From: FBI
To: MakahDEIS.nwr@noaa.gov;
Subject: 2008 Makah DEIS
Date: Tuesday, May 13, 2008 7:50:15 AM

Dear Sir/Madam:

In weighing its decision to grant whole or partial exercise of the Makah Tribe's treaty right to hunt gray whales, I urge the NOAA's National Marine Fisheries Service (NMFS) to read the U.S. Constitution and, above all else, the Supremacy Clause of the U.S. Constitution:

- Second Clause: "This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding", emphasis added.

- Third Clause: "The Senators and Representatives before mentioned, and the members of the several state legislatures, and all executive and judicial officers, both of the United States and of the several states, shall be bound by oath or affirmation, to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States," emphasis added.

Secondly, I urge the NMFS to consider the 1855 Treaty of Neah Bay, which was approved by the President and ratified by the Senate. This treaty gave the Makah Tribe the right to hunt gray whales and as such, is the supreme law of the land. Although the Judicial branch has rendered decisions and the Legislative branch has acted in such a way over the past 153 years to render the supremacy clause and the oath of office seemingly moot, a sober reading of the Constitution reveals that not only is the Supremacy Clause alive and intact, many acts of Congress and decisions of the Judicial branch are unconstitutional.

Thirdly, I urge the NMFS to consider Executive Order 13175, entitled "Consultation and Coordination With Indian Tribal Governments" and dated November 6, 2000, which requires federal agencies to "honor tribal treaty and other rights" and encourages federal agencies to consider waivers.

Finally, I urge the NMFS to keep in mind that it wasn't overhunting by the Makah Tribe that caused the gray whale to become an endangered species. The Makah Tribe has been whaling for well over 1,500 years. Overhunting was an act committed by other nations that had no regard for life and sustainability. What the Makah Tribe is asking for is reasonable and sustainable.

Thank you for the opportunity to submit written comments on this very important matter.

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