

developed and contested the exclusion of Native people from exercising their treaty right to the resource. Through a series of protests and court cases the Native people eventually gathered support to take the issue to court. Thirteen western Washington tribes entered suit against the state of Washington in 1973. In February 1974 Federal District Court Judge George Boldt ruled that wording in the 1855 treaties was to be interpreted to mean that treaty tribes were to exercise not only a treaty right to fish but also a guaranteed allocation of the resource. Since the State of Washington was unwilling or unable to allocate specifically for a treaty fishery the court set the allocation at 50 percent. This decision was upheld by the Supreme Court of the United States in July 1979. In the ten year period following the Boldt Decision the Native people gradually increased harvest of salmon until they were able to reach the maximum allocation. Since that time the tribes and the state have cooperated to manage the resource in a manner that ensures compliance with the court decision.

#### A Comparison

Native policy in both Canada and the United States stem from the Royal Proclamation of 1763, in theory if not in actual practice. Briefly stated, the Royal Proclamation ensures that aboriginal rights to land, and by extension to resources, continue until such time as these rights are extinguished by treaty or some other form of agreement. The concept of "extinguishment" thereby becomes a primary concept concerning aboriginal rights and a major point of departure between Canadian and U.S. policy. In general the Coast Salish in Canada have had to demonstrate that aboriginal rights have not been extinguished as a means of protecting those rights under the Constitution. The Coast Salish in the U.S. have had to demonstrate that rights have