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Richard Walker

Young people from the Puyallup Tribe and other Tribes participate in the opening ceremony of Boldt 40, February 5 at the Squaxin Island Tribe's Skookum Event Center. The day commemorated the 40th anniversary of the U.S. District Court decision in U.S. vs. Washington. The youth entered with the late Chief Dan George's "Coast Salish Anthem," then sang and drummed paddle songs from Puyallup, Squaxin, and Nisqually.

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40 Years Later: Boldt Decision Celebrations With Some Caution

RICHARD WALKER | 2/12/14

Their heads are grayer, their steps slower, but these leaders are no less courageous than when they fought the Fish Wars in Western Washington 40 years ago.

"That was our Super Bowl," former Puyallup Tribe chairwoman Ramona Bennett said.

On February 5, Bennett talked about being gassed, beaten and arrested by law enforcement officers during the height of the battle. Those officers rammed canoes, cut nets, confiscated gear. They had no jurisdiction over Native Americans fishing in their usual and accustomed areas, but they were trying to enforce the state's catch limits and fishing-license laws there nonetheless.

The state's view: Treaty rights were special rights; Indian fishing had to be regulated in order to protect salmon. The Indians' view: The state was discriminating against them so non-Indians could take all the fish.

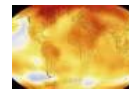
Indeed, salmon runs throughout the region had plummeted, but the state didn't want to look at the commercial fishing licenses it gave to non-Indians for \$15 a year with no daily catch limits. It didn't want to look at habitat that had been damaged by deforestation, agricultural runoff, tainted stormwater runoff, and



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dams and culverts that blocked fish passage. It wanted to blame 1 percent of the population, the people who had fished here forever, those whose relationship with salmon was cultural and spiritual as well as vital to their health.

The state's First Peoples won that battle, but another battle continues: Reversing more than a century of bad environmental policy so salmon populations can rebound and thrive.

The Northwest Indian Fisheries Commission presented "Boldt 40" on February 5-6, a commemoration of the 40th anniversary of U.S. District Court Judge George H. Boldt's landmark ruling in *U.S. vs. Washington*. The celebration was held in the Squaxin Island Tribe's Little Creek Casino Resort Event Center.

In 1970, the U.S. sued the State of Washington on behalf of the Treaty Tribes, alleging the state was preventing the Tribes from exercising the fishing rights guaranteed them under treaties signed with the U.S. On February 12, 1974, Boldt ruled in favor of the Treaty Tribes. An article in the treaties states "The right of taking fish at usual and accustomed grounds and stations is further secured to said Indians *in common with all citizens of the Territory.*" Boldt interpreted "in common with" to mean an equal share, 50 percent of the available salmon harvest.

But Boldt's ruling, upheld by the U.S. Supreme Court, did more than affirm Indian fishing rights. It upheld treaties as being supreme over state law, as stated in the U.S. Constitution. It established Treaty Tribes as co-managers of the salmon fishery. And, as Muckleshoot Tribe attorney Alan Stay said, it spawned other actions designed to protect salmon – because if there is no salmon fishery, then the treaty is violated.

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