

## COMMUNITY DECISION-MAKING PROCESS

KAHNAWÀ:KE JUSTICE SYSTEM

**Meeting #1** – First Hearing

Karonhianonha School Gym

19, Seskehkó:wa/September 2012

6:00 – 8:30 PM

### RECORD OF DISCUSSION

#### **FACILITATORS:**

Kahente Horn-Miller (Lead - CDMP)

Joe Delaronde (Group 1)

Dodie Gilbert (Group 2)

Patsy Bordeau (Group 3)

#### **RESOURCE PEOPLE:**

Ron Skye (Lead – Resource Person)

Chris Bush-Diabo (Group 1)

Richard Nolan (Group 2)

Jo-Ann Stacey (Group 3)

#### **RECORDERS:**

Leslie Skye (Lead/Logistics)

Sophia Dupont (Main Screen)

Brandi Meloche (Group 1)

Melissa Curotte (Group 2)

Trina Diabo-Jacobs (Group 3)

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**6:00 P.M. OPENING – Kanento Patton**

**6:05 P.M. INTRODUCTION/MEETING GUIDELINES – Kahente Horn-Miller**

**6:10 P.M. KAHNAWÀ:KE JUSTICE SYSTEM - Ron Skye**

**6:15 DELIBERATIONS/DISCUSSIONS – 3 Groups**

**8:15 NEXT STEPS – Kahente Horn-Miller & Ron Skye**

**8:30 CLOSING – Fred Deer**

## Group 1 – Meeting #1

**Facilitator:** Joe Delaronde  
**Resource Person:** Chris Bush-Diabo  
**Group Speaker:** Joe Delaronde  
**Recorder:** Brandi Meloche

### Discussion on Wordsmithing:

- Some in group are uncomfortable with the wording in the document.
- Should group come across words that need change, they can address it then.

### **QUESTIONS/ANSWERS:**

- Question → “The Will of the People” → What does this mean?

**POSITION** → Group will move forward with discussion. The document is more about the content. Any words that conflict will be addressed.

### DISCUSSION Section I - PREAMBLE:

- Facilitator runs through suggestions provided by community members that could not be in attendance. Most of the changes in the provided documents are changes in wording.
- The word “Forum” as in, “The creation of any forum”. The word is too broad. What does this mean?
- **SUGGESTION** → Define the word “Forum”.
- **First paragraph of Preamble:** Problem with the word “Laws” and the word “Government”. This needs to be defined.
- When laws are made it’s not for a specific group, it is for the whole community of Kahnawà:ke.
- Mohawk Council is the Government of Kahnawà:ke. Some choose to govern themselves but, the Mohawk Council is the Government.
- Should it then read, “various governments”?
- As Mohawk people we have the right to govern ourselves. We want to move toward Traditional Government, we are moving toward that but it’s not going to happen overnight.
- Happy with the global content.
- Acts, Legislative Acts, and Laws – Would it be clearer to refer to it just as “Law”?
- Make it as simple and clear as possible.
- The document had to be read several times for clarity. Simplify the wording and stick to the word, “Law”.

- “Will of the People” – Is this a cliché? Overused?

### QUESTIONS/ANSWERS:

- Question → What does the word “*Forum*” really mean?
- Answer → There are different methods/arenas that can be used.
- Question → Page 1 – Second to last paragraph – Why state – “*any Court or Tribunal that has been legally constituted*”?
- Answer → Should the case go to an outside Court; we will abide by the Criminal Code.

### OUTCOME/POSITION OF GROUP 1:

- Define terms such as: Legislative, Acts, Laws, Forum etc.

### DISCUSSION Section II - GENERALITIES:

- **Section II Generalities 1.1** – “*Jurisdiction*” needs to be defined.
- 3.1. – “*This Act applies to all matters and acts committed on or involving any persons within the territory*”. This is too broad.
- Should a Non-Native commit a crime within the territory, we have to be able to deal with them.
- **3.1** -Specify – “Kahnawà:ke Justice System”. Is re-write too limiting?

### QUESTIONS/ANSWERS:

- Question → How far have Politicians gone to defend jurisdiction?
- Answer → Create then defend.
- Do “10 Agreements” allow for funding of Justice Act?
- Question → What work has been done to facilitate recognition?

### DISCUSSION Section II - FORUMS:

- No comments in this section.

## Group 2 – Meeting #1

**Facilitator:** Dodie Gilbert  
**Resource Person:** Richard Nolan  
**Group Speaker:** Brian Delormier  
**Recorder:** Melissa Curotte

### Discussion on Wordsmithing:

- Group participants decided that some wordsmithing is needed as some words are unclear. Example: What does it mean “We the people? Who are we speaking about?
- Some participants felt that it takes hours to wordsmith, but there is a need to clarify.

### DISCUSSION Section I - PREAMBLE:

- Facilitator runs through suggestions provided by community members that could not be in attendance:  
Unless they are using the rules of the longhouse or the people of the longhouse for what they stand for, they cannot use or say this.
- Paragraph 1
  - Would word it differently.
  - Some participants feel that the content does not need to change.
- Paragraph 2
  - Remove the word “traditional”. This is not part of the Traditional way.
  - Change Traditional to “**extended**” Territory.
- Paragraph 3 - Good.
- Paragraph 4
  - “Are we still using the Federal and Provincial laws within the Territory? (Answer) Yes, unless we make our own laws within the Territory.
  - This sounds like any organization within Kahnawà:ke that have their own laws or regulations; their laws supersede this law.
  - The legislative acts needs to be simplified, a simple definition.
- Paragraph 5
  - Community members should replace the word “shall” to the word “could” to attend **Sken:nen Aonsón:ton** as the 1<sup>st</sup> choice to resolving conflict.
- Paragraph 6 - Good.
- **\*Parking Lot Item:**  
***It was noted that the Legislative Coordinating Committee hearing time limit should be extended.***

## QUESTIONS/ANSWERS:

- Are we still using the Federal and Provincial laws within the Territory?  
**Answer:** “Yes, unless we make our own laws within the Territory”.

## DISCUSSION Section II - GENERALITIES:

- 1.1 **Jurisdiction for this Act** - MCK needed to ensure it is “We, the people” and not so called government bodies.
- 2. **Purpose** - Good.
- 3.1 **Application** - Good.
- 3.2 - Issue with the power of judicial forums; the power is given then asked “What is the point of having a court”? Sounds like all Boards are equal. Needs further clarification.
- 3.3 - Good. It was clarified that Conservation officer was part of entities, empowered or mandated by the laws of Kahnawà:ke.
- 4. **Paramountcy** - Good.

## DISCUSSION Section II - FORUMS:

- 5. SKÉN:NEN AONSÓN:TON “To become Peaceful Again” - Good.
- 5.1 - Should be specific and identify as option ADR.
- 5.2 - Good.
- 5.4 - Good. A comment received from a community member not in attendance questioned: If you are using our court system then there is no need for a lawyer. Unless you need “our” lawyer. Clarification → If we are going to have a Kahnawà:ke Law System, then we need lawyers well-versed in Kahnawà:ke laws both man-made and natural.
- 5.5 & 5.6 - Combine.

## Group 3 – Meeting #1

**Facilitator:** Patsy Bordeau  
**Resource Person:** Jo-Ann Stacey  
**Group Speaker:** Patsy Bordeau  
**Recorder:** Trina Diabo-Jacobs

### Discussion on Wordsmithing:

- What would the interpretation be? Who is going to interpret? The Legal team would be the ones to do this. Is it so much the wording or the content?
- What would the interpretation be for someone not legal minded? Ron Skye clarified that it was the content.
- Group 3 agreed that words or phrases will be addressed. More comfortable not wordsmithing, but if need be, they will.

### DISCUSSION Section I - PREAMBLE:

- Paragraph 1 – Like it but there would be a possible problem/issue on the wording of “**traditional**”.
  - Take out the “with which no one can interfere”. Put a period after govern ourselves (in the 1<sup>st</sup> paragraph).
  - If we are going to try to make this enforceable. Non-confrontational.
  - People are not respectful, and everyone preaches it but do not respect it. It was our way but not anymore. We would not have to do this if the people acted the way they were supposed to.
  - Responsibilities.
- Paragraph 2
  - Why is it stated Justice System when it is the Justice Act? Thinks it is two separate documents? The system is all the contents of the Act.
  - Would the title change? Once it is enacted we will have the processes laid out. The words were taken from the community.
  - Is this what the community decided and what they want?
  - The “ACT” will be what oversees the system.
  - In the content of paragraph 2, is it correct?
- Paragraph 3 – 5
  - Use the Sken:nen Aonsón:ton as the first step.
  - Adding a glossary and define terminology.

It was noted that there was one at the back of the document.

### **QUESTIONS/ANSWERS:**

- Is this what the community decided and what they want?

### **OUTCOME/POSITION OF GROUP 3:**

- The outcome is mostly all good except for a few minor changes and additions. Group 3 were all in agreement with the minor changes listed above.

### **DISCUSSION Section II - GENERALITIES:**

- 1.1 – Good
- 2.1 – Good
- 3.1 & 3.2 – Good
- 3.3 – Reflect that this includes all Kahnawà:ke Territories. (Tioweroton included)

### **QUESTIONS/ANSWERS:**

- 4.1 - Does this include non-Kahnawakehró:non coming into our territory and that they have to respect our laws?

### **DISCUSSION Section II - FORUMS:**

- 5.1 – 5.3 – Good, this is already all set up. Add to the glossary the word “Conflict” and the meaning
- 5.4 & 5.5 – Good
- 5.6 - Good

***NOTE: It was agreed to conduct deliberations at the September 25, 2012 Meeting #2 – Kahnawà:ke Justice System – First Hearing.***

**Group 1**

**MEETING #2**

September 25, 2012

Karonhianonha School – 6:00 to 8:30 p.m.

**FIRST HEARING**

**KAHNAWÀ: KE JUSTICE SYSTEM**

**FACILITATORS:**

Kahente Horn-Miller (Lead - CDMP)

Kahienes Sky (Group 1)

**RESOURCE PEOPLE:**

Ron Skye (Lead – Resource Person)

Joe Delaronde (Group 1)

**RECORDERS:**

Leslie Skye (Lead/Logistics)

Sophia Dupont (Main Screen)

Brandi Meloche (Group 1)

**6:00 P.M. OPENING – Ka'nahsohon Deer**

**6:05 P.M. INTRODUCTION/MEETING GUIDELINES – Kahente Horn-Miller**

**6:10 P.M. KAHNAWÀ:KE JUSTICE SYSTEM (ACT) - Ron Skye**

**6:15 P.M. DELIBERATIONS/DISCUSSIONS – 2 Groups**

**8:15 P.M. NEXT STEPS – Kahente Horn-Miller & Ron Skye**

**8:30 P.M. CLOSING – Ka'nahsohon Deer**

***NOTE: It was agreed to conduct deliberations using only 2 groups. Group 1 & 2 reviewed and deliberated the comments of all 3 groups from the September 19, 2012 Meeting #1.***



# FINAL OUTCOME AFTER DISCUSSIONS & CONSENSUS OF ALL 3 GROUPS:

## SECTION I – PREAMBLE

### GROUP 1 – OVERVIEW OF OUTCOME FROM THE FIRST MEETING

- Words such as “Forum” and “Government” require definition.
- Definition = Clarity
- Define all words of concern that are not in the glossary.

### GROUP 2 – OVERVIEW OF OUTCOME FROM THE FIRST MEETING

Lands- Definition should read → All Lands (i.e. Kahnawà:ke, Tiowero:ton etc.)

- **\*Parking Lot Item:**  
**SUGGESTIONS** → Lands & Territories need further discussion away from this one.
- **SUGGESTION** → Remove the word “Traditional” in front of lands.

### GROUP 3 – OVERVIEW OF OUTCOME FROM THE FIRST MEETING

- Paragraph 1 – Group 3 had an Issue on wording regarding the sentence, “*With which no one can interfere*”.
- Group 1 – **SUGGESTION** → Remove statement, too confrontational.

## SECTION II – GENERALITIES

### Group 1 - OVERVIEW OF OUTCOME FROM THE FIRST MEETING

- Group 1 from Meeting #1 had issue with the sentence “*The Will of the People*”
- Current Group 1 view on “*The Will of the People*” → All in agreement, no issues noted with this phrase.
- Legislative Law, Laws, Acts – Requires clear definition.
- **SUGGESTION** → Add a clause/note as an introduction to certain sections to qualify. (i.e. Administrative Tribunals → Who empowered?)

### Group 2 - OVERVIEW OF OUTCOME FROM THE FIRST MEETING

- Group 2 expressed concerns with paragraph 4. Group 2 states that paragraph 4 reads as though any organization within Kahnawà:ke can create their own Laws/Regulations.
- Group 1 feels that Group 2 was just looking for clarity on paragraph 4 and has no further comment.

### Group 3 - OVERVIEW OF OUTCOME FROM THE FIRST MEETING

- \*Same issues covered in overview of Group 1 and 2. Group 1 has no further comment on this issue.

## **SECTION II – FORUMS**

### Group 1 - OVERVIEW OF OUTCOME FROM THE FIRST MEETING

- Group 1 had no comments from the first meeting on Section II – Forums. The current Group 1 does not have anything to add.

### Group 2 - OVERVIEW OF OUTCOME FROM THE FIRST MEETING

- Group 1 has no comment on Group 2 views of Section II - Forums.

### Group 3 - OVERVIEW OF OUTCOME FROM THE FIRST MEETING

- 5.5 & 5.6 – Suggestion from Group II was to combine both 5.5 & 5.6. Group I advises that Legal will take care of this. Non-issue.

### **Group 1 – OUTCOME: Discussion with Group 2**

- Group 1 is in full agreement with Group 2's discussion this evening as well as their suggestions.

**SUGGESTION** → Preamble – Paragraph 1 – “It is our inherent right and responsibility and that of our children and future generations to govern our affairs in our own way without any *foreign* interference.

**SUGGESTION** → \*Define “*Foreign*” in Glossary using international definition.

# FINAL CONCLUSION → ALL IN AGREEMENT

## GROUP 2

### MEETING #2

September 25, 2012

Karonhianonha School – 6:00 to 8:30 p.m.

### FIRST HEARING

### KAHNAWÀ: KE JUSTICE SYSTEM

#### FACILITATORS:

Kahente Horn-Miller (Lead - CDMP)

Kellyann Meloche (Group 2)

#### RESOURCE PEOPLE:

Ron Skye (Lead – Resource Person)

Richard Nolan (Group 2)

#### RECORDERS:

Leslie Skye (Lead/Logistics)

Sophia Dupont (Main Screen)

Sam Montour (Group 2)

## FINAL OUTCOME AFTER DISCUSSIONS & CONSENSUS OF ALL 3 GROUPS:

### SECTION I - PREAMBLE

- It was felt that some of the terminology within the document requires clarification, consistency and needs to be used properly. **I.E.:** Use Law for Laws and use Act for Acts, etc. If it needs to be explained that you cannot have a Law without an Act, then that needs to be clarified. It was also agreed that definitions need to be included in the document.
  - **Group 2 agreed that a listing of definitions needs to be included at the beginning of the document rather than the back and consistency needs to be maintained within the document with the terminology.**
    - **GROUP 1 AGREED TO THIS**

➤ **\* Parking Lot Item:**

There was a comment made from a community member that tonight's process was very cumbersome in terms of having to complete the last hearings deliberations.

- Group 2 was not sure if the wording of "Mohawk Traditional Territory" is the correct reference to be used when talking about our Territory and where this Law will apply. It was questioned if this would mean all lands such as SSSL and where does this Law apply? It was noted that it does not say Traditional for the definition of Territory – currently we use Mohawk Territory of Kahnawà:ke.

- **Group 2 agreed to remove the word "Traditional"**

- **GROUP 1 AGREED TO THIS**

➤ **\*Parking Lot Item**

Group 2 felt that the definition of "Territory" should mean only lands that we have control over. **I.E.:** This would exclude SSSL Lands.

- **Group 2 agreed that the definition of "Territory" needs to be defined further in terms of what lands Kahnawà:ke is in control of.**

- **GROUP 1 AGREED TO THIS**

- Group 2 felt that the term "forum" as referenced in the 3<sup>rd</sup> paragraph of the first page, was too broad as it could encompass anything. It was felt that the Law should describe what is there in terms of "forums" so that people will know what types of "forums" they can use. It was clarified by Ron Skye that the reason that is there is because the community wanted to be able to use ADR, Arbitration etc. The Group understood but felt the sentence was too vague.

- **Group 2 agreed to include the following at the end of the sentence ".....as prescribed by the CDMP".**

- **GROUP 1 AGREED TO THIS**

- Group 2 felt that the definition of "Government" should be the recognized government at the time.

- **GROUP 1 AGREED TO THIS**

- Group 2 felt that the reference "Will of the People" was overused in the document. It should only be used when needed.

- **GROUP 1 AGREED TO THIS**

- Group 2 felt that the title of the document needed to be changed to either "Kahnawà:ke Justice Act" or Kahnawà:ke Justice Law"; and this needs to be referred to in the document consistently as well as it is referenced as the Kahnawà:ke Justice Act (hereinafter the act) currently while it is titled the Kahnawà:ke Justice System.

- **GROUP 1 AGREED TO THIS**

- Group 2 referred to section 3.1 and feels that this will apply to anyone on the Territory, native or non-native. It was commented that if something happens to two people who are not from Kahnawà:ke, maybe our system is not the proper

system to hear that. **I.E.** Two people have a fight in Kahnawà:ke – the act was committed and contravened our law it would be heard here but major crimes like murder, would go outside. Ron Skye noted that this was clarified in the condensed report.

## **SECTION II - GENERALITIES**

- **No comments.**

## **SECTION II - FORUMS**

- **No comments.**

## **PARKING LOT ITEM(S)**

- It was noted that the Legislative Coordinating Committee hearing time limit should be extended.
- There was a comment made from a community member that tonight's process was very cumbersome in terms of having to complete the last hearings deliberations.
- Group 2 agreed that the definition of "Territory" needs to be defined further in terms of what lands Kahnawà:ke is in control of.