

DRAFT KAHNAWÀ:KE CANNABIS CONTROL LAW
FIRST HEARING
KARONHIANONHNHA SCHOOL
25, Seskehkó:wa/ September 2018
6:00 PM – 8:30 PM

DRAFT RECORD OF DISCUSSION

FACILITATOR:

Leslie Skye

RESOURCE PEOPLE:

Chief Rhonda Kirby
Chief Gina Deer
Dennis Diabo
Murray Marshall
Joe Delaronde

RECORDER:

Brandi Meloche

AGENDA:

- ❖ **Opening Address** – Leslie Skye
- ❖ **Welcome/Respectful Behaviors/Process** – Leslie Skye
- ❖ **Proposed Amendments to the Draft Kahnawà:ke Cannabis Control Law** – Chief Rhonda Kirby & Dennis Diabo
 - Overview of Law
 - Opportunity for questions and comments
 - Declaration of Conclusion by KLCC
- ❖ **Next Steps** – Chief Rhonda Kirby, Chief Gina Deer & KLCC (Facilitator)
- ❖ **Closing** – Leslie Skye

OVERVIEW OF LAW

DISCUSSION:

- The biggest topic here is the type of law
- It needs a lot of discussion
- Cannabis legalization affects the entire community. The community needs a say.
- The community has no recourse
- We don't want a Type II we want a Type I law

Response: **Chief Rhonda Kirby** → The whole point of tonight is not the classification of the law. We want to know if people have questions specifically about the law. We are focusing on the law. We are passed the categorization of the law.

Suggestion: Resubmit this law as a Type I Law

Question – How many community members were present when it was decided on which type of law this would be?

When did the majority of the people allow the MCK or the CDMP to make any legislation that takes away my right as an Onkwehón:we person?

Answer: **Ron Skye** → Explained the difference between Type I and Type II laws in detail. He added that the community requested more input into law making. A working group was put together to develop a process which was originally modeled after the traditional model. There was much debate. Traditional people did not want it used. It went back and forth, people asking why they couldn't use the process when it was for everyone.

- You guys get paid to do this. You're paid to be here. You should all be volunteering.
- Other people do not get paid to be here. We are working and raising our families.
- You're taking away our ability as an Onkwehón:we person to make our own decisions.
- I never gave you permission on behalf of my family or my children to make my decisions.
- I do not want to be part of the Canadian Government.
- We are strong enough to do this on our own.
- The Canadian government put this on First Nations People to assimilate us.
- Marijuana has been in this community forever. All of a sudden the MCK wants to make a law on it so they can make money.

Question: Why are we here trying to push this Type II when no one in this room wants it? It does nothing for this community except the MCK. Change it to a Type I and come back and discuss it.

Answer: **Chief Kirby**: → We are not here to change the categorization of the law. I mentioned before that we went to Tyendinaga and there are more than 50 dispensaries unregulated. We

don't want that happening in Kahnawà:ke. We don't want to see the same thing happening with cannabis as the tobacco industry with pot shops opening up throughout Kahnawà:ke.

- There are a zillion people who have drugs in their house. Why aren't you going raid them?

Chief Gina Deer: → Canada is making marijuana legal. That is why we are doing this now. People want it to be a free for all like tobacco. People are going to be consuming this product and self-diagnosing. Type II has always been about regulations. People show up to meetings because they want something from it. That's why we need to protect our people. They are our people. We need to ensure that the meetings do not get stacked like in a type I Process. I've seen things in other communities that I didn't know about. People want to grow anywhere. They are not worried about pesticides and other contaminants. This is about health and safety.

- MCK does not work for the people. This Type II law does not work for us.
- We have no say in this law.
- The MCK wants the regulations in place because it's a money grab.
- MCK just wants to make all of the money.

Response: **Chief Gina Deer** → Again look at the tobacco industry. People have gone to jail. It's not regulated.

- You don't even know your own laws.
- They are going to come in your back yard and then into your house and tell you what you should be doing.
- MCK is just like the Canadian government.

Question: Why is the Band Council using the Indian Act to fast track this law? In the 80s there was a request for Traditional Government. Where is it?

Answer: **Grand Chief Norton** → I was there in 1979. We started travelling everywhere as a working group for Traditional Government. An attempt was made and the group was torn apart. We made another attempt last year and we will continue to make attempts. I was a part of that movement. A lot of the issues were about money, tobacco money. I sent a letter and met with the Longhouse last year and sent them another letter this summer. They agreed to meet again.

- Council is travelling to too many places. We have to have our hand in what's happening here.
- Just because it didn't work out doesn't mean you should stop trying.

Grand Chief Norton → I just said that we sent a letter to the Longhouse and suggested that we meet again. They answered yes. You should be there when that meeting takes place.

- I don't want to be there. They're all the same thing.

Grand Chief Norton → There you have it. Do what you want.

- I don't see how federal jurisdiction has to apply to this law. It doesn't apply to tobacco
- You are imposing taxation in Kahnawà:ke. Taxing our own people without discussing it. Council is imposing mandatory contributions. This board is being appointed by the MCK and not being elected by the community

Ron Skye → If we don't have a law in place we open the door to organized crime, which is already here. You don't just want anyone coming in thinking they can do whatever they want. This is not a scare tactic.

- Why don't you have these ridiculous laws on alcohol? How many people has alcohol killed?
- The community needs to be involved in developing regulations.
- You are imposing your MCK permit and Canadian permit on our people.

Question: How many people, in the community are happy about the way the MCK is running things for this law? Okay, no one answer.

Grand Chief → We have a lot of people who have come forth who have requested to participate in this industry. First thing they say is that I have a partner in the community who has a license from Health Canada. The point I'm making is that we follow rules and regulations every day. Do you have a license? Do you protest that? We have to follow certain regulations. Health standards for the safety of the community. That is why there is an attachment to Health Canada. Those people who were raided three times can stand up and say that it's the best product. We don't know. We do that through a law. We passed a moratorium otherwise it would be open season like it was with the Tobacco Industry. We are not going to have that anymore. We were the people given the responsibility to look at the health and safety of this community and that's what we are going to do. If you want to be involved in a commercial manner you can and do it in a proper regulated way.

Question: Where is the transparency? Shame on all of you. We already have drug problems in our community. Why are you trying to make us more addicted? You are here to govern not to do business. You guys are sickening. You just want to make money and line your pockets. It's disgusting. We have addictions and you want to bring more in. Let the community make the money. You're not here for business. All your attempts at businesses failed. Every single one. You're railroading this.

Response: **Chief Kirby** → We certainly are not railroading it. One of things Ron Skye explained earlier is how we came about this Process. In 2006 the CDMP came into play. We are trying to be proactive. On October 17th the Federal Law will be enforced. We have our own hospital, schools, Peacekeepers etc. Other communities are years behind us. We are trying to prevent having 50 dispensaries in place. No disrespect to the tobacco industry but we still do not have regulations and it's been around for 40 years. Putting the law into place is one thing. The business aspect will come later. Our goal is to have a law in place for the community. There are no regulations in Tyendinaga. You want to have a product that is regulated and safe. We've heard about products that have been laced with rat poison and Fentanyl in New York. We don't want that happening here.

Chief Kahsennenhawe Sky-Deer → Happy to see dialogue. I don't want to see us turn into Tyendinaga. Our elders are scared. I'm talking to them. This train is coming at us and as the elected governing body it is our duty. If this isn't your system what is your system? Traditional government? I know there is a whole lack of trust in the MCK. Show me who the leaders are? Show me! Do you want a referendum? If the people say we do not want this in our community at all, will we all respect that?

- I started coming to these meetings not because I have an interest in this business but because I wanted information on the CDMP. I don't believe in the MCK or the Indian Act. I don't believe that anyone on Council is educated or experienced enough to deal with this. I take care of my family. I let my children know about different drugs etc. You keep saying look at the tobacco industry. Yeah look at it. It's still here. None of my family will follow any of this. I will support you 100% if you don't follow this. No one says you are doing such a great job MCK. Everyone in the room feels like they are getting stabbed in the back. This is not what we are as a people. I survived because I made myself survive
- #1 we should have asked the community if they wanted this industry here. Then the community should make this law.
- We should have held a referendum and asked the people if they wanted this type of business. We went to 3 referendums for the casino. What's wrong with having one for this? Let's have a referendum. If the people say yes, then entertain it. Then start working on a law. Why have a law if people say no cannabis? Let's not be worried what the federal and provincial law says. We have the Peacekeepers to stop people from going into business that we do not approve.
- Even if some person says they don't want it you have to stop and go back to the beginning. If you want to go back to our traditional ways, these are our traditional ways. You guys push your ideas onto other people. Who in this room does not agree with this law? Why are you still trying to push it?

Chief Gina Deer → Saying yes to having this law does not mean saying yes to having an industry. All of the frontline workers from the Hospital to Community Services to the Peacekeepers etc. were involved in developing this law. People keep coming forth about wanting to start a business and growing the product in their backyard. They don't want it to be regulated. We need to have safety for people who want to use this product. Everybody deserves to be heard. I didn't ask for this Process. It seems as though when this Process doesn't serve their need then they have a problem with the Process. I stopped going to the CDMPs because of how I felt when attending the Membership hearings. We need to look at a new process but tonight we need to focus on the law.

- How many people were in attendance when this was decided?
- We don't want this Type II law. Why are you guys pushing this Type II law? What do you have in mind that we do not know about?

Leslie Skye → I don't have the exact number of people that created this Process, but I know it was more than the number of people in attendance tonight and it took a few years to create. We've revised the Type II Process three times. I don't know where you all were when that was happening. We didn't just create or revise it without community input. We polled the

community using the completed feedback forms we received at our CDMP Hearings, brought it to kiosks, held focus groups, posted it online and through our local media. We incorporated the community's feedback where possible in the Process.

- There is division not only in this room but in this community. Put a stop to moving forward with this law and revisit. Who cares about Canadian law? If we say Canadian Law does not apply then it does not apply. If it means blocking the bridge and putting our lives on the line then we do it. We have to work together for the benefit of everybody.

Joe Delaronde → The referendum idea is not a bad idea. I am really happy to see so many people here tonight. People are commenting about not enough consultation but there was a lot of consultation. A lot of the elders here, people who marched because of zero tolerance, people were removed from the community who sold marijuana and they were not supposed to come back. The referendum question might be, do we support the sale of marijuana in the community or not? The starting point is missing. If it's yes then we need a law. Regular people went to jail for tobacco just driving their car. That's why we need regulations.

Grand Chief Norton → Agreed that a referendum could work. If the answer is no, we have to abide by that. The reason I say that is because not far from here there is the Super Bingo. There was a referendum and the community said no and they still went ahead and opened it. It's open today even though the community voted no. All of a sudden the people running the Super Bingo said it wasn't their process. If we have a referendum for this and the community says no, then we all follow it!

- MCK lawyers decide what kind of law it's going to be. They are afraid to tell you that.

Leslie Skye → We aren't trying to hide that fact. The Type II Flowchart notes that the Law is sent to MCK Legal Services for categorization. That Flowchart is posted online, and it was projected on the screen at the beginning of this meeting.

Chief Rhonda Kirby → The two names on Facebook were not the ones who made the decision.

Chief Ross Montour → The amount of people I spoke to are more than what is in this room. Most people did not know that it was even legal for medicinal use. The common answer was that there should be one grow-op if there is one. My concern continues to be the safety, the safety of our children. My suggestion is to have a community wide consultation or a referendum. You have to follow what the people say. If it comes out to be a no, like the Grand Chief said the community has to abide by that.

Chief Gina Deer → People need to remember that a lot of people were arrested in this community for tobacco. Even if we say it is legal here, they were arrested because we don't have a law. The two poker houses were investigated by outside forces and they couldn't make arrests because we have a law and they are regulated. Talk to someone who has been down that road.

- You guys need to change the way you work. You keep saying you are part of the community. I know a lot of people that say you are not part of the community. I see

people rolling their eyes and crossing their arms. You guys are not professional. When I see the MCK I don't see the MCK I see the Canadian Government.

- I'm making a public apology to Suzanne Jackson and Eric Doucet. I put it on Facebook that they are the ones who decided the categorization of the law. It wasn't them.

OUTCOME:

Chief Rhonda Kirby → From what we heard here tonight, we will have to go to a referendum, but we will keep you posted and work on the questions.

- The question should be: 'Do you want MCK to regulate this business?'

Meeting adjourned at 8:34PM.

FINAL CONCLUSION:

Chief Kirby stated that they may have to go to a referendum and the questions for the referendum will be looked at and the community will be kept informed.

Minutes (ROD) Approved by:

Chief Rhonda Kirby

Date

Dennis Diabo

Date