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MARINE MAMMAL PROTECTION

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HEARING AND MARKUP

BEFORE THE

SUBCOMMITTEE ON
ASIAN AND PACIFIC AFFAIRS

OF THE

COMMITTEE ON
INTERNATIONAL RELATIONS

NINETY-FIFTH CONGRESS

SECOND SESSION

ON

H. Res. 1065

APRIL 24 AND JUNE 28, 1978

Printed for the use of the Committee on International Relations



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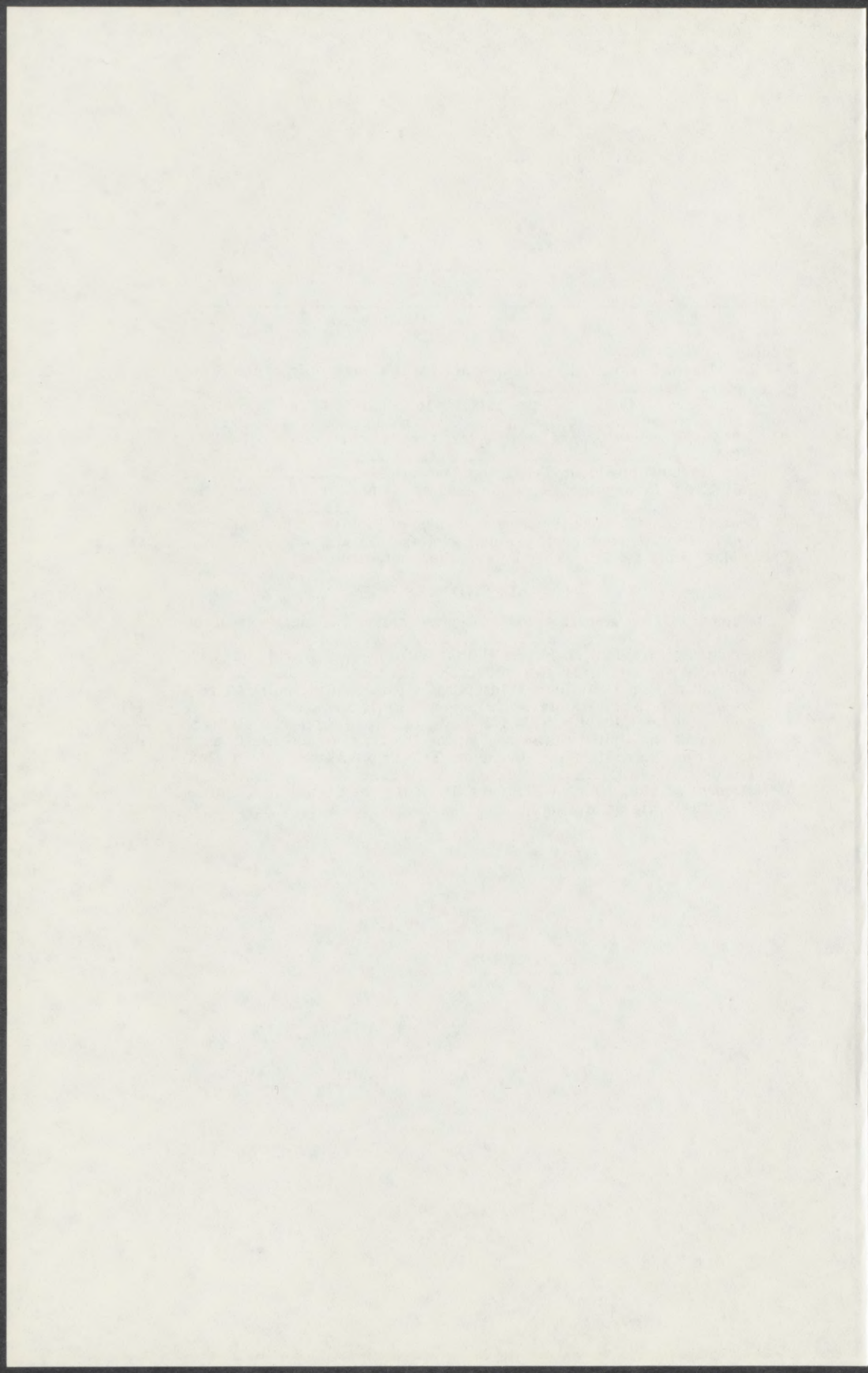
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PREFACE

On April 24, 1978, the Subcommittee on Asian and Pacific Affairs, acting in accordance with its regional oversight jurisdiction, met to consider House Resolution 1065, a resolution introduced by Hon. David L. Cornwell (D.-Ind.) in response to actions taken by Japanese fishermen in late February in the seas off Iki, Japan.

To summarize the facts of the Iki Island incident: approximately 1,000 dolphins were killed by Japanese fishermen in late February 1978; the fishermen received a payment of \$12 per dolphin killed; the prefectural government acted without prior notification or knowledge of the central government in authorizing the per dolphin payment.

In taking up House Resolution 1065, the subcommittee attempted to clarify reports regarding the Iki Island incident and to consider it in the larger context of man's relation to his environment.

After reviewing the testimony taken at the April 24 hearing, the subcommittee, on June 28, amended House Resolution 1065 and unanimously reported the amended resolution to the Committee on International Relations.

Language similar to the amended version of House Resolution 1065 was included in section 602 of the State Department authorization bill and subsequently adopted by the House and Senate. Section 602 reads:

ACTION CONCERNING MARINE RESOURCES

SEC. 602. It is the sense of the Congress that the President should convey to all countries having an interest in cetacean sea life the serious concern of the Congress regarding the continuing destruction of these marine mammals (highlighted by the recent slaughter of dolphins in the Sea of Japan by Japanese fishermen) and should encourage such countries—

(1) to join in international discussions with other such countries in order to advance general understanding of cetacean life and thereby facilitate an effective use of the living marine resources of the world which does not jeopardize the natural balance of the aquatic environment;

(2) to participate in an exchange of information with the National Marine Fisheries Service of the United States Department of Commerce, including cooperation in studies of—

(A) the impact of cetaceans on ecologically related human foodstuffs, and

(B) alternative methods of dealing with cetacean problems as they occur;

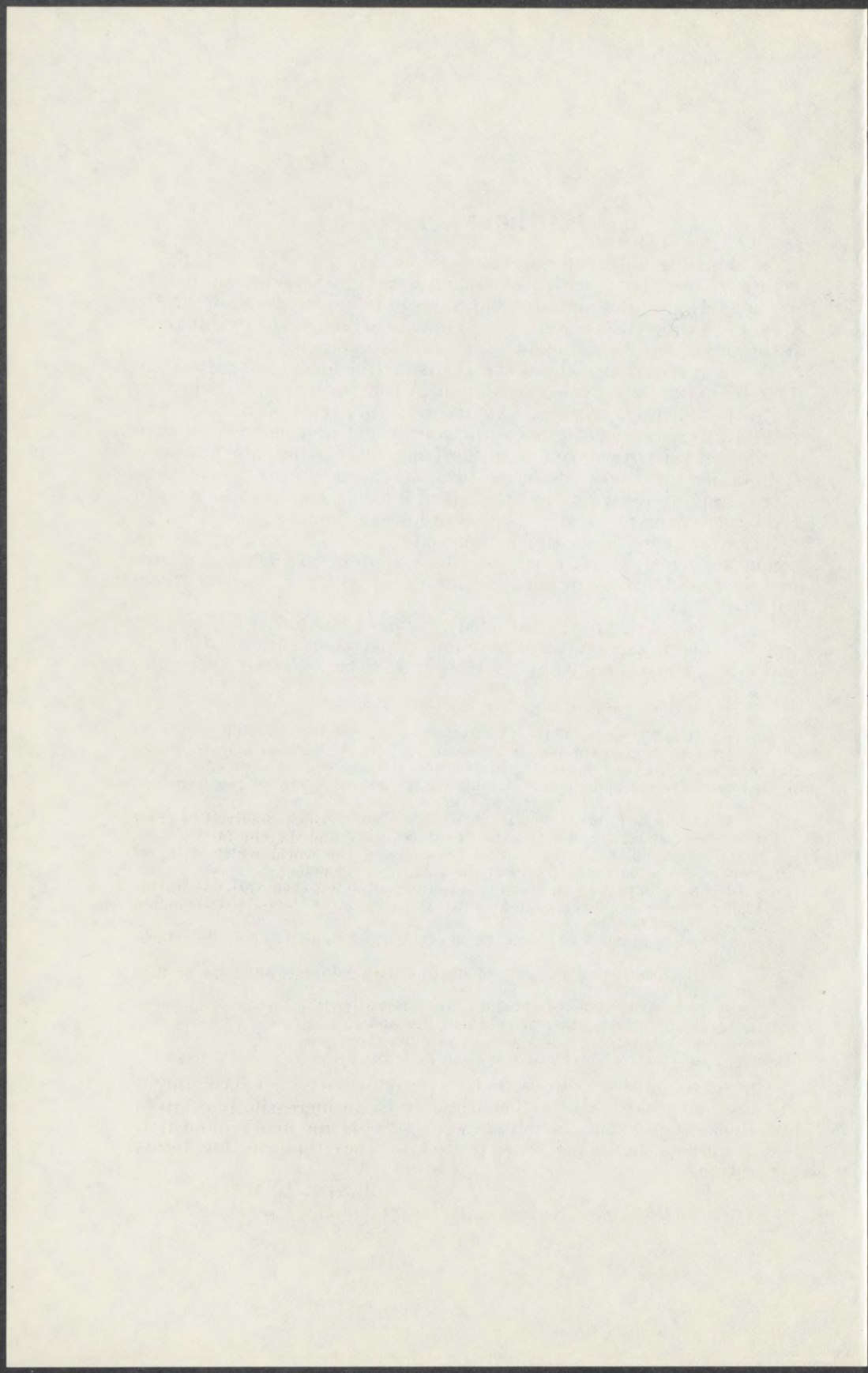
(3) to cooperate in establishing an international cetacean commission to advance understanding of cetacean life and to insure the effective conservation and protection of cetaceans on a global scale; and

(4) to adopt comprehensive marine mammal protection legislation.

The subcommittee believes that the hearing served to focus public attention on what is and will continue to be an increasingly complex and difficult problem; namely, how to provide for man's immediate needs, and, at the same time, protect our environment for future generations.

LESTER L. WOLFF,

Chairman, Subcommittee on Asian and Pacific Affairs.



MARINE MAMMAL PROTECTION

MONDAY, APRIL 24, 1978

HOUSE OF REPRESENTATIVES,
COMMITTEE ON INTERNATIONAL RELATIONS,
SUBCOMMITTEE ON ASIAN AND PACIFIC AFFAIRS,
Washington, D.C.

The subcommittee met, at 2:10, in room 2172, Rayburn House Office Building, Hon. Lester L. Wolff (chairman of the subcommittee) presiding.

Mr. WOLFF. The subcommittee will come to order.

A number of the members are on the floor awaiting a vote. We don't want to travel back and forth if we don't have to.

This afternoon, the Subcommittee on Asian and Pacific Affairs is meeting to consider House Resolution 1065 as well as House Concurrent Resolution 538. House Resolution 1065 was introduced by Hon. David L. Cornwell on March 22, 1978, and was subsequently referred to this committee.

We are also meeting on House Concurrent Resolution 538, introduced by Hon. Silvo Conte, of Massachusetts.

These resolutions were introduced in response to the actions taken by Japanese fishermen in late February in the seas off the Island of Iki, Japan.

To review the facts of the incident: Approximately 1,000 dolphins were killed by Japanese fishermen; the fishermen received a payment of \$12 per dolphin killed. The prefectural government acted without prior consultation or knowledge of the central government in authorizing the killing, as well as the per dolphin payment.

While we cannot but be concerned with the wholesale killing of dolphins, the Iki incident, in a larger context, represents a conflict between man and his environment.

We hope today's hearings will help to underscore what is and what will continue to be an increasingly complex and difficult problem; namely, how to provide for our immediate physical needs and, at the same time, protect our environment for future generations.

Likewise, we hope that today's hearings will help to promote a greater understanding of the problem and of steps we can take toward its eventual solution.

Some people question why the Asian and Pacific Affairs Subcommittee is taking this question up. It so happens the question was referred to the subcommittee by the Speaker of the House and as a result we are holding this hearing today. The hearing is not, by any means, in the nature of an adversary proceeding against the Government of Japan. It is in the nature of trying to shed some light on a situation that did exist in the hope that we can prevent future occurrences.

Our witnesses today, in order, are the Honorable David L. Cornwall, the Honorable Silvio O. Conte, Dr. Barstow of the Connecticut Cetacean Society; Mrs. Gail Even of the Connecticut Cetacean Society; Mr. Craig Van Note, monitor of the Environmental Coalition; and Mr. Alan Macnow, Tele-Press Associates, Inc.

We will lead off with Representative Cornwall. We are very happy to have you here. We know of your great interest in this situation and are aware of the continuing interests that you have. We hope this hearing today will provide further insight into this problem.

STATEMENT OF HON. DAVID L. CORNWELL, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF INDIANA

Mr. CORNWELL. Thank you, Mr. Chairman, and many thanks to you and other members of the Asian and Pacific Affairs Subcommittee.

I appreciate the opportunity to be here with you today representing the dolphin, which is unfortunately, not in a position to represent itself.

You may well ask why a freshman Member from southern Indiana would want to become a proponent of the rights of the dolphin when there are no dolphins that vote in my district and I can claim none as personal friends. My purpose in introducing H.R. 1065 is to emphasize the extreme concern that I feel for our environment.

ENVIRONMENTAL CONCERN

It is very simple to become jaded to the glut of environmental rhetoric and to sit back complacently waiting for someone else to deal with the problem. I recognize that the killing of 1,000 dolphins by Japanese fishermen could be considered a very small crime relative to other significant environmental problems that we and others in the world share. This seemingly senseless act merely underscores the apathy with which we have come to regard our fellow creatures and also ourselves.

On February 23 and 24, 1978, Japanese fishermen, as part of a traditional and what they consider to be an integral part of commercial fishing, lured together and bludgeoned to death some 1,000 dolphins, thus restricting the effects these mammals were allegedly having on their fish catch.

NOT A REBUKE

Neither the intent, nor the commonsense, of these fishermen is being called into question here today. Neither am I prepared to condemn the Japanese Government for an act not unlike the actions of this Congress when last year we effectively legislated the deaths of some 69,000 porpoise by our own commercial fishing industry. We are no more right and most assuredly no less wrong by this act.

What I intend is to draw attention to one specific problem in the hope that through this spotlight, similar acts will be drawn into question and may not occur again. Additionally, I am hopeful that the Government of Japan will accept this resolution, not as a stinging rebuke of acceptable practices which we may not totally understand, but rather as an invitation to sitdown with us and other world mem-

bers of the International Whaling Commission for the purpose of discussing our mutual problem.

It is not essential that I review the details of my resolution since each of you, as cosponsors, understand and share my concern. It is also important to note that including myself and the members of this subcommittee, 70 Members of Congress, from Maine to California, have joined together to express concern over the fate of these intelligent mammals, specifically, and the balance of the world ecosystem in general.

ECOLOGICAL BALANCE

The human race has done much since the turn of the century to upset the ecological balance of the planet on which we live. To those who listen, the appeal from concerned persons, whether they be children or members of the international scientific community is unmistakably clear. There is nothing we do which has more potential for impending disaster than to upset the delicate balance of nature without the careful thought and study its demands.

The resolution which I propose reaffirms the position of concern the House of Representatives and thereby the American people have made regarding the slaughter of these intelligent and playful mammals.

FUKUDA U.S. VISIT

Coincidental to our meeting today is the scheduled visit by the Prime Minister of Japan to our Nation's Capital early in the month of May. Because of this and because of the urgency of this problem, I urge you to act quickly and with great resolve in placing this important resolution into the hands of the full committee for speedy consideration. It would indeed be fitting for this body to express its concern regarding this matter while our respective governments are engaged in matters of mutual concern. I therefore request your help in seeing this resolution successfully delivered to the full House and there work for its successful passage.

In closing, let me respectfully offer the comments of Congressman Roe of New Jersey, Congressman Whitehurst of Virginia,¹ and Dr. Evans of the Hubbs-Sea World Research Institute in support of H.R. 1065 for inclusion into the permanent record of these proceedings.

Mr. WOLFF. Without objection.¹

Mr. CORNWALL. I would once again like to thank you for the opportunity to present my personal testimony and to share with you my feeling that with the passage of this resolution, we will be one step closer to achieving rational balance and reasonable order in our lives. A small step, perhaps, but one nevertheless in the right direction.

Thank you, Mr. Chairman.

Mr. WOLFF. Thank you very much, Mr. Cornwall.

We are here to proceed with Representative Conte and then proceed with questions thereafter and then follow with the other members of the panel.

Representative Conte, if you will proceed.

¹ The statements of Congressman Roe, Mr. Evans, and Congressman Whitehurst appear as appendixes 1, 2, and 3, respectively.

**STATEMENT OF HON. SILVIO O. CONTE, A REPRESENTATIVE IN
CONGRESS FROM THE STATE OF MASSACHUSETTS**

Mr. CONTE. Thank you, Chairman Wolff and members of the subcommittee. I appreciate this opportunity to appear before you today and discuss this disturbing issue.

I first want to commend your subcommittee for holding this important hearing. It is regrettable your subcommittee has to direct its attention to this particular issue, but it appears this may be the only way we can bring this distasteful activity to a halt.

INHUMANE ACTION

Mr. Chairman, last week I reintroduced my concurrent resolution, House Concurrent Resolutions 564 and 565, calling on the Japanese officials to end this activity. This time I was joined by 34 of my colleagues who share my disgust at the continuance of this cruel activity, even after the adverse world reaction following the first mass killings. I spoke out against this inhumane action immediately after the press reports confirmed the bloody details of that slaughter.

As you know and as you mentioned, Mr. Chairman, there were over 1,000 dolphins killed on that particular occasion, driven to the beaches of the Japanese Island of Iki, where the fishermen slit their main arteries. Additionally, these fishermen were reimbursed, in my opinion in the form of a subsidy, for their action by the local entity of the Japanese Government.

After I spoke out on the floor of the House, the officials of the Japanese Embassy contacted my staff to state that the Government did not sanction this activity. However, the fact is that the local government did pay for the killings whether it was from the federal entity or the local entity is not the paramount issue here. I fully suspect that the Japanese officials could have terminated this activity at any time they wished. So I do not subscribe to their statement that they were powerless in this instance.

Mr. Chairman, I along with many of our colleagues, were hopeful that the outcry at this senseless killing would be sufficient to bring this regrettable activity to a halt. But, a month ago, a second killing occurred. This time over 100 dolphins were bludgeoned and speared to death in waters of the prefecture of Shimane. Both of these senseless incidents occurred while at the same time several groups of responsible Japanese fishermen utilized humane methods of protecting their livelihoods. They transported the dolphins out of the immediate vicinity of the fishing operations. Some were even transported to the Netherlands, thus protecting both these intelligent sea mammals as well as the domestic fishing industry.

ACTIONS UNEXPLAINABLE

Why this preferable method was not employed universally remains a mystery. Obviously, the responsible officials of the Japanese Government were not consistent in this policy. Thus, the necessity of these hearings and hopefully congressional action.

Mr. Chairman, my resolution purposely did not contain specific actions that the U.S. Government should pursue. This was intentional, to allow your subcommittee to add the specifics based upon your wisdom. However, in my floor speeches, I did suggest that the International Whaling Commission place this topic on their agenda.

I am pleased to see Representative Cornwell has specifically recommended this course of action. If your committee, in its wisdom, desires to pursue this approach, I certainly will offer my full support.

Finally, Mr. Chairman, since we have all read about the "bloody" details of these killings, I would like to turn away from repeating them and make another suggestion for your subcommittee's consideration.

RECOMMENDATIONS

As you know, the Japanese Prime Minister will be visiting the United States next week. In light of this excellent opportunity, I would like to make two specific recommendations. First, that your committee complete its work on this issue, as my colleague Representative Cornwell has mentioned. By reporting the resolution out, the full House can vote on it next week during Prime Minister Fukuda's visit.

Second, that the members who share my concern over this activity, send a letter to President Carter and Secretary Vance recommending that this issue be discussed during the Prime Minister's stay.

Both efforts may finally impress upon the Japanese Prime Minister that we are serious about this issue and that we intend to pursue it to a successful conclusion.

Mr. Chairman, on behalf of the 34 members who have joined me in offering these resolutions, I wish to express our appreciation again to you and the members of your committee for conducting these hearings and urge early adoption of the resolution.

Thank you, Mr. Chairman.

JAPAN AND THE IWC

Mr. WOLFF. Thank you, Mr. Conte.

At this point I might make note of the fact that the subcommittee has received a communication from the State Department which indicates the Japanese Government has agreed to abide by all of the International Whaling Commission's decisions on whales. They announced their intention to comply with the IWC decision pertaining to the importation of whale meat from nonmember nations. It is actually supplying raw data on sperm whales to the U.S. Marine Mammal Preserve.

I must say I am cosponsoring Representative Cornwell's resolution. So perhaps you think I am biased in this. I am. I think we have to look to our own house as well. And recognize that last year American fishermen killed approximately 27,000 dolphins. The annual legal kill is about 69,000; so we are killing off more than one-third under our fishing methods.

Do you have any idea, we can initiate here in our own country, that will help to solve at least part of this problem?

SIGNAL TO FISHERIES

Mr. CORNWELL. I would think one of the first things we need to do is look at exactly what our techniques are and possibly—I don't know if we could do it through any sort of legislative work, but at least send a signal to the fishing people that we do mean business and perhaps they should be spending a little bit more time trying to find alternate ways of catching their legitimate catches and to try to keep the dolphins out of the area by some technological piece of machinery, or whatever they might have.

I don't know we can continue to legislate and regulate that industry and keep them solvent and at the same time protect the dolphin.

Mr. WOLFF. Mr. Conte.

Mr. CONTE. Mr. Chairman, I think we could do a lot more. This is an area in which I have been interested in all the years I have been in the Congress—20 years—not only the dolphin but the Atlantic salmon. I've done considerable work on this over the past 20 years. I think the McCloskey amendment to the Marine Mammal Protection Act was a step in the right direction. That passed the House 244 to 109 on June 1, 1977, and is still pending in the Senate.

M'CLOSKEY AMENDMENT

If I may, the McCloskey amendment would have encompassed five basic principles. First, was the establishment of a declining quota. Second, were the incentives to foreign governments to require their fishermen to meet the same standards we imposed on our fishermen. Third, required observers as a prerequisite to granting permission of a transfer of a vessel to a foreign flag. Fourth, shifted the cost of the observer program from the public to the industry. Finally, fifth was the establishment of a special protection provision for the Eastern spinner species of the dolphin family.

I voted for that amendment, but that did not fully satisfy me. Therefore, I was one of 20 on the House side that voted against the entire bill on final passage. I think you are absolutely right. You put your finger right on it. I think we should set the example right here in the United States, and I certainly do not condone our fishermen for netting all of the dolphins that they have netted.

Mr. WOLFF. Thank you very much.

Mr. Guyer.

Mr. GUYER. Thank you, Mr. Chairman.

I really have no questions. I think our judgment is no better than our information. We have some competent people. I think we should use the time to hear them today; testimony I agree with 100 percent.

Mr. WOLFF. Mrs. Meyner.

TUNA FISHING

Mrs. MEYNER. Thank you, Mr. Chairman.

I have just a couple of questions I would like to ask Congressman Cornwell and Congressman Conte, my colleagues. The Inter-American Tropical Tuna Commission reports that the United States killed an average of 385,000 dolphins a year from 1952 to about 1972. We all know that number has been sharply reduced in recent years. But I

presume that most of these dolphins were killed by tuna fishermen; is that not right? Is that the way most dolphins are killed by the Japanese as well?

Mr. CONTE. No. The ones we are testifying about today were either driven onto the beach or speared in the water, and not caught up in nets. The vast majority were driven onto the beaches and then slit their main artery and they were bled to death. Of the 1,000 inhumanely slaughtered in this bloody fashion 800 were then taken back out, weighted-down and dumped into the ocean.

Mrs. MEYNER. I am unclear as to why they did perform this act.

DOLPHIN THREAT

Mr. CONTE. The Embassy claimed, in the letter they sent me, that they did this because the dolphins were eating so much of their fish and they were threatening their fishing industry.

The tragic part about this whole thing was the fact they killed the dolphins and then took them back out and sunk them. They claimed they fired blank cartridges and experimented with other noise devices, trying to drive the dolphins away from their fishing grounds. One of the tragedies is what they did after they killed the dolphins. Now, if they kept them and ate them, you could feel somewhat relieved that they utilized the protein. But they didn't; they dragged these dolphins back out into the ocean, only to get rid of them so they would not flood the commercial fish markets with this high protein meat, thus threatening their own catches.

Mrs. MEYNER. I know the Japanese Government has been accused of subsidizing the dolphin kill and I understand they have retorted they weren't subsidizing the kill but only reimbursing the fishermen for normal fishing activities they could not engage in because they were busy killing dolphins.

Does that seem suspicious to either one of you? Is there something fishy about that?

Mr. CONTE. It certainly sounds fishy, and smelly, too. Definitely.

LABORATORY TESTS

Mrs. MEYNER. I also have one final question. I understand the fishery research laboratory of the Japanese Fishery Agency is planning to conduct extensive studies on using sound waves to drive dolphins away from schools of fish. This is encouraging news. Has this already been tried by the Japanese fishermen, and do you think that these studies might accomplish something?

Mr. CORNWELL. I am not aware of this activity going on. I think it is definitely a step in the right direction.

Besides, what we can do here legislatively is try to develop that technology to keep the dolphins out of the area while the fishing is actually going on. I would try to promote that as much as I could.

Mrs. MEYNER. It is a pretty complicated thing to do. If we can teach dolphins to chase submarines and to talk, maybe we can teach them to do this.

Mr. CONTE. Play basketball.

Mrs. MEYNER. And play horns.

Mr. CONTE. Right.

Mrs. MEYNER. Thank you gentlemen.

Thank you, Mr. Chairman.

Mr. WOLFF. Thank you.

My colleagues, if you would like to stay around, we would like to have you. We know you have pressing business.

We would like to ask the other members now of the panel to proceed.

Mr. CONTE. Thank you, Mr. Chairman. I have to go upstairs to the Appropriations Committee.

Mr. WOLFF. Thank you very much for coming.

Our next witness is Dr. Robbins Barstow of the Connecticut Cetacean Society.

Dr. Barstow.

STATEMENT OF ROBBINS BARSTOW, EXECUTIVE DIRECTOR, CONNECTICUT CETACEAN SOCIETY, INC.

Mr. BARSTOW. Mr. Chairman, members of the subcommittee: I am Robbins Barstow from Wethersfield, Conn. I am an educator, employed full time on the staff of the Connecticut Education Association. But, avocationally, I have had a long and deep interest in whales, dolphins, and porpoises. I serve as the volunteer executive director of the Connecticut Cetacean Society, which is a totally volunteer non-profit organization of some 700 members in Connecticut and elsewhere, on whose behalf, on March 16, 1978, I personally delivered to the Japanese Embassy here in Washington petitions bearing the signatures of over 11,000 persons protesting the February 24 slaughter of the dolphins by the Japanese fishermen on the Island of Iki.

IMMEDIATE RESPONSE

In this petition, in addition to expressing our shock and dismay, we urged the Government of Japan to take immediate steps to prevent such a tragedy in the future and to develop humane and peaceful means to help and preserve both fishermen and dolphins.

I very much appreciate having been requested by the subcommittee to present testimony regarding this proposed House Resolution 1065, and I do urge your favorable consideration of it.

I would like to address myself to the issues raised by House Resolution 1065 from two complementary points of view. The noted American scientist and author Victor Scheffer has said:

Wise management is going to call for cooperative decisions by poets as well as biologists. Whale conservation is too important to be left to either group alone.

So I wish to discuss the issue of dolphin killing first in relation to ethics, the viewpoint of the poet, if you will; and second, in relation to science, the viewpoint of the biologist.

I think it is important for the U.S. Congress to take both of these viewpoints into account.

HUMANE TREATMENT

Cetacean is the scientific name for all whales, dolphins, and porpoises. It includes over 80 different species of these air-breathing marine mammals with horizontal tails, ranging in size from the giant

100-foot blue whale, the largest creature ever to have lived on planet Earth, down to the 1½-meter harbor porpoise.

It seems to me both imperative and inevitable that ethics and moral values be involved in decisions regarding human treatment of cetaceans. The realm of the poet is that of feelings, emotions, and values. Throughout human history, cetaceans have evoked special feelings, emotions, and values on the part of persons having close contact with them.

Other animals have also evoked similar feelings, and in certain cultures have been regarded as sacred; such as cattle in India. But in recent years, particularly through exposure in the mass media with films, television, books, records, and public display, dolphins and whales have come to possess an all but universal popular appeal which appears to be unique. This constitutes a value phenomenon which cannot be disregarded anyplace in the world today.

INTELLIGENT MAMMALS

In addition to the perceived traits of playfulness, friendliness, gentleness, and altruism which endear dolphins and other cetaceans to human observers, there are evidences of intelligence, or at least brain capacity, comparable to that of human beings. Demonstrations of learned behavior and underwater sound communication systems of a highly complex and sophisticated nature give credence to the conviction that cetaceans should be recognized as a higher form of life and in a different moral category than at least most other animals.

A Japanese scientist, Dr. Teizo Ogawa, of Tokyo University, has made reference to the existence of:

Two high peaks in the realm of Mammalia, namely, Mount Homo and Mount Cetacea; the latter boasting of a much greater height than the former.

If indeed there can be shown to be two mountain peaks of evolution on planet Earth—on the land, *homo sapiens*; human beings; and in the sea, cetaceans: whales, dolphins, and porpoises—then I think we have no need to apologize for insisting upon including ethical considerations in the making of judgments concerning human exploitation or non-exploitation of cetaceans.

MORALLY WRONG

An increasing number of human beings throughout the world are coming to believe that it is morally wrong to kill cetaceans. I am one of these persons. This does not mean without exception or regardless of circumstances, but as a general ethical rule.

Ethics involves the making of value judgments taking into account a variety of factors.

Victor Scheffer, again, has stated the poet's view regarding whales as follows: I would just like to quote for you:

Whales have become newly symbolic of real values in a world environment of which man is newly aware * * *. I believe that we ought to stop killing them unless for human survival only, and then humanely. I see no need to extend this protective ethic to rabbits, or chickens, or fish. Whales are different. They live in families, they play in the moonlight, they talk to one another, and they care for one another in distress. They are awesome and mysterious. In their cold, wet, and forbidding world they are complete and successful. They deserve to be saved, not as potential meatballs, but as a source of encouragement to mankind.

CONSUMPTIVE EXPLOITATION

If we can consider this poet's view and this ethical view for many of us, there still is a great problem that faces this committee and the U.S. Congress today in that this ethic and this emotional viewpoint is not at this time universally shared by the human community. There are groups and individuals in various parts of the world which feel differently about the use and consumptive exploitation of whales and dolphins.

To the fisherman in parts of Japan, dolphins are livelihood-threatening competitors for fish and squid. The overriding value of economic survival makes it ethical in their view to kill the dolphins that devour fish on their offshore fishing grounds. To them, such deliberate slaughtering is at least as justifiable as the "incidental" slaying of dolphins in the purse-seine nets of American tunafish boats.

ETHICAL VIEWPOINT

What is required at this time is a reexamination of values on all of our parts. Specifically in relation to the subject of House Resolution 1065, I believe we need a bilateral reexamination of values by the people of the United States and the people of Japan. I urge the adoption of this proposed resolution because I believe it can contribute significantly toward just such a reexamination of values and the ethical consideration involved in the "growing conflict within the ecosystem between marine mammals, fishery stocks, and man," to quote from the resolution's preamble.

House Resolution 1065 embodies an ethical point of view regarding the seagoing migratory mammal known as the dolphin. By expressing the strong concern of the House of Representatives regarding the slaughter of some 1,000 dolphins in the Sea of Japan on February 23 and 24, 1978, this resolution communicates in a restrained manner the unprecedented sense of shock, dismay, and outrage experienced by countless U.S. citizens over this media-publicized event.

TUNA FISHING

At the same time, I believe it would not be inappropriate for the Parliament of Japan to adopt a similar resolution expressing comparable concern over the U.S. Government sanctioned slaughter of more than 2,000 dolphins reported killed up to March 15, 1978, in the season's tuna fishing out of California ports. While greatly reduced from previous years, our 1977 total dolphins kill incidental to tuna fishing was 26,000. This continuing U.S. cetacean slaying has not been subject to the same kind of graphic television and newspaper coverage which was given to the Japanese killings on Iki Island. But it merits similar concern. This has already been indicated by statements by you, as chairman, Mr. Wolff, and by other persons testifying here.

AMERICAN CRUELTY

An editorial in the Tokyo newspaper Asahi on March 6, 1978, states: "The Japanese are not the only ones who are cruel. And Americans are

not the only ones besides the Japanese." So we cannot be self-righteous about this. But the self-reflection that human beings have a tendency to be the most cruel animals toward other animals does not mean that those of us who are concerned and who do care about the quality of all life on Earth do not have a responsibility to cry out whenever and wherever such cruelty is observed.

Unless we do protest, through petitions, letters, telegrams, visitations, and congressional resolutions such as this one, there will be no hope of changing present conditions and bringing about reexamination of values and broadened ethical standards on the part of all human beings.

At the same time, as part of any reexamination, it seems to me that the United States must be willing to study and seek to understand the other person's views even while we are striving to convey and persuade the other part of our own opinion. In this connection, President Fujita, of the Japan Joint Whaling Co., is reported to have asserted recently:

On the other hand, there is need also for Japan to watch the international situation more intently without thinking things egoistically and give more consideration to our country's position where Japanese fishery cannot help but live in the situation of the world.

SCIENTIFIC VIEW

Turning, in conclusion now, to the problem from the point of view of science, how is peaceful coexistence possible with the dolphin? This question again was asked editorially in a Tokyo newspaper, Asahi on March 6, and it is addressed in lines 6 through 18 of the House resolution.

There is very reason to believe that Japan will, in fact, participate in the meetings of the small cetacean subcommittee of the Scientific Committee of the International Whaling Commission in Cambridge on June 12 of this year as urged by the resolution. Japanese representatives have played a leading role in prior meetings of this subcommittee and have submitted papers regarding such subjects as "Japanese Small-Type Whaling" and "Ecological Aspects of Smaller Cetaceans" which have been published in earlier reports.

A great deal of additional information needs to be exchanged and much more research undertaken in order to find positive answers to these complex and difficult ecological problems.

RESEARCH PROJECTS

The United States has made much progress in research dealing with the dolphin-tuna problem and in finding ways significantly to reduce the incidental kill of dolphins resulting from the use of purse-seine nets in tuna fishing. The provincial government in Nagasaki, Japan, announced on March 18, 1978, that it was initiating a 3-year research project, to cost more than one-half of a million dollars, to try to develop new technology such as radio and sonic-wave equipment or other means to keep dolphins away from local fishing grounds without having to kill them.

Mr. WOLFF. Mr. Barstow, you know we have a telegram here from the Department of State which indicates that the kill was a measure

of last resort taken only after attempts to disperse the dolphins by other means, such as electronic reproduction of killer whale calls, firing of blank cartridges, and the like, had failed. You are aware these steps were taken prior to the kill?

Mr. BARSTOW. Yes, we are aware that efforts have been made in the past, but not with total success. Therefore, I think it is very significant that the provincial government in Nagasaki has now undertaken to do some further research in it. I think it is important for the United States and other countries to join in this kind of research to find new technology and ways this matter can be dealt with without involving the killing of the dolphins even as a last resort.

I think we have to approach the matter from the point of view of science. If we can accomplish the other kinds of technological miracles our society has done, we ought to be able to find a way to deal with this problem, though it is not an easy one.

Mr. WOLFF. You know, we have never been able to get the pigeons off the Capitol.

NEW OPTIONS

Mr. BARSTOW. Let me just say, in conclusion, that I believe this proposed resolution, by encouraging the sharing of further information and the carrying out of further research through the International Whaling Commission and other agencies could go a long way toward bringing the expertise and knowledge of biologists and the skills of science to bear on finding new options for relations between humans and small cetaceans.

In short, what I believe we need now is a combination of ethical viewpoints, reexamination of values, and the new application of scientific resources in seeking to find the best possible answers to the question of how human beings and cetacean beings should relate to each other in the hoped-for future of our water planet. I believe House Resolution 1065 will contribute positively toward both of these approaches to this end.

Thank you.

Mr. WOLFF. Thank you very much, Dr. Barstow, for a very comprehensive statement. I am sure my colleagues appreciate the deep interest you have taken in the protection of these mammals.

HERD THINNING

One point I think is important here. Would not—I should not actually lead you on a question. How would you respond to the statement that the killing of the dolphins is similar to the thinning of herds or the thinning of forests in order to protect the species from itself?

Mr. BARSTOW. I would respond in two ways, very briefly.

First, I think it is possible to make such a comparison and that this has to be part of this ethical judgment; part of the weighing of values. In my view, dolphins, cetaceans, are in a higher moral category, have a higher value level than other mammals. Therefore, it is less desirable, it is more unethical to kill them than lower forms of animal life.

Mr. WOLFF. But let me play the role of the devil's advocate for a moment. Both man and the dolphin are competing for the fish that are in the sea.

Mr. BARSTOW. That is right.

Mr. WOLFF. According to the information that we have been able to avail ourselves of we have a situation where there are less of the smaller fish around in that area today and more of the dolphins. It is indicative of the fact the dolphins are prevailing in that particular area threatening the livelihood of man in the area.

Mr. BARSTOW. I think it is understandable that fishermen faced with that situation would take the action that they did. I think our responsibility is to, while deploring it from our value viewpoint, to try to apply some of our resources and assistance to develop the new technology, the science and understanding that can avoid, to the extent that it is possible to do so, this kind of situation in the future.

COMMENDABLE RESPONSE

I think the Japanese Government and the responsible persons are to be commended for what I think is a positive response to the outcry that has been worldwide to the killings. I think they have indicated their concern about this, and I think they have indicated they are attempting to find ways that they can avoid this in the future.

Mr. WOLFF. Thank you.

Mr. Guyer.

Mr. GUYER. Thank you, Mr. Chairman.

Doctor, I think you have made a very able and well researched presentation. I am wondering, with many scientific reservoirs of information, if we couldn't have something prepared for that June conference in Cambridge; some alternate available steps that could be taken. Apparently there were none in the Japanese incident and very few in the American.

I think, scientifically, there certainly must be some better answers than just saying let's use the sonic devices or try to thwart them. We ought to have something more concrete to take to that conference.

LITTLE GLOBAL ATTENTION

Mr. BARSTOW. I agree with you. That is why I think the resolution ought to be passed by the U.S. Congress. I think it would spur that kind of action. It is just in recent years—really, since 1975—this was the first publication coming from the International Whaling Commission dealing with the topic of small cetaceans. For years there has been a lot of attention given to the large whales, the great whales that have been most killed. But there has been very little known or share on a global basis concerning small cetaceans.

Japanese scientists contributed papers to this, along with some other countries, and it was edited by Ed Mitchell, Dr. Mitchell, whom I know, in Canada, who is really the world's expert on small cetaceans now.

I think, first of all, we need to have more facts, and they are trying to get more facts.

MORAL DETERMINATION

Mr. GUYER. It is ironic we do have these great capabilities and we have been able successfully to wipe out the mosquito and conquer

yellow fever, as we wiped out the locust. The dolphin has always been called man's best friend, but I don't think man is the dolphin's best friend.

Mr. BARSTOW. It takes a moral determination, a commitment to seek this. This is why this may turn out to be a very significant turning point, really, in our history. This one event that received so much media publicity and created such an outcry over the world is focusing attention on this problem that has never happened before, and because of that and through such actions as this resolution, I think we are going to develop that determination, that commitment; we are going to find an answer. We have got to research it sufficiently so we can come up with a solution.

Mr. GUYER. I think you will find this subcommittee is not going to be the problem. It is going to be a help in getting an answer on its way.

Mr. BARSTOW. The scientists are very much aware of it. I have a feeling Dr. Mitchell and others would be encouraged also by the kind of support and continuing efforts that this resolution represents.

Mr. WOLFE. Mrs. Meyner.

Mrs. MEYNER. Thank you, Mr. Chairman.

Mr. Barstow, I just want to thank you for very excellent and comprehensive testimony. I like your combined viewpoint, of the biologist and the poet.

DOLPHIN KILLINGS

What puzzles me about this whole kill is that the official Japanese fishing agency was quoted in the Japanese press—you quoted it, too—as saying Japan kills between 10,000 and 20,000 dolphins a year. Are these dolphins the ones that are caught in their tuna fishing nets?

Mr. BARSTOW. The research indicates, the background information indicates, that there are actually two different kinds of dolphin killings that take place off the coast of Japan and elsewhere in the world. There are cetacean fisheries, including some in Japan, where smaller cetaceans, different kinds of dolphins and porpoises, are deliberately killed for their meat. They become food, a source of sustenance.

There are other fisheries where there are kills incidentally, in connection with the catching of fish by nets, and so on. The dolphins get caught in the nets and drown.

Then there is this third kind, that took place off Iki, where I believe they regard it as a matter of self-defense. That is to say, they kill the dolphins not to eat or not incidentally, but deliberately, so as to prevent them from eating the fish which they are dependent upon for their livelihood.

Mrs. MEYNER. The killing of the 1,000 dolphins when the Japanese claim there are 35,000 wandering dolphins in Japanese waters, make one wonder what difference 1,000 dolphins would make one way or the other in terms of their fishing catch. That is why I think this kill was such a shocking one.

Mr. BARSTOW. Yes. I think they felt that these dolphins were localized; that they had in effect, invaded their fishing grounds and, therefore, they were going after these, not all of the others. I think they felt it would not affect the total dolphin population that much.

ECOLOGICAL BALANCE

There is a real competition, no question about it, in the world today between human beings and marine mammals and cataceans for the available food supply. This is where we get into the realm of values of the poet.

Mrs. MEYNER. I would like to follow through on a question Chairman Wolff asked.

As a cetacean expert, could you tell us if there is any fear that unless they are killed off by man, the dolphin and cetacean population will grow so much that they will not be able to survive? New Jersey deer hunters rationalize killing deer because they say so many will starve anyway in the winter.

In your research, is there any evidence to show many will die of starvation if not killed off by man?

Mr. BARSTOW. Let me briefly say this. Human beings are relative newcomers. The cetaceans, whales and the dolphins have been in the ocean and this highly developed form of life for millions of years. I think we have a lot to learn from them. They managed to survive in the natural world in terms of a balanced ecosystem over these millions of years, and it really has just been since the advent of human beings as killers of whales, cetaceans, and catchers of fish that there has been—to put the whole thing in perspective—this upset in the balance of nature in the sea.

I would like to cite one example of the gray whale off California. The gray whale off California was virtually extinct about 30 or 40 years ago. It had been killed down to just a few hundred left, and people didn't know if it would survive. It did come back from the brink of extinction.

The California gray whale has grown to the point now—it kept increasing in numbers until a few years ago it reached a level of 11,000, approximately. When it reached that level, which appeared to be the number of the population which the ecosystem along the coast of California could support, it stopped. There has not been a further increase in gray whales.

To me, this suggests if we can work out the right kind of balance and human beings don't upset it too much, there isn't that kind of danger of overpopulation in the sea among cetaceans that we have experienced on the land and in the air.

Mrs. MEYNER. Thank you, Mr. Barstow.

Thank you, Mr. Chairman.

Mr. WOLFF. Thank you very much, Mr. Barstow.

Our next witness is Mr. Alan Macnow, of Tele-Press Associates.

Mr. Macnow, would you take the mike?

**STATEMENT OF ALAN MACNOW, PRESIDENT, TELE-PRESS
ASSOCIATES, INC.**

Mr. MACNOW. Mr. Chairman, members of the committee, I am Alan Macnow. I am president of Tele-Press Associates. We are a public relations firm in New York City. We were employed by the Japan

Fisheries Association until March 31, at which time our contract lapsed. So I am here speaking not particularly for the association's point of view, not at all for the association's point of view. I am here to address this matter as an American citizen, as a person who is very much concerned about the welfare of all the animals in the sea.

JAPAN AND THE SEA

I am very much a conservationist. I do not like to see anything killed, and I am concerned over what has happened in Japan. But I think we have to understand, too, how the Japanese look at things.

Mr. Barstow gave a very well balanced presentation, trying to explain a little bit about the way the Japanese look at things. But he is also saying we should develop a value system in relation to cetaceans. And I wonder sometimes if we are imposing our value systems on other people, and whether our values meet their needs as well as ours.

Japan and the Japanese, it is my feeling, have been very much blackened unjustly on a lot of issues. I will not discuss the whaling; that is not in my area. But whaling is very much different because it is a hunting operation; it is a seek and kill operation. The Japanese say that they have been conducting whaling scientifically; that they are well aware of how many whales breed and how many they can take for food without diminishing the stock. But they firmly intend, because they are learning the values of the United States and the rest of the world, I think they firmly intend to phase out these operations.

But you must understand the Japanese look to the sea as a source of food. They have lived on a small group of islands, in all about the size of California. They have 112 million people. That is half the population of the United States. Their country is very mountainous. Only 15 percent of the land is arable. They cannot grow enough food for their needs. They cannot grow enough cattle, or enough hogs, or enough chickens. Consequently, for over 2,000 years they have turned to the sea and they have learned to utilize what is in the sea; everything from sea weed and sea urchins to sea cucumbers.

SOURCE OF NOURISHMENT

I don't think you will find a people anywhere in the world that derive as much nourishment as the Japanese do from this main source of protein and vitamins for them; the sea.

They do have a respect for life, which most Americans do not understand. I know when I talk to people, and people call me they say, well, they hate the Japanese because they don't have any respect for life. This is untrue. For one thing, the Japanese believe in Buddhist precepts. Buddhism teaches that every living thing, every living thing has a value in this universe, and the Japanese believe that way. They also believe in Shintoism. In Shintoism, everything has spirit, even such inanimate things as rocks and trees. The Japanese don't wantonly take the lives of animals and fish. There has been too much propaganda to the contrary, I believe.

I wrote a letter to the New York Times in response to a gentleman who said he thought the Japanese were very brutal and beastial and said he had lost all his respect for them. So I wrote a letter to him and

said, please, for the actions of a small group of fishermen, please don't condemn all the Japanese, because all the Japanese are not like this.

Mr. WOLFF. I just might interject here, I do not think there is any question here of this subcommittee or the Congress of the United States, of the social values of the Japanese and the Japanese people. I think we, as a Congress, and we, as a people, respect the Japanese very highly for their high respect not only for life, but also as conservationists. That really is not the issue here.

ALTERNATIVE SOLUTIONS

The issue here is the question of a specific mammal that has been destroyed at a particular point, a number of them, and the question as to whether or not there can be some other method of achieving the same results of satisfying the fishermen and, as well, not killing off the dolphins in the fashion that they have been killed.

I think you will recall each year we have the baby seal kill that takes place, which is to many, a very abhorrent scene when we look at it on television. Yet the people who conduct this seal hunt say that it is the only way they can maintain the herds of the seals that exist.

We are really not talking now of the social mores of the people, but we are talking specifically about whether or not we can achieve a more humane—if you want to put it that way—method of dealing with the problem; to see to it both the dolphins survive as well as the fishermen.

Mr. MACNOW. The Japanese have tried humane methods to chase away the dolphins. But I think it is important to make this distinction: That they are not luring the dolphins, and they are not hunting them down. These are dolphins which have come into their bay to take the fish that are there away from them.

DOLPHIN POPULATION

The dolphin population in Japan is numbered at over a million. In that particular area, on the northwest coast of Kyushu, there are 300,000 dolphins, according to the most recent estimate. Dolphins have been coming into the bay in greater numbers than 1,000. One thousand was what the fishermen managed to catch. There were more than that there.

In the Iki incident there were 900 fishermen trying to defend their catch from over 1,000 dolphins which were coming into their bay, dolphins which wanted to take their catch away from them; which wanted to deprive them of the only thing the fishermen could catch for their food, and the only thing they can sell for their living.

The people on Iki Island are very poor people. You can compare them to people in Appalachia. It takes them 2 days to travel to Tokyo. Iki is an isolated city. It is almost 200 years in the past, as far as the values of its people are concerned.

Mr. Conte said the Japanese Government could obviously control the fishermen any time it wants. But you are dealing with people, a small group of people. The American Government obviously could not control the fishermen of Massachusetts, 40 of whom are faced with fines of up to \$1½ million for overfishing U.S. coastal fish resources in violation of our conservation rules. And he expects the Japanese

Government to be able to put its finger on this isolated island and say desist.

Well, that is what the Japanese Government is trying to do now.

The Japanese Government is now telling the Japanese fishermen that they can't do it anymore. Because this is not the way to do it; this is not the way to approach the problem. The Japanese Government is trying to stop unnecessary dolphin kills. It has undertaken to provide money, and scientists in an effort to see if there are nonlethal ways to scare the dolphins away.

In recent years in Japan there has been an explosion in the dolphin population. Some people think this is because the Japanese fish conservation laws, which are very strict, are resulting in an increase in the fish supply. The dolphins have more to eat, and the natural balance is adjusting to a higher food supply level, with the result that more dolphins are going after more of the quantities of fish that exist in the bays.

The fishermen of Iki did use ultrasonic devices. But dolphins are very intelligent; they swim with their heads out of the water so they don't have to hear the disturbing noises. You have got an animal there who does respond intelligently to get what it wants and what it needs, which apparently is the fish in the Iki's bays.

The people on Iki Island felt they were threatened. Each year the number of dolphins that come into their bay to take the fish grows larger and larger. They were a very desperate people. They did what they felt they had to do to protect their livelihoods and their food supplies.

The Japanese Government, of course, is very aware that in today's world, one doesn't take cetaceans, take the life of cetaceans unnecessarily. And the Japanese Government is making an effort to deal with the problem. They are studying the problem. They have agreed to get together with the National Marine Fisheries Service in joint studies.

I now would like to address myself to these resolutions, which would have an adverse impact upon our relations with the Japanese, because the Japanese have a strong sense of face and shame. About the worst thing you can do to the Japanese is to shame them.

If we use the full force of the American Government to shame the Japanese, they will feel it very sharply and they are going to resent the United States for doing it. Moreover, from all that I have heard from people who have gotten in touch with me or called me, the killing of the dolphins, while it is of great concern and is a very regrettable incident, the issue seems to be acting as a vehicle for Americans to express antipathy and hatred toward Japan.

JOINT SOLUTION

So, if there is a resolution, I would like to see it in the form of an open resolution, calling on all the nations of the world to join together in an effort to protect cetaceans rather than just singling out Japan and exposing them to further humiliation and further shame.

In regard to Mr. Conte's resolution, I think it is just factually untrue, from start to finish, in that the Japanese did not set out to lure the dolphins; it did not dump the dolphins' bodies at sea. Two hun-

dred of them they kept for food another 200 were offered to zoos for animal feed, and the rest of them, there was just no use for them, and they buried them. They wouldn't think of polluting the ocean with the bodies of the dolphins.

All the information which has come out on this, as reported by the wire services, has presented a very distorted view of what happened. I would like to see that corrected.

Thank you very much for giving me the chance to let you understand a little bit about how the Japanese look at things, and also to assure you that they are making every effort to study the problem and to resolve it so that both the fishermen and the dolphins can benefit from the efforts.

Thank you very much.

Mr. WOLFF. Thank you very much.

Actually, we should like to insert your entire statement in the record at this point.

Without objection, your entire statement will be put into the record at this point.

[Mr. Macnow's prepared statement follows:]

PREPARED STATEMENT OF ALAN MACNOW, PRESIDENT, TELE-PRESS ASSOCIATES

Mr. Chairman and members of the committee, I am Alan Macnow, President of Tele-Press Associates, Inc., a public relations firm in New York. My firm was the public relations representative in the United States for the Japan Fisheries Association, but I am here to talk to you as a private citizen who is very concerned about both the dolphin problem and its effect on America's relations with Japan.

I am particularly concerned that a lack of understanding of a regrettable incident, the killing of dolphins by a small group of island fishermen in Japan, appears to be poisoning the attitudes of Americans towards the people of Japan. I believe we are doing a grave injustice to the people of Japan by seeking to censure a whole country for the actions of a desperate few.

I have known the Japanese for twenty-four years, from the time that they were a poor and hungry people suffering from the devastation of war, up to their relatively prosperous present. I think I know their fears and anxieties, many of which stem from that terrible post-war period, along with their hopes and aspirations.

I think it is important to understand that the Japanese are an island people, who for centuries lived isolated from mostly hostile neighbors. Subject to attack from the Chinese mainland in earlier days, and living in a volcanic, mountainous chain of islands, with only 15 per cent of the land capable of being farmed, they have always looked to the sea for both protection and sustenance. Lacking most of the natural resources necessary for living in today's world, and with strong memories of starvation following their defeat in the Second World War, the Japanese have more than the usual anxieties about maintaining sources of adequate food supplies.

Americans, who have plenty of beef and poultry on hand, along with huge grain surpluses, have no real dependence upon fish to fill their protein requirements. The Japanese do. For thousands of years they have had to depend upon the sea to provide 80 per cent of their protein. Now, with much of their access to needed food fish cut off by the proliferation of 200-mile limit laws, their anxieties are heightened.

For local fishermen, like the people on Iki Island, the past decade has not been easy. They are a very provincial people, almost untouched by the rapid modernization of Japan's industrial and commercial centers, and have not benefited very much from the recent growth in Japan's

prosperity. Their ways of life and attitudes are still very much as they were 200 years ago. In the United States, Appalachia might be a good comparison. Where the modern world impacts upon them, it is mostly in the form of skyrocketing prices for goods which they need from the mainland, and in marine conservation restrictions imposed by the Japanese federal government.

Yes, the Japanese do have marine conservation restrictions, despite mistaken American conceptions to the contrary. And very tough ones at that, which often limit both commercial and recreational fishing. As a result of the Japanese government restrictions, the Iki islanders are not allowed to use nets for fishing, but are restricted solely to the use of hook and line, in order to prevent the netting of immature fish.

The imposition of this conservation regime sharply reduced the previous catch of the 900 or so Iki Island fishermen who, with about 3,500 dependents, rely heavily on the catch for food and income. Iki Island is 90 per cent dependent upon fishing for the sustenance and livelihoods of its people. That is why each fish caught is precious to them.

In the area around Iki Island, which is located off of the northern part of the island of Kyushu in Japan, there is no directed fishing for

dolphins. The dolphin population there is thriving, and perhaps because the conservation regime has begun to result in an increase in fish stocks, the dolphin population appears to be growing bigger rapidly. Estimates of the dolphin population in the area have placed the number at over 300,000.

From the point of view of the Iki islanders, the increase in population is seen as greater numbers of dolphins entering their bays and nearby fishing areas each year to feed upon their fish. The dolphins ate the chum which the fishermen threw upon the water to attract fish, and grew so bold that they were snatching fish off of the hooks before the fishermen could boat their catch.

Several years ago, when the dolphin incursions first became a problem, the Iki island fishermen tried to scare them off with firecrackers and underwater noisemaking devices. They even called in a fisheries expert who broadcasted noises of killer whales underwater in an attempt to frighten the dolphins away. Nothing worked, and they continued to lose greater and greater shares of their catch to the increasing numbers of dolphins. Finally, in desperation, they felt they had to do the only thing left to do to protect their own existence. They rounded up and killed the marauders.

They were not happy to do this. They regretted very much the necessity to have to kill the animals. They always had warm and friendly feelings towards dolphins, because dolphins sometimes helped to drive fish into their nets in the days when they were allowed to fish with nets.

Most Japanese fishermen have a reverence for marine life and do not wantonly destroy any forms of nature. The fishermen even hold religious ceremonies at which they pray for the spirits of their catch, asking forgiveness for having to take them, and thanking them for their sacrifice.

For that matter, most Japanese have a great reverence for all of nature, and hesitate to impinge upon it except when they have to. I have seen highways detoured around venerable trees, and it is almost unthinkable to kill a deer. Even factories have their gardens. The Japanese, in fact, wonder about our lack of respect for nature, as seen in the fact that Americans yearly kill millions of deer, kill beautiful marlin and other billfish only for the sake of a photograph or trophy, and kill millions of dogs and cats which they profess to love as pets.

That is why the Japanese public was as shocked as Americans by the Iki Island incident. Japanese public reaction was as much responsible as anything else for the fact that the Japanese government

is now taking swift steps to find a means of dealing with the problems posed by expanding dolphin populations and the food needs of the people.

To this end, the Japanese government last month allocated almost a half million dollars to study the problem and to try to devise non-lethal ways of keeping dolphins away from needed food fish. I also am sure that if this isn't enough, they will step up their efforts to find a solution.

Since I sent a letter to The New York Times, I have been besieged by callers rightly concerned about the welfare of the dolphins, but callously unconcerned about the welfare of the people involved. The Iki islanders should abandon the fish to the dolphins, they said, and the Japanese government should resettle the fishermen on farms or in cities.

The solution, I'm afraid, is not that simple. First of all, there is precious little space in Japan for resettlement. And second, is it right for Americans to advocate wrenching people away from their roots? We should have learned from the horrors we inflicted on the Indians, and I hope our concern for people's rights has not changed as much as the calls I received would lead me to believe.

And third, asking the Japanese--who depend upon fish as their prime source of protein--to abandon the fish to the dolphins is like

asking American farmers to abandon their grain to the birds, or their beef cattle to coyotes.

Moreover, the conflict between human needs and dolphin needs is not one which provides for easy answers. We all like dolphins and it is a heartbreaking thing to see them killed. Yet, because we like them and there are very few directed fisheries for them in the world, their populations appear to be increasing. But a substantial growth in their populations may pose a very serious problem to human food fish resources not only in Japan, but around the world.

If a recent article in the American Fisheries Society's publication, Fisheries Magazine, is to be trusted, it stated that a conservative estimate of the world dolphin population is about 28 million. The article also went on to state that each dolphin eats about 10 pounds of fish per day, and that the total world dolphin population, therefore, consumes almost as much fish as does the world human population, some 47 million metric tons annually.

Given a porpoise reproduction rate of some 8 per cent to 12 per cent per year, depending upon species, as was determined in National Marine Fisheries Service studies, if it weren't for nature's balancing mortality, unrestricted porpoise population growth conceivably

could threaten supplies of food fish needed by humans.

I do not purport to be a dolphin population dynamics expert, but it does seem reasonable to believe that the task which lies ahead for governments of fishing nations is one of developing effective management plans to keep a reasonable balance between the needs of dolphins and the needs of people.

As for the resolution under consideration today, I can assure you that the Japanese people, the Japanese government and the marine scientists of Japan are very much aware of the problem, which is as painful to them as it is to concerned Americans. From what I understand, they intend to pursue solutions vigorously and do not need any well-meaning prodding from outside.

What I am afraid of in respect to this resolution are two things. One, that it would be taken as a slight by the Japanese, who would infer that Americans are casting doubt upon their intentions and interfering in their capable internal management processes. And second, that it would be taken by some Americans as a sanction to continue malicious and ill-founded attacks upon the Japanese people.

Gentlemen, some of the calls which I have received in respect to this issue have been incredible. Quite a few callers have stated that

all of the Japanese people should be killed, and one expressed regret that we Americans did not kill them all with atom bombs. I am afraid that I cannot put this all down as an emotional reaction to the killing of dolphins, but must believe that the incident provided a rationale for some Americans to make racially-biased attacks on the Japanese.

As Japan has proven itself to be a dependable and cooperative friend of the United States, in a very sensitive part of the world, I think it ill behooves us to lend even an unwitting measure of support or encouragement to those whose prejudices would disrupt this relationship.

I know that there is a deep and sincere concern over this unfortunate incident, which I share. I ask you to understand and believe that the Japanese also share in this concern, and to give them the opportunity to work out solutions without further humiliation or external pressures, no matter how well-meaning.

Thank you for giving me this opportunity to present my views.

Mr. WOLFF. I want you to know there has been recommended a resolved clause that directs the House of Representatives to encourage all nations of extensive fishing industries and marine research establishments to join in discussions to be held by the International Whaling Commission, Small Cetacean Subcommittee in June 1978, to exchange information with other nations facing similar problems in an effort to reduce, eventually to eliminate, the unnecessary mortality of all species of marine mammals; and, to participate in exchange of information, including various impact studies of marine mammals on economically related human foodstuffs, and alternative methods of dealing with the problems as they occur, with the National Marine Fishery Service of the Department of Commerce.

CONGRESSIONAL JURISDICTION

I might also tell you that, as a result of a 1972 amendment to the Fishermen's Protection Act, it is one of the responsibilities of the Congress to restrict the importation of fishery products from countries which violate international fishery conservation programs.

That, basically, is the work of this committee, in conjunction with other committees because, according to this piece of legislation, it says:

When the Secretary of Commerce determines that nationals of a foreign country, directly or indirectly, are conducting fishing operations in the manner or under circumstances which diminish the effectiveness of an international fisheries conservation program, the Secretary of Commerce shall certify such a fact to the President. Upon receipt of such certification, the President may direct the Secretary of the Treasury to prohibit the bringing in, or importation into the United States, of fish products of the offending countries for such duration as he determines appropriate and to the extent that such prohibition is sanctioned by the general agreement on tariffs and trade.

COMMON PRACTICE

That is not an admonition, by any means, to the Japanese. Really, I think what we are seeing here is a specific instance that has focused attention upon a practice that is ongoing in various parts of the world. It is not an attempt whatsoever, to single out the Japanese.

I have had very close relationships with the Japanese over the years. Our subcommittee is charged with the responsibility of all types of relationships with the Japanese. Our relationships with the Japanese Government, the Japanese people, are of the highest, and there is no attempt to direct attention to them as a people, but to direct attention to a practice which we feel is abhorrent to the people of not only this country, but of the world in attacking a species of mammal that deserves protection.

So, therefore, this is why I interrupted at first when you were going into your exposition of the concepts of Japanese ideology and social mores. I think we are very cognizant of that. The Japanese happen to be the closest ally that the United States has today.

Mr. MACNOW. True.

Mr. WOLFF. And we are close, as a people. I think the mere fact that the Japanese restaurants in New York in my own home area, outnumber the Chinese restaurants, illustrates that we not only have a social acceptance, but a very close feeling for the Japanese people.

Therefore, this is not an attempt to direct attention at the Japanese people at all, but at an individual practice of a group of people who reside in a particular area, which happens to be Iki in this case. But we are also directing our attention to some of our own fishermen who engage in practices that accomplish the same result: The destruction of a species we hope to protect.

Mr. MACNOW. If I may say a word on this. I have been involved with the fishing industry for some years now. I think the American tuna fisherman is making a great effort to prevent the dolphins from being killed.

Of course, earlier, they used the dolphins as a means of pointing the way to the tunafish. Where the dolphin was found, generally tuna was found underneath them.

AMERICAN EFFORTS

Since passage of the marine mammal conservation management laws, American tuna fishermen have made every effort to save the dolphin, and I have talked to many of the tuna fishermen. I know they often risk their own lives to go in the water and try to herd the dolphins out. I do not think we should condemn the American tuna fishermen for doing their job.

Mr. WOLFF. I think you misunderstand. We are not condemning any group of people at all, except those who are engaged in processes in an indiscriminate manner.

INTELLIGENT MAMMALS

Mr. MACNOW. As you say, you are certainly right; this is a problem where the marine mammals—we now conserve them here in this country. It is a problem in our search for food and food resources and how to manage the stocks.

I think Mr. Barstow will not dispute the fact that when the food supplies increase, so do marine mammals. This is a problem now on our west coast in Oregon, in Washington, where we have seals who are attracted by increasing stocks of fish and go and rip apart nets and eat the fish inside the nets.

Mr. WOLFF. That may be a case of decreasing supply in the ecological system whereby they do not have anything else—

Mr. MACNOW. They learn to find where the fish are. They are very smart. If they run across a net, they know to go into it for fish. We are spending \$90 million a year in those States to cultivate salmon; to put them in the streams. As soon as the salmon get out of the streams, here come the seals. They eat up a good deal of that \$90 million worth of effort we put into growing the salmon. They are smart; they do know where the fish are. They do infringe upon our efforts to cultivate fish and to catch fish.

Definitely, I think there does have to be an intensive scientific investigation and scientific methods have to be worked out.

U.S. RECORD

Mrs. MEYNER. I think the slaughter called attention to the fact that much ought to be done to save dolphins. Goodness knows, the United

States doesn't have the best record in the world as far as slaughter of dolphins. I am glad this came to the surface so that all nations can look at this problem, as you pointed out; be aware they ought to do everything they can to cut down on dolphin slaughter, including the United States and including our Japanese friends.

Mr. MACNOW. Japan is aware of the need to do it.

Mrs. MEYNER. Yes; I am certain. It has gotten the headlines all over the world. If they were not aware, they certainly must be now.

You made some excellent points. Thank you.

Mr. MACNOW. Thank you.

Mr. WOLFF. Thank you.

Gail Even of the Connecticut Cetacean Society.

STATEMENT OF GAIL EVEN, CONNECTICUT AUDUBON SOCIETY, CONNECTICUT CETACEAN SOCIETY, INC.

Mrs. EVEN. Mr. Chairman, members of the subcommittee, I am speaking to you today on behalf of the Connecticut Cetacean Society and the Connecticut Audubon Society.

While both are based in Connecticut, combined, they have members in over 20 States. Both organizations urge your support of House Resolution 1065.

While the dolphin slaughters at Iki are by no means a unique happening, for mankind has a long track record of clashing with other life forms for living space and a food supply the worldwide attention and public outcry as a result of this particular incident may afford an opportunity for all peoples to better come to grips with outdated practices. For too long now we have often followed a philosophy of "Destroy it now, worry about it later." By carrying out the suggestions of this resolution, the Government of Japan, at the urging of the U.S. Congress and perhaps at the urging of others, has the opportunity to make great strides toward the peaceful coexistence of two intelligent life forms—human and dolphin.

While it may seem to some rather trite to be concerned about dolphins and their survival, while the world is reeling under the pressures of overpopulation and all its resulting problems, it is not—as has been suggested so often—just emotionalism which cries out for preservation of these "intelligent and playful mammals," but voices in support of prudent management and conservation of vital natural resources.

DOLPHIN HABITS

Dolphins are not known to overfish an area. They do not wait around for fish supplies to become critically low before moving on. Where you find a large population of feeding dolphins, you will find a large population of fish. Fishermen have, for centuries, known this and greatly benefited from following dolphins to rich fishing grounds. If mankind cannot now figure out how to wangle what he considers his portion of those fish without killing off the competition, that is a pretty sad commentary on man's willingness to use his intelligence. Surely the creature who went from Earth to Moon can come up with a better solution.

Man's unique evolvement has enabled him to handle nearly every problem to come his way. His big shortcoming, perhaps, has been do-

ing it at the expense of many other life forms. We have gone forth and multiplied—perhaps too well—for now we are faced with an overburdened land and have gone to the oceans for more and more food and fuel. These oceans are rich in man's needs and they are rich because of their complex interrelationships of life forms. The cetaceans are at the top of that chain of life forms. Must they, too, fall victim to continued blind exploitation? Or have we, the appointed managers of planet Earth, finally realized the folly of destructive mistakes made in the past and reached the point where we will take steps to see they aren't repeated?

ENHANCED ENVIRONMENT

We keep moving more and more into the oceans the environment in which cetaceans have reigned supreme since their retreat there from the land millions of years ago. They have done nothing but enhance their environment. In the past, we have not been able to do the same, but can we any longer afford not to try?

Thank you for your attention.

Mr. WOLFF. Thank you, Mrs. Even.

Mr. Guyer.

Mr. GUYER. Thank you, Mr. Chairman.

I am sorry our lady had to be our last witness.

Mr. WOLFF. No; we have another.

Mr. GUYER. I do appreciate her thinking. It is refreshing to know we have a variety of people and groups interested in the problem. I think we all seem to be heading toward the same recommendation.

I appreciate the lady coming.

Mr. WOLFF. Thank you.

Mrs. Meyner.

Mrs. MEYNER. Mr. Chairman, I have just about run out of questions, having asked the other witnesses so many.

Maybe this is more a question of Mr. Macnow than it is you, Mrs. Even. I appreciate your good testimony. But has the Japanese Government, do either of you know, taken any steps toward the conservation of dolphins?

Mrs. EVEN. I think, as Dr. Barstow mentioned, they have just recently set aside the equivalent of one-half of a million dollars, to do just that in relation to the fishermen/dolphin conflict. I wish them good luck.

Mrs. MEYNER. I wish more money was spent in that direction.

Thank you very much.

Thank you, Mr. Chairman.

Mr. WOLFF. Thank you.

Our next witness is Mr. Van Note.

Mr. Van Note is with Monitor, an environmental coalition.

STATEMENT OF CRAIG VAN NOTE, EXECUTIVE VICE PRESIDENT OF MONITOR, THE CONSERVATION, ENVIRONMENTAL AND ANIMAL WELFARE CONSORTIUM

Mr. VAN NOTE. Thank you for the opportunity to address you and your committee, Mr. Chairman. I am testifying on behalf of the following member organizations of the Monitor Consortium: The Amer-

ican Cetacean Society, Defenders of Wildlife, the Fund for Animals, the Humane Society of the United States, International Fund for Animal Welfare, Let Live, Rare Animal Relief Effort, Society for Animal Protective Legislation, and the Washington Humane Society.

SUPPORT RESOLUTION

We strongly support House Resolution 1065 and commend Representative Cornwell and the scores of House Members who have cosponsored the resolution.

By calling on Japan to halt the deliberate killing of dolphins by its fishermen, this resolution reflects the opinion of the American conservation, environmental, and animal welfare communities as well as the vast majority of the American people.

This form of political pressure is needed to convince the Japanese Government that the indiscriminate killing of these extraordinary marine mammals cannot be condoned in the modern world.

POLITICAL PRESSURES

In recent years, we have been able to drastically reduce the massive destruction of the great whales by such political pressure.

Unfortunately, the massacre of more than 1,000 dolphins on the island of Iki last February was not an isolated instance of irrational behavior. Japanese fishermen deliberately kill between 20,000 and 30,000 dolphins, porpoises, and small whales each year, mostly for human consumption, and another 10,000 of these animals are killed incidental to other fisheries.

I refer you to a monograph published by the International Union for the Conservation of Nature and Natural Resources in 1975, entitled "Porpoise, Dolphin, and Small Whale Fisheries of the World." It is authored by Dr. Edward Mitchell, a distinguished cetacean scientist from Canada.

The Iki massacre was not even large in comparison to other mass killings in recent years when more than 2,000 dolphins and porpoises were herded into bays and systematically slaughtered.

EXPLOITATION OF SPECIES

Three species are heavily exploited, according to reports by Japanese scientists. They are the bottlenose dolphin, which is so familiar on television and in aquariums and which was the victim of the Iki massacre; the striped dolphin; and the Dall porpoise. The yearly kill of each is around 10,000.

The small cetaceans are taken along most of the coasts of Japan. Particularly large fisheries exist on the Izu Peninsula near Tokyo, not in a far away part of Japan, but just a few miles from the Japanese capital, where 5,000 to 10,000 are taken annually, and in Honshu, where the yearly kill is about 10,000.

LARGEST DOLPHIN KILLER

Japan now has the distinction of being the largest dolphin killer in the world. U.S. tuna fishermen, who once drowned hundreds of thou-

sand of dolphins in their nets, have now cut mortality to just a few thousand.

Japan has made no effort to reduce dolphin mortality. Indeed, the Tokyo government has allowed more mass killing since the Iki incident.

Japan has even resisted U.S. efforts to reduce the incidental killing of thousands of porpoises in U.S. waters. The Japanese salmon fishery, which uses long gill nets to trap the fish on the high seas, kills around 10,000 Dall porpoise each year, many within the U.S. 200-mile fishery zone off the Aleutian Islands. The porpoises become trapped in the nets and drown. When the United States sought to require a research and development program to reduce the kill, just as required of the American tuna fishery, the Japanese Government fought any regulation. The Senate will soon consider a fisheries treaty with Japan with some provisions for dolphin protection.

Most discouragingly, Japan has no laws for protecting small cetaceans or even regulating their take. Any Japanese fisherman, or anyone with a baseball bat, can freely kill any dolphin that swims by. More than 25 species of small cetaceans are killed in Japan, including several extremely rare species.

The most critical need is for Japan to adopt a strong law similar to the U.S. Marine Mammal Protection Act or the Soviet Union's dolphin protection laws. Canada and Mexico also have model legislation protecting marine mammals.

After the Iki massacre, the local fishermen and government officials claimed that the dolphins were "gangsters of the sea" because "they eat fish." This attitude reflects a startling ignorance of the ocean ecosystem.

All forms of life are interrelated in the food chain of the sea. Dolphins play an integral part by occupying one niche in the system. They return nutrients to the sea that sustain other marine life, including the fish that the fishermen seek.

By wiping out large numbers of these marine mammals, the Japanese fishermen are upsetting the balance of life in the sea and ultimately diminishing the richness of the ocean ecosystem.

The Japanese fishermen blamed the dolphins when their catches declined. A far more likely cause is overfishing by the fishermen and pollution of the sea; two circumstances extremely familiar to Japan.

House Resolution 1065 will hopefully convince Japan to end the killing of small cetaceans and work with the international scientific community to resolve any real or imagined conflicts between man and dolphin.

That is the end of my testimony, Mr. Chairman. I would like to introduce for the record a letter written by the Humane Society of the United States to Prime Minister Fukuda of Japan regarding the Iki massacre.¹

Mr. WOLFF. Without objection, so ordered.

We thank you for your statement.

Unfortunately, as we have been sitting here while your statement went on, we had the second bell of vote on the floor, which we must attend.

Mr. Macnow had his hand up.

¹ The letter referred to appears as appendix 4.

Mr. MACNOW. I believe Dr. Mitchell's data is sadly out of date. It reflects statistics which were gathered during the 1960's. There has been a lot of change both in the Japanese attitude toward small cetaceans and in the catch.

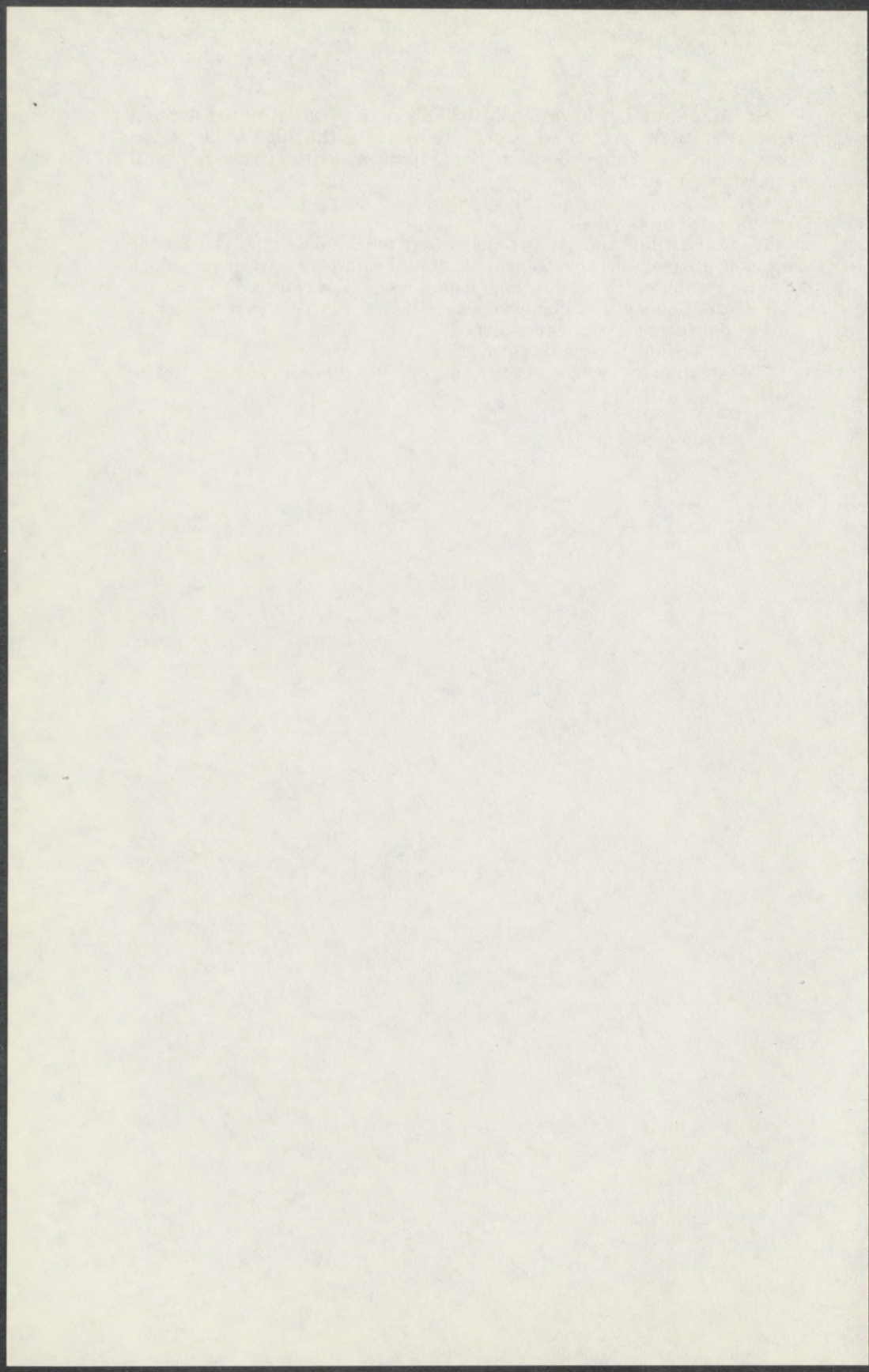
Mr. WOLFF. I must call this hearing to a close because our presence is demanded on the floor.

We thank all of you for appearing here today. We thank you for the input you have been able to provide. This committee will sit to make a determination on the resolutions which have been referred to us.

I assure you we will bring together the forces that are necessary in order to protect all parties concerned.

The subcommittee stands adjourned.

[Whereupon, at 3:37 p.m., the subcommittee adjourned, subject to call of the Chair.]



MARINE MAMMAL PROTECTION

WEDNESDAY, JUNE 28, 1978

HOUSE OF REPRESENTATIVES,
COMMITTEE ON INTERNATIONAL RELATIONS,
SUBCOMMITTEE ON ASIAN AND PACIFIC AFFAIRS,
Washington, D.C.

The subcommittee met in open markup session at 10:33 a.m., in room 2172, Rayburn House Office Building, Hon. Lester L. Wolff (chairman of the subcommittee) presiding.

Mr. WOLFF. The subcommittee will come to order.

This morning, the Subcommittee on Asian and Pacific Affairs will go into markup on House Resolution 1065, a resolution expressing the sense of the House with regard to the killing of approximately 1,000 dolphins by Japanese fishermen off the Japanese island of Iki in February 1978.

On April 24, 1978, this subcommittee solicited public comment on House Resolution 1065. On that occasion, the Honorable David Cornwell, who introduced the proposed resolution, and Dr. Robbins Barstow of the Connecticut Cetacean Society, testified in support of House Resolution 1065, while Mr. Alan Macnow urged that the resolution be expanded to include all nations with significant fishing industries.

Dr. Barstow later expressed his support for Mr. Macnow's proposal.

Given the fact that there have been no reports of further large-scale dolphin killings by Japanese fishermen and the fact that the Japanese Government is participating in discussions on stocks of small cetaceans at the International Whaling Commission's meeting in London, the subcommittee is of the opinion that Japan has moved to meet the operative language of House Resolution 1065.

In retrospect, however, the Iki incident has served to underscore what is and will continue to be an increasingly complex and international problem; namely, how to provide for our immediate physical needs and at the same time protect our environment for future generations.

After reviewing the testimony taken on House Resolution 1065 and subsequent research on the matter, the subcommittee has become increasingly aware that a marine mammal conservation program, if it is to be effective, must be international in scope and comprehensive in nature.

Thus, the subcommittee is of the opinion that House Resolution 1065 should be addressed to all nations with extensive fishing industries and amended to include not only dolphins but all species of marine mammals.

Today, we are meeting to consider amendments which will have just such a broadening effect on House Resolution 1065.

The Chair would like to offer an amendment to this to make it conform to the idea that I just discussed.

On page 1, strike from, "Whereas, the seagoing migratory mammal," through the words "stability of the marine ecosystem" on the top of page 2 and substitute:

Whereas, the Marine Mammal Protection Act of 1972 contains congressional findings that "certain species and population stocks of marine mammals are, or may be, in danger of extinction or depletion as a result of man's activities" and that "negotiations should be undertaken immediately to encourage the development of international arrangements for research on, and conservation of, all marine mammals";

I offer these amendments en bloc.

On page 3, strike all of page 3 and substitute:

Whereas, the Small Cetacean—porpoise/dolphin—Subcommittee of the Scientific Committee of the International Whaling Commission began meeting in Cambridge, England on June 12, 1978, the first day of the regular Scientific Meeting: Now, therefore be it

Resolved, That the House of Representatives strongly encourages all nations with extensive fishing industries and marine research establishments—

(1) To participate in the discussions on stocks of small cetaceans held under the auspices of the International Whaling Commission;

(2) To exchange information and act in concert with other nations for the purpose of reducing and eventually eliminating the unnecessary taking of all species of marine mammals; and

(3) To exchange information with the National Marine Fisheries Service of the Department of Commerce on the ecologic and economic significance of the relationship between marine mammals and marine resources used for human food-stuffs and on alternative methods of dealing with problems which occur because of that relationship.

I have indicated the amendments be considered en bloc. Therefore, I ask that we wait just a moment for the vote if there is any discussion on the amendments. Congressman Fountain is on his way to constitute a full quorum of the committee.

Is there any discussion on this members would like to make?

Mr. Yatron.

Mr. YATRON. I have no questions, Mr. Chairman.

Mr. WOLFF. Mr. Fountain is here. Now, a quorum is present.

Just to update you, Mr. Fountain, what we are doing—perhaps Mr. Przystup can give you the information on this—what we are doing is marking up House Resolution 1065 and substituting amendments to make it all inclusive instead of just directed at Japan and the question of dolphins.

There are a great number of Members of the Congress who have submitted resolutions to such effect in keeping with the Marine Mammal Protection Act of 1972, which passed the House by a vote of 334 to 20.

Are there any questions? Is there any comment the individual members would like to make?

Our recommendation is that we don't single out one nation, and since the situation was brought to the attention of the House by Mr. Cornwell, we have had conversations with the Japanese on this and they have taken steps to improve their position and want to prevent

further incidences like this from occurring wherever they might occur in the world.

Mr. YATRON. Mr. Chairman, I move the previous question.

Mr. WOLFF. The previous question is ordered.

All in favor indicate by saying "aye."

[Chorus of ayes.]

Mr. WOLFF. Opposed, "no."

[No response.]

Mr. WOLFF. The amendments are agreed to.

I take it, the members of the subcommittee would then want to vote on the resolution as amended, House Resolution 1065.

All in favor signify by saying "aye."

[Chorus of ayes.]

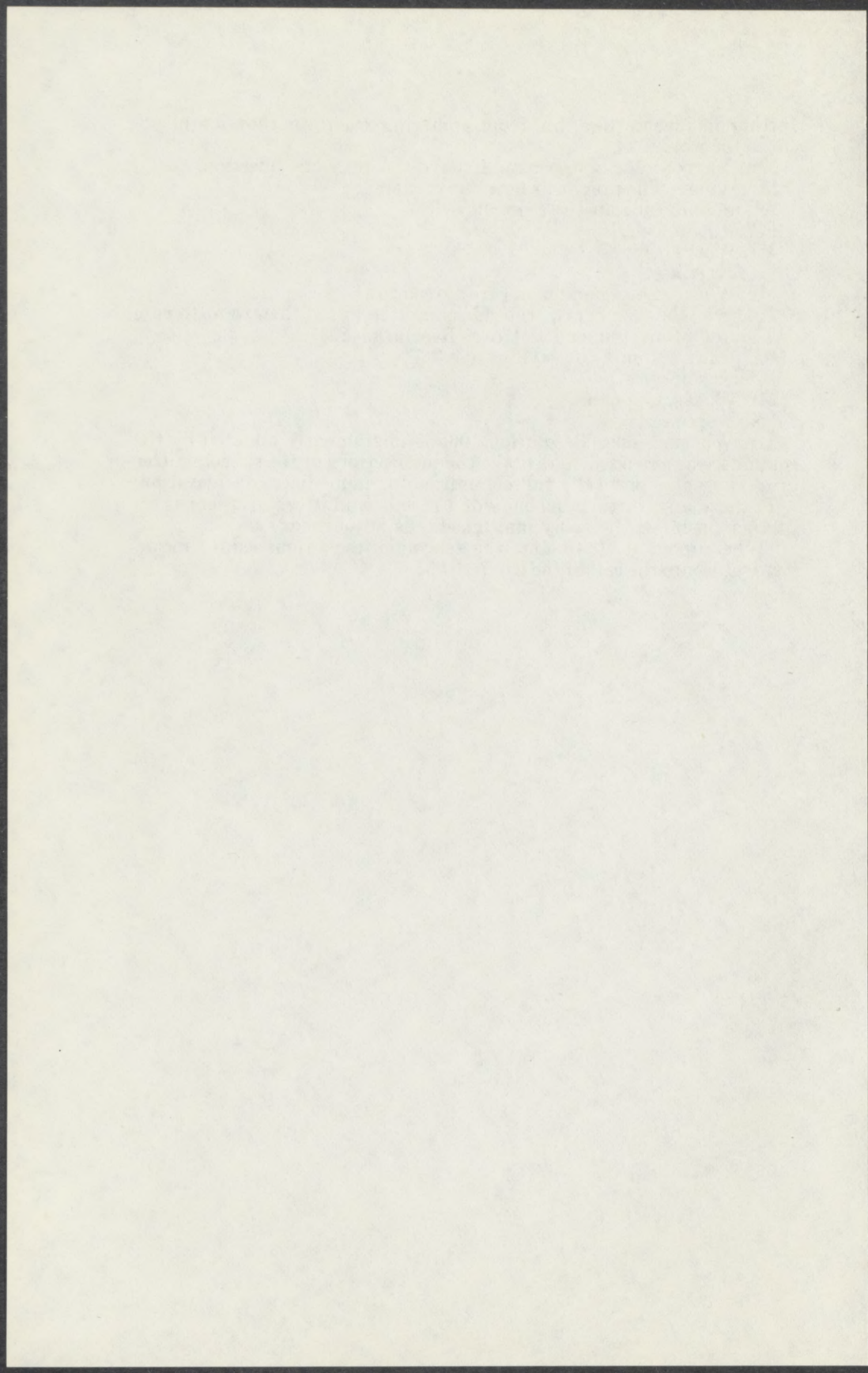
Mr. WOLFF. Opposed?

[No response.]

Mr. WOLFF. House Resolution 1065 is unanimously adopted by the committee as amended, and I take the instructions of the subcommittee are to pass this on to the full committee for immediate consideration.

Is there any further business of the subcommittee? If there is no further business, the subcommittee stands adjourned.

[Whereupon, at 10:40 a.m., the subcommittee adjourned, to reconvene subject to the call of the Chair.]



APPENDIX 1

STATEMENT BY HON. ROBERT A. ROE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW JERSEY

First, I would like to commend the Committee for holding hearings on this important matter. Along with Mr. Cornwell's resolution, which has 70 co-signers, today's hearing demonstrates the deep concern of this chamber over these senseless slaughters.

I am sure that we are all horrified by news of mass slaughters of dolphins by Japanese or American fishermen. The dolphin is an animal which quite easily draws our sympathies and compassion. It is a peaceful creature whose intelligence and behavior could often put many of us to shame. But beyond our emotional or sentimental attachment to this friend of the sea, there are several very important international concerns that spring from these unfortunate events.

It is incomprehensible to me that Japanese or U.S. fishermen could not find, themselves or be provided, a method of catching fish that does not involve the bludgeoning or fatal ensnarement, in nets, of schools of dolphins. It points out the need for consistent, ongoing communication with our friends the Japanese in matters of mutual concern and interest. Together we must be able to find the proper

techniques for meeting food requirements from the sea while simultaneously protecting the dolphin and preventing the erosion of the ecological balance which the slaughtering of cetaceans portends.

It is imperative that the government of Japan join in discussions to be held by the International Whaling Commission's Small Cetacean Subcommittee in June of 1978. This type of exchange is vital to the growth of our shared knowledge of seagoing mammals, the procurement of foodstuffs, and the development of viable alternatives to present methods of fishing.

The Congress should by this resolution recognize the need for this type of communication and officially urge the Japanese government to join us in June. In this way we will be on the record as a friend and protector of the dolphin and the ecology and as a supporter of expanded, international communication and cooperation.

APPENDIX 2

STATEMENT OF WILLIAM E. EVANS, DIRECTOR, HUBBS-SEA WORLD RESEARCH INSTITUTE, SUPPORTING H. RES. 1065

Thank you, Mr. Chairman, for the opportunity to present testimony on H. Res. 1065, a resolution expressing the concern of the House of Representatives regarding the killing of some one thousand dolphins in the Sea of Japan by Japanese fishermen on February 23 and 24, 1978.

My name is William E. Evans and I am Director of the Hubbs-Sea World Research Institute. The Institute is a non-profit research institute with headquarters in San Diego, California. For the Subcommittee's additional information, I am a member of the United Nations Advisory Committee on Marine Resources Research, Small Cetacean and Siernian Working Group and also presently a member of the Program and Steering Committee, marine mammal project, Group V, functioning under the auspices of the United States/U.S.S.R. Environmental Protection Agreement. I have also participated as a member of the U.S. advisory group for the joint United States - Japan Conference on the Utilization of Marine Resources. I have lectured in Japan at several universities and conducted cooperative research projects with many Japanese scientists. In conjunction with this program, the Japanese Government is sponsoring a one month work/study program for a young Japanese scientist from the Fisheries Faculty of the University of Nagasaki to work at our Institute on the potential uses of underwater sound to reduce the predation impact of marine mammals

on the catch of commercial fishermen. This impact is, by the way, an international problem, having resulted in a significant loss in income by commercial fisheries throughout the world, including the United States.

As the Subcommittee knows, the taking of marine mammals for human consumption in Japan is not a new practice. It is, in fact, centuries old. However, it does appear that the events of February 23 and 24 of this year did constitute a departure from traditional Japanese Oikimi, or "drive fishery" operations. It is obvious that this departure from custom was provoked by the unknown, carried out with frustration and the fear that the livelihood of the fishermen might be at stake. The potential for this type of response was recognized by Japanese Fisheries scientists as early as 1970. This problem was discussed in detail in a scientific paper published in 1972 as a Bulletin of the Far Seas Fisheries Research Laboratory, Shimizu, Japan. At that time, the loss to Japanese fishermen was estimated at several billion yen per year and it was recommended that "small cetaceans should be studied not only for their protection from the exploitation, but also to determine their position in the food chain of the ocean ecosystem."

Encouraging the Government of Japan to join in discussions to be held by the International Whaling Commission's Small Cetacean

Subcommittee in June 1978, as is recommended by H. Res. 1065, is indeed a good idea. It was, in fact, the practice of killing small cetaceans that provided the initial impetus for the creation of the Subcommittee following the 24th Annual Meeting of the International Whaling Commission in 1972. At that time, the Scientific Committee of the IWC recommended that members from countries engaged in killing small cetaceans provide information on their control of these operations, and also information relative to the catch and incidental kill of small cetaceans. The Scientific Committee further recommended that the Subcommittee improve data collection of the world catches of these animals, and to review species, stock identification and other problems. Unfortunately, appropriate funds for research which could ultimately solve this international problem have not been readily available.

Since the highly-publicized events in February, our Institute has been in frequent contact with Japanese scientists long concerned with the growing conflict between marine mammals and local fishing interests. While they are generally sympathetic with the plight of the fishermen at Iki Island and elsewhere, they are equally concerned that without a major commitment on the part of the Japanese Government to promote intensified research efforts, the problem will go unsolved...to the detriment of the local economy, to the detriment of science and to the detriment of sound conservation and management practices.

Hopefully, the passage of H. Res. 1065 will prompt the Japanese Government to reorder its marine science priorities in a way that will accommodate the very real concerns of the diverse community of marine mammal interests. If not, perhaps the Congress ought to consider its own funding legislation to assist our scientists in working cooperatively with the Japanese toward a better understanding of a problem plaguing the peoples of both countries.

Thank you.

APPENDIX 3

STATEMENT OF HON. G. WILLIAM WHITEHURST, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF VIRGINIA

Mr. Chairman, as a cosponsor of the resolution expressing the sense of the House of Representatives on the matter of the mass killing of porpoises off the Coast of Japan, and as one who has for years introduced and supported legislation to protect the dolphin and porpoise from just such wanton actions, I am pleased to offer this statement in support of H. Res. 1065 and related measures.

On March 6, I wrote to Frank Moore at the White House, forwarding a copy of a letter which I had received from one of my constituents, Ms. Debbie Campbell, and making it clear that I shared her sense of outrage at this slaughter. I urged that this mass killing be taken into consideration when the Japanese request for permission to fish off the coast of Alaska is dealt with.

I am pleased to append a copy of the letter which I have since received from the State Department, and which indicates that the Administration is aware of the problem. Hopefully, positive action will result.

Because international cooperation is vital if these fine marine mammals are to receive adequate protection from human depredation, this resolution has my wholehearted support, and I hope that the Committee, and ultimately the House, will take prompt and favorable action.

Thank you, Mr. Chairman and Members of the Committee.

APPENDIX 4

LETTER TO PRIME MINISTER TAKEO FUKUDA OF JAPAN FROM THE HUMANE SOCIETY OF THE UNITED STATES CONCERNING THE IKI MASSACRE

February 28, 1978

Prime Minister Takeo Fukuda
1-6-1 Nagata-cho
Chiyoda, Tokyo, Japan

Dear Prime Minister,

The Humane Society of the United States and our thousands of members throughout the U.S.A. (and several other countries) are appalled and disgusted by the recent massacre of 1,000 dolphins on the island of Iki. The savage and cruel slaughter of these highly intelligent and defenseless mammals cannot be condoned by any nation calling itself civilized. Surely the Japanese government and its people can find better methods for ensuring good fishing than wantonly and cruelly stabbing and clubbing dolphins to death.

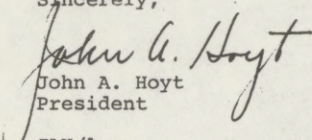
Rather than blaming the dolphins for the lack of fishing resources, we suggest that you look at the dismal Japanese history of methodically destroying fishing resources at home and throughout the oceans. This applies to many resources other than fish. The Humane Society of the United States has campaigned against the rapacious Japanese whaling companies for the past several years in order to save the world's remaining great whales. When will this devastation and destruction stop?

It is our understanding that dolphin slaughter is not uncommon in Japan. We call upon the government of Japan to end the repugnant practice immediately and work toward the humane treatment and conservation of all living things.

The HSUS looks forward to discussing the Iki tragedy further at the upcoming International Whaling Commission meeting in June and intends to push for the protection of all cetaceans under international law.

The people of the United States look forward to your visit here in May and hope that you can announce at that time that the Japanese people are out of the business of killing dolphins and whales both at home and in the high seas.

Sincerely,


John A. Hoyt
President

JAH/lcm

APPENDIX 5

LETTER FROM ALAN MACNOW, PRESIDENT, TELE-PRESS ASSOCIATES, TO HON. LESTER L. WOLFF



TELE-PRESS ASSOCIATES, INC.

342 east 79th street • new york, n.y. 10021
(212) 744-2202 • cable: telepress newyork

*public relations
research
development*

May 2, 1978

Honorable Lester L. Wolff
Chairman
Subcommittee on Asian and Pacific Affairs
Committee on International Relations
House of Representatives
Washington, D.C. 20515

Dear Congressman Wolff:

Thank you for the opportunity to present my views on H. Res. 1065 at the public hearing on April 24, 1978.

I would like to add these further comments to the record in response to the statements made by the representative of Monitor, Inc., at the hearing on April 24:

1. Information and data presented by the representative of Monitor, Inc., which were derived from Dr. Edward Mitchell's monograph entitled Porpoise, Dolphin and Small Whale Fisheries of the World: Status and Problems are out of date and no longer have much validity in regard to Japan. The monograph, published in 1975, does not contain statistics for Japan more up-to-date than 1971. Since then, Japan's gill net fishery for salmon has been reduced sharply, along with the incidental catch of dolphins in the fishery. Japan's north Pacific gill net fishery for salmon also has been shifted substantially westward, and has been substantially reduced in both catch and fishing area. In addition, subsistence fisheries for dolphins in the local areas where these were prevalent in 1970 have been reduced significantly.

2. There is absolutely no evidence of overfishing for dolphins by the Japanese. Nor are any dolphins being caught which are rare, as claimed by the representative of Monitor, Inc. Dr. Mitchell asserted that Grampus griseus (Risso's Dolphin) was a rare species which was being fished in Japan, but the classification of the species as "rare" was done under Dr. Mitchell's own system of classification which awarded the "rare" designation to almost any species which was the target, directly or indirectly, of any large scale fishing operation. Dr. Mitchell himself stated: "I must beg the indulgence of fellow cetologists who believe that a species, of small population but locally abundant on the high seas, should not be called rare." Such is the case with Risso's dolphin, which at any rate seldom is found in the Japanese catch.

3. All of the other species caught in Japan are abundant and appear to be increasing in number. To quote from Dr. Mitchell's monograph: "There is evidence of new abundant schools of dolphins each year which show no tendency of population decrease."

4. Dolphins are taken as food in Japan by some small localized subsistence fisheries, as has been the custom for some thousands of years. To quote from Dr. Mitchell's monograph again: "In Japan, dolphins killed are all used for human food. But only people of a limited district have a habit of taking dolphin meat." This contrasts sharply with the United States, Canada and a number of other countries which, before the passage of marine mammal protection laws, killed thousands of dolphins for oil and leather. Incidentally, Dr. Mitchell claimed that some American fishermen in Maine still eat dolphin meat, and he has seen dolphin meat for sale as human food in Monterrey Bay. According to Dr. Mitchell, dolphin meat is eaten in many areas, including Canada, Alaska, Norway, Sweden, Denmark, Finland, Iceland, Greenland, the Azores, Poland, Roumania, Bulgaria, Turkey, Mexico, Peru, Chile, Argentina, the USSR, Venezuela, the Caribbean, India, Ceylon, New Zealand, West Africa, and a number of other countries.

5. There is no evidence that porpoise populations are being threatened to the point of depletion anywhere in the world. Until 1966, heavy slaughter of dolphins in the Black Sea threatened populations there, but a ban on dolphin killing by the Soviet Union and other Black Sea nations in 1966 appears to have successfully restored much of the stocks. According to Dr. Mitchell's monograph: "Since the ban on dolphin killing in 1966, their number has trebled to reach some 300,000 with the greatest concentration off the coast of Crimea." This tripling of the dolphin population within eight years apparently shows that dolphin populations are capable of a high rate of reproduction and can be restored quickly to their natural states of equilibrium.

6. There is ample evidence that dolphins are persistent predators, and have caused severe damage to fishermen all over the world for hundreds of years. They have caused so much damage to food fish stocks, nets and gear that they are hunted as predators by Israel, Poland, France, Spain, Ceylon and numerous other countries. According to Dr. Mitchell, France, for one, has used guns, poisons, grenades and underwater explosives in attempts to kill these predators. Poland has given bounties for their kill. Even the United States, before passage of the marine mammal protection

laws in 1972, authorized the killing of dolphins. According to Dr. Mitchell, "The California Fish and Game Department sanctions the shooting of these animals (seals, porpoises and sea lions) by commercial fishermen when there is reasonable suspicion that the animals are ripping fishnets and eating the fish."

Incidentally, in Ceylon dolphins are called "vermin of the sea" and in China they are called "sea pigs."

7. There is no extensive commercial market for dolphin meat in Japan. The assertions by Congressman Conte and the representative of Monitor to the effect that the Iki Island fishermen dumped the bodies of the dead dolphins at sea in order to keep the price of dolphin meat up have no basis in fact. Their assertions apparently were derived from a paragraph in Dr. Mitchell's monograph which on page 86 stated: "the mean annual catch is about 4,980 individuals in recent 3 seasons from 1968-'69 to 1970-'71, when the catch was regulated by the fishermen to control the market price."

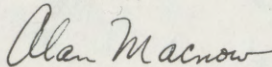
The author was referring to a small localized directed subsistence fishery for dolphins on the Izu Peninsula on the main island of Honshu. In the area around Iki Island, off the northern coast of Kyushu, there are no directed fisheries for dolphins and no market for the meat. In the Mitchell monograph itself it is stated: "Formerly, a considerable number of dolphins were caught off the northern coast of Kyushu, Yamaguchi Prefecture and Shimane Prefecture, extreme west of Honshu, and the Goto Islands, etc. But local people's preference for dolphin meat has gradually decreased and the fishing of these districts ceased, except on occasion when dolphins happen to come nearer to the shore, or go into a bay, and the catch was very easy for fishermen."

Where directed fisheries still exist, they are all subsistence fisheries located in only 4 of Japan's 26 prefectures. There is no market for dolphin meat beyond those localized areas and each year consumption of dolphin meat decreases as the Japanese are influenced by films and television programs emphasizing the playful and intelligent qualities of the animal.

I hope these facts will help to clear up some of the distorted and misguided information currently being circulated about the attempts of the Iki islanders to defend themselves against the predations of dolphins on their food supplies and sole source of livelihood.

Thank you for your understanding.

Yours sincerely,



Alan Macnow
President

AM:lm

APPENDIX 6

STATEMENT OF HON. NEWTON I. STEERS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MARYLAND

Mr. Chairman and Members of the Subcommittee:

I appreciate this opportunity to comment on H.Res. 1065. This bill would encourage the Japanese Government to prohibit the continuing inhumane slaughter of dolphins by Japanese fisherman. I have received a considerable amount of mail from constituents indicating their support for these measures, and I am pleased to be a co-sponsor of this important resolution.

On February 23 and 24, 1978, Japanese fisherman lured, clubbed and stabbed to death some one thousand dolphins. The dolphins were eating their fish catch, thus threatening the livelihood upon which admittedly the fishermen depend. Since this horrible occurrence, our colleague, Congressman Cornwell, introduced H.Res. 1065. It is my intention further to raise public awareness and support for this legislation.

H. Res. 1065, seeks to reduce the suffering and possible extinction of dolphins. As not everybody knows, the dolphin population is harder to restore than those of many other endangered species. Dolphins are mammals with a long reproductive cycle and produce few offspring per year. Dolphins are known for their intelligence, playfulness and ability to communicate with each other. This legislation urges the United States to continue its leadership role in the International Whaling Commission by encouraging the protection of all seagoing mammals.

Not more than a year ago, the United States tuna industry was severely criticized for its incidental killing of porpoise caught in nets while fishing for yellow-fin tuna. On June 1, 1977, we passed H.R. 6790. This bill established 1977 quotas for porpoise that may be taken incidental to commercial yellow-fin tuna fishing. The United States should encourage that these measures be given the fullest possible consideration by the Japanese Government.

The slaughtering of these mammals, with the acquiescence if not approval of such actions by the Japanese Government, are shocking to many in this country. The Government of Japan has issued permits and even paid the fisherman a bounty for each dolphin slaughtered. However, some efforts are being made to insure the effective use of living marine resources without disturbing the natural balance of the aquatic environment. A fishing company announced that forty dolphins had been caught off the coast of central Japan to be shipped to the Netherlands for \$667 each. These fortunate dolphins will be trained as performers for aquariums and playgrounds in Europe. Japanese fishermen have made the effort to catch many of these dolphins and transport them out of the immediate fishing area. These measures alone provide a tremendous incentive for improvement. It is to be hoped that the Japanese Government will ultimately support a quota system, i.e. a consistent policy requiring that the largest possible number of dolphins be moved instead of slaughtered.

Further merits of this resolution include: urging the Government of Japan to participate in the discussions to be held by the International Whaling Commission's Small Cetacean Subcommittee in June 1978; encouraging Japan to exchange information with other countries facing similar problems; and suggesting the adoption of comprehensive marine mammal protection legislation by the Japanese Government. Furthermore, this legislation

urges Japan to cooperate in establishing an international cetacean commission to advance the understanding of the impact of marine mammals and socioeconomic concerns upon each other. World food requirements will continue to increase as well as the importance of the ocean as a source of high protein. Problems regarding the trade off between the preservation of the ecosystem and socioeconomic needs of man must be confronted. In the hopes that the killing of dolphins as an economic necessity will cease, I fully support H. Res. 1065 and a similar resolution introduced in the Senator Lowell Wiecker, Jr.



