

Mr. Gaspé's evidence suggests community endorsement of some form of "occupation" of the disputed territory, that subsequent to the community meeting a small group from within Kanasatake took over "the process" and decided on the use of arms.

According to the evidence of Curtis Nelson and the Municipality of Oka, on May 1, 1990 the intervention of the Sûreté du Québec was sought to enforce an April 26 injunction against members of the Kanasatake Band, Marshall Nicholas and his sympathizers and Grand Chief George Martin, ordering them not to obstruct pedestrian or automobile traffic on Chemin du Mille. Curtis Nelson of the Longhouse testified that a raid on the barricades was narrowly averted, when a representative of the provincial government intervened, asking for a meeting of all parties. The provincial representative was told a meeting would be conditional on the withdrawal of the SQ and he agreed. Despite low altitude flights by an SQ helicopter over the meeting, discussions took place in The Pines between the representatives of the province, the Municipality and the Mohawks. The Mohawks eventually concluded that the Municipality had no serious proposal to offer and it was decided to reconvene the meeting the following day at the Longhouse and to summon the federal representative. (Issue No. 53:55)

The Municipality stated that on May 1, 1990, municipal officials went to meet the Mohawks and requested the removal of the barricades but were refused. Instead, the Mohawk people present purportedly refused to lift the barricades and demanded a fifteen day moratorium on the golf course expansion work and a resumption of negotiations with the federal government. The Municipality stated that on May 2, it offered to suspend all decisions and actions on the golf course for a period of fifteen days in order to pursue negotiations, if the barricades were lifted. The Municipality says the Mohawk people at the barricades refused this offer.

Then, according to Curtis Nelson's testimony, there was a series of meetings between the Mohawks and the federal representative, who assumed responsibility for representing the interests of the province and the Municipality. Nelson said:

These discussions were conducted mainly between Canada and the Longhouse, with the Band Council participating in a collaborative manner. It became evident fairly quickly that these talks would not go far, because the federal representative was mandated only to discuss the land unification proposal that had been rejected by community members who had participated in public consultations. Our position was that we were open to discussions but they would have to be conducted in the proper context, on a government-to-government basis and that long-term solutions would have to be found. (Issue No. 53:55)

This was a position that would be repeated by Mohawk representatives following the July 11, confrontation throughout the summer, past September 26th and up to the present.

From the viewpoint of the Municipality, armed and masked outsiders had taken over the situation, hardened the Longhouse positions and were attempting to provoke confrontation. The Municipality felt that the federal government was being taken in by a