

## **Smuggled Aliens Now Cross Mohawk Land**

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### **Body**

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The **Mohawk** Indian reservation along the St. Lawrence River here has long been called Smugglers' Alley, an easy path to sneaking contraband into or out of the United States.

In the 19th century, that meant the occasional cow going whichever way prices were higher. During Prohibition, the contraband was an endless stream of liquor to the United States, and in recent years, it has been huge quantities of untaxed cigarettes heading north.

**Now**, a new form of contraband is being **smuggled**: people. Hundreds of illegal immigrants are using the **Mohawk** territory as a pathway to their American dreams. This new traffic became starkly apparent on the pitch-black night of Oct. 2, when a makeshift smugglers' boat overturned, killing a Pakistani woman and, it is believed, a man whose body has not been found, as well as endangering nine other would-be immigrants from the Indian subcontinent.

These victims represent the tip of the iceberg. In the fiscal year ending Sept. 30, the United States Border Patrol says more than 300 illegal **aliens** were caught after apparently passing through the **Mohawk** territory, up from 130 in the previous year and 72 the year before that. And the patrol admits it is lucky if it is catching 1 of 10.

"You can about bet they've been **smuggled**," said Ed Duda, assistant chief of the Border Patrol's office in Swanton, Vt., which polices 261 miles of the border.

These desperate seekers, from Koreans to Poles to Jamaicans who had found it relatively easy to get visas into Canada, pay \$500 to \$3,000 apiece for the boat ride of less than 10 minutes from Cornwall Island, part of the Indian territory in Canada, to Indian territory on the American mainland, border officials say.

Most are bound for New York City. Some have arrangements to be picked up by limousines sent from New York by those who arranged their passage. Others wander off on their own to buses or planes. Some try to hitchhike. Some try to walk until they dissolve into America.

All face immediate deportation or, for anyone who claims refugee status, a long wait in a detention center while his or her claim is considered. Smugglers, who are seldom caught, can be fined \$25,000 per **alien**. The Immigration and Naturalization Service estimates that 15,000 people illegally enter the United States along the largely unpoliced, 3,500-mile border with Canada each year, compared with more than a million along the 2,000-mile

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border with Mexico. In the area overseen by Mr. Duda's section of the Border Patrol, the number of illegal aliens captured annually has hovered around 2,000.

"People not from the area cannot fathom the uniqueness of the situation we're up against," Mr. Duda said. Concerned Border Patrol officials have in recent years installed seismic, infrared and other sensors and cameras along the American side of the reservation and have shared information with the Canadian authorities about people and other forms of smuggling. The Canadian authorities have seized guns and drugs they say have moved north through the reservation.

### Complex Territory Helps Smugglers

The Mohawk land, called the Akwesasne Reserve in Canada and the St. Regis Mohawk Reservation in the United States, are conducive to smuggling in part because of their geographic complexity: many islands, big and small, as well as a large swath of mainland on the American side. The fact that they are under the jurisdiction of so many governments -- the United States, Canada, New York State, Ontario and Quebec -- means that often no one is truly responsible. The situation is further complicated by the Indian contention -- largely realized -- that they rule themselves. Moreover, the Indians' demand for even clearer sovereignty, sometimes delivered with gunfire, has often encouraged outside governments to leave the reservation to itself.

In recent years, there has been armed confrontation against the Canadian Government at a nearby Mohawk location over a golf course which threatened to encroach on an ancient burial ground. The Akwesasne Reserve has also seen a civil war, at times involving armed confrontation, over casino gambling.

Signs on the reserve proclaim the area off-limits to the F.B.I., the New York State Police, the Royal Canadian Mounted Police, the provincial police and all revenue authorities. Huge banners depicting khaki-clad warriors wielding automatic weapons reinforce the point.

People smuggling is still a small-scale phenomenon next to the illegal importation of untaxed cigarettes a few years ago. The police say that under this scheme, Canadian cigarettes were shipped to American wholesalers who were not required to pay taxes levied by the Canadian Federal and provincial governments. Indians would then buy the cigarettes from the wholesalers and smuggle them into Canada, where they sold for half the official price of \$40 (United States) a carton.

Until Canada drastically cut taxes in 1994, more than \$1 billion a year worth of cigarettes was being smuggled, according to the Canadian revenue authorities.

### Tax Cuts End A Tobacco Trade

Those smuggling cigarettes -- and usually alcohol as well -- became rich fast. Big new homes went up and stretch limousines became a common sight in area towns. But with the tax cuts on cigarettes, some limousine owners can no longer afford even oil changes. A sign posted on the bulletin board of the Bear Den, a reservation restaurant, now advertises a six-door Cadillac limousine for \$6,500 or the best offer.

Equally relevant is that a tradition of illegal border business has been firmly established. "The most damaging aspect of life on Akwesasne is that it was turned into a relatively unpoliced area that became a haven for other activities besides cigarette smuggling," said a report by the MacKenzie Institute, a Canadian research organization.

The police and others thus suggest that the smugglers have moved from tobacco to people to shore up their flagging incomes. "Necessity is the mother of invention," said Donald Johnson, a former provincial prosecutor and lawyer for the boat operator charged with manslaughter in the Pakistani woman's drowning. "It does seem logical that something like that would happen."

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## Nighttime Journey Turns Tragic

Mr. Johnson said he would not comment on the case because prosecutors had not provided him a specific description of the charges and the evidence.

The new importance of Smugglers' Alley as a conduit for humans became dramatically -- and tragically -- apparent on the night of Oct. 2. Eleven people from Pakistan and India were crowded in a homemade, 16-foot-long, flat-bottomed boat powered by a 20-horsepower motor. A storm came up, rain pelted down and the inky waters of the river roiled menacingly. The boat began to take on water.

Passengers screamed for the operator to go back to shore, and when he attempted to turn back, even more water poured into the boat, witnesses on board told the police. People sat with icy water up to their chests. About 15 minutes after being called by Indians who had heard the screams from their homes on the shore, rescuers arrived.

The rescuers, members of the Mohawk fire department, found seven people in the boat. Six were members of a family from Lahore, Pakistan. These included Tariq Chaudri and his wife, Zahida, along with their three children: Faraz, 8; Semal, 7, and Ahmed, 3. The other family member was the wife's mother, Naseem Taj, 51. Ms. Taj died in a local hospital. The police said her death appeared to have been caused by ingestion of water and hypothermia.

The boat's operator, Arthur Joseph Yops, 30, was found the next day near his home on the reservation at St. Regis Island, Quebec. He was charged with manslaughter by the Ontario authorities. A bail hearing has been postponed until Oct. 29. There are no American charges because the boat never left Canadian waters.

Rescuers recovered three other men from the boat. A fourth was presumed drowned after several days of searching. There is, however, speculation among Montreal's Pakistani residents that the missing man was the organizer of the expedition, and that he went over to the American side first by himself.

The passengers are in police custody at unidentified locations in Canada, except one who had an immigration hearing in Ottawa on Oct. 7.

The police suggested that this man, Masood Khan, 34, was the only passenger who had not been granted some sort of official permission to be in Canada. The family, for example, was said by the immigration authorities to have lived in Montreal for 11 months as landed immigrants. Such status or simple visitors' visas are easier to obtain for Canada than for the United States. As a result, American and Canadian border officials say it is typical for immigrants to enter Canada legally, and then be smuggled across the border.

At his immigration hearing, Mr. Khan said he had not applied for such status, but he asked for admission as a political refugee. He said he paid a smuggler from New Delhi \$3,700 to be hidden in a cargo boat that sailed from Goa, India, to somewhere near Toronto. He said he fled India because of dangers from his involvement with separatists in his home state of Kashmir, leaving a wife and two children behind.

To be allowed to stay in Canada, Mr. Khan, who had been in the country less than a week when he tried to cross the border, must prove he had "a well-founded fear of persecution." The process usually takes a year.

## Manslaughter Case Reignites Debate

The tragedy has reignited debate in this industrial city of 47,000 over the issue of smuggling. Since cigarette smuggling stopped pouring money into the local economy, more people appear to have joined Mayor Ron Martelle in actively opposing smuggling in general.

Until the Oct. 2 incident, "people considered smuggling a victimless crime," Mr. Martelle said. "If I could use a lower word than scum to describe these individuals, I would."

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The **Mohawk** police have insisted that they are also eager to stop human **smuggling**. "The access here is so easy," said Sgt. Roger Mitchell of the Akwesasne **Mohawk** Police. "If we had more assistance, maybe we could do something about it."

But other **Mohawks** feel the resentment over **smuggling** activities represents another manifestation of racism. They say fewer than 10 percent of the 10,000 **Mohawks** were ever involved in any kind of **smuggling**, and that far fewer **smuggle** people.

"Generally, the community is against **smuggling**," said Diane McDonald, editor of The Indian Times, a reservation weekly. "It's a negative activity that promotes an unfavorable image of the **Mohawk** territory."

But others maintain that Indians are not bound by customs laws, because they were here before there was a country. "The border is just an inconvenience," said Cynthia Smoke, owner and editor of The People's Voice, another **Mohawk** weekly. "We think they put it there to make our life difficult."

This argument is being pressed by Michael Mitchell, who in 1988, in his capacity as grand chief of the **Mohawk** Council of Akwesasne, deliberately violated what he calls "the imaginary international border" by taking a truck of American goods across the Canadian border without formally declaring it.

The case is **now** being heard by Canada's Supreme Court. At issue is whether England in the Jay Treaty of 1794 gave the **Mohawks** perpetual border-**crossing** rights, a position Canada denies.

The chief says he does not want to ignore the border to engage in any illegal activity. But others see no such distinction. Robert Skidders, who owns a luncheonette selling Native American food, contended that charging a fellow **Mohawk**, Mr. Yops, in the death of Ms. Taj is blaming the wrong person. "The poor guy running the boat is just being told what to do," he said. "But they want to hang him because he's native."

Meanwhile, people from all over the world find themselves at a pizza parlor in Massena, N.Y., about seven miles from the reservation. They stop there because it is where the long-distance buses stop. Some sit all night on the cold ground waiting to buy a \$63.96 ticket for the 9 A.M. Trailways bus to New York City.

"It's been going on and going on and going on and going on," said Matt Hurlbut, the owner of the pizza parlor. "Finally, people are beginning to take notice because somebody had to die."

## Graphic

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Map showing location where **aliens** have **crossed Mohawk land** along the St. Lawrence River. (pg. B4)

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