

COMMUNITY DECISION-MAKING PROCESS
KAHNAWÀ:KE MEMBERSHIP LAW
2nd COMMUNITY CONSULTATION
 Karonhianonha School Gym
 29, Tsothohrkó:wa/January 2013
 6:00 – 8:30 PM

RECORD OF DISCUSSION

FACILITATORS:

Kahente Horn-Miller (Lead - CDMP)

Joe Delaronde

Ron Skye

Kellyann Meloche

RESOURCE PEOPLE:

Rose-Ann Morris (Lead – Resource Person)

Shari Lahache

Arlene Beauvais

Heather Jacobs-Whyte

RECORDERS:

Binnie Barnes (Main Screen)

Brandi Meloche (Group 1)

Sophia Dupont (Group 2)

Melissa Curotte (Group 3)

6:00 P.M. **OPENING** – Kabsennenhawe Sky-Deer

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. **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?**

2) **Does the community agree to amend the Kahnawà:ke Membership Law?**

PREFACE ON AMENDMENTS – Rose-Ann Morris

3) **What is the scope of the amendments to the Kahnawà:ke Membership Law?**

3. a) **Do you validate the preface**

3. b) **Is there anything else?**

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

8:30 P.M. **CLOSING** – Kabsennenhawe Sky-Deer

A brief update was given advising those that are deemed non-members by the current Kahnawà:ke Mohawk Law but are on the Federal List could participate as an observer with no direct participation but could consult with other community members to make comments or ask questions within the process.

Rose Ann Morris offered a brief overview of the KML and referred to the Newsletter which illustrates a historical summary of the KML to its current status and also the consultation process. Although she did offer the summary at the last meeting, there were some new community members in attendance to benefit from the historical overview leading up to the process. She added that all of the information is available on the www.kahnawakaemakingdecisions.com website and hard copies could be retrieved at the Social Development Unit and copies were available at the main table at the entrance.

QUESTION:

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?

GROUP 1

Facilitator:	Ron Sky
Resource Person:	Arlene Beauvais
Group Speaker:	Kasennehawe Sky Deer
Recorder:	Brandi Meloche

15 Minute Group Discussion

Outcome:

Group 1 had concluded at the last meeting and still agreed to remove the amending formula (s.26) of the Kahnawà:ke Membership Law in favor of using the Community Decision-Making Process.

No other statement offered.

QUESTION:

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?

GROUP 2

Facilitator: Joe Delaronde
Resource Person: Shari Lahache
Group Speaker: Arlene Jacobs
Recorder: Sophia Dupont

15 Minute Group Discussion

- We left off at most being in agreement but that a couple did not like the CDMP because were not aware of the process.
- If I was not in Group 2 last week, Group 2 would have agreed with Group 1 and doesn't Group 3 have a say?
- Yes Group 3 has just as much of a say.
- If the people do not want the law amended using this process, then we are back at the drawing board.
- What are the other options?
- Consensus is having the opportunity to disagree but then to propose an alternate way but we have to move forward.
- Is there something to suggest that would be more agreeable?
- If all 3 groups agrees that the consensus is no, then it is no.
- If I put it to you this way, how can you ask to approve something that is suspended?
- What if we decide to suspend the council, can this be brought to a meeting like here?
- Example given of banning tobacco, made a request for legislation to ban tobacco. Meeting was held and it did not go through.
- Why was the C.O.E. suspended?
- There is a report that is available online and at the SDU for the past 5 years now.
- Shari clarified that when the report came out, it was reviewed with the C.O.E. at the time.
- There was complaint and someone did not like the C.O.E.'s decision and they met with all the councilors and they were asked if they agreed to be suspended and I agreed at the time but I didn't think it would be forever. I asked to see the complaint. I cannot follow a chief that goes against a law.
- Shari clarified that there was a petition for an amendment and it went to the C.O.E. who rejected it and it died out. There was never any other 100 name petition.

- The basic question is simple, do you as people here, would you rather be involved in making amendments to the membership law or have someone else do it? Do you want to have the power to do it or do you want someone else to do it.
- Obviously, there are flaws in the original but we can work on it and make the changes as people are waiting on it.
- Move on and not dwell on what happened in the past.
- This is only one step in the process, no amendments right now. I don't believe that the whole group should be held back because of one person. She said what she had to say, we all listened, some agree and some don't but do we want to be held back.
- What if there are 5 that agree and 3 disagree, then go to all 3 groups and 15 are for but 9 disagree, does it still carry?
- Joe explained that when there haven't been any other options, then we have to carry on.
- Suggestion is to put the C.O.E. back in action and let them do the amendments that they were working on.
- A meeting held upstairs from the bank, you put some very important issues, then have a referendum, are you in favor of this and they can put an "x". Peoples' lives depend on it so there needs a lot of input. We have to go to the community. For the casino project, it was important to a lot of people. There are a lot of decisions to be made and to be brought to the people to be able to move on.
- I was involved in drafting a lot of other laws and it is easy to draft when you're alone but in Kahnawà:ke it is more difficult to have people talk about the law. Because there was an amendment process in the membership law and the C.O.E. was suspended, we are looking for people to say let's do it this way and get as much people we can to have their say. There is going to be a lot of discussion on all the sections and it is a very difficult, time-consuming way but everyone gets a shot and a chance to talk about their impressions and then we move on to the next clause. It is not the easiest way but it is our style of talk and gives the people a chance to make changes to the law.
- I prefer that it remains just as it is and that is my right to say.
- Very important decisions are being made but we have to move on.

Outcome:

Group 2 advised that last week the group did not come to consensus, this week we have two new participants in the group while 3 did not come back to this meeting. We have 4 in consensus and 1 that still does not agree and suggests that the amendments should be done by the C.O.E. The other person also does not agree and is suggesting a referendum.

Consensus was agreed upon to move on with the CDMP although one individual is still not happy with it.

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?

GROUP 3

Facilitator: Kellyann Meloche
Resource Person: Heather Jacobs-Whyte
Group Speaker: Heather Jacobs-Whyte
Recorder: Melissa Curotte

15 Minute Group Discussion

Outcome:

- A few of the concerns raised by Group 3 were noted as follows;
- The suggestion is for the Mohawk Council of Kahnawà:ke, Council of Elders and Longhouse to work together and verify the problem. The other question is as follows; can tonight decision by superseded? It was noted that the decision cannot be changed.
- Group 3 had concluded and reconfirmed from the last meeting to also agree to remove the amending formula (s.26) of the Kahnawà:ke Membership Law in favor of using the Community Decision-Making Process.

Final Outcome:

Group 1, 2 and 3 had agreed to move forward and remove the amending formula (s.26) of the Kahnawà:ke Membership Law in favor of using the Community Decision-Making Process.

Reference was made to the recommendations from ODS, review the gaps in the law, to look at the Great Grandparents definition, and to look at the framework for the C.O.E. and to improve the operational components for the overlaps with the Registrar and C.O.E.

QUESTION:**2) DOES THE COMMUNITY AGREE TO AMEND THE KAHNAWÀ:KE MEMBERSHIP LAW?****GROUP 1**

Facilitator: Ron Sky
Resource Person: Arlene Beauvais
Group Speaker: Kasenahawe Sky Deer
Recorder: Brandi Meloche

15 Minute Group Discussion

- Clearer Criteria → Great Grandparent
- Level of responsibility for Council of Elders and Membership Registrar
- Membership Registrar – Have a level of Authority
- Would be beneficial for the Council of Elders to have knowledge of community history (i.e. Family history of applicant).
- If Membership has records of family line, wouldn't that make Council of Elders not required?
- Too many inconsistencies with the current law.
- Blood Quantum, Lineage → Where is that? The Longhouse gave clans to Non-Native people.
- Membership or Citizenship? → Requires further definition
- **SUGGESTION** → Amend part of the law that would apply to those who are currently in "limbo". There are approximately 60 Native people who are waiting to be re-admitted to the list.
- **SUGGESTION** → Communications :Put out to the community → "Membership Law Amendments Review – Preface I & Preface II. Two week minimum before next meeting.
- Comment from observer as stated by representative → "I feel that the Indian Act exclusion of Native women and their children was unjust and I feel that this Membership Law upholds that injustice. I think that the law should be changed"

Outcome:

Group 1 agreed to amend the Kahnawke Membership Law

QUESTION:**2) DOES THE COMMUNITY AGREE TO AMEND THE KAHNAWÀ:KE MEMBERSHIP LAW?****GROUP 2**

Facilitator:	Joe Delaronde
Resource Person:	Shari Lahache
Group Speaker:	Arlene Jacobs
Recorder:	Sophia Dupont

15 Minute Group Discussion

- This is where those who are against the CDMP can be involved in making decisions on what amendments to make and how.
- We have already said for amendments, we would use the CDMP to amend it.
- Do you think that the people should have a say in the mandate?
- When this law was made, it took a lot of work and a lot of time with 4-5 hour of meetings in the summer time. Everyone was sincere and hoped that it would be done before they passed away so that is why it is very important. Now to change that, and 2 years from now if someone can't get on the band list, they ask to change the law again.
- Greg Horn has his own newspaper online, 65% of the people are in support of the law but 15% are not. If the law is perfect but only needs some tweaking, it can be done. I would like to hear some examples of where there may be an amendment.
- To be automatically put on membership you have to be born of 2 members of Kahnawà:ke, but if they are born of only one Kahnawà:ke member and another nation, they have to apply when they are 18 to become members. There are many elderly women who are living in limbo and cannot get the services. It is easy to say just come back but then they are not entitled to get the services. Everyone who is a registered Indian is on the Federal list.
- I agree that there has to be some amendments made, if it's even with the C.O.E. and I was on the drafting team, when the C.O.E. was established. It was because we didn't want the MCK to be making all the decisions and in some cases with the C.O.E., it didn't work and I was present and I didn't like what was said. A lot of people were hurt. Just the question of whether you meet the criteria and not ask if the person would marry a white man.
- Not one decision was made by the C.O.E. based on the conduct or the misconduct of the individual, but based on the four great-grandparents. When it came down to 3 and 4 great-grandparents, when it came down to the end, I made a mistake. In that time, I said the way it

is now, it may be leaning towards 3 but we were having a very last meeting when the decision was made by consensus that it be 4 great-grandparents.

- If you go with 4 great-grandparents, remember we are dealing with 50% blood quantum and if you go down to 3 great-grandparents, it is 40% blood quantum and you're opening up the flood-gates.
- The question still remains, does there still need to be some adjustment to the law?
- I am satisfied with the way it is but the problem is who will enforce it?
- There are always things that need to be improved and it should be looked at again.
- I am satisfied with it.
- I agree that things need to be amended. I am all for amending the law.
- I am in favor of amendment, I have certain issues with some of the wording. When it came to the 4 great-grandparents, and if we went to 1704, there were captives, Stacey, Rice, Williams, McCombers, etc. that became Mohawk and it affects your great-grandparents. There was discussion around the C.O.E. and generally there were captives in our backgrounds and that is something that has to be considered.
- Who is sitting here that has a great-grandparent still living from the 1700's? You also had the option of marrying back in. They married out more and more.
- When the C.O.E. was looking at an applicant, they were not going back to the 1700.
- My question is about blood quantum and lineage, a white woman who has Indian status legally and they came and took her kids so she should be considered.
- In this group we have some that feel that the law needs improvement.
- My problem is how do we get the people to believe in it and enforce it?
- It is up to the groups to decide to change certain parts or chuck the whole thing and start over?
- The enforcement of it is another law, the Justice Act.
- For my own clarity and it's directed at the C.O.E., the procedure between the registrar's office and the C.O.E., is there a better way?
- There were personal problems and I can't deal with yours and you cannot deal with mine. That was what was affecting the outcome of the law.
- The American Constitution was amended 29 times.
- Do you feel there should be a clearer definition of a "great-grandparent" because I remember that one of the problems that the C.O.E. had was a better definition of a great-grandparent because it was not clear among all the C.O.E, some were using blood quantum, some using lineage and some using member.
- You had 2 lists of people, those who were on the band list and Mohawk and then you had the ones that were registered on the list and who were not Mohawk.
- Based on the criteria that we (C.O.E.) get from the registrar, the person that is coming in front of you, you have their name and their lineage and then they discussed it and made the decision.

- The ODS review said it was not just the C.O.E but that there were gaps in the law and that it needed a framework to work under. We have clear recommendations coming from that report.
- I will have to admit there were times when we had to go back to 50% blood quantum because one of the grandmothers or great-grandmothers had questionable blood quantum and we had to go back to the elders and then they would say this and that. We found out that the great-grandparent was not an Indian person and this happened 3 times.
- There were people that were brothers and sisters and half of Kahnawà:ke didn't know.
- From listening to that, it is obvious that amendments need to be made. At least let's take a second look at it and we can make it perfect.
- I am still taking the hard-line.
- No changes but willing to take a second look.
- To transfer membership from another band to Kahnawà:ke is not dealt with in the membership law.
- The MCK never sent the Kahnawà:ke Membership Law to Ottawa to approve but Canada continues to register Indians and add to their list according to the Indian Act.
- There are 2 lists: our Kahnawà:ke Kanien'kehaka Registry and Canada's band list.

Outcome:

Group 2 agreed that amendments are needed.

QUESTION:

**2) DOES THE COMMUNITY AGREE TO AMEND THE KAHNAWÀ:KE
MEMBERSHIP LAW?**

GROUP 3

Facilitator: Kellyann Meloche
Resource Person: Heather Jacobs-Whyte
Group Speaker: Heather Jacobs-Whyte
Recorder: Melissa Curotte

15 Minute Group Discussion**Outcome:**

- Group 3 were prepared and agreed to make amendments to the Kahnawà:ke Membership Law

Final Outcome:

Groups 1, 2, 3 have all agreed by consensus to amend the Kahnawà:ke Membership Law

- QUESTION:**
- 3) WHAT IS THE SCOPE OF THE AMENDMENTS TO THE KAHNAWÀ:KE
MEMBERSHIP LAW?**
- A) DO YOU VALIDATE THE PREFACE/INTRODUCTION?**
- B) IS THERE ANYTHING ELSE?**

15 Minute Group Discussion

All three groups had some dialogue within the groups and agreed to defer the discussion on the scope of the amendments to the Kahnawà:ke Membership Law. The intent is to become more informed and to allow more communications to the community so that everyone will have had a chance to become informed and participate. All agree by consensus that the next CDMP should take place in at least 3 weeks. Everyone was encouraged to review the Preface II, the Kahnawà:ke Membership Law, the Kahnawà:ke Summary, and the ODS independent review of the Council of Elders. All the documents are available on www.kahnawakemakingdecisions.com

Group 3 had a concern for the section 5.1 of the Kahnawà:ke Membership Law, the MCK could be in conflict in the purpose of this law.

Conclusion: The groups agreed to conclude discussion and defer to the next meeting.