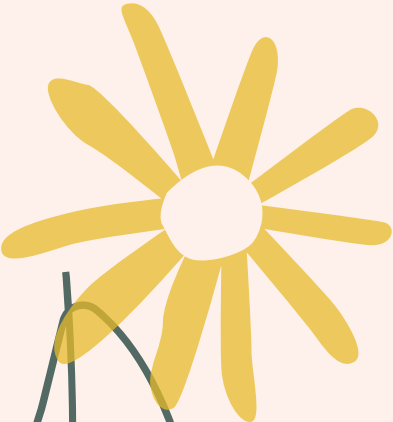


A stylized sun with a yellow circle and white rays is in the top left corner. In the top right, there are light green wavy lines representing water, with a small orange wave line below them.

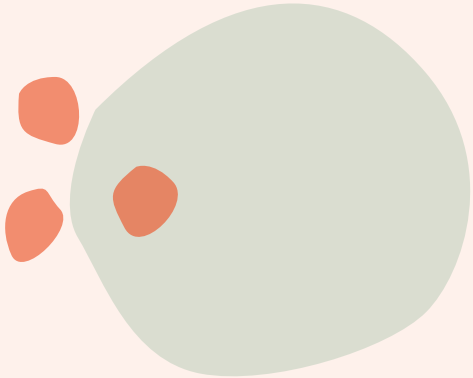
DISENROLLMENT AND THE MEANS OF SOVEREIGNTY

Should the Federal Government have a say in the disenrollment
processes across Native Nations

A stylized orange flower with three petals is in the bottom right corner. To its left is a yellow asterisk-like symbol. In the bottom left corner, there are three small orange circles.



WHAT IS NATIVE DISENROLLMENT?



Native disenrollment is the *legal termination* of existing Native citizenship¹. Disenrollment can occur due to²:

- Voluntary relinquishment
- Dual enrollment
- Deliberate fraud or error in obtaining enrollment
- Misconduct
- Lack of sufficient blood quantum
- Failure to maintain contact or visit the Native Nation

1. David Wilkins, and Shelly Wilkins, "Blood Quantum: the Mathematics of Ethnocide," in *The Great Vanishing Act: Blood Quantum and the Future of Native Nations*, ed Kathleen Ratteree and Norbert Hill (Colorado: Fulcrum Publishing, 2017), 211.

2. Ibid, 222.

BEFORE COLONIZATION

- Most Native Nations were structured around a kinship society ³
- Membership was not reliant on biology ⁴
- Disenrollments and banishments were rare ⁵

"the fear of being socially ostracized was generally sufficient to maintain peaceful interpersonal behavior"

—Wlikins & Wilkins ⁶

IN THE LAST CENTURY

- Under the Indian Reorganization Act of 1934, the U.S. imposed the practice of quantifying blood quantum onto Native Nations via adopted constitutions and government documents ⁷
- However, some nations have weaponized the power of disenrollment, using it as a cover for economic, political or personal gain.
- Native Nations have become more exclusive than ever ⁸
- An increased spike in disenrollments has emerged

3. Matika Wilbur and Adrienne Keene, "Beyond Blood Quantum." October 8, 2019, in *All My Relations*, podcast, MP3 audio, 1:07:28, <https://www.allmyrelationspodcast.com/podcast/episode/49fcb76f/beyond-blood-quantum>.

4. Ibid.

5. Ibid.

6. Wilkins and Wilkins, *The Great Vanishing Act: Blood Quantum and the Future of Native Nations*, 213

7. Wilbur and Keene, *All My Relations*.

8. Ibid.



With the struggle for Native sovereignty, and the involvement of the Federal government, what does the future for Native Nations look like in terms of disenrollment?



FIRST...WHAT IS BLOOD QUANTUM?

During the Allotment period in the late 19th century, the U.S. government wanted to decrease the populations of Native Nations to claim Native land and fulfill treaty obligations at a reduced cost⁹

Blood quantum is a *colonial tool* which claims that you can quantify the amount of "Native blood" that a person has¹⁰

If a Native person has children with a non-Native person, the next generation has a "subtracted identity", half-blood, quarter, eighth, sixteenth etc. The U.S. government, and nations that use blood quantum systems have a distinct cut off distinguishing who belongs¹¹

This concept is a social construct and has no root in any science or biology¹²

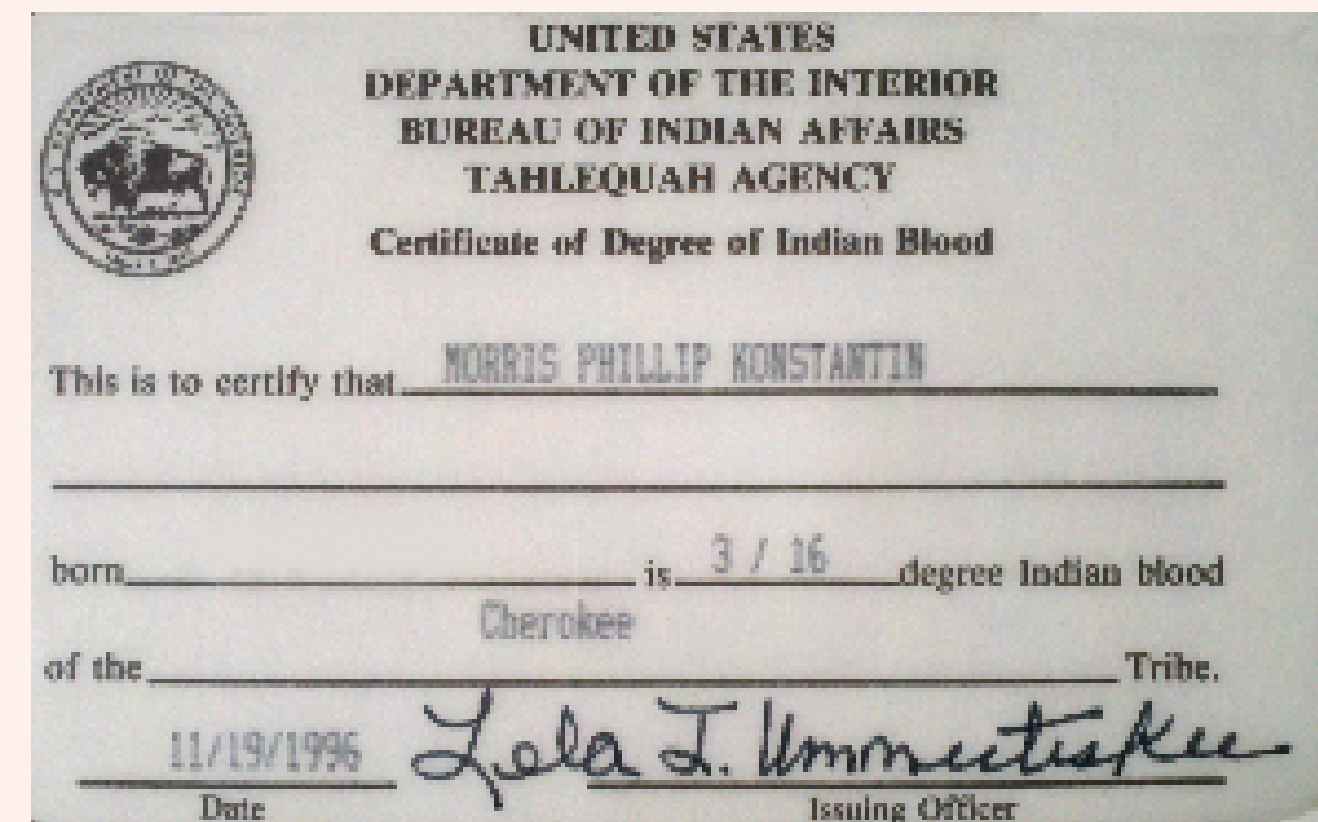


Image source: Phil Konstantin, "Certified Degree of Indian Blood Card," January 18, 2013. Accessed via <https://commons.wikimedia.org/wiki/File:CDIBCardByPhilKonstantin.jpg> CC BY-SA 3.0

9. Gabe Galanda, "Gabe Galanda: The United States Must Help Stop Disenrollment." *Indianz* (2020).

<https://www.indianz.com/News/2020/02/07/gabe-galanda-the-united-states-must-help.asp>.

10. Wilkins, and Wilkins, *The Great Vanishing Act: Blood Quantum and the Future of Native Nations*, 211.

11. Wilbur and Keene, *All My Relations*.

12. Ibid.



A RECENT BOOM IN DISENROLLMENT

Today approximately 70% of Native Nations use a blood quantum system as a means of enrolling and disenrolling Tribal citizens¹³

As of 2016, 69 nations are, in the process of, or have been disenrolling and/or banishing Native members. 27 of the 69 Nations are in California. The most common reasons are lack of sufficient blood quantum or enrollment fraud¹⁴

California is disproportionately disenrolling members compared to the other 19 states that have been disenrolling/banishing, half of the disenrollments are due to insufficient blood quantum¹⁵



13. Wilkins, and Wilkins, *The Great Vanishing Act: Blood Quantum and the Future of Native Nations* Golden, 220.

14. Ibid, 221.

15. Ibid. 221.

WHY WOULD NATIVE NATIONS WANT TO DISENROLL THEIR CITIZENS?

"In my experience [disenrollment] has never been about the truth of who belongs, rather for an ulterior motive, such as sustaining power and wealth"
-Gabriel Galanda¹⁶

Economic benefits:

resource competition,
per capita distribution
plans ¹⁷

Political Benefits

rid family or opposition
who question policies
or practices ¹⁸

Personal Vendettas

family squabbles,
personal reprisals ¹⁹

Outsider Benefits

Non-Native lawyers,
genealogists and
consultants profit from
clients and corrupt
politicians ²⁰

16. Wilbur and Keene, *All My Relations*.

17. Galanda, *Indianz*; Wilkins and Wilkins, *The Great Vanishing Act: Blood Quantum and the Future of Native Nations*, 212.

18. Galanda, *Indianz*; Wilkins and Wilkins, *The Great Vanishing Act: Blood Quantum and the Future of Native Nations*, 223.

19. Wilbur and Keene, *All My Relations*; Wilkins, and Wilkins, *The Great Vanishing Act: Blood Quantum and the Future of Native Nations*, 222.

20. Wilkins, and Wilkins, *The Great Vanishing Act: Blood Quantum and the Future of Native Nations*, 223.

HOW DOES THIS AFFECT NATIVE DISENROLLEES?

Disenrollees face psychological, emotional, physical
and financial hardship²¹

- Disenrollment means one is stripped of their supports from the Federal Government and community
- Many disenrollees face homelessness²²

21. Wilkins, and Wilkins, *The Great Vanishing Act: Blood Quantum and the Future of Native Nations*, 223

22. Ibid, 223.

23. Ibid, 212.

"there is an undertaken knowledge that cutting someone out of the nation would likely be a *death sentence* for that individual" - Wilkins & Wilkins²³

HOW HAS THE FEDERAL GOVERNMENT PLAYED A ROLE?

SPRING 2009

Obama administration looked away from disenrollment affairs as "a policy of Indian self-determination and self-government"

Disenrollment increased across 20 states, courts were overthrown, communities co-opted, police violence on reserves increased, thousands of Native people were exiled²⁴

2010

The Obama administration passed the Tribal Law and Order Act which increased the ability of Native courts²⁵

2016

In response to the disenrollment spikes, the secretary of the interior threatened that any "unjust disenrollment" could face federal "diplomatic consequences"

For three years, no new disenrollments occurred²⁶

LATE 2018

The Trump administration did not stop Native Nation corruption. The Interior dept. proposed to cease BIA blood quantum but has not spoke on the matter since²⁷

24. Gabe Galanda, "Obama's Disenrollment Legacy," *Indian Country Today* (2018) <https://indiancountrytoday.com/archive/obamas-disenrollment-legacy>.

25. *Ibid.*

26. *Ibid.*

27. *Ibid.*

"Sovereignty is the inherent power to address and respond to its own *internal and external affairs*"— Sarah Deer²⁸

SANTA CLARA PUEBLO V.
MARTINEZ (1978).

Martinez argued that her nation was discriminating against her on the basis of sex. Any children of the Santa Clara Pueblo people with a native maternal and non Native paternal lineage do not receive membership whereas a native paternal and non native maternal lineage would. The Supreme Court sanctioned that "tribes alone have the right to manage their citizen criteria."²⁹

CHEROKEE FREEDMAN
DISENROLLMENT

Cherokee Freedman were "freed" from the Cherokee Nation by the Cherokee Emancipation Proclamation. However, they were simultaneously disenrolled from the Cherokee Nation. An ongoing debate resides whether they "count" as Cherokee people. In 2017 Supreme court ruled that Cherokee Freedman were to be reenrolled and receive tribal rights. (double click the hyper link to learn more about the Cherokee Freedman -->)



(Click here!)



28. Sarah Deer, "Native People and Violent Crime," Smithsonian NMAI, March 23, 2019, video, 28:20, https://www.youtube.com/watch?v=WzkswpGmGU&ab_channel=SmithsonianNMAI.
29. Galanda, *Indian Country Today*.

These two supreme court cases concerning disenrollment had opposite outcomes. With Native sovereignty and the shifting political leanings of our Supreme Court...

Should the Federal Government have a say in disenrollment?

WHAT'S NEXT?

Here are some quotes from Native perspectives via newsletters, podcasts, and articles regarding the current disenrollment issue

"Tribes need to figure out *how* they want to define themselves going forwards in the future, *there is more to belonging than through blood quantum*"
— Tommy Miller (Citizen of the Confederated Tribes of the Colville Reservation)³⁰

"perhaps the U.S. should reorganize the tribal right to take such action, but perhaps the federal government should reserve the right to assert diplomatic consequences, which could be fiscal in nature, equivalent to international economic sanctions, or political in nature, such as loss or federal recognition"
— Professor Kevin Washburn (Chickasaw) Secretary of the Interior for Indian Affairs³¹

"It's time for our political discourse to change. *We need to stop disenrolling and get rid of blood quantum.* [we do not] need to replicate how the colonizer weaponizes money. Our shares of slot machine revenues are not worth the pain we have inflicted on ourselves." — Ellie Mitchell (Anishinaabe)³²

Gabe Galanda (Round Valley Indian Tribes of California) argues to "*deconstruct nationhood on some level, at least from the colonial ties that it has currently*"³³

30. Wilbur and Keene, All My Relations.

31. Galanda, *Indians*.

32. Ellie Mitchell, "When children aren't safe, it's time to reconsider the violence of tribal politics," *Indians*. (2021), <https://indiancountrytoday.com/opinion/when-children-arent-safe-its-time-to-reconsider-the-violence-of-tribal-politics>

33. Galanda, *Indians*.

RESPONSES FROM THE PEOPLE



Image source: Ian Sane, "Tribal Sovereignty," Jan. 28, 2017. Accessed via <https://www.flickr.com/photos/31246066@N04/32449663622/in/photostream/> CC BY-NC-ND 2.0

April 2015, National Native American Bar Association adopted a resolution declaring that "it is immoral and unethical for any lawyer to advocate for, or contribute to the divestment or restriction of the American indigenous right of tribal citizenship"³⁴

December 2020, the California Indian Legal Services (CILS) Board of trustees passed a policy prohibiting the organization from aiding tribal governments disenroll their members.²⁴

There is a movement on social media which consists of Native peoples standing up and raising awareness against disenrollment #stopdisenrollment you can find out more via **Stopdisenrollment.com**

34. Wilkins, and Wilkins, *The Great Vanishing Act: Blood Quantum and the Future of Native Nations*, 223

35. G. Galanda, "California Indian Legal Services Officially Exits The Disenrollment Game," *Galanda Broadman* (blog), December 14, 2020, <https://www.galandabroadman.com/blog/2020/12/california-indian-legal-services-officially-exits-the-disenrollment-game>.



BIBLIOGRAPHY



Deer, Sarah. "Native People and Violent Crime." *Smithsonian NMAI*. March 23, 2019. Video, 28:20.

https://www.youtube.com/watch?v=Wz-kswpgMgU&ab_channel=SmithsonianNMAI.

Galanda, Gabe. "Gabe Galanda: The United States Must Help Stop Disenrollment." *Indianz*. February 7, 2020.

Galanda, Gabe. "Obama's Disenrollment Legacy." *Indian Country Today*. September 12, 2018.

<https://indiancountrytoday.com/archive/obamas-disenrollment-legacy>

Mitchell, Ellie. "When children aren't safe, it's time to reconsider the violence of tribal politics." *Indianz*. October 20, 2021. <https://indiancountrytoday.com/opinion/when-children-arent-safe-its-time-to-reconsider-the-violence-of-tribal-politics>

Wilbur, Matika and Adrienne Keene. "Beyond Blood Quantum." *All My Relations*. October 8, 2019, Podcast, MP3 audio, 1:07:28.

Wilkins, David E., and Shelly Julse Wilkins. "Blood Quantum: the Mathematics of Ethnocide." In *The Great Vanishing Act: Blood Quantum and the Future of Native Nations*, edited by Kathleen Ratteree and Norbert Hill, 210–228. Colorado:Fulcrum Publishing, 2017.

