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Mohawks say Canada broke border promise

OTTAWA (CP) — Mohawks are relatively new immigrants to Canada, so they can't claim an aboriginal right to duty-free and easy passage across the Canada-U.S. border, a federal government lawyer says.

"The Mohawks have no aboriginal rights in Canada in relation to this matter because the Mohawks are newcomers. . . coming after the French," Dogan Ackman argued Monday.

Akwesasne Mohawks are in court arguing that Canada promised in treaties that they could cross the international border without hindrance but the government has never lived up to that commitment.

The case, scheduled to run almost two months, could erase the border for thousands of aboriginal people.

Ackman said the Mohawks came into Canada from the United States and were no strangers to demanding some form of compensation from other aboriginal people who crossed into their territory.

"These are not customs invented by white men. The only difference between them

and now is that now they pay them to different people," said Ackman.

The Akwesasne reserve straddles the U.S., Quebec and Ontario borders.

Eight years ago, Chief Mike Mitchell crossed the international border with groceries, 20 Bibles, blankets, motor oil and a washing machine. He refused to pay duty and was arrested.

The case, which got underway Monday, turns on history, who interprets it and how.

Mitchell's lawyers say Canada has spent more than 200 years breaking a fundamental promise to Mohawk people.

"The Canada-U.S. border was not intended to interfere

with Mohawk trade," said Peter Hutchins.

"This case is about reaffirming aboriginal-European relations. It's about recognizing and keeping promises."

But Ackman said the British didn't do business that way.

"The English didn't build an empire by giving away the shop," he said.

"There is no reason to believe that at any point the British intended to give the Indians the right to trade without paying duty."

Courts have ruled against the Mohawks at least three times previously, including a Supreme Court of Canada decision in 1956.