

KAHNAWÀ:KE MEMBERSHIP LAW
18th COMMUNITY CONSULTATION

Golden Age Club
21, Onerahtohkó:wa/May 2014
6:00 PM– 8:30 PM

RECORD OF DISCUSSION

FACILITATORS:

Kahente Horn-Miller (Lead - CDMP)
Ron Skye

RESOURCE PEOPLE:

Rose-Ann Morris (Lead – Resource Person)
Alexis Shackleton
Shari Lahache
Arlene Beauvais

RECORDERS:

Sophia Dupont

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

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

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

Question 1: Propose Change KML Section 20.1 Suspension of a Member

Question 2: Mandate to amend Membership Law & choose 3 community representatives

8:25 P.M. **NEXT STEPS** – Kahente Horn-Miller

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

Question: 1

Propose Change KML Section 20.1 Suspension of a Member

- a) Married, or **commenced common law relationship** with a non-Indigenous person after May 22, 1981, or
- b) Commences, after May 22, 1981, **to co-habit, in a conjugal relationship**, with a person who has no Kanien'kehá:ka or Indigenous lineage **for a period of more than six months (or a another suggested amount of time)**, or
- c) **Who allows a non-Indigenous person(s) to reside on their property?**

DISCUSSION:

- Section 20.1 already in law, but some additional wording proposed for discussion to (a) and (b) and a new (c) due to previous community discussions on suspension of a member.
- Suspension is for as long as an individual is living with or married to a non-indigenous person.
- There are non-native people living here receiving water and sewer and not paying taxes on the land.
- Who will enforce?
- You can't enforce it because you will be arrested right away.
- How do we address the enforcement? Something has to be put in the law about enforcement.
- We're Onkwehonwe here.
- Wouldn't the Peacekeepers (PK's) be the ones to enforce our law?
- If the community creates this law and names the PK's for enforcement, then they will be empowered to do it.
- Do we have a court now, because it's useless if we don't have a court?
- How many left a few years ago when letters were sent out?
- Why wasn't it enforced after the 1981 moratorium?
- What about the responsibility of the families themselves?
- I was told if you marry a non-native, you're out.
- In the past, people didn't want to lose ties with their children and they let them move in; it was accepted back then.
- Back then, no matter what nationality a person was, if they were able to help the town they were given land.
- Suggestion of when people get married they register their marriage that there has to be strict regulations to abide by Kahnawà:ke's laws.
- In 2006, the community went to Council and said they didn't want 12 Councillors making the laws. All these meetings are not for nothing.

- Some people are under the impression that Council didn't do anything when 30 names were identified of people living here that were alleged to be non-native, but it is the community members that are renting to non-natives or parents letting a non-native spouse live with their child. When the information was verified, 26 of the 30 said they didn't live here and had outside addresses.
- I don't agree with any of the proposed changes but I also do not believe that non-natives should live here. There should be a separate residency law.
- For article **b)** it is a double standard and it is ridiculous.
- If the PK's are identified as the enforcement body, what happens if they don't remove the non-natives living here?
If the PK's are the ones empowered in the law, yes they have to enforce the law.
- There are charter issues of people living together and because we don't have a membership law that is in force, we are in limbo.
- We can charge them under the Indian Act in Article 31 for trespassing.
- The ones renting to non-natives should be thrown out too.
- Set an amount for residency.
- No, they should not even live here, it is Indian land.
- What would be enforced, losing their benefits and being removed?
- How would suspension of membership be enforced?
- There is a difference between what benefits registered Indians are entitled to from Indian Affairs and what services members on the Kahnawà:ke Kanien'kehá:ka Registry (KKR) are entitled to receive from Kahnawà:ke.
- Why not make our own status cards?
If you want to buy a car, the status card would not be recognized.
- Where is the line drawn for *c) who allows a non-Indigenous person (s) to reside on their property?*
This is to be decided by the community.
- The only people that can get land from the MCK are those on the Kahnawà:ke registry or if they obtained it from their family.
- Some entitlements are enforceable: to vote or run in elections, to get a housing loan, educational services is decided by education.
- If a non-native doctor or a nurse was renting here, would it be allowed? No, but if it was a native from another reserve it would be accepted.
- There is a whole process when applying for a ¼ acre of land; you must be on the KKR, it has to be posted in the Eastern Door, research completed on family background, etc. The problem is with wealthy people that buy up acres and acres of land to give to their family members who are with non-natives.
- Land was for community use and you farmed the land, but then it was returned to the band. Later they came out with the CP's (certificates of possession).
- The non-native widow of a native man passed away, who gets the land, her white sons? They should just leave as they have no ties to our community.
- Many non-native ladies' husbands have passed on, so who owns the land?
If it was before 1981, they had acquired rights.

(a) Married, **or commenced a common-law relationship** with a non-indigenous person after May 22, 1981, **residing on the territory.**

- Agreed to by some.
- I disagree because of the word “commence”. I think it is a double standard of people.
- We were using existing wording of 20.1 so the terms may be awkward.

(b) Commences after May 22, 1981, **to co-habit, in a conjugal relationship**, with a person who has no Kanien’kehá:ka or indigenous lineage **for a period of more than six months (or another suggested amount of time) residing on the territory.**

- This clause should not even be here.
 - Clause b) should be clause a).
 - What if a community member is living outside the community for more than 6 months, would their membership be suspended?
 - Suggestion to add “commences and resides”
 - Only once a complaint is made and verified, can membership be suspended.
 - If you’re living common-law with a non-native on the outside, then it’s your business.
 - You don’t stop being Kanien’kehaka but your membership can be suspended.
 - If a person abides to Kahnawà:ke law by taking their relationship with a non-native to the outside, can they still have their rights? Can they still vote?
 - I thought the object was to keep non-natives from living in town.
 - Moratorium of May 1981 was not discriminatory; it applied to both men and women.
 - If they are following Kahnawà:ke’s law and are living outside in a non-native relationship, they should still be able to vote but cannot run in the election.
 - If you put the law in force, it can be enforced.
 - I think it should be for a period of more than six months (or another suggested amount of time),
 - to add “residing on the territory”
 - The reason that 6 months was mentioned was because there would be an influx of people making reports that people were living together.
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- We were told when we were young if you marry out, you have to leave and the way it is written now, I can agree with it.
 - How can it be determined if someone is in a relationship? If someone makes a complaint that they saw a white person come out of your house?
 - What services would be suspended?
They are listed in the “entitlements” section of the existing law.
 - Most entitlements are residency-based, but for education it is up to the Education Center to decide.
 - For voting, if someone is living off-territory, yes they could vote but they can’t reside here.

- If you're not breaking the Kahnawà:ke law and are living outside the territory, why would your benefits be suspended?
- If I travel and meet someone who is non-native and living together elsewhere and we have a baby, then would I lose my rights?
- How can you enforce relationships outside the community?
- It shouldn't affect your rights if you're respecting the Kahnawà:ke membership law and living outside. If you bring that person back, it is another story because then you would be contravening the law.
- That is why it says "commences a relationship" to stop them from creating roots here.
- Non-native woman gets pregnant from a native father, does the child have rights? The child would still have to meet membership criteria.
- Suggested to use the word "suspend" rather than "lose" your rights.
- Suspension of all privileges controlled by MCK but not Canada.
- So anyone who is married after May 22, 1981 has their rights in Kahnawà:ke suspended but they still have their status cards from the Federal government.
- The process has been changed for a complaint to be made by 10 individuals to only one individual.
- If a person is cohabitating with a non-native off-reserve, then I agree that their rights should not be suspended.
- On-reserve residing with non-native rights suspended? Yes
- Off-reserve residing with non-native rights suspended? No, because you cannot control that.
- Is it fair if the mother comes back and registers her child? Membership has criteria to register a child. These concerns are addressed in the law.
- I believe if you marry, it is a commitment and you're choosing to walk that path now.
- The same can be said for common-law.
- If you marry out, you stay out, but if you live cohabitate, your rights are suspended.
- What is the difference between being married and cohabitating?
- You're born Mohawk, you will die Mohawk.
- Being married, rights and entitlements as being Mohawk are suspended until you reapply.

NEW:

Suspension:

Any member **residing on the territory** who commences after May 22, 1981, **to co-habit in a conjugal relationship, commenced a common-law relationship** or married a non-indigenous person

Will have their entitlement to receive any of the benefits and services to which they would otherwise be entitled as a member of the Kanien'kehá:ka of Kahnawà:ke, be suspended for so long as they remain married, in a common-law relationship **or co-habiting** with the non-indigenous person.

- Co-habitation should have a time limit (a month?) so that it can be established that there is a relationship.
- The length of time should be no longer than one month.
- One month is agreeable because you can have visitors stay 2-3 weeks.

Consensus reached for new definition of suspension with addition of one (1) month co-habitation.

(c)Who allows a non-Indigenous person(s) to reside on their property?

- I think their rights should be suspended.
- We're talking about renting a home to a non-native. It's different when or if it is a business.
- They should not have any of the services.
- Non-native people would be curbed from living here if there was a threat of benefits being suspended for the member.
- There is a difference between residing here and running a business.
- No, not even to run a business here by non-natives.
- Anyone who rents property to a non-native person to live, their rights would be suspended. The person who owns the CP would have their benefits suspended.
- Once the law goes into effect, they would not have the right to come in. But if they were there prior, we would have to give notice (3 months or other and could be developed in the regulations).
- If there is no lease and rented to a non-native, whose benefits would be suspended? The homeowner's rights would be suspended.
- What if it is not the landlord but the tenant who is allowing a non-native to live there? Both landlord and tenant would receive notices.
- Make regulations so that non-natives cannot live here, and also have regulations for leases.

A member who allows to reside, rent or lease, sells to a non-indigenous person or purchases for someone not on the KKR, will have their privileges suspended (according to regulations).

OUTCOME:

Consensus reached on Suspension:

Any member residing on the territory who commences after May 22, 1981, to co-habit in a conjugal relationship, commenced a common-law relationship, will have their entitlement to receive any of the benefits and services to which they would otherwise be entitled as a member of the Kahnawà:ke of Kahnawà:ke, be suspended for so long as they remain married, in a common-law relationship or co-habiting with the non-indigenous person.

Consensus reached for new definition of suspension with addition of one (1) month co-habitation.

Consensus reached on c) *Who allows a non-Indigenous person (s) to reside on their property.*

A member who allows to reside, rent or lease, sells to a non-indigenous person or purchases for someone not on the KKR, will have their privileges suspended (according to regulations).

PARKING LOT ITEMS:

- Residency Law

Question: 2

Mandate to amend Membership Law & choose 3 community representatives

Kahsennenhawe Sky-Deer proposed the community participants give the Membership Department the mandate to start drafting the amendments to the Kahnawà:ke Membership Law and choose three (3) community representatives.

OUTCOME:

Consensus reached on giving mandate to the Technical Drafting Team.

Three (3) community representatives chosen to ensure the Technical Drafting Team drafts the amendments to the law to follow the community's intent in the Records of Discussion of the 18 community consultations meetings held on the Membership Law.

1. Jeremiah Johnson
2. Ramona Stacey Decaire
3. Arlene Jacobs
4. Caroline Charles (alternate)

Final Minutes

18th Membership Community Consultation

Approved by:

Rose-Ann Morris, Membership Registrar

Date

Chief Kahsennenhawe Sky-Deer

Date