

Controversy Rages Over Freezer Ship

"The International North Pacific Fisheries Treaty does not forbid that transaction. The Treaty applies only to high seas and not territorial waters. The federal government has the exclusive power to regulate foreign commerce."

So said William Jacobs, executive director of the Alaska Legal Services Corp. in Anchorage.

The Legal Services attorneys have been working with the Kuskokwim Fishermen Co-op, an organization of Kuskokwim area native fishermen who have made a transaction with the Mitsubishi International Corp.

The transaction was to sell salmon catches bought by the Kuskokwim co-op from the Kuskokwim area

native fishermen to the Mitsubishi International.

Last week when it looked that Gov. Walter J. Hickel might make moves to stop the Japanese freezer ship from buying the Kuskokwim Fishermen Co-op fish, the cooperative sent representatives to Anchorage to seek injunction against the gov.

This was filed in the federal court in Anchorage but Judge Raymond Plummer denied the request for injunction.

"The reason he denied it was that he found evidence that the governor had taken no action to prevent the ship from coming in," said Jacobs.

The injunction was filed by Bruce Crow, manager of

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the Kuskokwim co-op, and Mike Chase who came to Anchorage as a representative and spokesman for the co-op.

In the meantime, the Akitsu Maru No. 5, the freezer ship, has been anchored beyond the three-mile limit on Kuskokwim Bay.

The federal government had given the ship clearance sometime ago before the Akitsu Maru left Japan.

It had been at anchor waiting for developments but it was expected to dock in Bethel yesterday.

The commercial fishing season in Kuskokwim area begins tonight at 6:00 p.m.

During the last two weeks a fish controversy has been raging in the state involving the Kuskokwim Fishermen Co-op and Gov. Walter J. Hickel speaking for the state, Alaska State Community Action Program and Sen. Ernest Gruening.

The controversy revolved around the Bethel area fishermen who have formed a cooperative to sell their season's catch for highest price they can get.

In the past, and before forming cooperatives, the native fishermen of Bethel and Kotzebue areas have sold their salmon catches for as little as one dollar per fish regardless of weight.

Which meant roughly that if the fishermen sold a 20-pound salmon for one dollar, he would be selling it at the rate of five cents a pound.

Recently, the controversy erupted when the Kuskokwim Fishermen Co-op through the assistance of the ASCAP, made an emergency arrangement to sell the fishermen's catch to the Japanese freezer ship, the Akitsu-Maru No. 5.

The arrangement was made through the cooperation of the Mitsubishi International Corporation, one of the world's largest trading companies.

The emergency arrangement was made because the freezer plant at Bethel had burned down last fall leaving the Bethel area fishermen with no processing means.

The agreement set the price at 20 cents per pound for grade one salmon and lesser per pound for water marked or bruised fish but which is edible. The agreement also provided that the salmon roe would also be sold.

The Kuskokwim region fishermen jumped at the chance to sell their fish for the above price because domestic processors have only bought grade one fish and not the water marked in the past.

Mike Chase, president of the Nunapitchuk village council and member of the Kuskokwim Fishermen Co-op, came to Anchorage last week to speak for the co-op as its representative.

"My people believe that the Co-op gives them a chance to make money for themselves and their kids—not be on welfare," said Chase. "Guys who fished last year for the Co-op could sell ALL their fish and made more money—more than 140 men want to do it this year."

"By selling all their fish, not just the best ones that the buyers take all the

other years, they will get more money.

"The Co-op plans a freezer for the future for our fish and for our moose and berries and green stuff.

"This year without a freezer we need a freezer boat to take care of all our fish.

"The Co-op is for us and for our kids and the future."

The salmon run is in progress now in the Kuskokwim region. Huge king salmon is being taken and most of the catch will be native processed for subsistence.

This week, Gov. Walter Hickel informed the state that adequate domestic marketing facilities for all edible commercially caught salmon, not just king salmon, are available and that these facilities will meet any price Japanese might propose.

"The Alaskan processors employing Alaskan labor will buy the same fish the Japanese would buy at the same price the Japanese would pay," the governor said.

Earlier, Gov. Hickel had indicated in a letter to the Kuskokwim area fishermen that the provisions of the International North Pacific Fisheries Treaty would forbid his inviting the Japanese freezer ship to Bethel.

Sen. Ernest Gruening entered the controversy last week on behalf of the fishermen. He declared in part in a telegram to Gov. Hickel:

"...In your letter to Taki of May 23 you cite the international convention as forbidding this action. The facts, as I see them, are that the convention by its terms excludes territorial waters, and thus, of course, excludes fish taken by American fishermen in the Kuskokwim River.

"Title 16 of the United States Code, section 1021 (d) and the convention do not forbid loading of such fish by a foreign vessel in the Kuskokwim. I think that this issue is certainly sufficiently doubtful that I hope you will give the fishermen the benefit of the doubt. What possible harm can be done by doing so?

"In view of the urgency of the situation and the fact that the fishing season starts in a few days, I am hopeful you can give a favorable answer as soon as possible."

Larry Brayton, executive director of ASCAP, said last week that the Alaska Legal Services Corp. lawyers thought that the arrangement with the Japanese freezer ship would not be illegal.

Gov. Hickel said this week, "...Our sincere desire is to harvest in an orderly fashion all salmon surplus to escapement and subsistence fishing requirements and to process these catches in Alaska by United States companies employing Alaskans.

"On the other hand, we would not hesitate to invite into Alaska other processing facilities should our domestic capabilities prove to be inadequate to handle the catches of Alaska salmon.

"In our best judgment, based on the survey we made with the processors, conditions this year do not

warrant such an invitation. In fact, we would consider the arrival of a Japanese freezer ship, without an invitation from the state, a serious breach of normal protocol.

"If a Japanese vessel were to appear uninvited, we fear it could also set off a chain reaction of trouble for Alaska—and for Japan.

"It could lead to any number of things, including competition in several forms from other nations fishing North Pacific waters.

"The results could be controversy and destruction of fisheries goodwill that is being built up now on both sides. We would not want to see this happen."

ASCAP officials also contended that if the Kuskokwim area fishermen were to sell to the Japanese freezer ship and get more money than they usually do, this would qualify some of the fishermen to get unemployment compensation.

Hickel said that this was also possible under existing arrangements without involving the Japanese processing ship.

"There is a provision in the Alaska Employment Security Act under which an employer with one or more employees can elect voluntary coverage and pay into the plan," said Hickel.

"The employer and the employee both would need to elect this coverage and pay into the plan. The worker also must meet certain eligibility requirements. But it can be done and is being done in the Petersburg area."

Gov. Hickel said he was "Surprised" by Sen. Gruening's approach to the freezer ship matter in light of the commitment by domestic processors that they can handle the Kuskokwim commercial salmon catch.

"What possible harm?" the governor answered. "For one thing, harm to our own processors who employ thousands of Alaskans through substantial capital investments. Also, a good deal of harm, in our opinion, to our future negotiations with Japan and other countries in protecting our valuable fisheries resources."