

## ENROLLMENT

Under our current structure, the Minnesota Chippewa Tribe (MCT) Enrollment Ordinance, eligibility criteria for enrollment include the following:

1. Basic Membership Roll. All persons of Minnesota Chippewa Indian blood whose names appear on the annuity roll of April 14, 1941, prepared pursuant to the Treaty with said Indians as enacted by Congress in the Act of January 14, 1889 (25 Stat. 642) and Acts amendatory thereof, and as corrected by the Tribal Executive Committee and ratified by the Tribal Delegates, which roll shall be known as the basic membership roll of the Tribe.
2. All children of Minnesota Chippewa Indian blood born between April 14, 1941, the date of the annuity roll, and July 3, 1961, the date of approval of the membership ordinance by the Area Director, to a parent or parents, either or both of whose names appear on the basic membership roll, provided an application for enrollment was filed with the Secretary of the Tribal Delegates by July 4, 1962, one year after the date of approval of the ordinance by the Area Director.
3. All children of at least one quarter (1/4) degree Minnesota Chippewa Indian blood born after July 3, 1961, to a member, provided that an application for enrollment was or is filed with the Secretary of the Tribal Delegates or the Tribal Executive Committee within one year after the date of birth of such children.

Annuity Rolls were a result of Congress enacting the **Nelson Act**, dated January 14, 1889, 25 Stat. 642, for the relief and civilization of the Chippewa Indians in the State of Minnesota. A federal law intended to relocate all the Anishinaabe people in Minnesota to the White Earth Indian Reservation. It established a process "for the complete cession and relinquishment in writing of all of title and interest in and to all the reservations of said Indians in the State of Minnesota, except the White Earth and Red Lake Reservations. The Act failed in eliminating the Ojibwe

reservations in Minnesota. But it did directly and indirectly strip the Ojibwe of large sections of their land promised them by previous treaties.

The Annuity Rolls listed heads of households and the number of their dependents who were due money from a promised annuity amount because of a treaty or agreement. The Annuity Rolls were not enrollments or registrations, as they changed every year according to whoever the head person. The BIA agreed that it was up to the tribe to decide who was eligible to receive their annuity money. Presence of a name on an annuity list could not be used as either proof of tribal heritage, or enrollment. Especially, because some tribes "adopted" people from other tribes, or non-Indians for as long as they were accepted by the group.

The concept of Blood Quantum was first introduced in colonial Virginia in the early 18th Century as a means of restricting the rights of anyone deemed to be more than 50% Native American.

Native American tribes did not formally use blood quantum law until the government introduced the Indian Reorganization Act of 1934, instead they had determined tribal status based on kinship, lineage, and family ties.

During the allotment period between 1887 and 1934, the term "blood quantum" was officially integrated into the legal status of native identity for the purpose of dividing reservation land into individual allotments. Reservation male heads of households received allotments, though in many cases a 1/4 American Indian blood quantum was used to determine who was eligible. Due to the blood quantum qualification, many people were ineligible, thereby effectively reducing the Indian holding of land. The so-called "surplus" land that resulted from the removal and allotment, was to be sold at auction to white settlers, logging companies, and mining companies. Over 90 million of the 138 million acres originally designated as Indian territory were lost, and thousands of American Indians were displaced.

After the Indian Reorganization Act of 1934. A variety of court cases have tested tribal membership requirements. From the disputes, American Indian tribal governments have won the right to determine their own membership: "The courts have consistently recognized that in the absence of express legislation by Congress to the contrary, an Indian tribe has complete authority to determine all questions of its own

membership" *Cohen, F. 1942:133 Handbook of Federal Indian Law. Washington, D.C.: U.S. Government Printing Office.*

Zaagibagaang- Anishinaabe Values in Action outlined the history of MCT enrollment Criteria in the Minnesota Chippewa Tribe (MCT) Constitution via the Enrollment Ordinance.

1. The original MCT Constitution was approved in 1936 and included lineal descent as a criterion for enrollment; since that time, many discussions have been held on what criteria should or should not be used to determine membership.
2. Throughout the 1940s, during the time the MCT was comprised of not only the Tribal Executive Committee (TEC), but also Tribal Delegates (each of the six Reservations had representation based on their population), many discussions took place about enrollment criteria; specifically, degree of blood, lineal descent, and residency were debated. By this time, the US government had started to use 1/4 degree blood quantum as criteria for many services and was applying pressure on the Tribes to do the same.
3. Although the TEC passed resolutions to continue with lineal descent as the enrollment criteria, the Secretary of the Interior would not approve of it. Finally in 1961 the enrollment criteria were changed to require 1/4 degree MCT blood.

The use of the current MCT criteria for enrollment has led to confusion and inequality. Under the current system, people within the same household, having the same parents or parent have been treated differently; some have been eligible for enrollment, and some have not met the requirements. This has created family conflicts, resentment of the tribal system and confusion on what it means to be Ojibwe Anishinaabe.

We need to change this structure. No other racial or ethnic group are identified by fractional equivalents. If we do not stop relying on blood quantum, we will cease to exist, facing extinction due to the diminishing fractions.

Kylie Rice in her May 30, 2021, Indigenous foundation article, Blood Quantum and Its Role in Native Identity, wrote “ Blood Quantum, as a way to ascribe Native American membership, has dire consequences. Blood Quantum policies are little other than genocidal and will eventually lead to the extinction of indigenous people.” She also wrote “If native communities uphold strict blood quantum rules, it is inevitable that enrollment numbers will decline, and tribal communities will no longer be viable as sovereign nations. The use of Euro-American definitions of identity is outdated, as is blood quantum.”

Further evidence of this eventual decline in our enrollment numbers, if we adhere to the blood quantum rule, is reflected in the Minnesota Chippewa Tribe: Population Projections- August 20, 2021, by Nicole Martin Rogers, MPP, PhD Wilder Research. The report indicates that the MCT’s population will decline if you keep 1/4 blood quantum requirement; that the MCT population will stabilize over the rest of this century if MCT changes to 1/8 blood quantum then would decline later due to mechanics of blood quantum; but the MCT population will grow if MCT changes to lineal descent.

Our future depends on our youth and new tribal members. We need to change the current structure. If not for equality, but for another important reason, our future existence. The use of blood quantum is exactly what the US government wanted for us because it leads to our extinction. Instead, we need to recognize our blood relatives and include them in our membership/citizenship to help continue our culture and heritage.

We have the authority to determine our own tribal membership, let us do that within the true meaning of what it is to be Ojibwe Anishinaabe.

We survived starvation, attempted genocide, wars, diseases inflicted upon us, like smallpox, government schools, relocation, forced assimilation, brutality, racism, loss of our missing Indigenous women, adoption of our children without consideration of their cultural needs, poverty, suicides, and drugs, But **WE WILL NOT SURVIVE SELF INFLICTED EXTINCTION** under an enrollment system based on blood quantum.

In Mathematics, fractions are defined as the parts of a whole. A fraction is a word that is originated from Latin. In Latin, “**Fractus**” means “**broken.**” Let’s not be a nation of the broken!

The problem with using fractions (1/4 Blood Quantum Rule) as a criterion for tribal enrollment, is they are still confusing and not useful. We can only divide the blood quantum fractions until the number is a meaningless value which will lead to our demise.

An alternative solution to this problem is the use of lineal descent. Lineal descendancy from someone named on the tribe's base roll or relationship to a tribal member who descended from someone named on the base roll. We can still use our current "base roll" of 4/14/1941 as the original list of members as designated in our tribal constitution and other document specifying enrollment criteria.

The use of lineage and cultural competency/consistency are a good match for revitalizing our membership. It is also consistent with the following US Department of Interiors' description of our unique character.

The US Department of Interior (<https://www.doi.gov/tribes/enrollment>) noted that Tribal enrollment requirements preserve the unique character and traditions of each tribe. American Indian/Alaskan Native tribe's membership criteria are based on customs, history, traditions, language, religious beliefs and practices, ancestry and tribal blood that are unique to it and which set it apart from other tribes or tribal communities. Tribal membership may also convey the right to vote in tribal elections, to serve in tribal leadership, to participate in the sharing of tribal assets, to use tribal treaty rights (such as hunting, fishing, and gathering rights) within the tribe's jurisdiction, to participate in cultural or religious matters, to receive tribal services and benefits, and to exercise other privileges or rights unique to tribal members.

Developing enrollment criteria based on lineal descent and cultural competency/consistency is also in line with the criteria expected of us to establish ourselves as a Federally Recognized Indian Tribe, especially as we relate to sections (a), (b), (c), and (e) in the following 25 CFR Regulations, Part 83.

The Department's process for acknowledging an Indian tribe is set forth in its regulations at 25 C.F.R. Part 83, "Procedures for Establishing that an American Indian Group Exists as an Indian Tribe." (Part 83 Process) This process allows the Assistant Secretary to make an informed decision on whether to acknowledge a petitioner's nation-to-nation relationship with the United States. These regulations include seven "mandatory" criteria, by which a petitioner must demonstrate that:

- (a) It has been identified as an American Indian entity on a substantially continuous basis since 1900;
- (b) A predominant portion of the petitioning group comprises a distinct community and has existed as a community from historical times until the present;
- (c) It has maintained political influence or authority over its members as an autonomous entity from historical times until the present;
- (d) It has provided a copy of the group's present governing document including its membership criteria;
- (e) Its membership consists of individuals who descend from an historical Indian tribe or from historical Indian tribes that combined and functioned as a single autonomous political entity, and provide a current membership list;
- (f) The membership of the petitioning group is composed principally of persons who are not members of any acknowledged North American Indian Tribe; and,
- (g) Neither the petitioner nor its members are the subject of congressional legislation that has expressly terminated or forbidden the federal relationship.

James Anaya, a prominent scholar on indigenous rights and a Distinguished Professor at the University of Colorado Law School has described indigenous peoples as those “living descendants of preinvasion inhabitants of lands now dominated by others.”

With a change of our enrollment criteria from Blood Quantum to Lineal Descent and Cultural Competency/Consistency, the Ojibwe Anishinaabe can become the dominant force in our nations.