

Skwelkwek'welt Update – October 07, 2004

" WHERE'S YOUR DEED ????? "

The Skwelkwek'welt Protection Center (SPG), along with various support groups, held a rally at Sun Peaks on August 29, 2004 to protest the on-going \$285 Million, Phase 2 expansion of the Sun Peaks Ski Resort.

On the same day, under the authority of the signed **July 11, 2003 Secwepemc Nation Traditional Territorial Occupation Resolution**, Secwepemc members and their invited guests began construction of what was to be a permanent structure. This structure was to:

- - exercise our Secwepemc Title and Rights to our un-ceded lands by occupying our lands
- - monitor environmental damage at Skwelkwek'welt
- - inform visitors and investors of the on-going unsettled land issue in the area
- - educate our people, our guest, the public, and the courts of laws we stand on and the legal right to live on our lands
- - restore Secwepemc culture and language to our people (as taught by our traditional Elders)

As we began the occupation of our lands, we were immediately attacked by the Sun Peaks Ski Resort Corporation, bc government officials (acting under the patently unconstitutional BC Land Act), the Royal Canadian Mounted Police (RCMP), the provincial court system, and certain Shuswap DIA chiefs.

A chronology of events to date:

Friday, August 27, 2004

-With no formal *Shuswap Nation Tribal Council* (SNTC) Chief's Resolution and the *non – Secwepemc people* of SNTC Director *Bob Moody* and *Chrystie Stewart* for Kamloops Indian Band, identified as media contacts; 3 Identical Press releases, 1 on ordinary paper, 1 on Kamloops Indian Band Letterhead and 1 on SNTC Letterhead are issued with the support of at least 5 of 9 SNTC chiefs which condemns the rally and the invitation to UBCIC President / Penticton Indian Band Chief *Stewart Phillip* to attend.

Sunday, August 29, 2004

-Rally of approximately 200 people at Sun Peaks.
-Construction of our building / residence begins.
-Secwepemc Members are issued a Trespass Notice on land where building is constructed on encumbered, un-surveyed "crown" land (on the edge of the 16th fairway of the golf course).
-The notice informs the people to leave by 8:00 p.m. but no one leaves the site.

Wednesday, September 01, 2004

-Members of the *Secwepemc/ewc Traditional Peoples Government* (STPG) attend the SNTC meeting to clarify which bands are involved in the issuance of the press release. It was confirmed that 5 bands supported the press release – Adams Lake, Little Shuswap, Kamloops, Whispering Pines and North Thompson.
-3 chiefs said they were unaware of or did not approve the press release – Neskonlith, Bonaparte, and Speltzn.
-After much discussion it was agreed to hold a meeting on September 16, 2004 to discuss the Skwelkwek'welt issue further. The meeting is to take place at Skwelkwek'welt.

Friday, September 03, 2004

-SNTC Chiefs meet with RCMP NCO i/c T'kumlups Detachment (Kamloops Indian Band Rural) Cpl. *Brian O'Callaghan*. Cpl. *Callaghan*, in a September 10, 2004 call to Janice Billy, could not remember what chiefs he met with nor could he recall their individual names.
-The court injunction hearing is held in Vancouver Supreme Court. Secwepemc Nationals *Arnie Jack*, and *Janice Billy* act as their own legal counsel.
-As Jack continues to ask the Judge *Satanove* and A – G of bc lawyer *Mrozinski* for their deed (*WHERE'S YOUR DEED ???*) to Secwepemc Territory, he enters a 4 page affidavit / outline as "Exhibit A" on behalf of himself, *Janice Billy*, *Sawses* and *Sen Xexe7 Te Spelqweqs*. The existing laws and statutes relied on in this affidavit were: The Shuswap – Okanagan Declaration; Royal Proclamation of 1763; 1832 Blackdome Intertribal Agreement, BNA Section 91 (24); BNA Section 109, March 16, 1875 Duty of Disallowance (Striking down british columbia Lands Act); 1948 UN's Convention for the Prevention of the Crime of Genocide; Nuremburg Principles; 1969 Vienna Convention on the Law of Treaties; 1982 Constitution Section 35 (1); 1982 Charter of Rights and Freedoms (Section 25); Supreme Court of Canada's decision of December 11, 1997 (Paragraph 144 and 145) and the Haida Decision BCCA.
-Immediately after Secwepemc Elders *Irene Billy* and *Sarah Denault* testify, Judge *Satanove* reads her *pre – written* decision and unilaterally annexes 846 hectares of Traditional Secwepemc Territory. She grants the injunction and RCMP enforcement order to remove Secwepemc Nationals from their un-ceded lands at Skwelkwek'welt.
-The August 27, 2004 press release issued by the SNTC and / or Kamloops Indian Band is heavily relied upon the Attorney – General of bc's lawyer *Lisa Mrozinski*, Sun Peaks lawyer *John Hunter* Q.C. in their lengthy submissions, and Judge *Satanove* in her decision.

Saturday, September 04, 2004

-The RCMP serve the Provincial enforcement order to Secwepemc Nationals and their supporters at our Protection Center. With provincial legislation usurping Canadian Constitutional Law, everyone disposes of their order in the fire and refuse to leave the residence.

Tuesday, September 07, 2004

-RCMP issue a press release stating "talks are in progress between the first nations interest group located at Sun Peaks and local first nations representatives. Police at this time are not planning any action pending all communications being exhausted with the occupants at Sun Peaks....Police would prefer that the matter resolve itself and are hopeful that continued negotiation will resolve the issues at hand"
-In Kelowna BC, a letter is hand-delivered to Minister of Indian Affairs *Andy Scott* and the Federal Cabinet by Shuswap Chief *Mike Retasket* (Bonaparte Indian Band) which requests the Canadian government to intervene in the Skwelkwek'welt issue.

Wednesday, September 08, 2004

-Provincial RCMP, as represented through T'Kumlups Corporal NCO i/c *Brian O' Callaghan*, visits the "cordial" Skwelkwek'welt residence and inquires about current developments with nothing new of *immediate concern* or nothing resolved on behalf of the RCMP. The resident video-recorder and CBC Reporter *Leah Shaw* record this conversation.

Thursday, September 09, 2004

-At 4:00 pm, arrogant RCMP constable *Brian Castle* (Cassell ?) visits the Protection Center and speaks to *Janice Billy* on the cell-phone. Three times he states on the phone "Janice, either you take this structure down or we will". Castle also states that "all previous press releases (ie: September 07, 2004) issued by the RCMP are null and void". This is videotaped. With Castle's (

- Cassell ?) statement implying that an RCMP attack on the Protection Center is imminent, immediate calls by the media to the Kamloops District RCMP Detachment and the T'Kumlups / Kamloops Indian Band RCMP Rural Detachment result in the denial of any RCMP officer to the site at anytime that day.
- Arthur Manuel and Janice Billy call Inspector Randy Wilson to inform him of their concerns re: RCMP behavior toward the people. Mr. Manuel and Ms. Billy inform him of their extreme concern regarding past violent actions of the RCMP on their people. An agreement is made which allows for Mr. Manuel and Ms. Billy to be contacted before any moves are made by the RCMP.
 - Another Trespass Notice is issued for the Protection Center on the west side of Sun Peaks ski resort.
 - The notice says to remove the center by 5:00 p.m. September 9.

Friday, September 10, 2004

- At 1:00 pm, RCMP officers Terry Grimm and Kelly Auld arrive at the Protection Center to ask when the people will be leaving. They are informed of the agreement between Inspector Randy Wilson and Arthur Manuel and that all communications will take place between these two parties.

Monday, September 13, 2004

- With Kamloops Indian Band Member Manny Jules present (as Minister of Indian Affairs Andy Scott's personal representative ???), and no inclusion of or invitation to the Secwepemc'ecw Traditional Peoples Government, SNTC Chiefs and Kamloops RCMP (Kamloops Indian Band Rural / District ???) meet secretly at the SNTC to unilaterally discuss the cessation of the exercising of Secwepemc Title and Rights at Skwelkek'welt, Secwepemc'ecw and the coordinated enforcement of the September 03, 2004 provincial injunction and enforcement order.

Thursday, September 16, 2004

- As pre-determined at the SNTC Council of Chiefs September 01, 2004 boardroom meeting, the SNTC, as duly represented by Nathan Mathew, and the STPG meet at the Skwelkek'welt Protection Center. At this 3.5 hour meeting, Chairman Mathew and the STPG agree to work together. After 15 days notice of the meeting and the authority to speak on behalf of all 9 SNTC chiefs, a press release was to be finalized before SNTC Chairman Mathew left the mountain. This did not happen.

Monday, September 20, 2004

- Finally, after 4 days, a joint press release by the SNTC and the STPG states "Chief Nathan Mathew said that 'the SNTC supports the right of Secwepemc People to occupy, use and enjoy the land and natural resource within Secwepemc traditional territory', additional direct quotations include 'After lengthy discussion at the Skwelkek'welt Protection Center both groups agreed that they had sufficient common interests to continue developing complementary strategies dealing with the commercial development by Sun Peaks Resort' and 'SNTC and STPG will continue to meet next week to follow up on relationship building'.
- Contrary to the SNTC / STPG release, the Kamloops Daily News quotes SNTC Chairman Mathew, in a surprise flip move, stating, that " We're not necessarily supporting the protest...and are reviewing the impact of any legal actions in respect to broader interests "
- Sun Peaks Corporation returns to BC Supreme Court to seek an enforcement order on Madame Justice Satanove's September 03, 2004 bc Supreme Court enforcement order.

Tuesday, September 21, 2004

- At 1:00 pm, with the July 11, 2003 Secwepemc Traditional Territorial Occupation Resolution being read to them by Secwepemc Nationals, the RCMP execute the provincial court injunction and enforcement order. Paraded in front of the media and placed in handcuffs and iron leg chains with the intent of portraying them like common criminals, three Secwepemc Nationals are arrested for occupying, using and enjoying their un-ceded land at Skwelkek'welt, Secwepemc'ecw. The 3 are Henry Sauls, George Manuel Jr. and Arnie Jack. They are taken to the Kamloops court house holding cells. The three are charged with " **Contempt of Civil Court Order** ". In the Pre – Proof Era of December 11, 1997 and armed with subpoenas for 17 DIA Shuswap Chiefs and their Traditional Use Studies to establish the boundary of the collective Secwepemc territory, Sauls, Manuel and Jack's first court appearance is for November 15, 2004 in Kamloops. After all of this, the Crown in Right of Canada and the Crown in Right of bc are still unable to produce a deed to one acre of Secwepemc'ecw.

Friday, September 24, 2004

- Janice Billy and two youth went to the Shuswap Nation Tribal Council and were locked out. Billy went there to get information she had previously requested on the phone to Jackie Sampson.

Tuesday, September 28, 2004

- Janice Billy, Henry Saul, Leahanne Dick, and Arnie Jack went to the SNTC economic development conference in Kamloops to speak to Shawn Atleo to present him with a package of information. Janice Billy explained the situation re: DIA chiefs vs the people. He offered to facilitate a meeting with the two groups. Janice Billy told him to tell Phil Fontaine we need money to exercise our title on the land.

Thursday, September 30, 2004

- Members of the Secwepemc'ecw Traditional Peoples Government attend a title and rights meeting at Qwe7ewt Lodge to discuss the recent events at Skwelkek'welt. RCMP officers come to investigate a complaint that 3 people blocked the entrance of the lodge to people from Sun Peaks. Felix Arnouse called the RCMP. The RCMP confirmed that no one blocked the people from Sun Peaks. Janice Billy observed Nancy Green leaving Qwe7ewt Lodge at about 6:00 p.m.
- Letter regarding Bonnie Leonard's reference to the people exercising their Secwepemc Title as " **Squatters** " is delivered to Art Anthony, Ronnie Jules, and Wes Francois for Felix Arnouse This letter is requesting that Bonnie Leonard publicly repudiate her statements or be fired. Letter is emailed to Nathan Mathew that morning and faxed to the rest of the SNTC chiefs and to the Cariboo Tribal Council from Neskonlith band office.
- Art Manuel met with Nathan Mathew to discuss concerns regarding the relationship between SNTC and the people.

Friday, October 1, 2004

- Janice Billy, Irene Billy, Sarah Deneault go to the Shuswap Nation Tribal Council office to deliver the signed copy of the letter Re: Bonnie Leonard. All are refused entry by 2 security guards. Judy Wilson was at the SNTC, so she agrees to deliver the letter to Bonnie Leonard and Nathan Mathew.

Saturday, October 2, 2004

- SNTC Title and Rights Director Bonnie Leonard uses intimidation tactics on a Secwepemc Elder.
- Irene Billy and Janice Billy are at Farmer's Market in Kamloops selling bannock. Irene is approached by Bonnie Leonard who says to her "I am very disappointed that you went with her to deliver the letter to me" Leonard refers to Janice Billy.

" WHERE'S YOUR DEED ??? "