

II. AN OVERVIEW OF THE COMMUNITY OF KANESATAKE

There are seven Mohawk communities in Canada totalling 39,263 persons: Kanesatake, Kahnawake, Akwesasne, Tyendinaga, Wahta, Six Nations at Ohsweken, Oneida of the Thames. The Mohawk community of Kanesatake has a total population of 1,591 people with a resident population of 838. Approximately half of the funding from the Department of Indian Affairs to Kanesatake is for the education of elementary and secondary students who are status Indians. The federal government provides transfer payments to the provincial government for the education costs of on-reserve status Indian children who attend public school off reserve. This budgetary profile is typical of many Indian communities who tend to have a substantial proportion of their total population of school age.

A) MOHAWK GOVERNMENT AT KANESATAKE

Before the enactment of the first federal Indian legislation in 1869, indigenous communities governed themselves according to their own traditional values and systems of government. In the nineteenth century, the Indian Act tolerated some continuation of "band custom" in matters of local government but only as a temporary measure. When certain First Nations refused to adopt the Act's elective system of band councils the federal government tried various means to force them to do so. Various statutory provisions were enacted giving the Minister of Indian Affairs increasing powers to depose traditional leaders. From time to time, some traditional leaders were arrested and symbols of office confiscated.

In 1899, the people at Kanesatake were brought under the Indian Act elective system—that is, the federal government decided that the Indian Act should be applied to First Nations in Ontario, New Brunswick and Quebec. There is no indication that this decision was taken as a matter of an expressed choice of the people concerned. In fact the introduction of an elected council was actively but unsuccessfully resisted by the Mohawk people. At St. Regis (Akwesasne), traditional chiefs were arrested in 1899 and five held in prison for one year. This type of repression was repeated at Ohsweken, Ontario in 1924: "At Ohsweken, the elected council system was summarily introduced in 1924, when Lieutenant-Colonel C.E. Morgan, flanked by RCMP officers dismissed the traditional chiefs from the Council House, confiscated the Council's Wampum belts (symbols of authority) and organized the election of a Band Council. " (Background Information from the Department of Indian and Northern Affairs "League of the Six Nations (Iroquois Confederacy)").

In 1951 the Indian Act was revised. In terms of federal law, Kanesatake reverted to "band custom" due to the government's failure to issue an Order-in-Council specifying that the elective provisions of the 1951 Act would apply instead. "Band custom" consisted