

## Mohawk reservation a soft spot for cigarette smuggling

By Michael Hill

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Mohawk police spotted a red van with swiped license plates riding through the reservation on a recent night looking like it was loaded down with something heavy.

It was.

After a brief pursuit, the officer pulled over a vehicle that smelled like a humidior. Garbage bags packed with more than a ton of golden cut tobacco filled the back from floor to ceiling.

Another night, another illegal load of tobacco headed to Canada from the United States through this Mohawk reservation. Akwesasne, which stretches into northern New York, is by far the busiest spot for cigarette smuggling along the northern border. While the U.S.-Canada border runs some 4,000 miles through mountains, plains and some of the largest freshwater lakes on the planet, the security challenges posed by Akwesasne are unique.

A bit smaller than the Bronx, the reservation straddles New York state, Quebec and Ontario and is sliced by the St. Lawrence River. Border crossers here pass through land controlled by four distinct governments: New York state, U.S.-side Mohawks, Canadian-side Mohawks and Ontario. This geopolitical complexity has helped make Akwesasne a go-to gateway for smugglers at least since Prohibition.

Right now, cigarette smuggling is big.

"They take advantage of the geography and the jurisdictional nightmare," said Royal Canadian Mounted Police Sgt. Michael Harvey.

Tobacco smuggling caught on after Canadian officials boosted cigarette taxes in 2001 to combat smoking. Criminals can sneak in their own cigarettes and retail them for as little as \$10 a carton, compared to \$80 or more for legal cartons. Mounties are seizing almost 17 times more tobacco than in 2001. Last year, they seized 472,000 cartons across Canada – 90 percent originating from this Mohawk reservation.

Harvey said the tobacco is trucked north to the territory, where factories on the American side of the reservation, known as St. Regis, can pump out millions of cigarettes a year. Others simply smuggle bulk tobacco through the reservation, presumably to be made into cigarettes up north.

Sneaking the goods into Canada is a cat-and-mouse game. Smugglers zip across the river at night in low-profile duck boats with no lights to the Ontario portion of the reservation, which is an island. Then they can take a bridge to Cornwall, Ontario. Or they can boat a dozen miles down-river to any number of coves or marinas on the Canadian shore. In winter, they can drive trucks or snowmobiles over the ice.

Once in mainland Canada, it's an easy drive to Montreal, Ottawa or Toronto. The contraband cigarettes, often sold at "smoke shacks" on Indian land in Canada, look like any other, except without labels or boxes. They are packed parallel in clear plastic resealable bags.

Harvey said the Canadian-based organized crime groups behind tobacco smuggling will sometimes bring ecstasy or hockey bags full of marijuana back down to the United States. Still, it does not appear U.S. officials view Akwesasne as a comparable floodgate for illegal immigrants, drugs or money – which are their primary U.S. northern border concerns.

### Akwesasne a Geographic Challenge

U.S. Border Patrol spokesman Mark Henry said Akwesasne is a geographic challenge, but it is among several that agents focus on in their Northeast patrols. The Border Patrol does not keep seizure figures for Akwesasne. But the agency's Swanton sector – which stretches 295 miles from northern New York to New Hampshire – last year made 1,119 arrests for alien smuggling, a bit less than one in five of all such arrests along the northern border.

Chief Andrew Thomas of the St. Regis Tribal Police said smugglers exploit opportunities wherever they find them and the reservation's reputation as a "gateway" is unwarranted.

"That happens here, that happens points east, that happens points west," he said. "We seem to get all the attention."

Thomas has 16 officers to patrol the American side of the reservation, a flatland of woods, fields, modest houses and a bunch of gas stations that sell can sell tax-free fuel and cigarettes. Thomas said tobacco is "not a high priority with my agency." In his view, cigarette smuggling would disappear overnight if Canada would simply lower tobacco taxes.

"We have smuggling issues that my office focuses on, and that's the drug trade, weapons and illegal immigrants and illegal aliens," Thomas said. "Those are the real criminal issues that we deal with."

Law enforcement officials say Mohawk authorities on both sides of the border routinely cooperate in crackdown efforts, which are aggressive. Mounties have seized dozens of smugglers' pickup trucks and minivans (many with back seats removed to make room for more product ) this year alone. This summer, they teamed up with the U.S. Coast Guard to patrol the river under a pilot project called Shiprider.

On the U.S. side, the federal Bureau of Alcohol, Tobacco, Firearms and Explosives said it has seized 16 tractor loads of tobacco headed to Akwesasne in the past 18 months.

But police actions involving Akwesasne can still be complicated by jurisdictional issues. Many Mohawks remain deeply connected to their land and sovereign heritage, a point of view summed up by a prominent banner hanging along the

main highway here reading: "This is Mohawk Land Not NYS Land."

Consider that the St. Regis Tribal Council, the American-side government, lists six factories registered with the tribe to manufacture cigarettes, but there appears to only be one with federal approval. Art Resnick of the U.S. Alcohol and Tobacco Tax and Trade Bureau said a federal license is required for manufacturing tobacco products, even on Indian land.

The Mounties believe there are about a dozen unlicensed operations on the American side of Akwesasne and one gearing up on the Canadian side, Harvey said. Canadian officials are concerned that the cigarettes flow funds organized crime, cuts into tax revenue and exposes citizens to health risks.

But on recent rainy day as Harvey showed the sheltered inlets favored by smugglers, he stressed that is not just a Canadian problem.

"It doesn't matter what the commodity is," Harvey said. "We have to be concerned that the stuff is getting through."

On the Net:

Akwesasne: <http://www.akwesasne.ca/>

Mounties: <http://www.rcmp-grc.gc.ca/>