

9-1-1972

## Docket Entry 155 - Filed Plaintiff's Status Report to the Court

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SEP 1 1972

EDGAR SCOFIELD, CLERK

By llk Deputy

1 STAN PITKIN  
2 United States Attorney  
3  
4 STUART F. PIERSON  
5 Assistant United States Attorney  
6  
7 1012 United States Courthouse  
8 Seattle, Washington 98104  
9  
10 (206) 442-7970

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

CIVIL NO.  
9213

QUINULT TRIBE OF INDIANS on its own behalf  
and on behalf of the QUEETS BAND OF INDIANS;  
MAKAH INDIAN TRIBE; LUMMI INDIAN TRIBE; HOH  
TRIBE OF INDIANS; MUCKLESHOOT INDIAN TRIBE;  
SQUAXIN ISLAND TRIBE OF INDIANS; SAUK-  
SULATTLE INDIAN TRIBE; SKOKOMISH INDIAN  
TRIBE; CONSOLIDATED TRIBES AND BANDS OF THE  
YAKIMA INDIAN NATION; UPPER SKAGIT RIVER  
TRIBE; STILLAGUAMISH TRIBE OF INDIANS; and  
QUILEUTE INDIAN TRIBE;

Intervenor-Plaintiffs,

v.

STATE OF WASHINGTON,

Defendant,

PLAINTIFFS'  
STATUS  
REPORT TO  
THE COURT

THOR C. TOLLEFSON, Director, Washington  
State Department of Fisheries; CARL CROUSE,  
Director, Washington Department of Game;  
WASHINGTON STATE GAME COMMISSION, and  
WASHINGTON REEF NET OWNERS ASSOCIATION,

Intervenor-Defendants.

COME NOW the plaintiffs herein, through plaintiffs'  
liaison counsel, Stuart F. Pierson; and, pursuant to the  
orders of June 22 and August 8, 1972, make this report on the  
status of plaintiffs' preparation for trial.

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155

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I  
ISSUES

After extensive consultation, the plaintiffs submit the following outline as including a general recitation of the issues which we expect to raise and to face at trial. We note, however, that the defendants may raise additional issues and that, in accordance with Rule 15(b) of the Federal Rules of Civil Procedure, the relief requested at the conclusion of trial may extend beyond that specified below:

PRELIMINARY OUTLINE OF ISSUES IN UNITED STATES v. WASHINGTON

- I. BASIC EVIDENTIARY FACTS AND INFERENCES.
  - A. Topography of Puget Sound and Olympic Peninsula and Each of Their Drainage Systems.
  - B. Relationship between Plaintiff Tribes and the Tribes, Bands, or Groups, Who Were Parties to the Treaties.
  - C. General Location of Fishing Places of Respective Treaty Tribes at the Time of the Treaty.
  - D. Factors Relevant at Time of the Treaties to Utilization and Protection of Each Major Species of Anadromous Fish Caught by Indians in the Puget Sound-Olympic Peninsula Areas.
  - E. Factors Currently Relevant to Utilization and Protection of Each Major Species of Anadromous Fish Caught by Treaty Indians in the Puget Sound-Olympic Peninsula Areas.
  - F. Importance of Fish and Fishing to the Indians.

- 1 G. Meaning of Treaty Terms at Treaty Time.
- 2 H. Current Use of Fishing Methods Used by Treating Indians.
- 3
- 4 I. Amount and Extent of Current Resource Compared With
- 5 Amount and Extent at Treaty Time.
- 6
- 7 J. History of Fisheries Department Regulation, Management,
- 8 and Propagation.
- 9 K. History of Game Department Regulation, Management and
- 10 Propagation.
- 11
- 12 L. History of Action by the United States Government
- 13 Regarding Indian Treaty Fishing Rights in Western Washington.
- 14
- 15 II. APPLICATION OF CONTROLLING LAW TO BASIC FACTS AND
- 16 INFERENCES.
- 17 A. Significance of Each Basic Fact or Inference in Light
- 18 of The Controlling Law. - EXAMPLES:
- 19 1. What factors support a statement that a currently
- 20 existing Indian group is successor to a treating Indian
- 21 group?
- 22 2. Is it significant that Indians currently can obtain a
- 23 greater number of fish in less time than their treating
- 24 predecessors?
- 25 3. Is it significant that Indians currently can obtain
- 26 fewer fish in the same time period than did their treating
- 27 predecessors?
- 28 4. How significant are the importance and function of fish
- 29 and fishing in Indian Culture?
- 30 a. At Treaty time.
- 31 b. Now.
- 32 Page 3 - PLAINTIFFS' STATUS REPORT

- 1 5. How significant are the amount and extent of current
- 2 resources?
- 3 6. How significant are state management, regulation and
- 4 propagation activities?
- 5 7. How significant is it simply to state that steelhead
- 6 has been designated a game fish?
- 7 8. How significant is the identity of the source of revenues
- 8 supporting the regulatory scheme?
- 9 9. How significant is the fisherman's use made after
- 10 taking?
- 11 a. By Indians.
- 12 b. By non-Indians.
- 13 10. How significant is the increase in non-Indian fishermen,
- 14 since Treaty times?
- 15

16 B. Interpretation of Controlling Law in View of the

17 Significant Basic Facts and Inferences in This Case.

- 18 1. Meaning of "reasonable and necessary".
- 19 a. As to places.
- 20 b. As to methods.
- 21 c. As to species.
- 22 d. As to shares.
- 23 e. As to purposes for taking.
- 24 2. Meaning of "appropriate standards".
- 25 3. Meaning of "must not discriminate against the Indians".
- 26 4. Meaning of "equal protection implicit in the phrase in
- 27 common with".
- 28 5. Supremacy of Indian Treaties.
- 29 6. Meaning of "the Right . . . is Secured".
- 30
- 31

1 7. Meaning of "In Common With . . .".

2 8. Meaning of "Conservation".

3

4 C. Determination of Indian Treaty Fishing Rights and The  
5 Lawfulness of Current State Statutes, Regulations, and  
6 Practices.

7

8 III. RELIEF.

9 Are the plaintiffs entitled to the following relief:

10 1. An order, adjudging and decreeing that:

11 (a) Each of the plaintiff tribes owns, and it may  
12 authorize its members to exercise, a right derived from the  
13 laws and treaties of the United States to take fish at its  
14 usual and accustomed places, which right is distinct from any  
15 right or privilege of individuals to take fish derived from  
16 common law or state authority, and the exercise of which is  
17 subject to state control only through such statutes or  
18 regulations as have been established to be necessary for the  
19 conservation of the fishery and which do not discriminate  
20 against the exercise of such right;

21 (b) Before defendants may regulate the taking and  
22 disposition of fish by members of said tribes at usual and  
23 accustomed fishing places pursuant to treaties between said  
24 tribes and the United States:

25 (1) They must establish by hearings  
26 preliminary to regulation that the specific proposed regu-  
27 lation is both reasonable and necessary for the conservation  
28 of the fish resource. In order to be necessary, such regu-  
29 lations must be the least restrictive which can be imposed  
30 consistent with assuring the necessary escapement of fish

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32 Page 5 - PLAINTIFFS' STATUS REPORT

1 for conservation purposes; the burden of establishing such  
2 facts is on the state.

3 (ii) Their regulatory agencies must deal with  
4 the matter of the Indians' treaty fishing as a subject  
5 separate and distinct from that of fishing by others. As  
6 one method of accomplishing conservation objectives,  
7 defendants may lawfully restrict or prohibit non-Indians  
8 fishing at the Indians' usual and accustomed fishing places  
9 without imposing similar restrictions on treaty Indians.

10 (iii) They must so regulate the taking of fish  
11 that, except for unforeseeable circumstances beyond  
12 defendants' control, the treaty tribes and their members  
13 will be accorded an opportunity to attempt to take, at their  
14 usual and accustomed fishing places, by reasonable means  
15 feasible to them, a fair and equitable share of all fish  
16 which defendants permit to be taken from any given run.

17 (c) RCW 75.12.060, RCW 75.12.070, RCW 77.08.020,  
18 RCW 77.12.130, RCW 77.16.040, 77.16.060, WAC 220-20-010,  
19 WAC 220-20-015(2) and WAC 220-47-020 are null and void  
20 insofar as they deny or restrict the right of members of the  
21 plaintiff tribes, acting under tribal authorization, to take  
22 fish for subsistence and commercial purposes at their tribe's  
23 usual and accustomed fishing places or to possess or dispose  
24 of fish so taken.

25 (d) The defendants, their officers, agents and  
26 employees may not apply the provisions of RCW 75.08.260,  
27 RCW 77.12.100, 77.16.020, and 77.16.030 in such a manner as  
28 to prevent or restrict members of the plaintiff tribes from  
29 taking fish for subsistence and commercial purposes at their  
30 tribe's usual and accustomed fishing places or to possess or  
31

1 dispose of fish so taken without previously having  
2 established that the imposition of such specific restriction  
3 is necessary for the conservation of fish and does not dis-  
4 criminate against the taking of fish pursuant to such treaty  
5 rights.

6 (e) The defendants, their officers, agents and  
7 employees be enjoined from enforcing the provisions of RCW  
8 75.12.060, RCW 75.12.070, RCW 77.08.020, RCW 77.12.130, RCW  
9 77.16.040, RCW 77.16.060, WAC 220-20-010, WAC 220-20-015(2)  
10 and WAC 220-47-020 in such manner as to prevent or restrict  
11 members of the plaintiff tribes from taking fish at their  
12 usual and accustomed places in accordance with tribal author-  
13 ization and pursuant to the treaties between those tribes and  
14 the United States.

15 (f) The defendants, their officers, agents and  
16 employees be enjoined from enforcing the provisions of state  
17 laws or regulations in such manner as to prevent or restrict  
18 members of plaintiff tribes from taking fish at their usual  
19 and accustomed places in accordance with tribal authoriza-  
20 tion pursuant to the treaties between said tribes and the  
21 United States without previously having established that the  
22 imposition of state regulation is necessary for the conser-  
23 vation of fish and does not discriminate against the taking  
24 of fish pursuant to such treaty right.

25 (g) The plaintiffs Quileute Indian Tribe,  
26 Lummi Indian Tribe and Makah Indian Tribe own, and each may  
27 authorize its members to exercise, a right derived from the  
28 laws and treaties of the United States to take fish at all  
29 usual and accustomed places, which right is distinct from  
30 any right or privilege of non-Indians and non-members of  
31

32 Page 7 - PLAINTIFFS' STATUS REPORT

1 each Tribe; that such right is distinct from any right or  
2 privilege of non-members of the Tribe to take fish which may  
3 be derived from common law, State authority or any other  
4 source.

5 (h) The defendants may not interfere with the  
6 Quileute Indian Tribe's, the Makah Indian Tribe's or the  
7 Lummi Indian Tribe's exercise of its fishing rights derived  
8 from treaty unless such interference is necessary to insure  
9 the maintenance of the species of fish in the specific  
10 waters where each Tribe's fishery is conducted, and where  
11 such preservation cannot be achieved by strict regulation or  
12 prohibition of fishing by non-Indians and where such preser-  
13 vation will not be achieved by Tribal regulation.

14 (i) All of the following provisions of the  
15 Washington State Fisheries and Game Code and regulations  
16 promulgated thereunder are inapplicable and null and void  
17 as to members of the Quileute Indian Tribe, the Makah Indian  
18 Tribe and the Lummi Indian Tribe, when fishing in usual and  
19 accustomed fishing places of the Tribe:

20 RCW 77.12.080: (arrest without warrant for violation  
21 of law, rule or regulation pertaining to game)

22 RCW 77.12.090: (search of vehicles for game fish  
23 without warrant)

24 RCW 77.12.100: (seizure and forfeiture of game fish  
25 and gear)

26 RCW 77.12.120: (seizure of contraband game)

27 RCW 77.12.130: (authorizing seizure and abatement of  
28 nets for game fish)

29 RCW 77.16.030: (unlawful to have possession of game  
30 fish during closed season)

31 RCW 77.16.040: (unlawful to sell game fish)

32 RCW 77.16.060: (unlawful to use nets to take game  
fish)

1 RCW 77.16.240: (general penalty--misdemeanor--90 days)  
2 RCW 75.08.160: (right of entry on any lands or waters--  
3 no trespass)  
4 RCW 75.08.170: (right to search without warrant)  
5 RCW 75.08.180: (search warrants)  
6 RCW 75.08.190: (arrest without warrant)  
7 RCW 75.08.210: (duty to make required reports)  
8 RCW 75.08.260: (gross misdemeanor to violate fisheries  
9 code)  
10 RCW 75.12.060: (outlawing nets and weirs)  
11 RCW 75.12.070: (prohibiting taking of fish by gaff  
12 hook)  
13 RCW 75.12.160: (fishing with reef nets)  
14 RCW 75.12.210: (outlawing net salmon fishing on the  
15 Pacific Ocean within State jurisdictional boundaries)  
16 RCW 75.12.220: (outlawing net salmon fishing within  
17 international waters in the Pacific)  
18 RCW 75.12.230: (outlawing transportation of salmon  
19 caught in prohibited waters or by prohibited gear)  
20 RCW 75.12.280: (outlawing monofilament gill nets)  
21 RCW 75.16: (outlawing taking of fish for propagation  
22 or scientific purposes)  
23 RCW 75.18.040: (outlawing possession or transportation  
24 of silvers in District No. 1 during winter months)  
25 RCW 75.18.050: (outlawing possession or transportation  
26 of Chinooks during winter months)  
27 RCW 75.18.060: (outlawing canning or processing or  
28 commercial transactions involving silvers caught during  
29 winter months)  
30 RCW 75.18.070: (outlawing canning or processing or  
31 commercial transactions involving Chinooks caught  
32 during winter months)  
33 RCW 75.18.080: (requiring State permit and fee for  
commercial Chinook or salmon fishing)  
34 RCW 75.36.010: (authorizing seizure without warrant of  
fish, gear and boats)  
35 RCW 75.36.020: (forfeiture of seized articles)

1 WAC 220-20-210, (1) - (16): (requiring all fishing  
2 practices to be in conformity to state regulation and  
3 prohibiting certain fishing techniques and practices)  
4 WAC 220-20-015, (1) - (9): (setting requirements for  
5 fishing for salmon)  
6 WAC 220-20-020, (1) - (6): (prohibiting certain fishing  
7 practices with respect to food fish other than salmon)  
8 WAC 220-20-025: (prohibiting certain practices with  
9 respect to clams, crabs and shellfish)  
10 WAC 220-20-030: (purporting to specifically restrict  
11 Indian fishing)  
12 WAC 220-24-010: (making it unlawful for any person to  
13 possess or transport through the waters of District 1,  
14 for commercial purposes, any Chinook or Silver Salmon  
15 during certain times of the year)  
16 WAC 220-24-020: (permitting trolling for Chinook and  
17 Silver Salmon only at certain times of the year)  
18 WAC 220-28-010: (establishing emergency closed periods)  
19 WAC 220-44-020: (allowing fishing in the Ozette River  
20 and coastal fishing areas only at certain times and by  
21 use of certain types of gear)  
22 WAC 220-47-020: (prohibiting fishing in certain salmon  
23 preserves)  
24 WAC 220-47-030: (prohibiting use of certain gear for  
25 catching of salmon on Puget Sound)  
26 WAC 220-47-040: (establishing seasons and dates for  
27 use of purse seine fishing techniques for salmon in  
28 Puget Sound)  
29 WAC 220-47-060: (establishing closures for gill net  
30 salmon fishing in Puget Sound)  
31 WAC 220-47-070: (allowing salmon troll fishing  
32 generally only at certain times)  
WAC 220-47-105: (restricting Makah troll fishing to  
certain times and places)  
WAC 220-48-070: (establishing bottom fishing areas)  
WAC 220-48-080: (establishing limitations on gear use  
for bottom fishing)  
WAC 220-48-090: (establishing certain closed waters  
for bottom fishing)  
WAC 220-48-100: (establishing seasons for bottom  
fishing with gear other than otter trawl)  
WAC 220-48-120: (establishing restrictions on use of  
gear for herring and candlefish fishing)

1 WAC 220-48-130: (prohibiting herring or candlefish  
2 fishing except with gear authorized by regulation)

3 WAC 220-48-140: (establishing seasons for herring and  
4 candlefish)

5 WAC 220-48-150: (establishing restrictions on perch  
6 fishing)

7 WAC 220-48-170, 180, 190, 200: (establishing restric-  
8 tions on anchovy and pilchard fishing)

9 WAC 220-48-210, 220, 230, 240: (establishing restric-  
10 tions on smelt fishing)

11 WAC 220-56-020: (established restrictions on fishing  
12 for personal use)

13 WAC 220-56-023: (prohibiting salmon fishing for  
14 personal use without possession of a required card)

15 WAC 220-56-030: (establishing possession limits for  
16 food fish)

17 WAC 220-56-050: (establishing general regulations for  
18 handling of food fish)

19 WAC 220-56-066: (limiting and restricting the right to  
20 fish for personal and subsistence use except at certain  
21 times and places)

22 Further, that the defendants be forever restrained from  
23 enforcing their criminal penalties against members of the  
24 Quilleute Indian Tribe, the Makah Indian Tribe and the Lummi  
25 Indian Tribe, including fines, jail, seizure, confiscation  
26 and forfeiture of gear, vessels and fish, when the Tribe or  
27 its members are fishing at usual and accustomed grounds and  
28 stations.

29 (j) Defendants be confined to civil remedies in  
30 any case where they seek to interfere with the Quilleute,  
31 Makah and Lummi Indian Tribes' fishing rights and in any  
32 such case, the burden should be upon the defendants to show  
that any interference proposed by them is the least restric-  
tive consistent with the necessary escapement for preserva-  
tion of the species.

1 (k) Defendants have a duty to regulate fishing  
2 which is under their jurisdiction so as to prevent interfer-  
3 ence with it by others who are not members of the Quileute  
4 Indian Tribe, the Makah Indian Tribe or the Lummi Indian  
5 Tribe.

6 (l) The right of the Quileute Indian Tribe, the  
7 Makah Indian Tribe and the Lummi Indian Tribe to promulgate  
8 and enforce their own Tribal fishing regulations which should  
9 be applicable to their members with respect to exercise of  
10 their treaty rights is affirmed.

11 (m) The defendants are restrained and prohibited  
12 from issuing licenses purporting to authorize non-members of  
13 the Lummi Indian Tribe to engage in reef net fishing at  
14 places which are usual and accustomed grounds and stations  
15 of the Tribe.

16 (n) Plaintiff tribes are entitled to sufficient  
17 fish from the waters passing by their usual and accustomed  
18 fishing stations in order for such tribes and their members  
19 to sustain their livelihood and continue their way of life,  
20 culture, and religion now and in the future.

21 (o) Members of plaintiff tribes have a right to  
22 fish at usual and accustomed grounds and stations outside  
23 their reservations as reserved in their treaties with the  
24 United States, subject to no qualification or limitation by  
25 the State of Washington; and the State may regulate their  
26 fishing only in the extreme circumstances when the regulation  
27 is shown by the State to the satisfaction of a federal court  
28 to be necessary for conservation of fish which conservation  
29 cannot be achieved by restriction, regulation, or prohibition  
30

1 of fishing by non-Indians and will not be achieved by tribal  
2 regulation.

3 (p) The scheme of the State of Washington to  
4 regulate fishing, including RCW chapters 75 and 77 and WAC  
5 chapter 220, and the acts of defendants in enforcing the  
6 scheme, is invalid and unconstitutional insofar as it dis-  
7 criminates against Indian fishermen by inhibiting or  
8 preventing the full exercise of Indian treaty fishing rights  
9 and impairs the ability of plaintiffs to maintain a liveli-  
10 hood and to exercise their traditional culture and religion,  
11 which is dependent upon their treaty fishing rights.

12 (q) Defendants have a duty to exercise the police  
13 power of the State of Washington to regulate fishing by non-  
14 Indians, which is under their jurisdiction, to refrain from  
15 and prevent pollution, damming and interference with water-  
16 ways traditionally depended upon by plaintiffs for fishing,  
17 and to institute programs of conservation and propagation,  
18 so as to insure that plaintiffs' treaty rights are protected  
19 and that there is available to plaintiffs sufficient fish for  
20 the maintenance of a livelihood and the exercise of their  
21 traditional culture and religion.

22 (r) Defendants' continued trespasses, seizures,  
23 harassment, intimidation, threats, and other interferences  
24 with the lawful exercise by plaintiffs of their rights under  
25 their treaties with the United States violates the civil  
26 rights of tribal members.

27 (s) Defendants be enjoined from considering,  
28 developing, drafting, enacting, or promulgating statutes,  
29 regulations, or orders intended to regulate fishing by non-  
30 Indians under defendants' jurisdiction without including  
31

32 Page 13 - PLAINTIFFS' STATUS REPORT

1 members of plaintiffs' tribes upon decision making bodies  
2 and boards.

3 2. An order granting the United States and plaintiff  
4 tribes such further and additional relief as they may be  
5 entitled to.

6 3. An order awarding each plaintiff the costs of this  
7 action.

8 4. An order retaining jurisdiction of this case for  
9 the purpose of enforcing or supplementing the judgment of  
10 this Court.

## 11 II

### 12 DISCOVERY

13  
14 A. Plaintiffs have undertaken extensive informal  
15 discovery with the defendant Tollefson and the Department  
16 of Fisheries. A proposed, comprehensive joint biological  
17 statement has been exchanged. Plaintiffs have forwarded to  
18 defendants' liason counsel a summary of our anticipated  
19 anthropological summary.

20 B. On August 18 and 25, 1972, plaintiffs propounded  
21 the first and second set of interrogatories to defendants  
22 Carl Crouse and the Department of Game.

23 C. Discovery is currently scheduled to close on  
24 December 1, 1972.

25 D. Plaintiffs' expert testimony on biological,  
26 anthropological and economic issues is in the final stages  
27 of preparation and the witnesses should be available for  
28 disposition by November 1, 1972.

1 E. Plaintiffs are currently organizing their  
2 deposition schedule and anticipate sending the appropriate  
3 notices shortly.

4  
5 III

6 TRIAL DATE

7 In view of the current and anticipated progress of  
8 plaintiffs' pretrial preparation, plaintiffs respectfully  
9 request the Court to set trial of this case during the  
10 months of April and May, 1973. We anticipate that the  
11 maximum trial time will be two weeks. If current prospects  
12 for stipulation bare fruit, the trial time could be reduced  
13 by at least one half.

14 DATED this 31st day of August, 1972.

15 STAN PITKIN  
16 United States Attorney

17  
18 Stuart F. Pierson  
19 STUART F. PIERSON  
20 Assistant U.S. Attorney

21 CERTIFICATE OF SERVICE

22 I certify that in accordance with Local Rule 5,  
23 a copy of the foregoing document was delivered  
24 to Judge Goodwin by mail  
25 on 8/31/72

26 UNITED STATES ATTORNEY

27 By St. Pierson

28 CERTIFICATE OF MAILING

29 I certify that I mailed a copy of the foregoing  
30 document to which this certificate is attached, to  
31 the attorneys of record of plaintiffs, defendants & amici  
32 on the 31st day of Aug., 1972

UNITED STATES ATTORNEY

By St. Pierson

ADDRESS REPLY TO  
UNITED STATES ATTORNEY  
AND REFER TO  
INITIALS AND NUMBERS

SFP:bwm

4296

United States Department of Justice

UNITED STATES ATTORNEY

WESTERN DISTRICT OF WASHINGTON  
UNITED STATES COURT HOUSE  
SEATTLE, WASHINGTON 98104

August 31, 1972

RECEIVED

SEP 1 1972

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

Ms. Rosemary Freeney  
U. S. District Court  
Clerk's Office  
U. S. Post Office and Courthouse  
11th and A Streets  
Tacoma, Washington 98402

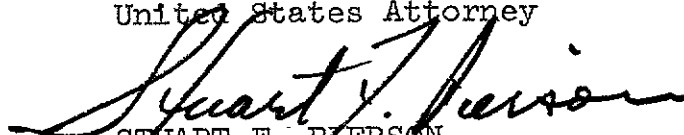
RE: Committee to Save Our Fish v. United States, et al.  
W. D. Wash. U.S.D.C. No. 4296

Dear Ms. Freeney:

The captioned case has been held in abeyance following the defendants' motions to dismiss pending the outcome of the Court's determination on Committee to Save Our Fish's petition for intervention in the case of United States v. State of Washington, case No. 9213. In view of the Court's determination on May 25, 1972, at the first pretrial conference in United States v. State of Washington, we respectfully request a new setting for hearing on our motion to dismiss.

Sincerely,

STAN PITKIN  
United States Attorney

  
STUART F. PIERSON  
Assistant U. S. Attorney

cc: Mr. Richard F. DeJean

Mr. Edward B. Mackie

ADDRESS REPLY TO  
UNITED STATES ATTORNEY  
AND REFER TO  
INITIALS AND NUMBERS  
SFP:bwm

United States Department of Justice

9213

UNITED STATES ATTORNEY

WESTERN DISTRICT OF WASHINGTON  
UNITED STATES COURT HOUSE  
SEATTLE, WASHINGTON 98104

RECEIVED

SEP 1 1972

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

August 31, 1972

Ms. Rosemary Freeney  
U. S. District Court  
Clerk's Office  
U. S. Courthouse & Post Office  
11th and A Streets  
Tacoma, Washington 98402

RE: United States v. State of Washington  
W. D. Wash. U.S.D.C. Civil No. 9213

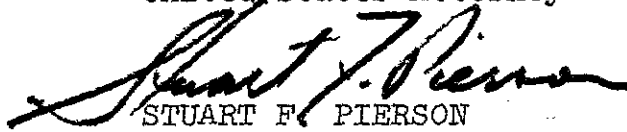
Dear Ms. Freeney:

Enclosed please find the original and one copy  
of plaintiffs' status report to the Court pursuant  
to the orders of June 22 and August 8, 1972.

I would appreciate your calling to the attention  
of the Court plaintiffs' request at page 15 for a  
trial setting during April and May 1973.

Sincerely,

STAN PITKIN  
United States Attorney

  
STUART F. PIERSON  
Assistant U. S. Attorney

Enclosures

cc: All counsel of record  
Dr. Barbara Lane  
Mr. James L. Heckman