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POTLATCHING AS EVER

Historically, the banning of the potlatch (1885–1951) illustrates the clash of two cultures which led to the denying of Native peoples' rights. For many years it was argued that the potlatch had to be prohibited for the sake of civilization and the betterment of Native peoples' life. Aside from land rights, spiritual and political rights are on the agenda of Native leaders today as they fight for self-government and the recognition of their religious freedom. Their action in the religious field involves access to sacred sites, the use of natural resources protected by the state law, and participation in traditional ceremonies.

In the United States, Native Americans now depend upon the *Native Religious Freedom Act* (1978) to promote the free practice of their traditional religion, while in Canada neither the *Constitution Act* nor the *Charter of Rights and Freedoms* provide any specific guarantee to First Nations' religious freedom, nor does the *Charter of Rights of the Aboriginal Peoples*, which intended to complement it (Sanders 1989:19–20; McNeil 1988:1).

In the 1880s, U.S. government officials, positing that Native religious beliefs impeded Indian progress on their way to Western civilization, implemented policies to undermine Native religions. Consequently, "Heathenish dances" and ceremonies were outlawed by Interior Secretary H. Teller in 1882 (O'Brien 1991:28). Plural marriage, medicine dances, and the destruction of property at a burial were considered as "offences" and were punished by the law. Similarly, in Canada, one of the major aims of the federal Indian policy was to transform the Native populations into civilized and productive members of the global society. The Indians were to be led, by whatever means possible, to "civilization." Therefore their beliefs, practices, and institutions required dismantling if assimilation was to succeed. Allotment of reserve lands, adaptation to agriculture or wage labor, and conversion to

Christianity were envisioned by the Euro-Canadian administration as necessary steps leading to the eventual disappearance of the Natives as a separate people.

A Law of Its Time: The Potlatch Law

The prohibition of the potlatch,² the very social foundation to many British Columbia Indians, marks the will of the "White" power to "save" and "civilize" Indians by converting them to the puritan values of work and probity. The federal government was petitioned to legislate against the potlatch which, according to religious and administrative authorities, entailed lavish gift-giving ceremonies, the barbarious practice of "cannibalism," and marriage transactions considered as the mere buying and selling of women. In 1879, Indian Reserve Commissioner G. W. Sproat wrote that the potlatch was "the parent of numerous vices which eat out the heart of the people." He further mentioned that "it produces indigence, thriftlessness and habits of roaming about which prevent home association and is inconsistent with all progress" (in LaViolette 1973:38; Cole and Chaikin 1990:15). At that time, there was a strong feeling among Church officials that the potlatch was a great obstacle to their mission of teaching Indians temperance, thrift, and other Western values. They assumed that stamping out the potlatch would be the main move toward suppressing the traditional customs of the Native people.

In 1883, the Prime Minister, Sir J. A. Macdonald, acting as Superintendent General of Indian Affairs recommended the introduction of a measure to suppress this "heathenish and worse than useless custom" (LaViolette 1973:39). A year later, in 1884, Parliament enacted a law prohibiting the potlatch as well as the *tamanawas* dance, which was to become effective on 1 January 1885. Section 3 of the *Indian Act*, commonly known as the *Potlatch Law*, stated that: "Every

Indian or other person who engages in or assists in celebrating the Indian Festival, known as 'Potlach' (*sic*), or the Indian Dance, known as 'Tamanawas,' is guilty of misdemeanor, and shall be liable to imprisonment for a term of not more than six nor less than two months in any goal or other place of confinement ..." (La Violette 1973:39).

Throughout the sixty years of the prohibition of the potlatch, proponents of and opponents to the law, whether White or Native, provided the same arguments. The only available data are those left by missionaries, government officials, and outsiders. It is remarkable that the bulk of information gathered by Canadian authorities on potlatching never attempted to describe the institution itself within the context of Native social organization. Neither did the many reports give any understanding of the religious beliefs as expressed, for instance, in winter ceremonials during which supernatural forces came into being, bringing wealth, order, and ensuring the continuity of the group.

Native leaders voiced their protest addressed to White authorities in terms of the dominant society's values and borrowed White notions to assert their continuing right to potlatch. They compared their social and religious practices to customs they had identified to be prevalent in the White dominant society. Many explained to the authorities that the potlatch was their oldest custom which contributed to reinforce bonds of friendship between neighboring tribes; potlatching was destined to help the poor, the old, the crippled. Some pointed out that it was an innocent pastime and compared it to Christmas celebration. "We believed," stated a group of Nass River chiefs, "that it is our right as much as it is the right of our white brethren to make presents to each other" (in Cole and Chaikin 1990:28). Others put forward that they were indebted to one another and were therefore obliged to acquit themselves of their debts in public to avoid disgrace. Indeed they

tried to explain that what was valued in their own culture was not wealth as such but rank, names, and privileges associated with these names, which were validated through the distribution of food and gifts. This message has never been quite understood by the authorities. Each side retained their own viewpoints, although conflicting opinions emerged among the Whites and among the Indians.

Specialists of Northwest Coast societies, such as Franz Boas, employed simple or "plain" language instead of a technical or "scientific" vocabulary to refer to the potlatch. Indeed anthropologists never described the Native institutions to a larger White public in their letters and articles published in local newspapers, rather they interpreted it in a way that was likely to be understood by church and government officials. At the end of the 1890s, Boas alerted the government that the potlatch was not evil but served as a banking system, thus simplifying to the extreme a very complex system of accumulation of goods, recently complexified among the Kwakwaka'wakw through the implementation of borrowings and loans (Drucker and Heizer 1967, Mauzé 1989). Convinced that the *Potlatch Law* was the result of a misconception of the institution, the anthropologist drew a parallel between the Native societies of British Columbia and Western societies in order to define the potlatch: "The economic system of the Indian of British Columbia," he wrote, "is largely based on credit, just as much as that of civilised communities. The Indian has no system of writing, and therefore, in order to give security to the transaction, it is performed publicly. The contracting of debts, on the one hand, and the paying of debts, on the other, is the potlatch ... The sudden abolition of this system ... destroys all the accumulated capital of the Indians. It undoes the carefully planned life-work of the present generation, exposes them to need in their old age, and leaves the orphans unprovided for ..." In emphasizing only a spectacular—for the Whites—"perverted" version of the accumulation of goods, Boas constructed the Native worldview in simple White terms and somehow denied Native self-representation. Boas further remarked that "the lingering survival of the old customs will die out quickly, and the remainder is a harmless amusement that we should be slow to take away from the natives, who are struggling against the overpowerful influence of civilization"

(*Daily Province*, 6 March 1897). Boas's interpretation might have helped to release pressure on Native practices but it certainly never contributed to the repeal of the law.

In fact both "tamanawas" and "potlatch" are omnibus words used by administrators and missionaries to condemn Native institutions on economic and moral grounds. The term "tamanawas," derived from the Chinook jargon, means 'magic, luck, anything supernatural' and by extension 'being endowed with supernatural powers.' It then came to refer to shamanistic performances as well as to ceremonies belonging to the so-called secret societies or dancing societies which involved ritual cannibalism and "dog-eating" rites and which were labeled "orgies of the most disgusting character" (Tittley 1986:222).⁴ Similarly, the word "potlatch," also a Chinook jargon term, is said to derive from the Nootka word "pa-chitle," which "was often heard during festivities so naturally early settlers mistook the verb for the name of the feast." It means 'to give' in a ritual context (Clutesi 1969:9–10). Very soon, the term was used to name a gift-giving ceremony, encompassing many different conditions in which goods and wealth are accumulated and later exchanged within various ceremonial contexts. The term "potlatch" gained a semantically paradoxical status. Through constant cliché wording in the English language, the term came to be defined only in a negative way, especially as the institution was never described or analyzed as such. We are dealing with a very general term which has no specific meaning as everybody makes use of it believing he knows what he is talking about and as nobody knows to which reality those terms refer to. In any case, for the Native peoples of British Columbia, the "thing" potlatch became a symbol of their culture and their identity. To potlatch was an act of resistance against the Canadian administration (Mauzé 1995, Schulte-Tenckhoff 1986). As the Gitksan and the Wet'suwet'en put it today: "Despite the efforts of the missionaries and Indian agents, aided by the legal prohibition of the Feast from 1884 to 1951, the Feast has remained a bastion of Gitksan and Wet'suwet'en society" (Gitksan and Wet'suwet'en Hereditary Chiefs 1988:29).

The Enforcement of the Law

The implementation of the *Potlatch Law* posed numerous problems which were not long surfacing. Dissatisfaction with the government policy was soon to be expressed by the many tribal chiefs who sent petitions, letters of complaint, or delegations to Victoria and Ottawa. Unable to quench Indian discontent, and aware that agents were in a bad position to enforce the law, I. Powell, the Superintendent of Indian Affairs, sent a circular to every agent in British Columbia indicating that the Indians were permitted to assemble to pay back their debts, but that any carry-over would be considered illegal. Justifying his position, he wrote Ottawa, that "a potlatch meant the donation of property in order to get back the original and interest, and that an assemblage such as they [the Cowichan] now desired did not constitute a Potlatch as referred to in the act" (in Cole and Chaikin 1990:31). Local agents also suffered a lack of material resources. They needed extra allowance to cover traveling expenses in the vast territory for which they were responsible and to build jails for prisoners. The federal government was not ready to provide additional funds and the provincial government was unwilling to provide assistance. The efforts of the agents were further undermined by the fact that they were not authorized to make arrests, the respect of the law being a matter of provincial jurisdiction. The maintenance of order among the Indians, especially the question of the division of police responsibility between the federal and provincial governments, was clearly decided in 1888, when the responsibility was delegated to the Province. The first arrest for breaking the law took place a year later but without provincial assistance: A Mamalilikulla chief (Kwakwaka'wakw), Hemasak, was arrested by R. H. Pidcock (justice of peace as well as Indian agent), and sentenced to six months in jail.

The first attempt to enforce the law was thwarted when Chief Justice Sir M. Begbie refused to convict the chief on the grounds that the law was aimed at individuals whereas the potlatch was a collective institution. He further argued that different people had different views on what the potlatch meant since the same word encapsulated various practices which were not precisely defined by the *Potlatch Law*. The courts had difficulty

in deciding what exactly qualified as a potlatch and what was offensive about it. Consequently, in his opinion, convictions were impossible.

For a few years the provincial government refused to support enforcement of the law; the great majority of the local agents judged enforcement impossible and the federal government neither amended the law nor repealed it, but left the defective statute in place. Officials thought that because the Native societies were changing fast, the potlatch would die a natural death for the lack of people wanting to perpetuate the tradition. This was already the case among some groups in Alaska and the Haida on the Queen Charlotte Islands at the turn of the century.

However, legislators and "field workers" were put in an awkward position: Opponents to the law included traders who feared that its enforcement would lessen their sales to potlatchers as well as settlers who, still representing a minority, aspired to maintaining good relationships with their Native neighbors; the main proponents of the ban were actually the missionaries,⁵ who worried that the *Potlatch Law* might remain a dead letter. An article designed to revive public concern was published in the *Toronto Empire* (4 February 1893) by British Columbia missionaries. The article, entitled the "Evil Potlatch" and subtitled "The Season When the Red Man Gives Away His Blankets," reported on a potlatch held in the Kwakwaka'wakw village of Cape Mudge during the winter of 1892–1893, which included about 1200 people. Pointing out the bad health and impoverishment of the aged, the unsanitary conditions, the neglect of the children, the drunkenness of men and women for the sake of "throwing away blankets," the article advocated the enforcement of the law and questioned the work of the Indian agents who, in the missionaries' opinion, were too tolerant.

In 1895, as part of eight amendments to the Indian Act, Parliament redrafted the *Potlatch Law* to guard against Begbie's objections. The new Section 149 stated that "Any person who celebrated or assisted or encouraged another to celebrate any Indian festival, dance or other ceremony of which the giving away or paying or giving back the money, goods and articles of any sort forms a part, or is a feature, whether such gift of money, goods or articles takes place before, at, or after the celebration of the

same" was guilty before the law. In the same way, anyone who engages or assists in "a celebration of which the wounding or mutilation of the dead or living body of any human or animal forms a part or is a feature" is guilty and liable to two to six months imprisonment (in Cole and Chaikin 1990:43).⁶

The revised clause, less vague than the first one, was aimed at increasing the powers of the Indian agents so that successful prosecution could be foreseen if a judicial court were instituted and very likely sustainable in court. Superintendent Powell took a cautious position, informing local agents that they should remain circumspect in enforcing the law when events were under control. He advised agents to be lenient in case of friendly gatherings called to distribute food and clothing.⁷ Despite Powell's goodwill, the revision of the Act created a confused situation: The potlatchers were led to believe that the *Potlatch Law* would be enforced. Some Nishga sent a delegation to Victoria to proclaim their rights to practice their old customs; on the contrary, others, known as anti-potlatchers, backed up by missionaries petitioned against potlatching, arguing that it was "injurious to [their] race." They further insisted that "[they] want[ed] to advance in civilization and knowledge" (in Cole and Chaikin 1990:47).⁸

The situation remained unchanged for more than fifteen years as no arrest or conviction was left on record between 1897 and 1913. Of course the situation was uneven throughout British Columbia. Although the government was in favor of the maintenance of the *Potlatch Law* its general motto was "moral suasion rather than coercion" (Cole and Chaikin 1990:61), because aside from the implementation of the *Potlatch Law*, officials also had to deal with land and game issues. Powell's successor, W. Ditchburn (who took his office in 1910) was more worried with questions regarding allotment of Indian reserves (McKenna-McBride Royal Commission), education, and suppression of alcohol on reserves than with the prohibition of the potlatch.

The Defiant Kwakwaka'wakw

The year 1913 shows a reversal in potlatch policy. Kwakwaka'wakw resistance to the government's attempts to force them into the mainstream

non-Native society remained a brain-racking task for the authorities. Elsewhere it seemed that Christianization, education, and "moral suasion" had weakened the potlatch system, but among the "conservative" Kwakwaka'wakw, potlatching was expanding.⁹ Cannibal rituals and Indian marriage were vigorously denounced in agents' reports. More than prostitution, which was considered as declining by the 1890s, marriage practices were regarded as a slave market rather than an honorable institution.¹⁰ The new local agent, W. Halliday (appointed in 1906), tried to do his best with "his Indians" but felt he was powerless in breaking potlatch customs which were far from dying out. In 1913, an investigation was conducted by Ditchburn following Anglican Rev. J. Antle's complaints against Halliday's work in the Kwakwaka'wakw Agency. According to the usual procedure, Ditchburn informed Ottawa, where a new man, Duncan Campbell Scott, was appointed Deputy Superintendent at the Department of Indian Affairs. As a man of his times, Scott was in favor of the implementation of an assimilation policy and used his authority to have the Indian Act amended in 1918 (see Tittley 1986).

In the meantime, Halliday was advised by the Department of Indian Affairs to fully exercise his power to enforce the *Potlatch Law*, but was warned to proceed cautiously, to secure witnesses in order to gather information. If evidence was conclusive, he then was allowed to send the offenders to trial. In September 1914, Halliday sent a notice to every village informing the Kwakwaka'wakw that "an amendment to Section 149 had been passed making it an offence for any Indian to take part in any dance outside his own reserve, and impose punishment for the same." He further explained: "The law against the potlatch has been passed because it has been seen that where the potlatch exists there has been no progress and the Government wants to see the Indians advance so that they are on the same footing as the White men, and this can not be as long as the potlatch continues" (1 September 1914).

Very soon, the Kwakwaka'wakw put the matter to test. Two Nimpkish chiefs from Alert Bay, Ned Harris and Johnny Bagwany, were brought to trial. The accused pleaded not guilty, and prepared their case with the help of a lawyer. Halliday apparently admitted that the potlatch was perfectly harmless and consisted of a

mere distribution of blankets. Harris and Bagwany were found guilty under Section 149 of the Indian Act but were given suspended sentences because it was the first case under the revised statute. During that winter (1914–1915) potlatches were organized in different villages and Halliday arrested the main chiefs in each of the concerned villages. The defendants pleaded guilty and were given suspended sentences. Halliday and Ditchburn, who had wanted convictions, were “defeated,” unable to secure the implementation of the law in court. Despite ongoing potlatching throughout his agency during the winters of 1916, 1917, and 1918, Halliday did not attempt any arrest.

These 1915 trials involved a great deal of activity among the Indians of British Columbia, who again sent petitions and letters to the Department of Indian Affairs asking for a commission to be appointed to discuss a more favorable attitude toward the potlatch. Halliday, who was living in the Indian village of Alert Bay, could not but be aware that the enforcement of regulations “leads to strained relations between the agent and the people he is trying to help.” He supported a petition sent to Ottawa by the Kwakwaka’wakw asking for the appointment of a commission to investigate the matter, arguing that “the system nearly approaches socialism in many of its ways as the desire of every Indian is to get something to give away to his friends.” He again transmitted another petition to Scott in 1918, pointing out that the potlatch “is a mixture of good and evil” and asking more latitude for the Indian agents in the enforcement of the law. Indeed, Halliday did not see any harm in potlatches organized with the mourning of the dead but condemned the “Indian marriage” in which a woman could be married without her consent and was given as a pledge for property.¹¹

Political representatives started to voice public opinions toward Indian feasts. In 1915, testimonies in defense of the potlatch came from Edward Sapir (ethnologist at the Victoria Memorial Museum). Borrowing Boas’s words, Sapir wrote Scott that the abolition of the potlatch would lead to “the complete demoralization of the business system, and the consequent bankruptcy of the most eminent and respected among the Indians.” He insisted that “White men are not doing the Indians much of a favour by converting them into inferior replicas of

themselves” (Barbeau 1934:90). Other well-known Native art specialists (Boas, Swanton, C. F. Newcombe, and others) supported Sapir’s position toward non-interference with Indian customs. Interestingly enough, anthropologists never quite disputed the appropriateness of the law nor ever clearly militated in favor of its repeal as they were more concerned with salvaging the material culture of and ethnographic data on peoples who were doomed to disappear. They only feared that the strict application of the law would interfere with their research and their data collecting (Pettipas in Dyck and Waldram 1993:8).

In 1918 the law was amended again, making the potlatch a summary offence, thus enabling local Indian agents to hear cases, to convict offenders, and to insure prosecutions with success. Halliday took action against a fairly large number of Kwakwaka’wakw. In 1919, two Nimpkish chiefs were arrested for having organized a “marriage” potlatch and were sentenced to two months of imprisonment. They were the first ones to be condemned to a penalty since 1884. The defendants appealed to Vancouver County Court, where the Judge released them after bail was paid by B.C. Packers, the owners of the Alert Bay cannery. Later they received a suspended sentence. Four Mamalilikulla were also charged with potlatching. Their lawyer, who already had pleaded in favor of the two Nimpkish, argued that convicting his clients would cause too much hardship on their community at the beginning of the fishing season. He asked for an adjournment of the penalty and obtained a compromise. The four chiefs and their fellow potlatchers (seventy-five) attending the trial were asked before the Court to sign a pledge that “they would agree that, as long as Section 149 remained unaltered they will obey the law and will not potlatch” (Cole and Chaikin 1990:112).

Even though Halliday felt the Indians would comply with the agreement, it did not work out as he expected, because the seventy-nine Kwakwaka’wakw who had signed the agreement did not themselves feel bound to it. During the winter of 1920–1921, new arrests were reported by Halliday to the Superintendent of Indian Affairs. Among the ten offenders, two were not sentenced because the witnesses called to testify before the court denied the allegations; the other eight were convicted

and sent to prison for two or three months.¹²

While Halliday was convinced he was in full control of the situation in Alert Bay, Kwakwaka’wakw carried their activities further afield. In Kingcome Inlet five chiefs purchased a Copper,¹³ and a very large potlatch was held around Christmas in the Mamalilikulla locality of Village Island, far from Alert Bay, where Halliday was keeping a close eye on potlatching. This was the potlatch of Dan Cranmer, a Nimpkish chief. Held in his wife’s community, the potlatch was organized for the repayment of the bride price. People were called from all the Kwakwaka’wakw communities; between 300 and 400 attended the celebration which lasted six days. The celebration involved the transmission of privileges (names, dances), the performance of dances, the singing of songs, the delivery of speeches, and the distribution of gifts of all kinds—from Hudson Bay Company blankets to canoes, gas boats, pool tables, sewing machines, oak trunks, sacks of flour and cash, etc. (Boas 1966:116–117; Sewid-Smith 1979:55–57).

Halliday initiated proceedings against the Kwakwaka’wakw who had taken part in Cranmer’s potlatch. An inquiry was carried out by the police officer Angerman. (RCMP) with the help of two Native informers, who attended the celebration and were able to provide precise details of the ceremonial events (*Crime Report*). In February 1922, thirty-four people, including six women, were charged. A few weeks later, twenty-two appeared in the Alert Bay schoolhouse which served as a courtroom. On their lawyer’s advice, the offenders pleaded guilty. W. Murray, their lawyer, asked for the leniency of the court on the strength of an assent similar to that of 1919—that the Indians would agree formally to stop potlatching. Halliday was ready to give the Kwakwaka’wakw a second chance but Sergeant Angerman objected to this proposal on the grounds that some of the accused had already signed this agreement and never complied with it. Angerman demanded that, in order to prove their good faith, the Indians of the Kwakwewilth Agency “make a voluntary surrender of all ‘Potlach’ (sic) coppers, masks, head-dresses, Potlatch blankets and boxes and other parfanalia (sic) used solely for Potlatch purposes.”¹⁴ The court agreed that those committing themselves to stop potlatching and surren-

dering their ceremonial property would receive suspended sentence. Halliday used his authority to persuade all to sign and surrender. Actually the decision was not only concerning those who had been convicted but the three hundred or so others who had attended Cranmer’s potlatch. Most were willing to sign the agreement but objected to the surrender of their Coppers, which were of a great value to them.

At the end of March the Cape Mudge Lekwiltok, Village Island Mamalilikulla, and Alert Bay Nimpkish agreed to comply with the decision and abandon their regalia to the Indian agent. Consequently they were given suspended sentence. The six Fort Rupert Kwagul who refused to sign, received two-month sentences. Further prosecutions were initiated by Angerman against offenders who had participated in Cranmer’s potlatch and in another gathering held on Harbledown Island. By the end of April, fifty-eight had appeared in the Alert Bay schoolhouse courtroom. Nine cases were dismissed. Twenty-three received two-month suspended sentences, four were given six-months condemnation, three were paroled. Twenty-two served a two-month penalty in the Oakalla jail in Vancouver (Cole and Chaikin 1990:123; Sewid-Smith 1979:60–61). During the same period, Nootka and Gitksan Indians were charged with potlatching but were given suspended sentences; the local agents in these areas could adopt a lenient policy as the spotlight was actually directed toward the “irreducible” Kwakwaka’wakw, rather than on the Bella Coola who danced and potlatched during six weeks in the fall of 1923 (Cole and Chaikin 1990:126). This time, Halliday, urged by the Department of Indian Affairs to enforce the potlatch regulations, hit very hard on Native institutions. Even more than charges and convictions, the surrender of about five hundred ceremonial objects by members of nine Kwakwaka’wakw tribes, mainly the Nimpkish of Alert Bay, the Mamalilikulla of Village Island, and the Lekwiltok of Cape Mudge,¹⁵ and the forced cessation of ceremonies were altogether a severe blow to Kwakwaka’wakw culture. But more than the 1922 convictions and the confiscation itself, constant pressure exercised for forty years on a nonetheless resilient society contributed to the partial desintegration of the traditional fabric: On the one side, the economic system

was broken up with the annulment of debts; on the other side, it contributed to harm Native beliefs and practices connected to life, marriage, death, and relations between humans and spirits. One of the side effects of the enforcement of the *Potlatch Law* was to divide the Kwakwaka’wakw community into two groups: the traditionalists who in spite of the anti-potlatch legislation clung to their old customs and the so-called anti-potlatchers who influenced by missionaries bid on their integration in the larger Canadian society. However, in the 1930s, the Native community was so closely knit that even Christian Indians would not cooperate with the police to charge defiant offenders.

Back to the Status Quo

In spite of the revisions since 1884, the law remained imprecise, and methods of getting around it were sought by the Kwakwaka’wakw with the help of lawyers who gave them legal advice on how to proceed with feasting, dancing, and giving away without breaking the law. The Kwakwaka’wakw continued to organize potlatches in secret. Under the advice of their lawyers, and in order to perpetuate some features of their old potlatch system, the Indians practiced the “disjointing potlatch” or “bootleg potlatch,” which consisted in detaching the performance of rituals from the distributions gifts, thus freeing the Indians from prosecution (LaViolette 1973:90; Drucker n.d.; Macnair 1988:515).¹⁶ Throughout the 1930s and 1940s potlatches were recorded in the so-called *Potlatch Files*, but no prosecution was engaged. Indeed, it was rather difficult for the Indian agent to connect the ceremonies of dancing or feasting and the distribution of gifts since a period of a few months sometimes elapsed between the two; sometimes rituals were not performed, only the distribution of gifts remained. When open potlatching was undertaken, it generally took place in villages distant from Alert Bay and almost inaccessible in the winter, like, for example, Kingcome Inlet. When potlatches were organized in other communities, Native solidarity proved to be efficient (Mauzé 1992:126).

In the case of disjointing potlatches, the giving away of presents was not considered an offence. Because so many stratagems could be worked out to evade the law, Halliday, in

1931, wrote to Scott that “either the Act should be vigorously enforced or should be expurgated from the Indian Act.”¹⁷ Besides this technical point in procedure, trials were costly in time and money. The law could not really be enforced without an increase of funds specially designated for potlatch cases. The idea persisted that the potlatch would die away under the Western influence of religion and education.

Despite the more tolerant attitudes toward the potlatch held especially by a new generation of missionaries (Mauzé 1992), the Parliament attempted in 1936 on the new commissioner’s recommendations, to secure amendments to Section 140 (known till 1927 as 149) allowing seizures of potlatch goods and providing penalties.¹⁸ Because of the strong opposition from members of the Parliament especially led by a British Columbia Independent Member (A. W. Neill), the amendments were soon withdrawn. However, it had never really been proposed to suppress the law. Some still thought that the status quo should be maintained—even though the statute could not be enforced, worded as it was—if only for the sake of making the Indians respect it so that it would lead to a restriction rather than an extension of potlatching. Actually, by the end of the 1930s and early 1940s feasting and pole raisings were well attended by the Gitksan Indians (Cole and Chaikin 1990:152–154).

In the spring of 1940 officials of the government and of the Anglican Church held meetings in Kingcome Inlet and Alert Bay regarding the repeal of the *Potlatch Law*. At Kingcome, the Native representatives submitted a petition to be presented to the House of Commons to have the law amended in order to be able to maintain their old customs. Even though the Kwakwaka’wakw shrewdly claimed their full right to their traditional ceremonies by drawing an analogy with local White celebration with a prize for the best dancer or singer,¹⁹ the government still did not engage any action toward the repeal of the law. In 1951, the federal government introduced a new Indian Act. The section banning the potlatch was simply dropped out in the revised Act with no debate on the matter. Actually, the law has as of today never been formally repealed. In the fifties, the potlatch had survived in many areas in British Columbia, on the West Coast of Vancouver Island, along the Skeena

River, and among the Kwakwaka'wakw, be it in disguised forms such as sports days or Christmas celebrations. In the northern part of British Columbia, the Protestant churches accepted the organization of Indian feasts in church halls which sometimes required the participation of the church's choir and brass band. Frequently the missionary was adopted in a house by being given a name (Tennant 1990:78). This practice is still continued today.

By that time, the "potlatch" was not a crucial issue for the leading men of the Native Brotherhood, whose main goal was integration in the Euro-Canadian society through education, equality of rights, and recognition of ownership of and control over their traditional territories. In any case, the Natives were certainly never passive victims of the law; between 1885 and 1951 they have constantly asked for greater respect of their institutions from the Whites and have frequently defied the law which remained unenforced for long periods of time. However, in considering the history of the law characterized by the "moral suasion" policy leading to "leniency" regarding the implementation of the law, it would be tempting to reevaluate the effects of the law on Native societies, which have probably been "overexaggerated" (Knight 1978:268).

Today potlatching and feasting are used as strategies for reaffirming Native identity and alternatives to Euro-Canadian forms of social and political organization (McDonald 1990). The potlatch is also instrumental in establishing both more cohesion within local communities and a political dialogue with the Canadian administration.

NOTES

1. For a full historical account of the era of the potlatch ban, see Cole and Chaikin (1990), LaViolette (1973).
2. The potlatch is a ceremony of distribution of gifts by an host to guests which accompanies every important change in social status: birth, marriage, death along with the assumption of a new name and the position linked to it, initiation in a dancing society, etc. As among the Tsimshian, for example, the potlatch validates rank as well as land ownership.
3. *Dictionary of the Chinook Jargon* 1975:24.
4. The Bella Coola and Bella Bella possessed dog-eating ceremonies, involving the mutilation of a dog. At the turn of the century, among the Kwakwaka'

ka'wakw, the *hamaca* initiate possessed by the cannibal spirit took bites from the arms of witnesses. Dried human corpses were used earlier in the 19th century. Rejected as evil practices by missionaries, cannibal ceremonialism played a central part in Kwakwaka'wakw representation of the social order.

5. Missionaries' influence on Native communities was rather difficult to handle by both the provincial and the federal governments. Methodist missionaries were much more concerned with the question of land title than that of potlatching; they tended to promote a sort of "self-government" denying the action of the federal government and the respect of the Indian Act. Anglicans, on the contrary, unconcerned with land questions, were eager to apply the law and recognized the authority of local agents.
6. The 1895 amendment extended the prohibition of the potlatch to the Sun dance of the Blackfoot and the Thirst dance of the Cree. It aimed at including the dances in which wounding or the mutilation of persons and animals was involved.
7. In 1897, Powell sent the agents the following circular: "It may be as well also to remind you that when Indians only meet for a friendly and harmless interchange of kindly and social relations, they should not be interfered with; and also when on these occasions food and clothing is distributed amongst the aged and the destituted people assembled, no property being destroyed or otherwise wasted, such proceedings on the part of the Indians should not be considered as coming within the purview of the amendment of the Indian Act under consideration" (in Barbeau 1934:8).
8. Anti-potlatchers felt nonetheless threatened by potlatchers' maintenance of ceremonial activities because by doing so they were in a position to validate ranks and privileges which they themselves could not defend anymore.
9. Marriage and inheritance rules related to the acquisition of rank and privileges applied in a new demographic and economic context may have contributed to the rapid expansion of potlatching among the Kwakwaka'wakw in the late 19th and early 20th centuries (Mauzé 1986).
10. Halliday to Scott, 2 March 1915 and 27 December 1918 (Potlatch Files).
11. See headlines of newspapers: "Girls Sold into Slavery," "Indian Fathers Sell their Little Girls" (in Cole and Chaikin 1990:76-77). According to Boas (1897, 1966), it was highly valued for a noble Kwakwaka'wakw woman to enter four successive marriages, each one conferring an additional degree of honorability upon her. After the fourth marriage, she was free to stay with her husband. See also Sewid-Smith (1979: 9-14).
12. Charles Nowell, Newcombe's informant, was sentenced to three months

imprisonment for having organized a funeral potlatch in memory of his late brother. Sergeant Angerman of the RCMP was able to secure witnesses because Nowell had a few enemies among some members of his community (see Cole and Chaikin 1990:116).

13. Halliday to Scott, 7 February 1921: "I can assure you that there has been no potlatches at Alert Bay since a number of Indians were convicted about a year ago." Halliday pronounced a two months penalty against the five men. Their defense counsel argued that the Copper purchase could not be regarded as a ceremony as neither dances nor gifts were involved with it. The penalty was suspended (Cole and Chaikin 1990:118).
14. Part of the agreement reads as follows: "And furthermore in token of our good faith in this agreement we voluntarily surrender to the Department of Indian Affairs through its representative the Indian Agent all our potlatch paraphernalia to wit:—coppers, dancing masks and costumes, head dresses and all other articles used solely for potlatch purposes. All the above articles are to be disposed of by the Department of Indian Affairs and all funds received therefor to be returned to the original owners." Halliday to Scott, 1 March 1922.
15. In Cape Mudge, the Rev. R. Scott was charged to collect the artifacts to be sent to Alert Bay. In *My Captain Oliver* (1947), he wrote: "Our Cape Mudge people were as good as their words. From—well, I do not know from just where they came, but rattles, masks, blankets, whistles and ceremonial feasting bowls were produced in a bewildering confusion" "At Cape Mudge it was my duty and privilege to list all articles turned in by the people, and to put tags on them bearing the name of the owner. When this was completed, word was sent to the Indian Agent and he came down in his boat and took everything away—a whole boat load" (Scott 1947: 100-101); see also Mauzé 1992: 199-201 for minutes of meeting held in Cape Mudge to help securing leniency for Chief Billy Assu, 22 February 1922. For confiscation process and repatriation process, see Cole and Chaikin (1990), Cranmer-Webster (1988), Mauzé (ms).
16. The organization of underground ceremonies resulted in the ongoing production of ceremonial artifacts during the 1920-1950s and contributed to maintain artistic traditions among the Kwakwaka'wakw (see Macnair 1988: 70-77; Holm 1983).
17. Halliday to Scott, 27 February 1931. Halliday reports a "big dance" given on Turnour Island, with a distribution of gifts which was to happen six months later. In a letter to Scott, 26 February 1931, he mentions a large distribution of flour (fifteen hundred sacks given away) in Village Island disconnected with the performance of dances. He

writes: "... there is no difficulty whatever in proving that the flour was given away, but the Indians all state that this flour was brought there on a boat on three different occasions and that the men simply walked ashore, carrying a certain number of sacks varying with the rank of the man and the amount of flour that was being given away, and said: 'Here is some flour I have brought to help you out over the hard winter.'"

18. By that time new men filled the "key" positions: Halliday's successor was M. Todd; T. A. Crerar had replaced Scott; C. Perry had filled commissioner Ditchburn's office. Todd had wanted to extend the seizure of property to the confiscation of all ceremonial artifacts on the grounds that not only did the Kwakwaka'wakw not completely surrender their regalia but were secretly carving more masks (Cole and Chaikin 1990:148). Todd's proposal was judged too drastic by the Department of Indian Affairs.
19. Notes taken by F. E. Anfield at conference held at Kingcome, 7-9 April 1940. Petition to the Indian Commissioner of B.C., 9 April 1940 (*Potlatch Files*).

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