

INFORMATION DOCUMENT

FOR COMMUNITY SURVEY BEING CONDUCTED FOR AMENDMENT OF TRIBAL MEMBERSHIP ORDINANCE

GENERAL INFORMATION

Q1: Why is the Tribe sending out this Survey?

A: Tribal Council and Tribal Clerk have been considering possible amendment of the Membership Ordinance for a number of years. This is the beginning of a process to consult with tribal members and conduct a survey of all members prior to an amendment.

Q2: What will the Tribe do with the Survey Results?

A: The answers will be collected by the Tribe and a report will be prepared (all of this done by Tribe's consultant, Potsdam institute for Applied Research ("PIAR")). PIAR will present the results at a community meeting and will take questions on the results and what they mean. The Survey results will be used to assist Tribal Council in preparing an Amended Membership Ordinance.

Q3: Does that mean there will be an Amended Ordinance?

A: Yes, the current Ordinance was adopted by the Tribal Council in 1986, so its 38 years old. At the very least there needs to be a "clean up" of the current law which consists of the 1986 Ordinance and several Tribal Council Resolutions (TCR 2003-203, TCR 2005-90 and TCR 2007-63) that clarify some provisions of the Ordinance. If nothing else the 1986 Ordinance and these TCRs need to be incorporated in one document.

Whether the amended Ordinance will contain significant changes to the existing law (i.e. a change from the current 25% blood quantum requirement to another method) will depend on the Survey results. For instance if a significant majority of members answer that they want to keep the current 25% blood quantum requirement the proposed amendment would keep that requirement but could include other changes.

Q4: Will there be a Referendum Vote to approve changes to the Membership Ordinance?

A: Yes. Membership is one of the most important issues for the Tribe and any changes to membership requirements must be voted on by the membership in a referendum. The Tribal Procedures Act requires a referendum as well.

Q5: What is the Membership Ordinance and what are the current Membership requirements?

A: The current membership rules are contained in the Ordinance that was adopted by Tribal Council in 1986. As mentioned, that Ordinance has been clarified in several Tribal Council Resolutions.

Q6: What is the basic requirement for being a member of the Tribe?

A: To become a member a person has to have 25% Akwesasne Mohawk blood quantum. (And of course, submit and have approved an enrollment application with the Tribal Clerk).

Q7: What is meant by “blood quantum?”

A: It is the amount of “Indian blood” that an individual possesses. The Federal Government, primarily the Bureau of Indian Affairs uses it and issues certificates of “Degree of Indian Blood”. Blood quantum is calculated by using tribal documents and usually it is a tribal official that calculates it.

Q8: I notice that Tribe’s Ordinance refers to “Akwesasne Mohawk Blood Quantum”. What does that mean?

A: This is the blood quantum that is used by the Saint Regis Mohawk Tribe for membership purposes. When calculating blood quantum the Tribe counts **only blood from Mohawks who are from Akwesasne (southern and northern portions)**. Blood percentage from Mohawks not from Akwesasne is not counted.

Q9: How exactly is the 25% Akwesasne blood quantum proven?

A: First of all a person has to fill an Application and a “Family Tree” form that is available from the Tribal Clerk’s Office. They have to provide information on their biological parents, grandparents and great-grandparents. Key to that is showing Akwesasne Mohawks ancestors on the Family Tree. The Tribal Clerk will take that information and calculate the Akwesasne blood quantum percentages on the Family Tree.

Let’s take an example of a Family Tree that qualifies and one that does not:

Ex. #1: Parent A has an Akwesasne blood quantum of 50%
Parent B is a non-Native and has a 0% quantum
Applicant has the minimum of 25% and is eligible for membership

Ex. #2: Parent A has the minimum of 25% percent
Parent B is a non-Native or a Mohawk from another Mohawk Reserve such as Kahnawake and which will be counted as a 0% quantum
Applicant has a percentage of 12.5% and is not eligible

Q10: How is a person’s blood quantum percentage determined?

A: This is done by the Tribal Clerk’s Office through research of membership files in their office. That will start with the applicant’s parents. In the above examples Parent A in one case

was determined to be 50% and in the other 25%. The Clerk will then go to the applicant's grandparents and great parents. The Tribal Clerk's office will fact-check each ancestor listed on the Family Tree to verify their actual blood level. In virtually all cases the Clerk's Office will have records (files) on all ancestors in an applicant's Family Tree who claims to be a Tribal Member. So will be able to check the files of the parents and grandparents of Parent A so verify the actual blood percentage of those persons.

Q11: Will the new Membership Ordinance also have a 25% blood quantum requirement?

A: Not necessarily. The Survey will try to determine what the tribal membership desires with respect to membership. Different options will be presented in the Survey including keeping the 25% requirement.

Tribal Council will respect the views of tribal members as expressed in the Survey. If the majority of members want to keep the 25% or choose some other requirements, then that will be included in the proposed Ordinance amendment.

Q12: What other thing things might be included in an Amendment?

A—Again it depends on what the community wants in meetings and from the survey, but Tribal Council and Tribal Clerk are open to other amendments. The 1986 Membership Ordinance does not contain much detail on the membership process. It consists of 4 pages with 4 Sections: General Provisions (I); Criteria for Membership (II); Application Procedure (III); and Membership Court (IV). Typically other tribal membership ordinances will have more detail on how applications must be filled out, processing applications, staff duties, membership committees, appeals from denials, recordkeeping, confidentiality, loss of membership, relinquishment and disenrollment.

Q13: Will a new Ordinance result in persons losing their current membership?

A: No. It is assumed that any changes will take effect prospectively and that all persons who are enrolled right now will continue to be enrolled i.e. they will be grandfathered into the new law.

Q14: When would a Referendum be held?

A: If the Survey results show that membership is in favor of amending the Membership Ordinance then work will begin to follow the Referendum Process sometime next year.

The Survey process will not be finished until December, 2024 or January, 2025. So any Referendum would not be held any earlier than June 2025.

Q15: The term "Lineal Descendancy" is used as a possible alternate method. What does this mean?

A: This is an alternate way of determining membership to blood quantum. There is no calculation of blood percentage. A person is entitled to be a member if one of their biological parents or a biological ancestor (grandparent, great grandparent) is a tribal member.

Q16: What does the term “Tribal Roll” mean

A: This refers to a list that either a tribe or the Federal Government maintains that contains the names of enrolled members of a tribe. Some tribes use these Rolls for membership purposes. They will grant membership if a person can show proof that they descended from a person on a list.