

LOCAL NEWS

Supreme Court: State Must Return Mohawk Liquor

AKWESASNE - New York State Supreme Court Judge David Demarest has once again refused to uphold New York State's illegal seizure of alcohol being shipped to the Saint Regis Mohawk Tribe, but this time Judge Demarest took exception to the State repeatedly ignoring his previous rulings.

In an April 24 court order, Judge Demarest directed the New York State Department of Taxation and Finance to return tractor-trailer loads of alcohol to their rightful owner - the Saint Regis Mohawk Tribe.

As in earlier decisions last year, Judge Demarest said his court lacked "subject matter jurisdiction" in the liquor seizures and ruled the State's seizures "moot". His recent decision confirms that ruling once again.

But this time Judge Demarest appears fed up

with the State's continued persecution of a tribal enterprise. He said the seizures in his recent decision "do not significantly differ from their predecessors," and, thus, he "cannot condone these repeated seizures."

The Judge also said the Department of Taxation and Finance's repeated action "thwarts the intent of the seizure statutes." Furthermore, the Judge said the liquor and the trucks carrying it were being "held hostage pur-

suant to liquor taxation statutes which have been held facially violative of the Federal Indian Trader Statutes."

Tribal Council Head Chief John S. Loran, Chief Norman J. Tarbell and Chief Philip H. Tarbell said Judge Demarest's decision confirms that the State illegally seized Mohawk shipments of alcohol, and violate federal law in doing so.

"New York State and its over-zealous Department of Taxation and Finance have no jurisdiction in business transactions between Indians on reservations. While this racially-motivated harassment of Indian enterprises may win praise from high-priced lobbyists and greedy non-native merchants, there apparently is no place for it in the New York State Supreme Court," the Chiefs said in a joint statement.

"The Department of Taxation and Finance's repeated disregard for the rulings in Judge Demarest's court, and others, is an ugly and blatant abuse of power by Tax Department bureaucrats," the Chiefs added.

The Tribal Council praised Judge Demarest's legal expertise, sense of fairness and courage in standing up to one of New York State's largest, most powerful departments.

In last week's ruling,

Judge Demarest said his 1994 decisions held that "because there was no evidence the liquor was subject to state taxation (sales between Native Americans on their reservations), seizure of such a commodity under the guide of the Tax Laws was ... improper."

Last week, the Judge also said the Department of Taxation and Finance apparently intentionally delayed the court process to avoid being forced to return the liquor.

"With the automatic stay provisions afforded to the State upon filing its notice of appeal, the Tax Department has been successful in avoiding this Court's previous orders requiring the return of the tractors, trailers, and liquor to their lawful owners. The Tax Department's delay in pursuing its appeal thwarts the intent of the

seizure statutes, ie. expeditious resolutions of disputes where the State has, by legislation, dispossessed lawful owners of their ownership, control and right to their property," the Judge wrote.

"This court welcomes appellate direction with respect to these issues, but cannot condone these repeated seizures, where it appears the Tax Department has failed to expeditiously perfect its appeal," he added.

Anticipatory Staffing

Ahkwesahsne Mohawk Board of Education

Positions: Teachers may be needed to replace teacher's who will be going on Maternity Leave. **Employer:** Ahkwesahsne Mohawk Board of Education.

Grades: May range from K-4 to grade 8.

Qualifications: Bachelor of Education Degree Teaching experience an asset.

Any qualified candidate may apply to the Ahkwesahsne Mohawk Board of Education located at the Kana:takon School, St. Regis, Quebec or may submit your

resume to:

Ahkwesahsne Mohawk Board of Education
PO Box 819
Cornwall, Ontario
K6H 5T7

or

Ahkwesahsne Mohawk Board of Education
PO Box 204

Hogansburg, NY 13655
For further information you may contact Rob Cree at the Ahkwesahsne Mohawk Board of Education Office at 575-2934.

Deadline for Applications:
May 17, 1995

Kana:takon School Fundraising Events

The grade 5/6 class at Kana:takon School are trying to raise \$3,500 for a trip to Toronto on June 13th - June 15th. They will be going to the Ontario Science Centre, the Royal Ontario Museum, Canada's Wonderland, and going up to the CN Tower.

This coming Saturday and Sunday, May 6th and 7th, there will be a craft fair held at Kana:takon School. The grade 5/6 class will be having a craft table set up at the fair, where they will be selling beaded earrings which they have been working on all month and

solve economic adversity here, why can't they come together with one mind and part with their disputes for the good of the people?

Today there is a tremendous amount of assistance available from Tribes already established in gaming. This aid would allow us to sidestep many of the problems other Tribes faced when they began their operations. The problem we face is getting our own tribal leaders to take this step.

Customs Native Lane
A few years back the U.S. Customs Department was very receptive to the idea of establishing a Native Lane for communi-

another table set up outside to sell donated garage sale items which have been donated from individual families. Some items that you might find are knickknacks, paperback books, movies, games, small pieces of furniture, lamps, or baby clothes. We are also have a carwash Saturday. The cost is \$5.00 per car.

The students are currently selling raffle tickets for Mother's Day. The winner of the raffle will be a dinner for two, flowers, and a box of chocolates. The date of the drawing will be on May 11th. *We hope to see you there.*

ty residents, similar to that on the Canadian side of the border. Our Tribal leaders at the time did not pursue it further and that opportunity was lost.

I am quite aware of hardship some must endure when travelling across the international bridge to do business or visit loved ones.

If elected I will work with the U.S. Customs to establish a Native Lane as soon as a working arrangement can be instituted.

Thank you for your attention. Doug Smoke, Sub-Chief



Doug Smoke Comments on Issues

Once again I am presenting some comments on significant issues facing our community today. I will continue to express these views until election day, Saturday, June 3, 1995.

It is my desire to present to you goals that are not unattainable, unlike candidates in previous years. I have set out to perform successfully on objectives that require immediate attention in order to fulfill my obligation to the peo-

ple who will select me as their representative.

Most importantly, we must remember the lessons learned in recent years on how wayward our governmental system becomes when a Chief abuses their position.

Gaming At Akwesasne
My position on gaming is to ensure that all facets of a Tribally-owned and operated establishment are geared towards the benefit of the community as a whole. I am not naive to

the fact that other tribes are reaping substantial benefits for their people through gaming.

However, we are all keenly aware that the continual Tribal in-fighting between our Chiefs has kept gaming at a virtual standstill. I must question the initiative of the three Chiefs who have all heralded gaming as a solution to this community's economic woes.

If it is true that our Chiefs are working to

