

ST. CROIX CHIPPEWA INDIANS OF WISCONSIN

ENROLLMENT ORDINANCE

Resolution No.: 3.22.02.1

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ST. CROIX CHIPPEWA INDIANS OF WISCONSIN

ENROLLMENT ORDINANCE

I. AUTHORITY

This membership ordinance of the St. Croix Chippewa Tribe (hereinafter "Tribe") is enacted by the Tribal Council pursuant to the provisions of Article III, Section 2(b) of the Constitution of the St. Croix Tribe.

II. PURPOSE

The purpose of this Ordinance is to provide for a procedure to maintain a current membership roll of the Tribe, and to ensure the integrity and accuracy of the roll, as required by Article III of the Tribal Constitution.

III. DEFINITIONS

- A) Adopted Child: A child whose natural parents' parental rights have been terminated by a court and subsequently bestowed upon another adult pursuant to a court order.
- B) Applicant: A person who seeks enrollment in the St. Croix Chippewa Tribe by submitting an application.
- C) Base Enrollee: Those Individuals from whom all persons applying for membership must prove direct descent. For this Tribe, the Base Enrollees are persons who possess St. Croix Indian blood whose names appear on the official census roll approved by the Commissioner of Indian Affairs on November 10, 1938.
- D) Blood Quantum: A specific degree of St. Croix Chippewa Indian blood and a specific degree of other Indian blood required to meet enrollment requirements.
- E) Burden of Proof: The necessity or duty of affirmatively proving a fact or facts through the production of documentary evidence sufficient to establish a fact or facts as true.
- F) Constitution: The constitution of the St. Croix Tribe ratified November 11, 1937 and all subsequent amendments thereto.
- G) Direct Lineal Descendants: One who is in a line of descent from the ancestor to direct descendant, as from grandfather to son to grandson downward in a direct descending line.
- H) Disenrollment: An official act by a tribe to deprive a member of the right to tribal membership.
- I) Enrollment Committee: Five member committee comprised of Tribal Elders who review all enrollment applications and make recommendations to Tribal Council based on majority vote.
- J) Enrollment Document: An application, birth certificate or certified copy of official records submitted by a member or applicant to the

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- Enrollment Director, or acquired by the Enrollment Director for the purpose of establishing requirements for enrollment.
- K) Genetic Marker Testing: Medical tests which determines the probability that a specific individual is the natural father of the applicant, commonly referred to as DNA testing. The expense for genetic marker testing is the responsibility of the applicant.
 - L) Incompetents: Persons who have been legally determined to be unable to make effective decisions on their own behalf.
 - M) Member: An individual who has met the enrollment criteria of an Indian tribe and is officially enrolled in that tribe.
 - N) Minor: A person under the age of eighteen years.
 - O) Notarized: A document attested before or authenticated by a public officer, or notary, who witnesses the signature and certifies that the signature is authentic.
 - P) Paternity Acknowledgement or Statement: A document, under oath, signed by the father of a child born out of wedlock at the time of the child's birth, which states that he is the father. Paternity statements issued by other members of the immediate family are not recognized for enrollment purposes. A judicial determination of paternity shall be recognized for enrollment purposes. Genetic marker testing may also be submitted as proof of paternity.
 - Q) Relinquishment: The voluntary, total withdrawal from membership with an Indian tribe, including the St. Croix Chippewa Indians of Wisconsin, by a tribal member.
 - R) Resolution: A formal statement memorializing a decision by a tribal entity.
 - S) Tribe: The St. Croix Chippewa Indians of Wisconsin.
 - T) Tribal Council: The legislative/executive branch of the Tribe authorized to make governing decisions pursuant to Article V of the Constitution. Tribal Council decisions concerning enrollment matters shall be made by a unanimous vote of the full Council.

IV. ELIGIBILITY CRITERIA

A. Article III of the Constitution of the St. Croix Chippewa Indians states:

The membership of the St. Croix Chippewa Indians shall consist of:

Section 1. (a) The St. Croix Indians whose names appear on the roll approved by the Commissioner of Indian Affairs on November 10, 1938, who are residing on the St. Croix Reservation at the time this constitution is submitted for ratification.

(b) All children of one-half or more Indian blood born since November 10, 1938 to members residing on the St. Croix Reservation.

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Section 2. (a) The St. Croix Indians whose names appear on the roll approved by the Commissioner of Indian Affairs on November 10, 1938 and who are not residing on the St. Croix Reservation at the time this Constitution is adopted, shall become members by making application to the St. Croix Council, which Council shall cause the names of such applicants to be added to the membership roll; provided that applicants who may be enrolled with another tribe shall first relinquish such membership.

(b) The Council shall adopt appropriate ordinances, subject to the approval of the Secretary of the Interior, governing the admission to membership of persons, not included in the foregoing, who are of one-half or more degree of Indian blood, and who apply for such membership.

B. Except where inconsistent with the foregoing, the following limitations apply:

- 1) The applicant shall be the direct lineal descendant within two generations.
- 2) If the applicant is currently enrolled or has been previously enrolled, the following criteria apply:
 - a) Other than a St. Croix Indian whose name appears on the roll approved by the Commissioner of Indian Affairs on November 10, 1938, an adult who is currently enrolled in or has previously been enrolled in another tribe is not eligible for membership.
 - b) A minor who has relinquished membership in the St. Croix Chippewa Indians shall be eligible to reapply for enrollment upon reaching the age of eighteen. The application period shall remain open for six months from the minor's eighteenth birthday. The application shall be processed in a manner consistent with all new applicants.
 - c) A minor who intends to relinquish enrollment in another tribe shall be eligible to apply for enrollment in the Tribe upon reaching the age of eighteen. Upon acceptance of the applicant for enrollment, evidence of relinquishment of the applicant's current tribal membership must be received prior to enrollment in the St. Croix Tribe becoming effective. The application period shall remain open for six months from the minor's eighteenth birthday.
- 3) Persons adopted by members of the Tribe are not eligible for enrollment unless they independently meet the requirements of this Ordinance.
- 4) The applicant born out of wedlock must submit proof of paternity by:

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- a) An order of paternity issued by a court of competent jurisdiction.
- b) A sworn affidavit of paternity signed and notarized at the time of the applicant's birth.
- c) Certification of paternity based on genetic marker testing of the father and child.
- d) An applicant born out of wedlock who is unable to submit proof of paternity shall be deemed to possess one half of the Indian blood quantum possessed by the mother.

V. OPEN ENROLLMENT

By a unanimous vote of the Tribal Council, the time periods in which enrollment is open or closed to applicants shall be determined by resolution.

VI. APPLICATION PROCEDURE

A. Application Form. Enrollment staff shall provide an application form which must be used when making an application for enrollment. The form shall be entitled "Application for Enrollment" and shall contain space for the following information:

- 1) Name and address of the Applicant;
- 2) All names by which the Applicant has been known;
- 3) Date of birth and place of birth of the applicant;
- 4) The applicant's social security number;
- 5) Names and tribal membership status of the parents of the applicant;
- 6) If the applicant is under the age of 18 or incompetent, the name, address, and relationship of the person making the application on behalf of such minor incompetent;
- 7) Certification by the applicant, or by the person making the application on behalf of the minor or the incompetent applicant, that the information is true;
- 8) A Notice warning the applicant of the consequences of providing false or misleading information.

B. Mandatory Documentation. The application must be accompanied by the following:

- 1) A completed Family Tree Chart, including the names and blood quantum of siblings
- 2) The applicant's original state-issued birth certificate.
- 3) A copy of the applicant's social security card.
- 4) If the applicant is born out of wedlock, one of the following must be submitted:
 - a) A court order establishing paternity.

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- b) A sworn affidavit of paternity signed by the mother and father at the time of the applicant's birth.
- c) Certification of paternity based on genetic marker testing conducted on the father and the applicant at the applicant's expense.
- C. Supporting Documentation. Documentation evidencing eligibility for enrollment shall accompany the application. The Enrollment Director shall have the authority to require the applicant to furnish such additional evidence or proof as is necessary to make a determination. Any handwritten corrections or additions to documentation will be considered alterations. Altered documents will be unacceptable for enrollment purposes. The Enrollment Director shall establish the nature and types of acceptable evidence, which will include but not be limited to, court documents, state or federal records, and genetic marker testing. Only original documents or certified copies with an authentic seal will be accepted.
- D. Additional documentation for adopted applicant. In addition to those items listed above, an applicant who has been adopted must also submit documentation proving that the applicant is a direct lineal descendant of a St. Croix Tribal member within 2 generations. Usually, this documentation will consist of a copy of the adoption decree together with either the original birth certificate showing the natural parent(s) or a legal document identifying the natural parent(s).
- E. Burden of Proof. The burden of proof to establish eligibility for membership is at all times carried by the applicant. The costs associated with proving eligibility is the responsibility of the applicant.
- F. Submission. The application and all accompanying documentation must be submitted to the Enrollment Director, St. Croix Tribal Center, P.O. Box 45287, Hertel, Wisconsin. The Enrollment Director can be reached at 715.349.2195, ext. 273 OR 274.

VII. APPLICATION PROCESSING

- A. The application form and all documentation shall be stamped with the date on which they were received.

The Enrollment Director shall review the application for compliance with mandatory contents and send to the applicant an "Acknowledgement of Status of Application" within 10 working days of the date upon which it was received.

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- 1) In the event that an application is incomplete, the Enrollment Director shall include in the "Acknowledgment of Status of Application" a description of the application deficiencies and a warning that if the required documentation is not submitted within 60 days, the application will be formally closed.
 - 2) In the event that the application is complete, the Enrollment Director shall determine if the applicant meets the eligibility requirements for enrollment in the Tribe and prepare a recommendation for presentation to the Enrollment Committee.
- B. Within 60 days of receipt of a complete application, the Enrollment Director shall present the application to the Tribal Enrollment Committee for a determination regarding eligibility for membership. Extensions may be granted by the Enrollment Director for good cause.
- C. Within 60 days, the Tribal Enrollment Committee must review the application to ensure eligibility and recommend for membership to the Tribal Council those applicants who have proven eligibility consistent with this Ordinance. Based upon the review, the Enrollment Committee shall:
- 1) Prepare a resolution for Tribal Council requesting action accepting eligible applicants for enrollment.
 - 2) Send the applicant a "Notice of Rejection" via certified mail. The Notice shall clearly outline the basis for the applicant's rejection. Included in the Notice shall be information regarding the applicant's right to appeal the decision.
 - 3) Within 90 days, the full Tribal Council shall act upon the resolution recommending an applicant for enrollment. If the resolution is not adopted, the Enrollment Committee shall send the applicant a "Notice of Rejection" via certified mail. The Notice shall clearly outline the basis for the applicant's rejection. Included in the Notice shall be information regarding the applicant's right to appeal the decision.
- D. The Enrollment Director shall assign an enrollment number and notify the Bureau of Indian Affairs for information purposes within 10 days of adoption by the Tribal Council.
- E. The Enrollment Director shall send Notice of Acceptance to the Applicant within 10 working days.

VIII. LOSS OF MEMBERSHIP

- A. Relinquishment. Relinquishment serves to permanently sever membership. An adult who has relinquished membership in any tribe, including the St. Croix Chippewa

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Indians shall not be permitted to apply for re-enrollment. Relinquishment is available as follows:

- 1) Any adult member of the St. Croix Tribe may voluntarily relinquish his/her membership. Such relinquishment must be in writing, and the member's signature must be notarized. Request for relinquishment must be submitted with the Tribal member's Tribal identification card. The Enrollment Director shall note the date of relinquishment on the Tribal Roll, and notify Tribal Council, Per Capita, and the Bureau of Indian Affairs of the relinquishment.
- 2) Membership of the St. Croix Tribal member who is a minor or incompetent may be relinquished by his/her parent or guardian. The relinquishment must be in writing and must be notarized. Request for relinquishment must be submitted with the Tribal member's enrollment card. The Enrollment Director shall note the date of relinquishment on the Tribal Roll, and notify Tribal Council, Per Capita, and the Bureau of Indian Affairs of the relinquishment. A minor whose St. Croix Tribal membership has been relinquished by a parent or guardian may submit an application for membership upon reaching the age of 18 years. Such application shall be processed in accordance with section IV(B)(2) above.
- 3) Request for relinquishment of an incompetent must be reviewed by Tribal Council to determine if relinquishment is in the best interest of the incompetent person.

B. Disenrollment. The burden of proof in disenrollment actions rests with the Tribe. After enactment of this ordinance, a Tribal member shall be disenrolled when:

- 1) The Enrollment Committee discovers that the Tribal member was erroneously enrolled. This erroneous enrollment may have resulted from fraudulent submissions, mistakes in blood degree computations, or inadequate research.
- 2) The Enrollment Committee discovers that the Tribal member is currently enrolled in or has been previously enrolled in another Indian tribe.

A Tribal member who is subject to disenrollment shall be notified by certified mail of the intent to disenroll. The Notice shall clearly outline the basis for disenrollment. Included in the notice shall be the date set before the Tribal Council to consider the matter. After consideration, the Tribal Council shall adopt a resolution to either disenroll the Tribal member or continue the Tribal member's enrollment. The subject of the disenrollment action shall be notified via certified mail of the Tribal Council's action. Such notice shall include the appeal rights outlined in section IX of this Ordinance. Effective with the date of disenrollment, all Tribal benefits shall cease.

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C. Deceased Members. Death of an enrolled member shall automatically terminate all benefits associated with enrollment. The Enrollment Director shall update the Tribal Roll and notify the Per Capita office.

IX. APPEALS

- A. Eligible Appellants. Any person who has been rejected for membership, disenrolled, or subject to a blood quantum change resulting in disenrollment shall be eligible to file an appeal.
- B. Timeline. The Notice of Rejection or Notice of Disenrollment shall provide that an appeal must be received within thirty (30) days from receipt of the Notice in order to be considered. The date of the receipt on the certified mail shall begin the 30 day period.
- C. Notice of Appeal. A Notice of Appeal must be filed with the Tribal Court of the St. Croix Tribe. The date the appeal is received in the Tribal Clerk's office shall be considered the date of receipt. An appeal must be in writing, and state with specificity the grounds for the appeal with supporting documentation. The appeal must be signed by the appellant, and the signature notarized.
- D. Appeal Process. Upon receipt of an appeal, the Tribal Court shall set a date not less than twenty (20) nor more than sixty (60) days from the date of Notice of Appeal. The Tribal Court shall notify the appellant of the hearing via certified mail. This Notice shall inform the appellant of his/her right to be heard in person or by representation. This Notice shall also inform the appellant that new evidence may be presented for consideration. Following the hearing, the Tribal Court shall issue a decision and notify the member of its decision via certified mail. The decision of the Tribal Court shall be final.

X. ENROLLMENT RECORDS

- A. Contents of individual records. An individual's enrollment record shall contain the following:
 - 1) Application
 - 2) Family Tree Chart
 - 3) Birth Certificate
 - 4) Copy of the Applicant's Social Security Card
 - 5) Mandatory Documentation
 - 6) Supporting Documentation
 - 7) Copies of Correspondence
 - 8) Death Certificate

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B. Access to records.

- 1) The Tribe's membership roll may be viewed by any member of the St. Croix Tribe in person at the Tribal Enrollment Office. Neither the roll nor any portion thereof may be copied and/or distributed to any person or organization except upon written permission of the Tribal Council. The Tribal Council shall exercise its discretion in using and/or releasing information from the roll for the benefit of Tribal members or Tribal programs.
- 2) Contents of an individual's enrollment record shall be confidential. It shall not be released to anyone except that individual member, or his parent or guardian if a minor or incompetent person, the Enrollment staff, Tribal Council, or Tribal Court when necessary.

C. Updating records. Upon receipt of appropriate supporting documentation, the enrollment staff shall update the information on the Tribal Roll. Tribal Roll's shall be updated to reflect changes in a name, an address, or the death of a Tribal member.

D. Disaster Recovery Plan. Digital copies of records shall be created and stored at an offsite location.

XI. COMPUTATION OF BLOOD QUANTUM

A. Base Rolls. Pursuant to Article III, Section 1(b) of the Constitution, all Indian blood shown on the official census roll of the Tribe as of November 10, 1938 shall be considered to be blood of the St. Croix Tribe. The blood degrees shown on that roll shall be used in computing the degree of St. Croix Tribal blood for applicants for membership in the Tribe. Tribal blood derived from persons other than those on the November 10, 1938 Base Roll shall be counted for the purpose of determining total Indian blood quantum provided sufficient documentation of Indian ancestry is submitted by the applicant.

B. Blood Quantum Correction. Once the degree of Tribal blood has been recorded for a member on the Tribal Roll, it shall be changed only when a request has been received in writing, and one of the following procedures has been completed:

- 1) If the change does not involve the modification of the 1938 Base Roll, the Enrollment Committee is authorized to initiate the research into the accuracy of blood degrees shown on the Tribal Roll. If a determination is made that a member's blood degree has been erroneously computed, a resolution shall be prepared for Tribal Council action documenting the basis for the change and authorizing the Enrollment Committee to make the alteration for that member and all subsequent members affected by the change. The member requesting the change and all other persons affected by the change shall be notified in writing of the alteration by the Tribal Council. Any person whose blood quantum has been changed has a right to appeal

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the decision only if the change results in disenrollment pursuant to Section IX of this Ordinance.

- 2) If the change involves an alteration to the 1938 Base Roll, only a base enrollee or a descendant of a base enrollee may request a blood quantum change. When such a request is received, the Enrollment Director shall research the request. If a determination is made that a blood quantum shown on the 1938 Base Roll is incorrect, a resolution shall be prepared for Tribal Council action requesting the Bureau of Indian Affairs approve the change and describing the evidence in support of the change. Approval of the Bureau of Indian Affairs is required. Once the Bureau of Indian Affairs Approval is received, the member requesting the change and all other persons affected by the change shall be notified in writing of the alteration by the Tribal Council. Any person affected by such a blood degree change shall have the right to appeal the change only if the change results in disenrollment pursuant to Section IX of this Ordinance.

XII. AMENDMENTS

Pursuant to Article VII of the Constitution, this Ordinance may be amended by a unanimous vote of the full Tribal Council.

XIII. EFFECTIVE DATE

This Ordinance shall take effect immediately upon adoption by the Tribal Council. This Ordinance shall not apply retroactively to any Applications for Enrollment previously submitted to the Enrollment Department pending processing or determination by the Enrollment Committee, Tribal Council, the Bureau of Indian Affairs, or Tribal Court.

XIV. CERTIFICATE OF ENACTMENT

We, the undersigned, as Chairman and Secretary of the St. Croix Tribal Council, do hereby certify that the full Tribal Council was present at a regularly called meeting of the Tribal Council on the 22nd day of March, 2002, and that the foregoing Ordinance was adopted with a unanimous vote of 5 for, 0 opposed, and 0 abstaining. Technical changes were subsequently made *nunc pro tunc* at a regularly called meeting of the Tribal Council on the 1st day of October, 2003. Therefore, the Ordinance is duly enacted and the original date of enactment shall be the effective date of the provisions of the Ordinance in accordance with Section XIII.


Tribal Chairman

Attested to:


Secretary

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II. PURPOSE

The purpose of this Ordinance is to provide for a procedure to maintain a current membership roll of the Tribe, and to ensure the integrity and accuracy of the roll, as required by Article III of the Tribal Constitution.

III. DEFINITIONS

- A) Adopted Child: A child whose natural parents' parental rights have been terminated by a court and subsequently bestowed upon another adult pursuant to a court order.
- B) Applicant: A person who seeks enrollment in the St. Croix Chippewa Tribe by submitting an application.
- C) Base Enrollee: Those individuals from whom all persons applying for membership must prove direct descent. For this Tribe, the Base Enrollees are persons who possess St. Croix Indian blood whose names appear on the official census roll approved by the Commissioner of Indian Affairs on November 10, 1938.
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- R) Resolution: A formal statement memorializing a decision by a tribal entity.
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A. Article III of the Constitution of the St. Croix Chippewa Indians states:

The membership of the St. Croix Chippewa Indians shall consist of:

Section 1. (a) The St. Croix Indians whose names appear on the roll approved by the Commissioner of Indian Affairs on November 10, 1938, who are residing on the St. Croix Reservation at the time this constitution is submitted for ratification.

(b) All children of one-half or more Indian blood born since November 10, 1938 to members residing on the St. Croix Reservation.

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Section 2. (a) The St. Croix Indians whose names appear on the roll approved by the Commissioner of Indian Affairs on November 10, 1938 and who are not residing on the St. Croix Reservation at the time this Constitution is adopted, shall become members by making application to the St. Croix Council, which Council shall cause the names of such applicants to be added to the membership roll; provided that applicants who may be enrolled with another tribe shall first relinquish such membership.

(b) The Council shall adopt appropriate ordinances, subject to the approval of the Secretary of the Interior, governing the admission to membership of persons, not included in the foregoing, who are of one-half or more degree of Indian blood, and who apply for such membership.

B. In addition to the foregoing, the following limitations apply:

- 1) The applicant shall be the direct lineal descendant within two generations.
- 2) If the applicant is currently enrolled or has been previously enrolled, the following criteria apply:
 - a) An adult who is currently enrolled in or has previously been enrolled in another tribe is not eligible for membership.
 - b) A minor who has relinquished membership in the St. Croix Chippewa Indians shall be eligible to reapply for enrollment upon reaching the age of eighteen. The application period shall remain open for six months from the minor's eighteenth birthday. The application shall be processed in a manner consistent with all new applicants.
 - c) A minor who intends to relinquish enrollment in another tribe shall be eligible to apply for enrollment in the Tribe upon reaching the age of eighteen. Upon acceptance of the applicant for enrollment, evidence of relinquishment of the applicant's current tribal membership must be received prior to enrollment in the St. Croix Tribe becoming effective. The application period shall remain open for six months from the minor's eighteenth birthday.
- 3) Persons adopted by members of the Tribe are not eligible for enrollment unless they independently meet the requirements of this Ordinance.
- 4) The applicant born out of wedlock must submit proof of paternity by:
 - a) An order of paternity issued by a court of competent jurisdiction.

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- b) A sworn affidavit of paternity signed and notarized at the time of the applicant's birth.
- c) Certification of paternity based on genetic marker testing of the father and child.
- d) An applicant born out of wedlock who is unable to submit proof of paternity shall be deemed to possess one half of the Indian blood quantum possessed by the mother.

V. OPEN ENROLLMENT

By a unanimous vote of the Tribal Council, the time periods in which enrollment is open or closed to applicants shall be determined by resolution.

VI. APPLICATION PROCEDURE

- A. Application Form. Enrollment staff shall provide an application form which must be used when making an application for enrollment. The form shall be entitled "Application for Enrollment" and shall contain space for the following information:
- 1) Name and address of the Applicant;
 - 2) All names by which the Applicant has been known;
 - 3) Date of birth and place of birth of the applicant;
 - 4) The applicant's social security number;
 - 5) Names and tribal membership status of the parents of the applicant;
 - 6) If the applicant is under the age of 18 or incompetent, the name, address, and relationship of the person making the application on behalf of such minor incompetent;
 - 7) Certification by the applicant, or by the person making the application on behalf of the minor or the incompetent applicant, that the information is true;
 - 8) A Notice warning the applicant of the consequences of providing false or misleading information.
- B. Mandatory Documentation. The application must be accompanied by the following:
- 1) A completed Family Tree Chart, including the names and blood quantum of siblings
 - 2) The applicant's original state-issued birth certificate.
 - 3) A copy of the applicant's social security card.
 - 4) If the applicant is born out of wedlock, one of the following must be submitted:
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- c) Certification of paternity based on genetic marker testing conducted on the father and the applicant at the applicant's expense.
- C. Supporting Documentation. Documentation evidencing eligibility for enrollment shall accompany the application. The Enrollment Director shall have the authority to require the applicant to furnish such additional evidence or proof as is necessary to make a determination. Any handwritten corrections or additions to documentation will be considered alterations. Altered documents will be unacceptable for enrollment purposes. The Enrollment Director shall establish the nature and types of acceptable evidence, which will include but not be limited to, court documents, state or federal records, and genetic marker testing. Only original documents or certified copies with an authentic seal will be accepted.
- D. Additional documentation for adopted applicant. In addition to those items listed above, an applicant who has been adopted must also submit documentation proving that the applicant is a direct lineal descendant of a St. Croix Tribal member within 2 generations. Usually, this documentation will consist of a copy of the adoption decree together with either the original birth certificate showing the natural parent(s) or a legal document identifying the natural parent(s).
- E. Burden of Proof. The burden of proof to establish eligibility for membership is at all times carried by the applicant. The costs associated with proving eligibility is the responsibility of the applicant.
- F. Submission. The application and all accompanying documentation must be submitted to the Enrollment Director, St. Croix Tribal Center, P.O. Box 45287, Hertel, Wisconsin. The Enrollment Director can be reached at 715.349.2195, ext. 273 OR 274.

VII. APPLICATION PROCESSING

- A. The application form and all documentation shall be stamped with the date on which they were received.

The Enrollment Director shall review the application for compliance with mandatory contents and send to the applicant an "Acknowledgement of Status of Application" within 10 working days of the date upon which it was received.

- 1) In the event that an application is incomplete, the Enrollment Director shall include in the "Acknowledgment of Status of Application" a description of the application deficiencies and a

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- warning that if the required documentation is not submitted within 60 days, the application will be formally closed.
- 2) In the event that the application is complete, the Enrollment Director shall determine if the applicant meets the eligibility requirements for enrollment in the Tribe and prepare a recommendation for presentation to the Enrollment Committee.
- B. Within 60 days of receipt of a complete application, the Enrollment Director shall present the application to the Tribal Enrollment Committee for a determination regarding eligibility for membership. Extensions may be granted by the Enrollment Director for good cause.
- C. Within 60 days, the Tribal Enrollment Committee must review the application to ensure eligibility and recommend for membership to the Tribal Council those applicants who have proven eligibility consistent with this Ordinance. Based upon the review, the Enrollment Committee shall:
- 1) Prepare a resolution for Tribal Council requesting action accepting eligible applicants for enrollment.
 - 2) Send the applicant a "Notice of Rejection" via certified mail. The Notice shall clearly outline the basis for the applicant's rejection. Included in the Notice shall be information regarding the applicant's right to appeal the decision.
 - 3) Within 90 days, the full Tribal Council shall act upon the resolution recommending an applicant for enrollment. If the resolution is not adopted, the Enrollment Committee shall send the applicant a "Notice of Rejection" via certified mail. The Notice shall clearly outline the basis for the applicant's rejection. Included in the Notice shall be information regarding the applicant's right to appeal the decision.
- D. Verification of the Applicant's eligibility for enrollment shall be sent to the Bureau of Indian Affairs within 10 days of adoption by the Tribal Council.
- E. Upon confirmation by the Bureau of Indian Affairs that the applicant has been accepted for enrollment and assigned an enrollment number, the Enrollment Director shall send Notice of Acceptance and a Certificate of Enrollment within 10 working days.

VIII. LOSS OF MEMBERSHIP

- A. Relinquishment. Relinquishment serves to permanently sever membership. An adult who has relinquished membership in any tribe, including the St. Croix Chippewa Indians shall not be permitted to apply for re-enrollment. Relinquishment is available as follows:

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- 1) Any adult member of the St. Croix Tribe may voluntarily relinquish his/her membership. Such relinquishment must be in writing, and the member's signature must be notarized. Request for relinquishment must be submitted with the Tribal member's Tribal identification card. The Enrollment Director shall note the date of relinquishment on the Tribal Roll, and notify Tribal Council, Per Capita, and the Bureau of Indian Affairs of the relinquishment.
 - 2) Membership of the St. Croix Tribal member who is a minor or incompetent may be relinquished by his/her parent or guardian. The relinquishment must be in writing and must be notarized. Request for relinquishment must be submitted with the Tribal member's enrollment card. The Enrollment Director shall note the date of relinquishment on the Tribal Roll, and notify Tribal Council, Per Capita, and the Bureau of Indian Affairs of the relinquishment. A minor whose St. Croix Tribal membership has been relinquished by a parent or guardian may submit an application for membership upon reaching the age of 18 years. Such application shall be processed in accordance with section IV(B)(2) above.
 - 3) Request for relinquishment of an incompetent must be reviewed by Tribal Council to determine if relinquishment is in the best interest of the incompetent person.
- B. Disenrollment. The burden of proof in disenrollment actions rests with the Tribe. After enactment of this ordinance, a Tribal member shall be disenrolled when:
- 1) The Enrollment Committee discovers that the Tribal member was erroneously enrolled. This erroneous enrollment may have resulted from fraudulent submissions, mistakes in blood degree computations, or inadequate research.
 - 2) The Enrollment Committee discovers that the Tribal member is currently enrolled in or has been previously enrolled in another Indian tribe.

A Tribal member who is subject to disenrollment shall be notified by certified mail of the intent to disenroll. The Notice shall clearly outline the basis for disenrollment. Included in the notice shall be the date set before the Tribal Council to consider the matter. After consideration, the Tribal Council shall adopt a resolution to either disenroll the Tribal member or continue the Tribal member's enrollment. The subject of the disenrollment action shall be notified via certified mail of the Tribal Council's action. Such notice shall include the appeal rights outlined in section IX of this Ordinance. Effective with the date of disenrollment, all Tribal benefits shall cease.

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C. Deceased Members. Death of an enrolled member shall automatically terminate all benefits associated with enrollment. The Enrollment Director shall update the Tribal Roll and notify the Per Capita office.

IX. APPEALS

- A. Eligible Appellants. Any person who has been rejected for membership, disenrolled, or subject to a blood quantum change resulting in disenrollment shall be eligible to file an appeal.
- B. Timeline. The Notice of Rejection or Notice of Disenrollment shall provide that an appeal must be received within thirty (30) days from receipt of the Notice in order to be considered. The date of the receipt on the certified mail shall begin the 30 day period.
- C. Notice of Appeal. A Notice of Appeal must be filed with the Tribal Court of the St. Croix Tribe. The date the appeal is received in the Tribal Clerk's office shall be considered the date of receipt. An appeal must be in writing, and state with specificity the grounds for the appeal with supporting documentation. The appeal must be signed by the appellant, and the signature notarized.
- D. Appeal Process. Upon receipt of an appeal, the Tribal Court shall set a date not less than twenty (20) nor more than sixty (60) days from the date of Notice of Appeal. The Tribal Court shall notify the appellant of the hearing via certified mail. This Notice shall inform the appellant of his/her right to be heard in person or by representation. This Notice shall also inform the appellant that new evidence may be presented for consideration. Following the hearing, the Tribal Court shall issue a decision and notify the member of its decision via certified mail. The decision of the Tribal Court shall be final.

X. ENROLLMENT RECORDS

- A. Contents of individual records. An individual's enrollment record shall contain the following:
 - 1) Application
 - 2) Family Tree Chart
 - 3) Birth Certificate
 - 4) Copy of the Applicant's Social Security Card
 - 5) Mandatory Documentation
 - 6) Supporting Documentation
 - 7) Copies of Correspondence
 - 8) Death Certificate

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B. Access to records.

- 1) The Tribe's membership roll may be viewed by any member of the St. Croix Tribe in person at the Tribal Enrollment Office. Neither the roll nor any portion thereof may be copied and/or distributed to any person or organization except upon written permission of the Tribal Council. The Tribal Council shall exercise its discretion in using and/or releasing information from the roll for the benefit of Tribal members or Tribal programs.
- 2) Contents of an individual's enrollment record shall be confidential. It shall not be released to anyone except that individual member, or his parent or guardian if a minor or incompetent person, the Enrollment staff, Tribal Council, or Tribal Court when necessary.

C. Updating records. Upon receipt of appropriate supporting documentation, the enrollment staff shall update the information on the Tribal Roll. Tribal Rolls shall be updated to reflect changes in a name, an address, or the death of a Tribal member.

D. Disaster Recovery Plan. Digital copies of records shall be created and stored at an offsite location.

XI. COMPUTATION OF BLOOD QUANTUM

A. Base Rolls. Pursuant to Article III, Section 1(b) of the Constitution, all Indian blood shown on the official census roll of the Tribe as of November 10, 1938 shall be considered to be blood of the St. Croix Tribe. The blood degrees shown on that roll shall be used in computing the degree of St. Croix Tribal blood for applicants for membership in the Tribe. Tribal blood derived from persons other than those on the November 10, 1938 Base Roll shall be counted for the purpose of determining total Indian blood quantum provided sufficient documentation of Indian ancestry is submitted by the applicant.

B. Blood Quantum Correction. Once the degree of Tribal blood has been recorded for a member on the Tribal Roll, it shall be changed only when a request has been received in writing, and one of the following procedures has been completed:

- 1) If the change does not involve the modification of the 1938 Base Roll, the Enrollment Committee is authorized to initiate the research into the accuracy of blood degrees shown on the Tribal Roll. If a determination is made that a member's blood degree has been erroneously computed, a resolution shall be prepared for Tribal Council action documenting the basis for the change and authorizing the Enrollment Committee to make the alteration for that member and all subsequent members affected by the change. The member requesting the change and all other persons affected by the change shall be notified in writing of the alteration by the Tribal Council. Any person whose blood quantum has been changed has a right to appeal

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- the decision only if the change results in disenrollment pursuant to Section IX of this Ordinance.
- 2) If the change involves an alteration to the 1938 Base Roll, only a base enrollee or a descendant of a base enrollee may request a blood quantum change. When such a request is received, the Enrollment Director shall research the request. If a determination is made that a blood quantum shown on the 1938 Base Roll is incorrect, a resolution shall be prepared for Tribal Council action requesting the Bureau of Indian Affairs approve the change and describing the evidence in support of the change. Approval of the Bureau of Indian Affairs is required. Once the Bureau of Indian Affairs Approval is received, the member requesting the change and all other persons affected by the change shall be notified in writing of the alteration by the Tribal Council. Any person affected by such a blood degree change shall have the right to appeal the change only if the change results in disenrollment pursuant to Section IX of this Ordinance.

XII. AMENDMENTS

Pursuant to Article VII of the Constitution, this Ordinance may be amended by a unanimous vote of the full Tribal Council.

XIII. EFFECTIVE DATE

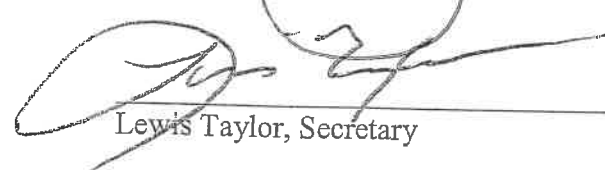
This Ordinance shall take effect immediately upon adoption by the Tribal Council. This Ordinance shall not apply retroactively to any Applications for Enrollment previously submitted to the Enrollment Department pending processing or determination by the Enrollment Committee, Tribal Council, the Bureau of Indian Affairs, or Tribal Court.

XIV. CERTIFICATE OF ENACTMENT

We, the undersigned, as Chairman and Secretary of the St. Croix Tribal Council, do hereby certify that the full Tribal Council was present at a regularly called meeting of the Tribal Council on the 22nd day of March, 2002, and that the foregoing Ordinance was adopted with a unanimous vote of 5 for, 0 opposed, and 0 abstaining. Therefore, the Ordinance is duly enacted and the date of this meeting shall be the effective date of the provisions of the Ordinance in accordance with Section XIII.


Elmer Emery, Tribal Chairman

Attested to:


Lewis Taylor, Secretary