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By Sabrina SCHETTINO

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13/ REVIEW: Charles WILKINSON, *Treaty justice: the Northwest tribes, the Boldt decision, and the recognition of fishing rights*, Seattle, University of Washington Press, 2024, 353 pp.

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In *Treaty justice: the Northwest tribes, the Boldt decision, and the recognition of fishing rights*, the late professor Charles Wilkinson discusses the Boldt Decision handed down by Judge George H. Boldt in 1974, which re-allocated 50 percent of off-reservation salmon runs to the Northwest tribes in Washington State. The historic ruling has since been regarded as «a landmark in the American civil rights movement»¹. Wilkinson, who devoted his academic career to the study of Indigenous rights as a professor of law at the Universities of Oregon and Colorado, was encouraged to write the book by Billy Frank Jr., a Nisqually leader, former chairman of the Northwest Indian Fisheries Commission, and one of the leaders in the fishing rights movement in 1960s-1970s. The book enhances the existing body of literature on fishing treaties in the Pacific Northwest by weaving together history, anthropology, and law in a coherent narrative. Wilkinson repeatedly emphasizes the value of an interdisciplinary approach, arguing that concepts so central to the legal dispute such as sovereignty, tribal culture, community were shaped within specific historical and cultural contexts.

The book is composed of fourteen chapters. Chapter 1 introduces the core issues of the legal controversy. In the mid-1850s, the Stevens Treaties brought an end to the so-called fish wars between settlers and Northwest Tribes. The treaties guaranteed to the Indigenous peoples the right to fish at their salmon runs «in common with the citizens of the Territory»². Many traditional fishing sites, however, were located outside the newly established reservation. Convinced that salmon fishing rights should be confined to reservation boundaries, settlers frequently prevented Indigenous fishers from accessing off-reservation sites. The situation did not improve in the postwar period, when commercial salmon fishing became one of the three pillars of Washington State's economy. A point of no return was reached in 1970, when a Native fishing encampment on

¹ WILKINSON, Charles, *Treaty justice: the Northwest tribes, the Bold decision, and the recognition of fishing rights*, Seattle, University of Washington Press, 2024, p. 8.

² *Ibidem*, p. 67.

the Puyallup River was raided and dismantled by police, who arrested more than fifty people. This episode, Wilkinson argues, prompted twenty tribes – Nisqually, Puyallup, Muckleshoot, Squaxin Island, Skokomish, Suquamish, Port Gamble S'Klallam, Jamestown S'Klallam, Lower Elwha Klallam, Lummi, Nooksack, Swinomish, Tulalip, Upper Skagit, Sauk-Suiattle, Stillaguamish, Makah, Quileute, Hoh, and Quinault – to file a legal claim asserting their right to 50 percent of the state's salmon runs.

Chapter 2 adopts a more anthropological perspective. Drawing in part on testimonies collected over the course of his career, Wilkinson examines the centrality of salmon in the culture of the Northwest Tribes. Rather than being merely a subsistence resource, salmon played (and still plays) a crucial role in culture and society of the so-called Salmon People. It functioned as a primary marker of social status and a key commodity in trade networks linking coastal groups with peoples living east of the Cascade. Such a social order, embedded in a rich environment, sustained a remarkable degree of internal prosperity for centuries that many Indigenous leaders continue to recall today.

Chapters 3 to 6 examine the Stevens Treaties in greater detail. Wilkinson argues that the desire to open land for incoming settlers was one of the main reasons behind Isaac Stevens's decision, as governor of Washington Territory, to sign treaties in 1854 and 1855. The Northwest Tribes agreed to sign them, on the condition that their rights at traditional fishing sites would be explicitly recognized³. Stevens accepted that provision. After signing the treaties, however, conflicts broke out. This was evident, for example, in the brief Puget Sound War, also known as the Leschi War, led by the Nisqually chief Leschi, who took up arms in opposition to the decision to relocate the Nisqually, traditionally a hunting people, to an island in the Salish Sea.

Chapters 7 to 10 analyse the decades leading up to the Boldt decision. As Wilkinson notes, the 1950s «proved to be the seedbed for the highly spirited and organized activism that led to the Boldt Decision»⁴. Federal termination policy, a decline of salmon runs, and mounting pressure from the cannery industry, the Department of Game, and private citizens, progressively eroded Indigenous treaty rights⁵. By the early 1970s, non-treaty fishers had taken 95 percent of the salmon harvest, intensifying economic and ecological crisis in the region⁶. For their protest, the Northwest Tribes

³ On negotiations with Makah see REID, Joshua L., *The sea is my country: the maritime world of the Makahs, an Indigenous borderlands people*, Seattle, University of Washington Press, 2015, pp. 124-163.

⁴ WILKSON, Charles, *op. cit.*, p. 110.

⁵ On salmon environmental crises on the Northwest coast see CONE, Joseph, RIDLINGTON, Sandy (eds.), *The Northwest salmon crises: a documentary history*, Corvallis, Oregon State University, 1996; LICHATOWICH, Jim, *Salmon without rivers: a history of the Pacific salmon crises*, Washington D. C., Island Press, 1999; McEVOY, Arthur F., *The Fisherman problem: ecology and law in the California fisheries, 1850-1980*, Cambridge, Cambridge University Press, 1986; TYLOR, Joseph E., *Making salmon: an environmental history of the Northwest fisheries crises*, Seattle, University of Washington Press, 1999.

⁶ [digital book: epub] HARMON, Alexandra, *Rich Indians: native people and the problem of wealth in American history*, Chapel Hill, University of North Carolina Press, 2010, cap. "Riches Reclaimed".

drew inspiration from the Black civil rights movement in the South. In 1964, they organized a series of “fish-in”, an Indigenous adaptation of the sit-in. However, a turning point came with the ruling in *United States v. Oregon*, handed down by District Judge Robert Belloni in 1970. The judge affirmed that tribes were entitled to a fair share of the salmon runs in that state. Encouraged by this decision, the Northwest Tribes filed a litigation in Tacoma, which was assigned to Judge George Boldt. From the outset, he required both the tribes and the State of Washington to substantiate their claims with historically grounded documentation. According to Wilkinson, the extensive report on traditional salmon used by anthropologist Dr. Barbara Lane, together with the testimony of twenty-nine Indigenous witnesses, proved crucial. She reconstructed traditional fishing practices, demonstrating the cultural, economic, and spiritual centrality of salmon to tribal communities. She also argued that the treaties should be interpreted through the lens of Chinook Jargon, a pidgin language used during the negotiations in 1850s. In that language, the phrase in common with meant “equal”, implying a shared division of fishery resources rather than subordinate access. Symbolically issued on February 12, 1974, the birthday of President Abraham Lincoln, the Boldt decision re-allocated 50 percent of the salmon runs to the Northwest Tribes. It was a historic ruling. Earlier decisions, such as those of Judge Belloni, failed to specify a precise quota. Moreover, the decision intervened in the fishing management. Boldt clearly understood that treaty rights could only be meaningfully exercised within a framework of co-management between tribes and the state. Therefore, he recommended a cooperation between federal, state, and tribal sovereignties in regulating the salmon runs.

Chapters 11 to 14 discuss the consequences of the Boldt decision from 1974 to the present. Soon after the ruling, canneries, sport fishing associations, and private citizens took to the streets to protest a decision they considered unconstitutional and discriminatory. They accused Judge Boldt of enforcing an outdated treaty, denying civil rights to non-Indigenous fishers, and harming an economic sector. Some of the strongest criticism came from Herb Williams and Walt Neubrech, authors of *Indian treaties, American nightmare*, who interpreted the Boldt decision as a keystone in a broader legal process that would allegedly transfer the nation’s wealth to Indigenous peoples⁷. Efforts to defuse tensions came from Washington State Governor Daniel Evans, and from Boldt himself, who established the Fisheries Advisory Board (FAB) to foster cooperation between the state and the tribes. In 1977, however, the Washington Supreme Court ruled that the Boldt decision was invalid as it violated the U.S. Constitution. In 1979, the U.S. Supreme Court upheld the central elements of the Boldt ruling reaffirming the authority of the federal judiciary to limit state power. During the 1980s, as Boldt had envisioned, the state and the tribes worked to build a co-management system of the salmon runs. Although the process was marked by significant obstacles, it was characterized by a reciprocal commitment. In 1983, Bill Wilkinson, Director of Fisheries, and

⁷ HARMON, Alexandra, *op. cit.*

Billy Frank Jr., leader of the Nisqually Tribe, collaborated actively by organizing public meetings to demonstrate that protecting salmon fishing was a shared goal of both the state and the tribes. These meetings, together with the conference held at Port Ludlow Resort, led to the signing of the Puget Sound Salmon Management Plan in 1985. A major turning point came with the Centennial Accord of 1989, through which the tribes and the state formally recognized each other's sovereignties. Tribal governments were also involved in international agreements. The Northwest Tribes participated in the United States-Canada Pacific Salmon Treaty of 1985 and in its subsequent renegotiations in 1999, 2005, and 2018⁸. Wilkinson concludes by emphasizing that the influence of the Boldt decision extended beyond Washington State and the United States. The ruling in *Regina v. Sparrow*, which recognized Indigenous fishing rights under Canadian constitutional law, clearly reflected principles like those articulated in Boldt⁹. Likewise, the United Nations Declaration on the Rights of Indigenous Peoples, adopted by the General Assembly in 2007, echoed the broader recognition of Indigenous rights and sovereignty affirmed by the decision.

Treaty justice holds particular significance in the broader historiographical debate by using an interdisciplinary approach that links law, anthropology and history. As Wilkinson compellingly shows, law transcends the mere recollection of texts to become a dynamic interplay of material culture and memory. Central to this methodology is the extensive use of personal testimonies that animate the text, drawn from decades of work conducted directly alongside Indigenous communities. These voices, gathered over a lifetime of collaboration, ensure that the narrative is not merely an academic reconstruction but a platform for the Indigenous activists, such as Billy Frank Jr., and other tribal elders, to recount their lived experiences and articulate their own history.

In conclusion, *Treaty justice* resonates far beyond the historical context of the Boldt decision. It speaks to ongoing tensions between justice, states, and federal authority in the United States. Although the events may seem distant, Wilkinson's narrative underscores the enduring importance of legal institutions in protecting rights and mediating conflicts in a democratic society. Occasionally, the author's narrative verges on the rhetorical, but this reflects his profound faith in justice as a tool for fairness and democratic governance. By situating the Boldt decision within a broader context of fishing treaties and Indigenous rights, Wilkinson highlights how legal

⁸ On U.S.-Canada diplomacy in salmon fishery see DORSEY, Kirkpatrick, *The dawn of conservation diplomacy: U.S.-Canadian wildlife protection treaties in the Progressive era*, Seattle, University of Washington Press, 1998; ROGERS, Raymond A., STEWART, Catherine, «Prisoners of their histories: Canada-U.S. conflicts in the Pacific salmon fishery», in *The American Review of Canadian Studies*, 2/1997, pp. 253-269; WADEWITZ, Lissa, *The scales of salmon: diplomacy and conservation in the Western Canada-U.S. borderlands*, in JOHNSON, Benjamin H., GRAYBILL, Andrew R. (eds.), *Bringing national borders in North America: transnational and comparative histories*, Durham, Duke University Press, 2010, pp. 141-166.

⁹ On Indigenous salmon rights in British Columbia see HARRIS, Douglas C., *Fish, law, and colonialism: the legal capture of salmon in British Columbia*, Toronto, University of Toronto Press, 2001; NEWELL, Diane, *Tangled webs of history: Indians and the law in Canada's Pacific coast fisheries*, Toronto, University of Toronto Press, 1993.

recognition of resource access intersects with cultural preservation, sovereignty, and environmental stewardship. Ultimately, *Treaty justice* underscores that struggle for equitable access to natural resources, including fishing rights, remains a vital and ongoing concern, linking the past to present discussions of justice, democracy, and Indigenous sovereignty.

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