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# POLITICS OF THE NORTH PACIFIC FISHERIES—WITH SPECIAL REFERENCE TO THE TWELVE-MILE BILL

KLINE R. SWYGARD\*

## INTRODUCTION

The politics of fisheries in the North Pacific Ocean resemble a mammoth iceberg drifting in the arctic region of that vast sea—only a small part is visible on the surface, and its force can be seriously underestimated. A complete understanding of fisheries problems in the North Pacific depends upon comprehension of the essential roles of politics and administration—their contributions and limitations. The adoption of any policy, law, agreement or treaty is dependent upon effective political operations, and the utility of these laws and agreements, if not their wisdom, is finally dependent upon the manner and success of their administration, which is also, in varying degrees, political. Unfortunately literature on the politics and administration of fisheries has lagged far behind scientific, legal, or economic publications on fisheries.<sup>1</sup>

The purpose of this paper is to review the historical development of the federal legislation which established “a contiguous fishing zone beyond the territorial sea of the United States,” popularly known as the 12-mile bill,<sup>2</sup> with particular reference to the interplay of political

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<sup>1</sup> When this writer prepared his doctoral dissertation on the halibut and sockeye salmon treaties and commissions in the late 1940's, literature on the politics and administration of fisheries was essentially nonexistent. Except for recent studies by the Food and Agricultural Organization on fisheries administration, these subjects continue to suffer from neglect. See K. Swygard, *The International Halibut and Sockeye Salmon Fisheries Commissions: A Study in International Administration*, 1948 (unpublished thesis in University of Washington Library).

<sup>2</sup> 80 Stat. 908 (1966) reads:

An Act to establish a contiguous fishery zone beyond the territorial sea of the United States.

There is established a fisheries zone contiguous to the territorial sea of the United States. The United States will exercise the same exclusive rights in respect to fisheries in the zone as it has in its territorial sea, subject to the continuation of traditional fishing by foreign states within this zone as may be recognized by the United States.

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

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

Sec. 4. Nothing in this Act shall be construed as extending the jurisdiction of

forces in order to expose politics and its role in the North Pacific fisheries.<sup>3</sup>

### I. EARLY ATTEMPTS TO ESTABLISH EXTENDED FISHERIES ZONES

The 12-mile bill was not "struck off at a given moment by the mind and purpose of man." It was the culmination of efforts which date back at least to 1886 when the United States attempted to regulate foreign vessels exploiting North Pacific fur seals beyond the territorial waters of the United States. Following seizure of British sealing vessels in 1886, 1887, and 1888, the United States enacted a law which sought to extend American jurisdiction throughout the Bering Sea. The British resisted, and proposed arbitration of the issue; the United States agreed.<sup>4</sup> The arbitral tribunal decided in favor of Great Britain, stating in terse language that "[t]he United States has not any right of protection or property in the fur seals frequenting the islands of the United States in the Bering Sea, when such seals are found outside the ordinary 3-mile limit."<sup>5</sup> At this time political climate for extension of fisheries jurisdiction was intense; Secretaries of State Bayard and Blaine, supporting American fur seal interests, personally participated in the controversy.<sup>6</sup> Further claims to extend jurisdiction over the fur seals were rendered unnecessary by the conclusion of a convention among interested nations.<sup>7</sup> The convention established controls under American administration with a joint sharing in the harvest, and eased, for the moment, political interest in an extended fisheries zone.

American fear and opposition to the encroachment of Japanese fishermen emerged in the early 1930's when the Japanese began to fish the Bering Sea and Bristol Bay for salmon. In 1937 Delegate

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the States to the natural resources beneath and in the waters within the fisheries zone established by this Act or as diminishing their jurisdiction to such resources beneath and in the waters of the territorial seas of the United States.

<sup>3</sup> The administrative process of decision-making in various fisheries organizations is dealt with in this symposium. See Burke, *Aspects of International Decision-Making Processes in Intergovernmental Fishery Commissions*, 43 WASH. L. REV. 115 (1967).

<sup>4</sup> For a more complete survey of this controversy, see L. LEONARD, *INTERNATIONAL REGULATION OF FISHERIES* 55-82 (Carnegie Endowment for International Peace, Division of International Law, Monograph No. 7, 1944).

<sup>5</sup> 1 FUR SEAL ARBITRATION 56 (1893).

<sup>6</sup> See LEONARD, *supra* note 4.

<sup>7</sup> The Convention for the Preservation and Protection of Fur Seals, July 7, 1911, 37 Stat. 1542, T.S. No. 564. Parties to the Convention were the United States, Great Britain, Japan and Russia. This was the historic predecessor of the current agreement—Interim Convention on Conservation of North Pacific Fur Seals, Feb. 9, 1957, 8 U.S.T. 2283, T.I.A.S. No. 3948—in which Canada replaced Great Britain as a party.

Dimond of Alaska (then a territory) and Senator Bone of Washington introduced bills in Congress which, if passed, would have asserted American property rights in Alaska salmon to the exclusion of the Japanese.<sup>8</sup> The following year Senator Copeland of New York introduced a bill which claimed American jurisdiction over the Bering Sea on the ground that this area was not a true continental shelf but a submerged appendage of the North American Continent.<sup>9</sup> These bills failed to pass; in fact, they were not expected to pass being designed to stimulate concern and action and to set the stage for later enactments. One may reasonably conclude that the level of political support in and out of the Congress for extended fisheries jurisdiction was not very great at this time.

Nevertheless, pressure for extended jurisdiction continued. After repeated failures in Congress, proponents finally prevailed upon the State Department and President Truman to issue a proclamation in 1945 which claimed American jurisdiction over off-shore fisheries.<sup>10</sup> The proclamation called for the establishment of conservation zones "in those areas of the high seas contiguous to the coasts of the United States wherein fishing activities have been or in the future may be developed and maintained on a substantial scale."<sup>11</sup> It stated further that where the United States had or shall exclusively exploit any fishery, it "shall be subject to the regulation and control of the United States."<sup>12</sup> Where the nationals of the United States shared a fishery with nationals of other states, these states would jointly regulate and control the fishery with the United States. The United States conceded the right of other states to establish similar conservation zones off their shores but without prejudice to established American exploitation of these waters.<sup>13</sup>

Authority to implement the proclamation was assigned to the Secretaries of State and Interior. This authority was permissive rather than mandatory. In view of the opposition to the proclamation which appeared in the State Department, some proponents accurately predicted that effective implementation would not materialize. In addition to a lack of enthusiasm in the State Department, opposition

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<sup>8</sup> S. 2679, H.R. 8982, 75th Cong., 3d Sess. (1937).

<sup>9</sup> S. 3744, 75th Cong., 3d Sess. (1938).

<sup>10</sup> 10 Fed. Reg. 12304 (1945).

<sup>11</sup> *Id.*

<sup>12</sup> *Id.*

<sup>13</sup> For a favorable appraisal of this proclamation, see Allen, *Legal Limits of Coastal Fishery Protection*, 21 WASH. L. REV. 1 (1946).

developed in the Navy which favored maintenance of the territorial sea limit of 3 miles for security reasons. The Departments of Interior and State became more reluctant to carry out the terms of the proclamation following the issuance of similar proclamations by other states, particularly those in Latin America where the proclamations *were* implemented to the considerable cost and inconvenience of United States tuna and shrimp fishermen.<sup>14</sup> The Truman Proclamation was generally forgotten when the Japanese threat to American fisheries was temporarily halted under occupation policy following the military surrender of Japan in 1945. As a part of the general peace settlement, the United States, Canada, and Japan concluded a fisheries treaty in 1952.<sup>15</sup> Among its provisions the treaty incorporated the principle of abstention which was designed to exclude Japanese fishermen from specified fisheries in the high seas of the North Pacific. Thus, the substantial political pressures which led to issuance of the proclamation were dissipated by various countervailing forces.

However, political interest in an extended fisheries zone skyrocketed in the early 1960's when Russian fishermen expanded into the East Pacific and West Atlantic, first with exploratory vessels, then with large modern fishing fleets. In 1966, Russian fishermen began to exploit the fisheries off the coasts of Oregon, Washington and California. Though Japanese opposition to the abstention principle probably would have developed in any event,<sup>16</sup> it was certainly stimulated by possible Russian exploitation of salmon fisheries from which the Japanese are excluded.

The security of American fisheries was now threatened by two of the leading fishing states. Renewed demands for activation of the Truman Proclamation appeared and Congress was bombarded with an unprecedented number of bills which were designed to protect and enhance the interests of American fisheries industries. Among this legislation appeared the 12-mile bill which was enacted into law in 1966.<sup>17</sup>

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<sup>14</sup> The proclamations of Latin American governments generally claimed exclusive ownership, not merely jurisdiction, over fish within extended zones of 200 miles. Furthermore, they did not recognize the principle of prescriptive or historic rights of foreign fishermen who had traditionally fished these waters.

<sup>15</sup> International Convention for the High Seas Fisheries of the North Pacific Ocean, May 9, 1952, 4 U.S.T. 380, T.I.A.S. No. 2786.

<sup>16</sup> The abstention principle "controversy" between the United States and Japan is dealt with in this Symposium. Compare Johnson, *The Japan-United States Salmon Conflict*, 43 WASH. L. REV. 1 (1967), with Yamamoto, *The Abstention Principle and Its Relation to the Evolving International Law of the Seas*, 43 WASH. L. REV. 45 (1967).

<sup>17</sup> President Johnson signed the bill into law on October 14, 1966; see note 2 *supra*.

Political forces have agitated for extension of fishing zones each time there has been an external threat to American fishing interests. It has taken 80 years—from the fur seal dispute of 1886 to the 1966 12-mile bill—to produce legislation extending fishing zones.<sup>18</sup>

The pace of politics is slow. A study of political forces leading to passage of the 12-mile bill—pressure groups and politicians—will illuminate some important aspects of the politics of the North Pacific fisheries.

## II. THE POLITICS OF PRESSURE GROUPS

Figures compiled from Bureau of Commercial Fisheries statistics reveal 49 fishermen's co-operatives in the four Pacific States with a membership of 8,127. Corresponding figures for the remainder of the United States are 37 and 2,082.<sup>19</sup> These cooperatives are primarily concerned with collective bargaining, marketing and purchasing. In 1962 fishermen's and fish shore worker's unions numbered 34 on the West Coast and 30 for all other states.<sup>20</sup> In the same year the fisheries industry was organized into 34 associations in the Pacific area and 84 in other states including 11 national associations.<sup>21</sup> All are associations of fishermen, vessel owners, wholesale and retail dealers, processors, and distributors. The national associations are the most active politically and speak for the great majority of commercial fisheries interests.<sup>22</sup> The Department of State is served by a Fishing Industry Advisory Committee. The greatest number and probably the most vigorous of the members represent the salmon and tuna fisheries.

Statistics are not available to show the total number of individual representatives of fisheries organizations who contributed their political weight for or against the 12-mile bill.<sup>23</sup> We can, however, provide

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<sup>18</sup> This is certainly not the final act in the drama of fisheries zones. Political opposition is still manifest; the zone extends too far beyond the territorial sea for some, but not far enough for others. Nor have all the nations of the world accepted the principle of extension; some who agree in principle do not accept the 12-mile delineation.

<sup>19</sup> Bureau of Commercial Fisheries, *List of Fishery Cooperatives in the United States, 1960-1961*, Fisheries Leaflet No. 292, Rev. Aug. 1961.

<sup>20</sup> Bureau of Commercial Fisheries, *List of Fishermen's and Fish Shore Workers' Unions in the United States*, Fisheries Leaflet No. 293, Rev. Aug. 1962.

<sup>21</sup> Bureau of Commercial Fisheries, *List of Fishery Associations in the United States*, Fisheries Leaflet No. 254, Rev. Aug. 1962.

<sup>22</sup> The statistics listed above do not include all fisheries organizations; nor do they include fishermen who do not participate in any organized group. Nevertheless, they probably represent most of the larger operations and provide a fairly accurate picture of fisheries interests and pressure groups.

<sup>23</sup> However, in a recent study of the fisheries associations responding to a questionnaire, 33 percent indicated the 12-mile bill would be helpful but only 11 percent reported inputs in support of the legislation. Twenty-seven percent opposed the bill

enough data to illustrate the political activity and indicate who were the protagonists. At hearings on the bill, held May 18-20, 1966, 29 witnesses appeared. Sixteen represented private fishery organizations; five represented Congress, not including members of the committee; one witness was a fishing vessel owner; four were from the Department of State; and three were from the Bureau of Commercial Fisheries and represented primary federal agencies concerned. In addition statements were submitted by three members of Congress and three representatives of private fishery organizations.<sup>24</sup>

This is not a complete list of interested and active parties. Many others communicated directly with members of Congress and members of the administration including, less frequently, the President and Secretary of State.<sup>25</sup> Congresswoman Edith Green of Oregon reported in September, 1966 that she had received five letters from her own district, the Portland area, and about 40 from Astoria, one of the principle fishing communities in Oregon.<sup>26</sup> Senator Magnuson of Washington, Chairman of the Senate Subcommittee on Merchant Marine and Fisheries and one of the sponsors of the 12-mile bill stated, "[t]he thousands of telegrams and letters I have received during the past 24 hours

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but less than half reported inputs. Of 19 fishermen's groups responding affirmatively, 78 percent made some effort on behalf of the legislation.

The questionnaire indicates that with regard to the 53 bills relating to fisheries being considered by the 89th Congress, 65 percent of the total inputs were addressed to the 12-mile bill, 72 percent of the fishermen's co-ops' inputs and slightly over 50 percent of the fisheries associations'. One fishermen's co-op made 152 efforts against the bill, nearly double the efforts of all co-ops supporting the bill.

The questionnaire also indicates that fisheries groups made contact with 46 different Congressmen. Senators Magnuson and Bartlett received over 25 percent of the reported contacts.

The study concluded that "fishery groups *per se* do not materially influence decision-making in Congress. The 12-mile bill was generated by Congress itself, primarily at the insistence of Senators Magnuson and Bartlett." D. R. Moore, Results of a Mail Questionnaire, Mershon Social Science Program, Ohio State University, April 1967.

However, some federal officials contend that the fisheries lobby was a significant influence. They consider the fisheries lobby one of the most effective, especially in view of the small number of people represented. It should be added that Senators Bartlett and Magnuson, along with other Congressmen, were motivated by fisheries interests as well as their long standing interests in fish.

<sup>24</sup> Grouping of witnesses, statements, letters and telegrams (excluding government agencies) by state of origin, reveals the following representation of regional interests: Washington (9), Oregon (8), California (6), Alaska (5), Massachusetts (4), Rhode Island (3), and Florida (1). One statement and three letters or telegrams were received from officers of national organizations in Washington, D.C., three of them representing sport fishing interests.

<sup>25</sup> Fifteen wives of fishermen from the Pacific Northwest descended on Washington, D.C. in late summer of 1966, providing one of the more colorful demonstrations of feeling.

<sup>26</sup> Personal interview

confirm my convictions of the value of the fishery resources off our coast . . . I will personally see that these messages are delivered immediately to the Secretary of State. . . ."<sup>27</sup> Many other members of Congress also received a variety of suggestions, appeals, and demands, the number correlating closely with their involvement in fisheries.<sup>28</sup>

Membership in associations and the level of activity for or against the 12-mile bill, reveal the regional character of fisheries interests. They also point up the conflict of interests which sometimes arise between regions. Obviously, interest in ocean fisheries is concentrated in coastal states, including those abutting the Gulf of Mexico. Witnesses appearing before the Senate subcommittee came from only seven states, four of these from the West.<sup>29</sup> The preponderance of representation from the Pacific coast does not accurately reveal the regional distribution of fishermen. For several decades political activity relating to fisheries has been more vigorous in the West than in other regions.<sup>30</sup> As a result, the West has made major if not predominant contributions to development of the nation's fisheries through successful political activity. It is possible that the 12-mile bill would not have become law, at least when it did, if the political skill and

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<sup>27</sup> Corvallis Gazette-Times, May 14, 1966, at 2, col. 3.

A committee staff member reported that almost 3,000 telegrams were received in the 24 hours with letters coming over a longer period of time. A Seattle radio commentator had encouraged listeners to wire Senator Magnuson to express their sentiments concerning the presence of the Russian fleet. He did not encourage any particular position. The messages ranged from temperate to vitriolic with a variety of proposals. Very few of the respondents represented fisheries, but their proposals generally favored fisheries interests wittingly or not.

<sup>28</sup> The majority of communications was directed to members of fisheries committees, with the greater part of the remainder going to Congressmen from fishing states, particularly those from districts with a fishing industry. No record is available of the flow of letters to Congressmen from nonfishing states.

<sup>29</sup> See note 24 *supra*. Twenty-three witnesses resided in the four west coast states, seven in New England, and one in Florida. However, some of these witnesses represented fisheries interests in more than one state. For example, the Executive Director of the National Shrimp Congress resided in Florida but represented several states.

<sup>30</sup> Washington State has probably been the most vigorous of all, in part because Washington residents hold substantial interests in Alaska, and in part because it is the only state immediately concerned with the Fraser River system sockeye salmon. Concern over fisheries has long been at a high level in Alaska also.

It is difficult to ascertain why a greater intensity of political activity developed in the West than in other regions, especially in view of the fact that neither Washington nor Oregon are among the top five fish-producing states. Because of the interplay of forces, cause and effect are not easily differentiated. A complex of contributing factors appears, some of which are subtle, psychological and difficult to measure. The frontier spirit in the West, the presence of leaders with unusual abilities in the early years of the fishing industry, the great volume of scientific fisheries research (the University of Washington established the nation's first school of fisheries in 1919), and the activity of Japanese and Russian fishermen are possible causal factors.



vigor of fisheries interests in this region had only paralleled that of other sections of the nation.<sup>31</sup>

Political activity of individuals and organizations was also directed at state officials and agencies.<sup>32</sup> Some of these appeals were for direct state action and some for state intervention for or against the 12-mile bill and other federal programs. States were called upon to join in the surveillance of the Russian fleet, in part because the federal reports were suspected of minimizing the effect of Russian fishing. States were also urged to instigate research programs to determine the nature and extent of certain fisheries and the damage caused to these fisheries by the Russians. Oregon and Washington created special advisory committees on foreign fishing with provisions for co-operation between the two agencies.

### III. THE POLITICS OF THE POLITICIANS

In states where fishing is a significant factor in the economy, politicians in or seeking elective office generally support fisheries interests,<sup>33</sup> especially when a fishery is in some way threatened. This is especially true when no competing interests are adversely affected by any program in support of fisheries. The pattern of political activity will vary among the states as will the intensity of individual effort. Some Congressmen are recognized as perennial spokesmen for fishing industries as others are known for their support of cotton, silver, and

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<sup>31</sup> From the viewpoint of some, the West has been too successful on occasion. One of the more striking illustrations is the Truman Proclamation. It is contended by some fisheries people, especially those in the shrimp and tuna industries, that this proclamation triggered the rash of proclamations by other nations which have seriously handicapped them in distant-water fisheries historically exploited by Americans. Many of these people opposed the 12-mile bill. It has also been argued, frequently from the Department of State, that the proclamation was a poor way to change international law. Opposition to the proclamation and its consequent non-implementation, coupled with more restrictive and implemented proclamations by other nations, appear to support this argument. See text accompanying notes 11-15 *supra*.

<sup>32</sup> Essentially the same people who communicated with federal officials also appealed to the states. Judging by news reports, the volume of communications with the federal government was significantly greater than that with the states. This is to be expected since the Coast Guard and Bureau of Commercial Fisheries possess primary responsibility for enforcement of fishery law against foreign vessels, and most of the legislation up for consideration was in Congress. Moreover, generally, state legislatures were not in session.

<sup>33</sup> Fisheries are not likely to become a significant issue in national elections, since the number of votes that fisheries groups can command is relatively small in elections for state officials and members of Congress. Nevertheless, in a close election they might be decisive. Mark Hatfield of Oregon, after winning the Oregon senatorial election in November 1966, contended that his continuous and vigorous demands on the federal government regarding Russian fishing activities contributed to his victory.

automobiles. Some state officials are also known as consistent friends of the fishing industries. Political method appears to run the usual gamut from opprobrious to commendable statesmanship.

The posture of politicians in regard to fisheries is influenced by the presence or absence of competing interests. Traditionally, in the exploitation of high seas fisheries, conflicts of interest between fishermen and other groups are rare. In recent years, however, minor disputes have arisen in relation to off-shore oil exploration and oceanographic research. At times some fisheries run head-on into the operations of other industries and politicians are called upon to choose sides or attempt to reconcile the differences of the protagonists.<sup>34</sup> State politicians may occasionally take sides in these disputes, but more often will attempt to reconcile the interests of the contending parties. In summary it is most uncommon for politicians to take a positive stand against fisheries interests. Nor do they lose political support for being the champion of fisheries causes.

Many politicians responded to the threat of Russian fishing. Some proposed the establishment of extended fishing zones. Since the proposals for extension were limited in purposes, no other economic interest in the United States stood to lose from the extension. The only significant opposition to the 12-mile bill came from within the fisheries industry itself. Initially, representatives of fisheries groups in some regions proposed an extended zone in excess of 12 miles. Most commonly, these proposals called for an extension coterminous with the Continental Shelf or a fixed distance of 200 miles. Because of strong opposition to broader extensions from segments of the industry and from the Departments of State, Defense (Navy), and Interior, many proponents of wider zones, without surrendering their ultimate objective in principle, compromised on the 12-mile bill. Fear of defeat for any bill calling for a broader extension prompted the conclusion that "half a loaf was better than none."

Once the 12-mile bill was generally accepted as the immediate objective of proponents for extension, political activity became substantial and vigorous. It should be emphasized, however, that emotions against the Russians were also aroused for reasons extraneous to fishing. Fisheries representatives on numerous occasions capitalized on

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<sup>34</sup> For example, during the inshore phases of their life cycle, anadromous fish must contend with polluted streams, logging operations, dams, and irrigation projects.

concerns for security in seeking support for the 12-mile bill.<sup>35</sup> It would be interesting to know how many votes would have been reversed if American security had not been a factor. In any event the vote on the 12-mile bill is not a completely accurate measure of the political support generally available for fisheries.

The major buildup of the Russian fleet off the Pacific States took place in April of an election year, 1966. In several states candidates made the Russian presence a campaign issue. As often happens during the heat of a campaign, the candidates contributed as much to the excitement of passions as to the enlightenment of the mind. Rules of international law were often misunderstood or distorted. Statistics on the size of the Russian fleet, the amounts and species of fish being taken, the violation of territorial waters, and the depletion of fish stocks ranged from vague to ridiculous. On the other hand, the volume of research undertaken by some members of Congressional fisheries committees was substantial. An inverse correlation appeared between the amount of research undertaken and the integrity of campaign speeches, and irresponsibility appeared to be greater at the state than the federal level.

On a regional basis, Oregon, Washington, Alaska, and the New England states gave strong support for the 12-mile bill. Data on the Gulf States is not available. However, since Russian and Japanese fishermen have not been a substantial threat in the South and since the shrimp fishery generally opposed extension, political activity was no doubt less vigorous in this region. Response was probably more mixed in California than in any other state. Fishing interests in northern California are engaged in the same activities and experience problems similar to those in states to the north. However, the tuna fishery based in San Pedro in southern California is principally concerned with protecting its fishing off foreign shores, particularly off Latin America. As a consequence of these varied interests, some California politicians favored an extension greater than 12 miles, some favored the 12-mile bill, and some opposed any extension.<sup>36</sup>

Statements of politicians divided into charges against the Russians, support for specific programs, warnings of incidental effects of Russian

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<sup>35</sup> The Russians had positioned a large fishing fleet in sight of American shores, allegedly violating territorial waters part of the time. It was both speculated and charged that the fishing fleet was a cover for more insidious purposes.

<sup>36</sup> Nevertheless, no one opposed in principle protection against the Russian "intruder." Governor Edmund G. Brown personally called upon President Johnson to appeal for protection of United States fisheries.

fishing, attacks upon federal officials for alleged lethargy and indifference, and demands for a wide range of actions to be immediately executed.<sup>37</sup> Frequent charges were leveled against Russian fishermen for violation of a high seas salmon fishing limitation;<sup>38</sup> by agreement in July 1966, the Russians promised not to fish for salmon for at least one year.

While some politicians were headline hunting, others were moving more quietly, thoroughly and cautiously to verify facts and to assess the long range implications of the many proposals advanced for dealing with the Russian problem. In Oregon, representatives Green, Duncan, and Wyatt engaged in thorough research and operated with commendable statesmanship. Mrs. Green, for example, obtained numerous reports and briefings from top fisheries officials and prepared a statement, *Russian Fishing—An Overview*, which set forth studied answers to questions which had been submitted by constituents. While others were demanding that the Russian fishermen be driven out of "American waters," Mrs. Green was one of the first to propose a conservation treaty with the Russians. Subsequently she gave her support

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<sup>37</sup> Western governors, meeting in Las Vegas in April 1966, passed a resolution which called for a "continuous and constant" surveillance of the Russian fleet and urged "the Congress, the State Department and the Interior Department to take action to negotiate an agreement with the Soviet Union to prevent over-utilization and depletion of the offshore resources." The conference also discussed support for an expanded fisheries subsidy program, and urged the Federal Bureau of Commercial Fisheries to accelerate its management program of bottomfish along the Continental Shelf and to help develop latent marine fisheries. The conference also proposed that Canada and Mexico be urged to join the United States in a cooperative research program. *Portland Oregonian*, Apr. 28, 1966, at 14, col. 1-3. The following month the California Assembly passed a similar resolution concerning protection and surveillance.

In early June 1966, the Governors of Washington and Oregon announced the appointment of a joint committee, composed of six representatives from each state, to serve as "a watchdog group on foreign fishing operations." *Corvallis Gazette-Times*, June 3, 1966, at 6, col. 1.

Various politicians issued numerous statements: Rep. Robert B. Duncan of Oregon: "The impact of the [Russian] unregulated and massive catches, . . . if not terminated, will decimate, if not destroy, the resource." *Portland Oregonian*, Apr. 20, 1966, at 27, col. 8; Robert Straub, Oregon State Treasurer and candidate for governor: "Our fishery resource is being plundered by these Russian pirates." *Corvallis Gazette-Times*, Apr. 18, 1966, at 11, col. 5; Senator Morse of Oregon: "[The Russians] are using equipment that will irreparably damage the fishing beds." *Portland Oregonian*, Apr. 14, 1966, at 1, col. 5; Congressman Wendall Wyatt of Oregon: "Depletion of the resource by the Soviets would break the back of the bottom fishing industry in the Pacific Northwest." *Corvallis Gazette-Times*, Apr. 23, 1966, at 1, col. 8; Governor Hatfield of Oregon: "Flagrant violations of the nature reported (Russian violations of the 3-mile limit) should be dealt with in the sternest possible manner." *Corvallis Gazette-Times*, May 28, 1966, at 1, col. 3.

<sup>38</sup> Senator Magnuson told the Senate that "Soviet trawlers are taking salmon as well as bottomfish off the coasts of Washington and Oregon." In early September, President Johnson informed Soviet officials of a complaint by Washington's Governor Evans on August 30, 1966, that the Russians were taking salmon in violation of their agreement. *Corvallis Gazette-Times*, Sept. 14, 1966, at 1, col. 5.

to the 12-mile bill after considering its validity under international law and its relation to broader foreign policy interests.

The approach of state officials and Federal Congressmen to the President and Departments of State and Interior ranged from polite to caustic. Indifference and lethargy in the Interior and State Departments were the most common complaints.<sup>39</sup>

On the positive side state politicians submitted a variety of proposals and demands for federal action. In April 1966, Senator Magnuson appealed for immediate hearings on the 12-mile bill, "diplomatic confrontation" with the Soviet Union, and "immediate effort by the State Department toward implementation of the 1958 Geneva Fishery Convention."<sup>40</sup> Representative Wyatt suggested implementation of the 1945 Truman Proclamation, and Governor Hatfield presented a four-point proposal: a 12-mile fishery zone, international agreements on conservation measures to be set up by the State Department, a federally financed crash research program on fishing, and discussions with the Russians on an exchange of scientific data and agreement on conservation measures.<sup>41</sup>

Treatment under this section on The Politics of the Politicians is illustrative and by no means exhaustive. It reflects the activity of a limited number of politicians as reported by a limited segment of the press. It does not appear to be atypical, and does provide an insight into the political atmosphere which generally prevailed in fishing states. In the same regions the press generally gave extensive coverage to

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<sup>39</sup> Assistant Secretary of State Douglas MacArthur II issued a statement explaining there was insufficient information about bottom-fish stocks to initiate conservation measures, evoking "shocked" responses from Senators Morse and Magnuson. *Corvallis Gazette-Times*, May 12, 1966, at 1, col. 3.

Neither state nor federal fisheries agencies had conducted a research of the fishery to provide the necessary information. Dayton L. Alverson, Director of BCF Exploratory-Fishing and Gear-Research Base in a special feature for the *Seattle Times* noted the difficulty of evaluating the biological effects of Soviet fishing because statistical records of their catches are not available. He also observed that there was inadequate information on the size of the fish stocks on various grounds. *Seattle Times*, July 1, 1966, at 7, col. 1. Lack of information is due in part to a concentration of Russian fishing on some species which had not been extensively exploited by Americans. Robert Schoning, Director of the Oregon Fish Commission added: "We simply don't know what's out there. To be precise, we can't tell if a catch of a million pounds is going to jeopardize our resource or not even make a dent in it." *Portland Oregonian*, May 2, 1966, at 12, col. 1. Scientists also warned that a fishery could be seriously depleted before the necessary investigations could be carried out.

In early 1967 Representative Wyatt introduced H.R.J. Res. 233 which "authorizes the Secretary of the Interior to conduct a survey of coast and fresh water sport fishing and commercial fishery resources." Over 20 years had elapsed since the last "full scale study." *Corvallis Gazette-Times*, Feb. 16, 1967, at 14, col. 8.

<sup>40</sup> *Corvallis Gazette-Times*, Apr. 19, 1966, at 3, col. 1.

<sup>41</sup> *Portland Oregonian*, May 4, 1966, at 9, col. 3.

fisheries matters and editorially gave strong support to fisheries groups. One Oregon paper was about as extreme in its recommendations as some of the fishermen, proposing United States Navy maneuvers in and around the Russian fleet, for the purpose of cutting lines and harassing them in other ways. Many newspapers recommended immediate and effective action to preserve and to protect the American fisheries which were threatened.

Although the focus of attention was on Russian fishing, the present and potential threat of Japanese fishermen was not forgotten, particularly by officials in West Coast States, and was of more immediate and special concern to Alaskans.<sup>42</sup> The Japanese are currently engaged in restricted fishing off Alaska. Pressures are growing in Japan for removal of these restrictions which were established by treaty with Canada and the United States. The possibility that Communist China and the Koreans might also expand their fishing activities eastward added further impetus to political support for the 12-mile bill.

#### IV. CONCLUSION

Only a small percentage of bills introduced in Congress runs the long range of hurdles and obstructions which frustrate efforts for ultimate transfer of a bill into law. Effective congressional leadership and a strong lobby are often indispensable. Senator Magnuson is recognized as one of the most influential members of the Senate. His co-sponsorship of the bill and his key committee chairmanship were important if not decisive factors. No corresponding drive and influence appeared in the House Committee on Merchant Marine and Fisheries, although several members of this committee worked diligently in support of the bill.<sup>43</sup>

With the passage of the bill, political activity in support of fisheries

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<sup>42</sup> Governor William A. Egan of Alaska asserted in May 1965 that Alaska would take "drastic steps" if Japan invaded the Bristol Bay red salmon fishery:

This (heavy Japanese fishing) could be truly the beginning of the end for the Bristol Bay red salmon... If this happens, it will be a matter of a very few years when there is no fishery for anyone—including the Japanese... There are no steps too strong that the State of Alaska cannot (sic) take if the Japanese don't ease up on that fishery.

Seattle Times, May 22, 1965, at 26, col. 2.

<sup>43</sup> The original House bill, H.R. 9531, was ultimately enacted. It corresponded with S. 2218 with an amendment added. Representative Downing of Virginia who introduced H.R. 9531, stated with reference to the wisdom of the bill, "I frankly admit that I have not been able to come to a firm decision within my own mind." Representative Garmatz of Maryland, Chairman of the Committee on Merchant Marine and Fisheries, displayed no enthusiasm for the bill, and Representative Dingall of Michigan, Chairman of the Subcommittee on Fisheries and Wildlife Conservation, opposed it.

declined abruptly. Progress in negotiations with the Russians and tentative agreements with them helped to abate the fear and concern which had prevailed earlier.<sup>44</sup> The incidence of pressure for further protection will no doubt parallel the assessed and feared damage to the fisheries which results from continued and possibly expanded exploitation by foreign fishermen.

Pressure for wider zones will abate or intensify in relation to the patterns of international politics. The February 7, 1967 agreement between the United States and the U.S.S.R. is a one-year agreement without treaty status.<sup>45</sup> A longer range and more comprehensive agreement is necessary if fisheries are to be rationally exploited and depletion averted. Future relations with Japan under the 1953 treaty are uncertain and may become more unstable. The weapons of international politics such as higher import duties, boycotts, and termination of aid, may or may not be used to supplement or substitute for fisheries agreements and fisheries zones. Manifestly, the 12-mile bill gives some, but no final resolution, to the distribution of fisheries resources.

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<sup>44</sup> However, Representative Thomas Pelly of Washington did introduce a bill on May 23, 1967, to amend the law (78 Stat. 194) prohibiting fishing in territorial and other specified waters by other than United States vessels. This bill, H.R. 10227, would exclude foreign fishermen from the Continental Shelf.

<sup>45</sup> See Johnston, *New Uses of International Law in the North Pacific*, 43 WASH. L. REV. at 107 n.82, 111 n.93 (1967).