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## IMPLEMENTING DELGAMUUK'W

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Biography of Ken Harris

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*Simoigit Ha'g be'gwatxw is a Clan Totem Keeper of the 'Gis'gahast Clan. Ken is 'Gitksan and is a member of the "Gidwin'gaxk Band. He retired in 1985 from his tour of employment as a Research Technician with a pulp company at Watson Island. Ken received his B.A. with a Major in Anthropology from the University of British Columbia in 1994. He was Vancouver Site Co-ordinator for the Royal Commission on Aboriginal Peoples (RCAP), as well as Co-ordinator for RCAP's survey for the Native Aboriginal Veteran's Association.*

First off I must say thank you, Mr. Moderator. I'm happy to see a lot of faces here that I know. I'd like to acknowledge the president of my school, Georges Soui, and all the others that are here to listen to what I have to say about the adaawk. The introduction already said part of what I wanted to say and that's the Delgamuuk'w decision... of course First Nations' oral traditions, same legal weight as archives or documentary evidence. Now this is what I will focus on because for a long time our adaawks were never recognized. I know when we took our case to litigation they gave us a time period which coincides with the Oregon Treaty and that only goes back to 1848, the [?] time 1846, I think. But the main purpose of our adaawk was never discussed and I am really happy now that the courts are looking at our adaawks – our histories -- and they are looking at it with some real evidence that it could be introduced in our court cases. So I hope to talk about this a little more and I would like to expound the essence of oral tradition among the northern maritime First Nations communities. Now I use the term “oral tradition” and the “northern maritime First Nations communities” because that's what some of our ethnographers have used in the past since contact. I know the Hawthorn report recognized the northern maritime First Nations communities and that is Gitksan, Tsimshian, Nisga'a, Haida, and Haisla. Fortunately for us, this territory that I identified as a national area also identifies the areas that were involved when we formed our four clans, and this is based on the adaawks of prehistory. So I will be talking about this. Further, I will present the endemic characteristics of the Gitksan adaawk, which include the authority, jurisprudence, continuity, depth, and interdependence: factors that allow First Nations governments to develop communities and also the harvest of the resources. And this is all part of the information that we get from the adaawk.

But first I will look at parts of Stan Persky's commentary of the Supreme Court of Canada's decision on aboriginal title in the Delgamuuk'w case. Persky, observes that Chief Justice Lamer is not encouraging the parties to go back to court. He states this litigation has been both long and expensive, not only in economic terms but in human terms as well. “By ordering a new trial I do not necessarily encourage the parties to proceed to litigation and to settle their dispute through the courts.” Now these are very important words that the justice spoke about. Lamer noted in a previous case that Section 35(1) of the Constitution Act provides a solid constitutional base upon which subsequent negotiation can take place. That is good advice I think. Ultimately, it is true negotiated settlements with good faith -- give and take on all sides reinforced by the judgment of the court -- that we will achieve the reconciliation of the pre-existence of aboriginal societies with the sovereignty of the Crown. Chief Justice Lamer goes on to express with greater certainty, “this appeal demands however, that the court now explore and elucidate the implications of the constitutionalization of aboriginal title, the question which the court has not yet definitively addressed. The second is the related question of the test for the proof of title. This appeal also raises an important practical problem relevant to the proof of aboriginal title, which is endemic to aboriginal rights to litigation generally: the treatment of the oral history of Canada's aboriginal people by the courts.” Stan Persky, the author of Delgamuuk'w points out in his commentary that not only did the court impart that aboriginal stories matter, but the aboriginal title is recognized in both common and constitutional law and it does have specific content and implications.

Before I go onto elucidate the implications our aboriginal adaawk express in support of constitutionalization of aboriginal title, I draw your attention to a very important statement prepared for the Gitksan-Wet'suwet'en case (1992) by Andrea Laforet. Andrea Laforet is the chief of the Canadian Ethnology Service. She looks at interdependence. She looks at interdependence which concerns to the degree to which any past must be interdependent with other pasts in order to have credibility. Adaawk, she looks at adaawk and see the authority in it. The authority, says Andrea, derived originally from encounter between human ancestors and animal, encounter between supernatural beings. Told exclusively by the chief or the chief's designate as a prerogative and function of the chief's office in the feast hall. Aaawk, she looks at continuity and observes that passed from generation to generation to one designated chief to the other. Adaawk has steps, time

unsegmented. Lineage histories began following the early flood, which caused the dispersion and migration to their own territories. Interdependence, each adaawk is expected to have integrity in and of itself. The principle narrative is supported by crests, names, songs, totem poles, and other lineage properties.

I will now give my presentation explaining the meaning of adaawk upon which the northern maritime indigenous communities base aboriginal self-government, in time before present, leading up to the time of contact with the European civilization. This includes the authority, continuity, and depth and interdependence factors. I will explain to a community member, or group of community members, the significance of the term adaawk and its relationship to the pursuit of self-government. Additionally, I will elucidate the relationship between people and their creator, the kinship among our clans, and subsequently the clans of other tribes. Further, I will expound to what extent the sovereignty of our First Nation of British Columbia comes from the creator. Now if we look here, we will find that Youloabby is the name we gave to our creator. Our creator, you know, has three parts. First Youloabby because he is everywhere, he is with us, he is all-powerful, he is all-present, he is all-knowing. We also know him as Nea, because it is from him that our life stem. We also know him as Gion, because it's through our creator that we get energy. And it was Gion that travelled to earth and picked up our virgin mother, who is also the virgin Earth, took the girl into heaven, or Youloabby where he lives, and the girl gave birth to three children. These three children were placed on an [agel?], or the Earth as we know it, and they developed into a large community of people which includes -- while we are setting up our system, our structure -- it includes the Gitksan, Tsimshian, Nisga'a, Haida and Haisla, and we will talk about that. But this is a look at our Creator as we know him. We will now look at the adaawk and the interpretation of the term adaawk.

We tell a lot of stories about these things but our interpretation is something we guard very closely. It is only discussed behind closed doors, as all our people on the northwest coast know. So adaawk is what is being recognized today by the court. But I had time to sit down with one of the professors at the University of British Columbia, Jay Powell the linguist, and we looked at the parts of the word "adaawk." "Daaw" simply means "ice." Add the prefix "a" to it, it means "of ice." Put the suffix "k" on it and it means "of the period of ice." So adaawk then gives us time depth. When we speak of adaawk, we think of these things as originating from the time of ice, which I assume is shortly after the last ice period. So we can look at time depth and the time depth that we know our creator and how he creates and gives birth to the people of Damilhaimin. And these people of Damilhaimin are all our people on the west coast of British Columbia.

Now one of the most important things that we have developed and talk about right from the beginning is the feast hall. In the feast hall is a house where all legal transactions transpires, everything: marriages, death, births, or new names of Sidweged all took place in the [?], or the feast hall. Ayouk, just cause for feasting. You don't just feast for any reason at all it has to be something that is as important as something that identifies you as a people and something that will give you a seat in the feast hall. Auyouk is the law of grandfather, as witnessed in the feast hall. Now at one time the Gitksan people identified 130 articles of our laws. When I looked at that I discovered that part of these 130 is really something that can be identified as the canon law of our people because it is the ayouksnat that we are looking at, and Nea is our creator, our father in heaven. We would like to know who he is. People call that theology. And once we understand who he is, we know what he wants for us to do, and these are encapsulated in the laws that we call ayouksniat. We also have other laws that deal with the lives of our people. Now these are the common laws, or constitutional laws, that are made by people. So all these takes place within the confines of the feast hall, or the [?], where the host clan generally occupies the entrance because they are a working group at the time of the feast and they usually have something to present.

One of the things that we often look as well is the structure of our families. If I am looking at one community, here I will see that this part of the Actigmogit, or the chief's wing, represents the people of the one community. Here because of time depth, we look at the Ahase, neta, lagibook, and luskee in that order, as time depth, some of the ethnographers are calling Seriata is that right, and so it is time depth that we look at for a simple reason to identify that we are families. I am the youngest of 15 and not any better than my oldest brother, why I am the chief I am not sure, the techalam totem chief. I often tell people when the midwife picked me up and said what a beautiful baby, I think we will make him a chief. Anyhow, I am here and one of the things that I must know is the structure of our communities, now when we look at other communities as we develop in time, we will look at the expansion of our people, which Andrea identified here as moving into different territories, known territories, we will have the Gitksan Tsimshian Nisga'a Haida Haisla Talthan, and

Wet'suwet'en, those are the communities of our people, but the clans remain the same, Gislahause, Claneta, Lackibook and Laskett. How do we develop these clans, we will talk about that as well. But I think I could probably start with that now. The moderator says I have 2 times ten minutes. Anyhow what happened is that when we developed our clan system we used the areas that I have talked about which is the Gitksan, Nisga'a, Tsimshian, Haida, and Haisla and this all took place within the structure of the feast hall Sierriatea again is important the Gitkslahas, finalleeboo and laskett, the host clan always occupy the door and if it should happen that the Gitlahans is hosting the feast the Gitlashas will identity, will occupy the door, anede who is second will take the head table the lakebook will take the table to the right and the laskeet will take the table to the left and this is one way we honor time and depth, time period as we develop. One of the things that I always said because we are families no tribe or clan is greater than the other we simply live together as bothers and sisters and this is one of the big things that is important to our people, I am going to cut this short. I'll tell you a little story, that tells us something about the love of our people for these others apparently when Christianity was introduced in the Kispiox area there were two groups of people the Oberlique and the Salvation Army and they got together very well to begin with. They have formed an outdoor area where they will march to and start the service and then march back to their community hall where they will carry on with the rest of the service and they agreed to do this at certain times, but one day it was cold in the winter and they didn't really look at the time, so they approach this area at the same time, when they say each other coming towards the area they started to run, they got to the cleared area, there was a big battle between the two people. Because of this the heathen, they were still heathens as well, the heathens look at them and they said not Christians, they fight like dogs, when they were Gitksan, they were bothers and sisters, but this is how important it is to us to understand who we are and what we are as brothers and sisters. If I go among the people in Haida guii they will immediately accept me as one of them. Among the Tlingits, I have been there and I know this, they will accept me. The Tsimshian, Haisla and here in Vancouver as well, those that are members of the clan system. That will be useful and this is how important our Adowa is, there is one little part. But one of the important things that we must keep in mind, while we live together as one people is the rope of life, it is called throughout and environment spirituality, political, social light is like a rope of three strands when one strand unravels the rope weakens. I you loose your spiritual life, your rope weakens, if your lose your political life the rope weakens, if your social structure is diminishing the rope weakens and this applies to all children of Gilowdy. Thank you very much for listening.