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# Documents from the Indian Fishing Rights Controversy in the Pacific Northwest

SUBMITTED BY RICHARD DUWORS

Throughout the early and mid-20th century, Indian fishermen and Washington and Oregon game wardens were frequently at odds over the states' authority to regulate Indian fishing. State officials generally believed that Indians were subject to the same laws as non-Indians and that the state had a right to regulate their use of the fisheries. The Indians, however, maintained that the treaties that they had signed with the federal government in the 1850s guaranteed their right to fish at any site at which their people had traditionally fished and that they were not subject to state law. At the heart of the argument was how to interpret a particular clause that appeared in the treaties: "The right of taking fish, at all usual and accustomed grounds and stations, is further secured to said Indians in common with all citizens of the Territory."<sup>1</sup>

Many Indians defied state laws, using traditional fishing nets and often fishing at night to avoid detection. They generally did not pay attention to the state's catch limits or fishing seasons, nor did they obtain licenses. When the salmon population began to decline in the mid-20th century, Indian fishing practices were often blamed, instead of commercial fishing and the destruction of the salmon's habitat caused by dams and logging. In an effort to conserve salmon for commercial and sports fishing, the states attempted to exert ever more control over the Indian fisheries, frequently arresting Indians whom they deemed to be fishing illegally.<sup>2</sup>

The conflict over Indian fishing rights

came to a head in the 1960s. After the Washington Supreme Court in 1963 upheld the state's right to prohibit Indians from fishing in waters closed by state law, the state closed south Puget Sound to off-reservation Indian fishing.<sup>3</sup> This action spurred Indian protests, many of which took place at Frank's Landing, a small piece of land downriver from the Nisqually Reservation held in trust for the Frank family, Nisqually Indians. The landing, and the Nisqually River, soon became a focal point for the movement to preserve Indian fishing rights.

But the fishing rights movement was more than just a fight to preserve the Indians' right to fish at the usual and accustomed places. It was a fight for self-determination, for self-government, for sovereignty. Experiencing a resurgence of ethnic pride, Native Americans sought to make their own history, rather than making someone else's history or being the passive victims of history. The fishing rights struggle was at the heart of this movement. As the historian Alexandra Harmon notes, "the treaty-reserved right to fish" was for the descendants of indigenous people "a cardinal symbol of their Indianness."<sup>4</sup>

Inspired by the sit-ins of the civil rights movement, Indian groups staged fish-ins, openly defying state law by using traditional fishing nets. The fish-ins were often violently suppressed by state game wardens using tear gas, billy clubs, and guns. In one of the most infamous incidents, on October 13, 1965, game wardens rammed a boat carrying several Indians, including children,

who were setting an illegal net across the Nisqually River near Frank's Landing. Some of the Indians fell into the river, and a melee also broke out onshore when a group that included women and children threw rocks and sticks at the game wardens as they tried to arrest the fishermen.<sup>5</sup> The fish-ins received considerable press coverage, and Indian and non-Indian activists from all over the country joined in.

Indians did not resort to civil disobedience alone. Tribal members, along with the federal government, brought various lawsuits against the states of Washington and Oregon in an effort to prevent the states from curtailing Indian fishing rights. Among the most important of those lawsuits were the cases brought forward by the Vietnam War veteran Richard Sohappy, along with 13 other Yakama, and by the federal government on behalf of the Yakama, Umatilla, Nez Perce, and Warm Springs tribes, against the state of Oregon. The federal judge hearing the two cases, Robert C. Belloni, ruled that the Indians were entitled to a "fair and equitable share" of the state's fish.<sup>6</sup> This was a resounding victory for Indians who fished along the Columbia River, because until then the state-mandated Native fishing season fell mostly in the period in which the fish were of low quality, and the state had sometimes extended the downstream non-Indian season, reducing the number of fish reaching the Indians higher up the river.

This ruling paved the way for the historic Boldt decision. In 1974, the federal judge George Boldt ruled in *United*

*States v. Washington* that to uphold the treaty rights of Indian people meant to allocate to them 50 percent of the fish catch, what he determined was their “fair and equitable share.” This was an unpopular decision among non-Indians, and the ruling was difficult to measure and enforce. However, the decision was ratified by the United States Supreme Court in 1980, effectively ending what had become known as the Fish Wars.<sup>7</sup>

Below are five documents from the Fish Wars. The first is the statement of Sidney Mills, a young Native American G.I. who, while on leave from Vietnam, announced at a rally held in Olympia, Washington, on October 13, 1968, that he was going AWOL in order to aid the Survival of the American Indians Association (SAIA) in the fishing rights struggle.<sup>8</sup> SAIA, founded in 1964, was one of the most vocal groups in the fight for fishing rights. Mills’s loyalty to his fellow Native Americans, he explained, was more important than his loyalty to the United States.

The next document is a letter written by the head of SAIA, Hank Adams, to President Lyndon B. Johnson, announcing the group’s intention to occupy land at Fort Lewis, Washington, because the government had failed to prevent erosion at Frank’s Landing.<sup>9</sup> Occupation was a tactic used in what became known as the Red Power movement, most notably by the Indians of All Tribes, which occupied Alcatraz in San Francisco Bay in 1969-71.<sup>10</sup> Adams had ties with other activist groups, helping with a grant application for the Indians of All Tribes and working with the American Indian Movement (AIM) during the Trail of Broken Treaties, the traveling protest that led to the occupation of the Washington, D.C., offices of the Bureau of Indian Affairs in 1972.

Adams may have targeted Fort Lewis because in 1917, the federal government had condemned a large portion

of the Nisqually Indian Reservation to make space for the fort, a U.S. Army reserve. Nisqually living on condemned land were forced to move off the reservation. The letter is more than just a notification to the president about SAIA’s intentions to occupy the fort, however—Adams uses the letter to point out the discriminatory nature of Washington State’s fishing laws. He also mentions the contradiction in the government’s interest in Native American archeology and anthropology and its destructive policies toward living Native Americans, using almost exactly the same language that Mills used in his statement. It is unknown whether Adams borrowed Mills’s language, or whether Adams helped Mills draft the statement. Adams did attach Mills’s statement to the letter to the president.

The next two documents are excerpts from a newsletter published by the Native Alliance for Red Power (NARP), a militant aboriginal organization based in Vancouver, British Columbia.<sup>11</sup> As is evident in the “NARP Eight Point Program,” the first excerpt, NARP was concerned with many of the same issues as AIM, such as self-government and social equality. Though restoration of fishing rights is only one of many issues that the group addresses in the program, Canadian aboriginal groups too had been struggling for decades for fishing rights. NARP seems to have followed the fishing rights movement in the western United States closely, running a story in the same issue titled “Nisquallys Fish for Freedom,” the second excerpt.

The fifth and final document is an issue of the official newsletter of the Treaty Indians of the Columbia, *Columbia River and Yakima Indian News*, edited by Leo Alexander, the group’s founder.<sup>12</sup> Members of the Treaty Indians of the Columbia were plaintiffs in *United States v. Oregon*, the case that resulted in the state of Oregon recognizing the Indians’ treaty-reserved fishing rights. Alexander was one of those who

attempted to effect change through the law, spending many hours researching regulations and planning new legal strategies and lawsuits.<sup>13</sup> The newsletter covered primarily the activities and accomplishments of the Treaty Indians of the Columbia. In this issue, Alexander calls upon Native Americans to use the civil rights newly granted them by the Indian Civil Rights Act of 1968, asking in particular that Indian fishermen and the attorneys representing them remember that fishing rights are also civil rights.

Together these documents allow us to view the fishing rights controversy from the perspective of the Native Americans involved in the struggle. They also indicate some interesting connections between the fish-ins and the Red Power movement.

1. See, for example, “Treaty of Medicine Creek, 1854,” Governor’s Office of Indian Affairs, <http://www.goia.wa.gov/Treaties/Treaties/medicinecreek.htm> (accessed July 2, 2008).
2. *Seattle Times*, Feb. 7, 1999; *Seattle Post-Intelligencer*, Nov. 27, 2003.
3. Alexandra Harmon, *Indians in the Making: Ethnic Relations and Indian Identities around Puget Sound* (Berkeley, Calif., 1998), 229.
4. *Ibid.*, 218.
5. *Seattle Times*, Feb. 7, 1999.
6. *United States v. Oregon*, 302 F. Supp. 899.
7. *United States v. Washington*, 384 F. Supp. 312; Charles Wilkinson, *Messages from Frank’s Landing: A Story of Salmon, Treaties, and the Indian Way* (Seattle, 2000).
8. “Statement of (PFC) Sidney Mills, Yakima Indian, for Sunday, October 13, 1968,” press release, in the author’s possession.
9. Hank Adams to Lyndon B. Johnson, Dec. 17, 1968, in the author’s possession.
10. Paul Chaat Smith and Robert Allen Warrior, *Like a Hurricane: The Indian Movement from Alcatraz to Wounded Knee* (New York, 1996).
11. Native Alliance for Red Power, “NARP Newsletter,” No. 3 (January/February 1969), in the author’s possession.
12. *Columbia River and Yakima Indian News*, Jan. 31, 1971, in the author’s possession.
13. Author’s personal recollections.

## Document I: Statement of (PFC) Sidney Mills, Yakima Indian, for Sunday, October 13, 1968

I am Yakima and Cherokee Indian, and a man. For two years and four months, I've been a soldier in the United States Army. I served in combat in Vietnam—until critically wounded. I recently made a decision and publicly declare it today—a decision of conscience, of commitment and allegiance.

I owe and swear first allegiance to Indian people in the sovereign rights of our many Tribes. Owing to this allegiance and the commitment it now draws me to, I HEREBY RENOUNCE FURTHER OBLIGATION IN SERVICE OR DUTY TO THE UNITED STATES ARMY.

My first obligation now lies with the Indian people fighting for the lawful Treaty Right to fish in usual and accustomed waters of Nisqually, Columbia and other Rivers of the Pacific Northwest, and in serving them in this fight in any way possible.

Anyone fully aware of the facts and issues involved in this fight can understand that my decision is not difficult. What is difficult to understand is why these United States, and the State of Washington in particular, make it necessary for such decisions to be made. Why do the United States and the State of Washington command me to such a decision by their actions in seeking to effectively destroy the Indian people of this State and our way of life by denying rights that are essential to our existence?

This fight is real—as is the threat to Indian existence under the enforced policy objectives of the State of Washington, as permitted by the compromised position and abdication of responsibilities by the U.S. Government.

The defense of Indian people and a chosen way of life in this fight for un-

relinquished fishing rights is more compelling and more demanding of my time and commitment than any duty to the U.S. military. I renounce, and no longer consider myself under, the authorities and jurisdiction of the U.S. Army.

I have served the United States in a less compelling struggle in Vietnam and will not be restricted from doing less for my people within the United States. The U.S. would have accepted sacrifice of my life in Vietnam in a less legitimate cause—in fact, nearly secured such sacrifice and would have honored such death. Yet I have my life and am now prepared to stand in another battle, a cause to which the United States owes its protection, a fight for people who the United States has instead abandoned. My action is taken with the knowledge that the Nation that would have accepted an honored death by its requirement may now offer only severe consequence and punishment because I now choose to commit my life to Indian people. I have given enough to the U.S. Army—I choose now to serve my people.

My decision is influenced by the fact that we have already buried Indian fishermen returned dead from Vietnam, while Indian fishermen live here without protection and under steady attack from the power processes of this Nation and the States of Washington and Oregon. I note that less than a month ago, we counted the death of another Indian fisherman, Jimmy Alexander, because of the conditions imposed upon our people to secure a livelihood [*sic*] while avoiding arrest. These conditions continued off Cook's Landing on the Columbia River, where Jimmy drowned, largely because the President of the United States ignored a direct appeal to intervene in the ar-

rest case of Army Sergeant Richard Sohapp, a friend and fellow fisherman of Jimmy Alexander.

Sergeant Sohapp is back in Vietnam on his third tour of duty there. He was arrested three times in June for illegal net fishing, while home on recuperative furlough recovering from his fourth series of combat wounds and while attempting to secure income for his large family. For his stand in Vietnam, this Nation awarded him a Silver Star and Bronze Star, among others. For fighting for his family and people, this Nation permitted a professional barber acting as Justice of the Peace to interpret his Treaty, to ignore his rights, and to impose punishment and record under criminal conviction. His Commander-in-Chief, Lyndon Johnson, routinely referred the appeal for intervention to the Department of Interior, which routinely refused to act on basis of false information and facts—and on basis of a presumption of guilt on the part of Sergeant Sohapp. He now continues to fight for this Nation in Vietnam, his fellow Yakima tribesman Jimmy Alexander is dead, and the United States stands indifferent while his people and their rights are destroyed.

Equally, I have been influenced by the fact that many Indian women and children have become obligated by conditions and necessity to sustain a major burden in this fight. These women and children have sustained some of the most brutal and mercenary attacks upon their lives and persons that have been suffered by any Indian people since prior Indian wars.

Just three years ago today, on October 13, 1965, 19 women and children were brutalized by more than 45 armed agents of the State of Washing-

ton at Frank's Landing on the Nisqually River in a vicious, unwarranted attack. It is not that this is the anniversary of that occasion that brings us here or which prompts my declaration on this day—but rather the fact that such actions have gained a frequency in occurrence and have come to be an everyday expectation in their lives. As recently as last night, we have witnessed the beating or injury of women simply because they are among the limited numbers who will not surrender our limited rights.

This consideration, as much as any, gives immediacy to my decision and prompts me to act upon it now. I will not be among those who draw pride from a past in which I had no part nor from a proud heritage I will not uphold. We must give of ourselves today—and I will not be content to have women or children fighting in my stead. At the least, I will be among them—at the least, they will not be alone.

The disturbing question is, "Why must our Indian people fight?"

Why can't an Al Bridges or Lewis Squally fish on the Nisqually without placing their lives and property in jeopardy, when 45,000 non-Indian citizens of this State draw their income from the commercial salmon industry? Why can't a Bob Satiacum or Frankie Mounts continue their ancestral [*sic*] way of life in fishing, when 500,000 sportsfishermen pleasure themselves upon this resource? Why must the life patterns of a Richard Sohapp be altered and the subsistence of a family be denied, when two to three times the total annual salmon catch by Indians of this State are alone escaping past Bonneville Dam and as many being caught by non-Indians below it? Why must a Jimmy Alexander lose his life under unnatural conditions, when non-Indians were able to catch 11,000,000 salmon to the Indians' half

million in the last year before restrictions were enforceably imposed upon my people?

Is it because the U.S. Constitution, which declares all Treaties made to be the Supreme Law of the Land and contradictory state laws void, is almost 200 years old? But treaties are still being made under force of that document. Or, is it because the Indian Treaties involved here are slightly more than one hundred? Or is it because the non-Indian population has increased in that century in this area from 3,900 to more than 3,000,000?

\*We do not believe that either antiquity in years or numerical superiority in population act to diminish the legitimate rights not granted by this nation, but rights retained in valid agreement and guaranteed the protection of the United States in their continued existence and exercise.

\*The Treaties define the extent of these fishing rights, as well as their limitation. The Indian "right of taking fish" exists only in the traditional waters of each respective Tribe and do not extend beyond these geographical boundaries.

\*State laws act to permit commercial fishing almost exclusively in areas where the Indian rights to fish do not exist. There are no State laws or regulations which would specifically permit Indian commercial fishing on the Nisqually River, where several Tribes or bands of Indians hold co-existing rights. In no way do state laws and regulations account for the existence of Indian fishing rights in the waters where these rights exist.

\*Yet the greatest impact upon the salmon resource, or 80% of the total catch, is made by non-Indians permitted to fish by all types of gear and equipment in areas where the Indian fishing rights do not exist. Roughly

15% of the catch is annually taken by sportsfishermen.

\*Indian Fishermen have shown the utmost regard for conservation, but have maintained that the question of conservation must involve all elements which or who have impact upon the salmon resources. All adult salmon caught are returning to the spawning grounds to engage in reproduction processes, whether they be among an 11,000,000 caught by non-Indians or among the few hundred thousand caught by Indians.

\*The State must deal with conservation issues at the point where adult salmon return to its territorial ocean waters. Conservation must draw its validity in force from consideration of the total resource, irrespective of its being saltwater or freshwater fisheries, and of being on or off reservations.

\*The State claims it seeks only to give equal application of law to all persons. Yet their equal application of law would permit non-Indians to catch up to 11-million salmon in all waters—yet can and does prohibit Indians from catching any in areas where the Supreme Law and their rights exist. The State claims that any other situation would give superior status to Indian "citizens", not recognizing under law that a separate and distinct status or legal dimension of the Indian exists.

Citizenship for the Indian has too frequently been used as a convenience of government for deprivation [of] rights and property held owing to our being Indians. We did not generally become citizens of this Nation nor lawful residents of its States until June 2, 1924—and not when all other people gained nationality and citizenship under the Fourteenth Amendment in 1868, the "due process" and "equal protection of law" amendment. Indians did not become citizens under this Act since it was immediately held in the U.S. Su-

preme Court that Indians were born unto the allegiance of their Tribes and not unto the allegiance of the United States. The granting of citizenship was not to act negatively upon Indian allegiance nor rights.

It is such first Allegiance that I now declare and embrace in making total commitment to the Indian Cause and the immediate fight for undiminished Fishing Rights.

There is no reason why Indian people should not be permitted to fish in the waters where these rights exist. There is

no reason why Indians should spend their lives in the courts, in jail, or under the dominion of fear. There is no legitimate reason why this Nation and the State of Washington can not respect the equitable interests and rights of Indian people and be responsive to our needs.

The oldest skeletal human remains ever found in the Western Hemisphere were recently uncovered on the banks of the Columbia River—the remains of Indian fishermen. What kind of government or society would spend millions of dollars to pick upon our bones,

restore our ancestral [*sic*] life patterns, and protect our ancient remains from damage—while at the same time eating upon the flesh of our living people with power processes that hate our existence as Indians, and which would now destroy us and the way of life we now choose—and by all rights are entitled to live?

We will fight for these Rights and we will live our life!

\*Paragraph not read at October 13, Olympia, Wa., Rally.

## Document II: Letter from Hank Adams

SURVIVAL OF AMERICAN INDIANS ASSOCIATION  
PO Box 719 — Tacoma, Washington 98402  
Telephone: Area Code 206 491-6497

December 17, 1968

President Lyndon B. Johnson  
President of the United States  
1600 Pennsylvania Avenue  
Washington, D.C.

Dear Mr. President:

This is to inform you of our intention to select, claim and occupy a tract of land on the Fort Lewis Military Reservation, Washington, in replacement of the land of Frank's Landing that has been washed away by the Nisqually River.

We will act within 60 days to secure that land—as soon as we are able to make an adequate assessment of completed and probable further damage to Frank's Landing so that our claim upon Fort Lewis may be accurate in area.

Frank's Landing was formerly a 6-acre tract of land and is owned by Mr. Bill Frank, Sr., with title held in trust by the United States Government as represented by the Bureau of Indian Affairs. Mr. Frank secured this property in replacement of his properties within the 8,000 acres of land of the Nisqually Indian Reservation that was condemned and confiscated by the federal government around 1916 for inclu-

sion in Fort Lewis. Mr. Frank is now 89 years old—the oldest living Nisqually Indian and one of only two remaining full-bloods of that Tribe. Part of his family lives with him in four small houses located on his property. Each heavy rain and high water now threatens his own house with collapse into the Nisqually River.

Mr. President, few men could stand up to the pressures and burdens of fear that this Indian man has constantly lived with since land was initially confiscated from him in 1916—and certainly not to the threats brought upon his life by the State of Washington in the past few years, as partial result of that confiscation of land and owing to his being an Indian fisherman.

It has been necessary within the past 2 months to protect Frank's Landing with rifles, after more than 60 armed "peace

officers" of the State entered upon the property to make "John Doe" arrests and to seize his family's fishing net on October 14. Repeated mercenary attacks of this nature have placed Mr. Frank's health—in fact, his life—in danger and constant jeopardy.

Yet his greatest fears have existed for his family and their safety. His wife is 75-years old. In the past five years, they have seen their sons and daughters and their grandchildren brutally beaten and molested by agents of the State of Washington on his property. Virtually all members of this family have been repeatedly arrested and jailed and fined for exercising a "right of taking fish" from the Nisqually River as reserved to them under the Treaty of Medicine Creek of 1854.

There are 45,000 non-Indian citizens of the State of Washington who draw their income and livelihood [*sic*] from the commercial salmon industry, and nearly 500,000 sports-fishermen who also draw upon the salmon resource.

State laws and regulations, however, have totally prohibited the Indian people contracted by the Treaty of Medicine Creek from salmon fishing in the limited "usual and accustomed" areas where their "right of taking fish" exists since mid-1921—and the state has acted throughout the succeeding years to enforce their total prohibition. During the time that State law has totally restricted Indians from engaging in commercial salmon fishing—ostensibly because it is necessary for conservation of the resource—non-Indians have been permitted under State law to take more than 300-Million salmon, primarily from commercial salmon fishing zones through which these anadromous or migratory fish must pass on their way to the rivers where the Indian Tribes of the Medicine Creek Treaty are totally prohibited from salmon fishing and denied means for catching any salmon at all.

The Medicine Creek Treaty Indians have been afforded only the means of fishing with hook-and-line since July 5, 1921, under State law. Laws of Nature act to effect the total prohibition against catching salmon in the rivers of southern Puget Sound, since the species of salmon running in these rivers stop feeding when entering the fresh water streams and do not normally strike at hook-and-line, except accidentally or as defensive measure. Indians are thus directed to the rivers to fish with virtually no chance of catching any salmon under the provisions of State law.

The State first acted in 1922 to arrest Indians at Frank's Landing for salmon fishing with gill nets—within a year after totally restricting salmon fishing by Indians and more than two years before Congress enacted general grant of citizenship to Indians. There is a limited commercial salmon fishery on the remaining Nisqually Indian Reservation—

but not because the Treaty secures a fishing right; rather because other Treaty provisions reserving land deny the State jurisdiction for enforcing their prohibitions in those waters. Other Tribes who have not retained their land base are now totally restricted from salmon fishing as the State's jurisdiction has enlarged and their enforcement effected. Those families displaced by the establishment of Fort Lewis have since known no security to their Treaty Rights nor their private properties. Yet non-Indians are permitted a steelhead and "jack salmon" fishery in all stretches of the Nisqually River that were formerly within the Reservation.

Mr. President, the State laws, regulations and enforcement actions that act to totally restrict salmon fishing by Indians on the Rivers of southern Puget Sound and in all areas where their limited Treaty Rights exist are sustained only by unmitigated fraud upon the Courts by State authorities—and the abdication of responsibilities and obligations by the federal government. The State Courts have refused to receive the facts that would reveal this fraud—and in the past two months, the Superior Courts of Pierce and Thurston Counties have considered 25 counts of illegal salmon fishing against a handful of Indian fishermen that could have resulted in total fines of \$25,000 and total imprisonment of 25 years in jail—although it appears the actual fines will total around \$10,000 and the actual jail sentences around 5 years. This occurs while 45,000 non-Indians continue to draw their income from the commercial salmon industry and while half a million non-Indian citizens pleasure themselves in the salmon sports fishery.

Mr. President, your Administration has in a single year (1965) provided to the South Vietnamese more than 50,000 sets of fishing gear, 10,000 outboard motors, built 16 fishing piers and stocked their waters with 27,000,000 fingerling. Where has the federal government been while the State of Washington has acted to confiscate all items of fishing gear and equipment, boats and motors; and to completely deny Indians under the Medicine Creek Treaty their rights to an equitable livelihood [*sic*] by commercial salmon fishing; and to brutalize and beat, persecute and prosecute all Indian individuals who have resisted their actions?

The State of Washington has participated in establishing a major fishery in the waters of Lake Michigan, as well as to sustain its federally-assisted commercial and sports salmon fisheries for non-Indian citizens. Why can it not provide for an equitable salmon take by an Indian fishery in Southern Puget Sound, unless it does not have the managerial competence for regulating upon the salmon resources in any area?

Regarding the flood damage to Frank's Landing, it is significant that we are located within a flood control district of the State of Washington. Water flow can be controlled in some

measure by Alder Dam upriver. We can look directly across the river from Frank's Landing and see where an extensive project to stabilize the riverbank has been completed, and are aware of other areas upriver that similar stabilization of the riverbank has occurred.

The net effect of these projects has been to increase the vulnerability of Frank's Landing to large-scale erosion and extensive damage by flooding and high waters speeded by channel and current changes. Mr. Frank sought the assistance of the Bureau of Indian Affairs last winter in the handling of this problem. Their response was to take pictures. This year they have only discussed the pictures they took last year—and nearly 2 acres of land has been washed away in the interim, mostly in the past two weeks.

Mr. President, your office recently made available \$1.5-Million to construct a coffer dam on the banks of the Columbia River to protect the oldest skeletal human remains ever found in the entire Western Hemisphere—the remains of Indian fishermen. This action was taken even after the failure of Congress to act on the matter. What nature of government or society would spend millions of dollars to pick upon our bones, restore our ancestral [*sic*] life patterns, and protect our ancient remains from damage—while at the same time eating upon the flesh of our living people with power processes that hate our existence as Indians and which would afford us no protections in that dimension, and which would now destroy us and the way of life we choose and by all rights are entitled to live?

We are committed to the position that we will sustain no further loss of life, legitimate rights, nor properties.

It is in this commitment that we shall soon claim and oc-

cupy an appropriate area of the Fort Lewis Military Reservation. It is in this commitment that we shall seek sufficient manpower or means to sustain our position, and if necessary, to enforce the Treaty of Medicine Creek upon the State of Washington.

Most Respectfully,

[signature]

Hank Adams, Projects Director

Frank's Landing on the Nisqually  
River, State of Washington

3 Enclosures

"Citizen's Letter to his Governor"

"Statement of Sid Mills"

"Trial Brief, C-3499"

Copies to:

The Honorable Richard M. Nixon

"	"	Clark Clifford
"	"	Melvin Laird
"	"	Steward Udall
"	"	Walter Hickel
"	"	Robert L. Bennett
"	"	Ramsey Clark
"	"	Daniel J. Evans
"	"	Slade Gorton
"	"	Sam Ervin
"	"	Edward M. Kennedy
"	"	Brock Adams

News Media on December 19 [This date is marked out, replaced by a handwritten 23.], 1968

## Document III: NARP Eight Point Program

Excerpt from "NARP Newsletter," No. 3 (January/February 1969)

- |   |  |   |
|---|--|---|
| 1. We will not be free until we are able to determine our destiny. Therefore, we want power to determine the destiny of our reservations and communities. Gaining power in our reservations and communities, and power over our | lives will entail the abolishment of the "Indian Act," and the destruction of the colonial office (Indian Affairs Branch). | cheated and brutalized us, and is responsible for the deaths of untold numbers of our people. We feel under no obligation to support this government in the form of taxation. Therefore, we want an end to the collection |
| 2. This racist government has robbed,   |  |   |



of money from us in the form of taxes.

3. The history of Canada was written by the oppressors, the invaders of this land. Their lies are perpetrated in the educational system of today. By failing to expose the true history of this decadent Canadian society, the schools facilitate our continued oppression. Therefore, we want an education that teaches us our true history and exposes the racist values of this society.

4. In this country, Indian and Metis represent 3% of the population, yet we constitute approximately 60% of the inmates in prisons and jails. Therefore, we want an immediate end to the unjust arrests and harassment of our people by the racist police.

5. When brought before the courts in this country, the redman cannot hope to get a fair hearing from white judges, jurors and court officials. Therefore, we want natives to be tried by a jury of people chosen from native communities or people of their racial heritage. Also, we want freedom for those of our

brothers and sisters now being unjustly held in the prisons of this country.

6. The treaties pertaining to fishing, hunting, trapping and property rights and special privileges have been broken by this government. In some cases, our people did not engage in treaties with the government and have not been compensated for their loss of land. Therefore, for those of our people who have not made treaties, we want fair compensation. Also, we want the government to honour the statutes, as laid down in these treaties, as being supreme and not to be infringed upon by any legislation whatsoever.

7. The large industrial companies and corporations that have raped the natural resources of this country are responsible, along with their government, for the extermination of the resources upon which we depend for food, clothing and shelter. Therefore, we want an immediate end to this exploitation, and compensation from these thieves. We want the government to give foreign aid to the areas com-

prising the Indian Nation, so that we can start desperately needed programs concerning housing, agriculture and industrial co-operatives. We want to develop our remaining resources in the interests of the redman, not in the interests of the white corporate-elite.

8. The white power structure has used every possible method to destroy our spirit, and the will to resist. They have divided us into status and non-status, American and Canadian, Metis and Indian. We are fully aware of their "divide and rule," tactic, and its effect on our people.

RED POWER IS THE SPIRIT TO RESIST

RED POWER IS PRIDE IN WHAT WE ARE

RED POWER IS LOVE FOR OUR PEOPLE

RED POWER IS OUR COMING TOGETHER  
TO FIGHT FOR LIBERATION

RED POWER IS NOW!

## Document IV: Nisquallys Fish for Freedom

Excerpt from "NARP Newsletter," No. 3 (January/February 1969)

Frank's Landing is located about 65 miles south of Seattle, Washington. It is called home by approximately 40 native people from the Nisqually band. Their history is much the same as native peoples anywhere in so far as the treatment they have received at the hands of the white power structure. They have been bullied, cheated, brutalized, and robbed by the authorities.

Several years ago, they were forced off their reserve and given a few acres of land on the Nisqually River. This land was given in trust to Bill Frank (now 87 years old) and is called Frank's Landing.

This proud band of native people struggled hard to earn a meagre living by fishing in the Nisqually River. Their right to fish the Nisqually was set down in the Medicine [*sic*] Creek Treaty signed in 1854. This treaty in part, guarantees their right to fish in their usual and accustomed places forever. Once the river ran fast and clear, and yielded them enough salmon to live. But gradually the river became cloudy with the polluted waste matter which numerous factories poured into it. White sports fishermen began invading the area and taking the salmon, the lifeblood of the Nisqually people. The once large salmon runs became smaller and smaller. Still these proud people did not com-

plain about the unjust treatment they received from the white overlords. Then in October 13, 1965 Washington state authorities revealed their true racist, fascist colors.

Game wardens descended upon Frank's Landing and brutally attacked and arrested several Nisquallys for so called "fishing violations."

The action of the Washington State Authorities was in absolute violation of the Treaty signed by the Nisquallys and the Federal Government in 1854 which guarantees them their fishing rights forever.

The phoney excuse used by these gangsters was that new conservation measures on the Nisqually River were necessary, and that the Nisquallys would be forced to cease fishing.

This feeble conservation issue does not hold any validity, since Nisquallys catch from 2 to 8% of the total catch on the river. So how are they in anyway causing the depletion of the salmon run?

It is easy to see through the lies of the scummy Washington State Government. If conservation is utmost in their minds, why not close the river to white sports fishermen? Or why not stop the money hungry industrial factories from pouring poisonous waste into the river? Why do they not do this? Why do they choose instead to pick on a small band of native people fighting to keep their way of life?

The answer is simple—the Government of Washington State, as with all white governments on this continent is racist to the core. They pick on poor defenceless people and attempt to exterminate their will to resist. They use every conceivable trick in the book including violent physical attacks with guns and clubs, women and children included. They are ruthless and will stop at nothing to obtain their goal which is the elimination of the Nisqually people, and their way of life.

Since 1965, there have been numerous assaults on Frank's

Landing by the Washington State "pigs" (as they are called by the Nisquallys). They usually strike at dawn with a large force armed with rifles and billy clubs. They take boats, motors and nets, and arrest anyone they can lay their hands on. But with each "Pig" raid, the Nisqually will to resist becomes stronger. They have now taken up arms to defend their land from further attacks.

October 13th, 1968 marked the 3rd anniversary of the first raid on Frank's Landing. The occasion was marked by a weekend "fish-in" and rally, attended by about 200 people. Of course, with all these people around the authorities chose not to attack the camp because they are cowards at heart. They waited until the majority of the supporters left, then they attacked and made more arrests and took fishing equipment. During the last 3 years the Nisquallys have had thousands of dollars worth of equipment confiscated by Washington State "Pigs". They have been arrested, jailed and fined time and time again.

Suzette Mills, a young Nisqually has vowed, "We will fight to the death to maintain our way of life. We have no desire to enter the Whiteman's sick society with its corrupt values. We will never accept assimilation into the slime of his system. We will never stop fighting for the right to live our lives the way we choose."

Support for these brave native people is coming from all corners of North America. Buffy [Sainte-Marie], Marlon Brando, Dick Gregory and others have been to Frank's Landing to give support. White student groups are living at Frank's Landing to assist in the defence of the fishing sites. NARP gives unconditional support to our brave brothers and sisters at Frank's Landing. We realize that every victory for them is a victory for oppressed natives everywhere.

They are the vanguard of the rising native force which will fight the repressive white power structure, for the right to live according to their own rules.

FIGHT ON BRAVE NISQUALLYS, THE NATIVE PEOPLE OF NORTH AMERICA ARE WITH YOU!

# Document V: Newsletter of the Treaty Indians of the Columbia

*Columbia River & Yakima Indian News*

Last-of-January 1971

Leo Alexander—Editor

**Special Report:** Rumor is that the Yakima Tribal Council (administrative body) plans, with the use of tribally owned money, to purchase the Chinook Motel & Tower, a motel-hotel combination in Yakima, Washington. Price—\$3 million bucks (dollars).

Rumor is that this will (after one or two more payments) eliminate the annual tribal per capita payments usually paid to members of the Yakima Tribes twice a year. For the information of non-Indians this is not federal money, but is money earned from tribally owned resources.

The tribal council has been exercising complete authority in spending this money without consulting the tribal membership (general council). The tribal membership is virtually powerless in halting the spending of their money. It's a complicated situation to explain. But it appears it is a long range plan of the Bureau of Indian Affairs to anger the tribal members to a point where they will want to sell out or terminate their reservation.

**Yakima Nation Review:** This newspaper is published by the Yakima Tribes. Address of the paper is: Post Office Box 632 – Toppenish, Washington 98948. You may subscribe for this paper.

In a recent issue it published an article about federal funds meant for needy Indian school children were being misused. In a recent study completed by an agency known as "NORI" [National Office for the Rights of the Indigent] the study found in some instances where state public school officials were pocketing federal funds meant for needy

Indian school children.

NORI also represents the so-called "Cooks Group" of Yakima Indians in a major federal suit (*Shohappy [Sohappy] v. Smith*) to clarify Indian treaty fishing rights. A number of NORI (NAACP Legal Defense & Educational Fund) attorneys have taken part in this suit. It also has a major federal case before the United States Supreme Court in which it hopes to end the death penalty in the United States.

**Treaty Indians of the Columbia, Inc.** This is an Indian organization of Nez Perce, Umatilla, Warm Springs and Yakima Tribal members who have joined together for the protection and advancement of Native American Indian rights (treaty—constitutional—civil). It is a non-profit corporation on file (no. 199624) with the secretary of state in Olympia, Washington. The headquarters of this organization is situated at the Little White Salmon Indian Settlement at Cooks, Washington.

This Indian organization is looking for additional members. If you are interested in joining—send \$2 to Treaty Indians of the Columbia, Inc. Post Office Box 5—Cooks, Washington 98605.

Although this organization proposed a \$500 per-capita payment to each member of the Yakima Tribes—still it was instrumental in the distribution of a \$300 per-capita payment to each member of the Yakima Tribes. Records will show that no specific item on any general council agenda specifically provided or required a \$300 per-capita payment. However, maneuvering by this organization forced the Yakima

Tribal Council in providing for the \$300 per-capita payment.

Also, this organization was instrumental in securing a legal opinion (Congress) that assured the release of the children's \$300 per-capita share. This organization has many letters of record of its work on the \$300 per-capita.

Members of this organization have been able to halt illegal federal regulations that called for the removal of Indian homes from/and the restricted use of the Columbia River in-lieu sites or settlements along the Columbia River. This battle has been raging since 1966 when the secretary of the interior instituted the federal regulations. C.I.L.S. [Alexander probably referring to California Indian Legal Services here] and Native American rights attorneys have come to the aid of the Columbia River Indians.

This organization has been assisting in the clarification of Indian treaty fishing rights. Some of its members are plaintiffs in the major federal case of *Sohappy vs. Smith*, a suit (302 F. Supp. 899) to clarify Indian treaty fishing rights. It is the most advanced Indian treaty fishing suit in the Northwest. Most, if not all, of the recently filed federal suit[s] (many Indian tribes involved) of *United States vs. the State of Washington* will hinge on the final outcome of the Sohappy federal suit.

Members of Treaty Indians of the Columbia, Inc. are very active in keeping the Sohappy suit moving and by their constant hammering at the states, tribes, and United States they have not permitted the Sohappy suit or In-

dian treaty fishing rights to falter or collapse.

There is a serious danger, by advancing this case, of drawing the Indian treaty fishermen under the full control of the tribal council's and subsequently, under the full control of the states and Department of the Interior. This would throw the Indian treaty fishermen back to where they started. Every effort is being taken to reverse this trend.

Indian treaty fishermen must at all costs maintain a voice in Indian treaty fishing. They must not be subjected to some other objective or policy of the United States, tribes or states.

Treaty Indians of the Columbia, Inc. is interested in civil-constitutional rights of Native American Indians in relation to tribal, United States and state governments. Many Indians view civil rights as something that has to do with colored (Negro) people. Before 1968, Indians had no civil or constitutional rights to speak of. It is something new to them, and they have not yet learned how to use these rights. It was not un-

til 1968 that Congress extended civil and constitutional protections to the Indians.

Many Indians, including attorneys, have not yet viewed Indian civil rights as closely related to Indian treaty fishing rights. However, Indian treaty fishermen at all costs should make every effort to embody individual civil and constitutional protections in all major federal suits dealing with Indian treaty fishing rights. Attorneys assisting Indian fishermen should make every effort to do so. If they do not—Indian fishermen will eventually be destroyed.

Members of Treaty Indians of the Columbia, Inc. are aware that rural or backwood's Indians, such as at Cooks, cannot as a rule spend days in a large city drumming up support for their causes. Legal services, such as may exist in a large city or on a reservation, are not readily available to the rural Indian. This has made it difficult for the Indians of Cooks to tackle some of the major problems confronting the Indian people.

This organization is attempting to es-

tablish a base in a large city to drum up the much needed support. It has made contact with a public relations firm and it is hoped that an acceptable agreement will be worked out in the hope that this public relations firm will secure the much needed support. As a non-profit corporation this Indian organization can receive gifts or contributions. Contributions should be mailed to Treaty Indians of the Columbia, Inc. P.O. Box 5—Cooks, Washington 98605. It would be greatly appreciated and welcomed with the greatest of thanks.

Richard DuWors gathered these primary documents while doing fieldwork on the emergence of national and revolutionary consciousness among American Indians in the Pacific Northwest for his sociology thesis in 1969 at the University of Oregon. Since his recent retirement from the Canadian public service, DuWors has revived his research interests in sociology and history. His most recent article, in *Ontario History*, examines the decline of artisans on the Toronto city council in the 19th century.