

34

May 19, 1970

Honorable Clark MacGregor
House of Representatives
Washington, D. C. 20515

Dear Congressman MacGregor:

The Secretary has asked me to reply to your communication of April 28, 1970, requesting comment on a letter from Mr. Erling E. Rice about the problems faced by United States fishing vessel operators because of the jurisdictional claims of Brazil and other South American countries.

The Department of State is aware of the scale and scope of fishing operations by United States flag trawlers on the shrimp grounds in international waters off northeastern Brazil and has been concerned, ever since the Government of Brazil issued its decree proclaiming a 200-mile territorial sea, as to the possible effects of the decree on those operations. The United States Government has officially protested Brazil's unilateral extension of sovereignty over waters which under international law are a part of the high seas, and has reserved its rights and those of its nationals in the areas affected by the decree. These rights include the right to exploit the natural resources of the high seas beyond the limits of national jurisdiction.

It is the Department's understanding that the Government of Brazil has not as yet moved to implement its claimed 200-mile jurisdiction against foreign flag fishing vessels, including those of the United States. Through our Embassy in Brazil, we are endeavoring to ascertain the intentions of the Brazilian Government in this regard. As the situation develops, you may rest assured that the Department and the Embassy will use their influence both to try to prevent any adverse effects on

PAK 33-4 BRAZ - 265

①

S/FW: W9VAN CAMP 5/19/70

DECLASSIFIED
Authority NND58492

the economic interests of the United States fishing industry and to keep the unfortunate situation brought about by the Brazilian decree from becoming a source of friction between the two countries.

The Department recognizes that it has a responsibility for solving the problems faced by United States fishermen because of disagreements between the United States and certain other countries with regard to the extent of coastal state jurisdiction over fisheries under international law. The Department is also in agreement that the type of financial protection provided by the Fishermen's Protective Act is not a satisfactory final solution in this kind of problem, however valuable its support may be to the fishing vessel operators as an interim measure until a permanent solution can be reached.

In the situation on the west coast of South America, where our tuna fishermen face a recurrent problem of vessel seizures by Ecuador and Peru, the Department is engaged in a continuing effort to negotiate with the other Governments concerned in order to reach agreement on a practical solution which will end the interference with United States fishermen and at the same time preserve the juridical position of the United States on freedom of the seas. In general, the Department sees no other feasible approach than that of negotiation and agreement for dealing with fishery problems created between friendly countries by a difference of positions on jurisdiction, and we believe that it is this approach which would have to be used if similar problems develop between the United States and Brazil, which we sincerely hope will not happen.

I hope that this response serves to reassure you and Mr. Rice of the Department's interest and concern over potential problems of United States fishing vessel operators off the coast of Brazil.

DECLASSIFIED

Authority NND 58492

If I can be of further help regarding this or any other problem, please do not hesitate to call on me.

Yours sincerely,

ew
David M. Abshire
Assistant Secretary for
Congressional Relations

WGVC
S/FW:WGVanCampen:eb 5/14/70
Retyped - 5/19/70 X-21073

Clearances:

L/PMO-Mr. Shamwell (draft) *WGVC*
ARA/APA-Mr. Rowe (draft) *WGVC*
ARA/BR-Mr. Jurecky (draft) *WGVC*
H-Mr. Leahy *[Signature]*

The Secretary has asked me to reply to,

about by the Brazilian decree that becoming a source of
friction between the two countries.
Honorable Clark MacGregor
House of Representatives
Washington, D. C. 20515

Dear Congressman MacGregor:

about a
requesting
~~Thank you for your communication of April 28, 1970, and the opportunity to comment on the letter of April 23 from Mr. Erling E. Rice~~ *about a* *requesting* ~~the problems faced by United States fishing vessel operators because of the jurisdictional claims of Brazil and other South American countries.~~

The Department of State is aware of the scale and scope of fishing operations by United States flag trawlers on the shrimp grounds in international waters off northeastern Brazil and has been concerned, ever since the Government of Brazil issued its decree proclaiming a 200-mile territorial sea, as to the possible effects of the decree on those operations. The United States Government has officially protested Brazil's unilateral extension of sovereignty over waters which under international law are a part of the high seas, and has reserved its rights and those of its nationals in the areas affected by the decree. These rights include the right to exploit the natural resources of the high seas beyond the limits of national jurisdiction.

It is the Department's understanding that the Government of Brazil has not as yet moved to implement its claimed 200-mile jurisdiction against foreign flag fishing vessels, including those of the United States. Through our Embassy in Brazil, we are endeavoring to ascertain the intentions of the Brazilian Government in this regard. As the situation develops, you may rest assured that the Department and the Embassy will use their influence both to try to prevent any adverse effects on the economic interests of the United States fishing industry and to keep the unfortunate situation brought

about by the Brazilian decree from becoming a source of friction between the two countries.

recognizes that it has
The Department *recognizes that it has* agrees that the United States Government has a responsibility for solving the problems faced by United States fishermen because of disagreements between the United States and certain other countries with regard to the extent of coastal state jurisdiction over fisheries under international law. The Department is also in agreement that the type of financial protection provided by the Fishermen's Protective Act is not a satisfactory final solution in this kind of problem, however valuable its support may be to the fishing vessel operators as an interim measure until a permanent solution can be reached.

L/PMO-Mr. Shawwell
In the situation on the west coast of South America, where our tuna fishermen face a recurrent problem of vessel seizures by Ecuador and Peru, the Department is engaged in a continuing effort to negotiate with the other Governments concerned in order to reach agreement on a practical solution which will end the interference with United States fishermen and at the same time preserve the juridical position of the United States on freedom of the seas. In general, the Department sees no other feasible approach than that of negotiation and agreement for dealing with fishery problems created between friendly countries by a difference of positions on jurisdiction, and we believe that it is this approach which would have to be used if similar problems develop between the United States and Brazil, which we sincerely hope will not happen.

and Mr. Rice
I hope that this response serves to reassure you ~~as to~~ *of* the Department's interest and concern over potential problems of United States fishing vessel operators off the coast of Brazil. *R* If I can be of further help regard-

DECLASSIFIED

Authority NND58492

ing this or any other problem, please do not hesitate
to call on me.

Yours sincerely,

David M. Abshire
Assistant Secretary for
Congressional Relations

^{WGV}
S/FW:WGVanCampen:eb 5/14/70
X-21073

Clearances:

L/PMO-Mr. Shamwell (draft) ^{WGV}
ARA/APA-Mr. Rowe ^{SR}
ARA/BR-Mr. Jurecky ^{gg}
H-Mr. Leahy

DECLASSIFIED

Authority NND 58497

(38)

ACTION
is assigned to
S/FW

Congress of the United States
House of Representatives
Washington, D.C.

April 28 19 70

Honorable Wm. P. Rogers
Secretary
Department of State

Sir:

The attached communication
is sent for your consideration.
Please investigate the statements
contained therein and forward me
the necessary information for re-
ply, returning the enclosed corre-
spondence with your answer.

Yours truly,

Clark MacGregor

Clark MacGregor, M.
3rd, Minnesota

③

Encl

ii

5/4/70

Letter From
Erling E. Rice

C & R Seafoods

DECLASSIFIED
Authority NND58497

POL 33-4 BRAZIN-US

8701

Cashman Group, Inc.

4600 LYNDAL AVENUE NORTH

MINNEAPOLIS, MINNESOTA 55412

PHONE 521-3509

ERLING E. RICE, President

I. State Nat

APR 27 1970

April 23, 1970

The Honorable Wm. P. Rogers
Secretary of State
Washington 25, D. C.

Dear Sir:

As United States citizens, I and several associates are involved in shrimp trawling, carrying out this activity currently in international waters approximately 30-150 miles off the coast of northern Brazil and in contiguous waters north-east of the Guiana countries of South America. Our vessels are registered in the U.S. and fly the U.S. flag.

I know that you and your associated officials of the U.S. are aware of the recent decree law of the Brazilian government extending their claims for territorial waters to a 200-mile limit off their coast. This decree was dated March 25, 1970.

I have seen a press clipping indicating that our government is expecting to send a diplomatic protest to Brazil and further indicating that views in this respect would be presented to the United Nations. This same article amply points out the chaotic condition resulting throughout the world if such 200-mile limits are allowed to prevail.

I cannot help but feel that the time is long overdue when our government (perhaps with the sanction and cooperation of others) must take firm and positive action to prevent this encroachment of international waters. It occurs to me

INVESTMENTS • MANAGEMENT • FINANCING

DECLASSIFIED

Authority NWDS 8492

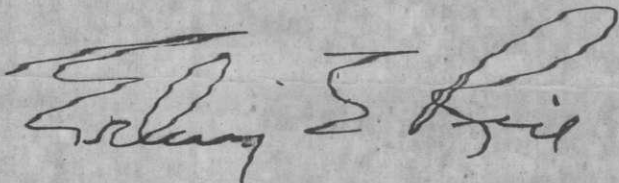
that your predecessors in the U. S. State Department have unwittingly allowed this undesirable practice to spread by failure to take action in previous instances where countries such as Peru and Ecuador have been allowed to prevail, in open defiance to well-defined international laws and treaties.

It is my observation that these policies of procrastination of forceful action have not accomplished goodwill and respect for the United States, but, on the contrary, have undermined our position in the eyes of the world, and tend to compound the problem by causing additional problems such as are now arising from Brazil's recent action.

I am aware of the fact that as operators of U.S. flag vessels the U.S. Government has made available to us on a relatively low cost basis insurance indemnifying ourselves against specific losses. This insurance program is not the answer and is, in effect, an injustice to our taxpayers and a weak alternative to forthright action by our government to share its responsibility to its citizens and those of the world by enforcing the freedom of the seas.

I urge you through your offices to act immediately to stop this practice, specifically in Peru and Ecuador, and to take steps to dissuade the Brazilian government from proceeding to activate their decree.

Very truly yours,



Erling E. Rice
C & R SEAFOODS