

III. EVENTS FROM MARCH 1987 TO JULY 11, 1990

The year 1987 is a logical starting point for an examination of contemporary events underlying the Oka conflict. It was in March of that year that the "Club de golf Oka Inc." sought a renewal of its lease of the existing nine hole course. This proposal led to friction between the Municipality and the people of Kanesatake who had always objected to the presence of the golf course and claimed the land as their own. A few months later the Kanesatake Band Council sought to block this proposal. The golf course is situated west of the Municipality surrounded mostly by forested land.

It also appears that in early 1987, the community of Kanesatake was once again experiencing turmoil over the issue of appropriate systems of governance. Some members of the community were seeking a change from band custom, by which the Six Nations Traditional Hereditary Chiefs have been appointed, to some form of elective system. In addition to this debate, the Longhouse objected to the traditionalist claims of the Indian Act Band Council. In February 1987, Walter David Sr., wrote to the Band Council in his capacity as Secretary, of the Six Nations "Iroquois" Confederacy Longhouse of Kanesatake. The letter protested "the Kanesatake Band Council's knowledgeable theft of our title, our clan system and the Great Binding Law, the 'Kayenerakowa', all of which belong to the Longhouse People." The letter goes on to say that the Longhouse has protested this for many years and that a "Mockery is being made of the legitimate Six Nations Iroquois Confederacy when the Band Council abuses our title and maintain that they are a so-called 'Traditional' form of government; while at the same time abiding by the Statutes of the Indian Act in all transactions with the Federal Government.... We have no objection if the Band Council call themselves Mohawks, but we protest strongly the Band Council's calling themselves Six Nations Traditional Hereditary Chiefs or any part of our title." As a final note, the Longhouse states that its members take no side in the disagreements dividing the community at that time.

Subsequently, the Department of Indian Affairs then engaged a consulting firm to conduct a survey to determine whether there was community support for a change in local governance, either in custom or a change to some form of elective process. The firm of Laporte et Gravel reported at the end of May 1987. The result of this study and further consultations by the Department was a decision taken by the Department to conduct a referendum on whether the community wished to change the selection of the Indian Act Band Council back to an elective system governed by the Act. The Six Nations Traditional Hereditary Chiefs launched an action in the Federal Court to block this proposed action. In February 1991, the Federal Court Trial Division held that the federal government has the power to conduct such a referendum as a result of the Minister's discretionary power under the Act.

The Department also concluded from the Laporte Gravel report that the federal government should not get involved in any debates on changes to band custom. Such matters were to be dealt with by the community without any mediation or intervention from