

COMMUNITY DECISION-MAKING PROCESS
KAHNAWÀ:KE MEMBERSHIP LAW
13th COMMUNITY CONSULTATION
Mohawk Council of Kahnawà:ke “Large C”
10, Ohiarikhó:wa/July 2013
6:00 PM– 8:30 PM

RECORD OF DISCUSSION

FACILITATORS:

Kahente Horn-Miller (Lead - CDMP)
Kahienes Sky (Lead Group Facilitator)

RESOURCE PEOPLE:

Rose-Ann Morris (Lead)

RECORDERS:

Sophia Dupont (Recorder)

6:00 P.M. **OPENING** – Leslie Beauvais

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

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

6:15 P.M. **QUESTION 3:**

Suspension or Revocation KKR Membership (Benefits & Services): Continuation

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

8:30 P.M. **CLOSING** – Leslie Beauvais

Question: 3

Suspension or Revocation KKR Membership (Benefits & Services)?

Continuation

GROUP 3

Facilitator: Kahienes Sky
Resource Person: Rose-Ann Morris
Recorder: Sophia Dupont

Do you agree with suspension or revocation KKR membership (benefits & services)?

- 1. Married or marries a non-indigenous person after May 22, 1981**
- 2. Commenced or commences, after May 22, 1981, a common-law relationship with a person who has no Kanien'keha:ka or Indigenous lineage**
- 3. Person renounces their Membership or non-member residency**

Group 3:

- Clarification asked about training and education required to participate on "Membership Review Board".
- It is only a proposal.
- It is because usually boards sit for 3 years so if you have never participated on a board it is good to take training to know how to conduct yourself in a meeting.
- The reason why the law could not be enforced in the past was because the PK's did not have the right to enforce the law. Now with the Justice Act, when it is accepted and passed by the community, recognized by the outside, we will have the jurisdiction to enforce the law.
- Why work on any laws then if the Justice Act is not in place. It is frustrating if we cannot enforce the laws.
- In terms of the Justice Act, the mandate was obtained from the community; the first draft was prepared with community members one of which is present right now.
- The first draft was presented to the community and the changes were made.
- The law has been sent back to Legal Services to dot all the "i's" and cross all the "t's" and this will be re-presented to the community. It will not take 10 years; it is a matter of months.

- Most people are pretty happy with the Justice Act but maybe a few details need to be tweaked. The second draft of the Justice Act will be posted for 60 days very soon and the third hearings will start in the fall.
- Where group 3 was not able to continue working on consensus was the date that the revised law would come into effect and the retroactivity.
- What are the statistics of non-Native women acquiring status?
- Not sure since 1981 the number of women that had acquired status.
- In 2003, there were 50 to 60 non-Native women living in Kahnawà:ke who had acquired status through marriage before 1981 and were put on a non-member resident list.
- It is our law so why do we need to obtain a legal opinion on the retroactive date.
- It was a concern based on the inconsistencies over the years and enforcement for some but not for others.
- There are examples of others who did respect the moratorium and have left.
- It will not pass if we get rid of the 1981 or the 1984 version of the law, there will be public outcry.
- Will there be a definition of what is considered “common-law” or after how long are people considered to be living common-law?
- It will have to be clearly defined in the law.
- I agree.
- Agreed.
- I agree about what was said about common-law but how do you prove that a couple is living common-law?
- I agree.
- The term has to be defined and it will come up when they have children. I agree.
- I cannot agree with revoking someone’s membership until common-law (question 2) is defined, I cannot agree. I do agree with question 1 and 3 though.
- This is not for automatic suspension.
- It has to be repeated that there has to be a level of trust put into the review board members to investigate before deciding a member’s fate.
- Is there something in the Justice Act that defines what is common-law?
- Not that I remember.
- We do have some agreement but cannot make a definition tonight.
- Previously, people could appeal to the outside court, but with our Justice Act in place, the appeal would have to be heard in the Court of Kahnawà:ke.
- In the spirit of moving forward, I can then agree.

Group 3: Consensus reached.

Group 2 Consensus Summary:

It was proposed to have an independent body from the MCK to deal with suspensions. This would replace the Council of Elders.

The proposed name is the “Membership Review Board” which would have (Group 2 clarified it would include a mix of community members with varying experiences and) specialized professionals.

Proposed a mix of appointed/elected members to the “Membership Review Board” and create criteria for their election.

Suggestions on Criteria for “Membership Review Board”:

- Minimum Level Board Experience – 3 years or requirement to take training
- Level of education needed
- Good Mind, positive, good person, fair person
- Knowledge of the community, families, history of Membership
- Knowledge of the Membership Law
- No criminal record or conviction in the last 6 years
- 7 in the group, with 4 for a quorum
- Staggered terms
- Appeals to the Court of Kahnawà:ke.
- Automatic appeal mechanism.

Group 3:

- Question rose about how people will be elected to review board.
- Good point raised about the same people being always being appointed to the various boards.
- I think to have a maximum of 7 people on the review board, either 5 (3 for quorum) or 7 (4 for quorum).
- What if someone lives in Kanehsatà:ke but is from Kahnawà:ke, can they be on the board (in terms of availability – snow storms, etc.). Should they have to reside here?
- Yes, they should reside in Kahnawà:ke.
- Must be on the Kahnawà:ke Kanien'kehá:ka Registry (KKR).
- There has to be some training, understanding of the law and the regulations.
- For someone who has previously married out or has a non-Native parent, can they participate on the review board?
- The Election Law has to follow what is in the Membership law.
- You cannot assume that someone who has one Native parent will be more lenient or that someone who has two Native parents will be more judgmental.

- What if someone is half but was raised by the Native parent without any input by the non-Native parent, would they be allowed to sit on the review board?
- People will know, they will have seen the person around in town.
- Leave the criteria wide enough so that these people can be considered because they speak the language, etc.
- Don't make the criteria too strict or too restrictive.
- No issues.
- One or two-day board governance training is available through ODS.

Group 2 Consensus Summary (continued):

The Registrar will process Automatic Members under section 10.1-10.2 of the Law.

Registrar to refer to "Membership Review Board" non-Automatic Members under section 11.1-11.6 of the Law

Complaints to be handled by 1 written complaint, no longer need 10 signatures.

Group 3:

- Agreed that Registrar process Automatic members.
- Agreed that Registrar refer non-Automatic members to review board.
- Group 3 also raised the issue of having 10 signatures and agreed that one signature for complaint should suffice.
- Waive the \$ 20 fee.

Group 3: Consensus reached.

Parking Lot:

- Definition needed of what constitutes common-law.
- Level of education needed is unclear and how to measure good mind, fair, etc.?