

# LOCAL NEWS

**OFFICERS, Cont'd from Page 2.**

Another reason you would not want NYS law to be enforced on Mohawk Territory is because the sentencing provisions, treatment of juveniles, and the adversarial design of jurisprudence in front of juries is now thought to be in need of serious rethinking and overhaul. There is much activity centering on alternatives to incarceration. The populace is also beginning to realize you change delinquents into productive community members by making them responsible for their actions and caring for them in the community. NYS law hasn't really come around to that way of thinking yet.

Once again culture has a lot to do with not wanting NYS law on Mohawk territory. It is written for another culture. Its penalties are geared for beliefs and attitudes different than Mohawk ones, so is its structure. Any Mohawk who disagrees with this statement probably has truly become assimilated and can no longer see her/his unique and special cultural differences. Schools, prisons, even Christian religions can see this difference between the Mohawk culture and non-Mohawk peoples.

**2. "...key step to fully functioning law enforcement agency ... same status as any police officer in New York State."**

If tribal administrators are concerned about sovereignty other avenues would have been explored. Being deputized does not have to be the key step to a fully functioning law enforcement agency. It shouldn't even be a "minor" step to a fully functioning *Mohawk Tribal Law Enforcement Agency*.

It seems to me the appropriate steps would be to define a structure of government that would include the Mohawk

Nation as the official "head of state" since that is where sovereignty comes from. In addition there would be administrative arms of government - perhaps one equivalent to the Mohawk Council and one for the St. Regis Tribal Council. There could also be citizen groups overseeing the judicial, law enforcement, health services, education functions to remove partisan politics from these agencies which really need to be completely non-partisan. Any monies from outside governments would go into a single pot and be disseminated to the Mohawk Territory as a whole rather than to one side of the border or another.

Of course the main muscle behind all this formalizing this in a charter and in implementing the "Codes of Offenses and Procedures of Justice". How positive Codes of Justice sound compared to the very negative connotation "Laws of Criminal Intent" sounds. The latter (laws) appears to insinuate that Mohawk people are inherently criminal and intentionally criminal. The word "laws" means decree, edict, legislated. The former (codes) implies Mohawks are inherently good but sometimes misguided. The word "codes" means standards. That is what the "Codes of Offenses and Procedures of Justice", which were developed in 1989 with the consent of the three councils, are. They are standards for living on Mohawk Territory to the mutual benefit of all.

**3. "...police officers status to protect Mohawk people from criminal offenders."**

I don't think police officer status in New York State is needed to protect Mohawk people. Any recognized professional training along with a unified governmental structure which recognizes and

supports equally all citizens of Mohawk Territory, and culturally relevant codes is what is needed to protect Mohawk people from criminal offenders.

**4. "Deputizing gives tribal police authority to enforce New York State law over non-Indians."**

This statement worries me. If NYS law can be enforced over non-Indians on Mohawk Territory then where is the Two Row Wampum? It is broken. It is more appropriate to allow non-Mohawks to be turned over to NYS authorities for resolution under NYS law. That way they stay in their own boat. Likewise if the structure of government described above was in place then the Mohawk Territory government would be in a position of unity and strength to request the other row of the Two Row Wampum be enforced which is to allow Mohawk citizens in trouble in NYS to be turned over to the Mohawk Territory government for resolution. Mohawks would finally be in their own canoe!

**5. "This agreement will not relinquish any of the Tribe's inherent sovereignty....It actually gives tribal police special powers in two different jurisdictions."**

I have never heard of a tribe having inherent sovereignty in two jurisdictions. I am not even sure the tribe has inherent sovereignty. I think the Mohawk Nation holds the inherent sovereignty for the Mohawk people. If you go back to the Two Row Wampum it is obvious a foot is in each canoe/boat at this point.

**6. I also have questions about other things I read.**

The 4th "whereas" refers to the tribal police when it says they will "enforce New York State Laws in appropriate circumstances". What does that mean? There is not

much choice NYS Law is enforced as it is spelled out in the Penal Law (PL and Criminal Procedures Laws (CPL) of New York State. Do the words "appropriate circumstances" mean the tribal administrators have made some special deal with the sheriff so the laws aren't necessarily enforced as written in the PL and CPL?

It is interesting how the tribe agrees to defend and indemnify the sheriff if a tribal police officer causes a lawsuit by his/her inaction or omission but there is no reverse agreement for the sheriff to defend and indemnify the tribe if a lawsuit is brought caused by an action or omission of a non-tribal sheriff's deputy.

It is curious why only "warrantless" arrests are the only type of arrests allowed by tribal police officers. What about "warrant" arrests? An example of a warrantless arrest is one where the police can arrest based upon seeing a crime in progress. They take the defendant immediately into custody and make the arrest. An example of a warrant arrest would be a defendant who commits a crime but is not caught at the scene. The court in Bombay issues a warrant for the arrest for the defendant. Since the tribal police can't make a warrant arrest does this mean that the state police or sheriff can come in and make the arrest?

Paragraph 7 says something to the effect that the sheriff and tribal police will help each other. Then in paragraph 8 it repeats the fact the tribal police will help the sheriff. Why the need to double emphasize the tribal police help?

I am concerned about the emphasis on the tribal police being called to assist in drug task forces and other areas where multi-police agencies may act in concert. I think it puts a tremendous burden

on tribal police. They may be asked to be the point in an action against another tribe in NYS. They may be asked to spy or inform on their own people to outside authorities. I wonder if the implications of this has been well thought out by the community and the tribal administrators.

Another danger I see is similar to what happened to the Seneca Tribal Police a couple of weeks ago. The Seneca have practically the same agreement with the Erie County Sheriff's Department that the St. Regis Tribal Police have with the Franklin County Sheriff. When the Seneca Tribal Police asked the Erie County Sheriff to assist them in gaining control of the reservation the sheriff declined to assist. The reason was because the Seneca was a separate nation with its own marshals. If times get tough will it be the same at Akwesasne? Once again the non-Indian government picks and chooses the playing field to their benefit.

**7. Beware of Being in Both the Canoe and Boat at the Same Time!**

A canoe is stable and on course only when all people are inside and rowing together in the same direction. If some of the people have a foot in the canoe and at the same time have a foot in the boat the canoe suddenly becomes more difficult to handle. Boats are generally more stable. What happens if a big wind comes up and creates huge waves? Or what happens if the boat people turn the motor on high? All of a sudden it is impossible to keep a foot in the canoe and in the boat at the same time. The canoe is the one that will fail.

I think it is very dangerous to be on the path currently on. I also think that no matter how many

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