Whales, Silence, and Community Resilience: The Role of Contemplative Practice in Engaging Complex Sustainability and Justice Challenges

Jean MacGregor | Director Emerita, Curriculum for the Bioregion, The Evergreen State College
Marie Eaton | Professor Emerita, Fairhaven College and Director, Palliative Care Institute, Western Washington University
Holly Hughes | Edmonds Community College & Peninsula College English Faculty, retired
Kate Reavey | Associate Faculty, Peninsula College
The Makah’s Seafaring Heritage

Makah call themselves Qwidiččaʔaˈtx ("kwi- dihch- chuh- aht") meaning “The People of the Cape.”
For over 2000 years, they’ve made their living from the sea.
Traditional Relationship with Whales

The Treaty of Neah Bay (1855) guaranteed the Makah the right to hunt whales. In exchange, the Makah ceded thousands of acres of land.

In 1865, Indian Agent Henry A. Webster wrote, “What the bison is to the Indians on the plains, a whale is to the Makah.”

Official Crest of Makah people portrays Thunderbird clutching a whale in its talons.
Art & Archeology give evidence of an ancient relationship between the Makah & Whales

- Evidence of Whaling supported by archeological and written artifacts and cultural belongings, artwork and oral histories.

- Elaborate Traditional Ceremonies: entire whale was utilized by the village, with some of the oil & blubber traded in potlatches

http://makah.com/makah-tribal-info/
The California Gray Whale (also known as the Eastern North Pacific Gray Whale)

- Up to 45 feet in length
- Gray whales have one of the longest migrations of any mammal
- Migrate 5,400 miles a year north to their summer feeding grounds
Because gray whales travel close to the coastline, they were an easy target for commercial whalers during the mid to late 19th century. By the early 20th century, the gray whale had been hunted almost to extinction.
The International Whaling Commission (IWC) was established in 1946.

IWC Purpose
- Protection of certain species
- Designate specific areas as whale sanctuaries
- Set limits on the numbers and size of whales which may be taken
- Prescribe open and closed seasons and areas for whaling
- Prohibit the capture of suckling calves and female whales accompanied by calves
- Compilation of catch reports and other statistical and biological records is also required
Gray Whale Designated as Endangered under the Endangered Species Act (ESA) in 1970

The Marine Mammal Protection Act (MMPA) of 1972 also prohibits, with certain exception, the taking of marine mammals in U.S. waters and by U.S. citizens on the high seas and the importation of marine mammal or products in the U.S.
Makah’s Treaty Rights Upheld by the Marine Mammal Protection Act in 1994

One of the exceptions to the provision of the Marine Mammal Protection Act MMPA (1972) is a marine mammal taken by an Indian, Aleut, or Eskimo for subsistence purposes.

In 1994, Congress clarified that the MMPA was not intended to abrogate Indian treaty rights.

Photo by Ashael Curtis (1910)
Gray Whale Population Recovers, Removed From Endangered List

- Gray whales were removed from the list of threatened and endangered species in 1994.
- Their North Pacific population is estimated to be around 20,000, according to NOAA Fisheries.

*The Seattle Times* March 6, 2015

Gray whale mother and calf
In 1997, the IWC allocated the Makah a quota of 5 whales/year to harvest.

Even though the Makah were legally protected to hunt whales, many animal rights and other environmental groups protested the Makah’s traditional whale hunt.
The Protestors: Environmental Organizations such as Sea Shepherd Tried to Stop the Hunt

Protestor Josh Harper said, “All animals have rights. That’s what we are here to fight for.”

Some protestors feared the legal hunt for whales by indigenous people would re-open industrial whaling by Japan and Russia.
Traditional Makah Whale Hunt Carried Out on May 17, 1999

Makah whaling crew successfully struck and killed a gray whale, carrying out the hunt according to their whale management plan and within all legal agreements.
The Makah Honor the Return to their Traditional Cultural Practices with a Celebration

American Indians and First Nations Peoples from all over the U.S. and Canada and indigenous people from around the world came to celebrate the successful hunt.

More than 25,000 people attended.
In the Courts

In 2004, after three lawsuits and an appeal to the Ninth Circuit Court of Appeals was denied, the court’s ruling stood:

Notwithstanding their treaty right to whale, the Makah were required to obtain a permit under the Marine Mammal Protection Act (MMPA) before NOAA/MFS could authorize a legal hunt.
Illegal Whale Hunt

In September 2007, five men who were tribal members killed a whale without this permit and without consent from the tribe. The Makah Tribe criticized this action in formal, public statements and prosecuted the whalers, who were convicted in federal court.
Different Responses

The Makah Tribal Council issued a statement: “We are a law-abiding people and we will not tolerate lawless conduct by any of our members. We hope the public does not permit the actions of five irresponsible persons to be used to harm the image of the entire Makah tribe.”

_The Seattle Times, 10 September, 2007_

“Despite the jail time, animal rights activists, who had criticized the plea bargain with the other defendants, called the sentences light.”

_History Link Website, historylink.org_

See the Teaching Notes “Additional Background Information” for the disposition of this case.
What’s Ahead?

In March 2015, NOAA Fisheries released a Draft Environmental Impact Study (DEIS) which could set the stage for the Makah to resume whaling.
How will climate change affect these communities?

--whale populations as warming oceans threaten food supplies?

--the Makah people as they continue to live their lives at the edge of the rising seas and depend on relationships with the marine environment?

--How can each community respond with resilience? How can government policy support them both?
Makah are Leaders in First Stewards Initiative

The Hoh, Makah, and Quileute Tribes and Quinault Indian Nation hosted the First Stewards Symposium in July 2012

Billy Frank, Jr., Nisqually, NWIFC
Thank You

The Bill Hennessey Native Bridges Fund

Welcome Pole by Jeff Monson,
Jamestown S’Klallam carver