

**KAHNAWÀ:KE MEMBERSHIP LAW**  
FIRST HEARING – Meeting #8  
**Golden Age Club**  
23, Enniska / February 2016  
**6:00 PM– 8:30 PM**

**RECORD OF DISCUSSION**

**FACILITATORS:**

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

**RESOURCE PEOPLE:**

Chief Arlene Jacobs  
Shari Lahache  
Kevin Fleischer

**CHIEFS IN ATTENDANCE:**

Chief Robert Patton, Jr.

**RECORDER:**

Kim Beauvais

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

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

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

- **SEC.13**      **INSTATEMENT AND REINSTATEMENT**
- **SEC.14**      **ADOPTED CHILDREN**
- **ANY RELATED DEFINITIONS** – Chief Arlene Jacobs

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

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

**Facilitators:** Joe Delaronde & Ron Skye

**Recorder:** Kim Beauvais

## INSTATEMENT AND REINSTATEMENT

13.1 ~~12.1~~ Subject to section 13.2 ~~10.3~~, persons whose names are not listed on the Kanien'kehá:ka Registry may apply to the Registrar and who are eligible to apply for membership, may apply to the Council of Elders, with a copy to the Registrar, for recognition, instatement or reinstatement, as members.

### RELATED DEFINITIONS:

No related definitions.

### COMMENTS:

No comments provided.

### DISCUSSION:

There was question as to where the registrar is. It was explained that she is on sick leave and that her duties have been split up until her return.

**Comment:** There should be a qualifier after the word “persons” as it could be anyone.

**A:** A “person” is described in 13.2.

### OUTCOME:

**No one opposed Section 13.1 with the addition of the word “Kahnawà:ke” to appear before “Kanien’kehá:ka Registry”. Consensus reached.**

13.2 A person whose name does not appear on the Kahnawà:ke Kanien'kehá:ka Registry as a result of having married a non-Indigenous person prior to May 22nd, 1981, but who otherwise would qualify to be recognized as a Kanien'kehá:ka of Kahnawà:ke under section 11.1 ~~10.1~~ of this Law is eligible to apply to be instated.

### RELATED DEFINITIONS:

**"Non-Indigenous person"** means a person who has no Kanien'kehá:ka or Indigenous lineage,

**Comment:** The definition should be “Non-Onkwehonwe person” instead of “Non-Indigenous person from the decision from last meeting.

**Q:** What if a person claims to have some lineage?

**A:** The onus is on that person to prove it.

**"Instatement"** means recognizing confirming, for the first time, a person to be a member of the Kanien'kehá:ka of Kahnawà:ke in accordance with this Law,

### DISCUSSION:

**Explanation:** This section refers to a native woman married to a non-native man prior to May 22nd, 1981. This section isn't new; it is in the existing law. **Section 15.2 needs to be addressed in light of Section 13.2.**

**Q:** If a person is being “instated” for the first time, does this mean they did not meet the criteria at birth?

**A:** These are people who married out and subsequently were never put on the KKR when it was created.

**Comment:** There are two (2) different registries that we are working with: (the Mohawk Registry and the KKR.)

**Q:** Does this apply to native women who are married to non-native men?

**A:** Yes.

**Q:** Are they still married to the non-native men and eligible to apply?

**A:** Yes, they would be eligible to apply.

**Comment:** Then no, I don't agree. They will bring the non-native spouse here. It opens the door to a residency issue.

**A:** This was put in by the Council of Elders before they were disbanded.

**Comment:** The Council of Elders agreed to bring in Native women married to non-native men, including if they were still married.

**Comment:** If they're still married they should not be allowed back in.

**Comment:** If you married a non-native person that was your choice, leave with him or her. Don't come crying back in 25 years asking to come back.

**A:** There seems to be no support for this section tonight.

**Comment:** Suggest adding "provided they are divorced or widowed".

**Comment:** There is a suggestion to remove the section altogether.

**Comment:** No one here agrees with this section.

**Q:** What happens to someone who has married out and they are widowed, or divorced?

**A:** They have to apply to become a member.

**OUTCOME:**

**There is consensus to keep section 13.2 with the provision to add the qualifier "widowed or divorced", with one objection. There were no objections to these related definitions. Consensus reached.**

**13.3 ~~12.2~~** Applications for **recognition ~~instatement or reinstatement~~** must be in the **required** form and will be subject to the procedures provided in the Regulations.

**RELATED DEFINITIONS:**

No related definitions.

**COMMENTS:**

No comments provided.

**DISCUSSION:**

**Comment:** The title of the section should be changed since "reinstatement" is not mentioned.

**A:** It depends on when you were married, before or after 2003 when the KKR came into effect.

**Q:** The suggestion is to add the enactment date of the law in November 2003 as a qualifier.

**A:** After 2003 there were people who were suspended or removed.

**Comment:** There should be another section to deal with this issue specifically. The law is up and running in this scenario, I break the law and marry out.

Related definition in 13.3 would be "reinstatement".

**OUTCOME:**

**There is consensus to work "instatement or reinstatement" into the wording of Section 13.3.**

**ADOPTED CHILDREN**

**14.1** Kanien'kehá:ka of Kahnawà:ke who have adopted a child will have the child's biological lineage verified by the Registrar.

**RELATED DEFINITIONS:**

"Adoption" means the **legal acceptance of a ~~act or acts of accepting the~~** child of another person as one's own child,

"Child" means a **person ~~human being~~** who has not yet reached his or her age of majority,

"Person" means a **living** human being,

**COMMENTS:**

I totally disagree with the Application Process. If a family adopts a Caucasian, Negroid, Arab, whatever culture child and raises that child as Kanien'kehá:ka – values, real Kanien'kehá:ka practices, lifestyle etc.. It is up to a bunch of people at a band meeting (who may have little or not true Kanien'kehá:ka values, only those of colonized thought and practice) will decide membership – this is totally racist and unacceptable.

**DISCUSSION:**

These comments came when the law went out to the community for consultation.

**Q:** For what purpose (would the biological lineage verification serve)?

**A:** It was suggested to go through the whole section then come back to review.

**Q:** In terms of the comments received, I know I sent my feedback but don't see it reflected as well as in other sections. How did you determine what goes in and what doesn't? There were a lot of comments from other people. You can't choose.

**A:** I put everyone's comments in the feedback report and the report was uploaded onto the website.

**Comment:** I think if there are comments it should say.

**A:** By putting the comments out there, people are there to decide. It's food for thought. That person will have their comment(s) considered.

**Comment:** There were comments that were not put up on the screen, I know I commented. It's disrespectful to ask people for feedback and then not put the comment up.

**A:** The comments were compiled and put into the sections they applied to, so your comment may be found in another section.

**Q:** Can the biological lineage be verified? Legally? How does the Registrar "verify"?

**A:** The Registrar will have to have the proof (documents, records).

**OUTCOME:**

**There is no objection to section 14.1 and the related definitions. Consensus is reached.**

14.2 The Registrar will determine whether the child is a Kanien'kehá:ka of Kahnawà:ke as defined in sections 11.1 or 11.2 of the Law.

**RELATED DEFINITIONS:**

No related definitions.

**COMMENTS:**

No comments provided.

**DISCUSSION:**

When you read the section, there is no lead in to what the purpose of the section is. There is a suggestion to lead with: "Parents of adopted children can apply to the KKR for recognition, the Registrar will...".

**Q:** What benefits does a registered vs. non registered child have?

**A:** None

**Q:** What happens to a completely non-native child?

**A:** We don't know the lineage of the adopted child.

**OUTCOME:**

**There is consensus that there needs to be lead in to section 14 to give it context. There is consensus on 14.2.**

14.3 If the Registrar determines that the child is not a Kanien'kehá:ka of Kahnawà:ke under the provisions of section 11.1 or 11.2 of the Law, the Registrar will then determine whether the child is eligible to apply to become recognized as a Kanien'kehá:ka of Kahnawà:ke under the provisions of section 12.1 to 12.2 of the Law.

**RELATED DEFINITIONS:**

No related definitions.

**COMMENTS:**

No comments provided.

**DISCUSSION:**

**OUTCOME:**

**There are no objections to 14.3. Consensus is reached.**

14.4 If the Registrar determines that the child is not to be recognized under the provisions of section 12.1 to 12.2 of the Law, the Registrar will then determine whether the child is eligible to apply for recognition under the provisions of section 12.3 or 12.5.

**RELATED DEFINITIONS:**

No related definitions.

**COMMENTS:**

No comments provided.

**DISCUSSION:**

**Q:** Can you be applying as a child? Or do you have to wait until you are 18?

**A:** They have to wait until they are 18.

**Comment:** So they are no longer a child.

**Comment:** There is a suggestion to add the word “potentially eligible” as there are a lot of things that have not yet been determined in their life.

**Comment:** There is a suggestion to remove inference to “child” as they are no longer a child within section 12.3 and 12.5.

**A:** If you read it section by section, it is outlining how the adopted child can potentially be a member.

**Comment:** Background to why it is written the way it is: It was written in response to the old version, which created technical issues where people who were adopted had advantages that non-adopted children could have. It was written so that all children with similar lineage are treated the same.

**OUTCOME:**

**There were no objections to 14.4 with the insertion of the word “potentially” before “...eligible to apply...” Consensus was reached.**

14.5 Once the child’s lineage is verified the child’s right and eligibility to have their name registered on the Kahnawà:ke Kanien’keha:ka Registry will follow the same rules and procedures as persons who are not adopted. For greater clarity, it is the intent of this Law that adopted persons and non-adopted persons who have similar lineage are afforded the same rights and obligations under the provisions of this Law.

**RELATED DEFINITIONS:**

No related definitions.

**COMMENTS:**

No comments provided.

**DISCUSSION:**

I don't think adopted vs. non-adopted children have equal advantages. Take the whole thing out. We are looking at similar lineage, to treat them the same. "For greater clarity" to the end should be removed.

**OUTCOME:**

**There is consensus to section 14.5 with one objection.**

14.6 A child who has no Kanien'kehá:ka or Indigenous lineage who is adopted by a Kanien'kehá:ka of Kahnawà:ke parent(s) is not eligible for recognition. However, provided the child is adopted prior to the enactment of this Law on November 10, 2003, he or she is entitled to reside within the Territory with his or her adoptive Kanien'kehá:ka of Kahnawà:ke parent(s) and to receive educational services within the Territory until he or she reaches his or her Age of majority, after which he or she may apply for permission to be an Approved Kahnawà:ke Resident.

**RELATED DEFINITIONS:**

"Age of majority" means eighteen (18) years of age,

**COMMENTS:**

No comments provided.

**DISCUSSION:**

**Q:** What happens if they are not eligible to be an approved Kahnawà:ke resident?

**A:** Then they're in breach of the law. It is an enforcement issue.

**Q:** You're saying that you're giving a total non-native the right to live here.

**A:** Yes – an adopted person who was here before November 10, 2003 can live here.

**Comment:** There is no enforcement of the law.

**Comment:** Once the law is passed the enforcement will come.

**Comment:** The band council here had stated, after a person reaches 18 an adoption no longer applies.

**Comment:** The law says "may apply for permission to be an Approved Kahnawà:ke Resident". It does not say that they are going to be approved. There are requirements with it. The intent of the law is to protect what we have.

**OUTCOME:**

**Consensus has been reached on section 14.6 with two (2) objections.**

14.7 A child who has no Kanien'kehá:ka or Indigenous lineage adopted by a Kanien'kehá:ka of Kahnawà:ke parent(s) after the enactment of this Law on November 10, 2003 is not eligible to be recognized as a Kanien'kehá:ka of Kahnawà:ke or be an Approved Kahnawà:ke Resident.

**RELATED DEFINITIONS:**

No related definitions.

**COMMENTS:**

I agree they should not be eligible to be recognized, but it doesn't make sense if someone is adopted and cannot reside with their parents.

**DISCUSSION:**

**Comment:** An adopted child can reside with their parents until they're eighteen (18).

**Comment:** When they turn eighteen (18), they should be reminded that they will have to leave when they are 21 or 25 (as an example). The age of majority is not specified here.

**Suggestion:** There has to be a qualifier indicating reliance on their parents, i.e.; they have to be in school, etc.

**Comment:** This was already passed a few meetings ago. The age of majority is 18.

**Comment:** This subject warrants more time than just a few minutes, as it is going to be contentious. We will get in trouble if we change what was already decided: the age of majority is eighteen (18).

**Comment:** If you give them till 21 or 25, you're giving them 8 extra years to have children and make definitive ties to the community. It will be harder to get them to leave.

**OUTCOME:**

**Consensus was NOT reached on section 14.7. This section will have to be revisited at the next meeting.**

The meeting was closed at 8:30 by Leslie Beauvais-Skye. The next meeting is scheduled to take place on March 8th, 2016 at The Golden Age Club.

**Approved by:**

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Shari Lahache, Senior Membership Officer

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Date

\_\_\_\_\_  
Chief Arlene Jacobs

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Date