From: Frank Jacobs
To: MakahDEIS.nwr@noaa.gov;
Subject: Attn: 2008 Makah DEIS
Date: Monday, May 12, 2008 11:33:57 AM

Mr. Stone,

Thanks for the opportunity to comment on the Makah's right to resume whaling.

The Makah Tribe signed a treaty with the United States in the 1800's which, like all treaties ratified by the Congress, is the supreme law of the land.
There is no doubt that it is valid, and the language is very clear. They are a legitimate sovereign Indian Nation. They were coerced to give up rights to occupy hundreds of thousands of acres of ancestral lands . They *reserved* the right to whale.

In the 1920's, after white whaling interests decimated the gray whale population, the Makahs halted whaling to help preserve the species. They did no whaling for 70 years so that the resource could recover.
In 1974 the gray whales had recovered enough so that they were removed from the Endangered Species list. The population was then estimated at around 20,000. By 1992 the population was at 24,000.

In 1999, the tribe was " allocated" the "right" to take up to five whales per year. Although they were under *no* treaty requirement to comply, or even to ask for approval, they elected to cooperate with Federal authorities.
As a sovereign Indian Nation, they were guaranteed the right to whale. Still they elected to cooperate and to quietly wait for an OK to do what was guaranteed in the Treaty.

After waiting for years, a single whale was taken, out of a population of 24,000. It was shared with all interested tribal members, as was the case for hundreds of years. The skeleton was cleaned and then mounted in the Tribal Heritage Center, as a permanent display of their historical tie to the whale. What could possibly be wrong about that ?

The United States Government has no jurisdiction to require this sovereign Nation to comply with such regulations. Neither the Marine Mammal Protection Act nor Fisheries Service regulations can be legally enforced.
For confirmation, please refer to United States vs State of Washington and the decision rendered by Judge George Boldt.

Follow the Treaty language, backed up by Federal Court cases, and stop attempting to prevent this Tribe from exercising their guaranteed treaty rights.

Frank H Jacobs
1202 N. Tacoma Ave
Tacoma, Wa 98403

Please add me to you notification mailing list. Thank you.