

Chapter 10
MEMBERSHIP ORDINANCE
Thatukwe? Talháshe· Olihwá·ke
Issues concerning how they join the people together

10.1-1 Purpose
10.2-1 Policy
10.3-1 Definitions
10.4-1 Qualifications

10.5-1 Procedures
10.6-1 Severability

10.1-1. Purpose. This ordinance shall supercede all prior existing ordinances or resolutions regarding membership on the official rolls of the Oneida Tribe of Indians of Wisconsin. The authority of this ordinance is provided for Article II, Section 2 of the Oneida Tribal Constitution, as amended.

This membership ordinance shall provide for the implementation of membership enrollment procedures pursuant to the Oneida Tribal Constitution, as amended. Qualifications for membership are established by the Oneida Tribal Constitution. Procedures implementing this ordinance are hereby established.

10.2-1. Policy. It is the policy of the Oneida Tribe of Indians of Wisconsin that all Oneida persons who are qualified for enrollment pursuant to the Oneida Tribal Constitution, as amended, shall be duly enrolled. This shall include all Oneida persons who are descended from our Oneida ancestors who moved to Oneida, Wisconsin from New York. These ancestors are identified by the Oneida Tribal Constitution, as amended.

It is the further policy of the Oneida Tribe of Indians of Wisconsin that verification of qualifications for membership of individual Oneida Indians shall be made pursuant to this ordinance. Finally, it is the policy of the Oneida Tribe of Indians of Wisconsin that the strictest confidentiality shall be maintained to protect the individual privacy of all Oneida Tribal members and their families.

10.3-1. Definitions.

(a) Other authenticating documents - These documents shall include, but will not be limited to:

(1) A judgment of a court of competent jurisdiction, which shall include tribal, state or federal systems.

(2) A decision of the Oneida tribal government pursuant to procedures and regulations established by the Oneida Tribe of Indians of Wisconsin.

(3) Tribal, state or federally certified documents.

(4) Certified documents or religious affiliations.

(b) Acknowledgment of Paternity - This shall be determined by one or more of the following, and shall include, but will not be limited to:

(1) A signed acknowledgment by the natural father.

(2) A judgment of a court of competent jurisdiction which shall include tribal, state or federal court systems.

- (3) A decision of the Oneida tribal government pursuant to procedures and regulations established by the Oneida Tribe of Indians of Wisconsin.
- (c) Oneida Tribe - This phrase shall refer to the Oneida Tribe of Indians of Wisconsin.
- (d) The Constitution - This shall mean the Oneida Tribal Constitution, as amended.
- (e) Oneida Trust Committee - This committee shall be considered the official committee designated by the Oneida General Tribal Council to be responsible for all aspects of the Oneida tribal enrollment.
- (f) Minor - This shall mean anyone who has not yet attained the age of twenty-one (21).

10.4-1. Qualifications.

- (a) The original membership roll of the Oneida Tribe of Indians of Wisconsin shall consist of all persons eligible under Section 1 (a) (b) and (c), Article II of the Constitution and By-Laws of the Oneida Tribe of Indians of Wisconsin, as amended.
- (b) (1) Descendants of members of the Oneida Tribe who are of at least one-quarter (1/4) degree Oneida Indian blood and whose parents are not residents of the reservation at the time of birth of said applicants may be enrolled as members of the Tribe upon the approval of the Oneida Trust Committee and the Oneida Business Committee, by submitting to the Tribal Enrollment Officers a certified birth certificate and/or other authenticating documents.
- (2) Children whose eligibility requirements for enrollment is made pursuant to a paternity action or by acknowledgment of paternity may be enrolled provided that they meet all other qualifications for enrollment and upon specific approval of the Oneida Trust Committee and the Oneida Business Committee.
- (3) Descendants of members of the Oneida Tribe of Indians of Wisconsin not born in hospitals may be enrolled, providing that certification according to procedures adopted and approved by the Oneida Trust Committee and Oneida Business Committee of the birth are followed.
- (4) Under no circumstances are the one-quarter(1/4) blood quantum requirements of the Oneida Tribal Constitution to be diminished.
- (c) Dual Enrollments are hereby specifically prohibited by the Oneida Tribe of Indians of Wisconsin.
- (d) Relinquishments - An enrolled individual Oneida tribal member may voluntarily relinquish his or her membership. Such relinquishments shall include the following:
- (1) The submission to the Trust Committee of a statement which indicates an intent to relinquish his or her membership in writing and signed by the person intending to do so. A relinquishment form established by the Oneida Trust Committee shall be provided to anyone wishing to relinquish their rights as an Oneida tribal member.
- (2) Children may be re-enrolled by the usual enrollment procedures.
- (3) This provision shall have no effect on the eligibility of a minor who has either:
- (A) Not been previously enrolled, or
- (B) Whose parents have requested relinquishment on behalf of the minor.
- (ii) Membership of children cannot be relinquished by a non-Oneida Indian parent.

(ii) Membership of children may only be relinquished for purposes of enrollment into another federally recognized Tribe or Band. Such application for enrollment in another Tribe shall be verified by the Oneida Trust Committee.

(e) Re-enrollment - An individual may not be re-enrolled except by the Oneida Trust Committee and the Oneida Business Committee pursuant to the procedural requirements of section 4-1 (a) and (b) of this ordinance.

10.5-1. Procedures

(a) The Oneida Trust Committee is hereby delegated the responsibility for maintaining the official rolls of the Oneida Tribe of Indians of Wisconsin. All means shall be used to insure the maintenance of an accurate and confidential Oneida tribal roll to be located in the offices of the Oneida Tribe on the Oneida Indian Reservation in Wisconsin. The Trust Committee shall also develop and draft rules and procedures for carrying out this responsibility. These shall include:

- (1) Maintenance of confidentiality.
- (2) Maintaining records in a safe place, located within the Oneida Tribal Enrollment Office.
- (3) The insurance that duplicate records are stored in a safe place.
- (4) Limitation of access to records of only designated enrollment officers.
- (5) Verification of authenticating documents.
- (6) Removal of the official tribal roll from its designated tribal office must be approved by the Trust Committee prior to such removal. An appropriate instance for removal shall include but not be limited to voter registration.

(b) Enrollment procedures developed by the Oneida Trust Committee shall be strictly followed upon the adoption of this ordinance. The Tribal Enrollment Officers shall implement such rules after they have been approved by the Oneida Business Committee.

(c) Appeals/Review

(1) An applicant may appeal a denial of enrollment by the Oneida Trust Committee through proper appeal procedures.

(2) Procedures for appealing such denial shall be processed according to the appeal procedures provided in this ordinance.

(A) All procedures must be approved by the Oneida Trust Committee.

(B) All procedures must include:

(i) A clear schedule of the process that includes:

(aa) A clear statement of time requirements.

(bb) A clear statement by the appealing party setting forth reasons and facts supporting appeal.

(cc) Hearings by the Trust Committee must be available upon request of the appealing party.

(dd) A record shall be kept of all proceedings.

(ee) A final recommendation must be made to the Oneida Business Committee, whether or not there is a hearing.

(ff) An order or final recommendation of the Oneida Trust Committee shall be delivered to the parties related to this appeal within five (5) days of hearing.

(gg) Final appeals may be made to the Oneida Business Committee only after they have been processed by the Oneida Trust Committee with a recommendation.

(C) Appealing parties may be represented by themselves or other person of their choice.

(d) All appeals shall be designed to insure equal protection and due process of Oneida law.

10.6-1. Severability. Upon approval by the Oneida General Tribal Council, all provisions of this ordinance shall be effective and enforceable. Any section not approved by the Secretary of Interior or an authorized delegate shall not effect any other provisions of this ordinance which shall have full force and effect as determined by the Oneida General Tribal Council.

Adopted - GTC- 7-2-84-A.