

# TRIBAL ENROLLMENT ORDINANCE OF THE WYANDOTTE NATION

## RECITALS

WHEREAS, the Wyandotte Nation is a federally recognized Tribe, possessing inherent sovereign powers of Government; and

WHEREAS, those sovereign powers are exercised by a duly elected Board of Directors, deriving its governing powers from the Tribal Constitution and the Nation's Council; and

WHEREAS, it is an authority and right of a Tribe to establish its own enrollment criteria and procedures; and

WHEREAS, the Board of Directors is desirous of establishing a Tribal Enrollment Ordinance, setting forth the criteria, policy and procedures for enrollment in the Wyandotte Nation.

THEREFORE BE IT RESOLVED that the Board of Directors of the Wyandotte Nation hereby adopts this Enrollment Ordinance.

### **Section 1. MEMBERSHIP**

The membership of the Wyandotte Nation shall consist of the following:

- (a) All persons whose names appear on the official census roll of the Nation as of January 1, 1937; and
- (b) All direct lineal descendants of persons identified in the official census roll of the Nation as of January 1, 1937, provided that they are not currently enrolled in any other Indian Tribe, Tribal Nation, Pueblo, Indian Band or Native Village.
- (c) The degree of blood quantum of an individual proven to possess Wyandotte blood will not be a factor in determining Wyandotte membership.

### **Section 2: MEMBERSHIP BY COUNCIL VOTE**

A person of Wyandotte Nation ancestry who does not meet the requirements of Article 5, Section 1 of the Constitution may be accepted for membership by a majority vote of the Nation Council. The oldest roll considered as proof of WYANDOTTE NATION ancestry is the 1881 Roll taken by the Quapaw Indian Agency which states in part "All the members who have been adopted to membership with the tribe since the re-organization and placed on the roll, were at the time, or now are unfit for citizenship and would in that capacity be likely to become a public charge and that the roll as now prepared embraces numbers 1 to 282 issue and constitutes the Wyandotte Tribe and those only as now organized in the Indian Territory and endorsed by the people in Council this day and year".

All direct lineal descendants of Absentee Wyandot referred to in the Treaty of 1855 and Treaty of 1867 are not eligible for membership. All direct lineal descendants of persons who trace their lineage to the Olive Roll census of Absentee Wyandot of April 26, 1904 may not apply nor are they eligible for membership.

### **Section 3. APPLICATIONS FOR ENROLLMENT**

#### **A. Who must file?**

All persons not listed on the current membership roll of the Wyandotte Nation who request membership in the Wyandotte Nation must file an enrollment application. Parents or legal guardians may file applications for minors or incompetents. Legal guardians must provide the appropriate documentation. The enrollment application must be complete with all required documentation attached.

#### **B. When and where to file an application**

An enrollment application must be filed with the Enrollment Officer or such other persons who may be designated by the Tribal Enrollment Committee of the Wyandotte Nation. The application must be received by the Enrollment Officer or other designated person by August 15<sup>th</sup> of the current year.

#### **C. DNA testing**

DNA testing to determine the probability that the individual(s) tribal member(s) identified as an applicant's biological parent(s) are in fact the applicant's biological parent(s) will be accepted under the following guidelines:

- Only certified lab results from an independent, certified laboratory shall be acceptable.
- Lab results must be mailed directly from the certified lab to the Tribal Enrollment Officer.
- The testing must show that there is a 98% or greater probability of parentage.
- All costs associated with the cost of performing the test shall be the responsibility of the applicant or the applicant's sponsor.

The results of the DNA testing is not determinative on the issue of eligibility for enrollment but, rather, will be one factor used in making the eligibility decision. If an issue concerning the reliability of the test results is raised the party seeking to have the DNA results considered must establish that the testing procedures and results were consistent with the authorizing laws of the jurisdiction in which the test was performed.

#### **D. What the application must contain**

Each enrollment application must be completed in its entirety and must contain sufficient personal information to properly determine the applicant's eligibility for enrollment. The application must be the most recent application. If an application is outdated then it shall not be accepted.

Applications must contain the following:

1. All names by which the applicant is known;
2. The complete current address and all telephone numbers of the applicant.

3. The name(s) of the applicant's Indian ancestor(s) whose names appear on the Wyandotte Nation roll; (If the applicant is applying under Article 5 under Section 2 of the Constitution, the name(s) of the applicant's ancestors on any roll other than the official census roll as of January 1, 1937, but not prior to the 1881 Roll referenced in Section 2 of this Ordinance.)
4. The name of the tribe(s) and roll number, if known, of any other tribe(s) other than the Wyandotte Nation.
5. The notarized signature of the applicant, or legal guardian certifying that the applicant is not enrolled in any other Tribe and that all information is true to the best of the knowledge and belief of the person filing the application; subject to possible criminal penalties for supplying false information. There cannot be any form of alteration to the notarized portion of the application; white out/crossing out of name or information. Any form of change shall be considered an altered and incomplete application and will be cause for return to the applicant.
6. The date of the filing of the application.
7. The application must be accompanied by an original State Certified (long form) birth certificate (before any changes) and must contain Mother and Father's full name and date of birth. If changes to original State Certified birth certificate were made, the applicant must also include: Current legal State Certified birth certificate and all legal documentation related to the cause of change of that original (at birth) State Certified birth certificate. Photocopies will not be accepted. Historical documentation is not acceptable proof i.e. census records, affidavits, family records.

#### **Section 4. PROCESSING OF THE APPLICATION**

##### **A: By the Enrollment Department**

1. Stamp the application form with the date on which it is received.
2. Review the application and notify the applicant of what is required. If application is complete, acknowledge receipt of it in writing to the applicant.
3. If applicant possesses blood of any other tribe, check on possible dual enrollment.
4. Verify ancestry to official census roll as of January 1, 1937. Or for consideration under Article 5, Section 2 of the constitution only, verify ancestry to other Wyandotte Nation rolls which date back to the 1881 Roll reference in Section 2 of this Ordinance.
5. Correct any simple mathematical errors found in the current membership roll. The corrected errors shall be listed and submitted to the Enrollment Committee in an annual report. The report will list the member/citizens name(s) and member/citizens tribal ID number(s). It will state clearly what the error was before being corrected, and after the correction. Any errors that involve more than simple mathematical errors shall be brought to the attention of the Enrollment Committee before any corrections are made. The Enrollment Committee will make the decisions relevant to the changes and inform the Enrollment Department to make changes when deemed appropriate by the Enrollment Committee.

#### **Section 5. THE TRIBAL ENROLLMENT COMMITTEE**

- A. The Tribal Enrollment Committee shall consist of five (5) Members, who shall be appointed by the Board of Directors to four-year terms. Appointments for Committee Members shall take place in odd numbered years.

- B. In addition two alternate Committee Members will be appointed and will serve a four-year term. Alternates can attend all Committee meetings, but may not vote. Should a regular Committee Member vacate office for any reason, an alternate will replace the Committee Member and serve the remainder of the term that has been vacated. Alternates will be appointed as Alternate 1 and Alternate 2 and will replace Committee Members in their numerical order. Upon an alternate assuming office, the Board of Directors will appoint a new alternate.
- C. Three Members of the Committee are required to be present at each meeting in order to constitute a quorum.
- D. All Enrollment Committee Members shall be enrolled members/citizens of the Wyandotte Nation.
- E. The Enrollment Committee will elect its own Chairperson. The Chairperson will vote only in the case of a tie. The Chairperson will be elected in odd numbered years to coincide with appointments of the committee members.
- F. The Enrollment Committee shall meet annually within 30 days of the Annual Meeting of the Wyandotte Nation. The Enrollment Officer will notify the Committee Members of the date, time and place of the meeting in writing two weeks prior to the meeting date.
- G. Additional meetings will be called by the Enrollment Officer when necessary to address a high volume of applications or in other exigent circumstances.
- H. Special meetings of the Enrollment Committee can be called by a majority vote of the Board of Directors or by a majority vote of the Enrollment Committee.
- I. All committee members must attend at least one (1) meeting per year.
- J. Removal from the Enrollment Committee shall be by resignation of the Committee Member or removal by the Board of Directors due to dereliction of duty and or breach of the confidentiality agreement.
- K. A conflict of interest occurs when a Committee Member is asked to review an application in which the applicant is either the Committee Member's child or grandchild. A conflict of interest also occurs when a Committee Member believes that he or she has a personal bias or prejudice concerning an applicant. Where such a conflict of interest exists, the affected Committee Member shall be recused from all involvement with the application at issue.

Actions to be taken by the enrollment committee shall include:

1. Examine applications and determine accuracy and sufficiency of research by the Enrollment Department requiring additional action by the Enrollment Department if necessary.
2. Make decisions on whether to recommend acceptance or rejection of applicants.
3. Applications deemed not to meet all the requirements for enrollment will be notified in writing and given the opportunity to appeal the decision of the Enrollment Committee to the Board of Directors.
4. Approve the list of applicants who meet all requirements to be presented to the Wyandotte Nation Council's annual meeting for a final determination.
5. Review documents regarding voluntary relinquishments and dis-enrollments and make the decision to move forward to the Board of Directors or request more documentation.

6. Make decisions on blood quantum errors reported by the Enrollment Department and ensure the changes are logged in the tribal member's individual file.

## **Section 6. RECORDS**

A. Individual folder shall be established for each Nation tribal member/citizen. This folder shall contain (at a minimum) the following items:

- Enrollment Application
- Family tree
- Birth certificate
- Relevant correspondence
- Copy of resolutions affecting enrollment
- Death certificate
- Any and all other documentation on the person pertinent to membership in the Nation

B. Access to Records: Information in individual folders shall be considered confidential. It shall not be available to anyone except that individual member/citizen (or his/her legal guardian), the Enrollment Department staff, Enrollment Committee member/citizens, and to the Wyandotte Nation's Council when such examination is necessary in considering enrollment decisions. Exceptions will be made in circumstances of a legal or law enforcement nature.

C. Updating Records. Upon receipt of appropriate documentation, the Enrollment Department is authorized to update the information on the Nation roll. The following documentation is deemed adequate for such actions to be taken:

### 1. Name Change

Individual requesting a name change must complete a Tribal ID Request and name change form to be submitted along with one of the following documents:

Marriage license

Divorce decree (if the document causes a name change)

Court order changing name

### 2. Address Change

Written statement signed by Nation member/citizen or his/her guardian.

Enrollment staff may make changes via phone and/or in person upon verification of identity through such means as: date of birth, social security number, roll number, etc.

### 3. Death

Death certificate

Bureau of Indian Affairs records

Mortuary records

Hospital records

Obituary notice from newspaper

### 4. Gender Change

Individual requesting a gender change must complete a Tribal ID Request and name change form (if applicable) to be submitted along with the following documents:

Court Order changing gender

Amended Birth Certificate

The Enrollment Committee must approve any change, for which none of the above documents is available, by resolution. A copy of that resolution stating the reason for the change without usual documentation shall be placed in the individual's folder.

## **Section 7. APPEALS OF ENROLLMENT APPLICATIONS**

Applicants who are determined ineligible by the Tribal Enrollment Committee shall have the opportunity to appeal the decision of the Enrollment Committee to the Board of Directors. The appeal must be in written format and submitted within 60 days of the Enrollment Committee denial. The Board of Directors may request additional information or an in person interview at their discretion. The individual will be notified of the Board's decision by certified letter no later than 30 days after the decision. Final decisions will be made by the Nation's Council.

## **Section 8. LOSS OF MEMBERSHIP**

A. Relinquishments. Any adult member/citizen of the Wyandotte Nation may voluntarily relinquish his/her membership. His/her parent or legal guardian may relinquish the membership of any member/citizen of the Wyandotte Nation who is not at least 18 years of age. All relinquishments must be in writing, and the signature must be notarized and witnessed by two persons. Members/Citizens wishing to relinquish will be encouraged to do so on a conditional relinquishment form. In such case, the relinquishment will become effective upon review by the Nation Board of Directors and the Enrollment Department will be notified of the Boards decision to remove the individual from the Wyandotte Nation Roll. Once relinquishment is final, the relinquished person may not reapply for membership in the Wyandotte Nation unless the member is a minor or incompetent at the time of relinquishment. Minors relinquished by their parents or guardians, will be given the opportunity to re-apply for membership upon reaching the age of eighteen years. In addition, incompetents will be given the opportunity to re-apply if a new legal guardian has been legally appointed by a court of competent jurisdiction.

The Enrollment Officer will provide relinquishment forms to any member requesting one after the Enrollment Officer has counseled the individual orally or in writing, as to the consequences of relinquishing their membership. The Enrollment Officer will then document their conversations and correspondence and retain in the member/citizen's file.

B. Dis-enrollments. Any Nation member/citizen who is found to have been erroneously enrolled or any enrolled member/citizen who is found to have used any fraudulent means to acquire enrollment, or any member/citizen who is currently enrolled as a member of another Indian Tribe, Tribal Nation, Indian Band, Pueblo or Native Village or any other person who is found not eligible for tribal membership pursuant to the Nation's membership requirements contained in this Ordinance and in the Constitution of the Wyandotte Nation, shall be subject to dis-enrollment. A member/citizen, who is found guilty of a shocking or heinous crime against society or the Wyandotte Nation, shall also be subject to dis-enrollment.

The Enrollment Officer shall submit evidence to the Enrollment Committee in regards to circumstances that would cause an individual to be subject to dis-enrollment. The Enrollment Committee will review the information and determine if the evidence supports proceeding with the dis-enrollment process, request additional information be obtained or determine that the evidence does not support dis-enrollment. The Enrollment Committee Chair will provide the Enrollment Officer with written documentation outlining the Committee's decision.

If the Committee requests additional information, the Enrollment Officer shall request documentation from the individual in question or other Federally recognized tribes as necessary. If the Committee supports moving forward with the dis-enrollment process the member/citizen shall be notified by certified mail return receipt requested and given 60 days to rectify the situation or submit proof that the evidence against them is false. If the deadline is not met, a second notice will be sent via certified mail return receipt requested stating the date and time the issue will be presented to the Board of Directors for dis-enrollment. Notice will be sent certified mail, return receipt requested, to the individual of the dis-enrollment action taken by the Board of Directors. Failure to accept the certified letter or respond will not be grounds for delay of the process. The individual may submit a written appeal of the decision of the Board of Directors at the next Annual Meeting of the Nation's Council. The decision of the Nation's Council shall be final.

### Certificate of Enactment

The foregoing resolution was passed at the regularly scheduled meeting of the Board of Directors of the Wyandotte Nation on the 14<sup>th</sup> Day of November, 2023 with a vote of 3 for, 0 against, 0 abstaining and 2 absent.

### **Definition**

#### **ABSENTEE WYANDOT**

The Wyandot who took land allotments in Kansas under the provisions of the Treaty of January 31, 1855 at Washington, 10 Stat. 1:59 became known as the Citizen or Absentee Wyandot. Owing to the often violent atmosphere and the increased white settlement in the Kansas area many of these Indians lost their lands and drifted toward the Quapaw Agency to join the other members of the tribe.

Many of these about two hundred, applied to the Quapaw Agency too late to participate in the allotment of the Wyandotte lands there. The Act of August 15, 1894. 28 Stat. 286, 301 contained a provision for these Wyandot to be allotted elsewhere in the Indian Territory. The Act of June 10, 1896. 29 Stat. 321 specified that lands of

the Choctaw and Chickasaw Nations were to be used. Under the provision of this Act a roll of the eligible Absentee Wyandot was prepared by Special Agent Joel T. Olive (hereafter cited as the "Olive Roll").

For various reasons the Absentee Wyandot were not able to take allotments from the Choctaw and Chickasaw lands as per the 1896 Act. To rectify this situation the Act of April 28, 1904. 33 Stat. 519 provided that those Wyandot on the Olive Roll be allowed to choose 80 acre allotments from the public domain. The result of this act is that the Absentee Wyandot took allotments from the public lands throughout the United States and ceased to maintain any tribal affiliation.