

Baja California, Mexico: Part Two

Unspoiled reefs for the hale and hearty.

The superintendent of San Francisco's excellent Steinhard Aquarium, Dr. John E. McCosker, has spent many years exploring the waters of the Sea of Cortez. He recently wrote that the completion of the highway from San Diego to Cabo San Lucas "has already begun to change the face of Baja California and her waters." The spearfisherman's gun has taken its toll of big cabrilla and once smooth sand beaches are now patterned with the footprints of avid shoreline shell collectors. Along with this new-found opportunity to visit the Sea of Cortez must come the responsibility to insure its survival. Subsequent decades will find the Sea of Cortez changing at an ever increasing pace. It is my sincere hope that Mexican and American biologists will work together in encouraging authorities to set aside underwater parks in their pristine condition to preserve (the beauty) for future generations.

To beat the rush of people and industry to Baja is the foremost reason to make the journey. It's a chance to step backward in time, to visit virgin reefs and virgin beaches, to go where no one's gone before. I'll suffer through rapidly changing visibility, through sudden winds, through long drives for air, through leaky fishermen's boats and nonexistent guides, and through century old conditions to dive where no one has dived before. But, it's not easy. That is certain.

Where should you dive? Once you start the journey southward, you must go half way down the Sea of Cortez for respectable conditions. At San Felipe, for example, you'll find 20 ft. tides, poor visibility, and generally too many sharks to feel comfortable with. There is hardly any diving north of Loreto, 700 miles south of the border, and the main reef is off the main road, four hours south of La Paz (see map, p.3). Beach diving is nearly impossible. A boat is always required.

Our first stop was Bahia de Los Angeles, 400 miles south of terrible Tijuana and 42 miles off the main road. Nicknamed L.A. Bay, it's a popular boat launch for American fisherman, but a drab, hot and humid place. There is a dirt airstrip, a hotel and restaurant, camping facilities along the beach and a boat launch at \$3 a pop. At Casa Diaz, I found Mrs. Diaz, a stern-looking old woman in the charter office, and inquired about boats and compressors. She pointed to a little trailer down the beach and said that Eduardo had a compressor there, but he was away in Ensenada. To get to the better diving at the offshore islands (not the islands in the Bay), Mrs. Diaz wanted \$90/day for a briny 40 foot boat that looked as un-

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inviting as the diving in L.A. Bay. We decided to move on. Divers with boats and compressors can make the 6 mile round trip to islands such as Partida and Salsapuedas or explore the windward side of Isla de la Guarda, the second largest in the Gulf. Beware, however. Gas and oil are not always available here.

At Santa Rosalia and Mulege (Moo-luh-hay), 616 miles south of the border, the highway first touches the Gulf. Mulege is hot in the summer and warm year-round. Hotel Serenidad (c/o P.O. Box 8236, Long Beach, Ca., 90808) is a nice resort with an airstrip and compressor, so they say, but we could not find either the compressor or the man who rents boats. The tanks in the shop looked useless. Although people tell of other compressors nearby, you'll be lucky to find them. We did not dive Mulege this trip, but recommend several little islands off Punta Chivato, north of Mulege. However, follow the general rule. As you travel farther south, the water is clearer, with more reefs, islands, and marine life.

Bahia de la Concepcion: When you're tired of diving and must get wet, here is the place. There are several fine camping areas and at Posada Concepcion, there is a working compressor! We found very good diving at the little islands in the Bay, so if you're carrying a zodiac give them a try.

The Flying Sportsmen's Lodge at Loreto (write 947 8th Ave., San Diego, 92101, or call 714/270-2582) is an attractive resort catering to those who arrive by private plane or vehicle. Unfortunately, the nearest compressor is two hours north. The lodge has a heated pool, a bar and rooms with a Gulf view, and palm-lined lawns. Campsites with water are \$3/night and 22 ft. boats rent for \$50/day.

For a 6 a.m. dive we were awakened at 5 a.m. This may seem early but in the afternoon winds whip the Gulf and boating can become difficult. We decided to dive Isla Coronado, a 45 minute boat ride. On the windward side, I dropped to 30 feet where angels, wrasses, cabrilla (sea bass) and triggerfish were hiding under some rock shelves. A seal swam leisurely through the kelp, as if to emphasize the unique mixture of tropical splendor and Pacific cold water diving. Visibility was 30 to 40 feet and the water temperature 75° to 80°. So as not to spend my limited air we moved to a rockslide at the north tip of the island. At 60 feet grunts and jacks schooled. 30 lb. groupers peered at me from behind big rocks and there were plenty of blue damsels, angels, giant parrot fish and surgeons in the coral and caves. Another seal came down for a look at me and I found morays behind nearly every rock. A few skates rested on the bottom and, approaching one, I inadvertently put my hand on a sting ray, a close call! Several needle fish and roosters passed by and I spotted a beautiful golden cabrilla. The stationary scenery is not spectacular, but the marine life is both spectacular and abundant. We tried other spots, most with lower visibility and occasionally fewer fish, yet indeed rewarding. On the edge of one sand patch I surprised two sleeping cabrillas who changed color from a milky white to a striped green, then swam to meet me. You can dive anywhere, but generally the south sides of the islands are the best.

A year before we hired a boat at Escondido Bay, 15 miles south of Loreto, and dived Isla Catalina, 30 miles off shore. Again, excellent marine life and nice grottoes. Boat rental at Jucalito, just north of Escondido Bay is not as reliable as at the resort; on one trip, the boatman ran out of gas!

Arriving at the charming city of La Paz with empty tanks, we saw the red divers flag advertising air. We walked into the tiny office lined with fishing

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lures, postcards, birdcage snorkels, and a few sinister looking tanks, and inquired about a compressor. "Si," said the man, "I have one, but because of the heat I can only run it at night." We couldn't wait that long and asked if there were another. "Enrico probably still has one at his home," he replied. After getting the directions, we arrived at Enrico's only to learn he had no compressor. Disappointed and airless, we left La Paz. A week later, however, we sent the tanks to La Paz with a Mexican friend. He told us the compressor worked fine in the heat because it was located in the shade, although it took 2-1/2 hours and \$2.50 to get a 2100 psi fill. Besides having no authentic dive shop, La Paz has no diving in its immediate vicinity, so as usual a boat is necessary. At one time NASDS and Club Aquarius offered week-long dive charters on their converted minesweeper, but because of clashes with local authorities they sold their boat. Pablo, a waiter at La Posada Hotel, charters his 22 ft. glassbottom boat for \$8/hr., and expect a full day's tab to get to the good diving at Isla Cerralvo or Espiritu Santo.



La Paz is a pleasant, romantic, not yet commercialized town. Tourist restaurants are located along the beach. To experience the worst service, but the best Huevos Rancheros (eggs resting on tortillas and floating in hot sauce) for breakfast, eat at the Cafe Mazatlan. To quench that intense thirst, drink lemonade at the open air market or order up a couple of ice-cold Pacificos in any cantina. Stay at La Posada, on the beach, or Los Arcos, in town on the waterfront. There are nice shops for browsing and when purchasing be sure to bargain.

NOTE: We had planned to conclude Baja with this issue, but due to the timeliness of the following report on the Superboat we will continue Baja in the next issue. We will also run a review of a Caribbean dive spot you may wish to select for your winter trip. By the way, the new Superboat still has room for its 16 day trip from Los Angeles to the Sea of Cortez. The tab is \$875 and departure date is October 29. You may fly to La Paz and join her on the 6th of November. (\$449). Call Pacific Sport Diving at 213/433-7485. (CK, 7/23)

The Superboat:

BULLETIN:

Superboat damaged in La Paz hurricane substitute boat will fulfill schedule until repair is completed.

She's still on her shakedown cruise.

She's beautiful. She's fast. She's comfortable. But the Superboat -- now named The Spirit of Adventure -- could be even more. This was evident from our five day dive tour of the west coast of Mexico's Baja Peninsula.

The Superboat was built for interisland service in Hawaii and it will be there to begin its regular schedule after the first of the year. We've written in previous issues of Undercurrent about the excellent dive possibilities in Hawaii and have no doubt that the Superboat will find the reefs. In the meantime, shakedown cruises are being frequently run out of Los Angeles and San Diego. After reading about the boat in Skindiver and receiving a mail advertisement, I decided to fly southward, with my newly kindled spirit of adventure.

Departure time was 6 p.m., from her Los Angeles harbor berth. Visualizing a relaxed, romantic dinner cruise as promised in the promotional brochure, I and

my buddy arrived at the port three hours early -- excited -- and loaded with dive and camera equipment. But at the designated berth we found only the people and the bird droppings that cover Port's P'Call landing. We waited.

Visions of diving splendor swelled with the heat. The brochure had listed such a wide-range of amenities -- a bar, a salad bar, warm water showers, air-conditioning, unlimited air, entertainment nightly -- that we were willing to wait for the Queen of dive boats, the answer to our prayers, Superboat.

Superboat arrived into port at 6 p.m. -- our supposed departure time -- full of tired divers. She was taking back-to-back trips. The crew asked us to wait while they rushed around changing sheets, dumping trash and picking up supplies. The thirty of us waiting to board were told that the compressor had broken down and we were waiting for a replacement. After having our C-cards checked and being assigned good-sized dive lockers on deck, we welcomed appetizers and waited for a chicken dinner, but without the sunset cruise. We finally departed at 11 p.m., stopped to pick up divers in San Diego at 5 a.m., and made our first dive that night.

Settling down to a night ride down the coast at 19 knots, we hadn't anticipated the engine noise emanating from the three, 500 horsepower GM diesels. Apparently, only the engine room had been insulated, but that wasn't enough. The roar followed us everywhere. The staterooms were handsome and unusually spacious. And private. Single and double beds were available. Every room was air conditioned, as promised -- a rush of air that shot directly down on your scalp if you were standing in the middle of the room, but did not cool the corners. With the lack of circulation the rooms remained stuffy. Some divers slept on the floor under the vent. Showers were warm and pleasant, with the exception of a slight odor that was probably the result of poor drainage.

The dining area was generous -- there were booths at every window. No cocktails were offered. A bottle of wine was available for a few dinners. The first night the crew made a clumsy attempt to serve dinner, but after that it was always buffet. The table supplies diminished, but were not replaced. By the second night there was no more ice, or salad dressing, and a big bowl of lettuce comprised the salad bar. Soft drinks and wine began to be rationed. To avoid incomplete meals, we learned to arrive on time, otherwise some dishes would have been already exhausted. It became up to the passengers to replenish the refrigerators and replace the napkins and some guests took over cleaning chores in the dining area. Meals were served on paper plates, until one evening the cook unearthed dishes. The next morning those unwashed dishes piled high in the galley (and an overfilled trash can) greeted us for breakfast.

All of this was due to an insufficiently-sized crew, although certainly not incompetent. The wide variety of responsibilities divided among the crew -- two hardworking, bright young women and an equally alert young man -- was demanding and nearly impossible to complete. Joe, the cook, had just been hired, on trial, for this trip. He was in the awkward position of having to make do with the previous cook's supplies. We found him continually creative and his preparations surprisingly good. We were pleased to learn that he received the job. You can expect good meals. Of course the Captain, Bob Trask, sets high standards for his crew. In addition to being certified instructors, they must have some knowledge of navigation, be skilled in rescue, and be in top shape in body as well as spirit -- Trask expects them to clean the toilets as well as host their guests, guide the divers, and answer questions. Most likely, they also are required to contribute to the evenings' entertainment. For this trip, the crew did not have the time to meet the full set of standards. Trask admitted to an unsuccessful search for more crew, despite the hundreds of applications he said he has received. His elaborate formula for a crew member -- skill, talent, personality, and good looks is appealing, but remains impossible to fill. Meanwhile, he could use some plain old-fashioned kitchen help.

Trask, a Kris-Kristoferson look-alike, is the star of Superboat, at least according to the promotional literature. He can navigate, pilot, dive, guide, charm the guests and, would you believe, sing and dance. Captain Bob is in charge of publicity for the boat and plays up his entertainment and the big, big, Las Vegas night, which we never had. In fact, we had no entertainment until the last night when his half improvised show proved surprisingly entertaining.

Diving is easy from the Superboat. Deck space was a pleasure, both for sunning and for getting ready to dive. The boat features plenty of areas for entering the water and a grate for easy exits. She carries an inflatable dinghy and rising above is a great crow's nest to sneak up to when the Captain isn't looking. The guides were competent. Because of the faulty compressor we did not get unlimited dives and in fact were rushed back to San Diego hours earlier than promised so that the compressor could be repaired before the next trip -- which happened to be scheduled for the time of our arrival in Los Angeles. They didn't explain why they were cutting the trip short until we reached San Diego. One of the crew members noted that the compressor had been a lemon from the start. Why, then, two months later, was it still on the boat?

Superboat? Probably not if one measures her in terms of the expectations generated by the promoters. It has the potential for a fine dive boat, but the Captain and the crew will have to get their act together. And, there are structural difficulties -- air conditioning, noise, etc. -- which may not be correctable. Had the Superboat not been trumpeted as the greatest dive boat since the Calypso, we might have left satisfied. But we had been led to believe, and of course expected, much more. Hopefully the owners of the Superboat -- Pacific Sportdiving -- will heed the warnings and bring their boat up to the standards set by their advertising. Or change the advertising. Otherwise, Superboat will have to fill up with marlin fisherman to pay the bills. (S.V. 9/12/76)

Those Decompression Meters:

Scubapro acknowledges SOS deficiencies.

In the April issue of *Undercurrent* we published an important article reporting data that showed that the Scubapro (SOS) Decompression Meter gives readings significantly different from the U.S. Navy Tables. For example, on a single dive up to 90 feet the meter gives you either less bottom time than the tables or the rough equivalent. However, as one makes deeper first dives, the meter gives increasingly more bottom time than the tables. When a diver goes to 150 feet, the meter gives approximately 15 minutes of dive time. The U.S. Navy tables permit five minutes.

Although the U.S. Navy tables were not developed for sport divers and do have their limitations, nearly all experts in the diving community agree that the U.S. Navy tables are the ones to follow. Every training organization and every training manual teaches the sport diver to follow religiously the U.S. Navy tables. We reported, however, that Scubapro believes that the readout from its meter is appropriate for scuba divers. The company argues that no one has ever gotten bent using the meter. We reported contradictory information and cited evidence of a number of people who got "hit" using the meter--both correctly and incorrectly.

Although we believe that there are grounds for a tough stand on the meter, *Undercurrent* took a rela-

tively conservative and certainly a fair position. Scubapro has withheld--we believe purposely--information it has on the operation of the meter from the scuba diver/consumer. The diver not only has a right to that information but needs it in order to dive safely. The information provided the purchaser of a meter leads the diver to believe that the meter parallels the Navy tables and leads a diver to other conclusions which contradict what most experts believe is required for safe diving. We argued that if Scubapro indeed has the safety of the diver at heart, that information should be made public and it should be up to the diver to decide what to do about it. But, by not disclosing information about exactly what the meter provides, Scubapro is, in effect, admitting it has something to hide.

The Readers React

We received several letters about the article, some of which we'd like to share with you.

"I got bent using Scubapro meter #A-4425 while diving repetitive dives in the Gulf, water depth 120 to 140 feet. This was in 1972. I nursed my sore shoulder with massive doses of aspirin and when I complained to the dive shop operator, I was told I didn't use the meter correctly. . . . Unfortunately there are an awful

lot of local divers who use this thing faithfully for deep water diving (100 feet plus). These divers are experienced open water divers and they all know people have been bent using the meter but use it anyway. . . . Nevertheless, the diver has the *right* to know all the facts." (John Esbensen, Tampa, FL)

"I am a sport diver and have been diving about six years and have used the meter successfully for about four years, both in conjunction with moderately deep dives (around 100 feet) and more frequently in conjunction with shallower, repetitive dives. I feel that the meter is an integral part of useful and necessary safety equipment for diving. I do not place complete reliance in the meter (common sense, other equipment and knowledge of the tables are necessary) any more than I would completely rely on my J-valve (a depth gauge and pressure gauge are necessary). . . . People who dive without proper instruction and conditioning and without some knowledge of the U.S. Navy tables lack common sense. However, even for those divers who are their own worst enemies, the meter is probably the only possible buffer between them and a decompression chamber. Thus, I feel the meter plays a useful role in the protection and safety of the sport diver. Your article, given its clear bias against the meter, may well do more harm than good in the long run."

(Lawrence Calor, Tarzana, CA)

"We feel that the article regarding the Scubapro Decompression Meter is very well written and brings out into the open many of the significant reasons justifying the use of the Navy tables as compared to a mechanical device such as this meter. . . . [As a dive shop] we do not encourage anyone, basic and advanced to rely on the use of a mechanical device for such a serious procedure as staying within the No-Decompression limits. In our classes it is our intention to teach the student how to avoid decompression, and, in conjunction with this, we discuss the Navy curve with the meter curve. [Until your article] we have not been able to give exact figures on comparisons, but the general nature of the unreliability of the meter is portrayed."

(A dive shop owner who asked to remain anonymous)

"Thanks for a keen viewpoint. However, I do believe it lacks some basic perspective. It keeps holding up the U.S. Navy tables as an Act of God. They are not. The U.S. Navy does not claim they are. . . . By innuendo and quasi-reasoning you have cast a pall upon the integrity of the only company which has had the guts to do something about the apparent and obvious inadequacies of the U.S. Navy tables. . . . The best way to use a meter that I know of has no criticism from any source. Calculate the U.S. Navy tables solution to your dive problem, using an adequate safety factor—by adding 10 to 20 feet or more to your depth—in entering table 10 or 11 only. Then come up before you reach the no-decompression limit as shown by the tables or your meter, whichever brings you up first. . . . To use it as a tool to decompress by, without the presence of a properly tended recompression chamber seems out of the question for sport divers." (Frank Parrish, YMCA Instructor, Wichita Falls, TX)

"I personally do not use the meter and discuss it only briefly in class. We stock and sell it with a caution to always plan your dives with dive tables, depth gauges and a watch. The reality that we deal with is that those who buy the meter use the meter and do not and would not use the Navy tables and the meter is some help. Recently, one of our customers got bent using a meter he knew was malfunctioning on a first dive. He dived two more times at 80 feet. Good instruction in classrooms and dive shops is about all we can do; the rest is up to the individual diver. I use the tables because I can trust my intelligence. Maybe those who don't are telling us something." (Miki Kaipaka, Sea Sage Dive Shop, Kauai, HI)

Many divers missed our point and Scubapro's response. We did not argue that the meter should be removed from the shelves of dive shops, or that divers should not use the meter. We contended instead that Scubapro ought to tell the divers what the meter does. Thus, the diver, with his previous knowledge, can be his own judge of how to use the meter.

So far, divers have been forced to develop their own tables for the meter by trial-and-error or have been instructed about its limitations by a savvy dive shop. Because information about the meter has been withheld, an unsuspecting diver can get the clear impression from Scubapro's instruction manual that the meter not only follows the Navy tables fairly closely, but also is just about foolproof. We have yet to find any justification for these serious sins of omission.

Scubapro Responds

So, what has Scubapro done? The company has *not* rewritten the instruction manual, which, in our opinion, is the core of the problem. The manual provides misleading and unsafe information which can lead the diver inexperienced with the meter into situations with too high a probability of getting bent. It's been six months since our article was published and years since Scubapro has known about the problems. Failure to rewrite the manual, for whatever reasons, is simply without excuse.

Scubapro, however, at last gives the diver buying the meter a clue. A sticker stating the following is now being attached to each meter:

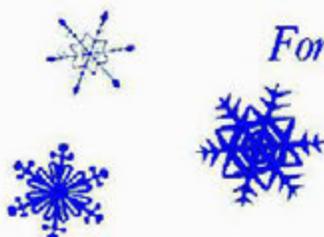
Caution

1. This Automatic Decompression Computer (DCP) is calibrated for healthy divers in top physical condition with the average metabolism and for normal underwater exertion.

2. Read the DCP instruction book thoroughly.

3. On "No Decompression" dives in excess of 100 feet and repetitive dives, the DCP deviates from the U.S. Navy Decompression tables and the no decompression limits in those tables or other appropriate tables should be followed.

In our opinion, it's still not enough. We—and you—should expect full candor and immediate action on such a serious problem from a company which is a leader in so many other ways.



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A Special Announcement for the UNDERCURRENT Travel Club

Since we announced formation of the UNDERCURRENT Travel Club and Travel Data Bank we have received an overwhelmingly positive response from UNDERCURRENT readers. Many have requested additional copies of the confidential Travel Data Bank questionnaire. Many more have asked that we make recommendations and handle the arrangements for their upcoming diving trips. If you would like to receive additional questionnaires or wish to take advantage of the absolutely free service available to you as a member of the UNDERCURRENT Travel Club simply complete this form and return it today to P.O. Box 1858, Sausalito, CA 94965.

Name _____
Address _____ Telephone Number _____
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- I want to take advantage of the UNDERCURRENT Travel Data Bank and my UNDERCURRENT Travel Club. How about taking care of my next dive trip. At no cost, but with your expertise.
I'm interested in leaving on _____ and returning on _____ and there will be _____ of us.
My destination is _____ (Use additional sheet to outline any special plans or requirements you have.)
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Farallon claims to have overcome Decomputer deficiencies.

Now, what about the Farallon Decomputer that had to be recalled last year simply because it did not work? In a telephone interview with *Undercurrent*, Farallon sales manager George Kladnick did not hide his enthusiasm for the new model expected in the dive shops early next year.

Kladnick said that Farallon has "licked the engineering problems" which plagued the previous model and is now finishing up several prototypes to be sent to independent laboratories for testing. If and when the Federal Consumer Product Safety Commission, which is monitoring the recall of the Decomputer, approves distribution—Kladnick is certain the commission will—the new Decomputer will be off to dive shops shortly thereafter.

As with its predecessor, the second generation Decomputer will have readouts for *both* fast and slow body tissues, reflecting the fact that different body tissues absorb nitrogen at different rates. Although there are actually four body tissues affected by decompression sickness, the two-tissue readout should give accurate information for either long, moderate-depth dives or short, deep dives.

Kladnick reported that the new Decomputer has

been redesigned internally. The fast and slow tissue indicators will be in separate compartments. New membranes are being used. The new model will be highly shock resistant, he says. And, because of design improvements, assembly time has been reduced and factory calibration simplified. The price, according to Kladnick will be between \$60 and \$80.

When it comes to decompression meters, the skeptical diver knows that he had better see it to believe it. In theory, the Farallon meter ought to be a better meter than the Scubapro counterpart—but who knows? Within a short time after the meter has gone on the market, we'll publish our test results. You'd be wise to keep your money in the bank until those results are in.

Note: If you're one of the divers who sent your old model to Farallon for replacement, you'll be first on the list for the new model. If you can't wait, write and ask for a refund—Farallon's obligated, under law, to send you one. If you haven't turned in your old model, drop it off at your friendly dive shop. The shop's required to refund your money on the spot and to be reimbursed by Farallon. If you have any problems, write to George Kladnick, Farallon Industries, 1333 Old Country Road, Belmont, CA 94002.

Ed Brawley vs. NASDS and John Gaffney:

The U.S. District Court's surprise ruling.

Who is the father of modern scuba diving training techniques? Who developed the concepts now widely used for training instructors? Who is responsible for making diving more safe and for extending that safety to the masses? Who developed the notion of buoyancy control and the idea behind the buoyancy compensator? Who developed the concept that the instructor well trained in equipment sales can make a significant contribution to dive shop income?

Scores lay claim to one or more of the above achievements, and it's likely that more than one person in different locations developed parallel ideas without the knowledge of others. But a couple of years ago, Ed Brawley, a Northern California diving pioneer and entrepreneur, decided that most of the techniques being marketed for training students and instructors were techniques that he had developed and copyrighted and that those techniques were not being used to his credit or profit. To prove his point, he brought suit against the National Association of Skin Diving Schools (NASDS) and its principal, John Gaffney. The charge? To the legally inclined, it was copyright infringement. To the diver it might be described as piracy on the high seas.

Guess what? In mid-August, the United States District Court in Northern California ruled in favor of

Brawley, finding Gaffney guilty of taking and using Brawley's course material without permission. The court is now trying to decide how much to award Brawley. Don't be surprised if the verdict comes to about \$1 million, say some observers.

The U.S. District Court's "Findings of Fact and Conclusions of Law" is a fascinating document. It is a chronicle of the development of diving instruction, a chronicle now with the force of law. It also underlines the fact that diving as a business is not immune from unethical behavior by its principals and leaders. The following is a synopsis of that document:

Background on the Case

John Gaffney is the principal of two corporations, Gaff Productions, Inc., and Club Aquarius, Inc., which does business as the National Association of Skin Diving Schools (NASDS). For the purpose of this report, we will use "NASDS" as the corporate designate for all Gaffney's activity.

Ed Brawley operates an instructors' training school in Monterey, California. He teaches with the *Ed Brawley's Skin Diving School Instructor's Guide*, called "The Green Book," which was copyrighted in 1970. Brawley claimed that the book, *Instructional Aids of the National Association of Skin Diving Schools*, known

as "The Red Book," was simply a copy of Brawley's work. He also claimed that another book used by NASDS, called "The Black Book," had portions which infringed upon Brawley's copyright.

The Court determined that Brawley had begun teaching diving in 1953 and began to develop diving techniques at a time when virtually no others existed. In 1963, Brawley trained Jean Gregor [now co-owner of Marin Skin Diving in San Rafael, California] to help teach his course. Brawley was concerned about the high dropout rate in recreational skin diving and the subsequent failure of students to purchase equipment, so he concluded that techniques and equipment must be developed to make diving easy, safe and comfortable. He believed that training must progress from the simple to the complex so that the student does not experience unnecessary fear or discomfort. Brawley believed that most people would stop diving if their training is completed *before* they feel safe and comfortable in the ocean.

Brawley, Gregor and others spent at least two weekends a month in 1964-1965 developing a training program for beginners. In 1966, Brawley created a series of exercises in a four-class ocean course which was an early stage of the four-class ocean course created in 1969 by John Gaffney. Brawley developed several key techniques.

"If you're getting tired, you're doing something wrong," was a Brawley concept designed to emphasize techniques and equipment rather than physical strength and stamina. Brawley developed the idea that the inflatable vest is a tool to conserve physical energy, rather than a "last resort" emergency device. By inflating the vest to rest on the surface or inflating it to equalize buoyancy underwater, an entire dive could be made without physical strain. He also developed a particular style of emergency ascent and unique techniques for entering and exiting the water through the surf line.

During this period, Brawley and Gregor trained all the students themselves, but eventually began to train other divers as instructors. Gregor edited and typed notes, made several copies and began to distribute them to divers in Brawley's instructor training program. They eventually evolved into a comprehensive manual.

Attempts to Protect Material

The court record details the careful security exercised by Brawley and Gregor to protect first the notes and later the instructional outline and manual. The court found that the notes and the manual were not given to outsiders, and were always considered to be the sole property of Brawley. The court also found that no one other than Ed Brawley or Jean Gregor contributed to the writing of the class lecture notes eventually encompassed in the 1970 Instructors Guide.

In 1963, Brawley had determined that training instructor-employees who could teach his course and sell equipment according to his standards would be a major part of his business growth. In 1967 he decided

that creating a vocational school for the instructor/sales person would be beneficial to other people in the business as well as to himself. He expected other dive shops to send their employees to him at the shops' expense. When those trained employees returned, Brawley expected that the owner would see the great value of the training and send other employees. In 1969, he received approval from the State of California to begin vocational instructor training.

John Gaffney formed the Gaff Productions (later to be known as NASDS) in 1964. He published *Dive* magazine in 1964 and 1965, then ran out of money. In 1967, Gaffney interested Bertram Smith as a financial backer. Gaffney told him that NASDS had 218 membership stores. After making his initial investment, Smith learned that NASDS had only 51 non-dues paying members. *Dive* magazine was revived in 1968 and kept publishing until early 1974.

In 1968, Gaffney agreed to use his company and its publication, *Dive*, his promotional materials and his influence with NASDS membership stores to supply students to Brawley. In turn, Brawley agreed to call the school the NASDS Instructor College and to pay Gaffney \$250 from the \$1500 fee for each student Gaffney sent. In the first six months, Gaffney was able to supply only one student to the class and to influence only one other to enroll.

The ocean class notes used by Brawley were published in 1969 by Gaffney as the NASDS *Senior Dive Course*. Gaffney agreed that Brawley should receive 50 cents for each student trained through the use of the material, but Gaffney terminated the agreement before substantial performance had occurred.

Brawley's course at Monterey was designed to train experienced divers to become instructors of basic students. It was not designed to train instructors to teach other divers to be instructors. Brawley did not intend to train people to compete with him.

When Brawley opened his school under the NASDS banner, there was no agreement or understanding that his lecture notes would be the standard NASDS diving course or that they would be available to anyone other than those who enrolled.

Brawley expected the larger retail diving stores to send their diving instructor/employees to him for training. Brawley proposed to William Hardy, president of San Diego Divers Supply, to send an instructor to the school and told Hardy he would be so impressed with the employee's improved performance that he would send other employees for training.

Although Hardy knew Brawley's expectation for training other employees, he sent instructor Mike McCombs with the expectation that he would use McCombs to train instructors at San Diego Divers Supply. When McCombs completed the course, he was informed that he would become Instructor Coordinator for San Diego Divers Supply and was to adapt Brawley's material for use there. McCombs now works for Bamboo Reef, a competitor of Brawley's, which owns five shops in the San Francisco Bay Area.

Another instructor trained by Brawley, Anthony Zimos, joined the NASDS affiliate, Bay Cities Divers Supply, to train other instructors, using copies of Brawley's material. Zimos is now employed by the NASDS college at San Diego Divers Supply.

Ronald Coleman was a student of Brawley's. Upon completion of training, he returned to Underwater Schools of America where his boss, owner Bill Walters, put Coleman in charge of training instructors and had the notes copied for company use. Coleman is now president of Watgill, the manufacturer of the At-Pac, which is owned by Walters. The largest portion of his customers is NASDS member stores.

None of the store owners who copied the notes ever asked Brawley for permission to do so, although they admitted their main purpose in copying the notes was to teach other instructors.

The court found that John Gaffney took a copy of the lecture notes from Brawley's premises and kept it. He neither asked for nor received permission to take it.

The Court Rules

Brawley filed suit in December, 1971, against Hardy, Gaffney, and NASDS. In 1974 he filed another suit against Gaffney and NASDS. The first suit is pending. The second suit was decided August 16 of this year. The court found that:

The taking of the lecture notes by John Gaffney in March of 1970, without permission, constitutes misappropriation of literary property and its conversion for unauthorized use.

Gaffney's wrongful appropriation and subsequent use and sale of the lecture note material are acts of

copyright infringement and unfair competition against Brawley.

John Gaffney's acts in regard to the lecture notes make him an involuntary trustee of the benefits, profits or gains he has realized.

Brawley is entitled to an injunction against further infringement of Brawley's copyrights.

Brawley is entitled to an accounting for damages and profits and the court will appoint a magistrate to determine the amount of profits and damages to be awarded.

Undercurrent Comments

Both John Gaffney and Ed Brawley are unique and controversial figures in the diving industry. Each has rabid followers and believers, and each has left a few others in his wake. Gaffney, of course, views the verdict as unjust—much of his testimony was in conflict with the court's ultimate ruling of fact—and NASDS will appeal. The suit could extend for years. Should the ruling stick, NASDS claims to be adequately insured. If so, the business should not be seriously jeopardized.

As for Brawley, it's cost him an arm and a leg to pursue the suit, and if NASDS appeals, the cost will continue to increase. Brawley says he's well prepared to stick it out.

In the meantime, informed sources say that PADI is beginning to sweat it out because much of its training material appears to replicate Brawley's. Whether this will be the splash heard 'round the world is anybody's guess, but you can bet it's raised the surfline on the California shores.

Forty Shopping Days to Christmas:

Homemade diver's greeting cards and a few gift ideas.

At Christmas time, the diver/photographer gets a chance to show his underwater work to his friends without having to organize a showing in his own home. Christmas cards provide a welcome way to display your work. If you have no underwater photos of your own, consider offering someone at your local dive shops \$10 for one of his best. Or, take a photo of the family in full gear about to enter the water, or of the kids under the tree opening a package with a new snorkel. You can dress up in a Santa Claus suit, throw on your tank and set up a gag shot.

The simplest way to make your own card is to purchase a set of blank cards and envelopes at an art supply store (call ahead to make sure the store has them) and then mount your favorite photo on either the inside or the outside. Finish the card with a nice, handwritten greeting. Several copies of a single photo will suffice.

The photographer with his own darkroom will want to order *Adventures in Making Your Own Christmas*

Cards from Porter's Camera Store, P.O. Box 628, Cedar Falls, IA 50613. It costs \$3.95 plus shipping. You may also order with your BankAmericard by telephoning toll free: 800/553-2001. Ask for a free catalog which offers Christmas card masks, calendar masks and Kodak Kodabromide E surface double weight paper cut to 4½ by 5½ inches with matching envelopes. The catalog also discounts a lot of new camera equipment and photographic supplies.

For the person without a darkroom, the Fotomat chain will reproduce your photographs on simple cards for a low price. Many professional labs will perform quality work for you and the price will reflect it.

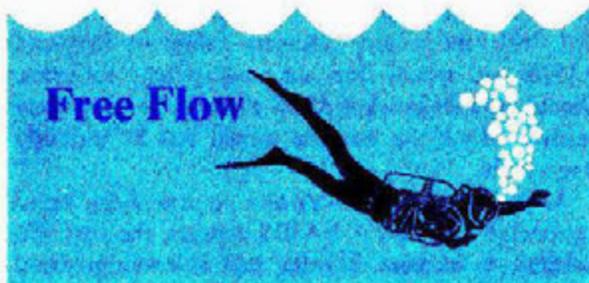
If you're looking for a gift for your diving buddy, we'll of course recommend *Undercurrent*. It's hassle free—we send a Christmas card announcement and the publication arrives monthly. The order card is enclosed.

For a party where you're limited to a buck or two, pick up a ping pong ball snorkel at a dime store, or

make a Hawaiian sling out of a broom handle, surgical tubing from a drug store and a three-pronged spear from a tackle shop. Or, construct an underwater camera outfit by glueing a plastic bag around the rubber of an old mask. Seal a toy camera inside.

For a serious gift, ask your local dive shop for a gift certificate—which it probably won't have. Ask the owner to type out and sign a certificate on shop letterhead at the price you want to pay: for example, "This certificate entitles the bearer to \$25 worth of equipment at Stan's Dive Shop. . ." If the owner has business savvy, you'll get your certificate together with a hearty thanks and a free air fill for planting the idea.

Finally, a lovely nine-by-fourteen inch calendar



For tax-deductible diving, for experience in search and rescue operations and underwater repairs, and for meeting new fellow divers, consider joining the Coast Guard Auxiliary's new diving unit. There's no compensation, but your expenses are covered, you're fully insured while diving, and you can write off (actually depreciate for tax purposes) all of your equipment. Commander James C. O'Toole from Clearwater, FL, an *Undercurrent* subscriber, wrote to tell us about the new program. He explains that if you're interested, you should contact the Coast Guard office in your home state. Since the Coast Guard has jurisdiction over inland waterways, they're located just about everywhere. For information on tax deductions, see the September and November, 1975, issues of *Undercurrent*.

If you're planning to get married, have a party, or play Monopoly underwater, you need to be serenaded by Handel's Water Music, the Wedding March, or whatever. Subscriber Mark P. Gottlieb, a record holder in the Guinness book for being the first Underwater Violinist, will serenade you. If you don't like violin music, he has developed a "Hydrorgan," complete with speakers. He'll play anywhere in the world for \$200 plus transportation and expenses. Write to him at 4342 Sunset Beach Drive NW, Olympia, WA 98502. If you play the saxophone, harmonica, drums, or sing, let us know, since we're organizing a new group to be called the Sinking Stones.

Chalk up two victories for Ralph Shamlian and Co. He's negotiated a compromise with the City Council of Monterey which permits all divers free access to

with 13 excellent and unique underwater photos is available for \$5.95 (California residents add 39 cents sales tax) from the San Francisco Book Company, 2311 Fillmore St., San Francisco, CA 94115. The text, written in both Spanish and English, was prepared by Dr. John E. McCosker, the curator of San Francisco's Steinhart Aquarium. Edwin Janss, Jr., of Los Angeles, provided the fine photographs which beautifully display the extraordinary life of the waters of the Sea of Cortez. Because there is plenty of room to record appointments, consider ordering one for your office. It's a great way to tell your associates that you're a diver, and a great way to keep your mind off your work and on your next adventure.

the beach, and requires the city to make certain improvements to be paid for with a 25-cent tax on air fills within the City of Monterey. It could have been a lot worse. . . . Shamlian has also received confirmation from an official of the Occupational Safety and Health Administration (see *Undercurrent*, July, 1976) that sport diving and instructors will be removed from the future standards being established for commercial diving. That woosh you heard is a sigh of relief.

Shamlian, president of Tekna, is chairman of the National SCUBA Advisory Committee (NSAC), which is funded by donations from industry, training organizations and individual divers. It's not cheap to fly to Washington every time someone decides to include scuba diving in proposed regulations. So if you want to make a Christmas gift to the diving community, send a ten spot to NSAC at 3549 Haven Avenue, Menlo Park, CA 94025.

Time-Life publications has begun a large advertising campaign to sell its Wide, Wide World of Animals series and is pushing the volume entitled *Dangerous Sea Creatures* at \$7.95. Unless you want to read warmed over stories on the Great White, and learn about the dangers of octopi, sea urchins and fire coral, forget it.

Should mention that at the pleasant Kona coast hotel, Kona Plantation, rests the dive facility and headquarters of Havaiki, a trimaran running 8 a.m. trips for divers. Owner Nick Berg founded the Fair Wind operation but sold out in January. We didn't get to dive with Nick and the Havaiki, but when you're in Kona we suspect he might be worth a try if Tom Shockley isn't running his boat. Call Nick at 329-1562.

Correspondents located strategically in the major diving areas of the world as well as on all coasts and major inland waters of the continental United States.

The editors welcome comments, suggestions and manuscripts from the readers of *Undercurrent*.