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Lawyer for
Ship Denies
Violation

By Drew McPhillips

An attorney for the seized Polish fishing trawler Kalmar declared yesterday that the 24,000-ton vessel "was never at anytime closer than 12½ nautical miles from the United States shoreline."

Lester Clark, who represents the Odra Shipping Co., the Kalmar's owners, said:

"The Kalmar has three independent radar systems, all of which work beautifully. The radar is monitored constantly, around the clock, and we are prepared to prove in court that the ship was never within the 12-mile limit claimed by the United States."

Clark said Odra is a privately owned Polish company.

Meanwhile, Assistant U.S. Attorney Steele Langford yesterday filed both a criminal complaint and a civil complaint against the Kalmar.

The somewhat similar complaints said the 240-foot trawler, which carries a crew of 79, was detected fishing 10.8 nautical miles from the California coast.

In an affidavit attached to the criminal complaint, Lieutenant Commander Donald G. Campbell of the U.S. Coast Guard said, "The vessel was observed to have its fishing nets and cable in the water with fish in its nets."

The exact legal status of the Kalmar remained a little confused after yesterday's activities. All that can be said for certain is that the ship and crew probably will remain at Pier 9 for at least several more days.



—UPI Photo

**CAPTAIN SZCZEPARA
He was not charged**

Langford said a Department of Commerce official is flying to San Francisco from Seattle to appraise the Kalmar.

Under the law, he added, the government is entitled to ask for a bond of twice the value of the ship and cargo before releasing it to sail back to Poland.

U.S. Attorney James L. Browning Jr. said he had heard reports that the Kalmar might be valued for as much as \$4 million, plus \$1 million for the cargo — thus requiring a \$10 million bond.

Both Browning and Clark said they understood the Kalmar had "several

hundred tons of hake" aboard.

The captain of the ship, Stanislaus Szczepara, was not charged in either the civil or criminal complaints.

A hearing was held before U.S. Magistrate Richard Goldsmith late yesterday at which Clark urged consolidation of the criminal and civil actions into one hearing before U.S. District Judge Robert F. Peckham.

The criminal statute also provides for a fine of up to \$100,000 but specifies the fine is to be against "a person."

Some attorneys in the case said they were uncertain whether a fine could be imposed on the ship itself.

Lawyers met with Peckham last night trying to decide what the next move might be in the case which has attracted international attention.

Clark said he was hopeful that a relatively modest bond could be posted which would permit the ship and crew to return to Europe.

"Then we could litigate in court the question of whether the ship did or did not violate the 12-mile limit," Clark said, "and what, if any, monetary damages might be applicable."