

SQUAXIN ISLAND TRIBE

RESOLUTION NO. 16-S34

of the

SQUAXIN ISLAND TRIBAL COUNCIL

WHEREAS, the Squaxin Island Tribal Council is the Governing Body of the Squaxin Island Tribe, its members, its lands, its enterprises and its agencies by the authority of the Constitution and Bylaws of the Squaxin Island Tribe, as approved and adopted by the General Body and the Secretary of the Interior on July 8, 1965; and

WHEREAS, under the Constitution, Bylaws and inherent sovereignty of the Tribe, the Squaxin Island Tribal Council is charged with the duty of protecting the health, security, education and general welfare of tribal members, and of protecting and managing the lands and treaty resources and rights of the Tribe; and

WHEREAS, the Tribe is a federally-recognized Indian Tribe possessing reserved powers, including the powers of self-government; and

WHEREAS, the Squaxin Island Tribal Council has been entrusted with the creation of ordinances and resolutions in order to fulfill their duty of protecting the health, security, education and general welfare of tribal members, and of protecting and managing the lands and treaty resources of the Tribe; and

WHEREAS, the Squaxin Island Tribal Council finds that regulation of enrollment is essential to the health and welfare of the Squaxin Island Tribe and its members; and

WHEREAS, the Tribal Council in Resolution 05-27 found, in the context of accepting numerous applicants for enrollment, it had decided to accept the applicants as having met the requisite blood quantum despite inconsistencies in the record that raised doubt as to the record's accuracy, and without attempting to restate the blood quantum for the applicants and/or his or her predecessors. The Tribal Council also found that it was in the Tribe's best interest and consistent with its long practice of interpreting records in a manner most favorable to Native Americans to err on the side of inclusion rather than exclusion; and

WHEREAS, Resolution 05-27 was overlooked in drafting the Enrollment Code;

WHEREAS, the Tribal Council now desires to include the principles stated in Resolution 05-27 in the Enrollment Code;

NOW THEREFORE BE IT RESOLVED, that the Squaxin Island Tribal Council hereby adopts the following amendments to the Enrollment Code, Title 5. Sections 5.01.020 and 5.03.060 shall be revised to read as follows:

5.01.020 Purposes and Legislative Findings.

A. The Tribal Council makes the following findings, and directs that this Code be interpreted and understood in a manner that is consistent with these findings:

1. The Tribal government has inherent authority to govern enrollment, which is central to the Squaxin Island Tribe's health, welfare, economic security, culture and existence as an independent political community;

2. It is critical to preserve and perpetuate the unique identity of the Squaxin Indian Tribe;

3. It is important to ensure the accuracy of enrollment-related information submitted by members, applicants and other persons;

4. When there are inconsistencies in the record as to blood quantum, it is in the Tribe's best interest and consistent with the Tribe's long practice of interpreting records in a manner most favorable to Native Americans, to err on the side of inclusion rather than exclusion and to accept the record most favorable to inclusion.

Drafting comments: See Resolution 05-27, which in the context of accepting numerous applicants for enrollment, stated that Tribal Council had decided to accept the applicants as having met the requisite blood quantum despite inconsistencies in the record that raised doubt as to its accuracy, and without attempting to restate the blood quantum for the applicants and/or his or her predecessors. Tribal Council found that it was in the Tribe's best interest and consistent with its long practice of interpreting records in a manner most favorable to Native Americans to err on the side of inclusion rather than exclusion.

5. DNA/genetic testing has become increasingly important for confirming that applicants and members meet the Tribe's membership eligibility requirements, and participate in DNA/genetic testing upon request to verify persons' eligibility for membership;

6. It is important to protect the confidentiality of persons' enrollment records, which often contain sensitive personal information, while also permitting legitimate access to information when necessary;

7. It is important that the enrollment processes described in this Code occur in a consistent and timely manner, while also allowing sufficient time for the Tribe to carefully consider the relevant information before making decisions;

8. From time to time, it is necessary to delay, limit or otherwise modify new members' benefits for reasons that include protecting limited Tribal resources, rewarding longer-term members for their contributions, preserving unique Tribal values, and discouraging persons from "membership shopping" amongst tribes; and

B. The purposes of this Code are, consistent with the Tribal Council's findings and policy directives, to implement and interpret the Constitution's membership provisions, and to provide a means for consistent decision-making on membership issues, including resolving membership-related disputes.

5.03.060 Blood Computation.

A. The Enrollment Officer shall calculate the applicant's degree of Indian blood.

B. All Indian blood shown in the Master Roll shall be deemed as a matter of Tribal law to be 100% blood of the Tribe. The blood degrees shown on that roll shall be used in computing the degree of Squaxin Tribal blood for applicants.

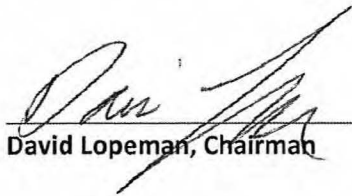
C. The Enrollment Officer shall base computations of blood quantum from other federally recognized tribes on a certificate of Indian blood from such other tribes. When applicable, additional blood quantum from such other tribal affiliations shall be added to the initial blood quantum and the total blood quantum so computed shall be used to determine eligibility for enrollment. Blood certificates from other tribes shall be deemed conclusive, except when there are inconsistencies in the record with regard to blood quantum. In such cases, the Enrollment Officer shall first investigate to determine the truth. If such investigation still results in uncertainty, the Enrollment Officer shall interpret records relating to blood quantum in a manner most favorable to Native Americans, and accept the record most favorable to inclusion.

Drafting comments: See Resolution 05-27, which in the context of accepting numerous applicants for enrollment, stated that Tribal Council had decided to accept the applicants as having met the requisite blood quantum despite inconsistencies in the record that raised doubt as to its accuracy, and without attempting to restate the blood quantum for the applicants and/or his or her predecessors. Tribal Council found that it was in the Tribe's best interest and consistent with its long practice of interpreting records in a manner most favorable to Native Americans to err on the side of inclusion rather than exclusion.

D. A child adopted by a Squaxin Island Tribal member shall not take on the Indian blood quantum of his or her adoptive parent, but shall retain the combined Indian blood quantum of his or her biological parents. (Res. No. 02-36)

CERTIFICATION


The Squaxin Island Tribal Council hereby certifies that the foregoing Resolution was adopted at the regular meeting of the Squaxin Island Tribal Council, held on this 21st day of July, 2016, at which time a quorum was present and was passed by a vote of 6 for and 0 against, with 0 abstentions.



David Lopeman, Chairman

Attested by: 

Charlene Krise, Secretary



For Arnold Cooper, Vice Chairman