



From Adoption to Eviction: The Blood Quantum and the Mohawks

Sandra Busatta

Independent researcher; e-mail: sandra@hakomagazine.net

KEYWORDS

Mohawks, blood-quantum, identity, adoptions, genetic, reservations, social control, demographic control, tribal laws, US federal laws, Canadian federal laws, racism.

ABSTRACT

Historically the Mohawks survived as a political-ethnic entity thanks to massive adoptions of people from other tribes, as well as European countries. They counted more 'galvanized' Mohawks than full-blooded ones already at the end of the 17th century. While they stopped adopting whole tribes after the Mourning/Beaver Wars, in the 18th century they still went on the warpath in order to take prisoners to adopt (those for sacrifice were a minority) as far as the Carolinas and Georgia. They managed to save their identity even during the 19th century, when many intermarried with the neighboring Whites, although the first cause of tribal turmoil were the repeated attempts of the 'conservative' minority to evict the so-called 'mixed-blood'. After the early 1970s the policy of evictions has changed: from the aim of a group of extremist militants in order to forcibly expel the 'non-Mohawks', that is the mixed-bloods and their relatives from the reservations, it has become a tribal council policy, which uses the manipulation of the blood quantum, used by the Canadian and US bureaucracies to define Indians, to evict political troublemakers and to check population growth, and especially the distribution of resources.

Introduction: Galvanized Mohawks

Historically the Mohawks survived as a political-ethnic entity thanks to massive adoptions of people from other tribes as well as European countries. The homeland of the Mohawks was a section of the middle Mohawk Valley, extending from Schoharie Creek (a little west of contemporary Amsterdam, NY) upriver to East Canada Creek (a few miles east of Little Falls). Their hunting territories extended north to the Adirondacks and south down the east branch of the Susquehanna River near Oneonta, NY. They were connected with the other nations of the Confederacy of the Five Nations, according to an east-west route. European epidemics perniciously aggravated the weight of cultural as well as economic-political factors on the Mohawk polities, and prompted the regional convulsions now called either the Mourning Wars or the Beaver Wars. As Snow points out: “Iroquois warriors lashed out at their neighbours for a variety of reasons. Only one of which was the desire to acquire furs or control the fur trade by less direct means. [...] Just as important [as booty and access to European trade], they seized captives, torturing and killing some and adopting or enslaving others in an effort to replace lost relatives. New epidemics only intensified the Mourning Wars, and the cycle of loss and revenge sucked the entire region into a maelstrom of violence and death. Iroquois villages soon became populated by both survivors and increasing numbers of captives, The social changes that were entailed by this had profound effects on Iroquois settlements” (2001:109-111).

Throughout the 17th century the Mohawks had three principal villages (“castles”) and several smaller ones. The name of the easternmost village, also called the Lower or First Castle, is the most variable, perhaps indicating that it moved several times: by 1659 it was named Kaghnuawage, a spelling of Caughnawaga (currently Kahnawake, Quebec, “at the rapids”). In 1668 two thirds of its population was said to be made of Huron and Algonquian captives (Fenton and Tooker 1978:467). They were “galvanized Mohawks” to copy a term from the American Civil War, the Galvanized Yankees.¹ They facilitated the work of the French Jesuits, but many of them had to flee for their lives. A group of Catholic refugees from the Mohawk Valley Caughnawaga split and founded a village on the St. Lawrence River also named Caughnawaga. This village relocated a number of times, always within the Jesuit Seigneury of St. Louis, and later gave origin to Akwesasne in 1755.

The Origin of Kahnawake

In 1667 some French families took up residence at La Prairie, on Jesuit land in Quebec, together with some Oneidas. In the 1670s the Iroquois settlement grew rapidly, together with the nearby Huron village of Lorette, although it moved a number of times according to the exigencies of Iroquois itinerant horticulture, and changed name from La Prairie or mission of Saint François Xavier de Prés to Saint François Xavier du Sault, near the Lachine Rapids, and its dwellers were known as the Indians of the Sault. The Indian name of the place was Kahnawake, the name of the Lower Mohawk Castle in New York, from where a great number of converts had fled to avoid persecution.² A substantial number of Onondaga, Oneida and Cayuga Iroquois and Hurons also lived there, together with a number of captives and Pawnee slaves³ raided by western tribes and sold to the French. Consequently, it was said that some twenty tribes were represented there, although the Mohawk identity and language prevailed in the end. In time this group of servile “proletariat” became a substantial minority, able to agitate for “reform”, which in the 19th century meant a democratic elective system (Blanchard 1982:168).

When the relations between the French and the Iroquois Confederacy increasingly strained in the 1680s, the Kahnawake Mohawks sided the French. In 1716 the Kahnawake Mohawks moved again to a new village further up the St. Lawrence, which retained the same name, and remained within the Seigneury of the Jesuits until 1762, when at the end of the French and Indian War the new English governor of Montreal refused to recognize the claims of the Jesuits and the lands were retained by the Crown for the use of the Indians. This final move brought the village at its present site, where it is known by the phonetically more appropriate spelling Kahnawake (Devine 1922:282-84, Fenton and Tooker 1998:470-471, Snow 1994:122-131). By 1673 there were more Mohawks at La Prairie than in the Mohawk Valley, New York; by 1700 two-thirds of all the Mohawks were living in Canada, at the Jesuit mission of Kahnawake and at the Sulpician mission of the Lake of Two Mountains (Kanesatake in Mohawk, Snow 1994:126, 131).

In the 19th century the Kahnawake Mohawks participated to the war of 1812 and to two military

¹ The term “galvanized” is most commonly associated with metal when it is coated with zinc to protect it from corrosion. In the process the surface color of the metal is altered, but underneath the coating the steel is unchanged.

² Among them the famous chief Kryn, and the Blessed Kateri Tekakwitha, the Lily of the Mohawks, the daughter of a captive Catholic Algonkin mother and a Mohawk father (Fenton and Tooker 1978:470).

³ Pani, that is “Pawnee” had become a synonym for slave in New France and Cuba, and it covered not only the Pawnee proper, but also other Indians enslaved by Indian raiders and sold to the French and the Spaniards. Doug George-Kanentiio (2006:1), drawing from Ray Fadden, and ultimately from Arthur Parker’s theories on Iroquois migrations near the lands of friendly Pawnees, inadvertently accounts for an oral tradition which conveniently forgets and re-constructs the presence of at least two thousand Pawnee slaves in Montreal and the Mohawk missions.

expeditions, the Red River Expedition in 1870 to quell the rebellion of the Métis in Manitoba, the Nile expedition to rescue Gordon’s force from Khartoum in 1884, and the Boer War (Blanchard 1982:255-26). A land claim which is not resolved yet concerns a tract of land claimed both by the Jesuits and the Kahnawake Mohawks between the Seigneuries of La Prairie and St. Louis.

During the Civil War, in both Northern and Southern prison camps, soldiers sometimes decided to “galvanize,” or change sides, to save themselves from the horrors of prison life. Like the metal, these galvanized soldiers in many cases were still “Good old Rebels,” or “Billy Yanks,” underneath their adopted uniforms. (The Galvanized Yankees. The Museum Gazette. Jefferson National Expansion Memorial. National Park Service U.S. Department of the Interior. EXPERIENCE YOUR AMERICA. July 1992, pag.1).

The American Revolution created havoc within the Confederacy. The Confederacy “covered the fire” at Onondaga in 1777: the Mohawks, who had consolidated their population into two Castles, were attacked by the Oneidas and the Americans and fled to Canada after a bloody guerrilla warfare. The Upper Castle Mohawks fled mainly to Fort Niagara, then Brant’s Mohawks, together with most of the other pro-British Iroquois, later went to Grand River, also known as Six Nations Reserve, near Brantford, Ontario. Deserontyon’s Mohawk followers founded Tyendinaga Reserve, near Deseronto, Ontario on the Bay of Quinte (Fenton and Tooker 1978, Snow 1994). The Lower Castle Mohawks mostly went to Caughnawaga, near Montreal (Snow 1994:145,152). The Mohawk League chiefly seats were vacant until a group of Methodist St. Regis (Akwesasne) Mohawks joined the Confederacy in 1888 and formed the first members of the traditionalist faction. The Gaiwiiio or Handsome Lake’s Code spread from the Seneca centre of Cold Spring to the other Seneca reservations; in 1804 it reached Grand River-Six Nations, Ontario and Onondaga, NY. The new religion bypassed Tuscarora, and finally reached the Catholic Mohawk enclaves, Caughnawaga in the 1920s-1930s, and St. Regis-Akwesasne in the 1930s-1940s. During this period it had become the “traditional” religion, but in the Catholic reservations it was newer than Methodism, arrived in the 1870s, and almost as old as Mormonism, which arrived in the 1950s.

Competing Pasts in Kahnawake

Traditions, as Pouillon argues, are discriminating:

That is their basic function. They work like totems» (1997:18). He half-jokingly suggests that, if various traditions could be put into a system, the result would surely be a Lévi-Straussian totemic system. The fact that beliefs, representations and behaviours are passed down through generations does not contradict what above stated. In fact, when «a group maintains beliefs and behaviours, the purpose is precisely to characterize itself for others.»

What is transmitted, through speech and writing, even using other peoples’ books, such as historical accounts and ethnographies, is everything believed to confer an enduring identity. While tradition, as Pouillon points out, is never as strong as when it is unknown and subconscious as it happens in Europe, tradition can be consciously claimed. This is the case of formerly colonized peoples, who are searching for themselves in a past they have rearranged or even in part reinvented. As a matter of fact, tradition, continuity, and invention, according to this scholar, are three terms that come together to form a single reality. «Perhaps, we are never more the same as when we believe we are making a clear break with the past. Conversely, perhaps it is when we claim to be preserving or recovering our heritage that a

reconstructed past is invented» (1997:20).

The past is one of the battlefields of Kawnawake politics, as it is elsewhere in Mohawk country. Competing groups define competing pasts and a primary frame of reference resides within the chronicle of the 1889 arrival of the elective system of government. Dickson-Gilmore remarks that

all factions appear to agree in one aspect: namely, that the elective system of government by band council was imposed on the Kanienehaka [Mohawks] without their support or consultation» (1999:440). This belief is an important source of moral fuel and it represents «the prima facie wrong that an independent, self-determining future can correct. Second, an assumption of imposition lends a purity to the traditionalist-activist movement insofar it denies Kanienehaka [Mohawk] complicity in the acculturation. (ibidem) .

It can be demonstrated, however, that a shift from traditional government by hereditary sachems appointed by senior clan matrons to a majority vote election occurred as early as the mid-17th century, according to the Jesuit Relations which chronicled the political life of the various villages that preceded today's Kahnawake (and Akwesasne, which was born as a split off rib of Kahnawake in the 18th century). Furthermore, according to primary reports, the band council system was supported by a substantial number of tribal members, who sent a series of seven petitions to the Canadian Indian Department authorities in order to be allowed to hold elections according to the Canadian system.

Gerald R. Taiaiake Alfred (1995:47) comments:

“The Christian Mohawks sought to replace the ‘relative force’ lost by their exclusion from the Iroquois Confederacy in a rapidly shifting colonial power balance by the formation during the 1750s of a Mohawk-led association of Christian Indians formerly allied with France [This “other” Iroquois Confederacy was known variously as the Seven Nations of Canada, the Seven Fires, and the Seven Tribes⁴].” And about the new elected system of government brought about by the Indian Act in 1890: “Inasmuch as the Department restricted its own activities to maintaining essential political links, Kahnawake was accommodating and even enthusiastic at times in its support of the system. The Mohawks adapted smoothly, for example, to requirements for selecting band council members with the provisions of the Indian Act. [...] The system apparently enjoyed a great deal of support ...” (Alfred 1995:57).

Today «*history is the trump card that all factions play in their political competition. In this way, not only do we witness the emergence of “traditions” and “histories” that appear to have more to do with modern politics than the past, but we see also that history, like policy, is often less a matter of “facts” than of factionalism*» (Dickson-Gilmore E. 1999:446). A similar story is told by Sally Weaver (1972, 1978) for Six Nations.

The Iroquois of Kahnawake, Kanesatake, and Akwesasne were largely Mohawk, although there were a substantial number of Onondagas, Oneidas, a few Cayugas and Senecas. The Mohawk language has emerged as the dominant dialect, with variances of accent between the three villages. The only remnant of non-Mohawk origin at these villages occurs in the persistence of non-Mohawk clans

⁴ This alliance of villages, located along the St. Lawrence River and its tributaries, consisted of Iroquois, Algonquins, Hurons, Abenakis, and Nippissings who were allies of New France until the British conquest of 1760. The Mohawks, who played a leading role in its inception, referred to it in their own language as Tsiata Nihononwenstiake, or the “Seven Lands.”

such as Deer, Eel, Heron, and Snipe, although the Turtle, Bear and Wolf occur in all of the Iroquois nations and are not, by themselves, indisputable evidence of Mohawk origin. This being said, the three communities of Kahnawake, Kanesatake, and Akwesasne consider themselves today to be Mohawk communities, presumably because of the historic supremacy of the Mohawk culture and language” (Bonaparte 2002). All the treaties between the St. Regis Iroquois and New York State were negotiated as members of the Seven Nations confederacy.

In the 17th century the Mohawks began a diasporic process (Clifford 1997, Tambiah 2000), which is still going on. A diasporic identity (Pennebaker and Banasik 1997:4) implies an emphasis on the conservation and re-creation of the ancestral culture. Actually, ethnicity and ethnic identity are social productions that emerge in particular social situations, which should constantly be reconstructed in order to “respond to the changing material conditions, semiotic codes, power relations, and relations among groups shaping a specific time and place” (Smith 1992 :512) . Factionalism and internal land disputes in the 19th century weakened Mohawk local authority and increased appeals to external authorities. Ironically, even opposition to the elective system contributed to the penetration of both alien political institutions and legal systems (Stone 1975:404). The Kahnawakehronon, however, responded to changes reinforcing their identity, that is transforming themselves from a group of refugees from different villages and even tribes, into a close-knit community.

The Decline of Mohawk Ironworkers

Mohawks from the Canadian cities of Ontario and Quebec were instrumental in the construction of many American landmarks. By the 1930's the Mohawks began to move in large numbers from the Kahnawake and Akwesasne Reserves in Canada and upstate NY. They were attracted by New York's great building boom, fuelled by Depression-era Public Works, and by the later the post-war economic revival. Entire families set up their own little communities within the midst of the unknown bustling city. It was quite a contrast to their quiet lives back home. Mohawk ironworkers and their families were drawn to Boerum Hill because it was close to the union hall and full of boarding houses. During the 1940's and 50's, many Mohawks from the Akwesasne Reservation in northern New York State and the Kahnawake Reservation in Quebec settled in the neighborhood. But the Mohawk population has dwindled to perhaps a few dozen from hundreds nowadays.

George Norton (Kahnawake):

“My father came down during the Depression, in 1929. But there was no work. So he got a job as a doorman. He told me that story, but he was embarrassed to tell anyone else. He was 15 years old, and when he arrived he didn't think he would know anyone in Brooklyn. As soon as he got to State Street, he immediately saw people from back home and they were speaking their own language, the Mohawk language. That's where you get the Brooklyn Mohawk. In those days, before everybody had cars and before the Thruway was built, the families came down and they didn't go back home. They'd go back for summer vacations. Why Brooklyn? The old Indians, where we come from, settled above the river. Kahnawake means above the river. It is the best location. Over here in Brooklyn, we knew we had access -- you could go anyplace -- buses, subways. The Indian is not stupid. Why go to Queens when you have to change trains? When I was 19 years old, in 1966, I came to State Street. It was the best. It was the most beautiful place in the world. You could stay in a room for \$15 a week. You'd get your own little apartment. I remember Tom LeClair, who was from Kahnawake, owned a building on Third Avenue and State Street. He was retired and used to give a room to all the boys. Today, with modern technology, everything is easier. You've got cranes that can do anything. The younger guys

are doing the job, but it isn't like when I was a kid. I wouldn't say anything and I would respect my elders. I learned from the old-timers. If it weren't for them, I wouldn't be here. In this part of Brooklyn, there are just a few of us left. We're the last of the Mohegans. There are people that are here but they don't want to show themselves, people that don't want to acknowledge that they are Mohawk. But the old neighbourhood is gone. There isn't going to be a revival" (Duffy, P. New York Times July 18, 1999).

By the late 1950's construction in New York City diminished, thus decreasing employment and causing numerous Mohawk families to vacate the North Gowanus enclave. In the mid-to-late 1950s, a combination of factors led numerous Mohawk families to leave the North Gowanus enclave, including a lull in construction that decreased employment, combined with the retreat from their Brooklyn enclave, more and more invaded by Puertorican-related crime. It coincided with a new wave of Mohawk militancy, which exploded in the early 1970s. The long 1985-1995 slump cycle coincided with the flourishing of the Warrior Movement as well as the peak in the gaming business and border smuggling. "The Warrior Society is actually the power of the people in action" wrote Louis Karoniakrajeh Hall. "Only fear is respected." he went on, "Fear inspired by the strong. ... Indians did not need money when the great Iroquois Confederacy was all-powerful. Now, Indians need money to achieve power. So let's go after money. Not just some money, but a lot of money" (Indian Survival Crisis Bulletin. Warrior Society Newsletter No. 1, Sept. 1983). His racist and homophobic ideology, akin to that of the white supremacist militias, has influenced the Warriors ever since.

America is the home of the Indian race. The Indians did not come from Asia by way of the Bering Strait as the immigrants from Europe like to say. Indians originated right here in America, just as the white people originated in Europe, the blacks in Africa, and the yellow race in Asia. The single, common ancestor for all nations and races doesn't make sense. One account has it that Cain fell in with a tribe of monkeys which explains why all the immigrants to America have a lot of hair all over their bodies. As any Indian can plainly see, there has to be another story. The Indians don't care to join any mongrel mixture in any melting pot which is why they are fighting for racial survival. The melting pot is a national and racial suicide. The immigrants who left their own nations committed national suicide and we sadly have to regard them as being of unsound mind." [Indian Survival Crisis. Warrior Society Newsletter Bulletin No. 4, Nov. 1983]. *"the immigrants from Europe polluted the land, air, water, the minds of the Indians and their own. There are more crazy white men than crazy Indians. Insane asylums filled to overflowing. More on the outside. A big percentage of the superior dominant society is comprised of queers. Queers everywhere. In governments, business and they even have them in the pulpits."* [Indian Survival Crisis. Warrior Society Newsletter]

[Bulletin No. 5, Jan. 1984] *"It's easier for Indians to become extinct by joining the white people as there are less of them. In mixing with the white race in Canada or the United States, the blacks with millions of people in their population, can make the white race extinct. Isn't that ironic? White man wants to make the Indians extinct. The black man can make the white man extinct by simply mixing with the whites. It's the duty of the Indians to remain Indians, not to mix with other races. Indians complain about violations of their Indian rights and now some Indians talk about having the right to vote in white man's national elections, by which act they give up Indian rights. It's the road to extinction."* [Indian Survival Crisis. Warrior Society Newsletter Bulletin No. 13, March. 1985]

"Manifest Destiny has more than a few directions. The enthusiasts look not to the right nor

to the left. One half forgotten item is people. Normal and offbeat. There's a movement on in the "superior" world where men are made into non-men and women into non-women. You see, white man can do anything. Part of Manifest Destiny is to make new creatures called "Gay". The word used to be a nice word. A gay person used to be a cheerful happy person. Now, a new gay person has been created. Man no longer loves woman. He now loves another man. Woman now hates man. Loves other woman. Fifty years ago, there weren't many of these new creatures, the vanguard of the flood to come. They were then called "queers". They tell us how dinosaurs, the biggest creatures that ever ruled the world for 75 million years, became extinct. Nothing great nor comparable to dinosaurs are the queers. They have one thing in common. They, as creatures stopped reproducing their own kind. Men seducing other men do not get babies. Neither do women seducing other women. The advent of queers in such tremendous numbers may presage the end of the human species. Can't blame nature. Man hasn't been very natural. If the nuclear bombers fail to destroy mankind, the queers may finish the job. That may be the real Manifest Destiny." [Indian Survival Crisis. Warrior Society Newsletter Bulletin No. 23, Feb. 1987].

There was a construction boom going on in New York City in 2001. Local 40, representing 1,200 city ironworkers, was at full employment. Non-local men like the Mohawks boomed out -- chased the work -- and landed in town, earning \$33.45 an hour plus benefits, after the building bust from 1985 to 1995. While the locals were kept employed with bridge repair work, there were no jobs for ironworkers like the Mohawks, whose union ties were on the Canadian side of the border. So they boomed out to places like Kentucky and Detroit where power plants were going up and bridges were needed to span water. They went wherever there was money to be had and hell to be raised. Some went home and retired. When there was absolutely no work anywhere, some trafficked in cigarettes from the United States. There were about 250 Mohawks working in New York City. But since 2005 the business slowed down.

The 1870s and 1890s Half-breed Pogroms

The relationship between the Caughnawaga Indians and whites on the reserve was marked by antagonism that dated to at least the late 18th century. It was rooted on the objections to the whites' right to live on and own reserve land thanks to marriage with an Indian woman, and it was intensified by the growing scarcity of land and resources. In the 1870s this antagonism turned violent and the whites and the Métis, all dubbed 'half-breeds', were victim of assaults, arsons and threats. While the antagonism and hostility towards them was evident, there were also those in the Caughnawaga community who supported them and their families (Reid 2004:28-36). These 'half-breed', made of whites that have married Indian women and become 'Indians' for the Indian Act, their children and their relatives are a typical example of Weberian 'pariah capitalists' or minority middlemen. In fact, although they often held substantial economic power, they held no political power. As Reid writes, "there is no evidence that any whites held a position of political leadership on the reserve [...] direct involvement by them in the important political issues or developments in Kahnawà:ke during the 1870s [...] is virtually non-existent" (2004:36). When the Indian Department started to survey and divide the reserve in 1884, it determined, in consultation with the council of chiefs, that only those entitled could share in the subdivision and own land on the reserve. The chiefs were to decide who had right to membership and land, and evaluate the legitimacy of each claim. The chiefs decided to deny the claims to membership with every possible excuse, including widowed females, married members of other bands and whites and their families, as well as those who had been absent from the reserve for a prolonged time and those of illegitimate birth. On the whole, the Indian Department accepted the decisions of the chiefs, but a few cases. These decisions were taken by four life-chiefs, who were the members still alive of the old council of seven life chiefs, before the introduction of the elective system in Kahnawake (Reid 2004:40-45).

This exclusion from land ownership and residence, however, failed to evict all the whites and Métis from Kahnawake, and this issue was a major one in reserve politics until the early 1970s.

The 1973 Pogrom, The Custom Code and the Traditionalization of the Band Council (MCK).

In 1973 members of the American Indian Movement and of the Longhouse traditionalist started to evict both 'white' people and opponents from their houses. A former MCK chief, interviewed by Alfred (1995:119) remembers that

there was about twenty guys standing on the roof [of the Canadian Legion building in the reserve], all armed, protecting the Legion from the warriors. [...] And it seemed that the popular movement was with this eviction, but you really didn't know because you just knew there were people going house to house to make people leave. That was a popular thing to do, but the way they went about it was questionable. The Council's reaction was, 'They have no goddam business doing it, we are the authority, etc.' I'm not exactly sure, but I think the influence was there to go to the Legion and the Knights [of Columbus] and get people to back up the Council. [...] they have to protect themselves". As the former chief points out, it was not a question of whether evicting the so-called 'whites' from their homes and grabbing their properties, but a question of who did it, the Council in charge or 'a bunch of bums' on welfare and nothing better to do (Alfred 1995:120).

According to Alfred (1995:130), the birth and decline of different 'traditionalist' and 'ethno-nationalist' movements induced a reaction from the elective band Council :

By the late 1950s the band council had come to reflect a growing commitment within the community to realize true ideological independence from Canada and actually implement an autonomous political structure to govern the community.

In particular, "*the Six nations Iroquois Confederacy took on special prominence as a model of governance and as a source of governmental legitimacy in Kahnawake.*" (ibidem). Alfred (1995:131-133) goes on writing that the core issues were community control over the administration of government and policing, and since the early 1960s the Band Council displayed great dynamism in its adaptation of [neo]traditional Mohawk values. The confrontation over the evictions led by the Warrior ideologist Louis Hall in 1973 represented both a significant victory of traditionalist ideology and a serious attempt at overturning the Council and establish a micro AIM/Warrior republic.

The council's response to the Longhouse's violent actions against the non-Indian people was to have serious long-term consequences for the community. When the Longhouse's Warrior Society moved in a dramatic fashion to remove the non-Indians [that is Indian women's spouses and children and Métis] from their homes on the reserve and began a series of attacks on the council buildings and the Grand Chief himself, open hostilities between the Longhouse supporters and band council supporters erupted in the community. [...] The band council found itself allied with provincial authorities against segments of its own population, who were themselves allied with militants from the American Indian Movement(AIM) (Alfred 1995:134).

The victory of the Band Council was followed by the adoption of the Custom Code, since also

the Council was in favour of evicting a number of the reserve residents and take their properties from them. This is the version from the Executive Report written by the Membership Department (Social Development Unit Mohawk Council of Kahnawá:ke October 2007):

The Custom Code was developed within the community. It is unclear where the custom originated but it is very similar to the Indian Act's short-lived double mother clause. The only real difference is that the Custom Code removes families from the community if there has been intermarriage to a non-Indian for two generations in a row. Gender does not play a role. The code identifies that individuals who were born of a native parent and a non-native parent could not be entitled to be a Kanien'kehá:ka at birth. It was only in their choice of a spouse, or their way of life that they may be able to be considered for membership. Their children may be born Kanien'kehá:ka but only if the child's other parent was born Kanien'kehá:ka. If both parents were half then the child would have to wait to see if they would want to be part of the community by marrying Onhkwehonwe. This code seems to have only applied to the women, as there is evidence in the community that this practice had little or no affect on the men's choices. In addition, this code had no impact upon an individual's rights to receive benefits under the Indian Act.

Although in 1973 the Band Council won the day thanks to the support of the provincial and federal police, it had clearly shown a dangerous ideological weakness. Hence it started a process of borrowing from the Longhouse traditionalist rhetoric and promoted a new policy. "*By the end of 1978 the band council has completely rejected federal and provincial integration with respect to policing and asserted local control over law enforcement in Kahnawake*" (Alfred 1995:135). In 1978 a public meeting following months of discussion on the subject of traditionalism and the desirability of implementing a traditional form of government led to a mandate for the Band Council (MCK) to 'return' to traditionalism. (Alfred 1995:198, ft8). The Caughnawaga Band became officially known as the Kahnawake Band in August 1980, after the passing of Mohawk Council of Kahnawake resolutions (Dickson-Gilmore 1999:41 ft. 1).

Joe Tokwiro Norton, Master-Father and Grand Chief

The mastermind of the transition of the MCK to traditionalism was Joseph Norton. Norton was born in 1950 in the Mohawk Territory of Kahnawake, Quebec. Sometime after he left school at 16 years old, he became a member of the Ironworker's of America Union, where he worked on building projects in the northeastern United States. At 28 years old, he was elected to his first public office, The Mohawk Council of Kahnawake. Two years later, he was elected to the position of Grand Chief, an office he held until his retirement in 2004. While serving as Grand Chief, his community became embroiled in the Oka crisis of 1990. In the early 1990's Norton was accused of condemning some of the Kahnawake for running a bingo game, yet in April of 1996, he was instrumental in getting the Kahnawake Gaming Law passed, which allowed internet gaming. The passage of the Gaming Act may have spawned the idea for starting Mohawk Internet Technologies (MIT). In June of 1998, at an Indian Act Council meeting, Joe Norton stated that he was asserting Mohawk sovereignty. This led to publicity that the Mohawks were declaring Kahnawake a duty free zone and were asserting sovereignty over the Montreal South Shore, taking control of waterways, highways and railways. This was Norton's retort to Quebec's attempt to violate a Canadian law that affirmed Aboriginal tax-free jurisdiction. This was all relating to the tobacco tax laws, which were intended to stop the sale of tax-free cigarettes on Indigenous land. In March of 1999, Norton was instrumental in forming Mohawk Internet Technologies (MIT) with the help of a five million dollar seed fund. The goal of MIT was to establish an ISP service. In 2004 the business was expanded with the infusion of nine million

dollars in development funds. In 2003 he backed a plan to open a casino, even though in the 90's he had openly opposed bingo. Norton said the casino would spur local economic development. In October of that year, a referendum was held on whether to open a casino, a plan which was rejected by 57% of the voters. In 2004 Norton garnered the outrage of many in his community when he was embroiled in controversy relating to Kanesatake's police department. Norton was accused of bringing in his own appointed police force to help quell the rampant crime situation. The people of Kanesatake signed a petition informing both Quebec and the Federal Governments, that they wanted their police force left as it was, and not as Norton envisioned it. It was estimated that up to 80% of Norton's own people were against him on this issue. His supporters credited him with many positive achievements. He was publicly praised for being "*A respected Aboriginal voice both in Canada and abroad, he forever changed his community. This, coupled with the advances Chief Norton has brought to Kahnawake in health care, education, care for seniors, made at home policing and culture and recreation, make him a great Aboriginal achiever.*" He was also lauded as the founder and chair of the Tewatohni'saktha Economic Development Commission, which employs 500 band members. While his Tribal affiliations are deep rooted as shown by his 26 years of serving in office, he appears to have had his fingers in several other pies as well. Joseph Tokwiwo Norton may have been well known within the Kanesatake Mohawk nation of Quebec, Canada, but until recently most people in the poker community had never heard of him. In 2006, he bought Absolute Poker and UltimateBet, though he didn't announce the purchases until a year later. Due to the recent Absolute scandal, his name has surfaced many times as the owner of Tokwiwo Enterprises ENRG, which holds a 100% interest in Absolute Poker. Rumours and accusations abound on chat boards, news sites and blogs regarding the Absolute Poker cheating scandal and Norton's possible complicity.

The 1981 Moratorium on Mixed marriages

The possibility exists that numerous persons of full American indigenous racial ancestry will be counted as mixed-bloods and that, gradually, American Indians will be eliminated as a people as they marry non-Indians or currently non-Federally recognized Natives. This is a form of self-termination (Jack D. Forbes, The People's Voice, Akwesasne 27/11/2000)

'Going traditional', as it was known in Kahnawake, became the official policy of the MCK when the council passed a formal resolution in 1982 to the effect that the MCK took immediate steps to make a transition from the Indian Act elective system to the aboriginal form of government which is the Six Nations Iroquois Confederacy. However, there was no movement to submit to any degree of local control by the Confederacy Grand Council and, in 2010 the elective system in Kahnawake was fine and dandy and much stronger than ever. "*Control over membership and the definition of Mohawk status was recognized as the core power necessary to recreate a community based upon traditional Mohawk values*" (Alfred 1995:163).

Alfred states that Kahnawakehronon had developed an antipathy for their historically inclusive approach to membership, when they raided and kidnapped people to increase their thinning numbers. He also affirms that they appropriated specific means used in White society, that is the racist philosophy entrenched in the Indian Act to accomplish indigenous ends through the imposition of the most effective means to combat the destruction of the Mohawk bloodlines, a strict, racially based set of membership criteria (Alfred 1995:164). I do not agree that the Indian Act was really racist, since it was simply a means the state used to distinguish the legitimate recipients of money and benefits to which they were entitled. As a matter of fact, the Indian Act, following the British rules on marriage was sexually biased against women, whatever their race, and reflected an assimilationist stance in the

disenfranchisement of the graduate Natives. Moreover, thanks to the Canadian feminist movement as well as the legal actions of a some Native women, and the support of human rights activists, the authorities were being attacked in order to broaden their definition of 'Indian' and modify the status of Indian women married to non-Indian men. The MCK committed to a policy based on three elements: eviction of non-Indian residents on the reserve, a moratorium on mixed marriages, and the establishment of a biological measurement. On May 22, 1981, a moratorium was placed on all intermarriages to non-Indians and the adoption of non-Indians. Any Mohawk of Kahnawá:ke, male or female who married, co-habitated, or lived in a common-law relationship with a non-Indian, was deprived of benefits and privileges that derive from the Kahnawá:ke Mohawk Territory.

Woman of vision: Mary Two-Axe Earley

Jeanette Corbiere-Lavell, Mary Two Axe Early, and Sandra Lovelace played outstanding roles in causing the repeal of the section of the Indian Act that deprived a woman of her Indian status when she married a non-Indian. Ms. Corbiere-Lavell, an Ojibway from Manitoulin Island, launched the battle in a Toronto provincial court when she married a non-native in 1970. Her case reached the Supreme Court of Canada where she lost 5-4. Ms. Two Axe Early was a Mohawk from Kahnawake and the first woman to regain her status after the repeal. Ms. Two Axe Early's quest for action against discrimination led her to Mexico City in 1975 where she pleaded her case before the International Women's Year conference. Ms. Lovelace, a Maliseet Indian from the Tobique reserve near Fredericton, N.B., brought the matter before the United Nations Human Rights Committee in 1977. A favourable answer was received in 1985 the same year the federal government repealed the discriminatory section of the Indian Act.

The well-known founder of Equal Rights for Indian Women, Mary Two-Axe Earley (1911-1996) was one of the leaders of the battle to repeal sections of the Indian Act that stripped Aboriginal women of their status when they married non-Natives. The changes were included in Bill C-31, passed in 1985. Born in 1911 and raised in Kahnawake, Two-Axe Earley moved to Brooklyn, N.Y., at 18, where she met and married Edward Earley, an Irish-American electrical engineer. Under the Indian Act, she was therefore stripped of her Indian status, and could not live on the reserve where she'd been born or be buried there, even in the case of divorce or the death of her non-Native husband. She was able to move back to Kahnawake after her husband's death only because her daughter (whom she lived with) had regained her status by marrying a Mohawk man. In 1966, at the age of 55, Two-Axe Earley entered politics as a reaction to a friend, who had lost her status through marriage, being ordered off the reserve. Within a year, her friend had died, and the band council refused permission for her burial on the reserve. Two-Axe Earley then founded Equal Rights for Indian Women. In 1975, she was in Mexico attending an international women's conference when she heard that the band council had sent her an eviction notice. She immediately told the conference, and eventually the council gave way and rescinded the order. Ten years later, with the passage of Bill C-31, Two-Axe Earley was the first woman to have her status officially restored by then-Indian Affairs minister David Crombie. Two-Axe Earley received many awards and was widely recognized for her courage in the face of threats and intimidation. (Hayes 2009)

The Revised Indian Act and Bill C-31 Indians

While United States Indian policy on the identification of Indians focused upon the degree of blood quantum, Canadian Indian identification policy focused upon two things: (1) whether an Indian man or woman had married a non-Indian, and (2) whether an Indian individual had ceased

being “Indian” and become only a citizen of Canada. In Canada, legal definitions of the term “Indian” have existed since the introduction in 1850 of legislation governing Indians, Early broad definitions generally included any person of Indian birth or blood, any person reputed to belong to a particular group of Indians, and any person married to an Indian or adopted into an Indian family.

Until 1985, all versions of the Indian Act provided that, upon marriage, an Indian groom conferred status on his non-Indian wife, while the Indian bride of a non-Indian man lost her status. This provision was challenged as discriminatory under the Canadian Bill of Rights, a federal statute enacted in the 1960’s and since largely eclipsed by the 1982 Canadian Charter of Rights and Freedoms. These discriminatory provisions were upheld by the Supreme Court of Canada in the much-criticized Lavell decision in 1974. Subsequently, the “marrying out” rule was condemned by the U.N. Human Rights Commission in its Lovelace decision in 1980, but still the statute was not changed. It was the Constitution Act, 1982 that finally forced change. Bill C-31 ended any status consequences of marriage and restored status to those who had previously lost it and their children. The result was a major change in the demographics of some Indian communities, in some cases more than doubling the membership rolls. Other Charter and statutory issues related to status are, at least in part, attributable to Bill C-31. One example is the Corbiere case now in the Federal Court of Appeal and challenging the Indian Act provisions which limit voting in Band elections to reserve residents. Prior to Bill C-31, about 40% of Band members lived off-reserve; after Bill C-31 increased the membership, the figure became 60% and it is likely that the apparent denial of voting rights to more than half of the Band was a factor in the trial court’s decision.

The Indian Register is the official record of Status Indians or Registered Indians in Canada. Status Indians have rights and benefits that are not granted to unregistered Indians, Inuit, or Métis, the chief benefits of which include the granting of reserves and of rights associated with them, an extended hunting season, a less restricted right to bear arms, an exemption from federal and provincial taxes, free post-secondary education, and more freedom in the management of gaming and tobacco franchises via less government interference and taxes. The list is maintained by the Department of Indian Affairs and Northern Development. Sole authority for determining who will be registered is vested in the post of Registrar. In 1985, the Indian Act was amended again with the goal of restoring Indian status to people who had lost it through discriminatory provisions of the Act, and to their children. Over 100,000 people who had lost their status in this way have since been added to the Registrar.

As Stewart Clatworthy points out, registration and membership are fundamental elements of the governance of First Nations communities. Registration guarantees certain tax benefits, access to non-insured health benefits and treaty entitlements, and eligibility for post-secondary education assistance. Membership, on the other hand, defines a collective (i.e. a sense of belonging to a group). It also conveys political rights (to vote and run for council), and in most First Nations is a condition of access to programs and services administered by the First Nation. Bill C-31 introduced three major changes to the Act. The first change was made in order to bring the Indian Act into compliance with the Charter of Rights and Freedoms’ gender equality stipulations, as the Act used to remove entitlement to ‘Indian’ status from Indian women who married non-Indian men, while granting it to non-Indian women who had married Indian men. So entitlement to Indian registration (or ‘status’) was returned to individuals who had lost it under the previous version of the Indian Act – mostly Aboriginal women who had married non-Aboriginal people and their children. . The second change brought in new rules governing entitlement to Indian registration, under section 6 of the 1985 Indian Act. The new rules are sometimes referred to as the ‘two strikes and you’re out’ system, where two successive generations of out-marriage will produce non-status grandchildren that are not entitled to Indian registration. It is important to

note that unlike Canadian citizenship, for example, individuals must apply for Indian registration, they are not born with it. The third change allowed First Nations the option of establishing their own rules for determining First Nations membership. Under this provision, some 232 First Nations have so far applied their own membership rules, although 58 of these adopted ‘Act-equivalent’ rules which do not differ significantly from registration rules. In these cases individuals need to apply to their community for membership. The process of stripping women of their registration status and then reinstating it created a distinct group of individuals, sometimes referred to as ‘Bill C-31 Indians’, who in many cases were disparaged or not accepted back into their original communities.

The 1984 Kahnawake Mohawk Law

“[B]lood becomes a synecdoche for all things cultural” (Brackette Williams 1989:435)

After 1984’s Mohawk Law, persons who were to be added to the Mohawk Registry had to meet the 50% blood quantum requirement to be considered. If individuals were not on the Mohawk Registry and wanted to be added they had to be accepted through a community meeting. Some children who did not meet the blood quantum but fell within a gray area of having a blood quantum between 45 to 49% were able to become Beneficiaries, thus entitling them to all services in the community until the age of eighteen. The authority of this moratorium was limited to denying those benefits and privileges that derive from the Mohawk Council of Kahnawá:ke such as receiving a land allotment and voting or running in community elections. An individual’s rights to receive other benefits under the Indian Act such as medical services and education were only slightly affected by this moratorium. These services were still acquired from organizations independent of the MCK or located off-reserve. Often, such as with education, these individuals received more funding than those on the Mohawk Registry (Executive Report. Membership Department Social Development Unit Mohawk Council of Kahnawá:ke October 2007).

Many commentators, among them Alfred (1995:166-167), remark that the 1981 Membership Moratorium and especially the 1984 Membership Law were reactions to the broadening of the notion of Indian and the Bill C-31 amendments, but we have to note that they were only further steps in a decades-long trend of the community. Although the membership rules were never approved by the DIAND, they were nevertheless enforced and the DIAND, as it had before, benignly unofficially agreed, since they did not affect DIAND’s distribution of benefits and money and Canadian citizenship rights, only the sense of personal belonging, affections, and civil and human rights inside the reserve.

The erection of racially defined boundaries in Kahnawake responded the financial impact of perceived scarce resources such as housing, land and program and service deliveries, although it caused Kahnawake a racist image and common recourse to litigation for addressing membership matters to off-reserve authorities. According to Alfred, a Kahnawake Mohawk scholar who worked as a tribal consultant for the MCK for years, there was a general consensus among the Kahnawakehronon on the enforcement of the 50% blood quantum minimum and the moratorium on mixed marriages (1995:170). There was no consensus that ‘blood’ is the only factor in determining what is a Mohawk person, although most agreed that it is a most important one in determining a Mohawk person’s identity. Alfred (1996:171) remarks that

the difficulty is in determining whether or not a person is born a Mohawk. Mohawk identity clearly has two components: culture and race. The racial component of a person’s identity is

simple to determine once a standard is decided upon, and Kahnawake has decided upon a standard of a minimum of 50% blood quantum. [...] The cultural component of the Mohawk identity is more complex. [...] Certain factors are identified as indicators of whether or not a person is living life as a Mohawk: pride in the Mohawk heritage; knowledge of the Mohawk culture and language; and participation and contribution within the Mohawk community”.

Not all agree with that, for obvious reasons: all agree that Mohawk language proficiency and cultural knowledge are not absolutely necessary to be considered a Mohawk, most felt that ‘Indian’ physical characteristics were ideal, but today it is not a necessary part of being a Mohawk. All agree that being Mohawk means

participating and attempting to perpetuate the cultural and historical legacy of the Mohawk nation. Although the members could not objectively define a Mohawk, specific references were made to their distinctiveness, pride, and aggressive defence of legal rights as a distinct people in North America” (Alfred 1995:170).

All agreed that a central Mohawk value was the protection and perpetuation of the differences between Mohawks and the rest of society (ibidem:171). In order to justify the racist choice of the membership law Alfred notes that the ancient Iroquois integrated people without regard for race, but maintained a political distinction between adoptees and native born people. Adoptee status could be removed if their behaviour was found ‘non-Iroquois’ and the adoptees was sent to sacrifice, and they were not eligible for certain political roles. What Alfred forgets to say is that this was the actual reason why Kahnawake founders had fled the Mohawk valley.

Does blood determine belonging?

The biological measurement known as Mohawk Blood Quantum is determined by analyzing his genealogy and calculating a percentage based on the number of non-Native ancestors present within a certain number of generations. Thus a Mohawk who has a White grandmother would be assigned a Mohawk Blood Quantum of 75%, 25% of his ancestry being non-Native (Alfred 1995:200, ft5). There are some problems, however: in 1906 F.W. Hodge wrote in his Handbook of American Indians:

The Iroquois of St. Regis [Akwesasne], Caughnawaga [Kahnawake], and other agencies can hardly boast an Indian pure blood. According to the Almanac Iroquois for 1900, the blood of Eunice Williams, captured in Deerfield, Mass., in 1704, and adopted and married within the tribe, flows in the veins of 125 descendants at Caughnawaga; Silas Rice, captured at Marlboro, Mass., in 1703, has 1,350 descendants; Jacob Hill and John Stacey, captured near Albany in 1755, have, respectively, 1,100 and 400 descendants. Similar cases are found among the New York Iroquois.” The Kahnawake MCK, however, was not deterred by this and decided that Mohawk blood quantum “shall be based on an investigation into the person’s genealogical history no more than three preceding generations, beyond which all ancestors of Mohawk lineage will be assumed to possess one hundred percent Mohawk blood quantum. Mohawk blood quantum shall be based on an established and documented paternity agreed to by both parents (MCK 1992:3, emphasis added).

Dickson-Gillmore (1999:37) writes that the impact of the MCK’s definition of citizenship for the exercise of the most fundamental of citizenship rights, the franchise, became apparent almost

immediately, at the elections held in 1986: 475 out of 1266 persons who attended the polls were denied the right to vote on the ground that their blood quantum had been judged inadequate. Most of these rejected people were lifelong residents, who appeared ‘Mohawk’ in culture and commitment to the community, and informally recognized as such by many of their peers. The same thing happened in 1988 and it has occurred ever since. Appeals to the DIAND were to no avail, as the matter was viewed as a local one best resolved locally.

The consequences of the blood quantum policy were harsh and led to numberless arbitrary discrimination and political persecution. Kahnawake Mohawk film director and newspaper publisher Tracey Deer grew up on the reserve of with two very firm but unspoken rules drummed into her by the collective force of the community. These rules were very simple and they carried severe repercussions: 1) Do not marry a white person, 2) Do not have a child with a white person (note than other ‘races’ are not even taken into consideration). The potential consequences of ignoring these rules-loss of membership on the reserve, for yourself and your child-are clear, and for those who incur them, devastating. Break the rules, and you also risk being perceived as having betrayed the Mohawk Nation by diluting the “purity” of the bloodline. In her documentary Club Native (2008), Deer looks deeply into the history and present-day reality of Aboriginal identity. With moving stories from a range of characters from her Kahnawake Reserve - characters on both sides of the critical blood-quantum line - she reveals the divisive legacy of more than a hundred years of discriminatory and sexist government policy and reveals the lingering “blood quantum” ideals, snobby attitudes and outright racism that threaten to destroy the fabric of her community. Deer and her husband Steve Bonspiel publish the Kahnawake community newspaper Eastern Door. The couple took over the weekly newspaper in 2008 from founder Kenneth Deer, a relative. Tracey Deer remembers how the film was received by the community of Kahnawake:

There was poor attendance and overall apathy. Discussion was minimal. I think, on the whole, the community doesn’t want to think about this. I think there is so much fear in our community of becoming a target for scrutiny by your own lineage. Making Club Native, I didn’t have any fear for myself, because I think this is greater than me. But I did fear for the people in the film and that was crippling for me at some points [...] Well I want it to spark reflection, thought, and conversation in our communities. [People think that] as long as we find the right blood quantum and have our kids with the right amount of [native] blood, then we don’t have to think about anything else: we’re “surviving.” I feel that if we continue on this path, we may have native people with the right amount of blood in them, but what are we going to have in terms of culture, language, and pride to hang on to? I feel we are really at a crossroads right now, and I am hoping that this film brings up these questions, gets people talking, and hopefully opens up their hearts (Fillion Pamela. Tracey Deer’s Club Native reflects on Mohawk identity. McGill Daily, 2/12/09 <http://www.mcgilldaily.com/articles/17939>).

An illustrious victim of the Membership Law was Waneek Horn-Miller, an Olympian and an icon of the Oka Crisis in 1990, faced scrutiny from her community after marrying a non-native, another Olympian champion, Keith Morgan, a Canadian. She told Fillion:

Our communities – Kahnawake is not the only one – are so focused on this idea of purity and image. We need to start thinking about community building. Our leaders...are stuck with this mentality that they should be like [they were]...hundreds of years ago when we were all really dark and really “native.” [It’s] a terrible thing to tell a young woman: “You know what? Just marry the right colour. It doesn’t matter how he treats you or what he’s like.” I think we should

ask: "what is he willing to do for his community? How is he going to treat you? Is he willing to learn your culture?" Those should be the questions, not "Marry out, get out," which is [the case] right now (Fillion P. McGill Daily, 2/12/09http://www.mcgilldaily.com/articles/17939)

A man was denied the opportunity to run for the position of Grand Chief because a genealogical 'investigation' found that only 46.87% of his blood was Mohawk. He was quoted in *Eastern Door* as remarking "How they get that number is beyond me. It's two percentage points lower than the last time I asked" (Deer 1996, in Dickson-Gilmore 1999:38). A young woman was disqualified to run for Electoral Officer because she didn't have enough blood quantum. Another local was not permitted to run for council because he lacked blood quantum. In his column *Blood Quantum A Political Ploy?* Dan Kirby wrote: "

..... There is no provision in the Indian Act or in any other legislation that I am aware of that would allow Chief and Council to impose blood quantum requirements on candidates for band Council. As far as I am aware, all status Indians who are members of the band and who are at least 18 years of age are eligible to run for band council..... Speak up and voice your concerns and opinions because your freedoms are at the crossroads. The blood quantum hoax is only a small sample of depriving you of your freedoms. (Eastern Door July 19, 2002)

Ethno-nationalist Kahnawake Mohawk scholar Audra Simpson (2000:130) quotes some people's comments at the local Super Bingo:

Martha exclaimed [speaking of another player]: 'Oh, yes, it's that dirty, skinny son of a bitch – 30 percent!' [...] She then pointed a jeweled finger at Daniel and them at me (now dabbing a mess of make-up from under my eyes) and she said: 'Don't worry, you two – I know your mother (points at Daniel) and I know your father (points at me) – and I know your halves [the 50% BQ] are whole'. [...] I don't think either of us started to worry until then.' Simpson also refers to the denial of racism the MCK and her fellow Kahnawakehronon do. Chief Allen Paul (1995, in Simpson 2000:132),

for example, in a speech states that race is involved in the matter of Native Rights, and

it becomes a matter of who is entitled to those rights, by virtue of the kind of blood running through their veins. However, it is NOT about who is the purer of the species. [...] it is about putting things right once and for all, before they get any worse and a whole race of people is eradicated [...] clean-ups can be messy as the mess itself. [...] for once, non-Native powers honor their part of the Two Row Wampum Treaty and stop meddling in our affairs.⁵

⁵ A Two Row Wampum Treaty does not exist. Today the Two Row Wampum is hailed by contemporary Iroquois as the grandfather of all treaties between Amerindians and Europeans, asserting the everlasting autonomy of each nation regarding their own beliefs, traditions and laws. However, investigation of written sources from early colonial history makes no reference to this agreement concluded with the Dutch, French, English and, later, with the Americans (Muller 2007) Akwesasne Mohawk historian writes: "There are at least four wampum belts that contain the "two row" imagery, which suggests it may have become a common treaty metaphor that was evoked from time to time. One belt ascribed to the Revolutionary War period suggest that it proposed "two roads" the Iroquois could take, the British or the American. The traditions ascribed to the other belts suggest the more well-known "non-interference" interpretation. Although it is common for people today to call the "two row" the kaswentah, this seems to be just a general word for wampum belt and not specific to the belt in question (The People's Voice, August 5, 2005).

The case of Peter Jacobs

Peter and Trudy were raised as Mohawks. They adhere to Mohawk traditions and values. Peter speaks the Mohawk language although not fluently. Trudy is a Mohawk woman. Their children are being raised as Mohawks. They attend a Mohawk immersion school. Peter Jacobs filed a complaint in 1991, alleging that the Mohawk Council of Kahnawake had been engaging in discrimination against himself and his family since 1986 on the grounds of national or ethnic origin, race, color, and family status. Mr. Jacobs and his family had been refused residency, land allotment and land rights, housing, medication, and dental privileges. Peter Jacobs had been legally adopted by two Indians as a baby. His biological parents were of Black and Jewish descent. He had been raised by his parents as a Mohawk, understood the language, and participated fully in the community's cultural and traditional practices. When he turned 21, the Mohawk Council of Kahnawake revoked his band membership. He was reinstated as a Registered Indian in 1988, but the Band Council refused to add him to their membership list. Additionally, his wife, who was a Mohawk from Kahnawake, was also removed from the Band's membership list as a result of her marriage to a non-Mohawk. At Tribunal, the Band Council asserted its right to self-determination and control over its own membership. The Tribunal ruled that Mr. and Mrs. Jacobs were not a threat to the Mohawk culture and community and that the band council, by virtue of entering into funding agreements with the Department of Indian Affairs and Northern Development intended to provide services to all residents of the reserve (not specifically band members) had discriminated against Mr. Jacobs and his family on the basis of race, national or ethnic origin and family status. The Tribunal also noted that the question of voting rights could not be ruled on by the Tribunal, because of the Indian Act exemption afforded by Section 67 of the Canadian Human Rights Act.

Other Consequences of the Blood Quantum Membership Law

Stewart Clatworthy at the Roundtable on Citizenship and Membership Issues (2004) pointed out that:

Across Canada, about 71% of First Nations have either not chosen to adopt their own rules or employ 'Act equivalent' rules; 14% have adopted one parent rules; 10% two parent rules, and 4% blood quantum rules, mostly at a 50% quantum. Of those communities that have adopted their own membership rules, some have looser rules for membership (i.e. one parent or 25% blood quantum) than Indian registration, which leads over the years to the creation of a class of community members who lack Indian registration. On the other hand, other communities have quite stringent membership rules (two parent or 50% blood quantum), which leads to a growing population of Registered Indians without community membership. Since exogamous parenting ('out-marriage') rates in Aboriginal communities are high – almost 52% over 1985-1999 overall, or 36% on-reserve and 75% off-reserve – these status and membership divisions in Aboriginal communities develop very rapidly. Not only will a significant number of children not be eligible for registration, in many cases there will be significant portions of the population that are members but not registered Indians or vice-versa. In communities with 50% blood quantum rules, about one-third of the descendents made ineligible for membership each year will nonetheless have Indian registration. Over the course of the next and subsequent generations – growing proportions of the community will lack eligibility for membership and/or registration. This process will be felt both on and off reserve, though particularly off-reserve. The changes will be most pronounced in communities with high rates of exogamous parenting, with diverging membership rules. Classes of First Nations citizens with differing rights and entitlements will become the norm in many communities. The inequalities among members and Registered Indians may lead to conflicts among citizen classes. (Clatworthy 2004 emphasis added) (Roundtable on Citizenship and Membership Issues . Summary of the 2nd IOG

Aboriginal Governance Roundtable. Ottawa, October 20, 2004 http://www.iog.ca/publications/2004_tanaga2summary.pdf Access 10/1/10).

The 2004 Kahnawake Membership Law

During the decades of citizenship based on the 50% Blood Quantum, a debate on this criterion went on. In his Executive Summary the MCK Membership Department (2007) outlines how it evolved: in 1996 a task force was established to begin the process of community consultation. Law was enacted on October 28, 2003. The Kahnawá:ke Membership Law was enacted in 2003 and replaced the 1984 Mohawk Law. The Membership Law was intended to focus less on blood quantum and address the eligibility of those who could be members and/or reside in the community through an increased emphasis on the rebuilding of their ancestry and family ties. It also included the formation of Council of Elders and a Membership Review Council to act as a decision board in weighing the eligibility of applicants for membership under the law. On September 27th, 2004 the Kahnawá:ke Membership Law came into force and the Mohawk Registry was separated into different categories and renamed. Those who had native lineage and were on the Mohawk Registry became Members regardless of their meeting the criteria of a Member or not. Those who had Acquired Status were to be automatically placed on the Non-Member Resident list, but that only occurred after the passing of amendments in 2007. This applied to Acquired Status Women whose marriages were still intact or widows who still reside in the community. Beneficiaries were either confirmed as Members, if they met the criteria, or remain Beneficiaries until they reach the age of 18. If a beneficiary does not meet the criteria they will have to apply to the Council of Elders. According to the Indian Act, a registered or status Indian is entitled to all services and benefits provided by INAC. This includes, receiving status cards, housing, education, prescription medication, medical transportation and equipment, dental, social assistance, and economic development. For an individual to access these services, they must be obtained in Canada. According to Kahnawá:ke Laws, only individuals on the Kahnawá:ke Kanien'kehá:ka Registry are entitled to receive all the services and benefits mentioned above along with other services such as land allotment, residency, water and sewer, ability to vote, and own and operate a business. Status cards are only issued from the Membership Department to Members on the Kahnawá:ke Kanien'kehá:ka Registry. Individuals who are on the INAC Registry and not on the Kahnawá:ke Kanien'kehá:ka Registry are not entitled to services such as housing, education, land allotment, water & sewer, or voting. The Kahnawá:ke Membership Law currently cannot be fully implemented without addressing the enforcement issue. The Law clearly states that the Kahnawá:ke Peacekeepers are the sole authority to enforce this law and that the Court of Kahnawá:ke has the sole jurisdiction to hear and decide offences (Section 27). The main problem at this time is the lack of authority at the Court of Kahnawá:ke."

This Court is still not in existence. There are a number of problems with the enforcement of the new Law: for example, "one of the major issues that complicate the enforcement of the law is that many non-member residents are also Status Indians with Kahnawá:ke cited as their home community. Enforcement actions taken against these individuals could result in legal actions taken against the MCK and potentially have financial consequences for the community. One very sensitive issue that must be noted and addressed is the inconsistent treatment of applicants by the Council of Elders. "For one sibling, the lineage is accepted as sufficient yet for another with the same lineage, it is not. This has led to allegations of bias and favoritism. Complaints by community members regarding conduct include assertions of unnecessary prying into personal lives as well as dismissive treatment and harmful statements made during hearings. In addition, many community members insist that the real reasons for unfavorable decisions are not publicly stated." A follow-up issue that has surfaced

regarding decisions by the Council of Elders is the lack of any meaningful redress mechanism in the Law regarding decisions made by the Council of Elders. Individuals are accustomed to having a venue for appeals to be made where a separate body has the authority to overturn decisions that the individual feels were made in error. This applies in most aspects of society from decisions made in Courts of Law to decisions made in the workplace by a supervisor. As indicated previously, the Membership Review Council is enacted by the Law to act as a redress mechanism but have no real authority to overturn decisions. The working relationship between the Council of Elders and the Membership Department has deteriorated as a result of many of the instances cited above as well as a lack of clarity within the law to their respective roles and responsibilities including that of the Registrar. Through decisions made by the Council of Elders, a lack of transparency and accountability has become an issue. The issue of blood quantum has surfaced as part of the deliberations by the Council of Elders. A confusing aspect that has surfaced in interpretations of the law by either community members or the Council of Elders is the concept of Kahnawá:kehró:non (someone from Kahnawá:ke) vs. Kanien'kehá:ka (someone from the Mohawk Nation). Theoretically, the law deals with Membership which many interpret as identifying someone who is Kahnawá:kehró:non.

In fact, there is a trend to distinguish 'real' Mohawks and people of adoptee ancestry: The MCK Membership Department clarifies: Technically, the law usually cites Kanien'kehá:ka which implies we are dealing with a member of the Mohawk Nation. Often, the two terms cannot be reconciled within one individual. Historically, there were many people who were absorbed into our social fabric. As a community we always adopted and incorporated to keep our numbers up. We have to remember that today when there are issues with the lineage of their great grandchildren. People we adopted are no longer being considered Kanien'kehá:ka. They would, without a doubt, be considered Kahnawá:kehró:non but not Kanien'kehá:ka. Therefore, some (either COE members, Chief and Council and/or community members) interpret a person as qualifying for membership because they are clearly Kahnawá:kehró:non or, in other words, someone from Kahnawá:ke. While others (from these same groups) interpret that same person as not qualifying because they are not Kanien'kehá:ka. This has led to further confusion in the administration of the law. This issue is further explored in the next section, which discusses the issue of citizenship vs. membership. Clan identification has also been cited by many as a possible solution but taken within the historic origins of Kahnawá:ke, it presents new problems for membership especially when utilizing the criterion of being Kanien'kehá:ka. There are individuals that still carry a clan but have not been part of the community for generations. As well, there are people living in the community with excellent blood quantum and lineage but no clan affiliation. As a community it must be acknowledged that we originate from many people. At the turn of the 1900's we were 22 different Indian Nations living in one community. Until the 1950's we were the Iroquois of Kahnawá:ke. At some point, the community's thinking changed to identifying ourselves as Kanien'kehá:ka. The traditional clans of the Kanien'kehá:ka (Mohawk) are turtle, bear and wolf. Yet, because of our origins, we have many community members born to a clan different from these. For example, the person responsible for the Haudenosaunee cards and passports has stated that the Snipes of Kahnawá:ke would be listed as Onondagas if ever applying for that identification. Citizenship is being discussed a great deal. It is viewed by many as the answer to the problems of the Membership Law. Usually, Citizenship is viewed as something different than Membership. Membership is about accessing services in the community. Citizenship is not necessarily tied to services. A person who is not a Member could be a Mohawk affiliated with the community. Many insist that the Membership debate is a nation building exercise. The argument often cited is that it should be less about entitlement to services and more about identity and culture and survival. In this argument, the Mohawk affiliated to the community but not a member, could be perceived as a Citizen. There has been political effort made towards reaching an agreement with our other sister communities as to who is a Mohawk (see Appendix C for an example). This is a citizenship debate. It

is still something that must be defined by the communities of the Mohawk Nation and the Iroquois Confederacy. Yet, this effort further muddles the current membership debate. It must also be noted that the previous discussed issue of clan identification would also be implicated in the Citizenship issue. Border Crossing has been identified as a major concern of the community (as shown in a recent MCK Communications Survey). Within this context, the issue of blood quantum again needs to be addressed. The blood quantum requirements of the United States can be very difficult to achieve for families who have married non-Indians. The future of the community and its historic ties to the United States for work and military service is being threatened.

The conclusions of the Executive Summary made by the MCK Department are not optimistic: “Our oral history and tradition often contradict the actions taken during the history of membership administration in that if the community were truly traditional, not many would be refused through the Council of Elders or Chief and Council’s past methods. There has been a regeneration of culture in our community. More have begun learning about our language and traditions. Efforts are being made to incorporate this in our identity defining practices (i.e. the Membership Law). Yet, with the current Membership Law, we are stressing administrative processes as well as hard and fast rules based on blood quantum over tradition and culture. To continue to survive in the face of Canada’s attempts to completely assimilate or extinguish the Indians of this country through the Indian Act and other “programs”, we must find ways to better incorporate our traditional values and practices with the procedural requirements of a modern law. As part of this general conclusion, it must be stated that the processes and institutions established through the current Membership Law have failed to live up to its preamble. Instead of developing a sense of community, they have led to disharmony and anger. Instead of respecting the principles of dignity and compassion, they have promoted accusations and resentment. Instead of replacing foreign laws such as the Indian Act, they are often still cited in the decision-making required.” (emphasis added).

The Grammar of Identity politics

At the identity level, nationhood is a matter of belief. The nation [...] is the product of nationalist ideology (Eriksen 2002:97).

As Eriksen (2001:291-306) points out, whatever its nature, identity politics is a glocal phenomenon. In fact, while it is confined to a territory and a particular in-group, yet it depends on a global discourse about culture and rights in order to succeed. Identity politics share a number of formal traits:

- 1) The external boundary is overcommunicated.
- 2) History is interpreted in such a way as to make the in-group appear as innocent victims.
- 3) Continual continuity and purity are overcommunicated.
- 4) Mixing, change and foreign influence are undercommunicated.
- 5) Non-members are demonised when deemed necessary in order to strengthen internal cohesion.
- 6) Conflicting loyalties and cross-cutting ties are strongly discouraged.
- 7) Cultural heroes of the past are reconceptualised as modern nationalists.

Ethnicity is not a mere tool of dominance, but expresses a need for order, classification and boundaries, Eriksen (2001:292) says, and this is what happened to the Kahnawake Mohawks not only when they were reached by modernity, but also, and in a much desperate form, when the global, post

modern phenomenon of globalization threatened both their identity and their lifestyle as ironworkers. They don’t understand that neither ethnic groups nor nations are eternal, they appear, flourish and vanish. The very origin and development of the Kahnawake Mohawks proves that.

Space does no longer create a clear buffer between “cultures”, both politics and economies are integrated in an abstract, anonymous, globally connected network susceptible to the so-called ‘butterfly effect’. Unsurprisingly, the Mohawks have tried to put their world in order. De-territorialization has reduced the importance of the spatial dimension, however, and the construction of place have become a project in its own right, like that of cultural identity, whereas it could formerly be taken for granted (Eriksen 2001:305-306). Cultural identity and ‘uniqueness’ have, since the 1960s, become legitimate political resources in large parts of the world. The Mohawks have coped with scarce resources and identity crisis by both reducing the surplus of those asking for services and opportunities, and trying to ‘purify’ and stabilize their ‘place’, the reserve, by means of something that looks ‘eternal’ such as blood and blood ties. It is a process well known by students of nationalism and other ethnic ideologies: not only these ideologies can be considered as forms of metaphoric kinship, but the abstract (‘imagined’, Anderson 1983) community may be likened to the kin group (Eriksen 2002:107). With the notions of family obligations involved, those ‘marrying out’, thinning and soiling the blood, appear as traitors of their kin and the sacred blood bonds.

Although the use of blood quantum criteria relates back to the study of the scientific racism disciplines of phrenology, craniology, and eugenics that arose in the early 1800s, no serious scholar today believes that hereditary characteristics explain cultural variations. Concepts of race, however, inform people’s actions and manners of speech, hence we can say that race exists as a cultural construct, whether it has a ‘biological’ reality or not, and assumes sociological importance (Eriksen 2002:5). Chief Allen Paul (in Simpson 2000:132) counterattacks the charges of racism saying that the Mohawks were accused of it “*whenever we made any attempt to deny certain rights to those who are simply not entitled to those rights in the first place*”, a rather circular argument. Moreover, since “*it is NOT about who is the purer of the species*”, he denies the charge, naively referring to Nazism, as if were the only type of racism. While the new racism talks of cultural difference instead of inherited characteristics, the Kahnawake Mohawks conflate racial and cultural notions, biological “blood” which can be “measured” in degrees, real ‘blood ties’, genealogy and metaphoric kinship, pride in ‘tradition’ and place to construct the boundaries of a 21st century ‘glocal’ identity.

The Kahnawake Mohawks cannot say that they are forced to choose the ‘blood quantum’ rule or its photocopy, the three-generation genealogy, by the Indian Act. In fact, the ‘blood quantum’ is influenced by the US federal legislation, and given the trend in the USA, it is not only “a relic of racism and termination”, but also “a form of self-termination,” if the tribes keep to stick to it, according to Jack Forbes (2000). Some groups use criteria of ‘cultural competence’, others use notions of ‘race’ and ‘blood’ as strategic weapons in competitions over scarce social resources in plural societies. In multicultural Canada the Kahnawake Mohawks use a mixture of cultural traits such as ‘racial pride’, ‘political aggressiveness’, and a diluted-to-50% ‘blood’ to construct their uniqueness’ as an ethnic group. Gregory Bateson (1979, in Eriksen 2002:1) wrote: “*It takes at least two somethings to create a difference*”. The ethnic proposal offered by the Kahnawake Mohawks has not been accepted entirely by the Canadian federal government, whose definitions of ‘Registered Indian’ and ‘citizenship’ at large clash with the membership and nationhood criteria proposed by the MCK.

References

- Canadian Human Rights Tribunal. (1998) Case: *Jacobs vs. Mohawk Council of Kahnawake*. 34 C.H. R.R. 71.
- Clatworthy, S. (2004). *Roundtable on Citizenship and Membership Issues*. 2nd IOG Aboriginal Governance Roundtable. Ottawa, Oct. 20. http://www.iog.ca/publications/2004_tanaga2summary.pdf
- Duffy, P. (1999). "Remembering Mohawk Ironworkers' Urban Haven." *New York Times*, July 18.
- Fillion, P. (2009). "Does blood determine belonging? Tracey Deer's Club Native reflects on Mohawk identity." *McGill Daily* : 2/12/09. <<http://www.mcgilldaily.com/articles/17939>>
- Forbes, J.D. (2000). "Blood Quantum: A Relic Of Racism And Termination." *The People's Voice*. Akwesasne, NY. Nov. 27.
- Hall, L.K. (1987). "Indian Survival Crisis." *Warrior Society Newsletter Bulletin* No. 23, Feb.
- Kirby, D. (2002). "Blood Quantum A Political Ploy?" *Eastern Door*. July 19.
- Muller, K. (2007). "The Two Row Wampum: Historic Fiction, Modern Reality." *The American Indian Quarterly*, Vol. 31, No.1.
- Alfred-Taiaiake, G. R. (1995). *Heeding The Voices of Our Ancestors. Kahnawake Mohawk Politics and The Rise of Native Nationalism*. Oxford.
- Anonymous. (2007). *A Review of the Kahnawá:ke Membership Law*. Executive Summary. Membership Department . Social Development Unit. Mohawk Council of Kahnawake. October 07. <<http://www.kahnawake.com/org/docs/MembershipReport.pdf>>
- Blanchard, D.S. (1982). *Pattern of Tradition and Change: The Re-creation of Iroquois Culture at Kahnawake*. PhD Dissertation. Chicago.
- Bonaparte, D. (2002). *The History of Akwesasne from Pre-Contact to Modern Times*, <<http://www.wampumchronicles.com/history.html>> Accessed 22/3/08.
- Clifford J. (1997). *Routes: Travel and Translation in the Late Twentieth Century*. Harvard.
- Dickson-Gilmore, E. J. (1999). "Iati – Onkwehonwe: Blood Quantum, Membership and The Politics of Exclusion In Kahnawake." *Citizenship Studies* 3:27-43.
- Eriksen, T. H. ([1995] 2001). *Small Places, Large Issues. An Introduction To Social and Cultural Anthropology*. London.
- Eriksen, T.H. (2002). *Ethnicity and Nationalism*, London.
- Fenton, W. N. and Tooker, E. (1978). "Mohawk." In B. C. Trigger (ed.). *Handbook Of North American Indians*. Vol. 15: Northeast. Washington DC.
- Hall, L.K. (1983). "Indian Survival Crisis Bulletin." *Warrior Society Newsletter* No. 1, Sept.
- Hayes, R. J. (2000). "Woman of vision: Mary Two-Axe Earley." *Windspeaker*. Vol. 27 – No. 4.
- Kernaghan, S. (2001). "Where the Heck is Kahnawake?" *WINNERonline.com* 04 June.
- Pennebaker, J.W. and Banasik, B. (1997). "On the Creation and Maintenance of Collective Memories: History as Social Psychology." In J.W. Pennebaker, D. Paez, and B. Rimé (Eds.). *Collective Memory of Political Events: Social Psychological Perspectives*. Mahwah, NJ
- Pouillon, J. (1997). "The Ambiguity Of Tradition: Begetting The Father." In Marie Mauzé (ed.). *Present Is Past. Some Uses of Tradition in Native Societies*. Lanham.
- Reid, G. F.(2004). *Kahnawá:ke. Factionalism, Traditionalism, and Nationalism in A Mohawk Community*. Lincoln.
- Simpson, A. (2000). "Paths Toward a Mohawk Nation: Narratives of Citizenship and Nationhood in Kahnawake." in D. Ivison, P. Patton, and W. Sanders (eds.) *Political Theory and the Rights of Indigenous Peoples*. Cambridge.
- Smith, A. (1992). "National Identity and the Idea of European Unity." *International Affairs* 68:55-76.
- Snow, D. S. ([1994] 2001). *The Iroquois*. Cambridge.
- Stone, T. (1975). "Legal Mobilization and Legal Penetration: The Department of Indian Affairs and The Canadian Party at St. Regis, 1876-1918." *Ethnohistory* 22:375-408.
- Tambiah S. J. (2000). "Transnational Movements, Diaspora, and Multiple Modernities." *Daedalus* 129.
- Weaver, S. (1972). *Medicine and Politics Among The Grand River Iroquois. A Study of The Non- Conservatives*. Ottawa.
- Weaver, S. (1978). "Six Nations of The Grand River, Ontario." In B. C. Trigger (Ed.) *Handbook of North American Indians*, Vol. 15: Northeast. Washington DC.
- Williams, B. (1989). "A Class Act: Anthropology and the Race to Nation Across Ethnic Terrain." *Annual Review of Anthropology* 18: 401-44.