

COMPREHENSIVE SUMMARY

Community Decision Making-Process Phase I - Community Hearings on Justice
held, 30 Seskehkó:wa/September – 3 Enníska/February 2010

COMPREHENSIVE SUMMARY

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INTRODUCTION

The following is a Comprehensive Summary Report of the information gathered during the Community Decision-Making Process, Phase I – Community Hearings on Justice, held between 30 Seskehkó:wa/September 2009 and 3 Enníska/February 2010. During the Hearing Process there were six (6) Records of Discussion derived from the dialogue of the Community Members. That dialogue is the information consolidated for this Report.

However, prior to the consolidation there will be a brief history of the events leading up to the Hearing Process. This is to ensure continuity and to keep the Community completely informed of all that has transpired regarding the Community Decision-Making Process to date. Following the History of Kahnawà:ke's Community Decision-Making Process, there will be a description of the Community Hearings Format and Community Hearings Process (30 Seskehó:wa/September 2009 and 3 Enníska/February 2010). The dialogue consolidation will come next, followed by the Minutes from the Community Meeting, held on the 23 Enníska/February, 2010, where an Update on the Community Decision-Making Process/Justice Hearings was provided. The last items will be a Summary, a Conclusion, Recommendations, and Appendices.

I. HISTORY OF KAHNAWA:KE'S COMMUNITY DECISION-MAKING PROCESS

The purpose of the Community Hearings was to determine whether or not the People of Kahnawà:ke want their own Justice System. One of the reasons the Community was asked this question is due to the fact that the present Kahnawà:ke Justices of the Peace are the only ones left in Canada. Once they retire there is no mechanism in place to replace them. Also, the present Court and Justices of the Peace positions all stem from the Indian Act. This is another reason the Community was asked whether they want their own Justice System to break away from this oppressive document.

During Community consultations held in 1979, the People of Kahnawà:ke had expressed that they wished to return to more Traditional ways of dispute resolution while still maintaining some aspects of the adversarial system of Justice. These Hearings were held in an effort to move away from the Indian Act to something more Traditional while taking into account modern realities.

The Kahnawà:ke Justice Commission (KJC) was delegated in 1995 by the Mohawk Council of Kahnawà:ke (MCK) to create Laws for the Community. However, there was a conflict because the people comprising the KJC were also the people responsible for the enforcement and interpretation of Law. There was a need to separate the legislative duties from the judiciary duties.

As well, there was an even larger factor for the MCK to consider with regard to decision-making. This factor was the Community's dissatisfaction with the way decision-making occurred in the past. To address this dissatisfaction the MCK gave a mandate to the Office of the Council of Chiefs (OCC) to research and develop a Community Decision-Making Process, one which had direct Community involvement and participation.

The OCC drafted the Community Decision Making Model, which is based on consensus building. It is considered to be a form of direct Democracy. It includes Principles and a meeting format similar to Traditional methods of Decision Making. This is in an effort to move towards the 1979 expression of returning to a more Traditional way of dealing with disputes.

The Mohawk Council of Kahnawà:ke established the Interim Legislative Coordinating Committee (ILCC) on, 30 Onerahtohkó:wa/May 2005, as the body responsible for the legislative process. The ILCC was given the Community Decision-Making Process Model (with an accompanying Flowchart) as one of its Administrative tools, on 14 Kenténha/October 2005, by the MCK. The Flowchart – Type I, consists of the following headings; Preparation, Phase I, Phase II and Phase III, and sets out what is to transpire under each Phase. The ILCC officially came into force on 1 Onerahóhkha/April 2007.

Numerous information sessions, on the Community Decision-Making Process, were conducted within the Community between 2005 – 2007. The ILCC was then instructed by the MCK, to test the Community Decision-Making Model by conducting three (3) Community Mock Sessions. The Mock Sessions were held on 12 Seskehó:wa/September 2007, 21 Kentenkhó:wa/November 2007, and 12 Tsothohrhkó:wa/January 2008. The purpose of these sessions was twofold, one, to inform and educate the Community with regard to the new Process; and two, to receive information and feedback regarding Values and Principles important to Law building.

The feedback from the Mock Sessions is found in the Community Decision-Making Process Summary Report, dated, 15 Seskéha/August 2008, Section 3, and is listed under the following headings: Process, Participation, Consensus Building, Enforcement and Terminology. Under Section 4, is the heading, Community Values and Principles. The goal of this particular feedback was to obtain Values and Principles held in common by Community Members, derived directly from the Community Members who participated in the Mock Sessions.

One of the most important features under the heading, Values and Principles, was a Draft Preamble created by the Community Member Mock Session participants. This Draft Preamble is important because it was used to launch the discussions at the first Community Decision-Making Process Phase I – Community Hearing (30 Seskehkó:wa/September 2009). The Preamble will be addressed below, under the heading, “Community Hearings Process”.

Following the mock sessions on the Community Decision-Making Process, the ILCC began Phase I. The result of Phase I was the mandate to draw up the first piece of Legislation, in this case, a Justice Act. To acquire this mandate, the ILCC hosted a number of information sessions held between, 7 - 28 Tsothohrhkó:wa/January 2009. There was also a Survey which was conducted between 13 Enníska/February 2009 and 10 Seskehkó:wa/September 2009.

A summary of the Consultation dates and the Survey results, along with the Draft Preamble, was presented to the participants of the first Community Decision-Making Process Phase I – Community Hearing (30 Seskehkó:wa/September 2009). The Survey Results are important, like the Preamble, because they also formed part of the discussion during the first Hearing. There will be a more in-depth explanation of the role the Survey Results played in the Hearing Process, under the “Community Hearings Process” heading below.

II. COMMUNITY HEARINGS FORMAT

The Community Hearings Format consists of three (3) groups, made up of Community Members. As an alternative to Clan identification, the Groups are divided by color code. In each Group there is one (1) Facilitator, one (1) Resource Person, one (1) Chiefs Oversight Representative and one (1) Recorder per group.

The ILCC Phase I Technical Team, (which is made up of the ILCC; the Originator/Justice commission; and the Chiefs Oversight Committee) presents an issue to the Hearing, along with all background information and activities performed to date. It is then officially submitted to the three (3) Groups.

Each of the three Groups is given a period of time to discuss the issue amongst themselves. The first Group then has their Speaker present their position/decision. The second Group discusses this position/decision and then their Speaker sends it back to the first Group, (in the form of agreement, disagreement or suggestions/comments). Once the first and second Groups have reached consensus, the position/decision is sent to the third Group who have been observing the first and second Groups discussions, and, have been formulating their own opinion. The third Group can interject at any time through the Lead Facilitator. The process continues this way until Consensus is reached by all three (3) Groups.

III. COMMUNITY HEARINGS PROCESS (30 Seskehkó:wa/September 2009 and 3 Enníska/February 2010)

The format described above was utilized at the Hearings held between, 30 Seskehkó:wa/September 2009 and 3 Enníska/February 2010. However, prior to explaining how the actual dialogue Process played out, there will be a brief description of the documents handed out and the introduction provided to Community Members attending the Hearing Process.

Upon entering the first Hearing, each Community Member was given an agenda with documents attached. The documents contained a Community Decision-Making Model Process Flowchart – Type 1 (Phases I – III) (**Appendix 1**), a Justice Community Hearing – Meeting Format floor plan (**Appendix 2**), a list of support personnel, along with an explanation of the personnel's Roles and Responsibilities (**Appendix 3**). Following those documents was the Preamble (mentioned above) (**Appendix 4**), a list of General Meeting Guidelines (**Appendix 5**), Community Hearing Guiding Values and Principles (**Appendix 6**), a Selection of Community Representatives Form and a Certification of Process Form (**Appendix 7**). A second set of documents was also handed out, titled, "Kahnawà:ke Justice Consultation – Survey Results" (mentioned above) (**Appendix 8**). Each Hearing opened and closed with the Ohén:ton Karihwatéhkwén. There was a Welcome/Introduction, Process Overview, and Introduction of the Topic.

The list of support personnel (**Appendix 3**) included, Lead Facilitator, Group Facilitator(s), Lead Resource Person, Group Resource Person(s), Lead Recorder, Group Recorder(s), and the Community Decision Making Process Technical Team. For Phase I, the Community Decision Making Technical Team consisted of, the Interim Legislative Coordinating Committee (ILCC), Resource Personnel (or Project Technicians), and the Chiefs Oversight Committee (3). However, in Phase II, it will grow to include Community Representatives (3).

Along with the above-mentioned documents, a color-coded sliver of paper was given to each Community Member upon entering the first Hearing. The Community Members were instructed to proceed to the group that had the same color code. At the first two (2) Hearings, Community Members were sometimes given different color codes from their previous session. By the third Hearing it was decided by everyone that the color-coded group in which a Community Member was currently participating in, was the group they should stay with for the duration of the Hearings.

Once everyone was in a Group, and after the Introductions/Overview, the Hearing began with the discussion of the Kahnawà:ke Justice Consultation Survey Results. An explanation was provided stating that a mandate was given by the Community regarding the development of a Kahnawà:ke Justice System. The mandate was derived from the Survey results, particularly Question 13, in which eighty (80%) percent of the respondents answered "yes". (The question is listed below).

The Survey consultation helped provide a basis and framework for the Community Hearings. The Survey was answered by Community Members from various demographics within the Community. The responses ranged from fifty-one to eighty percent (51- 80%) in favor of the questions posed, with the exception of Questions eight (8) and nine (9), which required specific answers, as opposed to a simple "yes" or "no". The Survey consisted of the following thirteen (13) questions:

- 1) Should Kahnawà:ke have its own Justice and Court System?
- 2) Should Mediation services be available within a Kahnawà:ke Justice System?
- 3) Should Arbitration services be available within a Kahnawà:ke Justice System?
- 4) Should Administrative Tribunals be available within a Kahnawà:ke Justice System?
- 5) Should an Appeal Court be available within a Kahnawà:ke Justice System?
- 6) Once developed, should a Kahnawà:ke Justice System be the recognized Justice Forum/Process within our Territory displacing all Foreign Courts?
- 7) Should development of a Kahnawà:ke Justice System include recognition from other Governments?
- 8) What types of cases should a Kahnawà:ke Justice System handle?
- 9) If you agree that a Kahnawà:ke Justice System should be based on the Principles and Values of our People, identify one or more of these.

- 10) Do you believe that Collective Rights should supersede individual in a Kahnawà:ke Justice System?
- 11) Should non-Kahnawà:kehró:non be subject to the Kahnawà:ke Justice System when on the Territory?
- 12) Do you agree with the current mandate of the Kahnawà:ke Justice Commission?
- 13) Would you provide the Kahnawà:ke Justice Commission with the mandate to draft a working document on a Kahnawà:ke Justice System which will then be submitted to the Community for further development?

During the first Hearing discussions, there was a question regarding the accuracy of the Survey Results. The response was that Kahnawà:ke is considered an urban Reserve with approximately eight thousand (8) residents. According to Statistics Canada a sample population would require approximately three hundred and fifty (350) respondents to have an accurate reading that is considered representative of the Community. In this case there were four hundred and twenty-five (425) respondents.

The Community Members were then informed that once the mandate was given to the KJC, four (4) questions were developed. These were the questions they were being asked to answer in the Community Decision Making Process Phase 1 - Community Hearings. It was also explained that the Process is new and it would be time-consuming, but because the answers are so important, people should be patient. Everyone was told that some questions might take more than one Hearing session to answer. The Groups were informed that once all four (4) Questions were answered, they would be asked to decide on the Qualifications required for three (3) Community Representatives who would be participating in Phase II.

The four (4) Questions posed to the Community Members at the Hearings, along with the Community Representative Qualifications requirement, were:

- 1) Should Kahnawà:ke have a Justice System?
- 2) What Issues or Concerns should the Justice System address?
- 3) Should Judgements, Orders, Decisions from a Kahnawà:ke Justice System be recognized outside the Territory? (This was originally Question 4, but was reversed at Community Hearing (3), Kentenhkó:wa/November 2009.
- 4) Would you prefer that the Kahnawà:ke Justice Commission develop a Working Document or would you prefer to use this Forum to develop the System? (This question was re-formulated during Community Hearing (5) to read, "Given the Community's answers to the previous 3 questions, does the Justice Commission have the mandate to develop a Justice system, and do you have any further concerns or qualifications?")
- 5) Confirm Qualifications of three (3) Community Representatives participating in Phase II.

The Groups were given a period of time to discuss the issue. Each Group appointed a Speaker to represent their Group. The first Group's Speaker then stood and stated the Group's

Position/Decision. Following this, the second Group was then asked to discuss the first Group's Position/Decision. Their Speaker then stood and stated whether they agreed, disagreed, or had suggestions/comments to add to the first Group's Position/Decision. The two Groups sent the discussion back and forth until they reached a Consensus.

The third Group watched and listened to the discussions taking place in the first and second Groups. The third Group also discussed the issue amongst themselves. If the Third Group required clarification, or questions arose, this information was passed on to the Lead Facilitator. The Lead Facilitator then presented the information to all three (3) Groups and all three (3) responded to the information. After the first and second Groups reached Consensus the issue was then passed to the third Group for their Position/Decision. The speaker for the third Group then stood and stated whether they agreed, disagreed, or had suggestions/comments to add to the Position/Decision. Consensus was reached when the third Group agreed with the Position/Decision of the first and second Groups. However, when the third Group had a variance from the Position/Decision of the first and second Groups, the process had to begin again with the issue being brought back to the first Group until Consensus was eventually reached by all three Groups.

During the Hearings, if a question was still being discussed, yet it was time to adjourn for the day, the discussion was stopped. The Community Members continued the discussions where they left off, at the next Hearing. For example, Questions 2 and 3, required two (2) Hearing sessions each. Conversely, if a question attained consensus, yet there was still time left in the Hearing, the next question could be posed. This is what occurred with Question 4, which was answered in the same Hearing where Question 3 was completed.

IV. CONSOLIDATION OF COMMUNITY HEARINGS DIALOGUE:

The four (4) questions, along with discussion regarding Qualifications of the three (3) Community Representatives, (who will participate in Phase II), created a lot of dialogue, which came in the form of questions, concerns, and comments. The following will be a consolidation of that dialogue. It must be noted that, although each Group had their own discussions, they can be consolidated altogether since the whole point of the process was consensus.

In reviewing the dialogue it was apparent that there were many times when each Group expressed the same ideas as the other, simply using different words to express them. Therefore, many common themes were found in the questions, concerns and comments. Where this occurred, those common ideas will be listed under a theme heading. Where a comment or concern falls under more than one heading, it will be cross-referenced under all relevant headings.

For those concerns and comments with no theme, they will simply be listed under the heading, "Miscellaneous". Questions which were raised by the Groups, (and whatever answers were provided), will be listed under their own heading. However, if a question was posed in the

middle of a comment, that question will appear in the comment, as well as, under the "Questions" heading. The Questions section will also be separated by theme headings.

Following that, will be the heading, "Positions/Decisions", which will be a summary of the Groups positions and decisions, again under themed headings, where applicable.

Peripheral issues that were raised during some of the Hearings discussions, (which could not be answered in these particular Hearings), are listed separately under the heading, "Parking Lot Questions".

There is one other item that will appear after Questions 1 and 2 only, and that is feedback received in the form of e-mail, under the heading, "E-mail Feedback/Kahnawakemakingdecisions.com". It appears after these two (2) questions only because this was the only feedback received via e-mail for any of the four (4) questions. The feedback will also be placed under themed headings, where applicable.

During the sixth (6th) and final Hearing, the three (3) Groups discussed what Qualifications were required of the three (3) Community Representatives, who would take part in the next Phase (II). This dialogue was titled, "Confirm Qualifications", and will appear after Question 4.

1) QUESTION 1- SHOULD KAHNAWA:KE HAVE A JUSTICE SYSTEM?

COMMENTS AND CONCERNS:

Justice as a Right/Inherent Right

We do need a System, it is our Right.

We are entitled to a Justice System.

Maybe, we need a Justice System. We are dealing with Inherent Rights but we are not the only Community who can use that. We have to think of other Nations when we think of Justice. How can we build on that past without hurting the greater good? Inviting them to the process is important. **[UNDER BOTH JUSTICE AS A RIGHT AND OTHER MOHAWK/NATIVE COMMUNITIES]**

We have to fight with every Government; we fight to get there (System).

Jurisdiction/Conflict of Laws/Enforcement

Clarification was requested about the definition of a Justice System. Concern about our Laws being practiced and applied only in Kahnawà:ke and what Law would we be subject to if we were apprehended for breaking an outside Law? **[UNDER BOTH COMMENTS AND THE QUESTIONS]**

If we say "no", what will that look like? Will we be subject to a Federal or Provincial law? Therefore, I believe that there must be a justice system. **[UNDER BOTH COMMENTS AND QUESTIONS]**

We don't have the same opportunity in a non-Native Court system. Rather have it (Justice System) here than go out there.

Will outside Governments recognize our system? Participant has doubts about whether they will. **[UNDER BOTH COMMENTS AND QUESTIONS]**

A Justice System is a good idea for the Community. However, this should also include the development of our own Liability System.

Culture/Tradition/Community

Need a System to be more Culturally-based.

We should keep it within ourselves.

The Justice System should reflect Peace, Harmony and Good Mind, and mainly Respect and the rest should will or should follow from Harmony and Good Mind.

If we respected our Traditions then we would not need a Justice System. Kaianere'ko:wa is part of who we are and we need to live with this, if the group does not agree then it will have to be accepted.

Through Kaianere'kó:wa, we do have our own Laws. It was suggested to take those Laws and modernize them to suit our times and need to build on them rather than from scratch.

The Indian Act is the barrier that separates us. We are all part of the Confederacy no matter what. We have an opportunity to use the Kaianere'kó:wa to work to our benefit for a healthier Justice System.

Reference was made to another Community practicing a combined system where the individual who broke the Law had to serve jail time but also was subject to Traditional form of consequences. According to their Tradition, the individual was required to go to the family to ask for forgiveness and apologize and follow their way for repenting for their "sin/wrong doing".
[UNDER JUSTICE AS A RIGHT/INHERENT RIGHT, CULTURE/TRADITION COMMUNITY, RESTORATIVE JUSTICE/ADR, AND OTHER MOHAWK/NATIVE COMMUNITIES]

If we have our own Justice System and a hearing to be held in the way of Kaianere'kó:wa, would a Longhouse be considered to be the "Court", and if so, which one (Longhouse)?
[UNDER BOTH COMMENTS AND QUESTIONS]

We could say we are all Community Members and we should all agree, but what does it actually mean to be a Community Member? Kahnawà:keró:non. **[UNDER BOTH COMMENTS AND QUESTIONS]**

Sovereignty

We are a Sovereign nation; we should be Sovereign.

If we are Sovereign, then let's give them something to be Sovereign about.

Yes, Kahnawà:ke should have its own Laws and a System to adjudicate them.

Justice vs. Law

Yes to a Justice System, but not to a legal system, and there is a difference.

Specific Areas of Law (Labor, Family, Business, Criminal, etc.)

We need it (Justice System) yesterday, today, last week. Businesses are affected. We don't have Labor Laws. We are behind, we have to think of the safety of the people, of the Community.

Levels of Crime/Punishment

We have progressive levels, Major Crimes, and Banishment, turn them over to the outside.

Analogy

"Buy a house" analogy (= meaning we buy a house, what will we put inside it – what Laws will we put inside the Justice "house").

"Separation" analogy = **[I DON'T RECALL WHAT THIS REFERRED TO – ASK???)]**

Building a System is like building a house, however, we need to know what it is about before we can proceed, like a marriage, need time to debate it.

Restorative Justice/ Alternative Dispute Resolution (ADR)

Justice can be achieved by not going to Courts, maybe Restorative Justice.

Reference was made to another Community practicing a combined system where the individual who broke the law had to serve jail time but also was subject to Traditional form of consequences. According to their Tradition, the individual was required to go to the family to ask for forgiveness and apologize and follow their way for repenting for their "sin/wrong doing".

[UNDER JUSTICE AS A RIGHT, CULTURE/TRADITION COMMUNITY, RESTORATIVE JUSTICE/ADR, AND OTHER MOHAWK/NATIVE COMMUNITIES]

Community Involvement

We need to try harder to get Community involvement outside of these meetings.

We need to bring it (this topic) to the People out there instead of bringing them to you (Band Council). Go to the Longhouse; go out to the Community.

How about bringing what we discuss tonight to your family and draw a consensus from there. It's not MCK's project. The invitation was put out to the Community.

If it's (Justice System) that important, you (Council) go out to each person, try going to people's home.

We have to get our minds together before we go out to other Communities and have a strong sense of what we want. The Chief System comes out of the Indian Act, but if we look at where we are today compared to 30 years ago, we are more people orientated. Changes are there. This process is something and it started somewhere. A lot of people are hurt and aren't confident because people don't have the energy to come out to this but maybe with the rest of us trying to do something, we give them some power to come next time. This doesn't give

Council carte blanche. We are encouraging others to participate. This can help us and help them get bigger. **[UNDER BOTH COMMUNITY INVOLVEMENT AND OTHER MOHAWK/NATIVE COMMUNITIES]**

Other Mohawk/Native Communities

Need feedback from other Communities. Kahnawà:ke is not the Nation. There is not one Community. There are other Mohawks out there. You need to get their voices too, not just of this Community.

Suggestion to send representatives out to discuss with other Communities.

If we have consensus here then we should do that, but, if we haven't decided specifically what we want, we shouldn't approach other Communities yet.

Maybe we need a Kahnawà:ke Justice System. We are dealing with Inherent Rights, but we are not the only Community who can use that. We have to think of other Nations when we think of Justice. How can we build on that past without hurting the greater good? I think inviting them to the process is important. **[UNDER JUSTICE AS A RIGHT/INHERENT RIGHT, AND OTHER MOHAWK/NATIVE COMMUNITIES]**

We have to get our minds together before we go out to other Communities and have a strong sense of what we want. The Chief System comes out of the Indian Act, but if we look at where we are today compared to 30 years ago, we are more people orientated. Changes are there. This process is something and it started somewhere. A lot of people are hurt and aren't confident because people don't have the energy to come out to this but maybe with the rest of us trying to do something, we give them some power to come next time. This doesn't give Council carte blanche. We are encouraging others to participate. This can help us and help them get bigger. **[UNDER BOTH COMMUNITY INVOLVEMENT AND OTHER MOHAWK/NATIVE COMMUNITIES]**

Reference was made to another Community practicing a combined system where the individual who broke the Law had to serve jail time but also was subject to Traditional form of consequences. According to their Tradition, the individual was required to go to the family to ask for forgiveness and apologize and follow their way for repenting for their "sin/wrong doing". **[UNDER JUSTICE AS A RIGHT, CULTURE/TRADITION COMMUNITY, RESTORATIVE JUSTICE/ADR, AND OTHER MOHAWK/NATIVE COMMUNITIES]**

Miscellaneous

We can agree on "something", if we don't like what it entails, and then we need to start over. We need to have that first step to take us anywhere; something has to be done.

Look to the future, make a precedent.

Feeling the need to learn and see more before proceeding.

This will, and needs, to take time.

We have to take care in our approach to this new System.

QUESTIONS (& ANSWERS WHERE PROVIDED):

Preamble, Community Survey Results/Community Consultation

There is confusion over the language used in the Preamble. **How does it correlate to the Mandate of the Band Council?** Explanation that this is a Community effort, not a Band Council initiative. The Preamble was drafted from Community meetings (Mock Sessions).

If we decide we can go ahead with a Justice System, does that give Council carte blanche to do whatever it wants? No, these sessions will help us structure and develop what the Justice System will be.

Where do these rules come from for the statistics; how is it an accurate analysis of the community's needs? Surveying table provided by Statistics Canada, Kahnawa:ke being considered an urban reserve with approximately 8000 residents, a sample population equaled 350 was recommended. In actuality, 425 surveys had been completed. Many Community decisions are made with less than 400 people but this number gives us a basis for discussion. The technical side of research says that this is representative of the Community. The consultation provided a framework for the discussion tonight. We are hearing lots of "yes, but..." If we move forward all of those "what's" need to be addressed.

Culture/Tradition/Community

If we want a Traditional System, what kind of "Traditional System would that be? Everyone has his or her opinions of what "Traditional" is.

What kind of "Traditional" Justice System, from what your beliefs are? Different perceptions on what Traditional means to the average Kahnawa:kehrónon.

Would the word Kaianere'ko:wa make a difference in our statement? Should we have left it in or take it out?

Can you explain the difference between "Justice" and "Legal"? When you say "Justice", I think of pieces that make up a System, but maybe it's the principle or belief of what "Justice" is, (i.e. that which is moral, that which is traditional). Canada has Civil Courts, Family Courts, etc. There is a process that you need to follow (evidence, etc.). You may have the best lawyer but it may not be Justice. This will be discussed when we reach the other questions. Justice should mirror the fabric of the people. If it is the same as out there, we'll take theirs. Our own Justice System and Principles should reflect our Culture and our people. **[UNDER BOTH CULTURE/TRADITIONAL/COMMUNITY AND JUSTICE VS. LAW]**

If we have our own Justice System and a hearing to be held in the way of Kaianere'ko:wa, would a Longhouse be considered to be the "Court", and if so, which one (Longhouse)? **[UNDER BOTH COMMENTS AND QUESTIONS]**

We could say we are all Community Members and we should all agree, but what does it actually mean to be a Community Member? Kahnawa:kerónon. **[UNDER BOTH COMMENTS AND QUESTIONS]**

What does it actually mean to be a Community Member? Kahnawa:kerónon.

Jurisdiction/Conflict of Laws/Enforcement

Do we want a Provincial Court or Federal Court System?

How will outside Forces recognize our Force (System)?

Are non-Community Members going to be affected by it? i.e.: Peacekeepers

If we say "no", what will that look like? Will we be subject to a Federal or Provincial law?

Therefore, I believe that there must be a Justice System. **[UNDER BOTH COMMENTS AND QUESTIONS]**

Would that mean that all our Laws would supersede the outside Law? Ideally yes, provided we have an agreement with another jurisdiction so that we could enforce the Law. We would also have to be in a position or prepared to accept an outside jurisdiction request also.

Are we talking about replacing all Laws or filling in gaps that are not yet created or are we looking at Laws that are not working for our people? The question being asked at this point is, "should Kahnawà:ke have a Justice System?"

When someone breaks the Law, how do we enforce it and settle it and where would we do it? It was suggested to have a combined Judicial System to administer Laws.

Clarification was requested about the definition of a Justice System. Concern about our laws being practiced and applied only in Kahnawà:ke and **what Law would we be subject to if we were apprehended for breaking an outside Law?** **[UNDER BOTH COMMENTS AND QUESTION]**

Question is should we have our "Own", "Stand Alone or Separate" Justice System?

Will outside Governments recognize our system? Participant has doubts about whether they will. **[UNDER BOTH COMMENTS AND QUESTIONS]**

What is it going to look like; is it going to be a carbon copy, parallel to the Canadian system?

Analogy

House Building – How do we fill the house (Justice System)?

Justice vs. Law

Can you explain the difference between "Justice" and "Legal"? When you say "Justice" I think of pieces that make up a System, but maybe it's the principle or belief of what "Justice" is (i.e. that which is moral, that which is traditional). Canada has Civil Courts, Family Courts, etc. There is a process that you need to follow (evidence, etc.). You may have the best lawyer but it may not be Justice. This will be discussed when we reach the other questions. Justice should mirror the fabric of the people. If it is the same as out there, we'll take theirs. Our own Justice System and Principles should reflect our Culture and our people. **[UNDER BOTH CULTURE/TRADITION/COMMUNITY AND JUSTICE VS. LAW]**

Miscellaneous

Should we go further than where we've been?

How far are we willing to go? We need to go all the way, if we decide that we do, in fact, need a justice system, then we need one that the Community as a whole will agree upon.

Will our own Justice system work? We have resource people that are qualified to do the job. Just need Community's consent/agreement.

What would it be comprised of? That is precisely what we are here for tonight, to decide what it should be comprised of, you, the people need to decide.

What if we create a Justice System and it doesn't work, what's next?

How can we say we do, when we don't know what we're dealing with?

What is Justice exactly? There are all kinds of Justice Systems.

About the process, would we be considered Legislators of the Legislation? Yes

How long will it take to implement the "Justice System"?

POSITIONS

After all three (3) Groups discussed each question they formulated a position for that question. They each discussed the other's position (as explained above, under the Community Hearings Format heading), and worked towards attaining consensus. This was a very important stage in the Community Hearings Process because this is where the Group discussions provide insight into how they worked together to achieve consensus, even in light of disagreement.

Since each Group had important input, and, to show how the dynamics of the Hearing Process played out, the dialogue of each Group will be identified as Group 1, Group 2 or Group 3. The only theme heading, is titled, "Justice System vs. No Justice System".

Once consensus was reached a conclusion/decision was formulated. The Positions and Consensus conclusions/decisions follow the dialogue.

This process was the same for the remaining three (3) questions asked of the Community at the Hearings.

Justice System vs. No Justice System

GROUP 1: The majority of the Group is for a Justice System, but there are some who disagree. Two (2) people do not agree with the idea of Kahnawà:ke having a Justice System. Most agree with the concept of a Justice System in Kahnawà:ke but with many reservations and questions attached to the process of developing this system. The recurring statement is, "Yes, but ... what will that Model be?"

There will need to be high standards. We are not there yet. We are not deciding tonight on something we know nothing about, but this is nothing new. Not completely ready to decide anything tonight. There is a possibility we could have an Indigenized Justice system.

After the discussion all of the Community Members of Group 1 are comfortable with a new Justice system with the exception of one. The one Member asked, "Should Kahnawà:ke propose a "Justice System", or, should it be worded differently, or even be a system that is completely from Justice?" This was followed by discussion on Peace, Harmony and Respect.

GROUP 2: The whole Group decided "Yes", we need a unique System of Justice that reflects our Community and continues to respect our Tradition that embodies the Values and Principles contained in the Kaianere'ko:wa (Peace , Harmony, Good Mind and Spirit).

GROUP 1: Asked Group 2, and vice versa, for clarification of the word "Tradition".

POSITION OF Groups 1 & 2: Consensus reached by both Groups on the statement:

THEY WANT A UNIQUE SYSTEM OF JUSTICE THAT BETTER REFLECTS OUR COMMUNITY AND CONTINUES TO RESPECT OUR TRADITION THAT EMBODIES THE VALUES AND PRINCIPLES CONTAINED WITHIN THE *KAIANERE'KO:WA* (PEACE, HARMONY, GOOD MIND AND SPIRIT)

GROUP 3: The majority of Group 3 agreed with Groups 1 & 2.

They all decided that the word "Kaianere'ko:wa" should be removed. Group 3 stated that if the word was to be used then the whole system should go back to an "entire Traditional System".

Decision that MCK overuses the word "embodies" and would like it to be replaced by "built upon".

Want "reflects our Community" to be replaced with "responds to our Community's needs".

Although Group 3 would have liked to have more Community involvement for such a large decision, they agree with the following statement:

YES, WE WANT A UNIQUE SYSTEM OF JUSTICE THAT BETTER **RESPONDS TO OUR COMMUNITY'S NEEDS** AND CONTINUES TO RESPECT OUR TRADITIONS THAT **ARE BUILT UPON** THE VALUES AND PRINCIPLES OR PEACE, POWER AND RIGHTEOUSNESS, HARMONY, GOOD MIND AND RESPECT.

GROUP 1: The Group was not in total agreement with the removal of the word "Kaianere'ko:wa", but they can live with Group 3's decision, since the words, "Peace, Power, Righteousness, Harmony, Good Mind and Respect", are reflective if the Kaianere'ko:wa.

GROUP 2: Agreed with removing the word "Kaianere'kó:wa" and replacing it with "such as". They agreed to the following statement:

YES, WE WANT A UNIQUE SYSTEM OF JUSTICE THAT BETTER RESPOND TO OUR COMMUNITY'S NEEDS AND CONTINUES TO RESPECT OUR TRADITIONS THAT ARE BUILT UPON (THE) VALUES AND PRINCIPLES, **SUCH AS**, PEACE, POWER AND RIGHTOUSNESS, HARMONY, GOOD MIND AND RESPECT.

CONSENSUS: ALL THREE (3) GROUPS REACHED CONSENSUS AND AGREED TO THE ABOVE STATEMENT IN ANSWER TO QUESTION 1.

DECISIONS/CONCLUSIONS

With respect to Question 1, "SHOULD KAHNAWA:KE HAVE A JUSTICE SYSTEM?"

CONSENSUS: ALL THREE (3) GROUPS REACHED CONSENSUS AND AGREED:

YES, WE WANT A UNIQUE SYSTEM OF JUSTICE THAT BETTER RESPOND TO OUR COMMUNITY'S NEEDS AND CONTINUES TO RESPECT OUR TRADITIONS THAT ARE BUILT UPON VALUES AND PRINCIPLES, SUCH AS, PEACE, POWER AND RIGHTOUSNESS, HARMONY, GOOD MIND AND RESPECT.

The following are the feedback statements made via e-mail.

- a) **E-MAIL FEEDBACK/KAHNAWAKEMAKINGDECISIONS.COM** [For Question 1 only] (VERBATIM)

The following statements sometimes fell under two headings, so instead of repeating the statement twice, the two headings were placed above it.

Preamble, Community Survey Results/Community Consultation Culture/Tradition/Community

FEEDBACK # 1: The preamble refers to the people of Kahnawà:ke as being part of the Haudenosaunee Confederacy, being sovereign, lives being governed by the principles of the Great Law, etc. This could be debated amongst community members as to whether or not they actually are part of the aforementioned group. And on the other side of the coin, the longhouse of 207 are saying this is not so, aiming their disagreement at Chief and Council.

Whichever way you look at it, people attending the Phase 1 session or Chief and Council calling for such type of dialogue to take place (even thought being approved by the council audience), the process will be labeled "Indian Act" by those negating it.

I recommend the wording be used such as ones agreed to in the one question answered last night "Should Kahnawà:ke have a Justice System?" i.e. Haudenosaunee wording deletion. A short, preamble wording should have been same as response to question # 1.

FEEDBACK # 2: Color cards were given out last night to signify what group you were to sit in. Keep it this way, do not premise it to be the way of the clans holding a meeting and having dialogue. The process of last night was facilitation one and had focus groups congregating and coming up with a position. Do not mix up the focus way with clanship one.

And yes, a bigger area is required. I found it somewhat difficult to listen to the talks, which took place in my group. It may be isolation, which is of need and not necessarily a larger area. And it would be good to have more TV screens on the walls to have the audience able to digest changes being made to the subject matter themselves.

This is what I saw and feel after attending last night session. The process has definite potential and I personally hope to see it lead to the Haudenosaunee way. With due diligence and facilitation techniques, it should happen (in my opinion).

FEEDBACK # 3: I spoke with Linda Delormier concerning this feedback, however she asked that I include it on the website, therefore, it is not necessary to respond back to me. My questions were concerning how a "dissenter's" voice was heard and represented within the individual group or the larger group. I have been concerned that an individual may disagree with a particular component of a decision and due to the composition of the group; they may not be heard, may be "over ruled" or may not be validated. In addition, that person may have input that should be heard by the other 2 groups as it may affect their decision as well.

Linda explained how the process worked this past Wednesday concerning the dissenters that were present, and further explained how this played out among the large group, meaning the final wording was changed due to the dissenter's input, and after that, the dissenter could therefore live with the process.

I would suggest that an explanation be provided to everyone to explain this element, as I believe it is valuable for people to know that their voice is being heard and addressed, even when they disagree with a particular component.

FEEDBACK # 4: I think the term Kaianere'ko:wa is too often used with reckless and misunderstood connotation. Let me attempt to clarify this thought.

While the Kaianere'kó:wa does offer some morality teachings as the byproduct of its narrative, it is not a moral code. The Kaianere'ko:wa is a national constitution that defines the structure, organization, and rules of the Confederacy's chief legislative body – the Grand Council of Chiefs. Nowhere in the Kaianere'ko:wa are codified morality rules, nor are there rules that deal with community laws or domestic justice. Principles such as peace, righteousness, and strength are intended to be the results of legislation passed by the Grand Council of Chiefs and its tributary national councils.

Understanding the true nature of the Kaianere'ko:wa as a national constitution as opposed to a mere moral code, one can easily see that it has no context in the language of the preamble or anywhere within the MCK Community Decision-Making Process. The Kaianere'ko:wa is

synonymous with the Haudenosaunee Confederacy and has absolutely no application outside the Haudenosaunee Confederacy.

The Haudenosaunee Confederacy has defined that Longhouse council fires are the only locally recognized legislative bodies within its territories, that serve as the stewards of the Kaianere'kó:wa and as custodians of the sovereignty which the Confederacy provides. This means that only community Longhouse councils who have and maintain a relationship with the Confederacy, exist within the context of the Kaianere'ko:wa. Likewise, citizens of the Haudenosaunee are free to democratically engage in only legislative venue recognized by the Confederacy - the Longhouse. There are no substitutes.

To suggest that the MCK, the Justice Commission, or Community Decision-Making Process are or would be empowered through the Kaianere'ko:wa is simply an unsubstantiated falsehood, since these bodies do not have a relationship with the Haudenosaunee Confederacy. In fact, the Grand Council of Chiefs and the legislation it passes are not recognized by the MCK or any of its tributary bodies.

For example, the Haudenosaunee Grand Council has an active policy that outlaws casinos – yet the MCK periodically pursues one, blatantly ignoring policy created by the legislative body defined by the Kaianere'kó:wa. This small example demonstrates how seriously committed they are the Kaianere'ko:wa and to the Haudenosaunee Confederacy.

A community justice system that considers itself a part of the Confederacy and loyal to the Kaianere'kó:wa, truly would have no problem interpreting this policy as being inconsistent with the federal policy of the Haudenosaunee Confederacy.

With that said, I believe that the Community Decision-Making should abandon any reference to the Kaianere'kó:wa or the Haudenosaunee Confederacy. I believe that Kahnawà:ke should have a justice system that is independent from Canadian or provincial law – but it MUST accept and respect legislation passed by the Haudenosaunee Confederacy and recognize the governing authority of the Grand Council and the Mohawk Nation Council of Chiefs for starters.

Time Concerns

FEEDBACK # 5: Concern over the leading questions - you just about had to agree w/supporting. When our group wanted more information, we were just about told to stick to the question. I understand timeframe has a lot to do with process but this will have a major impact on Kahnawà:ke - should we not be doing this by allowing the community to speak their minds.

2) QUESTION 2- WHAT ISSUES OR CONCERNS SHOULD THE JUSTICE SYSTEM ADDRESS?

This Question created a lot of discussion and required two (2) Community Hearings. The dialogue that took place during those two (2) sessions has been placed together since it all came from the same question.

COMMENTS AND CONCERNS:

Jurisdiction/Conflict of Laws/Enforcement

Be able to manage the Conflict created when existing Law or practices are inconsistent with future Laws i.e.: Quebec Licensing, Taxation, etc. **[UNDER BOTH JURISDICTION/CONFLICT OF LAWS/ENFORCEMENT AND EXISTING COMMUNITY LAWS]**

Acknowledge that we will have to deal with Federal/Provincial Governments and let them know our Laws are just as important. **[UNDER BOTH JURISDICTION/CONFLICT OF LAWS/ENFORCEMENT AND SOVEREIGNTY]**

Empowering Court to enforce, adjudicate, existing Laws. **[UNDER BOTH JURISDICTION/CONFLICT OF LAWS/ ENFORCEMENT AND EXISTING COMMUNITY LAWS/MODERN LEGISLATION]**

We should be discussing what kind of Justice we want, a duplicate of the outside, Traditional, etc.? We need to talk about this first. What kind of Justice we want to head towards. **[UNDER BOTH COMMENTS AND QUESTIONS] [UNDER BOTH JURISDICTION/CONFLICT OF LAWS/ENFORCEMENT AND CULTURE/TRADITION/COMMUNITY]**

Will we define the responsibilities of the Peacekeepers and Law Enforcement? **[UNDER BOTH COMMENTS AND QUESTIONS]**

If we do get a mandate, how do we appoint a Justice (currently appointed by Quebec)? We have to replace them with something, but what? **[UNDER BOTH COMMENTS AND QUESTIONS]**

What happens when we do have it (Justice System) and how does it get respected outside? Will it be challenged out there? Why replicate what is already there? I don't know if we are going to have a prison within the Community. Take for example the Peacekeepers, every step of the way it was deemed illegal by the outside but we kept it up until they accepted it. We don't need the outside to recognize it immediately. **[UNDER BOTH COMMENTS AND QUESTIONS]**

PK example of enforcing our own System, through negotiation took years to get recognized.

Have a Court System that's able to sentence people and send them outside to be jailed. **[UNDER BOTH JURISDICTION/CONFLICT OF LAWS/ENFORCEMENT AND LEVELS OF CRIME/PUNISHMENT/SENTENCING/ RESTITUTION]**

Peacekeepers work with outside forces to handle situations they do not have the resources for. **[UNDER JURISDICTION/CONFLICT OF LAWS/ENFORCEMENT, SPECIFIC AREAS OF LAW, AND LEVELS OF CRIME/PUNISHMENT/SENTENCING/RESITUTION]**

Capacity building. (Meaning start basic and work out way up to include more) **[UNDER JURISDICTION/CONFLICT OF LAWS/ENFORCEMENT, SPECIFIC AREAS OF LAW, AND LEVELS OF CRIME/PUNISHMENT/SENTENCING/RESTITUTION]**

Start with small issues and grow. **[UNDER JURISDICTION/CONFLICT OF LAWS/ ENFORCEMENT, SPECIFIC AREAS OF LAW, AND LEVELS OF CRIME/PUNISHMENT/ SENTENCING/RESITUTION]**

All Issues that start outside – start small (with what we can handle) and grow. **[UNDER JURISDICTION/CONFLICT OF LAWS/ENFORCEMENT, SPECIFIC AREAS OF LAW, AND LEVELS OF CRIME/PUNISHMENT/SENTENCING/RESITUTION]**

Be recognized from within first and then from the outside.

Remain in the hands of the people i.e.: Elected Judges, Community Oversight Committee, etc **[UNDER BOTH JURISDICTION/CONFLICT OF LAWS/ENFORCEMENT AND COMMUNITY INVOLVEMENT]**

Task of MCK political body to get recognition from outside Governments.

"We the People", A Constitution empowers Institutions to make decisions, actions, direction. **[UNDER BOTH JURISDICTION/CONFLICT OF LAWS/ENFORCEMENT AND MISCELLANEOUS]**

Reciprocal arrangements may need to be made to relate with Governments.

Law should be made internally, applicable to us. Do what we think we can do.

Powers and Authority of Court.

Make our own Laws.

Start small and then expand to also address modern issues. **[UNDER JURISDICTION/CONFLICT OF LAWS/ENFORCEMENT, EXISTING LAWS/MODERN LEGISLATION, SPECIFIC AREAS OF LAW AND LEVELS OF CRIME/ PUNISHMENT/ SENTENCING/RESTITUTION]**

It is not clear to some members of the group of what Laws the PK's are responsible for enforcing (i.e.: Business Law). **[UNDER BOTH JURISDICTION/CONFLICT OF LAWS/ENFORCEMENT AND SPECIFIC AREAS OF LAW]**.

Suggested that Community be made aware of how Laws are enforced. It was suggested to make available to the Community, or participants at this meeting, current Laws that are accepted and recognized by Kahnawà:ke, and Laws we are not currently able to handle here, but on the outside. **[UNDER BOTH JURISDICTION/CONFLICT OF LAWS/ENFORCEMENT AND EXISTING LAWS/MODERN LEGISLATION]**

Community Member talked about the issue of businesses that have signed with the Federal Government. **[UNDER BOTH JURISDICTION/CONFLICT OF LAWS/ENFORCEMENT AND SPECIFIC AREAS OF LAW]**

We want something that empowers the entire Community. **[UNDER BOTH JURISDICTION/CONFLICT OF LAWS/ENFORCEMENT AND CULTURE/ TRADITION/ COMMUNITY]**

We want a unique Justice System. **[UNDER BOTH JURISDICTION/CONFLICT OF LAWS/ENFORCEMENT AND MISCELLANEOUS]**

Arrangements could be made with outside courts if someone commits a crime and they could take over the "jail" part of the process. **[UNDER BOTH JURISDICTION/CONFLICT OF LAWS/ENFORCEMENT AND LEVELS OF CRIME/ PUNISHMENT/ SENTENCING/ RESTITUTION]**

It doesn't make sense to build a prison here in Kahnawà:ke, it would only house one or two criminals at a time, that's not the reality, the criminal should not stay here to do their time. **[UNDER BOTH JURISDICTION/CONFLICT OF LAWS/ENFORCEMENT AND LEVELS OF CRIME/PUNISHMENT/SENTENCING/RESTITUTION]**

Aboriginal Justice System, they have to go to the outside, and they should come back to the Community and make right to the family/victim/community in different forums. **[UNDER JURISDICTION/CONFLICT OF LAWS/ENFORCEMENT, LEVELS OF CRIME/ PUNISHMENT/ SENTENCING RESTITUTION, AND RESTORATIVE JUSTICE/ADR]**

The punishment would be handed out by the Community (Justice System), and then send the offenders back out to serve jail time. **[UNDER BOTH JURISDICTION/CONFLICT OF LAWS/ENFORCEMENT AND LEVELS OF CRIME/ PUNISHMENT/ SENTENCING/RESTITUTION]**

Culture/Tradition/Community

Look at the Longhouse Traditional system and modernize some of the Laws.

Traditional Laws applied in a modern sense.

Ensure the System addresses the whole Community.

Recognition inside first then outside.

QKR contrary to original 1988 position. **[UNDER BOTH CULTURE/TRADITION/COMMUNITY AND MISCELLANEOUS]**

Laws that enforce and respect Culture & Tradition (Language Law). **[UNDER BOTH CULTURE/TRADITION/COMMUNITY AND SPECIFIC AREAS OF LAW]**

We should be discussing what kind of Justice we want, a duplicate of the outside, Traditional, etc.? We need to talk about this first. What kind of Justice we want to head towards. **[UNDER BOTH COMMENTS AND QUESTIONS] [UNDER BOTH JURISDICTION/CONFLICT OF LAWS/ENFORCEMENT AND CULTURE/TRADITION/COMMUNITY]**

We have to go back to square one and look at addressing these issues from the standpoint of Law enforcement and the Cultural being of our Community. As well as the inclusion of elders in this process, not just one.

We said that we wanted to respond to Community needs, all kinds of Community needs. Example: land that was willed to me, land that my parents said was going to be mine but now it's not recognized, collecting Child Support. It can be regular outside Law needs that we can deal with here. We have all kinds of Community and we have to be able to provide the services to them. **[UNDER BOTH CULTURE/TRADITION/COMMUNITY AND SPECIFIC AREAS OF LAW]**

We need to determine as a Community what our Collective Rights are. We had that issue with people selling drugs, smearing our name. They go to an outside Court, pay a fine, whatever. A lot of these people have purchased lots of land. Maybe there should be a cap on how much land you can buy. That is a Collective Right. If you have money, it doesn't matter where it came from. When they come back to the Community they don't give back. No local Restitution. People right now say, "I can do what I want, who is going to stop me?" **[UNDER BOTH CULTURE/TRADITION/COMMUNITY AND SPECIFIC AREAS OF LAW]**

Apply Traditional Laws and Principles in a modern sense. **[UNDER BOTH CULTURE/TRADITION/COMMUNITY AND EXISTING COMMUNITY LAWS/MODERN LEGISLATION]**

Compare Traditional and modern "Legislation" in order to combine/improve and develop the System. **[UNDER BOTH CULTURE/TRADITION/COMMUNITY AND EXISTING COMMUNITY LAWS/MODERN LEGISLATION]**

Identify variances in Justice System i.e.: Restorative, Mediation, Arbitration, Court, Traditional. **[UNDER CULTURE/TRADITION/COMMUNITY, RESTORATIVE JUSTICE/ADR, AND MISCELLANEOUS]**

The word "Kaianere'ko:wa" was removed from the first statement made by the Groups at the First Hearing, but the Values found in it were kept. If use the term then should revert to a Traditional System completely. **[UNDER BOTH CULTURE/ TRADITION/COMMUNITY AND MISCELLANEOUS]**

People should be obliged to learn Traditions if we design a System based on reflection of our Culture (understand who we are). We already have a Justice System, which is the Great Law. What we have to do is revise that, that Law, bring it up-to-date to today's times and how that Law would be used to accommodate today's times. To keep stating that we should be building a Justice System makes it sound like we don't have anything, like we are completely dependent on Canadian Law, but we do have a Law, we need to build on it.

We are all Mohawks of the Confederacy; well all have a Right to use that Law.

We're not actually going to take Kaianere'ko:wa as it is, it's going to be the umbrella, the Justice System, or whatever other System, is under that.

We want something that empowers the entire Community. **[UNDER BOTH JURISDICTION/CONFLICT OF LAWS/ENFORCEMENT AND CULTURE/ TRADITION/ COMMUNITY]**

Existing Community Laws/Modern Legislation

Justice System should address the Community Laws. We have many Community Laws and we can't hear them, we can't use them. Use our existing and future Community Laws.

Update old laws. Fix the flaws. We should be looking at existing Laws and what we should be dealing with specifically.

Look at what has already been developed, what we want then compare, improve, and fill in the blanks. **[UNDER BOTH EXISTING COMMUNITY LAWS/MODERN LEGISLATION AND SPECIFIC AREAS OF LAW]**

Empowering Court to enforce, adjudicate, existing Laws. **[UNDER BOTH JURISDICTION/CONFLICT OF LAWS/ENFORCEMENT AND EXISTING COMMUNITY LAWS/MODERN LEGISLATION]**

The Justice System should address the Laws on the books already (ATV, Dog Laws). We get complaints about this (these issues) on a daily basis.

We need to review all of the Laws and their relevance, where did they come from? **[UNDER BOTH COMMENTS AND QUESTIONS]**

It was suggested to make available to the Community, or participants at this meeting, current Laws that are accepted and recognized by Kahnawà:ke, and Laws we are not currently able to handle here, but on the outside. **[UNDER BOTH JURISDICTION/CONFLICT OF LAWS/ENFORCEMENT AND EXISTING COMMUNITY LAWS/MODERN LEGISLATION]**

A system should be developed for the creation of Laws.

Apply Traditional Laws and Principles in a modern sense. **[UNDER BOTH CULTURE/TRADITION/COMMUNITY AND EXISTING COMMUNITY LAWS/MODERN LEGISLATION]**

Compare Traditional and modern "Legislation" in order to combine/improve and develop the System. **[UNDER BOTH CULTURE/TRADITION/COMMUNITY AND EXISTING COMMUNITY LAWS/MODERN LEGISLATION]**

Be able to manage the Conflict created when existing Law or practices are inconsistent with future Laws i.e.: Quebec Licensing, Taxation, etc. **[UNDER BOTH JURISDICTION/CONFLICT OF LAWS/ENFORCEMENT AND EXISTING COMMUNITY LAWS/MODERN LEGISLATION]**

Start small and then expand to also address modern issues. **[UNDER JURISDICTION/CONFLICT OF LAWS/ENFORCEMENT, EXISTING LAWS/MODERN LEGISLATION, SPECIFIC AREAS OF LAW AND LEVELS OF CRIME]**

Sovereignty

Acknowledge that we will have to deal with Federal/Provincial Governments and let them know our Laws are just as important. **[UNDER BOTH AND JURISDICTION/CONFLICT OF LAWS/ENFORCEMENT AND SOVEREIGNTY]**

Specific Areas of Law (Labor, Family, Business, Criminal, etc.)

Define types of problems/ issues then process to resolve. **[UNDER BOTH SPECIFIC AREAS OF LAW AND MISCELLANEOUS]**

Look at what has already been developed, what we want then compare, improve, and fill in the blanks. **[UNDER BOTH EXISTING COMMUNITY LAWS/MODERN LEGISLATION AND SPECIFIC AREAS OF LAW]**

Should address all issues.

Be able to accommodate each section as we go.

Allow it to grow.

ADR (Mediation, Arbitration, Justice Forums).

Appeals Process - Going back to that Gilbert case, people want an Appeal Process because there was no place for that person to appeal his case. **UNDER BOTH SPECIFIC AREAS AND MISCELLANEOUS]**

Birth & Death Certificates, Marriages, Drivers' License, SIN#, Public Records. Central Registry.

Business Law.

Want the system to be inclusive and not restrictive with regard to Business Law.

It is not clear to some members of the group of what Laws the PK's are responsible for enforcing (i.e.: Business Law). **[UNDER BOTH JURISDICTION/CONFLICT OF LAWS/ENFORCEMENT AND SPECIFIC AREAS OF LAW].**

Community Member talked about the issue of businesses that have signed with the Federal Government. **[UNDER BOTH JURISDICTION/CONFLICT OF LAWS/ENFORCEMENT AND SPECIFIC AREAS OF LAW]**

Child safety issues (car seats, ATV's, enforcement).

Child support.

Civil Law.

Criminal Law.

Custody.

Laws that enforce and respect Culture & Tradition (Language Law). **[UNDER BOTH CULTURE/TRADITION/COMMUNITY AND SPECIFIC AREAS OF LAW]**

Divorce.

Disturbance of the Peace (Fireworks, Noise, Public Nuisance, Dogs, Zoning).

Election Law.

Environmental Law (Dumping).

Family Law (Rights & Responsibilities Act).

Any laws that affect the integrity of the Family are something that Kahnawà:ke should consider and the Justice System. i.e. Youth Protection, Health, Safety, Environment, Divorce, Custody, Environment(al), Recycling, Illegal Dumping, Language Law.

Labor Law.

Lands (people being buried in yards) (think of future land use). Burial Laws.

Marriage.

Agree to add Membership to the list.

Murder, Violent Acts, Sexual Abuse, Sexual Assault.

Remove Murder and Sexual Abuse and change them to Major Crimes. Where will we deal with those, outside or inside of Kahnawà:ke? **[UNDER BOTH COMMENTS AND QUESTIONS]**
[SPECIFIC AREAS OF LAW AND LEVELS OF CRIME/PUNISHMENT/SENTENCING/RESTITUTION]

Place Major Crimes on hold, (Murder and Sexual Abuse). **[SPECIFIC AREAS OF LAW AND LEVELS OF CRIME/PUNISHMENT/SENTENCING/RESTITUTION]**

Property Law.

Safety Laws.

Small Claims.

Tobacco Industry (Rules & Regulations). Regulate it.

Remove the Tobacco Law and let it sit for the time being and see what evolves. Take it out (the Tobacco Law) and look at it at a later date.

Right now there is no Law that is regulating the Tobacco Industry, people want to see a Law regarding this and regulated as soon as possible and maybe it can be revised somewhere in the near future.

Traffic, Highway Safety Code.

Youth Protection Law.

Youth Protection and Young Offenders. We are forced to go to outside Courts. That is something that we should be able to handle ourselves.

What resources do we have to deal with all of these (Legal) issues? **[UNDER BOTH COMMENTS AND QUESTIONS]**

We said that we wanted to respond to Community needs, all kinds of Community needs. Example: land that was willed to me, land that my parents said was going to be mine but now it's not recognized, collecting Child Support. It can be regular outside Law needs that we can deal with here. We have all kinds of Community and we have to be able to provide the services to them. **[UNDER BOTH CULTURE/TRADITION/COMMUNITY AND SPECIFIC AREAS OF LAW]**

We need to determine as a Community what our Collective Rights are. We had that issue with people selling drugs, smearing our name. They go to an outside court, pay a fine, whatever. A lot of these people have purchased lots of land. Maybe there should be a cap on how much land you can buy. That is a Collective Right. If you have money, it doesn't matter where it came from. When they come back to the Community they don't give back. No local restitution. People right

now say, "I can do what I want, who is going to stop me?" **[UNDER BOTH CULTURE/TRADITION/COMMUNITY AND SPECIFIC AREAS OF LAW]**

Start with the laws we can handle. Start small, Custody, Marriage, Divorce, Environment, Health.

Start small and then expand to also address modern issues. **[UNDER JURISDICTION/CONFLICT OF LAWS/ENFORCEMENT, EXISTING LAWS/MODERN LEGISLATION, SPECIFIC AREAS OF LAW, AND LEVELS OF CRIME/PUNISHMENT/SENTENCING/RESTITUTION]**

Maybe test us and start bigger.

We need to start globally.

All Issues that start outside – start small (with what we can handle) and grow. **[UNDER JURISDICTION/CONFLICT OF LAWS/ENFORCEMENT, SPECIFIC AREAS OF LAW, AND LEVELS OF CRIME/PUNISHMENT/SENTENCING/RESTITUTION]**

Peacekeepers work with outside forces to handle situations they do not have the resources for. **[UNDER JURISDICTION/CONFLICT OF LAWS/ENFORCEMENT, SPECIFIC AREAS OF LAW, AND LEVELS OF CRIME/PUNISHMENT/SENTENCING/RESITUTION]**

Capacity building. (Meaning start basic and work out way up to include more) **[UNDER JURISDICTION/CONFLICT OF LAWS/ENFORCEMENT, SPECIFIC AREAS OF LAW, AND LEVELS OF CRIME/PUNISHMENT/SENTENCING/RESITUTION]**

Start with small issues and grow. **[UNDER JURISDICTION/CONFLICT OF LAWS/ENFORCEMENT, SPECIFIC AREAS OF LAW, AND LEVELS OF CRIME/PUNISHMENT/SENTENCING/RESITUTION]**

Empower Court to adjudicate & enforce existing Laws. Need to be enforceable. **[UNDER BOTH JURISDICTION/CONFLICT OF LAWS/ENFORCEMENT AND SPECIFIC AREAS OF LAW]**

Define types of issues/problems, and then methods/processes to resolve. **[UNDER SPECIFIC AREAS OF LAW, LEVELS OF CRIME/PUNISHMENT/SENTENCING/RESITUTION, AND MISCELLANEOUS]**

Levels of Crime/Punishment/Sentencing/Restitution

Banishment / Penalties have to be enforceable.

Community Forum established in certain circumstances such as Banishment. **[UNDER BOTH LEVELS OF CRIME/PUNISHMENT/SENTENCING/RESITUTION AND RESTORATIVE JUSTICE/ADR]**

No Jails in our Community.

Everybody defines Major Crimes differently. What are Major Crimes? Major Crimes are linked to certain laws. **[UNDER BOTH COMMENTS AND QUESTIONS]**

Not everyone knows how to define what a Major Crime is.

There are varying degrees on Major Crimes.

Have a Court System that's able to sentence people and send them outside to be jailed.
[UNDER BOTH JURISDICTION/CONFLICT OF LAWS/ENFORCEMENT AND LEVELS OF CRIME/PUNISHMENT/SENTENCING/RESITUTION]

Peacekeepers work with outside forces to handle situations they do not have the resources for.
[UNDER JURISDICTION/CONFLICT OF LAWS/ENFORCEMENT, SPECIFIC AREAS OF LAW, AND LEVELS OF CRIME/PUNISHMENT/SENTENCING/RESITUTION]

Capacity building. (Meaning start basic and work out way up to include more) **[UNDER JURISDICTION/CONFLICT OF LAWS/ENFORCEMENT, SPECIFIC AREAS OF LAW, AND LEVELS OF CRIME/PUNISHMENT/SENTENCING/RESITUTION]**

Start with small issues and grow. **[UNDER JURISDICTION/CONFLICT OF LAWS/ ENFORCEMENT, SPECIFIC AREAS OF LAW, AND LEVELS OF CRIME/ PUNISHMENT/ SENTENCING/RESITUTION]**

All Issues that start outside – start small (with what we can handle) and grow. **[UNDER JURISDICTION/CONFLICT OF LAWS/ENFORCEMENT, SPECIFIC AREAS OF LAW, AND LEVELS OF CRIME/PUNISHMENT/SENTENCING/RESITUTION]**

Define types of issues/problems, and then methods/processes to resolve. **[UNDER SPECIFIC AREAS OF LAW, LEVELS OF CRIME/PUNISHMENT/SENTENCING/RESITUTION, AND MISCELLANEOUS]**

Start small and then expand to also address modern issues. **[UNDER JURISDICTION/CONFLICT OF LAWS/ENFORCEMENT, EXISTING LAWS/MODERN LEGISLATION, SPECIFIC AREAS OF LAW AND LEVELS OF CRIME]**

Fines/Punishments/Sentences all need to be addressed.

One Community Member points out that it is curious that Membership never came up in any of the Groups discussions. **(It was later added to the list of Specific Areas of Law)**

Arrangements could be made with outside Courts if someone commits a crime and they could take over the "jail" part of the process. **[UNDER BOTH JURISDICTION/CONFLICT OF LAWS/ENFORCEMENT AND LEVELS OF CRIME/ PUNISHMENT/ SENTENCING/RESTITUTION]**

It doesn't make sense to build a prison here in Kahnawà:ke, it would only house one or two criminals at a time, that's not the reality, the criminal should not stay here to do their time. .
[UNDER BOTH JURISDICTION/CONFLICT OF LAWS/ENFORCEMENT AND LEVELS OF CRIME/PUNISHMENT/SENTENCING/RESTITUTION]

We have to find a way to keep the peace. **[UNDER BOTH LEVELS OF CRIME/ PUNISHMENT/SENTENCING/RESITUTION AND RESTORATIVE JUSTICE]**

Aboriginal Justice System, they have to go to the outside, and they should come back to the Community and make right to the family/victim/community in different forums. **[UNDER**

**JURISDICTION/CONFLICT OF LAWS/ENFORCEMENT, LEVELS OF CRIME/
PUNISHMENT/SENTENCING RESTITUTION AND RESTORATIVE JUSTICE]**

The punishment would be handed out by the Community (Justice System), and then send the offenders back out to serve jail time. **[UNDER BOTH JURISDICTION/CONFLICT OF LAWS/ENFORCEMENT AND LEVELS OF CRIME/ PUNISHMENT/ SENTENCING/RESTITUTION]**

Remove Murder and Sexual Abuse and change them to Major Crimes. Where will we deal with those, outside or inside of Kahnawà:ke? **[UNDER BOTH COMMENTS AND QUESTIONS]**
[SPECIFIC AREAS OF LAW AND LEVELS OF CRIME/ PUNISHMENT/ SENTENCING/ RESTITUTION]

Place Major Crimes on hold, (Murder and Sexual Abuse). **[UNDER BOTH SPECIFIC AREAS OF LAW AND LEVELS OF CRIME/PUNISHMENT/SENTENCING/RESTITUTION]**

Restorative Justice/ Alternative Dispute Resolution (ADR)

Community Forum established in certain circumstances such as Banishment. **[UNDER BOTH LEVELS OF CRIME/PUNISHMENT/SENTENCING/RESITUTION AND RESTORATIVE JUSTICE/ADR]**

Define types of problems/ issues then methods/process to resolve. **[UNDER SPECIFIC AREAS OF LAW, LEVELS OF CRIME/PUNISHMENT/SENTENCING/RESTITUTION, RESTORATIVE JUSTICE/ADR, AND MISCELLANEOUS]**

ADR (Mediation, Arbitration, Justice Forums).

Conflict Resolution.

Establish a Community Forum in certain circumstances.

Restorative justice.

We need to look at restitution. What Principles of Restitution are there?

Identify variances in Justice System i.e.: Restorative, Mediation, Arbitration, Court, Traditional. **[UNDER CULTURE/TRADITION/COMMUNITY, RESTORATIVE JUSTICE/ADR, AND MISCELLANEOUS]**

We have to find a way to keep the peace. **[UNDER BOTH LEVELS OF CRIME/ PUNISHMENT/SENTENCING/RESITUTION AND RESTORATIVE JUSTICE]**

Aboriginal Justice System, they have to go to the outside, and they should come back to the Community and make right to the family/victim/community in different forums. **[UNDER JURISDICTION/CONFLICT OF LAWS/ENFORCEMENT, LEVELS OF CRIME/PUNISHMENT/ SENTENCING/RESTITUTION AND RESTORATIVE JUSTICE/ADR]**

Suggestions of a traveling Tribunal, other people from other Communities could possibly intervene and make these major decisions of what, or how, to deal with offenders because of the fact that they will be neutral ground or Forum. Community Members do not see MCK in a good manner. If they see that MCK is making decisions for the Community they do not

participate because it's under the MCK Entity. **[UNDER RESTORATIVE JUSTICE/ADR, OTHER MOHAWK/NATIVE COMMUNITIES, AND MISCELLANEOUS]**

Community Involvement

Judges should be elected by the public not appointed. Ensure proper training - checks and balances.

Remain in the hands of the people i.e.: Elected judges, Community Oversight Committee, etc **[UNDER BOTH JURISDICTION/CONFLICT OF LAWS/ENFORCEMENT AND COMMUNITY INVOLVEMENT]**

Traditional Community and legally trained, both.

We have to go back to square one and look at addressing these issues from the standpoint of Law Enforcement and the Cultural being of our Community. As well as the inclusion of elders in this process, not just one.

Address the entire Community.

A concern that attendance dropped this week. **[UNDER BOTH COMMUNITY INVOLVEMENT AND MISCELLANEOUS]**

Has to be solid, sound basis, purpose, and objective. Have to be skilled and educated on the matters before making Laws, technical expertise has to be there. **[UNDER BOTH COMMUNITY INVOLVEMENT AND MISCELLANEOUS]**

Ensure that everyone in the Community is included in the Judicial System; one System for all.

The Justice System will have to be something that is respected by all the People who live in Kahnawà:ke.

There is a concern that this process that we are meeting on will not be communicated to the Community. The Group was assured that this process would be communicated to the Community.

Other Mohawk/Native Communities

Suggestions of a traveling Tribunal, other people from other Communities could possibly intervene and make these major decisions of what or how to deal with offenders because of the fact that they will be neutral ground or forum. Community Members do not see MCK in a good manner. If they see that MCK is making decisions for the Community they do not participate because it's under the MCK Entity. **[UNDER RESTORATIVE JUSTICE/ADR, OTHER MOHAWK/NATIVE COMMUNITIES, AND MISCELLANEOUS]**

Miscellaneous

Define types of problems/ issues then methods/process to resolve. **[UNDER SPECIFIC AREAS OF LAW, LEVELS OF CRIME/PUNISHMENT/SENTENCING/RESTITUTION, RESTORATIVE JUSTICE/ADR, AND MISCELLANEOUS]**

QKR contrary to original 1988 position. **[UNDER BOTH CULTURE/TRADITION/COMMUNITY AND MISCELLANEOUS]**

Recommend a review of the Gilbert case (Election Laws).

Going back to that Gilbert case, people want an appeal process because there was no place for that person to appeal his case. **[UNDER BOTH SPECIFIC AREAS OF LAW AND MISCELLANEOUS]**

We need to think about a Charter or Constitution.

There are large amounts of people present (working and/or participating) at the meeting who work at MCK.

Can we have it televised? **[UNDER BOTH COMMENTS AND QUESTIONS]**

Identify variances in Justice System i.e.: Restorative, Mediation, Arbitration, Court, Traditional. **[UNDER CULTURE/TRADITION/COMMUNITY, RESTORATIVE JUSTICE/ADR, AND MISCELLANEOUS]**

"We the People", A Constitution empowers Institutions to make decisions, actions, direction. **[UNDER BOTH JURISDICTION/CONFLICT OF LAWS/ENFORCEMENT AND MISCELLANEOUS]**

Has to be solid, sound basis, purpose, and objective. Have to be skilled and educated on the matters before making laws. Technical expertise has to be there. **[UNDER BOTH COMMUNITY INVOLVEMENT AND MISCELLANEOUS]**

The word "Kaianere'kó:wa" was removed from the first statement made by the Groups at the First Hearing, but the Values found in it were kept. If use the term then should revert to a Traditional System completely. **[UNDER BOTH CULTURE/ TRADITION/COMMUNITY AND MISCELLANEOUS]**

Things are changing in our Community, such as parking signs being put up without the Community being informed.

Community Member voiced his concern that the Community Decision-Making System is failing due to decreased attendance. He also voiced that the Website was not updated to inform the Community of the time change. He felt that the Community who are not here are at a disadvantage because things may pass without their input.

A concern that attendance dropped this week. **[UNDER BOTH COMMUNITY INVOLVEMENT AND MISCELLANEOUS]**

It was suggested that the Community have an allotted timeframe such as a sixty to ninety (60-90) day period to address the/a Law once it is passed so that they have a chance to voice their concern or oppose.

With regard to Laws that are passed, Community needs to be made aware of how they will be enforced.

We have to deal with it (creating a Justice System) whether we like it or not.

We want a unique Justice System. **[UNDER BOTH JURISDICTION/CONFLICT OF LAWS/ENFORCEMENT AND MISCELLANEOUS]**

There are still underlying situations (issues) that keep recurring in the Community. We are not making Laws and if there are underlying issues here then something (a Law) would need to be developed to deal with these individuals. Need to identify what the different issues are that arise.

Suggestions of a traveling Tribunal, other people from other Communities could possibly intervene and make these major decisions of what or how to deal with offenders because of the fact that they will be neutral ground or forum. Community Members do not see MCK in a good manner. If they see that MCK is making decisions for the Community they do not participate because it's under the MCK Entity. **[UNDER RESTORATIVE JUSTICE/ADR, OTHER MOHAWK/NATIVE COMMUNITIES, AND MISCELLANEOUS]**

We should set up the Justice System of Law, and then make it into Law. We need to have a structure (in place) before we can even think of devising a Justice System.

QUESTIONS (& ANSWERS WHERE PROVIDED):

Existing Community Laws/Modern Legislation

We need to review all of the Laws and their relevance, **where did they come from?** **[UNDER BOTH COMMENTS AND QUESTIONS]**

How do we keep the Justice System from crossing the line into our Cultural System? I disagree; I'm looking at it from a macro level and not individual Laws. My major concern is **how is this Culturally relevant when it comes to the end of the day?** It needs to be an integration of what we have. We have one, but it's not respected in the Community. Justices of the Peace are not (respected) but **how do we maintain all of that in this System of Justice?** I don't think there is a line to be drawn between Justice and Cultural relevance. I think there needs to be integration. My major concern is that whatever that is produced by this Community upholds Culturally. **[UNDER BOTH CULTURE/TRADITION/COMMUNITY AND EXISTING LAWS/MODERN LEGISLATION]**

Jurisdiction/Conflict of Laws

Can we have our System recognized and still ask the outside for assistance with things we cannot handle?

What are the variances in the Judicial System? – i.e. Mediation, Arbitration, Restoration, Court. **Who will be hearing this?** **[UNDER BOTH JURISDICTION/CONFLICT OF LAWS/ENFORCEMENT AND RESTORATIVE JUSTICE/ADR]**

Is Labor Code and Civil Code respected? Will we be able to hear it?

What are Powers & Authority of Court? Political question - division/conflict (draft Charter). **[UNDER BOTH JURISDICTION/CONFLICT OF LAWS/ENFORCEMENT AND CULTURE/TRADITION/COMMUNITY]**

Will people still challenge on outside if they don't get the answer they want?

What is there to say that outside Governments will recognize this? If not, where do we go from there?

We should be discussing **what kind of Justice we want, a duplicate of the outside, Traditional, etc.?** We need to talk about this first. What kind of justice we want to head towards. **[UNDER BOTH COMMENTS AND QUESTIONS] [UNDER BOTH JURISDICTION/CONFLICT OF LAWS/ENFORCEMENT AND CULTURE/TRADITION/COMMUNITY]**

Will we define the responsibilities of the Peacekeepers and law enforcement? [UNDER BOTH COMMENTS AND QUESTIONS]

If we do get a mandate, how do we appoint a Justice (currently appointed by Quebec)? We have to replace them with something but what? [UNDER BOTH COMMENTS AND QUESTIONS]

What happens when we do have it (Justice System) and how does it get respected outside? Will it be challenged out there? Why replicate what is already there? I don't know if we are going to have a prison within the Community. Take for example the Peacekeepers, every step of the way it was deemed illegal by the outside but we kept it up until they accepted it. We don't need the outside to recognize it immediately. [UNDER BOTH COMMENTS AND QUESTIONS]

What is our Justice System modeled after right now? We are losing our Rights to a Court system. Adversarial. The Court System is a creation of (Section)107 of the Indian Act. We took on the Quebec Laws, Highway Traffic Laws and made them Kahnawà:ke. Some were under the mandate of (Section)107.

Who is going to sit there to pass Judgment? How do we go further? Do we hire someone else from the outside or do we train someone from here? There may be a case from outside of someone getting traffic ticket here but Kahnawà:ke Law not recognized. We have to think ahead. This has happened before with tickets. People went to outside Courts but were told to go back to Kahnawà:ke and settle it in Kahnawà:ke Court. **[UNDER BOTH JURISDICTION/CONFLICT OF LAWS/ENFORCEMENT AND SPECIFIC AREAS OF LAW]**

What do we mean by "recognized"? Some don't agree with outside recognition (removed). That will come later.

Culture/Tradition/Community

Can this body utilize the Great Law?

Do we need to have a Kahnawà:ke Charter? This would have to be addressed at another Hearing by Justice Commission. They could then put in writing what the authority of Court would be within the Charter or Constitution. At this time we are looking at what amounts to an unwritten Constitution for this forum.

What are Powers & Authority of Court? Political question - division/conflict (draft Charter). **[UNDER BOTH JURISDICTION/CONFLICT OF LAWS/ENFORCEMENT AND CULTURE/TRADITION/COMMUNITY]**

Why do we have to go through this process if we want to follow the Great Law? It has been in existence for many years. **Do we want to be in a ship or a canoe? –“If it’s not broken why fix it?”** In the modern world, is the Great Law going to cover our realities? Will it work for Traditional and non-Traditional questions? Will they apply to real world issues happening now? Will it meet the needs of the moment i.e.: Child Support? **[UNDER BOTH CULTURE/TRADITION/COMMUNITY AND SPECIFIC AREAS OF LAW]**

We should be discussing **what kind of Justice** we want, **a duplicate of the outside, Traditional, etc.?** We need to talk about this first. **What kind of justice do we want to head towards?** **[UNDER BOTH COMMENTS AND QUESTIONS] [UNDER BOTH JURISDICTION/CONFLICT OF LAWS/ENFORCEMENT AND CULTURE/TRADITION/COMMUNITY]**

How did the Justice Commission come into effect? It is flawed, the most important group in this process is the Elders. People were appointed

How do we keep the Justice System from crossing the line into our Cultural System? I disagree; I’m looking at it from a macro level and not individual laws. My major concern is how is this Culturally relevant when it comes to the end of the day? It needs to be an integration of what we have. We have one but it’s not respected in the Community. Justices of the Peace are not (respected) but how do we maintain all of that in this system of justice? I don’t think there is a line to be drawn between Justice and Cultural Relevance. I think there needs to be integration. My major concern is that whatever that is produced by this Community upholds Culturally. **[UNDER BOTH CULTURE/TRADITION/COMMUNITY AND EXISTING LAWS/MODERN LEGISLATION]**

Can we build upon the Great Law because of the positions of the Longhouse groups and Council? Our Traditions and Culture should be part of the discussion when creating the Justice System. Using the Principles rather than saying you have to learn the Great Law. We should keep our Traditions and heritage in mind.

How would you enforce Culture and Traditions? It was to incorporate the Principles. **How would we address the situation of only women can own the land?** That’s in the Law. **Do we have to enforce that, since it’s in the Law?** The discussion we had last time was to respect the Principle. We (men) can sign a Treaty, Deed, etc., to sign over the land, but potentially you women can do that, **would you respect that?** That’s where the problem lies; you can’t go Traditional because this is the way it goes (land only to the women). You can’t go Traditional fully. When it comes to Personal Property, it may come to be that there are no beneficiaries left. That land goes somewhere. It goes back to the People. Today we call it Common Land. That’s where that land comes under the Jurisdiction of the women. The women are then the owners of that land once again. Any Native Land in general, Kahnawà:ke, the women are the owners of it. It has to be defined on paper. There are provisions going along the way about Real Property owners, people that bought land, etc.

Obviously there is a lack of respect of Traditions, **how do you make people understand why we are doing this, is that a component of this, will it be?** In order to give effect to a Body of Law, there will have to be things (Creation Story, what the Cultural Center itself does. You would have to be able to tie them into the enforcement of the Law), but it wouldn’t be one Law unless you made a Cultural Act or maybe a Mandate. Protect and promote the Language.

What is acceptable to say instead of, “build a Justice System”? Develop, recreate, and expand. Take the Kaianere’ko:wa Model and adapt it.

Specific Areas of Law (Labor, Family, Business, Criminal, etc.)

Why do we have to go through this process if we want to follow the Great Law? It has been in existence for many years. **Do we want to be in a ship or a canoe? –“If it’s not broken why fix it?”** In the modern world, is the Great Law going to cover our realities? Will it work for Traditional and non-Traditional questions? Will they apply to real world issues happening now? Will it meet the needs of the moment i.e.: Child Support? **[UNDER BOTH CULTURE/TRADITION/COMMUNITY AND SPECIFIC AREAS OF LAW]**

What resources do we have to deal with all of these (Legal) issues? **[UNDER BOTH COMMENTS AND QUESTIONS]**

Everybody defines Major Crimes differently. **What are Major Crimes?** Major Crimes are linked to certain laws. **[UNDER BOTH COMMENTS AND QUESTIONS]**

Would we be able to address big crimes (Murder, Rape)?

Remove Murder and Sexual Abuse and change them to Major Crimes. **Where will we deal with those, outside or inside of Kahnawà:ke?** **[UNDER BOTH COMMENTS AND QUESTIONS]** **[SPECIFIC AREAS OF LAW AND LEVELS OF CRIME/PUNISHMENT/ SENTENCING/RESTITUTION]**

Who is going to sit there to pass Judgment? How do we go further? Do we hire someone else from the outside or do we train someone from here? There may be a case from outside of someone getting traffic ticket here but Kahnawà:ke Law not recognized. We have to think ahead. This has happened before with tickets. People went to outside Courts but were told to go back to Kahnawà:ke and settle it in Kahnawà:ke Court. **[UNDER BOTH JURISDICTION/CONFLICT OF LAWS/ENFORCEMENT AND SPECIFIC AREAS OF LAW]**

For the Tobacco Industry, is it a Type 1 Law or a Type 2 Law?

Should separate Laws be made for the Tobacco Industry? Should there be a Law developed on the Tobacco Industry?

Levels of Crime/Punishment

How would we enforce them (Laws), what would the penalty be?

Can we afford prisons? How do we sentence people?

Fines/punishments/sentences, how will we deal with these?

Do we want to identify crimes at a major level?

If someone murders someone in Kahnawà:ke, then should they be sent outside of the Community?

How do we identify what System could be applicable to what Crimes?

Remove Murder and Sexual Abuse and change them to Major Crimes. **Where will we deal with those, outside or inside of Kahnawà:ke?** **[UNDER BOTH COMMENTS AND**

**QUESTIONS] [UNDER BOTH SPECIFIC AREAS OF LAW AND LEVELS OF CRIME/
PUNISHMENT/SENTENCING/RESTITUTION]**

Restorative Justice/ Alternative Dispute Resolution (ADR)

What are the variances in the judicial system? – i.e. Mediation, Arbitration, Restoration, Court. Who will be hearing this? [UNDER BOTH JURISDICTION/CONFLICT OF LAWS/ENFORCEMENT AND RESTORATIVE JUSTICE/ADR]

Community Involvement

How are we supposed to get more elders to participate? (not addressed)

How many people does it take to request a Law to be passed/implemented in this type of Forum and be subjected to this Process? It takes one person to make a request then, subject to the Guidelines of this Process, if the Community deems it necessary to make a Law, the Community Decision-Making Process will be followed.

Miscellaneous

Kahnawà:ke Constitution? It is not under a Justice System, it's over and above it. **What are the pros and cons of developing under a Constitution?** There has been no discussion of this at this forum.

Can we have it televised? [UNDER BOTH COMMENTS AND QUESTIONS]

Why is the meeting not being taped? People need to see the Hearing

Parking Lot Question

What affects do the QKR Agreements have on this process?

If Justice goes through, what if outside does not accept it?

A discussion arose with respect to the Kahnawà:ke Tobacco Association (KTA). It was decided to put it in the Parking Lot, since it is currently being addressed/negotiated between the MCK and the KTA.

POSITIONS

The same process outlined for Question 1 regarding "Positions" (page 14 this document), was followed for this Question (2).

What Issues or Concerns Should a Justice System Address

GROUPS 1 & 2: Groups 1 and 2 agreed with each other on what should be included in a Justice System. They both agreed on a list of Specific Areas of Law which should fall under the Justice System.

GROUP 2: Added that the Justice System should start small and then expand to address modern issues.

POSITION OF Groups 1 & 2: Both Groups 1 and 2 compiled their lists of Specific Areas of Law, to eliminate duplication. They want to ensure that the System addresses and includes everyone in the Community, "One System for All!" They also want the System to remain in the hands of the People when electing Judges, or to create an Oversight Committee.

They both agreed to start small and then expand to include modern issues. They want to apply Traditional Laws in a modern sense, and also to compare Traditional and modern Legislation, in order to combine/improve and develop the System.

They want the System to be enforceable and to be recognized within the Community first and then on the outside. They also want to have a mechanism in place in the event of a Conflict of Laws, between a Kahnawà:ke Law and an outside Law. Both Groups acknowledge that there will have to be a relationship with the Federal and Provincial Governments, but that Kahnawà:ke Laws are just as important as outside Law.

There was agreement that there is a need to define the types of issues or problems the System will deal with, and a need to develop the methods and processes to resolve the issues and problems. A listing of different methods of resolution was discussed, such as, Mediation, Arbitration, Court, Traditional, Restorative Justice, and possibly a Community Forum.

GROUP 3: Based on the discussions Group 3 read a prepared statement, which was to be considered at the next Hearing:

- (1) A KAHNAWA:KE JUSTICE SYSTEM SHOULD ADDRESS ISSUES CONCERNING INDIVIDUAL, FAMILY, COMMUNITY LAND AND PROPERTY AND OFFENCES AGAINST ANY OF THE ABOVE, IN A FORUM APPROPRIATE TO THE DEMANDS OF THESE MATTERS (ARBITRATION, APPEALS, ETC.) AND SANCTIONED/RECOGNIZED/RESPECTED WITHIN AND OUTSIDE THE COMMUNITY.
- (2) WE ARE STRIVING FOR A SYSTEM OF JUSTICE BUILT, SANCTIONED AND RESPECTED BY KAHNAWA:KE THAT MUST ADDRESS ISSUES OF RIGHTS AND RESPONSIBILITIES, INCLUDING/CONCERNING OFFENCES AGAINST FAMILY, LANDS AND COMMUNITY TO BE DISCUSSED/DECIDED IN DIFFERENT FORUMS APPROPRIATE TO THE OFFENSE.

FINAL: (TO BE DISCUSSED AT NEXT SESSION)

THE JUSTICE SYSTEM SHOULD BE BUILT, SANCTIONED AND RESPECTED BY KAHNAWA:KE THAT MUST ADDRESS ISSUES OF INDIVIDUAL AND COLLECTIVE RIGHTS AND RESPONSIBILITIES INCLUDING/CONCERNING OFFENCES AGAINST FAMILY, LANDS COMMUNITY TO BE DISCUSSED/DECIDED IN DIFFERENT FORUMS APPROPRIATE TO THE OFFENSE.

GROUP 2: Added "will", "upon" and "all Kahnawà:kehró:non".

THE JUSTICE SYSTEM WILL BE BUILT UPON, SANCTIONED AND RESPECTED BY ALL KAHNAWA'KEHRO:NON AND MUST ADDRESS ISSUES OF INDIVIDUALS AND COLLECTIVE RIGHTS AND RESPONSIBILITIES INCLUDING AND/OR CONCERNING OFFENCES AGAINST FAMILY, LANDS AND COMMUNITY TO BE DISCUSSED AND/OR DECIDED IN DIFFERENT FORUMS APPROPRIATE TO THE OFFENSE.

GROUP 1: Made the Offenses more specific by changing the words to "Criminal Offenses and Civil Law..."

THE JUSTICE SYSTEM WILL BE BUILT UPON, SANCTIONED AND RESPECTED BY ALL KAHNAWA'KEHRO:NON AND MUST ADDRESS ISSUES OF INDIVIDUAL AND COLLECTIVE RIGHTS AND RESPONSIBILITIES INCLUDING AND/OR CONCERNING CRIMINAL OFFENSES AND CIVIL LAW (FAMILY, LANDS AND COMMUNITY, ETC) TO BE DISCUSSED AND/OR DECIDED IN DIFFERENT FORUMS APPROPRIATE TO THE OFFENSE.

Groups 1 and 2 agreed to the above statement and passed it over to Group 3 for their input.

GROUP 3: Added, "In order to maintain peace in our community" at the beginning of the statement.

They also decided to be less specific/restrictive and more global in terms of the Offenses by changing the words, "Offenses against Family, Lands and Community..." to "...all existing and future Laws..."

Lastly, they added a paragraph at the end of the statement, "The development of the Justice System should take into consideration all of the feedback, issue, concerns and questions at the Community Justice Hearings on Justice."

IN ORDER TO MAINTAIN PEACE IN OUR COMMUNITY, THE JUSTICE SYSTEM SHALL BE BUILT UPON, SANCTIONED AND RESPECTED BY ALL KAHNAWA'KEHRO:NON.

IT MUST ADDRESS ISSUES OF INDIVIDUAL AND COLLECTIVE RIGHTS AND RESPONSIBILITIES INCLUDING AND/OR CONCERNING ALL EXISTING AND

FUTURE LAWS TO BE DISCUSSED AND/OR DECIDED IN DIFFERENT FORUMS APPROPRIATE TO THE OFFENSE.

THE DEVELOPMENT OF THE JUSTICE SYSTEM SHOULD TAKE INTO CONSIDERATION ALL OF THE FEEDBACK, ISSUES, CONCERNS AND QUESTIONS AT THE COMMUNITY JUSTICE HEARINGS ON JUSTICE.

The statement was sent back to Groups 1 and 2.

GROUP 2: Added the "... and harmony" after the word "peace". They also changed wording in the last paragraph from, "... the justice system should take into consideration..." into "...shall take into account the spirit and intent of the ..."

IN ORDER TO MAINTAIN PEACE AND HARMONY IN OUR COMMUNITY, THE JUSTICE SYSTEM SHALL BE BUILT UPON, SANCTIONED AND RESPECTED BY ALL KAHNAWA'KEHRO:NON.

IT MUST ADDRESS ISSUES OF INDIVIDUAL AND COLLECTIVE RIGHTS AND RESPONSIBILITIES INCLUDING AND/OR CONCERNING ALL EXISTING AND FUTURE LAWS TO BE DISCUSSED AND/OR DECIDED IN DIFFERENT FORUMS APPROPRIATE TO THE OFFENSE.

THE DEVELOPMENT OF THE JUSTICE SYSTEM SHALL TAKE INTO ACCOUNT THE SPIRIT AND INTENT OF THE COMMUNITY JUSTICE HEARINGS ON JUSTICE.

GROUP 1: Agreed to the use of the word "shall" and decided to take out the words "...spirit and intent" to put back, "all of the feedback, issues, concerns and questions."

IN ORDER TO MAINTAIN PEACE AND HARMONY IN OUR COMMUNITY, THE JUSTICE SYSTEM SHALL BE BUILT UPON, SANCTIONED AND RESPECTED BY ALL KAHNAWA'KEHRO:NON.

IT MUST ADDRESS ISSUES OF INDIVIDUAL AND COLLECTIVE RIGHTS AND RESPONSIBILITIES INCLUDING AND/OR CONCERNING ALL EXISTING AND FUTURE LAWS TO BE DISCUSSED AND/OR DECIDED IN DIFFERENT FORUMS APPROPRIATE TO THE OFFENSE.

THE DEVELOPMENT OF THE JUSTICE SYSTEM SHALL TAKE INTO ACCOUNT ALL OF THE FEEDBACK, ISSUES, CONCERNS AND QUESTIONS AT THE COMMUNITY JUSTICE HEARINGS ON JUSTICE.

POSITION OF Groups 1 & 2: Consensus reached by both Groups on the above statement:

The statement went back to Group 3.

CONSENSUS: ALL THREE (3) GROUPS REACHED CONSENSUS AND AGREED TO THE ABOVE STATEMENT IN ANSWER TO QUESTION 2.

DECISIONS/CONCLUSIONS

With respect to Question 2, "WHAT ISSUES OR CONCERNS SHOULD THE JUSTICE SYSTEM ADDRESS?"

CONSENSUS: ALL THREE (3) GROUPS REACHED CONSENSUS AND AGREED:

IN ORDER TO MAINTAIN PEACE AND HARMONY IN OUR COMMUNITY, THE JUSTICE SYSTEM SHALL BE BUILT UPON, SANCTIONED AND RESPECTED BY ALL KAHNAWA'KEHRO:NON.

IT MUST ADDRESS ISSUES OF INDIVIDUAL AND COLLECTIVE RIGHTS AND RESPONSIBILITIES INCLUDING AND/OR CONCERNING ALL EXISTING AND FUTURE LAWS TO BE DISCUSSED AND/OR DECIDED IN DIFFERENT FORUMS APPROPRIATE TO THE OFFENSE.

THE DEVELOPMENT OF THE JUSTICE SYSTEM SHALL TAKE INTO ACCOUNT ALL OF THE FEEDBACK, ISSUES, CONCERNS AND QUESTIONS AT THE COMMUNITY JUSTICE HEARINGS ON JUSTICE.

This statement was then added to the answer for Question 1. The whole statement containing the answers to Questions 1 and 2 read:

WE WANT A UNIQUE SYSTEM OF JUSTICE THAT BETTER RESPOND TO OUR COMMUNITY'S NEEDS AND CONTINUES TO RESPECT OUR TRADITIONS THAT ARE BUILT UPON (THE) VALUES AND PRINCIPLES, SUCH AS, PEACE, POWER AND RIGHTOUSNESS, HARMONY, GOOD MIND AND RESPECT.

IN ORDER TO MAINTAIN PEACE AND HARMONY IN OUR COMMUNITY, THE JUSTICE SYSTEM SHALL BE BUILT UPON, SANCTIONED AND RESPECTED BY ALL KAHNAWA'KEHRO:NON.

IT MUST ADDRESS ISSUES OF INDIVIDUAL AND COLLECTIVE RIGHTS AND RESPONSIBILITIES INCLUDING AND/OR CONCERNING ALL EXISTING AND FUTURE LAWS TO BE DISCUSSED AND/OR DECIDED IN DIFFERENT FORUMS APPROPRIATE TO THE OFFENSE.

THE DEVELOPMENT OF THE JUSTICE SYSTEM SHALL TAKE INTO ACCOUNT ALL OF THE FEEDBACK, ISSUES, CONCERNS AND QUESTIONS AT THE COMMUNITY JUSTICE HEARINGS ON JUSTICE.

The following are the feedback statements made via e-mail.

- a) **E-MAIL FEEDBACK/KAHNAWAKEMAKINGDECISIONS.COM** [For Question 2 only] (VERBATIM)

Community Involvement/Time Concerns

FEEDBACK # 1:

I was wondering why the next ilcc hearing is schedualed for a time that most people cannot attend? wed at 1pm-4pm? i can schedual my jobs around it, but most people don't have that luxury. it must be re-schedualed for a date and time that allows for the community to participate.

Agreed. And, we also received comments from other community members that cannot come in the evenings because of shift work, children, etc. Our goal is to reach as many community members as possible. The next session will be at a different time and location. We will be accepting feedback through out.

Can i add this feedback to the next community hearing report? Yes. and the following as well, should you choose to. those attending the afternoon session due to children, would be leaving before the hearing closes, our kids get home from school at 3pm.maybe each question put to the community should have 2 sessions to answer it, one session evenings, and one session afternoons, and compile data from both.id also like to have a ilcc representative visit the elders lodge and KMH to present the same questions to our elders, there not likely to attend either an evening or afternoon hearing.

3) QUESTION 3- SHOULD JUDGEMENTS, ORDERS AND DECISIONS FROM THE KAHNAWA:KE JUSTICE SYSTEM BE RECOGNIZED OUTSIDE OF THE TERRITORY?

This Question created a lot of discussion and required two (2) Community Hearings. The dialogue that took place during those two (2) sessions has been placed together since it all came from the same question.

COMMENTS AND CONCERNS:

Jurisdiction/Conflict of Laws/Enforcement

They should start at the top, with Canada. Not with Quebec or Chateauguay. They (outside Governments) want it to be exactly like theirs, but if we have a white person come into the Community and not recognize our Laws, then we are back at square one. It may take twenty (20) years. The MCK has to deal with the two (2) major Governments. The Justices of the Peace are probably going to be retired before this process is complete.

We want it to be recognized on the outside, because the outside is still going to come in here every day. I want them to recognize it (Justice System) if they are going to come in here and break it (the Law). If we break their Laws, we go to their jails.

We are talking about reciprocal agreements.

We are in 2009 that's what we have to do.

CSST versus MSI – comparing reciprocity. Little steps that we have to take.

They might want us to mimic a system that is close to their own. That emulates theirs. Ensure that these discussions (discussed at the meetings) are reflected in whatever agreement is reached. Never mind mimicking.

If we had two (2) separate Systems that don't communicate, people would sabotage the System here thinking they can get a better deal out there.

We didn't develop the Laws themselves yet. All we are trying to decide is if we have the Mandate to move forward. Imagine we already have our Mandate but we made a Law that anyone that doesn't support their children, we tie them to the Cross and stone them every day. That same person goes to Montreal and they look at the file. Is the person going to be tied to the Cross on Mont-Royal? It sounds stupid but should we? We should have more of a parallel System where the Police in the City should have to contact our Community if they see that they have a file here. **[UNDER JURISDICTION/CONFLICT OF LAWS/ENFORCEMENT, SPECIFIC AREAS OF LAW, AND LEVELS OF CRIME/PUNISHMENT/SENTENCING/RESTITUTION]**

The most important thing is for our people to recognize it. **[UNDER BOTH JURISDICTION/CONFLICT OF LAWS/ENFORCEMENT AND COMMUNITY INVOLVEMENT]**

When we're talking about recognition, like deadbeat dads/moms, if they relocate somewhere else, in that situation I would expect our Judgments to be recognized for the benefits of whom they are rendered for. We don't want to impose our Laws on the outside but we want it (Justice system) to follow the people that are trying to escape it. If people commit (Offences) outside and come back here trying to avoid the Courts out there, are we going to reciprocate? Are we going to support the Decision out there for those kids' sake? That's part of reciprocity. You have to use concrete cases as examples, to help people understand. **[UNDER BOTH COMMENTS AND QUESTIONS] [UNDER JURISDICTION/CONFLICT OF LAWS/ENFORCEMENT, SPECIFIC AREAS OF LAW, AND LEVELS OF CRIME/PUNISHMENT/SENTENCING/RESTITUTION]**

At times our values would clash, say for example something like Capital Punishment. We have to decide what would happen in Conflict. **[UNDER BOTH JURISDICTION/CONFLICT OF LAWS/ENFORCEMENT AND LEVELS OF CRIME/ PUNISHMENT/ SENTENCING/ RESTITUTION]**

Non-natives breaking the Law within the Community; would be dealt with by the Kahnawà:ke Justice System.

Concern about progress on political front re: enforcing Laws outside the boundaries of Kahnawà:ke. I.e.: Land Filling, Law we have our own Law but an individual can go to outside

Courts and fight at present. **[UNDER JURISDICTION/CONFLICT OF LAWS/ENFORCEMENT, EXISTING COMMUNITY LAWS/MODERN LEGISLATION, AND SPECIFIC AREAS OF LAW]**

A Community Member requested clarification on the difference between Law and Policy. Policy is the Rule of the house, and Law is within a Community/Jurisdiction. Community Policy has to be created under a Law. **[UNDER BOTH JURISDICTION/CONFLICT OF LAWS/ENFORCEMENT AND MISCELLANEOUS]**

Kahnawà:ke no longer sends their By-Laws to INAC (the Federal Government) since 1982.

A Council Chief mentions that in 2004, INAC offered us a Municipal Court. We do not want to be considered a Municipality.

One Community Member agrees that Kahnawà:ke have an arrangement with both Provincial and Federal Government.

Other Native Communities have negotiated with the Provinces. **[UNDER BOTH JURISDICTION/CONFLICT OF LAWS/ENFORCEMENT AND OTHER MOHAWK/NATIVE COMMUNITIES]**

Kahnawà:ke is technically Federal Jurisdiction; we should not be dealing with the Province.

A Community Member explained that we have to start "playing the game" and exercise reciprocity with the Province, thinks we should move out of the Indian Act and start working with the Province. We have the resources to start negotiations with respect to all of the above.

In 1964 they (the Federal Government or Kahnawà:ke??) removed the RCMP, are we all falling into the game of what the Federal Government are doing to our People? It was stated that we put Peacekeepers in place, and by doing this it is not giving in. The Province sees them as Provincial Police. There are Laws that are in place like the Highway Safety Code. Would we really want to re-write that Law if it exists and it works? **[UNDER BOTH JURISDICTION/CONFLICT OF LAWS/ENFORCEMENT AND SPECIFIC AREAS OF LAW]**

Tobacco, men were charged in Kahnawà:ke because phones were tapped. And they were arrested but all the activity was in Kahnawà:ke and we have a Tobacco Law. **[UNDER JURISDICTION/CONFLICT OF LAWS/ENFORCEMENT, SPECIFIC AREAS OF LAW, AND EXISTING COMMUNITY LAWS/MODERN LEGISLATION]**

If we have our own Principals of Conduct, Laws, and an understanding with the Province, we need to have some kind of strength to be able to enforce our own Laws.

We could look out West (U.S. or Canada?, probably U.S) to see how they were able to have their own Laws recognized. **[UNDER BOTH JURISDICTION/CONFLICT OF LAWS/ENFORCEMENT AND OTHER MOHAWK/NATIVE COMMUNITIES]**

Akwesasne has a "hybrid" System. They have a Court System in (the) U.S. and Ontario. **[UNDER BOTH JURISDICTION/CONFLICT OF LAWS/ENFORCEMENT AND OTHER MOHAWK/NATIVE COMMUNITIES]**

Pros: (of having a Justice System recognized on the outside)

Having Judgment recognized off Territory;

Laws only apply within Territory;

Own Justice System, own Laws;

We (Kahnawà:ke) decide Laws to keep (Provincial) and Laws to develop.

Cons: (of having a Justice System recognized on the outside)

Tobacco charges on Territory – occurred on Territory;

Continued Federal Jurisdiction applies.

We need the Justice System recognized HERE (Kahnawà:ke). Justice should remain in Kahnawà:ke.

Some of these should remain “in house”; if the Judgment is rendered here, then it should stay here.

Ask, “Why would we want it (Justice System Judgments, Orders and Decisions) recognized?” Enforceability, if someone is convicted of something (a crime), then we need something recognized, otherwise, we are at a loophole. We need it because the Community does not recognize the outside Law. The Laws that the People will put forward, we need to make our own. We as a People, see things totally different than they do on outside. The white man is worried about money. Our morals, our priorities, are different in our mentality, in our Sovereignty. **[UNDER BOTH COMMENTS AND QUESTIONS] [UNDER BOTH JURISDICTION/CONFLICT OF LAWS/ENFORCEMENT AND SOVEREIGNTY]**

Become a Sovereign Nation. **[UNDER BOTH JURISDICTION/CONFLICT OF LAWS/ENFORCEMENT AND SOVEREIGNTY]**

Chiefs of the Band Council (MCK) are to go outside and make these Laws recognized.

Council (MCK) (has) to fight in Ottawa to get Jurisdiction/Laws respected.

With no recognition, you can’t abide Peace, Power, and Righteousness. We will be fighting amongst ourselves, and then have to take it to an outside Court. **[UNDER BOTH JURISDICTION/CONFLICT OF LAWS/ENFORCEMENT AND CULTURE/ TRADITION/ COMMUNITY]**

Someone states that regardless of what we decide, we will end up going through Ottawa anyway. Ottawa has said that we are under them no matter what.

Looking at the question it seems to be a “no-brainer”, who are we going through to be recognized, should it be recognized through the U.S.? It should be recognized Internationally (everywhere). If we are trying to get Sovereignty as a People, then where are we going with this? We have to be recognized throughout the world. Kahnawà:ke is an independent People,

there are no other Nations working with us. **[UNDER BOTH COMMENTS AND QUESTIONS]**
[UNDER BOTH JURISDICTION/CONFLICT OF LAWS/ENFORCEMENT AND SOVEREIGNTY]

They (the outside) do want to know what we are doing here. We may have more arguing power if we get more recognition, then where will we go with this? **[UNDER BOTH COMMENTS AND QUESTIONS]**

Sovereignty, Jurisdiction is exercised, we do all these things but we don't recognize it. The Community has a false sense of security. We first need to exercise it. The only piece of Sovereignty we are missing is "unity". Are there any roadblocks that we see? Yes, our own People will throw a monkey wrench at Council. **[UNDER BOTH COMMENTS AND QUESTIONS]** **[UNDER BOTH JURISDICTION/CONFLICT OF LAWS/ENFORCEMENT AND SOVEREIGNTY]**

Another roadblock, what if it doesn't get recognized? We've had Laws, but right now they are not enforceable. **[UNDER BOTH COMMENTS AND QUESTIONS]** **[UNDER BOTH JURISDICTION/CONFLICT OF LAWS/ENFORCEMENT AND EXISTING COMMUNITY LAWS/MODERN LEGISLATION]**

Our own Justices (of the Peace) cannot do anything about certain Court issues. **[UNDER BOTH JURISDICTION/CONFLICT OF LAWS/ENFORCEMENT AND EXISTING COMMUNITY LAWS/MODERN LEGISLATION]**

We should go through each page of the Laws that are already made, if we were to do this, it'll never get done. **[UNDER BOTH JURISDICTION/CONFLICT OF LAWS/ENFORCEMENT AND EXISTING COMMUNITY LAWS/MODERN LEGISLATION]**

If it's our People making Laws, then it will be made by the People, for the People, and enforced by the People.

Appeal process, we need it here. People will take that Appeal and take it to the outside. **[UNDER BOTH JURISDICTION/CONFLICT OF LAWS/ENFORCEMENT AND SPECIFIC AREAS OF LAW]**

It was discussed that we don't want criminals walking around with us, where will they go or be transported to do their jail time? **[UNDER BOTH JURISDICTION/CONFLICT OF LAWS/ENFORCEMENT AND LEVELS OF CRIME/PUNISHMENT/SENTENCING/RESTITUTION]**

We want to have the outside Judicial System do what we say, and of course, they will be required to enforce.

We are always going to say (Community Members) will want to go outside, but the majority of Community Members do want to have their cases heard right in the Community.

If our Laws are not recognized, then offenders can come into Mohawk Territory and/or go out of Kahnawà:ke for their Offenses and if they do not like the outcome, in the end they will say that

"you can't touch me now, I'm outside of the Jurisdiction". **[UNDER BOTH JURISDICTION/CONFLICT OF LAWS/ENFORCEMENT AND LEVELS OF CRIME/PUNISHMENT/SENTENCING/RESTITUTION]**

Kahnawà:keró:nón should have the right to go to Court within their own Community to settle Minor Offences, such as, Small Claims. **[UNDER BOTH COMMENTS AND QUESTIONS]**
[UNDER BOTH JURISDICTION/CONFLICT OF LAWS/ENFORCEMENT AND LEVELS OF CRIME/PUNISHMENT/SENTENCING/RESTITUTION]

Do we go as far as enforcing it on the outside, as well as, on the inside? Criminals will say, "I'm going to the outside", should (if) they feel they were not treated right by our Justice System. **[UNDER BOTH JURISDICTION/CONFLICT OF LAWS/ENFORCEMENT AND LEVELS OF CRIME/PUNISHMENT/SENTENCING /RESTITUTION]**

If we don't ask other Governments to recognize us, then we can't assume that they will. It's up to the players; (MCK) Chiefs would need to agree in the end.

Culture/Tradition/Community

With no recognition, you can't abide Peace, Power, and Righteousness. We will be fighting amongst ourselves, and then have to take it to an outside Court. **[UNDER BOTH JURISDICTION/CONFLICT OF LAWS/ENFORCEMENT AND CULTURE/TRADITION/COMMUNITY]**

Existing Community Laws/Modern Legislation

Concern about progress on political front re: enforcing Laws outside the boundaries of Kahnawà:ke. I.e.: Land Filling, Law we have our own Law but an individual can go to outside Courts and fight at present. **[UNDER JURISDICTION/CONFLICT OF LAWS/ENFORCEMENT, EXISTING COMMUNITY LAWS/MODERN LEGISLATION, AND SPECIFIC AREAS OF LAW]**

Tobacco, men were charged in Kahnawà:ke because phones were tapped. And they were arrested but all the activity was in Kahnawà:ke and we have a Tobacco Law. **[UNDER JURISDICTION/CONFLICT OF LAWS/ENFORCEMENT, EXISTING COMMUNITY LAWS/MODERN LEGISLATION, AND SPECIFIC AREAS OF LAW]**

Another roadblock, what if it doesn't get recognized? We've had Laws, but right now they are not enforceable. **[UNDER BOTH COMMENTS AND QUESTIONS]** **[UNDER BOTH JURISDICTION/CONFLICT OF LAWS/ENFORCEMENT AND EXISTING COMMUNITY LAWS/MODERN LEGISLATION]**

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We should go through each page of the Laws that are already made, if we were to do this, it'll never get done. **[UNDER BOTH JURISDICTION/CONFLICT OF LAWS/ENFORCEMENT AND EXISTING COMMUNITY LAWS/MODERN LEGISLATION]**

Sovereignty

Ask, "Why would we want it (Justice System Judgments, Orders and Decisions) recognized?" Enforceability, if someone is convicted of something (a crime), then we need something recognized, otherwise, we are at a loophole. We need it because the Community does not recognize the outside Law. The Laws that the People will put forward, we need to make our own. We as a People, see things totally different than they do on outside. The white man is worried about money. Our morals, our priorities, are different in our mentality, in our Sovereignty. **[UNDER BOTH COMMENTS AND QUESTIONS] [UNDER BOTH JURISDICTION/CONFLICT OF LAWS/ENFORCEMENT AND SOVEREIGNTY]**

Become a Sovereign Nation. **[UNDER BOTH JURISDICTION/CONFLICT OF LAWS/ENFORCEMENT AND SOVEREIGNTY]**

Looking at the question it seems to be a "no-brainer", who are we going through to be recognized, should it be recognized through the U.S.? It should be recognized Internationally (everywhere). If we are trying to get Sovereignty as a People, then where are we going with this? We have to be recognized throughout the world. Kahnawà:ke is an independent People, there are no other Nations working with us. **[UNDER BOTH COMMENTS AND QUESTIONS] [UNDER BOTH JURISDICTION/CONFLICT OF LAWS/ENFORCEMENT AND SOVEREIGNTY]**

Sovereignty, Jurisdiction is exercised, we do all these things but we don't recognize it. The Community has a false sense of security. We first need to exercise it. The only piece of Sovereignty we are missing is "unity". Are there any roadblocks that we see? Yes, our own People will throw a monkey wrench at Council. **[UNDER BOTH COMMENTS AND QUESTIONS] [UNDER BOTH JURISDICTION/CONFLICT OF LAWS/ENFORCEMENT AND SOVEREIGNTY]**

Specific Areas of Law (Labor, Family, Business, Criminal, etc.)

We didn't develop the Laws themselves yet. All we are trying to decide is if we have the mandate to move forward. Imagine we already have our mandate but we made a Law that anyone that doesn't support their children, we tie them to the Cross and stone them every day. That same person goes to Montreal and they look at the file. Is the person going to be tied to the Cross on Mont-Royal? It sounds stupid but should we? We should have more of a parallel system where the Police in the city should have to contact our Community if they see that they have a file here. **[UNDER JURISDICTION/CONFLICT OF LAWS/ENFORCEMENT, SPECIFIC AREAS OF LAW, AND LEVELS OF CRIME/PUNISHMENT/SENTENCING/RESTITUTION]**

When we're talking about recognition, like deadbeat dads/moms, if they relocate somewhere else, in that situation I would expect our judgments to be recognized for the benefits of whom they are rendered for. We don't want to impose our Laws on the outside but we want it to follow the people that are trying to escape it. If people commit outside and come back here trying to avoid the Courts out there, are we going to reciprocate? Are we going to support the decision out there for those kids' sake? That's part of reciprocity. You have to use concrete cases as examples, to help people understand. **[UNDER BOTH COMMENTS AND QUESTIONS] [UNDER JURISDICTION/CONFLICT OF LAWS/ENFORCEMENT, SPECIFIC AREAS OF LAW, AND LEVELS OF CRIME/PUNISHMENT/SENTENCING/RESTITUTION]**

Concern about progress on political front re: enforcing Laws outside the boundaries of Kahnawà:ke. I.e.: Land Filling, Law we have our own Law but an individual can go to outside Courts and fight at present. **[UNDER JURISDICTION/CONFLICT OF LAWS/ENFORCEMENT, EXISTING COMMUNITY LAWS AND SPECIFIC AREAS OF LAW]**

In 1964 they (the Federal Government or Kahnawà:ke??) removed the RCMP, are we all falling into the game of what the Federal government are doing to our People? It was stated that we put Peacekeepers in place, and by doing this it is not giving in. The Province sees them as Provincial Police. There are Laws that are in place like the Highway Safety Code. Would we really want to re-write that Law if it exists and it works? **[UNDER BOTH JURISDICTION/CONFLICT OF LAWS/ENFORCEMENT AND SPECIFIC AREAS OF LAW]**

Tobacco, men were charged in Kahnawà:ke because phones were tapped. And they were arrested but all the activity was in Kahnawà:ke and we have a Tobacco Law. **[UNDER JURISDICTION/CONFLICT OF LAWS/ENFORCEMENT, SPECIFIC AREAS OF LAW, AND EXISTING COMMUNITY LAWS]**

Appeal process, we need it here. People will take that Appeal and take it to the outside. **[UNDER BOTH JURISDICTION/CONFLICT OF LAWS/ENFORCEMENT AND SPECIFIC AREAS OF LAW]**

Levels of Crime/Punishment/Sentencing/Restitution

We didn't develop the Laws themselves yet. All we are trying to decide is if we have the Mandate to move forward. Imagine we already have our Mandate but we made a Law that anyone that doesn't support their children, we tie them to the Cross and stone them every day. That same person goes to Montreal and they look at the file. Is the person going to be tied to the Cross on Mont-Royal? It sounds stupid but should we? We should have more of a parallel System where the Police in the City should have to contact our Community if they see that they have a file here. **[UNDER JURISDICTION/CONFLICT OF LAWS/ENFORCEMENT, SPECIFIC AREAS OF LAW, AND LEVELS OF CRIME/PUNISHMENT/SENTENCING.RESTITUTION]**

When we're talking about recognition, like deadbeat dads/moms, if they relocate somewhere else, in that situation I would expect our judgments to be recognized for the benefits of whom they are rendered for. We don't want to impose our Laws on the outside but we want it to follow the people that are trying to escape it. If people commit (Offences) outside and come back here trying to avoid the Courts out there, are we going to reciprocate? Are we going to support the decision out there for those kids' sake? That's part of reciprocity. You have to use concrete cases as examples, to help people understand. **[UNDER BOTH COMMENTS AND QUESTIONS] [UNDER JURISDICTION/CONFLICT OF LAWS/ENFORCEMENT, SPECIFIC AREAS OF LAW, AND LEVELS OF CRIME/PUNISHMENT/SENTENCING/RESTITUTION]**

At times our values would clash, say for example something like Capital Punishment. We have to decide what would happen in conflict. **[UNDER BOTH JURISDICTION/CONFLICT OF LAWS/ENFORCEMENT AND LEVELS OF CRIME/PUNISHMENT/ENFORCEMENT]**

We (could) have three Systems with our own cycle, different services, such as, Healing Circles. We don't want to see offenders walking in front of private houses. Punishments need be

respected all the way around (Punitive System). Need consistency on Judgments/Punishments. Punishments need to be acceptable by all, or by most. Going before victims and apologizing, standing in front of the Community and asking for forgiveness. **[UNDER BOTH LEVELS OF CRIME/PUNISHMENT/SENTENCING/RESTITUTION AND RESTORATIVE JUSTICE]**

It was discussed that we don't want criminals walking around with us, where will they go or be transported to do their jail time? **[UNDER BOTH JURISDICTION/CONFLICT OF LAWS/ENFORCEMENT AND LEVELS OF CRIME/PUNISHMENT/SENTENCING/RESTITUTION]**

We all have different ideas of what Punishment should be and for how long it should be.

If our Laws are not recognized, then offenders can come into Mohawk Territory and/or go out of Kahnawà:ke for their Offenses and if they do not like the outcome, in the end they will say that "you can't touch me now, I'm outside of the Jurisdiction". **[UNDER BOTH JURISDICTION/CONFLICT OF LAWS/ENFORCEMENT AND LEVELS OF CRIME/PUNISHMENT/SENTENCING/RESTITUTION]**

Kahnawà:keró:non should have the right to go to Court within their own Community to settle Minor Offences such as, Small Claims. **[UNDER BOTH COMMENTS AND QUESTIONS]**
[UNDER BOTH JURISDICTION/CONFLICT OF LAWS/ENFORCEMENT AND LEVELS OF CRIME/PUNISHMENT/SENTENCING/RESTITUTION]

Do we go as far as enforcing it on the outside, as well as, on the inside? Criminals will say, "I'm going to the outside", should (if) they feel they were not treated right by our Justice System. **[UNDER BOTH JURISDICTION/CONFLICT OF LAWS/ENFORCEMENT AND LEVELS OF CRIME/PUNISHMENT/SENTENCING /RESTITUTION]**

Restorative Justice/ Alternative Dispute Resolution (ADR)

We (could) have three Systems with our own cycle, different services, such as, Healing Circles. We don't want to see offenders walking in front of private houses. Punishments need be respected all the way around (Punitive System). Need consistency on Judgments/Punishments. Punishments need to be acceptable by all, or by most. Going before victims and apologizing, standing in front of the Community and asking for forgiveness. **[UNDER BOTH LEVELS OF CRIME/PUNISHMENT/SENTENCING/RESTITUTION AND RESTORATIVE JUSTICE/ADR]**

Some Community Members would like to see Restorative Justice come into play.

Community Involvement

The most important thing is for our People to recognize it. **[UNDER BOTH JURISDICTION/CONFLICT OF LAWS/ENFORCEMENT AND COMMUNITY INVOLVEMENT]**

Some of the concerns about this process are the questions that are being asked, they seem leading. However, the group discussed the reasoning, (or the justification for which they are being addressed and facilitated), is so that we are contributing our opinion. **[UNDER BOTH COMMUNITY INVOLVEMENT AND MISCELLANEOUS]**

Other Mohawk/Native Communities

Other Native Communities have negotiated with the Provinces. **[UNDER BOTH JURISDICTION/CONFLICT OF LAWS/ENFORCEMENT AND OTHER MOHAWK/NATIVE COMMUNITIES]**

We could look out West (U.S. or Canada?, probably reference to the U.S.) to see how they were able to have their own Laws recognized. **[UNDER BOTH JURISDICTION/CONFLICT OF LAWS/ENFORCEMENT AND OTHER MOHAWK/NATIVE COMMUNITIES]**

Akwesasne has a "hybrid" System. They have a Court System in (the) U.S. and Ontario. **[UNDER BOTH JURISDICTION/CONFLICT OF LAWS/ENFORCEMENT AND OTHER MOHAWK/ NATIVE COMMUNITIES]**

Miscellaneous

A Community Member requested clarification on the difference between Law and Policy. Policy is the Rule of the house, and Law is within a Community/Jurisdiction. Community Policy has to be created under a Law. **[UNDER BOTH JURISDICTION/CONFLICT OF LAWS/ENFORCEMENT AND MISCELLANEOUS]**

Some of the concerns about this process are the questions that are being asked, they seem leading. However, the group discussed the reasoning, or the justification for which they are being addressed and facilitated, is so that we are contributing our opinion. **[UNDER BOTH COMMUNITY INVOLVEMENT AND MISCELLANEOUS]**

There was a Youth Forum last night, question asked, "what is a Justice System? **[UNDER BOTH COMMENTS AND QUESTIONS]**

We do not need to reinvent the wheel; it may be necessary to look at other Justice Systems around us.

We are all in agreement that they (lawbreakers) should respect Orders but we are worried they won't work, and our work at these Hearings will be for nothing.

Keep the wording simple of the Justice System; don't need extra words to make things complicated.

QUESTIONS (& ANSWERS WHERE PROVIDED):

Jurisdiction/Conflict of Laws/Enforcement

Laws? What Laws are enforced in Kahnawà:ke? [UNDER JURISDICTION/CONFLICT OF LAWS/ENFORCEMENT, EXISTING COMMUNITY LAWS/MODERN LEGISLATION, AND MISCELLANEOUS]

What happens if the Justices of the Peace retire before this process is over? Anything heard here would have to go directly to Longueuil, is this what we want? We could leave Canada and Quebec and say we were here first. Would the MCK be willing to give up all of their jobs because of this? What you are contemplating is an absolute state of Sovereignty, but it comes at a cost. The reality of life might have a different impact on that question. It is a giant leap. None of us have a clue what tomorrow will bring. We can't function without money. It's 2009 we're not all planters. The reality is something else for us. **Sovereignty is great but**

what are we trying to achieve? [UNDER JURISDICTION/CONFLICT OF LAWS/ENFORCEMENT, SOVEREIGNTY, AND MISCELLANEOUS]

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What if Quebec or Canada said, 'that's fine, but we want something in return.' What would be agreeable for us to give in return? We would be imposing our Laws on them. The Jurisdictions can exist like two (2) canoes (i.e. they have their Landlord/Tenant Law, we have ours). There's going to be things (from the outside) that are going to be useful here (in Kahnawà:ke) as well.

If someone fell within our Justice System, if they serve outside, should that come back to our System, Community Service, would they come back to our Community? If it is a Community or non-Community Member should that person have the choice of who can try them? If they're being fined outside, yes, they should have the choice. We are creating a System where no one (from the Community) is involved, it is a Council (MCK) initiative, people are feeling this is being done with or without them anyway. I don't think that's the overall opinion, I think we should have faith in ourselves whether MCK or whatever, I'm a Community Member, certain things should be left up to us. MCK is under Federal Government. The MCK entity should be responsible to the Federal Government. If someone wants to take MCK to Court they should have to take them to Federal Court, not a Community made Court. The Government is not creating the System. The People are creating the System. **When the Federal Government is sued, where do they go?** They go to the Superior Court. **Why can't we put those in place?** A Judiciary in a Democratic society is there for life. And usually the Government appoints them. If the Community selected a Judge, **where's the tie?** Those issues would be further discussed when you get further into the nuts and bolts. **How do we select these individuals?** I view the MCK as the white man's system, the white man's Law, only twelve hundred (1200) people vote. The MCK only represent a small fraction of the Community, that's a big problem for me. Those people have a choice; they can be here at this meeting right now, I may not agree, I could stay at home, but I come. MCK didn't have to do this, **is it for them?** I think it is. (Explains) [but the explanation was left out of the Discussion notes] The bottom line is what we've tried to do with our Council is try to get away from the Indian Act since 1987. Even our audit is completely different than what they tell us to do. I

firmly believe that we are here for the Community. I believe that everyone is treated equally. I hoped that there were more people here. There's always been a division in this Community but we do that to ourselves. If it happens in twenty (20) years, then my grandchildren will benefit from it. We have to get along and take away those barriers. I guess one of the challenges of direct Democracy is that not everyone participates in the Community. We did a consultation with the Longhouse. They self participated and said that fewer than six hundred (600) people; in the three (3) Longhouses voted, even less than that in the Elected System, and the rest of the Community is just silent. So that leaves a small amount who tries to figure out a way to come together and develop something we can live with. It's more of a transition over time. I don't think Council is going to end soon. This is something that's not generated by the Elected System. We want something that's going to be the bridge, that's going to get us where the Community needs to go. It's not MCK or Longhouse. **[UNDER BOTH JURISDICTION/CONFLICT OF LAWS/ENFORCEMENT AND COMMUNITY INVOLVEMENT]**

When we're talking about recognition, like deadbeat dads/moms, if they relocate somewhere else, in that situation I would expect our Judgments to be recognized for the benefits of whom they are rendered for. We don't want to impose our Laws on the outside but we want it to follow the people that are trying to escape it. **If people commit (Offences) outside and come back here trying to avoid the Courts out there, are we going to reciprocate? Are we going to support the decision out there for those kids' sake?** That's part of reciprocity. You have to use concrete cases as examples, to help people understand. **[UNDER BOTH COMMENTS AND QUESTIONS] [UNDER BOTH JURISDICTION/CONFLICT OF LAWS/ENFORCEMENT, SPECIFIC AREAS OF LAW, AND LEVELS OF CRIME/PUNISHMENT/SENTENCING/RESTITUTION]**

If you go outside the Community, we are subjected to their Laws. **Will people be subject to ours?**

How do we get a Law recognized by outside Courts? Reciprocity, ie. Child Support. **[UNDER BOTH JURISDICTION/CONFLICT OF LAWS/ENFORCEMENT AND SPECIFIC AREAS OF LAW]**

Ask, **"Why would we want it (Justice System Judgments, Orders and Decisions) recognized?"** Enforceability, if someone is convicted of something (a crime), then we need something recognized, otherwise, we are at a loophole. We need it because the Community does not recognize the outside Law. The Laws that the People will put forward, we need to make our own. We as a People, see things totally different than they do on outside. The white man is worried about money. Our morals, our priorities, are different in our mentality, in our Sovereignty. **[UNDER BOTH COMMENTS AND QUESTIONS] [UNDER BOTH JURISDICTION/CONFLICT OF LAWS/ENFORCEMENT AND SOVEREIGNTY]**

Looking at the question it seems to be a "no-brainer", **who are we going through to be recognized, should it be recognized through the U.S.?** It should be recognized Internationally (everywhere). If we are trying to get Sovereignty as a People, **then where are we going with this?** We have to be recognized throughout the world. Kahnawà:ke is an independent People, there are no other Nations working with us. **[UNDER BOTH COMMENTS AND QUESTIONS] [UNDER BOTH JURISDICTION/CONFLICT OF LAWS/ENFORCEMENT AND SOVEREIGNTY]**

They (the outside) do want to know what we are doing here. We may have more arguing power if we get more recognition, **then where will we go with this?** [UNDER BOTH COMMENTS AND QUESTIONS]

Sovereignty, Jurisdiction is exercised, we do all these things but we don't recognize it. The Community has a false sense of security. We first need to exercise it. The only piece of Sovereignty we are missing is "unity". **Are there any roadblocks that we see?** Yes, our own People will throw a monkey wrench at Council. [UNDER BOTH COMMENTS AND QUESTIONS] [UNDER BOTH JURISDICTION/CONFLICT OF LAWS/ENFORCEMENT AND SOVEREIGNTY]

Another roadblock, **what if it doesn't get recognized?** We've had Laws, but right now they are not enforceable. [UNDER BOTH COMMENTS AND QUESTIONS] [UNDER BOTH JURISDICTION/CONFLICT OF LAWS/ENFORCEMENT AND EXISTING COMMUNITY LAWS]

Which path is the Band Council following? What do we need to do to get them recognized? [UNDER BOTH JURISDICTION/CONFLICT OF LAWS/ENFORCEMENT AND MISCELLANEOUS]

Do we go as far as enforcing it on the outside, as well as, on the inside? Criminals will say, "I'm going to the outside", should they feel they were not treated right by our Justice System. ". [UNDER BOTH JURISDICTION/CONFLICT OF LAWS/ENFORCEMENT AND LEVELS OF CRIME/PUNISHMENT/SENTENCING/RESTITUTION]

Should outside authorities choose to not accept or recognize our Laws, will the Canadian Government accept us?

We want the Quebec authority to accept our Laws, but will they in the end?

If we say that these are our Laws and they should accept them, will they?

If we build a Justice System, who will judge these Laws?

Will we have to negotiate and then fall under the Quebec Government anyway?

Will the Canadian Government find a way to charge us for housing our prisoners? They (the Canadian Government) will find a way to either, charge us, bill us, or even in the end tax us. [UNDER JURISDICTION/CONFLICT OF LAWS/ENFORCEMENT, LEVELS OF CRIME/PUNISHMENT/ SENTENCING/RESTITUTION, AND MISCELLANEOUS]

Culture/Tradition/Community

Should we go back to our Traditional way of learning? Ways to repair the offender and/or the victim as well. In the olden days, we didn't have offending as we do today. [UNDER CULTURE/TRADITION/COMMUNITY, LEVELS OF CRIME/ PUNISHMENT/ SENTENCING/RESITUTION, AND RESTORATIVE JUSTICE/ADR]

We haven't had modern Justice in Kahnawà:ke for a long, long time. **Do we need it back?** [UNDER BOTH CULTURE/TRADITION/COMMUNITY AND EXISTING COMMUNITY LAWS/MODERN LEGISLATION]

Existing Community Laws/Modern Legislation

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Technically there are no Laws in Kahnawà:ke set in stone. **Is there a Law of Zero Tolerance on Drugs?** The answer is "no", there are none. **Do we need one? Do we need Banishment for Crimes, such as this?** [UNDER BOTH EXISTING COMMUNITY LAWS/MODERN LEGISLATION AND LEVELS OF CRIME/PUNISHMENT/SENTENCING/RESTITUTION]

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Sovereignty

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