

3-4-1971

**Docket Entry 45 - Filed Individual Indians, pro se, Petition to the Court for dismissal of the Action and Memorandum Notice to the Record**

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MAR 4 - 1971

CHARLES A. SCHAAF, CLERK

Deputy

Individual Indians,  
pro se,  
Applicants for Intervention

PO Box 719  
Tacoma WA 98401  
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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

and

ALVIN BRIDGES, ALISON ADAMS, HANK ADAMS,  
HERMAN JOHN, WILLIAM FRANK, SR., WILLIAM  
FRANK, JR., MAISELLE BRIDGES, DAVID J.  
MATHESON, SUZETTE MILLS & POWHATTAN,

Applicants for Intervention,

v.

STATE OF WASHINGTON,

Defendant.

CIVIL ACTION

NO. 9213

PETITION TO THE COURT  
FOR DISMISSAL OF ACTION

AND

MEMORANDUM NOTICE  
TO THE RECORD

ALVIN BRIDGES, ALISON ADAMS, HERMAN JOHN, WILLIAM FRANK, SR.,  
MAISELLE BRIDGES, DAVID J. MATHESON, SUZETTE MILLS and POWHATTAN, above  
named applicants for intervention, petitions the court for dismissal of  
the main action herein and for dismissal on the court's own motion on  
the grounds that the plaintiff United States of America, in its complaint  
and through its attorneys and counsel of record herein, has entered the  
court without clean hands and in want of good conscience, and proceeds  
in this action in violation of its federal trust responsibilities to  
Indians and in violation of Indians' rights secured under the federal  
treaty of Medicine Creek of 1854, 10 Stat. 1132, or held under the  
Constitution of the United States, and proceeds in violation of its own  
obligations under the federal treaty contract to impose a diminution  
or extinguishment of Indians' treaty, tribal and individual rights, with

- 1 - Petition for Dismissal

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1 consequences so prejudicial to the rights and interests of Indians as to  
2 render intervention in this action by Indians or Indian tribes a need to  
3 first defend against the federal claims and positions, and to preclude  
4 the clear possibility of a fair hearing on the issues of Indian treaty  
5 fishing rights.

6           Plaintiff United States, in its complaint and through its  
7 attorneys, has sought to nullify and negate the essential and sovereign  
8 rights and powers of Indian tribes to control the taking of fish by  
9 their members in all customary waters where a sovereign power and right  
10 of control has been secured by treaty equivalently and in common with  
11 all citizens of the State, or all citizens in their collective sovereign  
12 capacity through their State government. Plaintiff's attorneys have  
13 resisted the intervention of individual Indians who would insist upon  
14 protection and assertion of the full and true character of tribal sover-  
15 eign rights which would ensure the protection of individual Indian  
16 rights. Plaintiff's attorneys have attempted to misrepresent individual  
17 Indian interventions as an attack upon tribal rights and tribal sover-  
18 eignty -- when, in fact, individual Indians only have sought to prevent  
19 the diminuation and extinguishment of tribal sovereignty and rights  
20 by arbitrary actions and assertions by plaintiff's attorneys.

21           Plaintiffs attorneys filed the complaint herein without prior  
22 consultation and consent of the tribes or Indian people whom plaintiff  
23 purports to represent and act in behalf of. The court should insist  
24 upon a presentation by plaintiff's attorneys of their authorities and  
25 authorizations for bringing this action with additional presentation of  
26 records showing the involvement of Indian tribes in formulation of the  
27 complaint and positions asserted therein.

28           Applicants Alvin Bridges, Maiselle Bridges, and Suzette Mills,  
29 are prevented from coming into court this morning by the threat of arrest  
30

1 and jailing as direct result of plaintiff's counsel, United States  
2 Attorney Stan Pitkin, wrongly advising and informing Tacoma City Police  
3 authorities that Puyallup Indian reservation trust lands were not Indian  
4 lands held in trust by the United States and that local authorities had  
5 jurisdiction and authority to remove Indians from their lands; leading  
6 to wrongful prosecution by local authorities of Puyallup and other  
7 Indians, and ultimately to their becoming fugitives from such wrongful  
8 prosecution. The last time Mr. Pitkins office came into (Pierce County  
9 Superior) Court to represent Puyallup Indians or the Puyallup Tribe, the  
10 United States Attorneys represented them by intimating that they were  
11 criminals or outlaws for choosing to reside upon the lands held in  
12 trust for them by the United States. U.S. Attorney wrongly represents  
13 individuals of the Puyallup Tribe in Civil Action No. 4122 in this  
14 Court against other members, or the voters of the Puyallup Indian Tribe,  
15 without regard for the tribal interests or tribal constitution, and  
16 with questionable authority and authorization. Plaintiff has deprived  
17 the Puyallup Tribe of its lawful tribal government and is aware that  
18 as result of plaintiff's actions the Puyallup Tribe is mechanically  
19 precluded from making a proper intervention in this action. There is  
20 clear conflict of interest evident in U.S. Attorney Pitkin's involvement  
21 in this case and in others involving rights of Puyallup Indians.

22 For the above-stated reasons, among others to be presented,  
23 applicants for intervention herein, submit that the main action herein  
24 should be dismissed on motion of the court itself in the interests of  
25 justice, such dismissal not to preclude nor prejudice the reinstitution  
26 of another and new action by plaintiff United States, when properly  
27 brought and constructed to protect the treaty, tribal and individual  
28 rights of Indians in conformance with its own lawful obligations, respon-  
29 sibilities and restraints.

30  
31  
32 - 3 - Petition for Dismissal

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Respectfully submitted,

Alison Adams  
ALISON ADAMS

Hank Adams  
HANK ADAMS

Herman John  
HERMAN JOHN

William Frank SR.  
WILLIAM FRANK, SR.

T Maiselle Bridges  
MAISELLE BRIDGES

David J Matheson  
DAVID J. MATHESON

Suzette Mills & Powhattan  
SUZETTE MILLS & POWHATTAN

Dated this 4th Day of March, 1971.