

# The Last Indian War

*By Janet McCloud And Robert Casey\**

The Indians of the Pacific Northwest are engaged in what may well be called the last Indian war. They are taking a stand against the never-ending encroachment and aggression of their white neighbors within the states of Washington, Oregon, and Idaho. The Indians' fishing stations on the rivers of those three states are coveted by powerful politically-minded sportsmens' groups, who are pushing the State officials to get the Indians off the rivers.

Along the banks of the Nisqually River the spotlight is focused upon a band of pathetically outnumbered Indians who are waging a series of bitter and bloody battles against the police power of the State of Washington. Equally small bands of Indians are springing up all over Washington State to fight for the last shred of the rights guaranteed to them through numerous treaties with the United States Government.

Governor Dan Evans, one of the nationally publicized new faces of the Republican Party, is brutally wielding the police power of this state in an effort to force the Indian people into submissive compliance with his demand

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that the Indians give up their fishing stations for the exclusive use of the sportsmen.

It all began in 1854, when the President of the United States sent his official emissary--Isaac Stevens--to negotiate treaties with the Northwest Indians in behalf of the federal government. (Actually, his mission was to spread a thin layer of legality over the theft of Indian land, which was already occurring in the Oregon Territory as it had everywhere else in the country.) It was necessary to do this prior to the granting of statehood to Washington and Oregon, for no state constitution can be formed, or any legal foundation arrived at, until title to the land is securely vested in the hands of the federal government. Americans have always displayed a fine hand for legality--no matter how you steal a thing, in the end make it look legal.

These negotiations followed the usual pattern of making treaties with the unlettered Indians, a blanket take-it-or-leave-it choice. The whites drew up the so-called sacred documents and used interpreters to give the Indians an entirely different version of the treaties, which needed the Indians' signatures to make them legal and binding.

In the Oregon Territory on December 26, 1854, the first treaty was negotiated on the banks of the Medicine Creek with the Nisqually, Squaxin, Puyallup and allied tribes. The Indians protestingly gave up their homelands--millions of acres, today worth billions of dollars. They were allowed to reserve a small reservation to live upon, more for the purpose of isolating the Indians than as a concession. When the Indians learned that they were going to be confined they became very worried, for these were fisher-people and nomadic in their fishing habits. Stevens assured them over and over that he wanted only the land; he further stated that all the fish and game belonged to the Indians, and would belong to them forever. The right to fish was more important to these northeast Indians than the land. The Indians reserved their fishing rights unrestricted.

The current assault on the Indians who are living a way of life that is natural to them was legally triggered by an injunction prohibiting Indians from fishing in their ancestral fishing stations. Judge John Cochran, Pierce County Superior Court, Tacoma, set aside the hundred-year-old treaty commitment of the federal government and forbade Indians to fish on the Nisqually River in Washington

State. This was done at the behest of the state's Game and Fisheries Departments, which in turn are carrying out Governor Evans' program.

It is extremely questionable whether any state judge has the legal power to set aside or nullify a treaty drawn up between the federal government and the "Indian Nations" (so designated in the language of the treaty itself, which was written solely by the whites and upon which the very foundation of Washington statehood is based). Legally only an act of Congress can revoke treaty obligations and commitments, but the letter of the law never seems to apply to Indian land and rights as it does to others. (To illustrate: just imagine the furor that Governor Evans would create if he took the same attitude to the treaty commitments the federal government has made to various Saigon regimes, as they applied to the State of Washington.)

Following this injunction a series of clashes occurred between the protesting Indians and the state wardens. To cite a few of the most notable ones: On October 7, 1965, two Indian fishermen, Billy Frank and Alvin Bridges, were tending their nets when state wardens came up the Nisqually River in a big power boat and rammed their frail canoe without any warning. It was a dark, rainy night. One of the fishermen was spilled into the ice-cold, dangerous river. Fortunately, despite being dressed in heavy winter gear he made it safely to shore -- right into the arms of wardens waiting there.

The next clash was more serious. On October 9, 1965, also late at night, wardens cornered two teenage boys on a log jam in the middle of the Nisqually River. Word flew out somehow, and the Nisquallies came flying from every direction. The wardens were now the cornered ones, and the enraged Indians would not let them go. Fights erupted everywhere. Indian warcries cut through the still night air, causing the wardens to suffer paroxysms of fear. They sent out a frightened call for reinforcements. Before the night was over every available unit of the Thurston County Sheriff's office, the Pierce County Sheriff's office, the Fort Lewis Military Police and Governor Evans' newly formed and specially trained State Troopers was at the scene. Some cars were busted up as well as some people. Finally Thurston County Sheriff Clarence Van Allen, long a friend to the Indians, talked them into calling it a stalemate. The police withdrew, and no Indians were arrested. However, the wardens did get away with an

Indian's canoe, allegedly to use as court evidence. Though no one was arrested and no court case came of the incident, the canoe still has not been returned.

Then on October 13, 1965, the Survival of American Indians Association held a protest fish-in on the Nisqually River. It was highly publicized and was intended as a protest to the continued night raids of the state wardens against the Nisqually Indians. Fish-ins had been used in the past by Indians as their way of protesting the State's encroachment on their treaty fishing rights. It has been a peaceful way to vent the Indian's growing bitterness and hostility at the whites' never-ending invasion of their land and rights. That ended on October 13! Those who volunteer to go fishing in violation of the court injunction usually end up sitting in jail. Their purpose is to try to obtain a writ of habeas corpus from a higher court, as this is the cheapest, tho the hardest, way to overturn a lower-court ruling. It is the only way that these poverty-stricken Indians can go. To this date the higher courts of Washington have flatly refused even to hear these writs -- another violation of their court rules.

The October 13th fish-in turned into the bloodiest conflict of all, due to the sadistic actions of the wardens and their very evident hatred of the Indians. This battle took place at Frank's Landing, which is Federal trust land, posted with NO TRESPASSING signs as required by the Federal Trespass Law. Local news media sent their photographers and reporters to cover the story. Interested organizations sent their qualified representatives to observe the fish-in demonstration. The cameramen set up their equipment long before the fish-in was scheduled to begin. State wardens watched impassively from behind bushes on the other side of the river, the exact number of their forces well hidden from the Indians and non-Indian observers. There were about twenty-seven Indians, eight of them men and the rest women and children; there were more reporters than Indians. Later it was learned that the State's forces consisted of about 100 strong; game and fisheries wardens had been called in from all over the state, and Governor Evans' special unit of the State Patrol was waiting about a half mile from the scene, with all the weapons of war to use against the unsuspecting Indians.

The Indians' boat contained eight occupants: two Indian fishermen, Donald McCloud and Alvin Bridges; one teenage boy, Dorien Sanchez; two boys under ten years of age,

Don McCloud, Jr. and Jeffrey McCloud; the family dog, Tex; and three newspapermen. At the preannounced time the boat proceeded out on the Nisqually River, and the Indian fishermen set their net. From the other side of the river shouts were heard: "Get em!" "Get the dirty S. O. B.'s!" In the twinkling of an eye, three big powerboats emerged from the underbrush, were quickly launched and used to ram the Indians' boat. No attempt was made to secure peaceful arrests, and at no time during the entire riot, which lasted only twenty minutes, were the Indians told that they were under arrest.

The Indians on the beach, now thoroughly incensed at the actions of the State wardens who had turned their intended peaceful demonstration into an excuse to beat up and terrorize the Indians, began pelting the State's forces with anything they could lay their hands on. A large force of wardens, who had been hiding on the Indians' side of the river, then closed in on the Indians, and the fighting became general. The Indians, tho badly outnumbered, gave a good accounting of themselves--even the children.

After the dust cleared, six Indians found themselves under arrest, charged with resisting arrest. (Alvin Bridges, 41, and his wife Maiselle, 41; Don McCloud, 39, and his wife Janet, 31; Susan Saticum, 23; and Don George, Jr.) In the squad cars the fighting continued, but here the newsmen were kept away and could verify nothing. When one of the women was questioned after her release she said, "The way they were acting, we were afraid they were going to take us somewhere and kill us. They can do anything they want to, because they wear a badge."

Later that evening there was another clash on the Nisqually River banks. Two more Indians were arrested, Joe Kautz and Harold Gleason. Small boys were hauled in, but Sheriff Van Allen refused to book them, and they were released and sent home. Indian mothers and fathers looked far into the night for their young boys, who were hiding in the woods from the now drunken wardens (they had been celebrating their victory) who were chasing Indian boys with pistols and clubs. One of the guns was knocked out of a warden's hand by a young Indian. A search was conducted until it was found; according to Washington state law, wardens are not allowed to carry firearms.

The State's actions were directed by Walter Neubrich, game director, and Robert Josephson, fisheries director.

Later Mr. Neubrich proudly told the reporters, "Our men are not trained in riot control, but I was sure proud of the way they handled this."

Thor Tollefson, State Fisheries Director, had told newsmen before the fish-in that "no unusual law-enforcement measures were to be used against the Indians." Therefore everyone assumed that the wardens would take down the Indians' names and ask the local judge to issue warrants, with the actual arrests to be made by the sheriff's department; this was the way it had been done in the past.

The next day, fully aware of the improper procedure of his departments, Governor Evans told the worried public that the entire blame was due "to the irresponsible elements of the Indian population"; he further stated, "The Indian treaty is nothing but a worthless piece of hundred-year old paper and it isn't even worth the paper it's written on."

Fortunately for the Indians, the battle was well watched and photographed by a small army of competent observers. They told of the arrival of a large force of wardens, carrying nightsticks, long seven-inch flashlights (totally unnecessary in the bright sunlight, but a formidable weapon well known to them) and at least one blackjack, which the Indians got away from them.

State Representative Hal Wolfe of Yelm, a Republican, arrived on the scene after the Indians had been taken to jail. After he had talked to the crying and bruised children, he immediately went to the jail to find out what had happened. He told the press, "Governor Evans assured me that no on-the-spot arrests were going to take place. Frank's Landing has been used as a fishing site by the local Indians for as long as I can remember. I'm not sure, but in my mind Gestapo methods were used against the Indians today."

Parris Emery, a 69-year-old television cameraman, was one of the few to be in a good position to take pictures of the riot. He obtained good shots of two young Indian boys being systematically worked over by wardens; when the wardens spotted Emery photographing them, they turned on him, knocking him around, twisting his arms, and trying to break his camera. They did succeed in dumping him into the river, but he saved his film. It was Emery's unedited film that was seen nationwide.

Another newsman, Darrel Houston of KIXI Radio, was threatened with arrest by Ed Sarardov, fisheries warden,

when Houston attempted to get the name of an officer who was seen striking an Indian boy with a steel pipe. This warden officer refused to remove his hand from his jacket pocket, when surrounded by newsmen and witnesses demanding to see what he had concealed. One witness, however, did get movie film of this incident, and another got pictures of the same warden hitting an Indian girl in the mouth and pulling her long hair. The girl was Valerie Bridges, who was trying to help her mother Maiselle. Other children displayed marks that were obviously made by something harder than a man's fist. While an arrested Indian was being held by two wardens, another officer was seen striking him in the small of the back with his nightstick, but when a photographer tried to get a picture of this the wardens forcefully stopped his efforts.

One bystander, after watching the brutal manhandling of women and children, told a reporter, "I think I'll go home and throw up."

Two men from the Bureau of Indian Affairs (which is universally hated--despised--by the Indians) were seen sitting in their car, a safe distance from the scene. When questioned by reporters, they refused to give their names, stating, "We've been instructed not to get involved." They were identified by the Indians and by one reporter as A. G. Risswick and Charles B. Allen. They had talked to Janet McCloud before the fish-in began, and had asked her to take pictures of everything for them. They said that they had been sent by their superiors to observe. Later they tried to get statements from the Indians, but the Indians refused to give them any because they were furious at the cowardly actions of these federal officers. An Indian told them, "You were sent here to watch and you were too scared to get out of your car; why should we do your job that you're getting paid to do?"

Even the later encounter that evening was witnessed by a capable observer. Dr. Evan Roberts, Jr., of the American Friends Service Committee came to try to learn more of the day's events. He went with some of the Indian parents who were worriedly looking for their young boys. When he arrived at the scene where the night battle was taking place, he was hit in the stomach with a nightstick and told by state officials that he had no right to be present. The Quaker doctor stuck to his position that he had every right to be present. After he had taken in the scene, which was lit up by the wardens' flashlights, he told of wardens flashing pistols around and of smelling alcohol on some of the wardens' breath. He accused them outright of being

intoxicated; he told them he was a doctor and therefore an expert on the subject. Later he made a statement to the press and a report to Governor Evans.

In another sworn statement, a qualified observer said, "They were like animals that smell blood. Their whole treatment of the Indians was cold, premeditated and cruel, whereas the Indians' reaction was normal, in the face of a situation where their legal test was being used as an excuse to terrorize them."

This statement pinpoints the basic difference between the current Negro revolt and the ever-continuing Indian struggle.

The Negro faces discrimination which sometimes turns into race hatred as he struggles for assimilation. The Indian on the other hand has always faced unreasonable race hatred from the very first. Indians fight desperately to retain an Indian way of life in the face of all the forced assimilation policies of the United States government. In fact, they despise much of the white culture and the values of an avaricious and aggressive white society.

While the fishing war simmered on the banks of the Washington rivers, the legal machinery in the courts continued to grind. In Tacoma five Indians were convicted for illegal fishing and were sentenced to sixty days, suspended on condition they abide by the court injunction. In Olympia the same afternoon six Indians pleaded not guilty to a charge of interfering with a police officer in the performance of his duty.

On October 26, 1965, in Seattle, the embattled western Washington Indians staged a protest march in front of the Federal Court House. Only about fifty people turned out for the march, which had been widely publicized. The Stillaguamish tribe sent a banner, and a few eastern Washington Indians were present. (Once more the total absence of liberal, progressive, or left-wing whites underlined the basic difference between an Indian demonstration and a Negro demonstration--whites simply do not support the Indians' struggle; they all, whether left or right, reside upon Indian land, and they don't intend to return any part of that land or to make restitution.) The marchers passed out pamphlets explaining their just cause, to all who would accept them. Their flyer contended that the Washington officials, in their persecution of the Indians, were violating the United States Constitution, existing federal laws, and also the Washington State Constitution and existing state laws. It went on to accuse the state's

game and fisheries departments of deliberately enacting fish-conservation laws which are at variance with existing federal treaties and therefore unconstitutional.

Reuben Wright, a dedicated tribal council leader of the Puyallup tribe, was doing a sixty-day jail sentence for contempt of court in violating the fishing injunction. In the same jail on the same charge was the controversial self-styled chief, Bob Satiacum. Both of these Indians had been volunteers at an earlier fish-in demonstration on the Puyallup River, which had been led by the wellknown movie star Marlon Brando, who had come to the state with the National Indian Youth Council. Brando was not arrested for his fishing activities, but later many Indians were. Mrs. Reuben (Elaine) Wright and her six children and Mrs. Bob (Susan) Satiacum and her children led the marching demonstration at the Federal Court House in Seattle.

The Bureau of Indian Affairs then announced that only the federal government had legal power to regulate the Indians' treaty fishing rights, although all three major parties involved in the dispute (the Indians, the states, and the federal government) now said that they would welcome an early ruling by the US Supreme Court. That is what the Indians have wanted all along.

The Indian people have always known that it is not their fishing activities that cause the dwindling of the salmon supply. They have stated over and over that the cause is the evils attendant on white society. The Indian people account for less than 1% of the total salmon catch. To understand the causes of depletion, it is necessary to take into account the entire life cycle, from the time the spawned salmon eggs hatch and the fish leave for their long journey to the arctic icecap, til they finally come back to their native riverbeds to spawn. The salmon fingerlings that start down the rivers face many dangers, both civilized and natural. Industrial water pollution, hydroelectric dam turbines, irrigation silts, trout season, and natural predators are just a few of the causes of salmon fingerling depletion. There is an immediate need to eliminate or to control more effectively the civilized causes of salmon depletion instead of pointing an accusing finger at foreign fishing nations and American Indians.

When and if the salmon reach their destination and maturity, they start their long, perilous journey home. As the salmon leave their comparatively safe refuge under the arctic icecap, the first danger they encounter is the never-ending maze of international fishing nets. The big commercial fishing nations

are the United States, the Soviet Union, Canada, Japan, and Norway. What salmon survive to reach Puget Sound waters are followed by the Americans who take another large number of them. The salmon, tired and hungry, are unfair prey for the baited hooks of sportsmen, whose boats literally blot out the waters of Puget Sound.

Finally, the survivors reach the mouth of their native river, where they become rejuvenated by the fresh water. (Indians say that they become like intoxicated people, full of fight and power.) The salmon's instincts and perceptions are sharpened--an Indian fishnet does not last for long, for in the salmon's fight for survival they can easily break the strongest net, and those that follow go thru the holes.

The salmon travel a roadway in the rivers, which of course cannot be seen; yet if the Indians cannot find this roadway they cannot catch even one fish. It is a hard struggle for the majority of Indian fishermen to earn a decent living at their much-loved occupation. The few fish that survive to reach the Indians' fishing stations are either too strong to be caught, or too puny (colloquially, the condition of salmon weakened, battered and emaciated from their journey, as they near the spawning grounds where their lives will end--editor's note) to sell for food fish. It is indeed a struggle for survival for both the salmon and the American Indians.

Nevertheless, it is a fact that the Indian people have never been despoilers of nature; they are the first and original conservationists. They have never contended that there is no need for stringent conservation laws, for they realize that non-Indians do not seem to understand the need to obey Nature's conservation laws. As the Washington Fisheries Department is under the control of the large fishing industries and the Washington Game Department is under the control of the large, politically-minded sportsmen's clubs, the Indians have a just fear of being placed under their control. For it would in no way assure the survival of the salmon--all it would accomplish is the destruction of the Indian fishing industry, which has been in active existence for 800 known years.

On November 4th, a jury deadlocked over Chester Satiacum's trial in Tacoma for illegal fishing. The foreman told reporters that after three hours of deliberation there were still some "who said they would be willing to hold out for a week if necessary". The Puyallup Indian was freed.

On November 9th Mrs. Chester Satiacum was given a thirty-day suspended sentence for illegal fishing. She did

not have funds for an attorney and had to speak for herself. Attorneys are hard to find who will take the Indians' fishing battle, because too much pressure is brought on them by the State.

In November the Survival of American Indians Association staged another fish-in on the Nisqually River. While some fifty Indians cheered them from the beach, Don Matheson, Survival Association president, Janet McCloud, woman warrior, and Alvin Bridges entered a boat and went fishing. Again State wardens were on the other side of the river, but this time they did not interfere. As before, the event had been well publicized. When Governor Evans was questioned by reporters on what action he intended to take, he stated, "There aren't any fish in the river this time of the year anyway". So the Indians took particular delight in displaying their net full of fish. (At the October 13th fish-in, the net that the Indians tried to set was not capable of catching fish, as it had no leadline.) Among the observers this time were two Episcopalian clergymen, a college professor, and for the first time some Negro sympathizers--who didn't permit anyone to doubt whose side they were on.

On December 7th the Survival of American Indians Association secured the services of Mr. Jack Tanner to represent them in court. Sisters-in-law Clara and Susan Satiacum (wives of Chester and Bob Satiacum) were found guilty of a series of charges stemming from a wild boat ride on the Puyallup River on September 21st. The two young Indian women had led eighteen Tacoma police a frenzied race, for an hour and a half, up and down the river before they were finally cornered and arrested--and roughed up by the police. Susan wore the marks from the handcuffs for a long time. The judge sentenced them to sixty days and thirty days respectively. Mr. Tanner immediately gave notice of appeal and they were released on bond.

On January 29th the angry and embittered Indians held a night rally at Frank's Landing. It was really more of a war party. This time over two hundred Indians attended, and about fifty non-Indians, though the weather was rainy and cold. Indian leaders from all over the state spoke over a loud-speaker and protested the Gestapo actions of Governor Dan Evans' departments. This all took place around a huge bonfire--the light from the fire could be seen for miles. A large party of Indian war dancers came from the Yakima tribe, led by Alex Wesley. Don Matheson introduced the speakers, who included Bob Satiacum of the Puyallup tribe, Janet McCloud, of the Tulalip, Frank Allen of the Stillaguamish, and many more. Satiacum likened Evans to Hitler

and his methods used against the Jewish people. Mrs. McCloud told the crowd that they intended to burn Governor Evans in effigy because of the way "he unleashed the police power of this state to come down on us like a bunch of mad dogs". The climax of the demonstration came when the Yakima did an authentic war dance around the fire and two young Indian girls threw a lifesize effigy of Governor Evans into the flames, while the Indians cheered and emitted war whoops. Reporters and cameramen had turned out in large numbers to cover the event. An Indian leader told a reporter that "this state is the Mississippi of the West" for the Indian people. State men were observed walking around with walkie-talkies and a large force was seen across the river. The Indian leaders did not want to be accused of another massacre, so they ignored their presence.

February 6, 1966, Negro comedian Dick Gregory joined the Indian fight and offered his services to the Indians. The Indians invited him to fish-in with them on the Nisqually River, and he accepted the invitation. Two Nisqually Indians, Leonard and Louis Squally, went in the boat with Gregory, who caught two steelhead. State wardens watched, but as in the case of Marlon Brando, did not arrest him. After the fish-in Gregory told in a news conference that the Indians' treaty fight was one of the most important civil-rights fights going on in the nation at this time. He went on to define the civil rights movement as a campaign for human dignity for all men, not just for Negroes.

The next day Governor Evans branded Dick Gregory's participation as "just another publicity stunt".

Meanwhile Gregory sent for his wife Lillian, who came west to join her husband. Soon they were both in jail. Although they could have bailed out after entering their plea of not guilty to the charge of illegal net fishing, they both remained in jail to publicize the case.

On February 17th Dick Gregory bailed out of jail in order to join Janet McCloud, Bob Satiacum, Frank Wright, Puyallup tribal chairman, and the state's man Robert Lasseter, fisheries warden, at a nearby Catholic college in a discussion about the fishing controversy. Gregory stated that he intended to sue the state for false arrest. Mrs. McCloud denounced Evans' charge that Gregory was seeking publicity: "All Dick Gregory is doing is casting a spotlight upon a problem that's been here for over a hundred years, and it's well known that people who do dark deeds don't like light cast upon them". Bob Satiacum bitterly denounced

the whole history of Indian and white relations and concluded by stating that "almost every word that the state puts out is a lie". Some students boo'ed this, but it's a historical fact nevertheless. While all the Nisquallies were at the campus, the state made a raid and took the fishing nets from the river.

March 1, 1966, four Indians refused to show up in Tacoma Superior Court to show cause why they should not be held in contempt of court for violating the fishing injunction. In these rigged show-cause cases the Indians are not allowed a jury trial. Judge John Cochran issued arrest warrants for Alvin Bridges, Herman Johns, Jr., and Louis and Leonard Squally.

It reminded one local writer of Irish rebel days, when someone on the run was described as "a man on his own keep"--meaning that the English were hunting him. A strong strain of Irish and Scotch blood is present in the Washington Indians, the legacy of early fur traders, so the allusion to the moors and bogs of Eire is not so farfetched. Only now their descendants are in hiding along the thickly forested streams and hills of the Nisqually reservation. However, both areas are extremely wet and cold.

While Mrs. Gregory was sitting it out in jail the Indians held a protest march which started in front of the Justice Building at the capitol grounds and proceeded to the jail, where they took up flowers and candy to Mrs. Gregory in appreciation of her efforts. From there the marchers went to Governor Evans' mansion to protest his persecution of them. The governor didn't show his face, but he had a large force of his special unit there and they were very nervous. Again only a small group showed up to participate in the protest march.

Now the Muckleshoot tribe said that they intended to have a fish-in on the Green River. They also have a fishing injunction against them; in fact, they were the first tribe to be hit. They asked Dick Gregory to join them, and he accepted. It was decided by both the Muckleshoots and the Nisqually Indians that they would have two fish-ins on the same day, the first to be held on the Nisqually at nine in the morning and the second on the Green at one in the afternoon. The press was not informed until an hour before the first fish-in, so at the Nisqually only ten people and two newsmen showed up. Dick Gregory had decided to fish in both of the demonstrations. When the wardens saw how small the Nisqually force was, they moved in on the

Indians in large numbers. Edith and Janet McCloud, sisters-in-law, tried to order the wardens off the federal land, when the wardens came in to arrest Gregory. A pushing match started and the two women were arrested and again charged with interfering with a police officer in the performance of his duties. They entered a plea of not guilty, and their case was set over for a jury trial. Gregory was charged with illegal net fishing, and all three stayed in jail on a hunger strike.

Meanwhile, on the Green, the Muckleshoot had a large turnout of Indians and non-Indian spectators, about three hundred people in all. When the large force of game wardens descended on the Green River fish-in and started to rough up a young Indian girl, the assembled Indians promptly turned on them and stoned them--men, cars, and everything in sight. The wardens left the scene and made no on-the-spot arrests. Later four Indians who had gone fishing were arrested and their bail was set at \$1,000 each. Their attorney refused to have anything to do with them; the Survival of American Indians Association went good for their bail bonds. And the American Civil Liberties Union finally took a stand for the Indians and provided an attorney to represent the four Muckleshoots. Mr. Bill Hansen, attorney, promptly filed a writ of prejudice against the judge who issued the arrest warrants, and it was granted. The Indians have been victims of political-minded judges since this state was formed; it's about time attorneys took a direct stand against this discrimination with a legal cloak.

## II

In January of 1964 the Nisqually, Puyallup and allied tribes formed the Survival of American Indians Association for the purpose of channeling their energies into a united fight. It is this group of Indians that has been the leaders of resistance. Other efforts of the Association have been to raise much-needed funds for legal assistance when requested by an Indian or Indian tribe, to provide bail bonds, food and moral support to battle-weary Indians.

The Indians have relied largely upon their fish-in demonstrations as their direct action program, as the few marches they have staged have been unsuccessful for lack of support by the public or by the Indians themselves. The main reason for the Indians' reluctance to march is that many people tend to lump the Negro problem and the Indian problem into one barrel when both use the same tactics. Indians want the distinction understood: the Indians are dead set

against assimilation into the white society, contrary to the Negroes who appear to welcome assimilation. It must also be remembered that the Indian people are large property owners, and most of their problems come from the illegal attempts of the whites to take the Indian's property--against his will.

The State's confiscation of thousands of dollars worth of fishing gear (allegedly for future court evidence) was done as an economic blow to the Indians because of their resistance to the State's injunctions. It is hard for these people to replace the hand-dug-out canoes, boats, outboard motors, and fishing nets, which have either been handed down from their fathers or bought with their life's earnings. In fact, the dugout canoes are irreplaceable. These confiscations are just a way to beat the Indians down, identical to the policy of shooting the buffalo in an earlier time.

The hostile attitude against the Indian people by a large percentage of the general public is reflected by statements made to the Indians by judges of Washington courts.

Judge Jacques, Pierce County Superior Court, who over two years ago issued an injunction against the Nisquallies, told the Indians, "They never meant for you people to be free like everyone else."

Pierce County Assistant Prosecutor Harmon in Justice Court said, "We had the power and force to exterminate these people from the face of the earth, instead of making treaties with them. Perhaps we should have. We certainly wouldn't be having all this trouble with them today."

Federal District Judge Boldt told one Indian tribe's attorney, who was seeking a writ of prohibition against the State, "I don't want to hear any more about these damn' Indian fishing cases".

While Governor Evans tries to deny that any racial undertones are present in his actions against the Indians, the fact remains that within the past two years about one hundred Indians have been arrested and many of them have been denied jury trials. On the Nisqually River where the greatest resistance has been put up, all the arrested Indians' fishing gear has been confiscated. There have been no court hearings on the taken gear as required by law. The few attorneys who are brave enough to take the Indians' cases have been harassed and intimidated by state officials and sportsmen's groups. Moving pictures of a few Indians net fishing are shown to clubs across the state to stir

up the public against the Indians. For example, in Concrete, Washington, where the Skagit Indians fish, the State used these tactics so well that the mayor of the town led a mob to the river, saying, "Let's get those god-damned Indian nets out of the river". And in a small town near the Makah Indian reservation, after the State showed its "hate-the Indians" pictures another mob gathered to demand that all the Indians be run off the rivers.

Of course, not all the Indians are agreed on the methods being used to fight the State of Washington. A few of the tribal council leaders, who are strongly influenced by the Bureau of Indian Affairs, criticize all the demonstrations held by their brothers. These Indian tribal councils generally occupy the same role that the paramount Chiefs and their councils did in colonial Africa, that of stooging for the whites against their own people. The fighting Indians call them "Uncle Tomahawks" (the Indian equivalent of "Uncle Tom").

The Yakima Indians, like the Nisquallies, are also divided over the issue of treaty fishing rights. The controversy within the tribe is simple enough--those who are ready to fight, and the Uncle Tomahawks who would rather switch. The group spearheading the fight formed the "Five Man Fish Commission of the Yakima Nation". (Fourteen tribes, the Yakima among them, compose the Yakima Nation.) The Nation is actually the superior power, but the Bureau of Indian Affairs, having found it not willing to sign away its people's rights, managed through illegal chicanery to set up the Yakima tribe as the superior power. This has caused much suffering for the Indian people, who are unable to stop the sale of their land to whites or to prevent the corrupt Uncle Tomahawks from wasting the tribal funds. The tribe picks and chooses whom it will protect in legal fights, including actions to defend the tribal fishing right. Since its formation the Five Man Fish Commission has actively campaigned for honest Indians on the Tribal Council and backed them up when they get into office. Last year the Commission managed to get three Indians elected to the fourteen-man council. Needless to say, the Bureau of Indian Affairs uses every method to hinder its activity.

The Yakima fight for their fishing rights on the banks of the Columbia River, boundary between the states of Washington and Oregon. This river is fished commercially by whites at the river mouth, using drift nets. The Indians fish with set nets in their old waters. Where ancient sites have been terminated by dam construction, new fishing stations have been designated for them by the Federal

government. One such site is Cooks, above Bonneville Dam. Here, at about four o'clock in the morning of April 21, 1966, three Indian fishermen were tending their net in a howling wind. The water was rough, and the Indians fought desperately to get their net into the boat before it was dashed against the sharp rocks. One was running the outboard motor and attempting to control the boat, while the other two managed the net; all three were too busy to be aware of anything but their battle with the river. Without warning, a big power speedboat filled with plain-clothed wardens rammed their boat. The wardens were armed--one jumped into the Indians' boat and ordered the fishermen to shore, threatening to blast them out of the water if they disobeyed.

At the camp site, other Indians were awakened by the sounds of running feet and barking dogs, and ran to the beach to see what was happening. What they saw churned their fighting Indian blood--game and fisheries wardens armed with high-powered semi-automatic rifles, shotguns, and seven-celled flashlights had invaded their fishing site. The Indians asked to see the wardens' required federal permission permit--none was produced. They asked to see the wardens' credentials, as many of them were in plain clothes--again, none was shown.

By this time the boats had reached shore. The Indian boat was owned by Madeline Alexander Weeks, who testified later that she had loaned it to her brother. When it touched the dock, she waded out to secure it, wrapped its towline around her waist and was pulling it to shore when she was jumped by a game warden, Gene Whitten. A diminutive woman, she fought a gallant fight to protect her property--but Whitten had a knife; he slashed the rope around her waist, cutting her and her coat. Other Indians were to testify to equally harrowing experiences in this terroristic pre-dawn raid.

Brought into Skamania County Court on illegal fishing charges, the Indians faced the usual prejudiced judge and jury, and were found guilty in a few short minutes.

The trials that Indians are subjected to in the name of "Equal justice before the law" are the hardest pills to swallow. The judge in Stevenson, where these fishermen were tried, is not even a lawyer. The Indians are not allowed to enter the treaties as evidence--nor to enter any evidence at all, for that matter. In the Nisqually cases, state attorneys found it hard to secure convictions when the treaty was introduced, so now jurors must leave the jury room whenever treaty rights are mentioned. The state

attorneys also found that juries would not swallow their conservation pleas, so now they use an old type of plea to get the juries to decide against the Indians: PREJUDICE! And it works! The fact is that few of the white invaders have forgiven the Indians for their original crime of being here first. The television westerns, the movies, and the school history books all teach that "the only good Injun is a dead one"--still today. The only thing that these stories apologize for is that the whites couldn't wipe all the Indians out and so had to make treaties with them. So it is a relatively easy thing to play on an all-white jury's anti-Indian feelings. If this sounds like hogwash--sit down tonight and watch the children's programs.

Yakima Indians took up firearms to protect themselves and their gear against the combined forces of the states of Washington and Oregon. In the early morning hours of July 27, armed Yakimas arrested five game wardens at Cooks Landing and held them at gunpoint until they could be turned over to the State Patrol, which assured the Indians that the wardens would be available for trespass charges to be filed in Federal Court. Delno Hoptowit, 22, a Yakima, explained to the press: "They claim they are trying to stop us to save the salmon. The commercial white fishermen below the dam take more fish in one night than all the Indians can take all year. We have to fish now, before the white commercial season starts, or starve. Once they start, their 1500-foot nets literally block the whole channel of the river. In a couple of days they will clean out all the fish."

Before the Yakima took up arms, over 32 Indians had been arrested in night raids. After the Indians retaliated, Robert Robinson, chief administrative officer for Washington's Fisheries Department, told the press that his department "will enforce the law where able to, but will not risk the lives of its enforcement agents. There is no use running full force into these people. We are not going to risk our lives for a few fish." The night arrests ceased. After that, Indians were arrested when they went to the store, one by one.

The hostility of the public is shown in an Oregon newspaper editorial: "It has been many generations since the last armed conflict between white men and red men. . . But bullets could fly and blood flow, if rifle-toting Yakima Indians are so brash as to use their weapons to back up their claim to the treaty rights to string nets across the river. . . American Indians learned to their sorrow the folly of trying to defeat the whites by force of arms."

Last year Malcolm S. McLeod, attorney for the twenty Indian tribes in western Washington, had told the public in a television interview: "There is likely to be bloodshed. You can't deprive a people of their livelihood and expect them to take it lying down." His prophecy would seem to be bearing fruit.

Another way the State of Washington whips the Indians economically is to deprive them of markets for their fresh salmon, by harassing and intimidating the fish buyers. Last year the Survival of American Indians Association did a hit-and-miss survey of markets where the Indians usually sell their salmon. When asked why they had refused to buy from Indians, buyers stated that every week the fisheries and game wardens come in and check their receipt books. Although it is not against any state law to buy from Indians, the state wardens intimidated to the buyers that they could make things "hot" for them. As one buyer stated: "You guys are right. Those game wardens act like Gestapo agents. They came in here and demanded to see my books. I ain't buying any fish from the Indians, but those guys made me mad, the way they acted." When he was asked if he would buy fish from the Indians, he said, "I know you guys are right but I've got a business to run and I need fifteen state licenses to keep it open. They said they'd suspend one of my licenses and close me down. I can't afford to buck the State." Others were told that if they bought any Indian fish they would be jailed and fined one thousand dollars; even if the State couldn't make charges stick, the buyers would be saddled with expensive attorney fees and court costs.

Halvorson's fish market in Tacoma could not be intimidated by the state wardens. So wardens came to the market every day, checking fish receipts and trying to scare away business. He continued to buy fish from the Indians.

Danny Newton and his wife Alice, both Indians, armed with a federal trade license and \$7,000 in cash from a timber sale on their allotted land, decided to buck the state of Washington and buy fish from the Puyallup Indians. In July of 1964 they set up a fish-buying camp in the seven-acre plot of land owned by the Puyallup tribe within the metropolitan area of Tacoma. The state immediately put their camp under 24-hour surveillance. Newton's trucks were followed everywhere by both city and state police. He got thirty traffic tickets in one week alone, for everything from driving an inch over the dividing line to driving too fast or too slow. The Newtons were investigated by both the

Health and the Welfare departments, constantly persecuted by Washington state officials.

Newton bought the Indians' fish for cash, and sold them to bigger markets on a consignment basis. He bought fish from his Indian brothers for over three months, until his ready cash gave out. One market which owed him about \$7,000 (an amount approximately equal to his original capitalization) refused to pay him. He obtained a lawyer who did get back a small amount of the money, but Newton took a big loss. Without resources to investigate, the Indians can never be sure, but they feel that the state was involved in this swindle.

Newton and his wife were arrested five times for illegal fish buying, but as he had a federal trade license, they never lost their case. Yet they never won: after all attorney fees, traffic tickets, and all the other forms of harassment, the Newtons lost all their money and suffered severe mental anguish. Today the Indians list them among the casualties of the war between the Indians and the State.

Another fish buyer who is on the state's blacklist is Roy Stritmater. Roy owns a fish market in the town of Hoquiam, Washington. He bought fish from the Washington Indians for at least forty years. This is only a sideline, as most of his fish come from non-Indian commercial fishermen. Roy's brother Lester Stritmater is an attorney and justice of the peace. Roy not only buys salmon from the Indians, but the controversial salmon-like steelhead trout, which the state of Washington has declared a game fish.

Roy had been branded a renegade by the state officials, even though he is officially licensed to do business. He has been arrested numerous times and has had to pay large bail bonds. He has had hundreds of tons of fish confiscated. He has been chased on wild rides by wardens threatening bodily harm. Yet he refuses to bow down to the state. He fights inside and outside the courts. Of course, there is a world of difference between Stritmater, a non-Indian with an already thriving business, and Newton, an Indian just starting his business, and with no attorney brother to defend him. The state is hurting Roy's business by using propaganda; they tell the white commercial fisherman that Roy is an Indian-lover and a renegade. He has lost a lot of his fishermen.

The Sko-bobch (literally "Green River") tribe was concentrated on the Muckleshoot Reservation after the signing of

the Port Elliot Treaty in 1855. The Sko-bobch have never lost their ethnic identity, but are more commonly known today as Muckleshoot Indians. Formerly the Green River ran through reservation land, but it has been diverted by dams and waterways; the State now has a fish hatchery on the river, and claims ownership by squatters' rights. The Muckleshoot Reservation lies somewhat east of a line drawn about midway between Tacoma and Seattle, in what has become the most densely populated region of the state. The Indians arrested after the big fish-in on the Green, in which Dick Gregory participated, were descendants of the Sko-bobch tribe. Their trial was scheduled to take place at a local justice court.

The American Civil Liberties Union, entering the case on the Indians' behalf, delegated Mr. Bill Hansen to represent the arrested fishermen. He filed a writ of prejudice against the local judge, and the case was removed to Federal Way Justice Court. The Muckleshoots announced their now historic treaty trek. Old and young Indians along with non-Indian sympathizers trekked for fifteen miles from the reservation to Federal Way, to present the judge with a copy of the Port Elliot Treaty, as a protest of the state's encroachment of the treaty rights. The judge hurriedly had the case removed from his court before the Indians finished their trek. When the judges finished their game of passing the buck around, the Indians ended up in Seattle District Court, before Judge James J. Dore.

At the trial it was apparent that the State had prerehearsed its witnesses. Almost all of them used exactly the same words on the stand, and were cool, calm, and deliberate in their testimony. The Indians were unrehearsed and emotional in their defense. In their attempt to show the jury that the Indians are savages and incapable of understanding the need for conservation laws, state attorneys stressed over and over how the Indians catch and kill the fish, as though the Indians were being tried for murder of the fish rather than violation of state game laws. "After they caught the fish", the deputy prosecutor said, "they used big rocks and clubs on the poor fish and their eyes flew out and the blood flew in the air". (Unlike whites who let the fish suffer a long and agonizing death, Indians are taught early to hit the fish on a certain spot to kill it instantly.)

The U. S. Attorney's office sent an attorney to represent the Federal Government's defense of its treaty commitments with the Sko-bobch Indians. Bill Hansen, of the ACLU, represented the Indians, Cecil Moses, Robert Moses,

Sherman Dominick and Larry Maurice. Their defense was that since their ancestors were signatories to the Port Elliot Treaty, which Chief Seattle signed in their behalf, that state had no jurisdiction over their common and accustomed fishing stations on the Green River. The state was not in existence at the time of the treaty agreements, and is therefore an interloper trying to establish ownership of the Indian fishing stations. It is true that the Indians ceded the land, but they specifically retained ownership of all the Washington waters--legally speaking, they are the riparian owners. Tribal elders took the stand to defend the young fishermen and to identify them as tribal members.

Mike Johnson, assistant to the State Attorney General, and Donald Skinner, King County Deputy Prosecutor, represented the State of Washington. They sought to block the entering of the treaty as evidence in the Indian defense, but were overruled. Nevertheless, they were able to convince the jury that there were no such Indians as the Sko-bobch.

The Indians, of course, lost. Their attorney gave notice of appeal.

The Muckleshoots have been a source of inspiration to Indians all over the United States (and outside it) because of their unity and their fight. No other tribe in this state (there are 37 in existence today) has staged such a fight outside of the courts as this tribe. They have literally no money, and are few in number--yet this summer they had a treaty trek, a canoe trek, and another march in Seattle. Old and young alike, fisher people and non-fisher people, Indian and non-Indian. Only those who have an accurate knowledge of the Indians' history understand or realize the importance of this feat. It marks a new page in the Indians' future history.

The Survival of American Indians Association, mostly composed of Nisqually fishermen, has been busy this summer with its Operation Re-education Program--especially in the Nisqually area, where the children who have been victims of state raids are most ready to learn. This program is to teach Indian children their almost lost culture, history, and language. The sad fact is that Indians in this state don't know as much about their culture as the Boy Scouts do. In the early days of white settlement, this western part of the state was Catholic territory; the state was divided in half, the eastern part being Protestant. The division was necessary as the churches were paid so much a head to deIndianize the Indians, and religious wars were

erupting in their fight to get more heads. The first thing the churches did was to burn all the Indians' clothing and dress them in white clothing, then they forbade all Indian dancing, singing, teaching of moral customs to the young, etc. After suffering the worst indignities that one (so-called) human being can inflict on another, the Indians in eastern Washington killed the missionary Marcus Whitman in 1847. The vast majority of Washington Indians today suffer from mass social disorientation as a result of the government's policy of cultural genocide. Unable to accept the avaricious whites' materialistic culture in place of their own, Indians have resorted to the bottle in an attempt to forget. The AA, which helps alcoholics by seeking individual causes of a person's alcoholism, has been unable to help the Indians, for the causes of an Indian's alcoholism are social, the result first of being addicted by corrupt whites to get Indian land and later of the brainwashing being used to deIndianize the Indians. Operation Re-ed seeks to teach the young these lost treasures, knowing that it is a fact that "the truth shall set you free."

The Lummi tribe near Bellingham ran into difficulty with the state over the demand that the Indians give up their best waterfront land for a new scenic freeway that the state wants to build. The Indians refused to sell their land, but the state will not take no for an answer. Every method is being used to pressure the Indians into selling. The method the state has found most effective is an attack on the young children: the state has discontinued school buses on the reservation. Until the Indians give in, they must get their children to school themselves. Lack of transportation is not accepted as an excuse for absence. If the children are not in school, parents are taken into court as unfit to retain their custody. The Lummis also have problems over their fishing rights, and many have been jailed. The Lummis are one of the most peaceful tribes in the state, but their patience is bound to run out.

The Skokomish tribe, like the Muckleshoots, allowed the state to build a fish hatchery on its river above the fishing sites. Now the state claims it owns the whole river, because the Indians gave permission to build a hatchery. The Skokomish is a fighting tribe. If the State keeps up its demand that they move off their river--watch for fireworks! The Skokomish tribe has another fight with the state, over the sale of real fireworks on the reservation, contending that the state has no jurisdiction on reservation land, and that its ban on fireworks sales is therefore void. This case has not yet been brought to trial.

Every tribe in the United States is involved in a legal battle of one sort or another--illegal taking of Indian land, hunting rights, human rights, oil leases, uranium, gold, timber and fishing rights. Every government official states that these matters must, and can only, be settled in the courts. Court battles have been going on since Andrew Jackson was President and the Cherokees fought his Indian Removal Act. The United States Supreme Court ruled for the Indians, but the Cherokees were removed anyway. The fisher Indians have been in court fighting since 1905, and the federal courts have ruled for us, yet what good are these federal court rulings? The courts cannot enforce their decisions and never will be able to. The American Indians who are under the guardianship of the U.S. are the richest people in the world--and stil the poorest. When the Indian people finally come of age and can manage their own estates, will there be anything left to manage? --the Great Spirit and everyone else knows that America's once poverty-stricken immigrants (who flocked over here from Europe with literally nothing) are now the richest people in the world. No wonder--they are the executors of our estates.

As it was in the past with the Cherokees, so it is today with the Negroes in their battle for civil rights. MISSISSIPPI! Cherokee country. The rich red American blood of the Cherokees flowed freely over the country and fertilized it. Today, the Negroes trying to make this nation's people live up to its courts' decisions, and to the laws of Congress, and to the claims it makes to the world about "Life, Liberty, and Justice for all", are fertilizing the soil with their blood. No: the quest for justice will never find fulfillment in American courts.

The only solution to the American Indians' problem lies with the United Nations, for the following reason: treaties! No matter what tribe is fighting, the fight is over treaty rights. The fact is evident that the Indians are getting nowhere--merely being drained of their funds for legal expenses. If the Indians must be under a guardianship, they should be placed under a United Nations trusteeship, which would not be in a position to make a profit from Indian resources as do our trusts today. The first thing the U.N. would have to do is review all the treaties between the new United States and the American natives. What every Indian tribe is fighting for is only what was stipulated in those treaties. All the land that was reserved should and must be re-established under tribal ownership, for the majority of Indians are wandering homeless on this land.

The whites who live illegally on reservation land today (for treaties stipulated that no whites would be allowed to reside upon Indian land) should be amply paid for their removal. Those Indians who prefer to follow the road of the whites should be free to do so, but those who are sickened of the whites' way of non-life, as many are, would reside within the safety of the reservations. All this would be watched over by a United Nations trusteeship, which would also help the Indians with their economic, health, education and welfare problems until the Indians are capable of doing these things themselves-- which, would happen much faster than under the present system. <sup>1</sup>

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<sup>1</sup> This essay originally appeared as mimeographed Bulletins No. 29 and 30 issued by the Seattle Group.