

TRIBAL CODE
CHAPTER 10
MEMBERSHIP ORDINANCE

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HISTORY NOTE:

Adopted May 23, 1983, Resolution No. 127(83), effective immediately.

Current Ordinances:

Resolution No. 121(95), March 27, 1995, formally adopted the new Membership Ordinance, Resolution No. 327(97) reaffirmed revised ordinance, August 25, 1997.

Resolution No. 127(06), May 22, 2006, amends Section 10.05 (1), deletes the phrase “or who will relinquish their enrollment from any other tribe or band prior to

being adopted into this Tribe.”

Resolution No. 122(07), May 29, 2007 adopts Section 10.08 Confidentiality as policy, when supporting documentation is submitted with the challenge or complaint in regards to membership.

Prior Ordinances:

Ordinance No. 1 - Membership, adopted May 26, 1969 Amended May 17, 1982, Resolution No. 126(82).

TRIBAL CODE

CHAPTER 10

MEMBERSHIP ORDINANCE

10.01 Definitions.

For the purpose of this ordinance, the words outlined in bold below shall have the following definitions:

(1) **Indian blood**, as referred to in this ordinance, and in the Lac du Flambeau Constitution, means Lac du Flambeau Indian blood.

(2) **Applicant**, means any person filing an application to be enrolled with the Lac du Flambeau Band of Lake Superior Chippewas.

(3) **Tribe** means the Lac du Flambeau Band of Lake Superior Chippewas, except as otherwise indicated.

(4) **Tribal Council** means the governing body of the Lac du Flambeau Band of Lake Superior Chippewas.

(5) **Enrollment Department** means the membership office of the Lac du Flambeau Band of Lake Superior Chippewas.

(6) **Enrollment Committee** means that committee established by the Tribal Council.

(7) **Secretary** means the Secretary of the Tribal Council.

(8) **Lake Superior Chippewa blood** means the Lac du Flambeau Band, Red Cliff Band, Lac Courte Oreilles Band, Bad River Band, St. Croix Band and Sokoagon Band of Lake Superior Chippewa Indians; and Mille Lacs Chippewa Tribe, Fond du Lac Chippewa Tribe, Bay Milles Indian Community, Lac Vieux Desert Chippewa Tribe, and Keeweenaw Bay Chippewa Tribe.

10.02 Composition.

Membership of the Tribe shall consist of the following persons:

(1) All persons of Lac du Flambeau Chippewa blood, whose names appear on the official roll of the Lac du Flambeau Band, dated April 8, 1953, and approved by the Deputy Commissioner of Indian Affairs, November 13, 1964; and,

(2) All persons gaining membership subsequent to April 8, 1953, in accordance with Article II of the Constitution, Ordinance 1-Membership approved June, 9. 1969, and as amended September 10, 1982, and subsequent to February 28, 1995, the effective date of the latest amendment to Article II of the Constitution.

10.03 Membership Roll.

The Secretary shall maintain an accurate and current membership roll at all times and in accordance with Section 10.08-Confidentiality. A membership list, containing names only, shall be available to Tribal members for review during normal business hours.

10.04 Enrollment.

(1) Member of another tribe. No person, otherwise eligible for membership in the Lac du Flambeau Band, may enroll as a member of this Tribe, who, at the same time, is on the roll of any other Indian tribe.

(2) Procedures. (a) Any person who meets the requirements for membership, as provided in Article II-Membership, Subsections 2(a) and 4 of the Lac du Flambeau Tribal Constitution, may be added to the membership roll upon proof to the satisfaction of the Tribal Council, that said requirements have been met.

(b) Written applications shall be made to the Tribal Enrollment Committee by the applicant, or his or her parents or legal guardian. Upon receipt of a completed application, the Enrollment Committee shall, within one hundred and eighty (180) days and upon proper review and investigation, submit its recommendation to the Tribal Council for consideration and determination by majority vote.

(c) Application forms for enrollment shall be obtained from the Secretary or the Tribal Enrollment Department.

(d) Supporting documentation showing proof of parentage shall be submitted with each application. If the applicant has a birth certificate on file with the State of Wisconsin, Section of Vital Statistics, or the equivalent agency of another state, the application for enrollment shall be accompanied by a certified copy of said birth certificate showing proof of parentage.

(e) If the applicant does not have a birth certificate on file with the Section of Vital Statistics of Wisconsin or with an equivalent agency of any other state, the applicant shall make application for a delayed birth registration to the appropriate state's Section of Vital Statistics. The application for enrollment shall be accompanied by such delayed birth record.

(f) Completed applications, together with the required supporting documentation, shall be mailed or delivered to the Secretary of the Tribal Enrollment Department, for referral to the Tribal Enrollment Committee. Incomplete applications shall remain with the Enrollment Department until all requirements for a completed application have been met.

(g) In making its recommendations to the Tribal Council, the Enrollment Department shall be guided by standards and procedures it promulgates in determining eligibility for membership and enrollment in the Tribe.

(h) The Enrollment Committee shall review all enrollment applications according to the membership criteria in Article II, Section 2 & 4, of the Tribal Constitution.

10.05 Adoption.

(1) Any person who retains one-quarter (1/4) degree Lake Superior Chippewa blood or more may be considered for adoption to membership. Eligibility for adoption shall carry the qualifications of one who is not enrolled as a member of any other tribe or band.

(2) Adoption to this Tribe shall be made by written application to the Enrollment Department. Upon application, applicant shall be required to sign a certification that he or she will not be enrolled with any other tribe or band of Indians.

(3) Supporting documentation shall be that as provided for in Section 10.04. In addition, the applicant is required to submit proof of other recognized Lake Superior Chippewa Indian blood. Acceptable documentation shall include a certification of Indian blood issued by a recognized Lake Superior Chippewa Tribe, or a similar record issued by the Bureau of Indian Affairs. Documentation must prove that the applicant is a descendant of a member of the Lac du Flambeau Band of Lake Superior Chippewa Indians, and must also prove that the applicant possesses other recognized Lake Superior Chippewa Indian blood.

10.06 Burden of Proof.

The burden of proof as to eligibility for membership in or adoption by the Tribe shall be on the applicant.

10.07 Re-evaluation of Rejected Applications.

The Enrollment Department may re-evaluate disapproved applications if the applicant can provide evidence that would have made applicant eligible in the first review but which was not available when the original application was submitted.

10.08 Confidentiality.

All records, documents, and information submitted by any person pertaining to this ordinance shall be maintained and stored in confidential files in the office of the Enrollment Department. Confidential materials shall be available only to members of the Enrollment Department, Enrollment Committee, and Tribal Council at meetings scheduled to consider applications. *Resolution No. 122(07).*

10.09 Relinquishment.

(1) Any enrolled member of the Tribe may renounce his or her membership by written notice with the Enrollment Committee requesting that said name be stricken from the roll of the Tribe, which shall be presented to the Tribal Council for final action.

(2) Relinquishments shall not be made by any person, other than the member, unless accompanied with proof that the person filing for relinquishment is the legal guardian, or conservator of the person whose membership is to be relinquished. No relinquishment of a person under the age of 18 shall be considered.

(3) Any person over eighteen (18) who has relinquished with the Tribe shall be advised that said relinquishment shall be permanent.

10.10 Removal from Membership.

The Tribal Council shall not disenroll any member, except when that person obtained membership rights by fraud, deceit, misrepresentation, error, or when the person knowingly became a fully recognized member of another tribe, without relinquishing his or her membership with this Tribe.

10.11 Notice of Recommendation for Rejection.

(1) Whenever the Enrollment Committee recommends rejection of an application, the applicant shall be notified of the decision, and shall be given ten (10) working days from the date of the notice to request a hearing with the Enrollment Committee and the Tribal Executive Board. If Executive Board members are not available, then at least three other members of the Tribal Council are to be present at these hearings.

(2) The notice shall indicate the membership requirements the applicant failed to meet and other reasons why the application should be rejected.

(3) If the Tribal Council is considering rejection of an application submitted for approval by the Enrollment Committee, the Tribal Council shall first refer the application back to the Enrollment Committee, which shall then inform the applicant of his or her right to a hearing, as provided in (1) and (2) above.

10.12 Repeal of Conflicting Provisions.

The Tribal Membership Ordinance No. 1, and all amendments thereto, are hereby repealed.

10.13 Effectiveness of Provisions.

Application for enrollment in the Tribe may be acted upon as of the date of adoption of this Ordinance.