

5-22-1972

Docket Entry 144 - Received letter directed to Judge Goodwin from Mister Rhea regarding position of Washington Reef Net Owners Association, with affidavit of mailing attached

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BELLINGHAM, WASHINGTON 98225

T. B. ASMUNDSON
DAVID E. RHEA
R. F. ATWOOD

TELEPHONE
AREA CODE 206
733-3370

May 19, 1972

RECEIVED

The Honorable William N. Goodwin
United States District Court Judge
United States Courthouse
Tacoma, Washington 98402

MAY 22 1972

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

Dear Judge Goodwin:

In re: U. S. v. State of Washington, et al
Civil No. 9213

Due to a rather belated receipt of the Notice of Hearing which is now set for 9:30 a.m., Thursday, May 25, 1972, in your Court at Tacoma, and an irreconcilable conflict with a previously set Superior Court trial for that date in this city, I am compelled to state the position of the Washington Reef Net Owners Association by means of this letter.

The matter, upon our clients' behalf, which I would bring before the Court and press as strongly as possible if it were possible for me to be there, is for a granting of the application by the Association to participate as a party or, alternatively, a motion for reconsideration which we prepared and forwarded to the Clerk of your court, with notice to all parties, December 30, 1971.

We are perfectly willing to stipulate that any order entered in granting either request limit our participation to introducing such evidence as is necessary to answer the complaint of intervenor Lummi Indian Tribe insofar as it seeks, beginning at page 2, to exclude ^{all} but members of their tribe from reef net fishing within the areas referred to therein.

Since the Reef Net Owners have followed the commercial pursuit of fishing in their manner since early statehood, and have been licensed by the State of Washington so to do so long as fisheries regulations have existed, it would seem only elementary justice and due process that such participation be granted them in order adequately to defend against this very serious assault upon their property rights which they have long enjoyed.

Respectfully submitted,

ASMUNDSON, RHEA & ATWOOD

David E. Rhea

David E. Rhea

DER/ss

cc: All Counsel of Record

144

1 Asmundson, Rhea & Atwood
Attorneys for Washington Reef Net Owners Association
2 220 BNB Building
Bellingham, Washington 98225
3 Telephone: (206) 733-3370

4
5 UNITED STATES DISTRICT COURT

6 WESTERN DISTRICT OF WASHINGTON AT TACOMA

7 UNITED STATES OF AMERICA,)
8 Plaintiff,) CIVIL NO. 9213
9 vs.)
10 STATE OF WASHINGTON, et al.,) AFFIDAVIT OF SERVICE BY MAIL
11 Defendants.)

12
13 STATE OF WASHINGTON)
14 COUNTY OF WHATCOM) ss.

15 SALLY S. SMITH, being first duly sworn, says: I am a
16 citizen of the United States, over eighteen years of age, and
17 not a party to the case; my business address is 220 BNB Building,
18 Bellingham, Washington 98225.

19 I mailed to each of the following named persons a copy
20 of the attached letter to The Honorable William N. Goodwin by
21 placing them in envelopes as follows:

22 Douglas D. McBroom, Esq. Assistant U. S. Attorney 1012 U. S. Courthouse Seattle, Washington 98104	William M. Gingery, Esq. Assistant Attorney General 5th Floor Highways-Licenses Building Olympia, Washington 98504
25 George D. Dysart, Esq. Assistant Regional Solicitor U. S. Department of Interior P. O. Box 3621 Portland, Oregon 97208	Alvin J. Ziontz, Esq. Ziontz, Pirtle & Fulle Attorneys at Law 3101 Seattle First National Bank Building Seattle, Washington 98104
28 Stritmatter & Stritmatter Attorneys at Law 210 Masonic Building Hoquiam, Washington 98550	William N. Moloney, Esq. Davis, Wright, Todd, Riese & Jones Attorneys at Law 4200 Seattle First National Bank Building Seattle, Washington 98104
31 David Getches, Esq. Attorney at Law Native American Rights Fund 1506 Broadway Boulder, Colorado 80302	

Affidavit of Mailing

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3 Seattle Legal Services
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4 Edward B. Mackie, Esq.
5 Deputy Attorney General
6 Temple of Justice
7 Olympia, Washington 98504

Individual Indians
c/o Mr. Hank Adams
P. O. Box 719
Tacoma, Washington 98401

7 William A. Stiles, Jr., Esq.
8 Attorney at Law
9 311 State Street
10 Sedro Woolley, Washington 98284

Lawrence Cary Smith, Esq.
Smith, Smith & Smith
Attorneys at Law
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Spokane, Washington 99201

9 James B. Hovis, Esq.
10 Attorney at Law
11 P. O. Box 437
12 Yakima, Washington 98907

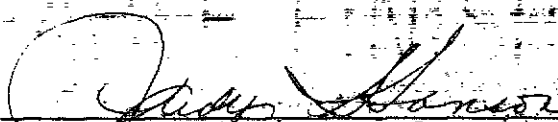
Richard F. DeJean, Esq.
Attorney at Law
1112 Main Street
Sumner, Washington 98390

13 Each envelope was then, on May 19, 1972, sealed and
14 deposited in the United States mail at Bellingham, Washington, in
15 the county in which I am employed with first class postage fully
16 prepaid.

17 Executed at Bellingham, Washington, this 19th day of May,
18 1972.

19
20 
21 SALLY S. SMITH

22 Subscribed and sworn to before me this 19th day of May,
23 1972.

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