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E.O. 11652, Sec 3(E) and 5(D) or (E) NNDG# 760050

711.948/ 1-1 45 --- 12-3149



Partial summary made by I.V. Davies - U/FW - April 11, 1949  
on report made by Thor Tollefson - Sept. 10, 1947

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April, 1949  
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Tollefson stated the purpose ~~xxxx~~ of the meeting to be the hearing of evidence touching on certain phases of the fishing industry, particularly as it affects the international picture, the terms of the Japanese peace treaty and <sup>its</sup> possible effects on the industry. Some concern had been expressed over the consideration given by the State Department at the Geneva Conference and the terms of the Japanese peace treaty. Legislation affecting fisheries may be the subject of consideration by Congress. The meeting is scheduled at this time because all Pacific fisheries interests are represented at the Pacific Coast Fisheries Conference which has just concluded its meeting in San Francisco.

Captain Miller Freeman, Chairman, Pacific Fisheries Conference, and publisher of the Pacific Fisherman. It is of vital importance that Congress resume its authoritative position in relation to treaties. The State Department formerly devoted itself to international political problems; it now has extended itself to international economic problems and has in effect become a super-government, without too much attention to the views of Congress. I introduce "Who Will Harvest the Pacific" into the record. The Pacific Fisheries Conference is a federation of the various existing fisheries organizations who are represented by accredited delegates and represent a complete cross section of the industry.

Colonel Eugene D. Bennett, Counsel for California Sardine ~~Products~~ Institute. The annual value of the Pacific fishery is estimated to exceed \$270,000,000. It is important as a source of food to our own people and ~~xxxxxxx~~

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for foreign relief programs. ~~Riskeriazxarexthe~~ The fishing industry is the forgotten man of American industry. American fisheries occupy an ever-increasing importance in international relations yet the State Department has relegated them to a comparatively minor and meager place way down in the Division of Economics. Other nations have placed the international aspect of fisheries on a high diplomatic level -- England, Norway, Canada, have ministers of fisheries. It is the feeling of the Pacific Coast fisheries group that, in an international sense, fisheries involve primarily questions of diplomacy and law. Fisheries are not subsidized but they need a normal amount of protection.

The industry is concerned with the following questions: Where will the Japanese be permitted to fish? Will we again be threatened with invasion of the American salmon fishery? Will American fishery markets be protected against importation of cheap fishery products from Japan? Will the standard of living of our fishermen be protected? Will the letter and ~~xxx~~ spirit of the Presidential Proclamation with reference to protection of American fisheries be observed ~~and~~ or will there be some new concept of dividing those fisheries with some foreign power? What stand will this national take in the FAO plan to divide the world into fishery zones? What is the attitude of the State Department with regard to the rights of the American fishing industry in the area of the mandates?

Out of 8,000 ~~xxxxx~~ employees in the State Department only "a handful of "relatively submerged persons" have anything to do with fisheries.



The industry is expanding and our operations now reach North

to the Bering Sea and South to the waters off Central America.

"There is not room in our judgment in this American fishery to invite the rest of the world to come over here and exploit it."

Dr. J. L. Kask, Curator of Aquatic Biology, California Academy of Sciences. The Bristol Bay Area of the Bering Sea is the biggest single salmon producing area in the world; the second biggest is an area which includes the Sea of Okhotsk and the adjacent area. The two great producing areas are really one

except they are geographically separated by the Kamchatka Peninsula. The Americans have fished the eastern part; the Japanese the western part. The Russians are now going to actively harvest their part in the western part of the Bering Sea, with all-out production.

"...the fishermen of at least three great powers will be rubbing elbows and fishing competitively." If the Presidential Proclamation is implemented it will mean that fisheries beyond the three mile limit come under American jurisdiction and other countries that approach these shores to do their fishing will have to submit to the same controls that our own fishermen have to submit to..."

The reciprocal should also be true, that our fishermen will be allowed to fish in the Sea of Okhotsk area, subject to the regulations of whatever government is in charge. This involved policing, regulating the nationals of another country, and will not be easy. It will have to be done by a special governmental section on a high policy level.

(B)

Our large fishing vessels now make possible operations in areas far from land. A prolific fishery exists



in the area around the groups of the formerly mandated islands, accessible to fishermen from both the West and the East. The meeting ground will be ~~xxx~~ roughly along the International Date Line. With cannery vessels, floating factories, the industry is independent of <sup>nearby</sup> land areas. The Japanese ~~xxxxxxxxxxxxxxxxxxxx~~ know more about this area than any other country in the world and they have made the greatest progress in the development of factory fishing. There are 8,000,000 people living there and they grow only enough food for half their requirements; the rest they must get from the sea. What is more interesting to us, from ~~x~~ diplomatic and security points of view, the Japanese can fish over here on our coast. They did it before. They fished in the Gulf of California, off Central ~~x~~ America, and in the Bering Sea. This is extremely important from the international aspect.

The implementation of the Presidential Proclamation involves the basic requirement that we know what these fisheries are, such as the tuna, on which we have no important biological information. ~~x~~ We are faced with the lack of legislation and lack of investigation on our own coast.

Mr. Monte Phister, California Fish Cannery Association.

When we say "fishery" we mean a right to take fish from waters in some areas of the world by ~~xxxx~~ "nationals of countries who are fishing." We also mean international servitude, the right of the nationals of one country to take fish or to move through the waters of another nation. We also mean the right of a nation to control a fishery, that is, to control the take of a fishery with a view to conserving the supply so that it may last forever.

(4)



The Presidential Proclamation is a development of international law with respect to fisheries. None of the maritime countries made objection to the Proclamation and many of them are taking similar action. The tuna industry does a great deal of fishing off the coasts of Ecuador, Peru, all of Central America, and Mexico. The majority of the fishing is done beyond national waters; however, it is necessary to take permits from those governments for the right to fish. The permits cost from \$1500 to \$4,000 a trip, an average of thirty days per trip. The State Department has told us that we can fish in those international waters without paying a fee but if a Mexican patrol boat arrest the fishing boat and holds it, and puts the crew in jail, the fact that the State Department is vigorously protesting does not help the situation, so the fisherman has to take out the permit to protect his crew and his cargo.

Formerly, in the State Department, these matters were handled x by a "desk" so if we had a controversy involving Mexico, it was taken care of by the Mexican desk. But there was no coordination between the desks, they acted independently and in accordance with their ideas of international law, and there was no desk for the ocean. Secretary Hull, to meet the Bering Sea difficulty in connection with Japanese invasion of that area, created a Fishery Department in the Department of State. The function of the Fisheries Department under Judge Moore and under Breckenridge Long was to further the development of this new international law, to watch the fisheries to see that the rights of the United States were protected, ~~and~~ to develop a fisheries policy for the United



States, and to coordinate the activities of the various divisions of the Department of State in fisheries matters.



During this period the United States initiated proceedings looking toward a fisheries treaty with Mexico. Feeling that industry should have a voice in such a treaty, Breckenridge Long sent to the Pacific Coast a representative who met with industry and talked about the proposed treaty with Mexico. From that visit there developed a committee representing all phases of the industry engaged in fishing off the Mexican Coast and the Department has continued to consult with that committee.

However, in 1945 there was a reorganization in the Department of State in which fisheries were treated as a commodity. The Division of Fisheries was abolished and fishery work was made a subdivision of the Economics Division of the Department with a personnel of about 15. At that time the Department of State had between two and three thousand people we understand. It was unfortunate that the Division was not at a policy making level. It was put in charge of a young man by the name of Flory, who has a good deal of ability and who is good at investigating and learning the fisheries but he is so far down the scale of command that it is pretty hard for him to get his voice heard at any place where there is any policy to be made. I don't know but I believe that in fixing the policy with respect to the Japanese treaty



of peace, the Fisheries Division was not consulted at all or was consulted only in a very minor way. In spite of a substantial increase, we think from two to eight thousand employees in the entire Department, the Division of Fisheries "located in the wrong place in the beginning, and with no sympathy from anybody <sup>at</sup> ~~in~~ the high level, has been reduced from the original 15 employees down to seven of whom three are stenographers". "Mr. Flory was not at Geneva and I don't believe that the Department has any intention to have him in any position of authority or policy making in connection..... with the Japanese treaty.....". The whole fisheries matter is treated quite differently than it was during the time of Judge Moore and Breckenridge Long. Mr. Flory is a competent fellow. The difficulty is we have virtually a clerk representing us where as Great Britian is represented by a Minister. That puts the clerk at very much of a disadvantage in international negotiations. "....I know he is at a considerable disadvantage in his own Department."

With regard to the Japanese peace treaty as it affects fisheries, there is coordination between the various countries such as the Netherlands East Indies, Australia and the Philippines but the United States has not participated in that from the fisheries standpoint because of the lack of personnel in the Fisheries Division. If the fisheries work was at a high enough level it would have the staff.



3

The Department of State has announced that they are going to defer ~~xxx~~ further action on the Presidential Proclamation until not sooner than next year. We believe the proclamation is a very fair thing and should be implemented. There are many other problems, some of which are new and need a very careful analysis by a staff of experts.

Mr. Jeff Kibre, International Fishermen and Allied Workers. The West Coast fishermen are in a virtual state of jitters with regard to the impending Japanese peace treaty. The Japanese fisheries prior to the war consisted of the largest fisheries in the world, the Japanese fleet was the largest fleet in the world and that fleet ranged the entire waters of the Pacific and even touched upon our own shore line. We are fearful that the fisheries policies of the Japanese peace treaty will become the Pacific fishing policy. (pp 43) We do not know what this policy may be--in the past there seems to have been a complete absence of policy. Mr. Phister has indicated difficulties we have experience with Mexico. Another instance is the invasion of the Japanese of the Bristol Bay fisheries where American fishermen who were subject to regulations by the American Government and were forced to sit idle and watch Japanese floaters in the Bristol Bay area taking salmon in an unrestricted manner. The American fishermen have been placed by our Government on the basis of being second class citizens of the high seas.

9



We were not consulted with regard to any of the problems concerning the Japanese peace treaty.

The Presidential Proclamation represents what we have been looking for, a positive policy of according ample recognition of the needs of our coastal protection and of according recognition of the needs of our fishermen who are engaged in fisheries off the coasts of other countries. That proclamation has remained on the desks in Washington. Unfortunately, other governments did not take that same position and Mexico has used the proclamation as a key to define its own position and to issue a proclamation which perhaps went further than the principles enunciated in the Truman Proclamation. This has strengthened the hands of the lower level Mexican officials who have been preying on our fishing fleet for years and may be an indication of a very aggressive policy to be followed by the Mexicans with regard to fishing in the future. Other South American Governments are issuing similar proclamations. We can expect that the effect of the Truman Proclamation on these other countries may be even more unfortunate than the experiences undergone by our fishermen in the past.

Our Department of State is still living in the days when fishing was carried on by our fishermen within a very short distance off shore. It is a policy based on



fishing skiffs and not a policy based on high seas tuna vessels, tuna clippers and other large trawling vessels which go far out into the Pacific. Vessels now are equipped to go several thousands of miles and the coastal fisheries are no longer sufficient to sustain the activities of these fleets. Most of the larger West Coast fisheries are at the present time overcrowded. It is a life and death proposition to the American fishing fleet to have a fair break in the Pacific to compete on a fair basis with the nationals of other countries.



The halibut fishery already has more fishermen than are needed and in the tuna fisheries off Central American there are ample vessels to harvest the crop. If the Japanese are allowed to enter either of these areas trouble is bound to result. The same is true ~~is~~ if the Japanese are permitted to come into the Bristol Bay area to take salmon, even though they observe the regulations.

With regard to the Japanese peace treaty, American fishermen ask the following:

1. That guarantees be provided which will protect coastal fisheries which now have fishermen adequate to harvest a maximum crop -- in particular, the salmon, halibut, sardine, and coastal tuna fisheries.

2. That guarantees be given to provide for fair and friendly competition between our fishermen and other nationals in the development of new fisheries particularly in the ~~is~~ areas of the Bering Sea, the Central Pacific, or the Mandated Islands.

3. That guarantees be provided which will insure that the Japanese fishing harvests will be used to feed the people of Japan and Asia and will not be used for dollar credits which were used in the past and might be used in the future to build a Japanese war machine.

4. That an over-all Pacific fisheries policy be formulated and put into ~~is~~ practice, a good neighbor policy of the high seas. The time has come when such a policy is indispensable to the maintenance of a peaceful atmosphere in which the fisheries can be developed by the competing nationals of the countries of the Pacific.



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HEARING BEFORE THE  
SUBCOMMITTEE OF SALT WATER FISHERIES OF THE COMMITTEE OF  
MERCHANT AND MARINE FISHERIES OF THE HOUSE OF REPRESENTATIVES  
OF THE CONGRESS OF THE UNITED STATES

Thor Tollefson - Chairman

Fairmont Hotel, San Francisco, California

Wednesday; September 10, 1947  
10:00 A.M. - 4:00 P.M.

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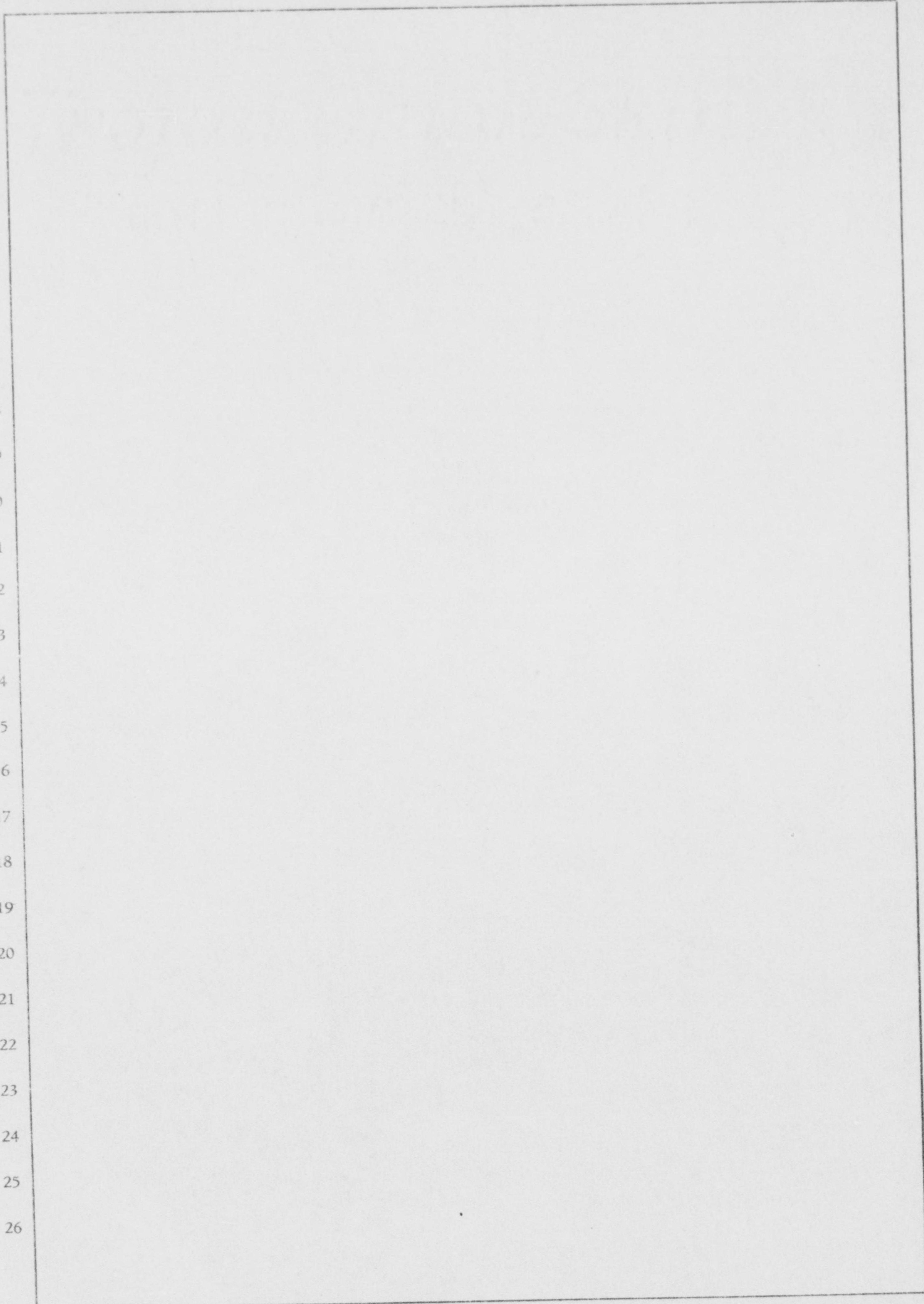
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1 HEARING BEFORE THE  
 2 SUBCOMMITTEE OF SALT WATER FISHERIES OF THE COMMITTEE OF  
 3 MERCHANT AND MARINE FISHERIES OF THE HOUSE OF REPRESENTA-  
 4 TIVES OF THE CONGRESS OF THE UNITED STATES.

5 Wednesday, September 10, 1947

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1.

1 ... Hearing Before The Subcommittee of Salt Water  
2 Fisheries of The Committee of Merchant and Marine Fisheries of  
3 The House of Representatives of The Congress of The United  
4 States. Pacific Fisheries Conference, Fairmont Hotel, San  
5 Francisco, California; September 10, 1947; 10:00 A.M. - 4:00 P.M.  
6 Thor Tollefson, Chairman ...

7 CHAIRMAN THOR TOLLEFSON: Gentlemen, we will kindly  
8 come to order. This Subcommittee of the Merchant and Marine  
9 Fisheries Congressional Committee is meeting today to hear  
10 evidence touching upon certain phases of the fishing industry,  
11 particularly as it affects the international picture which  
12 includes, of course, the possible and perhaps probable effects  
13 of the Japanese Peace Treaty now being negotiated. The  
14 Committee prior to leaving Washington and early in July had  
15 heard considerable concern expressed by the fishing industry  
16 about the possible effects of the Japanese Peace Treaty upon  
17 their industry. In connection with it, the Committee had heard  
18 some concern expressed over the consideration given by the  
19 State Department to the fishing industry at the Geneva Conference  
20 where the reciprocal trade agreements are now being drawn, and  
21 also the Japanese Peace Treaty now being negotiated. And at  
22 that time, having in mind possible legislation being considered  
23 by Congress affecting the fishing industry, the Chairman felt  
24 it would be advisable to hold one or more such meetings as  
25 these on the Pacific Coast after Congress adjourned. The  
26 Chairman did not select the date nor a place before leaving



1 Washington because he wanted to after discussion with the  
2 fishing industry decide which would be the most advantageous  
3 time and place.

4 Since coming to the Coast, the Chairman learned that  
5 representatives of the fish producers and unions on the Pacific  
6 Coast were going to meet here in San Francisco on September 8  
7 and 9, and for the sake of convenience, not wanting to call you  
8 away from your homes a second time, the Committee decided they  
9 would meet here on the 10th, following your conference. Know-  
10 ing that you were going to meet, I have talked, of course, to  
11 some of your representatives, and with the thought in mind of  
12 having an orderly and efficient hearing, and hoping that we  
13 might get all the testimony in one day, I had suggested that  
14 those people in the conference prepare in advance their  
15 statements and their testimony and resolutions or whatever they  
16 desired to offer. And I understand that that has been done.

17 Now, should there be any other persons or organiza-  
18 tions represented here who were not represented at the conference,  
19 and might take some other point of view, I want to say that we  
20 shall give you every opportunity to present whatever your views  
21 are at this hearing. However, inasmuch as I have already spoken  
22 to representatives of the conference and suggested an outline  
23 for the purpose of convenience, I think I shall call upon the  
24 representatives of the conference first, and then when their  
25 testimony is in, the hearing will be open to testimony by  
26 individuals or organizations.



3.

1 In the meantime there is one other suggestion that I  
2 have to make. While statements and testimony are being intro-  
3 duced if anyone in the room desires that a certain question be  
4 propounded to that individual, will you kindly write it down  
5 and bring it to the desk here, and either Congressman Allen or  
6 myself will ask that question. We want the factual situation  
7 presented for the record. One further thought. This hearing,  
8 of course, will be reported, and the record will be presented  
9 to the full Committee on Merchant and Marine Fisheries for such  
10 consideration and action as the full committee may desire to  
11 take. I also want the record to show that invitations have been  
12 extended to a number of Congressmen and a number of Senators  
13 who come from areas where fishing interests are in existence.  
14 Most of them have written to me and expressed regret at not  
15 having been able to come. One letter of invitation was directed  
16 to Senator Knowland of California, and he was also invited  
17 personally by Congressman Allen. Congressman Allen has received  
18 a letter from Senator Knowland, and I think perhaps it would be  
19 proper that that letter and such comment as Mr. Allen cares to  
20 make should be introduced in the record at this point.

21 CONGRESSMAN JOHN J. ALLEN, Jr.: Mr. Chairman, I  
22 have a letter dated September 2, addressed to me which reads  
23 as follows: ... Exhibit I ...

24 "Your letter of August 23 has been received  
25 and I regret very much that previous commitments will  
26 prevent me from attending the hearing to be held by  
the Merchant Marine and Fisheries Committee at Ten  
a.m. on September 10.



4.

1 "However, I will be pleased if you will  
2 keep me advised regarding the results of the hearing  
and supply me with the transcript when it is available.

3 "With best personal regards, I remain,  
4 Very sincerely yours, /s/ William F. Knowland."

5 I suggest, Mr. Chairman, that in accordance with his  
6 request, a transcript of the evidence be furnished to the  
7 Senator when it is available.

8 CHAIRMAN TOLLEFSON: That will be done. And you desire  
9 to put this letter in the record.

10 I have before me a schedule of the witnesses who will  
11 testify, and the first name on the list is that of Captain  
12 Miller Freeman, Chairman of the Pacific Fisheries Conference.

13 CAPTAIN MILLER FREEMAN, Chairman, Pacific Fisheries  
14 Conference: Chairman Tollefson, Congressman Allen, this two  
15 day session embraced the representatives of the principal  
16 organizations all along the Coast, producing organizations,  
17 operating, management, and labor. It is most gratifying on  
18 the conclusion of our sessions to be able in turn to have an  
19 audience as arranged by your committee at which it would be  
20 possible for findings and recommendations and testimony to be  
21 presented to you.

22 I do not think it necessary to make any further  
23 extended comments. I am offering to be presented to the  
24 members of your committee and if you desire to be read into the  
25 record, a copy of the study which has been made, and of which I  
26 have a number of copies here, entitled, "Who Will Harvest The



5.

1 Pacific," which is, I think, a very fine and comprehensive  
2 study.

3 CHAIRMAN TOLLEFSON: Mr. Freeman, in order to conserve  
4 time, and if it is satisfactory with you, I shall admit this  
5 article, entitled, "Who Will Harvest The Pacific," to be placed  
6 in the record as an exhibit. ... See Exhibit II ...

7 CAPTAIN FREEMAN: Yes. I just want to add one  
8 additional point, and that is that -- I am speaking now from  
9 the experience of a great many years -- it is of vital impor-  
10 tance The Congress undertake to reassume its position of past  
11 times in relation to treaties; it is all the more important for  
12 the reason that now where the State Department formerly was  
13 devoting itself to the international political problems, it has  
14 now extended its jurisdiction over international economic  
15 problems. It has in effect become a super-government, and  
16 seemingly without too much consideration or attention to the  
17 views of the United States Congress. I therefore respectfully  
18 recommend that your committee give special attention and study  
19 to this question, and see what may be determined to reassume an  
20 authoritative position in relation to these questions.

21 Without further extending my remarks, Mr. Chairman,  
22 I give way now for the testimony of the other gentlemen.

23 CHAIRMAN TOLLEFSON: Mr. Freeman, before you retire,  
24 could I ask you one question. The schedule describes you as  
25 Chairman of the Pacific Fisheries Conference. Can you just for  
26 the sake of the record say what the Pacific Fisheries Conference

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6.

1 is?

2 MR. FREEMAN: Yes. The Pacific Fisheries Conference  
3 was formed on the request of leaders in the industry, operators  
4 and unions. I was asked to assume the Chairmanship. It has  
5 held now three sessions, one in Los Angeles, one in Seattle,  
6 one here. It is a federation of the various existing organi-  
7 zations who are represented by duly accredited delegates. While  
8 you notice that there is not a large number of men in attendance,  
9 they represent a complete cross section of the industry of the  
10 Pacific from the Mexican border to the Bering Sea and the  
11 Islands. It has been an unofficial body up to date, but  
12 yesterday, by the action of this gathering it was placed on a  
13 permanent basis with the understanding that it be called when-  
14 ever it is found that there are problems arising effecting the  
15 industry as a whole, and in which they might get together and  
16 jointly deliberate.

17 CHAIRMAN TOLLEFSON: Thank you.

18 \* \* \* \* \*



7.

1 CHAIRMAN TOLLEFSON: Colonel Eugene D. Bennett,  
2 Counsel for the California Sardine Products Institute.

3 COLONEL EUGENE D. BENNETT; Counsel for California  
4 Sardine Products Institute: Mr. Chairman and Congressman Allen,  
5 I think it only fitting at the very outset that there should be  
6 expressed and recorded at this juncture the appreciation and  
7 gratitude of all of those of us assembled here today with what  
8 your Committee has done in coming here to San Francisco and  
9 giving this audience so that the views and problems and matters  
10 of grave concern to the Pacific fisheries may be presented to  
11 a committee of that branch of our government to whom in last  
12 recourse citizens may look for adequate protection and aid.

13 Gathered here before you, Mr. Chairman, are represen-  
14 tatives of practically every segment of the Pacific fishery  
15 industry, representatives not only of the associations repre-  
16 senting management, but representatives of the large labor  
17 organizations, both AFL and CIO who have in their ranks many,  
18 many thousands of sea faring men who brave the perils of the  
19 sea in their daily pursuit of food, and many thousands of  
20 workmen in our canneries and processing plants from the  
21 Bering Sea to Southern California. It was indicated by  
22 Captain Freeman there has just concluded a Conference of this  
23 Pacific Fisheries Conference. It may be of interest for you to  
24 know that those subjects which were presented for consideration  
25 and discussion by various members of the Conference and were  
26 finally acted upon by the Conference were all acted upon with



8.

1 unanimous approval. In other words, these certain matters that  
2 will be presented in due course before your meeting which  
3 represent the views of the Conference as a whole are not the  
4 views of any particular branch or particular concern or  
5 establishment within the Pacific fisheries, but represent the  
6 considered views of the fisheries as a whole, an important  
7 segment of American industry.

8 We are doubly grateful for your granting us this  
9 opportunity at this time because in view of the developments in  
10 the international situation, both in the Pacific as well as in  
11 the whole world, not only as an item of epicurean delight for  
12 that rare and mythical gentleman who lives in well warmed  
13 clubs, but also as an important item of diet for the hundred and  
14 forty million people of our country, the people of the whole  
15 world, and in that connection you two members of the Congress  
16 probably realize, and I hope the other members of your Committee  
17 realize this industry has not only produced this relatively  
18 cheap but highly nutritious protein food for the people of the  
19 United States, but for years and now is producing such food  
20 for hungry peoples elsewhere in the world. The large part of  
21 the canned production of California sardines during the war  
22 years and following were taken by the government for relief of  
23 the needy of other countries. I feel that as for you two  
24 gentlemen it is hardly necessary to mention the importance,  
25 the economic and other factors of importance of the Pacific  
26 fisheries. However, in view of the fact that it has seemed to



9.

1 us for a long time both here in California and I think elsewhere  
2 along the Pacific Coast that the fisheries were the forgotten  
3 man of American industry; that as mentioned yesterday, there are  
4 some eight thousand employees in the State Department and only  
5 a handful of relatively submerged persons who have anything to  
6 do with this important matter of fisheries, despite the fact  
7 that in the international sense the American fisheries occupy  
8 as they have for years an important place, and as we see a  
9 situation today and the situation probably which will develop  
10 in the future of an ever-increasing importance in the field of  
11 international relations, particularly in the Pacific Ocean area.  
12 Canada to the north of us has a Ministry of Fisheries. Norway  
13 has a Ministry of Fisheries. England has a Ministry of Agri-  
14 culture and Fisheries. Other nations that are well on the  
15 seaboard have placed the international aspect of fisheries in  
16 the high diplomatic level. And yet we find the American  
17 fisheries as far as the State Department is concerned relegated  
18 to a comparatively minor and meager place way down in the  
19 Division of Economics.

20 It is the feeling of the Pacific Coast fisheries group  
21 that while fisheries and the product of our fisheries do  
22 constitute a very important matter of economics, in the broader  
23 sense, particularly in the international sense, they involve  
24 primarily questions of diplomacy and law, and should be accorded  
25 that consideration and that treatment to an adequate degree.

26 The Sardine Products Institute which is a trade



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1 organization representing a number of sardine canners and  
2 processors is a part of the so-called California Sardine  
3 Industry. The fish at that fishery is also known as pilchard.  
4 In normal times it represents in tonnage the largest fishery  
5 of the United States. As high as seven hundred fifty thousand  
6 tons of these fish have been taken annually and canned for  
7 foodstuff, processed for animal food and human consumption  
8 and industrial uses. Alone it probably represents a capital  
9 investment of something like sixty-five million to one hundred  
10 million dollars, and its annual production will run in excess  
11 of thirty million dollars of wholesale value. You gentlemen  
12 of course know that in the Northwest we have the great salmon  
13 industry which in point of dollars represents the largest  
14 American fishery. We also have the great tuna processing  
15 industry, fishing industry, that extends in range from our  
16 northwest as far south as the waters off Central America. That  
17 is an American fishery industry. It closely crowds the great  
18 salmon industry in dollar value, and its annual production will  
19 equal or exceed sixty million dollars a year. The wholesale  
20 value of the salmon products, I understand, will exceed seventy  
21 million dollars a year. Then, of course, along the Pacific  
22 seaboard we have other important fisheries. We have the  
23 mackerel fisheries, largely in the northwestern waters. We  
24 have the great northwest halibut fishery. We have the fisheries  
25 that cater to local as well as national wants from the flat fish  
26 of the sea that find representatives of the fishing boat



11.

1 operators to purse seiners that are found from Alaska to San  
2 Diego. We also have the large shell fish industry of the Pacific  
3 Coast, extending from Alaska to Southern California and in  
4 waters south of the international line.

5 It is estimated that the annual value of the products  
6 of this Pacific fishery exceed two hundred and seventeen million  
7 dollars a year. I mentioned before, and I repeat again briefly  
8 that the importance of this industry is not alone in the dollar  
9 values of products, but in the great production of foodstuff  
10 for the citizens of this country and the needy of other nations;  
11 the employment of the large numbers of workmen in all factors  
12 and phases of the industry. This industry has existed, grown,  
13 developed as a result of pioneering American spirit, not with  
14 the aid of government subsidies except perhaps in minor and  
15 rare exceptions; largely stood on its own feet through periods  
16 of difficulty. It involves as I mentioned before, hazard of  
17 life and limb and hazard of invested capital. We are not asking  
18 at this juncture financial aid or subsidy, but the members of  
19 this industry are concerned that they be not sold down the  
20 river in this nation's dealings and relations with the other  
21 nations of the earth. We feel that it is of great importance  
22 to the nation as a whole as well as to those who are engaged  
23 in this industry, not only that it may be permitted to reasonably  
24 prosper and produce, but that it receive the normal protection  
25 that other nations of the earth have from time immemorial sought  
26 to give to their fishing industry. We believe, therefore,

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12.

1 Mr. Chairman, that it is a matter of vital national concern  
2 what happens in this nation's international relations which may  
3 affect the continuation and the welfare and protection of the  
4 American fishery. And I repeat again that those assembled here,  
5 and I know I speak for each and every one, are deeply grateful  
6 that you have come here to give us this opportunity to present  
7 to you certain facts and figures and aspects which have a  
8 direct bearing upon this industry and this nation's treatment of  
9 this industry particularly in the period ahead of us.

10 The impending treaty with Japan raises many questions  
11 of grave concern. What will the United States Government agree  
12 to so far as to where and when the Japanese will be permitted  
13 to fish? Will we again be threatened as we were on one previous  
14 occasion with invasions of the typical American salmon fishery?  
15 And this is an American fishery because those fish spawn and  
16 live a certain period of their life and depend upon the American  
17 streams as do certain other anamniotic fish of the Pacific Coast.  
18 We are concerned also with the economic aspects that may be  
19 provided for in this treaty, aspects of production as well as  
20 distribution, because the American fishery has markets not only  
21 here that should in our opinion be protected against the  
22 importation of cheap fishery products produced in nations that  
23 do not maintain the standard of living that is maintained by  
24 our fishery people, we are also concerned with markets through-  
25 out the world. We are concerned, Mr. Chairman, with whether or  
26 not in relation to the Japanese Treaty or other treaties and



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1 negotiations with foreign powers both the letter and the spirit  
2 of the President's Proclamation of September 28, 1945, with  
3 reference to these zones along the Pacific seaboard, with  
4 reference to the protection and for the avowed purpose of  
5 protecting the American fisheries will be observed, or whether  
6 that declaration will be discarded and some new concept of  
7 turning over, dividing that fishery with some foreign power.  
8 We are concerned with the whole subject matter of so-called  
9 trade barriers. We are concerned with what part this nation  
10 will take, what stand it will take in connection with whatever  
11 may be done or undertaken by the Food and Agricultural Organi-  
12 zation of the United Nations which has announced a tentative  
13 plan to divide up the world into certain fishery zones. We  
14 are concerned also with the attitude of our Department of  
15 State in the government with relation to the rights of American  
16 fishermen and the American fishing industry in the area of  
17 the Pacific waters known as the so-called mandated island zone.  
18 These are all questions of grave and vital concern that  
19 directly or indirectly affect the welfare of all engaged in  
20 the Pacific fisheries, and we think affect the welfare of every  
21 citizen of the United States.

22 There will be other speakers to follow me, and I  
23 appreciate perhaps the fact that I have exceeded the time I  
24 should take. Following me on the program is Doctor Kask of  
25 the California Academy of Sciences, the Curator of Aquatic  
26 Biology of that department. While I don't propose to introduce



14.

1 any more speakers, I would like to say that we suggested that  
2 Doctor Kask present certain facts to this Committee because of  
3 his intimate knowledge of conditions affecting the fisheries  
4 in the Pacific. As a Major in the Military Government Section  
5 on General MacArthur's staff for a year and a half, he was in  
6 charge of an important part of the fisheries study and inves-  
7 tigation in Japan under General Marshall's direction. And with  
8 his introduction, Mr. Chairman, I thank you for the opportunity  
9 of saying what I have had to say.

10 CHAIRMAN TOLLEFSON: Colonel Bennett, before you take  
11 your seat, maybe Congressman Allen would like to ask you a  
12 question. I have one or two that I should like to ask.

13 You mentioned that in the State Department, out of  
14 some eight thousand employees there are only a handful who  
15 deal with and touch upon the matters concerning fishing industries.

16 COLONEL BENNETT: That is my understanding, Mr.  
17 Chairman, and that particular aspect or factor will be, I  
18 think, discussed more in specific detail by a speaker who will  
19 follow me.

20 CHAIRMAN TOLLEFSON: Then another question. In your  
21 statement you mentioned the fact that you are not seeking  
22 financial assistance from the government, perhaps that comment  
23 was made having in mind that other food products receive  
24 financial assistance from the government. Is that true?

25 COLONEL BENNETT: Yes, Mr. Chairman, I wanted to  
26 emphasize the fact that this was in the main part a self-sustaining



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1 pioneering American industry that has grown and grown to  
2 maturity. We have developed new means of fishing, new types  
3 of gear and boats, and our operation has extended away from  
4 the sheltered base and areas and now reaches as far to the  
5 North as the Bering Sea and as far South as the waters off  
6 Central America, and it may well be that with adequate  
7 privileges the fishing operation will extend way beyond the  
8 territorial waters, the zone waters of the Pacific Ocean  
9 adjacent to our shores. We are a growing industry, and you will  
10 hear later of some of the problems that affect the sardine  
11 industry that I think will indicate the fact that there isn't  
12 room in our judgment in this American fishery to invite the  
13 rest of the world to come over here and exploit it. And when I  
14 made the mention of the fact that we were not seeking government  
15 aid, I meant we were not before you seeking government aid in  
16 subsidies. There are certain forms of government aid such as  
17 aid in research where only the federal government perhaps by  
18 reason of its greater financial resources through the use of  
19 ships of the navy or the Fish and Wild Life Service conducting  
20 certain needed oceanographic studies, that we would like aid  
21 from time to time, but these organizations of the federal  
22 government are set up for that purpose, and we feel that asking  
23 if we do ask for aid in such investigations is as asking for  
24 aid for welfare of the American people rather than direct aid  
25 or subsidy for this industry.

26 CHAIRMAN TOLLEFSON: Mr. Allen, do you have any



1 questions?

2 CONGRESSMAN ALLEN: Yes. Mr. Bennett, during your  
3 discussion you raised certain questions with which you  
4 expressed concern. Do you have any answers that you would like  
5 to suggest that would be desirable to those questions, or will  
6 that be treated later?

7 COLONEL BENNETT: Yes, I think I have answers, but I  
8 think I have talked long enough, Mr. Allen, and there are  
9 other speakers listed on the program, and I know they go into  
10 these questions in greater detail, and I believe suggest to  
11 you an answer.

12 CHAIRMAN TOLLEFSON: Thank you.

13 Doctor Kask.

14 DOCTOR J. L. KASK, Curator of Aquatic Biology at the  
15 California Academy of Sciences: Most of my speaking, gentlemen,  
16 is concerned with this map. In addition to Colonel Bennett's  
17 introduction, I would like to have added and entered into the  
18 record that by profession I am a scientist. Most of my time  
19 has been devoted to studying the Pacific Ocean, and most  
20 particularly the fisheries with respect to the Pacific Ocean.  
21 My observations are objective entirely. The gentlemen have  
22 asked me to review a part of the present situation merely for  
23 the information of the Congressional Committee.

24 Usually in speaking of fisheries we think of them  
25 from their economic value, that is, from the point of view of  
26 how much are they worth with respect to other commodities. In



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1 that respect they do not show up too well because they are not  
2 nor do they pretend to compete with other important commodities.  
3 But they do have other significances which if looked at in  
4 their proper perspective make them extremely important and  
5 especially at this present time.

6 For instance, the greatest salmon fishery in the  
7 world is centered in this part of the map right here. This is  
8 an excellent map which ironically enough I had to buy in Tokyo.

9 MR. ALLEN: For the sake of the record you are  
10 indicating what portion of the map?

11 DR. KASK: That part of Bering Sea in Alaska, this  
12 Bristol Bay area of the Bering Sea. This is the biggest  
13 single salmon producing area in the world. The second  
14 biggest salmon producing area in the world is this area here  
15 adjacent to it which includes the Sea of Okhotsk and the  
16 adjacent area.

17 MR. ALLEN: That is the area north of Japan?

18 DR. KASK: North of Japan and including all these  
19 coastal waters including this end of the Kamchatka Peninsula.  
20 So the two great producing areas are really one except they  
21 are geographically separated by the Kamchatka Peninsula.

22 Traditionally this area has been exploited by  
23 American fishermen. ... Indicating Bering Sea ... For years  
24 they have fished there and for years our governmental depart-  
25 ments have studied it and regulated it so that this fishery now  
26 is in a condition of regulation, and it has been traditionally



1 considered an American fishery.

2 MR. ALLEN: Doctor Kask, will you, when you use the  
3 term "exploit" explain what you mean?

4 DR. KASK: I mean they go there and catch the fish.

5 MR. ALLEN: Not exploit in the normal understanding.

6 DR. KASK: Not exploit in the sense that they are  
7 being fished out to the detriment of the population. They  
8 have been harvested. Let us use that word, they have been  
9 harvesting the catch there, and so far as we have been able to  
10 control it, it has been carefully harvested each year. The  
11 fishermen are not allowed to go in there and fish indiscriminately,  
12 but are required to allow a certain percentage as scientist  
13 investigators have recommended to go and plant the seed in the  
14 rivers of Alaska for the future generations of salmon.

15 This other area here that is adjacent has been  
16 similarly exploited, but in the past by the Japanese with  
17 concessions from the Russian Government, under concessions.

18 Now, in the past as we can well recall, the situation  
19 was more than just the fact that there were two competing  
20 economic groups fishing for salmon, but little by little the  
21 Japanese penetrated into that area in a very small way, but it  
22 had a great international significance so far as our relation-  
23 ships between the two countries were concerned. Now this  
24 area, this cradle here, will have three peoples competing for  
25 the same type of fish. For instance, instead of this Bering  
26 Sea being an American sea as we have more or less learned to



19.

1 consider it, it is now a Russian sea and an American sea because  
2 the Russians are actively going to harvest their part of this  
3 sea, too. This has been done on a smaller scale before by the  
4 Japanese, but now they are going into it in an all out production.  
5 This area here ... indicating Sea of Okhotsk ... now is a  
6 closed, almost geographically a closed Russian sea. It is  
7 hardly conceivable that our fishermen will go into here to make  
8 a catch. And yet under international law there is no reason  
9 why they shouldn't. But it is quite conceivable that fisher-  
10 men from this part of the country geographically will fish in  
11 here, and it will be in this cradle right here where the  
12 fishermen of at least three great powers will be rubbing elbows  
13 and fishing competitively.

14 MR. ALLEN: Mr. Chairman, I suggest that when the  
15 Doctor points to a position on the map, <sup>if</sup> he just refers to it  
16 by a word, "here", the record will not show all that to which  
17 he is pointing, it will be rather confusing, I suggest that in  
18 each instance when you point, you also give the geographical  
19 location for the record.

20 DR. KASK: Thank you. I will try and do that.

21 The last area referred to was that area of the  
22 Bering Sea that divides it into half, north and south. And  
23 for the protection, future protection of our fisheries, I  
24 am just using that now in a geographical sense because it is one  
25 that will be focused mostly because of the small geographical  
26 area involved. Further, trying to foresee the possibility, our



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1 government has, or our President has issued in September, 1945,  
2 what is known now as the Presidential Proclamation with respect  
3 to high seas fishing. That proclamation involves this type  
4 of legislation, that we are not permitted so far as our  
5 fishery sources are concerned to any part of that three mile  
6 area that is usually considered as being the limit of the  
7 territorial limits. This proclamation involves that the  
8 fisheries beyond the three mile limit come under American  
9 jurisdiction, and other countries that approach these shores  
10 to do their fishing will be required to submit to the same  
11 controls that our own fishermen have to submit to with respect  
12 to this fishing. They have to operate under the same regula-  
13 tions. On the face of it it looks like a very reasonable and  
14 sensible thing, provided, of course, that the reciprocal should  
15 also be true, that our fishermen will be allowed to go and fish  
16 in here and come under the regulations of whatever government  
17 happens to be in charge in the Sea of Okhotsk area.

18 This regulation, if examined for even a moment, you  
19 will see a terrific amount of preparation it will take. We are  
20 undertaking, then, to regulate the nationals of another country.  
21 That isn't an easy thing to do. It assumes that we will then  
22 be able to force them to give us the statistics of their  
23 catches. It involves that we will have the authority to make  
24 them give us the returns of their catch, and that if we should  
25 close an area for our fishermen, that it would also be closed  
26 to them. Now, supposing that were a situation that would be



21.

1 attained, that we had that, but it would have to be done by a  
2 special governmental section on a high policy level when you  
3 start making arrangements with foreign nationals in such a way  
4 that you are forcing them to abide by regulations of our  
5 country.

6 CHAIRMAN TOLLEFSON: It involves, Doctor Kask,  
7 policing of certain areas?

8 DR. KASK: That is right, sir.

9 Then in this area we can look forward with absolute  
10 certainty of meeting the nationals of both Japan and the Union  
11 of Soviet Socialist Republics on a common meeting ground be-  
12 cause actually and by international law there is nothing to  
13 stop them from coming and fishing here. And our present  
14 thinking in regulating that is that we can have some sort of  
15 jurisdiction over these fishermen so that we can police them  
16 and see that they are abiding by our regulations. It also  
17 implies, I think, the thinking if it were carried to a logical  
18 extreme, that other governments, too, would probably impose  
19 similar legislation, as has already been the case with our  
20 South American neighbors. And it would imply that our fisher-  
21 men would be able to go over here, too, but the whole thing is  
22 if it worked out as smoothly as could be, it would have to be  
23 handled by a part of our government that handles international  
24 affairs at a high level because it involves jurisdiction over  
25 foreign nationals. So much for that.

26 The Pacific Ocean is an enormous body of water, and



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1 our traditional thinking about it is that it takes a long,  
2 long time to go across, and that it is so big there is room  
3 for everybody. Well, within the last few decades as you well  
4 know that ocean has contracted. It is big, it is half of the  
5 world. The Pacific Ocean is very nearly half the world, but  
6 our traditional thinking of the Pacific Ocean is now obsolete.  
7 We can go across it in a matter of a few hours. We have, the  
8 United States has as a nation invested pretty heavily in the  
9 authority over parts of this ocean. Now our fishermen and the  
10 fishermen of other nations from this whole Asiatic area are  
11 going to meet here on this bigger segment of the ocean just as  
12 surely as they are going to meet here, and again we will have  
13 to be prepared. We will have to be prepared in a diplomatic  
14 and political way to be able to cope with the situations which  
15 are bound to arise when the nationals of two competing countries  
16 are competing on the same product in an area that only comes  
17 under international law. The situation is such that we are  
18 going to meet again on this ocean that has been contracted  
19 immeasurably not only by area as we know, but by our big  
20 fishing vessels which already penetrate beyond here, and which  
21 as far as Japan at least was concerned, as you will see, these  
22 concentric lines all come from Tokyo as the center of the world,  
23 that all these spots here, the lighter spots on this map, are  
24 areas of relatively shallow water, and they correspond, too,  
25 to areas where the greatest concentration of pelagic fish occur.  
26 So that our fishermen are going to seek out these spots as are



23.

1 the fishermen from the Asiatic side. This is our common  
2 meeting ground, and the big clippers nowadays make that trip  
3 with no effort whatsoever, and they will in the Pacific be  
4 accompanied by other ships, and the program of the fisheries  
5 will have to develop.

6 CHAIRMAN TOLLEFSON: This common meeting ground that  
7 you have mentioned is situated where in the Pacific?

8 DR. KASK: It will be concentrated, Sir, around the  
9 groups of the formerly known mandated islands, that is, I am  
10 speaking now only north of the Equator, on this part of the  
11 Pacific that faces Asia and toward North America. The meeting  
12 grounds will be roughly along the International Date Line  
13 which almost vertically divides the Pacific Ocean, and if you  
14 consider the Equator as being the horizontal division, then  
15 the Northern Pacific is divided into a western quadrant and an  
16 eastern quadrant. Somewhere along that division line will be  
17 the common meeting ground.

18 Now, further than that, there has been nothing  
19 whatever to stop our fishermen from going to any of these  
20 terrifically productive areas under international law. As our  
21 fishing industry develops, it is going to be going farther and  
22 farther afield for their catches, because they are becoming  
23 independent now of land areas. They can take their own float-  
24 ing factories, something comparable to our flat tops, and take  
25 their own little island bases with them with everything equipped.  
26 The reverse is also to be expected, because the Japanese were







25.

1 tuna fish on which we have no biological information whatso-  
2 ever to amount to anything. We have no regulations of the high  
3 sea fisheries. We have some regulations here; we can try to  
4 impose those, but the second most valuable fishery on our coast  
5 and in the United States is this tuna fishery of this part  
6 of the Pacific Coast off southern United States and Mexico.  
7 We have no information on that. Foreign people come over to  
8 this side to fish in these extremely productive areas. We  
9 haven't any information whatsoever on which to base regulations  
10 so that we can control their fisheries with ours. We are not  
11 even controlling ours. We are backward in that respect at the  
12 present time, and that is all I have got to say, we are faced  
13 with, as a result of that very thing, we are faced with the  
14 lack of legislation and lack of investigation on our own coast.  
15 The sardine fishery which Colonel Bennett mentioned and which is  
16 a big fishery, about a quarter of all the fish landed in the  
17 whole United States on both oceans is sardine. This fishery  
18 in California last year has been faced with failure, and it is  
19 very evident that there will be a failure of that fishery this  
20 year.

21 CHAIRMAN TOLLEFSON: What do you mean by failure?

22 DR. KASK: Failure to this extent, that the fishing  
23 boats going out and looking for fish can't find any.

24 CHAIRMAN TOLLEFSON: They can't find anything?

25 DR. KASK: Last year in the northern distribution,  
26 in northern California.



26.

1 CHAIRMAN TOLLEFSON: Have they found any so far this  
2 year?

3 DR. KASK: Very few. The plants, about sixty-five  
4 million dollars worth of plants, I think Colonel Bennett  
5 mentioned, are virtually idle, but that is a corollary and a  
6 direct result of the fact that we have neglected to be prepared  
7 by our oceanic investigations to deal with that fishery, even  
8 from our own viewpoint, far less from the point of view of con-  
9 trolling the fishermen of other countries should they come out-  
10 side our territorial limits to fish what we have traditionally  
11 considered our fisheries.

12 That, gentlemen, I think, is the only reason I con-  
13 sented to come here was if I could somehow emphasize the inter-  
14 national significance that these fisheries have that has nothing  
15 whatever to do with their economic value. Thank you very much.

16 CHAIRMAN TOLLEFSON: Thank you.

17 \* \* \* \* \*



27.

1 CHAIRMAN TOLLEFSON: The next witness on this list  
2 is Monte Phister of the California Fish Cannery Association.

3 Just one moment, Congressman Miller, will you come  
4 up here and sit with us, please?

5 ... Congressman George Miller then sat with the  
6 Committee considering this problem ...

7 MR. MONTE PHISTER, California Fish Cannery  
8 Association: Congressman Miller was former Executive Officer  
9 in the Fish and Game Department of California and has heard a  
10 great deal of these things before, and is pretty familiar with  
11 what the industry's thinking is in connection with the Pacific  
12 fisheries.

13 I think that it might be well for me to clarify what  
14 we mean when we use some of the words that we have when we are  
15 talking here. When we say "fishery" we mean a right, that is,  
16 we mean the right to take fish from waters some place in the  
17 world, or here and there in the world by nationals of countries  
18 who are fishing. We also mean international servitude, that is  
19 the right of the nationals of one country to take fish or to  
20 take shell fish or to move across or through the waters of  
21 another nation. We also mean, and I think that this is the  
22 most important of the meanings of the right involved, the right  
23 of a nation to control a fishery, that is, to control the take  
24 of a fishery with the view to conserving the supply so that it  
25 may last forever.  
26

As you well know, a fishery properly harvested is



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1 self-supporting, and the object of exploitation of the fishery  
2 if it is properly exploited is to take from the fishery the  
3 annual crop and to take all that the fishery can spare and still  
4 survive and produce the same tonnage of fish year after year.  
5 That can be done, is being done on our own Pacific Coast,  
6 particularly in the halibut fishery where the International  
7 Commission there has so regulated the halibut fishery under a  
8 treaty between the United States and Canada that the halibut  
9 have come back, and now it is possible to harvest annually a  
10 certain number of tons of fish and be quite certain that that  
11 will last for all time. So that when we speak of a fishery  
12 that is what we mean.

13           As Doctor Kask has told you, most of the international  
14 law with respect to fisheries developed many years ago when a  
15 fishery ordinarily meant simply a group of fishermen living on  
16 the coast some place who were able in their boats to go only a  
17 short distance and whose market for the product that they caught  
18 was also limited by a few miles, for the problem of preserving  
19 the catch after it was taken until it got into port, and the  
20 problem of preserving and marketing it was insurmountable until  
21 refrigeration and freezing came along. And it now is possible  
22 to extend the market place where the fish may be sold almost  
23 indefinitely, and where, by the use of factory ships, any  
24 nation may go into the waters any place in the world, take all  
25 the fish that they desire to take, and, ~~infact~~, completely  
26 destroy a fishery. A factory ship from England could go into

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1 the waters where halibut are caught in the northwest and com-  
2 pletely destroy that fishery without ever coming ashore, and it  
3 would be completely self-sufficient.

4 Now, international law probably has not kept pace  
5 with that development of the fishery. I think that there are  
6 none of us who are exactly sure what the provisions of the  
7 international law, if there is any international law on the  
8 subject with respect to these things are.

9 CHAIRMAN TOLLEFSON: Would you say that was due to  
10 the lack of information on the part of the governmental  
11 representatives?

12 MR. PHISTER: It is partly due to that. There is  
13 now developing a body of international law which will cover the  
14 fisheries. The Proclamation of the President of the United  
15 States to which reference has already been made is a part of  
16 the development of the international law with respect to the  
17 fisheries. That Presidential Proclamation was submitted -- was  
18 made public to all of the maritime countries of the world with  
19 a statement on the part of our State Department, "The President  
20 is going to issue this proclamation if you have no objection,  
21 or if you do have any objection, make it now." None of the  
22 maritime countries of the world made any objection to the  
23 proclamation. I understand that is one of the ways in which  
24 international law does develop. The Republic of Mexico followed  
25 our Presidential Proclamation with a proclamation of their own  
26 President which followed as closely as possible our own



30.

1 Presidential Proclamation. There is some difference, but it  
2 amounted to a recognition by Mexico of the right of the United  
3 States to establish a new principle of international law by  
4 means of that Presidential Proclamation. Other countries are  
5 also taking similar action which I believe would amount to a  
6 recognition of the right of the United States to establish  
7 international law that way.

8 Now England, Sweden, Norway, and the other maritime  
9 countries are also developing international law in their own  
10 way, and, incidentally, are looking at our own operations here  
11 on the Pacific with an eye of approval that we have done some  
12 things here which should be done in some European waters.

13 CHAIRMAN TOLLEFSON: In that connection as I under-  
14 stand it, your representatives are not here only to express  
15 concern over the international picture, but you are here to  
16 give all the information you can concerning fisheries to your  
17 government upon which they might base further development of  
18 the international law.

19 MR. PHISTER: That is correct, yes sir.

20 Now I think that Doctor Kask has made it plain as to  
21 the dangers that lurk in the matter of international fisheries,  
22 the obligations and duties of nationals and of the nations in  
23 connection with fisheries in the middle of the ocean and off  
24 the coasts of the various countries. For example, we in  
25 Southern California in the tuna industry do a great deal of  
26 fishing off the coast of Ecuador, Peru, all of the Central



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American countries and Mexico. The majority of that fishing is done beyond what is ordinarily known as national waters. However, it is necessary for various reasons we need not go into at this moment for nationals of this country before proceeding into those waters to take permits from the governments of those countries for the right to fish. The permits are very expensive. They run from fifteen hundred dollars a trip to some four thousand dollars a trip, a trip being a week to ninety days, perhaps an average of thirty days. So that we are paying a very substantial tribute to the governments of the Central and South American countries and Mexico for the privilege of fishing that in what we think of as international waters. Now, the State Department, of course, has said to us, and I think it was repeated again and again that we can fish in those international waters without being under the necessity of paying a fee to any of the countries involved. But we find that the right to fish in those waters is one which we have, but which is not reserved to us, because if I was a fisherman to go down there without a permit, and the Mexican patrol boat off the Mexican Coast comes along and arrests me and my boat, and takes me into Manzanillo and puts me in the coop down there, the fact that the State Department is vigorously protesting doesn't make me happy at all. I am still in the coop in Manzanillo. And so I take a permit, even though it costs me a good deal of money.

Now the state departments, I say, these other countries,



1 these other maritime countries are also developing international  
2 law with respect to fisheries, England, and all the rest of  
3 the countries.

4 CHAIRMAN TOLLEFSON: May I interrupt a moment? You  
5 described an experience. Was that mythical or has that  
6 actually happened?

7 MR. PHISTER: That has happened, sir, this summer,  
8 and it happens all the time in the Gulf of Mexico.

9 CONGRESSMAN MILLER: While you are in the coop, the  
10 overhead of the boat, the fish you have taken, still goes on.

11 MR. PHISTER: That is right, and they spoil. Of  
12 course, I am not so particularly concerned about that because  
13 I don't like to be in a Mexican jail anyway.

14 CONGRESSMAN MILLER: You don't like a Mexican jail  
15 anyway, you will accept an American jail, Monte?

16 MR. PHISTER: No, I don't like any jail!

17 That has happened. Well then, we will go to the  
18 manner in which the United States is answering this challenge  
19 for a need for a new international law, a new formulation of  
20 international law. We discovered some years ago when we went  
21 to the State Department, their method of operation was through  
22 what they called "a desk." They had a Chinese Desk and a  
23 Russian Desk and a Mexican Desk, so that if we had any problem  
24 involving a controversy with Mexico or Mexican nationals, we  
25 went to the State Department and they said, "Well, you go to  
26 the Mexican Desk." And we discovered a gentleman there by the



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1 name of Bursley who was aggressive and a fine fellow, and he  
2 took care of us pretty well with Mexico. However, when we got  
3 off shore a little bit, we got into some controversy about  
4 fisheries and we went to the State Department, and they didn't  
5 have a desk for the ocean, so they didn't know just exactly  
6 where to put us. There was no coordination between the desks,  
7 that is, say we went to the Mexican Desk, that was treated as  
8 a separate matter. When we had a little difficulty, maybe, with  
9 Ecuador, we went to the Ecuador Desk. There wasn't any  
10 coordination between the two. They acted independently and in  
11 accordance with their ideas of international law. So along  
12 came the Bering Sea difficulty in connection with the Japanese  
13 invading that area. Secretary Hull in order to meet that  
14 situation created a Fishery Department in the Department of  
15 State. He put it under the then Counselor for the Department,  
16 Judge Moore, and Judge Moore had sufficient knowledge of the  
17 fisheries and had sufficient time to give careful and complete  
18 attention to that division of the Department of the State.  
19 Judge Moore died and Secretary Hull then turned the matter  
20 over to Breckenridge Long who was Assistant Secretary of State.  
21 He handled it until about two years ago.

22 Now, about the function of the Fisheries Department  
23 under Judge Moore and under Breckenridge Long was to further  
24 the development of this new international law, to watch the  
25 fisheries to see that the rights of the United States were  
26 protected, and develop a policy of the United States in



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1 connection with its fisheries, and to coordinate the activities  
2 of the various desks and the various divisions of the Department  
3 of State whenever they had to deal with fisheries so that we  
4 didn't have one policy with respect to one country and a different  
5 policy with respect to another country. Under Breckenridge  
6 Long, during his tenure of office, this so-called Presidential  
7 Proclamation which was issued in September of 1945 was  
8 developed. It was not issued, however, until after Breckenridge  
9 Long had resigned, but the development of the policy and the  
10 language used was all under Breckenridge Long's tenure.

11 During that time the United States initiated proceed-  
12 ings toward having a treaty with the Republic of Mexico. The  
13 State Department had a little difficulty with California in  
14 the matter of having negotiated a treaty with respect to the  
15 waters of the Colorado River. It was a secret treaty and the  
16 people of California didn't know anything about it until the  
17 treaty was handed to the Senate and I think at the instance of  
18 industry, and because of the State Department's experience in  
19 the matter of the Colorado River, and because of the fact they  
20 felt industry should have some voice in treaties, Breckenridge  
21 Long caused to be sent to the Pacific Coast a representative  
22 of his Department who met with industry and talked about a  
23 proposed treaty with Mexico. From that visit there was  
24 developed a committee of industry representing all phases of  
25 the industry engaged in fishing off the Mexican coast, and the  
26 Department has continued to consult with that committee.



1                    However, early in 1945 when Stettinius was Secretary  
2 of State, they had a reorganization. Whoever handled the re-  
3 organization thought of fish like corn, wheat, cotton, or any-  
4 thing else. He didn't think of fisheries as being a right,  
5 international servitude, a new development of the international  
6 law. Canned fish, that is a commodity, the same as canned  
7 corn, so he took away the Division of Fisheries as it had been  
8 established, and put it in the Economics Division of the  
9 Department of State, a subdivision which he called Fisheries,  
10 like he had one about cotton or anything else. There was  
11 assigned to that division a personnel of about fifteen. At  
12 that time we understand that the personnel of the State Depart-  
13 ment consisted of about two thousand. They had about two  
14 thousand, maybe three thousand at that time. It was unfortunate  
15 the division was not at a policy making level. They put it in  
16 charge of a young man by the name of Forey who has a good deal  
17 of ability, who is good at investigating, learning the fishing  
18 business, learning the fisheries, but he is so far down the  
19 scale of command that it is pretty hard for him to get his voice  
20 heard at all at any place where there is any policy to be made.

21                    I believe that -- I have no knowledge about this,  
22 perhaps I shouldn't say it -- but I believe that the fixing  
23 of policy with respect to the Japanese Treaty of Peace, the  
24 Fishery Division of the State Department was not consulted at  
25 all. If they were, it has been in a minor way as they circu-  
26 late the treaty around for everybody to have a look at, but not



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1 in regard to permitting them to discuss it at the policy level  
2 in the Department of State. However in the last two years,  
3 since 1945, in spite of a substantial increase in the total  
4 number of employees in the Department of State, we think from  
5 two thousand to eight thousand employees, the Division of  
6 Fisheries, located in the wrong place in the beginning, and with  
7 no sympathy from anybody in the high level, has been reduced  
8 from the original fifteen employees down to seven of whom  
9 three are stenographers. There is only one man, Mr. Forey,  
10 who is at all -- has been employed because of his knowledge.  
11 The others are employed because of skill with the typewriter  
12 or something of the sort. Mr. Forey is thinking about the  
13 Mexican Treaty. The whole State Department as far as any other  
14 fishery matters stops; when it comes to California, there isn't  
15 anybody around the State Department with whom anybody can talk.

16 CHAIRMAN TOLLEFSON: At that point may I inquire if  
17 you know whether Mr. Forey has been in attendance at Geneva,  
18 or is absolutely new with the negotiating of the Japanese Treaty?

19 MR. PHISTER: Mr. Forey was not at Geneva, and I do  
20 not believe that the Department has any intention to have him  
21 in any position of authority or policy making in connection  
22 either with the preparation of a policy with respect to the  
23 Japanese Treaty or in the actual negotiations. I know he was  
24 not at Geneva, I am not sure of the latter statement with  
25 respect to the Japanese problem, but in any event, he is at a  
26 very low level in the Department, and the whole fishery matter



1 is, of course, treated quite differently by those in command  
2 than it was during the time of Judge Moore and Breckenridge  
3 Long.

4 CHAIRMAN TOLLEFSON: Your position is that in both  
5 Geneva and possibly and probably in the negotiating of the  
6 Japanese Peace Treaty there is nobody in the State Department  
7 that is sufficiently informed about the fisheries industry to  
8 adequately present the position of the fisheries industry.

9 MR. PHISTER: We believe that.

10 CONGRESSMAN MILLER: Or nobody at a sufficient level.

11 MR. PHISTER: Yes.

12 CONGRESSMAN MILLER: That to me is the more signi-  
13 ficant, that there is no one at a sufficient level to go in  
14 and make himself felt, or to plead his case. When people get  
15 too far down, they just don't get in the front door.

16 MR. PHISTER: Mr. Forey is a competent fellow. If he  
17 were at a high enough level it would be, perhaps, quite all  
18 right. The difficulty is -- when our State Department was  
19 negotiating with England with respect to the whaling industry,  
20 for example, we have virtually a clerk representing us whereas  
21 Great Britain is represented by a Minister. Now I don't know  
22 about these governmental formalities like you gentlemen do,  
23 but I do know enough that when a Minister, a man that is high  
24 enough in government to be a Minister is negotiating with a  
25 fellow who is virtually a clerk, the clerk is at very much of a  
26 disadvantage, because he knows he has to go home and find out



1 whether he is doing right. The Minister is in a position to  
2 know what he is doing, and you can well understand he would  
3 be at a considerable disadvantage, I know he is at considerable  
4 disadvantage in his own Department.

5 CONGRESSMAN MILLER: Referring back again to the  
6 Treaty of Japan, and of course as far as the West is concerned  
7 is one of paramount importance here, a great deal of the things  
8 that go into this treaty in my estimation are going to  
9 originate/<sup>not</sup>in Washington, but primarily in Tokyo. It is with  
10 General MacArthur and the people over there that are going to  
11 pretty much dictate this thing. Do you know whether there is  
12 anyone on his staff or anyone in the international group that  
13 has given any thought to this matter of fisheries?

14 MR. PHISTER: As far as I know, all of the men who  
15 are expert in fisheries who were with General MacArthur's staff  
16 for a long time have been returned to the United States.  
17 Doctor Kask and others were over there for a long time, but I  
18 do not know of anybody that is presently on his staff over there  
19 except probably Japanese.

20 CONGRESSMAN MILLER: Technically this treaty will  
21 originate in Washington, but actually it will be inspired in  
22 Tokyo. I just wonder whether Australia and the Philippines  
23 should have quite a toe in this game too as far as the Japanese  
24 situation is concerned. I was just wondering whether you know  
25 whether there would be any coordination between the Netherlands,  
26 East Indies, Australia, the Philippines or ourselves in regard



1 to fisheries in connection with the treaty.

2 MR. PHISTER: There is coordination between the other  
3 nations, but the United States has not participated in that  
4 from the fisheries standpoint because of the lack of personnel  
5 in the Fisheries Division of the Department of State. They  
6 can't do it.

7 CONGRESSMAN MILLER: Leaving it at too low level. If  
8 we had it at the proper level, that would most likely have been  
9 brought in.

10 MR. PHISTER: If we had the staff.

11 CONGRESSMAN MILLER: If we had it at a proper level,  
12 the staff will follow.

13 MR. PHISTER: Yes, I think that would undoubtedly  
14 follow.

15 Of course, in the far western Pacific Australia and  
16 New Zealand are somewhat unhappy about what has already occurred.  
17 The Japanese are limited within certain areas where they can  
18 fish during the interim period between the end of the war and  
19 the peace treaty, and they have encroached a little bit beyond  
20 the areas in which they were supposed to fish, and the encroach-  
21 ment has been off the coast of Australia, and I think it has made  
22 the Australians unhappy. Of course, that is another problem  
23 that is--

24 CONGRESSMAN MILLER: I was just thinking of the  
25 coordination on the whole thing of the nations involved.  
26 Apparently it hasn't taken place as far as we are concerned, as



1 see it due to the fact that we have allowed this thing to get  
2 submerged too far down in the State Department. Isn't that the  
3 crux of the whole thing?

4 MR. PHISTER: We believe that is the crux of the whole  
5 matter. For instance, on this matter of the Presidential  
6 Proclamation, we have no idea whether any consideration has been  
7 given to that in the matter of the Japanese Treaty. We think  
8 no consideration has been given to it because the Department of  
9 State has announced publicly they are going to defer any further  
10 action on the Presidential Proclamation until at least not  
11 sooner than next year. Of course these other things are  
12 boiling along all the time. We believe that the Presidential  
13 Proclamation is a very fine thing. We believe if accepted by  
14 everybody it would limit any fishing area over which the United  
15 States had asserted control to nationals of those countries  
16 that had historically participated in the fishery, and it  
17 would limit it to nationals of the United States in those  
18 areas where there is ample fishing equipment to completely  
19 exploit the industry. For example in our sardine fishery  
20 off the coast of California, there are plenty of boats, plenty  
21 of fishermen to completely exploit that fishery, and it would,  
22 therefore, be of no service to admit any others, and we think  
23 under the Presidential Proclamation the United States has  
24 reserved to itself the right to exclude from any fishery over  
25 which it asserts control nationals of any other country except  
26 those who may have historically participated in the fishery.



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1 We believe, for example, that Mexico having adopted a similar  
2 policy may now exclude jointly with the United States, nationals  
3 of any country except Mexico and the United States, the two  
4 who have historically participated in this fishery.

5 There are other problems which I need not go into  
6 in detail. There are so many that are new and need a very  
7 careful analysis and thought, analyzed by a staff of experts,  
8 that only a mention of a few of them illustrates what we are  
9 talking about. For example, there is a very grave question as  
10 to whether the regulation of fisheries from a conservation  
11 standpoint should be handled by geographical areas or by  
12 species, whether they shouldn't be handled internationally by  
13 a large group of nations or taken up individually by nations  
14 that have historically participated in the particular fishery.  
15 Those are matters of uncertainty, and it is one of the things  
16 that must be developed as we proceed along.

17 My part in this testimony was simply to illustrate in  
18 a general way some of the problems. I hope that I have been  
19 able to bring them to your attention so that you will appreciate  
20 just what we are thinking here. Others who will follow me will  
21 talk about specific problems which are presently confronting us.

22 Thank you very much.

23 CHAIRMAN TOLLEFSON: Thank you very much, Mr.

24 Phister.

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1 CHAIRMAN TOLLEFSON: Mr. Jeff Kibre, International  
2 Fishermen and Allied Workers.

3 MR. JEFF KIBRE, International Fishermen and Allied  
4 Workers: Chairman Tollefson, Congressmen Allen and Miller,  
5 the purpose of my appearance here is to present to the committee  
6 the statement of policy on the over-all question of international  
7 fisheries which has been adopted by the Conference representing  
8 the West Coast fishing industry. The statement itself is  
9 extremely short, very brief. Before I present that statement,  
10 I would like to attempt to very briefly summarize some of the  
11 thinking and some of the ideas that entered into the framing of  
12 this statement. In other words, some of the ideas out of which  
13 came the statement. I would like to do so more or less from  
14 the standpoint of the fishermen because the fishermen are the  
15 ones who are grappling firsthand with the problem of international  
16 fishery law so to speak.

17 Now I think I might introduce the subject by saying  
18 this that whenever West Coast fishermen think of the impending  
19 Japanese Treaty, they get into a virtual state of jitters. The  
20 great part of the West Coast fishermen commanding our tuna  
21 fleets, our sardine vessels, our halibut vessels, our salmon  
22 vessels, are afraid that when the Japanese Treaty is written,  
23 that it will constitute a virtual "lost week-end" as far as  
24 American fishing rights are concerned. Why do I say that? Well,  
25 for one simple and very significant fact. The Japanese fishery  
26 in the Pacific area prior to the war constituted the largest



1 fishery in the world. The Japanese fleet was the largest fleet  
2 in the entire world. And the Japanese fleet ranged the entire  
3 waters of the Pacific, almost the entire area as indicated by  
4 Doctor Kask, and even touched upon our own shore lines on the  
5 West Coast as many of us will recall. And it is quite likely  
6 that because of the fact that the Japanese fishery in the  
7 Pacific embraced the entire Pacific, that the policies laid  
8 down in the Japanese Treaty will become the foundation not  
9 alone for a policy to be adhered to by Japan, but a policy  
10 which will largely govern Pacific fishing policy in the future.  
11 In other words, we are fearful that the Japanese Treaty will  
12 become the Pacific fishing policy.

13 Now in attempting to ascertain what that policy might  
14 be, because I am sorry to say that none of us in the industry  
15 at least have ascertained any of the basic policies that might  
16 be followed. In attempting to ascertain what this policy might  
17 be, we can only be guided of course by the experiences of the  
18 fishing fleet in the Pacific, and I speak particularly of the  
19 West Coast fishing fleet. Those experiences have been anything  
20 but good. In fact, they constitute a pretty black picture as  
21 far as our own government is concerned and as far as a positive,  
22 progressive fishing policy on the part of our government is con-  
23 cerned. Some of the aspects of that policy have been indicated  
24 here. One, for example, is the situation affecting the tuna  
25 fleet. Mr. Phister indicated very briefly some of the problems  
26 that have confronted the American tuna fishery who have developed



1 the tuna fishery, at least off the American Coastline. And  
2 those fisheries over a period of years in the course of their  
3 activities off the coast of Mexico and off the coast of other  
4 South American and Central American governments have been  
5 confronted by a situation that very closely parallels the  
6 situation confronting early American trading vessels when the  
7 Barbary pirates were operating. It is a situation which I  
8 think can only be described in those terms. American fishing  
9 vessels, as Mr. Phister indicated, traversing what are supposed  
10 to be international waters have been hauled into Mexican ports  
11 from a distance of fifty to sixty or seventy-five miles at sea  
12 and subjected to treatment which certainly should not be  
13 accorded to the nationals of a friendly power. Some of the  
14 details of those experiences will probably be brought to your  
15 attention subsequently, but that is the kind of situation that  
16 has confronted American fisheries in connection with the tuna  
17 fishery. We say that that kind of situation in reverse demon-  
18 strates what the policy of the American government has been in  
19 the past, a complete absence, in other words, of policy.

20 Another situation which can be used, for example,  
21 is the situation confronting the Bristol Bay salmon fishermen  
22 which was also touched upon by Mr. Phister. Long before Pearl  
23 Harbor the Japanese fishing fleet invaded Bristol Bay, and  
24 American fishermen who were subject to regulations imposed by  
25 the American government, regulations which restricted their  
26 catch, were forced to sit idle and watch Japanese floaters



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1 anchored on the Bristol Bay area taking salmon in an unrestricted  
2 manner. Now that certainly was not a nice situation, and it  
3 led to a state of virtual undeclared war until finally  
4 sufficient pressure was exerted whereby the Japanese fishing  
5 vessels left the scene. That is another example of what the  
6 American fishermen have been confronted with in the form of  
7 a negative, you might say, policy on the part of the United  
8 States.

9 I might summarize the experiences of the American  
10 fishermen over a period of years by saying that American fisher-  
11 men have been placed on the basis by our own government of being  
12 second-place citizens of the high seas. I think that almost  
13 every fisherman up and down the West Coast who has ranged be-  
14 yond our own territorial waters will agree fully with that  
15 statement, that we have been treated by our own government as  
16 second-class citizens of the high seas.

17 Now this is what we have to go on as far as attempting  
18 to ascertain what might come out of the Japanese Treaty insofar  
19 as American fishery interests are concerned.

20 CHAIRMAN TOLLEFSON: Might I ask at this point if you  
21 have any knowledge of your representatives being consulted by  
22 the State Department with reference to the problem?

23 MR. KIBRE: We have no knowledge whatsoever, and we  
24 have not been called upon to supply any ideas. I might say that  
25 this is the first opportunity that has been accorded to the  
26 industry to make comments, and that is one of the reasons, of



1 course, that we feel so grateful to this Committee.

2 Now, as I say, the past record of our government with  
3 regard to the interests of our fishing fleet has been a black  
4 one. Well, shortly after the war with Japan was concluded, the  
5 Truman Proclamation was issued, signed by the President.  
6 Mr. Phister has indicated the nature of that proclamation. We  
7 felt, and I think the entire industry felt that this procla-  
8 mation represented what we have been looking for for a good many  
9 years, a positive policy on the part of our government, a policy  
10 of according ample recognition to the needs of our coastal  
11 fisheries for production, and the policy of according recog-  
12 nition of the needs of our fishermen who were engaged in  
13 fisheries off of the coasts of other countries. Then what  
14 happened? The Presidential Proclamation, the Truman Proclama-  
15 tion has remained on the desks in Washington. Not one single  
16 thing has come out of the Truman Proclamation insofar as our own  
17 government was concerned. It has remained a proclamation and  
18 a policy on paper up to the present time. But unfortunately,  
19 other governments did not take that same position. As Mr.  
20 Phister said, the Mexican government used the Truman proclamation  
21 as a key to define its own position and to issue a proclamation  
22 which perhaps went further than the principles enunciated in  
23 the Truman Proclamation, and this proclamation on the part of  
24 the Mexican government has strengthened the hands of those  
25 lower level Mexican officials who have been preying on our  
26 fishing fleet for years, and might possibly be a sure indication



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1 of a very aggressive policy to be followed by the Mexican  
2 government with regard to fishing in the future. In addition  
3 to the Mexican government other South American governments are  
4 now issuing or are about to issue similar proclamations defin-  
5 ing their position as being one whereby they will take active  
6 control over the fisheries off of their coastline to the extent  
7 of perhaps hundreds of miles off shore. So that while our  
8 government enunciated the policy and issued the Truman Procla-  
9 mation, nothing has happened except that other governments have  
10 used it as a cue to expand and to better define their own  
11 policies.

12 And I might say the experiences of our fishing fleets  
13 in the waters off of these other countries have been most  
14 unfortunate, so that we can expect, in other words, that the  
15 effect of the Truman policy, the Truman Proclamation on these  
16 other countries might be even more unfortunate than the exper-  
17 iences undergone by our fishermen in the past.

18 It seems to me that if we examine the policy followed  
19 by our government up to the present time with regard to fishery  
20 matters of international character, that we come to the conclusion  
21 our State Department is still living in the days when fishing  
22 as an activity was carried on by our fishermen within a very  
23 short distance off shore. My own feeling is that it is a policy  
24 which is based on fishing skiffs, and not a policy based on high  
25 seas tuna vessels, tuna clippers, and other large trawling  
26 vessels which are now ranging the western shores of this country



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1 and going far into the Pacific. It is a policy which has failed  
2 to keep step with the development of the American fishing fleet,  
3 particularly on the West Coast. On that score I would like to  
4 point this out, that in recent years and to some extent as a  
5 consequence of the war, the West Coast fishing fleet has been  
6 greatly expanded both in the number of vessels now comprising  
7 the fleet and in the range of those vessels. Vessels now are  
8 equipped in the American fishing fleet to go several thousands  
9 of miles, and have to bring back pay loads of fish, particularly  
10 of tuna. And another important factor is this, that as the  
11 fleet has expanded over a period of years, the coastal fisheries  
12 are no longer sufficient to sustain the activities of these  
13 fleets. Most of the major West Coast fisheries are at the  
14 present time overcrowded. Take the sardine industry, for  
15 example, one of the largest fishing operations in the United  
16 States. This fishery at the present time, to some extent as  
17 a consequence of the unavailability of fish is vastly over-  
18 crowded with vessels, and if the fish continue as they have in  
19 the past year, it is likely that at least seventy-five percent  
20 of this fleet will have to seek other fisheries if they are  
21 going to continue to survive. I might also point out that even  
22 if the fishery comes back to its former size, that is to say  
23 a take of five or six hundred thousand tons of fish a season,  
24 that the fishery will still be crowded from the standpoint of  
25 vessels. There are more vessels of the sardine fishery than  
26 the fishery itself can sustain from a safe observation standpoint.



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1 The same holds true with regard to the tuna fisheries off of the  
2 Central American and Mexican coastlines. The tuna fishery is  
3 now crowded by large tuna clippers and by purse seine vessels  
4 and the extent of the fishery is now known as such that  
5 additional vessels will simply work a very extreme hardship on  
6 those vessels that are now presently engaged in the fishery.

7 The same holds true with regard to the halibut fishery which,  
8 of course, is very carefully restricted to an annual take of  
9 fifty-five million pounds with very little possibility that that  
10 take will be very greatly increased, and the number of vessels  
11 that engage in the halibut fishery is more than sufficient to  
12 harvest that annual crop. The same holds true with regard to  
13 salmon fisheries, both off our own coastline and in the  
14 Alaska areas, particularly the Bristol Bay area. We have far  
15 more boats, far more gear and far more factories than are  
16 needed to harvest the annual crop in those areas.

17 What it boils down to in short is that the West Coast  
18 fishing fleet, particularly the West Coast American fishing fleet  
19 is more than ample to harvest the continental shelf fisheries  
20 or the coastal fisheries, the principle coastal fisheries, and  
21 the point arises that if additional vessels enter these fisheries,  
22 vessels from other nations, no positive gain can possibly result.  
23 It will not mean any increase in the over-all supply of food  
24 available; it will not mean any more fish harvested, it will  
25 simply mean that there will be a corresponding decline in the  
26 harvest per boat, and that will simply mean that the fishery



will become more inefficient than it is at the present time.

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The situation pretty much boils down to this, that the day is here when the American fishing fleet must follow on the footsteps of the early American trader vessels that went out in the vast waters of the Pacific. Our fishing fleet must undertake a similar operation, you might say, operation of the Pacific, and our vessels, unless they have the opportunity to proceed into the central Pacific waters, to proceed into the Bering Sea, are going to be faced with conditions verging upon bankruptcy. In other words, it is a life and death proposition now to the American fishing fleet to have a fair break in the Pacific, to get an opportunity to compete on a fair basis with the nationals of other countries.

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Now the way we see the picture in terms of the inescapable facts as far as the fishing fleet is concerned, and as far as the policy of our government as it has been revealed over a period of years is concerned, trouble certainly lies in it. It is inescapable. If, for example, Japanese nationals are permitted to come in and harvest halibut in a fishery which is now restricted, which has more fishermen than is needed, trouble is bound to result. The Japanese nationals are permitted to enter into the tuna fisheries off of the Central American coast where there are ample vessels to harvest this crop, trouble is bound to result. And the same certainly will hold true if the Japanese are permitted to again come into the Bristol Bay area and take salmon, even though they observe the



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1 regulations imposed by the United States Government. As long  
2 as the fleet and the manpower and the gear is sufficient to  
3 harvest these coastal fisheries, and it certainly is as any  
4 government agency is prepared to testify, trouble is bound to  
5 result if additional vessels, if additional gear, and if  
6 additional manpower comes into the picture. And we have had  
7 difficulties in the past of that kind.

8 Now American fishermen are not asking for any special  
9 privileges, we don't want any extra favors. All that we are  
10 asking is that our own government recognize the problem and take  
11 such steps as may be necessary to insure that our fishermen  
12 shall be full fledged citizens of the Pacific and of the high  
13 seas. That, fundamentally, is what the fishermen are asking.  
14 Now, some of the steps that we feel should be taken to effectuate  
15 such a policy to make our fishermen real citizens of the  
16 high seas are as follows: first, and that is specifically with  
17 regard to the impending Japanese Treaty, first, we feel that  
18 guarantees must be provided which will protect coastal fisheries  
19 which now have fleets and fishermen adequate to harvest a maxi-  
20 mum crop, in particular, the salmon, halibut, sardine, and the  
21 coastal tuna fisheries. Secondly, we feel that guarantees are  
22 necessary to provide for fair and friendly competition between  
23 our fishermen and other nationals in the development of the new  
24 fisheries, particularly in the Bering Sea area and in the  
25 Central Pacific area or the area of the Mandated Islands.  
26 Thirdly, we feel that guarantees should be provided which will



1 insure the Japanese fishing harvests will be used to feed the  
2 people of Japan and the people of Asia and not be used as in the  
3 past to be imported into this country for the purpose of  
4 obtaining dollar credits which in turn were used in the past  
5 and might be used in the future to build a new Japanese war  
6 machine. Fourth, above all, we urge that a Pacific fishery  
7 policy, an over-all Pacific fishery policy be formulated and  
8 put into practice, a good neighbor policy, if you will, of the  
9 high seas. We feel that the time has come when such a policy  
10 is indispensable to the peaceful development of the Pacific  
11 fishery resources and the maintenance of a peaceful atmosphere  
12 in which these resources can be developed by the competing  
13 nationals of the several countries in the Pacific area.

14 Those are some of the factors which we feel lay the  
15 basis for a sound Pacific policy, and those are some of the  
16 ideas which entered into the formulation of the statement of  
17 policy which was adopted by this Conference. Now before I  
18 read this statement, I would just like to say this, that to a  
19 great extent the issues confronting the fishermen, that is, the  
20 problems of international character are responsible for bringing  
21 about the formation of this Conference. This Conference  
22 represents the first united front, you might say, of the West  
23 Coast fishing industry, and this organization was brought about  
24 by the problems of the Pacific and particularly the problems  
25 growing out of the Japanese Peace Treaty. And this statement  
26 of policy perhaps grows out of the fears and the ideas of the



1 fishermen to a great extent. I am sure it will be fully  
2 supported by all of the West Coast fishermen. I am sure it  
3 reflects the ideas of those men who have been out in the waters  
4 and who have been grappling with these problems first hand.

5 CHAIRMAN TOLLEFSON: As I understand it, Mr. Kibre,  
6 you are their representative here at this Conference, are you  
7 not?

8 MR. KIBRE: That is right. Now, however, I want to  
9 read a statement of policy which has been adopted by the  
10 Pacific Fisheries Conference, by this body representative of the  
11 entire West Coast fishing industry. What I have tried to  
12 indicate previously is some of the thinking, some of the back-  
13 ground which entered into the formulation of this statement  
14 of policy which I will now read. ... See Exhibit III ...

15 This statement is headed, "A Policy for Fisheries---  
16 A Policy for Peace." And this is the Statement of Policy  
17 adopted unanimously by the Pacific Fisheries Conference in its  
18 two day session here in San Francisco.

19 "War or peace may hang upon the fishery clauses  
20 written into the peace treaty granted to Japan.

21 "Controversies over fisheries have led to war in the  
22 past. This danger is doubled today, when nations compete  
23 for food in order to survive.

24 "Alone among industries, ocean fisheries are inter-  
25 national affairs. In the fisheries, Americans compete in  
26 physical contact with men of other nations in areas where  
only international law applies -- and few holds are barred.

"America has moved into a position of world leader-  
ship. Last week, President Truman pledged we would not  
deviate from this course; but in the face of this



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commitment we find that of 8,000 employees in the Department of State only a handful of subordinates are concerned with fisheries.

"Other nations recognize the international importance of fisheries and the need for a firm voice in their behalf. They have ministers; we have subordinates. In our State Department there is no official of rank who can meet with the fishery ministers of other maritime nations on a basis of equality.

"Now, when we are granting a treaty of peace to Japan -- the foremost fishery nation of the world -- there is among our diplomats no authority competent to represent American fisheries.

"The Pacific Fisheries Conference, composed of all elements of labor and management of the Pacific fishing industry, is determined to bring these facts to the attention of the American people and members of Congress. We are confident that, knowing the facts, they will act.

"The Pacific Fisheries Conference believes there should be established in the Department of State an assistant secretary charged with representing the interests of the American people in ocean fishery matters of international character. We believe the American people must have an assistant Secretary of State with authority and staff adequate to undertake a complete program of oceanic fishery research and conservation in behalf of the Pacific, Atlantic and Gulf fisheries, and to protect the American people in all the fishery councils in the world."

That is the Statement of Policy which the Conference wishes to present to the Committee.

I would just like to conclude by saying this, that this Statement of Policy raises what we consider some very fundamental questions of a far reaching significance to the entire people of this conference and, of course, to the entire problem of the maintenance of world peace. And there are a great many fishermen, thousands of West Coast fishermen who are waiting for an answer to the problems posed by this Statement of Policy who have been waiting for a long, long time. They



1 have suffered indignities which I don't think the citizens of  
2 our country have been subjected to for a good many years. And  
3 I think that the fishermen up and down the West Coast feel  
4 that there should be as quickly as possible an affirmative  
5 answer to the questions raised by this Statement of Policy.

6 CHAIRMAN TOLLEFSON: Thank you, Mr. Kibre. The  
7 Hearing will now recess until 1:30 P.M.

8 ... Herewith the meeting adjourned for luncheon ...  
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1 ... Afternoon Session of Hearing before the Subcom-  
2 mittee of Salt Water Fisheries of The Committee of Merchang  
3 and Marine Fisheries of the House of Representatives of the  
4 Congress of the United States ...

5 CHAIRMAN TOLLEFSON: We will resume our session, and  
6 our first witness this afternoon is Milton Brooding, Monterey  
7 Fish Canners Association.

8 MR. MILTON BROODING, Monterey Fish Canners Association:  
9 Chairman Tollefson, I have listened this morning to several  
10 witness who have all expressed the thinking and the concern of  
11 the Pacific Fisheries Conference in connection with the Pacific  
12 Fisheries problem. They have spoken not as individuals but  
13 have spoken for the Conference. The Conference has given two  
14 days of consideration and deliberation to these concerns as  
15 expressed, and I think it is well to state that this concern  
16 represents both that of labor and of management. These two  
17 parts of the industry, labor and management have a very great  
18 concern in what happens to the Pacific fisheries. Their wel-  
19 fare is tied into it, their livelihood, their daily wage, and  
20 the capital that is invested in the industry. It is not a  
21 small industry as has been pointed out, and is one that should  
22 be given very serious consideration by the Congress of the  
23 United States, the State Department, and all those government  
24 officials who have some influence on its destiny.

25 When President Truman issued his fishery proclamation  
26 of September 28, 1945, in which he asserted that this country



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1 would control and protect its coastal fisheries whatever distance  
2 out to sea was necessary, the industry rightfully expected that  
3 at last this country was about to assume a sound and aggressive  
4 policy in the interests of our own fishermen and the industry,  
5 but nothing has happened, or whatever has happened such as the  
6 reciprocal trade treaty has not lent any assurance to the  
7 industry. Under the circumstances it is easy to understand  
8 why the Conference, composed of labor and management, views with  
9 fear and suspicion whether our own interests will receive the  
10 protection they are entitled to in the negotiation of the  
11 Japanese treaty unless Congress itself steps into the breach.  
12 Because of the secrecy which surrounds the Japanese treaty, it  
13 is feared that this treaty may supersede the Truman Proclamation,  
14 and the American fishery is left without protection. The treaty  
15 will probably regulate the when and where the Japanese will  
16 fish and, of course, this involves protection problems and  
17 possible clashes between the American fishermen on fishing  
18 grounds with that of other nationals.

19 Then, as has already been stated, the treaty may  
20 involve economic considerations such as the importations of  
21 large quantities of fish into the United States, and the  
22 consequent serious distribution problem. The negotiations of  
23 the peace treaty with Japan as far as Americans are concerned  
24 will be in the hands of the State Department. At present no  
25 information is available on the provisions of the proposed  
26 treaty as it affects the Pacific fisheries, and grave concern



1 of course is felt within the industry.

2 The industry has not been consulted on this matter,  
3 and it views with alarm this entire situation. After lengthy  
4 consideration by the Conference, it was the unanimous consensus  
5 of the Pacific Coast Fisheries Conference in session in San  
6 Francisco, California, on September 8 and 9, 1947, that it  
7 should be known -- that it should make known its concern, and,  
8 therefore, the following resolution was adopted.

9 "Resolved that the Division of the Department of  
10 State charged with formulating the Treaty of Peace with Japan  
11 be required to openly discuss with the people of the Pacific  
12 Coast the proposed provisions relating to fisheries so the  
13 covenant of the Treaty may be openly arrived at."

14 I might say in closing, Chairman Tollefson, that  
15 again I would like to emphasize the fact that very serious  
16 consideration has been given to this whole matter in these two  
17 days of the Conference, and that this resolution is in itself  
18 expressing the very serious concern that our fishermen as a  
19 whole have in connection with what may come out of the  
20 Japanese treaty.

21 CHAIRMAN TOLLEFSON: The position taken by your group  
22 is similar, is it not, to that taken by many Americans with res-  
23 pect to secret pacts and treaties secretly arrived at? In  
24 other words, you are not in favor as I take it of establishing  
25 a policy either a foreign policy or an international fisheries  
26 policy until, or without first, let us say, letting the industry



1 know, or the American people know what position the State  
2 Department will take with respect to it.

3 MR. BROODING: Chairman Tollefson, it is the feeling  
4 of the Pacific Coast Fisheries that the decisions that will be  
5 made in arriving at the treaty will have such momentous effect  
6 upon the daily lives of such a large segment of our population  
7 on the West Coast, that it is natural in a country in which we  
8 have a democracy that the people that are concerned or will be  
9 effected by those decisions have some voice and some say in the  
10 decision that is to effect their ultimate livelihood.

11 CHAIRMAN TOLLEFSON: And your position is that thus  
12 far the industry and its representatives have not been consulted  
13 with respect to the possible effects of the treaty.

14 MR. BROODING: That is right.

15 CHAIRMAN TOLLEFSON: Thank you, Mr. Brooding.

16 MR. BROODING: Thank you.

17 \* \* \* \* \*



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1 CHAIRMAN TOLLEFSON: Doctor Chapman, Director of the  
2 School of Fisheries of the University of Washington.

3 DOCTOR CHAPMAN, Director, School of Fisheries,  
4 University of Washington: Chairman Tollefson, you may remember  
5 that when I appeared last before this Committee, I spoke of the  
6 importance of considering the over-all picture of high seas  
7 fisheries research in the conservation and enlargement of our  
8 Pacific marine fisheries.

9 CHAIRMAN TOLLEFSON: I remember very well the fine  
10 presentation you made at Washington before this same Committee.

11 DOCTOR CHAPMAN: The Pacific Fisheries Conference has  
12 requested that I present to you their resolution requesting  
13 assistance from the Congress in carrying out a specific research  
14 project concerning the California Sardine Fisheries. I should  
15 like to preface that resolution with a few remarks designed to  
16 illustrate how this specific project is tied into the general  
17 picture of the enlargement and conservation of our fisheries.

18 The West is young and is not yet through expanding.  
19 We look upon the Pacific Ocean as the great plains of the  
20 Twentieth Century. The great plains of the central part of our  
21 nation were still largely uncultivated wilderness at the beginning  
22 of the last century. In a hundred years it has been transformed  
23 from an unbroken plain to the principle bread basket of the world.  
24 We are still expending millions of dollars each year on  
25 agriculture research to increase that production, and the invest-  
26 ment is paying off magnificently.

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1 CHAIRMAN TOLLEFSON: You have reference to the  
2 expenditure by the federal government of money?

3 DR. CHAPMAN: Yes. We on the West Coast are convinced  
4 that the Pacific Ocean can be made productive in a similar  
5 manner. The Japanese as Doctor Kask has told you this morning  
6 have shown us how this can be done, how a tremendous harvest  
7 can be taken. They went into ocean research on the same scale  
8 and with the same enthusiasm that we have expended on land  
9 research, and the development in that has paid off for them  
10 in a similar manner. Their ocean research financed by their  
11 government is so far ahead of ours that there is very little  
12 sense in making a comparison. It can be simply illustrated in  
13 the statement that when the Japanese scientists found it was  
14 necessary at one stage of their work to take simultaneous  
15 oceanographic measurements at several points of their off shore  
16 waters, they were able to muster ninety high seas research  
17 vessels to take these measurements at ninety widely separated  
18 points on the same day. At this same time we had only one  
19 sea-going research vessel on the whole Pacific Coast, and it  
20 had to be taken from patrol work when it was needed for research.

21 This lack of research on the high seas has left us  
22 woefully short of information about the ocean and even our  
23 coastal waters. Now this ignorance has begun to pinch us rather  
24 sharply. A tremendous California sardine fishery which normally  
25 lands about a quarter by weight of the fish landed each year in  
26 the United States failed miserably last year and doesn't show



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1 much promise this year. The fishing industry came to the  
2 scientists to find out why. We had to tell them very frankly  
3 that we didn't know what was the matter, and until we had boats  
4 to get out and see with, we had no hope of getting this needed  
5 information. The situation was so urgent that the industry  
6 immediately began working for a research program of adequate  
7 size and extent on the sardines. They obtained a grant of  
8 three hundred thousand dollars from the state legislature for  
9 hydrographic research at Scripps Institute. They drove through  
10 the legislature a bill to double their own taxation to raise  
11 funds for the biological end of the research. I think that the  
12 picture of the whole industry asking for its tax bill to be  
13 doubled to raise money for research is unprecedented in the  
14 American legal annals.

15 This enlarged budget for sardine research and ocean  
16 research is the biggest single research project on marine  
17 commercial fisheries that the United States has ever undertaken.  
18 It is a cooperative project by the industry and by all the  
19 research agencies in the state of California. It is financed  
20 almost entirely by the state of California. For the waters off  
21 this state it is probably adequate in scope and finances.  
22 Unfortunately, however, the sardine do not respect state  
23 boundaries and neither do the ocean currents. What is happening  
24 off the coast of Oregon and Washington is probably of as great  
25 importance to the sardine fisheries as what is happening off the  
26 state of California. The states of Oregon and Washington quite



1 realize this fact. They are eager to join in this cooperative  
2 research project and do their part. Unfortunately, they do  
3 not have the money to carry out their end of the work. The  
4 sardine fishery off those two states is not of sufficient  
5 importance to justify them spending the large sums of money  
6 needed. The Pacific Fisheries Conference which is composed of  
7 all elements of labor and management of the Pacific fisheries  
8 from San Diego to Alaska has recognized this need and have  
9 unanimously requested that the federal government through the  
10 Congress provide the necessary matching funds to permit this  
11 cooperative coast-wise research project to be completed off  
12 the northern coast.

13 We wish to emphasize that these are matching funds.  
14 We are footing as much of the bill as is possible, and we  
15 certainly would not request the intervention of the federal  
16 government if it were not urgently necessary. The habit in  
17 recent years of justifying specific federal expenditures for  
18 a wide variety of uses has been somewhat overdone. The present  
19 project is fully justified solely from the dollars and cents  
20 return that will result to the nation from the stabilized yield  
21 of the sardine fishery. It might be interesting, however, to  
22 know at least one of the other several benefits that will  
23 derive from the work.

24 The whole production of the fish along the West Coast  
25 states is regulated or in some manner affected by the up-welling  
26 of the food rich waters from the lower ocean levels as the



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1 currents hit the coast. The amount of this up-welling deter-  
2 mines how much food there will be for fish in our waters; how  
3 successful the survival of the young fish will be; where the  
4 albacore will hit the coast, and a host of other effects on  
5 every fishery along the coast. It is quite probable that such  
6 seemingly unrelated things as the amount of fog in San Francisco  
7 and the amount of rain in Seattle is also related to the amount  
8 of this up-welling. We know that there is such up-welling; we  
9 know that it varies widely from year to year, both as to  
10 quantity and location. We know it exerts wide and varied  
11 influence on the yield of our fishery, but beyond these general  
12 statements, we know practically nothing about the nature of this  
13 important factor. We are not able to measure it or its effect  
14 on our ocean currents or its effect on the yield of our fisheries.  
15 The up-welling along the Oregon and Washington coast is inti-  
16 mately related to that off California.

17 The study of that factor along the entire West Coast,  
18 a necessity to the sardine research project, will very likely  
19 result in larger eventual returns to the country as a whole  
20 than the specific results of the sardine research project  
21 itself. These larger results will affect the management and  
22 yield of the marine fishery on the coast. Without further  
23 remarks, I will read the resolution on the sardine industry of  
24 the Pacific Coast which was unanimously passed yesterday by the  
25 Pacific Fisheries Conference. ... See Exhibit IV ...

26 "The SARDINE FISHERY of California, Washington and



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1 Oregon is faced with a crisis. For two years sardines  
2 have failed to appear on the traditional northern  
3 fishing grounds. A \$65,000,000 industry lies  
4 practically idle and thousands of workers and fishermen  
5 are out of work. Oceanic research is desperately  
6 needed and NOW.

7 "The State of California has appropriated money for  
8 the conversion of three vessels and a further \$300,000  
9 for oceanographic research. The California Sardine  
10 Industry has voluntarily increased the tax it pays  
11 on sardines to furnish an additional \$100,000 to  
12 \$300,000 for investigating the sardine. The present  
13 State and Federal investigating organizations as well  
14 as other scientific institutions have agreed to pool  
15 their research personnel and facilities to carry out  
16 an all-out research program. BUT THIS IS NOT ENOUGH.

17 "By reason of limited funds and available facilities,  
18 great ocean areas off Washington and Oregon as well  
19 as waters south of California cannot be investigated  
20 under this program. Federal help is necessary.

21 "THEREFORE BE IT RESOLVED

22 "That this Conference recommend and urgently request  
23 that adequate funds be provided by the Congress to  
24 enable the Federal Agency charged with scientific  
25 marine fishery investigation to carry out its part  
26 of the program for research and investigation of the  
sardine and other fisheries of the Pacific Waters  
in conjunction with the Pacific Fisheries Commission."

CHAIRMAN TOLLEFSON: I think you have covered your  
subject quite thoroughly, and I don't think of any questions I  
want to ask you at this time.

Thank you, Doctor Chapman.

\* \* \* \* \*



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1 CHAIRMAN TOLLEFSON: I will call on Mr. Joe Landry  
2 at this time.

3 MR. JOE LANDRY: Thank you, Chairman Tollefson. I  
4 also want to apologize to Doctor Clark for stepping in his  
5 place on the list. I have a very brief statement.

6 CHAIRMAN TOLLEFSON: Mr. Landry, will you give your  
7 full name and title?

8 MR. LANDRY: Joe Landry, Cannery Workers and Fishermens  
9 Union of San Diego, Business Agent.

10 CHAIRMAN TOLLEFSON: You were their representative at  
11 this Conference?

12 MR. LANDRY: There were two of us in attendance at  
13 this Conference, Lester Ballinger, our Secretary-Treasurer who  
14 has already had to leave, and I have to leave before three. We  
15 both have to be in San Diego early tomorrow. We were not really  
16 acquainted with the fact that we would be coming here until the  
17 latter part of last week which means that neither one of us,  
18 nor the organization as a whole made up any form of a resolution  
19 whatever to send in here. However, since we have been here, we  
20 both found that through the association with the other gentlemen  
21 attending this Conference, it has been highly educational to  
22 us. We have learned a great deal about this industry we didn't  
23 know before. Now our statement is this: ... See Exhibit V ...

24 "We are grateful for the opportunity and privilege to  
25 appear before you and state our views on the Fisheries  
26 problems. There are many problems faced by all phases  
of the industry. I shall only mention that phase  
which I am personally acquainted with. Since early



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1 childhood my life has revolved around the Fishing  
2 Industry. In the schoolroom we were taught a portion  
3 at least of Early American history, which in my  
4 recollections dwelt to some length on the activities  
5 of Early Americans in the fish field. Of course, in  
6 the days of our first settlers we did not have the  
7 industry as we know it today. The fishermen then  
8 more or less built their vessels with their own hands  
9 and at best with rough tools. At the present time the  
10 only thing we have in common with our early settlers  
11 is the same desire and strength of purpose; mainly we  
12 feel that is to sail on a free ocean to wrest a living  
13 from the sea.

14 "As we all realize the American Fisheries has never  
15 been given its proper and rightful place in the picture  
16 of American economy. In various trade pacts and agree-  
17 ments negotiated by our Department of State, the  
18 fishing interests of our country have always been  
19 placed in a roll of minor importance. This attitude  
20 on the part of our State Department has grown rather  
21 than decreased in its moment to our fisheries. We  
22 feel now that it is certainly time that we receive  
23 the consideration due us. We feel that no treaty or  
24 trade pact with any country be entered into in which  
25 our ocean rights and economic interests are involved  
26 without serious consideration being given to an  
industry which has only reached its present impor-  
tance in our economy through a terrible sacrifice of  
lives, labor, and an investment of money of no small  
consequence. As for the political or diplomatic  
importance of the Fisheries, it seems that in the  
eyes of our Department of State our only importance  
is that we constitute a concession that can be made  
to other countries more or less freely. However,  
that phase perhaps is better left to people more  
qualified to speak on. In our part of the industry  
we do not raise many politicians.

21 "In closing we can only hope and request that in  
22 future negotiations we will in all phases of our  
23 industry be given due consideration and receive  
24 treatment that is in accord with our standards of  
25 living and purpose of life."

24 That is all.

25 CHAIRMAN TOLLEFSON: Regardless of the fact that you  
26 raise no politicians in your industry, you receive the definite



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1 impression that the fishing industry is treated as a concession  
2 to be given to other nations, let us say, over the treaty table?

3 MR. LANDRY: It has been my own personal experience,  
4 or at least I have gained a knowledge through association with  
5 the industry over a period of years. For instance, in the early  
6 'twenties, we had a rather large salt fish industry in the  
7 United States on the Eastern Seaboard. A great many vessels  
8 operated in the North Atlantic in that particular phase of the  
9 industry. Through the relaxation of quotas and duties, our  
10 salt fish industry was killed by imports of salt fish from New  
11 Foundland and the maritime provinces of Canada, and Norwegian  
12 imports. Now since the 'twenties we built up on the East Coast  
13 a large fleet of draggers, trawlers, auto-trawlers, I think a  
14 fleet of auto-trawlers comparable to any nation in the world  
15 operating off shore many hundreds of miles, bringing their  
16 catches into the fresh market. Now we find that through  
17 indiscriminate importations of fresh frozen fillets that fresh  
18 fish markets have been shot to the dickens. Because of that  
19 import on the Atlantic Seaboard, and I think though I am not  
20 sure the condition is existent in the northwest, a major  
21 portion of our fleet of draggers has been forced to tie up  
22 because they cannot operate successfully under present conditions.  
23 And apparently we are faced on the West Coast with the same sort  
24 of a condition now if interests are allowed to indiscriminately  
25 bring products of other countries in here, which according to  
26 the past we know will be unfair competition. The industry here



1 can't survive. This industry didn't grow up overnight. The  
2 West Coast fisheries, I am not too well informed on, only  
3 through my own observations and discussions with people who  
4 started in some phases of it. I say some phases meaning the  
5 tuna industry. I have learned a good bit just through  
6 association with those men who originated the industry on this  
7 coast and have helped perpetuate it, have developed it to the  
8 extent that it is now known, I mean a many million dollar  
9 project. It has taken a lot of hard work, a lot of perseverance,  
10 and we, none of us, feel that we want to see the results of all  
11 those years of labor just knocked out from under us by some  
12 sort of a treaty that might be formed I will say through,  
13 perhaps, ignorance in our State Department of the situation.  
14 I don't believe they would do it maliciously.

15 CHAIRMAN TOLLEFSON: When you say "ignorance" you  
16 mean lack of sufficient information?

17 MR. LANDRY: Lack of knowledge.

18 CHAIRMAN TOLLEFSON: Assuming that you, without  
19 saying whether you do or not, assuming that you approve generally  
20 of, let us say, the general reciprocal trade theory, I take it  
21 from what you say that you do not believe in it to the extent  
22 that our fishing industry should be sacrificed or destroyed.

23 MR. LANDRY: I might say on that particular thing,  
24 last year an organization that I am a member of was represented  
25 in Washington at hearings before Knudsen's committee. We spent  
26 a good deal of time, money and energy on sending this



1 representation there. They came home with the report that in  
2 the eyes of the powers that be the fishing industry was a  
3 relatively non-important one, and if it was necessary in develop-  
4 ing a reciprocal trade agreement with other countries, if it was  
5 necessary to sacrifice the fishing industry of this country,  
6 which is the oldest industry second to agriculture that the  
7 United States has known, then it would be done if that became  
8 necessary.

9 CHAIRMAN TOLLEFSON: That was the impression and  
10 information that came back to your organization from the nation's  
11 Capitol?

12 MR. LANDRY: That is correct, sir. Naturally, we  
13 don't have too high regard at the present time at least for  
14 those who have been making the rules by which we must play.

15 CHAIRMAN TOLLEFSON: I think I have no further questions  
16 to ask you, Mr. Landry. Thank you.

17 \* \* \* \* \*



71.

1 CHAIRMAN TOLLEFSON: All the witness who testified  
2 prior to Mr. Landry were authorized spokesmen of the Pacific  
3 Fisheries Conference, and the resolutions and the statements  
4 they made as I understand it were the resolutions and the  
5 position of the Conference.

6 FLOOR: That is right.

7 CHAIRMAN TOLLEFSON: Now we come to a list of  
8 witnesses who represent their individual associations which are  
9 members of the Pacific Fisheries Conference, but I gather that  
10 what they have to present are the positions of their individual  
11 associations and those positions may or may not be identical  
12 with that of the Conference, and they are appearing here simply  
13 because the Conference has not had the time or the opportunity  
14 to pass upon their particularly announced positions.

15 FLOOR: That is right.

16 CHAIRMAN TOLLEFSON: The first one is Doctor Clark,  
17 Association of the Pacific Fisheries.

18 DOCTOR CLARK, Association of Pacific Fisheries:  
19 Mr. Chairman, first I would like to express to you the  
20 appreciation of our branch of the fishing industry for the  
21 interest of your committee in coming out here and giving us an  
22 opportunity to tellyou something about our troubles. Also, I  
23 should like to make it clear that our position is not a  
24 different position from the one of the Conference. We are  
25 supporting it in every way. I have prepared a written statement  
26 in the interests of saving time which I will read later on some



1 of the background of our particular industry. We feel that  
2 this is an opportunity for the Pacific Coast Fisheries to  
3 write a record and a handbook that we trust the officials of  
4 the State Department will read and digest and act on.

5 Now, other representatives here speaking for the  
6 Conference have told you of some of the problems that we face.  
7 Of course the first one is the Japanese Peace Treaty. It has  
8 already been pointed out to you, and I feel that from the  
9 viewpoint of the salmon industry we shouldn't miss this  
10 opportunity to say that we have the same fears that have been  
11 expressed to you and are being expressed to you by the  
12 representatives of the operators and of labor. The possibility  
13 of trouble from the Japanese Peace Treaty comes in the area of  
14 production, the conflict of fishermen in common meeting fishing  
15 grounds, and also in the field of distribution on products that  
16 Japan, we know, is now producing in increasing quantities. In  
17 the days before the reciprocal trade agreement act it was possible  
18 for us to go to Washington and in fact I did in 1921 and again  
19 in 1930. We held the line on the duty on our product, canned  
20 salmon, with the cooperation of Congress. As you know under the  
21 present setup we have no place to go. It is true that we can  
22 appear at hearings before the Committee on Reciprocity Infor-  
23 mation, but those people are not businessmen as many of you  
24 Congressmen and Senators are, and they are not always sympathetic  
25 to the position of an industry that is asking for help. And we  
26 have already seen pretty definite signs that the State Department



73.

1 views the fishing industry as one of those things which is  
2 relatively small in the picture of the economy of the country  
3 compared with so many of the other great industries and can be  
4 sacrificed because there are not very many people to complain.  
5 And also they feel that there are other good fishermen in the  
6 world, that if they can fish to better advantage and produce  
7 processed products at lower costs, there is no reason why  
8 they shouldn't do it, which of course might have been all right  
9 a hundred years ago, but our economy has been built up  
10 on the basis of a theory of tariffs which says that we should  
11 equalize as far as possible the cost of production between the  
12 foreign country and our own country.

13 CHAIRMAN TOLLEFSON: Just to interrupt, and for the  
14 sake of the record, do you definitely have the impression in  
15 your dealings with representatives of our government it is  
16 their position that our fishing industry can be sacrificed,  
17 and maybe possibly will be sacrificed?

18 DR. CLARK: Yes, sir, and further than that, we got  
19 a very definite impression that at Geneva canned salmon was one  
20 of the products slated for trouble.

21 Now in regard to the President's off shore proclamation,  
22 a good deal has been said about that. That is one of the things  
23 that we had great hopes for in the beginning for this reason.  
24 On September 28 the State Department issued a release of which  
25 I have an original copy explaining the action, the purpose and  
26 the spirit of -- in back of the off shore fisheries proclamation.



74.

1 I will not read it all, it is too long, but there is one para-  
2 graph here which as it refers specifically to the Alaska  
3 Salmon Industry, and as it is such a clear statement of the  
4 original policy which has not been lived up to, I should like  
5 to read it into the record. This is the paragraph:

6 "As a result of the establishment of this new policy,  
7 the United States will be able to protect efficiently,  
8 for instance, its most valuable fishery, that for the  
9 Alaska salmon. Through painstaking conservation  
10 efforts and scientific management, the United States  
11 has made excellent progress in maintaining the salmon  
12 at high levels. However, since the salmon spends a  
13 considerable portion of its life in the open sea,  
14 uncontrolled fishery activities on the high seas  
15 either by nationals of the United States or other  
16 countries have constituted an ever present menace to  
17 the salmon fishery."

18 Now, that is the official statement. I take it that  
19 is almost a promise to the salmon industry as an example that  
20 this is what the proclamation is supposed to do.

21 CHAIRMAN TOLLEFSON: You read that from the Proclamation  
22 itself?

23 DR. CLARK: I read it from the press release, Mr.  
24 Chairman, issued by the State Department on September 28 that  
25 accompanied the official releases of the President's Proclamation  
26 and the Executive Order.



1 CHAIRMAN TOLLEFSON: At this point it might be well  
2 for the record to show the approximate value of the salmon  
3 industry, the Alaska Salmon Fishing Industry. What is the  
4 annual value of the salmon yield?

5 DR. CLARK: Well, I have that, sir, in the statement  
6 here. I can cover that later. Does it make any difference? It  
7 will be covered in connection with this same thing.

8 CHAIRMAN TOLLEFSON: That is what I want.

9 DR. CLARK: Now, there is one other thing that dis-  
10 turbed us which I should like to mention. It has already been  
11 mentioned, and that is the action on May 7 of the Food and  
12 Agricultural Organization in sending out a proposal to some  
13 twenty-two governments for the establishment by conventions of  
14 fisheries research and finally regulatory controls for a study  
15 of the sea. Now under that plan the world is divided into some  
16 six or seven large domains in which the countries having either  
17 territorial claims or fishing claims are invited into regional  
18 agreements for research leading ultimately to joint regulations.  
19 I will not go into that in detail except to say that the world  
20 has been divided up in such a way that even the North Pacific  
21 which is one large area and in the other area which begins north  
22 of Santa Barbara and goes to Cape Horn, and in another including  
23 the Mandated Islands, the United States is in a position of being  
24 a minority member of this setup, and we can see a possibility of  
25 a great deal of trouble developing from that sort of a setup.  
26 We don't know how far it is going to go or what will be done, but



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1 we think it is something that a friendly person in the State  
2 Department could watch to very good advantage to the Pacific  
3 fisheries.

4 Now from time to time statements have been made and  
5 will be made in regard to conservation of the fisheries and the  
6 sacrifices that such conservation requires of both the operators  
7 and the fishermen. I have here in my hand a pamphlet published  
8 annually by the United States Fish and Wild Life Service which  
9 is entitled, "The Laws and Regulations for the Protection of  
10 the Commercial Fisheries of Alaska, 1947 Regulatory Announcement  
11 Number 19." Now that is a very valuable book. It is practically  
12 the fisherman's Bible and the cannery operator's Bible, and it  
13 is exactly sixty-six pages long printed in extremely fine print.  
14 What it tells you there in plain English is that fishing for  
15 salmon is prohibited everywhere in Alaska except where this fine  
16 print tells you you can fish. Now that requires a lot of sacri-  
17 fice on the part of both the fisherman and the operator. In  
18 addition to that there are numerous amendments which come out  
19 from time to time, one of them I remember closed one fishing  
20 area for two weeks, put the fishermen out of business and the  
21 canneries while they allowed the fish to go up and spawn. I am  
22 only bringing that up to show that conservation as far as the  
23 salmon of Alaska is concerned means real sacrifice on the part  
24 of the operators and on the part of fishermen. It is not a  
25 theory; it is a fact.

26 Now, with your permission, in order to save time, I



1 will read this statement. It is a little of the background.

2 ... See Exhibit VI ...

3 "The Salmon Canning Industry -- Its Economic Importance and Role in National Defense"

4 "It is very appropriate that here in San Francisco  
5 we should be considering the economic importance of  
6 the salmon canning industry, as the first salmon  
7 canned on the Pacific Coast was packed just ninety  
8 miles from here near Sacramento in 1864. The  
9 industry then grew North, at first in 1867 to the  
10 Columbia River and then in 1878 the first cannery  
11 was established in Southeastern Alaska. Today, salmon  
12 canning is the largest industry in Alaska, paying more  
13 than half of the taxes, providing much of the employ-  
14 ment and largely accounting for the maintenance of  
15 the water transportation to and from the Territory.  
16 As a matter of fact, 11 to 13% of the North-bound  
17 freight from Seattle and over 80% of the South-bound  
18 freight to Seattle is provided by the salmon canning  
19 industry. It has been estimated that the fisheries of  
20 Alaska account for 75% of the wealth annually produced  
21 in the Territory. Maintenance of the salmon industry  
22 at its maximum is essential to the economy of the  
23 Territory. To turn any substantial part of this  
24 fishery over to the nationals of other countries  
25 would be a tragedy for Alaska.  
26

16 "Wealth in the form of foods from the sea is not like  
17 wealth from mineral products which once removed from  
18 the ground are gone forever. Under proper conservation  
19 regulations which permit the maximum utilization of the  
20 fisheries without impairing the future supply, annual  
21 crops from the sea may be gathered year after year  
22 without cost of fertilization, cultivation, or other  
23 attention. During the recent world war, and since,  
24 many nations are waking up to the fact that in the  
25 oceans of the world there are large supplies, presently  
26 unused, of foodstuffs in the form of fish and fish  
products which contain essential proteins, important  
vitamins, necessary minerals, oils, etc. which are  
most valuable for both men and animals. Also, it is  
realized that from the standpoint of the man-hours of  
labor involved, the food values made available by the  
fisheries are greater than those coming from most  
types of agriculture. Dr. R. A. Gortner, Jr., an  
expert on protein foods with the National Research  
Council, calculated that the man hours spent in  
fishing produced from four to ten times as many pounds



1 of food as a farmer raising hogs which are considered  
2 the most efficient of all animals in making meat.  
3 As examples, he stated that the men working on the  
4 fish trawlers in our North Atlantic fisheries pro-  
5 duced about 200,000 pounds of food per man per season,  
6 while in the California sardine catch the production  
7 of the fishermen in a seven months' period was  
8 500,000 pounds per man.

9 "The salmon canning industry alone in Alaska, Washing-  
10 ton and Oregon consists of about 130 canneries,  
11 employing some 35,000 fishermen and cannery workers  
12 directly, of which some 20,000 persons are employed  
13 in the Alaska salmon canneries alone. About 10,000  
14 residents of Alaska work in our industry. In  
15 addition, 35,000 other persons are indirectly  
16 employed in affiliated industries, such as trans-  
17 portation, net manufacturing, canmaking, warehousing  
18 food suppliers, marine hardware and lumber manufac-  
19 turing, and a host of other articles, all of these  
20 in the United States. Over 4,500 vessels, tenders,  
21 fishing-boats and other pieces of floating equipment  
22 are used in connection with the fishing for and the  
23 processing of salmon in the canneries of Alaska. In  
24 addition, there are a considerable number of other  
25 boats used there for catching salmon, herring, etc.,  
26 used for purposes other than canning. In Washington  
and Oregon over 6,000 vessels, boats and other forms  
of floating equipment are engaged in the fisheries,  
but government statistics do not give the number  
engaged in salmon fishing alone. The annual value of  
the canned salmon produced in the Pacific Northwestern  
states and in the Territory of Alaska amounts to  
\$80,000,000 or more to the canner. (The reason I say  
to the canner is that is what he gets for it, the  
actual prices; in distribution compared with meat and  
other things in retail of course is considerably more  
than that.) With the restoration of the Fraser River  
runs through the cooperation of Canada and the United  
States this should substantially increase, unless  
interfered with from abroad.

22 "Why Should We Conserve Our Salmon For Others Who  
23 Have Made No Sacrifices?

24 "The conservation of salmon, in order that the future  
25 supply may not be impaired, is a fundamental principle  
26 agreed to by the operators and fishermen as well as  
by the Federal and State fisheries regulatory bodies.  
Because the salmon which spend part of their lives  
in salt-water must always return to our fresh-water



1 lakes and streams to spawn, we have a situation in  
2 which this country has a particular interest and  
3 proprietary right in the salmon fisheries. In fact,  
4 the various federal, state, and private agencies  
5 interested in regulating the salmon fisheries and  
6 in carrying out research and conservation work,  
7 probably spend some two or three million dollars a  
8 year in connection with this work, as well as actually  
9 paying for the hatching and rearing of the young  
10 salmon. The salmon canners of Alaska are spending  
11 nearly \$140,000 a year in biological research on the  
12 salmon under Dr. W. F. Thompson, Director of the  
13 Fisheries Research Institute of the University of  
14 Washington. As far as the canning of salmon is  
15 concerned, the raw material comes almost entirely  
16 from the fishing-gear used along the continental  
17 shelf within and outside of the territorial waters  
18 of Oregon, Washington and Alaska as the salmon are  
19 beginning to answer their call to return to rivers  
20 and creeks to spawn. It is important to remember in  
21 this connection that the life cycle of the salmon  
22 begins when the eggs hatch in fresh water and ends  
23 when the fish come back from their ocean travels to  
24 spawn and die often in the same stream or lake from  
25 which they came originally. Because of this life-  
26 cycle of the salmon which begins and ends in our  
country, and also, because of the large sacrifices  
required of both fishermen and operators in complying  
with federal and state conservation regulations over  
a long period of years, it is felt that the American  
government and the American fishermen and cannerymen  
have a right to expect that the nationals of other  
countries should not catch these homing fish outside  
our territorial waters. It is possible for them to  
do this easily while the salmon are massed in runs,  
particularly in Bering Sea, where they form 'rivers  
of fish' to return to their American spawning grounds,  
unless our Government protects these fisheries against  
such action.

"Salmon Cannerymen's Contribution to the Defeat of Japan's  
Attempted Invasion of Alaska."

"The floating equipment of the Alaska salmon canning  
industry played an important part in the spring of  
1942 in turning back the Japanese invasion which  
started with the bombing of Dutch Harbor. About 240  
pieces of floating equipment of all types were taken  
over from the canneries by the Army and Navy. The  
cannery vessels and floating equipment taken over



1 at that time amounted to about 25% of the total which  
2 our industry had available. We are proud of the ser-  
3 vice that our equipment was able to give in the national  
4 defense at that critical time, when the invasion of  
5 Alaska was the prime object of the Japanese. We have  
6 the testimony of Admiral Frederick A. Zeusler, now  
7 retired, who served for 15 years in Alaska, five of  
8 them as District Coast Guard Officer stationed at  
9 Ketchikan, who pays tribute to these vessels which  
10 were the only lookouts and patrol boats which the  
11 Navy had available in Alaska in the early months of  
12 the war. Also, he points out that it was a converted  
13 fisheries and patrol boat which sunk the first enemy  
14 submarine in Alaskan waters and, further, it was the  
15 fishing vessels which picked up all of the survivors  
16 of the vessels sunk in Southeastern Alaska waters as  
17 the result of enemy action. He considered these  
18 fishery vessels and the canneries with their radio  
19 stations the eyes and ears of the fleet. His state-  
20 ment made before the Committee on Reciprocity Informa-  
21 tion of the State Department on January 30, 1947,  
22 is available in mimeographed form and should be made  
23 a part of the appendix of this hearing."

13 CHAIRMAN TOLLEFSON: It may be. ... Exhibit VII ...

14 DR. CLARK: It is not very long and it not only deals  
15 with that particular angle, but it is the best statement on the  
16 geographical setup and the spread and shoreline of Alaska that  
17 I know of.

18 "Furthermore, we also have the similar testimony and  
19 a tribute to the fishermen and fishing boats from  
20 Vice-Admiral C. S. Freeman, who was Commander of the  
21 Northwest Sea Frontier in 1942 when the first  
22 Japanese attack on Alaska occurred. On October 2, 1942  
23 he wrote an open letter to the Editor of the Pacific  
24 Fisherman expressing the appreciation of the Navy  
25 for the patriotic devotion and work of our fishermen  
26 and fisheries in connection with the National Defense  
during that critical period when Alaska was in the  
combat zone. This open letter of Vice-Admiral Freeman  
to the fishing industry should also be made a part of  
the appendix if that is agreeable."

CHAIRMAN TOLLEFSON: It may also be introduced as an  
exhibit. ... Exhibit VIII ...



81.

1 DR. CLARK: Thank you. Now, maybe you think I have  
2 stressed this question of the National Defense, but in a moment  
3 you will see what I am driving at.

4 "The amended Reciprocal Trade Agreements Act provides  
5 that industries essential or important to the national  
6 defense shall receive special consideration. We  
7 believe that doctrine applies equally well to  
8 negotiations by the State Department of all treaties  
9 in which fisheries are involved.

10 "The Salmon Canning Industry Wholeheartedly Supports  
11 The General Resolutions On The State Department.

12 "The industry has again and again appealed to the  
13 State Department for action to protect our American  
14 interests, but has received only idle promises.  
15 Accordingly, the American salmon canning industry  
16 wishes to record its entire concurrence in the  
17 general resolutions of the Pacific Fisheries Conference  
18 on the subject of handling international fisheries  
19 questions by the State Department in connection with  
20 the proposed Japanese peace treaty and related matters  
21 which are presented and explained at this hearing. We,  
22 as duly appointed representatives of all branches of  
23 the American salmon canning industry, have signed these  
24 resolutions as an expression of the desires and needs  
25 of our industry in this connection. We trust that  
26 the Congressional subcommittee holding this hearing  
will take a strong stand for the protection of the  
American fisheries and will do everything in its  
power to accomplish the important changes which are  
set forth in these resolutions. From this short  
statement of the economic and military importance of  
the salmon canning industry of Washington, Oregon and  
the Territory of Alaska, the members of this committee  
will understand why we consider this resolution so  
vital to the future of our industry, including the  
operators, fishermen, cannery workers and all those  
who make a livelihood in connection with the industry,  
either directly or indirectly; and why, too, it is a  
matter of genuine national and international impor-  
tance."

24 Now as a Trade Association Secretary, I know that  
25 people are interested in correcting their remarks. I am  
26 wondering, Mr. Chairman, if the different witnesses who have



1 appeared today will have an opportunity to see the transcript  
2 and correct it.

3 CHAIRMAN TOLLEFSON: As I understand it, the trans-  
4 cript will not be ready for at least two weeks, and as soon as  
5 the transcript is ready, I shall make it available to you  
6 people who appeared as witness so that you may correct errors  
7 which appear in the record.

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1 CHAIRMAN TOLLEFSON: The next witness will be  
2 Anton Sorenson, Columbia River Salmon and Tuna Packing  
3 Association.

4 MR. ANTON SORENSON, Columbia River Salmon and Tuna  
5 Packing Association: Chairman Tollefson, Senator Allen. I  
6 have been delegated to present this resolution from our  
7 Association. Although we concur in everything of the meeting  
8 of the Pacific Fisheries Conference, these resolutions were  
9 drawn before we came here and we felt it should be introduced.  
10 So much has been said already that I don't think I should take  
11 up any time except to say that we have been fearful since the  
12 end of the war from what we saw happen to our bottom fish  
13 industry when importation of fillets were brought into the  
14 country. And here in the last month we saw what happened to  
15 our shark fishery when it was merely announced that there was  
16 forty million pounds of medicinal sales to be granted to  
17 exports from Japan. And that is one of the reasons why we  
18 attended this meeting. We feel that we should be afforded some  
19 protection.

20 CHAIRMAN TOLLEFSON: Do you wish to read your reso-  
21 lution or do you just want to introduce it in the record at  
22 this point.

23 MR. SORENSON: That will be all right, too. It is  
24 not necessary to read it.

25 CHAIRMAN TOLLEFSON: It may be put in the record at  
26 this point as though you had read it. ... Exhibit IX ...