

KAHNAWÀ:KE MEMBERSHIP LAW

FIRST HEARING – Meeting #7

Golden Age Club

9, Enniska / February 2016

6:00 PM– 8:30 PM

RECORD OF DISCUSSION

FACILITATORS:

Leslie Beauvais-Skye (Lead - CDMP)
Joe Delaronde
Ron Skye

RESOURCE PEOPLE:

Alexis Shackleton
Shari Lahache
Arlene Beauvais
Kevin Fleischer

CHIEFS IN ATTENDANCE:

Chief Kahsennenhawe Sky-Deer (Lead – Resource Person)
Chief Arlene Jacobs
Chief Rhonda Kirby
Chief Martin Leborgne
Chief Robert Patton, Jr.
Chief Clinton Phillips

RECORDER:

Kim Beauvais

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

6:05 P.M. **INTRODUCTION/MEETING GUIDELINES** – Leslie Beauvais-Skye

6:10 P.M. **KAHNAWÀ:KE MEMBERSHIP LAW AMENDMENTS:**

- **SEC.12 APPLICATION PROCESS/RECOGNITION- Cont'd at 12.4**
- **SEC.13 INSTATEMENT AND REINSTATEMENT**
- **SEC.14 ADOPTED CHILDREN**
- **ANY RELATED DEFINITIONS** – Chief Kahsennenhawe Sky-Deer

8:25 P.M. **NEXT STEPS** – Leslie Beauvais-Skye

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

Facilitators: Joe Delaronde & Ron Skye

Recorder: Kim Beauvais

An explanation was given as to the change in format for tonight's meeting, using a PowerPoint presentation highlighting the changes.

APPLICATION PROCESS/ RECOGNITION

~~12.4~~ ~~11.5~~ In the event of a dispute, the Administrative Tribunal ~~Council of Elders~~ will decide whether a person's great-grandparent(s) were, for the purposes of this Law, a Kanien'keha:ka of Kahnawà:ke.

DISCUSSION:

Q: Who will be the administrative tribunal?

A: This is yet to be determined, but it will be a legally trained person. There could be up to three (3) people if that is what people want.

OUTCOME:

There were no objections to section 12.4 as presented, consensus was reached.

Definition:

"Kanien'kehá:ka Great Grandparent" means a great grandparent who

1) has Kanien'kehá:ka lineage or

2) was/is a Mohawk on the Mohawk Registry or

3) was/is a member or recognized as a Kanien'kehá:ka of Kahnawà:ke on the Kahnawà:ke Kanien'kehá:ka Registry.

Q: How is the great-grandparent determined?

A: The elders said to go back three generations.

Q: What would the minimum blood quantum be for the great grandparents? Can you give an example?

A: There is no minimum and there is no maximum. The applicant will have to have 4 great – grandparents.

Comment: There should be a minimum set such as twenty-five percent (25%), as there will be so many persons applying and this will pose a problem.

Comment: The final meeting of the Elders had come to consensus of 4 great-grandparents. The number three (3) had been discussed but not agreed to; however it went all over that three (3) was the number decided.

Q: How is an appeal made? Is it a public thing?

A: That will be in the Regulations which will be fleshed out and brought back to the Community.

Outcome:

At first there were no objections to the definition presented, however as the meeting progressed and another section was impacted by this definition, it was decided that there

was concern with this definition, more particularly with the reference to “has Kanien'kehá:ka lineage” and it will be revisited at the next meeting (February 23rd 2016).

Definition:

“Kanien'kehá:ka of Kahnawà:ke Member” means a person verified and recognized as a member at birth or a person who has been confirmed as being a member of the Kanien'kehá:ka of Kahnawà:ke, according to the criteria and procedures in this Law and the Regulations, provided the person's recognition membership has not been revoked,

Outcome:

There were no objections to this definition.

12.5 ~~11.6~~ A person who has Indigenous lineage but who has little or no Kanien'kehá:ka lineage may apply to the Registrar Council of Elder to be recognized confirmed as a member of the Kanien'kehá:ka of Kahnawà:ke if he or she satisfies all of the following criteria:

- a) is married to, or living in a common-law relationship for at least five (5) years with, a Kanien'kehá:ka of Kahnawà:ke member,
- ~~b) speaks, or is committed to learning Kanien'kéha,~~
- ~~c) respects Mother Earth,~~
- ~~d) is identified as having, or is willing to avail themselves of the established Kahnawà:ke process of affiliation in seeking a Kanien'kehá:ka clan,~~

- b) has and maintains ties with the community of Kahnawà:ke,
- c) be an Approved Kahnawà:ke Resident,
- ~~f) honors the customs and traditions, and must comply with the codes, laws and regulations of the Kanien'kehá:ka of Kahnawà:ke, and~~

- d) is committed to raising their children to honor the customs, traditions, codes, laws and regulations of the Kanien'kehá:ka of Kahnawà:ke and must be committed to having their children learn Kanien'kéha.

DISCUSSION:

Q: There was issue with the “maintains community ties”. How will this be monitored and enforced? It was felt that these persons would come in and not be actively involved in the community. Who will be the watchdog?

A: The Registrar, as well as the community as a whole.

There was comment on persons that left the community to go to work and settled down outside.

A: Remember this is for indigenous persons that are not from here.

Q: How long will the probationary period last?

A: That probation is actually 5 years before they can apply

A: Depending on the circumstances, the probationary period may vary from case to case.

A: To clarify, just to make an application, the minimum time is 5 years.

Q: That means the membership law will recognize **common law** relationships – now will the Court of Kahnawake recognize common law when there is a breakup for division of property? The point is – will there be consistent definitions across all laws?

A: There should be consistent definitions in all laws.

OUTCOME:

Consensus was reached on section 12.5 with no objections.

Definition:

"**Indigenous lineage**" means direct descent from at least four (4) Indigenous great-grandparents, verified by proof acceptable to the Registrar and, if necessary, by the Administrative Tribunal, the Court of Kahnawà:ke or the Kahnawà:ke Court of Appeal, as the case may be, ~~the Council of Elders or the Membership Review Council,~~

There was a comment that just because a person is of indigenous lineage, it doesn't mean they can be here. If you live in Onondaga and are not from their territory and your spouse dies for example, you have to leave. We should be that strict here.

Q: If we give someone from another indigenous community a transfer to Kahnawà:ke and they become undesirable, we cannot take them off the Federal list, but we can remove them from the KKR. A transfer from the United States to Canada will not give them any benefits.

Q: Can someone from the U.S. transfer here?

A: No

There is an issue with the term indigenous; anyone can say they are indigenous to a particular place. However can first nation be used?

After deliberation, there was a suggestion to use the term **Onkwehonwe** in place of Indigenous. We all know what that means.

There was a comment that we should not be using the term North America. There are probably more indigenous people in Mexico and they are as Indigenous to there as we are to upstate New York and Canada. Kahsennenhawe clarified that North America is only considered Canada and the United States for the purpose of this law, as stated in the definition of Indigenous.

Outcome:

There was consensus to use the term Onkwehonwe. The drafting team will have to make the change from indigenous to Onkwehonwe throughout the document, as well as adding a definition that represents its meaning and the spirit of the law.

Definition:

"Kanien'kehá:ka lineage" means direct descent from a Kanien'kehá:ka ancestor, verified by proof acceptable to the Registrar and, if necessary, by the Administrative Tribunal, the Court of Kahnawà:ke or the Kahnawà:ke Court of Appeal, as the case may be, ~~the Council of Elders or the Membership Review Council,~~

Q: What is verifiable proof?

A: Four great-grandparents, as in other places in the law where this appears, in 11.1 for example.

There was acknowledgement that definitions should be consistent throughout the Law.

Q: About the 4 great-grandparents, does that mean 2 on each side?

A: No, that was proposed but not agreed upon as it would be discriminatory against most applicants.

Outcome:

Consensus was reached on the definition of Kanien'kehá:ka lineage as presented.

Definition:

"Community ties" means a person's overall participation in community events, volunteer activities, charitable works, positive contribution to the Kanien'kehá:ka of Kahnawà:ke and maintenance of Family ties,

There was a comment that "ties" definition changes depending on the situation.

There is a distinction made between "family ties" and "community ties" in the definitions.

Outcome:

There were no objections to the definition of "Community ties", consensus was reached.

OUTCOME:

Consensus reached on section 12.5, with the following objections to the definitions;

- to use the term "Onkwehonwe" in place of "Indigenous" throughout the document,
- to add a definition for "Onkwehonwe" in the definitions section that represents its meaning and the spirit of the law, and,
- to revisit the definition of "Kanien'kehá:ka Great Grandparent" at the next meeting February 23rd, 2016.

~~12.6 11.7~~ The application of persons mentioned in sections ~~12.3 11.4~~ and ~~12.5 11.6~~ will be carefully reviewed by the ~~Registrar. Council of Elders.~~ Notwithstanding section ~~16.1 15.1~~, in the event the application is approved, the ~~Registrar Council of Elders~~ may impose such reasonable conditions, limitations or restrictions, on an individual basis, ~~on the member~~ that is deemed ~~they deem~~ appropriate.

DISCUSSION:

There is concern with “reasonable conditions, limitations or restrictions” that “may” be imposed by the Registrar. The terms limitations or restrictions seems too negative, can this be eliminated? In the past, there was an individual with the limitation from the Elders that they had to be with someone within 5 years. Today that individual is with a non-native and has a child. Now that child will want to apply.

Children of mixed marriages, who become a member, must be told that if they marry out their membership will be revoked.

The drafting team felt that if they took out “limitations or restrictions” that they would not be able to put them back in.

There is no mention of the character of the person who is being considered.

Currently background checks have to be done. It is not in the law but in the regulations.

It was felt that it should be stated clearly in the Law.

Q: Can criteria include “be of good moral character”?

A: It could be included but would be hard to measure.

A: It is subjective.

Q: Once this law is passed, can a person’s membership be revoked?

A: Once the amendment to this Law is passed, then yes membership can be revoked from the KKR but not from the Federal list.

Q: Do we know who holds band cards and who issues them?

A: Anyone on the Federal list can get a card from INAC.

Q: Can we get our own cards for persons on the KKR?

A: That is something that can be looked at and will be brought back to the table.

OUTCOME:

There were no objections to 12.6. Consensus was reached to accept section 12.6 as drafted.

~~12.7~~ ~~11-8~~ When an individual is recognized as a Kanien'kehá:ka of Kahnawá:ke, ~~the Council of Elders or the Membership Review Council confirms a person's membership~~, the Registrar will ~~be advised to~~ make the necessary amendments to the Kahnawá:ke Kanien'kehá:ka Registry.

DISCUSSION:

Q: Once a person is accepted, will the community be notified?

A: Yes.

Comment: There should be a time frame put on how long the Registrar will take.

A: This is outlined in the Regulations.

OUTCOME:

There were no objections to 12.7. Consensus was reached.

~~12.8~~ ~~11.9~~ Recognition Membership as a Kanien'kehá:ka of Kahnawà:ke, and the entitlements associated with recognition membership, are not transferable to another person or entity.

DISCUSSION:

Q: Children were put under their parent's band number in the past, is this considered transferrable?

A: As of 2003 a child is given their own Federal band number at birth.

OUTCOME:

There were no objections to section 12.8, consensus was reached.

The meeting was closed at 8:30 by Chief Kahsennenhawe Sky-Deer. The next meeting is scheduled to take place on Tuesday, February 23rd, 2016 at the Golden Age Club.

Approved by:

Alexis Shackleton,
Director of Client Based Services

Date

Chief Kahsennenhawe Sky-Deer

Date