

Enrollment—How to be a member in one not-so-easy lesson

by Cynthia Stowell

An important part of the identity of over twenty people hangs on the outcome of a November 15 referendum. The pencil marks of tribal voters will decide whether these people should be adopted as members of the Confederated Tribes. Some will make it, some won't.

Between now and then, a half dozen youngsters will also be considered by Tribal Council for "automatic" enrollment. Most will make it.

The adoption referendum has been called a "popularity contest." Automatic enrollment is "politics." Those who didn't make it feel membership is too exclusive; lifelong enrollees think the requirements are too relaxed.

One thing is certain. The 2299 members of the Tribes are not all cut from the same cloth. Guidelines for enrollment have changed over the years. Councils vary in their disposition toward applicants, and the voters are never predictable. A person enrolled ten years ago might not get past the application procedure today.

But no matter what path is followed to enrollment, one member is the same as the next in terms of rights and privileges. All members of the Confederated Tribes, whether adopted or automatically enrolled, are entitled to vote in reservation elections, and share in tribal profits through monthly per capita payments and annual bonuses. In addition, tribal members of given preference in employment on the reservation.

(In the eyes of the federal government, a person is not an Indian unless he is enrolled in a federally recognized tribe, such as Warm Springs. But that does not guarantee participation in every program, some of which require 1/4 blood or more.)

Enrollments formalized with constitution

A formal enrollment procedure did not exist in Warm Springs prior to adoption of the Tribal Constitution in 1938. Allotment and census rolls were the most formal listings of membership and to this day they serve as historical documentation of ancestry.

Today Article III, Sections 1-4 of the Tribal Constitution provide guidelines for determination of membership. An amendment in 1966 and subsequent Tribal Council resolutions further clarified the original provisions.

Apparently simple requirements for blood degree and residence can translate into hours, days and weeks of research into family trees, realty records and application data. This is primarily the responsibility of the Tribes' Vital Statistics Department and on tribal employee in particular—Enrollments Officer Madeline Craig. On the job since 1974, Madeline has quickly become the local expert in kinship matters, rivaling the memories of the old folks.

Madeline is assisted by a new Enrollments Committee, established by Tribal Council this year to review applications and make recommendations regarding automatic enrollments. Tribal attorney Owen

Panner has traditionally sat in on Council's enrollment sessions to offer advice on legal points.

The simple language that all these parties wrestle with is contained in Sections 2 and 3 of Article III, entitled "Membership of Descendants" and "Adoption." They read as follows: (emphasis is ours)

Section 2. MEMBERSHIP OF DESCENDANTS—(a) Every child of one-fourth or more blood of the Confederated Tribes of the Warm Springs Reservation of Oregon born after the effective date of this amendment (April 7, 1966) to any member of the Confederated Tribes who maintains a residence upon the Warm Springs Reservation at the time of such birth shall automatically be entitled to membership in the Confederated Tribes.



MAKING A LIST AND CHECKING IT TWICE—Enrollments Officer Madeline Craig spends much of her time reconstructing family trees in an ongoing effort to update the membership list of the Confederated Tribes. She uses a 1940 census roll and 1902 allotment list (above) for her major sources of documentation.

Section 3. ADOPTION—The members of the Confederated Tribes of the Warm Springs Reservation, may by a majority vote, adopt as a member of the Tribe any person of 1/4 or more Indian blood who is a descendant of a member or former member of the Confederated Tribes: PROVIDED, That any person adopted into membership must have resided at least three years upon the Warm Springs Reservation, and shall not be a member of any other tribe of Indians.

So you want to be a member

The first thing you or your parent must realize is that no one is born a member of the Confederated Tribes. Even automatic enrollment requires the approval of a formal application. So your first stop will be the Vital Statistics Department to pick up a rather imposing 9-page application.

Whether you aspire to automatic enrollment or adoption you must provide detailed information about your brothers and sisters, your mother and father and their

place of residence, and even your great-grandparents. Your application is not complete without Notarized signatures, your birth certificate, a Social Security application, your parents' marriage license, and a paternity affidavit signed by your father if you were born out of wedlock.

If one of your parents is a member and you have at least 1/4 blood of the Confederated Tribes, you will be routed through **AUTOMATIC ENROLLMENT**. Madeline will doublecheck the blood degrees, using the 1940 census roll as a base. Before the 1966 amendment, the Constitution read "one-fourth or more Indian blood" but now it must be *Confederated Tribes blood*.

The Enrollments Committee will scrutinize the residency portion of your application to determine whether the Warm Springs Reservation was

proper, not the ceded areas like Tygh Valley, The Dalles or Madras.

Adoption applications go the same route as automatics, except they bypass the Enrollments Committee. Applications for this year's adoption are still being processed in Vital Statistics; Council is expected to act on them sometime in October and the referendum is November 15. There is no regular schedule for adoption referendums—they happen when applications or inquiries begin to accumulate, said Madeline.

In 1966, one person was adopted; in 1971, eight. Referendums in 1971 and 1973 were not valid because less than half the voters turned out, and in 1977 eighteen were adopted.

Interesting things happen at adoption referendums, as Bob Macy's family can testify. In 1971 all four of his kids were up

case shall a member lose his membership other than by personal request in writing to the Tribal Council." But there have been two cases in recent history, one of them still pending, where membership has been reconsidered.

In one case in 1977, a child had been enrolled for two months when it became apparent that the papers had not been in order. A paternity affidavit was signed by a member, when in fact the real father was a non-member. Since the mother was also a non-member, the Tribal Council disenrolled the child.

"A burr in (the) side," of the Vital Statistics Department, according to Madeline, has been a case where a name "somehow" got on the roll after the application was rejected in 1951. The Credit department, which was then in charge of the membership list, said he was disenrolled in 1953, but when he tried for adoption later on, people maintained he was already a member. An appeal is pending.

An imperfect system, but it works

For Madeline in Vital Statistics, enrollment is almost a science. But for the Tribal Council and the voting public there are some fairly subjective decisions that have to be made. One problem with the enrollment system as Owen Panner sees it, is the use of "white man legal terms," particularly as regards "residence."

Concerns of past Tribal Councils about interpretation of the residence requirement prompted Panner to write a six-page paper defining residence and suggesting tightened guidelines. Panner explained that residence was a matter of intent and that a house need not be maintained on the reservation. Allowances for absences due to schooling, seasonal food gathering, or lack of work or housing on the reservation. Obviously each case must be considered separately and there is room for disagreement and inconsistency within each Council and from Council to Council.

Panner recommended an amendment to Article III that would require parents of an automatic enrollment applicant to have physically resided in the ceded area for two years prior to the child's birth. Reapplication could be made after the child had physically resided on the reservation for five consecutive years. Public meetings were held to discuss this issue, but nothing has been changed.

Olney Patt Sr., longtime councilman, feels strongly that guidelines should be firmed up because "people don't see it in the same light." Inconsistencies between Councils will persist and applicants will take advantage of this by reapplying at more favorable times, he feels.

Patt is not alone in questioning the whole adoption process, which he tried to change while he was in office. "The decision belongs with the old people," he said, noting that younger voters tend

for adoption with identical qualifications. Only one, the youngest, was accepted. The remaining three tried again in 1977 and made it.

If the word is 'yes' on either an automatic or an adoption, you make your last stop back at the Vital Statistics office to receive your enrollment number and picture I.D. card. Your per capita and bonuses begin as of the date of enrollment and are not retroactive to birth.

If the word is 'no', you can try again. Or you can appeal to the area director of the Bureau of Indian Affairs who can opt to send your case on to the Commissioner of Indian Affairs in Washington, D.C. But the Commissioner's powers are limited, according to Bill Smith, Enrollments Officer in the Portland Area. He can ensure that you receive distributed trust assets and Bureau services, but he cannot force a tribe to enroll you.

Once a member, always a member

Membership is forever, except in a couple of freak cases. Section 4 of the Constitution states, "In no

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