

1-22-1971

Docket Entry 32 - Filed Petition of Association of Northwest Steelheaders, Inc., to appear Amicus Curiae by Steelheaders

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FILED IN THE
UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

JAN 22 1971

CHARLES A. SCHAAF, CLERK

Deputy

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
SOUTHERN DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.) Civil NO. 9213
)
STATE OF WASHINGTON,)
) PETITION TO APPEAR AMICUS
) CURIAE BY STEELHEADERS
)
and)
)
THE ASSOCIATION OF NORTHWEST)
STEELHEADERS, INC., a tri-)
state sports organization,)
)
Amicus Curiae.)

Comes now the ASSOCIATION OF NORTHWEST STEELHEADERS, INC.,
and petitions the court to appear Amicus Curiae, and alleges as
follows:

I

Petitioner, ASSOCIATION OF NORTHWEST STEELHEADERS, INC., is
a non-profit membership organization, duly organized and existing
under and by virtue of the laws of the States of Washington, Idaho
and Oregon; said petitioner, however, is incorporated under the
laws of Oregon, with its principal office at Post Office Box 2841,
Portland, Oregon. The Steelheaders organization during the month

PETITION TO APPEAR AMICUS
CURIAE BY STEELHEADERS

SMITH, SMITH & SMITH
ATTORNEYS AT LAW
615 SPOKANE & EASTERN BUILDING
SPOKANE, WASHINGTON 99201
MADISON 4-3242

142

V

Petitioner's interest herein would be similar, but not necessarily entirely in accord with, the purposes and attitudes of that agency within the State of Washington known as "The Washington State Department of Game." Petitioner's said attorneys will not act as advocates for any of the parties to this action, but with the leave of the court, will present arguments and legal authorities on behalf of the fishermen members of the petitioner herein.

VI

Under the plaintiff's theory in the above-entitled suit, if the Indians, who are residents of the State of Washington, are not subject to the laws and regulations of the State of Washington as regards the taking of anadromous fish and resident fish populations, then said Indians would be in a position to make their own rules and regulations for the taking of fish, or each Indian would be an autonomous rule maker unto himself as regards the taking of any fish presently under control by the State of Washington.

VII

Petitioner believes that fishermen as a class do not have totally adequate representation; that they would be bound by a judgment of this court, and therefore the court is entitled to know the views and attitudes of petitioner and that class it represents, and petitioner asks to be heard for said purpose.

WHEREFORE, petitioner prays that the court enter an order granting it the right to appear herein Amicus Curiae through its attorneys, and to be permitted to research, brief and argue the issues of the fact and law in the above-entitled case and to present memoranda and briefs in aid of the court, and for such other and further order as to this court may seem just and proper.

DATED this 20th day of January, 1971.

ASSOCIATION OF NORTHWEST STEELHEADERS,
INC.,

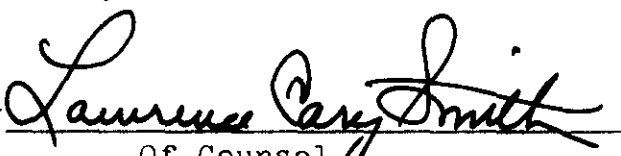
Larry Cassidy, President
P.O. Box 2841, Portland, Oregon

PETITION TO APPEAR AMICUS
CURIAE BY STEELHEADERS

1 Arthur Solomon, Vice President, State
2 of Washington
3 723 West Riverside Avenue
4 Spokane, Washington

5 NORTHWEST STEELHEADERS COUNCIL OF
6 TROUT UNLIMITED, INC.,
7 Chuck Voss, Regional Director
8 Post Office Box 2841, Portland, Oregon

9 By SMITH, SMITH & SMITH
10 Attorneys for Petitioner

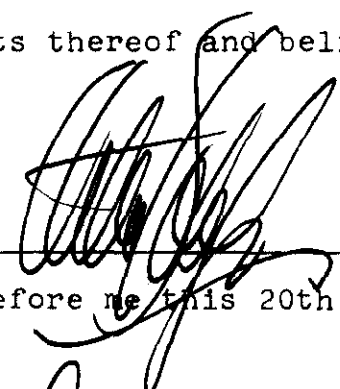
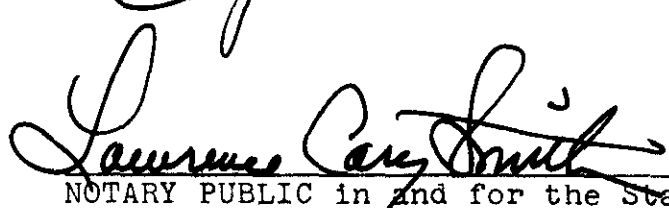
11 By 
12 Of Counsel

13 STATE OF WASHINGTON,) ss.:
14 County of Spokane.)

15 ARTHUR SOLOMON, being first duly sworn, upon Oath, deposes
16 and says:

17 That he is the Vice President of the Association of Northwest
18 Steelheaders, inc., for the State of Washington; that he has read
19 the within and foregoing Petition to Appear Amicus Curiae by
20 Steelheaders, knows the contents thereof and believes the same to
21 be true.

22 SUBSCRIBED AND SWORN to before me this 20th day of January,
23 1971.

24 
25 
26 NOTARY PUBLIC in and for the State
27 of Washington, residing at Spokane

28
29
30
31
32 PETITION TO APPEAR AMICUS
CURIAE BY STEELHEADERS

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RICHARD F. DEJEAN
ATTORNEY AT LAW
1112 MAIN STREET
SUMNER, WASHINGTON 98390

AREA CODE 206
UNIVERSITY 3-6047

January 19, 1971

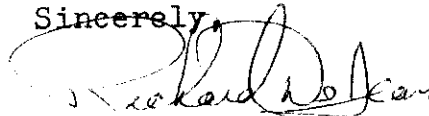
Clerk of Court
United States District Court
Post Office Building
Tacoma, Washington

Re: United States v. State of Washington
Civil Action No. 9213

Dear Sir:

I have enclosed for filing in the above-referenced matter a Motion for Leave to Intervene on behalf of the Committee to Save Our Fish, a Proposed Answer, a proposed Order Granting Leave to Intervene and an Affidavit. I would appreciate having you file these for me, copies of which are being sent under this cover to the other counsels.

Sincerely,



Richard F. DeJean

RFD:emk
Enclosures

cc: Mr. Joseph L. Coniff
Mr. William Gingery
Mr. Stan Pitkin

RECEIVED
JAN 22 1970
Office of Clerk
U. S. District Court
Tacoma, Washington

January 22, 1971

Smith, Smith & Smith
Attention: Lawrence Cary Smith
Attorneys at Law
615 Spokane & Eastern Bldg.
Spokane, Wa. 99201

Dear Mr. Smith:

Re: Civil No. 9213 - U.S.
State of Washington

We have this day received and filed the petition of Committee to Save Our Fish for leave to intervene, memorandum of authorities in support thereof, and have lodged the proposed Order granting the motion.

We invite your attention to a copy of Rule 2 of the Local Rules of this Court together with a form of petition for admission.

Very truly yours,

CHARLES A. SCHAAF, CLERK

By

ROSEMARY FREENY
Deputy Clerk

rf/s

Encls.

DEL CARY SMITH
DEL CARY SMITH JR.
LAWRENCE CARY SMITH

AREA CODE 509
MADISON 4-3242

SMITH, SMITH & SMITH

ATTORNEYS AT LAW

615 SPOKANE & EASTERN BUILDING
SPOKANE, WASHINGTON 99201

January 20, 1971

Clerk of the U.S. District Court
U.S. Courthouse
SEATTLE, Washington

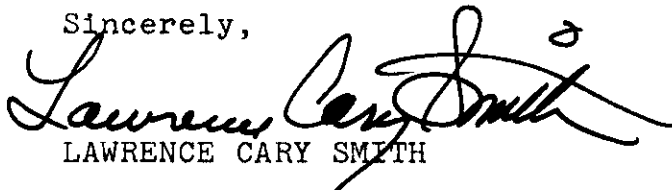
RE: U.S. of America vs State of Washington
Civil Number 9213

Dear Clerk:

Enclosed please find our Petition to Appear Amicus
Curiae, Memorandum of Authorities and proposed Order.

I have sent copies to all counsel presently known in
the case. We do not know if any person will lodge an
objection.

Sincerely,


LAWRENCE CARY SMITH

LCS:jo
Enclosures

RECEIVED

JAN 22 1970

Office of Clerk
U. S. District Court
Tacoma, Washington