

COMMUNITY DECISION-MAKING PROCESS
KANIEŃ'KEHÁ:KA OF KAHNAWÀ:KE LAW
SECOND HEARING, MEETING #4
GOLDEN AGE CLUB
15, Onerahtohkó:wa/May 2018
6:00 PM – 8:30 PM

FINAL RECORD OF DISCUSSION

FACILITATORS:

Joe Delaronde (Lead)
Melanie Mayo (Co-Facilitator)
Leslie Skye (CDMP)

RESOURCE PEOPLE:

Alexis Shackleton
Kahsennenhawe Sky-Deer
Jean Pommerville
Shari Lahache
Jennifer McComber

RECORDER(S):

Katsistohkwí:io Jacco

-
- ❖ **Opening Address** – Katsistohkwí:io Jacco
 - ❖ **Welcome/Respectful Behaviors/Process** – Leslie Skye
 - ❖ **Proposed Amendments to the Kahnawà:ke Membership Law** – Kahsennenhawe Sky-Deer and Alexis Shackleton:
 - Composition and Powers of the Community Review Board
 - Community Review Board
 - Application for Recognition
 - Adopted Children
 - Responsibilities of a Kanien'kehá:ka of Kahnawà:ke
 - Kanien'kehá:ka of Kahnawà:ke Pledge
 - Revocation of Entitlements
 - Renunciation
 - Regulations
 - Transitory Provisions
 - ❖ **Next Steps** - Facilitators
 - ❖ **Closing** – Katsistohkwí:io Jacco

LEGEND:

- **TDC:** Technical Drafting Committee
- **S:** Statement (By Community Member)
- **Q:** Question (By Community Member)
- **Legal:** MCK Legal Services Representative

The Portfolio Chief began the meeting by highlighting the fact that in the Second Hearing, the TDC is asking the community if the Draft Law that is being presented reflects what the community decided upon in the First Hearing phase of the CDMP. She stated that she was not present when the recent community meeting took place, where the Horn-Miller Decision was addressed and discussed between the community and the Council Chiefs. She informed that the TDC and MCK Legal Services were working collaboratively to re-draft certain sections of the Law based on the judge's ruling in the Horn-Miller case. The judge declared that Sections 20.1 and 20.2 of the Membership Law were inoperable (which are now Sections 15 and 16 in the current Draft Law), and therefore, these Sections are being re-drafted with different language, while still maintaining and reflecting the community's beliefs.

Composition and Powers of the Community Review Board

DISCUSSION:

TDC: This section was renumbered and there was a slight name change, does anyone have an issue with that?

S: No.

OUTCOME:

- **CONSENSUS REACHED.**

Community Review Board

- 1. Section 9.7:** "The Community Review Board, in performing its duties, conducting its meetings and making its decisions, will respect the rules of natural justice, principles of fairness, dignity of the person, compassion and consensus that are consistent with the traditions and customs of the Kanien'kehá:ka of Kahnawà:ke".

DISCUSSION:

TDC: The only change to this sentence is the addition of "natural justice", the underlined word.

Q: What is natural justice?

Legal: The rules of procedural fairness, which basically states that people have the right to be heard.

OUTCOME:

- **CONSENSUS REACHED.** Section 9.7 of the Community Review Board as proposed by the TDC was accepted by the community members in attendance.

- 2. Section 9.8:** "The members of the Community Review Board will be remunerated for their services in an amount to be fixed by Mohawk Council Executive Directive".

DISCUSSION:

TDC: The only change is the underlined words.

TDC: To clarify further, a MCED is now used for most decisions by Chief and Council, aside from Laws.

OUTCOME:

- **CONSENSUS REACHED.** Section 9.8 of the Community Review Board as proposed by the TDC was accepted by the community members in attendance.

- 3. Section 9.9:** "MCK Justice Services will until such time as the Administrative Tribunal is operational, fund the Community Review Board. The Community Review Board will submit to MCK Justice Services an annual budget for its approval".

DISCUSSION:

TDC: The only change is that the monies will now be with MCK Justice Services.

Q: Why do review boards need to be funded now? In the past, people volunteered their time and did not expect to get paid.

TDC: It is a part of the MCK Justice Services' budget, there are certain remunerated costs.

Legal: Just a note, there was an error in the numbering in the previous Law and it has now been fixed.

TDC: Do we have consensus?

S: Yes.

OUTCOME:

- **CONSENSUS REACHED.** Section 9.9 of the Community Review Board as proposed by the TDC was accepted by the community members in attendance.

Application for Recognition

- 1. Section 10.1:** “Everyone must apply, in accordance with the procedure set forth in the *Regulations Respecting Applications to be Recognized as a Kanien'kehá:ka of Kahnawà:ke*, to be recognized as a Kanien'kehá:ka of Kahnawà:ke if they are not currently on the Kahnawà:ke Kanien'kehá:ka Registry”.

DISCUSSION:

TDC: Both children who are born of two Onkwehón:we parents, as well as children who are born from one non-Onkwehón:we parent will have to apply. The reason why we have changed it to this is because it is important to keep for our records, so that we know who is living in our community.

Q: When will this be effective?

TDC: When the law comes into force.

TDC: Do we have consensus?

S: Yes.

OUTCOME:

- **CONSENSUS REACHED.** Section 10.1 of Application for Recognition as proposed by the TDC was accepted by the community members in attendance.

- 2. Section 10.2:** “Parents or Guardians may apply for a Minor Child under their care”.

DISCUSSION:

Q: Sometimes Youth Protection places children from Kahnawà:ke in non-native homes, does it mean that the guardians can apply for their status?

TDC: Yes, if they are the child's legal guardian.

S: Maybe it should say legal guardians.

TDC: We have a section for legal guardians.

S: Okay, I am good with that.

TDC: Do we have consensus?

S: Yes.

OUTCOME:

- **CONSENSUS REACHED.** Section 10.2 of Application for Recognition as proposed by the TDC was accepted by the community members in attendance.

- 3. Section 10.3:** “Any interested person may apply on behalf of a person who is mentally and/or physically unable to apply personally”.

DISCUSSION:

Legal: On March 20, 2018, the community had agreed to re-word this section slightly to state “*any person can apply on behalf of a person who is a dependent*”.

Q: What does an interested person mean?

TDC: Basically anyone who is going to help a dependent person fill out the paperwork for an application.

Q: So if they live off the reserve with a non-native person, does that mean the non-native can apply?

TDC: Yes, because it is only to help them fill out the paperwork.

S: Dependent Person should be capitalized.

Q: Shouldn't “interested person” say legal guardian instead?

TDC: We are trying to leave this definition open, and a dependent person may not have a legal guardian; they may be an adult.

TDC: They may not necessarily have a legal guardian or be under curatorship.

S: I am not comfortable with it saying “any interested person”.

Q: What if the person doesn't want "any interested person" to apply for them? I think the person who is filling out the application should have a legal right to do so.

S: It could be someone that is simply trying to help them out.

TDC: It does not necessarily mean that the application will be accepted.

TDC: It is not a decision that they are making, it is just helping them to fill out the paper work.

Legal: If there were a legal guardian that refuses to fill out the paperwork for a dependent person, I think it is important to have someone else that can help them out.

S: I am considering a situation where someone could take advantage of a dependent person. There are always people out there that want to cheat the system.

S: That is true, but a legal guardian could be doing it for that same reason and have bad intentions.

TDC: If something illegal occurs, then that becomes a bigger, legal issue.

Q: What about "any person in the best interest of the dependent person"?

TDC: Just because someone is filling out a form for services that a dependent person is entitled to, does not mean that that individual will benefit from our services.

S: There should only be specific people allowed to fill out the form.

S: I think what is throwing people off is that it seems like it is in malicious intent.

S: Maybe we should change the wording to help clarify and people will be more comfortable.

TDC: I am suggesting that we reword this during the break and we will come back to it later.

**Item deferred at 6:35 pm. A new definition was proposed by Legal at 7:00 pm.*

Legal: My suggestion is that it will state: "any person may, in the best interest of a Dependent Person, apply on that person's behalf".

TDC: Do you like this definition? Do we have consensus?

S: Yes.

OUTCOME:

- **DECISION:** Section 10.3 of Application for Recognition was changed from "Any interested person may apply on behalf of a person who is mentally and/or physically unable to apply personally," *and will now read: "Any person may, in the best interest of a Dependent Person, apply on that person's behalf".*

- **CONSENSUS REACHED.**

4. **Section 10.4:** "If a parent denies filiation with a child, proof of filiation acceptable to the Registrar may be provided to establish lineage for the purposes of determining Kanien'kehá:ka of Kahnawà:ke recognition. For greater clarity, the Registrar's decision establishing or denying filiation is not binding for any other purpose in any other tribunal or Court".

DISCUSSION:

TDC: The new addition to this section is "For greater clarity, the Registrar's decision establishing or denying filiation is not binding for any other purpose in any other tribunal or Court".

TDC: Any questions?

Q: Why is the Registrar's decision not binding? A tribunal or court could also be determining filiation?

TDC: For this Law, yes, and it is not binding for any other purpose. The court or tribunal will not have the same access to information.

S: There are situations where a parent may not want to claim a child, but they may quietly sign for the purposes of having the child get on the Kahnawà:ke Kanien'kehá:ka Registry (KKR).

TDC: Are we okay with this? Do we have consensus?

S: Yes.

OUTCOME:

- **CONSENSUS REACHED.** Section 10.4 of Application for Recognition as proposed by the TDC was accepted by the community members in attendance.

5. **Section 10.5:** “A person will be recognized as a Kanien'kehá:ka of Kahnawà:ke upon verification that he or she satisfies all of the criteria under one of the following categories:

A) Two Kanien'kehá:ka of Kahnawà:ke Parents

- i. is born of two (2) Kanien'kehá:ka of Kahnawà:ke parents and
- ii. has at least four (4) or more Kanien'kehá:ka Great-Grandparents.

DISCUSSION:

Q: Shouldn't it say “has at least” four?

TDC: Yes, that is what we have recommended.

Q: Why is “at least” in there?

S: Because it is a minimum.

S: I don't think we should put “at least”, just put four or more.

TDC: This is wordsmithing, what are you all comfortable with?

S: I think it should say at least, because it is an indicator that you cannot have below Four Great-Grandparents.

Q: What if one parent is from Akwesasne?

TDC: We will get to that section soon.

OUTCOME:

- **CONSENSUS REACHED.** Section 10.5 A) of Application for Recognition as proposed by the TDC was accepted by the community members in attendance.
- One objection.

B) One Kanien'kehá:ka of Kahnawà:ke Parent and One Parent with Kanien'kehá:ka Lineage

- i. is born of one (1) Kanien'kehá:ka of Kahnawà:ke parent and one (1) parent with Kanien'kehá:ka Lineage and
- ii. has at least four (4) or more Onkwehón:we great-grandparents, with at least two (2) being recognized as Kanien'kehá:ka of Kahnawà:ke.

DISCUSSION:

TDC: Any questions? Do we have consensus?

S: Yes.

OUTCOME:

- **CONSENSUS REACHED.** Section 10.5 B) of Application for Recognition as proposed by the TDC was accepted by the community members in attendance.

C) One Kanien'kehá:ka of Kahnawà:ke Parent and One Parent with Onkwehón:we Lineage

- i. is born of one (1) Kanien'kehá:ka of Kahnawà:ke parent and one (1) parent with Onkwehón:we Lineage and
- ii. has at least four (4) or more Onkwehón:we great-grandparents, with at least two (2) being recognized as Kanien'kehá:ka of Kahnawà:ke.

DISCUSSION:

Q: How much Onkwehón:we lineage? Have we cleared that up?

TDC: They have to have at least four great grandparents.

OUTCOME:

CONSENSUS REACHED. Section 10.5 C) of Application for Recognition as proposed by the TDC was accepted by the community members in attendance.

D) One Kanien'kehá:ka of Kahnawà:ke Parent and One Iah teionkwehón:we Parent

- i. is born of one (1) Kanien'kehá:ka of Kahnawà:ke parent and one (1) Iah teionkwehón:we parent,
- ii. has four at least (4) or more Onkwehón:we great-grandparents, with at least two (2) being recognized as Kanien'kehá:ka of Kahnawà:ke,
- iii. has reached the Age of Majority, and
- iv. maintains Family Ties and Community Ties”

DISCUSSION:

Q: Why did we lower it to two? If they are going to be on the KKR, the four great grandparents should be from Kahnawà: ke.

TDC: That is very strict; what if someone's grandparent is from Akwesasne and they lived here all of their life? Are we going to penalize them?

S: I have no problem with other Onkwehón:we living here, but I don't want non-Onkwehón:we people to live here.

TDC: If they have four out of the eight Great-Grandparents, and two are from Kahnawà:ke and two are from other communities, they will be accepted.

TDC: We're trying to encourage people to marry other Onkwehón:we people, so why would we say all four have to be from this community?

S: I agree with that, even my grandmother is from Akwesasne.

TDC: Are we good with this? Do we have consensus?

S: Yes.

OUTCOME:

- **CONSENSUS REACHED.** Section 10.5 D) of Application for Recognition as proposed by the TDC was accepted by the community members in attendance.

E) Two Onkwehón:we Parents

- i. is born of two (2) Onkwehón:we parents, each of whom has some Onkwehón:we Lineage,
- ii. has at least four or more (4) Onkwehón:we great-grandparents, with at least two (2) being recognized as Kanien'kehá:ka of Kahnawà:ke,
- iii. has reached the Age of Majority, and
- iv. maintains Family Ties and Community Ties.

DISCUSSION:

**Referenced the definitions section of the Law on Onkwehón:we Lineage.*

TDC: "Some Onkwehón:we Lineage" was added into this section in case "is born of two Onkwehón:we parents" was too vague.

S: Onkwehón:we lineage says that they need to have at least four.

S: I don't see why we need to add "each of whom has some Onkwehón:we Lineage," because this definition is not even talking about Lineage. We are simply clarifying what Two Onkwehón:we parents are.

Legal: Yes, that is correct. We are not talking about lineage in this definition. Was there a redraft?

TDC: We are not using Onkwehón:we lineage, so is this even necessary?

TDC: I agree we should leave it as is; disregard the addition in E) i. that says "each of whom has some Onkwehón:we Lineage".

OUTCOME:

- **DECISION:** The TDC's proposal on Section 10.5 E)i. of Application for Recognition was not accepted. Instead, this section will now state: "is born of two (2) Onkwehón:we parents".
- **CONSENSUS REACHED.** Section 10.5 E)ii., iii., and iv. of Application for Recognition as proposed by the TDC was accepted by the community members in attendance.

6. **Section 10.6:** "When an individual is recognized as a Kanien'kehá:ka of Kahnawà:ke, the Registrar will make the necessary inclusions to the Kahnawà:ke Kanien'kehá:ka Registry".

DISCUSSION:

TDC: The only change was the word "inclusions".

TDC: Questions? Do we have consensus?

S: Yes.

OUTCOME:

- **CONSENSUS REACHED.** Section 10.6 of Application for Recognition as proposed by the TDC was accepted by the community members in attendance.

- 7. Section 10.8:** “A person whose name does not appear on the Kahnawà:ke Kanien'kehá:ka Registry as a result of having married an Iah teionkwehón:we prior to May 22, 1981, but who otherwise would qualify to be recognized as a Kanien'kehá:ka of Kahnawà:ke under section 10.5 of this Law is eligible to apply to be recognized if they are no longer married to a Iah teionkwehón:we”.

DISCUSSION:

TDC: The only change was “married to a Iah teionkwehón:we”.

**Asks Legal if this definition is problematic based on the judge’s ruling in the Horn-Miller Decision.*

**Item deferred at 7:00 pm. A new definition was proposed by Legal at 7:55 pm.*

Legal: I am suggesting eliminating the underlined section.

Q: Does that mean that if someone is still married to a non-native, they can now apply?

TDC: Yes, they can apply. Even if someone is married to a non-native, you can never revoke their identity.

TDC: This is only to apply for recognition.

Q: So if a person married a non-Native before 1981 they can still apply, but if someone married a non-Native after 1981, they cannot apply?

TDC: Yes. Are we okay with this?

S: Yes.

OUTCOME:

- **DECISION:** The previous proposed definition by the TDC for Section 10.8 of Application for Recognition was not accepted. The definition for Section 10.8 was decided by the community to now read: “A person whose name does not appear on the Kahnawà:ke Kanien'kehá:ka Registry as a result of having married an Iah teionkwehón:we prior to May 22, 1981, but who otherwise would qualify to be recognized as a Kanien'kehá:ka of Kahnawà:ke under section 10.5 of this Law is eligible to apply to be recognized”.
- **CONSENSUS REACHED.**

Adopted Children

- 1. Section 11.1:** “A Kanien'kehá:ka of Kahnawà:ke who has adopted a Minor Child will have the Child’s biological lineage verified by the Registrar”.

DISCUSSION:

TDC: Questions or comments?

S: No.

OUTCOME:

- **CONSENSUS REACHED.** Section 11.1 of Adopted Children as proposed by the TDC was accepted by the community members in attendance.

- 2. Section 11.2:** “The Registrar will determine whether the Minor Child can be recognized as a Kanien'kehá:ka of Kahnawà:ke based on the criteria of this Law”.

DISCUSSION:

TDC: Again, the underlined section is what was added.

OUTCOME:

- **CONSENSUS REACHED.** Section 11.2 of Adopted Children as proposed by the TDC was accepted by the community members in attendance.

- 3. Section 11.3:** “Once the Minor Child’s lineage is verified the Minor Child’s right and eligibility to have their name registered on the Kahnawà:ke Kanien'kehá: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”.

DISCUSSION:

TDC: Again, the underlined section is what was added.

OUTCOME:

CONSENSUS REACHED. Section 11.3 of Adopted Children as proposed by the TDC was accepted by the community members in attendance.

- 4. Section 11.4:** “An Onkwehón:we Minor Child who is adopted by a Kanien'kehá:ka of Kahnawà:ke parent(s) is eligible to apply to be recognized as a Kanien'kehá:ka of Kahnawà:ke, based on the criteria of this Law at the time the application is made, once they have reached the Age of Majority and can prove that they have Family Ties and Community Ties”.

DISCUSSION:

TDC: Again, the underlined section is what was added.

Q: Why is it once they have reached the age of majority? Does that mean they have to apply again when they turn eighteen? Isn't it kind of silly if they are already on the KKR?

TDC: When we talked about the examples in section 10, when you have a minor child who is adopted, they can only apply at the age of majority, correct?

Legal: Yes, that is what that says.

TDC: The reason why they have to wait until they are eighteen is because they may not have any lineage from Kahnawà:ke at all, but because they were born and raised here, we should not deny them that right.

Q: When they reach eighteen, will they have to apply on their own?

TDC: Yes.

Q: If someone applies when they are eighteen, and they have community ties, what happens if they have no great grandparents from here? When you adopt someone, you want them to be one of your own. What happens if they apply and they have no great grandparents from Kahnawà:ke? I don't think that is fair.

TDC: If they grow up here and they are raised here, the law says you need two Great Grandparents from Kahnawà:ke. However, an individual does not have two Great Grandparents from Kahnawà:ke, they may be an approved resident because they grew up here.

Q: Will an adopted individual also get benefits from the community that they come from?

TDC: I think if they are legally adopted, then they are not registered anywhere else.

TDC: In Canada, nobody can get benefits from more than one community.

S: I am concerned that they will have to leave when they turn eighteen if they are not registered here.

TDC: They may not be a Kanien'kehá:ka of Kahnawà:ke, but they may be allowed to live here.

TDC: Are we okay with 11.4?

S: Yes.

OUTCOME:

- **CONSENSUS REACHED.** Section 11.4 of Adopted Children as proposed by the TDC was accepted by the community members in attendance.

- 5. Section 11.5:** “A Minor Child who has no Kanien'kehá:ka Lineage or Onkwehón:we 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 the *Kahnawà:ke Membership Law* (KRL c. M-1) on November 10, 2003, they are entitled to Reside within the Territory with their adoptive Kanien'kehá:ka of Kahnawà:ke parent(s) and to receive educational services within the Territory until he or she reaches the Age of Majority”.

DISCUSSION:

TDC: We changed it from child to minor child and from indigenous lineage to Onkwehón:we lineage.

Q: So if they get to stay here until they are eighteen, will the residency law give the option to apply for non-member residency?

TDC: That is to be determined; it is up to the community.

Q: When will we see the residency law?

TDC: There is a focus group scheduled for May 24, 2018, for anyone who is interested.

Legal: The residency law will take care of who can reside in the territory.

TDC: We can take out the sentence that deals with residency, and make sure that it is addressed in the Residency Law.

OUTCOME:

- **DECISION:** The TDC's proposed Section 11.5 on Adopted Children was not accepted. Instead, the community agreed to change the definition of this section to read: "*A Minor Child who has no Kanien'kehá:ka Lineage or Onkwehón:we Lineage who is adopted by a Kanien'kehá:ka of Kahnawà:ke parent(s) is not eligible for recognition as a Kanien'kehá:ka of Kahnawà:ke*".

- **CONSENSUS REACHED.**

6. **Section 11.6:** "A Minor Child who has no Kanien'kehá:ka Lineage or Onkwehón:we Lineage adopted by a Kanien'kehá:ka of Kahnawà:ke parent(s) after the enactment of the *Kahnawà:ke Membership Law* (KRL c. M-1) on November 10, 2003 is not eligible to be recognized as a Kanien'kehá:ka of Kahnawà:ke".

DISCUSSION:

TDC: Can we take this out? We just took care of it and condensed it in 11.5.

TDC: Do we have consensus to take out 11.6?

S: Yes.

OUTCOME:

- **DECISION:** Section 11.6 to be removed entirely.

- **CONSENSUS REACHED.**

Responsibilities of a Kanien'kehá:ka of Kahnawà:ke

1. **Section 13.1:** "All Kanien'kehá:ka of Kahnawà:ke have the responsibility to:

- A) respect and protect the customs and traditions of the Kanien'kehá:ka of Kahnawà:ke and must comply with the codes, laws and regulations applicable in the Mohawk Territory of Kahnawà:ke",

DISCUSSION:

Q: Do we have codes in this community?

TDC: Yes; custom code, we're developing a land code.

- B) "protect and show Respect for Mother Earth",

- D) "have a clan or be willing to avail themselves of the established Kahnawà:ke process of affiliation in seeking a Kanien'kehá:ka clan, if they are not born into one",

DISCUSSION:

Q: Is there going to be an established process to get a clan? Or will it stay how it was in 2003?

TDC: You would have to inquire with the longhouses.

S: Then maybe we should say in accordance with the Kanonhsésne of your choice. I don't know anybody that went through an established process to get a clan. We have about three longhouses in this community, so it seems presumptuous in this case. What if someone asks what our established process is?

TDC: I do not know if it is our place to say what the established process is because it happens in the Kanonhsésne.

TDC: The longhouse has a hard time being a full participant in this process, so it may be hard to reference.

S: I agree with the earlier statement; but we should say "the process of affiliation in seeking a Kanien'kehá:ka clan" instead of "the established Kahnawà:ke process" because there is no one process.

TDC: Do we like this change?

S: Yes.

- E) "respect and protect children, persons, personal property and lands within the Territory",

DISCUSSION:

S: I think it should encompass elders.

TDC: “respect and protect children, elders, all persons and personal property and lands within the territory”. Are we good with that?

S: Yes.

F) “respect and encourage the use of Kanien'kehá:ka and Kanien'kehá:ka culture, and”

G) “maintain Community ties with Kahnawà:ke”.

OUTCOME:

- **DECISION:** It was decided to change Section 13.1 D) to read: *“have a clan or be willing to avail themselves to the process of affiliation in seeking a Kanien'kehá:ka clan, if they are not born into one”*. It was also decided to change Section 13.1 E) to read: *“respect and protect children, elders, all persons and personal property and lands within the territory”*. Section 13 A), B), F) and G) were all agreed to by the community as proposed by the TDC.
- **CONSENSUS REACHED.**

Kanien'kehá:ka of Kahnawà:ke Pledge

1. **Section 14.1:** “Once a person is recognized as a Kanien'kehá:ka of Kahnawà:ke, they must take the Kanien'kehá:ka of Kahnawà:ke Pledge at the welcoming ceremony, in the form provided in the Regulations, affirming that he or she will respect the responsibilities of a Kanien'kehá:ka of Kahnawà:ke, as set out in this Law”.

DISCUSSION:

TDC: What are your thoughts on the welcoming ceremony?

S: The person who said this said she had seen this in another community. Maybe this could be optional and not obligatory; my recommendation is to remove it from the Law and maybe put it in the regulations.

S: We had something similar before at the Knights of Columbus when we welcomed women back after 1981. If it is going to be a new tradition or ceremonial act, I would be in favor of that.

Legal: It is better to put this in a regulation because the welcoming ceremony could change over time.

S: In the past it wasn't in the law or the regulations, it was just something that we felt like doing.

TDC: Maybe we should put it in the regulations, that way it is not mandatory.

TDC: Are we good with this?

S: Yes.

OUTCOME:

- **DECISION:** The definition in Section 14.1 on the Kanien'kehá:ka of Kahnawà:ke Pledge will be changed to read: *“Once a person is recognized as a Kanien'kehá:ka of Kahnawà:ke, they must take the Kanien'kehá:ka of Kahnawà:ke Pledge, in the form provided in the Regulations, affirming that he or she will respect the responsibilities of a Kanien'kehá:ka of Kahnawà:ke, as set out in this Law”*.
- **CONSENSUS REACHED.**

**The Portfolio Chief explained that Section 15 on Suspension of Entitlements and Section 16 on Revocation of Entitlements are currently being re-drafted and new proposals will be brought forth at the next Hearing.*

Renunciation

1. Section 17.1: “Any person may renounce their recognition as a Kanien'kehá:ka of Kahnawà:ke by providing written notice to the Registrar. Renunciation of the person's recognition as a Kanien'kehá:ka of Kahnawà:ke will be effective from the date on which it is received by the Registrar. The Registrar's confirmation of renunciation will be sent by registered mail to the person who renounced his or her recognition as a Kanien'kehá:ka of Kahnawà:ke. The Registrar will, remove the person's name from the Kahnawà:ke Kanien'kehá:ka Registry”.

DISCUSSION:

Q: Has any person ever renounced their rights?

TDC: Yes it has been done.

TDC: However, no one is able to unregister with Indian Affairs after 1985.

TDC: Do we have consensus?

S: Yes.

S: I am suggesting we say that “a person of sound mind”

Legal: I would instead suggest having a form in the regulations that the person has to sign. It should be in person, and signed in affirmation. An outright question on whether or not they are of sound mind can be in the form, and the registrar should explain the consequences.

OUTCOME:

- **DECISION:** *The community agreed to change Section 17.1 on Renunciation to read: “A person may renounce their recognition as a Kanien'kehá:ka of Kahnawà:ke by providing written notice in the form set out in the regulations to the Registrar. Renunciation of the person's recognition as a Kanien'kehá:ka of Kahnawà:ke will be effective from the date on which it is received by the Registrar. The Registrar's confirmation of renunciation will be sent by registered mail to the person who renounced his or her recognition as a Kanien'kehá:ka of Kahnawà:ke. The Registrar will remove the person's name from the Kahnawà:ke Kanien'kehá:ka Registry”.*
 - **CONSENSUS REACHED.**
2. **Section 17.2:** “A person who has renounced their recognition as a Kanien'kehá:ka of Kahnawà:ke will be eligible to apply to have their name added to the Kahnawà:ke Kanien'kehá:ka Registry by making an application to the Registrar and the Registrar will verify and decide the person's application for recognition as Kanien'kehá:ka of Kahnawà:ke in accordance with the provisions of this Law at the time the person's application is filed”.

OUTCOME:

- **CONSENSUS REACHED.** Section 17.2 of Renunciation as proposed by the TDC was accepted by the community members in attendance.

Regulations

1. Section 18.1: “a) the procedure for considering and deciding an application to suspend or revoke a person's recognition as a Kanien'kehá:ka of Kahnawà:ke,
c) the form and content of the Kanien'kehá:ka of Kahnawà:ke Pledge,
d) the form and content of applications for recognition,
e) the rules and procedures to be followed by the Registrar;
f) such other Regulations that may be necessary to implement the provisions of this Law”.

DISCUSSION:

TDC: Any questions or comments on this section?

TDC: Would we need the welcoming ceremony in here?

Legal: It is covered in c, f or even in section 14.1.

TDC: Do we have consensus?

S: Yes.

OUTCOME:

- **CONSENSUS REACHED.** Section 18.1 of Regulations as proposed by the TDC was accepted by the community members in attendance.
2. **Section 18.3:** “Copies of all Regulations enacted by the Mohawk Council of Kahnawà:ke will be provided to the Registrar and will be made available to the Kanien'kehá:ka of Kahnawà:ke”.

DISCUSSION:

Q: Are we going to be able to see the regulations before they are passed? Here, it just says they are available.

TDC: Most of the regulations have already been developed from the 2003 law; we have changed a lot of the wording to fit the new law. The Regulations process is still under development.

KLCC Coordinator: The Regulations Process has not yet been passed.

S: I think everyone here should be able to see the regulations beforehand, not once they are enacted.

KLCC Coordinator: Once the process is developed, there will be some community consultation required.

TDC: Even if the regulations process is not yet passed, we are planning on being transparent and allowing the community to see it beforehand.

OUTCOME:

- **CONSENSUS REACHED.** Section 18.3 of Regulations as proposed by the TDC was accepted by the community members in attendance.

Transitory Provisions

- 1. Section 24.1:** “Applications received after September 12, 2007 for recognition to have one’s name placed on the Kahnawà:ke Kanien’kehá:ka Registry or on the Non-Member Resident List are void. Persons seeking to be recognized as Kanien’kehá:ka of Kahnawà:ke must make an application in accordance with the provisions of this Law”.

DISCUSSION:

TDC: The previous law captured membership and residency, so that is why we are saying these applications are now void.

TDC: Are we okay with this as written?

S: Yes.

OUTCOME:

- **CONSENSUS REACHED.** Section 24.1 of Transitory Provisions as proposed by the TDC was accepted by the community members in attendance.

FINAL OUTCOME:

- Consensus was reached on **Composition and Powers of the Community Review Board** (Section 9).
- Consensus was reached on all Sections (9.7, 9.8 and 9.9) of **The Community Review Board**.
- Consensus was reached on **Application for Recognition in Sections 10.1, 10.2, 10.4, 10.5 A)-D) (with one objection for 10.5 A)) and 10.6 without any changes.** Section 10.3 of Application for Recognition was changed from “Any interested person may apply on behalf of a person who is mentally and/or physically unable to apply personally,” **and will now read: “Any person may, in the best interest of a Dependent Person, apply on that person’s behalf”.** The TDC’s proposal on Section 10.5 E)i. of Application for Recognition was not accepted. Instead, this section will now state: **“is born of two (2) Onkwehón:we parents”.** In addition, the previous proposed definition by the TDC for Section 10.8 of Application for Recognition was not accepted. The definition for Section 10.8 was decided by the community to now read: **“A person whose name does not appear on the Kahnawà:ke Kanien’kehá:ka Registry as a result of having married an Iah teionkwehón:we prior to May 22, 1981, but who otherwise would qualify to be recognized as a Kanien’kehá:ka of Kahnawà:ke under section 10.5 of this Law is eligible to apply to be recognized”.**
- Consensus was reached on **Adopted Children in Sections 11.1, 11.2, 11.3, and 11.4.** The TDC’s proposed Section 11.5 on Adopted Children was not accepted. Instead, the community agreed to change the definition of this section to read: **“A Minor Child who has no Kanien’kehá:ka Lineage or Onkwehón:we Lineage who is adopted by a Kanien’kehá:ka of Kahnawà:ke parent(s) is not eligible for recognition of a Kanien’kehá:ka of Kahnawà:ke”.** **Section 11.6 was deleted entirely.**
- Consensus was reached on **Responsibilities of a Kanien’kehá:ka of Kahnawà:ke in Section 13, A), B), F) and G).** It was decided to change Section 13.1 D) to read: **“have a clan or be willing to avail themselves to the process of affiliation in seeking a Kanien’kehá:ka clan, if they are not born into one”.** It was also decided to change Section 13.1 E) to read: **“respect and protect children, elders, all persons and personal property and lands within the territory”.**
- The definition in **Section 14.1 on the Kanien’kehá:ka of Kahnawà:ke Pledge** will be changed to read: **“Once a person is recognized as a Kanien’kehá:ka of Kahnawà:ke, they must take the Kanien’kehá:ka of Kahnawà:ke Pledge, in the form provided in the Regulations, affirming that he or she will respect the responsibilities of a Kanien’kehá:ka of Kahnawà:ke, as set out in this Law”.**

- Consensus was reached on Section 17.2 on Renunciation. The community agreed to change Section 17.1 on Renunciation to read: “A person may renounce their recognition as a Kanien'kehá:ka of Kahnawà:ke by providing written notice in the form set out in the regulations to the Registrar. Renunciation of the person's recognition as a Kanien'kehá:ka of Kahnawà:ke will be effective from the date on which it is received by the Registrar. The Registrar's confirmation of renunciation will be sent by registered mail to the person who renounced his or her recognition as a Kanien'kehá:ka of Kahnawà:ke. The Registrar will, remove the person's name from the Kahnawà:ke Kanien'kehá:ka Registry”.

- Consensus was reached on **Section 18.1 and 18.3 on Regulations** as proposed by the TDC.

- Consensus was reached on **Section 24.1 on Transitory Provisions** as proposed by the TDC.

FINAL CONCLUSION:

- The next Hearing will be held on May 29, 2018, and the first order of business will be to review the final Sections of the Law that were not yet addressed in the Second Hearing. The Sections are 15 on Suspension of Entitlements, and 16 on Revocation of Entitlements.

Approved by:

Alexis Shackleton

Date

Chief Kahsennenhawe Sky-Deer

Date