

Tribal Council reinstates 19 Tumulth descendants

By Dean Rhodes

Smoke Signals editor

Tribal Council voted 4-3 to reinstate the membership of 19 Chief Tumulth descendants during its Wednesday, Nov. 14, meeting, concluding a more than four-year process.

The descendants, including some who are now deceased, were identified for disenrollment in 2014 when the Tribe's Enrollment Committee ruled that they and other Chief Tumulth descendants did not meet the Tribal Constitution's lineal descent requirements at the time of their enrollment.

They were the second of two family trees descended from Chief Tumulth, who signed the Willamette Valley Treaty of 1855. He did not reach the Grand Ronde Reservation to appear on a valid roll or record created by the federal government because he was executed by the U.S. Army.

Some argued, however, that signing a foundational treaty should be considered a "valid" document for enrollment purposes.

The first branch of the Tumulth family tree, which included 67 descendants, eventually won their disenrollment case with the Tribe when the Tribal Court of Appeals ruled in August 2016 that the Tribe waited too long in its attempt to correct the membership status of Chief Tumulth descendants. The cases were remanded back to Tribal Chief Judge David Shaw and the Enrollment Board.

In October 2016, the Enrollment Board dismissed disenrollment proceedings against the 67 descendants. However, the other 19 Tumulth descendants were not given back their Tribal enrollment status

because they failed to file an appeal within the 14-day time limit set by the Tribe's Enrollment Ordinance. That decision was upheld by the Tribal Court of Appeals.

On Sept. 26, Tribal Council adopted amendments to the Enrollment Ordinance, also by a 4-3 vote, that allow for reinstatement of former members if it is appropriate under Tribal law, as well as Tribal case law.

The loss of membership had to have been decided by the Enrollment Board between July 2, 2014, and Jan. 28, 2018 – the period during which the board was invested with making final determination regarding involuntary loss of membership cases – and the individuals applying for reinstatement cannot have enrolled in another federally recognized Tribe. Applicants also must meet the constitutional blood quantum requirements for membership at the time he or she was originally enrolled.

In January, Tribal Council voted to return final decision-making authority regarding enrollment cases to itself.

Upon reinstatement, individuals will be reassigned their original roll numbers, but will not have rights to any Tribal benefits or payments they did not receive during the time they were disenrolled.

The effect of the amendments is that Tribal case law – decisions handed down by the Tribal Court of Appeals – can now be taken into account when deciding individual enrollment cases. Hence, if the Tribe waited too long to disenroll one branch of the Tumulth descendants, it waited too long to disenroll the other branch as well.

"This is an attempt to apply

the Alexander decision across the board," Tribal Attorney Rob Greene said.

Former Tribal Council Chairman Reyn Leno spoke in opposition to the reinstatements, asking if the 19 descendants meet current enrollment requirements.

Tribal Council Vice Chair Chris Mercier, who chaired the meeting, said they met the enrollment requirements at the time they were enrolled, which is one of the requirements.

Tribal Council member Michael Langley said there are numerous Tribal members who would not meet current enrollment requirements.

Leno said that Tribal Council was taking enrollment matters away from the general membership and was incorporating the idea of fairness into enrollment issues instead of keeping it about having Grand Ronde blood.

Tribal Council member Jack Giffen Jr. said that an ordinance should not trump the Tribal Constitution regarding enrollment requirements.

Tribal Council member Kathleen George said that she favored the reinstatements because the entire enrollment audit process, which was started when Leno was Tribal Council chairman, was not fair because some findings were acted upon while others were not.

Langley, in a previous Tribal Council meeting, said the audit was so limited in scope to save money that its findings are not reliable.

Mercier restated his opinion that the Tribe should never have gone down the road of auditing enrollment and that the reinstatements were about fairly and equally ap-

plying Tribal law to everyone.

Tribal Council Secretary Jon A. George and Tribal Council members Langley, Denise Harvey and Kathleen George voted in favor of the reinstatement while Tribal Council members Giffen, Steve Bobb Sr. and Lisa Leno voted against it.

In other action, Tribal Council:

- Declared a per capita and timber distribution date of Tuesday, Dec. 11. Although the per capita amount will be undetermined until early December, Tribal members will each receive \$582 in timber proceeds;
- Approved a resolution supporting Oregon Health & Science University's 13-week program through the Northwest Native American Center of Excellence that allows Native youths to experience health care careers firsthand;
- Approved two \$5,000 donations to the Native American Rights Fund and National Indian Child Welfare Association to help the organizations' legal efforts to uphold the Indian Child Welfare Act, which was ruled unconstitutional in October by a U.S. District Court in north Texas;
- Approved hiring Moss Adams, a Seattle-based accounting firm, to conduct an assessment of Spirit Mountain Casino's network security;
- And approved the enrollment of one infant into the Tribe because he or she meets the enrollment requirements outlined in the Tribal Constitution and Enrollment Ordinance.

The entire meeting can be viewed by visiting the Tribal website at www.grandronde.org and clicking on the News tab and then Video. ■

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