

“If anyone lays a hand on that net they are going to get shot.”

Uncompromising Activism: The Fish-In Protests at Frank’s Landing



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Introduction

The most important civil rights issue for Native Americans in Washington State has been fishing rights. In the 1960s they successfully defended these rights, which had been reserved for the tribes in a series of treaties with the United States between 1854 and 1855. Many well known activist groups and concerned individuals entered the fray, and the confrontational drama of the Native American fish-in protests was only part of the story. A unified and adept courtroom strategy provided by NAACP lawyers, the ACLU, and eventually the U.S. Department of Justice; the presence and assistance of members of numerous other organizations at the fish-ins and on associated protest marches; and ultimately the decisions of non-native judges and the influence of public opinion; all proved crucial in upholding the rights of the tribes in Washington, and bringing the issue of Native American treaty rights to the forefront of the civil rights movement.

While the courtroom battle has been meticulously described in many books and articles, the fish-in protests themselves have received less attention, as has the group that created and organized them: the Survival of the American Indian Society (SAIA). The southern Puget Sound fish-ins took shape as civil-rights protests in 1964, coordinated by the newly formed SAIA with the critical assistance of other experienced organizations and individuals. The success of this organization and its campaign was due to nothing less than a synergy created by their cooperation with members of the NAACP and the NIYC – certain elements of their protest campaign were consciously modeled on the actions of black civil rights protesters in the south, while other aspects were creative modifications adapted for their unique situation. The NIYC contributed a rejection of cultural assimilation which differed from the goals of the black civil rights move-

ment. With their new methods of protest and their new message of a strong and independent Native American culture, they elicited massive responses from the media, influential opposition groups, politicians and appointed figures in the state government; and they were instrumental in altering general public opinion of the Native Americans. The SAIA had appropriated the public image of Native Americans that had arisen in the media, and turned elements of it to their own advantage. They also successfully reframed their previous history: arrests and incidents that had taken place in the preceding decades were claimed as part of this civil rights campaign, creating a chain of ‘protests’ stretching back into the 1930s.¹ Their overall impact proved the SAIA’s methods to be far more successful than any previous attempts to resolve the fishing rights question had been. The fish-ins also directly led to the filing of the case that would generate the most important verdict in the Native American fishing debate in the past hundred and twenty years: U.S. vs. Washington, which resulted, in 1974, in the Boldt decision, and, while not an end to the conflict, a near-total vindication of the Native Americans’ treaty rights. This landmark case in the federal courts ultimately decided that the Native Americans were entitled to the opportunity to take up to 50% of the harvestable fish, and that they should have equal part in the management of the fisheries industry with a tribal fisheries commission. Finally, the eventual adoption of the fish-in in 1970 by white sports fishermen as an equally valid form of their civil-rights protests *against* the Native Americans also proved the effectiveness of what had been accomplished in linking the SAIA’s variety of protest to the general civil rights movement.

Background

When Washington Territory was established in 1853, the first priority of Isaac Stevens, who was both Governor and Superintendent of Indian Affairs, was to secure the land and the co-

¹ Charles Wilkinson. Messages from Frank’s Landing, p. 30. Fay Cohen. Treaties on Trial. p. 66.

operation of the local native tribes through treaties. These treaties were drafted very quickly, and were focused on the speedy relinquishment of the vast majority of territorial land by the tribes, who would retain only small reservations to be their homes. In less than a year, between 1854 and 1855, Governor Stevens had acquired for the United States the legal rights to over sixty four million acres of land, leaving the Native Americans less than 6 million acres.² The underlying assumption of all of these treaties was that the Native Americans would settle down on their designated reservations and take up farming, assimilating into the general American population after the course of a generation or two.³ All of the treaties did, however, state that 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...”⁴ This key clause was originally included for only three reasons: the Native Americans generally would not sign without it, Stevens was in a rush to get the land signed over,⁵ and also simply so that the government would not have to supply food to the tribes during the transition period while they learned farming methods on their new reservations. This expedient and pragmatic addition to the treaties would, in the 1960s, become the central issue of an important civil rights conflict.

For many years, enforcement of these rights was a non-issue. The first groups of white settlers in the mid-19th century were not as numerous as the native population, and were preoccupied with farming, logging, mining, and shipbuilding. For most white settlers, fishing was not the primary pursuit, especially since many of them had (and took) the opportunity to trade with the natives for fish. Nor were the salmon or steelhead seen as a critically limited resource at that

² Mary Isely, et al. Uncommon Controversy, (American Friends Service Committee, Seattle, WA, 1967) p. 20.

³ Mary Isely, et al. Uncommon Controversy. p. 20-21.

⁴ Mary Isely, et al. Uncommon Controversy. p. 23-24.

⁵ Mary Isely, et al. Uncommon Controversy. p. 20.

time. It wasn't until the early twentieth century that serious conflict arose regarding the rights that had been reserved for the Native Americans by the early treaties.

In the meantime, the Federal government's policy towards the Native Americans had been refined as well. The Dawes Act of 1887 had attempted to begin the process of dividing up the reservations by creating individual homesteads for the resident tribal members. In Washington State, the result of this 'allotment' was the loss of a great deal of reservation land, and the impoverishment of surviving tribal members, since very few of the Native Americans had settled down to become farmers in the way the government had hoped, and many lived off of the reservations entirely.⁶ The legal waters were further muddied by the 1924 Indian Citizenship Act, which made all Native Americans citizens of the United States.⁷ The Federal government and the State government were united during this period in their attempts to eliminate the natives as a special class of citizens with a unique legal position. Federal policy then reversed itself in 1934, when as part of the New Deal's focus on alleviating poverty, President Roosevelt extended privileges of self-government and special benefits to the tribes. The establishment of the Indian Claims Commission in 1946 further reinforced the special relationship between the tribes and the Federal government. However, in 1953, the policy reversed again as Congress passed Concurrent Resolution 108, which made it Federal policy to move towards termination of this special relationship at the "earliest possible date."⁸

Against the backdrop of this confusing and inconsistent Federal policy, an equally confusing and inconsistent court record began to build up around the issue of native fishing rights in the Northwest. Verdicts ranged from acceptance of limited native fishing in Tulee vs. Washing-

⁶ Mary Isely, et al. Uncommon Controversy. p. 54.

⁷ Mary Isely, et al. Uncommon Controversy. p. 54.

⁸ Mary Isely, et al. Uncommon Controversy. p. 56.

ton in 1942 (leavened with the assumption that the treaty “leaves the state with power to impose on Indians equally with others...as...necessary for the conservation of fish...”⁹), to State vs. Satiacum in 1957, when a split decision stated that the treaties “will continue to be superior to the exercise of the state’s police power...,”¹⁰ to Washington vs. McCoy, which in 1963 modified this principle and again upheld the right of the state to subject the Native Americans to “reasonable and necessary regulations.”¹¹ This murky and contradictory background of precedents made it easy for judges during the early 1960s to simply pick and choose the ones that suited their interpretations best, and dismiss the others as irrelevant.

Even though verdicts in the courts were mixed, the trend in state law enforcement during the forties and fifties was not. Native Americans were restricted to fishing in ever-shrinking areas, or risk being arrested and having their gear confiscated and held for months, which would ruin their chances of making a living.¹² The only truly safe place for the tribes to fish was on their reservations, where state officials had no jurisdiction. However, most of the reservations did not encompass the best fishing areas; this was part of the original reason for the treaty provision for off-reservation fishing. Most native fishermen at this time lacked the expensive boats or fishing gear which would enable them to fish offshore in Puget Sound, let alone in the ocean.¹³ This left them at the mercy of state Fisheries and Game officials, who could easily monitor their activities from the banks of the rivers; it also left them vulnerable to public scrutiny and opinion while most commercial fishing was carried out far offshore, invisible to the general population.

⁹ Tulee vs. Washington, quoted in Mary Isely, et al. Uncommon Controversy. p. 90.

¹⁰ State vs. Satiacum, quoted in Mary Isely, et al. Uncommon Controversy. p. 93.

¹¹ Washington vs. McCoy, quoted in Mary Isely, et al. Uncommon Controversy. p. 93.

¹² Charles Wilkinson. Messages from Frank’s Landing: A Story of Salmon, Treaties, and the Indian Way. (University of Washington Press, Seattle, WA, 2000) p. 31.

¹³ Fay Cohen. Treaties on Trial (University of Washington Press, Seattle, WA, 1986) p. 70.

This increase in vigilance and enforcement coincided with rapid growth in the white commercial and sport fisheries following World War II.¹⁴ These industries had expanded dramatically, far eclipsing the native catch and methods. At the same time, the increasing pressure put on the salmon and steelhead populations from increasing pollution, hydroelectric dams, and runoff due to deforestation and development decreased the size of the runs just as the expanding industry began to catch more and more fish. The result was a precipitous drop in the salmon and steelhead population, and predictably increased enforcement of state regulations in the areas where it was most easily, cheaply, and visibly performed.¹⁵

The Situation

Between the 1950s and the early 1960s, the general policy of the federal government became one of termination of tribal identity and organization, and the assimilation of the Indians into the general population as citizens. The state extended this policy into enforcement of all state laws (including fishing regulations) on Native Americans and whites equally, as part of the agenda of assimilation. In 1957, the Washington State Legislature adopted laws based on Public Law 280, as part of the Federal policy of termination. This set of laws extended some powers of state government over reservation lands. Though it specifically exempted fishing rights at this time,¹⁶ it weakened Federal barriers to state power over the Native Americans. State officials frequently stressed the equality of Native Americans and regular citizens. They also emphasized the state's progressive policies of conservation which were adopted and begun through the initiative process in the 1920s and 1930s by the Washington State Sportsmen's Council, and with

¹⁴ Charles Wilkinson. Messages from Frank's Landing. p. 30.

¹⁵ Janna C. Merrick. Dilemmas in American Liberalism: The Case of Indian Fishing Rights. PhD Thesis, Political Science, University of Washington, 1978. p. 92-95.

¹⁶ Mary Isely, et al. Uncommon Controversy. p. 57, 84.

which the Native Americans were being brought into line. But the state's methods were not always direct. Milo Moore, Director of Fisheries in 1958, was overtly sympathetic to the fishing rights of the Native Americans. He wrote, "If any man or race of people merit consideration in a fishery beyond that of all others, the American Indians claim that right."¹⁷ His plans for the future of the fisheries in Washington State involved recognizing the Native Americans' rights and working with them to improve conservation and fishing methods in order to benefit all parties.

Despite the seeming idealism of these statements, the reality in practice was somewhat different. News articles of the time made statements such as, "Indians are exempt from state regulation, except as the tribes voluntarily agree to abide by them."¹⁸ This appearance of voluntary consent covered up the coercion involved in the process. This article described a public hearing to discuss regulation of the Indian fisheries by the State Department of Fisheries, in mutual cooperation with the tribes. State regulations, and the publicity for the modern and progressive conservation techniques proposed by State agencies and the influential Washington State Sportsmen's Council, combined with a negative presentation of Native Americans in the media to create an atmosphere of blame. The Native Americans were consistently portrayed in the media as non-compliant and backward in their resistance of new conservation laws that were intended to be for the public good. They had become an easy target: the power dynamic was against the Native Americans as the minority group with little power or voice; mutual cooperation meant forced compliance in order to avoid being scapegoated and blamed for problems with fish population.

The tribes' response to this increasing attention and regulation in the 1950s was to attempt conciliation and compromise. Many felt that as a vanishingly small minority, they had

¹⁷ Mary Isely, et al. Uncommon Controversy. p. 119.

¹⁸ "Hearing Called on Rules for Indian Fishing," *The Seattle Times*, December 10, 1959, p. 39.

little chance to effect any other solution, and were fearful that their situation might become even worse if they tried to overreach.¹⁹ Another article from the early sixties supported the reality of these worries. It announced that Indian fishing was a “Problem for Congress,”²⁰ and complained that a previous court ruling allowing state regulation of the Indians was not being fully upheld, concluding that Congress would have to act to “resolve all difficulties in this area.”²¹ This was a reference to removing the problem altogether by either negating the treaties, or forcing the sale of any actual legal rights so that the state could freely enforce their progressive policies.

During the fifties, some individual Native Americans did fish illegally, but in very small numbers. Most did so simply for economic reasons, without an overtly political agenda, and tried to avoid being seen or caught. Billy Frank, later an important founding member of the Survival of the American Indian Association, was an example.²² Some, like Robert Satiacum in 1954, fished publicly and generated court cases. Washington vs. Satiacum became the major court case of the fifties related to the ‘Indian fishing problem.’ However, the split verdict it generated in favor of the Native Americans’ rights in 1957 formed a notably weak precedent, and even the tenure of Milo Moore, a Fisheries Director who was ostensibly sympathetic to the tribes, was insufficient to make it enforceable. By the early sixties, state enforcement officials openly ignored the ruling and made many arrests, as well as confiscating boats and fishing equipment.²³

¹⁹ Mary Isely, et al. Uncommon Controversy. p. 123.

²⁰ “Indian Fishing is Problem for Congress,” *The Seattle Times*, March 5, 1962, p. 12.

²¹ “Indian Fishing is Problem for Congress,” *The Seattle Times*, March 5, 1962, p. 12.

²² Fay Cohen. Treaties on Trial, p. 59.

²³ Fay Cohen. Treaties on Trial, p. 68.

Increasingly, the power dynamic between the state and the tribes insured that any ‘mutual cooperation’ between the two would only be detrimental to the Native Americans’ rights. Mutual cooperation essentially meant that the Native Americans were accepting the position of scapegoat and agreeing to whatever regulations the state proposed, however much the state claimed to be supporting Native American rights in their actions.

This bleak situation in the early sixties formed the crucible in which individuals from different backgrounds and organizations fused to form the Survival of the American Indian Association. In the immediate period precipitating the formation of the group, the predicament of the tribes grew even worse. In early 1963, Walter Neubrech, the head of the enforcement division of the Department of Game, provided a clear example of the image being put forward of the Native Americans in the media before the tide turned. A *Seattle Times* article portrayed them as the enemy in no uncertain terms. A headline asked “Skagits on the Warpath?”²⁴ The article printed claims by Walter Neubrech that his enforcement officers had been shot at and threatened, and quoted him as saying, “They (the Indians) have been crowding us.”²⁵ It reported a December incident in which two Native Americans had been caught illegally net-fishing on the Skagit River, having caught both steelhead and salmon in their 150-foot net. This equipment was illegal for non-commercial fishermen according to state regulations, and net fishing for steelhead was prohibited even for commercial fishermen for conservation reasons. In this article, there was no question as to who the bad guys were.

This public image of the Native Americans as anti-conservation, selfish, and violently anarchic was difficult for the natives to change. The state cracked down, and in 1963 amended the laws based on Public Law 280 to extend civil jurisdiction without tribal consent over speci-

²⁴ “Shots, Violence Reported in Indian-Fishing Dispute,” *The Seattle Times*, January 8, 1963, p. 19.

²⁵ “Shots, Violence Reported in Indian-Fishing Dispute,” *The Seattle Times*, January 8, 1963, p. 19.

fied lands and some specific activities on all reservations. These actions initiated the first involvement of the Washington State Civil Liberties Union in Indian rights.²⁶

While the U.S. Court of Appeals upheld the Satiacum verdict in 1963, Washington vs. McCoy, an important new fishing case decided that same year, dismissed the earlier pro-Native American decision “with a footnote.”²⁷ On the local level, at Frank’s Landing on the Nisqually River, court cases were proceeding against the Native Americans as well. On January 29th, 1964 Judge Robert H. Jaques issued a temporary injunction against the Nisqually Indians for off-reservation net fishing.²⁸

This last incident proved the final spur for the founding of the Survival of the American Indian Association. The stage was set for a major confrontation over an increasingly valuable and limited resource whose most noteworthy and decisive battles would occur in and around a small settlement on the Nisqually River in southern Puget Sound – Frank’s Landing.

1964: First Actions of the Survival of the American Indian Association

On December 23rd, 1963, some of the soon-to-be founding members of the SAIA had made a protest march to the state capital in Olympia, carrying signs that read “No salmon – No santa.”²⁹ The Governor had invited them in, and listened to their complaints, but sent them away with only a dismissal: “Nice to hear your problems. Come back again.”³⁰ The Native Americans involved with this protest were among the most affected by the active state enforcement of

²⁶ Mary Isely, et al. Uncommon Controversy. p. 85.

²⁷ Mary Isely, et al. Uncommon Controversy. p. 93.

²⁸ Mary Isely, et al. Uncommon Controversy. p. 98.

²⁹ Alvin M. Josephy, Now That The Buffalo’s Gone, (Knopf: Distributed by Random House, New York, NY 1982) p. 192, photocopy in NIYC Papers, University of New Mexico Center for Southwest Research, Box 19, Folder 12.

³⁰ Alvin M Josephy, Now That The Buffalo’s Gone, p. 192, photocopy in NIYC Papers, University of New Mexico Center for Southwest Research, Box 19, Folder 12.

fishing regulations. They had been frequently arrested by state officers, and their gear had been confiscated many times. After years of waiting, they had become completely disillusioned with the tribal organizations' slow and frustrating attempts to resolve the fishing rights dispute through compromise with the state authorities. They saw an immediate need for direct action and more confrontational protests in order to force real changes. The SAIA was founded in early 1964 as an intentionally radical group, dedicated to resolution of the fishing rights issue through direct and uncompromising civil disobedience.³¹ The group also intended to resist the cultural assimilation of Native Americans, through education and cultural activities, but their *raison d'être* was the defense of their treaty rights. They would go out of their way to get arrested and bring their case to the public eye, using whatever forms of publicity they could engineer to further their goals. The founding members of the group were mostly long-term residents of the small town of Frank's Landing near the Nisqually Reservation, but they also included some very important and influential outsiders: members and affiliates of the National Indian Youth Council, and also of the regional chapter of the NAACP.

Jack Tanner was their lawyer (who was 'hired' for \$50 raised with a fish-bake³²) and was also the regional director of the NAACP in Tacoma. He had substantial experience in the legal arena, and in later years became a federal court judge. This inclusion of a man who had experience in the larger civil rights movement proved extremely valuable. Summing up the importance of this connection to the NAACP later, Robert Satiacum said, "We can learn much from the Negro. There's got to be more communication."³³ Don Matheson agreed, saying "Let's face it, our

³¹ Bob Lane. "As Long as the Rivers Run: A Film that Tells a Story," *The Renegade*, June 1972, p. 2.

³² Alvin M Josephy, Now That The Buffalo's Gone, p. 193, photocopy in NIYC Papers, University of New Mexico Center for Southwest Research, Box 19, Folder 12.

³³ "Indian Uprising for Civil Rights," *Ebony*, June 1967, p.64, clipping in Jack Tanner Papers, Washington State Historical Society, MS-57, Box 1, Folder 26.

fight is the same. This whole thing has given us a better understanding of the Negro's problems."³⁴ With Tanner's involvement, "the movement has become even more closely identified with civil rights."³⁵ Throughout the course of the long campaign, he defended many of the Native Americans and others who were arrested at the fish-ins, applying experience derived from defending black Americans and their civil rights. Besides defense, he also contributed by helping file cases against the state authorities, and keeping constant legal pressure on the state government. While the NAACP would later be happy to claim its involvement in the Native American civil rights campaign through Tanner, at the time he was subject to criticism from other local chapters. The Seattle chapter NAACP newsletter published articles which chastised him for his involvement in 'personal projects' at the expense of his internal NAACP duties as regional director in Tacoma. They wrote that he "continued to 'march with his foot in his mouth,' to his pleasure pursuits instead of his polling place on election day,"³⁶ and accused him of using the Native American protests as "a good publicity gimmick for Jack Tanner."³⁷ His choice to continue to assist the Native Americans despite this criticism, eventually followed by the protesting Native Americans' eventual acceptance by the rest of the NAACP was a strong argument for the connection of the new protests to nationwide civil rights campaigns and a larger movement.

Hank Adams, who arrived on the scene shortly after the first protests in February, was an Asiniboin-Sioux and a member of the National Indian Youth Council. This was an organization

³⁴ "Indian Uprising for Civil Rights," *Ebony*, June 1967, p.64, clipping in Jack Tanner Papers, Washington State Historical Society, MS-57, Box 1, Folder 26.

³⁵ "Indian Uprising for Civil Rights," *Ebony*, June 1967, p.66, clipping in Jack Tanner Papers, Washington State Historical Society, MS-57, Box 1, Folder 26.

³⁶ February 1964 Newsletter, NAACP Seattle Chapter Records, University of Washington Special Collections, Accession 0465-001, box 3, folder 3-6.

³⁷ February 1964 Newsletter, NAACP Seattle Chapter Records, University of Washington Special Collections, Accession 0465-001, box 3, folder 3-6.

founded in 1961 and oriented towards representing and furthering the cause of native culture through scholarships for Native American students, as well as pursuing many other associated causes nationwide. They were vigorous opponents of the federal termination policy and their focus was on wide publicity, even though they were a small organization based on their annual budget,. They were largely concerned with printing, publishing and outreach so as to get their message out to as many people as possible. The costs for this activity alone made up over 93% of their budget in 1965.³⁸ Hank Adams, though young, already had considerable political experience from volunteer work in other organizations, including the Democratic Kennedy campaign in California. His role in the new organization would be to coordinate publicity and to help organize the protests themselves.

Other founding members included Al and Maiselle Bridges, Billy Frank Sr. and Jr., and Donald and Janet McCloud. All of these individuals were residents of Frank's Landing and some were also members of the Nisqually and Puyallup Communities. Not everyone was involved with strategy and planning in the organization, however. Billy Frank Jr. said, for instance, "I was not a policy guy. I was a getting-arrested guy."³⁹ Of the people who were involved in strategy, Janet McCloud was selected to be the first leader of the SAIA. Her writing emphasized the unlikelihood of their finding justice in the courts. She quoted judges to demonstrate their bias against the Native Americans: one of the judges quoted was Judge Boldt, who reportedly said "I don't want to hear any more about these damn Indian fishing cases."⁴⁰ She directly likened the Native American situation to the black civil rights movement: "The Ameri-

³⁸ "Statement of Receipts and Expenditures," NIYC Papers, University of New Mexico Center for Southwest Research, Box 19, Folder 12.

³⁹ Charles Wilkinson, Messages From Frank's Landing, p. 43.

⁴⁰ Janet McCloud, Manuscript titled "The Last Indian War - Part 2," dated 1966, NIYC Papers, University of New Mexico Center for Southwest Research, Box 19, Folder 18, p. 1.

can Negro's revolution has necessitated a change in the whiteman's mental picture of the colored people of the world."⁴¹ Her radicalism in writing newsletters and making statements to the press had an immediate impact. The group was quickly disavowed by the official tribal organization of both of the local tribes, the Puyallups and the Nisquallys. They were seen as too radical, and they didn't fit at all with the then-current tribal agenda of compromise and negotiation. The tribal councils believed that such uncompromising direct action would only damage ongoing efforts to improve their public image. Through the mid-sixties, the official position of the Affiliated Tribes of Northwest Indians was that "cooperation between various Indian organizations and the Bureau of Indian Affairs will resolve the current problems without any need for the enactment of federal laws."⁴² The SAIA, for their part, described the tribal council leaders as being "strongly influenced by the Bureau of Indian Affairs,"⁴³ and accused them of "stooging for the whites against their own people."⁴⁴ They referred to themselves as "the fighting Indians,"⁴⁵ and made their rallying call: "Join the most militant Indian organization in America today."⁴⁶

Despite this lack of support from the official tribal communities, by February 27th, official SAIA calls were being printed in the general media for participation in the fish-ins at Frank's

⁴¹ Janet McCloud, Manuscript titled "The Continuing Last Indian War," undated, NIYC Papers, University of New Mexico Center for Southwest Research, Box 19, Folder 18, p. 3.

⁴² "No New Laws Needed by Indian, Leader Declares," August 31, 1966 edition of the Tacoma News Tribune, reprinted in Survival News August-September 1966, NIYC Papers, University of New Mexico Center for Southwest Research, Box 19, Folder 18, p. 4.

⁴³ Janet McCloud, Manuscript titled "The Last Indian War - Part 2," dated 1966, NIYC Papers, University of New Mexico Center for Southwest Research, Box 19, Folder 18, p. 1.

⁴⁴ Janet McCloud, Manuscript titled "The Last Indian War - Part 2," dated 1966, NIYC Papers, University of New Mexico Center for Southwest Research, Box 19, Folder 18, p. 1.

⁴⁵ Janet McCloud, Manuscript titled "The Last Indian War - Part 2," dated 1966, NIYC Papers, University of New Mexico Center for Southwest Research, Box 19, Folder 18, p. 1.

⁴⁶ Robert Casey, "Mississippi," Survival News, dated August-September 1966, NIYC Papers, University of New Mexico Center for Southwest Research, Box 19, Folder 18, p. 2.

Landing.⁴⁷ Pre-event coordination was provided by the NIYC.⁴⁸ These early protests resulted in major media attention, which provided a different view of the Native Americans and their cause compared to the media coverage of earlier incidents. While earlier articles, such as the 1962 *Seattle Times* article about the Quinault tribe had included insinuations about the tribes' impact on the fish runs, paired with tribal efforts at compromise and conciliation,⁴⁹ now the coverage depicted a group of uncompromising natives backed by NAACP Regional Director Jack Tanner, who simply said, "If the Indians are arrested again he 'plans to file a writ of habeas corpus in the United States District Court.'"⁵⁰ Other journalists wrote that "the Indians...had become more sophisticated in their protest."⁵¹ This was the beginning of the far more confrontational approach that the tribal governments had been leery of. The Native Americans involved also saw this as a turning point: the start of something new and different. When Don McCloud was arrested at a fish-in on March 4th, his words were simply, "We have to go through with this now."⁵²

The next step for the SAIA was to increase publicity and exposure by deliberately involving celebrities in their protests. On March 2nd, 1964, Marlon Brando and John Yaryan (an Episcopal minister from San Francisco) were arrested at a fish-in on the Puyallup river that had been

⁴⁷ "Indians Plan Fish-In As Nisqually Protest," *The Seattle Times*, February 27, 1964, p. 14.

⁴⁸ Telegram from Herb Blatchford to Shirley Witt, dated February 24, 1964, NIYC Papers, University of New Mexico Center for Southwest Research, Box 19, Folder 5.

⁴⁹ "Quinaults Oppose Change in Treaties," *The Seattle Times*, March 5, 1962, p. 12.

⁵⁰ "Indians Plan Fish-In As Nisqually Protest," *The Seattle Times*, February 27, 1964, p. 14.

⁵¹ "Indian Uprising for Civil Rights," *Ebony*, June 1967, p.66, clipping in Jack Tanner Papers, Washington State Historical Society, MS-57, Box 1, Folder 26.

⁵² "Five Indians Fish as Game Men Stand By," clipping dated March 4, 1964, Jack Tanner Papers, Washington State Historical Society, MS-57, Box 1, Folder 26.

planned and engineered by the NIYC.⁵³ Hank Adams, who had been put in charge of publicity by both the NIYC and the SAIA, had roused reporters at 2:00 AM to make sure that they would be on hand for the arrest.⁵⁴ Brando and Yaryan, as it turned out, were in custody for less than two hours. The prosecutor who dropped the charges said, “This was done for show only, and we are not going to make a mockery out of the law or our own offices.”⁵⁵ He ordered the two released “despite their desire to be jailed.”⁵⁶ Other Native Americans were jailed that day, however, for their participation in fish-ins. A crowd of about 200 curious spectators were watching as they were arrested. The Governor made defensive public statements that “this was a deliberate violation of the laws of the State of Washington and as such the Game Department had a responsibility to enforce the laws.”⁵⁷ The next day, Brando and a group of around 1000 Native Americans and their supporters marched in Olympia, and Brando and some of the leaders had a meeting with Governor Albert D. Rosellini.⁵⁸ Journalists writing about the whole incident described “a new kind of Indian warfare in which Hollywood showmanship and Madison Avenue promotion methods are used for defense...”⁵⁹ Sympathetic articles appeared in local newspapers

⁵³ Alvin M Josephy, Now That The Buffalo's Gone, p. 193, photocopy in NIYC Papers, University of New Mexico Center for Southwest Research, Box 19, Folder 12.

⁵⁴ “Five Indians Fish as Game Men Stand By,” clipping dated March 4, 1964, Jack Tanner Papers, Washington State Historical Society, MS-57, Box 1, Folder 26.

⁵⁵ “Marlon Brando, Episcopal Minister Arrested, Released During Fish-In,” *The Bellingham Herald*, March 2, 1964, p. 1.

⁵⁶ “Marlon Brando, Episcopal Minister Arrested, Released During Fish-In,” *The Bellingham Herald*, March 2, 1964, p. 1.

⁵⁷ “Marlon Brando, Episcopal Minister Arrested, Released During Fish-In,” *The Bellingham Herald*, March 2, 1964, p. 1.

⁵⁸ Mary Isely. Uncommon Controversy. p. 109. Copy from book “Now that the Buffalo's Gone,” p. 193-4, NIYC Papers, University of New Mexico Center for Southwest Research, Box 19, Folder 12.

⁵⁹ Harry Wilensky, “Treaty Rights are at Issue on Pacific Coast,” undated clipping, Post-Dispatch, NIYC Papers, University of New Mexico Center for Southwest Research, Box 19, Folder 12.

describing the natives' subsequent time in jail, and these also added that Jack Tanner was being assisted in their trial by three ACLU attorneys.⁶⁰

These cases were handled adroitly by Jack Tanner, who also assisted Billy Frank with filing complaints and allegations of police brutality during the arrests. As the fish-ins continued and expanded, many more arrests were made. Other cases of the many going through the courts were handled by an assortment of lawyers such as Alva C. Long, who wrote of his case on December 1st, 1965 that "neither attorney (myself and Malcolm McLeod from Seattle) have been compensated in anything but ticklement for doing a fairly decent job."⁶¹ These volunteers were doing the work *pro bono* in order to demonstrate their support for the cause of wider civil rights.

The immediate state reaction was summed up in a press release by Walter Neubrech, the Chief of the Enforcement Division of the Department of Game. He attempted to defuse the publicity by describing how small the groups of Native Americans involved in the protests were: "only 178 Indians were fishing contrary to state laws beyond reservation boundaries. The Indian population in the state at present is 18,000. Therefore, less than 1% are actually fishing contrary to state law."⁶² He revealed that, despite the ultra-minority status of this group, "It has been very difficult for a law enforcement agency to maintain dignity and proper respect for the laws of the state of Washington in view of the tremendous amount of public attention that has been directed towards this Indian fishery off their reservation."⁶³ Walter Neubrech then resorted to scare tac-

⁶⁰ Don Hannula, "Indian Fishermen, Popular Inmates, Await Outcome of Court Hearing," undated clipping, Jack Tanner Papers, Washington State Historical Society, MS-57, Box 1, Folder 26.

⁶¹ Personal letter from Alva C. Long to Rev. Clifford Samuelson, December 1, 1965, NIYC Papers, University of New Mexico Center for Southwest Research, Box 19, Folder 12.

⁶² Press Release, dated March 1964, Washington State Sportsmen's Council Papers, University of Washington Special Collections, Accession #2580-01, Box 10, folder 'Bob Hart.'

⁶³ Press Release, dated March 1964, Washington State Sportsmen's Council Papers, University of Washington Special Collections, Accession #2580-01, Box 10, folder 'Bob Hart.'

tics, ascribing the drop in fish population on the Puyallup river to the unrestricted commercial fishing of “three Indian brothers,”⁶⁴ on whom he lays the sole blame for the “virtual destruction” of the fish run.⁶⁵ He even said that “the Indians of Washington have not shown a great interest in taking deer and elk on national forest land, although the potential threat exists.”⁶⁶ He also referenced the divided native community, drawing a distinction between the ‘good Indians’ and the ‘bad Indians’: “A fair number [of Native Americans] fish commercially during established seasons in keeping with conservation laws. A large majority of the Indian people are gainfully employed and support their families in various trades and professions other than fishing.”⁶⁷ While some of Walter Neubrech’s statements were wild scare tactics, others were essentially true – the number of Native Americans participating in the fish-ins was statistically small, and many members of the tribal organizations did not agree with their tactics.

In fact, even as the protests increased, tribal attempts at conciliation moved forward. On June 21st, 1964, the Intertribal Council of Western Washington adopted a resolution that called for an independent study and survey of the Washington State fisheries as a whole, as a beginning for a cooperative conservation management system. It was then presented to the Senate Subcommittee on Indian Affairs on August 5th, 1964.⁶⁸ This group working for compromise and calling for balanced, independent viewpoints was unrelated to the protests and fish-ins. There was no implementation of their recommendations.

⁶⁴ Press Release, dated March 1964, Washington State Sportsmen’s Council Papers, University of Washington Special Collections, Accession #2580-01, Box 10, folder ‘Bob Hart.’

⁶⁵ Press Release, dated March 1964, Washington State Sportsmen’s Council Papers, University of Washington Special Collections, Accession #2580-01, Box 10, folder ‘Bob Hart.’

⁶⁶ Press Release, dated March 1964, Washington State Sportsmen’s Council Papers, University of Washington Special Collections, Accession #2580-01, Box 10, folder ‘Bob Hart.’

⁶⁷ Press Release, dated March 1964, Washington State Sportsmen’s Council Papers, University of Washington Special Collections, Accession #2580-01, Box 10, folder ‘Bob Hart.’

⁶⁸ Mary Isely. Uncommon Controversy. p. 125.

Over the next year, as protests at Frank's Landing increased in frequency and publicity remained constant, there were more strong reactions to the protests from opposition groups. These can be seen as indications of the success of activist publicity campaigns, and the increasing frustration and anger of these opposition groups was clear. At a Washington State Sportsmen's Club Meeting on December 6th, 1964, this organization introduced and passed a resolution which encouraged the state Fisheries and Game Departments to vindictively destroy the fish runs on the rivers affected by the fish-in protests.

“Be it further resolved that the Department of Game and the Department of Fisheries open all affected streams and adjacent waters to all legal sport and commercial fisheries and to allow such waters to become barren until such time as the Congress of the United States or the courts of our land sets up enforceable regulations that will allow the State to carry on a reasonable fisheries management program...”⁶⁹

This was nothing less than a scorched earth policy, promulgated and endorsed by an extremely influential organization, usually devoted to conservation, with between 20,000 and 30,000 members statewide. Copies of the resolution were forwarded to state officials.

On March 5-7th, 1965, The National Wildlife Federation Annual Convention was held in Washington, D.C. A resolution was circulated by the Oregon Wildlife Federation that claimed that,

“WHEREAS, under present laws the Indian tribes cannot police the conduct of tribal members when off their reservations; and,
 WHEREAS, the Federal Government cannot control the conduct of Indian tribal members with relation to hunting and fishing when off their reservations; and,
 WHEREAS, the States are unable to enforce State laws or regulations...when such laws or regulations conflict with hunting and fishing rights alleged to have been granted the Indian tribes by treaties with the United States...
 THEREFORE IT BE RESOLVED that the National Wildlife Federation, in annual convention assembled...hereby express the belief: 1. that members of Indian tribes off their reservations should be subject to all hunting and fishing laws and

⁶⁹ Minutes, dated December 6th, 1964, Washington State Sportsmen's Council Papers, University of Washington Special Collections, Accession #2580-01, Box 9, folder '123rd Quarterly Meeting.'

regulations, both Federal and State; and, 2. that, if it is determined that the Indians do actually possess unrestricted hunting and fishing rights off their reservations, by virtue of existing treaties, the Federal Government should purchase and quiet these rights in the over-all public interest.”⁷⁰

This same text was later passed as a resolution by the WSSC on September 19th, 1965, “after much discussion.”⁷¹ The degree of national attention paid to the issue by these organizations was a testament to the wide promulgation of publicity about the issue.

In October 1965, protests increased again, and became more violent on both sides. The Native Americans of the SAIA were not pacifists, and had frequently threatened to defend themselves with violence if need be. As both sides repeatedly clashed, tensions came to a head, and a series of “tense and violent”⁷² protests occurred on the Nisqually River, near Frank’s Landing. On the 7th, state police arresting a group of protesting Indians rammed their boat, either by accident or on purpose, and dumped them into the water. On the 9th, state officers including the Washington State Highway Patrol as reinforcements to the Department of Game officers raided Billy Frank’s property to confiscate his fishing gear, and there met violent resistance from the Native Americans. On the 13th, a well-publicized protest was coordinated that culminated in “an outright battle of paddles, sticks, stones, and fists...”⁷³ Charges of brutality and assault were made by both sides.⁷⁴

The increased publicity and the drama of these protests brought in support from even more organizations outside the tribes. On November 17th, 1965, the Episcopal Bishop of the

⁷⁰ Minutes, dated March 5-7, 1965, Washington State Sportsmen’s Council Papers, University of Washington Special Collections, Accession #2580-01, Box 9, folder ‘Meeting.’

⁷¹ Minutes, dated September 19, 1965, Washington State Sportsmen’s Council Papers, University of Washington Special Collections, Accession #2580-01, Box 9, folder ‘Committee Reports - 126th Meeting.’

⁷² Mary Isely. Uncommon Controversy. p. 111.

⁷³ Mary Isely. Uncommon Controversy. p. 111.

⁷⁴ Mary Isely. Uncommon Controversy. p. 113.

Diocese of Olympia offered his financial and moral support, including a donation of \$1000 for direct support of the SAIA.⁷⁵ Other churches also provided monetary support, although some did so anonymously. It was also after the brutality of the October 13th fish-in that the ACLU first agreed to defend people charged with interfering with the police during the confrontations.⁷⁶ By March 1966, the ACLU had agreed to defend the Indians involved directly in the fish-in protests as well.⁷⁷ This was the first time this organization entered a case specifically to defend Native American rights. In spring 1966, the Federal Justice Department also began to assist the Native Americans in legal matters, submitting *amicus curiae* briefs in two cases.

The SAIA continued to work hard on outreach and publicity. Another celebrity supporter was found in Dick Gregory, an African-American comedian. His arrest at a fish-in brought national publicity to the cause once more, with articles appearing even in the *New York Times*.⁷⁸ The SAIA also brought in and gave tours of Frank's Landing and the fish-in sites to people who could be effective in getting their message out. During 1966, several film-makers, publishers, and reporters were given guided tours of the sites of the fish-ins, and allowed access to members of the community at Frank's Landing for interviews and pictures.⁷⁹ The contacts with several of these people were due to the efforts of Dr. Evans Roberts, of the American Friends Service Committee, who were becoming involved because of how the issue addressed civil rights, and

⁷⁵ Personal letter from Rev. Ivol Ira Curtis, D. D. to The Executive Council of the Protestant Episcopal Church, November 17, 1965, NIYC Papers, University of New Mexico Center for Southwest Research, Box 19, Folder 12.

⁷⁶ Mary Isely, et al. Uncommon Controversy. p. 113.

⁷⁷ Mary Isely, et al. Uncommon Controversy. p. 112.

⁷⁸ "Gregory and Wife Guilty In Indian Fishing Protests," *New York Times* (1857-Current file), Dec 2, 1966, pg. 69. Accessed through ProQuest Historical Newspapers Database The New York Times (1851 - 2004) Document ID #94307535. <http://www.proquest.com>.

⁷⁹ "Visitors to Nisqually Area," Indian Survival Newsletter, July 1966, NIYC Papers, University of New Mexico Center for Southwest Research, Box 19, Folder 18, p. 4.

what they saw as “very basic questions of human values.”⁸⁰ The July 1966 SAIA newsletter also included ample evidence of the success of previous outreach activities, in the form of letters of support written in from widely dispersed areas.

1968: Violence and Publicity

In 1966, Janet McCloud had left the SAIA to pursue more national goals in educating others about Native American culture. Hank Adams of the NIYC became the head of the SAIA, and worked to further its involvement with other movements and organizations.⁸¹ The increasing militancy of the organization under his leadership eventually attracted non-native students and counterculture supporters to Frank’s Landing. Publicity and outreach was also expanded. Work was begun on a major documentary film that would eventually be released in 1971.⁸²

The next significant push for the fish-in campaign was in 1968. There were some early protests on June 13th and 14th, organized and publicized by Robert Satiacum of the Puyallups. These drew few people, and little response from the media or the government.⁸³ Later September protests by the SAIA, however, had a major impact. These protests were attended by members of a variety of groups, and the wider participation ensured a wider audience. On September 4th, a protest began consisting of a small number of Native Americans, and about 50 non-native supporters. Four nets were set in the off-reservation area of the lower Nisqually river, and the state Fisheries officers waited and watched from their side of the river, across from Frank’s Landing. Hank Adams was the leader of the group, and announced that “fishing would continue

⁸⁰ “Preliminary Report on the Indian Fishing Dispute,” American Friends Service Committee, undated, NIYC Papers, University of New Mexico Center for Southwest Research, Box 19, Folder 5, p. 3.

⁸¹ Copy from book “Now that the Buffalo’s Gone,” p. 201, NIYC Papers, University of New Mexico Center for Southwest Research, Box 19, Folder 12.

⁸² *As Long as the Rivers Run*, VHS, Directed by Carol Burns, Survival of the American Indian Association, Olympia, WA, 1971.

⁸³ “Indian Holds Symbolic Fish-In,” *The Seattle Times*, June 13, 1968, p. 45.

daily for at least five days.”⁸⁴ Non-native supporters included members of the Washington Peace and Freedom Party, the Students for a Democratic Society (including Robert Stern), the Socialist Workers’ Party, and even a single representative of the Black Panthers (Billy Jackson).

The presence of even one member of the Black Panthers increased the attendance of state law-enforcement officers dramatically, and almost guaranteed more of a police response through increased friction with the large number of police present. By September 8th, after several arrests the first few days (including both Hank Adams and Billy Frank), there were “several dozen officers”⁸⁵ stationed at the protest site, their numbers “swelled by rumors that Black Panthers might be on hand for the demonstration.”⁸⁶ There were also more than 250 demonstrators observing who had to be dispersed after the arrests were made. By September 13th, Hank Adams was out on bail, and the protests and arrests continued. Reporters wrote that “Adams said he and [Al] Bridges daughter, Suzette, will travel to a meeting of Mexican-Americans in Denver to solicit support. He said that some outside support already had been pledged by the Southern Christian Leadership Conference...”⁸⁷ Adams was still on task, locating more sources of support for the SAIA, wherever they might be found.

The protest and encampment grew and long outlasted Hank Adams’ original plans for a five day fish-in. By October 20th, 1968, the encampment at Frank’s Landing was 46 days old, and tight security had been set up. ‘No Trespassing’ signs were put up identifying the property as ‘Federal Trust Lands,’ and a roadblock set up by the state police prevented other protesters

⁸⁴ “Fisheries Men Watch, Wait As Indians Fish Nisqually,” *The Seattle Times*, September 4, 1968, p. 15.

⁸⁵ “Six Arrested In Clash Over Indian Fishing,” *The Seattle Times*, September 9, 1968, p. A.

⁸⁶ “Six Arrested In Clash Over Indian Fishing,” *The Seattle Times*, September 9, 1968, p. A.

⁸⁷ “Four Arrested as Indians Fish Nisqually With Set Nets,” *The Seattle Times*, September 13, 1968, p. 33.

from arriving.⁸⁸ About 30 people total were involved with the camp by this point; and since September 4th there had been 26 arrests at Frank's Landing and in the surrounding areas. Most of the actual fishing had been done by the natives, but many of the arrests were of non-natives interfering with the state officers' attempts to arrest the fishermen. According to one of the reporters, "The non-Indian supporters are viewed by the state as 'a bunch of hippies' bent on civil disorder. Some are."⁸⁹ Because of the formal backing of some of the outside groups, some of the Native Americans who had been involved in the protests backed out, and at this point the outside supporters said to reporters that "they are there as individuals...[but] the groups still back the fish-ins."⁹⁰ Other participants included several students from the University of Washington.⁹¹ The Native Americans had been able to fish and to keep their catch, and even sell the fish to local restaurants and individuals, so they felt that they were being successful despite having to cover \$3500 bail costs for the arrested fishermen. Each side accused the other of violence. Hank Adams and others had chosen to arm themselves with rifles to help protect the site.⁹²

The minutes of a September 22nd, 1968 Washington State Sportsmens Council meeting provide a quick summation of their opinion during this ongoing, major series of protests: "the Supreme Court decision of Indian treaties has not provided all the answers. Recent uprisings have been promoted by hippies, yippies and renegade Indians. The final accounting will be made by recognized members of the various tribes under due processes of law."⁹³ The WSSC

⁸⁸ "Four Arrested as Indians Fish Nisqually With Set Nets," *The Seattle Times*, September 13, 1968, p. 33.

⁸⁹ Don Hannula, "Nisqually Fishing Confrontation Now 46 Days Old," *The Seattle Times*, October 20, 1968, p. B.

⁹⁰ Don Hannula, "Nisqually Fishing Confrontation Now 46 Days Old," *The Seattle Times*, October 20, 1968, p. B.

⁹¹ William R. McCann, "Indian Fishing Rights," *The Daily*, October 4, 1968, p. 2.

⁹² Don Hannula, "6 More Arrested in Indian-Fishing Clash," *The Seattle Times*, October 18, 1968, p. 35.

⁹³ Minutes, dated September 22, 1968, Washington State Sportsmen's Council Papers, University of Washington Special Collections, Accession #2580-05, Box 1, folder 'WSSC - Minutes 1968.'

was still looking to the tribal councils as possible sources of compromise beneficial to their interests, and dismissing the activities of the 'renegade' SAIA. Their derision of the outside support is also clear.

While the participation of non-natives opened the protests up to this derision, the participation of these groups was instrumental in helping the protests to achieve their goals of publicity and impact. As a tiny minority, the Native Americans acting by themselves had had little impact on public opinion during the previous several decades, but after a few short years of coordinated protest, in combination with a growing national attention on minorities and civil rights, public opinion was finally shifting.

The many arrests of the extended 1968 protests created massive publicity, including coverage of the trial of Hank Adams, one of the major Indian spokesmen. As he was not associated with any local tribe, he was able to make claims of Indian solidarity as part of his defense, turning accusations of his lack of a stake in the matter into a positive statement of Native American unity.

Tribal organizations were still, for the most part, against the methods of the SAIA, but opinions were now coming around. Newspaper articles from 1968 reported that "while most Indians disagree with the tactics of Bridges and those who defy state law in the fishing struggle, virtually all agree with their position on the treaty-rights question."⁹⁴

1970 and Beyond: Culmination

By 1970, despite continued and ongoing fish-in protests, the actions of the Survival of the American Indian Association must be considered a success. Compromises made by the state with the Native Americans even resulted in a lawsuit filed on June 17th, 1970 by the WSSC in

⁹⁴ Don Hannula, "Al Bridges: A Prototype of the Outspoken Activist," *The Seattle Times*, June 30, 1968, clipping from Jack Tanner Papers, Washington State Historical Society, MS-57, Box 1, Folder 26.

which the state was on the same side as the Native Americans. The State was allowing 15 days of net fishing in the Puyallup river during the fall by the Native Americans, as a concession, and the WSSC was furious.⁹⁵ This reversal of the usual order illustrates how confusing and multi-sided the issue had become, and also the effect that their continued assaults had had on the resolve of the state Fisheries and Game organizations.

The tribes' own organization and leadership had finally gotten on board with the protests, discarding their attempts at reconciliation and even forming an armed guard force to protect the sites. On August 13th, 1970, at a press conference in the Seattle Indian Center, an announcement was made by Charlie Cantrell of the Puyallup tribe (accompanied by representatives of the Nisqually and other tribes as well) that the Indians would police their own fish-ins with armed guards – their own “police force,” which had been authorized by the tribal councils.⁹⁶ This was framed as a response to violence on the part of the police: “The Indians claim they have been beaten by law officers, and are forming the armed force only for self-protection.”⁹⁷

A major fishing camp on the Puyallup River was attacked in force by police on September 9th. The camp had been located on the river for at least a few weeks at the time of this incident, which was by far the most violent and publicized yet. The *Seattle Times* reported that 55 adults and 5 children were arrested, and that “Police used tear gas and State Game Department officials used clubs to break up a force of about 30 Indians armed with guns, knives, and fire bombs...”⁹⁸ This depiction had the Native Americans firing “four warning shots into the water

⁹⁵ “Sportsmen Sue Over Indian Fishing Rights,” *The Seattle Times*, June 18, 1970, p. B7.

⁹⁶ “Indians will Police Fish-Ins,” *Seattle Post-Intelligencer*, August 14, 1970, p. B.

⁹⁷ “Indians will Police Fish-Ins,” *Seattle Post-Intelligencer*, August 14, 1970, p. B.

⁹⁸ “Shots Fired, 60 Arrested in Indian-fishing Showdown,” *The Seattle Times*, September 9, 1970, p. A1.

near the boat”⁹⁹ before the real action began. According to a Native American leader, 25 state fisheries people had scouted out the camp early that morning, and then returned a few hours later with reinforcements from the Police Department, the Game Department, and even a Prosecuting Attorney. When the Police moved in, “One Indian threw a fire bomb on the railroad bridge to hold back the state game men moving across the bridge with clubs. The bomb apparently set off a blaze which damaged the bridge.”¹⁰⁰ The police did not attack without warning, as the occupants of the camp had apparently witnessed their scouting trip, and also “before the confrontation, police warned the Indians several times over a loudspeaker to lay down their arms and peaceably leave the area.”¹⁰¹ The Indians retort? Ramona Bennett of the Puyallup Tribal Council said “If anyone lays a hand on that net they are going to get shot.”¹⁰² This militancy showed that the tribes now had governing councils that finally embraced the SAIA’s confrontational demonstration methods. It is clear from this and the above reports that violence was endemic on both sides, and that tensions had been running high.

Public opinion ran in favor of the Indians, despite the fact that there was considerable evidence of violent behavior on both sides. Native Americans originally arrested for interfering with the police were later acquitted by an all-white jury, who even accused the police of conspiracy to bring about the violent confrontation.¹⁰³ The defense lawyers in this trial also made accusations that the entire raid was prosecuted for economic reasons, because of the potential damage changes in Native American fishing rights might do to the commercial fisheries. Several jurors

⁹⁹ “Shots Fired, 60 Arrested in Indian-fishing Showdown,” *The Seattle Times*, September 9, 1970, p. A1.

¹⁰⁰ “Shots Fired, 60 Arrested in Indian-fishing Showdown,” *The Seattle Times*, September 9, 1970, p. A1.

¹⁰¹ “Shots Fired, 60 Arrested in Indian-fishing Showdown,” *The Seattle Times*, September 9, 1970, p. A1.

¹⁰² “Shots Fired, 60 Arrested in Indian-fishing Showdown,” *The Seattle Times*, September 9, 1970, p. A1.

¹⁰³ “4 in Indian Fishing Protests Acquitted,” *News Tribune*, February 24, 1971, p. 1.

were apparently so completely in agreement with this assessment that after the trial, they signed deerskin copies of the verdict to be distributed to tribes throughout the country as an indication of “what kind of justice the Indian receives in Washington State.”¹⁰⁴ Some of the accused were still convicted of contempt of court for various reasons, but this still represented a major victory, especially in indicating that public opinion had turned against the police and other state officials.

One of the most important observers of the September 9th incident was U.S. Attorney Stanley Pitkin, and nine days later he filed U.S. vs Washington, the case that eventually led to the 1974 Boldt decision.

Another indicator of the perceived effectiveness and increasing success of the fish-ins was that white sports fishermen began using the fish-in protests method themselves – imitation is the sincerest form of flattery. On October 5th, 1970, a small group of white sports fishermen announced a fish-in on the Puyallup river in contravention of the current fishing laws. Four boats were put in the river at the Clark’s Creek Bridge, and reportedly one fish was caught. They were spurred on to this action by the Fisheries Department decision to grant the Indians “bonus days” of fishing for an especially large run of coho salmon that season. Thor Tollefson, the director of the Department of Fisheries, said of the white fishermen, “if they do this, they will be arrested.”¹⁰⁵ The next day, five whites were arrested while demonstrating against the Native Americans in a fish-in on the Puyallup river. Their boats and nets were confiscated, as had been the case for protesting Native Americans.¹⁰⁶ This was despite the fact that only one 14 inch steelhead was caught, and it was immediately released. The natives, however, ignored the protest: “While the demonstration was in progress, Indians tending nets on the river nearby paid lit-

¹⁰⁴ “4 in Indian Fishing Protests Acquitted,” *News Tribune*, February 24, 1971, p. 1.

¹⁰⁵ Malcolm MacNey, “Angry Whites Plan Fish-In Indian Style,” *News Tribune*, October 5, 1970, p. 1.

¹⁰⁶ Jack Ryan, “5 Whites Arrested in Fish-In,” *Seattle Post-Intelligencer*, October 6, 1970, p. 1.

tle heed to the white fishermen.”¹⁰⁷ There were about 200 assorted onlookers, and the protesters announced that they were disputing the three-days-a-week season allotted to Indians by Thor Tollefson and the Department of Fisheries, and also their alleged catch of steelhead when they were only authorized to fish for salmon on those days. Journalists recorded questions from the bystanders: “Are they going to club them (the whites) and mace them like they did the Indians?”¹⁰⁸ Obviously, the idea of this form of demonstration had had an impact, and caught on – only the generally perceived success of the Native American protests could have led these white fishermen to copy them in hopes of achieving their goals.

By 1971, the tide had shifted decisively in the Indians’ favor. Despite the January 19th shooting of Hank Adams by unknown assailants,¹⁰⁹ other indications were positive across the board. U.S. vs. Washington was making its way through the court system, and it was clear to many that the ruling in this latest case would be important. The Nisquallys at Frank’s Landing made it all of the way through the fall season of fishing without a single arrest.¹¹⁰ The WSSC was discontinuing their funding for some of the ongoing court battles, and experiencing internal difficulties in coordinating their opposition campaigns.¹¹¹ The above-mentioned acquittal occurred on February 24th, 1971.¹¹² For a newly proposed fish hatchery on the Nisqually River, supporters press releases used conciliatory language that was directed at the Native Ameri-

¹⁰⁷ Jack Ryan, “5 Whites Arrested in Fish-In,” *Seattle Post-Intelligencer*, October 6, 1970, p. 1.

¹⁰⁸ Malcolm MacNey, “5 Whites Arrested In Fish-In,” *News Tribune*, October 6, 1970, p. 1.

¹⁰⁹ Hal Hogan, “Hank Adams: Dedicated to his People’s Fight for Rights,” *The Daily Olympian*, January 19, 1971.

¹¹⁰ Don Hannula. “Opinion,” *The Renegade*, June 1972, p. 7.

¹¹¹ Minutes, dated August 1, 1971, Washington State Sportsmen’s Council Papers, University of Washington Special Collections, Accession #2580-02, Box 1, folder ‘Special Board Meeting – August 1, 1971.’

¹¹² “4 in Indian Fishing Protests Acquitted,” *News Tribune*, February 24, 1971, p. 1.

cans.¹¹³ State Representative Hal Wolf of Yelm said “the first hatchery would benefit the Nisqually people in two ways. First, it would contribute a substantially new run of salmon to the river, and secondly, it would afford work opportunities since part of the plan for the hatchery is training Indians to operate the hatchery.”¹¹⁴ This propitiation by state officials is indicative of a recognition of the change in the status of the Native Americans – no longer forced into a position of ‘voluntary’ cooperation, they had finally gained a position of power in the battle for the preservation of their fishing rights.

By 1972, the battle seemed to be close to an end. This thank-you appeared in the SAIA’s newsletter, *The Renegade*:

We find tragedy in the fact that the public knows names of only a handful of persons coming to help us when there have in fact been hundreds. We know their names. Even though they are not celebrities, they may well be condemned in their anonymity for joining us.¹¹⁵

They were right. Some of their supporters had been singled out for their actions. A professor at the University of Puget Sound, Dr. Earl LeRoy Annis, had been scheduled to teach military personnel at Fort Lewis. On March 9th, 1971, he was declared unfit to teach at Fort Lewis by the Education Officer, who determined that he had been arrested for “defying a police order to disperse at a demonstration by Indians on the Puyallup River last fall.”¹¹⁶ He offers only one example of the risks assumed by those who had assisted the Native Americans in their fight.

The 1974 Boldt decision ending the case U.S. vs. Washington was a vindication of the Survival of the American Indian Association and their goals. By acknowledging and providing

¹¹³ “Funding Sought in Nisqually Hatchery,” *The Daily Olympian*, January 20, 1971.

¹¹⁴ “Funding Sought in Nisqually Hatchery,” *The Daily Olympian*, January 20, 1971.

¹¹⁵ “Helped Indians,” *The Renegade*, June 1972, p. 8.

¹¹⁶ Official Letter from Education Officer, Fort Lewis, dated March 9, 1971. Frederick Haley Papers, University of Washington Special Collections, Accession #1988-005, Box 82, Folder 82/5.

federal support for the Native Americans' equal share of the fisheries, as well as providing for native regulation of their own fisheries, it answered every one of their demands. However, it increased the violent opposition of the other groups who were most affected by it – the white commercial and sport fishermen. Future cooperation and compromise would still be required, but now it would be conducted on a more level field, without as much of the power differentials that existed before. The Boldt decision was subsequently upheld by the Supreme Court in 1979, and still holds as law.

Conclusion

The fish-ins were ultimately successful in achieving the goals of the SAIA, and they were instrumental in securing treaty fishing rights for the native communities of Washington State. Through this systematic and uncompromising form of protest, the Native American community had achieved public recognition of the legality of their cause, as well as its essential justice. During the most intense six years of their struggle, as they acknowledged in their newsletter, they had received help, cooperation, and support from many individuals, as well as several key civil rights organizations: most importantly, the NAACP, the NIYC, the ACLU, and the AFSC. This outside assistance had been crucial to their eventual success.

The SAIA and their fish-ins were also effective in helping to connect the Native American Rights movement to the organizations of the greater civil rights movement in general, and proved as many other organizations had already discovered that cooperation between these independent groups was not only beneficial, but essential to their overall success.

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