

*STATUTES of the CONFEDERATED TRIBES of the UMATILLA INDIAN RESERVATION  
As amended through Resolution No. 00-98 (October 16, 2000)*

# ENROLLMENT CODE

CONFEDERATED TRIBES  
OF THE  
UMATILLA INDIAN RESERVATION

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**ENROLLMENT CODE**

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## **ENROLLMENT CODE**

### **SECTION 1. TITLE**

This Code shall be entitled the Enrollment Code of the Confederated Tribes of the Umatilla Indian Reservation, hereinafter referred to as Confederated Tribes.

### **SECTION 2. AUTHORITY**

This Enrollment Code is authorized by Article IV of the Constitution and Bylaws of the Confederated Tribes and the enrollment amendments to the same approved by the General Council at the Tribal election on November 27, 1990.

### **SECTION 3. PURPOSE**

The purpose of this Code shall be to:

- A. Preserve the viability and integrity of the Confederated Tribes;
- B. Strengthen the independence and sovereignty of the Confederated Tribes; and
- C. Provide for an efficient and fair determination of enrollment eligibility of any person.

### **SECTION 4. DECLARATION OF POLICY**

The Confederated Tribes hereby find and declare:

- A. That there is no resource more vital to the continued existence and integrity of the Confederated Tribes than the children;
- B. That the enrollment laws shall protect the best interests of the Confederated Tribes and the individual Indians enrolled in or eligible for enrollment in the Confederated Tribes;
- C. That Tribal enrollment laws shall promote the stability, viability and security of the Confederated Tribes by reflecting the cultural values and traditions of the Confederated Tribes; and
- D. That determinations of eligibility for Tribal membership shall be conducted in a manner that is fair and removed from the political process.

### **SECTION 5. JURISDICTION**

The Confederated Tribes, pursuant to its inherent authority under its Constitution and By-Laws, shall have exclusive jurisdiction to determine membership in the Confederated Tribes as provided in this Enrollment Code.

### **SECTION 6. GRANDFATHER CLAUSE**

Any enrollment approved by the General Council of the Confederated Tribes pursuant to Article IV of the Constitution of the Confederated Tribes prior to March 28, 1991, shall remain valid for the lifetime of such enrollee, subject to the rights of relinquishment in Section 13 of this Code.

### **SECTION 7. ENROLLMENT CRITERIA**

Upon the enactment of this Code, the membership of the Confederated Tribes shall consist of:

- A. Persons enrolled with the Confederated Tribes prior to March 28, 1991 in accordance with Article IV of the Constitution and Bylaws of the Confederated Tribes as ratified and approved on

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December 7, 1949, shall remain valid for the lifetime of such enrollee or until the enrollee chooses to relinquish membership as provided in Section 13.

- B. Effective for all applications for membership in the Confederated Tribes filed after November 23, 1993, the membership of the Confederated Tribes shall consist of persons who:
  - 1. Has one parent or grandparent who is an enrolled member of the Confederated Tribes; and
  - 2. Possess at least one-fourth (1/4) degree of Indian blood from any federally recognized Indian Tribe within the United States.
- C. Any person eligible for enrollment under subsection (B) of this section shall be automatically enrolled by the Tribal Enrollment Officer upon submission of the proper documentation as provided in Sections 10 and 11 of this Code.
- D. For purposes of this Section only, "parent" and "grandparent" shall include those persons who were originally enrolled with the Confederated Tribes but later relinquished that enrollment.

**SECTION 8. ELIMINATION OF SECTION C ENROLLMENT**

Based upon the General Council approval of enrollment constitutional amendment number 2 at the Tribal Election on November 27, 1990, which eliminated Tribal membership under Article IV8 of the Constitution and Bylaws of the Confederated Tribes as ratified on December 7, 1949, and upon Resolution 90-80, Section C membership is eliminated for any application filed after January 4, 1991.

**SECTION 9. ABOLITION OF ENROLLMENT COMMITTEE**

The Tribal Enrollment Committee is hereby abolished.

**SECTION 10. ESTABLISHMENT OF THE TRIBAL ENROLLMENT OFFICER**

- A. There is hereby established the position of the Tribal Enrollment Officer. The Enrollment Officer shall be responsible for preparing enrollment application forms and for distribution of the same. The Enrollment Officer shall prepare instructions to accompany each enrollment application form which shall describe the documentation requirements that will be necessary to act upon the Tribal enrollment application.
- B. Any complete enrollment application for membership with the Confederated Tribes that is submitted with all necessary documentation as required by the Enrollment Officer, shall be acted upon within ninety (90) calendar days of the filing of the completed application. Within ten (10) days of receiving an enrollment application, the Enrollment Officer shall notify the applicant in writing in the event that the application does not contain needed documentation. The notice should specifically identify the needed documentation. The ninety (90) day time requirement to act upon enrollment applications shall begin to run when the enrollment application and all necessary documentation has been filed. Any decision by the Enrollment Officer upon an application for Tribal enrollment shall be in writing and shall be sent to the applicant by registered mail. The Enrollment Officer shall notify the applicant of the 90 day appeal period in the event enrollment is denied.
- C. Any challenge to an enrollment decision made by the Enrollment Officer shall be filed in the Umatilla Tribal Court within ninety (90) days of an adverse enrollment decision. The Tribal Attorney shall represent the Enrollment Officer in any such proceeding. The standard of review of enrollment decisions of the Enrollment Officer shall involve a de novo review of questions of law and factual determinations shall be reviewed under an arbitrary and capricious standard. The decision of the Umatilla Tribal Court on enrollment decisions shall be final.

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- D. Standing for Appeal. Only persons whose application for enrollment has been denied, or person(s) acting on behalf of a minor or incompetent whose application for membership has been denied, shall have the standing to appeal the denial of membership to the Confederated Tribes.
- E. The Enrollment Officer shall also be responsible for the following duties:
  - 1. Develop and maintain the base roll for the Confederated Tribes;
  - 2. Research and compile information on the Indian ancestry of individuals relative to enrollment applications;
  - 3. Maintain a file on each enrolled Tribal member, in which a copy of the enrollment application, the original birth certificate, and, if applicable, other proof of parentage to determine eligibility, and a copy of the General Council minutes and/or Enrollment Officer decision shall be kept.

**SECTION 11. ENROLLMENT APPLICATIONS**

- A. Enrollment applications may be obtained from the Office of the Enrollment Officer, the Bureau of Indian Affairs, or at the Office of the General Council Chairman.
- B. Enrollment applications may be completed by a parent, guardian, or relative of an eligible child, or by the applicant if over eighteen years of age.
- C. Applications for enrollment shall contain, at a minimum, the following information:
  - 1. Name, address, and Social Security Number of the applicant.
  - 2. Indian, maiden or other name by which applicant is known.
  - 3. Date and place of birth of the applicant.
  - 4. Residence of parents at 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 and Tribal enrollment number of the applicant's parent(s) who is an enrolled member of the Confederated Tribes.
  - 7. The name, address, and degree of Indian blood, both Tribal and total, (as verified by the Enrollment Officer in accordance with official records,) of each parent of the applicant.
  - 8. 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.
  - 9. Certification by Enrollment Officer that the applicant is not already enrolled with another tribe where the applicant may be eligible for enrollment.
- D. Proof of parentage: Documents that demonstrate proof of parentage shall include, but are not limited to, certified birth certificates, DNA test results, paternity affidavits executed by both parents, valid court decisions, or probate determination by an Administrative Law Judge.
- E. Upon submission of an enrollment application, the Enrollment Officer shall provide the applicant with a written form indicating, at the minimum, the date the application was filed, a listing of the supporting documents filed with the application and a summary of the procedure for consideration and action on enrollment applications.

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- F. Applications that are approved shall be transmitted to the Bureau of Indian Affairs accompanied by a completed roll page. When the Bureau of Indian Affairs returns the approved roll page and application, the applicant shall be notified of enrollment with the Confederated Tribes and shall be assigned an enrollment number.
- G. Any application that is denied shall be returned to the applicant with a written explanation of the reason for the denial. Any re-application shall be governed by Section 15 of this Code.
- H. The burden of proving eligibility for enrollment shall be upon the applicant, or the person(s) acting for the applicant.

**SECTION 12. DUAL ENROLLMENT**

No applicant for membership in the Confederated Tribes may be enrolled if that applicant is enrolled in another federally recognized Indian Tribe. Any person applying for membership with the Confederated Tribes shall relinquish membership such person holds in another Tribe as a condition of enrollment with the Confederated Tribes.

**SECTION 13. RELINQUISHMENT OF CONFEDERATED TRIBES MEMBERSHIP**

**A. Relinquishment by Adults**

- 1. Adult Defined - An adult is anyone eighteen years of age and over.
- 2. Procedure - Any adult Tribal member may relinquish membership in the Confederated Tribes by submitting a completed and signed relinquishment form to the Enrollment Officer. The Officer shall have the authority to act on a member's relinquishment request. Relinquishment shall be effective upon the date the Officer grants the request. Written notice of the effective date of the relinquishment shall be sent to the person requesting relinquishment.
- 3. Relinquishment of Incapacitated Adults - The Tribal membership of adult members of the Confederated Tribes may be relinquished by the legal guardian of the incapacitated adult member.
- 4. Re-Application of Incapacitated Adults - The membership of an incapacitated adult may be relinquished by the legal guardian; provided, however, that the incapacitated adult may re-apply for membership in the Confederated Tribes upon reaching full capacity.

**B. Relinquishment By or on Behalf of a Minor Child.**

- 1. Minor Child Defined - A minor child is anyone under eighteen years of age.
- 2. Authority to Relinquish - The membership of a minor child may be relinquished by the minor's parents and/or legal guardians, subject to the following limitations:
  - a. All persons having legal guardianship or parental rights over the child must consent in writing to the relinquishment.
  - b. If the minor child is over twelve years of age, the child must consent in writing to the relinquishment.
  - c. No relinquishment shall be granted for any child who is the subject of a "child custody proceeding" as defined in the Indian Child Welfare Act, 25 U.S.C. § 1903, or has been the subject of such a proceeding in the past two years.

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3. Re-application rights - A minor whose rights were relinquished by a parent or legal guardian may re-apply for membership with the Confederated Tribes upon reaching the age of eighteen.
- C. Termination of Entitlement to Tribal Benefits.
- Any person who relinquishes membership with the Confederated Tribes shall not be entitled to any individual or Tribal benefits accruing subsequent to the relinquishment available to members of the Confederated Tribes as a result of tribal membership.
- D. Except for Section C members applying for membership in the CTUIR under this Code, and except as provided in subsection (A)(4) and (B)(4) above, no member of the Confederated Tribes who relinquishes Tribal membership in the Confederated Tribes shall be entitled to reapply for Tribal membership.
- E. No relinquishment will be accepted until all debts and/or services owed to the Confederated Tribes are satisfied.

**SECTION 14. TERMINATION OF TRIBAL BENEFITS**

- A. Termination of Benefits Upon Relinquishment: In accordance with Section 13(C) of this Code, any person relinquishing membership with the Confederated Tribes shall not be entitled to any individual or Tribal benefits available to members of the Confederated Tribes as the result of Tribal membership accruing subsequent to the relinquishment of membership in the Confederated Tribes.
- B. Termination of Tribal Benefits Upon Death: With the exception of the Tribal Burial fund, all Tribal benefits entitled to any individual will terminate at midnight on the date of death of that individual. These benefits include dividend payments and any other source of income distributed to the Tribal member from the Confederated Tribes.
- C. Burial Fund: The Tribal Burial fund benefit will terminate upon disbursement of a one time payment to the funeral service provider.
- D. Dividends/Per Capita Payments: Only CTUIR members living on the date of a dividend/per capita payment distribution shall be entitled to said dividend/per capita payment.

**SECTION 15. RE-APPLICATION**

Any person whose enrollment application has been denied after April 1, 1991 based upon a review of a complete enrollment application, and whose appeal rights have expired or been exhausted, shall be barred from applying for enrollment with the Confederated Tribes in the future.

**SECTION 16. ELIGIBILITY OF ADOPTED CHILDREN**

- A. Children adopted by members of the Confederated Tribes are eligible for Tribal enrollment so long as the adopted children otherwise meet the requirements of this Code.
- B. 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 Tribal Social Services Department or Agency Superintendent certifying that at least one of the child's natural parents or grandparents is a member of the Confederated Tribes and that the child possesses a sufficient degree of Indian blood to enable the child to qualify for enrollment can be used to determine the adopted child's eligibility for enrollment.

**SECTION 17. PUBLICATION**

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All additions, deletions and corrections of the Tribal enrollment roll shall be compiled on at least an annual basis by the Enrollment Officer and shall be made available to the Board of Trustees to be distributed among the General Council or published and at their discretion. The Enrollment Officer shall be available to report to the Board of Trustees and the General Council on Tribal statistics and changes to the Tribal enrollment rules and procedures as requested.

APPENDIX A

LEGISLATIVE HISTORY

## **ENROLLMENT CODE**

### **LEGISLATIVE HISTORY**

**Enrollment Prior to Enactment of the Constitution.** The first census of members of the Confederated Tribes was conducted by the federal government in 1870. It consisted of a simple tally of members of each of the three tribes. In the following years, the federal government conducted many censuses of the membership. Many of these collected a variety of data about members, including their tribal affiliation, their relationship to each other, their blood quantum their land and possessions. Frequency and format of these censuses varied widely from decade to decade, reflecting differences in federal Indian policy. Records exist of federal censuses of the tribal membership for the following years. 1870, 1873, 1877, 1878, 1879, 1884, 1886, 1887, 1889, 1991, 1892, 1894, 1896, 1898, 1900, 1903, 1904, 1905, 1910, 1911, 1912, 1913, 1914, 1915, 1916, 1917, 1918, 1920, 1921, 1922, 1923, 1924, 1925, 1926, 1927, 1928, 1929, 1930, 1931, 1932, 1933, 1934, 1935 changes to 1934 census, 1936 changes to 1934 census, 1937, 1938 changes to 1937 census, 1939 changes to 1937 census, 1940 changes to 1937 census, 1941 changes to 1937 census, 1942 changes to 1937 census, 1943 changes to 1937 census, 1946 (incomplete).

**Enrollment Under the Original Text of the Constitution (1949)** The Confederated Tribes's Constitution and Bylaws took effect on December 7, 1949. Article IV of the Constitution and By-Laws of the Confederated Tribes defines those persons who are eligible for membership in the Confederated Tribes. As originally enacted, Article IV provided three ways for a person to become a member of the Confederated Tribes.

The first basis for tribal membership was listed under Article IV, Section (a). "All persons of Indian blood whose names appear on the official census roll of the Confederated Tribes as of July 1, 1949" were automatically members of the Confederated Tribes (although corrections to that roll could be made for up to five years from the enactment of the Constitution). Unfortunately, no record exists of any July 1, 1949 census roll of the Confederated Tribes. Apparently, when the text of the constitution was being drafted and debated in early 1949 it was anticipated that such a roll would be created, but it never was.

Faced with the dilemma that Article IV, Section (a) of the constitution bases tribal membership on a non-existent census roll, tribal enrollment officials have used as a substitute the 1957 Tribal census roll developed for the payment of settlement monies for the loss of Celilo due to the flooding of the Dalles Dam Reservoir. This roll is used because it is the most thoroughly documented roll from this period. Because significant funds were to be distributed to all tribal members as a result of the Dalles Dam settlement, the question of who was and who was not entitled to be listed on the 1957 roll was carefully scrutinized by tribal and federal officials. Likewise, the 1957 roll is the complete census closest in time (eight years) to the 1949 date of the constitution. By comparison, the only copy of the 1946 roll is missing the last third of its pages. Prior to that, the most recent complete census was in 1937 – eleven years prior to the adoption of the constitution.

The second basis for tribal membership is contained in Article IV, Section (b) of the constitution. A child could automatically qualify for enrollment in the Confederated Tribes if the child had "at least one quarter (1/4) degree of blood of the Confederated Tribes" and both of the child's parents were members of the Confederated Tribes. If the child met the blood quantum requirement but only one parent was a member of the Confederated Tribes, the child could only become a member if the General Council voted to admit the child.

The third and final basis for tribal membership was provided by Article IV, Section (c). Section (c) provided a catch-all basis of membership, whereby any person "of blood of the Confederated Tribes" could become a member of the Confederated Tribes, so long as they applied for membership and a majority of the General Council voted to approve their application. Membership under Section (c), however, did not provide the full set of rights enjoyed by Tribal members enrolled under Sections (a) or (b). Section (c) members could vote and hold office in the Tribal government, but they could not exercise the treaty rights of Tribal members or receive compensation for the loss of such rights.

**Amendments to the Enrollment Article of the Constitution.** Article IV of the Constitution has been amended three times.

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The first of these amendments was Amendment Two to the Constitution, which was adopted by the General Council on November 27, 1990. Amendment Two changed Section (b) of Article IV of the Constitution. Amendment Two changed the blood quantum requirement to require "at least one-fourth (1/4) degree of Indian blood *from any federally recognized Indian tribe within the United States.*" It also eliminated the condition that children who only have one parent enrolled in the Tribes can only become enrolled if the General Council approves their enrollment.

On the same date the General Council approved Amendment Three to the Tribes' Constitution. Amendment Three amended Section (c) of Article IV. Amendment Three stated simply, "No new applicants for membership in the Confederated Tribes under Article IV(c) shall be enrolled."

On November 23, 1993, the General Council approved Amendment Seven to the Constitution and By-Laws. This amendment further amended Section (b) of Article IV of the Tribes' Constitution, by allowing any person who met the blood quantum requirement to become a member of the Tribes so long as the person had a parent "or grandparent" who was a member of the Confederated Tribes.

**Enactment of the Enrollment Code.** Until 1991, the Tribes' enrollment functions were administered by the Tribal Enrollment Committee. The Constitution makes no mention of an Enrollment Committee. Apparently, no document ever defined the powers and procedures of the Committee. See Board Resolution No. 91-27 (May 2, 1991), which states: "Tribal enrollment functions have traditionally been administered by a Tribal Enrollment Committee, which Committee was not established by a tribal ordinance, nor were its powers and procedures set forth in such an Ordinance".

This lack of authorization, guidance or procedures for the Enrollment Committee led to a host of problems. The Board of Trustees listed some of those problems in Board Resolution No. 91-27 (May 2, 1991). In that resolution, the Board stated: "the Confederated Tribes would benefit from an Enrollment Ordinance that removes politics from the process leading to tribal enrollment, minimizes discretion in persons reviewing enrollment applications and makes enrollment in the Confederated Tribes a matter of right to any applicant who possesses and can document the lineage and blood quantum required for tribal membership." The Board also stated that "the children of members of the Confederated Tribes would benefit by an Enrollment Ordinance that clearly sets forth the authority of an Enrollment Clerk and the procedures to be followed by an applicant for tribal membership."

To implement the enrollment changes required by Constitutional Amendments Two and Three, and to correct the administrative problems associated with the Tribal Enrollment Committee, the Board of Trustees enacted the Enrollment Ordinance in Resolution 91-30 (May 3, 1991). Section 9 of the new Enrollment Ordinance abolished the Tribal Enrollment Committee.

In Resolution 91-53 (November 6, 1991), the Board adopted enrollment application and instruction forms as well as a procedure for revising those forms, but did not incorporate those forms into the code.

The Board enacted a revised Enrollment Ordinance in Resolution No. 93-26 (June 2, 1993).

The Board enacted a second revised Enrollment Ordinance in Resolution No. 97-66 (November 19, 1997).

In the *Statutes of the Confederated Tribes of the Umatilla Indian Reservation, July 1999 Compilation*, two minor editorial changes were made to the second revised Enrollment Ordinance: the name was changed to "Enrollment Code", and an out-of-date internal citation contained in Section 11(G) was updated. The Board of Trustees approved these changes in Board Resolution No. 99-63 (July 28, 1999).

After publication of the *July 1999 Compilation*, the Board of Trustees has amended the Enrollment Code three times: in Resolution No. 00-44 (May 30, 2000), Resolution No. 00-45 (May 30, 2000) and Resolution No. 00-98 (October 16, 2000).