARVEY, ADMINISTRATOR OF OTTER TRAWL COMMISSION OF OREGON, ASTORIA, OREG.

Senator BARTLETT. Do you have a prepared statement?

Dr. HARVEY. I do not, sir. I wish we did.

Senator BARTLETT. It doesn't matter.

Dr. HARVEY. Well, this notice was just passed to me and I would pass it on. If we had had time, we would have had a prepared statement. Perhaps we still will be able to get our heads together and submit such to you. This notice just came to me, that is why the Russians are off Oregon. In other words, referring to this last report.

You will have a number of pieces; we have a very good delegation from Oregon, as well as north of the river. However, at this point I would like to represent Governor Hatfield in a letter which he sent to Secretary of State Rusk.

Senator BARTLETT. Before doing so, Dr. Harvey, will you identify yourself and give your position.

Dr. HARVEY. I have been working with the fishing industry of Oregon for better than 25 years. I am currently the administrator of the Otter Trawl Commission of Oregon, which was formed only in the fall of 1963.

Senator BARTLETT. This is a State commission?

Dr. HARVEY. This is a State commission; yes. We are vitally concerned with our otter trawl industry and this is our representation here.

May I read the Governor's letter?

Senator BARTLETT. Surely.

Dr. HARVEY. You will all have copies of it later. But they are being made this morning.

HON. DEAN RUSK,
Secretary of State,
Washington, D.C.

DEAR MR. SECRETARY: Recent increases in Russian fishing activities off the Western Coast of the United States is a matter of growing concern to citizens of Oregon and other Pacific Coast States—

I forgot to read the date; it is May 10—

There is a general belief that continued fishing of present intensity by foreign nationals, although being conducted in international waters, will ultimately prejudice our entire fishing industry. Substantiation of this belief is seen in recently compiled figures of the Oregon Seafood Dealers Association which estimate 1966 Oregon production ocean perch will amount to only 29 percent of 1965 production. During 1965, 14 million pounds of perch were landed in Oregon, 5 million in the first 4 months of the year. To date in 1966, Oregon landings of this species have amounted to only 1,400,000 pounds.

This marked reduction is apparently attributable to the Russian fishing effort being conducted in Oregon's traditional fishing grounds. Not only are the Soviet vessels present in great numbers, but gear being used is such that the fishery is in danger of early depletion. Additionally, there is some evidence of harassment of Oregon fishermen.

The ocean perch fishery is a major contributor to Oregon's offshore industry, which in 1964 produced more than 37 million pounds of fish, with a dockside value of \$2,300,000. These figures do not include incidental catches or shellfish, which are also endangered by the Russian activities. While there is no evidence at this time of Russian landings of salmon, it seems clear that if the fishery is permitted to continue, it will only be a matter of time until the stocks of these fish, which constitute a significant factor in our economy, from both a sports and commercial standpoint, will be decimated.

I might digress here to tell you that we have evidence which will be presented later in these hearings that will refute some of this statement, not refute it, but corroborate it.

You are aware that the situation is even more acute as concerns the States of Alaska, Washington, and California, and that at the Western Governors' Conference in Las Vegas earlier this month, action was taken urging immediate steps by our government to alleviate threats posed by Soviet fishing activities. I believe the United States has this obligation, and that means are at hand.

It is my understanding that representatives of the State Department have scheduled a conference for May 17, 1966, with fishing industry delegates and others concerned, including representatives of Oregon. It would be my hope that full weight will be given to testimony presented at that time, and that early action by your Department will give some relief from the present situation as well as assurances that the future will not see a recurrence of this problem.

Recognizing the complexities, I nonetheless urge that you immediately seek to involve the Soviet Union and other nations in conversations which will lead to an understanding and agreement on necessary fishing conservation. I am gratified to learn that fishery experts are now members of your staff, and only regret such personnel were not sooner made an integral part of the State Department. There must obviously be means provided for a free exchange of scientific

information, and trained fishery personnel can certainly facilitate this practice. There is, of course, precedent for conservation agreements in the case of Bering Sea king crab harvests.

Your office holds the key to the future of Oregon's offshore fishing industry, and I cannot too strongly impress upon you the seriousness of the situation or the necessity for immediate action.

The Congress, too, shares in the responsibility for helping to alleviate this threat, and I have urged our delegation to support measures calculated to not only minimize the effects of current Russian fishing, but to assist American fishermen in overcoming handicaps posed by extensive support of foreign fishermen by their national governments. I recognize that some efforts along this line have recently been initiated, but they may prove too little and too late.

The time to act is now, and I urge your favorable consideration of recommendations which will be made at the scheduled May 17, 1966, conference.

Sincerely,

MARK HATFIELD, *Governor.*

Senator BARTLETT. Do you have a summary statement, Dr. Harvey?

Dr. HARVEY. Well, other than to say that I am sure that we all in Oregon agree with this tentative proposal. Many of us feel it should go further. We feel that our fishery is literally at this point being decimated. We have evidence of this with some of our representatives who will be here later.

We are very, very concerned about this, because our fishery is going to be lost in a matter of 2 or 3 years if we don't get some help.

Senator BARTLETT. Now, Doctor, Governor Hatfield's letter made reference to the meeting which was held yesterday. And, of course, that had nothing to do with policy. That only had to do with realignment of the fisheries office of the Department of State.

I don't know whether you were here or not, but the meeting, I think we would all agree, was highly successful in every way.

Dr. HARVEY. Yes.

Senator BARTLETT. And gave a demonstration to all of us that insofar as the Department of State is concerned the subject of the fishery is being taken much more serious than it has ever been before, that there will be more staff and the head of the office will be of a range and grade that will enable him to deal, as unfortunately Mr. Harrington has not been able to, with those on the highest levels, with those having to do with the fisheries of other nations.

Dr. HARVEY. We have been so concerned about this, and I have been going day and night. I called Governor Hatfield and asked if he would take a definite stand to support us, he has always supported us in any of our fisheries problems, and had I realized he was going to use this meeting yesterday, I know he would have had even a stronger statement for this meeting this morning.

Senator BARTLETT. Can you tell us if the State of Oregon is supporting the legislation now before the committee?

Dr. HARVEY. We support it?

Senator BARTLETT. Yes?

Dr. HARVEY. Very definitely, yes.

Senator BARTLETT. When did the Russians begin to move off your coast?

Dr. HARVEY. A year ago we had, I think, five or six vessels. We got pictures, and we sent them to our representatives. That was not of too long duration, although we were very, very concerned. Then this year I think the first appearance was March 27. I happened to be away, out of town, and when I returned I got right on this thing,

I worked very closely with all fishing people, all fishing men, with all of the industry people, with the Governor's office and anyone, and everyone who has been interested in this fisheries problem.

As I say, this has gone so fast we have an excellent delegation here, but we do not have a prepared statement, I wish we did. But I know and I can assure you that all of our delegation, and I know the fellows from across the river, who have further information, are definitely in favor of this proposition, this proposal.

Senator BARTLETT. I was interested this morning when Dominick was here for a considerable time, when he told me informally that he has had many, many communications from his State of Colorado about this, urging protection for the American fisheries. I thought that was most interesting in view of the fact that Colorado is an interior State.

You said there were five or six Russian vessels off the Oregon coast last year. I assume that this was an exploratory thing.

Dr. HARVEY. This was all exploratory. There was a little evidence of fishing; we got pictures of nets. But I think that was only about 3 weeks, perhaps 3½ weeks' duration.

Senator BARTLETT. How many do you estimate, how many Russian ships do you estimate to be off the coast now?

Dr. HARVEY. I had, last Friday morning, come into my office a gentleman by the name of Elmer Copstead. I had been trying to get hold of him for a week. He is fishery management agent for the Bureau of Commercial Fisheries. I wanted firsthand information. He had, during the period May 6 to 12, surveyed the area from Willapa Harbor to the California border. At that time there were nine support-type vessels—now he is quite careful in his counting and avoids duplication—which includes the motorships, tankers, and so forth.

There are also 39 fishing vessels, 15 of which are stern ramp vessels, which are approximately 250 feet or more.

Senator BARTLETT. Big fellows?

Dr. HARVEY. They are big boys. We have nothing to compare with them at all. They are within 12 to 15 miles—later on you will hear evidence, we know they are coming inside of this area in some of our later evidence. At the moment the concentration is immediately off Newport, in fact some of the fellows say if you get up on hills in Newport, you can see them very easily. All but the smaller vessels—and this came out in I think the Alaskan testimony—all but the smaller vessels are faster than ours.

Our American fishing vessel will average 9 knots. The Coast Guard will average 14 knots. But they cannot keep up with the Russian vessels. He also made this statement, which I thought was very interesting. You see the Russian vessels that are off Oregon, they have been here 6 weeks plus at this point, and he made this statement as he was leaving, that the Russian catches are much smaller now. They are getting lots of hake and only a few rockfishes. By rockfishes we mean the group in which ocean perch is included.

In other words, briefly, they have taken tremendous supplies now and already they are getting fewer fish.

Senator BARTLETT. Dr. Harvey, do you have any idea how many ships were included in the Oregon trawl fleet in 1965?

Dr. HARVEY. Our trawl fleet?

Senator BARTLETT. Yes.

Dr. HARVEY. Between 58 and 60.

Senator BARTLETT. How about this year?

Dr. HARVEY. We have gone down, I think. Our count is around 54, 53. We have lost some vessels.

Senator BARTLETT. Why?

Dr. HARVEY. Well, go back to foreign competition. Imports in 1946 and 1947, our otter trawl industry grew during the war—you see, on the west coast, we are relatively new in this fishery. During the war, we grew. After the war, there was a slight diminish. Then the minute our imports started coming in, our production dropped tremendously, and, in the period of 1955 and 1956, we were producing more mink food than human food.

Now this picture has been reversed and our picture of production has been coming up steadily, until this onslaught. Now we have no idea what this will do.

Senator BARTLETT. I was in error earlier, when I stated that the production declined by 29 percent. But you say 17 percent?

Dr. HARVEY. I didn't mean that. I didn't understand your question.

Senator BARTLETT. Let me put it this way: What percentage of the landings have there been in Oregon ports this year compared to last?

Dr. HARVEY. The only actual figures that I have are these which the seafood dealers have sent to your committee. These have also been sent to our organization representatives, to some people in NFI, because we felt they should know it.

In other words, there is a diminishing in the ocean perch in this period of 1966 to a point of 29 percent of take, of return.

Senator BARTLETT. Twenty-nine percent of last year?

Dr. HARVEY. Right.

Senator BARTLETT. Well, I was in error then. I had it the other way around. What species of fishes do your trawlers take?

Dr. HARVEY. Well, our trawlers take the rock fishes, which includes the ocean perch, and they take all—not all of the sole, but a good number of the sole.

Our concern is, and I think you will find this will come out in testimony later, that some of these species are being taken. We do know that the gear that these fishing vessels of the Russians are using is gear that we do not have, and, as one man put it, and very appropriately, not even a shrimp could get out of the Russian gear. This means, and we all know it, if there are small fish taken, immature fish taken, we are seeing a depleted stock of our coast and we will not have a fishery, and this is the reason that we are all so vitally concerned with this.

Senator BARTLETT. Is it true that the ocean perch should be about 8 years old before it is taken?

Dr. HARVEY. Right.

Senator BARTLETT. How far out do your trawlers, the Oregon trawlers, go for the bottom fish they take?

Dr. HARVEY. I would imagine, and the fellows can probably correct me who are here in the room, I would imagine, say, 20 to 30 miles at most. Much of the fishing from our Astoria-Warrington area is done rather close to the mouth of the river, either south or north. And, of course, off Newport, the Sea Mountains, so-called, some of the fel-

lows would have to substantiate that. I don't know exactly how far they are off. I would say probably within 12 to 15 miles.

Senator BARTLETT. How close to the coast have the Russians come?

Dr. HARVEY. We know that, last week, off of Astoria, they were probably 11 to 12 miles in the daytime.

Now, we will also get evidence tomorrow, or the next day, that the species of fish which have been seen aboard the vessels are inshore species of fish.

Senator BARTLETT. What degree of protection would be afforded your people by the legislation under consideration?

Dr. HARVEY. I would say that is a slightly biological question. I am not a biologist. I am a technologist, food technologist primarily, but I would estimate roughly 75 or 80 percent would be retained, would be saved, if we had this legislation passed.

Senator BARTLETT. Your people then would derive substantial gains from this legislation?

Dr. HARVEY. Oh, very definitely, very definitely.

Senator BARTLETT. Thank you very much.

The committee will adjourn at this time and start at 9:30 tomorrow morning.

(Whereupon, at 12:45 p.m., the hearing in the above-entitled matter was adjourned, to reconvene the following day, Thursday, May 19, 1966, at 9:30 a.m.)

TWELVE-MILE FISHING ZONE

THURSDAY, MAY 19, 1966

U.S. SENATE,
COMMITTEE ON COMMERCE,
SUBCOMMITTEE ON MERCHANT MARINE AND FISHERIES,
Washington, D.C.

The committee met at 9:35 a.m. in room 5110, New Senate Office Building, the Honorable E. L. Bartlett presiding.

Senator BARTLETT. The committee this morning will resume consideration of the several bills dealing with extension of the present 3-mile fishing zone of the United States.

The first witness this morning will be my colleague, Senator Gruening of Alaska.

STATEMENT OF HON. ERNEST GRUENING, U.S. SENATOR FROM THE STATE OF ALASKA

Senator GRUENING. Mr. Chairman, would you prefer to have me read my statement or to insert it in the record? Whatever the committee desires will be agreeable to me.

Senator BARTLETT. I would prefer to have you do what you prefer to do.

Senator GRUENING. Suppose I read the statement. It is not too long.

Mr. Chairman and members of the committee, thank you for giving me this opportunity to testify on the legislation now under consideration by the Committee on Commerce to give badly needed protection to fishery resources of the United States and to establish for American fishermen exclusive rights to fishing in a 12-mile zone beyond our continental limits.

The need for legislation to protect fishing rights of American fishermen to a 12-mile limit off the shores of this Nation has long been apparent.

Nearly 3 years ago, on June 28, 1963, I introduced the bill, S. 1816, which was designed to accomplish this purpose. At that time, I described to the Senate the retention of an outmoded, anachronistic limit of 3 miles offshore as "an albatross around the neck of U.S. fishermen." As I said then, and as has become increasingly more apparent, allowance of fishermen of other nations to fish in waters within a 12-mile limit has permitted fishermen of other countries to deplete our fish stocks and negate our attempts at conservation and protection of this valuable national resource.

The need for extension of the area of exclusive fishing rights for American fishermen came to the attention of the Nation very dra-

matically in April 1962, when the Japanese fishing fleet invaded Alaskan waters and caused such alarm as to require strenuous action by Governor Egan, of Alaska, to establish the seriousness of the threat to a basic Alaskan resource. At that time I pointed out that the traditional 3-mile limit was an obsolete provision of American law dating from the days when 3 miles was the approximate distance a cannonball from a shore battery could hit a hostile vessel.

Today, when we send rockets to the moon and the science of propelling objects literally out of this world is being rapidly perfected, we must insist that our law of the sea be modernized accordingly. Failure to recognize the importance of this is a serious disservice to the American fishing industry, an unnecessary restriction on the efforts of the thousands of our citizens who depend on domestic fisheries for survival, and a needless damper on the contribution which the fisheries resource can make to the prosperity of the Nation.

The bill I introduced in the 88th Congress and which I introduced again at the 1st session of this Congress would establish a procedure by which the President, upon petition of Governors of States or territories, and findings of a factfinding board, could establish conservation zones in the coastal waters lying up to 12 miles off the coast of a State or territory where fishing by foreign nationals is of such intensity or magnitude as to threaten depletion of the resource. The form of this legislation was designed to provide corrective measures for the kind of crisis in which the State of Alaska found itself in the spring of 1962 when the State's fisheries were seriously threatened by the Japanese fishermen and no Federal procedure existed to protect the rights and economic interests of Alaskan citizens.

On January 7, 1965, when I introduced S. 49, now before this committee for consideration, I pointed out that 49 nations claimed exclusive jurisdiction of territorial waters to 12 miles or more offshore and that, at the same time, the numbers of foreign nationals fishing off our shores was increasing and the areas in which they fished had been steadily extended into areas off the shores of the United States where American fishing rights should be protected. Foreign fishermen had been sighted off the shores of New England, the Middle Atlantic States, in the Gulf of Mexico, in the Bering Sea as well as off the north Pacific coast of the States of Washington and Alaska. The Department of the Interior reported, in 1963, that, for example, nearly 300 Soviet vessels were operating off the coast of New England, an increase of more than one-third over those reported in 1962.

This, then, is a national problem and one which requires an early solution.

(The bill referred to above, S. 49, follows:)

[S. 49, 89th Cong., 1st sess.]

A BILL To conserve the offshore fishery resources of the United States and its territories, and for other purposes

Whereas for some years the Congress of the United States has viewed with great concern the inadequacy of present arrangements for the protection, conservation, and rehabilitation of the fishery resources contiguous to the coasts of the United States of America and, in view of the potentially disturbing effect of this situation, has carefully studied the possibility of improving the jurisdictional basis for conservation and rehabilitation measures in this field; and

Whereas such fishery resources have a special importance to coastal communities as a source of livelihood and to the Nation as an important food and industrial resource; and

Whereas the progressive development of new methods and techniques contributes to intensified fishing over wide sea areas and, in certain cases, seriously threatens fisheries with depletion; and

Whereas there is urgent need to protect coastal fishery resources from destructive exploitation, having due regard to conditions peculiar to each region and situation and to the special rights and equities of the coastal States: Now, therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, whenever the Governor of any State or territory alleges by a petition to the President of the United States that fishing by nationals of other nations in some or all of the coastal waters lying within twelve miles off the shores of such State or territory is of such intensity or magnitude that the fishery resources in such waters are in danger of depletion, the President shall appoint a factfinding board (hereinafter called the "Board") consisting of three persons, one of whom shall be a resident of such State or territory.

SEC. 2. The Board shall, within ninety days, investigate the allegations made by the Governor and report its findings of fact and recommendations for action to the President.

SEC. 3. The President, on the basis of such report and recommendations and such other information as may be brought to his attention, may by Presidential proclamation, if he finds that the allegations are sustained by the facts—

(a) prohibit fishing in some or all of the coastal waters up to twelve miles off the coast of such State by any person not a national of the United States of America; or

(b) establish conservation zones in the coastal waters lying up to twelve miles off the coast of such State or territory, limit the amount and type of fishing which may be conducted in such conservation zones, and set forth when and by whom fishing may be conducted in such conservation zones.

SEC. 4. Members of the Board shall be appointed without regard to the civil service and classification laws and shall receive compensation at the rate of \$75 per day when engaged in carrying out their duties and shall, in addition, receive reimbursement for actual expenses incurred in the performance of such duties.

Although I believe strong arguments can be made for the bill I introduced, first in the 88th Congress, and again in this Congress, I am glad to be a cosponsor of the bill, S. 2218, introduced by my colleague from Alaska, Senator Bartlett. S. 2218 would by its terms, establish a national fishery zone in which exclusive fishing rights would be protected to a limit of 9 nautical miles beyond the territorial sea of the United States.

The important thing is to enact legislation that will establish the protection needed by our American fishermen.

Last summer the numbers of foreign fishing boats again increased beyond those of previous summers. Approximately 800 Russian and Japanese fishing vessels were known to be operating off the coasts of Alaska; approximately 400 Russian ships were found off Cape Cod and significant increases were noted off other coastal areas of the United States.

It is estimated that two-thirds of the total value of the U.S. fishing catch is taken within 12 miles of the continental limits of the Nation. For this reason it is essential that our fishermen be unobstructed in their access to the resources of this area.

Further, sound conservation practice demands that the United States have control over the fisheries in this area. Other nations are not interested in the conservation of fish found in waters offshore of the

United States which constitute a resource belonging to the United States. Indeed, the opposite is the case.

Finally, even with the protection of a 12-mile zone for exclusive fishing, our fishermen operate at a competitive disadvantage in comparison with fishermen of other nations. Sadly for the U.S. fishing industry, our Government has not provided in any measure the technical assistance and financial help the industry deserves. The foreign vessels with which our fishermen must compete are large, steel hulled fishing factories, well equipped with sophisticated electronic fishing gear of far more progressive design than is generally true of American fishing vessels. This is another area in which the Federal Government owes American fishermen substantial help and we who are from the littoral States will continue to work for this form of assistance. Meanwhile, the least we can do is protect the fishermen in their endeavors close to shore.

Senator BARTLETT. Thank you, Senator Gruening, for a very compelling statement. Of course we all know that in addition to the 400 Russian ships or thereabouts that are off the New England coast—

Senator GRUENING. They are off Senator Pastore's State, are they not also?

Senator PASTORE. Why do you think I am here?

Senator BARTLETT. We know the Russian ships are not the only foreign vessels engaging in this practice. They come from practically every maritime nation in the world. The waters are just covered with them as a matter of fact.

Senator GRUENING. I think this measure is highly important and I want to commend my colleague and other members of the committee pressing for this legislation and I hope it will be enacted in this Congress.

Senator BARTLETT. The Senator will be glad to learn, if he is not already informed, that the Department of State interposes no objection at all to the legislation.

Senator PASTORE. Senator Gruening, have you the list of the 49 nations handy?

Senator GRUENING. No, I haven't.

Senator PASTORE. Could you say offhand, or could you say, Bob, whether or not Russia and Japan are included in those 49 nations?

Senator BARTLETT. Russia, yes. Japan, which has been historically and traditionally opposed to this, recently engaged in a treaty with Korea establishing a 12-mile zone and this, of course, is contrary to every Japanese principle. The Japanese justify it by saying, "We did it by treaty and other nations should." The fact of the matter is that within the last 5 years practically every important maritime nation in the world has unilaterally or in concert with one or more nations extended its fishing zone to 12 miles. We are one of the few left that has not.

Senator GRUENING. And there are some nations which have extended far beyond that, some of the South American neighbors have extended to some fantastic area.

Senator BARTLETT. Two hundred miles.

Senator GRUENING. Yes.

Senator PASTORE. Is our 3-mile limit by way of treaty with other nations or is this a unilateral provision we have invoked upon ourselves?

Senator GRUENING. I think we will find that we will be in common with many other nations in extending it to 12 miles. But other nations have gone beyond that.

Senator PASTORE. No, I mean are we confined to 3 miles today through a treaty agreement we have with other nations?

Senator GRUENING. I think there is an informal understanding, I don't know that there is any binding treaty. Perhaps the chairman can tell us.

Senator BARTLETT. I think as a matter of record the situation is that this was done by executive proclamation in 1793 by Thomas Jefferson, Secretary of State at that time.

Senator PASTORE. I see. It is a unilateral action on our part that we could change without violating any treaty arrangement we have with other nations.

Senator BARTLETT. This is true.

Senator PASTORE. I think the record ought to show that.

Senator BARTLETT. The record will now show that.

Senator GRUENING. I would like to ask my colleague, the chairman, a question: Isn't it a fact that the legislation which you sponsored, Mr. Chairman, which would impose a penalty on those that violated the 3-mile limit would now also apply if this legislation is enacted to those who invade the 12-mile limit?

Senator BARTLETT. If the bill I introduced is enacted, this is true. That language was put in deliberately so we would have some enforcement power. The Senator from Rhode Island will recall that until 2 or 3 years ago, a ship of any other flag other than that of the United States entered the territorial waters of Rhode Island and fished illegally. But there were no penalty provisions in law to punish the vessel or master or crew.

Now there are, in the legislation before us, which contemplates this authority would be extended to the 12-mile limit.

Senator PASTORE. Well, I think a very significant point was made here today by my two distinguished colleagues from Alaska, because fishing is the livelihood of your economy, it is very important to your part of the country. But after all the fishing industry is important to all Americans. It has to be. It is a national concern no matter whether the situation or the problem is contiguous to New England or contiguous to Alaska. That is of little consequence. This is of national concern. Just as you have pointed out, other nations that have regimented and nationalized their economy have gone into this thing with some intensity, as we know. Some of these Russian fishing vessels are actually factories on water, where they have whole families of people who go away from home and stay away for months and months, and all they are doing is emptying out our waters of fish, without regard for future resources and how we are going to replenish what is taken out.

And competitively speaking, we are at a tremendous disadvantage, let alone the 3- or 12-mile limit offshore. We are at a tremendous disadvantage in the economics of this problem. I think something needs to be done. The trouble with our people is that we always understand everybody else's problems and we don't make other people understand our problems. Sometimes I think we have to become a little more firm than we have been in the past.

Senator BARTLETT. That is why we were so cheered yesterday when the Department of State said OK to this, because they haven't been in agreement.

Senator PASTORE. I wouldn't even be worried about them, whether they are for or against it. I would go ahead and do it if it was good for the country.

Senator GRUENING. I thank the chairman and members of the committee for this opportunity.

Senator BARTLETT. You made a good statement. We are pleased to have it.

Senator BARTLETT. Congressman Clausen, we are bringing you over here quite often this week.

Mr. CLAUSEN. You certainly are.

STATEMENT OF HON. DON H. CLAUSEN, U.S. REPRESENTATIVE IN CONGRESS FROM THE FIRST DISTRICT, STATE OF CALIFORNIA

Mr. CLAUSEN. Thank you, Senator.

I am again pleased to be before your committee and I have asked a gentleman in whom I have a great deal of respect, who represents some very important organizations of the north coast of California, namely Mr. Fred Phebus, the secretary-manager of the Fishermen's Marketing Association, and he also represents the Humboldt Fishermen's Association as well as the Congress of American Fishermen. Mr. Phebus will be providing more of the specifics as they relate to the north coast of California in his particular report. I want to associate myself with his remarks.

Mr Chairman, thank you for the opportunity to appear before you today in support of legislation to establish a zone contiguous to our coast over which the United States will have exclusive fishery jurisdiction. I have introduced this legislation in the House and am pleased to be a cosponsor of the measure.

While I introduced a bill for a 12-mile fishery zone, I want to make as clear as possible my belief that this is only a minimum distance. My congressional district borders on nearly 400 miles of Pacific coastline and our fishermen are facing a problem now that may have most serious implications for the west coast fishing industry.

At this moment a huge Soviet trawler fleet is fishing off our Pacific coast making, what one of my constituents termed, a "systematic rape" of our fishing areas. The Soviet fleet is reported to be using a small mesh nets that catch all fish with a complete disregard for the necessity of leaving immature fish to escape for reproductive fish conservation purposes.

Our own fishermen have consistently practiced excellent conservation procedures in order to obtain the maximum sustained yield from our marine resources. Governmental regulations require this effort and the fishing industry has always been in agreement with these measures.

On the other hand, many foreign fleets are not held to and do not practice any type of conservation measures. As a result of this, they use nets that do not allow immature fish to escape their trawling nets and no fish are returned to the seas. Extinction of the fishery resources near our coast can be the only result of these practices.

As you know, gentlemen, just yesterday we cleared the conference report where we funded the anadromous fish bill. This can have great interest to the people of our area, the commercial and sports fisheries as well. This is a significant point in demonstration what we are trying to do to improve the conservation practices of our marine resources.

It may be that a 12-mile limit will provide sufficient protection to our fishermen in some part of the Nation's coastal areas, but off the California coast we must have a much wider fishing zone.

I might point out to you, as you know, on this particular map here we have a great variance in the Continental Shelf throughout the United States, on the east coast and Gulf of Mexico, it appears as though it extends further to the east. Also in Alaska. But if you note on the coast of California, Oregon, and Washington, but more specifically the coast of California, we have the most minimal amount of Continental Shelf. So here again we are generally concerned about this.

I would respectfully request that this committee approve a zone extending at least 40 to 50 nautical miles from our coast. This comes as a result of a request from Mr. Phebus and the people of my area, because they feel that now this is the only type of protection that would adequately meet their concern for the moment.

A zone this wide is needed to protect our marine resources from exploitation and desecration now by those who are unwilling to practice accepted conservation techniques.

Further, I strongly believe that we in the Congress should be looking toward the ultimate establishment of a 200-mile fishery zone off our shores.

Some people might suggest this would be unrealistic. But I would predict in a few years this will be considered, not only by us, but other countries as well.

It would seem logical that, should the United States take this leadership, we could anticipate many of the other fishing nations of the world would follow. In this way, we would lend encouragement to the development, expansion, and recognition of proper fish conservation practices in their countries.

Our role among nations is one of leadership and we could play that role in this area to protect our own fishermen and to enhance the world's marine resources at the same time.

We must face the problem, Mr. Chairman. Other countries are going to increase their pressures to fish our waters—particularly those who would rather reap the harvest of our own conservation programs.

It is vital, therefore, that we take the necessary steps to protect our conservation efforts and, at the same time, our domestic fishing fleets that have courageously provided the leadership in judiciously harvesting the resources of the sea.

Our fishermen cannot pass laws. Our fishermen cannot stop the invaders of their traditional fishing grounds. The responsibility for any such actions lies with us. And, Mr. Chairman, it is a responsibility that we in Congress must accept. We must act with dispatch for our fishermen are faced with the serious implications of this problem right now with every indication that it will grow in scope.

I cannot overemphasize the urgency of this request. Let us act now to avoid having to react later. Today, throughout the world we

are faced with the unfortunate situation of trying to solve problems after the fact—when foresight, commonsense and some creative planning would have allowed us to avoid the problems altogether.

I thank you again, Mr. Chairman, for the opportunity to appear here this morning. The decisions reached by this committee will have an important bearing on the future economy of the west coast and I am sure you will give our problems careful scrutiny before making a final determination of this matter.

Senator BARTLETT. We certainly will, Congressman Clausen. We will consider very carefully everything you had to say in your statement.

Senator Pastore?

Senator PASTORE. Yes. Not to be critical, but merely curious, what would this do to the freedom of the seas, I mean if we extended our jurisdiction, 200, 300, or 400 miles from shore? I mean we must consider the reciprocity of sovereignty rights, and if we have the right to—let me use the word “exclusify”—the distance, 200 or 300 or 400 miles from our shore, what would that do to the security of the Nation with regard to the freedom of the seas? I mean is there a distinction that can be made, with the right to travel as against the right to prohibit someone from fishing within a certain area?

I don't want to have your comment on this unless you want to, because it is a little away from what we are talking about here today. But it does involve a serious question. For instance, when we were attacked in the Bay of Tonkin in 1963 we took the position at that time that we had a perfect right to be there, because of the freedom of the seas.

Now, if we have a perfect right to exclusify, let's say, a distance of 300 or 400 miles, why wouldn't they have the same right to exclusify a distance of 600 miles and say “You don't belong here”?

Mr. CLAUSEN. This is one of the reasons, sir, I did not emphatically request that the Congress take this action for a so-called 200-mile zone now. I am personally convinced that at this time it would be unrealistic. I simply brought it into the testimony in order to suggest that all of us should be giving consideration to this, because my principal concern is one of providing adequate protection to those fishery zones wherein the conservation practices are being employed by the State and Federal Governments that are bordering on the Pacific Ocean, Gulf of Mexico, and also on the east coast. And I realize that our request relates specifically to the fishermen's problems, and there are other matters that will have to be taken into consideration by the various departments of the Federal Government.

Senator BARTLETT. You are not proposing, in the suggestion you made to the committee, any extension whatsoever of the territorial sea?

Mr. CLAUSEN. No, sir.

Senator BARTLETT. You are just saying the fishing zone should go out to whatever distance, 40, 50, or 200 miles?

Mr. CLAUSEN. I am personally convinced, gentlemen, that the first question that would arise is how are you going to police this. I am convinced with the international security threats we have, we are going to have to have continuing policing action in these areas. And

I think this would supplement it, because obviously we will have a communication network and so forth.

Senator BARTLETT. But the right of innocent passage wouldn't be disturbed by the extension of the fishing zone?

Mr. CLAUSEN. Not in my judgment.

Senator BARTLETT. So the apprehension of the—the apprehension expressed by the Senator from Rhode Island couldn't apply to a situation such as in the bay, because this would relate to fishing and fishing only.

Senator PASTORE. Yes. I don't pretend to know the answer, but I think this has to be looked into.

Mr. CLAUSEN. Oh, yes.

Senator PASTORE. I am very happy to see the State Department has no objection to the limit you set. I imagine they must have gone into this in some depth.

Senator BARTLETT. It has been gone into. It is being gone into. And no one at this time is proposing that the breadth of the territorial sea, namely 3 miles, be extended.

Mr. CLAUSEN. That is correct.

Mr. CLAUSEN. Mr. Chairman, with the chairman's permission, I would now like to introduce Mr. Fred Phebus, so his testimony can follow mine immediately. He has a couple of resolutions, sir, that I would like to ask unanimous consent of committee that they follow his statement.

Senator BARTLETT. Yes.

STATEMENT OF FRED PHEBUS, SECRETARY-MANAGER, FISHERMEN'S MARKETING ASSOCIATION, INC., EUREKA, CALIF.

Senator BARTLETT. Will you identify the resolutions, Mr. Phebus?

Mr. PHEBUS. Yes. First I would like to read a letter from the Congress of American Fishermen authorizing me to present these resolutions.

Mr. CLAUSEN. As per your request, these resolutions are from the Congress of American Fishermen, adopted at the fisherman's terminal, Seattle, Wash., Resolution No. 1 on April 21, 1966, and Resolution No. 2 of the same date.

Senator BARTLETT. They will be placed in the record. You may proceed to read the letter Mr. Phebus.

Mr. CLAUSEN. Immediately following his statement, sir?

Senator BARTLETT. Yes.

Mr. PHEBUS. The letter is dated May 13, 1966.

Senator WARREN G. MAGNUSON,
Chairman, Senate Commerce Committee,
Washington, D.C.

DEAR SENATOR: At a general meeting of the Congress of American Fishermen in Seattle, Washington on April 21, 1966, the organizations present voted unanimously for the two attached resolutions.

Although more than fifteen of the affiliated organizations to the Congress of American Fishermen were represented at this meeting, I feel it proper to make it clear that at least one organization—the American Tunaboat Association of San Diego, California—was unable to have its director present, and further, that I have been advised that they do not favor the resolutions. It is my understanding that the ATA Director, Mr. August Felando, will appear at your

hearings on S. 2218 to express his views. If he is not present, the record should show his Association's opposition.

Inasmuch as meetings with Canada concerning salmon problems are being held in Seattle at the same time as the hearing, I regret that I will not be able to appear. I have asked, however, Mr. Fred Phebus, Manager of the Fishermen's Marketing Association, Eureka, California—and a board member of CAF—to present our position by reading these resolutions into the record, with your permission.

Sincerely,

W. G. SALETIC, *President.*

It seems those two resolutions got away from me.

Senator BARTLETT. We brought them up here to read them. Did you want to read them or place them in the record?

Mr. PHEBUS. I wanted to place them in the record and if you wish I can read them.

Senator BARTLETT. That won't be necessary. We will place them in the record following your statement. But I do gather from a hasty glance that the Congress favors a 200-mile fishing zone, or a fishing zone extending to the limit of the Continental Shelf, whichever distance is greater.

Mr. PHEBUS. That is correct.

Senator BARTLETT. You may proceed.

Mr. PHEBUS. If there are no questions on those two resolutions, I would like to continue by reading my own summation, which is based mainly on our conservation program in California, and how it conflicts with what the Soviet fleet is now doing.

Trawl fishing began on the Pacific coast in the area around San Francisco in 1876. At that time and for many years afterward the fishery was small and expanded slowly.

The first trawl net used was known as a paranzella, and was made up of very small mesh web. It was also towed by two boats. Later on the other trawl net, towed by one boat, came into use. As more fishermen and boats entered into the fishery, it became apparent that some action would have to be taken in regulating the size of mesh in the trawl to allow for escapements of small, immature fish, so the fishery could be maintained on an optimum yield basis.

In the early 1930's, when a sharp decline in the production of the bottom fish occurred, the fishermen voluntarily went to larger mesh sizes in their nets.

From 1935 to 1942 they adopted and used trawls made of 5-inch mesh. This mesh size proved to be beneficial from the standpoint of labor involved in sorting the fish, as the percentage of immature fish diminished sharply. And it was only a few years before a marked increase in the catch of marketable fish was noted. The Washington Department of Fisheries and the California Fish and Game Commission then started experimenting with trawl nets of varying sizes of mesh and in 1947 the first net mesh law was passed by the California Legislature which called for a 5-inch-mesh size.

The law later was modified to read 4½-inch-mesh size, but this was still comparable to the 5-inch mesh which had been voluntarily adopted by the trawl fishermen earlier. This was due to the different method adopted in measuring the mesh.

This California law is still in effect and Oregon and Washington have comparable laws governing the mesh size of nets used in their territorial waters. To the best of my knowledge, there has not been

a conviction for violation of the mesh size laws of the Pacific Coast States in the last 12 years. This, in itself, is a tribute to the fishermen as they do realize that the continuance of their fishing activities depends wholly upon their own conservation practices.

There is no doubt in the minds of fishermen, and conservationists and State fishery authorities that the minimum mesh size coupled with restrictions on delivery of certain species, for example, halibut and salmon, has been a boon to the trawling industry and the fisheries.

But now we are faced with the foreign nations invading our narrow west coast Continental Shelf, with larger and more powerful boats, pulling nets of smaller mesh size, literally denuding the same areas that we have established by our conservation methods of production.

Some very foolishly said that we should get out there and compete with the Russians. Compete with what? Our boats are small by comparison, but perfectly adequate for our needs, as all of our fishing activity has taken place in our own front yard, so to speak.

Are we suddenly to change our method of fishing, picking large factory trawlers out of thin air and sailing around the world, into the coast of Siberia, just to compete with a hostile government in a world fishery? And who would protect us if we were caught fishing over on the coast of Soviet Siberia?

I ask these questions to point out the fact that the American fishermen are small independent businessmen without the necessary resources to compete with a world power on an individual basis. He has worked zealously for all that he has been able to accumulate of this world's goods. He has lived with adverse weather, bad market conditions, heavy foreign imports and excessive taxes, and various other impeding obstacles. And in spite of all this, he has made a big part in the overall economy of the coastal States.

As an illustration, California fishermen produced 34,000 tons of fresh and frozen fish during the year 1963, almost all of which was utilized within the State. This represented almost \$11 million of value to the fishermen and \$34 million at the consumer level.

Also I would mention here that California fishermen supply only 16 percent of the fresh and frozen fishery products used within the State. The balance is imported from out of State, Oregon and Washington supplying a very large portion.

There is no doubt in the minds of all American fishermen that the narrow Continental Shelf of the Pacific Coast States which we have fished for so many years on a positive sustained-yield basis is now being overfished to the point of extinction of all fish life by the huge Soviet fishing fleet now off our coast. It is very obvious that their intent is to catch the very last fish, if possible.

If this foreign fleet is allowed to continue to fish in the waters on our Continental Shelf, where we have established every historical right of jurisdiction, and the States have established conservation laws to protect against overexploitation, then it will become necessary to throw the conservation programs of the various States out the window and turn the American fisherman loose to catch all that they can of all species, as it will only be a matter of a very short time until our offshore fishery resources are completely exhausted.

The other alternative is to establish a protective fishery zone of at least 200 miles or more, so that we, the American fishermen, can con-

tinue to make our living from the sea and to follow our chosen vocation.

That concludes my statement.

Senator BARTLETT. Thank you, Mr. Phebus.

(Resolutions 1 and 2 referred to follow :)

CONGRESS OF AMERICAN FISHERMEN, FISHERMAN'S TERMINAL, SEATTLE, WASH.

RESOLUTION 1

Whereas the recent arrival of Soviet Union fishing vessels off the Washington, Oregon coast poses a severe threat to resources and existing fisheries of United States fishermen, and

Whereas U.S. observation of the Soviet activity indicates that normal and established rules of sound conservation are not being practiced, and

Whereas a continuation or expansion of the Soviet fleets or any other foreign power seriously threatens the entire future of the West Coast fishing industry, including groundfish, midwater species and salmon, and

Whereas the Convention on Fishing and Conservation of the Living Resources of the High Seas as adopted at Geneva, Switzerland, in 1958, and now ratified by the necessary twenty-two nations, calls for special interests to the coastal nation on matters of Conservation, and

Whereas it is our judgment that, despite the long continuing Soviet and Japanese fishery for groundfish stocks in Eastern Bering Sea and the Gulf of Alaska, no proper high level representation has been pursued with the Soviet Union with the view to obtaining catch information or a proper conservation regime, and

Whereas proposed legislation for fishery jurisdiction is now before the Congress : Now, be it

Resolved, That The Congress of American Fishermen in meeting in Seattle, April 21, 1966, commend the three point program as outlined by Senate Commerce Committee Chairman Senator Warren G. Magnuson which would include (1) immediate diplomatic confrontation with the Soviet Union concerning conservation requirements, (2) immediate implementation of the 1958 Geneva Fishing Convention, and (3) immediate hearings on S. 2218 with the view of amending the suggested jurisdiction to the extent in the national interest ; and be it further

Resolved, That the Congress of American Fishermen provide any assistance possible toward attainment of goals outlined in the Magnuson program.

RESOLUTION 2

Whereas foreign fishing fleets are now operating in the coastal areas off the United States harvesting both latent resources and those actually harvested by American fishermen, and

Whereas in many cases there is no adequate conservation regime to assure future harvests, and

Whereas scientists estimate that about two-thirds of the present world population is suffering from animal protein malnutrition, and the annual population increase is presently about 65 million people, or the population of a nation the size of France, and

Whereas U.S. fishing fleets are either now capable to harvest these individual resources on a sustained yield basis, or are preparing to expand both fleet and processing facilities to do so in the foreseeable future, and

Whereas with the developing approval of Fish Protein Concentrate many previously unmarketable species will now be in great demand, and

Whereas the importance of high protein fish flour in the U.S. AID programs has been deemed by the President of the United States and his science advisors as one of the best possible nutritional products to alleviate world hunger, and

Whereas world hunger is regarded by the President of the United States as one of the principal threats to world peace, and therefore a problem which demands the highest position in the nation's national security program, and

Whereas the presence of large factory vessels operated by unfriendly powers up to three miles off our coastline presents a recognized danger to United States security : Now, therefore, be it

Resolved, That the Congress of American Fishermen, meeting in Seattle, Washington, April 21, 1966, urge that the United States either by Executive Order or action of the Congress *immediately* establish a fishery zone extending from appropriate base lines to a distance of 200 miles offshore, or to the extent of the Continental Shelf, whichever distance is greater; and be it further

Resolved, That historic rights in consecutive practice for a period not less than ten years be given consideration based on the average production by specie during said period; and be it further

Resolved, That the Abstention Principle, as embodied in the International North Pacific Fisheries Convention, be made a part of U.S. fishery jurisdiction assuring protection and continuation of the anadromous fishery resources; and be it further

Resolved, That this resolution be presented to the U.S. Senate Commerce Committee hearing on S. 2218 as an amendment to the twelve-mile jurisdiction provided in that proposed legislation.

Senator BARTLETT. The committee will take a very short recess at this time.

(Recess.)

Senator BARTLETT. We will be very glad to hear from you at this time, Congressman Wyatt.

**STATEMENT OF HON. WENDELL WYATT, REPRESENTATIVE IN
THE CONGRESS OF THE UNITED STATES FROM THE FIRST DISTRICT,
STATE OF OREGON**

Mr. WYATT. Mr. Chairman, I am privileged to have the opportunity to be with you this morning. I would be very remiss at the outset if I did not acknowledge the leadership which you have provided for the fishing industry over the years here in the U.S. Congress. I think that the fishery people of this country should fully realize what a friend they have in you, sir.

Senator BARTLETT. I thank you.

Mr. WYATT. And what an outstanding job you have done and are doing on behalf of this great national resource. We have an extremely serious problem, as you know.

I have personally flown over the fleet operating off Newport, Oreg., which is in central Oregon coast. The fleet is now off the Columbia River and has been well within the 12-mile limit or the 12-mile area, according to the information that I have.

In spite of statements which have been made, one by the Secretary of the Interior that there was no evidence of depletion of the resource, I think the evidence that I have from the fishermen that I have talked to and from other sources is abundantly clear that the great bottom fishing resource has already been permanently destroyed and it is perfectly obvious to me that there will be irrevocable damage to other areas of the domestic ocean fishery unless remedial steps are taken and taken promptly.

I have written, Mr. Chairman, to the President to ask him to enforce the Truman Proclamation of 1945, with which the Chair may be familiar. And I am sorry to say I got four pages of answers from the State Department, which I think is the biggest bunch of gobbledygook that I have ever seen.

Senator BARTLETT. Always this is the case when you get a letter from the executive department of more than one page in length.

Mr. WYATT. Well, the crux of what is contained in this response, Mr. Chairman, says that "Developments since 1945 make it clear

that the United States could not successfully maintain under international law a claim to the right by unilateral act to exclude foreign nationals from fishing on the high seas in areas of our coast."

Nowhere have they attempted even to detail what these developments are. I submit that the proclamation that was issued in 1945 is as valid today as it was at that time. I salute you, sir, for the efforts that you are now making to extend the fishery jurisdiction of this country.

I, myself, with others on the House side, have introduced a bill which would have the effect of extending the fishery jurisdiction of this country to a 12-mile limit off our shore or to the edge of the Continental Shelf, whichever is farther.

I would urge the committee to give serious consideration either at this stage of the game or perhaps in conference, to this end. The House Merchant Marine and Fisheries Committee, for your information, has scheduled hearings on these other bills, on our side, for next Tuesday and Wednesday. So I hope we can offer some supporting legislation for the action taken by the Senate.

Senator BARTLETT. My prediction is you won't get through Wednesday.

Mr. WYATT. I think that is probably true, Mr. Chairman, because of the great interest. We have over 10 Representatives who have come here for your hearings from Oregon and from Washington, and some of them are scheduled to testify before you.

I would point up one small facet that perhaps may be overlooked when they are talking about the dollars and cents value of the domestic bottom fishery. That is, that we produce from the offal of the bottom fishery very substantial quantities of mink feed, which supports this great industry in the Northwest and on inland. I think it would be a severe blow to this industry, as well as to our domestic fishery, if some remedial action is not taken. I don't want to take any more of the committee's time. I think my position is clear. I know we have a sympathetic ear in that of the chairman.

I appreciate very much your willingness to listen to us, and my constituents from the Northwest will appear and, I am sure, bolster my testimony factually. Thank you very kindly, sir.

Mr. CLAUSEN. Would the gentleman yield?

Mr. WYATT. Yes, sir.

Mr. CLAUSEN. With the chairman's permission, I would add to what Congressman Wyatt said on the matter of the feeding of the mink farms in Utah. I know our own Noel Harbor, for instance, there is a processing plant there where they collect them and provide this resource to the mink farms of Utah. So there is certainly a genuine interest in that.

Mr. WYATT. I might say among those present we have fishermen, the executive of the Otter Trawl Commission, Dr. Ed Harvey, we have our State representative, who, incidentally, is of your political persuasion, Representative Bill Holmstrom from our home county, he is my representative, an extremely fine one. He is scheduled to appear before you, too, and I am proud to be here with him.

Senator BARTLETT. It is great to have a party affiliation, but with respect to this matter we have none, it is nonpartisan entirely.

Mr. WYATT. Right, absolutely.

Senator BARTLETT. The Truman proclamation, as we know, was a noble and forward-looking statement. Unfortunately, it was never implemented. We will place that in the record, too, at an appropriate place.

May I ask you this, Congressman Wyatt, are you going to have further correspondence with the Department of State to discover what these developments are, or have you given up after reading the four pages?

Mr. WYATT. I almost gave up, Mr. Chairman, because it is a kind of hopeless battle to fight a paper war. But I have written to the Department of State to ask them to detail to me what the developments have been since 1945 that have changed the situation, and with your permission, I will furnish you their response when I receive it. But I expect it will be some time. I wrote them April 22, and it was May 4 before I received this response.

Senator BARTLETT. That was a pretty fast answer.

Mr. WYATT. It is not too bad for the State Department.

Senator BARTLETT. I would be very pleased, either as a member of the committee, or personally, to receive a copy of the letter you have before you and your further inquiry and your answer when and if it comes.

Mr. WYATT. Senator, I will be happy to furnish these to you. Thank you, sir.

Senator BARTLETT. In reference to your quotation from the Department of Interior to the effect that the foreign fishing fleets are not depleting our bottom fisheries, the fact of the matter is, and I think the record shows this very clearly, that we haven't done enough research out there to know very much about it. We have just barely started. Some investigations were conducted in the last year or so on the hake resources off your coast and Washington. But the plain truth of the matter is we don't know how much fish there are out there, whether they have taken too much or too little. But there is very positive evidence, it seems to me, adequately demonstrated by what is happening in Oregon right now, that they are taking too much.

Mr. WYATT. Yes, sir; and there is positive evidence, for example, on the resource they have overworked to date; the perch resource off the Oregon coast, there is positive evidence our fishermen have only taken about 29 percent this year of what they took last year and we are certain the Russian fishing effort is directly responsible and we feel this is positive evidence of the great damage that is being done to this resource, in spite of our lack of general knowledge of the resource.

Senator BARTLETT. Are you familiar with the breadth of the Continental Shelf off the coast of Oregon?

Mr. WYATT. In a general way, I am.

Senator BARTLETT. What would be the greater, 12 miles or the Continental Shelf?

Mr. WYATT. In most places the Continental Shelf would be much farther out.

Senator BARTLETT. But it doesn't go out there too far; does it?

Mr. WYATT. I think perhaps some of the fishermen who have been on the water who will follow me would probably be better qualified

to answer that. It doesn't go too far, but it certainly goes well beyond the 12-mile limit along the Oregon coast.

Senator BARTLETT. Of course, if the Continental Shelf theory were to be applied by way of law, Alaska would be the most fortunate of all, because there the shelf is roughly equivalent to the State of Alaska, 536 million square miles.

Mr. WYATT. I had not realized that.

Senator BARTLETT. And the Japanese and Russians have discovered there are some good fishing grounds there.

Thank you very much.

Mr. WYATT. Thank you very much for your generous allowance of time.

Senator BARTLETT. You are very kind to come over, both of you.

Senator BARTLETT. Mr. Phebus, I have a couple of questions.

FURTHER STATEMENT OF FRED PHEBUS, MANAGER, FISHERMEN'S MARKETING ASSOCIATION, EUREKA, CALIF.

Senator BARTLETT. Do you speak entirely from the standpoint of the fishermen operating out of Eureka?

Mr. PHEBUS. I speak for the fishermen of northern California, which is all areas north of San Francisco.

Senator BARTLETT. If you were going to guess, I suppose you don't have exact figures, how large is the fleet, and how many fishermen are involved?

Mr. PHEBUS. I would say the fleet is approximately about—this is a rough figure—about 50 trawl vessels. Now I am just referring to the trawling vessels. They fish on the bottom of the sea. We have a vast fleet of salmon boats, trap boats, long-line boats and during the season, albacore boats that fish off our shores. So it would be pretty hard to approximate the exact number, but I have an idea it would be close to 500 vessels altogether, at times.

Senator BARTLETT. What do the trawlers take?

Mr. PHEBUS. The trawlers take all types of bottom fish, such as sole, rock cod, black cod, and that species of fish. There are probably eight different varieties of sole that they harvest.

Senator BARTLETT. What percentage of the catch would you estimate is taken within 12 miles?

Mr. PHEBUS. Speaking from the—just for the trawl fleet alone, I would say only about 20 percent is taken within 12 miles, within the 12-mile area. Of course, you realize that in California we are not allowed to fish inside the 3-mile limit. So this makes a strip of 9 miles in which we can fish, referring to the 12-mile limit. But our greatest fishery is completely outside of 12 miles. It would extend out in places to probably 40 miles.

Senator BARTLETT. To 40 miles?

Mr. PHEBUS. Yes. Now you must realize, also, that we do fish at great depths out there, as high as 450 fathoms. This is strictly for black cod and dover sole.

Senator BARTLETT. In northern California how far out does the Continental Shelf extend? I know it varies, of course.

Mr. PHEBUS. Well, I have been a little hasty on exactly just what constitutes the Continental Shelf. I understand it is—

Senator BARTLETT. We are using, for our purposes, because this is sort of cemented in legal definitions, as I understand it, a depth of 600 feet.

Mr. PHEBUS. That is the 100-fathom curve?

Senator BARTLETT. Yes; 100 fathoms, 200 meters.

Mr. PHEBUS. Yes. That doesn't extend out too far. I would say if that is designated as the Continental Shelf it would only be out about, well, that would be somewhere around 20 miles.

Senator BARTLETT. But in any case, then, although it wouldn't afford complete protection for your fishermen, the Continental Shelf would be better than 12 miles.

Mr. PHEBUS. Much better; yet. I don't think the 12-mile limit will give us adequate protection for our needs.

Senator BARTLETT. Is fishing for any species permitted within the 3-mile limit in California?

Mr. PHEBUS. Not from the trawl fleet standpoint. Only salmon and crab, they are the only species of fish allowed inside of the 3-mile limit.

Senator BARTLETT. Dungeness crab?

Mr. PHEBUS. That is right.

Senator BARTLETT. You don't get any king crab?

Mr. PHEBUS. Not in our area at all. All dungeness crab.

Senator BARTLETT. Thank you very much, Mr. Phebus.

Senator BARTLETT. We won't call Mr. Dykstra until we receive word from Senator Pastore that he will be able to return. So if he is prepared, we will call as the next witness Dr. Chapman.

STATEMENT OF DR. W. M. CHAPMAN, DIRECTOR, DIVISION OF RESOURCES, VAN CAMP SEAFOOD CO., LONG BEACH, CALIF.

Dr. CHAPMAN. Mr. Chairman, I am W. M. Chapman, director of the division of resources of the Van Camp Seafood Co., 840 Van Camp Street, Long Beach, Calif. As the chairman indicated, I am not prepared whatsoever. I have been down in Rio for the last 2 weeks aiding in negotiations of a treaty and have come through town on my way home.

I did want to make a few comments regarding this bill. I would like to have the privilege of submitting a further statement for the record, if I might.

Senator BARTLETT. Granted.

Dr. CHAPMAN. It is with some diffidence that I make any presentation here at all, because of my high estimation of the chairman and of this committee for the tremendous amount of helpful work they do for us in fisheries in the country.

As the chairman knows, I am opposed to this bill and so is our company, for a variety of reasons that have been set forth in a debate with Senator Gruening in Miami a year or so ago, which the chairman was kind enough to put in the Congressional Record.

I would like to dwell on those specific objections in some more detail in my written statement and comment presently on some of the larger issues that have been dealt with in testimony on this bill.

To begin with, I would like to speak on the subject of conservation. We have established in international law and in the United

States practically a perfectly satisfactory mechanism for tending to any conservation problem that may arise in respect of the fisheries of the high seas any place in the world. I refer to the Convention on Fishing and the Conservation of the Living Resources of the High Seas, adopted in 1958 at the Geneva Conference, subsequently ratified by the United States and now in force.

This provides a mechanism of international collaboration. We have proceeded under this Convention both prior to it and subsequently to negotiate with countries the establishment of proper conservation methods in particular and general fisheries in the high seas in many parts of the world.

What we were doing in Rio in the last 2 weeks was negotiating a Convention to provide for the conservation of the tuna of the entire Atlantic Ocean.

Senator BARTLETT. Did you make progress?

Dr. CHAPMAN. Yes, I think we concluded a quite satisfactory treaty. I may say there we had the Russians as participants in the negotiations as well as the Cubans, and we came out with a quite satisfactory treaty in my view.

We are inclined, publicly and internationally, in the United States to always say that the Russians are complete villains in the fisheries because we consider them to be complete villains in the power struggle in the world. My experience has not been that way. I deal with them in several committees in negotiations and have over the years. I find them well equipped with fishery scientists, quite knowledgeable as to the effects of fisheries on fishery resources, as thoroughly cognizant of the benefits of conservation as are the U.S. alternates. And I would point out to you that we have dealt with them for a great many years on fishery conservation problems with good success. We have been in concert with them since 1911.

We are in partnership with the International Commission for the Northwest Atlantic Fisheries, they have been active in the International Commission for the Eastern Atlantic Fisheries and we deal with them in FAO in the committees I deal with in a quite satisfactory manner.

My suggestion is that we might use this mechanism, if we have a conservation problem with the Russians off our coast in the north Pacific, as well as in the North Atlantic. We might deal with them by using this mechanism that we have established with so much effort and invite them to make a conservation treaty with us. We have not done that in the north Pacific to date.

Another aspect of this bothers me quite considerably, as simply an American citizen. I am quite unable to accept the proposal that we cannot compete with the Russians. I do not believe that is the case. I personally think we have much more hampering of our activity, much more danger to the development of the fisheries of the United States from our State governments than we do from the Russians. I can give you chapter and verse on this if you care.

One of the difficulties I have with the present bill is it would extend the jurisdiction of the State governments out to sea and control our fisheries even more than they are presently. I think, sir, that if it were possible for the jurisdiction over the fisheries in the area between 3 and 12 miles to be put in the hands of the Federal Govern-

ment rather than the State governments that a good many fishing people might have a second look at the proposal. This does not seem to me to be feasible politically at the present time, but I put it forward as something for you to think about.

If, for instance, we had a 200-mile limit off California, we in California couldn't fish within 200 miles of California with any degree of satisfaction. We would have to go down to Mexico and establish bases there, from which we could fish off southern California. I think this is a very important point that has not been dwelled upon by others that I have heard. Simply the greatest stultifying factor we have in the development of the fisheries on the west coast is the State fisheries regulations. And in saying this, as you well know, I am not against any conservation measures at all. I have worked my whole life actually in trying to perfect conservation mechanisms. But we have a welter of laws in our States, in the west coast States that have grown up over the last two generations that have gone to the purpose of making our fishermen as inefficient as possible.

Until we can get rid of those bodies of laws and permit the increased efficiency of our own fishermen, then, of course, we cannot be competitive with the Russians or anyone else. Those are the general thoughts I want to leave with you this morning, sir. I will be quite prepared to answer any questions.

Senator BARTLETT. Thank you, Dr. Chapman. When will you submit your prepared statement?

Dr. CHAPMAN. As soon as I get home and write it.

Senator BARTLETT. We look forward to its arrival. When you do, it will be appreciated if you would detail your sentiments about the State governments.

Dr. CHAPMAN. Very good, sir.

Senator BARTLETT. Of course, you are aware, having studied each of them carefully, that none of the bills before the committee at this time relating to an extension of the fishing zone, makes any mention whatsoever of where jurisdiction would lie. The bill does not give States any jurisdiction in the 9-mile zone to regulate the fisheries.

I gather from what you have said that you would be much happier if the legislation did so by conferring the power upon the Federal Government rather than the separate State governments? Under the Truman proclamation, which has been placed in the record, the Federal Government has already assumed jurisdiction over our coastal fishing on our high seas and the 9-mile fishery zone is on the high seas.

Dr. CHAPMAN. Yes. Senator, I don't want to knock the State governments. You have been dealing with this problem very intelligently for several years. The State governments simply do not have the resources or the people to provide the adequate services that are required for conservation, science, and regulations in the large fisheries. They just can't do it. And you have helped with your bill to bolster the State services, and it is helping us in California very materially beginning this year, in bolstering our State services, so they can get more effective in their research.

Senator BARTLETT. The State Fishery Research and Development Act?

Dr. CHAPMAN. Yes; but this is quite a long process. It is only starting this year. Very possibly 5 years from now, this will have a different aspect to it than at present.

Senator BARTLETT. They didn't fund it the first year, so we may have to seek an extension, we will have a good excuse for doing so.

How much, if you know, did the California Legislature appropriate for this?

Dr. CHAPMAN. My memory is either \$92,000 or \$98,000, whatever the amount was that—it was about in that range. This, I think, is for matching funds, something in the neighborhood of \$250,000, something in that range.

Senator BARTLETT. It is 75–25, 75 percent from the Federal Government?

Dr. CHAPMAN. Yes. And this marked a great revolution in our legislative way of handling things in California, because we had not previously appropriated any money from the general funds for attending to fishery problems, because of the stipulation in your bill, it was required to reform the practice in this fashion. And I think, totally, the effect of your bill on State aid is going to be very helpful to us in California, and I expect in the other States, because it is causing us to reform some of our bad practices and become more efficient.

Senator BARTLETT. I didn't quite understand, Dr. Chapman, your statement to the effect that if a 200-mile zone is established, the tuna people wouldn't be able to fish within that zone, but would have to base in Mexico instead, if that is actually what you said.

Dr. CHAPMAN. Oh, the situation is, I was speaking in respect of anchovy, a very large resource off the coast of southern California, which we, the trawl fishermen, spoke a little bit ago about in northern California. We are not permitted to fish for anchovy, for reduction purposes, inside of the State boundaries of California, which are now 3 miles. Now, this resource is equally available out of Baja California ports; so, therefore, it is presumed that it will be developed out of Mexican ports rather than elsewhere.

Senator BARTLETT. You can't fish within 3 miles in California?

Dr. CHAPMAN. Yes. The Mexicans want to develop their fishery, they are not like the people in California. They are forward looking.

Senator BARTLETT. Other nations seem more aggressive in this area than we do.

Dr. CHAPMAN. That is, of course, why our company is developing fisheries all over the world, because we are moving where the governments are more progressive.

Senator BARTLETT. I was very interested in the statement you made at the outset regarding the Russians. You presented the thought that many times they have been cooperative. And I will say that this is in harmony with some of my experiences—king crab in Alaska, for example, and their failure, for perhaps selfish reasons, but for whatever reasons, to engage in a high sea fishery for salmon in the North Pacific as the Japanese have done.

Dr. CHAPMAN. I think it has been a matter of policy on their part.

Senator BARTLETT. Yes; it is a matter of policy there, I suspect. But in any case they haven't.

I was over in Honolulu a few months ago as an observer for this committee at a whaling conference and there it seemed to me the Russians expressed a great interest in conserving the whales of the North Pacific since they have been pretty well cleaned out of the Antarctic

by the—principally I guess by the Japanese, but they were alerted to the problem and they seemed to want to do something about it.

That is why I am worried all the more by two factors, which the committee is now considering. One is the statement that was made here yesterday to the effect that off the Oregon and Washington coasts the Russians are using mesh so small that immature fish cannot escape, and, of course, this is contrary to any decent conservation practice. And it is a matter of concern. And the second thing is they are mounting an ever larger fishing fleet and going all over the world without any more knowledge, I suspect, than we have, as to the ability of the resources to withstand the intensive fishing effort they are applying and other nations are applying, and Chairman Magnuson has, on many occasions and quite frequently, recently endorsed the proposition of meeting with the Russians and talking these things out in an effort to arrive at some solution which would make it possible for fishing to go on but to conserve the resources. And this is your idea, too; is it, Dr. Chapman?

Dr. CHAPMAN. Indeed, it is. As you also know, we have had really quite a good deal of success in bilateral talks with the Japanese on fisheries over the years. They have been a much more hard-rock case to deal with than I think the Russians will be. We have had numerous bilateral conferences with the Japanese and they have been helpful.

Senator BARTLETT. They have had some tremendous failures, too.

Dr. CHAPMAN. Yes. I can only talk closely about the ones in tuna. But in tuna this has worked very well. I just think that if we were to sit down and talk with our Russian colleagues on conservation problems in the New England area and in the North Pacific area, that we could come to a great level of understanding, and a common action.

Senator BARTLETT. Do you believe we will be in a much better position to hold these conversations when and if, on account of the action to be taken by the State Department, explained to industry and Members of Congress earlier this week by Under Secretary Mann, when he said that the Fisheries Office down at State Department is going to be upgraded, the head man will be given a higher grade, the range of ambassador when he is negotiating, the staff will be enlarged—is very small now considering all of the duties imposed on it. Do you believe when this is accomplished, we will be in a better position to negotiate effectively?

Dr. CHAPMAN. There is no question about it sir. As you know, I served in this capacity at the initiation of this activity at the Department of State. And the higher the level of input from the fishery problem area can be in the Department of State, the more adequately it will be handled.

The difficulties in dealing with fishery problems in the Department of State are really at the country-desk levels. As you get into the Assistant Secretary level, Under Secretary level and now, hopefully, the secretarial levels, your problems disappear, because what we are dealing with are very broad basic policy problems that should not be dealt with primarily on the country-desk level, and the secretarial-level people under this broad scope of a problem.

Senator BARTLETT. This was your handicap when you were there?

Dr. CHAPMAN. It was.

Senator BARTLETT. It has been a handicap through the years?

Dr. CHAPMAN. Yes. I was tremendously encouraged to hear the statement by Secretary Mann the other afternoon.

Senator PASTORE. Doctor, what would be your idea of quid pro quo, what is it we could offer them or they could offer us? Our fishermen don't fish off their shore; do they?

Dr. CHAPMAN. Let us go a step behind that first, to attend to the welfare of the resource by an appropriate conservation measure. I think this is the first step to take. Keep the resource in good shape. Then how we split up after that is a matter of independent negotiation.

Senator PASTORE. Let me ask you this question: Considering the increase in population which, of course, is inevitable and unavoidable, do you think there is enough to meet their demands and meet ours, too, with proper conservation practices?

Dr. CHAPMAN. Yes, I do, sir. And if I can expand that for a moment, the resources in the ocean are scarcely used at the present time. What we have been using up to date in history are a few specific resources for which we have good market demand. The halibut is a perfect example of this. There was 35,000 tons from the North Pacific, but we came very quickly to the point of overfishing, because of the strong demand for it. Whereas in the same area, much larger areas of resources of ocean perch, hake, pollack, and so forth, which we consider to be cheaper varieties, without demand, have gone unfished until the Russians, so what we are required to do, in my view, is to eliminate those regulations which have kept our fisheries from developing into these cheaper fish, and these are numerous and very detailed.

For instance, in the Alaskan 49-foot limit; this indirectly has affected the development of the entire trawl fleet in the Gulf of Alaska. It was not intended to do this at all, but indirectly it had that effect. We need to reorganize the whole body of fishery regulations so we can get at the major resources the Russians are presently using.

From the standpoint of dealing with them on a quid pro quo basis, Senator Bartlett mentioned a quite good example of this, the king crab. We presented a reasonable case to them and they reacted in what I thought was a rather reasonable way. The reason for this is not unique, they have Japanese fishing for crab off their coast. They would like to establish precedents in dealing with us that will enable them to deal with the Japanese. There are a whole network of problems of this nature, when you are dealing with fisheries experts, you pick out what it is the other fellow wants that you have that you can give to him in exchange for what he has that you want.

A good example was the negotiation we just completed in Rio, where we had 19 nations of highly diverse interests, some violently opposed to the others, on political as well as conservation grounds. One of our colleagues got up the first day and said he would not sit in the room where a representative from two other nations were sitting, so he got up and walked out and it took 2 days to talk him into coming back into the room to talk. But in the end, when we got to the fishery problem level and left the politics aside, we worked out a good arrangement.

Senator PASTORE. Has a study every been made by any high-level group of people, a commission or committee or agency, with reference to the observations that you have just made?

Dr. CHAPMAN. Well, can we talk about the North Pacific problems? A specific set of problems.

Senator PASTORE. I don't know what you were talking about, but I would like to have you answer the question.

Dr. CHAPMAN. I will, but with this example, if I might. Let us take, in fisheries you have to work really by specific examples, so if I might answer your question by taking a specific example in the North Pacific. We do have a reasonably good body of information about the fishery resources of this area.

The Bureau of Commercial Fisheries is pretty competent in this area; they have been working up there for a number of years, and anticipatory to development of this nature, we know in a general way what resources are abundant and what their abundances are. Now I realize we need much more detailed research, but nevertheless we have the general picture well in mind. And I think we are in a position to negotiate in that area quite well with the Russians.

If I may turn to another example now in your area, sir, in New England. We are even more knowledgeable there. We know somewhat better what the resources are up there and have been dealing with the Russians in the international commission for some years. They know the problems. The problems up there have, what is it, 13 nations now on that commission, are being handled, I think rather clumsily but about as well as can be done. Thirteen nations just have a little difficulty getting their problems put together.

What they are doing is perfecting the scientific knowledge of the resources and the effect of the fisheries upon those resources. They have now come to the point where I think all countries in the area realize that they are approaching some quite difficult overfishing problems in the northwest Atlantic area, the banks area. Cod, which were formerly so abundant, are on the edge now of requiring conservation regulations and these people are trying to work out the best regulations to put into effect. Your haddock fisheries off George's Bank have been under net mesh regulations for some years now with good effect.

Now it is going to be necessary in the next few years to go a step beyond that and put on a quota limit, I am sure, because even with the mesh regulations, there is too heavy a fishing on the George's Bank haddock. These are quite difficult technical problems, each of which really has to be negotiated out on the basis of the interests of several countries and the scientific information about the resources and the effect of the fishery upon it.

As I said at the beginning of my statement, we require much more use of the 1958 Convention on Fishing and Conservation of Living Resources of the High Seas. We need to put more scientific effort and as you people have suggested, get the State Department to do more high-level diplomatic effort in dealing with these problems.

Actually, if you view these problems in retrospect over the last 30 years as I can do, we are not doing so bad. We are beginning to make a little progress here and there. It was tremendous progress to hear Mr. Mann speak as he did the other afternoon here.

Senator PASTORE. Would you say that the resentment on the part of our own fishermen stems rather from the lack of the competitive aspect, inasmuch as Russia is going into this thing with such intensity, in building these tremendous ships that are really floating factories and here we are on our side actually in a state of dearth I should say, with reference to facilities and equipment to meet this corporation?

Would you say it is more that than it is the fact that we are emptying out the ocean?

Dr. CHAPMAN. Yes. The emptying out of the ocean, that really is not relevant. This can be stopped at any point you wish by conservation regulations. But the competitiveness of our fishermen, that they have a fair shake, is another problem. The Russian Government, and policies, have just plowed enormous sums into the development of their fisheries on a worldwide basis. I know in dealing with their plans, that they are just getting started. They are intending to double again on a worldwide basis, and they are moving at it energetically and capably.

The United States has spent its effort on agriculture, not on the ocean. Now we have an opposite situation. The reason why the Russian Government can afford to put in so much capital and labor into their fisheries is that their agricultural program is so poor, that the price of fish in Russia is high, because the price of meat is high. And they have so many institutional problems in respect to their agriculture, they can't correct those, but not being a seafaring people, they have not had the network of institutional handicaps built up by themselves in respect to ocean resources. So they can move freely and efficiently, using the latest scientific and technological knowledge to effect their fisheries.

We have been, on the other hand, completely or very substantially restricted by the institutional handicaps growing out of the past three or four generations of regulatory legislation at the State level, which has grown up in the absence of information, primarily on the basis of political and economic and social thought.

So we have the reverse situation. Or agriculture works very well, our fisheries work very poorly. What I would like to do, instead of concentrating on condemning the Russians, I would like to concentrate on fixing up our fishermen, so they can operate more efficiently.

The U.S. Government, with the exception of this committee and a little elsewhere, has not been very active in this problem.

Senator PASTORE. You interest me very, very much and you are being very, very helpful and I think you are getting into the real crux of this tremendous problem. Have you any ideas you would like to express on this?

Dr. CHAPMAN. I have quite a number of ideas, in fact I filled up your record last year on the oceanographic committee hearings on this subject, sir and I will be glad to do it again.

Senator PASTORE. You needn't do it again, but give me a capsule of what the salient points of your suggestions are. I will follow you very closely. We have recognized the problem in agriculture, we have had price supports, we have had our problems in that respect. But somehow—I have said before and I repeat again—we have made agriculture a sacred cow.

Dr. CHAPMAN. And it has worked pretty good.

Senator PASTORE. Yes; it has worked very well, I go along with it, although I come from a consuming State, I realize sometimes it is better to be blessed with a surplus than it is to be cursed with a paucity. And we have an abundance of food in this country, which is a blessing.

I think sometimes we are apt to curse our blessings, only because it becomes a little expensive to maintain. But the fact of the matter is we don't quite appreciate its fullness, only because we have it, and we haven't been bit by the scarcity that would harm our people.

But on the question of fisheries, I don't think we have done quite enough. We have done dribbles and drabbles here and there. But this is a big problem. Now we are in a competitive world. As you brought out, the Russians have a very, very adept way of concentrating on where they want to perfect themselves. They have done it on their thrust power in space. They have done it with some of their very modern laboratories, in atomic energy and in other fields. And they have not been successful in agriculture. As a matter of fact they had to suffer the indignity and humiliation of buying wheat from a capitalistic nation that they have more or less deprecated over the years.

But the question here is what is it that we can do, that we can do in our way of life, under our free enterprise system to give ourselves a little better leverage in competitiveness with some of these people that are concentrating in fishing.

Dr. CHAPMAN. Let me give you two or three ideas briefly. We are going off into a substantial subject, so I will have to oversimplify, if I may. The prime difficulty that we have, I think, is the State legislation, the State regulations. Now it may be necessary, sir, for us to turn the whole matter of high seas fishery regulations over to the Federal Government before we are through, simply because of the incapability of the State governments to handle these problems. That is a very radical proposal, I quite agree. And furthermore it is completely impossible politically to accomplish in any reasonable short period of time. But there is where our key problem lies.

A second problem of considerable importance also has a high political component and that is the purchase of fishing vessels. The Russians purchase their fishing vessels where they can get the best built for the least amount of money. They buy vessels in England, Japan, West Germany, East Germany, Poland, and so forth, as well as making their own. They go where the best bargain is.

But we, as capitalists, don't do that, we are restricted, our fishermen are restricted to buying their vessels in the United States totally. Now the political consequences of this, I realize we can't get into. But this is a severe handicap on the development of our fisheries.

Thirdly, the matter of ocean research. We can't move substantially into these problems of conservation and even splitting up the profits of conservation unless we know a great deal about the resources, its availability, its abundance, the effect of national fluctuations and ocean conditions, as well as the effect of the fisheries on it in each specific case. What we have done in the United States is work the scientific part of oceanography heavily, the pure science, and we are better in this than the Russians are. What the Russians have done is work the applications side of oceanographic research and they are a lot better than we are at this and their fish catches show it. They have very

good fishery oceanography activities preceding their fleets wherever they go and staying with them when they are working. We just don't have the money to do this. They are the poor underdeveloped country, but we are broke and can't afford to do this.

Our research money is so heavily devoted to space, we apparently haven't got much left over for ocean research in connection with fisheries. It is stupendous—the Bureau of Commercial Fisheries got what, \$35 million for research, something like that, and we expect them to cover the world's ocean with this? NASA has better than \$5 billion for working in space. We are not even talking about the same level. If we were to begin to work on this planet, with the same intensity we are working outside of this planet, a number of these problems would be resolved quickly. We are not even talking about big money.

If you doubled the total amount of money for ocean research presently, this would be all our institutions could handle for the next 5 years. If you came from the present \$150 million level, for all ocean research in the country, about that this year, to \$300 million, it would take us 5 years before we could efficiently grow into that. So we are not talking about big money. But it is important money, because it is applied directly to the problems.

Senator PASTORE. Where would you put this research money?

Dr. CHAPMAN. I would put a considerable chunk of it in the Bureau of Commercial Fisheries, and in the State fishery agencies and in the State universities, sir.

Senator PASTORE. Well, you make a lot of sense to me, Doctor.

Senator BARTLETT. We are going to await your statement.

Dr. CHAPMAN. All right.

Senator BARTLETT. I know you can write it very well and rapidly.

Dr. CHAPMAN. Thank you, sir.

(The following is Dr. Chapman's full statement:)

STATEMENT OF W. M. CHAPMAN

My name is Wilbert McLeod Chapman. I am Director, Division of Resources, Van Camp Sea Food Company, 840 Van Camp Street, Long Beach, California, a Division of the Ralston-Purina Company, Checkerboard Square, St. Louis, Missouri. We operate in the fish business on substantially a world-wide basis. We have been engaged in this business continuously for fifty-two years. We have been actively involved in actions concerning the law of the sea, and access to resources of the high seas, for most of this period and continuously so for the past twenty years. Our representatives have attended substantially all of the numerous international conferences and negotiations on this subject in which the United States has engaged since World War II, and have participated in the appropriate advisory committees from industry on this subject to the Department of State since they were first established in 1949. Our interest in the subject is so great because decisions on it affect the life and death of our business.

We strongly support conservation of all the living resources of the sea upon which we work. By conservation we mean the definition as given in Article 2, "Convention on Fishing and Conservation of the Living Resources of the High Seas", which is in force and to which the United States is a party. This reads:

"The expression 'conservation of the living resources of the high seas' means the aggregate of the measures rendering possible the optimum sustainable yield from those resources so as to secure a maximum supply of food and other marine products."

We understand this to be the policy of the United States Government and that by ratifying that convention it has also undertaken international commitments as a "duty to adopt, or to cooperate with other States in adopting, such

measures for their respective nationals as may be necessary for the conservation of the living resources of the high seas", as set out in article 1, paragraph 2 of that convention.

We oppose measures taken to regulate fisheries for any other purpose than conservation as so defined as against public policy of the United States, its international obligations, and as they would restrict the securing of a maximum supply of food and other marine products from the living resources of the sea.

We oppose measures taken contrary to the spirit and letter of this convention and the other conventions resulting from the 1958 Conference on the Law of the Sea, all of which are in force, and to all of which the United States is a party.

We oppose measures purporting to extend the jurisdiction of coastal States, the United States or other, into the high seas for fishery or other purposes except as provided for in those conventions, which represent a codification of international law in this field.

We believe that S. 2218 aims at extending the jurisdiction of the United States into the high seas for other purposes than fishery conservation, and outside the framework of those conventions. Accordingly we oppose the enactment of S. 2218 as contrary to the interest of the United States and in the direction of being contrary to international obligations assumed by the United States under these conventions. A further extension of our thoughts on several aspects of this complex problem follow.

A. NEED OF THE UNITED STATES FOR FISH

The per capita use of fish in the United States is very nearly twice what it is in the world as a whole. In 1964, the last year of record, the world as a whole used about 51.6 million metric tons of fish (round weight) or about 36 lbs. per capita (FAO, 1965). The United States in 1964 used 6 million short tons of fish (round weight) or about 63.5 lbs. per capita (Bureau of Commercial Fisheries, 1964).

The per capita use of fish in the United States is increasing at a rather rapid rate. In 1948 in absolute terms it was 2.3 million short tons for a per capita use of about 38 lbs., while by 1964 it had become, respectively, 6 million tons total use and 63.5 lbs., per capita use. (BCF, loc. cit.).

The United States is the largest net importer of fish in the world and has increasingly depended upon such imports to fill its own needs. In 1954 it imported 37% of its total use of 3.8 million short tons round weight, and in 1964 it imported 62% of its total use of 6 million tons of fish (BCF, loc. cit.).

Consequently the best enlightened self-interest of the United States is served in the fishery field when access to resources of the high seas is kept most free, within the concepts of maximum sustainable catch from each stock, not only for its fishermen but for the fishermen of many other nations who supply its needs, to the end that maximum flexibility of operation by them will promote efficiency of production with consequent lowest cost per ton of production and price, and maximum abundance and variety of supply.

Because of its many commitments and activities aimed at providing proper nutrition to other countries, particularly in the developing world, the United States is morally (as well as legally under the above noted conventions) bound to create circumstances that will lead to the maximum sustainable yield of animal protein, the greatest nutritional need in the world, from the world ocean. For the United States to take the lead in restricting the full use of ocean resources in the world, with consequent waste through their death and reabsorption into the web of life in the ocean, is morally indefensible.

B. UNITED STATES FISHERIES OFF OTHER COUNTRIES

The two most valuable ocean fisheries of the United States are those for shrimp and tuna. The fishery for the former is conducted to a considerable extent in the high seas adjacent to other nations, and most of the latter is so done. The United States has valuable other fisheries off both coasts of Canada.

United States firms increasingly operate out of foreign bases as well in a world-wide manner. The vessels that supply raw materials for those enterprises fish off the coasts of other nations than the one in which the base is located, in the Pacific, Atlantic and Indian Ocean, and the enterprises would be economically not viable were this not possible.

The trend of the domestic fisheries and of domestic firms operating abroad is plainly in the direction of fishing increasingly in the high seas off foreign coasts. To restrict this ability, by precedent established by United States action, would be inimical to the industrial as well as other interests of the United States. It is certain, on the basis of past precedent, that United States initiative in the field of expanded jurisdiction will not only be followed, but will be exceeded by other countries. Precedent is given by the rash of such actions which followed the fishery proclamation of President Truman in 1945.

It is obvious that the best interest of the United States is served by maintaining as broad windows of access to the resources to the world ocean as possible. Aside from fisheries out of continental U.S. ports off foreign coasts maintained by United States nationals others out of Puerto Rico, Barbados, Guayana, Senegal, Sierra Leone, Congo (Brazzaville), Ivory Coast, Ghana, Mexico, El Salvador, Costa Rica, Panama, Ecuador, Peru, Colombia, American Samoa, New Hebrides, Trust Territories of the Pacific Islands, as well as elsewhere could be adversely affected by precedents in this field of jurisdiction.

C. COMPETITION

The American economic system and government is founded on the keynote of free competition among its individual citizens and business enterprises with the minimum restraints on that freedom commensurate with the general welfare. The Russian economic system and government is founded on the keynote of the means of production being owned by the government and the individual citizen being employed by the government with the minimum amount of competition and freedom of individual enterprise allowed commensurate with the general welfare.

The prime political struggle in the world for the past generation has been the contest for the minds of men in other countries by the proponents of these two ideologies.

We contend on a world-wide basis that our system is the liberal one which frees the mind, the body, and the initiative of the individual and economically works well, whereas the Russian one is the modern version of ancient oriental despotism which makes the individual the slave of the government and, besides, does not work well in the economic field.

The present rash of bills in the Congress seeking to establish contiguous fishery zones beyond the territorial sea of the United States all arise from fears of Russian competition with our fishermen on fishing grounds in the high seas adjacent to our coasts. The world-wide fisheries of the Japanese have been in the process of retracting from their post-war peak for the past two years and it is anticipated that this process will continue yet awhile. We no longer are terrified by their competitive threat off our coast. Several countries of western Europe, as well as Canada, Mexico and Cuba, have long fished off our coasts, but we do not fear their competitive threat and have never been terrified by it.

The one nation whose competitive threat in our coastal fishery has thrown us into a tizzy is Russia, the one nation in the world we claim has not got a viable economic and political system because it suppresses competition internally and is therefore inefficient. Yet their fishermen come five and seven thousand miles from their home ports and their competitive threat twelve miles from our home ports drives us white from economic fear.

We think that this terror of competition does not become the United States, is groundless, and we want no part of it. We are prepared to compete on the high-seas with the fishermen of any nation for money, marbles or chalk. If we cannot go a few miles from home port and compete with those coming five thousand miles from home port we think the latter should have the fish.

D. EFFICIENCY OF THE AMERICAN DOMESTIC FISHERY

We think that the attention of the Congress would be better directed to measures aimed at improving the efficiency of the American domestic fisherman than in attempting to shield us from competition by means that are not defensible morally or under international law. Much testimony has been given the Committee over the years as to steps that might be taken to improve the efficiency and effectiveness of the domestic fisheries and there is no need to repeat it here. Some obvious things can be briefly noted.

1. Vessels

The Russian buys his vessel where he can get the best vessel built for the cheapest cost. The American must buy his vessel from an American shipyard. Efforts to remedy this situation by subsidy legislation over the years have all been filled with so many safeguards that they have not worked. Under the most recent of these bills passed two years ago only one small boat has been built.

Either the American fisherman should be permitted to buy his boat where he can get the most for his money, or his cost of buying American should be equalized with buying foreign without such bureaucratic fol-de-rol and safeguards as to make the proffered help impractical to accept.

2. Management

The management of the domestic fisheries is not done for the purpose of conservation as defined in the 1958 Convention on Fishing, etc. It is done for a melange of sociological, quasi-economic, or other causes dreamed up by State legislators who have little knowledge of, or interest in, the ocean and its resources. The Congress has left the management of our high-seas fisheries largely to the States. The States regulate the fisheries on political rather than scientific grounds. The result is a hodge-podge of State regulation that puts a premium on inefficiency, prevents the application of new scientific and technical knowledge to the fishery, applies a variety of antiquated taxation methods to the fishermen, and over-all is the greatest impediment to the development of the domestic fisheries we have. Any move that succeeds in extending the fisheries jurisdiction of the United States seaward would be self-defeating because it would drag with it these archaic state regulatory codes which are considerably more hampering to the domestic fisherman than Russian competition. The time is drawing near when the Congress requires to take a serious new look at how the domestic fisheries should be managed in accordance with scientific principles, and in order to promote their efficient development.

3. An Ocean Policy for the United States

As pointed out *ad nauseam* in Serial 89-13 and 89-21 eighty-ninth Congress, first session, the United States has 22 Bureaus and Agencies doing separate things in and about the ocean. They report to about 32 substantive and appropriations committees and sub-committees of the Congress. Accordingly the United States has no National Ocean Strategy, no National Ocean Program with which to implement it, and no National Ocean Budget with which to fund it.

In Russia the development of the sea fisheries is decided by the top governing body to be a desideratum, a Ministry of Fisheries is given the task of designing a program and budget for the job and managing its execution, its activity is integrated with the other ocean educational, scientific, technological and operational activities of the Russian government and the enterprise is provided with the needed capital and labor. It grows like the greenbay tree.

We deplore the purported relationship between the Russian fisheries and the Russian Navy but the American fisherman can scarcely get the time of day from the United States Navy unless there is a major war on. The difference may be the vital one.

4. Applied research

Our fishery research funds are obtained by opportunism, not by plan as to what is needed. If the Indian Ocean Expedition is a fashionable thing we ride the band-wagon and get money there. If the Japanese are catching salmon in the Western Aleutians we get money for investigations there. If the Food and Drug Administration says fish protein concentrate is filthy we get the money for investigating that. If pure oceanography is where the new money is, we become pure oceanographers and set out a tight pail to catching the drippings. If new survey vessels are where the new money is, we get new survey vessels whether we need them or not, and whether or not we have the money to run them with or the scientists with which to use them. If education is fashionable we get money to train fishery scientists, but then man-power ceilings are slapped on and we can't hire them when trained. We cannot bring forth a long-range planned budget with which to do the work necessary to develop the domestic fisheries because this would offend the Bureau of the Budget. In any event the Bureau of the Budget still has under serious consideration whether the domestic fisheries are worth spending anything on.

The Russian Ministry of Fisheries draws up a five year plan with annual production goals, budgets for required applied research, budgets for vessel acquisition, budgets for scientific and technological training for personnel, etc. This gives them some advantage. Their catches increase; ours stay steady.

E. CONSERVATION

In the North Pacific we have gotten into a frightful snarl over fishery conservation during the past forty years and in consequence conservation is not being attended to as well as it might be.

Four countries are involved: Russia, Japan, Canada and the United States. Eight international agreements are involved. The Fur Seal Convention among all four countries; the Soviet-Japan convention for the Western Pacific Fisheries; the International Pacific Salmon Fisheries Commission between Canada and the United States; the International Pacific Halibut Fisheries Commission between Canada and the United States; the International North Pacific Fisheries Commission among Japan, Canada and the United States; the Soviet-United States agreement on the king-crab fishery; the Japan-United States agreement on the king-crab fishery; and the International Whaling Commission.

Yet the fisheries in the area which have developed most rapidly in the past ten years now are larger in volume of catch than all the rest put together, and give every indication of continuing to grow, are not the subject of any conservation agreement or any joint research aimed at determining when or where overfishing might occur. These are the trawl fisheries for bottom fish conducted by Japan and Russia. In 1964 it was estimated by the Bureau of Commercial Fisheries that they harvested about 600,000 tons of fish from the Northeast Pacific and nearly all adjacent to Alaska, as against a total catch of all sorts of fish in Alaska by Americans of a little less than 250,000 tons, and a total catch by all four of the Pacific States and Hawaii of a little less than 600,000 tons.

It is the spread of this trawl fishery down the West Coast of North America that is presently causing such great consternation in the Congress. Yet there is neither nothing new about this nor are the Russians using fish that our fishermen have used very much.

As early as 1961 we knew that the Russian goal was 500,000 tons of ground fish from the eastern Bering Sea alone (Anon. 1961). That they were intending to move south into the underexploited ground fish resources there was also known to us. Moiseev and Paraketsov (1961) writing of the Pacific Coast of the United States and Canada said: "The scale of the fishery there is much less than what the raw material base could warrant: it is limited by economic conditions. The fishery is carried out by rather small vessels in the immediate vicinity of shore and in regions situated not too far from markets, as a result of which the stocks of rock fishes living in the broad expanse of the shallow waters of the Gulf of Alaska and eastern portions of the Bering Sea are practically untouched by fishermen of the United States and Canada."

As early as 1961 the combined catch of Japan and Russia from the Bering Sea and the eastern Pacific was about 1 million tons of bottom fish (Pacific Marine Fisheries Commission, 1963), which was 16 times the catch of bottom fish by the United States fleet along the entire Pacific Coast, and about 40% of the total American catch from both fresh and salt water.

The Japanese fishery in the area began in substantial volume in 1954 and the Russian fishery in 1959. Yet there has not yet been any overture by the United States to these nations for joint international investigation and control, where necessary for conservation, in this very large and rapidly growing fishery, as is customary among these nations and among other fishing nations in similar situations.

The United States is a party to the 1958 Convention on Fishing and the Conservation of the Living Resources of the High Seas. Under it the United States has the duty to adopt, or to cooperate with other nations in adopting, such measures for it and their nationals as may be necessary for the conservation of the living resources of the high seas.

Conservation of the living resources of the high seas is defined in this treaty as the "aggregate of the measures rendering possible the optimum sustainable yield from those resources so as to secure a maximum supply of food and other marine products."

Under this convention the United States, if it believes there is an urgent fishing problem, can unilaterally adopt regulations which, under stated conditions,

will be applicable to other nations. There is no inclination in the United States Government to do this because it knows of no need for urgent application of conservation measures in the light of existing knowledge of the fishery, is unable to propose such measures based on appropriate scientific findings, and knows that they would not satisfy the present public hue and cry in any event, because to be valid as to other nations the measures cannot discriminate in form or fact against foreign fishermen.

The sensible thing to do in this situation would be for the United States to invite Russia, Japan and Canada to a conference to consider joint measures of investigation and control, where needed, for the bottom fisheries of the North Pacific.

This is not done because the salmon problem stands in the way. By treaty with Russia Japan's salmon fishery in the Western Pacific is closely controlled, but they do fish for salmon on the high seas. By treaty with Canada and the United States Japan does not fish for salmon in the eastern North Pacific. The Japanese do not like this and threaten to abrogate the treaty they have with the United States and Canada, but they do not do so because they do not wish to run the risk of disturbing the salmon regime in the western Pacific, and so long as they do not fish salmon and halibut in the eastern Pacific they are not hampered in their exploitation of the trawl fisheries there. The American salmon fishermen do not like this because the Japanese catch some red salmon from Bristol Bay rivers in their western Pacific fishery, but they also do not push the Japanese too hard because they do not want their present protection done away with in the salmon fishery.

The nation that comes off Scot-free is Russia. It has the Japanese under control in the Western Pacific and the Japanese are reasonably happy with the controls. The United States cannot readily ask Russia to meet with it, Japan and Canada on the trawl problem of the eastern Pacific because the salmon problem would come up and embarrass the United States in its general political relations with both Japan and Russia.

Accordingly Russia develops the trawl fishery of the eastern Pacific without let or hindrance. It is careful not to catch salmon, and to throw back halibut that it catches, because to do otherwise would be to antagonize the American salmon and halibut fishermen.

None of the Americans involved wish to face up to reality on these issues. S. 2218 and similar 12-Mile legislation is admittedly without affect on these problems. Russia is a 12-Mile territorial sea country and would readily sign a 12-mile treaty with the United States, because it wishes to weaken the 3-Mile territorial sea position of the United States. The Russian trawl fleets are careful to stay 12 miles or more offshore as they come south. They do not need to come in closer because the bulk of the fish are more than twelve miles offshore.

The sponsors of S. 2218 and those who testify in its favor all say that it is only a step in the right direction, and allude to the desirability of a 200-Mile fishery limit. They all know that this is not only contrary to international law but that the Russians would pay no attention to a limit more than 12-Miles broad.

It would appear that the time is about ripe for us to quit trying to sweep our fishery problems in the Northeast Pacific under the rug and to, instead, deal with them as civilized nations deal with such problems, on the basis of international cooperation.

It will not wash to say that the Russians are such rascals that they cannot be cooperated with in fisheries. To the contrary they have evidenced as much readiness for international fisheries conservation as has the United States and are members with us of the International Whaling Commission; International Commission for the Northwest Atlantic Fisheries; International Fur Seal Convention; have recently negotiated with us an agreement to withdraw from the king-crab fishery on the Alaska continental shelf; and in May of this year joined with us and 17 other nations in negotiating a Convention for the Conservation of Atlantic Tunas. Our fishery scientists and oceanographers cooperate with each other in lively fashion in SCOR, IOC and FAO, a well as through private correspondence and visits back and forth.

The salmon problem requires to be solved, apparently, before a sensible approach can be made to the trawl problem of the eastern Pacific. A way seems to be opening up by which this can be accomplished.

Russia, Japan, Canada and the United States have cooperated on the management of the fur seal herds of the North Pacific in a very satisfactory manner since 1911. The problem there was much the same as with salmon. The conservation of the fur-seals could not be practically accomplished so long as there

was sealing on the high seas. Accordingly the four countries agreed that the nationals of all would stop sealing at sea, that the responsibility for the conservation of each seal herd would be exclusively that of the country which owned its breeding ground, and that the country owning the breeding ground would give a definite stated percentage of the take each year to the countries which had no breeding grounds and had sacrificed their high seas fishery. Thus Canada and Japan each year get a set proportion of the fur seal skins taken by Russia and the United States, the herds are well-managed, and everybody is happy. Those who are sacrificing for conservation are getting a share of the rewards.

This solution would not work for the salmon problem in the post-war years because neither Russia or Alaskan's wanted Japanese around. Within the last two years, however, both Russia and Alaska have relaxed in this regard. Japanese are permitted to buy fish from Russian fishermen in the Ohkotsk area, and Japanese firms are permitted to come into the territorial sea of Alaska and buy salmon from American fishermen.

Accordingly it would appear that the time is growing ripe for a solution of the salmon conservation problem in the North Pacific along the lines of the precedent established by the 45 years of successful international cooperation on fur seal conservation in the same ocean by the same four countries.

Once this is done then the four countries can readily negotiate a general fisheries conservation convention to handle their joint problems of this sort together in the North Pacific, as is the pattern in other oceans, and in other fisheries in which each of the four countries operate.

When that is done the alarms and excursions which are so unbecoming to a world power so strong as the United States, but which has been her means of bluffing and blowing on fishery problems in the North Pacific since the end of World War II, can be dispensed with and we can get on with the job of developing our west coast fisheries, including competing on the high seas with the Russians, in a somewhat less belligerent and considerably more practical fashion.

LITERATURE CITED

1. Alverson, D. L., A. T. Pruter, and L. I. Ronholt, 1964, A Study of Demersal Fishes and Fisheries of the Northeastern Pacific Ocean. H. R. MacMillan Lectures in Fisheries, Institute of Fisheries, The University of British Columbia, Vancouver, B.C. p. 190.
2. Anonymous, 1961. Ocean Perch Fishing in the Bering Sea. Rybnoe Khoziaistvo, vol. 37, no. 12, (English translation by U.S. Dept. of the Interior, Bureau of Commercial Fisheries, June 1, 1962, mimeo).
3. Food and Agriculture Organization of the United Nations, 1965, Year book of Fisheries Statistics for 1964, vol. 18.
4. Moiseev, P. A. and T. A. Paraketsov. 1961, Information on the ecology of rock fishes (family Scorpaenidae) of the northern part of the Pacific Ocean. Boprosy Iktiologii, vol. 1., (18) Fish. Res. Bd. of Canada, Translation Series, no. 358).
5. Pacific Marine Fisheries Commission, 1963, Fifteenth Annual Report, 36 pp.

(The following is submitted as part of Dr. Chapman's testimony:)

(Prepared for the fourth meeting of the Governor's Advisory Commission on Ocean Resources, San Diego, California, 9-10 June, 1966)

JURIDICAL ZONES IN THE OCEAN, THEIR EXTENT AND ATTRIBUTES

(By Wilbert McLeod Chapman, Van Camp Sea Food Company Division, Ralston-Purina Company)

This paper is prepared to meet the request of the Chairman, Professor Schaefer, for a skeletonized account of what juridical zones there are in the ocean, their extent and their attributes.

International law is composed of treaties and the results of arbitrations among sovereign nations, and also by their practices as those gradually affect the practices of other nations, as interpreted by appropriate juridical bodies such as the International Court of Justice. Individuals may be, and often are, the objects of international law, but only sovereigns are its subjects. International law may be modified by agreement at international conferences among sovereigns. The agreements so reached are binding only on those sovereigns that join in on

the agreement, but the moral forces growing out of such conferences and general agreements exert great pressure on non-signing sovereigns to abide by the terms of such agreements.

The Ocean is governed almost entirely under international law. The Law of the Sea was codified, and progressively developed, in a series of four conventions resulting from a Conference of Plenipotentiaries on the Law of the Sea convened by the United Nations in Geneva, Switzerland in the spring of 1958. These were: Convention on the High Seas; Convention on the Territorial Sea and Contiguous Zone; Convention on Fishing and the Conservation of the Living Resources of the High Seas; and Convention on the Continental Shelf. All of these conventions have now received the required number of ratifications to come into force, and are in force, the last being the Convention on Fishing, etc., which received the last adherence it required to come into force on 20 March, 1966, upon the deposition of its ratification by the Netherlands.

These form the Law of the Sea. It is noted, again, that they are not binding upon a sovereign unless he has ratified them. The moral force against a sovereign acting in a manner contrary to their provisions is, however, substantial and real. Also it may be rather confidently expected that issues in this field coming before the International Court of Justice will be adjudicated in reasonable conformity with their provisions. The United States has ratified all four of these conventions and is bound by them as, of course, are its political subdivisions such as the State of California.

The following abbreviated comments are based upon these conventions and the reader is warned to consult the original texts when any question arises. They are found, with much background documentation, in a seven volume work (A1 Conf. 13/37) "United Nations Conference on the Law of the Sea" published by the United Nations. Interpretive material is found in the annual reports and précis of meetings of the International Law Commission from 1949 through 1956.

THE LIQUID OCEAN

There are five sorts of juridical zones to be considered for the liquid ocean: internal waters, the territorial sea, the contiguous zone, the High Seas, and Contiguous fishery zones.

The law for the solid ocean, its bottom, does not much affect us here and will not be dealt with in this document. The law of the gaseous ocean, the air above, does not touch upon fishery problems except that air planes (carried by some fishing vessels) do not have a right to overfly the territorial sea in innocent passage without the consent of the sovereign.

(1). *Internal waters*

Internal waters are all waters landward of the base line for measuring the territorial sea. The sovereign has the same jurisdiction over them that he has over his land territories and no vessel or person has any special right in them arising from the Law of the Sea, except that where there has been a straight base line established pursuant to the method noted below under the territorial sea, and this has the effect of enclosing as internal waters areas which had formerly been considered as territorial sea or high seas, a right of innocent passage as provided for the territorial sea shall exist in those waters.

(2). *The territorial sea*

The normal baseline for measuring the territorial sea is the low-water line along the coast as marked on large-scale charts officially recognized by the coastal nation.

In localities where the coast line is deeply indented and cut into, or there is a fringe of islands along the coast in its immediate vicinity, the method of straight baselines joining appropriate points may be employed in drawing the baseline for the territorial sea. Such baselines may not depart to any appreciable extent from the general direction of the coast. The sea areas within them must be sufficiently linked to the land domain to be subject to the regime of inland waters. Such lines cannot be drawn to and from low-tide elevations unless permanent structures rising above sea level have been built upon them. Such straight baselines cannot cut off from the high seas the territorial sea of another country. They must be clearly indicated on published and available charts.

If the distance between the low-water marks of the natural entrance points of a bay does not exceed twenty-four miles a closing line may be drawn between those two marks as part of the baseline for the territorial sea. In bays where these marks are more than twenty-four miles apart a straight baseline of twenty-

four miles may be drawn within the bay so as to enclose the maximum amount of water that is possible with a line of that length. A bay is a well-marked indentation whose penetration is in such proportion to the width of its mouth as to contain landlocked waters and constitute more than a curvature of the coast. It will not be considered a bay unless the area of the indentation is as large as, or larger than, that of a semi-circle whose diameter is a line drawn across the mouth of that indentation. So called "historic" bays are excepted from these provisions.

The outermost permanent harbor works which form an integral part of a harbor system shall be regarded as forming part of the coast for the purpose of delimiting the territorial sea. Roadsteads normally used for commerce are included in the territorial sea even though they would otherwise be situated wholly or partly outside the outer limit of the territorial sea, but must be so indicated on published charts. An island is a naturally formed area of land, surrounded by water and above water at high tide. Each has its own territorial sea. A low-tide elevation is a naturally formed area of land surrounded by and above water at low-tide but submerged at high-tide. Where a low-tide elevation is wholly situated at a distance exceeding the breadth of the territorial sea from the mainland or an island, it has no territorial sea of its own. Otherwise the low-water line in that elevation may be used as a baseline for measuring the breadth of the territorial sea. If a river flows directly into the sea the baseline shall be a straight line across the mouth of the river between points on the low-tide line of its banks.

Unless otherwise agreed between them the line demarking the territorial sea between two countries opposite or adjacent to each other shall be a median line each point of which is equidistant from the nearest points on the baselines from which the breadth of the territorial sea of each of the two countries is measured. There may be exceptions to this provision arising from historic title or other special circumstance.

The outer limit of the territorial sea is the line every point of which is at a distance from the nearest point of the base line equal to the breadth of the territorial sea.

The above cited conventions contain no definitions of the breadth for the territorial sea. It proved to be impossible, at either of the Law of the Sea Conferences in 1958 or 1960, to disentangle this issue from the fishery limits question and get a vote on it alone. The result was that a two-thirds majority could be achieved on no proposal for it, although a proposal encompassing a six-mile territorial sea breadth plus six miles of additional fisheries jurisdiction came within one vote of securing such a majority at the 1960 conference.

In the absence of such agreement the decision of the International Law Commission is generally accepted as leading in the matter. In its 1956 report the Commission commented on this issue as follows:

"1. The Commission recognizes that international practice is not uniform as regards the delimitation of the territorial sea.

"2. The Commission considers that international law does not permit an extension of the territorial sea beyond twelve miles.

"3. The Commission, without taking any decision as to the breadth of the territorial sea up to that limit, notes, on the one hand, that many States have fixed a breadth greater than three miles and, on the other hand, that many States do not recognize such a breadth when that of their own territorial sea is less."

Under international law it is recognized that a country has a right to make a claim to any breadth of territorial sea. As a matter of fact there is no other practical way to establish such a boundary for a sovereign country. On the other hand no other country is obliged to recognize such a claim in respect of its vessels and citizens outside the norms of international law and the practice of nations. What the Commission said was that those norms lie between 3 and 12 marine miles, and no further.

The United States claims for itself and its political subdivisions and dependencies a breadth of territorial sea of 3 marine miles. It has done so since 1793 as a matter of policy. This was set out in a United States statute of 1794. It was further defined and clarified in the "Outer Continental Shelf Act of 1954". The United States has consistently reserved its rights under broader claims by other nations stating that they were without effect in respect of its vessels and citizens.

The policy of the United States on this question was enunciated clearly by its representative (Ambassador Arthur Dean) on the closing day of the 1960 Law of the Sea Conference as follows:

"His country was satisfied with the three-mile rule and would continue to regard it as established international law. Three miles was the sole breadth of territorial sea on which there had ever been anything like common agreement, and was a time-tested principle which offered the greatest opportunity to all nations without exception. Unilateral acts by States claiming a greater breadth of territorial sea were not sanctioned by international law, and conflicted with the universally-accepted principle of freedom of the seas. In this Government's view there was no obligation on the part of States adhering to the three-mile rule to recognize claims of other States to a greater breadth * * *"

The breadth of the territorial sea off California was unequivocally established as being three marine miles by the "Outer Continental Shelf Act of 1954". Several particular points respecting the baseline for the territorial sea off California have been adjudicated by the Supreme Court. In essence these decisions were that the channels and other water areas between the mainland and the offshore islands lying off the southern coast of California are not inland waters and that the baseline for the territorial sea in that area is determined in the normal manner noted above except in special cases of historic waters. It also rejected as historic waters Crescent City Bay; Monterey Bay; San Luis Obispo Bay; Point Conception to Point Hueneme; Santa Monica Bay; San Pedro Bay; and the area east of San Pedro Bay.

The sovereignty of the coastal nation extends to the territorial sea except for certain rights of innocent passage for foreign vessels through the territorial sea. For instance, fisheries within the territorial sea are subject to the sole jurisdiction of the Coastal Nation.

The rights and obligations of both the coastal nation and foreign ships of different classes in respect of innocent passage through the territorial sea are carefully and precisely delimited. Passage means navigation through the territorial sea for the purpose either of traversing the territorial sea without entering internal waters, or of proceeding to internal waters, or of making for the high seas from internal waters. It includes stopping and anchoring when these things are incidental to ordinary navigation or are necessary by reason of force majeure or distress. It is innocent so long as it is not prejudicial to the peace, good order or security of the coastal nation. It is not innocent for fishing vessels if they do not observe laws and regulations of the Coastal Nation designed to prevent them from fishing in the territorial sea. Submarines are required to navigate on the surface and show their flag in innocent passage. The coastal nation must not hamper innocent passage through its territorial sea and is required to give publicity to any dangers to navigation of which it has knowledge in the territorial sea.

There are other details making these things more explicit but these are the main points about innocent passage which is, broadly speaking, a lien for a particular purpose by the community of nations on the sovereign rights of a coastal nation in its territorial sea.

(3) *The contiguous zone*

The concept of the Contiguous Zone grew up in history simultaneously with the concept of the Territorial Sea but quite separately therefrom. It extends not more than twelve miles seaward from the baseline from which the breadth of the territorial sea is measured. It is delimited between neighboring nations as is the boundary between their territorial sea. Within this contiguous zone the coastal nation may exercise the control necessary to:

- (a) prevent infringement of its customs, fiscal, immigration or sanitary regulations within its territory or territorial sea; and
- (b) punish infringement of the above regulations committed within its territory or territorial sea."

The Coastal Nation has no other special rights or obligations within the contiguous zone and outside its territorial sea. Broadly speaking the contiguous zone represents a lien for a particular purpose by the coastal nation on a small part of the high seas as the right of innocent passage represents a lien for a different particular purpose on the territorial sea by the community of nations.

(4) *High seas*

The high seas are all parts of the sea that are not included in the territorial sea or the internal waters of a sovereign nation. They are open to all nations and no nation may validly purport to subject any part of them to its sovereignty. Freedom of the high seas is exercised under conditions laid down by these four conventions and by the other rules of international law, such as particular con-

ventions between nations that apply just to their citizens and vessels. Among other things freedom of the high seas comprises, for both coastal and non-coastal nations: freedom of navigation; freedom of fishing; freedom to lay submarine cables and pipelines; and freedom to overfly. These four freedoms, and others recognized by general principles of international law, shall be exercised by all nations with reasonable regard to the interests of other nations in their exercise of the same freedoms.

Freedom to fish on the high seas is further defined in the Convention on Fishing and the Conservation of the Living Resources of the High Seas. In it the right of a nation for its nationals to engage in fishing on the high seas is subject only to (a) its treaty obligations, (b) to the interests and rights of coastal nations as provided for in that convention, and (c) the provisions of that convention for the conservation of the living resources of the high seas.

Under this convention all contracting nations have the duty to adopt, or to cooperate with other nations in adopting, such measures for their nationals as may be necessary for the conservation of the living resources of the high seas.

Conservation of the living resources of the high seas is defined in the convention as the aggregate of the measures rendering possible the optimum sustainable yield from those resources so as to secure a maximum supply of food and other marine products.

Consideration of this subject by the Commission at this meeting has arisen from the likelihood of Russian vessels fishing substantially off the coast of California. While the following comments apply equally to any other nation similarly engaged they are couched in terms of the present situation.

Russia has no treaty obligation with the United States affecting the rights and obligations of its nationals to fish off California. It is bound by treaty, to which the United States is a party, to not hunt fur seals on the high seas of the Pacific, and to govern its whaling there in accordance with the regulations adopted by the International Whaling Commission, but neither of these fisheries are at issue at the present time as there is no suggestion that Russia is violating the terms of those agreements in its present operations.

The maximum interests and rights of the coastal nation (which the United States and California are in this issue) are provided for in the fishing convention as follows:

"ARTICLE 6

"1. A coastal State has a special interest in the maintenance of the productivity of the living resources in any area of the high seas adjacent to its territorial sea.

"2. A coastal State is entitled to take part on an equal footing in any system of research and regulation for purposes of conservation of the living resources of the high seas in that area, even though its nationals do not carry on fishing there.

"3. A State whose nationals are engaged in fishing in any area of the high seas adjacent to the territorial sea of a coastal State shall, at the request of that coastal State, enter into negotiations with a view to prescribing by agreement the measures necessary for the conservation of the living resources of the high seas in that area.

"4. A State whose nationals are engaged in fishing in any area of the high seas adjacent to the territorial sea of a coastal State shall not enforce conservation measures in that area which are opposed to those which have been adopted by the coastal State, but may enter into negotiations with the coastal State with a view to prescribing by agreement the measures necessary for the conservation of the living resources of the high seas in that area.

"5. If the States concerned do not reach agreement with respect to conservation measures within twelve months, any of the parties may initiate the procedure contemplated by article 9 (article 9 provides for the establishment of a special ad hoc arbitral commission, whose recommendations would be binding upon the disputants, to resolve disputes arising under this convention).

"ARTICLE 7

"1. Having regard to the provisions of paragraph 1 of article 6, any coastal State may, with a view to the maintenance of the productivity of the living resources of the sea, adopt unilateral measures of conservation appropriate to any stock of fish or other marine resources in any area of the high seas adjacent

to its territorial sea, provided that negotiations to that effect with the other States concerned have not led to an agreement within six months.

"2. The measures which the coastal State adopts under the previous paragraph shall be valid as to other States only if the following requirements are fulfilled:

"(a) that there is a need for urgent application of conservation measures in the light of the existing knowledge of the fishery;

"(b) that the measures adopted are based on appropriate scientific findings;

"(c) that such measures do not discriminate in form or in fact against foreign fishermen.

"3. These measures shall remain in force pending the settlement, in accordance with the relevant provisions of this Convention, of any disagreement as to their validity.

"4. If the measures are not accepted by the other States concerned, any of the parties may initiate the procedures contemplated by article 9. Subject to paragraph 2 of article 10, the measures adopted shall remain obligatory pending the decision of the special Commission."

Paragraph 2 of article 10 provides that the special Commission may decide that the measures in dispute be set aside pending its award in instances where there is prima facie evidence that such measures are not urgently needed.

Paragraph 5 of article 7, not cited here, for brevity, applied the principles of demarcating the territorial sea between nations already referred to and does not apply here except to Mexico.

Russia is not a party to the "Convention on Fishing and the Conservation of the Living Resources of the High Seas" nor is it likely to be. This has no reference to the articles quoted above on which its representatives voted in favor at the 1958 Law of the Sea Conference. It has not ratified the convention because of the compulsory arbitration clauses (articles 9, 10, 11 and 12) and article 19, which prevents a contracting nation from making a reservation to articles 6, 7, 10, 11 and 12 of the convention. This refusal is not on fishery or conservation grounds but is general. Russia has never recognized the principle of compulsory arbitration in international affairs.

Russia not only is in favor of the principles laid out in articles 6 and 7, cited above, but had already exercised them vis-a-vis Japan in the northwest Pacific adjacent to her territories there in 1956. Japan and Russia in that year signed a treaty for attending to fishery conservation problems among themselves in that large area of high seas subsequent to Russia proclaiming unilaterally such a conservation zone off its coast. This occurred before the Law of the Sea Conference, and built on the basis of recommendations of another United Nations Conference on the "Conservation of the Living Resources of the High Seas" held in Rome, Italy in 1955.

There was comment at the time that Russia had required Japan to enter into such a treaty under duress. The Japanese, however, have been satisfied with the conservation of that treaty. It has now been in operation for ten years. On April 15, 1966, the Japanese Minister of Agriculture Sakata (under whose Ministry fisheries administration falls in the Japanese Government) said to the Japanese press as follows:

"In the Japan-Soviet fishery talks this time there were many difficult problems, but it was a matter for congratulations that the agreement came to a conclusion in a comparatively short period of time due to the spirit of friendship and mutual understanding between Japan and the Soviet Union which has been fostered for ten years after conclusion of the Treaty. I think highly of the efforts made by the members of the delegation including Delegate Fujita, and, at the same time, I wish to request again of our country's persons concerned with fisheries to realize conservation of resources under orderly fishing operations so that this treaty will be enforced smoothly."

Accordingly a proper procedure for the United States Government to initiate, if it feels that it has a grievance growing out of Russian nationals fishing in the high seas adjacent to its coast, is to seek to enter into negotiations with Russia with a view to prescribing by agreement the measures necessary for the conservation of the living resources of the high seas in the area in question.

There is little doubt, on past precedent, that Russia would enter into such negotiations on good faith. If, however, it refused to do so, or no satisfactory agreement was reached, after the expiration of six months the United States could, under international law, unilaterally adopt appropriate conservation measures for the area.

If the United States wished to be precipitate it could declare unilaterally a set of conservation regulations for the area in question in an effort to force Russia to the conference table as Russia did with Japan in 1956. This would be a little ridiculous for the United States to do for the following reasons, among others:

1. The scientific knowledge respecting resources off California is as good as any place in the world, the evidence of under utilized resources is copious, and the need for added conservation regulations at this time is not evident.
2. The federal government would require to get authority for this purpose from the Congress because such regulatory authority is now left to the States. The State of California has no regulatory authority outside its territorial sea in respect of any citizens except its own.
3. Such action would be directly contrary to United States practice off Latin America which it has exercised firmly in order to protect the operations of California vessels on the high seas off Latin America, and
4. There is no reason to believe Russia will not come to the conference table willingly if asked.

The fact that Russia is not a party to the Convention on Fishing, etc., has little practical relevance to these matters. Its fishery operations on the high seas everywhere have been conducted with as good a regard for proper conservation measures as have those of the United States. It has joined with us since 1911 in a very successful treaty for the conservation of North Pacific Fur Seals. It is a member, with us, of the International Whaling Commission and the International Commission for the Northwest Atlantic Fisheries. It negotiated with us last year an agreement providing for a graduated withdrawal of its nationals from the fishery for king crab on the Alaskan Continental Shelf. It joined with the representatives of our government and those of seventeen other nations in the negotiation of a quite competent "Convention for the Conservation of Atlantic Tunas" in Rio de Janeiro, 2-14 May, 1966. There is no reason whatever to expect that Russia would not be prepared to negotiate with the United States an appropriate agreement to provide for the conservation of fishery resources off California and elsewhere.

There are several prime difficulties facing the United States Government in this matter, however. Among them are:

1. There is no need for urgent application of conservation measures in the fisheries which Russian nationals are likely to prosecute off the coast of California in the light of existing knowledge. To the contrary, it is well established in the scientific literature that there are a number of very large and valuable fishery resources in the high seas off California which are not being prosecuted in such a manner as to render possible the optimum sustainable yield from those resources so as to secure a maximum supply of food and other marine products. This is as well known to the Russian scientists as it is to ours because they read the scientific literature, because there is close and continuous communication among our scientists and theirs, and because they have made their own independent ocean research in the area.

2. Any such measures as would be adopted pursuant to such action by the United States unilaterally would not be valid under international law in respect of Russia or other nations unless they did not discriminate in form or in fact against foreign fishermen. Those people in California who are now pressing the United States to act against the Russians in this matter and, in fact, want discrimination against Russian fishermen in this area could anticipate no relief to their problem from this line of approach.

3. The United States has a general fishery conservation treaty covering the north Pacific Ocean with Japan and Canada. It might be felt that the sensible thing would be to open this treaty for renegotiation with all three of the other fishing nations of the area (Russia, Japan, and Canada) and leave it open-ended in the manner of other modern fishery conservation treaties so that any new-comer nations into the area (for instance, Korea or Mexico) could join it at any time.

While this looks sensible on the surface and probably is inevitable in the end, this would at the present time bring considerable embarrassment to the United States Government both internationally and internally.

The reason for this is, essentially, problems of conservation in the salmon fisheries. Most of the salmon in the north Pacific emerge from the rivers of Russia, the United States, and Canada and very few from those of Japan, yet Japan is a major salmon fishing nation in the north Pacific.

It would be equally and strongly beneficial for Russia, Canada, and the United States if (as in the treaty among the four nations on fur seals that has worked so well for the past forty-five years) fishing for salmon in the north Pacific were restricted to the territorial seas of the respective nations. Conservation of the salmon stocks would be much simpler if this were done and, because of the peculiar life histories of salmon, this may be the only practical way that their conservation could be attended to in an effective manner.

The similarity between the fur seal and the salmon conservation problems is that it is very difficult to properly manage the resources in order to get the maximum sustainable yield if fishing is permitted on the high seas.

This situation became so bad in fur seals at the end of the last century that the fur seal herds of the whole north Pacific were nearly wiped out, and nobody was profiting much from the fishery that was left. As a result, the four nations (Russia, Japan, Canada, and the United States) negotiated a treaty in 1911 under which all sealing on the high seas by everybody was stopped, and the conservation management of the separate herds was put under the sole jurisdiction of the nation which owned the rookery where the seals came for breeding each year. Since Canada had no rookery and the Japanese rookeries were destitute of seals at the time, a quid pro quo required to be devised. This was done in the treaty by providing that Russia and the United States would each give Canada and Japan a percentage (stipulated in the treaty) of the fur seal skins each harvested each year from its rookeries.

This treaty worked splendidly. Within ten years the fur seal herds had recovered well and for many years now have been yielding as close to the maximum sustainable yield as science and good management procedures permit. It was interrupted briefly during World War II (not in any way damaging to the fur seals) but was renegotiated later and is still working well.

Such a possible solution applied to salmon presents very considerable problems in the international field for the United States by requiring an agreement that is reasonably satisfactory to the Japanese in particular, but also to Russia and Canada. Domestically, the agreement must also be reasonably satisfactory to Alaska in particular, but to the other three Pacific states as well.

However, it is not clear that until some logical solution to this salmon problem is found that the use of the International Convention for the north Pacific Fisheries or a new version thereof to cover the fishery conservation problems off the coast of California and the other western states would be possible.

If the problem could be solved, then the trawl and other ocean fishery conservation problems in the north Pacific and Russia (and Japan as well) are readily amenable to normal diplomatic procedures as contemplated by the 1958 Convention on Fishing and the Conservation of the Living Resources of the High Seas. The harsh provisions of articles six and seven, cited above, would not even be required. The problem could be handled readily by the means normal to such situations, as set out in article two, which reads as follows:

"ARTICLE 2

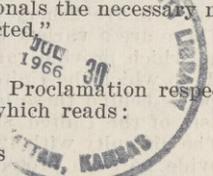
"If the nationals of two or more states are engaged in fishing the same stock or stocks of fish or other living marine resources in any area or areas of the high seas, these states shall, at the request of any of them, enter into negotiations with a view to prescribing by agreement for their nationals the necessary measures for the conservation of the living resources affected."

5. *Fishery conservation zones*

On September 28, 1945, President Truman issued a Proclamation respecting fisheries conservation zones, the substantive part of which reads:

FISHERY CONSERVATION ZONES

"In view of the pressing need for conservation and protection of fishery resources, the Government of the United States regards it as proper to establish conservation zones in those areas of the high seas contiguous to the coasts of the United States wherein fishing activities have been or in the future may be developed and maintained on a substantial scale. Where such activities have been or shall hereafter be developed and maintained by its nationals alone, the United States regards it as proper to establish explicitly bounded conservation zones in which fishing activities shall be subject to the regulation and control of the United States. Where such activities have been or shall hereafter be legiti-



mately developed, maintained jointly by nationals of the United States and nationals of other states, explicitly bounded conservation zones may be established under agreements between the United States and such other states; and all fishing activities in such zones shall be subject to regulation and control as provided in such agreements. The right of any state to establish conservation zones off its shores in accordance with the above principles is conceded, provided that corresponding recognition is given to any fishing interests of nationals of the United States which may exist in such areas. The character as high seas of the areas in which such conservation zones are established and the right to their free and unimpeded navigation are in no way thus affected."

The proponents of this proclamation were the American salmon people and they were moving to have an exclusionary policy adopted by the United States. When the proclamation was promulgated there was much misinterpretation, both at home and abroad, that this is what had been accomplished. As a reading of the proclamation indicates, there was no such action or intent on the part of the United States. The proclamation provides a basis for conservation only and specifically provides for multi-nation fishing in such a zone. It is not different in spirit or principle from the articles 6 and 7 of the "Convention on Fishing, etc.," cited above.

In matter of fact the United States has never moved under this proclamation either to (a) establish such zones where only its own nationals fished, (b) establish such zones where the nationals of it and other countries fished, or (c) to recognize such zones established by other nations. For the first situation, the federal government so far has left the regulation of fisheries established by its own citizens alone to the several states of the Union. For the second situation, it has employed international conventions negotiated among the nations involved and ordinarily establishing a continuing joint commission, as being more practical and useful. For the third situation it has resolutely refused to recognize the right of any other nation to regulate its fishermen's activities on the high seas, which it takes to be all water more than three miles from land (with minor exceptions), except under agreement with it. There is no indication that it will change this policy in the near future. Two of its largest fisheries (tuna and shrimp) operate largely off the coasts of other countries, and it has valuable fisheries as well off both coasts of Canada.

At the 1958 and 1960 Conferences on the Law of the Sea the United States, in an almost frantic effort to get agreement on a territorial sea less than 12 miles in breadth, made several proposals involving different combinations of 3 to 6 miles for the breadth of the territorial sea plus 9 or 6 extra miles of special fishery jurisdiction for the coastal nation. Upon failure of all of these proposals the United States reverted to its original position—3 miles plus no extra fishery jurisdiction except upon its agreement (see remarks of Ambassador Dean above).

Since 1960 a number of nations have claimed 12 miles for exclusive jurisdiction, and in Europe there have been agreements among nations (chiefly involving the Scandinavian countries and nations fishing near them) involving zones of exclusive fishery jurisdiction out to 12 miles from land. The United States has not recognized these. Canada has made a claim to 12 miles of exclusive jurisdiction, and Mexico has for many years claimed a nine mile territorial sea with exclusive fishery jurisdiction. The United States has recognized neither.

There are a variety of bills before the United States Congress at the present time which provide various combinations that would result in a zone 12 miles wide in which the United States would have exclusive fishery jurisdiction. The impetus behind these bills is the fear of competition on fishing grounds off the coasts of the United States, especially from Russian fleets.

The difficulty with 12 mile zones for exclusive fishery jurisdiction is that they provide no such protection of any consequence. Most living resources of the ocean supporting major fisheries move out into the ocean more than 12 miles from land in commercial concentrations and would be available outside a 12 mile zone to foreign fisherman. Many major resources (salmon and tuna are good examples) make substantially ocean wide migration normally and are not susceptible to full protection from foreign fishermen by less than ocean wide zones.

The United States, and in particular California, is not in a good position to press for expanded zones of exclusive fishery jurisdiction. There are several reasons, among which are:

1. Valuable fisheries are maintained by nationals of the United States off foreign countries in the same manner as Russia is fishing off our coast.

California is in a particularly vulnerable position on this point as a full nine tenths by value of the landings of its fishermen are caught off the shores of other countries.

2. It is in the interest of the United States to maintain maximum flexibility of access to the food resources of the whole world ocean for the reason that it has one of the highest per capita uses of fish in the world (about 64 lbs per capita at present) and this is continuously growing (having come from 38 lbs per capita in 1948).

California is particularly involved in this as its fishing firms are among the largest in the world and are expanding actively on a world-wide basis.

3. The United States as a party to the 1958 "Convention on Fishing, etc.," and in many other of its general policies relating to nourishing the world is committed to a policy of measures rendering possible the optimum sustainable yield from ocean resources so as to secure a maximum supply of food and other marine products. There are major food resources off the coasts of the United States not being harvested by it or anyone else. To attempt to fence them off and allow them to continue to die unused each year, if others need them, is not morally defensible.

California is in a particularly invidious position on this point because of the very large known underutilized resources off its coast.

4. The United States has not encouraged the development of its domestic fisheries in more than a generation and their production has held approximately constant for thirty years. The United States has relied on imports of fish, instead, which climbed from providing 37% of our fish needs in 1954 to providing 62% of our needs in 1964, at a cost of about \$600 million.

The United States is now seeking actively to secure the increase of its domestic fisheries. It finds that a most serious impediment to this is the archaic and inhibitory conglomeration of fishery regulations in the codes of the several maritime states which impede the development of the sea fisheries off those states. If it now extends its zones of fishery jurisdiction further to sea it would just extend the effect of these outdated codes which prevent its fishermen from becoming effective, and its fisheries would be damaged further rather than assisted.

California is in a particularly vulnerable position on this point too because its Fish and Game code is almost a classic case of inhibition on its fishermen's effectiveness. California fishermen have less to fear from competition from Russian fishermen off the California coast than they have from the extension of the full effects of the California Fish and Game code further out to sea.

CONCLUSIONS

1. The State of California is without power to regulate fishing by the nationals of other countries except in its territorial sea and inland waters.

2. The territorial sea of California is three marine miles broad measured, with minor exceptions, from the low-water mark of its mainland and off-lying islands.

3. The United States, in the absence of conditions that do not exist off California, is without power to regulate fishing by nationals of other countries on the high seas off California except upon agreement by those nations. Its territorial sea and that of California are coterminous.

4. The United States has never established special zones for fishery jurisdiction off its coast for such purposes because this would be strongly contrary to its interest to do so, and that is particularly the case in California.

5. If Russia or other nations develop substantial fisheries off the California coast, conservation problems will arise. Under international law and United States practice, the proper way to handle such problems is to negotiate with the affected nations an open-ended convention establishing an international commission composed of representatives of the contracting parties which will keep such problems under continuous scientific surveillance and make recommendations for conservation regulations to the contracting parties as needed.

6. The rapid expansion of both Japanese and Russian nationals into trawl and other fisheries off the west coast of North America will create overfishing problems in time. It is highly desirable that joint research on those problems be conducted as the fisheries develop in order to prevent such overfishing problems. The United States is without power under international law to do this satisfactorily by unilateral means. It cannot practically initiate such action by multi-lateral means without, at the same time or previously, solving the north Pacific salmon conservation problem.

RECOMMENDATIONS

Accordingly, it is recommended that the State of California request the U.S. Government:

To initiate negotiations with Russia, Japan, and Canada with a view to agreeing to a multi-lateral, open-ended, general fishery conservation convention capable of handling all of the fishery conservation likely to arise in the north Pacific among these four countries and any future new entrants.

Senator BARTLETT. Mr. Dykstra, please.

STATEMENT OF JACOB J. DYKSTRA, PRESIDENT, POINT JUDITH FISHERMEN'S COOPERATION ASSOCIATION, INC., POINT JUDITH, R.I.

Senator BARTLETT. We are very glad to have you here, Mr. Dykstra.

Mr. DYKSTRA. Thank you. I am very glad to have the privilege of being here this morning. Mr. Chairman, the organization which I represent, the Point Judith Fisherman's Cooperative Association of Point Judith, R.I., consists of 135 fishermen owning and operating 45 medium and small draggers out of the port. These vessels range out to the edge of the Continental Shelf from Nantucket Shoals to the Virginia Capes, and sometimes to Georges Bank, for industrial and edible fish and lobsters.

Traditionally, our vessels have ranged this area with no competition from foreign vessels, and have maintained a steady and prosperous fishery. However, in recent years, foreign vessels have appeared in the area in ever-increasing numbers. These are large vessels, some of them factory-type ships, accompanied by mother ships and support vessels. They have been observed taking huge catches of fish continuously over long periods of time, thereby subjecting the stock of fish to far greater pressure than U.S. vessels do. It is not my purpose to demonstrate that we in our area have a unique problem. Quite the contrary, the problem is, as being brought out in these hearings, swiftly becoming common to all of our coastal waters. Ours is but one small part of a rapidly expanding problem. In the past, the level of technology and its lack of application to fisheries provided an opportunity to assess the effects of exploitation of fishery stock. We are now in a completely different situation. Massive fleets of huge ships, owned or heavily subsidized by foreign governments have the capacity to cause irreparable damage to fishery stocks almost overnight. No agency or procedure now in existence can move with the speed required to effectively counter this unprecedented and expending force. New and bold approaches, and immediate action must be applied.

For several years I have been an industry adviser to the International Commission for the Northwest Atlantic Fisheries and have attended the annual meetings of this Commission. Its important contributions through personal contacts, exchange of information, coordinating and expanding research, and other activities are most valuable. However, the machinery for imposing conservation regulations is cumbersome and awkward. The Commission is, in my opinion, totally inadequate as a tool to give needed protection to our coastal resources under present and foreseeable conditions.

The intent of S. 2218 to establish a contiguous fishery zone beyond the territorial sea of the United States we wholeheartedly endorse.

This action is long overdue, but the proposed extent of the fishery zone is completely inadequate. A fishery zone of this extent would be ineffective to protect fishery stocks, most of which range the entire coastal shelf. Halfway measures and fractional advances are no answer to this problem which increases in geometric proportions even while we discuss the steps necessary to insure survival of our fisheries.

We respectfully request that the committee include the following specific changes and additions in amendments to this bill:

1. That the contiguous fishery zone extend from appropriate base lines to a distance of 200 miles offshore, or to the extent of the Continental Shelf, whichever distance is greater.

2. That fishery regulations in this zone be established and administered by the Federal Government and not delegated to the adjacent coastal States.

3. That the principle of the special interest of the coastal nation be included in the language.

4. That the 9-mile zone be completely eliminated from consideration. We strongly oppose this approach and would urge defeat of legislation with this provision, preferring to continue under present conditions while pressing for adequate measures.

5. That licensing arrangements be included to make for increased flexibility and to allow for reciprocal arrangements to insure that U.S. vessels may fish in the coastal waters of neighboring nations and vice versa, where this is mutually agreeable.

With these provisions, we endorse S. 2218 and urge that it be enacted into law with all of the urgency that present conditions indicate is required. Thank you for the privilege of appearing before this committee today.

Senator BARTLETT. Mr. Dykstra, since you come from Rhode Island, I think it would be entirely appropriate that Senator Pastore be given an opportunity to question you.

Senator PASTORE. You baffle me a little bit, Mr. Dykstra. You say in your proposal No. 4 that 9-mile zone be completely eliminated from consideration. We strongly oppose that approach, you say, and would urge defeat of legislation with this provision, preferring to continue under present conditions while pressing for adequate measures. Then in your concluding paragraph you say with these provisions you endorse S. 2218, which, of course, is the 9-mile zone.

How do you do both? How do you pass a bill and take out the 9 miles and leave it wide open until you get what you want? How do you do that as a practical proposition?

Mr. DYKSTRA. That was not my intent. My intent was that with the provisions that we have recommended, that this bill—I am not very adept at knowing how legislation is carried out—

Senator PASTORE. Let me ask you this. For the time being—you have heard the testimony of the previous witness and I know you are proficient in this area, you have lived with it all your life, and it is your livelihood, but let me ask you this: What do you think we should do to solve this problem? Would you follow the suggestions that we try to sit down and talk it over with the people who are impinging upon what you consider to be our territorial waters? Would you do it by way of legislation? What is definitely your suggestion to our committee today? I mean forget these five proposals you made here.

Mr. DYKSTRA. I think, as Senator Magnuson, I believe, said, that the first thing we are going to have to do would be to somehow or other, by diplomatic confrontation or by congressional action—I believe that is the way he put it—however we can do it, any way we can do it, that we should first try to call a halt to what is going on now, and that we should assert the idea that we have a special interest in our coastal fishery resources and then go on to do the talking. I think these people are somewhat reluctant to sit down with us and talk about something like this, because they are too busy fishing.

And if I were in their position, I would probably feel the same way about it. And I think that personally if someone were assaulting me with the intent to cause me harm, that I would first try to stop the assault and get the person off my back and then sit down and talk about what the rules were and not try to talk about what the rules are while I was being attacked.

I think our coastal fishery resources are being attacked in a mortal way and that what we have to do is try to stop it immediately.

Senator PASTORE. Of course, you do have definitely here some wide-range problems. We have the largest navy in the world. And our Navy, of course, is a bulwark to guarantee our security and our freedom. I said this before you came into the room today, at the time of the incident in the Gulf of Tonkin in 1963, we took the position that we had a perfect right to be there, because they were international waters.

Now if we assume sovereignty jurisdiction or the right of exclusiveness, let's say 200 or 300 or 400 miles out from our shore, we place ourself in a position where through the process of reciprocity—and you have to respect that—other nations of the world could exclude us from their bodies of water and thereby endanger possibly the security of the Nation. This involves a lot of questions here. I mean if you can keep a Russian fishing boat out, you can keep a Russian battleship out and if they can keep an American fishing boat out, they can keep an American destroyer out.

I mean after all, sovereignty is sovereignty. What do you have to say with reference to that?

Mr. DYKSTRA. Well—

Senator PASTORE. Or is it a little bit out of your line?

Mr. DYKSTRA. It is. It was my understanding in this thing that there was no intent here to extend territorial waters or extend anything except fishery conservation zone.

Senator PASTORE. By what right do you do that? It is a right of sovereignty. I mean you have to have jurisdiction in order to make these rules. I can't stop you from coming into a home that I don't own. If I own that home, I can stop you from coming into it. I mean there has to be some jurisdictional power. Which leads me to the point I am trying to develop here.

I am trying to debate the subject with you as much as I am trying to resolve here whether we go along and enact a law saying you can't trespass here or whether the best way to do this is to sit down and talk with the people who are trespassing and see if we can't find a solution to this problem.

Your argument is you can't even sit down and talk to people who are already fishing, the only way to do this is by passing the law first?

Mr. DYKSTRA. As I have said, what experience I have had with this, this business of sitting down and talking is a protracted operation. Under the treaty that we work with, when the member nations decide that there is something that needs attention, the first thing they do is try to agree that there is a problem, and they say they will go back to their member nations and talk this thing over, their own home nations and come back next year with some sort of a proposal. They bring back a proposal, and we all look it over and we have to make some changes, so we go home again with it, and then when we finally do agree, in 2, 3, or 4 years, it takes several years to ratify it, and this takes a period of a number of years and I don't think we have a number of years to try to solve this problem. I think that it is an immediate problem.

Senator PASTORE. Now if Mr. Bartlett and this committee see fit to retain the 9-mile provision, you would be against the bill?

Mr. DYKSTRA. I feel—

Senator PASTORE. In other words, I am trying to line it up with your No. 4 proposal here, that the 9-mile zone be completely eliminated from consideration. You say you strongly oppose this approach and would urge defeat of legislation with this provision. You mean to tell me if we took and made this 9 miles instead of the 3 that it is now you would be against the bill?

Mr. DYKSTRA. I have the very strong feeling that if this were done, if it were extended another 9 miles, and I think the testimony and the attitude of the State Department yesterday bears this out, if we were to extend it another 9 miles, that it would be a long time before anybody would again consider this to be an urgent problem and try to increase it and push it farther out.

I think everyone would think, well, we have accomplished this now, and this is going to be our position. In other words, I am afraid that we would be pretty well frozen in this position over quite a long period of time and we wouldn't have what we are looking for, which is protection of these fish, which, although they come inside of the 12-mile zone, most of the fish that we fish on, such as fluke, which is a type of flounder we fish on, scup, butterfish, red hake, whiting, they come inside of this zone at certain seasons, but they go right out to the edge of the shelf at other seasons and this is where the Russians are fishing on them at the present time, so that even the fish inside of the 12-mile limit would have no protection, because they migrate in and out all over the shelf.

Senator PASTORE. Have the Russian ships of our shore in New England made it harder for you to fish? I mean what has been the immediate result?

Mr. DYKSTRA. Yes, sir; they have made it harder for us to fish.

Senator PASTORE. In what way?

Mr. DYKSTRA. Well, in a number of ways. First of all, these are huge vessels, and I don't think that we have quite the same situation as they do on the west coast. I have been told that these vessels are under different fishery management on different sides of Russia and there could perhaps be a different attitude. We have some reports from fishing captains, of harassment. But by and large our fishing captains say that when the rules of the road are clear, that the rules of the road are observed.

However, the way these vessels fish is to get in a line of huge vessels and go back and forth through an area, one behind the other in a line, and they are faster than our vessels, they tow the nets faster than our vessels, and our vessels try to follow in and out along a depth curve, and twist and turn in and out, and when these huge vessels get in an area and start going back and forth in the area at this higher speed than we have, even though they may observe all of the rules effectively, they exclude our vessels from the area, because it is much more profitable for them to just leave the area and go somewhere else and not have to fight this thing than it is to try to compete with the Russians in the same spot.

Our captains have reported that they have, after the Russians have been in an area like this, for 1, 2, or 3 days, they have gone, when the Russians moved out, they have gone there, just to try and see what has happened in that area, and they report complete depletion of the fish in an area within the course of 1, 2, or 3 days.

Senator PASTORE. That is what I was waiting for you to say. In other words, after they have exploited an area, and you go into it, they have emptied out the sea of certain kinds of fish you have been catching in the past. Is that correct?

Mr. DYKSTRA. That is correct, sir.

Senator PASTORE. So it is a problem.

Mr. DYKSTRA. Yes, sir.

Senator BARTLETT. Mr. Dykstra, I wonder if there isn't a typographical error in the last sentence of your statement on page 1. You said—

In the past, the level of technology and its lack of application to fisheries provided an opportunity to assess the effects of exploitation of fishery stock.

I was wondering if you didn't mean "no opportunity."

Mr. DYKSTRA. Perhaps I didn't make myself clear there. What I was getting at there was that even at the present level of the U.S. fleet, if U.S. fleet were the only fleet fishing on these fish, the intensity of fishing due to not having such large and advanced units, we just don't clean the fish up so fast but what we can tell from one year to the next, in 2 or 3 or 4 years, what we are doing to the resource. But the Russians have such a capacity for exploiting the stock, due to their advanced technology and their large ships, that it doesn't give you time—I think that is what all of the fishermen here feel—that we just don't have time.

We used to have time to look at these things, we used to have time to sit down and talk and discuss it and decide what we are going to do over a period of several years. But we don't have that time any more, not under present conditions.

Senator BARTLETT. I see what you mean, yes.

Now let's go to your specific recommendations. No. 1. What do you mean by "appropriate base lines"?

Mr. DYKSTRA. I would say that the base lines that have already been established for the territorial seas of the United States.

Senator BARTLETT. Would you agree with the definition included in S. 2218 which says that—

The fishery zone has as its inner boundary the outer limits of the territorial sea and as its seaward boundary a line drawn so each point of the line is nine nautical miles from the nearest point on the inner boundary.

Mr. DYKSTRA. I would agree with that inner boundary. When you start talking about an outer boundary, I think actually the most important thing for an outer boundary is to include the Continental Shelf.

Senator BARTLETT. I understand that. But does the definition of an appropriate base line, as is carried in the bill, satisfy you?

Mr. DYKSTRA. Yes, sir.

Senator BARTLETT. Now, will you tell the committee why it is you urge the Federal Government have jurisdiction beyond the 3-mile limit insofar as the fishing zone is concerned?

Mr. DYKSTRA. Well, we have some of the same problems Dr. Chapman has described. But if you look at this chart over here, you see the difference between our coast and the other coast. When you get up in the New England area, and you look at the edge of the shelf, the edge of the shelf is a very peculiarly shaped area, and the land area is in a crescent shape. And we have had the experience in the past that State regulations have been very different and I have been involved in some efforts in trying to coordinate and unify them, make them all the same and we have had very little success in doing this.

Now if you extend—I am talking about the edge of the shelf—if you extend the State jurisdiction out to the edge of the shelf, under our condition, where we have States with very small coastlines and in a shape so that it is almost impossible to tell who would be, what would be the waters of an individual State. I think you would compound all of the problems that we have now and with all of the activities that we apparently intend to carry on in these areas in the future, intensifying of all sorts of activities, I think we would have a real mess.

Senator BARTLETT. Would you leave the State governments having jurisdiction within the 3-mile limit? Or would you convey that to the Federal Government, also?

Mr. DYKSTRA. No, sir; I think the State governments should have that.

Senator BARTLETT. Now you urge defeat of the legislation unless your recommendations for 200 miles or the limit of the Continental Shelf is adopted. Off the New England coast, which would be greater, the shelf or 200 miles, generally speaking?

Mr. DYKSTRA. Generally speaking, I think that 200 miles would be greater, right in the area right off our Rhode Island coast, the edge of the shelf is 85 to 90 miles offshore.

Senator BARTLETT. Of course, in making this recommendation you are fully aware that we have waited 173 years for any change whatsoever?

Mr. DYKSTRA. Well, I can't help but think that if we go along with this, and we just say this is what we are going to do, that it is going to be a long time, a period of years, before we get anything more.

Senator BARTLETT. But you think we can move in without any considerable difficulty, into the situation you described, Continental Shelf or 200 miles? After having heard the testimony of the Department of State yesterday particularly?

Mr. DYKSTRA. I wouldn't say that at all, no. I think that it would be most difficult to do. But I think that we have a most difficult problem and I can't see just trying to do something which will partially

alleviate the situation. As I said before, I am a fisherman, I don't know much about the procedures. I think the fishermen know that they are being hurt, and they would like to see something done which will help them, and they have come here today because they just thought this would be one opportunity to express themselves and try to get something done.

I don't think any of us who are fishermen have a lot of knowledge of how to go about it.

Senator BARTLETT. Speaking to Senator Pastore you said that extension of the fishing zone by an additional 9 miles wouldn't be of substantial help to your people. Would it be of some help?

Mr. DYKSTRA. Yes, sir; it would.

Senator BARTLETT. Would you rather wait, if this were the situation that were to develop, and we don't know, years and years and years to get 200 miles, or would you rather take 12 miles now as an initial step with the hope that if the situation becomes worse, as we trust it will not, further corrective measures can be taken later?

Mr. DYKSTRA. I don't know just how to put it, but I think if we had to wait years and years and years to get what we are asking for, that it would be a pretty academic question anyway, because we wouldn't have the resources—

Senator PASTORE. Let me be a lawyer for a moment, Mr. Dykstra, and recommend that you buy his proposal.

Senator BARTLETT. That is without fee even.

Senator PASTORE. We have been struggling with this situation for years and there are many ramifications and many international political problems involved in this. I know that from a very nationalistic point of view, considering alone the fishing industry, what you are saying is quite rational and understandable. But you run into a lot of other very serious problems and that is the reason why we have to consult the State Department, as we do from time to time. I don't logically go along with you when you say it is better not to have anything now and to strive for the rainbow rather than take a half loaf now and let's see what the result is going to be.

I say this is such an intricate and such an involved subject that I would like to have you reconsider your position, this paragraph 4 of yours, with your colleagues and consider the proposal made by Mr. Bartlett, because it isn't going to be easy to get the nine to begin with. And we are going to run into problems there. But I think I would review my position on that, and let me know how you feel about it.

Personally, I think it is better to take a more moderate position now and see what develops rather than stay pat and possibly wait and wait and wait, as Mr. Bartlett pointed out, to reach a goal that is desirable, but never attain it. I would review that very seriously if I were you. I would take the position if I were you that the other is much more desirable, would be much more, would be a better solution of the problem, but if this is the best we can get for the time being, let's try it out. I think that would be a more practical and more realistic position, if I were you, Mr. Dykstra. And I am not going to charge you for that advice.

Senator BARTLETT. Why don't you consult with your people and send us a written statement recording a reaffirmation of the view expressed here or a different one.

(Subsequently, the following letter dated May 24, 1966, was received from Mr. Dykstra:)

POINT JUDITH FISHERMAN'S COOPERATIVE ASSOCIATION, INC.,
Point Judith, R.I., May 24, 1966.

Senator JOHN O. PASTORE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: I appreciated your services as my lawyer without fee at the recent hearings on S. 2218 before the Senate Commerce Committee. You asked, following my testimony, that I reconsider my position and advise you.

You realize that my appearance before the Committee was not as an individual, but rather in behalf of the Point Judith Fishermen's Cooperative Association. The position I presented was one approved by them, and one which I could not change substantially without further consultation with them. In addition, on April 21, 1966, I attended a meeting of the Congress of American Fishermen directors in Seattle in emergency session on this subject of Soviet encroachment. Our group was not a member of the CAF at this time, but we are now in the process of joining, but regardless of this, I did attend the meeting and made comments to the group as to our group's feeling and participated in the discussion. The meeting—representing the major Pacific Coast fishing vessel owners association, marketing cooperatives and fishermen's unions—voted unanimously to endorse a position calling for the Continental Shelf or 200 miles for fishery jurisdiction. It is important to note that they did not seek an extension of the U.S. Territorial Sea to 200 miles, only a fishery zone similar to that established by Great Britain and other European countries and even Canada to the north. In both cases, I believe that these countries retain their Territorial Sea sovereignty at three miles, merely extending fishery jurisdiction to the distance of twelve miles. In attending the CAF meeting in Seattle, I felt that I had some obligation to conform with the other associations for the more extreme position.

Our greatest fear in twelve mile limit legislation has been that the Congress, upon passage of such law, might feel that the subject of fishery jurisdiction was then established for a long time to come. As a matter of fact, Senator Bartlett noted that it had been some 173 years since the last change. We concluded, therefore, that we might well be better served by opposing twelve miles, thus being in a better position to continue to press for broader jurisdiction which would provide a better measure of protection.

You will recall that Senator Bartlett asked me something like, "Would you rather take twelve miles now, or wait for 100 years to get a 200 mile limit?" I replied that the question was somewhat academic, as there would be no fish in considerably less than 100 years under present conditions—including an extension to twelve miles.

I must admit I was impressed with your statement or question, as to whether I would rather take nothing now and strive for a rainbow. Obviously our work in chasing fish is quite enough without seeking any pot of gold at the end of the rainbow. You must remember, however, that we are fishermen, not professional lobbyists and we are not always properly aware of the difficulties in the passage of legislation or the areas from which objection may come.

It is our sincere belief that broad jurisdiction, which would protect the nation's coastal fishery resources, would be in the national interest. We believe this, not only from the standpoint of the economic contribution the fisheries can make to the gross national product, but from the standpoint that these fisheries can be vital assets in the long range program of feeding the hungry. A number of national nutrition experts have clearly stated that fisheries—through the use of Fish Protein Concentrate—could well be one of the most important means for solving the present 60 percent world animal protein deficiency. If the Soviets and others are allowed to garner these resources, then their use in such world feeding will be against our role toward world peace.

Senator Magnuson, in questioning witnesses the first day of the hearing, made it very clear that we had some "special interests" as a coastal state under the 1958 Fishing and Conservation Convention. He urged the State Department witness, a Mr. Meeker, I believe, to see that this Convention was implemented so that a proper conservation regime could be established. It was his feeling that we should support the bill, also, but that we should make it very clear that this was only a step toward the proper jurisdiction, and that we would not halt our effort at twelve miles, recognizing its inadequacy. I have read Senator Mag-

nuson's statement in the Congressional Record (from Monday, May 16, I believe), which included ten points or so. Though he did not advocate twelve miles, as I recall, he did urge the serious consideration of 200 miles by the State Department. There were a number of immediate programs also, one of which was for the calling of a Third International Conference on the Breadth of the Territorial Sea. If these points are to be implemented, then there is better reason to believe that we will not be freezing ourselves at 12 miles.

Speaking of freezing ourselves, this is another argument against twelve, that we have not emphasized greatly. But it would seem that if the United States moved to twelve, it would provide the leadership for some others to follow, and as more nations center on this margin, it would seem that it would become stronger in International developing law.

In going back over the five objections I raised in my statement, it would seem that the exchange which I had with Senator Bartlett, resolved or clarified almost everything within reason, except for the actual question of breadth of the fishery zone itself.

I appreciate the fact that you asked only for our reconsideration and answer as to position, and I apologize for belaboring the point in this manner, but it is an important issue for us, and it is our judgment that the decisions made at this time will have to be lived with for a long time to come, and I wanted you to be fully cognizant of our thinking.

To answer your question then, may we take advantage of your free advice as counsel. Despite the foregoing, we have your advice and some assurance that twelve miles today is in our best interests, and we are prepared to accept this advised position.

We were pretty clearly advised by other witnesses that any move beyond twelve by the United States would be in violation of our agreements from the Geneva Conventions, and that the only method of adjusting that restriction would be for a third UN Law of the Sea Conference. Would you then help us in pressing for such a third conference on jurisdiction?

With this assurance that the legislation, S. 2218 is only a "step" and that active effort toward securing broader more adequate jurisdiction is forthcoming, I think that we can join with you in working for passage.

On behalf of the members of the Association, may I thank you for your time and courtesy extended to me at the hearing on May 19, and I hope that we can have a closer and stronger relationship in the future. We well appreciate the strong and influential position which you hold on the Senate Commerce Committee and there are many fishery areas upon which we might wish to express our views in the future.

Sincerely,

JACOB J. DYKSTRA, *President.*

Senator PASTORE. We had a Congressman here, Mr. Clausen, who took your position, but he said he realized it would be a long, long time before we could extend it farther and he said for the time being I am willing to accept the 12 miles.

I would review that carefully. I tell you frankly if you fishermen along the Atlantic seaboard begin to take the position that S. 2218 is quite defective in that regard, you are going to lend yourselves to the opposition and not the proponents of this legislation. I want to tell you that.

Mr. DYKSTRA. Thank you, gentlemen. We will do as you suggest and reconsider.

Senator BARTLETT. One final point, Mr. Dykstra. This has to do with your recommendation No. 5, to reciprocity. Do you believe the language in the bill is adequate to cover this?

Look at section 3, the final section.

Mr. DYKSTRA. I don't have a copy of the bill.

Senator BARTLETT. Let me read to you:

Whenever the President determines that a portion of the fishery zone conflicts with the territorial waters or fishery zone of another country, he may establish a seaward boundary for such portion of zone in substitution for the seaward boundary described in section 2.

I believe that will take care of your concern. It is intended to in any case.

Senator PASTORE. You see, Mr. Dykstra, when you talk about 9 or 12 miles, I think you are talking of an area that is approximately and very closely contiguous to the mainland and can be justified on the grounds of sovereignty, whereby you can exploit exclusiveness. When you get beyond that, I think you are in international areas, and there I think you have to begin to sit down and talk with other nations of the world, because there are many, many problems involved.

As I said before, if you can keep a fishing vessel out of an area 400 miles, it may raise a question whether or not, if you have that right, and that jurisdiction, if you can't keep out a cruiser 300 or 400 miles out. And that raises many, many questions. I think that here now you are coming into an area where you might have to work it out through international treaties. So I would give this very, very serious thought if I were you.

Mr. DYKSTRA. In answer to the chairman's question, if it is your opinion that this section covers this, I certainly will go along with that.

Senator BARTLETT. If it isn't, if we discover later the language is not adequate, we will fortify it as the bill goes forward.

Mr. DYKSTRA. Thank you, sir.

Senator BARTLETT. Thank you very much, Mr. Dykstra.

Mr. Felando, please.

STATEMENT OF AUGUST FELANDO, GENERAL MANAGER, AMERICAN TUNABOAT ASSOCIATION, SAN DIEGO, CALIF.

Mr. FELANDO. My name is August Felando. I am appearing before this subcommittee on behalf of the American Tunaboat Association. I am the general manager of this nonprofit cooperative association incorporated under the laws of California, with its principal office of business in San Diego, Calif.

The U.S. tuna fleet is composed of 123 vessels, provided you restrict the fleet to vessels that fish for tuna on a year-round basis and to vessels that have a carrying capacity of no less than 100 short tons of frozen tuna. The gross tonnage of the tuna fleet is 46,627 tons; the net tonnage is 23,162 tons.

The American Tunaboat Association represents 68 tuna vessels, or 54 percent of the total frozen tuna capacity of the U.S. tuna fleet as defined herein. Its members operate from California and Puerto Rico. The principal fishing grounds of the ATA membership is the Eastern Tropical Pacific, that is, off the Western Hemisphere from California to Chile. Member vessels also fish in the Atlantic, off the east coast of the United States. At various times in recent years, vessels of the U.S. tuna fleet have scouted and fished off west Africa and off the Marquesas Islands, Central Pacific.

The U.S. tuna fleet and the U.S. fishing fleet:

The following represents the latest summary of U.S. fishing vessels by tonnage groups for 1963, compiled by the U.S. Department of the Interior for the publication entitled "Fishery Statistics of the United States, 1963."

I just received a printed copy of the statistics for 1964.

States by area	Total vessels	Total tonnage
New England States.....	733	47,581
Mid-Atlantic States.....	599	33,669
Chesapeake.....	1,274	27,031
South Atlantic States.....	1,157	41,811
Gulf States.....	3,369	142,809
Pacific States.....	4,791	143,046
Great Lakes.....	400	7,172
Hawaii.....	56	1,728
Total without duplication.....	11,928	408,778

As these figures indicate, the gross tonnage of the U.S. tuna fleet exceeds the gross tonnage of all of the fishing vessels located in the Middle Atlantic States, or in the South Atlantic States or in the Chesapeake region, or in the Great Lakes, or in Hawaii. The 123 vessel tuna fleet is almost equal to the gross tonnage of the 733 fishing vessels located in the New England States.

At the present time, three tuna vessels are under construction, one ex-military vessel is preparing for conversion as a tuna vessel, and two other new vessels are in the construction planning state. Private funds are being used to build these six vessels. The gross tonnage of these vessels will be about 4,000 tons, with the cost of construction around \$6.6 million. In addition, the U.S. Department of the Interior has approved applications to build five tuna vessels. The gross tonnage of these subsidy-financed vessels will be about 2,500 tons, and construction cost estimated at \$5 million. Hearings have been held or planned on subsidy applications concerning the building of six additional tuna vessels. The gross tonnage of these proposed subsidy vessels will be about 4,500 tons, and construction cost estimated at about \$6.2 million.

In summary, should the above plans for construction continue, 17 tuna vessels having a total gross tonnage of 11,000 tons will soon join the U.S. tuna fleet. The cost of this capital investment would be about \$18.8 million.

Using an estimate of \$2,000 for carrying ton as the construction cost of replacement, the U.S. tuna fleet's present replacement value would be about \$76.2 million.

The U.S. tuna industry and the U.S. fishing industry:

The following statistics can be found in the U.S. Department of the Interior publication, entitled "Fisheries of the United States—1965, C.F.S. No. 4100:"

In 1965, the total U.S. tuna catch came to 373.9 million pounds, the highest recorded catch in the past 10 years. The ex-vessel value of this catch was \$50 million. The value of all canned tuna products at the processor's level in the United States for 1965 came to about \$225 million. Tuna is canned for animal food as well as for human consumption. In addition, tuna is converted for byproduct use as fishmeal, oil, and solubles.

The per capita consumption of canned fishery products in the United States for 1965 came to 4.5 pounds; of canned tuna, the rate was 2.4 pounds. The per capita consumption of all commercially caught fish and shellfish in the United States for 1955 came to 11.0 pounds.

In 1965, the total landings of fish in California was 419.3 million pounds; tuna and tuna-like fish landings came to 285.5 million pounds. The ex-vessel value of the entire California catch was \$51.5 million; tuna represented about \$37 million.

Tuna was No. 3 in percentage of total value (10.1 percent) and in percentage of total volume of catch (6.7 percent), when one reviews the 1965 statistics regarding the fish catch of the U.S. fishing industry.

Position of the ATA on S. 2218:

I have taken the time to report the above statistics because S. 2218 proposes legislation that will seriously damage the efficient harvesting of tuna resources on the high seas by the U.S. tuna fleet. It is for this reason that the American Tunaboat Association takes the position that it opposes the passage of S. 2218.

S. 2218 and its legal consequences:

S. 2218 proposes the establishment of a zone contiguous to the territorial sea. Within this zone, the United States claims the same exclusive rights in respect to fisheries as it has in its territorial sea. In addition, the jurisdiction of the United States is extended to all waters in the zone. With respect to the continuation of traditional fishing by foreign states within this zone, this may be possible if recognized by the United States.

The width of the fishery zone; that is, the distance from the inner boundary to its seaward boundary is 9 nautical miles. The distance from the seaward boundary of the fishery zone to the coastline of the United States is dependent upon the width of the territorial sea of the United States.

It is our contention that S. 2218 establishes a claim of sovereignty that has an indefinite boundary from the baseline of the territorial sea.

We contend it is a unilateral extension of sovereignty.

On page 9, U.S. Department of State Geographic Bulletin No. 3, April 1965, entitled "Sovereignty of the Sea," it is stated:

The United States does not recognize any unilateral extension of either the territorial sea or zones of exclusive fishing rights. In the matter of fisheries, however, agreements between or among interested sovereign participants are recognized.

S. 2218 represents a unilateral declaration by the United States that it has extended its claim of sovereignty from its territorial sea. S. 2218 is in direct conflict with the above statement of policy.

Although S. 2218 employs the word "jurisdiction," the substance of the second sentence of the bill refers to an extension of exclusive rights from the territorial sea to the fishery zone. In 1947, the Supreme Court of the United States described the nature of the interest of the United States in territorial sea, in a case entitled *United States v. California*, stated as follows:

The United States of America is now, and has been at all times pertinent hereto, possessed of paramount rights in, and full dominion and power over the lands, minerals, and other things underlying the Pacific Ocean lying seaward of the ordinary low water mark on the coast of California, and outside of the inland waters, extending seaward 3 nautical miles. . . . The State of California has no title thereto or property interest therein. (*United States vs. California, Order and Decree*, 332 U.S. 804, 805.)

The words "other things" obviously means in this statement inclusion of fishery resources. Thus, when S. 2218 states that "the United States will exercise the same exclusive rights in respect to fisheries in the zone as it has in its territorial sea," such language refers to the sovereignty that is claimed, asserted, and maintained by the United States in its territorial sea. Or as stated by the Supreme Court, *supra*, those "paramount rights in, and full dominion and

power over the lands, minerals, and other things" or fisheries to the absolute denial of other states unless so permitted by the United States. That such interpretation is correct seems supported by the language of S. 2218, when it refers to the possibility of permissive recognition by the United States as to traditional fishing by foreign states. Further support for this view can be argued by referring to the action taken by Congress when it enacted the Submerged Lands Act (43 U.S.C. 1301), and the law that prohibits fishing by foreign vessels in U.S. territorial waters, Public Law 88-308, 88th Congress, S. 1988, May 20, 1964.

It is also the position of ATA that this bill proposes an indefinite boundary from shore.

At the present time, the width of the territorial sea of the United States is 3 nautical miles seaward of the ordinary low-water mark on the coastline, and outside of the inland waters. As such, the distance from the seaward boundary of the fishery zone as proposed by S. 2218 to the inner boundary of the territorial sea of the United States would be 12 nautical miles. Should the territorial sea of the United States be extended to 6 miles or 9 miles or 12 miles, the distance from the Seaward boundary of the fishery zone to the baseline of the territorial sea of the United States would increase necessarily under S. 2218 to 15 miles, 18 miles, or 21 miles.

One must accept my contention that S. 2218 proposes an indefinite boundary from the baseline of the territorial sea, because it is a fact that international practice will not be uniform as regards the delimitation of the territorial sea until the breadth of the territorial sea is fixed by international agreement. In this respect, therefore, S. 2218 establishes a novel and dangerous proposal for review by the world community.

Should other nations also take unilateral action to establish a fishing zone as proposed by the United States, millions of square miles would be lost to the regime of the high seas. In addition, the concept proposed by S. 2218 would increase the indefiniteness in the world community regarding the commencement of the high seas. As there now exists difficulty in establishing a uniform international practice regarding the breadth of the territorial sea, so also would there exist a difficulty in establishing a uniform international practice regarding the breadth of the fishery zone.

In the opinion of ATA and my own, S. 2218 proposes a concept unsupported by international law.

S. 2218 represents a novel proposal in that it would allow the breadth of the fishing zone plus the territorial sea to exceed 12 miles. In this respect, therefore, S. 2218 represents a position that lends support to the maritime zone claims of various Latin American countries.

It cannot be argued that S. 2218 is identical to the action taken by the European Fisheries Conference in 1964. In the first place, the Fisheries Convention adopted in London was not a unilateral declaration; 14 governments were involved in an international agreement regarding fisheries. In addition, the Convention limited the fishery zone to 12 miles measured from the baseline of the territorial sea. Also, it was agreed that the coastal state had an exclusive right to fish and exclusive jurisdiction in matters of fisheries within a belt of 6 miles measured from the baseline of its territorial sea.

It also provided as follows:

Within the belt between six and twelve miles measured from the baseline of the territorial sea, the right to fish shall be exercised only by the coastal state and by such other contracting parties, the fishing vessels of which have habitually fished in that belt between January 1, 1953 and December 31, 1962.

The Fisheries Convention also incorporated the 1958 Geneva Law of the Sea Convention on the Territorial Sea and the Contiguous Zone. The above agreements represent substantial and material differences between the European Fisheries Convention and the action proposed by S. 2218. These differences clearly bring out the unique and untested features incorporated in S. 2218.

I believe it is relevant to refer to the remarks made by Wilbert McLeod Chapman in a paper he presented at the 16th annual session of the Gulf and Carribean Fisheries Institute in 1963. The title of the paper was "The Theory and Practice of the 12 Mile Fishery Limit." Dr. Chapman stated:

I am unaware of any special concept of a 12 mile fishery zone, considered separately from the breadth of the territorial sea, existing before the International Law Commission began its studies. (Note: The ILC began its studies in 1949 and presented its final report in 1956). To the best of my knowledge this concept arose as a special entity during these two (Geneva law of the Sea) conferences as a compromise to gain votes for a narrower than 12 mile territorial sea, rather than arising from any pre-existing fishery problem or concept. Prior to this time, where a nation claimed exclusive rights to fishing within 12 miles of its coast this was because it claimed a 12 mile territorial sea. These countries were few in number.

* * * during the 1958 conference * * * Colombia * * * proposed that there be a 12 mile territorial sea plus a 12 mile zone of exclusive fishery jurisdiction. The only affirmative vote it got was that of the sponsor.

During the 1960 Law of the Sea Conference in Geneva, the United States, together with Canada, proposed as a compromise a 6-mile territorial sea plus a 6-mile fishing zone. The measure narrowly failed passage by the necessary two-thirds majority. As stated previously, the European Fisheries Conference used the device to effect a compromise agreement among its many nations. It is clear, therefore, that the concept proposed by S. 2218 has been used in international conferences for extremely limited purposes.

S. 2218 and the 1958 Geneva Law of the Sea Conventions:

The concept of a fishery zone as proposed by S. 2218 is objectionable on the ground that its passage would cause a serious impact on the Geneva Conventions that have been ratified by the United States.

I might add I would also incorporate the views of Dr. Chapman with regard to its impact on State laws.

According to article I of the Convention on the High Seas, which was ratified by the United States and which entered into force on September 30, 1962, the term "high seas" was defined to mean "all parts of the sea that are not included in the territorial sea or in the internal waters of a State." S. 2218 represents an attempt to unilaterally regulate fisheries beyond the territorial sea or on the "high seas" or on a newly conceived part of the ocean called a zone. Either such action involves an extension of sovereignty or it does not. I believe S. 2218 does involve an extension of the sovereignty of the United States beyond its territorial sea. If this is so, then it would appear that S. 2218 has disregarded the Convention on the Territorial Sea and the Contiguous Zone as well as the Convention on the High Seas.

In part I, article 1, it is stated that—

The sovereignty of a State extends, beyond its land territory and its internal waters, to a belt of sea adjacent to its coast, described as the territorial sea.

In article 1 of the Convention on Fishing and Conservation of the Living Resources of the High Seas, it is stated in part as follows:

All States have the right for their nationals to engage in fishing on the high seas. * * *

In my opinion, S. 2218 cannot be passed without doing complete violence to the language and intent of the Geneva Conventions on the Law of the Sea. This subcommittee should request further information and advice regarding the impact of S. 2218 on this Nation's commitment to support the 1958 Geneva Law of the Sea Conventions, and also I believe with regard to its impact on State laws.

S. 2218 AND ITS EFFECT ON THE 3-MILE TERRITORIAL SEA

In our opinion S. 2218 establishes a dangerous precedent.

It is contended that S. 2218 "would in no way alter the employment of the 3-mile limit for the delineation of our territorial sea." I strongly take issue with this contention. In my opinion, S. 2218 would ring the death knell to the claim that 3 miles is the conventional breadth of the territorial sea. In fact, some of those who support S. 2218 do so on the ground it is necessary to modernize our thinking on territorial sea limits. They say that "we idealistically adhere to antiquated and obsolete 3-mile territorial" sea doctrine.

The passage of S. 2218 would be a unilateral declaration of an extension of sovereignty beyond the territorial sea of the United States. Such action would constitute recognition by the United States of all previous and future unilateral extensions of the territorial sea. Many, if not all, of these actions relate to the extension of the territorial sea from 3 miles to 12 miles or more. In this respect, therefore, the passage of S. 2218 would establish color and precedent to the claim that the 3-mile limit cannot be upheld by the United States as the limit of its claim of sovereignty over offshore waters.

A TERRITORIAL SEA CLAIM DIVIDED CANNOT STAND

My experience with the tuna fleet and its attempt to uncover the meaning of the concept called territorial sea has resulted in some personal conclusions. I have concluded that a claim of territorial sea is meaningless unless such claim is asserted and enforced. Should S. 2218 be passed, the fishery zone claim must be enforced if it is to be meaningful. As this process of enforcement develops, the presence of sovereignty and all of its characteristics increases in number and pressure and becomes overpowering. In effect, all of the essential characteristics of government action that is required to assert and maintain the territorial sea concept is necessarily involved in the implementation of the claim proposed by S. 2218. In time, the ability to distinguish the difference between the territorial sea and the fishery zone becomes unnecessary, and as such, the need to have two zones disappears into a zone that requires more protection. And, in this way will the 3-mile zone disappear from the scene should S. 2218 become law.

In my opinion, the division of sovereignty over two parts of the offshore waters is mere legal artifice, and can only lead to the destruc-

tion of that part which has little need of enforcement by the Government. The fishery zone will require extensive enforcement, and as such, the 3-mile territorial sea will become either coexistent with the limits of such fishery zone or face atrophy through indifference of enforcement.

We believe it would provide no solution to the problems of access to tuna fishing grounds.

The U.S. tuna fleet has had considerable difficulty in maintaining its freedom to fish on the high seas as recognized by the United States. Since January 1, 1966, five tuna vessels have been harassed or seized off Latin America. On February 3, 1966, the *Day Island*, a tuna vessel converted from a military vessel at a cost of \$1.2 million in 1963, was seized while traveling some 8½ miles off the coast of Columbia. Eight of its 16 crewmembers were forced to board a Colombian naval ship. The vessel was detailed in port for a period of 16 days. The owners were fined \$5,000 and they were fortunate in not having the partial load of 300 tons of tuna valued in excess of \$100,000 confiscated. Port charges alone exceeded \$2,500 during the period of detention. Loss of fishing time and prospective catch has been conservatively estimated at \$50,000. Under the U.S. Vessel Protective Act, the owners only have a claim for the \$5,000 fine. The captain of the Colombian vessel claims he saw the *Day Island* fishing before interception. The master of the *Day Island* claims he was traveling and not fishing. At the time of interception, it was clear that the *Day Island* was not fishing, and it was also clear that the issue of hot pursuit was not involved. The *Day Island* veered off course to meet the Colombian vessel. The Colombian Government believed its naval officer.

On February 3, 1966, the tuna vessel *Sun Europa* was seized after it made its set 13 miles off the coast of Panama, and after it drifted within the 12-mile territorial sea claimed by Panama. The owners were fined \$10,000. The Panama National Guard used sport fishing vessels and an aircraft owned by a sport fishing hotel owned and operated by U.S. citizens in Panama to effect the seizure.

In April 1966, the tuna vessel *Mauritania* was seized some 50 miles off the coast of Peru. And during the same month, the vessel *Nautilus* was stopped and boarded some 25 miles off the coast of Ecuador.

Just last Thursday, the *Day Island* was again seized, by Panama, at a point some 29 miles off the coast. The owners were fined \$10,000. Although the vessel was on anchor in 53 fathoms of water, some 29 miles off the coast and 90 miles from the Canal Zone, the master was unable to receive government assistance to remove the armed guards from the vessel. The day prior to the seizure, this vessel and three others were buzzed by the aircraft owned by the U.S. citizen. The Panama soldiers used the U.S. citizen's sport fishing vessels to stop, board, and seize the *Day Island*. Just this last Sunday, other tuna vessels were buzzed by this same airplane.

The story of harassments and seizures was worse in 1965. In December, it was the *Mary Barbara*, a tuna vessel that entered a Peruvian port with permission to obtain repairs, but was required to pay a fine of \$1,000 to obtain a release. On December 2, 3, and 6, tuna vessels were buzzed by Peruvian aircraft at points 35 to 65 miles off the

Peruvian coast. On December 6, the master and mate aboard the tuna vessel were slightly wounded with shotgun pellets fired from a Peruvian naval vessel. A speedboat owned by the *Mayflower* was hit, sunk, and then stolen by the Peruvian vessel. Complete photographs of the entire incident were made available to our Government.

On June 5, the vessels *Sun Jason* and *Clipperton* were seized. The former entered port to remove a sick man, and was required to pay a license fee in order to be released. The latter entered port to perform repairs. It was detained 10 days, required to pay for a fishing license at a cost of \$3,564, and a fine of \$7,128. On June 11, the *San Juan* was stopped, shot at, and seized 44 miles off Peru. He paid \$6,000 for two licenses to obtain his release. On June 13, the vessel *Hornet* was seized 96 miles off the coast of Peru. He was required to pay for a license. On October 5, 1965, the *White Star* was seized some 15 miles off the coast of Ecuador and fined about \$11,000 after a 3-week detention in port.

In all of these instances the only recovery was for the fine actually imposed and paid.

S. 2218 won't solve these problems. In my opinion, S. 2218 will aggravate and increase our seizure problems. If anything, S. 2218 will be used by many Latin American countries to justify their concept of the "Maritime Zone." As stated in the Santiago Declaration of 1952:

The Governments of Chile, Ecuador, and Peru therefore proclaim as a principle of their international maritime policy that each of them possesses sole sovereignty and jurisdiction over the area of sea adjacent to the coast of its own country and extending not less than 200 nautical miles from the said coast.

We believe S. 2218 provides a basis for interfering with the effective utilization and conservation of the tuna resources.

We believe it establishes a protection zone for those who fear competition from efficient fishermen.

To effectively fish the tuna resources of the eastern tropical Pacific, the fishermen must be able to scout for and follow the migration movements of the tuna. In some years, yellowfin tuna will concentrate mainly in waters off Central America, or off Mexico, or off Peru and Ecuador. In most years, skipjack will be found in concentrations off South America or in parts of the year along the entire fishing range. In some months, bluefin tuna will be off California and Baja California. Tuna tagged off Panama have been caught off Chile, California, and 600 miles west of the Galapagos Islands. Skipjack tuna tagged off Mexico have been caught in Hawaii and Christmas Island.

Bluefin tuna tagged off California have been caught off Tokyo, Japan. The tuna fishery is international; we believe no nation can claim unilateral control or ownership over such fishery. S. 2218 provides a basis for other countries to assert such control and ownership, to the injury of the U.S. tuna fishery and to the consumer of tuna products.

We believe S. 2218 establishes a protection zone for those who want to frustrate conservation controls on an international fishery such as tuna.

The concept of fishery zones as proposed by S. 2218 could be used to seriously harm the effectiveness of conservation measures. Fences designed to keep out foreign fishing vessels for nonconservation reasons could endanger the conservation efforts in the tuna fishery of the eastern tropical Pacific.

We believe also S. 2218 will affect the claims of damaged vessel owners filed under the U.S. Vessel Protective Act.

Under the U.S. Vessel Protective Act (Public Law 680, 83d Cong.), a vessel owner can recover the amount of the fine only in a case where "a vessel of the United States is seized by a foreign country on the basis of rights of claims in territorial waters or the high seas which are not recognized by the United States." Should S. 2218 become law, what would happen in a case where the vessel was seized beyond the 3-mile territorial sea but within 9 nautical miles of the outer limits of such territorial sea? It would appear from the above language of the U.S. Vessel Protective Act that the vessel owner would not recover the amount of the fine imposed.

At the present time, there exists very little difficulty for our vessels to determine whether they are within 3 miles of any coastline. This is true even though loran facilities are not existent on the coast of Latin America. Navigational difficulties will arise in determining whether the distance is 12 miles off the coast. Because most of the vessels are purse seiners, they become practically immobilized after setting their nets. As such, they become victims to tides and currents. In practically all cases, these water movements head toward shore and cause the vessel to drift in the same direction. S. 2218 will increase the practical difficulties of knowing the vessel's distance offshore when scouting for tuna. And, it will cause hardship in those cases where purse seiners may make a set on tuna outside the limits but drift inshore into a situation where recovery under the U.S. Vessel Protective Act will be denied. The net effect of this action will be to deny U.S. tuna vessels access to tuna grounds for searching and catching purposes. The loss resulting to the fleet will not be mortal, but it will be severe in that the fleet's ability to compete with foreign competition will be seriously affected. The loss will be felt to a greater degree during the years when conservation controls are implemented by the Government.

We also believe S. 2218 increases the opportunity of foreign-flag tuna fishing vessels to land their catch in a port of the United States.

Under the Nicholson Act (46 U.S.C. 251) "no foreign-flag vessel shall, whether documented as a cargo vessel or otherwise, land in a port of the United States its catch of fish taken on board such vessels on the high seas or fish products processed therefrom, or any fish or fish products taken on board such vessels on the high seas from a vessel engaged in fishing operations or in the processing of fish or fish products."

At present, the high seas is the sea that is not included in the territorial sea of the United States. S. 2218 changes this definition, and presumably it would apply to the Nicholson Act to the injury not only of the U.S. tuna fleet but to practically all of the fishing fleets of the United States. Canadians, who catch herring within 3 miles of the coast can land their catch in a port of the United States. Should S. 2218 be passed, these Canadians can expand their opportunity to catch fish in their waters and land the fish in a port of the United States. Because S. 2218 allows them to catch the fish within 12 miles of the coast, S. 2218 will seriously affect the application of the Nicholson Act to the injury of U.S. fishermen. Instead of limiting the opportunity of foreign fishermen to harm the U.S. fishermen, S. 2218 permits the foreign-flag fishing vessel to expand its ability to market its catch in the United States.

S. 2218 AND ITS USEFULNESS TO THE U.S. FISHING INDUSTRY

As Dr. Chapman has stated in his article "The Theory and Practice of the 12-Mile Fishery Limit":

It is clear that a 12 mile fishery limit will do the United States no good with respect to its major fishery problems in the area north of the Columbia River, and will damage its minor fishery interests somewhat, but perhaps in no critical fashion.

On the Atlantic side the answer one comes out with is precisely the same.

Furthermore, a 12 mile rule off Canada and the United States would not materially affect the yield of the Russian fleets.

I further agree with Dr. Chapman that the 1958 Convention on Fishing and the Conservation of the Living Resources of the High Seas is the proper tool to be used in handling fishery conservation problems. S. 2218 cannot be relied upon to solve such problems or those of U.S. fishery development.

For the above reasons, the American Tunaboat Association opposes the passage of S. 2218.

Senator BARTLETT. Mr. Felando, frankly I must say from the examples you have given of tunaboats being seized time after time by the South and Central American countries, taken into port, fined, fishing time lost, that I can't see what difference it would make if we extended our fishing zone to 12 miles or 1,200 miles. How is it going to charge the situation down there?

Mr. FELANDO. Except this, that at the present time we are able to place sufficient pressure on the State Department to at least seek those routes that might ultimately achieve an agreement with those countries regarding our activities off their coasts.

Senator BARTLETT. Actually and factually—I asked this question yesterday of the State Department, I will ask it of you today—has any real progress been made?

Mr. FELANDO. You will recall the statement made by the State Department representative. There are times when things can't be said publicly. The only thing I can say is that I am not defeated in my hope that we will ultimately obtain some sort of understanding with those countries down south, if not, an express agreement. We don't seem to have a reduction in the number of incidents. However, I think that we do have now an understanding in the State Department of the serious consequences of these seizures, and I feel that they are applying an effort towards a resolution of these problems, more so now within the last year than prior to this time.

So in this respect, while progress is somewhat difficult to discern, I cannot say that there has been no progress.

Senator BARTLETT. It was Ernest Hemingway who said "Man may be destroyed but not defeated." You fit within that definition, you are not defeated yet.

Mr. FELANDO. I am still around, our fleet is still around, we are still fishing.

Senator BARTLETT. You are still fishing, but under very adverse conditions. Do you believe that these negotiations—and it is understandable that everything that is being done can't be made public—but let me ask you this question, you are a man filled with hope, filled with confidence that the future will be better than the past or the present, do you believe that a satisfactory conclusion of these negotiations will result in these countries to the south narrowing the belt of their fishing zones?

Mr. FELANDO. As to whether they will agree with us on a narrow belt or not, I don't see that in prospect at the present time.

Senator BARTLETT. So not matter what—

Mr. FELANDO. I see a possibility, however, of an agreement to disagree, which seems to be a fad nowadays.

Senator BARTLETT. Yes; and I wish it weren't so. I can't see any prospect in the immediate future or in the intermediate future or perhaps even the distant future for a situation arising which will prevent these people from taking your boats, because I am afraid that next month and next year and the year after, if I am still around, we will still be getting wires from you and we will try to do what we can on this situation.

But I can't see any improvement whatsoever in your situation, which is sorrowing, and which is bad for everyone concerned, insofar as the fishing industry is concerned.

Why do you say, Mr. Felando, that S. 2218 proposes the establishment of a zone contiguous to the territorial sea and within this zone United States claims the same exclusive rights in respect to fisheries as it has in its territorial sea?

Mr. FELANDO. That is exactly the language of the act, of the bill, in fact you recall—

Senator BARTLETT. The bill says something quite different I believe. The bill applies singularly to a fishing zone. Well, that is what you said, excuse me.

Mr. FELANDO. Yes.

Senator BARTLETT. That is what I want to get at: You said in addition the jurisdiction of the United States is extended to all waters in the zone. That was brought before us yesterday by the State Department, and some language change was suggested, and the committee expressed the belief that there would be no great difficulty in accepting this.

Would this be satisfactory to you, insofar as that particular provision is concerned?

Mr. FELANDO. I think that the State Department, the Legal Office of the State Department, says in the substance of the language the difficulty of determining when sovereignty stops and I think this is the basic dispute here. Some people contend that there is no indicia of sovereignty in this zone and they tried to cure-up this possibility when they made the recommendation that the word "jurisdiction" be eliminated. But I think that whatever form you use or whatever language you use, I think the language of the Supreme Court is a relevant language here, and I think you assert dominion and control over fishery products in the territorial sea and when you want those rights extended beyond the territorial sea, I think you are extending all of the characteristics of sovereignty. I think you can't—

Senator BARTLETT. All of them? You believe we are extending in this bill all of the characteristics of sovereignty.

Mr. FELANDO. I say whether you take a part of it, or three-quarters of sovereignty, you are still extending sovereignty. I think that is the difficulty here. I think while we don't use the word sovereignty and jurisdiction as the South Americans do, we delete them from the bill, but I think the substance of the language would find an interpretation that sovereignty and jurisdiction exist in this zone.

Senator BARTLETT. The quotation you gave from the Supreme Court in the 1947 opinion was based upon a situation which will not exist if this bill becomes law. Let us say that your association were to bring a court test. The Supreme Court would necessarily, would it not, give some cognizance to the act which this bill would have become?

Mr. FELANDO. Yes, and I think as the act states specifically you are just transferring exclusive rights that you would have in the territorial sea to this zone. And I think you are stuck with an extension of sovereignty, however you want to call it.

Senator BARTLETT. To the point where the right of innocent passage would be denied?

Mr. FELANDO. I think that we are finding in our experience down south that innocent passage as to fishing vessels is nonexistent. So I think to the extent that certainly the innocent passage of fishing vessels would be affected, yes.

Senator BARTLETT. We haven't been able yet to catch those who are fishing illegally within the 3-mile limit, so I think it will be quite awhile before this fear will confront us.

Mr. FELANDO. I don't understand that of course. The ex-U.S. vessels that have been transferred to the Latin Americans do an effective job on us. I can't understand how the newer vessels that replaced those in the United States can't do an effective job you have here.

Senator BARTLETT. Maybe our difficulty is we don't have any hotel owners with small airplanes to loan to us.

Now, Mr. Felando, you quoted Geographic Bulletin No. 3 dated April 1965 of the U.S. Department of State. The quotation was in these words, with your emphasis added:

The United States does not recognize any unilateral extension of either the territorial sea or zones of exclusive fishing rights. In the matter of fisheries, however, agreements between or among interested sovereign participants are recognized.

without checking your source, I will take this as gospel.

Mr. FELANDO. I have it right here.

Senator BARTLETT. But obviously on May 18, 1966, the State Department, as it has every right to do, changed its mind on that, because it didn't oppose the passage of this bill which would extend the fishing zone.

Mr. FELANDO. Do you wish me to comment on that?

Senator BARTLETT. Oh, sure.

Mr. FELANDO. I would like to get a copy of the letter sent to Congressman Wyatt, because if you recall, when he read that or portions of that letter, they discuss the fact that they oppose any unilateral extensions. As I recall the substance of the statement made by the State Department, they made a very limited statement insofar as they said that they were of the opinion that S. 2218 was compatible with international law.

In view of what is happening with respect to the practice of international law today, it would be very difficult for anyone to argue with that particular statement. I think they made a very limited, very precise statement.

Senator BARTLETT. On the contrary, I insist they made a statement entirely unlimited. I wanted to read two pertinent sentences to you from the letter dated May 18, to Chairman Magnuson, signed by

Douglas MacArthur II, Assistant Secretary for Congressional Relations. And I quote:

In view of the recent developments in international practice—
parenthetically I shall say I will assume that these occurred since April 1965 and then continue with the quotation—

action by the United States at this time to establish an exclusive fishery zone extending 9 miles beyond the territorial sea would not be contrary to international law and it should be emphasized that such action would not extend the territorial sea beyond our traditional 3-mile limit and would not affect such traditional freedoms of the sea as freedom of navigation or of overflying.

Mr. FELANDO. Of course lawyers differ, I guess. I note the American Bar Association recommended the establishment of a speaker study group to talk over this particular subject. And I feel that there would be differences of opinion as to their conclusion about what constitutes international law and the impact of this particular legislation on the conventions and with reference to what people think is international law.

Senator BARTLETT. Well, I don't doubt that, I know there is a difference of opinion. But as far as this committee is concerned, it must give weight, great weight, in this instance, to the views of the Department of State. It doesn't always.

I simply can't follow your conclusion, Mr. Felando, that in time ability to distinguish the difference between the territorial sea and the fishery zone becomes unnecessary and as such the need to have two zones disappears into a zone that requires more protection. They are divorced, separate, and always will remain so. But there again we disagree.

Mr. FELANDO. Yes.

Senator BARTLETT. You said later on "If anything, S. 2218 will be used by many Latin American countries to justify their concept of a maritime zone." Are they seeking an excuse, or aren't they just going ahead and following their own proclamation?

Mr. FELANDO. Well, the interesting thing, of course, is that the Latin Americans got together, the three countries got together and came out with the declaration, which is a little different than what S. 2218 would be. This would be a unilateral action on the part of the United States. I think they would use this to their advantage to uphold their position.

Senator BARTLETT. I have 14 million more questions, but the hour grows late and I am going to ask Mr. Foster if he has any questions.

Mr. FOSTER. I would just like to clear up one point.

On pages 9 and 10 of your statement you refer to the Nicholson Act, which provides that—

No foreign vessel shall, whether documented as a cargo vessel or otherwise, land in a port of United States, its catch of fish taken on board such vessels on the high seas * * *.

I gather in light of the State Department's statement on this, and the record that has been made up to this point, emphasizing that this does not change the breadth of our territorial seas, that your understanding would be that the Nicholson Act would not have the effect that you suggested? Your suggestion is predicated on this legislation changing the breadth of our territorial sea and therefore the high seas.

Mr. FELANDO. Yes. I say that because of discussions I had with State Department people with regard to the effect on the U.S. vessel

protective act, and it has the same language, and I think that the same interpretation would be made with regard to the Nicholson Act, because the same language is there. You have the inland waters, territorial seas, or high seas.

Now you have a zone. And it appears that this zone is something that is between the high seas and the territorial sea.

Mr. FOSTER. Of course, as you well know, this zone is nothing new. The Convention on the High Seas, particularly the one relating to the territorial sea and contiguous zones, itself, recognizes that special zones can be set up under international law.

Mr. FELANDO. I would like to comment on that. The contiguous zone concept in part 2 of the convention specifies that in my opinion that it deals with the infringement of controls and specifies very clearly what areas they are talking about. Namely, as I recall, sanitation—

Mr. FOSTER. Customs, physical—

Mr. FELANDO. Customs, physical, immigration. They are talking about regulations. There is no mention at all about fisheries. In fact, fisheries are mentioned as one of the freedoms in a Convention on the High Seas. The other thing, of course, is that S. 2218 is in conflict with regard to the extent of this—if you are going to say that S. 2218 is likened to a contiguous zone, then it actually conflicts with the language of part 2, because there is a definite limitation on the extent of the contiguous zone from the coastline; namely, no more than 12 miles from the breadth, from the baseline, from which the breadth of the territorial sea is measured. There is no such limitation like that in S. 2218.

Mr. FOSTER. Thank you, Mr. Chairman.

Senator BARTLETT. You don't see any comparison at all, Mr. Felando, between what is proposed to be done here and the actions of the European and other nations in establishing a 12-mile zone?

Mr. FELANDO. Well, what they did in Europe, they apparently became dismayed and disappointed with the results of the Geneva Convention—

Senator BARTLETT. I beg your pardon?

Mr. FELANDO. I believe they became—I think they were disappointed with the results of the 1960 Geneva Conventions, the fact that nothing was done. They then resolved their differences by an agreement involving 14 nations and they got together and resolved their differences and came out with a compromise solution.

The essential differences, therefore, between what we are doing here and what the Europeans did, they got together and they came out with an agreement. I therefore would have little basis for objecting to doing it in the way the European fisheries conference handled the problem. But to do it unilaterally, I can't see.

Senator BARTLETT. How did Canada do it?

Mr. FELANDO. Of course, Canada, as I understand it, did not ratify the Geneva Conventions. And Canada has come out unilaterally with their statement or declaration of a fishery zone beyond the territorial sea.

Senator BARTLETT. They did it unilaterally?

Mr. FELANDO. Yes, they did.

Senator BARTLETT. How about Iceland? Were they a member of this European group?

Mr. FELANDO. No.

Senator BARTLETT. They did it unilaterally?

Mr. FELANDO. Of course what they did there, their fishery zone is coextensive with their territorial sea, so sovereignty of the territorial sea and sovereignty of the fishery zone are coextensive.

Senator BARTLETT. But 12 miles in any case?

Mr. FELANDO. Yes. In other words, what they did is they extended their sovereignty full scope.

Senator BARTLETT. When India went out to 100 miles, did it do it on its own?

Mr. FELANDO. I don't know how India did it.

Senator BARTLETT. Ireland?

Mr. FELANDO. Ireland is part of the European Fisheries Conference.

Senator BARTLETT. Italy?

Mr. FELANDO. It is also.

Senator BARTLETT. Korea has taken jurisdiction over the Continental Shelf. Was that by way of an agreement or did they do it unilaterally?

Mr. FELANDO. They did it on their own, that is my understanding.

Senator BARTLETT. How about Morocco?

Mr. FELANDO. I am not familiar with Morocco, but I believe that their territorial sea is also 12 miles.

Senator BARTLETT. Pakistan?

Mr. FELANDO. I am not familiar with the way Pakistan established their fishery zone, but I understand it is 3 and 12, territorial sea of 3 and a zone of 12. I am not sure on this.

Senator BARTLETT. Norway was part of the European Conference?

Mr. FELANDO. No, they refused to sign the agreement, as I understand.

Senator BARTLETT. They went out unilaterally before then?

Mr. FELANDO. Yes.

Senator BARTLETT. South Africa, 12 miles.

Mr. FELANDO. Yes. Six and twelve.

Senator BARTLETT. On their own?

Mr. FELANDO. Pardon?

Senator BARTLETT. Did they do it on their own?

Mr. FELANDO. I really don't know.

Senator BARTLETT. How about Spain?

Mr. FELANDO. Spain is part of the European Fisheries Conference.

Senator BARTLETT. Switzerland didn't do anything at all.

Mr. FELANDO. I understand they are planning a tuna fleet. I really don't know. That is of course a land-locked nation. I don't know their position on the territorial sea. I just hoped to get a little humor in here. It has been a pretty sad 2 days.

Senator BARTLETT. Vietnam, I assume that is South Vietnam, goes out 20 kilometers.

Mr. FELANDO. I have a listing here. The trouble with this, I have this geographic bulletin put out by the Department of State, in April 1965, and I think I am a little familiar with the recent list that you incorporated in the Congressional Record, the listings there. I have a listing of North Vietnam, a claim of territorial sea of 12 miles, and South Vietnam, your listing shows Vietnam, I think, 20 kilometers.

Senator BARTLETT. Yes. We treasure this list. We had a terrible time getting it.

—Thank you, Mr. Felando.

Late as the hour is, we have two witnesses from Oregon who want to depart today, so I think we will hear them now.

Mr. FELANDO. Senator, I have this one page that updates the statistics in my statement, that I would like to make a part of the record.

Senator BARTLETT. It shall be done.

(The above-mentioned information follows:)

General review—Summary of U.S. fishing vessels by tonnage groups, 1964

Gross tonnage	New England	Middle Atlantic	Chesapeake ¹	South Atlantic	Gulf	Pacific	Great Lakes ²	Hawaii	Total exclusive of duplication
5 to 9	36	51	758	218	222	929	65	1	2,272
10 to 19	127	139	278	247	819	1,873	195	15	3,665
20 to 29	89	93	65	156	452	667	80	17	1,574
30 to 39	80	71	27	170	451	374	27	10	1,130
40 to 49	57	53	14	138	429	267	20	8	899
50 to 59	46	42	13	59	293	109	2	4	521
60 to 69	44	30	6	42	552	54		1	697
70 to 79	48	31	15	13	218	36	1	1	326
80 to 89	22	8	3	3	49	32			112
90 to 99	22	1	2	2	11	26			63
100 to 109	16	5	2	1	6	20			46
110 to 119	32	14	6	1	2	16			60
120 to 129	14	4	4	3	2	16			36
130 to 139	12	1	2		2	11			27
140 to 149	10	5	7	3	6	7			29
150 to 159	14	3	3		1	2			19
160 to 169	8	1	1		6	11			27
170 to 179	6	5	1	1	5	3			20
180 to 189	3	4	3	2	7	9			25
190 to 199	5	29	12	17	13	16			66
200 to 209	1								1
210 to 219	3				3	2			8
220 to 229	3	4	1	3	5	1			14
230 to 239	3	3	1	2	4	2			12
240 to 249	3		2	4	1				9
250 to 259	2	1	5	7	3	2			15
260 to 269	3	1	5	4	3	3			16
270 to 279						5			5
280 to 289		2	1	2	1	1			4
290 to 299	2	1	1	2	1	3			7
300 to 309	2	2		2	2	2			6
310 to 319	2	2		1	3	4			10
320 to 329	2		1	1	1	2			6
330 to 339						2			2
340 to 349						4			4
350 to 359						6			6
360 to 369						5			5
370 to 379			1	1		2			3
380 to 389		1	1			3			3
390 to 399						2			2
400 to 409						1			1
410 to 419					1	3			4
420 to 429						2			2
430 to 439						4			4
440 to 449						3			3
450 to 459	1			1		2			4
460 to 469					1	2			3
470 to 479	2				5	12			17
480 to 489			1		2	2			5
490 to 499						1			1
520 to 529						1			1
530 to 539	1	1	1	1		1			1
540 to 549			1	1					1
580 to 589						1			1
590 to 599						1			1
600 to 609					1	1			1
610 to 619					1				1
630 to 639						1			1
640 to 649					1				1
680 to 689			1						1
720 to 729						1			1
800 to 809						1			1
810 to 819						1			1
Total vessels.....	721	608	1,245	1,108	3,582	4,567	390	57	11,806
Total gross tonnage....	47,084	33,293	28,509	42,230	151,665	141,188	7,154	1,722	415,330

¹ Includes sailing vessels.

² Includes 4 vessels operated in Lake Winnebago.

Senator BARTLETT. First we will call on Mr. Neblett, who I understand wanted to put his statement in the record.

**STATEMENT OF WILLIAM R. NEBLETT, EXECUTIVE DIRECTOR,
NATIONAL SHRIMP CONGRESS, KEY WEST, FLA.**

Mr. NEBLETT. Thank you, Mr. Chairman. I have a brief statement, Mr. Chairman, and I think as we go along you will notice that there is no particular position taken here with regard to 12 so much as an alarm over claims that go a great deal more than 12, farther out.

I represent the National Shrimp Congress and the statement is as follows:

The Gulf of Mexico and South Atlantic areas are important fishing regions, and in dollar value the U.S. fishery in the Gulf of Mexico accounts for some 27 percent of all domestic fisheries. Also, with the possible exception of Alaska, the Continental Shelf area in the Gulf of Mexico is larger and more pronounced and prolific than in any other region.

At the southern tip of Florida we are but 90 miles from Communist Cuba, and are thus permanently vis-a-vis a hostile fishing base. Even before S. 1988 became law, Florida protected its fishermen by State legislation under which four Cuban fishing vessels were seized in 1963 and tried in a State criminal court. The Supreme Court of the United States has recently refused certiorari, giving tacit approval to this act of a State. No Cuban vessels have since ventured to defy our fishing laws.

It is the position of the National Shrimp Congress that international laws, in effect, has many principles and devices to protect our fisheries which are not being fully understood and utilized. The 1958 Convention on Fisheries, just recently ratified and in force, lay down guidelines for true conservation. While the 1960 U.N. Conference on Territorial Sea and Contiguous (Fishing) Zone did not reach full agreement, it lacked but one vote of so doing, so that the principles there established by the community of nations provide additional guidelines. Testimony so far at these hearings has emphasized the 6-plus-6 formula proposed by the United States and Canada, but has overlooked the amendment which was adopted before the vote on 6 plus 6, and which was included in the final vote. This amendment was for the specific interest of the coastal State, giving it preferential further fishing rights in any areas of the high seas adjacent to its exclusive fishing zone when it could be scientifically established that a special situation or condition made the exploitation of the living resources of the high seas in that area of fundamental importance to the coastal State or the feeding of its population.

Even the Truman proclamation of September 26, 1945, spoke of fish in these terms:

Having due regard to conditions peculiar to each region and situation and to the special rights and equities of the coastal state and of any other state which may have established a legitimate interest therein.

But even the fishery portion of President Truman's proclamation went by the board when the U.S. became a solemn signatory of the 1958 Convention on the Continental Shelf, adopted by an overwhelming majority of nations, and quickly ratified. In article 2, paragraph 4 of

the convention, the term "natural resources" is specifically defined to exclude fish.

If we now seek to identify fish and shelf together, it will be necessary to denounce this convention, which was primarily designed for oil and minerals, and open the matter up at another international conference, or else renege on our signed obligation on the shelf.

None of this will be necessary if we can calmly and patiently assess our problems and apply solutions already available. A great step forward is being taken with Senate Joint Resolution 29 to meet the first criteria: scientific information. This may take a little time, but it is not only an orderly procedure, but will give us a permanent base and foundation for any future position the United States may desire to take with regard to any U.S. fishery.

No two areas of our country have identical problems, and there is no magic formula which fits all cases. Should we not consider them, case by case, problem by problem, or better stated, fishery by fishery? If one of our important commercial or sport fisheries is slated for extinction, or even serious depletion, and we have sufficient scientific information to prove it, the United States can declare that particular fishery or stock of fish to be in danger; declare a special interest in it; establish proper regulations concerning it; and tell foreigners to stay out unless those foreigners have a historic interest in the fishery, in which case they are still bound by proper conservation regulations. This, I submit, is proper international law at this minute, and the United States helped to make it so. No artificial limits are necessary to protect a coastal fishery and to protect salmon, on a mileage basis, you would have to go past the middle of the Pacific Ocean.

Mr. Chairman, I submit that we fishermen should leave matters of defense to the Defense Department and not continue to theorize on the radar installations and depth recorders of foreign fishing vessels. Any Russians who want to know the depth of our coastal waters can walk into a store and buy a U.S. hydrographic chart.

Mr. Chairman, if S. 2218 becomes law as now phrased to include recognition of traditional fishing, it appears that it will preserve to the Japanese—and to some extent the Russians—some privileges which they have acquired up to 3 miles of our coastline. The Japanese have been out there for many years. The United States is well committed to the preservation of historic rights for itself, for example, with Canada, and it would be very difficult to deny it to the Japanese. However, under the formula of special situations applicable to a coastal State we could make regulations, even in the high seas, to protect a fishery from depletion or extinction, and these would apply to any and all nations.

Mr. Chairman, S. 2118 as now written does not state whether the States of our Union will have any jurisdiction over the proposed additional fishing zone. It is not likely that the several States will willingly give up fisheries jurisdiction. Conservation laws, except under treaties, are now made by the individual States, and, in my experience, they vary considerably. In some States the commercial fisheries receive very secondary consideration and are often regulated because of esthetics, with little regard to true conservation or to the interests of important fisheries.

I should like to cite some examples from my home area, which is Key West, Monroe County, Fla., just 90 miles from Cuba. Even when

President Kennedy was making the Russians remove missiles from Cuba, we Key Westers did not panic and flee.

My home county, one of 67 in Florida, lands fish and shellfish of an annual value of about \$6 million—\$3 million is from shrimp, \$2 million from spiny lobster, and about \$1 million is from finfish. The spiny lobster, a \$2 million annual crop, until recently was thought to be reasonably well protected under State law by a 4-month closed season each year. Recent oceanographic research now brings scientific reevaluation. The lobsters that are born in Key West are not the ones we catch there. The Gulf Stream and other ocean currents bring to us in Key West for harvesting spiny lobsters which were born hundreds of miles away in the Caribbean Sea off the coasts of Central and South America.

Mr. Chairman, these homely examples illustrate my aversion to fixed geographical limits. They are against nature itself, as fish do not recognize them. I have not presumed to assess other fisheries, although I mentioned salmon. I recall that king crab in Alaska have been well preserved for us under international law by the Convention on the Continental Shelf.

The gulf-South Atlantic shrimp fishery must be considered as a unit, composed of approximately 5,000 vessels with landings of approximately \$70 million per year, making it the No. 1 fishery in the United States in dollar value. It is a far different fishery from industrial fish, where we speak of tonnage. Many U.S.-flag shrimp vessels fish off the coasts of Mexico and other Central and South American nations. We are not confronted with 200-mile claims. We fish side by side with the Mexicans in the gulf, and they, in turn, benefit by sending their valuable shrimp catch to the U.S. market. We have joined hands with the Mexicans in an association to promote the sale of shrimp. We have few international complications, and some of them are undoubtedly caused by crews of our vessels exceeding their instructions and violating international law.

While the percentage of shrimp produced by U.S.-flag vessels engaged in distant fishing may now be only 15 to 20 percent, at times it has been as high as 27 percent. Distant fishing takes our best, most modern vessels. If they should be precluded from such distant fishing they must perforce fish U.S. coastal waters, where they may well deplete our own stocks and certainly, with larger nets and horsepower, drive the smaller boats into bankruptcy by competition. Upsetting the international balance by flouting accepted international concepts may well cause such reprisals as will result in serious harm to the shrimp fleet. We point out that this fishery has always cooperated with sister fisheries in the United States, supporting abstention for salmon; the Continental Shelf doctrine for king crab, although these doctrines are potentially dangerous as such for shrimp. We believe that each fishery has separate problems for which separate solutions are needed, and that there is no universal panacea which will resolve them, nor do general formulas appear to do more than to aid one fishery partially while being potentially destructive to others.

Mr. Chairman, the gulf-South Atlantic shrimp fishery has never been to Congress asking for any dole or subsidy. Once we sought tariff quota protection which we did not obtain in the face of a national policy of free trade. We respectfully submit that much of the decline of U.S. fisheries has come because of foreign imports rather than from immediate coastal competition and that the economic

impact of such imports could be dealt with in such a manner as to give the United States the control of who will fish our coasts by giving or denying our markets, as the case might be, to those nations who do or do not cooperate with us in fishery matters.

Whether we agree in detail or modes of procedures, however, the domestic shrimp industry is ever grateful to those leaders in the Congress who have so ably undertaken to carry the banner for U.S. fisheries. Without this leadership we should truly be lost and forsaken. We are especially grateful for the work of this committee and its staff and for its continuing interest in the complicated problems of fisheries.

Senator BARTLETT. I thank you, Mr. Neblett. I don't have a single solitary question. Do you, Mr. Foster?

Mr. FOSTER. No. Thank you.

Senator BARTLETT. Thank you.

Mr. Alvin Holdiman of Astoria, Oreg.

STATEMENT OF ALVIN HOLDIMAN, SR., ASTORIA, OREG.

Mr. HOLDIMAN. Mr. Chairman, and members of the subcommittee, I am Alvin L. Holdiman, Sr. I am the owner and a crew member of the MV *Jennie F. Decker*, Astoria, Oreg. I have been associated with the fishing industry for nearly 19 years.

Last spring, 1965, large Russian fishing trawlers began to appear off the coast of Oregon and Washington, and they have come in greater numbers this year. These trawlers have the most modern gear and electrical equipment that can go through rough waters and grounds. Their nets are much larger, with smaller mesh, so they can secure much larger quantities of every species of fish than the American fishermen whose boats are smaller and some of their equipment dates back to World War II. Their nets have much bigger mesh, which is a requirement to prevent small, baby fish from being taken before maturity.

The Russian boats do not have to comply with State regulations regarding the size of mesh of nets. During January 1 to April 1, American fishermen are limited to catching certain sole fish, and are not permitted to fish for halibut, salmon, and small food fish. But the Russians fish wherever they choose, including these off-limit periods.

The Russians have upset all the conservation and State laws which American citizens are forced to comply with in order to operate their boats.

Russian trawlers do not hesitate to run off American fishing vessels from the areas where they are fishing. In June 1965, two Russian fishing trawlers were in the same area as my boat and they forced my boat out of the area by towing into me.

If the Russian fishing activities continue, two very serious consequences will result. First, many valuable species of fish will just disappear—perch, rock cod, English sole, rex sole, salmon, halibut, crab, tuna, and shrimp—because of the year-round fishing of the Russians, especially in the early spring and late fall when these fish swim closer to shore and spawn. The Russians just go through the spawning beds.

The second consequence of uncontrolled Russian fishing is that many Oregon, Washington, California, and Alaska fishermen will either be wiped out completely or so seriously curtailed in their operations that they will have to give up fishing for a living.

Many west coast fishermen feel that they should be given some kind of emergency low-rate long-term Federal Government loans to assist them in meeting this crisis to the fishing industry and to make possible the continued existence of the west coast fishing interests, until the problem has been satisfactorily resolved. I, for one, will be forced out of operation unless something of this sort is done and in the near future.

I would like to urge the committee to recommend that conservation zones for fishing purposes be established up to 200 miles from the coast to insure the continued supply of important fish species and that consultations be held with all the interested parties regarding these zones.

I have also, Mr. Chairman, a copy here of the Conservation and Fishing Regulations of the State of Oregon.

Senator BARTLETT. That will be placed in the file. Thank you.

What type of emergency low-rate, long-term Federal Government loans would you endorse? For what purposes?

Mr. HOLDIMAN. Well, for example, if a man is making \$600 today, and all of a sudden his earnings are disrupted to where he is making \$400. Some of us have already gone into extensive hull repairs and superstructure and even engine repair, or putting in new engines, and they have borrowed from small businessmen's loans. But this has come around before the Russians came into this vast fishing that they are doing now, that has just disrupted everything.

Senator BARTLETT. What would you have the Federal Government do?

Mr. HOLDIMAN. Well, if we could get, if this doesn't come, like I said, within another year or two, something to curtail it, it is going to possibly put us out of business. And therefore in the time that it takes to get these fish stocks back and we stay in the industry, it is something like possibly—these wheat farmers get some kind of subsidy, which we don't really like to have, but we would like to stay in the fishing industry, and therefore if we could get our payments lowered, and extended over a little longer period of time—I don't mean to get the money for nothing.

Senator BARTLETT. You mean just as a matter of survival.

Mr. HOLDIMAN. That is right.

Senator BARTLETT. How big a boat is the *Jennie F. Decker*?

Mr. HOLDIMAN. Fifty-two foot at the waterline and 58 above, superstructure.

Senator BARTLETT. How many crew members?

Mr. HOLDIMAN. We are fishing 4.

Senator BARTLETT. You said the Russians don't have to abide by State regulations regarding the size of the mesh in the nets. You have to?

Mr. HOLDIMAN. Yes, sir.

Senator BARTLETT. And you have to even if you fish on the high seas?

Mr. HOLDIMAN. That is true, sir.

Senator BARTLETT. On account of they control you by landings.

Mr. HOLDIMAN. That is right, sir.

Senator BARTLETT. When these two Russian boats disrupted your operations, was there any apology offered by them?

Mr. HOLDIMAN. No. It is more or less, we got out of there in this area we were fishing, which are in blocks. It is in 34°60' to 34°90' and they make a turn and come back out. As we proceeded up through this, the Russians can tow faster than we can, and are bigger, and we are just a small wooden ship and we are no match to argue who has the right-of-way.

Usually when you are fishing with the American fishermen, your friends, you watch the fellow ahead of you and give him an opportunity to turn and come back down. Well, when the Russians show up, you just get out of there.

Senator BARTLETT. They are too big for you, too fast?

Mr. HOLDIMAN. Yes; their equipment is bigger, stronger, and bigger cables, and I guess the rule of the sea is the guy that comes up with it, he is the owner, and if you lose yourself, it is tough luck, you have to go and get some more. And it is a little tough now.

Senator BARTLETT. How far out at sea were you then?

Mr. HOLDIMAN. Approximately 28 miles. It is in the southwest corner off of the mouth of the river.

Senator BARTLETT. Thank you very much, Mr. Holdiman, for having come this long distance and having testified. The committee appreciates it.

Mr. HOLDIMAN. Thank you for the time. It has been a pleasure.

Senator BARTLETT. We hated to keep you waiting so long.

Representative William Holmstrom of Astoria. As you approach the stand, Representative Holmstrom, I want to extend my very real apologies to you for keeping you waiting all this time and putting you on as the last witness.

STATEMENT OF STATE REPRESENTATIVE WILLIAM HOLMSTROM, OF ASTORIA, OREG.

Mr. HOLMSTROM. Thank you very much, Mr. Chairman. May I take this opportunity to compliment and thank the committee and particularly you, Mr. Chairman, for your leadership in attempting to solve what we all know is a very complex problem. I am noting the lateness of the hour and the number of people that, including several from my own area, that wish to be heard on this bill, so I am going to make my comments in support of S. 2218 very, very brief.

Although, Mr. Chairman, I personally feel that this particular bill will not completely solve the existing threat of extermination of our, what we call a multimillion dollars of shore fishery, I do believe it is a step in the right direction.

I am sure that consideration should be given and will be given by this committee to extending the exclusive jurisdiction of our fishery resource to the Continental Shelf, which is, in the opinion of our off-shore trawling industry, necessary to preserve this resource.

I have two points, Mr. Chairman, that I would like to bring out very briefly. And in conjunction with the passage of S. 2218, which I feel is necessary, I would like to urge that some immediate steps be

taken to bring about discussions with Soviet Russia and any other nation, as far as that goes, relative to proper conservation practices that are absolutely necessary to maintain our great ocean fishery.

I am sure these discussions should include an exchange of scientific data, in some type of an attempt to determine some agreement on future conservation measures, even further than this bill applies in distance from our shores.

Secondly, I believe the Federal Government should immediately institute some type of a crash program through our Bureau of Fisheries to study our offshore fishery. This study, I believe, Mr. Chairman, should include research to determine the size of stocks of fish, the best methods of harvest, proper type of gear, et cetera.

As I said, my comments are going to be brief, Mr. Chairman, but I do believe the future of our offshore fishery is at stake and I think immediate action is necessary along the two points that I have brought before this committee.

Thank you very much.

Senator BARTLETT. Your remarks have been brief but they have been most pertinent. As you know, I believe it was stated earlier in the hearing, this committee, the Commerce Committee, earlier this week reported out a bill which, if adopted, will step up this research which you correctly describe as being so urgently needed.

Let me ask you this: You spoke along the same lines as Dr. Chapman in urging conversations with the Russians. Chairman Magnuson and others of us interested have for a long while thought that it would be well to bring together all of the nations of the world interested in fisheries—a Senate resolution bearing on that was passed some while ago—to see if we couldn't put down some ground rules aiming at two things: One, discovery of what we have in the ocean, and two, the adoption of appropriate conservation measures. Of course it takes a long time to arrange for such a meeting. Of course we know that even more than was the case at Rio we have a lot of conflicting opinions. Nations, for whatever reason, some of which are political, will take different opinions.

Would it be your recommendation then to have some talks with the Russians at the earliest possible moment?

Mr. HOLMSTROM. Yes, sir, it would. I believe this would be helpful, because I don't believe, Senator Bartlett, that they understand our problems any more than we understand theirs in certain areas, and I think fisheries is probably one of them. And I don't think that we can move faster than to get together with them and discuss our mutual problems of this great fishery we have in the ocean.

Senator BARTLETT. Would you have the talks with the Russians on a bilateral basis or would you bring in Japan and possibly other nations that are now interested or soon will be interested in the fishery?

Mr. HOLMSTROM. Well, Mr. Chairman, I would think that probably any discussions that we would have with Soviet Russia would ultimately bring in other nations, because as I understand it the problem exists in other areas of the world similar to the problem that we face now on our coastlines, and that I think other nations should be eventually brought into the discussions.

The immediate problem, however, Mr. Chairman, is the one that faces us today, and that is the Russian problem.

Senator BARTLETT. I hadn't thought of it, but I suppose it would be rather fruitless to hold such a meeting without the presence, for example, of the Japanese, who also have an interest in what goes on in the Pacific, and we surely have an interest in what they are doing or propose to do?

Mr. HOLMSTROM. That is correct.

Senator BARTLETT. Well, all I will say now, after once more thanking you—

Mr. HOLMSTROM. Thank you very much for your consideration.

Senator BARTLETT (continuing). Is to say I wish we could have held this hearing in Astoria instead of Washington, D.C.

Mr. HOLMSTROM. Since I am running for reelection, I wish it were held there, too, Mr. Chairman.

Senator BARTLETT. Maybe we should have another one out there.

Mr. HOLMSTROM. Thank you.

Senator BARTLETT. It is noted that there are 1 or 2, or 20 witnesses yet to be heard. So the committee will convene again at 9:30 tomorrow morning.

(Whereupon, at 1:05 p.m., the subcommittee was recessed, to reconvene at 9:30 a.m., on Friday, May 20, 1966.)

TWELVE-MILE FISHERY ZONE

FRIDAY, MAY 20, 1966

U.S. SENATE,
COMMITTEE ON COMMERCE,
SUBCOMMITTEE ON MERCHANT MARINE AND FISHERIES,
Washington, D.C.

The committee met at 9:40 a.m. in room 5110, New Senate Office Building, the Honorable E. L. Bartlett, presiding.

Senator BARTLETT. The committee will be in order.

I should like to suggest that the entire Oregon group come to the witness stand at one time.

Now, Dr. Harvey, will you please identify those with you by name, by association, and by order of appearance as witnesses.

STATEMENT OF DR. E. W. HARVEY, ADMINISTRATOR, OTTER TRAWL COMMISSION OF OREGON, ASTORIA, OREG.; ACCOMPANIED BY A. J. CONGER, SECRETARY-TREASURER, OTTER TRAWL COMMISSION OF OREGON; RAYMOND HALL, COMMISSIONER, OTTER TRAWL COMMISSION OF OREGON; JAMES PARKER, COMMISSIONER, OTTER TRAWL COMMISSION OF OREGON; AND ARTHUR ANDERSON, FISHERMEN'S MARKETING ASSOCIATION, ASTORIA, OREG.

Dr. HARVEY. All right. We have three members. I am Leonard Harvey, administrator of the Otter Trawl Commission. We have as secretary-treasurer, A. J. Conger, and two commissioners, James Parker and Raymond Hall. We also have the president of the Fishermen's Marketing Association, Arthur Anderson.

Senator BARTLETT. Who is going to be the leadoff man?

Dr. HARVEY. Well, Mr. Chairman, I talked with Oregon, and I have this following wire back from our Governor Hatfield.

Please be advised of the State of Oregon's concern for the protection of our coastal fisheries resource. My understanding is that S. 2218 will lead to negotiations to provide this protection. This concept I endorse wholeheartedly.

Best personal regards.

MARK O. HATFIELD, *Governor.*

Senator BARTLETT. Very good, that is very helpful.

Dr. HARVEY. Do you want this as a copy. I will turn it over.

Senator BARTLETT. Yes, we may as well have it.

Dr. HARVEY. I might, to elucidate a little bit, we do not have a so-called prepared piece of testimony from Oregon. We have numerous notarized letters, as to what fishing men have seen, what they have observed by being on the fishing grounds. Now these have to do with

depletion, harassment on the high seas, fishing for various kinds of fish, and their methods of fishing. These, I think, as you hear our various people, will act as our testimony.

There is a lot of material here which I think should be given serious thought to.

Senator BARTLETT. I think since this subject is of such great importance, since doubtless the hearings will have to be printed, it might be well for you to submit these letters for the record, and we will incorporate them therein.

Dr. HARVEY. Well, sir, we have copies of all of these.

Senator BARTLETT. That is fine, we will use the copies.

Dr. HARVEY. Mr. Conger, the secretary-treasurer of our Otter Trawl Commission will be first.

Mr. CONGER. Mr. Chairman, I am secretary-treasurer of the Otter Trawl Commission of Oregon, past vice president to the Pacific Marine Fisheries Commission, and I have here an official statement, or official position, of the Otter Trawl Commission of Oregon, and it reads:

We need the protection of our coastal fishery to the extent of our Continental Shelf. We support S.B. 2218, which points in this direction. We hope for the start of negotiations immediately.

Now, I would like to read a letter that I addressed to the Oregon Delegation on the 14th of April, 1966:

The Russian trawl fleet off our West Coast presents a pressing problem that threatens extinction of our trawl fishery. Russia spells out exactly the purpose of her fishing fleet on the high seas that is: catching fish, military, and economic-political-diplomatic. The pattern for development of any area is also spelled out. The phases follow one of exploration and research. The initial research vessels are joined by commercial vessels actually fishing. Then in the final phase a large fleet is committed for complete exploitations. This fleet has gradually expanded its operation to include the whole West Coast including Oregon this year with a forerunner of some twenty-five large trawlers and several factory ships. Consequently, they have forced our American vessels off of their traditional fishing areas. Their vessels are much larger and by their size rule the grounds.

We hold to the position of traditional fishing rights. We have jealously guarded and respected this resource, passing laws and regulations to conserve this fishery. It is a mature fishery.

The U.S. responsibility is very well pointed out in International Law in regard to the Continental Shelf. Quote, "That the United States acquired under International Law on June 10, 1964, sovereign rights to the exploration and development of resources of the Continental Shelf under the Convention of the Continental Shelf adopted at the United Nations Conference on the Law of the Sea. Pursuant to the internationally recognized and exclusive rights so secured, the United States assumes the responsibility of executing an accelerated program of exploration and development of the physical, chemical, geological and biological resources of the Continental Shelf."

One-hundred nations could not agree on principles on the high seas. So many nations have unilaterally set their own policy. The United States has never presented a clear-cut concept on the oceans, even for our own waters. Because of this inability to act we have invited the problem that exists. Our Continental Shelf off Oregon is a comparatively narrow one and will not stand the tremendous fishing pressure the Russians or Japanese could bring to bear; and are now bringing.

Right now there are many bills before Congress in relation to the fisheries. Quite a few refer to a twelve-mile limit which we consider entirely inadequate. We have exploratory drilling for oil many miles beyond that. Our rights should at least extend to the Continental Shelf or the thousand fathom curve. We already have treaties with some nations who wish to fish off our shores and other treaties could be made with other nations when we wish to fish off their shores.

The Russian position is quite clear. Just recently they forced Japanese trawlers out of fishing areas adjacent to their shores and many miles beyond

this so-called three-mile limit. They have set a precedent. We evidently have no policy whatsoever, and/or the will to back it up.

We have quite a lesson to learn from the Russians. The rapid expansion and efficiency of their trawl fleet spells out coordination of effort and a realization of the importance of the sea. We have twenty-two different agencies running in twenty-two directions. We have a government that shuffles her feet when it comes to standing up for our rights. We have battled for markets in our own country, now we are battling for the fishing grounds themselves. Our Congress must act in our behalf.

Sincerely,

OTTER TRAWL COMMISSION OF OREGON,
A. J. CONGER,

Secretary-Treasurer, Captain and owner of the trawler "Nestucca."

Senator BARTLETT. Thank you very much, Mr. Conger. You are absolutely right when you say that we have a multiplicity of Government agencies seeking to explore the mysteries of the ocean, and, Chairman Magnuson, as you know, has taken the lead in trying to bring some coordination and efficiency into all this. We are hopeful that a bill now in conference will soon be approved and signed, which will bring at least some order, make a start in doing what we need to do, if we are going to explore the ocean effectively.

My own view is that this ought to be the great next national effort of the United States. I think it is certainly as important as space. Its exploration won't require the amount of money we have expended on space. No dividends in an economic sense are likely to result from our space effort, but, from the ocean, we will know that vast wealth can be obtained, and, as you say, if one agency continues to go this way and 21 others in different ways, each spending money for its own purpose is without any overall direction, we are going to lag notably, and I am glad you brought that subject up.

Mr. Conger, you heard Dr. Chapman say yesterday that it is his belief that the American can outfish the foreigner. He is more competent, more efficient, more able, and he doesn't need special protections. He needs only to use his own ingenuity backed by the determination of this nation to get going with the fishery, and he will be all right.

Now, I may not have quoted him literally. I am sure I didn't, but I hope I recorded the sense of what he had to say, and I brought that up especially because you said, in your opening paragraph, "The Russians have a fleet of large trawlers," 25 of them, and several factory ships off the Oregon coast, and, by their very size, you informed the committee they rule the grounds, so I will ask you if you have any comment to make on Dr. Chapman's answer, that, given a fair opportunity, the American fisherman can outfish any other?

Mr. CONGER. To begin with, I have a lot of confidence in the American fisherman, and they really have a lot of ingenuity. They work hard. I think they work harder than the normal, or the average, throughout the world, that I have seen.

I have seen the Japanese and Russian fishermen. We work hard, but we are subject to what labor unions would call unfair competition, and our economic structure is different to—

We have been unable to make the rest of the Nation realize the importance of the fishery resources, and, consequently, we have suffered. So, given the same vessels, or the same opportunity that the Russians are doing with their vessels, I think we would outfish them, man for man, but we do need adjustment of some kind in the type of vessels—

I don't think right locally we need that large a vessel, but we need larger than what we have and more modern. I think you have to take a more realistic approach. I have got all kinds of biological and scientific research, but very little has been done to actually help us. We have a, you know, hodgepodge of vessels.

Does that answer your question, sir?

Senator BARTLETT. Yes. How much exploratory work? How much research work has the Federal Government done off the coast of Oregon to determine the extent of the resources of fish, and how much work has the State government done?

Mr. CONGER. I am not familiar with the amount, but I know it is considerable. I have got books of it here.

Here is one, yes. The Federal Government—this is John N. Cobb, and they have got a Bureau of Commercial Scientists here, Alverson Pruder, Ron Holt—there are all kinds of publications full of research. I think a lot more research can be done, but I think there has been sufficient research done to let us know which way we want to go.

Senator BARTLETT. You heard some witness assert yesterday, Mr. Conger, that, if the fishing season is extended beyond the limit of the territorial sea, if—the Federal and not the State governments should have jurisdiction. Does your Commission have a view relating to that?

Mr. CONGER. We haven't officially come up with any decision on that, but I do know that the closer we are to the management of the resources, the better efficiency we would have.

Does that answer your question?

Senator BARTLETT. Yes; it does. At the time the statements were made, I was thinking somewhat of the reaction, which I am sure would be discovered in Alaska, if the Federal Government would be given additional control.

Mr. CONGER. I was very impressed with Mr. Simon's report, and we congratulated him. I think he is a State employee? Is that correct?

Senator BARTLETT. Right. He is regional supervisor for the important Kodiak area, and, because of arrangements, we were able to enter into, following the Continental Shelf agreement, our domestic king crab industry is increasing so rapidly—

Now, you put your finger, I think, in one sentence here on something of overwhelming importance and I want to quote that sentence. You said:

We already have treaties with some nations who wish to fish off our shores, and other treaties could be made with other nations, when we wish to fish off their shores.

Isn't it a fact that one of our overriding difficulties in all of this is that, with the exception of tuna, and to a more limited extent of shrimp, we have had no need, no compulsion, no real desire to go off the coast of Russia or Japan, or whatever other nation might be involved, and this has diluted the power of our trading stock. Would you agree with that?

Mr. CONGER. Correct.

Senator BARTLETT. Dr. Harvey, who is your next witness?

Dr. HARVEY. James Parker.

Mr. PARKER. My name is James Parker. I am a member of the Otter Trawl Commission of Oregon, a past president of the Fish-

ermen's Marketing Association of Oregon, a captain and owner of many years' experience of the trawler *Roseann Hess*. I would like to follow with a letter written by my brother, who took a man aboard the Russian ships to observe their gear and so forth.

MAY 6, 1966.

It is now estimated that the Oregon 1966 production of perch will amount to only 29 percent of the 1965 production. During 1965, 14 million pounds of perch were landed in Oregon, 5 million of this being landed in the first four months of the year. So far this year Oregon landings have amounted to only 1,400,000 pounds.

This severe reduction in perch landings is directly due to the heavy Russian fishing effort being conducted on the fishing grounds off the Oregon coast. They are not only depleting this fishery with their heavy gear, but also they are driving our boats off the grounds.

Something must be done to protect the fishing industry in Oregon as perch is only a starter. Soon they will be taking their toll of other species.

The above figures only represent the Oregon industry. You can only guess what effect this is having on California and Washington.

This letter is signed, "Very truly yours, Seafood Dealers Association, Inc., V. W. Horgan, secretary."

If something isn't done by the Federal Government very soon our bottom fishery off the west coast will become a thing of the past.

Thank you, Mr. Chairman.

Senator BARTLETT. Mr. Parker, what size mesh are the Oregon fishermen permitted to use?

Mr. PARKER. The smallest mesh, Mr. Chairman, we are permitted on sole is $4\frac{1}{2}$ between the knots, and 3 inches for fishing perch. Like Eben says here, there is nothing you can get out of that net the Russians are using. It is like our shrimp nets.

Senator BARTLETT. Are you permitted to use gill nets?

Mr. PARKER. No, sir.

Senator BARTLETT. Let me ask you this question, because someone may put it to me before we get through with all this.

In the letter from Mr. Horgan he related that the catch perch so far this year is only 29 percent of that taken last year, and he assesses the blame against the Russians. Could there be any other reason or reasons why this production has declined so dramatically and drastically?

Mr. PARKER. Well, Mr. Chairman, I don't believe that there is any other reason but for the Russian trawlers off our coast that is causing the trouble. My logbook is approximately the same as last year. The water has been about the same, and the same amount of fishing ground.

You get on the ground, they either run over you or push you off there. For instance, there are several small spots that we fish. Rock piles and so forth, that there is a fair production of fish off of them. You go to these small spots like my brother says here—he didn't say it, but you hit these small spots, and every time you do there is a Russian there. They push you off the ground. They don't care about the rules of the road.

The Russian, you can't talk to him. He won't talk back to you. And the production in Oregon, I say, is 99 percent Russians doing this.

Senator BARTLETT. Let me ask this further question. If you are not permitted to answer it because you don't have a batch of books in front of you as some of the others do—how about the preceding years, 1960, 1961, 1963, 1964. What was the production of perch off the Oregon Coast during those years, fairly stable?

Mr. PARKER. Well, I have figures from 1963, 1964, 1965, and up to the end of April of 1966, Mr. Chairman.

The market has improved through these years. It was down and is coming up.

Now in 1963, 7,944,000 pounds; 1964, 9,569,000 pounds; 1965, \$13,-678,000 pounds.

The first 4 months of this year, 1,382,000.

Last year, the first months, 4,803,000.

Senator BARTLETT. Permit me to be the devil's advocate. What have we got across the negotiating tables from the Russians if they were to say, well, the production in 1966 was bound to decline because the Oregon fishermen stepped up their catches too greatly during the years immediately preceding 1966. What would be the answer to that?

Mr. PARKER. The reason it was stepped up is because the market has got better. Now according to the University of British Columbia, and I say Mr. Chapman is in error when he says that the ocean is loaded with fish. This is my opinion that he is in error, off the Oregon coast. If the Russians were sitting across from me at this table, I would take the book from the University of British Columbia, and show them, through this study, that we are about on a level of like the tree farmer, he wants to keep his trees. He takes so much and leaves so much. Now if you cut it all off there, pretty soon you are not going to have any.

I think we are after a sustained yield which the Oregon fishermen, I think, are close to having. If it is overfished like it is being done right now, if we went into it like the Russians, pretty soon we won't have them.

Senator BARTLETT. What was the year of largest production, 1964, 13 million pounds?

Mr. PARKER. 1965.

Senator BARTLETT. Any time in the past, so far as the records immediately available to you disclosed, was production larger than that?

Mr. PARKER. Well, not in Oregon. There was no market really for the perch before this, Mr. Chairman. There was a smaller market, and every year it has improved.

Senator BARTLETT. What are those perch being used for once you land them?

Mr. PARKER. A lot of them are going to the Army.

Senator BARTLETT. What do they do with them?

Mr. PARKER. Well, I guess they feed them to the sailor, soldier, and so forth.

Senator BARTLETT. And where are the other markets?

Mr. PARKER. Oh, we ship—a lot of it goes to California, down to just about everywhere, I guess, but most of it goes to California.

Senator BARTLETT. From the research and data that may have been made available by the investigations of the Bureau of Commercial Fisheries, is it clear that there can be a sustained yield of up to 14 million pounds a year? Anyone can answer that.

Mr. CONGER. We have it in the records. The estimated total crop for Oregon-Washington is 109 million pounds of Pacific Ocean perch. The scientists say that a safe level of production is around 25 percent. We had closely approached that in Oregon-Washington combined, what was 28 million pounds. There is a little overlap in production in Washington from the British Columbia coast.

Senator BARTLETT. Then the committee can take it for granted that the 1965 catch was not in excess of the ability of the resource to sustain?

Mr. CONGER. Yes.

Senator BARTLETT. Thank you.

Mr. FOSTER. Initially the Russian vessels that are off your coast, what is their capacity to catch a day, the fleet that is off there now?

Mr. PARKER. I think Mr. Hall, who is coming up later, and who has been closer to them than I have been recently, I think he can answer that very much better than I can.

Mr. HALL. Well, they have been taking up to 300,000 pounds a day, when they first arrived there.

Mr. FOSTER. And how many of the larger stern trawlers did they have out there?

Mr. HALL. Well, I hear 13. I have seen nine at one time from where I have been fishing. I hear there are 13 of them. They are factory ships. Besides fishing, they do their own processing work; have 120 crew—

Mr. FOSTER. In other words, aside from the relatively small fishing vessels that weigh up to what—500 tons, the smaller ones, aside from those, the larger stern ramp trawlers that they have out there can catch up to 300,000 pounds a day?

Mr. HALL. That is what they are taking when they first arrived.

Mr. FOSTER. And if you have 10 of them out there, they could catch up to 3 million pounds a day?

Mr. HALL. Well, there were only 2 there at first, and then they gradually trickled into 13 now.

Mr. FOSTER. Well, those 13 vessels alone, those vessels alone have a capacity to catch 3 million pounds a day plus, is that true?

Mr. HALL. I imagine they do.

Mr. FOSTER. And it would take them about 4 days to catch what was taken in 1965 by your fleet all year long?

Mr. HALL. It won't take them very long.

Mr. FOSTER. Thank you.

Senator BARTLETT. Captain Parker, how big a boat is the *Roseann Hess*, your boat?

Mr. PARKER. Fifty-six feet overall.

Senator BARTLETT. She looks like a rowboat when she comes close to one of those factory ships, is that right?

Mr. PARKER. Well, when they first came down last year we were fishing in this area—I call it a real fine ship, more than a fishing boat. It looked to me like—oh, all kinds of rigging up there, that I would say mapping and so forth. We picked our gear and run over to him and he was towing his, and I have to run better than three-fourths speed to keep up with him when he is towing, so I think he could pick my boat up and set it on his deck without any trouble.

Senator BARTLETT. Have any women been observed aboard these fishing vessels?

Mr. PARKER. Oh, yes.

Senator BARTLETT. Maybe that is the secret. [Laughter.]

Mr. HALL. They are on the stern trawlers but not the side trawlers Russian ships?

Mr. PARKER. I don't think it is possible for the Russians to manage the production that they are doing, to take care of that fish for market, to put them out in the stores. I think they are getting such a volume

that, instead of using it for a food fish, they are grinding it up to make meal and stuff for reduction purposes.

I know that, if I brought in a boatload of 60,000 pounds, it would take 50 people working in our plant a whole day to do that.

Senator BARTLETT. Well, I entertain the hope expressed here by others that we can talk to the Russians. In past experiences, we discovered on occasion that they are conservation minded in certain respects, and we might be able to effectively negotiate with them. But, as you all are saying, the important thing is to get at this in a hurry.

Thank you, Captain Parker.

Commissioner Hall?

Mr. HALL. I am Raymond Hall, an otter trawl operator from Newport, Oreg., where the main fleet of Russian trawlers are operating. The first Russian scout boat *Adler* arrived March 27, 1966. On March 31, two stern trawlers about 300 feet, the *Askold* and *Tikhvin*, were fishing. They were catching at least 50,000 pounds or more of fish per tow, and were making six tows per day.

We made a tow between them and had 80 percent immature perch in the tow. They had no fish sticking through their net while our net was full of gillers because of our larger mesh size. On April 5 a fleet of about 30 side trawlers averaging 150 feet long with 2 motherships showed up southwest of Newport. One mothership, the *Churkin*, has the fleet commander aboard. All trawlers were fishing ocean perch and were delivering continuously to the motherships for a 7-day period. On May 5 I saw nine stern trawlers working at one time. They were fishing the tops of the sea mountains that neither we nor their side trawlers could work or fish. We could not catch hardly any fish in grounds we had regularly fished before. Our boats have given up fishing in deeper water, as of May 7, 1966, there are no fish.

I have seen the Russian boats fishing in closer to shore on rock cod and sole since May 1. There is a fleet of four motherships anchored about 12 to 15 miles off Newport. They are visible from shore. The trawlers from Newport are not catching very small trips whereas last year at this time we were waiting for the processing plants to unload us with full loads. On May 10 the boat *Oregonian* counted about 40 side trawlers and 4 motherships in a 30-mile area inside the 100-fathom line. There was also one large and very modern boat with a large reel on the stern which was observed by Robert Skange of Newport.

Senator BARTLETT. You tell us, Mr. Hall, that Oregon fishermen simply can't go back to the grounds which they have historically fished, because there aren't enough fish left there?

Mr. HALL. Well, the last time I went out there was around May 7. I took some Oregon State photographers out there to take pictures, and we got as little as eight perch in one tow there, whereas last year, I would say our average tow was 10,000 pounds per tow.

Just on the other side of the ridge from where we were fishing, there were five Russian stern trawlers working. I don't know how much they were getting all the time, but one of them had an estimated 20,000 pounds there. He had his net up in the air and dumping it on the deck.

Senator BARTLETT. What is an immature perch, insofar as the regulations of the State of Oregon are concerned?

Mr. HALL. Immature is whatever gets so small that the fish plants don't want it for filets.

Senator BARTLETT. The State doesn't say that you can't bring in a fish of a certain size? You can catch fish of any size whatsoever, so far as the regulations are concerned?

Mr. HALL. There is no regulation against perch, but there is for sole.

Senator BARTLETT. But you don't catch immatures because the plants don't want them?

Mr. HALL. Yes.

Senator BARTLETT. Now, this situation being true, insofar as Oregon fishermen are concerned, doesn't it follow that the Russians are likewise going to reach the point soon, if they have not already, of diminishing returns and be forced to pull away?

Mr. HALL. They have swept a lot of grounds clear now outside the hundred-fathom edge, outside of a 50-mile area there.

Senator BARTLETT. Well, won't they have cleaned everything out pretty soon? They won't be there much longer.

Mr. HALL. No; they are working on the stern trawlers on the rougher grounds, on the side trawlers are starting to work in closer on the other fish now.

Senator BARTLETT. But, by and by, they will pretty well deplete the supply; will they not?

Mr. HALL. Yes. They must figure on a couple of months and they are going to leave. There is a Russian seaman in the hospital there and he says they figure two more months.

Senator BARTLETT. All right. Let's say they pretty well clean everything out. Nothing much left. Now, the committee has been told the perch is a slow-growing fish. How long will it be if the Russians don't come back again, if the Japanese don't come back again? How long will it be before you can have a worthwhile production again?

Mr. HALL. I estimate maybe 10 years, if there is any breeding stock to replenish the grounds.

Senator BARTLETT. Takes that long?

Mr. HALL. They have to grow up and come from somewhere to start with.

Mr. FOSTER. I would like just some clarification on one statement you made just for the record. You made the point that, and I am quoting here: "They were fishing the tops of the sea mountains that neither we nor their side trawlers could work or fish."

Would you explain why they could fish that area and you could not?

Mr. HALL. Under our nets, we have steel rollers, 14 inches in diameter, and their side trawlers carry something of the same size, because they are quite hard to handle, but the stern trawlers have rollers that are spherical in shape and at least waist high, or a little higher, and that makes their—they can get over much higher inlaps than the rest, and it takes a pretty good sized boat to pack that kind of gear.

Mr. FOSTER. Well, to help the committee with this, if you will, we understand that there has been some research done by the Bureau of Commercial Fisheries out of their Seattle office on midwater type gear that would permit trawling not only down at the bottom but at midwater levels.

Do you have any of that type of gear off Oregon in use?

Mr. HALL. No, we don't have any midwater trawls in Oregon. I guess there is one boat, *Astoria*, experimenting with it, but I don't

know. It is being developed for hake which stay off the bottom during the day time, and I don't know—the perch are fairly close to the bottom, and it is very rough on the bottom. I don't know if it would ever work out there right or not.

Mr. FOSTER. Thank you, Mr. Chairman.

Senator BARTLETT. Thank you, Commissioner Hall.

Mr. Anderson?

Mr. ANDERSON. Mr. Chairman, members of the committee, I am Arthur L. Anderson. I represent the Fishermen's Marketing Association of Oregon, Inc.

We wish to support Senate bill 2218 as a step in the right direction. However, this bill will not protect the many resources adjacent to our coasts that extend many hundreds of miles to sea. We would like to encourage our Government to base its fishery policies on the 1958 Geneva Convention on Fishing and Conservation of the Living Resources of the High Seas. As near as we can understand this convention, which has just recently been approved by the required 22 nations, is that it will protect the fishery resources of the adjacent coastal state as far out on the high seas as the resource extends. It also sets up an obligation whereby the adjoining coastal state has a duty to see that these resources are protected by observing good conservation principles based on the maximum sustainable yield. To us, this means that we are entitled to and required to have accurate statistics from any foreign nation fishing on these stocks of fish adjoining our coast. In order to do an adequate job of conservation, I should think we would be entitled to go aboard their fishing vessels and sample the actual catches being taken.

True, neither Russia nor Japan have ratified this convention, but we believe they apparently appear to be much more aware and influenced by world opinion than our own Government, and we, in all probability, would have world law on our side.

Our fisheries are a valuable asset to this country. In 1965, according to the Bureau of Commercial Fisheries publications, they totaled 4.7 billion pounds with a record ex-vessel value of \$451 million. A Census Bureau report "1963 Census of Commercial Fisheries," states:

The Pacific area with 8,601 operators and gross receipts of 128.5 million, topped the nation.

In second place was the South Atlantic area with 6,338 operators and gross receipts of 65 million, followed by the New England area with 3,199 operators and gross receipts of 56 million. This landed value of the fisheries is only a very small part of the total value of the fisheries to these United States. Ignoring for the time being, that the only supply of food that appears capable of feeding the world population in the very near future will have to be harvested from the oceans, let us look at just one of the industries in the Pacific Northwest that was located there because of the fisheries and is dependent upon the fisheries for its very existence.

Mink farming was located in Washington and Oregon primarily for the abundance of fillet wastes that were available. Roughly, two-thirds of the round weight of fish filleted is a by product used mainly as mink feed. Oregon produces around one-half million pelts at \$20 average which produces a ten million dollar business with a capital investment of fifty million dollars. Washington at roughly 20 percent greater would figure 12 million and 60 million.

This is just one small segment of our national wealth that is dependent upon our maintaining a healthy domestic fishery. The phenomenal success of our other agricultural products owe a great deal to the fisheries. Fish meal in feed rations has made the United States tops in chicken production and lowered the price so it is not chicken every

Sunday but any time you desire it. Also fish meal has had equally important results in other animal feeds. In a short time we expect it do the same for humans, as an additive to cereals regularly consumed.

Yes; the fisheries off our coast are the utmost in importance to the entire population of these United States and must be protected and conserved for future generations. Our future generations may not pay too much attention to who was first in space, but it will be very apparent to them, who was first in evaluating the importance of the ocean resources for the future, if the present trend of our fisheries isn't altered. We will have sold out their heritage by being shortsighted on our handling of the most important issue of our times—feeding a hungry exploding population around the world.

Last year for the first time over half of our edible fishery products were imported. We have imported over half of our total fishery products consumed for 3 or 4 years, but this was the first year that over half the fish we ate was imported.

Russia will readily admit that her per man fish production is one of the lowest of the developed countries. Our fishermen may out-produce them 3 to 1. This paints a pretty gloomy picture for the future, when you know they almost double our fish production. It means they have a tremendous number of people familiar with the oceans and being trained to harvest the entire seven seas.

The time is short and running out fast for our fisheries and we need your support. We support S. 2218 as a step in the right direction and we hope this legislative body will do everything possible to further advance the cause of our domestic fisheries.

I thank you gentlemen for the opportunity to speak in behalf of an issue we believe is second to none in importance for the future of our country. I thank you again.

I have a chart here of the coast and I would like to show our coastal area we are fishing on and where the 3-mile limit and the 12-mile limit, and also the edge of our fishery is. Could we at this time show this?

Senator BARTLETT. Surely. Why don't we put it right up over the other one?

That is mile-for-mile; isn't it? [Laughter.]

Mr. ANDERSON. Well, this is 3 miles along the shore. We do have very little fishing in the 3-mile limit, mostly crab and some salmon.

These colored areas are different species of fish. This is perch out here, this kind of red, perch, snapper, sole, in through here.

The 12-mile limitation right through our fishery is—and this is 30 miles, the outside bank.

These are small islands the main productions are on.

We don't have a coastal shelf. This is 30 miles to dropoff. That is it.

All we have here is the little area that the fishing goes on up and down the shore here for sole. That was where the money was, and perch hadn't really gone on the market too strongly.

So, we were more or less working this, and then we had this seismic survey along our coast by the oil company, and they did a pretty good job of doing away with a good part of our inshore fisheries, so the main part of our fleet started going into the perch fisheries.

We developed new markets for our perch and we started exploring the outer shelf here, and we came up to the little islands here that had great abundance of perch.

In the meantime, the Russians found out about it, too, and last year they showed up. The *Adler* was a survey boat and four trawlers. They came down and took sample tests, and this spring they showed up in force, and they came right to these areas, just doing a mopup job.

In these small areas, there is only a small area we can fish, even with the wheels we have on our gear, but, to say there are only small areas of fish around here, within a short distance, the 12-mile limit won't do too much protecting of our fisheries.

Washington goes through the same thing. Canada, of course, has a little bit larger shelf, and California is worse off than we are.

Senator BARTLETT. How deep is the water right beyond your Continental Shelf?

Mr. ANDERSON. This is 600,000, 700,000, fathoms here.

Senator BARTLETT. Goes down in a hurry then?

Mr. HALL. There is some shallows in here that have sole on the ends where the curve slopes in.

Mr. ANDERSON. But these reports by the Bureau of Commercial Fisheries have been by these oil companies and they ran this seismic program. Up to that date, their records are absolutely false. So, before anything is considered in their statements that there is not a necessity to check these Russians, why that should be really considered.

Senator BARTLETT. Were these seismic explorations all within the 3-mile limit?

Mr. ANDERSON. No. They were out 500 or 600 fathoms. They were setting off charges that were shaking down the cakes we were baking along the beach. They were shaking our boats, and you couldn't see the explosion. You could hear the boats shudder, and heard somebody say, 20 miles away, that they could see seismic boats.

There is testimony from people in Oregon, a lady specialized in baking cakes for prizes, had her house jarred so much that the cakes went down in the oven, and we were fishing outside of that town, so they said they didn't kill any fish.

We found vast areas that had fish on the bottom and we asked our fisheries to check it out, and they refused, so we know what happened to the fish, but we couldn't get their help.

Senator BARTLETT. Well, since then, Captain, have any restrictions been placed on oil companies?

Mr. ANDERSON. Well, they have observers on the boats all right, and they have slowed them down to an extent. I think they stopped them in the Alaskan waters, they were using nitrofoam. Washington did stop them at the last there. They raised so much devil with the sports boats, they stopped them. There were so many fish floating around.

Senator BARTLETT. Are they still exploding?

Mr. ANDERSON. There is very limited session scheduled for this summer, I believe.

Mr. HALL. Well, they did last year, and the sole fishing picked up somewhat, too.

Mr. ANDERSON. Picked up a little bit—I think the Fish Commission—

Senator BARTLETT. Well they discovered a lot of dead fish. Did they discover any oil?

Mr. HALL. They won't say, but I have heard that they did. But this is all we have to look forward to. This narrow shelf here, outside

of these islands, there is nothing. We have had survey boats out there, and they don't find anything.

Senator BARTLETT. Twelve miles won't give you very substantial protection?

Mr. ANDERSON. No. It would be a step in the right direction, and these fish—well, we have grandchildren coming up and we are going to need protein. Maybe we might have to do like Chapman says, start eating bugs out of the oceans. [Laughter.]

Mr. PARKER. Mr. Chairman, these boats, I can show you here they were right off in this area here, in as far as this is 3 miles—this is the 3-mile limit—they were observed right in here, so they are not very far out there.

Senator BARTLETT. Was this person who sought to get aboard the trawler a fisherman, or a fisherman with the Federal Government?

Mr. PARKER. He was a Congressman of the American Fisheries, and I would like to have gone aboard myself. They tried to rendezvous with one off Newport.

Mr. ANDERSON. Last week there was—at this same time there was a fleet of them down here—see this is Newport, Oreg. This is the rock pile out here. The fleet was along this here, four mother ships anchored at the rock pile, right in here, and they were working along this area here. At the same time they were reported there, why there was another group up here off Willapa, what we call the Willapa finger, up here, and there were catcher boats outside the 3-mile limit. At night they come in closer, and go back out at daylight. They have been observed down toward Newport.

But this hake population, we had a big population of hake here, and it looks like they are starting down in the lower section here and cleaning that up, and these survey boats come up here every once in a while and meet with this other fleet and then go back. We expect that when they have this drained they are going to start right up the coast here, and with the fleets they have it's going to be anchovies, and so forth. There is no way of getting away from it with the nets they have.

These nets are balloon type nets. And the speed they were making—

Senator BARTLETT. They will take everything as they go?

Mr. ANDERSON. They will take everything they can get. We tried to get this public relations man to take pictures of the officers, and the type of gear they were using and find out what they were doing, but they refused to let him aboard. You can take pictures from the side, and that is the end of it. But we have observed the nets.

I have taken pictures of the boat and I have run up to their gear when they were fishing. You have to get directly over the net to distinguish color. The nets are that small. But we have never been able to tear a piece off to show evidence, but eventually I will.

But on these grounds, the fleets line up—they are short areas, they look a little big on this chart, but actually when you get to them they are not very big.

There was lots of fish there, but small areas, and when they came down one boat would line up in sets and as soon as he got by another boat was lining up behind him. If we got between them we would have been run down, so you have to get out of their road.

Senator BARTLETT. Any Japanese ships out there?

Mr. ANDERSON. No, we haven't seen any.

Senator BARTLETT. Have there ever been?

Mr. ANDERSON. Not to my knowledge, no. There had been some reports by tuna boats that they had seen them on our coasts, but not by fishermen. Just the Russians.

It looks like they are here for the purpose of wiping out our food resource. If you wipe out our protein resource—well, in another 20 or 30 years with the population explosion, we are going to need all the protein we can get.

The people who go into other countries, they can be licensed to fish off our shore, but we have to have some way of getting men aboard these boats here and observe what they are doing, and get some records.

Thank you.

Senator BARTLETT. Captain Anderson, the committee wants to congratulate you and compliment you on your presentation. It was very good, and I think what was of special importance was that part of your statement in which you described the impact of the fishery upon other industries, notably the fur business. I didn't realize that these mink farms had such a terrific dependency upon meal made from fish, nor did I know that Utah was important in the fur business, and I think that this is one of the considerations, assuredly that ought to permit consideration of this, because if you fail, others fail with you.

You have done a good job, Captain Anderson.

Did I hear you say that sometimes at night Russians come within our territorial sea?

Mr. ANDERSON. Yes. They have been observed to come up to the 3-mile limit and inside.

Senator BARTLETT. Were these violations reported to the Coast Guard?

Mr. ANDERSON. I believe the delegate from Washington has a little information on that. It has been spoken on the air, and it is monitored. The trawl vessels that made these reports, whether the men actually reported to the Coast Guard, I am not sure.

Mr. HALL. They did at Newport, but it was still outside 3 miles.

Senator BARTLETT. What facilities does the Coast Guard have at Astoria to offer protection within the 3-mile limit?

Mr. ANDERSON. Well, they have their patrol boats. But it is just one boat.

Senator BARTLETT. How big a cutter?

Mr. ANDERSON. It is 130, 40 feet at least.

Senator BARTLETT. Is it as fast as the Russians?

Mr. ANDERSON. No, sir, the Russians, the trawlers, even, will run away from it.

Mr. HALL. The Russian trawler will run a zigzag course, and the cutter can't keep up with him.

Senator BARTLETT. Well, they know very well by the time a report is made to the Coast Guard it is going to take the Coast Guard time to get out there, see them, apprehend them, and I suppose they can come in with perfect safety for a matter of some hours. But by and by it won't be so easy, because the Congress is appropriating more money all the time, thank goodness, to modernize the Coast Guard, to give it better equipment at sea and in the air, and in a space of a very few years it is going to be much more adequately equipped to afford the kind of protection that we are entitled to and that we need.

The experience that you had, you fishermen, in trying to get aboard a Russian ship, was quite different from one which occurred up in the Bering Sea. A whole plane load of Alaskans flew somewhere, then went out by ship, and they were invited aboard this Russian fishing vessel and were entertained. They were taken over the ships and were treated courteously. They were offered a sufficient number of vodka toasts, then they went home and praised the cooperation of the Russians. There were several glowing accounts in the newspapers, and a few days after that the Russians destroyed so much gear of American fishermen, I can't recall the amount of money involved.

Well, the committee appreciates the appearance of you gentlemen from Oregon.

Mr. HALL. I would like to say, Mr. Chairman, thank you very much. And I would also like to ask you to read some of the notarized letters which are in your hands.

Senator BARTLETT. Personally I will go further than that, I will read them all.

Mr. CONGER. Thank you very much, Senator. I know we have been among friends, and the fishermen have a hard time finding friends.

Senator BARTLETT. Well, you have some here. You have come a long way, and we know it has been an expensive trip for all of you, and you have sat here patiently all this time waiting to testify and we appreciate your patience.

The committee will take a recess for a couple of minutes.

(Recess.)

Senator BARTLETT. The committee will be in order.

The next witness will be Harold E. Lokken, manager, Fishing Vessel Owners Association of Seattle, Wash.

Mr. LOKKEN. Might I say before beginning, that my statement refers to S. 2225, which is identical with the bill under consideration here today, so some of the copies of my statement refer only to 2225, but my copy from which I will read refers primarily to S. 2218, so with this correction, I will proceed.

STATEMENT OF HAROLD E. LOKKEN, MANAGER, FISHING VESSEL OWNERS ASSOCIATION, SEATTLE, WASH.

Mr. LOKKEN. My name is Harold E. Lokken. I am the manager of Fishing Vessel Owners Association of Seattle, Wash. My statement today is a joint statement of the Fishing Vessel Owners Association and the Deep Sea Fishermen's Union, both of Seattle, Wash.

The Fishing Vessel Owners Association is a trade association comprised of the operators of fishing vessels engaged in fishing in the North Pacific Ocean. This association has been active in its field for the past 52 years. Its members operate approximately 175 vessels in the harvest of halibut, blackcod, albacore, king crab, shrimp, and bottom species such as rockfish, soles and ling cod. These boat operators live in communities from San Diego, Calif., to Kodiak, Alaska. Their vessels range in size from 40 to 100 feet in length and carry crews of from three to eight men each. The vessels are all high seas vessels operating in the waters of the North Pacific Ocean from Mexico to those adjacent to the Soviet Union in Bering Sea.

The Deep Sea Fishermen's Union is a trade union which has been active during the past 54 years. The union has jurisdiction on vessels

in the halibut fleet and in the albacore fleet, although in addition many of its members engage in all other types of fishing in the North Pacific.

My appearance here today in behalf of the two organizations is to urge passage of S. 2218. The passage of this bill is needed as one of the steps which must be taken if the U.S. fishing industry is to be protected from the unrestrained operations of foreign fishing fleets on stocks of fish found off the coast of the United States. These stocks of fish must be protected if the production of the U.S. fishing industry is to be maintained at its present level and if the fish off the shores of the United States which are not yet being utilized by U.S. fishermen are to be harvested on a sustained yield basis so as to prevent their extermination and to make possible their use in contributing to the food supply of the United States in the future.

The problem presented by unrestrained fishing off our shores by foreigners is a complex one and one which does not lend itself to simple solution. S. 2218 will not in itself solve the problems but it will solve an important part of the problem. This partial solution is within the realm of possibility and it is a solution which can be carried out unilaterally by the United States. It is for this reason that we urge passage of S. 2218 rather than other measures which are more extensive in their scope but which require more time for their implementation and also require the cooperation of other countries before they can become adequately effective. These measures which call for extension of U.S. jurisdiction to the edge of the Continental Shelf, to specific depths of water, and to distances as much as 200 miles are laudable objectives and ones which we support but we think that passage of S. 2218 is a preliminary step which has to be taken first. The other steps will naturally come later.

The United States, if this bill is not passed, will soon find itself quite lonely in the group of countries adhering to the 3-mile limits for at our latest unofficial count there were only approximately a dozen countries which still retain the 3-mile limit and another dozen which maintain limits of from 3 to 12 miles. Of the remaining countries, 45 adhere to 12 miles; 15 claim beyond 12 and up to 200 miles; 20 express no views on the subject; and 20, with no coastline, have no direct interest in sea limits. It is crystal clear that if a conference were held similar to the Law of the Sea Conference of 1960, it would by an overwhelming majority set 12 miles as a uniform fishing limit for the entire world.

The retention of the 3-mile limit by the United States is unfair discrimination against U.S. fishermen. In the North Pacific in our sphere of interest, our fishermen can only fish to the 12-mile limit of the U.S.S.R. while the Russian fishermen can fish up to our 3-mile limit and frequently are found inside of our limit. These violations occur in the Aleutian Islands where the vast extent of the area and its relative isolation make adequate patrol difficult. While so far none of our vessel operators has desired to fish up to 3 miles off Siberia, some of our halibut skippers have conducted operations in areas less than 100 miles off the Russian coast in the Bering Sea and some day may wish to fish closer.

In the past we have been advocates of a 3-mile limit. It was our hope then that nations could get together and agree upon the rational harvesting of ocean resources outside of the 3-mile limit, taking into consideration the needs of the coastal countries and the abilities of the

countries having distant water fishing fleets to produce food, otherwise unused, for mankind generally. This concept was given added strength with the signing of the North Pacific Fisheries Treaty with Canada and Japan in 1952. However, in the late 1950's with the entrance of Japanese and Russian trawlers into fishing areas of the eastern Pacific and with the inability of Canada, Japan, and the United States to agree upon terms of a revised treaty to replace the 1952 treaty or to agree on other matters of mutual concern, it was very apparent that the 3-mile concept would no longer provide for adequate conservation and utilization of stocks of fish found off the United States and, therefore, the only apparent remedy was extending jurisdiction.

The difficulty of securing agreement on proper fisheries conservation in offshort waters is probably best illustrated in the Bering Sea in the halibut, salmon, and bottom fish fisheries.

In the case of halibut which are found on banks in all parts of the Bering Sea, the problem may be divided into two parts. One concerns western Bering Sea and the other concerns eastern Bering Sea. In eastern Bering Sea, an area now under certain jurisdiction of the North Pacific Fisheries Commission, fishing was conducted by Canada and the United States alone for halibut until 1963 at which time the Japanese, by Canadian and American decision or invitation as we consider it, were allowed to participate in the eastern Bering Sea halibut fishery on equal footing with the fishermen from Canada and the United States. Disastrous results followed as these statistics show.

Now, I have a table in my statement, and rather than to read each figure in the statement, I will sort of summarize.

In 1956 the catch was 262,000 pounds; 1957, 39,000 pounds; 1958, 2 million pounds, approximately; 1956, 5,600,000 pounds; 1961, 3,509,000 pounds.

Then, in 1963, the Japanese were allowed to enter. At this time, the catch of the U.S. fleet, 3,243,000; the Japanese, 5,414,000, for a total catch of 12,800,000. In 1964, the next year, the catch dropped to 3,900,000. In 1965, 1,200,000, and the catch in 1966 will even be smaller, we believe.

(The table referred to above follows:)

Halibut catches in eastern Bering Sea

[In thousands of pounds]

Year	United States	Canada	Japan	Total
1956	177	85		262
1957	39	0		39
1958	965	1,211		2,176
1959	1,766	2,389		4,155
1960	2,308	3,327		5,635
1961	2,040	1,925		3,965
1962	3,531	3,371		6,902
1963	3,243	4,161	5,414	12,818
1964	928	1,036	1,964	3,928
1965	612	382	215	1,209

The catch of the Japanese in 1963 and 1964 represented a greater impact on the stocks of halibut in the area than the poundage figures indicate. This was due to the small gear used by Japanese fishermen which took a much smaller size of halibut than the gear used by

Canadian and American vessels. In fact the 1963 catch of the Japanese fleet contained a predominance of fish which normally should have been caught a year or two later at a much larger size. U.S. negotiators in 1963 attempted to secure a much smaller catch quota in eastern Bering Sea but this was vetoed by the Japanese. In 1965 the Japanese virtually abandoned halibut fishing in eastern Bering Sea, but nevertheless continued to exercise veto power over regulations proposed by Canadians and Americans, even on the U.S. Continental Shelf. It is quite clear that proper conservation is virtually impossible without giving jurisdiction to the coastal state.

In western Bering Sea, there is no meaningful conservation of halibut. In annual meetings of the North Pacific Fisheries Commission, the United States has attempted repeatedly to set up talk aimed toward securing proper conservation in western Bering Sea but so far without result. The following table of halibut and black cod catches by the Japanese indicate the consequences.

Summarizing again, in 1958 the Japanese catch—and this was west of 175° west longitude—in metric tons, which was their measurement, 1,271 tons in 1958, increased to 1961 on the halibut take was 9,900 metric tons. Then it dropped, and in 1964, the catch was only 448 metric tons. Black cod is a little more spectacular in its rise, and subsequent fall. In 1958 the black cod catch of these vessels in this area—that is in western Bering Sea—began in 32 metric tons. It rose to a total in 1962 of 26,664 metric tons. In 1962 it dropped to 4,000 metric tons, and in 1964, 1,904 metric tons.

(The table referred to above follows:)

Catch of Japanese long line vessels west of 175° west longitude

[In metric tons]

Year	Halibut	Black cod
1958.....	1,271	32
1959.....	2,240	393
1960.....	6,931	1,861
1961.....	9,928	23,596
1962.....	8,872	26,664
1963.....	4,878	4,022
1964.....	448	1,904

This is a classic case of the destruction of a fishery caused by the lack of adequate conservation measures.

In the case of salmon, three high-level conferences to date have failed to reach agreement on a revised version of the existing North Pacific Treaty which will give adequate protection for the valuable Bristol Bay salmon runs, leaving the future of this fishery in jeopardy.

In the case of bottom fish in Bering Sea off the U.S. coast, the familiar pattern repeats itself. Here, the unrestricted fishery conducted by Russian and Japanese trawlers has reduced the stock of yellowfin sole, the major species in the area, to a level from which it will take years to recover. The rise and fall of this fishery is shown by the following figures.

Again, we will summarize the table. Began in 1954 by the Japanese only, and this is in thousands of pounds, 15 million pounds, 1955, 17,886 pounds, the Russians entered the fishery in 1955, the combined catch

of the two countries was 366 million pounds. In 1960, 966 million pounds, and in 1961, the top producing year, 1,174 million pounds; 1962, 834 million pounds; 1963, 224 million pounds, to a low of 165 million pounds in 1964.

(The table referred to above follows:)

Catch of yellowfin sole, Eastern Bering Sea

[In thousands of pounds]

Year	Japan freezer and meal-factory	U.S.S.R.	Total
1954	13, 218		13, 218
1955	17, 886		17, 886
1956	50, 109		50, 109
1957	51, 341		51, 341
1958	¹ 72, 000		72, 000
1959	¹ 247, 431	118, 800	366, 231
1960	773, 278	193, 100	966, 378
1961	877, 483	297, 000	1, 174, 483
1962	557, 524	277, 200	834, 724
1963	46, 237	178, 200	224, 437
1964	12, 000	153, 000	165, 000

¹ Includes some other flatfish except turbot and halibut.

In the offshore Alaska area from the Aleutian Islands to Dixon Entrance, the same depredations have occurred, primarily on the part of the Russians. They first entered into the area in force in 1962 with a huge fleet of vessels fishing mainly for ocean perch. No accurate catch statistics are available for this area but it is certain from a comparison of the number of vessels employed at the beginning of their fishery contrasted with the number used at the present time that the stocks of ocean perch in this area have undergone a drastic reduction. The reduction of the number of vessels in this large area and their deployment elsewhere is ample evidence of depletion.

The Russians are now operating part of their fleet off the coast of Oregon where it is receiving intense public attention. While the fleet there is not as large as that with which the Russians began operations off Alaska, the area is not as large either. It is estimated that the catch of the Russians off Oregon approximates 1 million pounds of perch per day. At this rate it is only a question of time until the stocks of perch there are completely wiped out. The 12-mile limit will not solve this problem but it will give some measure of protection to other species and will hasten the date when full protection over the range of our Continental Shelf can be obtained.

S. 2218 when enacted into law will protect all stocks of fish in the area within 12 miles from our coast. This will give us more protection than either the size of the area or the catch of fish in the zone indicates for it is in this zone that most of our young and immature fish are found. So if fishing is conducted within this area, unrestricted as to size of gear used or area fished, irreparable damage to offshore fisheries will occur through the destruction of the immature fish which grow to become the adult fish taken on the offshore grounds in the later stages of their lives.

The bill will also limit the areas of the ocean in which the foreign philosophy of fishing may be followed. This is the philosophy in

which a huge fleet is sent into an area until all the fish there are taken, then moved to another area where the process is repeated and so on. Any reduction of the areas in which this system may be employed makes it less practicable.

The bill will not necessarily eliminate all fishing by non-U.S. vessels. Such foreign fishing can be done in a manner similar to that in Bering Sea where the Japanese and Russians now fish king crabs on the U.S. Continental Shelf under agreement with the United States. In such cases, the U.S. interest is protected as the jurisdiction lies with this country under the Geneva Convention of 1958. Another example, but where U.S. vessels benefit, is in Canada where U.S. vessels are permitted to fish inside the 12-mile limit established by Canada a year or two ago.

We suggest, so as not to mislead anyone in connection with this legislation, that it be made clear to all that nothing in the bill should be construed as finalizing the U.S. position at 12 miles and preventing the United States from seeking additional jurisdiction beyond 12 miles in appropriate ways after the enactment of the bill. If this cannot be done in the bill itself, it should be made very clear in the legislative report on the bill.

The evidence is overwhelming, as we see it, in favor of the passage of S. 2218. The Fishing Vessel Owners Association and the Deep Sea Fishermen's Union urge that it be done with the utmost of haste.

Now, I have one additional comment that is rather current that I would like to make before submitting to questioning.

I would like to report the most recent incident in the competition between the Russian fleet and an American halibut fishing vessel. The halibut fishing vessel *Nanna*, on May 10, which is very recently, had gear destroyed valued at \$250.

Now, this amount in itself is small, but at the same time, the loss of 2 days of fishing at an estimated value to the vessel of \$3,000 is substantial. The Russian vessel involved was marked No. 926, the location was 30 miles off of Triangle Island, British Columbia.

Now, this is typical of the many experiences our vessels have had of the large fleet of Russian trawlers. Now, this information just came to me yesterday.

Senator BARTLETT. Does that conclude your statement, Mr. Lokken?

Mr. LOKKEN. Yes.

Senator BARTLETT. Well, I will say to you that if there were precedent for this when this document was printed, I would have had underscored every word in your presentation. Unfortunately, that is not the case. I think you made a very strong presentation here. These tables are meaningful and horrifying, too.

What is the intensity of the fishing area for Eastern Bering Sea halibut for this year?

Mr. LOKKEN. Our vessels did not participate due to labor controversy. There were six—approximately six Canadian vessels that fished in the area.

Senator BARTLETT. Compared with that number of Canadian vessels that fish in years gone by when Canada took as many as 4 million pounds?

Mr. LOKKEN. I would say off hand about 20 percent. In other words, there were 30 to 40 Canadian vessels in these years that you mentioned, contrasted with half dozen this year. The American fleet in those earlier years ran about 40 in number.

Senator BARTLETT. If there were no fishing whatsoever to continue in the Eastern Bering Sea, and if there were breeding stock left, how long would it take this fishery to replenish itself?

Mr. LOKKEN. Oh, 10 to 20 years. It is rather difficult to determine, because they feed in from other areas, and just how fast they would feed would need to be known. Also, how much effort there was on these other areas from which the feeding originated.

Senator BARTLETT. They migrate to other areas, too, do they not?

Mr. LOKKEN. Correct.

Senator BARTLETT. And is this contrary to the belief one time entertained that the halibut were pretty stationary?

Mr. LOKKEN. In some areas they are stationary, but normally they migrate.

Senator BARTLETT. To great distances, even, do they not?

Mr. LOKKEN. Yes. In isolated incidences. As a matter of fact, we have many cases where halibut tagged in Bering Sea have been taken off Washington and Oregon, but this is not typical, as far as we know. These are unusual.

Senator BARTLETT. Are the Japanese fishing for halibut?

Mr. LOKKEN. Japanese are not now fishing for halibut in Eastern Bering Sea.

Senator BARTLETT. Anywhere else in any other areas?

Mr. LOKKEN. Presumably they are fishing in Western Bering Sea, to the extent that the table shows. We don't have statistics for 1965 as yet.

Senator BARTLETT. You gave us some very useful information, Mr. Lokken, as to the number of countries which adhered to fishing zones of one breadth or another, and you said your latest information as to the effect that only about a dozen countries retain the 3-mile limit.

Can you tell us how many of these dozen countries are important in a fishing sense?

Mr. LOKKEN. I would guess three or four, five. Along in that area, I don't recall exactly.

Senator BARTLETT. Can you name any of those three or four or five?

Mr. LOKKEN. Well, Japan, of course, is a three-mile limit country, with the exception of this area between Korea and Japan. The United States, of course, and Great Britain—

Senator BARTLETT. Great Britain has gone to 12?

Mr. LOKKEN. It has now.

Senator BARTLETT. Well, naturally, I would expect that Japan found her way out when it was convenient to do so, and there are only two nations left actually important in fishing production. Would that jibe with your thought?

Mr. LOKKEN. Roughly so, yes. As a matter of fact, it is only going to be a question of time until 12 miles will be universally observed as the fishing limits of all countries.

Senator BARTLETT. We have been told that this is perfectly all right to establish a wider fishing zone, if we do it in concert with other na-

tions by treaty, or by arrangement, but it is bad, indeed, if we do it on our own.

Do you have any comment on that?

Mr. LOKKEN. I certainly have.

With reference to the 12-mile limit, it is nonsense that we can't do this by ourselves, insofar as extending beyond—we have commitments, let us say, internationally, or at least the policy of our Government has been we cannot extend beyond 12 without some international agreement or treaties with some. I can see no reason why we can't join with a number of countries to a degree on extended limits. I don't think we have to agree with the entire world, but we would prefer to have our limits out to the edge of the Continental Shelf, but we haven't advocated that strongly here because this requires a great deal of time. The passage of this bill, or an executive order would only take 5 minutes if everyone was disposed to do it. It could be done either by legislation, as I understand it, or by order of the President. That would take very little time, and no one would object to it, either, but anything beyond 12 our Government would object, and it would insist upon perhaps an international conference to approve a limit beyond the 12.

Senator BARTLETT. You say, then, that this legislation before the committee certainly isn't all that is desired by the fishermen and fishing interests, and not all that is needed, but it does represent a reasonable start?

Mr. LOKKEN. Correct. If I might just add, if this was all that we were going to get, our men would be very deeply disappointed. They wish extended jurisdiction, but under the circumstances at the time, we thought we would limit our presentation to something that is immediate that can be put into effect fairly immediately.

Senator BARTLETT. I thought you made a very important point, and as to my recollection, it has not come to the committee before, when you said that the 12-mile limit will give a protection that might not be generally realized because so many species grow there, become mature, or reach a point of reasonable maturity before they move out beyond.

I think this is extremely valuable testimony.

Mr. LOKKEN. Also, in your area, Senator, the king crab stocks require protection, and not from the standpoint of taking mature crabs only, but from the standpoint of the protection of the young.

Now, the Russians may not fish king crabs within the 12-mile limit, but they may trawl within that area, and when you drag a trawl over a king crab, he is just dead. There is no chance of harvesting that crab at a later time in its adult stage, so this is something that hasn't been emphasized as much as it should.

Senator BARTLETT. To my knowledge, no one has been more considerate than you, Mr. Lokken, with the protection of the American fisherman, the American fishing industry, and the fish off our coast, and I have been in many meetings with you, and many negotiations where efforts were sought to make our position more secure, and you have given more consideration to all these matters than other people, and I have been asked the same question constantly over the years, which I have been altogether unable to answer, and I was reminded of this by something you had to say to the committee.

Well, in effect you said that the habit and practice of the Japanese and Russians is to move a huge fleet to a certain part of the ocean, take

everything that can be taken there economically, and then move elsewhere.

Now, you and I and everyone that knows anything about the subject know very well that this is detrimental to conservation, is devastating to the resource. You pointed that out adequately by these tables you furnished.

Have you ever been able to resolve to your own satisfaction, reason or reasons why these people fish in these waters when they must know, or certainly know as well as we do what is going to be the result? We fear all the time that with this intensive fishing effort, accelerated in the last several years, increasing all the time, and going to limits that we can't even speculate on now, that there won't be any fish left anywhere, and the Russians must know this, the Japanese must know it. Why do they behave in this fashion? Have you ever been able to explain that to your own satisfaction?

Mr. LOKKEN. No. This just depends on the philosophy that you begin with. If you are taught a certain philosophy you usually continue it until it proves to be wrong.

Now, they assume that virgin grounds are in existence everywhere; that they will never run out of virgin areas to exploit.

Now, the Japanese particularly are finding this is not true. There aren't many areas unfrequented by fishing vessels, and they are beginning to have trouble in Japan. The Russians, of course, aren't faced yet with that problem in as much as the operation there is the Government operation, and costs are not too material at this time. Later on they may start looking at the costs of the taking of some of these fish and may find out that they can profitably employ their effort elsewhere, but at least at the present, as far as we know, they are still building vessels as though they are going to take fish on the Moon, Mars, and outer space as well.

Senator BARTLETT. Well, we know that figuratively speaking the world has shrunk in size. The jet airplane gets around much faster than people did 50 years ago, and so it is in another sense with the fishing effort. I suspect that there are no great virgin stocks of fish left anywhere in the world now.

Would I be reasonably correct in that assumption?

Mr. LOKKEN. Reasonably correct. However, biologists say that the flats of Argentina are still relatively unexploited, and this possibly is the last known area of virgin stocks of sufficient quantities of fish to make operations profitable.

Senator BARTLETT. Well, the biologists conclusions, of course, will be published, and will be read everywhere, and in a very few years this won't be a fact.

Mr. LOKKEN. Correct.

Senator BARTLETT. In the eastern Bering Sea, you said the Japanese, in their intensive fishing effort, which has just practically wiped out the whole stock of halibut, used smaller gear than Canadians and Americans.

Did they ever consent to using bigger mesh?

Mr. LOKKEN. No, they did not. They only agreed to a minimum size of 66 centimeters, which runs in the neighborhood of 25 inches, and this was the only size limitation to which they agreed.

Senator BARTLETT. Then how does that compare with the size of the mesh used by Canadian and American fishermen?

Mr. LOKKEN. This was the same minimum size that Americans are allowed to take. However, the American hook is larger, and the thickness of the ganging or twine that Americans use is greater than that of the Japanese, and consequently take much larger fish. We have found, too, that the Japanese lose large fish simply because their gear is not strong enough. So there is wastage there as well.

Senator BARTLETT. You pointed out that the Japanese went into the waters west of 175° west longitude, searching and catching halibut and black cod, and they reached an optimum production of halibut in 1961, of black cod in 1962, and in 1964 practically nothing was left of either.

Were any other countries fishing for those species in those waters?

Mr. LOKKEN. Not to any great extent. The Russian vessels may have been there, but we do not have statistics for them. The amount would be quite small, however.

Senator BARTLETT. Mr. Lokken, the committee will keep firmly in mind, as it moves along in the consideration of this bill, your recommendation that the bill or the report—and I assume it would be the report—point out clearly and positively that establishment of a 12-mile zone does not represent on the part of the United States an immutable position.

I thank you for a very fine speech.

Mr. Foster?

Mr. FOSTER. Thank you, Mr. Chairman.

Mr. Lokken, I wonder whether you could make available or attempt to make available, to the committee, information on the foreign catch of shrimp, and ocean perch, along the line that you have made available to the committee for yellowfin sole in the eastern Bering Sea.

The committee has received some general information that the foreign catch of shrimp, particularly the Russian catch of shrimp off Alaska in recent years, has been enlarged considerably. And the same is true with the Japanese catch, and the same with respect to ocean perch.

Mr. LOKKEN. Off Alaska?

Mr. FOSTER. Yes.

Mr. LOKKEN. This is true. There was some discussion yesterday and the day before, I believe, of shrimp catches of foreign vessels off Alaska, and I don't believe at that time mention was made in the Pribilof Islands.

Now, it seems to me if my memory is clear that the Japanese, particularly, and the Russians, too, took huge quantities of shrimp, and I am not sure of the distance from shore, but it was quite close. I believe, as a matter of fact, the Senator saw movies, as I did, of the Japanese shrimp operations, and the tows of shrimp were huge, in the neighborhood of 20 feet high, and maybe 10 feet wide, nothing but solid shrimp, and it just staggered our imagination to see the tremendous quantities that they were taking, and this was very close to the Pribilof Islands.

This is at least some protection that would be given to the shrimp stocks there in the 12-mile limit, because I am quite sure the catches were made within 12 miles of the Pribilof Islands.

Mr. FOSTER. That is the only thing I have, Mr. Chairman. Thank you.

(The figures requested above follow:)

U.S.S.R. catch of fish and shellfish off U.S. coasts (the Bering Sea, North Pacific off Aleutian Islands, and the Gulf of Alaska) by principal species, 1960-65

[Metric tons]

Species	1960	1961	1962	1963	1964	1965
Flatfish.....	105,680	173,100	¹ 180,000	¹ 140,000	¹ 100,000	¹ 100,000
Ocean perch.....	11,700	48,500	60,000	125,000	270,000	¹ 400,000
Total, bottomfish.....	117,380	221,600	¹ 240,000	¹ 265,000	¹ 370,000	¹ 500,000
Herring.....		68,700	¹ 100,000	¹ 150,000	¹ 200,000	¹ 150,000
Total.....	117,380	290,300	¹ 340,000	¹ 415,000	¹ 570,000	650,000
Shrimp.....					(²)	4,000
King crab (in millions of male crabs).....	1.0	2.3	2.6	3.0	5.3	2.2

¹ Estimate, degree of accuracy about plus-minus 20 percent.

² Catch was negligible.

NOTE.—The Soviets did not fish in Gulf of Alaska prior to 1962. They have been fishing in the Bering Sea since 1958. Soviet fishing off Pacific Northwest in 1965 was only for about 3 weeks and only a small quantity was caught.

Japanese catch of fish and shellfish in eastern Bering Sea, 1960-65

[Metric tons]

Species	1960	1961	1962	1963	1964	1965
Groundfish.....	457,387	538,617	478,833	250,714	351,447	275,345
Herring.....		73,901	10,077	31,624	42,600	33,300
Shrimp.....		10,225	21,012	31,612	20,487	7,750
Total.....	457,387	622,743	509,922	313,950	414,534	¹ 316,395
King crab (thousands of crabs).....	1,949	3,029	4,951	5,476	5,895	4,200

¹ Through August 1965. Total for year estimated at 376,000 metric tons.

Japanese catch of fish and shellfish in Gulf of Alaska, 1963-65

[Metric tons]

Species	1963	1964	1965 ¹
Groundfish.....	8,733	17,394	29,429
Shrimp.....	640	2,371	92
Total.....	9,373	19,765	29,521

¹ Through August 1965. Total for year estimated at 50,000 metric tons.

NOTE.—Only exploratory fishing operation conducted in Gulf of Alaska prior to 1963.

Japanese catch of salmon in North Pacific, 1960-65

[Millions of fish]

	1960	1961	1962	1963	1964	1965
Total mothership catch.....	26.5	22.7	19.7	23.5	21.9	n.a.
U.S. origin (sockeye).....	4.7	5.2	1.5	1.3	1.9	6.1

Senator BARTLETT. The other day, Mr. Lokken, I was in Seward, Alaska, when Seward was being designated as an all-American city, and a friend of mine took me over to his store, and opened a freezer, and he showed me some shirmp that had been caught nearby. They were great big fellows, 4, 5, 6 inches long, and apparently a very abundant supply of shrimp of all sizes in nearby waters, especially around Kodiak.

That evening I was invited to dinner. I couldn't go because of a community dinner in connection with this all-America city celebration, but the people whom I visited showed me what they were going to have for dinner. And they were shrimp 4 or 5 or 6 inches long that had been shipped to Seward from Louisiana. We are a peculiar people, sometimes, I think.

Thank you very much.

Mr. LOKKEN. Thank you very much for the opportunity to testify.

Senator BARTLETT. Is the Washington State group here? Do you want to come together, separately, or how?

We apologize for keeping you waiting so long.

STATEMENT OF TOM COOK, BUSINESS MANAGER, WEST COAST TROLLERS ASSOCIATION, FORKS, WASH.; ACCOMPANIED BY JAMES SUOMELA AND ALLEN J. MALCHOW

Mr. COOK. Thank you, Mr. Chairman.

My name is Tom Cook, a manager of the West Coast Trollers Association, Inc., in the States of Washington and Oregon. We represent upward of 500 members who are all boatowners. It is not a union.

Senator BARTLETT. And you are accompanied by whom?

Mr. COOK. On my left here is James Suomela and Mr. Allen Malchow of Chinook, Wash. They are here by the courtesy of the Long Beach Peninsula with a population of probably 2,000, who took up donations to send these people back here to represent them.

Senator BARTLETT. That certainly provides ample evidence of the importance of your people to this subject.

Mr. COOK. I have here a wire, Mr. Chairman, from the Governor of Washington, addressed to me. It reads:

Senator WARREN G. MAGNUSON. I am deeply concerned about the impact of foreign fishing upon stocks of fish adjacent to our shores. While I believe a 12-mile fisheries zone would not wholly protect these fisheries stock and while I believe we need protection for these fish to the limit of the Continental Shelf, I support S. 2218 and S. 2225 as a necessary first step in achieving this protection.

It is signed "Governor Dan J. Evans, State of Washington."

I have a very brief report here that I entered up here, as to the statistics taken from the 1964 annual report, and it shows the value of the fishery in the following figures. This includes all species of commercial fish in the State of Washington in 1964.

(The referred to information follows:)

Statistics taken from the 1964 annual report of Washington State Department of Fisheries show the value of the fishery in the following figures

Catch value to fishermen-----	\$15, 599, 923
Processed value based on wholesale price-----	35, 193, 246

(The above includes all species of commercial fish.)

The salmon catch for 1964:

Catch value to fishermen-----	6, 488, 757
Processed value-----	11, 093, 103
Retail value-----	15, 917, 049

WEST COAST TROLLERS ASSOCIATION,
(Signed) Tom Cook, *Business Manager.*

Mr. Cook. This is just for the State of Washington. It does not include Oregon or California. We have evidence here, we think—we believe, we don't think. We believe the evidence here that we have which Mr. Malchow will present to you.

Senator BARTLETT. Before we come to that, Mr. Cook, will you tell us the principal fishes taken off Washington other than salmon, accounting for about \$9 million insofar as the fishermen are concerned?

Mr. Cook. Well, that would be bottom fish. Drag fish.

Senator BARTLETT. What kind?

Mr. Cook. Sole, perch, cod, rock fish, other species.

Senator BARTLETT. All right.

Mr. Cook. Now, Mr. Chairman, Mr. Malchow would like to present his—

Senator BARTLETT. We will be glad to hear you.

Mr. MALCHOW. I am Allen J. Malchow of Chinook, Wash., captain of the salmon troller *Starlite*, the appointed delegate for the Southwest Washington Trollers and their communities, do hereby state that after a motion of Elmer Johnson of Westport, Wash., captain of the *Jolly Roger*, and seconded by Richard Patana, Ilwaco, Wash., captain of the troller *Omega*. It was duly voted by the membership of the West Coast Trollers Association, Ilwaco, Wash. local, officers as follows:

Arne Oja, Ilwaco, Wash., captain of the trolling vessel *Crosswinds*—who is the president, and Milton Johnson, Ilwaco, Wash., captain of the trolling vessel *Teeny*, secretary-treasurer, to support Senate bill 2218 with an amendment to extend the territorial waters of the United States of America to 200 miles or the Continental Shelf.

I have here a letter addressed to Senator Warren G. Magnuson which I would like to read now.

DEAR SENATOR: The winters of 1964 and 1965 I was a member of the crew of the tug *Captain* owned by Washington Tug and Barge Co., Seattle, Wash.

Our operation was the ferrying of railroad cars on a barge for the Canadian National Railway. Our schedule of operations were from Prince Rupert, British Columbia across the Gulf of Alaska to Whittier, Alaska. We crossed the gulf on an average of twice every 10 to 12 days.

Each and every time, we were harassed by numerous Russian fishing vessels. This harassment was the continual purposely cutting their higher speed vessel back and forth across the bow and the intent was evident that they were trying to force us away from the area that they were fishing. This area varied from 22 miles to 3 miles off shore. We counted 202 Russian vessels on one trip off Kaku-

tat, Alaska. Many violations of international law of the sea were violated and recorded in the log of the tug captain.

During bad weather, we were jogging in circles back of Cape St. Elias and there were two radars going continuously. We were 2 to 3 miles off shore and we often would see Russian fishing vessels one and a half miles off shore, on anchor, transferring fish or just anchoring to get out of the weather.

These vessels were inside our 3 mile present limit and were witnessed both day and night by the entire crew. It was recorded in the ship's log and reported to Coast Guard in Seattle.

We were but one tug and there were an additional 8 or 10 tugs operated by Puget Sound Tug and Barge Company who have had similar experiences and sightings.

The irony of the situation isn't only that they are taking fish paid for by our contributions toward our fish hatcheries, but are also using our territorial waters as if they were their own. The few anchorage areas in the Gulf of Alaska are taken up by Russian vessels when we need them the most.

The captain also informed us that many of the Russian vessels were obtained on the lend lease basis and Russia has never paid for these same vessels that are now raping our fishing grounds.

Through several years of hard work, Mrs. Townsend and I now have a \$21,000 fishing vessel of 24 gross tonnage. Every cent that we could save and sacrifice has gone into the purchase of our vessel and under present conditions of the Russians taking our fish, our efforts over the years appear now to possibly have been in vain.

Won't you please use your good office to do whatever you can to extend our present 3 mile limit as far as possible seaward.

We are definitely in favor of Senator Bartlett's proposal of the 200-mile limit.

Sincerely,

ROBERT L. TOWNSEND,
Port Angeles, Wash.

I also have some statements from troll fisherman of an incident that happened to them, and observations that they have made. I will read this one. It is from W. E. Soule.

While fishing the trawler *Discovery*, approximately 6½ to 7 miles off Cross-sound, Alaska, I saw a Russian trawler behind me. I picked up my gear, tossed the tag lines back overboard, so it would look like I was trolling, and watched him.

He passed me and run up about 2 miles, and started lifting his gear. I ran full speed till I was about 50 yards from him and slowed down, and coasted up close to see what he had in his bag. It was mostly salmon that I saw in the bag.

I have fished for 40 years and know salmon when I see them. This happened in the summer of 1965.

I have another statement here from Curtis Kennedy, captain of the salmon troller *Ding How*, picked up this net in 20 fathoms of water off Long Beach, Wash., on May 12, 1966.

I saw this net floating in the water and I had never seen this type of net before, so I picked it up with a gaff hook. This net piece was then turned in to Dr. Ed Harvey, Seafoods Laboratory, Astoria, Oreg.

I now have that net here, which I would like to submit as evidence. It is a net that is foreign to our soil. It has never been seen by any of our fishermen.

Senator BARTLETT. What is it made of? Do you know?

Mr. MALCHOW. It is made of nylon gear, and a fine web.

Senator BARTLETT. That will be accepted, of course.

Mr. MALCHOW. Thank you. This is from Elmer Johnson:

I, Elmer Johnson, skipper of the troller, *Johnny Roger*, observed a Russian trawler working off Willapa Harbor in 40 fathom on May 6, 1966, traveling south with his gear down, his speed was about 10 knots, type of gear unknown, however, I assumed it was a midwater trawl which could harvest salmon.

This is from Lee Cummins, captain of the salmon trollers *Sallie* and *Rose*, and he states:

I have been fishing 21 years. I find more and more gillnet marks on silvers and Chinook salmon in deep water up to 55 fathom, in April and May of 1966. I believe they are escaping from Russian nets. Think of what they do get.

Milton Johnson of the boat *Teeny*, a 31-foot troller fishing off Tillamook, approximately 20 miles south of the Columbia River in August, shortly after the Russian trawlers were reported southwest of the Columbia River light ship, started picking up silver salmon that had definitely escaped from gillnets, and there is no gillnetting in the ocean in Oregon or Washington, nor gillnetting in any of the streams at that time.

I have more of these, but they all relate to the same subject, sir.

Senator BARTLETT. You want to hand them over to the reporter and we will place them all in the record.

Mr. MALCHOW. Yes, sir; I will. That is what I have, sir.

(The information mentioned above follows:)

DEPOSITION OF A. P. MARCHAND, DOING BUSINESS AS ILWACO FISH CO. & EIDE'S CHARTER SERVICE, ILWACO, WASH.

I, A. P. Marchand, Manager and Owner of the Ilwaco Fish Company and The Eide's Charter Service, do hereby state that the Fishing Industry is vital to the community of Ilwaco, Washington.

In the year 1965, the Salmon Trollers delivered to the Ilwaco Fish Company, approximately 675000 pounds, valued at about \$320,000.00.

The Salmon Gillnetters on the Columbia River delivered approximately 50,000 #, valued at about \$19,800.00 to the Ilwaco Fish Company.

Eide's Charter Service sent out over 4800 charters, each person entitled to 3 salmon each.

We employ twenty one people to process these fish, and to look after the charter business.

I therefore support the Senate Bill 2218, with the amendment to extend the territorial waters to 200 miles or the Continental Shelf.

ILWACO FISH CO. &
EIDE'S CHARTER SERVICE.
By A. P. MARCHAND.

STATE OF WASHINGTON,
County of Pacific:

Subscribed and sworn to before me this 16th day of May 1966.

K. KENNETH KEELING, Jr.,
Notary Public in and for the State of Washington residing in Seaview.

DEPOSITION OF JAMES ANDERSON, FISH BUYER FOR BUMBLE BEE SEAFOOD'S ILWACO STATION, ILWACO, WASH.

I, James Anderson do hereby state that during the fishing year of 1965 Bumble Bee Seafoods purchased 677 ton of salmon from local fishermen. They had a value of \$440,840.00.

Our station employs 11 people.

We support Senate Bill 2218 to extend our territorial waters to 200 miles or the edge of the continental shelf.

Also as fish buyer for Bumble Bee, during 1965 we received some troll salmon that had distinct net markings of small mesh size.

JAMES C. ANDERSON.

STATE OF WASHINGTON,
County of Pacific:

HARRY MOORE, JR., Notary.

My commission expires September 7, 1968.

DEPOSITION OF HAROLD F. GREEN

I, Harold Green, Captain of the troller, "Sockeye," do state I was fishing below North Head, off the Columbia River where the Russian Fleet is working. I caught four salmon that had gillnet marks on them. One of the ships was working in about 32 fathoms. I caught these fish in 27 fathoms. These fish were not of the size or age that could have been in the river, so therefore should not have been around gillnets.

HAROLD F. GREEN, *Tacoma, Wash.*

Subscribed to and sworn before me this 15th day of May, 1966.

TIM C. WILLIAMS,
Notary for the Public to and for the State of Washington.

Date: May 15, 1966.

MAY 16, 1966.

DEPOSITION OF MELVIN LEBACK, MANAGER CHINOOK PACKING Co., CHINOOK, WASH.

I, Melvin Leback, do hereby state that the fishing industry is vital to the community of Chinook, Washington.

In the year of 1965, the Salmon Trollers delivered a total of 196,021 pounds of fish that was valued at \$76,449.17 and the Crab Fishermen delivered a total of 397,154 pounds that was valued at \$64,784.20. We employed on the average of 50 to 60 people to process this fish and crab. Our gross payroll was \$109,973.49.

I therefore support the essence of Senate Bill 2218 with the amendment to extend the territorial waters to 200 miles or the edge of the continental shelf.

CHINOOK PACKING Co.
By MELVIN LEBACK, *Manager.*

STATE OF WASHINGTON,
County of Pacific:

On this 16th day of May, in the year one thousand nine hundred and sixty-six, before me came the applicant named hereon who, being duly sworn, says that the statements contained on this application are true and the applicant's signature is in his own handwriting.

DESMOND MUTHE,
Notary Public.

My commission expires October 26, 1966.

DEPOSITION OF RICHARD L. PATANA

I, Richard L. Patana, Captain of the Omega, do state on or about the date June 17, 1965 through June 30, 1965, did see a Russian fishing vessel engaged in fishing in the area west southwest of the Columbia River Lightship, in 76 fathoms of water. During said time I was also catching fish that had gillnet marks on them.

Later in the same year, around July 12 through July 23, I was catching a number of gillnet marked fish off the area of Tillamook Head to Tillamook Bay.

RICHARD L. PATANA,
Ihwaco, Wash.

Subscribed to and sworn before me this 15th day of May, 1966.

TIM C. WILLIAMS,
Notary of the Public by and for the State of Washington.

Date: May 15, 1966.

DEPOSITION OF JACK R. GOBLE

I, Jack R. Goble, owner and operator of the vessel, "Little Girl," of Newport, Oregon, in the month of August, 1965, did take a number of silver side salmon between Cape Lookout and Cascade Head, and that they had very distinct gillnet marks on them, and it would have been impossible for them to get these marks any where excepting on the high seas. Also, I have seen a Rus-

sian tanker oiling two catcher boats on the inside of Stonewall Banks off Newport, Oregon.

JACK R. GOBLE.

Subscribed to and sworn before me this 15th day of May, 1966.

TIM C. WILLIAMS,

Notary of the Public for the State of Washington.

Date: May 15, 1966.

DEPOSITION OF HARVEY BENEDICT

I, Harvey Benedict, owner and operator of the troller, "Verley," did catch a King Salmon with gillnet marks in 30 fathoms of water just east of the Columbia River Lightship on May 14, 1966. I have also caught Cohoe Salmon for the past seven years with gillnet marks on La Pareuse Bank, otherwise called the "Forty Mile." Some of these fish were caught with marks before Canadian or American gillnet seasons were open.

HARVEY BENEDICT,
Olympia, Wash.

Subscribed to and sworn before me this 15th day of May, 1966.

TOM C. WILLIAMS,

Notary of the Public of and for the State of Washington.

Date: May 15, 1966.

DEPOSITION OF JACK CARNAHAN

I have caught a number of silver salmon off the shores of the Columbia River of Washington and Oregon with gillnet marks on them in 1965.

I would blame Russian fishing operations for this, since gillnetting was not allowed in United States waters at this time.

JACK CARNAHAN,
Ocean Park, Wn., Captain of the troller, "Lilja."

Subscribed to and sworn before me this 15 day of May, 1966.

TOM C. WILLIAMS,

Notary of the Public for the State of Washington.

Date: May 15, 1966.

DEPOSITION OF GERALD SIMMONS

I, Gerald Simmons, Captain of the troller, "Lonely," do state that I have caught both silver salmon and Chinook salmon off the Columbia River with gillnet marks on them in 1965. This was during times when there was no gillnet fishing on any American streams.

I have also been forced to make emergency course changes to avoid collision with the "Churkin," a Russian ship 350 feet long; this took place about 150 yards outside the No. 1 buoy at the mouth of the Columbia River on April 24, 1966. The Captain of the Russian ship showed a complete lack of regard to the rules of navigation.

GERALD SIMMONS,
Ihvac, Wash.

Subscribed to and sworn before me this 15 day of May, 1966.

TOM C. WILLIAMS,

Notary of the Public by and for the State of Washington.

Date: May 15, 1966.

WINCHESTER BAY SEA FOODS, INC.,
Winchester Bay, Oreg.

To Whom It May Concern:

A fleet of four to six Russian trawlers have been working off Bandon, Oregon for about three months. These boats work in and out between three and twelve miles. They are taking large quantities of Ocean Perch, and any other species they catch incidentally.

They are using small mesh nets and seem to be concentrating on the smaller fish. Especially, in areas that American boats avoid and consider *spawning and rearing grounds*. I know this as I see them working the grounds we know well, and know what fish are there. I also know that they could not take this small fish without small mesh nets as the escapement would be very high. My observations show that they are taking large tows compared to our own for the same period of time. If this harvest continues, the fish resources on the West Coast of the U.S.A. will soon be exhausted. I feel that we have been approaching the maximum yield of our grounds off Newport and Coos Bay. How close we are approaching this I can not say, but I definitely know the number of boats here now is way over what the grounds can take and keep the fish repopulated. I am concerned over our sole grounds, as several of these trawlers have made tows in the areas we term sole grounds. I know, it takes nearly twelve years to fifteen years to raise a dover sole large enough to be harvested and sold in the U.S. Market. If the Russians decide to work this type fish, which I see no reason they shouldn't, you can see the spot we are in.

Concerned,

/s/ FRANK J. FLEMING,
Master, Drag Trawler "Margaret E."

STATE OF OREGON,
County of Douglas:

Be it remembered, that on this 13th day of May 1966 appeared before me a Notary Public, Frank L. Fleming, who is known to me and who signed the above statement in my presence. In witness whereof, I have hereto set my hand and Notarial Seal this 13th day of May 1966.

/s/ G. R. VAUGHN,
Notary Public for Oregon.

My commission expires February 1, 1968.

To Whom It May Concern:

On April 30, 1966 we saw a mother ship and a trawler. The trawler was making a tow from West to East twice as fast as we were towing.

At the time we were towing. We pulled in our gear and tried to get close to see what they were catching, gear, etc. As we approached they just kept moving off. The weather was bad and we were forced to come home. However as we left the grounds the larger vessels were still fishing. As we left the area we noticed them moving into the place we were fishing.

On Friday April 22, 1966 we were running from the Columbia River to Coos Bay. I was watching wheel for 10.00 to 2.00 P.M. The first group consisted of about 25 boats which were fishing. The lights looked like a city on the horizon. Within an hour there were two other groups. At 2.00 I awoke the captain so he could see the Russian fleet. From the larger amount of boats in one area I am sure they are overfishing our grounds.

/s/ BASIL WARNOCK,
Crewman Boat "Columbia."

STATE OF OREGON,
County of Douglas,

Be it remembered, that on this 13th day of May, 1966, before me, a Notary Public, appeared Basil G. Warnock, who is known to me and who signed the above statement in my presence.

In witness whereof, I have hereto set my hand and Notarial Seal this 13th day of May 1966.

/s/ G. R. VAUGHN,
Notary Public for Oregon.

My commission expires February 1, 1968.

M/V "LYNDA DAWN,"
Astoria, Ore., May 13, 1966.

To Whom It May Concern:

On the morning of Thursday, April 7, 1966, we arrived off Newport, Oregon about 34 miles west south-west. This was an area that had been very productive in ocean perch. In the vicinity were nine (9) Russian side trawlers and two (2) supply or mother-ships.

We set our nets to make a tow; then two Russian trawlers ran over and set their gear on a course crossing ours. We had no choice but to retrieve our gear

immediately. They use 1' to 1 1/4'' cable and we only have 1/2'' to 5/8'' cable. If we tangled gear with them we would lose our equipment. It must be understood that most perch grounds are very narrow and short. In many cases there is not enough room to pass another vessel. Being unable to communicate with them increases the hazards of fishing near them.

We then ran inshore to another spot for rockfish. When we arrived there, fish were showing on the bottom. Just outside of us about three miles away was another Russian trawler. We set out and shortly we picked up the net and reset the gear completing this tow of thirty-five minutes netting close to 35,000 pounds of rockfish.

As we were splitting this tow aboard, this Russian trawler came over alongside to see what we had. He immediately set his gear exactly where we were fishing. He had a tow of about 40,000 pounds. We were out of ice and had to leave at this point; however, the M/V EAGLE, skippered by Steve Nichols, arrived on the scene and started to tow. This was now about 4:00 p.m. The EAGLE was going to stay and try in the morning as the U.S. Trawl fleet has very little luck at night on red rock fish.

That same evening three Russian trawlers moored in and fished all night. The next morning there was no fish showing on the bottom. Capt. Steve Nichols made a tow there anyway and caught only about seven rockfish.

/s/ WARD NICHOLS,

One-half owner M/V "Lynda Dawn."

/s/ DONALD W. NICHOLS,

One-half owner M/V "Lynda Dawn" (Master).

Notarized May 13, 1966.

WINCHESTER BAY SEAFOODS INC.,
Winchester Bay, Oreg.

To Whom It May Concern:

As a resolute, I believe that if adequate protection is not established that foreign vessels will deplete the fishing grounds' in our area in the near future. From the facts available, and if they, the Russian trawlers, use methods that are not in our conservative methods, will result in a financial depletion.

On April 27, 1966 I was fishing on grounds that I had been working when a Russian trawler came upon the grounds. This trawler was moving in and out like he was observing the grounds. Later another trawler came in from the west approaching us at about 300 yards. After we picked up the fishing gear we moved back to the position that we set the drag or trawl net; This second Russian trawler was zig-zagging back and forth and running back and forth in front of me. Their lights aboard were adequate for running, but their actions were to paint that they were fishing. There were search lights shining on the water at different angles. Due to weather conditions I felt that it was too difficult to continue fishing on these grounds due to the fact that I could not keep track of them (fog and mist). When I left these grounds one of these Russian vessels followed me south for ten miles. A spotlight was kept on us the entire time making it hard to operate. This Russian vessel which had been following us quit and from this act I feel that if something isn't done, there will be an economic hardship on the trawl industry in our area.

Anguished,

/S/ HERBERT KING,
Master, vessel "Darell."

STATE OF OREGON,
County of Douglas:
Notarized May 13, 1966.

To Whom It May Concern:

I, Clifford Hall, Captain of the drag boat PACIFIC QUEEN, have been engaged in the bottom fishery since 1945. In this space of time, I have seen the stock of fish steadily depleted through our over fishing of them, even though we have a comparatively small fleet. In an effort to halt this depletion, laws were designed in an effort to create a sustained yield. These measures have helped but more were needed as we were still losing ground.

I sincerely believe that in the not too distant future of an expanding population, a sustained yield of food from our oceans will be desperately needed. I believe that the men and women, we, the people have elected to govern us, and who have an obligation to us and future generations, cannot possibly realize the

seriousness of the present situation of a powerful foreign nation, who if allowed to go unchecked will almost completely wipe out this fishery.

You cannot take fish at these spawning grounds and in the spawning season, without regard to size or maturity, and expect to maintain a fishery. That is what is now happening with the Russian fleet's total disregard of conservation. The grounds are being vastly over-fished. The Russian boats are large enough to fish all weather and operate night and day with large crews and the best electronic equipment a powerful nation can provide.

The result of this, is that the potential for catching fish of each Russian boat is about ten times each American boat.

Sincerely,

/S/ CLIFFORD L. HALL.

(Notarized.)

To Whom It May Concern:

On April 24, 1966, I saw a Russian Drag boat which was 120' long. I saw ten men on deck. The boat came to within thirty yards of our boat the Dare II.

Our boat had to pick up and leave when three Russian boats moved in on us. We left the grounds and on the way to new grounds, a Russian vessel came within seventy-five feet of our vessel. It was midnight. The Russian turned his spot lights on us and blinded me for a few seconds, then it turned and ran along side of us for quite some time. We were fishing alone (one boat). The crew decided that it was not safe, and left. We were unable to fish the grounds we have always fished. Even if we get there first, the Russians will move in with several boats and crowd us out. We can not make a living this way. This is the truth as I have seen it.

Please help us!

/S/ ORVAL WORKMAN.
Crewman, Motor Vessel "Columbia."

STATE OF OREGON,
County of Douglas:

Be it remembered, that on this 13th day of May, 1966, before me, a Notary Public, appeared Orval L. Workman, who is known to me and who signed the above statement in my presence.

In witness whereof, I have hereto set my hand and Notarial Seal this 13th day of May 1966.

/S/ G. R. VAUGHN,
Notary Public for Oregon.

My commission expires February 1, 1968.

To Whom It May Concern:

I am very disgusted with the Russian fleet off our coast. They have no respect for another countries fisheries or anything else. They come in and just run you right off the grounds and fish them until they are depleted. I have seen this in the 2100 to 2400 block which is off Newport, Oregon. On April 24th, 1966 we ran to the grounds we generally fish and there wasn't anything there. I talked to the other draggers in the area and they had worked all over this area and the production dropped to almost nothing. In a three day period working the coast from Astoria to Coos Bay, we came home with 6,000 pounds of fish. Last year, we made the same trip and came home with 60,000 pounds of fish, (boat filled to capacity). With their superior gear and 24 hr. fishing regardless of weather, they are going to deplete our grounds completely. We have to get them off our coast or I for one, am going to take up my own means of running them off. I have nothing to lose except my life. I figure I have forty years left to fish and I intend to do it. *I don't understand why we can not get some help with this situation!*

/s/ MELVIN JOHN WICK,
Master of Drag Trawler "Columbia."

STATE OF OREGON,
County of Douglas, ss:

Be it remembered, that on this 13th day of May, 1966, before me a Notary Public, appeared Melvin John Wick, who is known to me and who signed the above statement in my presence.

In witness whereof, I have hereto set my hand and Notarial Seal this 13th day of May 1966.

/s/ G. R. VAUGHN,
Notary Public for Oregon.

My commission expires February 1, 1968.

M/V "W.C.F. Co. No. 1"
Box 1411, Newport, Oreg., May 4, 1966.

To Whom It May Concern.

DEAR SIR: I would like to submit the following information in regards to the Russian drag fleet in the Newport Oregon area.

I observed the Mother ship "NEPBOMANCH" unloading the side trawler "KAHDM-KASUM" at 7:30 A.M., April 7, 1966. Loran reading 2h4-2256-2H5-3399. That same day approx. 25 miles off shore I counted 16 side trawlers and 3 Mother ships in the 2H4-2200 block fishing perch and halibut. This is the long line grounds where our boats fish halibut. The side trawler "OMEGA" has been in this area approx. 6 to 8 weeks. All of these boats we have been along side of to observe their gear have had nets with approx. 3 inch mesh. They are taking small fish and every thing that gets in the nets. May 1, 1966 I saw 5 side trawlers at 2H4-2410-2420-85 to 120 fathoms fishing halibut which as you know is somewhat illegal for an American trawler.

I believe there are approx. 45 trawlers and at least 7 Mother ships and 1 tanker that we have seen in the Newport area in the last few weeks.

/s/ WAYNE KEELY.

POST OFFICE BOX 273, NEWPORT, OREG.,
April 28, 1966.

To Whom It May Concern:

For the past three weeks I have been fishing off Newport from ten to twenty-five miles offshore and from Cascade Head to Heceta Head. On every trip in that time I have seen from two to twenty-four Russian side trawlers called "catchers" and up to six large trawlers and four mother ships a day. My estimate of Russian ships in that area, based on my own sightings, is forty to fifty trawlers and six mother ships.

I saw in one day twelve side trawlers fully loaded with all kinds and sizes of bottom fish unload to two mother ships lying close to where we were working.

These boats are taking immature fish of all kinds that American boats are prohibited, either by law or because of inability to market them. They also catch large amounts of halibut and concentrate on grounds that long liners had worked for many years without interference from American trawlers. In my opinion this will, in fact already has, seriously depleted bottom fish in this area. Governor Hatfield's proposal to extend the national boundary to 12 or 20 miles is asinine and purely for political prestige. We must do more than this or give it all to them (the Russians). The Russian fleet is taking more fish in one 24 hour period than the trawlers of Newport combined take in a year.

Sincerely,

/s/ WARREN HARRISON,
Skipper of Trawler "Ruth Ellen."

OREGON FUR PRODUCERS ASSOCIATION,
Post Office Box 597, Astoria, Oreg., May 13, 1966.

To Whom It May Concern:

The mink ranching industry was established in the states of Oregon and Washington because of available bottom fish frames from the fish fillet plants; and in turn the fish fillet plants were able to flourish and expand from the income derived from the sale of their by-product (fish frames), which amounts to 45 million pounds annually with a value to the fillet plants of \$750,000.

If the fishery is depleted by the Russians and this food is lost to the mink producing ranchers, it is felt that this valuable industry would decline proportionately to the amount of fish frames that may be available for mink food. Other products being in short supply plus shipping costs to this area would make mink ranching unprofitable.

The investment value of the northwest mink ranches is approximately \$110,000,000, with an annual crop value of \$24,000,000.

We therefore respectfully request that all possible be done to save the West Coast Fisheries and its allied industries.

/S/ M. M. HILLE, Manager.

Notarized May 13, 1966, Clatsop County, Oreg.

MAY 7, 1966.

To Whom It May Concern:

On May 6, 1966, the Russian vessel "CHURKIN" was anchored exactly twelve (12) miles off Oysterville, Washington, in 40 fathoms, in the 3800 block. The trawlers were towing East-Northeast toward the three-mile limit. These areas are prime hake, rockfish, ocean perch, snapper and sole beds. These observations were made at approximately 11:30-11:45 A.M. on May 6th.

There were deck loads of hake from the trawlers on the factoryship "CHURKIN". There were approximately five tons of hake being lifted from a trawler up onto the "CHURKIN". They were unloading rockfishes and other species and then by cargo nets were taking hake aboard. The hake they were handling with caution as any other food fish, therefore, it was thought that they were going to fillet.

A net was being picked up by one of the trawlers. In observing it, up and into the intermediate section of the net it was 1½-2" mesh. Over all this was a 3" mesh on the outside. Not even an anchovy could escape. The mesh of the wings appeared to be 4½". There is no escapement from these nets. They take anything and everything, not just one special species. It is extremely efficient gear.

I can't get perch this year. I go to our normal spots for fishing and Russian trawlers are there. Therefore, there is no room for me to fish. On the bow of one of the trawlers a gillnet was observed by Dick O'Keefe, Brian Cour, Ernest Peterson, Frank Parker and I.

/S/ EBEN P. PARKER, JR.,

Skipper, Co-owner, M/V "Tom and Al", 1390 Olney Avenue, Astoria, Oreg.

Subscribed and sworn to before me this 11th day of May, 1966.

HJORDIS G. BROWN.

Senator BARTLETT. Well, what you say reminds me of the fact that the committee has probably a whole boxful of photographs sent to us from Bristol Bay, Alaska, of salmon taken by fishermen there which obviously escaped from Japanese nets, and had been damaged in some degree or other, sometimes seriously. I don't know how many pictures we have relating to that. Dozens in any case, and most of them are in color.

They give very positive evidence of the type in written form you have submitted here.

Mr. Suomela.

Mr. SUOMELA. I, James G. Suomela, captain of the salmon trawler *Prince* the appointed delegate for the Southwest Washington Trollers, local fishpacking companies, and their communities, do hereby state that we support Senate bill 2218 with the amendment to extend our territorial waters to 200 miles or to the edge of the Continental Shelf.

The commercial fishing industry, in the area I represent, in 1965 caught a total of 2,672,175 pounds with an approximate value of \$951,873.37. They employed approximately 91 in the canneries and at delivery stations. I refer to depositions of Chinook Packing Co., Ilwaco Fish Co., and Bumble Bee Seafoods, Ilwaco station.

We therefore need this legislation to protect our valuable industry from foreign encroachment.

Senator BARTLETT. How far do you go out for trolling?

Mr. SUOMELA. Well, most of our catch, I would say, is inside the 12-mile limit, but before the fish are mature, they seem to school up and feed outside the 12-mile limit. That is why we are pretty concerned about this Russian dragging, catching the fish before they get in closer, before they are mature.

Senator BARTLETT. Have you noticed any depletion in the stocks of the salmon in any degree?

Mr. SUOMELA. Well, not yet. See, our zone just starts. The main part of our zone will be in, oh, the latter part of June, July, and August, when the major part of the fish are caught, so we don't know yet.

Senator BARTLETT. You didn't have a rough go last year?

Mr. SUOMELA. No.

Senator BARTLETT. You think the Russians are taking the salmon primarily for the salmon, or is this just an incidental catch?

Mr. SUOMELA. Well, it is something nobody has been able to prove so far. We believe that they will take them. They seem to take everything else, and I imagine that salmon would be very valuable to their catch, also.

Senator BARTLETT. Are you related to Arny Suomela?

Mr. SUOMELA. Yes.

Senator BARTLETT. How?

Mr. SUOMELA. Second cousin.

Senator BARTLETT. Arny is going to retire, I understand.

Mr. SUOMELA. That's right.

Senator BARTLETT. He has done a good job for us, I might add, as fishery adviser at the Embassy in Tokyo, and a first-rate man.

Gentlemen, let me ask you this question. You have been here all during the hearings. You have heard the discussions. You know that we may have some difficulties with the 12-mile limit, but we will have incredibly more difficulty in putting through a bill which would extend our fishery jurisdiction to 200 miles to the limit of the Continental Shelf. What if we couldn't get either one of those? Would you agree with Mr. Lokken that that 12-mile zone would represent some protection, some advance, some help for the American fisherman?

Mr. SUOMELA. Yes, I believe so.

Mr. Cook. Wholeheartedly.

Senator BARTLETT. If we here could do everything we wanted to do when we wanted to do it, the American fishing industry wouldn't be in such a depressed condition, but you know, as well as we know, that not too many people even yet have the same degree and type of interest in this subject that we do, and international considerations do enter in, and we can't do everything we want to right away.

Thank you gentlemen very much, indeed.

Mr. Cook. Mr. Chairman, I was handed a note, as I came up, from the Oregon group. We would like to mention also that the sportsmen, crab fishermen, and charter boat associations also donated to the expense of the Oregon group and these fellows, and they are wholeheartedly in support of this legislation.

Senator BARTLETT. Well, I sometimes think if we can get the organizations moving in anything, we would have some very helpful allies.

The final witness listed for today is Jacob Ostensen, port agent of the New Bedford Fishermen's Union, New Bedford, Mass.

You have the place honor, Mr. Ostensen. You are the windup man. The last batter.

Mr. OSTENSEN. Well, I have the pleasure of being here, and have enjoyed every minute of it, Mr. Chairman.

STATEMENT OF JACOB OSTENSEN, PORT AGENT OF THE NEW BEDFORD FISHERMEN'S UNION, NEW BEDFORD, MASS.

Mr. OSTENSEN. Mr. Chairman, members of the committee, my name is Jacob Ostensen, port agent for the New Bedford Fishermen's Union, New Bedford, Mass. I would like to thank you for the opportunity to appear before you to record our organization's support of Senate bill 2218.

On September 6, 1963, I appeared before this committee to support Senate bill 1988 which was subsequently enacted into law. I believe that the same reasons for supporting this legislation are in order and pertinent to the bill now being considered. In fact, the 32 months which have passed since the 1963 hearings have been a continuing expansion of the fishing efforts of foreign nationals in waters adjacent to the east and west coasts with a huge increase in the number of foreign vessels, predominantly Russian, engaged in catching and processing fish products.

The United States is one of the few major fishing countries of the world who does not claim a 12-mile zone for fishing rights. Many countries make the extravagant claim of 200 miles. Periodically we read of American vessels having been seized by Latin American authorities for violating fishing zones adopted by their lawmakers. The most recent incident was within the last 2 weeks, south of the Panama Canal Zone.

I realize that this problem is of vital concern to west coast fishing interests as well as ours. I would like to confine my remarks to the New England area as I am more familiar with the particular problems of this area.

Many devoted legislators have expressed concern over the decline of the U.S. commercial fishing industry. The Government and its agencies are gradually becoming aware of the fact that something is drastically wrong. It is becoming increasingly evident that the American fisheries cannot depend on the good will of Government agencies to fulfill the needs and desires of the industry. The matters must be legislated.

It is of little value to construct modern vessels with Government support if the vessels are not able to operate financially successful. If the fishing fleet is to advance, it needs the solid support of Government to protect and strictly enforce conservation of fishery resources of the Continental Shelf. This is done easily within our own jurisdiction. When complicated by international agreement we always come out on the short end because we strictly enforce the agreement as pertaining to our vessels. However, the matter of enforcement binding on other parties to an agreement leaves much to be desired.

By nature and the proximity of the fishing grounds, the New England fleet is one of small vessels with few exceeding an 80-foot length. Only now with the fishing vessel subsidy has the incentive been provided to build larger and more efficient vessels which can compete more effectively with foreign imports. These vessels will also be able to operate in an expanded area. A transition to larger vessels will take decades to accomplish. In the meantime our main concern is the vessels now operating within a short distance from our shores.

We know, by evidence provided by aerial flights taken by the Bureau of Commercial Fisheries, that the Russian fleet fishing the waters east

and south of the New England area are concentrating on hake and whiting. This was at one time a prosperous fishery. Because of the concentrated fishing efforts of the Russian fleet with their small-mesh nets, a great number of vessels have stopped fishing for whiting because they cannot catch enough fish to be economically profitable. When they might spot a few fish, it is not long before they are overtaken by the Russian fleet and forced from the area.

Whiting, like many species of fish, are adapted to a warm water climate. The Russian fleet with their advanced electronic gear to spot schools of fish follow these schools, moving into the coastal area during the late spring and summer of the year. This period has always been the time of peak production for the vessels in the whiting fleet both in New Bedford and Gloucester. The concentrated Russian efforts have, for all practical purposes, made this a ghost industry. Prices for whiting are at an alltime high, but what will happen when the fish are just not available?

The Russian effort in regards to the seining of herring has also had its effect on our fishery. In the spring of the year when the herring move into the Nantucket Shoals area south of Nantucket Island to spawn, our boats always used to load up on codfish which followed the herring to feed on the herring spawn. For 2 years now, no appreciable amount of codfish has been caught in this area. We do not have scientific backing for our opinion that this is caused by the depleted herring stocks which forces the codfish to look elsewhere for a food supply.

I have mentioned this because, while we do not have a herring fishery, a concentrated effort on any one particular species of fish does not only affect that particular species but has a side effect on any other species of fish that might depend on that particular fish for its food supply.

Many species of fish spawn yearly in the shoal waters along our coast. The type of fishing done by our fleet has seemed to maintain the stocks of fish available until the advent of the foreign fleet along the coast.

At one time New Bedford was known as the scallop capital of the World. In the short period of 5 years we find ourselves outfished and outproduced by a modern Canadian fleet. Last fall and winter when our fleet was fishing the New York area, they were in the company of several Canadian scallopers. This fishing effort, done within sight of the Long Island shoreline, would probably have maintained our fleet for all of the winter. Because this effort was concentrated outside of the 3-mile limit, an area open to all comers, the scallops available were soon cleaned out. A 12-mile fishing zone would have solved this particular situation.

In making any recommendations for changes effecting the fisheries the first and most important consideration should be conservation. It seems that almost always, to coin a familiar phrase, "Lock the door after the horse is out of the barn." With a 12-mile fishing zone, I think that would be much easier to effect meaningful methods of conservation which are needed to maintain the supply.

Whenever legislation of this nature is advanced, our organization has always voiced its feeling that the fisheries are a resource of the Continental Shelf; as such, the entire shelf area should be closed to foreign vessels. Extending the limit to 12 miles provides only a

partial solution to the existing problem but is a step in the right direction.

I thank you.

Senator BARTLETT. Thank you, Mr. Ostensen.

Actually, I don't have any questions to ask you, because you have added to the sorry story which has been related by so many here during the last 3 days as to what is happening to the American fishermen, American fishing industry on all the coasts, as this concentrated foreign fishing effort depletes our supply, and may be exhausted in certain areas.

Your testimony has been helpful. Thank you very much.

Mr. OSTENSEN. Thank you very much for giving me an opportunity to be here.

Senator BARTLETT. We are glad to hear you and glad you had an opportunity to come down and testify before the committee.

Mr. OSTENSEN. All right. Thank you.

Senator BARTLETT. The hearings won't be closed, because we have in mind reference earlier made to an article which appeared in a magazine stating that these Russian fishing vessels are dropping homing devices which would enable Russian submarines to get sure fixes on, as I recall, 42 percent—or 42 of the largest American cities, and 80 percent of the entire American industry.

We hope that before we have winded the hearings up that we will have the author of this article before the committee. We have not as yet been able to locate him. Failing in that, we will call the editor of the magazine. Of course, we will place the article in the record.

We have here letters and telegrams and reports and other material relating to these bills, which without objection will be placed in the record. The chairman hears no objection and it is so ordered.

(The information mentioned above follows:)

[From Navy Magazine, March 1966]

THE PROBLEM OF SOVIET TRAWLERS—FREQUENT ENTRY INTO OUR TERRITORIAL WATERS BY THESE ELECTRONICS-LADEN SHIPS CALLS FOR TIT-FOR-TAT RESPONSE BY U.S., AUTHOR SAYS

(By Raymond Schuessler, Contributing Writer)

Early on the morning of January 22, 1963, a U.S. tanker radioed the Coast Guard that five Russian trawlers equipped with radar and electronic antenna were proceeding south, 11 miles off the coast of St. Lucie Inlet on the east coast of Florida. Eight hours later the merchantman KEIBE radioed the Coast Guard that a flotilla of six Russian trawlers, with electronic equipment, was heading south in diamond-shaped formation three to four miles off Lake Worth Inlet, 40 miles south of the position reported by the tanker.

Since this incident many Russian vessels have been seen off our Florida coast, often within our territorial waters. As Captain W. K. Thompson, Jr., Chief of Public Information of the U.S. Coast Guard told us, "During the past year and a half there have been about 60 Russian trawler passages and entries into U.S. territorial waters."

5,000 ARE OCEANGOING

What are these Russian ships doing so close to our shores? Are they engaged in harmless fishing expeditions, or are they threatening our security with espionage work and preparing the way for a successful attack in case of war?

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. About 20 per cent or about 5,000 of these ships are classified by our Navy Department as oceangoing trawlers and support ships.

The Soviet oceangoing fishing fleet is scattered around the world, equipped both for fishing and for gathering scientific data, including intelligence of military value. Photographs by U.S. Navy planes show that many of the ships have special electronic capabilities not normally required on fishing boats.

Most of the northbound sightings positioned the trawlers several miles offshore, so it appears that the sailing pattern of those trawlers observed was to avoid the Gulf Stream southbound and to ride it on the passages north. The exception occurred on May 27, 1963, when a trawler was reported three miles off Miami Beach, a course not recommended. Within five minutes, a 40-foot Coast Guard boat was dispatched to chase it. Although the U.S. craft with a speed of 18 knots had only to close a gap seven and a half miles, it gave up pursuit without getting close enough to identify it. Admiral I. J. Stephens, of the Miami Coast Guard District, agreed that the trawler had no reason to follow a northern course so close to the shore.

On May 14, 1963, the Navy reported that the destroyer tender USS SIERRA has sighted what was described as a hydrosurvey ship of the OKEAN trawler class, three miles south of Molasses Reef. The trawler did not answer the SIERRA's signals. On the same day, a Coast Guard boat reported the sighting of a trawler two and a half miles off Molasses Reef.

MATTER OF CONCERN

On June 8, 1963, the Lake Worth Inlet Light Station reported sighting a Russian trawler two miles off Palm Beach southbound. A Coast Guard boat sent located it about a mile and a half off Delray Beach.

In view of their adaptability to purposes other than fishing, the presence of these Russian trawlers within our waters is a matter of some concern to our government.

Russia maintains a fleet of about 200 to 400 fishing vessels operating off the Grand Banks and Georges Bank in the North Atlantic. More than a dozen of these Russian trawlers make regular trips between the North Atlantic fishing banks and Cuba, according to Rear Admiral A. L. Reed, Acting Deputy Chief of Naval Operations for Fleet Operations and Readiness.

Admiral Reed explained that in July, 1962, several Soviet fishing trawlers began activities in Cuba for the announced purpose of training Cuban fishermen and rehabilitating the Cuban fishing industry. In September, 1962, the Castro regime announced a Soviet-Cuban agreement where the Soviet Union would assist in the construction of a large fishing port in Havana Bay committed to provide services to Soviet trawlers in the North Atlantic for 10 years or longer.

WITHIN OUR THREE-MILE LIMIT

On their trips south these vessels hug the south Florida coastline for a distance of about 150 to 200 miles and at times are well within (one and a half miles) the three-mile limit of our territorial waters. Although this route is recommended by the U.S. Coast and Geodetic Survey publication "U.S. Coast Pilot" to avoid the northerly current of the Gulf Stream, it is, according to the Coast Guard, neither the shortest nor fastest for ships moving from the North Atlantic fishing banks to Cuba.

This raises the possibility, according to the Subcommittee for Special Investigations of the Committee on Armed Services:

"That the trawlers may be using the 'Pilots' recommended course as an excuse for moving in our territorial sea . . . a cover for operations of a military or paramilitary nature."

There is also the possibility of these vessels conducting electronic surveillance of our military defenses and exploring ways of interfering with or controlling the guidance and abortive systems of our missiles and rockets. If routine radio communications in taxis can wreak potential havoc on the launching pads, what can Soviet trawlers with their super-secret electronic gear do? A NASA scientist says: "They would have no trouble throwing a communications monkey wrench into our space flights if they wanted to."

SOUGHT POLARIS "DUMMY"

Nicolai F. Artamonov, former skipper of a Russian destroyer, testified that Soviet trawlers are "loaded with electronic gear for keeping tabs on U.S. Navy units, radar frequencies, shore-based signals and flight patterns of early warning aircraft." The Soviet trawler VEGA nearly collided with a U.S. destroyer off

Long Island when the Russian crew tried unsuccessfully to recover a dummy Polaris missile.

Vice Admiral John T. Hayward, USN, has testified :

“Soviet fishing fleet is mapping New England coastal waters.”

Off our East Coast we have a system of underwater sonar buoys, an anti-submarine project—upon which the trawlers could be spying and prying.

We have discovered radioactive devices of Soviet manufacture imbedded on the ocean floor along both the Atlantic and Pacific coasts of North America which were explained by our Navy as “position markers planted by trawlers for use by Soviet subs to ‘home in’ on such markers before firing on inland targets.” We found 43 of our largest cities and over 80 percent of our industries within range of the markers.

In the fall of 1961 during the North American Air Defense Command’s Sky-shield II exercises, designed to protect our preparedness against sudden attack, 85 Russian trawlers positioned from Newfoundland to Virginia were interested spectators.

BRITISH IRKED, TOO

Little wonder the activity of the Russian “fishing” fleet has become of increasing concern to western governments. Soviet trawlers have been sighted in such unlikely fishing areas as the waters of Scotland’s St. Kilda Island, the British Army’s rocket-homing base; and off Holy Loch, Scotland, a U.S. nuclear submarine base. Britain’s Sir Pierson Dixon told the U.N. Security Council in 1960 :

“We have been subject to the annoyance of seeing Soviet trawlers equipped with electronic equipment in waters where naval exercises or research activities are carried out.”

Soviet trawlers are stationed near American military bases in Southeast Asia. When the Guam-based B-52’s began strikes against Viet Nam, two Russian trawlers with huge antennas set up posts four miles from the Guam air base. Since we did not protest, we soon found the Russian trawlers trailing the Seventh Fleet off Formosa. Now spy-trawlers are off Viet Nam where they can give immediate information of American air attacks and, at times, amphibious landings. During one U.S. Marine attack, according to a Pulitzer Prize correspondent, the Soviet trawlers were able to report to the Viet Cong when, what and how many U.S. troops were involved. Both the Navy and the Coast Guard admitted that the ships could be landing or picking up spies or saboteurs or smuggling military items and that this could be done with little chance of detection in the landing or picking up operations.

IT WOULD BE EASY

We interviewed a fishing charter boat captain in Fort Lauderdale, Captain E. B. Kitchell, who stated that he or any other private boat owner could leave the Florida coast without clearing for a foreign port, pick up passengers in the Bahamas and, again without clearing, bring them into the United States along the Florida coast without anyone knowing about it. The same pattern, he said, applied to trawlers; that is, he could meet a trawler as far as 20 miles out, put an agent on the trawler and take one on his ship. This goes for messages or any equipment he may want to bring in.

Peacetime deployment of our Coast Guard facilities on the eastern coast of Florida is so thin that the Commandant concedes that the trawlers could put ashore or take aboard agents, weapons and other contraband with slight chance of detection.

Admiral Stephens explained that the Coast Guard is not on a war footing with horse patrols, dog patrols and foot patrols of guard against this type of illegal entry. Except for a patrol boat at Port Everglades, the Coast Guard has no facilities between Palm Beach and Miami.

This applies to the entire East Coast of the United States. A special government interagency task group recently completed a comprehensive study of the vulnerability of the continental United States to smuggling from the sea. The study revealed many inlets and beaches where hydrography, terrain and isolation would permit a resourceful enemy to smuggle persons or weapons ashore with little risk.

(Some press reports suggest that Russian trawlers are being used to transport subversive agents to Latin American countries.)

“INNOCENT PASSAGE”

Of course, we must consider the doctrine of “innocent passage” as justification for the unhampered transit in our territorial waters by these Russian ships. The

doctrine holds that a vessel not prejudicial to the peace, good order or security of the coastal state should be permitted passage through the marginal sea.

In reply to a question as to whether the Soviets would accord the United States the same right, Admiral Reed pointed out that the Russians subscribed to the Convention on Territorial Sea and Contiguous Zone, and the right of innocent passage in 1958 at Geneva. He said, however, that the Russian position in this respect had not been tested, since our shipping does not normally approach Soviet territory.

The Navy view on the presumption of innocence with respect to the passage of trawlers so close to our shores was presented by Admiral Reed.

"It is a question," he said, "of interpretation of what is prejudicial to security."

Lacking any evidence of any overt act which could be considered a potential hazard to security—such as stopping, anchoring, or behaving in a suspicious manner—and in the light of a general pattern of ordinary navigation, he indicated that it is to the mutual interest of all nations that the right of innocent passage not be denied under the present circumstances.

SECURITY RISK BY SHIP

Yet, it is the view of the Subcommittee, that there are many ways in which a ship could collect military intelligence or engage in other subversive activity without stopping, anchoring or behaving in a suspicious manner. It could be done while steaming along our coast on a steady course and at a constant speed with no visible activity to belie the ship's innocence.

It is, therefore, vital to determine what constitutes a ship of war or a security risk by a ship. The rapid postwar development in the electronic and nuclear fields has changed the armor plate and cannon image of sea warfare. It is possible for trawlers of the class now passing along the Florida coast to be equipped with devices to give them a significant capability in case of war while still maintaining the appearance of fishing trawlers.

In a legal sense there seems to be a distinction between a privately owned ship designed and operated for normal commercial or peaceful purposes and a Government-owned vessel, which is equipped or operated in a manner as to cause a reasonable person to question the normalcy or peacefulness of its presence along our shores.

There is no concurrence among our agencies as to just how the problem should be handled. According to the Coast Guard, "We believe that it would be most consistent with the interests of national security and the interest of other agencies involved for it to adopt a policy of boarding any such vessels found fishing, hovering or anchored within our territorial waters. Such boarding would be for the purpose of examining the ship's papers, checking for violation of U.S. laws, and ordering the vessel to leave U.S. territorial waters. Any force necessary to compel compliance with this order would of course be used."

THE U.S. POLICY

The Department of State approved the policy of stopping or boarding foreign fishing vessels found in the territorial sea, *not in innocent passage*. Since this policy of stopping or boarding does not apply to vessels in "innocent passage," it is necessary to understand what this term means.

The concept of the doctrine of innocent passage is found in the antiquity of maritime law. In 1958, the United Nations clarified such a term and policy. Briefly, they provided that ships of foreign states should enjoy the right of passage through territorial seas provided that passage is not prejudicial to the peace, good order or security of the coastal state. However, paragraph 3 of Article 16 provides that a coastal state may suspend temporarily, without discrimination, in specific areas of its territorial sea, the innocent passage of foreign ships *if such suspension is essential for the preservation of security*. There is also a distinction made in the article between warships and merchant ships.

The key word seems to be "innocent." It is true that the "presumption of innocence" is basic to our system of government; yet, it does not prevent, and was never intended to prevent, a police officer from stopping and questioning a person suspected of being engaged in unlawful activity.

CONGRESSIONAL RECOMMENDATIONS

What's to be done? The Subcommittee for Special Investigations of the Armed Services offers the following recommendations:

The present situation requires increased vigilance, and consideration of the adoption of some modification of those rules in the interest of national security.

For example, the Navy recognizes the military potential of ships with a certain electronic configuration. Therefore, it would seem reasonable to require that all potentially dangerous ships using our territorial seas do so in a manner which would permit adequate surveillance to determine the vessel's capabilities.

The present U.S. policy for the treatment of foreign fishing vessels within the territorial waters of the U.S. considers these ships only as fishing vessels and not as potential instruments for the gathering of military information through various means, including electronic surveillance. To this extent the policy is deficient, for it does not give adequate guidance to the responsible services for a course of action to be followed in the case of an emergency which might adversely affect our national security.

NEED AUTHORITY

The Subcommittee believes that if the Coast Guard, Department of Defense and the Department of Interior joined in a well-coordinated program, the deterrent against the smuggling of enemy agents and weapons into the U.S. would be raised to a more credible level.

The Navy and Coast Guard should adopt a uniform national policy which would permit them to take such immediate and unilateral action as may be required in the national interest whenever vessels having electronic or other capabilities which constitute a threat are found traveling through our territorial waters.

The Coast Guard should initiate daily air and sea patrols along the territorial waters on the Florida coast from St. Lucie Inlet to Miami.

The Seventh Coast Guard District in Miami should publicize the help which civilian sources could give to augment its surveillance activities, and particularly invite commercial and private boatowners to report all sightings of Iron Curtain craft in U.S. coastal waters. (After all, the records of 39 trawler sightings from all sources in the Miami District show that 20 reports of sighting originated with the Coast Guard, one by the Navy, and 18 by *private vessels*.)

If we may proffer a personal suggestion—Let's send American trawlers into Russian territorial waters to find out what their reaction would be. Would they shoot them out of the water like they shoot our planes out of the skies near the East German border? If they object in any manner whatsoever, perhaps a reciprocal, definitive and security-proof treaty might be enacted to dispel all suspicions on both sides. Otherwise, the advantage the Soviets gain with continued, unmolested presence so close to our shores could give them a vital advantage in any future confrontation.

STATEMENT OF SENATOR WAYNE MORSE

Mr. Chairman and members of the Subcommittee:

In dealing with problems concerning the coastal waters off the shores of the United States we must be cognizant of two distinct but equally important problems. One of these is the matter of territorial waters and the other is that of fishing zones. In recent months we have been so concerned about the urgency of the latter problem that in our zeal to remedy this matter, we may to our own detriment tend to obscure or overlook entirely the very significant security, strategic and commercial issues involved in the territorial sea limit. I wish to address myself to both these problems.

TERRITORIAL JURISDICTION

The territorial sea by definition is the marginal belt of waters adjacent to the coast over which the coastal State exercises sovereignty, subject to certain limitations imposed by international law. It is normally measured from the low-water mark along the coast. Jurisdiction over the territorial sea is a corollary of the principle of the freedom of the seas. All of the waters of the ocean beyond the territorial seas of the coastal States are considered the "high seas" and the principle of the international law of the sea is that the high seas are open and free to all nations.

For at least a century and a half prior to the present two decades, most of the maritime nations had recognized the three mile limit as the extent of the territorial sea. Within recent years greater distances have been claimed by a number of nations and there has been much international discussion and some international agreement on other distances. The three mile limit, however, is still adhered to by the United States and most of the other major maritime states.

I believe that the three mile limit should be retained for a number of compelling reasons. The extension of the territorial sea by any nation limits the area of the high seas. This, in turn, involves serious problems of navigation, security, freedom to overfly, the laying of cables and other commercial and legal problems.

Since the territorial jurisdiction of a state over its land and sea area is the basis for its jurisdiction over the air space above those areas, any extension of the sea area would impose additional restrictions over the air space. There is no right on the part of a foreign state to overfly the territorial waters of another state. To the extent that the waters of the territorial sea are extended, the freedom to overfly is limited.

The expense of commercial air and sea voyages would be greatly increased in many cases if large numbers of places had to be by-passed. In 1960 the Chairman of the United States delegation to the United Nations Conference on the Law of the Sea said that any extension of the territorial sea "would seriously interfere with our international air routes. It might add as much as \$8,000 to \$10,000 a commercial voyage if you had to bypass a large number of these places and could not pass through the straits." He added, "This question of the breadth of the territorial sea is of vast importance to the American people—from the standpoint of the right to where we fly, our ability to schedule efficient lines and routes within minimum hazards."

In many international straits the extension of the territorial sea from each shore would obliterate many formerly existing corridors. For example, the Strait of Gibraltar narrows to a width of about seven and a half miles. If every state in the area extended its territorial limits beyond the three miles, they would coalesce. The channel would no longer be a passage of the high seas.

If territorial waters were extended up to twelve miles there are some 118 straits throughout the world where foreign ships would no longer be able to pass in the absence of treaty arrangements and aircraft would have no right to fly over these straits without special agreements.

Extension of territorial limits could have grave consequences in times of international conflict. While we might deplore the presence of warships and planes within three miles of our shores, we value the right to have our own ships maneuver close to the shores of other states and our planes to fly over them. As pointed out, to the extent that the waters of the territorial sea are extended, the freedom to overfly is limited. Submarines could easily escape notice in a wide territorial zone and go undetected in some instances.

ZONES OF LIMITED JURISDICTION

The retention of a three mile territorial limit does not preclude the establishment of zones of limited jurisdiction for some particular purpose. In the case of S. 2218, we are concerned with a proposed zone relating to fishing rights. There would still be free access of other nations through this zone for purposes of commerce and navigation.

The adoption of a twelve mile fishery zone by the United States would accord with the practice of a number of other states and would help to alleviate some of the problems of our fishermen who are confronted with competition from foreign boats which fish within twelve miles of our shores. But the establishment of this limit would by no means solve the problem in its entirety. There are cases where foreign fishermen operate 20, 50, 100 and even 200 miles from our shores and create serious problems for our fishermen. The Russian trawlers operating off the West Coast for example, often fish far beyond twelve miles from our shores.

In addition to the difficulty of drawing a definite, arbitrary fishing zone, there is also the fact that some of our fishermen wish to operate in waters off the coasts of other states and wide limits on our part would place us in a weak position in protesting the limits of other states regarding our own fishermen. Furthermore, the purpose of establishing fishing zones should not be only to protect our fishermen against unfair foreign competition, especially if we expect our fishermen to be able to compete in other places. The primary purpose of establishing fishery zones should be for the *conservation* of fish resources endangered by indiscriminate and uncontrolled fishing activities.

FISHERY CONSERVATION—THE KEY ISSUE

Domestically we enforce conservation measures by restricting fishing to certain times of the year to protect spawning periods, we require that nets must be of certain size mesh so that immature fish cannot be caught and new fish genera-

tion destroyed, and we impose other conservation limitations. My concern is that such measures be applied to fishermen of every country so that valuable fish resources are not depleted, resulting in irreparable losses for the peoples of many nations.

Short-sighted fishing practices, such as those carried on at present by the Soviet Union on the West Coast, which ignore conservation practices, will lead to the eradication of numerous fish resources which will be as harmful to the long-range interests of the Russians as to ourselves. Because their *self-interest* is involved in this matter, there is reason to believe that the Soviet Union will be amendable to negotiating with the United States Government on conservation measures to protect the fish resources of the Pacific Northwest. Furthermore, in other cases where depletion of valuable resources was becoming a serious matter, the Soviet Union indicated its willingness to enter into discussions with other interested parties in an effort to conserve these resources for future generations. This was the case with respect to the conservation of North Pacific Fur Seals and Alaska King Crab. Senator Magnuson pointed out that the Russians have lived up to their conservation agreements "meticulously."

My recommendation is that this committee urge *immediate* negotiations by the State Department concerning fishing conservation practices for the entire West Coast area of the United States rather than to concern itself with the establishment of a fixed boundary limit for fishery purposes.

It is my plea that in the interest of sound fishery conservation and the protection of a valuable resource for all nations and for our own and future generations, the Subcommittee should give serious consideration to a recommendation which will clearly express the intent of the Congress that the exploitation of fishing resources should cease at once. It is also my plea that the Subcommittee recommend immediate diplomatic negotiations with the Soviet Union and other interested nations having vital stakes in fishery preservation.

I thank the Subcommittee for this opportunity to present my views on this important problem.

STATEMENT OF CONGRESSMAN LLOYD MEEDS OF WASHINGTON

Mr. MEEDS. Mr. Chairman, I am delighted to have the opportunity to throw my enthusiastic support behind S. 2218, bill to create, for Americans, an exclusive fishery zone extending 12 miles from our coasts. As you may know, I have introduced an identical bill, H.R. 9540, in the House. Enactment of this legislation will be a step toward more meaningful conservation of our fisheries resources.

Our present 3-mile jurisdiction was determined by the range of a cannon fired from shore in 1793. If the same determining factor were used in this era of guided missiles, then our exclusive fisheries jurisdiction could easily extend to the coasts of Africa and to the waterfront of Tokyo Bay. We need another measurement. Let me suggest that an appropriate yardstick is the condition of our domestic fishery industry and the dictates of national security.

In the short space of nine years, the United States' rank in total fish caught has dropped from second to fifth. In 1950 we accounted for 13% of the world's catch. In 1963 it was less than 6%. At the same time, the demand for fish is steadily rising.

For years, American and Canadian fishermen, have agreed to stringent regulations prescribing the length of the fishing season and the type of gear which may be used. The dividends from this investment in posterity may well be cancelled by the growing numbers of Russian and Japanese fishing vessels in Pacific waters.

The Senate Commerce Committee and you, Mr. Chairman, are particularly conscious of this problem. Large, modern, efficient Russian fleets in the Bering Sea have undoubtedly jeopardized our flounder resources. Shrimp are also threatened. Russian fishing fleets are moving steadily to the south and to the east. They are now fishing very heavily off the shores of Oregon and Washington. Approval of the 12-mile bill should help to restrain this encroachment.

Canada has already extended its jurisdiction over fisheries out to the 12-mile limit. But Canada and the United States have never concluded a formal treaty assuring their respective fishermen the right to fish in each other's waters. Canada has permitted United States vessels to fish within their zone, but the agreement has been informal and therefore tenuous. Enactment of a 12-mile zone for

the United States will facilitate a more permanent understanding with the Canadian Government.

S. 2218 is no panacea to the crisis facing the American fisherman. But it will help us toward a comprehensive program to conserve, to utilize, and to expand our great fishery resources.

STATEMENT OF WES BENEFIEL

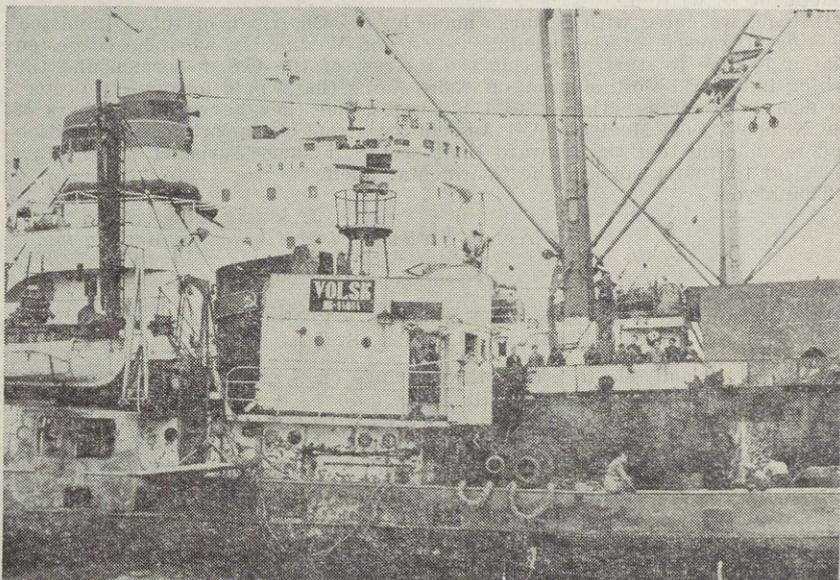
My name is Wes Benefiel and I am Vice-President of Pacific Protein, Inc. of Aberdeen, Washington.

As you are undoubtedly aware, the Gear Research and Exploratory Group of the Bureau of Commercial Fisheries, Seattle, has after several years of design and experimentation efforts, developed a mid-water trawl. With the aid of the mid-water trawl and existing electronic fish finding devices, the Exploratory Group was able to effectively explore, define, and evaluate the extent of the Pacific hake resource along our coastal waters.

The intent of the Bureau effort was to make the American fisherman more efficient (mid-water trawl catches have been as high as 100,000 pounds in a 20 minute tow) and to develop another commercial fishery. The Seattle group has done an outstanding job in these areas. The assistance of this Committee in providing the necessary funds for ocean engineering and exploratory work has brought this project to the verge of success.

In addition to the substantial sums spent by the Bureau of Commercial Fisheries on this development, the Port of Grays Harbor and Pacific Protein, Inc. have invested in excess of \$1.25 million in site, docks, berthing facilities, buildings, and processing equipment. Further investment by local fishermen totals about \$750,000 for appropriate vessels and gear to provide the 600 tons per day plant capacity. Initial production is fishmeal for animal food. Further it has been our intent from the beginning to see this resource utilized for marine protein concentrate for human consumption.

Pacific Protein, Inc., in conjunction with American fishermen, have moved to utilize this resource as soon as practical after its commercial possibilities and method of harvest were established by the Bureau of Commercial Fisheries. We have been concerned along with other fishery interests about the activities of Russian fishing fleets in our coastal waters. It has recently been brought to our attention that a Russian catcher vessel was sighted with hake on deck. We would like to submit a picture which appeared in the Seattle Times issue of May 9, 1966.



We support S. 2218 to extend our fishery zone another nine miles. While we would like to see a further extension, we feel that this is a step in the right direction and hopefully further extension can be achieved in the near future.

STATEMENT BY J. STEELE CULBERTSON

I am J. Steele Culbertson, Director of the National Fish Meal & Oil Association, a division of National Fisheries Institute. My appearance before your committee today is solely on behalf of the members of the National Fish Meal & Oil Association and no other group.

Members of this association are engaged in fishing along the Atlantic and Gulf Coast states from Maine to Texas. They own and/or operate, perhaps, the largest fishing fleet employed in our domestic fishing industry. Certainly they catch more fish than any other segment of the U.S. fishing industry, with annual landings of approximately two billion pounds.

The principal species they harvest are menhaden, a member of the herring family and the most abundant species harvested by U. S. fishermen and fourth or fifth largest in dollar value. Although menhaden are too oily to be desirable as an edible species they are in great demand as a raw material for the manufacture of fish meal and fish oil and fish solubles.

Fish meal and fish solubles are used as a protein supplement along with feed grain to produce high efficiency poultry and animal feeds. Fish oils have a number of industrial uses, but perhaps are best known domestically for their use in the protective coating field. On a volume basis fish oil is the largest U.S. fishery export item and in some years the largest in dollar value. Its principal export use is for the manufacture of margarine.

Upon approval of FPC by the Food and Drug Administration menhaden would constitute the most abundant source of raw material that we know of in U.S. coastal waters for this purpose.

In addition to menhaden, members of the National Fish Meal & Oil Association catch herring, thread herring and certain bottom species that are not generally sought after for food purposes. These and other sources of raw material are being explored and fished for throughout broad areas of the Atlantic and Gulf of Mexico. The distance off shore where many of these species are found lie well beyond twelve miles. Therefore, the protection that would be afforded these stocks by the passage of S. 2218, thus extending U.S. Fishery Jurisdiction out to twelve miles would not be sufficient, and we oppose its enactment as written.

Instead, we agree with remarks made by the Chairman of this Committee, Senator Magnuson, at the opening hearing on Wednesday when he suggested that it is time to start protecting the interest of the U.S. fishermen and the fishing industry by establishing off shore limits that would adequately protect the fishery resources adjacent to U.S. shores that they harvest. Members of the National Fish Meal and Oil Association strongly support such a position and recommend that the seaward limit of U.S. Fishery Jurisdiction be established at the outer edge of the Continental Shelf.

Thank you.

J. STEELE CULBERTSON,
Director, National Fish Meal & Oil Association.

BRIEF IN SUPPORT OF S. 2218, TO ESTABLISH A 12-MILE LIMIT, SUBMITTED BY
ALASKA FISHERMEN'S UNION, SEATTLE, WASH.

As we were not able to attend the hearings on S. 2218, we are submitting a short brief in support of this bill.

There is a growing awareness on the part of the nations of the world of the importance of the fisheries resources found in their coastal waters. Consequently, the question of protecting such coastal resources from overexploitation has become a serious issue. Accordingly, there are now approximately fifty nations which have a 12-mile fishing limit. Nine or ten nations have from 15 to 200-mile limits.

Traditionally, the United States has been a strong supporter of the present 3-mile limit. However, certain developments over the past several years have forced us to reconsider. As it now appears, a 3-mile limit is completely inadequate.

quate to meet the threat of a constantly growing foreign fishery fleet which, if not checked, will destroy our coastal fishery resources.

Several years ago, the Japanese started fishing off the coast of Alaska and were later followed by Soviet Russia, and the fishing effort of these two countries has grown to an alarming extent. They have invaded both the east and west coastal waters of the United States. We would be remiss in our duty if we did nothing to protect these resources from overexploitation, and, while these resources are important now, they will be more so in the future.

As a principle, a 12-mile fishery zone is pretty well established. Unfortunately, twelve miles is not adequate to stop Russia and Japan from draining off and depleting the coastal stocks of fish. It is unlikely we would be able to obtain an agreement or treaty provisions which would halt their present fishing effort. Therefore, we must look to other means to provide for conservation, and one of the Articles to the Law-of-the-Sea provides that a coastal state can contact such nations as are fishing off her coast, to enter into conservation agreements. This article is not necessarily binding upon countries which did not agree to it, but if they refuse to meet and discuss the issues, the coastal state can write its own conservation rules unilaterally, and be in a better position to do something about unlimited fishing.

Perhaps we should also take into consideration that while a 12-mile limit might be adequate in certain instances, it will not be adequate in places where Russia and Japan are fishing at the present time, and therefore we think it is of utmost importance to establish conservation zones as far out as necessary to preserve the stocks from depletion. There are those who do not agree with us on this issue, perhaps because of conflicting interests. However, we are concerned with the preservation of United States stocks of fish, and it appears to us that in addition to other remedies which we may be able to use, S. 2218, which establishes the 12-mile limit, should pass with a proviso of conservation zones wherever needed.

We strongly support this legislation. We hope for favorable action.

GEORGE JOHANSEN, *Secretary-Treasurer.*

AN OPINION ON FISHERIES LIMITS

(By Andreas A. Holmsen, Associate Professor of Food and Resource Economics, University of Rhode Island, Kingston, R.I.)

The tendency has been to consider fisheries limits synonymous with territorial limits. These are, however, two different concepts. In the United States we have a three-mile territorial limit and also a three-mile fisheries limit, but countries like Iceland, Norway, Yugoslavia, India, Ceylon, Equador, Chile, and a number of others have fisheries limits which far exceed their territorial limits.

According to international agreements a country has the exclusive right to the resources on its continental shelf such as oil or mineral deposits (and even oysters), only the fish is a resource "free for all." It seems the fisheries interests have not been too well represented at the conference table.

I do not consider it of very great importance whether we have a three-mile or a twelve-mile fisheries limit, but I question the use of mileage as a basis for a fisheries limit in areas where ground fish predominate. The three-mile limit was established because that was the range of a gun at that time. For defense purposes a mileage limit might be logical, but not necessarily so for fisheries. On the west coast of South America where mostly pelagic species prevail and the shelf is narrow, a mileage limit might seem logical, but not so in Europe or North America where most of the fish is caught in shallow water (on banks) on the continental shelf. The depth of the ocean, therefore, seems here to be a more logical basis for a fisheries limit than the distance from the shoreline. A 200 meter isobath could be a logical fisheries limit. On the East Coast of the United States the distance from land would then range from about 10 miles outside Miami to about 170 miles on the George's Bank and in the Gulf. On the Pacific Coast this isobath runs between 3 and 40 miles off shore, but the whole Bering Sea would be included. Here the median between the U.S. and Russian territory could be used. On the map one can visualize what this fisheries limit would mean in New England.

One might ask: "What would be the justification for such a fisheries limit?" The trend is toward a stronger fishing pressure all around the world, with

large trawler fleets supported by floating factories, refrigerated carriers and supply ships. These fleets might not be a low cost operation, but they are mobile and can easily fish one year in the Bering Sea and the next year outside South Africa. Thus if a ground has been over-fished the fleet can move to another area. The land-based fleet cannot move but is dependent on the fishing outside the coast. If restrictions for purpose of conservation are implemented, such as catch quotas, closed season, closed areas, etc., this will primarily hurt the local fishing fleet. The oceangoing trawlers and factory ships can fish elsewhere during the closed season, the land-based fleet cannot. Therefore, it should be recognized that the local fishermen have much more at stake in the fishing grounds outside their coast.

It is now time that the discussion of fisheries limits be distinguished from the discussion of territorial limits, and it is felt that the possibility of using an isobath ought to be considered. A 100 meter or 200 meter isobath makes more sense as a fisheries limit than the range of a gun 200 years ago.

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
May 18, 1966.

Hon. WARREN G. MAGNUSON,
Chairman, Commerce Committee,
U.S. Senate,
Washington, D.C.

MY DEAR MR. CHAIRMAN: I am sorry that I will not be able to be with you in person, for I certainly feel that the bill your Committee is considering is of the utmost importance to our domestic fishing industry. As you know from the work we have done together over the years, our fishing industry is of utmost importance to our economy in Massachusetts.

Fishing was an established industry in New England waters before the Mayflower arrived in Cape Cod Bay. Archaeologists have uncovered the remains of fishing camps used by Europeans who crossed the Atlantic to harvest the resources off our shore. Today vast, modern fleets from across the Atlantic are continuing to harvest these rich resources within sight of our shore.

The three-mile territorial limit was established because at the time that was as far out as proper patrol and defense could reach. Today some countries are claiming and enforcing fishing rights 50 miles from their shores. I think the fishing zone recommended by S. 2218 is most reasonable, and especially insofar as we in New England are concerned, for our neighbors to the north have already taken this same step, and this bill will protect traditional fishing rights. I therefore urge that your Committee give favorable consideration to S. 2218.

Best regards,
Sincerely,

LEVERETT SALTONSTALL, *U.S. Senator.*

THE IZAAK WALTON LEAGUE OF AMERICA,
Glenview, Ill., May 24, 1966.

Hon. WARREN MAGNUSON,
Chairman, Subcommittee on Merchant Marine and Fisheries,
Committee on Commerce,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: The Izaak Walton League of America supports S. 2218 and S. 2285, to establish a contiguous fishery zone beyond the territorial sea of the United States. Recent activity by foreign commercial fishermen on all coasts, and by ocean-bottom "real estate" developers off Florida, have made it clear that the 3-mile limit is outmoded in terms of natural resources conservation, including fisheries management. The League believes that the United States must devote greater attention to her coastal and offshore waters, and that enactment of this legislation would be a sound first step toward better handling of the whole marine environment.

Respectfully,

ROBERT T. DENNIS,
Assistant Conservation Director IWLA.

SPORT FISHING INSTITUTE,
Washington, D.C., May 20, 1966.

Senator WARREN MAGNUSON, *Chairman,*
Senate Committee on Commerce,
Senate Office Building,
Washington, D.C.

DEAR MR. CHAIRMAN: Your Committee is currently working on a bill S. 2218 "to establish a contiguous fishery zone beyond the territorial waters of the United States", and an identical bill S. 2225, to create an additional zone of 9 nautical miles from the outer limits of the current three-mile territorial sea.

Sport Fishing Institute is vitally concerned with the national resources of the interior United States and its coastal waters. More recently we have been involved to a considerable extent in providing guidelines and helpful augmentation to promote designed to bring into recognition certain species of ocean game fishes that appear now to be in jeopardy due to excessive commercial overharvest. Given extension of the territorial limits off the coasts of the United States we would be able to closely manage sport fishery now becoming more and more sought after due to the extension of the sport fishing virtue of better and more sophisticated equipment.

We find that certain offshore migrations of such species of fish as bluefish, the American shad, certain sea basses, flounders, croakers, weakfish, spot, and porgy (scup) as well as the larger game fish such as the salmon could be vitally and favorably effected by U.S. fishery management. In addition marlins and other billfishes, as well as tunas migrate in from the open oceans to this zone. It may be considered that these fishes go out to at least 100-fathom contour lines which in some cases range as far as 180 miles due east of Cape Cod on the Atlantic and some 200 miles due west off the Alaskan coast. Even though a 12-mile extension would certainly not hit the 100 fathom mark in most instances it is a step in the right direction, wherein the expanded foreign flag commercial fishing vessels penetration into this zone could be legally prevented and the American fisheries, both commercial and sport fishing extended.

It is understood that such fishes are historically "American" in that they probably spend part of their life history in our coastal estuaries and were nurtured by the greater nutrients there and, of course, in the case of the anadromous fishes (salmon and shad) were actually spawned on American soil. Encroachment of foreign flag fishing vessels is a very realistic part of the treaties sought to help control overharvest of some of our larger marine game fishes. This would be specifically under state conservation agency management with proper guidance and direction by the Federal Government.

Of current interest is the fact that the Canadian Parliament has passed similar legislation extending its territorial waters to the 12 mile limit. The Prime Minister has not yet signed this action. A uniform zone on the North American continent should be of mutual advantage.

Mr. Chairman, Sport Fishing Institute feels very strongly that the fishery jurisdiction of the United States should be extended to the 12-mile limit. We would appreciate our remarks being made a part of the written record of testimony given on these bills.

Thank you.

Sincerely,

PHILIP A. DOUGLAS,
Executive Secretary.

NATIONAL WILDLIFE FEDERATION,
Washington, D.C., May 23, 1966.

HON. WARREN G. MAGNUSON,
Senate Committee on Commerce,
Washington, D.C.

DEAR MR. CHAIRMAN: The National Wildlife Federation appreciates the invitation and opportunity to comment briefly upon S. 2218, "to establish a contiguous fisheries zone beyond the territorial sea of the United States," and other bills. We should appreciate it if this letter can be made a part of the record of hearings currently being held on these proposals.

The National Wildlife Federation and its affiliates in 49 states are vitally concerned with the preservation of oceanic water resources. We are convinced that these waters will play an increasingly important part in providing public out-

door recreation in the future and long have supported measures which would lead to the improvement of fishing opportunities. As indicated in publications distributed by our organization, we have also become increasingly concerned about certain species of game fisheries which may be in jeopardy due to excessive overharvest particularly by commercial interests. We believe all of these factors highlight the need for additional research on the development of management techniques.

In view of the foregoing, we believe it would be advantageous to create an additional zone of nine nautical miles from the outer limits of the current three-mile territorial sea. We believe the extension of this zone would permit greater control of the harvest of fishes which are sought by both sport and commercial fishermen. We also believe that the extension of this zone would help develop information needed for proper fisheries management. In some specific areas, there also is a concern about the control of factors, such as dredging, which are harmful to fisheries and shellfisheries habitat and the extension of responsibilities well could lead to beneficial controls of problem situations.

We are aware that a strong cooperative attitude must be maintained between appropriate agencies of the Federal Government and the state governments concerned with respect to the management of fisheries resources in territorial waters of the United States, and believe the extension proposed to the twelve-mile limit would be of mutual benefit and advantage. We also understand that the Canadian Parliament has taken similar action with respect to the establishment of a twelve-mile zone of its coast.

Thank you for the opportunity of making these remarks.

Sincerely,

THOMAS L. KIMBALL,
Executive Director.

SAN DIEGO HARBOR GRANGE No. 775,
San Diego, Calif.

Senator WARREN G. MAGNUSON,
*Senate Office Building,
Washington, D.C.*

DEAR SENATOR MAGNUSON: Inclosed please find a copy of resolution adopted by the San Diego Harbor Grange No. 775 and also the San Diego County Pomona Grange No. 35 (the 5th Degree) has adopted this resolution at their last Friday night meeting.

If you have the information handy I would appreciate to know what countries are still under the 12 mile fishery limit or how many.

Any information you may be able to give me in regards of how we may be able to help you and your Colleagues in furthering this legislation we will be more than willing to cooperate to the best of our ability.

With the best of good wishes and good sailing.

Respectfully,

CLARENCE L. HAFER,
Chairman, Legislative Committee.

A RESOLUTION IN SUPPORT OF BILL S. 2218 AND BILL H.R. 9531—TO ESTABLISH A
12 MILE FISHERY ZONE

Whereas other countries are enforcing unlimited territorial seas,
Whereas the extensive fishing by all countries is depleting many areas of the ocean and,

Whereas at the present time Russian Trawlers are dragging in spawning areas off our coast: Therefore be it

Resolved, That San Diego harbor Grange No. 775 strongly encourage immediate action and support from other Granges, State and National, to establish a 12 mile fishery zone; be it further

Resolved, That San Diego Harbor Grange No. 775 support bill S. 2218 and bill H.R. 9531 and urge immediate action on the bills to save our fishery.

This resolution adopted by the San Diego Harbor Grange No. 775 on April 20, 1966.

CLARENCE L. HAFER,
Chairman, Legislative Committee.
MILDRED CASAD,
Secretary, San Diego Harbor Grange No. 775.

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS,
OFFICE OF THE SECRETARY OF STATE,
Providence, April 22, 1966.

SENATE COMMERCE COMMITTEE,
Senate Office Building,
Washington, D.C.

GENTLEMEN: I am directed by the General Assembly to transmit to you the enclosed certified copy of the resolution (S. 435), introduced by Senator Robert O. Tiernan, entitled RESOLUTION OF THE GENERAL ASSEMBLY MEMORIALIZING CONGRESS TO ACT FAVORABLY ON BILL NUMBER S. 2218 OF THE FIRST SESSION OF THE 89TH CONGRESS, passed by the General Assembly at the January Session, A.D. 1966 and approved by the Governor on the twentieth day of April, 1966.

Very truly yours,

AUGUST P. LaFRANCE,
Secretary of State.

RESOLUTION OF THE GENERAL ASSEMBLY MEMORIALIZING CONGRESS TO ACT FAVORABLY ON BILL NO. S. 2218 OF THE FIRST SESSION OF THE 89TH CONGRESS

Whereas during the past four years foreign vessels fishing immediately off the United States coast have substantially increased in number and have broadened their scope of operation; and

Whereas a nine mile zone beyond the present three mile territorial sea is necessary for the conservation and protection of our coastal fishery resources: Now, therefore, be it

Resolved, That the congress of the United States is hereby memorialized by this general assembly to act favorably on bill number S. 2218 of the first session of the 89th Congress: and be it further

Resolved, That the secretary of state is hereby authorized and directed to forward duly certified copies of this resolution to the Rhode Island congressional officers and to the senate committee on commerce.

KETCHIKAN, ALASKA, *May 12, 1966.*

Senator E. L. BARTLETT,
Senate Office Building,
Washington, D.C.

DEAR BOB: I am extremely sorry that I will not be able to attend the public hearings to be held on S. 2218 which would establish a contiguous fishery zone beyond the territorial sea of the United States.

Therefore I want to take this opportunity to express my unqualified support of passage of this bill.

I cannot, of course, argue that the establishment of a 12 mile zone would of itself solve the problem of foreign fishing fleets operating in waters adjacent to our coast.

I can say, however, that it is apparent such foreign fleets are already posing a threat to the newly developing hake fishery off the coasts of Washington, Oregon, and California and there is no reason to believe that they will by-pass such fishery resources as the known anchovy stocks off the coast of California.

A relatively new development is the threat of the Canadian Government to establish a high seas gillnet fishery for salmon. Should this threat be carried out, it would seem to me to be imperative that legislation of this nature be enacted. The operation of such a gillnet fishery within three miles of our shores would, I am convinced, bring about a swift and sure depletion of our salmon resource.

In addition, there is always the possibility, even the probability, that other nations not now engaged in a high seas fishery will enter the picture and as competition increases will become more and more aggressive in their search for fish wherever they may be found.

It should be obvious to everyone that the fishery resources of the sea are going to become more and more important to our nation and to the world. It would be shortsighted indeed should our federal government fail to do everything possible to protect our interest in this resource.

Sincerely,

W. O. SMITH.

OLYMPIA, WASH., May 16, 1966.

HON. WARREN G. MAGNUSON,
 Chairman, Senate Interstate and Foreign Commerce Committee,
 Senate Office Building, Washington, D.C.:

Fishery resources beyond the territorial limits of the United States must be protected from unrestrained fishing by foreign fleets and should be harvested only in accordance with sound conservation practices. While a 12-mile fishery zone would not give protection to stocks of fish located beyond the 12-mile limit nevertheless bills to establish such a zone are a step in the direction of eventual protection of fishery resources above our Continental Shelf. I support S. 2225 and S. 2218 as well as similar proposals.

THOR C. TOLLEFSON,
 Director of Fishery, State of Washington.

SAN PEDRO, CALIF., June 1, 1966.

COMMITTEE ON COMMERCE,
 Senate Office Building, Washington, D.C.:

The entire membership of this union has gone on record opposing Senate bill S. 2218. I hope that the committee will give some consideration to our members' wishes.

STEVEN J. HOINSKY,
 Secretary-Business Agent, Seine and Line Fishermens Union.

RESOLUTION RELATING TO THE FISHING INDUSTRY, PASSED BY THE MEMBERSHIP OF THE NORWEGIAN COMMERCIAL CLUB, SEATTLE, WASH., AT ITS REGULAR MEETING HELD ON JANUARY 27, 1966

Whereas the fishing industry of the Pacific Northwest is one of our major industries and makes a great contribution to the economic strength not only of the Pacific coast, but of the entire United States; and

Whereas the Pacific Northwest fishing industry is now threatened by a large foreign fishery operation which includes a huge fleet of foreign vessels which are fishing in the Northwest area without any regard to the accepted conservation practices that have been established by the United States and Canada; and

Whereas the huge foreign fishing operation has but one objective, that of exploiting our fisheries and cannot help but break down the conservative practices now employed by the North American fishermen, with the resulting destruction of stocks of fish upon which fishermen of the United States and Canada must depend for future employment in the Pacific Northwest fishing industry; and

Whereas the conditions now existing with the invasion of the foreign fishing fleets in the Pacific Northwest have not been given adequate consideration by the various departments of the U.S. Government looking toward the protection of the fishermen of the Pacific Northwest fishing industry; and

Whereas one of the principal means of giving some measure of protection to the Pacific Northwest fishing industry is by the extension of the U.S. territorial limits from the 3-mile limit to a 12-mile limit: Now, therefore, be it

Resolved, That the Norwegian Commercial Club of Seattle, Wash., through this resolution, urges and requests the U.S. Government and its various agencies to extend immediately the limit of U.S. fisheries jurisdiction from 3 miles to 12 miles with the establishment of appropriate baselines from which these limits are determined, and after this is done, that the U.S. Government agencies be requested to seek further international agreements either to allow sufficient extension beyond the 12-mile limit, or other appropriate measures to adequately protect the stocks of fish which owe their existence solely to the conservation efforts and programs established by the North American fishermen; and to protect from depletion other stocks of fish existing in the Pacific Ocean and Alaskan waters, the exploitation of which stocks by foreign vessels is of relative recent origin and upon which stocks the fishermen of the Pacific Northwest will depend in the future for their livelihood and to which our country will look for part of its food supply in the future; and be it further

Resolved, That copies of this resolution be sent to the President of the United States; the Members of the U.S. Senate and the U.S. Congress from the State of Washington; the Governor of the State of Washington; and the various Government agencies dealing with the fishing industry.

NATIONAL BANK OF ALASKA,
Kodiak, Alaska, April 6, 1966.

Hon. E. L. "BOB" BARTLETT,
Senior Senator from Alaska,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR BARTLETT: State Senator Al Owen has advised me of your bill to extend jurisdiction over fisheries out to twelve miles instead of the present three miles.

It is my opinion that this bill, if passed, would be of particular benefit along the Aleutian Chain and the Kodiak area.

The inroads by the trawling vessels of Russia and Japan are so familiar to all of us in this area and the past difficulties of our own fishermen are well known to all Alaskans.

Most of the economic growth in this area is based on our fisheries industry, and I believe if our fisheries jurisdiction is extended to twelve miles, our future will be more secure and the growth even more dynamic than the past several years.

Very truly yours,

S. W. COLLINS,
Vice President.

KODIAK, ALASKA, April 6, 1966.

Senator BOB BARTLETT,
Washington, D.C.

DEAR SENATOR: I herein wish to convey to you my whole hearted support of your bill supporting a twelve mile limit around the state of Alaska. I have always felt as though, due to the continental shelf and the location of the breeding grounds for bottom fish off Alaskan shores that it of paramount importance for the preservation of our fisheries that our jurisdiction should extend at least twelve miles.

Thank you for bringing this before the U.S. Senate. Much success to you in seeing this bill through both houses.

Sincerely yours

CHAS. H. EDRIE.

Senator BARTLETT. Before we conclude for this day, I want to express my personal appreciation to all of those who have testified. Many, or even most, have come from great distances at great expense to themselves and the groups in some cases which sent them here, and my feeling is that you have made a very considerable record which will be extremely useful, and we hope to have it printed at the earliest opportunity and, of course, when that is done, copies will be made available for those who have been witnesses and for others who may desire to have a printed record.

So now the committee will be in recess until the call of the Chair.

(Whereupon, the committee was recessed until the call of the Chair at 12:15 p.m.)

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