

**DRAFT KAHNAWÀ:KE CANNABIS CONTROL LAW
FIRST HEARING – SECOND MEETING
Kahnawà:ke Peacekeeper Community Room
20 Kentenhkó:wa/November 2018
6:00 PM – 8:30 PM**

DRAFT RECORD OF DISCUSSION

FACILITATORS:

Leslie Skye
Davis Rice

RESOURCE PEOPLE:

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

RECORDER:

Brandi Meloche

AGENDA:

- ❖ **Opening Address** – Leslie Skye

- ❖ **Welcome/Respectful Behaviors/Roles & Responsibilities/Process** – Leslie Skye

- ❖ **Overview with Presentation by Murray Marshall of Draft Kahnawà:ke Cannabis Control Law** – Chief Rhonda Kirby, Chief Gina Deer, Dennis Diabo & Joe Delaronde
 - **Opportunity for Questions & Comments**
 - **Declaration of Conclusion by KLCC**

- ❖ **Recap & Next Steps** – Chief Rhonda Kirby, Chief Gina Deer & KLCC staff

- ❖ **Closing** – Leslie Skye

DISCUSSION:

Question: Which right are you using?

Answer: *The inherent right of the Mohawks of Kahnawà:ke*

Question: Is this organization trying to overstep the Six Nations Traditional Confederacy?

Answer: Point noted.

- This is like the Two-Row Wampum. You can't have your feet in both sides. I contest this.

REQUEST: Eliminate **Section 2.1**

Question: Will there be community members performing the inspections of facilities?

Answer: *We would work with Health Canada and eventually have community members trained to perform the inspections.*

Question: In this law you are requiring people to hold a Health Canada permit. Doesn't that mean that Health Canada's jurisdiction is imposed in Kahnawà:ke?

Answers(s):

- There is provision in the law that when there is a capacity to do the technical things and safety of the product, Health Canada will eventually be phased out.*
- During the period when they were handing out permits to manufacture tobacco, it was under provincial jurisdiction.*

Question: There are private facilities that can conduct inspections. Why bring Health Canada into the community?

- The Chiefs have toured clean facilities, so it should be obvious what a clean facility is and what is not. You should know the difference between a clean facility and a dirty basement. It should be obvious.
- Based on the experience of the KGC, it is difficult to hire third party experts to assist with testing and monitoring, as they often have concerns about working with a Kahnawà:ke agency due to "jurisdictional concerns".

Answer(s):

- It is not that simple. There is so much more that goes into the safety of the product and facility. This is why we need to work with Health Canada.*

B. *Working with Health Canada opens doors and they have the expertise. I agree eventually it can be open to third party companies, but it takes time.*

- Learn from your history. Look what happened when tobacco wasn't regulated. People have already applied to Health Canada for permits. My biggest concern is the safety and health of the community.
- **Section 2.3** - You don't have any jurisdiction. The language is wrong, and I reject it. Traditionally I am the one who has to be swayed in this room.
- The four points brought out in this room are two from one side and two from the other. You got that?

Answer: *We have already noted that. Joe Delaronde and Brandi Meloche are taking the notes.*

- You're using the Six Nations Confederacy without asking them permission. You are a Band Council. You are out. You have no right to make a regulation or a law. You have no right. I am never going to give up my right as an Onkwehón:we. I will not trade my freedom for one of your bloody permits.
- The language of using, the "Mohawks of Kahnawà:ke" needs to be removed and changed to the "Mohawk Council of Kahnawà:ke". The people don't want this law
- It is my first time here and I do want this law. I'm a Mohawk of Kahnawà:ke and agree with the wording. If it is you, the MCK who is going to make it, then so be it. I don't want to see pot shops opening all over town.
- It's the parents' job to raise their kids the right way. We don't need this law. It's the parents.
- Cannabis is a cure for the anxiety, cancer, all those people you have laying in the hospital

Question(s)

- A. When was the last drug bust on pills in town?
- B. Why aren't the cops throwing out all of the drug dealers? I'm not talking about cannabis.

Answer: *There is a process put into place to discuss this, but this is not it.*

- They are taking everything down and they won't share it with the community. They will do what they want with it. We still haven't gone through the law in its entirety.

Answer: *The law was out and online for everyone to have input into the law. Murray. Marshall can show where the valid comments were incorporated*

- You've railroaded the community. Why should we trust you? You had someone steal right from under your noses. Your organization is a mess.

Answer: This happens in organizations all over. That's why we have an independent Auditor investigating it. It happens. We hire community members and trust that they are doing their jobs.

Question: So, if we missed that community feedback window, our opinion doesn't matter?

Answer: *Your comments are being taken into consideration. Your comments are being noted.*

Question: You just responded that this law is for everyone in the community. Shouldn't the people have a say in what the law is?

Answer: *We have tried to reach as many people as possible. We looked at how to reach younger people who are on social media. We always try to improve on how we communicate. We had a polling station a few weeks ago. The most important thing is the health and safety of this community.*

Question(s): There are people in this community who are passionate about having their say in the content of the law, I am using Jeremiah Johnson as an example. Why are people not giving the opportunity to say what they want in the content of the law? Why wasn't cultivation a part of the questions of that poll and do we want Canopy growth to be a part of that cultivation? Do we want cultivation in Kahnawà:ke?

Answer(s):

- A. *When Murray Marshall asked how many people read the law, 5 people raised their hands. If we could get through the law a lot of your questions would be answered.*
 - B. *Tonight, is not to pass the law. If we could get through it, then you can ask your questions.*
- I am for zero tolerance but there wasn't a law put behind it. We have a law with no teeth. Now we need a cannabis law. It is Canada that imposed this on us and we need a law. If it was my choice we'd have no drugs in our community at all. For the people who said they haven't had a chance to voice their opinions; if you cared about the health and safety of our community then you would have taken the time to read the law within the last two years. I made my comments and recommendations in May. I was completely opposed to having the age of 18 like Canada. THC can affect the brain function of teens. *(Community member continued to read her statement that she submitted in May, noting protests she has taken part in for the protection of our seven generations).* You may say we didn't have a right to say anything, we did. People need to pay attention. We need to listen and you will learn. Listen and don't judge people.
 - We are having our voice being taken from us. Your voice is being taken too. The community has been complaining and saying they don't want this. We all deserve to have a say as to what law applies to our territory and our people.
 - When I said we didn't have a say, I meant we didn't have a say with Canada and what they have imposed on us. We need to make a law to protect ourselves.
 - For Onkwehón:we people the last meeting and how people were conducting themselves is not respectful. The foundational belief in our culture is based on respect for one another, but I'm not seeing that tonight by some people. I cannot believe the language in this room. I cannot believe how someone disrespected and went at an elder in the community at the community meeting. I feel like the people that are against this law are being so disrespectful and insulting people who do not agree with them. I am happy that someone is making a law. We need a law. I agree with the other ladies in this room who commented that they want a law and everything else they said.
 - You said if Kahnawà:ke doesn't have a cannabis control law, Canada and Quebec's law will apply. Over my dead body will Canada and Quebec Laws will apply on my territory.

Answer: *What we do is create our own laws to displace those laws.*

- **Section 3.3** - The law of general application (Section 88 of the Indian Act) with the federal and provincial governments does not apply. This is a very dangerous section that you have incorporated. You have thrown us, the community under the bus with that. The law of general applicability means that a neighboring community can reach over and apply their law. That's what is happening with me. My fines are growing because I will never pay them. I am on Mohawk Territory and they have no right. I wrote a letter to the MCK and did not get a response. I did not have the support of the MCK. You have a Lawyer sitting right there on Council. She should be the one fighting this.
- There are too many organizations.

Question(s): People need to make their comments and questions as you read the law, or they will forget them. What is the rush? You're pushing this fast. Why?

Answer: *We are not pushing it. It's been two years. I'm happy with the moratorium. We have been meeting with organizations and many people, community meetings and open discussions, business community meeting etc. This is not a fast process. We are doing what we always do. I'm fine with keeping the moratorium.*

- You are doing it different this time. I was at CDMP meetings they were not like this. I want a say in this law. I have a petition signed by 200 people which I will submit to you tonight. (*Community member, Jeremiah Johnson proceeds to read his petition and then submits it and places it on the table in front of Chief Gina Deer and Project Leader, Dennis Diabo*).
- Communities have different factions and it takes a lot to come together. You are not considering the many people who vote and take part of this elected system. These are our representatives. People are already selling illegally. Others will follow and there will be pot shops all over town. It's going to happen that someone is going to sell something that is laced with poison and then what do we do? We won't have anything to fall back on.
- We do want a law. The people want to make their own law.
- This is about the making of a law that does not represent our people. The committee that sits here has always been a committee that was put in place to get rid of us. I think everyone's opinion here is important. I have so much knowledge and not once has any of them come to me and asked me about this. I'm so educated, I won't even go into how educated I am. They say that you can't have Kahnawà:ke inspectors, yes you can. I know someone who knows people who do it. It's not hard. I clearly believe that this entity is not coming to us with a clear mind. I do not participate in their election. If this entity was here for us, they would go section by section and ask us about what's good or bad about it. This entity is not doing anything for our rights. We do not sign anything, everything we do is out of respect. It's my right to live on this land and to prosper. I will do it as safe as possible and for everyone. I will do it as part of the people and not a part of this corporation, this government. The Band Council was not put in place for our best interest. They put you in a box and say sign this and it's over. A long time ago cannabis was used everywhere and the government couldn't regulate it and made it into the boogeyman. Now it's not such a boogeyman and they want to regulate it and we can too. It has to be done by the people of this community.

CONTINUATION OF THE READING OF THE DRAFT LAW. QUESTIONS AND COMMENTS HELD TO THE END.

Me. Murray Marshall proceeds to read the draft law.

- **Section 3** - Disagree with Council appointing members of the board.
- **Section 4** - What about community members? Can we be on there?
- Over my dead body having someone from outside of this community.

Question(s):

- Why does MCK want to partner-up with an outside company? You know canopy? When are you going to read the law in full? You skipped sections. When do we get to have our say and critique it? You're going to have a point of sale record.

Answer(s):

- A. *I was not reading it word for word. I thought I made that clear. I was not trying to omit anything. The document that you have in your hands and on your screen is the entire law.*
- B. *At the formal reading the law will be read word for word.*

Question(s): Why does this control board have so much power? It says in this law that this board can revoke or suspend someone's license at their sole discretion. This board has to be community run. The board needs to be selected by the community.

- **Section 14.7** – The policies will come from who?
- All these people here feel like they are going to be pushed out of the industry. That is a very big point. You're putting the cart before the horse. If you shut out the community members from doing this, you leave it to provincial laws and jurisdiction and them doing it on the black-market. Kahnawà:ke doesn't need any more federal permits. Why can't you deal with them? Why don't you do it like the GRE in Six Nations? You're the government, you cut your deals with them. Let everybody get a piece of this.

Answer: *GRE is paying two hundred million dollars a year to the Federal Government. Six Nations is fighting that because they believe the money shouldn't be going there.*

- I am opposed to Council selecting members of the board
- I am opposed too.
- There are a number of things I am opposed to. **Section 16.4.** You are enabling a monopoly through the Cannabis Control Board. You are creating a monopoly for MCK.
- **Section 16.16-** You are excluding a lot of people who have interest. Some people can't live here because there isn't enough adequate housing. What about people who have to live outside of the community?
- **Section 21.1** – If the incoming money were truly reserved for the community, make sure that it doesn't fall back into the MCK pot.

- Workers in this industry need to be held to a higher degree. Maybe we can make stronger wording that the workers will be taken care of to a higher standard than anywhere else
- Type 2 project law? That means we're not going to get a say. 1200 people voted for Council. Are you saying 601 would be a majority? Is that the end process? A lot of people are confused right now. You have it as Type 2 now and we don't get to say anything. The confusion here is the Type 2 process you are using to pass your law.

Answer: We are not voting here. We are doing a reading of the DRAFT LAW. This isn't a vote.

- What are we doing here if we're not voting? It's just going to pass then?
- I can make my own law. I can make one in my group. You're saying we don't have a say because it is a Type 2. You said it was going to pass on November 17th.

Answer(s):

- A. *Federal Legislation was passed on October 17th.*
- B. *Explanation of Type 1 and Type 2 law is explained by Chief Tonya Perron.*

- The people will not have any say in this.
- People have been saying they don't want a Type 2 law.
- There needs to be referendum to decide if there is a Type 1 or Type 2 process. You people are public servants. Remember that. Remember why you're here. You're servants.
- None of you people know your laws. You don't know who you are. That's what the problem is.
- If you're under 18 years old and you get caught you won't be charged but you'll be taken to a facility?

FINAL CONCLUSION:

The meeting was called to an abrupt end due to disruptive behavior that consequently resulted in unanswered questions from community members.

Approved by:

Chief Rhonda Kirby

Date

Dennis Diabo

Date