

## Smell of Fish

PM 2/8/64

It seems increasingly plausible that the 36 Cuban fishermen arrested in Florida waters were sent there in order to provoke an incident. Certainly there was well-oiled precision in the moves taken by the Castro regime in cutting off water to the Guantanamo Base, moves that received instant Soviet support. The United States had no alternative but to defend its rights at Guantanamo, which is precisely what President Johnson has said will be done.

At the same time, Fidel Castro could have few better subjects for an "incident" than fishing rights, which are a vexed and confused matter everywhere in the world. It does not help that the Cuban fishermen face prosecution solely under state, not Federal, laws. In 1963, Florida forbade vessels from Communist countries to fish in state waters, and it is under this statute that the Cubans were apprehended.

Fishing rights are too important to be left to a hodge-podge of state laws. The Governor of Alaska was rightly criticized in 1962 when he seized three Japanese fishing vessels, thereby confusing himself with the Secretary of State. In the present instance, the State Department concurs with Florida's action, but this does not lessen the anomaly of American foreign policy being set by state laws.

Present Federal laws make it illegal for the nationals of other countries to fish in American territorial waters, but the statute provides no penalty. For a year, the State Department has been urging Congress to close this gap in the law by setting penalties for its violation. The Florida action quickens the urgency for Federal laws that will preempt the field and prevent the states from embroiling the country in feuds over fishing rights.

Finally, the treatment of the Cuban fishermen ought to be considered in a context broader than our quarrel with Cuba. Not long ago, Americans were outraged when U.S. fishermen were arrested by Ecuador, when that country claimed our vessels were within the 200-mile limits that Ecuador claimed. The fishermen were released, but lingering resentment led the Senate to append an amend-

# ington Post

---

SATURDAY, FEBRUARY 8, 1964 PAGE A6

---

ment to the foreign aid bill barring help to those countries disagreeing with our concept of fishing rights. This foolish amendment—as foolish as Ecuador's claim to nearly 200 miles of the high seas—was quietly deleted in conference with the House.

Thus if the U.S. deals harshly with the Cubans, it will have little cause for complaint when our fishermen are similarly treated by others. This is a problem that should not be overlooked in the agitated emotions of the present, when some politicians are solemnly proposing that we send the Marines to force the Cubans to turn on that water.