

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

Text

UNITED STATES OF AMERICA,

Plaintiff,

vs.

THE STATES OF OREGON and
WASHINGTON,

Defendants.)

Civil 68-513

Portland, Oregon

February 28, 1977

COURT'S REMARKS

BEFORE:

The Honorable Robert C. Belloni, United
States District Court Judge, presiding.

APPEARANCES:

Messrs. Sidney I. Lezak, United States
Attorney and George D. Dysart, Assistant
Regional Solicitor, appearing in behalf of
the Government;

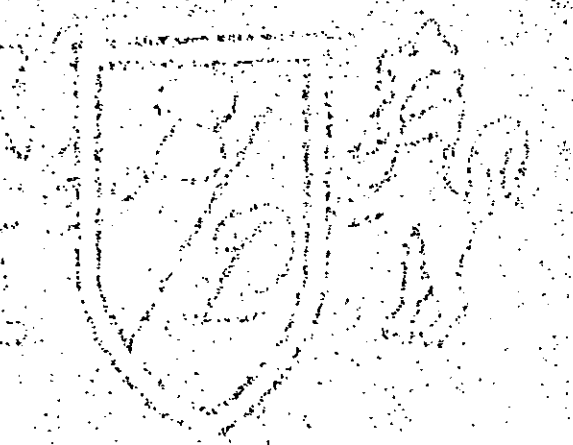
Mr. Douglas Nash, counsel for the Umatilla
Indians; Mr. Dennis C. Karnopp, counsel for
the Warm Springs Tribe; Mr. Timothy Weaver,
counsel for the Yakima Tribe; Robert C. Strom,
counsel for the Nez Pierce; James M. Johnson,
Assistant Attorney General, representing the
State of Washington; Mr. James A. Redden,
Attorney General for the State of Oregon;
Mrs. Beverly Hall, Assistant Attorney General
for the State of Oregon;

FEDERAL COURT REPORTERS

UNITED STATES COURTHOUSE
PORTLAND, OREGON 97205

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Mr. Frank Haw, representing the Washington
State Department of Fisheries; and
Mr. John R. Donaldson, representing the
Oregon Department of Fish and Wildlife.



Ben
Charles Lane
and content

* * * * *

1
2
3 THE COURT: All of the others at counsel table,
4 in addition to Mr. Lezak, United States Attorney, and
5 Mr. George Dysart representing the United States,
6 others who have worked extremely hard on the settlement
7 and have worked with me, in addition to working on the
8 agreement itself. And when I say working with me, I
9 mean when I needed information, background information,
10 I always felt free to call upon anyone of the people.
11 Particularly John Donaldson. But in addition, Mr. Lezak
12 and Mr. Dysart, Mr. Nash representing the Confederated
13 Tribes of the Umatilla, Dennis Karnopp, the Confederated
14 Tribes of the Warm Springs, Mr. Tim Weaver representing
15 the Yakima Indian Nation, Robert Strom, Nez Pierce Tribe,
16 Frank Haw, Assistant Director -- Acting Director of
17 Washington State Department of Fisheries, James N.
18 Johnson, Assistant Attorney General of the State of
19 Washington, James A, Redden, Attorney General of the
20 State of Oregon, Beverly Hall, Assistant Attorney
21 General of Oregon, John Donaldson, the Director of
22 the Oregon Department of Fish and Wildlife.

23 Do any of the rest of you
24 ladies and gentlemen have anything to add to what has
25 been said here?

1 Well, I am, of course, delighted
2 that this settlement has been reached. And I want to
3 express my appreciation to all who participated in
4 bringing it about. Like Mr. Dysart. There are dozens
5 that I would like to thank personally, but the list
6 is so long, that it would be impractical to do it here.
7 I know there were some important contributors who are
8 unknown to me. I am well aware of the efforts of the
9 many who worked towards this settlement.

10 I can say that I am grateful
11 to the attorneys and the parties in this case. They are
12 the United States, the four Indian Nations, and the
13 States of Oregon and Washington.

14 The extreme importance of this
15 settlement and consent decree is difficult to express.
16 Every person in the Northwest gains by it. It's the
17 most important development involving Columbia River
18 Indian Treaty Fishing Rights and Responsibilities since
19 the treaties became effective in 1855. The settlement
20 will have a meritorious effect not only upon Indian
21 and non-Indian fisherman, but on many of our other
22 major industries, such as tourism and fish processing,
23 food processing.

24 It's interesting to compare
25 the negotiation and signing of this agreement with the

1 negotiation and signing of the original treaties.

2 The Indians were displaced persons, using a totally
3 unfamiliar language, and were represented by chiefs
4 who were appointed by the Federal Negotiators.

5 This time, well-informed Tribal
6 members were freely chosen leaders, represented by
7 the finest legal counsel, reached an arms length
8 agreement.

9 The past few years have been
10 traumatic ones. Fishermen have been disappointed and
11 angry, justifiably so. The economic loss has hurt
12 badly. The responsible state agency officials must
13 have been -- must have felt frustrated many times. It
14 has been equally traumatic to me. Yet I have had to
15 be firm and apply the law as it is. It was my
16 Constitutional duty. Had I yielded to the strong
17 temptation to bend a little to relieve some of the
18 pressure, this agreement would never have been reached,
19 and the trauma would have continued. Not only was the
20 integrity of the law at stake, but so was the very
21 survival of the salmon resource in the Columbia River.

22 Of course, problems will
23 continue to plague us. All of our problems are not
24 solved. The Court might be called upon to resolve some
25 disputes. But now, everyone knows the rules of the road.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

We have a pact voluntarily reached by informed people.
This is far better than having rules imposed by a
Court or any other outside agency.

I have followed the negotiations
from the beginning. I have had a copy of the agreement
for a few weeks, and I've carefully studied it. I
wholeheartedly adopt it and make it a decree of this
Court.

Is there anything else,
Mr. Lezak?

MR. LEZAK: No, Your Honor. Thank you.

THE COURT: Counsel?

(No response.)

(End of hearing.)

* * * * *

1
2 IN THE UNITED STATES DISTRICT COURT
3 FOR THE DISTRICT OF OREGON
4
5

6 I, the undersigned, Joseph F. McCloskey, III,
7 an Official Court Reporter of the United States District
8 Court for the District of Oregon, do hereby certify that
9 I reported in Stenotypy the proceedings occurring in
10 the transcript appended hereto; that I thereafter caused
11 my Stenotype notes, so taken, to be reduced to
12 typewriting under my direction; and that the foregoing
13 and hereto attached pages of typewritten matter, numbered
14 1 to 6, both inclusive, constitutes a full, true and
15 accurate record of said proceedings so reported by me
16 in Stenotypy to the best of my ability, as aforesaid.

17 Dated at Portland, Oregon, on this the 28th
18 day of February, 1977.
19
20
21
22

23 _____
24 JOSEPH F. McCLOSKEY, III,
25 Official Court Reporter

CSW