

Written Testimony of the Saint Regis Mohawk Tribe

To the

U.S. House of Representatives Subcommittee on Indian and Insular Affairs

On H.R. 2916

Legislative Hearing

June 11, 2025

My name is Beverly Cook, I am one of the three elected Chiefs of the Saint Regis Mohawk Tribe. The Tribe is the federally-recognized Tribe governing Mohawk territory in northern New York.

Thank you to the Subcommittee for this opportunity to testify in support of H.R. 2916 and to Representative Stefanik for introducing the bill. The bill would ratify and confirm the Agreement of Settlement and Compromise to Resolve the Akwesasne Mohawk Land Claim in the State of New York. Confirming the Settlement Agreement would end a long-standing dispute as to lands within the historic Mohawk Reservation to the satisfaction of the Saint Regis Mohawk Tribe, the Mohawk Council of Akwesasne—which is the Mohawk government on the Canadian side of the Reservation recognized by the Government of Canada and a co-plaintiff in the case—the State of New York, the New York Power Authority, Franklin and Saint Lawrence Counties, New York, and Towns within the counties.

The Mohawk land claim has a long history. From time immemorial, the Akwesasne Mohawks occupied aboriginal territory in what is now northern New York and southern Ontario and Quebec. The 1796 Treaty with the Seven Nations of Canada, ratified by the United States Senate, reserved to the Indians of the Village of Saint Regis—namely, Akwesasne Mohawks—

tracts of land in New York State, along the St. Lawrence River. Notwithstanding this reservation, and contrary to the Federal Non-Intercourse Act, the State of New York took title to these reserved lands. The State acquired these lands through a series of so-called “treaties” from 1816 through 1845, and through other actions. The claims for these lands are referred to as the “Mainland Claim.”

The Mohawks also owned Barnhart Island and Croil Island (also known as Baxter’s Island), which were considered part of Canada after the Revolutionary War. After the islands were returned to the United States in the Treaty of Ghent following the War of 1812, New York conveyed the islands to various third parties ignoring the Mohawk’s use and occupancy of the islands. The claims for the islands are referred to as the “Islands Claim.”

In 1982, the Mohawk Council of Akwesasne filed a lawsuit against State of New York, municipal governments and private landowners, seeking title to the lands acquired by New York that were reserved in the 1796 Treaty (the Mainland Claim), and another lawsuit against New York State and the New York Power Authority concerning the islands (the Islands Claims). In 1989, the Saint Regis Mohawk Tribe and the Mohawk Nation Council of Chiefs filed a separate lawsuit for the same claims. The suits were consolidated, and in 1998, the United States intervened as a plaintiff.

After the federal district court issued various rulings in the case, rejecting many of the Defendants’ defenses, the parties reached a potential settlement in 2005. In that same year, however, the United States Supreme Court decided the case of City of Sherrill v. Oneida Nation of New York, which was read as creating a new defense—“Sherrill laches”—to Indian land claims. Defendants then repudiated the settlement agreement, and filed motions to dismiss the land claim. In 2013, the court did dismiss some of the claims, based on Sherrill laches, but it

denied the motion as to some claims, ruling that because the Mohawk people had not left the area, it was of Indian character and not subject to the defense.

After that ruling, settlement negotiations began again among the Tribe, the State, the New York Power Authority, and Saint Lawrence County, resulting in a 2014 Memorandum of Understanding to serve as a framework for settlement. Negotiations later expanded to include Franklin County and towns within the county, the Mohawk Council of Akwesasne, and the Mohawk Nation Council of Chiefs. The court appointed a mediator to assist.

After years of negotiation, including two and one-half years of court supervised mediation, the parties agreed to final language for the settlement agreement in late 2024. All parties to the Settlement Agreement approved it, except the Mohawk Nation Council of Chiefs, which decided instead to withdraw from the case, which allows the remaining parties to finalize the settlement. The other parties agreed to the withdrawal, and the court approved it. The withdrawal of the Mohawk Nation Council of Chiefs from the Settlement Agreement in no way stands in the way of a full and final settlement of the claims in the case.

The Settlement Agreement is to the benefit of all parties to the case and all stakeholders in the Region.

- The Settlement legislation would ratify the transfers of all lands that were the subject to the lawsuit.
- No landowner would lose land to the Tribe. Any lands that become tribal land under tribal ownership pursuant to the settlement would be by free and voluntary transfer.
- The Settlement Agreement clarifies jurisdiction within the land claim areas. It provides the manner in which lands within certain areas of Franklin and St. Lawrence

Counties that are owned by the Tribe could become Indian Country under tribal jurisdiction, free of state and local taxation and jurisdiction. It further provides that lands within those areas that are not owned by the Tribe would continue to be subject to State and local jurisdiction.

- The Settlement Agreement provides that back real estate taxes on Mohawk-owned lands within the counties will be paid by the State to the counties, benefitting the counties and the Mohawk owners. Going forward, individual Mohawk landowners will continue to be subject to county property tax unless they deed their property to the Tribe if they are in one of the designated settlement areas.
- The New York Power Authority would pay the Akwesasne Mohawks \$2 million per year for 35 years. It would also provide 9 MW of power to the Akwesasne Mohawks at a preferred rate. The Akwesasne Mohawks would have a right of first refusal in any sale of the islands.
- New York State will waive tuition and mandatory fees for Mohawks in SUNY colleges.

It bears noting that the settlement will cost the federal government nothing, as no payments by the federal government are involved.

Thank you for the opportunity to testify before you on this bill of great importance to the Saint Regis Mohawk Tribe. We look forward to working with you toward passage of this vital legislation.