

NHD PERFORMANCE SCRIPT COVER PAGE

**Followed by:
 Project Title Page
 Project Description
 Annotated Bibliography**

PERFORMANCE INFORMATION	
Project Title	Breaking Barriers to Restore 1855 Treaty Fishing Rights
Student Name(s)	Colton McCall
Division	Junior
Performance Runtime	10 minutes
Thesis	<p>Physically blocked, harassed, and arrested for fishing off-reservation exercising their rights that were granted to them in the treaties of 1855, native peoples of the Pacific Northwest won two landmark court cases that affirmed their fishing rights in the 1969 Belloni Decision and 1974 Boldt Decision. Part of the Boldt Decision settlement established the Columbia River Inter-Tribal Fish Commission in 1977, that both broke the barriers preventing tribes from controlling their own fisheries and enforced the provisions of their treaty, a barrier that protects their rights.</p>

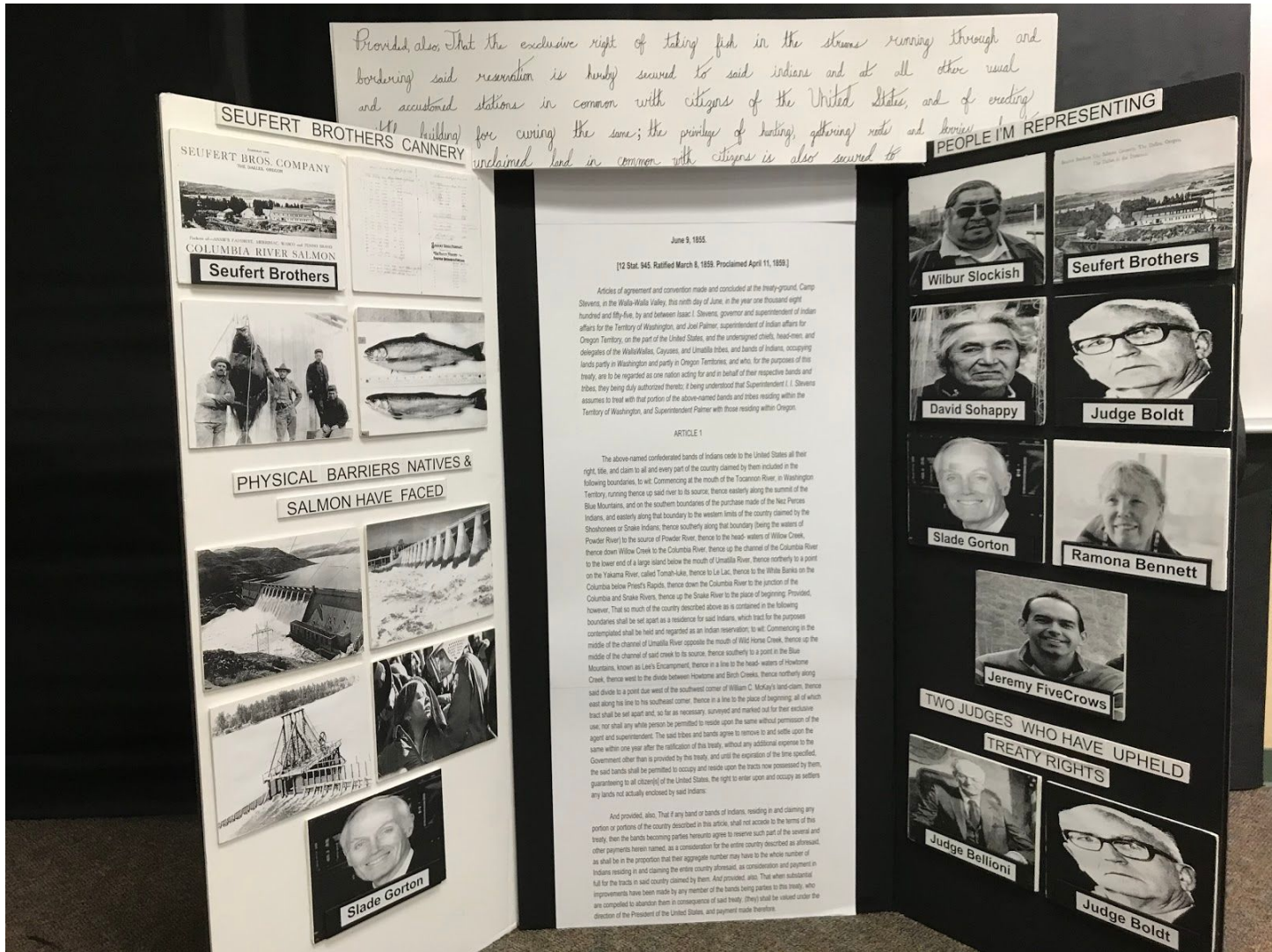
PERFORMANCE OVERALL SCENARIO	
Story Setting(s)	Timeframe
Columbia River, Oregon and Washington state, and courtroom	1855 to the present day
Story Synopsis	

Characters relate the history of fishing rights from multiple viewpoints: tribal fishermen, commercial cannery owner, federal judge, Washington state attorney general supporting non-tribal fishing, Native American spokesperson, and current Columbia River Inter-Tribal Fish Commission commissioners.

CHARACTERS

Character	Performer	Description/background for the character
Wilbur Slockish	Colton McCall	70-year-old Klickitat tribal commissioner of the Columbia River Inter-Tribal Fish Commission from the Washington state side of the Columbia River. He witnessed the barriers, misunderstandings, and misconceptions about the 1855 Yakama Treaty that over the course of the performance are with great difficulty overcome.
Theodore Seufert	Colton McCall	Seufert was a middle-aged, non-tribal businessman who in partnership with his brother Frank A. Seufert were leaders of a late-1800s commercial salmon cannery whose fish wheel invention decimated the spring, summer, fall, and winter salmon runs. By 1879, their hubcap to hubcap fish wheels brought the salmon runs to the point of extinction. As long as a profit was made, they could care less, a common attitude and business practice in fishing as well as other extractive industries such as mining and lumber. Even after fish wheels were banned in the 1920s, pollution and loss of habitat stymied fish recovery.
David SoHappy	Colton McCall	David SoHappy was a physically imposing, strong man, a member of the Wanapum band as well as was the face of Wanapum fishing rights activists. He spent sixty-six years in court fighting against state as well as federal laws that tried to limit and control tribal fishing that conflicted with the literal and implied words of the 1855 treaty. He is most known for his Sohappy v. Smith case that reached the federal district court in United States v Oregon where Judge Robert Belloni ruled that states can regulate indian fishing only when absolutely necessary for conservation as well as ruled that tribes were to receive a "fair and equitable share." Judge Belloni's ruling would be quantified at fifty percent in the next landmark court case.
Judge Boldt	Colton McCall	Judge George Boldt was the turning point that finally gave Native American treaty tribes* of the Pacific Northwest rights both sides agreed to in 1855. In the case the United States v Washington 1974, Judge Boldt listened to months of arguments by all stakeholders. Then he aligned fish management with the Treaty of 1855, and ruled that tribes would receive "fifty percent through their "usual and accustomed " fishing grounds." With this ruling, he made many non-tribal white fishermen angry.

		<p>*Not all tribes had their treaties ratified by Congress, the most notable being the Chinook Nation whose Treaty of Tansy Point 1852, was not ratified because Congress thought the 174 remaining Chinook would die out. In January 2001, during the waning days of the Clinton Administration, President Clinton signed legislation that recognized the Chinook. Weeks later while Chinook representatives were in Washington, D.C. to celebrate and participate in the Lewis and Clark bi-centennial preparations, the new President George W. Bush administration revoked the Chinook recognition. Unrecognized to this day, the Chinook have no fishing rights protected by the Boldt Decision.</p>
Slade Gorton	Colton McCall	<p>Slade Gorton was Washington State Attorney General 1969-1981. Slade Gorton was given the task of representing Washington state non-tribal arguments that state law superseded the 1855 treaties in the case of the United States v Washington. Attorney General Gorton lost this battle. Judge Boldt ruled that the U.S. Constitution was the supreme law of the land. Despite losing, AG Gorton continued to argue non-tribal fishing rebuttals against Native American fishing rights that in my performance presented non-tribal fishermen's point of view.</p>
Ramona Bennett	Colton McCall	<p>Ramona Bennett was a proud, well-spoken leader of the Puyallup Tribe, a pioneering activist who fought for Indian fishing rights. She was and will always be a force to be reckoned with. She continually educates non-tribal and tribal people about the legal system and spreads awareness about the ongoing threats to hard-won rights.</p>
Jeremy FiveCrows	Colton McCall	<p>Jeremy FiveCrows is a proud member of the Yakama Tribe and so a Columbia River Inter-Tribal Fish Commission commissioner who represents his tribe and his agency, Columbia River Inter-Tribal Fish Commission also known as CRITFC. CRITFC was established in 1977 after the Boldt decision in 1974. This agency is the living proof of breaking through the physical and legal barriers. At the same time, CRITFC IS the barrier that protects their treaty rights to fish in their "usual and customary" tribal fishing sites including private land.</p>



PERFORMANCE SCRIPT BY SCENES

Please add or remove scene pages as needed. This is only a template.

SCENE 1 - SCENARIO

Purpose of the Scene	Key Elements	
The Yakama 1855 Treaty between four Columbia River tribes (Yakama, Nez Perce, Umatilla, established fishing rights)	Setting	Columbia River, Washington-side
	Timeframe	present-day
	Characters	Wilbur Slockish
Summary of the Scene		

Wilbur Slockish: (flannel shirt, sunglasses; walk on stage. Deep sigh. Eye contact with judges and audience. Introduces himself by pointing to his photograph on the backdrop. Backdrop has handwritten, enlarged key section of the Yakama 1855 Treaty and enlarged copy of the entire text of the treaty plus 8 x 10 photographs of main characters, salmon, fish wheels, Seufert Brothers ledger, and Grand Coulee dam.)

DIALOGUE - SCENE 1

Character & Action	Dialogue
Character (Actor Name) <i>(Action & movement direction)</i>	(Spoken words)
Wilbur Slockish (Colton McCall) (flannel shirt, sunglasses; walk on stage. Deep sign. Eye contact with judges and audience. Introduces himself by pointing to his 8×10 photograph on the left side of him)	<p>I hardly know where to start. My name is Wilbur Slockish, an elder, member of the Klickitat tribe, and Columbia River Inter-Tribal Fish Commission commissioner. I live in Underwood, Washington. The barriers we Native Americans have faced never seem to end. The struggle to overcome cultural, physical, and legal barriers goes back to our Yakama Treaty of 1855, when the fourteen tribes and bands of the Columbia River agreed to sign treaties that established our right to fish and gather in "usual and customary" fishing sites and reserved land for us so that non-tribal settlers could farm and ranch on our ancestral land. We were soon to be proven otherwise. Culturally, we were much further apart than we realized. For starters, we value salmon as not only as a sustainable food source but also central to our beliefs. Salmon is a precious gift from the Creator, and we are stewards of that gift. Sadly, non tribal people believed the opposite. Rather than sacred, they saw salmon as a limitless commodity to be harvested for money. The legal barriers we would have to overcome would be the most daunting, but in the end, those court cases would result in the barrier that protects our rights today...as you shall see.</p>

SCENE 2 - SCENARIO

Purpose of the Scene	Key Elements	
<p>X</p> <ul style="list-style-type: none"> Overfishing and hydroelectric dams drive wild salmon to near extinction. Millions of salmon commercially “harvested” using efficient fish wheels in the late 1800s decimated the salmon runs and took the traditional source of food and income from Columbia River tribes. <p>Unprecedented hydroelectric dams built on the Columbia River during the Great Depression and World War II created physical barriers that prevented salmon from spawning and returning to the ocean after spawning.</p>	Setting	
	Timeframe	1890s to 1940s
	Characters	<p>Theodore J. Seufert (Seufert Brother Cannery)</p> <p>Wilbur Slockish--Klickitat tribal member</p>

Summary of the Scene

Theodor Seufert (in dress shirt and tie; aggressive, talks fast and forcefully, points to photograph) explains his point of view of the salmon. He shows no sympathy or remorse of almost putting the spring, summer, fall, and winter salmon runs to the point of extinction. Just as long a profit was made, he and his brother did not care. Then Wilbur Slockish relates how in 1926 and 1934 both Oregon and Washington state had outlawed fish wheels but unfortunately the damage was beyond easy repair.

DIALOGUE - SCENE 2

Character & Action	Dialogue
<p>Character (Actor Name) <i>(Action & movement direction)</i></p>	(Spoken words)
<p>Theodore Seufert, (Colton McCall) (in dress shirt and tie; aggressive, talks fast and forcefully)</p>	<p>Hello, my name is Theodore J. Seufert. My brother Frank A. Seufert and I are the Seufert Brothers. I am here to guide you through our point of view. From the 1890s to the mid-1940s, we were the leading salmon packer along the Middle Columbia River. Our 1879 fish wheels quickly put a dent into the population of spring, summer, fall, and winter salmon runs; almost to the point of extinction; but as</p>

<p>Seufert Brothers Fish Canneries</p>	<p>long as there was profit to be made, we did not care. (Gesture to 1893-1896 ledger documents.) It's like a gold rush. Get it before someone else does. You must excuse me, I really must get back to the company. There is a lot to be done, see you.</p>
<p>Wilbur Slockish (Colton McCall) (Flannel shirt, sunglasses; remind audience who his is, point to photograph)</p>	<p>In 1926 and 1934, both Oregon and Washington state outlawed fish wheels; really too late because the salmon were already in steep decline. Worse for us and the fish, the first federal hydroelectric dam on the Columbia River at Bonneville was built in 1934, and completed in 1937. Also in 1934, Grand Coulee dam was the most destructive barrier because it had no fish ladders and prevented salmon from spawning in millions acres of habitat. Imagine the millions of salmon returning to spawn in 1941, hurling themselves against that implacable barrier (gesture to dam photos). (Pause). Mourn for them. How arrogant to think humans could replace and "mitigate" what the Creator did for free.</p>

SCENE 3 - SCENARIO

Purpose of the Scene	Key Elements	
X Explains the cultural barriers surrounding the creation of the 1855 treaty and the misconceptions that non-tribal people used to block treaty tribes from fishing in their “usual and customary” sites.	Setting	Oregon side of the Columbia River
	Timeframe	1968
	Characters	David SoHappy--Wanapum fishing activist Wilbur Slockish--Klickitat tribal member

Summary of the Scene

David SoHappy (gesture toward photo, wears a jean jacket, holding huge salmon, deep, soft voice) explains how he challenged the “commonly-held misconception that the 1855 treaty ‘confined them’ to the reservation.” Further on he explains how the state who is supposed to uphold their treaty rights instead protect non-tribal property owners who physically block them from their “usual and accustomed” fishing sites with barbed wire fences and locked gates, called state fish and game agents, and had local law enforcement arrest them. He also tells us how there were many faults in the treaty itself and the way it was interpreted and carried out to where non-tribal people could manipulate and take advantage of state laws in order to block natives from their 1855 federal treaty fishing rights.

DIALOGUE - SCENE 3

Character & Action	Dialogue
Character (Actor Name) <i>(Action & movement direction)</i>	(Spoken words)
David SoHappy (Colton McCall) (gesture toward photo, wears a jean jacket, holding huge salmon)	I'm David Sohappy a Wanapum tribal member from the Oregon side of the Columbia River. In 1968, I challenged the commonly-held misconception that the 1855 treaty confined us to the reservations. Non-tribal property owners erected barriers that prevented us from our “usual and accustomed” fishing sites with barbed wire fences and locked gates. We knew what the treaty said and climbed over barriers only to be arrested, fined, and jailed for trespassing. A cultural barrier between us and non-tribal people was the interpretation of the language in the treaties. We thought we understood what “usual and accustomed” sites meant, namely where our ancestors had fished for thousands of years. Non-tribal citizens thought they understood. We were right, they were wrong, but we were not in power.

	<p>Joel Powell, a former American lawyer explained how we were right because “nothing in the language of the treaties indicates that any party (the Indians) understood that constraints would be placed on the amount of fish that anyone could take, or that the Indians would be guaranteed a percentage of the catch. Quite to the contrary, the language confers upon non-Indians precisely the same right to fish that is conferred upon Indians, even in those areas where the Indians traditionally had fished.”</p> <p>SoHappy continues: The treaty was signed by my illiterate ancestors dependent on the translation that was presented to them. We understood that forever meant forever; not until Washington became a state in 1889. Clearly the state, county, and fish and wildlife agencies did not. I challenged this fundamental misunderstanding in court in U.S. v. Oregon 1959. We took our cue from the Civil Rights Movement--protest but make changes through legal channels.</p>
<p>Wilbur Slockish (Colton McCall) (Flannel shirt, sunglasses; remind audience who his is, point to photograph)</p>	<p>Wilbur Slockish</p> <p>Native Americans knew that if legal action was not taken soon, the conflicts between tribal and non-tribal fishermen would get worse, perhaps violent. Now, let’s hear from Judge Boldt himself, the man whose ruling forever changed tribal and non-tribal fisheries .</p>

SCENE 4 - SCENARIO

Purpose of the Scene	Key Elements	
X Purpose: Simplifies but yet still keeps the complexity of the legal ruling of both Judge Bellioni's and Judge Boldt's decisions. Judge Boldt affirmed Judge Belloni's decision five years earlier and quantified the share between tribal and non-tribal fishermen at 50-50.	Setting	Courtroom
	Timeframe	1974
	Characters	Judge Boldt
Summary of the Scene		
Judge Boldt (judge's black robe, gavel, with assertive voice, and standing imposingly tall with shoulders back, gestures toward photo of himself) ruling has aligned fish management with the 1855 treaty and most importantly he has interpreted his final ruling into what the indigenous tribes believed all along. His final ruling was fifty percent of all salmon runs through their "usual and accustomed fishing grounds" belongs to them and also restored their right being able to fish in their "usual and customary" tribal fishing grounds including private property.		

DIALOGUE - SCENE 4

Character & Action	Dialogue
Character (Actor Name) <i>(Action & movement direction)</i>	(Spoken words)
Judge Boldt (Colton McCall) (Judge's black robe, gavel, with assertive voice, and standing tall with shoulders back, gestures toward photo of himself)	Good morning everyone, my name is Judge George Boldt and in the case of the United States v Washington 1974, also known as the Boldt decision, my ruling aligned fish management with the 1855 treaty. Five years earlier, Judge Robert Belloni in the case of U.S. v. Oregon 1959, ruled that Columbia River tribes had agreed to a "fair and equitable" share of harvestable salmon. My 1974 decision was based on Judge Belloni's final ruling in 1969. I ruled the state of Washington had failed to uphold Indigenous tribes' 1855 fishing rights. I interpreted the treaty to mean what the Indians understood. The Indians believed "in common with citizens of the territory" which meant "fifty percent* through their usual and accustomed fishing grounds." My ruling broke the physical barriers tribal fishermen had faced. Now "off-reservation fishing by other citizens and residents of the state was not a right but merely a privilege which may be granted, limited, or

	<p>withdrawn by the same as the interests of a state or exercise of treaty rights may require.”</p> <p>*At the time, native people were estimated to be getting five percent.</p>

SCENE 5 - SCENARIO

Purpose of the Scene	Key Elements	
X Purpose Show the non-tribal point of view and defense’s side of this court case (Washington State Attorney General Slade Gorton.) It also explains how non-tribal fishermen feel about tribal fishermen and what they think should have happened.	Setting	Courtroom
	Timeframe	1969-1981
	Characters	Slade Gorth

Summary of the Scene

Slade Gorton (business suit, tie; points to his photograph on backdrop, bold but yet condescending, arrogant voice) He summarizes his task of arguing that Washington law superseded the 1855 treaties. The reasoning for his loss was because Judge Boldt had affirmed that the U.S. Constitution was the supreme law of land. He refers to the hundreds of letters that both he and Governor Daniel J. Evans receive that rants about how the non-tribal fishermen felt about tribal-fishermen being about to do fish in their “usual and customary” tribal fishing sites.

DIALOGUE - SCENE 5

Character & Action	Dialogue
Character (Actor Name) <i>(Action & movement direction)</i>	(Spoken words)
Slade Gorton (Colton McCall) (business suit, tie; points to his photograph on backdrop, bold but yet snobby voice)	<p>I am Slade Gorton, Washington State Attorney General from 1969-1981. I was tasked with arguing that Washington state law superseded the 1855 treaties. I lost the court case because Judge Boldt affirmed that the U.S. Constitution was the supreme law of the land. I was on the losing side when Judge Boldt ruled that when the treaties were signed in 1855, Washington was not a state until November 11, 1889. The treaties ratified by Congress took precedence over any conflicting state law; the whole concept of federalism. Even though I lost THIS court case, I stood up for the non-tribal argument that the treaty tribes were subject to state fishing laws.</p> <p>Governor Daniel J. Evans and I received hundreds of letters. Here’s one of many outraged non-tribal citizens.</p> <p>“I just passed a Native American driving down the road with his load of ‘ceremonial salmon.’ What a laugh. The Indians are catching</p>

and selling salmon out of season when we non-tribal members cannot. How unjust!”

Here’s another irate non-tribal fisherman. ‘I pay for a fishing license and fishing tags. The Indians just flash their tribal identification, and the fish and game wardens let them go. I liked it better when we could fence them out and wardens arrested them. Worse, the Boldt Decision gave them the Columbia River Inter-Tribal Fish Commission. For several years I have “maintained that Congress should buy back the Indians’ rights to off-reservation salmon through condemnation proceedings, much like the government acquires land for a new freeway. After achieving condemnation for public necessity, a court could determine the dollar value of the treaty rights and send the bill to Congress.”

Oh, look at the time, I really should get going, I have a lot of cases to catch up on, people to see, places to go. Bye.

SCENE 6 - SCENARIO

Purpose of the Scene	Key Elements	
X Purpose: Explains how much has to be constantly vigilant of encroachment on fishing rights and having to constantly educate non-tribal fishermen through the legal system and the state that Native Americans have a Congressionally ratified to due process and to fish in “usual and accustomed” fishing sites.	Setting	Columbia River, Puyallup Tribe
	Timeframe	1980s
	Characters	Ramona Bennett
Summary of the Scene		
Ramona Bennett (head scarf, points to photo of herself, animate, outraged) is the proud leader of the Puyallup tribe and as well is a pioneering activist who is constantly have to educate non-tribal fishermen, the legal system, and the state about have the right to life and the right to fish. She explains how fishing is much more than just food. Salmon are embedded in their culture and sense of history. Without salmon as part of their culture and way of life, they are basically growing up to be a white.		

DIALOGUE - SCENE 6

Character & Action	Dialogue
Character (Actor Name) <i>(Action & movement direction)</i>	(Spoken words)
Ramona Bennett (Colton McCall) (head scarf, points to photo of herself, animate, angry)	<p>I’m Ramona Bennett, leader of the Puyallup Tribe. I fully empathize with Wilbur Slockish about having to continually educate non-tribal fishermen and the legal system about our rights to fish and as well as our right to life. “At one point I was looking at thirty-five years in prison for just standing up and saying that Indians have a right to life...And Indians have a right to live, and we have a right to a reasonable quality of life, and we have a right to a sense of permanence.” But unfortunately non-tribal fishermen and the state still don’t ‘get it.’</p> <p>“Rights aren’t for sale. When you sell your rights, you have sold yourself, and the Indians are not for sale. Fishing is our identity. It’s our future, our sense of history. Indian children don’t grow up to be white people. If they can’t find an Indian future for themselves, they’re dead.”</p> <p>Thankfully this bill did not pass Congress because it would be too expensive to condemn and buy land. Once again Attorney General</p>

	Gorton lost. Instead the Boldt Decision led to establishment of the Columbia River Inter-Tribal Fish Commission that broke down cultural, physical, and legal barriers and ironically became the barrier that protects our rights.

SCENE 7 - SCENARIO

Purpose of the Scene	Key Elements	
X The purpose of the scene is to give closure and hope about the Pacific Northwest native tribes and bands referred to in the 1855 treaties. Scene explains how in 1977 to the present day, the Columbia River Inter-Tribal Fish Commission is living proof of breaking through the physical and legal barriers that native peoples have faced, and at the same time, it is the barrier that protects and enforces their rights.	Setting	Protland, Oregon CRITFC's building
	Timeframe	Present day
	Characters	Jeremy FiveCrows

Summary of the Scene

Jeremy FiveCrows (sweater vest, hands in pocket, calm, points to photograph of himself) is a proud member of the Yakama Tribes as well as a commissioner who is representing the federal agency Columbia River Inter-Tribal Fish Commission also known as CRITFC. CRITFC was formed in 1977 after Judge Boldts ruling in 1974. CRITFC has broken all these barriers that they have faced while being the barrier that protects their 1855 treaty fishing rights. Also because of CRITFC that now they have control of fish management that funds their biologists, hatcheries, lawyers, habitat restoration, and enforces their decisions. Even though they have this huge agency to protect their rights, they still fight every day for them. They are here to remind us that they ARE the "Salmon People," they are STILL here, and SO is THEIR treaty.

DIALOGUE - SCENE 7

Character & Action	Dialogue
Character (Actor Name) <i>(Action & movement direction)</i>	(Spoken words)
Jeremy FiveCrows	Hello, my name is Jeremy FiveCrows. I am a member of the Yakama Tribe and commissioner representing my tribe on the

<p>(Colton McCall)</p> <p>(Sweater vest, hands in pocket, calm, points to photograph of himself,)</p>	<p>Columbia River Inter-Tribal Fish Commission also known as CRITFC. CRITFC is a federally funded, self-governing agency. CRITFC is the outcome of breaking the physical and legal barriers while at the same time IS the barrier that looks out for and protects our rights. Don't get me wrong, we still have to continuously fight for our treaty rights today but, now we actually stand a chance when doing so. The Boldt Decision recognized salmon were central to our culture and meant what our treaty signers thought it meant. The impact of CRITFC is that we control fish management that funds our own biologists, hatcheries, laywar, habitat restoration, and enforces our decisions.</p> <p>Just as the misunderstanding about "usual and customary" prevailed for over a hundred years, now Washington state mandates teaching tribal rights in "Since Time Immemorial" with lessons for first through twelfth grades. We ARE the Salmon People. We are STILL here, and SO is OUR treaty.</p> <p>Thank you everyone for your time.</p>

Breaking Barriers to Restore 1855 Treaty Fishing Rights

Individual Performance Junior Division

Colton McCall

495 Word Project Description

Colton McCall

Breaking Barriers to Restore Fishing Rights

PROJECT DESCRIPTION

After completing assignments on Pacific Northwest topics last fall, I chose to Research barriers Native Americans had to overcome to restore their 1855 treaty fishing rights. Doing my National History Day project on how the Columbia River Inter-Tribal Fish Commission (CRITFC) resulted from tribes getting their fishing rights is my way of educating people about tribal sovereignty.

My research began with class assignments on Washington State history and how European explorers since 1492, justified conquering nonwhite non-Christians under the “Doctrine of Discovery” and how that belief extended into the United States’ expansion west: Lewis and Clark, fur traders, missionaries, and settlers. One state- required lesson from “Since Time Immemorial” brought home the displacement suffered by Washington tribes. Then I found numerous books on Pacific Northwest native peoples’ conflicts in court cases involving fishing rights. I went to the Columbia River Inter-Tribal Fish Commission’s main office in Portland, Oregon, and interviewed witnesses and participants who gave their views on the Belloni Decision 1969, and the Boldt Decision 1974, along with stories of the many physical and cultural barriers that tribes faced over time. Mr. Lothrop explained how CRITFC funding resulted in much- needed autonomy. I identified the characters who would tell the story and supported claims with reasons and evidence. I accessed the Oregon Historical Society’s research files for the Seufert Company ledgers. I called Wilbur Slokish, a CRITFC commissioner representing the Klickitat tribe and emailed Chief of Enforcement Mitch Hicks, a Shoshoni-Bannock tribal member. Last, I had historians critique my script for clarity and consulted the high school drama coach then presented my performance to other classes and prepared for the judges’ interview.

I chose to do an individual performance to bring the story to life. Also I work better alone even though my teacher forewarned me that an individual performance is the most challenging category. Since my voice projects well, I decided to take advantage of it. I

would not have to hassle with not being able to get a website done early or having too many exhibit original words. I did discover though that my backdrop was as much work as making an exhibit, but by that time, I was committed. My costumes, props, and backdrop are still at school, and I am unable to access them because of the COVID-19 pandemic.

Columbia River Inter-Tribal Fish Commission relates to “Breaking Barriers in History” because the agency was formed in 1977, after the two landmark court cases established Columbia River Indians’ rights in the 1969 Bellioni Decision and 1974 Boldt Decision. Before these two landmark court cases, CRITFC Native American had no power at all over fish management or even their own fishing rights. Both the court cases and CRITFC broke the physical barriers and legal barriers by confirming their right to fish in “usual and customary” places and also allowed fifty percent of all salmon harvest as their fair share plus independent fish management. Misunderstandings about their rights persist that education can remedy.

495 words

ANNOTATED BIBLIOGRAPHY

PRIMARY SOURCES

Bennett, Ramona. "A Right to Live." Posted 13 March 2020. Web.

<https://blogs.uw.edu/tchp/2017/10/ramona-bennett-puyallup-tribal-indian-activist/>

Ramona Bennett is a Puyallup Indian activist I portray and quote in my performance. She is a primary source because she is both an eyewitness and participant in the Native Americans' struggle to overcome cultural, physical, and legal barriers that are at the heart of my performance.

"Boldt 40-Voice at Boldt 40." Blogs.nwifc.org. Posted 11 March 2014. Web.

<https://blogs.nwifc.org/boldt40/author/admin/>.

This source provided me with information about how tribal members were treated during the Fish Wars 1960-1970 and related Native American eyewitness stories along with quotes about their experience.

"Brando arrested nine years ago as he led 'fish-in' by Indians." *The Free Lance-Star*. Fredericksburg, Virginia: 29 March 1973. Print.

This is a primary source from the time of "Fish War" at the same time at the place of my topic. This provided historical context of events that were going on and affected my topic.

Boldt H. George Hon. "The Boldt Decision" 1976. Web.

https://www.k12.wa.us/sites/default/files/public/indianed/tribalsovereignty/high/us_highsc_hool/ushighschoolunit1/level3-materials/boldt_decision.pdf.

This is the landmark court case that restored Columbia River Native American fishing rights. I quoted the Constitutional case that agreed that the treaties were ratified by Congress and therefore the supreme law of the land that applied to every state and judge.

Cohen, G. Fay. *Treaties on Trial: The Continuing Controversy over Northwest Indian Fishing Rights*. Franch La Joan and Bowden L. Vivian, 1986. Print.

This book gave me more in depth information about the lawsuits and court cases involving Native Americans rights along with providing me with information about what led up to court cases and included this information into my script. All their legal cases and lawsuits were in chronological order and that was very helpful.

Dupris, Joseph C., Kathleen S. Hill, William H. Rogers. *The Si'Lailo Way: Indians, Salmon, and Law on the Columbia River*. Durham, North Carolina: Carolina Academic Press, 2006. Print.

The authors must have lived at both the National Archives in Seattle and Oregon Historical Society; resource sites. They went legal case by case in chronological order of the lawsuits against Native Americans and referred to them in my script. The court cases, documents and letters from the time are primary sources that helped me understand how long the conflict had gone on. The authors' summaries and analyses of the documents were a secondary source. I used both in my research before writing my script.

Five Crows Jermy. Unpublished personal interview by Colton McCall. Portland, Oregon. 18 November 2019. Recorded on camcorder.

Jermy Five Crows is one of the representations of CRITFC and also a Yakama tribal member as well. Jermy Fivecrows provided me with in depth information about barriers the the four Columbia River InterTribal Fish Commission tribes (Yakama, Umatilla, Nez Perce, Confederated Tribes of Warm Springs) have faced like mainly nontribal fishermen and law enforcement harassing, arresting, and jailing tribal fishermen.

Hicks, Mitch. Unpublished email interview. 3 March 2020.

Chief Hicks is a Shoshoni-Bannock tribal member and the Columbia River Inter-Tribal Fish Commission Chief of Enforcement headquartered in Hood River, Oregon. He brought me up to date on the continuing misunderstandings between tribal and non-tribal fishermen that I addressed in my script.

Jordan, Laurie. Unpublished personal interview by Colton McCall. Portland, Oregon. 18 November 2019. Recorded on camcorder.

Laurie Jordan provided me with information about court cases establishing Native American fishing rights.

“Last Indian Fighter: Slade Gorton is American Indians’ public enemy No. 1.”

In These Times.com. 2 October 2000. Web.

<https://inthesetimes.com/issue/24/22/stclair2422.html>.

This article provided me with specific information about Slade Gorton and what his intentions were when taking Native Americans to court for not obeying state fish and game laws when fishing. This article provides me with the point of view of non tribal members regarding Native American fishing rights.

Lothrop Rob. Unpublished personal interview by Colton McCall. Portland, Oregon. 18 November 2019.

Rob Lotruop provided me with information about how CRITFC was funded and where the funding goes.

Seufert Brothers Ledger Sheets. 1893-1896. Portland: Oregon Historical Society. Print.

I accessed these documents at the Oregon Historical Society, evidence of the millions of pounds of various species of salmon harvested almost year round. I enlarged one ledger sheet copy for my backdrop and refer to the documents in my script.

“Since Time Immemorial: Tribal Sovereignty in Washington State. Web.

<https://www.k12.wa.us/student-success/resources-subject-area/time-immemorial-tribal-sovereignty-washington-state>

My teacher attended a seminar last August that taught a lesson on tribal sovereignty that she taught to our Washington State history class that conveyed the connection tribal people had with the land that was, in the case of the lesson,

literally crumpled and destroyed. This is a primary source because it is the agency tasked with requiring the teaching of tribal sovereignty, education lacking to most non-tribal people. I concluded my script with how education is important to non-tribal people to understand tribal sovereignty.

Slockish, Wilbur. Unpublished telephone interview. 10 March 2019. aRecorded on Camcorder.

Wilbur Slockish is a Klickitat tribal member and CRITFC commissioner. He had very strong views on Indian rights, the treaties, and the conflicts from the misunderstandings between tribal and non-tribal fishermen. I chose Mr. Slockish as one of my characters because he lived through and continues to live with the barriers tribal fishermen have both bad, the misunderstandings, and good, the Columbia River Inter-Tribal Fish Commission that protects tribal rights.

“Treaty Between The Cayuse, Umatilla and Walla Walla Tribes, In Confederation, and The United States.” 9 June 1855. Web.

<https://ctuir.org/system/files/TreatyOf1855.pdf>.

This is a primary source because is an exact copy of the Walla Walla Treaty of 1855. The information in Article One I used as a middle backdrop five feet tall. The part that granted them the right to fish and gather at “usual and accustomed” fishing ground I wrote in cursive as a five-foot wide header, as well as took the information and applied it to my script.

PRIMARY SOURCE PHOTO CREDITS

“Belloni, Robert, USDCHS oral history” N. D. When was able to be accessed.

<https://usdchs.org/oral-histories/our-collection/robert-belloni/>. Web

Enlarged photo to give a visual representation of Robert Belloni.

“Bonneville Dam, Oregon, 1938.” N. D. Web

<https://www.humanitiestexas.org/archives/digital-repository/bonneville-am-oregon-1938>. Web.

Enlarged photo to give a visual representation of the Bonneville Dam look like that was also one of the most destructive barriers Native Americans and fish faced.

“David Sohappy among Fishing Nets: Toppenish.” 22 April 1987. Web.

<https://www.historylink.org/File/20725>.

Enlarged photo to provide a visual representation of what David Sohahppy looked like when he was alive.

“Columbia River Fish Wheel.” 17 March 2018. Web.

<https://oregonhistoryproject.org/articles/historical-records/columbia-river-fish-wheel/#.XILVrOhzy00>.

Enlarged to provide a detailed visual representation of what the 1879 Fish Wheel created by the Seufert Brother looks like.

“Grand Coulee Dam on the Columbia River.” 22 March 2016. Web.

<https://www.smithsonianmag.com/history/grand-coulee-powers-75-years-after-its-first-surge-electricity-180958524/>.

Enlarged this photo to provide a visual representation of the most destructive physical barrier that the Native as well as the Fish faced mainly because it had no fish ladder which physically prevented fish from spawning in a million acres of habitat.

“ Jeremy Five Crows.” N. D. Web

<https://www.critfc.org/blog/staff/jeremy-fivecrows/>

Enlarged this photo to give a visual representation of what Jermey Five Crows looked like.

“Native Knowledge 360: The Pacific Northwest | Fish Wars.” 4 September 1970. Web.

<https://americanindian.si.edu/nk360/pnw-fish-wars-tactics/#>

Enlarged this photo to provide a visual of what tribal fishermen being arrested when all they were doing was exercising their treaty rights given to them in the treaty of 1855.

“Penny Postcard: Seufert Brothers Cannery,” The Dalles, Oregon. 1909. Web, http://columbiariverimages.com/PennyPostcards/Images/PC_seufert_brothers_cannery_the_dalles.jpg.

Enlarged this photo to provide another visual representation of one my characters that I am portrayed in my script.

Salmon. N. D. When was able to be accessed. M Bond/U of Washington. Web. <https://www.washington.edu/news/2013/03/20/some-alaskan-trout-use-flexible-guts-for-the-ultimate-binge-diet/>. Web.

Enlarged this photo to provide a visual representation of the average size of salmon is not today then back in the early 1800s before the Seufert Brother Company` almost drove the population of salmon to extinction.

“Slade Gorton.” N. D. when was able to be accessed. Web. <https://www.sos.wa.gov/legacy/stories/slade-gorton/>

Used and enlarged this photo to give a visual presentation of Attorney General Slade Gorton.

“Seufert Bros Canner, advertisement: Franis Seufert, Wheels of Fortune.” 1981. Web. Portland: Oregon: Oregon Historical Society Research Room. https://oregonencyclopedia.org/articles/seufert_brothers_cannery/#.XILWc-hzy00.

Enlarged this photo to provide what the Seufert Brother Cannery looked like.

United States Constitution. Washington, D.C.: National Archives. Print

A copy of the original is in our eighth grade U.S. History textbook.

Article I, Section 10 states that federal government is superior to the state government which made states’ interfering in treaty rights illegal.

I point out in my performance that state fish and wildlife agents illegally arrested

tribal fishermen.

“United States District Court Judge George H. Boldt (1903-1984): Courtesy Washington Secretary of State.” N. D.
<https://www.historylink.org/File/5282>.

Enlarged this photo to provide a visual representation of what Judge Boldt looked like.

“Wilbur Slockish.” N. D. Web,

<https://www.critfc.org/tribal-treaty-fishing-rights/policy-support/critfc-policy-workshops/future2016/future-of-our-salmon-conference-speakers/wilbur-slockish/>.

Used and enlarged this photo to give a visual representation of who Wilbur Slockish was.

SECONDARY SOURCES

Baermann, Cari and Michael C. Blumm. “The Belloni Decision and its Legacy: United States v Oregon and it’s Far-Reaching Effects After a Half-Century” Law. Iclark. Edu. Web.

<https://law.lclark.edu/live/files/29022-prof-blumm-draft-paper-us-v-oregon>. Web.

This forty-four page article gave me very in-depth insight information about the Belloni Decision 1969 and what led up to his decision of entitling all Native American a fair and Equitable share of all salmon harvest.

Crowley, Walt and Wilma David. “Federal Judge George Boldt issues historic ruling affirming Native American treaty fishing rights on February 12, 1974.” HistoryLink.org. Posted February 23 2003.

<https://www.historylink.org/File/5282>. Web.

This source provided me with information about when the Boldt Decision happened along with what happened during the trial as well.

Egan, Timothy. "Indians Unite Against a Senator Despite His Grip of Tribal Funds." 25 August 2000. Web.

<https://www.nytimes.com/2000/08/25/us/indians-unite-against-a-senator-despite-his-grip-on-tribal-funds.html>

This source provided me with a better understanding of Slade Gurton and why he started to cut funding from tribal people.

Ferolito Phil. "30 years after 'salmon scam' trial: David Sohappy is still on the river." 22 April 2017. Web.

https://www.yakimaherald.com/years-after-salmon-scam-trial-david-sohappy-is-still-on/article_5dc2f63e-27d6-11e7-9b2f-276b99f27bf6.htm. Web.

This article provided me with information about the 'salmon scam' and how David Sohappy and his son David Jr. Sohappy were involved. I used this information and applied it into my script.

Fisher, Andrew. "David Sohappy (1925-1991)." The Oregon Encyclopedia. Posted 17 March 2018. Web.

https://oregonencyclopedia.org/articles/sohappy_david_1925_1991_/#.XjC0_uhzy01.

This article provided me with information about the court case about [Sohappy v Smith] where David SoHappy was accused of illegal fishing and selling out of season and charged for being a part of an "illegal poached salmon ring." Found guilty, he was sentenced to five years in prison. I included this information to my script to add depth and structure to the legal barriers.

----. "Seufert Brothers Cannery." The Oregon Encyclopedia. 17 March 2018.

https://oregonencyclopedia.org/articles/seufert_brothers_cannery/#.XjeEhzy00. Web.

This article provided me with information about the Seufert

Brothers who owned and operated the leading salmon cannery along the Columbia River between the mid-1890s to the mid-1950s. In the 1890s, they invented the fish wheel which decimated the salmon runs.

Hughes, John C. "Slade Gorton: A Half Century in Politics." 2011. Print.

This book provided me with many biographies along with historians' interpretations and factual information that I used for portraying Slade Gorton as one of my characters and point of view in my

performance. The quotes I used were technically secondary sources because the author selected them rather than provided the entire document:

-- "fifty percent of each run of fish that passed through their usual and accustomed fishing grounds."

--" treaties made no distinction between salmon and steelhead."

--"off-reservation fishing by other citizens and residents of the state is not a right but merely a privilege which may be granted, limited or withdrawn by the same as the interests of a state or exercise of treaty rights may require."

--" nothing in the language of the treaties indicates that any party understood that constraints would be placed on the amount of fish that anyone could take, or that the Indians would be guaranteed a percentage of the catch. Quite to the contrary, the language confers upon non-Indians precisely the same right to fish that is conferred upon Indians, even in those areas where the Indians traditionally had fished."

--"maintained that Congress should buy back the Indians' rights to off-reservation salmon through condemnation proceedings, much like the government acquires land for a new freeway. After achieving condemnation for public necessity, a court could determine the dollar value of the treaty rights and send the bill to Congress."

--"Right aren't for sale," she said. "When you sell your rights, you have sold yourself, and the Indians are not for sale. Fishing is our identity. It's our future, our sense of history. Indian children don't grow up to be white people. If they can't find an Indian future for themselves, they're dead."

Kubik, Barb. Unpublished personal interview by Colton McCall. Vancouver, Washington. 20 January 2020.

Ms. Kubik is a historian specializing in Pacific Northwest history. Talking to her really clarified that CRITFC was not the result of the two landmark court cases but instead was the hammer that broke down all barriers that they have faced over the years towards their fishing rights.

Lindholdt, Paul. "Wanapum fishing activist David sohappy is released from Geiger Corrections Center on May 18,1988." HlstoryLink.org. Posted 2 February 2019. Web. <https://www.historylink.org/File/20726>.

This article explained David Sohappy was convicted for being the ringleader of 'salmon scam' and accused of selling illegally selling 314 fish, convicted, and sentenced to five years in prison. He only served three years because he had a heart attack in prison and got early early release and early probation.

Marritz O, Robert. "Frank, Billy Jr. (1931-2014)." HistoryLink.org. Posted 3 October 2009. <https://www.historylink.org/File/8929>. Web.

This article provided me with information about Nisqually tribal leader Billy Frank, Jr. who was arrested multiple times for exercising his fishing rights. This article also provided me with Native American viewpoint of the harassment they faced and the barriers they had to overcome.

Pace, Eric. "Robert C. Belloni, 80, Judge Who Upheld Indian Fishing Rights." *The New York Times*. Posted 15 November 1999.

<https://www.nytimes.com/1999/11/15/us/robert-c-belloni-80-judge-who-upheld-indian-fishing-rights.html>. Web.

This article provided me with insightful information about Robert C. Belloni as a person and when he was appointed judge but more importantly, this article gave depth information about the Bellioni Decision in 1969 that start the road for Upholding and confirming Indian Fishing Rights.

**“United State District Court Judge George H. Boldt (1903-1984) Courtesy Washington Secretary of State.” N. D. when was able to be accessed.
Web. <https://www.historylink.org/File/5282>**

This article provides me with information about what Judge George H. Boldt's final ruling was and what his decision meant for Native American involving Native fishing rights. Which I include in my script.

**“U.S. v Oregon.” Northwest Power and Conservation Council. N. D.
<https://www.nwcouncil.org/reports/columbia-river-history/USvOregon>.
Web.**

This article provided me with the interpretation of the court case of U.S. v. Oregon in 1969, also known as the Bellioni decision which his final ruling entitling Native American to a fair and Equitable share of all salmon harvest.