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Contesting Alaskan Salmon: Fishing Rights, Scientific Knowledge, and a US-Japanese Fishery Dispute in Bristol Bay in the 1930s

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INTRODUCTION

In 1938 the US Bureau of Fisheries dispatched two ichthyologists, George B. Kelez and Joseph T. Barnaby, to Bristol Bay off Southwest Alaska to conduct intensive research on Alaskan salmon. The purpose was to deepen understanding of the mysterious fish, as even ichthyologists had very limited scientific knowledge about the fish's life cycles, habits, and migration patterns.¹ This five-year research project started in the aftermath of the Bristol Bay crisis, a dispute over Alaskan salmon between the United States and Japan in the 1930s. Kelez and Barnaby were sent to the Bristol Bay region because the dispute made Washington officials realize that they knew little about Alaskan salmon and that they needed to have more detailed scientific information about the fish if they were to protect them from Japanese pelagic fishermen.

In this article I reconsider the Bristol Bay crisis by examining how Washington officials perceived, handled, and solved the fishery dispute. Historians have heretofore viewed the fishery controversy as a question of clashing fishing rights and have studied it in relation to the development of the law of the sea. At the time, Bristol Bay was defined by two structurally

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Figure 1. Map of the Bristol Bay region of Southwest Alaska. Alaska Public Media website.

different legal regimes: US national laws within its three-mile territorial waters and the law of the sea on the high seas outside the territorial waters. In this oceanic legal borderland, the United States and Japan contested jurisdiction over Alaskan salmon, which migrated transnationally. The freedom of the seas doctrine constituted the core of the law of the sea and allowed Japanese deep-sea fishermen to catch as many salmon as they wanted in the extraterritorial waters of Bristol Bay without observing America's tough conservation standards. By looking at US fishing-industry leaders, the mass media, and members of Congress, earlier scholarship has

emphasized that US claims to proprietary rights to Alaskan salmon was a revolutionary step to birthing the modern law of the sea, expanded after World War II, which is characterized by extended jurisdiction of coastal states and their enclosure of oceanic common-pool resources.²

A close investigation of America's policymaking process, however, with a focus on Washington officials, reveals that the fishery problem was not just about who had legal authority to catch Alaskan salmon but also greatly rested on scientific understanding of the fish. By exploring the US policymaking process, I show that Washington officials' discussions centered on their concerns about America's poor marine research in Alaska and that their limited scientific knowledge of Alaskan salmon crucially determined the way they settled the fishery controversy and preserved the fish. I argue that the Bristol Bay crisis was fundamentally a US-Japan contest over scientific understanding of Alaskan salmon, because Washington officials found that access to the fish in Bristol Bay hinged ultimately on the amount of available scientific information about them. I also would like to suggest that the fishery dispute historically mattered because it drove the United States to initiate measures to become a leading scientific power in the field of Alaskan salmon research.

My work differs from the previous studies because it assumes that conservation has both a political and a technical aspect. The Bristol Bay crisis presented the question of the need for the United States to preserve Alaskan salmon from Japanese deep-sea fishermen. US fishing-industry leaders, their media spokespersons, and members of Congress demanded that the United States assert exclusive possession of Alaskan salmon by unilaterally revising the law of the sea to extend US jurisdiction over all the fish in Bristol Bay. But US government officials rejected this demand and tried to settle the Bristol Bay crisis without compromising the traditional law of the sea. The solution to the fishery controversy finally depended on negotiating among actors with clashing political intentions. Although overlooked in earlier scholarly research, Washington officials had to deal with the technical question of how to protect Alaskan salmon from Japanese pelagic fishermen. The lack of scientific data about the migration of salmon from Bristol Bay to local rivers for spawning was one reason why it was technically impossible for the United States to preserve Alaskan salmon by expanding its jurisdiction over the fish. Washington officials first had to maintain access to Alaskan salmon by making them *de facto* American fish through a gentleman's agreement in which Tokyo voluntarily promised not to catch salmon in Alaskan waters.

This article consists of four parts. The first section looks at salmon fisheries in Bristol Bay before 1930, when Japanese deep-sea fishermen first appeared there. It describes how the US government managed them by imposing strict regulations in the White Act of 1924. The second section focuses on Washington officials' initial reactions to Japanese pelagic fishermen's activities in Bristol Bay after 1930. It demonstrates how Washington's bureaucratic politics were inconsistent and ineffective for preempting an emerging fishery row with Japan, which showed its fishing interest by surveying the waters of Bristol Bay in June 1936. The third section addresses the Japanese government's three-year scientific investigation of Bristol Bay, revealing that the Japanese research program was part of an advanced comprehensive project to understand the habits and migration routes of salmon swimming in the Bering Sea. The last section explores how Washington officials handled and finally solved the fishery controversy in March 1938, revealing their limited scientific information about Alaskan salmon compared to Japan's, which made the gentleman's agreement a practical necessity.

I. REGULATING SALMON FISHERIES IN BRISTOL BAY BEFORE 1930

Before Japanese deep-sea fishermen began operating in Bristol Bay in 1930, the Fisheries Bureau of the US Department of Commerce had imposed severe restrictions on salmon fisheries there. The production of red salmon, which constituted almost all salmon caught in Bristol Bay, dropped by almost 70 percent from more than 23 million in 1918 to almost 7.2 million in 1919.³ Since the dramatic decline in salmon catches appeared in the whole Bristol Bay region in the same season, officials of the Fisheries Bureau decided that overfishing was the primary cause, though they were not entirely certain that was the reason. As the bureau's Alaska service agent Ward T. Bower put it, "The cause of this sudden and serious falling off in the salmon runs of Western Alaska, and especially Bristol Bay, is not known, but in the absence of a better reason it may be attributed to overfishing in recent years."⁴

Consequently, Congress passed the White Act on June 6, 1924, which set strict restrictions on salmon fishing in Alaska. They included allowing for escapement of more than 50 percent of ascending salmon and a closed period of thirty-six hours or more every weekend.⁵ More crucially, the act greatly expanded the authority of the secretary of commerce to limit salmon fisheries in Alaskan waters. Beyond the basic restrictions, Secretary of

Commerce Herbert Hoover introduced further regulations in Bristol Bay. He prohibited all fishing apparatus except drift gill nets, specified the maximum length and mesh size of those gill nets, limited the red salmon fishing season to only one month—from June 25 to July 25—every year, and banned the use of motor-propelled boats in Bristol Bay.⁶ These regulations were changed according to the conditions of salmon runs. Indeed, they became stricter by the end of the 1920s. The point is that no American could be certain if Alaskan salmon were recovering or still declining nor to what extent human agency had been responsible for the sudden, mysterious drop in the salmon catch in 1919. This ecological uncertainty and scientific ignorance were key elements in the context of the US-Japanese dispute over salmon that broke out and developed in Bristol Bay in the 1930s.

II. AN EMERGING US-JAPANESE FISHERY DISPUTE IN BRISTOL BAY, 1930–1936

Earlier studies have often portrayed the problem as the US government not having taken measures to stop Japanese fisheries in Bristol Bay before 1936, when American fishing-industry leaders began vocally demanding it. It is more accurate to say, however, that Washington officials failed at their preemptive attempts to avert fishery trouble in Bristol Bay. In June 1930, Henry O'Malley, commissioner of the Bureau of Fisheries, first reported to the Department of Commerce news of Japanese pelagic fishermen's operations in Alaskan waters. He cautioned that an 8,000-ton Japanese factory ship, *Taihoku Maru*, had been catching cod, halibut, and crabs at Port Moller at the southern entrance of Bristol Bay.⁷ Soon afterward, Acting Secretary of Commerce E. F. Morgan shared this information with the US State Department and suggested that the government immediately formulate a policy regarding this development. Morgan was concerned that Japanese fishing activities, even if they were not extended to include salmon, might interfere with US salmon fisheries in Bristol Bay.⁸

Bureaucratic politics made the government's initial response to the fishery question ineffective. To protect Alaskan salmon from Japanese deep-sea fishermen, the Department of Commerce insisted that the United States preemptively conclude a fishery treaty with Japan that would restrain Japanese nationals' fishing operations in Alaskan waters.⁹ The State Department concurred and asked the Department of Commerce to "prepare an outline of (1) what measures are considered practical and necessary to protect the American fisheries, and (2) what we might be willing to offer in

return for the concessions which the Japanese interests might be asked to make.”¹⁰

The US Bureau of Fisheries, however, was lukewarm about negotiating with Tokyo because the bureau did not want to make any concessions to Japan over a situation that might not happen in the future. One possible concession was that the United States would allow Japan to dominate crab fisheries in Alaska in return for Japan’s abandonment of salmon fisheries in Alaska.¹¹ But Commissioner O’Malley did not want to lose both salmon and crab fisheries in Alaska. O’Malley also felt “grave apprehension” that “there might develop, with the decrease in the catch of crab, danger to the salmon industry, as there would be nothing to prevent Japanese or American fishers from netting salmon on the high seas in their run to the rivers of Alaska.”¹² He hoped that “some agreement might be reached with the Japanese to prevent interference with the salmon run.”¹³ But he was unwilling to make concessions to Japan for something that might not even happen. He believed that the salmon problem might not be lasting, while any US concessions probably would be.¹⁴ Thus, he insisted that “no action [should be] contemplated at the present time” and that it was improbable that “any further action [would] be taken on this matter for some time to come unless there [is] some decided change in the situation.”¹⁵ The bureau’s careful but opportunistic approach changed little until fishing-industry leaders on the Pacific Coast became vocal about an emerging fishery dispute with Japan in Bristol Bay in late 1936. Facing the bureau’s continuous procrastination, the State Department finally concluded in June 1936 that “nothing further should be done in the matter for the time being and until there had been further developments.”¹⁶

III. JAPAN’S SCIENTIFIC INVESTIGATION OF BRISTOL BAY AND THE OUTBREAK OF “ALASKA’S SALMON WAR,” 1936–37

The Japanese Bureau of Fisheries was also not ready to discuss regulating Japanese fishermen’s operations in Alaskan waters. Japan’s policy toward salmon fisheries in Alaska was an outcome of negotiations between the American Bureau of the Ministry of Foreign Affairs and the Fisheries Bureau of the Ministry of Agriculture and Forestry. The Foreign Ministry sought to maintain friendly relations with the United States and tried to avoid a “subtle problem” that might result from promoting Japanese nationals’ fishing activities in Alaska.¹⁷ Because the Ministry of Agriculture and Forestry understood the Foreign Ministry’s concerns, it consistently

refused to allow Japanese fishing companies permission to catch salmon in Alaskan waters.¹⁸ The Ministry of Agriculture and Forestry, nevertheless, had to handle growing pressure from the Japanese fishing industry, the public, and the Imperial Diet after the mid-1930s. Faced with declining salmon runs in northern Japan's coastal waters along with Russia's voiding of Japan's fishing rights off the Siberian coast, Japanese fishing-industry leaders and their allies in the media and the Imperial Diet fiercely demanded that the Japanese government find alternative fishing grounds in Alaska.¹⁹ Caught in the dilemma between foreign relations and the fishing industry, the Japanese government continued to prohibit Japanese nationals from fishing salmon in Alaska while launching a three-year survey of Bristol Bay in April 1936, which showed its commitment to developing new fishing grounds in Alaska in the future.²⁰

The mid-1930s thus saw the Japanese government researching the habits of salmon swimming in the Bering Sea. The Ministry of Agriculture and Forestry made annual salmon tagging experiments off the Siberian coast after 1935 in order to learn where salmon caught off the Kamchatka Peninsula came from and which routes they followed to reach there. Rokuji Sato, a leading fisheries scientist at the Ministry of Agriculture and Forestry, analyzed the results of these experiments and mapped probable migration routes of the fish (fig. 2).²¹ Moreover, Susumu Sugano, another fisheries scientist at the Imperial Fisheries Institute (currently, Tokyo University of Marine Science and Technology), provided three-dimensional data about salmon migration by adding the depth from the sea surface and distance from the shore the fish traveled off the Kamchatka Peninsula.²² He also discovered the relationship between oceanic conditions—such as temperature, specific gravity, salinity, and transparency of seawater—and migration patterns of salmon near the Kamchatka Peninsula.²³ In addition, the Ministry of Agriculture and Forestry conducted similar salmon research along the Aleutian Islands in 1935 and on the US side of the Bering Sea in 1936 (fig. 3).²⁴ Significantly, Japanese fisheries scientists knew by the early 1920s that Alaskan salmon did not stay in Alaskan waters; rather, they migrated outside Alaskan waters and traveled across the Bering Sea for one and a half months during the summer (fig. 3).²⁵ Although the Japanese fisheries scientists could not determine complete migration routes of salmon swimming in the Bering Sea,²⁶ they scientifically understood the habits of the fish much better than the Americans.

These experiments were important to Tokyo officials because getting access to salmon swimming in the Bering Sea depended on scientific

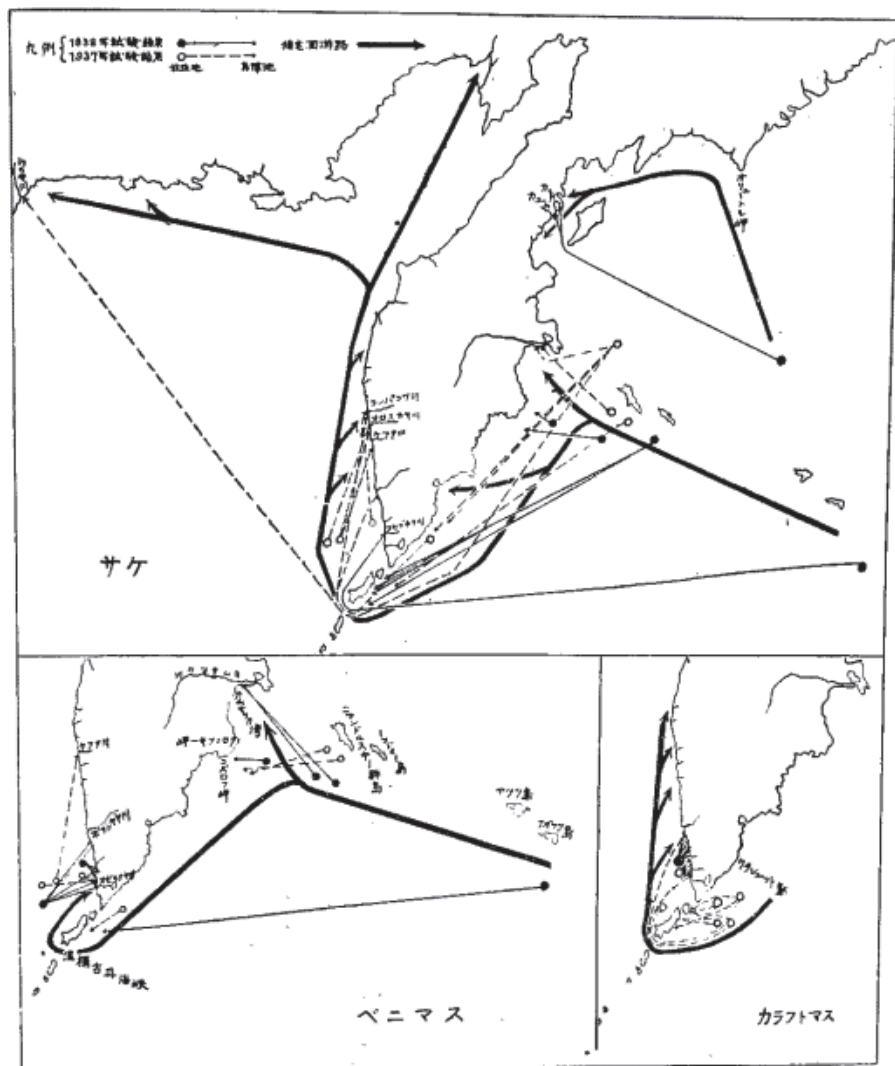


Figure 2. Results of salmon tagging experiments conducted off the Kamchatka Peninsula by the Japanese Ministry of Agriculture and Forestry in 1937

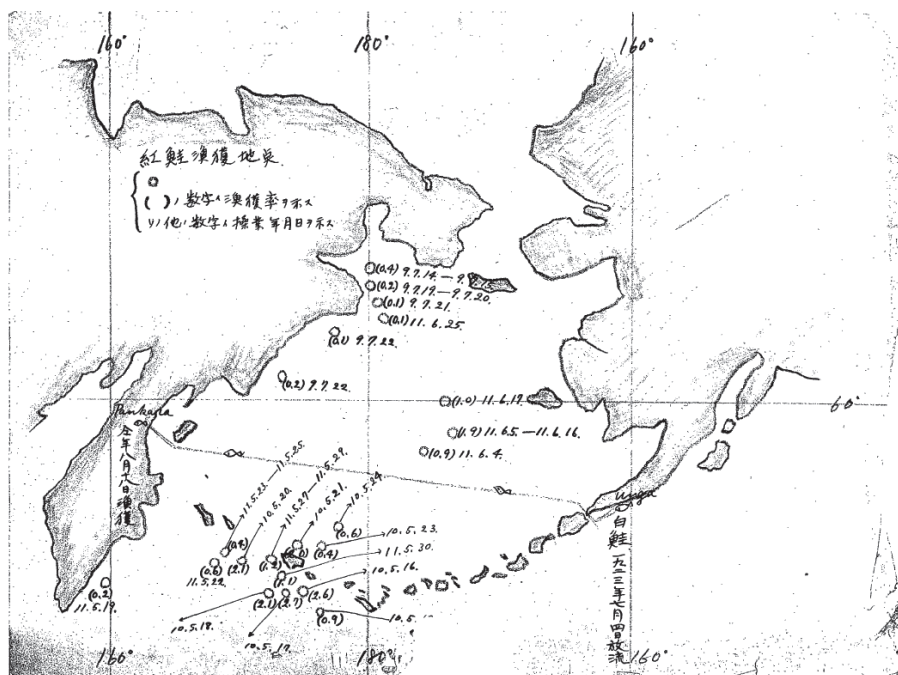


Figure 3. Ministry of Agriculture and Forestry, “Kitataiheyō ni okeru Sake Masu” (Salmon in the North Pacific), ca. 1937

knowledge about the fish’s habits and migration patterns. When Americans insisted that the United States claim proprietary rights to Alaskan salmon to solve the Bristol Bay crisis, their logic was that “the salmon is born in American waters and must return to American waters to complete his life cycle. [Therefore], he is, in effect, an American citizen.”²⁷ Although Willis H. Rich, a Pacific salmon expert working for the US Fisheries Bureau, was “very confident” that this “homing” theory was accurate,²⁸ it was still only a hypothesis, and some distinguished Anglo-American ichthyologists even challenged it.²⁹ Fisheries scientist Sato critiqued the “homing” theory because too little was known about the salmon’s life cycle and habits in the ocean.³⁰ He also asserted that Japan, the United States, Canada, and the Soviet Union must conduct more comprehensive research on North Pacific salmon migration; otherwise, the four powers would have to keep competing for access to the fish.³¹ Sato and other officials of the Ministry of Agriculture and Forestry well understood the core problem of disputes over salmon: only scientific knowledge about the fish could determine who should have

access to them.

The Ministry of Agriculture and Forestry began studying Bristol Bay in June 1936. It not only aimed to gather detailed scientific data about the habits and migration patterns of Alaskan salmon but wanted to discover how American fishermen would react to Japan's efforts to catch salmon in Bristol Bay.³² The ministry employed a 660-ton research vessel and a 60-ton auxiliary ship. They spent about 88,000 yen (equivalent to roughly 160 million yen in 2017) on the survey.³³ The ministry discovered that salmon runs in Bristol Bay were "relatively large" and that there were "fishing grounds with entrepreneurial values" that were "larger than expected" in the bay.³⁴ The ministry concluded that the scale of their investigation was "not big enough" to comprehensively understand the Bristol Bay fishing grounds and evaluate their commercial value.³⁵

Thus, the Ministry of Agriculture and Forestry decided to make a more intensive survey of Bristol Bay in 1937 with better equipment, a larger budget, and more human resources. It increased the number of auxiliary ships to three. It almost doubled the budget to 169,000 yen (approximately 270 million yen in 2017) in 1937. To offset the increase in the research costs, the ministry planned to catch about 100,000 Alaskan salmon in 1937, compared to 25,000 in 1936, and to sell them to a Japanese fishing company for 113,000 yen (roughly 180 million yen in 2017).³⁶ The number of participants in the survey was nearly doubled from fifty-one in 1936 to ninety-five in 1937.³⁷

The Japanese decision to increase the scale of the survey aroused vehement opposition from US fishing-industry leaders, their spokesmen in the media and Congress, and the public. West Coast fishing-industry leaders petitioned the White House and Congress to oust Japanese deep-sea fishermen from Alaskan waters. They advocated a radical revision of the law of the sea through renouncing the freedom of the seas doctrine and expanding US jurisdiction over Alaskan salmon into the entire Bristol Bay. Harold Grotle, secretary of the Deep Sea Fishermen's Union, for example, claimed ambitiously, "We would like to have the entire Bering Sea."³⁸ American newspapers and magazines conceptualized the Japanese research vessels' advance into Bristol Bay as an "invasion" or "encroachment,"³⁹ and a short film called this US-Japan fishery dispute "Alaska's salmon war."⁴⁰ These sensational terms heightened the American public's awareness of the fishery controversy and effectively gathered nationalistic support for the fishing industry's demands.⁴¹ Lawmakers elected from the Pacific Coast backed the fishing industry. Anthony J. Dimond, Alaskan delegate to

Congress, and Senator Homer T. Bone (D-WA) proposed House Resolution 7552 and the Senate Resolution 2679, respectively, on June 15, 1937. These declared that the United States must extend its jurisdiction over Alaskan salmon into the entire eastern half of the Bering Sea.⁴² Although these resolutions did not become law, the debate pressured the State Department to find a solution to the fishery controversy as quickly as possible.

The Japanese Ministry of Foreign Affairs was aware of these vigorous reactions to Japan's efforts to investigate Bristol Bay and develop its fishing interests there. But the ministry did not abort its three-year survey of the waters and instead chose to wait and see what would develop. Kensuke Horinouchi, chief of the American Bureau of the Foreign Ministry, strongly opposed the research project and warned that it would badly impact US-Japan relations.⁴³ But the Foreign Ministry finally conceded to the Ministry of Agriculture and Forestry. Vice Foreign Minister Mamoru Shigemitsu wrote to Vice Minister of Agriculture and Forestry Teichi Nagase in May 1936 that "given the domestic situation your ministry has faced, we consider undertaking the survey inevitable."⁴⁴ Thus, when Japanese consuls in Portland and Seattle repeatedly reported to Tokyo that anti-Japanese sentiment on the West Coast was rising and stressed the importance of quickly settling the fishery row,⁴⁵ the Foreign Ministry ignored their suggestions. Foreign Minister Naotake Sato replied to the consuls that, since salmon fishing was a crucial Japanese industry worth 30 million yen per year (approximately 49 billion yen currently). Tokyo could not determine its policy until the three-year investigation was completed in mid-1938.⁴⁶ Therefore, Sato instructed the consuls to "pretend to be ignorant of anything except that Japan will conduct research in Bristol Bay in 1937" and to "avoid making any commitment" to ending the fishery controversy "without offending Washington officials as much as possible by showing a seemingly cooperative attitude."⁴⁷ The Foreign Ministry maintained this wait-and-see policy until December 1937, when the US State Department finally put enormous pressure on the Foreign Ministry to grant concessions in the fishery controversy.

IV. THE US-JAPAN CONTEST FOR SCIENTIFIC KNOWLEDGE ABOUT ALASKAN SALMON, 1937-1938

While American fishing industry leaders sought to possess Alaskan salmon by abandoning the freedom of the seas principle and remaking the law of the sea, Washington officials opposed claiming proprietary rights to

the fish for five reasons. The first was legal precedent. In the 1890s the United States made a similar claim about protecting fur seals and declared that, since the Bering Sea was a “closed” ocean, Washington could exercise exclusive jurisdiction over fur seals in the eastern half of the Bering Sea. But in 1893 the international arbitration committee that was established to arbitrate conflicting claims to fur seals in the Bering Sea between the United States and Britain decided that US jurisdiction over fur seals in the Bering Sea was restricted to the ordinary three-mile limit.⁴⁸ Referring to this legal precedent, Eugene H. Dooman of the Division of Far Eastern Affairs of the State Department concluded that expanding America’s jurisdiction over Alaskan salmon into the high seas of Bristol Bay was “not a tenable” argument.⁴⁹ Attorney General Homer S. Cummings agreed on this point.⁵⁰ Second, unilaterally transforming the law of the sea would be economically disadvantageous. The freedom of the seas doctrine was essential to American deep-sea fishermen as it guaranteed America’s worldwide offshore fishing interests. Thus, if another country followed America’s precedent and one-sidedly expanded its oceanic jurisdiction, it would be difficult for the United States to oppose and overturn such an effort.⁵¹ Third, Washington could not morally support the unilateral extension of its jurisdiction in Bristol Bay. Since the United States had advocated the freedom of the seas principle from the beginning of the Republic, the policy of enclosing Bristol Bay was “not in line with the traditional attitude and policy of the United States.”⁵² Fourth, it was technically impossible to monitor all Japanese fishing boats during the season in entire Bristol Bay. Bower claimed that the US patrol service could not be “effective, owing to the number of Japanese vessels operating, extent of the fishing areas, and variable weather conditions.”⁵³ Fifth, if the United States insisted on excluding foreign fishing boats from Bristol Bay, it might lead to an armed conflict with foreign powers, most likely Japan. Leo D. Sturgeon of the Division of Far Eastern Affairs warned, “The exercise of such jurisdiction would undoubtedly require a show of force by this Government if foreign vessels were interfered with.”⁵⁴

State Department officials pursued a solution that would not upset the status quo of the law of the sea. The best option for them was a multilateral salmon conservation treaty that included Japan as a contracting party. But they had to consider the geostrategic relationship with Japan. In April 1937, Edward W. Allen, a Seattle-based lawyer and a public spokesman for the fishing industry, proposed to Assistant Secretary of State Francis B. Sayre that Washington first conclude a multilateral salmon conservation agreement

with Ottawa and London. Then, if Tokyo refused to join this conservation regime, the three Anglo-American powers could collaboratively close their markets to Japanese canned salmon and thus force Tokyo to join the salmon conservation treaty.⁵⁵ But such high-handed diplomacy, founded on the threat of embargo, was too risky for State Department officials for whom preventing further deterioration in US-Japan relations was the top priority. Joseph W. Ballantine of the Division of Far Eastern Affairs warned that Allen's plan "would be likely to invite reprisals [from Japan] and injure good relations [with it]."⁵⁶ Sayre concurred and added that Allen's solution would be "likely to be considered by Japanese as being like pointing a gun toward them."⁵⁷ Secretary of Commerce Daniel C. Roper agreed to approach Tokyo cautiously in addressing this question. He insisted, "We should bear in mind that we are dealing with a country which is considerably wrought up and in a nervous state, and in which the question of a food supply, particularly fish food, is highly important."⁵⁸

These Washington discussions reveal that although Japan's voluntary participation in an Anglo-American multilateral salmon conservation regime might *theoretically* be the best way for the United States to keep Alaskan salmon from Japanese pelagic fishermen, it was not considered to be an effective solution. Even if Japan were to join such a multilateral conservation arrangement, it would be difficult to implement because US marine scientists knew too little about Alaskan salmon. The State Department as well as the Bureau of Fisheries had limited data about Alaskan salmon's life cycle, habits, and migration patterns. For example, Secretary of State Cordell Hull straightforwardly confessed to President Franklin D. Roosevelt, "We do not . . . understand that the salmon resources of Alaskan waters have thus far been depleted or are in imminent danger of early depletion."⁵⁹ In a Congressional hearing in June 1937, moreover, Elmer Higgins, chief of the Division of Scientific Inquiry of the Bureau of Fisheries, admitted, "We know nothing about the life and growth of salmon during their life outside territorial waters."⁶⁰

In the face of this situation, Gardner Poole, chairman of the Fishery Advisory Committee of the Business Advisory Council, stressed that the United States must have as "thorough" scientific data and facts about the fish as Japan had before starting negotiations toward a multilateral salmon conservation agreement. Poole wrote:

We are somewhat at a disadvantage as we lack thorough scientific knowledge and facts as to the habits and movement of Salmon and

Halibut in their migration from the sea to our shores. On the other hand, the Japanese, through a very definite policy, have a thorough knowledge of these matters based on scientific surveys which they have made through the operations of a fully equipped and modern research vessel. . . . As a result of their work, the Japanese are in possession of data and facts today not known to any other nation. . . . If, by any chance, we should be called upon to approach this Pacific Coast troublesome situation in any manner leading up to treaty relationships . . . we would be seriously handicapped because of the definite lack of authoritative data based on scientific investigations. . . . We should at least follow the example of the other countries in providing for proper facilities for securing scientific data and knowledge which we do not now have on our deep sea fisheries.⁶¹

State Department officials agreed that the United States must immediately study the topographical features of Bristol Bay and the biological characteristics of Alaskan salmon as comprehensively as its competitor, Japan. Ballantine suggested to Stanley K. Hornbeck, adviser on political relations to the State Department that, “as the Japanese investigations are more recent than some of ours appear to be and as the habits of some fish, at least, have been known to change, I think we should overlook no possibility of having our information as up to date and scientifically sound as possible.”⁶² Ballantine highlighted the urgency of the problem and concluded, “Action should be taken as speedily as possible to remedy the situation” “in view of the possibility that we should have to bear the brunt of any criticism for failure arising from insufficient knowledge of the facts.”⁶³

Washington changed from its traditional neglect of studying the oceanic ecology of Alaska and immediately began intensive scientific research in Bristol Bay and on Alaskan salmon. Roosevelt had neglected investigating Alaskan waters and in June 1936 vetoed a congressional plan for constructing and operating a special research vessel for \$500,000 (approximately \$9.3 million in 2019). The president viewed such research-related expenses as “wholly unnecessary” and insisted that it would be enough to transfer some out-of-date naval or Coast Guard ships to the Fisheries Bureau to convert into research vessels.⁶⁴ A June 1937 congressional hearing revealed that the government had no ships that could be transformed into research vessels.⁶⁵ To address this situation, Roper included in the budget of the Fisheries Bureau \$95,000 (roughly \$1.7 million in 2019) for chartering one or two survey vessels.⁶⁶ The Congress of

1938 approved a five-year investigation of Bristol Bay and Alaskan salmon and appropriated \$76,000 (approximately \$1.4 million in 2019) for the first year of the research.⁶⁷ This shift in Washington's attitude toward surveying Bristol Bay and studying Alaskan salmon aimed to counter Tokyo's three-year scientific project for investigating the same waters and the same fish. But a problem was that this American research program would take many years to conduct and would not help in providing a quick solution to the ongoing fishery problem with Japan.

Lack of scientific knowledge about Alaskan salmon restricted the State Department's options in settling the fishery controversy. One crucial question was how far the United States should expand its jurisdiction over salmon in Bristol Bay. State Department officials were originally convinced that the United States would be able to protect salmon in Bristol Bay if it banned Japanese pelagic fishermen's operations within fifty miles of America's coastlines. They believed that "salmon fishing cannot be practically conducted more than twenty miles from our coastline."⁶⁸ They soon found their ideas too optimistic and conjectural to effectively preserve Alaskan salmon. State Department counselor Robert Walton Moore wrote to Roosevelt:

It seems very certain from the information available that a fifty mile limit or even a substantially higher mile limit would not effectively protect the [salmon] industry. The run of the salmon into our rivers could be intercepted in Bristol Bay, for instance by Japanese fishing vessels using long gill nets, say seventy-five or one hundred miles off the coast. We can have no assurance of the industry being maintained unless the Japanese will forego their fishing activities a very considerable distance beyond the coast line.⁶⁹

State Department officials also realized that they were ignorant of geographical features of Bristol Bay and that they needed to study how the shallowness of the waters for a long way offshore affected salmon habits and their migration routes.⁷⁰ Therefore, the State Department decided, "Until such an investigation [of Alaskan salmon and Bristol Bay] is made, we are in no position to *conclude* definitive negotiations with Japan. All we can do in that direction would seem to be limited to endeavoring to obtain Japan's agreement in principle."⁷¹

The State Department increasingly leaned toward concluding a bilateral interim fishery agreement with Japan until the US government could

complete a scientific investigation of Alaskan salmon in Bristol Bay. State Department officials were nevertheless willing to discuss any solution that would not overturn the freedom of the seas doctrine. Ernest W. Sawyer, former assistant secretary of the interior, offered a unique idea of building artificial islands in Bristol Bay and gradually extending America's sovereignty in the waters within the existing international legal framework. Sawyer suggested that Army engineers "drop a few barges of rock out on the tideflats of Bristol Bay and build a fish boat refuge where we could run up the flag and step by step ease the japs out of Bristol Bay."⁷² Although State Department officials gave careful consideration to this intriguing idea, their conclusion was negative due to America's limited scientific information about Bristol Bay and the salmon swimming there. Sturgeon answered:

The shallow area of Bristol Bay, in a fishing sense, covers almost the entire Bay. . . . The snag is that we do not have sufficient scientific data to say just how far offshore it would be possible for alien fishermen to break up or intercept the salmon runs. Neither do we have adequate information as to the various routes followed by the salmon as they head from the open sea to the rivers which they eventually enter for spawning purposes.⁷³

After October 1937, when the State Department began addressing the fishery controversy more seriously because of the strong possibility of an anti-Japanese boycott on the West Coast, Tokyo's noncommittal attitude toward the fishery question also began changing. The Foreign Ministry gave up its wait-and-see attitude and took the initiative toward settling the fishery trouble. The Foreign Ministry was deeply concerned about a possible anti-Japanese boycott and how it might affect the Second Sino-Japanese War, which had begun in July 1937. Foreign Ministry officials, who believed that public opinion was decisive in US foreign policymaking, worried that American fishing-industry union workers, in cooperation with other labor unions, would take advantage of the fishery situation to agitate for a nationwide boycott of Japanese goods.⁷⁴ Such a boycott would impact Japan's silk exports to the United States, which were worth 400 million yen (roughly 650 billion yen in 2017).⁷⁵ This foreign trade revenue was essential for Japan's empire-building projects in China. Foreign Ministry officials were also concerned that a boycott would further arouse anti-Japanese sentiment and invite America's intervention in the war in China. Because they believed that America's attitude and behavior could significantly affect

the war in China, the Foreign Ministry sought to keep the United States calm.⁷⁶ When Vice Foreign Minister Horinouchi claimed that it was urgently necessary to suspend the survey of Bristol Bay in order to appease the American public and improve relations with the United States, the Ministry of Agriculture and Forestry reluctantly heeded the request in the “wide perspective of Japan-US reconciliation and cooperation.”⁷⁷

In March 1938, Washington and Tokyo finally settled the fishery controversy through a gentleman’s agreement. In the past, the United States and Japan had employed this informal convention to resolve or preempt US-Japan problems, such as a question of Japanese immigration to the United States in 1907–8.⁷⁸ In the agreement of 1938, Tokyo offered three concessions. First, Japan would suspend its three-year scientific investigation of Bristol Bay. Second, Japan would continue restraining Japanese nationals from fishing for salmon in Alaskan waters. Third, Japan would withhold their fishing permits if Japanese nationals were found catching salmon in Alaskan waters.⁷⁹ Although earlier scholarship has undervalued the importance of the first concession, it was the most significant factor for Washington officials because protecting Alaskan salmon hinged on the scientific understanding of the habits and migration patterns of the fish. Despite these three concessions, Washington officials and American fishing-industry leaders were far from satisfied. This was because, as Vice Minister of Agriculture and Forestry Hiroya Ino emphasized in December 1937, although Japan voluntarily refrained from exercising its legitimate right, according to the law of the sea, to fish in Alaskan waters, Japan never renounced this right nor recognized entire Bristol Bay as US sovereign waters.⁸⁰ The gentleman’s agreement was, at the time, the only practical way for Washington to temporarily protect the salmon from Japanese pelagic fishermen. The United States indeed obtained significant concessions from Japan over salmon fisheries in Bristol Bay.⁸¹

CONCLUSION

In this article I have reconsidered the nature of the Bristol Bay crisis by examining how Washington officials perceived, addressed, and solved the fishery dispute. The fishery controversy contained a political question of how the United States ought to go about protecting Alaskan salmon from Japanese deep-sea fishermen. It provoked considerable discussion among Americans as to how to transform Bristol Bay from an oceanic legal borderland, where Japanese pelagic fishermen could catch as many salmon

as they wanted, to legally bordered American waters where the United States could exercise exclusive jurisdiction over the fish. While American fishing-industry leaders and their allies in the media and Congress demanded that the United States unilaterally abandon the freedom of the seas doctrine and expand its jurisdiction over Alaskan salmon into entire Bristol Bay, Washington officials rejected this demand.

The Bristol Bay crisis was, structurally, a US-Japan contest for the legal authority to exploit Alaskan salmon in the waters. It was not only a legal matter, however, but it rested on the technical question of how the United States might be able to preserve Alaskan salmon from Japanese deep-sea fishermen. This question occupied the center of Washington officials' discussions about settling the fishery controversy. US government officials found that access to Alaskan salmon depended ultimately on available scientific information about the fish. Indeed, Washington officials' very limited scientific knowledge about Alaskan salmon compared to Japan's made it necessary for Washington to rely on Tokyo's voluntary promise not to catch salmon in Alaskan waters, which had the effect of changing Bristol Bay into de facto American waters and Alaskan salmon into de facto American fish.

NOTES

The research for this article was made possible by generous financial support from the Japanese Association for American History, the Suntory Foundation, and the University of Illinois at Urbana-Champaign. I appreciate their assistance.

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² Ann L. Hollick, *US Foreign Policy and the Law of the Sea* (Princeton, NJ: Princeton University Press, 1981), chap. 2; Harry N. Scheiber, "Origins of the Abstention Doctrine in Ocean Law: Japanese-US Relations and the Pacific Fisheries, 1937-1958," *Ecology Law Quarterly* 16, no. 1 (1989): 29-36; Itsunori Onodera and Katsuji Hiroyoshi, "Nichibei Gyogyō Masatsu no Kigen to sono Haikai: Iwayuru 'Burisutoru-wan Jiken' ni kansuru Subyō to Ichi-kōsatsu," *Hokkaidō Daigaku Suisan Gakubu Kenkyū Shūhō* 47, no. 1 (1996): 13-29; Harry N. Scheiber, "Japan, the North Atlantic Triangle, and the Pacific Fisheries: A Perspective on the Origins of Modern Ocean Law, 1930-1953," *San Diego International Law Journal* 6 (2004): 38-51; Sayuri Guthrie-Shimizu, "Occupation Policy and the Japanese Fisheries Management Regime, 1945-1952," in *Democracy in Occupied Japan: The US Occupation and Japanese Politics and Society*, ed. Mark E. Caprio and Yoneyuki Sugita (London: Routledge, 2007), 50-53; Mary C. Finley, "The Tragedy of Enclosure: Fish, Fisheries Science, and US Foreign Policy, 1920-1960" (PhD diss., University of California,

2007), chap. 3; Ross Coen, "Owning the Ocean: Environment, Race, and Identity in the Bristol Bay, Alaska, Salmon Fishery, 1930–1938," *Pacific Northwest Quarterly* 104, no. 3 (2013): 133–50.

³ Willis H. Rich and Edward M. Ball, "Statistical Review of the Alaska Salmon Fisheries, pt. 1, "Bristol Bay and Alaska Peninsula," in *Bulletin of the United States Bureau of Fisheries* 64 (1928), ed. Henry O'Malley (Washington, DC: GPO, 1929), 57.

⁴ Ward T. Bower, *Alaska Fisheries and Fur Industries in 1919* (Washington, DC: GPO, 1920), 38.

⁵ Ward T. Bower, *Alaska Fishery and Fur-Seal Industries in 1924* (Washington, DC: GPO, 1925), 68–69.

⁶ *Ibid.*, 74–75.

⁷ E. F. Morgan to Cordell Hull, July 8, 1930, State Department Decimal File (hereafter DF) 1930–39, 894.628/40, box 7334, Record Group (hereafter RG) 59, National Archives and Records Administration, College Park (hereafter NACP).

⁸ *Ibid.*

⁹ Morgan to Hull, September 29, 1930, DF 1930–39, 894.628/46, box 7334, RG 59, NACP; Morgan to Hull, October 4, 1930, DF 1930–39, 894.628/47, box 7334, RG 59, NACP.

¹⁰ William R. Castle, Jr. to Robert P. Lamont, January 29, 1931, DF 1930–39, 894.628/52, box 7334, RG 59, NACP.

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¹² Memorandum by Lawrence E. Salisbury, October 17, 1932, DF 1930–39, 894.628/93–4/5, box 7334, RG 59, NACP.

¹³ *Ibid.*

¹⁴ *Ibid.*

¹⁵ Memorandum by Ransford S. Miller, January 4, 1932, DF 1930–39, 894.628/79, box 7334, RG 59, NACP.

¹⁶ Memorandum by Eugene H. Dooman, June 4, 1936, DF 1930–39, 894.628/154, box 7334, RG 59, NACP.

¹⁷ Suemasa Okamoto to Kijuro Shidehara, July 8, 1930, Ajia Rekishi Shiryō Sentā (Japan Center for Asian Historical Records, hereafter JACAR), ref. B09042208000 (slides #35–37), Honpō Gyogyō Kankei Zakken / Chūnanhokubei Engan Gyogyō Kankei / Beikoku no Bu (hereafter Honpō Gyogyō Beikoku), Daiikkan, Gaimushō Gaikō Shiryōkan (hereafter GGS).

¹⁸ Teiichi Nagase to Toshihiko Taketomi, August 15, 1930, JACAR, ref. B09042208000 (slide #50), Honpō Gyogyō Beikoku, Daiikkan, GGS.; "Arasuka Hōmen e Shutsuryō Fukuyoka," *Asahi Shimbun*, August 25, 1935.

¹⁹ "Tenki ni Tatsu Okitori Arasuka Mezasu," *Asahi Shimbun*, September 16, 1934; "Shūgiin Tōbu Kitataiheiyo Gyogyō Kaihatsu ni kansuru Kengi," May 11, 1936, JACAR, ref. B09042208400 (slides # 229–30), Honpō Gyogyō Beikoku, Daiikkan, GGS.

²⁰ "Arasuka Kōkai e Yakushin no Daiichidan," *Asahi Shimbun*, May 30, 1936; Nagase to Mamoru Shigemitsu, "'Burisutoru'wan Hōmen Sake Masu Gyogyō Chōsa ni kansuru Ken," April 2, 1936, JACAR, ref. B09042208400 (slides #198–99), Honpō Gyogyō Beikoku, Daiikkan, GGS.

²¹ Rokuji Sato, "Shōwa Jūni Jūsannen Ryōnendo ni okeru Hokuyō Sakemasuzoku Gyorui no Hyōshiki Hōryū Shiken ni tsuite," *Nihon Suisan Gakkaishi* 8, no. 4 (1939): 183.

²² Susumu Sugano, "Sake Masu Yūei no Suishin to Kyogan Kyori," *Nihon Suisan Gakkaishi* 4, no. 5 (1936): 318–20.

²³ Susumu Sugano, "Kamusatsuka Nishikaigan ni okeru Sake Masu Raiyū to Kaikyō tonō Kankei," *Nihon Suisan Gakkaishi* 4, no. 6 (1936): 407–8.

²⁴ Nōrinshō, (Ministry of Agriculture and Forestry), "Hokubei Gasshūkoku ni okeru

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²⁵ Ibid.

²⁶ Ibid., slide #11, Honpō Gyogyō Beikoku, Daiyonkan, GGS.

²⁷ “A Serious Situation,” *Alaska Weekly*, July 31, 1936.

²⁸ Willis H. Rich, “‘Homing’ of Pacific Salmon,” *Science* 85, no. 2211 (1937): 477–78.

²⁹ See, e.g., Archibald G. Huntsman, “‘Migration’ and ‘Homing’ of Salmon,” *Science* 85, no. 2204 (1937): 313–14.

³⁰ Rokuji Sato, “Kitataiheyō Kokusai Sake Masu Kyōdō Chōsa Kikan Setsuritsu no Teishō,” *Kaiyō Gyogyō* 3, no. 11 (1938): 11.

³¹ Ibid., 12.

³² Masataka Ide, “‘Arasuka’ ‘Burisutoru’ wan Gyojō Chōsa Kitataiheyō Hokubu Gyogyō Chōsei Kaihatsu ni kansuru Keihi Setsume Sankōsho,” February 5, 1936, JACAR, ref. B09042208300 (slide #169), Honpō Gyogyō Beikoku, Daiikkan, GGS; Masataka Ide, “Hokubu Taiheyō Gyojō Chōsa Yōkō,” April 28, 1936, JACAR, ref. B09042208400 (slide #201), Honpō Gyogyō Beikoku, Daiikkan, GGS.

³³ Iwao Fujita to Gaimushō, “Hoppō Gyojō Chōsei Kaihatsu ni kansuru Ken,” December 26, 1936, JACAR, ref. B09042208600 (slides #439–40), Honpō Gyogyō Beikoku, Daiikkan, GGS.

³⁴ Fujita to Gaimushō, “Kitataiheyō Hokubu Gyojō Chōsei Kaihatsu ni kansuru Keihi no Zōka Setsume Sankōsho,” December 26, 1936, JACAR, ref. B09042208600 (slide #446), Honpō Gyogyō Beikoku, Daiikkan, GGS.

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³⁶ Ibid., (slides #443, #446–47).

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⁴⁰ Edgar Anstey, “Alaska’s Salmon War” in *March of Time*, vol. 4, episode 4 (New York: Home Box Office, 1937).

⁴¹ Members of the American public sent many letters to the White House suggesting that the United States even fight a war with Japan, if necessary, to protect Alaskan salmon. See, e.g., H. T. Dureen to Franklin D. Roosevelt, December 15, 1937, DF 1930–39, 711.008 North Pacific/235, box 3913, RG 59, NACP.

⁴² Anthony J. Dimond to Green H. Hackworth, October 19, 1937, DF 1930–39, 711.008 North Pacific/199, box 3913, RG 59, NACP.

⁴³ Kensuke Horinouchi to Tatsuji Hara, “‘Burisutoru’ wan Okitori Gyogyō Mondai,” May 8, 1936, JACAR, ref. B09042208400 (slides #227–28), Honpō Gyogyō Beikoku, Daiikkan, GGS.

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⁴⁵ Ken Tsurumi to Naotake Sato, “Kitataiheyō Honpō Sake Shutsuryō Mondai ni kansuru Ken,” April 16, 1937, JACAR, ref. B09042209200 (slide #365), Honpō Gyogyō Beikoku, Daiikkan, GGS; Issaku Okamoto to Sato, “Hōjin no Arasuka Shutsuryō Mondai ni kanshi Bei Tōgyōsha to Kaidan no Ken,” May 5, 1937, JACAR, ref. B09042209300 (slide #422), Honpō

Gyogyō Beikoku, Dainikan, GGS.

⁴⁶ Sato to Okamoto, “‘Burisutoru’wan ni okeru Sake Okitori ni kansuru Ken,” April 28, 1937, JACAR, ref. B09042209200 (slides #376–77), Honpō Gyogyō Beikoku, Dainikan, GGS.

⁴⁷ Ibid.

⁴⁸ William Williams, “Reminiscences of the Bering Sea Arbitration,” *American Journal of International Law* 37, no. 4 (1943): 582.

⁴⁹ Memorandum by Dooman, September 30, 1936, DF 1930–39, 711.008 North Pacific 1/2, box 3912, RG 59, NACP.

⁵⁰ Memorandum by Sturgeon, January 13, 1938, DF 1930–1939, 711.008 North Pacific/267 1/2, box 3913, RG 59, NACP.

⁵¹ Hull to Royal S. Copeland, August 4, 1937, DF 1930–39, 711.008 North Pacific/170, box 3912, RG 59, NACP.

⁵² Memorandum by Dooman, January 15, 1937, DF 1930–39, 711.008 North Pacific/3, box 3912, RG 59, NACP.

⁵³ Memorandum by Sturgeon, January 13, 1938, DF 1930–1939, 711.008 North Pacific/267 1/2, box 3913, RG 59, NACP.

⁵⁴ Memorandum by Sturgeon, January 7, 1938, DF 1930–39, 711.008 North Pacific/342, box 3914, RG 59, NACP.

⁵⁵ Edward W. Allen to Francis B. Sayre, April 20, 1937, DF 1930–39, 711.008 North Pacific/61, box 3912, RG 59, NACP.

⁵⁶ Joseph W. Ballantine to Sayre, April 24, 1937, DF 1930–39, 711.008 North Pacific/61 GDG, box 3912, RG 59, NACP.

⁵⁷ Ballantine to Sayre, May 4, 1937, DF 1930–39, 711.008 North Pacific/72, box 3912, RG 59, NACP.

⁵⁸ Memorandum by Sturgeon, January 13, 1938, DF 1930–1939, 711.008 North Pacific/267 1/2, box 3913, RG 59, NACP.

⁵⁹ Hull to Roosevelt, July 17, 1937, DF 1930–39, 711.008 North Pacific/152 GDG, box 3912, RG 59, NACP.

⁶⁰ Memorandum by Ballantine, July 28, 1937, DF 1930–39, 711.008 North Pacific/164, box 3912, RG 59, NACP.

⁶¹ Gardner Poole to William R. Vallance, July 9, 1937, DF 1930–39, 711.008 North Pacific/147, box 3912, RG 59, NACP.

⁶² Ballantine to Stanley K. Hornbeck, July 22, 1937, DF 1930–39, 711.008 North Pacific/152, box 3912, RG 59, NACP.

⁶³ Memorandum by Ballantine, July 28, 1937, DF 1930–39, 711.008 North Pacific/164, box 3912, RG 59, NACP; Ballantine to Hornbeck, August 4, 1937, DF 1930–39, 711.008 North Pacific/164, box 3912, RG 59, NACP.

⁶⁴ Memorandum by Ballantine, July 28, 1937, DF 1930–39, 711.008 North Pacific/164, box 3912, RG 59, NACP.

⁶⁵ Ibid.

⁶⁶ Sturgeon to Sayre, October 25, 1937, DF 1930–39, 711.008 North Pacific/203 1/2, box 3913, RG 59, NACP.

⁶⁷ Jackson to Maxwell M. Hamilton, June 30, 1938, DF 1930–39, 711.008 North Pacific/399, box 3914, RG 59, NACP.

⁶⁸ Dooman to Sayre, April 15, 1937, DF 1930–39, 711.008 North Pacific/92, box 3912, RG 59, NACP.

⁶⁹ Robert Walton Moore to Roosevelt, November 24, 1937, DF 1930–39, 711.008 North Pacific/266A, box 3913, RG 59, NACP.

⁷⁰ Memorandum by Sturgeon, October 4, 1937, DF 1930–39, 711.008 North Pacific/198,

box 3913, RG 59, NACP.

⁷¹ Hamilton to Hornbeck and Hull, September 29, 1937, 711.008 North Pacific/185 1/2, box 3913, RG 59, NACP. Italics in original.

⁷² Ernest W. Sawyer to Harry A. McBride, December 18, 1937, DF 1930–39, 811.0145/322, box 4783, RG 59, NACP.

⁷³ Sturgeon to McBride, December 31, 1937, DF 1930–39, 811.0145/322, box 4783, RG 59, NACP.

⁷⁴ Horinouchi to Hiroya Ino, December 8, 1937, “Burisutoruwan Sakeryō Jōkyō Chōsa no Ichiji Uchikiri ni tsuki Shōkai (hereafter “Burisutoruwan”),” in *Nihon Gaikō Bunsho, Shōwaki*, 3, ed. Gaimushō (Tokyo: Hakuhōsha, 2014), 1792–93.

⁷⁵ Ibid., 1792. Japan’s silk exports to the United States constituted about 13% of its total exports. Kazuyoshi Oku, “Nihon Bōeki no Hatten to Kōzō: Ryōtaisenkanki,” *Seisaku Sōzō Kenkyū* 5 (2011): 7–8.

⁷⁶ Horinouchi to Ino, December 8, 1937, “Burisutoruwan,” 1792.

⁷⁷ Ino to Horinouchi, ““Arasuka” ‘Burisutoru’wan ni okeru Hōjin Sake Masu Gyogyō ni kansuru Ken,” December 11, 1937, JACAR, ref. B09042210400 (slides #172–73), Honpō Gyogyō Beikoku, Daiyonkan, GGS.

⁷⁸ Guthrie-Shimizu, “Occupation Policy and the Japanese Fisheries Management Regime, 1945–1952,” 52.

⁷⁹ State Department, “Confidential Release for Publication: The Alaska Salmon Fishery Situation,” March 25, 1938, DF 1930–39, 711.008 North Pacific/324, box 3914, RG 59, NACP.

⁸⁰ Ino to Horinouchi, ““Arasuka” ‘Burisutoru’wan ni okeru Hōjin Sake Masu Gyogyō ni kansuru Ken,” December 11, 1937, JACAR, ref. B09042210400 (slide #172), Honpō Gyogyō Beikoku, Daiyonkan, GGS.

⁸¹ State Department, “Confidential Release for Publication,” March 25, 1938, DF 1930–39, 711.008 North Pacific/324, box 3914, RG 59, NACP.