

● Fishing

cumstances were such that a more violent outbreak might occur.)

The following day, the 13th, representatives from Warm Springs, Yakima, Nez Perce, and Umitilla tribes met in the office of U.S. Attorney Lezak to discuss compromise plans to alleviate hard feelings on the lower Columbia, and thus remove the possibility of any harassment of Indian fishermen. The tentative plan agreed upon was to restore two days of lost fishing time to the lower Columbia gillnetters. However, before this compromise was offered, the lower Columbia fishermen had obtained temporary injunctions restoring their entire season; one from a state court in Clatskanie, Oregon and one from the Thurston County Court in Olympia, Washington. These injunctions were ruled invalid by Judge Belloni's court, though two additional fishing days were eventually granted.

The compromise was offered "with the understanding that the state would come up with a comprehensive plan assuring that both sides in the dispute would have a reasonable chance of catching their 50 per cent of the harvestable take," according to one Warm Springs tribal official close to the case. He added that the plan "should pinpoint the responsibilities of federal, state, and tribal game officials so

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that the preservation of the run could be guaranteed and further disputes be avoided in the future." The federal court intervened in the case as a result of the state's failure to come up with such a plan, though they had been advised to do so in past years.

Double Standard

While most Indians express satisfaction with the present arrangement, one lady - who owns part interest in one of the fishing operations - feels that the states could be more consistent in their treatment of fishermen above and below the dam.

Mrs. Neda Greene, Warm Springs, says that the states are employing a double standard of enforcement on the river. She cited as an example the Ilwaco, Wash., "fish-in" of a few months back. She said that Indian fishermen are fined up to \$505.00 for not tending their nets (wasting fish), while, at the time of the "fish-in" it was illegal to buy fish at all. Thus, she says, the demonstrators were technically guilty of wasting all of the fish that they caught; yet, they were only cited for fishing out of season. She added that Indian fishermen cited for the same charge have their nets confiscated, while the protestors at Ilwaco were allowed to keep theirs.

No state officials associated with the Columbia River fisheries could be reached for comment by press time.

No Hearing Set In Suit

by Olney Patt, Jr.

No hearing date has been set by recently assigned judge, Gus Solomon, in the suit brought against the Confederated Tribes of Warm Springs, The secretary of the Interior, and the Commissioner of Indian Affairs by several members of the Warm Springs Tribes. The plaintiffs in the case claim "disenrollment" and "deprivation of the right to inherit by due process of law" because of their exclusion from the distribution rolls of the Ceded Area Claim Settlement. Their exclusion, according to a tribal official, stems from their participation in other claim settlements on other reservations.

The suit was filed on November 26, 1976 by some 26 tribal members, shortly after the distribution plan was disclosed by Portland Area Director, Paul Weston, (now retired). Presently in charge of the B.I.A. side of the project is John Weddel.

On February 19, 1976, the attorney for the plaintiffs, John C. Barret of the Northwest Legal Clinic, filed an amended complaint with additional plaintiffs.

On April 26, Assistant U.S. Attorney Jeffrie L. Rogers filed the response of the government defendants - a motion

to dismiss charges or, in the alternative, for a summary judgement.

Barret, on July 12th, filed a memorandum of law in opposition to the motion to dismiss. On July 23rd, the plaintiffs gave to the court their exhibits A, B, C and D. Exhibit A is identified (by the plaintiff) as a letter from the BIA summarizing the plan's exclusions. This is erroneous. It is actually a letter, dated 6-2-76, from attorney Arthur V. Biggs of the Regional Solicitor's office to the U.S. Attorney furnishing and summarizing information requested by the plaintiff's attorney. Exhibit B is the proposed roll of distribution under the plan of distribution. Exhibit C is the plaintiff's summary of the blood degrees of the distributees in Exhibit B, and Exhibit D consists of affidavits from six tribal members.

The original hearing date had been set for July 19th, but, 5 days before that date, Judge James M. Burns withdrew from the case and Judge Gus Solomon was assigned to it. He has not yet worked the case into his schedule of hearings.

"Our work here is done," said John Weddel of the Area Office, "we have devised a plan for the distribution of the settlement funds. We could proceed with payment if it were not for the suit."



End Of The Run. Resetting The Net



Returning To The Docking Area . . .



. . . & Sacking Up The Day's Harvest