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Home
Current Issue
Archive
Forum
Site Guide
Feedback
Subscribe
Search

Browse >>

Books & Critics
Fiction
Food
Foreign Affairs
Language
Poetry Pages
Politics & Society
Science & Technology
Travel & Pursuits

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The Destruction of Dolphins

*In spite of laws intended to protect them,
federal indifference and cruel fishing
methods once again endanger dolphins*

by [Kenneth Brower](#)

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OF the thirty-odd species of oceanic dolphins, none makes a more striking entrance than *Stenella attenuata*, the spotted dolphin. Under water spotted dolphins first appear as white dots against the blue. The beaks of the adults are white-tipped, and that distinctive blaze, viewed head-on, makes a perfect circle. When the vanguard of the school is "echolocating" on you -- examining you sonically -- the beaks all swing your way, and each circular blaze reflects light before any of the rest of the animal does. You see spots before your eyes.

The habitat of the spotted dolphin is clear, deep, tropical ocean. Its home waters are warm, lovely to look at, sparse of life -- a

marine desert. Spotted dolphins roam that country like Bedouins. Their oases are the plumes of upwelling and nutrients in the lee of islands; their ululations are cries rising high above the hearing range of human beings; their dunes are the blue swells. They gather occasionally in herds of a thousand or more -- several schools in a temporary federation -- but more often they are seen in bands of a few hundred. Like many of the ocean's hosts, they are fewer than they once were.

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[Go to part two of this article.](#)

[Go to part three of this article.](#)

Awaiting a tribe of spotters in their element is a peculiar experience. You hang from the surface by your snorkel, marking time with a slow churning of your fins. The swell lifts you by the hair, drops you, lifts you again. Beneath you lie two miles of ocean -- a bottomlessness, for all practical purposes, an infinity of blue. When you are new to it, the blue void has a pull. It wants you, tries to call you down. A thousand coruscating shafts of sunlight probe it, illuminating nothing. Nothing is there to illuminate, nothing to establish scale or distance. A tiny gelatinous fragment of salpa, drifting up ten inches from your faceplate, startles you. For an instant it could be anything -- a strange man, a whale, a shark.

From that lambent blue field, featureless yet somehow forever shifting, empty yet pulsing with all the imagined sharp-toothed things that might come out of it, come the spots indeed. You blink behind your faceplate, but the spots remain. They are real, not hallucinations. Around each white

dot a gray dolphin materializes. Five or six quick strokes of the flukes and they are upon you, sleek, fast, graceful legions. They come a little larger than life, for water magnifies. They animate the void. With barrages of clicks and choruses of high-pitched whistling, with speed and hydrodynamic perfection, with curiosity, mission, agenda, and something like humor, they fill up the empty blue.

The first rank of dolphins race past. Behind them a second rank of dots appear, doubtful at first, like the first stars of twilight. The dots jiggle oddly as the beaks cast about for you, and then hold steady when they have fixed on you. Another rank of dots, and then another: the society of *Stenella attenuata* sprints by in waves, the squads of adult males, the gangs of juveniles, the nurseries of females and calves.

The squads of adult males execute close, synchronized flybys and pummel you with sound -- loud bursts of echolocation that are both a threat and a piercing sonic look at you. The males acoustically "see" the air spaces of your lungs, watch your skeleton articulate. The clicks of their echo-sounding proceed from the amplifier in the "melon" -- the dolphin's bulbous forehead -- but the beak tip is so white and prominent that the sound seems to come from that. The beak is the Geiger counter; you are the uranium. As the white tip swings in line with you, the clicks come louder and faster, reach crescendo as the beak draws its bead, and

then recede as the beak swings away again.

Tick tick tick tick
ticktickTICKTICKTICKTICKtick tick.

When a squad of males sounds you out in unison, the sensation is like equatorial rain on a tin roof: first a few scattered drops, then the downpour. You don't hear the echolocation so much as feel it. Your whole body becomes tympanic membrane. You really are, for once, all ears.

The gangs of juveniles are curious but don't come so close. They fake boldness. The nurseries keep their distance, small calves nursing on the move or swimming at their mothers' backs, stroke for stroke in perfect synchrony, holding position just above and behind the maternal dorsal fin. Occasionally a larger calf strays off to swim with a rhythm of its own. Now and again a whistling dolphin emits a long, thin stream of bubbles from its blowhole. This seems to signify mild distress, or a low-grade warning. Now and again a dolphin defecates, a slightly grayer stream of bubbles. From a distance the two sorts of contrail are hard to tell apart. If the dolphin is gliding at the moment of emission, the bubbles run out straight behind. If the dolphin is swimming, the action of the flukes beats the contrail into a wavy line.

Dolphins have no shame. They have no private moments. In courtship, foreplay, and sex they are public, and as they pass you see

snatches of dolphin intimacy, if that's the word. One dolphin in a pair will yaw sideways, its pectoral fin pointing to the surface, and then, slowing to let its partner pass above, will allow the tip of its pectoral to trace delicately the length of the partner's belly, past the genital slit. Sometimes the romance is cruder. The amorous dolphin will jam its pectoral into the vicinity of the genital slit and impatiently, with stiff-shouldered jerks, work that area over hard. Mock fights occur, irritations, moments of play. You see only fragments, bits of behavior, for the school never lingers. To the sirens of their whistling (inaudible in the higher ranges even to dogs), to the klaxons of their clicks, they race for that distant fire that oceanic dolphins are forever chasing.

The last dolphin of the last wave pumps by, glances at you in passing, hurries to catch up. Its flukes dematerialize in the blue. The bubbles hang for a while, like vapor trails after the jets are gone. Often a faint whistling is audible, diminuendo. Sometimes, when the dolphins have been feeding, a few silvery flurries of fish scales drift in their wake. The scales catch the sunlight and go incandescent. They are subject to sudden, fitful dances and accelerations, caught up in vortices of turbulence that the dolphins have left behind. They are evidence that a tribe of dolphins really did pass this way. Then, settling away from the surface brightness, the scales go into eclipse. The sunlight ceases to glint from them. The whistling

lingers on in the imagination. It haunts, briefly, the higher wavelengths of memory, and then goes silent even there. The contrails fizz out and dissipate. The ocean is empty blue again.

The Undercover Man

THE BEAKS OF SAM LABUDDE'S FIRST DOLPHINS strained against the net that had formed a canopy over them. Their flukes churned the ocean white. They thronged at the surface, desperate to force slack in the net sufficient to free their blowholes for a breath. Their shrieks and squeals began high in the hearing range of humans and climbed inaudible scales above. LaBudde wanted to scream himself.

The net was brailed, or hauled in. Its red mesh was scarcely visible, and the dolphins snagged in it seemed to levitate from the sea. High above the deck the great spool of the power block, turning by fits and starts, raised and gathered the seine, conveying the dolphins -- some drowned, some still struggling feebly -- up toward the block's tight aperture. The net passed through the block, crushing the dolphins, and then slowly descended to the deck. LaBudde stepped forward with his shipmates and began disentangling dead and dying dolphins from the mesh. The dying trembled in their death throes. The dead stared with eyes wide open. LaBudde noticed that the hue of the iris was different in each animal -- dolphins are individuals

even in death. He noticed his own red arms. A dolphin, the first he had ever touched in his life, had left him bloody to the elbows.

Months later, on land, Sam LaBudde's sleep would be troubled by a recurrent dream in which injured dolphins spoke in cryptic tongues. He might have spared himself the dream, perhaps, had he given vent to his feelings at sea. He could not. LaBudde was not what he seemed -- just another crewman on a Panamanian purse seiner in the eastern tropical Pacific. LaBudde was a spy.

For reasons unclear, schools of spotted dolphins, spinner dolphins, and common dolphins travel in company with schools of yellowfin tuna. The association is commonest in the eastern tropical Pacific (ETP) -- the warm waters west of Mexico, Central America, Colombia, Ecuador, Peru, and northern Chile. Tuna fishermen have long made use of it, searching for dolphins in order to find fish. Until recently the presence of dolphins simply flagged the location of tuna. Dolphins are conspicuous travelers. ("*Huzza Porpoise*:"Herman Melville wrote in *Moby-Dick*, "I call him thus because he always swims in hilarious shoals, which upon the broad sea keep tossing themselves to heaven like caps in a Fourth-of-July crowd.") Spotted dolphins, which are the greatest broad jumpers of all cetaceans, raise white fountains in the ocean on coming down. Spinner dolphins, whirling like dervishes as they exit the water, make centrifugal re-entries that

scoop holes in the ocean. The holes collapse on themselves with a concussive splash that signals "Brother!" to other spinners and "Yellowfin!" to tuna fishermen.

Until recently the fish underneath the dolphins were caught by rod, line, and baitless hook. It was a fine old Stone Age method. In the Caroline Islands of Micronesia men in outrigger canoes have fished that way for millennia. The lures are iridescent pearl shell. The hooks are turtle shell or steel. No bait is necessary. The pounding outrigger and hull beat up a froth that attracts the tuna, bringing them right up under the stern. The outrigger pounds the sea, the captain mutters his fish magic, the crew yells itself hoarse, the poles dip and rise as the tuna bite at everything and fly aboard in silvery arcs. The dolphins accompanying the fish, too smart to go for baitless hooks, are not much inconvenienced -- unless it is by the loss of their cold-blooded companions and whatever symbiotic advantages the relationship offers them.

All this changed in the early 1960s, with the application of purse-seining techniques to tuna fishing. Since then any dolphins sighted in the ETP have been rounded up with "seal bombs" (underwater explosives that originated in the days of the California sardine fishery, when they were used to discourage seals from raiding the nets) and speedboats and encircled by a mile-long fence of net, its upper edge buoyed by a line

of floats -- the "corkline" -- its lower edge hanging several hundred feet deep. Cables draw the bottom of the seine tight, trapping the dolphins and any tuna swimming underneath. Toward the end of each "set" on dolphins the crew is supposed to follow a procedure called backdown, which is intended to allow the dolphins to escape over the corkline of the net, but often -- in darkness or on high seas, from equipment failure, human error, or some unexpected panic by the dolphins -- something goes wrong and dolphins die. As a rule only a handful drown, or dozens, but occasionally, in what are called disaster sets, hundreds die, even thousands.

The 1960s were catastrophic for dolphins. By the end of the decade between a quarter and a half million dolphins were being killed annually in the ETP. Hardest hit were spotted dolphins, next spinner dolphins, and then common dolphins. Since 1960, according to the best available figures, six million dolphins have been killed by purse seiners in the ETP.

But the real number exceeds six million. National Marine Fisheries Service figures make no allowance for mortality among injured, exhausted, or separated animals. Those bloody dolphins Sam LaBudde pulled from the net, for example -- animals with broken beaks, or with pectoral fins torn from their sockets -- are not counted as dead if they show any signs of life. No allowance is made for shark attacks on hurt, exhausted,

or disoriented dolphins as they leave the net, though such attacks are common. No allowance is made for the stress on and fragmentation of dolphin society after months, years, and now decades of repeated sets. "The moot point is, whether Leviathan can long endure so wide a chase, and so remorseless a havoc," Melville wrote. His concern then was for the great cetaceans, but today the same moot point might be made about the small.

The magnitude of the dolphin slaughter of the 1960s, once it became known, was a driving force behind the Marine Mammal Protection Act of 1972. "It shall be the immediate goal," the MMPA stated, "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." To reach that goal in the ETP a schedule was established for decreasing the allowable dolphin kill each year, a research program was funded for the development of dolphin-saving gear and techniques, and an observer program was set up.

This is how things stand in the minds of many today -- the legislation enacted, the problem solved.

In fact, before the ink was dry on the MMPA, the act was being compromised and eroded. The tuna industry has never ceased its direct assaults and end runs on

the law. The government agencies charged with policing the fishermen have been shamefully negligent. The fishermen were given until 1976 before the first quota, an allowable dolphin kill of 78,000, took effect. (This was called a grace period, though that hardly seems the word.) Thus for the first four years of its existence the Marine Mammal Protection Act was nothing of the kind. For the next few years the dolphin kill did decline steadily, as stipulated by the MMPA. (In 1975, before quotas, 166,645 dolphins died in U.S. nets, by the conservative official estimate. In 1977 the official underestimate was only 25,452.)

Then came the Reagan era, and the decline ceased. In 1984, under tuna-industry pressure, the MMPA was amended so that the year's kill quota of 20,500 would apply to every year from then on. The original goal, a dolphin kill "reduced to insignificant levels approaching zero," was abandoned. Under Reagan, funds for research on dolphin-saving gear were greatly reduced, regulations were relaxed, enforcement was softened. Since the MMPA's passage at least 800,000 dolphins have died in U.S. nets alone. The dolphin kill by tuna fishermen in the ETP continues to be the greatest slaughter of marine mammals on earth.

The tuna-dolphin dilemma demonstrates, better even than the archetype, the inexorable dynamic of what Garrett Hardin

has called "the tragedy of the commons." The renewed controversy is a nice lesson, too, on the tenuousness of conservation victories. (Environmental battles are won sometimes, but never the war.) The decline of the dolphins is another illustration of what may prove to be the greatest environmental threat of all: the short attention span of modern man.

SAM LABUDDE IS NOT A SPY IN THE JAMES BOND mold. He is a slender Norwegian-Cherokee of 140 pounds and somewhat more than middle height. He was born in 1956 in Madison, Wisconsin, and moved early in his childhood to southern Indiana. He grew up a Hoosier, at the edge of the Bible Belt, far from the sea. In elementary school music class he was a patriot. He *requested* "The Battle Hymn of the Republic" and "The Marines' Hymn," and his voice rose loudest of all ("I loved believing in something"). By the time LaBudde left high school, his homeroom teacher could not get him to stand up for any of it, not even the school song. He himself is puzzled at the transformation. "Partly I think it was an awareness of my own heritage and what had happened to the American Indians in this country. It's essentially the same thing that's been done to the land." One thing about his boyhood was peculiar: he hardly grew. On graduation from high school he was scarcely five feet tall.

Graduating, he embarked on one of those

American odysseys: six months working in a factory, a couple of semesters of college, escape from Indiana, a year in San Francisco, odd jobs in Seattle, tree planting in the Cascades, seismic work in the Rockies. Then his pituitary kicked in, and his growth was suddenly vertical as well as geographical. If his life had direction, he thinks, it was movement away from humanity. He liked nature better than man. In his convictions he became an environmentalist. The convictions were formed not by books or tracts but by experience of the world.

"Sometimes, tree planting, we'd drive an hour and a half before sunrise, just to get to where we were planting trees that day. Then you'd come back in late afternoon. The country was all just bombed and gutted. Clear cuts. You can't find any virgin timber in the Cascades. Everywhere you go, you see giant stumps, ten, twelve, fifteen feet across, but you never see *tree* that big.

"I climbed the Grand Teton. I got up there and all I could see was fire. I think I counted eight fires burning from Idaho across Wyoming and up to Montana that day.

Everywhere. It seemed the land had just been *used*...used and abused."

In search of unabused country, he migrated north to Alaska, driving up the Al-Can Highway in winter. He spent four years in

Alaska, working as a machinist's apprentice, a marine engineer, a commercial fisherman, and a seismic crewman again.

"I had a good job," he says, of this second stint of seismic work. "We were on the North Slope, five or six miles offshore on the pack ice. I'd go out in a vehicle behind the surveyers, who were on foot, and check the depth of the ice to see if it was safe for the vehicle in which I was driving to be on top of it." LaBudde's seismic crew was the first to enter the Arctic National Wildlife Refuge to prospect for oil. The bad karma of that invasion is balanced, he hopes, by the quarter million Douglas firs he had planted earlier in the Lower Forty-Eight.

In 1984 he left Alaska. "I'm rarely satisfied with where I am," he says. "I haven't had a home since I was eighteen. I haven't really been settled anywhere. I've always wanted to have a home, but I haven't found anything that seems right." On impulse he drove a motorcycle from Alaska back to Indiana. Many of LaBudde's projects have begun in impulse. Impulsiveness lies alongside wanderlust in a spot close to his heart.

He went back to school -- courses in biology, photography, silversmithing -- and finished a four-year undergraduate degree in two years. Then came another period of being at loose ends: apple picking in Wisconsin, a motorcycle trip to the Florida Keys to learn scuba diving, an interlude

trapped in the Keys ("I was waiting tables, doing double shifts in various restaurants, trying to get the hell out of Florida"). The heat and boredom of the Keys triggered an outburst of resumes, and one of these landed him a job as a National Marine Fisheries Service observer on a Japanese trawler in the Bering Sea.

In the Bering Sea, LaBudde decided that what he really wanted to do was work on rain forests. In the summer of 1987, after his NMFS debriefing in Seattle, he cashed his Bering Sea paycheck, climbed into his battered Volkswagen Rabbit, and headed in the general direction of South America. He attempted, unsuccessfully, to climb Mount Rainier, and then, fairly easily, scaled Mount Shasta. He spent a month crisscrossing the Sierra Nevada. Then he glanced into his wallet and realized that he was nearly broke.

"I thought, *San Francisco*--isn't that where all the environmental heavyweights are? So I went to the Nature Conservancy. Very white-collar. 'Well, fill out a form, this is what we have.' They didn't have anything. Nobody there was really willing to talk. So I went over to Greenpeace. They wanted me to work as a canvasser. I thought, Hey, I have experience in a whole bunch of things! I'm a biologist! I need experience in rain-forest issues. So I put a dollar in their donation box and walked out the door."

He dropped by Earth Island Institute, a San

Francisco umbrella organization -- or seed log, perhaps -- for a number of new environmental concerns. One of these, Rainforest Action Network, sounded promising, and he went in to see about a job. Randy Hayes, the founder and director, was on the phone, as usual. Killing time while he waited, LaBudde picked up a copy of *Earth Island Journal*.

"It was the dolphin issue, with the purple cover." he says. "I was just amazed. I was a fisherman, a biologist. I thought I was informed about environmental things. I knew about the depletion of the ozone layer before most people did, and about the destruction of the rain forests. But I had thought whales and dolphins were sacrosanct species, above abuse. Nobody had told me they were being captured in nets, with speedboats and explosives and helicopters. "

Why, LaBudde asked, weren't they telling anyone? They were trying, David Phillips and Todd Steiner, of Earth Island, protested. (They had, after all, produced the very article that this stranger, the Sierra dirt still dark under his fingernails, was holding in his hand.) Earth Island had the facts on the slaughter, Phillips and Steiner said. They had a lot of dry documentation. What they needed was film. Well, LaBudde wondered, couldn't someone get on a tuna boat? He himself was a former fisherman and NMFS observer; he could probably get aboard.

In the following days LaBudde talked the idea over with Phillips and Steiner and with Stan Minasian, the director of the Marine Mammal Fund, another outfit based in San Francisco. LaBudde conferred with William Perrin, the NMFS biologist who had first brought the tuna-dolphin problem to world attention, back in the 1960s. ("He warned me about ending up in concrete galoshes," LaBudde says.) Stan Minasian, more than the others, seemed to believe that LaBudde might pull such a mission off, but neither the Marine Mammal Fund nor Earth Island had the money to help finance it. If LaBudde succeeded in getting aboard a tuna boat, they suggested, then they might be able to get a video camera to him, but that was the most they could do for him. LaBudde still smarts a little at this marginal vote of confidence.

"He was a drifter type," David Phillips remembers. "He looked like he hadn't changed his clothes in a couple of weeks. He had this battered old Volkswagen and he was living out of his car. When he said he was headed down to Ensenada to get on a boat and he went out the door, Todd and I looked at each other and said, 'Sayonara.' What were the odds?"

Aboard the Maria Luisa

IN SEPTEMBER OF 1987 LABUDDE DROVE HIS OLD Volkswagen across the border. His first night in Ensenada he slept on the beach flats south of town. In _ the

morning he woke to Mexican voices -- six or seven women and their children rooting in burning mounds of garbage for food. He rose, brushed off the sand, and drove to the waterfront to look for work.

At the gate to the docks a work permit was required for entry. LaBudde sneaked in, as he would during the next few days of job hunting, by walking in around the breakwater. Later he discovered that the guard on early-morning duty was an old man who didn't care about permits. If he arrived early enough, he could stroll straight in. For three weeks he drifted from boat to boat, trying to find work. His Spanish was terrible. The fishermen were a varied lot, speaking dialects from all over Hispanic America and Spain. When he asked a captain about a job, he could never be sure whether the answer was yes, no, or maybe. His hopes settled finally on the *Maria Luisa*, a boat of Panamanian registry. The captain, if he understood the man right, always seemed to be telling him to try again in three days or a week.

When not on the waterfront, LaBudde hung out in Ensenada. He was on foot now -- a friend had driven his car back to the States - - and his funds were low, but he survived. "You can live on about two dollars a day in Mexico," he says. "It's not easy -- you have to eat a lot of fish tacos and sleep on the beach . but it can be done." Passing the time, he started writing a novel along the lines of *Watership Down*. The heroes were

hummingbirds, and the story told how their rain forests were being destroyed.

The tuna captains were curious: why would a former Alaskan fisherman like him, a man who could make \$4,000 a month in Alaska, want to work on an Ensenada boat for 30,000 pesos a week -- about \$15? Because he was tired of American life, LaBudde would answer. He was burned out on the United States and wanted to go to the Andes. On a tuna boat he could work his way closer to those mountains while learning Spanish and practicing a trade he knew. It was not a bad story -- there was more than a little truth in all its parts -- and LaBudde's resume was fairly impressive. He had been a commercial fisherman and a machinist. As a mechanic, he pointed out, he had the advantage of literacy in English, the language of the manuals for the American outboard motors that powered the seiner speedboats.

The *Maria Luisa's* captain finally gave LaBudde an unequivocal no, in spite of that. (The man had good instincts, perhaps.) The boat's owner, a Basque lawyer from Panama, was visiting at the time, and LaBudde went over the captain's head to this man. On the one hand, the move was a good one, for the owner hired him immediately. On the other hand, the captain never forgave him and for the next six weeks at sea hardly spoke to him.

Twenty-four hours before the boat's

departure LaBudde caught a bus to the border, rode the trolley into San Diego, and called Stan Minasian in San Francisco. "Stan, listen, I think I can swing a video camera," he said. "It's got to be small, and it's got to be here in San Diego early tomorrow." Minasian replied that he already had a camera picked out, an eight-millimeter Sony Camcorder. He would buy it the next morning and airfreight it down. LaBudde got a room at the Y and took a cab the next morning to the airport. The camera was supposed to arrive at noon, but it missed the first flight. The second flight was supposed to get in at 2:00, but that flight was delayed.

"I was bouncing off the walls," LaBudde remembers. "It was getting late, and I still had a hundred miles to go back to Ensenada. I called Stan and asked him to wire some money. I was going to have to take taxis all the way back to Mexico."

The plane finally arrived at 3:45 and then sat for a time on the field. At the airfreight desk a friendly man from Trinidad and Tobago had just come on shift, and LaBudde explained his problem in some detail. Perhaps the West Indian had always liked the dolphins around Trinidad and Tobago. Perhaps he just liked spy stories. He waved LaBudde aboard his pickup, and they intercepted the baggage cart on the tarmac, just as it was about to disappear into the catacombs of the terminal. The man lifted off LaBudde's package and drove him

out front, where LaBudde caught the first of his cabs to Ensenada. He arrived at the dock eighteen minutes before the *Maria Luisa* was to sail. The port authority was completing its final review.

The seiner put to sea on a Friday, an inauspicious day for sailing, and the *Maria Luisa* would prove, indeed, an unlucky vessel. As they left the harbor, LaBudde took a deep breath and brought out the camera. He'd be wise, he thought, to habituate the crew to it early. "It's a little thing," he says. "It's less conspicuous than a thirty-five-millimeter camera, because you can hold it with one hand and keep eye contact. It was *festive*." The Sony, he explained to his shipmates, was a present his wealthy retired father had bought his peter-do-well son.

In the job he had signed on for, LaBudde never did do well, and he did not last long in it. "I was a speedboat driver. I was supposed to go out and help round up dolphins with bombs. In the speedboats you have headsets on, and the captain can talk to all the drivers. But my Spanish wasn't good enough. I couldn't understand the captain, especially when he got mad. His name is Perico, which means a little bird, a canary. He'd get mad and start screaming, and I wouldn't understand a word that was coming out of his mouth."

That Perico's squawks confused LaBudde was just as well, for in a speedboat he had

no way to accomplish his secret mission. He was transferred to deck duty, which served his purposes better. "We went out for a month, and made only one set on dolphins. The set was an absolute disaster. I wasn't going to film the first dolphin set. I hadn't been filming much with the camera -- I wanted to sit on it and try to keep it cool. I couldn't very well bring the camera out the first time we made a set on dolphins. Except that I did. It turned into a disaster set so fast. I got out the camera, and stood there next to the first mate, who was a Basque, the brother-in-law of the owner. He'd turn around and look at me, and I'd drop the camera down and act real casual. I'd give him a look like, *Isn't this amazing?* Then I'd put the camera back up."

THE SEINER'S STERN SHUDDERS

VIOLENTLY AND then shudders again, as if the boat were firing off a salvo. The ocean lights up in flashes of yellow and red. Then the frame steadies, a finger finds the color-balance button the ocean shifts blue again.. (The salvos and pyrotechnics were all in the technique of the cameraman.) The "panga," the heavy skiff that will anchor the net, goes off the stern. The seiner pulls away from it, paying oat net. The big yellow floats of the corkline come to life and began snaking overboard.

Scene shift: Speedboats are inscribing white semicircles on a calm ocean, herding dolphins. The camera is steady and sure now Scene shift: The dolphins are massed

inside the net. At least a thousand are in the school, maybe two thousand. At the moment they seem reasonably calm. They are spinner dolphins. Their triangular fins break the surface by the score and then cat back under.. Scene shift: The dolphins are in a panic, hundreds of them canopied in the middle portion of the net. The net is all white explosive spray and chaos. At this distance no one can be sure what sort of animals are roiling the sea. It looks as if someone were trying to drown a regiment of cavalry. White gulls hover, excited. A frigate bird drops down to have a closer look.

"The camera was moving around," LaBudde says of this first footage. "I had to do real short hits on stuff. I was on the deck crew, twenty people were running all over the place, and I had to go down and start pulling dolphins out of the net. I got good shots of the canopy, but I didn't get a lot of it." One to two hundred eastern spinner dolphins died, trapped under the canopy, in that first set. When the carcasses had been disentangled from the net and dumped, shark bait, the crew had their catch -- a single yellowfin tuna.

The seiner's luck did not improve. The *Maria Luisa* passed schools of skipjack but did not bother to set on them. Those schools were small fry. The quest was for *aleta amarilla*. "There's no status or honor to catching anything besides the big yellowfin with dolphins," LaBudde says. "There's this

big machismo associated with dolphin fishing. The smaller species of tuna, even though you get almost as good money for them these days, are just 'trash.'"

In her crew list the *Maria Luisa* was an allegorical vessel, as multinational as the *Pequod*: Mexican, Costa Rican, Nicaraguan, Venezuelan, Peruvian, Portuguese, Paraguayan, Basque, Hoosier. That varied crew liked LaBudde. The captain detested him. Only one man, as far as he could tell, ever grew suspicious of him. This was LaBudde's watch partner, a Mexican, the one crewman besides himself who spoke any English. "He got homesick," LaBudde recalls. "He played sick so he could go home and see his wife. Lying on his bunk for a week, pretending to be sick, he had a lot of time to think. He started asking stuff like 'What are you doing here? What are you up to? I know you're up to something.' I'd just blow him off. That was easy, because he was real crazy. He knew the words to every Beatles song ever written. He didn't understand them all, but he knew them."

In Panama the *Maria Luisa* dropped off the malingering Beatles fan and then returned to sea for another two weeks. The fishing continued bad. The food was awful.

"We called our cook 'Juan Papas' ['John Potatoes'], be cause we got two kinds of potatoes with every meal. And greasy red meat with some kind of terrible salad. The

crew was really burned out on him, and he was really burned out on cooking."

LaBudde began coveting the job. He had several motives. He and his shipmates would eat better, he figured. He would move higher in the ship's hierarchy -- the cook rules in the galley, subservient there to no one, not even the captain. As cook, LaBudde would have locked cabinets in which to secure his video camera. As cook, he would have no duties on deck during sets on dolphins, which would free him to film the sets. When Juan Papas asked for a day off, LaBudde volunteered to fill in for him.

"The first thing I ever made for the crew was chicken," he remembers. "I'd never cooked a chicken in my life. I made six of them. This is where waiting tables at college and down in the Florida Keys paid off, because I knew what good food was supposed to look like. I made it up as I went along. They kept saying, 'No, Sam, really, where did you learn to cook?' I told them I just made it up as I went along, *and it was true*. I was a vegetarian. I'd go down to the freezer and I'd see these twenty-pound hunks of dead animals frozen solid. I don't even know what animal it comes from, or what part it is, or anything about what to do with it, except you've got to thaw it out and cut it."

LaBudde figured out how to cut red meat, tenderize it, cook it. At each meal he would set out eight or ten different dishes, twice

what Juan Papas had offered. Unlike his predecessor, he exercised foresight: everything came up at the same time and was hot when the crew sat down. In the climactic ten minutes over the big grill, LaBudde ordered everyone away in his primitive Spanish. It was frantic, creative, fun.

The navigator, a 300-pound Mexican, became a fierce advocate of LaBudde as cook, and the rest of the crew were rooting for him. Juan Papas, the sort of man content to peel potatoes for hours, was happy to accept a demotion to galley hand. LaBudde had positioned himself where he wanted to be. "I spent some time cultivating an eccentric personality," he says. "The crazy cook. The big knife in your hand. It's easy to do. I'm real inconsistent in my personality anyway. I'm very uneven. Highs and lows all the time. And when you're not fluent in a language, you can hide behind your ignorance. People have a harder time reading who you are and what you're thinking."

The *Maria Luisa* continued to find no fish, however, and eventually this produced a hitch in the new cook's plans. The boat was called back to Panama, and Perico, the captain, packed his bags. The captain was LaBudde's enemy but had proved himself no enemy of tuna. LaBudde celebrated, but not for long. Perico's replacement was a huge Basque. This man's appearance, for Samuel LaBudde, was as disquieting as

Ahab's had been for Ishmael. The big Basque's name was Joseba.

"It's late at night," LaBudde remembers. "They're out drinking the national drink of Basqueland. It's flavored with something terrible, twisted, the last thing you would imagine flavoring liquor with. Damn! I can't remember the name."

That would be *izarra*, I suggested. The word means "stars" in Euskara, the strange, anomalous, non-European tongue of the Basques. The liqueur is flavored with the flowers of the Pyrenees. The green variety drunk by men is 100 proof. The name refers, maybe, to the private constellations a drinker sees after consuming enough of it.

"No, that's not it," LaBudde said. "It's flavored with something crazier than that. Some kind of a nut. Anyway, the new captain shows up. He's a big Basque, about six four. A giant son of a bitch. "

"So you're the gringo," Captain Joseba said to LaBudde. With that he turned his back and began talking in Euskara to his compatriots.

LaBudde was having trouble enough with Spanish. Euskara -- the tongue of the ancient Iberians, according to one theory; of a lost tribe of North African Berbers, according to a second; of the drowned continent of Atlantis, according to a third -- was opaque to him. But he understood the

body language. On learning that the captain intended to find a new cook, he was depressed but not surprised.

His popularity with the crew, fortunately, was such that he was given a two-day trial run as cook for the big Basque. He rose to the challenge, and the two days proved enough. "I did my best to keep the captain out of the kitchen," he says of the uneasy truce that followed. "Took coffee and rolls up to him on the bridge every morning. Keep him up there. If he didn't have to come downstairs for coffee, I never had to see him."

Despite this separation of powers, occasional arguments arose between the master of the ship and the master of the galley. LaBudde did not peel his potatoes, naturally; he simply scrubbed them -- all those vitamins in the skins. After his third meal of unpeeled potatoes Joseba noticed what he was eating and threw a fit. The captain felt about potato skins, apparently, the way the cook felt about Basque liqueur.

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[Kenneth Brower](#) is a writer specializing in wildlife and ecological issues, and a frequent contributor to *The Atlantic*. He is the author of numerous books, including *The Starship and the Canoe* (1974), *Wake of the Whale* (1979), and *A Song for*

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A Slaughter of Dolphins

HALFWAY OUT OF THE WATER, A COSTA Rican spinner dolphin, caught by its beak in the mesh, wriggles free and drops back in. The triangular fin cuts under, and the dolphin rejoins its mates in the steadily shallowing belly of the net. Another entangled spinner rises. Its head is pressed awkwardly forward, its dorsal fin bent sideways, its beak half open. It is nearly to the power block when something -- the dorsal? -- appears to break, and the dolphin and dark fragments of it tumble back into the sea. The net at first is selective. The youngest spinners, quickest to tire, are the first to be caught in it. For a time mostly the slender bodies of calves are borne up the conveyer of the red mesh. The camera rolls on and soon the adults, too, die or surrender and begin the climb. They rise, a dense mass of bodies, until the steepening angle of the net tips them off, four or five at a time, to pitch downward, beak over tailfin, to be caught again by the nets shallower angle at the waterline, to begin the climb once more.

A large male dolphin, completely enshrouded in mesh, approaches the power block. It twists and backs wildly. The camera notices. The struggles of most dolphins at this stage are much feebler. In this animal the life force seems unusually strong. The camera zooms in. The dolphin passes quickly through the power block. Emerging, it slides down the red mound of brailed net, shoved and guided by the hands of fisherman. A strange thin" has happened to it. The amplitude of the big dolphins struggles has flattened out. Where before its flukes traveled through a wide arc, a reflexive swimming motion, now they beat in a shallow, spasmodic flutter. That moment in the power block was too brief, it seems, to have wrought the change. But that is how it always seems, of course, for mortal creatures passing through that particular door. The fishermen slide the big dolphin, its flukes still fluttering, along the wet deck. They shove it to the top of a sluiceway and send it along to the sharks.

"The first day of the year, we got permission to fish in Costa Rican territorial waters," LaBudde says of this set, in January of last year. "To celebrate we went and wiped out probably five percent of the world's population of these Costa Rican spinners in a single afternoon."

The Costa Rican spinner is the largest of the spinner dolphins, and the rarest. In 1979 the population was estimated at 9,000. The Maria Luisa's set, a decade later, killed two

or three hundred of however many Costa Rican spinners remained in the world. When the last of the dead dolphins had been extricated and cast adrift, the fishermen had their catch -- ten or twelve yellowfin tuna.

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A dense bolus of trapped dolphins pus the frame. Their beaks and dorsal fins push above the surface, making sharp tents in the mesh. They are unable to maintain the tents for long The weight of the net and of the snagged bodies below keeps striking the tents and dragging the dolphins down They are common dolphins, Delphinus Delphis. The camera is very close, and the sequence goes on for a long time. In the course of it the violence of the splashing subsides. With close attention one can pick out the moment in which first this dolphin, now that one, gives up and ceases to struggle.

"Common dolphins are unique," Sam LaBudde says. "They behave differently in a net than other dolphins. Most dolphins get in a big ball and mill around. These common dolphins -- maybe because this was a school of only about fifty -- would come up and cycle in a long line, like a big snake, the mothers and children side by side. Then they'd all disappear for a while, go down in the net -- I guess to look for a way out. We killed them all, though. We wiped out the whole school. Captain hollered up to lookout, said, 'How many dolphins are in the net?' Guy says, 'About fifty.' Captain says, 'Haul the net!' No backdown. They didn't try to save any of them."

LaBudde, reflecting, reaches for one of the hand-rolled cigarettes he keeps behind his ear. "At least, I thought we had killed them all in the net. But I was looking at the film later that night. I saw one of the crew members, below deck, reach through a porthole and grab this baby dolphin. It was a newborn. They're hardly a meter long when they're born. The guy dropped it over the side of the net. He probably thought he was doing a good deed. But that dolphin didn't have a prayer. Not a prayer. I mean, from the sharks, from not being able to nurse, from just being *lost* and not knowing what the hell's going on out there."

This must be, for a creature as gregarious as the dolphin, the bleakest of fates. Anyone who has swum with wild dolphins can imagine how it went. The newborn dolphin, the last of its tribe, swam away from the thrum of the *Maria Luisa's* diesels. The ocean ahead was empty blue, and no whistles, clicks, squeals, or squawks sounded in it. For the first time in the calf's short life, the sea was silent. The calf called, but there was no answer.

"For about fifteen minutes I'd been filming these common dolphins fighting in the net, getting crunched in the power block," LaBudde goes on. "I thought, 'Whoa, you better put this camera away. These guys are going to really wonder what your trip is. Why all the fascination with dolphin mortality?' So I go back in the kitchen and

lock my camera up in one-of the kitchen cabinets.

"I walk back out on deck, and here's our captain filleting a dolphin on the deck of the ship. An animal with a brain almost as large as his own, and he's cutting it up to eat it. Something snapped in me. *I couldn't do anything*. Anything I could have done would have been self-destructive. Except filming. So I went back and got the camera. I walked out on deck and pointed the camera at the captain. I thought, If he looks up, I'm dead. He sliced about fifteen seconds more, using a little three inch penknife."

Joseba is bending over the dead dolphin with his penknife. He straddles the animal, making cuts down the length of the body. He is quick and efficient. Clearly he has done this before. He wears only blue shorts and a pair of running shoes. His chest and belly hang a little slack -- the sabotage of LaBudde's good cooking, all those desserts. As he labors, a medallion -- Saint Christopher? -- swings from his neck. He glances up toward the camera and then back to his work. He does a double-take. Unbending stiffly at the waist, he gestates toward the cameraman. The scene abruptly ends.

This has the look of LaBudde's Last Tape. Consider that warning in California about concrete galoshes. In fact LaBudde salvaged the situation with little difficulty.

He has told me what happened next.

"I clicked the camera off and walked over. Before he had a chance to say anything, I said, 'Gee, I didn't know these were good to eat! I didn't know you could do this. Are all dolphins good to eat?' That hands him the ball. It diffuses any sense that I'm anything more than naive, and it asks a question to get more information."

LaBudde shook his head ruefully.

"For months everything I did, in every moment, was calculated for effect. I needed a cover or to diffuse fears or intuitions that I wasn't on the level. I like to think that's contrary to my nature. I'd just come out of college. I was trying to become a biologist. I believed that working on yourself, and who you are, should be a constant process throughout your life. To have to start pretending so hard, for so long, is really contrary to that. It's easy to lose track of yourself."

"But you were good at it?" I asked.

"I was great at it."

In the eastern tropical Pacific, Sam LaBudde discovered a number of talents he had not known he possessed: cooking, film making, patience, deception. He also discovered some limits. In the evening of that January day on which *Delphinus delphis*, the common dolphin, became a

little less common, the crew ate dolphin for dinner. The cook did not partake of it. "I had a terrible lapse in my ability to understand Spanish," LaBudde says. "The galley boy had to prepare the dolphin. I wasn't going to do it."

THE CORKLINE OF THE NET, STRETCHING OUT HUNDREDS of yards behind the boat, demarcates a long blue bay in the wider blue of the ocean. The net looks like a piece of art by Christo. It might be Running Fence, if that work instead of stopping at the shore had looped on out to sea. In the middle distance of the set is a white turbulence of dolphins. A fisherman in a yellow hard hat runs forward and hurls a seal bomb into the water off the stern. He is trying to drive the dolphins toward the escape panel at the rear of the net. The dolphin bombing produces no noticeable effect. (It will fail, indeed, and in this set at least two hundred dolphins will die.)

"We had a guy blow up his hand with a seal bomb," LaBudde recalls. "I was making dinner and I heard a bomb go off outside on deck. Fifteen seconds later this guy walks in, lays his hand in the sink. The skin on his fingers was split all the way down to the bone, and his whole palm was lacerated. It was lunch meat. It looked like he'd stuck it in a blender. So I played medic for an hour. The navigator and I wrapped it up with gauze. We couldn't do a thing with it. I took it upon myself to go in the medicine cabinet and give him enough Valium to knock him

out. 'Sam, is it okay?' he asked me. I said, 'I think it just *looks* bad. Everything is still there. You should be okay. You should be able to use it.' Utter lies. "

If seal bombs have an effect like that in air, LaBudde wonders, what effect do they have in a medium as dense as water? Water amplifies concussion. What are the implications of that fact of physics for the sonar and sensibilities of dolphins?

"They throw these seal bombs right on top of dolphins," LaBudde says. "Marine biologists have indicated that this could literally shatter eardrums."

The marine biologists who indicated this cannot have meant it literally, as a matter of fact. Ears as such -- ears of the sort designed for terrestrial mammals -- are next to useless under water, distorting sound and offering no clues as to the direction of origin. In dolphins the outer ear is vestigial, reduced to a pinhole. Dolphins hear primarily through their jawbones, which are hollow and filled with a sound-conducting oil, and through an oil-filled sac inside the melon. Nonetheless, LaBudde is right to be concerned. Dolphins have a nearly fabulous, princess-and-the-pea sensitivity to sound. The seal bomb, landing on the point of a dolphin's "hearing" jaw, clearly succeeds in scrambling its faculties for a time in the tuna set. How long afterward do its jaws go on ringing?

Blind dolphins have been known to survive in the wild, guided by exquisite acoustic images of their prey and warned by echoes of the dangers around them. A deaf dolphin, however, is a dead dolphin.

Perils of the Observation Post

ON TUNA SEINERS SEAL BOMBS ARE HANDY NOT just for herding dolphins but also for herding NMFS observers. "It was a very difficult situation," an observer named Kenneth Marten testified in a sworn affidavit of his service at sea. "The fishermen resented the presence of a government observer and engaged in every possible form of harassment and coercion.... I was prevented, on many occasions, from counting the actual number of animals killed. The fishermen would throw seal bombs at me so that I would retreat from the observation post."

That Kenneth Marten should be driven from his post, his ears ringing, by seal bombs is a circumstance reverberant with irony. Marten has a doctorate in bio-acoustics. The fishermen were hitting the scientist where he lived.

"At that time sets on eastern spinners were prohibited," Marten went on, "but the captain of this vessel ignored the prohibition and set on any dolphins he could find. In fact, he set almost exclusively on eastern spinners, frequently at night. There were large kill levels, but many times I was

threatened and assaulted to the point where I could not collect data sufficient to document these kills."

Thomas Jefferson, who was an official NMFS observer on a U.S. boat at the same time that Sam LaBudde was observing unofficially on his Panamanian seiner, told a similar tale: "In one instance a spinner dolphin with an apparent broken back was observed scooting over the corkline back into the net. When the net was hauled in, that animal came up dead. The captain asked that it not be counted in the kill figures, because it was released and came back into the net of its own accord."

Fudging his data sheets this way was not the Jeffersonian ideal, and he told the captain he could not do it. "From the onset of this trip," Jefferson testified, "it was made clear to me that if I reported lower kill figures than actually occurred I would be treated by the captain and crew in a much better manner. There were a variety of offers made to me to report lower kill figures, all of which constituted in my mind a form of bribery. The pressure put on observers in this capacity is almost indescribable. During sets that lasted into the evening hours, the captain would attempt to coerce or pressure me to get below, for most of the kills occurred at night. "

Many other NMFS observers tell stories of this sort: threats, bribes, stray seal bombs, and various subtler pressures. Records

disappear; data sheets and lab work-ups are thrown overboard. The observers' difficulty has its roots, of course, in several thousand years of nautical tradition -- the tradition of Thigh and Ahab and Captain Queeg. At sea the observer is not a citizen in a democracy but a subject in a limited monarchy. He is a kind of court jester whose jokes are all bad and whom the king never wanted aboard in the first place.

Case Number SW870133MMA, a "notice of violation and assessment of administrative penalty," issued by the Department of Commerce to Captain Antonio F. Da Silva, of San Diego, suggests what life can be like for NMFS observers on U.S. tuna boats.

Count 1: On February 10, 1987, ANTONIO F. DA SILVA ordered the NMFS Observer to the pilothouse of the M/V AQUARIUS where he used excessively profane and abusive language toward the Observer concerning the species composition recorded by him in Marine Mammal Set Log #5.

In all but one of the thirteen counts that follow, all pertaining to different days, Captain Da Silva is cited for the same violation -- an excessively profane and abusive dressing down of the observer. The repetition has a cumulative effect on the

reader; for the observer it must have had one too. The captain's wrath was aroused by various deeds of the observer. In Count 2 Captain Da Silva was excessively profane and abusive over the observer's description in Set Log #16 of a dead porpoise floating outside the net. In Count 3 he was excessively profane and abusive over the observer's description and drawings of a net canopy. In Count 4 he was excessively profane and abusive over the porpoise mortality counts in Set Logs #22 and #23. In Count 5 he was excessively profane and abusive about the observer's daily request for the vessel's latitude and longitude, and he shoved the observer in his stateroom. In Count 6 he was excessively profane and abusive about the observer's galley duties. In Count 8 he shoved the observer out of the doorway to the rig room of the *Aquarius*.

Captain Da Silva confined much of his observer abuse to the pilothouse, it can be said in his favor. It was not so with Thomas Jefferson's captain. "During the evening hours when dinner was being served," Jefferson testified, "the captain often came down to the galley to give me a verbal thrashing. It was his way of protesting my logged deaths of dolphins, and of keeping the pressure on me in the hopes that I would soften up on my observed mortality figures."

Antonio Da Silva was a repeat offender. The year before the citations of Case Number SW870133MMA, he had been

cited for eight violations on another voyage - not abuse of the observer that time but abuse of dolphins ("failure to remove all live marine mammals prior to brailing," for example). Perhaps his previous record contributed to the severity of his penalty in the later case. Da Silva was fined \$7,000. Rarely, however, do observers see this kind of justice. Kenneth Marten did not. At the end of the voyage on which Marten was harassed, coerced, and seal bombed, the federal marshal who debriefed him told him that the bombings should be prosecuted as criminal assault but would not be, because experience had shown that crew members would never give corroborating testimony.

In March of 1987 the Commerce Department's inspector general investigated the NMFS Tuna Porpoise Management Branch in San Diego. "Since passage of the MMPA in 1972," he reported,

"enforcement appears to have been lenient. Prosecution has been selective, settlements have been characterized by protracted negotiations to accommodate the tuna industry, and settlements have been for amounts much less than those originally sought. For example, in one case a settlement was reduced from \$305,024 (proposed at the hearing) to \$60,341.... In eleven recent cases of reported violations, no notices of violation were issued to the

offenders. From a separate set of case analyses, we noted that from 1981 to 1985, \$107,000 was assessed but only \$51,000 was collected. We were told by NMFS staff with long-standing and intimate knowledge of tuna fishing operations that fines have been so low compared to incomes that skippers have knowingly violated the regulations and accepted the fines."

In other seas the NMFS does better by enforcement and is more protective of its observers. "When I was an observer on a *foreign* boat, I could call in the Coast Guard if things got weird," Sam LaBudde says. "All my messages were sent in code. All my data was confidential. I sent in a weekly coded report. If something weird happened, I could tell them and they'd come do a boarding." These prerogatives of an observer on a Japanese trawler in the Bering Sea do not apply on U.S. seiners in the ETP. "The captain had total access to all of my records and could, at any time, ask to see any and all data sheets," Kenneth Marten testified. "On one of the many occasions that the captain set illegally on eastern spinners, hundreds were killed. When the set was completed the captain inspected my log book. He saw the figures and went totally berserk, saying that if the numbers were reported the way I had written them, I would thereafter have to sleep in the net

pile. I knew that if I 'fell off' I would never be found, and had to consider this as a threat against my life."

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Kenneth Brower is a writer specializing in wildlife and ecological issues, and a frequent contributor to *The Atlantic*. He is the author of numerous books, including *The Starship and the Canoe* (1974), *Wake of the Whale* (1979), and *A Song for Satawal* (1983).

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IF LIFE IS GRIM FOR OBSERVERS ON TUNA BOATS, IT IS difficult too for spies. "I wanted to get off that boat so bad, so many times," Sam LaBudde says. "Nothing was in it for me in terms of internal growth. It was like an exercise in sensory deprivation. Nothing happened for ages, and when something did happen, it was terribly depressing -- dolphins died.

"I began to *hope* that we would make a dolphin set and that animals would be killed, just so I could record it. We knew this was going on all over the ocean, dozens if not hundreds of times a day, and that a couple of hundred thousand dolphins a year were dying. I needed some to die so I could document it. If I'd been a member of the crew, and not been there on the sly, I could have tried to save some dolphins, or something. But I was there just as an observer, and not supposed to do anything to change what would normally have taken place."

Much of LaBudde's career has been spent at sea -- fisherman, ice checker, NMFS observer, spy -- but he does not feel particularly at home there. On the ocean he

feels himself a transient. The biology that interests him most is terrestrial. His dream is not a long sail someplace but a long mountain walk northward, keeping pace with the breaking of spring up the Continental Divide.

"We'd come to port, and I'd buy everything I could get printed in English. I read *Moby-Dick*, *The Hunchback of Notre Dame*, books by James Joyce. That was the only real refuge I had out on the boat."

On making port in Panama City for the fourth time, LaBudde collected his exposed tapes. He had stashed each one, as he shot it, in a plastic bag in his bunk. In town he found a courier service and sent all the tapes to San Francisco. He felt an enormous release. Five months on the *Maria Luisa*, four of them spent at sea, and he had accomplished what he had set out to do. Terra firma felt wonderful underfoot. For the rest of the day his step there felt unnaturally light. Two days later, when he called San Francisco for a critique of the tapes, Stan Minasian, of the Marine Mammal Fund, told him that he had succeeded better than they had dreamed. LaBudde asked if he should go out again. Minasian told him not to bother. He had great stuff, everything they needed; he should just come home.

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Despite this advice, and after a fierce debate with himself, LaBudde decided to make one more voyage. It had taken time, luck, and hard work for him to get where he was on

**of Post &
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of this article.**

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the *Maria Luisa* Once his film was made public, he realized, perhaps no one would ever again be allowed to bring a camera aboard a tuna seiner. On this final trip he would concentrate on taking still photos for magazines.

On the day scheduled for departure he made breakfast aboard the seiner. He had been away five days, and his galley was a disaster. As he began cleaning it, he listened for the start-up of the engines. The sound did not come. He made lunch and cleaned up the lunch dishes. The boat remained silent. He walked down to the engine room. The crew had pulled the heads off one of the two generator motors and were unbolting the big pistons and shoving them up through the top of the block. LaBudde reached in and ran his hands over the crankshaft. He felt big grooves worn in it -- not a good sign. He asked the *jefe de machina*, a Peruvian he liked, how many days the engine would be down. Seven to ten, the engineer answered. LaBudde's resolve buckled. By now every face on the ship was deadly familiar, every nook in his galley, every cup and paring knife, every move to his job. The odd, tense monotony of his double life at sea was one thing, but a week in the harbor was another.

He gathered his things, resigned, and flew from Panama. The generator was never fixed, he later learned.

Three days after LaBudde jumped ship, the

Maria Luisa went out with one bad generator. She made one more set on dolphins and then the main engine blew up, killing two men. She was towed back to harbor.

Thoroughly a Fisherman

IN 1947 AUGUST FELANDO WAS A YOUNG CREWMAN aboard the *Western Sky*, one of the first tuna vessels to fish with nets on dolphins. It was an exciting time to be a fisherman. The *Western Sky's* first sets on dolphins were experimental, unpredictable, an adventure. Dolphin release in that era was manual. Felando splashed with his crewmates in the nets, lowering the corkline and manhandling dolphins over it to freedom, being careful of their sharp teeth. Today the former fisherman, a trim, graying man, is the president of the American Tunaboat Association. He was reluctant to give me an interview.

"I don't know what background you have," he said, "or whether when I use a word you really understand the word." His experience with the media had been unhappy. They took only bits and pieces of an argument, he said, and in the resulting stories tuna fishermen always fared badly. He was not overjoyed to learn that I come from Oakland.

"Oakland, California, is a suspect area," he said. He laughed, but not very merrily.

"You people don't have any tuna industry up there. The industry started down here, in southern California. Up there, it's mostly orientated to environmental organizations. Who don't know the story, in my opinion. Who are *using* the story. Earth Island Institute and the Marine Mammal Fund, which got on this issue about three years ago, decided this was a wonderful issue for them to get started on -- these two new organizations. I'm sure you're getting all the other side. Because the more they get their name out there, the more money they get. It's on record now. One estimate is that these animal-rights organizations generate between two hundred million and a half a billion dollars a year. "

This was, oddly enough, the same complaint the environmentalists made about the fishermen. San Francisco's bearded, vaguely hippified dolphin-activists had told me that the tuna captains were just a bunch of millionaires. In San Diego I would find no nut-brown, leathery old salts mending nets, they predicted; no calluses and squint lines. I would find a small club of swarthy, overweight millionaires in polyester, with gold Rolexes and dripping gold chains. The captains made such an unsympathetic impression, the environmentalists said, that the American Tunaboat Association discouraged them from talking to the press.

I brought up the environmentalists' arguments, and Felando dismissed them one by one. Proposed alternatives to dolphin

sets -- setting on drift logs, baitfish, or aggregation buoys instead -- were impractical, he said. For one thing, any shift to log sets, or to sets on schools of skipjack, would mean a shift to younger fish. Only juvenile yellowfin hang out under logs and with skipjack. For yellowfin, association with dolphins is a kind of rite of passage. When the tuna grow big and powerful enough to hold their own with dolphins, they leave their pals the skipjack and the security of drift logs. "You have to think of a porpoise school very much like a piece of debris or kelp, or some other thing," Felando explained. "We don't know why, but tuna will be attracted to certain floating objects. We consider porpoise just a faster floating object."

If you targeted younger fish, he asked, what were the implications for tuna conservation? A shift from big fish -- from mature yellowfin that had reproduced -- to juvenile fish would mean a reduction in the "yield per recruit" and would have an impact on the future.

(This proposition is counterintuitive. One would think that removing breeding animals from a population would reduce future stocks more sharply than removing juveniles, the age-class in which the higher mortality occurs in nature. But things are often topsy-turvy in the sea. Tuna are prolific spawners, the number of breeding adults may be less important than one would think, and what Felando says may

make sense in some way I can't figure out. Population dynamics are still largely a mystery in the ocean.)

"Fishing tuna on porpoise, you're generally farther outside and a little safer from seizures," he added. "Some countries enforce two-hundred-mile laws. That's another element, though we don't talk about it too much. When you're forced to go inshore, you're basically picking up small fish and taking the risk in certain countries of seizure."

That Panamanian boat in the Sam LaBudde film was completely atypical, even of the foreign fleet, Felando said. The vessel was built in France. The captain was from Spain and had never before fished in the ETP. (In fact Joseba trained for a year on a U.S. tuna seiner in the ETP, but he had never skippered a boat there.) That disaster set on eastern spinners -- ten or twelve yellowfin caught at a cost of 200 dead dolphins -- was folly. In 1987, Felando said, the average catch in the U.S. fleet had been a little better than eighteen tons per set.

A seal bomb, according to Felando, was not the infernal device the environmentalists portrayed it to be. "It's a device that's been okayed by the U.S. government for a long time. But it makes a wonderful emotional stupidity to talk about it. Look, the use of sound impacts fish and porpoise. To prevent the fish from going out underneath the boat, and to push the porpoise toward the open

end of the backdown, you make all kinds of sound and use all kinds of devices to make a disturbance. The word bomb means so many things to so many people. It's just the wrong word. It's a *firecracker*. Forty grains of powder. No more than forty grains. So basically it's a non-issue, but it makes wonderful print: 'Well, look at these heartless fishermen, using bombs to kill and maim porpoise.' There's just no evidence of that whatsoever.

"The fishermen are always characterized as mean guys. They're killing the porpoise, they don't give a damn about them. It's so far from the truth, it just hurts us. Some years ago these outfits were hiring PR firms, sending packets to schools. *Comic books* showing how God-awful the fishermen are. We see a lot of negativism, and it has an impact on us. We've had children of fishermen -- because of insensitive teachers who don't know what they're talking about -- we've had children come home crying.

"They don't talk about the fact that we had a young fisherman, a skipper's son, get killed trying to save porpoise. He was hit by a shark. In August, 1980. His name was . He never saw his child. He was hit in the shoulder as he was pulling the porpoise over."

The argument of this last episode, like the teeth of the shark, cuts both ways, I could not help thinking. The environmentalists

argue that NMFS mortality estimates for dolphins, in making no allowance for shark attack on dolphins leaving the net, are serious underestimates. Correia's death bears this out. The shark had not even waited for the dolphin that Correia was aiding to leave the net. The young fisherman's effort had been heroic -- the only help possible for dolphins in those circumstances -- yet in a sense he had merely been helping them from the frying pan into the fire.

"The fact is," Felando continued, "there's so many motivations for fishermen to release the porpoise alive that the characterization given fishermen is just absolutely wrong. The longer you're in a set, the less competitive you are. The faster you get to the backdown, the better off you are. I see a correlation between top production and top release records. We have an award -- we've had it for more than nine years now -- called the Golden Porpoise Award. It goes to the skipper who has the best release record, based on observer reports. The guy who won last year encircled a hundred and fifty-three thousand porpoise over five observed trips in that year. His total mortality was two hundred and four porpoise. The total tonnage he caught was over four thousand nine hundred tons of fish."

I asked Felando if that skipper, or some other, would be a good man for me to interview. He hesitated.

"Our policy right now is less said, best said, on this goddamn issue. Because we just don't win. We just don't win."

Now and again in our conversation Felando revealed how much he remains a fisherman at heart. We digressed once to ponder the tuna-dolphin association. The riddle of that relationship puzzles fishermen, and nature writers, from the moment they first stumble upon it.

"You have a school of bait and they go into a ball," Felando said. "They ball up for the protection that gives them. Experience tells you that tuna don't generally go into that ball. They don't rip right through it. They work on the fringes. But a whale or a marine mammal or a porpoise, they explode right into that ball of bait. The fishermen feel that's one of the reasons tuna associate with porpoise. Porpoise will scatter the bait and make it available for the tuna."

For me, this was an illumination. It made more sense than any theory yet. I had seen big fish feed around the edges of bait balls. I knew of the propensity of dolphins to smash through those balls. I had never thought to put the two together.

"Right!" I said. "The dolphins scatter the bait for the tuna. And the converse would be that the tuna concentrate the bait for the dolphins."

"Well," Felando said. He paused. "I don't

know."

He had never considered the second proposition, I realized. He had never contemplated the dolphin's side of the equation. He was so thoroughly a fisherman that he saw the problem only from the point of view of fish.

Later Felando surprised me again. In explaining why a reversion to the old style of tuna fishing -- "bait fishing" with rod and line -- was impossible, he asked, "How would you get bait? Who would let you into their waters to get bait? Yes, Latin countries let us in once, but times have changed. Times have changed. And the baiting grounds have changed with progress. Estuaries are no longer there. Lagoons are no longer there."

"Because of ... ?"

"*Man!* Because of man. Man has changed the coastline."

He delivered the M-word with all the bitterness of an environmental radical. The next moment, though, he headed off the other way.

"The way I look at it, the porpoise, whether people like it or not, is a food fish. Porpoise means 'pork fish.' That's the Latin word for it. You can directly take porpoise, which is a very high-protein food, or you can use it for another purpose. Some people say let

them alone. Don't touch 'em at all. I don't think that's realistic in this world of ours. What I think we're doing is providing a use for that animal. We're using them to catch food."

In Augie Felando I had found, I thought, the old salt the environmentalists denied existed. In his taxonomy and terminology, at least, he was an *ancient* salt. It was wonderful, in the twentieth century, to hear cetaceans referred to as "fish." I had last encountered this in reading those discussions of "loose fish" and "fast fish" in *Moby-Dick*. Of all the modern human beings who have regular commerce with dolphins, only tuna men still confuse "porpoise" and dolphin. The porpoises, family Phocoenidae, are the smallest of cetaceans and do not associate with tuna. The oceanic dolphins, family Delphinidae, are larger animals, three species of which regularly associate with tuna.

"It's not so much a controversy," Felando insisted, "as people make it a controversy. Basically, the fishermen have solved the problem."

"Well," I said, "what the environmentalists are saying is that the problem isn't solved. They say that the allowable mortality of 20,500 is too many."

"No. What they say, really, is that one is too many. And so the real question is, what is your personal view of management of living

animals? Should there be some management of living resources in the ocean? Or should we just not touch them?"

My vote was for not touching them, but I was vague on why I felt that way. It puzzles me, for example, that there is no group for the preservation of *Thunnus albacares*. Yellowfin tuna are miraculous creatures, hydrodynamic marvels wrought in silver and gold, the finest things in their line, just as dolphins are the finest in theirs. "Making this moral distinction between killing dolphins and killing tuna is a little peculiar, I guess," I told Felando.

He liked the point, and laughed. "Yes," he said. "I mean, what is the difference?"

"Well, there's a big difference. One animal is much more intelligent. But what does that mean? Why should intelligence be the criterion? It's a little narcissistic of us, isn't it, to value dolphins because of that?"

"Are you really saying that one is more intelligent than the other?" he asked. "Have you read some of the literature on how, quote, 'intelligent' porpoises are?"

I was taken aback. All the literature I had read indicated that dolphins were very intelligent indeed. The suggestion that tuna and dolphins are on a par intellectually was a new one on me. Felando and I had been spending our time in different libraries.

"Yellowfin are beautiful," he said. "If you've ever seen them leaping, they're beautiful things. And so are porpoise. People don't make gods out of porpoise, but they come pretty doggone close to it. Because there's so much money in it."

August Felando was entirely right, I thought, about dolphins and the human penchant for myth-making. He was entirely wrong about the reasons for it.

The Remorseless Working of Things

IN "THE TRAGEDY OF THE COMMONS," AN ESSAY THAT appeared in *Science* in 1968, Garrett Hardin uses "tragedy" in its old Greek sense. As Alfred North Whitehead explained it, "The essence of dramatic tragedy is not unhappiness. It resides in the solemnity of the remorseless working of shins."

Hardin asks us to imagine a common pasture open to all. Each herdsman, he points out, can be expected to try to keep as many cattle as possible on the commons. Through the centuries in which wars, poaching, and disease keep everyone's herd in check, the commons accommodates all. But finally comes social stability and a day of reckoning. The range reaches carrying capacity and the remorseless working of things begins. "What is the utility *to me* of adding one more animal to my herd?" the herdsman asks, as he always has. The advantage he gains from each additional

cow is considerable, and it accrues all to him. The disadvantage of additional cows -- overgrazing -- seems negligible and is shared with all the other herdsmen. If he doesn't add a cow, he thinks, then someone else is likely to do so. A rationalist, he adds the cow, and so do all his fellow herdsmen. "Therein is the tragedy," Hardin writes. "Each man is locked into a system that compels him to increase his herd without limit -- in a world that is limited. Ruin is the destination toward which all men rush, each pursuing his own best interest in a society that believes in the freedom of the commons. Freedom in a commons brings ruin to all."

On the commons of the open sea, the fisherman does not add animals, he extracts them, but the same ruinous dynamic is in effect. Pursuing his own best interests, the California sardine fisherman destroyed that fishery by the 1930s. The Peruvian anchovy fisherman -- with some help from El Niño -- ruined that seemingly inexhaustible fishery by the mid-1970s. Few scientists are worried as yet about the stocks of yellowfin tuna. The tunas are migratory species with high reproductive potential. They are superb predators whose niche is not likely to be appropriated by others, should their numbers drop low. There is a certain safety factor built into modern tuna fishing as well, for fishing by seiner will theoretically cease to be commercially feasible long before tuna populations drop dangerously low. (It's worth pointing out, a cautionary

note, that the sea's plenty has caused egregious miscalculation by our scientists before. "I believe that probably all the great sea fisheries are inexhaustible that is to say, nothing we do seriously affects the number of fish," the great T. H. Huxley wrote scarcely a century ago.) But whatever the fate of tuna, *dolphin* reproductive potential is not high. What the tuna-seining fisherman adds is a new wrinkle to Hardin's theory, a footnote to commons law. The tuna seiner locks himself into a system that compels him to destroy the dolphins that he and his predecessors have used for millennia to find fish.

Hardin proposes a number of corollary propositions, all of which the tuna-dolphin tragedy validates.

"Natural selection favors the forces of psychological denial," he writes. "The individual benefits as an individual from his ability to deny the truth even though society as a whole, of which he is a part, suffers." Late last year Australia's *60 Minutes* captured a wonderful sample of psychological denial, and its special language.

"Why do you have to set nets on dolphins?" the interviewer asks Charles Fullerton, the director of the Southwest Region of the NMFS.

"You can't take one without the other, in the case of this fishery," Fullerton answers.

(A small denial of truth to start things off. Purse seiners in the ETP can, and often do, set on schools of baitfish or on drift logs that have attracted tuna.)

"Other animals we kill for food are not killed this cruelly," the Australian suggests.

"Oh, I don't think that's true. In these slaughterhouses, with all the chickens, pigs, cows, we have the same kind of cruelty."

"You don't see a cow dragged over a flywheel with its legs torn off."

"No, you don't. And you don't see that very often on American tuna boats, either."

(Here the denial of truth is truly eerie. If, as Charles Fullerton and other spokesmen for the NMFS, the Inter-American Tropical Tuna Commission, and the American Tunaboat Association claim, no large-scale dolphin killing and maiming occurs on U.S. vessels -- if the Panamanian boat in LaBudde's film doesn't represent *our* fleet -- then how exactly are 20,500 dolphins killed annually in U.S. nets? To make such a claim, Fullerton cannot have listened to his own observers. "What you've seen in Sam LaBudde's film is exactly what I saw aboard U.S. tuna boats," Kenneth Marten says, and other observers echo that.)

"How are they killed any more humanely in American nets?" the interviewer asks.

"I will not speak to you about what's humane or not," Fullerton replies. "I don't know how a dolphin dies. Other than now he's alive or he's dead. The result is exactly the same."

"No, the result is with dolphins you prolong it for hours. "

"You don't prolong drowning by several hours. You drown in several minutes. Some people will say -- and I'm not defending any drowning of any dolphins -- drowning is one of the most delightful ways to go, if you have to go. I've never been there, I can't tell you."

"Conscience is self-eliminating," Hardin writes. On this point the U. S. tuna industry, the NMFS, and the environmentalists all pretty much agree. The U.S. fleet now has "conscience" -- if that's the right word for the mandatory good behavior required by the Marine Mammal Protection Act -- and the U.S. fleet is in decline. In 1979 the U.S. fleet in the ETP included ninety-eight large, Class 6 tuna seiners. In 1989 just thirty remained. Many of the departed seiners have reflagged to avoid high U.S. operating and labor costs and to escape the MMPA and other U.S. regulations. This growth of the foreign fleet has been the trend most destructive of dolphins, for fewer constraints operate on foreign vessels and their kill rate is now several times that on American boats. In 1972, when the MMPA

was enacted, U.S. boats were responsible for seven eighths of the dolphin kill; today they are responsible for less than a sixth.

"Mutual coercion, mutually agreed upon" is the solution, according to Hardin. This was the intent of the MMPA, with its regulations for the U.S. tuna industry and its provisions for an embargo on tuna from foreign nations that fail to set up comparable regulatory programs. This is where the NMFS and other agencies have failed us badly, and failed the dolphins worse.

An Unacceptable Method of Fishing

SAM LABUDDE AND HIS FILM APPEARED ON ABC AND CBS national newscasts, on NBC's *Today show*, and on local newscasts around the country.

"The networks were not overjoyed when they heard we had eight-millimeter videotape by an amateur," says David Phillips, of Earth Island. "They were surprised at the quality. They bumped it up to a one-inch master without any difficulty. I don't know how Sam learned to get pictures as good as he got. He read the manual as he was bouncing around in the waves on a speedboat. Until Sam, we lacked the indisputable visual evidence. It's very difficult to know what's happening out there. Sam's film has made it a lot more visceral. It's given us an access to the media we've never had. It's galvanized the environmental community, and it's forced

the industry to respond."

LaBudde testified and showed his film before Congress at reauthorization hearings last year for the Marine Mammal Protection Act. Those hearings were a lesson in the subtler workings of the tragedy of the commons in a modern republic. The senators expressed much admiration for progress made by the U.S. industry. They decried the ruthlessness of the foreign fleet. (Not many votes are lost in xenophobia.) "The U.S. industry has an excellent record," said Senator John Breux, of Louisiana, in whose constituency fishermen are strong. "I'll add my voice to the swelling chorus of praise for the domestic industry," said Senator Pete Wilson, of California. Senator Wilson is a former mayor of San Diego, where the U.S. fleet is based.

The senator's swelling chorus of praise is in fact a two part harmony between the U.S. industry and politicians like himself. The U.S. industry invented purse seining on dolphins and for fifteen years monopolized the technique. The U.S. industry killed millions of dolphins in the early years of tuna seining, and in the seventeen years since the MMPA was enacted, the U.S. industry has killed more than 800,000. The U.S. tuna industry has fought every regulation intended to reduce the dolphin kill. In 1980 an NMFS prohibition against "sundown" sets -- implemented because the kill rate is up to four times as high at night as it is in daytime -- was dropped, under

pressure by U.S. industry lobbyists, after being in effect for just eight days. In 1981 the American Tunaboat Association sued to scrap the NMFS observer program. The observers' data, they argued, should not be used for enforcement. They won an injunction that kept all NMFS observers off U.S. tuna boats from 1981 to 1984, when the injunction was overturned on appeal. (At present the U.S. industry is suing to keep women observers off U.S. tuna boats.) In the late 1970s, when forced to do so, the U.S. industry demonstrated considerable inventiveness in coming up with gear and techniques to minimize dolphin kills. That research is stalled, and the U.S. industry has done nothing favorable to dolphins lately.

The separation of the U.S. and foreign tuna industries is in fact a kind of myth. In the past ten years two thirds of the big U.S. seiners have reflagged with foreign fleets. Apparently, little more than the flag has changed. American captains still skipper some of those boats, and available evidence suggests that the new ownership is often only nominal. Three U.S. corporations, H.J. Heinz (which owns Star-Kist), Pillsbury (Bumblebee), and Ralston-Purina (Chicken of the Sea), sell most of the tuna consumed in the United States. Sensibly, they buy their fish where it is least expensive. Yellowfin tuna from the Maria Luisa may be sitting in a can on your shelf.

At the MMPA reauthorization hearings several senators expressed their displeasure

with the NMFS and its parent agency, the National Oceanic and Atmospheric Administration, for their failure to implement the regulations that would keep that can off the shelf. Senator John Kerry, of Massachusetts, pointed out that the MMPA was amended in 1984 to require foreign nations to demonstrate that they had dolphin-saving programs similar to our own or face a ban on imports of their tuna. Why had the NMFS taken four years to formulate "interim final regulations" to that end?

"It's a very delicate operation to get those regulations," explained Charles Fullerton, of the NMFS. "We developed some over a year ago which were not acceptable either to the tuna industry or to the foreign nations. So we went back to the drawing board and developed a whole new set, the ones that are now in *interim* phase. We'd like to give these a try."

How could a bureaucrat in a regulatory agency so lose track of his mission? The proposed NMFS regulations *were not acceptable to the tuna industry or the foreign nations* -- the regulatees -- so of course the regulators scrapped them?

At the reauthorization hearings the environmental community asked for a phase-out, over four years, of tuna seining by dolphin encirclement. What they won was a prohibition -- once again -- on sundown sets. They won 100 percent observer coverage for trips by the U.S. fleet.

They won a set of performance standards, a system by which the skippers most dangerous to dolphins would lose their licenses. They won a requirement that by the end of 1989 foreign countries must reduce their kill rate to double the U.S. rate, and by 1990 to 1.25 times the U.S. rate, or face embargo. Sam LaBudde and his colleagues regard these as the tiniest sorts of victory. No end to the dolphin killing is yet on the horizon.

"We had practically the entire environmental community back at the reauthorization hearings, everyone from Audubon to the Humane Society," LaBudde says. "Twenty-eight national environmental organizations wanted purse seining *stopped*. Eliminated. We asked for a four-year phase-out. That would give the Marine Mammal Protection Act *twenty years* to do what it was designed to do -- reduce kills to insignificant levels approaching zero. We thought four more years was a reasonable time. We got beat by the owners of thirty-five tuna boats."

LaBudde now divides his work day between Earth Island Institute and the Marine Mammal Fund. The two outfits have resorted to a tuna boycott and to litigation. In January of this year they successfully sued the NMFS and the tuna industry to force all concerned to abide by the provision for 100 percent observer coverage.

"Killing dolphins is intrinsically part of setting on dolphins," LaBudde says. "It's a given that the boats of the U.S. tuna fleet will kill tens of thousands of dolphins in the next two years. That's just unacceptable. It's unnecessary as well. Ninety-five percent of the world's tuna is caught in ways that don't affect dolphins.

"Our basic premise is that it's an unacceptable method of fishing. It should never have been invented in the first place, and it's got to end."

The online version of this article appears in three parts. Click here to go to part [one](#) or [two](#).

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