

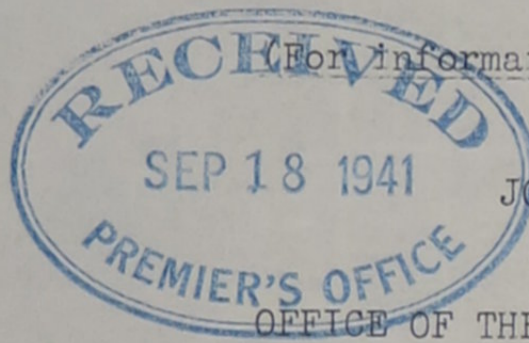
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(For information only - not for publication.)

JOINT COMMITTEE FOR THE PROTECTION OF
PACIFIC COAST FISHERMEN

OFFICE OF THE CHAIRMAN

71 - Columbia Street
Seattle, Washington

September 12, 1941

copy

Honorable Cordell Hull
Secretary of State
Washington, D. C.

Dear Secretary Hull:

Enclosed is reprint of article published in the PACIFIC FISHERMAN September issue, containing a description by Captain E. Jackson showing continued activities of the Japanese in the fisheries of Bering Sea.

Your attention is called to the concern expressed by representative packers and fishermen of the North Pacific as to the adverse effect of Japanese operations in these waters on the American salmon fisheries.

Your attention is also called to the evidence showing that the Japanese are "tagging" salmon in these waters. It is suggested that the State Department investigate and determine the purpose of such "tagging", which is presumed is being conducted by the Japanese government. In view of the fact that the Japanese government in past years rejected the overtures of the International Halibut Commission to undertake to extend its studies along the Asiatic Coast in waters adjacent to Japan, it is worthy of inquiry as to whether the U. S. State Department has agreed to or acquiesced in such surveys of the American salmon fisheries off the shores of Alaska.

American and Canadian fishermen are restricted by the International Halibut Commission to a certain poundage of halibut; when this limit has been reached, the districts are automatically closed to any further halibut fishing. As long as the American and Canadian fishermen are controlled under rigid restrictions, there is no reason why the Japanese should be allowed to exploit entirely without restraint the fisheries off our coasts.

It will be recalled that in 1936 the Japanese government dispatched a vessel into the waters of Western Alaska and along the Pacific Coast which spent some months making detailed investigations of the American salmon fisheries. In that year the Japanese government sent officials to this country who appeared before the Institute

Hon. Cordell Hull
September 12, 1941
Page -2-

of Pacific Relations' conference at Yosemite Park to urge that body to support the proposal of the Japanese government to undertake joint surveys by the Japanese and American governments of the fisheries in the waters adjacent to Alaska. This proposal was strongly opposed at the time by the American salmon fishing industries.

There is very general uneasiness among the people in the commercial fisheries of the North Pacific Coast that in reported discussions between the United States and Japanese governments concessions may be granted to Japan to engage in operations in the commercial fisheries of the North Pacific off our shores. As these fisheries have been long developed by Americans, with large investments by our people, and are the source of livelihood for some thousands of our citizens, we respectfully urge that the State Department resist every effort on the part of Japan to set up and establish claims for any part of our coastal fisheries.

Sincerely yours,

JOINT COMMITTEE FOR THE PROTECTION
OF PACIFIC COAST FISHERIES

Miller Freeman, Chairman
Seattle, Washington

Andrew Vigen,
Alaska Fishermen's Union, San Francisco

Wm. Hecker,
Alaska Fishermen's Union, Seattle, Wash.

J. F. Jurich,
International Fishermen and Allied
Workers of America, Seattle, Wash.

Edward W. Allen, Seattle

JAPANESE

Again Appear in Bristol Bay Region

Once more this year Japanese fishery interests extended their operations into the region of Bristol Bay—America's greatest source of Red salmon. However, only one Japanese outfit has been definitely reported in that district, and this was farther north and farther off shore than these fleets have often been seen in the past, leading observers to assume that the activity of U. S. government vessels in patrolling the waters along the Alaska Peninsula and Aleutian Islands has induced the Japanese to work on slightly different grounds.

This outfit, headed by the steamer "Kosei Maru" of Tokyo, and including at least eight large trawlers and a flock of small boats, was sighted a number of times by various Americans about the time of the opening of the Bristol Bay salmon season, but the most specific report comes from Capt. E. Jackson of the Pacific American Fisheries motorship "Clevedon," which was under charter for the summer to the Alaska Steamship Co. Capt. Jackson took the pictures reproduced herewith, and got a good look at the "mother ship" and accompanying craft.

Capt. Jackson encountered the Japanese fleet June 27 at 12:40 P. M. in Lat. 58 deg. 15 min., Long. 167 deg. 12 min.—something over 100 miles south of Nunivak Island, north of Unalaska, and about 175 miles west of Cape Newenham. He saw eight smaller vessels which he describes as "tenders" working in pairs, with cables dragging aft, apparently engaged in bottom trawling, and numerous boats about the size of Bristol Bay gillnetters, which could be hoisted on davits, tied alongside the mother vessel.

Setting a course as close to the "Kosei Maru" as prudence would permit, he passed her at a distance of about 200 ft. As shown in the photo, she was heavily loaded. He saw big wells or bins both amidships and forward, both of which were full of fish: they could not be positively identified as to species, but appeared to consist mainly of cod, halibut, flounders and salmon. From his description, and accounts of similar vessels seen in the past, she would seem to be a factory ship of the diversified type, equipped for reduction, salting, freezing and canning; though he could determine nothing about her processing operations.

Surface Gear Not Seen

He saw no identifiable evidence of gillnets, seines or other gear for surface fishing, either on the vessels or in the water; but says there was a great amount of netting hung from the rig-



Above is shown the Japanese "mother ship," and below, five of the eight trawlers sighted this season by the M/S "Clevedon" operating between Nunivak Island and Unalaska.

See That American Fisheries Are Protected!

In view of the current news from Tokyo and Washington a good deal of concern is felt in Pacific Coast fishery circles regarding the protection of the American fisheries against Japanese encroachments, which have been a constant threat for many years.

Anxiety is felt lest, in the pending negotiations between the United States and Japan, concessions be made to the disadvantage of American resources and operators.

It is important that the industry be alert to see that, in the movement to bring about more friendly relations between the American and Japanese governments, its interests shall not be ignored.

ging, while the decks were fairly swarming with people at work. Both on the mother ship and the trawlers great numbers of split fish were hanging in the rigging and against the sides of houses, which he identified as codfish and salmon.

Capt. Jackson notified the Coast Guard and other government agencies of his observations, and patrol vessels were sent to that vicinity, while the north side of the Peninsula and Bristol Bay waters for some distance out were patrolled during the salmon season by vessels of the Fish & Wildlife Service. The latter, it is understood, saw nothing of any Japanese operations. Early in the season Dutch Harbor fishermen reported sighting a Japanese fleet—presumably the same vessels seen from the "Clevedon"—keeping well offshore and dragging diligently for cod and halibut. As far as has been reported, nothing was seen of this fleet later in the sea-

son, and it is believed to have withdrawn from the Alaska coast some time in July.

Capt. Jackson has seen Japanese fishery vessels in the vicinity of Alaska almost every season for some ten years past, but they were usually working along the Alaska Peninsula, using what he identified as crab gear. He has never before run across them so far north, and the trawlers were larger than any of the auxiliary boats he has seen before.

Japanese Tag Recovered

Another interesting but rather mystifying incident of the past season was the recovery of a Japanese salmon tag on Bristol Bay. It has been known for some time that the Japanese were tagging salmon to trace their migrations, but few details have come to hand as to the procedure, places and dates of tagging, etc.

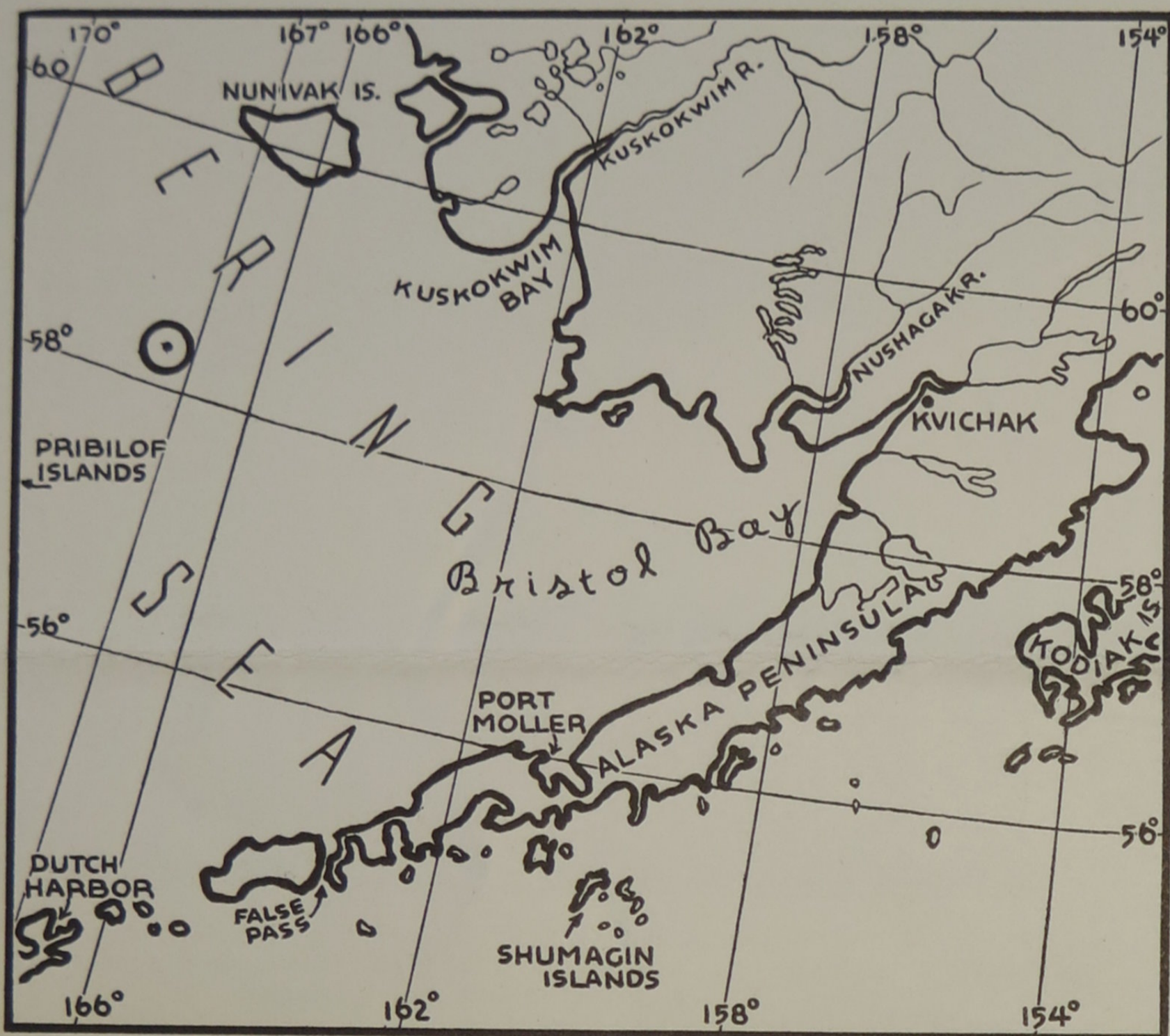
A fisherman for the Alaska Packers Association this year netted a salmon bearing a Japanese tag, which was turned over to George Kelez, in charge of Bristol Bay spawning ground investigations of the Fish & Wildlife Service, and preserved for further examination at the Seattle laboratory.

The fish was caught on the gravel spit in the Naknek-Kvichak sector. The tag was of celluloid, about 1 by 2 in., bearing some Japanese characters and a serial number. It was rather crudely attached by means of a piece of copper wire thrust through the fleshy part of the tail and twisted; while the wound was still clean, just beginning to fester. From the appearance of the wound, those who saw it believed it had been attached only a short time: not over three or four weeks at most.

Just where and when the tag was attached, and what was the purpose, are still matters of speculation; but from all reports it seems fairly obvious that it was put on at no great distance from Bristol Bay.

Some packers and fishermen return-

PACIFIC FISHERMAN

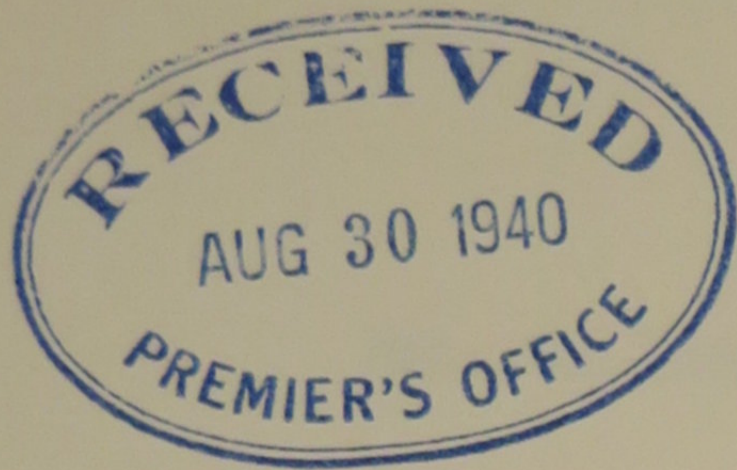


The Bristol Bay Region, showing (dot in circle) the location of the Japanese fishery fleet when seen from the "Clevedon."

ing from Bristol Bay express the opinion that this year's Japanese operations were a real factor in causing the poor season in the American fishery. Even though the Japanese may have limited their fishing entirely to bottom dragging and used no gear ordinarily employed for salmon, they believe that the number of salmon taken incidentally were much greater than might be supposed; and further, that these operations broke up the schools so that fishermen on the inshore grounds of Bristol Bay were unable to catch them.

Other cannerymen of long experience are convinced that, regardless of the effect of this year's Japanese operations, the failure of the 1941 run in Bristol Bay was due in very large measure to the active salmon fishing by Japanese fleets reported in 1937 and 1936—the years from which the 1941 brood was produced.

The continued presence of Japanese fishing vessels in these waters, whatever may be its immediate effect on the Bristol Bay resources or American producing activities, reminds us that the Japanese "assurance" of several years ago that no licenses would be issued for salmon fishing in the vicinity of Bristol Bay covered no specified period and may be withdrawn at any time without notice. Further, it points once more to the need of a firm stand by the United States government in protection of its fishery resources against foreign aggression; an active and vigorous patrol of all the waters involved, and intensified scientific investigation of the habits and migrations of the fish.



5-20-2
38022

VICTORIA

August 29th, 1940.

Honourable the Premier,
Parliament Buildings,
Victoria, B. C.

Dear Mr. Premier:

The Dominion regulations governing the catching of herring have been altered to allow herring to be taken as from the 1st of September instead of the 1st of October this year and we are now receiving applications for processing licences.

As you are aware, our processing licences are issued from year to year and fish reduction licences have for many years been the subject of some argument and during the past few years we have issued fish reduction licences with certain restrictions so far as the processing of herring caught in the waters of the East Coast of Vancouver Island is concerned; the restrictions being provided so that first consideration would be given to the salting of herring and, last year, some special provision was made so that canners of herring would be assured of an ample supply to take care of the market's demands.

This week I received a petition from a group of canners, asking that the processing of herring caught in the waters of the East Coast of Vancouver be restricted entirely to canning and salting (in fact, they were prepared to even cut out the salting). Knowing that this petition would not receive favour from the British Columbia Packers Limited, who are the largest packers in the Province, I called into conference representatives of the B. C. Packers Limited and some other canners, who, I understood, were going to enter the herring canning business this year.

It appears that while firm orders cannot yet be obtained, there is every likelihood that there will be a market in Britain for one million to one and a half million cases of canned British Columbia herring.

I am also told that there will be a great need for highly refined herring oil, which can be used to replace Cod Liver Oil and like products, which have in the past been obtained from Norway and Sweden.

Hon. the Premier, cont.

August 29th, 1940.

One section of the canned fish trade has stated that the Federal Food Board has expressed the wish that as much refined herring oil as possible be put up this year.

The demand for salt herring, which is processed by Japanese operators and sold through Oriental brokers to the Chinese, will not be very great owing to the upset condition of China and the difficulty in finding funds for purchase. This market was a very fine market for us at one time and I have always taken the position that we should do our best to retain our connection so that when things straighten themselves out in the East we may be on the ground floor to take advantage of this very lucrative business.

In the last few years we have given preference to the salting of herring taken from the waters of the East Coast of Vancouver Island because they mature a little earlier than herring in other waters of British Columbia, consequently were ready for the market earlier and, as a result, commanded a better price. The quantity of salt herring put up this year, however, will not be sufficient to be a factor in the problem.

In the East Coast of Vancouver Island area, which for our purposes includes Vancouver and New Westminster, there are numerous canneries in a position to can herring but there are only two operators in a position to reduce herring, the B. C. Packers, in their modern plant on the Fraser River, and a small plant which has been operating largely on dog fish and fish offal, which is not really a factor in the herring reduction.

It is the canneries which have no reduction plant that are urging that we restrict the packing of herring taken from the waters of the East Coast of Vancouver Island entirely to canning and salting.

During the past two or three years in which herring reduction has been allowed under certain limitations, some herring have been taken from the East Coast of Vancouver Island waters to plants on the West Coast of Vancouver Island but, on the other hand, there are fish from West Coast waters and waters adjacent to Queen Charlotte Sound which have been brought into the Imperial Cannery on the Fraser River. Also the Imperial Cannery has brought herring from these other waters for canning purposes.

It is contended, and I am inclined to admit the con-

Hon. the Premier, cont.

August 29th, 1940.

tention, that with modern methods of handling fish after they are caught, it is quite feasible to transport herring from one area to another without affecting the quality of the fish to be processed.

The fish reduction plants on the Fraser River argue that herring canners can bring herring from waters outside the East Coast of Vancouver Island area quite satisfactorily and that there should be no difficulty in getting the amount of herring necessary for canning in first class condition without restricting the processing of herring taken from the East Coast of Vancouver Island waters for canning and salting only.

There is, of course, another factor. If the canners of herring desire to ^{can} put up a first class product, it is impossible for them to ~~use~~ all the herring brought in on a catch. There will be a great number of small herring, there will be a large quantity of herring broken in the handling process and a certain percentage of fish is bound to deteriorate and, of course, there is the offal, so that whatever position we take it seems to me we are bound to make provision for limited reduction.

After giving the matter full consideration, I have come to the conclusion that in view of the fact that there is a demand for herring products for food purposes, processed either by canning, by refining of oil or by salting, we should issue processing licences of all kinds without restriction and let the canners process the fish in the way that is most satisfactory to them, having the knowledge that there is reasonable demand for all types of processed herring.

I should like to get the consent of the Executive Council to follow this course.

Yours faithfully,

Geo. A. Pearson
COMMISSIONER.

GSP/HMA

*Mr. Pearson has been
given consent of Exec. Council*

F-20-D

1 9 3 9
Oct. 28th

Mr. Edward W. Allen,
1308 Northern Life Tower,
SEATTLE, WASH.

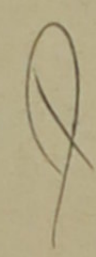
Dear Mr. Allen:

Thank you very much for your
letter of October 25th and clippings
which you kindly forwarded in regard to
northern fisheries.

I have read these with a great
deal of interest.

I am,

Very faithfully yours,



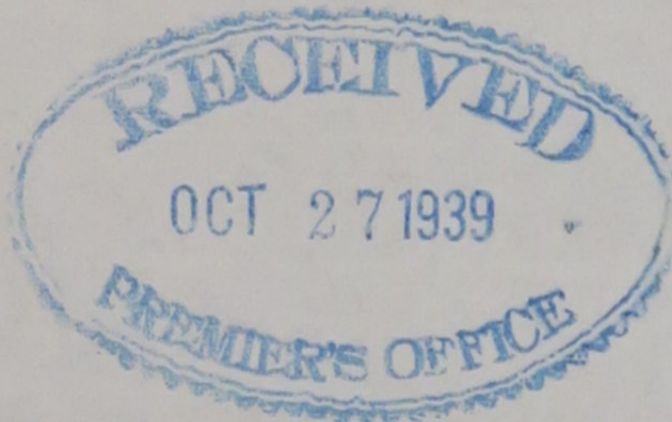
ALLEN, FROUDE & HILEN
LAWYERS

1308-1316 NORTHERN LIFE TOWER
SEATTLE

A. R. HILEN
WILLIAM E. FROUDE
GERALD DE GARMO
EDWARD W. ALLEN
MATTHEW W. HILL
GEORGE S. COOK

October 25, 1939

Honorable T. D. Patullo
Premier
Province of British Columbia
Victoria, B. C.



Dear Mr. Patullo:

You have shown such a sympathetic interest toward the work of endeavoring to protect the Canadian and American fisheries from Japanese invasion, and also the furthering of a friendly cooperative attitude between the two countries manifested by our two international fishery commissions, that I am taking the liberty of calling your attention to a book review of "North Pacific Fisheries." This book has just been published by the Institute of Pacific Relations.

Very truly yours,

A handwritten signature in dark ink, appearing to read 'Edward W. Allen'.

EWA:MEH
ENCL.

THERN le P.I. ERIES

K REVIEW
RD W. ALLEN
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Northwest, including British Co-
lumbia and Alaska, has an annual
output of one billion five hundred
million pounds. Alaska, Washing-
ton and Oregon produce about 40
per cent of the canned fish and by-
products of the whole United
States.

* * *

Seattle is said to occupy "a dual
position as the entrepot of Alaska
trade and the fishery capital of the
entire area. This port has the
largest commercial interest in fish-
ing banks of any city in the coun-
try. It is the home port and the
chief outfitting center for the salm-
on fishing fleet and of the Ameri-
can halibut fleet of Alaska and Pu-
get Sound, as well as of the coastal
common carrier fleet that furnishes
much of the transportation for the
salmon canneries of Alaska." In
1937 the exports from Seattle alone
to Alaska were thirty-eight million
dollars in value as against only
\$14,200,000 to all the Orient. And
for the period from 1911 to 1936
Seattle accounted for 83 3-10 per
cent of the total northbound ship-
ment of seven hundred and fifty
million dollars.

For Alaska the fisheries not only
represent the biggest production
(more than half of the territory's
production of every kind) and the
biggest payroll and tax support,
but they are the basis for transpor-
tation service for every resident of
the territory regardless of his vo-
cation, for they alone furnish suf-
ficient freight and passenger traf-
fic to justify adequate transporta-
tion facilities.

The authors again emphasize the
necessity for the preservation of
the fishery resources of this coast
from uncontrolled exploitation.
They point with admiration to the
remarkable restoration of the hal-
ibut banks as a result of the intelli-
gent cooperation of Canada and the
United States. They urge that this
serve not only as a pattern for
these two friendly American na-
tions but for all the world.

Three-Mile Limit Due for Discard!

Seattle P. I. Oct. 24/39

PRESIDENT ROOSEVELT'S statement last
week that the limit of the United States "ter-
ritorial waters" may extend beyond the classic
three-mile limit, if required by national interests, has
the most important implications when considered
in connection with the encroachments of Japanese
fishing in Alaska.

As the President pointed out, this government
has previously established much more extensive
areas in which operations against liquor smugglers
were carried on, off the Atlantic Coast.

The 300-mile "neutrality zone" agreed upon by
all American republics at the Panama conference has
not yet been accepted by the belligerent powers. But
it ties in neatly with the Monroe Doctrine and with
the extension of that doctrine under which the na-
tions of the Americas assume joint obligations to-
ward seeing that there is neither an extension of Eu-
ropean sovereignties on this side of the Atlantic nor
embroilment of the American republics in European
wars.

It is equally important that such physical en-
croachments as Japanese fisheries operations be pre-
vented.

During the past fishing season Japanese fishing
vessels apparently have kept away from the Bristol
Bay and other salmon fishing areas which were pre-
viously the objects of encroachment. But the Japa-
nese government, which insists upon becoming the
sole "guardian" of Eastern Asia, has taken no official
action toward disclaiming the "rights" which its com-
mercial interests have claimed in the fisheries re-
sources of Alaska.

The facts relating to Alaska salmon fisheries
are well known. The fish are spawned in Alaskan
streams. They are returning to these streams when
caught. They congregate in the shallow waters ad-
joining the shore line. Whether these waters are
within or without the three-mile "limit" is a matter
of no practical consequence.

It is, however, of practical importance that issues
which carry a potential threat to the American fish-
eries, and to relations between the United States
and Japan, be settled as promptly as possible. If
Japan is interested in bettering relations with the
United States a good place to make a start would be
in Alaska.

F-20-L

1 9 3 9
July 27th

Mr. P. R. Bengough,
General Secretary-Treasurer,
Vancouver, New Westminster &
District Trades & Labor Council,
529-531 Beatty Street,
VANCOUVER, B. C.

Dear Sir:

I am directed by the Honourable
the Premier to acknowledge receipt of yours of
July 26th, with which was enclosed copy of
letter addressed to the Prime Minister of
Canada in regard to purchase of Japanese
canned salmon by British interests.

Yours very truly,

L. M. S.

Assistant Secretary.

ORGANIZED IN VANCOUVER
DECEMBER 5TH, 1889

PHONES: SEY. 7495
SEY. 6279

AFFILIATED WITH THE TRADES AND LABOR CONGRESS OF CANADA
AND AMERICAN FEDERATION OF LABOR

32038



VANCOUVER, NEW WESTMINSTER AND DISTRICT
TRADES AND LABOR COUNCIL

MEETS FIRST AND THIRD TUESDAY OF EVERY MONTH AT
LABOR HEADQUARTERS

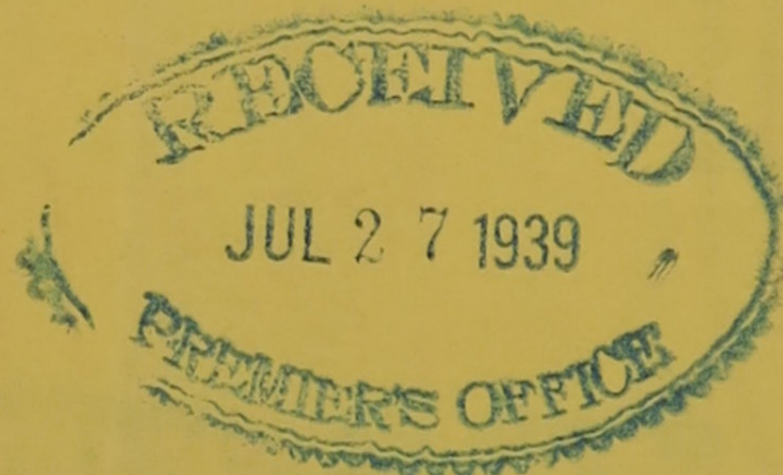


NOTARY PUBLIC SERVICE

OFFICE OF GENERAL SECRETARY
ROOM 200, 529-531 BEATTY ST.
VANCOUVER, B. C.

July 26th, 1939.

Honorable T. D. Pattullo,
Premier,
Parliament Buildings,
Victoria, B. C.



Dear Sir:

You will please find enclosed, a copy of
a letter which has been forwarded to the Prime Minister
of Canada and which is sent to you for your information.

Hoping that you will support our requests in
this regard,

Yours sincerely,

Percy R. Bengough
General Secretary-Treasurer.

P.R.B*MacD

MEMORANDUM

31842

Honorable the Premier,

Parliament Buildings,

FROM THE OFFICE OF

COMMISSIONER OF FISHERIES

VICTORIA B.C. June 28th

1939

Returned herewith is your telegram received from the Secretary of the Salmon Purse Sainers Union, Alert Bay, with regard to purchase of Japanese salmon by British interests, together with a copy of my reply to same, and copies of Memoranda dated June 20th and June 22nd from the Assistant Commissioner of Fisheries in connection with this matter, for your information.

July 26th, 1939.

Honorable MacKenzie King,
Prime Minister of Canada,
Parliament Buildings,
Ottawa, Ont.

CSP/PP

Encl. Dear Sir:

It has been reported to this Council, and also in news items in the Daily Press, that British interests were negotiating to purchase 680,000 cases of Japanese canned salmon valued at about eight million dollars.

We were further informed that British Columbia has a surplus available now of 123,000 cases and that such an order could easily be taken care of with this Season's pack.

Providing this information is correct, we feel that some effort should be made to stop the people in Britain from buying canned salmon from Japan when it can be produced in British Columbia, and assist both business and employees in a country which is loyal to Britain instead of giving their business to a country that is at least not friendly.

Trusting that you will extend this matter your favorable consideration,

Yours sincerely,

General Secretary-Treasurer.

P.R.B*MacD

MEMORANDUM

F-20-P
31847TO Honourable the Premier,
BUILDINGS.

FROM THE OFFICE OF

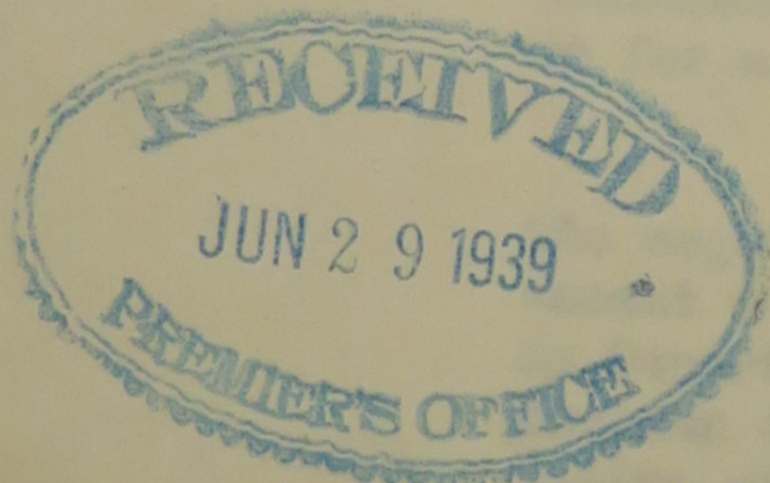
COMMISSIONER OF FISHERIES

VICTORIA, B.C. June 28th 1939

Returned herewith is your telegram received from the Secretary of the Salmon Purse Seiners Union, Alert Bay, with regard to purchase of Japanese salmon by British interests, together with a copy of my reply to same, and copies of Memoranda dated June 20th and June 22nd from the Assistant Commissioner of Fisheries in connection with this matter, for your information.

GSP/PP
Encl.

Geo. S. Pearson
COMMISSIONER.



Section of the Canadian Manufacturers Association that this purchase of canned salmon by British merchants is one that takes place every year, that the canned salmon now being purchased by British merchants has been stored in Britain since last season, and that the sale of it is perhaps taking place a little ahead of normal, due no doubt to fear on the part of the Japanese that the unsatisfactory settlement of negotiations now going on between the Japanese and British authorities may prejudice the sale of their salmon to British merchant..

Apparently the British Columbia Packers are not at all alarmed by this, and they advise me that they could not have supplied

June 28th, 1939.

Ellsworth H. Olney, Esq.,
Secretary,
Salmon Purse Seiners Union,
Alert Bay, B.C.

Dear Sir:

Your telegram of June 24th to the Honourable T. D. Pattullo has been handed to me for a reply.

Upon reading in the newspapers of the negotiations for the purchase of a large amount of Japanese salmon by British merchants my Department got in touch with the Canned Fish Section of the Canadian Manufacturers' Association of British Columbia to find out what help we might be in assisting them to have British Columbia canned salmon substituted for Japanese canned salmon.

We are advised by the Canned Fish Section of the Canadian Manufacturers Association that this purchase of canned salmon by British merchants is one that takes place every year, that the canned salmon now being purchased by British merchants has been stored in Britain since last season, and that the sale of it is perhaps taking place a little ahead of normal, due no doubt to fear on the part of the Japanese that the unsatisfactory settlement of negotiations now going on between the Japanese and British authorities may prejudice the sale of their salmon to British merchant..

Apparently the British Columbia Packers are not at all alarmed by this, and they advise me that they could not have supplied

June 28th, 1939.

Ellsworth H. Olney, Esq., continued.

this canned salmon at the present time if they had been asked to, as the amount of red canned salmon being carried by the British Columbia Packers is very small. They gave me the impression that the outlook for British Columbia salmon this year is very good, and that they will pack all the salmon they can.

Under the circumstances I think you will agree that there is little we can do, and actually the Salmon Cannery, as well as ourselves, feel that the attitude of Japan at the present time will prejudice the use of their goods in the eyes of the British Public, and that notwithstanding any sale made to British merchants (incidentally the sale is not being made to the British authorities) it will have no material effect in increase of sale of Japanese canned salmon made in Great Britain.

Yours very truly,

GSP/PP

COMMISSIONER.

COPY

Provincial Fisheries Department,
Victoria,
June 20th, 1939.

MEMORANDUM.

Commissioner of Fisheries,
Buildings.

Your attention is directed to a recent article appearing in the press reporting the sale of 680,000 cases of Japanese canned salmon to British importers.

At the end of each pack year, it has been the custom for some considerable time, for the Japanese government-controlled salmon industry to ship to England, anywhere from one million to one and one-half million cases of canned salmon on consignment. After arriving in England, this salmon is usually sold to five or six large British importers who handle practically all the Japanese salmon in England. Ordinarily this stock of salmon held on consignment in England would have been disposed of before the first of January. The 1938 pack, however, was not sold at the usual time and the deal has been hanging fire for some months. The 680,000 cases reported in the newspaper is part of the 1938 Japanese pack. In other words, there is nothing out of the ordinary in this deal.

The sale of this fish will not have any different effect on the Canadian Packers than heretofore. As a matter of fact I am reliably informed that the bulk of the sale consisted largely of sockeye in half-pound cans, with a considerable quantity of pinks in talls. Canadian canners have on hand between 40,000 and 50,000 cases of sockeye in one-pound talls, which are not suitable for the British Markets and only 10,000 cases of pinks, together with approximately 50,000 cases of coho. Otherwise, Canadian 1938 stocks have been cleaned up. The British Columbia canners do not consider this a large carry-over for this time of the year, except in the case of cohoes. Regarding this variety, the carry-over is actually larger than ordinarily, but the pack of coho in British Columbia last year was the largest of this species on record and as the quantity of coho available for canning fluctuates widely from year to year, no anxiety is felt in respect to the carry-over of this variety.

I might also mention that from advice received, the deal involving the Japanese fish is one that ordinarily would have been consummated months ago. It would appear that the press is making the most of this deal due to the present strained feeling on the part of the British people towards the Japanese.

Respectfully submitted,

"GEO. J. ALEXANDER".

Assistant Commissioner.

COPY

Provincial Fisheries Department,
Victoria, B.C.

June 22, 1939.

MEMORANDUM.

Commissioner of Fisheries,
Buildings.

Further in respect to the matter of a recent sale of Japanese canned salmon to British interests, I am this morning in receipt of confidential information from the Commercial Secretary of the Canadian Legation at Tokio through the Fisheries' Section of the Canadian Manufacturers' Association, which you will, no doubt, find of interest. The letter reads in part, as follows:

"With further reference to our exchange of correspondence respecting that portion of the 1938 pack of salmon which was held in London, I would now advise that the negotiations for the sale of all of this have now been completed. It is reported in the press that Mitsubishi Shoji Kaisha have concluded a contract with three British firms namely, R.B.Green, P. Stanley and A. Watson for the purchase of 657,000 cases of red salmon produced by the Nichiro Fishery Company and its subsidiary the Taiheiyo Company. Mitsui Bussan Kaisha are also reported to have sold 230,000 boxes produced by the North Kurile Marine Products Company to Crosse and Blackwell and Travers and Hanson interests. Incidentally, I was able to secure this information a day or so ago prior to the receipt of the press report and I therefore think that we can now say definitely that the whole of the 1938 pack of red salmon has been sold with the exception of a small amount of second grade. The press indicates that 30,000 cases remain unsold, whereas from private information that I have secured possibly as much as 50,000 cases are involved but as I have said this is second grade."

You will note that the canned salmon in question has been in London warehouses for some time, where it was shipped direct from the fishing grounds by the Japanese. As stated in my previous memorandum, this is an annual occurrence but this year the deal was considerably delayed.

British Columbia canners have, as yet, taken no collective action, but I am informed that if, on account of the publicity, it should so happen that the British consumers undertake to boycott this Japanese salmon, the Canadian canners are in a position to increase their sales. If this should occur, there is no doubt that British Columbia canners will attempt this year to put up as large a pack as possible.

Respectfully submitted,

"GEO J. ALEXANDER".

Assistant Commissioner,

21830 ✓

F-20-D

1 9 3 9
June 26th

MEMO TO HON. G. S. PEARSON,

COMMISSIONER OF FISHERIES:

Herewith telegram received from
Secretary of the Salmon Purse Seiners Union,
Alert Bay, with regard to purchase of Japanese
salmon by British interests.

I have advised them that I would ask
you to reply to this telegram.

P

1 9 3 9
June 26th

Mr. Ellsworth H. Olney,
Secretary, Salmon Purse Seiners Union,
ALERT BAY, B. C.

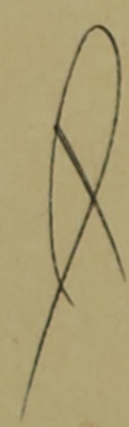
Dear Sir:

I have your telegram of June 24th,
with regard to purchase of Japanese salmon by
British interests.

I am inclined to think that you are
needlessly alarmed, but as I am leaving for
San Francisco at once, I am sending your comm-
unication to the Commissioner of Fisheries, who
will advise you fully.

I would like to take this occasion to
assure you that the Government is thoroughly
seized of the importance of the fishing industry
generally.

Faithfully yours,



(Copy sent to Mr. Pearson)

31830 ✓

Form No. 2 XX.

GOVERNMENT TELEGRAPH SERVICE

DEPARTMENT OF PUBLIC WORKS
DOMINION OF CANADA

The following message was received by the Government, for transmission, subject to the terms and conditions printed on the blank Form No. 1, which terms and conditions have been agreed to by the sender.

F. G. SIMS, General Superintendent.

Please reply by Gov't. Tel. Service
Telephone Empire 2032
1228 Government St.

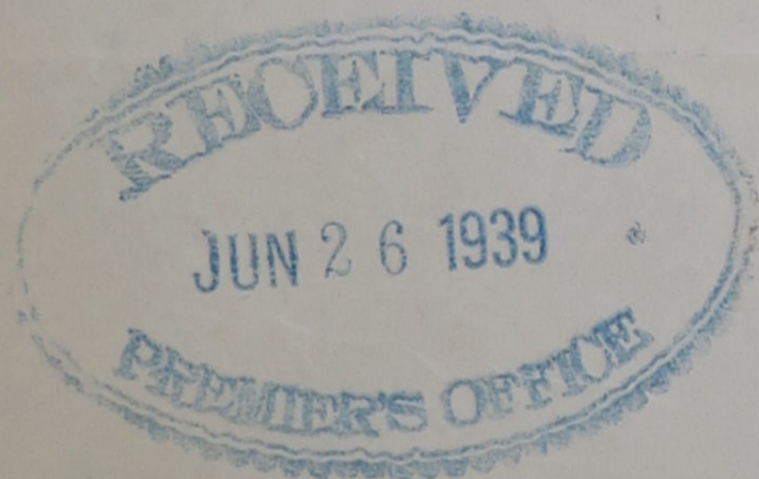
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ALERTBAY BC

JUN 24 1939

HON T DUFF PATTULLO PREMIER VICTORIA BC

AT LARGELY ATTENDED MEETING FISHERMEN AND CITIZENS HELD HERE TODAY
RESOLUTION UNANIMOUSLY PASSED PROTESTING PROPOSED PURCHASE JAPANESE SALMON
BY BRITISH INTERESTS AND RESPECTFULLY REQUESTING YOU EXERT YOUR POWER TO
IMPRESS UPON BRITISH AUTHORITIES DESIRABILITY OF FOSTERING TRADE WITHIN
EMPIRE BY PURCHASING CANADIAN GOODS AND SALMON POINTING OUT MANIFEST
UNFAIRNESS AND PREJUDICIAL INFLUENCE SUCH PURCHASE EFFECTS IN VIEW OF
LARGE SURPLUS SUPERIOR SALMON WHICH WITH CURRENT PACK CAN SUPPLY BRITISH
REQUIREMENTS EIGHTEEN THOUSAND FISHERMEN ANNUALLY EMPLOYED MANY HAVE VOLUN-
TEERED AUXILIARY ARM ROYAL NAVY SERVICE ALL OF WHICH DIRECTLY AND ADVERSE
LY AFFECTED RESPECTFULLY SUBMITTED



ELLSWORTH H OLNEY

SECY SALMON PURSE SEINERS UNION
930A26

F-20-2

1 9 3 9
May 15th

Mr. Edward W. Allen,
Chairman, International Fisheries Commission,
Northern Life Tower,
S e a t t l e, W a s h.

Dear Mr. Allen:

I have your letter of May 12th, together
with copy of your article "Control of Fisheries
Beyond Three Miles," for which please accept my
thanks.

I shall be glad to read this at the first
opportunity.

I beg to remain,

Very faithfully yours,



31518
✓

EDWARD W. ALLEN, CHAIRMAN
NORTHERN LIFE TOWER
SEATTLE, WASH.

A. J. WHITMORE
DEPARTMENT OF FISHERIES
OTTAWA, CANADA

FRANK T. BELL
U. S. COMMISSIONER OF FISHERIES
WASHINGTON, D. C.

L. W. PATMORE, SECRETARY
PRINCE RUPERT, B. C.

W. F. THOMPSON
DIRECTOR OF INVESTIGATIONS

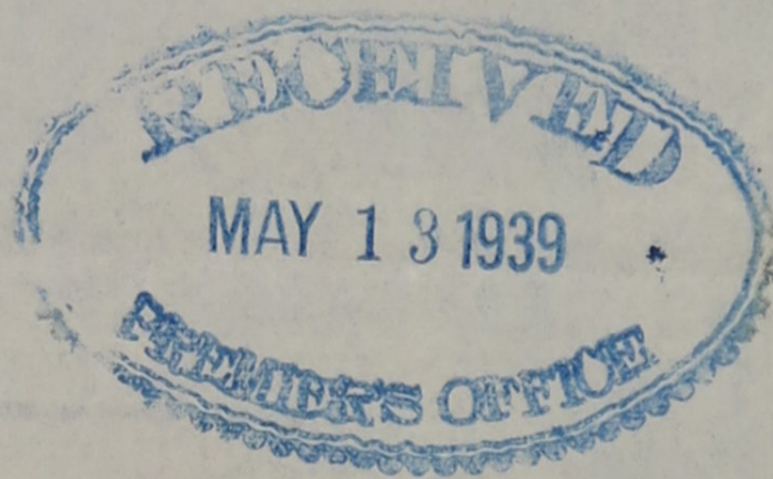
INTERNATIONAL FISHERIES COMMISSION

ESTABLISHED BY THE CONVENTION
BETWEEN CANADA
AND THE UNITED STATES
FOR THE PRESERVATION
OF THE HALIBUT FISHERY
OF THE NORTH PACIFIC

OFFICE OF DIRECTOR
AND LABORATORY
FISHERIES HALL NO. 2.
UNIVERSITY OF WASHINGTON
SEATTLE, WASH.

TELEPHONE MELROSE 4433

May 12, 1939



Honorable T. D. Pattulo, K. C.
Prime Minister
Victoria, B. C.

Dear Mr. Pattulo:

You have been kind enough to indicate your sympathetic interest in our Pacific Coast fishery problem and generous enough to read the copy of my San Francisco address.

I am therefore again taking the liberty of writing to you. The address referred to was in the nature of background. I am now enclosing a reprint of an article which just appeared in the Washington Law Review approaching the problem of Japanese fishing on our Pacific Coast from a different angle. The article attempts to make a brief summary of the situation with reference to the applicable international law and concludes with a suggested plan of procedure. It is to this plan which, though simple in enunciation, nevertheless is the result of many conferences and a great deal of study, to which I should particularly like to direct your attention.

Sincerely yours,

EWA:MEH
ENCL.

Control of Fisheries Beyond Three Miles

By
EDWARD W. ALLEN



Reprinted from
**WASHINGTON LAW REVIEW
AND STATE BAR JOURNAL**
April, 1939

CONTROL OF FISHERIES BEYOND THREE MILES

EDWARD W. ALLEN*

Our Pacific Northwest has attained worldwide recognition from the fact that here a successful system was initiated by two independent nations for the conservation of a deep sea fishery. Now it appears probable that the threatened disruption of this system may in turn give birth to new conceptions of international law.

Strictly legal phases of this situation are so interwoven with the economic and the diplomatic that a factual as well as a legal background is essential to their complete appreciation.

In the 17th century the English and Dutch engaged in a series of wars largely due to contentions over their respective rights in the North Sea. There was also verbal warfare led by such men as Hugo Grotius and John Selden. At that time the English advocated *mare clausum* and the Dutch *mare liberum*. Out of these controversies gradually evolved the theory that each maritime nation was entitled to a strip of water along its shores (sometimes referred to as marginal, sometimes as territorial waters) as wide as it could defend from the shore, which in the case of England and some other countries became arbitrarily fixed as three miles. Fishing rivalry had been directly or indirectly involved in these English-Dutch wars. However, deep sea fisheries were believed to be inexhaustible, so that in the evolution of the rule as to territorial waters there was no serious thought of its effect upon the permanency or destruction of such fisheries.

There has never been a universal recognition of a fixed width for territorial waters, nor has there been any general understanding that a nation has no special rights beyond the limit of its territorial waters. However, the great naval nations during the 19th century, and extending into the 20th, conceived it to be to their advantage to hold down the width of territorial waters as narrowly as possible. These nations, therefore, have not only advocated that the limit of such waters is three miles, but have on occasion taken drastic steps to impose this limit upon non-con-

*Of the Seattle Bar; chairman of the International Fisheries Commission; United States member of the International Pacific Salmon Fisheries Commission; author: *North Pacific* (1936).

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forming nations. They have never been completely successful. On the contrary, it is probable that at least half of the nations do not approve such a limitation. Nevertheless, text writers of the great naval nations treat this rule as if it were universally recognized and absolutely immutable. In the application of this principle such text writers have indicated that a nation has no right whatever to regulate any fishery (except as to its own people and vessels) beyond the limits of its territorial waters regardless of the effect that unregulated fishing may have upon the fishery within the territorial limits.

Different fisheries have had greatly variant international backgrounds. Many nations, some bordering, some nearby, have engaged in the North Sea fisheries from the beginning of their commercial development. Other important North Atlantic fisheries were developed upon an international scale prior to the settlement of the adjacent shore as in the case of banks off Newfoundland, or where the shore population was sparse and incapable of successfully defending the banks against outsiders, as in the case of Iceland. On our North Pacific Coast, on the other hand, the commercial fisheries followed instead of preceded settlement. They originated with the two nations which owned the entire shore line. They have been wholly developed, over-fished, conserved and restored out to the edge of the continental shelf by these nations and them alone, and have been exclusively engaged in by the people and vessels of these two nations without interference until the recent Japanese invasion. As to Bristol Bay in particular the enjoyment by the United States has been so long and exclusive as well to entitle this country to assert title to the bay as an historic bay.

The problem is one of vital importance to the people of Canada and the United States. The fishing industry exceeds in importance all other industries of Alaska combined, and is one of the major industries of British Columbia and the three Pacific Coast states. More than 75,000 men are directly employed, probably as many again indirectly in shipyards, can-making plants and other allied industries. The annual value of the industry's products approximates \$100,000,000. But of even greater importance is the question of whether by rational conservation methods an enormous food resource shall be, as it can be, utilized in perpetuity, or whether it shall be destroyed for the very brief and temporary benefit of certain marine exploiters.

Having this background in mind, let us turn to the North Pacific halibut fishery. This fishery is pursued from Northern California to Bering Sea, both in the inside salt water channels and out as far as the edge of the continental shelf which in different parts of the coast varies from a few miles to as much as one hundred miles.

C.

It has been demonstrated that salmon can be successfully farmed in Alaska, a region where wild fish can be successfully harvested from shore. Floating pens are used in the region. If they are successful, there is no reason to believe that salmon farming on the coast, including in Alaska, is not possible. Here they would combine the efforts of a commission and a private company. In 1937 (the Indian Act) for the express purpose of the eye salmon industry.

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Dr. Bingham points out the state of flux, and that the law of the sea has been changed by ingenuity, backed by law, from time to time in England, until the early part of the nineteenth century, when it reversed its previous position.

An analogous situation occurs with reference to salmon of the North Pacific Coast. These fish spawn in streams and lakes, go to sea, and return to the streams or lakes of their birth in from two to five years, there to spawn and die. The salmon canning industry in Canada and the United States is normally conducted from shore plants, and the fishing is generally done within the three mile limit. In both countries over-fishing has threatened to bring about commercial depletion, but in each country rigid governmental restrictions have been imposed, and the fishery as a whole has been saved.

It has been demonstrated, however, that in the Bristol Bay region of Alaska, a region famous for its high quality red salmon, these fish can be successfully caught ten, fifteen, and twenty-five miles from shore. Floating canneries from Japan have actually invaded the region. If they can operate successfully in Bristol Bay, there is no reason to believe that they cannot do so in other places down the coast, including the entrance to the Strait of Juan de Fuca. Here they would come into direct conflict with the conservation efforts of a commission established by the United States and Canada in 1937 (the International Pacific Salmon Fisheries Commission) for the express purpose of restoring the once valuable sock-eye salmon industry of Puget Sound and the Gulf of Georgia.

Members of both of these international commissions, the national departments dealing with fisheries of Canada and the United States, and the fishing interests involved, including not only the operators but the various fishermen's and cannery workers' unions, have all become greatly exercised over these threats. The State Departments of the United States and Canada have been responsive, but find themselves faced with the contention that their governments are so irretrievably bound to the three mile doctrine that they are helpless to ward off these foreign threats.

In this situation, some of those interested had the temerity to question whether these two great nations were as impotent as had been suggested. Research disclosed that there was probably a great misconception of the origin, recognition, application, and inflexibility of the three mile doctrine. With this in mind, one national organization was induced to make an appropriation for a thorough briefing of the international law applicable to this situation, and to engage Dr. Joseph Walter Bingham of the Law School of Stanford University, for that purpose. Dr. Bingham in turn engaged the assistance of Dr. Stefan Riesenfeld. Their report is being submitted in two parts. One part—understood to be an uncolored summary of the technical disclosures of the research by Dr. Riesenfeld—remains to be published. The other part—Dr. Bingham's commentary in the nature of a brief founded on the research—was produced by the Stanford University Press and has arrested the attention of those interested in the field of international law.

Dr. Bingham points out that international law is in a constant state of flux, and that, generally speaking, modern international law of the sea has been the result of British diplomatic and juristic ingenuity, backed by British power and prestige, and has changed from time to time in accord with British self-interest. It was not until the early part of the last century that England completely reversed its previous position, and in response to commercial, naval,

and fishery interests developed the present doctrine confining foreign territorial jurisdiction over marginal seas to narrowest width.

The United States, guided largely by similar interests in this country, and particularly the New Englanders' desires to fish off the great banks to the north, readily followed England's lead. British diplomacy, however, has never hesitated to back away from the universal application of the doctrine whenever it was considered politic to do so, whereas in this country there has been a tendency, particularly by text writers, to be dogmatic in asserting the doctrine regardless of our own interests or its rationale. Among the nations at large there has been no uniformity in the matter.

The Bering Sea Arbitration is frequently pointed to as if it were a conclusive determination of the universal application of the three mile rule, but Dr. Bingham points out that it has no such significance, that the two contending parties both apparently favored the British doctrine and that there were other features influencing the decision such as the fact that Congress had declined to assert extended jurisdiction.

In fact:

"To an unprejudiced student of history and of present world affairs, it is abundantly apparent (a) that there never has been and is not today any general agreement on the extent of territorial waters, (b) that no state ever has applied consistently a uniform limit for all purposes to the zone of its coastal sea jurisdiction, (c) that it always has been the opinion of realistic experts that if definite limits are set to marginal sea jurisdiction those limits should be different for different purposes, and (d) that there is no common or nearly common agreement on the matter of legality of control over coastal fisheries beyond a three mile zone of marginal sea or other conceded territorial area."

On November 22, 1937, the United States Department of State sent a note to Japan which Dr. Bingham summarizes:

"The salmon are spawned in Alaskan streams and at maturity return to the streams of their nativity to spawn and die. They are caught on the way back to these streams. American fishermen have monopolized these fisheries (as to salmon) for over half a century. When there arose a danger of exhaustion of the supply through over-fishing, conservation measures were applied and they still are being applied under government supervision. These salmon fisheries are of very great economic value to the United States. To the well-being of Alaska they are essential. Foreign competitive fishing would soon destroy the fisheries."

This North Pacific situation involves doctrines of prior occupation, of prescription, and of usage, as foundations of right, all of which are common both to common law and civil law systems. They

correspond to very social life, and have

Much stress is laid on the pre-eminence of England in sea fisheries. Improvements have increased the range of the world. In the past this development, but of other nations as well, has been a complete disregard of the chief sufferer, keenly aware of this and movements for conservation. He is as much interested in the Pacific as in the exploitation prevalent with its cheap labor at the expense of im-

Moreover, recognition of fishery interests externally involve the ability of nations in off-shore fisheries substantially engaged. A violation of a fishery is involved.

International law and national interests and therefore dangerous to a system of law has resulted in formulas of practice and disturbing corruption.

Finally Dr. Bingham reviews the situation and will best meet the practical

"There is no doubt that international law is and frank abandonment of application of the principles. The primary interests demand? On the waters off British Columbia, by argument, use of those fisheries, our treaty rights, as deserve official facts of the case, a

correspond to very elementary motives and concepts of justice in social life, and have been applied in international law.

Much stress is laid upon the desirability of securing the concurrence of England in any sound policy for the conservation of deep sea fisheries. Improved fishery technique and equipment have increased the range of fishing fleets until they can now rove the world. In the past England has been the greatest beneficiary of this development, but as with still increasing efficiency the fleets of other nations as well as her own become more destructive in their complete disregard of conservation principles England will be one of the chief sufferers. (It should be noted that the British are keenly aware of this situation and have been the leaders in recent movements for conservation in the North Atlantic.) England should be as much interested in the promotion of sound fishery practices in the Pacific as in the Atlantic. Should the practice of unlimited exploitation prevail throughout this largest of oceans, Japan, with its cheap labor and aggressive methods, will profit largely at the expense of important parts of the British Empire.

Moreover, recognition of particular instances in which a nation's fishery interests extend beyond the three mile limit does not necessarily involve the abandonment of fishery rights of non-adjacent nations in off-shore fisheries in which they have actually been substantially engaged. And there may be situations where the preservation of a fishery can only be worked out by all the nations involved.

International law always has been a product of the interplay of national interests and will continue to be subject to change. It is therefore dangerous to acquire the "comfortable conviction that a system of law has reached maturity in familiar and incontestable formulas of practice and should be frozen by codification against disturbing corruptions and dissipations."

Finally Dr. Bingham concludes that the United States should review the situation and make such adjustment of its position as will best meet the practical demands of our people.

"There is no difficulty about this. No violation of international law or ethics would be involved in the direct and frank abandonment by our government of the rigid application of the three mile rule to coastal fishery problems. The primary question is: What do American interests demand? Our North Atlantic fishery interests in waters off British Colonial coasts can be protected sufficiently by arguments drawn from the historical facts of use of those fisheries for two hundred years past and by our treaty rights. Such claims on other foreign coasts as deserve official support can be given it on the peculiar facts of the case, and American claims which are no better

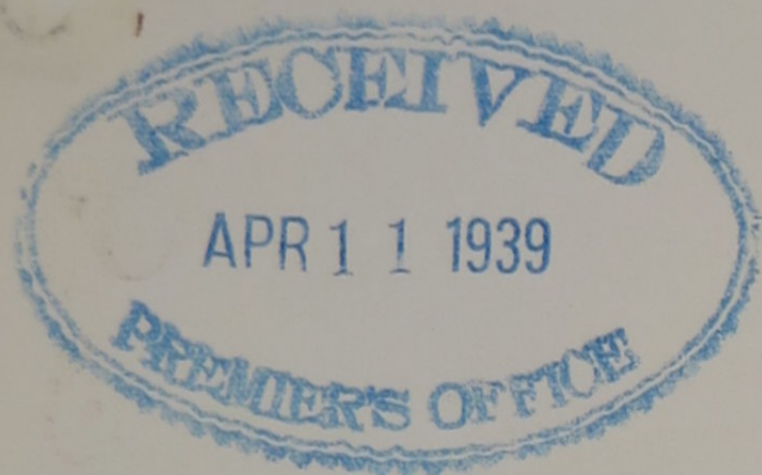
than the claims of foreign invaders of the salmon fisheries of Bristol Bay do not deserve insistent assertion against opposition of the coastal state."

Dr. Bingham's treatise has been thus extensively reviewed, not because it necessarily furnishes the solution of the North Pacific fishery problem, but because it does clear the way for a consideration of that problem on its merits by shattering the concept that the three mile rule is sacrosanct. There is no reason to believe this particular doctrine to be more sacred than any other. It is inconsistent with its own origin, often inequitable in its application, far from being universally recognized, and among its own advocates there is no unanimity as to its scope.

Nevertheless in the practical solution of the specific situation which now confronts Canada and the United States, it is unnecessary and unwise that they should make their cause dependent upon the universal abrogation of the three mile rule. It is sufficient that the doctrine be held within rational bounds and that the bogie of its immutability be permitted no longer to frighten these countries from making an appraisal of their mutual interests, determining how those interests may best be protected, and then agreeing upon such course as the facts require.

The writer submits the following summary and procedure:

1. Canada and the United States have already dealt with two fishery problems of the region in an advanced, unique, cooperative, and effective manner.
2. They should survey the whole North Pacific fishery situation as a joint problem which by reason of its different historical and factual background is entitled to different treatment from that of the Atlantic.
3. As between themselves they could agree that the *status quo* should be definitely continued as to the rights and privileges of their respective fishermen and fishery vessels unless and until changed by specific subsequent agreement.
4. An accord might be worked out as to the nature and extent of extended jurisdiction necessary for the conservation of all the fishery resources of the continental shelf in complete disregard of the question of the proper width of strictly territorial waters, treating the fishery situation of this coast in its proper light of being wholly distinctive.
5. These two peacefully inclined but powerful American nations should then let the world know that their special interest in these fisheries entitles them to assert and to maintain the conservation practices and control upon which they agree and that they intend to do so.



F-20-D
31284 ✓

Ottawa, April 4, 1939.

Honourable T. D. Pattullo, M.L.A.,
Premier of British Columbia,
Victoria, B. C.

My dear Premier:

I wish to acknowledge your letter of March the 30th, and to thank you for sending me a copy of your letter to Mr. Edward W. Allen, the Chairman of the International Fisheries Commission, together with a copy of Mr. Allen's recent address.

I shall bring Mr. Allen's address to the immediate attention of the appropriate officials in the Department of External Affairs, in order that it may receive careful study.

Yours sincerely,

W. M. Macdonald

31227 ✓

EDWARD W. ALLEN, CHAIRMAN
NORTHERN LIFE TOWER
SEATTLE, WASH.

A. J. WHITMORE
DEPARTMENT OF FISHERIES
OTTAWA, CANADA

FRANK T. BELL
U. S. COMMISSIONER OF FISHERIES
WASHINGTON, D. C.

L. W. PATMORE, SECRETARY
PRINCE RUPERT, B. C.

W. F. THOMPSON
DIRECTOR OF INVESTIGATIONS

INTERNATIONAL FISHERIES COMMISSION

April 1, 1939

ESTABLISHED BY THE CONVENTION
BETWEEN CANADA
AND THE UNITED STATES
FOR THE PRESERVATION
OF THE HALIBUT FISHERY
OF THE NORTH PACIFIC

OFFICE OF DIRECTOR
AND LABORATORY
FISHERIES HALL NO. 2.
UNIVERSITY OF WASHINGTON
SEATTLE, WASH.

TELEPHONE MELROSE 4433



Honorable T. D. Pattullo, K. C.
Prime Minister
Province of British Columbia
Victoria, B. C.

Dear Mr. Pattullo:

Permit me to acknowledge receipt of your letter of the 30th concerning the Pacific Coast fishery situation and to thank you for your very kind words. May I say that the fact that you show such a personal interest is one of the most encouraging things that has happened.

At the present time I am working with a committee of the American Bar Association in an endeavor to secure cooperation, and shall send you very shortly an article which I have myself prepared dealing more with the international law phase of the situation than was possible in a public address like that which I sent to you.

I am sure that the members not only of our International Fisheries Commission but of the International Pacific Salmon Fisheries Commission will all be pleased to learn of your active interest in this matter which we feel to be so important to one of the coast's greatest industries.

Very truly yours,

Chairman

EWA:MEH

(see O-4-L)
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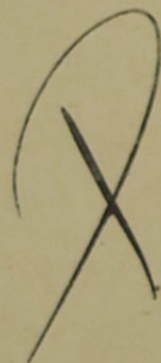
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March 30th

Right Honourable W. L. Mackenzie King,
Prime Minister of Canada and
Secretary of State for External Affairs,
OTTAWA, CANADA.

Dear Mr. Prime Minister:

Herewith copy of letter which
I today sent to Mr. Edward W. Allen, who is
Chairman of the International Fisheries
Commission, and which is self-explanatory.

Very faithfully yours,



Enc.

1 9 3 9
March 30th

Confidential.

Mr. Edward W. Allen,
Chairman,
International Fisheries Commission,
Northern Life Tower,
SEATTLE, WASH.

Dear Mr. Allen:

I am very much obliged to you for
your letter of March 29th, enclosing copy of
speech which you delivered in San Francisco.

I am glad of the stand which you
are taking and may say that I discussed the
matter with Prime Minister King when I was East
in January.

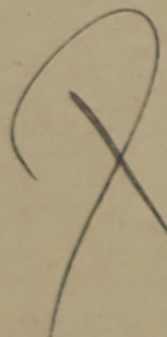
I suggest^{ed} that United States and
Canada declare this continental shelf to be
exclusive fishing waters for United States and
Canada. It might be possible that in respect of
fisheries elsewhere various claims might be put
up by different nations but our State Departments
could obtain full information in this regard.

I look upon the matter as one of
very great importance and I am sending a copy of
this letter to the Department of External Affairs,
Ottawa, together with a copy of your speech.

With best wishes,

I beg to remain,

Very faithfully yours,



31193 ✓

EDWARD W. ALLEN, CHAIRMAN
NORTHERN LIFE TOWER
SEATTLE, WASH.

A. J. WHITMORE
DEPARTMENT OF FISHERIES
OTTAWA, CANADA

FRANK T. BELL
U. S. COMMISSIONER OF FISHERIES
WASHINGTON, D. C.

L. W. PATMORE, SECRETARY
PRINCE RUPERT, B. C.

W. F. THOMPSON
DIRECTOR OF INVESTIGATIONS

INTERNATIONAL FISHERIES COMMISSION

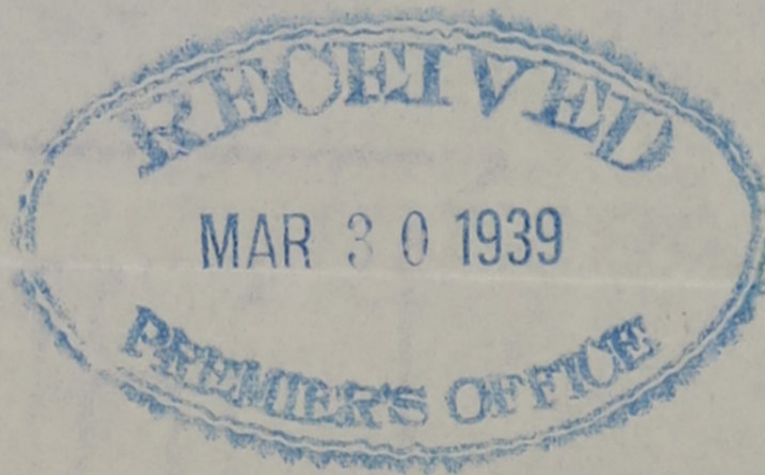
March 29, 1939

ESTABLISHED BY THE CONVENTION
BETWEEN CANADA
AND THE UNITED STATES
FOR THE PRESERVATION
OF THE HALIBUT FISHERY
OF THE NORTH PACIFIC

OFFICE OF DIRECTOR
AND LABORATORY
FISHERIES HALL NO. 2.
UNIVERSITY OF WASHINGTON
SEATTLE, WASH.

TELEPHONE MELROSE 4433

Honorable T. D. Pattullo, K. C.
Premier
Province of British Columbia
Victoria, B. C.



Dear Mr. Pattullo:

Recently I was requested to address the Commonwealth Club of California upon the subject of the Japanese invasion of American fisheries. As this problem involves British Columbia as well as Alaska and the rest of the Pacific Coast, I hope you will do me the honor of reading a copy of the speech which I am enclosing.

Very truly yours,

Chairman

EWA:MEH
ENCL.

BRISTOL BAY PRESENTS ISSUE BETWEEN AMERICAN SYSTEM OF FISHERY CONSERVATION
AND FOREIGN SYSTEM OF UNRESTRICTED EXPLOITATION

by EDWARD W. ALLEN,
Chairman of International Fisheries Commission,
United States member of International
Pacific Salmon Fisheries Commission.

Address given before Commonwealth Club of
California, San Francisco, March 3, 1939 and
broadcasted over NBC Pacific Coast radio network.

Mr. Chairman, members and guests of the Commonwealth Club of California:

Like the barbarians of old, I come down from the North, but their reception was usually not so cordial as is mine today. And though Bristol Bay may seem far north to you, its problem is really yours. It is a problem for British Columbia, Washington, Oregon and California. In a larger sense, it involves the interests of the whole United States and the welfare of many nations for generations to come.

Bristol Bay is today the testing ground for two conflicting principles of world importance: conservation and exploitation as applied to ocean fisheries. By conservation in this connection we do not mean bottling up. We mean making as great a use of this food resource as is consistent with the continued maintenance of the supply. By exploitation we mean catching all the fish possible by any means possible without regard to the future. Canada and the United States in their management of their fisheries in the Pacific are today the exponents of conservation; Japan of unenlightened exploitation. Shall the great fishery supply be maintained productive for all time, or shall it be commercially destroyed by a few years of ruthless unrestricted fishing? That is the issue.

Using a few round numbers, let me impress upon you something of the importance of the fishing industry to the Pacific Coast -- and remember that the company that is the largest operator in Bristol Bay has its headquarters right here in San Francisco and that thousands of Californians go each year to Alaska to fish or to work about the canneries. During twenty-one days of fishing in this bay alone from 1,250,000 to 1,500,000 cases of salmon are packed, worth in a good year, for choice red salmon \$10.00 per case. It is estimated that the coastal fisheries employ more than 75,000 men directly, but besides tens of thousands more employed in shipyards, can factories, supply houses, and even banks, by reason of this great industry. And the value of the annual production is said to approximate \$100,000,000. But more important even than these figures is the principle of the perpetual maintenance of a cheap, wholesome and palatable food supply.

Unfortunately some of our friends upon the Atlantic seaboard have the idea that we of the Pacific Coast are seeking to involve the United States in a war with Japan. Let me say right here, therefore, that our object is just the opposite. Our fishermen may be good fellows but they are tough individuals. They are not likely to sit and twiddle their thumbs on the shore and watch their source of livelihood destroyed by any outsiders. There is genuine danger of clashes and actual bloodshed if the Japanese should again come over. Such conflicts have occurred between the Japanese and Russians and would undoubtedly have led to war had it not been that because of European complications or other reasons neither nation was ready to risk the ordeal of battle. We believe that the way to prevent war is to investigate the situation, face the facts, and take steps while there is

still time to solve the problem before some unfortunate incident makes it acute.

Extending out from the shore from California to Bering Sea is a strip of comparatively shallow water varying in width from a few miles off your California coast to as much as a hundred miles in the Gulf of Alaska. Fishermen refer to this comparatively shallow region as "the banks." The entire stretch is also called the continental shelf. Geographically, it is just a narrow fringe of the continent slightly submerged but entirely distinct from the great ocean abyss beyond. One hundred miles may sound like quite a distance, but it is almost nothing in comparison with the width of the Pacific Ocean.

Now in the ocean we find myriads of tiny animal and vegetable particles drifting about which collectively are known as plankton. And the greatest wealth of plankton in the North Pacific is found over the continental shelf. Plankton is the food for the small fish which are fed upon by larger fish which in turn are eaten by still larger fish, so where you find an accumulation of plankton you will find an abundance of fish. That is why the continental shelf contains such a magnificent wealth of food fish.

Across on the Asiatic side of the northern part of the Pacific there is comparatively little continental shelf, so although there is a substantial fishery there it does not compare with the salmon and halibut fishery of the American side. Sixty percent of the salmon of the world are found in Alaskan waters. Bristol Bay is the single richest district. Now the salmon is a very systematic but peculiar fish. It spawns in fresh water, goes to sea in its first or second year, returns to the very stream of its birth in from its second to sixth year, spawns and dies. It is in its finest condition for food just as it is about to re-enter fresh water. It is not definitely known where the salmon spends its time at sea, but as that is its growing period it is probably over the continental shelf where there is plenty of food.

In America salmon are caught for canning in connection with plants on shore or floating plants stationed close to shore, and the fishing is subject to rigid restrictions to make sure that there is enough escapement of fish to the spawning beds to maintain the supply. On the Asiatic side the Japanese developed the use of large floating canneries, often called mother ships, which operated off the Siberian shores without any land contact and in complete disregard of any conservation methods the Russians might wish to impose. The Japanese government was not much interested in conservation, but these floaters intercepted so many fish before they got inshore that they threatened ruin to the great Japanese corporation which had a monopoly upon the Japanese cannery concessions on the Russian shores. So the government did step in and forced many of these floaters out of the Siberian fishery. This may be one reason for some of them showing up on the American side. What is more natural than that they should be sent to Bristol Bay, the richest red salmon district in the world?

Have they a right to come? Some say yes, that although the present existence of these fisheries is due to Canadian and United States expenditures and the restrictions imposed on our fishermen and operators, nevertheless our right to protect the supply which we have built up ends three miles from shore. Some of us believe that these two countries having engaged in these fisheries exclusively from the commencement of their commercial development and having saved and built them up, as well as because the continental shelf is really just a part of the continent, and because salmon in particular are actually reared in national streams and lakes, have special rights in these fisheries which the nationals of other countries must respect. We believe that the so-called three mile rule, that a nation owns a stretch of water off its coast only three miles wide and has no

special rights beyond that distance, is neither absolute nor well founded but anyway has no application to the conditions that prevail in the North Pacific fisheries regardless of its application elsewhere.

Let us consider the halibut. They are found on the continental shelf from northern California to Bering Sea. Years ago the supply became badly depleted by overfishing. But Canada and the United States had the good sense to agree on a treaty that created the International Fisheries Commission, gave it power to regulate the fishery, and this Commission has brought about such a substantial restoration of the supply that this region now has the best stocked halibut banks in the world.

In British Columbia and Alaska the salmon stock has also been preserved and built up by careful regulation, and in 1937 a new treaty provided for a Commission to restore the once prosperous Fraser River sockeye fishery which years ago was ten times as large as it is now.

It is interesting to turn back history. That rough, roaring, patriotic despot, Peter the Great, pushed his cossacks clear across Siberia to the Pacific Coast. There they found a little yellow fisherman wrecked on the Siberian Coast. They sent little Debne, as they called him, away back to Peter. Peter became so interested that he ordered that an expedition be sent to explore the North Pacific. It was this expedition which discovered Alaska.

This little Japanese fisherman wrecked on the Russian coast is significant of the conflict that was to come over the Siberian fisheries. The Treaty of Portsmouth in 1905 wound up the Japanese-Russian War and provided that Japanese should have certain fishing rights in Siberia. No government is more bitter against communism than the Japanese yet after the World War, Japan was the first great nation to grant diplomatic recognition to the Soviet Government. The principal consideration was an agreement as to these fishing rights.

The agreement ended in 1936. It was extended for two successive years. It has not been renewed for 1939 but now each country is issuing ultimatums to the other and threatening naval action. Possibly the difficulty Japan is having with the Soviet Government over the Siberian salmon fisheries may be another reason for her looking with such longing eyes across the sea to our American supply.

It is the conviction of Bristol Bay cannery operators that should the Japanese pursue their unrestricted and destructive method of salmon fishing in Bristol Bay, it would probably be only ten years before the fishery would be utterly ruined. It is the conviction of those concerned with the fisheries of the whole Pacific Coast that should the Japanese succeed in maintaining their claim to fish in Bristol Bay, it will be only a short time before they will be invading the other fisheries of the Coast, before they will be fishing off British Columbia, off the Strait of Juan de Fuca, off the Columbia, off California. The only restriction then will be the cost of operation. A couple of years ago one of the largest fishing companies of England seriously considered sending a floating refrigerator ship with a fleet of fishing boats across the Atlantic through the Panama Canal, clear up the Coast to British Columbia and Southeastern Alaska, there to fill the ship with halibut and have her carry her load back to England. If such an operation was practical think how comparatively simple it would be for Japan just to send her ships across the Pacific to our Coast. The problem is not theoretical, it is practical and imminent.

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