



Netse Mot (one heart, one mind) for Sk'aliCh'elh-tenaut

The Southern Resident Orcas of the Salish Sea are culturally and spiritually significant to the Coast Salish peoples whose territories overlap with that of the orcas. In particular, the Lhaq'temish people of Lummi Nation consider these orcas to be family. The Lummi term for orcas is qwe'lhol'mechen, meaning “the people under water,” and ancestral teachings hold that there are kinship bonds between the Lhaq'temish and orca peoples.

In 1970, a number of young Southern Resident Orca relations were violently captured from their native Salish Sea waters and sold to aquariums. Only one of these qwe'lhol'mechen survives to this day. Sk'aliCh'elh-tenaut, who has also been called “Tokitae” and “Lolita” in captivity, remains the star attraction of Miami Seaquarium, where she is held in the world's smallest orca tank, subjected to relentless sun and extreme social isolation.

In 2017, Lummi Nation was called to work to bring Sk'aliCh'elh-tenaut home. In 2019, Lummi elders Squil-le-he-le (Raynell Morris) and Tah-Mahs (Ellie Kinley) invoked their legal, cultural, and spiritual rights in calling for her release and homecoming, and announcing their intent to sue on the grounds of the Native American Graves Protection and Repatriation Act (NAGPRA) should negotiations not be successful. They are represented by Earth Law Center on the legal front, and are working with the Whale Sanctuary Project on the operational front. There is now a comprehensive plan that details how to safely and responsibly bring Sk'aliCh'elh-tenaut out of captivity and back home to the Salish Sea. The plan is grounded and guided by Lummi culture and oversight, and is a living document that will change according to Sk'aliCh'elh-tenaut's needs as they change over time. The ongoing health and well-being of Sk'aliCh'elh-tenaut, her Southern Resident Orca family, and the Salish Sea are centered in this plan.

Netse Mot is a Coast Salish phrase meaning “One heart, one mind.” In the decades since Sk'aliCh'elh-tenaut's capture, individuals and organizations have protested, petitioned, filed lawsuits, and otherwise campaigned for her release. The Indigenous call for the return of a sacred relative builds on this prior activism. It will take all of us –Indigenous peoples, faith organizations, environmental groups, and individual activists– working together to bring Sk'aliCh'elh-tenaut home. When we are of one heart and one mind, we will succeed.

Attached: Summary; Indigenous Statement of Solidarity; ATNI Resolution #18-32

Summary of the Movement to bring Sk'aliCh'elh-tenaut home

International Indigenous Support

- The United Nations Declaration on the Rights of Indigenous People reaffirms the inherent right of the Lummi People and the sovereign Nation to conserve, protect, and steward their current and traditional territory, including the Salish Sea, its ecosystems, and species.
- Indigenous Statement of Solidarity for the Lummi's call to bring their relation home has been signed by a number of Indigenous leaders around the world including those from New Zealand, Canada, Central Asia, the Pacific Northwest, and from the Sámi Parliament.
- Ceremonies held for Sk'aliCh'elh-tenaut and her by traditional cultural and spiritual practitioners from Russia, Central Asia, Samish, Seminole, Lummi and others. Viewable on the SacredSea YouTube channel and "Ceremonies for Sk'aliCh'elh-tenaut" Facebook page.

Political and Governmental action

- 1995: Washington Governor Mike Lowry and Washington Secretary of State Ralph Munro join a campaign to bring "Lolita" home after 25 years of captivity.
- 2017: Lummi Nation was called to bring Sk'aliCh'elh-tenaut home and passes a Lummi Indian Business Council (LIBC) Motion in August of 2017.
- 2018: Affiliated Tribes of Northwest Indians (ATNI) passed Resolution 18-32 supporting Lummi and calling upon Washington State to likewise support Sk'aliCh'elh-tenaut's return.
- 2019 Seattle City Council formally supports Lummi Nation's work for Sk'aliCh'elh-tenaut.
- 2019 Sna'teng naming ceremony for Sk'aliCh'elh (the Southern Resident Orcas).

Sk'aliCh'elh-tenaut means "daughter of Sk'aliCh'elh." Witnesses at the Sna'teng included ATNI President and Suquamish Chairman Leonard Forsman; Chief Leah George-Wilson of Tsleil-Waututh; the Chairwoman of Tulalip Tribes couldn't attend but sent her blessing; representatives from Swinomish, Lummi; elected officials including Whatcom County Executive Satpal Sidhu, a representative for Suzan del Bene; representatives from government agencies including WDFW and the Army Corps. The Mayor of Bellingham Kelli Linville sent the boats off at the harbor.

Legal action

- 2012-current: People for the Ethical Treatment of Animals (PETA) and others including Animal Legal Defense Fund and Orca Network have brought a number of lawsuits pertaining to Sk'aliCh'elh-tenaut against MSQ and pertinent agencies. A case involving the transfer of the license was originally dismissed but has recently been resurrected.

- 2018: Lummi Nation held a press conference in Miami and invited Miami Seaquarium (MSQ) to work with them on Sk'aliCh'elh-tenaut's release and homecoming. MSQ declined.
- 2019: Two Lummi matriarchs, Squil-le-he-le (Raynell Morris) and Tah-Mahs (Ellie Kinley) announced in 2019 their intent to sue the Miami Seaquarium on the grounds of the Native American Graves Protections and Repatriation Act (NAGPRA) if Miami Seaquarium continued to refuse to work towards Sk'aliCh'elh-tenaut's repatriation.
- 2020: Earth Law Center announced that they would be representing Squil-le-he-le and Tah-Mahs as well as Sk'aliCh'elh-tenaut herself.

Cultural & spiritual action

- 2018, 2019, and 2021 Totem Pole Journeys with the House of Tears Carvers qwe'lhoh'mechen (orca) totem pole. Events with totem pole and with the *Whale People: Protectors of the Sea* traveling museum exhibit are attended by thousands of people, and widely covered in the press. At each event, there is a blessing.
- 2020 Miami water ceremony with Lummi and Seminole tribal members on the anniversary of Sk'aliCh'elh-tenaut's 50th year in captivity.
- International Indigenous ceremonies held by traditional cultural/spiritual practitioners
- Facebook page "Ceremonies for Sk'aliCh'elh-tenaut" creates an ongoing, collective prayer

Petitions, activism, and public support

- Over 600,000 people have signed on to petitions calling for Sk'aliCh'elh-tenaut's release
- Thousands have attended Totem Pole Journey and related events
- Orca Network, a non-profit founded by Howard Garrett and Susan Berta, the Orca Network, came up with the first plan for "Lolita's retirement" and have been working for Sk'aliCh'elh-tenaut's release through lawsuits, public awareness, events, and other activism since 1995
- Miami activists protest every weekend outside the Seaquarium

Media

- Long-form and ongoing coverage regarding Sk'aliCh'elh-tenaut and Lummi include:
- Miami Channel 10 ABC affiliate with reporter Louis Aguirre
- Q-13 Fox in Seattle with reporter Simone del Rosario and others
- Journalist Ashley Braun is writing a long-form piece
- "Resident Orca" feature-length documentary by Simon Schneider currently in production
- Audible audiobook by Bonnie Swift currently in production
- Seattle Times coverage by Lynda Mapes, as well as her soon-to-be-released book
- Any number of print articles, TV news stories, blog posts, etc

Standing in Solidarity for Sk'aliCh'elh-tenaut

Two members of the Lummi Nation, Squil-le-he-le and Tah-Mahs, are working to bring Sk'aliCh'elh-tenaut home.

In August of 1970, Sk'aliCh'elh-tenaut was violently stolen from her home and family in the Salish Sea. September 24th will mark 50 years of her being imprisoned in a painfully small tank at the Miami Seaquarium, where she is the star attraction and forced to perform daily.

The Lhaq'temish people of the Lummi Nation are Indigenous peoples on the coast of northern Washington and southern British Columbia. "Sk'aliCh'elh-tenaut," is a member of Sk'aliCh'elh, the resident family of orcas who call the Salish Sea home. The Lummi term for "orca" is "qwe'lhol'mechen," which means "our relatives under the water." The Lummi and their qwe'lhol'mechen have lived in community with one another since time immemorial and teachings indicate not only deep cultural and spiritual connections between qwe'lhol'mechen and the Lummi people, but also kinship bonds. The Lummi Nation never consented to, and was never even informed of, her abduction.

Today, the lasting effects of a colonialism that decimated both Indigenous and orca populations in the Pacific Northwest, is being felt culturally and environmentally. While the release of Sk'aliCh'elh-tenaut would be justice for her, it would also be a justice for Indigenous Peoples of the Salish Sea, because at the heart of this matter lies a great disconnect between culture and law that must be rectified. Sk'aliCh'elh-tenaut's taking and prolonged holding at the Seaquarium, is a direct violation of rights defined under the United Nations Declaration on the Rights of Indigenous Peoples to:

- maintain distinct social and cultural institutions;
- redress for any action which has the aim or effect of depriving them of their integrity as distinct peoples, or of their cultural values or ethnic identities;
- manifest, practise, develop and teach their spiritual and religious traditions, customs and ceremonies;
- maintain, protect and develop the past, present and future manifestations of their cultures;
- participate in decision-making in matters which would affect their rights;
- maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard; and (amongst others)
- access to and prompt decision through just and fair procedures for the resolution of conflicts and disputes with States or other parties, as well as to effective remedies for all infringements of their individual and collective rights. Such a decision shall give due

consideration to the customs, traditions, rules and legal systems of the indigenous peoples concerned and international human rights.¹

The undersigned peoples stand in solidarity with Squil-le-he-le and Tah-Mahs, and call on the Miami Seaquarium to bring Sk'aliCh'elh-tenaut home! The Miami Seaquarium and its owners must recognize the Indigenous rights of her Lummi relatives. The Lummi people are one of the original inhabitants of Washington state's northern coastal region and view the Southern Resident Orcas as family members whose history, experiences, and fate are beautifully interconnected with their own.

1. Tāmati Kruger, Chairman
Tūhoe Te Uru Taumatua
New Zealand
2. Nimiipuu Protecting the Environment
Elliott Moffett, President, Enrolled Nez Perce
Luci Simpson, Board member/Elder, Enrolled Nez Perce
Julian Matthews, Coordinator/Board member, Enrolled Nez Perce
Becky Witnok-Huber, Board member
Morgan Chaffee, Office Staff
Idaho, USA



3. Casey Camp-Horinek
Environmental Ambassador
Elder & Hereditary Drumkeeper
Ponca Tribe of Oklahoma, USA

¹ ***ATNI Resolution #18 - 32: Tokitae, The Southern Resident Killer Whale Population, And The Salish Sea: Our Sacred Obligation; The Affiliated Tribes of Northwest Indian (over 60 tribes of the Pacific Northwest) supported a resolution that calls for the release and return Sk'aliCh'elh-tenaut

***Universal Declaration on the Rights of Indigenous Peoples (UNDRIP):
https://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf

4. Larry George, Director, Cowichan Tribes Lulumexun Lands & Self-Governance
Department
Candace Charlie, Referrals Coordinator, Lands & Governance, Cowichan Tribes,
British Columbia, Canada
5. Paul Chiyokten Wagner, WSANEC' (Saanich First Nations), Protectors of the Salish Sea
6. Garmaev Rinchin (Buryat-Mongol), Russian Federation, Member of the Council of
Elders of the World Union of Spiritual Practitioners of Indigenous, Peoples (WUISP)
7. Raimkulov Japarkul, spiritual practitioner, member of Kyrgyz Pastoral Network KEAK,
Member of the World Union of Indigenous Spiritual Practitioners (WUISP), Member of
the Network of Snow Leopard protectors (LOSL)
8. Kobokov Sultek, safe guardian of unical herbal recipes, member of Kyrgyz Pastoral
Network KEAK, Member of the World Union of Indigenous Spiritual Practitioners
(WUISP)
9. Kuluipa Akmatova, Kyrgyzstan, Member of the Elders Council, World Union of
Indigenous Spiritual Practitioners (WUISP), Member of the Network of Snow Leopard
protectors (LOSL)
10. Lyubov Ivashkina, Russia, Altai Republic, Member of the Network of Snow Leopard
protectors (LOSL)
11. Erjen Khamaganova (Buryat-Mongol), Russian Federation, Member of the Elders
Council, World Union of Indigenous Spiritual Practitioners (WUISP)
12. Corrina Gould, Tribal Chair/Traditional Spokesperson, The Confederated Villages of
Lisjan
13. OUSSOU LIO Appolinaire, Tolinu indigenous people of Benin (West Africa) and
President of the GRABE-BENIN association
14. Indigenous arctic parliamentarians from the Sámi parliament, Sweden;
Marie Persson Njajta
Carola Fjällström
Naadja Östergren
Mona Persson
Rolf Olsson

Veronica Håkansson
Daniel Holst
Stefan Mikaelsson

15. Charlene Aleck - Tsleil Waututh Nation Sacred Trust Initiative, British Columbia, Canada



16. Children of the Setting Sun Productions
Tse-sum-ten Darrell Hillaire, Executive Director
Lummi Nation, Washington, USA





2018 Mid-Year Convention Toppenish, Washington

RESOLUTION #18 - 32

“TOKITAE, THE SOUTHERN RESIDENT KILLER WHALE POPULATION, AND THE SALISH SEA: OUR SACRED OBLIGATION”

PREAMBLE

We, the members of the Affiliated Tribes of Northwest Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants rights secured under Indian Treaties, Executive Orders, and benefits to which we are entitled under the laws and constitution of the United States and several states, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise to promote the welfare of the Indian people, do hereby establish and submit the following resolution:

WHEREAS, the Affiliated Tribes of Northwest Indians (ATNI) are representatives of and advocates for national, regional, and specific tribal concerns; and

WHEREAS, ATNI is a regional organization comprised of American Indians/Alaska Natives and tribes in the states of Washington, Idaho, Oregon, Montana, Nevada, Northern California, and Alaska; and

WHEREAS, as indigenous peoples we honor in all ways our relation to Creation and in that spirit acknowledge a sacred obligation to ensure all our relations are treated in a dignified manner that reflects tribal cultural values that have been passed down for countless generations; and

WHEREAS, one of our revered relations is the Blackfish who is the subject of tribal oral histories in Washington, Oregon, Alaska, and elsewhere, whose cultural and spiritual significance to these tribes cannot be underestimated, whose sentience, complex social organization, use of tools, language and songs are acknowledged by the Lummi and other ATNI

member-tribes and whom we therefore call in our language, and is acknowledged by the Lummi and other ATNI member tribes to be, “the people under the water”; and

WHEREAS, in 1970, in Penn Cove (Whidbey Island) in Washington State, there occurred a brutal and immoral “round-up” of Blackfish that resulted in the death of adult and immature Blackfish and the abduction of many of our relations who were then shipped off to marine parks where all but one have since died; and

WHEREAS, the one remaining captive Blackfish in the United States, Tokitae (*aka* Lolita), has been separated from her family since 1970 and from any other Blackfish since the suicide of her sole companion, the Blackfish “Hugo,” in 1980, but to the present day she still calls out and recognizes the distinct dialect and unique identifying song of her native L-pod of the Southern Resident Killer Whale (SRKW) population; and

WHEREAS, she has since 1970 been kept in an 80’ long, 20’ deep, open-air circular tank in the Miami Seaquarium where, under heavy medication and the guise of “public education,” but, in reality in the interest of profit for Miami Seaquarium, Palace Entertainment, and Parques Reunidos (PQR), she performs humiliating and unnatural tricks for the public twice daily, every day; and

WHEREAS, her capture and captivity are all one interconnected and continuous crime against nature and a violation of our ancestral cultural values such that it is our sacred obligation to reunite her with her family where she can assume her rightly place in the natural order, live out the remaining decades of her life in accordance with natural law, and help bring healing to the past trauma of L-pod; and

WHEREAS, contrary to the half-truths and misinformation promoted by Miami Seaquarium, there is more than ample scientific evidence to demonstrate that: 1) she is in grave peril in Miami where in her ageing, inadequate, open-air tank she is subject to unnatural conditions, intense heat, and to potential harm inflicted by hurricanes that are increasing in frequency, duration, and intensity, and 2) she is a prime candidate for rehabilitation in a designated sanctuary to be made available to her in Eastsound (Orcas Island, Washington State) that is part of her natal waters and which contains a king salmon hatchery; and

WHEREAS, it is imperative to understand the context of this obligation in terms of an inherent right and a treaty right, and in terms of indigenous ways of knowing the natural law as embodied in our relationship to Tokitae, to her family, and to the SRKW population; and

WHEREAS, her rehabilitation and reunion will bring increased attention to Executive Order 18-02, signed by Governor Jay Inslee on March 13, 2018, establishing the Southern Resident Killer Whale Recovery and Task Force; and

WHEREAS, this effort will also help focus tribal efforts to take all the steps necessary to preserve and protect the biodiversity and cultural significance of the Salish Sea and restore it to its original vigor; now

THEREFORE BE IT RESOLVED, that ATNI supports and endorses the efforts being coordinated by the Lummi Nation to return Tokitae to her family and calls upon Miami Seaquarium, Palace Entertainment, and Parques Reunidos to agree to negotiate the terms and conditions for her release and safe return to her natal waters; and

BE IT FURTHER RESOLVED, that ATNI calls on Morgan Stanley, a significant investor in PQR, to insist that Parques Reunidos advocates to Palace Entertainment and Miami Seaquarium to partner with the Lummi Nation to secure the release and return of Tokitae to her family; and

BE IT FURTHER RESOLVED, that ATNI calls upon Governor Inslee and Washington State legislators to work with the Lummi Nation to secure any state permits that might be required for the return and rehabilitation of Tokitae and her reunion with her family; and

BE IT FINALLY RESOLVED, that in the context of the campaign for Tokitae, the SRKW population, and the Salish Sea, that ATNI supports the Lummi Nation's "Statement on the Cultural Significance and Management of the Xwullemmy (the Salish Sea)" and for all agencies of the state, local, and federal government to comply with the Statement (See attached Statement and Map).

CERTIFICATION

The foregoing resolution was adopted at the 2018 Mid-Year Convention of the Affiliated Tribes of Northwest Indians, held at the Legends Casino Hotel - Toppenish, Washington, on May 21-24, 2018.



Leonard Forsman, President



Norman Jean Louie, Secretary