

COMMUNITY DECISION-MAKING PROCESS
KAHNAWÀ:KE MEMBERSHIP LAW
5th COMMUNITY CONSULTATION
Karonhianonhnha School Gym
16, Onerahtókha/April 2013
6:00 – 8:30 PM

RECORD OF DISCUSSION

FACILITATORS:

Kahente Horn-Miller (Lead - CDMP)

Kelly Ann Meloche

Joe Delaronde

Ron Skye

RESOURCE PEOPLE:

Rose-Ann Morris (Lead – Resource Person)

Arlene Beauvais

Shari Lahache

Rose-Ann Morris

RECORDERS:

Jennifer McComber (Main Screen)

Mia Phillips (Group 1)

Brandie Meloche (Group 2)

Sophia Dupont (Group 3)

6:00 P.M. **WELCOMING** – Kahente Horn-Miller

6:05 P.M. **INTRODUCTION/MEETING GUIDELINES** – Joe Delaronde & Kahente Horn-Miller

6:10 P.M. **KAHNAWÀ:KE MEMBERSHIP LAW** – Rose-Ann Morris

6:15 P.M. **QUESTION: What needs to amended in Kahnawà:ke Mohawk Law?**
Continued

8:15 P.M. **NEXT STEPS** – Kahente Horn-Miller & Rose-Ann Morris

8:30 P.M. **CLOSING**

QUESTION:

**What needs to be amended in the Kahnawà:ke Membership Law?
Continued**

GROUP 1

Facilitator: Kelly Ann Meloche
Resource Person: Arlene Beauvais
Group Speaker:
Recorder: Mia Phillips

15 Minute Group Discussion

A review was done of the last meetings questions to give new members of the group an opportunity to voice their opinions.

Discussion:**Who decides who will be a member?**

- Will anyone be working with the Registrar?
- Worried that the registrar would have carte blanche, it would be better to have an advisory group or alternate group.
- Who will the registrar talk to besides the workers?
- In Kahnawà:ke there are a lot of boards, a little bit hesitant of creating another type of board. An appeal process would avoid this.
- Somewhere down the line there might be something that the registrar sees that could be followed. Could they bring in an elder to assist, or it will be “no” this is the law to follow to a “T” with no flexibility.
- Have a body of reference, a separate section that they can go to for reference.

30 day community publication of request then it goes to the Registrar’s office:

- Where will it be posted? It should be **well publicized**: newspapers, radio, post office, TV, internet

What is the definition of Kanien’kehá:ka (people of the flint) Great-grandparent?

- Define indigenous there are indigenous people in Mexico. Some people are more lenient with the term than others.

- If we go back four great grandparents some people can go back seven generations and some can only go back 4, it's not equal. If you're applying the law it should only go back 4 great-grandparents. It should be applied equally and fairly.
- It became a problem going back as some great-grandparents were only half.
- **Question:** how would you clearly define great-grandparents to avoid; .5, .25
- Is it using blood, lineage?
- What if someone lost their status? Would they still have lineage.
- It's hard to define, sometimes people don't know their parents, they could be raised by aunts, uncles, cousins.
- **Question:** What happens if a woman has a child, her relationship breaks up and she remarries, and her new spouse adopts the child?
- **Answer:** if it's a legal document their name gets registered. The adoptive parent becomes the parent, everything before is the past.
- Example given of an instance where a child was adopted, raised in Kahnawà:ke, speaks the language, but only has 3 great-grandparents cannot be registered according to the Membership Law. When he became 18 was not able to be a member as he only has 3 great-grandparents. Can only identify 3 great-grandparents on mother's side, cannot locate father.

Parking Lot:

- **Question:** How do people find out that they're part of Kahnawà:ke?
- **Answer:** They are notified by Indian Affairs.
- Kahnawà:ke is only notified of who is on the federal list. In reality, if the person gets issued a band designation number of 070 they can come to Kahnawà:ke and apply for land and services.

Outcome:

- In this session additions to the previous discussions took place. The group maintained previous consensus.

QUESTION:

**What needs to be amended in the Kahnawà:ke Membership Law?
Continued**

GROUP 2

Facilitator: Joe Delaronde
Resource Person: Shari Lahache
Group Speaker:
Recorder: Brandi Meloche

15 Minute Group Discussion**Discussion:**

- Group still in agreement that if a person meets all criteria without question(4 Great Grandparents), they will not have to go in front of the Council of Elders. The Registrar will process the paperwork.
- Concern with the Registrar having a supervisor to overlook requests.
- SUGGESTION → 60 day public posting to the community for someone requesting to be a member.
- Discussion on restructuring of Council of Elders to include various age groups.
- Change the title of the Council of Elders so that other age groups could participate. SUGGESTION →“Advisory Council”
- All agree that there should be a group in place to address Membership.
- People who serve on the COE or “review group” has to be a person who knows history. If it is a young person serving, they may need to sit on the side and observe and listen.
- The Registrar will be responsible to provide the history and background of the requester to the COE or “review group”
- When the call was made for people to serve on the Council of Elders not all age groups applied. It is very difficult to make decisions that impact a person’s life. Even some of the original elders left the group because of the difficulty in the decision making.
- All agree that there should be a minimum age requirement to serve on the group for history and life experience purposes.
- SUGGESTION → Age to serve on a Review Group/Board: Most suggest 40-45 with some suggesting 50.
- SUGGESTION → Allow younger people maybe 18+ observe the group/board if they have a real interest.

- SUGGESTION → Apprentice Program should be put in place for younger people who may want to eventually serve on the board.
- Term → 5 Years staggered.
- No term limits.
- Number of Members: 7 with 2 alternates. (Alternates have the option of sitting in all meetings if they choose.
- Method of Selecting Members: SUGGESTIONS → Election, Applications, Committee to review applications, possible appointment for organizations/Longhouse, Selection/Election at a special meeting for that purpose.
- Questions/Concerns regarding “Appointment”.

Outcome:

- In this session additions to the previous discussions took place. The group maintained previous consensus.

PARKING LOT → Will older criteria be used for applicants?

QUESTION:

**What needs to be amended in the Kahnawà:ke Membership Law?
Continued**

GROUP 3

Facilitator: Ron Skye
Resource Person: Rose-Ann Morris
Group Speaker:
Recorder: Sophia Dupont

Group Discussion

Consensus of group 1 and 2 is that there needs to be 4 or more Kanien'kehá:ka great-grandparents or Iroquois or Indigenous great-grandparents.

Group 3:

- I believe there should be six (6) great-grandparents.
- I agree, it's a good number (6).
- I disagree, there would be no one left, lot of things came into play on how it came to 4. It got changed with the third group of Elders. It got changed by Council from 3 to 4.
- Rose-Ann answered that it was decided at a public meeting that 3 was too few.
- I remember being at the meeting, there was number right in between because of people that were already here and part of the community. The bar was too high at 6. We are being too exclusive. Four (4) was felt a good number, right in the middle.
- If it is changed to six (6), it would apply when the law is enacted but not affect people who are already here.
- It would be interesting to see statistically what that means. If you go back historically, it would be eliminating people once again. Do we want to be inclusive with the law or exclusive?
- The other question I want answered, people that were brought back in, what kind of lineage did they have 50% or 100%? I was told it was confidential. I got statistics. If we boil it down that they are already accepted, why lessen it?
- Perhaps the question to ask is how do you define who is Mohawk?
- Four (4) would be the lowest.
- A lot of guys bring white girlfriends and only have one grand-parent who is Native and are building houses in our town.
- Enforcement of the current law is an issue. We have to put something in place to put a stop to it.
- With Council going forward with the Matrimonial Real Property law, any changes would have to be in accordance with the Membership law. If we don't create our law, the

Federal law will apply and then you may have a non-Native woman owning land on the reserve so we have to make a law for ourselves.

- What about acquired status?
- For people who do not have any lineage, they can try to take it to Court, like C-31 did.
- That is not a reason to stop the law from going forward.
- It was the community that made the decision and not just 12 people at council table.
- As far as management, it will have to be defined.
- I don't see much people attending band meetings.
- I think it should stay at 4 and the reason is because a lot of people have a difficult time to meet that criterion. Six (6) was too much and maybe at 4, it will open people's eyes and would strengthen it and not change it from 4. There are many in town that don't make it but would just stay. It would encourage younger ones to go to other reserves to find mates.
- That would be a positive thing to make all Iroquois communities have same requirement.
- I think that it can't go less than four (4) because then it is just lost in the wash. Four but providing that there is enforcement.
- I still say three (3) because it is a heartfelt subject as my kids are caught at that 3. I have been involved in the membership issue since the 70's and thought it would be resolved by now. There are a lot of people that are stuck in limbo.
- So how will we deal with someone who does not make the 4 great-grandparent requirement but is a member of one of the longhouses?
- My point of view is that I was raised being told by my father to marry Onkwehonwe if I want to stay in town. So you listen and you marry non-Native, you move to the other side of the tunnel (figure of speech). I say the same thing to my children, it is more open. Our women lost their rights and I am very strong and adamant to keep it at four (4) and sorry your children are stuck in limbo but that is my point of view. We have to put something in place; membership has been an issue for the last 50 years.
- My father brought in a non-Native woman and this was during the war.
- Hundreds of years ago, with the first contact, we accepted people.
- Maybe because they went away to work but it has to stop now, we have nothing in place.
- Are we going by bloodline or lineage, etc.?
- In the 1870's, when the Indian Act started deciding who would be an Indian, the Kahnawake chiefs sent a letter to Ottawa saying that all non-Native women that we have married would have full Indian status and their children as well. All women who married out, to leave the reserve. If you look 20 years down the road, there are not enough men for the women here. What are we doing about that? If we continue being exclusive, we will become a smaller club and have no way to have couples for our kids. They will have to go elsewhere to find a mate. Good thing about the confederacy for our young people to go and meet people.
- I am worried about people that we are leaving hanging. The confederacy chiefs said we have no right to exclude people who have one drop of blood left because we will be left with no one.
- You look at other Nations and they are very strict about their membership. They are enforcing it more to marry in and it is working for them.

- Billy Two-Rivers told me that long ago, the women if they married a non-Native man, the man could live here in Kahnawake, the land was put in the man's name, patrilineal system, and they went to Quebec City to have it changed. To leave it in the Native's name. Important to look at it. The Indian Act did a lot of damage to our community. We have people who have only 3 great-grandparents and will never be accepted if we continue with the 4. The way I see it, we have to decide at birth who can be a member but then for someone who is Mohawk and marries into the community, should be considered a member. You don't waste 1% of the clan. That is my own opinion.
- There is also the thought of going to 3 and these people get in, are the people with 3 grown up and married to Natives or non-Natives? Maybe there are some in that group married to non-Native, then that doesn't make sense.
- The law has to be consistent to treat everyone the same, be flexible. We cannot go by situation; it must be a clear, consistent law.
- Not to be racist, but say you have 3 great-grandparents and can come in but your non-Native wife cannot come in? Does that make sense? Do we have to accept the non-Native wife and children too?
- We cannot mix up membership, residency and services.
- Just because you marry someone non-Native doesn't make you non-Native and the non-Native you marry does not suddenly become Native.
- Maybe we can accept someone who has 3 but who is not married and has no children. But I still think 4.
- What do you do with a Native that has sold her rights?
- These kinds of situations would be exceptions, it doesn't happen anymore.
- What do you do about the children from same sex marriages?
- We must decide who can be a member before we discuss exceptions.
- I think we are in this situation because of the government, the Indian Act. They tried to breed us out, because they know the women are the child-bearers and clan mothers.
- We are supposed to be talking about membership but you are blending citizenship with membership. In order to make a move on this, we have to hear the other groups to separate the two to be clear. To learn the language, etc. As Onkwehonwe taking care of our own membership, we have to repeal that decision from the Indian Act. Whether it is C-31, all the money is coming through the community. The old Indian Act, if there were two children, the girl would be considered non-Native and the boy would be considered Native. It is gender biased.
- To clarify if we're determining who is a member; who is entitled to the services.
- Membership law is determining who is entitled to services; it is an internal community law not following the Indian Act.
- Does membership mean who gets land, education like a club or is it the difference between citizenship?
- Can we later make a determination between membership and citizenship?
- This is what we are deciding now but there isn't a distinction between the two.
- We are thinking of this as rights or benefits. Are we going to give them access to their rights because they were taken away through the archaic Indian Act?

- The Indian Act's goal was to get rid of the clan system. You have to be born with that. That is how we determined who we were. The clan was the whole basis of the confederacy system. If you want to go back to traditional governance, you have to look at the clan system.
- It was said at previous meeting that the clan system was in place 500 years ago so that we didn't inter-marry and that it is not as crucial anymore.
- The reason I don't think that 4 is viable anymore, and I'm looking at 3, because we cannot afford to continue alienating our people. We took captives, children and we made a society in the 1700's and then in 1800's with the Indian Act, tried to destroy how we adopted people, and destroy the clan system. 1900's and depression era, we are jealous of a smith store, we shot them. We are worried about diminishing lands but it won't always be like that. If you look at statistics, we've got about 25 years and if we are exclusive, we are cutting ourselves off limb by limb. We have to do it one more time to solve this dilemma, to have kids for our kids to go out with. The people who have clans are very lucky and are special because they will have it forever and come from good, strong stock. It comes down to the issue of the 2000's and being worried about having land and resources. Old chiefs said we cannot afford to lose any of our blood or become like Kanehsatake. There are so many young girls and not enough guys. When creating law, public policy, we can't say ok to accept this marriage but the woman has to go. If she goes to outside court, they would say it goes against public policy to separate a man and his wife.
- That is a good point, survival of the population.
- You just made our point that you are who you marry.
- You cannot go unscathed, if you leave these children out.
- We can't change the past but we are looking from this day forward for the children coming up.
- But still the defining factor of 3 rather than 4 that has to be decided.
- I am old-fashioned but my mind can be changed but no one has convinced me that going to 3 is good.
- I want my grandchildren to be able to marry Native and stay here. I am convinced that 4 is the best way to continue.
- When we say 4 great- grandparents, it means indigenous to the continental U.S. including Inuit.
- I want it on record that I agree with having 3 great-grandparents.
- I also agree with 3.
- They would have to show proof that they have 3 or more great-grandparents.
- We may already have on the Kahnawake membership list people who have 3 but it was through their father and may have had a non-Native mother.
- Repeal the Indian Act and then there will be no more gender bias. People who have a clan regardless of 3 or 5 or other number of great-grandparents should be automatic members.
- I have cousins that left because their mother married non-Native, those clans are gone now.
- Any other membership law we have brought before the government, they have disagreed with but they cannot if it is culturally decided.
- It is for us to make the decision and build our own law.

- Three (3) with consideration of having a clan or 4 great-grandparents.
- I am not looking at what my family did in the past; I'm looking 7 generations ahead. According to the government, we are already assimilated. Why should we base our law on what the government tried to decide for us? They put us in this position. The men that married out and brought non-Native women here lost the clan. There is the ability to bring back the clan. Everything else we do in the community is 3, so why not keep it at 3.
- The Indian Act brought in the council.
- What would be the requirement for 3? What would happen in the future, the man who has 3 right now and is married to a non-Native woman? Do they all become part of the community now?
- You're talking about the man, it doesn't mean that the woman will gain membership; they may be able to live with their husband but without benefits.
- If the individual is not acquiring any rights or benefits, so is it residency issue?
- What about the children of these people?
- If the man is single without children ok maybe he will find a Native wife.
- For this example, someone with 3 great-grandparents who is married with children, this can be rectified or fixed within one generation. These children will marry in our town. If you marry someone with a clan, all these children will have a clan and should be taken into consideration because it makes us grow. We have done it before when we were more open-minded and adopted.
- They did that because there weren't enough people around, we don't have to go steal children anymore.
- We cannot afford to lose those with 34% blood. We have population but we don't have lands. Important to be open-minded.
- I cannot change my mind right now, here tonight.
- The issue is how to deal with the non-Native spouse.
- It has been proven in our community that some children have a drop only of lineage and continue to marry out. Our traditional way of bringing up our children is different than how a non-Native raises children. It is not our way. We are trying to put it in place for the future. We did it in the past and it didn't do us any good.
- I think some believe in diluting the tribe. How much more do we want to dilute ourselves? In 1981, we diluted ourselves with the C-31's. Now the McIvor ruling.
- The issue that was raised about women that were lost in the Indian Act mess, when people come here and you see they have the required number of great-grandparents, it is totally unfair to throw away our people. With our men who have married out, they produced children that have married back in and it was fixed in one generation. I was brought up in an earlier time, when I thought I would not marry an Indian or live on a reserve but I have married 3 native men and I still live here. My grand-daughters are considered C-31 but their father is from Onondaga and can prove 7 of 8 great-grandparents. We have to grow.
- Has the membership done any projections if it is kept at 4 great-grandparents? Rose-Ann answered that if based on 4, the population would remain static in 50 years.
- If you want to change membership, no one will ever agree because it affects everybody.
- To consider whether keeping it at 4 is strengthening or weakening the nation?
- The exceptions will have to be discussed.

- The thinking that most people have is that we are brain-washed by Indian Act. The Elders had to react to what the government did to get rid of our women. We had to protect by making the lineage strong. We look at people who have clans are automatically in. Other good people want to be in the community, give to the community.
- I think if 4 is requirement, we can still adopt with 3 great-grandparents into the community. We still have to look at clanship and other things.
- The law must be reviewed after 5 years and can be amended depending on the demographics of the community.

Group 3 ended the meeting with the follow statement which will need to be discussed further at the next meeting:

For an individual who has a clan, membership is automatic.

For an individual who has four (4) great-grandparents, membership is automatic.

Consideration will be given to individuals with three (3) great-grandparents but:

- a) they must have ties (must have grown up) in the community;
- b) their spouse cannot acquire rights or benefits as being a Mohawk of Kahnawake;
- c) the children of this union and services/benefits that may be approved for them, requires further discussion;
- d) if the children of this union marry a non-native they must leave the community.