

SETTING THE RECORD STRAIGHT

The media portrayal of Kanehsatake as lawless and opposed to policing is a lie. The community and Council have repeatedly called for peacekeeping with the simple and reasonable request it be delivered in professional & non-partisan manner. Gabriel's police have criminal records, are under criminal investigations, ethical complaints, are undertrained or have been rejected by other PeaceKeeping forces. Kanehsatake would have had proper policing long ago if not for the political interference by Gabriel and his supporters in provincial and federal governments.

YOUR SUPPORT IS NEEDED

Kanehsatake residents urgently request your presence to prevent bloodshed and bring federally sponsored aggression to a halt. They want a peaceful negotiation process - not one under the gun. The community is asking for a Mohawk-to-Mohawk resolution without Canadian and Quebec interference. Help hold the Canadian and Quebec officials responsible for crisis of their illicit manufacture of the Kanehsatake crisis.

DEMAND:

- 1) A forensic audit into the third-party mismanagement of Kanehsatake funds by PriceWaterhouseCoopers & Hartel Financial Management Corporation, completed to the satisfaction of all Kanehsatake community members.
- 2) A judicial inquiry into conduct of all officials involved in negotiations with Chief Gabriel for the purpose of policing in Kanehsatake including, the Department of Public Safety & Emergency Preparedness; the Quebec Public Security Ministry; the Department of Indian Affairs and Ministry of Quebec Native Affairs.
- 3) A repeal of the April 1, 2004 Kanesatake Tripartite Policing Agreement that was not negotiated or signed by all Chiefs on Kanesatake Band Council, nor the community of Kanehsatake.
- 4) A repeal of the Kanesatake Interim Land Based Governance Act, as requested by the community, until a fully funded legal review can be conducted, informed community consultation can take place and a pre-determined level of support for the Agreement can be set to the satisfaction of all Kanehsatake community members.
- 5) A judicial inquiry into the conduct of Federal Negotiator, Eric Maldoff and Department of Indian Affairs representative, Walter Walling for breach of fiduciary duty and threats to the community of financial punishment should Kanehsatake not to go forward with Bill S-24.

For more info, or to endorse demands, contact Indigenous People's Solidarity Movement, Montreal: ipsm@resist.ca

Please donate to: "Kanehsatake Legal Defence Fund"
Account # 80962
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WANTED



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FOR CRIMES AGAINST MOHAWK SOVEREIGNTY!

SOLIDARITY WITH THE PEOPLES OF KANEHSATAKE!

Grand Chief James Gabriel of the Kanesatake Band Council is a politician dazzled by powers given by Quebec & Canada no matter the cost to his community. People in Kanesatake are fed up with Canada & Quebec's attempts to use Gabriel to undermine Mohawk sovereignty, culture, land rights and economies. Learning about Gabriel's deals with government only through press releases, the community's been excluded from decision-making - a cornerstone of the consensus-based Mohawk culture. With Gabriel's help, Canada has nearly accomplished its goal of subordinating Kanesatake's sovereign national status to that of a municipality through Bill S-24, the "Kanesatake Land Based Governance Act". Canada's January 12th attempt at imposing totalitarian rule over Kanesatake - by funding Gabriel's privately-controlled, 60-person police force - left community members no place in the affairs of their own community. Or so Gabriel hoped. Since January 12th, Kanesatake residents have demonstrated their opinions through militant resistance, and successfully stopped attempts at outside invasion and political interference.

In 1994, leaked documents proved Canada was planning a 6,000-troop military invasion of Mohawk communities producing and selling their own cigarettes. One report stated the need to "target the Indian's claim to the inherent right of inter-tribal trade with sister Mohawk communities and the native run tobacco manufacturing industry as a whole". With all other funds tightly controlled by Department of Indian Affairs & Band Council, the Mohawk tobacco trade is the one autonomous source of income enabling Mohawk families and social services to sustain themselves. It enables Mohawks to organize and fight Canada's attempts to assimilate and control them. The growing economic strength of Mohawk Nations threatens the implementation of Canada's colonial agenda, it's not just about lost tax revenues. Canada's January 12th "extraordinary" police operation, and April 1st Tripartite Policing Agreement (which transfers control of policing in Kanesatake to Canada, Quebec & Gabriel) both aim to crack down on this Mohawk economy not, as they claim, "organized crime".

Chief Gabriel stated he wants his police to "cut the head off his opposition". Gabriel's opposition is Quebec & Canada's too. This is why our governments are so invested in Gabriel's leadership they've been making deals excluding half the Chiefs on Council and the whole of the community. This is why Quebec & Canada maintain Gabriel is "the sole legitimate authority for Kanesatake". In the context of 21st century colonialism, Canada rewards native "leaders" willing to place their communities under Canadian and provincial jurisdiction. Last year's First Nations Governance Act was defeated by the unified efforts of Indigenous communities across Canada. Now the strategy is to implement the legislation quietly, community-by-community, in order to avoid collective resistance. Once again Kanesatake is drawing national attention to Canada's colonial agenda by standing up to all the government can throw at them. They are determined to not allow Gabriel's collusion with the state to undermine their rights, nor set a precedent for the assimilation of other Indigenous Nations.

The future of Canadian/Indigenous relations is being played out, right now, in the Mohawk Nation of Kanesatake. Kanesatake residents urgently request your presence to help prevent bloodshed in their community, and

April 13, 2004 - Fourteen arrest warrants & 10 summons issued against 24 Kanesatake residents for January 12th protests. All charged with "participation in riot" and "forcible confinement" of police officers. No charges laid for burning of Gabriel's home. People arrested forced to sign condition of banishment from community to be released - condition not imposed by Mohawk community, but Chagnon and Crown - political move to help Gabriel get rid of opposition.

April 17/20, 2004 - Gabriel meets AFN national Chief Phil Fontaine who reports meeting positive. Gabriel agreed to give answer regarding mediation proposal after consulting with Chiefs. Gabriel does not contact Chiefs or get back to Phil Fontaine, but on April 20th sends TPA police with SQ escorts into Kanesatake. Ed Thompson and Larry Ross lead 14 officers through community recklessly ignoring speed limits.

April 27, 2004 - Ed Thompson issues press release stating he's increased number of police officers in order to increase pressure on those "preventing law and order". Wants to execute warrants on remainder of 24 people who've not yet been arrested. Says will use force if need be.

April 28, 2004 - Gabriel scheduled to meet mediator Ralph Brant at 10am, doesn't show. Instead, sends 60 riot cops lead by Isaac to entry points of Kanesatake. Larry Ross among them.

April 29, 2004 - Ralph Brant meets with opposition Chiefs and disbanded Police Commission. All agree to a neutral 3rd party policing body to patrol community on interim basis during mediation between Band Council factions. Gabriel responds to Brant - will not participate in mediation until "law and order established" - his law and order.

May 3, 2004 - First day of court for 24 arestees. Banishment condition overturned for all but three defendants, due to unconstitutionality. Precedent remains. Kanesatake residents fed up with Gabriel's unwillingness to join mediation and cops hanging around outskirts of community. Community initiative repels cops from area.

May 5, 2004 - Day after death of Mohawk Warrior Joe David (shot & paralyzed in operation lead by Ross and Isaac in 1999) Chagnon announces deal with Gabriel for joint SQ, RCMP, KMP operation to "restore order" effective immediately. Gabriel chides Chagnon for speaking prematurely.



Following week, Quebec Public Security denies Gabriel's request for \$1.8 million for policing through August. Feds haven't said what they'll do.

May 17 - Three Kanesatake women address U.N. in New York about international sovereignty and human rights being violated by Canada. Canada walks out of meeting. May 22 reps from High Commissioner for Human Rights collect info on Kanesatake to report to U.N.

May 25 - Chagnon tell Legislature Kanesatake "much more violent than the rest of society". Dehumanization before invasion.

May 28 - Four Kanesatake Police vehicles burned. Chagnon assures legislature law-and-order prevails - SQ allowed to collect evidence.

POLICE STATE KANEHSATAKE

Kanehsatake's Tripartite Policing Agreement (TPA) with Quebec terminates March 31, 2004. New Agreement needed for April 1, 2004. Government officials negotiate Agreement with Gabriel and loyalists only. People in Kanehsatake know force will be used to exact Gabriel's revenge against political opponents.

February 20, 2004 - Council and Police Chiefs from all Mohawk territories meet to discuss mutual-aid protocol ensuring Mohawk sovereignty and jurisdiction over policing maintained in situations of communities facing crisis. Gabriel not welcome at meeting.

March 11, 2004 - Opposition Chiefs call for 6-month extension of patrol by PeaceKeepers to allow opportunity to work toward long-term TPA with full support of community. Gabriel meets with Chiefs from Kahnawake, Akwesasne & Six Nations and agrees not to sign TPA until Mohawk-to-Mohawk mediation process completed. Lies!

March 16, 2004 - At a meeting moved last minute to Hilton Hotel in Laval, Gabriel signs new TPA with Pelletier and Chagnon behind a line of 50 Laval and SQ riot cops. There is no media and opposition Chiefs again excluded from negotiations they say, "willfully and in bad faith by the government of Quebec". Kanehsatake Elders, residents, KMPC and Chiefs begin occupation of their community's police station.

NO PEACE BY THE BARREL OF A GUN!

James Gabriel irresponsibly, and repeatedly rejects plans for peaceful resolution to crisis in community. PeaceKeepers in charge of policing Kanehsatake from January to March find little if any criminal activity, and absolutely no evidence of organized crime, grow operations or burgeoning drug trade. Jacques Chagnon also observes no law and order problems after unannounced visit to community.

April 1, 2004 - Gabriel's new Police Chief, Ed Thompson, arrives at Kanesatake Police Station around midnight by himself, tells staff to go home. Community members continue to occupy building and conduct Community Watch patrols. Chief Thompson never spends a day in Kanehsatake. He and his force operate out of municipal building in Oka.

April 10, 2004 - Opposition Chiefs meet Assembly First Nations Emergency Response Unit rep Roger Augustine to request assistance. Augustine recommends Ralph Brant from Tyendinaga to mediate dispute. Augustine meets Gabriel's rep, Mike Stalk who supports proposal.

April 1st Tripartite Policing Agreement

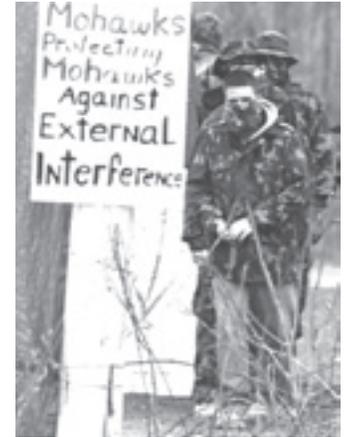
Contrary to propaganda on the Department of Public Safety website which says, "The new policing agreement sets out all the conditions for an effective and politically-independent police force", the April 1st TPA brings Kanehsatake under Quebec jurisdiction as well as Gabriel's complete control. The deal dissolves Kanehsatake's community Police Commission and replaces it with the Kanesatake Public Security Commission. It is headed by Gabriel & loyal Chief Clarence Simon who hand-pick three other members.

The three members, Gabriel & Simon select the Kanesatake Police Chief & officers, and in case control slips over Police Chief and Commission, Mohawk Council can overturn any dismissal of an officer made by them. The new Police Chief must report directly to the Quebec Minister of Public Security, and any assistance required by KMP must come from SQ & RCMP rather than other Mohawk police services.

bring an end to federal and provincial sponsored aggression. The community is calling for a Mohawk-to-Mohawk, peaceful resolution to the crisis - one not under the gun. Solidarity with Kanehsatake means standing shoulder-to-shoulder with the community and sharing in the burden of their struggle. If you can't make it to Kanehsatake, call all Canadian & Quebec officials involved in this ploy. Demand they respect the Mohawk peoples' right to determine an end to this crisis, and their political, economic and policing future.

BILL S-24 - THE REVOLUTION IS BASED ON LAND!

In late 1999 Gabriel entered negotiations with the feds to obtain lands purchased for Kanehsatake after 1990 Oka Crisis. As stolen land it should be handed over without stipulation, but Gabriel was willing to make concessions. In March 2000, Indian Affairs Minister Robert Nault introduced Bill S-24 to senate hearings. By May 15th the House of Commons passed the Bill on its third reading. The community of Kanehsatake were not informed or consulted about the legislation.



June 2000 - As community celebrates Aboriginal day in the Pines, Gabriel hosts secret party to sign Act with Walter Walling (Department of Indian Affairs) & federal negotiator Eric Maldoff. A Kanehsatake Mohawk Police officer is spotted driving Robert Nault through territory in police vehicle. No one else knows historic moment is taking place.

September 2000 - Gabriel calls community referendum to ratify Act without disclosing details. Despite massive boycott by Mohawks demanding information, referendum goes forward & Act passed by vote of 239 to 237.

Bill S-24 transfers \$14 million worth of land to privately held "Kanesatake Orihwa'shon: a Development Corporation". Lands transformed from collectively-owned Mohawk territory into "fee simple" private property. Bill S-24 removes Mohawk tax exemptions & requires harmonization of Band by-laws with laws governing Oka. Act turns Kanehsatake into a municipality.

September 2001 - Chief Crawford Gabriel meets Walling & Maldoff to reopen S-24 negotiations. He says previous process didn't respect agreements in place for negotiations between Canada & Kanehsatake. Crawford says Kanehsatake needs legal opinion on Bill S-24, there hadn't been informed consent, and 50% plus 2 vote not enough to pass lands issue. Crawford told Kanesatake already met minimum requirements by Canada to put deal in motion and S-24 must be respected. Walling & Maldoff threaten if Kanesatake implements Act money will flow into community. If not, they will get nothing.

December 2001 - Community fed up. Gabriel kicked out of office in vote of non-confidence. Federal court overturns decision & issues injunction reinstating Gabriel as Grand Chief of Mohawk Council.

LAW & ORDER? CANADA TURNS BACK ON BAND/CORPORATE CRIME ...

James Gabriel & Council allies drive Kanehsatake finances into the ground. Mainstream media reports Gabriel's opponents upset by promised crack-down on crime. Residents, especially traditionalists, talk about job loss & failed development projects that never received operational financing. All cultural programming cut, fund misapplied to pay Gabriel's legal bills & deficit grows day by day.

Since 1998 - Allegations against Gabriel include: Band paid trips to Caribbean with allies; home renovations for supporters; man with 16 criminal convictions paid \$110,000 to conduct undercover investigations on opponents; \$600,000 of budgeted project money misapplied; \$400,000 in personal loans approved & \$700,000 in contracts awarded without bidding processes. From \$200 million awarded for negotiation of land claims, only one acre added to territory. Council paid \$250,000 for cemetery obviously "owned" by Kanehsatake.

October 2003 - Kanehsatake Mohawk Police Commission report \$109,043.79 taken from policing budget by Gabriel to pay unrelated legal fees. Deficit causes police cars to be removed from service due to unpaid insurance bills & cuts police communications in July & December 2002 when Hydro bills not paid.



November 2003 - Kanehsatake posts \$1.3 million deficit. Department of Indian Affairs orders Kanehsatake under financial trusteeship. PriceWaterhouseCoopers awarded contract by Department without bidding process. PWC hired to ensure money spent in appropriate amounts, applied to correct programs. Instead, PWC denies allocated program payments & misapplies \$\$ as directed by Gabriel. Corporation paid \$208,000 of \$450,000 Band Office budget.

February 2004 - Invoice dated September 2003 - \$4,552.33 for Gabriel's PR firm Communication & Strategy. Paid February 6, 2004 by PriceWaterhouseCoopers from Kanehsatake Land Negotiations budget. Total bill from Aug - Dec 2003, \$17,746.

March 2004 - Since PWC becomes third-party manager, Kanehsatake deficit balloons to \$3.1 million. Solicitor General ignores requests by Chiefs for forensic audit.

January 2004 to present - Conservative estimate for Gabriel's police around \$100,000/week. Total - \$2.5 to \$3 million.

ATTEMPTED POLICE SIEGE & MOHAWK UPRISING!

"Mohawks look at cigarettes as a political issue, not a criminal issue", says Kenneth Deer, editor of Eastern Door. "Everyone who is against Gabriel is being painted as organized criminals and thugs. It stinks!"

December 24, 2003 - Gabriel, 3 loyal Chiefs & Chantal Bernier Assistant Deputy, Solicitor General's office negotiate \$900,000 deal for "extraordinary policing" in Kanehsatake - strange day to conduct government business!

January 2, 2004 - Band Council Resolution (BCR) passed at unduly convened meeting allows 60-person police force led by Terry Isaac & Larry Ross (two ex-Kanehsatake Police fired for tactical deficiencies & abuse of authority) to enter Kanehsatake, and disbands community's Police Commission. Canada recognizes Resolution despite fact Band Office closed Jan. 2nd and 3 Chiefs not invited to meeting. Quebec Public Security Minister Jacques Chagnon later agrees BCR illegal.

January 12th Police State - Sixty-seven heavily armed police secretly recruited outside Kanehsatake laid siege to Kanehsatake Police Station. Police Chief Tracey Cross fired - replaced by Isaac & Ross. Neither KMPC - responsible for hiring/firing police and calling extraordinary police measures - nor 3 Chiefs informed or involved in deals allowing operation. Gabriel's reasons for siege vary from crack-down on organized crime and/or tobacco vendors to replacing "ineffective" police force. Some recruits feel betrayed - told they'd be conducted drug raids and presence wanted in community. Chantal Bernier says she's unable to say why funds granted, but "relatively certain" granted for "good reason".

January 12th Mohawk Uprising - Illegally disbanded KMPC occupy police station where police, taken off-guard hide out. Outside, 300 people gather in protest of siege & Gabriel's audacity to bring in Isaac & Ross. Invading force eventually tear-gas protesters. A handful respond by burning down Gabriel's home. Media demonize all protesters as criminal & present Gabriel as crime-fighting martyr. While Gabriel & Isaac appeal to Quebec to bring in SQ & escalate crisis, three Chiefs & KMPC seek support from sister Mohawk communities to bring mediated, peaceful end to crisis.



January 13, 2004 - Crisis subsides with De-escalation Agreement negotiated by Kahnawake Grand Chief Joe Norton, three excluded Chiefs of Kanehsatake, members of KMPC, and leadership from Akwesasne. Reps from Solicitor General's office and Quebec Security Ministry agree to plan. Joint Kahnawake-Akwesasne police force evacuate invading force from Kanehsatake. Fired Police Chief Tracey Cross reinstated & protocol for Kahnawake, Kanehsatake & Akwesasne PeaceKeepers instituted to allow them patrol of the community. Chagnon criticized by PQ & Assembly of First Nations for signing Agreement which they say allowed "criminals" to win. PeaceKeepers patrol Kanehsatake until March 31, 2004.

Prime Minister Paul Martin, Premier Jean Charest, Quebec Native Affairs Minister Benoit Pelletier & Quebec Security Minister Jacques Chagnon all take pains to say they recognize Gabriel as "the sole legitimate authority in Kanehsatake". Negotiation are conducted with Gabriel and loyal Chiefs only. Pelletier says: "We want to ensure [Gabriel's] return in the community and discuss how we can reaffirm his authority and political legitimacy in the community". To date, Gabriel conducts business from a hotel in Laval, and his police force have not been allowed re-entry into Kanehsatake.