

(3) Technical Assistance Letter(s)

- April 18, 1985
- July 26, 1979
- April 8, 1985



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

WASHINGTON, D.C. 20245

IN REPLY REFER TO:

Tribal Government Services - AR

4-18-85

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

LITTLE SHELL CHIPPEWA OF MT

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.