

WEDNESDAY, AUGUST 1, 1962

# Indians to police own fishing ban

Swinomish Tribe Indians announced yesterday that the tribe will begin policing its own fishermen and hand out stiff fines to any who fail to observe salmon conservation closures.

The Indians' move was the latest maneuver in the struggle that is taking place between Indian fishermen and the State Department of Fisheries over escapement practices on the Skagit River.

A spokesman for the tribe said, "The Swinomish Indians have agreed to voluntarily close all fisheries for a period of 48-hours during Aug. 3rd and 4th. However, we have mavericks among us the same as any other group. We will operate our own patrols and catch the violators."

## FINES SCHEDULED

Fines will begin with \$50 and a one week confiscation of the fishermen's boat for the first offense. The second offense will bring double penalty, while a third offense will result in the boat being confiscated for the balance of the fishing season.

The tribe passed a resolution authorizing the policing after meeting with state fisheries people Monday. State Fisheries Director George Starlund had issued an appeal earlier asking the Indians to observe the escapement dates by not fishing, so seed for future salmon runs can travel safely up the Skagit. During the Monday meeting fisheries men presented figures on escapement

to demonstrate to date Indians the necessity of not fishing.

## PULL GEAR

The tribal spokesman yesterday said that most Swinomish Indians have pulled their gear from the mouth of the river the past two

weekends voluntarily, to allow escapement. The patrol will be insurance that none slip out to gill a few of the passing salmon.

Monday Tandy Wilbur issued a statement for the tribe in which he said Swinomish Indians are as

concerned as the state about conservation, but feel their treaty rights on fishing should be carefully regarded by the state. He suggested that since the Swinomish people must rely on fishing for the bulk of their annual income, they should be granted special fishing times and places so they will not have to compete with white fishermen.

## WITHIN RIGHTS

According to present interpretation of the Point Elliott Treaty of 1855, Swinomish Indians are within their rights if they fish in their usual and accustomed fishing grounds. Superior Court Judge Charles F. Stafford has ruled that those rights—at least in the test case of Indian fisherman Joe McCoy, who was arrested while fishing near the river mouth—cannot be regulated by the state.

That decision will be up for State Supreme Court review in the fall. In the meantime, the Swinomish and the State Fisheries Department are attempting to work together in solving the opposing problems of conservation and the Indian fishing industry.