

# INDIAN CENTER NEWS

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## INFORMING OUR FELLOW CITIZENS

Through the Indian Center News we are attempting to inform the citizens of this state why off-reservation fishing is necessary to the Indians of this state. Not many citizens are truly aware of the living conditions endured by Indian people. Reservation Indians are the most poverty stricken ethnic group in the United States. Their median family income is \$1500 which is about one-fourth the median income for other families in the United States. Forty five per cent of Indians are unemployed because they lack education and skills to compete for jobs. Nine out of ten Indian families live in dwellings that are far below minimum standards for urban housing. Compared to non-Indian babies, the Indian child born on a reservation has only one-half the chance of reaching his first birthday. Life expectancy for reservation-dwelling Indians is two thirds of the U. S. average. (U. S. News & World Report, Oct. 4, 65, pp. 66-7.) If you were under the impression that the Indians are well taken care of you can plainly see that this is not true.

There is a major battle going on between the State of Washington and the Indians of Washington State over so called fishing rights according to the U. S. Government Treaties. The State says that Indians must be regulated according to the laws that apply to all other Washington State citizens. If they do not abide by these laws then the State claims that their fishing is detrimental to the fish conservation efforts being made by the State.

The Indians say that they are not harming the fish runs and that they have a right to fish where they have been because these are their usual and accustomed places promised to their ancestors and the descendents of their ancestors by mutual agreement in the form of treaties made between the Indians and the U.S. Government. Therefore the State cannot impose State laws upon their fishing when it comes under federal jurisdiction according to treaty. Because of the dispute over the interpretation of the treaty several incidents have taken place.

The Indians of the Nisqually and Puyallup Tribes have decided to make a stand and fight for their promised treaty rights. The fortitude of these Indians has created much turmoil and dissension throughout Washington State. The Indians have been seeking public support by making their story known. In order to do so they staged a fish-in on the Nisqually River in which several Indians were arrested. They have also demonstrated in front of the Federal Court House in Seattle. It appears as though the Indians are not going to find justice in the courts whether State or Federal. The Indian must take his case to the general public, the man in the street, the voter who does the electing. The Indians case must be won in the court of public opinion.

Following you will find a reply given by the Makah Tribal Council to the people of the Clallam Bay area who held a meeting on Indian fishing. I feel that this reply will enlighten many people who want to know why the Indians are fighting for their promised fishing rights. J. Halliday

### MAKAH INDIANS REPLY TO NON-INDIAN PEOPLE OF CLALLAM BAY From the Makah Tribal Council

We are disappointed at those public officials who attended a meeting in Clallam Bay concerning the Makah Indian fishery. At no time during this particular meeting was the other side, the Indian view, of the picture presented or represented. We find this odd when certain public officials in attendance are supposedly representing "All" citizens of Clallam County.

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## MAKAH INDIANS REPLY TO NON-INDIAN PEOPLE OF CLALLAM BAY (

The points brought out by those in attendance at the Clallam Bay Lion's Club meeting are representative of the views expressed by uninformed citizens throughout the State of Washington.

In a resolution submitted to Governor Dan Evans expressing strong protest over Makah Indian's fishing according to the provisions of the treaty between the United States and the Makahs, the large Clallam Bay group used the terms "unrestricted" and "unregulated" Indian net fishing.

They also cited case No. 2131, Makah Tribe vs. Moore, District Court of the United States, stating that the provisions of this case were violated by the Makah Tribe.

IN THE FIRST place, the Makah Indian fishery is not unregulated nor unrestricted. The Makah Tribe provides its own restrictions and regulations based on sound good judgment and advice. And secondly, the Makah Tribe vs. Moore decision was overruled, and a decision handed down in favor of the Makah Tribe by the higher court the Ninth Circuit Court of Appeals in San Francisco in 1951.

We might also mention that the U. S. Supreme Court has on several occasions upheld the right of Indians to fish in their respective usual and accustomed areas.

PERHAPS IT MIGHT be helpful to point out that Article VI of the Constitution of the United States holds that "Treaties made, or which shall be made under the authority of the United States shall be the supreme law of the land."

We do not feel that State Courts have jurisdiction over treaties, nor do we feel that they can hand down decisions effecting treaties in which the United States has entered.

If such were the case the Clallam County Court would have authority to hand down judgments on the "Nuclear Test Ban Treaty," the "Treaty with Panama" or other treaties that the United States has entered into. This we are sure would make a shambles of our judiciary system and the system in which we all live.

IT IS OBVIOUS that the State of Washington has mobilized its awesome law enforcement, legal and public relations forces against small Indian Tribes struggling to maintain their existence and a livelihood for their members.

We remind those interested that the rights of Indian Tribes were set forth a long time before the State of Washington existed. The actions by certain state agencies where Indian fisheries are concerned has clearly violated the civil rights of the Indian people by refusing to permit them to follow a livelihood that is protected by federal treaties.

It is disappointing to us to realize that state agencies and fishery-minded organizations have made an issue out of Indian Fisheries. The fact is Indians do not catch as many fish as is thought they do.

THE TOTAL INDIAN fishery accounts for less than 5 per cent of the yearly catch throughout the entire state. More ironic is the fact that a single 50 foot fishing vessel operated by a non Indian is capable of catching more fish than an entire tribe of Indians. Added to this the State Department of Fisheries has issued statements that the fish runs are actually increasing.

The solution to the controversy is simple, realistic and practical. Where an Indian fishery exists, and the yield of the area fished is low, tribal, federal and state officials should come together in order to bring the area up to capacity by means of planting and rehabilitating the area by federal agencies.

So the answer is in "more fish" utilizing modern technical and biological techniques, rather than coercion, controversy and intimidation.

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Television station, KCTS, Channel 9 will feature a five week series of programs devoted to Northwest Indians on Thursday's at 7:00 p.m. The schedule for "WESTERN-WASHINGTON INDIANS - Then and Now" will be-----

- NOV. 4: Indian Songs and Dances - featuring Joe Washington and films of Lummi and Makah dances taken at the Lummi Stommish.
- NOV. 11: Hearing the Indians Speak - The discussion of Indian languages.
- NOV. 18: A Basket for Everything: - Featuring Helen Peterson, Ada Markish-tum and Nora Barker demonstrating basket weaving.
- NOV. 25: The Indians Now - Featuring films taken at the INDIAN CENTER, the Seattle Civic Center and the Tulalip Tribal Council.
- DEC. 2: Seattle - Indian Country: Erna Gunther shows slides of places in Seattle of significance in the early days of the Indians.