

# Election guidelines ignore Indian Act

by Paul Barnsley

SIX NATIONS - Band Council, by imposing their own guidelines for electoral procedures, has moved out from within the legal powers of the Indian Act.

Councillor John Peters was all for council flexing its jurisdictional muscles but he was concerned that not having a legal basis for the revised electoral process could backfire on council.

"Are they (DIA) accepting them?" he asked after the new guidelines were passed. "Do we have anything in writing?"

"If they don't, too bad," said Chief Williams. "We're doing it anyways."

Peters has pointed out on a number of occasions that a "disgruntled candidate" could challenge the legitimacy of any election conducted outside of the legal limits of Canadian law. He'd prefer that Section 74 of the Indian Act be repealed so that council's guidelines would be on more solid legal ground.

"I'm all in favour of exerting some power ourselves but I want to avoid the situation where somebody says 'You show me where this has been

repealed and I'll go home,'" he told council.

Chief Williams isn't worried. He seems to be spoiling for a jurisdictional fight.

"If somebody challenges it, they challenge it," he said.

Williams told Peters that Indian Affairs was not about to change the Indian Act to accommodate Six Nations. By adopting the guidelines, he said, council was handing Indian Affairs an accomplished fact.

"We've already done it," he said. "Now it's up to Indian Affairs."

"Once we submit this to Indian Affairs I'm sure we're going to get some comments back," Williams added. "Audrey's (DIA Regional Director General Audrey Doerr)

coming down on the 29th of this month. I guess we'll know her opinion then."

Councillor Dave Johns warned council to stay within their mandate.

"There's a whole whack of people would say if you're not an Indian Act council, then get out," he said, adding some would do whatever it took to get them out of office. "I, personally, wouldn't want to see that."

Chief Williams, however, urged council to approve the guidelines.

"Is council going to do this or not?" he asked. "You either accept or go back under the Indian Act."

The Council passed the guidelines by a 9-1 vote.