

“FISH-INS” & COURT BATTLE BOOST NATIVE RIGHTS

SUMMARY

In the mid 1800s, Indigenous communities around Washington State, USA—such as the Payallup Tribe of Indians and the Nisqually Indian Tribe—were forced off their ancestral lands and onto reservations. At the time, treaties were signed that guaranteed Native fishing rights, but these were not honored. Fishing access became the most critical rights issue facing Native peoples in Washington State, setting the stage for a major confrontation a century later over local fisheries and the rights of Native Americans.

In the 1900s, some members of the local Tribal governments had become entrenched in pursuing negotiation and compromise with federal agencies, though these strategies were repeatedly unsuccessful. By the 1960s, new organizations like the Survival of the American Indian Association (SAIA) emerged, which actively resisted assimilation into white culture and fought to resolve fishing rights through civil disobedience. SAIA worked with lawyers from the National Association for the Advancement of Colored People (NAACP) and the American Civil Liberties Union (ACLU), helping position their struggle within the national Civil Rights Movement. As conflict with white fishermen and law enforcement grew, protesters began “illegally” fishing at traditional sites in what were called “fish-ins,” resulting in many arrests. Over about six years, the fish-ins attracted local participation and then strategically drew in celebrity support. Short-term fish-ins turned into long-term encampments that were violently attacked by authorities. Over time, the campaign’s savvy public relations strategy, though, shifted public opinion to the side of the Payallup and Nisqually peoples.

Treaties guaranteed Native fishing rights, stating 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.”



Source: Northwest Indian Fisheries Commission

These coordinated protests proved to be far more successful than previous attempts to resolve fishing rights, and Tribal governments also started supporting them, giving up on negotiations. The campaign led to a 1974 U.S. Supreme Court decision, completely vindicating that Native Americans in the Northwest had the right to fish on traditional lands and in traditional ways—both on and off their reservations—without state restrictions.

ISSUE

The fishing rights guaranteed by treaty were not being honored. This exemplified the overall attack on Indigenous peoples' rights across the United States: longstanding treaties were repeatedly violated by lawmakers, judges, white sport fishermen, and law enforcement.

WHO

Activists and community members mostly from the Payallup and Nisqually Tribes, especially members of the Survival of the American Indian Association (SAIA)

WHERE

Ancestral lands of the Payallup and Nisqually Tribes, Washington State, Pacific Northwest, United States

GOALS

Primary goal: To secure fishing rights and respect toward American Indian treaties, including an equal share of the fisheries with white people and the power to regulate their own fisheries without interference

Secondary goal: To resist cultural assimilation of Americans Indians

STRATEGY

Disillusioned with Tribal governments' failed attempts at negotiation and compromise, movement leaders saw a need for strategic protests and widely publicized confrontation that would build pressure on officials to make real change. Activists were strategic in their planning, timing, tactical sequencing, and media outreach.



Source: news.theolympian.com/150th/96249-32411.jpg

PLANNED OR SPONTANEOUS?

The campaign was carefully planned. In January 1964, after a series of court cases, a judge issued a temporary injunction against the Nisqually Indian Tribe on off-reservation net fishing. This pushed activists to start the Survival of the American Indian Association (SAIA), which launched more than half a decade of coordinated protests to secure fishing rights.

ISSUE FRAMING

The issue was framed in terms of upholding established treaty rights for local Native communities, but the fish-ins soon became connected to the larger movement for civil rights in the United States.

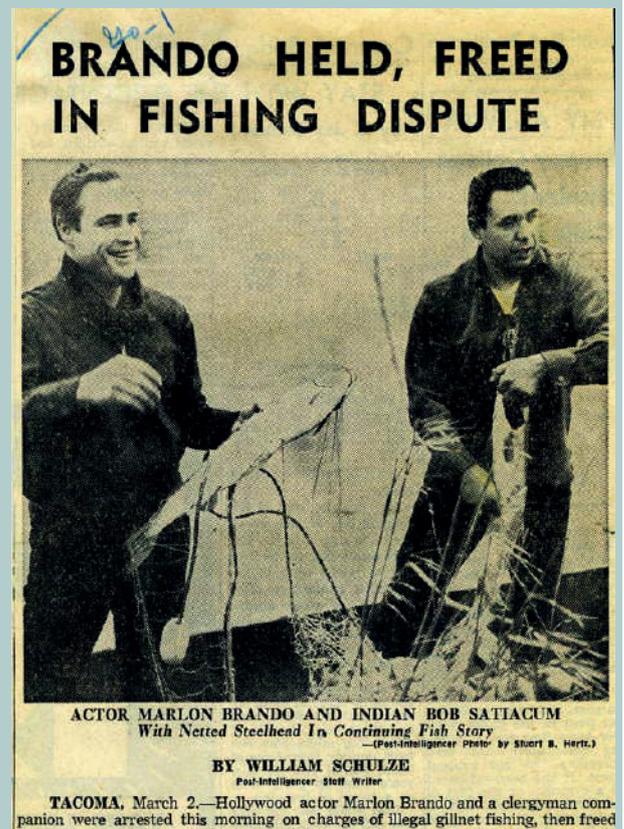
LEADERS, PARTICIPANTS, ALLIES INCLUDING ELITES

Leaders:

- 1) Survival of the American Indian Association (SAIA) – founders included Al & Maiselle Bridges, Billy Frank Sr & Jr & Donald & Janet McCloud (Janet was the first leader). They called themselves “the fighting Indians,” identifying as “the most militant Indian organization in America today.”
- 2) National Indian Youth Council (NIYC) – founded in 1961 and helped provide a framework to reject cultural assimilation, as well as strategy and protest organizing.
- 3) Hank Adams, Assiniboine-Sioux and member of NIYC – led SAIA after Janet McCloud. He is credited with increasing the level of strategic confrontation.
- 4) Regional NAACP and ACLU – helped provide an adept and unified legal strategy, as well as experience from defending black Americans in their civil rights struggle.

Participants and Allies:

- 1) Native Americans (mostly Payallup and Nisqually) committing civil disobedience to secure fishing rights
- 2) Celebrities like Marlon Brando and Dick Gregory risking arrest
- 3) Non-Native supporters from the American Friends Service Committee (Quakers), Washington Peace and Freedom Party, Students for a Democratic Society, Socialist Workers’ Party, Southern Christian Leadership Conference, and the Black Panthers
- 4) The Federal Justice Department, assisting the Payallup and Nisqually in legal matters starting in 1966
- 5) Religious support: An Episcopal Bishop in Washington offered financial and moral support to SAIA. Other churches provided funding, though some were anonymous. John Yaryan, an Episcopal minister from San Francisco, California, was arrested at a fish-in.



Source: Washington State Archives

TARGET

Regional and federal lawmakers and judges

OPPONENT(S)

- Many government officials (local, regional, and federal) and judges (regional)
- White sport fishing groups who aggressively fought against Native fishing rights
- Conservation organizations that did not include Indigenous rights in their considerations
- Some of the leaders of the Payallup and Nisqually Tribes who believed that protest would damage their public image and undercut their ability to negotiate

TACTICS & RESPONSE BY OPPONENT

Organizers were skilled at strategic campaigning and especially at sequencing tactics in a way that shifted public opinion to their side. Journalists described “a new kind of Indian warfare in which Hollywood showmanship and Madison Avenue promotion methods are used for defense.”

Marches: A small march followed a year later by a larger one with Marlon Brando, both ending at the State Capital with a meeting with the Governor. Though cordial, he was not interested in helping.

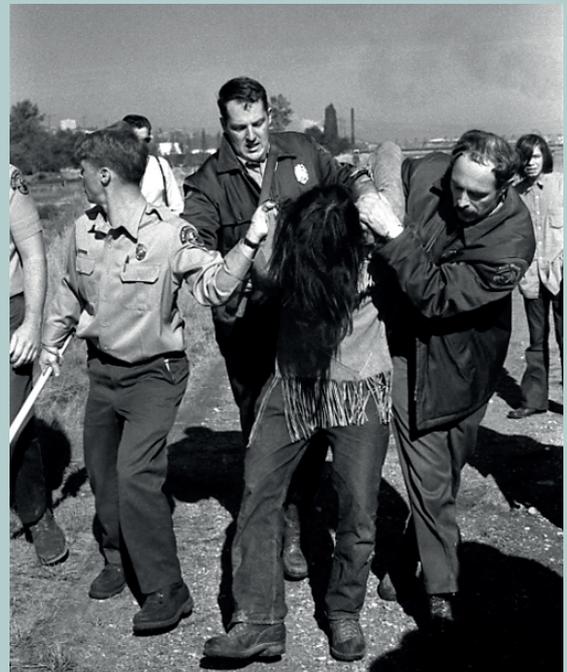
Fish-ins: The main method of protest was fish-ins, an act of civil disobedience where protesters knowingly broke what they viewed as an unjust law. These were ongoing, often small in scale, but grew at strategic points. Later on, there were several large protest encampments that lasted for multiple days in order to escalate pressure.

Authorities arrested protesters at fish-ins, confiscated fishing gear, and raided people’s property. Violence by law enforcement included the use of tear gas, beatings with clubs, and the ramming of a boat that dumped protesters into the water. There were many injuries among protesters.

Legal cases: Through the course of the struggle, there were many efforts to resolve the issue in court, and lawsuits were filed both by activists and their opponents. The United States government and regional authorities had flip-flopped on their policies around fishing rights and many court cases had produced contradictory results. Because of this, judges were able to pick and choose which past rulings suited their interpretation of the law, leaving a confusing trail of results.

Responses by other opponents: The Chief of the Enforcement Division of the Department of Game tried to turn the public against the Payallup and Nisqually, using scare tactics that distinguished between “good” and “bad” Indians. The Washington State Sportsmen’s Club were especially hostile to their rights, passing a vindictive resolution encouraging the state Fisheries and Game Departments to destroy fish runs near the fish-ins. White fisherman also began fish-ins as a way of asserting opposition.

Source: stephenlehmer.com/puy_fish/Puy_fish_pages/Puy17pg.html



White fishermen and conservation groups heavily influenced the racist narrative that Native Indians were backwards, selfish, and not interested in conservation.

The risk of arrest for fish-ins was higher for the Payallup and Nisqually than for white supporters. In the final few years, protesters began arming themselves to defend against violent attacks by police, as well as ongoing violence from white sport and commercial fisherman.

MEDIA & MESSAGING

Prior to the fish-ins, most of the local media coverage of the fishing rights movement was negative. Once the fish-ins began, there were many sympathetic articles, some even describing the organizing as a much more sophisticated approach than previous efforts. The Tribal leadership's fear that confrontational tactics would further damage the reputation of Native Americans proved to be unfounded. In fact, the opposite was true: the new protest methods and advocacy for American Indian identities separate from white culture garnered positive local and national media attention.

Organizers reached out to the media, making sure they documented the arrests. The arrests of prominent actors supporting the issue were strategically planned at a time when the campaign needed a lift, generating articles in places like the New York Times. In 1966, several filmmakers, reporters and publishers were given tours of the fish-in sites. Interviews and pictures with members of the community built media relationships that brought the campaign national attention.

OUTCOMES

Coordinated protests combined with the national push of the Civil Rights Movement shifted public opinion on the issue of fishing rights. The campaign's messaging helped make headway into the secondary goal of resisting cultural assimilation, and protesters completely achieved their primary goals. In 1974, they won the *United States v. Washington* case and the U.S. Supreme Court affirmed that Native Americans in the Pacific Northwest had the right to continue fishing on traditional lands and in traditional ways without state restrictions, including traditional sites off their reservations. They were also granted up to fifty percent of harvestable fish and an equal part in a Tribal fisheries commission to manage the fishing industry.

The court decision was a complete vindication of treaty rights, answering every one of SAIA's demands. Push-back and violence from white sport and commercial fisherman continued after the ruling, but it was upheld again by the Supreme Court in 1979. This campaign victory ultimately resulted in a more level field, without as much of the power differential that had existed before. It showed the ultimate possibility and strength of strategic organizing, especially the uniting of civil disobedience and court challenges.