

Thursday - 17 April 1975

CIA INTERNAL USE ONLY

CONFIDENTIAL

19. (Unclassified - DFM) Called the office of Congressman Paul Findley (R., Ill.) in order to request documentation of some statements the Congressman cited in introducing his National Security Act amendments (H.R. 5873). I was told that Findley's aide, Mike Hall, had written the statement, and I requested that he call me tomorrow when he returns to work.

20. (Unclassified - DFM) Received a call from the office of Congressman Andrew Maguire (D., N. J.), who inquired whether we might have a record of some testimony given in 1918 about a spy ring. I replied that the CIA only went back as far as its predecessor organization, OSS, which was formed during World War II, and that I doubted we had any 1918 testimony. I suggested that the office contact the Library of Congress or the Defense Department.

21. (Unclassified - DFM) Called George Gilbert, OMB, to report that the Agency has no comments on the reports OMB is planning to submit to the House Committee on Merchant Marine and Fisheries on the Law of the Sea. [redacted] checked within DDI and determined this position.

22. (Confidential - SRB) Briefed Tom Smeeton, Minority Staff, House International Relations Committee, on the main points of interest to CIA of the 7 March 1975 draft of the Murphy Commission report on Intelligence. No documents were left with Mr. Smeeton and it was made clear to him that the briefing was informal and did not constitute an official Agency position. Mr. Smeeton requested the briefing on behalf of and in his capacity as staff assistant to Representative William S. Broomfield (R., Mich.) recently appointed to the Murphy Commission. Mr. Smeeton stressed that he regarded the discussion as educational for himself and, indirectly, for the benefit of Representative Broomfield, who is also a member of the Oversight Subcommittee of the House International Relations Committee.

23. (Unclassified - GLC) Accompanied the Director, [redacted] Carl Duckett and Jack Iams and [redacted] to a briefing of the House Appropriations Committee Defense Subcommittee on the Agency and intelligence community budgets. See Memo for Record. This briefing will be continued on Tuesday, 22 April 1975 at 2:00 p.m.

CIA INTERNAL USE ONLY

CONFIDENTIAL

due 18 Apr!

SENDER WILL CHECK CLASSIFICATION TOP AND BOTTOM

UNCLASSIFIED

CONFIDENTIAL

SECRET

Approved For Release 2005/11/21 : CIA-RDP77M00144R000600120033-0

OFFICIAL ROUTING SLIP

TO	NAME AND ADDRESS	DATE	INITIALS
1			
2			
3			
4			
5			
6			

ACTION	DIRECT REPLY	PREPARE REPLY
APPROVAL	DISPATCH	RECOMMENDATION
COMMENT	FILE	RETURN
CONCURRENCE	INFORMATION	SIGNATURE

Remarks:

Bob:

Here's the OMB report which needs approval by Friday.

Assistant Legislative Counsel

FOLD HERE TO RETURN TO SENDER

FROM: NAME, ADDRESS AND PHONE NO.

DATE

OLC

7D35

4/15/75

UNCLASSIFIED

CONFIDENTIAL

SECRET

FORM NO. 1-67

237

Use previous editions

(40)



EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

WASHINGTON, D.C. 20503

April 10, 1975

MEMORANDUM TO: Legislative Liaison Officers

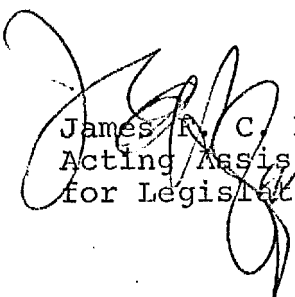
Department of Commerce	Agency for International Development
Department of Defense	Central Intelligence Agency
Department of the Interior	Council on Environmental Quality
Department of Justice	Environmental Protection Agency
Department of Transportation	National Security Council
Department of the Treasury	National Science Foundation

SUBJECT: Clearance of two proposed reports from the Law of the Sea Task Force on legislation to extend the contiguous fisheries zone of the United States.

Attached for your review are two proposed reports prepared by the Law of the Sea Task Force expressing the views of the Executive Branch on several bills to extend the U.S. contiguous fisheries zone. These reports are substantially similar to previous reports and testimony cleared for presentation to the Congress.

In order to expedite clearance of these two reports, we would appreciate receiving any comments your agency may have by FRIDAY, APRIL 18, 1975. After that date, we intend to clear the reports, subject to the agency views we have received. Because of the similarity of these reports to those previously cleared, we will assume that agencies not responding by the above date concur in the proposed reports.

As in the past, each report will be forwarded to the Congress with an appropriate cover letter signed by the Assistant Secretary for Congressional Relations, Department of State, along the lines of the attached copy.


James R. C. Hyde, Jr.
Acting Assistant Director
for Legislative Reference

Enclosures



Approved For Release 2005/11/21 : CIA-RDP77M00144R000600120033-0
DEPARTMENT OF STATE

Washington, D.C. 20520

Honorable Leonor K. Sullivan
Chairman, Committee on Merchant
Marine and Fisheries
House of Representatives
Washington, D.C. 20510

Dear Madam Chairman:

This letter presents the views of the Executive Branch on H.R. 197, 200, 948, 1452, 1839, 2172, 2173, ~~2712~~, and ~~3633~~. It is in response to your requests to individual departments, which requests were in turn referred to the NSC Interagency Task Force on the Law of the Sea, in accordance with Executive Branch procedure.

The bills would extend the United States' contiguous fisheries zone from its present width of nine miles beyond our three-mile territorial sea to various distances. H.R. 200 also provides for the extension of United States jurisdiction over anadromous fish of U.S. origin to the full limit of their range in the oceans, except within the territorial waters or fisheries zone of another country. Under the bill the Secretary of State is also required to seek, inter alia, treaties or international agreements with appropriate foreign contiguous States on the boundaries between the waters adjacent to the United States and waters adjacent to such foreign countries for the purpose of rational utilization and conservation of the resources covered by H.R. 200.

We recognize that the coastal fishermen of the United States have encountered severe problems in recent years and that overfishing for some species has caused a depletion of the stocks involved. Accordingly, we are sympathetic to the need for a solution to the genuine problems which have prompted these bills. However, in our view the best solution can be attained by multilateral agreement in the Third United Nations Conference on the Law of the Sea. The first substantive session of the Conference was held in Caracas from June 20 to August 29, 1974; the second substantive session of the Conference will be held in Geneva from March 17 to May 10, 1975.

- 2 -

As you are aware, we forcefully put forth our fisheries position at Caracas and made substantial progress towards our fisheries goals. A fully enforceable solution to the fisheries problem must be an international negotiated one supported by the community of nations. A unilateral declaration of fisheries jurisdiction at this time could seriously undermine our efforts in the Law of the Sea Conference and hamper the chances for a satisfactory settlement of the fisheries questions on a multilateral basis.

At the Caracas session of the Law of the Sea Conference, a large majority of nations, including the U.S., supported broad coastal State controls over coastal fisheries in a 200-mile economic zone. Thus, the outcome of the LOS Conference is likely to be an international agreement which will substantially enhance coastal State, and thus United States, control over coastal stocks. In addition, we believe it is important that a rational, effective international management system for highly migratory species, as well as host State regulation of anadromous species, be established.

Recognizing that the Law of the Sea Conference will take time to complete its work and that there will be additional delays pending ratification, there is indeed an interim problem with respect to our coastal fisheries. In light of this problem, we have taken steps to enhance the protection of our coastal stocks and to alleviate the problems of our coastal fishermen until a new international legal system for fisheries management is established. First, we have proposed that the fisheries regime agreed to by the Law of the Sea Conference go into effect on a provisional basis pending the actual entry into force of the treaty. Second, we are working to strengthen both bilateral and multilateral agreements with nations whose nationals conduct fishing operations off our coasts. Third, we have adopted stringent new enforcement guidelines for the protection of our continental shelf fisheries resources.

As an example of U.S. multilateral efforts, the International Commission for the Northwest Atlantic Fisheries (ICNAF) has developed a highly sophisticated and complex fisheries regulation system which governs the taking of all desired species, thus reducing the by-catch of species of importance to American fishermen. The overall foreign

catch quotas in this area, lowered in 1974, will be further reduced by approximately 12% during 1975 and will be lowered again in 1976. U.S. catch quotas will be going up during this period. In addition, the regulatory system has been frequently refined during recent meetings to afford greater protection to American fishermen interested in haddock, yellowtail flounder, and herring. Moreover, the system of international enforcement of the ICNAF regulations is being constantly improved. Through all of these actions the strong special interest of the coastal nation in coastal species has been recognized. Thus, our coastal fisheries have achieved, and will continue to achieve through international agreement, a substantial degree of the coastal protection desired by American coastal fishermen.

Furthermore, in December, 1974, the U.S. and Japan reached agreement concerning fishing in the northeastern Pacific and Bering Sea. The new agreements established new and better balances between fishing effort and the abundance of the resource. Some principal features of the US-Japanese understanding include a reduction in the Japanese catch of pollock of 400,000 tons; special controls on the Japanese harvest of various fin fish in the area by means of catch limitations as well as area and time closures; mutual arrangements regarding loading and transfer operations and restricted fishing in areas where U.S. fishermen concentrate their efforts; and new procedures by the Japanese to reduce and control the incidental catch of king and tanner crab. The Japanese also agreed to reduce their quota of king crab from 700,000 to 300,000 tons (a reduction of nearly 60%) and to a smaller reduction in their total tanner crab catch (but with a 70-80 percent reduction in the areas traditionally fished by U.S. crabbers). The two countries also made arrangements for enforcement measures more stringent than any ever before agreed to by them, including an opportunity for the U.S. to observe the conduct of fishing operations on Japanese vessels.

It should be noted that ICNAF includes virtually all fisheries off our Atlantic coast, and that the Japanese conduct by far the largest fishery off our Pacific coast. However, the international protections we have are not limited to the examples cited above. We have additional arrangements on both coasts with a number of nations for the further protection of U.S. fishery interests.

- 4 -

We feel that these steps have significantly increased the protection of our coastal stocks, although we recognize that the problem is far from fully solved. While the bills under discussion are attempts to provide added protection for our coastal fisheries during this interim period, we believe that the legislation could nevertheless have serious harmful consequences both for the Law of the Sea negotiations and for the long-term fishing interests of the United States.

Implementation of this legislation would constitute unilateral action by the United States at the very time the world community is seeking a new regime for international fisheries through international agreement. Such unilateral action, in our opinion, runs counter to established fundamental principles of international law. It is the view of the United States that under existing international law no State has the right unilaterally to extend its fisheries jurisdiction to 200 miles, and we do not recognize such claims. A departure from this principle by the United States could encourage similar claims by other countries. The nature of such foreign claims would not necessarily be influenced by the interim nature or "reasonableness" of our own action, and could include claims to other alleged rights such as those affecting navigation and overflight, straits, and scientific research. Moreover, this action could lead some States to seek to delay or to impede the work of the Conference, thus threatening the possibility of agreement. It would disrupt our cooperation with like-minded States in the Law of the Sea negotiations and could directly undercut our fisheries proposals in the Conference. The interim character of the legislation does not render it less troublesome in these respects. Furthermore, in our opinion, the harm done to overall national interests in the achievement of a successful international agreement by this type of unilateral action would far outweigh any short-term, interim benefits.

Moreover, a unilateral extension of our contiguous fisheries zone as outlined in these bills would not fully protect all our fishing interests, which are both coastal and distant. Our distant water fishing interests, such as the tuna and shrimp industries, would actually be prejudiced by our unilateral action. The United States would be compelled, in effect, to recognize extended fisheries zones of other coastal States, at least to the extent of our own unilateral claim, and, in addition to a direct effect on our distant

- 5 -

fishing rights, this would have detrimental implications for the coverage of the Fishermen's Protective Act of 1967. Furthermore, there is no reason to believe that distant water fishing nations would recognize our unilateral claims, thereby creating serious foreign policy and enforcement problems. In order to be effective, the extension of jurisdiction contemplated under these bills would require a substantial increase in enforcement capability to patrol adequately the expanded area. Admiral O. W. Siler, Commandant of the U.S. Coast Guard, reported on the Coast Guard's current planning in this regard in his letter to Mr. Murphy dated August 23, 1974.

In the Law of the Sea Conference, the United States has introduced a fisheries proposal which is based on acceptance of a 200-mile economic zone and which offers a rational management system for the United States fishing industry, as well as the diverse interests of the International community.

Our proposal is based on an approach that reflects our overall view that coastal State control over coastal species within the economic zone and host State control over anadromous fish should be subject to international standards and compulsory dispute settlement so as to protect the interests of all States and the international community in general. The jurisdiction exercised by the coastal State over coastal species would be limited to the zone. Each coastal State would have a preferential right to that portion of the allowable catch it could harvest. The remaining portion would be open to harvest by fishermen of other nations, subject to nondiscriminatory coastal State conservation measures and reasonable fees to defray their share of the cost of such regulation. The extent to which the coastal State preference would reduce traditional distant water fishing would be determined through negotiation at the Law of the Sea Conference.

Under our proposal, anadromous species would be subject to the jurisdiction of host State of origin. On the other hand, highly migratory stocks, such as tuna, would be managed by international organizations in which all fishing and coastal States could participate. These organizations would manage stocks subject to the same international standards and compulsory dispute settlement procedures as envisioned for coastal species.

- 6 -

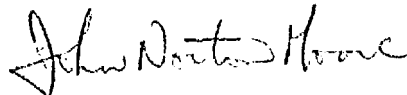
As indicated above, at Caracas a large majority of nations supported broad coastal State control over coastal fisheries. Even major distant water fishing States recognized that an overall Law of the Sea treaty will include greater protection for coastal States' fisheries interests than exists at present. Thus, we feel that the best resolution of the fisheries question can be attained by multilateral agreement in the Law of the Sea Conference.

Furthermore, from the standpoint of the rational management of marine resources, all fishing activities--both domestic and foreign--must be considered. Provision must be made for the development of regional fisheries management plans prepared on the basis of advice and input from State government officials and affected local interests. The Federal Government must hold a position of general leadership and authority for regulating fisheries, but this leadership and authority must be exercised in cooperation with the State governments and other interests. We are developing such management plans so that, at the conclusion of the Law of the Sea Conference, we will be able to move quickly to institute effective management over the resources off our coasts.

For the reasons stated above, the Executive Branch opposes the enactment of the bills discussed in this letter.

The Office of Management and Budget advises that from the standpoint of the Administration's program there is no objection to the submission of this report.

Sincerely,



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



DEPARTMENT OF STATE

Approved For Release 2005/11/21 : CIA-RDP77M00144R000600120033-0

The Honorable Leonor K. Sullivan
Chairman, House Merchant Marine
and Fisheries Committee
House of Representatives
Washington, D.C. 20510

Dear Madam Chairman:

This is in response to your request for individual agency comments on H.R. 1840. The following response from the NSC Interagency Task Force on the Law of the Sea represents the coordinated comments from those agencies represented on the Task Force.

H.R. 1840 would modify the system for delimiting the United States contiguous fisheries zone to include the use of straight baselines where applicable under the terms of the Convention on the Territorial Sea and the Contiguous Zone. The bill does not change the method of delimitation of the territorial sea. Changes such as those proposed by this bill would provide only limited protection for the U.S. coastal fisheries, while at the same time representing a basic modification in the long-standing U.S. policy concerning use of straight baselines. As you are aware, we are involved in intense negotiations concerning a new fisheries regime in the United Nations Conference on the Law of the Sea. We believe that these discussions will lead to a long-term fisheries solution which will meet the objectives of protection of U.S. fishermen, which is the concern behind this legislation, far better than this bill or other forms of unilateral extensions of jurisdiction which are now under consideration.

Further, during testimony on this legislation, in 1973, we noted some technical problems with the bill. While the bill has been redrafted, we continue to believe that the bill could create pockets of high seas between the seaward boundary of the territorial sea and the inner boundary of the contiguous zone where straight baselines are used, and thus that the technical problems continue to be applicable.

- 2 -

For the reasons set forth above, the Executive Branch does not support enactment of this bill. The Office of Management and Budget advises that from the standpoint of the Administration's program there is no objection to the submission of this report.

Sincerely,

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



DEPARTMENT OF STATE
Approved For Release 2005/11/21 : CIA-RDP77M00144R000600120033-0
Washington, D.C. 20520

Dear Mr. Chairman:

Your request for the views of several Executive Branch departments and agencies on _____ has been referred to the Department of State for the preparation of coordinated Executive Branch response by the National Security Council Interagency Task Force on the Law of the Sea.

That position is set out in the enclosed Task Force report.

If I can be of any further assistance, please do not hesitate to contact me.

Sincerely,

Assistant Secretary
for Congressional Relations

Enclosure:

As stated