

1. whether or not the Indian Act Band Council should be selected according to band custom as recognized and monitored by the Department or according to the election provisions of the Act and its regulations;
2. what properly constitutes band custom and how to deal with allegations that band custom has not been properly followed in the selection of a given chief or council.

Over the years, the government and some parts of the community have attempted to resolve these controversies by a series of referenda, petitions, court cases, meetings and house-to-house surveys. These initiatives have been limited to determining what system of Indian Act governance the community may want. However, an important part of the community—the Longhouse at Kanasatake—regards any initiative related to the Indian Act as contrary to Mohawk law.

Mohawks identifying with traditional Mohawk law and customs call themselves “the Haudenosaunee”. In English, this means “People of the Longhouse”. The Mohawk Nation is a constituent element of the Six Nations “Iroquois” Confederacy. The Confederacy is sometimes referred to as the Iroquois, the League of Five Nations, the League of Six Nations or the Six Nations Confederacy. The Six Nations “Iroquois” Confederacy is composed of the following nations from east to west: Kanienkahaka (Mohawk), Oneida, Onondaga, Cayuga, Seneca and Tuscarora.

The Six Nations “Iroquois” Confederacy has as its Constitution, the Great Law of Peace (Kayanerakowa) said by some to be the oldest Constitution in the world. It is said to be a fundamental tenet of the Great Law that any Haudenosaunee who cease to follow traditional customs in favour of an outside system of government, religion or way of life, alienate themselves from the Confederacy.

Accordingly, Longhouse members will not participate in any initiative connected to an Indian Act system of governance nor recognize the possibility of any legitimate form of Mohawk government other than the Longhouse system. In a letter dated June 2, 1967 Chief Samson Gabriel (Te-Ka-ri-He-Kon) stated: “We recognize no power to establish peacefully, or by the use of force or violence, a competitive political administration. Transactions of such groups in political and international affairs is very disturbing to the Six Nations “Iroquois” Confederacy Chiefs.”

The Longhouse has never been equated with “band custom”. This is impossible because adherents of the Longhouse refuse to recognize any federal authority over the Mohawk Nation. The Longhouse people would likely view any attempt at incorporating the Longhouse system as part of an Indian Act band custom system as compromising Mohawk sovereignty and the tenets of the Great Law.

The band custom system of Hereditary Chiefs is regarded by Longhouse members as alien, as something created outside of traditional law and therefore as illegitimate. While both the Longhouse and the Indian Act band custom of Hereditary Chiefs rely on a clan