Proposed Changes in the Tribal Enrollment Ordinance

In October 2011, the Bishop Tribal Council held the 1st of a series of Public Hearings regarding proposed changes in the enrollment ordinance. The proposed changes would be to amend the ordinance to add new criteria such as: blood quantum, a residency clause, and having a continual generational enrollment of descendents.

Each meeting scheduled has discussed a different topic. The most recent meeting on January 25, 2012, the Bishop Tribal Council had invited representatives from the Bureau of Indian Affairs in Sacramento, California to give a presentation and answer any questions regarding blood quantum and when it is used or if it is still used. The meeting with the Bureau of Indian Affairs was informative for both the Enrollment Committee and the community.

The importance of these Public Hearings is for the community to become informed and be involved in the decision making process. Hopefully, the Enrollment Committee and Department can answer some of the misconceptions that have been mentioned during the Public Hearings. (i.e., We have members coming out of the “wood works”. And if we create limitations, then people will be dis-enrolled and that would mean more money for tribal members.) The topics being discussed may or may not make it to the ballot to vote on. But, it is important for the community to make well informed decisions knowing the effect it will have on future generations.

The Tribal Council has stated that new criteria will only effect new incoming members, not currently enrolled members. The Enrollment Department will not be dis-enrolling current tribal members if new criteria is approved and implemented.

In the end, the tribal members define who we are as a tribe. The basic question to ask ourselves is “Why are we creating limitations?” Is it for money? Is it for land? Is it for resources? Are we looking towards tribal extinction or cultural extinction? Or are we creating a path towards cultural and/or tribal continuance for generations to come?

Question: How did we arrive at “proposing” a blood quantum or enrollment changes?

On December 17, 2009 a tribal survey was taken asking if Tribal members would like to include a blood quantum in the current Tribal Enrollment Ordinance. (134 people responded) This lead to proposed changes and public hearings.

Question: What are the reasons for trying to implement restrictive criteria to the enrollment ordinance?

Community members have expressed concern for the growing number of tribal members, the concern of the thought of not enough land, and the notion of “more” money.

THEN…1996 BASE ROLL MEMBERS: 716

NOW… (12/2011): ADULT MEMBERS: 1,244 & MINOR MEMBERS: 520

TOTAL: 1,764
Moving from Lineal Descent to Continual Generational Enrollment

**Lineal Descent (Current)**

*Definition of Lineal Decent:*
The direct issue of an ancestor (namely the child, grandchild, etc.) Collateral relatives such as aunts, uncles, brothers, sister, et., are not considered lineal descendants.

At this time, the Bishop Tribe has a lineal descendancy policy which means that applicants must trace their descendancy back to a base roll member, but each prior generation doesn’t have to be an enrolled member of the Bishop Tribe. This system has been working for the Bishop Paiute Tribe.

**Example:** The applicants can be great-great grandchildren but the parents and grandparents didn’t have to be enrolled in the tribe for those children to be eligible for membership. As long as those children can show proof of lineal descendancy to a base roll member, they would be eligible.

**Direct Descent (Proposed)**

*Definition of Direct Lineal Decent:*
Direct issue of an ancestor which does not include collateral relatives. BUT there can be no break in enrollment for all generations.

Moving to direct descendency would mean that each generation would have to be an enrolled member of the Bishop Paiute Tribe to be eligible for membership.

**Example:** If a grandchild to a base roll member was to apply for membership to the Bishop Paiute Tribe then the following would have to be set in place for that child to enroll:

1. the grandmother/father was a base roll member - Enrolled in Bishop Paiute Tribe
2. the daughter and/or son (mother or father of the potential member) - Enrolled in Bishop Paiute Tribe

This shows a continual generational enrollment of members with the Bishop Paiute Tribe with no disconnect.

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**EXAMPLE OF CONTINUAL GENERATIONAL ENROLLMENT ELIGIBILITY**

**BASE ROLL MEMBER OF BISHOP TRIBE**

- **SON Enrolled with OTHER Tribe**
- **CHILD NOT Eligible for enrollment with the Bishop Tribe**

**SON Enrolled with Bishop Tribe**

- **CHILD Eligible for Enrollment with Bishop Tribe**
STANISSTICS

A concern that has been voiced from the past meetings has been the INCREASE in the tribal enrollment. When the “OFFICIAL” enrollment in the tribe began, we started with a base roll membership of 716 adults. According to the base roll criteria, there were many different areas that families could trace back to for descendancy. If the intentions were to include “everyone” then that opened the doors for enrollment of their families for generations to come. As stated by the BIA representatives, the base roll is permanent and can not be changed.

According to the Bishop Paiute Enrollment Ordinance...

Article II. TRIBAL MEMBERSHIP

Section 1. Base Roll

A. Owens Valley Indians of Paiute descent living in the Bishop areas: Round Valley, Laws, Red hill, West and East Bishop, Jenkins Ranch, and Sunland Reservation, who signed in favor of the 1928 Land Exchange Agreement, with the exception of those who now hold land as recognized or enrolled members of another federally recognized tribe or Rancheria

B. Persons of Owens Valley descent who are listed as family members on an original assignment, on the Bishop Reservation granted on or before 1941, with exception of those who now hold land as recognized or enrolled members of another federally recognized tribe or Rancheria.

C. Person(s) who possess or ever possessed a valid assignment on the Bishop Reservation on or before the effective date of this Ordinance, with the exception of those who now hold land as recognized or enrolled members of another federally recognized tribe or Rancheria.

### RESIDENCY CRITERIA

**Our current system**

Currently, there is no residency requirement in the enrollment process. Meaning, that the applicant does not need to have ever resided on the reservation too be considered for membership.

**Proposed Change**

It has been proposed that a residency requirement be added to the enrollment process. Meaning, that for an applicant to be considered for membership, they must show that they have resided within the defined, approved area for a certain amount of time.

#### EXAMPLE: Shoshone-Paiute Tribes of the Ducky Valley Reservation

**ARTICLE II. MEMBERSHIP**

Section1. The membership of the Shoshone-Paiute Tribes shall consist as follows:

- (a) All persons of Indian blood lawfully enrolled upon the Duck Valley Reservation whose names appeared on the official census roll as of January 1, 1935, provided that such roll may be corrected within 6-months after approval of this constitution and bylaws by the Shoshone business council with the approval of the Secretary of the Interior.

- (b) All children born to any member of the Shoshone-Paiute Tribes who is a resident of the reservation at the time of the birth of said children.

#### EXAMPLE: Tule River Tribal Council

**Residency Exemptions**

- (a) Any member serving in the Armed Forces of the United States who is stationed outside the Reservation.
- (b) Any member employed with the United States Government, who resides outside the Reservation.
- (c) Any member attending an educational institution located outside the Reservation.
- (d) Any member employed in seasonal work outside the Reservation.
- (e) Any member residing in a convalescent home, nursing facility, group home, public jail, criminal detention facility, or mental health institution located outside the Reservation.
- (f) Any member in foster care outside the Reservation.
- (g) Any member residing in a domestic violence shelter or rehabilitation center located outside the Reservation.
- (h) Any member residing outside the Reservation for the primary purpose of obtaining medical treatment, including pregnancy related medical care.
- (i) Any member residing outside the Reservation for the primary purpose of providing care to an ill family member.
- (j) Any member temporarily residing outside the Reservation due to a natural disaster preventing him or her from safely residing within or returning to the Reservation.
- (k) Any member temporarily residing outside the Reservation on relocation due to housing construction or remodeling thru TRIHA.

**EXAMPLE: Tulalip Tribes of Washington**

- Must be born to a Tulalip Tribal Member so at the time of the applicant’s birth the parent had to have been enrolled with Tulalip.
- The Tribal member parent had to have resided on the Tulalip Reservation for at least 12 continuous months at anytime prior to the birth of the applicant and be able to prove it.
By establishing and implementing the new criteria will we (tribal members) be able to receive more money?

It depends on what “money” we are talking about. 1,764 members receive per capita funds, 1,764 will continue to receive per capita funds until their death or when we no longer give out per capita benefits. It seems the only way for tribal members to receive “more” is for the tribe to make “more”. Hypothetically speaking, a bigger pot of money means larger dividends. Should we be thinking about improving our economic developments?

We don't have enough “LAND” for all the members, will “they” be taking our land on the reservation?

The issue of our limited land base is not new. There is only so much land to go around for people. The current land assignment ordinance has restrictions on anyone trying to apply for an assignment such as residency.

Are we establishing new criteria because we think it will keep us more “Indian or Paiute”?

Are people thinking about sustaining our identity and/or losing our identity?

These questions lead to other questions as to what makes us “Indian”.

- Is it knowing, learning, passing on our language, culture and traditions?
- Is it the color of our skin?
- Is it the area we live in?

When a tribe applies for Federal Recognition to the Federal government, there is a statement that states: a “tribe” is a “group of members that maintain distinct cultural patterns such as, but not limited to, language, kinship organization, or religious beliefs and practices” (25 CFR 83)

Everyone will define this question based on their own perspective. This is why having Public Hearings is great, because suggestions and comments are taken into consideration to be able to find a common ground to meet the needs of the tribe.

**COMMENTS FROM TRIBAL MEMBERS...**

- “We have limited resources, how can we continue to enroll people who “we” don’t know or have ever seen?”
- “We should be thinking of our future children.”
- “As a grandmother, I am not in favor of my grandchildren not being able to enroll because of their parents’ choices.”
- “Maybe the tribe should require members to introduce themselves to the general council, to become familiar”
- “When did the Tribal Council drop the Shoshone in Bishop Paiute-Shoshone Band of Indians?”
- “The land (reservation) was established for homes for generations.”
- “Why doesn’t the tribe require a certain number of meetings to be attended so that individuals become involved with the tribe and community which creates a sense of responsibility.”
Blood quantum has been a hot topic for our tribe for a long time and it still is today. As time has passed, generations have changed. Blood quantum is more restrictive criteria, it makes membership harder for people to obtain. Initiating a blood quantum can potentially break families apart. Because of the 2+ years of moratorium many children have been born that are not currently enrolled. Those children may have older siblings enrolled but with new criteria the younger ones may not be eligible for membership. In the end, blood quantum has proven to provide useful control over population size and resource access. But, it runs the risk of eliminating tribal members.

Comments and Concerns:

1. How is the blood quantum going to be calculated?
   Still undetermined and being researched. Enrollment could use the 1928 Census with a blood quantum.

2. What happens if my base roll linkage doesn’t have a 1928 application?
   Every base roll member should have a 1928 application or a prior descendant with a 1928 application.

3. What will be the minimum blood quantum?
   Tribal members have voice 1/4, but still undetermined. It could be a mixture of 1/4 total needed but 1/8 Paiute.

4. What is the history of the 1/4 degree?
   Read the handout, “Blood Quantum: A Relic of Racism and Termination” by Professor Jack D. Forbes of UC Davis. It was a federal determination to slowly eliminate having to provide resources for Native Americans by eliminating individuals based on blood quantum.

5. What happens to the base roll members that don’t meet the blood quantum?
   The “new” criteria will not affect currently enrolled base roll members, only “new” enrollees.

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**PROS...**

- By creating restrictions, enrollment will be challenging to secure for individuals; eventually less members.
- Keeps the “Indian” blood up
- The 1928 Census document has blood degrees for a majority of our base roll members.

**CONS...**

- Tribal extinction over time
- Split families (older siblings enrolled, younger not)
- Decline in future enrollment membership
- The 1928 Census has errors in calculations.

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**Paiute Blood Only**

- Father 4/4 Bishop Paiute
- Mother 1/2 Big Pine Paiute 1/2 N/I
- Child 3/4 Paiute 1/4 N/I

**“ALL” Indian Blood**

- Father 3/4 Paiute 1/4 Shoshone
- Mother 1/2 Navajo 1/2 N/I
- Child 3/4 Indian 1/4 N/I

Hey wait a minute, we’re disappearing!
Currently the Bishop Tribal Enrollment department doesn’t use any documents to calculate a blood quantum, as of now it is not required.

During the meetings with the Bureau of Indian Affairs, the Bishop Tribal Council, the Enrollment committee, and the Enrollment Department it has been stated that there are documents that can be used such as...

- 1928 Census Applications which created the 1933 Roll
- 1940 Census
- Bishop Land Assignment
- Other Census taken like in 1910

The Bureau of Indian Affairs uses the 1928 Census to calculate blood degree/quantum for individuals. Although the 1928 may have errors, it is the only document that has been approved by Congress.

The Certificate Degree of Indian Blood that is produced by the BIA does not state a specific tribe like “Bishop Paiute”, “Big Pine Paiute”, or “Owens Valley Paiute”... it only says Paiute. Therein opens a can of worms and many questions as to which direction that we need to go in.

As stated by the Bureau of Indian Affairs, it is going to be challenging to find specific documents to create a starting point of calculating a blood quantum.

As many people know, the Bishop Reservation is very diverse in tribal affiliations because of the Land Exchange. The Land Exchange didn’t require specific a specific tribe as criteria to accept and apply for land. Because of this we have many members here on the reservation from other tribal areas in the Owens Valley. The land exchange states Paiute Shoshone.

**EXAMPLE: Utu Utu Gwaitu Paiute Tribe**

**Enrollment Ordinance 76-01**  
**Section 1—Eligibility for Enrollment**

Living persons in the following categories whose written applications are filed with the Enrollment Committee within the time specified, shall be eligible to have their names included on the membership roll.

A. All Paiutes in the Benton area whose names appear on the official roll of California Indians prepared pursuant to the Act of May 18, 1928 (45 Stat. 602).

B. All one-quarter (1/4) degree descendants of those individuals referred to in Section 1(a) regardless of whether the ancestor through whom eligibility is claimed is living or deceased.

C. A Paiute having been adopted by the Tribe in accordance with an adoption ordinance approved by the Secretary of the Interior or his authorized representative.

**EXAMPLE: Timbi-Sha Shoshone Tribe**

**Enrollment Ordinance**  
**Section 1. Eligibility requirements for Membership**

A. All persons who filed as Timbisha Shoshone Indians and were listed on the genealogy roll prepared as of March 1978 and used to request federal acknowledgment and recognition of the Tribe;

B. All persons who are lineal descendants of any person designated in subsection (a) above and who possess at least one-fourth (1/4) degree Indian blood of which one-sixteenth (1/16) must be Timbisha Shoshone blood;

C. All persons of 1/4 Indian blood upon whom membership is conferred by adoption pursuant to the Tribal Constitution.
**The Benefits of being a tribal member living on the reservation vs. a tribal member living off the Bishop Reservation**

### Living on the reservation
- Per Capita Distribution 2x a year
- Voter’s Privileges & Benefits
- Voter distribution check 4x a year
- Indian Health Clinic Services
  - Access to FREE Health Programs
  - Healthy Heart Program with Incentives
  - Dental Care
- Housing Assistance
  - Down payment home assistance
  - Low-income housing on reservation
  - HUD/ HIP Home ownership
- Childcare Assistance
  - Native American Head Start Program
- Utility Assistance
- General Assistance
- Funeral Assistance
- Tribal TANF
- FREE After-School Tutoring Services
  - Transportation for children home
- Access to Paiute Tribal Language classes
- Access to Tribal Gatherings
  - Back-to-school back pack giveaways for children
  - Holiday community meals
  - Christmas gifts for minor tribal members

### Living off the reservation
- Per Capita Distribution 2x a year
- Eligible for Bishop Tribal Education Scholarship(s)

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**HEALTH CARE:**

Health Care services at other Indian Health Clinics is at the discretion of the clinic. Just because a member is a member of a federally recognized tribe, it does not entitle them to free or discounted medical benefits.

Example(s):
- Oklahoma Indian Health Services requires a blood degree to receive services, not membership eligibility.
- Sacramento Area Indian Health Clinics doesn’t give a preference for tribal members and they require insurance coverage or cash to receive services.

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The benefits received on the reservation are provided by the Bishop Paiute Tribe or in part for its members. While living off the reservation the tribe provides those individuals with per capita payments (2) times a year.
As the graph shows, a majority of the Bishop Tribal adult members live on the Bishop Reservation. There are very few members that live in other states. This graph just shows which states a tribal member resides. This was created in response to the statement that “people are coming out of the wood work” to become tribal members.

In actuality, we had 716 base roll members in 1996 and have had only a few generations come off of those members. By creating a large roll, it has enabled many people to prove descendancy. It is also good to think that some of these adult members could be away attending school, working or stationed.
This column's focus:

**BLOOD QUANTUM: A RELIC OF RACISM AND TERMINATION**

Many Native People have gotten so used to the idea of "blood quantum" (degree of "blood") that sometimes the origin of this racist concept is forgotten. It's use started in 1705 when the colony of Virginia adopted a series of laws which denied civil rights to any "negro, mulatto, or Indian" and which defined the above terms by stating that "the child of an Indian, and the child, grandchild, or great grandchild of a negro shall be deemed accounted, held, and taken to be a mulatto." Thus both a person of American race and a person of half-American race (a "half-blood" in other words) were treated as legally inferior persons.

Colony after colony and state after state followed Virginia's example in using blood quantum as a way of determining who could have the privileges accorded to white persons. For example, Alabama's code stated that "all negroes, mulattoes, Indians and all persons of mixed blood, to the third generation inclusive, though one ancestor of each generation may have been a white person, whether bond or free; shall be taken, and deemed incapable in law, to be witnesses.... except for or against each other." North Carolina possessed a code which prohibited marriages between white persons and "an Indian, Negro, Mustee, or Mulatto.... or any person of Mixed Blood to the Third Generation." Such laws meant that a part-Indian of one-eighth American ancestry and seven-eighth European ancestry would not have acquired sufficient European "blood" to be accorded the legal privileges of whiteness.

The racist use of blood quantum continued without a break. In 1866 Virginia decreed that "Every person having one-fourth or more Negro blood shall be deemed a colored person, and every person not a colored person having one-fourth or more Indian blood shall be deemed an Indian." (This is perhaps where the one-quarter blood concept used by the Bureau of Indian Affairs originated). In the 20th century Virginia broadened the term "colored" to include all Indians with any trace of African ancestry, if living off-reservation, and with more than 1/32 African ancestry, if living on either the Pamunkey or Mattaponi reservations.

The Federal government began to also use "degree of blood" in the latter part of the nineteenth-century, especially in relation to the enrollment of persons before the Dawes allotment commission. The use of "full," "one-half" etc. at that time was both an extension of the previous racist system and also a step in terminating Native Americans. Persons with greater amounts of white ancestry were assumed to be more competent than persons with lesser amounts. In other words, the degree of white blood was much more important than the degree of American ancestry. The white blood entitled an Indian citizen to greater privileges, including being able to have "wardship" restrictions removed, being able to sell property, acquire the right to vote in state and federal elections, and so on. Thus it may be that many persons chose to exaggerate their amount of white ancestry when enrolling. Persons without white ancestry were restricted persons, with the Bureau controlling their financial lives.
It was also expected that when a person became "competent" (white enough) he would no longer be an Indian and that process would eventually terminate a tribe's existence.

Thus the recording of blood quantum is both a product of white racism and of white social science theories of a racist nature, and also a product of a plan wherein Native nations are expected to vanish when the white blood quantum reaches a certain level (above three-fourths, for example). For this latter reason alone, the use of blood quantum is exceedingly dangerous for Native Nations today, although the Bureau and some eastern Oklahoma Indians don't seem to care about this danger.

The BIA has issued proposed changes in the way the BIA calculates and invalidates a Certificate of Degree of Indian or Alaska Native Blood (CDIB). The changes were developed by a very small group of Bureau employees and a few tribal representatives, all in eastern Oklahoma. The changes may seem insignificant, however, they should have been carefully reviewed by Indian Country because of their perpetuation of the racist blood quantum ideology, their ignoring of ratified treaties with tribes, and because of the role that they will play in Indians terminating themselves.

First, Indian ancestry is to be computed only from so-called Federally-recognized tribes (in spite of the ambiguous status of some tribes at this time). The changes specifically limit "Indian blood" to ancestry from a Federally-recognized tribe and define the latter as one listed in the Federal Register as a tribe recognized by the Secretary of the Interior. This means that one's degree of Indian blood cannot include American Indian or Eskimo-Inuit ancestry derived from a terminated tribe, from an administratively-deleted tribe, from a Canadian, Greenlandic, Mexican or other non-US group, or from any state-recognized tribe (as along the east coast), or perhaps from any newly-recognized tribe. Thus a person who is 1/2 Inuit from Alaska and 1/2 Inuit from Canada or Greenland can only be counted as 1/2.

The possibility exists that numerous persons of full American indigenous racial ancestry will be counted as mixed-bloods and that, gradually, American Indians will be eliminated as a people as they marry non-Indians or currently non-Federally recognized Natives. This is a form of self-termination. If you are concerned about these issues contact Neal McCaleb at the Department of the Interior and also Karen Ketcher, BIA, 101 North 5th. Street, Muskogee, OK 74401 or Karen-Ketcher@bia.gov. Refer to "1076-AD98." This topic will be explored in a subsequent column also.

(Professor Jack D. Forbes, Powhatan-Delaware, is the author of AFRICANS AND NATIVE AMERICANS, ONLY APPROVED INDIANS, RED BLOOD and other books. Visit his web page at <www.cougar.ucdavis.edu/nas/faculty> .All rights reserved by Jack D. Forbes. Phone: 530-752-3626/3237 Fax: 530-7527097)
Community Meeting Dates

October 2011
19th: Moving from Lineal to Direct Descent

November 2011
9th: Establishing a Residency criteria

January 2012
11th: Documents/ Blood Quantum
25th: Documents/ Blood Quantum

March 2012
10th at 9:00am: Documents/Blood Quantum
28th at 6:00pm: Review of All Proposed Changes

May 2012
9th at 6:00pm: Draft Review of Proposed Changes
19th at 9:00am: Draft Finalizing for Ballot

All meetings are being held at the
Community Center
405 N. Barlow Lane, Bishop, CA 93514

EnrollmentChanges@BishopPaiute.org

Bishop Paiute Tribe
Enrollment Department
50 Tu Su Lane
Bishop, CA 93514

“Tribal membership also means something more special than being governed in a certain way. It means that one belongs to a real community. Tribal members are united by common languages, common experiences, and common cultural traditions. It is membership in the tribe that allows them to continue their shared past into a shared future.”