

THE “REALLY REAL” BORDER AND THE DIVIDED SALISH COMMUNITY

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THE CURRENT ACADEMIC CLIMATE is predisposed to the crossing of intellectual, disciplinary, political, and cultural boundaries.¹ Efforts to connect the global and the local and to transcend boundaries, however, run the risk of becoming institutionalized into newer, non-critical, docile forms of knowledge production that overlook the local concerns of Aboriginal peoples. Scheper-Hughes points ascerbically to this problem:

In the brave new world of reflexive postmodernists . . . everything local is said to dissolve into merged media images, transgressed boundaries, [and] promiscuously mobile multinational industries and workers . . . The flight from the local in hot pursuit of a transnational, borderless anthropology implies a parallel flight from local engagements, local commitments. . . Once the circuits of power are seen as capillary, diffuse, global, and difficult to trace to their sources, the idea of resistance becomes meaningless. The idea of an anthropology without borders . . . ignores the reality of the very real borders that confront and oppress “our” anthropological subjects. . . These borders are as real as the passports and passbooks, the sandbagged bunkers, the armed roadblocks . . . The anthropology that most Cape Town Xhosa, Venda . . . and Moslem students want is not the anthropology of deconstruction and the social imaginary, but the anthropology of the **really real**, in which the stakes are high. (Scheper-Hughes 1995, 417)

This article attempts to address the “really real” of the international boundary dividing Canada from the United States, British Columbia

¹ In recent years “cultural borders” has been the theme of academic meetings in many disciplines. The recent interest within anthropology builds on an older tradition of the study of “borderlands” (Alvarez 1995, 449). Borderlands are thought to be sites of conflict and contradiction, to generate their own cultures, to be the meeting ground of the First and Third Worlds. See, for example, Fabian 1993.

from Washington. My concern is the ways in which the political border creates parallel conceptual and practical boundaries for the First Nations of this region and the ways in which the latter are currently responding to this. Following a widely held First Nations view, I treat the international boundary as an arbitrary but potent fact of life that divides the peoples and communities commonly referred to as Salish. I argue that in the present-day process of rethinking and developing their own community organizations and rearranging their relations to the state (i.e., to the provincial, state, and federal governments) Coast and Interior Salish peoples are, in the pursuit of social justice, intensifying the development of strategies concerning the border.² Salish leaders and rank-and-file tribal members acting on their own are now conducting a wide range of strategic activities. The scope and extent of these activities is largely invisible; only a few receive public or academic attention. But it is in their totality that these small-scale efforts become important and reflect the Salish perception that their own identity and intercommunity networks cannot be constructed without their relatives on the other side of the border.

In brief, Salish efforts include: (1) current legal challenges to the state to gain rights of free passage within traditional territories that overlap the international border; (2) initiatives to change the procedures whereby winter Spirit Dancers (who are in a state of extreme spiritual danger) are permitted to cross the border between BC and Washington; (3) attempts to promote a form of political unity between Coast Salish bands and tribes; (4) efforts to find medical care within different regimes of service delivery; and (5) formal recognition of tribal members living on the other side of the boundary.

There is another issue motivating this work: groups living along administrative, state, provincial, and federal borders (as well as along the borders between culture areas as defined in the anthropological tradition) tend to disappear from the landscape, the official record, and the academic imagination. Such groups are frequently amalgamated with others, dispersed, ignored, or treated as participants in another's cultural tradition — a circumstance that complicates the search for legal recognition and social justice.³

² At present, First Nations in BC are negotiating both land claims and treaties with the provincial and federal governments. The First Nations are also creating their own formal systems of governance, social services, education, legal systems, and other programs.

³ Two such groups are the Inland Tlingit and the Comox. Personal communication, Andy

My examination of these topics rests upon my own fieldwork with the Coast Salish communities of Puget Sound and the Fraser River, interviews with members of these communities (specifically for this project), involvement in on-going litigation, and a reading of the ethnographic and historical materials.

THE BACKGROUND: SALISH AFFILIATIVE NETWORKS

Those mid-nineteenth century peoples who spoke languages within the Coast Salish family and who lived within Puget Sound, along the Fraser River and its tributaries, and on the southeastern portions of Vancouver Island are the ancestors of the members of some fifty current bands in BC and twenty-four tribes in Washington (Miller 1992). Their social organization was made up of fluid local groups composed of one or more households that interacted to form a regional structure (see Miller and Boxberger 1994, 270-2). Tribes did not exist prior to interaction with Europeans and state governments but emerged as political entities following treaty negotiations, the establishment of the reserve/reservation systems, and in response to the requirements of subsequent legal actions against the government. Before this, individuals closely identified with the local group within which they were residing and with the larger "speech community." The Coast Salish kinship system emphasized bilaterality and marriage was preferentially exogamous; consequently, individuals had kin in many different villages. Kin ties, then, created a network of relations that extended far beyond one's own river drainage and that, potentially, provided access to the labour and resources of a large population as well as to a rich environment. For these reasons, ethnographers of the Coast Salish have long emphasized the pattern of regional affiliation in their explanations of social organization (Elmendorf 1960; Suttles 1963; Miller 1989).

These affiliative networks have persisted to the present and serve to organize activity in a variety of domains, thereby perpetuating the connectiveness of the larger Coast Salish community (Suttles 1963; Kew and Miller n.d.). Persistent, regular activities bring together peoples from throughout the Coast Salish area for marriage and kinship, commercial fishing, winter ceremonial activity, and summer

Everson, Comox band member, 1 November 1995; Ingrid Johnson, Inland Tlingit, 6 November 1995.

festivals that emphasize sporting contests and informal mingling. In addition, Salish peoples are drawn together by regularly scheduled events on the Pow-Wow circuit of intertribal festivities.

Among the Aboriginal peoples who occupy a region drained by the Columbia and Fraser Rivers east of the Cascade Mountains in Washington and the Coast Range in BC are speakers of seven Interior Salish languages. Members of the constituent communities are referred to here as the Interior Salish peoples, although there was no formal, all-encompassing Interior Salish political organization. As is the case with the Coast Salish, the Interior Salish maintain a vast network of interpersonal ties constructed around kinship, friendship, and trade connections (Hunn 1990). In earlier periods, they created regional task groups for subsistence purposes (Anastasio 1973). The Interior Salish, in common with the Coast Salish, valued exogamous marriage (marriage to people from another village), a circumstance that reinforced the broad network of kin connections. A further factor promoting regional cooperation was the possibility of food shortage due to the thinness and wide dispersal of resources within their region (Richardson 1982).

As is the case with Coast Salish peoples, being a subordinated people and having a common post-contact history of struggling to protect their resources and lifeways has reinforced the connections between Interior Salish peoples. So, too, has placement on reserves and reservations, along with attendance at residential schools (Tennant 1990). In any case, both in the pre-contact period and up to the present day, the broad network of affiliation between Salish peoples and communities has involved those on both sides of the border.

THE DRAMATIC: ABORIGINAL CHALLENGES TO THE BOUNDARIES OF THE STATE

The case of *Robert Watt v. E. Liebelt and the Minister of Citizenship and Immigration*, on appeal to the Trial Division, Federal Court of Canada, is a case in which, to the Crown, "The issue . . . is whether an aboriginal person who is neither a Canadian citizen nor a registered Indian has a right to remain in Canada because he belongs to a tribe whose traditional territory straddles the Canada-United States border" (Reed 1994, 1). Robert Allen Watt, a forty-one-year-old member of the Arrow Lakes community or tribe, otherwise known as the Sinixt, had been appointed by Arrow Lakes elders to come

north into Canada to be "the guardian of a sacred burial site in British Columbia" (Suleman 1994, 2) that was then under threat of being turned into a quarry. Watt, born in Washington State and an enrolled member of the Colville Confederated Tribes, lived in the Slocan Valley, BC, for most of the period between 1986 and 1993 while carrying out his guardian role.

In the nineteenth century the Arrow Lakes people moved from the vicinity of Revelstoke, BC, in the north to (approximately) Colville, Washington, in the south. Following the establishment of the 49th parallel as the US-Canada boundary in 1846, it became difficult for Arrow Lakes people to continue their traditional patterns of seasonal movement. Many members of the Arrow Lakes community moved to the Washington Territory in 1872 after the establishment of the Colville Reservation, and there, together with the Colville people with whom they had long had marriage ties, they were offered land allotments. In 1902, a small Canadian reserve was created on Lower Arrow Lake and was occupied by twenty-two people. By 1953 the last member of this group, according to Canadian records, was deceased and the reserve reverted to the Crown. The Arrow Lakes people were declared extinct, even though more than 250 were enrolled members of the Colville Confederated Tribes and were continuing to use traditional territories in BC.

In 1993 an adjudicator of a hearings board within the Ministry of Citizenship and Immigration ruled that, under the terms of the Canadian Immigration Act and because he was not a registered Canadian Indian under the Indian Act, Watt was to leave Canada within thirty days. Of interest here is the fact that the Watt case directly calls into question federal government conventions concerning the definition of "Aboriginal Peoples of Canada." Legal counsel for Watt argued that "the definition of 'aboriginal peoples of Canada' in subsection 35 (2) of the Constitution Act, 1982 is open-ended. The use of the word 'includes' . . . infers that there may be other peoples who could raise a reasonable claim that they ought to be considered 'aboriginal'" (Suleman 1995, 16). The passage in question reads: "In this Act, 'aboriginal peoples of Canada' includes the Indian, Inuit, and Metis peoples of Canada." Furthermore, counsel argued that, given an open-ended definition and the fact that the Supreme Court of Canada has held that section 35 of the Constitution Act is to be interpreted generously and liberally, Aboriginal peoples all along the US-Canada boundary should be included under section 35 as Aboriginal peoples of Canada (see Evans

1995 for a similar argument). In addition, counsel argued that subsection 35 (1) “protects the long-standing aboriginal right to move freely throughout their traditional territories.” The Immigration Act, according to this argument, ought not to be interpreted in a manner that “would eliminate the rights of the Arrow Lakes or Sinixt people to freely move throughout their traditional territories.”

The Watts case does not stand alone in querying the cross-border rights of First Nations along the international border; indeed, a series of related issues has arisen within the last few years. These issues include the rights of bands and tribes with regards to the management of traditional territories that incorporate watersheds or other natural zones that straddle the border. Recently, the proposal to create an international park in the Skagit Valley of Washington and BC has prompted exchanges between Salish political leaders concerning the terms under which this could satisfy mutual Salish interests.⁴ In addition, the issue of cross-border participation in negotiating cash settlements for damages to traditional territories has arisen. For example, the creation of Ross Dam on the Skagit River, which damaged thriving salmon runs, led to the negotiation of a settlement in 1994 between Seattle City Light and a coalition of Washington tribes along the Skagit River. This caused the Nlha7kápmx, whose traditional territories extend into the Skagit Valley of Washington, to investigate to what extent they might participate.⁵ In this case the issue is that the Nlha7kápmx do not fall under US laws, which define a legal relationship with a named set of tribes. The US trust relationship with Native tribes does not extend to Canadian bands.

In sum, bands and tribes have recently questioned the role of the state in defining Aboriginal communities, in limiting access to territories, and in limiting any liability or trust responsibility to those on only one side of the border. The First Nations claims constitute a proposal for a broader, more inclusive view — a view that would better account for the nature of their own community organization.

THE SECRET: ABORIGINAL CHALLENGES TO THE INTRUSIVENESS OF THE BORDER

In common with the religious life of many other indigenous peoples of the Americas, Coast Salish religious life focuses on the

⁴ Personal communication, Doreen Maloney, member of the council of the Upper Skagit Tribe, Washington State.

⁵ Personal communication, attorney for the Nlha7kápmx.

relationships between individuals and "immortals," spirit beings who interact with humans as kin and who provide access to powers of various sorts (see Miller 1994 for a vivid description of this relationship). Throughout Coast Salish territory initiates to the society of Spirit Dancers spend an initial winter in the longhouse, receiving training and developing their relationship with their spirit helper. In their first winter as initiates ("babies") they are spiritually reborn and experience a state of ritual instability, at which time they are susceptible to spiritual and physical danger. As the winter progresses, initiates travel to the various longhouses in Washington and British Columbia that, collectively, house the ritual congregation. Initiates travel in ceremonial costumes that provide a measure of spiritual protection; for example, headdresses largely cover their eyes to keep them from danger. In some cases, experienced Spirit Dancers carry masks that are placed in containers that can only be opened in a ceremonial context.

The immediate problem for Spirit Dancers travelling between Coast Salish communities located across the border is the incompatibility of customs regulations and the spiritual state of susceptibility. Initiates may be placed in spiritual danger if, for example, someone looks directly into their faces. Masks and other regalia cannot be handled by non-dancers, and the cedar costumes and headdresses as well as the wooden staffs carried by black-and-red faced dancers sometimes appear bizarre and suspicious to border agents.⁶

A particular difficulty facing the Spirit Dancers is the cultural prohibition on the communication of specific information about winter Spirit Dancing. Dancers do not reveal the nature of their spirit helpers, nor do they ordinarily describe to outsiders the specifics of their regalia or longhouse practices. To reveal specifics could place dancers in physical danger and reduce the efficacy of their relationship with their spirit helpers. This circumstance has made it difficult for Salish peoples to describe their concerns. US officials have recently attempted to educate border personnel concerning these topics, and a member of a Washington tribe has proposed establishing an education module.⁷

⁶ Personal communication, Elva Caulkins, Assistant Chief, Department of the Treasury, US Custom Service, Blaine, Washington, 28 February 1995.

⁷ Maxine Williams, of the Swinomish Tribe, is currently producing an education module for border officials. Personal communication, Elva Caulkins.

Chief Frank Malloway, of the Yakweawkwoose Band of the Stó:lō Nation of BC, noted that border personnel have recently allowed longhouse initiates to pass the border without visual inspection if they are accompanied by longhouse leaders who present identification for each of them.⁸ While “oldtimers” (long-time border officials) on the American side merely used to wave Stó:lō Spirit Dancers through the crossing, in more recent years border guards have tightened their scrutiny. However, through a consultative process, many guards have “learned not to look in the mask boxes or at the dancers.” As part of this process, longhouse leaders notify border personnel prior to hosting ceremonies requiring the presence of dancers on the other side of the border.

Associate Chief Elva Caulkins of the US Department of the Treasury (Customs Service) reported that, while “Indians” may cross from north to south, this is not unproblematic, and “at times we are going to look.”⁹ Further, “we don’t do an ‘attitude check’ even if they are lippy. But if they are evasive it can cause problems. Lots of time Indians won’t tell us what country they’re from. Coast Salish believe both countries are their country. Indians often say they are resident of both. We ask them “where is your longhouse?” [when attempting to determine residency].”

In internally circulated professional journals Canadian border officials have published articles that describe ceremonial objects, but these have focused on the material culture of Aboriginal peoples outside of British Columbia (see *The Inspector* 10 [1991], a publication of the Canadian Department of Customs and Immigration). Chief Bernard Charles of the Semiahmoo First Nation, a band whose lands are located directly on the international border, observed in a letter in response to the piece in *The Inspector* that “[we] were disappointed that [your article] contained little or no specific information pertaining to Coast Aboriginal people in Washington state or Southwest British Columbia.” Caulkins noted that, due to the failure of Canadian policy to allow largely unrestricted passage, “Indians are angrier at Canadians than the US” — a perspective that accurately reflects the view of many Canadian First Nations.¹⁰

A related problem concerns the movement across the border of goods intended for ceremonies in which members of the wider Coast Salish community are invited to participate. The most notable

⁸ Personal communication, Chief Frank Malloway, 2 June 1995.

⁹ Telephone interview, 2 February 1995.

¹⁰ Eleanor Charles of Semiahmoo, for example, is one who holds such an position.

ceremonies are potlatches, including memorial potlatches, which are held to mark the end of a period of mourning and to acknowledge the rearrangement of the social role of a deceased relative. A potlatch requires the distribution of goods to those in attendance. Senior family members ordinarily spend some years stockpiling blankets, hats, cutlery, plastic domestic items, and many other things for distribution. If these items are taken across the border, then duty must be paid on them — a circumstance that poses a dilemma for Coast Salish peoples. Chief Malloway noted that one man's car was seized following accusations of smuggling when he attempted to bring 200 blankets across the border to contribute to a relative's potlatch. In addition, those bringing home items received at a potlatch may be required to pay duty. The increased cost of potlatching due to the imposition of duties and the threat of legal action over the transport of goods is said to have decreased participation in potlatches across the border.

There are problems concerning the transport across the border of ceremonial or religious items that are not necessarily related to potlatches. The US Fishery and Game Act prohibits the transport of items such as eagle feathers, which First Nations peoples sometimes carry in their vehicles. These feathers are thought by border officials to be associated with the possession and use of drug paraphernalia. Both the duties imposed on goods and the restrictions on eagle feathers constitute a regulatory environment that increases the complexity of Salish life.

THE ESSENTIAL: THE FISHERY AND PROBLEMS OF ACCESS AND IDENTITY

Salish society is fundamentally constructed around the relationship of human beings and non-human beings. Among the most significant of these non-human beings are the Salmon beings, who provide the food that defines Salish culture. In earlier periods, Coast Salish villages were built along rivers or the sea in order to facilitate fishing. The relationship between humans and non-humans has never been solely material, however, and the Salish continue to celebrate their spiritual connection with salmon through First Salmon ceremonies. During these ceremonies, the salmon beings offer themselves to humans as food, and the latter, in turn, demonstrate their understanding and respect for the former. Salish social organization and cultural identity, then, is directly connected to the fishery, a fact

acknowledged in the nineteenth century by both Washington and BC. The treaties of western Washington specified that “Indians” would continue to have access to salmon and other species; in BC, reserves were established, in part, due to their proximity to fishing stations.

The eventual creation of separate national fishing policies has created significant difficulties for Salish peoples. This is especially so because of the extraordinary richness of the fisheries along the international border (Boxberger 1990). When Aboriginal peoples controlled and regulated their own fisheries, access to resources was determined largely through kinship connections to senior band members, who served as stewards, or managers, of local procurement and processing stations. A structure of use-rights emerged in which patterns of affiliation organized the fisheries through an elaborate protocol. Affiliative patterns spread across what became the international border (see Smith 1950), and people from what is now Washington State fished in the Fraser River and adjoining waters, a circumstance that is now explicitly acknowledged. Ernie Crey, director of Stó:lō Nation fisheries, for example, recently observed that Lummi Nation fishers of Washington traditionally fished salmon stocks that spawned on the Fraser River and its tributaries.¹¹ In addition, fisheries around the Gulf Islands of BC and the San Juan Islands of Washington formerly involved fishers from bands and tribes now located on both sides of the border (Suttles 1990; Boxberger 1994).

But the issue is not a simple one of restoring earlier fisheries management practices. For example, members of one BC band have taken the position that they wish to exclude from commercial Native fisheries on the Fraser River any “non-signatory” band members; namely, those who reside in Washington and who are presumed to have access to the Puget Sound Native fishery.¹² Salish fishers of Washington and BC remain largely within separate camps, despite the memories of earlier management protocols. Although Native fishers of Washington were excluded from the fishery by the 1950s, today they co-manage the salmon resource with the state Department of Fisheries. Twenty-four tribes have since formed the Northwest Indian Fisheries Commission to facilitate the discussion of the allocation of fish among the various tribes. Similarly, BC bands were

¹¹ Talk given to UBC Faculty of Law, 25 September 1995.

¹² See *Rebuilding Stó:lō Fisheries Law: Report of the Community Consultation Process*. Lower Fraser Fishing Authority, 1993.

largely excluded from a fishery that became increasingly more capital-intensive as the century progressed (Newell 1993). The reasons for judgment in the case of *Sparrow v. The Queen*, 1990, interpreted the Constitution Act, 1982, section 35 (1) as protecting the Aboriginal right to fish for social and ceremonial purposes, but they were silent concerning commercial sales. Subsequently, the federal government created a seven-year trial policy, the Aboriginal Fisheries Strategy, to allow limited Aboriginal commercial fishing. In response, Salish First Nations have attempted to create their own commercial fisheries management programs.

As a consequence of these developments, Native peoples and polities have ended up on opposite sides from each other in the international negotiations over fisheries allocations that form the backdrop to the Pacific Salmon Treaty. Distinctive features of Native fisheries management are thereby underplayed and the common interests of Salish peoples are obscured. Some Coast Salish people have responded by attempting to create formalized links across the border through the creation of a Coast Salish "treaty" that recognizes a common heritage and common interests, while others rely on more informal, individual exchanges of information between band and tribal fisheries officers and managers. Nevertheless, the Coast Salish remain partitioned into US and Canadian camps, respectively, concerning the issue of fisheries. The larger problem for the Coast Salish is to articulate a vision of common interests that is compatible with the interests of particular bands and tribes.

THE MUNDANE: ACTS OF MANIPULATION AND ACCOMMODATION

Other responses to the border take the form, not of overt political action but, rather, of mundane, personal acts of manipulation and accommodation. One Coast Salish woman, for example, who was born in a Stó:lō community along the Fraser River in BC and who married into a Coast Salish tribe in western Washington, monitors the available health care opportunities for her dependent, a child with a debilitating ailment.¹³ She is able to take advantage of the existence of two different national policies concerning public health: as an enrolled tribal member she has access to the services of the United States Public Health Department through a branch known

¹³ Notes from interviews with a woman who will remain unidentified.

as the Indian Health Service, and as a Canadian citizen she has access to a socialized medical system with a somewhat different array of specialty services for chronic children's diseases. It is significant that she has violated neither the spirit nor the letter of either Canadian or US law in looking after her dependent, nor has she duplicated services. This strategy has required that she maintain active affiliations both with the community of her birth and with the community into which she married.

This care-giving woman is not alone. Other Salish people make use of the differences in the Canadian and American economies and public policies by crossing the border in an effort to improve their circumstances and to find employment. Generally, this requires activating a latent affiliation with a community across the border and relocating there for some months or years. In the case of the members of the Semiahmoo community in BC, it entails exploiting the job market of Whatcom County, Washington, and daily returning to their reserve. One member of the Semiahmoo Nation noted: "It's easier for the Semiahmoo. So many of us have worked in the US for the past thirty, forty, fifty years. We've been working on and off since teenagers, commuting back and forth. They [government officials] know us at the border."¹⁴

In common with other Canadian citizens, Aboriginal peoples living on the border make use of differences in pricing. Semiahmoo people shop in Blaine, Washington, bringing home milk, eggs, cheese, and other food products that are ordinarily cheaper in the US. Others take advantage of differences in the value of American and Canadian currency by importing goods with Aboriginal content duty-free from the US and selling them on Canadian reserves.¹⁵ This activity, although the product of the differences between the two countries, serves to unite the larger Salish community.

Another distinct pattern involves appropriating and reshaping federal notions of citizenship. This takes two forms. In one form, communities enrol as tribal or band members those people who have ancestral connections to them but who are formally citizens on the other side of the international boundary. Although federally recognized tribes of Washington State do not allow cross-enrolment (enrolment in more than one tribe or band), one non-recognized tribe includes on its roll Aboriginal people who are resident in

¹⁴ Personal communication, Eleanor Charles of Semiahmoo.

¹⁵ An example of an import item sold on Canadian reserves is wooden coffins.

Canada, who hold Canadian citizenship, and who are eligible for enrolment in a Canadian band.¹⁶ In so doing, this tribe can assert its legitimacy by employing Aboriginal notions of affiliation and membership independent of state-imposed criteria and, simultaneously, fulfil the membership desires of those who claim affiliation and common descent but who live across the international border.

In the other form of reshaping federal notions of citizenship, band members simply claim existing categories of membership and act on them. This is the case for members of the Semiahmoo First Nation, who speak of themselves as "dual citizens" even though they are not formally recognized as such by the US and Canada. They do this for a variety of reasons. Nineteenth-century Semiahmoo territory, like the Arrow Lakes territory, straddles the international boundary, and by claiming dual citizenship band members are able to maintain their connection to place. The Semiahmoo are acting within their perceived rights when they exploit economic and educational opportunities in northern Washington. In addition, the Semiahmoo maintain active connections to the 3,000-member Lummi Nation of Washington and are aware of their presence within that tribe. Finally, the Semiahmoo, who moved north to Canada at the time of the settlement of the international border, have considered legal action to compensate themselves for loss of territory. These are all indications of a continued Semiahmoo presence within Washington.

THE COSTS

In spite of their relatively successful acts of manipulation and accommodation, the Salish efforts to maintain their communities have a number of costs. There is some truncation of communication between groups despite the efforts to overcome the problems the border poses. It is clear that some ceremonial exchanges are altered or diminished, particularly those requiring the movement of goods across the border. There are also fears of intrusive claims to territory, cash settlements, and legal entitlements by Aboriginal communities across the border. These arise, in part, from the fact that some lands are controlled by bands or tribes other than those that occupied them in the middle of the nineteenth century (when the international

¹⁶ This tribe is in the process of obtaining recognition from the US government but currently lacks official status as a tribe. Other Washington tribes may also have enrolled Canadian Aboriginal people.

border was created). These fears reflect both a misunderstanding of the legal circumstances across the border and a recognition of the capacity of large political entities to extend their reach across the line in order to intervene (for example) in litigation.¹⁷

In a related matter, some people find themselves, of necessity, residing on the wrong side of the border. This is particularly the case for members of tribes that are not federally recognized, such as the Arrow Lakes in BC or the Samish in Washington. In the Arrow Lakes case, there is a recognized tribe in Washington, the Colville Confederated Tribes, with whom they can affiliate, but there are none in BC. In the case of members of the Samish tribe living on Vancouver Island, the opposite is true.

Finally, there is the sheer difficulty of legal challenges such as that typified by the Watt case. This case failed initially, and although the appeal has not yet been heard, it appears to be an uphill battle.

CONCLUSION

Salish peoples are currently contesting, inverting, and reconceptualizing the international border in various ways in order to maintain their communities and to preserve their sense of common identity. It is clear that Aboriginal peoples on both its sides persist in thinking of the border as an intrusion and that their responses to it constitute efforts to gain social justice. Although intellectual border crossings may reveal significant features of the current world economic and political systems and the way in which Aboriginal peoples fit into them, the developments considered here are apparent only through an analytic focus on the local and concrete, on the “really real” border rather than on the intellectually transcended border. These local challenges to the American and Canadian states are born of circumstances that long precede current power alignments. However, it is the state itself that has become the power container of modern society, a circumstance that poses a dilemma for Salish peoples inasmuch as the institutional arrangements of the state stop at the border (see Giddens 1987). Consequently, for Aboriginal peoples, the difficulties of carrying out their lives and pressing their

¹⁷ Some Semiahmoo, for example, have expressed concerns that the Lummi Nation of Washington will make land claims in Semiahmoo territory in BC, even though the Lummi occupy former Semiahmoo grounds rather than vice versa. In this case the discrepancy in size and resources seems to be at play. The Lummi Nation numbers about 3,000 and is the preeminent fishing tribe in the US. The Semiahmoo number in the sixties.

claims within two separate national legal systems remains a considerable barrier to the achievement of justice.

Aboriginal efforts are varied, and not all are successful, but they nevertheless point to the fact that academic treatments of the Salish must account for this fundamental feature of identity and community. Furthermore, academic treatments ought to consider the current significance of all of the activity around border issues. It is both this activity and its conceptualizations that are of importance. One might anticipate that border issues will grow in importance to Salish and other Aboriginal peoples as their communities continue the processes of working towards self-government, managing any resources over which they are able to regain control, and challenging the mainstream community to rethink the future of the BC Lower Mainland and elsewhere. The results of the 1995 Quebec referendum on secession are widely understood as pushing Canadian society and its governance in new directions, but First Nations are also pushing them in new directions, both forcefully and subtly, as these Salish examples show.

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