



Tribal Enrollment

Bureau of Indian Affairs – Alaska Region

Branch of Tribal Operations



Enrollment Importance for an Individual

- ▶ Tribal Enrollment determines the right of an individual to belong to a Tribe and to participate in its cultural and governmental activities.
- ▶ Tribal members share a unique legal status, and many Federal services and programs are designed especially for them.
 - ▶ Services are offered to Native Americans not as individuals, but because they are members of a political entity, a tribe.
 - ▶ Public Law 103-454 (108 Stat, 4791, 4792) Recognized and Eligible Entities
 - ▶ 43 U.S.C. §1626 (d) Relation to Other Programs



Enrollment Importance for the Tribe

- ▶ Tribe's Power over its membership is the starting point for any discussion of Native identity.
- ▶ Membership criteria decided by the whole tribe and established in the tribe's governing document. Basic right protected by law.
- ▶ Planning a budget, assigning land, putting an economic program into effect.
- ▶ Maximum Federal assistance for certain programs.



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A Tribe's power over its membership includes establishing:

Membership Criteria

Procedures for Enrollment

Rights that go with membership



Tribal Law Governs and Determines Membership

Constitution

Ordinance

Policies and Procedures

- Application
- Review
- Acceptance and Denial
- Record keeping



Federal Law's Impact on Enrollment

- ▶ No Tribal law can be contrary to Federal law
- ▶ Congress has authority to pass laws affecting tribes
- ▶ Court decisions that interpret these laws can extend and add specifics to the law that act as guidelines.
- ▶ Secretary of the Interior and the Bureau of Indian Affairs have certain authorities that derive from both Tribal and Federal laws.



Indian Civil Rights Act of 1968 (ICRA)

25 U.S.C. 1302

- ▶ Allows for discrimination in voting on the basis of race, which normally would violate the Fifteenth Amendment.
- ▶ Did not include the Establishment Clause of the United States Constitution, First Amendment (separation of church and state), due to the inextricably intertwined nature of spirituality with tribal cultures.
- ▶ Did not require Tribes to provide for jury trials in civil cases.
- ▶ Did not require Tribes to provide for grand jury indictments or appointed counsel for indigent defendants. ***Amended by the Tribal Law and Order Act of 2010*
- ▶ Limited punishment in tribal cases to one year imprisonment and \$5,000.00 fine or both. ***Amended by the Tribal Law and Order Act of 2010*
- ▶ Did not provide a remedy for violations of ICRA, except for the writ of habeas corpus



Indian Civil Rights Act of 1968 (ICRA) 25 U.S.C. 1302

- ▶ Section 8 provides that no tribal government shall “deny to any person the **equal protection** of its laws or deprive any person of liberty or property without **due process** of law.”



Equal Protection

- ▶ Equal Protection requires governments pass only those laws that will affect all people equally.
 - ▶ One person cannot be denied a right that is granted to others who are similar to him.
 - ▶ ICRA requires that a tribe define its membership criteria in such a way that no group of people will be treated unjustly.



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Due Process

- ▶ Due process requires governments enforce those laws only through established procedures that will protect the individual's rights and ensure "fair play."
- ▶ What process is due (owed) to the individual?
- ▶ Enrollment procedures should guarantee that everyone who applies for membership will follow the same rules and be judged in the same way, have a right to appeal an adverse decision and be told when the decision is final.
 - ▶ Appeal: notice, instruction on how, when and where to file an appeal, and a chance to present their case at a hearing.



Federal Courts' Impact on Enrollment

Santa Clara Pueblo v. Martinez, 436 U.S. 49 (1978)

- An Indian Tribe has a right to determine its own membership.

Wheeler v. United States Dept. of Interior, 811 F. 2d 549 (10th Cir. 1987)

- Indian tribes have the right to self-government, and the Federal Government encourages tribes to exercise that right. Consequently, while the Department of the Interior may be required by statute or tribal law to act in intra-tribal matters, it should act so as to avoid any unnecessary interference with the tribe's right to self-government.

Waldron v. United States, 143 F 413 (CCDSD 1905)

- Tribe determines whether a person is an Indian.



Federal Policy and Enrollment

BIA Policy

- When a particular administrative duty or procedure requires uniform rules be established or the application of law may be uncertain, the BIA may issue a *policy statement* to regulate the situation.
- Policy statements are issued by the Assistant Secretary – Indian Affairs, or the Director of BIA, to remove confusion and ensure equal treatment of individuals.

Opinions of the Office of the Solicitor

- A Solicitor's Opinion is a legal analysis and opinion on a certain issue.
- Offers guidance to the BIA staff, but not binding policy or procedure.
- In the Matter of the Enrollment of Mrs. Baciarelli, 77 I.D. 116 (August 25, 1970): the Secretary would only review individual decisions on membership for tribal purposes when mandated by Congress or the tribe's constitution or enrollment ordinance.



Governing Documents Adopted Pursuant to Federal Statute

Constitutions

- ▶ Indian Reorganization Act of June 18, 1934 (IRA)
- ▶ Alaska Reorganization Act (ARA), 49 Stat. 1250, May 1, 1936
- ▶ Oklahoma Indian Welfare Act (OIWA), 49 Stat. 1967, June 26, 1936



Governing Documents Adopted Pursuant to Federal Statute

Constitutions adopted under IRA, ARA, and OIWA

- ▶ Membership criteria and procedures were written as law in the tribal constitutions.
 - ▶ Defined membership of the tribe at the time of adoption and the requirements for future membership
 - ▶ Provided for the enactment of an enrollment ordinance
 - ▶ Represents both law and the will of the people who voted to adopt it
- ▶ Amendment section requires Secretarial approval



Governing Documents Adopted Pursuant to Federal Statute

Ordinances

- Define the rules, regulations, procedures for meeting a particular need stated or implied in the tribe's governing document.
- Enacted in order to:
 - Make new law;
 - Amend existing law; and
 - Repeal existing law

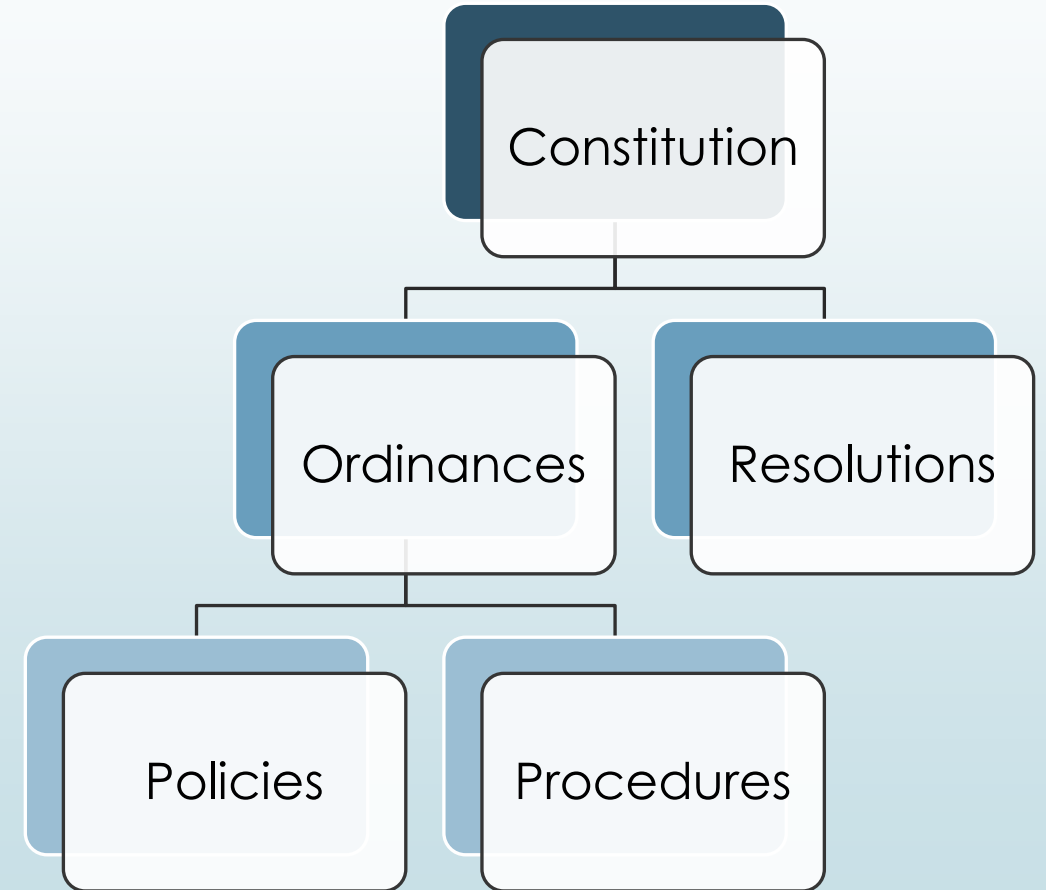
Resolutions

- Official written statements memorializing actions taken by the tribal governing body.
- An official record of membership decision and should be kept in enrollment files.



Hierarchy of Law

- Constitution is the law with the authority over other law.
- All tribal laws must be consistent with the tribal constitution or tribal governing document.
- If a tribe does not follow its constitution, it is violating the law and the will of the people who chose those laws.



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Establishing Membership Criteria



Established Membership Criteria

- ▶ Strengthens unity as a tribe
- ▶ Ensure children, grandchildren, grandchildren's children, etc. would enjoy the same unity
- ▶ Allow for adaptability and growth



Three Classes of Enrolled Members

Base Enrollee

Eligible
Enrollee

Adoptee



Base Enrollees

- ▶ The people who belonged to the tribe at the time the membership requirements were established.
- ▶ The base from which all future membership is determined.



Base Enrollees

“All persons of Indian blood whose names appear on the census roll of the Village of _____ as of January 1, 1935, shall be members of the _____ tribe.”

“All persons of Indian blood who were living in the Village and whose names appear on the census roll of the Village of _____ as of January 1, 1935, shall be members of the _____ tribe.”

“All persons whose names appear on the December 18, 1971 ANCSA roll of _____ Village shall be members of the _____ tribe.”

“All persons whose name appear on the original 1939 list of Native residents made according to the instructions of the Secretary of the Interior are the first members of _____ tribe, as listed below.”

“All persons listed on the Tribal Base Roll of September 5, 1997, as adopted by the Tribal Council shall be the main basis for tribal membership in _____ tribe.”



Eligible Enrollees

- ▶ Persons who meet the criteria for future membership specified in the tribe's governing document.
 - ▶ Ancestry
 - ▶ Degree of Indian or tribal blood
 - ▶ Residency
 - ▶ Specific time for applying for enrollment after a child's birth
 - ▶ Declaration of intent to maintain membership
 - ▶ U.S. Citizenship
 - ▶ Matrilineal/Patrilineal Descent
 - ▶ Dual Enrollment



Ancestry

Lineal Descent

Direct
Descendants

Children
Parents
Grandparents

Collateral Descent

Relatives that
are not of direct
descent

Aunt/Uncle
Nephews/Nieces
Sisters/Brothers
Cousins



Ancestry

- Unless specified differently, ancestry refers to direct or lineal descendant.
- If the only membership criterion is lineal descendant from a base enrollee, generations may be skipped without affecting the eligibility of an applicant.
- If the membership criterion requires an applicant to be born to a tribal member, each generation must be tribal members for the next generation to be eligible.



Blood Degree

► Indian blood v Tribal blood

- The governing document requires an applicant to possess $\frac{1}{2}$ degree Indian blood, of which at least $\frac{1}{4}$ is tribal blood to be eligible for membership.
 - The applicant is $\frac{1}{4}$ Tribe A blood, $\frac{1}{8}$ Tribe B blood, and $\frac{1}{8}$ Tribe C blood. This applicant meets both the Indian and Tribal blood criteria
- The governing document requires an applicant to possess $\frac{1}{4}$ Alaska Native Blood.
- The governing document requires an applicant to possess $\frac{1}{4}$ Inupiaq/Tlingit/Haida/Koyukon/Gwichin/Yup'ik/Athabaskan blood.



Residency

- Residency should be specifically defined in the governing document/enrollment ordinance.
- At what point in the applicant's life is residency required?
 - At the time of the application
 - At birth
- How much contact with the Village constitutes residency?
 - Continuous presence
 - Maintaining a house in the Village
 - Ownership of trust land/allotment in the Village



Enrolling Children within a Specified Time

- ▶ “Within one year after the child is born.”
 - ▶ Exceptions for special circumstances: medical issues, military, education
- ▶ “Children eligible for enrollment up until 18 years of age”
- ▶ “Only children of tribal members with close ties with the tribe will be eligible to enroll. A person whose ancestors lost contact with the tribe would not be eligible for membership or claim tribal benefits years later.”



Other Membership Eligibility Considerations

- ▶ Filing a Declaration of Intent to Maintain Membership
 - ▶ Consider exceptions for tribal members away because of education, military, or other special circumstances.
- ▶ Being a U.S. Citizen
 - ▶ Eligible for Federal programs and benefits
- ▶ Matrilineal/Patrilineal Blood Line



Eligible Enrollees

“All children of any members shall be members of the Village.”
“All children born to members are eligible for membership.”

“All descendants, including adopted children of Native American blood, of the first members are eligible to be members of the Village.”

“Any person who has lost his or her membership, and any other Native person who sets up a home in the Village, may be made a tribal member pursuant to the terms established in the enrollment ordinance”

“Any person possessing Alaska Native blood, who has physically resided in the Village for a period of at least one year immediately prior to the date of the application for membership is eligible for membership.”

“The Tribal Council shall have the option to adopt Alaska Natives who move into the Village, who are not descendants of the members listed on the base roll.”



Dual Enrollment

- ▶ If tribal law does not specifically prohibit dual enrollment, a member may legally belong to another tribe.
- ▶ If both tribes permit it, a person may be enrolled in two tribes for tribal purposes only (voting or running for tribal office).
- ▶ Membership is a decision made by the individual (which tribe to enroll to) and the tribe (who to enroll in the tribe).



Dual Enrollment and the Distribution of Trust Assets

- ▶ The Secretary has authority over the distribution of trust assets and has prohibited dual enrollment for the purpose of sharing assets. 25 CFR § 111.4
 - ▶ No individual, whether “legally” dual enrolled or not, may share in the distribution of trust assets for more than one tribe.



Prohibiting Dual Enrollment

- ▶ Any law prohibiting dual enrollment should define the word “enrolled” carefully.
 - ▶ Any person who was ever enrolled in another tribe? Even if relinquished?
 - ▶ Any person currently enrolled in another tribe?
 - ▶ Any person whose name appeared as enrolled on the final roll of a terminated tribe?
 - ▶ Any person who shared in an asset distribution to another tribe as an enrolled member?



Identifying a Dual Enrollee

- ▶ Did the individual's application show that one parent is enrolled with another tribe or possesses blood of another tribe?
- ▶ Did the individual's application show that another member of the applicant's family (parent, siblings, or children) is enrolled in another tribe?
- ▶ Did the individual's application show any indication of past enrollment?
- ▶ *Request a written response from the other tribe indicated on the application verifying that the applicant is not a member.*



Adoptees

- ▶ Honorary
 - ▶ Adopted into tribal membership but is not granted full rights and privileges of an enrolled member.

- ▶ General
 - ▶ Adopted into tribal membership under additional criteria
 - ▶ Limited rights and privileges

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Changing Membership Criteria



Where was the Membership Criteria Established?

- ▶ If the membership criteria was established in the constitution or governing document, the constitution or governing document must be amended.
- ▶ Such amendment to the constitution or governing document would supersede current enrollment ordinances or resolution provisions that directly conflict with the new membership criteria.
 - ▶ In which case, the ordinances or resolution provisions would have to be updated.



Where was the Membership Criteria Established?

- ▶ If the membership criteria was established in an enrollment ordinance, the enrollment ordinance should be amended or repealed and a new ordinance enacted.
- ▶ The same governing body that passed the original enrollment ordinance should vote to take action on the outdated enrollment ordinance.
 - ▶ If Tribal members passed the ordinance by referendum, they should hold another referendum to amend the existing ordinance or to pass a new ordinance.



When to Change the Membership Criteria via Constitutional Amendment

- There is no membership provision in the constitution.
- Tribe wishes to change the membership requirements in the constitution.
- Multiple membership issues and questions have been raised since the constitution's membership requirements were established.
- The constitution requires members to be of Indian or Tribal blood, without specifying degree of blood. If one should be established, it would be done under the constitution.
- The constitution cites a base roll or members that does not exist and no similar document can be used to construct a base roll that is like the one which the constitution cites.



When to Change the Membership Criteria via Ordinance Amendment or Repeal

- ▶ The desired change is a matter of procedure.
 - ▶ The ordinance established the way to apply the constitution's membership requirements.
- ▶ A key term in the constitution's membership requirement needs to be clarified.
- ▶ The tribe wishes to establish deadlines and procedures for updating its membership roll or using the membership roll for payment purposes.

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Enrollment Ordinances

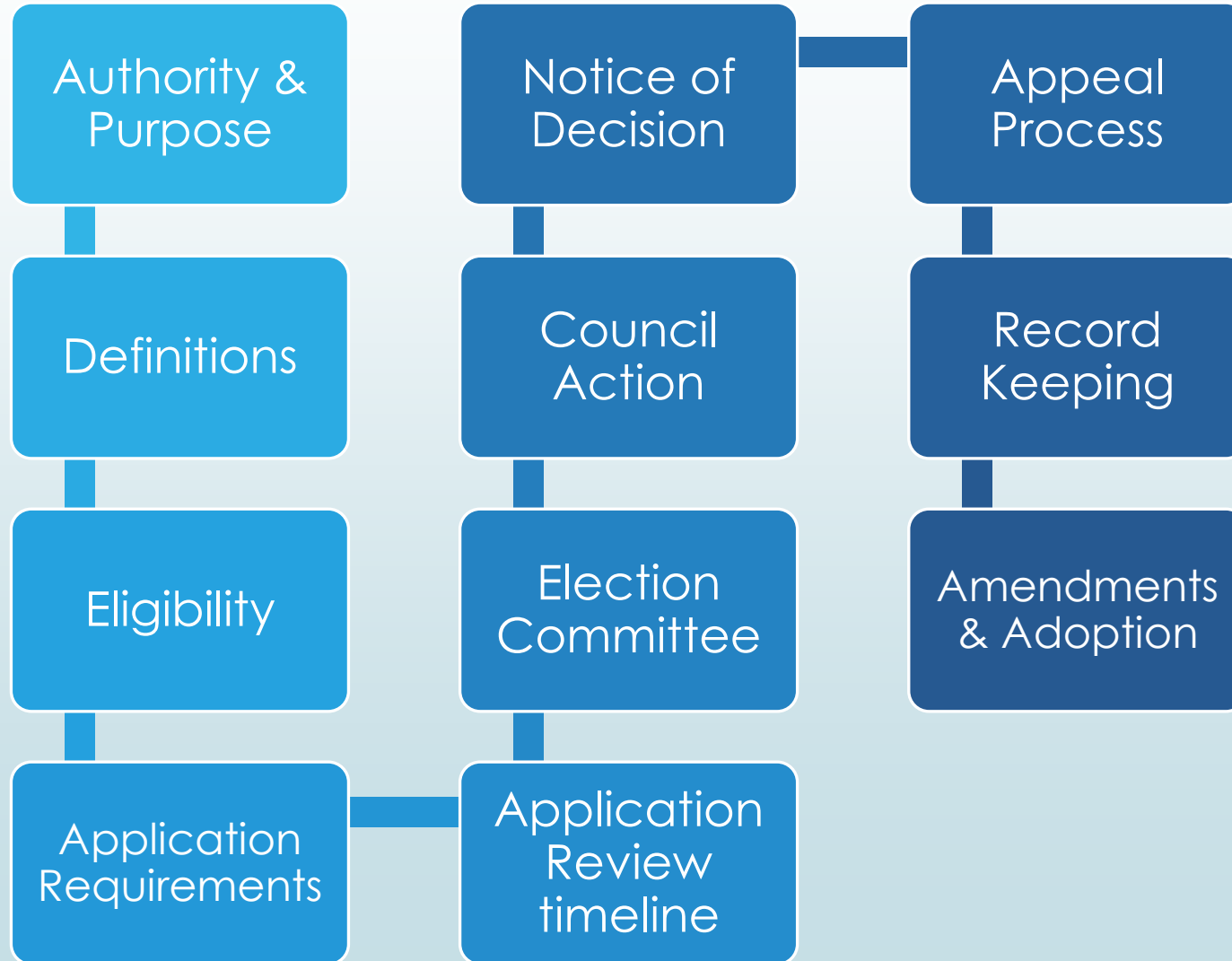


Writing an Effective Ordinance

- ▶ Comprehensive enough to cover all situations, not just routine ones, but also not cluttered with detail.
- ▶ *People are ordered or allowed to do something in a certain way*



Basic Ordinance Provisions



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Separation of Duties



Enrollment Functions

- ▶ **Laws, Policy and Decisions:** Tribal Council
- ▶ **Administration and Recommendations:** Enrollment Committee
- ▶ **Day-to-Day Operations:** Enrollment Staff



Considerations When Developing an Enrollment System

- ▶ An odd number of members on the enrollment committee ensure issues and decisions will not be stalled by a tie vote.
- ▶ An established office or work area ensures the integrity of the enrollment system.
- ▶ A secured file cabinet to ensure the confidentiality of enrollment files.



Selecting Enrollment Staff

- ▶ Staff must be able to interpret and apply laws, examine documentation, and make decisions in a fair-minded manner.
- ▶ Confidentiality of all information must be protected.
 - ▶ Welfare offices
 - ▶ Adoption agencies
 - ▶ Tribal member personal information
- ▶ Extensive knowledge of Elder tribal members is favorable on an enrollment committee.



Selecting Enrollment Staff

- ▶ If the enrollment committee consists of tribal council members, the Council cannot serve to make decisions on enrollment applications or review enrollment appeals—due to conflict of interest.
 - ▶ Separating Council members from the committee members allows the Council to act as the next level of review for appeals.



Enrollment Committee or Staff should have access to:

- Tribal Constitution
- Enrollment Ordinance
- Base Roll
- Current Roll
- Minutes of enrollment committee minutes
- Folders on all enrolled members
- Folders on all denied applicants
- General Information on enrollment:
 - Training materials
 - Legal opinions
 - Sources of information
 - Social welfare services
 - Adoption agencies
 - Hospitals
 - Mortuaries
 - Bureau of Vital Statistics



Enrollment Form Examples

- Cover letter responding to request for an application
- Enrollment application
 - Family Tree Charts
- Committee attendance record
- Council decision records
- Letters of acceptance or denial
- Enrollment Certificate
- Tribal identification card
- Sworn statement of paternity (where required)
- Notice of blood degree correction
- Relinquishment form



Applicant/Member Records

- Application form
 - Family tree chart
- Birth Certificate
- Residency Record (contact information, mailing address)
- Correspondence with the applicant
- Copy of enrollment committee's recommendation/minutes
- Copy of decision accepting applicant's enrollment
- Copy of decisions accepting applicant's children's enrollment
- Records of children's births (also to be included in child's own record)
- Death certificate
- All other documentation that may be pertinent to membership (CDIB, BIA Form 4432)



Denied Applicant Records

- Application form
 - Family tree chart
 - Birth Certificate
- Residency Record (contact information, mailing address)
- Correspondence with the applicant
- Copy of enrollment committee's recommendation/minutes
- Copy of decision denying applicant's enrollment
- Copies of notices and return receipts
- Records of hearings and appeals
- Copy of final decision

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Making Membership Decisions



Follow the Tribe's Governing Document

- ▶ Membership decisions must be made in accordance with the membership criteria written into tribal law.
- ▶ There can be no exceptions to the law, and every legal requirement must be met.
- ▶ Membership decisions made without evidence, or keeping inaccurate records can result in future enrollment problems.



Resources for Tracing and Documenting Ancestry

Family Ancestry
Charts

National Archives
and Records
Administration
(NARA)

Bureau of Vital
Statistics

State Historical
Societies

School Records

Courthouse
Records

Churches

Newspapers

Local Library



Resources for Tracing and Documenting Ancestry

- ▶ Hospital, clinic, doctor's, or midwife's records
- ▶ Baptismal Certificates
- ▶ Notarized Affidavits
- ▶ Documentation of Proof of Paternity
 - ▶ Notarized statement acknowledging paternity signed by father
 - ▶ Findings of a Probate Examiner
 - ▶ Decree issued by a Court of Competent Jurisdiction that identifies the father
 - ▶ DNA paternity test

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Calculating Blood Degree



Key Points to Keep in Mind When Figuring Blood Degree:

- ▶ A person's Indian or tribal blood degree is $\frac{1}{2}$ the Indian/Tribal blood degree of both parents together.
- ▶ If paternity has not been established, only $\frac{1}{2}$ the Indian/tribal blood of the mother may be counted.
- ▶ The blood of each tribe a person possesses should be calculated separately. All blood should be accounted when figuring a person's total blood degree.
- ▶ The blood of a tribe that is not presently recognized by the Federal Government may be used when figuring total blood degree.
- ▶ In general, blood from an "unenrolled" ancestor may also be counted as total "Indian" blood.
- ▶ Blood of tribes that were terminated will not be recognized as "Indian" blood by the Federal Government.



Adding and Dividing Fractions

Method 1: You divide each parent's blood degree by two and add the resulting fractions together.

$$\frac{1}{2} \text{ Mother's Blood Degree} + \frac{1}{2} \text{ Father's Blood Degree} = \text{Child's Blood Degree}$$

Method 2: You add the parent's blood degrees together (after converting both fractions to the same denominator or base), and divide the result by 2. Only the numerators are added.

$$\text{Mother's Blood Degree} + \text{Father's Blood Degree} \div 2 = \text{Child's Blood Degree}$$

For example, a child's mother is $\frac{1}{4}$ Sioux and the father is $\frac{3}{4}$ Nez Perce. The child's Sioux and Nez Perce blood can be determined by using the two methods described above.

Method 1:

$$\frac{1}{2} \text{ Mother's Blood Degree} + \frac{1}{2} \text{ Father's Blood Degree} = \text{Child's Blood Degree}$$

$$\frac{1}{8} + \frac{3}{8} = \frac{4}{8} = \frac{1}{2}$$

Method 2:

$$\text{Mother's Blood Degree} + \text{Father's Blood Degree} \div 2 = \text{Child's Blood Degree}$$

$$\frac{1}{4} + \frac{3}{4} = \frac{4}{4} \div 2 = \frac{2}{4} = \frac{1}{2}$$

Blood degree should be reduced to the lowest fraction, $\frac{1}{2}$ rather than $\frac{2}{4}$.

- In order to add fractions, their bases must be the same.



Chart to Establish Degree of Indian Blood

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PARENTS →

	N.I.	1/16	1/8	3/16	1/4	5/16	3/8	7/16	1/2	9/16	5/8	11/16	3/4	13/16	7/8	15/16	4/4
1/16	1/32	1/16	3/32	1/8	5/32	3/16	7/32	1/4	9/32	5/16	11/32	3/8	13/32	7/16	15/32	1/2	17/32
1/8	1/16	3/32	1/8	5/32	3/16	7/32	1/4	9/32	5/16	11/32	3/8	13/32	7/16	15/32	1/2	17/32	9/16
3/16	3/32	1/8	5/32	3/16	7/32	1/4	9/32	5/16	11/32	3/8	13/32	7/16	15/32	1/2	17/32	9/16	19/32
1/4	1/8	5/32	3/16	7/32	1/4	9/32	5/16	11/32	3/8	13/32	7/16	15/32	1/2	17/32	9/16	19/32	5/8
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3/8	3/16	7/32	1/4	9/32	5/16	11/32	3/8	13/32	7/16	15/32	1/2	17/32	9/16	19/32	5/8	21/32	11/16
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13/16	13/32	7/16	15/32	1/2	17/32	9/16	19/32	5/8	21/32	11/16	23/32	3/4	25/32	13/16	27/32	7/8	29/32
7/8	7/16	15/32	1/2	17/32	9/16	19/32	5/8	21/32	11/16	23/32	3/4	25/32	13/16	27/32	7/8	29/32	15/16
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5/32	5/64	7/64	9/64	11/64	13/64	15/64	17/64	19/64	21/64	23/64	25/64	27/64	29/64	31/64	33/64	35/64	37/64
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25/32	25/64	27/64	29/64	31/64	33/64	35/64	37/64	39/64	41/64	43/64	45/64	47/64	49/64	51/64	53/64	55/64	57/64
27/32	27/64	29/64	31/64	33/64	35/64	37/64	39/64	41/64	43/64	45/64	47/64	49/64	51/64	53/64	55/64	57/64	59/64
29/32	29/64	31/64	33/64	35/64	37/64	39/64	41/64	43/64	45/64	47/64	49/64	51/64	53/64	55/64	57/64	59/64	61/64
31/32	31/64	33/64	35/64	37/64	39/64	41/64	43/64	45/64	47/64	49/64	51/64	53/64	55/64	57/64	59/64	61/64	63/64



Documentation of Enrollment Actions



Documentation Examples

Notification to Applicants

- ▶ All applicants must be notified regardless of enrollment decisions.
 - ▶ Ensures due process of law.
- ▶ Denial notices should be sent by certified mail with return receipt requested

Correspondence between Applicant and Staff/Committee

- ▶ Calls
- ▶ Letters
- ▶ Meetings/Hearings
- ▶ Contact Information



Documentation Examples

Tribal Resolutions

- ▶ Tribal decisions to accept or deny a person's application for membership

Minutes of Meetings

- ▶ Minutes of enrollment meetings
- ▶ Meetings of Decision makers
- ▶ Hearings

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Appeals Procedures



Enrollment Appeals

- ▶ Tribal Enrollment Appeal Procedures
- ▶ Federal Appeal Procedures
- ▶ Appeal Procedures for Judgement Awards



Appeal Considerations



DEADLINE TO FILE



WHERE TO FILE



WHAT INFORMATION
SHOULD BE SUBMITTED
WITH THE NOTICE TO
APPEAL



WHO REVIEWS THE APPEAL



TIME FRAMES FOR MAKING
A DECISION, AND



WHO MAKES THE FINAL
DECISION



25 C.F.R. Part 62

- ▶ a) must be in writing and must be filed with the Bureau official designated in the notification of an adverse enrollment action, or in the absence of the designated official, the Bureau official who issued the notification
- ▶ (b) the name of each appellant must be listed.
- ▶ (c) must be received by close of business within 30 days, unless from outside the US, then 60 days.
- ▶ (d) address of record and notification of any changes
- ▶ (e) additional time for supporting evidence only
- ▶ (f) sponsor is recognized as fully controlling the appeal on behalf of the appellant

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Special Enrollment Situations



Changing Blood Degrees

- ▶ Mathematical errors
- ▶ Blood degree changes requiring further research



Adopted Children

Children adopted
by tribal members

Children born to
members who are
adopted

Obtaining records
of parentage and
blood degree for
adopted children

Impact of Indian
Child Welfare Act



Deciding on membership of Children

- Often a mother and father are enrolled in two different tribes. If their children are eligible for membership in either, and both tribes prohibit dual enrollment, the parents/legal guardian must decide in which tribe the children should be enrolled.
- Tribes that allow dual enrollment for members under the age of 18 generally do so to maintain their maximum jurisdictional options over children and custody battles that may arise.



Tribal membership vs. Enrollment on a Descendancy Roll

Tribal membership

- Recognized/duly enrolled with rights to receive benefits

Descendancy Roll

- Prepared in order to distribute the award when a tribe has won a claim against the federal government.
- The congressional act governing the award's distribution will also establish the qualifications of descendants who are eligible to share in the award.



Loss of Membership

Disenrollment

- ▶ Official action taken by the tribe to remove an individual's name from the membership roll.
 - ▶ Dual enrollee
 - ▶ Residency
 - ▶ Enrolled on the basis of false information or error.

Relinquishment

- ▶ A Tribal member voluntarily and officially gives up his or her right to membership.
- ▶ Written and signed statement requesting his/her name be removed from the membership roll.

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Tribal Identification Cards



Considerations of Information to Include

Important Contents for Age Verification

- Name of Federally Recognized Tribe
- Legal Name of Tribal Member
- Photograph
- Date of Birth
- Signature of Tribal Member
- Date issued
- Security Features

Other considerations

- Mailing Address
- Enrollment Number
- Blood Quantum
- Statement of Certification
- Name/Signature of Official
- Physical Description:
 - Hair/eye color
 - Height/weight
- Expiration Date



H.R. 1268, Section 202 Minimum Document Requirements and Issuance Standards for Federal Recognition (REAL ID Act of 2005)

- ▶ Minimum document requirements
 - ▶ The person's full legal name
 - ▶ The person's date of birth
 - ▶ The person's gender
 - ▶ The person's driver license or identification card number
 - ▶ A digital photograph of the person
 - ▶ The person's address of principle residence
 - ▶ The person's signature
 - ▶ Physical security feature designed to prevent tampering, counterfeiting or duplication of the document for fraudulent purposes
 - ▶ A common machine-readable technology, with defined minimum data elements



Intelligence Reform and Terrorism Prevention Act of 2004

Section 7212. Drivers Licenses and Personal Identification Cards

- ▶ Minimum Standards for information to be included on driver license or personal identification card, including,
 - ▶ The person's full legal name
 - ▶ The person's date of birth
 - ▶ The person's gender
 - ▶ The person's driver license or personal identification card number
 - ▶ A digital photograph of the person
 - ▶ The person's address of principle residence
 - ▶ The person's signature



Correcting the Base Roll



Things to keep in mind when making corrections

- ▶ Whether or not each person was entitled to be on the census (or other) roll in the year when it was made.
- ▶ The Council should define by resolution who was “entitled” to be on the base roll.
- ▶ The tribe will also want to correct smaller errors such as in spelling or birth date.
- ▶ No changes should be made on the original document – always make corrections on a copy of the original roll.



Steps for Correcting the Base Roll

1. Make a copy of the base roll cited in the Constitution or membership ordinance and work entirely on this copy.

2. Account for each person listed on the base roll.

When a name is removed from the base roll, it should be placed on a separate list with an explanation of why the name was removed. It is especially important that deaths be documented.



Steps for Correcting the Base Roll continued...

3. Add these names to the working copy of the roll:

a. Persons born before and living on the date of the base roll whose names should have been on the roll but because of some mistake were not included.

b. Persons who were adopted by the tribe before the date of the roll but were omitted by mistake.



Steps for Correcting the Base Roll continued...

4. Remove these names from the working copy of the roll:
 - a. All persons with “NE” (not enrolled) before their names
 - b. Non-Indians married to tribal members
 - c. Any persons who relinquished their membership in the tribe before the date of the base roll.
 - d. Persons who died before the date of the roll but whose names were placed on the roll by mistake.

Tribes should make a separate list for each of these categories and place on it all names removed from the base roll for that reason.



Steps for Correcting the Base Roll continued...

5. Make any other corrections that are necessary and explain the change showing proof where necessary. These changes will include corrections of:

- a. Spellings of names
- b. Dates of birth
- c. Age
- d. Designation of sex
- e. Blood Degree (this correction will need proof)
- f. Mathematical errors



If your base roll was approved by the Secretary of the Interior

- ▶ No changes in the base roll may be made unless the tribe is given specific authority to correct it. The Tribe may only obtain this authority if:
 - ▶ The tribe receives a written request from an individual who questions a blood degree shown on record.
 - ▶ The tribal constitution empowers the tribal government to make corrections and the time for corrections has not expired; and
 - ▶ Many constitutions provide for a specific time period in which base roll corrections will be made with approval by the Secretary. If the correction period has ended or if the constitution does not grant the power to correct, the tribe can request a grant of authority from the Secretary.
 - ▶ A Council resolution requests authority from the Secretary to make specific changes.
 - ▶ The resolution would state why corrections to the base roll need to be made.



If your base roll was approved by the Secretary of the Interior

- ▶ When preparing a corrected base roll, the date of death of persons who have died since the date of the base roll should be indicated in a “Remarks” column.
- ▶ This column can also be used to provide special information about the person—other names, or parents or other ancestors on the roll.



Submitting a corrected base roll for approval by the Secretary of the Interior

- ▶ Corrected base rolls submitted to the Bureau for approval must be carefully documented and the reason for each correction should be explained. In addition to the corrected base roll, send the following items:
 1. the uncorrected census roll (or allotment schedule or annuity roll) that you began with.
 2. A list of names removed from the roll with an explanation for the removal of each one.
 3. A list of names added to the roll and an explanation of why each was added.
 4. A list of persons whose blood degree was changed. Show the former blood degree and corrected blood degree. Explain what records were used to make the correction in each case.
 5. A resolution passed by the Tribal Council certifying that the roll as corrected reflects the basic membership of the tribe.



Submitting a corrected base roll for approval by the Secretary of the Interior

A corrected base roll will look like this:

BASE ROLL OF THE KALISH TRIBE January 1, 1935 Census, as corrected

Base Roll Number	Census Roll Number	Name	Sex	Date of Birth	Degree of Indian Blood	Tribal Identification Number	Remarks
1	23	Adams, Alice	F	2/24/ 1880	3/4	204	Date of Death 1/5/56
2	15	Brook, Ben	M	6/1/22	4/4	423	
3	6	Carl, Crank	M	8/23/02	3/4	311	Mother was Alice Adams
4	42	Deer, Della	F	4/13/66	4/4	2039	

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Constructing a Base Roll



Preparing a Base Roll

- Usually after membership criteria is established, the base roll can be made.
- Tribal Councils generally oversee the process and give approval of the base roll unless otherwise specified in the tribe's constitution or ordinance.
- Although there is a period of initial development, original base rolls never change once they are adopted by the tribe.



Information on Tribal Membership Rolls

- ▶ Name: alphabetical by last name, do include Jr., Sr. I, II, III, etc.
- ▶ Birth Date: distinguishes between parents and children when the names are the same. Also necessary for voter eligibility lists.
- ▶ Sex: female or male.
- ▶ Tribal ID number: tribes design their own numbering system.
- ▶ Blood Level/Type: specific Native blood levels, if membership criteria requires a certain level or type.
- ▶ Resolution Approval number: the number on the tribal resolution used to approve membership.
- ▶ Mailing address
- ▶ E-mail, if applicable
- ▶ Remarks: Notation of adoptions, children with different last names from their parents, maiden names, etc.



Solving the problem of a non-existent Base Roll



The base roll specified in the constitution does not exist?

- ▶ Sometimes a constitution specified a census of a particular year (usually close to the date of the constitution) should be used as the tribal base roll before they made sure that a census had been taken that year. Only to discover that the base roll specified in the Constitution does not exist or cannot be located.
 - ▶ Amend the constitution to specify a different document as a base roll;
 - ▶ Construct a base roll as of the date cited in the constitution



Amending the constitution to solve a nonexistent base roll

- ▶ Nearest census the tribe can locate from the one specified in the constitution
 - ▶ What census rolls are available to serve as the base roll.
- ▶ Amending the constitution requires a voter of all adult tribal members.
 - ▶ To amend the constitution it is first necessary to know the number of eligible voters, and without membership records, this cannot be determined with any certainty.



Constructing a base roll to solve a nonexistent base roll

- ▶ Tedious process that requires much careful research and documentation.
 - ▶ Consider the size of the tribe. Will the research be overwhelming?
- ▶ If there are no available records within a few years of the date of the base roll specified in the constitution, construction of a base roll may not even be feasible.



Steps for constructing a base roll to solve a nonexistent base roll

- ▶ Using a census of an earlier date than the base roll cited in the constitution:
 1. Make a copy of the available census
 2. Add the names of those who were born to members after the date of the census roll but before the date specified in the constitution.
 3. Add the names of those who were born before the census and living on the date cited in the constitution but were omitted from the census by mistake.
 4. Remove the names of people who died after the date of the census but before the date indicated in the constitution.
 5. Remove the names on the census roll that are marked with “NE” (not enrolled).



Steps for constructing a base roll to solve a nonexistent base roll

Below is an example of constructing forward:

NEED: January 1, 1935, census roll

HAVE: January 1, 1934, census roll

- STEPS:**
1. Make a copy of the January 1, 1934, roll
 2. Add the names of persons born to members after January 1, 1934, and living on January 1, 1935
 3. Add the names of those born before, and living on, January 1, 1934, whose names were left off the census by mistake
 4. Remove the names of those who died before January 1, 1935
 5. Remove the names of persons on the census roll of January 1, 1934, marked with "NE" (not enrolled).

These are the procedures for constructing backward, or using the census of a later date than the base roll cited in the constitution:

1. Make a copy of the available census
2. Add the names of those who were living on the date specified in the constitution (who would have been listed if a census had actually been prepared on that date), but who died before the date of the later census
3. Add the names of all those born before the date specified in the constitution who have been omitted from the later census by mistake
4. Remove the names of children listed on the census who were born after the date specified in the constitution
5. Remove the names on the census roll that are marked with "NE" (not enrolled).

Below is an example of constructing backward:

NEED: January 1, 1935, census roll

HAVE: January 1, 1936, census roll

- STEPS:**
1. Make a copy of the January 1, 1936, roll
 2. Add the names of those living on January 1, 1935, who died before January 1, 1936
 3. Add the names of all those born before January 1, 1935, and living on January 1, 1936, who have been left off the census by mistake
 4. Remove the names of persons born after January 1, 1935
 5. Remove the names of persons on the census roll of January 1, 1936, with "NE" (not enrolled) before their names.



Steps for constructing a base roll to solve a nonexistent base roll

Suppose, for example, that the date of the census specified in the constitution is January 1, 1935. If both a 1934 and a 1936 census are available, these are the steps to follow:

1. Make a copy of the later census
2. Add the names of those who were born before, and living on, the date cited in the constitution, but whose names were omitted from the later census by mistake. Many of these names may be on the earlier census.
3. By comparing with the earlier census, you will be able to identify the names of those who died between January 1, 1934 and January 1, 1936. Then:
 - a. Using other records, determine date of death for all persons whose names are on the earlier census but missing from the later census.
 - b. If the date of death is before January 1, 1935, do nothing more.
 - c. If the date of death is after January 1, 1935, add the name to the later census.
4. Remove the names of persons born after January 1, 1935.
5. Remove the names of persons on the census with "NE" (not enrolled) before their names.



Keeping the Tribal Roll Current



File a copy of all changes

- Births to members
- Deaths of members
- Application for enrollment
- Marriages and divorces
- Relinquishments
- Disenrollment
- Requests for blood degree corrections
- Voting in elections and running for tribal office
- Requests for information and membership applications
- Requests for help in obtaining official documents
- Corrections to the roll
 - Names
 - Addresses
 - DOB or deaths
 - Spelling
 - Family relations

Bureau of Indian Affairs-Alaska Region Branch of Tribal Operations

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