

118TH CONGRESS
2D SESSION

S. RES. 573

Commemorating the 50th anniversary of the Boldt decision of 1974.

IN THE SENATE OF THE UNITED STATES

MARCH 5, 2024

Mrs. MURRAY (for herself, Ms. CANTWELL, Mr. WYDEN, and Mr. MERKLEY)
submitted the following resolution; which was referred to the Committee
on Indian Affairs

RESOLUTION

Commemorating the 50th anniversary of the Boldt decision
of 1974.

Whereas, since time immemorial, fish have been an integral
part of Native American cultural, spiritual, and economic
life in the Northwest;

Whereas, between 1854 and 1859, the United States Govern-
ment signed a series of treaties with Indian Tribes across
the Northwest, reserving to the Indian Tribes the right
to fish in their usual and accustomed places, in common
with the citizens of the Washington Territory;

Whereas article VI of the Constitution of the United States
recognizes treaties as the supreme law of the land, in-
cluding those with Indian Tribes;

Whereas, after the Indian Tribes signed these treaties, their right to fish in accordance with these treaties was not upheld, leading to more than 100 years of litigation;

Whereas, following decades of arrests and fish-ins during which Billy Frank Jr. and other Tribal members exercised their treaty-protected fishing rights, Indian Tribes won a historic legal victory protecting those rights;

Whereas, on February 12, 1974, United States District Court Judge George Boldt ruled in *United States v. State of Washington*, 384 F. Supp. 312 (W.D. Wash. 1974), that—

(1) Indian Tribes that were parties to treaties which reserved their right to fish could take up to 50 percent of the fish harvest that passed through their recognized fishing grounds, to be calculated on a river-by-river, run-by-run basis;

(2) State law could not regulate treaty-based tribal fishing rights; and

(3) Treaty Tribes would co-manage fisheries in Washington State;

Whereas the decision was affirmed by the United States Court of Appeals for the Ninth Circuit in *United States v. State of Washington*, 520 F.2d 676 (9th Cir. 1976);

Whereas Tribal co-management of Washington fisheries led to the creation of the Northwest Indian Fisheries Commission and the Columbia River Inter-Tribal Fish Commission;

Whereas the Northwest Indian Fishing Commission member Indian Tribes include the Lummi, Nooksack, Swinomish, Upper Skagit, Sauk-Suiattle, Stillaguamish, Tulalip, Muckleshoot, Puyallup, Nisqually, Squaxin Island,

Skokomish, Suquamish, Port Gamble S’Klallam, Jamestown S’Klallam, Lower Elwha Klallam, Makah, Quileute, Quinault, and Hoh Tribes;

Whereas the Columbia River Inter-Tribal Fish Commission member Indian Tribes include the Nez Perce Tribe, the Confederated Tribes of the Umatilla Indian Reservation, the Confederated Tribes of the Warm Springs Reservation of Oregon, and the Confederated Tribes and Bands of the Yakama Nation;

Whereas sharply declining salmon populations continue to threaten the ability of the Indian Tribes to exercise their treaty rights, secure their economic futures, and protect important cultural practices; and

Whereas the Boldt decision reinforced Tribal sovereignty, elevated the legal status of Tribal treaty rights, and advanced resource co-management: Now, therefore, be it

1 *Resolved*, That the Senate—

2 (1) commemorates the 50th anniversary of the
3 Boldt decision;

4 (2) recognizes the importance of Tribal treaty
5 rights;

6 (3) acknowledges the invaluable role that the
7 Northwest Indian Fisheries Commission and the Co-
8 lumbia River Inter-Tribal Fish Commission play in
9 fisheries management; and

10 (4) reaffirms its commitment to support salmon
11 recovery.

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