

Eskimo whaling case heard

The case of Hopson vs. Kreps will be heard in U.S. District Judge James A. von der Heydt's court room in Anchorage tomorrow beginning at 9:00 a.m. At issue is the jurisdiction of the International Whaling Commission over Inupiat subsistence bowhead whaling along Alaska's arctic coast and the legal right of the U.S. Department of Commerce to enforce the IWC's bowhead quota of just 14 whales.

The IWC asserted its jurisdiction over Inupiat bowhead whaling in 1977 at the urging of the U.S. delegation. Efforts to reach a compromise between the IWC and the Alaska Eskimo Whaling Commission failed at the London meeting of the IWC last summer.

When Eben Hopson returned from London, he was joined by

Inupiat whalers Lloyd Ahvakana of Barrow and Elijah Rock of Point Hope in a federal suit seeking summary judgement against IWC jurisdiction over any aboriginal whaling in general, and over Alaska's Inupiat subsistence whaling in particular.

An analysis of the briefs filed by both sides reveals the government's case for enforcing the IWC regulations to be a collection of assertions relating to the history of the International Whaling Convention of 1946 and implementing federal legislation, which, the government argues, imply the existence of the IWC jurisdiction over aboriginal subsistence whaling.

The government is joined by a number of whale conservationist groups in contending, among other things, that the *umiak*, the skin-covered boat used in

Inupiat bowhead whaling must be regarded as a "whale catcher" — specifically mentioned in the IWC Convention. Whale catchers are gun-mounted vessels used in conjunction with factory ships in commercial whaling.

The government's implicit case is claimed to be very weak by Native whalers in the face of Hopson's collection of very explicit documents indicating that the draftees of the IWC Convention explicitly intended to exclude aboriginal subsistence whaling in Siberia, Alaska and Greenland from IWC jurisdiction and that this, in fact, was the understanding of Congress as it approved the IWC Convention in 1949.

Hopson has asked for a summary judgement ordering the U.S. not to enforce the IWC bowhead quota, and to recognize the bowhead management regime of the Alaska Eskimo Whaling Commission.

There are indications of disagreements within the government concerning the case. The Dept. of Interior, charged with carrying out the U.S. trust responsibility for Native peoples, has filed an opinion in the case supporting Hopson's contention.

Last year, in Washington, D.C., the acting Secretary of Interior sent a letter to the Secretary of State urging him to object to the IWC action on behalf of the U.S. The letter was based on legal research showing that the IWC's action was void because the 1946 Convention gave the IWC no authority over Native subsistence whaling.

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A failure to object, the Secretary concluded, would violate the U.S. trust responsibility to Alaska Eskimos.