



## **JOINT PRESS RELEASE**

CONFEDERATED TRIBES OF THE COLVILLE RESERVATION  
&  
SINIXT (SŃŃAYCKSTX) CONFEDERACY

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### **Supreme Court of Canada Affirms Trans-Boundary Sinixt Hunting Right**

NESPELEM, WA.— Rodney Cawston, Chairman of the Confederated Tribes of the Colville Reservation (CCT) and the Sinixt (sŃŃayckstx) Confederacy, is celebrating today's judgment from the Supreme Court of Canada dismissing the Crown's final appeal in the *R v. Desautel* hunting case, the first time the Tribes have been to the highest court of either the US or Canada in almost 50 years. He issued this statement:

Today's decision reaffirms that the sŃŃayckst are not extinct. Since our people were dispossessed from our traditional homelands, we have struggled to retain our identity because of all the attempts to control our lives through laws not of our own making.

This decision will allow our people access to the natural world that our ancestors and Elders told us about. Rick Desautel harvested an elk which is one of the staple foods of our existence for ceremonial purposes. His ethical and ceremonial respect of our traditional foods exemplifies the connection our people still need for our cultural survival.

The sŃŃayckst, including more than 3,000 members of the Lakes Tribe of the Colville reservation, are comprised of a greater collective on both sides of the border. All our people have had to respond to colonization, dispossession and attempts of assimilation, and because of this legal and political history, were forcibly removed from their homelands, and wound up in other parts of British Columbia and the United States.

Dispossession is not over, and it is not history. Today, our people look forward to rejoining our relatives in Canada to reunite our confederacy and collectively address land and other issues that impact our homelands.

In 2010, Rick Desautel was charged with hunting elk as a non-resident, and without a license, near Castlegar, B.C., which falls within the heart of sŃŃayckstx traditional

territory. Following a lengthy trial held in the fall of 2016, Rick was acquitted of all charges, with the court holding that s̓n̓ʔay̓ckstx hunting rights were protected under the Canadian constitution. Two subsequent appeals by the Crown were dismissed by the B.C. Courts. In dismissing the Crown’s final appeal, the Supreme Court of Canada acknowledged the forced displacement of Aboriginal Peoples through colonization:

I would add that an interpretation of “aboriginal peoples of Canada” in s. 35(1) that includes Aboriginal peoples who were here when the Europeans arrived and later moved or were forced to move elsewhere, or on whom international boundaries were imposed, reflects the purpose of reconciliation. The displacement of Aboriginal peoples as a result of colonization is well acknowledged:

Aboriginal peoples were displaced physically — they were denied access to their traditional territories and in many cases actually forced to move to new locations selected for them by colonial authorities. They were also displaced socially and culturally, subject to intensive missionary activity and the establishment of schools — which undermined their ability to pass on traditional values to their children, imposed male-oriented Victorian values, and attacked traditional activities such as significant dances and other ceremonies. In North America they were also displaced politically, forced by colonial laws to abandon or at least disguise traditional governing structures and processes in favour of colonial-style municipal institutions.

*(Report of the Royal Commission on Aboriginal Peoples, vol. 1, Looking Forward, Looking Back (1996), at pp. 139-40)*

By contrast, an interpretation that excludes Aboriginal peoples who were forced to move out of Canada would risk “perpetuating the historical injustice suffered by aboriginal peoples at the hands of colonizers” (*R. v. Côté*, [1996] 3 S.C.R. 139, at para. 53).

Like other s̓n̓ʔay̓ckstx people resident in the United States, Rick Desautel is currently unable to cross the border to s̓n̓ʔay̓ckstx territory in Canada, but was able to travel to Kettle Falls in Washington State in the southern portion of the territory to receive today’s judgment:

I am honored to be standing here on the rocks where our ancestors fished for thousands of years until the Grand Coulee dam blocked the salmon’s annual journey. I am at the end of my own journey through the court system, and at the beginning of the new journey of reconciliation for our people. I am grateful to the ancestors for their guidance and in helping our rights, traditions and natural laws prevail. I look forward to the hard work ahead together with the people of British Columbia.

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### About the Colville Tribes:

Today, more than 9,460 descendants of 12 aboriginal tribes of Indians are enrolled in the Confederated Tribes of the Colville. The twelve tribes which compose the Confederated Tribes of the Colville Reservation include: ščəlámxəx<sup>w</sup> (deep water) or Chelan; walwáma (Wallowa people) or Chief Joseph Band of Nez Perce; sǰ<sup>w</sup>yʔiɫp (sharp pointed trees) or Colville; šntíyátk<sup>w</sup>əx<sup>w</sup> (grass in the water) or Entiat; sn̓ɬayckstx (speckled fish) or Arrow Lakes; mətx<sup>w</sup>u (blunt hills around a valley) or Methow; škwáxcənəx<sup>w</sup> (people living on the bank) or Moses-Columbia; nspilm (prairie) or Nespelem; uknaqin (seeing over the top) or Okanogan; palúšpam (people from Palouse) or Palus; sənpɬ<sup>w</sup>ilx (grey mist as far as one can see) or San Poil, and šnpəšq<sup>w</sup>áwsəx<sup>w</sup> (people in between) or Wenatchi.

### About the sn̓ɬayckstx (Sinixt) Confederacy:

Formerly known as the Arrow Lakes Aboriginal Society, the Confederacy has been established to represent sn̓ɬayckstx people on both sides of the international border, regardless of tribal or band affiliation, in a manner consistent with Indigenous law and traditions.