

Battle of the Bowheads

The International Whaling Commission claims there are too few. The Eskimos contend there are enough. At stake is the survival of the whales and a culture

by John Bockstoe

As he bent over the bow of his whaleboat, knocking the glistening ice from the harpoon line, Luke Koonook's face was expressionless. He ignored the 10 degree north wind that stabbed at his bare hands and worked his way aft along the gunwhale of the eighteen-foot sealskin-covered boat. Five or six of his sons and nephews joined him, and while they worked, I saw each one instinctively flick his eyes at the ink black ribbon of water that separated the shore-fast ice, on which we were standing, from the moving ice pack.

Their faces, too, were impassive in the fierce cold, showing a discipline born of years of arctic hunting; the only indication that they felt the cold at all was a slight change in their stance as they tapped one caribou-skin mukluk against the other, forcing the blood back into their feet.

We were one of a dozen whaling crews stationed a mile offshore in the Chukchi Sea near Point Hope, Alaska, where the Eskimos spend two months of each spring waiting for the bowhead whales to swim past on their spring migration from the Bering to the Beaufort seas. The bowheads, some of them sixty feet long and weighing fifty tons or more, follow narrow cracks in the ice along the northwest coast of Alaska from the Bering Strait to Point Barrow. And it is in these waters that the Eskimos have gone whaling for a thousand years.

When the whaling gear was in order, Luke turned to me and brought up a subject we had discussed earlier; clearly, it had been on his mind during the intervening half hour. His eyes were bloodshot and red-rimmed from thirty-six sleepless hours spent paddling after several bowheads, and I could see he was deadly serious.

"If they stop us whaling, I don't know what we'll do. We have no other way of life. Point Hoppers are whalers."

He was referring to the International Whaling Commission's (IWC) recommendation that Eskimo whaling should be stopped. Although the IWC subsequently modified its stand to allow a small quota, Luke, like most Eskimos, saw the action as a direct threat to his way of life.

Norman Omnik, one of the crew, added, only half jokingly: "Whaling is our Christmas, Fourth of July, and Thanksgiving." He was right. The whale hunt not only provides the Eskimos with a vast amount of food but it is also deeply interwoven with their culture. Their celebration of whaling at important festivals throughout the year reaffirms their cultural unity and uniqueness, their kinship and other social ties, and their close, respectful, and finely balanced association with nature.

"The bowhead is the most endangered of whale species," Ray Gambell, the secretary of the IWC, told me recently. "Further Eskimo hunting could possibly result in the bowhead's extinction. . . . [the IWC] had to act in what it saw to be a desperate situation."

Thus, for the first time, the IWC, which regulates the catch of whales among member commercial whaling nations, has come into conflict with an aboriginal people. Since 1972 the IWC had been issuing increasingly urgent warnings about the Eskimo hunt, but the roots of the problem are far older, reaching back more than two hundred years.

The Eskimos began whaling in northwestern Alaska about A.D. 800. Their whaling developed from a constellation of factors, the most important among them being the acquisition of toggle-headed harpoons and inflated sealskin drag floats. The harpoons held firmly under the whale's skin and the float's retarding force tired a whale as it tried to escape.

These inventions allowed the Eskimos to base their hunting economy on the sea's resources—seals, walrus, and whales—which were more reliable and less subject to disastrous fluctuations than those of the land. Using the drag float and improved harpoon head, Eskimos no longer needed to fight an animal directly by holding the harpoon line; instead the float did the work and took the punishment. So practical were these inventions that Yankee whalers adopted them in the nineteenth century, and Eskimos continue to use them today.

Another, equally important factor was an increasing Eskimo population that allowed each village to send out a number of crews. The catch increased dramatically when the Eskimos hunted in concert and concentrated on one whale at a time. When a whale was towing a dozen or more floats, tired and unable to submerge, it could easily be killed and towed to shore-fast ice for butchering.

Eskimos used all of the whale: skin, meat, and entrails for food; blubber for fuel; bones for tools and building materials; and baleen—the long, flexible plankton-straining plates in the whale's upper jaw—for lashings and craftwork. And they preserved the perishable parts year-round by storing them deep underground in cache pits dug into the permafrost.

In the early nineteenth century, Alaskan Eskimos probably took about forty whales a year, and this vast quantity of food allowed them to live, unlike other Eskimo groups, sedentarily in villages of up to 500 people, developing rich and complex social, artistic, and mythic traditions through which was shot the lore of the whale hunt, its glory and bounty.

But underscoring all was the Eskimos' fundamental understanding that without the whale, their society could not survive. Their palpable fragility

was periodically driven home to them in lean years when adverse winds closed the shore leads all spring, forcing the whales far out to sea where the hunters could not reach them.

Despite these fluctuations the Eskimos and the whales lived together in a relatively stable ecosystem, but that stability was destroyed forever by the arrival of commercial whaling fleets. Although they did not reach the Bering Strait until 120 years ago, the seeds of the destruction they caused had been sown a century earlier by stirrings within the New England whaling industry. In the 1750s ships first began to carry tryworks—for melting blubber into oil—allowing them to shed the fetters of their shore refining stations and range far into new waters.

They quickly entered the South Atlantic and by the 1790s had rounded Cape Horn. They reached Hawaii in 1819, then Japan, and in 1835 a Nantucket whaleship found whales off the northwest coast of America in the Gulf of Alaska. But by far the most important discovery came in 1848 when Capt. Thomas Roys of Sag Harbor, Long Island, decided to probe the waters of the Bering Strait. With a crew nearly mutinous from fear of the ice pack, Roys sailed his ship past the Aleutians into seas where only a handful of large vessels had ever been. His boldness was rewarded when he reached the Bering Strait and sailed into a field of whales—bowheads so numerous, fat, and docile that he filled his ship with 1,800 barrels of oil after only a month's hunting. On his return to Hawaii word of his phenomenal success reached the Honolulu *Friend*, a missionary newspaper that whalers carried round the world. So electrifying was the news that it set off an oil rush to the Bering Strait. Roys's discovery was fortunate for the world's whaling fleets because catches were declining in other seas. For a time the immensely productive whaling grounds of the western Arctic gave the whalers a reprieve. Before the industry's collapse in 1910, whaleships from the United States, Germany, France, Australia, and Hawaii made more than 2,600 cruises there, probably killing more than 20,000 bowheads.

But the waters of the Bering Strait were as dangerous as they were lucrative. In sixty years more than 150 ships were lost to gales, ice, and shoals. The industry was able to accept these terrible losses as long as the price of whale oil remained high and the catches large. But after the Civil War, both declined—oil because of the new petroleum industry and the catches because of the massive overhunting. Smart owners sold their ships; the others turned to walrus to increase their oil returns and in the 1870s nearly extirpated that population by killing as many as 100,000.

Although the whalers had relatively little direct contact with the Eskimos up to that time, their depletion of the whale and walrus stocks had an enormous impact on Eskimo society, and it was to grow greater still. In the late 1870s the price of baleen began to climb steeply, driven up by the fashion industry's call for narrow waists and the consequent need for baleen ("whalebone") as stiffeners in corsets. Because the bowheads produced the largest and finest quality of baleen, the whaling industry redoubled its efforts to catch them.

As the price of baleen rose in the 1880s (it would eventually pass five dollars a pound at dockside, making a fully grown bowhead worth \$10,000 in turn-of-the-century dollars), the industry responded in two ways: it introduced steam auxiliary powered whaleships, which could pursue the whales into the farthest corners of the Arctic, and it set up shore-based whaling stations at many points in northwestern Alaska to hunt in the Eskimo fashion during the spring migration.

These last thrusts nearly drove the whales to extinction. Ironically, it was their very scarcity that saved them. As the number of whales declined, the price of baleen rose so high that it stimulated the introduction of cheap substitutes—chiefly spring steel—which quickly undercut the market, bringing it from five dollars a pound in 1907 to seven and a half cents in 1912. With the crash in prices came the industry's death. Soon the Eskimos were once again alone in hunting the bowhead. Although they had the seas to themselves for the first time in more

than six decades, conditions were vastly different. There were few whales left to hunt, probably fewer than 3,000, and the Eskimos were now using manufactured whaling weapons—the darting gun and bomb-lance shoulder gun.

American whalers had developed the guns to help prevent the loss of bowheads, which once harpooned, often escaped into the ice, towing lines, gear, and boats. The darting gun was mounted on the harpoon shaft and fired a small bomb into the whale the moment it was struck; the shoulder gun fired a similar bomb from a distance and aided in killing a wounded whale. Used together, they were effective tools for minimizing the number of "struck and lost" whales.

From about 1920 to the late 1960s the level of Eskimo whaling remained relatively constant with about fifty crews, based in villages from Saint Lawrence Island to Point Barrow, taking about ten to fifteen whales a year. The situation changed abruptly in the 1970s when the number of crews and whale catches began to increase dramatically, rising roughly threefold by 1976. Before this time the number of crews had been limited by the high cost of outfitting and maintaining them. But with the boom in Alaskan construction projects, particularly the trans-Alaska pipeline, it became possible for an ambitious Eskimo to earn the \$9,000 or so necessary to buy the darting and shoulder guns, bombs, harpoons, floats, lines, boat, sleds, Skidoo, tent, stove, and food and thus to attain the prestigious position of whaling captain.

But the changing character of Eskimo whaling did not go unnoticed, and as the whale catch began to rise, so did scientists' and conservationists' concern about the impact on the bowheads. In particular, they worried about the unknown, but at least proportionate, increase in the number of wounded whales—those struck and lost by darting or shoulder guns—that were not retrieved, many, if not most, of which are assumed to die.

As the catch rose in this decade (it reached 48 whales in 1976 with another 43 known to have been wounded; 28 and 77, respectively, in 1977), the

Scientific Committee of the IWC issued repeated warnings about the possible consequences of the increasing hunt. In 1976 it underscored its concern by passing a resolution asking the United States to reduce both the catch and the loss, but the United States took no important action regarding this request.

Then in 1977, with international sentiment rising against the uncontrolled bowhead hunt, the IWC voted to rescind the Eskimos' exemption from the otherwise total ban on bowhead whaling that had been in force since 1931. Ray Gambell wrote, "Clearly this was a drastic measure but the evidence presented by the scientists indicated that there was a real risk that the expanded slaughter of the bowhead whales, many of which were going to waste, would lead to the extinction of the stock within the foreseeable future."

Before 1977 the U.S. government apparently did little to keep the Eskimos abreast of developments in the IWC, so when word reached them in June 1977 of the IWC's decision, their reaction was sharp and angry. They claimed the action tampered with their domestic affairs and abrogated their inalienable native hunting rights.

Belatedly, in September 1977, the government began a series of public hearings to invite suggestions and criticism. One proposal called for distributing free beef to the Eskimos so that they would not have to shift their hunting pressure to the already depleted caribou herds. The Eskimos retorted that their nutritional needs are only half the problem; that equally important is their whole cultural matrix within which whaling plays a fundamental part; that removal of the whale hunt would result in starvation of another sort.

At the root of all the arguments was the central question of the number of bowheads alive today. Because very little is known about the whale's present or former numbers (it is the least known of all the great whales), the arguments for and against Eskimo whaling often return to one conjectural point or another. I know of no Eskimo who would question the importance of maintaining a viable bowhead

population, yet few accept the U.S. government's most reliable current estimates of about 2,200 whales.

The IWC's action and the Eskimos' rebuttal put the government in an awkward position. During the summer and autumn of 1977 it became increasingly clear that the United States would have difficulty in resolving the contradiction between its previously strong stand in favor of whale conservation (the Marine Mammal Protection Act of 1972 is one expression of this) and the Carter administration's support for human and minority rights.

As a signatory to the conventions that established the IWC, the United States is bound to carry out the IWC's recommendations within its boundaries, unless it files a formal objection to the action within ninety days of notification. To have accepted the 1977 recommendation would have meant halting Eskimo whaling; to have objected would, according to conservationists, have squandered the progress that had been made through the government's support of whale conservation.

The political atmosphere in Washington was highly charged in September and October 1977 as the antagonists waited for the government's response. Groups at high levels in the State Department (the government's representative on the IWC), the Department of Commerce (with responsibility for marine mammals), and the Department of the Interior (representing Alaska natives) debated the government's action.

On October 21 United States District Court Judge John J. Sirica, acting on a request from the newly formed Alaska Eskimo Whaling Commission, issued a temporary restraining order requiring the State Department to file a formal objection to the IWC's recommendation. But on the day before the ninety-day period expired, the State Department was able to have Sirica's order reversed by obtaining a ruling from the Circuit Court of Appeals in Washington. Finally, within hours of the deadline Chief Justice Warren E. Burger of the Supreme Court upheld the ruling of the Appeals Court by refusing to consider the doc-

ument.

The government then sought the only middle ground available, proposing a bowhead quota of fifteen whales caught or thirty struck, whichever came first, as well as the development of a strong research program to learn more about the whales' biology and numbers. In December the IWC rejected the proposed quotas and agreed to a limit of twelve caught or eighteen struck.

The Alaska Eskimo Whaling Commission observers at the meeting quickly protested the quotas, claiming they were insufficient to meet the nutritional needs of the whaling villages. At least one observer predicted that the quota would be violated, but most agreed to abide by it to demonstrate their good faith, their ability to regulate themselves, and their strong desire to participate in the formation of new regulations.

They were largely successful. Although the village of Barrow exceeded its quota by one whale, the Eskimos stayed within the overall limits. At the June 1978 IWC meeting the United States presented its estimate of the bowhead population, 2,260 whales, with the caveat that the counting program is in its infancy and that more surveys must be conducted before full reliance can be placed on the figures. And the IWC, expressing sympathy for the problems of the Eskimos, increased the quota to eighteen whales caught or twenty-seven struck for the 1979 season.

Nevertheless, in July 1978 the Eskimos of the North Slope Borough (comprising the whaling villages north of Kivalina) brought suit against the government, claiming that the regulations were illegal because the IWC convention was not established to include aboriginal whaling. In early 1979 the court dismissed the action, stating that the convention was a matter of foreign policy, hence outside its purview. The Eskimos appealed the ruling in the Ninth Circuit Court of Appeals, where the case remains as this is being written.

Then in February 1979 the IWC and the Department of Commerce, wanting to understand the issues more fully and to seek equitable solutions,

jointly convened an international group of scientists to study the questions. The scientists (specialists in arctic biology, anthropology, and nutrition) concluded that although there was no credible scientific basis for allowing *any* bowhead catch, and although alternative sources of food are available, whaling is so culturally important to the Eskimos that it should be allowed to continue at some level.

Although the Eskimos, the IWC, and the U.S. government temporarily achieved an uneasy *modus vivendi*, it did not last long. During the spring of 1979 there was a growing wave of sentiment among the Eskimos by no means uniform, but centered particularly in Barrow—to ignore the IWC quota and to accept the Alaska Eskimo Whaling Commission's contention that forty-eight whales are a safe and desirable number to harvest. (The Eskimos apparently reached this figure

through a tactical blunder by Richard Frank, U.S. commissioner to the IWC, who stated that a harvest of 2 percent of the total bowhead population was a reasonable figure—an assertion strongly denied by many scientists.) But the 1979 season turned out to be poor, and the Eskimos were unable to reach even the IWC quota, thus deferring the issue until 1980.

If the Eskimos exceed the IWC quota in 1980, the government will be in an extremely difficult position—and one it is possibly unprepared to deal with. Hitherto, the government seems to have been preoccupied with the relatively noncontroversial questions of counting the whales and of sponsoring other basic research, but equally, it seems to have ignored the serious social dilemma of the bowhead issue by assuming that, if need be, law enforcement can ultimately control the problem.

Conventional law enforcement is, of course, based on a general public acceptance of laws and a disapproval of lawbreaking. In the bowhead problem, however, the government confronts a society that has, on this issue, lost most of whatever confidence it once had in the government; to many Eskimos the issue is increasingly seen as racial. Some law enforcement officials concede that it would be exceedingly difficult to enforce any laws regarding whaling in northern Alaska.

What will happen this month and what the government's response will be remain to be seen. But one thing is certain: the bowhead whale issue is far from settled and beyond it lies the broader question—as yet unanswered—of the rights of Native Americans versus those of all Americans regarding the maintenance of wildlife and ways of life, together, in a shrinking world. □