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## NATIONAL ARCHIVES AND RECORDS SERVICE

## WITHDRAWAL SHEET (PRESIDENTIAL LIBRARIES)

FORM OF DOCUMENT	CORRESPONDENTS OR TITLE	DATE	RESTRICTION
1. Memo	John Norton Moore to the Deputy Secretary re status report on the 200-mile fishing bill (2 pp.) <i>opened 3/18/92 EBH in part</i>	6/14/75	A
2. Memo	Friedersdorf to Marsh, 9/30/75		
2a. Memo	<del>John Norton Moore to John Marsh re possible veto (2 pp.)</del> <i>declassified SA. Hr. 12/30/93; let 2/18/94</i>	9/24/75	A
3. Memo	<del>Henry Kissinger to the President re 200-mile limit legislation (11 pp.)</del> <i>declassified SA. Hr. 12/30/93; let 2/18/94</i>	10/31/75	A

## FILE LOCATION

Marsh Files  
 General Subject File  
 Fisheries Jurisdiction - General (1)

Box 17

## RESTRICTION CODES

- (A) Closed by Executive Order 12356 governing access to national security information.  
 (B) Closed by statute or by the agency which originated the document.  
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WHM, 1/13/86

DRAFT VETO STATEMENT ON THE  
200-MILE BILL

It is with particular regret that I am today vetoing (H.R. 200), the 200-mile fishing bill. This bill is intended to get at a real problem; the protection of fish stocks off our coasts which have come under heavy pressure from foreign fishing. Nevertheless, the approach taken by the bill, to unilaterally extend our fishing jurisdiction to 200 miles, would be seriously harmful to our national oceans and security interests. Moreover, there are other ways of achieving protection for these fish stocks which may be even faster and which do not seriously damage the national interest.

If H.R. 200 were enacted into law it would:

-- violate the solemn treaty obligations of the United States;

-- encourage illegal unilateral claims by others which could have serious long-run consequences for our oceans interests on a world-wide basis;

-- as the recent "cod war" illustrates, pose a risk of serious incidents with the Soviet Union and other nations fishing within 200 miles of the US; and

-- undermine the important effort within the Law of the Sea negotiations to obtain a new, comprehensive treaty which would protect coastal fish stocks to 200 miles.

Because of the importance of fully protecting the fish stocks off our coast, I am prepared to support an appropriately drafted bill based on Article 7 of the 1958 Geneva Convention on Fishing and Conservation of the Living Resources of the High Seas pursuant to the general approach sponsored by Senators Griffin and Cranston. Such a bill would permit non-discriminatory conservation measures off our coast aimed at protection of specified stocks having a conservation problem. Since such measures can be fully enforced after only a six-month period of negotiation this approach might in fact provide even faster protection for threatened stocks than H.R. 200 with a March 1 effective date. Such a bill could also include an appropriate fisheries management structure for management of coastal fishery resources to 200 miles when such extended jurisdiction is agreed as part of a comprehensive law of the sea treaty.





DEPARTMENT OF STATE  
MEMORANDUM  
S/S

~~CONFIDENTIAL~~

June 14, 1975

TO: The Deputy Secretary  
The Under Secretary for Security Assistance

FROM: D/LOS - John Norton Moore

Status Report on the 200-Mile Fishing  
Bill and the Possibility of a North  
American Fisheries Declaration

Because of the importance of the issue we are preparing a full options paper on the 200-mile fishing bill for submission to the Secretary through you. All interested bureaus in State are now considering a draft which focuses on three principal options: first, an all out effort to hold up passage of unilateral legislation this session with the active involvement of the President and the Secretary, second, an effort to work with the Hill to influence compromise legislation which would not take effect until September 1, 1976 and which would build on the LOS negotiations to date, and third, an Administration bill based on Article 7 of the Geneva Convention on Fishing. All alternatives require coordination with the Canadians and Mexicans (possibly with a public North American Fisheries Declaration), and possibly other nations which now face strong pressures for unilateral action. For the first alternative of all out opposition to be effective both the President and the Secretary must actively lead the opposition, probably with an early White House meeting of key Congressional leaders, and this must be accompanied by a dramatic new fisheries initiative.

In related developments, Paul La Pointe and Leonard Le Gault of Canada flew down from Ottawa last week to

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~~CONFIDENTIAL~~  
GDS

DECLASSIFIED- E.O. 12958, Sec. 3.4  
ALL PORTIONS EXEMPTED  
E.O. 12958, Sec. 1.3 (a) (S)

MR 96-25, # 9, State letter 2/10/92

By 1984, NARA, Date 3/17/92

.....  
.....  
.....

..... Though they are leaning toward an announcement of a unilateral extension to take effect in about a year, they also seek to cooperate on a joint approach and if we can hold the line they probably would be amenable to holding the line also.

In addition, Soviet First Secretary, Mikhail F. Trepikhin, came in to see me last week to inquire as to progress in dealing with the 200-mile bill and

.....  
.....  
.....

..... It is clear that the Soviets would react strongly negatively to any unilateral extension of our fisheries jurisdiction and this must be carefully weighed in our selection of options.

D/LOS:JNMoore:bam  
X 29098 6/14/75

cong relation

August 30, 1975

MEMORANDUM FOR: MAX FRIEDERSDORF  
FROM: JACK MARSH  
SUBJECT: 200-Mile Off-Shore Limit

AC-DH  
A very hot item that is developing is the 200-mile off-shore limit. You will want to become aware of Kissinger's position which he set forth at the American Bar Convention in Montreal. Although Kissinger favors a 200-mile limit, it is based on a multi-national agreement rather than a unilateral action by the United States; however, many people did not catch the distinction and, therefore, believe that Henry is for a 200-mile limit.

JOM/dl



THE WHITE HOUSE  
WASHINGTON

*Marsh*

SEP 16 1975

SECURITY COUNCIL

Date: 9-16-75

TO: Jack Marsh

FROM: Robert K Wolthuis

For your information \_\_\_\_\_

Please handle \_\_\_\_\_

Other

*Janha wanted you  
to have this and to also  
alert you to the  
possibility of leaning on  
DOD for some help  
Bob*

September 15, 1975

NETT

Friday, September 12

ordinate Administration strategy to  
oppose legislation which unilaterally

Ambassador Moore initiated discussion by providing a brief legislative history of 200-mile fisheries legislation. He pointed out that a variety of legislation to this end has been in the Congress for years, however only gained significant support last year in light of the lack of substantive progress in the Law of the Sea negotiations. Last fall, the Senate Commerce Committee reported out Senator Magnuson's bill to extend a 200-mile fisheries zone. In efforts to stall full Senate action, the Administration succeeded in getting the bill referred to the Senate Foreign Relations and Armed Services Committees in order that the foreign policy and defense implications of such legislation could be addressed. As a result the bill received a negative report in the Foreign Relations Committee (by one vote) and, unfortunately, a positive report in the Armed Services Committee (also by one vote). Subsequently, the legislation was passed by the Senate by a vote of 68 to 27. No action was taken in the House before the end of the 93rd Congress.

This year similar legislation has been introduced in both Houses of Congress. In the House, the 200-mile fisheries bill, which claims over 200 cosponsors, was reported by the Merchant Marine and Fisheries Committee by a vote of 36 to 3 on July 31. Subsequent Administration

MEMORANDUM

NATIONAL SECURITY COUNCIL

*Marsh*

SEP 16 1975

*M*

September 15, 1975

MEMORANDUM FOR THE RECORD

FROM: CATHIE BENNETT

SUBJECT: LIG Meeting -- Friday, September 12

PURPOSE

The LIG meeting was convened to coordinate Administration strategy to implement the President's decision to oppose legislation which unilaterally extends a 200-mile fisheries zone.

BACKGROUND

Ambassador Moore initiated discussion by providing a brief legislative history of 200-mile fisheries legislation. He pointed out that a variety of legislation to this end has been in the Congress for years, however only gained significant support last year in light of the lack of substantive progress in the Law of the Sea negotiations. Last fall, the Senate Commerce Committee reported out Senator Magnuson's bill to extend a 200-mile fisheries zone. In efforts to stall full Senate action, the Administration succeeded in getting the bill referred to the Senate Foreign Relations and Armed Services Committees in order that the foreign policy and defense implications of such legislation could be addressed. As a result the bill received a negative report in the Foreign Relations Committee (by one vote) and, unfortunately, a positive report in the Armed Services Committee (also by one vote). Subsequently, the legislation was passed by the Senate by a vote of 68 to 27. No action was taken in the House before the end of the 93rd Congress.

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efforts to get the measure referred to the International Relations Committee, in the hope of obtaining a negative report, failed. Nevertheless, there are indications that Chairman Morgan will agree to hold informational hearings on the issue if requested by Secretary Kissinger. This may delay a final House vote temporarily; however, given the overwhelming support for such legislation, passage in the near future is likely.

In the Senate, Magnuson intends to initiate hearings on similar legislation on September 19. Efforts will again be made to have the legislation referred to Foreign Relations and Armed Services if it can be ascertained that these committees will issue negative reports. Even if such negative reports are obtained, however, they are not expected to deter final Senate passage of the legislation.

#### STRATEGY

Since there is little doubt that both Houses of Congress will pass 200-mile fisheries legislation this year, the Administration's strategy must be to create a veto sustaining position. To this end, the Executive Branch must provide a credible alternative to unilateral action which will provide members of Congress with a reason to support a Presidential veto. It is no longer possible to oppose the legislation on the basis it will adversely affect international negotiations. The Congress has heard such arguments before and no longer finds them credible. It is therefore necessary to present the Congress with a positive Administration program, i. e., interim measures to protect American fisheries until the LOS negotiations are completed. The Department of State, in conjunction with the other concerned agencies, has been developing a program to be implemented on a bilateral and multilateral basis over a three-year period. Under the plan, the U. S. would pursue all future bilateral and multilateral fisheries agreements as if a 200-mile economic zone were being implemented. Thus, efforts would be made to get written into those agreements the types of provisions that would be necessary if such a zone were being phased in.

To make such a program--as well as opposition on foreign policy and defense grounds--credible, it is absolutely essential to have the visible and active involvement of high level officials in the Departments of State, Defense, Commerce and Transportation. The President has already publicly expressed his position on the issue and can be of assistance in sending letters to Members and raising the matter in GOP and bipartisan leadership meetings. But in addition, the coordinated involvement of the principals in each of the concerned agencies is crucial.



## AGENCY VIEWS

### Defense

Defense's concern in this issue is the possibility of foreign retaliation against any U. S. action to unilaterally extend a 200-mile economic zone. Specifically, they are concerned such retaliation will take the form of others extending a 200-mile territorial zone which would affect international sea lanes and have serious strategic implications for the U. S. The Defense representative emphasized that while it is impossible to identify which countries might retaliate in this manner, if just three nations take such action, it could double the cost of transporting oil.

In the event the legislation is referred to the Senate Armed Services Committee, DOD would, of course, testify as in the past to the adverse national security implications of the bill. At the same time, DOD was hesitant in its response to the suggestion that Defense testify before the Foreign Relations and Commerce Committees. In their view, this would not be proper on jurisdictional grounds--especially in respect to the Commerce committee. Others, including the White House representative Bob Wolthuis, thought this could be an effective tactic and perhaps should be engineered by the White House.

### Commerce

Commerce representatives agreed with the need to present the Congress with a positive program with a definite timetable and preferably two rather than three years in order to maintain Administration credibility on this issue. Such credibility has been waning due to the lack of any substantive progress from the LOS negotiations. They also stressed the importance of high level visibility, particularly by the President and Secretary Kissinger, on the issue at an early date. In their view, the outcome of the upcoming ICNAF negotiations may prove crucial. If no progress is forthcoming, any prospects for sustaining a veto will be significantly reduced.

### Transportation

With the Coast Guard as the enforcement agency, Transportation was primarily concerned with the implementation of any such legislation and the additional resource requirements that would be necessary. They also voiced concern over the possibility of confrontation with violators and the foreign policy and national security problems which might ensue.

OMB

OMB's primary concern is proper clearance of any program State intends to present to the Congress in the President's name. In particular, they wanted information as to the resource requirements, implementation schedule, etc.

AID

AID's interest in the legislation concerns the impact of foreign retaliation on the American aid program. In the past, when other nations have claimed an extended territorial zone and subsequently seized American ships, the USG has been forced to retaliate by withholding or cutting off economic aid.

ASSIGNMENTS

-- Each agency should take a reading of their jurisdictional committees in order to ascertain the outcome of a possible committee vote if the legislation was referred there.

-- DOD should consider the possibility of having Secretary Schlesinger call Congressman Price and Senator Stennis to emphasize the serious defense implications of this legislation and suggest that they request a referral to their committees.

-- State should complete its work on the proposed positive program ensuring that it is coordinated and cleared through all the appropriate agencies. Once this package is ready, the White House will move with its contacts on committees, letters to members and discussions with the leadership.

-- Each agency should submit one proposal by Wednesday, September 17, how their principals can become visibly involved in this issue.

-- One representative from State, DOD, Transportation, Commerce, NSC and the White House should meet to go through the Congressional lists to ascertain positions and identify targets.



~~CONFIDENTIAL~~ - GDS  
DRO, 1/9/75

THE WHITE HOUSE  
WASHINGTON

September 30, 1975

MEMORANDUM FOR: JACK MARSH  
FROM: MAX FRIEDERSDORF *M.G.*  
SUBJECT: 200 Mile Limit Bill

This bill seems to have strong if not overwhelming support. It probably will pass by a wide margin. I'm not sure a veto could be sustained.

Rather than position the President and remove his flexibility, I would prefer State indicate intentions to recommend a veto.

*Max -*  
*Agreed!*  
*[Signature]*



SEP 27 1975



DEPARTMENT OF STATE

Washington, D.C. 20520

September 24, 1975

~~CONFIDENTIAL~~

MEMORANDUM FOR: Mr. John O. Marsh, Jr.  
Counsel to the President  
The White House

SUBJECT: Presidential Veto of 200-Mile  
Fishing Bill

The greatest threat to successful conclusion of a law of the sea treaty continues to be the 200-mile fishing bill (H.R. 200) which would unilaterally extend the U.S. fisheries contiguous zone from the present 12 miles to 200 miles. As you know, the bill risks triggering a wave of unilateral claims which would be extremely damaging to the U.S. oceans interests. It also risks a potentially serious enforcement clash with the Soviet Union. Nevertheless, the bill was overwhelmingly favorably reported out by the Merchant Marine and Fisheries Committee and House and Senate action is expected in the next few months. Although we are doing everything we can to defeat the bill, it is likely to pass both Houses during this session of the Congress.

Because signalling a veto could cause the bill to be tacked on to another measure, the Executive Branch has at this stage avoided signalling a veto and I believe that this is a wise policy. Nevertheless, if the bill passes it will be extremely important that the President veto the bill. Although the President can expect strong pressure not to do so, no issue is more important for the protection of overall U.S. oceans interests than this one. If you think there is any chance that the bill would not be vetoed if it passes, I would greatly appreciate the opportunity to meet with you to discuss the issue.

DECLASSIFIED

E.O. 12356, Sec. 3.4.

MR 91-25, #10 ; State Hr. 12/30/93

By let NARA, Date 2/15/94

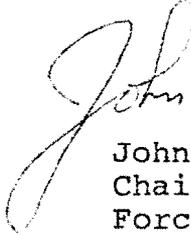
~~CONFIDENTIAL~~

GDS

~~CONFIDENTIAL~~

- 2 -

Thank you for all of your continuing assistance  
to the Law of the Sea negotiations.



John Norton Moore  
Chairman, NSC Interagency Task  
Force on the Law of the Sea and  
Deputy Special Representative of  
the President for the Law of the  
Sea Conference

THE WHITE HOUSE

WASHINGTON

October 6, 1975

MEETING WITH REPUBLICAN CONGRESSIONAL LEADERS

Tuesday, October 7, 1975  
8:00-9:30 a.m. (90 minutes)  
The Cabinet Room

From: Max L. Friedersdorf *mlf*

I. PURPOSE

To discuss with the leaders the President's tax cut/spending limit announcement, the 200-Mile Limit Bill, and energy legislation.

II. BACKGROUND, PARTICIPANTS AND PRESS PLAN

A. Background:

1. The President addressed the Nation on Monday evening regarding recommendations for tax and spending legislation. Prior to the address, the President met with the Republican Congressional Leadership.
2. The House will consider H.R. 200, the Marine Fisheries Conservation Act of 1975, on Tuesday, October 7. The bill extends coastal state jurisdiction over fishing resources within 200 miles of their shores.
3. The Department of State strongly opposes enactment of the 200-Mile Limit and will recommend a veto. State maintains bilateral negotiations to limit the foreign catch off the U.S. coast are proving productive. Successful negotiation of a multilateral treaty will provide better protection than unilateral action proposed in the House bill, State maintains. State also believes enactment of the bill would risk failure of both bilateral agreements and negotiation of a comprehensive Law of the Sea treaty.
4. Despite opposition by State, there is strong Congressional support for the measure. John Rhodes as well as Ed Forsythe, ranking minority Member on the Merchant Marine and Fisheries Subcommittee on Fisheries, will speak for the bill. Phil Ruppe, the ranking minority Member on Merchant Marine and Fisheries, is ambivalent, while John Anderson opposes it.



5. A conference on S. 622 and H.R. 7014, the unacceptable energy bills, is scheduled to start today, Tuesday, October 7. The Senate continues debate this week on the Natural Gas Bill.
6. Other issues the leaders might possibly raise are Sinai (scheduled for House and Senate Floor action this week), and Panama Canal which will be considered today, Tuesday, October 7, when the House considers H.R. 8121, the Conference Report on State Department Appropriations which contains new language: "It is the sense of the Congress that any new Panama Canal Treaty or agreement must protect the vital interests of the U.S. in the Canal Zone and in the operation, maintenance, property, and defense of the Panama Canal." The House also will vote today, Tuesday, October 7, on an override attempt on the President's veto of H.R. 4222, the Child Nutrition School Lunch Program. Both the House and Senate are expected to override.

B. Participants: See Tab A

C. Press Plan:

Announce to the Press as a regular Republican Leadership meeting. White House photographers only.

III. AGENDA See Tab B

IV. TALKING POINTS

1. Tax cut/Spending limit - See Tab C
2. 200-Mile Limit Bill - See Tab D
3. Energy legislation - See Tab E
4. We have three important agenda items today - the tax cut and spending ceiling proposals of last evening; the 200-Mile Limit bill, and energy.
5. First, let us discuss my recommendations concerning permanent tax cuts coupled with spending limitations...

PARTICIPANTS

The President  
The Vice President  
The Secretary of State  
The Secretary of the Treasury

SENATE

Hugh Scott  
Bob Griffin  
John Tower  
Carl Curtis  
Bob Stafford  
Ted Stevens  
Milt Young  
Paul Fannin  
Cliff Case  
Glenn Beall  
Jim Pearson

HOUSE

John Rhodes  
Bob Michel  
John Anderson  
Sam Devine  
Jack Edwards  
Barber Conable  
Lou Frey  
Guy Vander Jagt  
Jimmy Quillen  
Bud Brown  
Herm Schneebeli  
Al Cederberg  
Bill Broomfield  
Phil Ruppe  
Ed Forsythe

STAFF

Don Rumsfeld  
Bob Hartmann  
Jack Marsh  
Phil Buchen  
Ron Nessen  
Max Friedersdorf  
Jim Cannon  
Alan Greenspan  
Frank Zarb  
Brent Scowcroft  
Dick Cheney  
Doug Bennett  
Vern Loen  
Bill Kendall  
Pat O'Donnell  
Charles Leppert

Tom Loeffler  
Bob Wolthuis

REGRETS

Secretary Schlesinger  
Secretary Morton  
Bill Seidman  
Bill Baroody  
Jim Lynn

## AGENDA

- 8:00-8:15 a.m.  
(15 minutes) The President opens the meeting, announces the agenda, and introduces the subjects of a tax cut and spending limitation.
- 8:15-8:30 a.m.  
(15 minutes) The President calls upon Secretary Simon and Alan Greenspan for additional comments on the tax cut and spending limitation.
- 8:30-8:45 a.m.  
(15 minutes) The President opens the tax cut and spending limit proposals to the leadership for comments and discussion.
- 8:45-8:50 a.m.  
(5 minutes) The President introduces the subject of the 200-Mile Limit Bill.
- 8:50-9:00 a.m.  
(10 minutes) The President calls upon Secretary Kissinger to discuss objections to the 200-Mile Limit Bill.
- 9:00-9:15 a.m.  
(15 minutes) The President invites the leaders' comments on the 200-Mile Limit Bill (Rhodes, Anderson, Ruppe, and Forsythe will desire recognition).
- 9:15-9:20 a.m.  
(5 minutes) The President introduces the subject of energy legislation.
- 9:20-9:25 a.m.  
(5 minutes) The President calls upon Frank Zarb for additional energy comments.
- 9:25-9:30 a.m.  
(5 minutes) The President invites the leadership to comment on energy.
- 9:30 a.m. The President concludes the meeting.

SECRET

BACKGROUND MATERIAL AND TALKING POINTS ON  
200-MILE INTERIM FISHERIES LEGISLATION

I. BACKGROUND

The relatively slow progress in the Third United Nations Conference on the Law of the Sea (LOS) has increased the pressures in the Congress (as well as in a number of foreign states) to unilaterally declare a 200-mile fisheries zone prior to the conclusion of a comprehensive multilateral LOS treaty. For the past three years, the Executive Branch has been able to convince Congress that a unilateral extension of our national fisheries jurisdiction would be damaging to the overall objectives we seek in a comprehensive oceans law treaty.

The Administration argued last year that unilateral action on fisheries should be avoided because a successful conclusion of the LOS negotiations could be foreseen before the end of 1975. Even so, the Senate last December passed the Magnuson 200-mile fisheries bill by a wide margin; time did not permit hearings in the House and the measure did not reach the floor before the end of the session.

Now, with a timetable for conclusion of the LOS Conference no longer firm, the Congress is ready to move with unilateral action, citing the need to protect our coastal fisheries from depletion by foreign over-fishing, especially by Japan and the Soviet Union.

Domestic U.S. fisheries interests are split regarding the passage of 200-mile fisheries legislation. Coastal fishermen and their Congressional supporters, particularly from New England and the Northwest coastal states, including Alaska, blame foreign fishermen for the depletion of coastal stocks, and are demanding immediate U.S. action to exclude foreign fishing within 200 miles of our coasts. On the other hand, tuna, shrimp and salmon interests oppose the 200-mile legislation, believing that passage would lead to their exclusion from the 200-mile zones off other state's coasts, particularly in South America. Although it is widely recognized that U.S. distant water fisheries will be badly hurt by U.S. unilateral action, the Congress in general believes this cost is justified by the need to gain control over the fisheries within 200 miles of this country. A number of House and Senate members also believe that unilateral U.S. fisheries action will spur the LOS negotiations on to successful conclusion.

Subject to GDS of E. O. 11652 Automatically  
Downgraded at Two Year Intervals and  
Declassified on December 31, 1983.

SECRET (GDS) 090, 118/876

The United States has avoided separating one aspect of the Law of the Sea negotiations such as fisheries from the overall negotiations, thus maintaining the linkage between satisfactory resolution of all major oceans issues (freedom of navigation and the strategic implications thereof, marine pollution, scientific research, peaceful dispute resolution, and marine resources including fisheries) if we are to agree to a Law of the Sea treaty. For this reason, in late August, you took a position on interim fisheries legislation which both maintains the longstanding U. S. position against unilateral claims to jurisdiction on the high seas and provides for the necessary initiatives, both multilaterally and bilaterally, to protect the fisheries stocks off our coasts. This position was publically underscored by you at Newport and Seattle, and by Secretary Kissinger in his August 1975 speech to the American Bar Association in Montreal.

Opposing Views Within the Administration. Your decision to continue to seek a multilateral solution to our fisheries problems while at the same time supporting interim fisheries improvements through bilateral negotiations was conveyed in my memorandum of August 22 to the concerned departments. I would note that Secretary Simon was on record at the time as not favoring such an approach to the fisheries problem and continues to believe that the Administration should not oppose the 200-mile legislation now before the Congress. He is supported in this view by Bill Seidman.

#### Congressional Status

-- House. The 200-mile fisheries bill has attracted over two hundred co-sponsors in the House, particularly from the coastal states. On July 31, the Merchant Marine and Fisheries Committee concluded extensive hearings on the measure, voting 36 to 3 to report the legislation. Subsequent Administration efforts to have the legislation sequentially referred to the International Relations Committee for consideration of the foreign policy implications of enactment failed. On September 24, however, the International Relations Committee did hold oversight hearings and agreed to file a report to the House outlining the negative foreign policy impact. Although this report has not yet been prepared, the Rules Committee has gone ahead and granted a rule bringing the bill to a vote in the full House either Wednesday, October 8 or Thursday, October 9. The measure is expected to pass by an overwhelming majority.

-- Senate. The Commerce Committee on September 25 unanimously reported out a fisheries bill similar to the House version. Action on a request for sequential referral to the Foreign Relations Committee is still pending but is expected to be approved. We would hope to persuade the Committee to issue a negative report on the bill. Although Senate passage of the legislation is probably assured, we have hopes of building a strong, veto-sustaining opposing vote.

-- Strategy. In light of your decision to oppose unilateral fisheries action, the Administration is mounting vigorous opposition to the bill. To make the Administration's position more credible, the NSC Under Secretaries Committee, working with the agencies concerned, is currently preparing a substantive package of interim measures to protect American fisheries. These measures, because of the overwhelming consensus in the Law of the Sea negotiations favoring establishment by states of 200-mile economic zones covering fisheries, would include direct negotiations with the nations fishing off our coasts to attain the LOS objectives on fisheries in advance of treaty enactment. In this regard, we have already been extremely successful in bilateral negotiations with Japan, Poland and the Soviet Union to reduce their catch quotas off our coasts, and regionally in the International Commission for the Northwest Atlantic Fisheries, the body which regulates foreign fisheries off the East coast.

While the momentum is strong in both Houses for passage in this session of legislation extending U.S. fisheries jurisdiction from 12 to 200 miles, your purpose in this meeting with the leadership will be to:

- underscore the harmful effect that such legislation would have on the achievement of our overall oceans policy objectives in the Law of the Sea forum.

## II. TALKING POINTS

### Introductory

1. I am very much aware of the concern in the Congress over depletion of our coastal fisheries stocks by foreign overfishing and the desire to act unilaterally to protect these fisheries now, in the absence of a comprehensive Law of the Sea treaty.

2. I share your concerns, but believe that unilateral action by the United States in this area would be harmful to our overall oceans policy interests, including fisheries.
3. I strongly believe that the ongoing Law of the Sea negotiations offer the best hope for protecting all our major oceans policy interests -- freedom of navigation, marine pollution, scientific research, and marine resources, including fisheries.
4. We have always avoided separating one aspect of the Law of the Sea negotiations such as fisheries from the overall negotiations, thus maintaining the linkage between satisfactory resolution of all our oceans policy objectives if we are to agree to a Law of the Sea treaty.
5. I understand the very great need to protect our fisheries from unwarranted foreign intrusion while work on an international treaty continues.
6. For this reason, I have taken a position on the interim fisheries legislation now before the Congress which both maintains the longstanding U. S. position against unilateral claims to jurisdiction on the high seas and provides for the necessary initiatives, both bilaterally and multilaterally, to protect the fisheries stocks off our coasts. I made this position very plain recently in interviews at Newport and Seattle. Secretary Kissinger did the same in his speech at the American Bar Association convention in Montreal.
7. We have already had success in negotiating with the nations fishing off our coasts to obtain catch reductions. Japan, Poland and the Soviet Union are cases in point.
8. More recently, I sent a personal message to the participants in the International Commission for the Northwest Atlantic Fisheries calling for increased conservation and protection of threatened fish stocks off our East coast. I am pleased that the Conference agreed to substantial catch reductions for the coming fishing season. We will follow through to insure that enforcement is strictly carried out. I intend similar strong initiatives to safeguard our fisheries interests.

9. I believe that unilateral fisheries action by the United States would be more harmful than beneficial, and that our ongoing initiatives with nations fishing off our coasts serves the same objective without jeopardizing our overall interests in the LOS negotiations.

Possible Effects of a Unilateral Claim to 200-Mile Fisheries Jurisdiction

1. I want to review with you the possible harmful effects of U.S. unilateral fisheries legislation:
- A unilateral claim at this time could lead to a confrontation with the Soviet Union, Japan and other fishing nations. The Soviet Union has already indicated to us that they will not recognize a U.S. claim to 200 miles outside a Law of the Sea treaty.
  - Unilateral action at this time would violate our existing treaty obligations and customary international law. Our seizures of foreign fishing vessels would be viewed as a violation of the Convention on the High Seas, in the same way as we view Ecuadorian seizures of U.S. tuna boats beyond 12 miles from the coast of Ecuador.
  - Unilateral action would be certain to trigger unilateral claims by other states. Iceland and Mexico have already declared their intentions to declare 200-mile fisheries zones. Canada, Norway, Denmark, the UK, Kenya, Tanzania and other coastal states are all under intense pressure to follow suit. Widespread national claims would severely complicate our efforts to achieve broad international agreement on fisheries in the LOS negotiations -- and this, in turn, would jeopardize other important U.S. oceans interests.
  - Unilateral action would undermine the U.S. position in the LOS negotiations, where we have urged a careful balance among navigation, security, scientific research, marine pollution, and resource interests in the 200-mile economic zone.

Advantages of a Comprehensive LOS Treaty

1. The negotiations in the LOS Conference have shown us that U.S. oceans policy interests are best served by a comprehensive international agreement rather than a patchwork of unilateral arrangements.
  
2. I would like to review with you a number of points which underline the importance of an international treaty on oceans policy. I would underscore that many of these are of a classified and sensitive nature because of the interests of the many other nations involved, and because of the active nature of the current UN negotiations.
  - US navigation interests in ensuring freedom of navigation through and over straits used for international navigation can be protected under a comprehensive LOS treaty.
  
  - U.S. interests in conflict avoidance and stability on the oceans will be far better served by an international treaty.
  
  - Although relatively unnoticed, the LOS negotiations are providing an opportunity for the solution of bilateral U.S. oceans disputes. Examples include the archipelago disputes with Indonesia and the Bahamas, the Arctic pollution problem with the Canadians, and the salmon problem with the Japanese.
  
  - The U.S. will substantially benefit from the 200-mile economic zone. This increased jurisdiction over resources off our coast will be more easily accepted with less cost to our bilateral relations with the Soviets, Japanese and others, and our own distant water fishing interests if we have a treaty.
  
  - The multilateral negotiation leading to a global convention provides an opportunity for many countries to overcome strong internal political problems in accepting a reasonable oceans regime. For example, a widely accepted treaty adopting a 200-mile economic zone is highly likely to permit eventual acquiescence in the economic zone and abandonment of the 200-mile territorial sea claims of countries such as Ecuador and Chile.

- The marine environment will be better protected with a treaty than with a pattern of unilateral claims.
  - The negotiations have been helpful in coordinating oceans policy among the major industrialized states and particularly in enabling close cooperation with the Soviets on oceans policy.
3. These are only some of the reasons supporting a good comprehensive treaty on the law of the sea as the best strategy for U. S. oceans policy. In short, I believe our present policy is correct and we should push ahead on this front without complicating our overall position with unilateral action on such oceans policy issues as fisheries.

STATEMENT OF THE HONORABLE EDWIN B. FORSYTHE (R.-N.J.) BEFORE  
THE HOUSE RULES COMMITTEE, September 30, 1975, on H.R. 200,  
THE MARINE FISHERIES CONSERVATION ACT OF 1975.

Mr. Chairman and Members of the Committee, I appreciate the opportunity to testify this morning in support of H.R. 200, the Marine Fisheries Conservation Act of 1975. At the outset, let me assure you that I am not going to repeat the detailed explanation of this bill previously given by my colleague, Congressman Leggett. I, of course, support his statement, and I endorse the views expressed by Congressman Studds, the original author of this legislation. There are several points, however, that I would like to stress.

The overriding issue posed by the opponents of this legislation, principally the Department of State, relates to its timeliness and potential impact upon the Law of the Sea conference which will resume formal deliberations in New York City next March. It is urged that enactment of H.R. 200 would disrupt the conference to such an extent that the chances for a successful Law of the Sea treaty would be substantially diminished. In effect, the rest of the world would simply pick up their marbles and go home. This extremely simplistic view of the complex negotiations taking place in the Law of the Sea conference is not only an insult to our intelligence but is simply not supported by the facts.

Coastal state jurisdiction over fishery resources within 200 miles of their shores and management of migratory and anadromous species which inhabit ocean waters beyond 200 miles from shore during part or all of their life cycle, the subject of H.R. 200, are but two of the many complex issues being debated in the Law of the Sea Conference. While coastal state control over fishery resources, as well as the mineral deposits found within 200 miles of shore, have been generally conceded within the concept of an economic zone, other very basic issues are only at the threshold stage of serious debate. These include the international rights and obligations of coastal states with respect to the sharing of resources, both living and non-living, within the economic zone, the nature and powers of the international regime which will regulate seabed mining beyond the economic zone, the right of transit through international straits and over-flight, scientific research and marine pollution.

Undoubtedly, the most controversial of these issues is the question of the regime for the seabeds. It was, after all, the prospect of wealth derived from mining the seabed for the benefit of developing nations that triggered this third Law of the Sea conference. The resolution which spawned this effort in the late 1950's spoke in terms of the mineral resources of the oceans beyond national jurisdiction as the common heritage of mankind.

While the full potential of the seabeds as a source of mineral wealth will not be realized for decades, the rules and regulations governing access to mineral deposits on the seabed is the crux of the Law of the Sea conference. It is an issue which the developing nations of the world, which dominate the Law of the Sea conference in terms of numerical strength, have committed themselves to settling on terms which will insure that they and not the industrialized nations of the world will be the chief beneficiaries.

In order to accept the State Department's theory that enactment of H.R. 200 will disrupt the Law of the Sea conference, we must assume that the developing nations of the world are prepared to abandon their quest for an international treaty establishing the regime for the deep seabeds. There is simply no evidence whatsoever to support that assumption. All the evidence is to the contrary. The general consensus for a 200-mile economic zone virtually guarantees to the developing nations full control of their coastal resources. Without a treaty, however, the developing nations have no hope of deriving any ultimate benefit from the rapidly increasing technology of seabed mining. It is the developed nations of the world, and principally the United States, which would benefit most if indeed the rest of the world picked up their marbles and went home without a new Law of the Sea treaty. American corporations and those of Japan and a few

other countries under national legislation are prepared to begin commercial seabed mining almost immediately. Lacking the hundreds of millions of dollars needed to begin seabed mining, the developing nations simply have no chance whatsoever to share in this wealth without a treaty that in some fashion earmarks a portion of seabed revenues for their benefit. The United States has committed itself to such a treaty, provided it contains reasonable terms for commercial participation in seabed mining.

In essence, what I am saying is that the developing nations have everything to gain and very little to lose by persevering in the Law of the Sea conference. In terms of access, to the mineral resources of the seabed, it is, I am afraid, the United States that ultimately stands to lose in this negotiating process. It is absurd to suggest that the majority of nations will walk out of the Law of the Sea conference because the United States has chosen to protect its coastal and other fishery resources.

The corollary argument offered by the State Department against enactment of H.R. 200 is to the effect that since there is a general consensus for coastal state control of fishery resources within a 200-mile economic zone, the legislation is simply unnecessary. That argument might have some merit if we had any reason to expect a treaty within the next year. The destruction

of our fishery resources under existing ineffectual arrangements is proceeding at a frightening rate. Foreign fishing pressures are growing daily. The Soviet Union agrees to abstain from fishing for species which are vitally important to the American fisherman only after they have been decimated. Thus, we were able to achieve an agreement to substantially reduce foreign quotas on yellow-tail flounder after the Russians and other European fishing nations had virtually destroyed this, our most valuable coastal species.

What are the prospects of securing adoption of a treaty which the United States can ratify? I suggest that the prospect is not good. While I have no doubt that given their overwhelming numerical superiority the developing nations could ram a treaty through the conference next March, the drafting of a treaty which the United States and the other developed nations of the world can sign and ratify is a different matter altogether.

I have already pointed out the fact that the seabed and the nature of the international regime to control ocean mining is a critical issue in these deliberations. It is also an issue upon which the negotiating positions of the United States and the developing nations are diametrically opposed. Our position essentially is that the seabed regime should rely basically on private enterprise to explore and exploit the mineral resources

of the oceans. A portion of the wealth derived from this effort will be dedicated to international development activities for the benefit of the third world. The developing nations, on the other hand, not for the same reasons in all cases, seek the establishment of an international regime under which an international authority which they control will actively engage in seabed mining. Presumably, the United States and other developed nations would furnish the money. Private enterprise might or might not be permitted to engage in mining, but in any event only as a licensee of this international authority. The likelihood that these opposing philosophies can be reconciled in one more session of the Law of the Sea conference next March is small indeed, assuming that they can be reconciled at all.

In order for the United States to achieve a Law of the Sea treaty next year, we would have to make such fundamental concessions that I seriously doubt the treaty would ever be ratified. The United States delegates to the Law of the Sea conference have consistently stated on the record that the United States will not sign a treaty that does not satisfy our basic objectives, in terms of our national security and our resource interests. Taking those statements at face value, as I think we must, I cannot see how a treaty can possibly emerge that we can accept unless the developing nations utterly abandon their position. The more realistic appraisal

of the timing of the Law of the Sea conference is that several more very difficult negotiating sessions lie ahead before a consensus on all issues will be achieved. We cannot afford to wait to take action to protect our coastal fisheries.

Much has been made of the fact that the last session of the Law of the Sea conference produced what is called a Single Negotiating Text. We are given to believe that this text is virtually a final treaty. The facts are to the contrary. This text was developed by a small group of experts and was presented to the conference on the last day of the session. It is simply the opinion of an informal group as to where they think the conference is headed. It will undoubtedly be used in the next session of the Law of the Sea conference as the point of departure for further debate. It does not set forth the provisions for a beached regime which the United States can support, nor does it sufficiently guarantee our security interests. The introduction of the so-called Single Negotiating Text was equivalent to dropping a bill in the hopper. A great deal of time may have gone into the drafting of the bill, but the entire process of Committee deliberations and mark-up yet remains.

In summary, Mr. Chairman, enactment of this legislation will not disrupt the Law of the Sea conference. There are simply too many other vital issues of concern to the rest of the world

as well as the United States. The conference will go on, I am afraid, for some time, and time is of the essence. I urge you to grant a rule as requested by the Committee on Merchant Marine and Fisheries.

TALKING POINTS  
ON ENERGY FOR  
REPUBLICAN LEADERSHIP MEETING

1. The Senate may consider the Stevenson natural gas amendment today to either table it or vote on passage. As you know, I am opposed to this amendment as it would roll back the price of new oil to \$9 per barrel and phase out old oil over 5 years.
2. Such a bill would only increase our dependency on foreign oil. While I am willing to compromise on oil prices, natural gas legislation is not the proper vehicle in which to do it. In addition, this bill would extend price controls into the intrastate market which I am unalterably opposed to.
3. The Conference meeting on S.622/H.R. 7014 will begin today. It is my understanding that the oil pricing provisions will be considered last. Since I have little confidence that an acceptable bill will be reported out, we are facing a veto situation.
4. I would like to solicit your views as to possible strategy that should be taken and discuss any actions that I may take at this time.
5. Frank, do you have anything to add?

October 8, 1975

MEMORANDUM FOR: THE PRESIDENT  
FROM: JACK MARSH  
SUBJECT: 200 Mile Limit

The attached statistical information dramatically underscores the degree to which foreign nations have intruded in fishing areas in the waters off the coasts of the United States.

JOM/RAR/dl

1747  
cc: Max Friedersdorf



FOREIGN FISHERIES CATCH OFF THE UNITED STATES COAST

ATLANTIC COAST -- Cape Hattaras to Maine

	In thousands of metric tons			
	<u>U. S.</u>	<u>TOTAL</u>	<u>SOVIET UNION</u>	<u>POLAND</u>
		<u>FOREIGN</u>		
1966	933	727	587	16
1967	871	507	315	41
1968	875	702	335	92
1969	817	799	488	76
1970	985	644	268	147
1971	966	960	406	220
1972	956	1,021	489	207
1973	1,027	989	451	190

NORTH PACIFIC

	<u>U. S.</u>	<u>KOREA</u>	<u>SOVIET UNION</u>	<u>JAPAN</u>
1967	112	0	513	832
1968	100	1	362	1,043
1969	107	11	489	1,209
1970	98	4	596	1,589
1971	92	10	609	1,904
1972	102	13	663	1,992
1973 (Estimates)	100	8	In excess of 600	In excess of 1800

1974 Poland took 50,00 metric tons. an increase from 2,000 in 1973. The German Democratic Republic and the Republic of China have entered the fishery in 1975.

In the North Atlantic, the figures given do not tell the whole picture. The following is a comparison of U.S. share of the total catch in 1960 and 1972 for several different areas of the North Atlantic.

George's Bank

1960 U.S. -- 88%

1972 U.S. -- 10%

Southern New England

1960 U.S. --100%

1972 U.S. -- 12%

Gulf of Maine

1960 U.S. -- 96%

1972 U.S. -- 77%

Mid-Atlantic

1960 U.S. --100%

1972 U.S.-- 73%

The following statistical data was obtained from Richard Sharood, Minority Counsel, House Committee on Merchant Marine and Fisheries:

\* Percentage of catch in Atlantic Ocean

1960: United States Share .... 92.9%  
Foreign Share ..... 7.1%

1972: United States Share .... 50%  
Foreign Share ..... 50%

Of even greater significance is the activity in one of the world's finest fishing areas -- George's Bank, approximately 100 miles off Cape Cod.

1960: United States Share .... 88%  
Foreign Share ..... 12%

1974: United States Share .... 11.4%  
Foreign Share ..... 88.6%

Another comparison of interest involves Soviet Union fishing activities in the Atlantic Ocean area.

In 1961, Soviet fishing fleet took in some 68,000 metric tons in George's Bank. Expanding their fishing area to the entire Atlantic, the Soviets, in 1965, landed over 500,000 metric tons. In 1970, they were over 1,000,000 tons.

## Foreign Fishing Off U.S. Coasts

Foreign fishing off U.S. coasts began to increase significantly in the early 1960's and reached a peak of 3,586,000 metric tons in 1972. In 1973, the total foreign catch dropped slightly to 3,555,000 metric tons and is expected to drop substantially in 1974.

The two main areas where critical overfishing has resulted are the North Pacific and the North Atlantic. In both instances, President Ford has become involved and all connected with the negotiations have felt that the Presidential involvement was a critical factor in the results.

In the North Pacific, the major foreign country involved is Japan taking 80% of the total foreign catch. In his discussions with top Government officials in Tokyo in the fall of 1974, President Ford asked for Japanese cooperation in conservation of North Pacific fisheries resources. Bilateral negotiations were conducted with the Japanese in December, 1974. Major results of those negotiations are: (1) Japanese agreement to reduce their catch of pollock from 1.5 million metric tons in 1973 down to 1.1 million metric tons for 1975 and 1976; and (2) Japanese agreement to conduct no trawling operations in substantial areas of the North Pacific, including the Bering Sea, in order to provide protection for species of critical value to the U.S. fishermen, particularly halibut. Overall Japanese fisheries in the North Pacific were reduced by 30 percent as a result of this negotiation. . Subsequent agreements with the Soviet Union and Poland have resulted in catch reduction and area closures very similar to those accepted by Japan.



In the North Atlantic, many more countries are involved. Negotiations on conservation measures take place in the 18-member nation International Commission for the Northwest Atlantic Fisheries (ICNAF). As a result of unsuccessful negotiations at the June 1975 meeting of this organization, a Special Meeting was convened last month in Canada. The United States considered the negotiations unsuccessful, because sufficient reductions in catch of all nations on the total biomass in the area were insufficient to allow recovery in a reasonable period of time. The Special Meeting resulted in agreement by all countries that the total allowable catch in the area of the U.S. coast would be 650 thousand metric tons. This is a reduction from the total take in 1973 of 1.1 million metric tons. Intense diplomatic efforts and a letter from President Ford delivered by Undersecretary of State, Carlyle Maw were a major contribution to this achievement.



200 mile  
limit

October 21, 1975

MEMORANDUM FOR: MAX FRIEDERSDORF  
FROM: JACK MARSH

I am of the view we should do some very serious planning and have extended discussions with Members of the Senate in reference to the 200 mile limit bill.

A starting point is probably with Ted Stevens. It might be helpful to first have a conference with him and then suggest that he get two or three other people together including key staff members to explore further what might be done to bring on stream a Senate bill which is more compatible with the Administration position than the House bill.

Don Clausen saw me on the Hill Monday and he indicated he would like to meet and talk with some of our people on this subject with the view of trying to arrive at an acceptable compromise between the House and Senate versions.

JOM/dl



THE SECRETARY OF STATE  
WASHINGTON

200  
mile  
limit  
File

October 31, 1975

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Copies to:  
S/LPB  
T  
H  
D/LOS  
RF  
(ek)

MEMORANDUM FOR: The President  
From: Henry A. Kissinger *HK*  
Subject: Next Steps Concerning the Bills  
Unilaterally to Extend United  
States Fisheries Jurisdiction  
from 12 to 200 Miles

I. THE PROBLEM

H.R. 200, the House version of the 200-mile bill, passed the House on October 9 by a vote of 208 to 101. S. 961, the Senate version, has been favorably reported by the Commerce Committee and is currently being considered by the Foreign Relations Committee. Proponents of the bills urge that fish stocks off the United States coasts are being depleted by foreign fishing and that we cannot wait for a Law of the Sea treaty which is expected to solve the problem. Passage of the legislation, however, would undermine the cardinal tenet of United States oceans policy -- no unilateral action in violation of international law.

It is certain that if the United States unilaterally extends its sovereign jurisdiction into the high seas, even though limited to fisheries within 200 miles, other nations would immediately follow suit but with broader and more extreme claims which would interfere with our distant fisheries rights and our rights of navigation and other security interests. Further, such action by the United States would exacerbate our bilateral relations with Japan, the Soviet Union and other nations fishing off our coasts. However, we believe that with high level Administration support, the problem of United States coastal fishermen can be solved more effectively through negotiations than through unilateral action. We now have a unique opportunity to negotiate satisfactory fisheries agreements in the context

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E.O. 12958, Sec. 3.4

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MR 91-25, # 11; State Ltr. 12/30/93

By *Ut* NARA, Date 2/17/94



of a developing Law of the Sea consensus supporting a 200-mile economic zone. Unilateral action could destroy that opportunity.

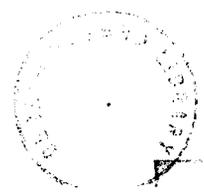
## II. ANALYSIS OF THE CONGRESSIONAL SITUATION

There is unquestionably strong support in Congress for passage of a 200-mile bill. The principal proponents of the bill, Senators Magnuson (D-Wash.), Stevens (R-Alas.) and Muskie (D-Maine), and Congressmen Studds (D-Mass.) and Leggett (D-Calif.) are active and vocal. (The Senate bill is known as the "Magnuson Bill" and the House bill as the "Studds Bill"). These proponents appear to have a majority of Congress with them, but a great many have no direct interest in coastal fisheries and are unaware of the non-fisheries implications of the bill. The bill is opposed by a number of Senators and Congressmen with distant-water tuna and shrimp interests in their states as well as by many supporters of international institutions and supporters of our defense interests. Senator Humphrey, who is willing to support our position within the Foreign Relations Committee and on the floor of the Senate, has advised us that with forceful White House backing we can sustain a veto.

Divergent political voices such as Congressmen Fraser, Stratton, Bob Wilson, McCloskey, Bennett and Bingham opposed the bill. State Governors have become involved, with Governor Hammond (R-Alas.) in support of the bill and Governor Reagan (R-Calif.) on record last year in opposition.

We did not expect to win in the House and the nearly one-third vote against the bill was better than anticipated, particularly in view of the last minute ambivalent signals from the Administration.

On the Senate side, the Commerce Committee has reported the bill favorably and it is being considered by the Senate Foreign Relations Committee. The bill may also be referred to the Armed Services Committee. Unless we can delay it, there probably will be a Senate vote sometime in late November or early December -- virtually on the eve of the next session of the Law of the Sea Conference in March 1976.



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Last year the Foreign Relations Committee reported the bill negatively (9-8) and the Armed Services Committee approved the bill (8-6). The full Senate then approved the bill (68-27 with five not voting). Last year's Senate vote is not indicative of the vote that could be expected this session, since it was understood during the last days of the Senate session that the House would not have time to act. We believe that we have an opportunity to obtain a negative report in both the Foreign Relations and the Armed Services Committees. However, our ability to obtain negative reports on the Senate bill will be dependent upon an unequivocal Administration position and high level Executive Branch appearances before these Committees.

We also believe that you have an excellent opportunity to seize the initiative in solving the United States coastal fisheries problem by negotiations rather than unilateral action. Your fisheries initiative is underway and the first results, from the important meeting of the International Commission for the Northwest Atlantic Fisheries (ICNAF) were remarkable. We need to publicize both the results of ICNAF and the details of the implementation of your initiative. It is our assessment that there is substantial political mileage to be gained by adhering to the negotiated approach at this time.

### III. REASONS FOR STRONG OPPOSITION

A unilateral extension of jurisdiction by the United States would be a serious blow to our foreign relations and oceans interests for the following reasons:

- Unilateral action could trigger a series of more extreme unilateral claims by other nations, including claims to 200-mile territorial seas which could have damaging consequences for United States navigation and security interests. We

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have been told that a number of coastal nations will declare 200-mile territorial seas if the United States declares a 200-mile fishing zone. Nations claiming 200-mile territorial seas could seriously interfere with shipping in the very area where most of the world's shipping travels - 200 miles from the coast. The adverse consequences to the United States could include:

- seizure of tankers transporting petroleum to the United States because of failure to comply with onerous construction standards, including "double bottoms";
- interference with our security interests by attempts to exclude our warships from coastal waters and by attempts to deny our right to implant listening devices for the detection of foreign submarines.

-- Nations bordering on straits may unilaterally claim the right to control passage through the straits citing our unilateral action as a precedent.

- A territorial claim by Spain to the waters of the Straits of Gibraltar could interfere with the rights of our military to overfly or transit Gibraltar.

-- United States special relationships with other nations could be damaged by unilateral action. For example:

- United States-Japanese relations could be damaged by enforcement against Japanese fishing vessels. The Japanese Ambassador recently expressed to the Acting Secretary of State the concern of his government over passage by the House of the 200-mile bill.

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- The United Kingdom has repeatedly told us that they are opposed to unilateral action by the United States, partly because of the United Kingdom's conflict with Iceland over the latter's unilateral extension of fisheries jurisdiction to 200 miles.
  
- We risk confrontation with the Soviet Union. If the Soviet Union refuses to recognize our 200-mile fisheries zone, we may be required to seize Soviet fishing vessels within 200 miles of our coasts, which could lead to direct conflict between United States and Soviet vessels. The Soviets have told us that they would not recognize a unilateral extension by the United States. Conflict over this issue could adversely affect other aspects of United States-Soviet relations.
  
- We would lose bargaining power with other nations at the Law of the Sea Conference. A 200-mile economic zone is one of the major objectives of the developing coastal states in the Law of the Sea negotiations. We have agreed to recognize a 200-mile economic zone in the negotiations only if we receive protection for a variety of vital United States interests, including unimpeded transit of straits and guaranteed access to deep seabed minerals. Our unilateral declaration of a 200-mile fisheries zone gives developing coastal nations one of their principal objectives without our receiving anything in return.



-- Other nations will have greater difficulty resisting similar or greater claims. Canada and Norway are also under intensive domestic pressures, but are making concerted efforts to avoid unilateral action. Prime Minister Trudeau recently made a statement in defense of Canada's policy to wait for an agreed Law of the Sea treaty. Since the 200-mile bill passed the House, we have received demarches from several nations urging us to continue our opposition to 200-mile legislation;

-- It would violate our treaty obligations under the 1958 Geneva Convention on the High Seas and the 1958 Geneva Convention on Fishing and Conservation of the Living Resources of the High Seas. The issue is so clear that Judge Philip Jessup recently wrote in opposition to the legislation:

"I do not know of any responsible and qualified person who maintains that such a claim (unilateral 200-mile fisheries zone) would be in accordance with international law."

-- It would injure important United States tuna and distant water fishing interests which fish within 200 miles of other nations and would endanger existing treaty arrangements protecting our valuable salmon stocks throughout their range beyond 200 miles.

In addition to these substantial costs of United States unilateral action, the 200-mile bill should be opposed because there are more effective ways of achieving the objectives of the bill. These include:



- for the short run we are implementing your fisheries initiative in bilateral fishing negotiations with nations fishing off our coasts, including the Soviets and Japanese, and in limited multilateral fisheries agreements such as the International Commission for the Northwest Atlantic Fisheries (ICNAF). The recent successful ICNAF meeting at which member nations agreed to reduce fishing effort by 23% for next year in the area from Maine to North Carolina illustrates what these negotiations can achieve. Since the emerging consensus at the Law of the Sea Conference has demonstrated that a 200-mile fishing zone is probably inevitable, prospects for negotiating a transition to such a zone are much more favorable now than ever before.
  
- for the long run a comprehensive Law of the Sea treaty is the best way to protect our fishing interests. There is general agreement at the Conference on a 200-mile economic zone (including the coastal fisheries jurisdiction we want) as part of a comprehensive Law of the Sea treaty in which our other oceans interests are protected. Even the Soviets and the Japanese now accept this general consensus as part of a comprehensive treaty.

IV. ARGUMENTS OF THE PROPONENTS OF THE BILL

The arguments made by the Congressional proponents of the legislation and the answers, which I believe are persuasive, are as follows:

- (A) The 200-mile bill is needed as an emergency measure to protect fish stocks off the United States coasts against heavy foreign fishing



Your initiative in recent bilateral and limited multilateral negotiations has set the stage for more effective protection of fish stocks off the United States. Although many stocks have been severely depleted by foreign overfishing during the past 15 years, it is questionable that there is a serious threat to the stocks within the next one to three years under currently agreed levels of foreign fishing. The proponents of the bill have overstated the immediacy of the problem and the ability of the bill to solve it effectively.

(B) The Law of the Sea Conference is taking too long and is making no progress

Most certainly the Law of the Sea Conference is taking time and is not moving as fast as we would like. It is not clear whether a treaty can be completed in 1976. However, the stakes for the United States are so important that we should make every effort to reach agreement. Whatever the time frame of the Conference, we are not relying on the Law of the Sea treaty to resolve our interim fisheries problems. Rather, we expect to make substantial progress through negotiations.

(C) The United States has taken unilateral action before and such action was not seriously harmful for United States oceans interests

In 1945 President Truman proclaimed United States jurisdiction over the resources of the continental shelf and in 1966 the United States extended its fisheries jurisdiction from 3 to 12 miles. More recently, in 1973 the United States declared lobster a "creature of the continental shelf" under the Continental Shelf Convention and thereby subjected American lobster to United States jurisdiction. These unilateral



United States oceans actions were fundamentally different from a unilateral extension of our fisheries jurisdiction to 200 miles because:

- They were of a much smaller magnitude and did not prejudice the results of a relevant multilateral Conference;
- At the time we extended our fisheries jurisdiction to 12 miles, the Soviets had already claimed a 12-mile territorial sea and were in no position to protest; and
- It was evident at the time that there would be few protests from the United States action and this was borne out in fact.

Moreover, even these more innocuous actions were not free from costs. Many Latin states used the Truman Proclamation to justify 200-mile territorial sea claims which still plague us. And the more recent claim to include lobster as a "creature of the continental shelf" has given rise to a fisheries dispute with the Bahamas in which Florida-based spiny lobster fishermen have been excluded from their traditional fishing in the Bahamas.

(D) The bill is needed to protect sportfishing off the United States coasts

Passage of the bill would at best be a mixed blessing for sportfishing interests. The vast majority of United States sportfishing for groundfish takes place within 12 miles, an area already under our exclusive jurisdiction. An argument can be made that foreign fishing efforts outside of 12 miles have an adverse effect on fish stocks within this limit, but United States commercial fishing operations after passage of a 200-mile bill would have the same effect. Passage of the bill would not significantly help sportfishing aimed at billfish and other migratory species such as bluefin tuna, which can only be protected by regulations



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applying to the entire stocks, which range far beyond 200 miles. Passage of the bill could actually have an adverse effect on this segment of sport-fishing if exclusive claims by Atlantic coastal states, including Europeans and Africans, resulted in abandonment of the current effort to manage these species through the International Commission for the Conservation of Atlantic Tuna (ICCAT).

(G) It will be politically unpopular to work against the 200-mile bill

Although coastal fisheries groups strongly support unilateral action, there are other domestic interest groups strongly opposed. For instance, the bill is opposed by the United Nations Association, the tuna industry, much of the salmon and shrimp industry, some conservation groups, and many international lawyers and law professors.

In addition, a comprehensive and coordinated fisheries initiative is already underway to support efforts to resolve our coastal and high seas fisheries problems through negotiation. Hence, you have in place a constructive and positive approach to resolve both the distant water and coastal fisheries problems. With interest at its peak, you have an opportunity to capitalize on your initiative and present the Congress and the general public with a timely rational solution.

V. NEXT STEPS WITH RESPECT TO THE 200-MILE BILL

With your support we can stop the 200-mile fishing bill despite its strength on the Hill. To do so, however, we must be vigorous and firm in our opposition and be prepared to imply a veto. If you agree with this approach I believe that we should immediately undertake the following actions:

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- a public announcement of your fisheries initiative which is designed to achieve a transition to a 200-mile fishing zone over the next two or three years through negotiations rather than unilateral action. Presidential support is necessary in any event for the ultimate success of the initiative, and this announcement would provide a visible affirmative response to the fisheries problem;
- a concerted effort to obtain negative reports on the bill from the Senate Foreign Relations and Armed Services Committees; and
- a systematic campaign by the entire Executive Branch against the Senate bill.

On foreign policy grounds, I recommend continued opposition to the bill at this time as set forth above. We should not compromise our national security interests.

Postponement of the effective date of legislation would not avoid the adverse consequences of the passage of the legislation -- the unilateral action. It is taking the action that is important in its international consequences, not the technical effective date.

Your fisheries initiative is well underway, and we are currently participating in a heavy schedule of intersessional Law of the Sea meetings in preparation for the March session of the Law of the Sea Conference. If the legislation can be contained until the late Spring of 1976, we will then know the results of important bilateral fisheries negotiations and have a good indication of the prospects for the Conference. These negotiations should be allowed to continue.



November 8, 1975

MEMORANDUM TO:       MAX FRIEDERDORF  
FROM:                 JACK MARSH

Max, in the event I have not seen you, we have a rather mean problem developing in reference to the 200 mile limit.

There was a meeting in my office by representatives of the State Department, which I asked Bob to attend. This got into status of current legislation, and there seems to be considerable confusion as to just where the issue stands.

I would appreciate your looking into this matter, and try to pull together as much information as possible prior to Wednesday, so that the President has it available when he meets with Bob Wilson and others.

JOM:cb



NOV 11 1975



THE JOINT CHIEFS OF STAFF

MEMORANDUM

Date 8 Nov. 1975

To: Hon. John Marsh, Jr.

Subject: 200 mi. unilateral bill

Thanks very much for the time you gave me today.

Here is a concise overview of the recent success at Montreal fishing talks. For the first time, this President's initiative has obtained a reduction of Soviet, Polish, Spanish etc fishing catches.

Stocks of fish now are rebuilding. Seems to me this is a political plus in New England.  
V.R. Max Morris

THE WHITE HOUSE

WASHINGTON

September 18, 1975

This special meeting of the International Commission for the Northwest Atlantic Fisheries takes up the most difficult problem in the Commission's twenty-five year history. I send my warmest greetings and good wishes to the participants.

It is imperative that the Commission succeed in establishing adequate conservation measures and enforcement procedures to rebuild the important fishery stocks of the Northwest Atlantic. If agreement cannot be reached on reasonable conservation and enforcement measures, the ability of the Commission to fulfill its stated purposes will be called into question. For our part, I pledge the full support of the United States to sound fisheries management and conservation practices, based on scientific evidence and implemented within the framework of internationally negotiated agreements.

I am strongly opposed to unilateral claims by nations to jurisdiction on the high seas. However, pressures for unilateral measures do exist, and will continue to mount, if international arrangements do not prove to be effective.

It is my earnest hope that the Commission will vindicate the trust we place in it and fully justify our mutual efforts to find cooperative approaches to fisheries conservation and management for the benefit of all mankind. In this spirit, I send you best wishes for a productive and rewarding session.

*Harold R. Ford*



Summary Points on  
200-Mile Fisheries Bill

The Executive Branch strongly opposes legislation that would unilaterally establish a 200-mile fisheries zone off the United States. The reasons for that opposition are as follows:

-- U.S. fisheries concerns can best be met in the context of international agreements. The President has pledged "the full support of the United States to sound fisheries management and conservation practices, based on scientific evidence and implemented within the framework of internationally negotiated agreements." That such agreements are attainable is evidenced by the September 28, 1975 ICNAF agreement covering the area from Maine to North Carolina in which the 1976 fishing catch will be reduced by 23 percent over 1975. It represents a major step forward in a continuing effort to reduce foreign catch levels.

-- Unilateral extensions of fisheries jurisdiction have, in the past, led to or encouraged more extreme jurisdictional claims. Such claims would have an adverse impact on a broad range of oceans interests including commercial navigation (affecting vital energy needs) and national security (requiring naval mobility for our general purpose and strategic deterrent forces).

-- Unilateral fisheries legislation will have a harmful impact on U.S. distant-water tuna and shrimp fisheries and increase the likelihood of disputes with the states off whose coasts those fisheries are conducted.

-- Enforcement of a unilaterally declared 200-mile fisheries zone against states which fish off our coasts could lead to confrontation and jeopardize our relations with those states.

-- In order to implement a satisfactory enforcement plan, a minimum expenditure of \$63.2 million in acquisition and reactivation costs and \$47.2 million in annual operating funds (based on 1975 fiscal dollars) would be required.

-- Unilateral claims will make it far more difficult to conclude a satisfactory Law of the Sea Treaty involving a broad range of U.S. oceans and foreign relations interests. The likely outcome of such a treaty -- which the U.S. supports -- is the establishment of a 200-mile economic zone in which our fisheries and other oceans interests are protected. Accordingly, unilateral action could seriously jeopardize international recognition of precisely that which it is intended to achieve.

-- A unilateral claim would be a serious setback to the development of international legal institutions and the rule of law in the oceans, since it is generally agreed that a unilateral extension of U.S. fisheries jurisdiction to 200 miles would be inconsistent with existing international law.

RESULT OF  
PRESIDENT'S  
INITIATIVE!  
FIRST TIME  
SOVIETS & OTHERS  
AGREE TO REDUCTION.



To: Jack Marsh  
From: Max +.

THE WHITE HOUSE  
WASHINGTON

M

November 10, 1975

MEMORANDUM FOR:

MAX FRIEDERSDORF

FROM:

JACK MARSH *Jan*

*R - report  
to Braswell  
11/10/75*

Would some of your people on the Senate side check with Ed Braswell today in reference to the 200 mile limit question, and find out his views.

*Prof Walthers visited with Braswell today and Ed has serious concerns about the security aspects of a 200-mile limit bill. Stennis will seek jurisdiction and hold hearings after Rumsfeld hearing. I doubt if Maggie can get bill to floor before Thanksgiving.*

*Max*

