

8 ENROLLMENTTABLE OF CONTENTS

- 8.1 General
 - A. Purpose
 - B. Source of Authority

- 8.2 Enrollment as a Member of an Indian Tribe
 - A. Authority
 - (1) Qualifications
 - (a) Automatically
 - (b) Meeting Established Requirements
 - (i) Residence as Requirement for Tribal Membership
 - (c) Adoption
 - B. Dual Membership
 - C. Loss of Membership
 - (1) Relinquishment
 - (2) Abandonment
 - D. Re-enrollment
 - E. Responsibility of Superintendent

- 8.3 Enrollment for Distribution of Judgment Funds
 - A. Authority
 - (1) Qualifications
 - (2) Burden of Proof
 - (3) Determination
 - (4) Rejection
 - (5) Appeals
 - (6) Final Determination
 - B. Preparation and Approval

- 8.4 Enrollment for Termination of Federal Trusteeship (Final Rolls)
 - A. Purpose
 - B. Authority
 - (1) Qualifications
 - (2) Procedure
 - (3) Preparation of Proposed Roll
 - (a) Basic and New Roll Number
 - (b) Name
 - (c) Date of Birth
 - (d) Degree of Indian blood
 - (e) Family Relationship
 - (f) Residence
 - (g) Remarks

Release 83-4, 11-1-59

- (4) Publication
- (5) Appeals
- (6) Determination of Appeals
- (7) Preparation and Publication of Final Roll
- (8) Proclamation

8.5 Rolls Defined

- A. Basic Roll
- B. Tribal Roll
- C. Census Roll

Release 83-4, 11-1-59

8 ENROLLMENT

- 8.1 General. The Bureau function over enrollment matters is derived from its responsibility for the administration of tribal assets and for determining who is entitled to share in any distribution which may be made of such assets.
- A. Purpose. Enrollment may be for the purpose of (1) membership in an Indian tribe, (2) distribution of judgment funds, or (3) final disposition of tribal assets.
- B. Source of Authority. Enrollment may be authorized by the tribe, by act of Congress, or by Departmental regulations issued pursuant to legislation by Congress.
- 8.2 Enrollment as a Member of an Indian Tribe.

- A. Authority. In the absence of specific legislation by Congress to the contrary, an Indian tribe has complete authority to determine for tribal purposes all questions relating to its own membership. The membership requirements are usually set forth in tribal constitutions and ordinances or resolutions enacted pursuant to such constitutions. A tribe having a constitution with no membership provision or a tribe having no constitution may, by action of the tribal members meeting in general session, adopt an ordinance or resolution governing tribal membership. A tribe having a written constitution with no membership provision should adopt an amendment in accordance with the procedures set out in the constitution to specify requirements for membership in the tribe.

Property rights attached to membership are generally under the control of the Secretary of the Interior rather than the tribe. Therefore, most tribal constitutions provide that membership ordinances or resolutions are subject either to the review or the approval of the Secretary of the Interior. It should be noted, however, that a membership roll maintained by the governing body of the tribe is not necessarily binding on the Secretary when a distribution of tribal funds or other property held in trust by the United States is to be made.

ENROLLMENT

- (1) Qualifications. A person may qualify for enrollment automatically, by meeting established requirements and procedures, or by adoption.
- (a) Automatically. A tribe may authorize enrollment as members, without further action on the part of the tribal governing body or of the Secretary of the Interior, those persons who meet established membership requirements. If a person meets such requirements, he is considered to qualify automatically for enrollment as a member of the tribe, but such enrollment should be initiated by the person seeking to be enrolled or by someone acting in his behalf.
- (b) Meeting Established Requirements. The tribal governing body may consider imposing the requirement that it be furnished a copy of children's birth certificates, together with names of the mother and father and information as to whether they are members of the tribe. Also, the constitution, ordinance or resolution may provide that a person seeking enrollment must file an application and if the application is approved by the body of the tribe vested with authority to pass on such matters, the individual may be enrolled as a member of the tribe.
- (i) Residence as requirement for tribal membership.

Some of the constitutions provide that descendants of persons on the basic membership roll must be born on the reservation to be eligible for enrollment. The tribes should be encouraged to amend their constitutions to eliminate that requirement and to substitute therefor a blood degree limitation. In many cases, depending upon the wording of the constitution, it may be possible for the tribal governing body to pass a resolution

ENROLLMENT

defining what constitutes "residence." This might provide that men and women in the military service and those who leave the reservation for employment purposes, will, under such circumstances, be considered as maintaining a constructive residence on the reservation and thereby extend eligibility to children born away from the reservation. These are merely general ideas which may be presented to and considered by the tribal governing bodies.

It will be necessary to consider each situation in the light of the constitution or membership ordinance now in effect and assist the tribe in determining the best manner of dealing with the situation.

(c) Adoption. Enrollment by adoption requires affirmative action by the tribe and approval by the Secretary, and in the absence of an approved general adoption ordinance or resolution establishing procedures and qualifications for adoption, each individual case must be approved by the Secretary of the Interior. Tribal governing bodies are encouraged to adopt general ordinances establishing qualifications for adoption thus eliminating the necessity of the Secretary passing on each individual case.

B. Dual Membership. A person may possess qualifications which would enable him to meet the membership requirements in more than one tribe and in such cases the individual should be required to elect the tribe with which he wishes to be enrolled and to relinquish in writing his claim to membership in the other. In the case of a minor or incompetent the election should be made by the parent, guardian, or other person acting in his behalf. Copies of the relinquishment should be furnished the local offices of the Bureau having administrative jurisdiction over the affairs of the particular tribes concerned.

ENROLLMENT

Dual membership in an Indian tribe should not be confused with enrollment for the purpose of sharing in the distribution of judgment funds. It is possible to be enrolled as a member of an Indian tribe and also to be enrolled for the purpose of sharing in the judgment funds of another tribe, depending upon the basis on which the roll for the payment of the judgment funds is prepared.

C. Loss of Membership. A person may lose membership in an Indian tribe by:

- (1) Relinquishment. A member of an Indian tribe may relinquish his membership by submitting a statement in writing to the tribal governing body. Relinquishment may be limited or complete, depending on the wording of the statement. Copies of relinquishments should be furnished the local office of the Bureau and the tribe. Except where the individual's name appears on a final tribal roll, relinquishment of membership cannot be denied.
- (2) Abandonment. A person may lose membership if the constitution, ordinance, or resolution provides for loss of membership under certain conditions and the individual meets those conditions. Removal generally requires affirmative action by the tribe.

Specific procedures should be established to provide for removal of individuals from membership in the tribe. If the constitution, ordinance or resolution which establishes such procedures is approved by the Secretary, approval of each individual case is not required.

The procedures should provide that the member who is subject to removal action shall be notified by certified mail by the body of the tribe vested with authority to handle such cases that he is subject to removal action and if he desires he may, within 30 days from receipt of such notice, request and appear at a hearing to show cause why his name should not be

ENROLLMENT

removed from the tribal roll. A record of the proceedings should be kept and if the finding is against the person who is the subject of removal, a resolution should be adopted stating all the facts on which the finding is based with the conclusion that the person is removed from membership in the tribe and the effective date and the individual so notified. If no hearing is requested within the 30 days, the governing body of the tribe shall adopt a resolution formally removing the individual's name from the roll.

- D. Re-enrollment. A person who has relinquished his membership or has been removed by tribal action may be re-enrolled if he meets the requirements in effect at the time he seeks re-enrollment and if the body of the tribe vested with authority to handle such matters approves his re-enrollment.
- E. Responsibility of Superintendent. If the Superintendent knows of specific instances where an individual is automatically qualified for enrollment as a member of an Indian tribe but the tribal governing body does not enroll him or where an individual does not meet the tribal membership requirements and is enrolled as a tribal member, it is the Superintendent's responsibility to bring the matter to the attention of the tribal governing body and if that body fails to act the matter should be brought to the attention of the Area Director who will inform the Commissioner of Indian Affairs.

8.3 Enrollment for Distribution of Judgment Funds.

- A. Authority. Rolls for the distribution of judgment funds are prepared under the direction of the Secretary of the Interior pursuant to an act of Congress.
- (1) Qualifications. The eligibility requirements are those specified in the statute or in rules and regulations issued by the Secretary pursuant to the statute.
- (2) Burden of Proof. The burden is on the applicant to prove his eligibility for enrollment.

ENROLLMENT

- (3) Determination. A determination of eligibility of each applicant is made by the official authorized to prepare the roll.
- (4) Rejection. A notice of rejection is sent by certified mail, return receipt requested, to each person found ineligible for enrollment. Such notice should set forth the reason the applicant was found ineligible and should contain information as to his right of appeal.
- (5) Appeals. Appeals should be filed in accordance with the procedures set out in the regulations.
- (6) Final Determination. The Secretary or his authorized representative will consider each appeal and determine whether the appellant is eligible to be enrolled. The appellant will be notified of the Secretary's determination and the Secretary's decision is final and conclusive.

- B. Preparation and Approval. After all appeals have been determined, the roll shall be prepared by the appropriate field office and submitted to the Commissioner of Indian Affairs for presentation to the Secretary of the Interior for final approval.

8.4 Enrollment for Termination of Federal Trusteeship (Final Rolls)

- A. Purpose. Final rolls are prepared for the purpose of distributing tribal assets and for terminating Federal trustee relations with the tribal group.
- B. Authority. Final rolls are prepared only when specifically authorized by Congress.
 - (1) Qualifications. The eligibility requirements are those specified in the statute or in rules and regulations issued by the Secretary pursuant to the statute.

ENROLLMENT

- (2) Procedure. The statute usually provides that the tribe shall have a period of time within which to prepare and submit to the Secretary for publication in the Federal Register, a proposed roll of persons who meet the eligibility requirements and who were living on the date of the act. If the tribe fails to submit such a roll within the prescribed time the Secretary is authorized to prepare a proposed roll and to have it published in the Federal Register.
- (3) Preparation of Proposed Roll. The names of persons should be listed in alphabetical order and the roll should contain at least the following information, but may contain such additional information as may be deemed necessary.
- (a) Basic and new roll number.
 - (b) Name
 - (c) Sex
 - (d) Date of birth.
 - (e) Degree of Indian blood (when individual possesses blood of more than one tribe, the quantum of blood of each tribe should be shown separately).
 - (f) Family relationship.
 - (g) Residence
 - (h) Remarks (This column should indicate the relationship of the individual to the person through whom enrollment rights are claimed and any additional information deemed necessary.)
- (4) Publication. When completed the proposed roll shall be submitted in sextuplicate by the Area Director to the Commissioner for presentation to the Secretary for publication in the Federal Register. All copies should be clear and legible.

ENROLLMENT

- (5) Appeals. Any person claiming membership rights in the tribe or an interest in its assets, or a representative of the Secretary on behalf of any such person, may, within the time specified in the statute file an appeal with the Secretary contesting the inclusion or omission of the name of any person on or from such roll. Appeals should be filed and handled in accordance with Section 42, Title 25, Code of Federal Regulations.
- (6) Determination of Appeals. The Secretary or his authorized representative will consider the records presented with each appeal and determine whether the appellant is eligible to be enrolled. The appellant will be notified of the Secretary's determination and the Secretary's decision is final and conclusive.
- (7) Preparation and Publication of Final Roll. Upon the disposition of all appeals, a final roll of the members of the tribe shall be prepared by the Commissioner of Indian Affairs and submitted to the Secretary of the Interior for approval and publication in the Federal Register.
- (8) Proclamation. When required by the statute, the Secretary shall issue a proclamation as to the final closure of the roll.

8.5 Rolls Defined.

- A. Basic Roll is the list of persons used as the basis for determining eligibility for membership in the tribe. Most tribal constitutions specify a census roll as the basic roll. However, an allotment roll or an annuity payment roll may be used for that purpose. It should be noted that generally the allotment roll and the annuity payment roll do not show the quantum of Indian blood possessed by the individuals listed thereon.
- B. Tribal Roll is the list of persons who meet the requirements for membership in an Indian tribe established by the tribe itself or by an act of Congress.

ENROLLMENT

- C. Census Roll is a list of the population of the reservation. The census roll usually includes in addition to the members of the tribe all other persons affiliated with the tribal group, Indian and non-Indian.

Release 83-4, 11-1-59

APPLICATION FOR ENROLLMENT

Application No. _____ Date received: _____

Name _____ Sex: _____

Indian, maiden or other name by which you are known _____

Address _____

Date of Birth _____ Degree of blood of the tribe _____

Does your name appear on basic membership roll? yes no

If so, give your name as listed on basic membership roll _____

If not, give name(s) of ancestor(s) through whom enrollment rights are claimed.

Relationship to you _____

Is ancestor living or deceased _____

If living, give present address of ancestor _____

If deceased, give date of death _____

Roll number of ancestor on basic membership roll _____

Degree of Indian blood of the tribe _____

Are you enrolled with any other tribe of Indians? yes no

If so, state tribe and roll number _____

TRACE ANCESTRY TO ANCESTOR ON BASIC MEMBERSHIP ROLL

Name of father _____

Indian or other name by which he was known _____

Degree of blood of the tribe _____ Degree of other blood _____

Is (was) he enrolled with any other tribe of Indians? yes no

If so, state tribe and roll number _____

Name of mother _____

Indian, maiden or other names by which she was known _____

Degree of blood of the tribe _____ Degree of other blood _____

Is (was) she enrolled with any other tribe of Indians? yes no

If so, state tribe and roll number _____

Name of father's father _____

Indian or other names by which he was known _____

Degree of blood of the tribe _____ Degree of other blood _____

Is (was) he enrolled with any other tribe of Indians? yes no

If so, state tribe and roll number _____

Name of father's mother _____

Indian, maiden and other names by which she was known _____

Degree of blood of the tribe _____ Degree of other blood _____

Is (was) she enrolled with any other tribe of Indians? yes no

If so, state tribe and roll number _____

Name of father's grandfather _____

Indian or other names by which he was known _____

Degree of blood of the tribe _____ Degree of other blood _____

Is (was) he enrolled with any other tribe of Indians? yes no

If so, state tribe and roll number _____

Name of father's grandmother _____

Indian, maiden and other names by which she was known _____

Degree of blood of the tribe _____ Degree of other blood _____

Is (was) she enrolled with any other tribe of Indians? yes no

If so, state tribe and roll number _____

Name of mother's father _____

Indian or other name by which he was known _____

Degree of blood of the tribe _____ Degree of other blood _____

Is (was) he enrolled with any other tribe of Indians? yes no

If so, state tribe and roll number _____

Name of mother's mother _____

Indian, maiden and other names by which she was known _____

Degree of blood of the tribe _____ Degree of other blood _____

Is (was) she enrolled with any other tribe of Indians? yes no

If so, state tribe and roll number _____

Name of mother's grandfather _____

Indian or other names by which he was known _____

Degree of blood of the tribe _____ Degree of other blood _____

Is (was) he enrolled with any other tribe of Indians? yes no

If so, state tribe and roll number _____

Name of mother's grandmother _____

Indian, maiden and other names by which she was known _____

Degree of blood of the tribe _____ Degree of other blood _____

Is (was) she enrolled with any other tribe of Indians? yes no

If so, state tribe and roll number _____

In executing the foregoing application and making the statements therein set forth and attached thereto, I am fully aware of the provisions of Section 1001, Title 18, U.S.C., providing in effect that any person or persons in connection with "any matter with the jurisdiction of any department or agency of the United States who knowingly and willfully falsifies, conceals, or covers up by any trick, scheme or representation, or makes or uses any false writing or document, knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined no more than \$10,00 or imprisoned not more than five years, or both."

Signature of Applicant

To be filled out by person filing application on behalf of a minor, incompetent or other person unable to file his own application:

Name _____

Address _____

Relationship to applicant _____

Reason you are filing on behalf of applicant _____

PROPOSED ROLL FORM

NAME AND LOCATION OF TRIBE

Roll No. Basic	New	Name	Sex	Date of Birth	Degree of blood of the tribe	Family Relation- ship	Residence	Relationship to Ancestor on basic roll (Give name and number)
1	5	Doe, John	M	12/15/09	1/2	Head	Route 1, Cherokee, North Carolina	Grandson - Mary Doe, Basic Roll #15

Note: When compiling a roll, 14" by 8 1/2" paper should be used.