

COMMUNITY DECISION-MAKING PROCESS
KAHNAWÀ:KE MEMBERSHIP LAW
4th COMMUNITY CONSULTATION
 Karonhianonha School Gym
 March 21, 2013
 6:00 – 8:30 PM

RECORD OF DISCUSSION

FACILITATORS:

Kahente Horn-Miller (Lead - CDMP)

Jo-Ann Stacey (Group 1)

Joe Delaronde (Group 2)

Stephanie Cross (Group 3)

RESOURCE PEOPLE:

Rose-Ann Morris (Lead – Resource Person)

Arlene Beauvais

Shari Lahache

RECORDERS:

Jennifer McComber (Main Screen)

Mia Phillips (Group 1)

Sophia Dupont (Group 2)

Lulu Rice (Group 3)

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

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. **CONTINUATION OF QUESTION 1) & DISCUSSION QUESTION 2):**

- 1) **What needs to be amended in the Kahnawà:ke Membership Law?**
- 2) **Who decides who will be a member?**

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

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

QUESTION:**Who decides who will be a member?****GROUP 1**

Facilitator: Joe Delaronde
Resource Person: Arlene Beauvais
Group Speaker: -----
Recorder: Mia Phillips

Discussion:**The registrar: decides automatic members?**

- Registrar decides automatic members - should be all applicants – they will have the law and it will be their responsibility to implement the law
- 30-day community publication of request then it goes to the registrar's office
- All agreed it should be the registrar and scrap the Council of Elders
- **Question** - What was the reason for creating the Council of Elders?
Answer - It was to not have MCK involved... the community did not want the MCK to be the decision makers with regard to membership

Council of Elders: decides all applications?

- Eliminate the Council of Elders; too many problems

Or is another body needed?

- There needs to be an appeal body. Suggestion was to have the Court of Kahnawà:ke as the appeal body
- Verification committee
- Kahnawà:ke Court verify if process is followed
- Kahnawà:ke Court has the final decision
- **Question** - Can the Court of Kahnawà:ke enforce the law?

- 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.
- 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 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.

Outcome:

- 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.

QUESTION:

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

GROUP 2

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

Group 1 response (in black)
Group 2 comments (in red) on Group 1 responses

Discussion:

1) Who can be a member? What are the criteria to become a member? 4 or more Kanien'kehá:ka great-grandparents (or, Iroquois or Indigenous great-grandparents)

- 4 great grandparents - needs better definition **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, 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 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%.

- 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. **Group 2: Not true**
- Definition is required for "What is a Kanien'kehá:ka grandparent"?
- 4 Great grandparents is "Blood Quantum" in disguise? **Group 2: Not true**
- One comment of not being ok with 4 Great grandparents.
- Create a working group to define definitions. **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.**

Automatic for a person born of 2 members or 1 member parent and other of Iroquois confederacy with verifiable proof **Group 2: Agreed**

- Should it read "Kanien'kehá:ka" or "Indigenous"? What if a person is Native but not part of the Six Nations? **Group 2: Agreed but "Indigenous" meaning Canada and continental U.S. only including Inuit.**
- If "Indigenous" is used it must be clarified - North America (U.S. & Canada) **Group 2: Agreed**

Is married to or living in a common-law relationship with a member

- No comments or concerns **Group 2: Remove "common-law"**

Maintains ties with community

- Be committed to the community. **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.**
- 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?

Honors customs and tradition, comply with codes, laws and regulations of Kahnawá:ke

- Make it an oath. **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.

Requirement for a Clan or obtain a Clan

- There are many different processes for obtaining a Clan in the community. Which Longhouse is correct? **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 longhouse. They should be encouraged to seek out and learn.**
- Clans are important when it comes to clan mother titles.

Committed to learning Kanien'kèha

- Make it an oath. **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.**

Respects mother earth

- Suggestion → Remove “Respects Mother Earth” **Group 2: Oath/Ceremony**
- Suggestion → Make it an oath “Respects Mother Earth” **Group 2: Agreed**
- Requirements are matters of opinion –It’s difficult. **Group 2: Agreed, how do you judge it?**

Outcome:

- Group 2 was in agreement and reached consensus with Group 1 over question 1.

QUESTION:**Who decides who will be a member?****GROUP 2**

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

Discussion:**Registrar: decides automatic members?****Council of Elders: decides all applications?****Or another body is needed?**

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- Can the C o E overturn the registrar's decision? Yes.
 - C o E member is a member for life, should this be changed?
 - C o E, the name doesn't have to be "elders"
 - No one went into the C o E with bad intentions.
 - 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.
 - 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 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.
 - Recommend name change to "advisory council", look at their function of advising, having consensus and it will be clear.
 - 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.
 - For automatic membership, it should be left up to the Registrar if they meet the criteria.
 - Council of Elders should be left in there but maybe restructured with cross members of the community, different age categories.
 - Agree with registrar for automatic and advisory council.
 - Agree
 - I agree with the registrar deciding for automatic members.
 - Agree there should be elders but there should be an appeal council

- I agree having an appeal body and I would like to be part of it.
- I agree that the registrar should be in charge of the automatic members.
- Example of someone that was put on membership list by registrar but then daughter showed up looking for her adopted family.
- If there is a problem or issue, it would be sent to the advisory council.
- Safety mechanism to have the names posted for 60 days
- There is a registry available from DIAND that is available at SDU; anyone who is added or removed from the registry's name appears.
- According to the law all those that were being reinstated, their names were posted in the Eastern Door. This is done in Akwesasne.
- 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.
- 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.

QUESTION:**2) Who decides who will be a member?****GROUP 3**

Facilitator: Stephanie Cross
Resource Person: Rose-Ann Morris
Group Speaker: -----
Recorder: Lulu Rice

Prior to commencing discussion, a participant had the following question about status within the Kahnawà:ke Membership Law:

- **Question** - 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?
- **Answer** - 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).

Discussion:

Before addressing Question 2, discussion reverted back to completing question 1:

1) What needs to be amended in the Kahnawà:ke Membership Law?**Committed to learning Kanien’kéha**

- 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.
- Commitment by person to learn language culture.
- Assimilation is a problem not being able to learn the language.
- Make a motion to decide a requirement under membership.
- Values & beliefs support the language.

- How would this be enforced or monitored?
 - 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.
 - 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.
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2) Who decides who will be a member?

-Registrar: decides automatic members?

-Council of Elders: decides all applications?

-Or another body is needed?

- Does not agree with C.O.E.
- Need a different body to oversee process
- Registrar to make the decision to belong. This referred to example given regarding an 80 year old woman whose husband has passed away & 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.
- Enfranchisement of native women, living persons and children; "bring them back". Only in regards to marriage prior to 1981.
- Exclusion of people is wrong. It doesn't matter if they are male or female.
- 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.
- Another example was given of persons who signed away their rights and marries someone from Kahnawà:ke and whether they'd be given their status back here.

Parking Lot:

- The Matrimonial Real Interest (MRI) was referred to as an issue as it would affect the Kahnawà:ke Membership Law.
- **Question** - Birth certificates that are issued by province, does it give them status or just the place where you were born?
Answer - It does not give them status just record of place of birth. Birth certificates are not issued by Kahnawà:ke.
Note - Our Membership Law does not include transfers.