

THE UNITED EMPIRE LOYALIST'S ASSOCIATION OF CANADA (UELAC): MEANINGLESS CERTIFICATES SINCE 2018?

Background: My interest in genealogy and “climbing the family tree” began in 1974 with an airplane trip between Edmonton and Montreal where, in the midst of peeling a tangelo, I looked down and recognized the Kawartha Lakes, where Dad and I had spent many a day fishing for muskellunge. This image brought forth the question as to the depth of my roots in my home Province of Ontario – in other words, how did my family heritage fit into what I was seeing below?

The process of finding answers began later that year and included a letter to my paternal Aunt in Toronto, and a visit to my Maternal Grandmother in Hamilton. Grandmother was in the hospital at the time, and I wrote everything she said on a paper towel from a wall dispenser (an item I still possess). She referred to most of her known ancestors as “locals”. It did not take long to translate this word as meaning, “long time resident whose origins predated the memories of elders”. After tapping into sources at the Hamilton Public Library, the Archives of Ontario, and published books on land claimants (for example), it became clear that many of these locals were descendants of those who arrived in Ontario as discharged Provincial soldiers who had fought in the War of the American Revolution. In other words, these ancestors were Loyalists.

I decided to have respected genealogists review my work and to determine whether I was eligible to become a full member of the United Empire Loyalist's Association of Canada (UELAC). With the help of the genealogist of the Hamilton Branch I completed my application which was approved by the Dominion Genealogist, and in 1975 I was a member of the UELAC and in receipt of a certificate attesting to my proven descent from Lt. John Young of the Six Nations Indian Department. I was aware that there were many other Loyalists in my lineage, but at that point I was content with a single certificate.

Committee Tasked with Tightening the Eligibility Rules for Certificates: In the early years of my affiliation with the UELAC I was quite active in various projects enacted by this organization. One, in 1979, was a lengthy process to “tighten up” the criteria for deciding who was a “UE Loyalist”, and who was eligible to receive a certificate. Largely this was about the definition of “Loyalist” and deciding what constituted acceptable proof of eligibility of applicants. Granted that I am attempting to recall events of some 44 years past, but I do not recall any of our group who were tasked with making these changes saying that we needed to state that, when considering eligibility for the UELAC issuance of certificates, we were in effect a “lineage society” similar to, for example, the Daughters of the American Revolution. Here this organization explicitly states that for membership and a certificate the applicant must be a lineal descendant of the claimed ancestor. In other words, the applicant must be a direct descendant “by blood” – no exceptions. Today we would use the term DNA instead of “blood”, but the concept remains the same – a biological descendant of the claimed ancestor. Why we did not include a clause explicitly stating this expectation eludes me at the moment – other than I did not think that anyone who was not a lineal descendant would have any interest in applying on the basis of a connection through an

adoptive parent. In other words, it made no sense that anyone would consider this connection to be legitimate for the issuance of a certificate of descent. I will forever regret this omission.

Pressure to Allow Children to Apply for a Certificate Based on Their Adoptive Parents

Heritage: Little did I (and perhaps the others on the Committee) realize that 40 years later someone would attempt to use an adoptive parents ancestry as a basis for requesting a UE Loyalist certificate. This came “out of the blue” (at least for me) and appears to have been an “arm twisting” and surreptitious move on the part of all (an applicant and UELAC officials) such that all of a sudden in 2018 it was a *faite accompli*. It was announced at the annual UEL Convention that applicants could use their adoptive parent’s lineage / ancestry to claim the right to a UELAC certificate. The first I knew of this development was in a 3 October 2018 email from the Hamilton Branch President, as follows: *“There was an announcement made at the Annual Conference this year held in Moose Jaw that may be of interest to the people who have been asking over the years about adopted children status for obtaining an UE Certificate. The Dominion Board has decided that adopted children will be eligible to apply for a certificate. The lineage will be proven through their adoptive parents to a loyalist ancestor.”* To their credit, the Branch President passed along my reply email expressing concerns about this decision, and noted that I do have some good points. The response from the “Headquarters” (HQ) was, “The policy was adopted by the Board and we have already received applications from long time members on behalf of their children and grandchildren.” I have omitted providing the names of individuals noted in this document - for a number of reasons.

My response to the Headquarters Board included the following, *“I had never even considered that a lineage society would entertain the idea of accepting as full members, and providing certificates, to people who had no lineal connection to a Loyalist ancestor except via adoptive parents. My wife is a member of the Daughters of the American Revolution, which is also a lineage society but with very explicit rules as to membership. Specifically, the website of this organization states that for membership an applicant who is able to, ‘prove lineal, bloodline descent from an ancestor who aided in achieving **American** independence is eligible to join the DAR’. The keyword here is ‘bloodline’, meaning biological or DNA descent.”*

The most recent revision of the eligibility Genealogy Guidelines (Part 1) state the following:

“Membership Eligibility of Adopted Children

The following NSDAR Policy Statement regarding membership eligibility is located on the Members’ Website:

“The Daughters of the American Revolution (DAR) requires proof of lineal bloodline descent from an ancestor who aided in achieving American Independence. This requirement does not preclude membership for individuals who are adopted; it simply means that adopted children must enter on their bloodline, or lineage of their birth parents, not the lineage of their adopted parents.” (p.4)

As far as I know there was no consultation with full (certificated) members, or even the Branch executive members, as to their views on the matter – it was over and done and discussion not welcomed.

Further discussion with HQ resulted in the following communication, *“The decision to proceed with regard to adopted persons was taken after a legal consultation was requested and received, and following considerable discussion with the members of the Board.*

Just as we do not have a right to ask about the sexual orientation of an individual on application forms in Canada, we do not have the right to ask if someone is or is not adopted. The Legislation that is outlined in the Adoption Act for the Provinces across Canada is very clear in stating that at the time of adoption, the child becomes the child of the adoptive parents and the adoptive parents become the parent(s) of the child. The adopted child has all the rights, etc. that any child born to the couple has, including inheritance.”

The Branch President wrote to HQ, *“Please see that the Dominion Executive are aware of our feelings. I would like to bring David Faux to the Dominion meeting Saturday, Oct. 27 if he is available and if we could have the topic on the agenda for this meeting.*

We would not be rehashing anything because we did not get our say in the first place.”

The Branch President was entirely behind exploring my position on the matter, as were a number of other Branch members who wrote to support this effort to enshrine the true meaning of a “lineage society”.

I again wrote to HQ the following email, *“To support [the Branch President’s] request in this matter; I am prepared to keep my part of the proposed "presentation" to a 5 minute time frame, and I will hand out to all present a one page sheet of paper outlining my more formal expectations and rationale behind my belief that the UELAC is a lineage society and therefore by precedent this means certificated members must be of proven lineal bloodline descent back to a Loyalist ancestor.*

In addition, I am hereby requesting that a moratorium be placed on the issuance of any certificate of Loyalist descent to those who are adopted. If this is not done right away, precedent becomes a difficult hurdle to surmount. It is my understanding that there are already applications of adopted members somewhere in the pipeline leading to certificate approval.

Whether or not time can be found to permit Pat and myself to make a brief presentation, I will push forward with efforts to ensure that a U.E. certificate from the UELAC has true meaning. Whatever this will take I will not give up. It took me 40 years to stop the plowing of the burial place of my ancestors along the Grand River, and ensuring that it was registered as a Cemetery under the "Cemeteries Act of Ontario". I trust that the matter presently before you will not take any such time - but I am prepared to pursue this matter to see justice done to the beliefs and expectations of those such as myself who helped write the rules in the 1970s.” Here, by “adopted” I meant

individuals who were using their adoptive heritage as the basis for having a certificate of descent issued.

The following was the response from HQ, “*I regret that given the agenda that we have set ourselves for the Board meeting, that the time needed to present to the Board is simply not available.*”

Further correspondence included the following information from a pdf letter:

Further to the several emails that I have received and shared with the Executive of the UELAC and the last email received on Sunday October 14, 2018, please find the following response on behalf of the Executive and Board.

It is our wish to outline the steps taken by the Board to ensure that you and any others you share this correspondence with are aware that this was not a decision taken lightly nor without consultation and collaboration.

A review was provided to the Board of what in the Province of Ontario and other Provinces in Canada constitutes the rules of adoption.

For all purposes of law, as of the date of the making of an adoption order,

- (a) the adopted child becomes the child of the adoptive parent and the adoptive parent becomes the parent of the adopted child; and*
- (b) the adopted child ceases to be the child of the person who was his or her parent before the adoption order was made and that person ceases to be the parent of the adopted child, except where the person is the spouse of the adoptive parent. R.S.O. 1990, c. C.11, s. 158 (2); 2006, c. 5, s. 42.*

It was also noted that an adopted person can fulfill the requirements of showing lineal descent by producing their *Statement of Live Birth* or “*long form*,” which shows only the name of their adoptive parents and themselves. Nowhere on the document is there any reference to the child being adopted, nor any reference to the name(s) of the “birth parents”.

The Adoption Act in the Province of Ontario dates from 1921 and it was not at all unusual for some sixty years that adopted children/adults were never told of their adoption.

As this has been our application procedure for a great many years it would be difficult, if not impossible to guarantee that persons unaware of their adoptions had not been granted a UE Certificate, nor that their children and grandchildren had not also received their certificates.

As well as:

Based on legal consultation with the firm of Borden Ladner Gervais of Toronto, *adoption creates a parent-child relationship legally indistinguishable from a naturally-occurring one.*

As an inclusive organization and believing that adoptive children have the same right to their family heritage as biological children, we define lineal descent as a person who is directly descended in a straight line from an ancestor where lineal descendants include all children of the natural parents and their descendants, whether or not they have been adopted by others; and adopted children and their descendants.



N.B. These Loyalists who have adhered to the Unity of the Empire, and joined the Royal Standard before the Treaty of separation in the year 1783, and all their children, and their Descendants by either sex, are to be distinguished by the following Capitals affixed to their names

U.E.

*Alluding to their great principle
The Unity of the Empire*

N MC 14626-17



**United Empire Loyalists' Association
Of Canada**

This is to certify that

David Kenneth Faux

Has provided acceptable documentation proving descent from

Put. Henry Windecker

A United Empire Loyalist

*Given under our hands at
The Dominion Office of the
Association, Toronto
This 21st day of April, 2017*

Barbara J. Andrew U.E.
President
Jo Ann M. Suskin U.E.
Secretary

Example of a Valid UE Certificate

Results of Efforts to Rectify the Situation: To make a long story short, I was clearly getting nowhere in my petitions to the UELAC Headquarters to reconsider this decision; nor my contacting the Presidents of all Branches in Canada; nor my “pull no punches” comments on the UELAC facebook page. There was no budging at all. There would in effect be nothing but an “executive decision” that seems entirely dictatorial. It appeared that the matter was brought to a head by an adoptee whose adoptive parent had a Loyalist ancestor, and that they would pursue legal options should the matter be pressed any further.

Meaningless Certificates: In the year 2017 I decided to apply for three more certificates – although eligible for many others. So within a year, my now 4 UE certificates arranged on the wall in an aesthetically pleasing manner came to take on another meaning. Worthless pieces of paper which had been devalued since they no longer meant that the Dominion Genealogist attested to the claimed ancestral lineage. In other words I had provided genealogical proof that was secure and showed a direct descent from various members of Butler’s Rangers and the Queen’s Rangers – biological descent being assumed. Although not factored at all into the decision making, I am also able to show via DNA testing that I frequently match descendants of each of the children of the Loyalist ancestor (sometimes 100 or more individual matches to distant cousins). I would have, at one time, thought that eventually DNA would be used as evidence of the claimed connection. However, in light of the above decisions, that seems highly unlikely as it would be, legally speaking, likely useless as proof.

Now the certificates are nothing but decorations or occupiers of wall space since they could just as easily mean that the descent was non biological, but rather a cultural descent via the ancestors of an adoptive parent – a situation where the certificate holder has not one single DNA match to descendants of the ancestor they are claiming as a UE Loyalist “ancestor”. I can prove via DNA testing that my entire maternal chromosome 21 was inherited from the above Pvt. Hendrick Windecker of Butler’s Rangers. In a sense this strand of DNA was at the Battle / Massacre of Forty Fort and the Battle / Massacre of Cherry Valley and is in a sense a “heirloom” I inherited from my ancestor. That apparently means nothing in the world of the UELAC.

I thought that the new definitional interpretation of the UELAC was inappropriate and not in keeping with other “lineage societies” in 2018, and five years later I have not changed my mind at all. I withdrew my membership from both the Hamilton and Grand River Branches and today, despite a history extending back to 1975, I have nothing whatsoever to do with the UELAC- such is my disgust over the entire matter.

Dr. David K. Faux

Caledonia, Ontario; Los Alamitos, California

24 April 2023; 15 May 2023