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Secwepemc Lands and Resources Law Research Project  
Jessica Asch, Kirsty Broadhead, Georgia Lloyd-Smith and Simon Owen  
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# Secwépemc

**LANDS AND RESOURCES  
LAW RESEARCH PROJECT**





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# Analysis

A landscape photograph showing a wide river valley. In the background, a large mountain is covered in a dense forest of evergreen trees. The middle ground features a prominent, eroded hillside with a complex, layered structure of rock and soil, showing signs of geological activity. The foreground consists of a calm river reflecting the sky and the surrounding landscape. The overall scene is captured in a cool, blue-toned color palette.



# Introduction to the ILRU-SNTC Collaboration

Secwépemc law is founded upon, inspired by and responsible for Secwépemcúfecw. It is expressed, among other ways, through the wisdom and teachings of oral histories and stories that have been learned, lived, and passed down through generations. This analysis gathers together some of these narratives to explore Secwépemc legal principles and processes in relation to land and natural resources. The analysis of law that is offered in these pages is guided and enriched by the voices Secwépemc community witnesses who participated in community interviews in the summer of 2015.

The motivation for this work was a direction to the Aboriginal Rights and Title Department at the Shuswap Nation Tribal Council (SNTC) by elders, at various Elders Council Meetings, to establish a Secwépemc natural resource law regime.<sup>1</sup> The main goal underlying this work, as noted by SNTC Tribal Director Bonnie Leonard, is to “prepare our nation for managing our own natural resources in a way that the non-aboriginal people will understand.”<sup>2</sup>

The SNTC partnered with the University of Victoria’s Indigenous Law Research Unit (ILRU), directed by Dr. Val Napoleon, in order to carry out this goal of articulating Secwépemc laws related to land and resources. The ILRU is a dedicated research unit at the University of Victoria’s Faculty of Law that is committed to the recovery and renaissance of Indigenous laws. We believe Indigenous laws need to be taken seriously as law. We support and partner with Indigenous peoples and communities to research, ascertain, articulate, and restate their own legal principles and processes in order to collaboratively meet today’s complex challenges.

The ILRU partnership with STNC focused on the articulation of Secwépemc laws relating to lands and resources. We work by following a particular methodology, which analyzes narratives and conversations with community members and draws out legal principles from them. This approach recognizes that Secwépemc law already operates on a daily basis, as noted by Bonnie Leonard:

*...almost, like, naturally, because we were brought up in that way. But [our laws] were never codified in that way. Who makes our decisions on how we manage our resources in our traditional ways – and some of these ways come from our stories. And so what I’m hoping to do is be able to create some Secwépemc natural resource laws [from this research].<sup>3</sup>*

In other words, this collaboration is about articulating Secwépemc laws that are already in practice for the purposes of translation to others.

What follows is a first attempt at articulating Secwépemc laws from an Indigenous legal research perspective of Secwépemc laws relating to lands and resources based on our ILRU team’s analysis of 30 stories and conversations with 23 Secwépemc witnesses. Accompanying this analysis is a casebook containing all the stories analysed by our ILRU team and a glossary of Secwépemc terms relating to lands and resources.

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1 Interview of Community Member and SNTC Tribal Director Bonnie Leonard by Kirsty Broadhead and Adrienne MacMillan (07 July 2015) Adams Lake, British Columbia at 3 [Adams Lake Interview #2: Bonnie Leonard].

2 Interview of Community Member and SNTC Tribal Director Bonnie Leonard by Kirsty Broadhead and Adrienne MacMillan (10 July 2015) Simpcw, British Columbia at 1 [Simpw Interview #5: Bonnie Leonard].

3 *Ibid* at 1.

# A Note on Formatting Conventions and Spelling of Secwépemctsin

The conventions for spelling the Western Dialect (WS) of Secwépemctsin, the Shuswap language, used throughout this book follow those of the Practical Alphabet of the language developed in the early 1980s by linguist Dr. Aert Kuipers, Secwépemc speaker May Dixon from Canim Lake, and other Secwépemc language experts at the time. This orthography is used by Secwépemc teachers and learners throughout the territory. The spelling conventions for Eastern Secwépemctsin (ES) follow those set out by Dr. Kuipers and Secwépemc speaker Cindy Belknap (Williams) from Enderby, also developed during the 1980s. Since the 1990s, Chief Atahm School at Adams Lake Band developed a different Eastern Secwépemctsin orthography, however, which for the most part follows Western Secwépemctsin spelling conventions. The chart below was developed by Dr. Marianne Ignace.

## The Sounds of Secwépemctsin written in the practical alphabet

### 1. Vowels

a (similar to English a in father) ES = ah

é (similar to English a in tan) - ES = a

e schwa (similar to English a in alone or e in enough -

ES deletes unstressed e in the surroundings of syllabic l, m, n and semi-vowels w and y.

i (similar to the ee in feet or the ea in beam, becomes retracted to ia before throat sounds

(similar to the o in rod or the augh in naught) –

u (similar to the oo sound in noon); retracted to o before throat sounds

### 2. Consonants

	Plain stop	Glottalized stop	Fricative	Plain resonant	Glottalized resonant
<b>Labial</b>	p	p'		m	m'
<b>Dental-lateral</b>	t	t'	ll	n, l	n', l'
<b>Alveolar</b>	ts	ts'	s		
<b>Palatal</b>				y	y'
<b>Velar-plain</b>	k	k'	c	r	r' (rare)
<b>Velar-rounded</b>	kw	k'w	cw	w	w'
<b>Uvular-plain</b>	q	q'	x		
<b>Uvular-rounded</b>	qw	q'w	xw		
<b>Pharyngeal-plain</b>				g	g' (rare)
<b>Pharyngeal-rounded</b>				gw	g'w
<b>Laryngeal</b>		ʔ	h		

## Phase 1: Developing Research Questions and Initial Research

### Research Questions

Secwépemc narratives are responsive to many human legal issues, so starting this project required us to narrow our research questions. The ILRU team came up with two research questions to narrow the focus to Lands and Resources Law:

#### Question 1

**How do people within the Secwépemc legal tradition respond to disputes or conflicts concerning lands or resources?**

#### Question 2

**Where there aren't clear disputes or conflicts concerning lands or resources, what relationships, responsibilities, and rights do people within the Secwépemc legal tradition have to land, water, animals used and plants?**

The intention behind the first question was to draw out legal principles relating to land and resource issues such as access, harvesting, use and inheritance. The second question was designed to explore those legal principles that may be within stories about land and natural resources that do not involve conflict.

### Resources, Case Briefing, and Interview Preparation

Publicly available stories, translated into English from Secwépemctsin, served as the starting point for this work. 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 and Traditions of the Thompson River Indians of British Columbia*.<sup>4</sup> Teit was an anthropologist who journeyed to Secwépemcúlcw in 1887, 1888, 1892 and in the early 1900s.<sup>5</sup> The ILRU also reviewed the *White Arrow of Peace*, originally recorded with Ike Willard by Randy Bouchard and Dorothy Kennedy and published in their book *Shuswap Stories*, re-transcribed by Dr. Ron Ignace in 2008,<sup>6</sup> and the *Fish Lake Accord*, researched by Bernadette Manual and Lynne Jorgesen in 2002<sup>7</sup> for submission to the Chief and Councils of the Upper Nicola and Okanagan Indian Bands. Finally, the ILRU team analyzed stories shared by two community witnesses during our visits to Secwépemcúlcw, Paul Michel and Leon Eustache, during our interviews. Leon told *The Fox and Coyote and the Big Wind*,<sup>8</sup> taught to him by his elder Chris Donald. Paul, with permission from his people at Csta'len (Adams Lake), gave a riveting retelling of the *Water Monster*.<sup>9</sup> Not only has this project greatly benefited from the sharing of these Secwépemc stories, but these stories illustrate that Secwépemc law is alive and being taught in Indigenous communities every day.

The ILRU originally selected a few stories from Bouchard and Kennedy's *Shuswap Stories* for analysis.<sup>10</sup> However, many community members expressed that they did not want to engage with the stories as recorded by Bouchard and Kennedy because of their history of gathering and claiming possession over material from Secwépemcúlcw.<sup>11</sup> Paul Michel, for example, explained that Bouchard and Kennedy would take a rich story and condense it into a

4 James Teit, "The Shuswap" in Franz Boas, ed, *Publications of The Jesup North Pacific Expedition: Memoir of the American Museum of Natural History*, Vol. II, Part IV (Leiden, EJ Brill/New York, GE Stechert: 1909) at 443-813; James Teit, *Traditions of the Thompson River Indians of British Columbia* (Cambridge, Massachusetts: Riverside Press, 1898).

5 *Ibid*, p. 447.

6 *White Arrow of Peace*, originally recorded with Ike Willard by Randy Bouchard and Dorothy Kennedy and published in *Shuswap Stories* (1979). Re-transcribed by Dr. Ron Ignace, 2008. Reproduced from *Tribal Case Book – Secwépemc Stories and Legal Traditions: Stsmémelt Project Tek'wémple7 Research*, Created by Kelly Ann Connor (4 July 2013) at 28-32 [*White Arrow of Peace*].

7 *The Fish Lake Accord*, researched by Bernadette Manual and Lynne Jorgesen for submission to the Chief and Councils of the Upper Nicola and Okanagan Indian Bands (August 2002, amended August 2003) at 1-2 [*The Fish Lake Accord*].

8 *Fox and Coyote and the Big Wind*, told by Leon Eustache, Interview of Simpcw Community Member Leon Eustache by Kirsty Broadhead and Adrienne MacMillan (31 July 2015) Simpcw, British Columbia at 1-2 [*Fox and Coyote and the Big Wind*].

9 *Water Monster*, told by Paul Michel, Interview of Adams Lake Community Member Paul Michel by Kirsty Broadhead and Adrienne MacMillan (9 July 2015) Kamloops, British Columbia at 20-28 [*Water Monster*].

10 Eds, Randy Bouchard and Dorothy Kennedy, *Shuswap Stories* (Vancouver: CommCept Publishing, 1979)

11 *Interview of Adams Lake Community Member Paul Michel* by Kirsty Broadhead and Adrienne MacMillan (30 July 2015) Kamloops, British Columbia at 1-3. [Pithouse Interview #9: Paul Michel]

short version, which is an act that disrespects the story, the person who told it, and the teachings within it.<sup>12</sup> As a result, the ILRU team decided to not use the stories collected by Bouchard and Kennedy and used, instead, James Teit's versions of the same stories. We understand that Teit's recordings are a more representative account of the stories and, although they may fall very short of wholly catching the teachings or legal principles, they are a more transparent and accessible place to start.

The ILRU student researchers, Kirsty Broadhead and Adrienne Macmillan analyzed the stories and materials using an adapted "case brief" method. This method is used to teach students how to analyze Canadian law decisions made by judges in law school. The case brief method allows legally-trained people to draw out the legal principles and reasoning in those decisions. Using this same method for stories helps our researchers rigorously engage with them as legal cases. It also helps them think deeply about the stories they've looked at prior to visiting a community and talking to community members about law.

Once they briefed all the stories, the ILRU student researchers developed an preliminary analysis of the legal principles that emerged in all stories, and then organized those principles into a framework. They also developed interview questions based on their work with the stories and the preliminary analysis. Doing the case briefing work helped the students come up with more specific and thoughtful questions for our community partners in their interviews.

## Phase 2: Initial Community Interviews

The ILRU student researchers visited Secwépemcúlcw on two separate occasions in July 2015. During the first visit, they conducted five three-hour interviews to discuss the stories they had reviewed and case briefed. Each witness consented to participation and to being audio recorded. The interviews listed below show which stories were discussed (it was not possible to discuss all the stories at each interview), the witnesses interviewed, and when and where conversations took place. The three witnesses who wished to remain confidential are listed as Witness 1, 4 and 7. The SNTC Tribal Director, Bonnie Leonard, and/or Senior Researcher for the SNTC's Aboriginal Rights and Title Department, Kelly Mortimer, were present at the interviews.

Interview	Where	Witnesses	Stories Discussed
Skeetchestn Interview #1 July 6, 2015	Skeetchestn Indian Band	Julie-Ann Antoine Daniel Calhoun Leona Calhoun Dr. Ron Ignace Dr. Marianne Ignace Bonnie Leonard	<i>Story of Grasshopper</i> <i>The Fishes and the Cannibal</i> <i>Coyote and Holxoli'p</i>
Adams Lake Interview #2 July 7, 2015	Chief Atahm School	Ronnie Jules Anne Michel Bonnie Leonard	<i>Tleē'sa Travels the Land*</i> <i>Story of Porcupine</i> <i>Coyote and Black Bears</i> <i>Story of Tcotcu'lca</i>
Splatsín Interview #3 July 8, 2015	Splatsín	Julianna Alexander Shirley Bird Randy Williams	<i>Tleē'sa Travels the Land*</i>
SNTC Interview #4 July 9, 2015	Shuswap Nation Tribal Council Office (Kamloops)	Richard LeBourdais Bonnie Leonard Paul Michel	<i>Story of Porcupine</i> <i>Water Monster</i>
Simpcw Interview #5 July 10, 2015	Simpcw Band Office	Tina Donald Bonnie Leonard Nathan Matthew Pat Matthew Witness 1	<i>Story of Porcupine</i> <i>Coyote and His Hosts</i>

<sup>12</sup> *Interview of Adams Lake Community Member Paul Michel* by Kirsty Broadhead and Adrienne MacMillan (09 July 2015) Kamloops, British Columbia at 6-7 and 17-18. [SNTC Interview #4: Paul Michel].

## Phase 3: Preliminary Analysis

After the initial visit, the student researchers transcribed the interviews they conducted and began integrating that information into the preliminary analysis. Collecting and synthesizing the information provided in the first community interviews helped the students prepare for their second visit. The goal was for the second visit to have more focused conversations on Secwépemc law relating to legal principles of land and resources.

## Phase 4: Follow-up Community Interviews

The student researchers returned to Secwépemcúlecw for another five three-hour interviews. These interviews were conducted with some of the original witnesses as well as some new participants. Thanks to our SNTC community partners, our student researchers had the opportunity to travel around Secwépemcúlecw to see some of the places spoken about in the stories and attend a Secwépemc gathering in Williams Lake.

Interview	Where	Witnesses	Stories Discussed
Skeetchestn Interview #6 July 27, 2015	Skeetchestn Indian Band	Julie-Ann Antoine Daniel Calhoun Garlene Dodson Bonnie Leonard Dr. Ron Ignace, Dr. Marianne Ignace Christine Simon	<i>Story of Porcupine Coyote and his Hosts</i>
Adams Lake Interview #7 July 28, 2015	Chief Atahm School	Ronnie Jules Doreen Kenoras Bonnie Leonard Witness 4 Witness 7	<i>Story of The One Bound and Grasshopper Coyote and Salmon Story of Grasshopper</i>
Splatsín Interview #8 July 29, 2015	Splatsín Indian Band	Julianna Alexander Shirley Bird Bonnie Leonard	<i>Story of Porcupine Beaver and Porcupine Coyote and His Hosts</i>
Pithouse Interview #9 July 30, 2015	Shuswap Nation Tribal Council Office (Kamloops)	Paul Michel	<i>Story of Porcupine Water Monster</i>
Simpcw Interview #10 July 31, 2015	Simpcw Band Office	Tina Donald Leon Eustache Marissa Eustache Bonnie Leonard Pat Matthew	<i>Coyote and Fox and the Big Wind Coyote and Holxoli'p</i>

## Phase 5: Integrated Analysis

After the second set of interviews, the ILRU student researchers took all the data from the ten interviews and their preliminary legal analysis of the stories and worked it into an integrated analysis. The integrated analysis was organized within a legal framework. The original ILRU framework emerged from Hadley Friedland's LLM work on Cree and Anishinabek responses to human issues of harm and violence, and was used unaltered for the Accessing Justice and Reconciliation project the ILRU did in 2012.<sup>13</sup> The same framework was also used for SNTC's Stsmémelt Project.<sup>14</sup>

<sup>13</sup> Accessing Justice and Reconciliation Project: Final Report, Prepared by Hadley Friedland, Research Coordinator (4 Feb 2014)  
Online: [http://indigenousbar.ca/indigenouslaw/wp-content/uploads/2013/04/iba\\_ajr\\_final\\_report.pdf](http://indigenousbar.ca/indigenouslaw/wp-content/uploads/2013/04/iba_ajr_final_report.pdf).

<sup>14</sup> Tribal Case Book – *Secwépemc Stories and Legal Traditions: Stsmémelt Project Tek'wémiple7 Research*,  
Created by Kelly Ann Connor (4 July 2013) [Tribal Case Book]

## Phase 6: Framework Revision

Through the process of creating the integrated analysis, it became apparent that some of the information from the interviews and stories didn't fit in the existing framework, which was used for analyzing research questions relating to human harms and conflict. The ILRU researchers recognized that this project needed a more specific legal framework with the ability to respond to land and resource issues. Hadley Friedland developed a new framework that could better describe the balancing of interests that accompany land and resource issues, namely the relationships, responsibilities and rights between people and the land, other groups and their own communities. This is the first ILRU project using this revised framework.

## Phase 7: Reworking and Editing Analysis, Casebook and Glossary

The final Analysis was drafted, edited and assembled over the fall of 2015 by ILRU legal Researchers Simon Owen and Georgia Lloyd-Smith and ILRU Research Coordinator Jessica Asch, with oversight and advice from ILRU Director Dr. Val Napoleon and Research Coordinator Hadley Friedland. This involved re-imagining the data collected within the new analytical framework and reviewing all of the interview transcripts, stories and case briefs to add to the final analysis. The accompanying Casebook was assembled and edited by the same research team. The Casebook contains all of the stories reviewed by the students for this project, along with the case briefs initially developed by the students and edited by the broader research team. The Casebook also contains a thematic index of all the questions used to analyze the stories, which was developed and edited by Jessica Asch and Simon Owen. Finally, student researcher Kirsty Broadhead assembled a glossary to assist people when reading the analysis, which was edited also by the ILRU team.

## Phase 8: Community Validation and Consultation

Between April 25 and 28, 2016, the ILRU research team (Jessica Asch, Kirsty Broadhead, Georgia Lloyd-Smith, Adrienne Macmillan and Simon Owen) and Sally Hunter, ILRU Coordinator, returned to Secwépemcúfecw with the draft Analysis, Casebook, and Glossary. The ILRU team met in-person with 16 of the 23 community members who participated in the interview process, to ensure that we had correctly recorded and understood what they had told us. During these meetings, we also received feedback on the draft Analysis, and discussed how it could be implemented or used in Secwépemc communities. Seven witnesses were sent the Analysis, Casebook and Glossary for their review. Five of those witnesses provided feedback by email or phone. The remaining witness was not quoted in the Analysis.

During the ILRU visit to Secwépemcúfecw, the ILRU team attended a Secwépemc Elders Council meeting to present and discuss the research with the many elders who were there, and answer the questions they had about the process and the products.

Gifted with much encouraging and helpful feedback, we revised the draft Analysis.

# Introduction to the Lands and Resources Framework

The legal analysis that follows is organized around a framework. This framework is used to help clarify the legal principles and processes necessary for responding to the research questions. The framework contains several categories, each one focusing on a particular aspect of Secwépemc law regarding land and natural resources:

## 1. General Underlying Principles: What underlying or recurrent themes emerge in the stories and interviews that are important to understanding more specific points of law?

### 2. Legal Processes:

- a. **Territorial Protocols and Practices:** How do people demonstrate respect for each other's territories?
- b. **Harvesting Protocols and Practices:** How do people demonstrate respect for the natural resources they are harvesting?
- c. **Procedural Steps for Making and Maintaining Agreements or Resolving Conflicts:** What steps do people take to resolve conflicts and/or establish and maintain agreements for appropriate access and stewardship of natural resources between families or groups?
- d. **Authoritative Decision-makers:** Who has the final say? Where and over what resources?

### 3. Relationships, Responsibilities and Rights:

#### a. Land:

- Relationship with the Land: What are the relationships between people and the land? Animals? Plants? Water?
- Responsibilities to the Land: What are people's responsibilities to the land? Animals? Plants? Water? Are there certain individuals, families or clans who have particular responsibilities to care for certain territory or resources?
- Rights of the Land: How should people be able to expect others to treat the land? Animals? Plants? Water?

#### b. Other Territorial Groups:

- Relationships with other Territorial Groups: What are the relationships with other groups with overlapping/ adjoining territories?
- Responsibilities to other Territorial Groups: What are the responsibilities to other groups with overlapping/ adjoining territories? How should people act when they need to access resources within another group's territory?
- Rights of other Territorial Groups: How should other groups with overlapping/ adjoining territories expect people to act in their territories? How should people expect to be treated when they need to access resources within another group's territory?

#### c. Community:

- Relationships within the Community: What are the significant relationships related to natural resources within this group? Leaders? Vulnerable/those in need?
- Responsibilities to others in the Community: What are the responsibilities related to natural resources to others within the community? Leaders? Vulnerable/those in need?
- Rights of people in the Community: What should individuals be able to expect regarding access to needed resources? Are there certain individuals, families or clans who should expect to access or control access to certain territory or resources?

### 4. Consequences, Enforcement and Teaching:

- a. **Consequences:** What are the natural and spiritual consequences of accessing and sharing resources in a respectful and sustainable way, or of not doing so?
- b. **Enforcement:** What are consequences people have designed and implemented to ensure others are following the legal principles related to accessing and sharing natural resources?
- c. **Teaching:** What are effective ways people learn or teach others about the legal principles related to accessing and sharing natural resources?

The analysis that follows is designed to help answer the research questions that were developed at the beginning of the project. It is not intended to be a codification of law, like a penal code or legislation. Nor does it claim to be an authoritative statement of law, like a court judgment. Rather, this summary is like a legal memo back to our partner communities. A legal memo synthesizes the legal researchers' best understanding of relevant legal principles after a serious and sustained engagement with those principles. It organizes information in a way that makes it simpler for others to find, understand and apply those principles to current issues or activities.

We have done our best to identify debates between witnesses where they arise, and clarify the assumptions or inferences that we make to help answer the research questions. We fully expect there will be differing interpretations and opinions within communities and between communities of the same tradition. We believe that rich ongoing debates about legal principles are a sign of health and vitality of these legal traditions.

We also note that the length and depth of the various sections will differ in each legal summary and between summaries. The principles identified in each section of a summary are the ones that could be identified most clearly in the published stories the students reviewed and the interviews they conducted during one summer. Further research will help explore differences, fill in gaps, and deepen understandings. Most importantly, the principles that we identify in this analysis need to be discussed within each community to further determine whether they resonate with people's aspirations and expectations regarding Secwépemc Lands and Resources Laws.

It is also important to make clear that this analysis is not a comprehensive or complete statement of legal principles and is not intended to be one. Rather, it gives some examples of the legal principles that stood out in each category of the framework that we used to organize the work. This analysis is offered as simply a starting point for communities to use in further developing Secwépemc law as it relates to land and resources.

For each question in the framework, we have included a table providing a general re-statement of law and an indication of the source material used to answer the question. These tables can be used as quick reference guides to the legal principles and processes that are explored in greater depth in the discussion sections that follow.

# Executive Summary to the Analysis

This executive summary introduces each section of the Analysis with a short explanation of the relevant legal themes and gives readers a picture of the overall analysis.

## 1. General Underlying Principles

In this section, we discuss legal principles that are foundational or animating. These principles help inform the interpretation and application of other principles in the analysis. These principles can be thought of as meta-principles that help people understand and evaluate how the more specific points of Secwépemc law that are discussed in the other sections of the analysis are applied.

Six principles are introduced as general underlying principles. First, the stories and community witnesses tell us that humans are able to influence the environment – both to more safely or productively use natural resources and to harm or destroy the gifts that the land provides. Second, law has existed as a guiding force in Secwépemc society throughout the many thousands of years of its history. But as society changes, so too can laws change to best reflect and support the needs of Secwépemc people and Secwépemcúécw. Third, while Secwépemc legal principles can be learned and applied in English, Secwépemcúécw provides a richer context for understanding what these laws most deeply mean. Fourth, Secwépemc law accepts that people have the freedom to make their own choices – whether good or bad. Fifth, relations of respect, both between people or nations and between people and the land, create the clearest pathways for learning about and living Secwépemc law. Finally, the land always presents challenges and dangers, which humans can often manage, but which never completely disappear.

## 2. Legal Processes

This section explores Secwépemc legal protocols, practices, procedures and decision makers. These are the guides and guideposts that serve to help people decide how to balance their relationships, responsibilities and rights in a principled and legitimate way with regard to three core areas of the law's application: the land and resources, other territorial groups, and within home communities.

Four sections structure this part of the analysis. First, we look at how people in the Secwépemc legal tradition show respect for territories or areas of knowledge that are not their own. We learn the importance of recognizing the legal authority of groups to govern themselves, and how to mutually honour the distinctiveness and integrity of different groups' laws. This can be expressed in various ways, depending on the context. Protocols involving gifts, ceremonies, and feasts are often used to acknowledge, establish, and maintain respectful relations. Existing agreements, such as the Fish Lake Accord, provide ongoing teachings for how to build and sustain relations of respect on the land, with the land and between peoples.<sup>15</sup>

Second, we explore legal protocols and practices regarding how Secwépemcúécw's natural resources are respectfully harvested. Community witnesses tell us that gratitude is an essential practice here, and can be expressed in offerings, prayers, and simple expressions from the heart. Specific practices or ceremonies are also connected to specific sites or ways of using the land. The practice of sweat-bathing is reflected, in both stories and interviews, as a particularly powerful method of gaining strength, focus, and success, both in harvesting and for overall well-being. Finally, we learn that carefully observing the environment, and training to develop knowledge and skills, are important methods for learning and applying legal principles that respectfully sustain one's self, one's community, and the land.

Third, we explore the ways people resolve conflicts and reach agreements respecting lands and resources. A number of steps are identified, which may be emphasized differently according to the situation. We learn that community consultation is a core feature of decision-making, in which people affected by a problem or decision are given an opportunity to contribute their voices. Families can provide representatives in such deliberations, so that leaders or elites are not acting in isolation when making decisions on behalf of the community. In other cases, the broader community is actively involved in the process. Through this community-based work, specific tasks or actions can be given to individuals according to their abilities. When working through issues with another group or community, it is important that groups sincerely voice and understand each other's interests to best resolve disputes and develop good foundations for ongoing relations. Secwépemc law recognizes, however, that there may be times of extreme need or danger when communities must act to protect their interests against the wishes or actions of others. Finally,

<sup>15</sup> *The Fish Lake Accord*, supra note 7 at 1-2.

some stories indicate that, when faced with challenges that simply can't be solved by human action, trust and patience may be helpful. With time, observing the land's ways can lead to resolutions we cannot reach on our own.

Fourth, this section explores who, in the Secwépemc legal tradition, may make authoritative decisions, and the contexts within which these decisions may be made. Four groups are identified as holding decision-making authority in regards to land and resources. At the most basic or local level, individuals and families control the use of personally-harvested or developed resources, including what is necessary for personal safety and well-being. At the broader level, communities control the use of resources that are communally harvested, and the land and resources necessary for community health. Two holders of authority help guide and inform the decisions that are made at both these levels, between levels, and among groups. Elders guide responsible decision-making, help people grow into their own roles, and provide advice and guidance when conflicts develop within communities. And leaders (Kuku'kwpi7) use their authority, when required, to coordinate conflict avoidance and resolution, as well as to lead their people in inter-community negotiations and disputes over land and resource use.

### 3. Relationships, Responsibilities and Rights

This part of the summary explores the interconnections between people, land, and resources, with a focus on how these connections can be understood as legal relationships, with accompanying responsibilities and rights. We assume decisions relating to lands and resources require a balancing of the relationships, responsibilities and rights people have with and to the land, other territories and their own communities.

Beginning with the relationships people in the Secwépemc legal tradition have with land (including animals, plants, water, and specific places), we learn first that the Secwépemc's concept of qwenqwént, which refers to humility and human dependency, is key to understanding legal principles and practices of respectful relations. Stories and community witnesses also teach of interconnection within an environment that sustains human and non-human beings alike. This fact underlies all laws about respecting the integrity and well-being of Secwépemc's resources and non-human beings. It also informs an understanding that the land, Secwépemc itself, effects the law's creation, application, and authority.

A relationship with the land characterized by the concepts of qwenqwént and interconnection develops legal responsibilities that sustain such relations. People in the Secwépemc legal tradition are expected to learn from the land, and teach others about the land, in order to best understand Secwépemc's laws. From this knowledge comes a responsibility to follow or apply these laws in daily life. One important expression of law in regard to land and resource use is that people should not seek to obtain more or other resources if there is no genuine need. People also have a responsibility to protect the land and make sure that non-human beings are able to sustain themselves and future generations through healthy seasonal and reproductive rhythms.

Secwépemc law understands that legal responsibilities are designed to nurture and protect the rights the land and all its beings share. These rights are, in essence, reflections of the responsibilities introduced above – the right not to be over-harvested, for example, or the right to protection and self-sustainability.

Turning to the legal principles informing relationships, responsibilities, and rights with other territorial groups, Secwépemc law asserts other groups must be recognized as self-governing entities. Within this recognition, however, is an awareness that groups (especially those with overlapping or adjoining territories) are interdependent; the actions of each will impact the lives and choices of others. Territorial groups, therefore, have responsibilities to maintain relations of mutual benefit and respect, including communicating and listening to each other's laws, interests, and needs. Guests and hosts have different obligations in this regard. Resources should be shared when requests are properly made, and also when a need or inequality arises. These responsibilities are mirrored in the rights Secwépemc law grants to guests and other territorial groups, including the right of well-meaning outsiders to be protected while in Secwépemc, and the right of outside groups to have access to the resources they need, provided they make appropriate requests and otherwise observe Secwépemc law.

The final area of this section explores is the community itself. Respectful relationships within the community, in the context of sharing and using the land and its resources, depend on mutual assistance. Key relationships identified here include relationships between family members, relationships between leaders and their people, and relationships between those who are capable and those who are vulnerable. These sets of relationships may overlap and change over time and in different situations, but each informs the responsibilities and rights that connect all members of a community. Responsibilities identified in stories and interviews include helping to care for and contribute to community well-being, sharing resources with those who ask or who are in need, caring for one's belongings and not taking what does not belong to you, teaching others about the law and helping them cultivate their own skills and knowledge, and using one's gifts of knowledge, skill and power to benefit the community and not harm it. These responsibilities are equally reflected in people's rights as community members in the Secwépemc legal tradition. In this understanding, all Secwépemc have the right to access resources (whether directly or through the aid of others), and all people have the right to have their basic needs met (even if they may not be fulfilling their own responsibilities at the time).

#### 4. Consequences, Enforcement and Teaching

In the final section of the analysis we explore the ways in which all legal principles are upheld or reinforced. We learn, first, that Secwépemc laws are supported by the concept of natural and spiritual consequences, in which conduct that upholds legal principles has beneficial results and conduct that violates legal principles leads to loss, suffering, or harm. We identify several legal features of these consequences in the stories and interviews. First, consequences tend to be proportional to the conduct: both the type and the degree of harm, for instance, will usually match the conduct that violates the law. Second, we learn that positive legal conduct creates both inner and outer abundance: one feels better about one's harvest, for example, and one's harvest itself will likely be better. Third, deprivation, or not getting what one needs or wants, is explored as a common negative consequence of legal violations. Importantly, deprivation may affect not only the person or group that violates a legal principle, but others instead or as well. Fourth, we see that people may injure themselves or even others (particularly the vulnerable) if they disregard the legal responsibilities or principles that apply in a given situation.

Secwépemc law also expresses tools and teachings for its enforcement by humans. Here, as well, proportionality is a key concept. When communities respond to wrongdoing, they must carefully assess the harm that has been caused, and craft resolutions that do not too severely (or too leniently) punish those who have caused the harm. Enforcement methods must, crucially, respect people's inherent dignity, and must also help teach both wrongdoers and others how to act in better ways so that harms are not repeated. Two important, and non-punitive, means of enforcing Secwépemc law are simply by telling people about it using stories, and by letting natural consequences take their course. Community pressure is also shown as effective at encouraging people to make responsible choices concerning the use of collectively-valued land and resources. Finally, in extreme cases, communities may choose to withdraw resources or support from those who persist in violating legal principles.

The analysis concludes with an exploration of how legal teaching, training and practice are essential to maintaining, understanding and sharing Secwépemc legal principles within and between communities, as well as across generations. We see how community members teach others about the law and how to cultivate their own knowledge, skills and roles. Witnesses also share how they practice Secwépemc legal principles on a daily basis, and the benefits these practices bring to their lives. Finally, stories themselves are identified as living teachings that must be shared and passed on for the Secwépemc legal tradition to sustain individuals and communities into the future.

## 1. General Underlying Principles

What underlying or recurrent themes emerge in the stories and interviews that are important to understanding more specific points of law?

General Restatements of Law	
i.	<b>Humans Influence and are Influenced by Environmental Change:</b> The proposition that the natural world is in constant flux, in which humans are influenced and influential members (for both better and worse): <i>Coyote and his Son, Origin of the Chilcotin Canyon, The Liberation of the Chinook Wind, Origin of the Chilcotin Canyon, The War with the Sky People, The Fishes and the Cannibal, Story of Coyote and the Swans, Splatsín Interview #3: Shirley Bird, Splatsín Interview #3: Julianna Alexander, Splatsín Interview #3: Randy Williams, SNTC Interview #4: Paul Michel.</i>
ii.	<b>Secwépemc Law Evolves and is Integrated with Secwépemc History:</b> The proposition that law is embedded in and has evolved through thousands of years of learning: <i>Splatsín Interview #3: Julianna Alexander, Splatsín Interview #8: Julianna Alexander, Adams Lake Interview #2: Anne Michel.</i>
iii.	<b>Secwépemc Language Is Important to Understanding Secwépemc Law:</b> The proposition that Secwépemc provides a richer understanding and transmission of law: <i>Story of Porcupine, Simpcw Interview #5: Nathan Matthew, SNTC Interview #4: Paul Michel, Splatsín Interview #3: Julianna Alexander, Skeetchestn Interview #6: Ron Ignace.</i>
iv.	<b>Individual Agency:</b> The proposition that although individuals understand the importance of the collective as fundamental in Secwépemc society, individuals can act independently and make their own free choices in the Secwépemc legal tradition: <i>Adams Lake Interview #7, TlEē'sa and his Brothers, Wolf and Wolverine, Old-One and the Brothers, The Fishes and the Cannibal, Coyote and his Hosts, Coyote and Fox, Story of Coyote and the Swans, Coyote and the Black Bears, Origin of the Chilcotin Canyon, Coyote and Holxoli'p, Story of Tcotcu'lca, Story of the Salmon-Boy, Story of Hu'pken, Story of Grasshopper.</i>
v.	<b>Respect:</b> The proposition that respect underlies all relationships among people and between people and the environment: <i>Splatsín interview #3: Randy Williams.</i>
vi.	<b>Natural Forces Can Be Dangerous:</b> The proposition that dangers and challenges of natural forces are ever-present: <i>Bush-Tailed Rat, Story of Famine, The Fishes and the Cannibal, The Liberation of the Chinook Wind, TlEē'sa and his Brothers.</i>

## Discussion:

### i. Humans Influence, and are Influenced by, Environmental Change:

**The proposition that the natural world is in constant flux, in which humans are influenced and influential members (for both better and worse).**

The proposition that humans affect and are affected by environmental change, for better or for worse, emerges in both the stories and the interviews. Many witnesses express this principle in the context of their concern about what humans have done to the earth, its animals and its resources. As Shirley Bird says:

*You look at it now; everything is dying. Our trees aren't healthy. That's what helps provide our oxygen. You look at the poor ants on the ground, the ground isn't healthy, neither is our rocks. You look at the highway - why do we need it? There's so much chemicals on the ground - why don't they learn to leave it alone? They mix it, they mix it, why? To make it worse. I understand now what my mother talked about, why do they destroy their mother? Why do they hurt her? They don't understand. Is it just because they are so greedy? Do they not understand what pain is all about? Do they not understand what it is about a life cycle? Do they not understand anything at all? So she prays one day maybe people will find it in their hearts to come together, like you say unity, when will that ever come about when we can work together to understand how to help our mother.<sup>16</sup>*

Shirley's comments join those of many other witnesses expressing their concerns about humans' negative impact on the earth. Julianna Alexander specifically raises concerns about human activities, such as hydroelectric damming and logging, and the impact of those activities on the ability of the earth to sustain itself:

*We can't live without the water. That's the biggest problem I am having right now is [to] protect the water right now. It's being limited because of the bad use, they are taking too many trees out, too many. They're killing too many plants, too many animals... And if you take away the water there's no worm, there's no ant, there's no beetle, there's no place for insects... The swamps purify the water and if you mess around with the swamps, [you mess around with] the jobs of different plants in there and bugs in there and everything that could purify the water and gives oxygen.*

...

*[I]t's our responsibility to make sure those things aren't getting damaged and it's not happening. We're trying to tell these hydro people no more dams, no more logging where sensitive habitat is... You know, you're putting trees up there that aren't worth anything. Because it takes 100 years for a tree to be 100 years old, but they're putting trees in there – they are ready what in... five years, ten years even and then you cut them down again. They don't give the trees a chance to give oxygen.<sup>17</sup>*

Witnesses also speak about how land management practices have shifted over time and how this has impacted the environment. Randy Williams talks about this in the context of controlled burning:

*I know that there was burning, burning that was done. Controlled burns. Because after that everything became stronger and more in abundance and that... And now the non-natives in the different forestries are just starting to realize that we got so much bugs and disease because we are not managing our lands properly so they are going to start working with us to try to do that, but this year won't be a good year because it's dry. So dry...yeah, hard to control.<sup>18</sup>*

His words underscore the importance of retaining not just the knowledge about land management techniques, but how to use it properly and responsibly.

The ability of humans to alter the environment is also reflected in stories. For example, Coyote, in *Coyote and His Son*, uses magic to transform the environment for his benefit. Out of jealousy and greed, he causes a cliff to grow high and changes the smoothness of its rocks, in order to trap his son at the top. However, the same story shows that people can correct human impacts on the earth. Later, Rat and Mouse hear Coyote's son on the cliff and

<sup>16</sup> Interview of Splantsin Community Member Shirley Bird by Kirsty Broadhead and Adrienne MacMillan (08 July 2015) Splantsin, British Columbia at 2 [Splantsin Interview #3: Shirley Bird].

<sup>17</sup> Interview of Splantsin Community Member Julianna Alexander by Kirsty Broadhead and Adrienne MacMillan (08 July 2015) Splantsin, British Columbia at 12 [Splantsin Interview #3: Julianna Alexander].

<sup>18</sup> Interview of Splantsin Community Member Randy Williams by Kirsty Broadhead and Adrienne MacMillan (08 July 2015) Splantsin, British Columbia at 24 [Splantsin Interview #3: Randy Williams].

resolve to help him by returning the cliff to its original height and shape through their songs.<sup>19</sup> From these accounts, we can infer that humans not only have the power to change the environment, but also undo harmful changes.

Some stories plainly speak of how human action can change the land. Most dramatically, Paul Michel tells a story of how a fight between two brothers (who, for Paul, represent the geological, biological, and physical forces of the environment) impacted where rattlesnakes live in Secwépemcúlcw:

*[T]here's a story about why Chase doesn't have rattlesnakes, but Kamloops area has rattlesnakes. It was brothers were fighting and then they threw it, right. There's a marker between Chase and Tk'emlúps and [the brothers] threw the snakes this way to Kamloops and this way there is no snakes...*<sup>20</sup>

Humans also influence, and are influenced by, changes in the climate. In *Liberation of the Chinook Wind*, Fox and Hare, by stealing the warmth from the Heat People, thereby bringing warm weather to all people, who previously suffered in the cold. The same story reminds us, however, that changes to the earth carry with them new and unforeseen dangers. In this case, the warmth brings with it the risk of forest fires.<sup>21</sup>

Two stories talk about humans building structures to impact the land and its inhabitants. In the *Origin of the Chilcotin Canyon*, Coyote places a dam or rock across the river in order to prevent salmon from ascending the mouth of the canyon and reaching the Secwépemc.<sup>22</sup> Today, salmon can now climb the steep falls, but this is only because of erosion and the passage of time. In *The War with the Sky People*, people collectively build a ladder from the earth to the sky, enabling them to attack the Sky People.<sup>23</sup>

Finally, some stories talk about how special knowledge allows some people to impact the land, resources and non-human beings. Knowledge serves to help in *The Fishes and the Cannibal*, as Sturgeon learns how to open and shut rock and counteract the cold in order to defeat a cannibal that has killed many people.<sup>24</sup> Knowledge is used inappropriately by Coyote in *Story of Coyote and the Swans*. He sings and dances to cause swans to lose their ability to fly, allowing him to capture them more easily.<sup>25</sup>

## ii. Secwépemc Law Evolves and is Integrated with Secwépemc History:

### The proposition that law is embedded in and has evolved through thousands of years of learning.

Secwépemc society has engaged in the creation and practice of law throughout the many thousands of years of Secwépemc history, and the law has evolved through that practice. The legal principles and processes upon which Secwépemc law grows remain, even as new human problems emerge. Julianna Alexander articulates the consistent, ongoing practice of Secwépemc law and its centrality to Secwépemc identity:

*We need to live with the law in order for us to make it... We need it for our everyday concepts and practice because it gives love, it gives us our traditional culture and language...it gives spirituality, it gives our history, it gives us our experience, it gives us who we really are. And that's my identity because that's really who I am. I can't get away from it.*<sup>26</sup>

19 *Coyote and his Son* in James Teit, "The Shuswap," ed. Franz Boas *The Jesup North Pacific Expedition: Memoir of the American Museum of Natural History* (Leiden: EJ Brill/ New York: GE Stechert 1909), Vol II, Part VII at 622-623 [*Coyote and his Son*].

20 *SNTC Interview #4: Paul Michel*, supra note 12 at 31-32. Paul clarified his understanding of this story in conversation with ILRU researcher Simon Owen, April 29, 2016, in Victoria.

21 *Liberation of the Chinook Wind* in James Teit, "The Shuswap," ed. Franz Boas *The Jesup North Pacific Expedition: Memoir of the American Museum of Natural History* (Leiden: EJ Brill/ New York: GE Stechert 1909), Vol II, Part VII at 624 [*Liberation of the Chinook Wind*].

22 *Origin of the Chilcotin Canyon* in James Teit, "The Shuswap," ed. Franz Boas *The Jesup North Pacific Expedition: Memoir of the American Museum of Natural History* (Leiden: EJ Brill/ New York: GE Stechert 1909), Vol II, Part VII at 642 [*Origin of the Chilcotin Canyon*].

23 *The War with the Sky People* in James Teit, "The Shuswap," ed. Franz Boas *The Jesup North Pacific Expedition: Memoir of the American Museum of Natural History* (Leiden: EJ Brill/ New York: GE Stechert 1909), Vol II, Part VII at 749 [*The War with the Sky People*].

24 *The Fishes and the Cannibal* in James Teit, "The Shuswap," ed. Franz Boas *The Jesup North Pacific Expedition: Memoir of the American Museum of Natural History* Vol II, Part VII (Leiden: EJ Brill/New York: GE Stechert, 1909) at 670-671 [*The Fishes and the Cannibal*].

25 *Story of Coyote and the Swans* in James Teit, "The Shuswap," ed. Franz Boas *The Jesup North Pacific Expedition: Memoir of the American Museum of Natural History* Vol II, Part VII (Leiden: EJ Brill/New York: GE Stechert, 1909) at 638 [*Story of Coyote and the Swans*].

26 *Splatsin Interview #3*: Julianna Alexander, supra note 17 at 19.

Julianna expands on the depth and history of law in Secwépemc life in our second interview with her:

*It all has its spiritual entities and values and how you respect it and how it fits in with us - and the animals. You know, it all has its place and it all has its law and it all has reason for it and they're all connected right from the land, the water, the animals, the air, up to the humans...*

*And I guess that biggest one is called "intrinsic"- you know what that means? It just means belonging to the central nature of our family...we inherit a lot of what you know through other ancestors...hundreds and hundreds of years ago. That's why we're still here, we still practice daily all the teachings and... we do baths, ceremonial, ritual bathing, most of us... simply because of all these things we know, we say... to children when we're rearing them, "don't do this, don't do that."<sup>27</sup>*

Secwépemc law has endured notwithstanding the colonial experience, which attempted to break down Secwépemc society and law:

*[Y]ou know, we lived according to our concepts and our law and our oral history and our culture and our experiences. Even though that we've had some interferences like...child welfare, or adoptions or residential [schools]. But we went out of our way to heal. So, you know, we didn't lose that training, we just misplaced it for while [because] we didn't practice. But now we are. We've done a lot, like we are practicing more...for our way here it's winter dancing and we are re-learning the ceremony.<sup>28</sup>*

Anne Michel also talks about how the Secwépemc use "white man" ways to deal with things, however, this does not mean Secwépemc ways are not used.<sup>29</sup>

Secwépemc law is and always has been dynamic. Legal practices evolve and develop through time as Secwépemc people respond to and integrate new circumstances. As Julianna Alexander says with respect to how laws have been developed:

*[W]hat works, we keep - what doesn't, they don't. And they change according to the changes, I guess - might be different ways to deal with theft now than when they did long ago by implementing new and old laws.<sup>30</sup>*

### iii. Secwépemc Language Is Important for Understanding Secwépemc Law:

#### The proposition that Secwépemctsín provides a richer understanding and transmission of law.

Although the stories and histories used in this casebook, and even the voices of the witnesses, are conveyed in English, some witnesses talk about how Secwépemc law is more deeply expressed in Secwépemctsín. As Nathan Matthew explains, "in the language... you'd get a very rich understanding about the boundaries of behaviour that are required for a good Secwépemc life."<sup>31</sup> He recounts something his father said to him during a project on language development:

*[M]y father said, "you know, Nathan, there's so many things about our world we can explain better in Secwépemctsín than in English. So when you translate it, in some cases you lose the whole essence of what you're trying to talk about. You lose, in just a straight translation of words... the whole idea or understanding of words in Secwépemctsín."<sup>32</sup>*

27 *Interview of Splatsín Community Member Julianna Alexander* by Kirsty Broadhead and Adrienne MacMillan (29 July 2015) Splatsín, British Columbia at 19-20 [*Splatsín Interview #8: Julianna Alexander*].

28 *Splatsín Interview #3: Julianna Alexander*, supra note 17 at 15.

29 *Interview of Adams Lake Community Member Anne Michel* by Kirsty Broadhead and Adrienne MacMillan (07 July 2015) Adams Lake, British Columbia at 21 [*Adams Lake Interview #2: Anne Michel*].

30 *Splatsín Interview #8: Julianna Alexander*, supra note 27 at 20.

31 *Interview of Simpcw Community Member Nathan Matthew* by Kirsty Broadhead and Adrienne MacMillan (10 July 2015) Simpcw, British Columbia at 10 [*Simpcw Interview #5: Nathan Matthew*].

32 *Ibid* at 3.

By way of example, in *Story of Porcupine*, the two peoples are described as enemies in the English translation.<sup>33</sup> Paul Michel raises issues with this limited expression of what is actually occurring in the story:

*Now, they were, kind of, separated from each other, but they weren't necessarily enemies. But that's where he got "well why would they be separated, why wouldn't they talk?" so he put the English word "enemies" in. And then he believed that the troubles all arose from "ignorance"- but really not. It's similar, but it's not ignorance, so that he just used an English word. And then at the end it goes "the methods of one party..." well it would be the philosophy, right. It's a really profound philosophy, not methods. But that's an English word. There are English words and thoughts because he didn't have, necessarily, the grasp because he was coming from the English language.<sup>34</sup>*

Other witnesses offer examples of how the structure of Secwépemctsin can express legal principles that are hidden in translation. For Julianna Alexander,

*"our language is really direct it doesn't hide anything... it's just got so much honesty in it."<sup>35</sup>*

Dr. Ron Ignace discusses Secwépemctsin's capacity to convey the essence of humility and respect:

*[I]n our language, if I were to speak about myself to you, I have to speak in the diminutive – I have to make myself humble, small... the language won't allow me to do it differently – it's like a law embedded in the language. But if I speak about you, I have to speak about you, high praise and lift you up, ok? That's why language is important.<sup>36</sup>*

These examples also illustrate that thoughtful translation is important when conveying complex Secwépemc concepts in English. This is particularly relevant for transmitting Secwépemc law to the youth who may not speak Secwépemctsin. While language revitalization is happening, the kind of careful and thoughtful translation these witnesses demonstrate can ensure Secwépemc laws are accessible and understandable. In doing so, these witnesses are acting upon Secwépemc legal principles outlined below, including the responsibility of those more capable within a community to help those in need, and teaching others in order to pass on and uphold Secwépemc laws.

#### **iv. Individual Agency: The proposition that although individuals understand the importance of the collective as fundamental in Secwépemc society, individuals have the ability to act independently and make their own free choices in the Secwépemc legal tradition.**

Although responsibilities to one's community is a value embedded in both Secwépemc law and society, individual agency is a recurrent theme in the stories. For example, in *TIEē'sa and his Brothers*, TIEē'sa defeats and transforms evil beings he encounters using his unique strengths, even when his brothers caution him against acting.<sup>37</sup> In *Wolf and Wolverine*, neither animal decides to share his harvest with the other, depriving the other of needed food.<sup>38</sup> *Old-One and the Brothers* speaks to the agency of the four brothers with respect to sharing a harvest: only the last of the brothers decides to share with Old-One when he asks for food and tells each brother he is hungry.<sup>39</sup> In *The Fishes and the Cannibal*, a cannibal uses magic to capture and kill people so Sturgeon's brother decides to act alone to stop him, and is killed by the cannibal in his efforts.<sup>40</sup> *Coyote and his Hosts*,<sup>41</sup> *Coyote and Fox*,<sup>42</sup> *Story of Coyote and the Swans*,<sup>43</sup> *Coyote and the Black Bears*,<sup>44</sup> *Origin of the Chilcotin Canyon*,<sup>45</sup> *Coyote*

33 *Story of Porcupine* in James Teit, "The Shuswap" in Franz Boaz, ed. *The Jesup North Pacific Expedition: Memoir of the American Museum of Natural History* Vol II, Part VII (Leiden: EJ Brill/New York: GE Stechert, 1909) at 658-659 [*Story of Porcupine*]

34 *SNTC Interview #4: Paul Michel*, supra note 12 at 8.

35 *Splatsin Interview #3: Julianna Alexander*, supra note 17 at 7.

36 *Interview of Skeetchestn Community Member Dr. Ron Ignace* by Kirsty Broadhead and Adrienne MacMillan (27 July 2015) Skeetchestn, British Columbia at 21 [*Skeetchestn Interview #6: Ron Ignace*].

37 *TIEē'sa and his Brothers* in James Teit, "The Shuswap" in Franz Boaz, ed. *The Jesup North Pacific Expedition: Memoir of the American Museum of Natural History* Vol II, Part VII (Leiden: EJ Brill/New York: GE Stechert, 1909) at 644-651 [*TIEē'sa and his Brothers*].

38 *Wolf and Wolverine* in James Teit, "The Shuswap" in Franz Boaz, ed. *The Jesup North Pacific Expedition: Memoir of the American Museum of Natural History* Vol II, Part VII (Leiden: EJ Brill/New York: GE Stechert, 1909) at 671-672 [*Wolf and Wolverine*].

39 *Old-One and the Brothers* in James Teit, "The Shuswap" in Franz Boaz, ed. *The Jesup North Pacific Expedition: Memoir of the American Museum of Natural History* Vol II, Part VII (Leiden: EJ Brill/New York: GE Stechert, 1909) at 643 [*Old-One and the Brothers*].

40 *The Fishes and the Cannibal*, supra note 24 at 670-671.

41 *Coyote and His Hosts* in James Teit, "The Shuswap" in Franz Boaz, ed. *The Jesup North Pacific Expedition: Memoir of the American Museum of Natural History* Vol II, Part VII (Leiden: EJ Brill/New York: GE Stechert, 1909) at 627-630 [*Coyote and His Hosts*].

42 *Coyote and Fox* in James Teit, "The Shuswap" in Franz Boaz, ed. *The Jesup North Pacific Expedition: Memoir of the American Museum of Natural History* Vol II, Part VII (Leiden: EJ Brill/New York: GE Stechert, 1909) at 633 [*Coyote and Fox*].

43 *Story of Coyote and the Swans*, supra note 25 at 638.

44 *Coyote and the Black Bears* in James Teit, "The Shuswap" in Franz Boaz, ed. *The Jesup North Pacific Expedition: Memoir of the American Museum of Natural History* Vol II, Part VII (Leiden: EJ Brill/New York: GE Stechert, 1909) at 638 [*Coyote and the Black Bears*].

45 *Origin of the Chilcotin Canyon*, supra note 22 at 642.

and *Holxoi'p*<sup>46</sup> and *Story of Tcotcu'lca*<sup>47</sup> all involve Coyote making independent decisions that have consequences for him and his community. We see independent decisions involving the sharing of harvests as well, in *Story of the Salmon-Boy*,<sup>48</sup> *Story of Hu'pken*<sup>49</sup> and *Story of Tcotcu'lca*.<sup>50</sup>

Witnesses also speak to individual responsibility for the consequences of individual choices. For example, in *Story of Grasshopper*, Grasshopper refuses to help during the salmon harvest, deciding to play instead.<sup>51</sup> When Grasshopper is hungry later in the story, the community refuses to share with him.

**v. Respect: The proposition that respect underlies all relationships and interactions among people and between people and the environment.**

Respect routinely emerges as a theme for many of the witnesses. Whether it is learning about or living out the law, respect emerged as central to the understanding of legal relationships between people and other groups, their communities and the land. For example, Randy Williams talks about the significance of water as follows:

*Ceremonies went with water because water was scared spirit. And creation. And the giver of all life and it was the spirit of humble and cleansing. Because the water can go through rock you can see through the Grand Canyon and everything like that through earth and anything. But yet it crawls on its belly, humbles itself below all things and yet it's a cleansing spirit. So, it was always taught with respectful way[s].*<sup>52</sup>

The aspiration of speaking, teaching and acting in respectful ways is undoubtedly foundational. However, how to determine what is respectful or how to enforce a law of respect is not easy without specific focus on how respect is acted on in different contexts, for example in harvesting certain resources, using the land or negotiating with a neighbour. For this reason, we recognize respect as an underlying or animating principle that infuses all of the legal principles and practices we discuss in this analysis.

**vi. Natural Forces Can Be Dangerous:**

**The proposition that the dangers and challenges of natural forces are ever-present.**

One message conveyed in many of the stories is that while dangers relating to the land or resources can be diminished through concerted community or individual effort, they are not likely to entirely disappear. In *The Story of the Bush-Tailed Rat*, for example, thefts still continue after the culprit is detected, but they are less disruptive to people's well-being.<sup>53</sup> Similarly, the danger of scarcity in the *Story of Famine* remains a threat in specific situations, and the mysterious power of a spirit in *The Fishes and the Cannibal* retains some of its strength even after the cannibal is defeated.<sup>54</sup> Likewise, the cold, in *Liberation of the Chinook Wind*, continues to make its seasonal presence known, and the warmth, although welcomed, arrives with the added danger of occasional wildfires.<sup>55</sup> Finally, the grizzly bear, transformed by Tlĕĕ'sa in *Tlĕĕ'sa and his Brothers*, still has the power to kill, but only if people act foolishly towards it.<sup>56</sup> There is, as shown in stories such as these, an awareness embedded in the Secwépmc legal tradition that natural forces must always be respected, and their challenges never dismissed or taken for granted.

46 *Coyote and Holxoli'p* in James Teit, *Traditions of the Thompson River Indians of British Columbia* (Cambridge, Massachusetts: Riverside Press, 1898) at 632.

47 *Story of Tcotcu'lca* in James Teit, "The Shuswap" in Franz Boaz, ed. *The Jesup North Pacific Expedition: Memoir of the American Museum of Natural History* Vol II, Part VII (Leiden: EJ Brill/New York: GE Stechert, 1909) at 718-720 [*Story of Tcotcu'lca*].

48 *Story of the Salmon-Boy* in James Teit, "The Shuswap" in Franz Boaz, ed. *The Jesup North Pacific Expedition: Memoir of the American Museum of Natural History* Vol II, Part VII (Leiden: EJ Brill/New York: GE Stechert, 1909) at 690 [*Story of the Salmon-Boy*].

49 *Story of Hu'pken* in James Teit, "The Shuswap" in Franz Boaz, ed. *The Jesup North Pacific Expedition: Memoir of the American Museum of Natural History* Vol II, Part VII (Leiden: EJ Brill/New York: GE Stechert, 1909) at 710-711 [*Story of Hu'pken*].

50 *Story of Tcotcu'lca*, *supra* note 47 at 718-720.

51 *Story of Grasshopper* in James Teit, "The Shuswap" in Franz Boaz, ed. *The Jesup North Pacific Expedition: Memoir of the American Museum of Natural History* Vol II, Part VII (Leiden: EJ Brill/New York: GE Stechert, 1909) at 655 [*Story of Grasshopper*].

52 *Splatsin interview #3: Randy Williams*, *supra* note 18 at 28.

53 "The Story of the Bush Tailed Rat [NkamtcinEmux]" in James Teit *Traditions of the Thompson River Indians of British Columbia* (Cambridge, Mass: Riverside Press, 1898) at 46 ["The Story of the Bush Tailed Rat"].

54 *The Fishes and the Cannibal*, *supra* note 24 at 670-671.

55 *Liberation of the Chinook Wind*, *supra* note 21 at 624.

56 *Tlĕĕ'sa and his Brothers*, *supra* note 37 at 644-651.

## 2. Legal Processes

### a. Territorial Protocols and Practices

How do people demonstrate respect for each other's territories?

General Restatements of Law	
<b>i. Recognizing Authority and Integrity:</b>	Acknowledging other people's authority and not pretending to know their laws or practices recognizes them as self-governing within their own territories: <i>Story of Porcupine, Coyote and his Hosts, Coyote and Holxoli'p, SNTC Interview #4: Paul Michel, Adams Lake Interview #2: Anne Michel, Skeetchestn Interview #6: Garlene Dodson.</i>
<b>ii. Gifts, Ceremony and Feasts: Gifts, ceremonies and feasting publicly acknowledge and establish or maintain relationships of respect:</b>	<i>Story of Porcupine, Simpcw Interview #5: Pat Matthew, Simpcw Interview #10: Pat Matthew, Adams Lake Interview #2: Ronnie Jules.</i>
<b>iii. Following Existing Agreements:</b>	Territories are respected when groups follow existing agreements outlining their understandings about how the land and resources should be shared: <i>Fish Lake Accord.</i>

#### Discussion:

#### **i. Recognizing Authority and Integrity: Acknowledging other people's authority and not pretending to know their laws and practices recognizes them as self-governing within their own territories.**

Demonstrating respect for neighbouring groups is directly tied to acknowledging them as self-governing communities with authority over their own laws and practices. We draw this principle directly from *Story of Porcupine*, which tells the story of how two peoples recognize each other's authority and integrity in their efforts to resolve a conflict.<sup>57</sup> In this story, as it is translated in English, two groups have been enemies for a long time and interfere with each other's ability to make a living. Paul Michel notes the Secwépemctsin version of the story says the two have different philosophies and that they are not enemies, but rather simply separated.<sup>58</sup> In either instance, the two groups are negatively influencing each other, either out of ignorance or because of those different philosophies.

According to the English version of this story, Swan, chief of one of the peoples, believes their troubles arise from mutual ignorance and wants to address the conflict so they can all live without continual interference. Swan formally invites Elk and his people to come to his territory, and feasts them when they arrive. The feast is a public ceremony that recognizes and establishes public memory of the meeting taking place between the two peoples.

Following the feast, Swan and all his people kneel before Elk and Swan gives Elk all of his knowledge and advice. Then Elk and his people kneel before Swan and Elk gives Swan all his ideas and knowledge. This brings an end to the conflict and provides for an easier and happier life for all.

According to Anne Michel, the English translation of kneel or bow in *Story of Porcupine* during the interviews may not adequately capture what happens during the meeting of the two peoples. She notes

*"...body language is very important in our ways... I'm thinking of more acknowledging is what I saw [in the story]... bowed down is such an English word...it's [about] recognition."<sup>59</sup>*

<sup>57</sup> *Story of Porcupine*, *supra* note 33 at 671-672.

<sup>58</sup> *SNTC Interview #4: Paul Michel*, *supra* note 12 at 8. Paul Michel clarified his understanding of this story in conversation with ILRU researcher Simon Owen on April 29, 2016 in Victoria, saying that this separation could have been consensual, in recognition of the potential that their respective powers or ways of life could cause friction, and thus they agreed to maintain separate areas.

<sup>59</sup> *Adams Lake Interview #2: Anne Michel*, *supra* note 29 at 24.

In other word, the literal translation does not reflect that the meeting is about recognizing each other's authority and integrity, and communicating and sharing their knowledge and interests.

Remaining deferential to knowledge, laws and practices during visits with hosts is key in Garlene Dodson's reflections of the same story. She discusses the importance of being quiet and listening when invited to a community, even within Secwépemcúíecw:

*[E]ven though we're all Secwépemc and you see our territory... people here from Skeetchestn go to Tk'emlúps... we used to be invited to go to...the meetings there. But when we did we would sit back and listen.<sup>60</sup>*

In other words, people should not impose on their hosts' generosity by assuming knowledge or imposing their ways on them. We infer similar practices would likely occur in meetings with groups outside of Secwépemcúíecw as well.

The importance of recognizing the authority and integrity behind other people's practices rather than merely imitating these practices is discussed in *Coyote and his Hosts*. In that story, Coyote visits Fat-Man, Fish-Oil-Man, Beaver-Man, and Kingfisher-Man in their homes. During each visit, Coyote benefits when they share their knowledge with him, but then he attempts to copy their practices. Coyote is ultimately injured and mocked for attempting to imitate them each time.<sup>61</sup> Similarly, Coyote loses his eyes to Raven when he tries to juggle his eyes like Holxoli'p in *Coyote and Holxoli'p*. As Coyote recognizes, too late, "what a fool I was to attempt doing a thing I knew nothing about!"<sup>62</sup> Highlighting his foolishness reinforces the importance of respecting the integrity of others' laws and practices and the need to actively listen and learn what underlies them prior to assuming competence.

## ii. Gifts, Ceremony and Feasts:

### Gifts, ceremonies and feasting publicly acknowledge and establish or maintain relationships of respect.

People build and maintain respectful relationships through a range of protocols that acknowledge one another. Gifting, in particular, acknowledges the importance and legitimacy of other territorial groups and bridges differences. As Pat Matthew notes, gifting is a way to make agreements and build new relationships with others:

*I was reading...stories where our people...were at war but...one side brought gifts and stuff for the other to have a discussion or talk about your relationship or to make proposal. And then, if the other side didn't accept them, then that means he's not accepting the proposal either. ...that's sort of a process I think. ...it's hard to fight with somebody when they've provided you a gift. It's an acknowledgement ...when I go down to the coast we bring gifts from our area and it goes a long way to start our relationship and they remember that, elders or whomever and... I think it actually makes a big difference in... them accepting your proposal or whatever it is you're trying to do.<sup>63</sup>*

We infer gifting is an important part of establishing relationships of respect regarding a number of issues, including those relating to natural resources.

Gifting and ceremony have played a significant role in building an understanding with the Lower Fraser Fishery Alliance around the issue of salmon harvesting on the Fraser River. As Pat Matthew recalls:

*I think one thing we did when [they] came up, Tina [Donald] organized a drum song and a prayer and that was pretty important ... they acknowledged that, and how can you...go back home and, you know, go crazy fishing... [when] somebody just done that for you... So I think that was pretty important to do those traditions. And then one other time we had one of our elders from Bonaparte go down to the Lower Fraser and he described the problem up here and he did a drum song and we gave them gifts and acknowledged them for their work down there... so that's one of the things: if you give people gifts and all that I think that's very important.<sup>64</sup>*

60 Interview of Skeetchestn Community Member Bernadette (Garlene) Dodson née Jules by Kirsty Broadhead and Adrienne MacMillan (27 July 2015) Skeetchestn, British Columbia at 12 [Skeetchestn Interview #6: Garlene Dodson].

61 *Coyote and His Hosts*, supra note 41 at 627-628.

62 *Coyote and Holxoli'p*, supra note 46 at 632.

63 Interview of Simpcw Community Member Pat Matthew by Kirsty Broadhead and Adrienne MacMillan (10 July 2015) Simpcw, British Columbia at 7 [Simpw Interview #5: Pat Matthew].

64 Interview of Simpcw Community Member Pat Matthew by Kirsty Broadhead and Adrienne MacMillan (31 July 2015) Simpcw, British Columbia at 15-16 [Simpw Interview #10: Pat Matthew].

Gifting may occur in the context of a feast, which is significant because feasts are public way of recording what is happening. As Pat Matthew says in reference to the *Story of Porcupine*:

*The other part is... the feast. ... it always makes a difference when there's tradition involved, people provide gifts or welcomes and all that. It sort of sets the tone for a good relationship, for a good start and I think that's important.*<sup>65</sup>

Again, the feast and gifting provide a space to build a good relationship with another group. Ronnie Jules speaks of feasting itself as a protocol, particularly when forming agreements. In reference to the *Story of Porcupine*, he says:

*[Elk's people] were feasted... which is protocol, feasted by the bird people. And then at the end it says the laws made at this council are those that govern the animals and birds today. So they made lot of laws there. And somehow or another they remember those things. They pass those laws down. I think we still have that today for any other nation that's around us. We know, we know where our boundaries are and how we are going to interact with [them], with even with the Gitksan. We have an agreement with them at our tribal council office. I think that's how it was done.*<sup>66</sup>

As Ronnie indicates, gifts, ceremony and feasts often operate in the context of developing formal agreements or declarations. They also create public and collective memory of those agreements that then shape the ongoing respectful relationships between territorial groups.

### **iii. Following Existing Agreements: Territories are respected when groups follow existing agreements outlining understandings about how the land and resources should be shared.**

Communities demonstrate respect for each other's territories by following existing agreements that they have previously negotiated to manage their relations around resources. For example, the 18th century Fish Lake Accord,<sup>67</sup> provides land and resource rights to the Sylix Chief PEIkamu'lox's people in Secwépemc territory to sustain themselves. People rely on this agreement to guide relations between Secwépemc and Sylix/Okanagan communities to this day.<sup>68</sup>

<sup>65</sup> *Simpcw Interview #5: Pat Matthew, supra* note 64 at 7.

<sup>66</sup> *Interview of Adams Lake Community Member Ronnie Jules* by Kirsty Broadhead and Adrienne MacMillan (07 July 2015) Adams Lake, British Columbia at 24 [*Adams Lake Interview #2: Ronnie Jules*].

<sup>67</sup> *The Fish Lake Accord, supra* note 7 at 1-2.

<sup>68</sup> *Interview of Community Member Richard LeBourdais* by Kirsty Broadhead and Adrienne MacMillan (09 July 2015) Kamloops, BC at 2, 6 [*SNTC Interview #4: Richard LeBourdais*].

## b. Harvesting Protocols and Practices

How do people demonstrate respect for the natural resources they are harvesting?

General Restatements of Law:	
i.	<b>Gratitude, Offerings and Prayer:</b> Providing offerings for the gifts you take from the land to demonstrates gratitude to the land: <i>SNTC Interview #4: Richard LeBourdais, Splatsín Interview #3: Shirley Bird, Splatsín Interview #3: Randy Williams, Adams Lake Interview #7: Witness 4, Adams Lake Interview #7: Ronnie Jules, SNTC Interview #4: Bonnie Leonard, Simpcw Interview #5: Witness 1.</i>
ii.	<b>Specific Practices, Ceremonies and Uses:</b> People have specific practices and ceremonies for harvesting and using different resources: <i>Splatsín Interview #3: Randy Williams, SNTC Interview #4: Richard LeBourdais, Skeetchestn Interview #6: Garlene Dodson, Splatsín Interview #8: Shirley Bird, Skeetchestn Interview #6: Christine Simon, Skeetchestn Interview #6: Bonnie Leonard, Skeetchestn Interview #6: Daniel Calhoun, Adams Lake Interview #2: Ronnie Jules, Interview #6: Marianne Ignace, SNTC Interview #4: Paul Michel.</i>
iii.	<b>Sweat-bathing:</b> Sweat bathing provides strength, focus and success for hunting and health: <i>Old-One and the Sweat-House, Water Monster, SNTC Interview #4: Richard LeBourdais, SNTC Interview #4: Paul Michel.</i>
iv.	<b>Observation and Training:</b> Careful observation and training enables you to interact more respectfully with the land, its resources and non-human beings: <i>SNTC Interview #4, Story of Hu'pken, Story of Tcotcu'lca, Story of the Salmon-Boy, SNTC Interview #4: Richard LeBourdais.</i>

### Discussion:

#### i. Gratitude, Offerings and Prayer:

##### Providing offerings for the gifts you take from the land demonstrates gratitude to the land.

Several witnesses highlight the importance of showing gratitude when taking gifts from the land. In its simplest way, showing gratitude recognizes what the earth provides and is a means of reciprocating what it gives you. *"When you do take...things from mother earth," Shirley Bird explains, "you are to offer something back to her. Tobacco or water. If you don't have anything to offer a prayer will do."*<sup>69</sup>

Randy Williams expresses the same principle in relation to harvesting dandelion, which is used for medicine:

*I asked my mom and she would be like ... "The dandelions are good for the stomach. Medicine for the stomach." And once she told me... "oh what have you given that, what have you asked that living plant?" Because when we talk about our relations, all of it is our relations, all, we are in harmony with it all.*<sup>70</sup>

Offerings do not have to be a specific gift or particularly grand. Although a number of witnesses note the use of tobacco for offerings,<sup>71</sup> one witness talks about leaving lunch meat if you have no tobacco.<sup>72</sup> Another says that if you don't have much to offer, you might limit what you harvest. The witness uses the example of grabbing only the outer, drier bark when harvesting from a birch tree.<sup>73</sup> Richard LeBourdais talks about offering the first salmon caught each year to show gratitude for the gift of the annual migration that helps to sustain Secwépemc life.<sup>74</sup>

69 *Splatsín Interview #3: Shirley Bird, supra* note 16 at 13.

70 *Splatsín Interview #3: Randy Williams, supra* note 18 at 29.

71 *Interview of Adams Lake Community Member Witness 4 by Kirsty Broadhead and Adrienne MacMillan* (28 July 2015) Adams Lake, British Columbia at 11 [*Adams Lake Interview #7: Witness 4*]; *Adams Lake Interview #7: Ronnie Jules* at 11-12; *Splatsín Interview #3: Randy Williams, supra* note 18 at 30; *Splatsín Interview #3: Shirley Bird, supra* note 16 at 13; *Interview of Community Member and Shuswap Nation Tribal Council Tribal Director Bonnie Leonard* by Kirsty Broadhead and Adrienne MacMillan (09 July 2015) Kamloops, British Columbia at 37 [*SNTC Interview #4: Bonnie Leonard*]; *SNTC Interview #4: Richard LeBourdais, supra* note 69 at 40.

72 *Adams Lake Interview #7: Witness 4, supra* note 72 at 11.

73 *Interview of Simpcw Community Member Witness 1 by Kirsty Broadhead and Adrienne Macmillan* (10 July 2015) Simpcw, British Columbia at 9 [*Simpcw Interview #5: Witness 1*].

74 *SNTC Interview #4: Richard LeBourdais, supra* note 69 at 42.

Although providing an offering is an aspect of gratitude, many witnesses view the feeling of gratitude as the critical aspect of the act. As a witness explains, “*you have to have a good feeling otherwise it doesn’t work.*” When talking about people who are unsuccessful in their efforts to harvest resources, the same witness says:

*And then you wonder why, oh it didn’t work on me, it worked for somebody else, and say “what, what was I doing?” ...I hear some people say “oh it didn’t work for me?” They just got [the resource] like this and used it and didn’t pray or didn’t say thank you or didn’t make an offering... they just took it...you offer something and you have this gratitude.<sup>75</sup>*

For this witness, prayer is also key aspect of showing gratitude:

*You’ve got to pray because Creator gave us all this stuff... You got to be thankful for whatever grows on the earth, grateful and thankful. You know, just be thankful because it’s there to use. It’s there to eat and use and whatever.<sup>76</sup>*

Offerings and prayer are often made to the Creator for not solely providing the food to harvest, but also for “*taking care of the earth*” according to Bonnie Leonard.<sup>77</sup> For example, when hunting, Richard LeBourdais notes that the first thing you do is offer tobacco and say a few words to the Creator to thank the Creator and the “*animal for giving his life so we may feed ours.*”<sup>78</sup> He also says that you say your prayers “*to let your other animals that you don’t want [to know you are there] – [for example] Grizzly bear.*”<sup>79</sup>

Witnesses emphasize the use of prayers differently. For one, a simple prayer is sufficient to give thanks, but it may be different depending on a family’s tradition:

*Now people tend to get very long-winded when they are saying their prayers, but it was very simple. Giving your thanks so that you could provide for your family... That’s how our people harvest today – give a quick thanks. I mean, some people do ceremony before they go out and hunt. I guess it’s all based on family practices or family traditions - that’s what everything is based around here, right? Your core family.<sup>80</sup>*

This underscores that there is a range of practices that all fulfill the underlying purpose of showing gratitude for what you take from the land and to the land itself.

<sup>75</sup> *Adams Lake Interview #7: Witness 4, supra* note 72 at 11.

<sup>76</sup> *Ibid* at 12.

<sup>77</sup> *SNTC Interview #4: Bonnie Leonard, supra* note 72 at 37.

<sup>78</sup> *SNTC Interview #4: Richard LeBourdais, supra* note 69 at 40-41.

<sup>79</sup> *Ibid* at 41-42.

<sup>80</sup> *Simpw Interview #5: Witness 1, supra* note 74 at 9.

## ii. Specific Practices, Ceremonies and Uses: People have specific practices and ceremonies for harvesting and using different resources.

Although providing offerings and prayers may vary according to person and family, some witnesses did speak of specific practices that people use for harvesting and using certain animals and resources. For example, Randy Williams talks about how resources, such as ochre, copper and obsidian were mined or harvested by specific people, such as hunters or medicine people, in particular ceremonies.<sup>81</sup>

According to some witnesses, harvesting medicine plants often attracts special protocols, such as specific prayers in addition to gratitude. For example, Richard LeBourdais notes:

*You know, there's lots of prayers involved and when you're picking medicine plants because that medicine plant has to work for you... A lot of people can pick them and use them, but they're not going to do you any good. You have to have that, you know, that, connection. And you have to be, you know, humble and grateful for what they've got to offer you. So you have to offer something. It's really important.<sup>82</sup>*

Garlene Dodson sees self-preparation and cleansing as critical when harvesting medicine such as sage:

*[I]f a person goes out there they can't be drinking. Can't be drunk or using or drugs, you know. And then you get up in the morning and you take a shower before you go touch that [sage plant]. And before... you take that and do an offering.<sup>83</sup>*

Shirley Bird speaks of a specific ceremony involving a medicine tree in which people sing to the tree to ensure they do not have to cut it down to harvest its roots. She says:

*[Y]ou don't see any sap or anything, you know, coming out. But we talk to it and say, and pray to it and sing to it and offer it tobacco and we give it gifts. It's just a beautiful ceremony and you are the ones to help bring that medicine tree down. One comes down, we go clockwise we bring it down and there's a hall that we bring it down to - we wash it with medicine water, make sure...do a cleansing and for the floor we use medicines.<sup>84</sup>*

Specific protocols exist for different animals as well, particularly with respect to when they may be hunted and for what purpose. For example, people rarely hunt bears for meat.<sup>85</sup> Bonnie Leonard,<sup>86</sup> Christine Simon,<sup>87</sup> Daniel Calhoun,<sup>88</sup> Dr. Ron Ignace<sup>89</sup> and Ronnie Jules<sup>90</sup> all discuss the particular human practices respecting bears. Dr. Marianne Ignace reflects on her understanding of the particular obligation humans have to bears, which she learned from an elder:

*[W]hen [the elder's] dad...used to go hunting black bear...he used to sing a song to the bear to apologize to the bear for having killed it. Just like you talk to a person. And there's another thing, a belief long time ago was - when people have twins they were supposed to be bear children so that's how humans had a relationship with bears.<sup>91</sup>*

Specific protocols also exist in relation to porcupines. According to Paul Michel, although humans rarely hunt them, this may shift in times of need:

*Secwépemc don't hunt porcupine. Only if you are absolutely [in need] - no more game and no more food to hunt...the name of porcupine is "the animal, they are like a gift" to the Secwépemc people because we would only eat them with starvation. We don't hunt porcupine; we'll use their quills for our artwork. But we'll only use them for [food] if we're at the brink of starvation.<sup>92</sup>*

81 *Splatsin Interview #3: Randy Williams, supra* note 18 at 27.

82 *SNTC Interview #4: Richard LeBourdais, supra* note 69 at 41.

83 *Skeetchestn Interview #6: Garlene Dodson, supra* note 61 at 6.

84 *Interview of Splitsin Community Member Shirley Bird* by Kirsty Broadhead and Adrienne MacMillan (29 July 2015) at 25-26.

85 *Interview of Skeetchestn Community Member Christine Simon* by Kirsty Broadhead and Adrienne MacMillan (27 July 2015) Skeetchestn, British Columbia at 26 [*Skeetchestn Interview #6: Christine Simon*].

86 *Interview of Community Member and SNTC Tribal Director Bonnie Leonard* by Kirsty Broadhead and Adrienne MacMillan (27 July 2015) Skeetchestn, British Columbia at 25.

87 *Skeetchestn Interview #6: Christine Simon* at 26, *supra* note 86.

88 *Interview of Skeetchestn Community Member Daniel Calhoun* by Kirsty Broadhead and Adrienne MacMillan (27 July 2015) Skeetchestn, British Columbia at 26.

89 *Skeetchestn Interview #6: Ron Ignace, supra* note 36 at 26.

90 *Adams Lake Interview #2: Ronnie Jules, supra* note 67 at 26-28.

91 *Interview of Skeetchestn Community Member Dr. Marianne Ignace* by Kirsty Broadhead and Adrienne MacMillan (27 July 2015) Skeetchestn, British Columbia at 25 Skeetchestn [*Interview #6: Marianne Ignace*].

92 *SNTC Interview #4: Paul Michel, supra* note 12 at 9.

There are, of course, other particular protocols for plants, animals and other resources within Secwépemc law, depending on the human relationships with them. However, these are the ones these witnesses shared with us during our interviews.

### iii. Sweat-bathing: Sweat bathing provides strength, focus and success for hunting and health.

Sweat-bathing is an important practice of self cleansing, particularly in preparation for hunting, as outlined in *Old-One and the Sweat-House*.<sup>93</sup> This story recounts the origin and power of the sweat-house and its importance both historically and today. Having a single story detailing the importance and protocol involved in a practice underscores its significance.

In *Old-One and the Sweat-House*, Old-One teaches the people how to build sweat houses and sweat bathe. Old-One tells them: “*When you sweat-bathe, pray to Scwelu’s that you may be healthy, and obtain success in hunting and gambling.*” Scwelu’s refers to the deity or spirit of the sweat-house or bath. Old-One then meets the Scwelu’s and tells them to grant the people their desires when they pray for “*relief from pain, for health, long life, lightness of body, fleetness of foot, wisdom, wealth, and success in hunting, gambling, and war.*” He then tells Water to draw sickness from peoples’ bodies, heal their wounds and refresh them, and answer their “*supplications,*” as Water will be the “*guardian*” of those that seek it. He then tells the Fir-Tree to help the people with its “*mysterious powers*” when the people use its branches to wash themselves. The final line of the story explains that this is why the Secwépemc use fir-branches, bathe in cold water, and sweat bathe.<sup>94</sup>

Richard LeBourdais speaks about the current importance of sweat-bathing for people to cleanse and prepare themselves internally to enable their success in harvesting or hunting:

*You’ve got to go sq’ilye – go sweat. Go clean yourself, your mind, say your prayers to your ancestors, say your prayers to the animals, then you go out. And, uh, yeah, sure enough. Go out - come back with a deer strapped behind the saddle...<sup>95</sup>*

The entire meaning and importance of the sweat-bath may be difficult to translate into English without many words, as Paul Michel reminds us:

*You get 50 people together in the English language and – what’s a sweat lodge? Oh my god, they have to talk so long to explain what a sweat lodge is. But because English is low-context, they describe it as the thing outside of yourself. There’s a signifier and a meaning to a thing outside yourself. So all of these translations are huge.*

....  
*[S]weat lodge is a philosophy. It’s as your dream life unfolds. You never bring up sweat lodge in our language unless you are sharing what meaning you’ve derived from your latest round of sweat lodge. But it’s within yourself. It’s a philosophy within yourself; it’s not a thing. And that’s – we’re a high-context language. We can say so much with just our words...<sup>96</sup>*

We see Paul Michel’s point revealed his telling of the *Water Monster*. In that story, four warriors are chosen to help defeat a water monster that has been killing people in their community. The first three warriors head out immediately to kill the monster and fail. The fourth warrior takes his time, and waits for insight on how to accomplish his task. He has visions for three nights, and each provide him with information that will help him kill the monster. The morning after the third night, he tells his community that his vision told him to enter the sweat lodge, so the people carefully prepare one for him. The warrior enters and does four rounds of prayer: for mother earth, for females and the female entities, for male entities, and finally, the warrior round, which is a prayer to connect to the creator, the people, and his family. Following this practice, the warrior sets out and successfully slays the monster. The fourth warrior’s self-preparation in the sweat lodge provides, as Paul Michel describes, the focus and information that enables his success.<sup>97</sup>

93 *Old-One and the Sweat-House* in James Teit, “The Shuswap” in Franz Boaz, ed. *The Jesup North Pacific Expedition: Memoir of the American Museum of Natural History* Vol II, Part VII (Leiden: EJ Brill/New York: GE Stechert, 1909) at 642-643 [*Old-One and the Sweat-House*].

94 *Ibid.*

95 *SNTC Interview #4: Richard LeBourdais, supra* note 69 at 41-42.

96 *SNTC Interview #4: Paul Michel, supra* note 12 at 8.

97 *Water Monster, supra* note 9 at 20-25.

#### iv. Observation and Training:

**Careful observation and training enables people to interact more respectfully with the land, its resources and non-human beings.**

Observing the environment enables people to interact more effectively and respectfully with the land, resources, and non-human beings. This is evident in *Story of the Salmon-Boy*, in which the grandfather observes that the eye of a salmon he has caught is human in appearance. Based on this observation, he does not split and dry the fish.<sup>98</sup> Instead, he rolls the salmon up in a blanket and, over a few days, it slowly turns back into his grandson. In this instance, the grandfather's vigilance saves his grandson's life. Thereafter, the grandfather receives an abundance of food, which he shares with his community in a feast.

Several stories highlight the importance of training as a way of ensuring that harvesting is done carefully and respectfully. In *Story of Hu'pken*, a grandmother provides training to a lazy boy with no hunting skills.<sup>99</sup> Hu'pken eventually becomes a successful hunter, amassing great stores of resources under her supervision. The Wolf, in *Story of Tcotcu'lca*, teaches the poor hunter what he needs to do to be a successful hunter. By following the Wolf's training, Tcotcu'lca is able to feed his entire community.<sup>100</sup>

The interviews discuss the importance of passing down respectful approaches to hunting to the next generations. For example, Richard LeBourdais recalls his father teaching him to make an offering when hunting moose or deer:

*"the first plate goes in the fire for our elders and that [is] just respect that I've learned."<sup>101</sup> He, in turn, has taught his daughters to pay respect to the animals and fish they catch and eat by providing offerings.<sup>102</sup>*

98 *Story of the Salmon-Boy*, *supra* note 48 at 690.

99 *Story of Hu'pken*, *supra* note 49 at 710-711.

100 *Story of Tcotcu'lca*, *supra* note 47 at 718-720.

101 *SNTC Interview #4: Richard LeBourdais*, *supra* note 69 at 40.

102 *Ibid* at 40-41.

## c. Procedural Steps for Making and Maintaining Agreements or Resolving Conflicts

What steps do people take to resolve conflicts and/or establish and maintain agreements for appropriate access and stewardship of natural resources between families or groups?

General Restatements of Law:	
i.	<b>Consulting with Community:</b> People should seek as broad of community consultation as possible, prior to taking action, rather than acting in isolation on behalf of the community: <i>Water Monster, The Liberation of the Chinook Wind, The Fishes and the Cannibal, Story of Porcupine, Adams Lake Interview #2: Ronnie Jules, SNTC Interview #4: Richard LeBourdais, Skeetchestn Interview #1: Ron Ignace, Splatsín Interview #8: Julianna Alexander, SNTC Interview #4: Paul Michel, Adams Lake Interview #2: Anne Michel.</i>
ii.	<b>Consulting with families:</b> Families are key representatives in community deliberations: <i>Adams Lake Interview #2: Anne Michel, Adams Lake Interview #7: Witness 4, Skeetchestn Interview #1: Ron Ignace, Splatsín Interview #8: Julianna Alexander.</i>
iii.	<b>Collectively Identifying Solutions and Individuals to Implement Community Solutions:</b> Members within a community work should collectively identify how to respond to a conflict or danger and select the best individuals to respond: <i>The Fishes and the Cannibal, Water Monster, Story of Porcupine, Coyote and his Son, The Liberation of the Chinook Wind, Coyote and His Hosts (Coyote and the Grouse Children), Simpcw Interview #5: Nathan Matthew.</i>
iv.	<b>Identifying Interests and Negotiating Agreements:</b> Communities or groups should talk together to articulate and identify each other's interests to provide a foundation for dispute resolution and developing an ongoing relationship: <i>Story of Porcupine, Fish Lake Accord, Simpcw Interview #5: Pat Matthew, Splatsín Interview #3: Julianna Alexander, Simpcw Interview #10: Tina Donald, SNTC Interview #4: Richard LeBourdais, Skeetchestn Interview #6: Ron Ignace.</i>
v.	<b>Acting Unilaterally to Protect Community Survival:</b> In times of extreme need or danger, when negotiation fails or is not possible, communities may act unilaterally to protect their collective survival: <i>The Liberation of the Chinook Wind, TlEë'sa and his Brothers, Fishes and the Cannibal, Water Monster, Adams Lake Interview #7: Ronnie Jules.</i>
vi.	<b>Being Open to Non-Human Resolutions to Problems with Time:</b> Problems that can't be resolved through human intervention or immediate action may be resolved through non-human intervention, given time: <i>Simpcw Interview #5: Nathan Matthew, Origin of the Chilcotin Canyon, Water Monster.</i>

## Discussion:

### i. Consulting with Community: People should seek as broad of community consultation as possible, prior to taking action, rather than acting in isolation on behalf of the community.

Seeking broad community consultation and input is an important first step when attempting to resolve any challenge facing the community. Ronnie Jules notes the participatory nature of Secwépemc decision-making, historically, noting how it is more effective than decision-making processes imposed by Canadian law:

*[Y]ou just don't let the chief and council make a decision – it's done by and with the people – all your important decisions are done by the people... If the chief and council aren't calling the meetings, then the people call a meeting here and get council going the right way again.*<sup>103</sup>

Richard LeBourdais shares this understanding, saying that legitimate problem solving, historically, included everyone:

*In the old days you'd have a potluck meeting between communities last[ing] for weeks and weeks and you sat there until you managed to resolve the concerns... it wasn't just a chief's decision, or the strong person's decision or the weak person's decision. It was a community decision and each community brought their issues forward and resolved them...*<sup>104</sup>

The extent of community consultation depends on the scope and size of the problem the community is facing, according to Dr. Ron Ignace:

*[I]t depends on the issue that you're going to be dealing with... it may be a member within the family, it may be the whole family. It may be the whole community. It depends on how big the issue is and who is affected.*<sup>105</sup>

Community consultation sometimes plays a critical role in determining how the entire community should respond to a serious issue, such as war, epidemics or disease:

*Say, it was war or something, a problem that affected everybody - something beyond our control - they would get together, the Nation, and... come to some consensus or terms. Especially if there's like, epidemics or diseases, you know... how to prevent epidemics [and] how to help each other with mass death.*<sup>106</sup>

Many stories include community consultation as a procedural step. In his telling of *Water Monster*, for example, Paul Michel explains how the entire community gets together to discuss how to get rid of the water monster, which is restricting access to important resources:

*So when the people have a problem... the Secwépemc people - they get everyone together. Everyone has a voice in the Secwépemc traditions, so they got the whole community together. So they got the elders and they got the parents and the uncles and the aunts and the cousins and the nephews and the nieces and the children and the teenagers... everyone together – and all day they talked about this challenge of this water monster.*<sup>107</sup>

Stories also illustrate the importance of community consultation prior to acting on behalf of the community. For example, in *The Liberation of the Chinook Wind*, Fox gains knowledge about how to solve a community problem (the persistent cold), but consults with the community before acting.<sup>108</sup>

We can infer the importance of community consultation from stories that warn against acting alone, even when a person is motivated by community well-being. In *The Fishes and the Cannibal*, Sturgeon's brother decides to act alone and face a dangerous cannibal, and is killed in the process.<sup>109</sup> After Sturgeon's brother dies, the Fishes and Birds hold a council and decide they will all try to learn the magic of the cannibal. Once Sturgeon achieves the skills to defeat the cannibal, the community develops a plan and cooperates to carry it out. The community, together, successfully kills the cannibal and his family.

<sup>103</sup> Adams Lake Interview #2: Ronnie Jules, *supra* note 67 at 7.

<sup>104</sup> SNTC Interview #4: Richard LeBourdais, *supra* note 69 at 6.

<sup>105</sup> Interview of Skeetchestn Community Member Dr. Ron Ignace by Kirsty Broadhead and Adrienne MacMillan (06 July 2015) Skeetchestn, British Columbia at 5 [Skeetchestn Interview #1: Ron Ignace].

<sup>106</sup> Splatsín Interview #8: Julianna Alexander, *supra* note 27 at 21.

<sup>107</sup> *Water Monster*, *supra* note 9 at 20-21.

<sup>108</sup> *Liberation of the Chinook Wind*, *supra* note 21 at 624.

<sup>109</sup> *The Fishes and the Cannibal*, *supra* note 24 at 670-671.

Similarly, in the *Story of Porcupine*, Coyote presumes he can deliver an invitation to Elk's people and fails. Later, Swan asks the people who should take the message instead and the community chooses Porcupine.<sup>110</sup> “[T]hat’s very [Secwépemc], the people decide who is best,” Paul Michel says, reflecting on *Story of Porcupine*.<sup>111</sup> Porcupine successfully delivers the message, which leads to a meeting between the two peoples that resolves their conflict. Richard LeBourdais, reflecting on this approach says:

*It sort of reflects back to how we done that. You know, it wasn’t just a chief’s decision, or the strong person’s decision or the weak person’s decision. It was a community decision and each community brought their issues forward and resolved them and that’s how we would move forward. With, you know, something like the Fish Lake Accord agreement.*<sup>112</sup>

Michel says that this type of community process is the real “democracy,” and the “only way you could be... a group, a community, a family.”<sup>113</sup>

## ii. Consulting with Families: Families are key representatives in community deliberations.

Consulting with families can be key to provide representation, but also ensure the cooperation and participation of all community members in important community work and decisions. Anne Michel, for example, says:

*[T]alking about something...on the reserve...they always had a rep[resentative] from the family... [when] talking about the land, and family and life and everything on our land - like somebody, your uncle or your dad maybe... And they talked to all the aunties and the uncles, and the brothers and sisters, your mom and dad, you know, everybody. And they had a consensus all the time. Deliberations would continue until they are done... maybe [you’d] go home in the evening, but [you’d] return to resolve the matter.*<sup>114</sup>

Another witness also brings up the idea of family representation at important meetings. This witness says family spokespeople or leaders attend meetings to speak for and report back to the family, and that this helps ensure that “nobody goes hungry” and “nobody is lazy.”<sup>115</sup> Referring to *Story of Grasshopper*, the witness adds, having a family representative at meetings helps ensure everyone knows it is time to “get ready” to fish or hunt.<sup>116</sup> In other words, family representation in community gatherings helps protect families from harm and ensures they contribute to the community.

Some see the participation of families as central to the maintenance and protection of Secwépemc law. For example, Dr. Ron Ignace believes “the foundation of our laws is the extended family... everyone had to participate in that extended family.”<sup>117</sup> Julianna Alexander talks about this in the context of every day practice of law: “where our law comes from, it comes from being a child – when you’re one year old to maybe seven years old.”<sup>118</sup> We infer from these statements that when resolving conflicts about accessing resources, it is important for leaders to identify families to consult with. However, there is also an expectation that families will participate in the process.

110 *Story of Porcupine*, *supra* note 33 at 671-672.

111 *SNTC Interview #4: Paul Michel*, *supra* note 12 at 10.

112 *SNTC Interview #4: Richard LeBourdais*, *supra* note 69 at 6.

113 *Adams Lake Interview #2: Anne Michel*, *supra* note 29 at 23.

114 *Adams Lake Interview #2: Anne Michel*, *supra* note 29 at 6.

115 *Adams Lake Interview #7: Witness 4*, *supra* note 72 at 27.

116 *Ibid.*

117 *Skeetchestn Interview #1: Ron Ignace*, *supra* note 106 at 4.

118 *Splatsin Interview #8: Julianna Alexander*, *supra* note 27 at 14.

**iii. Collectively identifying Solutions and Individuals to Implement Community Solutions: Members within a community should collectively identify how to respond to a conflict or danger and select the best individuals to respond.**

In many stories, communities identify the steps to resolve a conflict or address a danger. This may include identifying people to carry out specific roles in their plans. In *The Fishes and the Cannibal*, for example, the Fishes and Birds face the ongoing threat of a cannibal and determine collectively that they should all try to learn how to defeat him.<sup>119</sup> Once Sturgeon masters the magic of the cannibal, the community then devises a plan. The community sends Swan to scout out the cannibal's home, as Swan is the only one who the cannibal never harms. Swan returns to tell the community that the cannibal and his family are home and asleep, and then the entire community goes to the cannibal's home. Once they arrive, Sturgeon uses magic, which allows his entire community to enter the cannibal's home. When the cannibal tries to use his magic to kill them, Sturgeon is able to stop him. Finally, the people kill the cannibal and his family.

Similarly, through lengthy deliberations in *Water Monster*, the community is able to narrow down and select four warriors best suited to the task of killing a water monster that is threatening all people.<sup>120</sup> Each warrior, one after the other, attempts to do battle with the monster. The first three try individual approaches and, acting immediately, are all defeated. The fourth warrior, over the course of four days and nights of visions and preparation, gains the knowledge necessary to defeat the monster. His visions direct him to use a new canoe, a swift paddle and "a straight and true powerful" spear, and then to sweat bathe. The community finds master toolmakers to make the canoe, paddle and spear, and bands together to assist the warrior in all other tasks. With his new tools and his community's assistance, he is able to defeat the water monster.<sup>121</sup>

In the *Story of Porcupine*, Swan's community selects Porcupine to be a messenger to Elk's after Coyote fails in the task. This leads to a meeting between the two peoples and, ultimately, peace.<sup>122</sup> Nathan Matthew, reflecting on this story, notes how important it is to have the right person carry out a plan:

*Just in practical terms, it's really important to have the right person to go and talk on your behalf – [the wrong person] can do a lot of damage. Imagine what Coyote would have done; he would have screwed the whole thing up, the message, and ate whatever food he had.*<sup>123</sup>

Smaller groups may also collaborate to carry out a plan, as *Water Monster* illustrates.<sup>124</sup> Similarly, in *Coyote and his Son*, Mouse and Bush-Tailed Rat contribute their powers to return a cliff to its original state and rescue Coyote's son, Kalla'llst, from Coyote's trap.<sup>125</sup> In *The Liberation of the Chinook Wind*, Fox needs Hare to use his bow and arrow to hold back the Cold People while Hare uses his knowledge to burst the bag holding the warm wind.<sup>126</sup> The four grouse mothers in *Coyote and the Grouse Children* (told as part of *Coyote and his Hosts*), work together to take revenge on Coyote after he plays a trick on their children.<sup>127</sup> Each mother takes a turn startling Coyote as he is walking along the edge of a cliff, and Coyote gets more and more startled until finally Blue Grouse causes him to fall into the river below.

119 *The Fishes and the Cannibal*, *supra* note 24 at 670-671.

120 *The Water Monster*, *supra* note 9 at 22.

121 *Ibid* at 22-25.

122 *Story of Porcupine*, *supra* note 33 at 671-672.

123 *Simpco Interview #5: Nathan Matthew*, *supra* note 31 at 8.

124 *The Water Monster*, *supra* note 9 at 22.

125 *Coyote and his Son*, *supra* note 19 at 622-623.

126 *Liberation of the Chinook Wind*, *supra* note 21 at 624.

127 *Coyote and His Hosts*, *supra* note 41 at 622-629.

**iv. Identifying Interests and Negotiating Agreements: Communities or groups should talk together to articulate and identify each other's interests to provide a foundation for dispute resolution and ongoing relationships.**

Building peace and fostering relations within communities or among neighbours requires people to identify their interests and negotiate agreements. The first step in this process is to determine whether agreement can be made, which requires communities to articulate and attempt to really understand each other's positions. This approach recognizes that *"everyone's got their own way of doing things..."*<sup>128</sup>

In *Story of Porcupine*, Swan invites Elk and his people to meet to discuss how to dispel a conflict that prevents each community from "procuring a living."<sup>129</sup> Pat Matthew talks about how the two peoples overcome their ignorance in order to devise a better relationship:

*[A]ctually, it says here "each people gained full knowledge of each other and became able to devise." I mean...you can't really negotiate with someone or deal with them unless you really understand their side or what they're up against or what their interests are or their objectives – and then yours. So, unless you set the table for that kind of thing, then, you're just dealing with the other party, just out of ignorance... So, if you know what the other person's interests are or where they are coming from...you might be able to formulate a better proposal to them or you both might be able to formulate a better agreement of some kind.*<sup>130</sup>

Historically, the Chinook language was a tool for overcoming language barriers in order to identify interests:

*[T]hat's how they connected and some of these chiefs from all over could speak 10, 15, 20 languages and that was their communication. But Chinook was the biggest language that connected them all because a lot of it was... Sign language...and body language and you know. That, that was part of how that dispute, as I understood, was dealt with as well.*<sup>131</sup>

Julianna Alexander notes that establishing unity among the 17 Secwépemc bands is an essential requirement for effectively negotiating with governments and other territorial groups.<sup>132</sup> This requires articulating and understanding individual and common interests among those bands.

One example of articulating and listening to each other's interests to negotiate agreements is the current negotiation of a memorandum of understanding between the Lower Fraser Fisheries Alliance and the Secwépemc Fisheries Commission respecting the salmon harvest. As Pat Matthew points out, it's not a governance agreement, but more of an information exchange.<sup>133</sup> Tina Donald describes how the Secwépemc articulated their need to negotiate some form of equitable distribution of fish to the Sto'lo:

*[W]e did the exchange with Lower Fraser Fisheries Alliance. They came up here we showed them our fish and then we went down and looked at their fishery on the on the lower Fraser and...talked to one individual and said, "you know the amount of fish that you just put in your boat. That's more than our whole community got the year before. You know these fish - you have the opportunity for every fish that comes by here."*<sup>134</sup>

The hope is that this memorandum of understanding will take into consideration the Secwépemc interests in the harvest of fish in future years.

128 *Simpw Interview #5: Pat Matthew, supra* note 64 at 17.

129 *Story of Porcupine, supra* note 33 at 671-672.

130 *Simpw Interview #5: Pat Matthew, supra* note 64 at 8.

131 *Splatsín Interview #3: Julianna Alexander, supra* note 17 at 20.

132 *Ibid* at 18.

133 *Simpw Interview #5: Pat Matthew, supra* note 64 at 17.

134 *Interview of Simpwc Community Member Tina Donald* by Kirsty Broadhead and Adrienne MacMillan (31 July 2015) Simpwc, British Columbia at 15 [*Simpw Interview #10: Tina Donald*]

Understanding another's interests and negotiating agreements takes time and effort. Reflecting on *Story of Porcupine*, Richard LeBourdais comments that, in the "old days," communities would have meetings that lasted for "weeks and weeks and you sat there until you managed to resolve the concerns."<sup>135</sup> Julianna Alexander also notes the importance of gatherings, specifically, for negotiating interests around shared resources, for example, during ceremonial summer, or solstice:

*Those gatherings were so important. It had to do with fishing and hunting and berries and... different practices for ceremonial...resolutions for decisions or stuff or to help you spiritually, to know where to go when you are short of something. And it was part of how they used the land and medicines.*<sup>136</sup>

During these meetings, groups would determine a division of resources based on their articulation of different needs:

*They said "...they are going to be poor this year they aren't going to have any berries, its so dry up there, they can come this way and we will trade. Or they...Williams Lake is having problems [with] fish. They can come maybe to Lumby, they can come down here in the Okanagan and the other way where the fish come up, they can come down and we can share fish. It was always about how you could trade, how you could help one another, support one another, even though we had differences.*<sup>137</sup>

Dr. Ron Ignace identifies a parallel between *Story of Porcupine* and the *Fish Lake Accord* between the Secwépemc and Syilx (Okanagan). The *Fish Lake Accord* is the "unbroken pact" from the 18th century between the Kamloops Chief Kwolila and his half-brother the Sylix Chief PEIkamu'lox, which provides land and resource rights in Secwépemc territory to PEIkamu'lox's people to sustain themselves.<sup>138</sup> It was negotiated as a means to protect Chief PEIkamu'lox's people from ongoing harms. Ron Ignace notes the following about the *Fish Lake Accord* in relation to *Story of Porcupine*:

*[W]hat this talks about is actually 'how the peace treaty is made between two warring nations'... This speaks about the Fish Lake Accord...*

*...the big war chief that was waging war on the Shuswap and so he went there humbly and said "we are related." See here, they talk about the two - the Birds trying to act like Deer and the Deer trying to act like birds and it wasn't working. They're mixed up. So he went out there and saw them... Yeah, so they sorted each other out.*<sup>139</sup>

The *Fish Lake Accord* continues to guide relations between Secwépemc and Syilx/Okanagan communities to this day.<sup>140</sup>

<sup>135</sup> SNTC Interview #4: Richard LeBourdais, *supra* note 69 at 6.

<sup>136</sup> Splatsin Interview #3: Julianna Alexander, *supra* note 17 at 20.

<sup>137</sup> *Ibid.*

<sup>138</sup> *The Fish Lake Accord*, *supra* note 7 at 1-2.

<sup>139</sup> Skeetchestn Interview #6: Ron Ignace, *supra* note 36 at 14.

<sup>140</sup> SNTC Interview #4: Richard LeBourdais, *supra* note 69 at 2, 6.

**v. Acting Unilaterally to Protect Community Survival: In times of extreme need or danger, when negotiation fails or is not possible, communities may act unilaterally to protect their collective survival.**

We can infer from some stories that people may act unilaterally if procedural steps to maintain peace or distribute resources through talks and negotiation are not effective or possible. For example, in *The Liberation of the Chinook Wind*, the Cold People make the people suffer and constantly shiver by making the cold winds blow over “Indian country.” Fox and Hare take action to obtain warm weather by travelling south to where the Heat People live. The two enter the house of the Sunshine and steal a bag with the Chinook Wind. The Heat People try to stop Fox and Hare, but are unsuccessful.<sup>141</sup> From this story we can infer that obtaining resources non-consensually can lead to conflict, but may be necessary in extreme instances (such as needing some source of heat to survive).

Other stories explicitly emphasize people should attempt negotiation rather than creating harm or conflict by acting without consent when possible. For example, in *Tlĕē’sa and his Brothers*, Tlĕē’sa lies to the Grisly Bear sisters to get them angry, knowing this will make their hair fall out and allow him to collect the arrow-points loosely embedded in their skin.<sup>142</sup> Once he reveals his lie to the sisters, however, they tell him that they would have shared the arrow stone with him if he had asked.

People may respond to extreme danger or imminent threats to their community or environment without negotiation, such as the dangers posed by the cannibal in *Fishes and the Cannibal*,<sup>143</sup> or the water monster in *Water Monster*,<sup>144</sup> when action is required to protect community survival and negotiation is not possible. In these stories, neither the cannibal or a water monster are open to or interested in negotiation, but rather seem intent on continuing causing harm. These stories lead us to question whether serious dangers or imminent threats to the environment, where the harmful agents are not open to negotiation, may similarly require unilateral action in some instances.

In the midst of an interview, a current issue arose involving a witness’ ability to access resources. Specifically, the witness speaks of being stopped by conservation officers. Ronnie Jules notes exactly what he believes should happen to address this issue:

*[W]e should...have some of the tribal council, chiefs or...[the witness] and meet with the parks, top parks personnel, RCMP, even...have a two-day workshop where everybody has tables and then presents their interests: conservation officers and fisheries DFO, forestry. And [there]... we [can] put forth our...history [and] laws, in a nice two-page newsletter [that] goes out to everybody... RCMP, fisheries, elders, conservation officers, which shows where we fish, hunt and gather. Everybody stating that this is where you can [harvest], we’re not in treaty. And you will not be harassed if you go to...the old...areas where there [are] fences - now there [are] “no trespass” signs. Some of them could be taken down, even those gates.*

*In the North, they started the treaty, what 25 years ago? This has slowed development in the North. And in the meantime, this has sped up development in the South, in areas historically used by Secwépmc for fishing, hunting and gathering.*

...

*In the last 15 years those gates have been blocking our people from going in there...and now we can’t...teach the kids because they can’t go in there. Our gathering areas are now “out of bounds” for us and it hurts our elders’ hearts. We don’t want to lose that – we can gain it back.... the elders will put the names, the native names to the mountains...<sup>145</sup>*

We see aspects of several procedural steps alive in this process identified by Ronnie, including consultation with community, identifying key individuals to act, identifying interests, listening to all sides, negotiating, and the intention to act to ensure long-term community survival if negotiation is not successful.

<sup>141</sup> *Liberation of the Chinook Wind*, *supra* note 21 at 624.

<sup>142</sup> *Tlĕē’sa and his Brothers*, *supra* note 37 at 644-651

<sup>143</sup> *The Fishes and the Cannibal*, *supra* note 24 at 670-671.

<sup>144</sup> *Water Monster*, *supra* note 9.

<sup>145</sup> *Adams Lake Interview #7: Ronnie Jules*, *supra* note 7 at 14.

**vi. Being open to Non-Human Resolutions to Problems with Time: Problems that can't be resolved through human intervention or immediate action may be resolved through non-human intervention, given time.**

Witness Nathan Matthew, reflecting on Coyote's laziness in Story of Porcupine, suggests that "*getting the job done and getting to the hard work*" is an essential aspect of most problem-solving processes.<sup>146</sup> Some problems, however, may be beyond the ability of people to resolve in a particular moment. *Origin of the Chilcotin Canyon* indicates how Secwépemc legal traditions may encounter an environmental problem that appears to have no solution.<sup>147</sup> In this story, Coyote prevents salmon from reaching Secwépemcúlecw by damming the Chilcotin Canyon so as to create a steep waterfall. Over time, however, the waterfall erodes and allows salmon to swim upstream and sustain the people. We infer from this story that, without further human intervention, the water itself resolves this problem over time.

*Water Monster* is another example of the importance of making time and being open to non-human contributions to resolving problems. In this story, a Water Monster lives inside a mountain and comes down from inside the mountain and up through the middle of the lake to capsize people's canoes. Once the canoes capsize, the people are gone forever. This means that people have to canoe around the outside of the lake to avoid the monster, which takes many portages, or hike around the lake to hunt or collect berries and medicine.<sup>148</sup> The community gets together and identifies four warriors that they will send to face the monster. The first three warriors set out immediately and are all killed on their first try.<sup>149</sup>

The fourth warrior decides not to head out immediately, saying "*I won't go forth in darkness.*"<sup>150</sup> This statement refers to the literal darkness, as the sun is going down in the story, but may also reflect the lack of knowledge the warrior has at this time. As he sleeps, fourth warrior receives a number of visions that bring him clarity, vision, and a concrete plan for slaying the monster. The community assists the warrior in preparing after every vision, and seems to respect his need for time and patience. When his preparations are complete, the fourth warrior slays the monster and rids the community of a long-standing harm.<sup>151</sup>

<sup>146</sup> *Simpw Interview #5: Nathan Matthew, supra* note 31 at 7.

<sup>147</sup> *Origin of the Chilcotin Canyon, supra* note 22 at 642.

<sup>148</sup> *Water Monster, supra* note 9 at 20-21.

<sup>149</sup> *Ibid* 21.

<sup>150</sup> *Ibid* at 21.

<sup>151</sup> *Ibid* at 22-25.

## d. Authoritative Decision-Makers

Who has the final say? Where and over what resources?

General Restatements of Law:	
i.	<b>Individuals and Families:</b> Individuals and families control and are responsible for the use of personally-harvested or developed resources, including what is necessary to personal safety and well-being: <i>Story of Hu'pken</i> , <i>Story of Tcotcu'lca</i> , <i>Coyote and Wolf</i> , <i>Story of the Salmon-Boy</i> , <i>Simpchw Interview #10: Tina Donald</i> .
ii.	<b>Communities:</b> Communities control and are responsible for the use of communally-harvested resources, and the land and resources necessary for community health: <i>The Story of the Bush-Tailed Rat</i> , <i>Story of Hu'pken</i> , <i>Fishes and the Cannibal</i> , <i>Story of Grasshopper</i> , <i>Water Monster</i> .
iii.	<b>Elders:</b> Elders guide responsible decision-making, role-allocation, and the resolution of conflicts within communities: <i>Story of Famine</i> , <i>Water Monster</i> , <i>Simpchw Interview #10: Leon Eustache</i> , <i>Splatsin Interview #3: Randy Williams</i> , <i>Skeetchestn Interview #1: Julie-Ann Antoine</i> , <i>Skeetchestn Interview #1: Ron Ignace</i> , <i>Splatsin Interview #3: Julianna Alexander</i> .
iv.	<b>Leaders:</b> Leaders, when required, coordinate community conflict resolution processes, facilitate and are the final authorities in inter-community negotiations and disputes over land and resource use: <i>Story of The One Bound and Grasshopper</i> , <i>War with the Sky People</i> , <i>Fish Lake Accord</i> , <i>White Arrow of Peace</i> , <i>Story of Porcupine</i> , <i>Simpchw Interview #5: Nathan Matthew</i> , <i>Adams Lake Interview #7: Witness 4</i> , <i>Skeetchestn Interview #1: Daniel Calhoun</i> , <i>SNTC Interview #4: Richard LeBourdais</i> .

### Discussion:

#### i. Individuals: Individuals control and are responsible for personally-harvested or developed resources, including what is necessary to personal safety and well-being.

Many stories speak about individuals holding the power to make decisions about the resources they have. For example, Hu'pken, in *Story of Hu'pken*, decides to use the wealth that he has acquired to feast others, and makes particular decisions about who in the community will receive more of the bounty.<sup>152</sup> In *Story of Tcotcu'lca*, Tcotcu'lca becomes a successful hunter and “fill[s] all the lodges with meat.”<sup>153</sup> The predators in the story *Coyote and Wolf* also make individual decisions over the how they will use the prey they have caught, choosing not to leave the skins for the humans to use.<sup>154</sup>

Interviews also touch on individuals' ability to control what they have harvested themselves. This is demonstrated in practices such as Simpcw's community freezer, which Tina Donald describes as being stocked with fish for elders, single parents, and others in need.<sup>155</sup> She reinforces this practice as actualizing a legal principle with the comment that “when we go out fishing, you only take what you need...and then you harvest for those that can't for themselves.”<sup>156</sup> We infer from these statements that individuals who have harvested or otherwise acquired those resources themselves choose to give these resources to those in need.<sup>157</sup>

Similarly, families have the ability to control what they have harvested. For example, in *Story of the Salmon-Boy*, once the boy is no longer a salmon, he directs his grandfather to “catch and cure all the fish you can, while I go and hunt. In two months' time, I shall return and we shall give a feast to the people.”<sup>158</sup> When the boy returns, the two invite all the people and feast them for many days.

152 *Story of Hu'pken*, *supra* note 49 at 710-711.

153 *Story of Tcotcu'lca*, *supra* note 47 at 718-720.

154 *Coyote and Wolf* in James Teit, “The Shuswap” in Franz Boaz, ed. *The Jesup North Pacific Expedition: Memoir of the American Museum of Natural History* Vol II, Part VII (Leiden: EJ Brill/New York: GE Stechert, 1909) at 637-638 [*Coyote and Wolf*].

155 *Simpchw Interview #10: Tina Donald*, *supra* note 135 at 11.

156 *Ibid.*

157 *Ibid.*

158 *Story of the Salmon-Boy*, *supra* note 48 at 690.

## ii. Communities:

### **Communities control and are responsible for the use of communally-harvested resources, and the land and resources necessary for community health.**

The community is typically responsible for those resources necessary for the community's health. *The Story of the Bush-Tailed Rat*, for example, illustrates the authority and responsibilities communities have for protecting resources held in common.<sup>159</sup> In this case, a loss of any of the property held in the underground house is experienced as a loss to everyone living there, and all community members help find and punish the thief. The community in *Story of Hu'pken* also asserts authority over the resources the people need to sustain themselves through a famine.<sup>160</sup> Acting in the common interest, the community sends Flying Squirrel to spy on Crow because it seems to have food for his family and is not sharing with others. The community then confronts Crow, who admits that Hu'pken has given him food to share with the community that Crow has kept for his family alone. Finally, in the *Story of Grasshopper*, the community decides not to share with grasshopper because grasshopper did not contribute to the community harvest.<sup>161</sup>

The entire community is also responsible for responding to dangers to the community or barriers to community resources. This principle is shown in *The Fishes and the Cannibal*, in which the community decides together how to confront a force that is killing unwary travelers and community members.<sup>162</sup> The community is also responsible for finding a solution in *Water Monster*, as told by Paul Michel:

*[T]hey got the whole community together. So they got the elders and they got the parents and the uncles and the aunts and the cousins and the nephews and the nieces and the children and the teenagers. Everyone together - and all day they talked about this challenge of this Water Monster - this half-man, half-female monster that would just chase them away from the lake... they talked, talked, talked through the day and they listened to the elders and they listened to the parents... And then they listened to the way the people decide, they listen to the elders and to the parents and to the teenagers and to the children.*<sup>163</sup>

Ultimately, the community works together to kill the monster that is impeding their access to hunting, berry and medicine grounds across the lake.

## iii. Elders:

### **Elders guide responsible decision-making, role-allocation, and the resolution of conflicts within communities.**

The guidance provided by elders is recognized as helpful, even essential, to appropriately using one's individual strengths and making responsible decisions at both the individual and community level. Leon Eustache reflects on the role of elders as guides: *"the elders are always a part of what we do... anything we do here - we talk to them first and we make sure that we have it right."*<sup>164</sup> This principle is also reflected in the *Story of Famine*.<sup>165</sup> Here, young Tekie'tcen, guided by his grandfather, acquires the knowledge necessary to defeat a force that is harming the community.

Randy Williams speaks of elders as having primary responsibility for identifying and promoting people's gifts, whether in specific kinds of resource-work or in leadership:

*[Skills and roles] were passed on... [the] basket makers took the ones that elders saw were going to be the next ones, and the fishermen, the [hunters]... and that's how they were trained and even if there were bloodlines of leaders, like you look at Nicola who was a senkukpi7, of those three nations. He didn't take his son to pass that on to. He took his nephew Chilaaheetza, because that's who the elders and that's who he seen would be the next leader. That would be fair and just.*<sup>166</sup>

159 *"The Story of the Bush Tailed Rat"*, *supra* note 54 at 46.

160 *Story of Hu'pken*, *supra* note 49 at 710-711.

161 *Story of Grasshopper*, *supra* note 51 at 655.

162 *The Fishes and the Cannibal*, *supra* note 24 at 670-671.

163 *Water Monster*, *supra* note 9 at 20-21.

164 *Interview of Simpcw Community Member Leon Eustache* by Kirsty Broadhead and Adrienne MacMillan (Jul 31, 2015) Simpcw, British Columbia at 11 [*Simpcw Interview #10: Leon Eustache*].

165 *Story of Famine* in James Teit, "The Shuswap" in Franz Boaz, ed. *The Jesup North Pacific Expedition: Memoir of the American Museum of Natural History* Vol II, Part VII (Leiden: EJ Brill/New York: GE Stechert, 1909) at 700-701 [*Story of Famine*].

166 *Splatsin Interview #3: Randy Williams*, *supra* note 18 at 27.

The importance of promoting people's unique gifts is seen in the *Water Monster* story in which master canoe makers, spear makers, and paddle makers are all instrumental in preparing the fourth warrior for his task.<sup>167</sup>

Within communities, elders are valued as important for guiding individuals into peaceful relationships. As Julie-Ann Antoine explains, when people *"didn't get along,"* elders *"made them work together... because everybody lived in community so they had to learn to get along so they put them to work together."*<sup>168</sup>

Dr. Ron Ignace explains how community expectations are communicated by elders: *"the elders would always remind you...that you have a duty to look after each other and help each other...otherwise [you're] going to suffer the consequences."*<sup>169</sup> Julianna Alexander remembers elderly women, in particular, providing guidance to chiefs on how to deal with those who offended community standards:

*[W]hen it was very severe, the elderly women sat, and did their best to come up with a solution. And then they would take it to the chiefs. And the chiefs would carry on the sentence of the elderly women's advice and direction.*<sup>170</sup>

We infer that the role of elders exists in the context of most conflicts or issues, including those relating to lands, resources and harvesting.

**iv. Leaders: Leaders, when required, coordinate the resolution of community conflicts, and facilitate and act as final authorities in inter-community negotiations and disputes.**

Community leaders (Kukpi7) are key decision makers in coordinating dispute resolution processes, overseeing inter-group negotiations and representing their people's interests to other communities and nations. Nathan Matthew says:

*[Leaders] are the spokespeople and they are the ones that take the leadership in terms of resolving things based on what they understand to be appropriate protocol... [Reaching out] requires someone in a position of leadership and even respect in order to do that. It just wouldn't happen otherwise. There is an assumption that there is a spokesperson and a leader for quite a large group of beings.*<sup>171</sup>

Nathan adds

*"[i]t's probably most important to...a leader that has the support of people to get things done, to make decisions and...use the protocol to get things done."*<sup>172</sup>

This leadership role is clear in *Story of The One Bound and Grasshopper*.<sup>173</sup> In that story, an angry man with a violent temper is bound by his people when he became too hostile. Grasshopper finds the man bound and starts kicking the man. Grasshopper kicks the man so hard that his leg and foot fall off. Grasshopper then goes to the chief and claims that the man knocked off his legs. The chief then gathers the people to investigate Grasshopper's claim and asks The One Bound what happened. Through the investigation, the chief learns that Grasshopper has lied and the community turns him into an ordinary grasshopper.

When talking about this story in our interviews, a witness comments on why Grasshopper goes to the chief in the story to make his complaint. The witness says, *"because he's the chief. He's looking after the community, all the people."*<sup>174</sup> The witness also notes that the chief is the one to make decisions about what is happening because the chief *"is aware of all the behavior of his community."* The witness adds, *"you know, if you have a family, you make sure you get all the family together. And [for] this chief...that was his family. He is appointed to look after his community."*<sup>175</sup>

167 *Water Monster*, *supra* note 9 at 21-23.

168 *Interview of Skeetchestn Community Member Julie-Ann Antoine* by Kirsty Broadhead and Adrienne MacMillan (06 July 2015) Skeetchestn, British Columbia at 16 [*Skeetchestn Interview #1: Julie-Ann Antoine*].

169 *Skeetchestn Interview #1: Ron Ignace*, *supra* note 106 at 10.

170 *Splatsin Interview #3: Julianna Alexander*, *supra* note 17 at 17.

171 *Simpco Interview #5: Nathan Matthew*, *supra* note 31 at 10.

172 *Ibid.*, at 13.

173 *Story of The One Bound and Grasshopper* in James Teit, "The Shuswap" in Franz Boaz, ed. *The Jesup North Pacific Expedition: Memoir of the American Museum of Natural History* Vol II, Part VII (Leiden: EJ Brill/New York: GE Stechert, 1909) at 655 [*Story of The One Bound and Grasshopper*].

174 *Adams Lake Interview #7: Witness 4*, *supra* note 72 at 3.

175 *Ibid.*

In *The War with the Sky People*, we see how leaders can fail in this responsibility.<sup>176</sup> In this story, two leaders gather their people together to face a common enemy. The two chiefs are left to guard the bottom of a ladder being used by their people to battle the Sky People. The two start making fun of each other and one of the chiefs becomes angry and chases the other, knocking down the ladder. This traps their people in battle and when their people start losing to the Sky People, only the birds are able to escape unscathed. Some warriors fight and become stars, while the fish hurl themselves to the ground, injuring themselves and forever changing their form. Although they may have still lost the battle, the chiefs' failure to maintain good relations ultimately cause greater harm to their people than is necessary.

Within a framework of community-led decision-making, leaders have important roles promoting and facilitating not just local responses to local conflicts. They also reach out to other communities or authorities<sup>177</sup> for help when needed. For example, the *Fish Lake Accord* "establishes the rights of PEIkamu'lox and his decedents to occupy what is now the northwest portion of Sylix territory."<sup>178</sup> The oral history is an account of when Kwoli'la (Kamloops Chief) sought out his brother PEIkamu'lox (head Okanagan Chief), after hearing that there had been many attacks on PEIkamu'lox and his fort. His people warn Kwoli'la that he will be attacked if he approaches the fort, but PEIkamu'lox recognizes him and welcomes him in as his guest. Kwoli'la persuades PEIkamu'lox to leave his fort in Sali'lx (Sylix) and go north with him because he will always have problems there. *The Fish Lake Accord* provides land and resource rights to PEIkamu'lox's people in Secwépemc territory to sustain and protect itself to this day.<sup>179</sup>

Leadership for peacemaking among nations or peoples is illustrated by the oral history *White Arrow of Peace*.<sup>180</sup> While many of the decisions noted in this history are made by individuals or small groups of people, the ultimate responsibility of stopping the cycle of violence rests with leaders, for example the Princeton Chief who has authority over whether or not to accept the peace offering made by the Secwépemc. *The Story of Porcupine* also shows the role that leaders play in creating peace among groups in conflict. Swan, using proper protocols, invites Elk and his people to meet to discuss how to dispel the conflict that is harming them. Each leader and his people kneel down before the other to offer their wisdom.<sup>181</sup>

176 *The War with the Sky People*, *supra* note 23 at 749.

177 *Interview of Skeetchestn Community Member Daniel Calhoun* by Kirsty Broadhead and Adrienne MacMillan (06 July 2015) Skeetchestn, British Columbia at 11-12 [*Skeetchestn Interview #1: Daniel Calhoun*].

178 *The Fish Lake Accord*, *supra* note 7 at 1-2.

179 *SNTC Interview #4: Richard LeBourdais*, *supra* note 69 at 2, 6.

180 *White Arrow of Peace*, *supra* note 6 at 28-32.

181 *Story of Porcupine*, *supra* note 33 at 671-672.

### 3. Relationships, Responsibilities and Rights

#### a. Land

Relationship with the Land: What are the relationships between people and the land? Animals? Plants? Water?

General Restatements of Law:	
i.	<b>Qwenqwent:</b> humility and human dependence informs the relationship between humans, non-human beings and the environment: <i>Story of Tcotcu'lca, Coyote and Salmon, Old-One and the Sweat-House, Coyote and Wolf, Story of the Salmon-Boy, Simpcw Interview #5: Witness 1, Splatsín interview #3: Randy Williams, Adams Lake Interview #2: Anne Michel, Splatsín Interview #8: Julianna Alexander.</i>
ii.	<b>Interconnection:</b>
a)	Humans, land and non-human beings are interconnected and interdependent within a larger ecosystem: <i>Story of Tcotcu'lca, Coyote and Salmon, The Liberation of the Chinook Wind, Coyote and His Hosts (How Coyote Broke the Ice Dam), The Story of the Bush-Tailed Rat, Splatsín Interview #3: Shirley Bird, Splatsín Interview #3: Julianna Alexander, Adams Lake Interview #7: Witness 4.</i>
b)	Secwépemcúlcw impacts the law's creation, application, and authority: <i>Water Monster, Simpcw Interview #10: Leon Eustache, Splatsín interview #3: Randy Williams, Splatsín Interview #8: Julianna Alexander.</i>

#### Discussion:

##### i. Qwenqwent: Humility and human dependence informs the relationship between humans, non-human beings and the environment.

Qwenqwent is a Secwépemc word with no direct translation into English. It is a foundational principle of Secwépemc law that informs the relationship between humans and the environment. A witness from Simpcw explains qwenqwent like this:

*[I]t means to be pitiful and it doesn't mean that they're incapable or unable - it is embedded in our language, in our way - it's in our prayers and songs. That's what we believe as humans or as people: we're qwenqwent because we're down here and the animals and the birds and the tmicw are up here because we depend on everything to survive, but without us they would thrive. They don't need us around here, so...learning more songs and dances and just different ceremonies... that's a word that's used quite a bit, kind of, to keep people humble.<sup>182</sup>*

Qwenqwent, then, is about modesty or humility. In the context of lands and resources, qwenqwent includes recognizing the significance and power of land, resources and non-human beings in relationship with people. In regards to water, for example, Randy Williams says:

*Ceremonies went with water because water was scared spirit, and creation, and the giver of all life...it was the spirit of humble and cleansing, because the water can go through rock you can see - through the Grand Canyon and everything like that - through earth and anything... But...it crawls on its belly, humbles itself below all things and yet it's a cleansing spirit. So, it was always taught with respectful way[s].<sup>183</sup>*

Here, we see qwenqwent informing what it means for people to have a respectful relationship with the land, resources and non-human beings.

<sup>182</sup> *Simpcw Interview #5: Witness 1, supra note 74 at 13.*

<sup>183</sup> *Splatsín interview #3: Randy Williams, supra note 18 at 28.*

Qwenqwent is reflected in stories in which humans are assisted by non-human beings. For example, in *Story of Tcotcu'lca*, a famine forces a family to travel the land to find game.<sup>184</sup> One man, Tcotcu'lca, follows a hunting wolf, and scavenges the remains of animals the wolf has killed. Anne Michel explains Tcotcu'lca's actions in this story according to her understanding of Secwépemc law:

*All this was legal... what [Tcotcu'lca] is doing is he is waiting until the wolf is finished and he is just taking what [he needs]... picking up the leavings and eating something. And I think that was respectful to the wolf... like you didn't try to kill the wolf or steal, attack him while he's eating this nice big game. He's just taking what he could.*<sup>185</sup>

Again, respect and humility inform the actions of Tcotcu'lca, as he recognizes that he is relying on the wolf for his own survival.

Eventually, the wolf confronts Tcotcu'lca and asks what he has been doing. The wolf then recognizes that Tcotcu'lca has been poor and hungry for a long time, and teaches him how to be a successful hunter for his community. Ultimately, Tcotcu'lca becomes a great hunter for his people, but only because of the wolf's intervention and instructions. The story ends with Coyote stealing the tools the wolf has given Tcotcu'lca, which turns all the resources hunted by Tcotcu'lca back into animals. Tcotcu'lca turns into a wolf and leaves the community. Coyote's jealousy and curiosity ultimately leaves the community hungry again. This is a lesson in qwenqwent, as it demonstrates that humans are, at times, dependent on the land and non-human beings and that asking for more than one needs can result in having nothing in the end.

Coyote, in the story *Coyote and Salmon*, is also at the mercy of his harvest.<sup>186</sup> In that story, Coyote is drying many salmon. One day he passes underneath the sticks where they are hanging and his hair gets caught in one of them, which makes him angry. This happens four more times and he gets angrier every time. He ultimately tears down one of the salmon and throws it in the river. It then comes to life and swims away, along with all the other salmon that he is drying. Although it seems Coyote is in control of the fish he has split to dry on racks, the moment he becomes angry and throws a fish on the ground for getting caught in his hair, his entire catch returns to the river. These stories illustrate Julianna Alexander's words, "*all the laws are in place to protect us and if we break them we're going to suffer. If we don't follow the land, we're going to suffer as a people.*"<sup>187</sup>

We can see the importance of qwenqwent, although it is not directly articulated, in *Old-One and the Sweat-House*.<sup>188</sup> In that story, Old-One teaches people how to sweat bathe and make sweat houses. Old-One tells people that if they follow his instructions and pray to the Scwelu's (sweat-house deity), they will be healthy and successful at hunting and gambling. Old-One then asks the Scwelu's and Water to help people when they pray to them and the Fir Tree to help people by washing them with its branches. We can infer that this story reminds people of qwenqwent, by connecting their health and success to being humble and praying to the Scwelu's and resources associated with the sweat-house.

Another aspect of qwenqwent is featured in *Coyote and Wolf*.<sup>189</sup> In this story, Wolf suggests to Coyote that they take the skins off the animals they hunt together before they eat them because the skins could be useful to the humans. Coyote, however, convinces Wolf that it would be too much trouble to take the skins off before eating the flesh. Coyote and Wolf make a decision that is harmful to humans, but humans are powerless to impact this decision. Similarly, in *Story of the Salmon-Boy*, a lost child is safeguarded by the salmon people, and sent home in the care of the sockeye instead of the king salmon to avoid possible dangers.<sup>190</sup> The ability to access resources or travel safely in these stories is directly connected to the decisions that animals make, illustrating humans' dependence on them.

184 *Story of Tcotcu'lca*, *supra* note 47 at 718-720.

185 *Adams Lake Interview #2: Anne Michel*, *supra* note 29 at 32-33.

186 *Coyote and Salmon* in James Teit, "The Shuswap" in Franz Boaz, ed. *The Jesup North Pacific Expedition: Memoir of the American Museum of Natural History* Vol II, Part VII (Leiden: EJ Brill/New York: GE Stechert, 1909) at 637 [*Coyote and Salmon*].

187 *Splatsín Interview #8: Julianna Alexander*, *supra* note 27 at 19.

188 *Old-One and the Sweat-House*, *supra* note 94 at 642-643.

189 *Coyote and Wolf*, *supra* note 155 at 637-638.

190 *Story of the Salmon-Boy*, *supra* note 48 at 690.

**ii. Interconnection:**

**humans, land and non-human beings are interconnected and interdependent within a larger ecosystem. Secwépemcúl'ecw impacts the law's creation, application, and authority.**

**a) Humans, land and non-human beings are interconnected and interdependent within a larger ecosystem.**

Interconnection is distinct from the relationship of qwenqwent, as it acknowledges that human actions are influential, within a natural world that is in constant flux. It is important to remember, for example, that it is Coyote's actions that impact the harvests in *Story of Tcotcu'lca*<sup>191</sup> and *Coyote and Salmon*.<sup>192</sup> Additionally, *The Liberation of the Chinook Wind* shows how humans interact with, and influence, a dynamic environment.<sup>193</sup> Similarly, *How Coyote Broke the Ice Dam* (contained within *Coyote and his Hosts*) tells of how the actions of two sisters with powerful magic, who live in a territory downstream from the Secwépemc, prevent the interior people from sharing in the salmon migration.<sup>194</sup>

In the interviews, the impact people have on the earth is mostly discussed within a context of concern for the sustainability of the environment and non-human beings. We can see that this concern is one that exists for both humans, animals and the land, as Shirley Bird expresses:

*I am scared of what's happening up to date. What's happening with mother earth... I worry about our animals, our trees, everything you know I look around. I worry about those poor animals, where are they going to get water? What about their homes, what about the food, what are their babies going to have? What about the next generation? What's my grandchildren going to have? What's going to be left for them? You know what's going to be in place for them? What am I going to have in place for them? What am I going have ready for them?*<sup>195</sup>

This recognizes the extent to which the land relies on the actions of human beings for its own health and survival.

Indeed, Julianna Alexander talks about the impact of humans within an ecosystem in context of her concerns about water use:

*We can't live without the water. That's the biggest problem I am having right now... Its being limited because they're taking far too much trees out which is killing too many plants and animals. ... Everything has a cycle, every ant has a job to do, you know, it it does certain things everyday. And then, next animal does certain things everyday and the mice have something to do everyday. ... the worm, don't forget the worm, the worm turns the earth. And if you take away the water there's no worm, there's [no] ant, there's no beetle. And then the swamps: the swamps purify the water and if you mess around with the swamps...those plants in the swamps...and bugs in there and everything that could purify the water, which gives out oxygen...as well ponds, or the beaver dams. You know they all play a role...*<sup>196</sup>

Embedded in this relationship, then, is the importance of respecting the integrity and well-being of all non-human beings and resources in Secwépemcúl'ecw.

191 *Story of Tcotcu'lca*, *supra* note 47 at 718-720.

192 *Coyote and Salmon*, *supra* note 187 at 637.

193 *Liberation of the Chinook Wind*, *supra* note 21 at 624.

194 *Coyote and His Hosts*, *supra* note 41 at 630.

195 *Splatsín Interview #3: Shirley Bird*, *supra* note 16 at 2.

196 *Splatsín Interview #3: Julianna Alexander*, *supra* note 17 at 12.

A number of stories also highlight the interdependent nature of humans to the land, non-human beings and resources by identifying the utility of all creatures in this ecosystem. For example, in *The Story of the Bush-Tailed Rat*, Bush-Tailed Rat is stealing resources from his community. The people set a trap and catch him. The people punish Bush-Tailed Rat as follows: *They threw him outside among the rocks, and said, "Henceforth you shall be a rat, and shall steal only a little bit at a time. You shall eat rose hips and prickly pears. You shall gather sticks and your excrement shall be valuable as a medicine."*<sup>197</sup>

While the people punish Bush-Tailed Rat, we can infer that they recognize that his survival is inherently valuable, and he can still be useful to the community by providing medicine. Similarly, in *The One Bound and Grasshopper*, the people punish Grasshopper by turning him into a grasshopper, but note that he is still useful as bait for fishing. As one witness says, *"it shows us that [they] just didn't let him go for nothing. He is good for something, for bait."*<sup>198</sup>

## b) Secwépemcú'ecw impacts the law's creation, application, and authority.

Secwépemcú'ecw is not just the place where Secwépemc to live or call home; its existence impacts the law's creation, application and authority. Witnesses observe the close relationship between Secwépemc law and territory as being essential to the origins and vitality of Secwépemc law. As Paul Michel says during his telling of the story Water Monster:

*Indigenous peoples are unique [in] how we understand the world. We're so interconnected to our land. Our land and our laws are all the same. We don't separate it. We're intertwined with in the laws of... the bush, of the forest, of our lands, of our waters. We are one in the same. What does Richard Atleo say? "Tsawalk" – we are all one<sup>199</sup>. We are all one. And there's a long history of saying "all my relations" and where that got really common in Turtle Island is because we are all related. Not just the humans, but everything we're related to...<sup>200</sup>*

The extent of interconnection between the humans and certain land, resources and non-human beings and the formation of law about those relationships depends on where people are in Secwépemcú'ecw. This includes a human connection to certain places:

*[P]eople understand where they are from and they know that area... if you mention a name like Saskum Lake or the Dunn Lake Mermaid, then people understand that they're tied to the land, they're tied to this area [and] those stories [that] relate to them... your relationship to the land always comes foremost in a lot of stories.<sup>201</sup>*

One such place is Spotted Eagle Mountain, an important gathering place, and a place where people can find sacred tobacco and have spiritual experiences.<sup>202</sup>

Similarly, the sheer size of Secwépemcú'ecw means there are variations in climates and geographies. This impacts the importance of the relationship people have with certain land and resources, as Julianna Alexander explains:

*[W]e utilize ... words and skills... according to territory, area or place. ... how those people respect those [resources] and what kind of laws they have in place in that area [is different] because we're not all in the same kind of area: we have arid areas where it's dry, you know, and, of course, [in those areas] they're going to respect water more...<sup>203</sup>*

This fundamental relationship between the land and law comes up in many ways in the stories and interviews, and helps explain the more specific principles and processes that the Secwépemc legal tradition upholds for living well, as Secwépemc, and in Secwépemcú'ecw.

197 *"The Story of the Bush Tailed Rat"*, *supra* note 54 at 46.

198 *Adams Lake Interview #7: Witness 4*, *supra* note 72 at 6.

199 *"Tsawalk: A Nuu-chah-nulth Worldview"* by Eugene Richard Atleo (2004)

200 *Water Monster*, *supra* note 9 at 27.

201 *Simpco Interview #10: Leon Eustache*, *supra* note 165 at 6-7.

202 *Splatsin interview #3: Randy Williams*, *supra* note 18 at 23-24.

203 *Splatsin Interview #8: Julianna Alexander*, *supra* note 27 at 20.

## Responsibilities to the Land

What are people's responsibilities to the land? Animals? Plants? Water? Are there certain individuals, families or clans who have particular responsibilities to care for certain territory or resources?

General Restatements of Law:	
<b>i. Responsibility to Teach and Learn about the Land to Learn the Law:</b>	People are responsible for teaching and learning about and from the land in order to transmit their laws and learn about their laws.
<b>a) Teach and learn about the land:</b>	<i>Splatsín Interview #3: Julianna Alexander, Splatsín Interview #8, Splatsín Interview #3: Shirley Bird, Splatsín Interview #8: Julianna Alexander.</i>
<b>b) Teach and learn from the land:</b>	<i>Tlĕē'sa and his Brothers, Adams Lake Interview #2: Ronnie Jules, Adams Lake Interview #2: Anne Michel, Splatsín Interview #3: Julianna Alexander, Splatsín Interview #8: Julianna Alexander.</i>
<b>ii. Responsibility to Follow the Law:</b>	People are responsible for respecting the laws relating to lands and resources: <i>Coyote and Salmon, Coyote and his Hosts (Coyote and the Grouse Children), Splatsín Interview #3: Julianna Alexander, Splatsín Interview #8: Randy Williams, Splatsín Interview #3: Shirley Bird, SNTC Interview #4: Richard LeBourdais.</i>
<b>iii. Responsibility to Not Seek More or Other Resources When There Is No Need:</b>	People should not over-harvest resources or waste resources already in their control: <i>Coyote and Fox, Coyote and the Black Bears, Simpcw Interview #5: Witness 1, Simpcw Interview #10: Leon Eustache, Adams Lake Interview #2: Ronnie Jules, Splatsín Interview #8: Julianna Alexander, Adams Lake Interview #2: Anne Michel.</i>
<b>iv. Responsibility to Protect the Land and Ensure that Animals and Other Resources Can Sustain Themselves and Reproduce:</b>	People should protect the land from unnecessary harms and consider the future of the land, resources and non-human beings in their use of the land.
<b>a) To protect the land:</b>	<i>Simpcw Interview #10: Tina Donald, Splatsín Interview #3: Shirley Bird, Splatsín Interview #3: Randy Williams.</i>
<b>b) To ensure that animals and other natural resources can sustain themselves and reproduce:</b>	<i>Coyote and the Black Bears, Wolf and Wolverine, Simpcw Interview #10: Tina Donald, Adams Lake Interview #2: Anne Michel, Simpcw Interview #5: Pat Matthew.</i>

### Discussion:

**i. Responsibility to Teach and Learn About and From the Land to Learn the Law: People are responsible for teaching and learning about and from the land in order to transmit their laws and learn about their laws.**

**a) Responsibility to teach and learn about the land.**

The responsibility to teach and learn about and from the land emerges from both relationships of qwenqwent and interconnection. Learning about the land is critical for responsible use and management, and for safeguarding the environment for future generations.

Julianna Alexander speaks about the importance of her role in teaching the laws relating to the land through oral tradition:

*You know, as my knowledge...gets passed down. There's a lot of knowledge that gets passed on. It's always oral tradition, and the laws like you're studying oral tradition and...that's what it means. You're training, you're learning, you're experiencing you know, and you're being guided through, you know, to see the value of this tradition or the Splatsín or the Secwépemctsin way they see medicines and people and plants and animals.<sup>204</sup>*

<sup>204</sup> Splatsín Interview #3: Julianna Alexander, *supra* note 17 at 9.

The responsibility to learn and keep learning about the laws relating to the land is ongoing. Stories help with this process:

*And helps me recognize the responsibilities I have, for who I am. And I am grateful for these stories to come about and it's good to hear and to learn. ...And, like I say, I am still learning and... its good for myself to...look back at these stories and...I'll read them again and I'll get something again different.<sup>205</sup>*

Learning about the land is critical to understand dangerous locations and what skills are needed to interact with the land:

*[T]he elders tell us what it was like for them and their children way back so we know all these forbidden and prohibited areas and what kind of skills to practice and pass the teaching.<sup>206</sup>*

As this quote suggests, those with knowledge, such as elders, have a particular responsibility to pass on their knowledge relating to their land.

It's also important to learn about the power of different resources when interacting with them, as, Julianna Alexander notes with respect to water:

*You have to respect the water or you can drown, you know. There's certain places maybe you shouldn't be, or, for some reason people believe in different entities in the water - could be a hole in the water, maybe something living, some creature, some mythical creature. You have to respect that property, that energy of the water or fire or air or snow and ice have different properties you have to be aware of. You know, if you don't dress warm then you will freeze – you have to respect that, all types of water.<sup>207</sup>*

#### **b) Responsibility to learn and teach from the land.**

Experiential learning, or learning from the land, arises in a number of interviews and stories. For example, witnesses discuss how the boys learn from their travels in *TIEÉ'sa and his Brothers*.<sup>208</sup> Ronnie Jules notes that boys and girls are encouraged to learn about the land when travelling, although historically, boys, as in the story, travelled alone.<sup>209</sup> Anne Michel notes that girls travelled with their grannies to learn or learned locally with their families.<sup>210</sup> Julianna Alexander expresses the usefulness of learning about resources directly from the land: *“you... train like these boys and you have to know if it is poisonous or not or good or bad – and they learn about that as are shown to them.”<sup>211</sup>*

Julianna Alexander speaks of the importance of land-based learning and how not being on the land impacts that learning process:

*That was how they did it, is that they took care of children and they taught them all these values. Whereas; you know, and then they're outside and they learned how, you know, testing the dirt, eating it, rocks, whatever, weeds. You know? Doing their own stuff - where when they're indoors they don't do that, having bare feet out in the dirt - getting dirty, you know, it's so much more rich in learning from feeling that energy.<sup>212</sup>*

Julianna also notes how not learning from the land has impacted the knowledge base of recent generations of law learners:

*They don't have any creativity because they're not experiencing all that stuff outside, building sticks or mounds or whatever you do. I remember doing that...I remember making fish using leaves, different things, here. You have to build your creativity and we're not doing that because we're limiting their spaces, you know, [to] four walls. Then they don't hear, they don't hear the animals, you don't hear the sounds - the water, the wind, all the things that are supposedly helping your six senses develop. For danger, different mechanisms that...you'd require. And these are all laws that we have that we're not taught. Just about common sense laws around thinking, respect and, learning it - discipline and guidance, they're all natural, normal common laws of every day life and... little kids are missing it. Even our teenagers and some of our parents because they're not sitting out there picking berries and doing stuff they need to do, you know.<sup>213</sup>*

205 *Splatsin Interview #3: Shirley Bird, supra* note 16 at 14.

206 *Splatsin Interview #8: Julianna Alexander, supra* note 27 at 20.

207 *Ibid* at 16.

208 *TIEÉ'sa and his Brothers, supra* note 37 at 644-651.

209 *Adams Lake Interview #2: Ronnie Jules, supra* note 67 at 14.

210 *Ibid* at 15; *Adams Lake Interview #2: Anne Michel, supra* note 29 at 15.

211 *Splatsin Interview #3: Julianna Alexander, supra* note 17 at 9.

212 *Splatsin Interview #8: Julianna Alexander, supra* note 27 at 11-12.

213 *Ibid*.

From this we infer the responsibility to teach from the land to the extent possible, as the younger generation may have challenges learning from the land within current learning environments.

## ii. Responsibility to Follow the Law:

### People are responsible for respecting the laws relating to lands and resources.

Once people have learned the laws of the land either from people or through experiential learning, they have a responsibility to follow what they have learned. This includes following protocols for harvesting or interacting with their community and environment. As Julianna Alexander notes, this is deeply related to the idea of showing respect for the land: “*never forgetting to offer – offer thanks for, out of respect for all that we know.*”<sup>214</sup> Randy Williams illustrates this responsibility with a story about his mother’s teaching him to give thanks and be respectful when harvesting dandelion for medicine:

*So she says if you just take [it] and kill it, it's just a dead plant. But if you ask it and tell it why you need its help and its medicine, then its medicine, its malama. So the different things like that. ...it was our traditional law to be respectful. Cause that's one of the laws that teaches us to be human beings: respectfulness and thankfulness.*<sup>215</sup>

The responsibility to follow law is deeply entrenched in the stories. For example, Shirley Bird speaks about the possible lessons to take from *Tlĕē'sa and his Brothers*, including the responsibilities certain people have when learning specific protocols connect to roles in community or activities, such as hunting:

*Maybe it's the responsibility to help me understand...the responsibility for pipe carrier...and for others who are gifted. Also a hunter – to remember what their ceremony said and the songs that need to go with [that]. If I am to get back into hunting, what I am to do. And to remember to offer back to mother earth...and the prayers and the things to do before I go out. To talk to the animals if there is any more left out there that are healthy.*<sup>216</sup>

A number of stories talk about this responsibility by describing the harmful consequences of not doing so. This is seen in *Coyote and Salmon*, in which Coyote’s abuse of a single salmon leads all of the fish he has caught to throw themselves back into the river.<sup>217</sup>

Underlying this responsibility is the also idea of respecting the integrity of other living beings in Secwépemcúfcw. For example, Richard LeBourdais talks about this responsibility in the context of how human and non-human beings can peacefully share territory:

*[W]hen you say your prayers you tell [Grizzly Bear] “I’m going to be here in your area and this is your territory. You respect me and I’ll respect you and we’ll get along”...sometimes, if you don’t do that, things can happen.*<sup>218</sup>

Similarly, the story *Coyote and the Grouse Children* (told as part of *Coyote and his Hosts*) shows how non-human beings can cause great harm they do not respect the integrity of other beings.<sup>219</sup> In this instance, Coyote plays a nasty trick on the grouse children by putting gum in their eyes while they are sleeping. When the children wake up they can no longer open their eyes. They wander and get separated from one other, and cannot find their way home. After their mothers find them, their mothers set a trap and cause Coyote to fall off a cliff into the river.

214 *Splatsín Interview #8: Julianna Alexander, supra* note 27 at 20.

215 *Splatsín Interview #3: Randy Williams, supra* note 18 at 29.

216 *Splatsín Interview #3: Shirley Bird, supra* note 16 at 14.

217 *Coyote and Salmon, supra* note 187 at 637.

218 *SNTC Interview #4: Richard LeBourdais, supra* note 69 at 42.

219 *Coyote and His Hosts, supra* note 41 at 628-629.

**iii. Responsibility to Not Seek More or Other Resources When There is No Need:  
People should not over-harvest resources or waste resources already in their control.**

One specific legal teaching can be isolated as a separate responsibility. Both the stories and interviews reinforce the responsibility of caring for the resources that humans depend on by only taking resources that are necessary. As one witness succinctly says about Secwépemc laws, *“well I guess the most basic one is that we were taught not to, kind of, over-harvest or only take as much as you need.”*<sup>220</sup>

Leon Eustache reflects on his understanding of this principle in the context of harvesting berries or medicine:

*[Y]ou don't harvest it all. Yeah, you don't take everything that is there - you leave some. And then, like berries you see - we tell them, “oh you don't...just pick, you know, you don't take every berry off that bush. You leave some for the bears and some for the animals that are there.” Yeah, same with medicines... you're taught which medicines and you don't over harvest.*<sup>221</sup>

A number of Secwépemc stories, as Ronnie Jules says, *“lead to that effect of taking too much,”*<sup>222</sup> such as the stories involving Coyote. For example, in *Coyote and Fox*, Coyote happens upon an underground house inhabited by rock rabbits. Coyote decides to kill and eat all them all. He leaves the rock rabbits to cook while he sleeps, and Fox comes and starts to eat them. Coyote wakes a few times and asks Fox to save him some rock rabbits, but Fox doesn't and eats them all up. Coyote's selfishness and laziness, we infer, results in Coyote being left with nothing. Fox then endures Coyote's attempts to kill him for not sharing.<sup>223</sup>

In *Coyote and the Black Bears*, Coyote comes upon a mother bear and her two cubs and decides he should make a new robe from their skins. He tears up the robe he is wearing and tries, unsuccessfully, to kill the bears. As a result of his actions, he is left without any robe and is called “foolish” in the story.<sup>224</sup> We infer that Coyote is because he wastes the resources he already has when he tears up his existing robe, but is also because he seeks more than he needs. As Anne Michel comments about the story, “if you need [a robe] you don't kill all three [bears]...”<sup>225</sup>

Julianna Alexander also recognizes the shifts that have happened with resource management and use over recent history, in which people have been drawn to over-harvest and even hoard resources as a means of survival:

*Because we're witnessing a change in how we harvest. We're trying to be something we're not, again...taking and taking and taking. What we need to be doing is giving, giving, giving. Like, for fish, even the fish, we're always supposed to only take what we need, not hoarding it, selling it, doing all those... we're doing it for all of the wrong reasons, but at the same time we're doing it because we have to survive and because we're forced to, because...we want to live this certain life...have to pay higher - pay your gas, and your phone and, you know, all that other stuff. It's like you're forced to do these things.*<sup>226</sup>

This quote illustrates the dynamic nature of law over time. It also underscores the realization that the practice of law, in relation to lands or resources always involves balancing people's responsibilities to the land with their responsibilities to their families, communities and neighbours.

<sup>220</sup> *Simpw Interview #5: Witness 1, supra* note 74 at 9.

<sup>221</sup> *Simpw interview #10: Leon Eustache, supra* note 165 at 11.

<sup>222</sup> *Adams Lake Interview #2: Ronnie Jules, supra* note 67 at 27.

<sup>223</sup> *Coyote and Fox, supra* note 42 at 633.

<sup>224</sup> *Coyote and the Black Bears, supra* note 44 at 638.

<sup>225</sup> *Adams Lake Interview #2: Anne Michel, supra* note 29 at 27.

<sup>226</sup> *Splatsin Interview #8: Julianna Alexander, supra* note 27 at 3.

#### iv. Responsibility to Protect the Land and Ensure that Animals and Other Resources Can Sustain Themselves and Reproduce:

People should protect the land from unnecessary harms and consider the future of the land, resources and non-human beings in their use of the land.

##### a) Responsibility to protect the land.

The responsibility to protect the land is linked to both relationships of qwenqwent and interconnection. It is also directly connected with the responsibility to not seek more than you need, but is more about actively protecting the land's interests.

Two Secwépemctsin concepts are important in considering this responsibility. The first is tknémentem, which means to preserve Earth's natural resources. Second, yucwminte re tmicw, which means taking care of the land. Yucwminte re tmicw is a phrase Tina Donald uses in her classroom teachings about coho salmon. It means, she says:

*[P]rotecting the land and water... because a lot of what I do is not only related to coho but it's talking to the kids about the different things that they can do as a little child to high-school student about protecting the land for the future and why we want to do that.*<sup>227</sup>

Shirley Bird talks about this responsibility in the context of her concerns about the state of the environment today:

*We can't wait for others; we need to do something today, to have something put in place. I see mother earth suffering. She needs a lot of help. And for the other races to help, [to] listen. To help us get things put into place to help us understand what we are trying to do. To understand...how to revive and to, to help...keep that life cycle going the way it used to be. It's not going to be perfect to understand everything from our four-leggeds to our winged ones and to those our finned ones and to those that crawl and even to those that live in the water and to the root people, the rock people, and the little people, and even the sasquatch.*<sup>228</sup>

This responsibility can take many practical forms, and flows from the knowledge of non-human beings' own needs, characteristics, and rhythms. Randy Williams speaks about the responsibility to protect and speak for all of creation:

*Speak for those that can't speak for themselves, right from the conception of the spirit going into the physical form. Of the whole thing and the fish, the water and everything like that. And not doing that, we're not upholding our responsibility that the Creator gave us. And that's the highest law of all.*<sup>229</sup>

Randy Williams also talks of this same responsibility in the context of protecting medicine grounds,<sup>230</sup> protecting resources in certain places, such as spotted eagle mountain,<sup>231</sup> and articulates this responsibility as being an "inherent right to protect" areas in Secwépemc territory.<sup>232</sup>

The legal responsibility to protect the land shifts as specific dangers emerge, illustrating the dynamic nature of the law. For example, right now there is focus on protecting the grizzly bear because of hunters' greater access to them, according to Randy Williams:

*Now we have the consequence of protecting the grizzly bear there because [people] come from Alberta and they take its life so they can sell its parts and everything...cause now there's road accesses into there.*<sup>233</sup>

He goes on to talk about some of the consequences of not fulfilling this legal responsibility in the context of medicines:

*And so if we don't protect our medicines and everything that are on those sacred mountains, they will be gone, too, and exploited, like they do with the mushrooms...and because we don't have the laws to protect it. And the non-natives have no laws. So those are some of the consequences for not responding.*<sup>234</sup>

227 *Simpcw Interview #10: Tina Donald, supra note 135 at 7.*

228 *Splatsin Interview #3: Shirley Bird, supra note 16 at 2.*

229 *Splatsin Interview #3: Randy Williams, supra note 18 at 25.*

230 *Ibid* at 22.

231 *Ibid* at 23.

232 *Ibid* at 22.

233 *Ibid* at 25.

234 *Ibid* at 25.

In this quote, we infer that the lack of laws to protect medicines, other resources, non-human beings and the land refer to an inability to protect against exploitation under Canadian law, not Secwépemc law.

**b) Responsibility to ensure that animals and other natural resources can sustain themselves and reproduce.**

This responsibility is connected to the idea of ensuring harvesting practices protect the survival of species. As Tina Donald says, “..when we’re gaff fishing on Raft River we try to target the males...”<sup>235</sup> This selective fishing practice demonstrates sensitivity to the needs of fish to reproduce. Similarly, in *Coyote and the Black Bears*, Coyote inappropriately attempts to kill a mother bear and two cubs to create a robe that he does not need.<sup>236</sup> Reflecting on this story, Anne Michel articulates the responsibility that Coyote is not honouring: “if you need it you don’t kill all three...you have to make sure the cubs are going to – if you leave them – that they are going to survive” [emphasis by witness]<sup>237</sup> We infer that in addition to attempting to use resources unnecessarily, attacking a mother and her cubs violates his responsibility to ensure the survival of that bear family.

The responsibility to protect future generations can even, as in *Wolf and Wolverine*, transcend the survival needs of any individual. In this story, even though Wolverine is “reduced to starvation,” he does not completely exhaust the beaver population in his territory. Instead, he moves away to search for other sustenance.<sup>238</sup>

However, there are exceptions to this responsibility in circumstances of need. One Simpcw witness explains that “in our community, very few people take cow moose or does, and if you do, only the really needy people do...”<sup>239</sup>

## Rights of the Land

**How should people be able to expect others to treat the land? Animals? Plants? Water?**

General Restatements of Law:	
i.	<b>The Right to not be Over-Harvested:</b> This can be inferred from the responsibility to not to seek more or other resources when there is no need.
ii.	<b>The Right to be Protected and Self-Sustainability:</b> This can be inferred from the responsibility to protect the land and ensure that animals and other resources can sustain themselves and reproduce.

## Discussion:

See above discussions on responsibilities to the land for discussions of these rights.

<sup>235</sup> *Simpw Interview #10: Tina Donald, supra* note 135 at 11.

<sup>236</sup> *Coyote and the Black Bears, supra* note 44 at 638.

<sup>237</sup> *Adams Lake Interview #2: Anne Michel, supra* note 29 at 27.

<sup>238</sup> *Wolf and Wolverine, supra* note 38 at 671-672.

<sup>239</sup> *Simpw Interview #5: Pat Matthew, supra* note 64 at 11.

## b. Other Territorial Groups

### Relationships with other Territorial Groups

What are the relationships with other groups with overlapping/adjoining territories?

General Restatements of Law:	
i.	<b>Mutual Recognition:</b> Other territorial groups are self-governing and have their own laws and interests: <i>Story of Porcupine, Fish Lake Accord, White Arrow of Peace, Adams Lake Interview #2: Anne Michel, Adams Lake Interview #2: Ronnie Jules, Simpcw Interview #10: Tina Donald, Simpcw Interview #10: Pat Matthew, Splatsin Interview #3: Randy Williams, Pithouse Interview #9: Paul Michel.</i>
ii.	<b>Interdependence:</b> Groups' decisions and actions respecting the land and resources impact groups with overlapping and adjoining territories: <i>Fish Lake Accord, The Liberation of the Chinook Wind, Coyote and his Hosts (How Coyote Broke the Ice Dam), The War with the Sky People, Simpcw interview #10: Tina Donald, Simpcw Interview #10: Pat Matthew, Skeetchestn Interview #6: Ron Ignace, SNTC Interview #4: Richard LeBourdais, Splatsin Interview #3: Julianna Alexander, Adams Lake Interview #7: Witness 7.</i>

### Discussion:

#### i. Mutual Recognition:

**Other territorial groups are self governing and have their own laws and interests.**

Mutual recognition is foundational to the relationship between the Secwépemc and their neighbours, and Secwépemc law recognizes other territorial groups as being self-governing people, with their own law and interests.

This legal principle is alive in the *Story of Porcupine*.<sup>240</sup> According to Teit's translation of this story, two groups of people have been enemies for a long time and interfere with each other's ability to make a living. Swan, the chief of one of the peoples, believes that the troubles have arisen from ignorance of each other's ways. Swan wants to address the conflict so both peoples can live without continual interference, so invites Elk and his people to come to his territory, and feasts them when they arrive. After the feast, Swan and all his people kneel before Elk. Swan gives Elk all of his knowledge and advice. Then Elk and his people kneel before Swan and Elk gives Swan all his ideas and knowledge.

Anne Michel notes that what Swan and Elk are doing in the story is recognizing each other's authority and legitimacy. She connects this to the way in which ILRU's student researchers acknowledged that they were guests in Secwépemc territory during the interview process:

*[Y]ou acknowledged us, that you're in Secwépemc territory. She acknowledged and it just felt good. We know. I think that the word bowed is what got me. The English word. But I could see, I could see how body language is very important. In in our ways... Like I'm thinking of more acknowledging is what I saw. And bowed down, is such an English word. But you know...yes, its recognition, you know, if I'm talking with you... and, you know, I could see it, but the English, the English I translated as real, you know, [but] when you [were] talking I could see, I could see how it was. 241*

What we infer from Anna's reflection is that the English translation of "kneel down" in Teit's version of Story of Porcupine is literal and not precise. Instead, what the story is trying to articulate is the sentiment that each group respectfully recognizes each other during their meeting, as well as acknowledges the other's land, laws and knowledge.

Relationships with other territorial groups are established and maintained through mutual recognition. This is reflected in the way in which the Story of Porcupine finishes:

*Each people gained full knowledge of the other, and together became able to plan doing what was*

<sup>240</sup> *Story of Porcupine*, *supra* note 33 at 671-672.

<sup>241</sup> *Adams Lake Interview #2: Anne Michel*, *supra* note 29 at 24.

*right. After this they lived much easier and happier than before and the methods of one party did not come into conflict with those of the other.*

*The laws made at the council are those which govern animals and birds at the present day...*<sup>242</sup>

The agreement formalizes relationships of mutual recognition between the two peoples. Ronnie Jules sees a parallel between what the two groups do in this story to relationships established by the Secwépemc with others:

*And then at the end it says the laws made at this council are those that govern the animals and birds today. So...they made a lot of laws there. And somehow or another they remember those things. They pass those laws down. I think we still have that today for any other nation that's around us. We know, we know where our boundaries are and how we are going to interact with [them], with even with the Gitksan. We have an agreement with them at our tribal council office. I think that's how it was done. We have one.*<sup>243</sup>

Relationships of mutual recognition are also evident in agreements such as the *Fish Lake Accord* and the present negotiations respecting salmon harvesting on the Fraser River. *The Fish Lake Accord* provides access to resources to another people within Secwépemc territory.<sup>244</sup> By contrast, the current memorandum of understanding being negotiated about the salmon harvest addresses the interests of many nations in a common resource that passes through many territories.<sup>245</sup> Both agreements rest on the assumption that all parties are self-governing and need to establish formal relationships to share land and resources while acknowledging their partners' lands, laws and interests.

Recognizing others as self-governing and creating agreements to formalize legal relationships does not mean there is an absence of dispute over land or resources. As Randy Williams says:

*There [were] times when we fought, like when they wanted to expand their territory and take over our fish grounds, which is a common thing because [of] its better resources...expansion would be like the story of the Kinbasket chief. ...when he went over there with his, and he established himself and... said, "this will be part of Secwépemcúl'ecw," you know, because he had the nation and his people, and would be easier to let that happen, to share that resource.*<sup>246</sup>

However, as he also says, sometimes these fights became, historically, how treaties to trade and share resources were made.<sup>247</sup> In the *White Arrow of Peace* oral history, arriving at an understanding may occur after violence has been shown as an unsustainable option.<sup>248</sup>

However, Randy Williams also emphasizes that the Secwépemc have always traded, shared and acted with consideration for other nations. For example, at Kettle Falls, a gathering area historically used by many nations, people would leave dried salmon for the ones that arrived later to the harvest. Paul Michel identifies this aspect of the Secwépemc legal identity as being shaped by the community's physical location and subsequent need to build relationships with other groups surrounding them: *"we are the most diplomatic friendly people because we had to be. If we didn't we would get attacked from all sides."*<sup>249</sup>

Finally, once formal mutual recognition is established, it becomes the basis for continuing relationships. As Anne Michel expresses when speaking about the agreement between Swan and Elk in *Story of Porcupine*:

*[T]hey'd still continue - they are on speaking terms. Then they are going to work with their animal people and their whatever the swan was. And that continues. And then some catastrophe or some new problem comes, they are going to meet again, "look at, here's this." And that's that's just the beginning, not the end. To say "hey we are getting along now" that's finished. Close the book. Its it's a new word, it's a new...relationship. It's about approaching problems as a community.*<sup>250</sup>

In other words, the mutual recognition and the agreements formed through this relationship are flexible enough to meet the changing needs of the people, which reflects the dynamic nature of the law.

<sup>242</sup> *Story of Porcupine*, *supra* note 33 at 671-672.

<sup>243</sup> *Adams Lake Interview #2: Ronnie Jules*, *supra* note 67 at 24.

<sup>244</sup> *The Fish Lake Accord*, *supra* note 7 at 1-2.

<sup>245</sup> *Simpco Interview #10: Tina Donald*, *supra* note 135 at 15; *Simpco Interview #10: Pat Matthew*, *supra* note 65 at 15.

<sup>246</sup> *Splatsin Interview #3: Randy Williams*, *supra* note 18 at 26.

<sup>247</sup> *Ibid* at 26.

<sup>248</sup> *White Arrow of Peace*, *supra* note 6 at 28-32.

<sup>249</sup> *Pithouse Interview #9: Paul Michel*, *supra* note 11 at 4.

<sup>250</sup> *Adams Lake Interview #2: Anne Michel*, *supra* note 29 at 24.

## ii. Interdependence:

### Groups' decisions and actions respecting the land and resources impact groups with overlapping and adjoining territories.

When people use or access the same lands or resources, their actions respecting those land and resources impact on each other. In this respect, their relationship is one of interdependence. This interdependence is both economic and political.

A current example of interdependence is the current negotiations around salmon harvesting on the Fraser River. As Tina Donald explains, a key issue is equality of access to salmon. She notes that people in the lower parts of the Fraser are able to catch significantly more fish than the Secwépemc by virtue of their location on it. How much the Sto'lo fish directly impacts the Secwépemc's ability to harvest. She says she pointed this out by telling them:

*"[Y]ou know the amount of fish that you just put in your boat. That's more than our whole community got the year before. You know these fish – you have the opportunity for every fish that comes by here."*<sup>251</sup>

For this reason, the memorandum of understanding, as one witness describes, focuses largely on conservation and ensuring that others consider the Secwépemc in their fishery plans:

*[S]o then we can...maybe have more of those exchanges about conservation and, you know, they make a plan we want to have, make sure they have us in mind [and] what our objectives are around conservation.*<sup>252</sup>

In other words, the agreement must take into account the interdependence of groups and their collective reliance on the salmon harvest.

*The Fish Lake Accord* is another example of an interdependent relationship. In fact, Dr. Ron Ignace sums up the Fish Lake Accord by using the phrase that was spoken by the Secwépemc Chief to the Syilx Chief: *"we are related."*<sup>253</sup> The Fish Lake Accord,<sup>254</sup> an *"unbroken pact"* from the 18th century between the Kamloops Chief Kwolila and the Syilx Chief PEIkamu'lox, provides land and resource rights to PEIkamu'lox's people in Secwépemc territory to sustain itself. This continues to guide relations between Secwépemc and Syilx/Okanagan communities to this day.<sup>255</sup>

In *The Liberation of the Chinook Wind*, one group's decision to hoard a resource impacts another group of people. In this story, the Cold People seem to be acting maliciously, delighting in having the cold wind blow over the country of others for whom it causes much suffering and hardship.<sup>256</sup> The story *How Coyote Broke the Ice Dam* (contained within *Coyote and his Hosts*) also tells of how the actions of two sisters with powerful magic, who live in a territory downstream from the Secwépemc, prevent the interior people from sharing in the salmon migration.<sup>257</sup>

In *The War with the Sky People*, two groups from the earth join forces and build a ladder to the sky to attack the sky people.<sup>258</sup> We assume the Sky People pose some danger to both peoples and require the two to respond together. The two chiefs, left to guard the bottom of the ladder, start making fun of each other. One of the chiefs becomes angry and chases the other chief, knocking down the ladder in that process. This traps the warriors and when they start losing the battle to the Sky People, only the birds are able to escape unscathed. Some warriors die fighting, while the fish hurl themselves to the ground, permanently disfiguring themselves. Although first recognizing their interdependence and working together, the actions of the chiefs underscore the great impact one group can have on another if its people do not take care when looking after shared resources (in this case, a structure people rely on).

Other witnesses speak of economic interdependence through cooperation and collective management during the colonial period. Julianna Alexander explains that *"trade beads"* were historically used as a common form of currency, which could be exchanged among different groups for valuable goods, including meat when local

251 *Simpco interview #10: Tina Donald, supra* note 135 at 15.

252 *Simpco Interview #10: Pat Matthew, supra* note 65 at 15.

253 *Skeetchestn Interview #6: Ron Ignace, supra* note 36 at 14.

254 *The Fish Lake Accord, supra* note 7 at 1-2.

255 *SNTC Interview #4: Richard LeBourdais, supra* note 69 at 2, 6.

256 *Liberation of the Chinook Wind, supra* note 21 at 624.

257 *Coyote and His Hosts, supra* note 41 at 630.

258 *The War with the Sky People, supra* note 23 at 749

game was scarce, as well as new resources or animals such as husky dogs and reindeer.<sup>259</sup> In her words, “it was always about how you could trade, how you could help one another, support one another, even though we had differences.”<sup>260</sup> She also notes the use of the Chinook language as a way to communicate among peoples, enabling the development political and economic relationships.<sup>261</sup> Another witness talks about a recent trip they took up to a community to bring vegetables to them because of a need. In exchange, that community provided them with fish.<sup>262</sup>

## Responsibilities to other Territorial Groups

**What are the responsibilities to other groups with overlapping/adjoining territories? How should people act when they need to access resources within another group’s territory?**

General Restatements of Law:	
<p><b>i. Responsibility to Communicate Laws and Interests and Accept Knowledge and Resources with Respect for the Integrity of Others’ Lands, Laws and Interests:</b></p>	<p>People should communicate what they need to other groups and respect others in their interactions with them.</p> <p>a) To communicate your needs and interests: <i>Simpcw Interview #5: Pat Matthew, Simpcw Interview #5: Nathan Matthew, Simpcw Interview #10: Tina Donald, Simpcw Interview #10: Leon Eustache.</i></p> <p>b) To accept knowledge and resources with respect for the integrity of others’ lands, laws and interests: <i>Story of Porcupine, Coyote and his Hosts, Coyote and Holxoli’p, Skeetchestn Interview #6: Marianne Ignace, Skeetchestn Interview #6: Garlene Dodson, Skeetchestn Interview #6: Ron Ignace.</i></p>
<p><b>ii. Responsibility to Share Resources or Knowledge when the Request is Made Properly or the Need or an Inequality Arises:</b></p>	<p>People should share with others when they ask for resources properly or when it is needed.</p> <p>a) Share resources or knowledge when the request is made properly: <i>TlEë’sa and his Brothers, SNTC Interview #4: Richard LeBourdais, Adams Lake Interview #2: Anne Michel, Simpcw Interview #5: Pat Matthew, Simpcw Interview #10: Pat Matthew.</i></p> <p>b) Share resources or knowledge when the need or an inequity arises: <i>Fish Lake Accord, Old-One and the Brothers, Splatsin Interview #3: Julianna Alexander, Adams Lake Interview #2: Ronnie Jules.</i></p>

## Discussion:

When discussing responsibilities to other territorial groups, we are talking about Secwépemc legal responsibilities to their neighbours with respect to lands and resources in a general sense as well as the legal duties that arise when the Secwépemc need to access another group’s territory.

### **i. Responsibility to Communicate Laws and Interests and Accept Knowledge and Resources with Respect for the Integrity of Others’ Lands, Laws and Interests:**

People should communicate what they need to other groups and respect others in their interactions with them.

#### **a) Responsibility to communicate needs and interests.**

The responsibility to communicate laws and interests is an obligation to other nations. This is the case whether another group wishes to access resources in Secwépemc territory or vice versa. As Simpcw witness Pat Matthew notes, this is necessary for developing continuing relationships with others:

<sup>259</sup> *Splatsin interview #3: Julianna Alexander, supra* note 17 at 21. Julianna says that trade beads were made from rocks that dried and dangled from tree roots, and sometimes they would be decorated.

<sup>260</sup> *Ibid* at 20-21.

<sup>261</sup> *Ibid* at 20.

<sup>262</sup> *Interview of Adams Lake Community Member Witness 7* by Kirsty Broadhead and Adrienne MacMillan (28 July 2015) Adams Lake, British Columbia at 19 [*Adams Lake Interview #7: Witness 7*].

*[Y]ou can't really negotiate with somebody, or deal with them unless you really understand their side and what they're up against or what their interests are or their objectives [are] – and then yours.*<sup>263</sup>

Communicating your needs or interests can be done by publishing information about your laws. For example, community members in Simpcw have developed guidelines around hunting and fishing, although these have not gone to the broader community for approval. Although these guidelines are viewed as helpful for enforcement, Pat Matthew also notes that they are also important for expressing the needs and interests of a community to visitors:

*I think [the guidelines are] more important when other nations come in to fish and hunt and stuff because...they don't know or understand what we're trying to do, right? But we've never really sent it out to them to say "here are our principles or our guidelines."*<sup>264</sup>

In other words, publishing guidelines like these could help communicate laws and community expectations with respect to the harvesting of resources by visitors and also provide scientific, ecological and/or traditional reasons underpinning those guidelines.

Leon Eustache's reflection explains the benefit of fulfilling the responsibility to communicate needs and interests:

*And [then] they have an understanding of the respect we have for, and we acknowledge it in everything we do here because we see how we are tied to the fish, the animals the plants everything here has some meaning to us in some way.*<sup>265</sup>

Finding ways to explain needs, interests and laws to outsiders also provides an opportunity to build relationships with them. For example, Tina Donald talks about her meetings with representatives of the Canadian Government whose decisions impact Secwépemc interests:

*[O]ne of the things that I try to do here, in our community, is invite those management people to come here. You know, the ones that are up here in DFO and forestry and the RCMP and whatnot, because there is always that negative impact that people pass on to their kids. Kids should know them as friends...to come here in our community, go out on the land you know. To our first fish ceremony to see the different things that we are doing with them in the community...so that they know how we live and how we depend on the fishing resource or the forestry resource, or what have you, so that they have an understanding of where we're coming from and not just always shaking our fist at them trying to get fish back here. You know, [get them to] talk to our elders or talk to our staff and our youth so that they have that understanding.*<sup>266</sup>

#### **b) Responsibility to acknowledge you are a guest and accept knowledge and resources with respect for the integrity of others' laws, needs or interests:**

When a person is in a neighbour's land, it is critical for that person to acknowledge they are a guest. This allows the development of a relationship, according to Dr. Marianne Ignace: *"you acknowledge that you're just a guest and that you don't have rights to resources on that territory...not just once by giving something back, but it starts a relationship that you build on."*<sup>267</sup>

Respecting the integrity of a neighbouring group includes the responsibility to understand their laws and knowledge when in their territories. This means listening and learning from your host. This is articulated well by Garlene Dodson in her reflection on the Story of Porcupine, she notes:

*[E]ven through we're all Secwépemc and you see our territory... people here from Skeetchestn go to Tk'emlúps... when we go in and we're invited to go sit in, we used to be invited to go to, you know, the meetings there. But when we did we would sit back and listen.*

...

*Elk gave all his ideas and knowledge, see, because we have our ideas and we have our knowledge that was handed down from our grandparents, great-grandparents, great-great-grandparents - we use that.*<sup>268</sup>

263 *Simpcw Interview #5: Pat Matthew, supra* note 64 at 8.

264 *Simpcw Interview #5: Pat Matthew, supra* note 64 or *Simpcw Interview #5: Nathan Matthew, supra* 31 at 12 (unclear in transcript).

265 *Simpcw Interview #10: Leon Eustache, supra* note 165 at 16.

266 *Simpcw Interview #10: Tina Donald, supra* note 135 at 16.

267 *Skeetchestn Interview #6: Marianne Ignace, supra* note 92 at 8.

268 *Skeetchestn Interview #6: Garlene Dodson, supra* note 61 at 12.

This underscores the importance of respectfully listening while a visitor in another's community and acknowledges that the knowledge of a host is embedded in their history.

We infer from Garlene's comment that this is the appropriate response when a guest within Secwépemcúíecw or beyond. At its heart, this responsibility is about respecting the integrity and the knowledge of the people who has invited a guest to their territory.

This principle is revealed also in the number of stories about co-opting practices of others without taking the time and effort to learn the principles underlying them. Many of the stories about being deferential to other groups' greater knowledge involve Coyote. In these stories, Coyote ignorantly imitates his hosts' knowledge and faces consequences for doing so. For example, Coyote and his Hosts starts with Coyote travelling the earth hungry.<sup>269</sup> The story continues:

*[Coyote] saw a house, entered, and found it inhabited by an old man called Fat-Man (Skia'uzkelesti'mt). There was nothing to eat in the house, and he thought, "What will this old man give me to eat?" The man knew his thoughts and, making the fire blaze brightly, he sat with his bare back close in front of it. His back became soft and greasy, and he asked Coyote to eat. "Eat what?" said Coyote. And the man answered, "My back, of course." Coyote refused at first; but the man invited him to eat his back. Coyote said to himself, "I will bite his back right to the bone, and kill him." Going up to the man, he took a big bite; but the piece came away in his mouth, and no mark was left on the man's body. He found the food was very good.*

*Now he thought he could do the same thing: so, making a big blaze, he turned his back to the fire. But his back burned; and the smell of burning hair made the man angry, who threw him outside, saying, "You try to imitate me, but you cannot do it. You fool! Don't you know it is I only who can do that?"<sup>270</sup>*

The story continues with coyote visiting the houses of Fish-Oil-Man, Beaver-Man, and Kingfisher-Man. Each visit begins with the host providing resources to Coyote through a different method of harvesting. As with Fat-Man, Coyote attempts to mimic his hosts' ways. Each time he is mocked and injured because of his disrespectful actions.

Dr. Ron Ignace, in discussing this story, focuses on Coyote's failure to listen to his hosts: "...he goes, meet[s]... beaver man, fish oil man and likewise, he's told the same thing, but he doesn't listen. He tries to do what they do and he winds up hurt."<sup>271</sup> In a similar story, Coyote loses his eyes when he tries to juggle them like Holxoli'p in Coyote and Holxoli'p, making Coyote vulnerable to the environment. As Coyote recognizes, too late, "what a fool I was to attempt doing a thing I knew nothing about!"<sup>272</sup> In these stories, Coyote teaches people that they must not belittle another's knowledge or laws by presuming to be able to copy their ways without making the effort to humbly learn more deeply about what underlies particular practices. This connects deeply to the practice of listening that Garlene Dodson speaks to in her reflection of the *Story of Porcupine* noted above.

The undercurrent of this responsibility is that it is important not to act out of ignorance or expect people to act respectfully if they are ignorant of your laws. This is what underlies the development of guidelines, meetings with Canadian government officials, and the lessons Coyote receives in his travels. Ignorance is, in fact, what Dr. Ron Ignace identifies in *Story of Porcupine* as contributing to each group's attempt to live in ways that are not properly its own – even improperly taking on each other's customs: "Be true to yourself, don't try to be like somebody else, ok?"<sup>273</sup> Chief Swan identifies this problem and takes steps to help resolve it by meeting and offering up his knowledge and advice. Once the groups are able to directly meet in a spirit of mutual recognition, they gain insight into each other in a way that can help guide their ongoing relationship.<sup>274</sup>

269 *Coyote and His Hosts*, *supra* note 41 at 627-630.

270 *Coyote and His Hosts*, *supra* note 41 at 627.

271 *Skeetchestn Interview #6: Ron Ignace*, *supra* note 36 at 17.

272 *Coyote and Holxoli'p*, *supra* note 46 at 632.

273 *Skeetchestn Interview #6: Ron Ignace*, *supra* note 36 at 15.

274 *Story of Porcupine*, *supra* note 33 at 671-672.

**ii. Responsibility to Share Resources or Knowledge about the Land when the Request is Made Properly or the Need or an Inequity Arises: People should share with others when they ask for resources properly or when it is needed.**

The responsibility to share resources or knowledge arises out of the relationship of interdependence.

**a) When the request is made properly.**

Asking properly to be shared with acknowledges the legitimacy and integrity of Secwépemc territory. In most cases, proper recognition will be greeted with Secwépemc hospitality, as Richard LeBourdais identifies:

*Secwépemc were caretakers of our territory and our lands... We will share, certainly, to a point, but you need to recognize us... We manage our resources. We don't want anybody else to come in and decimate what we have.*<sup>275</sup>

We see this sentiment echoed in *TlEē'sa and his Brothers*.<sup>276</sup> In that story, TlEē'sa lies to the Grisly Bear sisters to get them angry, knowing that angering them will make their hair fall out and allow him to collect arrow-points, which are loosely embedded in their skin. Once he reveals his lie, the sisters tell him they would have willingly shared the arrow stone had he asked for some. We assume, as in the story, asking properly is the alternative to seeking out those resources without permission.

Reflecting on *TlEē'sa and his Brothers*, Anne Michel affirms that when people want something, they come to the community and ask. For example, when people ask for huckleberries, she reflects that they are directed to someone who knows where to harvest them. That knowledgeable person then shows the guest where to pick them, out of a sense of hospitality.<sup>277</sup> She notes, in reference to *TlEē'sa and his Brothers*, that she believes this would be the same responsibility elsewhere, *"if they went to Bonaparte... they would see somebody there, you know, and somebody would take them to where these rocks are."*<sup>278</sup>

Nevertheless, as Anne Michel notes, the responsibility does not stop at just showing where certain resources are. The person with knowledge about the land would also be responsible for restricting what they share, or directing the guest where to go in order to protect the interests of the community or the guest from harm:

*[W]hoever takes them, you know, [tells them], "don't go over there because you know we'll be over here." It's your area, you know... [or] "that old grizzly is down that river you know." You may not say why "don't go over there" and you may.*<sup>279</sup>

Following protocols is one way to make a request appropriately, as Pat Matthew observes: *"it always makes a difference when tradition is involved... it sets the tone for a good relationship... it's hard to fight with somebody when they've provided you a gift..."*<sup>280</sup> For example, when representatives of the Sto'lo Nation came to visit and when elders visited the lower Fraser, Secwépemc representatives organized a drum song and prayer. Pat Matthew recalls:

*[A]nd that was pretty important ... they acknowledged that, and...how can you go back home and, you know, go crazy fishing... somebody just done that for you right. So I think that was pretty important to do those traditions.*<sup>281</sup>

275 SNTC Interview #4: Richard LeBourdais, *supra* note 69 at 11.

276 *TlEē'sa and his Brothers*, *supra* note 37 at 644-651.

277 Adams Lake Interview #2: Anne Michel, *supra* note 29 at 12.

278 *Ibid.*

279 *Ibid.*

280 *Simpchw Interview #5: Pat Matthew*, *supra* note 64 at 7.

281 *Simpchw Interview #10: Pat Matthew*, *supra* note 65 at 15-16.

**b) When the need or an inequality arises.**

Resources are also shared when a need or inequality is evident. As Julianna Alexander describes, groups sometimes share even in the face of other differences. She reflects on gatherings where different communities discuss the fair distribution of resources:

*[T]hey had meetings, like I said, they had these ceremonial things and they always shared and that was one of the biggest things. They always shared, even though they maybe didn't get along, but they they trusted enough to say well, "hey, ah, we have enough food over here," or "hey, we haven't got enough food over here." Or "our plants are depleted and sick. Do you have something?" ...any kind of dispute like that heath mental, emotional, physical, spiritual you know, they found a way to...trade for that information, or they would even give up their daughter to marry their son and that was part of how they dealt with that or, vise versa, like the Fish Lake Accord. They found a happy optional problem solving way. With human's medicines and plants and goods - that's how it went.<sup>282</sup>*

We see need triggering this responsibility in the *Fish Lake Accord*.<sup>283</sup> The oral history recounts the Kamloops Chief (Kwolíla) seeking out his brother PEIkamu'lox (the head Okanagan Chief), after hearing of the many attacks on PEIkamu'lox and his fort. Kwolíla persuades PEIkamu'lox to leave his fort and go north with him as he believes PEIkamu'lox will always have problems if he and his people stay where they are. *The Fish Lake Accord* provides land and resource rights to PEIkamu'lox's people in Secwépemc territory in a place where the people are safe. We infer from this account that Kwolíla sees a need to assist and share resources and takes action out of a sense of that responsibility.

Finally, *Old-One and the Brothers* is a tale of generosity that illustrates this obligation by highlighting the rewards that arise from sharing resources with the vulnerable. In that story, Old-One asks four brothers for food, one after the other, telling them each that he is hungry. The first three brothers do not share food with Old-One, and are unsuccessful in their attempts to find a suitable tree to build a canoe. The fourth brother shares his food with Old-One when asked, and is rewarded with an abundance of food, a brand new canoe, and an iron axe.<sup>284</sup>

Witness accounts show this responsibility has arisen in times of environmental or political pressure. Ronnie Jules recalls his family's displacement from the Cstalnec t'e tmicw and arrival to live amongst their Sexqeltkemoc relatives.<sup>285</sup> Julianna Alexander recalls the decisions of colonial governments to displace and declare communities non-existent. In this context, according to Julianna, Secwépemc people always managed to accommodate each other:

*I think that's why we ended up with a lot of different reserves or people living in different places - because they managed to go somewhere and build a family there...I know the [Canadian] law and the other things like the dams that were built and everything - people moved from there to here so...that wasn't a dispute resolution, but it was a must resolution. Because they asked if they could be with you, live with you because there's no one else there or whatever. You know, they're not extinct by the way, as the government would say. They are just living among us. And so that's one thing that people have to remember: the [Canadian] government says they're extinct, but that's not true they are still living, with other bands.<sup>286</sup>*

Implicit in both of these statements is the inference that people who were displaced because of colonial policies or economic forces were taken in by other Secwépemc communities. In this context, they were outsiders allowed to share in the land and resources because a need arose.

282 *Splatsin Interview #3: Julianna Alexander, supra* note 17 at 21.

283 *The Fish Lake Accord, supra* note 7 at 1-2.

284 *Old-One and the Brothers, supra* note 39 at 643.

285 *Adams Lake Interview #2: Ronnie Jules, supra* note 67 at 4-5.

286 *Splatsin Interview #3: Julianna Alexander, supra* note 17 at 17.

## Rights of other Territorial Groups

How should other groups with overlapping/adjoining territories expect people to act in their territories? How should people expect to be treated when they need access to resources within another group's territory?

General Restatements of Law:	
i.	<b>The Right to Safe Passage and Hospitality:</b> Guests have the right to be protected while in Secwépemcúíecw: <i>Fishes and the Cannibal</i> , <i>Coyote and his Hosts</i> , <i>Story of the Salmon-Boy</i> , <i>Skeetchestn Interview #6: Marianne Ignace</i> .
ii.	<b>The Right to Resources:</b> Other groups have a right to receive resources when they ask properly or there is a need: <i>Coyote and his Hosts (How Coyote Broke the Ice Dam)</i> , <i>The Liberation of the Chinook Wind</i> , <i>Adams Lake Interview #7: Witness 7</i> , <i>Simpchw Interview #10: Pat Matthew</i> , <i>Simpchw Interview #10: Tina Donald</i> .

### Discussion:

#### i. The Right to Safe Passage and Hospitality: Guests have the right to be protected while in Secwépemcúí'ecw.

Both stories and witnesses speak to the importance of ensuring that well-meaning outsiders are cared for when they are in Secwépemcúíecw. Many witnesses talk of this right in the context of the relationship between “guest” and “host.” For example, Dr. Marianne Ignace speaks of recognizing the needs of outsiders, who do not have the same knowledge of or entitlements to resources:

*What the role is between the host, the people who live in a place, and the guests from outside that come to visit... they're qwenqwent, they're pitiful. And the reason they're pitiful is they don't belong to the country so they don't have relatives there. ... They're from the outside. And they don't have rights to hunt, to pick berries, to fish like Secwépemc people would have and that's why you would take pity on them and invite them in. And then you feed them because they can't provide for themselves as strangers in our own country, here.<sup>287</sup>*

She expresses this right in terms of recognizing the vulnerability of guests in Secwépemc territory and also the expectation of being treated well in others' lands:

*You're at the mercy of your hosts in a way and so in those days when those first Seme7u'w'i came in here, like the trading people, Secwépemc people fed them and even gave them their girls as their wives and the expectation, then, is that if you're treated well as a guest in somebody else's house then you give back...you make presents.<sup>288</sup>*

Because of this recognition that visitors are vulnerable, we see their rights as encompassing not just one of hospitality, but also of safe passage. This theme is taken up in *Story of the Salmon-Boy*. In that story, a lost child is safeguarded by the salmon people, and sent home in the care of the sockeye instead of the king salmon to avoid possible dangers.<sup>289</sup> In *The Fishes and the Cannibal*, the members of two local houses join together to defeat a cannibal that is harming unaware outsiders who cross its path.<sup>290</sup> Finally, we infer a right to hospitality from *Coyote and his Hosts*. In that story, Coyote is travelling and encounters many different people. In each instance, the host is welcoming to Coyote, and offers him resources even without being asked.<sup>291</sup>

287 *Skeetchestn Interview #6: Marianne Ignace*, *supra* note 92 at 8-9.

288 *Ibid.*

289 *Story of the Salmon-Boy*, *supra* note 48 at 690.

290 *The Fishes and the Cannibal*, *supra* note 24 at 670-671.

291 *Coyote and his Hosts*, *supra* note 41 at 627-628.

## ii. The Right to Access Resources:

**Other groups have a right to receive resources when they ask properly or when there is a need.**

One witness notes a time where the sharing of lands and resources was common and it may not have been necessary to ask permission:

*[B]efore we were all one people, we never had territories or stuff like that, we picked berries in the Okanagan, we picked berries in Lillooet or went fishing in Lillooet...*<sup>292</sup>

Nevertheless, the stories and interviews discussed in the responsibility to share resources suggest there is an obligation to make a request in most circumstances.

Two cases expressly illustrate the Secwépemc right to obtain access to resources. The general principle of equal access arises in *How Coyote Broke the Ice Dam* (contained within *Coyote and his Hosts*). In this story, Coyote performs a good turn for all of the peoples living along the Fraser River by breaking the weir at the river's mouth that has been preventing the salmon from migrating.<sup>293</sup>

Similarly, the current discussions about the salmon harvest along the Fraser River acknowledges a right of the Secwépemc to their fair share of salmon on it. Specifically, the memorandum of understanding between the Secwépemc and Lower Fraser Fishery Alliance is about ensuring that salmon are shared in a more equitable way between the Secwépemc and the First Nations on the Lower Fraser, who are currently the biggest harvesters of salmon. The memorandum sets out, in addition to other things, a responsibility to consider both conservation and Secwépemc harvesting needs in future fishing plans.<sup>294</sup>

Although Secwépemc law does require guests to seek consent for resource use in most cases, in urgent circumstances, action may be taken to redistribute resources without consent. For example, in *The Liberation of the Chinook Wind*, the Cold People make the cold winds blow, causing harm to the people who suffer and constantly shiver.<sup>295</sup> Fox and Hare decide to travel south to the Heat People, who are hoarding the warm air. The two enter the house of the Sunshine and steal a bag with the Chinook Wind. The Heat People try to stop Fox and Hare, but are unsuccessful. Although the two steal the heat, it is important to note they do not deprive the Heat People of what they need, only ensure the needed warmth can be shared by the Secwépemc as well. From this we infer that even when there is extreme need, the right to access resources without consent is limited by the legal principle that people must not take more resources than they need.

<sup>292</sup> *Adams Lake Interview #7: Witness 7, supra* note 264 at 26.

<sup>293</sup> *Coyote and his Hosts, supra* note 41 at 629-630.

<sup>294</sup> *Simpchw Interview #10: Pat Matthew, supra* note 65 at 15 and *Simpchw Interview #10: Tina Donald, supra* note 135 at 15.  
This agreement has since been signed by the parties.

<sup>295</sup> *Liberation of the Chinook Wind, supra* note 21 at 624.

## c. Community

### Relationships within the Community

What are the significant relationships related to natural resources within this group? Leaders? Vulnerable/those in need?

#### General Restatements of Law:

- i. **Dependence and Interdependence:** Community well-being depends on mutual assistance.
  - a) Families Members to One Another: *Story of Hu'pken, TIEē'sa and his Brothers, Fish Lake Accord, Coyote and Fox and the Big Wind, Skeetchestn Interview #1: Ron Ignace, Simpcw Interview #5: Witness 1.*
  - b) Leaders to Community: *Fish Lake Accord, Story of Porcupine, War with the Sky People.*
  - c) Those Capable to those Vulnerable: *TIEē'sa and his Brothers, The Liberation of the Chinook Wind, Water Monster, Story of Famine, Fishes and the Cannibal, Story of Tcotcu'lca, Story of Hu'pken, Simpcw Interview #10: Tina Donald.*

#### Discussion:

##### i. Dependence and Interdependence: Community well-being depends on mutual assistance.

Dependence and interdependence are fundamental to all relationships within Secwépemc society. We identified three central relationships of dependence and interdependence in the interviews and stories relating to land and resources. Responsibilities and rights flow from these relationships.

##### a) Family Members to One Another.

The first key relationship is among family members. Dr. Ron Ignace calls the extended family the “*the foundation of our laws, our kinship ties.*”<sup>296</sup> Another witness spoke of family being core in establishing different protocols when harvesting:

*Giving your thanks so that you could provide for your family... That's how our people harvest today - give a quick thanks. I mean, some people do ceremony before they go out and hunt. I guess it's all based on family practices or family traditions - that's what everything is based around here, right? Your core family.*<sup>297</sup>

Several stories underscore the special obligations that arise from the relationship within families. For example, in *Story of Hu'pken*, Hu'pken is abandoned by his community, but his grandmother, also left behind, teaches him essential skills for his survival.<sup>298</sup> In *TIEē'sa and his Brothers*, TIEē'sa is dependent on the information his “mother” (aunt) provides him to kill the cannibals, and depends on his brothers to rescue him and help him on his journey. When TIEē'sa's mother/aunt forgets to tell him critical information, she sends her grandson to tell him.<sup>299</sup>

The oral account of the *Fish Lake Accord* recounts the story of two related chiefs. The Kamloops Chief Kwolíla travels to find his brother, the head Okanagan Chief PEIkamu'lox, after hearing that there have been many attacks on PEIkamu'lox and his fort. Kwolíla persuades PEIkamu'lox to leave his fort in Sali'lwx and go north for protection.<sup>300</sup>

Finally, the story of *Coyote and Fox and the Big Wind* recounts Coyote's disrespect of his brother, Fox. Coyote decides to steal Fox's fancy clothes, then climbs up a mountain to see them flow in the wind. They fly off Coyote's body and he is left with no clothes. Coyote's final thoughts are that he has not been good to his brother and that he must go talk to him.<sup>301</sup>

296 *Skeetchestn Interview #1: Ron Ignace, supra* note 106 at 4.

297 *Simpcw Interview #5: Witness 1, supra* note 74 at 9.

298 *Story of Hu'pken, supra* note 49 at 710-711.

299 *TIEē'sa and his Brothers, supra* note 37 at 644-651.

300 *The Fish Lake Accord, supra* note 7 at 1-2.

301 *Coyote and Fox and the Big Wind, supra* note 8.

### b) Leaders to Community.

Leaders, as noted above, are key decision-makers and their communities are dependent on their decisions. For example, in the *Fish Lake Accord*, PEI kamu'lox's decision to accept Kwol'la's offer to go north provides safety and sustenance for his people.<sup>302</sup> Swan's efforts to invite Elk to discuss their differences, in *Story of Porcupine*, ends the disagreement between their two peoples.<sup>303</sup> Finally, in *The War with the Sky People*, Black Bear and Wolverine fail to maintain the structure that was built to ensure the safety of their people, which has a devastating effect on those who rely on it.<sup>304</sup>

### c) Those Capable to Those Vulnerable.

Relations between the capable and the vulnerable encompass two kinds of dependence: those strong or skilled to those who are weaker, and those with resources to those without.

There are a number of stories in which certain people are obligated to use their strength or knowledge to address a danger in a community's environment. In *Tl'ē'sa and his Brothers*, both the old (Tl'ē'sa's "mother") and the young (Kwelaa'llst) have knowledge that is necessary to the success of the strongest members of the community. Tl'ē'sa also makes use of his particular powers to defeat the evil beings harming the community.<sup>305</sup> Fox and Hare, in *The Liberation of the Chinook Wind*, are the only ones who have the skills required to liberate the warmth and make life easier for the whole community.<sup>306</sup>

In the *Water Monster*, the fourth and only successful warrior relies on the entire community to help him prepare for his challenge.<sup>307</sup> Certain individuals – the master canoe maker, spear maker, paddle maker, and clothing maker – have specific roles because of specialized knowledge and expertise. In *Story of Famine*, Tekie'tcen trains to kill famine, which is harming the humans.<sup>308</sup> Sturgeon and Swan are the key community members with knowledge able to help the community defeat the cannibal in *Fishes and the Cannibal*.<sup>309</sup>

This responsibility to use knowledge or skills to provide for those vulnerable in a community also arises in interviews and stories. Tina Donald notes the community freezer in Simpcw, which is stocked with fish for elders, single parents, and others in need.<sup>310</sup> She also notes that when fishing it is critical to harvest for those who do not have the resources or ability to do so.<sup>311</sup>

In *Story of Tcotcu'lca*, Tcotcu'lca becomes a successful hunter and "filled all the lodges with meat," so that all are well fed.<sup>312</sup> Hu'pken in *Story of Hu'pken* is abandoned by his community, but Raven and Crow leave him a few fish skins and other scraps to survive.<sup>313</sup> Later in the story, Hu'pken becomes a great hunter and shares his resources with Porcupine and Crow. When he asks Crow how his community is doing, Crow tells him they are all starving, and Hu'pken then gives resources to Crow to share with the community.

302 *The Fish Lake Accord*, *supra* note 7 at 1-2.

303 *Story of Porcupine*, *supra* note 33 at 671-672.

304 *The War with the Sky People*, *supra* note 23 at 749.

305 *Tl'ē'sa and his Brothers*, *supra* note 37 at 644-651.

306 *Liberation of the Chinook Wind*, *supra* note 21 at 624.

307 *Water Monster*, *supra* note 9 at 21-25.

308 *Story of Famine*, *supra* note 166 at 700-701.

309 *The Fishes and the Cannibal*, *supra* note 24 at 670-671.

310 *Simpcw Interview #10: Tina Donald*, *supra* note 135 at 11.

311 *Ibid.*

312 *Story of Tcotcu'lca*, *supra* note 47 at 718-720.

313 *Story of Hu'pken*, *supra* note 49 at 710-711.

## Responsibilities to others in the Community

What are the responsibilities related to natural resources to others within the community?

Leaders? Vulnerable/those in need?

General Restatements of Law:	
i.	<b>Responsibility to Care for and Contribute to the Community:</b> People are responsible for helping and contributing to their communities: <i>Story of Grasshopper, Story of Hu'pken, Story of The One Bound and Grasshopper, Adams Lake Interview #7: Witness 7, Skeetchestn Interview #1: Ron Ignace, Adams Lake Interview #2: Anne Michel, Simpcw Interview #10: Tina Donald, Adams Lake Interview #7: Bonnie Leonard, Adams Lake Interview #7: Witness 4.</i>
ii.	<b>Responsibility to Share Resources with Those Without or Those in Need:</b> People are responsible for sharing resources or knowledge with others when asked or when it is needed: <i>TIEē'sa and his Brothers, Story of Tcotcu'lca, Coyote and Wolf, Story of Hu'pken, Old-One and the Brothers, Simpcw Interview #10: Tina Donald, Adams Lake Interview #7: Witness 4, Adams Lake Interview #7: Bonnie Leonard, Skeetchestn Interview #1: Daniel Calhoun.</i>
iii.	<b>Responsibility to Take Care of What Properly Belongs to You, and Not Take What Belongs to Others:</b> People are responsible for caring for the resources in their possessions and not stealing from community members: <i>The Story of the Bush-Tailed Rat, Story of Tcotcu'lca, Coyote and Fox, Coyote and Fox and the Big Wind, Story of Coyote and the Swans, Adams Lake Interview #2: Anne Michel, Adams Lake Interview #7: Ronnie Jules, Adams Lake Interview #7: Bonnie Leonard.</i>
iv.	<b>Responsibility to Teach the Law and Cultivate Skills:</b> People are responsible for the transmission of law and the cultivation of skills respecting land and resources: <i>Story of Porcupine Adams Lake Interview #7: Doreen Kenoras, Splatsín Interview #3: Julianna Alexander.</i>
v.	<b>Responsibility to Use Knowledge, Power or Skills to Benefit, Not Harm Community:</b> People with special skills or gifts respecting land or resources must not use them against their community. <b>a) Knowledge:</b> <i>TIEē'sa and his Brothers, The Story of the Bush-Tailed Rat, Story of Hu'pken, Old-One and the Brothers, Story of Tsowa'una, Skeetchestn Interview #1: Ron Ignace.</i> <b>b) Power or Skills:</b> <i>Story of Tcotcu'lca, Story of Hu'pken, The Liberation of the Chinook Wind, TIEē'sa and his Brothers, Coyote and his Son, Water Monster, The Fishes and the Cannibal.</i>

## Discussion:

### i. Responsibility to Care for and Contribute to the Community:

**People are responsible for helping and contributing to their communities.**

A number of witnesses spoke about the collective responsibility of community members to consider the needs of the entire community and contribute what they can to it.

Contributing to the community arises in a context of reciprocity. As one witness from Adams Lake says, those with gardens used to share with those who hunted deer, noting *"that's how people helped one another."*<sup>314</sup> Dr. Ron Ignace, reflecting on the Story of Grasshopper, talks about reciprocity as being the foundation for care in a community:

*And, years ago, the elders would always remind you... founded on reciprocity - that you have a duty to look after each other and help each other. That's embedded...in Story of the Grasshopper. How people have to [care for one another] – otherwise they're going to suffer the consequences.*<sup>315</sup>

314 Adams Lake Interview #7: Witness 7, *supra* note at 18.

315 Skeetchestn Interview #1: Ron Ignace, *supra* note 106 at 10.

The responsibility to care and contribute is evident when the entire community is called upon to participate in a harvest. Anne Michel says there are times, such as spring, when *“there is so many things to [do]; dig roots and pick stuff... You went out.”*<sup>316</sup> The care given to some community members when divvying up a salmon harvest, as Tina Donald explains, is another example of this principle in practice:

*For our elders we clean then I fillet them and we bag them up smaller portions because we know that elder, even two elders can't eat a whole salmon themselves so they are cut into smaller portions and that is distributed out to them and also to our single parent families that are out there as well. So looking after our own.*<sup>317</sup>

Reciprocating care for one another is about sharing or contributing what you can to one another. For example, Bonnie Leonard talks about sharing her legal training to help a community member. She then explains how the community member responded:

*He gave me a big chunk of halibut and a big chunk of salmon he goes “here here take it” and I said “no, I don't, no, I don't need to have anything” and “heh, oh no you have to.” ... I never expected anything didn't want anything, but he insisted and he gave me the fish... You know so it was nice. But that's just last week. So it's not lost on people, I know lots of people still do it.*<sup>318</sup>

This legal principle emerges in the stories we reviewed as well. For example, *Story of Grasshopper* is about the importance of contributing to your community during a harvest.<sup>319</sup> In this case, Grasshopper refuses to help during the salmon harvest, indulging in his own short-sighted pleasures instead. When Grasshopper finds himself hungry later in the story, the community decides not to share the fruits of their collective labour with him. The people tell him to eat grass instead. The story ends:

When he was nearly dead, they transformed 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.”*<sup>320</sup>

The decisions in these stories need to be considered in the context of when they were initially transcribed, in the late 19th and early 20th centuries. At this time, not contributing to a harvest would have had lasting consequences on the entire community, including, possibly, starvation. As one Adams Lake witness notes, *“you learn your lesson... if you're not energetic and everything to get ready for winter, then you suffer, right?”*<sup>321</sup>

A different Adams Lake witness recognizes that this principle is about recognizing when there is an obligation to help the broader community. In reference to the *Story of Grasshopper*, the witness notes: *“there's time to pow wow, there's time to play, there's time to pick berries...”*<sup>322</sup> The same witness also connects this story with the importance of knowing how to plan for the future: *“[Grasshopper] just wanted fun, wanted play. Partying and playing, didn't want to do all that work... didn't want to think about the future, [which is] about food.”*<sup>323</sup> We infer that this underscores that people have a responsibility to not just help one another, but know when it is necessary to do so.

The responsibility to care for one another is also not absolute. In *Story of Grasshopper*, for example, Grasshopper refuses to contribute in the salmon harvest and for that reason his community does not share with him later in the story when he is hungry.<sup>324</sup> In *Story of Hu'pken*, Hu'pken is similarly abandoned by his community for being mischievous, lazy and quarrelsome.<sup>325</sup> Nevertheless, Hu'pken's grandmother, also left behind, teaches Hu'pken to survive, and other community members leave scraps behind so the boy will not starve. This perhaps references specific obligations that arise in relationships among family or other close relations.

316 Adams Lake Interview #2: Anne Michel, *supra* note 29 at 16.

317 Simpcw Interview #10: Tina Donald, *supra* note 135 at 11.

318 Interview of Community Member and SNTC Tribal Director Bonnie Leonard by Kirsty Broadhead and Adrienne MacMillan (28 July 2015) Adams Lake, British Columbia at 28-29 [Adams Lake Interview #7: Bonnie Leonard].

319 *Story of Grasshopper*, *supra* note 51 at 655.

320 *Ibid.* The story notes some say the people did not transform him, but allowed him to die of starvation.

321 Adams Lake Interview #7: Witness 7, *supra* note at 16.

322 Adams Lake Interview #7: Witness 4, *supra* note 72 at 16.

323 Adams Lake Interview #7: Witness 4, *supra* note 72 at 16.

324 *Story of Grasshopper*, *supra* note 51 at 655.

325 *Story of Hu'pken*, *supra* note 49 at 710-711.

All community members have the ability to contribute. In the *Story of The One Bound and Grasshopper*, a man is turned into a grasshopper after the community discovers he is lying about being attacked by The One Bound.<sup>326</sup> The story ends by noting that “people shall use you for bait to catch fish.” Reflecting on this story, one witness says:

*So it shows us that, he just didn't let him go for nothing. He is good for something, for bait. You know, he wasn't just over there doing nothing. He's helping, fishing.*<sup>327</sup>

Even in a punished form, the grasshopper still has a role in the community.

The same witness speaks about the extent to which this responsibility has shifted over time, specifically in reference to the youth:

*I guess we have to talk to young people or children, grandchildren, put away food. Not to be lazy get up in the morning. Étsxe they call it étsxe, the practice... If they're staying at home, to help, you know not to lie around.*

...

*They had to help - them days they had wood, water, you know, cleaning and stuff. And people made the wood for the older people that are unable to and give water, get water for those that are unable to pack water. Used to help our neighbour next neighbour, she was a single lady and, made sure she had water and wood. Didn't matter if she was a single parent but still she's a person... just help them.*<sup>328</sup>

But the same witness notes that there are some youth are taking up the challenge to learn how to contribute to the community:

*Nobody's lazy like the grasshopper and say “hey you better get ready to go for fishing time, hunting time today” ...some of the people have...a hunting camp. These young men are taking the...youngsters, it's good they have a camp...and they camp and share everything about the deer and helping each other. They're making leaders. So there's lots of work to do.*<sup>329</sup>

Some witnesses speak about how the wage economy has impacted expectations around members caring for one another in the community:

*[T]hat's all they took, they took an extra horse with them for a pack horse, when they come back. They come back with what, three deer each ... [they] used to stay back and help with the garden and harvesting the garden. And then they'd dry all that meat...they'd go home with a wagon load of vegetables... My dad's relative, he used to come with, come and help with the hay. I remember a lot of times there's a big big stacks of hay - they used to come and help. And then in exchange he would go back with a wagon load of vegetables. Apples and chickens and eggs. That's how people helped one another. Now you try to do that and they want money. For helping they want money.*<sup>330</sup>

<sup>326</sup> *Story of The One Bound and Grasshopper*, *supra* note 174 at 655.

<sup>327</sup> *Adams Lake Interview #7: Witness 4*, *supra* note 72 at 6.

<sup>328</sup> *Ibid* at 21.

<sup>329</sup> *Ibid* at 27.

<sup>330</sup> *Adams Lake Interview #7: Witness 7*, *supra* note at 18.

## ii. Responsibility to Share Resources with Those Without or Those in Need:

**People are responsible for sharing resources or knowledge with others when asked or when it is needed.**

Related to the responsibility to contribute resources and care for community is a more specific responsibility to share with those without or those in need. In the context of land and resources, this frequently arises with respect to sharing resources with those who do not have or are vulnerable.

Many stories speak to a more equitable distribution of resources. For example, Tlĕē'sa's brothers, in the story *Tlĕē'sa and his 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."<sup>331</sup> In *Story of Tcotcu'lca*, Tcotcu'lca becomes a successful hunter and "filled all the lodges with meat," so that all are well fed.<sup>332</sup>

*Coyote and Wolf* expressly articulates the principle that it is selfish to not consider others when harvesting, which we see as an extension of this responsibility.<sup>333</sup> Wolf, in this story, suggests to Coyote that they take the skins off the animals they hunt together before they eat them because the skins could be useful to the humans. Coyote convinces Wolf that it would be too much trouble for them to take the skins off before eating the flesh. The story concludes:

*This is the reason that at the present day wolves and coyotes, when they kill or find an animal, always eat the skin with the flesh, leaving nothing but the bones. If Coyote had been more considerate, and not so selfish, but allowed Wolf to have his wish, the people would have been better off.*

According to an Adams Lake witness, in situations in which one person or family has much and another has little, there was "always sharing, always giving."<sup>334</sup> This is consistent with Tina Donald's reflection that "when we go out fishing, you only take what you need... and then you harvest for those that can't for themselves."<sup>335</sup> This principle is demonstrated in traditions such as Simpcw's community freezer, which Tina Donald describes as being stocked with fish for elders, single parents, and others in need.<sup>336</sup>

The responsibility to share with those in need arises even in the face of disputes between individuals and their communities. For example, although Hu'pken is abandoned by his community in *Story of Hu'pken*, he later shares his food with that same community when he learns that they are starving.<sup>337</sup> Later, the community visits Hu'pken, who feasts them on their arrival and provides meat for those houses that pitied him when exiled. We infer from Hu'pken's actions that he felt a responsibility to meet the needs of all, but not to share with those who had not been generous to him in the past.

*Old-One and the Brothers* demonstrates the benefits or harms that come from the decision to share resources.<sup>338</sup> In this story, Old-One comes upon four brothers who are in the woods looking for a good tree to fell to make a canoe. One by one, each brother meets Old-One, but does not recognize him. During each encounter, Old-One asks the brother for food, saying that he is hungry. The first three do not give him food, then fall a suitable tree in the woods. In the morning, those brothers find their trees are twisted and unusable for making a canoe. When the fourth brother encounters Old-One, however, he gives him food. Old-One first rewards the brother by increasing his food supply so much that the two of them cannot finish the food. Next, Old-One gives him a canoe that his people pronounce to be the best they have ever seen. His acts of sharing ultimately rewards both the young man and his community.

331 *Tlĕē'sa and his Brothers*, *supra* note 37 at 644-651.

332 *Story of Tcotcu'lca*, *supra* note 47 at 718-720.

333 *Coyote and Wolf*, *supra* note 155 at 637-638.

334 *Adams Lake Interview #7: Witness 4*, *supra* note 72 at 19.

335 *Simpcw Interview #10: Tina Donald*, *supra* note 135 at 11.

336 *Ibid.*

337 *Story of Hu'pken*, *supra* note 49 at 710-711.

338 *Old-One and the Brothers*, *supra* note 39 at 643.

Other witnesses talk about how economic changes have impacted this responsibility. Some note that money “*has taken over,*” and that a lot of the commentary on caring and contribution existed in a context of trading before the wage economy. As a result, they say people see value in what they harvest in purely monetary terms.<sup>339</sup> However, Daniel Calhoun notes that the shift to money is not necessarily bad or good. Instead, he reflects that money is important because it is what helps people get other material goods. As a result, he sees the responsibility more broadly within the context of helping one another:

*Now you have to have money so you can go and get some money to help you, nowadays, we have that... and it's about helping one another, working on...you go there and help or pick up and grow up a bunch of vegetables and that. There were people go there and help and at the end of the day you could go there and get some potatoes and stuff. And, that's all they want. It's all they want, you know. There to join, in, however, vegetables, and at the end of the day they get, if it's hay, they need a load of hay, take of load of hay home.<sup>340</sup>*

This quote demonstrates that even as the application of legal principles change in response to changing circumstances, the underlying legal principles remain consistent.

### **iii. Responsibility to Take Care of What Properly Belongs to You, and not Take What Belongs to Others: People are responsible for caring for the resources in their possessions and not stealing from community members.**

One of the legal principles that comes through in the analysis of Secwépemc stories is that, even when territory and resources may be held in common, people must know what is properly theirs, and what cannot be taken without permission. On the other hand, people are also responsible for protecting what belongs to them. These principles seem to apply to relationships both within and between communities, as is reflected in the following two stories.

*The Story of the Bush-Tailed Rat* deals with the problem of theft, in which one individual takes food and other items that belong to the community, and is punished by being pushed out of the community and made powerless to hurt the people anymore.<sup>341</sup> This story deals with an “outsider” to the community, but there is also a relationship between the people and the rat that continues even after the thefts are discovered and the thief is punished.

In *Story of Tcotcu'lca*, Coyote steals Tcotcu'lca's paint and feathers after his community tells him not to look through Tcotcu'lca's clothes.<sup>342</sup> His theft results in all the fat, meat, bones and skin in the camp turning to life, assuming the form of animals, and running away, which leaves the community to starve. Anne Michel notes the following about Coyote's actions in this story:

*He's talking for the community he's part of the community. It's just like if we were we had a secret here and then all of the sudden I blabbered something and it all changed and all of you...we all suffered.<sup>343</sup>*

This underscores the importance of taking proper care of the resources that you are responsible for.

A number of stories involving Coyote highlight the responsibility to care for the resources you have and not waste them unnecessarily. *Coyote and Fox*, for example, deals with both theft and over-harvesting.<sup>344</sup> In that story, Coyote kills a whole community of rock-rabbits to eat. While Coyote is sleeping, Fox begins helping himself to the rock rabbits. Coyote notices, but is too lazy to protect what he has taken, and Fox devours them all. Later, Coyote tries to exchange his magpie robe for Fox's robe made of eagle feathers, but Fox refuses. Coyote steals Fox's robe and tears up his own. Coyote then wishes for a wind to blow his robe so he can admire the feathers, but loses the robe after Fox makes the wind blow the robe off of Coyote's back and back on to his. Coyote ends up worse off than before because of both his failure to protect his own belongings, and his action of taking what was not his. Similarly, in *Story of Coyote and the Swans*, Coyote captures swans, but they escape because Coyote fails to properly secure them.<sup>345</sup>

339 *Adams Lake Interview #7: Bonnie Leonard*, *supra* note 319 at 26.

340 *Skeetchestn Interview #1: Daniel Calhoun*, *supra* note 178 at 10.no respect Interview #219 W4tivee Jules O at 21.r at 20.

341 *The Story of the Bush Tailed Rat*, *supra* note 54 at 46.

342 *Story of Tcotcu'lca*, *supra* note 47 at 718-720.

343 *Adams Lake Interview #2: Anne Michel*, *supra* note 29 at 32.

344 *Coyote and Fox*, *supra* note 42 at 633.

345 *Story of Coyote and the Swans*, *supra* note 25 at 638.

Witness Leon Eustache tells a version of *Coyote and Fox* that he received from elder Chris Donald, called *Coyote and Fox and the Big Wind*.<sup>346</sup> The relationship between Coyote and Fox is even more intimately conveyed in this version because they are described as brothers. Coyote steals Fox's clothes, rips up his own, and wishes for a breeze to come so that it can show off his new tassels as he dances on a mountainside. His wish comes true, but the wind is so powerful that it rips off Coyote's stolen clothes and leaves him grasping to recover his old torn rags.

Finally, even generous intentions need to be carried out with an awareness of the community's seasonal needs. For example, in reference to Coyote's actions of harvesting and drying an abundance of salmon, in *Coyote and Salmon*, in order to give a feast for the people, Ronnie Jules explains:

*Because when you dry your salmon... you really don't have a big feast to give them away already, they are there to replenish you over the winter. Ration them out over the winter. And [Coyote] would have been better to ration, to give to those people during the winter, not to come eat a whole bunch right away. I think he didn't do things right here by the looks of it... maybe one of the morals of the story is he should be taught right, before you can dry the salmon.*<sup>347</sup>

Another witness notes that *Coyote and Salmon* highlights that there is a window for when to catch salmon. Coyote misses that window because the salmon stopped coming when he threw the salmon away. This is why Coyote is hungry all winter.<sup>348</sup>

#### **iv. Responsibility to Teach the Law and Share Knowledge about the Land's Resources and Risks: People are responsible for the transmission of law and the cultivation of skills respecting land and resources.**

A central obligation is to share knowledge about the land with the next generation. Unlike the responsibility as it is discussed in relation to the land, this responsibility is critical to ensure the transmission of law. As one witness says *"it's our job yet as elders, as teachers, as workers to teach our young people. We can't let them starve, our parents didn't let [us] starve."*<sup>349</sup> The witness goes on to talk about how it is critical to invite the youth to attend meetings and provide opportunities to learn, expressing frustration with the barriers that exclude youth today in the context of our interviews with them:

*We need to take these walls down that we've...put up, but we've got to learn to take it down and to open up. Because we have a lot to teach, we have a lot to share, you know so. And again how can we do it? It's up to us.*<sup>350</sup>

Julianna Alexander talks about the importance of teaching youth so they do not harm themselves and so they know how to use plants properly, although she resists the view that this is an obligation or right.<sup>351</sup> Instead, she sees this as an everyday practice:

*[W]e need to be trained to use the medicines. You have to have the knowledge and you have to learn the purposes of all these medicines and the purpose of your spiritualism and your direction.... But you have to – and this is the most important thing to remember – you need to know if it is poisonous or not. ...And also the uses of each of these plants and their purposes.*<sup>352</sup>

The responsibility to share information and knowledge about the land exists between all community members. As one witness says:

*It's everybody's responsibility to, to make them listen...[to]our teachings. I know I'm not afraid to say "hey, better sit down" ...because it's my – it's our responsibility as a community so, it's not just the parents...we all have to look after that child.*<sup>353</sup>

346 *Coyote and Fox and the Big Wind*, *supra* note 8.

347 *Adams Lake Interview #7: Ronnie Jules*, *supra* note 7 at 9.

348 *Adams Lake Interview #7: Bonnie Leonard*, *supra* note 319 at 10.

349 *Interview of Adams Lake Community Member Doreen Kenoras* by Kirsty Broadhead and Adrienne MacMillan (28 July 2015) Adams Lake, British Columbia at 23 [*Adams Lake Interview #7: Doreen Kenoras*].

350 *Ibid.*

351 *Splatsín Interview #3: Julianna Alexander*, *supra* note 17 at 11.

352 *Ibid* at 9.

353 *Adams Lake Interview #7: Doreen Kenoras*, *supra* note 352 at 22.

Witnesses recognize the collective duty in a community to cultivate each member's skills, a process that begins in infancy.<sup>354</sup> Some stories reflect the importance of recognizing specific roles and skills of different community members. In *the Story of Porcupine*, for example, the people choose Porcupine to travel over the mountains to Elk's people because of his specific suitability for the job. It is the community, not Porcupine, that identifies that he is the right one for this task. By contrast, Coyote quickly volunteers, but is slow to act, and in doing so does not help his community.<sup>355</sup>

**vi. Responsibility to Use Knowledge, Power or Skills to Benefit, Not Harm Community:  
People with special skills or gifts respecting land or resources must not use them against their community.**

**a) Knowledge.**

Community members are expected to share information about the land and resources with each other as part of their responsibilities to the community as a whole. This starts with communicating where certain resources are. This is especially important for the effective management of common resources. Dr. Ron Ignace explains that, historically:

*[W]hat the communities would do was, when the men would go out hunting one of their responsibilities was to... observe the land wherever they went and bring back reports to the community as to where and what vegetation, what medicinal plants and what gaming birds or game was out there or whatever the case they may have observed. They would have to bring that knowledge back and tell the community... Without that communication there's a breakdown in the community... if people bring back the information, people go back out and bring back the food, or whatever it is, to the community. And the community thrives and survives.<sup>356</sup>*

But he notes how this ethic of sharing has changed in recent years, noting that this has impacted the community:

*That was one of the responsibilities. But today, because of... individualization or capitalization – we do [things differently]. And that violates that... social... reciprocity that goes on. Because if people bring back the information, people go back out and bring back the food, or whatever it is, to the community. And the community thrives and survives. Without that communication there's a breakdown in the community.<sup>357</sup>*

The importance of providing knowledge about the land to prevent harms is taken up in *TIEē'sa and his Brothers*.<sup>358</sup> TIEē'sa's "mother" tells him what he needs to know to defeat the evil beings in the territory, forgetting only to warn him about Pubescent Girl/Chipmunk. The young boy Kwelaa'llst is sent with the required information but TIEē'sa and his brothers try to kill him, not knowing who he is. Eventually Kwelaa'llst joins the brothers, but leaves them without passing on their "mother's" message. Without this information, the TIEē'sa and his brothers encounter the Pubescent Girl/Chipmunk, who turns them into stone.

Responsibly and honestly sharing observations about the land or resources is also expressed in the stories. In *The Story of the Bush-Tailed Rat*, an old woman communicates her observations about the theft of supplies to her community, which leads to a community decision to catch the thief.<sup>359</sup> Porcupine, in *Story of Hu'pken*, honestly reports what he has seen about Hu'pken, but the community does not believe him.<sup>360</sup> The community sends Crow to verify the report, but Crow's selfishness leads him to lie. When confronted, Crow immediately acknowledges the source of his sustenance, so that the community can seek it out directly. In *Old-One and the Brothers*, one of the brothers is not honest when asked if he has food to share; only the youngest reveals and shares what he has, and only he is given food and resources by Old-One.<sup>361</sup>

354 *Splatsín Interview #3: Julianna Alexander, supra* note 17 at 9-10.

355 *Story of Porcupine, supra* note 33 at 671-672.

356 *Skeetchestn Interview #1: Ron Ignace, supra* note 106 at 5.

357 *Ibid.*

358 *TIEē'sa and his Brothers, supra* note 37 at 644-651.

359 *"The Story of the Bush Tailed Rat", supra* note 54 at 46.

360 *Story of Hu'pken, supra* note 49 at 710-711.

361 *Old-One and the Brothers, supra* note 39 at 643.

*The Story of Tsowa'una* provides a positive illustration of this principle, whereby a less able member of a community benefits from the guidance and assistance of stronger and more experienced members in getting access to unfamiliar territory.<sup>362</sup> Here, Tsowa'una convinces the Salmon to guide him along their route. To secure this guidance, Tsowa'una promises to do his utmost to take care of his own needs on the trip. Thus, he is able to share in an experience that would not have been possible on his own.

#### b) Power or Skills.

Individuals, in the Secwépemc legal tradition, are expected to use their particular strengths or knowledge for the good of the community. In *Story of Tcotcu'lca*, we see how Tcotcu'lca becomes a successful hunter and “filled all the lodges with meat,” so that all are well fed.<sup>363</sup> In *Story of Hu'pken*, even though most of community has abandoned Hu'pken (because he was so lazy), his grandmother entrusts him with knowledge that he uses to benefit the community.<sup>364</sup> Hu'pken rewards those within the community who have left him some food. Hu'pken shares food with the rest his community after becoming a great hunter, notwithstanding the fact the community abandoned him. His one exception is to not provide additional resources to those who did not pity him when he was on his own.

Fox and Hare, in *The Liberation of the Chinook Wind*, are the only ones who have the skills required to liberate the warmth and make life easier for the whole of the community.<sup>365</sup> In *Water Monster*, the master toolmakers use their strengths to benefit the community.<sup>366</sup> Likewise, Tlĕē'sa in *Tlĕē'sa and his Brothers* makes use of his particular powers to defeat the evil beings harming the community.<sup>367</sup> Finally, in *Fishes and the Cannibal*, a cannibal is using magic to capture and kill people. Sturgeon eventually learns the secret to defeating the cannibal and, together with Swan, is able to help the entire community kill the cannibal and his family.<sup>368</sup>

*Coyote and his Son* reflects the legal responsibility to not use knowledge about or power over the land for personal gain or to harm someone else.<sup>369</sup> In this story, Coyote's desire to possess his son's two wives leads him to manipulate knowledge and change the environment. First, Coyote tells his son about how their ancestors harvested eagle feathers, and convinces his son to follow (potentially false) practices for doing so. Coyote then causes the cliff his son is climbing to become much more dangerous, so that he cannot come down. Coyote's deception is eventually undone, and his son returns to confront his father and banish him from the community.

### Rights of people in the Community

**What should individuals be able to expect regarding access to needed resources? Wanted resources? Are there certain individuals, families or clans who should expect to access or control access to certain territory or resources?**

General Restatements of Law:	
i.	<b>Right to Access Resources in Secwépemcúl'ecw:</b> People have the right to equal access to the land and its resources: <i>The Story of the Bush-Tailed Rat</i> , <i>Story of Hu'pken</i> , <i>The Liberation of the Chinook Wind</i> , <i>White Arrow of Peace</i> , <i>Skeetchestn Interview #1: Ron Ignace</i> , <i>Splatsín Interview #8: Julianna Alexander</i> , <i>Simpcw Interview #5: Witness 1</i> .
ii.	<b>Right to Have Needs Met: People in need have a right to have their needs met:</b> <i>Wolf and Wolverine</i> , <i>White Arrow of Peace</i> , <i>Old-One and the Brothers</i> , <i>Story of Grasshopper</i> , <i>Story of Hu'pken</i> , <i>Adams Lake Interview #7: Witness 4</i> .

362 *Story of Tsowa'una* in James Teit, “The Shuswap” in Franz Boaz, ed. *The Jesup North Pacific Expedition: Memoir of the American Museum of Natural History* Vol II, Part VII (Leiden: EJ Brill/New York: GE Stechert, 1909) at 656.

363 *Story of Tcotcu'lca*, *supra* note 47 at 718-720.

364 *Story of Hu'pken*, *supra* note 49 at 710-711.

365 *Liberation of the Chinook Wind*, *supra* note 21 at 624.

366 *Water Monster*, *supra* note 9 at 21-23.

367 *Tlĕē'sa and his Brothers*, *supra* note 37 at 644-651.

368 *The Fishes and the Cannibal*, *supra* note 24 at 670-671.

369 *Coyote and his Son*, *supra* note 19 at 622-623.

## Discussion:

### i. Right to Access Resources in Secwépemcúl'ecw:

#### People have the right to equal access to the land and its resources.

As Dr. Ron Ignace says, “*the land belongs to all the Shuswaps and all have equal rights of access to it.*”<sup>370</sup>

We can infer this right through a number of stories that highlight the unlawfulness of hoarding or stealing resources. For example, *The Story of the Bush-Tailed Rat* deals with the problem of theft, in which one individual takes food and other items that belong to the community.<sup>371</sup> Bush-Tailed Rat is punished by the community by being turned into a rat who can only steal small bits at a time. We infer that this provides for more equitable access to resources across the community.

In *Story of Hu'pken*, we can infer that Crow knows that his community has a right to access the fat Hu'pken has given him to share with his starving community.<sup>372</sup> Once the community discovers that Crow is secretly taking food meant for the community to feed his children alone, they confront him. Crow acknowledges the source of his sustenance, allowing the entire community the ability to access it.

Although a story involving two different groups of peoples, *The Liberation of the Chinook Wind* articulates the principle that all people have rights to access certain resources. Fox and Hare liberate the warmth without the consent of the Heat People, and share it to make life bearable for their community.<sup>373</sup>

The right to access resources may exist even when a community member is excluded or abandoned from the community. Exclusion from the community or territory historically happened only for severe inter-personal offences: “banishment... was [for] really severe [things], like murder or going with somebody else’s wife or husband... it had to be serious.”<sup>374</sup> For example, in *Story of Hu'pken*, a boy is abandoned as a consequence of his laziness, but is nevertheless left some food by some of his community members. The boy’s grandmother, also left behind, teaches him how to access resources himself.<sup>375</sup>

Familial ties, as a witness from Simpcw explains, give people rights to hunt or fish in specific areas.<sup>376</sup> The oral history *The White Arrow of Peace* illustrates how the Okanagan Chief solidified the Secwépemc invitation of peace with his offer that “all our women... can marry your men.”<sup>377</sup>

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370 *Skeetchestn Interview #1: Ron Ignace, supra* note 106 at 5.

371 “*The Story of the Bush Tailed Rat*”, *supra* note 54 at 46.

372 *Story of Hu'pken, supra* note 49 at 710-711.

373 *Liberation of the Chinook Wind, supra* note 21 at 624.

374 *Splatsín Interview #8: Julianna Alexander, supra* note 27 at 21.

375 *Story of Hu'pken, supra* note 49 at 710-711

376 *Simpcw Interview #5: Witness 1, supra* note 74 at 22.

377 *White Arrow of Peace, supra* note 6 at 28-32.

**ii. Right to Have Needs Met: People in need have a right to have their needs met.**

Community members in need should be able to expect that others in the community will share to alleviate hardship and natural resource inequities.

The majority of the stories discussing this right express it by illustrating the harms that come from being selfish with resources. For example, this expectation is illustrated in *Wolf and Wolverine*, in which both Wolf and Wolverine find themselves suffering when the other does not meet this expectation.<sup>378</sup> Another example of the harm that can result from not considering the needs of others is found in *White Arrow of Peace*, where the mistreatment of orphan boys eventually contributes to the suffering of the whole community.<sup>379</sup> Likewise, in *Old-One and the Brothers*, the first three brothers suffer harm because they do not share their resources with the hungry stranger.<sup>380</sup> The youngest brother, on the other hand, is rewarded for sharing his small amount of food with the stranger (who turns out to be Old-One).

In *Story of Grasshopper*, Grasshopper refuses to help the community with the salmon harvest, preferring to have fun instead.<sup>381</sup> Once winter comes, he is cold and hungry and begs people for some dried salmon. The people in his community refuse to help, telling him to play and eat grass. When he is nearly dead, the community transforms him into a grasshopper, noting that they are doing so because he was too lazy and thoughtless to catch salmon and so should live on grass and spend time jumping around and making noise. One witness, talking about this story, notes that even though some people like grasshopper do not help with different harvests, they would not go hungry:

*The others want to go out and dance and dress up fancy and go partying and come home. "Oh I'm hungry." ...their mother look at them and say "hmm, see now you didn't work during the summer you are hungry." Look in your cupboard it's empty. They would give you hard love even if you are starving to death or something. But they feed you.*<sup>382</sup>

Similarly, we see in *Story of Hu'pken* that even though Hu'pken is abandoned by his community, he is left some scraps by some of his community members to starve and his grandmother, who is also left behind by the community, teaches him how to survive. Later on, he recognizes the right of his own community's survival, which is now starving, and shares his food with it.<sup>383</sup>

<sup>378</sup> *Wolf and Wolverine*, *supra* note 38 at 671-672.

<sup>379</sup> *White Arrow of Peace*, *supra* note 6 at 28-32.

<sup>380</sup> *Old-One and the Brothers*, *supra* note 39 at 643.

<sup>381</sup> *Story of Grasshopper*, *supra* note 51 at 655.

<sup>382</sup> *Adams Lake Interview #7: Witness 4*, *supra* note 72 at 19.

<sup>383</sup> *Story of Hu'pken*, *supra* note 49 at 710-711.

## 4. Consequences, Enforcement and Teaching

### a. Consequences

What are the natural and spiritual consequences of accessing and sharing resources in a respectful and sustainable way, or of not doing so?

General Restatements of Law:	
<b>i. Proportionality:</b>	Resolutions should be proportionate to the violation or harm: <i>Coyote and his Hosts</i> , <i>Coyote and Salmon</i>
<b>ii. Abundance:</b>	People are rewarded with healthy and abundant resources: <i>Old-One and the Sweat-House</i> , <i>Old-One and the Brothers</i> , <i>Story of the Salmon-Boy</i> , <i>Simpchw Interview #5: Pat Matthew</i> .
<b>iii. Deprivation:</b>	People may not get what they need or want: <i>Story of Coyote and the Swans</i> , <i>Coyote and his Son</i> , <i>Coyote and Salmon</i> , <i>Coyote and Fox</i> , <i>Coyote and the Black Bears</i> , <i>Coyote and Holxoli'p</i> , <i>Wolf and Wolverine</i> , <i>Story of Tcotcu'lca</i> , <i>Old-One and the Brothers</i> , <i>Simpchw Interview #5: Nathan Matthew</i> , <i>Splatsín Interview #3: Randy Williams</i> , <i>Splatsín Interview #8: Julianna Alexander</i> , <i>Adams Lake Interview #7: Witness 4</i> , <i>Adams Lake Interview #7: Ronnie Jules</i> , <i>Adams Lake Interview #2: Ronnie Jules</i> , <i>SNTC Interview #4: Bonnie Leonard</i> , <i>SNTC Interview #4: Richard LeBourdais</i> .
<b>iv. Injury:</b>	People may injure themselves or others: <i>War with the Sky People</i> , <i>Story of Coyote and the Swans</i> , <i>Coyote and his Hosts</i> , <i>TIEē'sa and his Brothers</i> , <i>Simpchw Interview #10: Marissa Eustache</i> , <i>SNTC Interview #4: Richard LeBourdais</i> , <i>Splatsín Interview #3: Shirley Bird</i> .

#### Discussion:

##### **i. Proportionality: Resolutions should be proportionate to the violation or harm.**

The principle of proportionality is evident in many of the published stories we reviewed that included natural or spiritual consequences. For example, in *Coyote and his Hosts*, Coyote imitates the harvesting knowledge of his hosts without their permission, and by doing so, disrespects them. As a result, Coyote is injured and mocked.<sup>384</sup> This is a relatively serious consequence. Also serious are the consequences in the story *Coyote and Salmon*.<sup>385</sup> Coyote becomes angry when one of the salmon keeps hitting him, so he throws the salmon on the ground outside. As soon as he does, all the other salmon come to life and escape into the water. Coyote is punished for his actions by losing all of his food stores.

##### **ii. Abundance: People are rewarded with healthy and abundant resources.**

Regardless of particular practices, several witnesses speak strongly of the importance of following some protocol of gratitude for harvesting. This, as a witness in *Simpchw* explains, is good for harvesters as well as the land: *"The benefits [of following protocol] are, if you do follow the practices, you feel emotionally or spiritually better in harvesting some of the things you eat."*<sup>386</sup>

Many stories provide examples in which individuals are rewarded with abundant resources for following Secwépemc legal principles. This is most clearly stated in *Old-One and the Sweat-House*.<sup>387</sup> In that story, Old-One teaches the people how to sweat bathe and make sweat houses. He instructs them to pray to the Scwelu's, who own the sweat bath. He tells the people that they will be healthy and successful at hunting and gambling if they do so.

This legal principle is also reflected in *Old-One and the Brothers*. In that story, the first three brothers refuse to share their food with Old-One even though he says he is hungry. The youngest brother shares his food and is rewarded with an abundance of food, a brand new canoe, and an iron axe.<sup>388</sup>

384 *Coyote and his Hosts*, *supra* note 41 at 627-628.

385 *Coyote and Salmon*, *supra* note 187 at 637.

386 *Simpchw Interview #5: Pat Matthew*, *supra* note 64 at 11.

387 *Old-One and the Sweat-House*, *supra* note 94 at 642-643.

388 *Old-One and the Brothers*, *supra* note 39 at 643.

The idea that following legal principles can lead to abundance is also implied in *Story of the Salmon-Boy*.<sup>389</sup> In this story, a boy's grandfather observes the fish he has caught has human eyes. He takes care of the fish by wrapping it in a blanket, and over the course of a number of days, it turns back into his grandson. The story ends by noting that in two months' time the fishing-season was over, and the old man had cured many salmon and their roe, and had made much oil. The boy went hunting in that time and returned with a lot of meat, fat and skins from deer and marmot, which they shared with the community. We can infer that following his responsibility to observe changes in the land, which ultimately led to the rescue of his grandson, also resulted in his reward of a bountiful harvest.

### iii. Deprivation: People may not get what they want or need.

When it comes to the relationship between people and Secwépemcúfcw, natural consequences for the misuse of land or the gifts that sustain life are particularly stressed. In Nathan Matthew's words, "*you can't do things to the environment without some kind of consequence*."<sup>390</sup> As Randy Williams notes, if you over-exploit the land, resources will disappear.<sup>391</sup> Julianna Alexander explains it this way:

*There's a reason for everything in place – all the laws are in place to protect us and if we break them we're going to suffer. If we don't follow the land, we're going to suffer as a people.*<sup>392</sup>

Being deprived of useful or necessary resources can occur as a natural consequence of not following Secwépemc legal principles. Losing what one has gained is shown in many of the stories involving Coyote. *Story of Coyote and the Swans*, for example, tells the tale of Coyote catching swans by singing and dancing, which causes dances the swans to lose their ability to fly.<sup>393</sup> Coyote and his son are not able to control the birds (possibly because Coyote left his inexperienced son in charge of them). In his hurry to seize the escaping birds, Coyote injures himself and loses them all.<sup>394</sup>

In *Coyote and Salmon*, Coyote is drying many salmon.<sup>395</sup> One day he passes underneath the sticks where they are hanging and his hair gets caught in one of them, which makes him angry. This happens four more times and he gets angrier every time. He ultimately tears down one of the salmon and throws it in the river. It then comes to life and swims away, along with all the other salmon that he is drying. One witness says, in reference to what the fish are thinking in this story:

*"[H]e doesn't want us - he's angry...no respect..." If somebody over there is doing something to you, you turn around and...he left angry. And he kind...got punished. So they turned back, they were turned back to fish. So he's standing there, and no fish.*<sup>396</sup>

We can infer that Coyote's decision to disrespect the salmon caused his entire catch to withdraw consent in their participation to sustain him, which ultimately deprives him of supplies for the winter, and his entire community of the feast Coyote had been planning. Without the salmon, Coyote uses the slabs of wood that he had been using for splitting salmon on and boils them to have fish soup instead.

Ronnie Jules sees the consequences of Coyote's actions arising from a different failure, namely one of not following teachings or protocol:

*[B]ecause when you dry your salmon... you really don't have a big feast to give them away already, they are there to replenish you over the winter. Ration them out over the winter. And [Coyote] would have been better to ration to give to those people during the winter not to come eat a whole bunch right away. I think he didn't do things right here by the looks of it... maybe one of the morals of the story is he should be taught right, before you can dry the salmon.*<sup>397</sup>

Ronnie Jules and another witness go on to explain how if Coyote had tied the salmon high enough in the air, or tied his own hair up, his hair would not have gotten caught on the fish. One witness agrees that Coyote wasn't taught right, noting "*you've got to do things the right way, you know, in order to proceed with drying like this.*"<sup>398</sup>

389 *Story of the Salmon-Boy*, *supra* note 48 at 690.

390 *Simpw Interview #5: Nathan Matthew*, *supra* note 31 at 10.

391 *Splatsín Interview #3: Randy Williams*, *supra* note 18 at 25.

392 *Splatsín Interview #8: Julianna Alexander*, *supra* note 27 at 19.

393 *Story of Coyote and the Swans*, *supra* note 25 at 638.

394 *Coyote and his Son*, *supra* note 19 at 622-623.

395 *Coyote and Salmon*, *supra* note 187 at 637.

396 *Adams Lake Interview #7: Witness 4*, *supra* note 72 at 10.

397 *Adams Lake Interview #7: Ronnie Jules*, *supra* note 7 at 9.

398 *Adams Lake Interview #7: Witness 4*, *supra* note 72 at 9.

Secwépemc stories also express the consequence of losing what one had to begin with due to greed or ignorance. In both *Coyote and Fox*<sup>399</sup> and *Coyote and the Black Bears*,<sup>400</sup> for example, Coyote destroys his own property (a robe) while unlawfully seeking to acquire something better (with Fox, by stealing, and with the black bears, by following inappropriate harvesting practices). Both stories end with Coyote wandering off naked. In *Coyote and Holxoli'p*, Coyote loses his eyes (to Raven) by foolishly trying to imitate Holxoli'p.<sup>401</sup> In *Wolf and Wolverine*, neither animal decides to share his harvest with the other.<sup>402</sup> A human authority figure does not punish or sanction them for their choices, but both experience negative consequences (a lost relationship, and possible starvation) for acting without generosity towards the other.

In *Story of Tcotcu'lca*, Coyote decides to search Tcotcu'lca's belongings to find out his secret of being a good hunter.<sup>403</sup> He finds his paint and feathers and declares that he will attempt to imitate him in order to be successful at hunting. Tcotcu'lca realizes this and turns into a wolf, and all of the fat, meat, bones and skins in the community turn into animals that run away, leaving the community without their stores of food. Ronnie Jules says an individual should not try to copy a t'kwilc (medicine person or shaman), and that Coyote learns this lesson: *"that's what he's doing here - trying to take that stuff out of his quiver and use it to his advantage - and [he] lost everything."*<sup>404</sup>

Finally, *Old-One and the Brothers* discusses the consequence of deprivation for not following Secwépemc legal principles. In that story, four brothers each encounter Old-One in the woods in their individual journeys to find a tree to build a canoe. Old-One asks each brother to share their food with him because he is hungry. The older brothers refuse to share their food with the old man. Although they each find trees to build their canoes, they find them twisted and unsuitable for making a canoe the next morning. The fourth brother, however, shares his resources and is rewarded with more food, a fine canoe and an axe. Although the three older brothers are never forced to share what they have, they do experience consequences for choosing not to do so.<sup>405</sup> Bonnie Leonard talks about how she understands the story in this way:

*Old-One when he's asking for food, I really think what he's doing is trying to remind those guys that are going out to harvest that they need to make an offering. Right? So, because they failed to make an offering what they harvested didn't turn out the way they wanted, it got all twisted, it wasn't done properly.*<sup>406</sup>

Old-One, as Richard LeBourdais explains, gives the young brother crucial knowledge about the land, in return for his generosity and offerings:

*[I]t's the Old-One that's managing and looking after the resources. He's the knowledgeable one that has taken this young guy and shown him exactly what the harvest - how to do it, how to look after it, how to manage, how to look after those resources...*<sup>407</sup>

399 *Coyote and Fox*, *supra* note 42 at 633.

400 *Coyote and the Black Bears*, *supra* note 44 at 638.

401 *Coyote and Holxoli'p*, *supra* note 46 at 632.

402 *Wolf and Wolverine*, *supra* note 38 at 671-672.

403 *Story of Tcotcu'lca*, *supra* note 47 at 718-720.

404 *Adams Lake Interview #2: Ronnie Jules*, *supra* note 67 at 31.

405 *Old-One and the Brothers*, *supra* note 39 at 643.

406 *SNTC Interview #4: Bonnie Leonard*, *supra* note 72 at 37.

407 *SNTC Interview #4: Richard LeBourdais*, *supra* note 69 at 36.

#### iv. Injury: People may injure themselves or others.

Injury also emerges as a consequence for not following Secwépemc law respecting land and natural resources. For example, the carelessness of the chiefs in *The War with the Sky People* destroys a resource (the ladder of arrows) that the community depends upon. The fish people, who are most vulnerable to being stranded in the unfamiliar environment of the sky, suffer as a result.<sup>408</sup>

Community witnesses give other examples of injuries that can occur when not following Secwépemc legal principles. Marissa Eustache talks about the consequences involved with improperly harvesting or using plants:

*[You have] to respect the plant or to respect yourself when working with the medicines because you have to be really careful... if you don't do it properly you could poison yourself or can poison other people. So it's...teaching the kids to...make sure you respect all these plants because they all have a purpose. But respect yourself and other people, too, because you don't want to make yourself or other people sick.*<sup>409</sup>

Richard LeBourdais, in speaking of the importance of protocols of respect when travelling in grizzly bear territory, says that “*sometimes, if you don't do that [protocol or prayer], things can happen.*”<sup>410</sup> We infer from this that harms can occur, such as being attacked by a grizzly bear in this instance.

In *Tlĕĕ'sa and his Brothers*, the boys are turned into rock at the end of the story. Shirley Bird sees this as a natural consequence of them not offering prayers and offerings for the rocks they took:

*They did forget to do their offering and their prayers... And the way I have been taught is to, when you do take...things from mother earth, you to offer something back to her and ask the medicine plants. To offer her a gift and talk to the plants and offer her a plant and tell them why that what's you need. ... Take what you need from her because when they took...the rock, they didn't offer anything for that rock. Because that rock did come from mother earth, they didn't give anything, they didn't offer any prayers of any sort.*<sup>411</sup>

Finally, in the *Story of Coyote and the Swans*, Coyote sings and dances, causing the swans to lose their ability to fly.<sup>412</sup> Coyote's son Kalle'llst then clubs the swans and ties them together. Coyote leaves his son to watch the swans and goes to cut a tree top. During that time, the swans come back to life. Coyote gets excited and hurriedly descends the tree, and a branch penetrates his scrotum. Not only does Coyote lose the swans, but injures himself. We can infer that either using magic to disable the swans or putting his son in charge of looking after the swans without proper training led to these consequences. Similarly, we see Coyote repeatedly injuring himself when trying to imitate others' ways of accessing and harvesting resources in *Coyote and his Host*.<sup>413</sup>

408 *The War with the Sky People*, *supra* note 23 at 749.

409 *Interview of Simpcw Community Member Marissa Eustache* by Kirsty Broadhead and Adrienne MacMillan (31 July 2015) Simpcw, British Columbia at 11.

410 *SNTC Interview #4: Richard LeBourdais*, *supra* note 69 at 42.

411 *Splatsin Interview #3: Shirley Bird*, *supra* note 16 at 13.

412 *Story of Coyote and the Swans*, *supra* note 25 at 638.

413 *Coyote and His Hosts*, *supra* note 41 at 627-630

## b. Enforcement

What are consequences people have designed and implemented to ensure others are following the legal principles related to accessing and sharing natural resources?

General Restatements of Law:	
<b>i. Proportionality/Assessment of Harm:</b>	Resolutions should be proportionate to the violation or harm: <i>Story of The One Bound and Grasshopper, Story of Grasshopper, Story of Hu'pken. Skeetchestn Interview #1: Ron Ignace, Adams Lake Interview #7: Ronnie Jules, Adams Lake Interview #2: Anne Michel, Simpcw Interview #5: Bonnie Leonard, Adams Lake Interview #7: Witness 4.</i>
<b>ii. Deterrence:</b>	Resolutions must be able to deter future violations: <i>Splatsin Interview #8: Julianna Alexander.</i>
<b>a) Stories of natural consequences:</b>	<i>Simpcw Interview #5: Tina Donald, Adams Lake Interview #7: Witness 4, Adams Lake Interview #2: Anne Michel, Adams Lake Interview #7: Ronnie Jules.</i>
<b>b) Community pressure/embarrassment:</b>	<i>Story of Grasshopper, The Story of Bush-Tailed Rat, Story of The One Bound and Grasshopper, Simpcw Interview #5: Pat Matthew,, Adams Lake Interview #7 Adams Lake Interview #7: Witness 4, Skeetchestn Interview #6: Ron Ignace.</i>
<b>iii. Withdrawal of Resources or Assistance:</b>	People may not receive support from their communities: <i>Story of Grasshopper, Story of Hu'pken .</i>

### Discussion:

#### **i. Proportionality/Assessment of Harm: Resolutions of should be proportionate to the harms experienced.**

Human enforcement of Secwépemc legal principles starts with an assessment of injury to ensure the proportionality of the response. Dr. Ron Ignace explains this in his comments about sanctions for “severe” harms in Secwépemc law:

*How much of a violat[ion]...[of]the peace, order and good government the community, if you will, or... [the] quiet enjoyment of the community. You know? I mean traditionally...the severest form of... sanction was banishment from the community. Others it may be, you know, elders come and giving you a good whip if you broke a window....And it depends on how severe that is, you can apply to come back, you can put a trial period for five years.<sup>414</sup>*

Similarly, Ronnie Jules speaks about how dangerous people, such as The One Bound in *Story of The One Bound and Grasshopper*, might be tied up to prevent harms to themselves or others in extreme circumstances.<sup>415</sup> By contrast, historically, bragging about having an abundance of resources draws an expectation to share those resources with the rest of the community, although Anne Michel notes that this does not happen all the time today.<sup>416</sup>

There are a number of stories that involve serious consequences for an individual who does not contribute. In *Story of Grasshopper*, grasshopper does not contribute to the salmon harvest.<sup>417</sup> Grasshopper later on finds himself hungry and asks his community to share with him. They refuse and turn him into a grasshopper, mandating that he only eat grass. In *Story of Hu'pken*, Hu'pken is described as “mischievous, lazy and quarrelsome,” and as a person who would not train himself like the other boys.<sup>418</sup> He is abandoned by his community for being a nuisance. Subsequent events suggest this consequence might have been overly harsh, as he is helped to survive and ends up saving his community by sharing resources he obtains through learning how to hunt. Both stories do emphasize the historical importance of all capable individuals contributing to community survival, particularly in the context of a harvesting seasonal resources.

414 *Skeetchestn Interview #1: Ron Ignace, supra* note 106 at 11.

415 *Adams Lake Interview #7: Ronnie Jules, supra* note 7 at 4.

416 *Adams Lake Interview #2: Anne Michel, supra* note 29 at 17.

417 *Story of Grasshopper, supra* note 51 at 655.

418 *Story of Hu'pken, supra* note 49 at 710-711.

This point is taken up in a discussion between witnesses in one of our interviews. Bonnie Leonard notes the following about contextualizing these stories in the era in which they were recorded:

*The interesting thing I found with that whole timing...was that in many of these stories the common theme is Coyote's hungry. That's how the story always starts he's hungry, its- he's always looking for food. And it's like you think about it and in 1909 and prior to that it's not like you could just go to Safeway and pick up something to eat. ...that was a real issue for the people and it was something that was the main, I guess, focus for their...existence and survival...<sup>419</sup>*

Simply, not contributing to gathering resources would have had more serious effects on the community's survival at the turn of the 20th century. As such, we infer that some of the consequences in the stories would not necessarily be applied today, as they would no longer be proportionate. As one witness notes in discussing *Story of Grasshopper*:

*[I]t would be mean if the kids, somebody sitting there and didn't help you all winter and you're eating and says "I'm hungry" and I say "you know what you didn't help us all summer, all fall, now you're hungry" that would be a great big lesson.<sup>420</sup>*

As a result, our central take away with respect to enforcement in Secwépemc law is not necessarily the particular enforcement practices in the stories, but rather the principle that enforcement involves an evaluation of the harm and then a process of imposing proportionate consequences relative to the harm.

Indeed, this is what we see occurring in *Story of The One Bound and Grasshopper*. In this story, the chief and community evaluate the allegations of Grasshopper and determine, through that process, first, that Grasshopper has lied and, second, the consequences for this actions.<sup>421</sup> As one witness summarizes, you "have to deal with people instead of just punishing them," meaning that you have to show that they are valued and help them understand that they are cared about.<sup>422</sup>

## ii. Deterrence: Resolutions must be able to deter future violations.

All enforcement mechanisms must be sufficient to deter future violations of legal principles involving lands and resources. As Julianna Alexander notes *"it's all about fairness, it's all about worthy consequences. That's what guides people's choices."<sup>423</sup>*

### a) Stories of natural consequences.

The most dominant means of deterring behavior, particularly for youth, is through the telling of stories and their consequences. For example, Tina Donald speaks of how stories of water spirits serve to keep children from swimming in the rain, in the dark or without adult supervision.<sup>424</sup> Another witness speaks about *Story of The One Bound and Grasshopper's* main lesson being for youth not to bully.<sup>425</sup> Ronnie Jules similarly talks about the story being used to deter "quarrelsome" and "rambunctious" behaviour in youth:

*Because we were story tellers we didn't say...it's a commandment or something, you shouldn't be, you shouldn't be mean or quarrelsome, they would use a story. And...to calm the boy or girl down to learn, to begin to learn anger management.<sup>426</sup>*

Another witness Anne Michel, when talking about TIEē'sa, suggests that the boys may turn to rock for harming or secretly observing the Pubescent Girl/Chipmunk:

*[T]hat was too bad that people turned to rocks...but I think [it was] a lesson, a lesson. Now these three brothers why were they doing that? And they had no business doing that. That's just the lesson. Like there's always a lesson, like Ronnie says, they might have done something and it's a lesson. Like if you allowed your young boys to go and watch a girl doing something, what's going to follow? I'm mean there would be big trouble I mean the girls, something's going to happen to her. So these are lessons and being turned to rocks, oh dear, you know.<sup>427</sup>*

419 *Simpw Interview #5: Bonnie Leonard, supra* note 2 at 21.

420 *Adams Lake Interview #7: Witness 4, supra* note 72 at 17.

421 *Story of The One Bound and Grasshopper, supra* note 174 at 655.

422 *Adams Lake Interview #7: Witness 4, supra* note 72 at 7.

423 *Splatsin Interview #8: Julianna Alexander, supra* note 27 at 21.

424 *Interview of Simpcw Community Member Tina Donald* by Kirsty Broadhead and Adrienne MacMillan (10 July 2015) Simpcw, British Columbia at 24 [*Simpw Interview #5: Tina Donald*].

425 *Adams Lake Interview #7: Witness 4, supra* note 72 at 1.

426 *Adams Lake Interview #7: Ronnie Jules, supra* note 7 at 2.

427 *Adams Lake Interview #2: Anne Michel, supra* note 29 at 25.

### b) Community pressure and embarrassment.

Community pressure arises as one consistent means of enforcement that deters behavior. That is, the community as a whole plays a key role in encouraging appropriate practices in the Secwépemc legal traditions. A Simpcw witness explains this approach in the context of killing moose:

*[I]n the community here, if people hear of somebody shooting a cow-moose, and we know that it's alright for some people with families that aren't able to get whatever, do whatever. But in our community, here, there's a lot of peer pressure not to do that and everybody hears about it you get chided for it, if you do. If you're capable of killing a bull moose and have the wherewithal to do it, you should try to do it.<sup>428</sup>*

*Story of Grasshopper* reminds some Adams Lake witnesses about the shame or embarrassment that can come from one's family when you don't carry out tasks you're supposed to.<sup>429</sup> Grasshopper, in this story, plays all summer rather than help the community get ready for winter. One witness recalls that the punishment for not fulfilling one's responsibility to the community and family felt severe, but *"it wasn't suffering, it was discipline, tough love. You have to do things they say or... you get embarrassed..."*<sup>430</sup>

Dr. Ron Ignace shares his recollection of how the community once maintained legal order within itself:

*[I]f somebody was out of turn they would remind each other. So that's why you didn't have no police, you didn't need the court system... people were brought to the community to answer, if they continued [the harmful behaviour].<sup>431</sup>*

This statement indicates that strong communities depended on the participation of all of their members in knowing, living and upholding Secwépemc law. In other words, enforcement wasn't just left up to leaders, specialists or outsiders.

Some stories speak of this community influence in powerful, even physical terms. In *The Story of the Bush-Tailed Rat*, the thief is "crushed" by the people, with his personal powers being diminished while his good to the community is enhanced (his excrement henceforth being used for medicine). The Bush-Tailed Rat is also thrown onto rocks to live, deprived of a place to store his stolen treasures.<sup>432</sup> Similarly, in one version of *Story of Grasshopper*, the community decides to let grasshopper starve to death because he was not helped with the salmon harvest.<sup>433</sup> In *Story of The One Bound and Grasshopper*, the community temporarily restrains (ties up) The One Bound to prevent him from endangering the well-being of others.<sup>434</sup>

### iii. Withdrawal of Resources or Assistance: People may not receive support from their communities.

When community pressure does not succeed in altering behavior, resources may be refused to or taken away from someone who is acting against Secwépemc law. This is shown in *Story of Grasshopper*, where the people refuse to help Grasshopper as a consequence of his laziness and refusal to contribute to resource-gathering.<sup>435</sup> In one version, the community does not let Grasshopper die, but transforms him into a being who lives on the margins and does not draw from resources valued by the community.

The consequence of separation is also evident in *Story of Hu'pken*, as the boy is abandoned by his community for being a nuisance. Nevertheless, once the boy is able to contribute to the community again, he reunites with them. He feasts all the people, as they have been starving. Nevertheless, he only provides stores of food to those houses that pitied him when he was exiled. We infer from Hu'pken's decision, that this is a consequence from their lack of generosity to him.<sup>436</sup>

428 *Simpcw Interview #5: Pat Matthew, supra* note 64 at 11.

429 *Story of Grasshopper, supra* note 51 at 655.

430 *Adams Lake Interview #7: Witness 4, supra* note 7 at 17.

431 *Skeetchestn Interview #6: Ron Ignace, supra* note 36 at 28.

432 *"The Story of the Bush Tailed Rat", supra* note 54 at 46.

433 *Story of Grasshopper, supra* note 51 at 655.

434 *Story of The One Bound and Grasshopper, supra* note 166 at 655.

435 *Story of Grasshopper, supra* note 51 at 655.

436 *Story of Hu'pken, supra* note 49 at 710-711.

## c. Teaching

What are effective ways people learn or teach others about the legal principles related to accessing and sharing natural resources?

General Restatements of Law:
<p><b>i. Training:</b> Community members teach each other the law and how to cultivate skills: <i>Story of Hu'pken, Story of Tcotcu'lca, TIEē'sa and his Brothers, War with the Sky People, Coyote and his Hosts, Coyote and Holxoli'p, Story of Famine, Splantsín Interview #3: Julianna Alexander, SNTC Interview #4: Richard LeBourdais, Simpcw Interview #10: Leon Eustache.</i></p>
<p><b>ii. Practice:</b> Individuals live out legal principles on a daily basis: <i>Water Monster, Splantsín Interview #3: Shirley Bird, Splantsín Interview #8: Julianna Alexander, Adams Lake Interview #7: Witness 4, Splantsín Interview #3: Randy Williams, Skeetchestn Interview #6: Garlene Dodson, Simpcw Interview #5: Witness 1.</i></p>
<p><b>iii. Stories:</b> Communities keep teachings alive through the telling of stories: <i>Water Monster, Story of The One Bound and Grasshopper, Coyote Juggles his Eyes, Old-One and the Brothers, The Story of Grasshopper, The Story of Tcotcu'lca, Bush-Tailed Rat, Wolf and Wolverine, Skeetchestn Interview #6: Marianne Ignace, Simpcw Interview #5: Nathan Matthew, Skeetchestn Interview #1: Julie-Ann Antoine, Adams Lake Interview #7: Bonnie Leonard, SNTC Interview #4: Paul Michel, Skeetchestn Interview #6: Ron Ignace, Simpcw Interview #5: Nathan Matthew, Simpcw Interview #5: Tina Donald, Adams Lake Interview #7: Ronnie Jules, Simpcw Interview #10: Leon Eustache, Adams Lake Interview #2: Bonnie Leonard, Simpcw Interview #5: Witness 1.</i></p>

### Discussion:

#### i. Training: Community members teach each other the law and how to cultivate skills.

The transmission of Secwépmc legal principles occurs through teaching community members about the land and its resources. As Julianna Alexander says:

*We need to be trained to use things. You have to have the knowledge and you have to learn the purposes of all these medicines and the purpose of your spiritualism in forming the youth...<sup>437</sup>*

In the *Story of Famine*, a boy follows his grandfather's guidance and learns the skills necessary to defeat a danger to the community.<sup>438</sup> In *Story of Hu'pken*, Hu'pken's grandmother teaches him how to make bows and arrows and shoot game, which enables him to survive and then become a great hunter.<sup>439</sup> Similarly, Tcotcu'lca becomes a great hunter after following the instructions of a wolf, in *Story of Tcotcu'lca*.<sup>440</sup> TIEē'sa's mother, in TIEē'sa and his Brothers, teaches him where he can find all the cannibals and how to kill them.<sup>441</sup> This wisdom is also taught in *The War with the Sky People*, where only Wren, the smallest bird, is able to shoot an arrow into the sky.<sup>442</sup> Finally, stories about Coyote caution against attempting to imitate the skills of others without proper training or knowledge (*Coyote and his Hosts, Coyote and Holxoli'p*).<sup>443</sup>

Old-One, as Richard LeBourdais explains, gives the young brother crucial knowledge about the land, in return for his generosity and offerings:

*it's the Old-One that's managing and looking after the resources. He's the knowledgeable one that has taken this young guy and shown him exactly what the harvest - how to do it, how to look after it, how to manage, how to look after those resources...<sup>444</sup>*

<sup>437</sup> *Splantsín interview #3: Julianna Alexander, supra* note 17 at 9.

<sup>438</sup> *Story of Famine, supra* note 166 at 700-701.

<sup>439</sup> *Story of Hu'pken, supra* note 49 at 710-711.

<sup>440</sup> *Story of Tcotcu'lca, supra* note 47 at 718-720.

<sup>441</sup> *TIEē'sa and his Brothers, supra* note 37 at 644-651.

<sup>442</sup> *The War with the Sky People, supra* note 23 at 749.

<sup>443</sup> *Coyote and His Hosts, supra* note 41 at 627-630; *Coyote and Holxoli'p, supra* note 46 at 632.

<sup>444</sup> *SNTC Interview #4: Richard LeBourdais, supra* note 69 at 36.

Many witnesses speak about their own roles teaching law to others. Ronnie Jules speaks about learning from the elders he visited.<sup>445</sup> Richard LeBourdais speaks about teaching his children how to hunt and the protocols around hunting: *“I taught them how to clean the animal and, you pay respects to your animal and you eat pretty much everything there is...”* and fishing *“the first salmon we catch is the offering and now my daughters go down there fishing and that’s the way it is. The first salmon is an offer to the spirits.”*<sup>446</sup>

Julianna Alexander speaks about training children to know whether plants are poisonous or not, noting the way her knowledge gets passed down:

*It’s always oral tradition, and the laws like you’re studying oral tradition and that’s what it means: you’re training, you’re learning, you’re experiencing, and you’re being guided through... to see the value of this tradition of the Splatsín or the Secwépemc the way they see medicines and people and plants and animals.*<sup>447</sup>

Leon Eustache reflects on his efforts to teach children about the land, including which plants are used for medicine in a “culture day”:

*[The children] gathered [plants growing]...outside right out here...and then I explained to them that some of those are medicines. And we talked about ... [plants] we make medicines out of...we do little workshops on pitch medicines...when I do ethnobotany walks.*<sup>448</sup>

## ii. Practice: Individuals live out legal principles on a daily basis.

Shirley Bird reinforces the need for making Secwépemc law-keeping and law-teaching part of one’s everyday life:

*“we need to practice, practice every day from the time we get up to the time we go to bed. To always remember what we are taught. And to pass it on, not to keep it to [ourselves].”*<sup>449</sup>

Julianna Alexander reinforces this statement in the same interview:

*[W]e have to practice every day, not just some days when we want to, like, when we pray - it’s a daily routine you have to do and if you don’t you find that you’re going to be out of balance with your day - things aren’t going to go right and that’s what the child learns, too. It’s patience, it’s a lot of other things about feelings and that’s what I think about mental...it’s really powerful, the most powerful area at the beginning.*<sup>450</sup>

People used to learn the law mainly from parents and grandparents, going with them wherever they went and watching their practice.<sup>451</sup> Randy Williams analogizes this process to drumming:

*So take somebody that’s drummed...when they drummed and the mothers drum around, when the babies been around the drum it natural[ly] picks it up. And he or she picks it up, I shouldn’t say it. So that was part of the structure. And that part was destroyed.... It’s just come back to life again with our elders...*<sup>452</sup>

Garlene Dodson notes this knowledge as being from *“our grandparents, great-grandparents, great-great-grandparents - we use that. That is our strength,”* noting that even the impact of residential schools was not able to disrupt the transmission of legal knowledge.<sup>453</sup> Paul Michel also explains the strength that comes from living out the Secwépemc legal principles in his reflection on the Water Monster story:

*[T]o be a fourth warrior, you must be guided by the old-ones. You must be guided and respect the ancestors. And when you go through your rights to vision quest. You must honour your animal powers, your own personal powers and you must connect to community and when you really generate all of what balances you, and you have the challenge, because the water monsters are challenging issues of our life, you must go “HOOOOOOOohohohohhhh” right to the heart of the matter. And when you do that, then magic can happen.*<sup>454</sup>

445 Adams Lake Interview #2: Ronnie Jules, *supra* note 67 at 4-5.

446 SNTC Interview #4: Richard LeBourdais, *supra* note 69 40-41.

447 Splatsín Interview #3: Julianna Alexander, *supra* note 17 at 9.

448 Simpcw Interview #10: Leon Eustache, *supra* note 165 at 12.

449 Splatsín Interview #3: Shirley Bird, *supra* note 16 at 13.

450 Splatsín Interview #8: Julianna Alexander at 11.

451 Adams Lake Interview #7: Witness 4, *supra* note 7 at 21.

452 Splatsín Interview #3: Randy Williams, *supra* note 18 at 27.

453 Skeetchestn Interview #6: Garlene Dodson, *supra* note 61 at 12-13.

454 The Water Monster, *supra* note 9 at 26.

Finally, one witness speaks about how the concept of qwenqwent is taught through language, prayer and song, noting the following:

*I was just going to mention quickly about...our beliefs and practices and what I was taught. And it's even in our language, the word qwenqwent means to be pitiful and it doesn't mean that they're incapable or unable, it is embedded in our language in our way, it's in our prayers and songs. That's what we believe as humans or as people we're qwenqwent because we're down here and the animals and the birds and the tmicw are up here because we depend on everything to survive, but without us they would thrive. They don't need us around here so learning more songs and dances and, just different ceremonies, that's a word that's used quite a bit...to keep people humble.<sup>455</sup>*

### iii. Stories: Communities keep stories alive as living teachings.

Many of the witnesses identify stories both as crucial sources of Secwépemc law and as powerful vehicles for legal education. As Dr. Marianne Ignace says, “*you have to keep telling the story to keep that knowledge alive.*”<sup>456</sup> It is effective means to both build and teach a body of law. For example, Nathan Matthew expresses:

*It certainly works, I mean, for First Nations people, the ideas are interesting to deal with in a contemporary role... I think over time, cultures, over many, many years get to understand and agree about what good healthy life is all about. And learning that you can't do things to the environment without some kind of consequence and you eventually start telling stories about it. And the elders and the people that have the knowledge will put that into a story so that it's understandable for kids and you just grow up knowing these, sort of, the rules that are built in.<sup>457</sup>*

Stories are commonly used to teach young people about how to behave. Julie-Ann Antoine shares that:

*I would be telling a kye'7e, giving her grandchildren, or family member examples of what would happen if you're lazy and you don't help prepare food, catch food and prepare for the winter and what would happen to you.<sup>458</sup>*

Bonnie Leonard says, similarly, that the stories actually have a greater impact on children than a reprimand:

*[If] I was telling my kids that Story of Grasshopper, they would know, what that means, they would understand that. It would mean more to them than me saying no...you're not going to get anything to eat because you didn't help pick the berries or something. You know, like, the story would mean a lot more.<sup>459</sup>*

Dr. Marianne Ignace highlights storytelling's ability to respect people's (including wrongdoers') capacity to learn and gain insight into their own behaviour:

*We stalk people with stories... take that person aside and tell them... this is what happened to an animal... that did such and such and this is the consequence... it has the effect that the person thinks twice about doing that again... you don't have to attack them... you help them to figure it out.<sup>460</sup>*

Paul Michel explained how his dad and elders shared the Water Monster story with him to help him understand his own behavior. He said:

*I'm going, how come you didn't get angry at me that I was going to quit this dream of a Simon Fraser University degree and all he did was tell me this story. And then I thought about it like the explanation of the elders when they share this story of the Water Monster.<sup>461</sup>*

When it is consistently practiced, this method of passing on and reinforcing principles filters throughout the whole community. As Dr. Ron Ignace indicates, “each person would be so imbued and so filled with those traditions and customs that we would remind each other of those traditions, laws, and customs.”<sup>462</sup>

455 *Simpchw Interview #5: Witness 1, supra* note 74 at 13.

456 *Skeetchestn Interview #6: Marianne Ignace, supra* note 92 at 28.

457 *Simpchw Interview #5: Nathan Matthew, supra* note 31 at 10.

458 *Skeetchestn Interview #1: Julie-Ann Antoine, supra* note 169 at 4.

459 *Adams Lake Interview #7: Bonnie Leonard, supra* note 319 at 17.

460 *Skeetchestn Interview #6: Marianne Ignace, supra* note 92 at 29.

461 *SNTC Interview #4: Paul Michel, supra* note 12 at 26.

462 *Skeetchestn Interview #6: Ron Ignace, supra* note 36 at 28.

Dr. Ron Ignace also speaks about how stories must be understood in relation to each other:

*It's not just about one particular story. One story informs another, and another story is informed by another story and that may be informed by the language as well... in a sweater you see a little string and you pull it, it's the whole thing unravels.*<sup>463</sup>

Nathan Matthew also speaks about the songs that tell stories and pass on specific teachings, such as the Porcupine song, noting that the spectrum of stories reveals a broader picture of the law relating to land and natural resources. He notes,

*"if you have enough of that in your culture then the stories that you read or listen to make more and more sense in terms of pulling together the big world out there."*<sup>464</sup>

There is also power in retelling the stories, according to Nathan Matthews, often revealing additional information or principles depending every time they are read.<sup>465</sup> Tina Donald followed up this comment by noting,

*"maybe the elders knew back then that...you had to read...or hear the story at least 20 time before you remember the whole thing."*<sup>466</sup>

Stories form a dual purpose, to teach about the land and the law. *Story of The One Bound and Grasshopper*, for example, Ronnie Jules says teaches about the law and insects:

*"why grasshopper is like that. And your law – don't lie, don't be angry...don't be a bully."*<sup>467</sup> For Paul Michel, many stories serve to maintain the connection between specific areas or features of *Secwépemculecw* and the law that the territory holds: *"these stories stem from place-markers."*<sup>468</sup>

Similarly, Leon Eustache reflects that stories are told so people can understand where they are from and to know that area.

*[I] you mention a name like Saskum Lake or the Dunn lake Mermaid then people understand that's, they're tied to the land they're tied to this area those stories relate to them. That's why we try to teach these kids here so that when they leave out into the world and they come back... they have stories.*<sup>469</sup>

In fact, Tina Donald talks about an incident when a child of four or five exclaimed they were at Dunn Lake where the mermaid was shot. Although the child was incorrect and had heard the story at least 20 times, Tina Donald expressed that this was child's version of the story.<sup>470</sup>

Other stories also teach where to find different resources or where not to go. For example, TIEē'sa tells us where to find rocks for making pipes, or where to go to find tobacco or not to go to find willow.<sup>471</sup> Other stories provide lessons in survival skills, or different methods of harvesting resources. Leon Eustache speaks about Coyote in *Coyote and Holxoli'p*<sup>472</sup> as helping teach *"not only how the trees change as you come down the mountain, but also the different trees' identification."*<sup>473</sup> Bonnie Leonard also talks about how *Coyote and Holxoli'p* teaches about different elevations and what grows at those elevations.<sup>474</sup>

463 *Ibid* at 21.

464 *Simpw Interview #5: Nathan Matthew, supra* note 31 at 14.

465 *Ibid* at 20.

466 *Simpw Interview #5: Tina Donald, supra* note 427 at 20.

467 *Adams Lake Interview #7: Ronnie Jules, supra* note 7 at 8.

468 *SNTC Interview #4: Paul Michel, supra* note 12 at 31.

469 *Simpw Interview #10: Leon Eustache, supra* note 165 at 6-7.

470 *Simpw Interview #5: Tina Donald, supra* note 427 at 4.

471 *Adams Lake Interview #2: Bonnie Leonard, supra* note 1 at 11.

472 *Coyote and Holxoli'p, supra* note 46 at 632.

473 *Simpw Interview #10: Leon Eustache, supra* note 165 at 7.

474 *Adams Lake Interview #2: Bonnie Leonard, supra* note 1 at 11.

Some stories demonstrated the negative consequences that resulted from people not following the legal principles in particularly memorable ways. In this way, laws are promulgated and people learn community standards by learning from the mistakes of others in the past. We see this specifically in the stories about Coyote and his foolishness, greed or ignorance, but also in a number of other stories, including *Old-One and the Brothers*, *Story of Grasshopper*,<sup>475</sup> *Story of Tcotcu'lca*,<sup>476</sup> *Bush-Tailed Rat*,<sup>477</sup> and *Wolf and Wolverine*.<sup>478</sup> As one witness says, *“they use Coyote very well in teaching social norms in almost all their stories...all of those things that weren't really accepted in your communities and in families.”*<sup>479</sup>

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475 *Story of Grasshopper*, *supra* note 51 at 655.

476 *Story of Tcotcu'lca*, *supra* note 47 at 718-720.

477 *“The Story of the Bush Tailed Rat”*, *supra* note 54 at 46.

478 *Wolf and Wolverine*, *supra* note 38 at 671-672.

479 *Simpchw Interview #5: Witness 1*, *supra* note 74 at 22.



# Stories and Case Briefs





# Introduction

The following Casebook was created by researchers with the Indigenous Law Research Unit (ILRU) at the University Faculty of Law for a project on Secwépemc lands and natural resource laws done in collaboration with the Shuswap Nation Tribal Council in 2015. The case briefs in this story were created based largely on James Teit's, "The Shuswap," in *The Jesup North Pacific Expedition: Memoir of the American Museum of Natural History and Traditions of the Thompson River Indians of British Columbia*.<sup>1</sup> ILRU researchers also briefed two other stories shared by two of the witnesses, Paul Michel and Leon Eustache, during interviews we conducted in summer 2015. Leon told *The Fox and Coyote and the Big Wind*,<sup>2</sup> which he was taught by his elder Chris Donald. Paul Michel, with permission from his people at Hust'alen (Adams Lake), told the story of the *Water Monster*, as he learned it from his late father Joe Michel.<sup>3</sup> We have included all the stories used for these briefs in this Casebook for ease of reference.

The case briefs in this Casebook were created and edited by a team of ILRU researchers. The case briefs were used by ILRU student researchers Kirsty Broadhead and Adrienne Macmillan to inform interviews and discussions held with community members in Secwépemcúl'ecw about Secwépemc lands and natural resource laws in the summer of 2015. The case briefs and discussions were then used to develop an analysis of legal principles relating to Secwépemc lands and resource laws.

The Casebook also includes a thematic index. To create the index, ILRU researchers took all of the questions asked when reading and analyzing the stories and grouped them according to theme. The purpose of the thematic index is to provide a way of engaging with the law and legal questions through the stories themselves. The thematic index was developed and edited by ILRU's Jessica Asch, Research Coordinator and Simon Owen, Senior Researcher following the completion of the analysis and is meant to complement the analysis.

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1 James Teit, "The Shuswap" in Franz Boas, ed, *Publications of The Jesup North Pacific Expedition: Memoir of the American Museum of Natural History*, Vol. II, Part IV (Leiden, EJ Brill/New York, GE Stechert: 1909) at 443-813; James Teit, *Traditions of the Thompson River Indians of British Columbia* (Cambridge, Massachusetts: Riverside Press, 1898).

2 *Fox and Coyote and the Big Wind*, told by Leon Eustache, Interview of Simpcw Community Member Leon Eustache by Kirsty Broadhead and Adrienne MacMillan (31 July 2015) Simpcw, British Columbia at 1-2 [*Fox and Coyote and the Big Wind*].

3 *Water Monster*, told by Paul Michel, Interview of Adams Lake Community Member Paul Michel by Kirsty Broadhead and Adrienne MacMillan (9 July 2015) Kamloops, British Columbia at 20-28 [*Water Monster*].

# Thematic Index to Case Briefs

When creating case briefs, the first step is to look at the cases (in this instance, stories) to identify what issues relevant to a research question we can draw from them. What follows are all of the issues we saw in the stories we analysed for our research questions relating to Secwépemc lands and resource laws. We have organized these issues by theme to provide an additional way for people to engage with Secwépemc law and, hopefully to help people more easily apply these stories to contemporary issues or research questions they have.

## Theme: Harvesting resources and hunting

1. How do people maintain health and openness, and success at hunting and gambling?  
*The Old One and the Sweat-House*
2. What happens when you cannot control or take proper care of your food source?  
*Coyote and the Swans*
3. What are the consequences of using or abusing your power to catch beings for food?  
*Coyote and the Swans*
4. What are the consequences of disrespecting animals and food sources?  
*Coyote and Salmon*
5. How to respond when someone refuses to assist with gathering food for the community?  
*The Story of Grasshopper*
6. What are the consequences of not helping to gather food in a community?  
*The Story of Grasshopper*
7. What are the consequences of imitating someone else and not being true to oneself?  
*Coyote Juggles His Eyes; Coyote and His Hosts; Coyote and Fox and the Big Wind*

## Theme: Accessing or visiting land

1. What are the responsibilities to a visitor on your land? *Story of the Salmon-Boy*
2. What are the consequences of trying to copy someone else's way? *Coyote and His Hosts*
3. How do you treat visitors in your territory? *Coyote and His Hosts*
4. How shouldn't a guest act in another territory? *Coyote and His Hosts*
5. How does a community respond when someone limits access to land or a particular resource?  
*Liberation of the Chinook Wind*

## Theme: Addressing environmental dangers

1. How does a community respond when someone or something on the land is dangerous to others?  
*The Fishes and the Cannibal, Water Monster*
2. How does a community respond to a danger that blocks safe passage in and out of the community?  
*The Fishes and the Cannibal*
3. How does a community respond when someone is using the land and nature (weather) to hurt people?  
*The Fishes and the Cannibal*
4. What is the role of communities and individuals in responding to dangers to their communities?  
*The Fishes and the Cannibal, Story of Famine, TIEE'sa and his Brothers*
5. What responsibility do individuals have when allied with other peoples to address common dangers? To their community? To the allied people? *War with the Sky People*

## Theme: Addressing distribution of knowledge and resources

1. How do people respond to serious and continual theft of community resources? *Bush-tailed Rat*
2. What are the consequences of stealing valuable community resources? *Bush-tailed Rat, Story of Hu'pken*
3. What are the consequences of hoarding resources? *Bush-tailed Rat*
4. What are the consequences of not sharing resources?  
*Coyote and Wolf, Story of Hu'pken, Wolf and Wolverine, Liberation of the Chinook Wind.*
5. How does one respond to the needs of others? *The Old One and the Sweat-House*
6. What is an individual's obligation to share information or resources with community members in need?  
*Story of Hu'pken, Story of Tcotcu'lca*
7. What are the consequences of sharing and generosity? *Story of Hu'pken*
8. What are the consequences of selfishness, laziness, and greed?  
*Coyote and Fox, Wolf and Wolverine, Story of Hu'pken, Story of Tcotcu'lca*
9. How does a community respond when someone limits access to land or a particular resource?  
*Liberation of the Chinook Wind*
10. What is the proper response when you have more than enough food or resources or knowledge about how to obtain resources? *Story of Tcotcu'lca*
11. What are the consequences of jealousy (about hunting/accessing food)? What are the consequences of disrespecting another's belongings? *Story of Tcotcu'lca*
12. How does one respond when someone has information, knowledge, or abilities to help others?  
*Story of Porcupine*
13. What are the natural consequences of not allowing resources to be accessed?  
*Origin of the Chilcotin Canyon*
14. How does one ensure that one community does not have a monopoly over a resource?  
*How Coyote Broke the Dam*
15. What are the responsibilities when you have special knowledge about the land or skills to address those dangers? *TIEe'sa and his Brothers*

## Theme: Protecting the vulnerable

1. What are people's responsibilities to others who depend on important structures on the land?  
*War with the Sky People*
2. How do people respond when others help them escape a dangerous or vulnerable situation?  
*Coyote and His Son*
3. What are the consequences of not being a part of decisions that concern or impact us? *Coyote and Wolf*
4. How does one respond to someone (smaller, younger, vulnerable, less able) who wants to join a journey that can be dangerous and difficult? *Story of Tsowa'una*
5. How does a community ensure its members are safe? *Story of Tsowa'una*
6. What is the proper response when someone (an older person) is in need of food?  
*Old-One and the Brothers*
7. What are the consequences of not sharing resources with the vulnerable?  
*Old-One and the Brothers, White Arrow of Peace*
8. What is the proper response when someone shares with you because you are in need?  
*Old-One and the Brothers*
9. What are the consequences of taking advantage of the vulnerable? *Coyote and the Grouse Children*
10. What are peoples' responsibilities for addressing harm caused to vulnerable members of their community/ children? *Coyote and His Hosts*

## Theme: Caring for resources

1. What are the consequences of not taking care and causing physical damage to an important structure/land form? *War with the Sky People*
2. What are the consequences of not taking care of one's own resources/wasting what you have? *Coyote and Fox, Coyote and the Black Bears, Coyote and Fox and the Big Wind*

## Theme: Legal processes and governance

1. What are the obligations of a chief to his community when maintaining peace with another community? *War with the Sky People*
2. How do people respond when someone uses land/resources in a way that harms someone else and leaves them vulnerable? *Coyote and His Son*
3. How does a community prevent someone from harming others? *Story of the One Bound and the Grasshopper*
4. How does a community respond when one person makes an accusation against another? *Story of the One Bound and the Grasshopper*
5. What are the consequences of being dishonest? *Story of the One Bound and the Grasshopper*
6. What is the community process for making important decisions? *Water Monster*

## Theme: Misuse of land or wasting resources

1. What are the consequences when people use the land for their own, selfish ends or to cause harm to others? *Coyote and His Son*
2. What are the consequences of not taking care of one's own resources/wasting what you have? *Coyote and the Black Bears, Coyote and Fox, Coyote and Fox and the Big Wind, Coyote Juggles His Eyes*
3. What are the consequences of killing (or intending to kill) animals unnecessarily or killing too many? *Coyote and the Black Bears*

## Theme: Individual responsibility

1. How does a community respond to someone who is lazy and quarrelsome, and does not share in the work? *Story of Hu'pken, Story of Grasshopper*
2. What are the consequences of giving responsibilities to someone who is unable to live up to them? *Coyote and the Swans*
3. How does a community respond when those that can make life easier are stingy and refuse to help? *Liberation of the Chinook Wind*
4. How does one respond when they are unable to acquire enough food because they do not have the ability? *Story of Tcotcu'lca*
5. What are the consequences of endangering your community out of anger? *White Arrow of Peace*

## Theme: Learning about or from the land

1. How does one respond when people leave you behind with almost nothing to survive? How does one learn to survive off the land? *Story of Hu'pken*
2. What is the relationship between people, Water, Fir Tree, and Swalu's? *The Old One and the Sweat-House*
3. How does one learn about and to find what they need from the land? *TIEe'sa and his Brothers*
4. How does one learn the skills they need? *Story of the Salmon-Boy, Story of Tcotcu'lca, Story of Famine*

## Theme: Peacemaking and interactions with other groups

1. How does a community respond when others are interfering with their ability to make a living?  
*Story of Porcupine*
2. How do two groups resolve long-standing conflict between their communities?  
*Story of Porcupine*
3. What is the role of leaders in resolving long-standing conflicts between communities?  
*Story of Porcupine*
4. What are the consequences of imitating someone else and not being true to oneself?  
*Coyote Juggles His Eyes, Coyote and His Hosts, Coyote and Fox and the Big Wind*
6. How do communities establish peace after a long-standing conflict?  
*White Arrow of Peace*
7. What is the role of leaders in establishing peace between two communities?  
*White Arrow of Peace*

## THE BUSH-TAILED RAT

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“The Story of the Bush Tailed Rat” [Nkamtcī’nEmux]. In James Teit, *The Traditions of the Thompson River Indians of British Columbia* (Cambridge, Massachusetts: Riverside Press, 1898).

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It was winter and many people were living in a large underground lodge. There were other lodges nearby with many more people. The people were losing their food supplies because someone was stealing them. No one knew who the thief was.

The thefts happened every winter and continued until spring. One night, an old woman could not sleep. She heard someone enter the lodge, run around the house, and then go up the ladder and vanish. The next morning, she told the others. They noticed that a number of things had been stolen the previous night.

The following night, a number of people lay down and pretended sleep and they were armed. At about midnight, someone came down the ladder and began to pick up food and other things, these things were all put into a sack. The people recognized him as the bush-tailed rat. When he left, the people followed him to his house between the rocks. The bush-tailed rat called to his door, “Tla’qui’pa!” The door opened and he went in with his sack.

Before the door could close, one man who was following closely jumped forward and put his arrow cross-ways in the door so it could not close. He and the others went into the bush-tailed rat’s home and found things that had been missing, some for many years. There were piles of ornaments, clothing and food.

The people attacked the bush-tailed rat and crushed him. They threw him outside among the rocks, and said, “Henceforth you shall be a rat, and shall steal only a little bit at a time. You shall eat rose hips and prickly pears. You shall gather sticks and your excrement shall be valuable as a medicine.”<sup>4</sup> And the bush-tailed rat was transformed into an ordinary rat.

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<sup>4</sup> According to James Teit, the old people call the droppings of the bush-tailed rat smu’tlast and is used by some as a tonic or medicine for the stomach. A small dropping is dissolved in a cupful of water to make a single dose.

## CASE BRIEF

### The Bush-Tailed Rat

#### What is the main human problem that the story focuses on?

1. How do people respond to serious and continual theft of community resources?
2. How does a community respond when someone's actions cause ongoing harm to the community's wellbeing?
3. What are the consequences of stealing valuable community resources?
4. What are the consequences of hoarding resources?

#### What facts matter?

- A thief was stealing food supplies from a community every winter from winter until spring. Nobody knew who the thief was.
- One night, an old woman heard someone enter the house, run around and then vanish. She told the others in the morning. They noticed that some things were stolen that night.
- That night, the people pretended to sleep and they were armed. They saw bush-tailed rat enter the house and steal food and other things and then leave the house.
- The people followed bush-tailed rat to his home. A man stuck his arrow in bush-tailed rat's door to prevent it from closing. The people entered the house where they found piles and piles of ornaments, clothing, and food – much of which had been stolen many years before.
- When the people caught the bush-tailed rat, they crushed him. They threw him outside on the rocks and transformed him into an ordinary rat who could only steal a little bit at a time.
- Bush-tailed rat's excrement became valuable as a medicine.

#### What is decided or how is the issue resolved?

- The community collectively confirmed that bush-tail rat was the thief and confronted him. (Issue 1).
- The community crushed bush-tailed rat and threw him on the rocks outside. The people transformed him into an ordinary rat that could only steal little bits at a time. (All Issues)
- The community ordered bush-tailed rat to eat rose hips and prickly pears. The rat was told he would gather sticks and his excrement would be valuable medicine. (All issues)

#### What is the reason(s) behind the response? Is there an explanation in the story? Is the reason said or unsaid?

**(SAID):** The community attacked and transformed bush-tailed rat into a being that can only steal a bit at a time, only eat certain foods and not hoard resources, because he had been stealing and hoarding community resources for many years.

**(UNSAID):** The community did not prevent the thief from meeting his needs to survive, but responded in a way that limited his ability to harm the community in the future. They threw him outside (with no place to hoard resources), limited what he could eat (so he would not eat their main food stores), and made him unable to steal more than a little bit at a time.

**(UNSAID):** Bush-tailed rat was forced to contribute to the community (excrement could now be used by some as a medicine).

**(UNSAID):** The community is collectively responsible for ensuring the food supply is being distributed in a fair way, protecting it against unauthorized theft, investigating theft, and determining consequences for stealing and hoarding of community resources.

**(UNSAID):** The people found evidence before acting.

#### Other Questions? What did you need to bracket?

What is the significance of ordering the rat to eat prickly pears and rosehips or collect sticks? Are these plentiful or undesirable resources? Does it help the community to have the rat do these things?

## THE FISHES AND THE CANNIBAL

This case is taken from a story entitled *The Fishes and the Cannibal* in James Teit, “The Shuswap” in Franz Boas, ed. *The Jesup North Pacific Expedition: Memoir of the American Museum of Natural History* Vol II, Part IV (Leiden: EJ Brill/ New York: GE Stechert, 1909) at 670.

A cannibal lived with his family in a cañon through which flowed a river. His house was a cave in the rock, the entrance to which he made open and close at will. He spent most of his time hammering and chipping with an adze, as if engaged in making canoes. He probably did this so that the noise might attract people’s attention. He had a canoe which he always left tied to the opposite side of the river, which was the side on which the people lived, and where a trail followed along the bank. Strangers passing along the trail often called to be taken across, and the cannibal invariably told them to take the canoe, and cross themselves. As soon as they reached the shore, he seized them and put them in his house, the entrance to which at once closed. Sometimes, however, the people who were crossing became afraid, when they came close enough to see the cannibal, for he had a very fierce appearance, and wore ear-rings and necklaces of human fingers, men’s testicles, and finger and toe nails. Then they would turn around and paddle back; but the cannibal would hook them with a very long-handled hook which he always kept ready, and, drawing them ashore, would eat them. If he was not hungry at the time, he put them in his house, or took pleasure in placing them in the entrance, and seeing the rock close on them.

The cannibal’s great magic power was the Cold, and any being that entered his house froze to death at once.

Not far from the cañon lived a number of people in two houses.<sup>5</sup> The Fishes inhabited one house, while in the other dwelt the water-birds; namely, the Swan, Goose, and many kinds of Ducks. These people knew what the cannibal did, and never went near the place where he lived. Once the Sturgeon’s brother, thinking himself equal in magic to the cannibal, went over to his house and was killed. The Swan<sup>6</sup> alone could visit the cannibal with safety. The cannibal never attempted to harm him, and always asked him to return again soon and bring him news.

One day the Fishes and Birds held a council, and came to the conclusion that they would all train themselves and try to master the secrets of the cannibal’s mystery. After training a long time, the Sturgeon at last gained the desired knowledge. He learned how to make the rock open and shut, and how to counteract the Cold.

Then he said to the people, “We will go and kill the cannibal and his family.” They sent out the Swan as a scout, and he returned with the information that the cannibal and his family were asleep in the cave. Going up to the house, the Sturgeon made the rock open, and they all walked in. The cannibal caused the rock to shut behind them, and pretended to welcome them, thinking that shortly they would all freeze to death. Then the Sturgeon opened his bag, which contained heat<sup>7</sup>, and soon the house was filled with a dense fog. Then the animals killed the cannibal and his family, opened the rock again, and went out. They said, “Henceforth the cannibal’s house shall be only a common cave<sup>8</sup>, the entrance to which shall never shut, and the cannibal himself shall be only a cañon mystery. Sometimes, but very rarely, people may get harmed if they see or hear his spirit, which shall henceforth haunt this place.”

5 Some say in one house, or together.

6 The Swan was a man noted for his goodness.

7 See Farrand, *Traditions of the Chilcotin Indians*

8 See Teit, *Traditions of the Thompson River Indians*

## CASE BRIEF

### The Fishes and the Cannibal

#### What is the main human problem the story focuses on?

1. How does a community respond when someone or something on the land is dangerous to others?
2. How does a community respond to a danger that blocks safe passage in and out of the community?
3. How does a community respond when someone is using the land and nature (weather) to hurt people?
4. What is the role of communities and individuals in responding to dangers in the environment?

#### What facts matter?

- A cannibal lived with his family in a cañon through which flowed a river. His house was a cave with a rock in the entrance that he could open and close at will. The cannibal's magic power was the Cold, and any being that entered his house froze to death at once.
- The cannibal would make noise to attract strangers on the other side of the river. He left a canoe and when strangers asked him to take them across the river, he would tell them to use the canoe. Once across, the cannibal would seize the strangers, put them in his house and close the entrance. He would capture those who tried to escape.
- The cannibal either ate these strangers or took pleasure in placing strangers in the entrance and watching the rock close on them.
- Not far from the cañon lived two houses of people: The Fishes and the Birds (water birds). They knew what the cannibal was doing and never went near his house.
- Only Swan could safely visit the cannibal. The cannibal never harmed Swan and Swan brought the cannibal news.
- Sturgeon's brother decided he was equal in magic to the cannibal, but when he went near the cannibal, he was killed.
- One day the people held a council and decided to try to train themselves and master the secrets of the cannibal.
- After training for a long time, the Sturgeon gained the knowledge necessary to make the rock open and close at will, and he learned how to counter the Cold.
- The Sturgeon told the people that they would go and kill the cannibal and his family. The community sent Swan out as a scout and he returned with information that the cannibal and his family were sleeping.
- The people went to the cannibal's home and Sturgeon made the rock open. Everyone went in and then the rock closed. The cannibal was happy and welcomed everyone thinking they would freeze to death. But then Sturgeon opened his bag which contained heat, and the cave was filled with dense fog.
- The people killed the cannibal and his family. Then they opened the rock and left.
- The people said from then on, the cave would only be a common cave, and the entrance would never be shut, and the cannibal would only be a cañon mystery.
- People may be harmed occasionally if they see or hear the cannibal's spirit which still haunts the cave.

#### What is decided or how is the issue resolved?

- The people held council and decided to all train to learn the cannibal's secrets of power so they could kill him and his family. Once Sturgeon's brother mastered the secrets of the cannibal, the people confronted and killed the cannibal and his family. (All issues)
- The people transformed the cannibal's cave, which could open and close at the cannibal's will, into a common one that was always open. (Issue 4)

## What is the reason behind the decision or resolution? Is there an explanation in the story? Said? Unsaid?

**(SAID):** The people killed the cannibal and his family because the cannibal was luring and killing people.

**(UNSAID):** Killing is justified if it is necessary to restore peace and safety.

**(UNSAID):** The people were collectively responsible deciding how to stop and stopping the cannibal from harming people. It didn't matter whether the people harmed were strangers or members of their communities. People are responsible for ensuring their lands are safe for strangers, addressing dangers in their lands, and for taking care of the vulnerable.

**(UNSAID):** Both individual and community strengths are required address dangers such as those caused by cannibal. People with special skills are expected to use those skills to defeat dangers to their communities.

**(UNSAID):** The people made the cave a common cave that could no longer trap people. The environment should not be manipulated to trick or harm people.

**(UNSAID):** The people killed the cannibal's family to prevent future harms. Preventative measures are necessary to stop danger from reoccurring.

**(SAID):** The spirit of the cannibal remains to haunt the cave, and, very rarely, may harm people who see or hear it.

**(UNSAID):** While dangers in the environment can be managed or diminished, they never completely disappear.

## Other Questions? What did you need to bracket?

Sturgeon's brother was killed by the cannibal — were Sturgeon's obligations to defeat the cannibal different from the others in the community? Or did this help him achieve the knowledge before the others?

What about cannibal's family? What was their story? Were they just killed because of cannibal's actions? Or, were they complicit with cannibal?

What is the significance of the switch between referencing 'people' and 'animals' as if they were one and the same? Swan was the scout because the cannibal never hurt Swan. What kind of relationship did Swan and the cannibal have?



## THE WAR WITH THE SKY PEOPLE

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This case is taken from a story entitled *The War with the Sky People* in James Teit, “The Shuswap” in Franz Boas, ed. *The Jesup North Pacific Expedition: Memoir of the American Museum of Natural History* Vol II, Part IV (Leiden: EJ Brill/ New York: GE Stechert, 1909) at 749.

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Black Bear and Wolverine were both great chiefs. Black Bear was of the Fish people and Wolverine was of the Bird people. They assembled the warriors of all the fishes and birds in order to go to war against the people of the sky.

All the men shot their arrows up towards the sky, but they fell back without hitting it. Then, Wren<sup>9</sup>, who was the smallest of all the birds, shot an arrow, which stuck in the sky. The next smallest bird shot an arrow, which hit the end of the first one and stuck. Then they shot more arrows, each one stuck in the end of the other until there was a chain of arrows forming a ladder from earth to sky.

On this ladder of arrows, all the warriors ascended to the sky. They left the two chiefs, Wolverine and Black Bear to guard the bottom. Soon after all the warriors reached the sky world, Wolverine and Black Bear began to laugh at each other’s tails. Black Bear got angry and chased Wolverine around the foot of the ladder. He hit the ladder and knocked it down.

Meanwhile the earth warriors attacked the sky people, and at first they were victorious but then began to lose the battle. The sky people gathered in great force and fought, defeating the earth warriors who fled towards the ladder.

With no escape ladder, many of the earth warriors made a stand against the sky people, while others threw themselves down. The birds were able to reach the earth safely for they could fly down; but many of the fishes, who tried to throw themselves into a large lake, were wounded. In their fall, some missed the lake and dropped on rocks. Thus the skull of the sematsa’i came to be flattened, the kwa’ak broke its jaw, the tookci’tcin got a bloody mouth, and the sucker had all its bones scattered and broken, so that it died. The grandson of a man called Tcel gathered the bones, put them back into the body, and revived it. This is the reason why the sucker has now so many bones scattered through its flesh, why the sematsa’i has a flat head, the tookci’tcin<sup>10</sup> a red mouth, and why the mouth of the kwa’ak appears to be broken. The earth people who remained above were all slain, and transformed by the sky people into stars.

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9 Some say Humming Bird, others Chickadee.

10 The Shuswap in many parts of the country do not eat this fish

## **CASE BRIEF**

### **The War with the Sky People**

#### **What is the main human problem that the story focuses on?**

1. What are people's responsibilities to others who depend on important structures on the land?
2. What are the consequences of not taking care and causing physical damage to an important structure/land form?
3. What are the obligations of a chief to his community when maintaining peace with another community?
4. What responsibility do individuals have when allied with other peoples to address common dangers? To their community? To the allied people?

#### **What Facts Matter?**

- Black Bear (chief of the Fish people) and Wolverine (chief of the Bird people) were great chiefs.
- They assembled the warriors of all the fishes and birds to make war against the sky people. All the men shot arrows at the sky but they fell back down.
- Wren, the smallest of all birds, shot an arrow which stuck in the sky. The next smallest bird shot an arrow. It hit the previous arrow and stuck in it. Eventually enough arrows hit each other that a ladder formed from the earth to the sky.
- All the earth warriors ascended the ladder to the sky world.
- The Chiefs, Wolverine and Black Bear, were left to guard the bottom of the ladder.
- Wolverine and Black Bear began to laugh at each other's tails. Black Bear got mad and chased Wolverine around the foot of the ladder and knocked it down.
- Earth warriors attacked the sky people and the sky people defended themselves. The earth warriors retreated and tried to return to the earth but there was no ladder.
- The birds reached earth safely because they could fly. The fishes jumped and tried to land in the lake, but some missed the lake and dropped onto rocks, causing permanent disfiguring injuries.
- The earth people who remained in the sky to fight were killed and then transformed by the sky people into stars.

#### **What is decided about the problem?**

- The people worked together to build a ladder to the Sky People. Wolf and Black Bear stayed below to guard it. (Issue 4)
- Wolf and Black Bear's knocked over the ladder and the means of escape was removed. Without the ladder, the earth people were trapped. Those who stayed to fight were killed and turned into stars by the Sky People. The Bird People could fly so were able to escape. The Fish People who flung themselves to earth were injured and permanently disfigured. (All issues)
- The grandson of Tceł revived the sucker fish, but the sucker fish continues to have bones that seem scattered throughout its body.

**What is the reason behind the decision? Is there an explanation in the story?  
Is the reason said or unsaid?**

**(SAID):** The people were injured, permanently disfigured and killed because their chiefs failed in meeting their responsibility, which was to maintain the integrity of the ladder to ensure the safety of their people.

**(UNSAID):** Black Bear and Wolverine were chiefs and had an important task. They had an obligation to keep their focus and work together to ensure the safety of their people and the success of their mission. Chiefs are expected to put their personal differences and emotions aside when working together to maintain peace.

**(SAID):** Even though sucker fish was brought back to life, it and the other fish still bear physical signs as reminders of the events.

**(UNSAID):** Those that are vulnerable pay the biggest price when we do not uphold our responsibilities. The Bird People were less vulnerable because they could fly. They did not suffer as much as the vulnerable fish.

**(UNSAID):** Each individual has a role to play in a community. Community undertakings require contributions from every member of a community. No one should be discounted because of their small size.

**(UNSAID):** Cooperation between communities is sometimes necessary to address common interests. Individuals have responsibilities to work with individuals in other communities when in alliances with them.

**(UNSAID):** The slain earth people remain in the sky as stars to remind us of the teachings of this story.

**Other Questions? What did you need to bracket?**

What is danger of creating structures that we become entirely dependent on?

What happened to Black Bear and Wolverine?

Why did the Fishes and the Birds attack the Sky people?

Did the grandson have an obligation to care for the injured fish?



## COYOTE AND HIS SON OR THE STORY OF KALL'ALLST

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This case is taken from a story entitled *Coyote and his Son* in James Teit, "The Shuswap" in Franz Boas, ed. *The Jesup North Pacific Expedition: Memoir of the American Museum of Natural History* Vol II, Part IV (Leiden: EJ Brill/ New York: GE Stechert, 1909) at 622.

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Coyote lived with his son Three-Stones (Kall'allst), who had two wives, one of whom was old and the other young. Coyote desired to possess his daughters-in-law, and made up his mind to get rid of Three Stones. One night Coyote was heard laughing as he approached the house; but when he came nearer, he began to cry, and upon entering went to his place on the opposite side of the fire and wiped his eyes. He was asked why he cried, and he answered, "What I saw to-day makes me sad. I saw an eagle's nest with the eaglets nearly ready to fly. I considered how highly our ancestors valued eagle feathers, and how we had none. I wished to get the eagle feathers, but knew I was too old and stiff to climb up for them." Afterward he said to Three-Stones, "You had better climb for the feathers tomorrow. Put on all your best clothes. Our ancestors always dressed nicely when going after eagles."

The next morning, Coyote took his son to a cliff some distance away and pointed out the nest to him. The cliff was very low and easy to climb and it had many jagged steps leading up to the ledge where the nest was. Then he told his son to take off all his clothes, and leave them behind. Coyote said, "Our ancestors always did so." Three-Stones stripped off his clothes and ascended the cliff. When he had only one more step to take to reach the nest, he became aware that something was wrong. Looking below, he saw that the cliff had grown to such a height that he was almost afraid to look down, and, instead of having rough steps as before, the rocks were now smooth. Looking up, he saw that the cliff above was overhanging. It was like he was in a hole, and could not go up or down. Coyote had caused the cliff to grow so that his son could not return.

Then Coyote gathered up his wrinkled skin so as to make it look smooth, and tied it in several places on his back. He did this to make himself look young, and to resemble his son. Then, putting on Three-Stones' clothes, he went to the lodge, saying to himself, "I will deceive my daughters-in-law." When he neared the camp, he cried, saying, "Oh! My father climbed after the eagle's nest, and was killed. Poor father!" The women thought he was their husband, and bewailed Coyote's death.

Coyote slept with his son's wives that night, and on the next morning said, "We will move. Father's ghost may visit us, and, besides, we do not wish to be reminded of him by seeing constantly the place where he has lived so long." They shifted camp to a place two days' journey away.

Meanwhile Three-Stones sat on the cliff and lamented his fate. Two women, the Bush-tailed Rat and the Mouse, heard him, for they were gathering Indian-hemp bark on a hillside underneath, and they resolved to help him. They said, "Our nephew is in difficulty. We must try to help him." The Mouse sang, and the cliff grew lower until it was only half the height. Then the Rat sang, and the cliff assumed its former height and shape. Three-Stones descended and thanked the women for their assistance.

Turning aside a little distance, he pulled out four pubic hairs, and threw them on the ground. From these there grew up a dense thicket of tall Indian-hemp bushes, which he showed to the women, who were happy to find a place where they could obtain so much good bark<sup>11</sup>. Proceeding to his camp, he found it deserted, but he followed the tracks of the party until he located them.

It was night, and Coyote was sleeping with both the women. Three-Stones entered, lighted the fire, and waked Coyote, who pretended to be half asleep. Then Coyote struck the women, saying, "Why do you roll over so near to me? Your husband has come back." Three-Stones said to Coyote, "Say no more. You need not try to deceive me." He then took his clothes away from Coyote, and discovered the knots in which the loose skin of the old man was tied up. He untied the knots and informed Coyote that henceforth they would live apart. Taking the younger wife for himself, he gave the older to Coyote and left him.

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11 See Teit, *Traditions of the Thompson River Indians*, p. 24.

## CASE BRIEF

### Coyote and his Son or The Story of Kall'allst

#### What is the main human problem that the story focuses on?

1. What are the consequences when people use the land for their own, selfish ends or to cause harm to others?
2. How do people respond when someone uses land/resources in a way that harms someone else and leaves them vulnerable?
3. What are the consequences of lying about laws/harvesting protocols?
4. How do people respond when others help them escape a dangerous or vulnerable situation?

#### What Facts Matter?

- Coyote lived with his son, Three-Stones (Kalla'llst).
- Three-Stones had two wives, one old and one young. Coyote desired to possess his daughters-in-law and decided to get rid of his son.
- Coyote saw an eagle's nest on a cliff with eaglets nearly ready to fly.
- Coyote told Three-Stones how valuable eagle feathers were to his ancestors and how it made him sad because he had none.
- Coyote said he was too old and stiff to climb up the cliff, and he told Three-Stones to get the feathers.
- Coyote had his son dress in his best clothes, saying that was what his ancestors did when collecting eagle feathers. Coyote took him to the cliff and then told him to get undressed, saying that was what the ancestors did.
- Three-Stones undressed then started climbing the cliff which was easy to climb at first. However when he was near the top, Coyote caused the cliff to grow and change so that his son could not climb up or down and was stuck there.
- Coyote put on his son's clothes and gathered his wrinkled skin up and tied it back in knots so he would look young.
- Coyote went to his daughters-in-law and pretended to be Three-Stones. He said that his father was killed. Three-Stones' wives believed Coyote's lie and slept with Coyote that night.
- Two women, Bush-Tailed Rat and Mouse, were gathering Indian-hemp bark on the hillside and heard Three-Stones lamenting. They agreed to help Three-Stones.
- Mouse sang and the cliff grew lower until it was only half the height. Rat sang and the cliff assumed its former height and shape.
- Three-Stones was then able to descend. He thanked the women and plucked four of his pubic hairs and threw them on the ground. From there grew up a dense thicket of tall Indian hemp bushes from which the women could gather bark.
- When Three-Stones got back to his camp, it was night and Coyote was sleeping with both women. At first Coyote pretended to be asleep, then he pretended the wives had accidentally rolled close to him.
- Three-Stones told his father not to lie anymore. He took his clothes back and untied the knots in Coyote's skin.
- He told Coyote they would live apart from now on.
- He gave the older wife to Coyote, took the younger wife for himself, and left his father.

### What is decided about the problem?

- Mouse and Bush-Tailed Rat decided to help Three-Stones by returning the cliff to its former height and shape. (Issue 2)
- Three-Stones thanked Bush-Tailed Rat and Mouse by growing hemp bushes so they could harvest them more easily. (Issue 4)
- Three-Stones exposed his father's deceit and decided they would not live together anymore. Three-Stones let his older wife live with Coyote. (Issue 1, 3, 4)

### What is the reason behind the decision(s)? Is there an explanation in the story? Is the reason said or unsaid?

**(SAID):** Three-Stones told coyote that they would no longer live together because of his lies.

**(SAID):** Mouse and Bush-Tailed Rat said they must help their nephew because he was in difficulty. They worked together to help Coyote's son to escape. Mouse and Bush-Tailed Rat had a responsibility to help Three-Stones because Three-Stones was vulnerable.

**(SAID):** Coyote's son thanked Mouse and Bush-Tailed Rat by providing them with hemp (gifts).

**(UNSAID):** Coyote was banished because he likely lied about protocol, changed the landscape, tried to kill and pretended to be his son out of greed. Yet, Three-Stones left Coyote with one wife, perhaps so he wouldn't have to be alone.

**(UNSAID):** Mouse and Bush-Tailed Rat's songs changed the cliff in different ways. They had to collaborate to restore the land to its original condition.

**(UNSAID):** Banishment or living in separation is an appropriate response to harmful behaviour.

### Other Questions? What did you need to bracket?

- Why did Coyote direct Three-Stones to wear nice clothes? Why did he tell him to remove them? Certainly his plans would have been sufficient to harm him.
- Humans have the ability to change the land, for better or for worse.
- What are the responsibilities to the land when people have changed it?
- Why did Three-Stones leave the older wife with Coyote?
- Importance of teachings – Coyote used the power of ancestor's teachings to trick Three-Stones.



## COYOTE AND WOLF

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This case is taken from a story entitled *Coyote and Wolf* in James Teit, "The Shuswap" in Franz Boas, ed. *The Jesup North Pacific Expedition: Memoir of the American Museum of Natural History Vol II, Part IV* (Leiden: EJ Brill/ New York: GE Stechert, 1909) at 637.

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Coyote lived with Wolf. They hunted together, and killed many deer and elks.

Wolf said, "When we kill animals, we should take their skins off before eating them. The skins are not good for us to eat. We might leave the skins wherever we kill the animal, and the people might find them and be happy to have them. They might dress the skins and make clothes and moccasins of them."

Coyote answered, "No, that would not do. It would take too long to skin each animal. We will eat the skin with the flesh."

This is the reason that at the present day wolves and coyotes, when they kill or find an animal, always eat the skin with the flesh, leaving nothing but the bones. If Coyote had been more considerate, and not so selfish, but allowed Wolf to have his wish, the people would have been better off.

## CASE BRIEF

### Coyote and Wolf

#### What is the main human problem that the story focuses on?

1. What are the consequences of not being a part of decisions that concern or impact us?
2. What is the role of humans with regard to the decisions of other beings?
3. What are the consequences of not sharing resources?

#### What Facts Matter?

- Coyote lived with Wolf. They hunted together and killed many deer and elk.
- Wolf wanted to share the animal skins with the humans. Wolf said eating the skins were not good for Wolf and Coyote, and he suggested taking the skins off before eating the prey.
- Coyote refused, saying skinning the animals would take too long, and that they should eat the skin and flesh. This is the reason that all the present day wolves and coyotes always eat the skin and flesh of the animals they kill.
- If Coyote had been considerate and not so selfish, and had followed Wolf's wishes, the people would have been better off.

#### What is decided about the problem?

- Coyote and Wolf decide not to share the skins with humans without asking the people. (Issues 1, 2)
- After killing and eating their prey, Wolf and Coyote eat skin with the flesh and leave nothing but bones, which is not useful to people. (All Issues)

#### What is the reason behind the decision? Is there an explanation in the story?

##### Is the reason said or unsaid?

**(SAID):** Wolf was considerate and wanted to share the skins with the humans, thinking they would be happy to have them and could use them for clothing and moccasins.

**(SAID):** Coyote did not want to skin the animals because it would take too long to skin them.

**(SAID):** Coyote's selfishness made it harder for humans because when Wolf and Coyote eat animals, they leave nothing but bones.

**(SAID):** Despite Wolf's explicit attempt to get Coyote to agree to leave the skins behind for people to use, Coyote's decision prevailed.

**(UNSAID):** Wolf considered the humans' well-being even though they weren't present at the discussion to ask Wolf and Coyote to leave the skins because he was considerate and wanted to share.

**(UNSAID):** The skins of the animals were wasted since, as Wolf said, the skins are not really good for Wolf and Coyote.

**(UNSAID):** People are not in charge of everything and every decision. Humans are dependent on other beings for their survival. Perhaps people's proper role is to accept this, and respect those decisions that are not ours to make. Doing this (respecting decision that are not ours) solidifies and upholds our role in our relationships with other non-human beings.

**(UNSAID):** Resource sharing should be done with others in mind. Everyone can benefit from sharing resources fairly.

**(SAID):** Wolf and Coyote deliberated on the question of leaving the skins for humans, and even though they disagreed, they acted together once a decision had been reached.

### **Other Questions? What did you need to bracket?**

Why did Wolf consider the needs of humans? Why did Coyote not consider the needs of humans?

Why did Wolf go along with the decision to not leave the skins for humans?

What does this story teach us about the relationship between humans and animals?



## OLD-ONE AND THE SWEAT-HOUSE

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This case is taken from a story entitled “Old-one and the Sweat-House” in James Teit “The Shuswap” in Franz Boas, ed. *The Jesup North Pacific Expedition: Memoir of the American Museum of Natural History* Vol II, Part IV (Leiden: EJ Brill/ New York: GE Stechert, 1909) at 642.

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Old-One was travelling over the earth, visiting the people, and putting everything to rights. He taught the people how to sweat-bathe and make sweat-houses. He told them, “When you sweat-bathe, pray to Swaluś<sup>12</sup> that you may be healthy, and obtain success in hunting and gambling.”

Soon after this he met Swaluś and said to him, ‘Henceforth people will make sweat-houses, and, when they sweat-bathe, they will supplicate you, to whom the mystery of the sweat-bath belongs. When they pray for relief from pain, for health, long life, lightness of body, fleetness of foot, wisdom, wealth, and success in hunting, gambling, and war, pay heed to them, and grant their desires. Gather their sickness when they are in the sweat-house, take it from their bodies, and cast it to the winds.’

Then Old-One visited the Water, and said to him, “When my children wash and bathe themselves, draw sickness from their bodies, heal their wounds, refresh them; and, when they pray to you, answer their supplications. You shall be the guardian of those who constantly seek you.”

Old-One also visited the Fir-Tree, and said to him, “When my children take your branches and wash with them, may your mysterious power help them!”

For this reason, the Indians use fir-branches, bathe in the cold water, and sweat-bathe at the present day.

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<sup>12</sup> Swalus' is the name of the spirit of the sweat-house, or the deity of the sweat-bath. The name is the same in Shuswap and Thompson, and seems to mean “open face,” or “face not hidden” (uncovered).

## CASE BRIEF

### The Old One and the Sweat-House

#### What is the main human problem the story focuses on?

1. What is the relationship between people, Water, Fir Tree, and Swalus'?
2. How does one respond to the needs of others?
3. How do people maintain health and openness, and success at hunting and gambling?

#### What facts matter?

- Old-One was travelling over the earth, visiting people and putting everything to rights.
- Old-One taught the people how to sweat-bathe and make the sweat-houses. He told them when they had a sweat, to pray to Swalus', who owned the sweat-bath.
- Old-One said that if people followed these instructions, they would be healthy and successful at hunting and gambling.
- Old-One told Swalus' (who had powers) that people would make sweat-houses and pray to him. He asked Swalus' to listen to people when they prayed and help them.
- Old-One said to Swalus' to heal the people when they are in the sweat-house.
- Old-One told Water (who had powers) that when people wash and bathe themselves, to heal them and answer their prayers, and to guard the people.
- Old-One told Fir-Tree (who had powers) to wash the people with his branches to help them.

#### Decision (Rule): What is decided about the problem?

- Old-One taught people to make sweat houses, teaching them how to use fir branches, bathe in cold water, and sweat bathe (Issues 2)
- Old-One asked Swalus' and Water to help the people when they prayed to them and asked Fir-Tree to help the people when they used his/her branches to wash themselves. (All issues)
- People follow Old-One's instructions for the sweat bath today (Issue 3).

#### What is the reason behind the decision? Is there an explanation in the story? Is the reason said or unsaid?

**(SAID):** People use sweat-baths with water and fir to improve their success at hunting and gambling, and to heal themselves.

**(UNSAID):** Old-One had a responsibility to help the people be healthier and more successful at hunting.

**(UNSAID):** People need the help of Swalus', Water, and Fir Tree to deal with sickness and to be healthy and to obtain success with hunting and gambling.

**(UNSAID):** There is a reciprocal relationship between humans and the Land. Land is not merely a resource to be used. It should be respected and protected as it is the guardian/source of health and life to ensure the continuity of the relationship.

#### Other Questions? What did you need to bracket?

Water, Fir-Tree and Swalus' have powers to assist people. Water is the guardian of those who seek him. Fir-Tree has mysterious powers to help people. Swalus' grants people health and success. What obligations flow from these powers?

What obligations do humans have to Swalus', Water, and Fir Tree in exchange for their powers?

## STORY OF HU'PKEN<sup>13</sup>

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This case is taken from *Story of Hu'pken* in James Teit, "The Shuswap" in Franz Boas, ed. *The Jesup North Pacific Expedition: Memoir of the American Museum of Natural History* Vol II, Part IV (Leiden: EJ Brill/ New York: GE Stechert, 1909) at 710.

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Hu'pken<sup>14</sup> was a boy who lived with his parents, but would do nothing they told him. He was very mischievous, lazy, and quarrelsome, and would not train himself like other boys. As he was a nuisance to the people, his parents planned to abandon him at the first opportunity.

One day the boy went off into the woods and lay down in the shade, as he felt very lazy, and thought his parents might send him to do some work. When he returned home at sundown, he found the houses all deserted, so he started to follow the people's tracks and learn where they had gone.

He said, "They cannot be far away, for I hear them whistling." He went in the direction of the sound, but next time it came from another quarter, sometimes in front of him, then behind him, sometimes distant, and again close. Soon he became weary of following the sound, which really came from the excrements of the people, and, as it was getting dark, he returned to the village.

He entered one house after another, feeling very angry and unhappy. He could find nothing to eat, except in the houses of Raven and Crow, who had left some fish-skins and other scraps. In the last house he noticed a large basket turned mouth down, and, feeling angry, he kicked it over, saying, "Why did the people not take this with them also?"

He was surprised to find his old grandmother hidden underneath. She was too old to follow the people, and they had left her behind. He was going to kick her also, but she said to him, "Do not kick me! I will be of service to you, and will teach you many things. Here is a lighted slow match (coal?). Kindle a fire with it."

Then the old woman taught him how to make bows and arrows, and shoot game so they might have food and clothing. At first he shot mice, rats, chipmunks, and squirrels. The old woman sewed their skins together and made robes. Then he shot many bright-plumaged birds, and she also sewed their skins into robes. On sunny days the boy delighted in spreading out all his many robes in the sunshine, and admiring them. At last he was able to shoot large game, such as deer, sheep, elk, and bears, and he soon had great stores of skins, fat, and meat.

Now Porcupine happened to come along. When he saw the large amount of provisions the boy had collected, he hurried away to the people's camp, and told them that Hu'pken was now a great hunter, and had large stores of meat and fat, and many beautiful robes. The people would not believe Porcupine's story, and sent Crow to verify the report.

When Crow arrived, Hu'pken invited him to eat, and asked him how the people fared. Crow said, "We have found very little game, and are all starving." Hu'pken gave him a present of fat to carry to the people, but Crow hid it and told the people that Porcupine had lied about the boy who was just as poor as when they left him. During the night Crow got up and fed his children with some of the fat. The children quarrelled over the food, and made much noise as they ate. The people heard them, said, "Crow is feeding his children secretly."

Crow returned to Hu'pken and got more fat, which he fed to his children and so they became fat and sleek. Then the people said, "Crow must feed his children on good food, for they are getting fat, while our children are getting thin. We know he is no hunter, and cannot kill game. Where does he obtain his supply?" They sent Flying-Squirrel to watch Crow. Flying Squirrel clothed himself in black moss, and, keeping in the forest, walked along unobserved, and watched Crow's camp. Seeing Crow's children eating fat<sup>15</sup> he returned and informed the people, who asked Crow where he got it, and he acknowledged that he received it from Hu'pken. The people then returned to their village, where they were feasted by the boy. Hu'pken had filled the houses of Crow and others who had left him food, but he put no meat into the houses of those who had not pitied him.

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<sup>13</sup> A small variety of bird which attacks other birds.

<sup>14</sup> See Teit, *Traditions of the Thompson River Indians*, pp. 26, 51.

<sup>15</sup> Some say Flying-Squirrel heard Crow's children eating, and their father scolding them for making a noise, as the people would hear them and become suspicious. He ran out and seized some of their food, which he brought to the people, who discovered that it was fat.

## CASE BRIEF

### Story of Hu'pken

#### What is the main human problem the story focuses on?

1. How does a community respond to someone who is lazy and quarrelsome, and does not share in the work?
2. How does one respond when people leave you behind with almost nothing to survive? How does one learn to survive off the land?
3. What is an individual's obligation to share information or resources with community members in need?
4. How do people respond when someone has access to a food source and won't share it with others?
5. What are the consequences of sharing and generosity?

#### What facts matter?

- Hu'pken was a boy who lived with his parents. He was mischievous, lazy and quarrelsome and would not train himself like other boys.
- As he was a nuisance to the people, his parents planned to abandon him.
- One day the boy went out to the woods to avoid work. When he got home, he found all the houses deserted.
- He followed the tracks and a whistling sound, but the whistling sound kept changing direction and he grew weary. (The excrements of the people were misleading him.)
- He looked in every house. Only Raven and Crow left some fish-skins and other scraps for him.
- In the last house he saw a large basket turned over. Angry, he kicked it and was surprised to find his old grandmother hidden underneath.
- He was going to kick his grandmother too but she said she would help him and would teach him many things.
- She taught the boy how to kindle fire, make bows and arrows, and shoot game so that they could have food and clothing. At first the boy caught small game but eventually he shot larger game. He soon had great stores of skins, fat and meat.
- Porcupine came along and he saw the boy's provisions. He hurried to the peoples' camp and told them Hu'pken was a great hunter and had large stores of meat and robes. The people would not believe Porcupine and sent Crow to confirm the story.
- Crow arrived and Hu'pken invited him in to eat and asked him how the people fared. Crow said they were starving and had little food. Hu'pken gave Crow some fat as a present to take to the people. But Crow hid the fat and told the people that Porcupine had lied and the boy was just as poor as before.
- Crow secretly fed the fat to his children in the night, and the children made so much noise that the people heard them and they knew Crow was secretly feeding his children.
- Crow returned to Hu'pken for more fat which he fed to his children, who became fat and sleek. The people then noticed Crow's children were fat while their own children were thin. Since Crow was no hunter and could not kill game, they wondered where he got his food supply. They sent Flying-Squirrel to watch Crow.
- Flying-Squirrel dressed himself in black-moss and kept unobserved in the forest. He saw Crow's children eating fat and he returned and told the people.
- The people asked Crow where he got the fat from and Crow told them Hu'pken had given him the fat.
- The people then returned to their village, and were feasted by the boy. Hu'pken had filled the houses of Crow and others who had left him food, but he put no meat into the houses of those who had not pitied him.

### What is decided or how is the issue resolved?

- The people decided to abandon the boy, and left him with almost nothing. (Issue 1)
- Crow and Raven left him some scraps of food. (Issue 3)
- The old grandmother decided to help the boy by teaching him the skills he needed to survive. (Issue 3)
- Hu'pken learned to hunt – and to take responsibility for his learning. (Issue 2)
- When the people suspected Crow had a secret food supply, they sent Flying-Squirrel to investigate. Flying-Squirrel reported back to the people that Crow did indeed have fat. The people then asked Crow where he got it, and Crow acknowledged it was from Hu'pken. (Issue 3, 4)
- Hu'pken feasted his people and shared his food with those who had left him food. (Issue 3, 5)

### What is the reason behind the decision or resolution? Is there an explanation in the story? Said? Unsaid?

**(SAID):** The community deserted Hu'pken and left him with nothing because he was a nuisance, lazy, and did not contribute to the community.

**(UNSAID):** Crow and Raven left the boy food because they pitied him and knew he would be vulnerable.

**(UNSAID):** Hu'pken accepted responsibility to learn and to work when he realized his survival depended on it. He realized his grandmother had the knowledge to teach him and he happily learned from her.

**(UNSAID):** Hu'pken gave fat to Crow because Crow was one of the few who had taken pity on Hu'pken by leaving him some food. Crow was rewarded for sharing with a vulnerable community member.

**(UNSAID):** The grandmother knew she needed the boy to survive and she taught the boy all the skills he needed so they both survived.

**(UNSAID):** Porcupine, Crow and Flying-Squirrel had a responsibility to share their knowledge and observations with the community.

**(UNSAID):** The boy acknowledged his responsibility to share his resources by giving fat to Crow as a present to the people once he knew they were starving, and by feasting them.

**(UNSAID):** The boy feasted the people, but did not fill their houses with food/skins because they had not shared food with him like Crow and Raven. Crow and Raven's houses were filled with food and skins.

### Other Questions? What did you need to bracket?

What happens to Porcupine, who was accused of lying about Hu'pken?

Crow did falsely accuse Porcupine of lying. Could Porcupine respond to this? What would be the response?

What consequences did Crow face for lying?



## COYOTE AND FOX AND THE BIG WIND

Retold by Leon Eustache. Interview of Simpcw Community Member Leon Eustache, which he was taught by his elder Chris Donald, by Kirsty Broadhead and Adrienne MacMillan (31 July 2015) Simpcw, British Columbia.

So, a long time ago Coyote and Fox were brothers and they were hanging. Coyote was sitting up on a hill and he was thinking to himself. He was saying “I haven’t seen my brother in a long time, I don’t know where my brother is.” He said “I wonder what my brother is doing?” And then Fox came walking out on a trail and he was walking with a bunch of people. And they were all walking that way and Coyote seen him and they’re all walking away. And they’re all dressed the same: Chris says ribbons but I was thinking they were all fringes. They have fringes all along their jacket, on their hats and on their pants and they are all walking away from him.

Coyote hollers at him he says “UQWI7” and Fox just keeps walking away, doesn’t even look. And he’s telling him “UQWI7” and he doesn’t answer him so he says, he runs up to him and he tells him, he just runs up to him and he says. He doesn’t really say much to him, but he grabs him and he takes his clothes. And so he takes his jacket and he takes his hat and he takes his pants. And then he goes. He leaves his brother -he doesn’t even look back, he just walks away. And he leaves his brother sitting there on the trail and his brothers, his brothers are “whoa.”

So he walks away and then he goes off – Coyote has just plain clothes on. Plain old clothes that are just – so he takes his clothes off and he rips them all up. He tears them into pieces and he just leaves them in a pile on the ground. And he puts on, and because Coyote is bigger than Fox, he puts on Fox’s clothes and they only come up like that [indicating they are small]. And he puts on his pants and his pants are way up tight and they are all up like that [indicating they are small]. But coyote he sees those fringes in the breeze he thinks that’s the coolest thing. He’s standing there and he’s like “oh that’s the coolest thing,” eh.

And he’s dancing around and he starts dancing around and everything starts really blowing, but then he looks up the mountain. “Ah” he says “if I went up there, oh man, it would be like the best breeze ever.” So he climbs all the way up that mountain and he climbs all the way to the top and then he is standing there and that breeze is really blowing and he’s just loving it. He’s just dancing around and he’s enjoying all those fringes dancing he’s spinning around enjoying it and then he listens and you can hear a big wind coming up the mountain. He said “oh happy,” he says “oh this is going to be the best breeze.”

He’s just so excited and here comes that big breeze and that big breeze starts blowing, but that big breeze starts blowing the trees down coming up that hill. It’s knocking all the trees down coming up the mountain. And pretty soon it hits Coyote and he’s getting blown and he’s getting blown then he gets blown and he tumbles down and he gets blown all the way down the mountain to where he reaches good ground. And even when he’s blown by those trees that are fallen down he’s hanging onto those trees and his legs are in the air and he’s like, he’s just flapping around and his pants go flying off and then he gets blown further, he gets blown right down to the swamp. And he’s hanging onto the cooch grass and he’s hanging on and he’s like hitting the cooch grass and the rock and he’s hanging on, and his jacket goes flying away and then his hat goes flying away.

And then pretty soon the wind dies down and coyotes laying there and he comes to and he looks around and he’s like “oh, oh man what happened to my clothes? Where did my clothes go?” And he’s like “oh.” So finally, he’s like, “well, oh, my clothes I remember where my clothes are.” So he goes back to where he left his clothes in a pile and he picks them up and he takes them and sews them all back together and he has like all rips in them, all rips everywhere. And he sews those clothes back up then he says “aw” he says “come on I haven’t been very good to my brother” he’s saying so “oh I’ll have to go talk to my brother.”

And that’s the story of Coyote and Fox and the Big Wind.

## **CASE BRIEF**

### **Coyote and Fox and the Big Wind**

#### **What is the main human problem that the story focuses on?**

1. What are the consequences of being greedy?
2. What are the consequences of stealing someone else's resources?
3. What are the consequences of not taking care of one's own resources/wasting what you have?
4. What are the consequences of imitating others?

#### **What facts matter?**

- Coyote and Fox were brothers. Coyote hadn't seen his brother in a long time and was wondering what his brother was doing.
- Fox walked by with a group of people along a trail. They were all dressed with fringes on their pants, jackets, and hats.
- Coyote hollered at Fox, "UQWI7". Fox just walked away.
- Coyote ran up to Fox and took his jacket, hat, and pants. Then he took his plain clothes off and ripped them up and left them in a pile on the ground.
- Coyote put on Fox's clothes but the pants were too tight because Coyote is bigger than Fox.
- Coyote loved the way the fringes were moving in the wind so he danced around. Then he decided to climb a mountain because the breeze would be better on the mountain.
- On top of the mountain, the wind was blowing strong. At first, Coyote loved it and was dancing and spinning around.
- Then a big breeze came, knocking down the trees as it travelled. Coyote was clinging to a tree and his pants flew off.
- Then he was blown down to a swamp. Hanging onto the cooch grass, his jacket flew away and then his hat went flying.
- The wind died down and Coyote was left with no clothes.
- He went back to his old pile of ripped up clothes and sewed them back together.
- He said "I haven't been very good to my brother. I'll have to go talk to my brother."

#### **What is decided or how is the issue resolved?**

- The wind blows Coyote's new clothes off of him. (Issue 1, 2)
- Coyote has to sew his old clothes back together that he discarded. (Issue 3)
- Coyote decides to go talk to Fox because he hasn't been kind to Fox. (Issue 1, 2)

**What is the reason(s) behind the response? Is there an explanation in the story?  
Is the reason said or unsaid?**

**(UNSAID):** Coyote lost Fox's clothes and was left with his old, ripped clothes because he was trying to be like everyone else.

**(UNSAID):** Coyote was foolish when he climbed the mountain to see the clothes flutter in the breeze. He might have kept his resources if he had been more thoughtful and careful.

**(UNSAID):** Coyote was worse off than he started because he destroyed what he had in hopes of getting something better.

**(SAID):** Coyote reflected on his relationship with his brother and decided to try to mend it.

**(UNSAID):** The natural consequences of not sharing resources include deprivation and embarrassment.

**(UNSAID):** The wind blowing the clothes off is a natural consequence for Coyote's greed, theft and foolishness in trying to imitate another.

**(UNSAID):** This story is also about governance and decision-making. It is important to be true to your own community and make decisions that reflect the uniqueness of one's community (not anyone else's!).

**Other Questions? What did you need to bracket?**



## COYOTE AND FOX

This case is taken from a story entitled *Coyote and Fox* in James Teit, “The Shuswap” in Franz Boas, ed. *The Jesup North Pacific Expedition: Memoir of the American Museum of Natural History* Vol II, Part IV (Leiden: EJ Brill/ New York: GE Stechert, 1909) at 633.

Coyote, while travelling about, came to an underground house which was inhabited by very small, short people. They were the rock-rabbits<sup>16</sup>. He said to himself, “They are too short for people. I will kill them all and eat them.” After slaughtering them, he tied all their bodies on a string, and carried them over his shoulder. It was very hot, clear weather, so he sought the shade of a large yellow pine-tree, where he heated stones, and, digging an earth oven, put all the rock-rabbits in to bake<sup>17</sup>. Then he lay down in the shade to sleep until they should be cooked.

Meanwhile Fox came along, and, seeing Coyote asleep, he dug up and took out the contents of the oven, and began to eat.<sup>18</sup> He had eaten about half the rock-rabbits when Coyote awoke, but, feeling too lazy and overcome by the heat to get up, he said to Fox, “Spare me ten.” The latter never heeded, but kept on eating. When Coyote saw there were only ten left, and Fox still continued to eat, he said, “Spare me nine.” But Fox paid no attention; and, although Coyote continued to ask him to spare the rest, Fox continued to eat until there was only one rock-rabbit left. Coyote was still too lazy to rise: so he said, “Spare me half a one.” But Fox ate the last one up, and then crawled away, having eaten so much that he could hardly walk.

At last Coyote became energetic enough to rise. Saying to himself, ‘I will kill that fellow!’ he set out to follow Fox’s tracks. Soon he came upon Fox sleeping in the shade of a very thick fir-tree. Coyote, by his magic, made the tree fall on Fox; then he laughed loudly, saying, “I told the tree to fall on him, and now he is dead.” The tree was so branchy, however, that it had fallen over Fox without the trunk touching him, for the many branches had stopped the trunk from reaching the ground. Soon Fox crawled out from underneath the tree and walked away.

Reaching a place where the wild red-top or rye-grass was very thick and tall, he went into the middle of it and lay down to sleep again. Coyote followed him, and set fire to the grass all around; but Fox, waking up, set counter-fires around himself, and made Coyote’s fire harmless.

When the fires had died out, Fox went on, and entered a piece of country overgrown with reeds, where hares were very numerous. Coyote, following, set fire to the reeds, saying, “They will burst, and then Fox’s eyes will burst also.” When the fire spread, the hares ran out in large numbers; and Coyote was so intent clubbing them that he didn’t notice Fox escaping. Fox was some distance away before Coyote noticed him, and he said, “Fox, you may go.”

Then Coyote travelled on, and came to a place where magpies were very numerous. Here he set snares, and, catching many of these birds, he made a robe of their skins. He put his robe on and admired it very much, saying, “What a beautiful robe I have! And how the feathers shine!” Soon afterwards he met Fox, who was wearing a robe thickly covered with tail-feathers of the golden eagle. Coyote said to himself, “His robe looks better than mine, and is much more valuable.” So he offered to exchange robes; but Fox said, “How can you expect me to exchange a valuable robe like mine for yours, which is made of only magpie-skins?” Just as they were about to separate, Coyote seized Fox, and, tearing his robe off, went away with it.

Fox sat down and watched Coyote until he was out of sight. Coyote arrived at a lake, took off his magpie robe, tore it to pieces and threw it into the water. Then, donning the robe of eagle-feathers, he strutted around, admiring himself, and saying, “If a wind would only come, so that I could see and admire these feathers as they flutter!” Just then Fox caused a great wind to come, which blew the robe off Coyote’s back, and carried it back to himself<sup>19</sup>. Then Coyote went back to the lake to see if he could find his old magpie robe; but the wind had scattered all the pieces and the feathers, so that only here and there on the surface of the lake could one be seen. Coyote was now worse off and had to travel along naked.

16 Commonly so called in British Columbia, also sometimes called Pika or Rocky Mountain Pika. They are small brown tailless animals, very plentiful in high mountains of the interior. They live in rock-slides at the base of cliffs, and utter a shrill, squeaky cry. They often inhabit the same slides with the hoary marmots.

17 In the same manner as roots are cooked.

18 For a similar incident of Coyote and Fox, see Teit, *Traditions of the Thompson River Indians*, pp. 29 and 71.

19 A similar incident of a robe is contained in an Uta'mqt story.

## CASE BRIEF

### Coyote and Fox

#### What is the main human problem that the story focuses on?

1. How does one respond to a greed, laziness, vanity, and theft?
2. What are the consequences of selfishness, laziness, and greed?
3. What are the consequences of not taking care of one's own resources/wasting what you have?

#### What facts matter?

- Coyote killed all of the rock-rabbits in an area, and left them to cook while he slept. Fox came along and started to eat them. Coyote woke up a few times and asked fox to save him some, but was too lazy to get up. Coyote finally woke up, but Fox had eaten all the rabbits.
- Coyote tried to get revenge and kill Fox by using magic and setting fires, but Fox escaped and ran away.
- Coyote made a pretty coat from magpies, but then he saw Fox's more beautiful coat made from the tail-feathers of the golden eagle. Fox refused to trade his beautiful robe with Coyote's, so Coyote stole it. Coyote tore up his own robe to pieces and threw it into a lake.
- Coyote wished for a wind so he could admire the eagle feathers as they fluttered and Fox caused a great wind to come. The wind blew the robe off Coyote and carried it back to Fox. The great wind scattered the pieces of the magpie robe and Coyote had to travel naked.

#### What is decided or how is the issue resolved?

- Fox ate all of Coyote's rabbits and made the wind blow so he could get his robe back after Coyote stole it. (Issue 1)
- Fox escaped Coyote's attempts to kill him (Issue 2)
- Coyote ended up with no rock-rabbits and no robe, having not stopped fox, and having torn up the robe he had and lost the one he stole. (Issue 3)

#### What is the reason behind the decision or resolution? Is there an explanation in the story? Said? Unsaid?

**(SAID):** As a result of his lazy and selfish actions, Coyote ended up worse off than at first.

**(UNSAID):** Coyote wanted Fox's eagle robe even though he already had a beautiful magpie robe. He became greedy, destroyed his robe unnecessarily and suffered as a result.

**(UNSAID):** Both Fox and Coyote were at fault for over-harvesting and being greedy, but in the end Coyote suffered more because he was intent on revenge.

**(UNSAID):** Coyote tried many times to harm Fox but could not because he underestimated Fox's abilities.

**(UNSAID):** The natural consequences of not sharing resources, laziness and theft include deprivation and embarrassment.

#### Other Questions? What did you need to bracket?

Did Coyote take too many rock rabbits?

Should Fox have shared the rock rabbits even though Coyote was too lazy to get up?

Was Coyote justified in trying to kill Fox because he ate his food?

What is the role of the natural world as an agent in teaching lessons?

## STORY OF COYOTE AND THE SWANS

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This case is taken from a story entitled *Story of Coyote and the Swans* in James Teit “The Shuswap” in Franz Boas, ed. *The Jesup North Pacific Expedition: Memoir of the American Museum of Natural History* Vol II, Part IV (Leiden: EJ Brill/ New York: GE Stechert, 1909) at 638.

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Coyote was travelling with his son, Kalle'llst. When passing a lake, Coyote saw four swans on the grassy shores. Coyote sang and danced, and caused the swans to lose their ability to fly. Kalle'llst clubbed the swans and tied them together.

Coyote said to his son, “We will cook and eat them. You must watch them while I gather fire-wood. I will cut off the dry top of that tree yonder.”<sup>20</sup> Coyote climbed the tree and was standing on a branch cutting the tree-top. He heard his son cried out, “Come quickly father! The swans have come to life, and I cannot hold them.”

Coyote got excited, and cried, “Catch them! Hold them!” As he hurriedly descended the tree, the sharp point of a broken limb penetrated his scrotum, and he yelled with pain. Meanwhile the swans all got loose and flew away, and, although Coyote danced and sang, they kept on their way, and landed far out on the lake.

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20 Some say it was the dead pitchy top of a yellow-pine.

## **CASE BRIEF**

### Coyote and the Swans

#### **Issue:**

1. What happens when you cannot control or take proper care of your food source?
2. What are the consequences of using or abusing your power to catch beings for food?
3. What are the consequences of giving responsibilities to someone who is unable to live up to them?

#### **Facts:**

- Coyote traveled with his son, Kalle'llst, and passed a lake with four swans on the shore.
- Coyote sang and danced and caused the swans to lose their power of flight.
- Kalle'llst clubbed the swans and tied them together.
- Coyote asked Kalle'llst to watch the swans while he went to gather firewood from the top of a tree, so they could cook and eat them.
- The swans came back to life and Kalle'llst yelled "I cannot hold them".
- Coyote got excited and hurt his scrotum descending the tree.
- The swans regained their power of flight and all got away even though Coyote danced and sang again.

#### **Decision:**

- Coyote suffers pain. (Issue 2)
- The swans regain their power of flight and get away. (Issue 1, 2, 3)

#### **Reasons:**

**(UNSAID):** Coyote suffered consequences for not harvesting properly. Coyote suffered for not taking control of his food source and for not paying attention.

**(UNSAID):** Coyote suffered perhaps because Coyote shouldn't have tried to take all the swans.

**(UNSAID):** Coyote's power over the swans did not have any influence after he mishandled them.

**(UNSAID):** Coyote injured himself because he was not careful when gathering firewood.

**(UNSAID):** Kalle'llst had not received the proper training to fulfill the responsibility of controlling the swans.

#### **Other Questions? What did you need to bracket?**

Did Coyote take too many swans?

## TLĒĒ'SA AND HIS BROTHERS

This case is taken from a story entitled *TLĒĒ'sa and his Brothers* in James Teit, "The Shuswap" in Franz Boas, ed. *The Jesup North Pacific Expedition: Memoir of the American Museum of Natural History* Vol II, Part IV (Leiden: EJ Brill/ New York: GE Stechert, 1909) at 644.

TLĒĒ'sa was the eldest<sup>21</sup> of four brothers who lived with their aunt<sup>22</sup> somewhere near Kamloops. With them also lived a small boy called Kwelaā'llst<sup>23</sup>, who was a grandson of their aunt. The latter was called "mother" by them all, and was a woman of profound wisdom. She often bemoaned the fact that there were so many evil beings and cannibals in the country, thus rendering it hard for the Indians to live, and preventing them from increasing. Many of the present-day animals were at that time human beings with animal characteristics; and all of them were cannibals, who used many devices to entrap and slay the unwary. TLĒĒ'sa pondered deeply and long over the matter, and at last decided that he would try to rid the country of these evil beings.

Then his "mother", in her wisdom, looked over the world, and told him the names of the several cannibals, and the places where they lived. She also told him the different methods they employed to kill people, and how he might conquer them. She only forgot to tell him about Pubescent-Girl (the chipmunk).

Finally TLĒĒ'sa, who was gifted with great magic, started out, assisted by his three brothers<sup>24</sup>, to vanquish the cannibals. They carried no weapons with them, TLĒĒ'sa alone having a double-ended arrow-flaker of deer-antler, which could also be used as a dagger.

First of all, they repaired to the house of the four Grisly Bear sisters,<sup>25</sup> who possessed arrow-stone. TLĒĒ'sa entered the house, and the others waited for him outside. By the power of his thoughts he made the women jealous, and evilly disposed towards one another. Then he proposed marriage to them, and, calling them aside one after another, he told each that the other was talking evil about her. Finally, he induced them to fight among themselves. As soon as they became angry, their hair fell out, for it consisted of arrow-knives and arrow-points loosely set in the skin. When great numbers of these had dropped, he gathered them up and gave them to his brothers outside. When they had enough, he ordered the women to stop fighting, telling them that he had lied to them to make them angry, in order that he might obtain arrow-points. They answered, "Why did you do that? If you had asked, we would have given you plenty of arrow-stone. It was not necessary to make us angry." Then the brothers threw the arrow-heads on the ground, saying, "Henceforth arrow-stone and arrow-flakes shall be scattered over the whole country, and people will find them in plenty, and use them. They shall no longer be in the possession of a few."<sup>26</sup>

From this point the brothers journeyed toward the place where the four cannibal Grisly bears lived. In the same place lived Coyote and many other people.<sup>27</sup> TLĒĒ'sa transformed himself into a dog<sup>28</sup>, with small arrow-points in place of hair, spear-points for teeth, and a very large arrow-stone knife for a tail. The brothers led him as they neared the underground house of the Grisly Bears. Coyote saw them approach, and called out, "Three men and a dog are coming! That is my dog!" When the brothers reached the house, they saw that heaps of human bones were piled up around it. They were invited in, tied their dog to the top of the ladder, and entered. The people asked them to play a game of hide-and-seek outside. The bark of a large tree which stood close by had been scraped off all around by the Bears' claws, and the brothers were told that they would play around the tree. Soon the Bears caught the brothers and killed them. Meanwhile Coyote had examined the dog, and spit in its face. Once, however, he got his face too near, and cut his lips on the dog's hair. Then he said to the dog, "You are indeed wonderful."

When the people came back, he told them about it; and they said, "Let us play with the dog." They then let him loose, and he ran to and from among the Grisly Bear people, killing them with his sharp hair, teeth, and tail. Whenever his tail swung round and hit a man, it cut him in two.

21 Teit: "Some say, also, that he was shortest of stature".

22 Teit: "Some say grandmother."

23 Teit: "One Indian said he had heard that Kwelaā'llst was the offspring of the hog-fennel-root."

24 Teit: "TLĒĒ'sa was more gifted with magic than his brothers, and acted as their leader."

25 Teit: "Some Indians say this place was on the north side of Kamloops Lake. Others say the story never stated any place in particular, although the Bonaparte Shuswap and the Thompson Indians say the incident happened near the Arrowstone Hills, on the east side of Bonaparte River."

26 Teit: "From this time on, the brothers all carried arrow-stone knives."

27 Teit: "In the North Thompson version, one half of the people were Grisly Bears; the other half, Coyotes."

28 Teit: "In the North Thompson version of this story, lukemenē'llst takes the place of TLĒĒ'sa."

When he had killed them all, he changed back to his former self, went to the bodies of his brothers, and jumped over each of them, thus bringing them back to life. Then he said, "Henceforth the grisly bear shall be a mere animal, able to kill people only at times when they are foolish. It shall no longer live on human flesh, but on roots and berries."

Continuing their journey, the brothers came to Little-Tobacco-Place (Pesma'menex),<sup>29</sup> near Dead-Man's Creek, where the poisonous tobacco-tree grew. It was a large, very leafy tree, and all around it lay the bones of its victims; for anyone who touched its leaves, or rested in its shade, invariably died. Tlĕē'sa said, "I will smoke tobacco." His brothers tried to dissuade him; but he insisted, and, going up to the tree, he cut it down with his arrow-flaker. Taking the leaves, he smoked them himself, and gave his brothers the stalks to smoke. Then he said, "Tobacco shall never again kill people. It will be a good plant, and people shall gather and smoke it without harm."

Continuing their journey, the brothers came to where the Thompson River flows out of Kamloops Lake. At this place the river was blocked by a huge elk, which stood tail up-stream. Everything that floated down-stream entered the monster's anus, and passed out at its mouth. When a canoe with people tried to pass, the former only passed through the elk, which devoured the crew.<sup>30</sup> Tlĕē'sa said, "I will eat elk-meat." His brothers answered that he must not attack the monster, for he would certainly be killed. He insisted, however, and, lying down on a board, he floated down, and entered the elk. When his brothers saw only the board pass out of the elk's mouth, they said, "Tlĕē'sa is certainly dead." Presently, however, they saw the beast stagger, and very soon it fell down on the bank dead. They were cutting the carcass to find the body of their brother, when he called to them from inside, saying, "Be careful! you may cut me." He had placed his flaker crossways inside of the elk, and had then cut off its heart, thus killing it. Then Tlĕē'sa said, "The elk shall no longer have supernatural powers. Never again shall it eat people. Henceforth elk shall be hunted and killed by the people, who will eat its flesh, and dress its skin."

Continuing their journey, the brothers reached a cliff called (Ox)tseta'ks,<sup>31</sup> in the Bonaparte Valley. Here dwelt a ram of the mountain-sheep,<sup>32</sup> which killed everybody who passed that way by blowing its breath on them. Tlĕē'sa said, "I will eat sheep-flesh;" and against the wishes of his brothers, who feared he would be killed, he went up toward the ram, which blew on him, but without effect. Tlĕē'sa ripped up the ram with his arrow-flaker and killed it. Then he transformed it into a proper mountain-sheep, saying, "Henceforth you shall be a common sheep, unable to harm the people, who will hunt you, and make use of your flesh and horns."

Here Tlĕē'sa sat down and made a spoon out of one of the ram's horns, and his brothers joined him. As they were sitting there, a boy passed by, running along on the flat ground underneath them. He was carrying a small bundle on his back, and his bow and arrow in his hands. It was Kwelaā'llst, who had been sent out in haste to overtake the brothers, and tell them of the mysterious power of Pubescent-Girl, and how to overcome her. The brothers did not recognize him; and, although they called to him, he did not hear. Then they made up their minds to kill him, and kicked down the stones from the cliff on to the flat below, the boulders falling all around him.<sup>33</sup> When the dust cleared away, they saw him going along singing, as if nothing had happened. Four times they kicked down the rocks,<sup>34</sup> but with the same result. Then they ran after him, and, when they had reached him, recognized him.

He said to them "You had better eat of my food. You must be hungry." Taking off his pack, which consisted of a round basket-kettle called selekwa'n, and some ska'metc, hog-fennel, and other roots, he put them in the kettle and boiled them with hot stones. When cooked, he placed the food before the brothers. Tlĕē'sa remarked that the kettle was too small, and declared he could eat the contents at one spoonful. He helped himself first, and filled his large horn spoon, almost emptying the kettle. He turned away to swallow it; but when he turned back, the kettle was just as full as at first. Thus they all ate and were satisfied. When they had finished, Kwelaā'llst left them without telling his errand, and went home.

From there the brothers followed up the Bonaparte until they came to a place called Skelawa'ulux,<sup>35</sup> which is a deep hollow surrounded by cliffs. Here dwelt the beaver and its friends, which were noted for their magic. They were not cannibals; but at that time people did not know how to kill them, and they were considered to be possessed of mysterious powers. Tlĕē'sa said he would eat beaver-flesh. He made a beaver-spear, and tied a strip

29 Teit: "Wild tobacco was plentiful here."

30 Teit: "Some say he killed them by pressing his sides in on them."

31 Teit: "This place is near Doc. English's ranch; and the Indians claim that the forms in stone, of a big-horn ram and of a dog barking at it, may still be seen there."

32 Teit: "In the North Thompson version, he puts the woven cooking-basket over his head, thus protecting himself."

33 Teit: "In the North Thompson version, he puts the woven cooking-basket over his head, thus protecting himself."

34 Teit: "Indians say the stones may still be seen on the flat, where they were kicked down."

35 Teit: "This place is a chasm near the old 59-mile post on the Caribou Road."

of white bark around each of his wrists,<sup>36</sup> that his brothers might see him more readily if he were taken under water. Going up to the beaver, he harpooned it, and was dragged into the creek. His brothers watched his movements under water, but at last lost sight of him. They searched for him in all the creeks, and dug trenches<sup>37</sup> in many places, but without result. At last they dug a very deep trench along the main creek, and found him. When they dug near to him, he said, 'Be careful not to hurt me! I am here.' He had been carried into the beaver's house in the bank, where he had finally killed the beaver. Now the brothers killed many beavers, and took their skins. They also ate the big beaver's meat, and said, "Henceforth beaver shall be speared by people, and their flesh and skins made use of. They shall no longer possess mysterious powers."

Continuing their journey, the brothers came to a place near the creek called Stony-Hollow (Nxa'nɛxtem),<sup>38</sup> where the marmot<sup>39</sup> had a house in the rock Tlɛ́'sa said, 'I will eat marmot-flesh;' and his brothers told him he would certainly be killed, for no one could enter the marmot's house without the top of the entrance crushing him down. On his way to the house, Tlɛ́'sa, seeing two of the marmot's little ones, killed them both, and stuck them in his belt. When he entered the house, the rocks shut on him; but he placed his flaker vertically in the entrance, and passed inside unharmed. Then he transformed the animal into the common marmot of the present day, saying, "Henceforth you shall be the common marmot, and shall never again be able to kill people, who will use your flesh and skin."

From this place the brothers turned back, descending the Bonaparte until they arrived at the mouth of Hat Creek, which they ascended. A little distance from the mouth, they arrived at a place called Little-Coming-out-Place (Puptpu'tlɛnten), where, on one side of the trail, there was a smooth rock. Here Tlɛ́'sa said, 'Let us amuse ourselves by seeing who can stick his head farthest into the rock.' The three brothers, one after another, pressed their heads against the rock, but made only slight impressions. Then Tlɛ́'sa pushed his head against the rock, and it went in to the ears and bridge of the nose. When he pulled his head out again, a red mark was left in the cavity.

Continuing their journey, the brothers came to a place at the Marble Cañon called Break-Wind-Water-Place (Npé'atkwatan), where there is a lake. Here lived the skunk, which killed people. Tlɛ́'sa said, 'I will eat skunk-flesh;' and thereupon he transformed the skunk to the present-day animal of that name. Cutting out the bag containing the scent, he emptied it into the lake, thereby changing the color of the water. Then he ordained that never again should the skunk be able to kill people with its secretion.

Close by here, in a high cliff, lived the cannibal eagle, which swooped down on people, and, picking them up, dashed them against the rock, the base of which was strewn with human bones. Tlɛ́'sa said, 'I will have eagle-feathers to decorate myself.' Unobserved by his brothers, he put some white paint in one side of his mouth, and red paint in the other. When the eagle saw him approach, it swooped down and clutched him, and flew with him high up on the cliff, against which it dashed him. Tlɛ́'sa warded off the blow with his flaker, and let the red paint flow out of his mouth. When his brothers saw Tlɛ́'sa dashed against the rock, they said, "He is dead. See his blood!" Again the eagle dashed him against the rock, and he let the white paint flow out of his mouth. Now his brothers said, "He is surely dead. See his brains!" The eagle, thinking he was dead, placed him on the ledge where its nest was, whereupon Tlɛ́'sa killed it with his flaker, and pulled out its tail-feathers. Then, tying the eaglets one to each wrist, he commanded them to fly down with him. When they alighted, he pulled the large feathers out of their wings and tails, and gave them to his brothers. He transformed the cannibal birds into eagles, saying, "Henceforth you shall be ordinary eagles without the power of killing people. Your feathers shall ornament the heads, clothes, and weapons of men."

Continuing their journey, the brothers came to a place called Hillside (Kola'ut), on Pavilion Creek, where the cannibal hare lived. The hare always reclined on its back, with one knee over the other, and its foot sticking out close to a stick stuck in the ground, on which it had a roast. When any one came along and asked it for food, it told them to help themselves. As soon as they reached forward to take the roast, it would strike them with its foot, killing them. Tlɛ́'sa said, 'I will eat hare-meat;' and, approaching, he asked for some roast. The hare said, "Take it," and kicked him in the breast as he reached for it. The blow had no effect, however, for Tlɛ́'sa had put on a breastplate of mica before approaching the hare.<sup>40</sup> Then he took the hare by the foot, and threw it away among some bushes, saying, "Henceforth you shall be a harmless, timid hare; and people shall eat your flesh, and dress in your skin."

36 Teit: "Some say he painted his wrists white."

37 Teit: "The Indians say these trenches may be seen in the shape of hollows and vales in the hills at this place."

38 Teit: "This place is a little beyond the old 59-mile post (from Lillooet)."

39 Teit: "In the North Thompson version, the bush-tailed rat."

40 Teit: "In the North Thompson version it is stated that the Hare broke his foot when striking the flat stone that Tlɛ́'sa had hidden under his shirt. See also Boas, Sagen, p. 2."

Near this place, but on the opposite side of Pavilion Creek, lived a woman called Tsakelsxene'lxa, who killed men. Tlĕē'sa said, "I will have connection with the woman." His brothers tried to dissuade him, saying he would certainly be killed; but he insisted. In front of her house was a bridge formed by the long legs of a bird called sokwa'z.<sup>41</sup>

When any one tried to cross, he rolled his legs over, and hurled them into the creek. Tlĕē'sa crossed first; and when he was on the middle of the bridge, sokwa'z turned his legs over, trying to throw him into the creek. Tlĕē'sa got across, and, going up to the bird, held his flaker above its head, saying, "If you move your legs when the others cross, I will kill you." Thus the brothers crossed safely, and they transformed the creature into the sokwa'z-bird which we see at the present day, saying, "Henceforth you shall be a bird with little power, and rarely seen. When a person sees you, a relative will die." Now Tlĕē'sa went to the house of Tsakelsxene'lxa; and she agreed when he said he would have connection with her, for she had teeth in her vagina, which she made close on the penis of any man who tried to have connection with her, thus killing him. Tlĕē'sa placed his arrow-flaker across the inside of her vagina, and had connection with her. All his brothers had connection with her after him. Then he transformed Tsakelsxene'lxa, saying, "Henceforth you shall be an ordinary woman, and hereafter men will have connection, and women's vagina will not bite or kill them."

Then the brothers, following up Fraser River toward High Bar, passed west of Pavilion Mountain, over a high bluff, on the flat top of which they saw a Chipmunk, who was also a pubescent girl. She was dancing, and they stopped to look at her. The brothers tried to transform her, but could not manage it properly. They walked forward, but found their feet getting heavy. After a few more steps, they became transformed, and gradually turned to stone where they stood. The Chipmunk girl became changed into stone of a red color, for she was painted red at the time; and the stripes, like those on a chipmunk, may still be seen on her back. The place where she stands is called Luli't. The place where Tlĕē'sa and his brothers stand is called S Lemmi'x. The former may be seen a little distance to the rear of his brothers, for he was behind them when they all became transformed.

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41 Teit: "Described by the Shuswap as a rare bird having long legs and a bluish body."

## CASE BRIEF

### TIEē'sa and his Brothers

#### What is the main human problem that the story focuses on?

1. How does one respond to dangers in the land and make it a safe place for people to live?
2. What are the responsibilities when you have special knowledge about the land or skills to address those dangers?
3. How does one learn about and to find what they need from the land?

#### What Facts Matter?

- TIEē'sa was the eldest of four brothers who lived near Kamloops. TIEē'sa heard about the problems relating to evil beings and cannibals that his "mother" talks about. The evil beings were making it hard for the people to live and were preventing them from increasing in numbers.
- TIEē'sa thought decides to rid the country of these evil beings.
- His mother told him where he could find all of the cannibals and how he could kill them (she was very wise); except she forgot to tell him about the pubescent girl/chipmunk.
- TIEē'sa was gifted with great magic; he carried no weapons to kill the cannibals.
- TIEē'sa and his brothers lived off the land along the journey and doing so allowed to them to gather everything they needed to be successful in their pursuits.
- First, he conquered the four Grisly Bear sisters and as a result the arrow-stone and arrow-flakes were henceforth scattered across the whole country and no longer solely in the Grisly Bear sisters' possession. They told him they would have shared if he had asked first.
- Second, he killed the four cannibal Grisly Bears and the Grisly Bear transformed into a mere animal who would no longer live on human flesh but on roots and berries instead and kill people only at times when they are foolish.
- Third, TIEē'sa went to "Little-Tobacco-Place" (near Deadman's Creek) and smoked the poisonous tobacco leaves. This made tobacco leaves no longer deadly to people and allows people to gather and smoke it without harm.
- Fourth, TIEē'sa and his brothers went to where the Thompson River flows out of Kamloops Lake because there was a huge elk blocking the river. The elk stood tail up stream and everything that floated down, entered the elk's anus and passed out its mouth – killing it. TIEē'sa floated down, entered the elk, and killed it. By doing so, TIEē'sa transformed the elk so that it would no longer have supernatural powers and could be hunted and killed by people for food and dress.
- Fifth, TIEē'sa and his brothers journeyed to the Bonaparte Valley where they came across the mountain sheep which killed everybody who passed by. TIEē'sa transformed them into proper mountain-sheep, unable to harm people, and who could be hunted for their flesh and horns.
- After transforming the sheep, TIEē'sa and his brothers saw a boy running by underneath them. It was Kwelaā'llst (their "mother's" grandson) who had been sent to tell the brothers about the mysterious powers of the pubescent girl/chipmunk and how they could overcome her. Before the brothers recognized him, they tried kill him by kicking stones down the mountain. When they weren't successful, they went after him and then recognized him. Kwelaā'llst offered them food which they each ate; when they finished, Kwelaā'llst returned home without telling them his message.
- The seventh transformation TIEē'sa accomplished was with Beaver. The beavers were not cannibals, but people did not know how to kill them and as such they were considered to be possessed of mysterious powers. TIEē'sa transformed the beavers so that they would no longer possess mysterious powers and could be speared by people so their flesh and skills can be made use of.

- Eighth, TIEē'sa and his brothers travelled to Stony-Hollow where he transformed marmot, who also killed people into the common animal of present day.
- The ninth transformation TIEē'sa made was a "boundary marker" near Hat Creek at a place called the "Little-Coming-out-Place" (Puptpu'tlemten). TIEē'sa pushed his head against a rock which left a red mark.
- Tenth, the brothers travelled to Marble Canyon to where the skunk that killed people lived. TIEē'sa cut out the bag containing the scent from the skunk, emptied it into the lake, thereby changing the colour of the lake and transforming the skunk into a being unable to kill people with its scent.
- Eleventh, the brothers came across the cannibal eagle, which would swoop down on people, pick them up, and bash them against the rocks. TIEē'sa tricked the eagle by using paint to look as though he was dead and bleeding. TIEē'sa then killed the eagle and pulled out its tail-feathers. He then transformed the cannibal eagle so that he would be an ordinary eagle without the power of killing people and that their feathers should be used for the heads, clothes and weapons of the people.
- Twelfth – the brothers went to Hillside on Pavilion Creek where the cannibal hare lived. The brothers asked the hare for food which the hare told the brothers to help themselves. When they went for the food, the hare tried to kill them. TIEē'sa had a mica breastplate on however so the hare's attempt was unsuccessful. He transformed the hare making it harmless and timid and also so that people would eat its flesh and dress in its skin.
- Thirteenth & Fourteenth – near this place they were, a woman lived on the opposite side of Pavilion Creek who killed men. TIEē'sa decided he would have connection with her, despite warnings from his brothers he would surely be killed. There was a bridge in front of her house formed by the long legs of a bird called the sokwa'z. TIEē'sa overcame the sokwa'z and was able to get across along with his brothers. TIEē'sa then transformed the creature into the bird we see presently – a bird with little power, and that is rarely seen, but when a person does see it, a relative will die. TIEē'sa then went into the house of the woman and had connection with her, as did his brothers, because he disabled her from being able to kill them.  
TIEē'sa then transformed the woman saying she shall be an ordinary woman, unable to kill men who have connection with her.
- Fifteenth – The brothers journeyed further up the Fraser River towards High Bar, passed west of Pavilion Mountain. Here they came across Chipmunk/pubescent girl. She was dancing and they stopped to look at her. They tried to transform the girl but were unable to. Instead, they became transformed and turned to stone where they stood. The Chipmunk girl also changed into red stone. This place where she stands is called Luli't and where the brothers are is called SLEmmi'x.

### What is decided about the problem?

- TIEē'sa decided to make the land safer for people, and for people to be able to use the land's animals and resources without being harmed by them. (Issue 1)
- TIEē'sa's mother shared knowledge with TTIEē'sa to help him conquer the cannibals. TIEē'sa used his powers to slay and transform the cannibals/resources from people killers to relatively harmless animals/plants with specific uses for people. (Issue 2)
- TIEē'sa's and his brothers travelled the land to learn about its dangers and uses. (Issue 3)

**What is the reason behind the decision? Is there an explanation in the story?  
Is the reason said or unsaid?**

**(SAID):** The land was unsafe for people because of the people-killers taking control of the land.

**(UNSAID):** TIEē'sa and his brothers had a responsibility to the people to make the land safe for humans.

**(UNSAID):** TIEē'sa "mother" and Kwelaā'llst had a responsibility to the people to share what she knew about the land's dangers to help TIEē'sa and his brothers.

**(UNSAID):** TIEē'sa and his brothers got what they needed from the land because they searched and travelled on the land.

**(UNSAID)** The people-killers had a right to exist, but only in a form that was not harmful to humans.

**(UNSAID):** TIEē'sa was successful in defeating the cannibals because he followed the teachings of his mother.

**(UNSAID):** TIEē'sa and his brothers were turned to stone because they did not have the information they needed to defeat the pubescent girl/Chipmunk. Kwelaā'llst and TIEē'sa mother failed in providing them with this information to help TIEē'sa defeat her.

**Other Questions? What did you need to bracket?**

- This story sets out important boundary markers within the territory (e.g., Kamloops; Little-Tobacco-Place – AKA Pema'menex; Thompson River – Kamloops Lake; Bonaparte Valley; Hat Creek; Skelawa'ulux; Stony-Hollow – AKA Nxa'nextem; Marble Cañon – Npé'atkwatan; Pavilion Creek; High Bar – Pavilion Mountain)
- This story describes important resources, where they are located, and how they have come to be used.
- It is believed that the reason TIEē'sa killed and transformed the elk was because the elk was not only killing people but it was also barricading an important resource and cutting off integral pieces of the territory from the rest by blocking the flow from the Thompson River.
- Was invasion of privacy at play with the pubescent girl/Chipmunk?



## STORY OF THE SALMON-BOY

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This case is taken from a story entitled *Story of the Salmon-Boy* in James Teit, "The Shuswap" in Franz Boas, ed. *The Jesup North Pacific Expedition: Memoir of the American Museum of Natural History* Vol II, Part IV (Leiden: EJ Brill/ New York: GE Stechert, 1909) at 690.

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A boy who lived with his grandparents went playing one day, and did not return. The people searched for him, and found the place where he had fallen into the river. His bow and arrows were lying on the bank. The boy had been amusing himself by tobogganing on a piece of bark. He had slid over a bluff and landed on a piece of ice<sup>42</sup> which was floating down the river. The boy floated down to the mouth of Fraser River, and arrived in the land of the salmon, where there was a great fish-dam.

After staying there some time, the boy told the Salmon chief that he wanted to return home. The Salmon Chief said, "Yes. When the Salmon go to your country, they shall take you with them." Soon the Sockeye Salmon started to run up river, and the boy wished to accompany them; but the chief said, 'No, you must not go with them. You would be hurt. They travel through many dangerous places.'

At last the King Salmon started to run up river, and the Salmon Chief let the boy go with them, in the charge of the king salmon. The boy swam with the king salmon after being transformed into a king salmon.

Now, the boy's grandfather cried all the time because he believed his grandson to be dead. When the salmon began to run, the grandfather made a weir across the small stream near where he lived and there he fished by bag-netting. The boy came swimming up, and was caught by his grandfather, who was about to split and dry him, like other fish, when he noticed that the salmon's eyes were like those of a human being. Then the grandfather rolled the king salmon boy up in a blanket, and hung him in a tree.

On the following day the grandfather unwrapped him and found that the whole head had become human. On the following day the king salmon boy had assumed human form down to the waist. On the third day he was man down to the knees; and on the fourth day, when the blanket was opened, the boy jumped out, saying, "It is I, grandfather! Tell no one of my return. Catch and cure all the fish you can, while I go and hunt. In two months' time I shall return, and we shall give a feast to the people."

Then the old man was so happy. Instead of weeping and singing dirges, he now whistled all day long. The people said, 'Something must have happened to make the old man so happy. He has changed from sadness to happiness very quickly.' In two months' time the fishing-season was over, and the old man had cured many salmon and their roe, and had made much oil.

Then the boy returned from hunting, carrying one of his mittens full of the meat, fat, and skins of deer; while the other contained meat, fat, and skins of marmots. He emptied out the contents of his mittens, and they assumed the form of a large pile of meat, fat, and skins. Then he and his grandfather invited all the people who were surprised to see the boy, and feasted them many days.

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<sup>42</sup> Some say it was a driftwood log.

## **CASE BRIEF**

### Story of the Salmon-Boy

#### **What is the main human problem the story focuses on?**

1. What are the responsibilities to a visitor on your land?
2. How do we respond to one of our people who leaves and who returns from another land?
3. How do we respond to changes in one of our people (family, relative, kin, member of community)?
4. How does one learn the skills they need from the land?

#### **What facts matter?**

- A boy who lived with his grandparents fell into the river and floated downriver to the land of the salmon.
- The Salmon people let him stay until he wanted to return home. The Salmon Chief agreed to let the boy travel home with the salmon when they made their run upriver.
- When the Sockeye Salmon started their run, the Salmon Chief would not let the boy travel with them because it was too dangerous.
- When the King Salmon started their run, the Salmon Chief gave the boy to their charge and the boy swam with them after being transformed into a salmon.
- The boy's grandfather believed his grandson was dead.
- When the salmon started their run, the grandfather made a weir across the small stream where he lived and fished by bag-netting.
- The boy was caught along with the other fish. His grandfather was going to split and dry him when he noticed the fish's eyes were like those of a human.
- The grandfather wrapped the salmon boy in a blanket and hung him in a tree. Over the course of four days, each day unwrapping him to check, the fish morphed into human form until at last he jumped out of the blanket as the grandson.
- The grandson told his grandfather to keep his return a secret, and to catch and cure all the fish he could while the grandson hunted for two months. The grandson said he would give a feast to the people when he returned.
- In two months' time when fishing season ended, the old man had much salmon, salmon-oil, and roe.
- The boy returned from hunting with much meat, fat, and skins. Then he and his grandfather invited all the people who were surprised to see the boy, and he feasted them for many days.

#### **What is decided or how is the issue resolved?**

- The Salmon Chief let the boy stay with the salmon people. The Salmon Chief protected the boy by not letting him travel to his own country with the Sockeye Salmon, and instead putting him in the King Salmon's charge. (Issue 1)
- Grandfather carefully observed his catch, which allowed him to recognize his grandson, and then help him become human again. (Issue 3, 4)
- A feast was held. (Issue 2)

**What is the reason behind the decision or resolution?  
Is there an explanation in the story? Said? Unsaid?**

**(SAID):** The Chief didn't let the boy travel with the Sockeye because it would be too dangerous as they travel many dangerous places.

**(UNSAID):** The boy respected the Salmon Chief and followed his direction (which salmon to travel with) while in his land because he didn't know how to get home.

**(UNSAID):** The boy was vulnerable and dependent on the salmon. The salmon took care of the humans. The Salmon had a responsibility to look after the boy while he was in their lands and provide him with safe passage home.

**(UNSAID):** Because the Salmon Chief knew the different types of salmon, he was able to know when the boy could travel safely. His authority came from his knowledge.

**(UNSAID):** Because the grandfather also (similar to the Salmon Chief) knew what to observe in the salmon he was able to help save his grandson by observing the human eye.

**(UNSAID):** The grandfather was rewarded for being patient and attentive to non-human life forms.

**(UNSAID):** The boy worked hard for two months to gather resources that he shared with the community to mark his return to the community.

**(UNSAID):** Feast was held to honour the people and have them accept the boy back into their community, and to honour the Salmon People who kept him safe. Feasting is important for honouring important community events.

**Other Questions? What did you need to bracket?**

Do humans have obligations to the natural world as a result of their dependency?



## COYOTE AND SALMON

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This case is taken from a story entitled *Coyote and Salmon* in James Teit, "The Shuswap" in Franz Boas, ed. *The Jesup North Pacific Expedition: Memoir of the American Museum of Natural History* Vol II, Part IV (Leiden: EJ Brill/ New York: GE Stechert, 1909) at 637.

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Coyote built an underground house on the Upper North Thompson River, at a place now called "Coyote's House." It was afterwards turned into rock, and may be seen there at the present day. He spent several winters at this place.

One fall, salmon came up the river in great numbers; and Coyote made up his mind to catch a large supply, saying, "I will dry very many, and then will invite all the people to a great feast." By the time the salmon ceased running, he had filled many sticks, and was delighted when he viewed the large amount of fish he had on hand.

One day as he was passing underneath the sticks where they were hanging, his hair caught in one of them, and this made him angry. Four times this happened, and each time he became angrier. The last time he became very angry, saying, "Why can't I pass underneath these fish without their catching in my hair?" He tore down the offending salmon and threw it into the river. At once it came to life and swam away. Then all the salmon came down from the sticks and plunged into the river. In vain Coyote tried to stop them by catching them and clubbing them.

In a short time they had all disappeared, and he was left without supplies for the winter, and had to give up the project of giving a feast. Now he gathered up all the slabs of wood which he had used for splitting salmon on, and all the poles on which they had been hanging. He took them up to his house, and said, 'I will boil them in the winter-time and have fish-soup.'

## CASE BRIEF

### Coyote and Salmon

#### What is the main human problem the story focuses on?

1. What are the consequences of disrespecting animals and food sources?

#### What facts matter?

- Coyote built an underground house on the Upper North Thompson River and spent many winters at this place.
- One fall, the salmon came up the river in large numbers. Coyote decided to catch a large number of them and hold a great feast. By the time the salmon stopped running, he had caught a large supply.
- One day, his hair got caught in the sticks containing the salmon four times. Coyote got very angry. He tore down the salmon and threw it in the river. The salmon came to life and swam away. Then all the salmon followed. Coyote tried to catch them but failed.
- Coyote was left with no supplies for winter. He could not give a feast. He was left to boil the sticks to make fish-soup.

#### What is decided or how is the issue resolved?

- All the salmon that Coyote had caught came back to life and left him.
- Coyote could not give his feast.
- Coyote had no salmon for the winter and was left to make soup by boiling the sticks.

#### What is the reason behind the decision or resolution? Is there an explanation in the story? Said? Unsaid?

**(SAID):** The fish jumped into the water because Coyote got angry with the salmon, pulled the whole fish down, and threw it in the river.

**(SAID):** Coyote was left to make fish soup by boiling sticks because he got angry with the salmon.

**(UNSAID):** Coyote needed to show respect to the fish and failed to do this. His disrespect was shown by getting angry at his hair being caught and throwing the first fish. Here the salmon made a decision to run back to the lake.

**(UNSAID):** Coyote did not show respect for the life of the salmon and the gift he had been given.

**(UNSAID):** The consequences of not being able to give a feast likely included hardship for the community.

**(UNSAID):** Coyote's underground house was turned into a rock to serve as a reminder of this story.

#### Other Questions? What did you need to bracket?

What is the significance of Coyote's home being turned into a rock?

Interviews also suggested that he was harvesting at the wrong time or overharvesting.

## COYOTE AND THE BLACK BEARS

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This case is taken from a story entitled *Coyote and the Black Bears* in James Teit, "The Shuswap" in Franz Boas, ed. *The Jesup North Pacific Expedition: Memoir of the American Museum of Natural History* Vol II, Part IV (Leiden: EJ Brill/ New York: GE Stechert, 1909) at 638.

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As Coyote was travelling along, he saw three black bears in a tree, a mother and two cubs. He said to himself, "I will kill all three, and make their skins into a robe. The two cubs' skins sewed together will make one half of the robe, and the large bear the other half." He took off the robe he was wearing, tore it all to pieces, and, taking up a branch that was to serve as a club, he hid at the foot of the tree.

One of the bears came down, and he struck it with the club, but it ran away unharmed. The other bears also came down; and, although Coyote hit each of them on the head, they ran off unharmed, and disappeared in the timber. Thus Coyote was left without a robe. He picked up the pieces of the robe he had torn, but saw that it would be too much work to sew them together again, for the bits were very small. He travelled on, wearing only his leggings. He was foolish.

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## **CASE BRIEF**

Coyote and the Black Bears

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### **What is the main human problem the story focuses on?**

1. What are the consequences of killing (or intending to kill) animals unnecessarily or killing too many?
2. What are the consequences of wasting resources?

What facts matter?

- Coyote was traveling along when he saw three bears, a mother with two cubs.
- He decided he would kill all three bears, including cubs, and make their skins into a robe.
- Coyote took off the robe he was wearing and tore it to pieces.
- One bear came down and he struck it with a club, but it ran away unharmed. The other bears came down and the same thing happened. The bears disappeared.
- Coyote was left without a robe. He picked up the pieces of the robe he had torn but saw it would be too much work to sew it together as the bits were very small.
- He travelled on, wearing only leggings.

### **What is decided or how is the issue resolved?**

Coyote was unable to kill any of the bears and was unable to make a new robe. (Issue 1)

Coyote could not remake his old robe so was left with nothing. (Issues 1, 2)

### **What is the reason behind the decision or resolution?**

#### **Is there an explanation in the story? Said? Unsaid?**

**(SAID):** coyote was foolish and had no robe because he tore up his robe before he had the skins to make a new one.

**(UNSAID):** Coyote ended up with nothing because he was greedy and wanted to kill the bears even though he had a perfectly fine robe and didn't need a new one.

### **Other Questions? What did you need to bracket?**

What about killing an entire family – what about the right for the family to survive? This came up in interviews.

## THE LIBERATION OF THE CHINOOK WIND

This case is taken from a story entitled *The Liberation of the Chinook Wind* in James Teit, "The Shuswap" in Franz Boas, ed. *The Jesup North Pacific Expedition: Memoir of the American Museum of Natural History* Vol II, Part IV (Leiden: EJ Brill/ New York: GE Stechert, 1909) at 624.

Fox and Hare were brothers who lived together with many other people. At that time the earth was very cold because the Cold People of the north ruled the elements. The Cold People delighted in having cold winds blow over the Indian country all the time. Thus people suffered much, and constantly shivered.<sup>43</sup>

One morning Fox smoked his pipe, and muttered, "Last night I dreamed, and gained much knowledge." Then, when he had finished smoking, he said to the people, "The People of the Cold have had power over us for a long time. Can none of you obtain mild weather? Do you like the cold?" They answered, "No! We hate the cold, but we know not what to do." Then Fox said to Hare, "Come with me, and we will obtain warm weather." Taking their bows and arrows, they travelled south many days, until they reached the mouths of the large rivers, where the people dwelt who possessed the heat and the Chinook wind. These people were called the People of the Heat, [and were enemies of the Cold People<sup>44</sup>]. Their chief was the Sun,<sup>45</sup> and they lived in warm weather, sunshine, and mild winds.

Fox and Hare had already arranged what to do and how to act because Fox knew everything through his dreams. Entering the house of the Sunshine, they saw a large round bag hanging on a post. It contained the Chinook wind. Fox ran and struck the bag with his fist, trying to burst it, and the Heat People jumped up to stop him; but Hare held his bow and arrow drawn on them, and they were afraid. Again Fox ran at the bag and struck it. The fourth time he tried, the bag burst, and the Chinook wind rushed out. Then Fox and Hare ran along with the wind, and the Heat People made the weather exceedingly hot so as to overcome them.

At last the heat became so intense that the country caught on fire, and the Heat People made the fire run after the wind, thinking it would overtake Fox and Hare, and burn them up. They did not know that the Hare and Fox were the fleetest and swiftest footed of all the myth people. Thus the earth burned up for a long distance north, and many trees and people were destroyed.<sup>46</sup> Hare kept just far enough ahead of the fire to have time to sit down frequently and smoke his pipe. He was the greatest smoker of all the myth people. Fox was annoyed at Hare because when he told him to hurry, Hare would sit down and smoke his pipe.

Fox went on alone and soon left Hare and the fire far behind. He also outstripped the wind, and, reaching the people, he said, "I bring the warm Chinook wind. You will be cold no longer".

They could hardly believe him at first; but soon the Chinook wind commenced to blow, and, the snow and ice melting under its influence, the people felt the cold no more. Then Fox said, "Henceforth the Chinook wind shall be no longer the sole property of the Heat People of the south; and warm winds shall blow over the north and the rest of the world, melting the snow, and drying the earth. Only occasionally may they be followed by fire. Henceforth the People of the Cold shall not always rule the weather, nor plague the Indians too much with their cold winds."<sup>47</sup>

Meanwhile the wind had left the fire far behind, and, there being no wind, the fire naturally did not spread, but died out.<sup>48</sup>

A long time afterward Hare arrived home and met Fox. The latter was smoking a fine stone pipe carved and incised with numerous designs, while Hare's pipe was made of wood.<sup>49</sup>

43 Some say it was just a prolonged hard winter, and the people were tired of its length.

44 Some add this part.

45 Many say, not the sun itself, but the heat of the sun. According to others, it was the sunshine.

46 See Teit, *Traditions of the Thompson River Indians*, p. 75.

47 Some add this part.

48 Some say the fire was stopped by Beaver and Muskrat making a flood in front of it. They flooded all the valleys; and many people who were not quick enough to climb up the mountains or go aboard canoes were drowned.

49 Some say just the reverse of this.

Fox said to Hare, “You and I are the greatest smokers of all the people. Let us run a race. The one who wins shall get the other one’s pipe, and the one who loses shall smoke no more.” Hare agreed; and Fox said, “We will race on flat open ground.” But Hare objected, saying, “I like to race where there are fallen logs and much brush.” Fox assented, so they commenced to run through a brushy piece of country full of fallen logs. Fox jumped over the logs, while Hare always ran underneath them, and thus kept easily ahead.<sup>50</sup> Then Fox got angry, and seized Hare as he came out from underneath a log, and transformed him, saying, “Henceforth you shall be only an ordinary hare, and, as you like to run in the brush, you shall henceforth live in that kind of country. You shall no longer be the greatest smoker of the people.” Then Fox took Hare’s pipe and went home.<sup>51</sup>

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50 Some say managed to keep up even with him.

51 The fox was considered a powerful guardian spirit among the Shuswap, and whoever had it also gained the mystery of the pipe and tobacco.

## CASE BRIEF

### Liberation of the Chinook Wind

#### What is the main human problem the story focuses on?

1. How does a community respond when someone limits access to land or a particular resource?
2. How should individuals respond when they have access to a resource that will make life easier for others?
3. What are the consequences of not sharing importance resources?
4. How does a community respond when those that can make life easier are stingy and refuse to help?

#### What facts matter?

- The Cold people ruled the weather and made the earth very cold and this made the people suffer.
- Fox had a dream and gained knowledge.
- He went to the people to see whether they knew how to stop the cold. They told him they hated it but didn't know how.
- Fox decided to go and get warm weather and invited his brother Hare to come with him.
- Fox and Hare travelled south to the place where the People of the Heat lived. They possessed the heat and the Chinook wind.
- Fox and Hare entered the house of Sunshine and saw a large round bag that contained the Chinook wind. Fox and Hare planned to let Chinook wind escape. Fox tried to burst the bag with his fist while Hare kept his bow and arrow drawn on the Heat People so they wouldn't attack. On the fourth try Fox burst the bag open and the Chinook wind rushed out.
- Fox and Hare ran with the wind. The Heat people made the weather extremely hot to try to stop them. It was so hot the country took fire and the earth and many trees and people were destroyed. But Fox and Hare were the fastest and kept ahead of the fire.
- Fox out ran Hare and got home first (as Hare, the greatest smoker, kept sitting down to have a smoke as they ran).
- Fox told the people that the Chinook wind would no longer be the sole property of the People of Heat, and that the Chinook would blow over all the world. He also said the people of the Cold should no longer rule the weather.
- Meanwhile, the wind had let the fire behind, and as there was no wind to spread it, the fire died out.
- Fox turned Hare into an ordinary hare because Hare beat him in a race. Fox took Hare's pipe and became the greatest smoker.

#### What is decided or how is the issue resolved?

Fox and Hare took the Chinook wind away from the Heat people by force. (Issue 1, 2)

Fox and Hare shared the Chinook wind so everyone could enjoy the warmth. (Issue 1, 2)

The People of the Heat were forced to share the Chinook wind. (Issue 3)

The People of the Cold no longer controlled the weather and could no longer make the people suffer (Issue 4)

Hare was turned into an ordinary hare.

Fox took Hare's pipe and became the greatest smoker.

**What is the reason behind the decision or resolution? Is there an explanation in the story?  
Said? Unsaid?**

**(SAID):** Fox and Hare took the Chinook wind by force because the People of the Heat would not share it and it was a needed resources.

**(SAID):** Fox stopped the Cold People from controlling the weather because they were making people suffer.

**(UNSAID):** Fox had an obligation to talk to his people before setting off to steal the Chinook Wind.

**(UNSAID):** Theft or non-consensual re-distribution may be justified in times of great need.

**(UNSAID):** The Chinook wind could not be the sole “property” of any particular people.  
Fox and Hare shared the Chinook wind because all of the people on earth needed it.

**(UNSAID):** The Fox and the Hare had a responsibility to make the land safe and hospitable to the people because they possessed special knowledge and skills.

**(UNSAID):** The Fox had an obligation to follow the teaching revealed to him in his dream.

**(UNSAID):** I was wrong for the Heat people to try to “own” the Chinook wind. Their keeping it to themselves caused suffering to others who depended on it to warm up the weather.

**(UNSAID):** Hare was turned into an ordinary hare because he did not take his obligations seriously – he kept stopping to smoke.

**Other Questions? What did you need to bracket?**

What is the significance of setting the Chinook wind free on the fourth attempt?

What is the significance of the fire that destroyed the landscape and killed many people?

What is the role of dreams as a source of law?

## STORY OF TCOTCU'LCA

This case is taken from a story entitled *Story of Tcotcu'lca* in James Teit, "The Shuswap" in Franz Boas, ed. *The Jesup North Pacific Expedition: Memoir of the American Museum of Natural History* Vol II, Part IV (Leiden: EJ Brill/ New York: GE Stechert, 1909) at 718.

There was a famine in the land, and a certain family of people were moving from place to place, trying to find game. Among them was a man called Little-Leader (Tcotcu'lca<sup>52</sup>), who was noted as an uninterested hunter, and so he was in a very weak and starving condition. He could not keep up with the other people when they moved camp.

One day when the people were travelling, and he was slowly following them, he noticed the tracks of a deer which was being followed by a large wolf.<sup>53</sup> Both had just crossed his path. He put down his burden, he followed them until he came to the place where the deer had been caught and eaten by the wolf left the front legs with a little meat. Little-Leader took these front legs put them in his pack. When he reached camp, he roasted them after the people had all gone to sleep.

On the following day he was travelling behind the people, as usual, and again he noticed the tracks of a deer and a wolf which had just crossed his path. He followed them, and came to where the wolf had eaten the deer. There he found a number of bones with more or less meat on them. He put them in his pack and ate the meat when he reached camp. On the third day the same thing happened, and he found more meat on the bones than before. On the fourth day, tracks crossed his path as before, and, following them, he came to where a large wolf was sitting beside the carcass of a deer that he had just killed.

The Wolf said, "Come here! What are you doing?" And the man answered, "I have followed your tracks, thinking that I might get some of the meat you might leave, as I am a poor hunter, and I am weak and starving." The Wolf said, "It is well. You have been poor and hungry a long time. Now I will help you." He took two long feathers from the centre of the tail of a chicken-hawk and a small bag of red paint, and gave them to the man, saying, "When you hunt, tie up your hair behind your head and stick these feathers in the knot. Take this paint, and draw with it one stripe on each side of your face, from the eyebrow down over the eye to the jaw.<sup>54</sup> This deer that I have killed is of no use to me, for its entrails are torn.<sup>55</sup> Take the carcass home with you and feed your people."

The man carried the deer home, and when he gained strength, he began to hunt, and was so successful that he soon filled all the lodges with meat, and the people had plenty to eat. He was very careful to follow closely all the instructions the Wolf had given him. He never ate any meat himself, but only the marrow of old deer-bones, which he roasted. This made him fleet of foot. Although the people pressed him to marry, he always refused, saying, "If I take a wife, I shall lose all my power, and I shall not be able to run fast."

The people did not know that the Wolf had helped him and had become his guardian, and they wondered how such a poor hunter had suddenly become far superior to all the other people. Coyote said, "He has become a shaman, and has obtained some great guardian spirit."

One day, when the man was sweat-bathing alone, Coyote noticed that he had left his clothes and his quiver lying near his bed; and he said to himself, "I will examine them, and see if I can find out what his guardian spirit is." He searched the man's bed, and underneath his pillow, but could find no trace of any medicine-bag. The people told Coyote to desist, saying that he had no right to search another man's bed; but he paid no attention, and looked through Little-Leader's clothes. Now, the Wolf had told the man to hide the paint and feathers at the bottom of his quiver, and never to let anyone see or touch them. Coyote, having looked in vain everywhere else, took Little-Leader's quiver and emptied out the arrows. At the bottom he found the paint and feathers, and said to the people, "Look here! These are his guardians. He paints his face, ties these feathers to his hair when he hunts and so he is successful. I will do likewise and go hunting."

52 A diminutive form of the word, applied to the leader of a pack of wolves.

53 This wolf was a leader. The leaders of a pack are called *toaa'a* or *tcoo'*, and *nEko'A* (-first or "leader"). They are the largest and fleetest wolves of the pack, and run and kill the deer, while the other wolves only follow to eat.

54 Some say he was told to wear the feathers only when he hunted, and to paint his face only when he killed a deer.

55 The Indians say that if a wolf happens to catch a deer, and tears its entrails when killing it, it will not eat the carcass, but leaves it.

The Little-Leader, in the sweat-house knew at once what had happened, and began to howl like a wolf. The wolves also knew and came around the camp, howling. Little-Leader left the sweat-house, assumed the form of a wolf. He ran off and joined the wolves and he disappeared, howling loudly. Then all the fat and meat, and even the bones and skins, in camp, came to life, assumed the forms of deer, ran away, and also disappeared, with the wolves baying behind them.

The people were left starving as before and they could not find game because the wolves drove all the game all away. The Little-Leader never returned. It is said that thereafter he lived with the wolves and became as one of them.

## CASE BRIEF

Story of Tcotcu'lca

### What is the main human problem the story focuses on?

1. How does one respond when they are unable to acquire enough food because they do not have the ability?
2. How does one learn the skills they need?
3. What is the proper response when you have more than enough food or resources or knowledge about how to obtain resources?
4. What are the consequences of jealousy (about hunting/accessing food)?  
What are the consequences of disrespecting another's belongings?

### What facts matter?

- There was a famine and a family of people moved from place to place trying to find game.
- Little-Leader (Tcotcu'lca) was a poor, weak, starving hunter who could not keep up with others in the camp.
- Several times he followed tracks to a deer carcass, all eaten by Wolf except a little meat left on the bones. Each time he found a bit more meat left by Wolf.
- Eventually he met Wolf, explained his situation and Wolf agreed to help Little-Leader. Wolf gave him instructions - putting feathers in the knot of his hair and painting his face, to never eat meat (only marrow), and to never marry. Then he gave Little-Leader a deer carcass to feed the people with, as it was of no use to him (torn entrails).
- Little-Leader gained strength and was able to fill the lodges with meat. Then the people had plenty to eat and wondered how Little-Leader had become a great hunter.
- Coyote thought Little-Leader had become a shaman and had obtained some great guardian spirit. Coyote went through his things to try to find Little-Leader's guardian spirit. The people told Coyote to stop because he had no right to search another's bed, but Coyote paid no attention.
- Coyote found the paint and feathers and said he too would paint his face and tie the feathers in his hair so that he could hunt successfully too.
- Little-Leader and the wolves knew what had happened and came around the camp howling. Little-Leader assumed the form of a wolf and ran off with the wolves and never returned.
- All the fat and meat, and bones and skins in the camp came to life, assumed the forms of deer, and ran away. The people were left starving as before and could not find game for the wolves drove it all away.

### What is decided or how is the issue resolved?

Tcotcu'lca followed the wolf because he knew there would be leftover food to scavenge. When the wolf confronted him, he explained his situation. He then listened and followed the instructions of the wolf and became a skilled hunter. (Issues 1, 2)

Wolf shared the deer meat with Little-Leader. Wolf became the man's guardian and helped him become a great hunter by sharing knowledge with him. (Issue 3)

When Coyote went through Little-Leader's bed and clothes, little Leader turned into a wolf and ran away. Then, all the food and skins came to life, turned into animals and ran away. The people were left poor and hungry. (Issue 4)

**What is the reason behind the decision or resolution?  
Is there an explanation in the story? Said? Unsaid?**

**(SAID):** Wolf shared the deer meat and helped Little-Leader become a great hunter because he had been starving for a long time.

**(UNSAID):** Wolf had a responsibility to help this man to be able to be a good hunter. Little-Leader was vulnerable because he was so weak and hungry, and this further affected his ability to hunt.

**(SAID):** Little-Leader became a great hunter by listening carefully to Wolf's instructions and following them closely.

**(UNSAID):** Wolf gave the man the carcass of the deer because he could not use it. Not wasting the deer carcass was important. Earlier, the man also took the leftovers of the deer home, and he did this without asking Wolf and it seems this was ok since Wolf wasn't using the meat and the man would use it.

**(UNSAID):** For the people to have sufficient food, they had to respect the now great hunter Little-Leader's things, and in doing so, respect what Wolf told Little-Leader. Little Leader himself took great pains to follow Wolf's instructions.

**(UNSAID):** All the fat and meat transformed back into deer and left the humans in response to Coyote's bad behaviour.

**(UNSAID):** The entire community suffered because Coyote was jealous and disrespectful.

**Other Questions? What did you need to bracket?**

Little-Leader becomes one of the wolves at the end of the story. How does the ability to transform between human and animal form shape the relationship between humans and the natural world?

## WOLF AND WOLVERINE

This case is taken from a story entitled *Wolf and Wolverine* in James Teit, "The Shuswap" in Franz Boas, ed. *The Jesup North Pacific Expedition: Memoir of the American Museum of Natural History* Vol II, Part IV (Leiden: EJ Brill/ New York: GE Stechert, 1909) at 671.

Wolf was a relative of Coyote,<sup>56</sup> and was noted as a hunter and a shaman. He lived with Wolverine. Wolf hunted deer and elk while Wolverine caught beaver. Wolverine set nets in the creeks near beaver-dams, then broke the beavers' houses and dams, drove them into his nets, and killed them.

One day Wolf said to his companion, "I must leave you; for the game I hunt is now very scarce around here, and I must go to some place where it is more plentiful." He went to a different part of the country where he found abundant elk and deer. There he made a lodge, and hunted, killing so many of these animals that before long he had his lodge hanging full of dried meat.

Meanwhile beavers had become very scarce where Wolverine lived. He had caught most of them and he left the remaining beaver. He lived for a time on his dried beaver-meat but at last that source failed. He was reduced to starvation and became very thin. Then he decided to search for his friend Wolf, and to find out how he had fared, thinking he might have plenty of food. Soon he found Wolf's lodge, entered, and sat down near the door. He felt tired, for he was weak, and said to himself, "Wolf will see my plight, and feed me from his plentiful stores;" for he saw that Wolf's house was hanging full of dried meat: back-fat<sup>57</sup> and soq<sup>58</sup>.

Wolf was there but never spoke to Wolverine. Wolf proceeded to heat stones and to boil some meat, which he ate, and then he emptied the brew out of the door of the lodge. Wolverine was very sad because Wolf offered him nothing to eat, and said to himself, "He has no pity on me when he sees me lean and hungry, but even insults me by throwing out the nourishing brew right close by my face. Well, Wolf shall find out that he is not the only shaman. I shall be even with him yet."

Wolverine left the house and after travelling a considerable distance, reached a lake where beavers were very plentiful. Here he caught many of these animals, and before long had his lodge hanging full of their dried meat, and of beaver-tails tied in twos. Then, through his shamanistic powers, he made Wolf unlucky. Wolf could find few deer, and, when he did find any, he could not kill them. Wolf had to live on the stores of meat which he had laid up in his lodge, but at last he finished them all, and was reduced to boiling the old bones, and scraping the pieces of fat and meat on the skins. Wolf ran out of scraps and he thought of Wolverine, saying, "I will search for his house and live with him; perhaps he has plenty of food."

Soon he found Wolverine's lodge, entered, and sat down at the door. Wolverine never spoke to him, but proceeded to cook some beaver-tails, and, after eating then, he threw the brew over Wolf's head out of the door of the lodge. Wolf then remembered how he had treated Wolverine, and said to himself, "He serves me as I served him." He left and thereafter Wolf and Wolverine never lived together.

56 Some say a brother.

57 The best fat of an animal, cut off from the back in a single piece.

58 The "jacket," or fleshy and fatty part of an animal, between the skin and the bones, laid off in one piece by the hunters.

## CASE BRIEF

### Wolf and Wolverine

#### What is the main human problem the story focuses on?

1. What are the consequences of not sharing resources with someone in need?
2. How does greed impact relationships?

#### What facts matter?

- Wolf and Wolverine lived together.
- Wolf hunted deer and elk while Wolverine hunted beaver.
- Wolf went off to find more food because deer and elk were scarce. He went to a different part of the country and set up a lodge and filled it with dried meat as there were so many animals to hunt.
- Wolverine stayed behind and eventually food became scarce for him.
- Wolverine left some beavers alive.
- Wolverine travelled to find Wolf, sure that his friend would share with him as he was starving.
- Wolverine found Wolf who had plenty of food, but Wolf did not speak to Wolverine nor share any food with him and even threw out brew though Wolverine was lean and hungry.
- Wolverine left and travelled and found beavers to eat and prepare.
- Wolverine used his shamanistic powers to make Wolf unlucky. Wolf could then find no deer and was forced to use up the meat in his cache.
- When he ran out, Wolf decided to find Wolverine, sure that his friend would share his food.
- Wolf found Wolverine's lodge but Wolverine did not speak to him or share food with him. He even threw away brew over Wolf's head out the door.
- Wolf remembered how he had treated Wolverine. He realized that Wolverine treated him as he treated Wolverine. He left and the two never lived together after that.

#### What is decided or how is the issue resolved?

- Wolverine makes wolf lose his ability to hunt and runs out of food. (Issue 2)
- Wolverine and Wolf never live together again. (Issue 3)

#### What is the reason behind the decision or resolution? Is there an explanation in the story? Said? Unsaid?

**(UNSAID):** Wolf should have shared his food with Wolverine as Wolverine was hungry, and he threw away food (broth) right in front of hungry Wolverine.

**(UNSAID):** Wolverine did not share with Wolf because Wolf did not share with him. They both lived separately because they no longer took care of each other.

#### Other Questions? What did you need to bracket?

The story suggests it was acceptable for Wolverine not to share with Wolf given Wolf's treatment of Wolverine. However the result was that they did not live together any longer after that. If the preferred outcome was different, would Wolverine have chosen a different response?

Even though Wolverine was starving, he left some beavers alive – was this so they could replenish themselves? Was this an obligation? Did he over-harvest them to begin with through his practices?

## STORY OF PORCUPINE

This case is taken from a story entitled *Story of Porcupine* in James Teit, "The Shuswap" in Franz Boas, ed. *The Jesup North Pacific Expedition: Memoir of the American Museum of Natural History* Vol II, Part IV (Leiden: EJ Brill/ New York: GE Stechert, 1909) at 658.

A large number of people lived together at one place. Their chief was Swan.<sup>59</sup> At another place, one long day's journey away and beyond a high range of mountains, lived another band of people, who were sometimes called the Deer People.<sup>60</sup> They consisted of the Deer, Caribou, Moose, Goat, Sheep, and others, and their chief was the Elk.<sup>61</sup> The two groups of people had been enemies for a long time. Each tried to interfere with the other, and to make their means of procuring a living as difficult as possible. Each people had a different kind of government and lived and worked differently. What one did well, the other did badly. The birds acted in some ways like mammals, and the mammals like birds. The Swan wished to remedy the defects of both parties, and to enable them to live without continual interference. He believed that their troubles all arose from ignorance.

One day in the winter-time, when the snow lay very deep on the mountains, Swan assembled his people, and, after explaining his plans to them, he asked if any one of them would carry his message of invitation to Elk. Whoever would undertake the journey was to receive a large present of dentalia.

Coyote volunteered to go, and prepared for the journey by putting on his finest clothes, embroidered moccasins, and all his dentalia and necklaces. At dusk he left the house, but, not wanting to face the deep snow, he ran around the underground house all night, admiring himself. Coyote was still running in the morning, when the people awoke. The Swan asked him why he had not gone; and Coyote answered, "I was just playing and running around for practice. I will start to-night." When evening came, the people saw him leave, and watched him until he was out of sight. Coyote soon found the snow too deep, returned after dark, and lay down underneath the ladder where he fell asleep. When the people awoke in the morning, they found him fast asleep, and Swan asked him why he had not gone. Coyote answered, "Oh! I was playing, became tired, and lay down to sleep. I will start to-night."

Then Swan asked the people which one of them was best able to undertake the journey, and they all agreed that Porcupine was the fittest person, for he was accustomed to walking in the high mountains where there was much deep snow. Porcupine was selected, and after sewing his moccasins all night, and dressing himself warmly, he left at daybreak. When Coyote saw him leave, he laughed, and said, "When even I could not go, how can such a poor, slow, short-legged creature be able to travel through the deep snow?" That night Porcupine reached Elk's house in an exhausted condition, and all covered with ice and snow. After warming himself, he delivered his message to Elk, and asked for sinew and awl with which to sew his moccasins. After he had done so, he left for home, bearing Elk's reply. Elk promised to visit Swan on the following morning together with all his people.

When Elk and his people arrived, Swan feasted them and when the feast was over, he and all his people knelt down before Elk. Swan told him all he knew of the affairs of both people and told him in what way he thought they did wrong. Swan gave Elk all his knowledge and all his advice.

Then Elk and his people all knelt down before Swan, and Elk gave him all his ideas and knowledge. Each people gained full knowledge of the other, and together became able to plan doing what was right. After this they lived much easier and happier than before and the methods of one party did not come into conflict with those of the other.

The laws made at the council are those which govern animals and birds at the present day. Porcupine got his rich present of dentalia, and was much envied by Coyote.<sup>62</sup>

59 The Swan was noted for his goodness and wisdom.

60 The smaller animals and birds all lived together. The other community consisted of all the large animals, but, according to some, was composed of game-animals only (therefore called Deer People). All the big game was hunted by the people including the Buffalo, Antelope, etc. According to some, Bears were not included.

61 The Elk was a great chief, but, according to some, sometimes he was inclined to be thick-headed or stupid.

62 A similar tradition is told by the Lillooet (see also for the last remark, Teit, *Traditions of the Thompson River Indians*, p. 83).

## CASE BRIEF

### Story of Porcupine

#### What is the main human problem the story focuses on?

1. How does a community respond when others are interfering with their ability to make a living?
2. How does one respond when someone has information, knowledge, or abilities to help others?
3. How do two groups resolve long-standing conflict between their communities?
4. What is the role of leaders in resolving long-standing conflicts between communities?

#### What facts matter?

- One group of people lived together at one place, with Swan as their chief.
- Another group of people, the Deer People lived a day's journey away. They were the Deer, Caribou, Moose, Goat, Sheep, and others. Their chief was the Elk.
- The two groups of people had been enemies for a long time, as each interfered with the other and made it difficult to make a living.
- Each group had a different kind of government and lived and worked differently, but each group had problems.
- Swan wanted to remedy the problems of both groups and to enable them to live without mutual interference. He believed all their troubles arose from ignorance.
- Swan assembled his people and explained to them his plans and asked if one of them would carry a message of invitation to Elk. Whoever undertook the task would receive the gift of dentalia.
- Coyote volunteered and prepared for the journey by putting on his finest clothes, moccasins, dentalia and necklaces. He left at dusk but it was winter and the snow was very deep. Coyote didn't care to travel in deep snow so he ran around the underground house all night admiring himself.
- In the morning Swan asked him why he had not gone yet and Coyote said he was just practicing by running. The next night everyone watched Coyote leave but once he was out of sight, he found the snow too deep and returned after dark and fell asleep. The people found him and he claimed he would try again that evening.
- Swan asked the people who could best undertake the journey and everyone agreed it was Porcupine because he was the fittest and was accustomed to walking in the high mountains where there was much deep snow.
- Porcupine sewed his moccasins all night and then left at daybreak. Coyote laughed at him and asked how a poor slow short-legged creature like Porcupine would make it through the deep snow.
- That night Porcupine made it to Elk's house and delivered the message. Elk promised to visit Swan the next morning together with all the people. Porcupine warmed up and asked for sinew and awl to sew his moccasins for the journey home.
- The next day Elk and his people arrived. Swan feasted them. When the feast was over, Swan and his people knelt down before Elk. Swan told him all he knew of the affairs of both people, and told him what he thought they did wrong. Thus he gave Elk all his knowledge and all his advice.
- Elk and his people all knelt down before Swan and Elk gave him all his ideas and knowledge. Each people gained full knowledge of the other, and together were able to plan how to do what was right.
- After this they lived much easier and happier than before, and the methods of one party did not come into conflict with those of the other. The agreement made at the council governs animals and birds at the present day.
- Porcupine was rich with dentalia and was much envied by Coyote.

### What is decided or how is the issue resolved?

- Swan planned a way to overcome the difficulties between the people. (Issue 1, 4)
- Swan held a feast for the two peoples. They exchanged knowledge and ideas with each other. Together they devised means for doing right. (Issues 2, 3)
- Porcupine became rich and Coyote did not.

### What is the reason behind the decision or resolution? Is there an explanation in the story? Said? Unsaid?

**(SAID):** Swan took leadership and figured out how to overcome the problems because he thought their difference was caused by mutual ignorance.

**(SAID):** Each of the people had information the other group needed, and they shared what they knew because this would help solve their differences.

**(SAID):** Because each person humbled themselves before the other (knelt down), and they listened and learned from the other, they were able to share their knowledge and ideas.

**(UNSAID):** A council was held. Resolving differences requires groups to come together in the spirit of respect and reciprocity. Each treated the other respectfully and each shared with the other everything they knew. Even the knowledge Swan gave to Elk about what he thought he was doing wrong was accepted by Elk.

**(UNSAID):** The porcupine in the story was laughed at by Coyote, however he got the job done. This is a reminder not to discount any creature as insignificant because each has purpose and is important.

**(UNSAID):** Swan was responsible to take action and later asked the people who should take the message to Elk because he was chief.

### Other Questions? What did you need to bracket?



## STORY OF FAMINE

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This case is taken from a story entitled *Story of Famine* in James Teit, "The Shuswap" in Franz Boas, ed. *The Jesup North Pacific Expedition: Memoir of the American Museum of Natural History* Vol II, Part IV (Leiden: EJ Brill/ New York: GE Stechert, 1909) at 700.

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Hunger or Famine was a man with a lean body, hollow cheeks, sunken orbits, protruding eyes, projecting jaws and teeth, and long finger-nails. He lived on the top of a high mountain which had sloping sides devoid of trees or bushes. He could see all the slopes of the mountain from top to bottom, except in one place halfway up, where there was a projecting bench over the edge. On this large bench of land lived the deer.

Not far from the base of the mountain, at one time lived a large number of people, but they had been almost exterminated by Famine. The men went in twos and threes to hunt deer on the bench above but, as soon as their heads appeared over the edge of the bench, Famine drew their heads to himself and they at once died. Their bleached bones covered the side-hill along the edge of the bench. At last no males were left among the people except an old man, Owl, and his grandson, a very small boy called Tekie'tcen.<sup>63</sup>

When Tekie'tcen reached the age of puberty, he asked his grandfather why there were no men. The old man told him how they had all met their deaths at the hands of Famine, adding, "You must now train yourself, and sleep on the mountains, so you may become wise, and strong in magic power, and be able to avenge the death of your relatives." So the boy left, and lived the mountains.

After Tekie'tcen had been away a while, Owl cried, "Hu xa hu hu<sup>64</sup> Where are you, grandson?" And the boy answered, "I am here! I am training hard, and am just beginning to know a little." Owl was satisfied. After a considerable time he again cried, "Where are you, grandson? Do you know much yet?" And the boy answered, "I am here, grandfather, and have gained some wisdom." After a long time Owl again called to the boy, who answered that he now knew very much. A fourth time Owl cried to the boy, who answered that he was now proficient in all magic powers and knew everything.

Then the boy came home, and told Owl he was going to kill Famine. Transforming himself into a humming-bird, Tekie'tcen flew towards the place where the deer lived; but Famine was always on the watch and had wonderfully keen eyesight.<sup>65</sup> As soon as the boy appeared over the edge of the bench, Famine saw him, tried to draw his breath away, and the boy had to retreat.

Then Tekie'tcen changed himself into a bee and again approached the place, but Famine at once saw him and he had to beat a retreat. Then he changed himself into a horse-fly, but had to retreat again. He changed himself, this time into a mosquito, but Famine saw him. Then he changed himself into a black or deer fly, but with the same result. At last he changed himself into a sand-fly or midge, and looked over the edge of the flat at the deer. Famine was watching, but showed no signs of being able to see him. Tekie'tcen he flew up to the deer and entered their nostrils, one after another, and he killed them all. Famine was watching with strained eyes, and wondering why the deer fell down dead, one after another. Then the boy flew to Famine, and bit him all around the head, but Famine, being able only to feel him and not to see him, wondered what it was. When he had annoyed Famine for some time, he entered his nostrils, and killed him.

Owl was anxious at the long delay of his grandson, and called out, asking him where he was. As the boy did not answer, he thought he was dead, went outside, and began to weep. Now, the boy, still in the form of a midge, bit Owl's face. Owl tried to find out what touched his face, but could not see anything. Again he wept, and cried, "Oh! where are you, grandchild?" Then the boy assumed his natural form, and answered, "I am here by your side, grandfather. I have just returned from killing our enemy Famine and all his deer." "Well done!" said Owl.

The boy returned to the mountain, took Famine's body, and threw it away, saying, "Famine, from now on you shall be no more a being of mysterious power, and you shall never be able to kill people as long as they have food to eat. Occasionally you may hurt them when their food is all gone; but as soon as they get more food and eat, you will have to leave." Then, going to the hillside where the men's bones were lying, he jumped over each skeleton, and they all came to life, went with the boy, cut up the deer, and carried the meat to their homes.

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63 Said to mean "dream," or "similar to a dream."

64 These words are an imitation of the cry of owls.

65 Some say he could see just as well in the dark as in the light.

## CASE BRIEF

### Story of Famine

#### What is the main human problem the story focuses on?

1. What is the proper response when there is a danger to the people?
2. How does one learn the skills needed to complete a task?

#### What facts matter?

- Famine lived on the top of a high mountain where he could see everything except where there was a projecting bench on the mountain.
- On this bench is where the deer lived.
- Not far from the mountain base, there lived a large group of people who were almost exterminated by Famine. The men went in twos and threes to hunt deer on the bench above, and when their heads appeared over the edge, they were killed by Famine.
- The dead men's bones now covered the side-hill along the edge of the bench.
- At last no males were left except an old man, Owl, and his grandson, Tekie'tcen.
- When Tekie'tcen reached puberty, he asked his grandfather why there were no men and his grandfather told him Famine had killed them all. His grandfather told Tekie'tcen to train and sleep on the mountains so that he could become wise and strong and avenge the death of his relatives.
- Tekie'tcen left to live and train in the mountains.
- Three times the Owl went to check on his grandson. Each time the boy responded to his grandfather that he had a little more knowledge. The fourth time, the lad told his grandfather he was now proficient in all knowledge. Tekie'tcen went home with his grandfather and told him how he planned to kill Famine.
- Tekie'tcen transformed himself first into a hummingbird, then a bee, then a horse-fly, a mosquito, and a deer fly. But each time he looked over the edge of the bench, Famine saw him and he had to retreat. Finally, he changed into a midge and when he looked over the edge, Famine could not see him.
- The lad flew up the deer's nostrils and one after the other killed them all. Famine wondered why the deer were dying. Then Tekie'tcen flew around Famine's head and bit him, but Famine could only feel not see him. Finally the lad flew up Famine's nose and killed him.
- The boy returned to his grandfather and told him he'd killed Famine. His grandfather was pleased and relieved his grandson was alive.
- The boy returned to the mountain, threw Famine's body away saying Famine shall never be able to kill people as long as they have food to eat.
- Tekie'tcen went to the hillside and jumped over the men's bones, and each skeleton came to life. The men helped the Tekie'tcen cut up the deer and carried the meat to their homes.

#### What is decided or how is the issue resolved?

- The grandfather told his grandson how to prepare to fight and kill Famine. (Issue 1)
- The young man listened to his grandfather and went to the mountains to live and train until he could kill famine. (Issue 1, 2)
- Tekie'tcen killed famine and then declared that famine would never again kill the people, except when they ran out of food. The young man threw Famine's body away, but said famine could return when people don't have enough food to eat. (Issue 2)
- Tekie'tcen brought the men Famine had killed back to life. They all helped to cut up the deer and bring it back to their homes. (Issue 1)

**What is the reason behind the decision or resolution? Is there an explanation in the story?  
Said? Unsaid?**

**(SAID):** The boy killed Famine because he was harming the humans and had killed nearly all people.

**(SAID):** The boy listen to and followed his grandfather's advice because he wanted to kill Famine. His knowledge and training allowed him to be able to kill the deer, kill Famine, and then revive all the dead men by jumping over their skeletons.

**(UNSAID):** The boy threw Famine's body away, but said that if people ran out of food, Famine could still kill them. He did this as a reminder to people to make sure they have sufficient food to prevent famine from harming them in the future.

**(UNSAID):** Through sacrifice, the boy gained special skills and it was his responsibility to use these skills to protect people from harm by killing famine, recover the people who had died and bring food to the people.

**Other Questions? What did you need to bracket?**

Do the mountains provide important teachings that cannot be learned in other areas?



## STORY OF TSOWA'UNA<sup>66</sup>

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This case is taken from a story entitled *Story of Tsowa'una* in James Teit, "The Shuswap" in Franz Boas, ed. *The Jesup North Pacific Expedition: Memoir of the American Museum of Natural History* Vol II, Part IV (Leiden: EJ Brill/ New York: GE Stechert, 1909) at 656

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The Salmon were about to leave their country on their annual run to the interior, and Tsowa'una begged to be allowed to accompany them. They said to him, "No, you cannot go. The journey is very long and hard, and the dangers are great. You could not possibly stand the hard work."

Tsowa'una answered, "Never fear! I am quite able to take care of myself, and, although I am small, I can stand much hardship. I wish to see the country you visit every year, and to gaze at the leaves of the trees as I go along."

The other Salmon then said, "We will let you go with us this year, and occasionally in other years, so that you may amuse and enjoy yourself by gazing at the leaves of the trees and other strange scenery on our route."

For this reason, and since that time, the Tsowa'una occasionally run with the big salmon.

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<sup>66</sup> This is the name applied to a small variety of salmon that run some years in considerable numbers up Fraser River with the other salmon, maybe they are young king-salmon.

## CASE BRIEF

### Story of Tsowa'una

#### What is the main human problem the story focuses on?

1. How does one respond to someone (smaller, younger, vulnerable, less able) who wants to join a journey that can be dangerous and difficult?
2. How does a community ensure its members are safe?

#### What facts matter?

- The Salmon were about to leave their country on their annual run to the interior. Tsowa'una begged to be allowed to accompany them.
- The Salmon told Tsowa'una that he could not come along because the journey was long, hard and dangerous, and that he could not possibly stand the hard work.
- Tsowa'una argued that he was able to take care of himself and that though he was small, he could withstand much hardship.
- Tsowa'una said he wanted to see the country the Salmon were able to visit each year and to gaze at the tree leaves as they travelled by.
- The other Salmon agreed to let the Tsowa'una come along this year, and some other years so that he could enjoy the leaves and scenery along the way.
- For this reason and since then, the Tsowa'una occasionally run with the big salmon.

#### What is decided or how is the issue resolved?

- The Salmon warned Tsowa'una that it was dangerous but agreed Tsowa'una could travel with them sometimes after Tsowa'una explained he could take care of himself and withstand hardship. (Issue 1, 2)

#### What is the reason behind the decision or resolution?

##### Is there an explanation in the story? Said? Unsaid?

- (said): The Salmon allowed Tsowa'una to join them because he was willing to put up with hardship and heard their warning.
- (unsaid): The Salmon had an obligation to warn Tsowa'una of the difficulties of travelling the run, which is why the Salmon first refused Tsowa'una's request. Once Tsowa'una told the salmon he was willing to face those dangers, it was not appropriate to refuse his request.
- (unsaid): The Salmon took Tsowa'una's because he took responsibility for his own well-being and proved that he would not be a burden to the salmon.

#### Other Questions?

Did the Salmon choose which years Tsowa'una would join them? Was it on only less dangerous years?

What to make of the fact that Tsowa'una was invited on the Salmon run so that he could "enjoy himself with the scenery along the way"? The other stories where people get access to resources because they need them (like the Liberation of the Chinook wind, where the people were suffering from cold without it; or stories where people share food like in Famine?

This story provides an important teaching by describing the natural cycles of salmon runs (why some years are bigger than others).

## OLD-ONE AND THE BROTHERS

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This case is taken from a story entitled *Old-One and the Brothers* in James Teit, "The Shuswap" in Franz Boas, ed. *The Jesup North Pacific Expedition: Memoir of the American Museum of Natural History* Vol II, Part IV (Leiden: EJ Brill/ New York: GE Stechert, 1909) at 643.

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Once when Old-One, or Chief, was travelling over the earth, he came to a place where four brothers were living. The brothers were about to make a canoe; and that day the eldest had taken some food on his back and an axe. He had gone into the woods to pick out a good canoe-tree and to fall it.

While wandering around in the woods, he met Old-One, but did not recognize him. Old-One told him he was hungry, and asked if he could give him something to eat. The man answered, "I have nothing to eat myself." They separated; and the man, finding a nice straight tree, felled it and then went home. Next morning, when he came to work the tree, he found that it was crooked. This frightened him. He went home and told his brothers what had happened.

Then the second brother went out; and he also met Old-One, who asked him where he was going and what he would do. He answered, 'I am looking for a good tree. I intend to make a canoe.' Old-One asked him if he could give him something to eat, for he knew the man carried food in a sack, but the man answered that he had nothing to eat himself. They separated; and the man found a fine straight tree, which he chopped down. On the next morning it was bent and twisted in all directions.

After this the third brother went out in search of a tree, and the same thing happened to him.

At last the youngest brother went out. He was despised by all the others. After he had been travelling some time, and when it was about noon, he met Old-One in the forest, and was asked the same questions. He replied that he had a little food, and offered the sack with its contents to Old-One, saying, "You may eat all the bag contains. I do not care if I go hungry myself for a time. I am young and strong, while you are old and weak." Old-One took the bag, emptied out its contents, and asked the young man to shut his eyes. When he opened them again, the food had increased fourfold,<sup>67</sup> and, although they both ate their fill, they were not able to finish it.

Old-One told him to throw away what was left. Then Old-One asked the young man for his axe, and, telling him to wait where he was, he disappeared in the timber. Soon the young man heard a sound as if many people were working wood. Suddenly the sound ceased, and Old-One re-appeared, saying, "Your canoe is finished. Come and look at it." The boy went, and beheld a fine canoe. He thanked Old-One for his help. When the latter left, he gave the young man an iron axe in place of the one made of stone which he had used before.

When the people saw the canoe, they pronounced it the best they had ever seen, and they wondered that the inexperienced youth had been able to make such a fine craft. The people also wondered at the iron axe because they had only seen axes of stone and antler. The boy's brothers despised him no more. Thus he won much by being kind and hospitable.

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67 Some say it had increased to a great heap, and was changed to the very best kind.

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## CASE BRIEF

Old-One and the Brothers

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### What is the main human problem the story focuses on?

1. What is the proper response when someone (an older person) is in need of food?
2. What are the consequences of not sharing resources with the vulnerable?
3. What is the proper response when someone shares with you because you are in need?

### What facts matter?

- The Old-One, or Chief, was travelling over the earth. He came to the place where four brothers lived.
- The brothers were about to make a canoe.
- The eldest packed food and an axe and went into the woods to find a good canoe-tree.
- The eldest brother met the Old-One but did not recognize him. The Old-One said he was hungry and asked the brother for some food. The brother said he had nothing to eat himself.
- The eldest brother found a good tree and cut it down. The next day he found the tree was crooked. This frightened him and he went home and told his brothers what happened.
- The second brother went out and also met the Old-One, who asked him where he was going and what he was doing. The brother told him he was looking for a good tree in order to make a canoe.
- The Old-One asked the brother for something to eat, for he knew the man had food in his sack. The second brother said he had nothing.
- The second brother found a good tree and cut it down. Next morning, the tree was bent and twisted in all directions.
- The third brother went to search for a tree and the same thing happened to him.
- Then the youngest brother, who was despised by the others, went out. He met Old-One who asked for food.
- The youngest brother had a little food and offered the sack with its contents to the Old-One saying he could have it all. He said he was young and strong and didn't mind going hungry, while the old man was old and weak.
- Old-One took the sack, emptied its contents, and told the young man to close his eyes. When he opened again, there was four times as much food. They both ate until they could eat no more. Old-One told him to throw away what was left.
- Old-One asked for the axe and made a canoe for the young man. The young man thanked the Old-One for his help.
- The Old-One gave the young man an iron axe in place of his previous one made of stone. Then the Old-One left.
- The people said the youngest brother's canoe was the best they'd ever seen. They wondered how the young, inexperienced brother had built it. The people also wondered at the iron axe because they'd only seen those of stone and antler.
- The young man's brothers no longer despised him.

### What is decided or how is the issue resolved?

- The brothers who won't share food with the old man (and lie to him) are unsuccessful in their attempts to build the canoe. (Issue 2)
- The younger brother shares his food and Old-One builds him a canoe and gives him an axe and enough food to eat in return. (Issue 1, 2)

### What is the reason behind the decision or resolution? Is there an explanation in the story? Said? Unsaid?

**(SAID):** The trees the brothers intend to use for a canoe are twisted because the brothers didn't share with Old-One.

**(SAID):** the youngest brother "won much by being kind and hospitable." His sharing resulted in bringing him an exceptional canoe, an abundance of food, and a new axe. He became respected by people and despised by his brothers no more.

**(UNSAID):** The brothers should have shared their food with Old-One, as he was older, more in need of the food, and (apparently) more vulnerable. They should have shared with him, even if they each only had enough food for themselves. As the youngest brother said, he was young so could do without food.

**(UNSAID):** Since none of the brothers recognized Old-one, he was a stranger to them. The youngest brother was rewarded for being kind and hospitable. Visitors on the land should be treated with kindness and hospitality.

### Other Questions? What did you need to bracket?



## ORIGIN OF THE CHILCOTIN CANYON

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This case is taken from a story entitled *Origin of the Chilcotin Canyon* in James Teit, "The Shuswap" in Franz Boas, ed. *The Jesup North Pacific Expedition: Memoir of the American Museum of Natural History* Vol II, Part IV (Leiden: EJ Brill/ New York: GE Stechert, 1909) at 642.

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It is said that as recently as about sixty years ago, the falls at the mouth of the Chilcotin Canyon were so steep, and the water so rapid, that very few salmon were able to ascend, and that before this time they could not ascend at all.

Thus there were no salmon in the Chilcotin country. The falls there have gradually worn down, until at the present time salmon ascend freely, and reach spawning-grounds on the Upper Chilcotin River. It is further said that the falls in the Chilcotin Canyon were created by a dam or barrier of rock which Coyote placed across the river for the express purpose of hindering the salmon from ascending. Coyote kept the salmon from the Shuswap.

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## CASE BRIEF

Origin of the Chilcotin Canyon

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### What is the main human problem the story focuses on?

1. What are the natural consequences of not allowing resources to be accessed?
2. How can the land respond to solve human problems?

### What facts matter?

- Sixty years ago, the falls at the mouth of Chilcotin Canyon were so steep and the water so rapid, that few salmon were able to ascend.
- Before this they could not ascend at all and there were no salmon in Chilcotin country.
- Coyote placed a barrier of rock across the river to hinder the salmon from ascending to keep them from the Shuswap.
- The falls gradually wore down and at present time salmon ascend freely and reach spawning-grounds on the Upper Chilcotin River.

### What is decided or how is the issue resolved?

- The barrier place by Coyote across the river wore down so the salmon could travel freely to Chilcotin country. (All issues)

### What is the reason behind the decision or resolution? Is there an explanation in the story? Said? Unsaid?

**(SAID):** Coyote placed a barrier of rock across the river that prevented the Shuswap from accessing an important resource. The water eroded the barrier to enable the salmon to reach the Shuswap.

**(UNSAID):** Restricting access to important resources like salmon is wrong. Nature helped to undo the harm caused by Coyote.

**(UNSAID):** There are some problems that humans cannot fix. They must be patient and rely on natural processes to undo harms.

### Other Questions? What did you need to bracket?

Coyote's relationship with the Shuswap? Why did Coyote block access?

Humans have the power to change the environment, for better or for worse.

## STORY OF THE ONE BOUND AND GRASSHOPPER

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This case is taken from a story entitled *Story of the One Bound and Grasshopper* in James Teit, "The Shuswap" in Franz Boas, ed. *The Jesup North Pacific Expedition: Memoir of the American Museum of Natural History* Vol II, Part IV (Leiden: EJ Brill/ New York: GE Stechert, 1909) at 655.

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A man who was very quarrelsome, and of a violent temper, frequently annoyed the people, who were in the habit of binding him hand and foot when he became too obstreperous, and placing him outside the house.

One day he was thus lying bound when Grasshopper came along, and, seeing that he was tied, kicked him. He kicked hard, and his leg fell off. Getting angry, he kicked him again with his other foot, which fell off also. Then Grasshopper went to the chief of the people and made complaint against the man, saying, "He knocked off my legs." The chief was inclined to believe Grasshopper's story, for he knew the violent disposition of the man: so he gathered the people together to make inquiry, and told them to bring the man before him. The man, when questioned, said, "Grasshopper kicked me twice, and his legs fell off. I could not touch him because I was bound hand and foot." It was proved by the people that the one bound had told the truth, and that Grasshopper had lied, so they transformed the latter, saying, 'Henceforth you shall be a grasshopper, and shall kick no one. Your legs shall be loosely fastened to your body, and shall come off easily. People shall use you for bait to catch fish.'

## CASE BRIEF

### Story of the One Bound and the Grasshopper

#### What is the main human problem the story focuses on?

1. How does a community respond when one person makes an accusation against another?
2. How does a community prevent someone from harming others?
3. What are the consequences of being dishonest?

#### What facts matter?

- One Bound was a quarrelsome man with a violent temper who often annoyed people. When he became too difficult, the people would bind him up hand and foot, and place him outside the house.
- One day the One Bound was tied up and lying on the ground. Grasshopper came along and seeing One Bound was tied, kicked him. Grasshopper kicked him so hard his leg fell off. This made Grasshopper angry so he kicked One Bound with his other foot, which also fell off.
- Grasshopper went to the chief of the people and made a complaint against One Bound. Grasshopper said the man knocked grasshopper's legs off.
- The chief gathered the people together to make inquiry, and told them to bring One Bound before him. When questioned, One Bound said that Grasshopper kicked him twice and then his legs fell off. The man said he could not touch Grasshopper since he was tied up.
- The people corroborated One Bound's story, showing Grasshopper had lied.
- The people transformed Grasshopper into a grasshopper, telling him he will kick no one, have legs loosely fastened to his body and will be used by people as bait to catch fish.

#### What is decided or how is the issue resolved?

- The chief decided to gather everyone together and to find more information about Grasshopper's complaint. The chief asked to hear from One Bound who proved that he could not have touched Grasshopper because he was tied up. (Issue 1)
- The people transformed Grasshopper into a common grasshopper saying he would kick no one again because his legs would be loosely fastened to his body and would come off easily. (Issues 2, 3)
- The people said that Grasshopper should be used as bait to catch fish. (Issue 2, 3)

#### What is the reason behind the decision or resolution?

##### Is there an explanation in the story? Said? Unsaid?

**(SAID):** Grasshopper was turned into a common grasshopper because he lied. Turning him into a grasshopper limited his ability to harm others by kicking again.

**(UNSAID):** To properly respond to the complaint, it was necessary for the chief to hear from One Bound, even though he had a tendency to believe Grasshopper and even though One Bound had a past history of violence.

**(UNSAID):** One Bound was annoying, but people disabled him by tying him up rather than retaliating in a more violent manner. Their response to One Bound appears to be proportional to the harm he was causing.

**(UNSAID):** Grasshopper was transformed into a common grasshopper to be used as fish bait because he was dishonest and caused harm in the community. Being a grasshopper enabled him to still contribute to his community.

#### Other Questions? What did you need to bracket?

Did the fact that One Bound was helpless and unable to defend himself matter in the "sentence" that Grasshopper received?

Did all the people of the community have to be there to hear the information from One Bound? (It appears that he was no longer tied up when he was brought before the chief and people.)

## STORY OF GRASSHOPPER<sup>68</sup>

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This case is taken from a story entitled *Story of Grasshopper* in James Teit, “The Shuswap” in Franz Boas, ed. *The Jesup North Pacific Expedition: Memoir of the American Museum of Natural History* Vol II, Part IV (Leiden: EJ Brill/ New York: GE Stechert, 1909) at 655.

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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 playing, jumping, and making a noise. I do not need salmon. I like to eat grass, of which there is great plenty all around here.” Soon winter came, and the grass was all covered deep with snow. Then Grasshopper was cold and hungry. Finding nothing to eat, and being in a starving condition, he begged the people to give him some dried salmon. This they refused to do, telling him to go and play, and eat grass. When he was nearly dead, they transformed 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.”<sup>69</sup>

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68 A variety of grasshopper called tekata’ka.

69 Some say the people did not transform him, but allowed him to die of starvation.

## CASE BRIEF

### Story of Grasshopper

#### What is the main human problem the story focuses on?

1. How to respond when someone refuses to assist with gathering food for the community?
2. What are the consequences of not helping to gather food in a community?

#### What facts matter?

- Grasshopper lived with people who were busy catching and curing salmon. They asked him to help them as it was salmon season.
- Grasshopper refused to help, saying he didn't need salmon because he ate grass of which there was plenty. Also, he did not like to work and would rather jump, play and make noise.
- Soon winter came and the grass was covered with snow. Grasshopper had nothing to eat and was starving. He begged the people to give him dried salmon. They refused, telling him to go jump and play and eat grass.
- When Grasshopper was nearly dead, they transformed him into a common grasshopper (tekata'ka) who would live on grass and spend his time jumping and making noise.

#### What is decided or how is the issue resolved?

- The people did not share their food with Grasshopper when he was hungry. (Issue 1, 2)
- The people transformed Grasshopper into a common grasshopper who would only eat grass, and who would jump around making noise. (Issue 2)

#### What is the reason behind the decision or resolution? Is there an explanation in the story? Said? Unsaid?

**(SAID):** The people did not force Grasshopper to assist with the salmon harvest. However, in the winter, when he was hungry, they did not share their salmon with him because he did not help with the harvest.

**(SAID):** The people didn't share because Grasshopper was too lazy and thoughtless to help catch and cure fish.

**(UNSAID):** If Grasshopper wanted to eat the fish, he should have assisted in catching/curing it. Even though during the summer, Grasshopper ate grass not fish, he should have helped the people.

**(UNSAID):** All community members have a responsibility to participate in harvesting and preparing for winter.

#### Other Questions? What did you need to bracket?

Why the difference in this story compared to Coyote and his Son? (Coyote left with one wife versus Grasshopper or starving to death or living on grass eternally?).

There is a note that some people say they did not transform Grasshopper, but let him die of starvation. In the end though, the result seems to be the same – the common grasshopper dies at the end of the summer and comes back to life in the spring.

Note the importance of understanding seasonal harvests.

## COYOTE AND HOLXOLI'P

This case is taken from *Coyote and Holxoli'p* James Teit,  
*Traditions of the Thompson River Indians of British Columbia*  
(Cambridge, Mass.: Riverside Press, 1898) 632.

Holxoli'p was in the habit of amusing himself with his eyes by throwing them up in the air and letting them fall back again into their orbits. When doing this, he called out, "Turn around, stick fast!" (Xa'lخالē'k, xēqxē'qa!) Coyote came along, and, seeing him do this, he thought he would do the same. Taking out his eyes and throwing them up, he called out the same words; but his eyes would not fall back into their orbits properly. He tried many times; but, even when they did happen to fall back into their proper places, they would fall out again. Meanwhile Raven came along, and, seeing Coyote throwing up his eyes, he seized them and made off with them. Coyote was now completely blind, and said to himself, "What a fool I was to attempt doing a thing I knew nothing about! If I could only get some bearberries, I could make very good eyes of them." He crawled about on the ground, feeling for bearberries, but he could find none. Finally, he found some rose-bushes, and, taking two rose-berries, he put them in his orbits, and was then able to see; but his eyes were now large and red, and he could not see as well as formerly.

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## CASE BRIEF

Coyote and Holxoli'p

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### What is the main human problem that the story focuses on?

1. What are the consequences of imitating someone else and not being true to oneself?
2. What are the consequences of not caring for one's resources?

### What facts matter?

- Holxoli'p was in the habit of amusing himself by throwing his eyes in the air and letting them fall back into their orbits.
- Coyote saw Holxoli'p doing this and decided to do the same. He threw his eyes into the air but they did not fall back into their orbits properly. He tried several times but his eyes would always fall out.
- Raven came along, seized Coyote's eyes and made off with them.
- Coyote was completely blind and said to himself, "What a fool I was to attempt doing a thing I knew nothing about!" He tried to find bearberries to replace his eyes but could only find rose-berries.
- He replaced his eyes with rose-berries. His eyes were large and red and he could not see as well.

### What is decided or how is the issue resolved?

- Coyote could not make his eyes stay in his orbits. (Issue 2)
- Raven stole Coyote's eyes and ran away leaving Coyote completely blind. (Issue 2)
- Coyote replaced his eyes with rose-berries but he could not see as well. (Issue 1)

### What is the reason(s) behind the response? Is there an explanation in the story? Is the reason said or unsaid?

**(SAID):** Coyote could not return his eyes to his orbits because he was attempting to do something he knew nothing about. He did not have the expertise required to fulfill this task.

**(UNSAID):** Each individual has unique gifts and talents. It can be harmful to try to imitate someone else's talents.

**(UNSAID):** Raven stole Coyote's eyes because Coyote was being careless with a precious resource. Coyote should have been more careful with his eyes because they were important, irreplaceable resources.

### Other Questions? What did you need to bracket?

## THE WHITE ARROW OF PEACE

This case is taken from a story originally recorded with Ike Willard by Randy Bouchard and Dorothy Kennedy, *Shuswap Stories* (1979). This version was re-transcribed by Ron Ignace in 2008.

There was a couple living at Adams Lake who had two little boys - Atahm and Wulpáxen. There was some kind of sickness who took over the old man first, and then the old lady died. Just the two little boys was living, and so Atahm was the oldest little boy, he took his little brother and went to his aunt, oh, for a few months and exchange over to his uncle and round about. Pretty soon none of them liked the two boys, they wanted them to live the ways, the ways of the Indian - ways of living to go out and do their own, like on their own, so they pushed them around and pushed around Adams Lake; people would move down by around Chase above there.

Atahm was old enough to know something was (going on) but he kept his little brother, he wanted to delay him while he planned - he told his little brother he says, "we live up here, there is a cave in there somewhere and we will live in there and at night we will go out and they are making salmon now, meat and dried meat, the elders." Atahm went to work and stole food at nights and stored it up for the winter in the cave; they lived there for several years; they were grown up and grown up; they thought it was a cruel way that they was treated by his people.

One day there was enemies come in, invaders, invaded Adams Lake, eh Chase, invaded there, the people ... kikwillie hole there, people, about one hundred people or more, enemies, he set fire to the kikwillie hole, he does, enemies did. Atahm and Wulpaxen were sitting way up on that side hill watching all this. He told his little brother, he says, "hey," he says, "I think we better give up to them enemies. If they don't kill us it will soon be winter anyways. If they don't kill they might take us along and we will go with them, and later on when we grow up as men we will come back and kill our people on account of the way they been treating us, pushing us around." His little brother says, ok. He was young.

Atahm told his little brother, "you stay here and if you see a fire swinging above around and around that will be me calling you to come. So Atahm went down, he was just about to be killed when he got down there by the warriors. So he told his intentions to an interpreter. Yeah, they take him to where the chief is and find out what he intend to do, they took Atahm towards Princeton way somewhere and when he got there and told the Chief what these two boys intend to do the chief said, "that will be fine, that is what we want, we want to get their trails where they living."

They kept the boys and raised them up, look after them good and when they grow up into men, Atahm and Wulpaxen were men, they came up to Kamloops, Chua Chua, right up to a Adams Lake. Shuswaps were beaten up bad and they got what they want, so they went back and when they got there, the Chief gave his daughter to Atahm. Atahm got two wives. They were there around for two or three years, something like that. He was a hard man to get, he always get away. Some time he tells his little brother, "let's let our people kill these people here, you know their revenge and get out of it." They sneak away from the warriors and back up there on Neskonlith Lake up on the sidehill stayed sitting down there, watching the people fighting. When the Shuswap people kill all the Princeton people, they come down. They holler from there, "we just give you a chance to kill all those people for revenge. I am Atahm and Wulpaxen," and a fella told him to prove it. There is a rock back in there, a big white rock and grey. Wulpaxen drew a picture of his brother, draw a picture the way he is standing and the next will be Adams Lake and he drew an arrow above his head, still standing today. He left from there and went to Princeton way. (oh Pellala?)

Two, three years, a few years after, Wulpaxen said, "it is not right to kill our own people. I will go down and try to make peace, we've been killing our own people for many years, very few times we give them a good chance to fight, to have a good fight with them, to kill enemies, their enemies." Wulpaxen said, "I don't think it is right, I don't think you'll live if you go down there." "I live all right, I will talk to them." So finally, for a week he told his brother or so, "all right, if you want to go you can go, but don't stay too long for I will be missing you, and I will want to know what has become of you."

So a few days after, Wulpaxen come down, that is the youngest brother, come down to Kamloops. There was nobody around, but he was already seen himself, seen him coming, the brother took off from there and told that there is a man coming, one, and it looks like Wulpaxen, Atahm's youngest brother. The story he was coming already, was already up to Chu Chua. Wulpaxen was sitting around there [Kamloops] and wondering, maybe said he, "I will go to Chu Chua first."

He left Kamloops and went across the Thompson River and went on to Red Willow and he found there was a bunch of people there, they were ready for him, and he come right into their homes. "You're Wulpaxen?" "Yes, it is me." Oh, they treat him good. The old women's come in there and welcome him, fed him and treat him good. An old fella come up and said that the peoples are out hunting, they will be back maybe tonight or tomorrow. Wulpaxen wasn't scared since he was treated real good but he already fall. One Old fella come in and said, "you must be tired, you had a long ways coming." "Yes, I am getting that way," and says we will go into the sweat house. He took Wulpaxen into a sweat house and he had two little boys at the entrance and the old people told them, "boys, when he wants to come out just open the entrance, just little nook to cover his head." The old man said, "the real warriors are out fighting somewhere." Nobody seen but two spears. [Wulpaxen said], "I wanna go out and have a swim," and the boys were told to open the sweathouse. "Your uncle wants to come out." Wulpaxen slowly went to the river for a swim and he was looking around, forever watching everything. The old fella said, "come in, there is nobody around, come in, there is nobody around!" The second time he come out he was getting slower and slower, slow come out. He went down the river for a swim, and when he went in for the third time, and the old fella was putting more water on the rocks making more steam. He said, "I want to go out for a swim, open the door!" The warriors were already by the entrance, and grown up people, as he was coming out slowly they open it up just enough to cover his head coming out slowly half ways out. They put the two spears into his ribs on each side, and he made a jump, but it was too late. The tomahawk was right on him by the head, laid him down dead.

Then they come out there we got Wulpaxen dead now. "What we going to do?" Everybody come out and see Wulpaxen laying there (they said), "We are going to have to move out of here. If Atahm heard about his brother we will all be dead. Let us get out of here and gather up some place where we might have chance to get him." One of them says, "I am pretty sure there is a lot of us gonna die off!" So they moved, took a short cut trail down from Red Willow (Chu Chua) to Chase. I assume towards Chase, "that is where we are going to die if we are to die," so everybody moved over and told everybody to get ready.

Wulpaxen is dead and Atahm didn't come come after two or three weeks after they sent out scouts all over these little points around, where they can see miles away they described what Atahm looked like: with two women and two little boys. So the scouts see them two women and two little boys. "That's him, Atahm comes!" So everybody send out a word right up to Kamloops (?)(19'14" on Amadeus) Atahm is coming, so everybody moved and dug themselves in, buried them up and waited for him. They know exactly what day of the year, and I am pretty sure the next day Atahm hollered across, hollered out. The first time he come down to Kamloops he did not see any people there so he left his wife there and took off to Tseqwtseqwé-qw (Chu Chua). "There might be some people there," [he said], so he left his kids and his wife.

So when he got there (Tseqwtsqwéqwelqw), there was nobody around. He seen a little island where the people making a sweathouse and he see a black object over there. He walked into the water halfway up, but the water was too swift and was dragging Atahm down. And so he said, "I think it is too strong a current!" And so he come back to shore and he had to let it go. It was his brother laying there so he took off from there and he did not know what that black thing was across there, he left from there towards and joined up with his wife in Kamloops and went towards [place?] Chase, he got into [place] He was already spotted then he went over to [place] they mention certain places people coming in there and then they come to Qw7ewt. Around Qw7ewt he was coming up the river. He exactly.... where he will come out and sure enough, he come out by himself right out in the open and he hollered across and one old fella answered, "who is that?" and Atahm answered. "That is good, we will get you across, Atahm!" And two boats to be sent out, one for him and one for the women. They were going to fight him right on the water. They send out good swimmers, but they find out Atahm (name of a fish-24'26") could swim better than anybody. Oh, they didn't take a chance, they got across. Atahm got on with his two little boys on one boat, he came across, and he had his spear ready any minute to use his spear. But it was all old people there. they said, "there is nobody around, all the younger people left, so it is just old people, you know, the rest are out in the hills." And he said, "I want to know where my brother is!" "Oh your brother has got two wives, and they took him up to the mountain, up to the plateau and they have been up there for two or three days, they liable to be back today or tomorrow, for sure." Oh, they say that the girls was just after Wulpaxen!

So he was kinda satisfied that his brother is still alive out hunting, and he had two wives, so then one kid come in and said that the sweathouse is ready for uncle, if he wants to come in. "Yeah," old fella says, "yeah, we will take Atahm, he has come a long ways, he might need to go in the sweathouse to loosen himself up." Adam say, "yes, I need a sweathouse!" So he went he went over to the sweathouse and there was the sweathouse, the rocks was

red hot. He went in, and in a few minutes he wants to come out, and as soon as he lifted the entrance, he made a leap and two jumps from there, and he was in the water. He made a good dive and he was looking around, looking around about him, but there was nobody. He come to the shore and went back to the sweathouse and went back in. The old people told him, "there is nothing around, you're with your own people here." So he kind of relaxed a little bit, so Atahm come out a second time. The third time he come out, the people was kinda scared of him, and they want him to go back in the sweathouse. The fourth time he went in, they put more water, more steam in the sweathouse, tire him out. That is the time, the fourth time he comes out, the old fella push the arrow that was beside him out to warn the warriors that it was time to come, and the two little boys leave the entrance, so the boys told what they seen the arrows coming out. The warriors run over with spears, with spears and tomahawks, three of them come out and waited for him to come out on each side. Atahm says, "I want to go out, getting that way to have a little swim to go out," so Atahm slowly coming out, just halfway out, the two spears enter his side. Adam made one leap and busted one spear, broke one, but it was too late, the third man jump on him and roll him to the ground and told him, "too late Atahm, you know what you done to your people don't you, all these years? You've been fighting your people now it is no use that you live, you are going to die. Your brother is already dead, don't say nothing about him!" And the tomahawk come down on his head and he laid there and pulled him out to the little flat, and the people come down and look at the body of Atahm and seen him laying there.

They had a meeting of their own. One old fella says, "you know, they got two little boys who is old enough to know something about it. If we are going to let them boys live when they grow up, they come back after us to revenge for their father." The rest of them say, "what we going to do with them, we are going to have to kill them!" So they club the boys with tomahawks, laid them beside his father. Man, that was a real good meeting. They told the women, "don't be scared, we are not going to touch you women, we are going to send you back, don't be frightened!" The interpreter was there to interpret to the women. The women's two sons was taken, I guess the womens felt bad; so they kept the womens there for a few days. They told everybody to get everything ready, some cooked, some raw. All them roots and salmon to pack, that takes eight men to pack all those things, and to take those womens back. "Take the older men, not too old, the middle aged old fellas to take them back to Princeton way."

They went on for four days before they reach from where the womens left his father who was the chief. The first kikwillie hole was the biggest kikwillie hole they had ever seen, and the women kept right on going to the corner of that building where his father was laying. He told his father what happened. He told everything, the father just lay there and never said a word. The people from Adams lake there were just like enemies; the people just sitting there with their arrows and spears; anytime they want to go out there would be three or four going out with them with spears and arrows, ready to kill them any minute.

The Chief never said a word for four days. He got up and told them peoples, "put them weapons away, put everything away!" So everybody had to lay their arms down. He says, "you know, this is the best word I've ever heard about making a peace terms among ourselves." He says that "we are going to join up with the Shuswaps Indians Tk'emlups, not this year, next year, but there will be no more killing after this." So he sent the packers with food, and he told the chief, "you're going to meet all the chiefs from Princeton, to meet to tell Tk'emlups!" And they waited the next year until all the berries were ripe, and they move to this side of the river, all the Shuswaps. And the next day, they seen all the Princeton Indians coming in on the other side, and they put up their teepees and stayed there for a couple more days more, before they met one boat coming across from one side, and one boat from the other side. And they meet in the middle of the river. They tie up there and they made the peace there with one white arrow; no more killing of a man with a different language, you can try to make signs with them, you can make peace with them, but no more killing after this.

That was their promise together. So they pull out and their chief went across to the other side and said, "all our women's, all the girls can marry your men, you can take him wherever he wanted, and the father can come and visit their daughter whenever he wanted, and the girls can visit their fathers back home and go about into one." So the Shuswaps accept all that.

Now mostly Okanagan people settle to Shuswap ways into Adams Lake, into Kamloops same way with others, Merritt bunch. The peace was declared among them. Just a matter of a few years after, when they seen the first white man in Kamloops  
That is all.

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## CASE BRIEF

White Arrow of Peace

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### What is the main human problem that the story focuses on?

1. How do communities establish peace after a long-standing conflict?
2. What is the role of leaders in establishing peace between two communities?
3. What are the consequences of not caring for vulnerable individuals in a community?
4. What are the consequences of endangering your community out of anger?

### What facts matter?

- In Adams Lake, there was a sickness that killed the parents of Atahm and Wulpáxén. The boys moved around amongst their aunts and uncles, none of whom liked the two brothers.
- Atahm was older and made the decisions for him and his brother.
- Atahm decided that he and his brother would live in a cave instead of with their community. They survived for many years by stealing food at night.
- When enemies (the Princeton people) arrived in the community, Atahm decided he and Wulpáxén would surrender to the enemies so they could go with the enemies and then come back as men and kill their own people.
- The Princeton people took the brothers because they wanted information on trails and where the Shuswap people lived. They raised the boys and looked after them well.
- As adults, the brothers caused much harm to the Shuswap people. The Princeton chief gave Atahm his daughter as a reward.
- Years later, the brothers left the Princeton people and let the Shuswap people kill them all. They did not stay and fight with the Princeton people.
- Wulpáxén drew a pictograph of Atahm with an arrow over his head (that is still there today).
- Wulpáxén felt bad for killing the Shuswap, his own people, over the years and decided to go talk to them.
- The people were in Chu Chua and were warned Wulpáxén was coming. They treated Wulpáxén well when he arrived so he would not be scared.
- Wulpáxén was invited into the sweat house. The third time he went out for a swim he was killed by warriors who stabbed him in the ribs with two spears and clubbed him with a tomahawk.
- Atahm and his family (wives and two little boys) came looking for Wulpáxén 2-3 weeks later.
- The Shuswap people welcomed Atahm and his family and reassured Atahm by lying and telling him his brother was well.
- Atahm went into the sweat house and his fourth time exiting the sweat house he was killed in the same manner as his brother.
- The Shuswap people decided to kill Atahm's boys and send his wives back to the Princeton people. The Shuswap escorted Atahm's wives back to the Princeton people and told the Princeton chief everything that had happened.
- The chief waited four days without saying a word before he made his decision.
- The chief decided they would meet in Tk'emlúps in a year and there would be no more fighting between the two groups.
- One year later, the Okanagan chiefs met the Shuswap chiefs in boats on the middle of the river at Tk'emlúps. They made peace with a white arrow. Peace was established and intermarriages were arranged.
- This happened a few years before white man was first seen in Kamloops.

### What is decided or how is the issue resolved?

- Atahm and Wulpáxen leave their community to hide in a nearby cave. They survive by stealing from their community at night. (Issue 3)
- Atahm and Wulpáxen leave their community for the enemy (the Princeton people). Atahm and Wulpáxen cause serious harm to their community by fighting with the Princeton people. (Issue 3)
- The Shuswap people kill Atahm and Wulpáxen when they come back to their community (Issue 4)
- After hearing that the Shuswap people have killed Wulpáxen, Atahm, and Atahm's two boys, the Princeton chief waits four days without saying a word before making his decision. (Issue 2)
- The Princeton chief decides to join in the peacemaking process with the Shuswap. He sends the Shuswap men home with gifts of food, and arranges for the two groups to meet in Tk'emlúps in a year. The Princeton chief does this to ensure that there will be no more fighting between the two groups. (Issues 1, 2)
- The Okanagan chiefs and the Shuswap chiefs meet in boats on the middle of the river. They make peace with a white arrow. Intermarriages are arranged between the two communities. (Issues 1, 2)

### What is the reason(s) behind the response? Is there an explanation in the story? Is the reason said or unsaid?

**(SAID):** The aunts and uncles treated the brothers badly because they didn't like them and wanted them to learn the ways, which the boys weren't doing.

**(SAID):** Atahm and Wulpáxen decided to live in a cave and steal from their community because they were not taken care of.

**(SAID):** Atahm and Wulpáxen decided to leave with the enemies and return to kill their own people because they were not treated well by their own community.

**(SAID):** Wulpáxen returned to his community because he felt remorse for causing so much damage to his community.

**(SAID):** The Shuswaps kill Atahm and Wulpáxen because they harmed members of their community.

**(SAID):** The Shuswaps kill Atahm's sons because they may see revenge.

**(UNSAID):** The Shuswaps decided not to kill Atahm's wives, and to send them back to the Princeton people with gifts of food, because they wanted to make peace between the groups.

**(UNSAID):** The Princeton chief decided to accept the Shuswap's gifts and establish peace with a warring community because the conflict was causing great harm to both communities and peace was preferred over war.

**(UNSAID):** The chief waited four days without saying a word before making his decision. Important decisions require patience and cannot be rushed.

**(UNSAID):** Intermarriage is a way to establish long-lasting peace between two warring communities.

### Other Questions? What did you need to bracket?

What is the significance of establishing peace on the water, in boats?

What was the role of the community in this decision-making process?



## COYOTE AND HIS HOSTS

This case is taken from Coyote and his Hosts in James Teit, "The Shuswap" in Franz Boas, ed. The Jesup North Pacific Expedition: Memoir of the American Museum of Natural History Vol II, Part IV (Leiden: EJ Brill/ New York: GE Stechert, 1909) at 627-630.

Coyote was travelling over the earth. He felt hungry. He saw a house, entered, and found it inhabited by an old man called Fat-Man (Skia'uzkelesti'mt). There was nothing to eat in the house, and he thought, "What will this old man give me to eat?" The man knew his thoughts and, making the fire blaze brightly, he sat with his bare back close in front of it. His back became soft and greasy, and he asked Coyote to eat. "Eat what?" said Coyote. And the man answered, "My back, of course." Coyote refused at first; but the man invited him to eat his back. Coyote said to himself, "I will bite his back right to the bone, and kill him." Going up to the man, he took a big bite; but the piece came away in his mouth, and no mark was left on the man's body. He found the food was very good.

Now he thought he could do the same thing: so, making a big blaze, he turned his back to the fire. But his back burned; and the smell of burning hair made the man angry, who threw him outside, saying, "You try to imitate me, but you cannot do it. You fool! Don't you know it is I only who can do that?"

Continuing his journey, Coyote came to another house, which he entered. It was inhabited by an old man called Fish-Oil-Man (Stiauzka'institmt). Feeling hungry, and seeing nothing in the shape of food, he wondered what this man could give him to eat. The man made the fire blaze, and placed a wooden dish for catching drippings in front of it. He held his hands over it, with the fingers turned down, and the grease dropped from his finger-ends. When the dish was full, he placed it before Coyote, and asked him to eat. Coyote said, "I can't eat that." And the man answered, "Try it. It is good." Coyote then ate some, and, liking it, he finished the contents of the dish.

Coyote thought, "I will show this fellow that I can do the same thing." So, making the fire blaze, he took the wooden dish, and held his hands above it, in the same way the man had done. His hands shrivelled up with the heat, but no grease dropped from them. This is the reason why the coyote has short paws. He cried with pain; and the man threw him outside, saying, "You fool! That method belongs to me only."

Again Coyote was travelling, and, coming to the house of a man called Beaver-Man (Skala'uztimit), he entered. He felt hungry, but saw nothing to eat. He wondered what the old man would give him. The man took a sap-scraper and a bark dish, went outside to an alder-tree, and scraped off the cambium layer. When the dish was full, he brought it in and gave it to Coyote, who had been watching him meanwhile. Coyote said, "I cannot eat sticks." and the man assured him it was good, and that it was sap, and not sticks. Coyote ate, and found it very good.

Now he tried to imitate Beaver-Man. He took a sap-scraper and bark dish, went to an alder-tree, and scraped off the bark, which he offered to the old man, saying, "Eat some of my food." The man, seeing it was only bark, threw it away, and said, "Why do you try to imitate the methods which you ought to know belong to me only?"

Coyote continued his journey, and reached the abode of an old man called Kingfisher-Man (Tsalastimit), who lived in an underground house near the water's edge. He entered the house, feeling hungry, and looked around for food, but could see none. He thought, "What can this fellow give me to eat!" The man stripped the bark off a willow-bush, and made a string of it, which he put around his waist. Then he ascended to the top of the ladder, gave a cry, and dived down into the water through a hole between some driftwood. Coyote watched; but, as he did not see him re-appear, he thought he must be dead. At last, however, the man came up bringing a string of fish, which he cooked and placed in a dish in front of Coyote. The latter refused to eat, saying that it was bad food. He was, however, assured that it was good, and ate it all.

Then Coyote made a bark string, went to the top of the ladder, and cried like a kingfisher. Then he dived into the hole. But his head stuck fast, and he would have been drowned had not the man pulled him out, saying, "You fool! Why try to imitate the method that belongs to me alone?"

Coyote travelled along, and came to an underground house in which people were dancing. He looked in, but saw only a row of different kinds of snowshoes, which were standing on their ends all around the house. As soon as he left, the dancing commenced again; and when he looked in, it stopped. Then he entered and seized one of the snowshoes; and the others at once attacked him, striking him all over the body. He threw down the snowshoe he had seized, and ran out.

## Coyote and the Grouse Children

He continued his journey, and soon he came to another underground house, which was quite full of small children. He said to himself, 'I will play a trick on them,' went in, took off his moccasins, and showed the children some cracks in the heel of his foot. He said, "My shoes are full of holes, and my feet have become very sore." Then all the children went out and brought in gum, which they gave to Coyote. That night, when they were all asleep, he daubed their eyes with gum, and then left the house.

The mothers of these children were Blue (or Dusky) Grouse, Willow (or Ruffed) Grouse, Prairie-Chicken (or Sharp-tailed Grouse), and Fool-Hen (or Franklin's Grouse). When the children awoke in the morning, they could not open their eyes, and, wandering around, lost one another, and could not find their way back to' the house. Their mothers arrived, and after some difficulty found them all, and cleaned their eyes.

The children told them that Coyote had played them this trick: therefore the Grouse followed his tracks until they caught sight of him. The trail followed along the brink of a precipice. They passed Coyote unobserved and hid themselves near the precipice, at considerable distances apart. As Coyote came along, he sang, "They will never find their children, I have tricked them!" While he was thus singing, Fool-Hen arose suddenly from cover, and startled him. When he saw who it was, he said, "Oh, it is you! I suppose you are going home. Well, you will find your children all well." Going on, he commenced to sing again, and forgot all about meeting Fool-Hen, when suddenly Prairie-Chicken arose, and startled him as he leaned over backwards. He said to Prairie-Chicken, "You will find your children all well," and continued his journey, and again commenced to sing, when Willow-Grouse flew out, and startled him so that he nearly fell back over the cliff. He recognized the Grouse, and said, "You are going home. You will find your children all well." He kept on his way and sang his song, when suddenly Blue-Grouse arose in front of him with a loud noise, and startled him so much that he lost his balance and fell right over the cliff into the river below.

## How Coyote Broke the Ice Dam

Here he was in danger of drowning, and transformed himself into one thing after another; but, as none of them floated satisfactorily, he at last changed himself into a piece of plank. Thus he drifted down the stream until he came beyond the Lower Thompson region<sup>27</sup>, where he was stopped by a weir belonging to two sisters who inhabited that country, and who were noted for their magic. On the next morning, when the women came to their weir to catch salmon, they saw the piece of plank, which they picked up, saying, "We will take this piece of wood home. It will make a nice dish." They made a plate of it; but each time they ate off it, the food would diminish so quickly that it disappeared before they had taken many mouthfuls. At last they became angry and threw it into the fire, saying, "There is too much magic about that dish."

Coyote immediately transformed himself into a little baby boy, and cried from the centre - of the fire. The women said, "Quick! Pull it out! We will rear it as our child;" for they had no husbands or children. They made a carrier for him, and when they went to bed they placed him between them. When they were both asleep, Coyote arose and had connection with them, returning again to his cradle. Next morning, when they went to wash themselves, one of them said, 'I feel queerly. My abdomen is all wet.' And the other replied, 'I also feel strange. There is blood between my legs.' "How can this be," said they, "when no men are around?"

Soon Coyote outgrew his carrier, and the women alternated in carrying him on their backs when they travelled about. He annoyed them very much, however, for he would constantly slip down lower and lower on their backs until he managed to have connection with them. Thus the women kept him for a time, until one morning he arose early, and, going to the weir, broke it in the middle, and crossed to the opposite side of the river. When the women awoke, they searched for him, went to the weir, and found that it was broken and the salmon were passing through in great numbers. Then they noticed Coyote walking up the other side of the river; and he called to them, '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.' The women said, "It is the dog of a coyote who has been fooling us, and playing tricks on us." They were unable to mend the break in their weir, for Coyote had beaten them in magic. They said, "Coyote has stolen our salmon, and has left us pregnant." Coyote now conducted the salmon up the Fraser River to its source, and afterward up the Thompson River. This is the reason why the Fraser River is a superior salmon stream to the Thompson River. He said, "Henceforth every year, this season, salmon shall run up the rivers, and the people of the interior shall fish, and eat them. They shall no longer be kept at the mouth of the river, nor shall the people there have a monopoly of fishing and eating them."

As he went along, he cleared the waters of the rivers of obstructions, and arranged the banks so that it should be easy for people to fish for salmon as they ascended. The people were grateful for this great work of Coyote.

## CASE BRIEF

### Coyote and his Hosts

#### What is the main human problem that the story focuses on?

1. What are the consequences of trying to copy someone else's way?
2. How do you treat visitors in your territory?
3. What how shouldn't a guest act in another territory?

#### What facts matter?

- Coyote was travelling and became hungry. He entered a house inhabited by an old man named "Fat-Man".
- The old man knew Coyote was hungry so he lit a fire and put his bare back close to it. His back became soft and greasy and he asked Coyote to eat his back. Coyote ate a bite of the man's back and no mark was left on his body. Coyote tried to copy the old man but he burnt his back. The old man became angry. He threw Coyote out and said he was a fool for trying to imitate him and for not knowing that only the old man could do that.
- Coyote continued his journey and entered the house of Fish-Oil-Man. The man made a fire and held his hands over it. The grease from his hands filled a dish that the man gave to Coyote. Coyote ate the grease. Coyote tried to put his hands in the fire but his hands shriveled and no grease came from them. The man threw him outside saying "You fool! That method belongs to me only."
- Coyote continued his journey and entered the house of Beaver-Man. The man took a sap-scraper, went outside to an alder-tree, and scraped off the cambium layer. Coyote ate the sap. He tried to scrap off the bark with the sap-scraper but only bark came off. The man asked Coyote "Why do you try to imitate the methods which you ought to know belong to me only?"
- Coyote continued on and reached the house of Kingfisher-Man. The man stripped the bark off a willow-bush and made a string that he put around his waist. Then he dove into the water through a hole. The man came up with a string of fish that he cooked for Coyote. Coyote tried to do the same thing but his head got stuck. The man saved Coyote from drowning.
- Coyote continued on and came to an underground house with people dancing inside. He looked in but only saw a row of different kinds of snowshoes. As soon as he left the dancing started again. When he looked in, it stopped. He entered and seized one of the snowshoes. The others attacked him. He threw down the snowshoe and ran out.

#### What is decided or how is the issue resolved?

- Fat-Man, Fish-Oil-Man, Beaver-Man, and Kingfisher-Man noticed Coyote was hungry and prepared food for Coyote. (Issue 2)
- Coyote got hurt, scolded, attacked and nearly died when he tried to imitate the ways of Fat-Man, Fish-Oil-Man, Beaver-Man, and Kingfisher-Man and tried to steal the snowshoe from the people. (Issue 1, 3)
- Fat-Man, Fish-Oil-Man angry and threw Coyote out of their houses when he tried to imitate them and the people attacked Coyote when he stole their snowshoe. (Issue 2)

**What is the reason(s) behind the response? Is there an explanation in the story?  
Is the reason said or unsaid?**

**(UNSAID):** People have a responsibility to take care and feed of hungry visitors.

**(UNSAID):** People do not have a responsibility to visitors who are disrespectful and imitate their ways or attempt to steal from them. Visitors that show disrespect to a community can be forced to leave their hosts' home.

**(SAID):** Fat-Man, Fish-Oil-Man, Beaver-Man, and Kingfisher-Man get angry with Coyote because he was foolish and tried to imitate their ways without understanding them. Fat-Man and Fish-Oil man kick Coyote out of their homes for the same reasons.

**(SAID):** The people attack Coyote for trying to steal their snowshoe.

**(UNSAID):** Coyote was hurt repeatedly because he tried to do things his hosts showed him, but he didn't know how to do. It is foolish and harmful to act without having the requisite knowledge and harmful to presume to know someone else's ways.

**(UNSAID):** Everyone has their own gifts and ways of doing things. It is important to understand your strengths so you can benefit others. It is also important to understand your limitations and not try to copy everyone else.

**Other Questions? What did you need to bracket?**

## CASE BRIEF

### Coyote and the Grouse Children

#### What is the main human problem that the story focuses on?

1. What are the consequences of taking advantage of the vulnerable?
2. What are peoples' responsibilities for addressing harm caused to vulnerable members of their community/ children?

#### What facts matter?

- Coyote was walking when he came across an underground house full of small children.
- Coyote decided to play a trick on them. He told them his feet were cracked so the children gathered some gum for him.
- While the children were sleeping, Coyote put the gum on their eyes.
- The mothers of these children were Blue (or Dusky) Grouse, Willow (or Ruffed) Grouse, Prairie-Chicken (or Sharp-tailed Grouse), and Fool-Hen (or Franklin's Grouse).
- When the children awoke in the morning, they could not open their eyes. They wandered around, lost one another, and could not find their way back to the house.
- Their mothers arrived, found them all, and cleaned their eyes.
- The mothers went after Coyote. When they found him, he was saying "They will never find their children, I have tricked them!"
- The mothers tried to scare Coyote, each taking a turn to startle him as he walked along the top of a cliff. Finally, Blue Grouse startled him with a loud noise that caused him to lose his balance and fall over the cliff into the river below.

#### What is decided or how is the issue resolved?

- The Grouse mothers went after Coyote after learning he tricked their children. (Issue 2)
- The Grouse mothers, working together, scared Coyote so he lost his balance and fell off a cliff. (Issue 1)

#### What is the reason(s) behind the response? Is there an explanation in the story? Is the reason said or unsaid?

(Said): The parents went after and caused Coyote to fall off a cliff because he tried to take advantage of their vulnerable children.

#### Other Questions? What did you need to bracket?

## CASE BRIEF

### How Coyote Broke the Ice Dam

#### What is the main human problem that the story focuses on?

1. How does one ensure that one community does not have a monopoly over a resource?

#### What facts matter?

- Coyote fell into the river and changed himself into a piece of plank.
- He drifted down the river until he came beyond the Lower Thompson region. He was stopped by a weir belonging to two sisters who inhabited that country and were known for magic.
- The women came to check their weir and saw the plank of wood. They took it home and made a plate with it.
- Each time they ate off the plate, the food would disappear quickly. They became angry and threw it in the fire.
- Coyote transformed himself into a baby boy and cried from the fire. The women took the baby out and decided to raise it as their child. The baby slept in the bed between them.
- Each night coyote got up and had connection with both of them. The women woke feeling uncomfortable and strange, not knowing why since there were no men around.
- The women kept Coyote for a time until one morning he arose early, went to their weir, broke it in the middle and crossed to the opposite side of the river.
- When the women awoke, they went to their weir and found that it was broken and the salmon were getting through in great numbers.
- Coyote called to them “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.”
- The women were angry with Coyote for stealing their salmon and leaving them pregnant. They were unable to fix their weir.
- Coyote conducted the salmon up the Fraser River to its source and afterward up the Thompson River. This is why the Fraser River is a superior salmon stream to the Thompson River.
- Coyote said, “Every year, salmon shall run up the rivers, and the people of the interior shall fish, and eat them. They shall no longer be kept at the mouth of the river, nor shall the people there have a monopoly.”
- Coyote made it easy for people to fish for salmon. The people were grateful for Coyote’s great work.

#### What is decided or how is the issue resolved?

- Coyote decided to break the salmon weir to bring the salmon up the rivers away from the mouth.
- Coyote made changes to the environment to make it easier for people upstream to fish for salmon.

#### What is the reason(s) behind the response? Is there an explanation in the story? Is the reason said or unsaid?

**(SAID):** Coyote broke the weir to ensure the people who lived at the mouth of the rivers did not have a monopoly on fishing and eating salmon.

**(UNSAID):** Resources should be accessible to all people and shared amongst them. One group of people should not have a monopoly over a resource as important as salmon.

**(UNSAID):** Sometimes one group of people must suffer harm for the benefit of the broader community.

#### Other Questions? What did you need to bracket?

What is the significance of Coyote impregnating the women? What is the importance of the gendered comments by Coyote? Significance of the “ice dam” – does this refer to the glacial context? Coyote removes barriers so people are able to fish. Explains the difference between fish populations in the Thompson and the Fraser.

# THE WATER MONSTER STORY

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*The Water Monster Story* was shared by Paul Michel, as he learned it from his late father Joe Michel. *Interview of Adams Lake Community Member Paul Michel* by Kirsty Broadhead and Adrienne MacMillan (09 July 2015) Kamloops, British Columbia.

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I have permission from my people at Cstálen, I'm from Cstálen, my mom's from head of the lake, my dad's from North west of the lake, Adams Lake is Cstálen.

We have, uh, when you're looking at SECWÉPEMC stories, and land stories there's markers on the land that tell our stories, right? These aren't just isolated stories that, yeah, when you walk the land - and it would be nice for you guys to get out and see the land because you connect it to where these stories exist. They start at a certain place, there's a marker on it. We have seven major stories within HUSTALIN, you know. If I could go to the Two Women Warriors, as there is two mountain peaks there's a story within it. I can go to the Chief's Daughter story, there's another marker for that one, there, too.

Within Cstálen, Adams Lake, there's a marker for the Four Warriors Story and what it does is it starts within, where there's an eddy on the lake and the water swirls around. So when you're with your elders, paddling on the canoe and you see this marker and that water swirling around, it reminds you of our Ogopogo, our Water Monster. Our Water Monster's half male and half female, right? So, and then when you look and see that swirling of the waters, you'll see there's a mountain right there, too. And so many years ago, the people living at the head of the lake, and, whenever they went to get to the caribou and to the medicines and the berries on the other side of the lake, there was a Water Monster. So they would be taking their canoe and this Water Monster lived inside that mountain and would come down from inside the mountain and up through the middle of the lake. And if you got too close it would capsize the people's canoe and it would take those people and they were gone forever.

So the Head of the Lake people, the Fire People, had a problem - they needed to get through across the lake to get their caribou and their berries and their medicines, so there's two ways they did it. They took their canoe in the shallow areas and whenever it got deep they took their canoe and they portaged around the lake. Shallow area, portage, shallow area, portage, they'd portage their canoe and they got their hunting and berries and medicines and they came all the way back, and that took such a long time for the people. Other way is, they kept their canoe at home and they hiked around the lake. Well that's a 60km long lake and you don't want to be packing your caribou back through that - wow, that's a long way for the...so it just created a problem.

So when the people have a problem and the Secwépemc people they get everyone together. Everyone has a voice in the Secwépemc traditions so they got the whole community together. So they got the elders and they got the parents and the uncles and the aunts and the cousins and the nephews and the nieces and the children and the teenagers. Everyone together - and all day they talked about this challenge of this Water Monster - this half-man, half-female monster that would just chase them away from the lake, and Adams Lake. Adams Lake is one of the deepest lakes in the world and so, that's where they are coming out through and so, what they did is they chose 32 Warriors. And as they talked, talked, talked through the day and they listened to the elders and they listened to the parents, they went down to 16 Warriors. And it got dark late at night and out of the 16 warriors they got 8 warriors.

And then they listened to the way the people decide, they listen to the elders and to the parents and to the teenagers and to the children. And out of those 8 warriors they chose first warrior, they chose second warriors, they chose third warrior and they chose fourth warrior. It took all night, and then the sun was coming up over the mountain, so they turn to the first warrior and they said, "first warrior, are you ready?" and the first warrior said, "yes, I am ready." And he got his paddle and his canoe and his spear. And the first warrior headed out on Cstálen and the first warrior has a plan. He went in ever such large concentric circle and then a smaller circle and a smaller circle and he was going to do even a smaller circle and the Water Monster came down through the mountain up through the middle of the lake and capsized the first warrior's canoe. And then the water monster grabbed that first warrior and the first warrior was not seen again.

So the Head of the Lake people, the Fire People (the fire they got from the Mud People but that's another story). "Second warrior, are you ready?" The second warrior said, "yes, I am ready." And he got his paddle and his canoe

and his spear. And the second warrior went out and paddled to the left and changed his mind and went to the right and went to his left again and went to the right and just as he was going to go to the left again, just then, the water monster came up through the middle of the lake and swam right around the second warrior until he created a whirlpool and that second warrior was just sunk right in to the whirlpool and was not seen again.

So the people said to the third warrior, “are you ready?” and the third warrior said, “yes I’m ready,” and he got his paddle and his canoe and his spear. And just before he was ready to go the third warrior went back to his sleeping place and got his bow and arrow just in case. So the third warrior paddled, paddled even harder still, went right to the middle of the lake, grabbed his spear and changed his mind and went for his bow and arrow. Just then the water monster came out and the third warrior began to shoot all his bow and arrows but it was just deflecting off that water monster. So he grabbed for his spear and he as he was just grabbing for his spear, the water monster capsized the third warrior’s canoe and he was captured and never seen again.

So the Head of the Lake People, the Fire People turned to the fourth warrior and said, “fourth warrior, are you ready?” and the fourth warrior said “I won’t go forth in the darkness,” because the sun was going down over the mountains. So he slept that night. So the fourth warrior slept so quietly [sleeping noises], so peacefully.

OHHH!

Right in the middle of the night the fourth warrior awakes and he has this vision. And it was very misty and foggy and as the fog started to rise he couldn’t believe it, the Old-Ones were there, the Transformers, the mountains, the ones that made the rivers and the animals and the people and the medicines. The old-ones were there. Not...trickster Coyote, but Old Coyote was there and all of the people of...be the Great Spirit, the transformers were there.

He was in awe and he just sat and listened to their stories all night. He was so mesmerized as he woke that next morning, the Head of the Lake people said, “fourth warrior are you ready to go fourth?” And the Fourth warrior said, “I had a vision last night, I must have a brand new canoe made for me today.”

“Ohhh we make dugout canoes in Cstálen, Adams Lake,” so they had to find a master canoe maker, “Ohhh anyone making a canoe?”

“Yes I’ve got one almost finished.”

Oh, so they worked hard on it all day, they were smoking it out and digging it out, the canoe, and getting it ready and they’re working hard, but... you can’t rush a master canoe-maker.

“Not quite ready, not quite ready.”

And then finally with everyone working together he says “all right, that’s ready to go.”

So they gifted it to the fourth warrior.

Fourth warrior: “Kukstsémc, thank you very much, but that took all day and the sun was going down over the mountain, I won’t go forth in the darkness.”

Ohhh he had to wait, people had to wait. The fourth warrior went back to his sleeping place and he slept peacefully and quietly...

OHHHHHH!! Right in the middle of the night he was in the fog again and it started to lift.

Ohh he couldn’t believe it but his kyé7es and slé7es, his grandfathers and his grandmothers and their grandfathers and all his ancestors were there. “Wooooow- kyé7e!” He hadn’t seen his kyé7e since he was ten and she passed away. “kyé7e! Ooooooo! You still smell of saskatoon berries and bear grease and the moccasins,” and then he just snuggled up with his kyé7e. And then he met his kyé7e’s kyé7e and his kyé7e’s slé7e and all their grandfathers and grandmothers. He was so excited! And he listened to the elder’s stories. Ohhhh my god, some of the stories were of the Elders, in the stories he only heard about them but now he got to meet them. “Ohhh my god, I know you! You’re the one in this story! You’re the slé7e in this story, you’re the kyé7e in this...” ooooo my god, just about crying listening to the stories all night.

When he woke the next morning, Head of the Lake people, the Fire People (the Fire they got from the Mud People, but that's another story). "Fourth warrior!" Fourth Warrior said, "Ohhhh I had another vision – I must have a swift and dynamic paddle made for me today. And a straight and true and powerful spear made for me today."

Once again they go, "ohhh let's get this ready right away." So they got the master paddle maker, the master spear maker and they helped them, helped them, helped them to get it super straight. Ohhhh, but those master paddle makers and spear makers won't be rushed. "Nooo, not quite straight enough." They had to smooth that spear. Not quite shaped right for the speed on the paddle. They shaped it and they worked all day and then finally they gave it to the fourth warrior. "Kukstsémc." But the people knew that it was nighttime by the time so they wouldn't go forth. So the fourth warrior slept that night. Slept peacefully....

OHHHHHHHHHHHHHHH!! Fourth warrior and his vision. What's going to happen tonight? As it started to lift in his vision – ohhhh my god it was his animal guides. Secwépemc people when you go, you go up into the mountain for your vision quest. Your vision quest reveals your character and your path for your life and your animal powers get revealed to you. It could have been grisly bear that came "Rawwwwww!" It could have been Coyooooote, singing the Moon Woman – his lost love of his life. That's why you here Coyotes at night howling 'Ow, ow ow owwwwwww' – they're still singing to their lost love the Moon Woman at night. It could have been Coyote.

It could have been Frog, 'ribbit, ribbit'

It could have been Deer.

But we know the animal powers of the fourth warrior came that night.

He was so happy to see his animal powers take, like, human form in his vision. He was so happy he connected with his animal powers and they shared stories all night. Fourth warrior woke that next morning.

Head of the Lake People, "Fourth Warrior!"

Fourth Warrior said, "I have one last vision last night and what it is, is that I must enter the SKILIA, the sweat lodge." And so they prepared it.

You know how to prepare a sweat lodge? You have all the small fuels at the bottom, there. And under there, once you get your small fuels you put your platform in and you put your rocks on the platform and then you build up your heavy fuels right around the rocks and then you open it up at the bottom and then you light the small fuels and then it burns and it burns so hot! And you know its ready because once those wood platform sink "swoosh." Takes many hours but once you hear that fire sink your sweat lodge rocks are ready.

So they heard a 'swoooosh' so they got the rocks in the sq'ilye and put the rocks in the sq'ilye and the fourth warrior entered and he did the first round for mother earth "TSSSHHHHHHHHH, TSHHHHHHH, TSHHHHHH."

[song from 1:15:47 – 1:15:56]

He came off and he cooled off in the cold waters of Cstálen and he entered the second round and it's the female round respecting all the female entities. The humans, the animals and the plants and you pray for the female entities. So they put the rocks in and they put water on it "TSHHHHHHH, TSHHHHHHHH, TSHHHHHHHHHH."

[song from 1:16:24- 1:16:32]

He comes out of second round and cools off in Adams Lake, Cstálen  
Enters the third round, it's for the male entities all of which exist within mother earth  
"tshhhhh, tshhhh, tshhhh."

[Song from 1:16:51 – 1:16:55]

Ohhh he cools. He comes out and he needs cold water and he jumps into the lake and then he comes out for the fourth round and the fourth round is the fourth warrior. It's the warrior round. It's prayers for yourself. All of the ones you want to pray for, you're praying for yourself the most and your connection to Tqelt kúkwpi7 and the people and your family. So he puts water, they bring the last rock in, they leave one rock in for the Tqelt kúkwpi7 and the grandfathers and they put water on the remaining rocks. He's got water; he's got his spruce bough.

“TSSH TSSSH TSSSSSSSSSSSSSSSSSSSH TSSSSSSSSSSSSSH.”

He puts the last remaining water

“TSSSSSH TSSSSHHHHHHHHHHHHHHHHHH.”

[Song from 1:17:50-1:18:04]

Ohhhh, he comes out and he jumps in the HUSTALIN and he comes out and as he comes out the eldest female offers some caribou clothing complete with moccasins and he puts his clothing on. And all day the Sec...., the Lake People were cooking all day. There's nothing like a Shuswap feast. A Shuswap feast, all of the birds and all of the meats and all of the berries and all the favorite recipe, ohhhhh half dried, half smoked, smoked salmon, dried salmon, baked salmon and all of our potatoes and all of our roots- ohhhh my god, everyone cooked their favorite meal and then the fourth warrior had a meal with the Head of the Lake people, his people from Adams Lake Cstálen and he ate. Oh my god we have the best foods in the world and he was so full and they were playing some [LAHAL] and after the meal - stick game. And they were sharing stories around the fire until finally the fourth warrior got tired and the fourth warrior went back to sleep - so full after the long day of the sweat lodge, SKILIA and the big meal he just slept soooo peacefully.

So quietly.

OHHHH! And in that vision as the mist started to rise he saw the old ones, not Senxwéxwlecw, Trickster Coyote, but Old Coyote and the transformers all of Tqelt kúkwpi7's transformers that made the waters and made the mountains and made the medicines in the animals and the people as they gifted it upon our earth. He was so happy to see the old ones and then he saw his kyé7es and slé7es and their kyé7es and slé7es, their grandfathers and grandmother's and “Kyé7e!!!!” he got to hug his kyé7e he hadn't seen since he was ten. And he sat right at her knee and then he saw the animal powers come, it could have been Grisly bear “rawwww,” it could have been Coyote “owowowooooo” it could have been deer.... But he connected with his animal powers and the ancestors and the old ones and he had such a great time listening to the stories and the stories and the drumming and the drumming stories. And he got, ohhhh my god he slept so good all night.

As he woke the next morning the Head of the Lake People, the Fire People (the Fire they got from the mud People). “Fourth Warrior!”

And without saying a word, still wearing the traditional caribou clothing he got, his brand new canoe, and swift and dynamic paddle, and straight and true spear and without hesitation the fourth warrior paddled, paddled even harder still right to the middle of the lake. Just then the water monster came down through the middle of the mountain and came up through the middle of the lake and then the fourth warrior

“HAAAAAAAAA!!!”

Right through the heart of the water monster. And from there he hung on. And then it was the battle of the Secwépmc people.

Ohh my god - and he hung on and from there he battled, for four hours he battled until finally the Head of the Lake people were watching this.

And then the water monster came lifeless up to the lake.

They saw that he was victorious, so they brought out their canoes and they took that water monster right to the head of the lake and they dragged it on the beach and they have their big community fire and with a big heave and ho they put that water monster right on the fire and it burned and burned even brighter still. The reddest of red, the bluest of blue, the whitest of white. Until eventually all you would see is the smoke spiraling up into the sky.

And as you watch that - the water monster was going back to the spirit world of the water monsters. If you know our ways that's down side the Milky Way. That's where the spirit world of our people is and that's where the water monsters had their own spirit world.

Later the elders and my dad would share with me because I've got told this story when I was going to do a two-year diploma and quit my dream of getting a university degree. And my dad shared this story with me. And he shared it in the spring and I'm going; how come you didn't get angry at me that I was going to quit this dream of a Simon Fraser University degree and all he did was tell me this story.

And then I thought about it - it's like the explanation of the elders when they share this story of the water monster. It's that, in life, you could be first warrior- we see a lot of first warriors. Unfortunately, we have a lot of first warriors in our Aboriginal education and those of our lost learners, they go aimless. They don't even attend school. They don't even do their assignments. They just aimlessly go around and around in circles. And they don't have a vision or a dream in life. It seems like they're just aimless.

We have second warriors too, our elders say and my dad was saying by sharing this story is that we have warriors that go "right on, I'm sober two months, I'm going great," and then the next two months not so good. "All right! I'm helping family really good next two months" and then next two months, "oh I, kind of, beat up one of my cousins, last two months. Ohhh." So good days, and really bad days. So these second warriors have these turns in life.

But also we have our third warriors. They are getting grounded. So grounded our elders say within the third warrior. And they get so close of their dreams and goals and just when they're going to make the leap - they hesitate. And they just move back ever so slightly and they don't choose their strongest weapons. They start ping-ponging at it and they are just about there.

But, I think the reason my dad shared this story and the elders share this story, still lives today - is because to be a fourth warrior, you must be guided by the old-ones. You must be guided and respect the ancestors. And when you go through your rights to vision quest. You must honour your animal powers, your own personal powers and you must connect to community and when you really generate all of what balances you, and you have the challenge, because the water monsters are challenging issues of our life, you must go "HOOOOOOOohohohhhhh" Right to the heart of the matter. And when you do that, then magic can happen.

Now for the water monster, the elders say - the water monster was angry because he was part of the last world. If you know our Secwépmc creation stories we have different worlds we've transformed from. That takes about four days to tell- our creation story.

But, part of the world was the water monsters and all of the water monsters went to the spirit world of the water monsters. Except for some of these that got lost. And that's why the water monsters are monsters - they're angry that they're not up to where the spirit world is. So we've got to be careful for these deep, deep-water beings because they can be angry. So, it was a good thing what the fourth warrior did, because finally, there was no... our waters are safe right now because that water monster went to the spirit world of the water monsters.

So- of course when I heard this story it took all summer. I was young when my dad told me the story. Of course I'm coming here as a professor and also executive director for TRU, of course, I got motivated to finish my university degree. And then sociology- and after I did a master's degree in education. So when I did my master's degree in education I did it on that Four Warriors story - Secwépmc stories on morality - there's five major lessons when you talk about stories. First of all, our Secwépmc stories are powerful and dynamic. There's life in them.

And second of all, that it's a unique way to know and understand the world. Indigenous peoples are unique how we understand the world. We're so interconnected to our land. Our land and our laws are all the same. We don't separate it. We're intertwined with in the laws of our, of the bush of the forest, of our lands, of our waters. We are one in the same. What does Richard Atleo say? "Tsawalk" - we are all one. We are all one. And there's a long history of saying 'all my relations' and where that got really common in Turtle Island is because we are all related. Not just the humans but everything, we're related to...

Third, I learned that there's an interconnection between oral histories and the writing. There's a connection. They can both inform each other. Western way, they say, we go from our child-like storytelling to the learned literacy. Well as a Secwépmc, I'm saying I think our literacy can be enhanced by our orality. I'm one of the first educators being published that would say that. And it's so simple to us, we know that. It's not so profound, our elders would say - I know, as I told my elders my master's theme, I was so proud, and they said "yeah, we know that!" "Yea, I know, I know - I just had to... drats, it wasn't an original thought." [Laughter]

Fourth lesson is that our stories are healing. When I did my master's degree, Simon Fraser University was uneasy about that. And then I said, no, when you talk a philosophy of education and you talk learners that I can engage a four-year old to a ninety-year old and what it is, is they plug in a listen to that story. The brain goes from a fearful state to a live state. So you can take a picture of somebody's brain when I'm telling a story. I can tell a story to 5,000, 6,000 people or 4 people or 2 people or 1, just sharing stories. One person to 7000 people – but what it is, is that you get all the minds and if you took a look at their brain when someone is telling a story it just lightens up – and I said, isn't that healing? And they were ok with that. I had to do brain research just for them to get convinced of healing.

And the fifth message - our first nations SECWÉPEMC people all over Canada, we're still strong in our oral histories. There's gaps but we're still strong in it so we can learn from that.

So before I finished on that Four Warriors story – I know it was a challenge to me as my dad shared that story because I finished my Sociology degree and I did a master's degree on it. But as you go through life, through your own challenges, which warrior are you?

First warrior? Second warrior? Third Warrior? Or are you fourth warrior?

HAAAAAAAAAA

You go right to the heart of the matter.

[Song from 1:31:08-1:31:26]

I almost switched to...I was going to say AWETSOW- that's my wife's language... I know, as I'm telling this story and I said BEGAT nothing! And that's means nothing in the Dakelh language

So that's nothing in the Dakelh language so I was telling a Secwépemc story and I was telling BEGAT

I was 28 and a half years in the north and I would put some Dakelh in there. I was lucky it was a Dakelh audience. If it was a SECWÉPEMC audience they would say "what's that BEGAT?"

[Laughter]

Plus, you know, my family is involved with language they would just me...

So that's, uh, that's the story of Water Monster.

## CASE BRIEF

### Water Monster

#### What is the main human problem that the story focuses on?

1. What is the community process for making important decisions?
2. How does a community respond to harm or dangers in the environment?
3. How do individuals gather the skills and knowledge necessary to meet challenges in their lives?

#### What facts matter?

- There are seven major stories within Hustalin (Adams Lake territory) that are marked in specific locations. The marker for the Four Warriors Story exists where there's an eddy on Hustalin (Adams Lake). That reminds the people of the Water Monster.
- Water Monster was half-male and half-female. It lived inside the mountain and would come down from inside the mountain and up through the middle of the lake to capsize people in their canoes. The people would be gone forever.
- The Head of the Lake people (the Fire people) needed to get across the lake to get their caribou, their berries, and their medicines. They couldn't cross the lake because of Water Monster. Instead, they would either paddle their canoes around the outside of the lake, which involved multiple portages, or hike along a 60km trail.
- The entire community got together to discuss this problem. The elders, the parents, the uncles and aunts, the teenagers, and the children all sat down and discussed this problem all day. They chose 32 Warriors, narrowed it down to 16 Warriors, then 8 Warriors. They talked all night. They listened to the elders, the parents, the teenagers, and the children and finally chose 4 Warriors.
- The first warrior got his paddle and his canoe and his spear and headed out into Hustalin with a plan. He went in concentric circles, smaller and smaller until the Water Monster came down through the mountain up through the middle of the lake, and capsized the first warrior's canoe. The first warrior was not seen again.
- The second warrior got his paddle and his canoe and his spear. He paddled to the left, changed his mind and went to the right, then to the left again. The Water Monster came up and created a whirlpool. The second warrior was sunk into the whirlpool and never seen again.
- The third warrior got his paddle, canoe, spear and decided to bring his bow and arrow. He paddled out, grabbed his spear and changed his mind and went for his bow and arrow. The Water Monster came out, he shot his bow and arrows but they just deflected off the Monster. He was capsized and never seen again.
- So the Head of the Lake people, the Fire people, said to the fourth warrior, "are you ready?" and the fourth warrior said, "I won't go forth in darkness." So he went to bed.
- In the middle of the night, the fourth warrior awoke and had a vision. The fog rose and he could see his Old-Ones, Transformers, the mountains, the ones that made the rivers and animals and people and medicines. He sat and listened to their stories all night.
- He woke up and told the people, "I had a vision last night. I must have a brand new canoe made for me today."
- So they found a master canoe maker. Everyone worked hard on the canoe all day smoking it out and digging it out until it was finally ready. It was dark at this time so fourth warrior went to sleep.
- In the middle of the night, the fourth warrior was in fog again and it started to lift. His grandmothers (KYAA) and grandfathers (SLAA) were there. His KYAA still smelled of Saskatoon berries, bear grease, and moccasins. He hadn't seen his KYAA since she died when he was ten. He was so excited to hear their stories he was just about crying!
- He awoke and told his people, "I had another vision. I must have a swift and dynamic paddle and a straight and true and powerful spear made for me today."
- So the people found a master spear maker and a master paddle maker. They all worked together until the

spear and paddle had the perfect shape. It was nighttime again by the time they finished so fourth warrior went to bed.

- In the night, his animal guides came to visit him and share stories. Animal guides are revealed during vision quests where people go into the mountains to understand their character and path for life. His animal guides could have been grizzly bear, coyote, frog, or deer.
- He awoke and told his people that his vision told him he must enter the sweat lodge (SKILIA).
- So the people carefully prepared a sweat lodge. Fourth warrior entered and did four rounds of prayer. First, for mother earth, second for females and the female entities, third for male entities, and finally, the fourth round is the warrior round. It is for yourself to pray for your connection to the creator, the people, and your family.
- Fourth warrior came out of the sweat lodge and accepted caribou clothing and moccasins from the eldest female.
- Then there was a great Shuswap feast. Everyone cooked their favorite meal and the fourth warrior ate very well – salmon, berries, all the birds and meats.
- Fourth warrior slept very well that night and in the night was visited by Old Coyote, the Transformers that made the waters, mountains, medicines, and the people. He saw his Old-Ones and his animal powers. They sang and drummed all night.
- In the morning, without saying a word, fourth warrior took his new canoe, paddle, and spear into the middle of the lake. The Water Monster came down and he thrust his spear through the heart of the Water Monster. He struggled and hung on for four hours.
- The Head of the Lake people saw the Water Monster come lifeless up to the lake. They took the Water Monster to the shore, made a big community fire, and burned the Water Monster until it turned to smoke.
- The Water Monster joined the rest of his ancestors in the spirit world of the Water Monsters – down side the Milky Way.

### What is decided or how is the issue resolved?

- The whole community got together to discuss the problem. (Issue 1, 2)
- Four warriors were selected to combat the Water Monster. (Issue 1, 2)
- The first three warriors attacked the Water Monster right away and were unsuccessful in their attempts. The fourth warrior would not attack at night. His ancestors, Transformers, and animal guides visited him during the night. He listened to their stories and teachings. (Issue 2, 3)
- The community listened to his requests that came from the fourth warrior's visions. They helped him prepare a new canoe, paddle, and spear. The community gave fourth warrior proper clothing and a nourishing feast. They helped him with his sweat lodge. (Issue 1-3)
- Fourth warrior – after four nights and four days of preparations – went straight to the Water Monster and eliminated it without fear. (Issue 2)
- The community burned the Water Monster so it could join its ancestors in the spirit world. (Issue 2)

**What is the reason(s) behind the response? Is there an explanation in the story?  
Is the reason said or unsaid?**

**(SAID):** The community deliberated about their problem for as long as it took to come up with a good plan and the community agreed to.

**(SAID):** The community carefully selected four warriors who were best suited for the task.

**(UNSAID):** The first three warriors were unsuccessful because they did not prepare for their task.

**(UNSAID):** The fourth warrior was successful because he listened to his elders, the Transformers, and his animal guides. He took time to prepare for his task.

**(UNSAID):** The fourth warrior was successful because the entire community helped him prepare for his task.

**(UNSAID):** The fourth warrior was successful because he learned from the failings of the first three warriors. Reflection is an important part of the process.

**(UNSAID):** Patience and preparation are important when taking on a challenge because it improves success.

**(UNSAID):** Choosing the proper tools is an important step when taking on a challenge because they improve success.

**(SAID):** Eliminating the Water Monster was important for the community because it allowed them to access important resources.

**(UNSAID):** Water Monster was angry because it was trapped on earth while the rest of its ancestors lived in the spirit world. Eliminating the Water Monster allowed it to return to his ancestors in the spirit world.

**Other Questions? What did you need to bracket?**

How do you know when the Water Monster is angry?


The importance of sleep and dreaming as a source of law

What is the significance of the canoe, the paddle, and the spear?

Canoe as movement and the way one moves towards your challenge is strong; strong foundation.







Secwépemctsin  
Lands and Resources Law  
Glossary



# Introduction

This glossary is meant to assist in communicating and understanding Secwépemc concepts that are relevant for understanding Indigenous Secwépemc law as it is referred to in the final analysis and casebook. The glossary was compiled using the *Secwépemc – English Dictionary* version 4,<sup>1</sup> which consolidates the previous three versions. Other words come from the Glossary in the Stsmémelt Project<sup>2</sup> and online resources. Additional terms were checked by Dr. Marianne Ignace providing information from her and Chief Ron Ignace's work *Secwépemc People, Lands and Laws: Yeri7 re Stsq'ey's-kucw*, currently in press with McGill-Queens University Press in collaboration with the Shuswap Nation Tribal Council.

We have thus included words that did not arise in our interviews and analysis for the purpose of providing the most comprehensive glossary respecting lands and resources that we could. Where we had the information, we have included definitions reflecting the many dialects that vary across Secwépemcúl'ecw. This glossary is by no means exhaustive and complete, but represents a first attempt to compile Secwépemc terms for laws, land, and protocols.

## A Note on Formatting Conventions and Spelling of Secwépemctsín

The conventions for spelling the Western Dialect (WS) of Secwépemctsín, the Shuswap language, used throughout this book follow those of the *Practical Alphabet* of the language developed in the early 1980s by linguist Dr. Aert Kuipers, Secwépemc speaker May Dixon from Canim Lake, and other Secwépemc language experts at the time. This orthography is used by Secwépemc teachers and learners throughout the territory. The spelling conventions for Eastern Secwépemctsín (ES) follow those set out by Dr. Kuipers and Secwépemc speaker Cindy Belknap (Williams) from Enderby, also developed during the 1980s. Since the 1990s, Chief Atahm School at Adams Lake Band developed a different Eastern Secwépemctsín orthography, however, which for the most part follows Western Secwépemctsín spelling conventions.

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1 Secwépemc Language Advisory Committee, *Secwépemc - English Dictionary*, Secwépemc Cultural Education Society, Version 4, (2012) at 140 [*Secwépemc Dictionary*].

2 *Tribal Case Book – Secwépemc Stories and Legal Traditions: Stsmémelt Project Tek'wémiple7* Research, created by Kelly Ann Connor (4 July 2013), online: Shuswap Nation Tribal Council (restricted access through SNTC Virtual Library) <<https://shuswapnationtribalcouncil.civicweb.net/Documents/DocumentList.aspx?ID=0>> at pg 100. [*Stsmémelt Glossary*].

## The Sounds of Secwépemtsín written in the practical alphabet:

### 1. Vowels

a (similar to English a in father) ES = ah

é (similar to English a in tan) - ES = a

e schwa (similar to English a in alone or e in enough -

ES deletes unstressed e in the surroundings of syllabic l, m, n and semi-vowels w and y.

i (similar to the ee in feet or the ea in beam, becomes retracted to ia before throat sounds

(similar to the o in rod or the augh in naught) –

u (similar to the oo sound in noon); retracted to o before throat sounds

### 2. Consonants

	Plain stop	Glottalized stop	Fricative	Plain resonant	Glottalized resonant
<b>Labial</b>	p	p'		m	m',
<b>Dental-lateral</b>	t	t'	ll	n, l	n', l'
<b>Alveolar</b>	ts	ts'	s		
<b>Palatal</b>				y	y'
<b>Velar-plain</b>	k	k'	c	r	r' (rare)
<b>Velar-rounded</b>	kw	k'w	cw	w	w'
<b>Uvular-plain</b>	q	q'	x		
<b>Uvular-rounded</b>	qw	q'w	xw		
<b>Pharyngeal-plain</b>				g	g' (rare)
<b>Pharyngeal-rounded</b>				gw	g'w
<b>Laryngeal</b>		ʔ	h		

Above chart was developed by Dr. Marianne Ignace.

## 1. Foundational Concepts and Terms

### a) yecwmenúl'ecwem – taking care of the land.

The term yecwmenúl'ecwem is the old fashioned way of saying “taking care of the land.” It uses the root ycwemen- “take care” and the lexical suffix –ul'ecw, which means “land,” when it is part of a word. Another way of stating this would be yecwmintem re tmicw, “let us take care of the land, or as a command, yecwminte re tmicw.

*Yecwemenúl'ecwem* is a foundational concept respecting land management in Secwépemcu'lecw. It roughly translates to “taking care of the land.” It is a phrase Tina Donald uses in her classroom teachings about coho salmon. She says it means

*...protecting the land... a lot of what I do is not only related to coho, but...talking to the kids about the different things that they can do as a little child to high school student about protecting the land for the future and why we want to do that.<sup>3</sup>*

3 Interview of Simpcw Community Member Tina Donald by Kirsty Broadhead and Adrienne MacMillan (31 July 2015) Simpcw, British Columbia at 7.

Western Secwépemctsin	Eastern Secwépemctsin	Rough translation	Explanation
Stsq'ey'  Yerí7 re stsq'ey's- kucw <sup>1</sup>	same	What is marked, written, laws, rights  Laws and Customs Literally, "this is how we marked it"	These are the laws that were laid out by the "deeds" of the Secwépemc ancestors.: sk'elep, Tlli7sa and his brothers, Qweq'wile and other transformers
Stk'wenm7íple7 <sup>2</sup>		Advice, council, law	Stk'wenm7íple7 is the act of interpreting the law as it was marked out in oral histories, within the context of current issues, problems
Stspetékwll <sup>3</sup>		Ancient oral histories	The narratives of the deeds of Secwépemc people long time ago (the tellqel'mucw) - Sk'elep, Tlli7sa, other transformers and heroes from the past. <sup>4</sup>
Sk'elep <sup>5</sup> also sek'lép		Coyote	Coyote is often thought to be the Secwépemc people's teacher, often demonstrated by doing what one is not to do. As Witness 2 explains, "they use coyote very well in teaching social norms in almost all their stories." <sup>6</sup> He seems to be the teacher in everyday human relations.
Senxwéxwlecw – Coyote ("the old one") [Noun] (also: sk'elep) <sup>7</sup>		"roadrunner on the land" – an Eastern Secwépemc and Simpcw term for coyote	In Eastern Secwépemc and Simpcw narrations of Coyote stories, his name is Senxwéxwlecw
sxlitemc		Guest	Guests in a territory are treated hospitality. The behaviour of guests is often described as respect for the community they are visiting and the rules that govern it. <sup>8</sup> They are welcomed if that respect is maintained.
seme7úw'í <sup>9</sup>		Real whites	First comers, manners were different from subsequent settlers. Majority were French speaking employees of northwest and Hudson's Bay Companies. <sup>10</sup>
méllelc		"have a rest" - The Value of Renewal	The Secwépemc are known for being hard workers, always having to subsist off the land in harsh environments. Throughout the seasonal rounds it was of great importance to balance work with rest. This process of renewal ensured healthier and happier people. The value of humour, of celebration, and of rest, was maintained in traditional times. Today we are often faced with many daily pressures and stresses. It is important to embrace the value of renewal to establish a healthier lifestyle.

1 Shuswap Nation Tribal Council, *The Memorial to Sir Wilfrid Laurier: Commemorating the 100th Anniversary*, PDF (2010) online: Shuswap Nation Tribal Council, <[http://shuswapnation.org/wordpress/wp-content/uploads/2012/09/137543\\_ShuswapNation\\_Bro.pdf](http://shuswapnation.org/wordpress/wp-content/uploads/2012/09/137543_ShuswapNation_Bro.pdf)> [Memorial].

2 *Ibid.*

3 *Ibid.*

4 *Ibid.*: gives an example of a Stspetékwle, which explains that the laws and customs were given to the Secwépemc by Sk'elep.

5 *Ibid.*: also in Secwépemc Dictionary, supra note 1 at 140.

6 *Interview of Simpcw Community Member Witness 2* by Kirsty Broadhead and Adrienne MacMillan (10 July 2015) Simpcw, British Columbia at 22 [Simpw Interview #5: Witness 2].

7 *Secwépemc Dictionary*, supra note 1 at 131; Interview of Adams Lake Community Member Ronnie Jules

by Kirsty Broadhead and Adrienne MacMillan (07 July 2015) Adams Lake, British Columbia at 22 [Adams Lake Interview #2: Ronnie Jules].

8 *Adams Lake Interview #2*: Anne Michel, supra note 12 at 12.

9 *Memorial*, supra note 4.

10 *Ibid.*

## b) Qwenqwent

The Secwépemctsin concept of *Qwenqwent* refers to humility and human dependency and is key to understanding all legal principles and practices of respectful relations. In the context of lands and resources, *qwenqwent* includes recognizing the significance and power of land, resources and non-human beings in relationship with people.

*Qwenqwent- means to be pitiful, humble. Recognizing humans place amongst non-human life forms and recognizing the need to be humble and respectful to the fruits of the earth.*<sup>4</sup> In the *Secwépemc Dictionary* the word for humble is *tkwekweltkstsút* – 1. humble; 2. modest; 3. low self-esteem [Adj]<sup>5</sup>

## 2. Secwépemc Communities<sup>6</sup>:

**Esk'ét** – formerly known as Alkali Lake Indian Band

**Kenpésq't** – Shuswap Indian Band

**Qwiqwíqwiyt** – High Bar Indian Band

**Pellt'iqt** – Whispering Pines Indian Band

**Qw7ewt** – Little Shuswap Indian Band

**Cstálen** – Adams Lake Indian Band

**Simpcw** – formerly known as North Thompson Indian Band

**Skatsín** – Neskonlith Indian Band

**Skítsestn (Skeetchestn)** – formerly known as Deadmans Creek Indian Band

**Splatsín** – formerly known as Spallumcheen Indian Band

**St'uxtéws** – Bonaparte Indian Band

**Stswécem'c Xgát'tem'** – formerly known as Canoe Creek/ Dog Creek Indian Band

**T'éxelc** – Williams Lake Indian Band

**Tk'emlúps** – formerly known as Kamloops Indian Band

**Ts'kw'aylaxw** – formerly known as Pavilion Indian Band

**Tsq'éscen** – Canim Lake Indian Band

**Xats'úll** – Soda Creek Indian Band

4 *Simpcw Interview #5: Witness 2, supra* note 9 at 13.

5 *Secwépemc Dictionary, supra* note 1 at 186.

6 *Stsmémelt Glossary, supra* note 2 at 100.

### 3. Resources:

**tknémentem** – to preserve Earth’s natural resources [Verb] (also: teknámeta, tknámeta)

**teknámeta** – 1. to respect the Earth; 2. to preserve (supplies); 3. to protect [Verb] [E] (also: tknémentem)<sup>7</sup>

#### a) Minerals

**tsq’ésцен’** – 1. to work in stone; 2. to hit a rock (also: estkets’ésцен) [Verb]<sup>8</sup>

**kwyéscnem** – to polish rocks/metal [Verb] (also: kwyem)<sup>9</sup>

Copper:<sup>10</sup>

tsqwéscen’ – 1. gold; 2. copper; 3. pennies [Noun]<sup>11</sup>,

Gold:

Tskwelkwelésцен’, kwelésцен’

Obsidian:

k’wellk’méke7 – anvil stone [Noun]<sup>12</sup>

k’eqínten – skin-covered stone put on spear shaft [Noun]<sup>13</sup>

sk’etst – stone tool for working and fluffing hides [Noun]<sup>14</sup>

t’eméke7 – stone hammer [Noun] (also: tseq’qínten)<sup>15</sup>

Ochre:

tsqweqwyém’cw – red paint made from rocks [Noun]<sup>16</sup>

qweqwyém’cw – red paint made from rocks [Noun] (also: tsqweqwlá7cw, tsqweqwyém’cw)<sup>17</sup>

qweqwyémc – red paint (made of snow mountain rocks) [D] [Adj] (also: qweqwyém’cw)<sup>18</sup>

cyeqwyéqwlpten – stones used in sweat lodge [Noun]<sup>19</sup>

#### b) Ttsreprép – Trees [noun]<sup>20</sup>:

éstqwlpl – Western red cedar [Noun]<sup>21</sup>

tsq’ellp – hard pitch on fir trees [Noun]<sup>22</sup>

yúq’wi – rotted red coals (trees used in tanning) [Noun]<sup>23</sup>

7 *Secwépehc Dictionary*, *supra* note 1 at 185 and 174. The word for resources only appears in the dictionary in relation to protecting the land.

8 *Ibid* at 222.

9 *Ibid* at 222 and 62.

10 *Interview of Splatsin Community Members Randy Williams* by Kirsty Broadhead and Adrienne MacMillan (08 July 2015) Splatsin, British Columbia at 26. Randy listed copper, obsidian and ochre as resources the Secwépehc mined in the past and still do today [*Splatsin Interview #3: Randy Williams*].

11 *Secwépehc Dictionary*, *supra* note 3 at 221.

12 *Ibid* at 66.

13 *Ibid* at 63.

14 *Ibid* at 139.

15 *Ibid* at 178.

16 *Ibid* at 221.

17 *Ibid* at 115.

18 *Ibid*.

19 *Ibid* at 39.

20 *Ibid* at 223.

21 *Ibid* at 115.

22 *Ibid* at 210.

23 *Ibid* at 262.

### c) Speq péq – berries [Noun],<sup>24</sup>

also: éllq – 1. berries, fruit (including cultivated fruit). This is only a very partial list of berries.

Other plants that were and are consumed as foods (roots, greens, nuts, seeds, lichen) are not included.

**ckít'en'kcnem** – to pick berries in bunches [Verb] (also: ckít'en'kcens)<sup>25</sup>

**q'wléwem** – to pick berries [Verb] (also: q'wléwens – “he-she picks it”<sup>26</sup>)

**cpeqpéqen'kcen** – red willow berries [Noun], and: tsexwts'úxw – red willow berries [Noun]<sup>27</sup>

**set'éqe7** – blueberries (highbush), *Vaccinium myrtilloides* [Noun] (also: set'áqe7 [E])

**yegmin** – blueberries (highbush) [Noun]<sup>28</sup>

**sencweséllp** – an Esk'ét and Xgat'tem' variety of Saskatoon [Noun]<sup>29</sup>

**speqpeq7úw'i** – Saskatoon berry, *Amelanchier alnifolia* berry [Noun] (also: spaqpaq7úw'i [E])<sup>30</sup>

**stséqwem** – variety of Saskatoon that grows in dry gullies

**speqpqéllp** – Saskatoon bush, *Amelanchier alnifolia* [Noun]<sup>31</sup>

**tektseqwtsqúqwse7** – red berries [Noun] (also: tseqwtsqúqwse7)<sup>32</sup>

**tpeqpqúqse7** – waxberries [Noun]<sup>33</sup>

**twepwepúpse7** – gooseberries [Noun]<sup>34</sup>

**t'ekst'i7úse7** – cranberries [Noun]<sup>35</sup>

### d) Mela'men – Medicine [noun]<sup>36</sup>

This is only a very partial list of medicines used by the Secwépemc.

**meláme ne s7exú7** – cough medicine [E] [Noun]<sup>37</sup>

**sxwexú7 te melámen** – cough medicine [W-Noun] (also: meláme ne s7exú7 [E])<sup>38</sup>

**melénllp** – 1. Balsam tree; 2. Alpine Fir, *Abies lasiocarpa* (lit. medicine tree) [Noun] (also: melánllp)<sup>39</sup>

**st'ekwyénst,**– medicine (of balsam bark) [Noun]<sup>40</sup>

**t'ekwyénst** – medicine of balsam tree bark [Noun]<sup>41</sup>

**welmín** – medicine made from Birch fungus [Noun]<sup>42</sup>

**wétk'cten** – medicine (vomit-inducing) [Noun]<sup>43</sup>

**smenc** – tobacco [Noun] (also: tsyeq')<sup>44</sup>

**smencéllp** – Coyote (Wild) tobacco, *Nicotiana attenuata* [Noun]<sup>45</sup>

24 *Ibid* at 144.

25 *Ibid* at 8.

26 *Ibid* at 5.

27 *Ibid* at 19 and 213.

28 *Ibid* at 133 and 261.

29 *Ibid* at 131.

30 *Ibid*.

31 *Ibid* at 144.

32 *Ibid* at 176.

33 *Ibid* at 191.

34 *Ibid* at 228.

35 *Ibid* at 233.

36 *Ibid* at 83; *Splatsín Interview #3: Randy Williams, supra* note 23.

37 *Secwépemc Dictionary, supra* note 1 at 83.

38 *Ibid* at 166.

39 *Ibid* at 83.

40 *Ibid* at 161.

41 *Ibid* at 233.

42 *Ibid* at 242.

43 *Ibid* at 243.

44 *Ibid* at 152.

45 *Ibid* at 152.

## e) ticwts'e – bagged animals

“kill”, animals that serve as food (collectively) [Noun].

This is only a very partial list of medicines used by the Secwépemc.

**st'pe7** – marrow [Noun] (also: ctet'ú7llten)<sup>46</sup>

**ctet'ú7llten** – marrow in backbone [Noun]<sup>47</sup>

**teniye** – moose [Noun]<sup>48</sup>

**ts'i7** – 1. deer; 2. meat; 3. flesh [Noun]<sup>49</sup>

**ts'e7úy** – blacktail deer, deer

**sek'wtúps** – white-tail deer [E] [Noun] tpqúqpe7 – whitetail deer [E] [Noun]<sup>50</sup>

**steq'éye** – grey deer (in winter fur) [Noun]<sup>51</sup>

**stqweq'wí7pe** – doe [Noun]

**sxwlécken** – buck

**tektselkstqín** – five-point-buck [Noun] (also: tektselkstéke7)<sup>52</sup>

**tcets'** – elk [Noun]<sup>53</sup>

**selcwéyecen** - caribou

**ítstemc** – male blue grouse [Noun]

**sesúq'w** – blue grouse [Noun]<sup>54</sup>

**sunéc** – willow grouse [Noun]<sup>55</sup>

**sxó7xe** – 1. fool hen; 2. sooty grouse [Noun] (also: sxú7xe), sxú7xe – 1. fool hen; 2. sooty grouse [Noun] (also: sxó7xe), tsítsqtseqt – sooty grouse, fool hen [Noun]<sup>56</sup>

**s7ést'cwem** – duck [Noun],

**temsgígtsem** – widgeon (duck) [Noun]<sup>57</sup>

**tsíxa** – duck, red-breasted [E] [Noun]<sup>58</sup>

**k'wsicw** – goose [Noun], Canada goose<sup>59</sup>

46 *Ibid* at 162; *Adams Lake Interview #2: Anne Michel*, *supra* note 12 at 33: Anna said st'pe7 means bone marrow and reflected on how good it was, a true delicacy for the Secwépemc according to her.

47 *Ibid* at 26.

48 *Secwépemc Dictionary*, *supra* note 1 at 179.

49 *Ibid* at 198.

50 *Ibid* at 129 and 192.

51 *Ibid* at 151.

52 *Ibid* at 175.

53 *Ibid* at 170.

54 *Ibid* at 50, 133 and 214.

55 *Ibid* at 163.

56 *Ibid* at 165.

57 *Ibid* at 125 and 189.

58 *Ibid* at 214.

59 *Ibid* at 69.

## 4. Land

**tmicw** land as noun-word. Also means territory, area, place  
 - as a lexical suffix tacked onto a root word - **-úl'ecw**,  
 - **lé7cw** – land, soil [Unstressed form of –úlecw, –úl'ecw]<sup>60</sup>

### a) Some Important Landmarks in Secwépemcu'lecw

Land markers were created by Coyote and the Creator to remind the Secwépemc of their responsibilities. The markers are reminders of how the Secwépemc must behave...others mark out the territory of the Secwépemc.<sup>61</sup>

Secwépemc Name	Location	Story Correlated to place
Sq'asca	found in the rock face at Hoffman's bluff, 12km from Chase BC.	Often referred to as the "rat's cave", it is the site where Tlli7sa and his brothers vanquished a supernatural marmot that killed people. Another version of the story attached to this place ( <a href="http://www.Secwépemc.com">www.Secwépemc.com</a> ) teaches the Secwépemc to behave properly, especially children who misbehave. <sup>11</sup>
Sk'elpálqw	The Pillar across from Pillar Lake, between Falkland and Chase BC.	In Sk'elép travels throughout Secwépemcu'lecw, making the land a better place for the Secwépemc, Sk'elép chose this place as a boundary marker. The Secwépemc know the boundaries of the territory by the markers Sk'elép placed on the land. <sup>12</sup>
Tseq.qíqen' - rock that is set there"	What is called "Balancing Rock" near the rock bluffs just before you get into Savona BC.	Balancing Rock Story is told by Theresa Jules and Ron Ignace. <sup>13</sup>
Coyote and his son Rock	Sk'atsin (Neskonlith) bordering Adams Lake on the North Side of the South Thompson River near Chase, BC. <sup>14</sup>	Story of Coyote and his Son. <sup>15</sup> Bonnie Leonard told the student researchers a version of this story and showed them the location of the larger rock, representing Coyote and a smaller one representing his son.

11 *Ibid.*

12 *Ibid.*

13 *Secwépemc Place Names, supra* note 81.

14 Bonnie Leonard, Shuswap Nation Tribal Council Representative.

15 *Coyote and his Son* in James Teit, "The Shuswap" in Franz Boas, ed. *The Jesup North Pacific Expedition: Memoir of the American Museum of Natural History* Vol. II, Part VII (Leiden: EJ Brill/ New York: GE Stechert, 1909) at 622-623.

60 *Secwépemc Dictionary supra* note 1 at 2.

61 *Secwépemc Place Names*, online: Secwépemculecw: Land of the Shuswap <<http://www.landoftheshuswap.com/landmark.html>> [*Secwépemc Place Names*].

## b) Rivers, lakes, creeks:

**setétkwe** – 1. river; 2. large body of water [Noun], **ximétkwe** – large body of water [Noun]<sup>62</sup>

**Mumix** – the north end of Adams Lake 75 miles from Adams Lake and Neskonlith, rich land for berries, cedar roots for baskets and medicines, also a hunting ground where hunters set up camp and stay until they have their game.<sup>63</sup>

**Sts'gil'xtn** – in the traditional territory of the Lakes Secwépemc.  
Hunting, trapping and huckleberry picking were activities that took place here.<sup>64</sup>

**Cemetétkwe** – also Ckwik'uyt, Scotch Creek, important area for hunting, berry picking, cedar roots, birch bark for baskets etc. traditionally this was a camping site for Secwépemc travelling over the mountains to the north end of Adams Lake.<sup>65</sup>

**Celéwt** – are on the north side of the Neskonlith Reserve. Close to the South Thompson River this site is used today for salmon fishing and smoking or drying. Traditionally, it was huge settlement area and depressions in the ground from the winter home sites can still be seen today.<sup>66</sup>

**q'wemnúcw** – to fish and smoke salmon right at the riverbank [Verb]<sup>67</sup>

**Tk'emlúl'pe** – Confluence of North and South Thompson Rivers, where Indian Point is [Noun]<sup>68</sup>

**Tk'emlúps** – general area around the confluence of North and South Thompson Rivers

**Tscq'elcétkwe** – round lake (not connected rivers) [Noun]<sup>69</sup>

**Tswécwemstem** – Bonaparte Lake [Noun]<sup>70</sup>

**Cyéyenwelc** – The village at Deadman's Creek where the band office and hall are [Noun] Skítsesten – the name for the larger area of the village on Deadman's Creek

**Ck'emtsín** – as a common noun: 1. stream (large); 2. mouth of creek [Noun] (also: tsecreptsín)<sup>71</sup> It is also used as a proper noun for the mouth of various rivers or creeks, for example the mouth of Deadman's Creek.

**Sts'xum** – Monte Creek<sup>72</sup>

## c) Mountains

**Étsxem** – Mount LoLo<sup>73</sup>

**Skwelkwék'wélt** – Tod Mountain at Sun Peaks – place for roots and medicines, hunting site where enough moose and deer would be dried for winter.<sup>74</sup>

## d) Other Significant Places

**Sek'wméws** – Secwépemc Narrows (connecting Shuswap Lake with Mara Lake)<sup>75</sup>

**Secwépemc Falls**<sup>76</sup>

**Tulumbie** – unidentified<sup>77</sup>

62 *Secwépemc Dictionary*, *supra* note 1 at 133 and 249.

63 *Secwépemc Place Names*, *supra* note 81.

64 *Ibid.*

65 *Ibid.*

66 *Ibid.*

67 *Secwépemc Dictionary*, *supra* note 1 at 121.

68 *Ibid* 186.

69 *Ibid* at 201.

70 *Ibid* 224.

71 *Ibid* at 10.

72 *Adams Lake Interview #2: Ronnie Jules*, *supra* note 10 at 13.

73 *Ibid* at 9.

74 *Secwépemc Place Names*, *supra* note 83

75 *Splatsin Interview #3: Randy Williams*, *supra* note 23 at 27.

76 *Ibid.* Randy speaks of the falls in relation to t'yentsút – to train self (mentally/spiritually) [Verb] (also: ctsenemékem')

AND étsxem – to train traditionally (spirituality/puberty) [Verb] (also: k'ulentsút, t7atsxamíns, t7etsxemíns) *Secwépemc Dictionary*, *supra* note 1 at 239 and 46.

77 *Interview of Splatsin Community Members Julianna Alexander* by Kirsty Broadhead and Adrienne MacMillan (08 July 2015) Splatsin, British Columbia at 20.

## 5. Framework for Analysis

The following sections discuss words within the context of the Analytical Framework that the Indigenous Law Research Unit used for analysing the stories and interviews that were part of this project. We have organized these concepts within the framework for ease of reference

### Part One: General Underlying Principles

**knucwentwécw** means helping one another; collectivity<sup>78</sup>

**(ts)knúcwmen',knúcwma7** means "helper"<sup>79</sup>

**yecwmenstwécw** means "look after one another"<sup>80</sup>

**ts'ílem** means the same; similar; equality<sup>81</sup>

**eyentsút** – harmony<sup>82</sup>

**qweqwentsín** – pray, it refers to the act of expressing one's pitiful state and thus asking for help through words in a social and spiritual sense. It thus invokes the humility of the person who prays<sup>83</sup>

**qeqeltsném** – humour; to joke say something funny<sup>84</sup>

**necetenmín** – leadership<sup>85</sup>

**xyemstés** – someone honours and respects another person, being or thing; respecting the four directions, other people, peoples, animals, weather formations, and seasons<sup>86</sup>

**c7í7lcmens** means "someone share out their things and possessions"; be generous, especially food<sup>87</sup>

### Part Two: Legal Processes

#### a) Territorial Protocols and Practices:<sup>88</sup>

**t'ekstés** – to follow a rule or custom<sup>89</sup>

**secwúl'ecwem** – to recognize land/terrain [Verb]<sup>90</sup>

**sqlew'** – it was like money, you could trade for other things of value.<sup>91</sup>

#### b) Harvesting Protocols and Practices:<sup>92</sup>

**Qwenqwent** – means to be pitiful, humble. Recognizing humans place amongst non-human life forms and recognizing the need to be humble and respectful to the fruits of the earth.<sup>93</sup> In the Secwépemc Dictionary the word for humble is tkwekwelkstsút – 1. humble; 2. modest; 3. low self-esteem [Adj]<sup>94</sup>

**kukwstsémc** – I thank you (one person) [E] [Verb] (also: kukwstsétsemc)<sup>95</sup>

**kukwstsétsemc** – I thank you [one person] (W) [N] [Noun]

**tk'wenm7iple7** – to take charge; to institute a law; rules of conduct passed down orally by respected

78 *Stsmémelt Glossary, supra* note 2 at 106.

79 *Ibid* at 106.

80 *Ibid* at 106.

81 *Ibid* at 106.

82 *Ibid* at 107.

83 *Ibid* at 107.

84 *Ibid* at 107.

85 *Ibid* at 107.

86 *Ibid* at 107.

87 *Ibid* at 107.

88 Words relating to the demonstration of respect for each other's territories.

89 *Stsmémelt Glossary, supra* note 2 at 108.

90 *Secwépemc Dictionary, supra* note 1 at 128.

91 *Interview of Skeetchestn Community Member Dr. Ron Ignace* by Kirsty Broadhead and Adrienne MacMillan (27 July 2015) Skeetchestn, British Columbia at 23 [*Skeetchestn Interview #6: Ron Ignace*]. Originally the word for "beaver." After beaver pelts had become a currency during the fur trade in the 1800s, and cash money became introduced, sqlew' was adapted as the Secwépemc word for "money," and the word for beaver became sqlewÁ7úw'i - "real or ordinary beaver," identifying the animal as opposed to currency.

92 Words relating to the demonstration of harvesting in a respectful, sustainable way.

93 *Interview of Simpcw Community Member Witness 1* by Kirsty Broadhead and Adrienne MacMillan (10 July 2015) Simpcw, British Columbia at 13.

94 *Secwépemc Dictionary, supra* note 1 at 186.

95 *Ibid* at 57.

members of the community and structured around the importance of collectivity and need to contribute.<sup>96</sup>

**secwkwénmten** - practice the way things are done; responsibility<sup>97</sup>

**tsígenkens** – s/he guts fish/animals [Verb] (also: tsqénkem, tsrénkem)<sup>98</sup>

**pelít** – to lay down (of animals) [Verb]<sup>99</sup>

**seckwénmten** – means cultural practices.<sup>100</sup>

## c) Procedural Steps for Making and Maintaining Agreements or Resolving Conflicts

### i. Invitation to meet and make an agreement (existing conflict or not)

a. sxlítémc – invited guests,<sup>101</sup> (ts)xlitem, (ts)xlitens – invite someone

b. t'ecwellúl'ecw – different land/territory [Adj]<sup>102</sup>

### ii. Community processes<sup>103</sup>:

a. Scplulk'w or splul'kw means a gathering or meeting to discuss things or make a decision;

### iii. Tsk'elén'em - means listening to people<sup>104</sup>

a. Yerí7 me7 secwentwécw-kt<sup>105</sup> means – let's recognize each other

b. Me7 sucwentwécw-kt – let us recognize each other<sup>106</sup>

c. xyemstsín – honour someone in your speech<sup>107</sup>

### iv. Consent

a. c7ú7tsen means; agree; consent, come to an agreement<sup>108</sup>

b. secentwécw, tsecentwécw; “fix things up with one another” - agree to settle with each other; to be happy agreement is made; to fix each other; to straighten each other out.<sup>109</sup>

c. Me7 c7ú7tsi (E) means you say “okay; I will agree; consent.”<sup>110</sup>

d. Extkekstés “straighten things out” means agree with; allow; consent.<sup>111</sup>

### v. Relationships formed after making agreements or resolving conflict:

a. Phrase “Ra stamát ri7 nawi7 wel ma7 tekwemí7a7” you will be my good friend for all of eternity.<sup>112</sup>

b. Eyentsút - means to have paid one's debts; paid restitution, held a religious fast, compensation, making good, restoration; harmony<sup>113</sup>

c. Wel me7 yews cknucwí7e7 – forever in one family.<sup>114</sup>

d. Knucwí7e7 – means all in one family.<sup>115</sup>

e. Setséx – means to witness; witness to a signature.<sup>116</sup>

f. Stsúts'ax – means witness; to see something that happens.<sup>117</sup>

### vi. Amendment (Change within a legal document)

a. Ctxwénem means; correct previous information; set somebody straight<sup>118</sup>

b. Tsetsetenwénem means; correct; say or do the right thing; hit upon; find.<sup>119</sup>

96 *Stsmémelt Glossary, supra* note 2 at 108-109.

97 *Ibid* at 106.

98 *Secwépmc Dictionary, supra* note 1 at 213.

99 *Ibid* at 98.

100 *Stsmémelt Glossary, supra* note 2 at 104.

101 *Interview of Skeetchestn Community Member Daniel Calhoun* by Kirsty Broadhead and Adrienne MacMillan (27 July 2015) Skeetchestn, British Columbia at 9.

102 *Secwépmc Dictionary, supra* note 1 at 232.

103 *Stsmémelt Glossary, supra* note 2 at 101, 101 and 103.

104 *Ibid* at 107.

105 *Stsmémelt Glossary, supra* note 2 at 107.

106 *Interview of Skeetchestn Community Member Garlene Dodson* by Kirsty Broadhead and Adrienne MacMillan (27 July 2015) Skeetchestn, British Columbia at 15 [*Skeetchestn Interview #6: Garlene Dodson*].

107 *Skeetchestn Interview #6: Ron Ignace, supra* note 122 at 21.

108 *Stsmémelt Glossary, supra* note 2 at 101.

109 *Ibid* at 101.

110 *Ibid* at 104.

111 *Ibid* at 101.

112 *Splatsín Interview #3: Randy Williams, supra* note 23 at 29.

113 *Stsmémelt Glossary, supra* note 2 at 107.

114 *Ibid* at 104.

115 *Ibid* at 104.

116 *Ibid* at 110.

117 *Ibid* at 110.

118 *Ibid* at 97.

119 *Ibid* at 97.

## d) Authoritative Decision Makers

**kúkwi7** – 1. chief; 2. respected person [Verb] (also: kúkpi7)<sup>120</sup>

**Kw'seltkten** means relatives, family, including extended family<sup>121</sup>

**K'wseltkten7úw'I** - close family

**tk'wam7ípla7** – Chief and Council [E] [Noun] (also: tk'wenm7íple7ten (W))<sup>122</sup>: councillors, advisors,

**Sqwelentém** means Elders, heads of family who represent the family and settled family disputes; Elders were also the authority in terms of family concerns and were called upon for advice.<sup>123</sup>

**stet'ex7ém, stet'ex7ám** means Elders (plural). Singular st'ex7ém

## Part Three: Relationships, Responsibilities and Rights:

### a) Land

**le7cw** – land, soil [Unstressed form of –úlecw, –úl'ecw]<sup>124</sup>

Secwépmctsín	Rough translation	Explanation
Yecwemíns <sup>16</sup>	To watch, look after	Secwépmc people have a responsibility to be stewards of the land, to ensure its survival because their survival is based on that of the land.
Yecwemínmen <sup>17</sup>	Caretakers	

Words/phrases associated with rights of the land:

Secwépmctsín	Rough translation	Explanation
secúl'ecwem <sup>18</sup>	to recognize land/terrain [Verb]	These words can be used in codification of Secwépmc law to demonstrate the lands agency and the respect that is integral to harvesting any resources in Secwépmculecw.
tseixemúl'ecwem <sup>19</sup>	to know the land [N] [Verb] (also: tselxmúl'ecwem)	
teknámeta <sup>20</sup>	1. to respect the Earth; 2. to preserve (supplies); 3. to protect [Verb] [E] (also: tknémentem)	
tknámeta <sup>21</sup>	1. to respect the Earth; 2. to preserve (supplies); 3. to protect [Verb] [Sp] (also: tknémentem)	

<sup>16</sup> *Stsmémelt Glossary, supra note 2 at 99.*

<sup>17</sup> *Ibid at 99.*

<sup>18</sup> *Secwépmc Dictionary, supra note 1 at 128.*

<sup>19</sup> *Ibid at 208.*

<sup>20</sup> *Ibid at 174.*

<sup>21</sup> *Ibid at 185.*

<sup>120</sup> *Secwépmc Dictionary, supra note 1 at 57.*

<sup>121</sup> *Stsmémelt Glossary, supra note 2 at 98.*

<sup>122</sup> *Secwépmc Dictionary, supra note 1 at 187.*

<sup>123</sup> *Interview of Simpcw Community Member Leon Eustache* by Kirsty Broadhead and Adrienne MacMillan (31 July 2015) Simpcw, British Columbia at 11.

<sup>124</sup> *Secwépmc Dictionary, supra note 1 at 2.*

## b) Other Territorial Groups

Secwépemctsin	Rough translation	Explanation
Tkekewíts'e7 <sup>22</sup>	Outer reaches, farthest you can go; boundaries	Right to be listened to and to be considered in the taking of resources that another territorial group also depends on. <sup>25</sup> Conveys that ability share how one nation's activities affect the other. Recognizing how each are affected by the use of the resource is the first step to moving towards an agreement to share the resource in some way.
kwyem <sup>23</sup>	1. to visit a community to compete; 2. to invade; 3. to polish rocks and minerals [Verb]	
k'ít'elc <sup>24</sup>	to travel to another community on invitation [Verb]	
Tsk'elén'em <sup>26</sup>	means listening to people	
Yerí7 me7 secwentwécw-k <sup>27</sup>	let's recognize each other	
c7í7lcmén <sup>28</sup>	Share it out; be generous especially with food.	One of the values Anne Michel hit on is that one has to share. She said "if you brag you share." <sup>30</sup> Anna had said this isn't practiced as much anymore; an indication that this value of sharing needs to be reinstated.
metwécw <sup>29</sup>	shared food (in community) [Verb] (also: cpíla, míl'em)	

22 *Stsmémelt Glossary, supra* note 2 at 108.

23 *Secwépemc Dictionary, supra* note 1 at 62.

24 *Ibid* at 64.

25 *Interview of Simpcw Community Member Tina Donald* by Kirsty Broadhead and Adrienne MacMillan (10 July 2015) Simpcw, British Columbia at 17.

26 *Stsmémelt Glossary, supra* note 2 at 107.

27 *Ibid* at 107.

28 *Ibid* at 107.

29 *Secwépemc Dictionary, supra* note 1 at 86.

30 *Adams Lake Interview #2: Anne Michel, supra* note 12 at 17.

## c) Community

Secwépemctsin	Rough translation	Explanation
xlítémc <sup>31</sup>	1. to invite guests (also: cwiyé7ens); 2. to feast [Verb] (also: xlítens)	Right to be consulted in the management of resources. <sup>33</sup> Plans created for indigenous communities should be done with the community not "somewhere in closed rooms." <sup>34</sup>
xlítens <sup>32</sup>	1. s/he invites; 2. s/he calls over [Verb] (also: xlítémc)	
Cplulkw <sup>35</sup>	Meeting to make a decision;	
Splulkw <sup>36</sup>	Gathering, party	Right to have community members fulfill their obligations.  <i>Story of Porcupine</i> <sup>38</sup> the people were all not living well because of the conflict between the two communities. Ronnie Jules said the people were happy to have a meeting initiated and would share each others knowledge because they both had an interest in having the differences resolved. <sup>39</sup>
cplúl'k'wten <sup>37</sup>	1. community centre; 2. gathering place [Noun]	

31 *Secwépemc Dictionary, supra* note 1 at 250.

32 *Ibid* at 250.

33 *Interview of Simpcw Community Member Witness 2* by Kirsty Broadhead and Adrienne MacMillan (10 July 2015) Simpcw, British Columbia at 15.

Witness 2 recounted an action to build understanding between nations; "a couple of years ago we had the Sto:lo folks come up and look right in our creeks [because they] don't believe us so they came up and they brought them to Louis Creek there's only 12 fish there that year instead of 1500 or whatever and they look in there and "ah", and so they get a good understanding." Subsequently Simpcw members went to the lower Fraser and created awareness not only with administration but with individual community members, getting them to understand that they have an opportunity for every fish that goes by and up river in Simpcw they have access to one.

34 *Adams Lake Interview #2: Anne Michel, supra* note 12 at 11.

35 *Stsmémelt Glossary, supra* note 2 at 101.

36 *Ibid* at 101.

37 *Secwépemc Dictionary, supra* note 1 at 20.

38 *Story of Porcupine* in James Teit, "The Shuswap" in Franz Boas, ed, *The Jesup North Pacific Expedition: Memoir of the American Museum of Natural History* Vol. II Part IV (Leiden EJ Brill/New York: GE Stechert, 1909) at 671-672.

39 *Adams Lake Interview #2: Ronnie Jules, supra* note 10 at 24.

## Part Four: Consequences, Enforcement and Teaching:

### a) Natural and spiritual consequences of not accessing and sharing resources in a respectful way

**tmicw** – 1. weather; 2. land; 3. country; 4. world [Noun]<sup>125</sup>;

**le7cw** – land, soil [Unstressed form of –úlecw, –úl'ecw]<sup>126</sup>

**téke mé7e** – those are the consequences [Phrase]<sup>127</sup>

**txwey't** – to pick berries until all gone [Verb] (also: *texwi7stés*, *txwey's*)<sup>128</sup>

**ck'esékem'** – to do badly (in work) [C] [Verb]<sup>129</sup>

**k'est7istsút** – 1. did stg. wrong; 2. behaved bad [Verb] (also: *k'estentsút*)<sup>130</sup>

**k'estentsút** – 1. did stg. wrong; 2. behaved bad [Verb] (also: *k'est7istsút*)<sup>131</sup>

**k'ist** – bad [Adj] (also: *cp'e7súl'ecw*, *k'sálcwem*, *k'sélcwem*)<sup>132</sup>

**k'sálcwem** – 1. ugly; 2. misshapen; 3. bad [Adj] (also: *k'ist*)<sup>133</sup>

**k'sekst** – to handle badly [Verb] (also: *k'sekstmens*) OR *k'sékstmens* – s/he handles it badly [Verb] (also: *k'sekst*)<sup>134</sup>

**k'sesq't** – bad weather day [Adj]; *sk'esésq't* – bad weather/rain [Noun] (also: *k'esésq't*)<sup>135</sup>

### b) Human enforcement of legal principles relating to accessing and sharing natural resources

**k'séyen** – 1. Bad luck; 2. accident-prone; 3. shame to self/family [Adj] (also: *k'seyn [W]*)<sup>136</sup>

**Est'lcítem** – means to be banned from people; ordered to have no contact with people; “you stop it now, how you are acting”<sup>137</sup>

### c) Teaching

**Yéwyut** “not behaving in a way one ought to behave”, “be a nuisance”<sup>138</sup>

**tselxemwílc, tsíxáwílc** – come of age, 7 years of age<sup>139</sup>

**Ctswum** – train a child.<sup>140</sup>

**tsún'emcts** - means to teach.<sup>141</sup>

**t'eqmeníl'e** - means to teach children<sup>142</sup>

**étsxem, etsxa** means; training of a child for adulthood; seeking your transformer spirit.<sup>143</sup>

**llecq'mentés** – “teaching them a message, in our language we call it *llecq'mentés*.”<sup>144</sup>

See also: *llecq'mélten* – teacher, *cllecq'mélten* – school, *llecq'mentés* – teach someone something

125 *Secwépemc Dictionary*, *supra* note 1 at 190

126 *Ibid* at 2.

127 *Ibid* at 174.

128 *Ibid* at 230.

129 *Ibid* at 265.

130 *Ibid* at 63.

131 *Ibid* at 63.

132 *Ibid* at 64.

133 *Ibid* at 64.

134 *Ibid* at 64.

135 *Ibid* at 64 & 139. A bad weather day could be seen as a consequence of not harvesting or respecting the earth when harvesting.

136 *Ibid* at 65.

137 *Stsmémelt Glossary*, *supra* note 2 at 98-99.

138 *Interview of Skeetchestn Community Member Dr. Marianne Ignace* by Kirsty Broadhead and Adrienne MacMillan (06 July 2015) Skeetchestn, British Columbia at 3.

139 *Stsmémelt Glossary*, *supra* note 2 at 101. Secwépemc People believe at age 7 a child is ready to train, then the child changes every seven years after that.

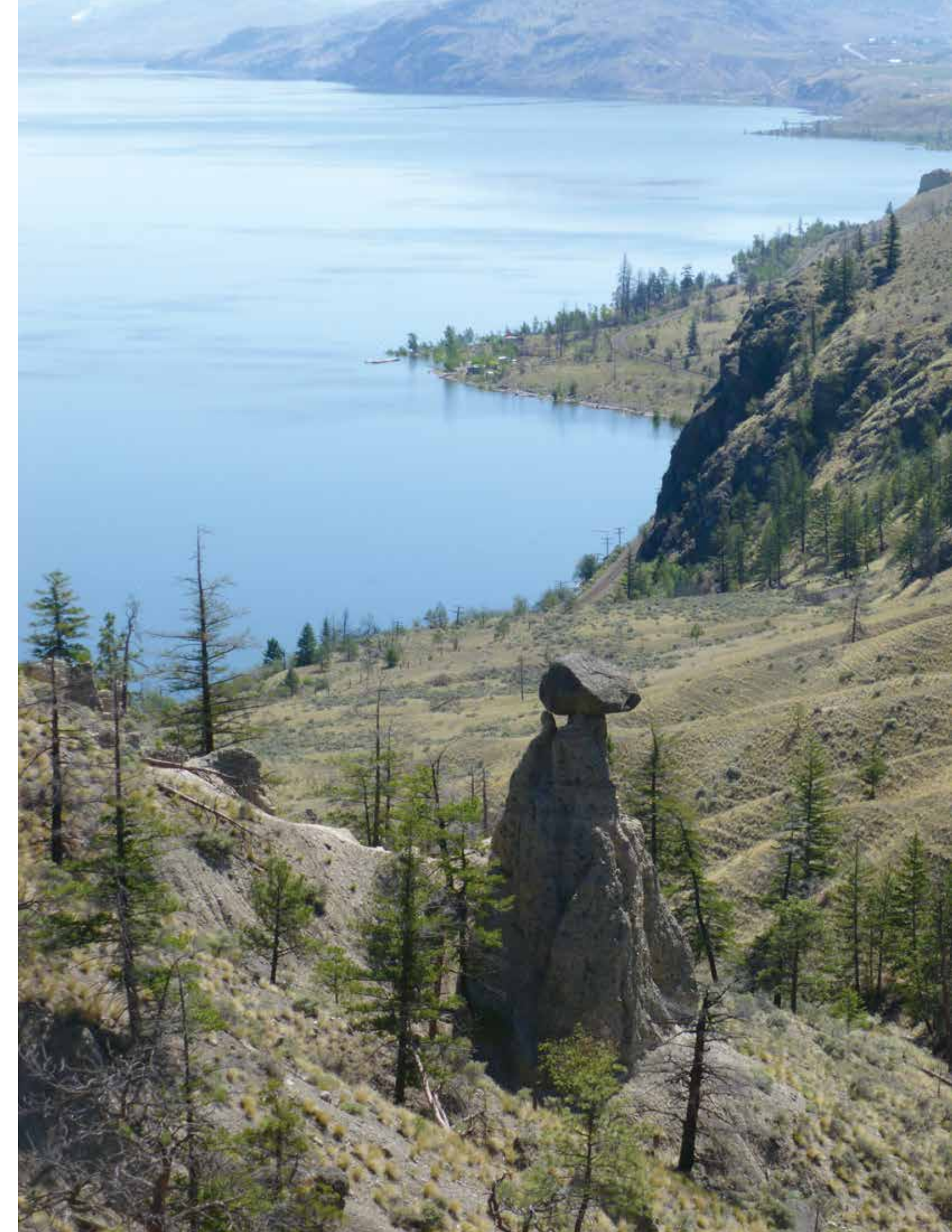
140 *Ibid* at 101. It is important in Secwépemcu'lecw to train children so they may take on the stewardship responsibilities of the land.

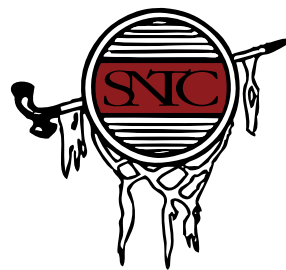
141 *Stsmémelt Glossary*, *supra* note 2 at 106.

142 *Ibid* at 106.

143 *Ibid* at 101.

144 *Skeetchestn Interview #6: Garlene Dodson*, *supra* note 138 at 4.





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Secwépemc

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