



Policy Basics: What Is Tribal Citizenship?

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This report is the second in an ongoing project introducing readers to foundational topics in Indian Country. The first report covered the legal concept of tribal sovereignty. Other policy basics in this series will include: land, jurisdiction, and taxes in Indian Country. This report focuses specifically on the legal concept of tribal citizenship.

Tribal Citizenship

Tribal nations are political entities both within the borders and jurisdiction of the U.S. federal government. Tribal nations were sovereign prior to colonial contact. Tribal sovereignty stems from treaties made between the federal government and hundreds of tribal nations.

The legal and political status of tribal citizens rests upon the sovereignty of their tribal nation. Tribal nations determine tribal citizenship and set out enrollment criteria in constitutions, ordinances, or other legal documents.¹ Tribal citizenship helps determine whether the tribal nation has jurisdiction over an individual and their actions on or off tribal lands. Additionally, based on the legal responsibility of the U.S. as outlined in treaties, tribal citizens are entitled to certain rights or benefits, such as health care and education.²

During the treaty-making period (1817-1871), concepts of tribal citizenship differed from treaty to treaty.³ In these negotiations, the federal government treated American Indians differently based on their descendancy, and impacted the political and legal status of tribal citizens in terms of race.⁴ These early actions set the stage for U.S. legal concepts of a racialized American Indian identity that are still used to disempower tribal nations and citizens today.

How Tribal Nations Determine Citizenship

Since 1975, federal Indian policy has focused on self-determination for tribal nations, or on the inherent right of tribal nations to self-determine their futures. This includes tribal nations' revision of their constitutions that the federal government once drafted.⁵ One consideration in this process of constitutional reform is tribal citizenship. Determining who and who is not "Indian" has been fraught with settler interference through federal statutes, court decisions, and other legal mechanisms.

During the reservation period (1871-1887), the Bureau of Indian Affairs propelled the assimilation of American Indians through violent psychological and physical methods in attempt to erase their identity. The federal government used further legal means to define American Indians by blood in order to determine who is eligible for federal benefits and who is subject to federal and tribal jurisdiction.⁶ Despite these racialized definitions of "Indian-ness," tribal nations today have the sovereign right to determine their citizenship with the approval of the Secretary of the Department of the Interior (DOI).⁷

Why use the term tribal nation?

Tribe refers to a group of people united by ties of common descent, community of customs and traditions, and adherence to the same leaders. This connection is important but does not acknowledge sovereignty and self-governance. Using the term *tribal nation* is more accurate.

Lineal Descendancy and Blood Quantum

Tribal nations today determine citizenship by either lineal descendancy or blood quantum. To trace these criteria, most tribal nations use base rolls, which record the original enrolled membership of a tribe.⁸

Lineal descendancy documents a familial relationship between an individual and a tribal citizen that appeared on a tribal nation's base roll.⁹

Blood quantum measures the percent of blood an American Indian inherited through ancestry or descendancy through the base roll. For instance, if an individual had a "full-blood" Indian father and a non-Indian mother, blood quantum would consider that person "half" Indian. The DOI urged tribal nations to compile base rolls and to include blood quantum enrollment criteria in their constitutions.¹⁰

Early colonizers introduced blood quantum to classify American Indians by race to determine who was capable of managing or owning land and to legally justify land claims and purchases between settlers and American Indians. During the allotment period (1887-1934), federal policies integrated the concept of blood quantum into the legal status of American Indian identity to fractionalize Indian land and assimilate American Indians.¹¹ From the reservation period to the end of allotment, the United States reduced tribal reservation lands by approximately 90 million acres, or the size of present-day Montana.¹²

Ongoing Challenges to Tribal Sovereignty and American Indian Identity

It is necessary to explore settler-colonial racialized definitions of American Indian identity and its influence on federal Indian policy and current state-tribal relations. The federal government domesticated Indian lands through many legal mechanisms and also embedded American Indians into its political body. In 1924, the federal government recognized American Indians as citizens, making tribal citizens simultaneously citizens of their tribal nation and the United States.¹³ Today, as tribal, U.S., and state citizens, American Indians are entitled to the full rights and privileges that citizenship provides.

However, identifying American Indians with racial terms rather than a political status still serves to disempower American Indians of their lands, sovereignty, and rights. This plays out in many different arenas currently, from tribal jurisdiction to tribal taxation authority.

¹ U.S. Department of the Interior, "Tribal Enrollment Process."

² National Congress of American Indians, *Tribal Nations and the United States: An Introduction*.

³ Spurhan, P., "A Legal History of Blood Quantum in Federal Indian Law to 1935," *South Dakota Law Review*, Vol. 51, No. 1, 2006.

⁴ Schmidt, R. W., "American Indian Identity and Blood Quantum in the 21st Century: A Critical Review," *Journal of Anthropology*, Vol. 2011, 2012.

⁵ Miller, T., "Beyond Blood Quantum: The Legal and Political Implications of Expanding Tribal Enrollment," *American Indian Law Journal*, Vol. 3 (1), 2014.

⁶ Schmidt, R. W., "American Indian Identity and Blood Quantum in the 21st Century: A Critical Review," *Journal of Anthropology*, Vol. 2011, 2012.

⁷ Miller, T., "Beyond Blood Quantum: The Legal and Political Implications of Expanding Tribal Enrollment," *American Indian Law Journal*, Vol. 3 (1), 2014.

⁸ U.S. Department of the Interior, "Tribal Enrollment Process."

⁹ U.S. Department of the Interior, "Tribal Enrollment Process."

¹⁰ Miller, T., "Beyond Blood Quantum: The Legal and Political Implications of Expanding Tribal Enrollment," *American Indian Law Journal*, Vol. 3 (1), 2014.

¹¹ Schmidt, R. W., "American Indian Identity and Blood Quantum in the 21st Century: A Critical Review," *Journal of Anthropology*, Vol. 2011, 2012.

¹² Native Partnership, "Allotment Act—1887."

¹³ Native Partnership, "Citizenship Act—1924."