



*Tsi Nahò:ten Karihwanákere Nó:nen'k*

# PRESS RELEASE

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## MCK comments on Miller Decision

### For Immediate Release

**(Kahnawake – 4, Onerahtohkó:wa/May 2018)** The Mohawk Council of Kahnawà:ke wishes to inform the community of the results of yesterday's meeting at which the *Miller v. Mohawk Council of Kahnawà:ke* decision was reviewed by Chief & Council with MCK's Legal Services team.

Despite negative media headlines on the issue, the MCK feels it needs to put the decision by Justice Davis into perspective. Most important is the fact that the Court refrained from making a pronouncement that any of the plaintiffs were to retain Membership or be instated or reinstated on the *Kanien'kehá:ka of Kahnawà:ke Registry*.

Although the MCK has always maintained that this is an issue internal to the community, the MCK is in agreement with several areas of the judgment, such as:

- The fact that no declaration was made regarding non-Natives residing in Kahnawà:ke
- The Quebec *Charter of Rights and Freedoms* being found not applicable in this context
- The fact that the MCK did not act in bad faith in upholding the *Kahnawà:ke Membership Law*
- That this judgment will not resolve the internal conflict
- The need for Indigenous court to hear these issues
- The fact that Residency and Membership are two separate issues

It is also noteworthy that the Court only awarded the Plaintiffs approximately 4% of the damages they were seeking.

The judgment stated that two provisions of the current *Kahnawà:ke Membership Law* were deemed unconstitutional. However, those two provisions have been inoperative since 2007. It should be noted that the law is currently in the Community Decision Making Process for a complete overhaul, and that the Court opted not to comment on the draft of the new *Kanien'kehá:ka of Kahnawà:ke Law*. The MCK sees this in a positive light.

The main area of disconnect between Kahnawà:ke's beliefs and the Court decision is the manner in which the Membership Law seeks to preserve Mohawk land, culture and language. According to Justice Davis, while the MCK has a duty to protect land, language and culture, this objective must be achieved in a less intrusive manner than by denying a Mohawk Membership and right of residency on the basis of the origin of one's spouse. This will undoubtedly be the main point of discussion in the immediate future and beyond.

"We continue to urge the community to be patient and respectful to all involved," stated Grand Chief Joseph Tokwiro Norton. "I strongly urge people to read the proper information and get involved in meetings on this topic."

The issue will be further discussed and official decisions will be made on Monday, 7 Onerahtohkó:wa/May. Those decisions and next steps will be presented at the Spring Community Meeting on Tuesday, 8 Onerahtohkó:wa/May.