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1 670 $a Work cat: Amending the Ysleta del Sur Pueblo and Alabama and Coushatta Indian Tribes of Texas Restoration Act to allow the Ysleta del Sur Pueblo Tribe to determine blood quantum requirement for membership in that tribe: report (to accompany H.R. 1560), 2011, viewed online July 3, 2012

2 670 $a Sokolow, G. A. Native Americans and the law, c2000: $b p. 43 (The term "blood quantum" is used to refer to the fraction of Indian blood present in an individual applying for membership in a federally recognized Indian tribe. To count toward membership in a federally recognized Indian tribe, Indian blood must be that of a recognized tribe. A person can have blood from more than one Indian tribe, but most tribal constitutions and existing federal law allows a person to claim membership in only one Indian tribe. The quantum of Indian blood (from none to entirely Indian blood) necessary to be considered for membership varies from tribe to tribe)

3 670 $a Britannica Academic online, July 14, 2012: $b under Under Native American, Developments in the late 20th and early 21st centuries (The numerical difference between those claiming ancestry and those who are officially recognized is a reflection of many factors ... in some cases, the children of ethnically mixed marriages have been unable to document the degree of genetic relation necessary for official
enrollment in a particular tribe ... this degree of relation is often referred to as a blood quantum requirement; one-fourth ancestry, the equivalent of one grandparent, is a common minimum blood quantum, though not the only one)

670 $a$ Robertson, D. L. Card-carrying Indian: the social construction of an American Indian legal identity, 2010, viewed online July 3, 2012: $b$ p. 28 (On the North American continent, blood quantum, or blood ancestry, has its roots in the discourse of colonialism. The concept of "degree of blood", or the threshold of a fractional amount of blood, was documented as early as 1705 in Virginia)

670 $a$ Schultz, L. The relationship of educational level, reservation status and blood quantum with anger and post-colonial stress among American Indians, 2005, viewed online July 9, 2012

670 $a$ Cook, R. Heart of colonialism bleeds blood quantum, viewed online, July 13, 2012

$b$ (Blood quantum is the total percentage of your blood that is tribal native due to bloodline. All of the Nations use blood quantum as a requirement for membership. Usually this is detailed on a CDIB (Certificate of Degree of Indian Blood) Card issued by the United States Government)

670 $a$ Forbes, J.D. Blood Quantum: A Relic of Racism and Termination, Nov. 27, 2000, viewed online July 13, 2012

$b$ (Many Native People have gotten so used to the idea of "blood quantum" (degree of "blood") that sometimes the origin of this racist concept is forgotten. Its use started in 1705 when the colony of Virginia adopted a series of laws which denied civil rights to any "negro, mulatto, or Indian" and which defined the above terms by stating that "the child of an Indian, and the child, grandchild, or great grandchild of a negro shall be deemed accounted, held, and taken to be a mulatto."

Thus both a person of American race and a person of half-American race were treated as legally inferior persons ... The racist use of blood quantum continued without a break. In 1866 Virginia decreed that "Every person having one-fourth or more Negro blood shall be deemed a colored person, and every person not a colored person having one-fourth or more Indian blood shall be deemed an Indian.")

675 $a$ Black's law dictionary; $a$ Canby, William C., 1931- American Indian law in a nutshell; $a$ Web3 via Literature online database, searched July 9, 2012; $a$ ClassWeb, searched July 3, 2012

680 $i$ Here are entered works on the genetic constitution of a person's blood in terms of fractions or percentages of ethnic elements contained in the blood.

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910 $a$ Proposal saved by ec04 on 07/14/2012 at 14:36:35

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AMENDING THE YSLETA DEL SUR PUEBLO AND ALABAMA AND COUSHATTA INDIAN TRIBES OF TEXAS RESTORATION ACT TO ALLOW THE YSLETA DEL SUR PUEBLO TRIBE TO DETERMINE BLOOD QUANTUM REQUIREMENT FOR MEMBERSHIP IN THAT TRIBE

DECEMBER 9, 2010.—Ordered to be printed

Mr. DORGAN, from the Committee on Indian Affairs, submitted the following

REPORT

[To accompany H.R. 5811]

The Committee on Indian Affairs, to which was referred the bill, H.R. 5811, to amend the Ysleta del Sur Pueblo and Alabama and Coushatta Indian Tribes of Texas Restoration Act to allow the Ysleta del Sur Pueblo Tribe to determine blood quantum requirement for membership in that Tribe, having considered the same, reports favorably thereon, without amendment, and recommends that the bill do pass.

PURPOSE

The purpose of H.R. 5811 is to amend the Ysleta del Sur Pueblo and Alabama and Coushatta Indian Tribes of Texas Restoration Act to allow the Ysleta del Sur Pueblo Tribe of Texas to determine blood quantum requirement for membership in that Tribe.

BACKGROUND AND NEED FOR LEGISLATION

Congress passed the Ysleta del Sur Pueblo and Alabama and Coushatta Indian Tribes of Texas Restoration Act in 1987 (Restoration Act), Public Law 100–89). That Act restored federal recognition to the Ysleta del Sur Pueblo of Texas and the Alabama and Coushatta Indian Tribes of Texas. The Restoration Act also contained a tribal membership provision for the Ysleta del Sur Pueblo (Tigua) Tribe which required members to (1) have 1/8th degree or more of Tigua Indian blood and (2) be enrolled by the tribe.

The Ysleta del Sur Pueblo Tribe has approximately 1,300 enrolled members. Due to the blood quantum restrictions in the Restoration Act, it is believed that the Tribe will see a significant de-
cline in tribal membership over the next 50 years. A number of individuals have already been removed from tribal membership as it was determined that they no longer satisfied the blood quantum requirement, as currently authorized under the Restoration Act.

Under the Restoration Act, the Yaleta del Sur Pueblo is one of the few federally recognized tribes that have their membership criteria prescribed by the federal government. One of the most recognized aspects of tribal sovereignty is the ability of a tribe to determine its own membership. The United States Supreme Court acknowledged the authority of Indian tribes to determine their own membership in Santa Clara Pueblo v. Martinez, 436 U.S. 49 (1978).

H.R. 5811 would amend the Restoration Act by authorizing the Yaleta del Sur Pueblo to determine its own blood quantum requirement, similar to most other federally-recognized Indian tribes in the United States.

LEGISLATIVE HISTORY

H.R. 5811 was introduced on July 21, 2010, by Congressman Silvestre Reyes (TX), and was referred to the Committee on Natural Resources in the House of Representatives. On September 22, 2010, the House of Representatives considered and passed H.R. 5811 by voice vote. On September 23, 2010, H.R. 5811 was received in the Senate and referred to the Senate Committee on Indian Affairs. On November 18, 2010, the Committee on Indian Affairs held an open business meeting and approved H.R. 5811 by unanimous voice vote without amendment.

In the 110th Congress, Representative Reyes introduced H.R. 1696, which was almost identical to the current bill. It was introduced on March 26, 2007 and was referred to the Committee on Natural Resources in the House of Representatives. On July 18, 2007, the bill was reported favorably without amendment to the full House of Representatives. On July 30, 2007, the House of Representatives passed H.R. 1696 by unanimous consent, however, no further action was taken on the bill.

Similar bills to H.R. 5811 were also introduced from the 105th to the 109th Congresses. Unlike the current bill, each of the bills between the 105th and 109th Congresses specifically lowered the blood quantum requirement from ½ to ¼, as opposed to removing the blood quantum requirement entirely. With the exception of H.R. 1460 in the 106th Congress, each of these bills saw no action beyond being referred to the Committee on Natural Resources in the House of Representatives. In the 106th Congress, H.R. 1460 passed the House of Representatives, but was not taken up by the Senate.

SECTION-BY-SECTION OF H.R. 5811

Section 1. Blood Quantum Requirement Determined by Tribe. This section removes the 1/8th blood quantum requirement for tribal membership from federal law, which would allow the tribe to determine its own blood quantum criteria for tribal membership.

COMMITTEE RECOMMENDATION AND TABULATION OF VOTE

In an open business session on November 18, 2010, the Committee on Indian Affairs, by a unanimous voice vote, adopted H.R.
to have lawyers help prepare the cases. However, unlike other governments, Indian tribes need not pay for the attorneys. Defendants must hire their own lawyers at their own expense.

The Seventh Amendment requires a government to provide a jury trial in certain civil cases. It does not apply on Indian reservations.

The Eighth Amendment prevents governments from setting excessively high bail amounts for criminal defendants. The bail has to be appropriate to the seriousness of the crime, to the risk that the defendant might flee, and to a number of other factors, and all governments must establish specific guidelines for setting bail. Additionally, the severity of punishment for a crime must be somewhat in proportion to the seriousness of the offense (Cruel and Unusual Punishments Clause). This amendment applies to all governments. However, unlike other levels of government, no Indian tribe may impose a punishment greater than one year in jail, a fine greater than $5,000, or both for a single criminal offense.

The Ninth Amendment provides that the people may have additional rights besides those stated in the Constitution. It states that the rights contained in the federal Constitution are not a complete and full listing. The Ninth Amendment does not apply in Indian country.

The Tenth Amendment states the people retain all powers not explicitly given to either the states or to the federal governments. The Tenth Amendment also does not apply to Indian country.

See also Civil Rights; Eminent Domain; Indian Civil Rights Act of 1968

BLOOD QUANTUM The term “blood quantum” is used to refer to the fraction of Indian blood present in an individual applying for membership in a federally recognized Indian tribe. To count toward membership in a federally recognized Indian tribe, Indian blood must be that of a recognized tribe. A person can have blood from more than one Indian tribe, but most tribal constitutions and existing federal law allows a person to claim membership in only one Indian tribe.

The quantum of Indian blood (from none to entirely Indian blood) necessary to be considered for membership varies from tribe to tribe. Some tribes will allow as little as one-sixty-fourth of Indian blood for membership, whereas others require a minimum of one-fourth or higher. Blood quantum figures may also be used in determining what governmental or tribal services a person is eligible to receive. Not all tribes and federal agencies define an “Indian” in the same way.

See also Federally Recognized Tribe
had to get Congress to pass a bill to grant him or her access to the federal courts in order to bring a lawsuit. Enacting special legislation for each case was slow and cumbersome. As part of the streamlining of the federal government in 1946, Congress passed the FTCA. This law allows the U.S. government to be sued in federal courts for specific types of lawsuits, such as for negligent acts committed by its employees or agents. This Act only gives the injured party federal court access. The injured party must still prove his or her case in court. Negligence lawsuits might be brought, for example, if a plaintiff is injured in a motor vehicle accident by a federal employee on government business or in a government vehicle, or for injuries resulting from a faulty medical procedure performed by a doctor employed by the Indian Health Service. Tribes, as sovereign nations, are still free to prohibit lawsuits against themselves in their own courts. Under the FTCA, independent contractors, such as tribally operated housing authorities and police departments, are not normally considered to be federal employees, and thus they are not covered under the Act. However, in recent years Congress has extended the coverage of the Act to employees of specific programs, such as tribally operated schools. Other federal laws deal with claims that may arise out of contracts made between the federal government and businesses.

Although it may appear advantageous for a tribe to prohibit suits against itself, this is not always the case. People may be reluctant to provide needed goods and services to a tribe if they have no legal recourse against it should problems arise. In some cases, the tribal courts offer the only forum in which to bring a lawsuit.

See also Sovereign Immunity

Federally Recognized Tribe A federally recognized tribe is a group of ethnically related people who are recognized by the U.S. government as being a Native American assembly and a political entity. Such a tribe is entitled to maintain a government-to-government relationship with the United States and is eligible for various housing, health, education, and tribal government support services offered by the Bureau of Indian Affairs (BIA) and other federal agencies.

This recognition must be distinguished from the enrollment of individual persons into the membership of an Indian tribe. Strictly speaking, whereas the enrollment process deals with individuals one at a time, the recognition process deals with an entire group of people together, who form a new political entity, which may be denoted an Indian tribe.

Ultimately, the secretary of the interior has the primary responsibility for recognizing a group of Indians as a tribe for federal purposes. A state or other unit of government is free to grant its own recognition of tribal
status to a group. However, the federal government is not bound to accept such state or local recognition of an Indian tribe as such. The secretary of the interior has delegated this recognition task to the BIA, which has a Federal Acknowledgment Project specifically established to handle this duty. The process is lengthy and complicated and may take many years to complete.

For a Native American group in all states except Hawaii, the first step in the recognition process is the filing of a petition with the BIA requesting recognition as an Indian tribe. By administrative decision of the BIA, it does not deal with the official federal recognition of Native Hawaiian groups as such. The group must meet a number of conditions, including these:

1. The group must be historically recognized on a continuous basis as American Indian or aboriginal to the United States. "On a continuous basis" means that there must be some evidence that the group has had recognition by society as a group with a distinct culture for an extended period of time. Just how long this period of time must be is decided on a case-by-case basis. Some of the evidence that may be considered for this condition are references to the group in newspapers or other periodicals; repeated recognition as American Indian or aboriginal by federal agencies; identification as an Indian group by scholars, anthropologists, church records, or schools; recognition by other Indian organizations, and so on.

2. The group lived and still lives in a geographically identifiable area or community, which is seen as Indian and as distinct from other groups of people, and group members are descendants of an Indian tribe that previously inhabited the area.

3. The group, as a "tribe," has maintained political influence over the members as an independent group throughout history to the present. This is a different situation, for example, from that of a large family living in a small town for several generations. Such a town is likely to be part of a county and state and to be under their domain.

4. The group should have some written document, such as by-laws or a constitution, that is used to govern its affairs. If there is no written document, there must be a statement that describes how members of this group are chosen and how the "tribe" governs itself at the time the petition is filed.

5. The group must have a membership roster of all known current members who are not already members of another North American Indian tribe. Among the evidence of membership that can
be considered are church and school records identifying the person specifically as a member of this group, affidavits of tribal elders, and state or federal records showing such identification of the members as part of that group or "tribe."

If investigation (which could take many years) shows that there is sufficient evidence, then the BIA gives notice to the public of the petition by publishing it in the Federal Register, an official publication of the federal government. After that, public hearings are held where persons both for and against tribal recognition may testify and present evidence in favor of their position. The BIA and the Department of the Interior then make a decision, which may be appealed to the federal courts, if necessary.

Tribes that were terminated pursuant to a law of Congress generally would not follow this process. They would directly ask Congress to pass a new law to reestablish federal recognition of their tribe.

This long process may require input from many experts: geologists, archaeologists, historians, economists, political scientists, government officials, and many others. The hearings are extensive, and the process itself is expensive. Some people argue that the detailed requirements for recognition help ensure that only truly distinct, ethnically identifiable groups get federal recognition. Others argue that the process helps ensure that the limited "pie" of economic and other benefits available to tribes does not get spread too thin.

See also Administrative Law; Administrative Procedures Act of 1946; Enrollment Process; Termination

**FEE PATENT**  A fee patent is a grant of land from the public domain (that is, public land holdings) by the federal or state governments. In the context of Indian affairs, this term generally refers to the issuance of a deed, or title, to land formerly held by the U.S. government, to individual members of an Indian tribe. Under the General Allotment Act of 1887, otherwise known as the Dawes Act, each Indian or family was granted a specific parcel of land, called an allotment. The Act applied to many of the nation's tribes. It was intended to encourage Indians to become more like non-Indians by having them take up farming or a related occupation, but it failed to take into account the different lifestyles, beliefs, or other characteristics of the tribes across the nation. The lifestyles of many tribes were simply not suited for farming or ranching.

Because the purpose of the law was to ease the transition of Indian people into "civilized" society, the land set aside for the individual or family carried some restrictions for a period of up to 25 years, which was
Developments in the late 20th and early 21st centuries

Native American life in the late 20th and early 21st centuries has been characterized by continuities with and differences from the trajectories of the previous several centuries. One of the more striking continuities is the persistent complexity of native ethnic and political identities. In 2000 more than 600 indigenous bands or tribes were officially recognized by Canada’s dominion government, and some 560 additional bands or tribes were officially recognized by the government of the United States. These numbers were slowly increasing as additional groups engaged in the difficult process of gaining official recognition.

The Native American population has continued to recover from the astonishing losses of the colonial period, a phenomenon first noted at the turn of the 20th century. Census data from 2006 indicated that people claiming aboriginal American ancestry numbered some 1.17 million in Canada, or approximately 4 percent of the population; of these, some 975,000 individuals were officially recognized by the dominion as of First Nation, Métis, or Inuit heritage. U.S. census figures from 2000 indicated that some 4.3 million people claimed Native American descent, or 1–2 percent of the population; fewer than one million of these self-identified individuals were officially recognized as of native heritage, however.

The numerical difference between those claiming ancestry and those who are officially recognized is a reflection of many factors. Historically, bureaucratic error has frequently caused individuals to be incorrectly removed from official rolls. Marrying outside the Native American community has also been a factor: in some places and times, those who out-married were required by law to be removed from tribal rolls; children of these unions have sometimes been closer to one side of the family than the other, thus retaining only one parent’s ethnic identity; and in some cases, the children of ethnically mixed marriages have been unable to document the degree of genetic relation necessary for official enrollment in a particular tribe. This degree of relation is often referred to as a blood quantum requirement; one-fourth ancestry, the equivalent of one grandparent, is a common minimum blood quantum, though not the only one. Other nations define membership through features such as residence on a reservation, knowledge of traditional culture, or fluency in a native language. Whether genetic or cultural, such definitions are generally designed to prevent the improper enrollment of people who have wishful or disreputable claims to native ancestry. Known colloquially as “wannabes,” these individuals also contribute to the lack of correspondence between the number of people who claim Indian descent and the number of officially enrolled individuals.

A striking difference from the past can be seen in Native Americans’ ability to openly engage with both traditional and nontraditional cultural practices. While in past eras many native individuals had very limited economic and educational opportunities, by the turn of the 21st century they were members of essentially every profession available in North America. Many native people have also moved from reservations to more urban areas, including about 65 percent of U.S. tribal members and 55 percent of aboriginal Canadians.

Despite these profound changes in occupation and residency, indigenous Americans are often represented anachronistically. Depictions of their cultures are often “frozen” in the 18th or 19th century, causing many non-Indians to incorrectly believe that the aboriginal nations of the United States and Canada are culturally or biologically extinct—a misbelief that would parallel the idea that people of European descent are extinct because one rarely sees them living in the manner depicted in history museums such as the Jorvik Viking Center (York, Eng.) or Colonial Williamsburg (Virginia). To the contrary, 21st-century American Indians participate in the same aspects of modern life as the general population: they wear ordinary apparel, shop at grocery stores and malls, watch television, and so forth. Ethnic festivals and celebrations do provide individuals who are so inclined with opportunities to honour and display their cultural traditions, but in everyday situations a powwow dancer would be as unlikely to wear her regalia as a bride would be to wear her wedding dress: in both cases, the wearing of special attire marks a specific religious and social occasion and should not be misunderstood as routine.
CARD-CARRYING INDIAN: THE SOCIAL CONSTRUCTION OF AN AMERICAN INDIAN LEGAL IDENTITY

By

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Submitted to the Faculty of the Graduate College of the Oklahoma State University in partial fulfillment of the requirements for the Degree of MASTER OF SCIENCE
July, 2010
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502 Thesis (M.S.)--Oklahoma State University, 2010.

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On the North American continent, blood quantum (or blood ancestry) has its roots in the discourse of colonialism. The concept of “degree of blood” or the threshold of a fractional amount of blood was documented as early as 1705 in Virginia in a case that disallowed persons to testify in court or hold public office if they had ancestors to the fourth generation that were “Negro” or Indian (Virginia Slave Act IX of 1705, Chapter IV, p.250-52, Statutes at Large). Blood quantum rapidly extended to remove voting rights and interracial marriage throughout the states (Forbes 1988), and has been used for over 300 years to propagate a race-based notion of identity—one that justifies the “singleness of purpose in….the unrelenting demand for [N]ative land and resources” (Nagel 1996:3).

It has only been since the early 20th century that blood quantum became salient in defining Indian identity and tribal membership (Meyer 2004; Spruhan 2006). Blood quantum is a slippery slope. If Natives marry non-Natives, any potential children born will have reduced blood quanta. This may sound innocuous; however, it could jeopardize the children’s federal and tribal status as an Indian. Even marriage or procreation between Natives of different tribes can potentially negate any legal identity.

Also, the amount of blood quanta required for membership of each tribe may be combined with other requirements, like residency or parental heritage. A child born of two Native parents could literally be considered ethnically or culturally Indian, but not be a member of any tribe. For example, the Santa Clara Pueblo requires patrilineal heritage, but the Seneca tribe requires matrilineal descent (Garroul 2003). Therefore, if a Santa Clara Pueblo mother marries a Seneca father, then any child born will not have a legal identity as a member of federally recognized tribe—even if the parents are full-blood members of their tribes.
THE RELATIONSHIP OF EDUCATIONAL LEVEL, 
RESERVATION STATUS AND BLOOD 
QUANTUM WITH ANGER AND 
POST-COLONIAL STRESS 
AMONG AMERICAN 
INDIANS 
By 
LAHOMA SCHULTZ 
Bachelor of Science 
Northeastern State University 
Tahlequah, OK 
1974 
Master of Science 
Northeastern State University 
Tahlequah, OK 
1994 
Submitted to the Faculty of the 
Graduate College of the 
Oklahoma State University 
in partial fulfillment of 
the requirements for 
the Degree of 
DOCTOR OF PHILOSOPHY 
July, 2005
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CHAPTER I
INTRODUCTION

In this study, I attempted to determine in archival data from a sample of American Indian people (Winterowd, Miville, Willmon, Casillas, Shunkamola, Dudley, Schultz, Sheader-Wood, and Warner, 2001) the relationship of reservation status, blood quantum (perceived as relevant for determining Indianness), and educational level to post-colonial stress and the experience and expression of anger. Although the data set from the 2001 study was utilized, the previous study differed in that acculturation level and hope were utilized as the independent variables.

Intergenerational Oppression of American Indian People

American Indian people have experienced a traumatic end to their traditional cultures. Given the historically horrendous experiences of oppression and loss of their cultures at the hands of European Americans, it is without surprise that many American Indians are distrustful of White European Americans. Traditional means of living and surviving were decimated and American Indian people were forced to learn the ways of Europeans, their traditional religions were deemed illegal; children were taken from their parents and removed to institutions for learning many miles from their homes. Whitbeck, Adams, Hoyt, and Chen (2004) argued that these historical losses are not confined to any one single catastrophic period, but are ongoing and ever present in the lives of American Indian people as daily reminders of the trauma and loss. Brave Heart and De Bruyn
Heart of Colonialism Bleeds Blood Quantum

Posted By admin On March 11, 2008 @ 1:38 pm In | Comments Disabled

By: Roy Cook

The question of who's really an American Indian, what with the variation in blood quantum requirements from tribe to tribe, is confusing enough, and it's mostly because the Federal government has a long history of meddling, claiming the right to tell Indian people who they are and who they ought to be.

Blood Quantum is the total percentage of your blood that is tribal native due to bloodline. All of the Nations use Blood Quantum as a requirement for membership. Usually this is detailed on a CDIB (Certificate of Degree of Indian Blood) Card issued by the United States Government. Additionally, many of the Nations have other requirements for Membership.

As to how it affects you, that is a matter of some debate. Some Native Americans will never recognize you as "Indian" unless you are an enrolled member of a Federally Recognized Tribe, Band, or Nation. Others will recognize you as "Indian" if you are making an honest effort to reconnect with your own ancestral culture.

Today over three hundred American Indian tribes (excluding Alaskan villages) in the United States are by treaty or executive order recognized by the federal government and receive services from the Bureau of Indian Affairs. There are additionally some 125 to 150 groups seeking federal recognition, and dozens of others that might do so in the future.

Let us look at these issues from a traditional and political viewpoint. Non-federally recognized tribes have been around for a long time. In fact, ALL tribes were non-federally recognized until the Continental Congress began to negotiate treaties with some Native nations in the 1770s. But the new U.S. federal government chose to concentrate its attention upon nations found west of the Appalachians or in Florida, ignoring virtually every tribe located within the core boundaries of the original thirteen states. The eastern tribes were left to flounder in a sea of neglect, racism, and ambiguity, in spite of the new federal Constitution that established federal supremacy over "commerce" with the tribes. Historically this clearly documents that the original Native American traditional culture is to be Non-federally recognized. Ironic how political definitions get turned around to suit current generations?

The issue of sovereignty is at the heart of current disputes over the opening of casinos by Native communities. It is generally conceded that federally recognized tribes possess a residue of sovereignty (self-rulership/government), which enables them to use their land base in self-determined ways not subject to state laws (except in certain cases). However, it is not generally recognized that state-recognized tribes, which possess reserved lands (formerly known as "Indian towns" and later as reservations), also are likely to possess the same degree of sovereignty as federally recognized tribes.

Another factor involves our country's "love affair" with racism and stereotyping, a factor, which very much affects most eastern tribes (though not all). Tragically, non-tribal people have come to believe that Native Americans should physically resemble the Sioux or Navajos seen on television, or the Italians playing Indians in old Western movies. Our contemporary schoolbooks and films do not explain to the public that eastern Native communities were often places of refuge in the colonies and states, places where the laws of racial segregation did not apply.

From New England to Florida most Native tribes provided homes for persons of mixed white and Native, Black and Native, and other combinations of ancestry. As a result many eastern Indians began to partially resemble African-Americans (and, indeed, large numbers of African-Americans have American racial ancestry in any case, from the Caribbean as well as from the United States itself). This presents a challenge, then, for white people obsessed with stereotypes. They might be willing to accept a white-Indian mixed person as an Indian, but
their racial sensitivity balks at recognizing a person of part-African appearance. Things have not changed all that much in two centuries!

The 1990 U.S. Census reported the largest number of Native Americans in the states of Oklahoma, California, Arizona, and New Mexico. The census also indicated that slightly over half of Native Americans live in urban areas; cities with the largest Native American populations are New York, Oklahoma City, Phoenix, Tulsa, Los Angeles, Minneapolis-St. Paul, Anchorage, and Albuquerque. Around one-fourth of American Indians in the United States live on 278 reservations (or pueblos or rancherias) or associated “tribal trust lands,” according to the census.

The Bureau of Indian Affairs has used a “blood quantum” definition?generally, one-fourth degree of American Indian “blood”?and/or tribal membership to recognize a person as an American Indian. However, each tribe has a particular set of requirements, typically including a blood quantum, for membership (enrollment) in the tribe. Requirements vary widely from tribe to tribe: a few tribes require at least a one-half Indian (or tribal) blood quantum; many others require a one-fourth blood quantum; still others, generally in California and Oklahoma, require a one-eighth, one-sixteenth, or one-thirty-second blood quantum; and some tribes have no minimum blood quantum requirement at all but require an explicitly documented tribal lineage.

Recently, December 16, 2003, a Southwest Tribe made headlines when it announced that 50 Percent Isleta Blood Needed To Stay In Tribe. Dozens of people who spent their whole lives thinking they were members of the Isleta Pueblo are finding out they are not. People on the Pueblo have been getting letters telling them they have to have 50 percent Isleta blood to be part of the tribe. The letters they received say that people can challenge them if they fill out a family tree proving their heritage.

Also in Southern California, 2/03/2004, Tribal power is exercised to fulfill political goals.

“Tribes ? as sovereign nations ? are shielded from lawsuits filed against them. Velie, however, contends that individuals are not protected by sovereign immunity when they act outside the authority granted to them by the tribe.

The plaintiffs allege that the committee members violated Pechanga Band law and imposed standards above those required by the Pechanga Constitution by launching disenrollment proceedings against them. The lawsuit also accuses the committee members of trying to increase their own portions of casino profits by diminishing the number of tribal members eligible for profit-sharing payments.

The plaintiffs trace their family line back to Manuel Miranda, granddaughter of Pablo Apish, the Pechanga headman who received a 2,223-acre land grant from California Gov. Pio Pico in 1845.

The committee members maintain that Miranda, who was half Pechanga according to the Bureau of Indian Affairs, moved off the reservation and cut her ties to the tribe 80 years ago. As a result, they are now demanding additional documentation of linear descent from the disputed members, most of whom have enjoyed full membership rights for 25 years.”

Continued —> [1]
American Indian Source

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(Continued)

History is being rewritten across the Americas in this new millennium. Native Americans (peoples marginalized by modernity) are perfectly capable of defending themselves; you don't have to do it for them. Written history is a seriously overrated Enlightenment construction. Most peoples have lived without for most times. Written history is used to justify political and social power. Western civilization thought seems to be arguing that mythic histories,- epics, folk-knowledge and non-historicized versions of the past open up possibilities for thinking. Utopian thinking is the only response possible when you have destroyed all other possibilities
for thinking the past when history has become the only legitimate resource for accessing the past. This situation has come to dominate Western societies experience of the past. The west has destroyed its past outside history.

The post-industrial, Pan-Indian Movement emerged in 1977 when the Haudenosaunee, and Indians from North and South America, presented their Great Law of Peace to the United Nations, with a warning that Western civilization, through the process of colonialism, was destroying the earth’s ability to renew her. They recommended the development of liberation technologies, which would be anti-colonial, or self-sustaining, and the development of liberation theologies. A liberation theology will develop in people a consciousness that all life on the earth is sacred and that the sacredness of life is the key to human freedom and survival (Akwesasne Notes 1978: basic call to consciousness). The Peacemaker argued not for the establishment of law and order, but for the full establishment of peace, and universal justice.

In 1978, Indians walked from San Francisco to Washington, D.C., this trek was called The Longest Walk. The outcome of this walk was the Native American Freedom of Religion Act. During this walk participants were taught spiritual wisdom. The spiritual leaders got together and worked out ceremonies that did not conflict with any one Indian Nation’s spiritual beliefs. Many Indian Nations are forbidden, by prophecy, to share their specific religious beliefs, even with other Indians, and with members of their own tribe who are less than full bloods. A Lakota spiritual leader had a vision that the colors black, red, yellow and white, our sacred colors, stand for the four races. The Lakota offered their Sweat Lodge ceremony and the Sweat Lodge has become the most widely spread ceremony in Pan-Indians. It was in the Lakota Sweat Lodge that we first learned to pray for all my relations.

After the Longest Walk the Lakota Sun Dance extended to California at D-Q University at Davis. Many of the Indians who had been on the Longest Walk, participated in that Sun Dance. Now, reportedly, there has been another vision of Buffalo Calf Woman turning into buffalo of the four sacred colors. This has served to bolster the idea that the Red Road is for everyone.

The Pan-Indian movement is made up of all four races, but the largest contingency are non-federally recognized Indians, primarily urban, who are desperately clinging to their Indian identity. These people are not white, although some white people do also Sun Dance, you are very much in the minority, and are usually related to or have married into Indian families. Many Mixed Bloods (with less than 1/4 from a single tribe), because the federal government no longer recognizes them as Indians, even though they may have 100% Indian blood, do not come under the jurisdiction of the BIA or Tribal councils, so their rights to Bill of Rights have not been abrogated. Nationhood implies conformity with international human rights ethics. Ethnic cleansing is a violation of human rights.

Indians cede their land to the government by Treaty. A Treaty is an international contract. Contracts are the crux of Western civilization. It is unconscionable in today’s world to deny a whole group of people the fulfillment of their contracts solely on the basis of race.

To understand the current USA mis-adventure in Iraq, look a little closer to home. Keetowah Cherokee Ward Churchill book Struggle for the Land excerpts lay bare a devastating account of land robbery and genocide against the Native American peoples in North America, from the earliest days of the Republic. Racism, disdain, and greed for Native American lands drove 13 small British colonies to break away from England. In Struggle for the Land, the earlier of these two books, Churchill clarifies that “independence” from England was little more than King George’s giving up his “option” to buy native lands which he had by virtue of the “right of discovery.” Likewise, the Louisiana Purchase was acquiring from Napoleon the right to purchase land from Indians. As a rogue rebellion looking for Nationhood, our earliest legal documents from the 1820s endeavored to legitimize the United States by treating Indians as sovereign nations with whom we (USA) would enter into treaties. “Legally speaking,” quotes Churchill from one such document, “so long as a tribe exists and remains in possession of its lands, its title and possession are sovereign and exclusive.”

But of course it was not to be. Chief Justice John Marshall, who had received 10,000 acres in grants west of the Appalachians in return for fighting in the Revolutionary War, declared, invoking an obscure Norman law, that the land was “vacant” and therefore Euro-American deeds were legitimate. By 1832, he was declaring that all natives were “subordinate” to the U.S., a simple statement of colonialism, before the genocide of Western tribes had even
begun. Marshall went even further and declared that natives “committed aggression” when they attempted to regain control of their land.

In 1823, the Christian Doctrine of Discovery was quietly adopted into U.S. law by the Supreme Court in the celebrated case, Johnson v. McIntosh (8 Wheat. 543). Writing for a unanimous court, Chief Justice John Marshall observed that Christian European nations had assumed “ultimate dominion” over the lands of America during the Age of Discovery, and that upon “discovery” – the Indians had lost “their rights to complete sovereignty, as independent nations,” and only retained a right of “occupancy” in their lands. In other words, Indians nations were subject to the ultimate authority of the first nation of Christendom to claim possession of a given region of Indian lands. [Johnson:574; Wheaton:270-1]

According to Marshall, the United States – upon winning its independence in 1776 – became a successor nation to the right of “discovery” and acquired the power of “dominion” from Great Britain. [Johnson:587-9] Of course, when Marshall first defined the principle of “discovery,” he used language phrased in such a way that it drew attention away from its religious bias, stating that “discovery gave title to the government, by whose subject, or by whose authority, the discovery was made, against all other European governments.” [Johnson:573-4] However, when discussing legal precedent to support the court’s findings, Marshall specifically cited the English charter issued to the explorer John Cabot, in order to document England’s “complete recognition” of the Doctrine of Discovery. [Johnson:576] Then, paraphrasing the language of the charter, Marshall noted that Cabot was authorized to take possession of lands, “notwithstanding the occupancy of the natives, who were heathens, and, at the same time, admitting the prior title of any Christian people who may have made a previous discovery.” [Johnson:577]

In other words, the Court affirmed that United States law was based on a fundamental rule of the “Law of Nations” – that it was permissible to virtually ignore the most basic rights of indigenous “heathens,” and to claim that the “unoccupied lands” of America rightfully belonged to discovering Christian European nations. Of course, it’s important to understand that, as Benjamin Munn Ziegler pointed out in The International Law of John Marshall, the term “unoccupied lands” referred to “the lands in America which, when discovered, were ‘occupied by Indians’ but ‘unoccupied’ by Christians.” [Ziegler:46]

Ironically, the same year that the Johnson v. McIntosh decision was handed down, founding father James Madison wrote: “Religion is not in the purview of human government. Religion is essentially distinct from civil government, and exempt from its cognizance; a connection between them is injurious to both.”


American Indian Source

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(Continued)

This type of legal history is the foundation for Churchill’s devastating critique of U.S. government policies toward indigenous peoples in the United States. Struggle for the Land is a series of precise, factual case studies of, for example, the Iroquois efforts to reclaim their land in upstate New York (the entire city of Syracuse is on native land), and the Lakota refusal to accept any amount of money for the Black Hills. One of the most important facts in the book, though, is that Hitler used the United States treatment of Indians as a model for his genocide. Consequently in 1946, as the United States was preparing to sit in judgment on the Nazis at Nuremberg, the Indian Claims Commission Act was passed in order to provide a new veneer of legal rights to Indians, ostensibly giving them the right to sue for lost land if claims were based on “fraud, duress, unconscionable consideration, mutual or unilateral mistake,” which, of course, they were.

In another section, Churchill describes the “radioactive colonization” of native land (i.e., the pursuit of mining rights for uranium (60 percent lies on native reservations), and oil and gas (20 percent on native reservations). Ninety percent of mining takes place on native land. In one concise chart, Churchill outlines 33 different corporations who have leases in areas in Montana, North Dakota, South Dakota, and Wyoming. There are more than 5,000 in the Black
Hills alone. Locally, the Hanford plutonium plant leaks toxins from storage tanks into the fishing grounds of the Columbia River Yakima, leading to illness, sickened, malformed and dead fish, and a host of other problems.

The funds from leases are kept in "trust" by the government, and, of course, the tribes see little of them. This Northern Plains Lady, Elouise Cobell, is bringing the issue to the light of day in court. This is an excerpt from an article in 2004 Blackfeet Reservation Development Fund, Inc.

"When I went to Washington on a hot, sultry June day in 1996 to file a lawsuit over the billions of dollars of trust funds that the government had lost, misplaced and otherwise grossly mismanaged for hundreds of thousands of American Indians, I had no idea I would still be in court seven years later.

Yet today, after three Cabinet secretaries have been held in contempt by a federal judge and after four lengthy trials and a successful defense on appeal of our claims on the merits, the federal government has failed to clean up the trust records. It cannot certify the accuracy of a single one of the estimated 500,000 current individual Indian trust accounts.

That's the sad bottom line on how the federal government has continued to treat the nation's first citizens.

All I and three other Indians are asking the government to do is account for the tens of millions of acres of land the government forced into trust and to account for and distribute — to the proper trust beneficiaries — the correct amount of funds it received and invested from the leases it arranged for timber sales and for oil, gas, minerals and grazing rights on Indian trust lands in the West.

I may not be a lawyer, but I was a small-town banker in Montana. I know that the most basic of duties of any trustee is to account for all trust assets, including the funds they hold for the beneficiaries.

Unfortunately, the commissioner of the Bureau of Public Debt, a senior Treasury Department official, testified in our case that the United States has used our trust funds to reduce the national debt.

But no one knows how much of our money was used to reduce the debt load of this country or how many years the U.S. government used our trust money for these and other important government purposes, such as building dams and major power projects in the West.

We hope an accounting will finally tell the true story of how the government has used Individual Indian Trust funds for more than 100 years. And, we also hope that we will learn what really happened to 40 million acres of Individual Indian Trust land that simply vanished, according to the testimony of the head of Interior's Office of Historical Accounting.

Seven years later, Interior Secretary Gale Norton, the government's trustee-delegate for the nation's first citizens, has done nothing to provide us answers to this and other important trust accounting issues.

Why the delay? Why the deception? Why the disdain for the obligations Norton owes to hundreds of thousands of Individual Indian Trust beneficiaries, many of whom live in Washington state?

Sen. John McCain, R-Ariz., and others have said it's because Indians lack political clout in the nation's capital. Any other interest group would have had this problem resolved immediately, McCain has said. There is no dispute about the evidence. Study after study has warned Congress that our trust funds were being horribly managed by the Department of Interior. Billions of dollars are missing.

In 1989, the Senate Special Committee on Investigations found that "fraud and corruption pervade" the Interior Department. The General Accounting Office warned both Republican and Democratic administrations for years that this is a very serious problem.

In 1994, Congress ordered Interior to account for the missing funds. Nothing happened.

So we Indians did what others similarly situated would have done. We turned to the courts for
help to straighten out an obdurate and dishonest executive and an uninterested Congress.

Since we filed our suit, we have won several significant victories. In 1999, U.S. District Judge Royce Lambeth declared the government breached its trust responsibilities to us and ordered the interior secretary and the treasury secretary to provide us a complete accounting of all trust assets, including the revenues generated from our trust lands since the creation of the Individual Indian Trust in 1887. The U.S. Court of Appeals for the District of Columbia unanimously agreed with Lambeth and found that the interior secretary had engaged in “malfeasance” and has unduly delayed the accounting, causing irreparable harm to all of us.

The government’s record as trustee for Indians is “a long and sorry story,” Lambeth declared. “… It is fiscal and governmental irresponsibility in its purest form.”

Tough words, to be sure — but they are utterly meaningless unless Norton is compelled to do what she is required to do by law.

Continuing to rely on the good faith of the interior secretary is an exercise in futility. We can settle this case, but the government first must participate in settlement talks with integrity, something they have refused to do for the seven years this case has been litigated.

It must stop hiding behind disingenuous excuses, defending the indefensible and protecting incompetent and dishonest officials.

Any settlement must be fair and just to make Indians whole for monies that have been collected by the United States for 116 years.

It is, after all, our money. It is our property right.” Elouise Cobell is making history.

American Indian Source

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(Continued)

Churchill explains step by step the attempted genocide of indigenous cultures. Just a few of the techniques were preemptive and deceptive leases: the General Allotment Act, which replaced collective ownership with individual ownership; the forced change in indigenous government to the Tribal Council (modeled like a corporate board); the 1956 Relocation Act, intended to force indigenous peoples to move to slums in cities, etc. In 1953, the United States attempted to unilaterally dissolve 109 indigenous nations in its borders. By 1990, more than half of all Indians were no longer on their land bases. But rather than completely obliterate native entities, the U.S. government decided to keep them alive and restructure their government into an entity which could be a signer to negotiations for mineral leases. “Native nations were cast as always being sovereign enough to legitimate Euro American mineral exploitation on their reservations,” writes Churchill, “never sovereign enough to prevent it.”

For the purpose of enriching the few, hypocrisy, lies, and lawbreaking have been the basis of United States’ policies toward indigenous peoples from its founding years. So of course we are still doing it today. We are simply operating on a different continent.

Native Americans today are distributed unevenly throughout North America, a reflection more of events following European arrival than of aboriginal patterns. The 1990 U.S. Census reported the largest number of Native Americans in the states of Oklahoma, California, Arizona, and New Mexico. The census also indicated that slightly over half of Native Americans live in urban areas; cities with the largest Native American populations are New York, Oklahoma City, Phoenix, Tulsa, Los Angeles, Minneapolis-St. Paul, Anchorage, and Albuquerque. Around one-fourth of American Indians in the United States live on 278 reservations (or pueblos or rancherias) or associated “tribal trust lands,” according to the census. The largest of these is the Navajo Reservation, with 143,405 Native Americans and 5,046 non-Indians living there in 1990. Around 60 percent of the Native American population of Alaska lives in “Alaska Native Villages.”
The twentieth-century population increase for Native Americans reflected in successive U.S. Census figures was also due to changes in the U.S. Census Bureau’s definition of Native American. Since 1960 the Census Bureau has relied on self-identification to ascertain a person’s race. Much of the increase in the American Indian population from 523,591 in 1960 to 792,730 in 1970 to 1.37 million in 1980 to 1.9 million (including Eskimos and Aleuts) in 1990 resulted from persons not identifying themselves as American Indian in an earlier census but identifying themselves as such in a later census. It has been estimated, for example, that as much as 60 percent of the apparent population growth of American Indians from 1970 to 1980 may be accounted for by such changing identifications! The political mobilization of American Indians in the 1960s and 1970s, along with other ethnic-pride movements, may have lifted some of the stigma attached to an American Indian racial identity. This would be especially true for persons of mixed ancestry who formerly had declined to disclose their American Indian background. Conversely, persons with minimal American Indian background may have identified as American Indian out of a desire to affirm a “romanticized” notion of being American Indian.

Today over three hundred American Indian tribes (excluding Alaskan villages) in the United States are legally recognized by the federal government and receive services from the Bureau of Indian Affairs. There are additionally some 125 to 150 groups seeking federal recognition, and dozens of others that might do so in the future. The Bureau of Indian Affairs has used a “blood quantum” definition; generally, one-fourth degree of American Indian “blood” and/or tribal membership to recognize a person as an American Indian. However, each tribe has a particular set of requirements, typically including a blood quantum, for membership (enrollment) in the tribe. Requirements vary widely from tribe to tribe: a few tribes require at least a one-half Indian (or tribal) blood quantum; many others require a one-fourth blood quantum; still others, generally in California and Oklahoma, require a one-eighth, one-sixteenth, or one-thirty-second blood quantum; and some tribes have no minimum blood quantum requirement at all but require an explicitly documented tribal lineage.

Tribes located on reservations have generally required higher degrees of blood quantum for membership than those not located on reservations. This pattern of requiring low percentages of Indian “blood” for tribal membership and relying on federal authorities to certify membership may be seen as a reflection of demographic decline. As the number of American Indians was reduced and American Indians came into increased contact with whites, blacks, and others, American Indian peoples increasingly married non-Indians. As a result, American Indians have had to rely on formal certification from the federal government as proof of their “Indianness.”

In the early 1980s the total membership of the three hundred recognized U.S. tribes was about 900,000. Therefore, many of the 1.37 million persons identifying themselves as American Indian in the 1980 census were not actually enrolled members of federally recognized tribes. In fact, only about two-thirds were. In the late 1980s the total tribal membership was around 1 million; hence, only about 53 percent of the 1.9 million people identifying themselves as American Indian in the 1990 census were actually enrolled. Such discrepancies have varied considerably from tribe to tribe. Most of the 158,633 Navajos enumerated in the 1980 census and the 219,198 enumerated in the 1990 census were enrolled in the Navajo Nation; however, only about one-third of the 232,000 Cherokees enumerated in the 1980 census and of the 308,132 enumerated in the 1990 census were actually enrolled in one of the three Cherokee tribes (the Cherokee Nation of Oklahoma, the Eastern Band of Cherokee Indians [of North Carolina], and the United Keetoowah Band of Cherokee Indians of Oklahoma). Thus the Navajo Nation is the American Indian tribe with the largest number of enrolled members, but more persons identifying themselves as Native American identified themselves as Cherokee in the 1980 and 1990 censuses than did persons of any other tribe. The two other largest groups in the 1990 census were the Chippewas, or Ojibwas, (103,826) and the Sioux (103,255).

Similarities and differences exist in Canada. Officially, to be an Indian in Canada, one must be registered under the Indian Act of Canada; a person with Indian ancestry may or may not be registered. Categories of Canadian Indians include “status” or registered Indians, persons registered under the act; and “non-status” or non-registered Indians, persons who either never registered or gave up their registration and became enfranchised. Status Indians may be further divided into treaty or non-treaty Indians, depending on whether their group ever entered into a treaty relationship with the Canadian government. Of the 575,000 American
Indians in Canada in the mid-1980s, some 75,000 were non-registered and some 500,000 were registered.

Continued

In conclusion a recent article on Native American colonization by John C. Mohawk in Indian Country Today summarizes these issues best.

Most of the indigenous peoples of the Americas (and all in Canada and the U.S.) faced a very serious reality. In their country, the invaders outnumbered the indigenous, sometimes by hundreds to one. They were not going to go back home. In addition, their stated goal was the eradication of the indigenous nations as nations by eroding all of the elements that make a distinct people a people: their history, their languages, their laws and customs. It took quite a while and a lot of boarding schools, missionaries, and corrupt public officials but the process – being colonized – has had an impact. When an individual loses his or her memory, they cannot recognize other people, they become seriously disoriented, and they don’t know right from wrong. Sometimes they hurt themselves. Something similar happens when a people become colonized. They can’t remember who they are because they are a people without a common history. It’s not that they don’t have a history, it’s just that they don’t know what it is and it’s not shared among them. Colonization is a kind of spiritual collapse of the nation. This is one result of a colonial education based on canonical “great books” texts. Indigenous peoples’ histories and cultures are not in those texts, and the life of the nation is not there, either. Identity is important. The colonists were very successful “radicalizing” indigenous identities such that people talk about being 25 percent of this or 40 percent of that, but one does not belong to a nation based on one’s blood quantum. Belonging to an indigenous nation is a way of being in the world. Holding a membership card is not a way of being and money can’t buy it.

Colonization is the greatest health risk to indigenous peoples as individuals and communities. It produces the anomic – the absence of values and sense of group purpose and identity – that underlies the deadly automobile accidents triggered by alcohol abuse. It creates the conditions of inappropriate diet, which lead to an epidemic of degenerative diseases, and the moral anarchy that leads to child abuse and spousal abuse. Becoming colonized was the worst thing that could happen five centuries ago, and being colonized is the worst thing that can happen now.

De-colonization, on the other hand, means many different things to many different peoples. In principle, however, it means undoing the damage of colonization and involves elements such as living traditions and customs, language retention, and an insistence on the right to BE Lakota or Ganienkehaka or O?otam or Tipai or whatever nation it is that people have a right to be.

Sources:

Cherokee Nation v. Georgia 30 U.S. (5 Pet.) 1, 8 L.Ed. 25 (1831).


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John C. Mohawk, Ph.D., columnist for, Indian Country Today.


American Indian Source

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Blood Quantum: A Relic of Racism and Termination

BY JACK D. FORBES, ON NOVEMBER 27TH, 2000

Many Native People have gotten so used to the idea of “blood quantum” (degree of “blood”) that sometimes the origin of this racist concept is forgotten. Its use started in 1705 when the colony of Virginia adopted a series of laws which denied civil rights to any “negro, mulatto, or Indian” and which defined the above terms by stating that “the child of an Indian, and the child, grandchild, or great grandchild of a negro shall be deemed accounted, held, and taken to be a mulatto.” Thus both a person of American race and a person of half-American race (a “half-blood” in other words) were treated as legally inferior persons.

Colony after colony and state after state followed Virginia’s example in using blood quantum as a way of determining who could have the privileges accorded to white persons. For example, Alabama’s code stated that “all negroes, mulattoes, Indians and all persons of mixed blood, to the third generation inclusive, though one ancestor of each generation may have been a white person, whether bond or free; shall be taken, and deemed incapable in law, to be witnesses.... except for or against each other.” North Carolina possessed a code which prohibited marriages between white persons and “an Indian, Negro, Mustee, or Mulatto.... or any person of Mixed Blood to the Third Generation.” Such laws meant that a part-Indian of one-eighth American ancestry and seven-eighth European ancestry would not have acquired sufficient European “blood” to be accorded the legal privileges of whiteness.

The racist use of blood quantum continued without a break. In 1866 Virginia decreed that “Every person having one-fourth or more Negro blood shall be deemed a colored person, and every person not a colored person having one-fourth or more Indian blood shall be deemed an Indian.” (This is perhaps where the one-quarter blood concept used by the Bureau of Indian Affairs originated). In the 20th century Virginia broadened the term “colored” to include all Indians with any trace of African ancestry, if living off-reservation, and with more than 1/32 African ancestry, if living on either the Pamunkey or Mattaponi reservations.

The Federal government began to also use “degree of blood” in the
latter part of the nineteenth-century, especially in relation to the enrollment of persons before the Dawes allotment commission. The use of “full,” “one-half” etc. at that time was both an extension of the previous racist system and also a step in terminating Native Americans. Persons with greater amounts of white ancestry were assumed to be more competent than persons with lesser amounts. In other words, the degree of white blood was much more important than the degree of American ancestry. The white blood entitled an Indian citizen to greater privileges, including being able to have “wardship” restrictions removed, being able to sell property, acquire the right to vote in state and federal elections, and so on. Thus it may be that many persons chose to exaggerate their amount of white ancestry when enrolling. Persons without white ancestry were restricted persons, with the Bureau controlling their financial lives. It was also expected that when a person became “competent” (white enough) he would no longer be an Indian and that process would eventually terminate a tribe’s existence.

Thus the recording of blood quantum is both a product of white racism and of white social science theories of a racist nature, and also a product of a plan wherein Native nations are expected to vanish when the white blood quantum reaches a certain level (above three-fourths, for example). For this latter reason alone, the use of blood quantum is exceedingly dangerous for Native Nations today, although the Bureau and some eastern Oklahoma Indians don’t seem to care about this danger.

The BIA has issued proposed changes in the way the BIA calculates and invalidates a Certificate of Degree of Indian or Alaska Native Blood (CDIB). The changes were developed by a very small group of Bureau employees and a few tribal representatives, all in eastern Oklahoma. The changes may seem insignificant, however, they should have been carefully reviewed by Indian Country because of their perpetuation of the racist blood quantum ideology, their ignoring of ratified treaties with tribes, and because of the role that they will play in Indians terminating themselves.

First, Indian ancestry is to be computed only from so-called Federally-recognized tribes (in spite of the ambiguous status of some tribes at this time). The changes specifically limit “Indian blood” to ancestry from a Federally-recognized tribe and define the latter as one listed in the Federal Register as a tribe recognized by the Secretary of the Interior. This means that one’s degree of Indian blood cannot include American Indian or Eskimo-Inuit ancestry derived from a terminated tribe, from an administratively-deleted tribe, from a Canadian, Greenlandic, Mexican or other non-US group, or from any state-recognized tribe (as along the east coast), or perhaps from any newly-recognized tribe. Thus a person who is 1/2 Inuit from Alaska and 1/2 Inuit from Canada or Greenland can only be counted as 1/2.
The possibility exists that numerous persons of full American indigenous racial ancestry will be counted as mixed bloods and that, gradually, American Indians will be eliminated as a people as they marry non-Indians or currently non-Federally recognized Natives. This is a form of self-termination. If you are concerned about these issues contact Neal McCaleb at the Department of the Interior and also Karen Ketcher, BIA, 101 North 5th. Street, Muskogee, OK 74401 or KarenKetcher@bia.gov. Refer to "1076-AD98." This topic will be explored in a subsequent column also.

... NATIVE AMERICAN ISSUES

« The Blood Grows Thinner: Blood Quantum, Part 2
   Dear Sarah »

« The Blood Grows Thinner: Blood Quantum, Part 2
   Dear Sarah »
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Ninth Edition

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entire blood. See full blood.

full blood. (1812) The relationship existing between persons having the same two parents; unmixed ancestry. — Also termed whole blood; entire blood.

half blood. (176) The relationship existing between persons having the same father or mother, but not both parents in common. — Sometimes written half-blood. See relative of half blood under relative. [Cases: Descent and Distribution C=35.]

heritable blood. Hist. A relationship between an ancestor and an heir that the law recognizes for purposes of passing good title to property. — Also termed inheritable blood. [Cases: Descent and Distribution C=21.]

mixed blood. (1817) Arch. The relationship between persons whose ancestors are of different races or nationalities.

"The term ‘mixed bloods,’ as used in treaties and statutes, has been held to include persons of half, or more or less than half, Indian blood, derived either from the father or from the mother." 42 C.J.S. Indians § 3 (1991).

whole blood. See full blood.

blood, corruption of the. See CORRUPTION OF BLOOD.

blood alcohol content. (1926) The concentration of alcohol in one’s bloodstream, expressed as a percentage.

• Blood alcohol content is used to determine whether a person is legally intoxicated, esp. under a driving-while-intoxicated law. In many states, a blood alcohol content of .08% is enough to charge a person with an offense. — Abbr. BAC. — Also termed blood alcohol count; blood alcohol concentration. See DRIVING UNDER THE INFLUENCE; DRIVING WHILE INTOXICATED. [Cases: Automobiles C=332, 411.]

blood border. Slang. The dividing line between adjoining states that have different minimum drinking ages.

• The term derives from the fact that juveniles from the state with the higher minimum age drive to the state with a lower minimum age, purchase and consume alcohol, and drive home intoxicated.

blood diamond. See CONFLICT DIAMOND.

blood feud. See FEUD (4).

blood-grouping test. (1930) A test used in paternity and illegitimacy cases to determine whether a particular man could be the father of a child, examples being the genetic marker test and the human leukocyte antigen test.

• The test does not establish paternity; rather, it eliminates men who could not be the father. See PATERNITY TEST; GENETIC MARKER TEST; HUMAN LEUKOCYTE ANTIGEN TEST. [Cases: Children Out-of-Wedlock C=45, 58.]

blood money. 1. Hist. A payment given by a murderer’s family to the next of kin of the murder victim. — Also termed wer. 2. A reward given for the apprehension of a person charged with a crime, esp. capital murder.

blood relative. See RELATIVE.

blood test. The medical analysis of blood, esp. to establish paternity or (as required in some states) to test for sexually transmitted diseases in marriage license applicants. See SEROLOGICAL TEST. [Cases: Children Out-of-Wedlock C=45, 58; Marriage C=25(2).]

bloodwit. Hist. 1. EFFUSIO SANGUINIS (1). 2. EFFUSIO SANGUINIS (2). 3. The right to levy a fine involving the shedding of blood. 4. The exemption from the payment of a fine involving the shedding of blood. 5. Scott law. A penalty for a brawl or riot in which blood is shed.

blotter. 1. See arrest record. 2. See waste book.

BLS. abbr. BUREAU OF LABOR STATISTICS.

blue-blue ribbon jury. See blue-ribbon jury under JURY.

Blue Book. 1. A compilation of session laws. See SESSION LAWS (2). 2. A volume formerly published to give parallel citation tables for a volume in the National Reporter System. 3. English law. A government publication, such as a Royal Commission report, issued in a blue paper cover.

Bluebook. The citation guide — formerly titled A Uniform System of Citation — that is generally considered the authoritative reference for American legal citations. • The book’s complete title is The Bluebook: A Uniform System of Citation. Although it has been commonly called the Bluebook for decades, the editors officially included Bluebook in the title only in the mid-1990s. The book is compiled by the editors of the Columbia Law Review, the Harvard Law Review, the University of Pennsylvania Law Review, and The Yale Law Journal. Cf. ALWD CITATION MANUAL.

bluebook, vb. To ensure the conformity of citations with The Bluebook: A Uniform System of Citation.

blue books. See SESSION LAWS.

blue chip. n. A corporate stock that is considered a safe investment because the corporation has a history of stability, consistent growth, and reliable earnings. • The term is said to come from poker, in which the blue chips usu. have the highest value. — Also termed blue-chip stock. — blue chip, adj.

blue law. (1762) A statute regulating or prohibiting commercial activity on Sundays. • Although blue laws were formerly common, they have declined since the 1980s, when many courts held them invalid because of their origin in religion (i.e., Sunday being the Christian Sabbath). Blue laws usu. pass constitutional challenge if they are enacted to support a nonreligious purpose, such as a day of rest for workers. — Also termed Sunday law; Sunday-closing law; Sabbath law; Lord’s Day Act. [Cases: Sunday C=3, 310(8).]


"Municipal bonds available for resale in the secondary market are listed by state in The Blue List, along with such information as the number of bonds offered, issuer, maturity date, coupon rate, price, and dealer making the offering. Ratings are not included. But there are sections on settlement dates of recent new offerings, prerefunded bonds, and miscellaneous offerings (some U.S. government and agency obligations, railroad equipment trust certificates, corporate bonds, and even preferred stocks). The
AMERICAN INDIAN LAW
IN A NUTSHELL
FIFTH EDITION

By
WILLIAM C. CANBY, JR.
Senior Judge, United States Court of Appeals
For the Ninth Circuit
formerly
Professor of Law,
Arizona State University

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Headword List

Enter the first few letters of a word in the box below and click Look For to jump to the nearest match in the list of words or terms below. Alternatively, select from the list using the checkboxes and click Select to take your selections back to the search screen.

Headword: blood

Select Headword
- blood meal
- blood money
- blood orange
- blood pheasant
- blood picture
- blood pink
- blood plasma
- blood platelet
- blood poisoning
- blood poor
- blood pressure
- blood price
- blood pudding
- blood purge
- blood rain
- blood red
- blood-relationship
- blood revenge
- blood royal
- blood sacrifice
- blood sausage
- blood scours
- blood serum
- blood spavin
- blood sport
- blood spot
- blood star
- blood sugar
- blood test
- blood transfusion
- blood tree
- blood type
- blood-vascular
- blood vengeance
- blood vessel
- blood-warm
- blood-alp
Creating Legal Subject Headings

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035  $a (DLC)31869
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150  $a Corporations, Government
450  $a Authorities, Public
450  $a Corporations, Federal
450  $a Corporations, Public
450  $a Federal corporations
450  $a Government companies
450  $a Government corporations
450  $a Government-owned corporations
450  $a Public authorities
450  $a Public corporations
550  $w g $a Corporations
550  $a Government business enterprises
906  $t 8831 $u fk07 $v 0
953  $a xx00 $b ta21
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Record: 8708
List: Unscheduled

010 $a sp2012002790
040 $a NNU-L $b eng $c DLC
150 $a Corporations, Government $x Law and legislation
952 $a Bib. records to be changed: 120 (estimate)
952 $a LC pattern: Government enterprises--Law and legislation
952 $a LC pattern: Corporations, Foreign--Law and legislation
907 $r Coop $t 0 $x 0 $e pragerg@exchange.law.nyu.edu
910 $a Proposal saved by yz00 on 07/11/2012 at 16:48:17
To complete this form:

- TAB moves between fields.
- Required fields marked with *.
- Text fields show number of characters typed / number of characters allowed
- SUBMIT sends your proposal via e-mail to the Law Funnel Advisory Board.

Introduction

Today’s date: 2020-07-11

General description of why this subject heading needs to be added:

008/08 Direct or indirect geographic subdivision (cf SHM H364, sec 3):

- No decision
- May subdiv geog
- Not subdiv geog

Input institutional MARC 21 code (not bibliographic utility code):

040: 

Input classification number, if appropriate (cf SHM H366):

053: 

Proposed Heading

- MARC tag:
  - 150
  - 151
  - 100
  - 110
  - 120
  - 111

First indicator: 

(' for 100, 110, 111, 130)

- Heading: 

Used For (UF) Cross References

- MARC tag:
  - 450
  - 461
  - 400
  - 410
  - 430
  - 411

First indicator: 

(' for 400, 410, 430)

- Heading: 

- MARC tag:
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  - 400
  - 410
  - 430
  - 411

First indicator: 

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- Heading: 

- MARC tag:
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  - 400
  - 410
  - 430
  - 411

First indicator: 

(' for 400, 410, 411, 430)

- Heading: 

See Also (BT and RT) Cross References

- Broader Term (BT): Do not input subfields $w$ or $a$, subfield information is supplied based on selection of this field

- MARC tag:
  - 550
  - 561
  - 500
  - 510
  - 520
  - 511

First indicator: 

(' for 500, 510, 511, 530)

- Heading: 

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Instructions

- Select the appropriate MARC 21 tag for each field
- Do not explicitly code for an initial subfield in any field (e.g., $a$, $k$, $z$).
- Use the dollar sign $ to note a delimiter before the subfield code (e.g., $x$, $z$).
- If proposed heading is 100, 110, 111, or 130, supply the appropriate indicator; 150s-151s do not require indicator, apply this instruction to 4xx and 5xxs also.
- Do NOT include a second indicator under any circumstances!
- 1XX, 4XX, or 5XX headings with subdivisions require keying the subfields by using a delimiter ($$) and the appropriate MARC subfield code.
- Add diacritics preceding the affected letter (e.g., M(acute)exico) as appropriate. Please save time by copying and pasting from the list of diacritics (new window will open). Using this list helps prevent typos and provides a uniform name for the diacritic.
- When citing geographic coordinates spell out the coordinates (e.g., 47deg 35min 34sec N).
- For additional help go to the Guidelines (new window will open) for formulating LCSH proposals.
**Broader Term (BT)**. Do not input subfields $w$ or $a$; subfield information is supplied based on selection of this field.

**MARC tag**: ○ 560 ○ 551 ○ 500 ○ 510 ○ 530 ○ 511

**First indicator**: [ ] (* for 500, 510, 511, 530)

**Heading**: 

**Related Term (RT)**. Subfield information is supplied based on selection of this field. Note: RTs require an accompanying change proposal or an accompanying new reciprocal heading, please note this in comments field below.

**MARC tag**: ○ 560 ○ 551 ○ 500 ○ 510 ○ 530 ○ 511

**First indicator**: [ ] (* for 500, 510, 511, 530)

**Heading**: 

**Source Data**

*Work cataloged* (include subfield $b$ when appropriate):

670:

**Additional source 1** (cf. SHM H202, paragraph 2.a (1)):

670:

**Additional source 2** (cf. SHM H202, paragraph 2.a (1)):

670:

**Additional source 3** (cf. SHM H202, paragraph 2.a (1)):

670:

**Additional source 4** (cf. SHM H202, paragraph 2.a (1)):

670:
Sources not found (When supplying more than one title precede each with a subfield $a$)

675:

Scope Note (cf. SHM H400 for instructions)

675:

- Geographic Subdivision

If the 1XX is a 151, supply the 781 field according to SHM H836. Do not supply initial subfield $z$; supply 2nd subfield $z$ as needed (e.g., Mexico $z$ Tancipca Mountains)

781:

When the 781 field is not appropriate (e.g., when the 151 heading is a celestial body or a geographic entity in a city; cf. SHM H836) cut and paste this note into a 667 field. This heading is not valid for use as a geographic subdivision.

667:

- Local Notes/Miscellaneous Information

List LCCNs for LC bibliographic records that would need to be updated:


LC pattern or SHM instruction sheet

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962:

Comments/Additional 4XX, 5XX, or 670 fields:


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Selective Guide of Most Useful Legal Resources for SACO:

Introduction.
The starred entries are the ones that I have found most useful. First, search the latest edition of Black’s law dictionary as a matter of course. If not found there, then try some of the other legal dictionaries. Keyword searching in ClassWeb is also invaluable.

For concepts outside of common law, try foreign law dictionaries. (Law $v Dictionaries $x French [etc.]).

For terms in a specific area of law, try legal treatises, legal encyclopedias, or specialized legal dictionaries.

For any legal dictionaries, search in your catalog under subject heading: Law $x Dictionaries, and limit by year. Try also Law [name of jurisdiction] Dictionaries. General law and common law dictionaries will mostly have subjects: Law $x Dictionaries, Law $z United States $v Dictionaries, Law $z Canada $v Dictionaries, Law $z Great Britain $v Dictionaries. For international law topics, try International law $v Dictionaries.

List of Legal Resources


Legal systems of the world : a political, social, and cultural encyclopedia. Editor, Herbert M. Kritzer. Santa Barbara, Calif. : ABC-CLIO, c2002.

** Max Planck encyclopedia of public international law /
edited under the direction of Rüdiger Wolfrum (10 v.) OCLC #729343609. Also online, with regular updates.


Nolo's plain-English law dictionary. By the editors of


Oxford companion to American law. Editor-in-chief,
Kermit L. Hall; editors, David S. Clark ... [et al.]. New York : Oxford University Press, c2002.

(Both of the above works are also available online as part of the Oxford Reference online: premium database, which provides access to these additional legal works: A Dictionary of Law, Oxford Companion to the Supreme Court of the United States, and Oxford Guide to United States Supreme Court Decisions).


** SACO Web site. Web resources for SACO proposals. Law
http://www.loc.gov/aba/pc/pcc/saco/resources.html#law