

Congress of the United States
Washington, DC 20515

December 13, 2007

President George W. Bush
The White House
1600 Pennsylvania Avenue
Washington, D.C. 20500

Dear Mr. President:

We are writing to express our deep concern over the Japanese whaling fleet's continued eroding of the International Convention for the Regulation of Whaling (ICRW), and to urge the Administration to take additional measures to address this situation.

Although an international moratorium against commercial whaling has been in effect since 1986, Japan has circumvented this international treaty killing nearly 11,000 whales for commercial purposes under the guise of "scientific research." We firmly believe these are far more killings than necessary for any legitimate scientific research, and the scientific community agrees. The International Whaling Commission's Scientific Committee has repeatedly questioned the need for the data that lethal takes yield, and the International Whaling Commission (IWC) has repeatedly condemned the hunting of whales in the name of "scientific research." IWC member countries have passed numerous resolutions, including one at the most recent annual meeting in 2007 in Anchorage, Alaska, which called on Japan to end these hunts.

On November 18, the Japanese whaling fleet set out for the Southern Ocean Whale Sanctuary with plans to kill over 1,000 whales. Japan intends to kill 935 minke whales, 50 fin whales, and 50 humpback whales. Whale meat and blubber from these hunts are sold commercially, and the use of the scientific research provision in this manner has been repeatedly condemned by the IWC.

Not only has Japan greatly increased the number of whales it plans to kill this year, it has also declared its desire to kill 50 endangered humpback whales. This is more than the entire take by aboriginal subsistence whaling (the only legal hunts of humpbacks are by aboriginal groups) since 1985. Since the early 1960s, humpbacks have enjoyed full protection from commercial whaling under the IWC.

This whaling expedition has outraged US citizens across the country, and they demand action.

First, we ask that you consider taking additional steps under the Pelly Amendment to the Fishermen's Protective Act of 1967 (22 USC 1978). Pursuant to the Pelly Amendment, if the Secretary of Commerce finds that nationals of a foreign country are "engaging in trade or taking which diminishes the effectiveness of any international program for endangered or threatened species," the Secretary must certify such finding to the President. The Secretary of Commerce has a long record of issuing Pelly Amendment certifications in response to lethal whaling for "scientific research." Unfortunately, the steps taken by the U.S. in the past have not deterred Japan from their lethal whaling program.

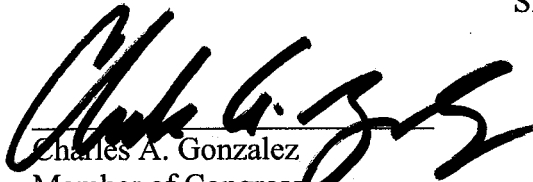
Certification provides a strong statement of protest to the Japanese and indicates the seriousness of the issues. The Pelly Amendment provides that upon a certification by the Secretary of Commerce, the President of the United States may prohibit the import of any products from that country, for any duration. Such trade restrictions can be fashioned in a manner consistent with our trade obligations in the WTO, under which import restrictions are allowed if they relate to the conservation of an exhaustible natural resource. Under WTO jurisprudence, this means that a measure needs to be reasonably designed to achieve the conservation objective.

Second, if you choose not to certify, we ask that you at least publicly condemn the hunt and call for an end to *all* future hunts. On November 19th, Assistant Secretary Sean McCormack of the State Department publicly recognized "Japan's legal rights under the Whaling Convention to conduct this hunt." We respectfully disagree. A lethal scientific study is not a credible justification nor is it the true purpose of this hunt. Regardless of the legality, we believe the Administration should take a stronger stance on Japan's undermining of an important international agreement. A public retraction and a statement denouncing these hunts as illegal from the White House would be appropriate.

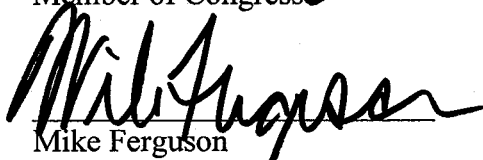
Third, we urge the Administration to consider all other diplomatic, economic and trade measures at its disposal to ensure that international protections for whales are not undermined, but are strengthened.

We appreciate all you have done to ensure continued global protections of whales. We look forward to learning how the Administration plans to address this urgent situation.

Sincerely,



Charles A. Gonzalez
Member of Congress

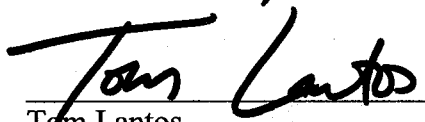

Christopher H. Smith
Member of Congress


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Madeleine Z. Bordallo
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Nick J. Rahall, II
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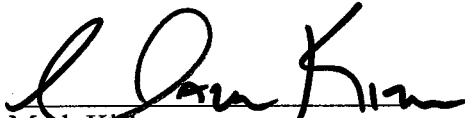
Steve Cohen


Steve Cohen
Member of Congress

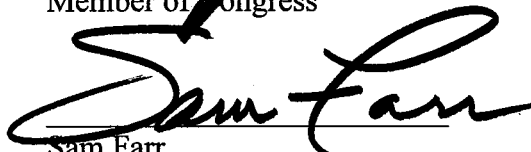
Rush Holt

Rush D. Holt
Member of Congress



Albio Sires
Member of Congress



Mark Kirk
Member of Congress



Christopher Shays
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Sam Farr
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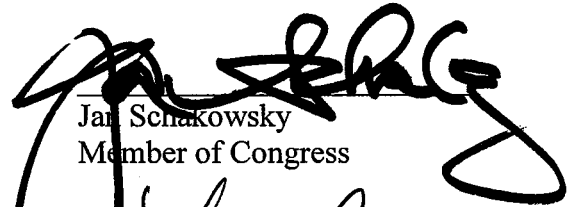

Loretta Sanchez
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Rahm Emanuel
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Neil Abercrombie
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Donna M. Christensen
Member of Congress



Emanuel Cleaver, II
Member of Congress

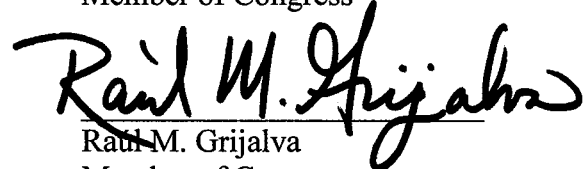

Jan Schakowsky
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Lois Capps
Member of Congress

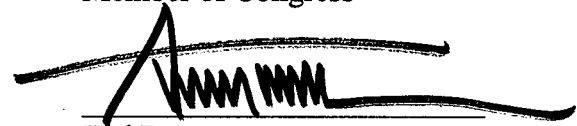

Thomas H. Allen
Member of Congress

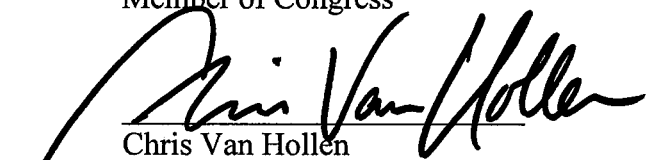

Mazie Hirono
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Barney Frank

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Lynn Woolsey

Lynn Woolsey
Member of Congress



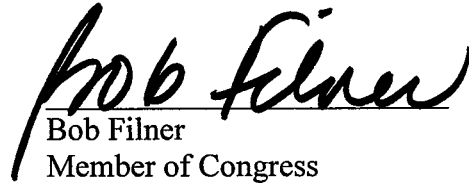
Earl Blumenauer
Member of Congress



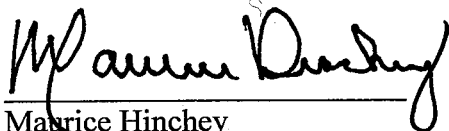
Corrine Brown
Member of Congress



Alcee L. Hastings
Member of Congress



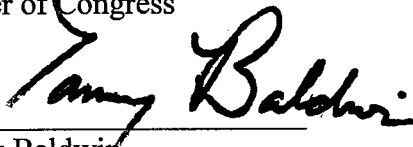
Bob Filner
Member of Congress



Maurice Hinchey
Member of Congress



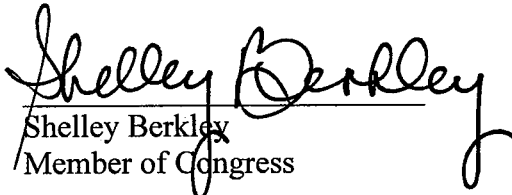
Dennis J. Kucinich
Member of Congress



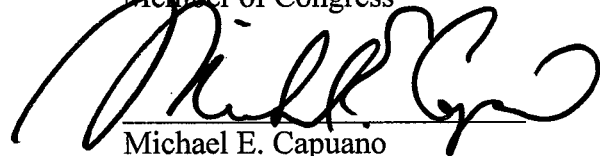
Tammy Baldwin
Member of Congress



William D. Delahunt
Member of Congress



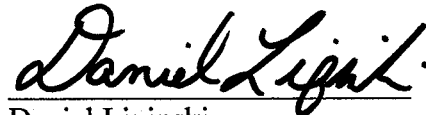
Shelley Berkley
Member of Congress



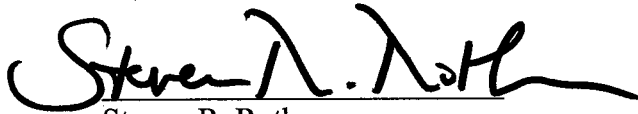
Michael E. Capuano
Member of Congress



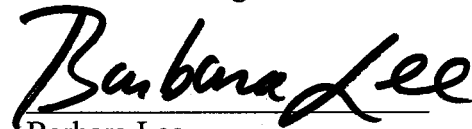
Betty McCollum
Member of Congress



Daniel Lipinski,
Member of Congress



Steven R. Rothman
Member of Congress



Barbara Lee
Member of Congress

CC: Secretary of State Condoleezza Rice
Secretary of Commerce Carlos Gutierrez