

**COMMUNITY DECISION-MAKING PROCESS
KAHNAWÀ:KE MEMBERSHIP LAW
COMMUNITY CONSULTATION**

Karonhianonha School Gym
24, Tsothohrkó:wa/January 2013
6:00 – 8:30 PM

RECORD OF DISCUSSION

FACILITATORS:

Kahente Horn-Miller (Lead - CDMP)
Joe Delaronde
Ron Skye
Heather Jacobs-Whyte

RESOURCE PEOPLE:

Rose-Ann Morris (Lead – Resource Person)
Shari Lahache
Arlene Beauvais
Jennifer McComber

RECORDERS:

Binnie Barnes (Main Screen)
Brandi Meloche (Group 1)
Sophia Dupont (Group 2)
Lulu Rice (Group 3)

The agenda was reviewed as outlined below.

6:00 P.M. **OPENING** – Ka’nahsohon Deer

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

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

6:15 P.M. **QUESTIONS:**

1. DOES THE COMMUNITY AGREE TO REMOVE THE AMENDING FORMULA (S.26.) OF THE KAHNAWÀ:KE MEMBERSHIP LAW IN FAVOR OF USING THE COMMUNITY DECISION MAKING PROCESS?

Note - A correction was noted to the agenda question to reflect Section 26. (S.26.) and not Section 26.1

2. DOES THE COMMUNITY AGREE TO AMEND THE KAHNAWAKE MEMBERSHIP LAW?

**3 a) DO YOU VALIDATE THE PREFACE?
b) IS THERE ANYTHING ELSE?**

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

8:30 P.M. CLOSING – Ka’nahsohon Deer

Joe Delaronde welcomed everyone to the meeting. He then advised that the observer table is available for people of the community who would like to observe or for those who may still have issues with membership but should be here, because of the way the current Law is set up. He also stated that the observer table will provide you with an opportunity to have a say to speak with other members in attendance since the person will be an observer. He also reminded everyone that the intent of the meeting is for everyone to have a good mind, we don't yell or scream so that everyone can have a say and could ask questions. He then welcomed Ka'nahsohon Deer to do the formal opening for the meeting.

Ka'nahsohon Deer officially opened the meeting with the Mohawk Thanksgiving address.

Kahente Horn-Miller offered a brief introduction and overview to the CDMP. It was noted that this process is the Type #1 process. The preparation phase has been completed with the Social Development has done consultation with information sessions. She also outlined the Type 1 process as defined in the power point presentation. The intent is to ask a question to determine if the amendment process can proceed with the CDMP. She also offered that the meeting will convene at 8:30 P.M. and another meeting is scheduled for Tuesday January 28, 2013 to further deliberate and have discussion. .

Rose-Ann Morris introduced herself and advised that since November 2012 several consultations have occurred with the community. She then offered a brief historical overview to the Kahnawá:ke Membership Review process. A Newsletter was recently distributed to the community that had detailed the history of membership in a summary format. There were also several reports that have been available to the community. It was noted that initially our membership was defined by a clan system, and then the Indian Act was imposed and determined who is defined to be an Indian. In 1985 an amendment was made to the Indian Act that was entitled C-31 that provided reinstatement to those that married out and their children. Later the C-3 amendment allowed the grandchildren of the C-31 members to also become Registered Indian. In 1981 the Moratorium took place on mixed marriages and later in 1984 the Kahnawá:ke Mohawk Law was established that defined who was determined to be a member. That Law was based on blood quantum.

Over the years consultations took place on membership which raised different concepts. In 2003 the Law was enacted with a Registrar and also the COE – Council of Elders who would determine the status of a member. In 2007, a review was completed on the Law. Then the suspension took place of the COE in 2007. An independent review was completed by Organizational Developmental Services in 2008 that outlined areas that required further work and made a number of recommendations.

Several reviews and consultation took place since that time period. The next steps to move forward would be to amend the Law. Currently any amendments would require the COE, Chief & Council or proposed amendments that would need to be signed by 100 community members. The COE and Chief & Council would have to agree on the wording of the amendments to get the amendments passed. Currently the COE are not in operation. The following items would require an amendment; to the definition of the great grandparent, the definition needs to be defined along with other key areas to clarify the role of the COE and the Registrar.

Kahente Horn-Miller offered a brief overview to the CDMP outlining the process to proceed. She asked that members participate and sit in the three groups to begin the process. Each group has a facilitator, minute taker and resource person to work at consensus on the following questions, and if a disagreement should occur it will be discussed for further deliberation. She emphasized that importance for all three groups to come to a consensus. The timeline is expected to be 15 minutes to allow for the discussion.

Kahente Horn Miller along with Rose Ann Morris sat briefly with each of the groups to offer clarification for the process as needed. The community members in attendance sat in three groups to have dialogue to the first question. The responses from each group are defined below:

Group #1

Facilitator: Ron Skye
Resource Person: Arlene Beauvais
Group Speaker: Allen John Goodleaf
Recorder: Brandi Meloche

1. Does the community agree to remove the amending formula (s.26) of the Kahnawà:ke Membership Law in favor of using the Community Decision-Making Process?

- Clarification was offered from Rose Ann Morris Section 26 only and not only section 26.1.
- Council of Elders didn't have a structure.
- Council of Elders may have been better at the beginning because they were provided training. When some of the Elders left, they were replaced by people who did not receive the training. No consistency.
- Some Elders had a personal agenda.
- Council of Elders was subjective rather than being objective.
- Elders had too much discretion in interpreting the law.
- Council of Elders should not be part of the decision. There should be an office set-up, more administrative.
- Section 26 should be changed and not just through the CDMP. If there was a change there would be uproar and people would show up rather than the few that are here.
- CDMP can be a really good process if people participate.
- Looking at the Kahnawake Combined School Committee – People made decisions that were overturned by Council. This could be the reason why many people didn't show up tonight.

Outcome:

It was concluded that Group 1 agreed were in support to remove the amending formula (s.26) of the Kahnawà:ke Membership Law in favor of using the Community Decision-Making Process. This process enables further dialogue on other sections of the Law that do require change.

Group #2

Facilitator: Heather Jacobs-Whyte
Resource Person: Shari Lahache
Group Speaker: Arlene Jacobs
Recorder: Sophia Dupont

1. Does the community agree to remove the amending formula (s.26) of the Kahnawà:ke Membership Law in favor of using the Community Decision-Making Process?

- Effectively, if one is looking at Section 26 that lists all the procedures for amendments to be made, does it mean that the Council of Elder (C.O.E.) would no longer be active?
- In a number of places, where the general provisions for extending the time period, etc., then what would be done for all the others areas? It would have to be discussed whether the C.O.E. would be viable.
- The Language Law, any law that was legislated, the valid version would be in Kanienkeha.
- Shari was asked if it was translated, she answered it was in the process but does not know that it was

completed. The valid version would be in Kanienkeha and the C.O.E. would have to say that this is the true translation.

- Suggestion to just remove section 26 where it amends the law. It is good to raise these questions, because of the many problems in this law.
- The amending formula requires the C.O.E. but this is defunct.
- Question: Is it the MCK lawyers that are telling us what to change in the law? In response it was noted that we were advised that if we remove Section 26, we can move ahead with the CDMP.
- Asked how it can be said that there is no C.O.E. Clarified that there is a C.O.E. but it has been suspended. Much work was done because the C.O.E. knew there were loop holes and they were starting to work on it.
- When are we going to stand up and stop letting White people tell us how to make our laws. Indian Act was made by White people.
- The C.O.E. members were working on the Kahnawà:ke Mohawk Law. It was clarified that the recommendation came from a group of lawyers who are not all White.
- Regardless of who said it, we either go with CDMP or we don't but then movement will be difficult if not impossible.
- Question was raised about whether the C.O.E. would be reactivated. It does not mean that the C.O.E. will not exist again. It was mentioned that if we agree to use the CDMP, then it can be discussed and decided what to do with the C.O.E.
- It would be decided by the community if it wants the C.O.E. to be reactivated.
- Question was raised about whether others could be involved such as youth. The Kahnawà:ke Membership Law has never been translated to Kanienkeha.
- Concern: if we remove Section 26, maybe the C.O.E. will not be reactivated.
- Concern: small number of people deciding for the collective. Answered that in summer time, had 120 participants.
- At the time the law was ratified, there was no amendment process.
- In the absence of anything else, let's go with the CDMP but it requires more participants. Agreed upon because there is no other option.
- I will say no because I don't know about the CDMP and because removing Section 26, I see it as a way of getting rid of the C.O.E. Asked if there was an alternative solution? No, because the C.O.E. was working as a group and they were getting along even though it was a group of 15.
- It is disrespecting the Elders who worked on the law and who have now passed on.
- For the needs of the community, because laws have to evolve and to reflect the current needs of the community, not only one person. One group member said no.
- Another problem I have with the CDMP, heard on the radio that observers that are not on the Kahnawà:ke Registry, can have input on how the laws are amended.
- Usually a law is put out to 3 hearings and it is amended by the people. For the C.O.E., it gave so much power to a group that kept changing.
- Would have preferred a more simplified process to amend than with the CDMP but the CDMP involves a lot of discussion. So for this reason, I will favor the CDMP.
- Was there any consultation with the traditional people? This is the consultation. I will say no to the CDMP because I would like to see the traditional people here.
- Anyone is welcome to come as the ads for the meetings have been put on the radio, in the Eastern Door, posters, etc. It is free will. There is a lot of apathy, consultation is a good thing but people are not coming.
- There are a lot of people who did come out in this cold weather. All of us are here.
- Not comfortable because this is a huge decision of who belongs and who does not belong. To have a major decision made by a small group of people is a big responsibility.
- The alternative is to go back to Council and have the Chiefs make the decision like in the old days but I don't think that anyone wants that either.
- How can this process be used when it was not brought to the people. Kahente responded that it was and Heather said she even participated.
- Don't feel comfortable because I don't understand because I have not even read it.

- The next question is what will the amendments cover?
- Does not fully agree with the CDMP but the way it is written now, it gives a lot of power to a small group (C.O.E.).
- Once the amendments are made, will there be a referendum? No, this is the process.
- Can we move ahead? It is evolving, and will take a lot of time, evolving over generations.
- Can those that are unsure about the CDMP, live with using it just so that we can move ahead.
- It was noted that currently 3 bodies can propose an amendment: C.O.E, M.C.K. or 100 community members.
- The CDMP process was explained, that the community will be asked what changes they want to see, bringing in the C.O.E. and in what role, what is the scope of the amendments to the law.
- One community member from each group (Technical Team) to sit with KLCC to draft the changes
- The decisions are made by the community and if they want a sentence changed, it is done and then brought back to the community.
- Virtual town hall for "Idle No More". You could ask questions and chat. Kahente said that they thought of that.
- The process right now, is the question that is being asked if we should use the CDMP.
- A communication engagement is an idea. Essentially could agree with the CDMP process.
- If we say no, what is the alternative?
- What other ideas?
- If not the CDMP, what process?
- I can't see how we can remove a whole section with only 7 people.
- Did not like the answer given when the question was asked where the traditional people were.
- "They're not here". Kahente said the CDMP is used in the Inuit Parliament and by other indigenous peoples around the world.
- It is not the CDMP; it is the lack of turnout, the absence of traditional people. Is aware of the frustration of trying to make people engage. I don't have a solution for that.
- We are awaiting this traditional government to happen. If the revisions to the law don't happen, there are a lot of people who are in limbo, affects a lot of peoples' lives.
- Well who suspended the C.O.E.

Questions:

The Facilitator asked the following question; For those who disagree, what would make you more comfortable? What can be a solution? Can everyone agree to a process?

- I need more time and would like to inform myself better before deciding.
- For a process to call Kahente and also to speak about the membership law, contact Rose-Ann.
- Solution is more time. Hoping for more people but it will probably be the same people next week.
- Tried to plan for different times, evenings, week-ends and during the day.
- I have been in the longhouse all my life and I see the process in the CDMP.
- I would be more comfortable with the process if there is a referendum at the end.
- Membership is one of the biggest issues in this community.
- To increase the numbers, to do more advertising.
- More virtual discussion in town halls, to look into it cost. It could be a combination of both.
- The hard core option is that anyone who receives services or gets a check, then participation is the contribution to the community.
- On the community decision-making process, I will say no until I know how it works. Kahente asked if she explains the process, then will you agree.
- No, because I have to be involved in the process.
- In response maybe next week, when I come back and I listen and could understand better.

Outcome:

The Group Speaker presented that this section will require more dialogue. The group did not reach consensus, most agree to use CDMP, two don't disagree to use the CDMP, not sure of the process and one totally disagrees. A concern was raised on the attendance because this decision will affect the whole community. Some felt that it should include traditional people. The timeline was not enough. Overall not enough time to discuss and agree. Some feel that it was Council since it is being done by Council employees. The group #2 did not agree to move forward with consensus with Group #1.

The facilitator asked if they could agree to move forward with the CDMP in response it was "no".

The discussions will continue Tuesday, January 29 at 6:00 p.m.

Parking Lot Items:

- Will the C.O.E. be reactivated?
- Low attendance for CDMP
- CDMP doesn't respond to all the concerns of this group
- Alternative: virtual communication groups
- Kanienkeha translation
- Indian Act gave us the rules
- Referendum at the end

Group #3

Facilitator: Joe Delaronde
Resource Person: Jenny McComber
Group Speaker:
Recorder: Lulu Rice

1. Does the community agree to remove the amending formula (s.26) of the Kahnawà:ke Membership Law in favor of using the Community Decision-Making Process?

- Suggestion-to get Longhouse, MCK and COE to get together and discuss and rectify the problem.
- Council of Elders should return.
- Group no. 3 agrees to amend section 26.

• **Questions:**

- How did they come up with 100 people to amend the law?
- Can tonight's decision be superseded? The response was no.
- Who determines eligibility?
- Need to rectify Council of Elders.
- Longhouse uses different criteria.
- What is the difference between lineage and blood quantum?

Outcome: Group #3 were in support to amend (s.26) of the Kahnawà:ke Membership Law. Group #1 and Group #2 did not reach consensus.

DISCUSSION WITH GROUPS TO REACH CONSENSUS;

Group #1 The Group Speaker advised that they remain in support and support the direction to amend the Law.

Group #2 The following responses were noted.

- Doesn't fully agree to give direction to amend the Kahnawake Membership Law.
- One group member completely disagrees.
- One member would like further consultation.

Group #1

- Would like to hear an explanation why the one person completely disagrees.

Group #2

- The person who disagrees provides an explanation on why they feel the way they do and feels very uncomfortable with the process, also feels uncomfortable removing an entire section of the law. Feels like they are being pushed to saying "yes" to amend the law. The consultation for this Law underwent consultation before it was approved and to change the Law would not be right. The question is to remove one section of the Law and anybody here that may have sat on COE; it required a lot of work and not comfortable with removing the section. How long did we wait for our own Mohawk Law, and how long would it take to go thru the process. Person feels that she is being asked to say yes, other attendees are asking questions and the people that are not sure are being pushed into saying yes. If this is the decision process, it's not right and person feels very uncomfortable with the process.

Group #1 – Thoughts or feedback for the response offered from Group #2:

- Why are we here?
- Decision to amend is not final.
- Open door for community consultation
- What would make individuals comfortable?
- What is your solution?

Group #2 – The group continued to have dialogue amongst the group to reach a consensus. The meeting time had concluded with no consensus.

Conclusion: Consensus could not be reached at this meeting, therefore the discussion will continue at the next meeting scheduled on Tuesday January 29, 2013.

The attendees were encouraged to contact Kahente Horn-Miller at (450) 638-5647 on questions or concerns related to the CDMP.

For questions on membership, everyone was advised to contact Rose-Ann Morris at (450) 638-0500

The closing was offered by Ka'nahsohon Deer.

Everyone was encouraged and reminded to return on Tuesday January 29, 2013.