

# Sinixt Ethnohistoric Report Training

Regina v. Desautel



# Background

- On October 1, 2010 Richard Desautel shot one cow elk near Castlegar
- Mr. Desautel was charged with 1) hunting without a license, and 2) hunting while not being a resident
- Mr. Desautel pled not guilty, maintaining he was exercising an aboriginal right to hunt in the traditional territory of his Sinixt ancestors.

# Findings of the Court

- Provincial Court of British Columbia
  - Mr. Desautel was exercising an aboriginal right of the Sinixt/Lakes people in their traditional territory in what is now British Columbia as they have done for several thousand years before contact.
- Supreme Court of Canada
  - Persons who are not Canadian citizens and who do not reside in Canada can be an “Aboriginal Peoples of Canada” with rights protected by sec. 35(1) of the Constitution Act, 1982.
  - The expression “Aboriginal peoples of Canada” means the modern-day successors of Aboriginal societies that occupied Canadian territory at the time of European contact (for the Sinixt, 1811), and this may include Aboriginal groups that are now outside Canada.
  - Mr. Desautel is a member of the Lakes Tribe (within the Colville Confederated Tribes), which is a modern day successor of the Sinixt and therefore an Aboriginal Peoples of Canada.

# Key Factual Findings

- “There is no dispute that Mr. Desautel was hunting well within the traditional territory of the Sinixt” (Prov court, para. 4).
- That territory “ran as far south as an island just above Kettle Falls, in what is now Washington State, and as far north as the Big Bend of the Columbia River, north of Revelstoke in what is now British Columbia.” (SCC, para. 4)
- “There is also no serious dispute that wherever else Sinixt members may now live, they exist today as a group known as the Lakes Tribe of the CCT” (prov court, para. 4)
- Dr. Andrea Laforet produced a “masterful review” of the genealogy of 21 Sinixt families living in BC prior to 1830 demonstrating that Mr. Desautel is directly descended from Sinixt people living in the territory prior to 1846 (her report is available on [sinixt.com](http://sinixt.com))

# Sinixt Confederacy



- Created with a recognition that Sinixt descendants exist in other tribes on both sides of the U.S./Canadian border
- Created with the intention of bringing all Sinixt descendants under one governing body.
- Next steps include:
  - Federal recognition from the federal and provincial governments
  - A streamlined process for crossing the border consistent with the ability of other first nations
  - Inclusion in all federal and provincial funding sources