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# Struggle to Save Dolphins Continuing

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A PUBLICATION OF THE HUMANE SOCIETY OF THE UNITED STATES, 2100 L STREET, NORTHWEST, WASHINGTON, D.C. 20037 NO. 2

# Struggle to Save Dolphins Continuing

## New House Bill OKs Dolphin Deaths

### HSUS Continuing Battle in Senate

Washington, D.C.—Yesterday, The House of Representatives passed a compromise bill on the tuna/porpoise issue. Essentially, the bill allows the tuna industry to ignore the "zero mortality" provision of the Marine Mammal Protection Act. The bill establishes a yearly quota of 68,100 allowable dolphin deaths at the hands of the tuna fleet, but makes no provision for an automatic yearly reduction in the kill quota. In the days preceding the vote, HSUS staff members made an intensive effort to speak to Congressmen and explain why a lower quota should be required. The vote to lower the quota reflects this effort.

The bill could be viewed as a minor victory for humanitarians. The original bill sought a yearly quota of 78,900 incidental kills. However, due to an amendment proposed by Representative Pete McClosky, the quota was reduced by 10,000.

Even though the House bill was supported by the tuna industry, it has some redeeming elements that humanitarians can support. It requires a government observer on every boat and establishes a system of fees and penalties on those boat captains who exceed the fleet average for porpoise kills.

The battle now moves to the Senate, where Senator S.I. Hayakawa has introduced a bill similar to the bill passed by the House. However, Senator Warren Magnuson has also introduced a tuna/porpoise bill, which is much stronger and more acceptable to humanitarians.

The Magnuson bill (S. 1550) originated from an interagency task force, and was personally reviewed by President Carter. It requires the tuna fleet to effect a 50% decrease in porpoise deaths by 1980, as well as a 50% reduction every two years after that, finally putting into effect the move toward zero mortality required

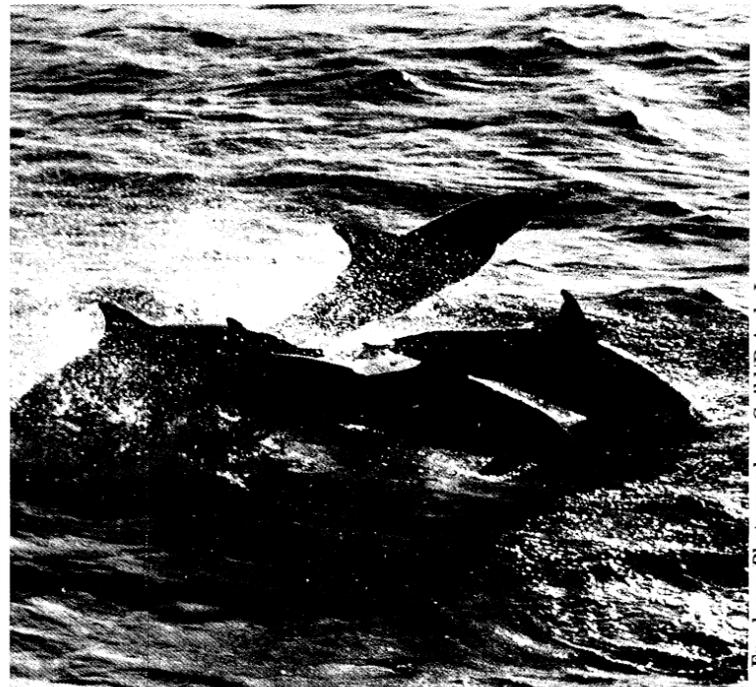
by the Marine Mammal Protection Act of 1972.

Magnuson's bill also calls for a government observer to be placed on every tuna ship to report porpoise deaths, and for fishing permit fees to be set on an incentive basis, with reduced fees for ships with low porpoise kills.

Magnuson's bill deserves the support of all those who want to save the porpoise. Hearings on this and the Hayakawa bill will start in June. It is vital that Senators hear from their constituents on this issue. Public opinion is the only thing that can outweigh the tuna industry's well-funded lobbying efforts.

**HSUS strongly urges all members to write their Senators immediately and ask them to support the Magnuson bill, S. 1550, and save the porpoise.**

The Honorable . . .  
The Senate Office Building  
Washington, D.C. 20510



Spotted porpoises are found mainly in the Pacific.

—Freelance Photographers Guild/D.A. de Lange

## 17 YEARS SLAUGHTER

A Historical Outline of The Tuna/Porpoise Issue

**1960-1972**—Until the early 60's, yellowfin tuna were caught by the hook and line method. Then use of the purse seine net became widespread. Estimates are that 3 to 5 million porpoise were "incidentally" killed during this time by the tuna industry.

**1972**—The Marine Mammal Protection Act (MMPA) became law. One section provided the tuna industry a two-year grace period to stop killing porpoise during fishing operations.

**1974**—National Marine Fisheries Service, (NMFS), of the Department of Commerce was charged with enforcement of the MMPA. They issued a permit to the tuna industry allowing them to continue fishing after the two-year grace period was up, even though they were still killing thousands of porpoise; 98,000 in 1974.

Cont. Col. 2

## WHY SAVE PORPOISES?

Man has barely begun to understand porpoises, but what has been discovered confirms the notion that they are unusual animals.

To most people, porpoises are familiar for their astonishing acrobatic feats in performances at marine aquariums. Their range of tricks, from leaping fifteen feet out of the water to grab a fish from a

Cont. Col. 1



## HSUS ASKS NATIONAL TUNA BOYCOTT

The Humane Society of the United States has initiated a nationwide boycott of all tuna products until real progress is made in reducing the needless slaughter of porpoises in tuna nets.

In the Spring of 1976, HSUS first asked its members to refrain from buying tuna because of the high porpoise mortality and the tuna industry's unwillingness to adopt any research porpoise-saving procedures. Recently, HSUS Program Coordinator Patricia Forkan called for a nationwide boycott of tuna.

The announcement was made at a press conference in which several environmental groups criticized a bill introduced in the House by Rep. John M. Murphy, which would increase the amount of porpoises the tuna fishermen

are allowed to kill.

Forkan said of the boycott, "It is the only path left open to us. The American people must decide if they want dolphins to live. One way they can express their wish to help dolphins is by joining our tuna boycott."

Light tuna is the type that is caught by setting on porpoise, but HSUS suggests that boycott participants not buy any tuna products, including pet foods. Participants may also request restaurants, schools, hospitals, and factory cafeterias to refrain from serving tuna.

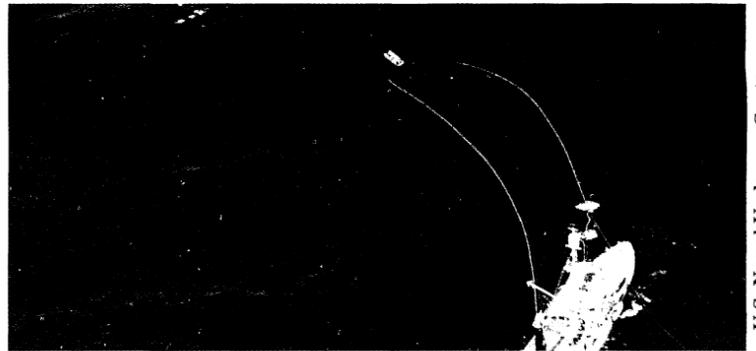
It is hoped that press coverage of the HSUS announcement will make more people aware of the tuna-porpoise problem, and the help they can give by joining the boycott.

### THE MARINE MAMMAL PROTECTION ACT

"it shall be the immediate goal that the incidental kill or incidental serious injury of marine mammals permitted in the course of commercial fishing

operations be reduced to insignificant levels approaching a zero mortality and serious injury rate . . ."

## NEW REGULATIONS RESCUE TRAPPED PORPOISES



The "Backdown Maneuver".

—U.S. Naval Undersea Center

When the tuna fleet sailed on May 21, they began fishing under new regulations issued by the National Marine Fisheries Service requiring the use of three procedures designed to cut porpoise mortality.

Many ships were already equipped with the *Medina Panel*, a section of fine mesh set into the wider mesh of the purse seine net. The new regulations require that it cover a greater portion of the net than was previously the norm. The fine mesh has openings too small for a porpoise snout or fin to get caught in. This prevents entanglement that often ends in suffocation or injury.

The *backdown maneuver* is another porpoise saving procedure. It is done after most of the net has been pulled in. The ship then reverses its engines and moves in a broad backward circle, pulling the net behind it. This pulls the net out from under groups of porpoise moving on the surface, freeing them while retaining the tuna swimming lower in the water.

Finally, the regulations require a crew member to function as a kind of *porpoise helper*. Ken Norris, biologist and marine mammal expert, described this activity in an article for *Smithsonian Maga-*

zine, February, 1977:

"Each time a net set was made, Jim waited until just before backdown began, tossed a one-man rubber raft into the net, jumped in after it, and paddled by hand out into the channel. He went to the marker buoys that showed where the porpoises would soon be sluiced over the top of the net. There he waited as the rafting porpoises moved closer and closer in the current. As they piled against the corkline, he could be seen grabbing them and sliding them over the line, pulling on this dorsal fin, placing that beak over the line so the porpoise would swim out. With his face plate he watched below the surface down into the deep back-down channel . . . many times he kept the backdown process going several minutes after any of us on board could see porpoises in the net. Then, in ones and twos, animals would appear at the surface to be helped out."

In the twenty net sets Norris observed, using all three of these porpoise-saving procedures, only 11 porpoise were killed and 550 tons of tuna were caught.

The fleet average in 1975 was one porpoise death per ton of tuna caught, which would mean about 500 dead porpoise

Cont. Col. 1

## WHY SAVE . . .

Cont. From Col. 1

trainer's mouth, to their perfect willingness to let people sit on their backs and hold on to their dorsal fins and go for a ride, shows them to be friendly and trainable animals.

Research done at sea shows that porpoises are also highly social animals, with close family ties. Being mammals, porpoises are born live. This is an astonishing drama. The mother is surrounded and protected by her school from the sharks and other predators that will be attracted by the blood and tissue produced during the birth.

The calf arrives tail first, and is immediately lifted by its mother to the surface of the water for its first breath of air. The calf stays close to its mother for almost three years, while she protects it and teaches it how to survive in its watery environment.

Porpoise schools seem to have definite group behavior patterns; play times, hunting and eating times, and sleeping times. They "talk" to one another with high pitched squeals and squeaks—most pitched too high for human ears to hear.

Porpoises navigate by a type of sonar system. They emit Geiger counter type clicks that echo back to them. They can tell by the echos where an object is, and the size and shape of it.

No stories exist of a porpoise attacking a man, but history abounds with legends of friendly porpoises guiding sailors to shore, or chasing sharks away from swimmers, or giving drowning men rides on their backs to safety. Many of these stories are probably just myth, but there remains the fact of porpoises greeting ships and jumping alongside in apparent welcome. Some groups of porpoises will allow human swimmers to swim amongst them, close enough to touch.

Porpoises are considered by many to be the animal closest to man in intelligence. Once a relationship of affection and trust has been built between a man and a porpoise, the animal will quickly learn to perform even complex tasks. One porpoise learned to collect a large plastic disk whenever it performed a trick correctly. It stored its earned disks in a basket floating in the water. The trainer would periodically sound a bell, at which time the porpoise could turn in each disk for a fish. The porpoise apparently understood the symbolism of the disks, and performed enthusiastically to collect them. This shows a high degree of intelligence.

Humanitarians believe all life is valuable. Many shrink from even the mass killing of tuna, which to some is a food fish, and whose death in this way serves a purpose. But porpoises are not a food animal. Their death in tuna nets is entirely coincidental. HSUS believes it is inexcusable to allow the deaths of so many of these beautiful, intelligent and friendly animals simply because it is more convenient to kill them than to save them.

## NEW REGULATIONS . . .

Cont. From Col. 5

in these 20 sets without these procedures.

It will be exciting to hear of the results of the use of these procedures when the fleet returns to shore. If they are as good as early tests show they should be, then there will be great incentive to continue to research methods to cut the porpoise kill even further.

## 17 Years . . .

Cont. From Col. 1

**1975**—The Monitor Consortium, of which the HSUS is a member, and other environmental groups took NMFS to court saying the permit was illegal since the law required near "zero mortality". Tuna fishing killed 134,000 porpoise in 1975.

**January 1976**—NMFS issued another permit allowing the tuna industry to go on killing porpoises. They added government observers on 10% of the tuna boats, and threatened to put a quota on the industry if it didn't reduce the kill.

**May 1976**—U.S. District Court Judge Charles Richey ruled that the tuna industry was fishing on porpoise illegally, and gave them until May 31 to stop.

Congressman Robert Leggett, in order to give relief to the tuna industry by overriding the Court's decision, introduced legislation that would lift current bans on killing of porpoise. HSUS testified against Leggett's bill, and demanded that the MMPA be enforced. The bill was not brought to vote by the full house.

**November 1976**—The tuna industry lost its appeal in the courts, so a ban on fishing on porpoise went into effect for the rest of the year.

**January 1977**—NMFS formulated new regulations for 1977, one of which stipulated that no eastern spinner porpoise could be set on, since their population was depleted. The tuna fleet refused to sail, claiming that even the accidental killing of one eastern spinner would result in heavy fines or imprisonment for the captain of the ship.

**April 1977**—Secretary of Commerce Juanita Kreps held a press conference to explain that the accidental taking of eastern spinner was not punishable, and there was no reason for the tuna fleet to refuse to sail. She stressed that the tuna captains had been informed of this months earlier. The fleet's refusal to sail meant that many cannery workers were laid off. The tuna industry claimed this hardship was due to the environmentalists and the regulations they had fought for, when in fact it was a result of the tuna captain's seemingly purposeful misunderstanding of the law.

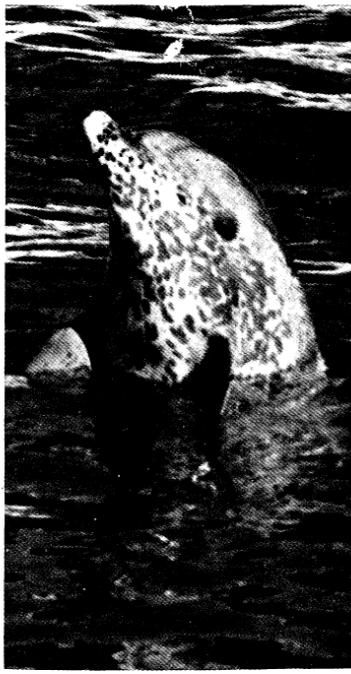
**May 1977**—HSUS Program Coordinator Patricia Forkan testified for the strengthening of a tuna/porpoise bill introduced in the House by Rep. John Murphy. The tuna fleet finally sailed, placated by Rep. Murphy's promise to push this pro-industry bill through the House. In the Senate, Senator Magnuson introduced a tuna/porpoise bill favored by environmentalists.

**June 1977**—The House passed the Murphy bill, but lowered its proposed porpoise quota by 10,000 animals. Senate hearings on tuna/porpoise are set for July, 1977.

## Dolphin Or Porpoise?

Both names are acceptable. However, there is also a fish called "dolphin".

The spotted and spinner porpoises are the ones caught most in tuna nets. The common bottlenose dolphin, used frequently for entertainment purposes, is not caught as often. Skin color and the shape and size of the forehead and nose are where the differences can be seen.



Spotted Porpoise

—Leonard Lee Rue III

## HELP THE HSUS HELP THE PORPOISES

We're depending on you. In order to continue HSUS's educational and legislative activities on behalf of porpoises, The HSUS needs your financial and moral support. Your dollars will help pay for educational materials such as pamphlets, advertisements, and teaching materials. Your dollars will provide the wherewithal for staff research and testimony.

Your moral support of the total boycott on tuna will deliver a message to the canners and captains alike.

Send your tax deductible contribution today. Help The HSUS help the porpoises.

## HSUS Junior Members Working Hard To Protect Porpoises

Washington, D.C.—KIND, HSUS's junior membership program has been actively pursuing the protection of porpoises through its popular young people's magazine. The KIND magazine has run special feature stories on the plight of porpoises, collected signatures on petitions, and encouraged its members to support the tuna boycott in their own homes.

R. Dale Hylton, Director of KIND reports that the magazine has received a great deal of mail about the issue. "More than any other animal issue in the recent past, the porpoise problem has aroused the interest of many young people," he remarked. "They cannot understand why porpoises must die for somebody's tuna on toast."

Typical of the letters to KIND are these:

•From a 14 year old in Connecticut, "I've asked my mom not to buy tuna . . . I have always loved porpoises . . . they have sometimes saved people . . ."

•From a 13 year old in West Virginia, "I'm already boycotting Japanese and Russian goods to save the whales. I've boycotted tuna for quite a while . . ."

It was nickels and dimes from young people that erected the Statue of Liberty. It was letters from young people to Congress that insured the passage of The Wild Horse and Burro Act. Watch out world! Youth is at it once again. KIND members are determined to make this a kind world for porpoises.

## Speak Out for Dolphins— It Makes a Difference!

by Patricia Forkan, HSUS Program Coordinator, member of the Public Advisory Committee on the Law of the Sea, Department of State.

Personal experience makes a big difference in understanding why we feel about things the way we do. Anyone who has found an abandoned dog, or a cat crippled by a leghold trap knows what I mean. The experience touches you far more than hearing about it second hand.

It was a personal experience which brought me to the defense of dolphins. I visited a dolphin project located in a small lagoon near Key Biscayne, Florida. The project was a bold new attempt to work with free swimming dolphins and learn from them . . . not just teach them to jump through a hoop.

I was able to swim in the lagoon with the dolphins and was astonished at how friendly and interested they were in me. They would swim by and look directly at me with a gaze that filled me with a sense that they were in fact trying to communicate and express something. They even made dolphin "squeaks" as a gesture, I believed, of a welcome. I was hooked. From then on, I decided to help stop the cruel slaughter of millions of these intelligent creatures by the tuna fleet.

Since that experience in 1973, I have testified several times before Congressional committees on behalf of whales and dolphins. While this is not the only way to help protect porpoises, it is an essential task if we want to get strong laws and keep them strong.

Congressmen and Senators who receive "personal" letters from their constituents often take to heart requests to help dolphins. During recent hearings on the tuna/porpoise problem, one Congressman remarked that he had received many letters from the children in his district who wanted him to save dolphins. He is reluc-

tant to do otherwise. Many other representatives are swayed by the massive campaign mounted by the tuna industry which included sending an empty tuna can to each member of Congress. It bore the message that it was empty due to the inaction of Congress, and that the law protecting porpoise should be changed to benefit the tuna industry. The impact of this kind of campaign coupled with their slick propaganda pieces and airplane loads of fishermen's wives and cannery workers flown to Washington to testify is formidable. Although we can't measure the monetary cost, it certainly seems to me that if the tuna industry had spent the same amount of time, energy and money on solving the tuna/porpoise problem, rather than fighting it every step of the way, we wouldn't have the problem today.

If Congressmen and Senators don't hear from you, their voting constituency, they may feel that an issue does not affect them directly and is not worth bothering about. But, if they perceive enough interest in their district or state, they will be concerned about voting to save the dolphins.

Believe me, they do read your mail and tally the number of pro and con letters received on a subject. As I visit Congressional offices, staff will say . . . "boy, we've gotten a lot of mail from our people saying they want the dolphins protected." Or, they might show me the empty can of tuna sent by the industry and tell me that the president of a major tuna canning company just called the Congressman. When that happens, I always hope that one of you will write or call and put in a good word for our side.

Those of us who carry the message to Congress on behalf of dolphins and all animals are only as effective and strong as the number of people who become personally involved by writing and expressing their views. It makes a big difference.

## A 'Set' is a Terrible Death

No one knows why yellowfin tuna so often swim under schools of porpoise. When a tuna ship finds a school of porpoise breaking the surface, the nets are made ready, because there is likely to be tuna below.

The porpoises become aware of the humming of outboard motors as speedboats are launched from the tuna ship. The speedboats chase the porpoises, circling and herding them until they are tired and confused and easily nudged by the boats into a compact group. Then another small boat is launched from the mother ship. This boat tows a net that drops about 300 feet. The net stretches almost a mile from the ship.

The net boat slowly circles the porpoises, pulling the net around them until they are trapped. A winch on the ship begins to pull up a drawstring that runs along the bottom of the net, until the net is "pursed" so none of the tuna can swim out the bottom. With this done, the crew of the ship begins to pull in the net. The opening at the top slowly gets smaller and smaller.

A few of the porpoises manage to jump the net and escape to freedom. Others are too tired to jump. Some seem to just give up in despair and frustration, sinking to the bottom of the net. Many are in a panic, and try to dive to the bottom—a typical por-

poise reaction to a threat. But the net stops them, and some get their snouts or fins caught in the mesh. They cannot swim backwards to escape, and their thrashing efforts to get free tend to entangle them further.

As the net is pulled in, the crowding and panicky gyrations of the porpoises cause many to be crushed and mangled. Now even those that can still escape may be injured, doomed to die a short time later. Those that are caught in the net are beginning to suffocate because they cannot get to the surface for air. Their squeals of terror are in a pitch beyond the range of human ears. Those outside the net are crying too, reluctant to leave the dead and dying members of their group.

Soon, "brailing" begins. A huge scoop on a cable dips down into the crowded mass of fish and porpoise, and lifts tons of them onto the deck of the ship. There the tuna are sorted out, and the dead porpoises are tossed overboard. With its work done, the ship moves on to search for more tuna, leaving behind hundreds of dead porpoises floating belly-up in the water, injured porpoise to be prey for sharks, and the live, healthy porpoise will reorganize themselves into a school, and live to hear the hum of the speedboats another day.