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Tribal Government Services - AR

APR - 8 1985

Mr. Donald F. Bishop
P.O. Box 72
Lame Deer, Montana 59043

Dear Mr. Bishop:

As required by the Acknowledgment regulations (25 CFR 83), the Branch of Acknowledgment and Research has completed a preliminary review for obvious deficiencies and significant omissions of the Little Shell Chippewa of Montana petition for Federal acknowledgment. The petition as a whole is well organized and it is thoughtfully and carefully presented. There are some areas, however, in which additional information will be needed before we can actively consider the petition.

While the description of the modern community is not wholly lacking, it is deficient. In addition to the general description of the people and their culture, you should describe how the community is organized and what are the processes which provide community cohesiveness. Describe how the community differs from other communities both Indian and non-Indian. Some of these differences may be expressed in marriage patterns, residency patterns, ceremonies or other periodical gatherings. There should be a description of how the group operates socially and politically.

While some documentation provides a description of the political functions at the state level, some questions remain. Appendix B of the petition contains an eight-page, unsigned, undated document entitled "Constitution and By-laws of the Little Shell Tribe of Chippewa Indians of Montana." While ratification of such documents is not required by our regulations, it would help if we knew if such action was taken. If so, when and by whom was the issue acted upon? Also please provide the minutes of the meeting at which it was ratified and a list of members present and eligible to vote. This document (Appendix B) provides virtually no instruction governing how elections are to be handled. Please describe the election process in detail. Include information regarding who is eligible to vote; what constitutes a quorum; and the actual mechanics of conducting elections and notifying eligible voters.

Also unclear is the nature of the "districts". On a current road map, please outline the geographical boundaries of each Little Shell district. How many districts exist? By what names are they identified? How and when were they organized? To what district(s) are members living outside the State of Montana assigned? Provide evidence of political authority within these districts. Are there governing documents such as bylaws or local constitutions for each of the districts? What are the guidelines for the election of the district representatives? Provide evidence of election practices in effect in the various districts. How often do these local groups meet? Can you provide copies of minutes of district/local meetings which would provide a cross-section of topics and issues discussed in the various districts? Section I(c) of Article VII (Appendix B) states "District Council members shall be able to vote for all members of his or her District with their permission at State level meetings." How is permission granted? The

existence of a functioning tribal government is important in our evaluation since recognition establishes a government-to-government relationship.

The relationship between the incorporated group "The Little Shell Band of Chippewa Indians of Montana" and the current government of the Little Shell Chippewa is also unclear. This may have been clarified on Page 4 of the incorporation papers which is missing in our copies. There appears to be some differences and potential conflict between the group represented in the incorporation and the Little Shell people. Also please describe the relationship which exists between the Little Shell petitioning group and the "Little Shell Cultural Advancement Corporation."

While the petition acknowledges Metis influence (p. 181), please describe in more detail when and how these cultural features were incorporated into the current culture of the Little Shell Chippewa of Montana. What are the relationships of the Canadian and/or American Metis, and the American and/or Canadian Chippewa to the Little Shell people? According to the rolls, some Little Shell members were born in Canada and apparently a large number of your members are also Cree descendants. Describe the relationship of the Little Shell Chippewa to the Cree and Assiniboine. While some of the historical relationships might be covered in Floyd W. Sharrock and Susan R. Sharrock's, "History of the Cree Indians Territorial Expansion from the Hudson Bay area to the Interior Saskatchewan and Missouri Plains", published as Chippewa Indians VI, Garland Publishing Inc., New York and London, 1974, we are not sure how this relates directly to the Little Shell people.

Before the petition can be placed on active consideration, we must have one current and complete membership roll of all living members of the Little Shell Tribe of Chippewa Indians of Montana. This should be a membership roll—not a descendancy roll—and must not include persons who have not formally indicated their desire to be enrolled members of the Little Shell group that is petitioning for Federal acknowledgment.

The Code of Federal Regulations (25 CFR 83.7(e)) states that the petition must include "A list of all known current members of the group . . ." A member of the group is further defined in the regulations as "An individual who is recognized by an Indian group as meeting its membership criteria and who consents to being listed as a member of that group" (emphasis added).

It is important not to confuse the roll submitted for acknowledgment purposes with the roll to be developed for the purpose of distributing funds appropriated for the Pembina Chippewa judgment award. Rolls prepared for the purpose of distributing judgment funds to individual descendants entitled to share in an award are descendancy rolls. Descendancy rolls differ from tribal rolls in that they are prepared by the Secretary on a descendancy basis without regard to tribal affiliation and may include persons who are members of other tribes or who do not consider themselves to be members of the Little Shell group that is petitioning for Federal acknowledgment. Membership in a tribe is a bilateral political relationship which derives its legal significance from and, indeed, is dependent upon an interaction between the individual and the tribal community.

We cannot emphasize too strongly the importance of providing a complete membership list/roll which includes all living members, since if recognized, the list submitted for acknowledgment purposes will become the group's base roll for the purpose of obtaining the programs and services of the Bureau for the newly-acknowledgment tribe and its enrolled members. As such, this roll, submitted for acknowledgment purposes, will be binding on the group for some time to come except for minor additions and corrections.

Considerable confusion exists as to whether the 204 page computer printout is the current and complete roll of all living members of the Little Shell Tribe of Chippewa Indians of Montana. We note that in Appendix F of the petition, four of the group's 16 officers listed for January 1984 are not included in the 204 page printout. In all telephone conversations with members of the Acknowledgment staff, you as well as members of the council closely involved with the group's enrollment (Mrs. Teske and Mrs. Swanson), have referred to the printout, dated September 25, 1984, as "a supplemental roll." If this is a supplemental roll, please explain to what it is a supplement. How many members are not included in the 204 page printout roll?

References have been made to the Roe Cloud Roll as being the membership roll of the Little Shell petitioner. This roll, prepared in 1937 and updated by the Bureau's Turtle Mountain Agency in 1985, contains the names of many persons who, based on their date of birth, may be deceased. Since the regulations noted above require the petitioner to submit "a list of all known current members" and since the Roe Cloud roll includes many persons who are likely to be deceased as well as a significant number whom we believe have not indicated their desire to be considered members of the Little Shell petitioner, we cannot accept the Roe Cloud roll as the petitioner's current membership roll for acknowledgment purposes. For this reason, we cannot accept the Roe Cloud Roll as the roll to which the 204 page printout is a supplement.

In addition to the membership list, there are several specific questions about previous rolls or lists which were submitted with the petition. What is the date of preparation for the "List of Landless Indians at Wolf Point"? For what purpose was the list prepared? Do similar lists exist for other districts? If so, please provide one copy of each extant list. For what purpose was the list entitled "Various lists of landless Indians of Montana by Districts, dated 1941" prepared? How was information about individual family members obtained? A thirty-five page typescript list entitled "Little Shell Tribe of Chippewa Indians of Montana - Membership Roll, April 1978" was provided with the initial submission of the petition. Who prepared this 1978 roll and for what purpose was it created? What is the source of the numbers which occasionally appear in the column labeled "Application #"? Page 32 is missing from this document.

In the "Constitution", Section I of Article V deals with membership and states, "All members of the Little Shell Tribe of Chippewa Indians in the State of Montana whose application as an Indian has been approved or may hereafter be approved by the Executive Committee of said Tribe." Please explain how Section I should be interpreted since this in effect states that individuals, regardless of tribal affiliation or blood quantum, can become members if the Executive Committee accepts them. Please explain how Section I should be interpreted in light of Sections II and III and Resolution No. 84-011 which limit membership to persons of "at least one-quarter Pembina Chippewa Blood . . ." which is further defined as "Chippewa-Cree Blood derived from Pembina ancestry."

The governing documents (Appendix B of the petition and Resolution No. 84-011) do not identify a base roll nor do they describe how the blood degree requirements stipulated in the preceding paragraph are being determined. Does the petitioning Little Shell have a base roll to which all members must trace their ancestry? A base roll is an original or earlier list of members which normally is designated in the tribal constitution or other document, which specifies enrollment criteria. Given this description of a base roll, is the Little Shell petitioner perhaps using the Roe Cloud Roll as a base roll or source document to determine an individual's eligibility for membership? If the Roe Cloud Roll is being used as a base roll, is it the only base roll or are there other additional early source documents which are also being used? If not, describe in detail how eligibility is being determined and provide copies of source documents being used.

What is the name of the group whose membership distribution is diagrammed in the hand-drawn map of Montana, dated 1958? Membership distribution on this map shows there are 801 people in Montana and 6,000 estimated out-of-state.

Section III(A) of the Article VII of the group's governing document (Appendix B) indicates that state meetings are held every three months. Please provide a chronological listing of quarterly state meetings. This list should include date and place of meeting and the number of members in attendance. Also are sign-in sheets of members present and minutes of all these meetings available?

Please provide copies of the following documents cited in the petition: D.961/13; D.910/1; D.864/1; D.962/1. Page 15 of the Convention minutes, subject - Reading Commissioner Indian Affairs letter (dated probably September 3, 1961) is missing. The petition refers to a new enrollment being made and cites a document identified as D.963/28. Please provide a copy of this cited document. If it does not include the roll prepared as a result of this "new enrollment" and if such a roll does exist, please provide it.

All primary documents in the bibliography of the report are cited to the Chief Little Shell Tribe of Montana Archives at Montana State University. This makes it impossible for our researchers to determine the original source of all these documents. It is assumed that many were copied from the records of the National Archives, the regional Federal Records Centers, or state and local repositories. It is essential for us to know the precise source (including Record Group, file names and numbers) of all primary documents so that we may review selected files at the original depositories to confirm and/or add to the information contained in the petition. Please provide these citations in as much detail as possible.

While it appears that there is a large amount of information requested in this review, we anticipate that the largest amount of time will be consumed in providing information about the current community and solving the problems associated with the membership and the current roll. If you need assistance in clarifying any of the issues raised above, please write or call the Branch of Acknowledgment and Research, Bureau of Indian Affairs, 1951 Constitution Avenue, N.W., Interior South Building - Room 32, (Code 440B), Washington, D.C. 20245.

Sincerely,

Hazel E. Elbert

Deputy Director, Office of Indian Services

- cc: Dr. C. Patrick Morris
- Robert Van Gunten
- Edna Teske
- Mark McGillis
- Ruth Brunell, Turtle Mountain Agency

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