

Club Native and the issue of Indian Status

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What makes a person Indigenous? This is the central question posed in Tracey Deer's *Club Native*, a documentary about the lives of Mohawk women and their struggles with the nation's membership laws. More specifically, it is about how said membership laws discriminate against mixed-race couples, as Tracey puts it: "Two...unspoken rules [were] drummed into her... 1) Do not marry a white person, 2) Do not have a child with a white person" (Deer, 2008). The Mohawk's attitude towards non-Indigenous partners was meant to encourage members to marry and have children with other Mohawk members. However, as both the film and this paper discuss, these laws have caused or will cause alienation and strife among the greater Mohawk population. Indeed, it would seem that this attitude was, in many ways, influenced by the Indian Act, despite the act's membership code being amended in Bill C-31. This amendment should have provided the women featured in *Club Native* immediate status, but the Mohawk nation had decided to uphold their own membership laws, per Bill C-31. Despite this, their laws carry many of the same policies as the Indian Act, chiefly the concept of blood quantum found in sections 6(1) and 6(2). This paper will analyze the events documented in *Club Native* and utilize additional scholarly sources to argue that the Mohawk membership laws served to do more harm than good.

Club Native follows the journey of multiple Mohawk women, specifically from the Kahnawake reserve near Montreal. These women, the documentary's subjects, all have to contend with the Mohawk's identity politics in various ways. The first subject, director Tracey Deer's sister Tiffany, has a white boyfriend with whom she decides to have a baby. Her sections deal with how the Mohawk's membership laws exclude future Mohawk children, even if they will be deeply immersed in Mohawk culture and tradition. Next, former Olympian Waneek Karawinionta Sunshine Horn-Miller is also in a relationship with a non-

Indigenous man. Waneek and her husband struggle with maintaining their relationship while also ensuring that the Indigenous Mohawk blood lives on. The other two subjects, Lauren and Sandra, undergo the membership application. Their sections highlight how the Mohawk membership laws are enacted, with both having to be approved by the “Council of Elders” (Deer, 2008, 27:32). Each of these women’s experiences help facilitate learning about Canadian Indigenous Policy, specifically around how the Indian Act, despite being amended, still influences the way Indigenous people interact with their identity. The Mohawk/Kanien’kehaka membership laws serve as an example of the long-lasting trauma and suffering caused by the Indian Act, as the laws cause undue suffering to its Indigenous members (and those aspiring to be ones).

Tracey describes her sister's (and her own) upbringing as being, for a time, void of the complex issue of their Indigenous identity (Deer, 2008, 1:22). They were just normal kids. However, eventually, they “were introduced to the secret ugliness of belonging” (Deer, 2008, 1:43). Despite being proud of her Indigenous identity, Tiffany feared that she would be hated for it by the nearby non-Indigenous locals (Deer, 2008, 3:30-4:00). This fear was certainly justified, given the relatively recent Oka crisis. Nevertheless, Tiffany decided to push on, pursuing her dream of travelling the world. No matter where she went, Tiffany always thought of Kahnawake as “her home” (Deer, 2008, 19:37). She reasons that this is why “a lot of [her] relationships didn’t work...because they’re not from Kahnawake” (Deer, 2008, 19:47-19:56). As mentioned earlier, Tiffany and her sister were raised not to have relationships with people who were not Mohawk. This is because if they did, then their children would likely not be granted membership, as one of the requirements is to have “at least four Kanien’kehaka great-grandparents” (Deer, 2008, 28:36). This was a problem for Tiffany, as her boyfriend and eventual father of her child was white. However, this did not stop Tiffany from pursuing the relationship and having a baby with him. Their baby,

Kahsennonkwash/Luna, was not considered Kanien'kehaka due to their membership laws. Yet, Tiffany vowed to teach her everything she could about "Mother Earth" (Deer, 2008, 42:10). This again begs the question, what makes someone Indigenous? If Tiffany's daughter is raised in Kanien'kehaka culture and has the blood, what does it matter if she is not fully Indigenous?

Waneek and her husband also tackled this question. As a survivor of the Oka crisis (Deer, 2008, 7:15), Waneek was fearful of non-Indigenous men. Even with this, she fell in love with a white man. Yet, just like Tiffany, Waneek had to contend with how a child she had with her husband would not be granted membership. To Waneek, it was "[her] job to perpetuate the Nation" (Deer, 2008, 9:17). Because of this, Waneek told her husband that she could not have children with him. Waneek's husband asserted that he would not get in the way of her duty, implying that he would be willing to raise the child even if it was not his own (Deer, 2008, 36:40). Naturally, the couple would not make this decision lightly. A declining Indigenous population is a strong motivator to have Indigenous children. However, it is hard not to consider the effects of the membership laws on this decision.

If Waneek and her husband's child were able to be granted membership, would she still care that they would not be full-blooded? While this question can not be answered with certainty, the membership laws seemed to have some effect. After all, before their laws were in place, membership "had nothing to do with blood" (Deer, 2008, 46:09). It was only after the arrival of the settlers and the creation of the Indian Act that Indigenous people became preoccupied with how much "Indian blood" they had. Under sections 6(1) and 6(2) of the Indian Act, status was granted as long as the person's parents were either status under 6(1) or if one was status under 6(2), that both parents had status. A status 6(2) Indigenous person could not pass down their status if they had a child with a non-Indigenous person. This, in a sense, is blood quantum. A person who falls under 6(2) status is the child of a 6(1) status

Indian and a non-Status Indian. That non-Status Indian would likely not be Indigenous. Therefore, their children would have “diluted blood.” But, this seemingly should not apply to Kanien’kehaka as they could decide their own membership after Bill C-31 was passed. Unfortunately, their new laws seemed steeped in settler ideals from section 6 of the Indian Act. As a result, Waneek and her husband, a loving couple, were forced to consider not having a baby together. Again, Waneek had already been traumatized by the Oka crisis, developing “full-blown posttraumatic stress” (Deer, 2008, 33:26). All the membership laws managed to do was cause her even more stress and even put a strain on a relationship that she found vital to her well-being. It could be argued that this stress would, eventually, be worse than mixing blood for the future of the Kanien’kehaka nation. If Waneek ultimately decided to leave her husband in favour of a Kanien’kehaka man, this could cause her mental health issues to worsen or even cause her former husband to retaliate in some way. In the latter case, mental health issues could cause problems in a child’s upbringing, and the former case shows how the policy can heighten racial tensions.

Of course, this is all from just one aspect of their membership laws. Lauren and Sandra’s stories show how membership is ultimately decided, with what seems to be differing outcomes. Sandra’s application is denied by the Council of Elders, despite her growing up on the reserve (Deer, 2008, 23:16). The reason she was not a member was because her mother married a non-Indigenous man, which meant that she lost her status under the Indian Act. However, after the act was repealed, Sandra should have gained membership. But yet again, because Kahnawake made their own membership laws, Sandra would have to appeal to them. Now, she was ineligible for membership because one of her great-grandmothers had “non-Native ancestry” (Deer, 2008, 49:31). Meanwhile, Lauren, who had similar circumstances, had her application accepted. One would think that this would be the end of this. Lauren would be entirely accepted and never have to question her identity again. Unfortunately, this

was not the case. As Lauren puts it, she was put on a “trial period” (Deer, 2008, 1:10:09), where she would have to face the Council of Elders again so they could decide if she could keep her membership. So, despite accepting her application, Lauren was still not entirely welcomed. Additionally, considering the uncertainty of her situation, it would be hard to put down roots in the community. Say that she found a local Kanien’kehaka guy she liked. Well, then, she could not fully commit to the relationship until she was ensured membership. Once again, the membership laws only seem to hinder their members' relationships and happiness.

As E.J. Dickson-Gilmore notes in their article, “*Iati-Onkwehonwe*: blood quantum, membership and the politics of exclusion in Kahnawake,” many of the people excluded by the Kahnawake membership laws were still technically “status Indians” (Dickson-Gilmore, 1999, p.38). This notion adds a wrinkle to the already complicated question of what it means to be Indigenous. In the case of the Kanien’kehaka Mohawks, excluded members have to cope with not being accepted by their community but being received by the settler state is, almost inarguably, the cause for said exclusion. This dissonance could ironically cause exiled Kanien’kehaka members to identify more with the colonial system that oppressed and continues to oppress them. As Dickson-Gilmore notes, this phenomenon seems intentional, as under the blood quantum system, “[they] are all just two generations away from extinction” (Deer, 1996a, p.2, as cited in Dickson-Gilmore, 1999, p.39). With an increasingly connected, diverse world, it seems almost inevitable that certain races will begin to die out. However, the phrase “to die out” is a bit misleading. Future generations will still descend from the current one. There will still be a traceable lineage where someone could say that “my great-grandmother was Kanien’kehaka” or any other race. The difference that people are talking about is skin-deep. It is mainly about how the people of tomorrow will look different from the people of today. And yet, they would still be related to us. While the Kanien’kehaka people claim that their membership laws are meant to preserve the people and their culture,

they are more geared toward maintaining aesthetic cohesion. In reality, blood quantum policies only serve to limit the number of people that the endangered Indigenous cultures can be passed down to.

While Ashleigh Lussenden's article "Blood Quantum and the Ever-Tightening Chokehold on Tribal Citizenship: The Reproductive Justice Implications of Blood Quantum Requirements" mainly discusses tribal blood quantum policies in the United States, the implications of such policies and their colonial history is much the same as in Canada. Lussenden's article points out a wide variety of issues with the adoption of blood quantum policies that could, eventually, lead to the extinction of Indigenous peoples. These issues include "fertility levels on reservations, migrations out of tribal land, mass sterilization of Indigenous peoples in the United States, and a general lack of reproductive healthcare in Indian Country, all of which limit the likelihood that...children [will be] eligible for membership" (Lussenden, 2023, p.291). Minus the mass sterilization (somewhat), the rest of her points all apply to Canadian Indigenous nations like those in Kahnawake. Many reserves are in remote, poverty-stricken places with little access to essential services. This could make people leave and makes the idea of having a baby on reserve challenging. Therefore, even if members are accepted and live on the reserve, it still does not guarantee they will not leave to raise their families.

Even if they do stay, their stressful circumstances can cause mental health issues such as depression. A recent study of intimate partner violence (IPV) among Indigenous youth in the Northwest Territories found that a "high prevalence of IPV [was] linked to depression among youths" (Malama et al., 2023, p.1). This is especially concerning, as Indigenous communities are already disproportionately represented in IPV rates, which has been attributed to settler colonialism (Malama et al., 2023, p.1). Given these issues, the solution should not be to enact blood quantum laws that make a "smaller and smaller pool of people"

(Lussendon, 2023, p.318) to have children. Instead, as Lussendon proposes, a more inclusive membership policy that allows for “multiple avenues for membership...[with options] based on blood, cultural competency, or both” (Lussendon, 2023, p.324) would be more conducive for maintaining Indigenous cultures, and therefore people.

Perhaps the most profound question posed during *Club Native* is, “would it be different if we had more land?” (Deer, 2008, 52:54). Looking at the circumstances, this would certainly seem to be a primary motivation. In my own lived experience as an Indigenous person, I have heard the experiences of many communities across B.C., where Indigenous people were moved to reserves that could not support their way of life. I remember hearing a story from an Elder from the Seton Lake First Nation, who explained how his people were originally called “People of the Lake” but now, with their reserve, had no access to Seton Lake and its fish. And it is no secret that Indigenous people’s traditional territory was significantly reduced during colonization. Indigenous people were lucky if they were even asked beforehand, as evidenced by how most of British Columbia sits on the unceded territory of various First Nations. If reserve land was not so limited, then yes, I think that blood quantum policies like those depicted by the Kanien’kehaka in *Club Native* would be, at least, different. With more land, more people can be welcomed. There is less competition for valuable land, such as farming or fishing, allowing more people to follow traditions and live off the land. However, this difference would likely be represented in a reduced blood quantum requirement or, perhaps more optimistically, a hybrid model like the one proposed by Lussendon. This is because the band council system and, by extension, the modern Indigenous identity are still rooted in colonial values. Thus, it is unlikely that blood quantum will ever be abandoned entirely. Although, perhaps this is not such a bad thing. Maybe the problem with the blood quantum system is not the idea behind it but how inflexible it was. As noted in *Club Native*, the Indigenous people have “survived because

[they] adapted” (Deer, 2008, 47:16). Consequently, the blood quantum system, or rather modern Indigenous membership laws, should adapt hybrid systems that can change with the times. If there is a person with not enough Indigenous blood, they should be able to earn membership by displaying a want and capacity to learn the culture. After all, preserving our culture should be the highest priority.

In conclusion, both *Club Native* and this paper’s subsequent analysis of the film agree that blood quantum laws are flawed. They are too strict and are steeped in colonial values. They can lead to more suffering for Indigenous people and can cause relationship issues. As a result, they leave a jeopardized environment for parents to raise future Indigenous children. With this, there will be fewer people around to learn and preserve the already endangered Indigenous cultures, which goes against the whole idea of blood quantum. A better implementation of said idea would be to adopt a hybrid model where membership could be gained through either blood and/or a willingness to practice and preserve the culture. This would also give more options for relationships, which could result in greater overall happiness for Indigenous people.

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