

Grand River Mohawks in Superior Court



By Jen Mt. Pleasant

TORONTO - Tensions were high last week as members of the Mohawk Nation of Grand River (MNGR), formerly known as the Mohawk Workers, were at the Superior Court of Justice in Toronto asserting their sovereignty to not only the federal court but the federal government as well.

The defendant in this matter was lawyer Michael McCulloch who was representing the Department of Justice. He urged the court to strike down the motion of the representative of MNGR, lawyer, Gregory-John Bloom.

The Plaintiff, Mr. Bloom, on behalf of the MNGR, referenced the British North America Act of 1867 which was later re-named the Constitution Act in 1982 in his argument. He stated, "Without consultation and contrary to placing a foreign constitution on a domestic constitution that was here long before white contact the Great Binding Law, or Kaianere'kó:wa..." The main argument of the Mohawk Nation of Grand River is that Canadian law does not apply to the Mohawk Nation because sovereignty was never surrendered. The idea, when settlers first arrived and treaties were being made, was that Onkwehon:we people would never give up their sovereignty as a people and would agree to live in peace and harmony with settler colonies so long as one nation does not try and dominate and assert authority over the other. This was the underlying principle of the Two Row Wampum or Guswhenta which was enacted with the Europeans in 1613.

Yet, in 1867 Canada went ahead and asserted and assumed authority

over Onkwehon:we people by creating the British North America Act. Section 17 of the Act states, "There shall be One Parliament of Canada, consisting of the Queen, an Upper House styled the Senate, and the House of Commons." This Act therefore, goes directly against the Two Row Wampum not to mention the fact that Onkwehon:we people never surrendered their autonomy and never walked away from the Great Law. This

alone, was the main argument in the Superior Court of Justice last week.

But like many times before, representatives of Canada shrugged off these claims and made repeated references directed at the MNGR lawyer that this claim was 'frivolous and vexatious,' stating that it is a 'waste of this courts time to proceed with this action.' Therefore, Canada continues to lack acknowledgement of the Two Row Wampum, of the Great

Law of Peace and of the Mohawk Nation 'and such others' as listed in the Haldimand Proclamation.

For, in so acknowledging the Two Row Wampum, the Great Law of Peace and the Haldimand Proclamation, they (Canada) must then acknowledge the trillions of dollars held up in the Indian Trust Fund that the Onkwehon:we have been fighting the courts to get for many years now. They would have to acknowledge as well, the racist

government policies in forms such as the Indian Act. They would also have to acknowledge the physical and cultural genocide associated with the residential school system that their political ancestors forced upon Onkwehon:we nationwide to 'take the Indian out of the child.'

So it was no surprise that the Defendant, the federal government (aka Canada), shrugged Mr. Bloom's claims off as 'frivolous and vexatious,'

and refused to take any responsibility whatsoever. Even the judge seemed to get agitated the more Bloom asserted that Canada has no authority over the Mohawk Nation. "The Department of Justice is inconsistent with the Two Row Wampum and the Department of Justice is not a Nation," declared Bloom, "Relying on the decision of the Department of Justice is relying on an assumption

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