



# Onkwe'ta:ke

## For the People

The Mohawk Council of Akwesasne's Monthly Community Newsletter

Volume 3 Issue 1& 2

Tsiothohrhkó:wa/Enniska January/February 2013

## Quebec-Akwesasne Renew Economic Partnership

The Mohawk Council of Akwesasne and the Government of Quebec recognize the importance of developing and maintaining constructive relationships. This understanding is affirmed in the Protocol Agreement with Quebec that serves as a guide for having respectful relations between Akwesasne and the province.

Following the signing of the Protocol Agreement on June 20, 2000, discussion took place on the need for unique arrangements to address Akwesasne's geographic and jurisdictional character. It required the MCA and Quebec to work as partners in negotiating specific agreements that support our community's economic and social development.

Incorporating the principles of mutual trust and respect, a special agreement was established on August 4, 2007 to fund economic development and community infrastructure projects. Through the Aboriginal Initiatives Fund (a.k.a. Akwesasne Economic Development Fund), Quebec made available \$3.29 million over five years to fund economic measures and employment opportunities for the Mohawks of Akwesasne.

The success of the funding arrangement rested upon the province's understanding that economic



*(front) Quebec Minister of Aboriginal Affairs Elizabeth Larouche and MCA Grand Chief Mike Kanentakeron Mitchell renewed the Akwesasne Economic Fund along with MCA Economic Development Officer Christopher Thompson, Tehotiennawakon Director Jim Ransom, and Economic Development Portfolio Chiefs April Adams-Phillips and Steve Thomas.*

development is an essential element for the community's ongoing progress, as well as for the well-being of community members. More importantly, it required combining resources and efforts to reach

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**MOHAWK COUNCIL  
OF AKWESASNE**

**Grand Chief**

Michael Kanentakeron Mitchell

**Kana:takon District**

Chief Larry King  
Chief Florence Phillips  
Chief Julie Phillips-Jacobs  
Chief Steve Thomas

**Kawehno:ke District**

Chief Abram Benedict  
Chief Brian David  
Chief JoAnne Jocko  
Chief Louise Thompson

**Tsi Snaihne District**

Chief April Adams-Phillips  
Chief Joe Lazore  
Chief Karen Loran  
Chief William Sunday

**Administration**

Sheree Bonaparte  
Executive Director

Jay Benedict  
Director  
Technical Services

Joyce King  
Director  
Justice Department

Sandra Benedict  
Director  
Housing Department

Maggie Terrance  
Director  
Community & Social Services

April White  
Director  
Department of Health

Dr. Barry Montour  
Director  
Akwesasne Mohawk Board  
of Education

Jerry Swamp  
Chief of Police  
Akwesasne Mohawk Police  
Service

James Ransom  
Director  
Tehotiennawakon

**Onkwe'ta:ke** - MCA's monthly, community newsletter, is published by the Communications Unit. For more information, or to provide feedback, please email our staff at: [communications@akwesasne.ca](mailto:communications@akwesasne.ca), call (613) 575-2348 Ext. 2212, or visit our Facebook page.

# Wat'kwanonweraton/Greetings

*Tsiothohrhkò:wa/Enniska 2013*

*She:kon,*

*I am honored to supply the greeting of this newsletter, that of which is the first of the New Year of 2013. I of course begin by saying Ohserase in the hope that everybody had a safe and enjoyable holiday shared with loved ones. I offer the same sentiment as the community also prepares for Mid-Winter Ceremonies.*

*2012 brought the usual challenges for all First Nations, not lost on the community of Akwesasne. I believe that the best way to deal with those challenges and ensuing adversity is to realize something triumphant that resonates across Turtle Island. The Mohawk People are resilient, this cannot be more evident than the dedication from those who continued with the long standing determination and devotion to have Kateri Tekakwitha declared a Saint. Many Akwesasronon travelled to Rome to join the hoards of other First Nations to witness this spectacle first hand while many arose and watched the proceedings on television at 3:00 am our time. I am glad that the trip and journey appeared to be quite uplifting and without significant negative incident in that everybody arrived to and fro safely.*

*The Idle No More campaign has been well documented and at the forefront of First Nations issues in this New Year. By the time this version of Onkwetake reaches Akwesasne households there hopefully would have been some high profile meetings with First Nations Leadership and those representative of the Federal Government of Canada and more specifically, the Crown. At heart are two omnibus bills, C-38 and C-45 which many feel will have serious implications for the protection of First Nation's land, the resources, and especially treaty rights. It didn't take long for the Federal Government to renege on a very important component of the recent United Nations Declaration on the Rights of Indigenous Peoples, which is a Duty to Consult. The argument is that these omnibus bills will destroy the spirit and intent of a number of important environmental protection acts, striking at the heart of Aboriginal, Treaty and Human Rights inclusive of The Fisheries Act, The Canadian Environmental Assessment Act, and The Navigable Waters Protection Act, among others. The call is for First Nations, actually all Nations regardless of creed or color, to rise and not sit idly and allow the Government of Canada to succeed in its effort to mock environmental protection and assessment, especially as it pertains to development in or near our traditional territories. Our Grand Chief has been involved and at the heart of the matter as we have passed MCR's declaring our opposition*



*to the application of these omnibus bills in Akwesasne. Akwesasne is all too well versed on implications of this nature as we observe the feeble attempts of cleaning up the mess from GM and the Grasse River and the degradation of our environment by conglomerates for decades.*

*There are many irons in the fire, much activity and equal amount of challenges for this still relatively new MCA Council. A small turnover in the June election meant we could hit the ground running with many holding the same portfolios allowing a "business as usual" approach. Some important items on the cusp but just not quite ready before the calendar turned will hopefully see satisfactory conclusion early into the new year. I look forward to presenting some of these items and remain optimistic that our efforts at addressing some long standing historic issues will bear fruit.*

*Sken:nen,  
Chief Larry King, Kana:takon District Chief*

*Cover story continued.*

our common goal of providing a diversified and strong economy for the community of Akwesasne.

For the past five years, Quebec has helped Akwesasne build its capacity by supporting community-based economic initiatives. It has resulted in funding for 88 economic projects and 233 jobs for community members. These efforts were recognized on January 14, 2013 when Quebec Minister of Aborigi-

nal Affairs Elizabeth Larouche visited Akwesasne and renewed the Economic Development Fund to provide \$3.29 million for another five years.

In renewing the funding arrangement, the MCA recognizes the efforts of original negotiators for the Akwesasne Economic Development Fund that included Kanatakon Chief Larry King and late-Tsi Snaihne Chief Louie Lazore.



## MOHAWK COUNCIL OF AKWESASNE TELEPHONE EXTENSIONS

### Administration Building #1

Tel: (613) 575-2250 Fax: 575-2181

### Administration Building #2

Tel: (613) 575-2348 Fax: 575-2884

### CIA Building #3

Tel: (613) 936-1548 Fax: 938-6760

Adolescent Treatment Center Ext. 1300  
Ambulance Unit Ext. 3121  
Akwesasne Mohawk School Ext. 1700  
Animal Control/Compliance Ext. 2415  
Aboriginal Rights & Research Ext. 2203  
Board of Education Ext. 1400  
Child & Family Services Ext. 3139  
Community Health Nurses Ext. 3219  
Computers Ext. 2323  
Communications Unit Ext. 2210  
Community Support Program Ext. 3262  
Community & Social Services Ext. 3305  
Dental Clinic Ext. 3208  
Economic Development Ext. 1053  
Emergency Measures Ext. 1030  
Environment Ext. 1039  
Executive Services Ext. 2120  
Finance Ext. 2168  
Health Ext. 3300

Home Care/Support Ext. 1069  
Housing Ext. 2300  
Human Resources Ext. 2146  
Hydro Quebec Ext. 2189  
Iakhihsotha Ext. 4201  
Iethinisten:ha Ext. 1500  
Iohahi:io Adult Education Ext. 4100  
Justice Ext. 2400  
Kana:takon Medical Clinic Ext. 3214  
Kana:takon School Ext. 2500  
Kawehno:ke Medical Clinic Ext. 1110  
Maintenance/Sanitation Ext. 3400  
Mohawk Court Ext. 1026  
Mohawk Government Ext. 2200  
Mohawk Police Reception Ext. 3502  
Nation Building Ext. 1055  
Non-Insured Health Benefits Ext. 3340  
Operational Support Ext. 2100  
Optometry Ext. 3131

Office of Vital Statistics Ext. 1013  
Pharmacy Ext. 3250  
Records Management Ext. 1202  
Snye Child Care Ext. 4300  
Technical Services Ext. 1003  
Traditional Medicine Ext. 3115  
Tsi Snaihne School Ext. 4400  
Tsi ionkwanonsote Ext. 1600  
Wholistic Health Ext. 3100

### OUTSIDE FACILITIES

A'nowara'ko:wa Arena 936-1583  
Kawehnoke Water Plant 933-1971  
Child Care Administration 938-5067  
Mohawk Security Services 932-5183  
Roads Garage 938-5476  
St. Regis Child Care 575-1915

# Update: Kana:takon District Chief Larry King

As the community is aware, we have had some success in the areas of Land Claim negotiations, most particular in the area of OPG, The Kawehno:ke Claim and Enbridge. Through community consultation, culminating in MCR 2012/2013-156 which reflects that these proceeds will be dealt with the utmost transparency, accountability and prudence, we are proceeding with the development of a Trust. In that vein I offer the following financial accounting and description of the previously identified files.

As I have been reporting, we have other “irons in the fire” regarding Land Claims. We held a Tsikaristesere (Dundee) Joint Negotiation Meeting on October 3, 2012, which might spell the last one for some time, into the New Year. This is not a bad thing, we have reached a point where the Canadian Federal Negotiation Team will now go forward to seek a mandate to conclude these negotiations and to entertain a Settlement Offer. We anticipate and hope to hear something by February, but obviously things of this nature make it difficult to apply a definite timeframe. The only assurance I can give is that, if successful, the Tsikaristesere Claim will be quite lucrative compared to the others mentioned.

## 1796 Treaty Claim or New York Claim

There has been some recent reporting on the New York or 1796 Treaty Claim, as long-standing participant on this file representing MCA I offer the following accounting and chronology:

>There were 2 suits filed in US District Court on September 30, 1982. The 1st suit sought determination of Title of lands protected under the 1796 Treaty and trespass damages. The 2nd suit sought determination of Title and damages for Islands, namely Barnhart, Baxter (Croil) and Long Sault.

>MCA, SRMT and MNCC filed a Unified Claim in Federal court in 1989, jointly seeking damages for these lands.

>Negotiations were finalized in 2004 and the same year the Proposed Settlement was accepted and ratified by successful Referendums by both MCA

and SRMT, while MNCC reached Consensus in favor. >Ultimate ruling on our file was put on hold awaiting the results of the Oneida and Cayuga Claims which were being appealed in the Supreme Court and the Second Circuit respectively.

>The result was negative and the conditions are being attempted to be applied to our file. Oneida made the environment very difficult because they had a lucrative offer for settlement and chose to challenge at the Supreme Court. This proved disastrous, a negative outcome meant that they now have “0”...it was a total dismissal and the implications are widespread. >As expected, Franklin County withdrew from our Settlement Agreement in July of 2004 with St. Lawrence County following suit in February of 2005. Both counties filed “Motions to Dismiss” based on the precedents set in Oneida and Cayuga.

>Magistrate Lowe heard our oral arguments against the Motions to Dismiss put forth against our file in June of 2011. Unfortunately in the meantime Judge Lowe has retired and has been replaced by Magistrate Therese Dancks.

>Magistrate Dancks submitted her recommendations to Judge Kahn regarding our Claim on Sept. 28, 2012. She recommended granting the State and Counties’ Motions to Dismiss all of the claims except the claim to the Hogsburg Triangle.

>As to the Mainland Claim, the preserving of the Hogsburg Triangle is something of a victory considering the Supreme Court’s “total” dismissal of the Oneida Claim and the Second Circuit’s dismissal of the Cayuga Claim.

>The basis in Magistrate Dancks’ recommendation for dismissal of the Island Claim apparently insists that, “The Mohawks did not seek to recover possession until the commencement of this possessory litigation in 1982 and 1989”, where she cites the Cayuga ruling. This recommendation is clearly based on laches, which basically means that too much time has passed. We have maintained that our Claim is nothing like Oneida or Cayuga...we did not abandon our lands, they were in fact removed from our possession by a series of shady actions on behalf of New York state. The Towns and Coun-

*Continued on page 6.*

**Mohawk Council of Akwesasne  
Proceeds from Settlements and Agreements  
Transactions to October 31, 2012**

Settlement	Date	Amounts Received	Interest Earned
<b>Kawehnoke Easterbrook Claim:</b>			
Total Easterbrook settlement		<u>\$4,448,932</u>	
Payments received to date:	October 2012	<u>\$4,448,932</u>	No Interest Allocated to date
<b>Enbridge Claim:</b>			
One time Project Infrastructure Contribution		\$1,000,000	
Annual Payments for 20 years		<u>\$100,500</u>	
Total Enbridge settlement		<u>\$3,010,000</u>	
Enbridge payments received to date:			
	July 2009	\$100,500	
	December 2010	102,912	
	July 2011	106,308	
	December 2011	1,000,000	
	July 2012	<u>\$108,434</u>	
Total paid to date		<u>\$1,418,154</u>	No Interest Allocated to date
Total amount still receivable at 9/30/12		<u>\$1,591,846</u>	

NGTL (Enbridge) agreed to pay Akwesasne a one-time Project Infrastructure Contribution payment of \$ 1,000,000 upon commencement of the Lower-level Bridge Project as well as an annual payment of \$ 100,500 for 20 years, to be adjusted for inflation by the Consumer Price Index. Payments received have been included in the General Fund and invested with Nesbitt Burns earning approximate annual interest at a rate of 2%.

**Mohawk Council of Akwesasne  
Proceeds from Settlements and Agreements  
December 31, 2012**

**Total Settlement** \$45,963,500

**Transactions to Date:**

Fiscal Year	Payments made by OPG		Interest Earned	Fund Balance
	Payment Date	Amount		
2008/2009	October 2008	\$20,363,500	\$242,585	\$20,606,085
2009/2010	September 2009	2,560,000	532,129	23,698,213
2010/2011	September 2010	2,560,000	502,942	26,761,155
2011/2012	September 2011	2,560,000	660,560	29,321,155
2012/2013	October 2, 2012	<u>2,560,000</u>		31,881,155
Total paid to date		<u>\$30,603,500</u>	30,603,500	<u>\$1,938,215</u>
Balance Remaining		(Note 2) <u>\$15,360,000</u>		

*Note 1: The interest for 2012/2013 will be recorded effective March 31, 2013.*

*Note 2: The remaining balance receivable from OPG is made up of 6 payments of \$2,560,000 each*

*Note 3: Investments are diversified and follow a conservative investment strategy to ensure no loss of principal;  
Investments are spread over 11 GIC's (guaranteed investment certificates);  
Investment terms range from 2 to 5 years; interest rates range from 2.2% to 5% annually  
All investments are currently managed by BMO Nesbitt Burns*

ties continue with Motions to Dismiss the 1796 Treaty claim.

>Judge Kahn still reserves the right to accept or decline the recommendations of Magistrate Dancks because they are only recommendations. We remain vigilant that Judge Kahn once again entertain oral arguments before he renders any kind of decision. If Judge Kahn rules against us as a representative of the District Court we will promptly submit an appeal to the Second Circuit.

### **Baxter and Barnhart Islands Claim**

We were always up front and informed those signatory to the 1796 Treaty Claim that besides our efforts regarding the Island Claims in this vein, that we also had a bone to pick regarding same with the Federal Government of Canada (Crown). As such, we put forth the Baxter and Barnhart Island Claim with the Specific Claims Branch of Canada. The basis of the Baxter and Barnhart Islands Claim began with a 1790's lease to non-Natives, after which the Boundary Commission of 1822 laid down the political border between Canada and the United States. The line separated the lands of the Mohawks of Akwesasne, which included Baxter and Barnhart islands. In 1823, the State of NY deeded the islands to the Ogden brothers and evicted the Baxter and Barnhart families, who were later awarded compensation by the state. Akwesasne received compensation for the loss of the islands in the amount of \$5,960 in 1856. Part of our argument is that this amount pales in comparison not only to the actual market value of the lands, but the subsequent uses of the lands.

We were informed by letter that our submission was received on May 22, 2012. It will undergo an early review to determine if it meets the minimum standard, as required under the Specific Claims Tribunal Act. We have been informed that December 25 marks the early review process timeframe deadline so we eagerly await being informed that our file overcame one hurdle in that it will hopefully be filed with the Minister. The next step is another review to determine if our Baxter and Barnhart Claim Submission will be considered for negotiation. Unfortunately the latter could take 3 years but we have been quite successful in expediting this stage in all of our Claims.

### **North Shore Claim**

Our North Shore Claim was expedited and it's ahead of the Baxter and Barnhart Claim Submission despite being launched afterwards, most probably because we hand delivered these documents and had an in depth discussion with those responsible, including the Minister.

The lands on the North Shore of the St. Lawrence River, from approximately Long Sault, Ontario to Pointe au Beaudet, Quebec, were historically farmed and hunted by the Mohawks of Akwesasne. A French deed granted in the early 1700's by Father Gordon of Quebec, assured the land's ownership. Beginning in the early 1800's, after the War of 1812, soldiers began both squatting on the land and others were granted lands for their service by the Crown. The North Shore Claim encompasses approx. 30 miles along the banks of the St. Lawrence River and 18 miles deep.

We were informed by letter and reminded that the North Shore Claim was received (hand delivered) on June 18, 2012. It has in fact survived one hurdle in that it has been filed with the Minister on October 10, 2012. We now await further notification as to whether the North Shore Claim will be accepted for negotiation. As mentioned previous, The Specific Claims Branch reserves a 3 year period to make this ultimate declaration, however we anticipate an earlier notification.

### **Seaway Claim**

The Seaway Claim was initially filed in the Federal Court of Canada in June 1976, after unsuccessful attempts by the Mohawk Council of Akwesasne to negotiate the settlement of expropriation and damage claims against the St Lawrence Seaway Authority arising from the Seaway Project of the 1950s. The St. Lawrence Seaway Authority took the position that no compensation was owed to the Mohawks of Akwesasne, but they were prepared to return approximately 125 acres of land on Cornwall Island which included land from filling, land no longer required, and lands from the abandoned railway.

In 2006, the Mohawk Council of Akwesasne filed a motion to divide the proceedings into two phases

that were granted by the Federal Court. The Court ordered that Phase I would determine core issues relating to Reserve lands and issues relating directly to the purported expropriation of those lands for the purpose of the Power and Seaway Project. Phase I also includes impacts of these projects on the lands and interests of the Mohawks of Akwesasne. Phase II will proceed only if Phase I does not satisfactorily determine the Seaway Claim. Phase II would determine any remaining claims for damages based on Aboriginal Rights and Title, the practices, customs, traditions, and land rights unique to First Nations prior to contact with Europeans and protected today.

On October 2, 2008, a Past Grievance Final Settlement Agreement was signed between the Mohawks of Akwesasne and Ontario Power Generation resolving virtually all of the damages of the Mohawks of Akwesasne with respect to the Power Project. The Settlement Agreement was ratified by the Members, and includes \$46 million, coordination on employment issues, an indemnity and release agreement, and the return of Sheek Island, Adams Island, Toussaint Island, and Presquile Island.

The outstanding issues in the Seaway Claim include damages related to the dredging in the St. Lawrence River, expropriation and excavation of eastern islands, expropriation and excavation of lands on Cornwall Island, environmental damage to Kawehnoke from dumping of dredged soil, erosion from the change in water levels and Seaway traffic, and the Bridge Project. The Mohawks of Akwesasne also allege that, in undertaking the Seaway Project and expropriating lands, Canada breached its fiduciary obligations. The Claim alleges that Canada was unscrupulous in its acquisition and expropriation of lands on Kawehnoke, and did not fairly compensate individuals or the Band for the taking of lands. ❖

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If anyone has any stories, recollections, or photographs that they would like to share regarding the impacts of the Seaway Project, please contact Dwight Bero Jr. at the Aboriginal Rights and Research Office at (613) 575-2348 ext. 2209.

## Ontario Power Generation Executives Tour Water Treatment Plant



*On January 14th, Ontario Power Generation Senior Vice President Frank Chiarotto and Ottawa/St. Lawrence Plant Group Manager Jim Moreland were given a guided tour of the St. Regis Water Treatment Plant. Their tour took place while visiting Akwesasne for a meeting of the OPG Joint Implementation Team—to be reported in an upcoming issue of Onkweta:ke. Tom Oakes, Keith Mitchell and Patrick David provided them with information on the facility's current renovations and improved capabilities.*

# Update: Kawehno:ke District Chief Abram Benedict

## EDUCATION PORTFOLIO

In 2007 the Ahkwesasne Mohawk Board of Education (AMBE) implemented the AMBE Safe Schools Policy which was developed in collaboration with the Akwesasne Mohawk Police Service. The AMBE Safe Schools Policy details the procedures to be followed if and when a lock-out, lock-down, or emergency evacuation situation occurs. Each September, the school principals review the procedures with all staff members, and practice drills take place with our students throughout the school year. Each school has an entry-lock system and every visitor is required to notify the office before they are allowed to enter into the school. The entry systems each have a camera and microphone that enables identification of a visitor take place prior to the door being unlocked. The Board of Education and the Mohawk Council are committed to providing a safe environment for our students, staff, and community. Policies will continue to be reviewed and modified on an as needed basis and our facilities will continue to be improved in order to ensure that this goal is met.

## ASSEMBLY OF FIRST NATIONS (AFN)

I attended the Assembly of First Nations (AFN) Special Chiefs Assembly from December 4th through December 6th in Gatineau, Quebec along with several other members of Council. The Special Chiefs Assembly is held each December and is generally held in Ottawa or Gatineau. During this assembly the Iroquois Caucus (which Akwesasne is part of) signed a protocol with the AFN. The protocol outlines how the Iroquois Caucus will work with the AFN. Also during this assembly Chief Theresa Spence from Attawapiskat announced that she would begin a hunger strike to create awareness for First Nation issues and she also demanded that the Prime Minister of Canada meet with First Nation leaders. During the assembly I attended a strategy session on the draft Education Action plan which stemmed from the Special Chiefs Forum on Education in October. The draft action plan identified funding, jurisdiction, First Nation control of First Nation education, public education, and culture and language as being priority areas to be addressed. In



October, First Nations rejected the development of a First Nation Education Act and called on the Federal Government to fulfill its obligation to First Nations by providing equitable sustainable funding for First Nation education.

## CANADA BORDER SERVICE AGENCY (CBSA)

On December 11, 2012 three representatives from the Canada Border Service Agency (CBSA) met with Council to provide an update on CBSA initiatives. The Vice-President of Operations Pierre Sabourin, the Regional Director General of the Northern Ontario Region Arianne Reza, and the Director for Ottawa District Steve MacNaughton were the CBSA representatives that attended Council's Special Meeting. Council was informed that community and cultural awareness training is ongoing and that 75% of the CBSA staff assigned to the Cornwall Port of Entry have received the training and it is expected 100% of the staff will have received the training by early 2013. The Council proposed that the installation of signage on Route 37 to inform travelers of current wait times be explored. CBSA committed to exploring this option with the MCA. The CBSA representatives outlined the complaints process that is used and assured Council that once a complaint is received (via the website) it is reviewed by their head office and the complainant receives a call from CBSA in response. Additional information

may be requested by CBSA at that time if needed. Once the additional information is received the complaint is sent to the local port and must be reviewed and investigated (if warranted) by the local port Chief. The local port Chief must then respond to the head office about the complaint and the head office will in turn send a response to the complainant. The CBSA informed Council that negotiations with the United States to place a Canada Customs Port of Entry in Roosevelt town are ongoing. At the meeting, no timeline could be given on when or if this will be finalized.

### ENBRIDGE

Enbridge Gas, the owner of the pipeline that runs through Kawehno:ke, performed an inline inspection of the pipeline on July 3, 2012. Inspections are carried out by placing a magnetic flux logging and caliper device inside the pipe which measures and assesses the condition and thickness of the pipeline

to ensure there are no threats or concerns with regard to its safe operation. On December 11, 2012 the President of Niagara Gas Transmission Ltd., the company that operates the pipeline, attended Council's Special Meeting to provide an update on the inspection that occurred in July. There were no immediate concerns identified in the report on the area between the Water Street valve (Cornwall) and the valve on the US side (near Alcoa). ❖

### RECENT DONATIONS OF COUNCIL

\$1,286.00 to a community member playing lacrosse in a tournament taking place in Florida;

\$1,500 to the Akwesasne Mountain of Toys (to match the MCA employee contributions);

\$1,000 for the bail-out from the Akwesasne Mountain of Toys jail, as part of their fundraising efforts

## Kawehno:ke District Meeting Update

Tsiothohrha 2012-12-19 Submitted By:  
Kawehno:ke District Chief Brian David

- The meeting started promptly at 6:00 pm, with about 20 members in attendance. Chief Brian David chaired the meeting with Chief Louise Thompson assisting. Chief Abram Benedict and Chief Joanne Jocko were not in attendance and sent their regrets.
- The first order of business was an Entewathatawi (Governance) presentation by Angie Barnes and Shara Francis-Herne. The presentation was directed at building a better understanding of the negotiation process, the Indian Act and the current Agreement in Principle. There was considerable discussion around the justice system and the Akwesasne Mohawk Court. There was a request to have another focus meeting on justice sometime early in the New Year.
- The two Council Chiefs provided their updates. This included their work on developing and the signing of a Protocol Agreement between the Iroquois Caucus and the Assembly of First Nations, the draft of an Iroquois Caucus Trade Agreement, work on the Traffic Law, Matrimonial Real Property, and Akwesasne Mohawk Court laws. Further updates in these areas are to be included in the justice focus meeting next month.
- There was much discussion and concern around Bill C-45 and the members requested that a bus be used for Friday's demonstration in Ottawa. It was also noted that summary information on the Bill C-45 be made available to everyone so there is a common understanding on what the Bill represents. This request will be brought to the Council table, by the Chairperson (Chief Brian David) for council's attention.
- There was a request for an MCA Ombudsman. This request will be brought to the Council table, by the Chairperson (Chief Brian David) for council's attention.
- There was a change in membership policy. It was noted that about 6 babies were granted membership at birth where the previous policy/practice was to wait until they are at least 16 years of age. Many in the community do not agree with the change. This request will be brought to the Council table, by the Chairperson (Chief Brian David) for council's attention. ❖

# Postal Code Changes Occuring at the Cornwall Post Office will Affect Kawehno:ke Residents

Effective April 15, 2013 Canada Post will be implementing a route modification in the Cornwall Post Office. As a result of this route modification, we will be changing Postal codes for 192 customers on the Akwesasne First Nations reserve.

All affected customers will receive a notice 30 days in advance from Canada Post indicating this change and they will be provided with a one year grace period to effect the address changed with all of their correspondents.

Please note that all other address components will remain the same.

Thank you very much for your cooperation during this transition. We assure you of our commitment to providing your community with the best possible postal service.

Questions or comments can be directed to Andre Rochon, Delivery Services Officer, Canada Post via email at [andre.rochon@canadapost.ca](mailto:andre.rochon@canadapost.ca).

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## Tsi Snaihne District Meeting Update

Tsiotthorha/December 2012 Submitted by:

Tsi Snaihne District Chiefs Joe Lazore and Bill Sunday

- An Entewathatawi (Governance) presentation by Wendy Adams. The presentation was directed at building a better understanding of the negotiation process, the Indian Act and the current Agreement in Principle. There was considerable discussion about Land Sectorial Agreements and the Governance Code. There were many requests to have additional focus meetings in the New Year.
- Community members expressed an interest for focus meeting in the areas of: Land Code (what's in it, how does it work, how is it going to protect us, etc.), Landlord Tenant Law and Matrimonial Real Property.
- Community members requested additional focus meetings on Emergency Measures. They

would like to have an informational package with Emergency plans.

- There was much discussion and concern around Bill C-45. It was also noted that summary information on the Bill C-45 be made available to everyone.
- Many members wanted an update on the Healthy Homes Initiative.
- Community members requested the need for a report on the Grasse River Remediation plan. They would like information on how this will affect us, what is the workplan, what reports have been completed, etc.
- Elders requested a contribution for fuel assistance.
- Community members would like to be informed on the Language Initiative Plan. A working task group has been identified to help community members pursue learning the Mohawk language.

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## Notice for Quebec Hydro Customers

Hydro Quebec requires customer account information, specific to each customer:

- Customers are to provide SIN and a Native Status number to open a file; this information remains confidential and secure with HydroQuebec.
- Civic number(s) for all HydroQuebec meters such as; 123 «House» then 123-A «Garage» for each building on a property.

- Street name as listed with Geographic Information Services, the 911 location.

- Update and/or provide a contact telephone number where you(customer) can be reached.

- Canada Post(CP#)Box Number if Rural delivery is not the mailing address.

Please Contact The Quebec Hydro Office to update your account by calling 613-575-2250 ext. 2388

# Portfolio Listings for the 2012-2015 Term

Portfolio	Co-Chair	General Portfolio
Department of Community & Social Services	Julie Phillips-Jacobs Abram Benedict	William Sunday, JoAnne Jocko, April Adams-Phillips, Brian David
Department of Technical Services	Joe Lazore, JoAnne Jocko, Florence Phillips, Brian David, April Adams-Phillips	Louise Thompson, Larry King, Steve Thomas, Karen Loran, William Sunday
Education	Abram Benedict, Julie Phillips-Jacobs, Joe Lazore	Florence Phillips, JoAnne Jocko, Karen Loran, Brian David
Executive Services		<p><b>Executive:</b> Abram Benedict, Julie Phillips-Jacobs, Brian David, Florence Phillips, JoAnne Jocko, Karen Loran</p> <p><b>Finance:</b> Abram Benedict, Julie Phillips-Jacobs, Brian David, Florence Phillips, JoAnne Jocko, Steve Thomas, William Sunday, April Adams-Phillips, Karen Loran</p> <p><b>OVS:</b> Abram Benedict, Julie Phillips-Jacobs, Louise Thompson, Florence Phillips, JoAnne Jocko</p>
Government Secretariat	William Sunday, Larry King, JoAnne Jocko	April Adams-Phillips, Joe Lazore
Health	Florence Phillips, JoAnne Jocko, Karen Loran	Abram Benedict, Julie Phillips-Jacobs, William Sunday, April Adams-Phillips
Housing	Florence Phillips, Joe Lazore	Larry King, Abram Benedict, JoAnne Jocko, April Adams-Phillips
Justice	Louise Thompson, Brian David	JoAnne Jocko, Joe Lazore, Steve Thomas
Pubic Safety	Steve Thomas, JoAnne Jocko, April Adams-Phillips, Karen Loran	Brian David, Joe Lazore
Tehotiiennawakon	JoAnne Jocko, Steve Thomas	Joe Lazore

Support a Drug Free Community!



An initiative of the Mohawk Council of Akwesasne's Substance Abuse Strategy.

## SUBSTANCE ABUSE EMERGENCY NUMBERS

<b>Wholistic Health &amp; Wellness</b> <i>(Addictions &amp; Counseling)</i> (613) 575-2341 ext. 3100	 <b>Mohawk Police &amp; Ambulance</b> (613) 575-2000	<b>CRIMESTOPPERS</b> <b>(613)575-2255</b>	<b>ONEN'TO:KON TREATMENT SERVICES</b> (450) 479-8353
<b>Ionkwanonhsasetsi Adolescent Treatment Center</b> (613) 932-5050	<b>MENTAL HEALTH CRISIS LINE</b> 1-866-996-0991	Cornwall Hospital Withdrawal Management Services (613) 938-8506	Grandparent's Support Group  (613) 575-2341 ext. 3100
<b>Iethinesten:ha Family Violence Program</b> (613) 937-4322	<b>Akwesasne Eagle Watch</b> <i>Promoting a Safe and Drug free Akwesasne</i> <b>facebook</b>	<b>Akwesasne Child &amp; Family Services</b> (613) 575-2341 ext. 3139 (613) 575-2000 (After Hours)	<b>ASEO-STE0</b> ADDICTION SERVICES OF EASTERN ONTARIO (613) 936-9236 (800) 272-1937



# Mohawk Council of Akwesasne Resolutions (MCRs) November/December 2012

## November 1, 2012 Special Meeting

2012/2013 #194 Declaration of "State of Emergency" be lifted

Vote: For-11: Against-0: Abstention-0 CARRIED

2012/2013 #195 Approval of appointment for one elder and three alternates to the membership board

Vote: For-10: Against-0: Abstention-1 CARRIED

2012/2013 #196 Approval of ice boom anchor & cable permit on portion of Lame Squaw Island (2010-2015)

Vote: For-8: Against-3: Abstention-0 CARRIED

2012/2013 #197 Approval of ice boom anchor & cable permit on portion of Lame Squaw Island (2005-2010)

Vote: For-8: Against-1: Abstention-2 CARRIED

2012/2013 #198 Approval of DFO permit for marine navigational light on Lame Squaw Island (2010-2015)

Vote: For-11: Against-0: Abstention-0 CARRIED

2012/2013 #199 Denial of lease extension for Hamilton Island

Vote: For-2: Against-5: Abstention-3 DENIED

2012/2013 #200 Approval of the transfer of Membership to the Mohawk of Akwesasne

Vote: For-11: Against-0: Abstention-0 CARRIED

2012/2013 #201 Acceptance and approval of Special Meeting minutes dated June 19, 2012

Vote: For-11: Against-0: Abstention-0 CARRIED

## November 6, 2012 Special Meeting

2012/2013 #202 Approval of housing renovation loan for community member

Vote: For-9: Against-0: Abstention-0 CARRIED

2012/2013 #203 Approval of set Focus Meeting dates for the Entewatatha:wi Program

Vote: For-9: Against-0: Abstention-0 CARRIED

2012/2013 #204 Approval of 2012-2013 Family Violence Prevention Project funding

Vote: For-9: Against-0: Abstention-0 CARRIED

2012/2013 #205 Acceptance of MOU with the Haut-Saint-Laurent Health and Social Services Centre

Vote: For-9: Against-0: Abstention-0 CARRIED

2012/2013 #206 Approval of set Focus Meeting dates for the Economic Recovery Strategy

Vote: For-9: Against-0: Abstention-0 CARRIED

2012/2013 #207 Approval of set Focus Meeting dates for the proposed draft of the Mohawk Court Law

Vote: For-8: Against-0: Abstention-1 CARRIED

2012/2013 #208 Denial of proposal for possible usage of Iroquois Water Ltd. property assets

Vote: For-1: Against-5: Abstention-3 DENIED

## November 13, 2012 Special Meeting

2012/2013 #209 Acceptance of the Revised Amendment to the Financial Arrangement, AFRA 2011-2015

Vote: For-8: Against-1: Abstention-1 CARRIED

## November 20, 2012 Special Meeting

2012/2013 #210 Approval of financial contribution to the Akwesasne Boys & Girls Club

Vote: For-7: Against-2: Abstention-0 CARRIED

2012/2013 #211 Acceptance and approval of Special Meeting minutes dated October 16, 2012

Vote: For-9: Against-0: Abstention-0 CARRIED

2012/2013 #212 Acceptance and approval of Emergency Special Meeting minutes dated October 30, 2012

Vote: For-8: Against-0: Abstention-1 CARRIED

## November 27, 2012 Special Meeting

2012/2013 #213 Approval of housing repair loan

for community member

Vote: For-7: Against-0: Abstention-0 CARRIED

2012/2013 #214 Approval of fuel tender for  
2012/2013 heating season

Vote: For-7: Against-0: Abstention-0 CARRIED

2012/2013 #215 Approval of the declared holiday  
days for the 2012 holiday season

Vote: For-9: Against-0: Abstention-0 CARRIED

2012/2013 #216 Approval of Akwesasne Mohawk  
Court Prosecutor 4 month contract

Vote: For-7: Against-0: Abstention-0 CARRIED

2012/2013 #217 Approval of TsiSnaihne district  
community member for Akwesasne Police  
Commission

Vote: For-11: Against-0: Abstention-0 CARRIED

2012/2013 #218 Approval of Job Evaluation and  
Salary Review Project

Vote: For-9: Against-0: Abstention-1 CARRIED

### **November 28, 2012 Emergency Special Meeting**

2012/2013 #219 Approval of Champlain LHIN  
2013/2014 Multi Sector Services Accountability  
Agreement

Vote: For-6: Against-0: Abstention-0 CARRIED

2012/2013#220Approval of the Tsiionkwanonso:the  
Long Term Care Home Accountability Submission

Vote: For-6: Against-0: Abstention-0 CARRIED

### **November 29, 2012 Emergency Special Meeting**

2012/2013 #221 Approval of Akwesasne Ferry  
Service Feasibility Contractual Agreement with  
Navtech Inc.

Vote: For-9: Against-0: Abstention-1 CARRIED

2012/2013 #222 Amendment to MCR 2000/2001 -  
#115 to reflect addition of Chiefs Committee to the  
PAT

Vote: For-9: Against-0: Abstention-1 CARRIED

2012/2013 #223 Approval of MCA Portfolio Holders  
Listing for the remaining 2012/2015 term

Vote: For-8: Against-1: Abstention-00 CARRIED

### **December 11, 2012 Special Meeting**

2012/2013 #224 Approval for access for community  
trucking and construction business

Vote: For-11: Against-0: Abstention-0 CARRIED

2012/2013 #225 Amendment to MCR 1985/1986  
#68 to use "Territory of Akwesasne" or "Akwesasne  
Lands" instead of "Akwesasne Reserve"

Vote: For-10: Against-0: Abstention-0 CARRIED

2012/2013 #226 Approval of district community  
member for Akwesasne Police Commission

Vote: For-10: Against-0: Abstention-0 CARRIED

2012/2013 #227 Approval for proposal of the  
creation of an Akwesasne Water Drinking Regulatory  
Framework

Vote: For-10: Against-0: Abstention-0 CARRIED

2012/2013 #228 Approval of TsiSnaihne district  
community member for Akwesasne Police  
Commission

Vote: For-9: Against-1: Abstention-0 CARRIED

2012/2013 #229 Approval of renewed agreement  
for 2012-2013 Healthy Eating, Active Living, Smoke  
Free Ontario, and Diabetes Prevention

Vote: For-10: Against-0: Abstention-0 CARRIED

2012/2013 #230 Approval of renewal of permit -  
Lot 2-1 and Access Road in Lot 14, St. Regis Village

Vote: For-10: Against-0: Abstention-0 CARRIED

2012/2013 #231 Approval of climate survey to be  
conducted in the 2012/2013 fiscal year

Vote: For-10: Against-0: Abstention-0 CARRIED

2012/2013 #232 Approval of the statements of  
Trust - Tsiionkwanonhso:te for the years ending  
December 31, 2007-2008-2009-2010 and 2011

Vote: For-9: Against-0: Abstention-0 CARRIED

2012/2013 #233 Approval of change in cheque  
signing limits for AMBE signing officers

Vote: For-9: Against-0: Abstention-0 CARRIED

2012/2013 #234 Approval of change in signing  
authorities for Bank of Montreal

Vote: For-10: Against-0: Abstention-0 CARRIED

### **December 12, 2012 Emergency Special Meeting**

2012/2013 #235 Approval of application For Subsidized Educational Child Care Services Spaces in Aboriginal Communities

Vote: For-9: Against-0: Abstention-0 CARRIED

### **December 17, 2012 Special Meeting**

2012/2013 #236 Approval proposal for species at risk funding April 11, 2013 to March 31, 2015

Vote: For-7: Against-0: Abstention-0 CARRIED

### **December 18, 2012 Special Meeting**

2012/2013 #237 Approval of loan application with Bank of Montreal

Vote: For-9: Against-0: Abstention-0 CARRIED

2012/2013 #238 Approval of the allocated required amounts for the Cultural Development Agreement

Vote: For-9: Against-0: Abstention-0 CARRIED

2012/2013 #239 Approval of extension for the Working Task Group to review the MCA Good Standing Policy

Vote: For-10: Against-0: Abstention-0 CARRIED

2012/2013 #240 Approval of Special Meeting minutes dated March 13, 2012

Vote: For-7: Against-0: Abstention-3 CARRIED

2012/2013 #241 Approval of Special Meeting minutes dated March 20, 2012

Vote: For-8: Against-0: Abstention-2 CARRIED

2012/2013 #242 Approval of Special Meeting minutes dated April 10, 2012

Vote: For-8: Against-0: Abstention-2 CARRIED

2012/2013 #243 Approval of Special Meeting minutes dated May 1, 2012

Vote: For-9: Against-0: Abstention-1 CARRIED

2012/2013 #244 Approval of Special Meeting minutes dated May 22, 2012

Vote: For-8: Against-0: Abstention-2 CARRIED

2012/2013 #245 Approval of Special Meeting minutes dated March 29, 2012

Vote: For-8: Against-0: Abstention-2 CARRIED

2012/2013 #246 Approval of Special Meeting minutes dated June 12, 2012

Vote: For-8: Against-0: Abstention-2 CARRIED

2012/2013 #247 Approval of Emergency Special Meeting minutes dated June 15, 2012

Vote: For-8: Against-0: Abstention-2 CARRIED

2012/2013 #248 Approval of Special Meeting minutes dated June 19, 2012

Vote: For-8: Against-0: Abstention-2 CARRIED

2012/2013 #249 Approval of Emergency Special Meeting minutes dated June 15, 2012

Vote: For-8: Against-0: Abstention-2 CARRIED

2012/2013 #250 Approval of Special Meeting minutes dated July 3, 2012

Vote: For-8: Against-0: Abstention-2 CARRIED

### **Notice to Community**

**There have been requests from the community to publish in Onkwe'ta:ke how each Mohawk Council chief votes on resolutions (MCR's) at Special Meetings. As a result, MCA technicians are looking to revise the MCR forms to include a mechanism that would enable each chief to specify how they voted.**

**However, it is important to note that it is at each chief's individual discretion if they would like to indicate on the MCR forms how they voted.**

**Any updates on this endeavor will be provided in future issues of Onkwe'ta:ke.**

# Mohawk Conversation and Song

-Submitted by Kaweienonni Peters

She:kon. Kanonhsesne kenh wahse?  
Hello. Are you going to the longhouse?

Hen. Kanonhsesne wa:ke.  
Yes. I am going to the longhouse.

Son'weskwani kenh ne Sha'tekohshehne?  
Do you enjoy midwinter ?

Hen. Wakon'weskwani ne Sha'tekohshehne.  
Yes. I enjoy midwinter.

Sosan, niwa'keri:io  
Kara:ken nakokia:tawi  
Ta ta taietsiseraia'ke  
tsi o:nen saionwe

Sosan niwa'keri:io  
Ion'wesen ne akohsera:ke  
Ta ta taietsiseraia'ke  
tsi o:nen saionwe

sosan little snowflake  
wearing a white coat  
tap tap tapping on the window  
it's fun that she's returned

sosan little snowflake  
wearing a white coat  
tap tap tapping on the window  
it's fun that she's returned

*"Everyday Mohawk" brochures and CD's are available at the Ahkwesasne Mohawk Board of Education office for \$20. These were created through collaboration between Taiaiake Alfred of the University of Victoria and Kaweienon:ni Peters, AMBE Kanienkeha Specialist.*

# Tóhsa lonkwá:ti Kanien'kéha Tewatá:ti

## Let's Not Lose It Let's Speak Mohawk



MESSAGE BY THE MOHAWK COUNCIL OF AKWESASNE  
PROMOTING OUR MOHAWK LANGUAGE

# First Nations Become National Priority

The Mohawks of Akwesasne have joined First Nations from across the country in voicing their opposition to the Government of Canada's efforts to implement legislations that adversely impact Aboriginal and Treaty Rights. At the heart of this issue is Bill C-45, which is an omnibus bill known as the Jobs and Growth Act that was passed by the Senate on December 14, 2012 without Parliamentary Debate or consultation with First Nations.

Opposition to the Bill C-45 is due in large part to the sweeping changes that it will make to federal policies in the area of the Indian Act, as well as several environmental and habitat protection acts. The bill removes many fish habitat protections and fails to recognize the rights of Aboriginal commercial fisheries. More importantly, it greatly reduces federal environmental assessment requirements from 32,000 lakes to just 97. Even more alarming is that it reduces the number of protected rivers from 2.25 million to just 62.

For some, Bill C-45 was the last straw for First Nations communities that have witnessed a series of proposed federal legislative amendments that curtail or completely disregard the constitutionally protected rights of Aboriginal Peoples. In addition to Bill C-45, those that concern Akwesasne are Bill S-2 (Family Homes on Reserve and Matrimonial Interests or Rights Act), Bill S-8 (Safe Drinking Water for First Nations Act), Bill C-38 (Budget Omnibus Bill #1) and The First Nations Private Property Ownership Act.

*Canada's lack of consultation with First Nations regarding Bill C-45 is in violation of terms established by the 2004 Supreme Court of Canada's ruling in Haida Nation v. B.C.* The ruling established a Duty to Consult and, where possible, a duty to accommodate Aboriginal Peoples before any federal action is taken that will impact a First Nations community.

Over the past months, a national grassroots movement took form in First Nations communities to support leadership's efforts to raise awareness on the plight of Aboriginal Peoples in Canada and to demand real change for a more promising future.



*Photo courtesy of CPAC. Prime Minister Stephen Harper meets with Assembly of First Nations National Chief Shawn Atleo and other First Nations Leaders.*

Along with a hunger strike by Attawapiskat Chief Theresa Spence, Manitoba Elder Raymond Robinson and Jean Sock, the national movement was successful in bringing international attention to the need for high-level talks between First Nations leaders, the Prime Minister and the Governor General.

From January 8-10th, 2013, First Nations leaders convened strategy sessions to identify common issues that would be discussed with Prime Minister Stephen Harper, Assembly of First Nations National Chief Shawn Atleo and a delegation of twenty First Nations leaders at a historic gathering on January 11th in Ottawa. The gathering was followed by a ceremonial meeting with Governor General David Johnston, who represents the Crown interests in Canada.

Emerging from the two-day strategic planning session between AFN's National Executive Committee and First Nations leaders were eight elements of consensus that were raised with Prime Minister Harper (*see sidebar*). *One point of interest to the Mohawks of Akwesasne was obtaining a commitment to establish a high-level working process for Treaty implementation and the inherent rights of First Nations. For Akwesasne, there are hopes that this will result in ratification of Article III of the Jay Treaty and protection of the border crossing rights*

The January 11th meeting also achieved a commitment to political oversight and direction from the highest level of government—from the

Prime Minister, his senior officials and those of the Privy Council Office—to make First Nations issues a national priority. In the coming weeks, it is expected that clear work-plans will be the result of high-

level discussions with deliverables and timelines that outline how commitments will be achieved, including immediate action for short, medium and long-term goals. ❖

## Eight Points Presented to Prime Minister

In a meeting between First Nations leaders and Canadian Prime Minister Stephen Harper on Jan. 11, 2013, eight points were discussed and presented to the Prime Minister as being of utmost concern and importance. The points are:

1. Commitment to an **immediate high level working process with Treaty Nation leadership** for establishing frameworks with necessary mandates for the implementation and enforcement of Treaties on a Treaty by Treaty basis, between the Treaty parties Nation-to-Nation.

2. Facilitating **fair, expeditious resolution of land claims** through reforming the comprehensive claims policy based on recognition and affirmation of inherent rights rather than extinguishment.

3. **Resource Equity, Benefit and Revenue Sharing** – building on treaty implementation and enforcement and comprehensive claims resolution there must be a framework that addresses shared governance of resource development and the fair sharing of all forms of revenues and benefits generated from resource development.

4. All **legislation must be unquestionably consistent with s.35 of the Canadian Constitution and the UNDRIP**. Legislation and provisions of legislation as in C-38 and C-45 that contravene our Treaty and inherent rights must be reconsidered and implementation of these provisions be put to a halt. We must have an environmental regulatory regime in this country that respects our rights. Legislation that tinkers around the edges of the Indian Act must stop and be replaced with support for First Nation government and nation re-building including a mechanism for our Nations to push away from the

Indian Act as they determine. To fulfill the original relationship, Canada must put in place an ongoing process that all new bills and policies of the federal government must be in full compliance with section 35 and consistent with international human rights standards.

5. **Fundamentally transformed fiscal relationship** guaranteeing fairness and sustainability and removing all arbitrary caps and burdens on the current inefficient, ineffective and unfair funding relationship for First Nation programs and services.

6. Immediate Commitment to the establishment of a **National Public Commission of Inquiry on Violence Against Indigenous Women and Girls**, including special focus on murdered and missing Indigenous women, and the broader factors that lead to increased vulnerability among Indigenous peoples.

7. A **guarantee**, as in Shannen's Dream, of First Nation schools in every First Nation that each and every First Nations parent and child can be proud of, that fully reflects our languages and cultures and provides a safe and supportive place to learn.

8. In order to be effective, progress on these areas will require **fundamental change in the machinery of government** including direct political oversight, a dedicated Cabinet Committee with a secretariat within the Privy Council Office with specific responsibility for the First Nation-Crown relationship to oversee implementation.

Of the eight points presented, the Mohawk Council of Akwesasne has specified that the first THREE are of particular importance to Akwesasne.

# Aboriginal Border Crossing Rights and the Jay Treaty of 1794

## What Is The Jay Treaty of 1794?

“The Treaty of Amity, Commerce and Navigation, Between His Britannick Majesty; - And the United States of America, By Their President and the Advice and Consent of Their Senate, November 19, 1794.”

There are two misconceptions regarding the Jay Treaty, leading many people to assume that when Aboriginal Peoples speak of border crossing or trading rights, across the U. S. – Canada border, that it is the Jay Treaty that gives those rights. That is NOT the case. The Jay Treaty is NOT a Treaty with Aboriginal Peoples and it is NOT a Treaty which gives border crossing rights to First Nations People. However, the Jay Treaty is a Treaty which confirms those rights and which adds to the constitutional protection of those rights. It also does not create the range of Aboriginal Rights that have been exercised by Aboriginal People since time immemorial.

The Jay Treaty is a Treaty between the United States and Great Britain. While it was important for the U. S and Great Britain to make this treaty to seal their own relations, additionally, it demonstrated to First Nations, that First Nations were an essential element in diplomatic relations between these two governments. This Treaty between two European Nations acknowledged that protection of First Nations’ rights were an important part of the non-Indian reality.

The signatories to the Jay Treaty were aware of the rights and freedoms that First Nations People utilized and expected, especially for unimpeded travel throughout their Aboriginal Territories. These systems and relationships developed to include European Nations, who further cultivated and encouraged the pre-contact relationships and utilized the pre-existing networks and systems for their own use, benefit and profit.

The Jay Treaty includes provisions recognizing and acknowledging the existence and right of certain long-established “Indian” systems and practices.

These are contained in Article III of the Jay Treaty. Aboriginal practices and systems of trade, commerce, and mobility between territories existed long before European arrival to North America. The Jay Treaty by way of Article III was the European mechanism by which they were able to reiterate and recognize particular independent and pre-existing rights of Aboriginal Peoples. Therefore, Article III of the Jay Treaty, as well as numerous other Treaties and Treaty Councils are not the source of Aboriginal rights but examples of European recognition of a range of Aboriginal Rights and as such must constitute treaty rights and produce treaty protections.

## What is Article III of the Jay Treaty of 1794?

*“It is agreed that at all Times be free to His Majesty’s Subjects, and to the Citizens of the United States, and also to the Indians dwelling on either side of said Boundary Line freely to pass and re-pass by Land, or Inland Navigation, into the respective Territories and Countries of the Two Parties on the Continent of America (the Country within the Limits of the Hudson’s Bay Company only excepted) and to navigate all the Lakes, Rivers and waters thereof, and freely to carry on trade and commerce with each other...”*

*...No Duty of Entry shall ever be levied by either Party on Peltries brought by Land, or Inland Navigation into the said Territories respectively, nor shall the Indians passing or re-passing with their own proper Goods and Effects of whatever nature, pay for the same any Import or Duty whatever. But Goods in Bales, or other large Packages unusual among the Indians shall not be considered as Goods belonging bona fide to Indians.”*

## Why Has Canada Failed to Fully Implemented The Jay Treaty of 1794?

When the Supreme Court first heard the Border Crossing case, brought forward by Louis Francis, the judges conclusion after hearing all the evidence was that the Jay Treaty of 1794 consisted of 28 Articles and 27 articles were ratified by parliament, however,

Article III, which referred to the reaffirmation of Indigenous border crossing rights, was not ratified. In 1956 the Supreme Court said they cannot force parliament to ratify the Treaty even though they had a legal and moral obligation to do so.

At Akwesasne, by reason of its geographical location on both sides of the U. S. - Canada boundary, border crossing is an essential every day event for the 16,000 Mohawks that reside here today. Since the imposition of the border through Akwesasne Territory from 1783, the Mohawks have a great deal of firsthand experience in fighting for these rights. Throughout Akwesasne history, Mohawk leaders have sought to have Canada honor the commitments made to our ancestors, that are referred to in the numerous Treaties and Treaty Councils as well as those reflected in the Jay Treaty.

From the 1950's on, the Mohawks of Akwesasne have encountered continual infringement on their Aboriginal border crossing, trade and mobility rights, and Akwesasne has continually brought these issues to the attention of the government of Canada. In 1983, the Special Parliamentary Committee, on Indian Self-Government heard submissions on Aboriginal border crossing rights. In its report, "Indian Self-Government in Canada, commonly called the "Penner Report", it recommended that Parliament take immediate steps to implement Article III of the Jay Treaty. (Recommendation 29, page 78)

During the 1998 Annual Liberal Party Convention the Liberal Party of Canada passed a resolution stating:  
"...BE IT RESOLVED that the Liberal Party of Canada encourages the federal government to support Aboriginal economic and business development initiatives including...

... enhanced support of Aboriginal trade including the recognition of Aboriginal traditional and commercial trading practices and rights under international agreements and treaties (including the Jay Treaty); and..."

Canada has ratified 27 of the 28 Articles of the Treaty, but has failed to ratify the remaining Article

III dealing with "North American Indian" border rights. The United States ratified that article long ago, making it possible for First Nations people from the Canada to enter the United States to work, live, and study there, much to the economic benefit of the United States.

Mitchell v. Minister of National Revenue, [2001] 1 S.C.R. 911 is a leading Supreme Court of Canada decision on aboriginal rights under section 35(1) of the Constitution Act, 1982. The court held that Mitchell's claim to an aboriginal right to import goods across the Canada-U.S. border was invalid as he was unable to present enough evidence showing that the importation was an integral part of the band's distinctive culture.

In 1988, Grand Chief Michael Kanentakeron Mitchell, a Mohawk of Akwesasne, attempted to bring goods from the U.S. into Canada. At the border he declared everything that he had purchased in the U.S. but refused to pay any duty on it, claiming that he had an aboriginal right to bring goods across the border. At trial, the Federal Court agreed and held that there was an aboriginal right to import goods. The decision was upheld by the Federal Court of Appeal. The Supreme Court overturned the decision, and held that Mitchell was required to pay duty for all of the goods he imported.

In Mitchell v. MNR, the Supreme Court has denied that we have an existence that is in any way independent of Canadian law and society. The Chief Justice wrote "affirmed the doctrines of extinguishment, infringement and justification as the appropriate framework for resolving conflicts between aboriginal rights and competing claims, including claims based on Crown sovereignty." Basically Mitchell v. MNR links the interests of Canada to the denial of aboriginal right.

### **What Would It Mean For Akwesasne If The Jay Treaty Were To Be Fully Implemented?**

Despite having the issue heard in the Supreme Court of Canada again in 1986, Canada has still not ratified Article III of the Jay Treaty. The Prime Minister has agreed to consider the implementation of treaties as a top priority, a result of the January 11<sup>th</sup> meeting

with First Nations Chiefs who identified an eight point plan for the Prime Minister to address. Grand Chief Michael Kanentakeron Mitchell has identified three out of the eight points as priority for Akwesasne. Akwesasne's first priority is full implementation of the Jay Treaty for the protection of border crossing rights. The Harper Government of Canada now has the chance to fully implement all 28 articles of the Jay Treaty through a legislative process.

Ratification of Article III would provide for free passage of First Nations People and goods across the international border between Canada and United States of America. The border complexities are a constant reminder to the Mohawks of Akwesasne of their frustration and inability to control the destiny of their own communities. If

Canada were to fully implement the Jay Treaty they would recognize that our people have special rights in crossing the international border. It would mirror recognition of the exercise of our rights by the United States of America.

It is in Canada's best interest to recognize the importance of trade between our Indigenous Nations and provide Constitutional protection to the exercise of these trading rights. It would mean recognizing the collective right of the nation to control and regulate. Akwesasne already has in place the governance framework and instruments to make this a success for all concerned - including our own internal regulatory strategy through our own form of governance to regulate and control trade; however, it should be done with the constitutional protection of our sovereignty. ❖

## NDP Ministers of Parliament Host Mohawk Council of Akwesasne



*On January 31st, New Democrat Party Members of Parliament hosted members of the Mohawk Council of Akwesasne in a tour of the Parliament and discussion on Aboriginal issues. Joining the meeting were Kawehno:ke Chief Brian David, MP Romeo Saganash (Intergovernmental Aboriginal Affairs Deputy Critic), MP Anne Minh-Thu Quach (Environment Deputy Critic), Tsi Snaihne Chiefs Bill Sunday and Joe Lazore, and MP Jonathan Genest-Jourdain (Aboriginal Affairs Deputy Critic). MP Saganash submitted and conducted a First Reading of Bill C-469 in the House of Commons on January 28th that will require all federal laws to be consistent with the United Nations Declaration on the Rights of Indigenous Peoples.*

# Supreme Court: On-Reservation Businesses Not Taxable

Recent decisions by the Supreme Court of Canada appear to favor the tax-exempt status of on-reservation businesses and reverse earlier beliefs of how Section 87 (tax exemption) of the Indian Act should be interpreted.

Previously, decisions by the Court where Section 87 was referenced were interpreted to mean that if a First Nations business acquired income from the “commercial” or “mainstream” Canadian economy, they could not claim tax exemption, regardless of where the business was located. Similarly, earlier decisions were interpreted to mean that if the First Nations business sold services or goods to a non-First Nations person or business or if they conducted some of their business off-reservation, then the business income was taxable despite its on-reservation location.

The most recent decisions by the Court, however, clearly indicate that the location of a business is what will determine its tax-free status, not the type of goods or services, nor the destination of the goods, nor the status of the customer.

In the 2012 cases of Ronald Robertson and Roger Saunders v. The Queen and Ron Ballantyne v. The Queen, the Federal Court of Appeals ruled that the First Nations fishermen in both cases were exempt from paying income tax regardless of the fact that the fishing itself took place off-reservation. It was determined that the fishermen conducted business by way of their on-reservation fisheries and the fact that they fished elsewhere was irrelevant. The Canada Revenue Agency’s request for leave to appeal in both cases was denied by the Supreme Court. Therefore the decisions stand.

In the earlier cases of Bastien v. The Queen and Dubé v. The Queen, lower courts had agreed that the CRA was entitled to tax income of the First Nations’ businesses because the goods they sold entered the “commercial mainstream” Canadian economy. However, the Supreme Court ruled that the businesses were tax exempt as they were located on-reservation and that their profits were the personal property of a First Nations person and therefore exempt from taxation.



## Recent Supreme Court of Canada Cases Where the Crown Violated Treaties

The following list of Supreme Court of Canada cases was compiled by the Olthuis Kleer Townshend aboriginal law office and are instances by which the Court ruled the Crown had violated First Nations treaty rights.

*Mikisew Cree v. Canada (2005)* – The Supreme Court ruled that the Crown had violated Treaty 8 by failing to consult with the Mikisew Cree regarding a road project that would interfere with treaty hunting rights. The Court ruled the project needed to be taken back to the Mikisews for proper consultation.

*R. v. Marshall (1999)* – Fishermen in Nova Scotia were wrongfully arrested and prosecuted for violating prohibitions in provincial fishery regulations. However, the Supreme Court ruled that the regulations were not consistent with treaty rights contained in the Mi’kmaq Treaties of 1760-61 and therefore the fishermen were acquitted.

*R. v. Morris (2006)* – Hunters from the Tsartlip Indian Band in British Columbia were convicted of hunting

at night, a violation of the Wildlife Act. However, the Supreme Court ruled that the convictions violated the North Saanich Treaty of 1852 which protected the Tsartlip’s hunting rights. The accused proved that night hunting with illumination was being done by the Tsartlip at the time of the 1852 treaty signing. The convictions were overturned.

*R. v. Sundown (1999)* – A Cree hunter was prosecuted when he cut down trees in a provincial park and used the lumber to build a hunting cabin. He was charged with building a cabin without permission from park authorities. The Supreme Court dismissed the conviction, stating that the hunter’s Treaty 6 rights allow him to hunt in provincial parks and that hunters normally build, use and need such shelters. The court stated that moss covered lean-to’s have evolved into today’s hunting cabins and that the hunter was within his rights to practice traditional hunting.



# Proposed Akwesasne Matrimonial Property Law

In Canada, disposition of property in regard to matrimonial assets rest with the provincial jurisdiction in divorce proceedings. However, no provincial court of Canada has the authority to make any order concerning possession, ownership, or disposition of land and homes on a reserve.

The Government of Canada has drafted legislation called Bill S-2, which will entrust a provincial court to resolve matters for the disposition of matrimonial assets – in other words, to courts that do not consider Akwesasne's unique social and geographical culture.

Bill S-2, is another example of legislation drafted in Ottawa without consideration of what makes Akwesasne unique.

In the current situation, matrimonial property is in accordance with the Indian Act. In the dissolution of a marriage between two natives, the spouse, whose name the house and land is in, retains the right to the property. No consideration is made towards the other spouse or how much he or she has contributed to the household: the property will always belong to the original owner if the property is not put in both their names.

If a spouse wanted to make an application to get a fair determination of property in a dissolution of a marriage, it would be a long and complicated route in Federal Court.

A Working Task Group on the Akwesasne Matrimonial Real Property Law has been established by MCR. The WTG has been working on the draft for two years.

The "draft" Akwesasne Matrimonial Property Law would establish a fair and equitable process to resolve disputes regarding possession, ownership or disposition of land and homes on Akwesasne.

The "draft" Akwesasne Matrimonial Property Law is being developed and will be proposed to

the community pursuant to the Akwesasne Law Enactment Procedural Regulations. Community discussion, such as the Focus Meeting at the Kanatakon Recreation on Thursday evening, is a step in the discussion the proposed draft law called the Iatathrona Raotientahtsera or the Akwesasne Matrimonial Real Property Law.

The Working Task Group is nearing the completion of the proposed law. The final edits are being worked on. When finished, the proposed law will be sent to Council for acceptance in principle in order to begin phase two of the Law Enactment Procedural Regulation.

The "draft" Akwesasne Matrimonial Property Law builds a bridge to preserve a pre-existing connection between a Child and the community of Akwesasne. The Mohawk Court of Akwesasne would have the ability to preserve a child's routine by making an order to guarantee "possession" of the home where a child has been raised.

The "draft" Akwesasne Matrimonial Property Law directs that all issues shall be resolved in a manner which takes into account the culture, traditions, and customs of the persons involved and the Mohawks of Akwesasne as a collective.

The "draft" Akwesasne Matrimonial Property Law directs the Mohawk Court of Akwesasne to develop non-adversarial methods to resolve conflict.

The proposed "draft" Akwesasne Matrimonial Property Law does not address issues such as Spousal or Child support; Child custody; membership; or Personal Property. However; these issues can be resolved through Mediation and enforced throughout Canada if necessary by filing the document with the appropriate provincial court.

The "draft" Akwesasne Matrimonial Property Law is an expression of our aboriginal right to self-govern.



# Proposed Akwesasne Matrimonial Property Law FAQ

## Q.1 *What is the AMPL?*

A.1 After a dissolution or breakdown of a marriage or common-law relationship, the Akwesasne Matrimonial Property Law will provide for the resolution of matrimonial (or common-law) Interest in property.

## Q.2 *What is Interest?*

A.2 Interest is the legal estate, right or interest of any nature held by a spouse or spouses in or to Akwesasne Lands but does not include title to the land.

## Q.3 *Why doesn't it include title to the land?*

A.3 In the case of a non-member, pursuant to the Akwesasne Membership Rolls, a non-member cannot hold title to lands in Akwesasne. The Akwesasne Membership Code allows only members to have title to lands that are protected pursuant to the Indian Act, reserved for Indians. Therefore, title cannot be transferred to a non-member.

## Q.4 *Why do we need this law?*

A.4 If Akwesasne does not have a law in place, the provincial courts will be given jurisdiction to distribute property, not only after a divorce or breakdown of a marriage/common-law relationship, it will also have the right to determine wills and estates on reserve.

## Q.5 *What would be wrong with the provincial courts having jurisdiction?*

A.5 The Mohawks of Akwesasne have had a relationship as a Federal Reserve. The Provincial courts do not know the unique circumstances at Akwesasne and the matters would be better handled by our own people at the Akwesasne Mohawk Court.

## Q.6 *Besides applying to Provincial Courts, what is the major difference(s) between Bill S-2 and the Akwesasne Matrimonial Property Law?*

A.6 The major difference respects the child and the best interest of the child. The AMPL will give "paramount consideration" to ensure the child(ren)'s best interest is upheld when there is a marriage breakdown.

## Q.7 *What doesn't this law allow?*

A.7 This law doesn't allow for several matters:

- Dealing with Spousal support.
- Dealing with Child support or Child custody.
- Dealing with matters in relationship to determining Membership.
- Dealing with lands off the territory of Akwesasne.
- Dealing with Personal Property (which is defined as anything other than land or an interest in lands and includes but is not limited to furniture, vehicles, boats, livestock, household goods, clothing, jewelry, money, bank accounts, shares, wages or debts owed to an individual).

## Q.8 *How will this law be enforced?*

A.8 The Akwesasne Mohawk Court will issue an order, enforceable by an Enforcement Officer.

## Q.9 *Why do we need an Akwesasne Matrimonial Property Law?*

A.9 We can do better than the outside when it comes to understanding the Akwesasne community. Our focus will be the children of the relationship.

## Q.10 *When will the proposed Akwesasne Matrimonial Property Law be completed?*

A.10 The proposed Akwesasne Matrimonial Property or Iatathrona Raotientahtsera (Couples Property) will be finished within two weeks. It will be presented to Council for acceptance-in-principle to send to a General Meeting. If acceptable, passing the proposed draft will allow it to continue to the next phase of the Law Enactment Procedural Regulation. It will then be sent to the printers for distribution to each household at Akwesasne and community consultation meetings will be held. ❖

# Federal Legislation Affecting First Nations

The following information is being provided on federal legislation and policies that have been passed or are being proposed by the Government of Canada that impact First Nations—some without proper discussion or consultation. **Being Informed is the First Step to Protecting Your Rights!**

## **Bill C-38 Budget Omnibus Bill #1**

- This bill changed more than 70 Federal Acts without Parliamentary debate.
- This bill dramatically changed Canada's federal environment legislation by removing many habitat protections for water and fish.
- This bill also changed the Criminal Code by increasing punitive penalties against non-violent repeat offenders.
- These changes were made without proper consultation with First Nations--in direct contravention to the Supreme Court of Canada's Ruling on the Duty to Consult.

## **Bill C-45 Budget Omnibus Bill #2**

- This bill removed many fish habitat protections and fails to recognize Aboriginal commercial fisheries. Only a limited number of fishing permits will be issued by federal government to Provinces, it is unknown if First Nations fisheries will be included.
- This bill made changes to the Navigable Waters Protection Act by reducing the number of lakes and rivers where navigable and federal environment assessment is required from 32,000 lakes to just 97; and from 2.25 million rivers to just 62.
- This bill weakened environmental safeguards, allowing some businesses to proceed with projects without needing to do an environmental assessment.
- These changes were made without proper Parliamentary debate or consultation with First Nations--in contravention to the Supreme Court of Canada's Ruling on the Duty to Consult.

## **First Nations Private Property Ownership Act (Proposed)**

- This Act would permit non-Aboriginals to



privately own property located within reserve boundaries.

- This Act is contrary to the goal of many First Nations to protect and preserve Aboriginal lands as a collective resource.
- This Act would allow the small existing Aboriginal-owned land base to be sold to non-Aboriginal buyers, forever losing these lands as Aboriginal lands. This is particularly a risk for impoverished communities who may be forced for economic reasons to sell their lands for short term gain.
- This Act does not address the need for alternative options for First Nations to use their lands for economic purposes.
- This Act does not provide self-sufficiency by ensuring Aboriginal control over the resources extracted in their traditional lands and the resulting financial benefit needed to support educational, health and social development.

## **Bill S-2 Family Homes on Reserve and Matrimonial Interests or Right Act**

- This bill does not recognize First Nations' jurisdiction over reserve lands when determining how on-reserve property is divided when married couples divorce.
- This bill imposes provincial standards in determining how assets are handled in a First Nations community, resulting in the application of various standards in multijurisdictional communities.
- This bill disregards issues associated with matrimonial property on reserve; such as

violence against women, availability of housing, self-government rights, as well as capacity to develop and enforce laws.

- This bill allows provincial laws to infringe on First Nations' inherent self-government rights by forcing Aboriginal people to use the provincial courts to deal with marital property, which can be difficult due to distance and expense.
- This bill does not recognize the traditional practices of Aboriginal communities.

#### **Bill S-6 First Nations Elections Act**

- Does not impact Akwesasne, as the community voted on the Akwesasne Election Law in 1986, and since then articles that relate to elections from the Indian Act have not applied to MCA elections.
- This bill provides an alternative elections regime under the Indian Act.
- Although this will affect all First Nations, there was no consultation about it.
- This bill allows First Nations to opt into an alternative regime for elections however: the Minister can impose an election process against the will of a First Nation community if the Minister decides there has been a problem with an election. This can lead to political interference with First Nations elections.

#### **Bill C-428 Indian Act Amendment and Replacement Act**

- This is a private member's bill that imposes sweeping changes to the Indian Act.
- This bill does not incorporate First Nations recommendations on the need to abolish the Indian Act.
- These changes were made without proper consultation with First Nations—in direct contravention to the Supreme Court of Canada's Ruling on the Duty to Consult.

#### **Bill S-207 Act to Amend the Interpretation Act**

- This bill states that no legislation will be interpreted as annulling or destroying Aboriginal or Treaty Rights, however it does not prevent the implementation of an Act that showed clear intentions from destroying such rights.



#### **Bill S-8 Safe Drinking Water for First Nations Act**

- This Act allows Canada to over-ride First Nation by-laws, BCRs and policies that protect safe drinking water.
- This Act created the potential for differing provincial standards to be applied in multi-jurisdictional communities.
- This Act gave the Minister the power to require First Nations to charge fees to members for receiving clean water.
- This Act allowed the government to annul or destroy Aboriginal and Treaty Rights "to the extent necessary to ensure safe drinking water."
- This Act provided limited power to the government, with no justification as to why it needed this power.

#### **Bill S-212 First Nations Self-Government Recognition Bill**

- This bill made it possible for First Nations to exercise the authority currently given to provinces; in the areas of fisheries, wildlife and habitat management, education, child protection and adoption, and healthcare.
- This bill has been introduced for the fourth time, but if the government intends to support or proceed with this legislation there must be adequate consultation with First Nations.

#### **Bill C-469 Declaration on the Rights of Indigenous Peoples Act**

- This is a private member's bill that will ensure that the laws of Canada are consistent with the United Nations Declaration on the Rights of Indigenous Peoples. ❖

# January 11, 1856: The St. Regis Indians

Published January 11, 1856

The New York Times

The St. Regis Indians

Interesting Account of the St. Regis Indians in  
Northern New York

St. Regis—Its History, Statistics and Present Condition

The Indian village of St. Regis on the River St. Lawrence, is divided by the 45th line of north latitude, the church and greater part of the village being in Canada, while a scattered population extends over their reservation in the town of Bombay, in Franklin County, New-York; comprising about one-third of the entire native and half-breed population of the settlement.

Few places are more delightfully situated than this. It lies at the head of Lake St. Francis, just below the foot of the Long Sault rapid, on a point between the mouths of the St. Regis and Racket Rivers, by the aid of which in former times the natives in their light canoes could penetrate far into the interior, and have access to the finest hunting grounds in the country, and which afforded in their immediate vicinity the choicest fish in abundance. If to these be added a salubrious climate, a fertile soil, and ready access by way of the great river to the most remote regions of the interior, it must be admitted that the location was judiciously chosen, and that its first settlement must have enjoyed peculiar advantages.

The village was settled by Father Antoine Gordon, a Jesuit priest from Caughnawaga, near Montreal, in 1760, with a colony of Mohawk Iroquois, who had, some seventy years before, been induced to join the French in Canada. A few families had located in the vicinity previously, but nothing was done towards permanent settlement, until Gordon arrived with a large number of savages, and took possession of the place—which, from the patron saint of the day of their arrival, was named St. Regis. The natives call it Akwesasne,—"where the partridge drums,"—perhaps from the abundance of these birds, or more probably from the circumstance that in Winter, when the river freezes, there is often heard a rumbling sound from the passage underneath the masses of

ice from the open rapids above. The "anchor ice" thus accumulating, often causes a sudden breaking up and overflow, attended with a fearful crash, the waters flowing over the banks in alarming violence, at times destroying lives, and often doing great damage to buildings near the river.

From its origin to the present day, St. Regis has been the seat of a Catholic mission—Gordon being, in 1775, succeeded by Denaut, and afterwards by L'archambault, R. McDonnell, Rinfret, Roupe, J. Marcoux, N. Dufre Ne(Dufresne), J. Balle (Valle) And F.X. Marcoux—the last name of whom has resided in the village since 1830. The distinction of bands, as the Wolf, Great Turtle, Little Turtle, Bear, and Plover, into which they are divided, is the only trace of their national customs that they may now be said to retain.

Until the War of 1812, they were governed by twelve chiefs chosen for life, sharing equally among them the annuities and presents of two Governments. The war created a distinction, which still continues, having descended on the male line from the parties as they were formed at that period.

The American Indians have for many years been governed by three Trustees elected annually, while the British party continued the former government until it was broken up in June of the present year, by the Superintendent of Indian Affairs in Canada, it having been found that the tenure for life led to many abuses of trust on the part of the Chiefs. These people have made but little progress in civilization, beyond the adoption of the dress of the whites, and the attainment of a few elementary modes of cultivating the soil. The mechanic arts are unknown among them. It is instructive to trace the origin of names and the recognition of personal and social rights in the transition state of society here observed; for, although they are recognized by both Governments as tenants in common, having no individual right of soil, yet there has arisen among them a code, which without the sanction of a statute, has not less an obligation by common consent upon those who come within its influence. The title or claim of British or



*St. Regis Indian Village, St. Lawrence 1840. Painted by W.H. Barlett*

American party, follows the father, and is lost by the woman upon marriage, when she acquires that of her husband.

A white man, upon marrying an Indian woman, acquires no right to share in the annuities; nor does the woman lose these rights to herself and children. But a white woman marrying an Indian acquires for herself and children the rights of her husband. If the husband be White, the oldest male child is considered the head of the family for receiving annuities. If there are no children, the wife is thus considered.

Any Indian, or white intermarried and living with them, may take up as much of woodland as he can clear and cultivate, which may be sold or devised to any one of the tribe whether British or American. He cannot, however, appropriate woodland to the exclusion of any Indian from the cutting of timber, which they have the common right to cut and take off, as well for their own use as for sale.

Pasturage is in common—there being on the reservation from one to two thousand acres of cleared lands; besides woodland and tracts that from neglect have been overgrown with bushes.

Every person may keep in these commons as much stock as he pleases, and the chiefs sometimes admit the cattle of farmers in the vicinity, on being paid a stipulated price.

American Indians may reside on the island or other islands of the tribe in Canada, and the British Indians may, in like manner, hold lands in the State of New York, without losing their rights of distinction of party.

Other Indians may be admitted to their rights with the consent of the chiefs; and a person may change his party with the general approbation of those among he is received, but not otherwise.

The distinction of bands descends on the female side from mother to son. Since the discontinuance of the election of chiefs, this distinction has no practical application, but formerly each band was entitled to elect three chiefs, (the Plover and Little Turtle voting together,) and a vacancy only be filled by the band in which it occurred.

The property of a father, upon death, is equally divided among his children, but formerly it was held that the household good belonged to the daughters,

while the land belonged to the sons.

The British Indians receive rents for lands sold to Governments, or leased for long periods, and presents of blankets, cloth, powder, shot and firearms, but of late some of the latter have been withheld, and the tribe have been notified that these presents will soon be discontinued altogether.

The American party draw an annuity of some \$2,100, and rents from lands leased for a few years, which, unless renewed, will soon revert, under cultivation and with improvements. The total amount of land belonging to these Indians in the State of New York is about 12,000 acres.

There are at the present time 643 British Indians, sharing in the rents and presents of that Government, and 585 American Indians, participating in the annuities paid by the State of New York, making the total number 1,178. Of these, 420 reside within this State, of whom 88 are of the British Party.

The census of this tribe recently taken by Dr. Franklin B. Houou, first Clerk of the Census Department of the Secretary's Office, shows the following statistics of those living south of the provincial line:

Number of dwellings	67
Number of families	87
Number of males	209
Number of females	217
Born in Can. St. Regis	170
Born in Lake of Two Mountains	13
Born in Caughnawaga	9
Born in Northwest	2
Born in St. Francois	1
Born elsewhere in Canada	9
Born in State of N.Y.	207
Married	153
Widowed	13
Farmers	59
Hunters	2
Children bet. 4 and 21 who attend school	53
Children bet. 4 and 21 who do not attend	89
Persons over 21 who cannot read	117
Person who can read Iroquois	65

Catholics	339
Methodists	48
Belong to Wolf band	195
Belong to Clover (Plover) band	89
Belong to Little Turtle band	41
Belong to Big Turtle band	83
Belong to Beaver band	21
Acres cultivated, exclusive of pasture	1,804
No. of cows owned	72
No. of horses owned	102
Bush. Of wheat raised in 1855	1,010
Bush. Of Corn raised in 1854	708

For several years these people have been on the increase, and had not their numbers been repeatedly reduced by ravages of cholera, small-pox and other epidemics, they would have nearly doubled in numbers since the war of 1812.

A striking illustration of the rate of increase may be inferred from the fact, that of the 430 living within this State, 250 are under twenty year-of-age. Marriages are usually contracted at that age, and sterility is almost unknown.

In view of those facts, it becomes a matter of grave importance whether it be not the duty of our Government to bestow attention upon the improvement and elevation of these people to that grade of intelligence which will fit them for becoming freeholders and citizens, by the introduction of learning, and especially of a knowledge of the English language; a practical education of the youth, in the duties of the farmer and the house-keeper, an appreciation of the comforts of home, with the habits of industry necessary for attainment of those conveniences which distinguish civilized life, and the emulation in labor so essential to prosperity and happiness.

There are at present two schools supported by the State, at which but few of the children attend, and those few with very little benefit. The system needs reforming, and until a different and more efficient method is adopted, there can be little hope of improvement.

H.

# Mohawk Council of Akwesasne Annual Report

## Looking Back, Looking Forward

The Mohawk Council of Akwesasne is pleased to inform community members that the 2010 – 2012 Annual Report is coming soon. The document is a comprehensive report on the organization's programs and services. Since 1986, MCA has committed to provide as much information on the activities of its programs and services as possible, as the organization strives to be transparent and accountable.

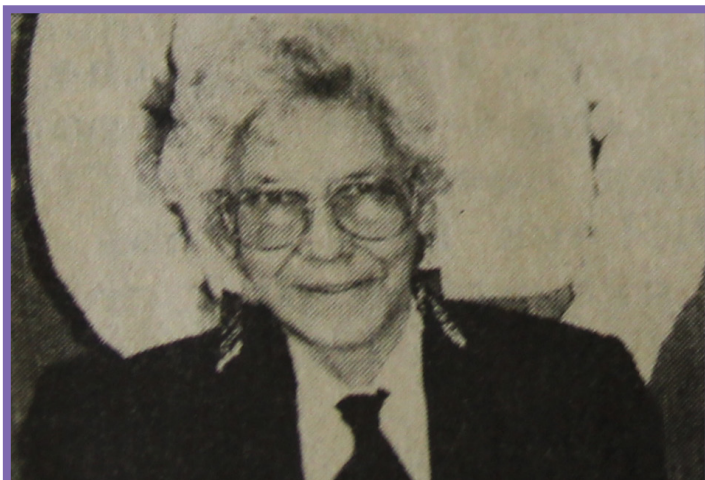
Below are just a few images from MCA's very first community report in 1986. The staff, some of whom are still with the organization today, played an important role in serving their community, the MCA organization, and providing their program's first public report. It is very exciting and encouraging to see the growth over the past 25 years!



*Elizabeth Oakes, Denise Collins, Martha Mitchell, Sheila David (front) Lena Day. In 1984, when the Department of Indian Affairs were threatening to put Akwesasne under third party management, these ladies were part of the original Finance staff that assisted MCA in forming a new Financial Reporting mechanism. The new reporting regime also provided a mechanism for community members to know more about the operating and financial system of MCA. Denise Collins and Martha Mitchell still continue to serve the community in the Finance Department.*



*Lynn Cook, secretary Bonnie McGregor, administrator, Candy Thomas, Assistant administrator, Esther Jock, field worker. These young ladies were all fresh employees of MCA in 1986 in the Social Division. These ladies are still serving the community of Akwesasne as Mohawk Council of Akwesasne employees. Esther Jock recently retired after serving the Akwesasne community in the social department for the past 26 years.*



*Justice Cecelia Square. Justice Square currently the longest serving Justice of the peace in Akwesasne. She continues to be the elder statesmen in the Justice Department and is an inspiration to the present and upcoming Justices' serving in the Mohawk Council of Akwesasne Justice/court program.*



*Vaughn Sunday (Community Development Officer) and Denis Chaussi (Economic Development Officer). In 1984, they were young and eager employees that started with the Mohawk Council of Akwesasne in the Economic Development Department. Vaughn Sunday recently left MCA to become a consultant and Denis Chaussi has returned to MCA in the Social Service Program.*

# Notice for Green Food Box Clients

Due to recent changes in the Green Food Box program community health employees will make minor changes to the Green Food Box ordering process. Starting with the month of February Rachel George will no longer be taking orders outside of Kanonhkwa'tsheri:io Health Facility.

## Ordering sites affected are:

Kana:takon School  
Akwasasne Mohawk School  
A'nowara'ko:wa Arena  
CIA#3 Building  
Tsi Snaihne School  
Admin Office Buildings

To ensure that all Green Food Box orders are accurately recorded and distribution days are run smoothy all orders can **ONLY** be made with Kyle Thompson at the Kanonhkwa'tsheri:io Health Facility.

Alternatively, MCA employees may interoffice their orders along with payment or gift certificates to Kyle in Community Health. All receipts of orders made by MCA employees will be interofficed back.

## Green Food Box Program Schedule

Place your order and pay \$10 at the beginning of the month, and then pick up your fresh fruits and vegetables on the arranged pick up day. It's that simple!

Deadline to Order	Kana:takon Pick Up Day	Kawehno:ke Pick up Day
Feb. 8th	Feb. 19th	Feb. 20th
March 8th	March 19th	March 20th
April 8th	April 16th	April 17th
May 3rd	May 14th	May 15th
June 7th	June 18th	June 19th
July 5th	July 16th	July 17th

All you need to do is stop in at Kanonhkwa'tsheri:io and place your order at the Community Health Office.

Please call Kyle at 613-575-2341 ext. 3220 with any questions. The Community Health Team would like to thank you for your participation and understanding.

## Kawehnoke Medical Clinic 932-5808

## February 2013

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUN.
	<b>*REMINDER*</b> <b>DR. YOUNG'S CLINICS</b> <b>HAVE A 40 PT LIMIT</b>			1 <b>WOMANS CLINIC</b> <b>DR V UDOEYOP</b> <b>10 am- 3pm</b> <b>BY APPT</b>	2 <b>NO DOCTOR</b>	3
4 <b>DR. TREMBLAY</b> WALK-IN 8-11 am <b>JOELLE REGNIER, NP</b> 1pm – 4 pm BY APPT	5 <b>DR. YOUNG</b> WALK -IN 8:30-11:30	6 <b>DR. YOUNG</b> 8:30-11:30 WALK-IN <b>JOELLE REGNIER, NP</b> 5pm – 8 pm WALK-IN	7 <b>JOELLE REGNIER</b> 1 pm -4 pm BY APPT	8 <b>NO DOCTOR</b>	9 <b>JOELLE REGNIER</b> WALK -IN 8 am – 12 pm	10
11 <b>DR. TREMBLAY</b> WALK-IN 8-11 am <b>JOELLE REGNIER, NP</b> 1pm – 4 pm BY APPT	12 <b>DR. YOUNG</b> WALK -IN 8:30-11:30	13 <b>DR. YOUNG</b> 8:30-11:30 WALK-IN <b>JOELLE REGNIER, NP</b> 5pm – 8 pm WALK-IN	14 <b>JOELLE REGNIER</b> 1 pm -4 pm BY APPT	15 <b>WOMANS CLINIC</b> <b>DR V UDOEYOP</b> <b>10 am- 3pm</b> <b>BY APPT</b>	16 <b>NO DOCTOR</b>	17
18 <b>CLINIC CLOSED</b> <b>DESIGNATED</b> <b>FAMILY DAY</b>	19 <b>DR. YOUNG</b> WALK -IN 8:30-11:30	20 <b>DR. YOUNG</b> 8:30-11:30 WALK-IN <b>JOELLE REGNIER, NP</b> 5pm – 8 pm WALK-IN	21 <b>JOELLE REGNIER</b> 1 pm -4 pm BY APPT	22 <b>WOMANS CLINIC</b> <b>DR V UDOEYOP</b> <b>10 am- 3pm</b> <b>BY APPT</b>	23 <b>JOELLE REGNIER</b> WALK -IN 8 am – 12 pm	24
25 <b>DR. TREMBLAY</b> WALK-IN 8-11 am <b>JOELLE REGNIER, NP</b> 1pm – 4 pm BY APPT	26 <b>DR. YOUNG</b> WALK -IN 8:30-11:30	27 <b>DR. YOUNG</b> 8:30-11:30 WALK-IN <b>JOELLE REGNIER, NP</b> 5pm – 8 pm WALK-IN	28 <b>JOELLE REGNIER</b> 1 pm -4 pm BY APPT		<b>JOELLE REGNIER'S</b> <b>WALK-IN CLINICS</b> <b>HAVE A 15 PT</b> <b>LIMIT</b>	

# Disability Awareness Essay Winner Announced

The Department of Health recently hosted a disability awareness essay contest. The Grand Prize winner, chosen by judge Heather McDonald, was eight year old Carla Mitchell. The grand prize winner won a one year family swim pass to the Cornwall Aquatic Center as well as an Ipad.

Winners of each age division received a \$100 gift card. Essay submissions that were not selected also had a chance to win a gift card or an e-reader via random draw.

The following essays were selected:

Talon Jacobs- "My Brother"  
 Sophia Mitchell- "My Cousin Madison"  
 Creedance King- "My Cousin Lily Anna is an Extraordinary Person"  
 Laney Tahy- "My Cousin and Her Disability"  
 KC Herne- "Disability Awareness: My Brother, LX"



*Lesley Bero, Manager, Wholisitic Health and Wellness stands with Disability Awareness Essay Contest Grand Prize winner, Carla Mitchell, 8.*

Adam Oakes- "Disabled Life"  
 Ashley Santasiero- "Autism"  
 Carla Mitchell- "My Cousin"

## LIVING WELL with Diabetes

**30 minutes Healthy Eating**

**30 minutes Physical Activity**

**30 minutes Diabetes Education**

**8 WEEK PROGRAM**

WHERE: Snye Homemakers  
 WHEN: 5:30-7:00PM MONDAY  
 FROM: JAN 28- MARCH 18TH, 2013

**It's time to take action, come join us & learn to live well with diabetes. Lets commit to a fitter lifestyle & work towards a healthier future!**

**This program will help you:**

- Understand what diabetes is & how it effects your body
- Learn to better manage your blood glucose
- Begin or maintain healthy habits (eating well & exercising)
- Gain energy
- Feel great & empower yourself!!

CALL NOW TO PRE-REGISTER  
**DON'T WAIT SPACE IS LIMITED!!**

CALL CATHERINE AT 613-575-2341 EXT 3244

MCA Community Health

This program is 8 sessions long, each session lasts 90 minutes. The sessions are divide into 3 parts; physical activity, nutrition & education



# Hazard Help Sheet

## Heating Safety



**EACH YEAR** fire claims the lives of 3,500 people, injures 18,300, and causes billions of dollars worth of damage. The misuse of wood stoves, portable space heaters and kerosene heaters are especially common risks in rural areas.

All heating equipment needs space. Keep anything that can burn at least three feet away. Supervise children whenever a wood stove or space heater is being used. Have a three-foot "kid-free" zone around open fires and space heaters.



### 1. WOOD STOVES

Wood stoves cause over 4,000 residential fires every year. Carefully follow the manufacturer's installation and maintenance instructions. Look for solid construction, such as plate steel or cast iron metal. Check for cracks and inspect legs, hinges and door seals for smooth joints and seams. Use only seasoned wood for fuel, not green wood, artificial logs, or trash. In pellet stoves, burn only dry, seasoned wood pellets. Inspect and clean your pipes and chimneys annually and check monthly for damage or obstructions.

### FACT: CARBON MONOXIDE (CO<sub>2</sub>)

Each year, the Customer Product Safety Commission reports more than 150 people die from accidental non-fire related CO poisoning associated with consumer products. These products include faulty, improperly-used or incorrectly-vented fuel-burning appliances such as furnaces, stoves, water heaters and fireplaces.

**There are simple steps you can take to protect you and your family. Please read and follow the safety tips contained in this factsheet.**

**Brought to you by MCA's Emergency Measures**

### BUYING HEATERS

Only buy heaters evaluated by a nationally recognized laboratory, such as Underwriters Laboratories (UL).

### 2. ELECTRIC SPACE HEATERS

Check to make sure it has a thermostat control mechanism, and will switch off automatically if the heater falls over. Heaters are not dryers or tables; don't dry clothes or store objects on top of your heater. Plug space heaters directly into wall outlets and never into an extension cord or power strip. Always unplug your electric space heater when not in use.





# Hazard Help Sheet

## Heating Safety Continued



### 3. KEROSENE HEATERS

Check with your local fire department on the legality of kerosene heater use in your community. Never fill your heater with gasoline or camp stove fuel; both flare-up easily. Only use crystal clear K-1 kerosene. When refueling, allow the appliance to cool first and then refuel outside. Never overfill any portable heater. Use the kerosene heater in a well ventilated room.



### 4. FIREPLACES

Fireplaces regularly build up creosote in their chimneys. They need to be cleaned out frequently and chimneys should be inspected for obstructions and cracks to prevent deadly chimney and roof fires.

- Check to make sure the damper is open before starting any fire.
- Never burn trash, paper or green wood in your fireplace. These materials cause heavy creosote buildup and are difficult to control.
- Use a screen heavy enough to stop rolling logs and big enough to cover the entire opening of the fireplace to catch flying sparks.
- Don't wear loose-fitting clothes near any open flame.
- Make sure the fire is completely out before leaving the house or going to bed.
- Allow ashes to cool before disposing of them. Place ashes in a tightly covered metal container and keep the ash container at least 10 feet away from your home and any other nearby buildings.
- Never empty the ash directly into a trash can. Douse and saturate the ashes with water.

## MAKE A HOME EMERGENCY PLAN

### HOME EMERGENCY PLAN

We can never stop expressing the importance of sitting with your family and making a HOME EMERGENCY PLAN. A Home Emergency Plan provides the security of knowing that you and your family are ready in case of an emergency. This plan will let everyone know or have access to:

- Local rendezvous site,
- Out-of-town rendezvous site,
- Emergency contact numbers,
- Emergency escape routes,
- Medications,
- Personal identification,
- Extra cash,
- Important documents (i.e. insurance),
- And much more.

Home Emergency Plans are made to accommodate your family needs, including your pets. Start making your Home Emergency Plan today!

Finally, having a working smoke alarm dramatically increases your chances of surviving a fire. And remember to practice a home escape plan frequently with your family.

For more information, go to  
[www.usfa.fema.gov](http://www.usfa.fema.gov)



# Mohawk Police Host Benefit Hockey Tournament

On Friday January 11, 2013 the Anowarakowa Arena was the site for the annual Law Enforcement Hockey Tournament. For the past few years, members of AMPS and Tribal Police enter teams in various law enforcement hockey tournaments to raise money for various charities. For the last four years the team has played in the International Law Enforcement Hockey Tournament. This year the Akwesasne Mohawk Police Hockey Team hosted the event.



The tournament was a benefit for Donna Benedict, daughter of Frank and Lillian, who has been diagnosed with Breast Cancer. Eight teams participated in the tournament, AMPS/Tribal Police, Kahnawake, OPP, RCMP, Ottawa Police, Cornwall Police and US Border Patrol. Members of AMPS 2 were Nate Boots, Leroy Swamp, Lee Swamp, Raweras Mitchell, Peter Lafrance, Mike Biron, PJ Burns, Jayden Pernice and Ian Vanier.

The championship game was between AMPS 1 and Ottawa, and AMPS 1 came out champs with a score of 5-3. Members of AMPS 1 were Ranatiostha Swamp, Phil Boots, Ben Deluca, Mac Mitchell, Jeremy Reddick, Taylor Smoke, Decota Thompson, Ted Cook, Karson Oakes, Kariwate Mitchell, Corey Thomas, Wallace Thompson, Dan Brookson and Stephane Lafontaine. The tournament raised over \$6,000 for a great cause.

## Recent MCA Job Postings

**T**he Mohawk Council of Akwesasne posted and/or filled the following positions recently.

Female Case Aide, Iethinisten:ha Akwesasne Family Wellness Program  
Permanent Part Time Position (24 hrs/week 12-8AM)  
Salary: Pay Band-05 \$34,000 to \$42,000  
Closing Date: February 14, 2013



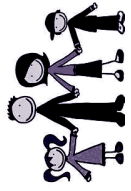

Personal Support Worker, Tsiionkwanonhso:te  
Permanent Full Time and Part Time Positions  
Salary: Pay Band-05 \$34,736.81 to \$42,766.21  
Closing Date: February 21, 2013

Dietary Aide, Tsiionkwanonhso:te  
Full Time (with Possibility of Permanency)  
Salary: Pay Band-03 \$28,708.12-\$35,344.21  
Closing Date: February 21, 2013

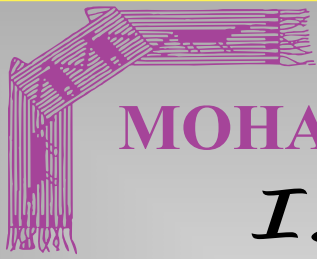
**F**or current and active job postings, visit [www.akwesasne.ca/jobpostings.html](http://www.akwesasne.ca/jobpostings.html)  
For contact the Human Resources Department at (613) 575-2250 Ext. 2146

*Applicants must clearly outline that they meet the qualification requirements on their resume. A clear criminal reference check is mandatory. Native preference in hiring. An eligibility list will be created for one year. Applicants who fail to submit the required documentation will be automatically disqualified.*

# Enníska / FEBRUARY

Awentatokehti:ke / Sunday	Awentawen'ke / Monday	Ratironhia'tekronon:ke / Tuesday	Soséhne / Wednesday	Oharistiiahne / Thursday	Ronwaia'tanentaktonhne / Friday	Entakta / Saturday
School Hours: 8:15 am - 2:45 pm After-School Program Hours: 2:45 - 5:30 pm All schools are "Allergy Aware"					1 11:31 am EARLY DISMISSAL Tsi Tewarihwahniraht / Professional Development for Teachers	2
3	4	5	6 Public / In-Camera Session 6 pm @ Tsi Snaihne School	7	8 Enaska Tewen'niáwe Niwenhséráte Ionkwatewéíenhsón / 	9 <b>JERSEY DAY</b>
10	11	12	13	14 Kanononhkwááthiera Awenhísera / 	15	16
			TERM 2: Enníska/February 13 - Ohiairiha/June 27			
17	18  Onkwahwátsire Awenhísera / FAMILY DAY	19 Ionhkinónhna / Ionkhirhonníénini tenhontáken (Our Caregivers and Teachers Meet) PARENT / TEACHER INTERVIEWS (Report Card 1) 2 - 6 PM	20	21	22	23
	WENTANÓ-RON / HOLIDAY	Ahkwasahsne Mohawk School	Kanatakon School	Tsi Snaihne School		
24	25	26	27	28	 Remember to listen to CKON during inclement weather. Bus cancellations will be announced starting at 6:15 am	
		It is essential that your child's school has the most up-to-date information (telephone numbers - both home and work, address changes, etc.). Please inform the school immediately of any changes.				

AMBE Office: 613-933-0409 Ahkwasahsne Mohawk School: 613-932-3366 Kanatakon School: 613-575-2323 Tsi Snaihne School: 613-575-2291



MOHAWK COUNCIL OF AKWESASNE

*Is Proud  
To Host*

# AKWESASNE BEAUTY EXPO

Recognizing Our Local Beauty Industry

**Community Welcome!**

Prepare to indulge yourself in a day of pampering your nails, hair, make-up and clothes. We will feature models to exhibit their walking skills down the runway with confidence as they display workplace fashion.



When

February 13, 2013

Where

St. Regis Recreation Center

Time

9am to 5pm

**Vendors on site • Lunch Provided**

This is an opportunity to connect those seeking employment. We are promoting the job search with hopes that clients will become employed or find ways to earn a living using their skills. We want to help assist students to get their hours of experience to enable them to become licensed.

**Please Contact  
Community Support Program**

**Corrine Johnson**  
613-575-2341 ext.3261  
**Jaime Lazore**  
518-772-2722

