

ORDINANCE NO. 14

PROCEDURES GOVERNING ENROLLMENT

AUTHORITY: The authorities for this action are under Article II, Section 2, and Article VI, Section 1(m) of the Blackfeet Constitution and By-laws.

PURPOSE: The procedure is designed to assist the Blackfeet Tribal Business Council to develop and maintain a current membership roll and provide for enrollment of eligible persons.

SECTION 1. DEFINITIONS

- A. **“Business Council”** means the tribal governing body of the Blackfeet Tribe.
- B. **“Applicant”** means the individual who desires to be enrolled with the Blackfeet Tribe.
- C. **“Secretary”** means the Secretary of the Interior or his duly authorized representative.
- D. **“Superintendent”** means officer in charge of Blackfeet Agency or his designated representative
- E. **“Committee”** means the group appointed and authorized to review applications for enrollment
- F. **“Enrollment”** means acceptance by the Tribal Business Council of an application into Tribal membership.
- G. **“Evidence of Eligibility”** means such documents as notarized letters of affidavit, Tribal or Agency records, birth or baptismal certificates, and certified statements from individuals of the Agency.

SECTION 2. ELIGIBILITY FOR ENROLLMENT

- A. **Original Members.** All persons of Indian blood whose names appear on the official census roll of the Blackfeet Tribe as of January 1, 1935.
- B. **Descendants.** All children born prior to August 30, 1962 to any blood member of the Blackfeet Tribe maintaining a legal residence* within the territory of the reservation at the time of such birth. (***“Legal Residence”** defined in Resolution 72-56, enacted October 22, 1956, as follows: That for the purposes of enrollment under Section 1(b) of the Constitution and By-laws of the Blackfeet Tribe, all blood members of the Blackfeet Tribe shall be considered legal residents of

the Blackfeet Indian Reservation if they are away from the reservation for reasons of health, education, employment, or induction into military services of this country).

(SEE RESOLUTION NO. 72-56, DATED OCTOBER 22, 1956, ATTACHED HERETO AS ATTACHMENT #1).

C. **Descendants**. All children having one-fourth (1/4) degree of Blackfeet Indian blood or more born after August 30, 1962 to any blood member of the Blackfeet Tribe.

D. **Adoption**. The Tribal Council shall have the power to promulgate ordinances, subject to review by the Secretary of the Interior, governing future membership and the adoption of new members, pursuant to Article II, Section 2 of the Constitution and By-laws.

SECTION 3. ENROLLMENT COMMITTEE

The Blackfeet Tribal Business Council shall appoint an Enrollment Committee of five (5) persons. Such a Committee shall serve for a period of two (2) years, which shall coincide with appointee's term of office. The Enrollment Committee shall review all applications and recommend to the Business Council approval or rejection. They shall have authority to require the applicant to furnish such evidence or proof as they deem necessary to make appropriate recommendations to the Council. The Enrollment Committee shall meet the first and third Tuesday of every month. This Committee shall develop an application form for use in making application for enrollment. **See** Section 6 of this procedure for format).

SECTION 4. ACTION ON APPLICATION

The Business Council on recommendations of the Enrollment Committee shall review within sixty (60) days and approve or reject the applications for enrollment, and shall accordingly enact a resolution to enroll or reject the applicants. The Business Council shall further instruct the Tribal Secretary to enter the names of applicants approved for enrollment on the official tribal membership roll, stating under what authority enrollment is approved, and inform the Agency and Area Offices of the new enrollees by sending copies of the Resolution. Those whose applications for enrollment were not approved shall be notified, in writing, stating the reason they were not approved, pointing out their right of appeal, and procedures to follow.

SECTION 5. APPLICATION FOR ENROLLMENT

A. Any person who believes he meets the requirements for membership in the Blackfeet Tribe, as forth in Article II, Section 1 of the amended Constitution, may submit an application for enrollment to the Enrollment Committee.

B. Applications for persons legally handicapped, such as minor children and incompetents, may be filed by a parent, next of kin, recognized guardian, or other person responsible

for their care. At least one supporting document as evidence of eligibility shall accompany the application.

SECTION 6 **APPLICATION FORM**

A. Application forms for enrollment may be obtained from the Blackfeet Tribal Office or the Agency Office.

B. The form “**APPLICATION FOR ENROLLMENT**” shall contain the following information:

Name and address of the applicant

Indian, maiden or other names by which applicant is known.

Date and place of birth of the applicant.

Residence of parents at the time of applicant’s birth.

(5) If the applicant is a minor or incompetent, the name, address, and relationship, if any, of the person making the application.

(6) The name, address and degree of Indian blood, both Tribal and total (as verified or corrected by the Enrollment Committee in accordance with official records) of such parent of the applicant.

(7) Certification by applicant or his agent that the information given is true, and if found fraudulent in any way, will be grounds for removal of the applicant’s name from the membership roll.

(8) Certification by the Enrollment Committee that this applicant is not already enrolled with Tribes of reservations other than Blackfeet where applicant may be eligible for enrollment.

SECTION 7 **BURDEN OF PROOF**

It is the responsibility of the applicant to provide his eligibility for enrollment.

SECTION 8 **APPEAL AND PROTEST PROCEDURE**

A **An Appeal** is a written request for reconsideration of the enrollment of an individual

B **A Protest** is a written statement contesting the omission or inclusion of an individual’s

name on the membership roll.

C. The Appeal and Protest procedure shall also be used for rolls for the distribution of tribal assets.

SECTION 9. WHO MAY APPEAL OR PROTEST

A. Any member of the Blackfeet Tribe on behalf or against any individuals.

B. Any person whose enrollment is in question, or whose application for enrollment has been rejected.

C. The Superintendent, as a representative of the Secretary of the Interior.

SECTION 10. FILING APPEAL OR PROTEST

An Appeal or Protest may be made within sixty (60) days after written notice of rejection for enrollment, except that original members of the Blackfeet Tribe (Section 2(A) of this procedure) shall be placed on the membership roll immediately on discovery of error in event of their omission. Failure to file an Appeal or Protest within the deadline shall be conclusive evidence of non-interest. An Appeal or Protest shall be written and addressed to the Secretary of the Interior but sent to the Enrollment Committee for initial reconsideration.

SECTION 11. SUPPORTING EVIDENCE

All Appeals and Protests shall be supported by official documents, records, and evidence bearing on the question raised as proof of eligibility for enrollment, or inclusion or deletion from the roll.

SECTION 12. REVIEW OF APPEAL OR PROTEST BY BUSINESS COUNCIL

The Business Council shall have the privilege of examining an Appeal or Protest, taking into consideration additional documents and preparing such evidence as it may consider proper in support of its action. The Council shall have sixty (60) days from receipt of an Appeal or Protest in which to act or prepare in writing pertinent statements, supported by Tribal or Agency records, which have a bearing on the case.

A. If the Council, upon review of an Appeal or Protest, is satisfied that the right of the individual has been established, it shall enact a resolution to include the name of the applicant on the official tribal membership roll, or, in the case of a Protest, omit or include the name in accordance with the decision. The Council shall further instruct the Tribal Secretary to have the name added to or removed from the roll, as the case may be, and notify the individual of the action taken.

B. If the Council, upon review of an Appeal or Protest, rules against the individual being considered for enrollment, all pertinent records, transcripts of hearings, copies of any affidavits and documents, minutes of any meeting of the Enrollment Committee and/or Business Council, which acted on the application, copy of Tribal Constitution or membership ordinance applicable and a copy of the recommendations of the Enrollment Committee and Business Council shall be attached. The Appeal or Protest then, with all attachments, shall be sent to the Area Director through the Superintendent.

SECTION 13. ACTION BY THE AREA DIRECTOR

A. If upon review of the Appeal or Protest and evidence attached the Area Director is satisfied the right to enrollment or inclusion or deletion of an individual on the roll has been established, notification is sent to the Blackfeet Superintendent and Blackfeet Business Council. The Council then shall enact a resolution to enroll the individual, delete, or add his name to the roll, as the case may be. The individual shall then be notified.

B. If upon review of the Appeal or Protest and evidence attached the Area Director determines the individual is ineligible for enrollment, he shall forward the Appeal or Protest, together with all attachments and his recommendations to the Commissioner of Indian Affairs for referral to the Secretary of the Interior.

SECTION 14. DECISION OF THE SECRETARY ON APPEALS AND PROTESTS

The decision of the Secretary, after consideration of all evidence, shall be final, providing they meet requirement set forth in the Constitution of the Blackfeet Tribe. When so directed by a favorable decision of the Secretary, the Tribal Business Council shall include the name of the individual on the roll, or delete the name, as the case may be, and send notification to the individual concerned.

SECTION 15. ADOPTED CHILDREN, THEIR ELIGIBILITY FOR ENROLLMENT

A. Non-Indian children adopted by members of the Blackfeet Tribe are not eligible for enrollment.

B. Children of Indian descent adopted by members of the Blackfeet Tribe may not be enrolled, unless they meet the requirements for enrollment, as specified in the Tribal Constitution.

C. Children of Tribal members adopted by non-members or non-Indians may be enrolled if they meet the requirements for enrollment. If adoption records are confidential in nature, it is not necessary to show the names of natural or adoptive parents. A statement by the Agency Welfare Office or Superintendent certifying the natural parents, or parent of the child, are members of the

Tribe and possess sufficient degree of Indian blood to enable the child to qualify for enrollment can be used for determining the child's eligibility for enrollment.

SECTION 16. DETERMINATION OF INDIAN BLOOD

A. **Total Indian Blood**. The total recognized certified Indian blood of the father and mother is added together and then divided by two.

B. **Blackfeet Indian Blood**. When one or both parents are enrolled members of the Blackfeet Tribe, the total Indian blood designated as Blackfeet of the father and mother is added together and then divided by two. In cases of unmarried parents, but where the father acknowledges he is the father of the child (supported by documentary evidence as noted below), one-half the Indian blood of the father may be allowed to the child. Otherwise, only one-half of the mother's blood is allowed to the child.

NOTE: The paternity of a child will have been acknowledged when an individual signs a duly written statement showing he is the natural father of the child. The statement shall be invalid unless certified by a Judge of the Blackfeet Tribal Court. A birth certificate showing the name of a person as the natural father cannot be used as the only evidence, and a statement signed by the natural mother naming the father of the child will not be acceptable.

In situations involving disputed paternity or when the alleged natural father is deceased, the Tribal Court shall take evidence and apply a standard of findings of conclusive evidence. The Court's order shall include a finding of irrebuttable presumptions that the alleged natural father is in fact the natural father. Further, any petitions for paternity shall be sent to the Blackfeet Tribal Enrollment Department as well as any final findings of fact, conclusions of law and other Tribal Court orders involving a final disposition of a petition for enrollment. The Tribal Enrollment Department shall make these documents a part of the file of any individuals applying for enrollment in the Blackfeet Tribe.

(AMENDED MAY 5, 1995 BY THE BLACKFEET TRIBAL BUSINESS COUNCIL BY TRIBAL RESOLUTION NO. 258-95, A COPY OF WHICH IS ATTACHED HERETO AS ATTACHMENT #2).

SECTION 17. DUAL ENROLLMENT

A person may meet requirements for membership in another tribe besides the Blackfeet Tribe. The Blackfeet Tribal Constitution does not prohibit dual enrollment or membership in another Indian tribe when the person is otherwise lawfully enrolled in the Blackfeet Tribe.

(AMENDED APRIL 30, 1996 BY THE BLACKFEET TRIBAL BUSINESS COUNCIL BY TRIBAL RESOLUTION NO. 177-96, A COPY OF WHICH IS ATTACHED HERETO AS ATTACHMENT #3).

SECTION 18. RELINQUISHMENT OF MEMBERSHIP

Any member of the Blackfeet Tribe may relinquish his membership in the Tribe by filing a notice **in writing** to the Council, stating that he no longer wishes to be enrolled. When such a request is received, the Business Council shall enact a resolution to remove the individual's name from the membership roll and state in the resolution this person is no longer to be considered a member nor share in any rights or benefits as a member of the Blackfeet Tribe. The name of the individual shall then be marked through on the membership roll and date and number of the resolution noted.

SECTION 19. REINSTATEMENT OF MEMBERSHIP

Once a member of the Blackfeet Tribe relinquishes his/her membership with the Blackfeet Tribe, he/she is not eligible for reinstatement or re-adoption, except in the following circumstances:

A. If the person who has relinquished membership in the Blackfeet Tribe was at the time of relinquishment a minor or otherwise legally declared an incompetent person, the person may petition to the Blackfeet Tribe for reinstatement. Reinstatement shall be approved by the Blackfeet Tribe only if the person seeking reinstatement can prove or provide documentation that the person was a minor or otherwise declared an incompetent person at the time of relinquishment. A person shall be considered to be a minor under this Section, if the person was under the age of majority, eighteen (18) years of age, at the time of relinquishment of membership. A person shall not be allowed to seek reinstatement or be reinstated unless and until the person has reached the age of majority, which shall be 18 years of age for purposes of this Section.

(AMENDED ON APRIL 30, 1996 BY THE BLACKFEET TRIBAL BUSINESS COUNCIL BY TRIBAL RESOLUTION NO. 177-96, A COPY OF WHICH IS ATTACHED HERETO AS ATTACHMENT #4).

SECTION 20. MAINTENANCE OF TRIBAL MEMBERSHIP ROLL

A. Under authority of the Blackfeet Tribal Constitution, Article VI, Section 1(C), it is the responsibility of the Council to maintain a current membership roll. Unless otherwise assigned the work of maintaining the roll rests with the Tribal Secretary and Tribal Clerk.

B The membership roll shall be made current by

(1) Marking through names and making appropriate notations of those persons who relinquish their membership.

(2) Marking through names of deceased persons and making appropriate notations, upon receipt of evidence of death.

(3) Adding thereto the names of individuals duly accepted for enrollment.

(4) Deleting from the roll names of descendants whose enrollment was based on information determined to be inaccurate or fraudulent, subject to the authorization by a resolution of the Council and approval of the Secretary of the Interior.

(5) Making corrections in the membership or errors in names, dates of birth and family relationships, provided corrections are substantiated by acceptable proof.

(6) Making corrections in Blackfeet Indian blood, provided they are authorized by a resolution of the Council.

NOTE: In cases where an error in degree of Blackfeet Indian blood shown on the roll is determined to be the result of a typographical or mathematical error in computation, (such as one parent shown as 4/4, the other 3/4, and the children listed at 5/8 instead of 7/8 corrections shall be authorized by the Business Council by Resolution, and the Secretary of the Interior or his representatives advised of the correction.

Other changes in degree of Indian blood will not be considered unless the basic enrollee or one of his descendants questions the degree of Indian blood shown on the basic roll and requests in writing that the degree be changed. Agency and Tribal records would then be examined and determination made by the Superintendent, whose recommendations and copies of records would be sent through channels to the Washington Office. If it is then determined the degree of Indian blood shown in the records should be changed, an appropriate adjustment would be made in the degree of Indian blood shown for all members and descendants of the individual's family.

C. A current membership roll shall be compiled (proper forms and instructions will be furnished), and supplements to this roll shall be prepared yearly to show additional enrollees.

SECTION 21. DISTRIBUTION OF TRIBAL ASSETS

A. No person shall be entitled to share in any Tribal assets prior to their official enrollment.

B. Before the membership roll can be used for the distribution of tribal assets, it shall be submitted to the Secretary for his approval.

SECTION 22. **FINALITY OF THE ROLL**

After the Business Council has established the roll as correct and current, it shall enact a resolution accepting the roll as the official membership roll. With the exception of the addition of eligible persons, the official membership roll shall then be considered conclusive.

SECTION 23. **COST OF PREPARATION OF ROLL**

All tribal costs incurred in the preparation and maintenance of the Tribal membership roll shall be paid by appropriate withdrawals from available tribal funds.