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GISDAY WA and DELGAM UUKW, *The Spirit In The Land: The opening statement of the Gitksan and Wet'suwet'en Hereditary Chiefs in the Supreme Court of British Columbia*, May 11, 1987, Gabriola: Reflections, 90 pages, Canada, $13.95 (paper)

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half the salmon catch for Indians, he did not conclusively determine where members of the separate tribes may fish under their treaty right nor the division of the fish run alloted to treaty fishers. In 1990 this issue is still not resolved, and the resultant competition, known as the "Fish Wars," has unintentionally driven a wedge between tribes.

In addition, the process leading up to Boldt's decision had the effect of disenfranchising Indian fishers who are members of tribes that are not recognized by the federal government. Prior to 1974 these people fished under agreement with other tribes, an arrangement which has ceased. Furthermore, the issues surrounding the Boldt decision inspired the federal government to officially revoke its government-to-government relationship with several tribes with whom it had dealt since the time of the treaties (these tribes include the Snohomish, Samish, and Steilacoom). Finally, because rights to fish in given locales are invested in tribes and not in families or individuals, competition over resources has encouraged recognized tribes to actively intervene against the non-recognized tribes engaged in the difficult process of obtaining recognition. This is another source of antagonism between Indians of western Washington, such antagonism have been heightened by Boldt's ruling.

Cohen does not adequately distinguish between tribes in assessing the effects of the Boldt decision. Some tribes (the Sauk-Suiattle, Upper Skagit, and Stillaguamish) may fish only up-river, and are thereby seriously limited in the sort of fisheries members can conduct and in the income obtainable. These people are limited to gill-netting and setnets. Other tribes (including Swinomish, Tulalip, and Lummi) have small purse-seine fleets, allowing some tribal members to earn large incomes. Such differences in technology and fisheries income have important implications for the post-1974 social organization of western Washington tribes, and some evidence shows that new differences in income resulting from post-Boldt fisheries have created serious divisions within some tribes and facilitated the domination of tribal councils by wealthy families.

Although *Treaties on Trial* is not especially successful in describing the circumstances in the 1980s for those Indian fishers affected by the Boldt decision, Cohen's work is a very valuable contribution.

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By Michael Kew
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This statement is a powerful and clear message to Canadians about a First Nation's identity. Incidentally, it also contains a lesson that should find wide use in anthropology courses: assumptions about the world may simply blind us to the world.

Most Canadians will hold fast to an outdated evolutionist view that other societies from the third or fourth world are simple and undeveloped. Anthropology has had more than a little to do with popularizing this view, intentionally or not, and it still has a good deal to do with purveying, supporting, and tolerating simplistic applications of models of social evolution. Anthropological evidence was cited by both sides in the Gitksan-Wet'suwet'en case, known as Delgam Uukw vs. the Queen, although no anthropologist testified for the Crown.

The case began in Smithers, B.C., with the opening remarks by the plaintiffs which are reproduced in this publication. There are brief statements given by the two leading chiefs of the Gitksan-Wet'suwet'en tribal council, followed by their lawyers' outline of the case. Now, three years later in Spring of 1990, the evidence has been given, and summary arguments will be completed through the summer. A number of Gitksan and Wet'suwet'en chiefs and elders who gave evidence have passed on during the lengthy period of preparation and ensuing trial. Two holders of the name Delgam Uukw have died during the process: Albert Tait early in the case and Kenneth Muldoe, on April 8, 1990. It is a strength of the Gitksan-Wet'suwet'en system of succession that Delgam Uukw and all the other house leaders live on while individual persons come and go. Three years is a long span for a Canadian court case, but a mere moment in the long history of these people.

Although this is another in a continuing series of Native land claims cases occasioned mainly by the British Columbia government's peculiar ostrich-like view of aboriginal rights, it is much broader. As Delgam Uukw put it:

> "We are not interested in asserting aboriginal rights — we are here to discuss territory and

> authority. When this case ends and the package has been unwrapped, it will have to be our ownership and our jurisdiction under our law that is on the table "(p.9).

The court, in this case, is faced with questions of Gitksan-Wet'suwet'en sovereignty in their own territory. It is not simply another instance of establishing aboriginal use-rights or protesting infringements of treaty rights.

The case is also unique for the extent and breadth of the evidence from the people themselves. This slim volume is but the opening phrase of an ethnography and history of the tribal group which will have no equivalent in anthropology or any other discipline concerned with North American First Nations people. It contains a full record with unsurpassed detail of territory, history, and organization of all the houses (the primary political units), and it is given in the words and under direction of the people themselves. It is not a construction by outsiders.

This opening volume, even though it gives only sketch of things to come, does contain a useful introduction to the socio-political system of the tribal group. The existence of the two language communities living in adjoining territories and retaining differences of particular features of life, yet cooperating effectively as one political group and sharing a common system of government, also provides for all of Canada an example of profoundly enlightened political evolution.

This opening statement is in itself an eloquent appeal for recognition of the continuing reality of Gitksan-Wet'suwet'en law as it exists and is articulated in the potlatch or feast system. And an appeal is made to the non-Indian world — anthropologists in particular should hear this — to abandon the distinction between "traditional" and "non-traditional" society. This model tends to lock into the past that which is distinctly Indian in origin. It ignores the living, dynamic reality which is always the condition of culture. When the traditional Indian world is defied as the only real Indian world, the rights of Indians are tied to a frozen reality, as the statement puts it. Living Indians cease to count. They are defined as non-existent. And as the plaintiffs in this case clearly understand, this image, model, or theory has the consequence of demeaning and diminishing them as a people (pp.41-3).

Two realities have been presented to the court during the trial: - Gitksan-Wet'suwet'en history made in the words of white administrators, missionaries, and various experts, who sought and saw only what they were predisposed to see; and the reality in the minds and words of the people themselves. The trial is, in a sense, a culminating contest between these sets of ideas. The decision will have profound consequences for all First Nations people and the future of Canada itself, for it clearly asks the courts to decide if First Nations will be fully recognized in the future.

It will be several years before the inevitable appeals are decided. But the Gitksan-Wet'suwet'en will go on, gathering strength, continuing their struggle to maintain their visions of responsibility to themselves, their land, and laws, as best they can in the face of the wider system. There is no doubt that the effort they have made to bring the case to trial is strengthening their society.

Those who cherish ethnographic accounts can anticipate a long series of further invaluable publications as the tribal council sees fit, or finds reason for publication of the evidence.

Jordon PAPER, *Offering Smoke: The Sacred Pipe and Native American Religion*, Moscow, Idaho: The University of Idaho Press. 161 pages, U.S. $29.95 (paper).

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The fundamental premise of *Offering Smoke* is that a pervasive North American Indian sacred pipe ritual can be traced to a pre-European contact period of considerable antiquity. Further, analysis of the time depth and the diffusion of such usage indicates that this ritual was an essential feature of Native American religious practice throughout much of North America and among many diverse groups. The archaeological research reveals bone and stone pipes among the Plains and Woodland peoples dating back to about 4000 B.P. The author believes that the wide-spread diffusion of Monitor pipes throughout the Hopewell Interaction Sphere served as a direct link in the later development of a sacred pipe ritual.

By cataloguing the many pipes held in various North American and European museums and through additional reference to visual and written materials, the author categorizes the sacred pipes he studied in terms of four criteria: date, culture of use, origin of the collection and use in a ritual context. Of the many surveyed, 196 pipes are described in an appendix as most closely meeting the requisite criteria and of these, 157 provide "certain or probable ritual associations" from which the author derives his conclusions (p.120).

This type of study is both admirable and important. The artifactual study of physical objects as they