

## No jury for whaling trial

*by UPI*

TACOMA, Wash., May 16 (UPI) -- A tribal judge with the Makah Nation in Washington state had to give up prosecuting five men for illegally killing a gray whale because he could not get a jury. One of the whalers told the Seattle Times the judge questioned 200 potential jurors from Neah Bay, a remote settlement on the Olympic Peninsula. But he was unable to find jurors who were not related to one of the defendants or had already formed an opinion about the case. The men allegedly killed a gray whale last year that bled to death after being shot and harpooned in the Juan de Fuca Strait. The killing was an embarrassment to the tribe, which has been trying to get permission for a legal whale hunt. Three of the men pleaded guilty to federal charges, while two were convicted by a judge. The tribe gave up its right of prosecution as part of the plea agreement, but the judge decided to hold a trial anyway. The judge has granted the five deferred prosecution. Charges will be dropped after a year if they stay out of trouble.

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