

# New Book Points Society's Ability To Tolerate Indian Life Style

The controversy over Indian fishing rights in Washington State is not a question of conservation, but of American society's ability to tolerate a minority life style, according to a new book released July 17 by the American Friends Service Committee.

The study, **UNCOMMON CONTROVERSY**, surveys the history and the legal and ecological questions involved in an ongoing dispute between the Department of Game and Department of Fisheries of the State of Washington and three small tribes in the Puget Sound Area—the Puyallup, the Nisqually, and the Muckleshoot.

State agencies have accused the Indians of posing a major threat to salmon conservation, according to the book. "Indians have had little to do with the changes which have so seriously affected the salmon environment," the report explains in a special chapter on fish ecology.

At issue are clauses in two treaties which ensure the Indians' right to hunt and fish without reference to reservation boundaries. Although treaty rights theoretically supersede state law, the state has attempted to enforce fishing regulations on Indians fishing off the reservation, the book explains.

"The state of Washington is under pressure to provide a maximum number of salmon for both commercial and sport fisherman and of steelhead for the sportsmen. Indian fishing rights standing as special rights not available to other citizens are under attack," the book states.

Indians have a special interest in preserving the salmon, according to the study. Fishing is not only a major source of livelihood, it is one of the few expressions of Indian-ness remaining to Indians. However, the Indians have had no help in developing or regulating their fisheries until recently according to the report.

"No program of assistance to tribal fisheries maintenance and development was ever seriously contemplated by any agency before the limited program begun in 1962," the book states.

"Neither have Indians been invited by state agencies or others to participate as interested parties in overall conservation plans and projects, except on a nominal basis."

The study calls for the establishment of a commission composed of representatives from the three groups of fishermen—commercial, sports, and Indian—to develop means of allocating fish and regulating fishing.

It points to the example of the International Pacific Salmon Fisheries Commission which allocates Fraser River sockeye and pinks between Canadian and American fishermen.

The long-standing controversy came to public attention in the early sixties when the state began arresting Indians fishing off the reservations. Fish-ins, injunctions, and arrests have continued, and the cases have gone as high as the Supreme Court.

Legal confusion has perpetuated the controversy, the book states. In a special chapter on Indian law, attorney William Hanson discusses the "double think" surrounding the treaties.

Those who argue that Indians should not have special rights see the treaties as granting rights and property to the Indians.

In reality, Indians, as original owners of the land, granted land

to the United States, while retaining certain rights and some property, he explains.

The Bureau of Indian Affairs comes under fire for its long inaction and silence on the fishing rights controversy.

"Until July 1965, when the Department of the Interior proposed itself to regulate the off-reservation fisheries—and thus recognized their right to existence, the Bureau's silence had lent credence to the state's contention that no such rights exist," according to the book.

The Justice Department did not offer to enter court cases on fishing rights until 1966.

As members of a minority group with different ways of thinking and different traditions, Indians are at a disadvantage in this controversy, the authors state.

"The legal questions center around the meaning of non-Indian words in a treaty under study in a non-Indian court of law. Important decisions must be rendered by non-Indian officials," the study explains.

Publicity has played an important role in the dispute, the book points out. Indians do not have access to the media, while the state agencies have launched a publicity campaign against the Indians.

The book criticizes the agencies for frequently oversimplifying the issues and for failing to publicize equally far greater threats such as industry and pollution.

"An intelligent application of new values, attitudes, and relationships is required for an Era

of Ecology. We might find that by returning some of the salmon and the spawning rivers to the care of Indians, the State of Washington could increase the amount of fish available to all fishermen, including sport and commercial fishermen," Walter Taylor writes in his introduction to the book.

**UNCOMMON CONTROVERSY** was prepared for AFSC by a study group of seven people associated with the Seattle Regional Office. It is based on twenty years of AFSC work with American Indian communities in Washington State. It is being published by the University of Washington Press.