



Media Advisory

Tribal members suing Seaquarium to bring captive orca home *announcement to be made at press conference on International Tokitae Day*

WHAT: Two Lummi tribal members, *Tah-mahs* (Ellie Kinley) and *Squil-le-he-le* (Raynell Morris), will announce their intent to sue Miami Seaquarium for the repatriation of *Sk'aliCh'elh-tenaut* (Tokitae/Lolita). This announcement is part of International Tokitae Day, and will be made at the Stommish Grounds during the Paddle to Lummi, an immense, traditional gathering of international Indigenous canoe families.

The Native American Graves Protection and Repatriation Act (NAGPRA) gives legal grounds for the suit. For more information on NAGPRA, please see the attached brief Fact Sheet.

WHEN: International Tokitae Day, Saturday, July 27, 11:00 AM – 12:00 PM PST

WHERE: Lummi Nation Stommish Grounds (at the beach, close to the tower), 2295 Lummi View Drive, Bellingham, WA 98226

WHY: The Lummi people never gave consent to, or were notified of, *Sk'aliCh'elh-tenaut's* violent capture from Lummi territory in 1970. The *qwe'lhol'mechen* (orca relation) has been held captive ever since. Miami Seaquarium has repeatedly refused requests for a meeting and calls for *Sk'aliCh'elh-tenaut's* release and repatriation. Thus, two Lummi tribal members have taken it upon themselves to sue Seaquarium in order to bring their relation home.

VISUALS:

- opening with traditional drums/song/prayer
- *qwe'lhol'mechen* Totem pole
- over 100 canoes will be on the beach
- Blackhawk Singers and a contingent from Papua New Guinea will be in regalia, and will stand as witnesses

SPEAKERS:

- *Tah-mas* (Ellie Kinley), Lummi Tribal member, fisher, claimant
- *Squil-le-he-le* (Raynell Morris), Lummi Tribal member, elder, claimant
- Dr. Kurt Russo, on NAGPRA and cultural patrimony

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Quick Facts on NAGPRA & Sk'aliCh'elh-tenaut

NAGPRA

is a Federal law passed in 1990 that requires agencies and institutions that receive Federal funds to return objects of cultural patrimony to the Native American individuals and/or Tribes from which those objects were taken.

Miami Seaquarium

as an oceanarium engaged in research and exhibition, is an institution that has received federal funding, and is thus subject to NAGPRA. Federal funds received include those for disaster relief, manatee rehabilitation, and coral reef research and exhibition.

Sk'aliCh'elh-tenaut

was violently taken from L-pod in 1970 at the ancestral village site of *Sk'aliCh'elh*, and she has been held in possession by Miami Seaquarium ever since. The Lummi Nation never consented to, and was never informed of, this abduction. The Lummi Nation has repeatedly requested the repatriation of *Sk'aliCh'elh-tenaut*, but Miami Seaquarium has refused to even meet with tribal delegations.

Cultural Patrimony

The entire Southern Resident Killer Whale population are *qwe'lhol'mechen*, our “relations below the waves.” J, K, and L pods have been in a reciprocal relationship since time immemorial with the Lummi people. Teachings indicate not only a deep cultural affinity and a spiritual connection between *qwe'lhol'mechen* and *Lhaq'temish* (Lummi people), but also kinship bonds.

As a member of *qwe'lhol'mechen*, *Sk'aliCh'elh-tenaut* is, to Lummi people, an “object of cultural patrimony,” if one must step outside the Lummi worldview and *schelangen* and use the legal and corporate language of United States jurisprudence. “Cultural affinity” is also a NAGPRA consideration: plaintiffs must demonstrate a historical and ongoing relationship to the subject; in this case, Lummi tribal affinity to *Sk'aliCh'elh-tenaut* is demonstrable.

Although NAGPRA has most often been used to repatriate human remains, funerary objects, and cultural artifacts, *Sk'aliCh'elh-tenaut* constitutes another and equally important type of “cultural patrimony.” An acceptance of animals as cultural patrimony was established by *Dugong vs. Rumsfeld*, and has increasing international precedent as the rights of nature gain legal ground.

Quick Guide to NAGPRA <https://www.nps.gov/history/tribes/documents/nagpra.pdf>