

# A Sportfisherman's View of the Law of the Sea

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Mister Dooley long ago made the wise statement: "The Constitution follows the flag, but the Supreme Court follows the election returns." In brief, the people of the United States still have a say in the operations of their federal government.

The State Department is no exception to this rule. When the Law of the Sea Conference was first in the blueprint stage, State had no plans whatsoever to include anything about marine fisheries. First drafts of State Department proposals did not even admit that there was such a thing as fisheries. Both sport and commercial fishermen began to scream—and their screams had effect. When the LOS Conference opened, State actually did a complete about-face, although the Department will deny in a hundred different ways that its policy had changed at all.

This turnabout was refreshing—and I welcome the State Department into the 18th century. It now admits there are fish in the ocean and that there are international problems concerning these fish and the harvesting of them. However, State still is operating in the past. For example, it sticks to the concept of maximum sustainable yield even though biologists, economists, sport and commercial fishermen all have agreed that optimum sustainable yield or maximum economic yield are far better concepts for the solution of marine fisheries problems.

Unfortunately most of those discussing these problems at the LOS Conference were attorneys or had legal training. The lawyers of this world have maneuvered themselves into an enviable position. Businessmen find it necessary to hire lawyers in order to keep themselves out of jail. The converse is not true: lawyers do not find it necessary to hire businessmen. This is unfortunate, for the legal profession could learn much from the business world, of which, incidentally, I am a representative.

In many of their deliberations at the LOS Conference, the legal types operated on a "Momma-Knows-Best" approach. They seemed to forget that they were supposed to represent the United States as a whole, not just the armed services or those involved with non-commercial efforts. The commercial fishing industry in this country is big business. Many do not realize that the recreational marine fishing industry is also big business amounting to hundreds of millions of dollars annually.

Recreational fishermen are strongly in favor of the 200-mile fisheries limit concept. They are in favor of it right now, not 5 or 10 years hence when the resources have been decimated by both foreign fishing fleets and even some of our own fishermen. I do not exclude sport fishermen from those who may be over-

exploiting marine resources. Anglers are not scared of restrictions in their efforts as long as these restrictions work towards good management and are applied equally to all.

Left in the hands of those who seek time-consuming legal and diplomatic maneuvering, a 200-mile fisheries limit will take years to implement. The Studds-Magnuson Bill now before Congress is the quick and obvious solution. It would impose a 200-mile fisheries limit until such time as there could be an international agreement on the whole problem. It would not sacrifice the fisheries resources while lawyers and diplomats quibbled over the fine print.

The State Department, as is its custom, is running scared on this whole question. It seems to forget that unilateral action by this country in establishing the Truman Doctrine concerning the continental shelf was accepted by two LOS Conferences without a terrible upheaval in international relations. Also it seems to forget that our unilateral actions in establishing the present 12-mile fisheries limit did not have the retaliatory reactions among other coastal nations that were prophesied. Some followed the U.S. lead and others went further.

However, those that went further did so long after the 12-mile fisheries limit had been established. The wave of nationalism throughout the world is still in the process of cresting. Whether or not this country acts unilaterally, other countries will do so anyway. By taking a firm stand now to bring proper management to our coastal fisheries, we can save the resource before it is too late and also can show other nations that we mean business. That this system works is clearly illustrated by the recent threat by the United States to withdraw from ICNAF. When other nations learned of this firm stand, they hastened to negotiate.

State Department people are not all devils incarnate. They simply live in a world which is a good deal different from that in which businessmen like myself live. By applying continued pressure on the Department and upon all those connected with it, you and I can eventually change State's attitude, just as we forced it to admit that there were fish in the oceans of interest to American industry. The interim measure to assure conservation and management of the fisheries resources until the third, fourth or fifth session of the LOS Conference comes up with an answer is passage of the Studds-Magnuson Bill. Remember Mr. Dooley's words and keep that pressure on our government representatives.