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THE PRESIDENT HAS SEEN  
THE WHITE HOUSE

WASHINGTON

January 21, 1976

MEMORANDUM FOR THE PRESIDENT

FROM: MAX FRIEDERSDORF *M.F.*  
SUBJECT: 200 Mile Limit Bill

*M.F.*

Senator Ted Stevens (R-Alaska) reports that he will offer his amendment extending the implementation of the 200 Mile Limit Bill until Jan. 1, 1977, on the Senate floor today and he expects it to pass because of Senator Magnuson's support.

Senator Stevens also advises that he and the Chairman would be receptive to a further extension date next year if this year's negotiations fail to produce a resolution of the issues and progress is being made at the Law of the Sea Conference.

Under the Stevens Amendment the machinery to implement the bill could be set up prior to the trigger date but there would be no enforcement until January 1, 1977.

Senator Stevens indicated that Senator Magnuson has pledged his support to hold this date in conference. The final vote in the Senate is not expected until next week, probably on Tuesday, and Senator Stevens indicates that they could keep the bill in conference for possibly 90 days.

It appears that the proponents now have about 60 votes in favor of passage.

The letter from Defense, State and Commerce requesting a 90-day recommitment is now being delivered to the Senate leadership and jurisdictional Committees.

THE WHITE HOUSE  
WASHINGTON

Jim Connor

I would like  
to discuss this with  
Brent S. + Jack Brock  
plus Mark G.

Time is probably 9

The essence of  
done

THE WHITE HOUSE

WASHINGTON

January 19, 1976

MR PRESIDENT:

Brent Scowcroft's Memorandum of  
January 17, 1976 regarding 200 Mile  
Fisheries Bill

Staffing of the attached memorandum resulted in  
the following comments:

Phil Buchen - "We recommend that the letter be  
sent by Secretary Kissinger rather than  
the President, in order to isolate the  
President from any adverse political  
consequences which may result and  
to preserve alternative Presidential  
options for the future."

Bill Seidman - "Approve - if we have the votes."

Jack Marsh - Concurs with NSC's recommendation.

Jim Connor

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Jim Connor



THE WHITE HOUSE  
WASHINGTON

January 17, 1976

MEMORANDUM FOR: THE PRESIDENT  
FROM: BRENT SCOWCROFT   
SUBJECT: 200 Mile Fisheries Bill

Through an apparent agreement among the Senate leadership, S. 961, legislation to unilaterally extend a 200-mile fisheries jurisdiction off the coast of the United States, will probably come to the Senate floor during the first week of the new session. The assessment of all involved agencies is that passage by a respectable margin is certain, and that efforts to delay a vote by threatening a veto or attempting filibuster would prove ineffective. Additional and decisive support for the bill has been attracted by a compromise provision to delay the effective date of the legislation until January 1977.


Even with the delayed implementation date envisioned in the Senate bill, enactment of this legislation would have serious consequences. By its very enactment, no matter what the date of implementation, this legislation would:

-- violate our commitments under various treaties and agreements.

-- be used by other nations to justify more extreme claims to ocean jurisdictions, including territorial sea claims, harmful to our global oceans interest.

-- undermine the U. S. negotiating position at the Law of the Sea negotiations shortly before an important session is scheduled to begin in March 1976.

-- injure the interests of our tuna and shrimp fishermen who fish within 200 miles of other nations.



Short of a veto, it appears that the only means to avoid these consequences, at least temporarily, is to urge the Senate to recommit the legislation to the Commerce Committee for at least 90 days. Current vote count estimates show perhaps 40 votes against the bill, and informal soundings indicate successful passage of a recommittal motion. This action can be justified by a number of critical factors.

First, recommittal for 90 days would postpone Senate passage until after the March session of the LOS negotiations takes place. This would protect the U.S. negotiating position at the session as well as serve notice to other participants that, if substantial progress is not made, the United States will act, unilaterally if necessary, to protect its fisheries interests. If significant progress is subsequently forthcoming, it would be viewed as an Administration victory, and support of unilateral action envisioned in S. 961 would diminish. On the other hand if the negotiations result in continued stalemate, the Senate would act quickly to pass the legislation, a development we have said we would not oppose.

Secondly, recommittal would permit the Commerce Committee to fully consider the results of recent fisheries negotiations concluded since their hearings were held. The most important of these were the ICNAF negotiations last September, where substantial progress was made. At that time, 17 nations that fish off our Eastern coasts agreed to a 34 percent reduction from 1975 quotas which in fact reflects a 55 percent reduction compared to the 1973 levels considered by the Commerce Committee in their hearings.

In addition, it would also permit the Committee to review the progress made recently in other bilateral and regional negotiations. Pursuant to an Administration initiative, our negotiators have sought to incorporate new principles in these agreements which are consistent with, and supportive of, the transition to a 200-mile fisheries zone. Concrete evidence of this is the recent bilateral agreement with Poland and current negotiations with Romania. These negotiations embody the principles necessary for the implementation of a 200-mile economic zone as well as provide for a substantial reduction in their fishing in the areas covered by the negotiations.

Further, more up-to-date fisheries data has been developed which projects the impact of recent agreements. This data, not yet considered by the Committee, shows substantial progress in reducing foreign fishing as a result of these negotiating achievements and underscores our arguments that unilateral action is unnecessary at this time.

Accordingly, recommittal would provide additional time for the Administration's fisheries initiatives and negotiating achievements to demonstrate their effectiveness and also provide us the opportunity to consider other options or compromises on this issue as they may arise.

At a minimum, from a tactical point of view, it would be best to keep any legislation from coming to you until the March-May session of the Conference has had a chance to do its work. If there has been real progress by then, you will have stronger grounds for claiming the bill is unnecessary. If there is no progress, we can acquiesce in passage of the bill.

The most effective means of seeking recommittal of S. 961 would be for you to send the attached letters outlining the arguments in favor of such action to Senators Mansfield and Scott, as well as Chairman Magnuson, Sparkman and Stennis. Alternatively, the letters could be signed by Secretary Kissinger.

Paul Theis' office has approved the text of the letters.

RECOMMENDATION:

That you approve the strategy seeking recommittal and send the letters to the five Senators, Max Friedersdorf concurs in this recommendation.

\_\_\_\_\_ APPROVE

\_\_\_\_\_ DISAPPROVE (have Secretary Kissinger send the letters)

\_\_\_\_\_ DISAPPROVE (send no letters and take no position at this time)



THE WHITE HOUSE

WASHINGTON

Dear Senator Mansfield:

S. 961, a bill to extend unilaterally a 200-mile fisheries jurisdiction off the coast of the United States, will soon be before the full Senate for consideration. A full review of all the issues surrounding such an important measure as this is essential; therefore, I respectfully suggest that this legislation be recommitted to the Senate Commerce Committee for a thorough review.

There are several reasons why a reassessment of S. 961 is necessary and justified at this time. The first is to give Committee members the opportunity to review the results of fishery negotiations which have been concluded since the Commerce Committee hearings on S. 961 were held. There have been developments of importance to this Nation's fishery interests. At the September 1975 session of the International Commission for the Northwest Atlantic Fisheries (ICNAF), 17 nations that fish off our coasts from Maine to North Carolina agreed to a 34 percent reduction in foreign fishing from the 1975 quotas. This quota represents a 55 percent reduction in foreign fishing compared to the 1973 levels that were presented at the Senate Commerce Committee hearings. Under the current ICNAF agreement, the total ecological balance in the area is now expected to be restored.

In addition to significant progress in ICNAF, the Administration has taken fisheries initiatives designed to achieve an orderly transition to a 200-mile fisheries zone through international negotiation rather than unilateral action. The first of the agreements in implementation of this initiative has been negotiated. These agreements will embody appropriate new principles to implement a transition to a 200-mile fisheries zone for the United States, and should substantially reduce the level of foreign fishing by nations in the areas covered by the agreements.

Second, updated fisheries data has been developed regarding the status of our coastal fisheries stocks which reflect the results of these negotiating achievements. In evaluating the need for S. 961, the Commerce



Committee should carefully examine this new data to properly judge the adequacy of protection for existing stocks and the prospects for full protection in the new negotiating climate.

Third, the Law of the Sea Conference reconvenes in New York on March 15. U. S. willingness to accept a 200-mile economic zone is important to our efforts to achieve other oceans agreements equally vital to our security interests. I believe strongly that we should give these multilateral efforts an opportunity to proceed without the serious disruptions of unilateral action, particularly by a leading maritime nation such as the United States.

I fully share the concern of the Congress to protect our fishery interests, but a legislative measure with the major consequences attendant upon S. 961 deserves the most careful consideration in the context of a substantively changed situation and the most current information available. I urge that you support a motion to recommit S. 961 to the Senate Commerce Committee for a careful reevaluation.

Sincerely,

The Honorable Mike Mansfield  
Majority Leader  
United States Senate  
Washington, D. C. 20510

STAFFING

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: January 19, 1976

Time:

FOR ACTION:

cc (for information):

Phil Buchen

Rogers Morton

✓ Jack Marsh

✓ Bill Seidman

FROM THE STAFF SECRETARY

DUE: Date:

Prompt Return

Time:

SUBJECT:

Brent Scowcroft memo 1/17/76 re 200 Mile Fisheries Bill

ACTION REQUESTED:

\_\_\_ For Necessary Action

X For Your Recommendations

\_\_\_ Prepare Agenda and Brief

\_\_\_ Draft Reply

X For Your Comments

\_\_\_ Draft Remarks

REMARKS:

NSC is most anxious to have the attached letters delivered today --- Your prompt review would be very much appreciated.

*Seidman - OK - if we have the notes*  
*Marsh - OK*



PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

Jim Connor  
For the President

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Some

200 mile Fisheries

Mad Concurs

S.


THE WHITE HOUSE  
WASHINGTON

Bob Linder

NSC is asking that these be delivered as early as possible today -- Jim Connor said they must be staffed -- doing that now with a quick return requested. These for your review.

Trudy Fry

1/19/76



Date: January 19, 1976

Time:

FOR ACTION:

cc (for information):

Phil Buchen

Rogers Morton

Jack Marsh

Bill Seidman

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REMARKS:

NSC is most anxious to have the attached letters delivered today --- Your prompt review would be very much appreciated.

*Approve - if we have the votes. JWS*

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Jim Connor  
For the President

THE WHITE HOUSE

WASHINGTON

January 19, 1976

MEMORANDUM FOR: JIM CONNOR  
THROUGH: PHIL BUCHEN  
FROM: KEN LAZARUS  
SUBJECT: Scowcroft Memo on 200 Mile Fisheries Bill

This office has reviewed the attached Memorandum for the President from Brent Scowcroft and offers the following:

- (1) We recommend that the letter be sent by Secretary Kissinger rather than the President, in order to isolate the President from any adverse political consequences which may result and to preserve alternative Presidential options for the future.
- (2) A minor editorial suggestion is noted in the first paragraph of the draft letter.