

X

OKINAWA REVERSION TREATY

ANNEX
TO
HEARINGS
BEFORE THE
COMMITTEE ON FOREIGN RELATIONS
UNITED STATES SENATE
NINETY-SECOND CONGRESS
FIRST SESSION

ON
Ex. J. 92-1

THE AGREEMENT BETWEEN THE UNITED STATES OF AMERICA
AND JAPAN CONCERNING THE RYUKYU ISLANDS
AND THE DAITO ISLANDS

(Letters and Statements Submitted for the Record Subsequent to the
Printing of the Hearings)

OCTOBER 27, 28, AND 29, 1971



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OKINAWA REVERSION TREATY

ANNEX TO HEARINGS

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(II)

THE HEARINGS ON THE OKINAWA REVERSION TREATY
AND THE RELATED MATTERS
WILL BE HELD IN THE SENATE CHAMBER
ON THE FOLLOWING DATES AND TIMES:
(Subject to the availability of the room)

1971 OCT 27 10:00 AM

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(III)

DOYLESTOWN, PA., October 25, 1971.

Senator J. WILLIAM FULBRIGHT,
Washington, D.C.

DEAR SENATOR FULBRIGHT: In regard to Okinawan reversion I would like to enter a plea on behalf of the Okinawan people, and ask that it be included in the printed hearings.

A reading of the Presidential Message to the Senate on the agreement with Japan concerning the Ryukyu Islands and the Daito Islands reveals that the U.S. plans to continue to occupy all of our essential bases, and that Japan plans to move in Self-Defense Forces. Had the Okinawans been included in the discussions of this matter so vital to their interest, they would have endorsed reversion, however a special kind of reversion free from military occupation, free from heavy polluting industry. They want a return to their peacetime economy, largely farming and fishing, both impossible as long as their farmlands are covered with military bases and their fishing areas with oil spills.

Any responsible treaty or agreement with Japan concerning Okinawa will take into account the welfare of the Okinawan people and will not use their country as a pawn in power politics or a bargaining chip in an outmoded policy of China containment. A militarized Okinawa maintains tension in the Far East, poses a threat to China, undercuts our efforts towards reconciliation. Conversely a demilitarized Okinawa would grant the Ryukyans the freedom to re-establish a peace-oriented economy; would relieve tension in the Far East and would re-enforce our friendly overtures to China.

It doesn't really require a China scholar to see that the assumptions upon which our foreign policy is based need to be re-examined in the light of the total failure of our misadventures in the far Pacific. Thucydides and Jeremiah made it clear a long time ago that moral bankruptcy leads to total bankruptcy.

However there is in this country a renaissance of the spirit which will not easily tolerate injustice, which seeks instead to understand the needs of the third world and meet them equitably. There is an understanding that without justice there may be the temporary quiet of repression but no real peace because peace springs from a foundation of justice. There is a dream of a brave, new world, strangely familiar to Americans versed in our history, with justice accorded to all men of whatever race or creed or national origin. We of the Peace Movement shall bend every effort to realize this dream. Shall we start, Mr. Chairman, with a just treaty for Okinawa?

Sincerely,

MARY BYE.

DOYLESTOWN, PA., November 2, 1971.

Senator J. WILLIAM FULBRIGHT,
Washington, D.C.

DEAR SENATOR FULBRIGHT: Mr. Philip Trimble of the Senate Foreign Relations Committee staff has suggested that I send whatever material I deem advisable for you and your committee's consideration before noon on Friday, Nov. 5 when the written hearings on the "Agreement between the U.S. and Japan concerning the Ryukyu Island and the Daito Island" will close.

I have selected the *Okinawan Peace Mandate*, a subjective statement of the longing of the Okinawans for peace and a leaflet which presents a specific instance of the insensitivity of the American military personnel to the needs of the Okinawans in taking over an Okinawan resort area for the benefit of the Marines.

Sincerely

MARY BYE.

IHA CASTLE STRUGGLE—LIFE, LIBERTY, AND THE PURSUIT OF HAPPINESS

We hold these truths to be self-evident, that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty and the pursuit of happiness.

If we believe that our Constitution speaks to all people, not just to Americans; if we believe it is true that all men are equally deserving of "life, liberty and the pursuit of happiness"; than isn't your treatment of Okinawan people unjust?

For 26 years Okinawans have witnessed their farmlands being used to support the American military. They have had no choice. For more than one decade, they have had to face the reality that American soldiers are using Okinawa to support a war against their Asian brothers and sisters in Indo-China. Now, once more against their will, you have taken a resort area which before had no connection with anything military, and virtually turned it into a Marine base. They are sick of watching their island support war and militarism. The demand to use their homeland as they see fit—for peace. This includes Iha Castle.

We Americans have a bad reputation for crime in Okinawa. Okinawan women have become our prostitutes; American GIs peddle drugs everywhere; beatings, theft, rape, corruption are all part of an Okinawan's image of us Americans. The road to Iha Castle passes a number of schools. It is shameful to admit, but Okinawan parents, teachers, PTA associations, and even the students of Ishikawa High School themselves; NONE of them wants you at Iha because they fear for their children and students. Maybe you can understand this if you imagine how you would react if the situation were reversed. How would you like your children to be forced to be exposed day in and day out to a bunch of rowdy Japanese GIs?

Since your takeover of Iha, Okinawans are completely denied the use of the facilities there. Is this what we mean by "All men are created equal"? Or is it another example of discrimination against a people because they don't happen to be American? Would you stand for it if an exclusive country club in your hometown to which you belonged, suddenly kicked you out and admitted only Japanese GIs?

The Iha Castle management, in its agreement with the military, pays no tax to Ishikawa City. Formerly this was an important source of income. To give privileges like this not only shows open disregard for the welfare of the Okinawan people, but also suggests that perhaps everyone should know more about the financial transactions; how much money is involved, to whom does it go, and why is it not taxed.

These are only a few of the reasons why the people are so upset. They approach you as men and women, concerned for their children's welfare, concerned that Okinawa be permitted to take an active role in world peace instead of war, and concerned about protecting their inalienable right as human beings to "life, liberty, and the pursuit of happiness".

OCTOBER 23, 1971.

Dear FRIENDS: Enclosed is a document called the OKINAWAN PEACE MANDATE. Drawn up by the combined efforts of the Okinawan Christian Peace-makers Council, Okinawan Young Beheiren (Peace in Vietnam Committee), and a group of young workers called Central Anti-War Committee, the mandate was completed in early May of this year. More than anything else it is a fervent expression of the Okinawan people's desire that their homeland be a "Keystone For Peace," rather than the military "Keystone of the Pacific Defense" that it has been for the last twenty-six years. As such an expression, it is representative of a strong majority of all the Okinawan people.

With the reversion of Okinawa to Japan now being discussed in both the American Congress and in the Japanese Diet, and with reversion itself scheduled to take place sometime late next spring; there is a feeling of desperate futility in the many Okinawan strikes, demonstrations and political rallies protesting the terms of the reversion. The Japanese and American government's total disregard for the will of the Okinawan people was never clearer than this past June when President Nixon and Prime Minister Sato signed the agreement governing terms of Okinawa's reversion, ignoring the protests and boycott of that signing by Mr. Yara, Chief Executive of the Government of the Ryukyu Islands. Moreover, on this island where 44% of the farmland is U.S. military bases and the number of U.S. military personnel and dependents rarely dips below 55-60,000, the people feel isolated from the rest of the world and alone when

The mandate is an attempt to break the barriers of that isolation by appealing to the American and Japanese people to support the struggle of the Okinawan people for self-determination.

Because it is the statement of a people's will, the mandate is subjective and doesn't address itself concretely to the facts of Okinawan life (i.e. the social and economic role of U.S. forces here, the economic and military significance for the rest of Asia of the coming of the Japan Self-Defense Forces, the status of U.S. forces after reversion, analysis of the terms of the reversion agreement, etc.). These questions will be carefully examined in the English edition of a publication by Zenryukatsu All Okinawan Activists' Congress, first edition scheduled for November and monthly thereafter.

Composed of the most active leaders of the Okinawan labor unions, anti-war student groups, Okinawan Teachers' Association the Government of the Ryukyu Islands progressive political party members, Zenryukatsu not only has good access to material for documentation; but also its people can articulate this information clearly.

OKINAWAN PEACE MANDATE

Okinawa has been utilized by Japanese and American militarists to oppress the people of Asia for nearly one hundred years. The complacency and silence of the Japanese people, the American people, and the Okinawan people is directly responsible for this crime against humanity.

In pre-World War II days Okinawa played an integral part in Japanese expansion into Asia. During World War II Okinawa was a key military stepping stone for Japanese militarists, who in the name of the emperor waged war on the people of Asia.

American militarists discovered the usefulness of Okinawa as a base for military aggression during their war against the Korean people, and in pursuing their containment of China policy. Presently, to destroy and to devastate the Indo-Chinese people, American militarists have turned Okinawa into the primary military keystone for pursuing that war.

Japanese rulers, in the period following World War II, seeking the security of a strong American military presence in Asia, seeking economic expansion, and seeking a new military power over the people of Asia, all too happily abandoned Okinawa to the American militarists.

Having more than succeeded in these initial goals, the present Japanese government is negotiating with the U.S. government to restore her pre-war rule over Okinawa. Together, these two governments are conspiring to use the reversion of Okinawa to consolidate their joint economic/military hold over the people of Asia.

Further complacency and silence at this point by the Japanese, the American and the Okinawan people will only create further suffering and devastation for Asia, and deepen the crime against humanity. Therefore:

1. In order to stop the American military aggression and destruction in Asia and any such future occurrence, we demand a total and immediate end to all military bases, personnel, and weapons on Okinawa. Furthermore, we appeal to all American GIs and to the American people to completely disarm your aggressive military so that it may never again oppress any nation.

2. We demand that the so-called Japanese Self-Defense Forces not set foot on Okinawa. We demand that neither Okinawa nor any part of Japan be used as a base for the new Japanese imperialism, the new Japanese remilitarization, and the joint action of the American and Japanese militaries to oppress both us and our Asian brothers.

We resolve to bear the responsibility for the above-mentioned crime against humanity, and we resolve to bear the responsibility for preventing its recurrence in Asia. We appeal to you, Americans, Japanese, GIs, whoever you may be, to bear your share of the responsibility.

STATEMENT BEFORE THE COMMITTEE ON FOREIGN RELATIONS, U.S. SENATE IN
CONSIDERATION OF THE OKINAWA REVERSION TREATY, JUNE 17, 1971

Mr. Chairman: My name is Kuo-sui Laurence Chang, and I am an Associate Professor of Economics at Case Western Reserve University, Cleveland, Ohio. I am making this statement for myself and on behalf of seven Americans in Cleve-

land, namely, Mr. Chen Y. Chen, Professor Wen H. Ko, Dr. K. Y. Lin, Professor Wen-chun Lin, Dr. Peter H. L. Tang, Mr. Peter C. Wang, and Dr. Rose K. Wang.

We give general support to the Okinawa Reversion Treaty (Agreement between Japan and the United States of America Concerning the Ryukyu Islands and the Daito Islands) signed on June 17, 1971. However, we do oppose returning to Japan under this Agreement the Tiao-Yu Tai Islands, which are not a part of the Ryukyu Islands. It will be just and legitimate to return the Tiao-Yu Tai Islands to China, as these islands are a part of Taiwan.

The Tiao-Yu Tai Islands are a group of eight uninhabited islands in the East China Sea on the continental shelf. They are about 120 nautical miles northeast of Taipei, Taiwan, and about 240 nautical miles west of Okinawa. The islands are separated from Ryukyu by a deep underwater trench.

Since discovery by the Chinese five centuries ago, the Tiao-Yu Tai Islands had been administered as part of Taiwan. They were ceded to Japan as part of Taiwan in 1895 after the Chinese-Japanese War. Under Japanese occupation the islands were administered by Taiwan up to the end of World War II. In 1945, when the Ryukyu Islands were surrendered to the United States, the Tiao-Yu Tai Islands were not surrendered to the United States Army, they being recognized as part of Taiwan. A more complete historical analysis and a geographical description of the islands are contained in the attachment.

Fishermen from Taiwan have made the Tiao-Yu Tai Islands their habitual fishing grounds and sanctuaries from bad weather. Their use of the islands has continued through the years and succession of governments. The United States, after the 1951 Peace Treaty with Japan, has assumed administrative authority over the Tiao-Yu Tai Islands. The inclusion of the Tiao-Yu Tai Islands in the boundaries of the Ryukyu Islands by the United States Civil Administration of Ryukyu (USCAR Ordinance #27) was unilateral and could have at most a limited transitional legal force. As the Ryukyu Islands are returned to Japan, the Tiao-Yu Tai Islands should be reverted to the jurisdiction of Taiwan, China. The relevant documents and analysis in support of this conclusion are included in the attachment.

We feel it our duty to emphasize that the United States has the responsibility to verify the claims to Tiao-Yu Tai. It is inappropriate and unwise for the United States as the leading Allied Power to suggest that after the islands are returned to Japan China and Japan can settle their opposing claims through negotiation. A dispute over the sovereignty of the islands has arisen, and effecting the return of the islands to Japan cannot now be a neutral act.

Failure of the United States to resolve the dispute over the Tiao-Yu Tai Islands now will probably lead to confrontations between China and Japan in the future and endanger the peace and stability in the Far East and Pacific Area. The United States cannot escape responsibility when conflicts occur. The situation of the United States is similar to that of Great Britain with regard to India and Pakistan. Having effected the partitioning of the subcontinent into two independent countries, Britain has become a cause of subsequent conflicts between these two countries.

The handling of the Tiao-Yu Tai Islands will affect the effectiveness of the United States in international affairs. The Tiao-Yu Tai Islands may be minor in terms of physical size. However, the issues of justice and sovereignty involved are serious and far-reaching. All Asian nations are watching the conduct of the United States. The judiciousness of American action, the sense of responsibility

the United States exhibits, and the wisdom in which the United States employs its great influence are under observation.

We urge that a rider be attached to the ratification motion, excluding the Tiao-Yu Tai Islands from the consideration of the Treaty.

I thank you.

SECTION I(A) THE GEOGRAPHY OF THE TIAO-YU TAI ISLANDS

The Tiao-Yu Tai Islands are a group of eight islands located in East China Sea between 25°40' and 26°N latitude and 123°25' and 123°45' E longitude. They are about 120 nautical miles northeast of Taipei, Taiwan, and about 240 nautical miles west of Okinawa, Ryukyu Islands.¹ The romanized Chinese names of these islands² which are found in all world atlases printed before 1900 are listed in the second column below. The name Senkaku was not officially registered in Japan until 1900.³ The corresponding Japanese names⁴ are listed in the third column below. The location of these islands are denoted by their numbers on the map on page 2.

	<u>Tiao-Yu Tai Islands</u>	<u>Senkaku Gunto</u>
1. 钓鱼台	Tiao-yu (Tia-u-su)	Uotsuri-shima
2. 和平山	Ho-pin (Hoa-pin-su)	Tobi-se
3. 北小島	Pei-hsiao	
4. 南小島	Nan-hsiao	Okino-kita-iwa
5. 北大小島	Pei-ta-hsiao	Kita-koshima
6. 南大小島	Nan-ta-hsiao	Minami-Koshima
7. 黄尾嶼	Huang-wei	Okino-minami-iwa
8. 赤尾嶼	Chih-wei	Kobi-sho

Geologically, the Tiao-Yu Tai Islands and the island of Taiwan are on the continental shelf of mainland China, i.e. the depth of sea water between these islands and mainland China does not exceed 200 meters. Whereas both Tiao-Yu Tai and Taiwan are separated from the Ryukyu Island by a deep underwater trench of more than 1000 meters. Oceanic current flows all year round past the east shore of Taiwan in a north-east direction. Northeast wind in winter and southwest wind in summer prevails in this area.⁵

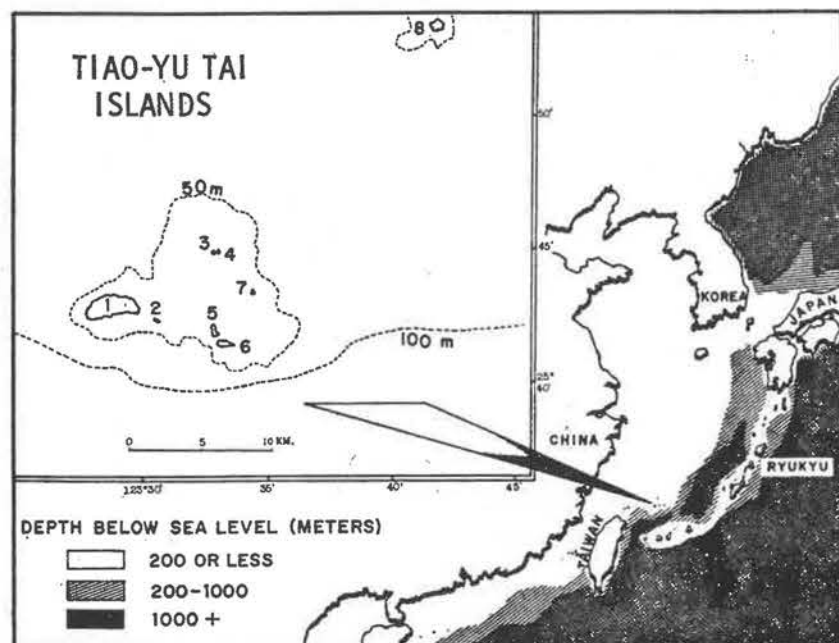
¹ Army map, entitled Senkaku Gunto, Southern Japan, 1:250,000, sheet 13, Area code AS, prepared by the Army map service, U.S. Army, Washington, D.C., 1944. (G.1019.R475.G7).

² *Twentieth Century Atlas of the World*, p. 138, Rand McNally & Co., Chicago, 1896. (G.1019.F475, 1896)

³ *Gazetteers of Japan*, by Joshida Toga, first published in 1909, revised new edition 1970, vol. 8, p. 618. (DS805.Y6153 Orien Japan)

⁴ *Cosmopolitan World Atlas*, Rand McNally & Co., Chicago, 1951. (G.1019.R24)

⁵ *National Geographical Society Atlas of the World*, National Geographical Society, Washington, D.C., 1963. (G.1019.N25)



SECTION I (B) THE REVELANT HISTORY OF TIAO-YU TAI ISLANDS

The name Tiao-Yu Tai first appeared in a Chinese voyage and navigation record, *Shun Feng Hsiang Sung*, in 1403.⁶ Since then it has appeared in numerous mission reports. Among them is the *Shih Liu-Chin Lu* (Report of a Mission to Ryukyu) written by Chen Kan, envoy of the Ming Dynasty in 1534.

As far as Japanese records are concerned, the detailed Japanese gazetteer published in 1909⁷ quoted the description in *Shih Liu-Chiu Lu*, mentioned above, as the earliest discovery or account of these islands. In the same gazetteer, the name Senkaku is reported to have been officially registered in Japan in 1900.

In 1884, Tatasushiro KOGA, a Japanese residing in Ryukyu Islands, claimed to have discovered Tiao-Yu Tai Islands.⁸

In 1885, the Japanese Foreign Minister in a letter to the Minister of Domestic Affairs expressed his concern about annexing Senkaku Islands into Japanese territory at that time. He argued that since these islands were very close to China and the commentaries of the major Chinese newspapers were accusing the Japanese of territorial expansionist intentions, it would be wise to wait for a better opportunity.⁹ Subsequently, the Minister of Domestic Affairs replied and stated that he rejected the request of Okinawa local government for the permission to erect boundary markers on Tiao-Yu Tai Islands.¹⁰

In 1895, after the Sino-Japanese war, the Japanese Cabinet annexed Tiao-Yu Tai into Japanese territory.¹¹ This annexation was legalized when China and

⁶ *Shun Feng Hsiang Sung*, (LC DS 339 92).

⁷ *Shih Liu-Chiu Lu*, by Chen Kan, 1534. This mission report is included in a book entitled *General Edition of Reports*, which is available at the Columbia University Library. Call number 9100.2822. The English title of this book is supplied by us.

⁸ *Gazetteers of Japan*, by Yoshida Togo, first published in 1909, revised new edition 1970, vol. 8, p. 618 (DS805.Y6153 ORIENT Japan).

⁹ *Tokyo Shimbun* (Tokyo News), April 5, 1971. Translation provided in the "Daily Summary of Japanese Press," published by the American Embassy, Tokyo, Political Section, Translation Service Branch.

¹⁰ Documents of Japanese Foreign Ministry, Nos. 311, 312, *Compilation of Japanese Foreign Affairs Documents*, vol. 18, pp. 573-576.

¹¹ *Ibid.*, No. 313, vol. 18, pp. 575-576.

¹² *Ibid.*, No. 245, vol. 23, pp. 531-532.

Japan concluded the Treaty of Shimonoseki in May, 1895, whereby China ceded Taiwan and its surrounding islands to Japan.¹³

After the Second World War, as a result of the Cairo Declaration (1943), Potsdam Declaration (1945) and Sino-Japanese Treaty (1952), the sovereign rights of Tiao-Yu Tai were returned to China.

SECTION II (a) POSITION OF OUR STATE DEPARTMENT

BEFORE THE SIGNING OF THE OKINAWA REVERSION TREATY OF JUNE 17, 1971

According to communications received from the officials of the Department of State, the position of the United States government on Tiao-Yu Tai islets was:¹⁴

"Under Article 3 of the Treaty of Peace with Japan, the U.S. has full administrative rights over 'Nansei Shoto', including the Ryukyus, south of 29 degrees north latitude. The term 'Nansei Shoto' was understood to mean all islands under Japanese administration at the end of the war which were not otherwise specifically referred to in the Peace Treaty. The term, as used in the Treaty, was intended to include the Senkaku Islands.

"As a result of an understanding reached by President Nixon and Prime Minister Sato in November 1969, the United States expects to return to Japan in 1972 all the rights it acquired over these islands under the Treaty of Peace. In short we will return to Japan rights which we obtained from Japan, and this action, by itself will neither enhance nor diminish any claim to sovereignty over the islands.

"The U.S. has consistently maintained that any dispute over sovereignty over the Senkaku Islands should be settled by the parties themselves (or, if they wish, by third party adjudication). Neither the Peace Treaty nor the Reversion Agreement will dispose of such a dispute."

AFTER THE SIGNING OF THE TREATY

"The United States government is aware that a dispute exists between the governments of the Republic of China and Japan regarding the sovereignty of the Senkaku Islands. The U.S. believes that a return of administrative rights over those islands to Japan from which those rights were received can in no way prejudice the underlying claims of the Republic of China. The U.S. cannot add to the legal rights Japan possessed before it transferred administration of the islands to the U.S. nor can the U.S. by giving back what it received diminish the rights of the Republic of China."¹⁵

SECTION II (b) POSITION OF THE PEOPLE'S REPUBLIC OF CHINA

BEFORE THE SIGNING OF THE TREATY

The People's Republic of China expressed her position on Tiao-Yu Tai through articles published in *Renmin Ribao* (*People's Daily*). Relevant quotes are given below:¹⁷

"The Tiaoyu and other islands are China's territory, over which China has inviolable sovereignty. The question of U.S. imperialism having so-called 'administrative rights' over these islands which belong to China simply does not exist. . . . It is obvious that U.S. imperialism's aim in doing so is to connive at and encourage Japanese militarism to carry out expansion abroad and use the Japanese reactionaries as an instrument for pushing the 'Nixon doctrine' in Asia. This is a fresh crime in U.S. imperialism's hostility towards the Chinese people. . . . The Chinese people have always maintained that U.S. imperialism should return

¹³ U.S.A. Department of State, *Occupation of Japan*, by Fearey, Robert A., N.Y. MacMillan 1950, pp. 51-52 (app. 1). Cited from *Survey of International Affairs*.

¹⁴ Letter to Mrs. K. Woo of Delaware on May 4, 1971, by Mr. Howard M. McElroy, Country Officer for Japan, Department of State.

¹⁵ We consider the above statement a legalistic smokescreen. When the U.S. says that the dispute over sovereignty should be settled by the parties themselves, and then gives the islands to one of the parties, she is fueling the fires of international tension. Note that Japanese Foreign Minister Aichi stated unequivocally that "the Okinawa Agreement had settled the matter (of Tiao-Yu Tai islands) completely has far as the U.S. and Japan were concerned." (Quoted from *Washington Post*, June 19, 1971, pp. A19.)

¹⁶ Department of State TELEGRAM unclassified 594, State: 108253.

¹⁷ Our italics.

Okinawa, which it has occupied by force, to the Japanese people. But we will never permit the U.S. and the Japanese reactionaries to annex China's sacred territory Tiaoyu and other islands by making use of the 'Okinawa Reversion' swindle. . . . We want to warn the Japanese reactionaries once again: Gone for ever are the days when China was compelled by armed force to cede territory and waive sovereignty. China's sovereignty over the Tiaoyu and other islands brooks no encroachment by anybody. In the fact of the great Chinese people, all your intrigues to annex China's territory in collusion with U.S. imperialism are futile and bound to be dashed to pieces." For complete translation see *Peking Review*, p. 14, No. 19, 1971.

AFTER THE SIGNING OF THE TREATY

"What makes one extremely indignant is the fact that in the Okinawa 'reversion' agreement, the U.S.-Japanese reactionaries even incorporate China's territory the Tiaoyu and other islands into the area to be 'returned' to Japan in a vain attempt to seek 'grounds' for the annexation of China's territory by the Japanese reactionaries and make it a fait accompli. . . . Sato government has even . . . set up an '11th maritime safety district headquarters' . . . patrolling . . . the waters around China's territory the Tiaoyu and other islands. . . . The Chinese Government and people will absolutely not tolerate these crimes of encroachment upon China's sovereignty perpetrated by the U.S.-Japanese reactionaries. Once again we warn the U.S.-Japanese reactionaries: No insidious stratagems on your part can alter the fact that the Tiaoyu and other islands are an inalienable part of China's sacred territory. . . ." For complete translation see *Peking Review*, p. 6, No. 26 June 20, 1971.

On June 23, 1971, Premier Chou En-lai declared to his American guests: "Once [the Taiwan] problem is solved, then all other problems can be solved. The People's Republic would then be able to establish diplomatic relations with the United States."¹⁵ To illustrate how the issue of the Tiao-Yu Tai Islands is intimately related to this matter, we quote: "Taiwan Province and the islands appertaining thereto, including Tiao-yu, Huangwei, Chih-wei, Nanhsiao, Peihsiang and other islands, are China's sacred territories." (All islands in the Tiao-Yu Tai group)¹⁶

SECTION II(c) POSITION OF THE REPUBLIC OF CHINA (TAIWAN)

BEFORE THE SIGNING OF THE TREATY

The Ministry of Foreign Affairs of the Republic of China issued a solemn statement on June 11, 1971, to make her position known to the world on the transfer of the Ryukyu Islands and the Tiao-Yu Tai Islets. Relevant quotes are given below:¹⁷

"Having learned that the United States Government and the Japanese Government are going to sign in the immediate future formal instruments for the transfer of the Ryukyu Islands, and together therewith, the Tiao-Yu Tai Islets, over which the Republic of China exercises its territorial sovereignty, the Chinese government considers it necessary to emphasize once again its position, and make its views known to the world. . . .

"These islets belong to the Chinese Province of Taiwan and thus constitute part of the territory of the Republic of China. They are closely linked to the latter by reason of geographical location, geological structure, historical association, and, above all, by reason of the long and continued use which the inhabitants of Taiwan have made of these islets. Bound by the sacred duty to defend its national territory, the Chinese government will never relinquish any particle of its territorial sovereignty under any circumstances.

"Thus, it has continuously informed the United States Government and the Japanese Government that in terms of history, geography, usage, and law, the Chinese Government deems that these islets belong, without the slightest doubt, to the territorial sovereignty of China and that they should be returned to the Republic of China upon the completion of the administration by the United States. . . ."

¹⁵ *Newsweek*, July 5, 1971, p. 48.

¹⁶ *Remin Ribao* (People's Daily), December 29, 1970. For complete translation, see *Peking Review*, No. 1, 1971, p. 22.

¹⁷ Our italics.

¹⁸ *News from China* (Daily news report from Taipei provided by the Chinese Information Service), June 11, 1971.

AFTER THE SIGNING OF THE TREATY

A spokesman of the Foreign Ministry termed the upcoming transfer of the Tiao-Yu Tai Islands to Japan as "completely unacceptable".

SECTION II(d) POSITION OF JAPAN

BEFORE THE SIGNING OF THE TREATY

Foreign Minister Aichi stated on September 10, 1970¹⁹ that "There is no room for doubt that the Senkaku Islands belong to Japanese territory. With regard to the territorial status of the Islands, therefore, Japan has no intention to negotiate with any nation."

AFTER THE SIGNING OF THE TREATY

Washington Post, June 19, 1971, pp. A9: "Japanese Foreign Minister Kiichi Aichi rejected the Taiwan government's latest claim to the disputed Senkaku Islands yesterday. . . . Aichi said the *Okinawa Agreement* had settled the matter (of Tiao-Yu Tai) completely as far as the United States and Japan were concerned." (our italics)

Washington Post, June 28, 1971, pp. A17: ". . . Japanese . . . intention . . . to operate 11 patrol boats carrying three-inch guns and 40-millimeter machine guns over a 110,000-square-mile area embracing the southern defense perimeter of the Ryukyu island chain adjacent to Taiwan. . . . these boats will eventually be equipped with ship-to-ship missiles. Since these patrols will cover the disputed Senkaku Islands, claimed as Chinese territory by Peking and Taipei alike, 'this patrolling is expected to have a delicate effect on our relations with China and Taiwan,' Mainichi declared." (Mainichi is a leading Japanese newspaper)

SECTION III (A) ARTICLE OF JAPANESE PEACE TREATY CITED IN ARGUMENTS OF OUR STATE DEPARTMENT

(Peace Treaty between the Allied Powers and Japan—San Francisco, Sept. 8, 1951)

ARTICLE 3

Japan will concur in any proposal of the United States to the United Nations to place under its trusteeship system, with the United States as the sole administration authority, Nansei Shoto south of 29° north latitude (including the Ryukyu Islands and the Daito Islands), Nanpo Shoto south of Sofu Can (including the Bonin Islands, Rosario Island and the Volcano Islands) and Parece Vela and Marcus Island. Pending the making of such a proposal and affirmative action thereon, the United States will have the right to exercise all and any powers of administration, legislation and jurisdiction over the territory and inhabitants of these islands, including their territorial waters.

SECTION III (B) ARGUMENTS USED BY OUR STATE DEPARTMENT IN SUPPORT OF HER POSITION THAT THE SENKAKU ISLANDS (TIAO-YU TAI) IS A PART OF THE RYUKYUS

Mr. Howard M. McElroy, who is the country officer for Japan, State Department, stated that: "Under Article 3 of the Treaty of Peace with Japan, the U.S. has full administrative rights over 'Nansei Shoto', including the Ryukyus, south of 29 degrees north latitude. The term 'Nansei Shoto' was understood to mean all islands under Japanese administration at the end of the war which were not otherwise specifically referred to in the Peace Treaty. The term, as used in the Treaty, was intended to include the Senkaku Islands."²⁰

¹⁹ This has been reported by several major news wire services.

²⁰ Article 3 of the Treaty of Peace with Japan states that: "Japan will concur in any proposal of the United States to the United Nations to place under its trusteeship system, with the United States as the sole administering authority, Nansei Shoto south of 29° north latitude (including the Ryukyu Islands and the Daito Islands), Nanpo Shoto south of Sofu Can (including the Bonin Islands, Rosario Islands and the Volcano Islands) and Parece Vela and Marcus Islands. . . ." ("Security Treaty between the United States of America and Japan, Signed at San Francisco on September 1951," United Nations—Treaty Series No. 1835 (1952), pp. 216-219. (JX 170, U35)). Note that the Tiao-Yu Tai Islands were not specifically mentioned in the Treaty, nor was there a grid map attached to the Treaty to define the boundaries of the Ryukyu or the Daito Islands. . . . Note also that neither the Republic of China nor the People's Republic of China participated in the signing of the Treaty of Peace with Japan.

SECTION III (C) ARGUMENTS OF THE CHINESE PEOPLE IN SUPPORT OF THEIR GOVERNMENTS' CLAIM TO THE SOVEREIGNTY OF TIAO-YU TAI

"He who forgets the past is condemned to relieve it."—GEORGE SANTAYANA.

For this reason, the Chinese people, who have lived through repeated Japanese military and economic aggressions since the first Sino-Japanese war of 1894, are very much alarmed, when they detect this new territorial expansionist design of the Japanese government. For the same reason, we, who lived through the shock of the Pearl Harbour and the agony of the Second World War, are much in sympathy with their feelings.

Although the governments of China have not given any detailed statement substantiating the basis of China's claim to Tiao-Yu Tai, the Chinese in Taiwan, Hong Kong, and the overseas Chinese in the United States, Canada, Japan, West Germany, Philippines, and Belgium have documented historical, geographical and legal reasons pertaining to why the Tiao-Yu Tai Islands belong to China. In the following paragraphs, we summarize their findings:

(I) FROM THE GEOGRAPHICAL VIEWPOINT

Geographically, Tiao-Yu Tai is intimately related to the China mainland and Taiwan. It is about 120 miles from Taipei and 240 miles from Okinawa. Its surrounding waters are far less than 200 meters deep and hence it is within the confines of the Chinese continental shelf.²⁴ The strait between it and Taiwan is also less than 200 meters deep. In contrast, the water which separates it from the Ryukyus is over 1,000 meters in depth see map, p. 2). This makes the Ryukyus *oceanic islands* while the Tiao-Yu Tai islands are *continental islands*. Geographically speaking, then, Tiao-Yu Tai is considered an island appertaining to Taiwan.

(II) FROM THE USAGE VIEWPOINT

The oceanic currents and prevailing winds of the area make passage by sail from the Ryukyus to Tiao-Yu Tai extremely difficult. That is why Tiao-Yu Tai was discovered and used exclusively by the Chinese until 1884.²⁵ The islands are very important as a refuge for Chinese fishermen who have to cope with frequent storms in the area. They built rudimentary cart-tracks, sheds and a pier. Their fishing operation in the area amounted to a yearly intake of 12,000 tons, totaling \$1.75 million.

(III) FROM THE HISTORICAL VIEWPOINT

The following table disproves the claim by Japan that the Tiao-Yu Tai Islands were first discovered by a Japanese individual in 1884. Also it shows that historically these islands were a part of China, not that of the Ryukyu Islands.

Year:	Event
1403-----	The first documented Chinese recording of the Tiao-Yu Tai Islands— <i>Shun Fung Hsiang Sung</i> , 1403, a recording of voyages between China proper and the Ryukyus. It described a journey to Tiao-Yu Tai. (Library of Congress D339/S92)
1534-----	All the major islands in that group had been properly identified and named by China— <i>Shih Liu-Chiu Lu</i> (<i>Report of a Mission to Ryukyu</i>), 1534. This and many other mission reports of the Ming Dynasty inferred that these islands were a part of China, separate from the Ryukyus. (Columbia University Library #9100.2822)
1783-----	The first Japanese mention of Tiao-Yu Tai— <i>Map of Japan</i> , by a Japanese, Asano Yahee. It used the same color for both China proper and Tiao-Yu Tai, distinct from the Ryukyus and Japan. (Lamont Library, Harvard University. Classified as 2217.2)

²⁴ Definition of the Continental Shelf: "... the seabed and subsoil of the submarine area of the territorial sea, but to a depth of 200 meters or, beyond that limit, to where the depth of the superficial waters admits of the exploitation of the natural resources of the said area." Quoted from the United Nation's Conference on the Law of the Sea, Geneva, 1958, article 1, No. 5578. *U.S. Treatise and other International Acts Series*, Department of State Series. (JX 235.9.832)

²⁵ *Tokyo Shimbun*, April 5, 1971.

Event—Continued

Year:	Event
1879-----	Japan incorporated the Ryukyu Islands (as a prefecture) into its Empire (Encyclopedia International, vol. 16, pp. 66, Grollier Inc., N.Y. 1963. Library of Congress AE5.E447)
1884-----	The "discovery" of the Tiao-Yu Tai Islands by a Japanese named Tataushiro KOGA.
1885-----	The Japanese government rejected application from Mr. KOGA for permission for acquisition of the right of lease, on the grounds that "It is not clear whether the Senkaku Islands belong to Japan or China under the Ching dynasty." ²⁶
1894-----	Sino-Japanese war of 1894, beginning in August and ending in March, 1895, with the defeat of China. <i>Not a single world atlas</i> , published before that year, was found which did not use the romanized Chinese names to describe these islands.

(IV) FROM THE LEGAL VIEWPOINT

The preceding table shows that the Tiao-Yu Tai Islands belonged to China before 1894, the year of the first Sino-Japanese war. In the following table, we document how Japan annexed these islands into her territory as a result of that War, and how the declarations and treaties of the allied nations during and after the Second World War have completely voided the legality of that annexation. Therefore the sovereignty rights of the Tiao-Yu Tai Islands belong to China.

Date:	Event
1894-----	China was defeated in the Sino-Japanese War.
1895-----	The Japanese Cabinet annexed Tiao-Yu Tai into her territory in January. Her army occupied the Pescadores Islands in March. The Treaty of Shimonoseki ²⁷ was concluded between China and Japan in May, whereupon China ceded Taiwan, all islands appertaining or belonging to Taiwan, and the Pescadores Islands to Japan. (Obviously including the Tiao-Yu Tai Islands. Otherwise the annexation of these islands by Japan would be unilateral and hence illegal in terms of international laws.) We quote <i>Tokyo Shimbun</i> : "On the occasion of Taiwan's having come into the possession of Japan as a result of the Sino-Japanese War, the Cabinet decided on Jan. 14, 1895 that the Senkaku Islands belong to Japanese territory." ²⁸
Dec. 1943-----	Cairo Declaration stated that: "... all the territories Japan has stolen from the Chinese ... shall be returned to the Republic of China." ²⁹
July 1945-----	Potsdam Declaration, article 8 stated that: "... The terms of the Cairo Declaration shall be carried out ..." ³⁰
Sept. 1945-----	The formal Instrument of Surrender was signed at Tokyo Bay. It reads: "We, ... hereby accept the provisions set forth in the declaration issued ... at Potsdam ..." ³¹
1951-----	The Treaty of Peace with Japan, signed by Japan and the Allied Powers (except the U.S.S.R. and China) at San Francisco. Article 2. (b) reads: "Japan renounces all right, title and claim to Formosa and the Pescadores ..." ³²

²⁶ *Tokyo Shimbun*, April 5, 1971. Translation provided in the "Daily Summary of Japanese Press", published by the American Embassy, Tokyo, Political Section, Translation Service Branch.

²⁷ Copies of the original of these Japanese documents are enclosed as footnote 1 at the end of this section.

²⁸ *Foreign Relations of the United States*, U.S. Department of State, 1895, vol. 1, pp. 200-1. (LC JX 233. A3.)

²⁹ *Tokyo Shimbun* (*Tokyo News*), April 5, 1971. Translation provided in the "Daily Summary of Japanese Press", published by the American Embassy, Tokyo, Political Section, Translation Service Branch.

³⁰ U.S. Dept. of State, *Occupation of Japan*, by Fearey, Robert A., N.Y. Macmillan, 1950. pp. 51-52 (app 1). (LC D802.J3 F4.) Cited from *Survey of International Affairs*. (LC D440. S94.)

³¹ *Ibid*, pp. 53-55 (app 5).

³² *Ibid*, pp. 62-63 (app 8).

³³ *U.S. Treaties and Other International Agreements*, vol. 3, part 3, 1952, p. 3172. U.S. Dept. of State. (LC JX 231. A34.)

KOZA, OKINAWA, November 1, 1971.

Senator J. WILLIAM FULBRIGHT,
Senate Foreign Relations Committee,
Washington, D.C.

DEAR SENATOR FULBRIGHT: In regard to Okinawan reversion I would like to enter for the printed hearings a statement, "Essential Points of Struggle on the Ratification of the Okinawan Reversion Agreement", by Fukkikyo, the Okinawa Reversion Committee to the Motherland. It accurately expresses the feeling of at least half the Okinawan people to the terms of reversion. Fukkikyo has a large membership of 150 different labor unions, organizations and groups in the Ryukyu Islands which includes over 200,000 people.

In a poll taken by the Asahi Shimbun on September 27, 1971, 68% of the Okinawan people do not like the terms of reversion, and 60% would like to vote yes or no on the reversion treaty. In view of this widespread opposition to the reversion agreement and in view of the fact that Okinawa has been governed by the United States since the end of World War II, in the spirit of representative democracy that is the core of the Declaration of Independence and the Constitution, it is therefore an inalienable right of the Okinawan people that they have some voice in the terms of reversion. From the election of chief executive Chobyō Yara in 1968 it was apparent that the Okinawan people wanted reversion and the complete removal of all American military bases, personnel, weapons and related industries. Clearly with more than fifty per cent of the Okinawan people opposed to the current reversion agreement, how can the American Senate condone approving the reversion agreement without first consulting representatives of the Okinawan people?

For this reason I propose that the hearings on Okinawa that closed on October 29, 1971 be reopened to hear the voice of the Okinawan people. I suggest that the Senate Foreign Relations Committee invite someone who clearly represents a large segment of Okinawan sentiment; Chobyō Yara; a member of Fukkikyo, the Okinawa Reversion Committee; a member of Kenrokyo, Okinawa Labor Unions Association; or a member of Zengunro, the Okinawa Base Workers Union. Concurrent to the reopening of the hearings on Okinawa I propose a Senate investigation of Okinawa to inquire into the following areas: 1) the Okinawan feeling toward reversion and the presence of the U.S. military; 2) the obsolete military systems that are common knowledge on Okinawa, a flagrant example being, the missile site at Naha Air Base was designed to shoot down squadrons of B-52 type bombers; 3) the credibility gap between the military and the Okinawans and GI's. Most Okinawans and GI's do not believe all the poison gas that was supposedly moved in July and August is gone, nor do they believe the nuclear weapons will ever be moved, since there is no accountability on the military. 4) the strategic and political liability of having American military bases and personnel on Okinawa in view of our changing relations to China.

For the above reasons, Mr. Chairman, I propose that the hearings continue to establish a just peace in Asia.

Respectfully,

BARBARA BYE.

DECLARATION PROTESTING THE SIGNING OF THE REVERSION AGREEMENT WHICH IGNORES THE INHABITANTS OF OKINAWA PREFECTURE

Today both the Japanese and American governments signed the terms of Okinawa's reversion to Japan. This action not only positively endorses imperialist America's aggressive policy in Asia, but also means the materialization in treaty form of the November, 1969, Joint Japan-American Declaration, whose actual intention at that time was the even greater strengthening and enlarging of the Japan-American Mutual Security Treaty (AMPO).

The true aim of the Sato-Nixon talks is not the revision of Okinawa. Now it is unmistakably clear that the talks are an adjustment in the diplomatic and military policies of both the Japanese and American government for the purpose of reorganizing their control of Asia. The return of Okinawa to Japan is no more than a lever, perversely used for a resurgence of Japanese militarism, a change for the worse in the Japanese "Peace" Constitution, and the establishment of an Asian nuclear AMPO system.

We cannot help judging now that Japan's foreign policy toward the United States is for us a sell-out and humiliation because it means the misused applica-

tion of AMPO to Okinawa: to fix military bases permanently and station Japanese Self-Defense Forces here; to lie about the removal of nuclear weapons; to continue the presence of VOA broadcasting station and American Special Forces Troops; to waive our right to reparations (for damages done to Okinawa by the military); to approve the humiliating authority of American military courts (to usurp jurisdiction at will from Okinawan courts); to buy up our property and give special rights and guarantees to U.S.-related companies; and etc. These points will be examined in more detail.

I. According to the preamble of the Reversion Agreement, fundamentally enforced by the Japan-American Joint Declaration of November, 1969, it is recognized that the important role of military bases on Okinawa, like the areas of Taiwan and Korea, is for the lifeline of Japan's peace and security. And that declaration of two years ago positively approves of America's imperialist aggressive policy not only in Vietnam, but also in Asia.

II. And then, America's quarter-century rule over Okinawa is unjust and illegal in view of the Potsdam Statement, the purpose of Allied occupation of Japan, and the United Nations Charter. Therefore, also in view of the United States-Japan Peace Treaty of 1949, the United States should unconditionally surrender administrative rights over Okinawa and return Okinawa (to Japan). But (instead) the United States has dared to sign the Reversion Agreement showing the dangerous tendency of trying to make the November, 1969 Joint Declaration a (binding) treaty and cement the presence of military bases (on Okinawa).

III. Article II of the Reversion Agreement provides that the United States-Japan Mutual Security Treaty (AMPO) and related discussions be applied to Okinawa without revision. This, in relation to the U.S.-Korea, U.S.-Taiwan U.S.-Philippine ANZUS military treaties in which Okinawa is a "Key-stone," means that the U.S.-Japan Mutual Security Treaty (AMPO) will be expanded to become an Asian nuclear treaty system. Moreover, Article II does not decrease the number of bases on Okinawa, reducing their area by only 1/220th of their present state, but shows that Sato and the LDP government have changed the meaning of "REVERSION TO MAINLAND JAPAN". Also we should not permit military bases at all because doing so, after all, legally allows the continued use of our land for tremendous American military bases and the compulsory expropriation of our land, denying us the right of ownership.

IV. Even though the Reversion Agreement has nothing to do with Article XIX of the San Francisco Peace Treaty, which was concluded paying no attention to the will of the people of Okinawa Prefecture, still it unilaterally renounces the fundamental human rights of the people of Okinawa Prefecture to claim reparations. The Reversion Agreement should preserve these rights to reparations. Proper compensation would include restoring military bases to their original condition (natural state), and paying for the physical and mental suffering we have been through during a quarter-century of unjust American rule. We are determined to denounce the attitude of the United States which is to shirk the responsibility (of reparations to the people) while returning only administrative control (of Okinawa to Japan).

V. (Point V is very difficult to translate directly. It speaks bitterly of the subjugation of Okinawan law to the High Commissioner or American President. This often has resulted in the freeing or transferring of an American serviceman involved in a crime which should be prosecuted and punished under Okinawan law in Okinawan court.)

VI. (This point we skipped, not because it is unimportant, but because we simply were unable to grasp it.)

VII. As we described, it is clear that the Sato LDP government's emphasis that (reversion will be) "WITHOUT NUCLEAR WEAPONS LIKE MAINLAND JAPAN" is false. We can take as an example (proof) the recently installed seabottom cable for military communications between Taiwan and Okinawa.

(The rest of Point VII is too difficult for us to translate directly. It protests the impunity with which the American military can bring nuclear weapons to Okinawa because there is no way for the people to check. It then raises the vital question of the coming of 6,800 members of the Japanese Self-Defense Force and how they could easily become nuclear armed on Okinawa through secret cooperation with the Americans.)

VIII. As mentioned above, we pointed out concretely the hollow-ness of a reversion agreement which denies the will of the people of Okinawa Prefecture. We think that both the Japanese and American governments are seeking to profit

by the so-called "reversion of Okinawa." Especially the Sato LDP government (sees Okinawa) as the answer to the new American Asian-strategy, based on the Nixon Doctrine. We also think that the new strategic position of Okinawa (in light of the Nixon Doctrine) is of great importance to both governments if they hope to succeed in their ambition of imperialistic aggression in Asia.

IX-X. (We were unable to translate these because of their difficulty and because of a lack of time).

CONCLUSION

Now all we people should think seriously about what the return of Okinawa in 1972, in accordance with such a background of deception, means to Japan. We affirm that it is a very important struggle toward the establishment of peace and democracy in Japan to have the military bases removed and the United States-Japan Mutual Security Treaty (AMPO) annulled when Okinawa Prefecture is returned. We appeal to struggle together in solidarity.

STATEMENT OF JOSEPH L. VICITES, COMMANDER-IN-CHIEF VETERANS OF FOREIGN WARS OF THE UNITED STATES

Mr. Chairman and members of the committee: Permit me to express my deep appreciation and that of the more than 1.7 million members of the Veterans of Foreign Wars of the United States to express our opinions to your committee.

Of all the Congressional Committees which serve the varied interests of our nation, none is more vital, in our view, than this one. Certainly none can ever be as close to the hearts of our members, men who have fought for our nation in all corners of the world.

It is our sincere belief that recent occurrences at home and abroad have caused paranoid scars which run deep in the American psyche. We find that many in our nation are honestly confused about the direction we are taking; and because of this, many have seriously discussed a return to isolationism. It is difficult to blame those who are confused for trying to put an end to our world involvement. But more perceptive thinking must prevail.

We of the Veterans of Foreign Wars of the United States have mentioned in previous testimony before this committee that it is easy to grow tired of responsibility. It is apparent that there is a mounting distaste for the burden of international leadership. President Nixon has announced that we are entering into an age of negotiation; but once again, we must state that we can only negotiate effectively from a position of strength. Have we forgotten the lessons that history has taught us? We in the Veterans of Foreign Wars of the United States continually strive to recognize our obligation as citizens to protect this nation from her enemies in peace and in war and strive unceasingly to perpetuate her freedom and independent sovereignty. It is because of this inherent philosophy, together with our combined experiences abroad, that we offer these comments before you concerning the reversion treaty of Okinawa. We believe that numerous considerations regarding the future of Okinawa and the strategic importance of that area of the world to our national sovereignty deserve careful study before any final decisions are made. The views I express are honestly and sincerely held and represent an effort to abide by both the letter and spirit of our collective purpose. We earnestly solicit a favorable consideration.

We hope to bring to your attention, as our proper representatives in dealing with the Japanese Government, these areas of concern which, in our opinion, must be included in any conversations or negotiations between Japan and the United States upon the terms of reversion of administration of the Ryukyu Islands to Japan.

Secretary of State William Rogers said before the Japan Society, Inc. in New York City on June 30, 1971, that, "As we move into the decade of the 1970's, Americans recognize that a close and friendly relationship between Japan and the United States is vital to the kind of world both of us want. In the Pacific in particular we recognize that the relationship between our countries will be the most important single factor bearing on future events in the area."

"The maintenance of peace and the course of political events in Asia and the Pacific are likely to concern both our countries for the rest of this century. The problems involved will have to be resolved in concrete situations and in differing circumstances."

Mr. Chairman, let me state more specifically that the opinions expressed by me today also are the closely held opinions of our more than 30,000 members who reside on the Island of Okinawa and who have stated very specifically that there are vital and basic issues which should be included in your discussions prior to approval of the proposed treaty. In the opinion of these members, there has been very little dialogue between the business community of Okinawa and the Government of Japan concerning the effects of a total reversion. These conversations would seem basic and vital prior to any consideration at home here. Such matters are retroactive taxes, licenses, work permits, the rights of ownership of preferential land, reciprocal trade agreements which are fair to the Okinawan and American corporations, and protection of dollar assets are fundamental to any agreement and are apparently not covered in detail in the treaty you hold before you. I ask you to remember that any unfair agreements made now will turn to haunt us later as any wrong decisions in the past have frequently. I am certain you are aware that within our treaty lies the obligation that prior use of any of the military bases on Okinawa requires prior agreement with Japan. Authority must always be commensurate with responsibility. This is especially true in defense matters. To transfer administrative authority of Okinawa over to Japan before the Japanese Government is capable of assuming increased defense burdens in the Western Pacific would be walking into a fool's paradise. Nothing could please the Chinese communists more. Unfair and unwise agreements between nations never guarantee the future popularity of the leaders. This is particularly true when these decisions weaken the combined strength of the nations involved. It all grinds down to this: Unless the Japanese constitution is changed, the U.S. would be unable to keep her military commitments to the Republic of Korea, the Republic of China, the Philippines, all the countries of Southeast Asia, and to Japan itself under the reversion plans now under consideration. Forty-nine countries signed the peace treaty with Japan. The national interests of all these nations are involved, not just the interests of Japan and the United States. After long talks with representatives of some of the countries involved, I find that we did not, I repeat—did not, consult these countries concerning this treaty. If this is truly an era of consultation, then we owe it to the countries whose national interests are concerned to consult with them prior to your approval of this treaty. Does it seem fair to remove Article 3 from that treaty without the concurrence of the other forty-seven signers of the treaty? It has become more and more and more true in recent weeks that Premier Sato and President Nixon have many subjects to discuss.

Therefore, we trust that any changes in the status of Okinawa can be postponed and postponed intelligently until the issues have been resolved satisfactorily in the interests of all concerned. It is unclear at this time whether the U.S. nuclear weapons and B-52s will be removed from the islands. Still another consideration is that Okinawa is 1,725 miles from Saigon, 800 miles from Seoul, 400 miles from Formosa, and still a little more from Shanghai, Communist China's largest city. If Okinawa military operations would be curtailed, the Western Pacific fall back point would be Guam, which is 2,600 miles from Saigon, 2,000 miles from Seoul. For some time now, the Japanese have been obsessed with the idea of the return of Okinawa to Japan. At the end of World War II, the U.S. had all power of administration, legislation, and in peace negotiations. John Foster Dulles declared that Japan retained residual sovereignty over these islands, of which Okinawa is the largest. This concept was shared by Presidents Eisenhower, Kennedy, and Johnson; and each of them tried to see that administrative authority would ultimately revert to Japan. In 1967 when the U.S. and Japanese leaders last met, President Johnson agreed that a date should be reached for the reversion of the islands which would be in a few years. It looks as though Premier Sato must collect some of these promises at this time, which is particularly difficult for his government. However, besides the complication of the war in Vietnam, the Army, Navy, Air Force, and Marines have 116 military installations plus B-52s outside of Korea. Okinawa's strategic value as a major U.S. base with 40,000 troops and almost as many civilians there is closely linked with the future of the Western Pacific and our defense posture in the event of a settlement of the difficulties in Vietnam and Korea.

To build Okinawa into a strategic base, the United States spent more than three billion dollars. Okinawa is now the key defense fortress of the Western Pacific. It is studded with airfields, ports, storage facilities and all the extras including highways and power facilities required to support an advanced U.S.

military base. Okinawa was built as the "key" base to defend the Japanese home islands, the Republic of Korea, the Republic of China, the Philippines; and this island has been continuously used as a supply and support base for operations in Vietnam. It has served as an operational base for B-52s engaged in actual combat in operations in South Vietnam.

We realize that arms limitations talks between the Soviet Union and the United States have commenced in Helsinki. Based on 24 year's negotiating experience with the Soviet Government, we should not presume progress until we can verify it. We can and should continue to hope for progress, but it would be utter folly to make a decision on Okinawa based on any anticipated reduction of the Soviet military threat to that region.

Until and unless the Soviet Government renounces aggression as a national policy, or until the military threat to that region is significantly reduced, or until and unless Japan's capability to defend herself and the free countries of Asia is significantly increased, it would be foolish to take any actions which might significantly alter the military power balance of that region. Japanese defense leaders realize the potential danger of reducing U.S. forces in either Japan or in Okinawa and have publicly stated their desire that the U.S. forces remain on the scene to provide the primary deterrent to communist aggression.

The Veterans of Foreign Wars does not believe it is in the best security interests of either Japan or the United States to reduce the flexibility of Okinawa as one of freedom's bastions on the Asiatic mainland. From Okinawa, strategic reconnaissance aircraft and bombers can fly to any target in Asia. These forces help to prevent aggression. They do not invite it. They let us know what goes on behind the bamboo curtain.

In summation, Mr. Chairman, I will now itemize what could be lost should premature reversion occur:

1. The best free world strategic defense post in the Western Pacific. Until the Soviet Union returns administrative control of the islands to the north of Japan, it would not be wise for the United States to return control of Okinawa.
2. The right of U.S. policy makers to determine their own strategy without a veto from the present or future Japanese government.
3. The loss of approximately three billion dollars in U.S. military assets contributed by U.S. taxpayer's money.
4. The ability of the United States to support bilateral and multilateral defense agreements made with friendly governments of Asia, including Japan.
5. Unless Japan should agree to reimbursement, there will be the inevitable loss in the reversion from a dollar economy to a yen economy, estimated to be 250 million dollars in deposits and currency now in circulation. Losses here would further exacerbate the U.S. balance of payment problems, and enhance Japan's favorable and growing trade balance with the U.S.
6. Instead of enhancing the diplomatic ties and friendship which have developed over the past 25 years, a reversion could effectively diminish such a relationship—and the more vocal supporters of reversion are well aware of this.

Mr. Chairman, once again I would like to thank you and the other members of the committee for the opportunity you have given me to present my views as Commander-in-Chief of the Veterans of Foreign Wars, of the United States concerning the strategic ramifications of the Okinawa reversion treaty.

TESTIMONY SUBMITTED TO THE SENATE FOREIGN RELATIONS COMMITTEE ON THE TREATY TO RETURN OKINAWA TO JAPAN, 5 NOVEMBER 1971

Mr. Chairman and members of the Committee: We, the undersigned conservation and environmental organizations, appreciate the opportunity to present our views to this distinguished committee. We urge the United States Senate to tie its action on the Okinawa reversion treaty to the Senate Resolution of 29 June 1971 (S.J. Res. 115) calling for a ten-year moratorium on the killing of all species of whales. Ideally, we would like to see the Senate delay its ratification of the treaty until such time as the Government of Japan agrees to abide by this resolution. We recognize, however, that this is an extremely complex and complicated matter. But at the very least, we hope that in acting on this treaty, the Senate will explicitly state its design that Japan, in return for what has been conceded to it, will reciprocate by agreeing to this ten year whaling moratorium.

The resolution referred to above was passed unanimously by the Senate, without a single dissenting vote. An almost identical resolution was passed by the House on 1 November, 1971. These resolutions point out that several species of whales are near or approaching extinction; that whales are mammals with large brains and a complex social life and produce fascinating and complex sounds which have inspired serious musical works; that much remains to be learned about these unique creatures through scientific study of their behavior; that whales form a resource which may prove of importance to mankind in the future if their numbers are not decimated now.

This action by the U.S. Senate applies to Japan more than any other nation (except the Soviet Union), since Japan and the U.S.S.R. each account for over 40 percent of the whaling which is still being done. Moreover, Japan and the Soviet Union are primarily responsible for the demise of the great whales, for the fact that (in the words of the Senate resolution) "the blue whale, the largest creature on earth, has been reduced by the whaling industry to a point of near extinction; and despite the fact that the International Whaling Commission has placed it in a totally protected category, numbers of these and others endangered species of whales continue to be taken 'in error' by whalers. Even those species of whales which are not in imminent danger of extinction will become so if present hunting pressures are continued."

This year, after many assurances and promises to the contrary, the Japanese whaling fleet sailed without any international observers aboard. Thus, no one knows how many nominally protected whales, such as the blue whale, will be "taken", or if the quotas set and agreed to will be observed.

Since the Japanese whaling fleet is rapidly becoming obsolete, and since whaling is providing a miniscule and insignificant contribution to the Japanese economy, we believe that the action we are proposing stands an excellent chance of favorably influencing the Japanese. An end to whaling will do no real harm to the Japanese but could save these unique and extremely intelligent creatures from the imminent extinction most of them now face.

Mr. Chairman, what better purpose could be served by Okinawa—where so many Americans perished—than to save an immensely important order of mammals from the oblivion of extinction? Let us change the memory future generations will have of Okinawa, from a place of death and destruction to a source of life and survival.

With the permission of the Chair, we would like at this time to put into the record several statements submitted at the 26 July 1971 hearings conducted by the House Foreign Affairs Committee, giving some background on the plight of the whales and the necessity for drastic and urgent action if they are to be saved.

Thank you, Mr. Chairman.

PETER HARNICK,
Environmental Action.
TOM GARRETT,
Friends of the Earth.
LEWIS REGENSTEIN,
Committee for Humane Legislation.

STATEMENT OF LEWIS REGENSTEIN, WASHINGTON COORDINATOR, COMMITTEE FOR HUMANE LEGISLATION, 26 JULY 1971

Mr. Chairman and members of the Committee: I appreciate the opportunity to express the views of the Committee for Humane Legislation and its President, Miss Alice Herrington, on the urgent problem of saving the whales from extinction. We urge that the resolution calling for a ten-year moratorium on the killing of whales be passed by the House and that an immediate ban on the import of all whale products into this country be instituted. For some species of whales, this year is perhaps our last chance to save them.

Unless drastic and immediate action is taken, several of the larger species of whales will soon be reduced in numbers to a point at which their extinction will become inevitable. Eventually, if the present whale hunting trend continues, most other whales, including the porpoises and the dolphins, may also disappear. This impending tragedy can and must be prevented.

Whales are among the most intelligent and highly evolved of all the world's creatures, in some respects very much like their fellow human mammals. Many of these warm-blooded, air-breathing mammals are monogamous; they nurse

their young and usually bear a single calf every two years. They "cry" in agony when they are wounded by a harpoon; and the "song" that the Humpback whales sing is so beautiful and intricate that it has inspired a symphony and been made into a popular record album. There have been many incidents in which a whale has been harpooned or captured by a boat, and its family has followed it or waited offshore for its return for days and weeks at a time. Whalers have taken advantage of this "protective" and highly social characteristics by harpooning baby whales, towing them into the whaling station on shore, and then butchering the entire family or even the herd which faithfully follows along.

According to history and legend, man's relationship with whales has, until comparatively recent times, been a quite friendly one. The prophet Jeremiah made references to these "monsters of the sea", and the whales which the Bible tells us swallowed Jonah not only did him no harm, but also saved him from drowning. Paintings and woodprints from early sea-faring peoples show ancient sailing ships followed and surrounded by playful, friendly whales. Countless sea legends abound in which dolphins are credited with saving the lives of drowning people. Naturalist Tom Garrett has described how primitive peoples living in coastal areas and along large rivers have traditionally utilized whales as part of their culture, using cooperative dolphins to herd fish into their nets, or even to protect them from dangers such as piranha fish. Historical accounts describe this relationship as being so close that the native peoples have violently resisted efforts of scientists to obtain dolphin specimens.

Of all the whales now disappearing, perhaps the most tragic loss is that of the mighty Blue whale—the largest creature ever to inhabit the earth. The Blue whale is so closely related to man that it has a nearly identical body temperature and a remarkably similar brain, eye, and circulatory system. Since these whales have vestigial hipbones which are unconnected to the rest of the skeleton, there has been speculation that its ancestors once inhabited the land, returning to the sea in pursuit of food or—ironically—protection.

It is difficult to conceive of the enormity of this elviathan, but Associated Press writer John Barbour describes its size in graphic terms:

"Nothing on earth has ever matched its size. It is larger than 30 elephants; larger than the combined size of three of the largest dinosaurs that ever lived. It weighs more than 2,000 people, a small town. Its heart weighs 1,200 pounds, its liver a ton, its tongue more than one-third ton. The Blue whale calf nurses for seven months, taking in as much as 1,000 pounds of milk per day."

Yet, this gentle creature has a throat so small that it cannot swallow any fish larger than a sardine.

At the beginning of this century, the Blue whale population was over 100,000, today, a mere few hundred at most survive worldwide (some estimates go as high as 3,000). There is serious doubt that enough males and females will be able to find each other over the great expanse of the ocean to enable the species to breed and perpetuate itself. Dr. Small, in his definitive book on the Blue whale, points out that had we allowed just 60,000 Blue whales to survive they could have supplied the world with 6,000 Blue whales a year without diminishing the stocks. This perpetual source of food—enough to supply a 6 ounce steak to over 3 million people every day for a year—has now been destroyed.

At the present time, other whale species which are gravely threatened include the Humpback, Sei, Finback, Bowhead, Sperm, Grey, and Right whales. The Asiatic Grey whale population has apparently disappeared; and the largest known colony of nominally protected Southern Right whales was wiped out "to the last mother and infant" in 1962 by a whaling fleet off Tristan de Cunha. The state of depletion of the ocean's whale population was vividly demonstrated during Sir Francis Chichester's recent voyage around the world, during which he saw only one solitary whale. A few years earlier, almost daily encounters with these curious and friendly creatures would not have been unusual.

Our Government is clearly implicated in this tragedy. As a major importer of whale meat (used for dog and cat food and on mink farms), and whale oil (used in paint, transmission oil, tanning leather, and cosmetics), the U.S. has helped to generate the demand for whale and thus encouraged their indiscriminate slaughter. While Japan and the Soviet Union account for most of the world's whaling, the U.S. consumes almost a third of the take. Walter Hickel's last act as Secretary of Interior was to place the eight large whale species on Interior's Endangered

Species List, thus banning the import of their products into this country. This action, unfortunately, came too late to have much of an effect. In praising this gesture, the New York Times pointed out, "the magnificent Blue whale may already have passed the point of no return and be headed irreversibly towards extinction. The rare Grey, Humpback, and Bowhead whales are also gravely threatened—and all in the interest of such vital products as cat food."

If whales had been placed on the Interior Department's endangered list a few years earlier, it is probable that they would not be in the tragic situation they are in today. Such a step would have been consistent with the Endangered Species Conservation Act of 1969, the intent of which is to prevent such conditions before they occur. It should be emphasized that at the present time, only eight species of whales are banned from import into the U.S. The remaining eighty-some varieties may continue to be hunted, killed, and imported, presumably until they too reach the brink of extinction.

The whaling industry is already anticipating the day when there will be no more large whales left to "harvest." They will be replaced by dolphins and porpoises—among the most friendly and intelligent species of whales—which are already being killed in extra-ordinary numbers. Last year the Japanese are estimated to have "taken" some 200,000 dolphins and porpoises, with perhaps an equal or greater number being caught in nets and inadvertently killed by Japanese and American fishermen. According to Professor Kenneth Norris, Director of the Oceanic Institute at the Kakapuu Ocean Center in Hawaii, these creatures will soon face extinction, since they can be used as a substitute for whale meat in dog and cat food.

The real tragedy of this situation is that whales are being killed quite unnecessarily. As Senator Fred Harris pointed out when he introduced his and Representative David Pryor's bill to protect whales and other ocean mammals:

"For the sake of money—primarily the American dollar—these animals are subjected to massive brutality and slaughter. There is no product from any of these creatures which is essential for human survival or welfare. Each has a readily available substitute."

The international organization which has the responsibility for regulating whaling and setting quotas which will not deplete the species is the International Whaling Commission (IWC). This body, however, has been so dominated by the commercial interest groups that it has allowed whales to be slaughtered far beyond any reasonable limit. The IWC has often been charged with greed and shortsightedness in allowing the primary source of income of its members to be wiped out rather than adopting the sustained yield concept. Lately, however, a new theory has gained credence which does, in fact, make more sense. According to Tom Garrett, in a paper prepared for Friends of the Earth, the whaling interests which control the IWC decided some time ago that it would be more profitable for the whaling industry to kill off the world's remaining whales and take a short-term gain rather than to kill a limited number every year over an indefinite period. The conclusion that such a decision was intentionally made is almost inescapable: it does not seem possible that the IWC could have been unaware of what effect its quotas were having on the whale herds.

Congress is now presented with the opportunity to help save the world's remaining whales. In a few weeks, hearings should be held on the Harris-Pryor Ocean Mammal Protection Act, which would protect whales in U.S. waters and ban the import of their products into this country. In the meantime, the resolution requesting the Secretary of State to call for a ten year moratorium on the killing of whales—which unanimously passed the Senate—should be given immediate and favorable action by the House. It is a necessary first step which must be taken if the whales are to be saved. If the Secretary of State virogoously carries out his mandate to negotiate such a moratorium, he should meet with some measure of success. Surely the Japanese, for example, care more about their electronic and automotive imports into this country than they do about the relatively small profits they derive from their whaling industry.

Meanwhile, the U.S. should immediately ban the import of all whale products into this country. This will quickly have the effect of removing some of the economic incentive for the killing of the whales.

If the U.S. does not take the lead in protecting these unique and awe-inspiring creatures, they will soon vanish from the seas forever.

STATEMENT OF TOM GARRETT, WILDLIFE CONSULTANT FOR FRIENDS
OF THE EARTH

Mr. Chairman, the resolution presently before this committee requesting an international moratorium on whaling, follows over two centuries of unbridled and insensate carnage. The 18th and 19th century whalers ravaged and destroyed, one after another, the initially enormous populations of northern and southern Right whales, leaving only scattered survivors. By the middle of the last century, the Bowhead or Greenland whale had also been brought close to extinction, while the "Scrag whale" of the Atlantic coast, which is now believed to have been a Grey whale population, or perhaps subspecies, had been entirely annihilated.

Whalers, working off season, were responsible for much of the havoc wreaked on other marine mammals, such as the Northern and Guadalupe fur seals, the Sea Otter and the Elephant Seal. They figured prominently in the decimation of Galapagos turtles and Barren Lands caribou; the extermination of the Great Auk, the extinction of several birds through the introduction of rats to isolated islands, as well as the ruin of isolated natives (such as the Marquesian Islanders) by the transmission of syphilis. Maurauding whalers achieved the extinction in a few short years of the Stellar Sea Cow, a giant relative of the Manatee, which may have weighed up to three tons and once abounded off the Northern Pacific coast. Stellar, in his journal, describes these animals as having shown "signs of a wonderful intelligence . . . indeed an uncommon love for one another, which even extended so far that, when one of them was hooked, all the others were intent upon saving him * * *."

During the late 19th century, whalers equipped with lethal cannon harpoons called "Greener lances" brought the California Grey whale to the very verge of extinction. The favorite tactic was to harpoon the infant whales and tow them to the shore stations. The parents of a wounded infant would follow, vainly attempting to aid it, and the whole family could then be killed at a convenient location. Similar methods were employed against the toothed whale Hyperoodon after the whalers learned that when one animal was harpooned, the entire group would remain and attempt to protect it, each whale staying with its stricken companions until the last was killed.

Early in the 20th century the whalers turned their attention to the Rorquals, previously too fast and too strong to be taken and "wrong" from the whaling standpoint in that they did not, unlike the unfortunate "Rights", float when killed. In 1904 the Antarctic waters, populated seasonally by a vast host of heretofore unmolested whales and other marine mammals, were invaded; first from shore stations, then by pelagic whaling fleets operating with floating factory ships. The resulting carnage, in terms of literal bloodletting, was entirely without precedent. Fleets from an increasing number of nations, armed with an always more devastating array of weapons, steamed south for the Antarctic summers, until the krill beds were stained with the blood of the leviathans.

Authors such as Professor George Small, John Barbour and Georges Blond have provided detailed accounts of the great massacre. By 1942 when World War II brought a temporary halt to the killing of whales, the Antarctic population of Blue whales, estimated to have initially stood at 210,000 (Galland) was reduced to perhaps one-third of this figure, and the baleen whales generally, not only in the Antarctic but throughout the world, were melting away before the brutal technological onslaught.

On December 2, 1946, an International Whaling Convention was signed in Washington, D.C. by 17 nations. An International Whaling Commission was established, to begin functioning in 1948. This Commission was charged with responsibility for the conservation and sensible utilization of the world's whale resources, protecting "overexploited" whale species, setting minimum size limits below which various species might not be taken, setting maximum annual quotas for the Antarctic killing waters, and closing designated areas to hunting.

In June, 1971, the International Whaling Commission held its 23rd annual meeting. This year the Commission for the first time since assuming the "management of cetacean resources", convened in Washington, D.C. The results of this "management" may be readily grasped through the following table, prepared for the Senate hearing on Senate Joint Resolution 115 by John Sayres of the Fish and Wildlife Service.

Species	World population in 1930-40	Current population
Blue whale	100,000	600-3,000
Finback whale	400,000	100,000
Sei whale	150,000	75,000
Sperm whale	600,000	250,000
Humpback whale	100,000	2,000
Right whale	(1)	25-250
Grey whale	(1)	10,000
Bowhead whale	(1)	20-200

(1) Rare.

As can be seen in this table, which contrasts estimated populations during the period 1930-40 with those presently in existence, two very common species, Blue and Humpbacked whales, have been pushed close to extinction; Finback numbers have been cut to, at most, 25 percent of the populations of 30-40 years ago; Sperm whales have been reduced to little better than 40 percent and Sei whale numbers have been cut at least in half. Only the California Grey whale, which lives much of the year in or near Mexican and U.S. territorial waters has increased in numbers.

Since a hiatus in whaling occurred during World War II, this appalling depletion in the stocks of whales occurred entirely under the aegis of the International Whaling Commission. The past two decades have been by far the most sanguinary in all the slaughter glutted history of commercial whaling. During the later 1950's and early 1960's, even as population numbers disastrously plummeted, new records were set for the killing of whales. In 1962 the worldwide kill reached 67,000, far above the maximum kill of laissez-faire whaling.

Twenty-three years after the advent of its "conservation management", the IWC stands exposed as a tragic farce, discredited and impotent. The whale stocks it proposed to conserve have been reduced, for the most part, to pathetic remnants. The bulk of the original subscribers to the convention have been forced to cease whaling because of a dearth of victims, while the remaining pelagic whalers, notably Japan and Russia, are proceeding implacably toward bringing to "commercial extinction" all appreciable whale stocks which do remain. Pirate fleets, using cheaply acquired surplus whaling equipment, are now proliferating, entirely out of control, and promise to finally doom several hard-pressed species nominally under the protection of the Commission; to clean up what few whales may survive the juggernaut of the major pelagic fleets.

The Commission's budget for the year ending May 31, which is the total amount spent worldwide on the "management and conservation" of whales, was approximately \$16,000.

The domination of the Commission by the commercial whalers has been, in the past, overt and undisguised. Until 1966, the Japanese commission was automatically the current chairman of the Japan Whalers Association. The delegations to the recent meeting in Washington were liberally sprinkled with presidents and officials of various whaling companies throughout the world. The Commission chairman of the past year, Mr. Fujita, is president of the Japan Fisheries Association, and known to be intimately connected with whaling interests.

This year, these men, following the usual intransigent pattern, again ignored the recommendations of their own scientific committees in order to set far higher quotas than were considered sustainable. The major whaling nations, armed with a power of veto which they have never hesitated to employ and with the simple knowledge that the Commission has no actual power of enforcement, calmly overrode the efforts of non-whaling nations such as the U.S. and the U.K. to exert a moderating influence.

Even as the Commission conducted its June meeting, wholly oblivious to the rising clamour of conservationists around the world, remorselessly parcelling out the relics of the once vast populations to those who profit from their immolation, the end was clearly in sight: an end of whaling with an end of the great whales; an incidental end to the dolorous travesty of "conservation management".

Any argument to the effect that the adoption of the resolution presently under consideration might jeopardize the future of the Commission runs immediately

athwart of this simple fact; as it permits the "commercial extinction" of whales, and thus the demise of whaling, the Commission is already, to say the least, "jeopardizing" its own future.

Complaints that the "leadership" or influence of the U.S. delegation within the Commission might be threatened assumes that such leadership has existed, or will exist in the future. So far the role of the U.S. Commissioner has been entirely negligible. There is no reason to believe, given a continuation of the previous U.S. official attitude, that this can or will be otherwise in the future. The impotence of the non-whaling nations was demonstrated—if it requires demonstration beyond the ravaged condition of the whale stocks—when Japan, Russia and Norway ignored U.S. assertions that 1933 Blue Whale Units represented the maximum possible sustainable yield for the Antarctic, and set quotas for 2300 Blue Whale Units. The Russian delegation insisted, in fact, on 2700 BWU, and has yet to provide any concrete assures that it intends to abide by the 2300 figure.

The International Whaling Commission has long been anathema to conservationists throughout the world. Evidence of the total discredit of the Commission in this nation today, resides in the present joint resolution, unanimously passed by the U.S. Senate. Popular disillusionment has been eloquently expressed by numerous editorials in major newspapers, with the prevailing consensus perhaps most cogently stated through an editorial in the *New York Times* on July 6, which likened the recent actions of the Commission to "telling a firefighter to pour on slightly less kerosene."

"Yet," the editorial continues, "there is a rationale behind this grotesquerie. It is to be found in the greed and ruthlessness of the Japanese and Russian whaling interests who between them now catch more than four-fifths of all whales. Financially, it makes more sense for them to use their whaling fleets to full capacity until all whales have been exterminated, and then scratch the equipment than it does to cut back whaling to the small operation which nature can sustain. Whale products are used largely for catfood and cosmetics."

"By its callous performance, the Whaling Commission stands self-exposed as a cartel dominated by its two largest members rather than a responsible international agency for the regulation of a diminishing natural resource. The other member nations which have reduced their whaling or—like the United States—have ceased altogether now face a serious decision. They cannot much longer continue as acquiescent partners while the Russians and Japanese pursue their extermination policy to its logical end."

The International Whaling Commission has failed utterly. No pseudo-scientific analysis couched in arcane jargon, buttressed by unintelligible arithmetical prestidigitations, can disguise the fact that the great whales are being effaced from the world's oceans; that an entire order of magnificent animals has been mindlessly decimated; that a previously enormous marine resource has been largely—perhaps irreclaimably—destroyed.

The 1946 Whaling Convention was founded on narrow and entirely inadequate concepts. The initial concern of the subscribing governments was, in fact, to rebuild the whaling industry, shattered by World War II. No provisions were made for meaningful inspections to determine compliance with regulations. No budget was provided for meaningful scientific study. The Convention permits a member government to veto, or ignore, policies not to its liking, and leaves the matter of control of its nationals solely up to such a government.

The Whaling Convention predated the understanding—now forcibly borne upon us—of the interrelationship existing between living forms, and the almost endless ecological implications of major disruption. The Convention contains no expression of ethic, nor definition of moral responsibility.

A Commission founded on this inadequate and obsolete Convention could not be expected to now avert the disaster in which it has heretofore played such a key role.

No action short of an international moratorium can now be expected to save the great whales. Such a moratorium, if achieved and enforced, will not only guarantee the survival of most species, and permit a slow rebuilding of the populations, but will provide a period for rational study and reassessment, and perhaps the forging of a new and adequate international agreement for the use of marine resources.

The bankrupt legal doctrine of *res nullius* (belonging to no one) must be abolished. It must be replaced with a doctrine of *res communis* which takes into account the interconnectedness of all life, and which considers the destruction of any life form, the degradation of any ecological system, as an intolerable threat to all.

The adoption of H.J. Resolution 706, perhaps with language slightly modified to provide the State Department greater flexibility in negotiations to be most vigorously pursued, will represent a necessary and valuable initial step in moving toward this absolutely essential goal.

SOCIETY FOR ANIMAL PROTECTIVE LEGISLATION

STATEMENT IN FAVOR OF H.J. RES. 706 AND H. CON. RES. 375 BY CHRISTINE STEVENS, SECRETARY

There are many reasons for seeking a total ban on the killing of all species of whales for the next ten years. They range from the purely and coldly practical through the warmly emotional to the best kind of intelligent idealism based on scientific understanding. I believe the distinguished members of this Committee will wish to take all of these reasons into account. Each is compelling in its own right.

To begin with basic practicality: the whaling industry is moving rapidly to the position of the man who killed the goose that laid the golden egg. Indeed, if we equate each species of whale with one of these magical geese, the whaling industry has already killed a number of them, making them commercially extinct through the same kind of emotional greed that caused Aesop's fabulous goose owner to destroy his own means of livelihood.

If all the whaling is discontinued for a ten-year period, there can be no doubt that the numbers of whales will increase decisively, and even those species that the industry preferred, before they had overkilled them to the point that they are now economically without value, might be able to come back in numbers. But this cannot possibly happen unless they are given a respite from the highly mechanized procedure by which they are spotted from the air, chased by powerful and speedy catchers, terrorized with specially developed whale scaring sounds, ripped apart by explosive harpoons and ground down with startling speed into commercial products. Any country which seriously depends upon whaling cannot fail to welcome a moratorium observed by all countries, for such a moratorium is like money in the bank.

Without a moratorium, the past history of whaling and of the organization which is supposed to control it, shows clearly that there will be continued destruction of the whale populations till all the money in the bank, all the golden eggs, are gone forever.

If we were only concerned, still from the practical standpoint, that a few whaling companies or government whalers were foolishly squandering the source of their profits, it would not be proper to take this Subcommittee's valuable time to consider the matter. However, the few shortsighted industry representatives who have, unfortunately, dominated the International Whaling Commission to such an extent that even our own State Department seems to have caught the disease of industry orientation, do not own the whales. These magnificent wild mammals with brains bigger than any other form of life that exists or ever has existed on this planet, belong neither to any individuals nor to any country. If we stand by and watch (as we have done up until 1970 when Secretary Hickel broke the spell) the killing off of species after species, we are guilty of depriving the whole world of creatures whose potentialities have not yet even been measured.

At the lowest level, the whales could supply large amounts of protein, should overpopulation force us to the point where palatability no longer matters. If they are killed off to supply meat for mink farms, that form of insurance against our own starvation is eliminated.

It would be completely wrong, however, to think of whales solely in the terms in which the whaling industry considers them; as sources of salable meat and oil. By far the greater concern in the 1970's is the opportunity they offer to teach us,

fellow mammals, about life in the sea. The United States Navy is well aware of this, as they learn how to work with dolphins, those marvelously cooperative creatures who actually seem to enjoy being helpful to our species. The Washington Star summed up with an editorial March 29, 1967 as follows:

"The dolphins are at it again.

"A couple of weeks ago a Florida couple adrift offshore in a crippled boat found themselves surrounded by sharks and heavy weather approaching. Suddenly, like the U.S. Cavalry at Fort Laramie, a school of dolphins appeared, tore into the sharks and chased them away.

"The dolphins then escorted the boat back to shore, going away from time to time, but reappearing faithfully whenever a shark's fin slit the water.

"Wait. That's not all. The Navy has been training the friendly fish—mammals, actually—to recover torpedoes, mines, aircraft and submarines lost at sea. Using their built-in sonar, the dolphins find the wrecks, mark them and release buoys for their recovery. Although completely free in the open sea, at the completion of their tasks they swim back to the mother ship.

"Experiments continue in talking to dolphins. Apparently they can repeat human phrases, only faster, a speech equivalent of speedreading. Their own communication by beeps is in the process of decoding by humans. Moreover, the dolphins have provided the most human regular shows on television for several years now.

"It may be, as the old legend of the sea has it, that dolphins are inhabited by the souls of drowned sailors from Phlebas the Phoenician on. At any rate man began his whole terrestrial progress in alliance with the horse and the dog. If we are about to explore, colonize, farm and inhabit the seas, we could have no better ally.

"It may even be, considering their friendliness and helpfulness, that we could learn something from the dolphin."

The Journal of the American Veterinary Medical Association, October 1, 1966, noted: "Major objectives in the Navy's research, Dr. Wood explained, are to determine and measure the capabilities of these animals to aid man in the ocean environment in which man is ill-equipped to operate. In their study of one of various remarkable adaptations which porpoises have evolved to their aquatic environment—a sonar system that differs from man-made sonar—two research workers have found that their female bottlenose porpoise named Doris can distinguish copper plate from aluminum plate by echo ranging alone. She permits the workers to place soft rubber suction cups over her eyes, then swims to the opposite side of her tank to push one of two paddles. These are made of the two different materials, and Doris selects the one she has been trained to push."

Doris is not the only dolphin or porpoise willing to cooperate with scientists. A report in The Philadelphia Inquirer, January 2, 1970, headed "Porpoise Solves Puzzle of Bends, Divers' Disease" tells about Tuffy, another friendly Navy porpoise. "The scientists trained Tuffy to dive on command, stay at depth until summoned to the surface, hold his breath until ordered to exhale and finally to exhale into an inverted funnel a small distance below the surface, through which the exhaled breath could be trapped and analyzed." No wonder the Russians have officially dubbed the dolphin "Man's marine brother" and forbid killing of these animals in Russian waters.

In our country, one state has made it "unlawful to catch, attempt to catch, molest, injure, kill, annoy or otherwise interfere with the normal activity and well being of porpoises." This law was passed in Florida in 1967. It does permit their capture and maintenance in captivity when the director of the board of conservation is assured that the animals will be properly treated and the species is not adversely affected by the existence of permits for this purpose.

How appalling, then, to learn that last year an estimated 200,000 dolphins and porpoises were killed by the Japanese whaling industry! Nor can we be complacent on this score, for we may be killing almost this same number by mistake, incredible though that seems. Purse-seining for tunafish captures great numbers of dolphins, and they are not untangled and set free, even though it is they that led the fishermen to the tuna. The ancient Greeks were not such ingrates. Not only were they most careful of the dolphins that helped them to fish, not only did the dolphins eat their share of the fish, but according to Pliny the Elder, the dolphins "are aware that they have had too strenuous a task for only a single day's pay, they wait there till the following day, and are given a feed of bread mash dipped in wine, in addition to the fish."* Oppian, too, reported on the co-

operation between fishermen and dolphins and wrote, "But when the work of capture is happily accomplished, then the dolphins draw near and ask the guerdon of their friendship, even their allotted portion of the spoil. And the fishers deny them not, but gladly give them a share of their successful fishing; for if a man sins against them in his greed, no more are the dolphins his helpers in fishing."*

Pliny tells us of the ancient Greek fishermen "even if they find [the dolphins] fash in their net, yet they set them at liberty."* We should have the honor and decency that the ancient Greeks displayed. Let us hope that after this subcommittee has acted our historians will be able to say the same of us that Pliny and Oppian said of their contemporaries.

With respect to the great whales, we have taken tremendous forward steps in the last year. First, Secretary Hickel and then Secretary Stans acted with the most commendable effectiveness to remove our country from both the pursuit of whales and, most importantly, from the purchase of products from any of the eight species of whales now on the Endangered Species List. If other countries who buy the meat and oil of whales follow our lead in these actions of the present administration and in the recent action of the Senate in unanimously approving S.J. Res. 115, identical to H.J. Res. 706, whales and dolphins could be saved.

Dolphins are more manageable than the large whales, but those who have intelligently sought to learn about their huge counterparts have found a similar fascination, a surprising gentleness, a deep concern for fellow whales, and a kindness toward humans which we have ill repaid. Stan Wayman seeking to photograph whales under water tells of the care the enormous creatures took to avoid him with their fins which could easily have cut him in two as he swam near them. We know that the whalers have often taken advantage of the love of parent whales for their young to capture the adults after harpooning the infants.

Let us examine the method now universally in use to capture whales. Dr. Harry Lillie who sailed as a surgeon on a whaling ship has given a vivid description of the explosive harpoon. "The larger whales," he writes, "may be 80 to 90 feet long. To see one of these magnificent creatures swimming close to a catching vessel is a wonderful and thrilling experience. It is just the poetry of majestic motion.

"The present day hunting harpoon is a horrible 150-pound weapon carrying an explosive head which bursts generally in the whales' intestines, and the sight of one of these creatures pouring blood and gasping along on the surface, towing a 400-ton catching vessel by a heavy harpoon rope, is pitiful. So often an hour or more of torture is inflicted before the agony ends in death. I have experienced a case of five hours and nine harpoons needed to kill one mother blue whale.

"If we could imagine a horse having two or three explosive spears driven into it, and then made to drag a heavy butcher's truck while blood poured over the roadway until the animal collapsed an hour or more later, we should have some idea of what a whale goes through.

"Radar, Asdic and aircraft have been brought in to join forces with faster and faster catching vessels, yet the general adoption of a new and already satisfactorily tested humane electrical harpoon is held up by selfishness on the part of many people in the industry."

These words were written in 1958. No progress whatever has been made in the intervening years in reducing the agony of the whales. The whalers have but one single object in view: cash on the barrelhead.

It has sometimes been argued that those who would protect whales are emotional and that their emotion discredits their efforts. Emotions of sympathy and horror surely do enter into the motivation of all who plead with distinguished members of this Subcommittee to take favorable action on a resolution calling for a ten-year international moratorium on the killing of all species of whales. However, greed is inspired by emotions which our daily newspapers show to be far more powerful than any which help conservationists and humanitarians to pursue their goals. The daily total of those who risk imprisonment for theft, who put their reputations and livelihood in jeopardy for fraud, vastly exceeds that of persons who take even a modest risk in behalf of a friend or relative, to say nothing of other human beings or animals. If emotion is to be discounted according to its force, then the place to discount it is among those who pursue the whales so relentlessly, immune to rational presentation of data which proves

*Pp. 170-171, "The Dolphin: Cousin to Man," by Robert Stennit (Penguin Books, 1971).

that they are constantly and consistently killing more whales than the maximum sustainable yield will allow.

When I first became interested in trying to help whales in 1958, the effort was to substitute a quick killing electric harpoon for the hideous torture of the explosive harpoon. At that time there still seemed to be a hope that the quota system could protect whale populations to the extent that they would not become ecologically extinct. If a painless method of killing could be adopted humanitarians would have been satisfied. But in the intervening period it has become crystal clear that (1) whalers will not change to humane methods under the present system of whale management, (2) the quota system is a failure, and (3) whales are even more remarkable creatures than we could have imagined.

The only way to help whales now is to declare a moratorium on their killing. During the moratorium these magnificent animals should be studied, not merely to determine how many might be killed without wiping out the different species, but, most importantly, in order for us to learn from them as well as about them. A period of open-minded naturalistic scientific study of the whales should be undertaken. It need not be impractical research. On the contrary, the Navy's work in this area, emphasizing as it has the careful study of individuals, each one treated more like a human volunteer for an experiment than like an expendable tool, is a model in the attitude toward research with Cetacea which should be vastly expanded.

You have heard the recording of the Songs of the Humpback Whale. Although you have not heard the New York Philharmonic's rendition of Alan Hovhaness' composition which features these whale voices with a full human symphony orchestra, I am sure you cannot fail to recognize that extraordinary beings brought forth this music. Strangest of all, whales have no vocal cords. It is said that if they did and could scream while undergoing the indescribable torment of the explosive harpoon, not even the most hardened whaler would be able to continue to kill them. Having heard their songs, I believe you can imagine what their screams would be and that you will act favorably on H.J. Res. 706 or H. Con. Res. 375 instructing the Secretary of State to call for a moratorium on their killing.