

Kahnawà:ke Membership Law  
Comparative Table Question 1 & 2

Group 2 comments (*in red*) on Group 1 responses

GROUP 1	GROUP 2	GROUP 3
1) Who can be a member? What is the criterion to become a member?	1) Who can be a member? What is the criterion to become a member?	1) Who can be a member? What is the criterion to become a member?
<b>4 or more Kanien'kehá:ka great-grandparents Or Iroquois or Indigenous great-grandparents</b>	<b>4 or more Kanien'kehá:ka great-grandparents Or Iroquois or Indigenous great-grandparents</b>	<b>4 or more Kanien'kehá:ka great-grandparents Or Iroquois or Indigenous great-grandparents</b>
<p>-4 great grandparents - needs better definition <b>Group 2: Agreed, must be defined and not include "acquired status". (Feb. 28/13)</b></p> <p><i>Group 2: Agreed, must be defined and not include "acquired status". Some people think you have to be 100% but if you were accepted, you were accepted but we don't want someone who is non-native who gains status through marriage. They must have some lineage. The Council of Elders was the ones that were going way back. Question: If one of the 4 great-grandparents has only 50% then we are not keeping the bloodline. Three great-grandparents have to be 75% or more. A point was raised that the women who married out also have full blood but lost their rights prior to 1981 and cannot come back unless they are widowed or divorced (10.3). Are we not trying to get away from the blood quantum? If they were accepted then they should be accepted 4 generations later. A lot of the women left with the clans and this is the main foundation of who we are. We cannot forget these people that were pushed out of the community. Changing the law is not going to solve this for these women. If you marry out over and over, then what happens with the clan system? No, one participant responded because you are more likely to marry someone who is like you. We have responsibility to set up the younger ones to meet other Indigenous people to marry. We are talking about lineage and who can be on the registry, if you are a Mohawk, you're Mohawk until the day you die and regardless if you marry a native or not. If I am Mohawk then my child is Mohawk and I disagree with the Council of Elders. I agree with having a type of advisory to help the registrar when deciding. I disagree with 15 people deciding. There are services available for those on the registry for you and your child. The administrative portion should be done by the</i></p>	<p>-I don't believe that the criteria of having 4 Kanien'kehá:ka great-grandparents should change.</p> <p>-I don't agree because of personal reasons having married a non-native so I don't agree because my children will not meet the 4 great-grandparent requirements.</p> <p>-We have a lot of people that are full-blooded Indian from other reserves but their children are not put automatically on our membership list because of the requirement of "<i>Kanien'kehá:ka or Iroquois great-grandparent</i>" and they have to apply for membership when they're 18.</p> <p>-Section 10.1 is for members on this reserve so automatic membership.</p> <p>-If one parent is a Kahnawà:ke member and as long as the other parent that is from another reserve has verifiable proof, the children should have automatic membership.</p> <p>-How do you track the lineage from other reserves? Shari answered that they have to answer and provide proof and show that they have lineage and it is not through "acquired rights".</p> <p>-Are we speaking of children that are born here? Yes.</p> <p>-For this specific example, I know someone who has four great-grandparents; can she qualify as a member just by her mother's side? Shari answered "No, she would have to apply for membership."</p> <p>-How would the situation of having three (3) great-grandparents be addressed?</p> <p>-There are other factors that should be considered: having a tie with community, have a clan, they have recognized children in the community, knowing the language, lived in Kahnawà:ke all their life:</p> <p style="padding-left: 20px;">-Great-grandparents</p>	<p>-Some Indigenous blood but not 4GG</p> <p>-Concerns about having children with Indigenous people outside</p> <p>-We are becoming exclusionary</p> <p>-Some people here have no blood ties but many who do have it are excluded</p> <p>-Birth clan = automatic enrollment</p> <p>-Forget the Indian Act</p> <p>-We are matrilineal</p> <p>-Go back to old values</p> <p>-How do people get clans?</p>

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<p>registrar. I don't agree with that. Four great-grandparents with lineage but no percentage mentioned. One participant disagreed saying that one of them can be 50% if the other three are 75%. (Mar. 21/13)</p> <p>-4 Great grandparents depends on context. -Council of Elders agreed to 3 great grandparents. After it was brought to the Lawyers, it was changed to 4 great grandparents. <b>Group 2: Not true</b> -Definition is required for "What is a Kanien'kehá:ka grandparent"? -4 Great grandparents is "Blood Quantum" in disguise? <b>Group 2: Not true</b> -One comment of not being ok with 4 Great grandparents. -Create a working group to define definitions. <b>Group 2: Disagreed, don't think that a working group needs to be created because the definitions will be worked out during the drafting of the law.</b></p>	<ul style="list-style-type: none"> <li>-Deep ties with the community</li> <li>-Have a clan</li> <li>-Knowing the language</li> <li>-Living in Kahnawà:ke all their life</li> <li>-Recognized children on membership list</li> <li>-Spouse: the path they choose</li> </ul> <p>-If the criteria were changed to 3 great-grandparents, it would mean so many more people could be considered members.</p>	
<p><b>What is the definition of great-grandparent?</b></p>	<p><b>What is the definition of great-grandparent?</b></p>	<p><b>What is definition of great-grandparent?</b></p>
<p>-No comment</p>	<ul style="list-style-type: none"> <li>-Does it mean that the 4 great-grandparents must be 100%?</li> <li>-Realistically, you cannot ask for 100% full-blooded as you will not find many.</li> <li>-It is not impossible to have 4 full-blooded great-grandparents.</li> <li>-What if one of the great-grandparents gained acquired status at that time? The group said no.</li> </ul>	<ul style="list-style-type: none"> <li>-We don't have a choice in our lineage</li> <li>-Disagree with 4GG law; we have to be inclusionary.</li> <li>-Why do we deny some and not others?</li> <li>-Bill C31 forces us to down grade lineage; got to be a stop somewhere. Blood quantum.</li> <li>-Major impact, where does the cut off come?</li> </ul>
<p><b>Automatic for a person born of 2 members or 1 member parent and other of Iroquois confederacy with verifiable proof? <b>Group 2: Agreed</b></b></p>	<p><b>Automatic for a person born of 1 member parent and other of Iroquois confederacy with verifiable proof?</b></p>	<p><b>Automatic for a person born of 2 members or 1 member parent and other of Iroquois confederacy with verifiable proof?</b></p>
<p>-Should it read "Kanien'kehá:ka" or "Indigenous"? What if a person is Native but not part of the Six Nations? <b>Group 2: Agreed but "Indigenous" meaning Canada and continental U.S. only including Inuit</b> -If "Indigenous" is used it must be clarified - North America (U.S. &amp; Canada) <b>Group 2: Agreed</b></p>	<ul style="list-style-type: none"> <li>-Shouldn't it be automatic if you're born of 2 member parents? Yes the group agreed.</li> <li>-What about non-natives that are registered as members?</li> <li>-A change that is needed: about automatic member, if women married out, they should not have to go in front of the Council of Elders to ask for "permission" because they have always been Onkwehonwe. We need to be inclusive.</li> <li>-What if they are bringing home children, this has to be addressed. The welfare of the children of this marriage has to be looked at.</li> <li>-The group said yes it should be automatic within the Iroquois Confederacy.</li> </ul>	<ul style="list-style-type: none"> <li>-2003 changed from 50% to 4GG-</li> <li>-Prior to change did Indigenous from outside nations count toward 50% blood quantum? Age 18 you were to choose membership.</li> </ul>
<p><b>Is married to or living in a common-law relationship with a member</b></p>	<p><b>Is married to or living in a common-law relationship with a member</b></p>	<p><b>Is married to or living in a common-law relationship with a member</b></p>
<p>-No comments or concerns <b>Group 2: Remove "common-law"</b></p>	<p>-Shari explained that this pertains to someone who has little or no</p>	<p>-(Rose-Ann explains sections in Law)</p>

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	<p>Mohawk lineage but is married to or living common law with a Kahnawà:ke member.</p> <ul style="list-style-type: none"> <li>-“Common-law” should not be considered as meeting the criteria because the couple is just “shacking up”.</li> <li>-Remove “common-law” as when someone is married they value the commitment more.</li> <li>-“Common-law” is widely accepted.</li> <li>-The government does not recognize the spouse if they are not legally married.</li> <li>-We must remember that this is our law and we don’t have to go along with outside governments’ definitions.</li> </ul>	<ul style="list-style-type: none"> <li>-Common law - How do we define lineage in same sex relationship?</li> <li>-Adoption-native at birth</li> <li>-Maintains ties with community</li> <li>-Honors customs and tradition, comply with codes, laws and regulations</li> </ul>
<p><b>Maintains ties with community</b></p>	<p><b>Maintains ties with community</b></p>	<p><b>Maintains ties with community</b></p>
<p>-Be committed to the community. <b>Group 2: This is very important where coming in or part of, leaving this in law is too cumbersome. The onus is put on the person to demonstrate what they believe maintaining ties is. Some people left and never came back so they don’t have ties but would like to come back. To contribute to the community and not only take from it. What about having a Haudenosaunee ceremony, a “welcoming back” ceremony. Hold a ceremony every quarter. One member participated and did not feel welcomed. Sometimes all the years does not make up for the hurt.</b></p> <p>-What if someone never lived here but they are now an elder and would like to be “accepted” by their community but they don’t want to move back here?</p>	<p>-If the person doesn’t even know where Kahnawà:ke is and calls Membership because they want to live here and get stuff for free, they definitely do not have ties to the community.</p> <p>-Must be expanded upon and must be kept as a criterion.</p>	
<p><b>Honors customs and tradition, comply with codes, laws and regulations of Kahnawà:ke</b></p>	<p><b>Honors customs and tradition, comply with codes, laws and regulations of Kahnawà:ke</b></p>	<p><b>Honors customs and tradition, comply with codes, laws and regulations of Kahnawà:ke</b></p>
<p>-Make an oath <b>Group 2: What would be the point if it doesn’t really matter? Some members of the community don’t even care. There is no way to measure that. If we remove this from the law, we can put it as an oath or ceremony. These were put in the law because the elders put them in there.</b></p>	<p>-What does this mean?</p> <p>-It was put in for the traditional aspect.</p> <p>-What does “customs and traditions” mean? Cornbread and steak on Sunday?</p> <p>-If you don’t want to go to the longhouse you don’t have to, it is a personal choice.</p> <p>-Former COE member commented that the Council of Elders was putting an amendment in for this section, to change the word to “respect”.</p> <p>-Make it 2 sentences: Respects customs and traditions. Complies with codes, laws and regulations. Or “Honours the customs and traditions</p>	<p>-No comments</p>

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	of Kahnawà:ke”.	
<p><b>Requirement for a Clan or obtain a Clan</b></p> <p>-There are many different processes for obtaining a Clan in the community. Which Longhouse is correct? <b>Group 2: I think it must stay in the law, they should seek a clan. There has to be expansion on the process of how to obtain a clan. It is extremely intimidating. There has to be a process to facilitate. There are classes to learn the language, ceremonies and protocol to follow when you go to the longhouse. They should be encouraged to seek out and learn.</b></p> <p>-Clans are important when it comes to titles.</p>	<p><b>Requirement for a Clan or obtain a Clan</b></p> <p>-Having a Kanien’kehá:ka clan, does a person who has been adopted have the same rights as a person born into the longhouse?</p> <p>-What about people who go to Church?</p> <p>-I think there is too much emphasis on having a clan.</p> <p>-I think it is important to have a clan because we are Onkwéhonwe people.</p> <p>-But we are independent people and if someone is Catholic, we cannot force them to have a clan as it is an individual choice.</p> <p>-I think it is very important for some people but not as important for others.</p> <p>-I think it should be a personal choice and it should not be a requirement for membership.</p> <p>-Should someone who has a clan carry more weight?</p> <p>-I think having a clan is what we are as a Nation.</p> <p>-The reason we had clans was so that we did not marry our brothers and sisters. There are many that still follow it today but it has lost the purpose it had a long time ago.</p> <p><b>What are the criteria to become a member?</b></p> <p>4 or more Kanien’kehá:ka great-grandparents</p> <p>Clan</p> <p>Committed to learning Kanien’kèha</p> <p>Respects mother earth</p> <p>Maintains ties with community</p> <p>Honors customs and tradition, comply with codes, laws and regulations of Kahnawà:ke</p> <p>Is married to or living in a common-law relationship with a member</p>	<p><b>Requirement for a Clan or obtain a Clan</b></p> <p>-How do people get clans?</p> <p>-If you are not born with a clan</p> <p>-You can’t be giving the clan; they would not have full rights.</p> <p>-Adoption</p> <p>-So what if the mother is not native?</p> <p>-People who have clans can come back in but we aren’t taking away membership from existing members.</p> <p>-Clans hanging around their neck are allowed to be under the clan but don’t have a voice.</p> <p>-Different ideas of a clan - clear definition of a clan.</p> <p>-What are the responsibilities of a clan?</p> <p>-Do you have any leadership within the longhouse?</p> <p>-Consult the longhouse people about their clans.</p> <p>-We do not have to consult the longhouse because this doesn’t amend existing clan decisions.</p>
<p><b>Committed to learning Kanien’kèha</b></p> <p>-Make it an oath. <b>Group 2: Agreed. Question: How many people who were accepted as members actually learned Kanien’kèha. We should give them an opportunity to learn, offer courses. Current members should hold themselves to the same standards that we are setting.</b></p>	<p><b>Committed to learning Kanien’kèha</b></p> <p>←Group 2 agreed that an oath should be signed. <i>See comment in red.</i></p>	<p><b>Committed to learning Kanien’kèha</b></p> <p>-Should not be a requirement under membership. This should be part of Citizenship Law, either within the Kahnawà:ke Membership Law or totally separate from the Kahnawà:ke Membership Law.</p> <p>-Commitment by person to learn language culture.</p> <p>-Assimilation is a problem not being able to learn the language.</p> <p>-Make a motion to decide a requirement under membership.</p> <p>-Values &amp; beliefs support the language.</p>

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		<p>-How would this be enforced or monitored?</p> <p>-Rose-Ann Morris responded by noting that Group 1 discussed having people sign an oath or a pledge as a method to give people an opportunity to take language classes.</p> <p>-It's not a law for us to learn our language. A person cannot be denied membership because they may refuse to learn the language.</p>
<b>Respects mother earth</b>	<b>Respects mother earth</b>	<b>Respects mother earth</b>
<p>Suggestion → Remove "Respects Mother Earth" <b>Group 2:</b> <b>Oath/Ceremony</b></p> <p>Suggestion → Make it an oath "Respects Mother Earth" <b>Group 2:</b> <b>Agreed</b></p> <p>Requirements are matters of opinion –It's difficult. <b>Group 2: Agreed, how do you judge it?</b></p>	<p>-What does that mean?</p>	
<u><b>Outcome:</b></u>	<u><b>Outcome:</b></u>	<u><b>Outcome:</b></u>
<p><b>Concerns were raised by Group 1 and presented to Group 2</b></p> <ul style="list-style-type: none"> <li>-Definition is required for 4 Kanien'kehá:ka Great Grandparents</li> <li>-Definition is required for citizenship</li> <li>-Definition is required for Membership</li> <li>-To establish a working group to work on definitions</li> </ul>	<p>Group 1 &amp; Group 2 reached consensus for question 1 and presented back to Group 3.</p>	<p>No Consensus reached as all three groups were only able to answer part of the first question. Group 1 &amp; 2 started deliberations with Group 1 presenting their position to Group 2. Before Group 2 could respond, Group 3 was permitted to present their position since they weren't given a chance at the previous meeting. Due to time constraints, the meeting adjourned at 8:30 p.m. (Feb. 28/13)</p>
<b>2) Who decides who will be a member?</b>	<b>2) Who decides who will be a member?</b>	<b>2) Who decides who will be a member?</b>
<b>Registrar: decides automatic members?</b>	<b>Registrar: decides automatic members?</b>	<b>Registrar: decides automatic members?</b>
<ul style="list-style-type: none"> <li>-Registrar decides automatic members - should be all applicants – they will have the law and it will be their responsibility to implement the law</li> <li>-30 day community publication of request then it goes to the registrar's office</li> <li>-All agreed it should be the registrar and scrap the Council of Elders</li> </ul> <p><b>Question:</b> What was the reason for creating the Council of Elders?</p> <p><b>Answer:</b> It was to not have MCK involved... the community did not want the MCK to be the decision makers with regard to membership</p>	<ul style="list-style-type: none"> <li>-Should be the Registrar and if there is a problem then an advisory council. No disrespect to the Council of Elders members. We can't just leave it to the elders as there are many people in the community that are very knowledgeable that can be on the council.</li> <li>-For automatic membership, it should be left up to the Registrar if they meet the criteria.</li> <li>-Agree with registrar for automatic and advisory council.</li> <li>-I agree with the registrar deciding for automatic members.</li> <li>-I agree that registrar should be in charge of the automatic members.</li> <li>-Example of someone that was put on membership list by registrar but then daughter showed up looking for her adopted family.</li> <li>-As said earlier, C o E is not the best term to use, the Registrar does the administrative work and background checks. There will be some</li> </ul>	<ul style="list-style-type: none"> <li>-Registrar to make the decision to belong.</li> <li>This referred to example given regarding an 80 year old woman whose husband has passed away &amp; does not want to go in front of a committee to be re-instated. The registrar should let them back in. They belong and should not have to go through process. Revoke the Indian Act policy.</li> <li>-Enfranchisement of native women, living persons and children; "bring them back". Only in regards to marriage prior to 1981.</li> <li>-Exclusion of people is wrong. It doesn't matter if they are male or female.</li> <li>-An example was given of a native person that remarries 3 times to a non-native; and questioned how many times would they be allowed back in.</li> <li>-Another example was given of persons who signed away their rights</li> </ul>

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	automatic in's but for the others, an advisory council to help the Registrar. The law will be clear to apply without a variety of interpretations.	and marries someone from Kahnawà:ke and whether they'd get their back giving them status here.
<b>Council of Elders: decides all applications?</b>	<b>Council of Elders: decides all applications?</b>	<b>Council of Elders: decides all applications?</b>
Eliminate the Council of Elders; too many problems	<ul style="list-style-type: none"> <li>-Can the C o E overturn the registrar's decision? Yes.</li> <li>-C o E member is a member for life, should this be changed?</li> <li>-C o E, the name doesn't have to be "elders"</li> <li>-No one went into the C o E with bad intentions.</li> <li>-Anyone who had to be a C o E, when they did the nominations, no one got up and spoke and they were automatically all in for life. This should change because no one was aware of the process.</li> <li>-Council of Elders should be left in there but maybe restructured with cross members of the community, different age categories.</li> <li>-Agree there should be elders but there should be an appeal council</li> <li>-Safety mechanism to have the names posted for 60 days</li> <li>-There is a registry available from DIAND that is available at SDU; anyone who is added or removed from the registry's name appears.</li> <li>-According to the law all those that were being reinstated, their names were posted in the Eastern Door. This is done in Akwesasne.</li> </ul>	<p>-Does not agree with C.O.E.</p> <p><b>Note: This question was inserted here because it pertained to question 2. It was actually first discussed at the onset of the meeting</b></p> <p><b>Question</b> - Concerning marital status between a registered member and a non-member, as I understand it, the native person would lose their eligibility to be included on the list. If there should be a separation, divorce or death of the non-native, would the native person gain the eligibility to reinstate? If there were children involved, should they be eligible as they would be 50 per cent native?</p> <p><b>Answer</b> - The current Membership Law requires a member who married a non-Indian to apply to the Council of Elders for reinstatement. Their children can apply to the Council of Elders to be considered for membership when they reach 18 years old based on their lineage." Several participants felt that someone who was a member and is no longer married to the non-Indian spouse should automatically be reinstated by the Registrar and not have to go through the Council of Elders (called a no-brainer decision).</p>
<b>Or is another body needed?</b>	<b>Or is another body needed?</b>	<b>Or is another body needed?</b>
<ul style="list-style-type: none"> <li>-There needs to be an appeals body. Suggestion was to have the Court of Kahnawà:ke as the appeals body</li> <li>-Verification committee</li> <li>-Kahnawà:ke Court verify if process is followed</li> <li>-Kahnawà:ke Court has the final decision</li> </ul> <p><b>Question:</b> Can the Court of Kahnawà:ke enforce the law?</p> <ul style="list-style-type: none"> <li>-If the Court of Kahnawà:ke cannot hear the law (because it doesn't have jurisdiction) then it would be a membership review committee for being the appeal body. Should require a formal election process and criteria to run for said positions.</li> <li>-Appointment process instead of a formal election process. Duties of members - requirements. Nomination process, whereby people submit names, names go to the MCK and they appoint 3 representatives with a</li> </ul>	<ul style="list-style-type: none"> <li>-I agree with what everyone's saying and if we have a clear law, it does not have to be debated by a council of elders and I agree with having an advisory body. There has to be a way of having the backing of the community and have someone stand up when they want to take part on the advisory council.</li> <li>-Recommend name change to "advisory council", look at their function of advising, having consensus and it will be clear.</li> <li>-If there is a problem or issue, it would be sent to the advisory council</li> <li>-I agree that the council should be of different ages. I agree there should be a time limit for the term and they should attend meetings consistently.</li> <li>-I agree having an appeal body and I would like to be part of it.</li> </ul>	<ul style="list-style-type: none"> <li>-Need a different body to oversee process</li> </ul> <p><u><a href="#">Parking Lot:</a></u></p> <ul style="list-style-type: none"> <li>-The Matrimonial Real Interest (MRI) was referred to as an issue as it would affect the Kahnawà:ke Membership Law.</li> </ul> <p><b>Question</b> - Birth certificates that are issued by province, does it give them status or just the place where you were born?</p> <p><b>Answer</b> - It does not give them status just record of place of birth. Birth certificates are not issued by Kahnawà:ke.</p> <p><b>Note</b> - Our Membership Law does not include transfers.</p>

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<p>criteria of what is needed to fill the job. -Pros and cons of both if it becomes a popularity process. If appointed you run into the same problems of MCK deciding. -Combination of both - it can go to MCK and then to the community.</p>		
<p><u>Outcome:</u></p> <p>-Registrar decides automatic members -Eliminate the Council of Elders -There needs to be an appeal body. -Suggestion was to have the Court of Kahnawà:ke as the appeal body.</p> <p>Group 1 &amp; 2 reached consensus over question 1.</p>	<p><u>Outcome:</u></p> <p>Group 1 &amp; 2 reached consensus over question 1.</p> <p>The next meeting Group 1 will present question #2 to Group 2 in an effort to reach consensus.</p>	<p><u>Outcome:</u></p> <p>Group 3 felt they needed more time to compare their responses with the two other groups, therefore at the next meeting, Group 3 will first complete question 1) to answer the following points: <b>Maintains ties with community &amp; Respects mother earth</b>, then all three groups will continue the process to reach consensus for question 2.</p>