

Ethnohistory Field School Report 2019

“A Touchstone Position:” The Stó:lō Declaration

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INTRODUCTION

The 1970s was a period of intensified Indigenous resurgence of political activism throughout North America, and the Stó:lō people were in the midst of it. Within this contested period the Stó:lō Declaration emerged. Although this document has remained a key feature in Stó:lō political discourse, and more recently in scholarly writings,¹ the history behind the Declaration has been neglected. The neglect of this document is an academic oversight because the Stó:lō Declaration is still used in multiple ways to reinforce Stó:lō inalienable Aboriginal Rights and Title within S'ólh Téméxw (the Stó:lō world). Furthermore Stó:lō leaders have indicated that they would like the history of the document completed before those who were involved have passed away. This paper adds to the historiography regarding the creation of the Stó:lō Declaration specifically and of Indigenous activism in British Columbia generally. Significantly, this study situates the Stó:lō Declaration within its wider discourse.

The Canadian government's *Statement of the Government of Canada on Indian Policy, 1969*, known as the White Paper, provoked an unanimous negative response among Indigenous people, and as a consequence the Red Paper was created. This challenge to Indigenous identity by the Canadian government ignited the hibernating dispute of Aboriginal Title and Rights, specifically land

¹ See David M. Schaepe, "Stó:lō Identity and Cultural Landscape of S'ólh Téméxw," in *Be of Good Mind: Essays on the Coast Salish*. Edited by Bruce Granville Miller (Vancouver: University of British Columbia Press, 2007), 234 – 259 and Madeline Rose Knickerbocker and Sarah Nickel, "Negotiating Sovereignty: Indigenous Perspectives on the Patriation of a Settler Constitution, 1975 – 83." *BC Studies*. No. 190, Summer 2016, 67-87.

claims. The creation of the Union of B.C. Indian Chiefs (UBCIC) in the same year was another direct response to the government's proposed White Paper. The UBCIC affirmed their collective rights and title through *A Declaration of Indian Rights: The B.C. Indian Position Paper*, also referred to as the Brown Paper. The Stó:lō population were active representatives and political actors during the 1970s and were among the leading actors in the establishment of UBCIC. In fact, while the creation of the Stó:lō Declaration in 1975 was the unique Stó:lō response and assertion to S'ólh Téméxw, this document simultaneously served as the blueprint for UBCIC's Declaration of Native Title and Principles of Recognition to the land. It should be noted the UBCIC Declaration was often referenced as the East Fraser Declaration of Native Title, the Fraser East Proposal, as well as, the Land Claims Action Proposal in archival newspapers.²

METHODOLOGY

This paper uses an ethnohistorical and oral history framework. It combines semi-structured interviews³ conducted by myself and past field school students, along with primary and secondary sources to contextualize the time period. I am indebted to these previous field school papers and interviews, as it formed part of this paper's foundation. Interviews conducted for this paper include key Stó:lō political actors such as Clarence 'Kat' Pennier, Mark and Steven Point, who were, and still are, involved in the general push for land claims within S'ólh

² Note: "East Fraser" and "Fraser East" were both used in the *Nesika* newspaper. In 1975, "Fraser East" was used and in 1976, "East Fraser" with reference to the same Declaration was used.

³ Barnard, H. Russell. "Unstructured and Semi-structured Interviews." Chapter Nine in *Research Methods in Anthropology*, 212.

Téméxw. Scholars well versed in Stó:lō history and Indigenous politics and governance were also consulted including Dr. Naxaxalhts'i (Albert "Sonny" McHalsie), Dr. Keith Carlson, and Dr. Paul Tennant. Further, I reviewed UBCIC's archives and collection of newspapers, specifically the *Nesika* newspaper that was published between September 1972 and the Summer/Fall of 1977.

It is important to disclose that I am a Xwelítem or European settler with the goal of sharing aspects of Stó:lō history as accurately as possible based on the research analyzed and interviews conducted. Dr. Naxaxalhts'i (Albert "Sonny" McHalsie), the Cultural Advisor and Historian at the Stó:lō Research and Resource Management Centre asserts that with consent and guidance, it is sometimes appropriate to have others communicate aspects of Stó:lō history because "it enables others to see that the historical interpretation has passed through another set of eyes and ears..."⁴ Stó:lō educator Jo-ann Archibald in *An Indigenous Storywork Method* discusses the "legacy of disrespectful research methods" of past anthropologists and academics.⁵ This paper seeks to replicate the community directed and driven approach as a second set of eyes and ears, while following Archibald's seven principles of storywork, these are: respect, responsibility, reverence, reciprocity, wholism, interrelatedness, synergy.⁶ To do

⁴ Naxaxalhts'i (Albert "Sonny" McHalsie). "Prologue," in *Towards a New Ethnohistory: Community-Engaged Scholarship Among the People of the River*. Ed. Keith Thor Carlson, John Sutton Lutz, David M. Schaepe, and Naxaxalhts'i (Winnipeg: University of Manitoba Press, 2018), ix.

⁵ Jo-ann Archibald, "An Indigenous Storywork Methodology," in *Handbook of the Arts in Qualitative Research: Perspectives, Methodologies, Example, and Issues* (Thousand Oaks: SAGE Publications, 2015), 10.

⁶ *Ibid.*, 5.

so, it is essential to follow the advice Chief Lester Ned of Sumas iterated to Dr. Naxaxalhts'i: "to tell us what we need to hear, not what we want to hear."⁷

LIMITATIONS

Any research and subsequent written work has limitations. For this paper in particular, a major limitation included the inability to interview all members involved in the creation of the Stó:lō Declaration. Mary Lou Andrew, the matriarchal figure associated with the Declaration, and the only female directly involved in the creation of this document passed away before research began. Also, those who were directly involved (Mark and Steven Point and Clarence Pennier) are still involved in politics and as a result their availability was limited. Ideally, it would have been beneficial to have these three individuals together for a group interview. Group interviews often spark dormant memories and result in an amplified understanding of the topic being discussed. The memory of many of the informants was sometimes muddled due to the time that has past, along with the sheer volume of activism and change in Stó:lō territory, British Columbia and Canada during, and since the creation, of the Stó:lō Declaration. Finally, as Alexander Soucy pointed out in *The Problem with Key Informants*, events and experiences have "different meanings for different people."⁸ While some individuals who were tangentially involved in the Declaration were approached, they sometimes did not have any remarks to share. It should also be noted that while this paper seeks to fill the historical gap regarding the Stó:lō Declaration, it

⁷ Naxaxalhts'i, "Prologue," xi.

⁸ Alexander Soucy, "The problem with key informants," *Anthropological Forum*. Vol. 10, No. 2, 2000, 179 – 199, 194.

is by no means the complete or final word.

A RESURGENT SPARK

The year 1969 marked an influx of Indigenous activism throughout British Columbia that continued well through the 1970s. Dr. Paul Tennant argues, “For all aboriginal people in British Columbia the 1969 – 71 period was a time of unprecedented political development.”⁹ UBCIC’s Declaration or the “Brown Paper” published in 1971 set the groundwork for the organization’s Land Claims position.¹⁰ However, the land question and assertion of Aboriginal Rights and Title was not a new concept for the Indigenous population throughout British Columbia. Dr. Sarah Nickel and Madeline Knickerbocker illustrate that position papers, declarations and petitions were “...part of a sustained conversation” that was “Indigenous political realities for generations,” which often included direct action towards government policies and initiatives.¹¹ As Steven Point highlights, “The government for a long time had been pressing the natives towards a settlement of claims that would result in giving municipal status to Indian bands.”¹² Yet, these government initiatives, including the infamous White Paper in 1969, led to an increased dissatisfaction in the relationship. Clarence Pennier recalled “... it would be after the White Paper policy, that’s when things started

⁹ Paul Tennant, *Aboriginal Peoples and Politics: The Indian Land Question in British Columbia, 1849 – 1989* (Vancouver: University of British Columbia Press, 1990), 163.

¹⁰ Vera Manuel, “The History of the Union of B.C. Indian Chiefs: 20 Years of Struggle for Aboriginal Rights,” edited and updated by Mildred C. Poplar. Presentation for 20th - 25th Anniversary. Union Of B.C. Indian Chiefs, 1993. Stó:lō Library and Archives. Poplar, Mildred C. Folder. No. 1194, pages 3 – 4.

¹¹ Knickerbocker and Nickel, “Negotiating Sovereignty: Indigenous Perspectives on the Patriation of a Settler Constitution, 1975 – 83,” 78.

¹² Steven Point, “Understanding Native Activism,” *BC Studies*, No. 89, Spring 1991, 127.

happening more politically, [and we began] meeting together.”¹³ In 1973, morale amongst the Indigenous population in British Columbia was heightened again when the Supreme Court of Canada reached a split decision regarding the Nisga’a claim that Aboriginal Rights and Title had existed in the province.¹⁴ This split decision opened the door for the political and legal actions within the province. By this point, while unifying goals such as land claims connected the various Indigenous communities, changes in identification were reverting back to a tribal identity.

1975

The year the Stó:lō Declaration was created was saw many political changes within S’ólh Téméxw and the remainder of British Columbia. One major change was the resurgence of tribal affiliations. This rejuvenation of tribal affiliations was, in and of itself, a form of rejection to government policies. Scholar Paul Tennant noted, “Quite unlike the band councils created under the Indian Act, tribal leadership structures could be seen to have existed before contact.”¹⁵ This reawakening of tribalism undoubtedly influenced the Declaration. Dr. Schaepe argues, “Aboriginal tribes and nations began more forcefully expressing and asserting traditional rights and title to ‘territories’ stretching beyond reserve boundaries.”¹⁶ The Stó:lō Declaration was a direct assertion of Aboriginal Rights and Title to S’ólh Téméxw, the Stó:lō collective tribal territory.

¹³ Clarence Pennier, interview by Martin Hoffman, SRRMC Building, May 17, 2011. Stó:lō Library and Archives.

¹⁴ Tennant, *Aboriginal Peoples and Politics: The Indian Land Question in British Columbia, 1849 – 1989*, 166.

¹⁵ Tennant, *Aboriginal Peoples and Politics: The Indian Land Question in British Columbia, 1849 – 1989*, 176.

¹⁶ Schaepe, “Stó:lō Identity and Cultural Landscape of S’ólh Téméxw,” 236.

By 1975, land claims were at the forefront of concerns for Indigenous communities in British Columbia and UBCIC. Not surprisingly, the prior year marked the moment when funding for land claims research surpassed all other departments within UBCIC.¹⁷ In 1975 UBCIC released a documentary entitled “The Land is the Culture.” This documentary encapsulates the supreme significance of their land, and exposes the core elements of what would come to be referred to by scholars as “settler colonialism” – the sustained process of disassociating Indigenous people from their land and resources.¹⁸ The UBCIC documentary can be summed up in two sentences from the film: “The land is the basis of Indian culture. The land is the culture and without it we cannot survive as a people.”¹⁹ At the 7th General Annual Assembly of the UBCIC, Mary Lou Andrew, one of the authors of the Stó:lō Declaration, affirmed the significance of land claims within S’ólh Téméxw and throughout the province. Andrew proclaimed, “I think we have to set a priority... and make it land claims! ... I urge you my chiefs to make land claims your priority because the Department of Indian Affairs is not helping us and they never will...”²⁰ This push for land claims by Andrew heavily influenced the assertions made in the Stó:lō Declaration.

At the same assembly, the decision to reject all government funding

¹⁷ Tennant, *Aboriginal Peoples and Politics: The Indian Land Question in British Columbia*, 169.

¹⁸ For details about settler colonialism see: Patrick Wolfe, *Settler Colonialism and the Transformation of Anthropology: The Politics and Poetics of an Ethnographic Event* London: Bloomsbury Academic, 1998 and Lorenzo Veracini, *Settler Colonialism: A Theoretical Overview*, Palgrave Macmillan, 2010.

¹⁹ UBCIC “The Land is the Culture” 1975. DVD.30mins. Stó:lō Archives. E98 L3 L32.

²⁰ Union of B.C. Indian Chiefs. “UBCIC 7th Annual General Assembly (Morning of Tues. Apr. 22, 1975)”, 1975, 44:47 - 48:23. Accessed July 6th, 2019. https://archive.org/details/UBCIC_7th_AGA-V282.

resulted in unprecedented change at UBCIC and those actors involved. Dr. Tennant argues that UBCIC's meeting in Chilliwack during April 1975 "...became a political and cultural revival meeting that had profound emotional significance for many of those taking part. No one had anticipated such a possibility."²¹ All four authors of the Declaration are confirmed to have been in attendance. Following the rejection of federal funding, UBCIC's *Nesika* newspaper highlighted the significance but also controversy this action had on the organization. The newspaper stated "... following a Chilliwack declaration that Indians have traditional rights to hunt and fish, the attorney-general's department has reportedly been flooded with cases...The decision to reject government money has not failed to bring criticism from Indians...."²² This dissatisfaction included two of the executive members of UBCIC and it led them to resign less than seven months after the rejection of funding.²³ As a result, an emergency meeting was called in the winter of 1975 and one of the new elected executive members was Steven Point. Following this emergency election, UBCIC's main office was relocated to the Coqualeetza property in a small house due to the proximity of Point's residence, along with the newly limited funding.²⁴

COQUALEETZA GROUNDS

While the struggle for the Coqualeetza grounds is out of the scope of this

²¹ Tennant, *Aboriginal Peoples and Politics: The Indian Land Question in British Columbia*, 178.

²² Peters, Gerard. "From 1969 to 1975 the Movement is Born," *Nesika*. Vol. 3, No. 13 (May 1975), 2.

²³ "Elections." *Nesika*. November/December 1975, 11.

²⁴ Manuel, "The History of the Union of B.C. Indian Chiefs: 20 Years of Struggle for Aboriginal Rights," 9.

paper, it is essential to mention due to its connection to the creation of the Stó:lō Declaration and UBCIC. The idea for a provincial Cultural Education Centre was decided at the first UBCIC meeting in 1969 in Kamloops. The cultural centre initiative was transferred to the East Fraser District Council as UBCIC became increasingly busy and moved to Vancouver.²⁵ While the struggle for the Coqualeetza grounds for the cultural centre began in the late 1960s, it was epitomized in 1976 when twenty six Stó:lō participants were arrested for trespassing and hosting a sit-in at the old nurses' residence.²⁶ This sit-in serves as an example of Stó:lō activism and how the various actors worked together. Many of the authors of the Stó:lō Declaration were involved in the struggle to reclaim the Coqualeetza grounds.²⁷ The remaining authors of the Declaration were on the Board of Directors or worked on the grounds during the 1970s.²⁸

EAST FRASER DISTRICT COUNCIL

To elaborate on another pivotal group involved in the creation of the Stó:lō Declaration, a short overview of the East Fraser District Council (EFDC) is necessary. This District included twenty four Stó:lō Bands from Fort Langley through to Yale.²⁹ The EFDC served as the administrator of the Department of Indian Affairs funding and services, while simultaneously aiding in the increasing

²⁵ Coqualeetza Cultural Education Centre, "About us," Accessed July 3rd, 2019. <http://www.coqualeetza.com>.

²⁶ Melissa McDowell, *This is Stó:lō Indian land: The struggle for control of Coqualeetza, 1968-1976*. 2002. Ethnohistory Field School, 2.

²⁷ Clarence Pennier, interview by Jenna Casey, SRRMC Building, May 23rd, 2019. Stó:lō Library and Archives.

²⁸ Pennier, interview by Jenna Casey.

²⁹ Stó:lō Service Agency, "Our History." Accessed May 10th, 2019. <http://www.stolonation.bc.ca/history>.

cohesion of its members, whose main concern became the land question.³⁰ The Stó:lō participated in the Union through the East Fraser District Council. Steven Point remembers the EFDC as such:

the East Fraser District Council, by the time I had come on the scene, had two identities. One with the DIA [Department of Indian Affairs] and one with the Union of B.C. Indian Chiefs. So that was that. That was the way it worked. The political side was with the Union and the sort of the bureaucratic side was with the Indian Affairs.³¹

Further, Clarence Pennier recalled that in the 1970s “... the District Council had a six-person executive that dealt with the issues raised by the larger membership... one of the most significant developments of those years was the formulation of the Stó:lō Declaration in 1975.”³²

THE STÓ:LŌ DECLARATION

The Stó:lō Declaration was drafted in the spring of 1975 and approved at a gathering in Kamloops near the end of the same year.³³ The authors or “transcribers” who created the Declaration included brothers Mark and Steven Point from Skowkale First Nation, Clarence ‘Kat’ Pennier from Scowlitz First Nation and Mary Lou Andrew from Seabird Island Band.³⁴ Notably, while Steven and Mark Point confirmed Clarence Pennier’s direct involvement in the

³⁰ Ibid.

³¹ Steven Point, interview by Byron Plant, Scowlitz, June 3, 2002, Stó:lō Library and Archives.

³² Pennier, interview by Martin Hoffman.

³³ Martin Hoffman, “*A Meeting of the Minds*”: *Stó:lō Political History, 1969-1989*, Ethnohistory Field School, 2011, 2; Pennier, interview by Jenna Casey; “U.B.C.I.C – Kamloops ’75: a proposal for land claims action” *Nesika*: November/December 1975: Page 8 -9.

³⁴ Steven Point, interview by Jenna Casey and Harris Ford, SRRMC Building, May 23rd, 2019. Stó:lō Library and Archives; Pennier, interview by Jenna Casey and personal communication with Mark Point, May 27th, 2019, SRRMC Building.

Declaration, Clarence could not do the same. Pennier stated, "...the actual sitting around the table and talking about how to develop it, you know, again that part of my memory is a little fuzzy on that. I could have been here all the time participating with it, but, you know, it becomes a little hazy..."³⁵ Yet, confirmation of the all authors was affirmed by two or more of the remaining authors. Steven remembers the drafting of the Stó:lō Declaration was completed by a small group. He stated: "It didn't seem like a large group, it was a group that decided to come together to put this down on paper."³⁶ It should be noted, that more than one of the authors of the Declaration recalled Bill Mussell and Rueben Ware being involved in its creation.³⁷ Both of these men assured me that they had no direct involvement in drafting the Declaration; however, their indirect involvement cannot be denied, as both were involved at the Coquealeetza Cultural Centre and major participants of Indigenous activism during the period.³⁸ Clarence Pennier stated to a former field school student that "through the work of Reuben Ware, who was working for Coqualeetza at the time" was when the Stó:lō Declaration was created.³⁹

The Stó:lō Declaration was drafted on a yellow pad and written down by Steven Point. While Point wrote down the Declaration, he emphasized he was not the sole author. According to Steven there were multiple drafts:

I remember writing it out and when we're talking... we'd start all over again and write it again. We didn't have a typewriter in those days. We finally settled on one draft and we'd look at it and say this is it, this is

³⁵ Pennier, interview by Jenna Casey.

³⁶ Point, interview by Jenna Casey and Harris Ford.

³⁷ Ibid.; Pennier, interview by Jenna Casey.

³⁸ Personal communication with Reuben M. Ware, May 22nd, 2019.

³⁹ Pennier, interview by Martin Hoffman.

good and [we made] a clean copy. We'd go through a few drafts. I had the pen and I was writing it out... [but] we collectively were the authors.⁴⁰

Where this clean copy of the Stó:lō Declaration ended up is difficult to say.

Steven Point remembers the handwritten copy ending up in his office at Skowkale First Nation and believed the original document was likely accidentally discarded with his robust collection of papers regarding land claims when he relocated to another office space. Steven Point also recalled that "It was years later that I saw it was put into print."⁴¹ How the Declaration came into print I was unable to determine.

The geographical location of where the Declaration was created is somewhat contested. Steven Point remembered the Declaration being written at the Skowkale Band office and Clarence Pennier recalled its creation site on the Coqualeetza grounds.⁴² Both of these authors did state that the Stó:lō Declaration was presented at a UBCIC gathering sometime following the 7th Annual Assembly in Chilliwack during April of 1975. The approval was noted in UBCIC's newspaper *Nesika* in November/December of 1975 at the Kamloops gathering. The newspaper stated that the "Fraser East Declaration [was] Approved in Principle by Assembly".⁴³

The Stó:lō Declaration includes two sections, the first being the Declaration that affirms the rights and responsibilities given to the Stó:lō peoples

⁴⁰ Point, interview by Jenna Casey and Harris Ford.

⁴¹ Point, interview by Jenna Casey and Harris Ford.

⁴² Ibid.; Pennier, interview by Jenna Casey.

⁴³ "Declaration of Native Title." *Nesika*: November/December 1975: Page 8 -9.

within S'ólh Téméxw by the Creator.⁴⁴ The second portion of the Declaration includes seven principles that arise from the first section. According to Mark Point, the emphasis of the Creator was essential to the Declaration. Point highlighted the significance of including the Stó:lō worldview, partly because of residential schools emphasis on Christianity and, because accentuating the Creator's primacy in Stó:lō culture was a way to reassert their rights and connection to the land since time immemorial.⁴⁵ Simply put, the Creator placed them there for a reason and they were not going anywhere.⁴⁶ Steven Point also highlighted the inclusion of the Creator as a focal point of the Declaration. Point stated "...we didn't get down to describing all the rights but rather a broad-brush statement that the land is ours, we've always been here, and the Creator put us here."⁴⁷

Several decades later, Dr. Naxaxalhts'i and colleagues published an article in the *Stó:lō Coast Salish Historical Atlas* that elaborated on the origin stories of the Stó:lō. S'ólh Téméxw, the Stó:lō world, was created, he explained, by Tel Swayel (Sky-Borne People) and Xexá:ls (the Transformers) for the Stó:lō to reside with inherent rights and responsibilities.⁴⁸ Dr. Naxaxalhts'i described the relationship of the Stó:lō peoples and the Creator and thus the land as:

The Stó:lō walk simultaneously through both spiritual and physical realms of this landscape, connected to the Creator through the land itself as transformed by Xexá:ls....[with each]

⁴⁴ *Sto:lo History and Information*, edited by Clarence Pennier, Sto:lo Nation Archives, 28.

⁴⁵ Personal communication with Mark Point.

⁴⁶ Ibid.

⁴⁷ Point, interview by Jenna Casey and Harris Ford.

⁴⁸ Albert (Sonny) McHalsie, David M. Schaepe and Keith Thor Carlson, "Making the World Right through Transformations," in *A Stó:lō Coast Salish Historical Atlas* (Chilliwack, British Columbia: Stó:lō Heritage Trust, Douglas & McIntyre, 2001), 6.

transformer sites... unique and integral feature of a larger narrative, each physically embodying the Creator's existence, actions and relationship to mankind.⁴⁹

Many scholars, including Dr. Keith Carlson, have also discussed the significance and connection to the Creator in Stó:lō collective identity. Carlson noted, "One of the most central is a concept of connection through the unifying power of a supreme spiritual force responsible for creating the universe and providing it with life and sustaining the life through the distribution of power."⁵⁰ With the Creator's pivotal place in the history and space of S'ólh Téméxw, it is clear why it is prominent within the Stó:lō Declaration.

A significant factor that aided in the creation of the Declaration was the desire to capture what previous Elders and Chiefs had been articulating for many years. Clarence Pennier noted "...when we talk about the Declaration, it is based on all the previous presentations that our chiefs have made to the various government commissions that were in existence at the time or for a short time."⁵¹ Steven Point described the role of the authors of the Declaration as a reflective one that was focused on what the Stó:lō people, including Elders and Chiefs, would have said in the past. He highlighted that their goal was to:

...try to reflect their thoughts about what they understood the rights were. So, we wanted it to be authentic, not too complicated and sound like it was coming from a lawyer. We wanted it to sound like it was our position, so we've heard what the Elders had said and the older Chiefs said, so we were trying to capture that in a clear way so that we could move forward

⁴⁹ Ibid.

⁵⁰ ⁵⁰ Keith Thor Carlson, *The Power of Place, the Problem of Time: Aboriginal Identity and Historical Consciousness in the Cauldron of Colonialism* (Toronto: University of Toronto Press, 2010), 58 – 59.

⁵¹ Pennier, interview by Jenna Casey.

building things on top of this Declaration. This would be the definitive statement to what we thought our rights were...⁵²

Furthermore, Mark Point asserted that the Declaration was, initially, less about a political stance but rather a way to represent the Stó:lō worldview and to highlight the relationships the Elders had with the land.⁵³ This connection to the land was what Elders, chiefs, and ancestors understood as their rights. Steven Point recalled some of the Stó:lō Elders and chiefs who influenced the Declaration and the context of its creation. Point stated:

And so, we'd go to the meetings and we were young people, I was twenty-three, twenty-four, when I started my journey as a Chief. So I would go and sit with the Stó:lō Chiefs and... Elders like Richard Malloway, John George, Petey Peters, Don Hall, [and]... uncle Wesley Sam... They could articulate their rights and what we wanted to do is to write them down. We were sort of like... anthropologists – being faithful to what their words were and so that they could look at it and listen to us and say “yeah, that’s right”... it was suppose to be a very straightforward and I'd say a faithful rendition of what they thought their rights were.⁵⁴

For the authors of the Declaration it was clear that the voices within this informative written work be a collective manifesto of what people of the past and present—together—had always been saying. In 1975, one of the influencers referenced by Steven Point named Richard Malloway stated “Let the young people take over. In all these years I've worked on the Indian land question, we never got nowhere...”⁵⁵ The creation of the Stó:lō Declaration was exactly what

⁵² Point, interview by Jenna Casey and Harris Ford.

⁵³ Personal communication with Mark Point.

⁵⁴ Point, interview by Jenna Casey and Harris Ford.

⁵⁵ Union of B.C. Indian Chiefs, “UBCIC 7th Annual General Assembly (Morning of Mon. Apr. 21, 1975), 1975, 14:37 – 14:48 . Accessed July 6th, 2019.

https://archive.org/details/UBCIC_7th_AGA-V276

Malloway was referencing, as a younger generation began to take up more space in Indigenous politics throughout British Columbia and Canada.

Another factor in the creation of the Declaration was that this new generation of political leaders were educated in the western tradition. This allowed young leaders to communicate on behalf of their communities and the Stó:lō collective. Mark Point described the period in which the Declaration was created as time of transition where the old school leaders were mixed with a new school or generation of leaders who had new voices and were willing to speak up.⁵⁶ Point described this new generation of leaders as different from those previous. The new generation being increasingly educated in western tradition could articulate the voices of Elders, ancestors, and chiefs in the western methods and forums to a greater extent than previous attempts.⁵⁷ Steven captured this fact in an interview regarding the creation of the Stó:lō Declaration:

The same situation existed right across the country as young people like ourselves were coming out of universities and being able to write things down and articulate. I used to sit in meetings and people would come to me and say would you help me write this resolution. I was a lawyer and I would be writing resolutions for people. It was like that, people knew you were educated and wanted you to do the writing... not that they were incompetent but you were more competent to do that sort of work. That is the way we saw our role in those days. The young people were trying to capture what the Elders were saying about these rights and to be faithful to what they are saying. Not in our words but rather what we heard them say....⁵⁸

Clarence Pennier also discussed his education at Vancouver Vocational Institute and Vancouver City College, plus the high value his mother placed upon

⁵⁶ Personal communication with Mark Point.

⁵⁷ Personal communication with Mark Point.

⁵⁸ Point, interview by Jenna Casey and Harris Ford.

receiving an education.⁵⁹ This education assisted in his employment at UBCIC as the financial manager and then as Chief of his community, as well as Grand Chief. The new wave of young, and often western educated leaders, were equipped with a new ways of asserting their Aboriginal Rights and Title.

THE STÓ:LŌ DECLARATION AND UBCIC'S DECLARATION OF NATIVE TITLE

Steven Point highlighted the connection of UBCIC and the subsequent creation of the Stó:lō Declaration:

The motivation was because I'd become a Chief... and the Union of Chiefs was formed in 1969 and they came together with the objective of fighting for Aboriginal rights and getting it recognized, that sort of thing... That's my recollection of why we were doing it. We wanted to get a position that was written down before the Elders left and we wanted to take it to our next Union of Chiefs meeting.⁶⁰

The next gathering happened to be the emergency assembly late in the year of 1975, where Steven Point was elected as an executive member until the 8th General Assembly. According to the *Nesika* newspaper, Steven Point focused his meetings at the gathering with various bands on the East Fraser Declaration of Native Title, which was approved in principle by the Assembly with "almost unanimous support."⁶¹ The *Nesika* publication in November/December 1975 described the Declaration and the Principles of Recognition as the Fraser East Proposal. The publication stated:

⁵⁹ Pennier, interview by Jenna Casey.

⁶⁰ Point, interview by Jenna Casey and Harris Ford.

⁶¹ "Observations." *Nesika*: November/December 1975, 10. Accessed June 27th, 2019. <http://gsdl.ubcic.bc.ca/cgi-bin/library.cgi?e=d-00000-00---off-0nesika1-nesika1%20cunitybul%20cubcicnew%20cubcicbu1%20cindianwo%20cubcicupd-01>.

FRASER EAST PROPOSAL

The major focus of the conference was the Land Claims Action Proposal submitted by the Fraser East District. The proposal consists of its main Principles of Recognition and a Declaration of Native Title. The Fraser East people point out that "it is not a proposal for land claims research, it is a proposal for land claims action." The key, they say, is the mobilization of the Indian people, community organization, and the rebuilding of a native people's movement. Although the governments look at land claims as a 'settlement' or extinguishment of Native Title, the Fraser East people say we must fight for recognition of Native Title.⁶²

In an interview Clarence Pennier noted that, while his memory was "fuzzy" from that period, he was certain the Declaration was compiled after the UBCIC meeting in Chilliwack in April of 1975 and adopted as their own Declaration in 1976. Pennier stated:

... in 1975 we hosted the Union of BC Indian Chiefs meeting down in Evergreen Hall and I was part of the coordinating committee that put it together, but at that time the Indian wasn't talking about any declaration. I would assume that the chiefs had adopted the Declaration sometime after that meeting we had here, because in 1976, I'm not too sure which month, the chiefs presented the Declaration to the Union and the Union accepted that Declaration as their own, so it went from Stó:lō to the Union of BC Indian Chiefs.⁶³

According to *Nesika* newspaper, the Declaration was accepted in the late months of the 1975; however, through analysis of the Stó:lō Declaration and UBCIC's Declaration of Native Title, it appears to me that the Union did accept the Stó:lō Declaration as their own, but with modifications.

Many similarities between the UBCIC's and Stó:lō declarations exist.

For example, following the cosmology section of the Stó:lō Declaration,

⁶² "Fraser East Proposal." *Nesika*: November/December 1975: Page 8 -9. Accessed June 27th, 2019. <http://gsdl.ubcic.bc.ca/cgi-bin/library.cgi?site=localhost&a=p&p=about&c=nesika1&l=en&w=utf-8.>; *Stó:lō History and Information*, 28 – 30.

⁶³ Pennier, interview by Jenna Casey.

there are six assertions in the Declaration.⁶⁴ All six of these assertions appear within UBCIC's Declaration found in the *Nesika* publication.⁶⁵ In the Stó:lō Declaration, the "Principles that Arise from the Declaration" also exhibit similarities to the "Principles of Recognition" found in the Declaration of Native Title.⁶⁶ The first three assertions are verbatim while, both of the fourth sections reference Treaty 8 as recognition of Aboriginal Rights and Title.⁶⁷ Other similarities include point six of the Stó:lō Declaration principles which can also be found in the UBCIC Declaration of Native Title. Furthermore, the seventh assertion of the Stó:lō principles appears in two parts of Declaration of Native Title.⁶⁸ The similarity of these two documents, along with the evidence found in UBCIC's publication *Nesika* and testimony of Clarence Pennier, illustrates the interconnection of these two Declarations.

While there are many likenesses between the Stó:lō Declaration and UBCIC's Declaration of Native Title, a variety of differences are also evident in the texts. An obvious difference is the use terminology to describe identity. The Stó:lō Declaration uses "Stó:lō Tribes" and in the Declaration of Native Title "Indian Tribes" and "Native Tribes of British Columbia" are employed.⁶⁹ Another major difference between these documents are the

⁶⁴ See *Stó:lō History and Information*, 28 – 30.

⁶⁵ "Declaration of Native Title." *Nesika*: November/December 1975: Page 8 -9.

⁶⁶ "Principles of Recognition." *Nesika*: November/December 1975: Page 8 -9.

⁶⁷ *Stó:lō History and Information*, 28 – 29; "Declaration of Native Title." *Nesika*: November/December 1975: Page 8 -9.

⁶⁸ *Stó:lō History and Information*, 28 – 29; "Declaration of Native Title." *Nesika*: November/December 1975: Page 8 -9.

⁶⁹ *Ibid.*

assertions made in the fifth principle's sections. Section five in the Stó:lō Declaration highlights that through the recognition of Aboriginal Rights and Title, the government must negotiate with a focus on shared resources and traditional lands as well as the recognition of shared jurisdiction.⁷⁰ Whereas, in the UBCIC's principles section, it claims that no Department of Indian Affairs (DIA) programs were to be "curtailed or abolished" in an exchange for Aboriginal Rights, compensation or benefits.⁷¹ The UBCIC's position could possibly be attributed to the time period when relations with the DIA in British Columbia and, specifically the UBCIC and Stó:lō population, was highly strained from disagreements such as the Coqualeetza property. Finally, number six of UBCIC's principles discusses who qualified to participate in the recognition of Native Title and Aboriginal Rights, this is absent completely from the Stó:lō Declaration. The difference can be understood by the fact that UBCIC represented much of the Indigenous population in British Columbia compared to the Stó:lō Declaration that represented only those who were considered part of the collective Stó:lō identity. Finally, it should be noted, a couple of the assertions found in the Declaration of Native Title cannot be located in the Stó:lō Declaration.

Beyond these minor differences and modifications, one major difference exists. A primary focus, according to the authors of the Stó:lō Declaration and the text itself, is the Creator. Yet, the Declaration of Native

⁷⁰ *Stó:lō History and Information*, 30.

⁷¹ "Declaration of Native Title." *Nesika*: November/December 1975: Page 8 -9.

Title makes no reference to the Creator. The text of the Stó:lō Declaration states the following:

We the Stó:lō tribes of this land know the Creator put us here. The Creator gave us laws that govern all our relationships to live in harmony with nature and mankind. The laws of the Creator defined our rights and responsibilities. We have maintained our freedom, our languages, and our traditions from time immemorial. We continue to exercise the rights and fulfill the responsibilities and obligations given to us by the Creator for the lands upon which we were placed. The Creator has given us the right to govern ourselves and the right to self-determination. The rights and responsibilities given to us by the Creator cannot be altered or taken away by any other nation.⁷²

Interestingly, while this text is not included in UBCIC's Declaration of Native Title, it is included verbatim (minus the use of "original people" instead of "Stó:lō tribes") in a publication by UBCIC in 1980.⁷³ Unfortunately, no author or reference to the source is listed in the publication.

LEGACY OF THE DECLARATION

The influence of the Stó:lō Declaration persists throughout S'ólh Téméxw and beyond. Steven Point described the 1975 Stó:lō Declaration as a "Touchstone position that has stood the test of time."⁷⁴ This is exemplified through the ongoing use of the Declaration and effects still demonstrated in Stó:lō communities, as well as in their negotiations with provincial and federal governments today. Clarence Pennier proudly recalled the use of the Declaration throughout the years following its creation. He proclaimed "... we used the Stó:lō

⁷² *Stó:lō History and Information*, 28.

⁷³ Constitution Bulletin. *UBCIC Bulletins*, December 17th, 1980. Accessed July 7th, 2019. <http://gsdl.ubcic.bc.ca/cgi-bin/library.cgi?e=d-00000-00---off-0ubcicbu1nesika1%2cunitybul%2cubcicnew%2cubcicbu1%2cindianwo%2cubcicupd>

⁷⁴ Point, interview by Jenna Casey and Harris Ford.

Declaration in presentations to the provincial government and to the Royal Commissions on Aboriginal peoples back in 1996 as well.”⁷⁵ The Declaration is still referenced and reaffirmed in the long-standing negotiations of treaty within British Columbia and consultation with various government entities. Steven Point emphasized the enduring influence and use of the Declaration. He stated:

We are still using the Declaration now in the treaty process and it stood the test of time from this perspective. I think we captured what the thoughts or mood was at the time. No one has come by and said we... want to improve it.” We wanted something fundamental...So now that different developments have happened, people use the Stó:lō Declaration in our area here as the beginning of a document... So it served a good purpose in that way and maybe someday the younger generation will come back and say , “Lets amend the Stó:lō Declaration.” ⁷⁶

The Declaration has also been used as a blueprint for the creation of community declarations. The recent Semá:th Declaration was based directly on of the Stó:lō Declaration. Clarence Pennier referenced the gathering at Sumas First Nation at their longhouse where they presented their rights through their own specific Declaration that reasserted and affirmed their rights to their territory. Pennier stated that “...they used the Stó:lō Declaration as the Semá:th Declaration and they were letting the city of Abbotsford and their neighbours know that they needed to be consulted and accommodate any things that happened in their particular tribal territory.”⁷⁷ While the Semá:th Declaration is specific to their territory, as a Stó:lō community its Declaration uses similar language and assertions found in the Stó:lō Declaration, including the central role of the

⁷⁵ Pennier, interview by Jenna Casey.

⁷⁶ Point, interview by Jenna Casey and Harris Ford.

⁷⁷ Pennier, interview by Jenna Casey.

Creator.⁷⁸ Mark Point also recalled, when attending a national gathering, that there were chiefs from the eastern area of Canada who referenced the Stó:lō Declaration after he stated he was from S'ólh Téméxw territory.⁷⁹ The Declaration has maintained its relevance in the arena of politics and has become the “touchstone position” for the Stó:lō population.

IMPLICATIONS OF THE DECLARATION

The “touchstone position” of the Stó:lō Declaration had implications on the relationships with the provincial and federal government as well. For Clarence Pennier, the Declaration has served as guiding document for treaty negotiations within S'ólh Téméxw. Pennier stated:

I guess when you look at the whole treaty process that was established in 1992, it's supposed to help resolve the land question, but the policies that were put in place aren't there to do that... but in terms of process, at the end of the process, [the government asserts that] we want you to give up your land. We want you to give up your rights. So, you know, how do we do that? We can't, because it's against the Declaration.⁸⁰

The contention of treaty negotiations and assertions of Aboriginal Rights and Title found throughout the Declaration have yet to be resolved. The task of extinguishing Aboriginal Rights and Title sought by the Canadian government through the treaty process is undesirable to many Indigenous communities and as a result, they will continue to push for the Stó:lō Declaration to be implemented in its entirety. Clarence Pennier discussed the following issues associated with the implementation of the Declaration:

⁷⁸ “Semá:th Declaration,” Sumas First Nation, September 2017. Accessed May 20th, 2019. <http://www.sumasfirstnation.com/category/community-news/page/2/>

⁷⁹ Personal communication with Mark Point.

⁸⁰ Pennier, interview by Jenna Casey.

It's difficult for people to implement it... When you look at different referrals about development that is going to happen in their [particular] area, they can say 'no,' or 'yes with conditions' too. But, the referral process... doesn't really give us the right to really say 'no' to anything that is going to be developed, and we want to get to the stage where we are able to say 'no, you can't do anything'.⁸¹

The ability to say an outright “no” to development and to have Stó:lō Rights and Title that stem from the Creator of S'ólh Téméxw not only recognized but implemented into government relations would aid in the fulfillment of the Declaration.

CONCLUSION

The creation of UBCIC, along with the revitalization of land concerns in the late 1960s, initiated assertions of Aboriginal Rights and Title such as those found in the Stó:lō Declaration. The Stó:lō Declaration acted as the blueprint for UBCIC's Declaration of Native Title and undoubtedly influenced other declarations of the time⁸² through to the creation of the recent Semá:th Declaration. As Knickerbocker and Nickel recently affirmed, “In an era of strident activism, Stó:lō political leaders were familiar, and even comfortable, with this level of discourse. Indeed, at the time, Stó:lō communities occupied a major role in BC Indigenous politics.”⁸³ The Stó:lō Declaration serves as one example of this “strident activism” and as a reminder of the major role that Stó:lō communities and leaders played, and continue to play, in the arena of Indigenous

⁸¹ Ibid.

⁸² For one example see: “Musqueam Declaration,” Musqueam Indian Band. June 10th, 1976. Accessed June 10th, 2019.

https://www.musqueam.bc.ca/wpcontent/uploads/2018/06/musqueam_declaration.pdf.

⁸³ ⁸³ Knickerbocker and Nickel, “Negotiating Sovereignty: Indigenous Perspectives on the Patriation of a Settler Constitution, 1975 – 83,” 72.

activism. Stó:lō leaders were central in the formative years of UBCIC and have maintained this strident leadership within the organization and the province. Yet, the humble character of these leaders and communities prevail when discussing their role in Indigenous politics. When interviewed Clarence Pennier stated, "...all I know is that it was a good document, a good statement that we could use for anything, just to remind ourselves and the government."⁸⁴ Indeed, The Stó:lō Declaration *is* a good document. It has stood the test of time, as it continues to serve as a touchstone articulation of title and rights for the people of S'ólh Téméxw.

⁸⁴ Pennier, interview by Jenna Casey.

Appendix

THE STÓ:LŌ DECLARATION

We the Stó:lō tribes of this land know the Creator put us here.

The Creator gave us laws that govern all our relationships to live in harmony with nature and mankind.

The laws of the Creator defined our rights and responsibilities. We have maintained our freedom, our languages, and our traditions from time immemorial.

We continue to exercise the rights and fulfill the responsibilities and obligations given to us by the Creator for the lands upon which we were placed.

The Creator has given us the right to govern ourselves and the right to self-determination.

The rights and responsibilities given to us by the Creator cannot be altered or taken away by any other nation.

We, the people of the Stó:lō Tribes, openly and publicly declare and affirm to the people and governments of Canada and British Columbia:-

That the people of the Stó:lō Tribes have held and still hold aboriginal title, and aboriginal rights to all land and resources within our Tribal territory.

That the people of the Stó:lō Tribes have never reached any agreement or treaty with the governments of Canada and British Columbia concerning the occupation, settlement, sovereignty or jurisdiction over our land.

We, the people of the Stó:lō Tribes, declare and affirm our inalienable right of aboriginal title and aboriginal rights to the land, the mountains, the minerals, the trees, the lakes, the lakes, the rivers, the streams, the sea, the air, and the other resources of our land. We declare that our aboriginal title and aboriginal rights have existed from time immemorial, exists at the present time and shall exist for all future time.

We, the people of the Stó:lō Tribes, declare that we shall do all in our power to see that the governments of Canada and British Columbia recognized in law, and in practice, our aboriginal title and aboriginal rights.

PRINCIPLES THAT ARISE FROM THE DECLARATION

1. The main principle is that our Aboriginal Title and Rights are to be RECOGNIZED not sold or extinguished.
2. The RECOGNITION of our Aboriginal Title and Rights by the Federal and Provincial Governments is the basis for our on-going participation in sharing of royalties, use and management of our lands and resources.
3. COMPENSATION in land and in money is paid ONLY for past injustices and broken promises. Compensation is for over 100 years of non-recognition of our Aboriginal Title and Rights by the governments. Therefore compensation is for such things as loss of reserve lands through land grants. Compensation is also due because the

governments have infringed on our Aboriginal rights to hunting, fishing, gathering, and other resource uses. Therefor compensation is not a purchase of our Aboriginal Title and Rights.

4. The James Douglas and Treaty #8 were a recognition of those Tribes Aboriginal Title and Rights to their traditional territories.

5. In RECOGNITION of our Aboriginal title and Rights, the government of Canada must negotiate with the various Tribes or Nations on the way our traditional lands and resources are to be shared as well as the jurisdiction to be shared over the resources.

6. In RECOGNITION of our Aboriginal Title and Rights, the governments must place a MORATORIUM on all land and resource alienation until we negotiate according to number 5 above. That when any resource licenses such as mineral claims, tree farm licenses, the other forestry licenses expire they should not be renewed. That no new parks should be established until agreements are made.

7. The government of Canada should, as partial compensation, turn over any federal "crown lands" to their rightful owners – the Indians who own the traditional territory.

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