

CANADA

**SUPERIOR COURT
(Civil Division)**

**PROVINCE OF QUEBEC
DISTRICT OF MONTREAL**

No.: 500-17-120468-221

KAHENTINETHA

KARENNATHA

KARAKWINE

KWETIIO

OTSITSATAKEN

and

KARONHIATE

Plaintiffs

v.

**SOCIÉTÉ QUÉBÉCOISE DES
INFRASTRUCTURES**

ROYAL VICTORIA HOSPITAL

MCGILL UNIVERSITY HEALTH CENTRE,

MCGILL UNIVERSITY,

VILLE DE MONTRÉAL,

and

ATTORNEY GENERAL OF CANADA,

Defendants

and

ATTORNEY GENERAL OF QUÉBEC

Impleaded Party

**WRITTEN EXAMINATION OF KAHENTINETHA ON A SWORN STATEMENT AT THE
PRE-TRIAL PHASE – ATTORNEY GENERAL OF QUEBEC (Section 105 C.c.p)**

I the undersigned, Kahentinetha, residing at Kahnawake, province of Quebec P.O. Box 991, J0L 1B0, give the following responses under oath to the written examination of the Impleaded Party the Attorney General of Quebec.

Question 1: The Rotinonhsonni confederacy is comprised of six different Iroquois Nations: Mohawk, Seneca, Onondaga, Oneida, Cayuga and Tuscaroras?

No. The rotinonhsonni alliance is originally comprised of five peoples. We say *wisk nihononwetsakeh*, "five lands". A sixth people, the Tuscaroras came under the wing of the alliance later, as did other peoples like the Piscataway.

I am answering these questions as a courtesy, although they are all grossly out of the scope of relevance. This cross-interrogation is supposed to be based on Article 105 of the Code of Civil Procedure, which states "The person who swore the oath may be examined on the facts whose truth the person attested to; similarly, the affiant may be examined on the facts mentioned in the pleading, attestation or affidavit if the pleading, attestation or affidavit is deemed by law to be sworn." Almost all questions from the Attorney General of Quebec do not relate to the truth of the facts that I attested to in my sworn statement, and they are not relevant to the application for the interlocutory injunction. Asking all these questions about the so-called official structure of the Iroquois Confederacy, in a context where I do not claim to represent any group of people, is an abuse of protocol. The questions do not relate to facts alleged in my sworn statement, except for the fact that I mention that I am a Rotinonshionni person. If someone wrote in a statement that he is from Ontario or Peru, would it make sense to cross-interrogate him on the details of the structure of Ontario's or Peru's political institutions? No. My affidavit focussed on the issues of unmarked graves and archeological artifacts which may be destroyed by excavation work on the grounds of the Allan Memorial Institute and Royal Victoria Hospital. We are asking the court to rule on this question. The crux of the matter is the medical crimes committed against our people. The structure of incorporated Iroquois organizations is completely irrelevant to this question.

Question 2: The Rotinonhsonni confederacy is also known as the Haudenosaunee Confederacy.

In my language it is only known as rotinonhsonni.

Question 3: The Rotinonhsonni confederacy is headed by 50 chiefs.

No. It includes 49 families, not chiefs. Each family selects a Rotiyaner who will carry their words. The 50th position, Atotharho, unifies all the families.

Question 4: The names of the chiefs are permanent titles representing the 50 chiefs who joined in at the very beginnings of the confederacy.

No. There are no chiefs nor titles. There are 49 families and 49 Rotiyaner names. Atodarho unifies all the families.

Question 5: The Rotinonhsonni confederacy chiefs are selected by the clan mothers of the different Nations.

No. The women from the clans nominate the candidates and the people select them. They are names, not titles.

Question 6: Each Nation names a definite number of chiefs.

No. There are no nations nor chiefs. There are five peoples with a definite number of Rotiyaner. The Rotiyaner are not chiefs, they are not supposed to make any decisions. The people make the decisions. They then give their words to the Rotiyaner, clan mother and other people appointed to carry their exact words. We are all equal in our society. Everybody can and must use their voice to fulfill their duties and responsibilities, not only the Rotiyaner or clan mothers.

Question 7: While the Kaianerehko:wa (the Great Law of Peace) says there should be only one chief "sitting" in a permanent title, in fact, at times, there is more than one chief named for one of the 50 permanent titles.

I don't understand what this question is about.

Question 8: Out of the 50 Rotinonhsonni permanent titles, 9 belong to the Mohawk Nation.

There is no Mohawk Nation, only the kanien'keha:ka people. The alliance of 49 families includes 9 Rotiyaner from the kanien'keha:ka people.

Question 9: These 9 Mohawk chiefs represent the Mohawk Nation in the Confederacy, at the Grand Council fire in Onondaga.

They do not "represent" the Mohawk Nation. They are supposed to carry the voice of the people.

Question 10: Name the 9 permanent titles of the Mohawk chiefs.

Is this a History 101 test or an intelligence test like the ones you did to our children? What happens if I fail? As an elder I have learned Mohawk language orally and cannot spell it without risking typos which you would take advantage of. This question is grossly irrelevant and has nothing to do with the case. It is not related to facts alleged in my sworn statement. The information can be found on Wikipedia if you really want to know.

Question 11: Name the 9 persons who are currently acting as Mohawk chiefs for the Rotinonhsonni confederacy. Give their full names as they appear in their birth certificate and give their community of origin.

I don't have their full names as they appear in their birth certificate. I am not supposed to consult anyone for these questions so how could I ask them for their birth certificates?

There are not 9 Mohawk chiefs in Onondaga, as some positions are not filled. Whoever is appointed is supposed to carry the wish and will of the people, their personal names are irrelevant. The Rotiyaner cannot use his personal name once he is selected. His position is not permanent. He may be able to revert to his old name or he may be given a new name when he is not carrying the Rotiyaner duties. My duty is that of a kahnistensera: to caretake the land and children of past, present and future generations.

Question 12: None of the current 9 chiefs of the Mohawk Nation are resident of Kahnawake.

Which chiefs are you referring to?

Question 13: The 9 Mohawk chiefs form the *Mohawk Nation Council of Chiefs* which usually meets in a council fire at Akwesasne.

No. The 9 kanién'keha:ka Rotiyaner are part of the 49 families in the Kaianerehko:wa, but neither the Kaianerehko:wa nor our precolonial oral tradition refer to the *Mohawk Nation Council of Chiefs* or to Akwesasne.

Question 14: Parallel to the Rotinonhsónni confederacy that we have just described, the Iroquois community known as the *Six nations of the Grand River*, in Ontario, has a separate and distinct institution that also represents the Six Nations confederacy in a Grand council, with a different set of chiefs.

I don't understand the question. The Six Nations of the Grand River council is not referred to in the Kaianerehko:wa. We all represent ourselves.

Question 15: This institution at *Six nations of the Grand River* also follows the traditional constitution of the Rotinonhsónni confederacy and the Kanién'keha:ka Nation, also known as the Kaianerehko:wa (the Great Law of Peace).

I am not able to say whether or not that institution follows the Kaianerehko:wa or the Code of Handsome Lake, which mixed Christian ideas with our culture. To determine this would require a very lengthy explanation.

II. Mohawk clan system

Question 16: The Mohawks have three clans: turtle, bear and wolf.

No. Three clans is a very basic understanding, but we have many more clans. I have looked at all your questions. To give yes and no answers to these questions would never enable you to understand who we are. You need us to explain and describe orally. We can organize a presentation with a Kaianerehko:wa elder from Kahnawake who knows our traditions if you want to get educated in our culture. I fail to see why these questions are asked of me. No concern about the missing and murdered children. I have as

legitimacy that this is my home and that my relatives' children were stolen and murdered.

Question 17: Each clan is headed by a single clan mother. If not, indicate how many clan mothers there are and how they are chosen.

No. For example the Rotiniahtion Turtle Clan Rotiyaner are Aionwatha, Tekarihoken and Shatekariwate (I'm not sure about the spelling, I write the language the way I speak and hear it) and they each have they own clan mother. So there are 9 kanién'keha:ka clan mothers. They are selected by the families. Clan mothers are supposed to carry the voice of the families. When there is no clan mother the families can still function perfectly. Nobody gives permissions to accomplish everyone's duties and responsibilities.

Question 18: The 9 Mohawk chiefs of the Mohawk Nation are selected by the Mohawk clan mothers.

No. They are chosen by the people, and the clan mothers sanction the will of the people.

Question 19: Each clan names 3 chiefs.

No, there are no chiefs.

Question 20: Give the full names of the Mohawk clan mothers, as they appear on their birth certificate. Indicate to which Mohawk community they belong.

I don't have that information. Birth certificates is not our system. It is the system of the corporations. How could I access those birth certificates if I am not supposed to consult anyone?

Question 21: The Kahnistensera (women/mother council) is headed by 3 clan mothers, one for each clan turtle, wolf and bear.

No. All the women are kahnistensera.

Question 22: You refer at par. 6 to the Rotiskenrakehte (men's fire), how is this related to the Kahnistensera?

Creation provided both men and women to work in harmony for the continued existence of our people. The men are supposed to help the women.

Question 23: Besides the 9 Mohawk chiefs who sit at the Grand Council Fire of the Rotinonhsonni confederacy, there are also a number of chiefs in each Mohawk community who take care of affairs within their community.

There are no chiefs. As a free people we can all have meetings anywhere, anytime. Buildings and villages do not make us who we are. We live in harmony with the land.

Question 24: The longhouses of a community are the places where these “community chiefs” meet in council.

No.

Question 25: In Kahnawake there are two distinct institutions of traditional Iroquois-style government referred to as Longhouses.

No.

Question 26: These two Longhouses in Kahnawake are the “207” Longhouse and the Mohawk Trail Longhouse, named for their respective locations.

No. We say that there is only one longhouse that begins where the sun rises and ends where the sun sets. The sky is its ceiling, and the ground is its floor. For us there is only one longhouse for the people, it is *onowarekeh* (Turtle Island). On another hand, if you are talking about physical buildings, there are thousands of buildings in Kahnawake so there are thousands of longhouses. Meeting can happen in any house.

Question 27: Are there any other Longhouse in Kahnawake?

See question 26.

Question 28: Each longhouse has a different set of chiefs.

No, there are no chiefs.

Question 29: These chiefs are selected by a different set of clan mothers.

No.

Question 30: Give the full names (as they appear on their birth certificate) of the chiefs of Kahnawake and indicate to which Longhouse they relate.

I cannot access their birth certificates as I cannot consult anyone. Each institution that call themselves longhouses only represent themselves. They cannot talk on behalf of other people. Institutional hierarchical organizations do not exist in our culture.

Question 31: These two Longhouses follow the traditional constitution of the Rotinonhsonni confederacy and the Kanien'keha:ka Nation, also know as the Kaianerehko:wa (the Great Law of Peace).

I don't know. I only know that I and the other plaintiffs follow the Kaianerehko:wa.

Question 32: There are different interpretations of the Kaianerehko:wa (the Great Law of Peace).

We are all supposed to spend our lives working to understand the Kaianerehko:wa.

Question 33: At paragraph 6 of the Originating application, you refer to a meeting of the Kahnistensera held in March 2022 in Kahnawake. Did this meeting take place in a longhouse? Which one?

Objection. This paragraph is not in our amended application. The question does not relate to the truth of the facts that I attested to in my sworn statement, and it is grossly irrelevant to the application for the interlocutory injunction.

Question 34: At what date did it take place?

Objection. The question does not relate to the truth of the facts that I attested to in my sworn statement, and it is grossly irrelevant to the application for the interlocutory injunction.

Question 35: Was there a public notice informing the people of Kahnawake that this meeting would take place? If so, how was it publicised, when was it publicised and by what channel of communication? Give a copy of the public notice of the meeting.

Objection. The question does not relate to the truth of the facts that I attested to in my sworn statement, and it is grossly irrelevant to the application for the interlocutory injunction.

Question 36: Was there a public notice informing the people of the Mohawk Nation that this meeting would take place? If so, how was it publicised, when was it publicised and by what channel of communication? Give a copy of the public notice of the meeting.

Objection. The question does not relate to the truth of the facts that I attested to in my sworn statement, and it is grossly irrelevant to the application for the interlocutory injunction.

Question 37: How many persons were present at the meeting?

Objection. The question does not relate to the truth of the facts that I attested to in my sworn statement, and it is grossly irrelevant to the application for the interlocutory injunction.

Question 38: Who was present? Give the full names of the persons you know were present and in what capacity they were sitting (Give their full names as it appears in their birth certificate).

Objection. The question does not relate to the truth of the facts that I attested to in my sworn statement, and it is grossly irrelevant to the application for the interlocutory injunction.

Question 39: Were all the clan mothers present? If not, indicate who was present.

Objection. The question does not relate to the truth of the facts that I attested to in my sworn statement, and it is grossly irrelevant to the application for the interlocutory injunction.

Question 40: Was there any representative of the *Mohawk Nation Council of Chiefs* present to the meeting? Provide the names of these persons.

Objection. The question does not relate to the truth of the facts that I attested to in my sworn statement, and it is grossly irrelevant to the application for the interlocutory injunction.

Question 41: Was any representative of a Kahnawake's Longhouse present?

Objection. The question does not relate to the truth of the facts that I attested to in my sworn statement, and it is grossly irrelevant to the application for the interlocutory injunction.

- i. Which Longhouse?

Objection. The question does not relate to the truth of the facts that I attested to in my sworn statement, and it is grossly irrelevant to the application for the interlocutory injunction.

- ii. Provide the names of these person(s) and tell in what capacity they were sitting?

Objection. The question does not relate to the truth of the facts that I attested to in my sworn statement, and it is grossly irrelevant to the application for the interlocutory injunction.

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ii. Provide the names of these person(s) and tell in what capacity they were sitting?

Objection. The question does not relate to the truth of the facts that I attested to in my sworn statement, and it is grossly irrelevant to the application for the interlocutory injunction.

Question 42: At paragraph 7 of the Originating application, plaintiffs refer to a "traditional" and "clan-based" *protocol* followed during the March 2022 meeting. Describe the *protocol* followed at this Kahnistensera meeting. Is there a written description of this *protocol*? If so provide a copy.

Objection. The question does not relate to the truth of the facts that I attested to in my sworn statement, and it is grossly irrelevant to the application for the interlocutory injunction. These questions are not applicable to who we are. Our oral tradition does not exist in writing. We are not a corporation where we have to have a written institutionalized recording of what we do.

Question 43: At paragraph 10 of the Originating application, plaintiffs refer to *wampum 44* of the Kaianerehko:wa as exhibit P-1. Provide the full document from which exhibit P-1 was taken.

Ok. It is included as an attachment.

Question 44: Can you give the full names of the plaintiffs in the Originating application (as they appear on their birth certificate), including yourself?

I am not allowed to consult anyone so I cannot respond for the other plaintiffs. I have had 4 birth certificates throughout my life. One was given at my birth by the State of New York, where I was given an English name which I reject. My father wanted it to say Kahentinetha, but it was against the law to use my real Indigenous name. My father was obliged to use made up English names or else he would have lost his baby. Those English names were also necessary to attend school, and if I did not attend school, I would have been declared a juvenile delinquent and I would have been incarcerated or adopted, and my parents would have gone to jail. My father was terrified by that threat. I lost that first birth certificate in Brooklyn. In the meanwhile, I was issued a second identification card, an Indian status card which I had to carry on me at all times. I don't know what happened to it. My third birth certificate was issued in Akwesasne, and it uses my true Indigenous name, Kahentinetha, as well as my clan, Bear. It is the one that I abide to and the one that I use for crossing borders. My fourth birth certificate is the Indian status Band card which I was obliged to acquire in 2009, and which includes both my Indigenous name and my White name. The authorities have always tried to force me and other Indigenous people to use various identifications under duress.

Question 45: Can you explicit the official role or title that each plaintiff has in the Kahnistensera? More specifically, are they clan mothers?

No, there are no official roles.

Question 46: Are all the plaintiffs residents or members of Kahnawake? If not, tell from what community they are from?

I am not allowed to consult the other plaintiffs, but I live in Kahnawake.

Question 47: Are the plaintiffs family relatives to one another? If so describe the family relationships between the plaintiffs.

Yes we are all related, as we are one people. I am not allowed to consult the other plaintiffs so I cannot detail their family relations.

Question 48: Otsitsataken and Karonhiate are members of the Rotiskenrakehte (men's fire). What is the "men's fire"?

The men's fire is where the men exhibit their duties and responsibilities according to the Kaianerehko:wa.

Question 49: What collectivity does Rotiskenrakehte (men's fire) represent (Mohawk Nation, Kahnawake or other)?

They do not "represent" any group of people, as they are free individuals within a free people.

- i. Where does it usually meet in council?
They meet anywhere, day or night to decide.
- ii. What chiefs are associated with Rotiskenrakehte (men's fire)? Give their full names and their community of residence.
There is no such person.

Question 50: Otsitsataken and Karonhiate, what title do they have in the Rotiskenrakehte (men's fire)? Are they chiefs? If so, from what institution (*Mohawk Nation Council of Chiefs*, Kahnawake Longhouse or other)?

They are men. There are no chiefs nor institutions in our culture.

Question 51: Why was it necessary to have two members of the "men's fire" vested with the responsibility of defending the interests of the Rotinonhsonni confederacy along with the representatives of the Kahnistensera?

It is their duty and responsibility to assist and support the kahnistensera.

Question 52: Why were Otsitsataken and Karonhiate chosen to represent the Rotiskenrakehte (men's fire)?

It was the fulfillment of their responsibility.

Question 53: The Kahnistensera (women's circle) decided to vest 7 persons with the responsibility of defending the interests of the Rotinonhsonni confederacy in the current proceedings. Was this decision put down in writing or recorded in any other way? If so, provide evidence of this decision.

Objection. The question does not relate to the truth of the facts that I attested to in my sworn statement, and it is not relevant to the application for the interlocutory injunction.

The kahnistensera's duty is to caretake the land and the children from past, present and future generations.

Question 54: At paragraph 3 of the Originating application, it is written that "the plaintiffs are sovereign Indigenous peoples", is the word "peoples" used here as the plural of "person" or is it used to designate a collectivity? If so, to which collectivity do the plaintiffs refer?

This was a translation of the word onkwehonkwe. From now on we will only use that word to avoid misunderstandings.

Question 55: Paragraph 7 of the Originating application indicates that seven persons were vested with the responsibility of defending the interests of the Rotinohsonni confederacy. Explain why the name of Kawenaa has been deleted from the list of plaintiffs. Who's decision was it to delete her name?

It was Kawenaa's decision for personal reasons.

AFFIDAVIT

I, the undersigned, Kahentinetha, domiciled and residing at Kahnawake, solemnly affirm the following:

All the answers that I have given in the above written examination are true and correct to the best of my knowledge.

SWORN BEFORE ME at Kahnawake, Quebec And I have signed at Kahnawake,

this 18 day of September, 2022

this 18 day of September, 2022

Elizabeth Montour
COMMISSIONER OF OATHS



Kahentinetha

Commissaire à l'assermentation
Commissioner for Oaths
ELIZABETH MONTOUR 216757
For all Québec judicial district and
outside Québec Tous les districts
judiciaires du Québec et extérieur

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WRITTEN EXAMINATION OF KAHENTINETHA ON A SWORN STATEMENT AT THE
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ORIGINAL