

# The Boldt decision's enduring legacy, 50 years on

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Muckleshoot fishermen Dezi Louie, left, and Levi Hamilton join other tribal boats for a chum opening on Elliott Bay in Seattle. (Erika Schultz / The Seattle Times, 2023)

By [The Seattle Times editorial board](#)

The late federal Judge George Boldt hoped the tribal fishing case and decision that became known by his name could be the start of a new era. “... Something that will at least be a beginning in resolving once and for all these grievous problems that have plagued the people of this area for many, many years,” [he said as he ruled](#) in *United States v. Washington* on Feb. 12, 1974.

Fifty years on, it has done that and much more.

Rare is the legal ruling so transformative to a state, a region, and its inhabitants. In affirming tribal fishing harvest rights, Boldt’s decision righted a long-term injustice against the state’s Indigenous people. The tribes would become natural resource co-managers, alongside the state, and afforded an equal share of the salmon sacred to them. They have wielded that influence to fight for the restoration of Puget Sound and

wider Salish Sea, the inland marine waters of Washington and British Columbia, and the dwindling population of salmon species within it.

Tribes also raised those treaty fishing rights to block further environmental degradation. The Lummi Nation, for instance, helped prevent construction of what would have been the largest coal port in North America at [Cherry Point](#) near Bellingham. The Suquamish Tribe sued the Navy and kept it from [scraping ship hulls in Puget Sound](#). Tribal knowledge and research contributes to finding new ways to boost salmon populations, not to mention tribal hatcheries, which produce about 40 million fish each year.

The decision's durability served as the underpinning of a 2013 ruling that found Washington's highway culverts were blocking fish access, resulting in a multibillion-dollar public works program. Habitat loss means less salmon; less salmon can render tribes' treaty rights meaningless. A federal judge found those rights extend to ensure there are salmon to catch. So far, [more than 500 miles of habitat](#) has been opened, with hundreds of millions of dollars in new bridges and wider culverts under construction this year alone.

The history surrounding the Boldt decision is vast but mostly uncomplicated. In agreements forged with the governor of Washington territory in the 1850s, tribes lost much of their lands but their "usual and accustomed" fishing grounds were enshrined in the treaties. However, as overfishing and habitat loss [began to take a toll on salmon runs a century ago](#), the state began denying tribes — which accounted for a small fraction of the harvest — what they'd been promised.

When tribes fought back in the so-called Fish Wars of the 1960s — using many of the same methods of civil disobedience as the Civil Rights Movement — they were [beaten, jailed and prevented from exercising](#) those rights and ancestral traditions. Billy Frank Jr. of the Nisqually Tribe was arrested for fishing more than 50 times, starting when he was just 14.

The treatment of Frank and many others got the attention of the United States Attorney, who in 1970 filed a lawsuit against the state in Washington's Western District Court.

The region's widespread acquiescence to the ruling took years, particularly for the nonnative commercial fishing industry used to taking the bulk of the annual catch. The U.S. Supreme Court affirmed the decision in 1979. Treaty rights were extended to allow tribes to gather wild shellfish on private tidelands [in 1994](#).

Even now, a half-century later, the work is far from over. Many salmon species remain at risk due to decades of habitat destruction and pollution. But because of the Boldt decision, those tribes can continue to advocate forcefully for recovery in the decades to come. On this anniversary — the 10th year since Frank died — that stewardship falls increasingly to a new generation.

Frank, meanwhile, [will be immortalized within National Statuary Hall in Washington D.C.](#), following legislation passed by state lawmakers in Olympia in 2021. A statue of him is slated to be installed in 2025.

Here's to another half-century, post-Boldt, where tribes and Washingtonians work to ensure the health and survival of the natural environment we all cherish.

***The Seattle Times editorial board*** members are editorial page editor Kate Riley, Frank A. Blethen, Melissa Davis, Josh Farley, Alex Fryer, Claudia Rowe, Carlton Winfrey and William K. Blethen (emeritus).