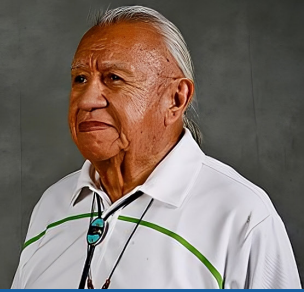


# THE LONG HISTORY OF NISQUALLY FISHING

## LESSON PLAN

## BILLY FRANK JR. STATUE PROJECT

Washington State passed legislation in 2021 to send a statue of activist and humanitarian Billy Frank Jr. to National Statuary Hall in Washington, D.C. The statue is currently slated for installation in 2025.



Grade level: 5-10

Lesson plan developed by:  
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### ESSENTIAL QUESTIONS OBJECTIVES

**Essential Question:** *How does the history of Nisqually Tribal fishing give context to Billy Frank Jr.'s legacy?*

At the end of this lesson students will...

- Understand ways the Nisqually people have fished and continue to fish on the Nisqually river, including the methods, seasons, changes, and limitations leading up to the *U.S. v. WA* case of 1974 and how that history infuses the life, work, and legacy of Billy Frank Jr.

### MATERIALS

- Lesson progression
- Student handouts
- Testimony from Billy Frank Jr. and his father, William Frank Sr., during the *U.S. v. WA* case in 1974 (AKA the “Boldt Decision”). Full and excerpts available.
- Guided note taker

### STANDARDS

#### Washington State Social Studies Standards

- H2.6-8.2 Explain and analyze how individuals and movements have shaped Washington state history since statehood.

#### WA ONE Essential Outcomes

- By the time Washington state students leave middle school, they will understand that there were and are frequent and continued threats to Tribal sovereignty that are mostly addressed through the courts.

### ENTRY TASK

- Open by asking students what they know about how court cases work. Jot down their ideas on the board. If they need prompting, try prompting with terms like Judge, Defendant, Testimony, Argument, Evidence...
- Tell students that today they’re going to analyze some evidence that was used in a very famous court case called the “Boldt Decision” or *U.S. v. WA*. This video should give some general background: [The Boldt Decision Explained](#)
- Ask students how the judge would have found out about the Tribe’s traditional or “usual and accustomed” lands that they fished? Take ideas for a bit and then tell them that dozens of Tribal witnesses testified about what type of fishing tribes did and where. Today, students will have the opportunity to read a portion of the testimony of Billy Frank Jr. and of his father, William Frank Sr.

### LEARNING ACTIVITIES

CONTINUED ON THE NEXT PAGE

## LESSON ACTIVITY

Hand out the Note guide to students and either links or printed versions of the testimony. While they read\* the court testimony, they should note the following on the note guide and/or annotate the accompanying map:

- Species of Fish and Seasons
  - Methods of Fishing
  - Areas Fished
  - Changes over time
- \*for students who may struggle with the reading, it is recommended the teacher help connect them to a text to speech program that works on their computer.*
- When students have completed their reading and notes for one of the three excerpts, the teacher should put them into mixed groups of three to discuss and share their findings. They can take turns sharing or do a more free form discussion, depending on the learning culture of the classroom. Note sheet should be completed here.
  - After students share, discuss, and complete their notes in groups of three, the teacher should lead a class discussion using the following prompts:
    - Based on the information provided by William Frank Sr. and Billy Frank Jr., what areas, seasons, and fish should Judge Boldt consider the Nisqually people’s “right of taking” as indicated in the Medicine Creek Treaty?
    - What was most interesting or most surprising to you? (make direct reference to a phrase or portion of text)
    - How does the oral history and knowledge passed from generation to generation affect the assertion of and exercise of Treaty Rights?

## REFLECTION

Teacher and students should read the following excerpt from [billyfrankjr.org](http://billyfrankjr.org):

*The decision in [United States v. Washington](#), 384 F.Supp. 312 (1974), issued by Judge Boldt on February 12, 1974, was a thunderous victory for the tribes. The treaties were declared the supreme law of the land and trumped state law. Judge Boldt held that the government’s promise to secure the fisheries for the tribes was central to the treaty-making process and that the tribes had an original right to the fish, which the treaty extended to white settlers.*

*It was not for the state to tell the tribes how to manage something that had always belonged to them. The tribes’ right to fish at “all usual and accustomed grounds and stations” included off-reservations sites, as well as their diminished lands. The right to fish extended not just to the tribes but to each tribal member.*

*Following the Supreme Court’s upholding of the Boldt decision in 1979, the NWIFC and the state had to determine how they were going to co-manage the fisheries they shared jurisdiction over. A long process of creating co-management guidelines and establishing trust between the tribes and state officials began with the development (of the) Puget Sound Salmon Management Plan in the early 1980s. With Frank at the helm, the NWIFC established working relationships with state agencies and other non-Indian groups to manage fisheries, restore and protect habitat, and protect Indian treaty rights.*

Students should use the case of *U.S. v. WA*, Billy and Willie Frank’s testimonies in the case, and the leadership Billy Frank Jr. went on to take afterward to answer the essential question of this lesson in a 1-2 paragraph reflection or a 4-5 panel visual storyline: **How does the history of Nisqually Tribal fishing give context to Billy Frank Jr.’s Legacy?** (use evidence and quotes from video, testimony, and excerpt about NWIFC work after the Boldt decision)

### Formative Assessments:

- Note sheet and map annotation
- Discussions

### Assessment:

- 1-2 paragraph or 4-5 visual panel response to essential question

### Further learning:

[Tribal Fishing 101](#)

Learn more and access resources:  
[arts.wa.gov/billy-frank-jr](http://arts.wa.gov/billy-frank-jr)



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## NOTE SHEET

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“The right of taking fish, at all usual and accustomed grounds and stations, is further secured to said Indians in common with all citizens of the Territory, and of erecting temporary houses for the purpose of curing...”

- The Medicine Creek Treaty 1854, Article III

“Therefore, non-treaty fishermen shall have the opportunity to take up to 50 percent of the harvestable number of fish that may be taken by all fishermen at usual and accustomed grounds and stations, and treaty-right fishermen shall have the opportunity to take up to the same percentage of harvestable fish, as stated above.”

- Judge George Boldt, U.S. v. WA decision, 1974

TESTIMONY

FISH SPECIES & SEASONS

METHODS OF FISHING

AREAS FISHED

CHANGES OVER TIME

<a href="#">Billy Frank Jr. written testimony</a>				
<a href="#">William Frank Sr. written testimony A</a>				
<a href="#">William Frank Sr. written testimony B</a>				

#### AREAS FISHED

You can also mark “areas fished” on this map:

