

Lawyer: Disenrollment threatens Indian Country

BY CHRISTOPHER S. PINEO
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GALLUP — It isn't an issue on the Navajo Nation, but it's an issue that students packed a classroom to learn about — disenrollment.

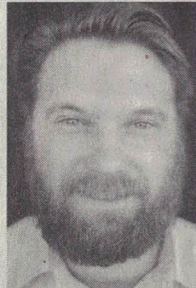
On Oct. 26, Gabriel S. Galanda, an attorney experienced in disenrollment cases, spoke to students at the University of New Mexico-Gallup. In an interview afterward, he said disenrollment — official removal from the “rolls” of a given tribe — can ultimately result in removal of a tribe from federal recognition.

Professor Sylvia Andrew said she had heard Galanda speak on another occasion and wanted students in her diversity class to hear his message about using ancestral views on kinship as a model to counter disenrollment.

“He is just so amazing and he speaks so passionately about this area, so I wanted to expose that to my students,” Andrew said.

In addition to the students from UNM-Gallup, Al Henderson, economics professor at Diné College, also attended the talk and gave extra credit to students from his classes who attended.

He felt that Galanda looked beyond colonial ideas of enrollment based on blood quantum and flipped the dy-



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amic in a way that looked to the past to reveal a path in the future where kinship guides inclusion in a tribe.

“His hands and mind are on a topic that's very sensitive to some of the traditional leaders maybe, or even contemporary leaders, within Indian tribes, but it's the future,” Henderson said. “It's really incumbent upon a very serious message to the younger generation who are contemplating an identity crisis.”

Galanda said his talk via Skype to Navajo students revealed something that he has experienced with many other tribes at other talks he has given — there is no word in the Diné language for disenrollment.

To mitigate disenrollment Galanda suggested kinship and a Navajo student who saw his talk pointed out that the Diné certainly have a word for that.

“We call it k'e,” Vanessa Leonard, a sophomore at UNM, said.

For Galanda, k'e is the natural foil to the imposed system of enrollment

and disenrollment based on so-called “blood quantum” — the amount of tribal blood an individual possesses.

He said families could acknowledge either through clan recognition or simple family ties that an individual is born to their land and people as well as their mother.

“I'm hoping that we restore kinship in the face of things like disenrollment before it's too late,” Galanda said.

Too late?

Galanda described a possibility where tribal members on tribal lands could be disenrolled by members living off the reservation. In such a case, the tribe would only consist of members living off the reservation and the land would possibly revert to the federal government.

A case like that could in a geographical sense delete a reservation, but the threat posed by disenrollment to Indian Country happens on a personal level that impacts the actual tribes.

According to “The Great Vanishing Act: Blood Quantum and the Future of Native Nations,” which Galanda recommended for students and educators, some tribes face the possibility of extinction as blood quantum laws impact both personal identity and the number of members recognized as part of a given tribe.

With diluted bloodlines could come a drop in numbers, which could eventually result in the eradication of a tribe.

Frequently, disenrollment claims are brought by tribes against tribal members in a kind of Indian-versus-Indian dichotomy, according to Galanda.

“We are doing unto ourselves now what the United States, or what colonial or federal forces have not been able to do, which is eradicate us,” he said.

Where many might use the word “colonized” or “colonized thinking” to describe blood quantum, Galanda distinguished between historical periods to lay a basis for the disenrollment phenomenon.

“I see it a bit more historical,” Galanda said. “The way I see it is that colonialism turned into federalism, as the United States grew up. I think more of colonies becoming states, states becoming the United States, the United States becoming the federal government. It has both connotations really. It happened and it's still happening.”

The roots of Galanda's envisioned mitigation of disenrollment go back even before the colonial period.

“Kinship is the way we recognized each other as belonging before there was colonialism, and disenrollment is a byproduct of colonialism and federalism,” Galanda said.

The phenomenon of disenrollment may not happen in the Navajo Nation, but it happens all over Indian Country and frequently pulls in Diné. In fact, the landmark 1978 Supreme Court

case Santa Clara Pueblo v. Martinez centered on Julia Martinez pushing for enrollment of her children who had a Navajo father.

“The 1978 case has been generally bastardized to mean something that it doesn't mean,” Galanda said.

The case, written in part by Supreme Court Justice Thurgood Marshall, ultimately ceded authority on the matter to the tribe and backed the court off. That case created a dangerous precedent, Galanda said.

“It's a great tribal sovereignty case,” he said. “It has led to a bunch of other cases that say the tribes are immune, especially from suit by state government and private citizens, but it has turned into a horrid Indian civil rights case, because it stands for the idea that, generally speaking, federal courts are not a place where Indians can go when their civil rights are violated, even their right to belong and their right of citizenship or membership.”

He recognized that changing the view from blood quantum to kinship to deter disenrollment could take a long time, but he saw a means by which Navajo could provide a kind of model as a tribe that doesn't have disenrollment.

“It seems that the tribes that are still rooted in their traditions, specifically their language, their songs, their customs, aren't doing this to themselves,” he said.



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