



## TRIBAL COUNCIL RESOLUTION

No. 2011- 30

### Amending the numbering system of the Pueblo of Jemez Membership Ordinance

At a duly called meeting of the Tribal Council of the Pueblo of Jemez, the following resolution was passed:

**WHEREAS**, the Pueblo of Jemez a federally recognized Indian Tribe with inherent powers of self-government and pursuant to its tribal sovereign powers, adopted on August 22, 2008, by Tribal Council Resolution 08-31, Chapter 1 of the Pueblo of Jemez Tribal Enrollment Membership Ordinance; and

**WHEREAS**, the Tribal Council adopted the Pueblo of Jemez Membership Ordinance as Title X of the Pueblo's Tribal Code not realizing that the Domestic Abuse Code adopted in 2000 was already adopted as Title X; and

**WHEREAS**, in order to avoid confusion, there cannot be two Title X designations in the Pueblo's Tribal Code; and

**NOW THEREFORE BE IT RESOLVED** that the Pueblo of Jemez Tribal Enrollment membership Ordinance is hereby amended to change its Title number from Title X to Title XIII. All title, section and paragraph numbers in the ordinance or any documents shall be changed to reflect the correct numbers; and

**BE IT FURTHER RESOLVED** that this resolution is not amending any substantive provisions of Chapter 1 of the Pueblo of Jemez Tribal Enrollment Ordinance nor Tribal Council Resolution 08-31, except to the extent that the numbering system is being changed in accordance with this resolution.

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### *Office of the Governor*

4471 Highway 4, Box 100 • Jemez Pueblo • New Mexico • 87024  
(505) 834-0056 • Fax (505) 834-0136

**CERTIFICATION**

I, the undersigned, as Governor of the Pueblo of Jemez, hereby certify that at a duly called Tribal Council meeting held on the 10<sup>th</sup> day of August 2011, the Tribal Council approved this Resolution, a quorum being present, and that 8 voted for, with 0 opposed and 0 abstained.

Michael Toledo Jr.  
Governor Michael Toledo, Jr.

ATTEST:

1<sup>st</sup> Lt. Gov. Jerry Shultz Jr.

Joe Cajero  
Joe Cajero

Frank Loretto  
Frank Loretto

Raymond Loretto

Jose L. Pecos  
Jose L. Pecos

Jose Toledo  
Jose Toledo

Roger Madalena

Vincent Toya  
Vincent Toya

Paul Tosa  
Paul Tosa

David Toledo

J. Leonard Loretto

Joe E. Magdalena  
Joe E. Magdalena

Arthur Sandia

Paul S. Chinana  
Paul S. Chinana

Joshua Madalena

Raymond Gachupin

**Office of the Governor**



**PUEBLO<sup>of</sup> JEMEZ**

**TO ENACT  
THE PUEBLO OF JEMEZ TRIBAL ENROLLMENT MEMBERSHIP  
ORDINANCE**

**RESOLUTION 08-31.**

The Pueblo of Jemez is a federally recognized tribe with sovereign powers and responsibilities for more than 3,500 tribal members. The Tribal Council is authorized as the responsible entity to develop policies that support the Tribal Governors and benefit the Pueblo of Jemez tribal members.

WHEREAS, the Pueblo of Jemez is proud to retain our traditional and cultural values through the community-wide preservation and protection of our traditional and cultural values and.

WHEREAS, the Pueblo of Jemez maintains a traditional form of government to assure and support the health, welfare and general well-being of the tribal members, and

WHEREAS, the Pueblo of Jemez adopted a secular form of government to facilitate a government to government relationship with the non-Pueblo world, and

WHEREAS, the Pueblo of Jemez Supreme Council and Religious Leadership maintain sole responsibilities for the appointment of the secular governmental leaders, and

WHEREAS, the Tribal Governors and Tribal Council have the responsibility to enforce the traditional values and customary laws of the Pueblo of Jemez, and

WHEREAS, the Tribal Council has the authority to direct and oversee Tribal Enrollment, one of the Tribal Programs, in the daily activities of this office and,

WHEREAS, those born prior to December 31, 1975, whose names appear on the Base Roll will automatically be considered tribal members. Those born subsequent to January 1, 1976 must re-enroll and provide proof if necessary; and

WHEREAS, those who were omitted from the Base Roll will be granted an appeal process to have their name included in the 1975 Base Roll, along with the burden of proof; and,

WHEREAS, at a duly called Tribal Council the Tribal Enrollment Ordinance was debated and discussed in full,

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***Office of the Governor***

5517 Highway 4, Box 100 • Jemez Pueblo • New Mexico • 87024  
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NOW, THEREFORE BE IT RESOLVED, effective as of this August 22, 2008, the Tribal Council hereby approves and adopts the Tribal Enrollment Membership Ordinance

BE IT FURTHER RESOLVED, that the 1975 Base Roll established by the Tribal Council will be utilized as the legal document to determine tribal membership

**CERTIFICATION**

I, the undersigned, as Governor of Pueblo of Jemez hereby certify that at a duly called meeting of the Jemez Tribal Council with a quorum held on this 22<sup>nd</sup> day of August, 2008, the foregoing Resolution was presented and passed with a vote of 13 for and 0 opposed and 0 abstained.

Paul S. Chinen  
Governor

Attest: Josue Madalen 1<sup>st</sup> Lt. Governor  
Richard Lopez 2<sup>nd</sup> Lt. Governor

Arthur Sandia Councilman Arthur Sandia  
Candido Armijo Councilman Candido Armijo

J. Leonard Loretto, Sr. Councilman J. Leonard Loretto, Sr.  
Augustine P. Waquie Councilman Augustine P. Waquie

Joe Pecos Councilman Joe Pecos  
Frank Loretto Councilman Frank Loretto

Jose E. Magdalena Councilman Joe E. Magdalena  
Joe V. Cajero Councilman Joe V. Cajero

Jose R. Toledo Councilman Jose R. Toledo  
Vincent A. Toya Councilman Vincent A. Toya

Raymond Loretto, Dnr Councilman Raymond Loretto  
Raymond Gachupin Councilman Raymond Gachupin

Michael Toledo, Jr. Councilman Michael Toledo, Jr.  
Roger Magdalena Councilman Roger Magdalena

**Office of the Governor**

**“WALATOWA” PUEBLO OF JEMEZ**  
**MEMBERSHIP ORDINANCE**

**TITLE XIII  
MEMBERSHIP ORDINANCE  
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“WALATOWA” PUEBLO OF JEMEZ  
MEMBERSHIP ORDINANCE**

**CHAPTER 1 TRIBAL ENROLLMENT AND MEMBERSHIP**

**SECTION 13-1-1 PREAMBLE**

We, the tribal members of the Walatowa Pueblo of Jemez, are a sovereign nation. As a sovereign nation, the Walatowa Pueblo of Jemez has inherit authority to create and pass laws and ordinances to govern the affairs of the Pueblo and to determine its tribal membership. For generations, the Pueblo, has exercised its sovereign authority to determine its own membership through unwritten customs, practices, and traditions.

The Walatowa Pueblo of Jemez operates as a traditional government without a tribal constitution. To maintain a responsible and organized tribal government, the Governors & Tribal Council believes it is in its best interest to place in writing our rules and procedures to protect the customs, practices and traditions to serve as guidelines in determining the general membership of the Pueblo. In working toward this effort, the Religious Society Leaders will provide guidance, advice and support to the Governors and the Tribal Council when traditional, cultural, and religious issues arise affecting an individual’s eligibility for membership or impairing his or her rights as a tribal member.

Any rules, regulations and policies developed by the Governors, Tribal Council and Jemez Enrollment Committee (hereinafter “JEC)

described herein, will to the extent possible, continue to follow the traditional beliefs and practices of the Pueblo.

**SECTION 13-1-2 POWERS OF THE GOVERNORS & TRIBAL COUNCIL**

The Governors, in consultation with Tribal Council, possess all powers necessary to determine the Pueblo of Jemez membership in any and all factors including those not specifically outlined in this ordinance. Pursuant to its sovereign power, the Governors & Tribal Council hereby adopts this Ordinance to establish rules and procedures to determine membership and enrollment in the Pueblo of Jemez consistent with this Ordinance. The Pueblo maintains an Enrollment Office to work with the Committee and the Governors & Tribal Council on matters concerning enrollment.

**SECTION 13-1-3 JEMEZ ENROLLMENT COMMITTEE**

**A. Committee Duties and Powers**

1. The Pueblo of Jemez Tribal Council pursuant to Tribal Council Resolution 97-38 dated December 8, 1997, established an Enrollment Committee hereinafter known as the "Jemez Enrollment Committee" composed of seven (7) tribal members who will serve staggered terms of three, four and five years
2. The Tribal Council hereby delegates the Committee to make recommendations for the enrollment of persons in the Pueblo, the rejection of applications for enrollment, relinquishments of enrollment and disenrollments.
3. The Committee is authorized to establish necessary rules, and procedures for this Ordinance to determine eligibility for membership and enrollment.

**B. Committee Appointments/Terms/Removal/Resignations**

1. The Committee shall be appointed and endorsed by the Tribal Council and shall be composed of seven (7) enrolled members of the Pueblo of Jemez. Upon the enactment of this Ordinance, the Tribal Council shall appoint members in staggered terms as follows:

Three (3) Members - Three (2) Year Term

Two (2) Members - Four (4) Year Term

Two (2) Members - Five (5) Year Term

Thereafter, upon the expiration of committee members' initial terms of office, the Tribal Council shall make appointments for terms of five (5) years. If the Tribal Council does not appoint a successor, the committee member whose term has expired may continue to serve on the committee until his or her successor has been appointed. No committee member shall serve more than two (2) consecutive terms. Appointment to the committee shall not be deemed to be a contract of employment. The Tribal Council may remove a member of the Committee for just cause or replace a member upon submission of a letter of resignation to the Tribal Council. If a committee member is removed for cause, a written notice of removal shall be served upon the committee member. Resignations from the Committee shall be in writing stating reasons for resigning. The resignation will be presented at the next Enrollment Committee meeting. The Committee shall acknowledge the resignation, noting the same in the minutes of the Enrollment Committee, and notify the Tribal Council of the vacancy for the purposes of appointing a successor. Resignations are effective upon acceptance by the Committee at a regular

monthly or special meeting. The individual appointed to replace a committee member shall serve for the remainder of the un-expired term.

**C. Committee Meetings**

1. The Committee shall meet once a month or as needed at a location in Jemez Pueblo to be determined. Five (5) Committee members present at a duly called meeting shall constitute a quorum. Meetings shall only be official when a quorum is present. The normal Order of business of the Enrollment Committee, which may be varied by a motion duly adopted by the Enrollment Committee, shall be:

- Call to Order
- Invocation
- Adoption of meeting agenda
- Review and adoption of minutes of the previous meeting
- Report of the Enrollment Manager
- Unfinished business
- New business; and
- Adjournment.

2. Upon their appointment, the members of the Committee shall at its first annual meeting elect Officers, a Chairman, Vice-Chairman and Secretary. Election of officers, thereafter, shall be held every other year in January. The Committee will conduct meetings in accordance with Robert's Rules of Order. The Chairman's duties shall include presiding at all meetings of the Committee and at Enrollment Reviews. The Vice-Chairman will perform duties of the Chairman if absent,

and perform other duties as may be assigned by the Committee. The Secretary will ensure that notices of meetings and minutes are taken at all Enrollment Committee meetings. The Secretary shall distribute minutes for review and approval to Enrollment Committee members before filing with the Enrollment Office. The Committee is authorized to hold Executive Session meetings. Any issues discussed or information provided whether written or oral during the Executive Session shall be held strictly confidential.

3. The Committee Members shall receive reasonable compensation for their services in an amount to be determined annually by the Enrollment Coordinator.

**D. Committee Reviews**

The Committee is authorized to conduct review meetings in regards to enrollment or disenrollment of individuals. Review meetings shall be conducted in accordance with the "Rules for the Conduct of Hearings in Enrollment and Disenrollment Proceedings" attached hereto as Exhibit A and in accordance with any amendments to those rules. The reviews will be closed to the Public and the record of the reviews will remain confidential.

**E. Enrollment Manager Reports**

The Enrollment Manager shall prepare an annual report including a summary of activities to include the number of applications approved/not approved and report the names of new tribal members. The report shall include a summary of the activities of the prior fiscal year, any significant problems and accomplishments, plans for the future and any other information requested by the Enrollment Committee or Tribal Council. The Committee may require the Enrollment

Manager to submit other reports, it may deem necessary and useful.

**SECTION 13-1-4 GENERAL PROVISIONS**

**A. Confidentiality**

1. An individual's enrollment record will contain sensitive information. The Enrollment Office shall protect and preserve all enrollment records and keep all records confidential. The records shall not be made available to anyone except the individual member (or their guardian) and to the Enrollment Staff, the Enrollment Committee, Governors and Tribal Council when such review is necessary in considering enrollment decisions.
2. Only authorized personnel including the Tribal Leadership, which would be the Governor, 1<sup>st</sup> & 2<sup>nd</sup> Lts; enrollment committee and Tribal Council may view the tribal member's file(s). Neither the roll nor any portion thereof shall not be removed from the office or photocopied or distributed to any person or organization.
3. The Governors & Tribal Council shall require the Enrollment Committee to establish By-Laws to protect and preserve the confidentiality of individual enrollment records. Once completed, Governors & Tribal Council will adopt these procedures.

**B. Severability**

If any section, subsection or other portion of this Ordinance is held invalid by Jemez Tribal Court Law & Order Code, such portion shall be deemed a separate and independent part of the Ordinance and the remaining portion of the Ordinance shall remain valid and in full force and effect.

**C. Amendment**

The Committee shall make recommendations to the Governor and Tribal Council to make amendments to this ordinance as deemed appropriate. The Governors & Tribal Council may exercise its authority to amend this Ordinance with a Tribal Council Resolution upon a majority *consensus* of the Governors & Tribal Council.

**D. Publication**

The Enrollment Manager shall publish or post each Tribal Council Resolution amending this Ordinance in the Tribal Newsletter and/or public places.

**E. Effective Date of Ordinance**

This Membership Ordinance is approved by Tribal Council Resolution dated August 22, 2008.

**SECTION 13-1-5 DEFINITIONS**

1. **“Adopted Person”** means a person whose legal rights and duties toward his natural parents are terminated and similar rights and duties toward his adoptive parents are substituted pursuant to tribal or state law granting the adopted person all rights, privileges and duties of a natural child of the adoptive parents. Adoption by a Jemez tribal member does not automatically confirm tribal membership in an adopted person.
2. **“Applicant”** the term applicant shall mean a person who has applied for membership in the Pueblo pursuant to this Ordinance.
3. **“Banishment”** means to be permanently removed from Tribal Lands by an official decree.
4. **“Base Roll”** means the initial membership rolls that are listed as of December 31, 1975.
5. **“Bartering”** – to trade by exchanging one commodity/goods for another, in most cases for money.

6. **“Born to a Member”** means the biological children of any person duly enrolled as a member of the Pueblo of Jemez pursuant to tribal law; including persons whose names appear on the 1975 base roll.
7. **“Customary Law”** – unwritten laws that are practiced and carried on for generations.
8. **“Jemez Enrollment Committee”** means the committee of seven (7) persons who are appointed and authorized by the Tribal Council to carry out the duties and responsibilities prescribed in this Ordinance. They maybe referred as “Committee”, “Enrollment Committee”.
9. **“Enrolled Member”** means an individual whether living or deceased who is listed on the Walatowa Pueblo of Jemez 1975 Official Base Roll or an individual who is a lineal descendent of a Pueblo of Jemez Indian whose name appears on the 1975 Base Roll and who is one-fourth (1/4) degree or more Jemez blood.
10. **“Father”** means a male parent. The natural father of a child.
11. **“Federally Recognized Indian Tribe/Indian Nation”** means an Indian or Alaska Native Tribe, Band, Nation, Pueblo, Village or community that the Secretary of the Interior acknowledges to exist as an Indian tribe pursuant to Public Law No. 103-454, 108 Stat. 4791.
12. **“Good Standing”** Jemez members not having any delinquent utility and tribal court bills, housing and ditch fees. In addition to participating and representing Jemez in all aspects of the traditions.
13. **“Governors”** Yearly appointed positions which include: Governor, 1<sup>st</sup> & 2<sup>nd</sup> Lieutenant Governors.

14. **“Illicit Cohabitation”** means the act of living together when not legally married which is not allowed by customary law.
15. **“Jemez Indian Blood”** means the degree of Jemez blood shown for the person listed on the Base roll.
16. **“Lineal Descendant”** means belonging to or being in the direct line of descent from an ancestor. A person who is a direct blood relative to a claimed ancestor as shown by proof of a direct line of decent.
17. **“Mother”** means a female parent. A woman who has borne a child.
18. **“Naturalized Member”** to be accepted as a recognized Jemez person with no change in blood.
19. **“Non-member”** means an individual who is NOT a lineal descendent of a Pueblo of Jemez Indian and who does NOT possess 1/4 degree Jemez blood.
20. **“Preponderance”** means superiority in weight, importance, power.
21. **“Re-enrollment”** means the process by which a minor or an adult may reapply for membership with the Pueblo of Jemez.
22. **“Relinquishment”** means the voluntary written withdrawal from membership from the Pueblo of Jemez.
23. **“Society Leaders”** means the tribal religious leaders who bestow the governorship and appointed to lifetime societies to serve as guardians and spiritual leaders of traditional and religious proceedings of the Pueblo of Jemez.
24. **“Traditional Law”** – unwritten laws and customs practiced and carried on for generations by Societies and Clans within the Pueblo of Jemez.

25. **“Tribal Council”** means the recognized governing body of the Walatowa Pueblo of Jemez whose members have served in the capacity of Governor.
26. **“War Captain”** means the person(s) appointed by Society leaders to govern all traditional, cultural and religious activities in a given year.

#### **SECTION 13-1-6 ENROLLMENT/APPLICATION PROCEDURES**

##### **A. Application Requirements**

The enrollment application shall be completed by the applicant or legal guardian and shall be filed with the Enrollment Office. All persons not listed on the Base Roll of December 31, 1975 who request membership in the Pueblo must file an application. At a minimum, the membership application must include the following:

##### **1. Adults**

- a. All names by which the applicant is or has been known and the address of the applicant.
- b. Must meet the required blood quantum of  $\frac{1}{4}$  Jemez Blood to determine eligibility.
- c. Certified State Birth Certificate.
- d. Copy of Social Security Card.
- e. If more than one blood quantum is recorded, a Certificate of Indian Blood with an enrollment number will be required to account for all Indian Blood.
- f. Evidence of parentage/biological descent such as an ancestry chart (family tree).
- g. Release of Information Form to verify information by applicant.
- h. Signature & date of filing by the applicant.

##### **2. Minors**

- a. Membership applications for enrollment for minors shall be completed and filed by the natural parents, adoptive parents, legal guardian(s), descendants, or godparents. If both natural parents are alive, except in the case of a legal adoption, both parents must sign the application; if only one is alive, then the surviving parent must sign the application.
- b. Acknowledgment of Paternity
- c. Certification agreeing in advance to possible DNA testing should questions of paternity arise.
- d. A minor shall not be enrolled using the father's surname if the biological parents have not been legally established.
- e. A Jemez enrolled unmarried father, who has sole custody of a child living on the Pueblo must be named on the child's birth certificate and have legal custody documents.

**3. Adopted Children**

- a. Applications for enrollment for minors should be completed, signed and filed by the natural parents, except in the case of legal adoption. If only one is alive, then the surviving parent will sign. In the absence of both parents due to death, then the adoptive parents will sign.
- b. CIB - Evidence of Parentage/Biological and Lineal Descendancy.
- c. Adoption decrees (tribal or state court orders)
- d. In order for an adopted child to become a member of the Pueblo of Jemez, the child must be a lineal descendent of a member of the Pueblo of Jemez. The adopting parent may be a family member, stepparent, grandparent, or Jemez tribal member. A Jemez enrolled member/father

who has sole custody of an adopted child living on the Pueblo Land must have adoption papers in order for the child to be eligible to become a Jemez Tribal member.

**B. Fraudulent Submissions** - Any person submitting false or fraudulent statements, contention, documentation or certification is subject to civil or criminal penalties through Tribal Court.

**C. Application to be Numbered and Dated**

The Enrollment Office shall issue pre-numbered applications and shall record the date of each enrollment application. An acknowledgement of receipt shall be sent or given to the applicant.

**SECTION 13-1-7 REVIEW OF APPLICATIONS**

**A. Review of Applications by Enrollment Office**

The Enrollment Manager shall receive and review all applications for enrollment. The Enrollment Manager shall schedule a Committee meeting and if burden of proof for the evidence is provided, the applicant meets the eligibility requirements under this Section 13-1-6; the Committee shall prepare a recommendation to Tribal Council on the acceptance of applicant for enrollment.

**B. Committee Reviews**

When the Committee determines additional information is needed, they shall request in writing such information required by the applicant or a person acting on their behalf to appear before the Committee for a review/interview. Should the Committee determine that the applicant has failed to meet the requirements under Section 13-1-5 (Membership Eligibility), they shall recommend to Governors & Tribal Council for final action the application for membership

**C. Records/Transcripts**

The Committee Interviews shall be recorded through minutes and filed in the Enrollment Office along with required documents. A written request will be required to obtain minutes for these interviews.

**SECTION 13-1-8 NOTICE OF RECOMMENDATION FOR ENROLLMENT**

**A. Notice**

Each applicant or person filing for enrollment will receive a written notice advising of the Governors & Tribal Council action. The applicant may be required to attend the Tribal Council Meeting. In the event this is requested, the applicant will be notified of the date, time and place of the hearing and/or meeting. The notice shall state that no attorney representation is allowed.

**B. Denial**

If the Committee's recommendation is to deny an application for membership, the notice shall list the reason(s) for the denial. The applicant will not be allowed to have Attorney representation during the application review, including the Tribal Council meetings.

**SECTION 13-1-9 MEMBERSHIP**

**A. Eligibility Standards for Membership**

In order to be eligible for membership in the Pueblo of Jemez, a person must be one of the following:

1. A person whose name appears on the December 31, 1975 (Tribal Official) Base Roll;
2. A child of at least one quarter 1/4 degree Jemez Indian blood born to a member of the Pueblo of Jemez and a lineal descendant of any person whose name appears

on the 1975 Base Roll. (This would pertain to those individuals whose fathers are listed).

**B. Dual Membership**

1. Dual enrollment is prohibited and the Committee shall reject an application when the applicant is already enrolled in another Pueblo or a federally recognized Indian tribe. Verification of dual enrollment will be done before application is approved.
2. In addition to the requirements under Section 13-1-6 (A) of this Ordinance, individuals enrolled in another Indian tribe, who wish to enroll as a Jemez tribal member, shall notify the Enrollment Office in writing of the person's interest and reasons for wanting to enroll in Jemez Pueblo.
3. Upon receipt of a letter of interest from the individual, the Enrollment Office shall prepare a Letter of Conditional Acceptance to be signed by the Governor and attested by Lt. Governor accepting the person (as soon as their relinquishments is completed) then they will be recommended to Council for a final decision on membership. Furthermore, the Enrollment Office shall provide the conditional acceptance letter to the tribe from which the person wishes to relinquish.
4. A background check will be conducted on all adults before action is taken to accept individual for enrollment.

**C. Base Roll**

1. Names of individuals listed on the Base Roll of the Pueblo as of December 31, 1975, shall form the Base Roll. Any person whose name appears on the Base Roll of the Pueblo of Jemez and is born before December 31, 1975, will automatically be considered an enrolled tribal

member, providing the person is  $\frac{1}{4}$  Jemez Blood. Any person whose date of birth occurs on or after January 1, 1976 shall apply for membership in accordance with the provisions set forth in this Ordinance.

2. The Enrollment Committee will submit the Base Roll of the Pueblo of Jemez to the Governors & Tribal Council, within twelve (12) months following the effective date of this Ordinance. The Base Roll of members shall include the full name of each person listed, tribal enrollment number, census number, and gender.
3. The Base Roll shall be available for review during application process at the Enrollment Office during normal business hours. Business hours are Monday through Friday 8 a.m. to 12 p.m. and 1 p.m. to 5 p.m.
  - a. Within 120 days following the date after the Base Roll has been finalized, any person who has reviewed the finalized Base roll and believes their designation of degree of Jemez Blood is incorrect may file with the Enrollment office a notice of protest.
  - b. Thirty-days (30) following the expiration of the protest period, the committee shall begin to schedule interviews on all protests filed. Each individual who files a notice of protest shall have ten (10) days advanced written notice of the scheduled interviews. During the interviews, a protesting individual, or his or her authorized family representative, must appear in person and shall have a full opportunity to present his/her case. Evidence in the form of legal documents or written notarized documents shall be submitted during the interviews as stated in the Enrollment Section.

- c. Following the completion of application review, the Committee will submit written recommendations to the Governors & Tribal Council. Each person or his or her representative who has filed a protest shall receive the Notice of Recommendations made by the Tribal Council.
- d. The Notice of Recommendation shall be provided in accordance with Section 13-1-7. The Governors & Tribal Council may convene interviews on recommendations for denial of membership and provide the applicant an opportunity to present additional evidence to contest the Tribal Council's denial for application.
- e. Upon the disposition of all protests, the revised or corrected Base Roll shall be submitted for review and certified by the Governors & Tribal Council. The certified Base Roll shall constitute the official membership roll of the Pueblo of Jemez.

**D. Naturalization**

Applicants not eligible for tribal membership can apply for Naturalization; however a naturalized member will not have the same benefits as a tribal member. They will be given a census number, instead of a membership number. There will be certain criteria applied to Naturalization.

1. An applicant whose blood quantum is at 1/8 Jemez will be considered for enrollment as a naturalized member;
2. Children born out of wedlock to male tribal members will be eligible under naturalization; which will have certain conditions which are listed for both 1) and 2) in the following paragraphs:

- a. Approved naturalized membership through the Pueblo of Jemez will allow the person to be eligible for federal program services, (Subject to approval by Tribal Council).
  - b. They must be a law-abiding citizen.
  - c. The applicant, except for the non-member Indian spouse, must prove Jemez descent to be eligible for the naturalization process. A non-member Indian female spouse, who has relinquished membership from her tribe, may be eligible for naturalization process as described in this section.
3. The applicant shall contact the Enrollment Office by filing the appropriate documents as required in Section 13-1-6 of this Ordinance. In addition to the required documents in Section 13-1-6, the applicant shall file a Letter of Request stating his/her reasons for becoming a naturalized member of the Pueblo of Jemez. The applicant may submit letters of recommendation or sworn affidavits from tribal members or relatives attesting to the applicant's affiliation.
4. The Committee will review the documents filed by the applicant. Where deemed necessary, the Jemez Police Department will be requested to conduct a background investigation as part of the application process. Upon review of all documents and results of the background investigation, the Office of the Governor shall make a recommendation to the Tribal Council.
5. The Governors & Tribal Council will review all requests submitted. If Governors & Tribal Council denies the

applicant the opportunity to obtain naturalization pursuant to this section, there shall be no appeal.

**E. Adoption**

The child (ren) to be adopted must be of Jemez descent. The types of adoption not handled through Tribe Court are if the child(ren) who are of another Indian blood and if the child is non-Indian. The types of adoption that Jemez processes are the stepparent and relative adoption where the child is already a member of the Tribe. The Jemez Pueblo Governors & Tribal Council may allow a person to prove descendancy if in question.

The minor applicant applying for adoption must already be a tribal member. In most of Jemez's adoptions, stepparent adoptions occur more than an adoption of a child by a single parent. **Children having no Jemez blood will not be enrolled with the Tribe.** The Jemez Governors & Tribal Council may allow a person who can prove Jemez descendancy and who is of ¼ Jemez Blood to enroll who was adopted to tribal membership and must meet the requirements of this Ordinance.

1. Any tribal member requesting adoption shall contact the Enrollment Office and present all required documentation. The applicants will be required to initiate a Petition to Adoption, which legal aide or tribal courts can assist them with. Upon submission of petition, it will then be processed in Tribal Court; with a certificate of adoption, which will be finalized at New Mexico Vital Records & Health Statistics Office in Santa Fe.
2. Upon completion of its review, the Committee shall (forward the documents) make a recommendation to

the Governors & Tribal Council (for their decision) as to the acceptance or rejection of the applicant.

3. The applicant for adoption shall be informed of the Governors & Tribal Council decision by letter, which shall be sent at least ten (10) days after the hearing/meeting.
4. Stepparent adoptions must be reviewed if a non-Jemez parent is involved. The review will be completed by the Enrollment Committee once required documents are submitted with application. The documents will be forwarded to Governors & Tribal Council. In most cases, a stepparent adoption occurs when a parent marries the non-biological child's parent and they want to adopt the spouse's child. In most cases, the child (ren) is already enrolled as a member and the stepparent is listed on their birth certificate through a certificate of adoption.
5. Relative adoption occurs when a grandparent, sister or Aunt, etc., requests to adopt a child of their own descendant. Another type of adoption that can be processed by Tribal Court, involves the home study case which is when Social Services is asked to do this if the adoption appears to be questionable.

**F. Determination of Blood Quantum or Degree**

A person applying for enrollment with the Pueblo of Jemez will only be given the blood quantum or degree of Jemez blood that can be traced to them. If the person is born out of wedlock, only the mother's quantum will be considered, unless Acknowledgement of Paternity has been established. However:

1. that if court proceedings in state or tribal forums have adjudicated the punitive father to be the natural father, then the blood quantum or degree of Jemez blood of the applicant's father shall also be used in determining the increase of blood quantum eligibility of the applicant;
2. that if the parents of an applicant for enrollment were not married either at the child's birth, then a subsequent marriage of the parents will legitimize the child.
3. If the alleged father denies paternity, then Tribal Court will intervene to initiate a hearing that will determine if a mandated DNA testing be applied.

**SECTION 13-1-10 LOSS OF MEMBERSHIP**

**A. Voluntary Relinquishment**

1. Any adult tribal member (18 years of age or older) may voluntarily relinquish his or her membership by disenrolling from the Pueblo of Jemez Membership Roll or by enrolling in another Pueblo or other federally recognized Indian tribe. Once relinquishment is achieved by enrolling in another tribe, the relinquishment shall become effective upon acceptance of that individual into membership of another tribe. The member's name will not be removed from the Pueblo of Jemez membership roll until documentation of the acceptance into the other tribe's membership is received.
2. Any adult member who voluntarily relinquishes membership from Jemez Pueblo may not reapply for membership and their membership shall henceforth be forfeited.

3. A letter stating reasons why an individual wishes to relinquish may be submitted in person to Tribal Council.

**B. Involuntary Relinquishment**

A court order or tribal Council Resolution submitted to the Enrollment shall remove a member from the membership rolls. They will no longer be considered a tribal member. Ineligibility for re-enrollment based on the grounds of dismissal, or Section 13-1-10; A. #2 or Section 13-1-10; B.

**C. Minors - Voluntary Relinquishment**

1. Any member who is not at least eighteen (18) years of age may be relinquished by his or her parents or legal guardians. If either parents or legal guardians are living, both must sign the relinquishment forms before a Notary. A letter by the parent(s) or legal guardian(s) stating why this minor is being relinquished must be included.
2. Minors who had their membership relinquished may reapply on or after their eighteenth (18) birthday

**SECTION 13-1-11 RE-ENROLLMENT**

**A. Re-Enrollment after Voluntary Relinquishment**

A female who voluntarily relinquished their membership because of marriage to a nonmember Indian or who as a minor had their membership relinquished may reenroll by completing re-enrollment forms. Applicants for re-enrollment shall appear before the Enrollment Committee to present their case. The Enrollment Committee based upon evidence presented shall make a recommendation to the Tribal Council.

**B. Re-Enrollment After Involuntary Relinquishment**

Any person who loses their membership according to the customs and traditions of the Pueblo of Jemez may appear

before Governors & Tribal Council to speak on their behalf and state the reasons why he or she is requesting re-enrollment

**SECTION 13-1-12 TERMINATION OF ENROLLMENT**

If at any time the Enrollment Committee has reason to believe that a person was enrolled into membership upon false, fraudulent, or erroneous evidence or without meeting the eligibility requirements for enrollment, the Enrollment Committee shall conduct a membership eligibility review and shall notify the member of the findings. The findings shall:

1. includes the full name and address of the tribal member in question;
2. state the reasons why the enrolled members' eligibility is being questioned;
3. include any other documents deemed pertinent to the case; and
4. request for *Governors & Tribal Council* review to determine the enrolled individual's membership should be voided

The Notice of Membership Findings shall be mailed certified to the member, or in the event the enrolled member is a minor, the notice shall be mailed to the parents, guardian or next of kin.

At the appointed time, date and location for the review, the *Governors & Tribal Council*, provided a quorum is present shall:

1. allow the enrolled member in question to appear and testify, submit oral and documented evidence, as well as present witnesses in their behalf to support their enrollment;
2. determine if the enrolled individual whose membership is being questioned, meets all the qualifications for enrollment.

At the conclusion of the review, *Governors & Tribal Council* shall:

1. Review the evidence and testimony submitted. Issue a written order signed by the Governor setting forth its determination;
2. Should the Governors & Tribal Council find from the preponderance of the evidence submitted, that the enrollee was enrolled into membership upon false, fraudulent or erroneous evidence, and did not meet the requirements for enrollment, Governors & Tribal Council shall issue a written order signed by the Governor declaring the enrollment null and void;
3. The decision of the Governors & Tribal Council shall be considered final through a resolution.