



SECWÉPEMC LAWS

OF KWSÉLTKTEN AND SECWÉPEMC-KT

REPORT

**Indigenous Law Research Unit
& Shuswap Nation Tribal Council**
with the Secwépemc Sna7 Elders Council

These materials were created for educational purposes. The authors refer to and engage with Secwépemc laws and stories—both stsptekwll (oral traditions), and slexéym (oral histories). The final materials (the Report, Glossary, and Casebook) created through this Project are co-owned by the community partner and ILRU. Neither the authors of these materials nor ILRU claim any ownership of Secwépemc stories or law. These materials are used by ILRU to teach and present about Indigenous law and their work.

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The Indigenous Law Research Unit acknowledges, with respect, the history and legal traditions of the lək'wəŋən peoples on whose lands our office stands, and those of the Songhees, Esquimalt, & W̱SÁNEĆ peoples, whose relationships with the land continue today.

Cover photo: Image of a meadow with mountains in the background in Esk'etemc (Eskétemc). Photo taken by Jessica Asch.



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SECWÉPEMC PRAYER

Kukstéc-kuc Tqelt Kukpi7 t'e skeepetec-kuc t'e tmicws-kuc
(We thank you Creator for giving us this beautiful earth)

Yucwminte xwexweyt t'e stem ne7elye ne tmicw
(Take care of everything on this earth)

**Yucwminte r qelmucw, r mesmescen, r spipyuy'e, r selwellke, ell
re stsillens-kuc**
(Take care of the people, the animals, the birds, and our food)

Knucwete kuc es yegwyegst s-kuc
(Help us to be strong)

Kukstéc-kuc Tqelt Kukpi7 t'e skeepetec-kuc t'e xwexweyt t'e stem
(We thank you Creator for giving us everything that we need)

FOREMATTER

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McConnell Foundation



Law Foundation of British Columbia



Real Estate Foundation of BC



ABOUT ILRU

The Indigenous Law Research Unit (ILRU) is an independent research unit housed at the University of Victoria's Faculty of Law. ILRU is dedicated entirely to the revitalization and implementation of Indigenous legal orders and governance.

ILRU partners with and supports work by Indigenous communities and develops practical resources to tackle the large-scale challenges facing Indigenous and non-Indigenous communities today.

Collaborative, community-led, and relationship-centred research is at the heart of ILRU's work. ILRU's approaches bring the highest standards of community-based engagement, research, and ethics to building partnerships and articulating law within diverse and distinct Indigenous legal orders. ILRU develops and uses innovative and rigorous research methods so that Indigenous laws can be accessed, understood, and applied today. Since its inception, ILRU has been invited to take on work that spans a wide range of legal questions across many Indigenous legal orders, including social, environmental, political, and economic issues.

ILRU is committed to engaging with Indigenous laws using methods that centre Indigenous feminisms and include a diverse range of voices. Through these methods, ILRU develops educational resources, facilitates workshops and training, and contributes to and assists with conversations on critical Indigenous legal issues. ILRU's resources have been used to guide curriculum development, support claims in Canadian courts, and inform policy, processes, laws, and practices addressing social and environmental issues.

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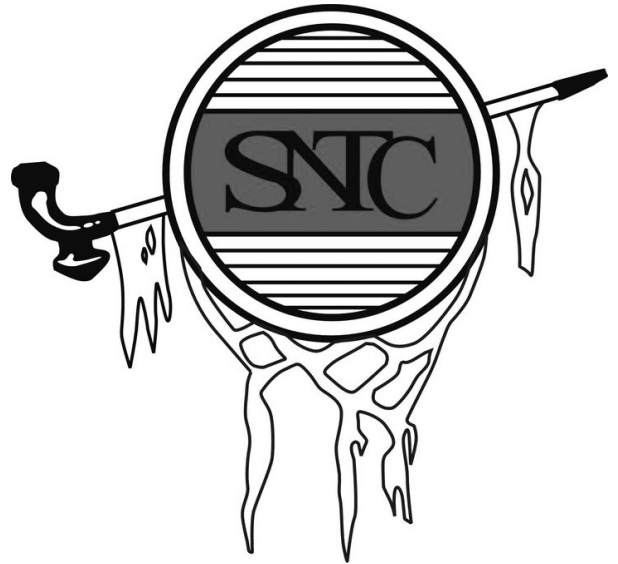
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ABOUT SNTC

The Shuswap Nation Tribal Council (SNTC) is a coalition of nine Secwépemc Chiefs formed in 1980 to work on issues of common concern, such as the development of their self-government and the settlement of their aboriginal land title.

The SNTC's Council of Chiefs is comprised of the Chiefs from nine member First Nations: Adams Lake, Bonaparte, Neskonlith, Shuswap, Simpcw, Skeetchestn, Splatśín, Tk'emlúps (Tk'emlúps), and Whispering Pines/Clinton.¹



SNTC is a mechanism for its Secwépemc member nations to assert jurisdiction and govern over their lands regarding fisheries, child welfare, the implications on their rights pursuant to the Canada/US Columbia River Treaty and provide their community with employment training and career opportunities.²

SNTC is a knowledge-gathering forum allowing Secwépemc member nations to continue the revitalization of their laws. This process is informed in part by their Sna7a Elders Council, which discusses efforts to preserve language, cultural teachings, traditions, and the sharing of stories. Also working to support the governance is the Secwépemc Youth Council, which develops younger generations in the areas of leadership, governance, rights and title, culture, traditions, and the overall well-being of the Secwépemc Nation.³

¹ Shuswap Nation Tribal Council, “Council of Chiefs” (2023), online: <<https://shuswapnation.org/about/council-of-chiefs/>> [<https://perma.cc/Y7PX-AVSR>].

² Shuswap Nation Tribal Council, “Shuswap Nation Tribal Council” [Home Page] (2023), online: <https://shuswapnation.org/> [<https://perma.cc/NCN8-ZUTV>].

³ Shuswap Nation Tribal Council, “Youth Council” (2023), online: <<https://shuswapnation.org/youth/>> [<https://perma.cc/4434-K6GG>].

ABOUT THE SECWÉPEMC SNA7A ELDERS COUNCIL

ME7 T'EKSTÉM (MISSION STATEMENT)

Re stext'ex7é7em élkstmens e st'ekstés k cwk'úl'tns te m-sq'7est.s re Secwepemc re tk'wem7íple7tns ell le ts'ílmes le tk'wen7íple7tns le q'7es te qelmúcw ne Secwepemcúl'ecw.

The Secwepemc elders' Council works to move the nation forward in helping to re-establish and define our Secwepemc laws and ancestral ways of governance of the nation.⁴

⁴ Secwépepmc Elders Council, "Secwépepmc Elders Council May 30, 2019" Newsletter (30 May 2019) at 3, online (pdf): <shuswapnation.org/wp-content/uploads/2019/07/2019-May-30-SEC-Newsletter.pdf> [<https://perma.cc/5BAE-H3JZ>].



FOUR GUIDING PRINCIPLES

Kell7úpekst ell seséle te tsyuqwyéqw
(Ancestral Campfires)

Xyemstém xwexwéyt re k'wséltkten-kt ell xwexwéyt re k'wselktknéws-kt tek stet'e7ék te skwelk'welt wel m-t'7ek te cseksek'éwt ne sxuxwiýúlecwems nSecwepemcúl'ecw.
(Respecting all our families and relatives from the highest peaks and valleys within the territory.)

Stk'wem7íplems re Secwepemc ell re Stseptékwlls
(Secwepemc Law & Oral History)

Tsq'ey' ri7 mell ell, tsq'ey' ne mítk'ye-kt te m-sq'7est.s.
(It is written and it has always been there in our blood.)

Secwepemcúl'ecw ri7 re Tmicw-kt
(Title and Ownership)

Xwexwéyt re k'wselktknéws te Secwepemc me7 tsyecwemínt.s re tmicw wel me7 yews, Tsyecwemíct.s k stet'e7ék te se7wít tek Secwepemc.
All our Secwepemc relatives will take care of the land in perpetuity and pass it on to future generations.

Secwepemctsín
(Language)

Re xwqweltén-kt ell xwexwéyt- te k'wséltén-kt tsq'ey' mell ne tmicw.
Our language and our people are marked on the land already.⁵

⁵ Emphasis added. Secwépemc Elders Council, "Secwépemc Elders Council May 30, 2019" at 3, as cited above.

INTRODUCTION

Secwépemc law is founded upon, inspired by, and responsible for Secwépemcúlecw and Secwépemc people. It is expressed, among other ways, through the wisdom and teachings of oral histories and stories that have been learned, lived, and passed down for generations.⁶

Following the success of their first collaboration, the *Secwépemc Lands and Resources Law Research Project*, the Secwépemc Sna7a Elders Council and the Shuswap Nation Tribal Council (SNTC) approached the Indigenous Law Research Unit (ILRU) to partner with them on a second project. The project focuses on standing up the laws of k'wséltkten (being relatives) and Secwépemc-kt (we are all Secwépemc, we call ourselves Secwépemc), which together begin to describe Secwépemc laws of belonging or citizenship.

The Secwépemc Laws of K'wséltkten and Secwépemc-kt Project (the "Project") and its resulting *Secwépemc Laws of K'wséltkten and Secwépemc-kt Report* (the "Report"), *Secwépemc Laws of K'wséltkten and Secwépemc-kt Casebook* (the "Casebook"), and *Secwépemc Laws of K'wséltkten and Secwépemc-kt Glossary* (the "Glossary") have two major aims. First, they mean to support the rebuilding of internal governance and citizenship laws from the point of view of Secwépemc law. Second, they intend to push back on colonial conceptualizations of membership that permeate contemporary understandings. In short, this work is about bringing Secwépemc people together to define themselves, on their own terms, and make those understandings accessible and known to the broader world.

From the very first conversations with SNTC and the Secwépemc Sna7a Elders Council, it was clear that articulating citizenship law within the Secwépemc legal tradition was going to be challenging. The concept of citizenship within

⁶ Jessica Asch, Kirsty Broadhead, Georgia Lloyd-Smith & Simon Owen, *Secwépemc Lands and Resources Law Research Project* (2018) (Tk'emlúps: Shuswap Nation Tribal Council, 2016) at 2, online (pdf): University of Victoria www.uvic.ca/law/assets/docs/ilru/SNTC%20Law%20Book%20July%202018.pdf [perma.cc/8QXJ-YJG3].

state law does not resonate with understandings within Secwépemc law. This is exemplified by Bonnie Leonard who challenged the notion from her understanding:

I don't think we would frame it as immigration. [. . .] I mean, there's stories where people come from other nations, and we bring them in as our own. They're our guests. Sometimes they're our brothers and sisters at the end of the day. [. . .] But mostly they're guests. It's still that way.⁷

The difficulty of aligning legal concepts around belonging across Canadian and Secwépemc law was echoed in nearly all conversations about citizenship in community. Kúkpi⁷ Wayne Christian similarly guided language away from the word citizenship and towards thinking about relations people have with one another and Secwepemcúlecw.

It was equally difficult to escape the concept of membership from the *Indian Act* in Canadian law, and how routinely it has become a stand-in for citizenship in people's minds.⁸ This is unsurprising, given the decades upon decades of colonial imposition and concerted efforts to erase Secwépemc legal institutions and understandings. This translated, in practice, into serious anxieties about colonial concepts, such as 'blood quantum' and how that might, in turn, be used to exclude people from the Secwépemc Nation or campfires within Secwepemcúlecw. These factors highlighted a need to take care in how the research questions were framed, and to remain attentive to the fact that people have had harmful experiences respecting the notions of citizenship and membership when engaging in conversations about the Project.

To explicitly push back on constructs of the "citizen" within state law, the research team shifted its thinking by using the language of "laws of belonging" and "laws of relatives" to frame initial research. Initial questions, created in consultation with SNTC and the Sna7a Elders Council, were "how

⁷ Bonnie Leonard. Oral teaching, focus group (Feb 14, 2018) as transcribed in TRANSCRIPT – Secwépemc Citizenship Project – Audio File – Feb 14 SO and RJ group (2).pdf at 13–14 as edited and validated in Validation – Bonnie Leonard.pdf [Archived with ILRU].

⁸ Indian Act, RSC 1985, c. I–5.

do we know a person can call themselves Secwépemc?” and “what does it mean to be a Secwépemc person in good standing?”

These questions were refined in conversation with community members and elders at the Pelltetéqem (Cross Over Month) Secwépemc Winter Gathering in T'kemlúps in 2017, and those present at the first focus group conversations in T'kemlúps in February 2018. Elders, specifically Secwepemctsín language speakers, emphasized the terms *kwéséltkten* (being relatives) and *Secwépemc-kt* (we are all Secwépemc, we call ourselves Secwépemc) for this work. They explained that the question of belonging could not be understood without looking at family governance within Secwépemc law. This is because it is the family who first recognizes and decides who is a relation. In their view, answering this first question was necessary before asking what obligations of belonging attach to different people in community, and how to address problems among kin “in good standing.” The concepts of *kwéséltkten* (being relatives) and *Secwépemc-kt* (we are all Secwépemc, we call ourselves Secwépemc) became the anchors for thinking about this area of law, and later the title for the Project and Report.

With this knowledge in hand, ILRU's revised approach set out three inquiries. The first focused on how people become related. The second focused on what obligations attach when people are kin. The third was how to respond when people fall short of these obligations and thereby cause harm or create challenges. Although these are expansive questions for a single research project, community members viewed them as critically interconnected and necessary to articulate together. The first question gets to the legal mechanisms of belonging and the legal processes that attach to them. The second question articulates the obligations and expectations of belonging, as relatives, within the Secwépemc legal order. The third question points to some of the legal processes and principles that guide responses when disagreements, challenges, and harms arise. Collectively, these are the Secwépemc laws of *kwéséltkten* and *Secwépemc-kt* for the purpose of the Project, and its resulting Report, Casebook, and Glossary.

Using a community-directed approach moved ILRU's research into areas of law not originally anticipated. To get at the heart of addressing challenges and harms that arise when relatives do not meet certain obligations, an

analysis of serious and harmful interactions among relatives and in community was needed. While it is important to not over emphasize harm, stories and examples involving harms resonated the most with community members when discussing laws of belonging. Many participants, women in particular, explained that this is because safety and security is a necessary foundation to building and maintaining a healthy community and enabling participation for a diversity of people in daily life. People most often raised this concern in the context of harms against children and women, and when talking about the return of community members to Secwépemc society, such as relatives who were taken from their families without consent as part of the Sixties or Millennial Scoops.

Two pieces of feedback ILRU received from SNTC and the Secwépemc Sna7a Elders Council regarding the Secwépemc Lands and Resources Law Research Project impacted ILRU's research methods and design for the Project. First, ILRU was asked to spend more time working with Secwepemctsin (Secwépemc language) as a resource for understanding Secwépemc law. Although most of the ILRU team does not speak or understand Secwepemctsin (the exception, for a time, was Carolyn Belleau, who was a student researcher on the Project), the team studied aspects of Secwepemctsin language to draw out concepts and words and worked with Secwepemctsin language speakers on the Project.

Working with Secwepemctsin was extraordinarily helpful, as anticipated. One early insight was that Secwepemctsin often expressed obligations of belonging as actions, or verbs, and reflexively, or in a reciprocated form. "Citizenship," or belonging, in this context, became visible as a bundle of obligations one actively holds and maintains in relation to other relatives and their community. This contrasts from state law, which conceives citizenship as a set of rights that are attached to, typically, an individual person, and are validated, protected, and enforced by the state. As a result of this insight, the Report contains as many principles in Secwepemctsin as could be determined with community consultation, focusing particularly on the core legal obligations of the Secwépemc laws of k'wséltkten and Secwépemc-kt.

The second critique ILRU received was about the limited time the research team spent in community during the first collaboration. The team was told that there were nuances of Secwépemc law that ILRU had missed in the first project that can be learned in community and through visiting with people. Although this extended the timeline and cost for completion of the Project, engaging in embedded and place-based learning, and building relationships at community events enriched ILRU's understandings of Secwépemc law. These insights from embedded learning, in turn, impacted the substance of the Report. In particular, the experiences during the Secwépemc seasonal gatherings led to the development of a section that focuses on the structures that ground and reinforce Secwépemc laws of ƙwséltkten and Secwépemc-kt. These structures would not have been as visible without the opportunity to be in community and witness them in action. The ILRU team is grateful to all the community members and elders who took time to facilitate their learning during those engagements.

Notwithstanding the length and depth of engagement in this Report, it is not meant to be a comprehensive articulation of Secwépemc laws of ƙwséltkten and Secwépemc-kt. Nor is this Report a codification of Secwépemc law. The Report represents the interpretations of the researchers' conversations with the elders and community members who shared their knowledge and personal stories or slexéyem (oral histories) with them, as well as from the researchers' engagement with Secwépemc narratives stories, or stsptekwll (oral traditions),⁹ Secwepemctsín, and embedded learning opportunities at Secwépemc gatherings and events.

This Report, and its accompanying Casebook and Glossary are dedicated and belong to the Secwépemc Nation, people, and Secwepemcúlecw. The hope is that these materials can contribute to the conversations and efforts currently underway to stand up Secwépemc law and governance today.

⁹ See Marianne Ignace and Ronald E. Ignace, *Secwépemc People, Land, and Laws* at 21, as cited above, for more on these definitions.



RE TSQ̓ WMUS RE STSPTEKWLLS – STORY OF SUCKERFISH¹⁰

Adapted from a story told and edited by Skeetchestn Elders Language Group, Skeetchestn Community School: Garlene Dodson, Christine Simon, Amy Slater, James Peters, Julie Antoine, Daniel Calhoun, Leona Calhoun, Johnny Ben Jules, Ron Ignace, and Marianne Ignace on 13 September 2012. Helper-volunteer: Julienne Ignace. Other versions of this story include one by Ike Willard (retold in English in Bouchard/Kennedy, 1979 Shuswap Stories).

Le q̓ 7éses-ekwe le qelmúcwes re swewll, re spipyúy7e ell re tmescéceñ, m-tsyeṃ ne7elye ne Nekw7etkwe.

Long time ago the fish, the birds and the land animals were like people, they lived here in the Thompson River.

Ta7-ekwe put k scw7it.s re stsillens, tekts'llen-ekwe.

They say that they didn't have much to eat, they say that they were starving.

Ye-ekwe yiri7 re nexwéýtsens re qelmucw.

They say that the people were out of food.

Ptinesmens tkenhé7e es repelcs ne tqeltkú'ecw es píxems.

And they thought about how they could go up into the sky country to go hunting.

T7alesmentem te sk'elép es xilems.

Coyote doubted that it could be done.

¹⁰ Note that there are many tellings of this story. One, *Story of Suckerfish*, is reproduced here and another, *The Sucker Story* is provided in the Casebook that accompanies these materials.

Tsxlítenses re sk'elep xwexweyt re qelmucw es tqwelminst.s tkenhé7e me7 re sxilems.

So Coyote invited all the people to discuss how they could do it.

Re skemcis m-tsuns re kw'séltktens, "Me7 tsqélentem cw7it te tskwel7úwi ne tkemesqt wel me7 kulentem k xnicw-kt es repelc-kt ne tqeltkúlececw.

Grizzly Bear told his relatives, "we will shoot lots of arrows up in the sky to make a ladder to climb up into the sky country."

Re skemcis, re kenkékne, re mélemstiye ell re smuwe7 m- tsqélens re tskwel7úwis wel re m-kulem te xnicw.

Grizzly Bear, Black Bear, Wolf and Cougar shot their arrows up until they were able to make a ladder.

M-yews re srépelcs xexwéyt re qelmucw. Cw7it-ekwe re stectictse7s te tsi7, cw7it re skécems, ell cw7it re s7illens.

And then all the people climbed up. They hunted lots of deer, they dried lots of meat, and they ate lots.

Re kenkékne m-yecwmins re xnicw es ta7es k swet.s es yelxwentés.

Black Bear looked after the ladder so that no one would wreck it.

Re xgwélemc m-tinucwmens re kenkékne te tscescíspe7s te supe7s.

Fox envied Black Bear's bushy tail.

Le7 yem re sts'exténs-ekwe. Piq re tweméqst.s re súpe7s.

It looked beautiful and it had a white tip.

M-neqwcit.s re kenkékne te supe7s, m-llwélenses re newí7s te cwtsetsits.se7t te súpe7s te tsòlsens.

He stole Black Bear's tail, and he left him with his own short disgusting tail.

M-geyep7uyes re kenkéknem, m-tsunses re xgwélemc, “Me7 wiwĭen re xnicw, e ta7ews es tspelqĩłtsemc ten suspe7.

Black Bear got really angry and told Fox, “I will wreck the ladder if you do not give me my tail back!”

M-tsúntmes te xgwélemc, “Cuý yem, xilemce, xwexwéyt re s7éstcwem well ren smém7stem, xwent k s ucwt.s. Kémell re newi7 well re7 smé7stem re swewll ri7. Me7 kwellciyucwt.

He was told by Fox “ok, go ahead, all the ducks are my sisters, they can fly well. But your sisters are the fish, they will have to fall down.”

Geyép7uy re kenkéknem, m-melcentésés re xnicw, m-wíqenses.

Black Bear was really mad, he kicked down the ladder and he wrecked it.

Le tsútes es tspepelqĩłcs xwexwéyt re qelmúcw ta7 k stens neri7 k xnicw.

When all the people wanted to go back down, there was no ladder there.

M-sesúxwenstes re spipyúy7e te m-tecwťúycwt, kémell re swewll m-mestentsútes es ust.s.

The birds got down by flying, but the fish had to try diving down.

Re xyemésell xenwéllens es ust.s ne ctseťkwews¹¹ wes re pésellkwe.

Kamloops Trout managed to dive into the middle of the lake.

Re pisell m- petkwt re kémllniwt.s, telri7 yem m-tsiqwes pyin re kémllniwt.s.

Rainbow Trout scraped his sides [when he landed in the water], so he has red sides.

¹¹ Note that the diacritic over the t is incorrect. Please refer to the original version for the original placement of the acute accent and the apostrophe accent over the t.

M-ustes re steksell, k emell ta7 put k sxga tkwes, m-estpages ne wel nks.

Dolly Varden dove down, and he landed in shallow water that flattened his belly.

M-ust re sgwigwle m-llecu tes re supe7s ne scenc nc telri7 wel ts ketcwes re supe7s pyin.

When Lake Trout dove down he hit his tail on some rocks, and that is why his tail is now forked.

M-l gwilcwes re mamelt, es  7 ne s epq  lecw, k emell m-sixelc ne sewllkwe. M- legtsinem le m-l gwilcwes, telri7 wel k  wes7uy pyin re splutsens.

When Whitefish jumped down he landed in the mud but he moved into the water. He closed his mouth tightly when he jumped, that is why he has a small mouth now.

Le l gw lcwes re c     lecw tsecmuq tsen te scenc, m-est  e7es, ri7yem tse     es re splutsens, ell ri7 wel xyemtsin pyin.

When Ling Cod jumped he had a rock in his mouth, and that is how he tore his mouth and now has a big mouth.

Ell le m-xleqes ne k         ts re scenc, m-ts         wes, m-k   tes re swept   s ne              s.

And when he got stuck on a rock he flattened his head slightly, and a whisker grew on his chin.

Le l gwilcwes re q     , m-tsilem, m-x           s ne k         s re tsrep. M- knucwentmes es kitscs ne sewllkwe.

And when [suckerfish] got stuck after he jumped they helped him get into the water.

M-yews re sl       s re ts       s. Le l          m-mestentsut es cpelp tel ri7 yem m- c     s re p_       , m- est     s ne sxest.

When [suckerfish] jumped, he tried to do a back-flip, that is how he missed the lake and landed on a rockslide.

M-lłnitśtes, m-qweqwenstemes xwexwéyt neri7 te w7ec te qelmucw.

He got smashed up, and he was pitied by all the people who were there.

M-yews re skeckecmentsút.s es knúcwentem.

And so they each gave something of themselves to help him.

Le lłnitśtes re qweqú7łls tel ri7 yem-ekwe skectémes te qweqú7łls te iswell, te s7éstcwem, te qwumqens re qwisp, te welepst.s re teniye.

When he smashed his bones, he was given the bones of the loon and the duck, the skull of a buffalo, the horns of a moose.

M-kectémes te mu7 es kúłct.s te lleqleqłls.

He was given a fish-trap to make him a rib-cage.

M-tiyéwtśentmes ne ctáłkweten es kúłct.s te sespeys.

He was wrapped in a fishing net to make him a skin.

M-yews re skectéms te splont te cpú7tens es kúłct.s te splútsens.

And skunk gave him his anus to make him a mouth.

Tel ri7 yem pyin wi7 re sweswísentsut.s, kemell w7ec re tsetskecmes, m-negwíłcwes ne ckémúłecws re pésellkwe.

And that's how he doesn't show off anymore, but he is ashamed and hides out on the bottom of the lake.

OBLIGATIONS & EXPECTATIONS

OBLIGATIONS

SUCWENTWÉCW

KNUCWENTWÉCW

YUCWMENTSWÉCW

SECWKWNÉMTEN

EXPECTATIONS

PARTICIPATION

MOBILITY

FAIRNESS & INFORMATION

LEGAL STRUCTURES

THAT GROUND THE LAWS OF KWSÉLTKTEN

DAILY PRACTICE

STORIES & THE ART FORM OF STORYTELLING

VISITING

CEREMONY

GENERAL UNDERLYING PRINCIPLES

KWSÉLTKTENÉWS

RELATIONS AS RESOURCES

SECWÉPEMCTSÍN ENRICHES UNDERSTANDINGS OF SECWÉPEMC LAW

LAND & LINEAGE ANIMATES SECWÉPEMC LAWFULNESS

SECWÉPEMC LAW IS ADAPTABLE ACROSS SECWÉPEMCULECW AND ITS CAMPFIRES

LAWFULLY RESPONDING TO HARMS & CHALLENGES

HARMS & CHALLENGES: LEGAL DECISION-MAKERS

FAMILY

WOMEN & KYEZES (GRANDMOTHERS)

TASK MANAGERS, LEADERS & EXPERTS

INDIVIDUALS

COMMUNITY

HARMS & CHALLENGES: LEGAL PROCEDURAL STEPS

ISSUE IDENTIFICATION, RISK ASSESSMENT & DELIBERATION

ALERTING & WARNING

CONSULTATION & ASSISTANCE

REINTEGRATION: PROVIDING RESOURCES & SPACE

HARMS & CHALLENGES: PRINCIPLES GUIDING LEGAL RESPONSES

CONTEXTUALIZED & BALANCED REASONING

TRANSPARENCY & PROPORTIONALITY

HARMS & CHALLENGES: LEGAL RESPONSES

PROVIDING OPPORTUNITIES TO CORRECT

WITHDRAWING HELP

SEPARATING

REMOVING KWSÉLTKTEN IN DANGER

REMOVING POWER TO HARM

PATHWAYS OF CONNECTION: LEGAL PROCESSES

COMMUNITIES

OLD ONES, KYEZES & WOMEN

FAMILIES

INDIVIDUALS

PATHWAYS OF CONNECTION: LEGAL DECISION-MAKERS

AGREEMENTS

ADOPTION

MARRIAGE

BIRTH

PATHWAYS OF CONNECTION: LEGAL MECHANISMS

LEGAL FORMATION OF RELATIONS



SCAN HERE TO ACCESS THIS GRAPHIC & TO READ THE FULL REPORT CASEBOOK & GLOSSARY ONLINE

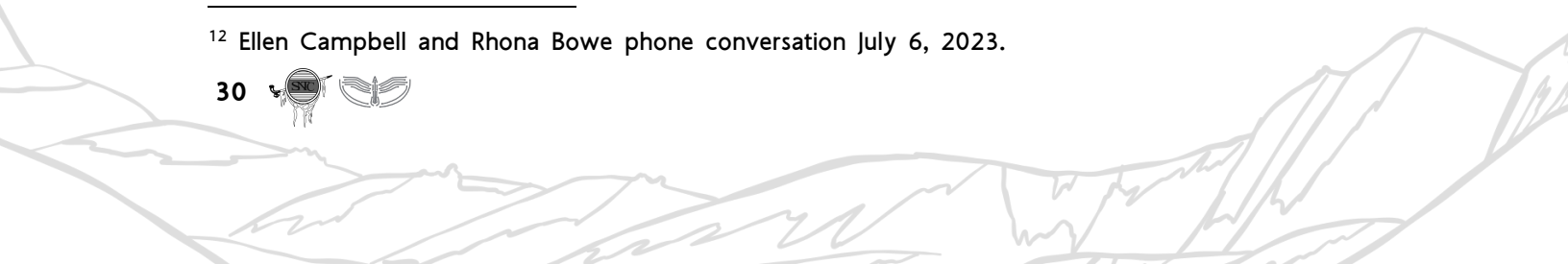
ABOUT THE GRAPHIC SUMMARY

This graphic summary was created as a collaboration among Ellen Campbell, Rhona Bowe,¹² Rachel Flowers, and Jessica Asch. The graphic summary was created for the dual purpose of having an accessible guide through the Report chapters and sections while also serving as an image that re-grounds the work done in story and Secwepemcúíecw.

The graphic summary originates from a drawing by Rachel Flowers, which was made in conversation with Jessica Asch, Rebecca Johnson, and Veronica Martisius following the February 2018 focus groups held in T'kemlúps. The importance of Suckerfish comes from insights shared by Kenthen Thomas and Ralph McBryan about how *Story of Suckerfish* beautifully teaches about belonging and nation-building in Secwépemc law. Kenthen Thomas shared,

My kyé7e used to always tell the *Story of Suckerfish*. She had a couple different versions, but my favourite was one where muskrat comes along and starts helping put suckerfish back together. I remember as a young kid sitting there thinking to myself, “How the heck does muskrat know how to put back a suckerfish? Who even knows where to begin?” And that’s what this whole process kind of reminds me of right now. We’re a nation and we’re muskrat right now. And we don’t know where to begin. But we’re starting to do things. And we’re starting to pull a bone here or there. And we’re starting to go to the other animal people to ask them for parts of themselves to offer to this. And it might be ugly. You know, suckerfish just thinks he’s the ugliest creature alive now. But he doesn’t see the beauty of everyone putting everything into him, everyone putting parts of themselves into him to make him who he is now. So, he doesn’t see that. But us, looking into the story, we can see how beautiful suckerfish truly is. Suckerfish holds everything—the best parts of everyone and the tiny little parts—as much as they could offer to it. So that’s what this kind of reminds me of, this whole process. We’re muskrat trying to figure out what

¹² Ellen Campbell and Rhona Bowe phone conversation July 6, 2023.



we're doing putting this back together. What was once a beautiful thing was taken apart and dismantled, and we're just trying to put it back together. And that's it.¹³

Ralph McBryan added to that conversation about *Story of Suckerfish*:

That's what that story talks about, understanding new ways of [connecting back]. When [Kenthen Thomas] spoke about The Story of Suckerfish, you know, that clicked a light on for me. Here we are, like muskrat trying to put suckerfish back together with all our best pieces. That's what Secwepemcúlecw is, is suckerfish.¹⁴

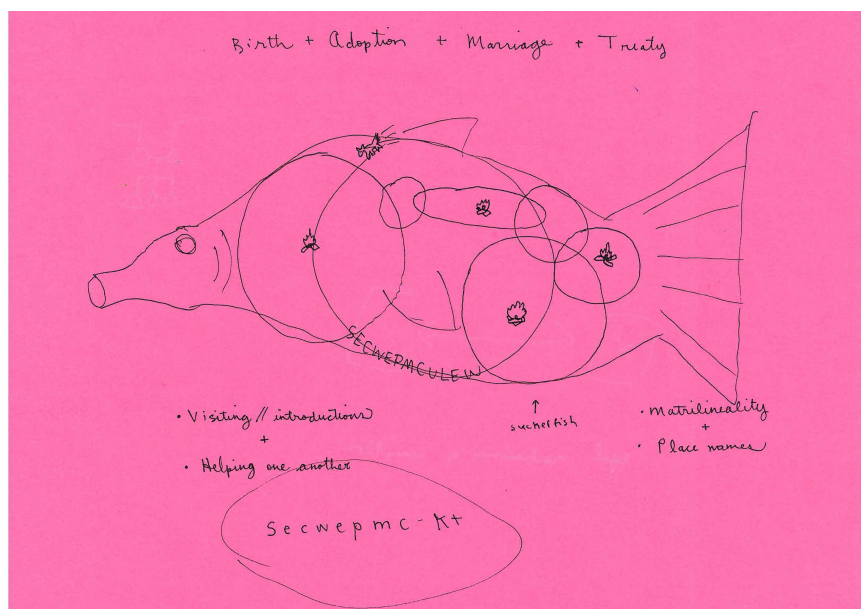


Image by Rachel Flowers¹⁵

¹³ Kenthen Thomas. Oral teaching, focus group (Feb 15, 2018) as transcribed in TRANSCRIPT – Secwépemc Citizenship Project – Audio File – Feb 15 SO and RJ group (3).pdf at 4–5 as edited and validated in Validation – Kenthen Thomas.pdf [Archived with ILRU].

¹⁴ Ralph McBryan. Oral teaching, focus group (February 15, 2018) as transcribed in TRANSCRIPT – Secwépemc Citizenship Project – Audio File – Feb 15 SO and RJ group (4).pdf at 8 as edited and validated in Validation – Ralph McBryan.pdf [Archived with ILRU]; See also Mary Thomas, “The Sucker Story” as told to Brian D. Compton and Dwight Gardiner on 20 March 1996 in Enderby, BC [Archived with ILRU] as reproduced in Jessica Asch & Rebecca Johnson et al, eds (Indigenous Law Research Unit, Shuswap Nation Tribal Council & Secwepemc Sna7a Elders Council), *Secwépemc Laws of K’wéséltkten and Secwépemc-kt Casebook* (Victoria/lək’wəŋən territory: Indigenous Law Research Unit, 2023).

¹⁵ Rachel Flowers, in discussions with the larger ILRU team, created in February 2018.

Rachel Flower's original drawing centres on Suckerfish in the ways that Kenthen Thomas and Ralph McBryan described. Coyote travels across suckerfish, or Secwepemcúlecw, to its different campfires. Above suckerfish are the different pathways to becoming a relative, and below are some of the concepts that arose out of the focus group discussions as being critical to understanding belonging: visiting, introductions, knucwentwécw (helping one another), matrilineality, and place names. The concept of Secwépemc-kt (we are all Secwépemc), which forms part of title of the Project and its Report, Casebook, and Glossary, is what many language speakers at the February focus group session decided could be used to articulate this area of Secwépemc law.

The final graphic summary of the framework continues to centre *Story of Suckerfish* as the grounding story for thinking about the laws of belonging. Within suckerfish are the campfires of Secwepemcúlecw, each distinct but making a whole nation, and Coyote as the storyteller, traveling around the territory and linking campfires and individuals. Beside the words Secwepemcúlecw is the Balancing Rock. Around the edges of the image are the ones working to put Suckerfish back together again. They are represented as both the animals within the *Story of Suckerfish* (the buffalo, the moose, the loons, the ducks, and the skunk), and the people they embody who are doing the hard work of helping to stand up Secwépemc law today. Spiralling around Suckerfish is the net that wrapped around Suckerfish to form his skin.

The chapters and sections of the Report, developed through this partnership, spiral around Suckerfish in a movement that reveals and resembles the spiral of universal law within a Secwépemc worldview and cosmology. This comes from Rhona Bowe, who shared,

The spiral is a universal law. We keep our cultural connection yet continue to grow and change as thing change—no matter the situation (e.g., family, water, etc.). Should we lose anything, we return back to our original teachings.¹⁶

¹⁶ Rhona Bowe. Oral teaching, validation interview (August 22, 2019) in Validation – Rhona Bowe.pdf [Archived with ILRU].

In the spiral are each of the chapters and sections of the Report listed graphically to serve as a guide. The spiral starts with general underlying principles and moves outwards, entreating individuals to start at the beginning and move outwards, interacting with adjacent levels of the spiral, and returning to the centre where appropriate: the principles, the campfires, the Coyote Rocks, the storyteller, and stories, or stsptekwll, themselves. The mountains outlining the image are the skyline, giving the reader a choice of perspective: either looking towards the sky world looking up from a fish-eye view while on Secwepemcúlecw, or looking towards the earth world from the sky world above.

PRIMER

The Secwépemc are an Indigenous people from Secwepemcúlecw, which is located in the south-central interior of what is known as British Columbia. In Secwepemctsín, the Secwépemc language, the root of “cwep” means “to be spread out” and the suffix “emc” means the “people of a place or area,” making Secwépemc translate into “the spread-out people”.¹⁷ Secwepemctsín is considered an Interior Salish language and part of the larger Salish language family, being related to many languages from the interior of what is known as British Columbia, as well as languages to the west as far as Vancouver Island, and to the south into Washington, Idaho, and Montana.¹⁸ The suffix “tsin” means “mouth, talk”, making Secwepemctsín the language or “mouth, talk” of the “spread out people”.¹⁹

The “spread out people” aptly describes both the Secwépemc Nation and Secwepemcúlecw itself. Secwepemcúlecw makes up over 180,000 square kilometres²⁰ and extends to the Fraser and Columbia watersheds.²¹ Secwepemcúlecw carries great geographic and topographic differences and is home to diverse ecosystems and natural environments.²² As noted by Marianne Ignace and Ronald E. Ignace with Nancy Turner, “Although at its core Secwepemcúlecw is characterized by the dry, arid landscape of the Interior dry belt and the adjacent rolling hills of the Interior Plateau, there are as many as nine diverse biogeoclimatic zones represented in

¹⁷ Marianne Ignace and Ronald E. Ignace, *Secwépemc People, Land, and Laws* at 16, as cited above.

¹⁸ Marianne Ignace and Ronald E. Ignace, *Secwépemc People, Land, and Laws* at 123, as cited above.

¹⁹ Marianne Ignace and Ronald E. Ignace, *Secwépemc People, Land, and Laws* at 123, as cited above.

²⁰ Marianne Boelscher Ignace, “Shuswap” in William C. Sturtevant and Deward E. Walker Jr, eds, (Washington: US Government Printing Office, 1998) at 202.

²¹ Marianne Ignace and Ronald E. Ignace, *Secwépemc People, Land, and Laws* at 17–18, as cited above.

²² James Teit, “The Shuswap” in Franz Boas, ed, *The Jesup North Pacific Expedition: Memoir of the American Museum of Natural History* (Leiden & New York: E.J. Brill & G. E. Stechert, 1909) vol 2, part 7 447 at 456–457.

Secwepemcúlecw”.²³ These include arid sagebrush lands, snow-capped mountains, rolling grassy hills, lake areas, river valleys, and distinct moist and dry forests, which are all home to a great diversity of trees, plants, and more-than-human animals.²⁴ The breadth and size of Secwepemcúlecw support the growth of other forms of diversity across the territory as well. For example, Secwepemctsín has two distinct western and eastern dialects, as well as micro dialects or unique speech patterns in different communities of Secwepemcúlecw.²⁵

Secwépemc spirituality is grounded in the “respect for all living creatures and for nature in general”. Engagement with “obtaining and preserving communication with forces in nature through training and vision” is a constant for many Secwépemc people.²⁶ All living things have agency and a soul, as “according to tradition they had been people, or had been connected to people originally.”²⁷ As Rhona Bowe explained in a validation session, even humans can be viewed as “spirits having a human experience.”²⁸

Secwépemc worldview and spirituality is visible in the very old narratives within stsptekwll, which Marianne and Ronald E. Ignace define as “ancient stories” or “oral traditions”.²⁹ Of particular importance are the stories of the Old One and Coyote (Skélep). The Old One (Senkéwelc),³⁰ Creator, or “chief of the ancient world”, frequently took the form of an old man and taught the Secwépemc how to respectfully engage with the world and with each other.³¹ In addition to creating many things in the world and the cosmos,

²³ Marianne Ignace and Ronald E. Ignace, *Secwépemc People, Land, and Laws* at 146, as cited above.

²⁴ Marianne Ignace and Ronald E. Ignace, *Secwépemc People, Land, and Laws* at 146–148, as cited above.

²⁵ Marianne Ignace and Ronald E. Ignace, *Secwépemc People, Land, and Laws* at 127–130, as cited above.

²⁶ Marianne Boelscher Ignace, “Shuswap” at 213, as cited above.

²⁷ Marianne Boelscher Ignace, “Shuswap” at 213, as cited above.

²⁸ Rhona Bowe. Oral teaching, (March 10, 2023) in Validation interview.

²⁹ Marianne Ignace and Ronald E. Ignace, *Secwépemc People, Land, and Laws* at 57, as cited above.

³⁰ Marianne Ignace and Ronald E. Ignace, *Secwépemc People, Land, and Laws* at 60, as cited above.

³¹ James Teit, “The Shuswap” at 596, as cited above.

Old One taught the Secwépemc ceremonies, such as the sweat lodge, and different skills, such as how to make baskets, snowshoes, and canoes.³²

Old One sent Coyote (Skélep/Senxwéxwlecw),³³ one of the most powerful transformers gifted with magical powers, to “travel over the world and put it to rights”,³⁴ and finish his work.³⁵ It was Coyote who “initially marked the land and gave laws through his travels and actions.”³⁶ The stories or stspetekwll about Coyote follow Coyote’s travels and interactions within and with Secwepemcúlecw. These stories highlight Coyote’s magical powers, knowledge, cunning, and a fondness for “amusing himself and playing tricks” on others.³⁷ As a trickster in these stories, Coyote’s engagements are sometimes to people’s benefit (such as through the introduction of salmon).³⁸ Other times, Coyote’s actions are so detrimental and contrary to social norms, morals, and expectations that they become lessons for how not to act in the world.³⁹

SECWÉPEMC JURISDICTION AND GOVERNANCE

The Secwépemc have held authority and sovereignty over their lands and peoples for thousands of years. While it is difficult to determine exactly when and how the Secwépemc arrived in Secwepemcúlecw, archaeological sources and oral histories suggest that this occurred at least 10,000 years ago.⁴⁰

The territorial boundaries of Secwepemcúlecw were known and recognized by neighbouring nations to the Secwépemc. Treaties, environmental indicators

³² James Teit, “The Shuswap” at 596, as cited above.

³³ Marianne Ignace and Ronald E. Ignace, *Secwépemc People, Land, and Laws* at 60, as cited above.

³⁴ James Teit, “The Shuswap” at 595, as cited above.

³⁵ Marianne Ignace and Ronald E. Ignace, *Secwépemc People, Land, and Laws* at 60, as cited above.

³⁶ Marianne Ignace and Ronald E. Ignace, *Secwépemc People, Land, and Laws* at 60, as cited above.

³⁷ James Teit, “The Shuswap” at 595, as cited above.

³⁸ James Teit, “The Shuswap” at 595, as cited above.

³⁹ Marianne Ignace and Ronald E. Ignace, *Secwépemc People, Land, and Laws* at 60, as cited above.

⁴⁰ Marianne Ignace and Ronald E. Ignace, *Secwépemc People, Land, and Laws* at 16–17, as cited above.

(such as watersheds and mountains), and place names are territorial markers and identifiers that help describe ecological relations, events, and travels in Secwepemcúlecw.⁴¹ Place names, in particular, serve as “oral maps” shared from generation to generation and directly connect people to history, knowledge, and experiences on and with the land, and affirm Secwépemc ancestral connections and title to the land.⁴²

Secwepemcúlecw is historically understood as containing 32 campfires, or separate communities, with four distinct dialects of Secwepemctsín.⁴³ Teit estimated that, in 1850, there were approximately thirty communities composed of ctsemtsyémten (ancestral villages) of closely related groups of families within seven divisions:⁴⁴

- The Stkémúlúpsmc/Stkémúlúpsmc⁴⁵ (Kamloops): includes the Tkémúlúpsmc, “the people of the confluence of the North and South Thompson Rivers, but also the people of Skeetchestn in Deadman’s Creek Valley near the head of Kamloops Lake”.⁴⁶
- The Sexqéltkem⁴⁷ (Shuswap Lakes): “comprises the Secwépemc of the South Thompson River east of Monte Creek, Shuswap Lake, Spallumcheen, and Salmon River.”⁴⁸

⁴¹ Marianne Ignace and Ronald E. Ignace, *Secwépemc People, Land, and Laws* at 236–254; 277, as cited above.

⁴² Marianne Ignace and Ronald E. Ignace, *Secwépemc People, Land, and Laws* at 236, as cited above.

⁴³ Tk’emlúps te Secwépemc, “Our Land” (last visited 15 December 2020), online: Tk’emlúps te Secwépemc <tkemlups.ca/profile/history/our-land/> [perma.cc/LQ47-FV65].

⁴⁴ Marianne Ignace and Ronald E. Ignace, *Secwépemc People, Land, and Laws* at 272–275, as cited above. See also James Teit, “The Shuswap” at 453–456; and 464–466, as cited above.

⁴⁵ James Teit names this division Stkamlu’lpsEmux (“people of the confluence”) and Sexwapmux’ō’ē (“Shuswap proper”). See James Teit, “The Shuswap” at 455–456, as cited above.

⁴⁶ Marianne Ignace and Ronald E. Ignace, *Secwépemc People, Land, and Laws* at 272, as cited above.

⁴⁷ James Teit names this division Sxstê’lInEmux (“people of Sxstê’lIn”). See James Teit, “The Shuswap” at 455, as cited above.

⁴⁸ Marianne Ignace and Ronald E. Ignace, *Secwépemc People, Land, and Laws* at 272, as cited above.

- The Tqéqeltkemc: “comprise ‘people of the Upper Reaches’⁴⁹ of the North Thompson River as far as Tete Jaune Cache and Jasper, as well as the Simpcw, the people of the mid-North Thompson River”.⁵⁰
- The St̓mcúlecwemc:⁵¹ “(‘people of the cleared land or grasslands,’ describing the Cariboo area) are the people of the Fraser River area between Clinton and Soda Creek”.⁵²
- The Sétem:⁵³ “(Canyon) people [. . .] included several Indigenous communities on the west bank of the Fraser River at the mouth of the Chilcotin River Canyon”.⁵⁴
- The Styétemc:⁵⁵ “the people of the Lake Plateau located between the North Thompson and Fraser Rivers”.⁵⁶
- The Sextsínemc:⁵⁷ “the ‘people of the lower shore, [. . . located] on the main Thompson River and [. . .] both the sides of the Thompson River between Rocky Point and below Cornwalls just south of Ashcroft”.⁵⁸

⁴⁹ James Teit names this division Texqa'kallt or TExqé'kalitemux (“people of the upper reaches or top”). Teit referred to the Nsi'impemux (“people of North Thompson River” [nsimpx]) and the the Texqa'kallt or TExqé'kalitemux (“people of upper reaches proper”) or Xexka'llt (“those at the top”) as people living in this division. See James Teit, “The Shuswap” at 454–455, as cited above.

⁵⁰ Marianne Ignace and Ronald E. Ignace, *Secwépemc People, Land, and Laws* at 273, as cited above.

⁵¹ James Teit names this division SLe'mxu'lexamux (“people of SLe'mxulâx”). See James Teit, “The Shuswap” at 553, as cited above.

⁵² Marianne Ignace and Ronald E. Ignace, *Secwépemc People, Land, and Laws* at 274, as cited above.

⁵³ James Teit names this division Se'tLemux or Se'tLomux (“people of Se'tL”). See James Teit, “The Shuswap” at 453–454, as cited above.

⁵⁴ Marianne Ignace and Ronald E. Ignace, *Secwépemc People, Land, and Laws* at 274, as cited above.

⁵⁵ James Teit names this division Stie'tamux (“interior people”). See James Teit, “The Shuswap” at 454, as cited above.

⁵⁶ Marianne Ignace and Ronald E. Ignace, *Secwépemc People, Land, and Laws* at 274, as cited above.

⁵⁷ James Teit names this division Zaxtcí'ne'mux (“people of the low valley, or shore”). Teit says they were on both sides of the Fraser River near marble canyon and Pavillion. See James Teit, “The Shuswap” at 456, as cited above.

⁵⁸ Marianne Ignace and Ronald E. Ignace, *Secwépemc People, Land, and Laws* at 274–275, as cited above.

In Secwepemctsin, the term kúkpi7 (also written kúwkpi7), which is translated into English as “chief,” refers to leadership of a Secwépemc community at a local level, such as for the divisions identified above.⁵⁹ Similar to other decentralized societies, the Secwépemc Nation did not have a national leadership model, and instead was localized.⁶⁰ Historically, there were different kúkpi7 for different aspects of leadership, such as dance chiefs or hunting chiefs,⁶¹ and others who acted as spokespeople beyond their communities.⁶² The kúkpi7 position focused on acting on behalf of communities with “duties rather than special privileges”,⁶³ often as representatives to the outside world, mediating and resolving disputes within community, ensuring food security, providing advice, and “setting a good example for others”.⁶⁴ A tkwenm7íple7ten (council or group of advisors often composed of sub-chiefs and elders) served in an advisory capacity to a chief, and “as the decision-making body in all matters regarding collective welfare and collective action” in the community.⁶⁵

A detailed system of kinship relations has always been integral to Secwépemc social and political organization. There is a powerful sense of connection among households, filled with extended kin and kinship relations within and between communities.⁶⁶ It has also historically influenced allyship and relations with other nations. Through kinship networks, specifically intermarriage with

⁵⁹ Marianne Ignace and Ronald E. Ignace, *Secwépemc People, Land, and Laws* at 364, as cited above.

⁶⁰ Marianne Ignace and Ronald E. Ignace, *Secwépemc People, Land, and Laws* at 17, 364, as cited above.

⁶¹ Marianne Ignace and Ronald E. Ignace, *Secwépemc People, Land, and Laws* at 364, as cited above.

⁶² Marianne Ignace and Ronald E. Ignace, *Secwépemc People, Land, and Laws* at 371–372, as cited above.

⁶³ Marianne Ignace and Ronald E. Ignace, *Secwépemc People, Land, and Laws* at 15–16, 365, as cited above.

⁶⁴ Marianne Boelscher Ignace, “Shuswap” at 212, as cited above.

⁶⁵ Marianne Ignace and Ronald E. Ignace, *Secwépemc People, Land, and Laws* at 370–371, as cited above.

⁶⁶ Marianne Ignace and Ronald E. Ignace, *Secwépemc People, Land, and Laws* at 318–321, as cited above.

other groups, the Secwépemc also developed an extensive trade network with other communities and nations.⁶⁷

SECWÉPEMCÚLECW: RELATIONSHIPS, ACCESS, & USE

Living in Secwepemcúlecw was and is directly tied to relationships of k̓wseltktenéws (being relatives to one another).⁶⁸ Localized Secwépemc communities have recognized use over territorial areas and resources, although ownership has been historically held by Secwépemc peoples together as a nation. Collective ownership of and access to resources within Secwepemcúlecw to all people of Secwépemc ancestry was a fundamental aspect of land tenure laws.⁶⁹

Over thousands of years, the Secwépemc “developed ways to harvest, manage, and enhance the resources of their diverse environment” in a sustainable manner.⁷⁰ The Secwépemc calendar reflected seasonal rounds and activities shared by the people. Each “seasonal round consisted of five seasons, called nek̓ltmicw (‘recurring changes of the land’).”⁷¹ The five seasons were: “early spring (snow melting), mid-to-late spring (root gathering), summer (berry and high-elevation root and medicinal plant gathering), late summer to early fall (salmon season), and mid-to late fall (hunting season).”⁷² Over the year, the Secwépemc strategically moved throughout Secwepemcúlecw to live and conduct these economic activities, which also helped support the

⁶⁷ Marianne Ignace and Ronald E. Ignace, *Secwépemc People, Land, and Laws* at 318–319, as cited above.

⁶⁸ Also see Marianne Ignace and Ronald E. Ignace, *Secwépemc People, Land, and Laws* at 319–363, as cited above.

⁶⁹ Marianne Ignace and Ronald E. Ignace, *Secwépemc People, Land, and Laws* at 288, as cited above.

⁷⁰ Marianne Ignace and Ronald E. Ignace, *Secwépemc People, Land, and Laws* at 145, as cited above.

⁷¹ Marianne Ignace and Ronald E. Ignace, *Secwépemc People, Land, and Laws* at 195, as cited above.

⁷² Marianne Ignace and Ronald E. Ignace, *Secwépemc People, Land, and Laws* at 195, as cited above.

land and other more-than-human habitats and species.⁷³ In fact, the concept of “living” in Secwepemctsín is not tied to a house or fixed abode. Instead, where “people *stay* after being in transit is where they ‘live,’ including the periods of time they ‘camp’ [. . .] throughout the seasonal round.”⁷⁴

The Secwépemc pre-fur trade economy was driven by the seasonal rounds. Economic and sustenance activities of the Secwépemc involved hunting and trapping (deer, elk, caribou, and, more frequently, moose) with the use of fences, corrals, landforms (such as lakes or cliffs), and tracking dogs.⁷⁵ Fishing (salmon and other river species such as trout and sturgeon) was a core economic activity, historically conducted with technology such as leisters, harpoons, and gaff hooks, as well as weirs, nets, and traps of various sorts.⁷⁶ People gathered over one hundred plant species for food, plus others for medicines, tools, shelter, and clothing,⁷⁷ and managed them in ways that “aimed at enhancing the habitat of individual plants and plant populations [. . .] and at protecting them from predators and pests.”⁷⁸

Secwépemc relations within Secwepemcúlecw and their neighbours involved an immense amount of legal stewardship and guardianship. Around the boundaries of Secwepemcúlecw and the communities therein, there were “yecwmínmen (caretakers) of lands and resources in their surroundings, and they defended their areas against outside intruders.”⁷⁹ There were also “gatekeeper communities,” which acted as intermediaries for trade with other

⁷³ Marianne Ignace and Ronald E. Ignace, *Secwépemc People, Land, and Laws* at 27, 145–146, as cited above.

⁷⁴ Marianne Ignace and Ronald E. Ignace, *Secwépemc People, Land, and Laws* at 153, as cited above.

⁷⁵ Marianne Ignace and Ronald E. Ignace, *Secwépemc People, Land, and Laws* at 167–178, as cited above; Jim Cooperman, “Saving the Shuswap Language” *Shuswap Market News* (3 December 2010), online: [Shuswap Watershed Project <http://shuswapwatershed.ca/pdf/Saving_the_Shuswap_Language.pdf>](http://shuswapwatershed.ca/pdf/Saving_the_Shuswap_Language.pdf).

⁷⁶ Marianne Ignace and Ronald E. Ignace, *Secwépemc People, Land, and Laws* at 154–167, as cited above; Jim Cooperman, “Saving the Shuswap Language” as cited above.

⁷⁷ Marianne Ignace and Ronald E. Ignace, *Secwépemc People, Land, and Laws* at 152; 178–193, as cited above.

⁷⁸ Marianne Ignace and Ronald E. Ignace, *Secwépemc People, Land, and Laws* at 152; 188–189, as cited above.

⁷⁹ See Marianne Ignace and Ronald E. Ignace, *Secwépemc People, Land, and Laws* at 318, 364 as cited above, where it is noted that the caretakers were later called “hunting chiefs.”

nations.⁸⁰ The Secwépemc had many trading partners, including the Cree, Sekani, Dakelh, Okanagan, Ktunaxa, Nłeʔkepmx, St'át'imc, Stony, T̓silhqot'in and, much later, the Hudson's Bay Company.⁸¹ These trading relationships enabled Secwépemc to trade goods such as salmon oil, salmon, furs, skins, clothing, copper, dentalium shells, and plants, and exchange and transfer knowledge and technology.⁸²

SECWÉPEMCÚÉCW THROUGH THE COLONIAL PERIOD

Colonization and the enactment of colonial legislation significantly impacted the Secwépemc Nation, people, laws, and way of life within Secwepemcúécw.⁸³ In the early 1800's, the Secwépemc began to feel the impacts of migration and settlement into Secwepemcúécw. The Secwépemc economy shifted as the increasing numbers of fur traders within Secwepemcúécw drove up demand for fur and dried salmon.⁸⁴ While respectful relations began to develop, largely through intermarriage, these relations drastically changed during the 1850's Gold Rush, which brought with it an onslaught of people, and a strain on Secwepemcúécw and the fabric of Secwépemc social, political, economic, and legal life.⁸⁵ While many Secwépemc sought respectful and reciprocal relations with these newcomers,

⁸⁰ Marianne Ignace and Ronald E. Ignace, *Secwépemc People, Land, and Laws* at 220–221, as cited above.

⁸¹ Marianne Ignace and Ronald E. Ignace, *Secwépemc People, Land, and Laws* at 220–221, 223–224, as cited above.

⁸² Marianne Ignace and Ronald E. Ignace, *Secwépemc People, Land, and Laws* at 220–222, as cited above.

⁸³ See Nancy Harriet Sandy, *Reviving Secwépemc Child Welfare Jurisdiction* (LLM Thesis, University of Victoria, 2011) [unpublished] at 36, online (pdf): University of Victoria <dspace.library.uvic.ca/bitstream/handle/1828/3336/Sandy_Nancy_LLM_2011.pdf> [perma.cc/PD2R-WU3F], where it is noted that some notable impacts stemmed from: settlers occupying the traditional territory to exploit resources, the imposition of federal jurisdiction on hereditary systems of governance, and the residential school system and the exercise of provincial child welfare jurisdiction on reserve.

⁸⁴ Marianne Boelscher Ignace, “Shuswap” at 215, as cited above.

⁸⁵ Marianne Boelscher Ignace, “Shuswap” at 215, as cited above. See also Marianne Ignace and Ronald E. Ignace, *Secwépemc People, Land, and Laws* at 433–438, as cited above; Nancy Harriet Sandy, *Reviving Secwépemc Child Welfare Jurisdiction* at 38–39, as cited above.

agreements were not upheld, particularly by the colonial state. Foreign colonial policies and laws, including restrictions, were imposed on Secwépemc people and their systems of governance were ignored.

Smallpox and other diseases brought to Secwepemcúlecw devastated Secwépemc populations, particularly during the epidemics of 1862 and 1863. Teit estimates that impact of these epidemics reduced the Secwépemc population to less than one-third of its numbers only fifty years previously.⁸⁶ The population of the Secwépemc further declined due to the arrival of more settlers on or near Secwepemcúlecw, the enactment of new colonial laws, and other diseases and epidemics. Colonialism and increased settlement resulted in poor and restrictive living conditions, which negatively impacted the Secwépemc people's food sources.⁸⁷ The seventeen Secwépemc communities that survived these impacts were later designated as bands under Canada's reserve system through the *Indian Act* by the early 1880s, which dramatically impacted Secwépemc governance systems.⁸⁸

In the 1890s, the Canadian government set up the Canadian Indian residential school system within Secwepemcúlecw, which was administered by Christian churches. These schools were “created for the purpose of separating Aboriginal children from their families, in order to minimize and weaken family ties and cultural linkages and to indoctrinate children into a new culture—the culture of the legally dominant Euro-Christian Canadian society”.⁸⁹ These schools were a form of cultural genocide because they “set out to destroy the political and social institutions of the targeted group” (in this case,

⁸⁶ James Teit, “The Shuswap” at 433–438, as cited above.

⁸⁷ Shuswap Nation Tribal Council, “The Memorial to Sir Wilfrid Laurier: Commemorating the 100th Anniversary, 1910-2010” (last visited 16 December 2021), at 56, online (pdf): Simon Fraser University <<https://static1.squarespace.com/static/5f73b6c38840660a19c6d7e4/t/5f860cde1ad6726ebbc86e83/1602620648396/1910+Memorial+to+Laurier+1910+brochure.pdf>> [https://perma.cc/B3FY-JYED].

⁸⁸ Marianne Ignace and Ronald E. Ignace, *Secwépemc People, Land, and Laws* at 454–455, as cited above.

⁸⁹ Truth and Reconciliation Commission of Canada, *Honouring the Truth, Reconciling for the Future: Summary of the Final Report of the Truth and Reconciliation Commission of Canada* (Canada: Truth and Reconciliation Commission of Canada, 2015) at v, online: <https://ehprnh2mwo3.exactdn.com/wp-content/uploads/2021/01/Executive_Summary_English_Web.pdf> [https://perma.cc/PD5S-9GAE].

Indigenous peoples within what is known as Canada).⁹⁰ The poorly maintained schools, and the harsh discipline, poor nutrition, and abuse experienced by Indigenous children at the hands of staff are well documented. The Kamloops Indian Residential School, which, at one time, was the largest residential school in Canada, operated from 1890 to 1969, and was a day school run by the Catholic Church until 1978.⁹¹ The Cariboo school, St. Joseph's Mission, operated from 1891 to 1981.⁹² This period of time significantly impacted the transmission of knowledge, language, culture, and law from generation to generation in Secwepemcúlecw.

In August 1910, Prime Minister Sir Wilfrid Laurier, on a campaign tour, stopped in Kamloops. There, he was met by chiefs from the Secwépemc, Nl̓eʔkepmx, and syilx nations. James Teit delivered a message to Laurier on behalf of the delegations that affirmed their sovereignty, identified the harms of the colonial authorities and settlers, and declared their intention to “continue to struggle for a just and reciprocal relationship with government until it was achieved.”⁹³ The Memorial to Sir Wilfrid Laurier, Premier of the Dominion of Canada included the following message:

What have we received for our good faith, friendliness and patience? Gradually as the whites of this country became more and more powerful, and we less and less powerful, they little by little changed their policy towards us, and commenced to put restrictions on us. Their government or chiefs have taken every advantage of our friendliness, weakness and ignorance to impose on us in every way. They treat us as subjects without any agreement to that effect, and force their laws on us without our consent and irrespective of whether they are good for us or not. They say they have authority over us. They have broken down our old laws and customs (no matter how good) by which we

⁹⁰ Truth and Reconciliation Commission of Canada, *Honouring the Truth, Reconciling for the Future* at 1, as cited above.

⁹¹ University of Manitoba, “Kamloops (St. Louis)” online: *National Centre for Truth and Reconciliation* <<https://nctr.ca/residential-schools/british-columbia/kamloops-st-louis/>> [perma.cc/MWV4-V7B7].

⁹² University of Manitoba, “Cariboo (Williams Lake)” online: *National Centre for Truth and Reconciliation* <<https://nctr.ca/residential-schools/british-columbia/cariboo-williams-lake/>> [perma.cc/3276-NLY8].

⁹³ Shuswap Nation Tribal Council, “The Memorial to Sir Wilfrid Laurier: Commemorating the 100th Anniversary, 1910-2010” at 3, as cited above.

regulated ourselves. They laugh at our chiefs and brush them aside. Minor affairs amongst ourselves, which do not affect them in the least, and which we can easily settle better than they can, they drag into their courts. They enforce their own laws one way for the rich white man, one way for the poor white, and yet another for the Indian. They have knocked down (the same as) the posts of all the Indian tribes. They say there are no lines, except what they make. They have taken possession of all the Indian country and claim it as their own. Just the same as taking the “house” or “ranch” and, therefore, the life of every Indian tribe into their possession. They have never consulted us in any of these matters, nor made any agreement, “nor” signed “any” papers with us. They have stolen our lands and everything on them and continue to use same for their own purposes. They treat us as less than children and allow us no say in anything. They say the Indians know nothing, and own nothing, yet their power and wealth has come from our belongings. The queens law which we believe guaranteed us our rights, the B.C. government has trampled underfoot. This is how our guests have treated us - the brothers we received hospitably in our house.⁹⁴

The impacts of colonization are felt by the Secwépemc people today. Secwepemctsin has become a critically endangered language with few fluent speakers today.⁹⁵ Prior to contact, there were approximately 30,000 people who could speak Secwepemctsin.⁹⁶ As of 2018, there were 187 fluent speakers, predominately elders, with around 690 people who had some understanding and 989 people who were learning the language.⁹⁷

⁹⁴ Shuswap Nation Tribal Council, “The Memorial to Sir Wilfrid Laurier: Commemorating the 100th Anniversary, 1910-2010” at 6, as cited above.

⁹⁵ Marianne Ignace and Ronald E. Ignace, *Secwépemc People, Land, and Laws* at 143–144, as cited above.

⁹⁶ Language Advisory Committee, Qwel7eyentwecw *Conversing in the Secwépemc Language: Secwépemc Language Handbook (West Dialect)* (Kamloops: Secwépemc Cultural Education Society, 2003) at 1, online (pdf): [Arca <arcabc.ca/islandora/object/tru%3A1575>](http://arcabc.ca/islandora/object/tru%3A1575) [perma.cc/2VY2-ZEDL].

⁹⁷ First Peoples Cultural Council, “Report on the Status of B.C. First Nations Languages”, 3rd ed (2018) at 46, online: <https://fpcc.ca/wp-content/uploads/2020/07/FPCC-LanguageReport-180716-WEB.pdf> [https://perma.cc/5WZ7-YXW5].

Canada's residential school system has also left long-lasting and continuing impacts. Intergenerational trauma and grief resulting from the legacy of residential school have influenced continued negative physical and emotional health outcomes.⁹⁸ In 2021, ground penetrating radar confirmed that there are the remains of likely more than 215 children buried at the Kamloops Indian Residential School, confirming what people have always known to be true.⁹⁹ These children have since come to be known as Le Estcwéy' (The Missing).¹⁰⁰

Despite the above, the Secwépemc have and continue to advocate for their political and economic sovereignty, and to access and use their laws, language, and traditional territory both now and for generations to come. As signed and declared by 24 Interior Chiefs in 1910, "So long as what we consider justice is withheld from us, so long will dissatisfaction and unrest exist among us, and we will continue to struggle to better ourselves."¹⁰¹

Although forming the Secwépemc Nation, Secwépemc communities continue to be individual and distinct. Their location, kinship networks, histories, and relationships with surrounding nations emphasize their diversity. The Secwépemc peoples hold thousands of years of intimate knowledge of all parts of Secwepemcúlcw, including the land itself, places of significance, and the natural environment. This knowledge has been held by the ancestors of the Secwépemc peoples and passed through the generations.

The First Nations that comprise the Secwépemc Nation today are as follows:

Esk'etemc, Esk'étemc, Esk'et, Eskét, or Esk'étemc or Esk'etemc First Nation;

Kenbaskets, Kenpésq't, or Kenpésq't or Shuswap Band;

⁹⁸ Nancy Harriet Sandy, Reviving Secwépemc Child Welfare Jurisdiction at 46–63, as cited above.

⁹⁹ Tk'emlúps te Secwépemc, "Remains of Children of Kamloops Residential School Discovered (27 May 2021), online: <https://tkemlups.ca/remains-of-children-of-kamloops-residential-school-discovered/> [<https://perma.cc/ZA4Q-HDVY>].

¹⁰⁰ Tk'emlúps te Secwépemc, "Kamloops Indian Residential School Missing Children" (May 27, 2021), online: <https://tkemlups.ca/kirs/> [<https://perma.cc/SQA2-PPB4>].

¹⁰¹ Shuswap Nation Tribal Council, "The Memorial to Sir Wilfred Laurier: Commemorating the 100th Anniversary, 1910-2010" (last visited 16 December 2021), at 6, online (pdf): Simon Fraser University <www.sfu.ca/~palys/OpenLetterToWilfredLaurier-1910.pdf> [perma.cc/78GD-FQ6F].

Llenllenéy'ten or High Bar First Nation;
Pellt'iq̓t or Whispering Pines/Clinton Indian Band;
Qw7ewt or Little Shuswap Lake Band;
Sexqeltqín or Adams Lake Indian Band;
Simp̓cw or Simpcw First Nation;
Skatsín, or Sk'etsin, or Sk'Emtsin or Neskonlith Indian Band;
Skítsestn or Skeetchestn Indian Band;
Splatsín or Spallumcheen Indian Band;
St'uxwtéws or Bonaparte First Nation;
Stswecem'c Xgat'tem, or Xgét'tem or Stswecem'c Xget'tem First Nation;
T'exelc, or T'exelcemc or Williams Lake First Nation;
Tk'emlúps te Secwépemc, or Tk'emlúpsemc or Tkemlúpsemc;
Ts'kw'aylaxw, or Ts'kwéylecw or Ts'kw'aylaxw First Nation;
Tsq'éscen, or Tsq'escenemc Canim Lake Band; and
Xatśūll or Xatśūll First Nation.

EXECUTIVE SUMMARY

CHAPTER ONE

Chapter One introduces some of the principles that uphold Secwépemc laws of *kwéltkten* and *Secwépemc-kt*. These underlying principles point to the recurring themes that emerged from the resources and the conversations held with community members. These legal principles are important to contextualize a broader theory of Secwépemc law and animate or inform the legal principles and processes discussed in this Report.

Five **General Underlying Principles** are outlined in the Report.

First, the principle of *kwéltktenéws* (being relatives to one another) underscores the principle that one's understanding of self and their obligations within Secwépemc law are, first and foremost, grounded by their interconnected relatedness to others. *Kwéltktenéws* creates a web of relationality among humans, each other, and the more-than-human world, and this is what shapes one's sense of belonging. This includes one's understanding of self and their obligations to each other and all of creation.

Second, **Relations as Resources** reflects the understanding that creating new *kwéltkten* enriches and strengthens the Secwépemc Nation, and its legal tradition, governance, economy, and relations with others. This is because all *kwéltkten* have and bring new gifts to the whole community and enrich citizenry and social life by using them.

Third, **Secwepemctsín Enriches Understandings of Secwépemc Law**, as it both carries law and ancestral knowledge of *Secwepemcúlecw*. *Secwepemctsín* also connects the Secwépemc Nation to its neighbours and builds those relations.

Fourth, **Land and Lineage Animates Secwépemc Lawfulness** refers to the understanding that Secwépemc laws are rooted in *Secwepemcúlecw* and people's connections to the land. *Secwepemcúlecw* guides Secwépemc people as they explore their identity and legal obligations to themselves and others as *kwéltkten*.

Fifth, the principle that **Secwépemc Law Is Adaptable Across Secwepemcúlecw and its Campfires** animates the understanding that the laws of k'wséltkten and Secwépemc-kt are adaptable and flexible across Secwépemc Territory. As a result, the laws may be implemented in different ways with consideration to the context, location, and history of each campfire.

CHAPTER TWO

Chapter Two, on **Pathways of Connection**, turns to the question of how people know they are k'wséltkten and can call themselves Secwépemc-kt within Secwépemc law.

First, this chapter identifies four pathways, or legal mechanisms, for becoming k'wséltkten: **birth, marriage, adoption, and agreements** (such as peace treaties and lahal).

Chapter Two then goes on to identify the authoritative decision-makers who, either alone or in combination, may be involved in making decisions relating to the formation of new and existing relations. **Individuals** have agency and authority to choose their k'wséltkten. **Families** may help individuals making decisions about k'wséltkten by conducting assessments or consulting with those seeking to bring in new kin or spouses. **Old Ones, Kyé7es and Women** keep track of relational ties for k'wséltkten within families and communities, support when there are questions about lineage in the broader community, and sometimes act as decision makers. **Communities** may inform or formalize decisions about k'wséltkten through witnessing, acknowledgement, or facilitating the participation of new relatives.

Finally, **Chapter Two** outlines specific Secwépemc legal processes for the legal formation of relations. **Public Introducing and Witnessing** formalize relations when children and new k'wséltkten join community. **Assessments for Reconnecting K'wséltkten** may occur when k'wséltkten return to community to ensure they do so in a safe way for everyone.

CHAPTER THREE

Chapter Three shifts to considering the obligations and expectations that are implied once people know they are *kwéltkten* and can call themselves *Secwépemc-kt*.

Four obligations are expressed in *Secwépemctsín*. First, **Sucwentwécw** means that people are responsible to recognize and acknowledge one another as *kwéltkten*. Second, **Knucwentwécw** reflects the set of obligations people have to help one another, including their human and more-than-human relations, and themselves. Third, **Yúcwmentswécw** reflects the obligations people have to look out for and protect each other and their more-than-human relations. Finally, **Secwkwnémten** reflects the obligations of teaching *kwéltkten* about their obligations and lineage, and for learning and practicing what *kwéltkten* teach to them.

The obligations discussed in **Chapter Three** all have corresponding expectations or rights not discussed in this Report. That is, if there are obligations of *knucwentwécw* (helping one another), there is a corresponding expectation of *kwéltkten* to be helped. Instead, the expectations outlined in **Chapter Three** discusses three stand-alone expectations, or rights. First, **Expectations of Participation** speaks to the right to participate in the life of community and to have that participation facilitated by others. Second, **Expectations of Mobility** point to the rights of *kwéltkten* to leave and return to *Secwépemcúlecw* without experiencing an impact to their place in their family, campfire, or nation. Third, **Expectations of Fairness and to Information** keeps people and others safe when issues or conflicts arise under *Secwépemc* law.

CHAPTER FOUR

Chapter Four shifts its focus to the systems and social structures that are necessary to support *kwéltkten* in fulfilling their legal obligations and expectations to each other. These structures help coordinate and nurture individual and public aspects of the *Secwépemc* laws of *kwéltkten* and *Secwépemc-kt*, and provide support for learning, teaching and practice. This

chapter recognizes that there is ongoing learning for all ƙwséltkten and Secwépemc-kt respecting how they become lawful within Secwepemcúlecw.

Daily Practice of activities within families, in particular land-based teaching and learning, help nourish relations and help people fulfil their obligations as ƙwséltkten. **Stories and the Art Form of Story Telling** keep laws of ƙwséltkten and Secwépemc-kt alive, helping people understand what their obligations are and how to act on them. Structures of both informal and formal **Visiting** exist and enable learning and the maintenance of relationships while also ensuring obligations and expectations of ƙwséltkten are being met. **Ceremony** facilitates the understanding and practices of Secwépemc laws and is key in acknowledging and recognizing one's relations and role as ƙwséltkten.

CHAPTER FIVE

Chapter Five, Harms and Challenges: Legal Decision Makers looks at what happens when challenges, disagreements, or harms occur because ƙwséltkten are not meeting their obligations under the Secwépemc laws of ƙwséltkten and Secwépemc-kt. The chapter outlines how to respond according to Secwépemc law.

Four core decision-makers may be involved in decision-making processes and in the development of different responses. **Family** may make decisions regarding teaching and protecting ƙwséltkten, particularly when there is a risk of harm or danger. **Women and Kyé7es (Grandmothers)** often work in collaboration with other decision-makers to either make decisions or provide guidance. Those with specific knowledge or experience, such as **Task Managers, Leaders, and Experts**, may be consulted to assist in decision-making, or may dissent and intervene depending on the circumstances. **Individuals** may also dissent and intervene to meet their own expectations as ƙwséltkten or to find solutions. Finally, **Community** may come together to ensure collective safety and security or validate others' decisions.

This chapter identifies four procedural steps people use when looking to respond to challenges and harms. **Issue Identification, Risk Assessment, and Deliberation** are critical first steps to determining any response. This may

involve observation, investigation, or bringing information to a decision-makers' attention. Identified issue(s) and risks may be communicated by **Alerting or Warning** others. **Consultation and Assistance** reflects the decentralized nature of Secwépemc governance and recognizes that, in some cases, people with specific knowledge, skills, or positions may need to help respond to a particular issue. Finally, whether this occurs before or after a particular response, care is taken to ensure proper **Reintegration** of ƙwséłtkten through **Providing Resources and Space** to enable survival, learning, and future participation.

Chapter Five then turns to the responses people use when these challenges or harms occur. Responses in the Secwépemc legal tradition are influenced by **Contextualized and Balanced Reasoning**, which includes a consideration of context, root sources, and consequences to the broader community. Governing principles of **Transparency and Proportionality** must guide all decisions to respond to situations where ƙwséłtkten are not meeting their obligations.

There are also five identifiable responses that people use when challenges or harms relating to the laws of ƙwséłtkten and Secwépemc-kt occur. There is an emphasis on **Providing Opportunities to Correct** to foster individual reflection and development of ƙwséłtkten. In some instances, **Withdrawing Help** may be necessary, particularly if doing so will provide space for learning or mitigate harm. **Separating** either temporarily or permanently may be necessary in extreme situations to correct behaviours, reduce or prevent harm, and strengthen growth and understanding. **Removing ƙwséłtkten in Danger** is an immediate step that may be taken if relatives are in immediate danger from kin or outside threats. Finally, **Removing the Power to Harm** occurs when ƙwséłtkten are a danger to others and their ability to harm, including abuses of power, is limited or removed.

1 GENERAL UNDERLYING PRINCIPLES



INTRODUCTION

As in all societies, Secwépemc laws are based on foundational principles that evolve over time and are applied relative to the circumstances, serving as foundations upon which specific laws and legal responses are built. They have defining characteristics: They are general (meaning that they can be applied to a broad range of situations), common (meaning they are widely recognized), and durable (meaning they are not easily changed). As guides for how to act or respond in the present, foundational legal principles are also adaptable to current needs.

The central question for Chapter One is *What underlying or recurrent themes emerge in the sources that are important to understanding more specific points of Secwépemc laws regarding k'wséltkten and Secwépemc-kt?* It explores General Underlying Principles integral to the Secwépemc legal tradition, particularly to the understanding and application of Secwépemc law as it relates to citizenship and belonging.

The principles articulated in this chapter are not the only ones, nor are they the only ways of articulating and analyzing Secwépemc law. For example, in discussion with community, one community member shared a set of legal principles upheld by the Tselcéwtqen Clleqmełten/Chief Atahm School, an immersion program focused on the Secwépemc language, specific to the teaching and learning of children. These are the following:

- K'wséltktnéws – all beings are related;
- Knucwestsút.s [(knucwechtsút.s)] – care for yourself and preserve with your struggles;
- Mellélc – take time for yourself and create a healthy balance between work and rest;
- Slexléxs – develop wisdom and uphold Secwépemc traditions, culture, language, and history; and

- Qweqwetsín – honour the spiritual and develop reciprocal relations with the earth.¹⁰²

Similarly, the Secwépemc Sna7a Elders Council, which “works to move the nation forward in helping to re-establish and define our Secwépemc laws and ancestral ways of governance of the nation,” has four guiding principles that guide them in their work, which can also be seen in some of the discussions in this Report. These are the following:

Kell7úpekst ell seséle te tsyuqwyéqw
(*Ancestral Campfires*)

Xyemstém xwexwéyt re k’wséltkten-kt ell xwexwéyt re k’wseltnéws-kt tek stet’e7ék te skwelk’welt wel m-t’7ek te cseksek’éwt ne sxuxwiýúlecwems nSecwepemcúl’ecw.

(Respecting all our families and relatives from the highest peaks and valleys within the territory.)

Stk’wem7íplems re Secwepemc ell re Stseptékwlls
(*Secwepemc Law & Oral History*)

Tsq’ey’ ri7 mell ell, tsq’ey’ ne mítk’ye-kt te m-sq’7est.s.
(*It is written and it has always been there in our blood.*)

Secwepemcúl’ecw ri7 re Tmicw-kt
(*Title and Ownership*)

Xwexwéyt re k’wseltnéws te Secwepemc me7 tsyecwemínt.s re tmicw wel me7 yews, Tsyecwemíct.s k stet’e7ék te se7wít tek Secwepemc.

All our Secwepemc relatives will take care of the land in perpetuity and pass it on to future generations.

¹⁰² Spellings from and paraphrased definitions from Chief Atahm School, “Tselcéwtqen Clleqmelten Vision and Principles” (last visited 25 November 2021), online (pdf): Chief Atahm School <www.chiefatahm.com/downloads/CAS_vision_principles.pdf> [perma.cc/45AN-3RC7]. For a note on the different spellings used in the report, see Appendix A.

Secwepemctsín (Language)

Re xwqweltén-kt ell xwexwéyt- te k'wsélten-kt tsq'ey' mell ne tmicw.
*Our language and our people are marked on the land already.*¹⁰³

Finally, Senkúkpi7 Cwlíken (Irvine Johnson) shared the story of *Peacemaker*, and the seven teachings that Peacemaker brought to the people: spirituality, trust, honesty, generosity, humility, love, and wisdom.¹⁰⁴ These are guiding principles that tell people how to live in a good way.¹⁰⁵

The General Underlying Principles that are articulated here influence and intersect with the knowledge and information contained within the synthesis that follows.

¹⁰³ Secwépemc Elders Council, "Secwépemc Elders Council May 30, 2019" at 3, as cited above.

¹⁰⁴ Senkúkpi7 Cwlíken (Irvine Johnson). Oral teaching, Skwlax k'wséltkten project retreat (4 April 2019) as transcribed in NOTES – Secwépemc Citizenship Project – April Skwlax k'wséltkten project retreat – April 4-5 2019 – DB Scribe.pdf at 1 and NOTES – April Elder's Gathering – April 4-5 2019 – JA Scribe.pdf as edited and validated in Validation – Senkúkpi7 Cwlíken (Irvine Johnson).pdf [Archived with ILRU].

¹⁰⁵ Senkúkpi7 Cwlíken (Irvine Johnson). Oral teaching, Skwlax k'wséltkten project retreat (4 April 2019) as transcribed in NOTES – Secwépemc Citizenship Project – April Skwlax k'wséltkten project retreat – April 4-5 2019 – DB Scribe.pdf at 1 and NOTES – April Elder's Gathering – April 4-5 2019 – JA Scribe.pdf as edited and validated in Validation – Senkúkpi7 Cwlíken (Irvine Johnson).pdf [Archived with ILRU].



GENERAL UNDERLYING PRINCIPLES

RESTATEMENT TABLE

What underlying or recurrent themes emerge in the sources that are important to understanding more specific points of Secwépemc laws regarding kwséltkten and Secwépemc-kt?

CONCEPT	SUMMARY	SOURCES
1.1 KWSELTKTENÉWS	<p>Kwséltktenéws (being relatives to one another, or we are all related) creates a web of interconnected relationality among humans and more-than-human relations, which shapes one's sense of belonging in this world. This includes one's understanding of self and their obligations to each other and the earth.</p>	<p><i>Sxwéýlecken; Witness #2; Dave Belleau; Rhona Bowe; Richard LeBourdais; Percy Rosette; Kenthen Thomas; Coyote and his Hosts; Story of the Man who married the Grisly Bear; The Man who married the Sā'tuen; Grisly Bear's Grandchildren; How Coyote Made a Tree Fall In Love With Him; Coyote and His Hosts; Secwépemc People, Land, and Laws: Yerí7 re Stsqéýs-kucw; Secwépemc Lands and Resources Law Research Project; Tselcéwtqen Clleqmełten Vision and Principles; Tribal Case Book – Secwépemc Stories and Legal Traditions: Stsmémelt Project Tek'wémiple7 Research; Northern Secwepemc Legal Traditions Report.</i></p>
1.2 RELATIONS AS RESOURCES	<p>Creating new kwséltkten enriches and strengthens the Secwépemc Nation and its legal tradition, governance, economy, and relations with other nations. This is</p>	<p><i>Sxwéýlecken; Ralph McBryan; Laverna Stevens; Sunny LeBourdais; Senkúkpí7 Francis Johnson Jr.;</i></p>

	<p>largely because all ƙwséltkten have unique gifts and can enrich the citizenry and social life in Secwepemcúlecw by using them. As a result, it is important to recognize and nurture people's gifts throughout a lifetime.</p>	<p><i>Witness #2; Garlene Jules (as taught by her mother, Celena Jules); Story of Sna'naz; Dirty-Lad and his Wives; Story of Tcotcu'lcâ; or, The Hunter who became a Wolf; Story of Woodpecker's Marriage; or, Bluejay's Revenge; The Fish Lake Accord; Secwépemc People, Land, and Laws: Yerí7 re Stsqéy's-kucw; Tselcéwtqen Clleqmeiten Vision and Principles; Salishan Tribes of the Western Plateaus.</i></p>
<p>1.3 SECWEPEMCTSÍN ENRICHES UNDERSTANDINGS OF SECWÉPEMC LAW</p>	<p>Secwepemctsín carries ancestral knowledge of Secwepemcúlecw and the Secwépemc people and can enable and facilitate the sharing and learning of Secwépemc law today. Secwepemctsín also connects the Secwépemc Nation to its neighbours, particularly those who also speak languages in the Salish language family, and may strengthen those relations.</p>	<p><i>Witness #2; Barbara Larson; Mona Jules; Helen Duteau; Percy Rosette; Peace/War Chief Pipíp'7ese (Alexis Harry); Richard LeBourdais; The Shuswap; Secwépemc People, Land, and Laws: Yerí7 re Stsqéy's-kucw; Secwépemc Lands and Resources Law Research Project; Secwépemc Elders Council May 30, 2019 Newsletter; Secwépemc Winter Gatherings 2018 and 2020.</i></p>
<p>1.4 LAND AND LINEAGE ANIMATES SECWÉPEMC LAWFULNESS</p>	<p>Understandings of Secwépemc laws of ƙwséltkten and Secwépemc-kt are rooted in Secwepemcúlecw and both current and ancestral connections to the land and its stories. The land, a teacher of law, guides Secwépemc people as they explore their identity and their legal obligations as ƙwséltkten.</p>	<p><i>Sisyúlecw; Diane Sandy; Richard LeBourdais; Rod Tomma; Garlene Jules (as taught by her mother, Celena Jules); B.A. Deneault; Percy Rosette; Coyote and his Hosts; Story of the Salmon-Boy; Grisly Bear's Grandchildren; Tleē'sa and his Brothers; The War with the Sky People; The Story of Suckerfish; The Sucker Story; The Shuswap;</i></p>

		<i>Secwépemc People, Land, and Laws: Yeri7 re Stsqéy's-kucw; The Shuswap; Mary Thomas; Skeetchestn Elders Language Group.</i>
1.5 SECWÉPMC LAW IS ADAPTABLE ACROSS SECWEPMCÚLECW AND ITS CAMPFIRES	The Secwépemc laws relating to kwséltkten and Secwépemc-kt are adaptable and flexible across Secwepemcúlecw. While legal principles and processes do not change across territory, they may be implemented differently depending on the context, location, and history of each individual campfire or community. People have an obligation to learn, understand, and respect the existing differences.	<i>Senkúkpi7 Wilfred Robbins Sr.; Peace/War Chief Pipíp'7ese (Alexis Harry); Thinking About Indigenous Legal Orders; The Shuswap; Secwépemc Winter Gatherings 2020; Secwépemc Nation "Our Lands"; TRU "About Secwépemc Nation"; Secwépemc Elders Council May 30, 2019 Newsletter.</i>

1.1 K'WSELTKTENÉWS

K'wseltktenéws (being relatives to one another, or we are all related) creates a web of interconnected relationality among human and more-than-human relations, which shapes one's sense of belonging in this world. This includes one's understanding of self and their obligations to each other and the earth.

1.1.1 MEANING OF K'WSELTKTENÉWS

K'wseltktenéws is the Secwepemctsín word for "being relatives to one another"¹⁰⁶ or "we are all related."¹⁰⁷ The root of the word is "kwseltkten," which carries the meaning of "being relatives," or someone's family (including

¹⁰⁶ Marianne Ignace and Ronald E. Ignace, *Secwépemc People, Land, and Laws* at 319, as cited above.

¹⁰⁷ Chief Atahm School, "Tselcéwtqen Cileqmeiten Vision and Principles" at 1–2, as cited above.

extended family), relatives or kinfolk.¹⁰⁸ K̓wsel̓tktenéws highlights the connectivity of relations or speaks to what people call one another when “they identify and think of one another as relatives.”¹⁰⁹ It also establishes the basis for people to live in Secwepemcúlecw and access its resources.¹¹⁰

English needs two different concepts used together to fully convey the idea of k̓wsel̓tktenéws: kinship and relationality. Kinship “connects a person to community of origin and to other communities with which that person is associated, placing him or her in a network of obligation and cooperation throughout life” and organizes “all aspects of individual and collective behaviour” throughout Secwepemcúlecw.¹¹¹ Relationality is a term that helps people understand their place within a kinship network and the rights and obligations they hold in relation to each other. Taken together, kinship and relationality convey the idea that a person’s sense of belonging in this world is shaped by a rich set of interdependent and connected relationships, rights, and obligations.

1.1.2 K̓WSEL̓TKTENÉWS INCLUDES HUMAN AND MORE-THAN-HUMAN RELATIONS

The community conversations and the oral histories make it clear that k̓wsel̓tktenéws is not a concept limited to human relationships with one

¹⁰⁸ Marianne Ignace and Ronald E. Ignace, *Secwépemc People, Land, and Laws* at 320, as cited above. Kelly Connor, “Tribal Case Book – Secwépemc Stories and Legal Traditions: Stsmémelt Project Tek’wémple7 Research” (July 2013) at 98, online (pdf): Secwépemc Strong <secwepemcstrong.com/wp-content/uploads/2021/02/Tribal-Case-Book.pdf> [perma.cc/BMX2-7U64]; See also Witness #2. Oral tradition, focus group (February 14, 2018) as transcribed in TRANSCRIPT – Secwépemc Citizenship Project – Audio File – Feb 14 JA and RF group (1).pdf at 25 as edited and validated in Validation – Witness #2.pdf [Archived with ILRU] where k̓wsel̓tkten is described as meaning “family.”

¹⁰⁹ Marianne Ignace and Ronald E. Ignace, *Secwépemc People, Land, and Laws* at 320, as cited above.

¹¹⁰ Marianne Ignace and Ronald E. Ignace, *Secwépemc People, Land, and Laws* at 319, as cited above.

¹¹¹ Marianne Ignace and Ronald E. Ignace, *Secwépemc People, Land, and Laws* at 320, as cited above.



another.¹¹² For example, community members spoke about how *kwsełtktenéws* would include the entire family, including the family cat.¹¹³

The expansiveness of *kwsełtktenéws* was emphasized by an elder when talking about the preamble to the *Tselcéwtqen Clleqmełten/Chief Atahm School Vision*.¹¹⁴ In that vision statement, there are five principles. The first one is *kwsełtktenéws*. One elder shared,

That was the preamble. We use that: it's a preamble that fits the whole nation. From there you can find out who we're talking about *kwsełtkten*. We talk about *kwsełtktenéws*, every little living thing, *Teqmekstésq't*, the universe, we're related to the universe in every way. And everything in the earth, that's our *kwsełtkten*. And in our language, we say wisdom is in our language. It doesn't matter whose language, or which language, it's in there. *Tkwenm7íple7ten*, all our laws, our natural laws of nature that we are talking about, everything in nature, we're talking about the weather, the wind, thunder, lightning and the rain... we're all related to that.¹¹⁵

Embedded in this vision statement is an understanding that all beings are related, equal and deserving of respect.¹¹⁶ Percy Rosette echoed this interpretation when he noted that the concept includes respect for other relations, such as Sasquatch.¹¹⁷

¹¹² See Jessica Asch, Kirsty Broadhead, Georgia Lloyd-Smith, and Simon Owen, *Secwépemc Lands and Resources Law Research Project* at 38, as cited above, for a larger discussion on the interconnection and interdependence between “humans, land, and non-human beings”.

¹¹³ Dave Belleau. Oral teaching, unrecorded interview with Carolyn Belleau (July 13, 2020) as edited and validated in *Validation – Dave Belleau Combined.pdf* [Archived with ILRU].

¹¹⁴ Witness #2 (14 February 2018) at 2, as cited above.

¹¹⁵ Witness #2 (14 February 2018) at 8, as cited above.

¹¹⁶ Chief Atahm School, “*Tselcéwtqen Clleqmełten Vision and Principles*” at 2, as cited above.

¹¹⁷ Percy Rosette. Oral teaching, validation interview (July 27, 2020) in *Validation – Percy Rosette.pdf* [Archived with ILRU]. Also see “The Proposition that All Beings should be Respected: Animals, Humans and the Earth are all owed respect by each other” in Hadley Friedland with Alan Hanna (Indigenous Law Research Clinic and T'exelcemc Williams Lake Band) *Northern Secwepemc Legal Traditions Report*. Victoria: UVic Indigenous Law Research Clinic, Indigenous Bar Association, and The Truth and Reconciliation Commission of Canada, 2014), at 39–40 [Archived with ILRU].

Many spoke about how this orientation to the concept of *kwsełtktenéws* informs the understanding within the Secwépemc legal tradition that people have responsibilities to each other and to the earth.¹¹⁸ For example, during a conversation about traditional Secwépemc citizenship, Rhona Bowe said,

So, in one of our stories, one of coyote's first wives was a tree. [. . .] So, we have that DNA in there. The trees are our people, our family. [. . .] And you're responsible, you have a responsibility to your family. I knew there was something simple like that, was just right in our face.¹¹⁹

Rhona is explaining the significance of Coyote's first marriage with a tree as creating relations or *kwsełtkten* with the land, or all Secwepemcúlecw itself, creating responsibilities as a result.¹²⁰ *Kwsełtktenéws* emerges through stories in which relations are formed between people and the broader natural world, such as in *Grisly Bear's Grandchildren*, in which a mother, lonely for a child, forms daughters from gum, clay, stone, and wood. These *kwsełtkten* are formed from the land, reinforcing the relation of the Grisly Bear mother to the earth itself.¹²¹

¹¹⁸ Chief Atahm School, "Tselcéwtqen Cleeqmełten Vision and Principles" at 1–2, as cited above.

¹¹⁹ Rhona Bowe. Oral teaching, focus group (February 14, 2018) as transcribed in TRANSCRIPT – Secwépemc Citizenship Project – Audio File – Feb 14 JA and RF group (2).pdf at 7 as edited and validated in Validation – Rhona Bowe.pdf [Archived with ILRU]; Kenthen Thomas (Qwelminté Secwépemc), "How Coyote Made a Tree Fall in Love with Him" (21 June 2022), online (video): *Qwelminté Secwépemc* <qwelminté.ca/repository> [Accessed 2 August 2023].

¹²⁰ There are references to Coyote developing relationships between people and the land in other stories as well. See Sxwéylecken (or Sixwi'lexken, "Big Billy" of Dog Creek and Big Bar, born near Big Bar), "Coyote and His Hosts" (Excerpt) in James Teit, recorder, "The Shuswap" at 627–630, as cited above, as reproduced in Jessica Asch & Rebecca Johnson et al, eds, *Secwépemc Laws of Kwsełtkten and Secwépemc-kt Casebook*, as cited above, where Coyote tricks women by pretending to be a baby and impregnates them without their knowledge or consent. As he leaves the women, he calls to them, telling them to leave girl babies in a tree, but raise boy babies on their own. This can be understood as creating relations in certain areas of Secwepemcúlecw or with the land itself.

¹²¹ Sxwéylecken (or Sixwi'lexken, "Big Billy" of Dog Creek and Big Bar, born near Big Bar),¹²¹ "Grisly Bear's Grandchildren (Fraser River and North Thompson Divisions)" in James Teit, recorder, "The Shuswap" at 691–696, as cited above, as reproduced in Jessica Asch & Rebecca Johnson et al, eds, *Secwépemc Laws of Kwsełtkten and Secwépemc-kt Casebook*, as cited above [Grisly Bear's Grandchildren].

Similarly, the many narratives involving the transformation of people to more-than-human kin, often in the context of marriage, reinforce this underlying principle of *kwsełtktenéws*. For example, in *Story of the Man who married the Grisly Bear* and *The Man who married the Sā'tuen*, men transform into a bear and crane, respectively, with assistance from their new *kwsełtkten*. In these stories, the transformation is an important metaphor demonstrating how people support new kin. The familial interaction of human and more-than-human life sets up a context that enables people to see their possible and actual kinship ties to the natural world.¹²²

Kwsełtktenéws reorients how people experience the natural environment. This is illustrated by Richard LeBourdais' reflection of how he feels when he is out in the bush without other people:

We've been out in the bush alone, all of us. When you're out in the bush, you just pay a lot of attention to everything. For a lot of people, panic sets in immediately when they think they're lost, or they think they're alone. A lot of us, we don't mind that. We know it's just hard. We can handle that. We can do that because we feel safe, you know. Like David said, we feel safe in our environment.¹²³

In short, much like other relations, the land can provide a sense of security and company to people.

¹²² Sxwéylecken (or Sixwi'lexken, "Big Billy" of Dog Creek and Big Bar, born near Big Bar), "Story of the man who married the Grisly Bear (Fraser River and North Thompson Divisions)" in James Teit, recorder, "The Shuswap" at 720–722, as cited above, as reproduced Jessica Asch & Rebecca Johnson et al, eds, *Secwépemc Laws of Kwsełtkten and Secwépemc-kt Casebook*, as cited above [Story of the man who married the Grisly Bear]; Sxwéylecken (or Sixwi'lexken, "Big Billy" of Dog Creek and Big Bar, born near Big Bar), "The Man who married the Sā'tuen" in James Teit, recorder, "The Shuswap" at 722–724, as cited above, as reproduced in Jessica Asch & Rebecca Johnson et al, eds, *Secwépemc Laws of Kwsełtkten and Secwépemc-kt Casebook*, as cited above.

¹²³ Richard LeBourdais. Oral teaching, focus group (February 14, 2018) as transcribed in TRANSCRIPT – Secwépemc Citizenship Project – Audio File – Feb 14 SO and RJ group (1).pdf at 11 as edited and validated in Validation – Richard LeBourdais.pdf [Archived with ILRU].

1.2 RELATIONS AS RESOURCES

Creating new kwséltkten enriches and strengthens the Secwépemc Nation and its legal tradition, governance, economy, and relations with other nations. This is largely because all kwséltkten have unique gifts and can enrich the citizenry and social life in Secwepemcúlecw by using them. As a result, it is important to recognize and nurture people's gifts throughout a lifetime.

1.2.1 STRENGTHENING THE SECWÉPEMC NATION THROUGH NEW KWSÉLTKTEN TIES: ECONOMIES AND POLITICS

The addition of new relations in the Secwépemc legal tradition is viewed as a gift to the community, supporting its economic and political health. Historically, the creation of new relations enabled access to other territories and their resources, supporting local economies. As noted by Ron and Marianne Ignace,

intermarriage among nations, followed by rights of access established for the children of such marriage alliances, allowed access to other nations' resources. This system existed throughout the Interior Plateau through a network of ties and connections of mutual access to resources.¹²⁴

Creating specific relations for political and economic security and advantage is exemplified by the *Fish Lake Accord*. The Accord is an agreement made in the 18th century between the Kamloops Chief Kwolila (Kwolī'la) and syilx Chief Pelkamulox (Pelkamū'lôx, Pelk'múlecw, and pəl'kmulax^w) providing for access to land and resources to Pelkamulox's (Pelkamū'lôx's, Pelk'múlecw's, and pəl'kmulax^ws) people in Secwépemc territory to sustain itself. As part of

¹²⁴ Marianne Ignace and Ronald Ignace cite here to Angelo Anastasio, stating "Angelo Anastasio (1972), writing about the Southern Plateau, provided a very detailed account of how, on the Plateau, the kinship and marriage system is connected to resource sharing and resource access among local groups and nations." Marianne Ignace and Ronald E. Ignace, *Secwépemc People, Land, and Laws* at 318 and n 1, as cited above.

this Accord, Kwolila (Kwolī'la) adopted Pelkamulox's (Pelkamū'lôx's, Pelkmúlecw's, and palkmulax's) daughter to live with him.¹²⁵ The Accord continues to guide relations between the Secwépemc and syilx to this day.¹²⁶

Politically, creating new relations across communities is a part of diplomacy, which supports ongoing peace and develops political alliances across regions and nations.¹²⁷ As Ralph McBryan notes, lahal, a stick game used throughout the territory and between communities with a gambling element, was an important means for developing diplomatic relationship for the land locked Secwépemc:

[Lahal] is one way that we were able to hold such a large territory. Our territory runs from Jasper south, west to Lillooet/Litton, east to Cranbrook, south to California. You cannot hold a territory that large with force alone, you have got to build alliances. There has to be respect given and taken. And this is a way that we would have done part of it, because we would become married to them, we would adopt them, they would adopt us, and we would build those alliances.¹²⁸

Peace through the creation of new k'wséltkten ties is also visible in oral narratives such as *Story of Woodpecker's Marriage; or, Bluejay's Revenge*.¹²⁹ In this story, Bluejay, "the greatest warrior and war chief of the myth people" is at peace with long-time enemies the Antelopes and Marmots. The story relates,

¹²⁵ James Teit, "The Salishan Tribes of the Western Plateaus" in Fourth-Fifth Annual Report of the Bureau of American Ethnology to the Secretary of the Smithsonian Institution, 1927-1928, Franz Boas, ed, 23 at 265-266 (Seattle: Shorey Book Store, 1973).

¹²⁶ Bernadette Manuel & Lynne Jorgesen, "The Fish Lake Accord" (submitted to the Chief and Councils of the Upper Nicola and Okanagan Indian Bands (August 2002, amended October 2003) at 1-2 [Archived with ILRU].

¹²⁷ Marianne Ignace and Ronald E. Ignace, *Secwépemc People, Land, and Laws* at 340, as cited above.

¹²⁸ Ralph McBryan (15 February 2018) at 5, as cited above.

¹²⁹ Sxwéylecken (or Sixwilexken, "Big Billy" of Dog Creek and Big Bar, born near Big Bar), "Story of Woodpecker's Marriage; or Bluejay's Revenge" in James Teit, recorder, "The Shuswap" at 663-665, as cited above, as reproduced in Jessica Asch & Rebecca Johnson et al, eds, *Secwépemc Laws of K'wséltkten and Secwépemc-kt Casebook*, as cited above.

One day [Bluejay] addressed his people, saying, “There will be final peace between us and the Antelopes and Marmots. My heart feels soft toward our enemies, and our peace shall be sealed by intermarriage. Woodpecker (Tcokqa'in¹³⁰), who is greatest of my people, shall marry one of their daughters. Antelope and Marmot are both wealthy chiefs, and each of them has a daughter fair and good.¹³¹

In this case, marriage is a way to enable political stability, create an alliance, and potentially increase wealth amongst Bluejay's people.

Laverna Stevens described how intermarriage in the context of political alliances also creates conditions for providing safety in times of danger or threat:

I'm from Invermere and we have quite a few different nations in our community. My grandmother is from the Stoney, and so I'm part Stoney. They used to come over to hunt. They would come through the mountains and put their tipis up. One of the times that they came out, there was an outbreak of measles. So, two of the daughters stayed behind, and they married into the tribe, our tribe, the Kinbasket brothers. So, yes, that's one of the ways marriages were set.¹³²

In this instance, the “taking in” of the daughters enabled them to remain safe from the outbreak and build the relationship among the nations.

Bringing in new *k'wséltkten* can create permanent or temporary economic or political benefits as is necessary. This arose through Ralph McBryan's discussion

¹³⁰ Original footnote: The red-headed woodpecker, probably *Ceophlaeus pileatus*.

¹³¹ Sxwéylecken (or Sixwi'lexken, "Big Billy" of Dog Creek and Big Bar, born near Big Bar), "Story of Woodpecker's Marriage; or Bluejay's Revenge" in James Teit, recorder, "The Shuswap" at 663–665, as cited above, as reproduced in Jessica Asch & Rebecca Johnson et al, eds, *Secwépemc Laws of K'wséltkten and Secwépemc-kt Casebook*, as cited above.

¹³² Laverna Stevens. Oral teaching, focus group (February 15, 2018) as transcribed in TRANSCRIPT – Secwépemc Citizenship Project – Audio File – Feb 15 SO and RJ group (1).pdf at 6 as edited and validated in Validation – Laverna Stevens.pdf [Archived with ILRU].

of the game lahal as a means of adopting people into Secwépemc communities (see Section 2.1.4: Agreements). Ralph McBryan shares how, historically, people were wagered and intentionally lost to other communities to enable access to resources and trade:

I'm going to lose her to that team on purpose, but with her I am also making an agreement that she will be able to feed all those people by bringing them back into our territory as her guests for one turning of the moon. [. . .] Let's say, to come to the Adams River and fish for salmon for one turning of the moon. She would be responsible for being able to feed a thousand people. I would lose her to that team on purpose, and that team would lose someone to us on purpose. This is how we tied ourselves to other people. This is how the Secwépemc were able to be the holders of such a large territory. The person lost to the other team would've been honoured, respected, and guarded because she was responsible for being able to feed a thousand people. They would lose somebody to us, and they too would be honoured, respected, cared for, and guarded, because that person would have the power to escort let's say twenty of us to their home territory. Maybe their territory is rich in deer or maybe it's rich in scwicw (Yellow Avalanche Lily) and we can harvest for one turn of the moon. This is one way that people were transferred back and forth. And these people, they were always honoured and respected. That's part of how people were transferred around. That's how adoption would happen, in one instance.¹³³

Finally, although not explicitly stated in the narratives, a few stories suggest that the rupture of a marital relationship across communities impacts economic advantages gained through that union. In the story of *Dirty-Lad and his Wives*, for example, a “lazy” lad marries into an Elk community. His two Elk women wives teach him how to hunt elk and other large game, and he becomes an excellent hunter. His wives, knowing he is lonely, suggest they visit his home community and bring some of the meat he has hunted

¹³³ Ralph McBryan (15 February 2018) at 5, as cited above.

to distribute. The women accompany their husband and caution him not to engage with young women while he is at his home.¹³⁴ The lad does not heed these instructions to the detriment of him and his community:

As he was handing the very last piece to a woman, she pressed his hand, and he smiled at her. Immediately his wives and children assumed the form of elks, and ran out. Then all the meat and fat came to life, and ran away in the form of caribou, elk, and deer[. . .] Dirty-Lad was transformed back to his original self, and lived among the people in the ragged, dirty state he had been in before[.]

Consequently, the Lad's actions lead to the end of his marriage and the loss of what he had gained through that marriage. Similarly, in *Story of Tcotcu'lcâ; or, The Hunter who became a Wolf*, an "indifferent hunter" forms a relationship with a wolf. Through the wolf's tutelage, the hunter becomes a great hunter and fills the houses of his community with meat. Unlike Dirty-Lad, Tcotcu'lcâ (Little Leader) follows the instructions of the wolf. Unfortunately, Coyote intervenes and steals the tools the wolf has gifted Tcotcu'lcâ. In response, Tcotcu'lcâ, in this instance, assumes the form of a wolf and disappears with his new wolf kin. Then, all the meat, skin, bones, and fat of animals Tcotcu'lcâ has hunted assume the form of deer and disappear. The wolves take the additional step to drive all the other animals away, depriving Tcotcu'lcâ's community of access to other resources.¹³⁵ *Story of Tcotcu'lcâ; or, The Hunter who became a Wolf* can be read as a story of adoption arising initially from hospitality. In that story, Coyote's wrongful actions are serious enough that they lead Tcotcu'lcâ to break his relationship with his people and join the wolf community. The people thus lose access to what they need for survival (the animals that have been driven away) and have also lost all the skills of leadership that Tcotcu'lcâ brought to them.

¹³⁴ Sxwé'lecken (or Sixwi'lexken, "Big Billy" of Dog Creek and Big Bar, born near Big Bar), "Dirty-Lad and his Wives" in James Teit, recorder, "The Shuswap" at 711–713, as cited above, as reproduced in Jessica Asch & Rebecca Johnson et al, eds, *Secwépemc Laws of K'wséltkten and Secwépemc-kt Casebook*, as cited above.

¹³⁵ Sxwé'lecken (or Sixwi'lexken, "Big Billy" of Dog Creek and Big Bar, born near Big Bar), "Story of Tcotcu'lcâ; or, The Hunter who became a Wolf" in James Teit, recorder, "The Shuswap" at 718–720 as reproduced in Jessica Asch & Rebecca Johnson et al, eds, *Secwépemc Laws of K'wséltkten and Secwépemc-kt Casebook*, as cited above.



Both stories, therefore, show that there are political and economic benefits to developing new kin-like relationships across communities that can be lost when those relationships no longer exist.¹³⁶

1.2.2 ALL KWSÉLTKTEN HAVE UNIQUE GIFTS AND CAN ENRICH THE CITIZENRY AND SOCIAL LIFE IN SECWÉPEMCÚLECW BY USING THEM

Individual kwséltkten are born with specific gifts that will support and enrich the community.¹³⁷ As one elder said, “It’s our fundamental belief. It’s at the heart of all that we believe in. We know that everybody, when they’re born, were given special gifts. That’s what we believed, and we still do.”¹³⁸ The same elder, in validation, expanded on this comment, noting how people used to send their kids on vision quests at puberty, which would enable them to work on their gifts. Their abilities to use those gifts would progress over time through practice and subsequent vision quests.¹³⁹

At times, people see the gifts in others and want to establish kinship relationships with them. For example, Senkúkpi7 Francis Johnson Jr. spoke about incorporating people from other societies with obvious gifts into communities in times of battle:

¹³⁶ Community in this context could be across Secwepemcúlecw or between Secwépemc and non-Secwépemc communities. Community may be a vague term and could refer to separate families or communities that call themselves Secwépemc or communities from different legal traditions such as Secwépemc and syilx.

¹³⁷ Senkúkpi7 Francis Johnson Jr. Oral teaching, elders gathering (June 2018) as transcribed in NOTES – Secwépemc Citizenship Project – Eskétemc Elders Gathering – June 2018 – JA Scribe.pdf at 11 as edited and validated in Validation – Francis Johnson Jr.pdf [Archived with ILRU]; See also Chief Atahm School, “Tselcéwtqen Cleeqmeiten Vision and Principles” at 1, as cited above.

¹³⁸ Witness #2 (14 February 2018) at 1, as cited above.

¹³⁹ Witness #2. Oral teaching, validation interview (September 2019) in Validation – Witness #2.pdf [Archived with ILRU].

Say if a war party came over. The Shuswap knew they'd intercept the war party and keep one war party member - the best one - and [they would] ask if they wanted to be part of the tribe [through marriage]. [These were] warriors who could look after the community. When people saw gifts in people [. . .] in another tribe, we made these alliances. [Such as with] the Cree. I've heard other stories but to look for gifts. We don't look down on value of gifts.¹⁴⁰

However, Senkúkpí7 Francis Johnson Jr. was quick to note that it is not only the obvious gifts that are prized in society. In a validation session, he told the story of the worm to underscore the teaching that sometimes it is difficult for people to see other's gifts or even their own gifts, but that everyone, even the worm, has a gift to share.¹⁴¹

As a result, it is important to remain watchful and attentive to people's gifts, nurture those gifts (particularly in children),¹⁴² and respect people for the gifts they have. These aspects of this principle are captured in the *Story of Sna'naz*, in which the people mock Sna'naz because he is small and ugly. Yet, as they find out later in the story, he is better at magic than his brothers, and potentially the shamans as well.¹⁴³ The importance of recognizing and nurturing gifts throughout a lifetime was also articulated by participants in the focus group discussions. Garlene Jules, when speaking about people's gifts, highlighted that all gifts hold value:

No matter how old that person gets, you will know, or you will find out, you know she could cook for herself, she can sew [. . .]

¹⁴⁰ Senkúkpí7 Francis Johnson Jr. Oral teaching, validation interview (July 28, 2020) in Validation – Francis Johnson Jr.pdf [Archived with ILRU].

¹⁴¹ Senkúkpí7 Francis Johnson Jr. Oral teaching, validation interview (July 28, 2020) in Validation – Francis Johnson Jr.pdf [Archived with ILRU].

¹⁴² Chief Atahm School, "Tselcéwtqen Clleqmeiten Vision and Principles" at 1, 8, as cited above.

¹⁴³ Sxwéylecken (or Sixwi'lexken, "Big Billy" of Dog Creek and Big Bar, born near Big Bar), "Story of Sna'naz" in James Teit, recorder, "The Shuswap" in Franz Boas, ed, *The Jesup North Pacific Expedition: Memoir of the American Museum of Natural History* 2:7 (Leiden & New York: E.J. Brill & G. E. Stechert, 1909) at 702–707 as reproduced in Jessica Asch & Rebecca Johnson et al, eds (Indigenous Law Research Unit, Shuswap Nation Tribal Council & Secwepemc Sna7a Elders Council), *Secwépemc Laws of K'wséltkten and Secwépemc-kt Casebook* (Victoria/lək'wəŋən territory: Indigenous Law Research Unit, 2023).



don't ever laugh at them, don't ever push them away. We will learn in our own way, in what we have, each and every one of us, we all have a gift.¹⁴⁴

Finally, the fundamental belief that everyone has special gifts leads to an understanding that people should share their gifts, and that sharing knowledge and gifts can help build better solutions for their communities. This understanding is illustrated by Sunny LeBourdais' statement at the June 2018 Elders' Gathering in Esk'etemc (Eskétemc) about the work of re-vitalizing Secwépemc governance and law when she noted, "not one of us [Secwépemc people] has all the answers."¹⁴⁵

1.3 SECWEPEMCTSÍN ENRICHES UNDERSTANDINGS OF SECWÉPEMC LAW

Secwepemctsín carries ancestral knowledge of Secwepemcúílecw and the Secwépemc people and can enable and facilitate the sharing and learning of Secwépemc law today. Secwepemctsín also connects the Secwépemc Nation to its neighbours, particularly those who also speak languages in the Salish language family and may strengthen those relations.

The understanding that Secwepemctsín carries the law and connects people and territory is embedded in one of the Four Guiding Principles of the Secwépemc Sna7a Elders Council "Re xwqweltén-kt ell xwexwéyt- te k'wséltén-kt tsq'ey' mell ne tmicw."¹⁴⁶ Translated into English, this means "Our

¹⁴⁴ Garlene Jules (as taught by her mother, Celena Jules). Oral teaching, focus group (Feb 14, 2018) as transcribed in TRANSCRIPT - Secwépemc Citizenship Project – Audio File – Feb 14 JA and RF group (1).pdf at 8 as edited and validated in Validation – Garlene Jules.pdf [Archived with ILRU].

¹⁴⁵ Sunny LeBourdais. Oral teaching, elders gathering (June 2018) as transcribed in NOTES – Secwépemc Citizenship Project – Eskétemc Elders Gathering – June 2018 – JA Scribe as edited and validated in Validation – Sunny LeBourdais.pdf [Archived with ILRU].

¹⁴⁶ Secwépemc Elders Council, "Secwépemc Elders Council May 30, 2019" at 3, as cited above.

language and our people are marked on the land already.”¹⁴⁷ This is reflective of the fact that the language contains the historical knowledge and wisdom of the Secwépemc people: “Our language was given to us by Tqeltk Kúkwpi7 [creator]. Within it the knowledge and wisdom from time immemorial can be found. It is a gift, and as such, it needs to be honoured, cherished, and must endure.”¹⁴⁸

As articulated in ILRU and SNTC’s previous collaborative project on Secwépemc lands and resources law, Secwepemctsín provides a richer understanding and transmission of law than can be conveyed in English. This is because legal concepts may not be easily translated into English and because legal principles are often embedded into the grammar and structure of Secwepemctsín.¹⁴⁹ Even understandings of place and people arise out of the word Secwepemctsín itself. Taken together, the three basic units of the word “Secwepemctsín” describe the geographic space over which families live and make visible how they’re connected: the root cwep means “spread out”, plus the lexical suffixes “emc” means “people”, and “tsin” means “mouth, talk”.¹⁵⁰

The impact of English on the translation and interpretation of Secwépemc laws of k̓wséltkten and Secwépemc-kt arose in this project.¹⁵¹ As Mona Jules noted, “language is the underlying way of knowing and learning the laws of the people.”¹⁵² Marianne Ignace and Ronald Ignace in *Secwépemc People, Land, and Laws: Yerí7 re Stsqéy’s-kucw* note that language “embeds, expresses, and organizes social and cultural experience,” and affirm that Secwepemctsín plays an important role in both telling stories and

¹⁴⁷ Secwépemc Elders Council, “Secwépemc Elders Council May 30, 2019” at 3, as cited above.

¹⁴⁸ Secwépemc Strong, “Pelltetéqem: Cross Over Month” (Pamphlet, Secwépemc Winter Gathering, 30 November 2018 to 2 December 2019) at 3 [Archived with ILRU].

¹⁴⁹ See Jessica Asch, Kirsty Broadhead, Georgia Lloyd-Smith, and Simon Owen, *Secwépemc Lands and Resources Law Research Project* at 15–16, as cited above, for a broader discussion about the principle that Secwepemctsín is important for understanding Secwépemc law.

¹⁵⁰ Marianne Ignace and Ronald E. Ignace, *Secwépemc People, Land, and Laws* at 123, as cited above.

¹⁵¹ Peace/War Chief Pipíp’7ese (Alexis Harry). Oral teaching, validation interview (July 30, 2020) in Validation – Pipíp’7ese (Alexis Harry).pdf [Archived with ILRU].

¹⁵² Mona Jules. Oral teaching, validation interview (September 24, 2019) in Validation – Mona Jules Combined.pdf [Archived with ILRU].

understanding Secwépemc law.¹⁵³ Secwepemctsín embeds within it the knowledge and worldview of Secwépemc ancestors, and is an important way the Secwépemc have historically transmitted culture and law from generation to generation.¹⁵⁴

Therefore, without a grasp of Secwepemctsín, it would have been hard to participate in the social, economic, political, and legal life of the Secwépemc historically. Given the vast territory of Secwepemcúlecw, and the diversity of its campfires,¹⁵⁵ Secwepemctsín would have enabled Secwépemc people to share and act on common legal understandings.¹⁵⁶ The importance of language for participation in these different facets of life was highlighted by Barbara Larson, who noted that her grandfather taught her the English language to understand and be prepared for the “white world.”¹⁵⁷ Similarly, Secwepemctsín would have been important to be prepared for the Secwépemc world.

In addition to uniting people in the Secwépemc Nation, Secwepemctsín connects Secwépemc people to their neighbours, especially those who also speak languages in the Salish language family, such as the Nt̓eʔkepmx, St’át’imc, and syilx. The word tmicw, for example, means “land, world, earth or country” and corresponds to other Salish languages—even those as far as what is known today as Vancouver Island.¹⁵⁸ The history of Secwepemctsín is reflective of how its citizenries continually evolve as people leave a community and enter another.

¹⁵³ Marianne Ignace and Ronald E. Ignace, *Secwépemc People, Land, and Laws* at 121, as cited above.

¹⁵⁴ See Marianne Ignace and Ronald E. Ignace, *Secwépemc People, Land, and Laws* at 120, as cited above.

¹⁵⁵ James Teit, “The Shuswap” at 569, as cited above.

¹⁵⁶ See Jessica Asch, Kirsty Broadhead, Georgia Lloyd-Smith, and Simon Owen, *Secwépemc Lands and Resources Law Research Project* at 15–16, as cited above, for a broader discussion about the principle that Secwepemctsín is important for understanding Secwépemc law.

¹⁵⁷ Barbara Larson. Oral teaching, focus group (February 14, 2018) as transcribed in TRANSCRIPT – Secwépemc Citizenship Project – Audio File – Feb 14 JA and RF group (1).pdf at 2 as edited and validated in Validation – Barbara Larson.pdf [Archived with ILRU].

¹⁵⁸ Marianne Ignace and Ronald E. Ignace, *Secwépemc People, Land, and Laws* at 123, as cited above.

Fluency in Secwepemctsin can connect people to their histories and facilitate their participation in the political, legal, and social domains. Language disconnection is a contemporary challenge. As one community member noted, “séme7stín (English, the white man’s language) has taken over everything.”¹⁵⁹ People in focus groups talked about how colonization has interfered with the learning and passing on of Secwepemctsin and teachings: “it was out of our control... if we could have sheltered our children in this way, they wouldn’t be having such a difficult time now.”¹⁶⁰ In other instances, time away from community has impacted people’s comfort using and learning Secwepemctsin and, in turn, their participation in daily life. For example, Helen Duteau talked about how she was gone for so long that when she returned, she was scared that people would speak to her in Secwepemctsin. She added that this made her afraid of her brothers, sisters, and aunts.¹⁶¹

However, Percy Rosette reflected that it is never too late to learn, and that there are many young people taking it upon themselves to learn Secwepemctsin through singing and songs, as well as making efforts to go out on the land.¹⁶² Barbara Larson articulated their approach to recapturing language to better understand Secwépemc law:

There are people that are behind, or that are like me. I have been away so long, that what I did know as a child, was lost over there. It’s taken me all this time to try and get Secwepemctsin back, little pieces here and there. I understand some of what is being said, but not all of it. I don’t think I’ll ever learn it all in my lifetime, because I don’t think I have enough time to learn it all. I think it’s something that you have to live with your whole lifetime, you know. If only I would’ve been able to stay on reserve, growing up with my grandparents, because my grandmother always spoke to me in the

¹⁵⁹ Witness #2 (14 February 2018) at 1, as cited above.

¹⁶⁰ Mona Jules. Oral teaching, focus group (February 14, 2018) as transcribed in TRANSCRIPT – Secwépemc Citizenship Project – Audio File – Feb 14 JA and RF group (2).pdf at 28 as edited and validated in Validation – Mona Jules.pdf [Archived with ILRU].

¹⁶¹ Helen Duteau. Oral teaching, focus group (February 15, 2018) as transcribed and translated in TRANSCRIPT – Secwépemc Citizenship Project – Audio File – Feb 15 JA and RF group (2).pdf at 4 as edited and validated in Validation – Helen Duteau.pdf [Archived with ILRU].

¹⁶² Percy Rosette. Oral teaching, validation interview (July 27, 2020) in Validation – Percy Rosette.pdf [Archived with ILRU].

language. [. . .] So, that's why I say for me, this is a learning session. I'm picking it up here, there, everywhere. So, I try to be a sponge and pick up as much as I can, cause I want to pass that on. And I'm so surprised my little grandson would come home from school and I want to teach him some words - he taught me!¹⁶³

For this reason, while understanding and speaking Secwepemctsin enhances legal understandings, not having that knowledge or skill is not a barrier to understanding legal principles or participating in daily economic, political, social, or legal life.

Nevertheless, the revitalization of law and language go hand in hand, particularly when it comes to building or rebuilding Secwépemc citizenship. Community members highlighted the importance of teaching Secwepemctsin to children as a means of rebuilding their sense of belonging, identity, and knowledge of Secwépemc law.¹⁶⁴ For example, Richard LeBourdais talked about the connection of language to citizenship, place, and belonging:

You go to Italy, you're a citizen there, you're Italian, you speak the language, you're connected. You go to another country, like Germany, with German citizenship and they speak German. In all the different countries, people speak the languages that connect them to who they are. We are Secwépemc. We have fluent speakers here. We speak Secwepemctsin.¹⁶⁵

Mona Jules spoke about how the Secwépemc could follow what people from different cultures do and “shelter their children” from other people when they are little, which helps them to be “strong in their language” and “hang on to their cultural teachings.”¹⁶⁶

¹⁶³ Barbara Larson (14 February 2018) at 2, as cited above.

¹⁶⁴ See for e.g., Witness #2 (14 February 2018) at 1, as cited above; See also Mona Jules (14 February 2018) at 1, as cited above.

¹⁶⁵ Richard LeBourdais (14 February 2018) at 12, as cited above.

¹⁶⁶ Mona Jules (14 February 2018) at 28, as cited above.

Ultimately, Secwepemctsín connects citizens to a lineage, as it is a way for ancestors to speak back to their descendants today as the shared sounds and concepts link through the generations. To know that a great-great grandparent would have talked about *k̓wséltkten* or *Secwépemc-kt* can be a way for people to understand that their relationships and Secwépemc law transcend time. As with Secwépemc law, Secwepemctsín is also always expanding and changing, as all languages do, which allows people to incorporate new ideas into the language based on new learnings, including new understandings of law. When Secwépemc learners and speakers of Secwepemctsín build and expand understandings in language and law, they are connecting to and standing on the foundation built by their ancestors.¹⁶⁷

1.4 LAND AND LINEAGE ANIMATES SECWÉPEMC LAWFULNESS

*Understandings of Secwépemc laws of *k̓wséltkten* and *Secwépemc-kt* are rooted in Secwepemcúlecw and both current and ancestral connections to the land and its stories. The land, a teacher of law, guides Secwépemc people as they explore their identity and their legal obligations as *k̓wséltkten*.*

The oral histories and focus group discussions frequently return to the idea of Secwépemc citizenship as rooted directly in place.¹⁶⁸ More than being *k̓wséltkten* with the land and other non-human life, this is about Secwépemc law being rooted in Secwepemcúlecw and on the land since people first

¹⁶⁷ Marianne Ignace and Ronald E. Ignace, *Secwépemc People, Land, and Laws* at 121, as cited above.

¹⁶⁸ See for e.g., Rod Tomma. Oral teaching, focus group (Feb 14, 2018) as transcribed in TRANSCRIPT – Secwépemc Citizenship Project – Audio File – Feb 14 SO and RJ group (2).pdf at 3 as edited and validated in Validation – Rod Tomma.pdf [Archived with ILRU]; See also B.A. Deneault. Oral teaching, focus group (Feb 15, 2018) as transcribed in TRANSCRIPT – Secwépemc Citizenship Project – Audio File – Feb 15 SO and RJ group (1).pdf at 9 as edited and validated in Validation – BA Deneault.pdf [Archived with ILRU].

came to the area over 10,000 years ago.¹⁶⁹ Diane Sandy talked of how the teachings she learned reinforce how being Secwépemc is rooted right in the land:

I remember when I had my first child and my mother told me when you have the baby and the [belly button] falls off you go, and you put it by a rose bush down by the river. That's what she did with all my children's belly buttons you know. So, they know where they're from and where, you know, they were born and raised. They'll always come back, so they will always have a feeling of belonging. They will never be lost. That was my story. There will always be a connection—doesn't matter, you know, if they're taken away.¹⁷⁰

People carry this connection to Secwepemcúlecw, no matter where they are, as articulated by Richard LeBourdais when talking about the *Story of the Salmon-Boy*, a story about a boy who is lost and must find his way home to Secwepemcúlecw:

You have genetic roots regardless of where you go. Your genetic roots, your Secwépemc roots, are here. Our roots aren't in England or wherever. You know, so wherever you go, you know that this is your home. It'll always be your home. Our blood and our genetic roots tie us to Secwépemc territory. So, the boy is just coming back home. His roots are already there genetically and, in his mind, and in his body, his spirit, he's still there.¹⁷¹

¹⁶⁹ Marianne Ignace and Ronald E. Ignace, *Secwépemc People, Land, and Laws* at 11–12, as cited above.

¹⁷⁰ Diane Sandy. Oral teaching, focus group (February 14, 2018) as transcribed in TRANSCRIPT – Secwépemc Citizenship Project – Audio File – Feb 14 SO and RJ group (1).pdf at 5 as edited and validated in Validation – Diane Sandy.pdf [Archived with ILRU].

¹⁷¹ Richard LeBourdais (14 February 2018) at 17, as cited above; see also Sxwéylecken (or Sixwi'lexken, "Big Billy" of Dog Creek and Big Bar, born near Big Bar), "Story of the Salmon-Boy" in James Teit, recorder, "The Shuswap" at 690–691, as cited above, as reproduced in Jessica Asch & Rebecca Johnson et al, eds, *Secwépemc Laws of K'wséltkten and Secwépemc-kt Casebook*, as cited above.

Both comments underscore the centrality of the territory of Secwepemcúlecw, as binding one's identity as Secwépemc.

Secwépemc land also animates the lessons and laws embedded in legal understandings and oral narratives. As pointed out by Rod Tomma, oral narratives provide guideposts to understanding Secwépemc law:

there's a lot of law and landmarks that tells us who we are and within the paintings, pictographs, and everything that's a story of our laws. There are certain mountains that are sacred that have history on it that what we're discussing with what Coyote left for us to have that teachings and also that guidance, what we need to do.¹⁷²

For example, in *Tlĕē'sa and his Brothers*, three brothers are all transformed into rocks after spying a Chipmunk girl dancing.¹⁷³ Looking at James Teit's field notes in *The Shuswap* publication, this story is referencing pubescent training of the young girl, as she is painted in red and alone, as a young woman might be. According to James Teit, historically, only the young girl's mother or attendant (an aunt or grandmother, typically) was supposed to look at her.¹⁷⁴ In the story, the girl "became changed to a stone of a red color, for she was painted red at the time; and the stripes, like those of a chipmunk, may still be seen on her back." The story ends with Teit noting where those rocks stand today. The meaning and impact of this story of lawfulness is tied not only to the land, but to a *specific* place on the land.

Garlene Jules affirmed the connection between land and laws as identified in the stories. She specifically spoke about all places, including mountains, tributaries, springs, brooks, geysers, lakes, and rivers, having names and how

¹⁷² Rod Tomma (14 February 2018) at 3, as cited above.

¹⁷³ Sxwéylecken (or Sixwi'lexken, "Big Billy" of Dog Creek and Big Bar, born near Big Bar), "Tlĕē'sa and his Brothers (Fraser River and North Thompson Divisions)" in James Teit, recorder, "The Shuswap" at 644-651, as cited above, as reproduced in Jessica Asch & Rebecca Johnson et al, eds, *Secwépemc Laws of K'wséltkten and Secwépemc-kt Casebook*, as cited above [*Tlĕē'sa and his Brothers*].

¹⁷⁴ James Teit, "The Shuswap" at 587-588, as cited above.

those names were people's markers of law.¹⁷⁵ Rod Tomma, similarly reflected on his travels with Percy Rosette, speaking of the laws and landmarks written on the land holding history.¹⁷⁶ Oral narratives such as *Coyote and his Hosts*, *Tlĕē'sa and his Brothers*, *War with the Sky People*, *Story of Suckerfish*, *The Sucker Story*, and *Grisly Bear's Grandchildren* also do important work mapping out the area of Secwepemcúlecw and its people's law, including their reach into the Sky, Earth, and Water Worlds.

Land is both a marker of law and a teacher of law. Community members articulated their views of land as being alive, and often pointed out the sacred or spiritual dimensions to the ways in which law is connected to the land, animals, and humans. Percy Rosette, speaking to the important work of lifting up people as they return to the land and upholding the laws put there by Coyote, talked about the process of learning young people encounter when they begin to understand the laws and the land itself.¹⁷⁷ He described that this process includes learning to understand the cautions that come directly from the land, such as a timber line caused by logging that warns people about the destruction of the land.¹⁷⁸ He added, "we have to watch because the timber is going fast[. . .] We have to do our best to stop the loggers."¹⁷⁹

¹⁷⁵ Garlene Jules (as taught by her mother, Celena Jules). Oral teaching, elders gathering (June 2018) as transcribed in NOTES – Secwépemc Citizenship Project – Eskétemc Elders Gathering – June 2018 – JA Scribe.pdf at 12 as edited and validated in Validation – Garlene Jules.pdf [Archived with ILRU].

¹⁷⁶ Rod Tomma (14 February 2018) at 2–3, as cited above.

¹⁷⁷ Percy Rosette. Oral teaching, focus group (February 14, 2018) as transcribed in TRANSCRIPT – Secwépemc Citizenship Project – Audio File – Feb 14 SO and RJ group (2).pdf at 1 as edited and validated in Validation – Percy Rosette.pdf [Archived with ILRU].

¹⁷⁸ Percy Rosette. Oral teaching, validation interview (July 27, 2020) in Validation – Percy Rosette.pdf [Archived with ILRU].

¹⁷⁹ Percy Rosette. Oral teaching, validation interview (July 27, 2020) in Validation – Percy Rosette.pdf [Archived with ILRU].

1.5 SECWÉPEMC LAW IS ADAPTABLE ACROSS SECWEPENCÚLECW AND ITS CAMPFIRE

The Secwépemc laws relating to kwséltkten and Secwépemc-kt are adaptable and flexible across Secwepemcúlecw. While legal principles and processes do not change across territory, they may be implemented differently depending on the context, location, and history of each individual campfire or community. People have an obligation to learn, understand, and respect those differences.

Secwepemcúlecw is historically understood as containing 32 campfires, or separate communities, with four distinct dialects of Secwepemctsín.¹⁸⁰ The territory is 180,000 square kilometres, stretching from Williams Lake to Invermere in present-day B.C., nearly up to Jasper, Alberta and as far south as Enderby, B.C.¹⁸¹ It is a land-locked territory, bordered by numerous other societies with distinct legal traditions, including Cree and Blackfoot to the east; Ktunaxa, syilx, Nl̓eʔkepmx, and St'át'imc to the south; T̓silhqot'in to the west; and, Dakelh and Sekani to the north.

Historically, there has always been diversity among the campfires in practices of governance and laws. The Secwépemc legal tradition is a decentralized one, meaning that the relationships and decision-making that matters are often lateral rather than vertical.¹⁸² On the edges of Secwepemcúlecw, people

¹⁸⁰ Tk'emlúps te Secwépemc, "Our Land", as cited above.

¹⁸¹ Thompson River University, "About Secwépemc Nation" (last visited 15 December 2020), online: Thompson River University <www.tru.ca/indigenous/indigenous-education-team/resources/history-culture/about_sec_nation.html> [perma.cc/VLL6-W6C4].

¹⁸² Val Napoleon, "Thinking About Indigenous Legal Orders" in René Provost and Colleen Sheppard, *Dialogues on Human Rights and Legal Pluralism* (Dordrecht Heidelberg New York London: Springer, 2013) at 229-245, online: <<https://link.springer.com/content/pdf/10.1007/978-94-007-4710-4.pdf>> [perma.cc/Q3VH-Y6VK].

have historically inter-married with the communities adjacent to them, developing new and shared legal obligations and practices. This accords with James Teit's understanding of Secwépemc governance at the turn of the 20th century. According to his account, the Secwépemc "...had two distinct types of social organization – that of the north and west, where people were organized in much the same way as the [Dakelh] and [T̓silhqot'in]; and that of the east and south, where the same organization as among the Thompson...prevailed."¹⁸³ This, in turn, impacted both law and governance. For example, James Teit observed that while there were restrictions about marrying blood relations (even second cousins) across Secwepemcúlecw, there were additional restrictions about marrying within one's own crest group.¹⁸⁴ In addition, legal institutions such as potlaches were formerly unknown across Secwepemcúlecw with the exception of those communities that bordered the T̓silhqot'in and the Dakelh.¹⁸⁵ This accords with contemporary understandings noted among people throughout this research project.

Community members reinforced the understanding of Secwépemc law and governance as being decentralized, adaptable, and flexible across Secwepemcúlecw. The Secwépemc Sna7a Elders Council, for example, views "Kell7úpekst ell seséle te tsyuqwyéqw (Ancestral Campfires)" as one of its four guiding principles.¹⁸⁶ This principle underscores, "Xyemstém xwexwéyt re k'wséltkten-kt ell xwexwéyt re k'wséltktnéws-kt tek stet'e7ék te skwelk'welt wel m-t'7ek te cseksek'éwt ne sxuxwiyúlecwems nSecwepemcúl'ecw", which translates to "Respecting all of our families and relatives from the highest peaks and valleys within the territory."¹⁸⁷

In practice, this means understanding and respecting differences. Senkúkpí7 Wilfred Robbins Sr. spoke about specific laws and protocols in different communities, and obligations to acknowledge and respect those differences:

¹⁸³ James Teit, "The Shuswap" at 569, as cited above.

¹⁸⁴ James Teit, "The Shuswap" at 591, as cited above.

¹⁸⁵ James Teit, "The Shuswap" at 574, as cited above.

¹⁸⁶ Secwépemc Elders Council, "Secwépemc Elders Council May 30, 2019" at 3, as cited above.

¹⁸⁷ Secwépemc Elders Council, "Secwépemc Elders Council May 30, 2019" at 3, as cited above.

It's the same way like in our burials. Every band maybe has something a little different from the other ones. And, if I go down to Dog Creek, I can't correct them because that's their way. If I go to Sugarcane, and they are doing it in a different way, I can't correct them, because here in Esk'etemc, we do it our way, and then we, in turn expect them to honour our way.¹⁸⁸

Senkúkpi7 Wilfred Robbins Sr. went on to underscore that the differences across Secwepemcúlecw are more about how different laws are carried out, and do not change the substance of core obligations and expectations. He noted, for example, that he would have a legal expectation as a Secwépemc person to be helped (see Section 3.1.2: Knucwentwécw) if he went to Invermere, so long as he told others in the community where he was from.¹⁸⁹

Peace/War Chief Pipíp'7ese (Alexis Harry) underscored the importance of learning or knowing the differences in legal practices and understandings across the territory to avoid conflict. For example, people who use family and territorial colours to identify themselves when travelling ought to take steps to know whether their colours have other meanings, such as peace or war, prior to revealing them.¹⁹⁰ In validation, he elaborated on this point, adding that what protects him from conflict when he goes out to any community is his awareness of his personal medicine laws and what the laws mean to him, including the law of his tmicw (place). This includes the important piece of introducing himself wherever he goes and sharing the laws with others as is necessary.¹⁹¹

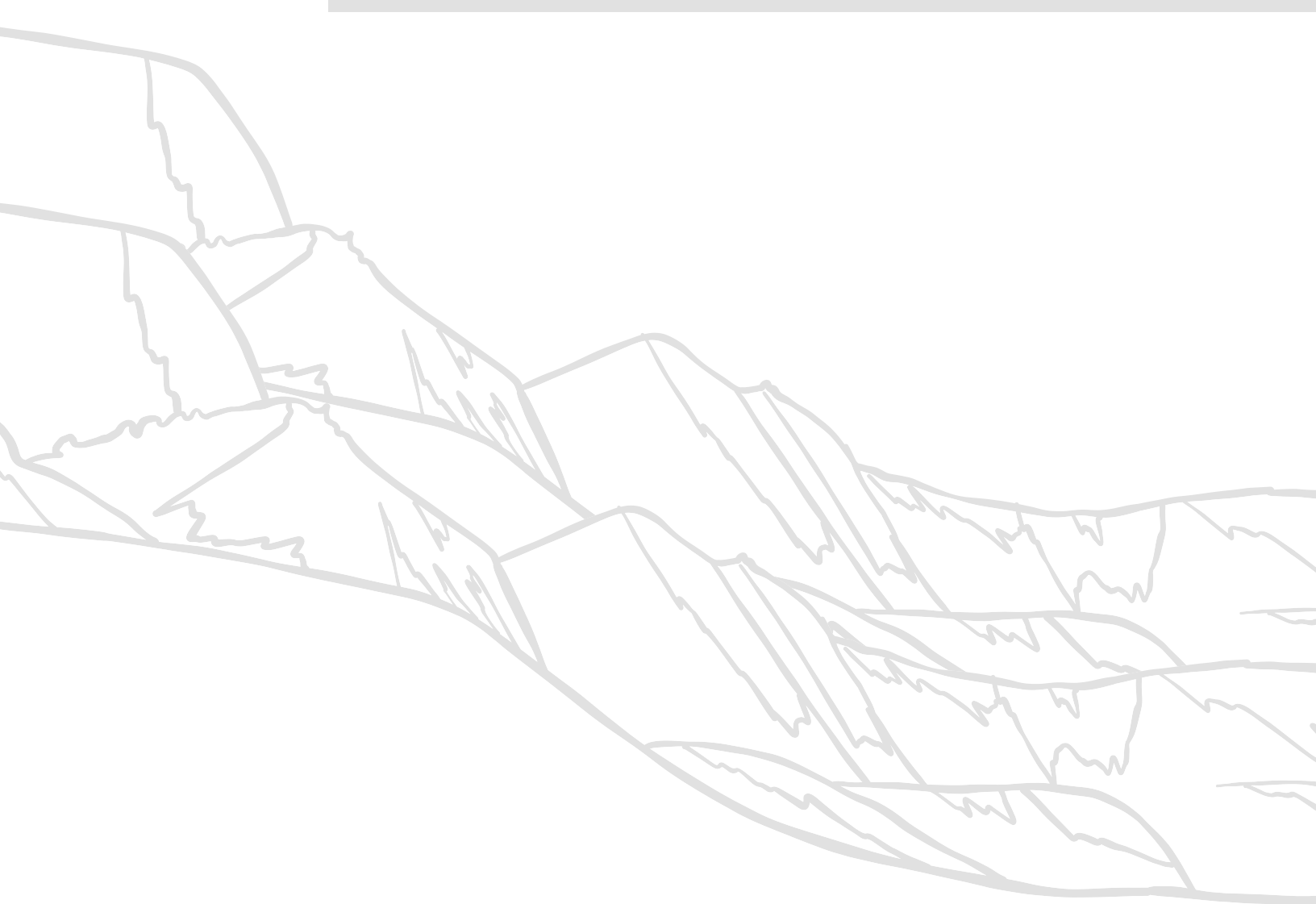
¹⁸⁸ Senkúkpi7 Wilfred Robbins Sr. Oral teaching, focus group (October 23, 2019) as transcribed in TRANSCRIPT – Secwépemc Citizenship Project – Audio File – Alexis Harry and Wilfred Robbins Sr 2 October 23 2019.pdf at 1 as edited and validated in Validation – Senkúkpi7 Wilfred Robbins Sr.pdf [Archived with ILRU].

¹⁸⁹ Senkúkpi7 Wilfred Robbins Sr (23 October 2019) at 1, as cited above.

¹⁹⁰ Peace/War Chief Pipíp'7ese (Alexis Harry). Oral teaching, focus group (October 23, 2019) as transcribed in TRANSCRIPT – Secwépemc Citizenship Project – Audio file Alexis Harry and Wilfred Robbins Sr 2 October 23 2019.pdf at 2–3 as edited and validated in Validation – Pipíp'7ese (Alexis Harry).pdf [Archived with ILRU].

¹⁹¹ Peace/War Chief Pipíp'7ese (Alexis Harry). Oral teaching, validation interview (July 30, 2020) in Validation – Pipíp'7ese (Alexis Harry).pdf [Archived with ILRU].

2 PATHWAYS OF CONNECTION: LEGAL FORMATION OF RELATIONS



INTRODUCTION

Chapter Two turns to the question of how people know they belong or are ƙwséltkten within the Secwépemc legal tradition. Knowing who belongs or who is a relative is essential for understanding what obligations and expectations people have to one another, and how challenges and harms can be lawfully addressed within Secwépemc law. This is a particularly pressing question in current times because state law and colonial assumptions have had such a big impact on how belonging or “citizenship” is understood today. This discussion takes part in three separate sections.

Section 2.1 is focused on exploring and identifying the pathways in place for becoming ƙwséltkten. The animating question for this section is *What are the recognized legal mechanisms for becoming ƙwséltkten? In what contexts does that make ƙwséltkten Secwépemc-kt?*

Section 2.2 expands on this discussion by identifying how decision-making takes place, and by whom, as part of these pathways for becoming kin. The central question for Section 2.2 is *Who are the legal decision-makers relating to the formation or determination of legal relations? Who else has a say?* This involves exploring who makes decisions related to ƙwséltkten, such as choosing ƙwséltkten or bringing in new ƙwséltkten, or determining how and if people can become related.

The central question for Section 2.3 is *What legal processes arise during the formation of legal relations?* Section 2.3 touches on the recognized processes in place to formalize these decisions, such as introducing new ƙwséltkten, including children, to their communities.

2.1 PATHWAYS OF CONNECTION: LEGAL MECHANISMS

PATHWAYS OF CONNECTION: LEGAL FORMATION OF RELATIONS RESTATEMENT TABLE

What are the recognized legal mechanisms for becoming k̓wséltkten? In what contexts does that make k̓wséltkten Secwépemc-kt?

PATHWAYS OF CONNECTION: LEGAL MECHANISMS

CONCEPT	SUMMARY	SOURCES
2.1.1 BIRTH	Birth is a pathway to building relations by bringing new kin into being. There is no concept of ‘blood quantum’ in the Secwépemc legal tradition nor is there any concept of illegitimacy in understanding k̓wséltktenéws. A child’s status of being fully kin, and fully Secwépemc, is not diminished if not all parents are Secwépemc.	<i>Richard LeBourdais; Rod Tomma; Mona Jules; Julianna Alexander; Judy Deneault; Rhona Bowe; Kenthen Thomas; Grisly Bear’s Grandchildren; Coyote and his Hosts; Coyote and his Niece; Wolverine and Fisher; How Coyote Made a Tree Fall in Love with Him; Spider and Otter; Grisly Bear’s Grandchildren; Coyote and His Hosts; The Shuswap.</i>
2.1.2 MARRIAGE	People within the Secwépemc legal tradition can create new k̓wséltkten through marriage. Married-in people gain access to resources, help, and participation in Secwépemc life. Once they are no longer k̓wséltkten, they may not retain that expectation.	<i>Sxwéýlecker; Sisyúlecw; Laverna Stevens ; Louie Basil Stevens; The Goat Woman; Dirty-Lad and his Wives; The Man who married the Sā’tuen; Grisly Bear’s Grandchildren; The Woman who became a Grisly Bear; Story of the Man who married a Grisly Bear; Coyote and his</i>

		<p><i>Wives; Wolverine and Fisher; Spider and Otter; Story of Woodpecker's Marriage; or, Bluejay's Revenge; Coyote and his Niece; Secwépemc People, Land, and Laws: Yeri7 re Stsqeýs-kucw; The Shuswap; Honouring the Truth, Reconciling for the Future.</i></p>
<p>2.1.3 ADOPTION</p>	<p>Adoption is a formal and public pathway to bringing in new kwséltkten, both children and adults, when there is a social, political, economic, or spiritual need to do so. Adoption is a flexible concept with different forms and is usually equivalent to birth in terms of creating new relations who acquire legal obligations as kwséltkten.</p>	<p><i>Sxwéýlecken; Senkúkpí7 Francis Johnson Jr.; David G. Archie; Mardi Paul; Judy Deneault; Doreen M. Johnson; Julianna Alexander; Louie Basil Stevens; Story of Tcotcu'lcâ; or, The Hunter who became a Wolf; The Man who married the Sā'tuen; Fish Lake Accord; Secwépemc People, Land, and Laws: Yeri7 re Stsqeýs-kucw; Tribal Case Book – Secwépemc Stories and Legal Traditions: Stsmémelt Project Tek'wémiple7 Research; Reviving Secwépemc Child Welfare Jurisdiction; The Salishan Tribes of the Western Plateaus.</i></p>
<p>2.1.4 AGREEMENTS</p>	<p>Agreements, such as peace treaties and lahal, are mechanisms by which people can create and maintain peaceful relations with one another. This may result in strengthened ties within and between the Secwépemc Nation and other nations or peoples, sometimes creating specific relationships of kwséltkten between them.</p>	<p><i>Ralph McBryan; Story of Woodpecker's Marriage; or, Bluejay's Revenge; The Salishan Tribes of the Western Plateaus; The Fish Lake Accord; Secwépemc People, Land, and Laws: Yeri7 re Stsqeýs-kucw; The Salishan Tribes of the Western Plateaus.</i></p>

2.1.1 BIRTH

Birth is a pathway to building relations by bringing new kin into being. There is no concept of ‘blood quantum’ in the Secwépemc legal tradition nor is there any concept of illegitimacy in understanding k̓wseltktenéws. A child’s status of being fully kin, and fully Secwépemc, is not diminished if not all parents are Secwépemc.

Birth brings new kin into being, and connection through birth remains powerful and central. Birth is a path to building relations between people. As participants shared, bloodline is one path to being Secwépemc.¹⁹² Rod Tomma said, “Bloodline is bloodline, and our kinship is kinship. No matter what.”¹⁹³

A child’s status as kin or Secwépemc-kt is not diminished if one parent is Secwépemc and the other is not. There is no concept of ‘blood quantum,’ or a determination of what new kin should look like in the Secwépemc legal tradition. As Richard LeBourdais said,

We have to be careful of that—that we don’t get caught up in that same thinking. Our young people are not brown like me. They are blue-eyed and white-skinned but they’re still Secwépemc. We will not maintain our colour forever. We’re seeing change, we’re witnessing it. Some of my grandkids look like this sheet of paper but they’re still my grandkids. They’re still Secwépemc. Regardless.¹⁹⁴

The story *Grisly Bear’s Grandchildren* is reflective of this understanding. In that story, Grisly Bear creates daughters from gum, stone, clay, and wood. Though very different, each daughter is a relation, each being made of a combination of Grisly Bear and a different lineage/part of the land. This understanding of children as the product of multiple lineages is echoed further in that story. Grisly Bear reminds the boy that he and his sister (a dog) are family, even if his sister looks different and communicates in different ways.

¹⁹² Richard LeBourdais (14 February 2018) at 17, as cited above; See also Rod Tomma (14 February 2018) at 26, as cited above.

¹⁹³ Rod Tomma (14 February 2018) at 26, as cited above.

¹⁹⁴ Richard LeBourdais (14 February 2018) at 27, as cited above.

The way he treats his sister must be structured according to their kinship. This part of the story resonates with comments made by community members that today's children (who may have a non-Secwépemc parent) are still *Secwépemc*, even if they look different from each other.¹⁹⁵

Secwepemctsin itself supports the notion of birth being an inseverable path to being Secwépemc. When asked about the Secwépemc word *sycwelstsút* (illegitimate child), for example, Mona Jules spoke of how this word had been imported into Secwepemctsin. She spoke of how a Secwépemc language committee dealt with this question about 15 years ago:

The elders wanted to cut that word out of the language. They didn't want to refer to it, they didn't want to use it. And they said that, in the past, that word came about, I think, after the priests, and the nuns, and the religions changed. Before that, there was no such thing. They didn't like that word. They said that it wasn't a word that served a purpose. It's a very negative term because it shines a negative image on the child rather than on the parent. They wanted to eliminate it because it's not traditional. It's more like coming from a Catholicism point of view.¹⁹⁶

Mona noted that this imported and harmful colonial idea of illegitimacy continues to affect children negatively today, and that it should not be used.

The stories support the view that the concept of illegitimacy has no place in understanding *kwsełtktenéws* (see Section 1.1: *Kwsełtktenéws*). A child is a new *kwsełtkten* even if the conditions through which a child is born involve deception (*Coyote and his Hosts*); a violating encounter with a relative (*Coyote and his Niece*);¹⁹⁷ or appear to occur without a marriage (*Grisly*

¹⁹⁵See Richard LeBourdais (14 February 2018) at 27, as cited above.

¹⁹⁶ Mona Jules (14 February 2018) at 9, as cited above.

¹⁹⁷ *Sxwéylecken* (or *Sixwi'lexken*, "Big Billy" of Dog Creek and Big Bar, born near Big Bar), "Coyote and His Niece" in James Teit, recorder, "The Shuswap" at 639–640, as cited above, as reproduced in Jessica Asch & Rebecca Johnson et al, eds (Indigenous Law Research Unit, Shuswap Nation Tribal Council & Secwepemc Sna7a Elders Council), *Secwépemc Laws of Kwsełtkten and Secwépemc-kt Casebook* (Victoria/lək'wəŋən territory: Indigenous Law Research Unit, 2023) where Coyote says, "I will play a trick, that I may have intercourse with my niece."

Bear's Grandchildren). There is no 'illegitimacy' in the child, who is understood as fully kin, and fully Secwépemc. In both *Coyote and his Hosts* and *Coyote and his Niece*, there is an express statement that the resulting children are to be acknowledged as kin. In the first story, Coyote calls out, "I am going back to my country. If your children are males, rear them; but if they are females, stick them on the points of tree-branches." In the second, he calls out, "If the child is a branch with a hole in it, hang it up in a tree; but if it is a branch with a spike on it, then rear it." While to western or contemporary ears, these statements seem to indicate a differential valuing of male or female children, these statements are references to questions about matrilineality, in the context of Coyote's first wife being a tree.¹⁹⁸ In these statements, Coyote points to the power of his first wife, and affirms the capacity of a girl child to constitute a new campfire. In either event, the children are kin.

In short, illegitimacy is not a concept that would have been used to describe children born as Secwépemc. Children may be born of relationships that are not formally acknowledged, or that emerge from non-consensual situations. For example, in both *Wolverene and Fisher* and *Spider and Otter*, women are kidnapped, and then bear children of those relations.¹⁹⁹ In *Spider and Otter*, the community is joyful at the return of the woman with her children. There is no suggestion that the children are any less part of the community because of the conditions of their birth. Participants in focus groups acknowledged that challenges sometimes come up in the context of events that involve shame, where people may be seeking to deny a child's parentage or seeking

¹⁹⁸ Rhona Bowe (14 February 2018) at 7, as cited above; Kenthen Thomas (Qwelminté Secwépemc), "How Coyote Made a Tree Fall in Love with Him", as cited above.

¹⁹⁹ See Sxwéylecken (or Sixwi'lexken, "Big Billy" of Dog Creek and Big Bar, born near Big Bar), "Wolverene and Fisher" in James Teit, recorder, "The Shuswap" at 673, as cited above, as reproduced in Jessica Asch & Rebecca Johnson et al, eds (Indigenous Law Research Unit, Shuswap Nation Tribal Council & Secwépemc Sna7a Elders Council), *Secwépemc Laws of K'wséltkten and Secwépemc-kt Casebook* (Victoria/lək'wəŋən territory: Indigenous Law Research Unit, 2023) Sxwéylecken (or Sixwi'lexken, "Big Billy" of Dog Creek and Big Bar, born near Big Bar), "Spider and Otter" in James Teit, recorder, "The Shuswap" at 689–690, as cited above, as reproduced in Jessica Asch & Rebecca Johnson et al, eds, *Secwépemc Laws of K'wséltkten and Secwépemc-kt Casebook*, as cited above.

to protect a child from knowledge.²⁰⁰ Even in those contexts, as Julianna Alexander said,

it's important for that person to know regardless of what went on. It does mean that the person might need time to heal and may have work to do on themselves like forgiving or whatever kind of healing they do. As long as they know. They're connected to somebody. Eventually the healing will happen.²⁰¹

2.1.2 MARRIAGE

People within the Secwépemc legal tradition can create new kwséltkten through marriage. Married-in people gain access to resources, help, and participation in Secwépemc life. Once they are no longer kwséltkten, they may not retain that expectation.

Marriage changes the relationships not only between two individuals, but also between extended family networks and community relations. Historically, marriage relations provided the new partners access to the land and resources of the Secwépemc for the purpose of providing for their families.²⁰² Alongside those benefits, a new spouse also takes up the obligations and entitlements of their new family. Marriage did not negate a person's already existing kinship ties, but rather extended them. Newcomers who marry into a new community still have obligations to honour and relationships to maintain with their communities of birth.²⁰³ There is evidence of this in many of the stories,

²⁰⁰ Julianna Alexander & Judy Deneault. Oral teaching, focus group (February 15, 2018) as transcribed in TRANSCRIPT – Secwépemc Citizenship Project – Audio File – Feb 15 JA and RF group (2).pdf at 15 as edited and validated in Validation – Julianna Alexander & Validation – Judy Deneault.pdf and Validation – Judy Deneault.pdf [Archived with ILRU].

²⁰¹ Julianna Alexander. Oral teaching, focus group (February 15, 2018) as transcribed in TRANSCRIPT – Secwépemc Citizenship Project – Audio File – Feb 15 JA and RF group (2).pdf at 15 as edited and validated in Validation – Julianna Alexander.pdf [Archived with ILRU].

²⁰² See Marianne Ignace and Ronald E. Ignace, *Secwépemc People, Land, and Laws* at 346–347, as cited above.

²⁰³ Unknown (Likely Sisyúlecw (also Sisiu'lâx) (George Louis, North Thompson Secwépemc (Símpcwemc) or other men from the North Thompson Band), "The Goat Woman" in James Teit,

where one partner encourages the other to maintain relations and to share resources with their other families. This is also visible in *Story of the Man who married the Grisly-Bear, Dirty-Lad and his Wives*, and *The Man who married the Sā'tuen*.

The importance of marriage relations for the larger community is visible in the historical involvement of families and the community in marriage decisions. Arranged marriages make visible that there was often significant involvement by an extended network of kin or community members in decisions about marriage. In some cases, decisions about marriage might be best understood as an aspect of creating peace and strengthening relations between communities. Marriages contain within them an element of treaty-making. For example, in *Story of Woodpecker's Marriage; or, Bluejay's Revenge*, Woodpecker's marriage is part of a larger effort to stabilize relations of safety between communities and Nations. This makes visible the role of Bluejay in returning to war after Flicker makes a marriage decision against Bluejay's directions. In the story of *Coyote and his Niece*, the importance of community attention in marriage decisions is emphasized. In that story, the niece's consent to marriage is sought from and too quickly affirmed by the community, who have been deceived by Coyote's seeming wealth and gifts. These stories are reminders of the need for attention and care regarding the conditions of marital arrangements: marriage creates new *kw̓séltkten* who will participate in creating and maintaining safety and shared wealth between communities.

Historically, many marriages were arranged.²⁰⁴ Laverna Stevens described how arranged marriages were organized in her own community. The example illustrates how the formation of marriage relations involved many people within the communities, including the individuals, the chief, and other

recorder, "The Shuswap" at 748, as cited above, as reproduced in Jessica Asch & Rebecca Johnson et al, eds, *Secwépemc Laws of Kw̓séltkten and Secwépemc-kt Casebook*, as cited above.

²⁰⁴ Note that the practices of arranged marriages often continued under the regime of Indian Residential Schools, and the Indian Act. However, there is much to be written about both the interference of colonial officials in marriage decisions, as well as much to be written about the ways Secwépemc continued to act on obligations of kinship even in the face of these disruptions. See Marianne Ignace and Ronald E. Ignace, *Secwépemc People, Land, and Laws* at 341–343, as cited above; See also Truth and Reconciliation Commission of Canada, *Honouring the Truth, Reconciling for the Future* at 4, as cited above.

community members. It also highlights the importance of pre-existing relations between the communities and the speed with which marriage could grant access to resources for the extended kin relations of the person marrying in:

I'm from Invermere and we have quite a few different nations in our community. My grandmother is from the Stoney, and so I'm part Stoney. They used to come over to hunt and they would come through the mountains and put their tipis up. She was just a little girl, she told me, and she saw this guy. He was riding on horseback, riding down, and he talked to her dad who was the Chief at the time. And then she looked out again about 10 minutes later, and tipis were set up all around the plateau. She says, Holy Cow! It was just so fast to her, and they came all the time, but they had acceptance.²⁰⁵

Laverna Stevens also provided an example of how marriage into another community, could help people who were facing threats within their community of origin:

and then one of the times they came out, there was an outbreak of measles, so two of the daughters, the Stoneys, stayed behind, and they married into the tribe, our tribe, the Kinbasket brothers. So yeah, that's one of the ways marriages were set.²⁰⁶

Teit provides additional background context about the different formalities for entering into marriage relations (gifting, touching, church weddings).²⁰⁷ Both the stories and the focus groups speak to the important role that families may play in counselling or advising about marriage decisions. However, people emphasized that the authority to make decisions about marriage rested with the individual couples (see Section 2.2: Pathways of Connection: Legal Decision-Makers and Processes). Those new relationships create obligations for family members, even where the others disapprove of the new kin.

²⁰⁵ Laverna Stevens (15 February 2018) at 6, as cited above.

²⁰⁶ Laverna Stevens (15 February 2018) at 6, as cited above.

²⁰⁷ See James Teit, "The Shuswap" at 590–592 as cited above; See also Marianne Ignace and Ronald E. Ignace, *Secwépemc People, Land, and Laws* at 339–349, as cited above.

Even in the context of arranged marriage, consent is a crucial aspect of creating new *k̓wséltkten*. Many of the stories affirm the choices of the young people to these arrangements. There are examples of women and men agreeing to marriage in a few stories: *Story of Woodpecker's Marriage; or, Bluejay's Revenge*, *Grisly Bear's Grandchildren*, *The Woman who became a Grisly Bear*, *Story of the Man who married the Grisly Bear*, *Dirty-Lad and his Wives*, and *The Man who married the Sā'tuen*.²⁰⁸

There are also stories involving coercion. For example, in *Coyote and his Wives*, Coyote kills his friend to take possession of his friend's wife. When the woman refuses to go with him, he is clear in threatening that he will kill her if she does not obey. The story notes, "She became afraid and went with him."²⁰⁹ As another example, *Wolverene and Fisher* also involves the kidnapping of a woman. Something similar happens in *Spider and Otter*, where the woman's consent is not mentioned. In each case, she was taken: first by Otter, then by Spider. There is more to be discussed in these stories about the place of violence and non-consent in intimate relations. These difficult stories signal the importance of attention to vulnerability in relations of inequality, and the importance of community attention to gendered vulnerability.

The stories speak to both the making and the unmaking of marriage relations. In some of the stories, marriage ends because of a severe breach of trust, or a failure of marriage obligations. In these cases, the spouse (and their community of birth) may lose their expectations of participation in Secwépemc society. In *Dirty-Lad and his Wives*, Dirty-Lad betrays his wives' instructions to not interfere with other women. When he does, his wives, children, and all the meat he has hunted turn back into Elk and other animals

²⁰⁸ Sxwé'lexken (or Sixwi'lexken, "Big Billy" of Dog Creek and Big Bar, born near Big Bar), "The Woman who became a Grisly Bear" in James Teit, recorder, "The Shuswap" at 715–718, as cited above, as reproduced in Jessica Asch & Rebecca Johnson et al, eds, *Secwépemc Laws of K̓wséltkten and Secwépemc-kt Casebook*, as cited above.

²⁰⁹ Sisyúlecw (also Sisiu'lāx) (George Louis, North Thompson Secwépemc (Símpcwemc)),²⁰⁹ "Coyote and his Wives" in James Teit, recorder, "The Shuswap" at 745–746, as cited above, as reproduced in Jessica Asch & Rebecca Johnson et al, eds, *Secwépemc Laws of K̓wséltkten and Secwépemc-kt Casebook*, as cited above.

and run away. He is at once transformed back to the state he was in prior to the marriage and is left to live with his own people again. This severs his connection to the Elk people, and any participation privileges he and his community had in it.

Those who marry in may continue to participate in community life following the death of their spouse. For example, Louie Basil Stevens told a story of how his grandfather, who was from Arrow Lakes, moved to Invermere, married a Secwépemc woman, and raised a family with her. When his wife and children died, Louie Basil Stevens' grandfather stayed in Secwepemcúlecw. At the time, Louis Basil said the chief made that decision to accept his grandfather "into the Shuswap" because he was a good, hardworking man. The grandfather subsequently married again, this time to Louis Basil's grandmother, who was Kootenay from Creston. Louie Basil Stevens acknowledged that he does not carry Secwépemc blood, but said that "to this day, I have been accepted by the Shuswap." Louie Basil Stevens himself later married a Secwépemc woman. Talking about the experience of his grandfather, Louie Basil Stevens noted that law is always grounded in the land, and that it can shift as the people change and their needs change.²¹⁰ In today's context, for example, he doesn't believe that individual chiefs should make the decision about who from outside should enter the band without legitimate guidelines to follow.²¹¹

Louie Basil Stevens' story, read together with *Dirty-Lad and his Wives* and *Story of the Man who married the Grisly Bear*, suggests that someone who is non-Secwépemc may continue to live and participate in Secwépemc society after the end of a marriage depending on their contribution to the community and whether the community wishes to maintain a relationship.

²¹⁰ Louie Basil Stevens. Oral teaching, validation interview (September 19, 2019) in Validation – Louie Basil Stevens.pdf [Archived with ILRU].

²¹¹ See Louie Basil Stevens. Oral teaching, focus group (February 15, 2018) as transcribed in TRANSCRIPT – Secwépemc Citizenship Project – Audio File – Feb 15 SO and RJ group (1).pdf at 9–10 as edited and validated in Validation – Louie Basil Stevens.pdf [Archived with ILRU] where the discussion raised questions regarding the processes and principles to determine this, and the ways that those would need to be fleshed out through further consultation and discussion.

2.1.3 ADOPTION

Adoption is a formal and public pathway to bringing in new ƙwséltkten, both children and adults, when there is a social, political, economic, or spiritual need to do so. Adoption is a flexible concept with different forms and is usually equivalent to birth in terms of creating new relations who acquire legal obligations as ƙwséltkten.

2.1.3.1 ADOPTION IS A RICH, DYNAMIC, AND FLEXIBLE CONCEPT FOR TAKING IN NEW KIN

Adoption is a legal mechanism or process for formally and publicly bringing in new ƙwséltkten and a legal response when there is a need to strengthen or extend kinship relations for social, political, spiritual, and economic purposes. This is underscored by Marianne and Ron Ignace, who note, “Secwépemc adoption principles and practices can best be explained as integrated with the overall values and principles of Secwépemc social organization and culture.”²¹² Adoption is equivalent to birth in terms of creating new relationship of ƙwséltkten that tell a person who they are obligated to, and what those obligations are, including the underlying principle of knucwentwécw (see Section 3.1.2: Knucwentwécw).

Adoption, generally, in Secwepemctsín can be translated to “*skwentéle*, *skweníle*, as well as *kweníle* – all derived from the root verb *kwen* for ‘take (in)’ plus the lexical sufficle (*i*)*íle* for ‘offspring’ and all referring to the concept of ‘taking in and raising as your own’”.²¹³ In the context of a Secwépemc practice where parental roles can be more broadly shared, not all acts of caring represent the same kind of “taking in.” Adoption may be informal and a temporary condition, or it may represent a permanent change in formal relations of ƙwséltkten.

²¹² Marianne Ignace and Ronald E. Ignace, *Secwépemc People, Land, and Laws* at 336, as cited above.

²¹³ Marianne Ignace and Ronald E. Ignace, *Secwépemc People, Land, and Laws* at 336, as cited above.

The numerous terms for adoption in Secwepemctsin reflect the sophisticated and flexible nature of adoption within the Secwépemc legal tradition. For example, here are some of the words reflecting different adoptive relationships:

- Kecmeníl'e: an abandoned child that is adopted out at a later age.²¹⁴
- Sectecwpíl't: a child [. . .] adopted by a [person who] has stopped having children and is past childbearing years [. . . or a child who is “adopted”] when both parents have deceased [. . . or when] an uncle adopts a child after marrying his deceased brother’s wife.²¹⁵
- Sta7íl'e, stwetíl'e, stu7tíl'e: where a child is charged with learning from or caring for a grandparent or other relative.²¹⁶
- Skukenstsís: adoption to keep hereditary lineage going.²¹⁷
- Snekúlten: adoption to change the blood line.²¹⁸

Nancy Sandy similarly speaks also to the many forms of custom adoption that are recognized by the St'exelcenc (community of T'exelc, now known as Williams Lake First Nation),

including when an oldest grandchild is given to grandparents to raise, as a result of marital breakdown, when a couple is unable to conceive naturally, when children have been neglected and a family member intervenes, where young mothers have been instructed to do so, when a child has been abandoned, or where the birth parents are unable to provide for the child.²¹⁹

²¹⁴ Kelly Connor, “Tribal Case Book” at 102, as cited above.

²¹⁵ Kelly Connor, “Tribal Case Book” at 103, as cited above.

²¹⁶ Paraphrased from Kelly Connor, “Tribal Case Book” at 102, as cited above.

²¹⁷ Kelly Connor, “Tribal Case Book” at 102, as cited above; See also Nancy Harriet Sandy, Reviving Secwépemc Child Welfare Jurisdiction at iv, as cited above.

²¹⁸ Kelly Connor, “Tribal Case Book” at 102, as cited above.

²¹⁹ Nancy Harriet Sandy, Reviving Secwépemc Child Welfare Jurisdiction at 107–108, as cited above.



Mardi Paul also noted that adoption occurs when people don't have or aren't able to have children themselves.²²⁰

Adoption can be used to support the care of different generations in a family. For example, even though Mardi Paul did not understand the reasoning at the time, Mardi's grandmother adopted her so her grandmother could "pass down teachings in a good way" and so Mardi could support her grandmother as she aged. Mardi noted that, because of this adoption, she called her grandmother her mom, and calls her grandmother's children her brothers.²²¹

Adoption has been used to broaden kinship ties across communities. For example, Senkúkpí7 Francis Johnson Jr. shared that historically people adopted when alliances were made. For example, chiefs would exchange children to raise them as their own.²²² Similarly, as part of the *Fish Lake Accord*, Kamloops Chief Kwolila (Kwolí'la) "made a lasting agreement with Pelkamū'lôx [his half-brother and syilx Chief], giving him the perpetual use over all of the Shuswap territory of the upper Nicola Valley".²²³ As part of that agreement to "maintain peaceful relations in the spirit of relatives,"²²⁴ Kwolila (Kwolí'la) asked for his half-brother's daughter to foster and raise as his own.

The flexibility of the concept of adoption as a tool of inclusion and belonging is underscored by conversations held with Senkúkpí7 Francis Johnson Jr. at a gathering with a group of elders in Kenbaskets (Kenpésq̓t), he noted, "in our area [Esk'etemc (Eskétemc)], if we adopted someone you don't have to be blood [. . .] an adopted person can be raised up by the elders."²²⁵ In a follow

²²⁰ Mardi Paul. Oral teaching, validation interview (October 22, 2019) in Validation – Mardi Paul.pdf [Archived with ILRU].

²²¹ Mardi Paul. Oral teaching, validation interview (October 22, 2019) in Validation – Mardi Paul.pdf [Archived with ILRU].

²²² Senkúkpí7 Francis Johnson Jr. Oral teaching, validation interview (July 28, 2020) in Validation – Francis Johnson Jr Combined.pdf [Archived with ILRU].

²²³ James Teit, "The Salishan Tribes of the Western Plateaus" at 266, as cited above.

²²⁴ Marianne Ignace and Ronald E. Ignace, *Secwépemc People, Land, and Laws* at 291, as cited above.

²²⁵ Senkúkpí7 Francis Johnson Jr. Oral teaching, Secwépemc Spring Gathering 2018: "Séwllkwe (Water)" (April 22, 2018) as transcribed in NOTES – Secwépemc Citizenship Project – elders meeting at the Secwépemc Spring Gathering 2018: "Séwllkwe (Water)" – April 22, 2018 – AJ Scribe.pdf at 4 as edited and validated in Validation – Francis Johnson Jr.pdf [Archived with ILRU].

up conversation during validation, Senkúkpí7 Francis added that marriage is the strongest way to have someone included in the community.²²⁶

Adoption is also a dynamic mechanism for inclusion, adapting over time. For example, conversations with many community members highlighted the adoption of people who do not know where they come from, such as Sixties or Millennial Scoop survivors. According to Senkúkpí7 Francis Johnson, Jr., adoption is a flexible tool with a specific meaning in this case, bringing adoptees a sense of belonging, supporting their well-being, and affirming their identity as Esk'etemc (Eskétemc) or First Nations people. Nevertheless, in these situations, the elders want to be able to ask the new adoptees what it means to be a part of that contract, and whether they are going to defend the territory if need be. Senkúkpí7 Francis noted that the traditions must be able to change to the times, and that the important question, when it comes to adoption, is, 'what does the adoption mean in the particular circumstance?'²²⁷

The scope of who may be adopted is broad, both historically and contemporarily. This was discussed in focus groups and interviews. David G. Archie talked about how, in the past, warriors captured from another community could be adopted into a community. This process took time and women played a central role in deciding whether a person had made the necessary effort to become Secwépemc:

In the past, when we captured super warriors, and they were really defiant and they had no fear of you, we had respect for them. But in living with us, you have to be a slave for one year, do what I tell you, bring me water, or you shoot a rabbit for me for my family, or a moose. You do it. And then after one year, you re-assess the situation. And eventually, by the fourth year, you assess his whole situation. If he has become like a Secwépemc, and the women say we can now accept that person in our tribe (he speaks our language, he speaks our culture, know all our cultural methods, our governing methods), then he is a full-fledged member. Someday

²²⁶ Senkúkpí7 Francis Johnson Jr. Oral teaching, validation interview (July 28, 2020) in Validation – Francis Johnson Jr Combined.pdf [Archived with ILRU].

²²⁷ Senkúkpí7 Francis Johnson Jr. Oral teaching, validation interview (July 28, 2020) in Validation – Francis Johnson Jr Combined.pdf [Archived with ILRU].

he'll be on council. And lo and behold, someday, if he speaks well, he can be the head chief. So, this is the way I see it, even when you honour and respect your enemy, you can make them one of you.²²⁸

Senkúkpi7 Francis Johnson Jr. echoed this idea, noting that a person can enter a community as a slave and “move up” from that position to chief.²²⁹

2.1.3.2 ADOPTION OF CHILDREN AND ADULTS

Adoption is not restricted to children. However, there may be different rights and obligations attached to the adoption of a child as compared to an adult. As Senkúkpi7 Francis Johnson Jr. noted, it is a bit of a grey area in contemporary times when people adopt an adult. While there may be some rights extended to an adult adoptee, as Senkúkpi7 Francis Johnson Jr. noted, what rights adult adoptees have as an Esk'etemc (Esk'étemc) or in the Nation isn't clear in his mind. This can be contrasted to the adoption of a child, in which case he noted, “There is no going back. If there was a woman who could not look after the child, another could look after that child. That became your blood.”²³⁰

This view is consistent with conversations held with other community members around the adoption and fostering of Secwépemc children in community. Doreen M. Johnson, Mardi Paul, and Judy Deneault all talked about fostering other peoples' children.²³¹ Mardi Paul noted that there is no

²²⁸ David G. Archie. Oral teaching, focus group (February 15, 2018) as transcribed in TRANSCRIPT – Secwépemc Citizenship Project – Audio File – Feb 15 SO and RJ group (1).pdf at 3 as edited and validated in Validation – David G. Archie.pdf [Archived with ILRU].

²²⁹ Senkúkpi7 Francis Johnson Jr. Oral teaching, Secwépemc Spring Gathering 2018: “Séwllkwe (Water)” (April 22, 2018) as transcribed in NOTES – Secwépemc Citizenship Project – elders meeting at the Secwépemc Spring Gathering 2018: “Séwllkwe (Water)”– April 22, 2018 – AJ Scribe.pdf at 4 as edited and validated in Validation – Francis Johnson Jr.pdf [Archived with ILRU].

²³⁰ Senkúkpi7 Francis Johnson Jr. Oral teaching, validation interview (July 28, 2020) in Validation – Francis Johnson Jr Combined.pdf at 2 [Archived with ILRU].

²³¹ Doreen M. Johnson. Oral teaching, focus group (February 15, 2018) as transcribed in TRANSCRIPT – Secwépemc Citizenship Project – Audio File – Feb 15 SO and RJ group (3).pdf at 2 as edited and validated in Validation – Doreen M. Johnson.pdf [Archived with ILRU]; Mardi Paul. Oral teaching, focus group (April 5, 2019) as transcribed in TRANSCRIPT (rough) – Secwépemc Citizenship Project

concept of an orphan in Secwépemc law, noting that her grandmother adopted many children who were left without parents because of smallpox and other epidemics.²³² Judy Deneault similarly shared that a community member temporarily “took her in” when her mother was sick.²³³

In the context of an adult adoption, Louie Basil Stevens’ description of his grandfather being accepted “into the Shuswap” by the Chief suggests that there was some form of informal adoption which enabled him to remain as kin following the death of his Secwépemc wife.²³⁴ Julianna Alexander also spoke of adoption in the context of adults who wish to learn, but don’t have family members who can help them. For example, she suggested that if people don’t have an elder to learn from, particularly in the context of returning to community, they should “adopt one.”²³⁵

Secwépemc narratives highlight the needs of adoptees to be trained and tutored so they know what it means to be kin, and how to participate in community and fulfill their obligations. For example, in *Story of Tcotcu’lcâ; or, The Hunter who became a Wolf*, Tcotcu’lcâ and the Wolves create an intimate bond/partnership that benefits Tcotcu’lcâ’s community. The bond is initiated when Tcotcu’lcâ, a poor, starving hunter who is unable to keep up with his people, is assisted by Wolf. Wolf responds to the man’s need with gifts: teaching and guardianship. In response, Tcotcu’lcâ uses his new skills to benefit his community. Tcotcu’lcâ closely follows the conditions set by Wolf in exchange for his gifts. Tcotcu’lcâ does this even when his people try to persuade him to do differently. In the end, Coyote reveals the hunter’s gifts from Wolf to the people, and the man leaves and joins the Wolf community, becoming a wolf. Thus, Tcotcu’lcâ becomes a wolf without marrying another wolf, developing a guardian-like relationship with Wolf that is similar to adoption. *The Man who married the Sā’tuen* provides a similar narrative about

– Audio File – ILRU-interview-April52019-pt2.pdf at 5 as edited and validated in Validation – Mardi Paul.pdf [Archived with ILRU]; Judy Deneault. Oral teaching, focus group (February 15, 2018) as transcribed in TRANSCRIPT – Secwépemc Citizenship Project – Audio File – Feb 15 JA and RF group (2).pdf at 6–7 as edited and validated in Validation – Judy Deneault.pdf [Archived with ILRU].

²³² Mardi Paul (5 April 2019) at 7, as cited above.

²³³ Judy Deneault (15 February 2018) at 9, as cited above.

²³⁴ Louie Basil Stevens (15 February 2018) at 9, as cited above.

²³⁵ Julianna Alexander (15 February 2018) at 5, as cited above.

how a man, now married into the crane community, is supported in his learning how to effectively participate in daily life and fulfill his obligations.

2.1.4 AGREEMENTS

Agreements, such as peace treaties and lahal, are mechanisms by which people can create and maintain peaceful relations with one another. This may result in strengthened ties within and between the Secwépemc Nation and other nations or peoples, sometimes creating specific relationships of k'wséltkten between them.

Creating relations through agreements, such as peace treaties and lahal is a form of international law that builds k'wséltkten through their terms. Creating relations through agreement is a form of international law that establishes peace and co-operation among communities and allows for the secure movement of people across the seasons.²³⁶ In this sense, agreement, as a mechanism for becoming Secwépemc, has a specific public purpose to promote safety among and across communities of people.

²³⁶ See Bernadette Manuel & Lynne Jorgesen, “The Fish Lake Accord”, as cited above, where, according to Herb Manuel, “There were attacks from Shuswap coming down from the Kamloops area [at the time of the accord]. The Thompsons and the Okanagans were also hostile to each other too at most times until it was nearing historic times. They knew they had a third enemy coming when they knew the white men were coming. They started making peace all over because they had a different enemy coming so they quit fighting among themselves. Mainly they started separating and inter-marrying and making peace. Chief Nkwala, for instance, was probably the last great chief and he had kinship ties provided by marriage to 17 wives from different areas, a practice begun by his father who acquired 22 (also recorded as 27) such wives. These relationships guaranteed security of movement by providing the Chief and his entourage with allies throughout the seasonal movements of his people.

2.1.4.1 CREATING RELATIONS AS PART OF PEACE AND CO-OPERATION TREATIES BETWEEN COMMUNITIES²³⁷

There are a few stories that talk about the formation of relations to create peace between the Secwépemc and other peoples. In the *Story of Woodpecker's Marriage; or, Bluejay's Revenge*, for example, Bluejay (the greatest warrior and war chief of the myth people, according to the story) decides to make peace between his people and the Antelopes and Marmots. As part of this peace, Bluejay sends Woodpecker, the “greatest” of his people to marry one of the daughters of Antelope and Marmot (both wealthy chiefs). The peace is thus “sealed by intermarriage.”

The *Fish Lake Accord* marks the agreement between the Kamloops Chief Kwolila (Kwolī'la) and his half-brother, syilx Chief Pelkamulox (Pelkamū'lôx, Pelk múlecw, and pəlkmulax"), that “establishes the right for Pelkamū'lôx and his descendants (known today as the Upper Nicola Band) to occupy what is now the northwest portion of syilx territory.”²³⁸ Pelkamulox (Pelkamū'lôx, Pelk múlecw, and pəlkmulax") was engaged in many wars at the time. Kwolila (Kwolī'la), hearing about the attacks on Pelkamulox's (Pelkamū'lôx's, Pelk múlecw's, and pəlkmulax"s) fortress, went to go see him and convinced him to move north with him. Taking him to a place called Fish Lake, he “made a lasting agreement with Pelkamū'lôx, giving him the perpetual use over all of the Shuswap territory of the upper Nicola Valley.”²³⁹ In order to “maintain peaceful relations in the spirit of relatives,”²⁴⁰ Kwolila (Kwolī'la) asked for his half-brother's daughter so he could foster her and raise her as his own. As reported by James Teit,

²³⁷ Community in this context could be across Secwepemcúlecw or between Secwépemc and non-Secwépemc communities. Community may be a vague term and could refer to separate families or communities that call themselves Secwépemc or communities from different legal traditions such as Secwépemc and syilx.

²³⁸ Bernadette Manuel & Lynne Jorgesen, “The Fish Lake Accord” at 1, as cited above; See also James Teit, “The Salishan Tribes of the Western Plateaus” at 265–267, as cited above.

²³⁹ James Teit, “The Salishan Tribes of the Western Plateaus” at 266, as cited above.

²⁴⁰ Marianne Ignace and Ronald E. Ignace, *Secwépemc People, Land, and Laws* at 291, as cited above.

Kwol̓'la said, “You will have the country for yourself and your people as your own. I will live as your neighbor at Toxoḵoi'tcEn (Chaperon Lake) and will retain all the country from the north. You will make Fish Lake your headquarters in the summer and I will summer at Chaperon Lake so that we may be close neighbours part of each year. You will give me your daughter, Kokoimāłks (4.8), to be my foster child and she will always live with me, but your son (4.9) you will keep with yourself.”²⁴¹

This passage suggests the importance of deepening k̓wséłtkten ties (in this case, fostering a child to a different community) not just to publicly mark the important event at the time, but also to nurture a long-term alliance between communities for generations to come.

2.1.4.2 CREATION OF RELATIONS THROUGH LAHAL (GAMBLING)

When presented with the idea that there are four pathways to becoming a citizen, Ralph McBryan spoke at length about the use of the stick game, lahal, as a pathway to becoming k̓wséłtkten, keeping peace, and ensuring economic security for communities. Ralph McBryan spoke of the role of lahal in traditional (pre-contact) times as an alternative to war. He noted that, historically, the game was played only by warriors, who could be of any gender:

As warriors, we are all charged with the responsibility of looking after our people, and the most important thing was to ensure that the people were fed, that they were warm, and that they were cared for. Everything else was secondary. That fleshes out the importance of the game. These warriors went to war (played lahal) for very important things. With a focus on the people, they played for anything and everything under the sky.²⁴²

²⁴¹ James Teit, “The Salishan Tribes of the Western Plateaus” at 266, as cited above.

²⁴² Ralph McBryan. Oral teaching, Skwlax k̓wséłtkten project retreat (April 2019) as transcribed in NOTES – Secwépemc Citizenship Project – April Skwlax k̓wséłtkten project retreat – April 4-5 2019 – DB Scribe.pdf at 2 as edited and validated in Validation – Ralph McBryan.pdf [Archived with ILRU].

Relations could be created in two ways during lahal. The first way was through a breaking of the rules. The game would be played by two tribes, with a third host tribe observing to ensure the rules were not broken. Ralph continued,

The game had three rules only. Rule number one: you must respect yourself; Rule number two: you must respect the person you are looking at, for today (that respect doesn't go on forever—just while you're looking at them); Rule number three: you must respect your people. Don't do anything to shame them or make them turn their back on you. This is where shunning come in.²⁴³

According to Ralph, if any of the three rules were broken, the entire team could be killed by the host tribe. However, in practice, this would mean that the other tribe playing the game would be tasked with caring for the people and land of the team that was killed. This is then one of the ways that k'wséltkten might be created through lahal.

But, more frequently, the practice of creating relations occurred when the teams would lose people back and forth on purpose. When people were 'lost' in the game, the person lost would be responsible for providing resources for the other Nation. Ralph McBryan explained this process, using another community member as an example:

I would lose her to this team on purpose, and this team would lose someone to us on purpose, this is how we tied ourselves to other people. This is how the Secwépemc were able to be the holders of such a large territory. She would've been honoured and respected and guarded because she was responsible for being able to feed thousands of people. They would lose somebody to us, and they would be honoured, respected, cared for, and guarded, because that person would have the power to escort let's say twenty of us to her home territory, where we could harvest for one turn of the moon. This is how people were transferred back and forth, in one way. And these people, they were always honoured and respected,

²⁴³ Ralph McBryan (15 February 2018) at 5, as cited above.

that's part of how people were transferred around, that's how adoption would happen, in one instance. This is what I was taught by my ancestors. Because I loved the game lahal, I learned as much about it as I possibly could. By us becoming family with our enemy, we couldn't go to war against them; we couldn't 'taste their blood' in this way. That was one of the highest laws—that you cannot eat your family's blood, you can't eat your own blood[.]²⁴⁴

As Ralph's quote illustrates, this practice served to establish relations and redistribute wealth.

²⁴⁴ Ralph McBryan (15 February 2018) at 5, as cited above.

2.2 PATHWAYS OF CONNECTION: LEGAL DECISION-MAKERS

PATHWAYS OF CONNECTION: LEGAL FORMATION OF RELATIONS

RESTATEMENT TABLE

Who are the legal decision-makers relating to the formation or determination of legal relations? Who else has a say?

PATHWAYS OF CONNECTION: LEGAL DECISION-MAKERS

CONCEPT	SUMMARY	SOURCES
2.2.1 INDIVIDUALS	Individuals have the agency and authority to choose their <i>k'wséltkten</i> . This authority extends to decisions about marriage and the autonomy of children to make decisions in adoption processes.	<i>Sxwéýlecken; Story of Muskrat; Spider and Otter; Dirty-Lad and his Wives; Story of the Lynx; The Man who married the Sā'tuen; Coyote and the Cannibal Boy; Story of Owl; Wolverine and Fisher; Story of Salmon Boy; Secwépemc People, Land, and Laws: Yerí7 re Stsqéýs-kucw, The Shuswap.</i>
2.2.2 FAMILIES	Families may help individuals who are making decisions about <i>k'wséltkten</i> . In particular, families may conduct assessments and consult with those seeking to bring in new kin or spouses.	<i>Sxwéýlecken; Senkúkpí7 Francis Johnson Jr.; Richard LeBourdais; The Man who married the Sā'tuen; Secwépemc People, Land, and Laws: Yerí7 re Stsqéýs-kucw.</i>
2.2.3 OLD ONES, KYÉ7ES AND WOMEN	Old ones, particularly <i>kyé7es</i> , and women are often genealogists or memory keepers. They track relational ties for <i>k'wséltkten</i> within their families	<i>Sxwéýlecken; Witness #1; Judy Deneault; Richard LeBourdais; Julianna Alexander; Senkúkpí7 Francis Johnson Jr.; B.A. Deneault; Doreen M. Johnson;</i>



	and communities and provide support in the broader community when there are questions about lineage. In some instances, old ones and kyé7es are decision makers about when new k̓wséltkten can be made.	<i>Grisly Bear's Grandchildren; The Man who married the Sā'tuen; Secwépemc People, Land, and Laws: Yerí7 re Stsqéy's-kucw; Tribal Case Book – Secwépemc Stories and Legal Traditions: Stsmémelt Project Tek'wémiple7 Research; Northern Secwepemc Legal Traditions Report.</i>
2.2.4 COMMUNITIES	Community facilitates the acknowledgement of new relations by witnessing their introduction, acknowledging their status as k̓wséltkten, and enabling their participation in community.	<i>Sxwéýlecken; The Woman who married the Pelicans; Story of Tcotcu'lcâ; or, The Hunter who became a Wolf; Story of Hu'pken.</i>

2.2.1 INDIVIDUALS

Individuals have the agency and authority to choose their k̓wséltkten. This authority extends to decisions about marriage and the autonomy of children to make decisions in adoption processes.

Individuals within the Secwépemc legal tradition have the authority to choose their k̓wséltkten. Multiple stories show individuals choosing to marry one another, such as in *The Man who married the Sā'tuen* or *Dirty-Lad and his Wives*. Other stories show women refusing potential suitors, such as in *Spider and Otter*, *Story of the Lynx*, and *Story of Muskrat*.²⁴⁵

Arranged marriages, as well as the creation of relations through mechanisms like treaty, suggest that families and, at times, leaders, influenced with whom

²⁴⁵ Sxwéýlecken (or Sixwi'lexken, "Big Billy" of Dog Creek and Big Bar, born near Big Bar), "Story of the Lynx" in James Teit, recorder, "The Shuswap" at 684, as cited above, as reproduced in Jessica Asch & Rebecca Johnson et al, eds, *Secwépemc Laws of K̓wséltkten and Secwépemc-kt Casebook*, as cited above; Sxwéýlecken (or Sixwi'lexken, "Big Billy" of Dog Creek and Big Bar, born near Big Bar), "Story of Muskrat" in James Teit, recorder, "The Shuswap" at 679–681, as cited above, as reproduced in Jessica Asch & Rebecca Johnson et al, eds, *Secwépemc Laws of K̓wséltkten and Secwépemc-kt Casebook*, as cited above.

some people built *kwséltkten* ties. Nevertheless, this personal story told by Sarah Deneault to Dr. Ron Ignace suggests there may have been extensive contemplation and space for discussion historically in these situations. This excerpt from Sarah Deneault's story is provided in translation by Dr. Ron Ignace:

My grandparents were going to give me to one person. He was an older man. He lost his wife. So, then they ask me, "will you be alright to go there?" I was seventeen or eighteen or whatever so. And he had, this man, had three kids. Three children. I used to care for them. The one who raised me, my grandfather's wife, her daughter, her daughter had a husband. Her daughter had died, she had three children. So, then my foster mother said to me, "Will you be happy to go there?" "Look, it would be good," she said, "if you took care of your nephews, your little niece." "Two boys and a girl, they are quite small." Oh no! As if it had to be me. I thought about it. "No! Never, no." You see, she was my sister.²⁴⁶

In short, the fact there were historically arranged marriages does not automatically imply that individuals lacked agency or authority over choosing their *kwséltkten*.

At the same time, power dynamics have always created different consequences for women who exercise their agency with respect to marriage. For example, in both *Story of Muskrat* and *Spider and Otter*, the women who refuse suiters are kidnapped and, in the case of *Story of Muskrat*, killed by men. Further, in other stories, such as *Spider and Otter* and *Wolverene and Fisher*, it is unclear whether their subsequent marriages are consensual. The stories could be read as counter stories about what happens when communities are not attentive to creating conditions of safety, or simply indicative of the actual dynamics that women, in particular, experienced to meet their family's or community's wishes. Nevertheless, even these stories underscore the agency and authority of women to choose. This is highlighted in the story *Spider and Otter*, when the woman and her children, now

²⁴⁶ Marianne Ignace and Ronald E. Ignace, *Secwépemc People, Land, and Laws* at 345–346, as cited above.

reunited with their people, decide to stay with them. In the story, Spider, who can be inferred to be her husband, goes back to the sky.

Choice is also important in the context of adoption but is admittedly a hard thing to establish from the perspective of a child. Nevertheless, in the context of the *Story of Owl*, Owl's decision to keep his fostered "grandchild" (some would say kidnap victim) from his parents combined with the boy's choice to return to his family, suggests children have individual autonomy about whom they choose as *k'wséltkten*.²⁴⁷ Similarly, children's consent to be in relation with others is explored in the story *Coyote and the Cannibal Boy*. In that narrative, Coyote kidnaps a child, presumably against his will, which leads to the destruction of both the community, and the boy himself.²⁴⁸ *Coyote and the Cannibal Boy* alerts people to the risks that may emerge where a child is taken from his own community against his will. Children also have the choice to be reunited with their families, as in the *Story of the Salmon-Boy*. In that story, the boy is assisted in living as a Salmon, but with the community acknowledgement that he is fully entitled (and supported) in his desire to be reunited with his family.

2.2.2 FAMILIES

Families may help individuals who are making decisions about *k'wséltkten*. In particular, families may conduct assessments and consult with those seeking to bring in new kin or spouses.

Although people make individual decisions about who becomes *k'wséltkten*, there is an acknowledgement within the Secwépemc legal tradition that there are broader implications for the family and community. Those potential impacts should be taken into consideration. Families conduct assessments

Sxwéýlecken (or Sixwi'lexken, "Big Billy" of Dog Creek and Big Bar, born near Big Bar), "Story of Owl" in James Teit, recorder, "The Shuswap" at 698–699, as cited above, as reproduced in Jessica Asch & Rebecca Johnson et al, eds, *Secwépemc Laws of K'wséltkten and Secwépemc-kt Casebook*, as cited above.

²⁴⁸ Sxwéýlecken (or Sixwi'lexken, "Big Billy" of Dog Creek and Big Bar, born near Big Bar), "Coyote and the Cannibal Boy" in James Teit, recorder, "The Shuswap" at 640–641, as cited above, as reproduced in Jessica Asch & Rebecca Johnson et al, eds, *Secwépemc Laws of K'wséltkten and Secwépemc-kt Casebook*, as cited above.

and consult with people who want to bring in new spouses, as in Sarah Deneault's story of a suggested marriage by her family.²⁴⁹ As noted by Richard LeBourdais and Senkúkpí7 Francis Johnson Jr., adoptions are family-based decisions seldom involving single decision-makers. This makes sense, as certain families controlled different lands, and mechanisms for inclusions provided people with certain rights to those lands.²⁵⁰ Consultation with and assessment by family members can also be inferred in the story of *The Man who married the Sā'tuen*. In that story, the grandfather asks where the Secwépemc man comes from prior to any marriage taking place with his granddaughter.

2.2.3 OLD ONES, KYÉ7ES, AND WOMEN

Old ones, particularly kyé7es, and women are often genealogists or memory keepers. They track relational ties for k̓wséltkten within their families and communities and provide support in the broader community when there are questions about lineage. In some instances, old ones and kyé7es are decision makers about when new k̓wséltkten can be made.

2.2.3.1 AUTHORITY FOR MEMORY KEEPING AND GENEALOGISTS

Some elders, kyé7es and women have the specific responsibility of being memory keepers or genealogists and knowing the lineages of the people. Genealogists are significant decision-makers when there is a question about a person's lineage within Secwepemcúlecw, as articulated in the focus groups.²⁵¹

²⁴⁹ Marianne Ignace and Ronald E. Ignace, *Secwépemc People, Land, and Laws* at 343–346, as cited above.

²⁵⁰ Senkúkpí7 Francis Johnson Jr. & Richard LeBourdais. Oral teaching, Secwépemc Spring Gathering 2018: “Séwllkwe (Water)” (April 22, 2018) as transcribed in NOTES – Secwépemc Citizenship Project – elders meeting at the Secwépemc Spring Gathering 2018: “Séwllkwe (Water)”– April 22, 2018 – RJ Scribe.pdf at 5–6 as edited and validated in Validation – Francis Johnson Jr. Combined.pdf and Validation – Richard LeBourdais.pdf [Archived with ILRU].

²⁵¹ See Witness #1. Oral teaching, focus group (February 15, 2018) as transcribed in TRANSCRIPT – Secwépemc Citizenship Project – Audio File – Feb 15 JA and RF group (2).pdf at 14 as edited and validated in Validation – Witness #1.pdf [Archived with ILRU] where it is noted that this is often the

As noted by Richard Lebourdais, genealogists are not just people who remember family trees and stories, but rather are “our libraries.”²⁵²

Memory keepers may determine whether a newcomer is already a relation or when a person can be invited to become *kwséltkten*, as can be seen in several of the narratives, such as *The Man Who Married the Sā’tuen*. Julianna Alexander said, “We always had one person who knew all of the laws that could deal with that. That was their responsibility. They would have to know the history of the family or the place, and the cultural background of the parents. They never ever forgot anybody.”²⁵³

Grandparents, and particularly *kyé7es*, play particularly important roles as genealogists, as identified by the grandfathers in *The Man who married the Sā’tuen* and *Grisly Bear’s Grandchildren*. This was also discussed in focus group conversations. Specifically, some participants spoke of the ongoing importance of *kyé7es* in keeping knowledge about genealogy and referred to specific people within families who had been tasked with the responsibility of knowing lineages. Richard LeBourdais noted that it was the *kyé7e* (grandmother) who was responsible for keeping family trees, stories, and knowledge about genealogies.²⁵⁴

Many people identified reasons why *kyé7es* and women have been historically the memory keepers and genealogists. Senkúkpí7 Francis Johnson Jr. reasoned that men historically were often at war and had shorter lives, limiting their ability to hold that knowledge.²⁵⁵ In response to questions about how

eldest member of the family; See also Judy Deneault (15 February 2018) at 14-15, as cited above where it is noted that often genealogists are elders, grandmothers, and mothers.

²⁵² Richard LeBourdais. Oral teaching, April Skwlax *kwséltkten* project retreat (April 4-5, 2019) as transcribed in NOTES – Secwépemc Citizenship Project April Skwlax *kwséltkten* project retreat – April 4-5 2019 – DB Scribe.pdf as edited and validated in Validation – Richard Lebourdais.pdf [Archived with ILRU].

²⁵³ Julianna Alexander (15 February 2018), as cited above, at 12.

²⁵⁴ Richard LeBourdais. Oral teaching, April Skwlax *kwséltkten* project retreat (April 4-5, 2019) as transcribed in NOTES – Secwépemc Citizenship Project – April Skwlax *kwséltkten* project retreat – April 4-5 2019 – DB Scribe.pdf at 2 as edited and validated in Validation – Richard Lebourdais.pdf [Archived with ILRU].

²⁵⁵ Senkúkpí7 Francis Johnson Jr. Oral teaching, Elders Gathering (June 27, 2018) as transcribed in NOTES – Secwépemc Citizenship Project – Eskétemc Elders Gathering – June, 2018 – JA Scribe.pdf as edited and validated in Validation – Francis Johnson Jr.pdf [Archived with ILRU].

someone would prove their genealogy today, Judy Deneault said: “A lot of times the grandmothers know. The old ones know a lot of the genealogy. It’s mostly the grandmothers and mothers cause they’re the ones around the children all of the time.”²⁵⁶

Memory keeping is also connected to, as Bert Deneault emphasized, the fact that the Secwépemc are “100% a matrilineal society.”²⁵⁷ In particular, Doreen M. Johnson spoke of the responsibilities of women to hold public knowledge about relatives and lineage in a matrilineal system:

When I was growing up, my grandmother had to know what was all going on in the family, and it passed on to my mother. And when my mother passed away, even though I was only 14 years old, the responsibility came to me. So, it’s my responsibility to know where all the members in my family are, what they’re doing. And if they need discipline, I’m the one that goes in to say what you’re doing is not right. I call everybody together.²⁵⁸

Women and *kyé7es* may not be the only genealogists, particularly in contemporary times. Information about genealogy is held in different families by different people.²⁵⁹ As Julianna Alexander noted, in a society with an oral tradition, community members who are witnesses to events also have the ability and responsibility to remember, and to+ pass on that knowledge from generation to generation.²⁶⁰ Also, institutional processes and practices relating to memory-keeping provide support to all people. For example, naming women after places, such as rivers and streams, aids genealogical record keeping, as it marks where a woman is from and where lineages can be traced to. Similarly, passing on ancestor names also helps to maintain continuity with the past and connection to the ancestors.²⁶¹ *Senkúkpí7 Francis*

²⁵⁶ Judy Deneault (15 February 2018) at 14, as cited above.

²⁵⁷ B.A. Deneault (15 February 2018) at 2, as cited above.

²⁵⁸ Doreen M. Johnson (15 February 2018) at 2, as cited above.

²⁵⁹ See Witness #1 (15 February 2018) at 14, as cited above where it is noted that this is often the eldest member of the family; See also Judy Deneault (15 February 2018) as cited above where it is noted that often genealogists are elders, grandmothers, and mothers.

²⁶⁰ Julianna Alexander (15 February 2018) at 14, as cited above.

²⁶¹ Marianne Ignace and Ronald E. Ignace, *Secwépemc People, Land, and Laws* at 353–354, as cited above.

Johnson Jr. added that villages, historically, were also set up to demonstrate who was related, with the chief in the middle of the village and their relations connected.²⁶² These structures enabled broader public knowledge about those connections.

2.2.3.2 AUTHORITY ON CHALLENGING ISSUES INVOLVING NEW RELATIONS AND LINEAGE

Elders, *kyé7es* and women may hold additional decision-making authority relating to the creation of new relations in community.²⁶³ Elders are seen as people who represent families in the broader community. They can settle disputes and give advice on family situations, including the formation of relations.²⁶⁴

While many people affirmed that bringing in additional family members is an individual and family decision, in the community of *Esk'etemc* (*Esk'étemc*), *Senkúkpi7* Francis Johnson Jr. underscored the authority of elder women to decide whether to accept certain adoptions. This was discussed specifically in the context of Sixties or Millennial Scoop survivors who have returned to community. He pointed out that in this context, the elders want to know why people want to be adopted and will affirm or decline the adoption in a feast, providing reasons for their decision for the community to hear.²⁶⁵ He also spoke of a case around the 1950s when a man passed along a chiefly name to a man with no son. That man later adopted a son who then trained to be a chief. As a result of this process, two genealogical lines emerged. In 2016, so there wouldn't be bad blood between the families, the Elders Council that is part of the *Esk'etemc* (*Esk'étemc*) governance system met on the issue. In this case, the *kyé7es*, who are the decision-makers in *Esk'etemc* (*Esk'étemc*),

²⁶² *Senkúkpi7* Francis Johnson Jr. Oral teaching, validation interview (July 28, 2020) in *Validation – Francis Johnson Jr Combined.pdf* [Archived with ILRU].

²⁶³ See also Hadley Friedland with Alan Hanna (Indigenous Law Research Clinic and T'exelcemc Williams Lake Band) *Northern Secwepemc Legal Traditions Report* at 17, as cited above.

²⁶⁴ Kelly Connor, "Tribal Case Book" at 98, as cited above.

²⁶⁵ *Senkúkpi7* Francis Johnson Jr. Oral teaching, validation interview (July 28, 2020) in *Validation – Francis Johnson Jr Combined.pdf* [Archived with ILRU].

thought about who may become a chief and agreed to keep the two family lines.²⁶⁶

2.2.4 COMMUNITIES

Community facilitates the acknowledgement of new relations by witnessing their introduction, acknowledging their status as k'wséltkten, and enabling their participation in community.

Stories reflect a more limited role for community in decisions involving new kin. Community's responsibility is to acknowledge that new relations have been made by witnessing the introduction of the new relation, acknowledging their status as relative, and enabling their participation in community. In the stories, almost everyone who shows a sincere interest in joining the community and who develops respectful, reciprocal kin-like connections with those in the community, eventually becomes a community member over time.²⁶⁷ For example, in *Story of Tcotcu'lcâ; or, The Hunter who became a Wolf*, a man transforms into a wolf and joins a wolf community after Coyote attempts to steal his tools for hunting. In this case, we infer that there was a decision to adopt the man because of the entire wolf community's acceptance of Tcotcu'lcâ. Many stories involving the reunification of relations include celebrations and feasts about their return.²⁶⁸

²⁶⁶ Senkúkpí7 Francis Johnson Jr. Oral teaching, Secwépemc Spring Gathering: "Swéllkwe (Water)" (April 22, 2018) as transcribed in NOTES – Secwépemc Citizenship Project – elders meeting at Secwépemc Spring Gathering: "Séwllkwe (Water)" – April 22, 2018 – RJ Scribe.pdf at 5 as edited and validated in Validation – Francis Johnson Jr.pdf [Archived with ILRU].

²⁶⁷ See also Sxwéylecken (or Sixwi'lexken, "Big Billy" of Dog Creek and Big Bar, born near Big Bar), "The Woman and the Pelicans" in James Teit, recorder, "The Shuswap" at 657, as cited above, as reproduced in Jessica Asch & Rebecca Johnson et al, eds, *Secwépemc Laws of K'wséltkten and Secwépemc-kt Casebook*, as cited above.

²⁶⁸ Sxwéylecken (or Sixwi'lexken, "Big Billy" of Dog Creek and Big Bar, born near Big Bar), "Story of Hu'pken" in James Teit, recorder, "The Shuswap" at 710, as cited above, as reproduced in Jessica Asch & Rebecca Johnson et al, eds, *Secwépemc Laws of K'wséltkten and Secwépemc-kt Casebook*, as cited above.

2.3 PATHWAYS OF CONNECTION: LEGAL PROCESSES

PATHWAYS OF CONNECTION: LEGAL FORMATION OF RELATIONS

RESTATEMENT TABLE

What legal processes arise during the formation of legal relations?

PATHWAYS OF CONNECTION: LEGAL PROCESSES

CONCEPT	SUMMARY	SOURCES
2.3.1 PUBLIC INTRODUCING AND WITNESSING	Public introductions or declarations, witnessing, and validating are ways for people to formalize relations when children and new k'wséltkten join their communities.	<i>Sxwéýlecken; Ralph McBryan; Judy Deneault; Julianna Alexander; Senkúkpi7 Francis Johnson Jr.; Witness #1; Story of the Man who married the Grisly Bear; Grisly Bear's Grandchildren.</i>
2.3.2 ASSESSMENTS FOR RECONNECTING K'WSÉLTKTEN	K'wséltkten returning to communities may undergo additional assessments to confirm their identity (who they are related to) and ensure safety within community.	<i>Judy Deneault; Julianna Alexander; Bonnie Leonard; Witness #1; Story of the Salmon-Boy.</i>



2.3.1 PUBLIC INTRODUCING AND WITNESSING

Public introductions or declarations, witnessing, and validating are ways for people to formalize relations when children and new kwséltkten join their communities.

Because a child carries multiple relations, it is important that people know who their kin are. There are several formal and informal processes for introducing children to their kin on both sides. The oral histories and focus groups suggest that these introductions can occur at different times and in different ways. Ralph McBryan spoke of both songs and ceremonies that acknowledge the new kin and create a mechanism for community to be aware of the new relations. He shared examples of some songs that are sung at the birth of a new child, where this would be the first song heard by the new child welcomed into community.²⁶⁹ He described the ceremony where circles form around the child (parents and grandparents), where the grandparents sing and show the child to the people. After the parents hold the child and show the child to the people, other people in the community can hold the child.²⁷⁰ In this context, the child is introduced to all the people and the people become responsible for that child. In turn, the child becomes responsible to the community.²⁷¹

The oral histories reflect public and formal processes of introduction for new spouses. In *Story of the Man who married the Grisly Bear*, there is a feast held at which the man is introduced as a brother-in-law. In *Grisly Bear's Grandchildren*, the Trout Husband goes ahead to inform the community that he has married, and the woman is then introduced at a gathering of the people after first having had the opportunity to meet her sisters-in-law.

²⁶⁹ Ralph McBryan (5 February 2018) at 5–6, as cited above.

²⁷⁰ Ralph McBryan. Oral teaching, April Skwlax kwséltkten project retreat (April 4-5, 2019) as transcribed in NOTES – Secwépemc Citizenship Project – April Skwlax kwséltkten project retreat – April 4-5, 2019 – DB Scribe.pdf at 3 as edited and validated in Validation – Ralph McBryan.pdf [Archived with ILRU].

²⁷¹ Ralph McBryan. Oral teaching, validation interview (September 29, 2019) in Validation – Ralph McBryan.pdf [Archived with ILRU].

In the focus groups, people speak to the power of public formal occasions for introducing new relatives to community. At these events, important information about the new relations is disclosed in a public way. However, some people also emphasized that decisions about who is a relative are family-based and interfered with only if there is a risk to the broader community. Families are rarely challenged on their choice for relatives and, within the Secwépemc legal tradition, the introduction of those relatives as family (a spouse, an adopted relative, a baby birthed by a Secwépemc parent) is sufficient to validate their place in Secwépemc society. As is the case with birth, new kin are formally introduced to the community, who publicly validate and formalize the relationship of new kin, both through interaction and witnessing. New kin are also introduced in less formal settings. As Judy Deneault said, “You show them who their family is. You take them to the Powwow and say, ‘This is your family.’”²⁷² Julianna Alexander added, “Or go right to their house and visit.”²⁷³

Senkúkpí7 Francis Johnson Jr. also talked about the importance of witnessing and naming in the context of adoption. When discussing the adoption of people who have returned to community after being removed as part of the Sixties or Millennial Scoops, he noted that there is a public purpose to naming and witnessing through a feast: to enable adoptees’ names to be recognized by all the people. In Esk’etemc (Eskétemc), adoption decisions are held by the elder women, and the feast provides a public space for the women to publicly declare whether someone is recognized as being part of the community or not, and provide their reasoning for that decision.²⁷⁴

2.3.2 ASSESSMENTS FOR RECONNECTING KWSÉLTKTEN

Kwséltkten returning to communities may undergo additional assessments to confirm their identity (who they are related to) and ensure safety within community.

²⁷² Judy Deneault (15 February 2018) at 15, as cited above.

²⁷³ Julianna Alexander (15 February 2018) at 15, as cited above.

²⁷⁴ Senkúkpí7 Francis Johnson Jr. Oral teaching, validation interview (July 28, 2020) in Validation – Francis Johnson Jr Combined.pdf [Archived with ILRU].

One of the lasting legacies of colonialism is the reality that many k'wséltkten have been removed from Secwepemcúlecw, their campfires and their kin, for example through the harmful state policies of so-called “residential” schools, the Sixties and Millennial Scoops and family policing that occurs today. As a result, there are many people returning to community, often for the first time, to reconnect with their culture and families. In the Secwépemc legal tradition, when someone returns to community and may not be known in community, additional assessments may occur to facilitate reconnection and safety.

As noted, people may call on a genealogist to help determine their k'wséltkten, particularly if there is no record of that person.²⁷⁵ Memory keepers could be a person in the community, such as an elder, or a family member. Often, elders know who the lost children are.²⁷⁶

When k'wséltkten return to community, no matter how long they have been away, it is appropriate to make assessments about how to establish their safety in community as well as the safety of others. This is visible in *The Story of the Salmon-Boy*. In that story, the boy's grandfather does not immediately recognize his grandson, noting only that the fish he has caught has a human eye. The grandfather proceeds to wrap him in a blanket and put him in a tree for four days. Bonnie Leonard noted that this response is indicative of the caution necessary in this situation:

I think it's very significant that we consider how the boy when he was the salmon, and he came back and grandpa hung him in the tree for the four days. And how he was unveiled each day piece by piece. I think we should examine that and think about how we can use that in our citizenship k'wséltkten law. I think that's important. There have been times I've been coached by elders about the four days and an example is someone gave me a drum once. I didn't trust that person and I didn't feel comfortable to take the drum into my home. And so, I asked the elder what I should do with it because

²⁷⁵ Julianna Alexander (15 February 2018), at 13 as cited above.

²⁷⁶ Judy Deneault (15 February 2018) at 14–15, as cited above; See also Witness #1 (15 February 2018) at 14, as cited above.

I wasn't sure what to think, I didn't know if this person was bad or putting bad medicine on me or it just, it was a feeling I had so maybe the grandfather had that same feeling when he looked at the eyes of the fish. Was like a gut feeling. She told me the same thing. "Go hang it in a tree for four days." That's what I did. And then we smudged it after, brought it in my home, I still have it and nothing's happened.²⁷⁷

Once a newcomer's identity is confirmed and an assessment for safety is completed, there are other processes that are taken up to facilitate their reintegration. The obligations are taken up more thoroughly in the obligations sections of this Report (see Section 3.1.1.3: Lost K'wséltkten and Section 3.1.4.1: Families and Communities are Responsible for Teaching Their K'wséltkten Their Obligations as Secwépemc-kt).

²⁷⁷ Bonnie Leonard (14 February 2018) at 14–15, as cited above.

3 OBLIGATIONS AND EXPECTATIONS



INTRODUCTION

Chapter Three shifts from the questions of how people know they are *kwéltkten* in order to call themselves *Secwépemc-kt*, to identifying what obligations and expectations they have to their families, communities, and *Secwépemcúlcw* once they have been legitimately accepted as *kwéltkten*.

The central question of Section 3.1 is *What obligations attach once people are legally kwéltkten? What should people do as relatives for one another?* The section outlines what obligations people uphold as individuals and as members of kinship, local, and national communities. The question of obligations within and between relations are more nuanced than can be exhaustively set out below for the purposes of this analysis. This is because a *Secwépemc* person's obligations depend on how they are individually situated within a web of relations within and outside *Secwépemcúlcw*.²⁷⁸ That is, a person's obligations are defined by who they are in relation to someone else, such as an aunt, parent, or grandfather. This is exemplified by Richard Lebourdais' comments about becoming a caretaker when he became a parent and having automatic obligations to care for his aunts and uncles.²⁷⁹ A person's obligations are further nuanced by whether the relation is from their father or the mother's side. The obligations may be further dependent on the number of relatives a person has within their family, and the application of laws in particular campfire or area of *Secwépemcúlcw* (see Section 1.5: *Secwépemc Law Is Adaptable Across Secwépemcúlcw and Its Campfires*). While it is impossible to take into consideration every possible obligation between and amongst *kwéltkten*, this section discusses *Secwépemc* legal obligations that can be expressed at a high level and operate across *Secwépemc* territory.

²⁷⁸ Marianne Ignace and Ronald E. Ignace, *Secwépemc People, Land, and Laws* at 321–322, as cited above.

²⁷⁹ Richard LeBourdais. Oral teaching, April *kwéltkten* project retreat (April 4-5, 2019) as transcribed in NOTES – *Secwépemc* Citizenship Project – April *Skwlax kwéltkten* project retreat – April 4-5 2019 – DB Scribe.pdf at 5 as edited and validated in Validation – Richard Lebourdais.pdf [Archived with ILRU].

The central question of Section 3.2 is *What expectations or rights do individuals, families, and the broader community have once they are recognized as k̓wséltkten or Secwépemc-kt? What should they expect from others in their family and community?* This section looks at legal expectations, or rights, that Secwépemc people uphold as individuals and as members of kinship, local, and national communities. This is particularly true in legal orders that are founded on interconnection among humans and between human and more-than-human relations within a shared environment. Expectations, and their corresponding obligations, are the concrete, active, and actionable markers of the relationships that a legal order seeks to sustain.

3.1 OBLIGATIONS

OBLIGATIONS RESTATEMENT TABLE

*What obligations attach once people are legally k̓wséltkten?
What should people do as relatives for one another?*

OBLIGATIONS

CONCEPT	SUMMARY	SOURCES
3.1.1 SUCWENTWÉCW	People are responsible for recognizing and acknowledging one another as k̓wséltkten. This obligation starts with an understanding of a person's identity in relation to their k̓wséltkten, respecting the connections k̓wséltkten have to others, and knowing how people are not k̓wséltkten. Sucwentwécw	<i>Sxwéýlecken; Sisyúlecw; Flora Sampson; Mona Jules; Rod Tomma; Richard LeBourdais; Percy Rosette; Julianna Alexander; Diane Sandy; Minnie Kenoras; Ralph McBryan; Laverna Stevens; Louie Basil Stevens; Bonnie Leonard; Story of the Salmon-Boy; Story of Owl; Grisly Bear's Grandchildren; Story of the Man who married the Grisly Bear; The Man who married the Sā'tuen; Dirty-Lad and his</i>

	also involves a responsibility to search for, remember, and support the return of lost k'wséltkten.	<i>Wives; Story of Woodpecker's Marriage; or, Bluejay's Revenge; Coyote and the Cannibal Boy; Story of Suckerfish; The Goat Woman; Tribal Case Book – Secwépemc Stories and Legal Traditions: Stsmémelt Project Tek'wémiple7 Research.</i>
3.1.2 KNUCWENTWÉCW	People are responsible for helping one another, including both human and non-human relations, and themselves as part of the Secwépemc collectivity (family, campfire, or community). This obligation implies acts of reciprocity and contribution, using specific knowledge and skills to help existing and new k'wséltkten in need.	<i>Sxwéýlecken; Sisyúlecw; Flora Sampson; Gary Gottfriedson; Senkúkpi7 Francis Johnson Jr.; Rhona Bowe; Peace/War Chief Pipíp'7ese (Alexis Harry); Rod Tomma; Witness #1; Judy Deneault; Doreen M. Johnson; Senkúkpi7 Wilfred Robbins Sr.; Julianna Alexander; Minnie Kenoras; Senkúkpi7 Cwlíken (Irvine Johnson); Story of Grasshopper; Story of Hu'pken; Story of Kuxka'in; Dirty-Lad and his Wives; Story of Sna'naz; Old-One and the Brothers; Story of Tcotcu'lcâ; or, The Hunter who became a Wolf; The Man who married the Sā'tuer; Tlē'ē'sa and his Brothers; Grisly Bear's Grandchildren; Story of Moon and his Wives; Story of the Man who married the Grisly Bear; Story of Owl; The Goat Woman; Secwépemc Lands and Resources Law Research Project; Tribal Case Book – Secwépemc Stories and Legal Traditions: Stsmémelt Project Tek'wémiple7 Research; The Shuswap; Northern Secwepemc Legal Traditions Report; Reviving Secwépemc Child Welfare Jurisdiction; Tselcéwtqen Clléqmełten Vision and Principles.</i>
3.1.3	People are responsible for looking out for and protecting the land and all beings, understanding that	<i>Sxwéýlecken; Richard LeBourdais; Julianna Alexander; Helen Duteau; Louie Basil</i>



<p>YÚCWMENSWÉCW</p>	<p>the bedrock of a healthy citizenry is community security, safety, and protection for all. This includes remaining attentive to unsafe conditions and conditions of vulnerability.</p>	<p><i>Stevens; B.A. Deneault; Peace/War Chief Pipíp’7ese (Alexis Harry); Garlene Jules (as taught by her mother, Celena Jules); Minnie Kenoras; Senkúkpi7 Francis Johnson Jr., Rhona Bowe, Spider and Otter; Coyote and the Cannibal Boy; Wolverine and Fisher; The Women who sought for a Husband; or, The Woman who married the Cannibal (Star) and Wolverine; Story of Bald-Headed Eagle; Coyote and his Son, or, The Story of Ka’la’llst; Coyote and Grisly Bear; Coyote and his Wives; Coyote and his Niece; Coyote and his Hosts; Story of Owl; Story of the Salmon-Boy; Tleē’sa and his Brothers; Story of Hu’pken; Grisly Bear’s Grandchildren; The Trout-Children and their Grandparents; Tribal Case Book – Secwépemc Stories and Legal Traditions: Stsmémelt Project Tek’wémiple7 Research; Secwépemc Lands and Resources Law Research Project; Secwépemc People, Land, and Laws: Yerí7 re Stsqéy’s-kucw; The Shuswap; Northern Secwepemc Legal Traditions Report.</i></p>
<p>3.1.4 SECWKWNÉM TEN</p>	<p>People are responsible for teaching k’wséltkten about their obligations and their lineage, and for learning and practicing what k’wséltkten teach to them. Family members, particularly grandparents, and community play an essential role in teaching children, adults, and newcomers about their obligations as k’wséltkten.</p>	<p><i>Sxwéýlecken; Sisyúlecw; Garlene Jules (as taught by her mother, Celena Jules); Mona Jules; Witness #1; Witness #2; Diane Sandy; Julianna Alexander; Peace/War Chief Pipíp’7ese (Alexis Harry); Senkúkpi7 Cwlíken (Irvine Johnson); Senkúkpi7 Wilfred Robbins Sr. Mardi Paul; Flora Sampson; Rod Tomma; Sixwi’lexken; Grisly Bear’s Grandchildren; Story of the Salmon-Boy; Story of Owl, Story of Hu’pken; The</i></p>

Man who married the Sā'tuen; Story of Woodpecker's Marriage; or, Bluejay's Revenge; Introductory; Story of Tcotcu'lcâ; or, The Hunter who became a Wolf; The Goat Woman; The Woman and the Pelicans; Story of Kuxka'in; Tribal Case Book – Secwépemc Stories and Legal Traditions: Stsmémelt Project Tek'wémiple7 Research; Thinking About Indigenous Legal Orders.

3.1.1 SUCWENTWÉCW

People are responsible for recognizing and acknowledging one another as kwséltkten. This obligation starts with an understanding of a person's identity in relation to their kwséltkten, respecting the connections kwséltkten have to others, and knowing how people are not kwséltkten. Sucwentwécw also involves a responsibility to search for, remember, and support the return of lost kwséltkten.

People in the Secwépemc legal tradition have an obligation of sucwentwécw, which, translated loosely into English, encompasses the ideas of both recognition and acknowledgment. The conceptualization of the obligation of sucwentwécw in law originates from a conversation during a focus group discussion with community members about the Secwépemc words kwséltkten and Secwépemc-kt. When asked about the meaning of the word sucwentwécw, Flora Sampson said, “It’s acknowledging one another.”²⁸⁰ She added that it can be seen when people introduce themselves by telling others who their parents are.²⁸¹ Mona Jules added,

²⁸⁰ Flora Sampson. Oral teaching, focus group (February 14, 2018) as transcribed in TRANSCRIPT – Secwépemc Citizenship Project – Audio File – Feb 14 JA and RF group (3).pdf at 5 as edited and validated in Validation – Flora Sampson.pdf [Archived with ILRU].

²⁸¹ Flora Sampson (14 February 2018) at 25, as cited above.

Sucwentwécw was acknowledging your people. It could be just as simple as greeting one another, not necessarily knowing each other. But it also is to recognize who your people are. So, it has two lines of information there. People from north coming over the mountains have this understanding in one of the songs, which means, “Let us greet one another.” So, that was another form of recognition, just going up and saying hello to people.²⁸²

From this quote, the two aspects of sucwentwécw that anchor it as an obligation are 1) the substantive acknowledgement of a person's identity as k'wséltkten; and 2) the procedural practices that enable people to share information about lineage and identity to know one another across societies.

3.1.1.1 SUCWENTWÉCW AS UNDERSTANDING AND ACKNOWLEDGING WHO YOUR K'WSÉLTKTEN IS IN RELATION TO ONESELF AND FAMILY

The first aspect of the obligation of sucwentwécw is acknowledging and understanding a person's place in relation to other k'wséltkten. Sucwentwécw helps people understand and identify the obligations and expectations that one has within that web of relations.

The obligation starts with acknowledging a person's identity as having a place and role in a Secwépemc family. Rod Tomma expressed this principle through a personal story:

it's our family ties that keep us who we are. Even some of our relatives that have never actually moved, they were adopted out. I met a sister—she lives in the Bahamas—she was given away when she was little. But when she came home, when she mentioned her last name, and all the family came together [. . .] it's the family ties that makes us citizens within our own Secwépemc—it has to be the families.²⁸³

²⁸² Mona Jules (14 February 2018) at 5, as cited above.

²⁸³ Rod Tomma (14 February 2018) at 13, as cited above.

Rod Tomma identified that once his sister presented him and the rest of his family with evidence of her connection to them, there was more than an obligation to incorporate her as a relation; there was an obligation to acknowledge her place in the family and facilitate her participation in it.

Secwépemc narratives reflect this aspect of *sucwentwécw* in the Secwépemc legal tradition. This theme is taken up several times in *Grisly Bear's Grandchildren*. In that story, the grandchildren of a Grisly Bear are raised with their trout relatives in the Water World. When other children start to tease them for not having a grandmother, they ask their mother about their lineage. Their mother tells them about their grandmother in the Earth World and gives them directions to where she lives so they can visit her. When the children at last arrive and see the Grisly Bear, they become scared and return to their mother. Their mother becomes angry with them saying, "Your grandmother will have seen your tracks, and have known who you are." Indeed, Grisly Bear had "come to know all about it, and had arranged accordingly," meaning she had sent a stick out to dig roots to create medicine that would transform the children into human form. Later in the same story, one of the grandchildren travels to the Sky World, where he is greeted by an old man who addresses him saying, "Welcome my grandson! I know all about you. If you do as I tell you, you will become wise and great. I was once your grandmother's husband, and lived on earth." In this story, both grandparents easily recognize their grandchildren. And, in recognizing their kin, they understand their obligations to the children, particularly to help them adapt to the different worlds. In the case of the grandfather, he makes his identity known to the child immediately upon his arrival to the new world.

The impact of holding up or not holding up the obligations of *sucwentwécw* are explored in *Story of the Man who married the Grisly Bear*. First, when the Grisly Bear wife first brings her husband to her people, her brothers and sisters smell a man and "made a great noise, pawed the earth, and tore the bark of the trees." The woman reprimands her relatives, stating, "Don't roar so loudly or act so terribly. You make your brother-in-law afraid." The bears finish their feast and then disperse. In this encounter, Grisly Bear is demanding that her family recognize and acknowledge that the man is her husband and

their new *kwéltkten*, which would carry with it obligations not to harm him. However, later in the story, the man and his family (wife and two children) return to his community at the wife's suggestion. While visiting with his relatives, the news arrives that there is a grisly bear and two cubs nearby, and people decide to kill them. The man does not reveal that the bears are his family. Instead, he accompanies the people to the bears, and says to the people, "Sit down and watch me. I will go and kill them alone." The people watch as the man embraces his wife and plays with their two cubs. The people find this curious, which indicates that they do not understand that the wife and cubs are *kwéltkten*. This happens on two more occasions, and in the final interaction, his wife and cubs attack and kill the man (the story notes "for he had been defiled by a pubescent girl"). It is only at this point that his people recognize that the bear and cubs are the man's family and, for that reason, say they cannot kill them. In short, while the man is with his own people, he fails to acknowledge the cubs as his own children, speaking of them instead as unrelated and asserting that he can kill them (though he of course does not). His failure to acknowledge and recognize his relatives (*sucwentwécw*) to his human *kwéltkten* puts the bears, the people and himself at risk.

An important related aspect of *sucwentwécw* as acknowledging your *kwéltkten* is understanding how people are not *kwéltkten*. The narratives point out that this historically has helped determine whether new relations can be made. For example, in *The Man who married the Sā'tuen*, a travelling Secwépemc man enters a home in a new land occupied by a young woman and her grandfather. They ask him to introduce himself and he answers, "I am Shuswap. My country is far to the North. I have wandered South to see the world." The old man recognizes the country the man comes from. The Sā'tuen woman asks the young man to be her husband, but only after affirming both his lineage and his territory. Richard LeBourdais similarly talked about how Secwépemc gatherings were one way of "introducing our young people to young people of other communities, so you didn't get in-breeding."²⁸⁴

²⁸⁴ Richard LeBourdais (14 February 2018) at 11, as cited above.

A final aspect of the concept of *sucwentwécw* is connected to the general underlying principle of *kwsełtktenéws* (see Section 1.1: *Kwsełtktenéws*) and the acknowledgement of other non-human relations who journey in *Secwépemc* territory. When talking about this concept, Percy Rosette spoke about Sasquatch as a relation, and the importance of not just understanding them, but acknowledging and respecting them when they come into the territory, as they have a different way of living under the land.²⁸⁵

3.1.1.2 RESPECTING RELATIONSHIPS *KWSÉLTKTEN* HAVE TO OTHER *KWSÉLTKTEN*

The obligation of *sucwentwécw* is not solely about recognizing one's own *kwsełtkten*, but also recognizing the *kwsełtkten* of others. This aspect of this obligation connects to the importance of acknowledging the whole person, which includes their *kwsełtkten* elsewhere and their obligations to those relations.

This aspect of *sucwentwécw* arose in the context of children. Specifically, understanding the embeddedness of relations and obligations. A child may have connections to not only two families (lineages), but also to two Nations. This is reflected in the word *tselíke7*, which captures the idea that children hold two backgrounds, families, or Nations.²⁸⁶ As Rod Tomma mentioned, this means he has an obligation to see and respect the relationships his grandchildren will have to other kin irrespective of how ways diverge. This requires the following:

showing that our way, our *Secwépemc* way, you know, is also honouring his other grandparents' way. So, balancing that out, that lineage, where he comes from - where one family practices Jehovah and one way where I practice my own ways. So how do we balance that?

²⁸⁵ Percy Rosette. Oral teaching, validation interview (July 27, 2020) in *Validation – Percy Rosette.pdf* [Archived with ILRU].

²⁸⁶ See Flora Sampson (14 February 2018) at 11, as cited above; See also Kelly Connor, “Tribal Case Book” at 100, as cited above.

[. . .] [H]is grandparents are on the other side saying he shouldn't be learning how to hunt, fish, and that's at a young age, but we start young. They're trying to use that against what we do. And we're saying, no, we teach our children at a young age [. . .] so it's an interesting battle how to get that lineage or where they're both from, but also honouring the non-native side.²⁸⁷

This balance to honour two families, Nations, or sides, is taken up in the Secwépemc oral narratives about people who marry outside of their community. *The Man who married the Sā'tuen, Story of the man who married the Grisly Bear, Dirty-Lad and his Wives*, and *Story of Woodpecker's Marriage; or, Bluejay's Revenge*, for example, all explicitly talk about efforts *kwséltkten* take to ensure spouses remain connected to their communities after marriage, including the provision of opportunities to visit those relations. In *The Goat Woman* and *Grisly Bear's Grandchildren*, children born outside their birth mother's communities ask to be connected back with their grandparents in their mother's lands, and have that process facilitated by their relatives. This theme also arose throughout the focus group discussions, with many people identifying their *kwséltkten* ties outside Secwepemcúlcw.²⁸⁸ For example, Louie Basil Stevens talked about how he identifies with the man who is accepted into the community of cranes in *The Man who married the Sā'tuen* after marrying into Secwepemcúlcw.²⁸⁹

The importance of respecting and acknowledging the connections *kwséltkten* have to others is also illuminated through negative teachings in some narratives. In *Story of Owl*, for example, Owl takes (or kidnaps) a child and raises him on his own. When his parents come looking for him years later, Owl uses his powers to prevent reunification and tells the boy not to share any resources with them. Eventually, the young man leaves with his parents, but first burns down Owl's house and turns him into a regular Owl, without powers. Owl's hoarding of his adopted grandson and of the resources he was obliged to share with *kwséltkten* leads to a rupture in the relationship. This interpretation is supported by Rod Tomma's analysis of the story during

²⁸⁷ Rod Tomma (14 February 2018) at 24, as cited above.

²⁸⁸ Laverna Stevens (15 February 2018) at 6, as cited above; Ralph McBryan (15 February 2018) at 7–8, as cited above.

²⁸⁹ Louie Basil Stevens (15 February 2018) at 9, as cited above.

a focus group discussion. In talking about Owl, he noted that the Owl did the work he was meant to do (to train the boy), but only “until the certain point where he became selfish and greedy. Then, then, that boy took his power away on behalf of that for his people and his family to survive.”²⁹⁰

Another narrative, involving Coyote, underscores the importance of considering a child’s ties to other communities. In *Coyote and the Cannibal Boy*, Coyote kidnaps a young cannibal boy, unaware that the boy is a Cannibal. When Coyote arrives home, he tells the people that he “stole” the boy to become his slave. The people in his community respond, “If he belongs to any tribe nearby, his friends may attack us, and try to get him back,” but Coyote ignores this warning, and is also inattentive to the boy’s different ways of being. Eventually, the cannibal boy not only eats Coyote, but also kills the entire village except one man. In this instance, Coyote’s actions—of not considering the boy’s *kwsełtkten*—have dire consequences.

3.1.1.3 LOST *KWSEŁTKTEN*

Searching for and Remembering Lost *Kwsełtkten*

The proactive obligation to seek out your lost *kwsełtkten* and remember their place in community is embedded in the legal obligation of *sucwentwécw*. This is visible in stories where a child has been lost, as in *Story of Owl*, in which the parents of a kidnapped boy finally reconnect and retrieve their son after a significant length of time. The scale and scope of this challenge has grown in the contemporary context because of destructive colonial policies of assimilation, such as the creation of residential schools and the Sixties Scoop and Millennial Scoop. These interventions have removed many children from their *kwsełtkten* and from *Secwepemcúlecw*. In some cases, it has been difficult for families to find out where their *kwsełtkten* are. Percy Rosette talked about the lasting harms of these policies of removal, and of the challenge of finding those lost *kwsełtkten*:

²⁹⁰ Louie Basil Stevens (15 February 2018) at 9, as cited above.

We went after them. We tried to get our orphans back, but [the government] had sold them, or put them out. They're now in the States. I was really hurt. There were lots of orphans, oh man. But they are coming back now, I heard. They're coming back home from other countries. What are our children like? Some are starting to come back blue-eyed. These little ones, we just got to pray and dance. We don't forget them.²⁹¹

This obligation to seek out and remember *k'wséltkten* rests on the entire community, although immediate families may carry out the work of searching for lost *k'wséltkten*. If the mother, or mother's family isn't around to do that work, Diane Sandy and Bonnie Leonard confirmed that the work can be taken on by grandparents, aunties or even the wider community: "Yeah. The auntie or uncle. Or even people from the reserve. They say it takes a reserve to look after a child, you know."²⁹²

The obligation of *sucwentwécw* or recognition, as articulated by Percy Rosette and Julianna Alexander above, is about ensuring that children who have been removed from or have left *Secwepemcúlecw* are not only remembered, but also brought back to *Secwepemcúlecw*. Rod Tomma talked about the impact of losing these children and his sense of obligation to them: "How do we reach out under our law? That's very important. Because if we lose our children, we lose everything."²⁹³ Similarly, Minnie Kenoras said,

This is what I'd like to see. Families, no matter if their children are in a different province or whatever, we have to fight for that child to bring them back to community. Because he is our blood, she is our blood. And we can't see them lost, right? So, that's the other thing—we have to really stand up in our communities to bring our children home, and to bring our elders home.²⁹⁴

²⁹¹ Percy Rosette (14 February 2018) at 26, as cited above.

²⁹² Diane Sandy (14 February 2018) at 6, 2018) at 6, as cited above; Bonnie Leonard. Oral teaching, validation interview (January 5, 2022) in Validation – Bonnie Leonard.pdf [Archived with ILRU].

²⁹³ Rod Tomma (14 February 2018) at 25, as cited above.

²⁹⁴ Minnie Kenoras. Oral teaching, focus group (April 5, 2019) as transcribed in TRANSCRIPT (rough) – Secwépemc Citizenship Project – Audio File – ILRU-interview-April52019-pt2.pdf at 5 as edited and validated in Validation – Minnie Kenoras.pdf [Archived with ILRU].

Sucwentwécw requires the maintenance of public memory or recording of lineages and families. In the contemporary context, it also requires the establishment of mechanisms to support those who wish to re-build or build relationships or connect with their k'wséltkten. For example, the 2019 Secwépemc Spring Gathering, which was held in Vancouver, was organized to connect k'wséltkten living in the area with relatives and elders living in Secwepemcúlecw. The aim of that gathering, entitled Splúl'kws Re K'wséltktnéws: (S-plool!-kwes re k'-wes-eltk-t-nows) Gathering to be Family, was to help those people know that they have relatives.²⁹⁵ During the gathering, there was a ceremony held during which those found relatives were blanketed and recognized. Two elders (Ox and Marge) were there to stand in as family for those who did not have any other k'wséltkten present.²⁹⁶ This is an example of how sucwentwécw can be acted upon today.

Recognizing and Supporting Returning K'wséltkten

Another aspect of sucwentwécw is to identify, then recognize and support returning k'wséltkten. This obligation does not mean that every person must know every single relation. However, people should learn how to identify and confirm relations when they return and share that information about returning relations to one another.²⁹⁷ This is exemplified in the *Story of the Salmon-Boy*. In that story, a boy becomes lost down the Fraser River and ends up in the land of the salmon. The boy is fostered by the salmon chief until one day, when he requests help to return home. The boy transforms into a salmon and, back in his territory, gets caught in his grandfather's net. His grandfather notices that the salmon form of his grandson has a human eye, which prompts him to wrap the salmon in a blanket and put him in a tree for four days. Slowly the salmon transforms into the boy, who exclaims, "It is I, grandfather!" As pointed out in this story, sometimes there may be little evidence about who may be related. However, like the grandfather in the

²⁹⁵ Secwépemc Strong, "Splúl'kws Re K'wséltktnéws: (S-plool!-kwes re k'-wes-eltk-t-nows) Gathering to be Family" (Pamphlet, Secwépemc Spring Gathering, 30-31 March 2019) [Archived with ILRU].

²⁹⁶ Julianna Alexander. Oral teaching, validation interview (August 22, 2019) in Validation – Julianna Alexander.pdf [Archived with ILRU].

²⁹⁷ Ralph McBryan (15 February 2018) at 7–8, as cited above.

story, people in the Secwépemc legal tradition understand that there are mechanisms to help find this information.

Julianna Alexander underscored the scope of the work that needs to be done to reconnect today with k'wséltkten who were removed: “We’re lacking ways to communicate with people who are still hurt, ashamed, disconnected. They have no foundation, no identity. All of these negative parts. And it’s mostly our job right now, a job that we’ve been struggling with. How to find ways to reconnect and allow them to know that we do care about them.”²⁹⁸

Colonialism has had a heavy impact on sucwentwécw, particularly as it relates to recognizing returning k'wséltkten. Colonial policies have amplified challenges of determining kin while also creating new challenges to those seeking to acknowledge and support returning kin. Colonialism has and continues to create a barrier for Secwépemc peoples in upholding and acting on their obligations to k'wséltkten. This came up numerous times in the focus group discussions. Rod Tomma, for example, mentioned that peoples’ names have been changed from Secwepemctsín to English, creating an additional barrier to determining how people are related to others:

In those days the names were different in our language. Some live over the hill. [Some] live on the land where the sun hits and people go "ohh that family" and I think it was our families that, that included all of us. Until the foreigners came over and started changing us (Tomma) to (Thomas) and different things it kind of confused everybody. Now everybody is finding out who's who now after the change.²⁹⁹

Ralph McBryan drew from his own experience to talk about how reconnection involves not just gathering information, but learning how to interact within the Secwépemc legal order and cultural space:

We have children of the people from residential school returning, and they don’t know who they are or where they come from. They

²⁹⁸ Julianna Alexander (15 February 2018), as cited above, at 6.

²⁹⁹ Rod Tomma (14 February 2018) at 13, as cited above.

don't know what to do when they go back to their grandparents or whoever. They're actually very hesitant and afraid because they don't know how to approach their own people, how to talk to their own people. When I came home to my reserve, I spoke and I acted very much like the white people, you know. So, we have people that come home, to use you as an example, from the States. You come home to your people, and they don't know who you are, and you don't know how to talk to them. That takes a long time to know. And you bang your head against the door until someone says, "this is who you belong to. I knew your mom. I knew your dad. I knew your grandmothers and grandfathers. This is who you are." And that's what that story talks about, understanding new ways of connecting back. When Kenthen Thomas spoke about *Story of Suckerfish*, you know, that clicked a light on for me. Here we are, like muskrat trying to put suckerfish back together with all our best pieces. That's what Secwepemcúlcw is, is suckerfish.³⁰⁰

As Ralph identified, the challenge is not only being able to recognize or acknowledge your *kwséltkten*, but also understanding how to find out that knowledge and act on it within a new societal context.

3.1.2 KNUCWENTWÉCW

People are responsible for helping one another, including both human and more-than-human relations, and themselves as part of the Secwépemc collectivity (family, campfire, or community). This obligation implies acts of reciprocity and contribution, using specific knowledge and skills to help existing and new kwséltkten in need.

Knucwentwécw encompasses obligations to help others. The scope and form of helping will depend on the situation as well as individual needs, abilities, and knowledge.

³⁰⁰ Ralph McBryan (15 February 2018) at 7–8, as cited above.

One of the recurrent themes within the oral narratives, the discussions in the focus groups, and from the experiential learning done at seasonal gatherings and in visits to community, is that a core of what it means to be Secwépemc is to understand there is an obligation to help your *kwéltkten* and community. This is built directly within Secwepemctsín into the word *knucwentwécw*, which means in English both “helping one another” and “collectivity”.³⁰¹ To be part of a Secwépemc collectivity, whether that is the family, the campfire or part of Secwepemcúlecw, is to be actively helping one another. As Rhona Bowe mentioned, this extends to more-than-human relations: “Now I’m trying to think of citizenship, now that you say it like that, citizenship is you’re responsible for the land and that makes you citizens. You’re responsible for where you’re coming from, how to look after the land.”³⁰²

3.1.2.1 RECIPROCITY, CONTRIBUTION, AND INTERDEPENDENCE AS ASPECTS OF KNUCWENTWÉCW

Knucwentwécw (helping one another, or collectivity) is a word that implies reciprocity. *Knucwentwécw* does not convey a single action or transaction, but an ongoing relationship of mutual assistance. To be *kwéltkten*, then, is to understand there is an ongoing obligation to help and contribute to your collectivity and receive help from your community. An aspect of this understanding is connected to the principle of *knucwestsút.s*, embodying an obligation to help oneself, in order to be able to uphold *knucwentwécw* and fulfil those obligations owed to others.³⁰³ One of the underlying rationales reflected to support that principle in practice is that “the Secwépemc Nation requires strong, healthy, self-sufficient individuals to maintain a healthy Nation.”³⁰⁴

³⁰¹ Kelly Connor, “Tribal Case Book” at 106, as cited above; See also Nancy Harriet Sandy, *Reviving Secwépemc Child Welfare Jurisdiction* at xvii, 106, as cited above.

³⁰² Rhona Bowe (14 February 2018) at 21, as cited above.

³⁰³ Chief Atahm School, “*Tselcéwtqen Clleq̓mēlten Vision and Principles*” at 1, as cited above; See also Senkúkpí7 Francis Johnson Jr. Oral teaching, validation interview (July 28, 2020) in *Validation – Francis Johnson Jr Combined.pdf* [Archived with ILRU].

³⁰⁴ Chief Atahm School, “*Tselcéwtqen Clleq̓mēlten Vision and Principles*” at 4, as cited above.

The ongoing, relational understanding of knucwentwécw comes alive in both the stories and the focus group discussions. This aspect of knucwentwécw is articulated in the negative lessons within narratives such as *Story of Grasshopper*, *Story of Hu'pken*, *Story of Kuxka'in* (also referred to as the *Story of Kuxka'in* as recorded by Teit) and *Dirty-Lad and his Wives*, which speak to community members' refusals to contribute or train in order to help their communities survive.³⁰⁵ The *Story of Grasshopper*, for example, starts as follows:

Grasshopper lived with the people who were busy catching and curing salmon. They said to him, "Come help us. It is the salmon season. We must all work, that we may have a plentiful store of salmon for the winter." Grasshopper answered, "No, I do not like to work. I like to amuse myself, eat grass, of which there is plenty all around here."

This view of sharing in the work of everyday life as an obligation, or helping one another, was talked about explicitly in the focus group discussions. Flora Sampson talked about how her father's relatives and friends from different communities used to help her slé7e (grandfather) and father to do their haying. She added, "A long time ago people used to have cows, chickens, and big orchards, big cellars, big gardens. Just for helping, you know. My slé7e used to have a xyum te (big) garden, a wagon loaded just for helping."³⁰⁶ Gary Gottfriedson also recollected that when he was younger "everybody helped each other with haying," and that parents would look after all the kids playing together, not only their own children.³⁰⁷ Senkúkpí7 Francis Johnson Jr. added that a critical component of this concept is that it

³⁰⁵ Sxwéýlecken (or Sixwi'lexken, "Big Billy" of Dog Creek and Big Bar, born near Big Bar), "Story of Grasshopper" in James Teit, recorder, "The Shuswap" at 655, as cited above, as reproduced in Jessica Asch & Rebecca Johnson et al, eds, *Secwépemc Laws of K'wséltkten and Secwépemc-kt Casebook*, as cited above; Sxwéýlecken (or Sixwi'lexken, "Big Billy" of Dog Creek and Big Bar, born near Big Bar), "Story of Kuxka'in" in James Teit, recorder, "The Shuswap" at 709, as cited above, as reproduced in Jessica Asch & Rebecca Johnson et al, eds, *Secwépemc Laws of K'wséltkten and Secwépemc-kt Casebook*, as cited above.

³⁰⁶ Flora Sampson (14 February 2018) at 17, as cited above.

³⁰⁷ Gary Gottfriedson. Oral teaching, focus group (February 14, 2018) as transcribed in TRANSCRIPT – Secwépemc Citizenship Project – Audio File – Feb 14 JA and RF group (1).pdf at 10 as edited and validated in Validation – Gary Gottfriedson.pdf [Archived with ILRU].

includes the obligations of “helping others help themselves” by teaching people how to do things themselves, such as in the *Story of Grasshopper*.³⁰⁸

The reciprocal obligations of helping one another extend to more-than-human life, as Rhona Bowe explained, “And the forest teaches us [about knucwentwécw] by this, the trees use us, and we use them. That’s a teaching. They use us, without us they can’t function, vice versa.”³⁰⁹ In a follow-up interview, Rhona again emphasized the centrality of the land in Secwépemc law: “Everything is taught by the lands first.”³¹⁰ Rhona used the metaphor of a spiral to explain the way in which Secwépemc law and practices evolve, while remaining grounded in the land and creation stories (the centre of the spiral):

The spiral is a universal law. We keep our cultural connection yet continue to grow and change as things change—no matter the situation (e.g., family, water, etc.). Should we lose anything, we return back to our original teachings.³¹¹

All these examples underscore the importance of knucwentwécw as the reciprocity and interdependence of contributing to your community in daily Secwépemc life and law.³¹²

3.1.2.2 USING YOUR KNOWLEDGE AND SKILLS TO HELP YOUR KWSÉLTKTEN³¹³

³⁰⁸ Senkúkpí7 Francis Johnson Jr. Oral teaching, validation interview (July 28, 2020) in Validation – Francis Johnson Jr Combined.pdf [Archived with ILRU].

³⁰⁹ Rhona Bowe (14 February 2018) at 21, as cited above.

³¹⁰ Rhona Bowe. Oral teaching, validation interview (August 22, 2019) in Validation – Rhona Bowe.pdf [Archived with ILRU].

³¹¹ Rhona Bowe. Oral teaching, validation interview (August 22, 2019) in Validation – Rhona Bowe.pdf [Archived with ILRU].

³¹² See “Responsibility to Care for and Contribute to the Community” in Jessica Asch, Kirsty Broadhead, Georgia Lloyd-Smith, and Simon Owen, *Secwépemc Lands and Resources Law Research Project* at 60–62, as cited above.

³¹³ See “Responsibility to Share Resources with Those Without or In Need” in Jessica Asch, Kirsty Broadhead, Georgia Lloyd-Smith, and Simon Owen, *Secwépemc Lands and Resources Law Research Project* at 63–64, as cited above.

Knucwentwécw also captures the idea that people within the Secwépemc legal tradition are responsible for supporting and resourcing their relatives when there is a specific need or when someone has specific skills or knowledge to do so. This is evident throughout the oral narratives. With respect to using specific skills to help others, the *Story of Tcotcu'lcâ; or, The Hunter who became a Wolf*, illustrates how a man who has been provided with tools and teachings becomes a great hunter and provides for his community. In the *Story of Sna'naz*, a young man uses his powers to address different threats in the community. In *Tlĕē'sa and his Brothers*, a man uses his magic to vanquish cannibals that killed people throughout the land. In *Grisly Bear's Grandchildren*, a young man meets his grandfather in the Sky World, who trains him to help him marry the daughter of a chief. This is also a part of the story *Dirty-Lad and his Wives*, in which the Dirty-Lad cures his wives' blindness, and his wives in turn train him and transform him into "a clean man of good appearance." The *Story of the Moon and his Wives* also uses her special skills to save her people from annihilation.³¹⁴

In community conversations, Peace/War Chief Pipíp'7ese (Alexis Harry) and Senkúkpi7 Wilfred Robbins Sr. spoke about the responsibility to help relatives who have not been fulfilling their obligations or expectations under Secwépemc law, and in particular nurturing those who return ready to do the important work of learning to be better members of the community.³¹⁵ In validation, Peace/War Chief Pipíp'7ese (Alexis Harry) expanded on this thought, noting that he has an obligation to help his brothers and sisters to make them as strong as he is with his words and teaching, so they know the importance of who they are, as that might be all that they need. He

³¹⁴ Sxwéylecken (or Sixwi'lexken, "Big Billy" of Dog Creek and Big Bar, born near Big Bar), "Story of Moon and his Wives" in James Teit, recorder, "The Shuswap" at 701–702, as cited above, as reproduced in Jessica Asch & Rebecca Johnson et al, eds, *Secwépemc Laws of Kwséltkten and Secwépemc-kt Casebook*, as cited above, where, due to knowledge gained while training in the mountains, the lame sister was the only one who knew the details about how the Moon had murdered her sisters, and his plans to freeze her people to death. She used her insights and powers to warm up the land and thus thwart the Moon's murderous plans.

³¹⁵ Peace/War Chief Pipíp'7ese (Alexis Harry) & Senkúkpi7 Wilfred Robbins Sr. Oral teaching, focus group (October 23, 2019) as transcribed in TRANSCRIPT – Secwépemc Citizenship Project – Audio file Alexis Harry and Wilfred Robbins Sr 3 October 23 2019.pdf at 2 as edited and validated in Validation – Pipíp'7ese (Alexis Harry).pdf and Validation – Senkúkpi7 Wilfred Robbins Sr.pdf [Archived with ILRU].

provided an example of “practicing these words” when he traveled to another community and found his brothers, meaning other Indigenous men, in the worst part of town. Peace/War Chief Pipíp’7ese (Alexis Harry) approached the men, gave them a little medicine, and asked for a moment of their time. In conversation, he told the men that they should go back to their community because they didn’t belong where he had found them. A year later, he went to a wellness training event and saw the two brothers he had spoken to previously. They told Peace/War Chief Pipíp’7ese (Alexis Harry) that they made an oath to each other, because of the medicine he gave them, to “break the bottle” and go back home. And they did.³¹⁶

This obligation to share and help was echoed by Senkúkpi7 Francis Johnson Jr., who talked about sharing the knowledge of the Esk’etemc (Esk’étemc) governance structure with the rest of the Nation, noting it was his obligation to share what they know with anyone who asks.³¹⁷ This was evident throughout the course of this research project, perhaps most clearly when the community of Esk’etemc (Esk’étemc) hosted an Elders Gathering in June 2018 to share their experience developing the governance structure with the elders there. Over the course of two days, the hereditary chiefs, task manager chiefs, women, grandmothers, and family representatives at that gathering provided information to elders in other communities about how they researched, developed, and implemented a traditional governance system. Even after the gathering, and at subsequent ones, people from Esk’etemc’s (Esk’étemc’s) traditional governance body noted that they would be available and willing to visit and speak to anyone in Secwépemcúílecw to help in their own governance work.³¹⁸

³¹⁶ Peace/War Chief Pipíp’7ese (Alexis Harry). Oral teaching, validation interview (July 30, 2020) in Validation – Pipíp’7ese (Alexis Harry).pdf [Archived with ILRU].

³¹⁷ See Senkúkpi7 Francis Johnson Jr. Oral teaching, Secwépemc Spring Gathering: “Séwllkwe (Water)” (April 22, 2018) as transcribed in NOTES – Secwépemc Citizenship Project – elders meeting at Secwépemc Spring Gathering: “Séwllkwe (Water)” – April 22, 2018 – RJ Scribe.pdf at 3 as edited and validated in Validation – Francis Johnson Jr.pdf [Archived with ILRU]; See also Senkúkpi7 Francis Johnson Jr. Oral teaching, elders gathering (June 27, 2018) as transcribed in NOTES – Secwépemc Citizenship Project – Esk’étemc Elders Gathering – June, 2018 – JA Scribe.pdf as edited and validated in Validation – Francis Johnson Jr.pdf [Archived with ILRU].

³¹⁸ See for e.g., Senkúkpi7 Francis Johnson Jr. Oral teaching, Secwépemc Spring Gathering: “Séwllkwe (Water)” (April 22, 2018) as transcribed in NOTES – Secwépemc Citizenship Project – elders meeting

at Secwépemc Spring Gathering: “Séwllkwe (Water)” – April 22, 2018 – AJ Scribe.pdf at 2–3 as edited and validated in Validation – Francis Johnson Jr.pdf [Archived with ILRU]; Senkúkpí7 Cwlíken (Irvine Johnson). Oral teaching, Skwlax kwsełtkten project retreat (April 2019) as transcribed in NOTES – Secwépemc Citizenship Project – April Skwlax kwsełtkten project retreat – April 4-5 2019 – DB Scribe.pdf at 1 as edited and validated in Validation – Senkúkpí7 Cwlíken (Irvine Johnson).pdf [Archived with ILRU].

3.1.2.3 HELPING KWSÉLTKTEN IN NEED³¹⁹

Being vigilant to how one might help those in need falls within the concept of knucwentwécw. That is, when there is need to help kwséltkten, and there is an ability to do so, people help. Sharing as a form of helping often arises when kwséltkten have specific and identifiable needs. This was recognized by James Teit at the turn of the 20th century. He noted that begging wasn't customary, and that "if one was short of food, [their] relatives were supposed to help [them]; and if they could not do so, it was the duty of the chief to make a quiet collection of food among those better off, and give [them] the goods collected in an unostentatious way, to avoid [their] hurt feelings." Teit observed that sometimes families "best supplied with food were requested to give some of their store to those in need."³²⁰ Thus, although there is a responsibility for family and relatives to share with a relative, if they are limited in their ability to do so, the broader community takes on that responsibility and helps that community member.

This principle extends to the return of children who have been separated from the community, and who may not know who their family is. In the modern context of kwséltkten returning to community, often as adults, Julianna Alexander spoke about how people work together on how best to fulfil their obligations of knucwentwécw:

We see this today, with children who come back, or another member who has been off the reserve and returns. What usually happens is that they need a place to stay. And there is talk around the table how we're going to have to make room. And how the funding needs to be there for them, for when they come in, cause then we're responsible for them. And they need to know that, you

³¹⁹ See "Responsibility to Share Resources with Those Without or In Need" in Jessica Asch, Kirsty Broadhead, Georgia Lloyd-Smith, and Simon Owen, *Secwépemc Lands and Resources Law Research Project* at 63–64, as cited above; and "Responsibility to Help Others When Needed, Particularly with Food" in Hadley Friedland with Alan Hanna (Indigenous Law Research Clinic and T'exelceme Williams Lake Band) *Northern Secwepemc Legal Traditions Report* at 29, as cited above.

³²⁰ James Teit, "The Shuswap" at 574, as cited above.

know, that somebody has to be responsible for them because maybe they don't have family.³²¹

She added that in some cases, returning *k'wséltkten* are adopted by a certain family, or the whole community assumes responsibility.³²²

The legal obligation of *knucwentwécw* through sharing is documented in many stories, such as *Old-One and the Brothers*, which highlights the good fortune that comes to those who share with the vulnerable. In this story, Old-One comes upon four brothers, in four different encounters, and asks each brother for food, saying that he is hungry. Only the fourth brother gives Old-One food, and he is rewarded for this act. Old-One increases the brother's food supply so much that the community cannot finish the food, and gives him a canoe, which his people say is the best they have ever seen. The young man's acts of sharing reward both the young man and his community.³²³

This principle is also explored in the *Story of Tcotcu'lcâ; or, The Hunter who became a Wolf*. In that story, Tcotcu'lcâ is a man living in a time of famine who becomes a successful hunter. He uses his newfound skill and "fill[s] all the lodges with meat," so that all in his community are well fed. The principle also arises in *Tleē'sa and his Brothers*, in which the brothers scatter arrow-points across the whole territory so that "people will find them in plenty, and use them. They shall no longer be in the possession of a few." In *Story of Owl*, a boy who has been living with Owl notices his family nearby and shares food with them. Rod Tomma's reflection on *Story of Owl* affirms this perspective: "We're taught to share. Not to hoard."³²⁴

³²¹ Julianna Alexander (15 February 2018), as cited above, at 9.

³²² Julianna Alexander (22 August 2019), as cited above.

³²³ Sxwéylecken (or Sixwi'lexken, "Big Billy" of Dog Creek and Big Bar, born near Big Bar), "Old-One and the Brothers" in James Teit, recorder, "The Shuswap" in Franz Boas, ed, *The Jesup North Pacific Expedition: Memoir of the American Museum of Natural History* 2:7 (Leiden & New York: E.J. Brill & G. E. Stechert, 1909) at 643–644 as reproduced in Jessica Asch & Rebecca Johnson et al, eds, *Secwépemc Laws of K'wséltkten and Secwépemc-kt Casebook*, as cited above.

³²⁴ Rod Tomma (14 February 2018) at 8, as cited above.

One community member explained the proactive nature of this obligation of knucwentwécw by comparing their experiences with Secwépemc and colonial worldviews:

The idea of individuality is a white idea. A European idea...it's not a First Nations concept. Individuality...is not what I experience. We're a community. I have an elderly lady whose home is down the road from me. She's the only other person on my road. I hardly know her. I'm always concerned about how's she's doing. We get meat, we take her meat. We get vegetables, we take her vegetables. We get fruit off our trees, we take her fruit off our trees. She's got fruit trees, you know, but she's elderly. What if nobody picks her fruit trees and gives her fruit off her own trees? She can't do it.³²⁵

Many other similar examples arose in conversation with community members about the concept of knucwentwécw, including the taking in of children.³²⁶ For example, when Doreen M. Johnson was approached by a woman who asked Doreen to adopt her child, she explained that even though she was a single mom and had three kids to raise, she needed to help: "And to take on another responsibility? [. . .] My mom said if a child is offered to you, you have to take it. It's a message from the Creator."³²⁷

However, people are not obligated to help or share beyond what one can provide. Judy Deneault articulated this in the context of fostering children:

A social worker came to our house and says, "We've got to take these kids into care. Will you guys take them?" We were, like, "Okay?" We went with them to pick up the children from the house and it turns out there was five of them. And I'm like "Holy ... I can't take five of them!" It was a whole family. And so, I took two, and Grandma Sarah took three, because we're down the road from each other.³²⁸

³²⁵ Witness #1 (15 February 2018) at 8, as cited above.

³²⁶ See Judy Deneault (15 February 2018) at 6–7, as cited above; See also Minnie Kenoras (5 April 2019) at 5, as cited above.

³²⁷ Doreen M. Johnson (15 February 2018) at 2, as cited above.

³²⁸ Judy Deneault (15 February 2018) at 6–7, as cited above.

In this instance, Judy saw there was an obligation to help foster the children, but realizing the scope of the request, did not agree to take all of them. Her experience is similar to that of Doreen M. Johnson, who spoke about her family's process in determining who might take in two kids in care:

We had two nieces down in Vancouver that were going into the care of the ministry. They phoned me, and I called my family together, and said “Who’s going to take these two kids?” And so, another family member decided, “Yeah I can take them.”³²⁹

As in the case of Judy Deneault, Doreen M. Johnson worked together with other ƙwséltkten to help the children find homes in the family. If family were unable to find homes for the children, the next step would be to approach the community to see who else might be able to help.³³⁰

3.1.2.4 HELPING NEW ƘWSÉLTKTEN

Helping as a part of knucwentwécw arises particularly in the context of enabling new ƙwséltkten to integrate and participate with their new communities. This is an extension of the idea of helping people in need, but specifically focused on an aspect of help that involves supporting new ƙwséltkten. This is identifiable in a few narratives, including *The Man who married the Sā’tuen*. In that story, a Secwépemc man marries into a crane community and is given a feather from each community member to help him fly north with his new kin. His wife fastens the feathers to his body and gives him a whistle made from the wing-bone of the crane to sound like a crane. In *Grisly Bear’s Grandchildren*, the daughter of a grisly bear is helped by her husband to reach her new home in the Water World, and her sisters-in-law help her learn how to recognize her new trout kin. In the *Man Who Married a Grisly Bear*, a grisly bear woman gives her new husband a grisly-bear’s penis so they can have children. In *The Goat Woman*, a goat gives his new wife hooves to enable her to climb mountains.

³²⁹ Doreen M. Johnson (15 February 2018) at 2, as cited above.

³³⁰ Doreen M. Johnson. Oral teaching, validation interview. (August 2019) Validation – Doreen M. Johnson.pdf [Archived with ILRU].

These acts of helping new *kw̓séltk̓ten* in the stories are reflected in community members' stories about being married in to Secwépemc families. For example, one community member recounted the following about their experience of integrating as a married person:

Now that we're married, I find I step back a lot, but I'm finding in that, that I'm seeing my place more clearly. And I find that I'm having the opportunity to do a lot more learning of culture and tradition and am honoured to have elders for friends today. And I have the opportunity when I'm not sure if I'm understanding something properly, I can ask. This is, you know, "this is what I'm thinking—am I like totally out to lunch?" Or "does that make sense?" or "can you tell me about this?" and I've been provided a really safe environment from some women elders to be able to ask questions and know that I'm not going to be judged for not knowing or be thought of in a negative way or treated in a negative way because I don't. I get really good answers. I get really affirmed that I'm even asking the questions, right.³³¹

This same community member noted, however, that they had to make decisions about integrating into the community and accepting teachings: "I have a choice to ask questions and be receptive. I have a choice to participate in community events. If I don't, that's up to me and then I get to stay separated and disconnected...I don't know if I'm wrong, but that's my experience coming into community."³³² In other words, the obligations of *knucwentwécw* relating to newcomers is limited by the needs of the new community member, their requests for assistance, and their willingness to be helped.

3.1.3 YÚCWMEN³TSWÉCW

People are responsible for looking out for and protecting the land and all beings, understanding that the bedrock of a healthy citizenry is community

³³¹ Witness #1 (15 February 2018) at 4–5, as cited above.

³³² Witness #1 (15 February 2018) at 4–5, as cited above.

security, safety, and protection for all. This includes remaining attentive to unsafe conditions and conditions of vulnerability.

The obligations of yúcwmentswécw require attention to the kinds of conditions k'wséltkten are confronting (such as abuse of power) and to vulnerabilities (such as violence against women, children, or more-than-human relations and impacts from both present and historical forms of colonialism). The reciprocal understanding of the obligation (look after each other) also highlights that, at times, unsafe conditions can emerge in the context of family; kin who have caused harm are also in need of healing and support.³³³

3.1.3.1 THE CONCEPT OF YÚCWMENTSWÉCW

In a focus group conversation with women, yúcwmentswécw was identified as being an important obligation within Secwépemc laws of k'wséltkten and Secwépemc-kt. When talking about concepts of citizenship and belonging, these women emphasized the importance of ensuring the safety of people within community, particularly people who experience vulnerability, such as women and children. There is no direct translation for 'safety' in Secwepemctsín, but Julianna Alexander and Helen Duteau noted that the closest concept in Secwepemctsín to this idea is yúcwmentswécw.³³⁴ Yúcwmentswécw loosely means "take care nothing happens to you. Take care of yourself."³³⁵ As discussed in that context, the suffix "wecw" means one another. In this case, as Helen Duteau said, yúcwmentswécw means "look after one another."³³⁶ The glossary in *Tribal Case Book – Secwépemc Stories and Legal Traditions: Stsmémelt Project Tek'wémiple7 Research* also defines yúcwmentswécw as "look after one another."³³⁷

³³³ Also See "The Right to Bodily Integrity" in Hadley Friedland with Alan Hanna (Indigenous Law Research Clinic and T'exelcenc Williams Lake Band) *Northern Secwepemc Legal Traditions Report* at 35, as cited above.

³³⁴ Julianna Alexander (15 February 2018), as cited above, at 1; Helen Duteau (15 February 2018) at 1, as cited above.

³³⁵ Julianna Alexander (15 February 2018), as cited above, at 1.

³³⁶ Helen Duteau (15 February 2018) at 1, as cited above.

³³⁷ Kelly Connor, "Tribal Case Book" at 106, as cited above.

Reciprocity is embedded in the reflexive form of the word (look after each other), which is a reminder of how this obligation is mutual, binding, and benefits everyone in a Secwépemc community or family. Richard LeBourdais reinforced the understanding of yúcwmentswécw as a reciprocal obligation through his remarks about the birth of children, which he noted automatically creates caretaker roles for their parents, aunts, and uncles, as well as responsibilities for those children to take care of their family in return.³³⁸

While there may be greater obligations within families, there are collective obligations of yúcwmentswécw as well, particularly in the context of harm that may impact broader communities. For example, there are a few stories about cannibals and external threats that systematically prey on people. These narratives provide guidance on how kwséltkten can act on their obligations to identify dangers, and act in ways to produce conditions of safety. For example, in *Coyote and the Cannibal Boy*, Coyote kidnaps a boy, not knowing he is a cannibal. Although there are signs along the way that the boy poses a danger to Coyote (for example, by picking at a scab to probe at it), Coyote ignores those signs. He declares his intention to keep the boy as his “slave” when he arrives at the community, to which the people warn Coyote: “If he belongs to any tribe nearby, his friend may attack us, and try to get him back.” Coyote ignores the warning, and the cannibal boy kills everyone except for one man, who eventually kills the cannibal boy and brings Coyote back to life. The narrative illustrates the importance of understanding who someone is and how they might be able to relate to you prior to making them kwséltkten, as well as broader community obligations to both warn and act when there is a potential or real harmful newcomer in their midst. As with many stories involving Coyote, this one teaches by negative example, helping to make visible the processes and practices needed to create the conditions of safety for all relations.³³⁹

³³⁸ Richard LeBourdais. Oral teaching, Skwlax kwséltkten project retreat (April 2019) as transcribed in NOTES – Secwépemc Citizenship Project – April Skwlax kwséltkten project retreat – April 4-5 2019 – DB Scribe.pdf at 4 as edited and validated in Validation – Richard LeBourdais.pdf [Archived with ILRU].

³³⁹ See for e.g., Sxwéylecken (or Sixwi'lexken, “Big Billy” of Dog Creek and Big Bar, born near Big Bar), “The Women who sought for a Husband; or, The Women who married the Cannibal (Star) and Wolverine” in James Teit, recorder, “The Shuswap” at 687-689, as cited above as reproduced

The collective obligations of yúcwmentswécw were also obvious in the actions and activities observed and experienced during this research project. During the June 2018 Elders Gathering in Esk'etemc (Eskétemc), for example, Senkúkpí7 Francis Johnson Jr. welcomed all guests, and introduced himself and the other hereditary chiefs from the Yucwemínem. He spoke about their obligations to protect their guests and make sure everyone feels safe in the community, particularly the children and women.³⁴⁰

Yúcwmentswécw, as other legal obligations within Secwépemc law, includes obligations to look out for and protect more-than-human life, including land and waters. Rhona Bowe emphasized this in comments about citizenship:

Citizenship is you're responsible for the land and that makes you citizens. You're responsible for where you're coming from, how to look after the land. [. . .] And the forest teaches us that by this, the trees use us, and we use them. That's a teaching. They use us, without us they can't function, vice versa.³⁴¹

In a follow-up interview, Rhona clarified that the land provides people with an identity and a purpose, which makes people responsible to it.³⁴²

in Jessica Asch & Rebecca Johnson et al, eds, *Secwépemc Laws of K'wséltkten and Secwépemc-kt Casebook*, as cited above; Sxwéylecken (or Sixwi'lexken, "Big Billy" of Dog Creek and Big Bar, born near Big Bar), "Story of Bald-Headed Eagle" in James Teit, recorder, "The Shuswap" at 684–685, as cited above, as reproduced in Jessica Asch & Rebecca Johnson et al, eds, *Secwépemc Laws of K'wséltkten and Secwépemc-kt Casebook*, as cited above.

³⁴⁰ Senkúkpí7 Francis Johnson Jr. Oral teaching, elders gathering (June 2018) as transcribed in NOTES – Secwépemc Citizenship Project – Eskétemc EldersGathering – June 2018 – JA Scribe.pdf at 2 as edited and validated in Validation – Francis Johnson Jr.pdf [Archived with ILRU].

³⁴¹ Rhona Bowe (14 February 2018) at 21, as cited above.

³⁴² Rhona Bowe. Oral teaching, validation interview (August 22, 2019) in Validation – Rhona Bowe.pdf [Archived with ILRU].

3.1.3.2 YÚCWMENTSWÉCW MEANS BEING ATTENTIVE TO UNSAFE CONDITIONS AND CONDITIONS OF VULNERABILITY

Obligations of yúcwmentswécw include the recognition of and attentiveness to people experiencing specific conditions of vulnerability. That is, people within the Secwépemc legal tradition recognize and are mindful of the structural inequalities within society that make certain people more vulnerable to safety and security. Community members in focus group conversations highlighted the proactive obligations particular to children, women, elders, and older people as a matter of ensuring their equal participation as community members.

Children

Several stories speak to the recognition that children experience specific conditions of vulnerability. Yúcwmentswécw, in this context, provides that people have heightened obligations to protect children and not to put them in harm's way. This is visible in Coyote narratives, such as in *Coyote and his Hosts*, when Coyote decides to play a trick on young children and daubs their eyes with gum, making them unable to open their eyes. When the children awake in the morning, they wander around and become lost. They are unable to return home without their mothers' help. The *Story of Owl* emphasizes the obligation of parents to not put their children in precarious positions (to be kidnapped), and of Owl (a new caregiver) to train the child in his care to ensure the child learns how to take care of himself. Adult responsibilities to children are also apparent in *Story of the Salmon-Boy*. In that story, the Chief of the Salmon-People hears the boy's request to return to his home and takes great care to ensure that the boy travels in a way that is attentive to his safety.

The obligation of yúcwmentswécw applies to youth and siblings as well as adults.³⁴³ This is easily visible in *Grisly Bear's Grandchildren*, in which a boy

³⁴³ Richard LeBourdais. Oral teaching, Skwlax k'wséltkten project retreat (April 2019) as transcribed in NOTES – Secwépemc Citizenship Project – April Skwlax k'wséltkten project retreat – April 4-5 2019



fails in his obligation to take care of his younger sister, and harms her.³⁴⁴ In Mary Thomas' words, one of the teachings of the story is "*Yecwmíntiya ra7 setsetatamámc*. Look after those younger than yourself."³⁴⁵ As this aspect of the *Grisly Bear's Grandchildren* makes visible, part of "looking after" includes helping children to constrain their own practices of doing harm. This was echoed by Minnie Kenoras, who shared that her father told her, "Always be alert. Don't be lazy, be alert."³⁴⁶ She was able to apply her father's lessons as a youth when a man came to the house and tried to take her younger brother. She responded by bringing out a gun to ward the person off, and noted,

I was a bit shook up, But I knew I had to do that. He was going to take my brother and I thought of what my dad told me, not to let my brother out of his sight, because people do bad things to kids.³⁴⁷

What is present in the story was the importance of knowing, even as a young person, of how to uphold her obligation to look out for younger kin.

Gendered and Sexualized Violence

Several stories and conversations involved the vulnerabilities created by gendered and sexualized violence. The conversations in community for this research project focused on the experiences of cisgender women and girls. Further research should engage conversations about the experiences of genderless individuals, and individuals of all genders and sexualities.

Men who interfere with pubescent individuals in stories often face life-altering consequences and seriously impact the lives of those who experience this

– DB Scribe.pdf at 5 as edited and validated in Validation – Richard LeBourdais.pdf [Archived with ILRU].

³⁴⁴ See also another version of the story Charles Draney, Deadman's Creek, "The Trout-Children and their Grandparents" in Aert H. Kuipers, *The Shuswap Language: Grammar, Texts, Dictionary* (The Hague: Mouton & Co, 1974) at 116–130.

³⁴⁵ Marianne Ignace and Ronald E. Ignace, *Secwépemc People, Land, and Laws* at 336, as cited above.

³⁴⁶ Minnie Kenoras (5 April 2019) at 11, as cited above.

³⁴⁷ Minnie Kenoras (5 April 2019) at 11, as cited above.

interference. For example, in *Tleē'sa and his Brothers*, the brothers are transformed into rocks after spying on a young girl dancing, which is a reference likely to her pubescent training.³⁴⁸ As a result of the boys' actions, the girl is also profoundly changed. She becomes "a stone of a red color, for she was painted red at the time; and the stripes, like those of a chipmunk, may still be seen on her back." Those rocks mark the land, reminding people of the potential for harm, and their obligations to create conditions of safety for girls to this day. Concern about violence against children, particularly girls, occurred in multiple focus group conversations. This was identified as a serious matter, requiring people to remain attentive and proactive to ensure their safe participation in family and public life.³⁴⁹

Similar vulnerabilities associated with menstruation are visible in multiple Secwépemc narratives. In the story of *Wolverene and Fisher*, for example, a woman is lying by herself in her lodge, separate from her relatives, because she is menstruating. Wolverine takes advantage of this situation and transforms into a dog to enter the lodge. Over the first three nights, Wolverine steals the woman's belongings, and on the fourth night, kidnaps the woman, and tells her she "must be his wife." Her relatives notice the dog on the first three nights, but are not attentive enough to determine the woman is unsafe, so take no steps to address it. When they finally realize what has happened, they are unable to find her, providing a stark lesson about what happens when people are not attentive to the threats around them. A few other stories speak to topics relating to gendered and sexualized violence, such as kidnapping, abuse, deceit, and manipulation.

One example that was discussed in a focus group was the story *Spider and Otter*. In that story, a woman who has refused all suitors is kidnapped by Otter. Spider sees what has happened, kills Otter, and takes the woman. Spider and the woman then have children together. Eventually, Spider, having prepared a great feast, returns with the woman and children to the woman's home community. There, the woman's people are happy to see her, and hear her story. While the story is silent on what happens in community, the woman

³⁴⁸ James Teit, "The Shuswap" at 587–588, as cited above.

³⁴⁹ See for e.g., Richard LeBourdais (14 February 2018) at 21, as cited above.

and her children remain in the community, and Spider eventually returns to the sky.

When discussing this story, women in the focus group discussion spoke directly about paying attention to the silences in the story, and what those silences mean for safety. As mentioned by Julianna Alexander,

I got a few things out of the story, and one of them is about adultery. It doesn't mention it, but it appears she didn't want to be with any suitors. Yet, she was stolen by Otter. And then, there's also this other issue of murder. Spider pursued her, or fancied her, or wanted her, so he murdered Otter. But when he returns her to her people, he builds lies on that relationship to show her people that he was really grand, which you know to me is like trying to buy love or something. Spider was being deceitful or manipulative, so her people didn't know anything about the murder.³⁵⁰

The other women in the focus group agreed that Spider is trying to cover up the harm he has caused in the story. As Helen noted, “[a]nd with all that food that he brought back, you know. It's just to cover it up.”³⁵¹ Julianna connected the cover-up to contemporary experiences with harmful people in her community: “So, with the abuses in our communities, the law is still being broken and with the story it's continued. It continues—it hasn't stopped either in this story. That's what I see with everything.”³⁵² The story underscores core aspects of the obligation of *yúcwmentswécw*: learning how to see danger, how to support and watch out for those who return, and to help “break the silence” in ways that pay attention to supporting those who have been harmed, those doing the harming, and those who seek to make these ruptures of law visible.³⁵³

³⁵⁰ Julianna Alexander (15 February 2018) at 6, as cited above.

³⁵¹ Helen Duteau (15 February 2018) at 6, as cited above.

³⁵² Julianna Alexander (15 February 2018) at 7, as cited above.

³⁵³ Julianna Alexander (15 February 2018) at 6, as cited above.

Elders

Older ones or elders also face conditions of vulnerability in certain circumstances, triggering obligations of *yúcwmentswécw*. For example, Garlene Jules identified the vulnerability of the grandmother in *Story of Hu'pken*, who was abandoned by her community with her grandson because she was too old to keep up with her community:

Also, I think the abandonment of the grandmother. What I get from this is, it has even happened in our own communities a long time ago, when some of those ladies got too old and they just thought they weren't any good anymore. You don't ever think of that, because mom would say: "No matter how old that person gets, you will know or you will find out, you know she could cook for herself, she can sew." Or she said, "don't ever laugh at them, don't ever push them away." We will learn in our own way, in what we have, each and every one of us, we all have a gift. So, mom used to say, "do not laugh at the old people, do not laugh at the little children." And this is what I get from this, even though the old gal was abandoned, and yet she turned around and she helped this young man in that story.³⁵⁴

Community members spoke to the insecurity that elders face because of unsafe conditions in their communities today. Louie Basil Stevens noted,

It's a sad and sorry situation out there. The elders have just pretty well backed into their own corners, and they don't come out again because of what's happening. There's just so much drugs and alcohol that they are backed into a corner and we are trying our best to bring them back out again.³⁵⁵

Here, Garlene Jules and Louie Basil Stevens are identifying the vulnerability of older people and the importance of finding ways to enable them to participate and belong in the community.

³⁵⁴ Garlene Jules (as taught by her mother, Celena Jules) (14 February 2018) at 8, as cited above.

³⁵⁵ Louie Basil Stevens (15 February 2018) at 10, as cited above.

Families

Finally, some narratives also support an interpretation that yúcwmentswécw requires attentiveness to unsafe conditions that emerge within relations that should be structured safely, such as families. Many of them involve Coyote abusing his position of power in his relationships, which is relevant because of the role Coyote has in being a teacher in Secwépemc law. In *Coyote and his Son*, for example, Coyote desires his son's wives, so he tricks his son and abandons him on a cliff. Then, Coyote transforms his appearance to trick the women into thinking he is his own son and their husband. In *Coyote and his Niece*, Coyote tricks his niece into thinking he is a handsome stranger so he can have intercourse with her. In *Coyote and Grisly Bear*, Coyote abuses his wife, belittling her.³⁵⁶ In *Coyote and his Wives*, he obtains multiple wives "by foul means" and kills them. The stories speak not only to Coyote's failures of obligation, but also suggest the need for others (or an entire community) to act to support conditions of safety, particularly of those who are experiencing vulnerabilities. One possible risk factor that is apparent in *Coyote and Grisly Bear*, *Coyote and his Wives*, and *Coyote and his Son*, is that the smaller family appears to be living separately from a larger community, which would limit the ability of others to fulfill their obligations of yúcwmentswécw to those experiencing vulnerability at the hands of Coyote. There is significance in the ways these stories position Coyote to teach about risk that can come from within, and a reminder that Coyote's actions in these stories are violations of deep principles about obligations to create conditions of safety.

Colonialism and Racism

Many people reflected on the ways that colonial laws, governance, and history have created conditions of insecurity that Secwépemc communities and Secwepemcúlecw face in contemporary times. As Louie Basil Stevens said, "The one thing that we have to remember that we have been 150 years

³⁵⁶ Sxwéýlecken (or Sixwi'lexken, "Big Billy" of Dog Creek and Big Bar, born near Big Bar), "Coyote and Grisly Bear (Fraser River and North Thompson Division)" in James Teit, recorder, "The Shuswap" at 630–632, as cited above, as reproduced in Jessica Asch & Rebecca Johnson et al, eds, *Secwépemc Laws of K'wéltkten and Secwépemc-kt Casebook*, as cited above [Coyote and Grisly Bear].

oppressed and suppressed by the Canadian government.”³⁵⁷ Colonial law has created and exacerbated conditions of danger and harm, and the obligation of yúcwmentswécw is understood and actualized within this frame. Bert Deneault spoke to this background:

We are dealing with the forced removal of children, the dispossession of land. All these things are transpiring within our nation right now amongst our own people, and our own leadership, and it is detrimental to the life of our people, to the longevity of our people.³⁵⁸

Peace/War Chief Pipíp’7ese (Alexis Harry) reflected on this impact of colonial law in practice:

I think we can talk about supporting conditions for safety for all. I feel like the cow has more safety than we do because we can’t go onto ranch land to hunt. The ranchers say we can’t go onto our land because it is theirs and it is for their cows [. . .] for the cow’s safety, not our well being or our children’s eating. There’s law that stands [. . .] for all of us, but it’s not for all of us. It is one of the oldest laws that still stands—you will get more years in prison for killing a cow than killing an Indian. We were made to believe that a long time ago, made to understand that a long time ago [. . .] that was one thing planted in my brain, the séme7 (white) law.³⁵⁹

In validation, Peace/War Chief Pipíp’7ese (Alexis Harry) remarked that he worked in town with the séme7 because he had to for his kids. He noted that he was aware of his own vulnerability, and experienced both stigma and racism in Williams Lake, but would think to himself “you will never break me.”³⁶⁰ This reflects the threat of the history and legacy of colonialism, and how it perpetuates conditions of vulnerability.

³⁵⁷ Louie Basil Stevens (15 February 2018) at 5, as cited above.

³⁵⁸ B.A. Deneault (15 February 2018) at 8, as cited above.

³⁵⁹ Peace/War Chief Pipíp’7ese (Alexis Harry) (23 October 2019) at 1, as cited above.

³⁶⁰ Peace/War Chief Pipíp’7ese (Alexis Harry). Oral teaching, validation interview (July 30, 2020) in Validation – Pipíp’7ese (Alexis Harry).pdf [Archived with ILRU].



3.1.4 SECWKWNÉMTEN

People are responsible for teaching ǰwséltkten about their obligations and their lineage, and for learning and practicing what ǰwséltkten teach to them. Family members, particularly grandparents, and community play an essential role in teaching children, adults, and newcomers about their obligations as ǰwséltkten.

People learn their obligations as ǰwséltkten and Secwépemc-kt through the teaching of those legal obligations by others. Social interaction is, in fact, one of the main ways in which people in all societies learn about law and their place in it.³⁶¹ Secwépemc stories and conversations with community members frequently return to the questions of teaching and learning one's obligations within a community. These start with even the oldest stories of Old-One and Coyote, who travelled the country teaching people and “putting things to rights.”³⁶² Embedded in the creation of the first human relations and their interactions with others is the very idea that all people are teachers and learners about how to be in the world. This starting point underscores the attention that should be paid to narratives reflecting teaching and learning, and in the context of questions of ǰwséltkten and Secwépemc-kt, this is particularly so in stories relating to children and newcomers. For these community members, teaching and learning must start at the very beginning.

In focus group sessions, community members turned to the word secwkwnémten, which could mean “practice the way things are done” or “responsibility” as a focus for obligations of ǰwséltkten and Secwépemc-kt in Secwépemc law.³⁶³ Secwkwnémten, as explained by Mona Jules, is

our traditional ways. Ways that we rely on, like the Secwepemctsín, and teaching the young ones, which has been going on for

³⁶¹ Val Napoleon, “Thinking About Indigenous Legal Orders” at 229–45, as cited above.

³⁶² Sixwi'lexken, “Introductory” in James Teit, “The Shuswap” at 621, as cited above.

³⁶³ Kelly Connor, “Tribal Case Book” at 106, as cited above; Garlene Jules (as taught by her mother, Celena Jules) (14 February 2018) at 6, as cited above.

thousands of years. We have specific rules in our culture that are very, very important, and it is all *secwkwnémten*.³⁶⁴

In a validation session with Senkúkpí7 Cwlíken (Irvine Johnson), Senkúkpí7 Wilfred Robbins Sr., and Peace/War Chief Pipíp’7ese (Alexis Harry), they all emphasized that *secwkwnémten* is a type of teaching that is done alongside someone else, such as a child, in a hands-on way, and not simply instruction about how to do something. Showing someone and supporting their learning is key to applying this legal principle.³⁶⁵

An important aspect of this concept is about supporting children to find and develop their gifts, and to develop them through training and practice. As one community member said,

It’s our fundamental beliefs of all of what we believe in. We have to learn how to believe, believe in our fundamental rules of our lives, our fundamental beliefs. Because through that we know that everybody, when they’re born, they were given special gifts. That’s what we believed, and we still do. And that’s why they were called *étsxe* (traditional cultural training). You have to go find it on a spiritual quest. And my generation, every generation, all the families had to give their kids a chance, from 7 years old to 8 years old, when they already know a lot of ways, *Secwépemc* ways. Me7 lé7es es swe7écs ne7élye ne tmicw [They will have a good life on the land]. We used to send our kids out on vision quests when they hit puberty. And they would work on higher phases after that as they progressed, sometimes towards being Indian doctors. But again, when we send them out to go on their fast, to find their true gifts, well.... A lot of our beliefs were that we were given helpers in our lives. And a song goes with it and a dance goes with it, eh? And *secwkwnémten* means all that you were born with. And we believe that everyone has a gift and everybody in your family, your

³⁶⁴ Mona Jules (14 February 2018) at 6, as cited above.

³⁶⁵ Senkúkpí7 Cwlíken (Irvine Johnson), Senkúkpí7 Wilfred Robbins Sr. and Peace/War Chief Pipíp’7ese (Alexis Harry). Oral teaching, validation interview (March 10, 2023) in Validation – Senkúkpí7 Cwlíken (Irvine Johnson).pdf, Validation – Senkúkpí7 Wilfred Robbins Sr.pdf, and Validation – Pipíp’7ese (Alexis Harry).pdf [Archived with ILRU].

community, your nation is there to help that child develop their potential.³⁶⁶

Mona Jules explained further that this is more than simple teaching. In this context, these are not cultural activities that people go rushing in and do: “there’s so many things that have to be known and understood before you begin.”³⁶⁷

3.1.4.1 FAMILIES AND COMMUNITIES ARE RESPONSIBLE FOR TEACHING THEIR K’WSÉLTKTEN THEIR OBLIGATIONS AS SECWÉPEMC-KT

Family members play central roles in teaching children about their obligations. As articulated by Diane Sandy, “Teaching comes right from the home, right. Listening and teaching comes from the home. It goes right back there.”³⁶⁸ Julianna Alexander also noted how “usually family teaches values, principles, respect, and love and all the other things that family do. And so can communities—the sharing, the caring, the teaching.”³⁶⁹

The role that families play in training is evident in several stories involving the tutelage of boys around hunting, which enables them to fulfill their broader obligations to their families and communities. In *Story of Owl*, for example, an infant is taken from his parents and raised by Owl. Owl takes on the role of teacher, and trains him to bathe and rub “his body with fir branches” (which are instructions on how to participate in the sweat lodge) and teaches him how to hunt until he becomes an expert hunter and able to provide for Owl. Owl also teaches the boy about Owl’s powers, which the boy (now a young man) can use to protect his family when they come to reclaim him. Similarly, in *Story of Hu’pken*, a young man is abandoned by his community because he is “mischievous, lazy, and quarrelsome, and would not train himself like the other lads.” Here the family intervenes when the

³⁶⁶ Witness #2 (14 February 2018) at 7, as cited above.

³⁶⁷ Mona Jules (14 February 2018) at 8, as cited above.

³⁶⁸ Diane Sandy (14 February 2018) at 15, as cited above.

³⁶⁹ Julianna Alexander (15 February 2018) at 6, as cited above.

young man fails to take up his obligations. They leave him with his grandmother, who takes on the role of training Hu'pken, teaching him first how to construct bow and arrows, then shoot large game. Similarly, to *Story of Owl*, Hu'pken eventually becomes an expert hunter, and is thus able to provide food to the community that abandoned him when they later encounter times of scarcity.

Peace/War Chief Pipíp'7ese (Alexis Harry) talked about the importance of teaching his children about colonialism and how it creates conditions which leave them vulnerable to harm. Specifically, he has explained to his children that it is important to never get into trouble with RCMP or police because they will face harsher consequences and discrimination at their hands.³⁷⁰ In doing so, he shares his own negative encounters with police.³⁷¹ This background understanding of the impact of colonial structures influences contemporary discussions of how to best act on the obligations of both secwkwénmten and yúcwmentswécw.

Grandparents

As seen in *Story of Hu'pken*, grandparents play vital teaching roles in many Secwépemc narratives. Both the grandmother and grandfather play important teaching roles in *Grisly Bear's Grandchildren*. In *Story of the Salmon-Boy*, it appears that the boy lives with his grandfather, as his parents aren't present in the story. So too, in *The Man who married the Sā'tuen*, the young man encounters a woman and her grandfather. In *Story of Owl*, the boy refers to Owl as Grandfather. Senkúkpi7 Cwlíken (Irvine Johnson) recalled being told, and having to repeat back, stories while on wagon trips with his grandfathers, particularly David Johnson.³⁷²

Secwepemctsín speaks to grandparent-grandchild adoption in words such as sta7íl'e, stwetíl'e, and stu7tíl'e, which describe a child to be raised by a

³⁷⁰ Peace/War Chief Pipíp'7ese (Alexis Harry) (23 October 2019) at 2–3, as cited above.

³⁷¹ Peace/War Chief Pipíp'7ese (Alexis Harry) (23 October 2019) at 3, as cited above.

³⁷² Senkúkpi7 Cwlíken (Irvine Johnson). Oral teaching, Skwlax kwséltkten project retreat (April 4-5, 2019) and transcribed in NOTES – JA Secwépemc Skwlax kwséltkten project retreat April 2019.pdf at 142 as edited and validated in Validation – Senkúkpi7 Cwlíken (Irvine Johnson).pdf [Archived with ILRU].

grandparent or other relative.³⁷³ Mardi Paul, who grew up with her granny, spoke of how important it was to have children raised by grandparents to learn Secwépemc ways: “watching it and growing up myself with my grandmother—but it wasn’t that I was being given away. My granny took me and showed me things for a reason.”³⁷⁴

Adopted or not, time and time again, people in focus groups referred to lessons they associated with their grandmothers and grandfathers, lessons where practical activities were linked to teachings about important values and obligations. Mona Jules spoke about the lessons provided by her grandmother around gifting.³⁷⁵ Flora Sampson spoke about learning the spiritual aspects embedded in legal practices from watching her grandfather and his friends prepare to hunt.³⁷⁶

People also spoke to their desire to pass along their knowledge to younger generations of family members. However, sometimes there can be obstacles because of how people view who is part of a family. Mardi Paul spoke about how she was raised in a house of children, some of whom were not related by blood. In her view, this created relations and obligations to pass on knowledge to the children and grandchildren of those she was raised with, even if others don’t feel the same:

My grandmother raised a lot of children, not her own, because of the smallpox and stuff. And now we’re older, and there’s people that my grandmother raised saying [to me] “you’re not related, you’re not related.” Like you’re saying, there were no orphans. They were adopted. That’s why I’m frustrated, because I’m an aunty, I’m a grandmother, but I can’t practice those roles, I can’t teach it. I’m being stopped from having my own grandchildren.³⁷⁷

³⁷³ Kelly Connor, “Tribal Case Book” at 102, as cited above.

³⁷⁴ Mardi Paul (5 April 2019) at 13, as cited above.

³⁷⁵ Mona Jules (14 February 2018) at 4, as cited above.

³⁷⁶ Flora Sampson (14 February 2018) at 1, as cited above.

³⁷⁷ Mardi Paul (5 April 2019) at 7, as cited above.

In a follow-up conversation, Mardi Paul underscored how she wants to change this and practice the roles and the responsibilities she has but knows that this will take time.³⁷⁸ This was a difficulty also expressed by Rod Tomma, in his comments on contemporary challenges that neglect to see the importance of being able to pass one's ways onto one's grandchildren.³⁷⁹

Teaching Adults and Newcomers

Stories that involve new *kwséltkten* coming into the community, or lost children returning or joining new communities, describe the ways that family and communities teach newcomers. In the *Story of Tcotcu'lcâ; or, The Hunter who became a Wolf*, for example, we see the slow integration of a person into a community of wolves during a famine in the land. Tcotcu'lcâ, the man, is weak and in a starving condition, and a wolf decides to help him. The wolf gives him the tail of a chicken hawk and a small bag of red paint and provides him with instructions to hunt. The man follows the instructions and can feed his community with the wolf as his guardian. The man stays in his community, but doesn't marry, knowing that this will impact his powers and ability to run fast. When Coyote decides to steal the quiver and paint to do "likewise and go hunting," the man at once begins howling like a wolf, and runs away: "thereafter he lived with the wolves, and became as one of them." Similarly, in *The Man who married the Sā'tuen*, a recently married-in man receives specific teachings and the support of his crane family, which enable him to fly. In *The Goat Woman*, a woman is given hooves to enable her to traverse the goat terrain and keep up with her new community.

The role that family and community take when newcomers or returning adults need teaching was affirmed in focus group conversations. In response to questions about how returning adults learned those things that are usually taught to children, Mona Jules noted, "They did learn from community members or family."³⁸⁰ In a follow-up conversation, Mona emphasized, however, how important it is that people are willing to ask for help, and to

³⁷⁸ Mardi Paul. Oral teaching, validation interview (October 22, 2019) in Validation – Mardi Paul.pdf [Archived with ILRU].

³⁷⁹ Rod Tomma (14 February 2018) at 5, as cited above.

³⁸⁰ Mona Jules (14 February 2018) at 3, as cited above.

ask in the right ways: “Knowledge is not just given freely (outside of the classroom). The person has to have interest, and they have to ask.”³⁸¹ This is consistent with another community member’s thoughts on their obligations as a new relative: “I have a choice to ask questions and be receptive. I have a choice to participate in community events. If I don’t, that’s up to me and then I get to stay separated and disconnected [. . .] I don’t know if I’m wrong, but that’s my experience coming into community.”³⁸²

The practice of teaching adults mirrors that of teaching children. Teachers incorporate many teachings at the same time, so that knowledge of language, land, song, story, ceremony, and obligations are woven together. This creates a more holistic and layered approach to learning, according to Mona Jules:

In the past I’ve had immersion language classes where we would learn the language, learn the activities, learn about the trees the plants and so on, and then literally go out there for maybe a few hours a day, or one day out of the whole session. You do learn everything, but we talk about it before hand. Then we go out and drum and sing. We give thanks to the Creator, take an offering with us, and then we go into the bush and collect our berries. Then we take it home, and we have to give away our first takings. You don’t consume it. You would take it home and give it to your neighbour, or one of your grandmothers. The same with your basket. If it is the first basket that you have made, you would have to give away to your neighbor or to someone. Similarly, for your first drum or whatever.³⁸³

³⁸¹ Mona Jules. Oral teaching, validation interview (September 24, 2019) in Validation – Mona Jules Combined.pdf [Archived with ILRU].

³⁸² Witness #1 (15 February 2018) at 4–5, as cited above.

³⁸³ Mona Jules (14 February 2018) at 3–4, as cited above.

3.1.4.2 PEOPLE ARE RESPONSIBLE FOR TEACHING THEIR KWSÉLTKTEN ABOUT LINEAGE AND FAMILY HISTORY

In the context of kwséltkten, it is critical for people to know and be able to explain their own lineages to know who they can form future relations with and what obligations they have to specific people. Specific elders have responsibilities within communities to know the lineages, although, as noted earlier, grandmothers, mothers, and other family members can play the role of genealogists (see Section 2.2.3: Old Ones, Kyé7es and Women).³⁸⁴ There are additional knowledge keepers that can be drawn on, especially in the case of orphans, or people who have been adopted or have lived with foster parents.³⁸⁵ This is reflected in the stories as well, such as in *The Man who married the Sā'tuen*, in which a young Secwépemc man journeys to the land of the cranes. When he meets an old man and his granddaughter, the old man asks the young man where he is from and what he is doing there. The young man explains himself to the grandfather, who tells him he knows the young man's country. Soon thereafter, the young man and the granddaughter marry. Similarly, in *Grisly Bear's Grandchildren*, a grandfather recognizes his grandson upon seeing him for the first time as a young man. The grandfather then takes on the tutelage of the boy to enable him to successfully marry into his new community.

Sometimes teaching about lineage is critical for understanding how to avoid harm. For example, in *Grisly Bear's Grandchildren*, Grisly Bear woman creates four daughters out of different elements: gum, stone, clay, and wood. She instructs the first three girls to not do things that will harm them but does not explain why. The first girl, made of gum, disobeys her mother's instructions, and dries herself in the sun and melts. The second, a stone girl, jumps into the lake and drowns. The clay girl scratches herself after bathing

³⁸⁴ See e.g., Julianna Alexander (15 February 2018) at 13, as cited above.

³⁸⁵ See Julianna Alexander (15 February 2018) at 13, as cited above, where Julianna refers to the ways that social workers and those holding state records were deployed as the Secwépemc worked to help reconnect orphans, explaining how knowledge of their connection was held by the state, and not the families. This enabled the blanketing and reuniting of foster children to either biological parents, or to their kin.

and dissolves in the water. The first three girls each wonder to themselves why they have been given those instructions, but do not bring these questions to their mother. The mother, rather than modifying her instructions with an explanation about her daughters' formation (a metaphor for lineage), responds instead by repeating the same actions and creating a new daughter. Had the children known where they came from and how they were formed, they might have known how to interact with the wider world and avoid harm.

It is also important for people to understand the limits respecting the formation of relations with others. For example, in *Story of Woodpecker's Marriage; or, Bluejay's Revenge*, Bluejay, the "greatest warrior and war chief of the myth people", decides to make peace with the Antelopes and Marmots through intermarriage. He sends Woodpecker to marry one of their daughters. Woodpecker marries the daughter of Marmot Chief, and they return to Bluejay's community. Years later, Woodpecker and his wife return to visit her people. Bluejay sends many men to escort them and gives the instruction that none of those men may marry the women in the community. They stay in the community a long time, and before they return, Flicker marries Antelope's daughter. Bluejay, upon hearing this news, takes to his bed and does not speak. When he finally rises, Bluejay says that Flicker has made his heart sad for disobeying him, and that his tears reminded him that Antelope and Marmot are enemies. He then launches an attack on the Marmot and Antelope people, killing nearly all of them. The inference drawn here is that Bluejay's people did not understand the catastrophic consequences for further marrying into the Marmot and Antelope community. And, had they known the dire consequences, Flicker would not have married Antelope's daughter. Ultimately, similarly to the situation in *Grisly Bear's Grandchildren*, serious harms could have been prevented by providing additional context, reasons, or space to ask questions about instructions relating to the creation of new *kwséltkten*.



3.1.4.3 PEOPLE ARE RESPONSIBLE FOR PRACTICING AND LEARNING THE SKILLS AND KNOWLEDGE TAUGHT TO THEM BY THEIR KWSÉLTKTEN

In Secwepemctsín, the word secwkwnémten means both “practice the way things are done” and “responsibility”.³⁸⁶ The researchers draw from the English translation of these two terms that practicing the ways of being Secwépemc-kt and kwséltkten are conceptualized as obligations within Secwepemctsín and the Secwépemc legal order.

The oral narratives are most explicit about the obligation to practice and learn in the context of hunting stories involving boys coming of age. First, the pattern of learning to hunt suggests a slow, systematic process that would require practice and skill. For example, in *Story of Owl*, *Story of Kuxka'in*, and the *Story of Hu'pken*, young men are taught to become successful hunters by being given bows and arrows and instructed to hunt small animals before moving on to medium and larger sized game. In *Story of Owl*, Owl trains the young boy by also washing him in streams and with fir branches (learning to sweat). Second, in *Story of Hu'pken* and *Story of Kuxka'in*, which are similar stories, these young men become successful hunters after being abandoned by their communities for being “lazy”. *Story of Hu'pken* is more explicit, noting that he would not “train himself like the other lads.” Once these boys are isolated (with a grandmother or old woman to help them), they acquire the necessary skills to hunt and support their broader community. Given the context of these stories, the community decisions to withdraw support appear as response to the failure of these young men to meet their obligation to practice the skills needed to be contributing member of society.

Although there is an obligation that a person practices and contributes, there is no need for the person to be an expert or perfect in the tasks they take on. For example, *The Woman and the Pelicans* is a story of a Secwépemc woman who joins a Pelican community. The story mentions that she never learns to fly as fast as her friends, which is why she follows behind the flock as they travel the land. This is also apparent in *The Man who married the*

³⁸⁶ Kelly Connor, “Tribal Case Book” at 106, as cited above.

Sā'tuen, where the story indicates that the man is actively training himself to learn the songs and dances, but still requires the assistance of family to complete the flight with the others. The story is a reminder of why one always sees the three cranes flying at the back—a reminder that the grandfather and daughter are flying behind to ensure the support of the husband. In short, it is the practice of the skills, and not the perfection in the execution of the skills, which demonstrates one is living up to this obligation.

3.2 EXPECTATIONS

EXPECTATIONS RESTATEMENT TABLE

What expectations or rights do individuals, families, and the broader community have once they are recognized as k̓wséltkten or Secwépemc-kt? What should they expect from others in their family and community?

EXPECTATIONS

CONCEPT	SUMMARY	SOURCES
3.2.1 PARTICIPATION	<p>People, irrespective of how they become k̓wséltkten, have an expectation to participate in daily life and to have that participation supported and facilitated on an ongoing basis. How one participates in community might be different for different people, be limited in certain circumstances, and may end when the person is no longer k̓wséltkten.</p>	<p><i>Sxwéýlecken; Sisyúlecw; Witness #1; Louie Basil Stevens; Senkúkpi7 Francis Johnson Jr.; Story of Kuxka'in; Story of Hu'pken; Dirty-Lad and his Wives; The Man who married the Sā'tuen; The Goat Woman; The Woman and the Pelicans; The Shuswap.</i></p>
3.2.2 MOBILITY	<p>People have the expectation that they can leave and return to Secwepemcúlecw, no matter the reason, without impacting their place in family, campfire, or community. This expectation applies to all k̓wséltkten, even if they have never lived in</p>	<p><i>Sxwéýlecken; Sisyúlecw; Diane Sandy; Minnie Kenoras; Rhona Bowe; Julianna Alexander; Judy Deneault; Story of the Salmon-Boy; Spider and Otter; Story of Kuxka'in; Story of Hu'pken; Dirty-Lad and his Wives; The Goat Woman; The Gambler's Son and Red-Cap; The Man who married the Sā'tuen; Story of the Tsōtenü'et's Son;</i></p>

	Secwepemcúlecw before, to ensure that there is always a pathway home.	<i>The Women who sought for a Husband; or, The Woman who married the Cannibal (Star) and Wolverine; Story of Owl; Grisly Bear's Grandchildren; Secwépemc People, Land, and Laws: Yerí7 re Stsqéy's-kucw.</i>
3.2.3 FAIRNESS AND INFORMATION	People have expectations of fairness when engaging with Secwépemc law and the right to information in order to act lawfully, and to keep themselves and others safe. These expectations put emphasis on the importance of balancing the rights of people as part of decision-making related to k'wséltkten.	<i>Sxwéylecken; Peace/War Chief Pipíp'7ese (Alexis Harry); Julianna Alexander; Story of Woodpecker's Marriage; or, Bluejay's Revenge; Dirty-Lad and his Wives; Grisly Bear's Grandchildren</i>

INTRODUCTION

Many of the expectations or rights of k'wséltkten who call themselves Secwépemc-kt can be inferred by the obligations. For example, if there is an obligation to help, then there is a corresponding expectation or right to be helped. Some expectations derived from the obligations of sucwentwécw (See [Section 3.1.1](#)) are the expectation to be acknowledged, recognized, not forgotten, and even sought out to be returned to Secwepemcúlecw by family. The obligations of knucwentwécw (See [Section 3.1.2](#)) imply expectations of reciprocity and expectations that people will help in daily life or when a person is vulnerable. Obligations of yúcwmentswécw (See [Section 3.1.3](#)) give rise to expectations that people will collectively be working towards conditions of safety for people, and that when protection is needed, people will have it. Obligations of secwkwnémten (See [Section 3.1.4](#)) suggest rights to learn about law and participate in it fully through daily practices. What follows are discussions of some specific expectations of individuals and communities in the context of the laws relating to calling oneself k'wséltkten and Secwépemc-kt that stand apart from those obligations.

3.2.1 PARTICIPATION

People, irrespective of how they become k'wséltkten, have an expectation to participate in daily life and to have that participation supported and facilitated on an ongoing basis. How one participates in community might be different for different people, be limited in certain circumstances, and may end when the person is no longer k'wséltkten.

The expectation of participation flows from all the obligations of Secwépemc laws relating to k'wséltkten and Secwépemc-kt. There is a recognition that once a person is k'wséltkten, that person has the right to participate in daily life. This arises irrespective of how one has become a citizen: through birth, adoption, marriage, or agreement. This is exemplified by Senkúkpi7 Francis Johnson Jr.'s statement to the Secwépemc Sna7a Elders Council that “once someone is a relative, they can be ‘raised up’ by the family” and that even married-in slaves can become chiefs.³⁸⁷ This is consistent with comments that Teit made at the turn of the 20th century that the children of slaves became members, “having the same privileges as other people. In one instance, the grandson of the slave became a chief.”³⁸⁸

3.2.1.1 PARTICIPATION MAY LOOK DIFFERENT FOR DIFFERENT PEOPLE

How someone participates in community might be different depending on how they are situated in community. There may be different expectations of participation depending on the skills and abilities of that person. As Senkúkpi7 Francis Johnson Jr. stressed when querying the use of the word expectation in the Report, his mentor, Arthur Dick, taught him that everyone had a gift to give community and had a role to play, and it was the women's

³⁸⁷ Senkúkpi7 Francis Johnson Jr. Oral teaching, Secwépemc Spring Gathering: “Séwllkwe (Water)” (April 22, 2018) as transcribed in NOTES – Secwépemc Citizenship Project – elders meeting at Secwépemc Spring Gathering: “Séwllkwe (Water)” – April 22, 2018 – AJ Scribe.pdf at 4 as edited and validated in Validation – Francis Johnson Jr.pdf [Archived with ILRU]. Note that the word slave does not have the same connotation as it does in English.

³⁸⁸ James Teit, “The Shuswap” at 570, as cited above.

responsibility to see the gifts that community can use.³⁸⁹ The researchers infer from this statement that the expectations of people in society are different depending on what gifts they are seen to have and what role they play in society.

Similarly, expectations may differ across the territory based on differences in governance structures. For example, James Teit noted that some Secwépemc campfires along the Fraser River north of Dog Creek had crest groups and hereditary leadership systems similar to the neighbours north and west of Secwepemcúíecw. People marrying into a crest group do not acquire the privileges of that crest group (although their children do), which creates different expectations of participation.³⁹⁰ Different expectations of participation were echoed in the validation conversation held with Senkúkpí7 Francis Johnson Jr. from Esk'etemc (Esk'etemc), who said adoption sometimes entitles people to different rights depending on the context. For example, while a family can adopt and give rights relating to particular land it controls, that same person may not have broader expectations at a community or nation-wide scale. He noted that this is a grey area at this moment in time, and particularly so with respect to modern adult adoptions.³⁹¹

As discussed in other sections of the Report, participation may also be limited in certain circumstances. This is clearest in the stories involving the training of young men, such as *Dirty-Lad and his Wives*, *Story of Hu'pken*, and *Story of Kuxka'in*. In these stories, the young men are separated or abandoned by their families, and their community withdraws the young men's rights to participate in the rest of the community. However, once they demonstrate their ability to contribute to their community and fulfill their obligations, the stories suggest the possibility of re-integration and participation.

³⁸⁹ Senkúkpí7 Francis Johnson Jr. Oral teaching, validation interview (July 28, 2020) in Validation – Francis Johnson Jr Combined.pdf [Archived with ILRU].

³⁹⁰ James Teit, “The Shuswap” at 576, as cited above.

³⁹¹ Senkúkpí7 Francis Johnson Jr. Oral teaching, validation interview (July 28, 2020) in Validation – Francis Johnson Jr. Combined.pdf [Archived with ILRU].

3.2.1.2 ONGOING SUPPORT FOR PARTICIPATION WHEN NEEDED

As articulated in the sections on the obligation of knucwentwécw and secwkwnémten (see Section 3.1.2: Knucwentwécw and Section 3.1.4: Secwkwnémten), some kwséltkten may need support to learn and participate. This could be in the form of providing specific teachings or material goods to participate. Support can come in forms of tutelage or in providing space to learn, as identified in stories about training of young people, such as *Story of Hu'pken* and *Story of Kuxka'in*

Newcomers (such as people returning for the first time or new spouses entering a community) may have specific expectations regarding the resources or support they need to participate in community life. In *The Man who married the Sā'tuen*, for example, a young man needs a feather from each crane so that he can fly with the other cranes. In *Dirty-Lad and his Wives*, Dirty-Lad's wives give him a bow and arrow so he can hunt. Goat Woman needs hooves so she can climb up to where the goats live in *The Goat Woman*. The woman who becomes a Pelican in *The Woman and the Pelicans* needs the air lift from all the other Pelicans flapping their wings so that she can lift off the ground and travel with them.

The need for support in participation may also require more than a one-time or initial offer of resources or other support. That support is an ongoing need is identified in *The Man who married the Sā'tuen* and *The Woman and the Pelicans*. In those stories, the married-in relatives are said to fly at the back of the flock with their immediate family because they are not able to fly quite as fast as the others. In *The Man who married the Sā'tuen*, “the man, his wife and father-in-law followed a little behind the others. This is the reason why three birds are always seen flying behind the others.” In this case, it can be interpreted that the newcomer was being supported in the journey by his family.

The amount of support a person receives may be limited by their individual choice to participate. This is evident in the case of newcomers, as articulated

by one community member as follows: “I have a choice to ask questions and be receptive. I have a choice to participate in community events. If I don’t, that’s up to me and then I get to stay separated and disconnected [. . .] I don’t know if I’m wrong, but that’s my experience coming into community.”³⁹² They contrasted this experience with that of someone else they know who married into the community and has not participated or accepted teachings from others. This highlights the importance of reciprocity in the obligations of knucwentwécw (see Section 3.1.2: Knucwentwécw). It also demonstrates an overall orientation towards individual agency within the Secwépemc legal tradition.

3.2.1.3 PARTICIPATION MAY CHANGE ONCE PEOPLE ARE NO LONGER KWSÉLTKTEN

There are also Secwépemc narratives involving instances of the severing of relationships. These stories suggest that some kinds of rupture may impact the rights of people to continue to participate in daily Secwépemc life. This is most apparent in the stories about marriage (see Section 2.1.2: Marriage), such as *Dirty-Lad and his Wives*, in which the wives and children of a lad transform into their original elk form and leave him with his people after he fails to meet their expectations of a husband. Senkúkpi7 Francis Johnson Jr. also talked about the removal of people from community in cases where their adoption or marriage was not working, particularly in the case of marriages created for alliance purposes. He noted,

I think banishment was sending people back to their own nations. Those that didn’t work out. Women were sent back to [. . .] the nation [that had the alliance]. They would lose their right as a Secwépemc. If it was political, it could be slaves released. Secwépemc allowed those people to move back to their nations.³⁹³

Taken together, these show that in cases involving adult-type adoptions or marriages, circumstances that lead to a separation in a family can also lead

³⁹² Witness #1 (15 February 2018) at 5, as cited above.

³⁹³ Senkúkpi7 Francis Johnson Jr. Oral teaching, validation interview (July 28, 2020) in Validation – Francis Johnson Jr Combined.pdf [Archived with ILRU].

to a severing of the person's rights within a community. However, people may, in some cases, retain some rights in community after the death of a spouse, as in the case of Louie Basil Stevens' grandfather.³⁹⁴

3.2.2 MOBILITY

People have the expectation that they can leave and return to Secwepemcúlecw, no matter the reason, without impacting their place in family, campfire, or community. This expectation applies to all k'wséltkten, even if they have never lived in Secwepemcúlecw before, to ensure that there is always a pathway home.

This expectation of mobility (ability to return) is based on the basic idea that once a person is born of Secwepemcúlecw, they are bound and belong to the land and can return. As articulated by Marianne and Ronald Ignace,

What gives a person rights to live in Secwepemcúlecw and reap its resources is the connection through blood to other Secwépemc, called *k'wséltktenéws* (being relatives to one another). This relationship can also be established through formal adoption of both individual children and adults or through formal treaties between our nation and others that incorporates adoption, such as the Fish Lake Treaty and the White Arrow of Peace[.]³⁹⁵

This succinct statement places the right to return in the web of relations people have to their Secwépemc relatives and Secwepemcúlecw.

3.2.2.1 PEOPLE CAN RETURN NO MATTER THE REASON

Secwépemc narratives demonstrate that people who have left Secwepemcúlecw can return irrespective of their reason for leaving, so long

³⁹⁴ Louie Basil Stevens (15 February 2018) at 9, as cited above.

³⁹⁵ Marianne Ignace and Ronald E. Ignace, *Secwépemc People, Land, and Laws* at 319, as cited above.

as they are kwséltkten. As Diane Sandy said, “There always is [an ability to return], you know? There is never no question about that, ever.”³⁹⁶ She talked about practices of rooting people to the land as reinforcing this legal expectation:

I remember when I had my first child and my mother told me when you have the baby and the [belly button] falls off you go, and you put it by a rose bush down by the river. That's what she did with all my children's belly buttons you know. So, they know where they're from and where you know they were born and raised. They'll always come back. That was my story. There will always be a connection—doesn't matter, you know, if they're taken away.³⁹⁷

In validation, Diane Sandy notes, that this way, children will always have a feeling of belonging, and will never be lost.³⁹⁸

This expectation is drawn out of the many narratives relating the story of separation from community, and an eventual return home. For example, people return after a divorce or relationship breakdown, as in *Dirty-Lad and his Wives*, when the Elk women leaves Dirty-Lad with his original community. Minnie Kenoras talked about this expectation in the context of someone not being welcomed home:

I even heard from the community that a lady that married off of reserve, to a non-native person, he died and she wanted to come [back], but they said she had nowhere to come home to—but to me, that's unfair, because she was a member of this band, and she has relatives in this band and she wants to come home. She should be welcome to come home.³⁹⁹

This response reflects that expectation within Secwépemc law that people should always have a pathway home.

³⁹⁶ Diane Sandy (14 February 2018) at 12, as cited above.

³⁹⁷ Diane Sandy (14 February 2018) at 5, as cited above.

³⁹⁸ Diane Sandy. Oral teaching, validation interview (August 21, 2019) in Validation – Diane Sandy.pdf [Archived with ILRU].

³⁹⁹ Minnie Kenoras (5 April 2019) at 5, as cited above.

In *Story of Hu'pken* and *Story of Kuxka'in*, young men are turned away by their communities at the outset of the narrative but are welcomed home at the end. When asked about Hu'pken's expectation to return to his community after being separated, Rhona Bowe noted,

[T]hey never denied him, they wanted him to learn his stuff and he refused [. . .] so they left him to his own [. . .] creation of his own path. And once he caught up with them, they never denied him, they just made sure he could come back and offer something, he could be a part of them if he was going to [. . .] contribute to the wellbeing of the community and not hinder it by laying around like that[.]⁴⁰⁰

People may also return after being lost or kidnapped. In *Story of the Salmon-Boy*, a boy who lives with his grandparents falls into the river and floats to the land of the Salmon. He stays with them for some time but eventually wants to return home. The salmon help the boy return home to the joy of his grandfather and community. In *Story of Owl*, a boy who is kidnapped and raised by Owl returns to his community with his parents once he is a young man. In *Spider and Otter*, a woman is taken by Otter when she is alone at a river. Spider sees what has happened and decides to kill Otter. He then calls to the woman and takes her up into the sky with him where she has two children. The woman returns to her community later in the story with Spider and their two children. The people are happy to see her, thinking she must have drowned. The woman decides to stay with her people and Spider returns to the sky. In *Story of the Tsô'tenü'et's Son*, a boy who is born in his mother's kidnapper's community eventually returns home and revives his relations with his people and his father.⁴⁰¹

People who have left voluntarily may also return, as in *The Man who married the Sā'tuen* and *The Women who sought for a Husband; or The Women who married the Cannibal (Star) and Wolverine*. A person may return to

⁴⁰⁰ Rhona Bowe (14 February 2018) at 10, as cited above.

⁴⁰¹ Sxwé'lexken (or Sixwi'lexken, "Big Billy" of Dog Creek and Big Bar, born near Big Bar), "Story of the Tsô'tenü'et's Son" in James Teit, recorder, "The Shuswap" at 669–670, as cited above, as reproduced in Jessica Asch & Rebecca Johnson et al, eds, *Secwépemc Laws of K'wséltkten and Secwépemc-kt Casebook*, as cited above.

their original community to visit like in *The Man who married the Sā'tuen*. In that story, a young man who marries and lives with the Cranes stops and visits with his people every year on his way to and from the cranes' journey north. The man only stays overnight each time, and sometimes brings his wife and children with him. In contrast, in *The Goat Woman*, the Goat Woman only visits her people once and stays with them for a year. She brings her son with her and lots of food and skins to share with her people. In *Gambler's Son and Red-Cap*, the young man leaves his new wife's community because he is not happy there and does not like his father-in-law who was a cannibal. He escapes from his father-in-law with his wife and returns home.⁴⁰²

3.2.2.2 PEOPLE CAN RETURN FOR THE FIRST TIME

People who find out they belong to community can come back even if they haven't lived there before. This often arises in cases of children or grandchildren returning home. In *Grisly Bear's Grandchildren*, for example, grandchildren return to the earth world to live with their grandmother, even though they were born and raised in their father's Trout community. This expectation is also identified in the conversations with community members. For example, the group was asked about the case of someone who grew up away, was not identified as a member, but believed they belonged to this nation, and came back asking for membership. As Julianna Alexander said, the central issue was that "they need to prove their lineage. They would become registered by proving their parental lineage."⁴⁰³ At the current moment, the colonial frame which ties membership to resources means that there are conflicts over the addition of new members. But those questions speak to the challenges relating to accessing funding for new people under the colonial system and colonial law. The heart of this expectation within the Secwépemc legal tradition is the principle that a person who belongs to Secwépemcúlecw may return.

When asked how people would prove parental lineage historically, Julianna

⁴⁰² Sxwéylecken (or Sixwi'lexken, "Big Billy" of Dog Creek and Big Bar, born near Big Bar), "The Gambler's Son and Red-Cap" in James Teit, recorder, "The Shuswap" at 727–729, as cited above, as reproduced in Jessica Asch & Rebecca Johnson et al, eds, *Secwépemc Laws of K'wséltkten and Secwépemc-kt Casebook*, as cited above.

⁴⁰³ Julianna Alexander (15 February 2018) at 11, as cited above.

Alexander noted, “The elders know how to do this; it’s oral history.”⁴⁰⁴ Referring to *The Man who married the Sā’tuen*, Julianna added that people generally “knew where you were from, where you came from and where those people were born. Like it said down south, that’s where the cranes have their village. The elders, orally, knew where everybody came from.”⁴⁰⁵ In a follow up conversation, Julianna added that in those times there were people with more spiritual powers who knew things, and could carry information about the present, past, and future.⁴⁰⁶ Judy Deneault added to this concept by noting that, even today, many mothers and grandmothers know who their lost k̓wséltkten are (see Section 2.2.3: Old Ones, Kyé7es and Women).⁴⁰⁷ The challenges arise when communities (under resources pressures) or the State place barriers in the way of those seeking to return. The work of integrating new kin, she noted, involves not just ideas, but also the resources people need both to know about their connection to home, and to help them return. The resources required may be physical, emotional, mental, and spiritual.

People may return after living elsewhere to visit or live permanently. The married-in spouses in *The Man who married the Sā’tuen* and *The Goat Woman* return only to visit their relatives, then return to their communities of marriage.

3.2.3 FAIRNESS AND INFORMATION

People have expectations of fairness when engaging with Secwépemc law and the right to information in order to act lawfully, and to keep themselves and others safe. These expectations put emphasis on the importance of balancing the ‘rights’ of people as part of decision-making related to k̓wséltkten.

In addition to the substantive rights of Secwépemc people discussed above, two identifiable stand-alone procedural rights relating to Secwépemc laws of k̓wséltkten and Secwépemc-kt were discussed during this project: Fairness, and Information. These two procedural rights are about the “how” of law.

⁴⁰⁴ Julianna Alexander (15 February 2018) at 13, as cited above.

⁴⁰⁵ Julianna Alexander (15 February 2018) at 13, as cited above.

⁴⁰⁶ Julianna Alexander (22 August 2019), as cited above.

⁴⁰⁷ Judy Deneault (15 February 2018) at 14, as cited above.

That is, they speak to how a person should be treated by decision makers and institutions when that person's rights have been impacted by a legal problem.

Fairness arose in the context of people's direct engagement with Secwépemc law and legal practices. For example, Peace/War Chief Pipíp'7ese (Alexis Harry) discussed the importance of balancing the "rights" or needs of people in his role as War Chief. For example, when he is called on to support families in conflict, he works to understand the situation from the perspective of everyone involved because they are all impacted in different ways and all have their own stories.⁴⁰⁸ This is in essence, about his commitment to balance and fairness when considering legal questions before him.

Connected to fairness is the right to information. This was taken up by Julianna Alexander in the context of children returning to the community:

We need to remember with children and members who've been off the reserve, that when they come in, we're responsible for them. And they need to know somebody has to be responsible for them, because maybe they don't have family. And if they are going to be there, they need to know the protocol and the law. They need to know the consequences [for misbehaviour]. Because if they misbehave, then we're not going to be responsible for whatever happens to them. But they need to know ahead of time. They need that chance to know. Right? They need to learn otherwise it wouldn't be fair. It wouldn't be fair if they just came in here and, all of a sudden, they have to get kicked out again.⁴⁰⁹

Information is thus sometimes critical for people to act lawfully, and to keep themselves safe. This is taken up in *Story of Woodpecker's Marriage; or,*

⁴⁰⁸ Peace/War Chief Pipíp'7ese (Alexis Harry) (23 October 2019) at 2, as cited above.

⁴⁰⁹ Julianna Alexander (15 February 2018) at 5, as cited above, where it is noted that fairness also demands that those returning need to know both what is expected of them, and what they can expect in return. Julianna notes, "They need to know what they are eligible for, education, housing, land. We are fighting for more land for them. They need to know that if they apply for a house, they may need to wait 10 years to be eligible. But they need to know that they can simply rent until then."

Bluejay's Revenge. Bluejay instructs men traveling to the Marmot and Antelope people that they are not to marry any of the women in the community, but he doesn't provide reasons why. Flicker marries Antelope's daughter while they are away, which makes Bluejay's "heart sad" and reminds him that they are his enemies. Bluejay then launches an attack on the Marmot and Antelope people, killing nearly all of them. In *Dirty-Lad and his Wives*, Dirty-Lad's wives give him instructions not to smile at particular women when he returns home to visit with gifts. When he does, his family leave him with his people in his original state, which results in a permanent separation between him and his family. These stories invite questions about how Flicker and Dirty-Lad might have acted if they had information about those dire potential consequences.

At times, there are natural consequences from the lack of information. In *Grisly Bear's Grandchildren*, for example, Grisly Bear woman orders her daughters to avoid specific things that will harm their beings. Not knowing the consequences, the daughters ignore their mother's instructions and perish as a result. Grisly Bear woman also tells her grandson never to strike a dog but does not tell him the dog is his sister. Later the boy becomes angry with the dog for eating his game and thrashes the dog. The dog calls him brother and cries out, and then runs away. He weeps and returns to his grandmother, upset that she never told him the dog was his sister.

All these stories, together, point to the rights that individuals have, particularly around relationships with kin, to have information and fair process.

4 LEGAL STRUCTURES THAT GROUND THE LAWS OF KWSÉLTKTEN AND SECWÉPEMC-KT



INTRODUCTION

This chapter looks at what systems and structures are necessary in a Secwépemc legal order to support ƙwséltkten in fulfilling their obligations and expectation to and of each other. The central question in this chapter is *What are the legal structures, meaning social structures, customs, and practices that coordinate and enable the teaching, learning, and practice of the obligations and expectations of ƙwséltkten and Secwépemc-kt?* This question attempts to answer the *who* and *how* of learning and acting on one's obligations as ƙwséltkten and Secwépemc-kt.

There are several different words and images that may be helpful for thinking about legal structures. For some, it may be helpful to use a word like scaffold, which suggests an outer structure that will support certain kinds of work. There are a number of these different structures in the stories and in the conversation with community. For example, there is the ladder made of arrows in *The War with the Sky People*. This structure is created through the collaboration and work of all warriors—it is built up from the arrow of each warrior—and it facilitates movement from the land to sky as they seek food for the people.⁴¹⁰ There is the structure of the pit house, which is discussed in *Tribal Case Book – Secwépemc Stories and Legal Traditions: Stsmémelt Project Tek'wémiple7 Research*.⁴¹¹ There are the circular structures (concentric structures) that wrap support and protection around the centre, such as the structure grounding the Esk'etemc (Esk'étemc) work on traditional governance.⁴¹² These structures are tools and pathways that enable people to live and uphold their obligations and expectations as Secwépemc-kt and ƙwséltkten. These metaphors also make visible the public nature of these

⁴¹⁰ Unknown (Likely Sisyúlecw (also Sisiu'lâx) (George Louis, North Thompson Secwépemc (Símpcwemc) or other men from the North Thompson Band), "The War with the Sky People" in James Teit, recorder, "The Shuswap" at 749, as cited above, as reproduced in Jessica Asch & Rebecca Johnson et al, eds, *Secwépemc Laws of ƙwséltkten and Secwépemc-kt Casebook*, as cited above.

⁴¹¹ See, specifically, Section 1.3 "Pillars of Jurisdiction" in Kelly Connor, "Tribal Case Book" at 5, as cited above.

⁴¹² Secwépemc Strong, "Re Xqweltén-kt Re Tkwemí7ple7-kt: Our Language is Our Law" (Pamphlet, Secwépemc Summer Gathering, 16-18 August 2019) at 4-5 [Archived with ILRU].

structures, and the different ways people participate in both building and relying on those structures.

In the past, these structures would have been so deeply embedded at the family and community level that the ongoing support needed to maintain them would have been part of everyday practice and life. That is, the resources (such as time, space, investment, capacity, and knowledge) were readily available and accessible. Colonization interrupted those processes and resources so that Secwépemc are faced with contemporary questions about how to continue to act on obligations and principles of law that maintain relationships, safety, and helping. Articulating and analyzing the scaffolding that makes up structures is an important part of nurturing the individual and public aspects of Secwépemc law.

LEGAL STRUCTURES THAT GROUND THE LAWS OF ƛWSÉŁTKTEN

RESTATEMENT TABLE

What are the legal structures for teaching and learning and for grounding ƛwséłtkten? These include the social structures, customs, and practices that coordinate and enable the teaching, learning, and practice of the obligations and expectations of ƛwséłtkten and Secwépemc-kt.

LEGAL STRUCTURES

CONCEPT	SUMMARY	SOURCES
4.1 DAILY PRACTICE	Practicing daily activities, in particular participating in land-based teaching and learning, enables people to learn and fulfil their legal	<i>Diane Sandy; Flora Sampson; Barbara Larson; Senkúłpi7 Cwlíken (Irvine Johnson); Witness #2; Minnie Kenoras; Mardi Paul; Dave Belleau; Mona Jules;</i>



	<p>obligations as <i>kwéltkten</i> and <i>Secwépemc-kt</i>. Families, particularly grandparents, play an important role in this teaching and practice for both children and adults.</p>	<p><i>Gary Gottfriedson;; Story of Owl; Tribal Case Book – Secwépemc Stories and Legal Traditions: Stsmémelt Project Tek’wémiple7 Research; Tselcéwtqen Clleqmeiten Vision and Principles; Reviving Secwépemc Child Welfare Jurisdiction; Stsqy’ulécw Re St’exelcemic (St’exelcemic Laws from the Land)</i></p>
<p>4.2 STORIES AND THE ART FORM OF STORYTELLING</p>	<p>Secwépemc laws of <i>kwéltkten</i> and <i>Secwépemc-kt</i> are kept alive as part of a storied universe. Stories and the art form of storytelling teach people how to live as <i>kwéltkten</i> in a lawful way. Stories are told by storytellers in different ways for different purposes and their meanings will shift over time and context.</p>	<p><i>Sxwéylecken; Sisyúlecw; Shirley Bird-Sahlet; Mona Jules; Richard LeBourdais; Bonnie Leonard; Julianna Alexander; David G. Archie; Witness #2; Kenthen Thomas; Senkúkpí7 Cwlíken (Irvine Johnson); Senkúkpí7 Wilfred Robbins Sr., Peace/War Chief Pipip’7ese; Rhona Bowe; Louie Basil Stevens; Julianna Alexander; Story of Owl; Story of Hu’pken; The Bush-Tailed Rat; Spider and Otter; The Man who married the Sā’tuen; Story of Suckerfish; The Sucker Story; Secwépemc Elders Council May 30, 2019 Newsletter; Secwépemc Lands and Resources Law Research Project; Reviving Secwépemc Child Welfare Jurisdiction; Mary Thomas; Skeetchestn Elders Language Group.</i></p>
<p>4.3 VISITING</p>	<p>Visiting is a form of collective learning that enables people to monitor and maintain relationships while also ensuring obligations and expectations of <i>kwéltkten</i> are met. Visiting may take different forms, such as formal gatherings and feasting, to bring <i>kwéltkten</i></p>	<p><i>Sxwéylecken; Sisyúlecw; Richard LeBourdais; Senkúkpí7 Cwlíken (Irvine Johnson); Gary Gottfriedson; Rhona Bowe; Mardi Paul; Minnie Kenoras; Mona Jules; Sunny LeBourdais; Nels Mitchell, Kenthen Thomas; Senkúkpí7 Wilfred Robbins Sr.; Carolyn Belleau; Julianna Alexander; The Man who married the Sā’tuen; The Goat</i></p>

	<p>together to celebrate, honour, and support relations and related decision-making.</p>	<p><i>Woman; Dirty-Lad and his Wives; Story of the Man who married the Grisly Bear; Spider and Otter; Story of the Salmon-Boy; Story of Hu'pken; Story of Woodpecker's Marriage; or, Bluejay's Revenge; The Shuswap; Secwépemc Spring Gatherings 2018 and 2019; Secwépemc Winter Gatherings 2017, 2018 and 2020; Secwépemc Summer Gathering 2018; Eskétemc Elders Gathering 2018; Secwépemc Governance Meeting Report (2017).</i></p>
<p>4.4 CEREMONY</p>	<p>The understanding and practice of laws related to ƛ̓wséłtkten and Secwépemc-kt includes ceremony. Ceremony is key to acknowledging and recognizing all of one's relations and can be used to support the teaching and learning of law, legal obligations, and how to appropriately engage in activities as ƛ̓wséłtkten.</p>	<p><i>Ralph McBryan; Mona Jules; Secwépemc Spring Gathering 2019.</i></p>

4.1 DAILY PRACTICE

Practicing daily activities, in particular participating in land-based teaching and learning, enables people to learn and fulfil their legal obligations as k'wséltkten and Secwépemc-kt. Families, particularly grandparents, play an important role in this teaching and practice for both children and adults.

One of the core obligations of being Secwépemc-kt is secwkwnémten: “to practice the way things are done” (see Section 3.1.4: Secwkwnémten).⁴¹³ As Flora Sampson stated succinctly, laws are not just taught and learned, “they [are] practiced, too.”⁴¹⁴ That is, a lot of the learning and teaching takes place in the context of daily activity, through practice, and in ways that nourish relations to land, animals, and people. As Barbara Larson said,

[Actually] you lived it, that was your law of life, you lived those things. That’s what I grew up with anyway, because you know, what you were taught, that was actually the laws of how we lived. Some pretty strict ones too, they were, but very moral.⁴¹⁵

These reflections of the core of daily practice as a structure that reinforces Secwépemc law is consistent with the practices underlying the principle of sléxléxs (develop wisdom), which is articulated in the Tselcéwtqen Clleqméltén/Chief Atahm School Vision and Principles. Specifically, that principle includes the practice that “learning is a lifelong process that occurs in all situations: home, community, work, school, etc.”⁴¹⁶ Other practices that are associated with this principle are “developing knowledge in many areas will strengthen a child and assist in achieving individual potential and enhance each child’s gifts,” and “Secwépemc traditions, culture, language and history are applicable today.”⁴¹⁷ These practices form the core of the pedagogical approach underlying daily practice.

⁴¹³ Kelly Connor, “Tribal Case Book” at 106, as cited above.

⁴¹⁴ Flora Sampson (14 February 2018) at 2, as cited above.

⁴¹⁵ Barbara Larson (14 February 2018) at 2, as cited above.

⁴¹⁶ Chief Atahm School, “Tselcéwtqen Clleqméltén Vision and Principles” at 7, as cited above.

⁴¹⁷ Chief Atahm School, “Tselcéwtqen Clleqméltén Vision and Principles” at 7, as cited above.

As noted previously, the family is centrally responsible for learning and teaching, which is integrated into daily activity. As Diane Sandy emphasized: “Teaching comes right from the home, right. Listening and teaching comes from the home.”⁴¹⁸ Grandparents play a particularly important role in this teaching and practice. For example, Senkúkpí7 Cwlíken (Irvine Johnson) recalled being told stories, and having to repeat them back, while on wagon trips with his grandfathers.⁴¹⁹

Conversations with community members reinforced that daily practice starts at a young age and occurs in many ways. As Gary Gottfriedson said, this is a way to build up life-long skills:

Kids were trained from the time they were really small. So, they were learning all the way along in life. And if you didn’t listen, there was a consequence to it, right? So, you were led up through that old training. You grew up already somewhat disciplined, self-disciplined. You knew control. You knew all of that stuff. So, there’s many ways to teach. There’s not one cut and dry way. In a sense, there’s many things to learn, so you couldn’t have just one method, right?⁴²⁰

Mardi Paul also recalled how she learned by watching her xpé7e (grandfather) during trips working along his trap lines, from around the age of four:

I was with them when they were out on those trails. They don’t know how far we walked. And we trap differently up in our meadows. We trapped the squirrels and all the other things that we needed. There was a point when we had no food, and we ate muskrat and groundhogs. ...I was helping to scrape it and do the

⁴¹⁸ Diane Sandy (14 February 2018) at 15, as cited above.

⁴¹⁹ Senkúkpí7 Cwlíken (Irvine Johnson). Oral teaching, April Skwłax kwséltkten project retreat (April 4-5, 2019) as transcribed in NOTES – Secwépemc Citizenship Project – April Skwłax kwséltkten project retreat – April 4-5 2019 – SO Scribe.pdf at 3 as edited and validated in Validation – Senkúkpí7 Cwlíken (Irvine Johnson).pdf [Archived with ILRU].

⁴²⁰ Gary Gottfriedson (14 February 2018) at 8, as cited above.

hides and stuff. We used everything in the animals. I learned how to take apart a deer with a knife.⁴²¹

In a follow-up conversation, Mardi noted how this is how she learned to do many things from a young age, including hauling wood and doing hay.⁴²² Through observation of children, adults can assess what abilities and gifts they have, and give them more and different responsibilities accordingly.⁴²³

Dave Belleau also spoke about learning from his grandfather—both from listening to him and undertaking his own observations. These comments underscore the importance of both the inter-generational transmission of knowledge and active participation in learning about the land:

Talking about the owl like a hunter, one time my dad asked me, “Where you going?” “I’m going hunting down the river.” “Nothing down there.” Sure, there’s deer down there along the Fraser River. How come he says there’s nothing down there [this is in August]? He look at me and he said, “In summertime them flies feel awful in the heat. The deer go up on higher ground in cold places where there is hardly any flies.” So, I go up the mountain and I find the deer and sure enough all kinds of birds.⁴²⁴

In validation, Dave noted that his father also learned this from his grandfather.⁴²⁵

As these recollections show, observation is a critical way people learn their laws. This is also underscored in the scholarship of Nancy Sandy, who notes, “our ‘law schools’ were found wherever our people watched others to learn

⁴²¹ Minnie Kenoras (5 April 2019) at 8–9, as cited above.

⁴²² Mardi Paul. Oral teaching, validation interview (October 22, 2019) in Validation – Mardi Paul.pdf [Archived with ILRU].

⁴²³ See Nancy Harriet Sandy, Reviving Secwépemc Child Welfare Jurisdiction at 80–81, as cited above, where Observation is underscored as a critical way people learn their laws: “Thus, ‘our law schools’ were found wherever our people water others to learn about their responsibilities. Ind this way, they would know how to bring order to the world from what they learned.”

⁴²⁴ Dave Belleau (14 February 2018) at 9–10, as cited above.

⁴²⁵ Dave Belleau. Oral teaching, validation interview (October 22, 2019 and July 27, 2020) in Validation – Dave Belleau Combined.pdf [Archived with ILRU].

about their responsibilities. In this way, they would know how to bring order to the world from what they learned.”⁴²⁶

People emphasized the importance of land-based learning and connection to stories on the land as an aspect of daily practice. The work of teaching about connections to the land could take place in any location: “Just wherever—outside is their School.”⁴²⁷ As Minnie Kenoras said, “I did work outside all the time. I followed my dad all the time, all over, out in the gardens. As soon as he would say, ‘We’re going hunting,’ I’d listen to him. I was watching him and I was helping him with everything.”⁴²⁸

Daily practice is one way for families to emphasize to children their connections to the land, animals, the spiritual world, and others.⁴²⁹ Dave Belleau spoke of the spiritual dimensions of daily practice, noting that spiritual connectedness is often involved in learning concepts from the land and animals. Speaking about *Story of Owl*, he noted that the lessons do not involve only what one sees or hears:

Spiritual connectedness, it’s hard to understand. For me, I do not need to understand it if I live it. Spirituality is living it. It is action. If the fish goes up and lays eggs, I don’t wonder why, because five years from now the little eggs are going to feed me and my family. It’s all I know. It’s all I need to know [. . .] The boy in this story has power from this bird. The soul of his spirit inside of him has that eyes of that bird. Have you ever ridden at nighttime and you can’t see? And you’re coming home. You’re just tired, and let your horse go. And it will bring you home because it can see in the dark. Same thing with the spirit. I might not be able to understand that owl but my spirit understands it because it has a connection with

⁴²⁶ Nancy Harriet Sandy, *Reviving Secwépemc Child Welfare Jurisdiction* at 80, as cited above.

⁴²⁷ Witness #2 (14 February 2018) at 14, as cited above.

⁴²⁸ Minnie Kenoras (5 April 2019) at 10, as cited above.

⁴²⁹ Nancy Sandy, “Stsqy’ulécw Re St’exelcém (St’exelcém Laws from the Land)” (2016) 33 Windsor YB Access Just 187, online: <<https://wyaj.uwindsor.ca/index.php/wyaj/article/view/4817>> [perma.cc/L2HA-L2P2]

it. That's why I said I don't need to understand it, as long as that thing in here [pointing to his chest] understands it.⁴³⁰

Flora Sampson spoke about learning about the spiritual aspects embedded in legal practices from watching her grandfather and his friends prepare to hunt:

Before they went hunting, they used to go to sweat. They sweat in rosebush, and then they'd clean their guns in rosebush. I used to watch everything when I wasn't allowed around the sweat, but they used to put their guns on top of the sweat, and after that they'd clean it off with rosebush water. They'd do that for a few days, I didn't know how many exactly, but they all slept in this little shack, and never slept with their wives. Then they went hunting. It seemed really sacred to them, the way they treated the hunting, to kill a deer for your food. They really treated it with respect, by going to the sweat, cleaning their guns, cleaning themselves. That's the way I saw it.⁴³¹

Finally, many community members spoke of the ways that the whole self (physical, emotional, mental, and spiritual) was involved in daily practice. For example, teachings about obligations to help and share would be woven into teachings about economy and food. Mona Jules said,

The teachings around the first picking were, you had to give it away to someone else. So that was a hard, hard lesson for me as a little girl. Because I don't know, you want to covet things, coveting your basket and so on. But that was one of the teachings that I learned as a young child, that you weren't to keep your first berries, or probably your first deer. That teaching is still ongoing. There were teachings behind each of the activities.⁴³²

⁴³⁰ Dave Belleau (14 February 2018) at 9, as cited above.

⁴³¹ Flora Sampson (14 February 2018) at 1, as cited above.

⁴³² Mona Jules (14 February 2018) at 9, as cited above.

4.2 STORIES AND THE ART FORM OF STORYTELLING

Secwépemc laws of k̓wséltkten and Secwépemc-kt are kept alive and relevant as part of a storied universe. Stories and the art form of storytelling teach people how to live as k̓wséltkten in a lawful way. Stories are told by storytellers in different ways for different purposes and their meanings will shift over time and context.

Secwépemc law and its oral traditions (stsp̓tekwll) are intimately connected. This is articulated as one of the guiding principles of the Secwépemc Sna7a Elders Council, which is “Stk̓’wem7íplems re Secwepemc ell re Stseptékwlls (Secwépemc Law & Oral History) Tsq̓’ey’ ri7 mell ell, tsq̓’ey’ ne mítk̓’ye-kt te m-sq̓’7est.s. (It is written and it has always been there in our blood).”⁴³³ As community members made clear in the *Secwépemc Lands and Resources Project*, “Communities keep teachings alive through the telling of stories.”⁴³⁴ Nancy Sandy also discusses the connection between law and story in her scholarship:

Law is also embedded in stories. Like common law cases, they could communicate appropriate and inappropriate behavior. Stories could also record punishments, or chronicle when mercy or justice was extended or retracted. Our stories accomplished these purposes and so much more. The stories were also told for entertainment, intellectual and life lessons. They were used in the place of stern lecture to impress the *St’exelc̓emc* belief system on young children[.]”⁴³⁵

Stories provide many different lessons and can teach in both direct and indirect ways that support learning about how to act on one’s obligations.

⁴³³ Secwépemc Elders Council, “Secwépemc Elders Council May 30, 2019” at 3, as cited above.

⁴³⁴ Jessica Asch, Kirsty Broadhead, Georgia Lloyd-Smith, and Simon Owen, *Secwépemc Lands and Resources Law Research Project* at 77, as cited above.

⁴³⁵ Nancy Harriet Sandy, *Reviving Secwépemc Child Welfare Jurisdiction* at 89, as cited above.

Mona Jules pointed out that some tellings of the stories aim to help young people think. She said,

A lot of the lessons end in revenge but it's not that they're vengeful. The revenge at the end is to prompt the young people, "Okay, listen up, or this could happen to you." That's why they have it in a vengeful way at the end of the story. It's to teach the young people, ok you must do things a certain way otherwise you'll end up in this way and you'll receive no help. One teaching is through that lesson then.⁴³⁶

For example, people in the focus group shared how *Story of Owl* was used to instill some reasonable fear in children around bedtime. Richard LeBourdais said, "I remember the Sneena [owl] scare when I was young. A little kid, you're going to play out in the gardens, play all over the place, in the barn, in the dark. People say, "Hey, be careful!" You think, "Ah, I ain't scared of nothing." And then, Sneena, ooh! OK! You start heading home right there on the spot. The talk about Sneena, and spirits in the dark, well, it keeps you off the ridge at night."⁴³⁷ Nancy Sandy similarly talks about how some stories are taught to help them, and particularly children, to keep safe.⁴³⁸

Stories also set out a pathway for training and learning about people's broader obligations, as in *Story of Owl*. There, the Owl teaches the boy about cleansing with fir branches, and slowly trains him to hunt for increasingly bigger animals. Community members also discussed the actions of the boy in burning down Owl's house at the end. Richard LeBourdais commented, "Maybe the boy identified the hoarding that was going on. Owl was using the house to hoard and that is not the way of sharing, so the boy got rid of it."⁴³⁹ Bonnie Leonard added that burning is a way of cleansing.⁴⁴⁰ This one story creates space to consider safety for young people, obligations to remember and search for kin (as the parents searched for their son), and lessons about the obligations to help and share.

⁴³⁶ Mona Jules (14 February 2018) at 6, as cited above.

⁴³⁷ Richard LeBourdais (14 February 2018) at 16, as cited above.

⁴³⁸ Nancy Harriet Sandy, *Reviving Secwépemc Child Welfare Jurisdiction* at 90, as cited above.

⁴³⁹ Richard LeBourdais (14 February 2018) at 15, as cited above.

⁴⁴⁰ Bonnie Leonard (14 February 2018) at 16, as cited above.

Shirley Bird-Sahlet emphasized both the importance of understanding that stories are always told in context, and the power of the stories when delivered orally, by someone with something to share:

I feel when our people share their stories, they tell it in a way that those who listen, they receive the information. Whatever you, the listener gets out of the story, there's more than one lesson you receive. And when you hear it again, it tends to change, but it helps the person who listens, and it changes and it helps throughout the life. It doesn't matter how old you are anymore; how young you are.⁴⁴¹

Nancy Sandy also talks about the role of listening to learn Secwépemc law. One must listen to understand the “underlying message obtained from an instruction or story. Listening well, and learning the nuances of what was being told, could help a person develop the power of interpreting what they heard.”⁴⁴²

Similarly, Julianna Alexander pointed out that stories are present from birth to death, and that the very same story can hold different lessons at different times, depending on who tells it, and when, and why. She spoke of the importance of learning to pay attention to both what the story says explicitly, and to what goes unsaid:

Our elders always did that. They tell stories, but it's up to you to really get what they're NOT saying. They don't really pinpoint. The old people never ever pointed at you directly. They just kind of went the round way about, for you to deal with your own issue. Other people would see the story differently, or think, “It's just a

⁴⁴¹ Shirley Bird-Sahlet. Oral teaching, focus group (Feb 15, 2018) as transcribed in TRANSCRIPT – Secwépemc Citizenship Project – Audio File – Feb 15 SO and RJ group (3).pdf at 4 as edited and validated in Validation – Shirley Bird.pdf [Archived with ILRU].

⁴⁴² Nancy Harriet Sandy, Reviving Secwépemc Child Welfare Jurisdiction at 91, as cited above.

story.” You really have to think about what they’re trying to give you. Or think about how you deal with that issue, you know?⁴⁴³

Mona Jules added that it is not enough to just hear a story: you must really think about the stories and tease them apart to learn the many different lessons that are there.⁴⁴⁴ As Nancy Sandy explains, children are “encouraged to see beyond the story itself and extract lessons that would help them develop their intellect as a *Qelmucw*, as a human being.”⁴⁴⁵

Focus group participants emphasized that part of teaching is learning how to see the more complicated and indirect layers to the story. The stories provide ways for people to reflect on hidden secrets, and the need to address harms and crimes that are covered up. People spoke of the need to work with the stories alongside elders and community members. Embedded in the way stories are told is an expectation that the listener will take the time to consider what they have heard and come back with questions. David G. Archie put it like this, when discussing *Spider and Otter*:

The thing is, when we tell a story, like something here that you’re talking about, we never complete it. The thing is for you to think while you’re away. Maybe it’s a half hour, maybe it’s half a day, or a whole day. You think about it and then you come back to the source, whether it’s your kyé7e or your grandpa, or whoever, and say, “Yesterday, you didn’t finish your story. Can you finish it? I got questions.” Any story. The idea is to test you, see if you’re listening and you’re going to repeat the story. We hear it orally and if you’re going to tell it, then we repeat it. We are an oral society. So, it’s up to you to learn. If you do not come back to the person or the source of material, whoever it is, your grandfather or your kyé7e, we’d say you know, “This kid doesn’t want to learn, so I left him in such a state where he’d have questions.” Then I’d come back and finish the story and then that’s it, the way they learn. Isn’t that

⁴⁴³ Julianna Alexander (15 February 2018) at 4, as cited above.

⁴⁴⁴ Mona Jules. Oral teaching, validation interview (September 24, 2019) in Validation – Mona Jules Combined.pdf [Archived with ILRU].

⁴⁴⁵ Emphasis in original. Nancy Harriet Sandy, Reviving Secwépemc Child Welfare Jurisdiction at 89, as cited above.

the way oral people learn? Speak—hear. Next month I’m gonna ask you to tell me that story. And that’s how the elders test you. They ask you if you can repeat a story, they told you a month ago or a year ago. “Tselxemstéc-en lu7 (re) m-lexé’jectsen?” (Do you understand what I had told you?) Tell me all that I told you one winter ago. Repeat that story. They’re testing you, if you can repeat back to them, if you can repeat that story. And that way they learn. Their retention is there by them asking questions, inquire of the teacher.⁴⁴⁶

Senkúkpí7 Cwlíken (Irvine Johnson) similarly underscored the importance of asking question when stories are told and explained that people learn the stories so they can be told in many places and contexts.⁴⁴⁷

One community member noted that some of the stories have been told in different ways. This was visible in the discussion of the 1902 version of the *Story of Hu’pken* as told by Big Billy to James Teit:

You know, this story has been told many different ways and this is one of the few ways I hadn’t seen. The story I know is a lot longer. I mean, this one’s short, very short, but it has lots of our laws and ways in how we are supposed to treat our kwséltkten (Family). Alright, in the story I know, Hu’pken, see, the people in them days didn’t know this sickness, this illness. They didn’t realize his parent wasn’t strong enough to hold him down, I guess. You know, then, when people left him, abandoned him, they abandoned him with nothing, only a basket. But his grandmother wasn’t in there in my story, there was tools. He just very dimly remembered, “Oh my grandmother used to tell me to do this and this.” And this basket that was there was real old. And it says always use a new basket.

⁴⁴⁶ David G. Archie. Oral teaching, focus group (February 15, 2018) as transcribed in TRANSCRIPT – Secwépemc Citizenship Project – Audio File – Feb 15 SO and RJ group (4).pdf at 1 as edited and validated in Validation – David G. Archie.pdf [Archived with ILRU].

⁴⁴⁷ Senkúkpí7 Cwlíken (Irvine Johnson). Oral teaching, Skwlax kwséltkten project retreat (April 4-5, 2019) and transcribed in NOTES – JA Secwépemc Skwlax kwséltkten project retreat April 2019.pdf at 147 as edited and validated in Validation – Senkúkpí7 Cwlíken (Irvine Johnson).pdf [Archived with ILRU].

And everything came to him. He had to work for it but, he saw the tools. Then, when he made everything, he hunted, very small animals. That was good, but then, he didn't know how to hunt. But he said, "My grandfather used to tell me this." His memory came back, that he heard it somewhere. He was getting better. That's when he became very, very clever and started hunting. And he thought about his clothes, and what his grandmother used to tell him. It always was the grandmother, never was that parent. The grandmother and the grandfather taught them something somewhere, and he went and he done what they thought. And he got very good at what he done. He became so expert, he had everything. Kid who saw him went back to the rest of their tribe to tell them this man has grown up to be very efficient in every way. When they went back to him, he received them real cordially. But when they wanted to make him a chief, he refused.⁴⁴⁸

When faced with different versions of stories, people can sometimes help each other by sharing their different interpretations of the lessons a story can hold. We saw an example of this as Kenthen Thomas shared that he had a favourite version of *Story of Suckerfish* (also see *The Sucker Story*) as it was told to him as a child:

My kyé7e used to always tell the story of suckerfish. She had a couple different versions, but my favourite was one where muskrat comes along and starts helping put suckerfish back together. I remember as a young kid sitting there thinking to myself, "How the heck does muskrat know how to put back a suckerfish? Who even knows where to begin?"⁴⁴⁹

The expectation and acceptance that there are multiple versions and interpretations of stories supports the practice of allowing individuals to come up with their own meanings and teachings from stories. Every person brings with them a different life story and context which helps to keep the stories alive. Every time a listener interprets and incorporates the lessons of a story,

⁴⁴⁸ Witness #2 (14 February 2018) at 25, as cited above.

⁴⁴⁹ Kenthen Thomas (15 February 2018) at 4–5, as cited above.

that story moves through time and retains its relevance. In this way, old stories can be used as tools for thinking about contemporary issues. Kenthen Thomas noted that his favourite version of *Story of Suckerfish* (also see *The Sucker Story*) represents the work of nation building. Community members also made this point when discussing *The Bush-Tailed Rat* as a story that provides a way for responding to pedophiles.⁴⁵⁰ *The Man who married the Sā'tuen* similarly deals with people moving to new communities.⁴⁵¹ *Spider and Otter* can help think through contemporary Canadian politics, or problems with secrecy around sexual abuse and sexual assault.⁴⁵²

During the validation stage of this report, Senkúkpí7 Cwlíken (Irvine Johnson), Senkúkpí7 Wilfred Robbins Sr., and Peace/War Chief Pipip'7ese, and Rhona Bowe emphasized that while everyone can share stories and learn from stories, not everyone is equally good at storytelling. Senkúkpí7 Cwlíken (Irvine Johnson) shared that storytelling, especially public storytelling, is an art form and a skill that involves acting, facial expressions, gestures, clever jokes using the sounds of the language, and being able to convey nuances that different people will be able to understand, all to entertain and teach.⁴⁵³

Storytelling, both as a legal structure and practice, reinforces an important balance of autonomy and interdependence: of relationship. It requires the participation and engagement of community members in relationship with themselves and each other.

⁴⁵⁰ Unknown (From the Upper Thompson and Lytton), "The Bush-Tailed Rat: From the Upper Thompson and Lytton" (From the Upper Thompson and Lytton). James Teit, "Thompson Tales" in Franz Boas, ed., *Folk-Tales of Salishan and Sahaptin Tribes* (New York: American Folk-Lore Society, 1917) Vol 11 at 22, as reproduced in Jessica Asch & Rebecca Johnson et al, eds, *Secwépemc Laws of K'wséltkten and Secwépemc-kt Casebook*, as cited above; See also Unknown, "The Bush-Tailed Rat" in James Teit, "Traditions of the Thompson River Indians of British Columbia" in *The American Folk-Lore Society, Memoirs of the American Folk-Lore Society* (Cambridge, Massachusetts: Riverside Press, 1898) Vol 6 at 46.

⁴⁵¹ Louie Basil Stevens (15 February 2018) at 9, as cited above.

⁴⁵² Julianna Alexander (15 February 2018) at 6, as cited above.

⁴⁵³ Senkúkpí7 Cwlíken (Irvine Johnson). Oral teaching, validation interview (March 10, 2023) in *Validation – Senkúkpí7 Cwlíken (Irvine Johnson).pdf* [Archived with ILRU].

4.3 VISITING

Visiting is a form of collective learning that enables people to monitor and maintain relationships while also ensuring obligations and expectations of k'wséltkten are met. Visiting may take different forms, such as formal gatherings and feasting, to bring k'wséltkten together to celebrate, honour, and support relations and related decision-making.

Visiting is an important practice and structure that enables people to check on each other, to see if they need help, to see if they are safe, and to make sure they are participating. It is a way to make sure there is collective learning. Visiting becomes a way people can carry out their obligations and expectations. Visiting fills important functions both formally and informally. Gary Gottfriedson also emphasized the importance of visiting:

The importance of visiting was emphasized by When I hear the old people talk, they say when we stopped visiting each other, that's when everything stopped. Everything broke. [. . .] The value systems started to change. I really think there's some merit to the notion that when we stop visiting each other, then we start mistrusting each other, we stop helping each other, we stop communicating, we stop our business on the reserve, we create a culture of dysfunction, lateral violence, all of these different things.⁴⁵⁴

Some aspects of Secwépemc life lend themselves naturally to visiting. Things like sweats, pit houses, and hunting parties (to name a few) show how visiting is incorporated into life.

4.3.1 VISITING IS IMPORTANT TO HELP PEOPLE MAINTAIN RELATIONS

Many stories speak to the importance of visiting for spouses to maintain connections and relationships in their two communities and is therefore essential to the obligation of sucwentwécw (see Section 3.1.1: Sucwentwécw).

⁴⁵⁴ Gary Gottfriedson (14 February 2018) at 25, as cited above.

In stories like *The Man who married the Sā'tuen*, the cranes plan their seasonal travel so that the man, his wife, and their children can visit with his relatives. The narrative relates that “the man visited his friends for many years on his passages north and south, until his relatives had all died, when he came no more. He staid in the land of the Cranes and became as one of them.” It is only when the man has no relations that he wishes to maintain that he stops visiting and becomes fully crane. Similarly, in *The Goat Woman*, visiting enables the woman to maintain her relations with her community and introduce her son to her people. The story concludes saying that after one visit, “they never visited the people again, and were finally transformed into real goats.” The wives in *Dirty-Lad and his Wives*, and *Story of the Man who married the Grisly Bear* work to enable their husbands to visit their families. In *Spider and Otter*, even Spider (who has killed Otter in his desire for the woman) acknowledges the importance of visiting, enabling the woman to return to visit the relatives who thought she was dead. In *Story of Woodpecker's Marriage; or, Bluejay's Revenge*, where a marriage is part of a peace-treaty, Bluejay directs the couple to visit the woman's family, sending presents and bodyguards. In these stories, visiting is an established institution for maintaining relations. Visits to other communities also provided opportunities for young people to meet each other, laying the foundation for future relationships.⁴⁵⁵

Visiting to take care of relationships is visible at all Secwépemc seasonal gatherings, but in particular at the 2019 Secwépemc Spring Gathering. This Gathering, which was held in Vancouver, was a way for people to visit their relatives who have been disconnected from Secwepemcúlecw, and now live in the territories of the Musqueam, Squamish, and Tsleil-Waututh Nations.⁴⁵⁶ This Gathering also provided an occasion for re-affirming relations between the Musqueam and Secwépemc peoples, with protocols and ceremony to acknowledge relations of peace and friendship between the nations, and to acknowledge the legal structure of each nation.⁴⁵⁷

⁴⁵⁵ Richard LeBourdais (14 February 2018) at 16, as cited above.

⁴⁵⁶ Secwépemc Strong, “Splúl'kws Re K'wselktknéws”, as cited above.

⁴⁵⁷ Secwépemc Strong, “Splúl'kws Re K'wselktknéws”, as cited above.

4.3.2 VISITING HELPS PEOPLE MONITOR RELATIONS

One important aspect of visiting links to the obligation of yúcwmentswécw (see Section 3.1.3: Yúcwmentswécw). Visiting helps people monitor the health of those around them. As Senkúkpí7 Cwlíken (Irvine Johnson) noted, “We used to walk by, and that way we knew who was in trouble.”⁴⁵⁸ In validation, he reiterated this, noting that by walking, you’re in and amongst the people. He also noted that “this is different from what we have today—today we drive, we don’t stop.”⁴⁵⁹ Rhona Bowe added that visiting is also very important with respect to the land, and relationships with kwséltkten in nature. Visiting supports the ability to know when relatives (in the natural world) need help. Visiting supports obligations to land:

So, we’re caretakers of the land. There’s things that go out on the land that we don’t see unless you’re out there to see it. And so, there’s, if you don’t do this, if you don’t take care of that, your animals get sick, when animals get sick, they do unnatural things. One plus one will equal two, you know what I mean. So, we were supposed to take care of the land, if we’re not burning it too much, parasites get out there, animals get sick. If the land doesn’t get the burning, animals end up with too much parasites. They can’t get enough protein and eat other animals (e.g., deer eat baby birds). We need to ensure the forest gets burned when needed—for food (berries), to keep down the bugs, etc. So that’s a natural law for us to be looking after things, and if we don’t, we go without food security.⁴⁶⁰

Mardi Paul also spoke to the importance of relations on the land, and of how visiting enabled people to access different resources on the land: “The marriages were arranged for those reasons. My grandfather had land [near

⁴⁵⁸ Senkúkpí7 Cwlíken (Irvine Johnson). Oral teaching, focus group (October 2019) as transcribed in NOTES – Secwépemc Citizenship Project – Esk’etemc Meeting – October 2019 – JA Scribe.pdf as edited and validated in Validation – Senkúkpí7 Cwlíken (Irvine Johnson).pdf [Archived with ILRU].

⁴⁵⁹ Senkúkpí7 Cwlíken (Irvine Johnson). Oral teaching, validation interview (March 10, 2023) in Validation – Senkúkpí7 Cwlíken (Irvine Johnson).pdf [Archived with ILRU].

⁴⁶⁰ Rhona Bowe (14 February 2018) at 3, as cited above.

Canim Lake] and they still let our family in Alkali use it for hay. That kind of thing. Those old people, though they're now gone, it's not."⁴⁶¹ In a follow-up conversation, Mardi clarified that her family in Alkali Lake did not have their own meadows for hay and have retained access to the Canim Lake land for doing hay even after the death of her grandfather.⁴⁶²

Minnie Kenoras spoke to the importance of monitoring relations in reference to a time when welfare checks were distributed in ways that meant "the groceries weren't getting home, the men were getting drunk, and going home and beating up their wives and children."⁴⁶³ She spoke of going to the Council to volunteer to take over the job in 1975. She continued, "So I'd go right to their home and talk to the mother, the children, and visit them, look at their homes, see what they needed, took them to town and the grocery store."⁴⁶⁴ This account underscores the importance of watching and monitoring to identify problems and of visiting in the ongoing work of monitoring the solutions. Minnie further shared about the importance of visiting for the work of keeping people safe today: "You gotta get out to do your job. You gotta get out there and meet the client. You have to see what kind of a house they have, what kind of food they have, or how the children are. You have to go see."⁴⁶⁵

Mardi Paul also spoke to visiting that enabled people to see what people might need, and what help they might give: "We're watching in our communities. An example is when I went through my first relationship, my grandmother, and his mother, we talked, they kept cheering me. Cheering me."⁴⁶⁶ She also noted that land dispossession disrupts their ability to continue to monitor the land, or to gather medicines.

⁴⁶¹ Mardi Paul (5 April 2019) at 7, as cited above.

⁴⁶² Mardi Paul. Oral teaching, validation interview (October 22, 2019) in Validation – Mardi Paul.pdf [Archived with ILRU].

⁴⁶³ Minnie Kenoras (5 April 2019) at 3, as cited above.

⁴⁶⁴ Minnie Kenoras (5 April 2019) at 3–4, as cited above.

⁴⁶⁵ Minnie Kenoras (5 April 2019) at 4, as cited above.

⁴⁶⁶ Mardi Paul (5 April 2019) at 7, as cited above, where it was emphasized that visits can allow older women to find ways to watch the younger and support them.

As Mona Jules noted, visiting also makes visible when responsibilities are being neglected. The goal is not to judge people, but to recover ways of taking care: “I think it can be recovered because it’s up to the people to really speak to the leaders, and maybe they’re not listening? We need to just be forceful, and say, “OK, this is the law.”⁴⁶⁷

4.3.3 FORMAL GATHERINGS SUSTAIN THE WORK OF CITIZENSHIP

Formal gatherings are occasions for numerous important aspects of Secwépemc life, including trade; important governance work; decision-making; honouring and supporting the learning and growth of *kwséltkten*; celebrating and renewing relationships; exchanging news; and creating space for young people to meet each other. Teit notes that, historically, locations for trade and exchange were linked to the gatherings: “Exchange also took place at Green Lake, where great numbers from all divisions of the tribe congregated once a year to have sports and to trap trout, etc.”⁴⁶⁸ Teit refers in his work to events happening at the gatherings: “The season came around when the Shuswap went to their great gathering-place at Green Lake.”⁴⁶⁹

Community members again noted that it is helpful to remember how colonization has created challenges to visiting and affected the role of visiting in Secwépemc communities. Visiting is a challenge because of colonial patterns of land use (which have impacted the ability to access and visit the land). The removal of children and the over-surveillance of communities through the *Indian Act* has also had a tremendous impact. These impacts demand new and creative methods to strengthen the capacity of people to use visiting to monitor and maintain relationships, and to act on the obligations of Secwépemc-kt. Julianna Alexander noted that “visiting today is more

⁴⁶⁷ Mona Jules (14 February 2018) at 7, as cited above.

⁴⁶⁸ See James Teit, “The Shuswap” at 536, 546, as cited above, where Teit notes the importance of story telling and information exchange, referring to the last war-expedition made by the Shuswap against the Tsilhqot’in, and that an account of this story “was one of the attractions at the annual Shuswap gathering at Green Lake, when, wearing the same shirt in which he had been wounded, Ka’kxa recounted his adventures over many a pipeful of tobacco.”

⁴⁶⁹ See James Teit, “The Shuswap” at 557, as cited above, where Teit notes the work of planning and governance going on at the gathering.

complicated. People may have trauma relating to the Ministry of Child and Family Development, and social workers coming to their houses. Larger gatherings provide a gentler way to do visiting in a more open context, which produces less feeling of surveillance.”⁴⁷⁰ She noted that larger gatherings make it possible to pay more attention to safety needs as people work at re-establishing connections and relationships.⁴⁷¹

In recent years, the Secwépemc have begun to re-institute formal structures of visiting by returning to the (once illegal) practice of holding seasonal gatherings. Starting in 2017, there has been a return to holding two-day seasonal events on the land to bring people together.⁴⁷² As noted by Sunny LeBourdais at the 2017 Secwépemc Winter Gathering,

Honouring and standing up our *K'wséltkten* is integral to the health and governance of our Secwépemc Nation. *Xyemstém xwexwéyt re k'wséltkten-kt ell xwexwéyt re k'wséltktnéws-kt tek stet'e7ék te skwelk'welt wel m-t'7ek te cseksek'éwt ne sxuxwiýúlecwems nSecwépemcúl'ecw* (Respecting all our families from the highest peaks and valleys within our ancestral and traditional territories). The seasonal gatherings have been created to build a culturally respectful and safe space to share the priceless knowledge held in families. We know that through the sharing of knowledge we will ensure that “All of our Secwépemc relatives will take care of the land in perpetuity and pass it on to future generations.”⁴⁷³

These gatherings are important and safe structures for helping people teach, learn, and practice their obligations to each other and the land. As Nels Mitchel said in his welcome to the Secwépemc Winter Gathering in 2018,

⁴⁷⁰ Julianna Alexander (22 August 2019), as cited above.

⁴⁷¹ Julianna Alexander (22 August 2019), as cited above.

⁴⁷² See Shuswap Nation Tribal Council, “Secwépemc Governance Meeting Report” (March 30-31, 2017) at 18 [Archived with ILRU]. The reinstitution of these types of seasonable events was one of the short-term goals. The first of these was held in the summer of 2017.

⁴⁷³ Sunny LeBourdais. Secwépemc Strong, “Pelltetéqem: Cross Over Month” (Pamphlet, Secwépemc Winter Gathering, 18-21 December 2017) at 3 [Archived with ILRU].

“Yerí7 me7 sucwentwécw-kt! Let us recognize one another!”⁴⁷⁴ This is an explicit reminder about the obligations of sucwentwécw, or acknowledging each other as relatives, and an invitation to all in attendance to practice those obligations.

Gatherings provide support for individuals and families by providing a space of structured, collective learning that is inclusive and inviting. A broad range of activities and events at gatherings considers the various levels of skills, knowledge, and needs of a wide range of community members. For example, each gathering has space for language learners to interact with language speakers.⁴⁷⁵ There are also workshops focusing on knowledge gathered through traditional activities like hide scraping and tanning, trapping, and skinning, and fishing and canning.⁴⁷⁶ The gatherings make space for youth to work on leadership, for elders to meet with each other, and for inter-generational relationship building to happen.

The gatherings also create space for people to participate in the ways that they are able, and to help in both the activities of the gathering and the sharing of knowledge. For example, storytelling and sharing of stories happens at each gathering as a way of acting on obligations to teach and learn law. Kenthen Thomas spoke to the ways that the gatherings create space for acting on obligations to teach, learn and practice, through the sharing of traditional knowledge in old stories. He said, “Being asked to perform the traditional stories of our peoples is always such an honour and it is a very serious duty to share the knowledge of our ancestors.”⁴⁷⁷ As Sunny LeBourdais noted in her report on the Timcw circle, the gatherings provide a space “in

⁴⁷⁴ Nels Mitchel. Secwépemc Strong, “Pelltetéqem: Cross Over Month” (Pamphlet, Secwépemc Winter Gathering, 30 November 2018 to 2 December 2018) at 2 [Archived with ILRU].

⁴⁷⁵ Secwépemc Strong, “Pelltetéqem: Cross Over Month” (Pamphlet, Secwépemc Winter Gathering, 18-21 December 2017) at 4-5 with notes as transcribed in NOTES – Winter Gathering 2017 – JA Scribe [Archived with ILRU].

⁴⁷⁶ Secwépemc Strong, “Pelltetéqem: Cross Over Month” (Pamphlet, Secwépemc Winter Gathering, 18-21 December 2017) at 4-5 with notes as transcribed in NOTES – Winter Gathering 2017 – JA Scribe [Archived with ILRU].

⁴⁷⁷ See Secwépemc Strong, “Pelltetéqem: Cross Over Month” (Agenda, Secwépemc Winter Gathering, 30 November 2018 to 2 December 2018) [Archived with ILRU]; See also Kenthen Thomas. Oral teaching, validation interview (September 2019) in Validation – Kenthen Thomas.pdf [Archived with ILRU].

which participants give of themselves much like those in the Suckerfish telling so that we can bring our relatives back to life after their damaging fall from the Sky World.”⁴⁷⁸

The gatherings also pay attention to the need for healing, revitalization, and nation building, with space provided for wellness, skills, art, politics, giveaways, feasting, honouring, lahal, singing and drumming, gifting, and honouring of people and their contributions or accomplishments. For example, at the August 2018 Secwépemc Summer Gathering in Esk’etemc (Eskétemc), elders talked about both melámen (medicine) pits and family staffs, as two of the mechanisms people used historically to look out for each other. The melámen (Medicine) pits were maintained and people could provision themselves on journeys, leaving their family staffs behind to show they had done so and pointed to the direction they were heading. On their return, they would take their staffs with them, leaving behind some of the goods they had collected on their own journeys. The staffs left behind would let people know they had been there, and would also indicate the direction they had gone, so people could follow up and search for them if they did not return as expected.⁴⁷⁹ To enable these mechanisms of safety, trails and pathways were also maintained and kept clear, and they led people in safe ways towards places, berry patches and more.⁴⁸⁰

4.3.3.1 FEASTING IS AN IMPORTANT PART OF GATHERINGS

Feasting is important, particularly around events that involve important formal affirmations of kwséltkten. Feasting also acts as a mechanism for celebration

⁴⁷⁸ Sunny LeBourdais. Secwépemc Strong, “Pelltetéqem: Cross Over Month” (Pamphlet, Secwépemc Winter Gathering, 30 November 2018 to 2 December 2018) at 9 [Archived with ILRU]; See also Secwépemc Strong, “Pelltetéqem: Cross Over Month” (Pamphlet, Secwépemc Winter Gathering, 18-21 December 2017) at 4-5 with notes as transcribed in NOTES – Winter Gathering 2017 – JA Scribe [Archived with ILRU].

⁴⁷⁹ Senkúkpí7 Wilfred Robbins Sr. Oral teaching, Eskétemc Elders Gathering (June 2018) as transcribed in Notes – RJ Esket Summer 2018.pdf at 1 as edited and validated in Validation – Senkúkpí7 Wilfred Robbins Sr.pdf [Archived with ILRU].

⁴⁸⁰ Carolyn Belleau. Oral teaching, validation interview (December 8, 2022) in Validation – Carolyn Belleau [Archived with ILRU].

and is a critical part of the construction and maintenance of public and collective memory. Feasting is an element of many stories including *Story of the Salmon-Boy*, *Dirty-Lad and his Wives*, *Spider and Otter*, and *Story of Hu'pken*.

In many stories, a feast marks the return of a missing person to their community. For example, in *The Story of the Salmon-Boy*, the feast is where the return of the boy is announced. In *Story of the Man who married the Grisly Bear*, the wife holds a feast for her relatives where she introduces her new husband to them. In *Story of Hu'pken*, a feast marks the acknowledgement that Hu'pken has trained himself and is now able to fulfil his obligations as *kwséltkten* and *Secwépemc-kt*. In *Spider and Otter*, a feast marks and celebrates the return of the woman and her children.

These stories indicate the significant work that goes into the preparation for the feast. Each story points to the time spent gathering and preparing resources. In *Spider and Otter*, “spider went hunting, and killed many deer, the flesh, fat, and skins of which he made to assume such small proportions that he could put them all in the thumb of his mitten, which he attached to the end of his rope, and lowered down to the earth. Then he lowered down his children and his wife, and finally descended himself.” This example demonstrates that the work of the feast is not only about the formal event itself, but is also about the acts of learning, practice, helping and preparation that go into making the feast possible. Spider gathers resources, preserves them, and transports them and his family members. The story also makes visible the acts of gifting that go along with the feast, as Spider not only feeds the people, but also gives them fat and skins as presents.

Finally, the work of feasting involves many relationships of helping that are necessary for a feast to happen. The importance of this work was emphasized at the 2018 Secwépemc Summer Gathering in Esk'etemc (Esk'etemc), in the honour and acknowledgment of the work of youth in helping with preparations for both the gathering and the feast. Feasting is an important practice that brings the community together, celebrates relations, and inherently nurtures visiting and relationship building.

4.4 CEREMONY

The understanding and practice of laws related to k̓wséltkten and Secwépemc-kt includes ceremony. Ceremony is key to acknowledging and recognizing all of one's relations and can be used to support the teaching and learning of law, legal obligations, and how to appropriately engage in activities as k̓wséltkten.

Ceremony supports the teaching and learning of obligations, and the practices of belonging in their holistic form. There is no single word for ceremony, but rather there are different terms that describe ceremonial (formal, spiritual) dimensions. At the heart of ceremony are the mechanisms for proper ways of handling specific activities (hunting, gathering, making baskets, welcoming, honouring). Community members talked about the role of protocol in helping people learn the proper ways of doing things. Mona Jules responded to the conversation by saying,

The word étsxem [spirit/vision quest/traditional teaching of children] is not simple. When you sent your child or children out to do the vision quest in the past, they had to do their research, all the while guided. The boys would be guided by the xpé7es, the grandfathers. Now, they would have to learn by doing research, by doing activities, and just getting in there with every part of you—getting right into the activity and learning in depth the language, the words, the traditions, the laws of each activity. So, that I think is what our elder is referring to as difficult, because étsxem encompasses more than one thought pattern. It holds so many facets. It's like knowing the laws and customs of your people, knowing the proper ways of handling any specific activity. You don't just go rushing in and doing things. There's sometimes a specific way of doing something that may seem straightforward. You have to know which way to approach it. How to approach it, how to handle it, and what you do beforehand. So, a lot of it is started with ceremony.⁴⁸¹

⁴⁸¹ Mona Jules (14 February 2018) at 8, as cited above.

Practices of acknowledgement and recognition are also embedded in ceremony related to Secwépemc laws relating to ƛwséłtkten and Secwépemc-kt. This is visible in the primary practice of introductions, in which a person begins with an acknowledgement of their relations and community. The practice of acknowledging land, ancestors, and relationality is also present in the prayers that open most gatherings, feasts, and meetings. Ralph McBryan talked about the ways some ceremonies and protocols teach about obligations and belonging, particularly when engaging with other nations and in other territories:

There is an actual ceremony where you have got to introduce yourself to the people. When I travel from my country to somebody else's country, I stop at their border. I sing a song in my tradition, from my ancestors and my spirits to their ancestors and their spirits. I have to introduce my lineage first, not me. And even when we adopt somebody else, they have to be true to this; they have got to introduce their lineage first. This helps us recognize people. And in doing this, a person shows honor and respect to their family line by introducing where they come from, to be respectful to all of us.⁴⁸²

This is similar to the preamble to the tribal school that one community member discussed, which emphasizes the role of established protocol or prayer as being embedded with this obligation. It further reminds people that they must acknowledge non-human relations.

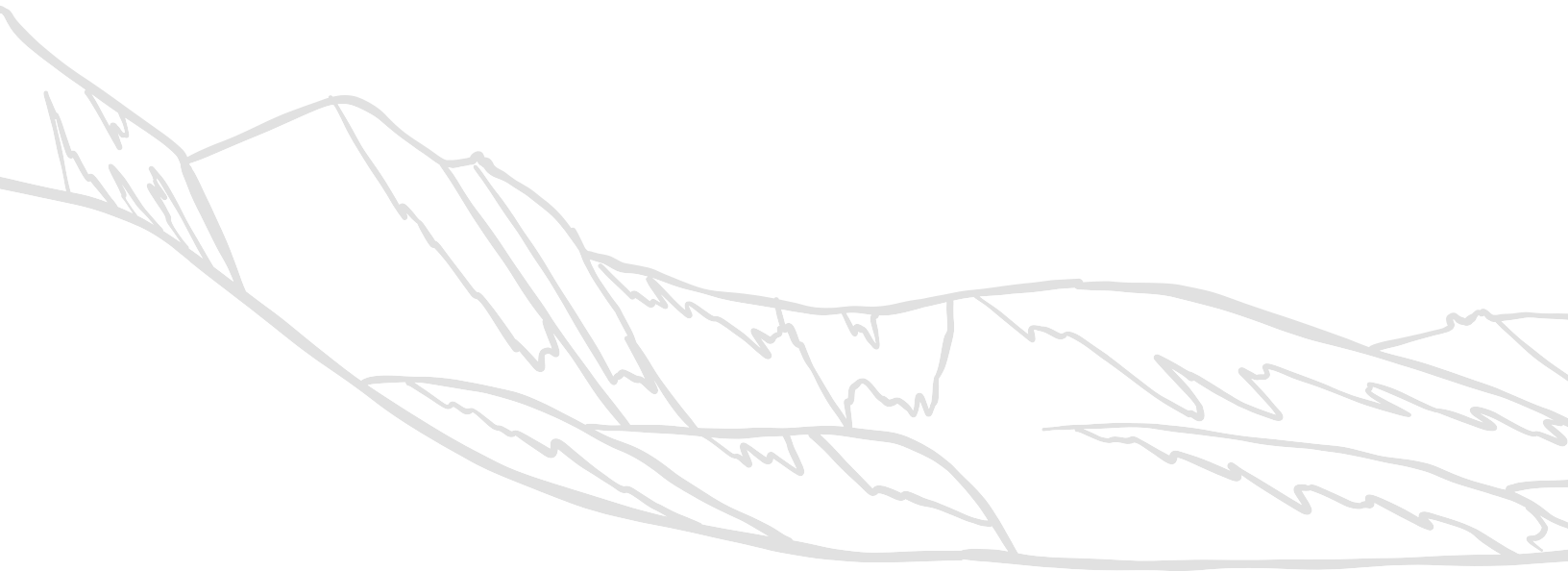
Songs and ceremonies may also form a process for formalizing new relations and introducing those relations with others. Ralph McBryan spoke of some examples (see Section 2.3.1: Public Introducing and Witnessing).

Gatherings are also important occasions for re-affirming relations with other nations, with protocols and ceremony to acknowledge peace and friendship between the nations, and the legal structure of each nation.⁴⁸³

⁴⁸² Ralph McBryan (15 February 2018) at 1, as cited above.

⁴⁸³ Secwépemc Strong, “Splúl’kws Re K’wselktknéws”, as cited above.

5 LAWFULLY RESPONDING TO HARMS AND CHALLENGES



INTRODUCTION

Chapter Five starts by outlining some of the legal processes that people use when considering responses. The central question in Section 5.1 is *Who is involved in decisions on how to respond when k'wséltkten do not meet their obligations for grounding and supporting their kin?* It identifies the authoritative decision-makers who are charged with making decisions when their relatives have not met their obligations and have thereby caused harm. This is not a comprehensive articulation of who is an authoritative decision-maker in every situation, but instead is a guide to what sorts of decisions different people may be involved in when an issue arises. These decision-makers may be closely interrelated, with roles and authority layered within and among them.

The central question in Section 5.2 is *What are the steps decision-makers take in developing responses when k'wséltkten do not meet their obligations for grounding and supporting their kin?* It identifies the procedural steps those authoritative decision-makers may take when responding to challenges. While there may be other considerations that are not captured here, what follows are the major steps that are observable through the research. These steps are not necessarily linear and may not all be engaged in every decision. Their applications are determined by specific decision-makers in specific situations.

Sections 5.3 and 5.4 shift from thinking about legal processes to legal responses. Legal responses are how principles and processes are applied in real life, to real situations, and concerns. The central question in Section 5.3 is *What legal principles guide decision-makers within the Secwépemc legal tradition when responding to harms and challenges that arise when k'wséltkten do not meet their expectations or obligations?* It looks specifically at some of the principles that govern all responses that decision-makers take.

The central question in Section 5.4 is *How do decision-makers within the Secwépemc legal tradition respond to the harms or challenges that arise when their k'wséltkten fail to meet their obligations or expectations?* The section turns to some of the actual responses that can be identified that decision-

makers take when challenges or harms arise. The responses discussed here are those that emerged most strongly in the research, but they are not comprehensive or wholly independent. Since legal responses are living, dynamic expressions of a society's jurisdiction and self-governance, what is set out here will be no more than a partial picture of the ways in which law is implemented in practice. More research and on-the-ground action will further deepen and develop how Secwépemc communities tangibly maintain, restore, and uphold lawful relations with each other.

5.1 HARMS AND CHALLENGES: LEGAL DECISION-MAKERS

LAWFULLY RESPONDING TO HARMS AND CHALLENGES

RESTATEMENT TABLE

Who is involved in decisions on how to respond when k'wséltkten do not meet their obligations for grounding and supporting their kin?

HARMS AND CHALLENGES: LEGAL DECISION-MAKERS

CONCEPT	SUMMARY	SOURCES
5.1.1 FAMILY	Families and family members make decisions regarding teaching and protecting their k'wséltkten, particularly when there is a risk of harm or danger. Grandparents often play an important role in either making or informing these decisions.	<i>Sxwéýlecker</i> ; Peace/War Chief Pipíp'7ese (Alexis Harry); <i>Senkúkpí7</i> Wilfred Robbins Sr.; Doreen M. Johnson; Mardi Paul; Judy Deneault; Minnie Kenoras; <i>Story of Hu'pken</i> ; <i>Story of the</i>

		<i>Salmon-Boy; Coyote and his Son, or, The Story of Ka'la'llst; Story of Owl; Wolverine and Fisher; Northern Secwépemc Legal Traditions Report.</i>
5.1.2 WOMEN AND KYÉ7ES (GRANDMOTHERS)	Women and kyé7es often work in collaboration with other decision-makers to make decisions about kwséltkten by providing direct guidance. Women and grandmothers may also act as core decision-makers when legal obligations of kwséltkten are not being met, particularly in matters involving children, or harm against children and women.	<i>Sxwéýlecker; Doreen M. Johnson; Peace/War Chief Pipíp'7ese (Alexis Harry); Senkúkpí7 Wilfred Robbins Sr.; Senkúkpí7 Cwlíken (Irvine Johnson); Mardi Paul; Grisly Bear's Grandchildren; Story of Hu'pken; Northern Secwépemc Legal Traditions Report.</i>
5.1.3 TASK MANAGERS, LEADERS, AND EXPERTS	Those with specific knowledge or experience, such as task managers, leaders, and experts, may be consulted to assist in kwséltkten related decision-making. These individuals may also dissent and intervene in decisions being made depending on the severity of the situation.	<i>Peace/War Chief Pipíp'7ese (Alexis Harry); Doreen M. Johnson; Story of Sna'naz; Story of Muskrat; Northern Secwépemc Legal Traditions Report.</i>
5.1.4 INDIVIDUALS	Individuals have the authority to dissent and intervene in decisions being made in order to meet their own obligations of kwséltkten and Secwépemc-kt or to find solutions to their own challenges.	<i>Sxwéýlecker; Peace/War Chief Pipíp'7ese (Alexis Harry); Senkúkpí7 Wilfred Robbins Sr.; Witness #2; B.A. Deneault; Story of Hu'pken; Story of Kuxka'in; Story of Owl.</i>
5.1.5 COMMUNITY	Community may make decisions to act in matters to ensure safety and security of their families or the group. Community	<i>Sxwéýlecker; Witness #2; Julianna Alexander; Spider and</i>

	members may also validate the decisions of others, such as families and individuals, in response to issues involving <i>ǰwséltkten</i> .	<i>Otter; Coyote and the Cannibal Boy; Story of Muskrat; Story of Grasshopper; Story of Kuxka'in; Dirty-Lad and his Wives; Story of Tcotcu'lcâ; or, The Hunter who became a Wolf; Story of Hu'pken; Tsqíxqin, or The Foolish One.</i>
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5.1.1 FAMILY

Families and family members make decisions regarding teaching and protecting their ǰwséltkten, particularly when there is a risk of harm or danger. Grandparents often play an important role in either making or informing these decisions.

Families and family members are the main decision-makers and actors involving situations requiring protection or teaching of their *ǰwséltkten*.⁴⁸⁴ As articulated by Peace/War Chief Pipíp'7ese (Alexis Harry) and affirmed by Senkúkpi7 Wilfred Robbins Sr., it often does not matter how serious the issue is, when *ǰwséltkten* have challenges meeting their obligations, people typically start with providing corrections from within the family, often calling in a grandparent before calling in someone from outside to assist.⁴⁸⁵ The important role of grandparents in the teaching and protection of grandchildren is echoed in stories such as *Story of Hu'pken* and *Story of the Salmon-Boy*.

⁴⁸⁴ Judy Deneault (15 February 2018) at 6–7, as cited above; See also Doreen M. Johnson (15 February 2018) at 2, as cited above.

⁴⁸⁵ See Peace/War Chief Pipíp'7ese (Alexis Harry) & Senkúkpi7 Wilfred Robbins Sr. (23 October 2019) at 4–5, as cited above.

Family members are often the first approached when people are in danger and are also often the first to help or attempt to maintain relationships.⁴⁸⁶ For example, in *Coyote and his Son*, Kaḷa'llst's aunts are the ones who intervene to help Coyote's son escape death.⁴⁸⁷ Similarly, Mardi Paul intervened multiple times to support her cousins when their children were threatened to be removed from care and when they had miscarriages.⁴⁸⁸ Similarly, in situations of danger, people may respond individually to imminent threats, as Minnie Kenoras did in the situation involving her little brother.⁴⁸⁹ Finally, it is the parents of the boy in *Story of Owl* and the family of the woman in *Wolverene and Fisher* who take up the search for their kidnapped relatives.

5.1.2 WOMEN AND KYÉ7ES (GRANDMOTHERS)

Women and kyé7es often work in collaboration with other decision-makers to make decisions about k'wséltkten by providing direct guidance. Women and grandmothers may also act as core decision-makers when legal obligations of k'wséltkten are not being met, particularly in matters involving children, or harm against families, particularly children and women.

Many community members and stories focus on the primary role of grandparents, particularly kyé7es and women (grandmothers), in decision-making around k'wséltkten, such as in *Story of Hu'pken* and *Grisly Bear's Grandchildren*. Senkúkpi7 Cwlíken (Irvine Johnson), Senkúkpi7 Wilfred Robbins Sr., and Peace/War Chief Pipíp'7ese (Alexis Harry) all emphasized that the term kyé7e does not exclude women who do not have children or grandchildren; it includes all women who have the wisdom of experience to

⁴⁸⁶ Hadley Friedland with Alan Hanna (Indigenous Law Research Clinic and T'exelcemc Williams Lake Band) *Northern Secwepemc Legal Traditions Report* at 16–17, as cited above.

⁴⁸⁷ Sxwéylecken (or Sixwi'lexken, "Big Billy" of Dog Creek and Big Bar, born near Big Bar), "Coyote and His Son; Or, the Story of Kaḷa'llst" in James Teit, recorder, "The Shuswap" in Franz Boas, ed, *The Jesup North Pacific Expedition: Memoir of the American Museum of Natural History* 2:7 (Leiden & New York: E.J. Brill & G. E. Stechert, 1909) at 622–623 as reproduced in Jessica Asch & Rebecca Johnson et al, eds, *Secwépemc Laws of K'wséltkten and Secwépemc-kt Casebook*, as cited above [Story of Kaḷa'llst].

⁴⁸⁸ Mardi Paul (5 April 2019) at 12, as cited above.

⁴⁸⁹ Minnie Kenoras (5 April 2019) at 11–12, as cited above.

provide guidance.⁴⁹⁰ Peace/War Chief Pipíp’7ese (Alexis Harry) referred to this as the “highest wisdom of the grandmother.”⁴⁹¹

Community members connect the place of women and grandmothers as legal decision-making authorities to the matriarchal organization of Secwépemc society. This was articulated by Doreen M. Johnson, through a description of her role in her family:

At Esk’etemc, we have always believed that we are matriarchal in our community. When I was growing up, my grandmother—when she was alive—had to know what was all going on in the family. And when my grandmother passed away, this responsibility passed on to my bio mother. And then, when my mother passed away, even though I was only 14 years old, the responsibility came to me. My older sister had passed away before my mother, and my oldest sister was unable to take on the responsibility, so it came to me.⁴⁹²

She explained further what being the oldest woman in the community means in terms of her obligations to intervene or provide guidance to her broader family:⁴⁹³

It’s my responsibility to know where all the members in my family are, and what they’re doing. And if they need discipline, I’m the one that goes in to say, “what you’re doing is not right.” I call everybody together. We had two nieces in Vancouver that were going into the care of the ministry, so they phoned me, and I called my family together and said “who’s going to take these two kids?” And so, another family member decided, “yeah I can take them.” That’s how we make decisions.⁴⁹⁴

⁴⁹⁰ Senkúkpí7 Cwlíken (Irvine Johnson), Senkúkpí7 Wilfred Robbins Sr. and Peace/War Chief Pipíp’7ese (Alexis Harry) (10 March 2023) as cited above.

⁴⁹¹ Peace/War Chief Pipíp’7ese (Alexis Harry) (23 October 2019) at 4, as cited above.

⁴⁹² Doreen M. Johnson (15 February 2018) at 2, as cited above.

⁴⁹³ See also Hadley Friedland with Alan Hanna (Indigenous Law Research Clinic and T’exelcenc Williams Lake Band) *Northern Secwepemc Legal Traditions Report* at 17, as cited above.

⁴⁹⁴ Doreen M. Johnson (15 February 2018) at 2, as cited above.

Mardi Paul also spoke to the decision-making responsibilities of kyé7es and women. For example, when she became pregnant, her grandmother became involved in helping with supporting Mardi and providing direct guidance on decision-making. Similarly, when Mardi's partner left her, it was her former partner's mother who took Mardi and her kids in and stayed with her. The woman also kicked out the son who had been abusive to Mardi.⁴⁹⁵

Peace/War Chief Pipíp'7ese (Alexis Harry) and Senkúkpi7 Wilfred Robbins Sr., similarly affirmed that when k'wséltkten need course correction because they are not living up to their obligations, it is often the grandparents, but most importantly the kyé7e and mother who are called to support decision-making processes and to determine who else needs to be involved in decision-making.⁴⁹⁶ Peace/War Chief Pipíp'7ese (Alexis Harry) noted that in his work as Peace/War Chief, he defers to the "highest wisdom of the grandmother" in decisions, even involving significant harms involving k'wséltkten.⁴⁹⁷ This includes having decisions over who else should be involved in resolving a problem involving k'wséltkten.⁴⁹⁸

Doreen M. Johnson also talked about how the place of women as decision-makers works within the broader governance system in Esk'etemc (Eskétemc):

I sit at the women's table at Esk'etemc too and the women all know what their families are doing, so it's not up to the men to give any kind of direction on this. The women say well, the laws (the qwemitla) are important in our land, what is our warrior society going to do about this, tell us what the plan is and how you're going to manage this system. So, we have, on one hand, the elected system and then we have, on the other hand, the hereditary system. We had to discuss how are those going to meld together. So, the hereditary chiefs sit as part of a council, but they have any right to

⁴⁹⁵ Mardi Paul (5 April 2019) at 7, as cited above.

⁴⁹⁶ Peace/War Chief Pipíp'7ese (Alexis Harry) & Senkúkpi7 Wilfred Robbins Sr. (23 October 2019) at 2 and 4-5, as cited above.

⁴⁹⁷ Peace/War Chief Pipíp'7ese (Alexis Harry) (23 October 2019) at 4, as cited above.

⁴⁹⁸ Peace/War Chief Pipíp'7ese (Alexis Harry) & Senkúkpi7 Wilfred Robbins Sr. (23 October 2019) at 4-5, as cited above.

veto any of the decisions that the elected council makes, in the best interest of the whole community and in consultation with the women. We are the oversight body for the elected officials.⁴⁹⁹

5.1.3 TASK MANAGERS, LEADERS, AND EXPERTS

Those with specific knowledge or experience, such as task managers, leaders, and experts, may be consulted to assist in k'wséltkten related decision-making. These individuals may also dissent and intervene in decisions being made depending on the severity of the situation.

People with specific expertise, such as leaders, task managers or people with special skills may be consulted and intervene in decisions related to k'wséltkten. For example, Pipíp'7ese (Alexis Harry), the Peace/War Chief in the Esk'etemc (Eskétemc) governance structure, is often called by a chief⁵⁰⁰ or a family to assist in the context of severe matters involving k'wséltkten to help de-escalate conflicts, find out what has happened, and support the family in finding resolutions.⁵⁰¹ Doreen M. Johnson notes that medicine men are often the people who take care of safety and abuse questions, particularly when they involve children.⁵⁰²

Similarly, chiefs and other professionals may be called to support or make decisions in serious matters involving family, particularly if they have the best chance of intervening to prevent harm.⁵⁰³ For example, the *Story of Sna'naz*, his wives tell the Chief that Sna'naz's brothers have lied, and the chief intervenes by housing the women until the truth can be determined. Similarly, in *Story of Muskrat*, it is the Beaver who takes it upon himself to intervene

⁴⁹⁹ Doreen M. Johnson (15 February 2018) at 2, as cited above.

⁵⁰⁰ See also Hadley Friedland with Alan Hanna (Indigenous Law Research Clinic and T'exelcemc Williams Lake Band) *Northern Secwepemc Legal Traditions Report* at 12–15, as cited above.

⁵⁰¹ Peace/War Chief Pipíp'7ese (Alexis Harry) (23 October 2019) at 1–3, as cited above.

⁵⁰² Doreen M. Johnson. Oral teaching, validation interview (August 2019) in Validation – Doreen M Johnson Combined.pdf [Archived with ILRU].

⁵⁰³ See for e.g., Peace/War Chief Pipíp'7ese (Alexis Harry) (23 October 2019) at 2, as cited above.

and limit Muskrat's ability to hide in the depths of water by swapping tails with him, which he had the power to do.

5.1.4 INDIVIDUALS

Individuals have the authority to dissent and intervene in decisions being made in order to meet their own obligations of ǰwséltkten and Secwépemc-kt or to find solutions to their own challenges.

Individuals may still disagree and not entirely go along with community and decisions. In *Story of Kuxka'in*, an individual woman takes pity on the boy and leaves him tools and fire. In *Story of Hu'pken*, Raven and Crow leave the starving young man fish skins and other scraps. Their actions of pity are rewarded later in both stories as their houses are filled with meat and skins by the young men.

Individuals have the authority, of course, to respond to offers or opportunities to meet their own obligations or find solutions to their own challenges. For example, in the *Story of Owl*, a young man who has grown up with Owl takes it upon himself to develop the means to escape and return to his family. In *Story of Hu'pken* and *Story of Kuxka'in*, the young men take the opportunity, once left on their own, to learn how to meet their obligations to their ǰwséltkten and are eventually reunited with their family members. In the version of this story told by one community member, the boy eventually becomes so proficient in every way that the community wants to make him a chief.⁵⁰⁴ Community members spoke of similar opportunities for young people to learn from their mistakes and fulfil their community and familial obligations after spending time in the mountains.⁵⁰⁵

⁵⁰⁴ Witness #2 (14 February 2018) at 11, as cited above.

⁵⁰⁵ See Peace/War Chief Pipíp'7ese (Alexis Harry) & Senkúkpi7 Wilfred Robbins Sr. (23 October 2019) at 5–6, as cited above; See also B.A. Deneault. Oral teaching, validation interview (Aug 22, 2019) in Validation – BA Deneault.pdf [Archived with ILRU].

5.1.5 COMMUNITY

Community may make decisions to act in matters to ensure safety and security of their families or the group. Community members may also validate the decisions of others, such as families and individuals, in response to issues involving k̓wséltkten.

It is unclear at times whether a community is deciding collectively or is validating and upholding the decision made by a family. For example, in *Story of Grasshopper, Dirty-Lad and his Wives*, *Story of Kuxka'in* and one community member's telling of *Tsqíxqin, or The Foolish One*,⁵⁰⁶ decisions are said to be made by "the people." One community member noted that this mostly refers to elders, more specifically, the grandmothers and the grandfathers.⁵⁰⁷ In *Story of Tcotcu'lcâ; or, The Hunter who became a Wolf*, it can be inferred that it is a community decision to leave the young man behind to catch up on his own. Only *Story of Hu'pken* is different, noting that it was his parents who "arranged to desert him at the first opportunity." However, the story also notes that this decision was made because Hu'pken was a nuisance for the people as a group. Julianna Alexander spoke about how both the family and community may be involved as decision makers concerning when and how to withdraw help from k̓wséltkten, or indeed to separate from them.⁵⁰⁸

Community members may decide to collectively act in matters of community safety. In *Coyote and the Cannibal Boy*, the community told Coyote that the boy might be dangerous. In *Spider and Otter*, the community search for the woman who has been kidnapped by Otter at the river. In *Story of Muskrat*, the entire community takes steps to determine who has killed a young girl and pursue Muskrat once the truth emerges.

⁵⁰⁶ See Witness #2 (14 February 2018) at 11, as cited above where a community member told this story.

⁵⁰⁷ Witness #2. Oral teaching, validation interview (September 2019) in Validation – Witness #2.pdf [Archived with ILRU].

⁵⁰⁸ Julianna Alexander (15 February 2018) at 9, as cited above.

5.2 HARMS AND CHALLENGES: LEGAL PROCEDURAL STEPS

LAWFULLY RESPONDING TO HARMS AND CHALLENGES

RESTATEMENT TABLE

What are the steps decision-makers take in developing responses when k'wséltkten do not meet their obligations for grounding and supporting their kin?

HARMS AND CHALLENGES: LEGAL PROCEDURAL STEPS

CONCEPT	SUMMARY	SOURCES
5.2.1 ISSUE IDENTIFICATION, RISK ASSESSMENT, AND DELIBERATION	<p>Issue identification and risk assessment are essential first steps in determining any response. People may identify issues and risk through observation, information gathering, or from concerns raised and brought to their attention. Risk assessment is an important aspect of ensuring individual and community safety. Risk assessment and issue identification impact deliberation processes. It may take time to fully assess a situation and determine an appropriate response.</p>	<p><i>Doreen M. Johnson; Peace/War Chief Pipíp'7ese (Alexis Harry); Judy Deneault; Julianna Alexander; Minnie Kenoras; Bonnie Leonard; The Women who sought for a Husband; or, The Woman who married the Cannibal (Star) and Wolverine; Story of Sna'naz; Story of the Salmon-Boy; Spider and Otter; Stsqy'ulécw Re St'exelcenc (St'exelcenc Laws from the Land); Northern Secwepemc Legal Traditions Report.</i></p>

<p>5.2.2 ALERTING AND WARNING</p>	<p>People may alert or warn k'wséltkten and community members to the identified issue and potential threats. It is important for individuals to recognize and take seriously the warning signs that are either presented or communicated to them.</p>	<p>Peace/War Chief Pipíp'7ese (Alexis Harry); Senkúkpi7 Cwlíken (Irvine Johnson); Senkúkpi7 Wilfred Robbins Sr.; <i>Coyote and the Cannibal Boy</i></p>
<p>5.2.3 CONSULTATION AND ASSISTANCE</p>	<p>In some cases, people with specific knowledge, skills, or positions within a community may need to be consulted and relied upon to respond to a particular issue. This involves identifying who may help and asking for their assistance.</p>	<p><i>Julianna Alexander; Minnie Kenoras; Peace/War Chief Pipíp'7ese (Alexis Harry); Story of Sna'naz; Northern Secwepemc Legal Traditions Report.</i></p>
<p>5.2.4 REINTEGRATION: PROVIDING RESOURCES AND SPACE</p>	<p>People who have been separated from community, especially youth, may be provided with resources for learning and survival. This is done with the aim of facilitating healthy and safe reintegration back into the community when it is appropriate to do so. The needs of the particular person and the community are considered if and when re-integration happens.</p>	<p><i>Sxwéýlecken; Julianna Alexander; Peace/War Chief Pipíp'7ese (Alexis Harry); Senkúkpi7 Wilfred Robbins Sr., Witness #2; Mona Jules; Dirty-Lad and his Wives; Story of the Salmon-Boy; Story of Kuxka'in; Story of Hu'pken; Tsqíxqin, or The Foolish One; Story of Tcotcu'lcâ; or, The Hunter who became a Wolf.</i></p>

5.2.1 ISSUE IDENTIFICATION, RISK ASSESSMENT, AND DELIBERATION

Issue identification and risk assessment are essential first steps in determining any response. People may identify issues and risk through observation, information gathering, or from concerns raised and brought to their attention. Risk assessment is an important aspect of ensuring individual and community safety. Risk assessment and issue identification impact deliberation processes. It may take time to fully assess a situation and determine an appropriate response.

The first step in determining any response when *k'wséltkten* are not meeting their obligations is to identify the issue and the risk involved.⁵⁰⁹ People identify issues by observing them or when problems are brought to them. In *Story of Sna'naz*, for example, the wives tell the Chief that the brothers of Sna'naz have lied to their own people in saying their brother is dead, and that the women were taken as wives through war. Doreen M. Johnson also discusses how families frequently first go to the chief to help determine what an issue is and who needs to help in the situation.⁵¹⁰ This was echoed by Peace/War Chief Pipíp'7ese (Alexis Harry), when retelling a matter where he was called to step in to help a family in his role as War Chief. In that instance, the family called the chief, who, because the situation had escalated, called Peace/War Chief Pipíp'7ese (Alexis Harry) to step in.⁵¹¹

Community members identify issues and risk when family members are told that children may be in danger of being abused or removed from homes.⁵¹² People may also witness and identify issues through observation, such as Minnie Kenoras, when she observed men in her community spending welfare cheques on alcohol instead of groceries.⁵¹³ Similarly, in *The Women who sought for a Husband; or, The Women who married the Cannibal (Star)* and

⁵⁰⁹ See also Hadley Friedland with Alan Hanna (Indigenous Law Research Clinic and T'exelceme Williams Lake Band) *Northern Secwepemc Legal Traditions Report* at 18, as cited above.

⁵¹⁰ Doreen M. Johnson. Oral teaching, validation interview (August 2019) in Validation – Doreen M. Johnson Combined.pdf [Archived with ILRU].

⁵¹¹ Peace/War Chief Pipíp'7ese (Alexis Harry) (23 October 2019) at 4–6, as cited above.

⁵¹² Julianna Alexander & Judy Deneault (15 February 2018) at 5–7, as cited above.

⁵¹³ Minnie Kenoras (5 April 2019) at 3–4, as cited above.

Wolverene, the wives of a cannibal identify that their husband is behaving in a strange fashion and one of them stays awake to observe the behaviour of the husband, thereby confirming the threat. In each case, parents and family members are involved in the process of identifying the issue. Sometimes outside experts form part of this process. For example, Peace/War Chief Pipíp'7ese (Alexis Harry) talked about the importance of putting himself in the position of different family members involved in disputes to gain their unique perspectives. He does this to balance their rights, and to try to see the situation without being influenced by what he may have heard previously about the issue.⁵¹⁴

Assessment of risk in a particular context will determine the method and urgency of a response and type of deliberation process needed. For example, Minnie Kenoras spoke of a time when she and her younger brother were home alone and a relative came up on horseback and started insisting that her brother go with him. Minnie remembered her parents' cautions about some adults doing "bad things" to kids and determined the man must have been watching her mom and dad leave. Determining it was a high-risk situation and being on her own, she grabbed a gun and threatened to shoot the man until he left the house.⁵¹⁵

Exercising caution to assess risk can be part of a larger deliberation process. For example, in the *Story of the Salmon-Boy*, a boy returns to his community in the form of a salmon (albeit with human eyes). His grandfather catches him, and, noticing the eye, the grandfather wraps the fish in a blanket and hangs him in a tree for four days. This process can be seen as proceeding with caution, as the boy is transformed back.⁵¹⁶ This was the interpretation brought to light by Bonnie Leonard:

I think it's very significant that we consider how the boy when he was the salmon and he came back and grandpa hung him in the tree for the four days. And how he was unveiled each day piece

⁵¹⁴ Peace/War Chief Pipíp'7ese (Alexis Harry) (23 October 2019) at 1, as cited above.

⁵¹⁵ Minnie Kenoras (5 April 2019) at 11–12, as cited above.

⁵¹⁶ See also Nancy Sandy, "Stsqy'ulécw Re St'exelcém (St'exelcém Laws from the Land)" at 188, 195, and 199, as cited above, where baby baskets and conditions of safety are discussed.

by piece. I think we should examine that and think about how we can use that in our citizenship *kwéséltkten* law. I think that's important. There have been times I've been coached by elders about the four days and an example is someone gave me a drum once. I didn't trust that person and I didn't feel comfortable to take the drum into my home. And so I asked the elder what I should do with it cause I wasn't sure what to think, I didn't know if this person was bad or putting bad medicine on me or it just, it was a feeling I had so maybe the grandfather had that same feeling when he looked at the eyes of the fish. Was like a gut feeling. She told me the same thing. "Go hang it in a tree for four days." That's what I did. And then we smudged it after, brought it in my home, I still have it and nothing's happened.⁵¹⁷

This reflection speaks to the importance of taking the appropriate time that is necessary to assess the situation and to determine a proper response.

Sometimes stigma and secrecy can impact risk assessment and issue identification. Stories like *Spider and Otter* highlight the difficulty of addressing harms when patterns of silence and secrecy leave people without information that would be helpful in responding. In that story, the people are unable to provide for the safety of the woman (stolen by Otter), and potentially are without knowledge when Spider returns. The story shows how to spot danger and how to support and watch out for those who return. For this reason, it is especially important that the obligations of *yúcwmentswécw* (see Section 3.1.3: *Yúcwmentswécw*) include proactive attention to potential threats and conditions of vulnerability.

5.2.2 ALERTING AND WARNING

People may alert or warn kwéséltkten and community members to the identified issue and potential threats. It is important for individuals to recognize and take seriously the warning signs that are either presented or communicated to them.

⁵¹⁷ Bonnie Leonard (14 February 2018) at 14–15, as cited above.

After assessing a situation, people may take the step of alerting their relatives or community members to the issue, particularly when there is a threat. For example, in *Coyote and the Cannibal Boy*, Coyote kidnaps a boy, not knowing he is a cannibal. Although there are signs along the way that the boy poses a danger (as he continually picks at a boil on Coyote's neck), Coyote ignores those signs, including the boy's refusal to change his behaviour when told to stop. When he arrives at the community, Coyote declares his intention to keep the boy as his slave, to which the people warn Coyote: "If he belongs to any tribe nearby, his friends may attack us, and try to get him back." Coyote ignores the warning, and the cannibal boy eventually kills all but one man. Though the specific harm that comes to the community is different than the one they anticipated (an attack by the boy himself rather than by his friends) the story draws attention to the importance of responding to cautions and warnings. Indeed, it is the one man that was alert to the danger who was eventually able to stop the boy and bring Coyote back to life. We see in this story the broader community obligations to both warn and act when there is a potential harmful person or situation in their midst (see Section 3.1.2: Knucwentwécw).

In historical context, Peace/War Chief Pipíp'7ese (Alexis Harry) and Senkúkpi7 Cwlíken (Irvine Johnson) provided examples of approaches Secwépemc people used to pass along information when Seme and Cree people invaded to kidnap women, notably runners to confront that potential threat.⁵¹⁸ Peace/War Chief Pipíp'7ese (Alexis Harry) also noted in validation that this "law of taking" was something practiced by many nations in the past, and although it was a threat, it was often about creating new relations through marriage when it was necessary.⁵¹⁹

⁵¹⁸ Peace/War Chief Pipíp'7ese (Alexis Harry) (23 October 2019) at 2, as cited above; Senkúkpi7 Cwlíken (Irvine Johnson). Oral teaching, April Skwlax kwéltkten project retreat as transcribed in NOTES – Secwépemc Citizenship Project – April Skwlax kwéltkten project retreat – April 4, 2019 – SO Scribe.pdf at 4 as edited and validated in Validation – Senkúkpi7 Cwlíken (Irvine Johnson).pdf [Archived with ILRU].

⁵¹⁹ Peace/War Chief Pipíp'7ese (Alexis Harry). Oral teaching, validation interview (July 30, 2020) in Validation – Pipíp'7ese (Alexis Harry).pdf [Archived with ILRU]; Peace/War Chief Pipíp'7ese (Alexis Harry), Senkúkpi7 Cwlíken (Irvine Johnson), and Senkúkpi7 Wilfred Robbins Sr. Oral teaching, validation interview (March 10, 2023) in Validation – Pipíp'7ese (Alexis Harry).pdf, Validation – Senkúkpi7 Cwlíken (Irvine Johnson).pdf, and Validation – Senkúkpi7 Wilfred Robbins Sr.pdf [Archived with ILRU].

5.2.3 CONSULTATION AND ASSISTANCE

In some cases, people with specific knowledge, skills, or positions within a community may need to be consulted and relied upon to respond to a particular issue. This involves identifying who may help and asking for their assistance.

As noted in previous sections, depending on the severity of the challenges, families and communities will need to draw on specific people to assist with an issue.⁵²⁰ In cases of imminent harm, like in *Story of Sna'naz*, or in an instance involving a child in care who is experiencing abuse, people in leadership positions may be called in to intervene or expedite interventions. In *Story of Sna'naz*, the chief decides that two women should live with him until they can verify whether the men claiming the women as their wives are lying.

Community members reflected that there is a similar approach to responding to some harms today.⁵²¹ For example, when a community member learned that a young relative living in care was in an abusive home, they strategized with the young woman about what to do. The young woman then contacted the chief.⁵²² The chief intervened to remove the child from the home.⁵²³ Minnie Kenoras was a councillor and used her position to make her the welfare agent to prevent the welfare cheques from being wasted by men on alcohol. She then took it upon herself to train the next welfare worker to prevent those harms from happening again.⁵²⁴ Peace/War Chief Pipíp'7ese (Alexis Harry), in his work as War Chief, is called in to assist in situations of serious altercations and breaches of obligations involving k'wséltkten.⁵²⁵ In these instances, his first step is ask for direction from hereditary chiefs and

⁵²⁰ See also Hadley Friedland with Alan Hanna (Indigenous Law Research Clinic and T'exelcenc Williams Lake Band) *Northern Secwepemc Legal Traditions Report* at 18–19, as cited above.

⁵²¹ Peace/War Chief Pipíp'7ese (Alexis Harry) (23 October 2019) at 4–6, as cited above.

⁵²² Julianna Alexander (15 February 2018) at 16, as cited above.

⁵²³ Julianna Alexander (15 February 2018) at 16, as cited above; See also Peace/War Chief Pipíp'7ese (Alexis Harry) (23 October 2019) at 4–6, as cited above.

⁵²⁴ Minnie Kenoras (5 April 2019) at 3–4, as cited above.

⁵²⁵ Peace/War Chief Pipíp'7ese (Alexis Harry) (23 October 2019) at 1, as cited above.

high kyé7e and may also call in grandparents and parents of the young family members involved in the situation to ask for their assistance.⁵²⁶

5.2.4 REINTEGRATION: PROVIDING RESOURCES AND SPACE

People who have been separated from community, especially youth, may be provided with resources for learning and survival. This is done with the aim of facilitating healthy and safe reintegration back into the community when it is appropriate to do so. The needs of the particular person and the community are considered if and when re-integration happens.

5.2.4.1 RESOURCES

People who are separated to mitigate harm or teach are not always left completely to their own devices when separated from their communities. In *Story of Kuxka'in* and *Tsqíxqin*, or *The Foolish One* (a version of the story told during focus group discussions),⁵²⁷ a young man is left with tools to teach himself how to hunt and survive. In the Teit version of *Story of Hu'pken*, the boy is left with a tutor, a grandmother, who trains him to hunt, and he soon becomes a great hunter. As noted in previous sections, this is not surprising, as grandparents take on roles in tutoring children, even to the point of adoption. This was underscored by Mona Jules:

And then when he found his grandmother, things changed, she was able to talk him into it, telling him why they were having difficulties and so on. Then through that hardship he was able to begin training himself, with the help of the grandmother, and that shows that it's the grandparents' ... tradition to teach the young ones in the family. It's through the elders and the speakers that the laws and ways of

⁵²⁶ Peace/War Chief Pipíp'7ese (Alexis Harry) (23 October 2019) at 2, as cited above.

⁵²⁷ Witness #2 (14 February 2018) at 11, as cited above.

the people carry on. And that's the story of someone lacking a traditional training.⁵²⁸

By contrast, in *Dirty-Lad and his Wives*, Dirty-Lad is provided with no supports and travels aimlessly, without tools or guidance to help him learn how to work until he finds another community to help him.

It is important to be attentive to the supports that ƙwséltkten might need when they return to community, particularly in the context of unknown, changed, or potentially unhealthy ƙwséltkten. This is a challenge articulated by Julianna Alexander as follows:

And for me this brings up this issue we're having right now. We have our lost children—lost through adoptions, and child and welfare programs and all the different ways you know that families lose their children. From our law, it is right for us to have our children return. We need to find a way to do that. To make it healthy here for all those lost children and parents out there, those who are teenagers now and those still on the street drugging and drinking. Brings up that issue. ...We also need to take care of those people who lose children, and feel without purposes, useless, disconnected, or unwanted. They have to continue to be useful still to the community.⁵²⁹

As Julianna noted, it is critical to not just think about the resources for the ƙwséltkten, but also about the health of the environment around them. This is similar to *Story of the Salmon-Boy*, in which a lost boy returns to his community in the form of a salmon (albeit with human eyes). In that case, the grandfather wraps the fish in a blanket and hangs him in a tree for four days as the boy gradually turns back into a human. This process of reintegration considers the security of both the boy and the community.

⁵²⁸ Mona Jules (14 February 2018) at 5, as cited above.

⁵²⁹ Julianna Alexander (15 February 2018) at 10, as cited above.

5.2.4.2 SPACE AND OPPORTUNITY TO RETURN

All the stories involving the separation of young people from their communities indicate that separation is not necessarily permanent. All three stories involve young people connecting back with their families once they are successful hunters. In *Story of Kuxka'in*, once the young man becomes a hunter he returns to the community and is “no more a nuisance.” In *Story of Hu'pken*, Hu'pken's community returns to the village where he lives, upon hearing that Hu'pken has become a skilled hunter. In *Dirty-Lad and his Wives*, Dirty-Lad returns to his community (although not by choice) after he is able to provide. In *Dirty-Lad*, his own failure to learn the lessons he was given by his wives, results in his return to the “ragged, dirty state he had been before.” Peace/War Chief Pipíp'7ese (Alexis Harry) and Senkúkpi7 Wilfred Robbins Sr. both underscore the importance of giving young people the opportunity to reflect on their actions and return to community after they have not met the expectations of their relatives.⁵³⁰ When they do return, it is then the obligation of the community to nurture, discuss and provide the lessons that the young person needs to move forwards in a positive way and be accountable to and nurture their community.⁵³¹

In the *Story of Tcotcu'lcâ; or, The Hunter who became a Wolf*, Tcotcu'lcâ eventually learns how to hunt and provide for his people. Tcotcu'lcâ begins to follow a wolf, taking the remains of the deer the wolf kills to eat. When Tcotcu'lcâ asks for help, the wolf teaches him how to hunt. Tcotcu'lcâ is soon able to “fill all the lodges meat, and the people had plenty to eat.” In this case, withdrawal helped provide space for Tcotcu'lcâ to learn what he needed to do to help himself and his community.

⁵³⁰ Peace/War Chief Pipíp'7ese (Alexis Harry) & Senkúkpi7 Wilfred Robbins Sr. (23 October 2019) at 6–7, as cited above.

⁵³¹ Peace/War Chief Pipíp'7ese (Alexis Harry) & Senkúkpi7 Wilfred Robbins Sr. (23 October 2019) at 2, as cited above.

5.3 HARMS AND CHALLENGES: PRINCIPLES GUIDING LEGAL RESPONSES

LAWFULLY RESPONDING TO HARMS AND CHALLENGES

RESTATEMENT TABLE

What legal principles guide decision-makers within the Secwépemc legal tradition when responding to harms and challenges that arise when ƙwséltkten do not meet their expectations or obligations?

HARMS AND CHALLENGES: PRINCIPLES GUIDING LEGAL RESPONSES

CONCEPT	SUMMARY	SOURCES
5.3.1 CONTEXTUALIZED AND BALANCED REASONING	Grounded in the interconnected aspects of ƙwséltkten and Secwépemc-kt, responses in the Secwépemc legal tradition are influenced by context, considering the situation of the ƙwséltkten, root sources, and consequences to the broader community. Contextualized reasoning may assist in achieving balance in instances of uncertainty and in dealing with individual and collective obligations of ƙwséltkten.	<i>Julianna Alexander; Witness #1; Kenthen Thomas</i>

5.3.2 TRANSPARENCY AND PROPORTIONALITY

It is important for people to provide teaching and direction with reasoning. This involves being transparent, specifically about consequences that may arise as a result of particular actions, and proportionate in all responses in different contexts.

Sxwéýlecken; Richard LeBourdais; Minnie Kenoras; Story of Woodpecker's Marriage; or, Bluejay's Revenge; Dirty-Lad and his Wives; Grisly Bear's Grandchildren; Northern Secwepemc Legal Traditions Report.

5.3.1 CONTEXTUALIZED AND BALANCED REASONING

Grounded in the interconnected aspects of k'wséltkten and Secwépemc-kt, responses in the Secwépemc legal tradition are influenced by context, considering the situation of the k'wséltkten, root sources, and consequences to the broader community. Contextualized reasoning may assist in achieving balance in instances of uncertainty and in dealing with individual and collective obligations of k'wséltkten.

The obligations of yúcwmentswécw (see Section: 3.1.3: Yúcwmentswécw) implies that responses should address conditions of insecurity at their source. This is evident in comments by community members reflecting on the protection of children. As stated by Julianna Alexander, “People can’t forget that keeping children safe means working with the whole family, and not focusing only on the kids.”⁵³² Another community member noted, “Until we can offer [kids] a safe environment, we don’t have anything to offer them and that’s the sad scary part. So much healing has to take place.”⁵³³ These speak to the necessity of contextual thinking to create sustainable responses to legal challenges that arise.

Women in the focus groups talked of the challenges of dealing with the questions of abuse because of the need to protect children who are

⁵³² Julianna Alexander (22 August 2019), as cited above.

⁵³³ Witness #1 (15 February 2018) at 10, as cited above.

vulnerable. They discussed the ways that *yúcwmentswécw*, the obligation to “look out for each other,” included obligations to think about the ways of responding (see Section 3.1.3: *Yúcwmentswécw*). For example, it would be important to address problems related to youth in ways that don’t amplify dangers to them. Community members noted the challenge of speaking about problems without disclosing information that would further harm children or people who are particularly vulnerable. As Julianna Alexander noted, the focus should always be on “the safety of those young people. I have to think about those young people. But this also means thinking about everyone’s safety in general.”⁵³⁴

The importance of taking in the whole context of situations arose frequently in conversations with community members about how to respond to people returning to community after being forcibly removed by colonial policies. In some instances, they may not know who their relatives are, and they bring back with them challenges with addiction or mental health. As noted by Julianna Alexander, legal and practical questions about responses arise because of confronting these realities:

There are a lot of concerns that we need to think about in making a law that is suitable for today. Say that someone who has left the community kills somebody. Did they know what they were doing? What are we going to do with them? Are we going to have strict law and say, banish them? I mean who would do that? The government does that? But you just pass the buck on to somebody else? So, how do we deal with that? We need a security system. We need our own security system, something away from the RCMP.⁵³⁵

These complications raise questions about how to balance collective obligations to all relatives and community involved. As Juliana Alexander reflected, “We have a big job, to use our own laws and knowledge to protect with safety. How do we make it safe for them to come back? How do we make the

⁵³⁴ Julianna Alexander (15 February 2018) at 17, as cited above.

⁵³⁵ Julianna Alexander (15 February 2018) at 11, as cited above.

families safe so you can live there?”⁵³⁶

Kenthen Thomas echoed this balanced orientation with respect to uncertainty about people who are returning to community in the contemporary context. He noted,

I’m listening to all the elders and all the older people speak, and I just want to be really careful in moving forward on this work that we stay away from doing the same thing that was done to us. As a nation we have been hurt. We have been harmed and so we are rightfully very protective. We’re protectionists, and we want to guard what we still have. But at the same time, I don’t want it to be so bad that we become protectionists exclusively and throw away a lot of good people that come into our lives and into our communities for help. I think there’s a big difference between being careful and being exclusive.⁵³⁷

He went on to say, “My kyé7e used to say, ‘It’s so much easier to say no than to say yes—to say ma’a’. Because to say no, with a no you can just say it and walk away. No further explanation needed. But with a yes, if you say yes, there needs to be reasons. There needs to be an argument about why you’re accepting that there decision into your life.”⁵³⁸ This sentiment reflects the holistic legal reasoning that happens to address contemporary challenges in Secwépemc law.

5.3.2 TRANSPARENCY AND PROPORTIONALITY

It is important for people to provide teaching and direction with reasoning. This involves being transparent, specifically about consequences that may arise as a result of particular actions, and being proportionate in all responses in different contexts.

⁵³⁶ Julianna Alexander (15 February 2018) at 6, as cited above.

⁵³⁷ Kenthen Thomas (15 February 2018) at 4, as cited above.

⁵³⁸ Kenthen Thomas (15 February 2018) at 4, as cited above.



The oral narratives teach, in often extreme ways, the impact of not fulfilling obligations of *secwkwnémten* (see Section 3.1.4: *Secwkwnémten*), or of failing to provide teachings to *kwséltkten*. These stories mean to deter people from following a similar path. For example, in *Story of Woodpecker's Marriage; or, Bluejay's Revenge*, war chief Bluejay creates a peace between his people and the Marmots and Antelopes through a marriage between Woodpecker and the daughter of the Marmot Chief. Years later, Woodpecker and his wife return to visit her people. Bluejay instructs the men accompanying Woodpecker to not marry any of the women in the community, but doesn't provide reasons why. Flicker marries Antelope's daughter while they are away. Flicker's disobedience makes Bluejay's "heart sad" and reminds him that they are his enemies. Bluejay then launches an attack on the Marmot and Antelope people, killing nearly all of them. While it is not explicit in the story why Bluejay decides to take that particular response, his lack of transparency about the consequences of this marriage lead to an unanticipated and severe response.

Other stories underscore the importance of providing teachings or directions with reasoning. In *Dirty-Lad and his Wives*, for example, Dirty-Lad's wives instruct him not to smile at particular women when he returns home to visit with gifts. On his second trip home, he smiles at a woman, which prompts his wives and his children to take the form of Elk (their pre-marriage form) and leave him with his people in his original state. His actions result in a permanent separation between him and his family. In *Grisly Bear's Grandchildren*, a Grisly Bear woman instructs her daughters to not do certain things, but does not tell them the consequences that will flow from those actions. The daughters, in response, ask themselves why in the story: "Why does my mother instruct me thus? I am always cold and miserable"; "the girl wondered at these instructions and thought she would try to swim"; and "Why should I not scratch myself?" The first three girls subsequently disobey their mother and perish.

In community conversation, Richard LeBourdais had compassion for the mother in *Grisly Bear's Grandchildren*, but agreed that demanding obedience without transparency around reasons is not an effective or helpful response:

But mother Grisly Bear, she's trying her best to look after the daughters, saying "you be careful." She knows what's ahead and what could happen. Children can't quite understand that because they're young, they're explorative. They want to do things. Then when they get to be teenagers, they're sure they know more than you anyways. When you look at it from that perspective, I don't know why that she wouldn't tell them why. It was just the word of any grandmother, "don't go over there and do that" you know? And there's reason there, because she knew that it was unsafe to go and do that. Still, a high percentage of us would be like the daughters: we would go try just to see if we could do it because we were told not to. But why? I was never told "Don't go do that, because it's not safe." I was never told why. The point was that you shouldn't do that because she knows better; you think you know better, but you don't [. . .] Looking back at me and my friends when we grew up, it puzzles me that we weren't often given the whole reason. We were just told don't do that because it's not safe, you know, and you're going to get hurt. Something could happen to you. And that was the explanation.⁵³⁹

The consequences that result in these stories point to a need to be transparent about consequences for actions, as well as being proportionate in responses in the context.⁵⁴⁰

This can be contrasted with situations where people have been given full explanations to their benefit. For example, Minnie Kenoras told a story about how she protected her younger brother from a harmful relative who wanted him to go with him on a horse. The two children were alone at home. Minnie recalled her parents telling her to "not let my brother out of [her] sight, because people do bad things to kids.' So, I saw the picture right away."⁵⁴¹ Acting on this knowledge of a potential threat, she scared the man away and protected her brother.

⁵³⁹ Richard LeBourdais (14 February 2018) at 22, as cited above.

⁵⁴⁰ See also Hadley Friedland with Alan Hanna (Indigenous Law Research Clinic and T'exelcenc Williams Lake Band) *Northern Secwepemc Legal Traditions Report* at 26–27, as cited above.

⁵⁴¹ Minnie Kenoras (5 April 2019) at 11–12, as cited above.

5.4 HARMS AND CHALLENGES: LEGAL RESPONSES

LAWFULLY RESPONDING TO HARMS AND CHALLENGES

RESTATEMENT TABLE

How do decision-makers within the Secwépemc legal tradition respond to the harms or challenges that arise when their k'wséltkten fail to meet their obligations or expectations?

HARMS AND CHALLENGES: LEGAL RESPONSES

CONCEPT	SUMMARY	SOURCES
5.4.1 PROVIDING OPPORTUNITIES TO CORRECT	As one of the many layers of teaching, providing individuals with the opportunity to correct negative behaviours fosters individual reflection and development as k'wséltkten.	<i>Sxwéýlecker; Gary Gottfriedson; Mona Jules; Senkúkpi7 Wilfred Robbins Sr.; Peace/War Chief Pipíp'7ese (Alexis Harry); Story of Hu'pken.</i>
5.4.2 WITHDRAWING HELP	When people are not living up to their legal obligations, relatives may withdraw their assistance from the person to either provide a space for learning or mitigate harm in line with one's obligations to the collective community. The principle of proportionality must be upheld in choosing to withdrawal help.	<i>Sxwéýlecker; Witness #1; Witness #2; Julianna Alexander; Dirty-Lad and his Wives; Story of Grasshopper; Story of Kuxka'in; Story of Hu'pken; Tsqíxqin, or The Foolish One; Story of Tcotcu'lcâ; or, The Hunter who became a Wolf.</i>
5.4.3	Separating may facilitate ongoing training and teaching of k'wséltkten, particularly for	<i>Sxwéýlecker; Sisyúlecw; Witness #2; Mona Jules; Judy</i>



<p>SEPARATING</p>	<p>youth. In addition, when people are not meeting their obligations, their relatives may separate themselves or the person from the community in order to correct behaviours, mitigate harm, and strengthen growth and understanding as <i>kwéséltkten</i>.</p>	<p><i>Deneault; Gary Gottfriedson; Julianna Alexander; Peace/War Chief Pipíp’7ese (Alexis Harry); Mardi Paul; Coyote and his Son, or, The Story of Ka’la’llst; Beaver and Porcupine; Story of Skunk and Beaver; The Bush-Tailed Rat; Dirty-Lad and his Wives; Story of Grasshopper; Story of Kuxka’in; Story of Hu’pken; Secwépemc Lands and Resources Law Research Project; The Shuswap; Tribal Case Book – Secwépemc Stories and Legal Traditions: Stsmémelt Project; Tek’wémiple7 Research; Tsqíxqin, or The Foolish One; Northern Secwepemc Legal Traditions Report.</i></p>
<p>5.4.4 REMOVING KWÉSÉLTKTEN IN DANGER</p>	<p>When an individual or group learns that <i>kwéséltkten</i> are in immediate danger from kin or outside threats, immediate action is taken to remove that person from the harm.</p>	<p><i>Julianna Alexander; Louie Basil Stevens; B.A. Deneault; Mardi Paul; Judy Deneault; Doreen M. Johnson; Story of Sna’naz.</i></p>
<p>5.4.5 REMOVING POWER TO HARM</p>	<p>When <i>kwéséltkten</i> are a danger to kin or outside threats, people may act to remove their ability to harm. Specifically, people may use their skills, knowledge, or expertise to confront and limit such abuses of power.</p>	<p><i>Sisyúlecw; Peace/War Chief Pipíp’7ese (Alexis Harry); Minnie Kenoras; The Bush-Tailed Rat; Story of Sna’naz; Tleē’sa and his Brothers; Story of Owl; Story of Grasshopper; Story of Muskrat,</i></p>

5.4.1 PROVIDING OPPORTUNITIES TO CORRECT

As one of the many layers of teaching, providing individuals with the opportunity to correct negative behaviours fosters individual reflection and development as k'wséltkten.

Often the stories illustrate extreme situations involving people not fulfilling their obligations to other k'wséltkten. In focus group discussions, people tended to focus on interventions that exist when serious harms have occurred in community, or when k'wséltkten require a serious intervention because of harmful activity. Gary Gottfriedson talks about this in his discussion of the layers of teaching that occur to help support relatives to meet their responsibilities in community. This came up as community members discussed *Story of Hu'pken*, and the decision of the boy's family members to leave him on his own. Gary said,

Well, I think it's the way the people, like a long time ago, tried to teach you. It's there. They'll keep trying to teach you. But if you don't get it, then it's the hard way: "Okay, well then, you've got to learn it on your own." What did they use to say? "You made your bed, now go lie in it." But they still taught him something. He didn't really listen to it, but somehow, he managed to learn it. So, there's the school of hard knocks there, in a sense. If you don't want to learn, OK, well, find out the hard way.⁵⁴²

The inference drawn is that there are multiple interventions or responses families make when their relatives are not fulfilling their obligations as k'wséltkten, and the responses that emerge in this Report are incomplete. This is underscored by a comment made by Mona Jules in a validation session, in which she noted that when people are not meeting their obligations, they are often given jobs to do, noting this would be real work that needed doing that would make a meaningful contribution.⁵⁴³ Presumably, this would be

⁵⁴² Gary Gottfriedson (14 February 2018) at 21, as cited above.

⁵⁴³ Mona Jules. Oral teaching, validation interview in Validation – Mona Jules Combined.pdf [Archived with ILRU].

providing important space for people to learn the tasks that need to be done in community as well as time to reflect on one's actions.

Reflecting on actions also emerged in the conversation with Peace/War Chief Pipíp'7ese (Alexis Harry) and Senkúkpi7 Wilfred Robbins Sr. when talking about providing space for youth to spend time in the mountains and reflect on harmful actions against their relatives.⁵⁴⁴

5.4.2 WITHDRAWING HELP

When people are not living up to their legal obligations, relatives may withdraw their assistance from the person to either provide a space for learning or mitigate harm in line with one's obligations to the collective community. The principle of proportionality must be upheld in choosing to withdrawal help.

The withdrawal of assistance arises in the oral narratives in the context of people not contributing to the needs of their families or communities. For example, *Story of Grasshopper* is about a community member who is asked to help with a harvest, to build up stores for the winter. Grasshopper refuses. Julianna Alexander described the withdrawal of help as being a proportionate response to Grasshopper's own actions in the context:

He suffers the consequences because he wasn't responsible about putting food away for himself. He's begging and begging for food, and they asked him "Why were you doing what you were doing when you should have been [helping]?" And that's what families have to do. And community.⁵⁴⁵

In other words, sometimes withdrawing support is necessary to provide space for teaching and mitigating the burden a community member may place on the rest.

⁵⁴⁴ Peace/War Chief Pipíp'7ese (Alexis Harry) & Senkúkpi7 Wilfred Robbins Sr. (23 October 2019) at 2–3, as cited above.

⁵⁴⁵ Julianna Alexander (15 February 2018) at 8, as cited above.

Similarly, *Story of Hu'pken* and *Story of Kuxka'in* involve young men who are “mischievous”, “refusing to train”, and “lazy”. In a version of the *Kuxka'in* story called *Tsqíxqin, or The Foolish One* it was said that the boy did not want to help his relatives.⁵⁴⁶ *Dirty-Lad and his Wives* starts with a description of Dirty-Lad as someone who refuses to work and keep clean. In *Story of Tcotcu'lcâ; or, The Hunter who became a Wolf*, which takes place in the context of a famine, Tcotcu'lcâ is described as an indifferent hunter. In all these situations, the community or family responds by sending the young men out on their own or withdrawing their assistance to enable their survival.

At the time these stories were told to James Teit, not helping in the economic activities of the community would have had a particularly damaging impact on the entire community. Secwépemc *kw̓séltkten* relied on each other during seasonal harvests. In addition, these stories were recorded following a period of epidemics that killed many Secwépemc people and in a context of colonial policy that heavily impeded Secwépemc economic activity. This could have influenced the number of stories focused around helping. Notwithstanding that context, the idea that individual actions have community impacts is visible today in the application of Secwépemc law. As one community member mentioned, “If one person in the community suffers, we all do.”⁵⁴⁷ Julianna Alexander agreed, “It’s like if one band misspends funding, we’re all going to have the consequence, because it’s going to be short that funding.”⁵⁴⁸

Grasshopper and *Tcotcu'lcâ* present variations of a similar response. The *Story of Grasshopper* is the only story that articulates a request and a refusal within the text of the story:

Grasshopper lived with the people who were busy catching and curing salmon. They said to him, “Come help us. It is the salmon season. We must all work, that we may have a plentiful store of salmon for the winter.” Grasshopper answered, “No, I do not like to

⁵⁴⁶ See Witness #2 (14 February 2018) at 11, as cited above where a community member shared this story.

⁵⁴⁷ Witness #1 (15 February 2018) at 8, as cited above.

⁵⁴⁸ Julianna Alexander (15 February 2018) at 8, as cited above.

work. I like to amuse myself, eat grass, of which there is plenty all around here.”

Grasshopper finds himself starving in the winter and turns to his community for help. At this point, the community refuses and tells Grasshopper to “go and play, and eat grass.” In *Story of Tcotcu’lcâ; or, The Hunter who became a Wolf*, an inference can be drawn that something similar might be happening. This narrative describes a scenario in which Tcotcu’lcâ is part of a family moving from place to place, trying to find game during a famine. Tcotcu’lcâ, the indifferent hunter, is in a “very weak and starving condition” and unable to keep up with others as they moved camp.

Both narratives describe a situation where a community member’s indifference to community needs is responded to in kind. The families and communities withdraw their support of and obligation to the community members. In *Story of Grasshopper*, this is explicit. In *Story of Tcotcu’lcâ; or, The Hunter who became a Wolf*, it can be inferred by the starving state of the man and the lack of assistance he is given.

In *Story of Tcotcu’lcâ; or, The Hunter who became a Wolf*, Tcotcu’lcâ eventually learns how to hunt and provide for his people. Tcotcu’lcâ begins to follow a wolf, taking the remains of the deer the wolf kills to eat. Eventually Tcotcu’lcâ asks for help and the wolf teaches him how to hunt. He soon can “fill all the lodges with meat, and the people had plenty to eat.” In this case, withdrawing help provided space for Tcotcu’lcâ to learn what he needed to do to help himself and his community.

5.4.3 SEPARATING

Separating may facilitate ongoing training and teaching of k’wséltkten, particularly for youth. In addition, when people are not meeting their obligations, their relatives may separate themselves or the person from the community in order to correct behaviours, mitigate harm, and strengthen growth and understanding as k’wséltkten.

5.4.3.1 SEPERATING FOR NOT HELPING (KNUCWENTWÉCW)

Several Secwépemc oral narratives speak to an escalated form of withdrawing assistance (See Section 5.4.2: Withdrawal of Help): forced separating. This occurs when people are not helping or are causing harm, and is often a last resort.⁵⁴⁹ In the context of a failure of helping, one can turn to *Story of Hu'pken*, *Story of Kuxka'in* and *Tsqíxqin*, or *The Foolish One*, where the young men are “mischievous”, “refuse to train”, “lazy”, or unwilling to help their relatives.⁵⁵⁰ *Dirty-Lad and his Wives* starts with a separation of Dirty-Lad from his people for just such a refusal to work and keep clean. In each case, the family decides to separate from or leave the young man behind.

Separation, historically, has been an aspect of ongoing training, and part of the work of learning to be competent kwséltkten. For both young women and men, the conventional patterns of teaching involved a period of separation, where the young person was enabled to build upon their own resources and capacities.⁵⁵¹ As Teit notes, during puberty, “most boys did not live apart from the people, but separated themselves at irregular intervals, extending from two or three days to upwards of as many weeks at a time.”⁵⁵² Peace/War Chief Pipíp'7ese (Alexis Harry) also talked about separation as an important experience for young people, noting this was something that is a tradition in the family and happened to him when he was young.⁵⁵³ This makes visible that separation fills a function of helping people to focus on their own training and learning.

Similarly to Teit's version of *Story of Hu'pken*, Mona Jules focused on the impact of Hu'pken's behaviour on the broader community and potentially his own survival: “He did not listen to go train traditionally. The traditional training is a way of schooling for the young people. He refused that and then didn't

⁵⁴⁹ Hadley Friedland with Alan Hanna (Indigenous Law Research Clinic and T'exelcemc Williams Lake Band) *Northern Secwepemc Legal Traditions Report* at 24, as cited above.

⁵⁵⁰ Witness #2 (14 February 2018) at 11, as cited above.

⁵⁵¹ James Teit, “The Shuswap” at 587, as cited above.

⁵⁵² James Teit, “The Shuswap” at 588, as cited above.

⁵⁵³ Peace/War Chief Pipíp'7ese (Alexis Harry) (23 October 2019) at 6, as cited above.

know anything. So that was what was missing.”⁵⁵⁴ In other words, not training himself limited Hu’pken’s ability to help his family and community.

By the time these stories begin, it can be inferred that other steps have been taken to address these youths’ refusals to help, learn, and work, as noted by Gary Gottfriedson in his reflection about Hu’pken needing to “find things out the hard way.”⁵⁵⁵ This is further highlighted in the rationale of *Story of Kuxka’in* where the people thought to themselves that leaving the boy behind “will either kill him or make a man of him.”

Temporary separation also provides important space for letting someone calm themselves down and reflect when that is necessary. As Peace/War Chief Pipíp’7ese (Alexis Harry) explained in the context of a story about a young man being left in the mountain to walk back down after harming his girlfriend:

With every footstep, you’re going to find a great change, and the spirit whips by you and you get it back. The spirit of the land, of the trees, of the water, of the grass, of the birds, of the animals, it gives you back. When you’re out there walking by yourself, you’re going to find your weakest point. At first, you’re angry, then, you’re going to ask, “why did I do that, why?” [. . .] It is going to help you inflict that question to yourself. And so when it does then you’re going to come to the point of “Oh! What a bonehead I am!” At the end, you have the opportunity to learn about healing in this journey.⁵⁵⁶

This form of separation might not be as effective or safe for some k’wséltkten today, who may not have the kinds of training, skills, or experiences that their parents and grandparents had. At the suggestion that, for example, difficult children or youth be sent to the mountain to learn how to look after themselves, Julianna Alexander noted that the community must think about the abilities of the youth. The community must accept that “we wouldn’t be

⁵⁵⁴ Mona Jules (14 February 2018) at 5, as cited above.

⁵⁵⁵ Gary Gottfriedson (14 February 2018) at 21, as cited above.

⁵⁵⁶ Peace/War Chief Pipíp’7ese (Alexis Harry) (23 October 2019) at 6, as cited above.

able to do that with this group. No, we'd have to plan for them because they can't take care of themselves.”⁵⁵⁷

In thinking about how to describe this response, Gary Gottfriedson used the word *est'lcítem*, translated by Mona Jules as “somebody put a stop to it/to something someone is doing.”⁵⁵⁸ In *Tribal Case Book – Secwépemc Stories and Legal Traditions: Stsmémelt Project Tek'wémiple7 Research*, *est'lcítem* is listed as a term denoting “banned from people”, “ordered to have no contact with people”, or “you stop it now how you are acting.”⁵⁵⁹ In that context, the phrase appears to denote people intervening and potentially leaving someone to their own devices to learn how to become a helpful member of the community.

In three of the stories, the forced separation is temporary. The separation is effective at training the young men how to hunt and contribute. *Hu'pken* learns from his grandmother who is abandoned with him. *Dirty-Lad* learns from his Elk wives. *Kuxka'in*. and the young man in one community member's version of *Story of Hu'pken* use the tools left by their ancestors to survive.⁵⁶⁰ The suggestion by the end of these stories is that the young men sometimes return to their communities.

In *Story of Grasshopper*, by contrast, Grasshopper does not find a way to fulfill his obligations. The community refuses to help him, and Grasshopper starves and nearly dies. At that point, the people transform him saying, “Henceforth you shall be the grasshopper (*tekata'ka*), and, as you were too lazy and thoughtless to catch salmon, you shall live on grass, and spend your time jumping around and making much noise.” The transformation of Grasshopper into *tekata'ka* mitigates the harm of the unhelpful relative, but keeps him as a relation that will not draw on the needs of the community. However, as pointed out by a community member in the *Secwépemc Lands and Resources Project*, grasshoppers are important bait for fishing. In the end,

⁵⁵⁷ Julianna Alexander (15 February 2018) at 12, as cited above.

⁵⁵⁸ Gary Gottfriedson (14 February 2018) at 21, as cited above.

⁵⁵⁹ Kelly Connor, “Tribal Case Book” at 98–99, as cited above.

⁵⁶⁰ Witness #2 (14 February 2018) at 11, as cited above.

Grasshopper's transformation made him a relative that could help in a different way.⁵⁶¹

5.4.3.2 SEPARATING FOR SAFETY (YÚCWMENTSWÉCW)

The removal or separation of relations is a typical response when there is abuse within and among kin, or when there has been a fundamental breach of trust or safety in a relationship.⁵⁶² For example, when Mardi Paul's abusive partner left her, the man's mother took Mardi and her kids in to live with her and kicked her son out of the house.⁵⁶³

In *Coyote and his Son*, Coyote decides he wants to have his son's wives. Coyote tricks his son and abandons him on a cliff to die, and then pretends to be his son to his wives. Kaŋla'llst eventually catches up with Coyote and reveals his deceit. Thereafter the narrative says that Coyote and his son lived apart. In *Dirty-Lad and his Wives*, Dirty-Lad's betrayal of his wives leads to them leaving him. Beaver, in *Beaver and Porcupine*, abandons Porcupine in the mountains after Porcupine continues to eat Beaver's foods.⁵⁶⁴ Skunk, in *Story of Skunk and Beaver*, is subject to abuse by his in-laws and leaves with his wife, but not before drowning his wife's community.⁵⁶⁵ In *The Bush-Tailed Rat*, Bush-tailed rat is a thief who is transformed into an ordinary rat, limiting his power to steal from the community.⁵⁶⁶

⁵⁶¹ Jessica Asch, Kirsty Broadhead, Georgia Lloyd-Smith, and Simon Owen, *Secwépemc Lands and Resources Law Research Project* at 41, as cited above, where it cites a witness saying "it shows us that [they] just didn't let him go for nothing. He is good for something, for bait".

⁵⁶² Hadley Friedland with Alan Hanna (Indigenous Law Research Clinic and T'exelcenc Williams Lake Band) *Northern Secwepemc Legal Traditions Report* at 24, as cited above.

⁵⁶³ Mardi Paul, Esk'etenc (Eskétemc). Oral teaching, validation interview (October 22, 2019) in Validation – Mardi Paul.pdf [Archived with ILRU].

⁵⁶⁴ Sxwéylecken (or Sixwi'lexken, "Big Billy" of Dog Creek and Big Bar, born near Big Bar), "Beaver and Porcupine" in James Teit, recorder, "The Shuswap" at 654–655, as cited above, as reproduced in Jessica Asch & Rebecca Johnson et al, eds, *Secwépemc Laws of K'wséltkten and Secwépemc-kt Casebook*, as cited above.

⁵⁶⁵ Unknown, "Story of Skunk and Beaver" in James Teit, "The Shuswap" at 677–678, as cited above. Sxwéylecken (or Sixwi'lexken, "Big Billy" of Dog Creek and Big Bar, born near Big Bar), "Story of Skunk and Beaver" in James Teit, recorder, "The Shuswap" at 677–678, as cited above, as reproduced in Jessica Asch & Rebecca Johnson et al, eds, *Secwépemc Laws of K'wséltkten and Secwépemc-kt Casebook*, as cited above.

⁵⁶⁶ *The Bush-Tailed Rat*, as cited above; See also *The Bush-Tailed Rat* from "Traditions of the Thompson River Indians of British Columbia" as cited above.

Even in the context of helping someone, people might withdraw support from the community member if their actions impact the safety of others. In one situation, a young woman had asked to stay with a community member, but wouldn't agree to quit drinking. In the words of the community member, her response was, "No. You've got to stop your drinking, because we can't have this around all these little kids and stuff." Although the young woman left, the community member noted, "It's hard, because you can't make them stop, you know. We tried to help her for a couple of years. We don't give up on her. She's still a good friend and comes by and visits, but it's hard that way."⁵⁶⁷

5.4.4 REMOVING K'WSÉLTKTEN IN DANGER

When an individual or group learns that k'wséltkten are in immediate danger from kin or outside threats, immediate action is taken to remove that person from the harm.

When people learn someone is harming k'wséltkten they immediately act to separate those who may be harmed. For example, in *Story of Sna'naz*, Sna'naz's brothers both attempt to kill their brother Sna'naz, and declare that Sna'naz's wives are theirs. In that case, the women advocate for themselves, telling the chief about the lie. The chief intervenes, bringing the women to live with him until the truth is revealed. After Sna'naz reveals to everyone that his brothers had lied and had tried to kill him, the brothers are ashamed and avoid Sna'naz. This is still how people respond to some harms today. In one instance, a community member learned that a young relative living in care was in an abusive home. The community member strategized with the young woman about what to do. The young woman then contacted the chief, and she was moved immediately into a different home.⁵⁶⁸ In another instance, family members took the youth out of a home when they realized she was being abused.⁵⁶⁹

⁵⁶⁷ Judy Deneault (15 February 2018) at 9, as cited above.

⁵⁶⁸ Julianna Alexander (15 February 2018) at 16, as cited above.

⁵⁶⁹ Julianna Alexander (15 February 2018) at 16–17, as cited above.



This response is identifiable today when considering children in care. This must be understood within the context of over 150 years of oppression and suppression by the Canadian government, as noted by Louie Basil Stevens.⁵⁷⁰ Bert Deneault noted,

the forced removal of children, the dispossession of land. All these things are transpiring within our nation right now amongst our own people, and our own leadership and it is detrimental to the life of our people, the longevity of our people.⁵⁷¹

In this context, the Canadian state and its welfare system is viewed as the biggest threat to Secwépemc children in the community. This urgent issue requires direct, safe intervention that, where possible, stops apprehension from occurring. One participant stepped in multiple times when her cousins' children were at risk of being apprehended by the state. She took the kids so they wouldn't be moved out of the community.⁵⁷² This is consistent with other stories relating to foster care, where families have stepped in to help so they too could keep children in the community with them.⁵⁷³ Judy Deneault and Mardi Paul talked about how sobriety is important in the determination of a safe home and caregiver.⁵⁷⁴

5.4.5 REMOVING POWER TO HARM

When k'wséltkten are a danger to kin or outside threats, people may act to remove their ability to harm. Specifically, people may use their skills, knowledge, or expertise to confront and limit such abuses of power.

People may act to reduce the power of those in positions to harm others. This method arises in *Story of Sna'naz*, in which a young man uses his powers

⁵⁷⁰ Louie Basil Stevens (15 February 2018) at 5, as cited above.

⁵⁷¹ B.A. Deneault (15 February 2018) at 8, as cited above.

⁵⁷² Mardi Paul (5 April 2019) at 12, as cited above.

⁵⁷³ Judy Deneault (15 February 2018) at 6–7, as cited above; Doreen M. Johnson (15 February 2018) at 2, as cited above.

⁵⁷⁴ Judy Deneault (15 February 2018) at 6–7, as cited above;

to address different threats in the community. In *Tlĕē'sa and his Brothers*, Tlĕē'sa uses his magic to vanquish cannibals that kill people throughout the land. In *Story of Owl*, Owl's grandson transforms him into an ordinary owl, stripping Owl of magic that has caused harm to the boy's k̓wséltkten. In other stories, Grasshopper and Bush-Tailed Rat are transformed to limit their harmful impact on their communities in *Story of Grasshopper* and *The Bush-Tailed Rat*. In *Story of Muskrat*, Beaver tricks Muskrat into trading tails, which prevents him from hiding in the depths of water where he can escape the hands of his community.

In the contemporary context, people use their own skills and expertise to confront and limit abuses of power. Peace/War Chief Pipíp'7ese (Alexis Harry) talked about intervening in his own children's education to ensure that they do not carry out patterns of abuse against others.⁵⁷⁵ Minnie Kenoras intervened when she saw an abuse of power in her community with respect to the distribution of welfare cheques:

Yeah. I watched [the welfare worker]. He would come into the band office, and he would hand the guys the checks. And so, the thing was I finally saw where they were going. They were going to this little store up town and the groceries weren't getting home. The men were getting drunk. The men were going home and beating up their wives and stuff like that, the children. So, I watched them. So, finally I went to our Chief and Council. I said, "I want to be the welfare worker. I want to control all that." They just gave it to me. They said, "Go ahead, you know what they do." I said, "I'm a councillor." So, we had all the checks come in, so they were made out. I had a secretary, already had a secretary. And I sat her down, with the names of people and lists of people. I had to go. So, I'd go right to their homes and talk to the mother, the children, and visit them, look at their homes, see what they needed, took them to town and the grocery store. The men were awful mad, and they threatened me, but I'd just [point], and they'd walk away. [. . .] I was in Council for four to six years. And then after that we decided

⁵⁷⁵ Peace/War Chief Pipíp'7ese (Alexis Harry) (23 October 2019) at 5–6, as cited above.



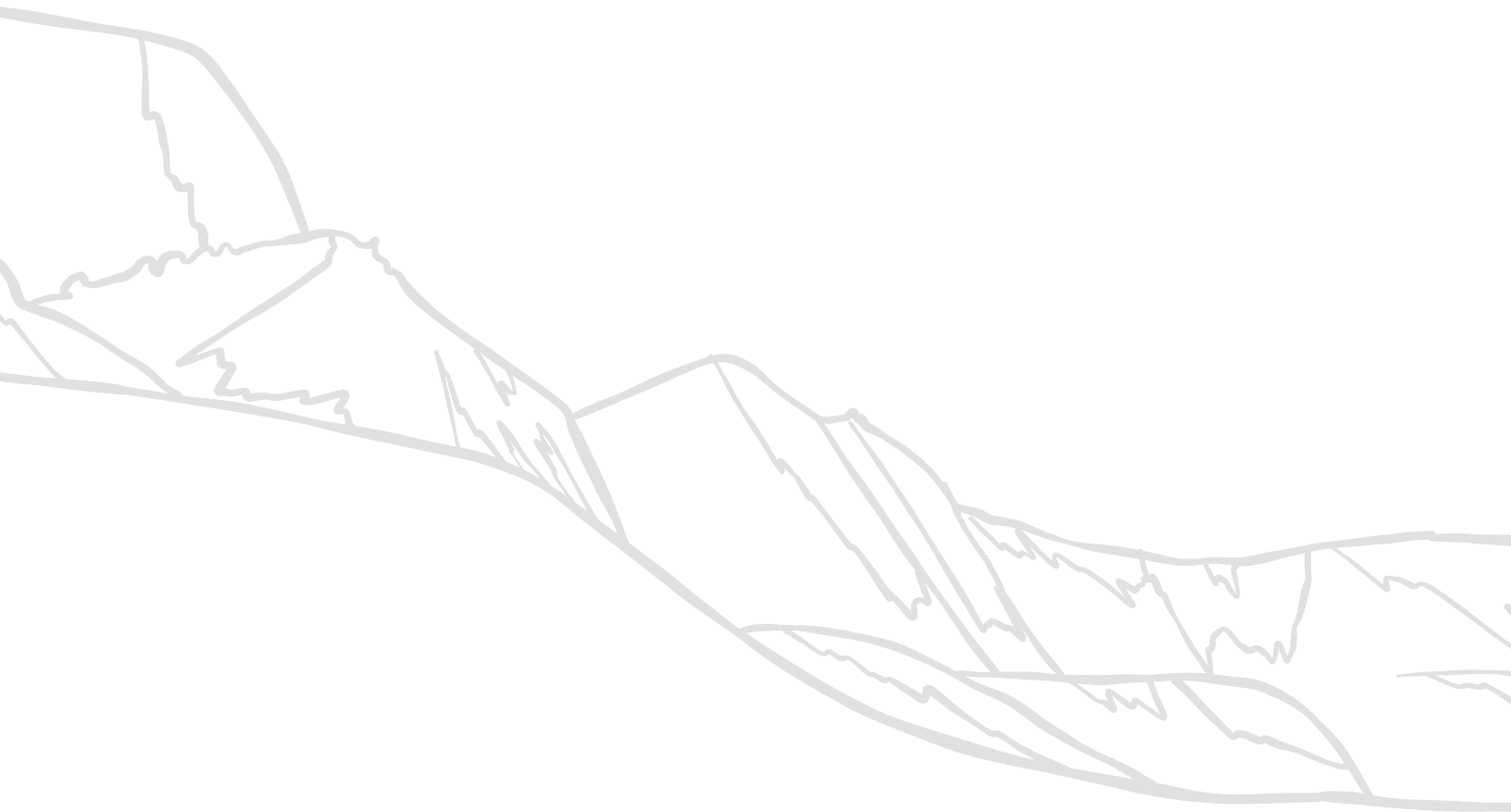
that we gotta get a welfare worker to work. And we trained her what to do.⁵⁷⁶

In this context, Minnie also acted to ensure that this abuse would not continue by training the next worker to properly distribute the cheques.

⁵⁷⁶ Minnie Kenoras (5 April 2019) at 4, as cited above.



FINAL THOUGHTS: LOOKING FORWARD



This Report is the culmination of five years of collaborative research conducted by ILRU alongside the SNTC and the Secwépemc Sna7a Elders Council. And yet, this work, created through engagement with stsptekwll, slexé'yem, Secwepemctsín, and tmícw, and learning from conversations, visiting, and gatherings, only scratches the surface of the knowledge within Secwepemcúlecw about Secwépemc law. Nevertheless, the hope is that this Report can help stand up Secwépemc law and governance today.

In the last weeks of finalizing this Project, Jessica Asch of ILRU and Julianna Alexander, former co-chair of the Secwépemc Sna7a Elders Council and one of ILRU's central teachers in this Project, sat down to discuss how the Project can support the ongoing revitalization of the Secwépemc law and governance.

First, they discussed the challenges ahead specifically around the process of implementing Secwépemc law. Many questions remain for people to discuss:

- How should this research about Secwépemc legal principles and processes be stood up to address today's challenges?
- When should Secwépemc law be braided with colonial and state law? When should it be stood up on its own?
- What should the forms of implementation look like? Should it inform codification, the development of processes or institutions, or curriculum for teaching and learning? What does implementation look like outside of colonial forms? How can the imagination for Secwépemc legal forms flourish?
- How can Secwépemc law be stood up for the entire nation?
- Who should be helping with the next stages of work?

Second, they discussed the applications that could flow from this collaborative work in the areas of governance, law, and institution-building:

- Principles within Chapter Three: Obligations and Expectations could support the development of policies relating to housing, food insecurity, safety, children and families, human rights, or the return of relatives who were separated without their consent.
- The first three chapters, General Underlying Principles, Pathways of Connection: Legal Formation of Relations, and Obligations and Expectations, could open up broader conversations and engagement about the meaning of citizenship from a Secwépemc legal perspective and support new citizenship policies.

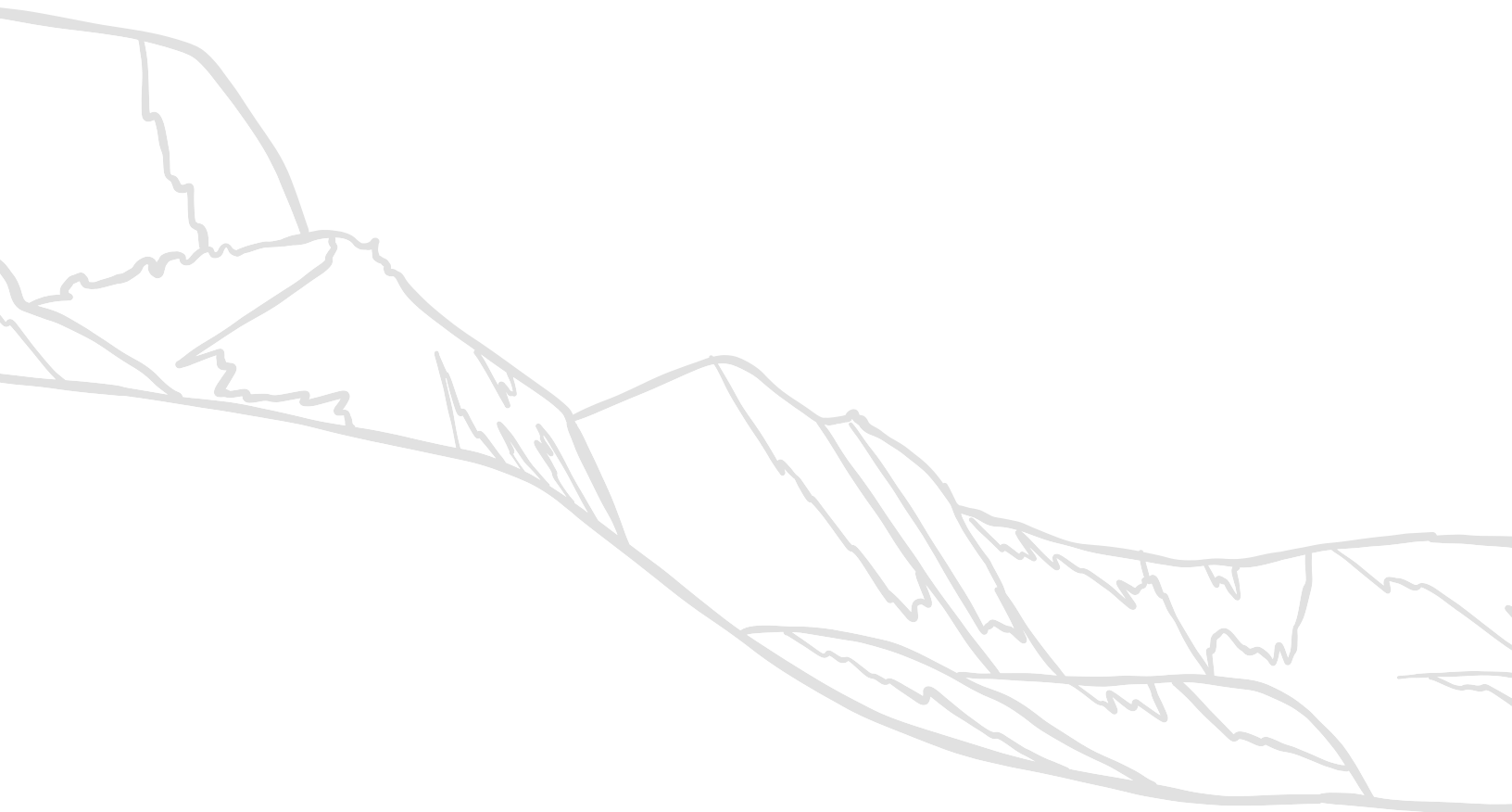
- Some existing decision-making processes or structures might be informed by procedural steps or decision-makers articulated in Chapter Two: Pathways of Connection: Legal Formation of Relations and Chapter Five: Lawfully Responding to Harms and Challenges.
- Chapter Five: Lawfully Responding to Harms and Challenges might inform how to respond to challenges people face and provide pathways for supporting relatives going through difficult times without resorting to or mimicking state legal processes or practices.

Finally, Julianna and Jessica spoke about the specific educational applications resulting from this project:

- The Report, Casebook, and Glossary could be converted into different forms of toolkits, multi-media educational engagements, or workshops for people of all ages to learn, such the graphic recording included in this report.
- Chapter Four: Legal Structures that Ground the Laws of ƙwséłtkten and Secwépemc-kt, and the Obligation of Secwkwnémten in Chapter Three, which reinforce practices of Secwépemc teaching and learning, could inform how to implement or complement existing educational programming.
- Chapter One: General Underlying Principles or the Primer could be a starting point for curriculum development.
- The Report, Glossary, and Casebook could be used as translation and teaching devices for people with little knowledge about Secwépemc people and law. This could be particularly useful in work being conducted alongside other governments, nations, and guests or Séme7 as they learn to act lawfully within Secwepemcúlecw and according to Secwépemc laws.

It is ultimately for the Secwépemc Nation and people to decide how this work might be used to better their families, campfires, and Secwepemcúlecw. The Indigenous Law Research Unit and its team are grateful for the great privilege of partnership and learning provided to them throughout this Project and look forward supporting the Nation and people of Secwepemcúlecw should the invitation arise again.

APPENDIX



STYLISTIC CHOICES

There are many citation options and stylistic guides in the academic world. In Canadian colonial law, the McGill Guide and the Bluebook are most used. However, these guides do not meet the standards of ethical attribution that exist within Indigenous communities respecting Indigenous knowledge and law. In particular, mainstream citation practices often render the history of knowledge transmission invisible, including those people from whom knowledge or law has been learned. In response, ILRU has developed its own citation standards and forms to ensure that people are attributed when they contribute to a research project. Citations in this Report include the people who have provided knowledge where that information is known. This includes the people who have shared stories in collections such as James Teit's *The Shuswap* who are not often made visible. Citations have also been modified to meet requirements of community members who participated in the Project. For example, all of Garlene Jules' contributions attribute her mother, Celena Jules, because Celena was the one who taught Garlene the legal knowledge and information that she shared with ILRU researchers.

Citation of resources used in reports is important for the ILRU team to demonstrate transparency in their reasoning processes, analyses and interpretations. It is also important to cite sources so readers can access publicly-available materials referenced in reports and review the resources for themselves. However, it is important to balance these requirements for rigour with the aim to make ILRU publications as accessible as they can be. In this Report, the *stspetekwll* (narratives or ancient stories) and the sources they were published in are only cited in a footnote when they are first referred to in this Report. This decision was made, in part, to reduce the size of the Report to increase accessibility. This decision was made knowing that all the narratives used in the Report are reproduced in the Casebook, which organizes the narratives by different themes. As a result, it should be easy for readers to access the narratives for the purpose of reviewing them and engaging with how they have been used in the Report.

Finally, ILRU has not attempted to standardize Secwepemctsín spellings or the use of diacritics in this Report. ILRU recognizes that most Indigenous languages are oral languages with many dialectic differences. As such, spellings and diacritics (marks placed above, below, next to, or on top of a letter, such as “é”) used, can differ depending on location and community, and that some spellings are still being developed. For example, in some places *ǵwseltktenéws* may be spelled *ǵwseltktnéws* in other places or sources, and *Knucwestsút.s* may be spelled *knucwestsút.s* in other places or sources. In most cases, ILRU has deferred to spellings based on their use in accepted dictionaries or up-to-date sources. Where possible, the Report notes alternative spellings or translation interpretations, as well as the source of those spellings and interpretations, in the accompanying Glossary to this Report. Any mistakes made in the spellings or diacritics of Secwepemctsín words are ILRU’s.

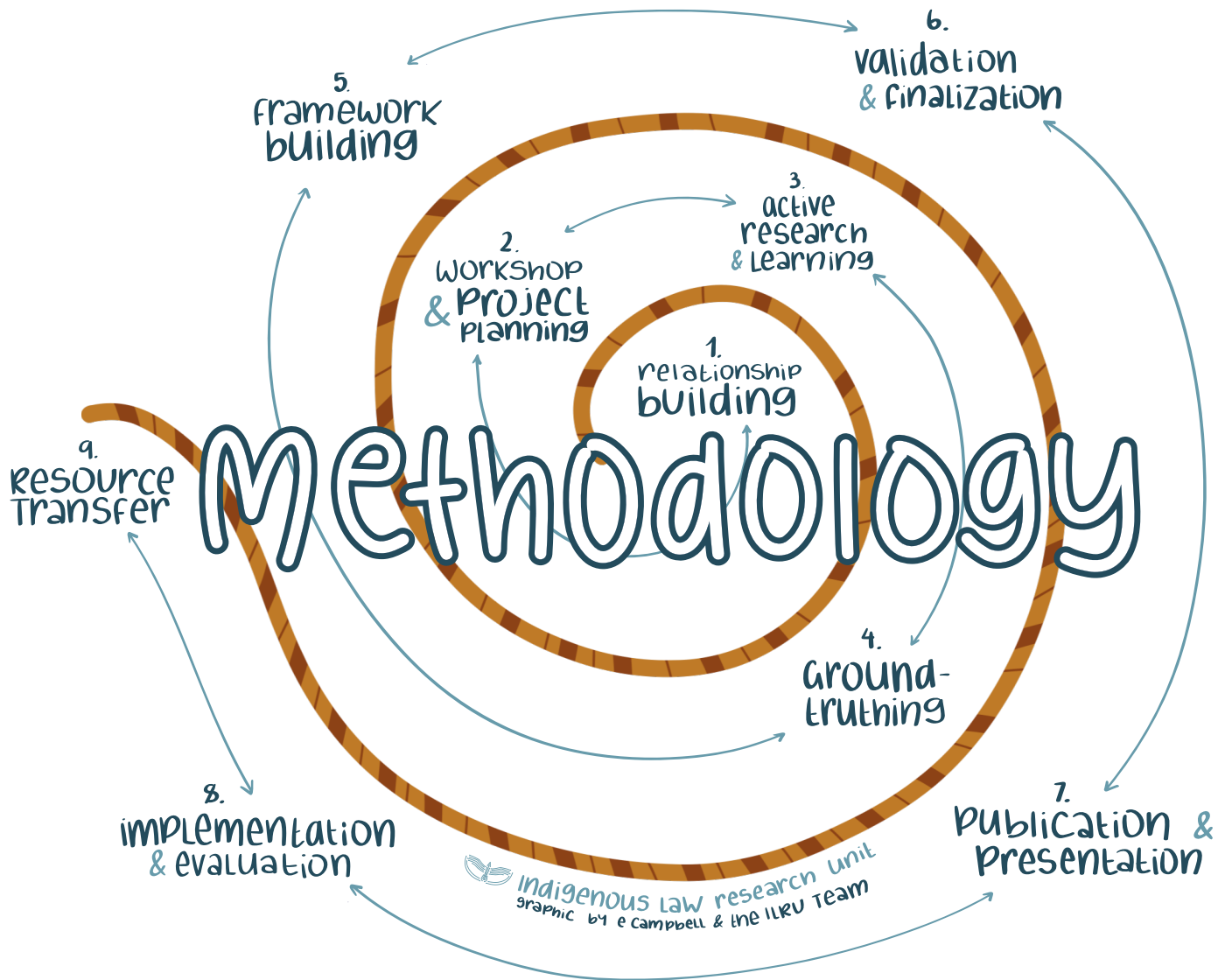
PROJECT ACTIVITIES

The Secwépemc laws of *ǵwséltkten* and Secwépemc-kt Project is a collaborative research project of the Indigenous Law Research Unit (ILRU), the Shuswap Nation Tribal Council (SNTC) and Secwépemc Sna7a Elders Council. The core research took place between 2018 and 2019, with editing and validation occurring throughout 2019-2023.

The ILRU research team follow a specific methodology that consists of several distinct yet flexible phases, each aimed towards understanding and articulating specific points of Indigenous law.⁵⁷⁷ These steps include relationship building; workshop and project planning; active research and learning; ground-truthing; framework building; validation and finalization; publication and presentation; implementation and evaluation; and resource transfer. The ILRU follows high standards of ethics and practice in its community-led legal research. All the phases of work are grounded in principles of collaboration, accountability, transparency, flexibility, and rigour, which result in iterative, reflexive, and

⁵⁷⁷ The method of analysis of Indigenous law was created by Dr. Hadley Friedland and Dr. Val Napoleon, founders of the Indigenous Law Research Unit housed in the University of Victoria’s Faculty of Law. See Hadley Friedland and Val Napoleon, “Gathering the Threads: Developing a Methodology for Researching and Rebuilding Indigenous Legal Traditions” (2015-2016) 1:1 Lakehead L J 16.

responsive processes. The research steps completed to date and their specific application to this Project are described below.



PHASES ONE AND TWO: RELATIONSHIP BUILDING & PROJECT PLANNING

The SNTC and the Secwépemc Sna7a Elders Council approached ILRU to collaborate in June 2017. The initial focus for the project was on Secwépemc governance laws. Over the course of 2017, SNTC's aims shifted towards focusing on Secwépemc laws of citizenship or membership, broadly defined. In the fall of 2017, through a series of conversations with Bonnie Leonard, Kúkwpi7 Wayne Christian, and Sunny LeBourdais, the SNTC and ILRU team formed the following preliminary questions for research:

- How do we know a person can call themselves Secwépemc?
- What does it mean to be a Secwépemc person in good standing?"

This question was fleshed out and refined in conversation with elders and other community members at the Secwépemc Winter Gathering in December 2017 and in conversation during focus groups in February 2018, which were both held in Tk'emlúps (Tk'emlúps). Elders and language speakers at the February 2018 focus groups emphasized the terms k'wséltkten (being relatives) and Secwépemc-kt (we are all Secwépemc, we call ourselves Secwépemc) for this work. As a result of the conversations, it became clear that it was important to explain how people belong before asking what obligations of belonging attach to kin, and how to address problems among kin "in good standing."

With this knowledge in hand, ILRU's revised the research questions as follows:

1. How do people within the Secwépemc legal order understand laws of belonging?
2. What obligations attach when people are k'wséltkten and Secwépemc-kt?
3. How do people respond in the Secwépemc legal order when k'wséltkten fall short of their obligations and create challenges or cause harms?

The first question aimed to identify the legal pathways to becoming Secwépemc in Secwépemc law and the legal processes that attach to them. The second question sought to investigate what is implied by being a Secwépemc "citizen", to draw out the obligations and expectations Secwépemc people and their k'wséltkten have to themselves and each other, as well as how people nurture and maintain those obligations and expectations. The third question directed research towards some of the legal processes and principles that guide responses when disagreements, challenges, and harms arise.

PHASE THREE: ACTIVE RESEARCH AND LEARNING

The second phase of research involved the gathering of resources for the purpose of analysis, and the analysis of those materials by ILRU researchers. This work largely took place in 2018 and 2019.

Secwépemc Narratives

The starting place for analysis were Secwépemc narratives and oral traditions, or stsptekwll. Ron and Marianne Ignace define stsptekwll as oral traditions, or the "ancient, handed-down narratives, or "stories," from the past."⁵⁷⁸ The ILRU team engaged with stories to help draw out legal principles and reasoning in them. This work was done as a team group exercise and in conversation with community in different settings.

The ILRU team's primary resource for the stories was James Teit's "The Shuswap" in *The Jesup North Pacific Expedition: Memoir of the American Museum of Natural History*, "Traditions of the Thompson River Indians of British Columbia" in *Memoires of the American Folk-Lore Society*, and the "Thompson Tales" in Franz Boas' *Folk-Tales of Salishan and Sahaptin Tribes*.⁵⁷⁹ Teit was an anthropologist who journeyed to Secwepemcúlecw in 1887,

⁵⁷⁸ Marianne Ignace and Ronald E. Ignace, *Secwépemc People, Land, and Laws* at 12, as cited above.

⁵⁷⁹ James Teit, "The Shuswap" at 622, 745–756, as cited above; James Teit, "Thompson Tales", as cited above; James Teit, "Traditions of the Thompson River Indians of British Columbia" as cited above.

1888, 1892 and in the early 1900s.⁵⁸⁰ Although Teit was not Secwépemc in origin, he is considered by many to be a reputable source.⁵⁸¹ Teit spent much of his time working with a friend and storyteller named Sxwéylecken (or Sixwi'lexken, "Big Billy"), who was his source for many stories or oral histories he recorded.⁵⁸² Teit also spent much time with Sisyúlecw (also Sisiu'lâx) (George Louis, North Thompson Secwépemc (Símpcwemc) to record stories from the North Thompson.⁵⁸³ Indeed, when Senkúkpí7 Cwlíken (Irvine Johnson), a storyteller, read a story written by Teit, he commented how it was “word for word” the story he was told by his grandfather, and that is how he knew the stories recorded by Teit could be trusted.⁵⁸⁴

The ILRU team reviewed the following stories from Teit’s collections to build both their background knowledge and analysis, and for engagement with community members:

Stories Found in James Teit’s “The Shuswap”	
P 622	<i>Coyote and his Son; or, The Story Of Kaŋla'llst</i>
P 627	<i>Coyote and his Hosts</i>
P 630	<i>Coyote and Grisly Bear</i>
P 639	<i>Coyote and his Niece</i>
P 640	<i>Coyote and the Cannibal Boy</i>
P 643	<i>Old-One and the Brothers</i>
P 644	<i>Tlĕē'sa and his Brothers</i>

⁵⁸⁰ James Teit, “The Shuswap” at 447, as cited above.

⁵⁸¹ Wendy Wickwire *At the Bridge: James Teit and an Anthropology of Belonging* (Vancouver: UBC Press, 2019), at 26–28 and 175.

⁵⁸² J.A. Teit, "Preface" “The Shuswap” in Franz Boas, ed, *The Jesup North Pacific Expedition: Memoir of the American Museum of Natural History* 2:7 (Leiden & New York: EJ Brill & GE Stechert, 1909), vol 2 part 7 at 622 and 745–746. Marianne Ignace and Ronald E. Ignace, *Secwépemc People, Land, and Laws* at 20–21, as cited above. Also see Wendy Wickwire *At the Bridge: James Teit and an Anthropology of Belonging* (Vancouver: UBC Press, 2019), at 124.

⁵⁸³ Marianne Ignace and Ronald E. Ignace, *Secwépemc People, Land, and Laws* at 20–21, as cited above.

⁵⁸⁴ Senkúkpí7 Cwlíken (Irvine Johnson). Oral teaching, Skwlax kwséltkten project retreat (2019) as transcribed in NOTES – Secwépemc Citizenship Project – April Skwlax kwséltkten project retreat – April 4-5 2019 – DB Scribe.pdf at 1 as edited and validated in Validation – Senkúkpí7 Cwlíken (Irvine Johnson).pdf [Archived with ILRU].

P 654	<i>Beaver and Porcupine</i>
P 655	<i>Story of Grasshopper</i>
P 657	<i>The Woman and the Pelicans</i>
P 663	<i>Story of Woodpecker's Marriage; or, Bluejay's Revenge</i>
P 669	<i>Story of the Tsôtenü'et's Son</i>
P 673	<i>Wolverene and Fisher</i>
P 677	<i>Story of Skunk and Beaver</i>
P 679	<i>Story of Muskrat</i>
P 684	<i>Story of the Lynx</i>
P 684	<i>Story of Bald-Headed Eagle</i>
P 687	<i>The Women who sought for a Husband; or, The Women who married the Cannibal (Star) and Wolverine</i>
P 689	<i>Spider and Otter</i>
P 690	<i>Story of the Salmon-Boy</i>
P 691	<i>Grisly Bear's Grandchildren</i>
P 698	<i>Story of Owl</i>
P 701	<i>Story of the Moon and his Wives</i>
P 702	<i>Story of Sna'naz</i>
P 709	<i>Story of Kuxka'in</i>
P 710	<i>Story of Hu'pken</i>
P 711	<i>Dirty-Lad and his Wives</i>
P 715	<i>The Woman who became a Grisly Bear</i>
P 718	<i>Story of Tcotcu'lcâ; or, The Hunter who became a Wolf</i>
P 720	<i>Story of the man who married the Grisly Bear</i>
P 722	<i>The Man who married the Sā'tuen</i>
P 727	<i>The Gambler's Son and Red-Cap</i>
P 745	<i>Coyote and his Wives</i>
P 746	<i>Old-One</i>
P 748	<i>The Goat Woman</i>



P 749	<i>The War with the Sky People</i>
Stories Found in James Teit's "Traditions of the Thompson River Indians of British Columbia"	
P 46	<i>The Bush-Tailed Rat</i>

The ILRU team also explored a selection of additional stories found in other sources such as

- Tsqíxqin, or The Foolish One⁵⁸⁵
- Re tsq́ wmus re stsptekwlls, Story of Suckerfish or The Sucker Story⁵⁸⁶
- Story of How Coyote Made a Tree Fall in Love with Him⁵⁸⁷

Secondary Materials

The ILRU team reviewed a range of secondary materials, including historical and ethnographic research materials, governance documents published by SNTC, and materials from Secwépemc cultural gatherings. This research aimed to build contextual knowledge about Secwepemcúlecw and the both human and more-than-human life there, and Secwépemc society, governance, and law. The secondary resources used throughout the project included the following:

Asch, Jessica et al. (Indigenous Law Research Unit and Shuswap Nation Tribal Council), *Secwépemc Lands and Resources Law Research Project* (2018) (Tk'emlúps (Tk'emlúps): Shuswap Nation Tribal Council, 2016), online (pdf): *University of Victoria*

⁵⁸⁵ See Witness #2 (14 February 2018) at 11, as cited above where this community member shares a telling of this story.

⁵⁸⁶ Story of Suckerfish, or The Sucker Story comes from a number of sources. See Secwépemc Strong, "Pell-ct'éxel'ctn: month when salmon spawn" (Pamphlet, Secwépemc Spring Gathering, 24-27 August 2019) [Archived with ILRU] and Re tsq́ wmus re stsptekwlls - Story of Suckerfish, which was adapted from a story told and edited by Skeetchestn Elders Language Group, Skeetchestn Community School: Garlene Dodson, Christine Simon, Amy Slater, James Peters, Julie Antoine, Daniel Calhoun, Leona Calhoun, Johnny Ben Jules, Ron Ignace, and Marianne Ignace on 13 September 2012 [Archived with ILRU]; Also told by Ike Willard and retold in English in Dorothy Bouchard and Randy, eds. *Shuswap Stories* (Vancouver: CommCept, 1979) [Archived with ILRU].

⁵⁸⁷ Kenthen Thomas (Qwel'mínte Secwépemc), "How Coyote Made a Tree Fall in Love with Him", as cited above.

<www.uvic.ca/law/assets/docs/ilru/SNTC%20Law%20Book%20July%202018.pdf> [perma.cc/8QXJ-YJG3].

Connor, Kelly. *Tribal Case Book – Secwépemc Stories and Legal Traditions: Stsmémelt Project Tek’wémiple7 Research* (July 2013), online (pdf): *Secwépemc Strong* <secwepemcstrong.com/wp-content/uploads/2021/02/Tribal-Case-Book.pdf> [perma.cc/BMX2-7U64].

Friedland, Hadley with Alan Hanna. (Indigenous Law Research Clinic and T'exelcenc Williams Lake Band) *Northern Secwepemc Legal Traditions Report*. Victoria: UVic Indigenous Law Research Clinic, Indigenous Bar Association, and The Truth and Reconciliation Commission of Canada, 2014).

Friedland, Hadley and Val Napoleon. “Gathering the Threads: Developing a Methodology for Researching and Rebuilding Indigenous Legal Traditions” (2015-2016) 1:1 Lakehead L J 16.

Friedland, Hadley et al. “Porcupine and Other Stories: Legal Relations in Secwépemcúlecw” (2018) 48 *Revue générale de droit* 153, online (pdf): *University of Victoria* <www.uvic.ca/law/assets/docs/friedland-et-al-porcupine-and-other-stories.pdf> [perma.cc/2PVT-37GA].

Ignace, Marianne Boelscher. “Shuswap” in William C. Sturtevant and Dward E. Walker Jr. eds, *Handbook of North American Indians* (Washington US Government Printing Office, 1998) Vol 12: Plateau.

Ignace, Marianne & Ronald E. Ignace. *Secwépemc People, Land, and Laws: Yeri7 re Stsqeýs-kucw* (Montreal & Kingston: McGill-Queen’s University Press, 2017).

Johnson Jr., Francis. “Yucwemíntem re Tmicw re Esk’etemc (Looking after the Land of the People of the white Earth) Secwépemc Governance Model” presented at the Secwépemc Winter Gathering “Pelltetéqem: Cross Over Month” in December 2017 and the Secwépemc Elders Gathering in June 2018.

Manuel, Bernadette & Lynne Jorgesen. "The Fish Lake Accord" (submitted to the Chief and Councils of the Upper Nicola and Okanagan Indian Bands (August 2002, amended August 2003) [Archived with ILRU].

Napoleon, Val. "Thinking About Indigenous Legal Orders" in René Provost and Colleen Sheppard, *Dialogues on Human Rights and Legal Pluralism* (Dordrecht Heidelberg New York London: Springer, 2013).

Sandy, Nancy Harriet. *Reviving Secwépemc Child Welfare Jurisdiction* (LLM Thesis, University of Victoria, 2011) [unpublished], online (pdf): *University of Victoria* <dspace.library.uvic.ca/bitstream/handle/1828/3336/Sandy_Nancy_LLM_2011.pdf> [perma.cc/PD2R-WU3F].

Sandy, Nancy. "Stsqy'ulécw Re St'exelcém (St'exelcém Laws from the Land)" (2016) 33 Windsor YB Access Just 187.

Teit, James. "The Salishan Tribes of the Western Plateaus" in Franz Boas, ed, *Forty-Fifth Annual Report of the Bureau of American Ethnology to the Secretary of the Smithsonian Institution 1927-1928* (Washington: United States Government Printing Office, 1930).

Teit, James. "The Shuswap" in Franz Boas, ed, *The Jesup North Pacific Expedition: Memoir of the American Museum of Natural History* (Leiden & New York: E.J. Brill & G. E. Stechert, 1909) Vol 2, part 7.

Teit, James. "Traditions of the Thompson River Indians of British Columbia" in *The American Folk-Lore Society, Memoirs of the American Folk-Lore Society* (Cambridge, Massachusetts: Riverside Press, 1898) Vol 6.

Teit, James. "Thompson Tales" in Franz Boas' *Folk-Tales of Salishan and Sahaptin Tribes* in *Memoirs of The American Folk-Lore Society* 11 (New York: GE Stechert & Co, 1917).

Wickwire, Wendy. *At the Bridge: James Teit and an Anthropology of Belonging* (Vancouver, University of British Columbia Press, 2019).

Chief Atahm School, “Tselcéwtqen Clleq̓mel̓ten Vision and Principles” (last visited 25 November 2021), online (pdf): *Chief Atahm School* <www.chiefatahm.com/downloads/CAS_vision_principles.pdf> [perma.cc/45AN-3RC7].

First Peoples Cultural Council. “Report on the Status of B.C. First Nations Languages”, 3rd ed (2018) at 46, online: <<https://fpcc.ca/wp-content/uploads/2020/07/FPCC-LanguageReport-180716-WEB.pdf>> [https://perma.cc/5WZ7-YXW5].

Language Advisory Committee. *Qwel7eyentwecw Conversing in the Secwépemc Language: Secwépemc Language Handbook* (West Dialect) (Kamloops: Secwépemc Cultural Education Society, 2003) at 1, online (pdf): Arca <arcabc.ca/islandora/object/tru%3A1575> [perma.cc/2VY2-ZEDL].

Secwépemc Elders Council. “Secwépemc Elders Council May 30, 2019” Newsletter (30 May 2019) at 3, online (pdf): <shuswapnation.org/wp-content/uploads/2019/07/2019-May-30-SEC-Newsletter.pdf> [https://perma.cc/5BAE-H3JZ].

Secwépemc Nation. “Unity Declaration” (June 22, 2012), online (pdf): *Shuswap Nation* <shuswapnation.org/files/2018/06/39.-Secwepemc-Nation-Unity-Declaration-June-22-2012.pdf> [perma.cc/9QEU-ALXE].

Shuswap Nation Task Force. *The Sounds of Thunder (Submission on Models for Self Government)* (Kamloops: Shuswap Nation Tribal Council, 1983) [Archived with ILRU].

Shuswap Nation Tribal Council. *Fight for Our Rights: Aboriginal Title and Rights Appeals for Justice*, 2nd ed (Kamloops: Shuswap Nation Tribal Council, 2015) [Archived with ILRU].

Shuswap Nation Tribal Council, “Secwépemc Governance Meeting Report” (March 30-31, 2017) at 18 [Archived with ILRU].

Shuswap Nation Tribal Council. “The Memorial to Sir Wilfrid Laurier: Commemorating the 100th Anniversary, 1910-2010” (last visited 16 December 2021), online (pdf): Simon Simon Fraser University <<https://static1.squarespace.com/static/5f73b6c38840660a19c6d7e4/t/5f860cde1ad6726ebbc86e83/1602620648396/1910+Memorial+to+Laurier+1910+brochure.pdf>> [<https://perma.cc/B3FY-JYED>].

Secwépemc Strong. “Pelltetéqem (Cross Over Month)” (Pamphlet and Agenda, Secwépemc Winter Gathering, 18-21 December 2017) [Archived with ILRU].

Secwépemc Strong. “Séwllkwe (Water)” (Pamphlet and Agenda, Secwépemc Spring Gathering, 20-23 April 2018) [Archived with ILRU].

Secwépemc Strong. “Pell-ct’éxel’ctn: month when salmon spawn” (Pamphlet and Agenda, Secwépemc Summer Gathering, 24-27 August 2019) [Archived with ILRU].

Secwépemc Strong. “Pelltetéqem (Cross Over Month)” (Pamphlet and Agenda, Secwépemc Winter Gathering, 30 November – 2 December 2018) [Archived with ILRU].

Secwépemc Strong. “Splúl’kws Re K’wselktknéws: (S-plool!-kwes re k’-wes-elkt-t-nows) Gathering to be Family” (Pamphlet and Agenda, Secwépemc Spring Gathering, 30-31 March 2019) [Archived with ILRU].

Secwépemc Strong. “Re Xqweltén-kt Re Tkwemí7ple7-kt: Our Language is Our Law” (Pamphlet and Agenda, Secwépemc Summer Gathering, 16-18 August 2019) [Archived with ILRU].

Secwépemc Strong. “Secwépemc Law and Stsmémelt” (Pamphlet and Agenda, Secwépemc Winter Gathering, 24-26 January 2020) [Archived with ILRU].

Tk'emlúps te Secwépemc. "Kamloops Indian Residential School Missing Children" (May 27, 2021), online: <https://tkemlups.ca/kirs/> [https://perma.cc/SQA2-PPB4].

Thompson River University. "About Secwépemc Nation" (last visited 15 December 2020), online: Thompson River University <www.tru.ca/indigenous/indigenous-education-team/resources/history-culture/about_sec_nation.html> [perma.cc/VLL6-W6C4].

Tk'emlúps te Secwépemc. "Remains of Children of Kamloops Residential School Discovered (27 May, 2021), online: <https://tkemlups.ca/remains-of-children-of-kamloops-residential-school-discovered/> [https://perma.cc/ZA4Q-HDVY].

Linguistic Analysis

At the request of SNTC and the Secwépemc Sna7a Elders Council, ILRU researchers also engaged with Secwepemctsin as a resource for understanding Secwépemc law. Although the researchers are not Secwepemctsin speakers, they studied some aspects of Secwepemctsin (words, phrases, and grammar) to develop questions about legal concepts, which were then discussed with Secwepemctsin speakers. Where possible, the legal concepts in the report use Secwépemctsin.

The starting point to engage with Secwepemctsin to identify legal concepts were secondary language resources, such as the Marianne Ignace and Ronald E. Ignace's *Secwépemc People, Land, and Laws: Yerí7 re Stsqéys-kucw*,⁵⁸⁸ the *Tselcétqen Cileqmeiten Vision and Principles*⁵⁸⁹, the *Tribal Case Book – Secwépemc Stories and Legal Traditions: Stsmémelt Project Tek'wémiple7 Research*⁵⁹⁰ and *Secwépemc Lands and Resources Law Research Project*.⁵⁹¹

⁵⁸⁸ Marianne Ignace and Ronald E. Ignace, *Secwépemc People, Land, and Laws*, as cited above.

⁵⁸⁹ Chief Atahm School, "Tselcétqen Cileqmeiten Vision and Principles", as cited above.

⁵⁹⁰ Kelly Connor, "Tribal Case Book", as cited above.

⁵⁹¹ Jessica Asch, Kirsty Broadhead, Georgia Lloyd-Smith, and Simon Owen, *Secwépemc Lands and Resources Law Research Project*, as cited above.



These were reviewed by ILRU staff and then brought into conversation with Secwepemctsín speakers.

One focus group conversation in February 2018 was held partly in Secwepemctsín and was later translated by Mona Jules, with whom the ILRU team worked closely to articulate legal concepts. A process of consultation and validation with many Secwepemctsín speakers continued throughout the Project to deepen the ILRU team's learning and refine understandings of Secwépemc legal principles and processes. In addition to Mona Jules, the ILRU team received translation and conceptual support from Julianna Alexander, Carolyn Belleau, Dave Belleau, Gary Gottfriedson, Julianne Peters, and Flora Sampson throughout the Project. Any errors in the Secwepemctsín used in this Report are ILRU's alone.

Embedded In-Community Learning

Again, at the request of SNTC and the Secwépemc Sna7a Elders Council, ILRU researchers also attended many nation-wide gatherings between 2017 and 2020 to build a richer understanding of Secwépemc laws as they operate on the land and in context. The following are the Secwépemc Gatherings that the researchers, predominantly Jessica Asch and Rebecca Johnson, attended over the course of two years of research:

- Secwépemc Winter Gathering 2017 (December 18-21): Pelltetéqem (Cross Over Month) in Tk'emlúps (Tk'emlúps)
- Secwépemc Spring Gathering 2018 (April 20-23): Séwllkwe (Water) in Kenpésq't
- Eskétemc Elders Gathering 2018 (June 27-29) - Esk'etemc (Eskétemc)
- Secwépemc Sexqél'qeltemc Splulk'w 2018/Summer Gathering 2018 (August 24-27): Pell-ct'éxel'ctn (month when salmon spawn) in Esk'etemc (Eskétemc) and Kwellkém't (Farwell Canyon)
- Secwépemc Winter Gathering 2018 (November 30 – December 2): Pelltetéqem (Cross Over Month) in Tk'emlúps (Tk'emlúps)
- Secwépemc Winter Gathering 2020 (January 24-26): Secwépemc Law and Stsmémelt in Splatsín

These seasonal gatherings became spaces for ILRU researchers to build stronger relationships and learn about Secwépemc law, language, stories, and cultural practices with and within community. These gatherings were also opportunities to provide formal and informal updates of the Project and spaces to bring in more and diverse voices into the Report. The researchers incorporated their notes (taken when permitted), learnings, experiences, and the observations made at these gatherings into the final Report, which were then validated in community.

PHASE FOUR: GROUND-TRUTHING

Ground-truthing activities are formalized occasions during which ILRU researchers engage directly with community members to discuss their research and interpretations of Indigenous legal resources. These are opportunities to course correct, deepen understandings, and learn more from knowledgeable people. The ground-truthing phase is ultimately about ensuring that ideas in draft reports resonate and that legal concepts are refined, where necessary, by the people within community who live and practice their laws.

Typically, ground-truthing involves multiple stages, including initial focus group conversations and validation sessions. For this project, however, there were additional interviews and engagements over the course of 2018 to 2020 that informed the analysis. This was at the request of SNTC and the Sna7na Elders Council, who wanted to make sure there was adequate representation from across Secwepemcúlcw. This meant there was overlap between the active research and ground truthing stages for this Project. The inclusion of more voices into the ground-truthing stage also extended the timeline of the Project.

Communities represented in these activities include Esk'etemc, Eskétemc, or Esk'et (Esk'etemc First Nation); Kenbaskets (Kenpésq̓t) (Shuswap Indian Band); Pellt'iqt (Whispering Pines/Clinton Indian Band); Qw7ewt (Little Shuswap Lake Band); Sexqeltqín (Adams Lake Indian Band); Skatsín, Sk'etsin, or Sk'Emtsin (Neskonlith Indian Band); Skítsestn (Skeetchestn Indian Band); Splatsín (Spallumcheen Indian Band); Tk'emlúps te Secwépemc, Tk'emlúpsemc, or Tkemlúpsemc (Kamloops Indian Band).

February 2018 Focus Groups

On February 14-15, 2018, The ILRU team travelled to Tk'emlúps (Tk'emlúps) for two days of focus group and community engagement sessions on questions of Secwépemc citizenship and governance and Secwepemctsín. On February 14, ILRU led one large group session to introduce and discuss the project and refine the research questions in Secwepemctsín. In that session, the research team and community members collectively discussed *The Man who married the Sā'tuen*. The ILRU team then facilitated four three-hour focus group sessions held in the afternoon of February 14, and the morning of February 15, 2018. The focus of those sessions was on the story analysis that ILRU researchers had completed, as well as some questions about Secwepemctsín and concepts of citizenship.

DATE	ILRU TEAM	PARTICIPANTS/WITNESSES	DISCUSSED
February 14, 2018	Jessica Asch and Rachel Flowers	Witness #2, Barbara Larson, Garlene Jules, Gary Gottfriedson, Rhona Bowe, Mona Jules, Flora Sampson	*focus was Secwepemctsín language and law <i>Story of Hu'pken</i> <i>The Foolish One</i>
February 14, 2018	Simon Owen, Rebecca Johnson, Veronica Martisius	Carolyn Belleau, Dave Belleau, Bonnie Leonard, Richard LeBourdais, Rod Tomma, Diane Sandy, Percy Rosette	<i>The Man who married the Sā'tuen</i> ; <i>Story of Owl</i> , <i>Story of the Salmon-Boy</i> , <i>Grisly Bear's Grandchildren</i>
February 15, 2018	Jessica Asch, Rachel Flowers, Veronica Martisius	Shirley Bird-Sahlet, Julianna Alexander, Helen Duteau, Judy Deneault, Witness #1	<i>Spider and Otter</i> , <i>Grisly Bear's Grandchildren</i> , <i>Story of Grasshopper</i> <i>The Man who married the Sā'tuen</i>
February 15, 2018	Simon Owen and Rebecca Johnson	David G. Archie, Laverna Stevens, Louie Basil Stevens, B.A. Deneault, Doreen M. Johnson, Kenthen Thomas, Ralph McBryan	<i>Story of Suckerfish</i> , <i>Grisly Bear's Grandchildren</i>

April 2019 Project Retreat in Skwlax

In 2018, ILRU and SNTC were awarded a research grant from the Social Sciences and Humanities Research Council (SSHRC) as part of its Special Call: Indigenous Research Capacity and Reconciliation – Connection Grants competition to support this project. This enabled ILRU and SNTC to convene in Skwlax in April of 2019 for a Secwépemc law retreat. This retreat was focused on gaining feedback on the preliminary framework and draft sections of the Report and expanding some of the discussions previously held. Kasey Gottfriedson, Maryann Yarama, Julianna Peters, Tamara Archie supported this session on behalf of SNTC.

This two-day gathering included several new participants to the research process and prompted interest in expanding the project to include voices, particularly from the community of Esk'etemc (Eskétemc), who had not previously participated in focus group discussions. With permission, notes were taken at these additional focus group conversations and the knowledge and information shared there have been incorporated into this Report, where appropriate.

In addition, Jessica Asch, Diana Borges, and Rebecca Johnson recorded additional interviews with Mardi Paul and Minnie Kenoras at this session.

DATE	ILRU TEAM	PARTICIPANTS/WITNESSES	DISCUSSED
April 4-5, 2019	Jessica Asch, Diana Borges, Brooke Edmonds, David Gill, Rebecca Johnson, Simon Owen	Mardi Paul, Witness #1, Barbara Larson, Ralph McBryan, Richard LeBourdais, Peace/War Chief Pipíp'7ese (Alexis Harry), Senkúkpi7 Wilfred Robbins Sr., Senkúkpi7 Cwlíken (Irvine Johnson), Shirley Bird-Sahlet, Julianna Alexander, Minnie Kenoras, Patricia White	<i>Peacemaker, Coyote and the Cannibal Boy, Grisly Bear's Grandchildren, War with the Sky People, Preliminary Framework</i>

October 2019 Interviews in Esk'etemc (Eskétemc)

Jessica Asch and Rebecca Johnson also conducted an additional interview with Peace/War Chief Pipíp'7ese (Alexis Harry) and Senkúkpi7 Wilfred Robbins Sr. in October 2019 in Esk'etemc (Eskétemc). They also presented the draft Report in Esk'etemc (Eskétemc) and held general discussions about it.

January 2020 Gathering in Splotsín

In late January 2020, Jessica Asch, Brooke Edmonds, and Rebecca Johnson travelled with Carolyn Belleau and Ruth Young to the Secwépemc Winter Gathering in Splotsín to present, along with Bonnie Leonard, the draft *Secwépemc laws of K'wséltkten and Secwépemc-kt Report*. Here, the ILRU team also led a workshop with attendees on story analysis, and around the application of the principles within the Report to contemporary issues within their community. At this gathering, they got general feedback on the project from the over 50 people who attended the workshop.

PHASE FIVE: FRAMEWORK BUILDING

A preliminary draft and framework were created prior to the gathering in Skwlax in April of 2019 for discussion. This draft integrated synthesis from Secwépemc narratives, Secwepemctsín, Secwépemc Gatherings, and focus group conversations. The learning done at the April 4-5, 2019 gathering shifted aspects of the analysis, which prompted the authors to re-draft chapters between April and August of 2019. The interviews conducted in October 2019 also prompted some new additions to different chapters of the synthesis, which were integrated into the Report in late 2019 and early 2020.

PHASE SIX: VALIDATION AND FINALIZATION

All community members who participated in the Report had an opportunity to look at their words in context and had control over if and how those words were used in the final Report. This is a process called validation which occurred at different times over the course of this Project. Validation was

interrupted by the COVID-19 pandemic after March 2020, during which validation could largely only occur online. There was a significant slow down in the Project between later 2020 to early 2022 a result of shifting priorities caused largely by the COVID-19 pandemic.

DATE	PLACE	ILRU TEAM	PARTICIPANTS/WITNESSES
Aug. 21, 2019	Tk'emlúps (Tk'emlúps)	Jessica Asch, Diana Borges, Brooke Edmonds Rebecca Johnson, David Gill, Tara Williamson	Richard LeBourdais, David G. Archie, Diane Sandy, Barbara Larson, Garlene Jules, Sadie Phelps
Aug. 22, 2019	Sexqeltqín	Jessica Asch, Diana Borges, Brooke Edmonds Rebecca Johnson, David Gill, Tara Williamson	Julianna Alexander, Shirley Bird-Sahlet, Rhona Bowe, Helen Duteau, B.A Deneault, Rod Tomma
Aug. 27 to Sept. 24, 2019	Tk'emlúps (Tk'emlúps) Splatsín Skatsín Sexqeltqín	Rebecca Johnson	Julianna Alexander, Mona Jules, Minnie Kenoras, Ralph McBryan, Gary Gottfriedson Laverna Stevens, Louie Basil Stevens, Judy Deneault, Witness #1, Witness #2, Kenthen Thomas, Flora Sampson
Oct. 22 and 23, 2019	Esk'etemc (Esk'étemc)	Jessica Asch Rebecca Johnson	Mardi Paul, Doreen M. Johnson, Dave Belleau, Senkúkpi7 Francis Johnson Jr., Senkúkpi7 Cwlíken (Irvine Johnson), Senkúkpi7 Wilfred Robbins Sr., Peace/War Chief Pipíp'7ese (Alexis Harry)
July 27, 28 and	Esk'etemc (Esk'étemc)/ Remotely	Jessica Asch, Carolyn Belleau	Dave Belleau, Peace/War Chief Pipíp'7ese (Alexis

30 2020			Harry), Senkúkpi7 Francis Johnson Jr., Percy Rosette,
Dec. 2021	Review Electronically	Jessica Asch, Cheyenne Arnold- Cunningham	Senkúkpi7 Francis Johnson Jr., Bonnie Leonard, Sunny LeBourdais
Jan. 2022	Victoria	Jessica Asch	Rod Tomma
March 2023	Tk'emlúps (Tk'emlúps)	Jessica Asch, Brooke Edmonds, Rebecca Johnson	Peace/War Chief Pipíp'7ese (Alexis Harry), Senkúkpi7 Cwlíken (Irvine Johnson), Senkúkpi7 Wilfred Robbins Sr., Rhona Bowe

In addition to these sessions, the researchers consulted, on a more ad hoc basis, with Julianna Alexander, Mona Jules, Julianne Peters, Dave Belleau, Gary Gottfriedson, Ralph McBryan, Marianne Ignace, and Flora Sampson about the use of Secwepemctsin in the transcripts and the Report. They also consulted with Rhona Bowe on the final validation session held in Tk'emlúps (Tk'emlúps), as well as the graphic reflection of the framework.

Final edits to the Report, Casebook, and Glossary were completed in summer 2023.

