

# ***A General Critique of the Kahnawake Charter***

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Congratulations to the Mohawk Council of Kahnawake for taking some initiative in providing the community with at least one option to re-strengthen our community. Although, I may not be especially impressed with the charter itself, I do have to commend the MCK for moving on their reaffirmed declaration to return to “traditional government”. The act of releasing the charter demonstrates at least a willingness to move towards something different on their part. Pleasantries aside, this critique’s primary objective is to briefly examine and analyze the document in terms of its practicality and its ability to satisfy the sometimes unquenchable desires of the many segments of Kahnawake.

Let us first identify the more positive aspects of the draft. The sections dealing with “Conflict of Interest” and the “Office of Consultation and Information” were especially well conceived and much needed for a community charter. The layout was easy to read except for some of the terminology created and envisioned for a future Kahnawake government, such as the “Kahnawake Superior Court”. Taken as a whole, this charter certainly has merit and should be entertained by the community.

In the area of opposition, let us now examine its flaws and weaknesses. As anticipated, the charter did not make any significant progress in quenching the desire to seek shelter under the Tree of Peace; meaning no provisions committed to a reaffirmed political relationship with the Mohawk Nation and the Six Nation Iroquois Confederacy. While it is clear that the MCK correctly expressed the fact that they could not represent the Mohawk Nation at Kahnawake, the charter shows no path to achieve the objective of renewing such a relationship. The MCK has also effectively expressed its intention to move towards a traditional government under the Kaianere’kó:wa, although it seems that it is not a short term objective and more like an appetizing carrot dangling from a string. Not much in the charter resembles much in the Kaianere’kó:wa; both in the spirit and rule of law, except for a pledge to eventually move there two years after the ratification of the draft charter.

In the charter itself, far too much authority and power is relinquished to the executive body, the Council of Public Representatives. While other countries invest much reliability and authority in the hands of their executive branches, this author believes that very aspect to be a primary source of American or Canadian imperialism. Likewise, an ideal executive branch in Kahnawake may have the ability to participate and even spearhead negotiations with outside governments, but only the legislative branch under the direction of its constituents should have the authority to finalize or ratify agreements with foreign governments; provided of course, it does not deal with or jeopardize the sovereign integrity of the Mohawk Nation and Six Nation’s Confederacy.

The legislative branch outlined in the charter is called the Council of Elders, which may not be the best idea in a community like Kahnawake. Kahnawake, as an indigenous community, socially and culturally mirrors other indigenous in terms of social and cultural knowledge; meaning that elders in Kahnawake may not be the best custodians of history and cultural knowledge as opposed to other native communities. Here, all generations both young and old share the pieces to the grand cultural

puzzle since the revival of the Kaianere'kó:wa in Kahnawake is fairly new, and just because someone is an elder doesn't necessarily make them the most qualified or wisest leader. Indeed respect for eldership must be instilled within everyone, but political qualifications and criteria outweigh age.

While addressing the dynamics of the legislative body, I can't help but frown upon the election process for the installation of an "elder". It is simply contrary to the spirit of the Haudenosaunee for one to seek a position of authority, which indicates a motivation of personal ambition; a trait that seems rather European in nature. Regardless of whether the motivation of this ambition is noble or less than noble, it is the philosophy of the Haudenosaunee to cultivate and develop leadership rather than the leadership to squabble and compete over the development of society. Moreover, why must submissions for leadership in the Council of Elders be referred to the Council of Public Representatives and not some type of impartial electoral office or officer? In the elections process of most democratic governments, the legislative body does not require a screening or referral from the executive body; as the executive body should not have any interest or role in the election of members in the legislature. Actually, it should be vice versa.

Now that most of my initial concerns have been addressed, I shall explain my final and most significant critique. That is that all factions of the Haudenosaunee at Kahnawake should have been asked to contribute as a joint partner in the creation of a community charter. This point automatically discourages my support for the charter; as their input would have been invaluable in its initial drafts rather than after its release. While the MCK did approach the Long Houses, its proposal primarily suggested a traditionalist inclusion in an education process of Kahnawa'kehró:non, rather than joint inclusion in the architecture of a new community government motivated by Kaianere'kó:wa.

Aside from the specific contents of the draft, an overall analysis indicates that the charter definitely needs more work and should strive to include more segments of the community in its future drafts; not only in terms of consultation but for joint inclusion of community segments in its technical development. The current draft is not nearly assertive enough to draw support from an extremely unyielding community like Kahnawake. In terms of constructive criticism and alternative routes, *my* charter is nearly ready.

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