

# A HAMMER AND A MIRROR: TRIBAL DISENROLLMENT AND SCHOLARLY RESPONSIBILITY

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Sometimes research is personal. In interviews conducted by employees of the Depression-Era Works Progress Administration, Eli Roberts discussed his first impressions of Indian Territory—which would become the state of Oklahoma in 1907—in the 1830s. Eli reminisced about minutiae, such as the wild animals present in his new home (hogs and cows) and the sort of clothing he wore (woven shirts and buckskin moccasins). But it was his brief mention of Removal that affected me deeply: “We came to Oklahoma from Mississippi, in 1837. My family was brought here by Holmes Colbert and Malse Colbert.” Eli was my great great uncle. He was also the black former slave of a Chickasaw Indian. As such, although Eli possessed Chickasaw ancestry, and although he and his family had lived among Chickasaw Indians his entire life, he was not allowed to enroll as a Chickasaw citizen when the Five Tribes began codifying their membership in the 1880s. Instead, Eli and thousands like him spent roughly forty years without citizenship in either the Chickasaw Nation or the United States.

The Chickasaw national government’s nineteenth-century ruling that their former slaves did not merit citizenship meant that Eli’s descendants and relatives, including me, would *never* have the opportunity to enroll as Chickasaw citizens. Eli’s remembrances of his introduction to Indian Territory and his experiences among the Chickasaw Nation have not been a part of Chickasaw history told in venues created by the Chickasaw Nation or mediated by academics. This absence is because Chickasaw tribal leaders, and for generations many historians, deemed Eli and other Chickasaw freedpeople separate from Chickasaw history. Most narratives of Chickasaw history, because of this exclusion, ignore important questions—such as how the Chickasaws’ embrace of slavery demonstrates their utilization of capitalism and how their entanglement in the Civil War in order to maintain slavery testifies to their involvement in continent-wide conversations about humanity and natural rights.

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In the nineteenth and early twentieth centuries, Eli's status as a non-citizen left him vulnerable to violence and land theft that he could not prosecute in court and deprived of educational and infrastructural resources that he could not access.

Disenrollment is the practice of a tribal government ruling to eliminate individuals' citizenship based on a strategic new requirement (such as raising a blood quantum prerequisite from one-fourth to one-half or requiring that all citizens live on tribal land) as well as the refusal to even allow enrollment of some groups—the circumstances of Eli and other Chickasaw freedpeople who were forced to legally relinquish their mixed-race identities for a place on non-citizenship granting rolls set aside for former slaves. In the case of the Chickasaw Nation, their calculated rejection of the citizenship of these freedpeople had immediate, material consequences (Eli and hundreds of women and men were left economically, socially, and politically adrift for an extended period of time, unable to rightly call themselves Chickasaw citizens), as well as more enduring, symbolic consequences.

From the late 1880s through the turn of the century, the Dawes and Curtis Acts reshaped the enrollment policies of indigenous tribes throughout North America, constructing a constituency based on blood quantum rather than on kinship, adoption, or shared history. Disenrollment and formal exclusion, became, for the first time, a feature of Indian Country. Although the experiences of the former slaves of Chickasaw freedpeople are still somewhat obscure, the disenrollment of their counterparts in the Creek, Seminole, Choctaw, and Cherokee Nations has been brought to light through excellent work by scholars such as Tiya Miles, Celia Naylor, and Faye Yarborough. They have demonstrated that these disenrollments can be traced to economic greed, fear of de-legitimization, problematic and contradictory discourses of who an Indian is or is not, and veiled prejudice. Miles, Naylor, and Yarborough, as well as Barbara Krauthamer, Kendra Field, and several others, have valiantly uncovered and theorized the reasoning behind these disenrollments, despite pushback from the tribal nations themselves, as well as from other scholars.

This pattern from the past, however, continues in the present in an even more alarming form and few historians seem willing to call it out. From the Santa Ynez Chumash to the Seminole Tribe of Florida, a rash of indigenous nations, seemingly eager to confine their newly won economic fortune to as small a population as possible, have instituted more stringent blood quantum requirements for citizenship or simply disenrolled particular individuals or families outright. It is the swell of coverage of this type of disenrollment in mainstream publications that has drawn me to speak about it in an academic venue and to encourage my colleagues to do the same.

Some of these publications are those one would expect, such as *Native News Online*, whose article title, "Tribal Disenrollment: The New Wave of Genocide," signaled its militant stance against the practice of disenrollment. The author, Johnnie Jay, argued that disenrollment affects the "social, economic, and spiritual well-being of those who are facing disenrollment and those who have been disenrolled." But *The*

*New York Times* and *Voice of America News* are two sites that rarely showcase an awareness of intratribal indigenous concerns, and even they have recently published articles on this growing issue. In *The New York Times*, “Who Decides Who Counts as Native American?” chronicled the fallout after the Washington State Nooksack Indian Tribe disenrolled hundreds of members in 2013. This disenrollment brought economic fears of being expelled from their homes on tribal land, losing their jobs with the tribal government, and more existential questions of personal identity. The article identified economic greed and consolidation of political power as two central motivators. A *Voice of America News* article, “Native American Tribal Disenrollment Reaching Epidemic Levels,” similarly pinpointed these factors, singling out the Pechanga Band of Luiseño Mission Indians and Oregon’s Confederated Tribes of Grand Ronde. While it is commendable that these publications have picked up on this serious trend not often remarked upon by the broader American culture, historians of Native America, who have long been cognizant of this concern—I know it has certainly been a topic of conversation among my friends—chose to address this issue only in ambiguous, and perhaps even apprehensive, ways—at least in their published work.

The topic of disenrollment is, obviously, controversial. It involves money, tribal sovereignty, identity, and pride. Scholars can choose to tackle controversial topics, but how should they handle the politics of what they uncover in the past? Avoidance, choosing and advocating one position, or “neutral objectivity”? You’ll notice I used quotations marks for this last option. While the community of historians has finally begun to step away from the idea that one must—or even can be—“objective,” we still struggle with *owning* our subjectivity. By acknowledging that our lenses of history are shaped by our perspectives, which are in turn shaped by our race, gender, sexual orientation, economic status, and other factors, we can demonstrate that diversity in perspectives—and recognition of this diversity—brings strength rather than weakness.

In reading and reviewing recent scholarship on the politics and economics of tribal disenrollment, I have observed that some academics use their perspectives to offer unique tone, approach, and judgement on this fraught subject. These scholars are not historians. As sociologists, political scientists, and American Studies scholars they received different training and have different goals for their work. But historians and scholars from other disciplines can learn from their pointed approaches. I am in no way implying that the books I discuss in this article are the only ones that deal with the issues of citizenship, identity, and the process of enrollment. Rather, I mention these as books whose primary arguments revolve around disenrollment (not related to African ancestry) in particular—its motivations, its related cultural and social changes, and its affected populations, and even in this I have likely missed some existing works.

The scholars whom I use here as examples have observed an issue in their communities and felt the impetus to investigate it; they use their unique perspectives and

stakes in this issue to present it in a compelling manner. Disclosing her own complicated history with tribal enrollment (she was excluded from citizenship due to blood quantum requirements until the adoption of the 2013 constitution), Jill Doerfler uses her personal investment in the issue of disenrollment to bring “passion,” in her own words, to her dissection of the White Earth Anishinaabeg’s regulations and evolutions of citizenship. In her 2015 book, *Those Who Belong: Identity, Family, Blood, and Citizenship among the White Earth Anishinaabeg*, Doerfler demonstrates a willingness to educate the academic community on the realities and issues that indigenous peoples face through the utilization of political, legal, and cultural analyses. Doerfler’s readiness to take her own nation to task for its handling of complex issues, such as citizenship, suggests that she sees her indigenous identity as a strength that, along with her academic credentials, allows her to suggest an effective model for reforming the broad problem of disenrollment.

Eva Marie Garrouette, too, uses her indigenous identity to ground her work. In *Real Indians: Identity and the Survival of Native America*, Garrouette argued that American Indian identity is defined within four primary frameworks—legal, cultural, biological, and personal. Through these frameworks tribes and individuals contest authenticity. Garrouette’s admission of her own bifurcated identity, and her examples of others who shared this mixed-race identity, lend credence and significance to her examination of the real people who are affected by the process and rationale behind intratribal and extratribal identity-making.

Lastly, David Wilkins and Shelly Hulse Wilkins’s *Dismembered: Native Disenrollment and the Battle for Human Rights*, published in June 2017, also navigates the fine line between recognition of tribal rights and practices destructive to the maintenance of tribal identity. Unsurprisingly, per the book’s title, Wilkins and Hulse Wilkins claim that “the right to belong to and rest assured of one’s integral place in a particular Indigenous community” is a human right (p. 4). Dividing “politically motivated disenrollments” and “nonpolitically motivated disenrollments” into occurring either due to “increased gambling revenue” or “civil violations or criminal activity,” Wilkins, who is Lumbee, and Hulse Wilkins examine the concepts of tribal sovereignty, membership, and banishment (pp. 4–5). Wilkins and Hulse Wilkins’s work, as well as that of Garrouette and Doerfler, presents clear scholarly and moral arguments against tribal disenrollment. All four authors emphasize that this academic topic is impacting real people—including themselves and their tribes—in real time.

On the other hand, non-indigenous scholars find charting the context and process of tribal disenrollment to be compelling historical topics, but not personal ones. For example, Mikaëla Adams (*Who Belongs? Race, Resources, and Tribal Citizenship in the Native South*) and Jessica R. Cattelino (*High Stakes: Florida Seminole Gaming and Sovereignty*) have written excellent books that instruct their readers on the varied factors that play into disenrollment, as well as its negative effects; but both authors refuse to take a stand on the issue. As educated chroniclers of their subjects, they no doubt

observe the destruction that disenrollment has wrought on various tribes. Yet, both choose not to include their opinions or to make judgements on the ethics of this issue. This approach makes their books no less important in understanding the context of citizenship requirements and disenrollment, but it does lend a detached air to a topic that would benefit from personal investment. When a historian (Adams) and an anthropologist (Cattelino) cover timely and contentious subjects, everyone would benefit from their using expertise to speak out about meaningful issues. Their motivation could come from creating reciprocal relationships with the communities they study, similar to the way indigenous scholars' passion derives from ties to *their* home communities.

Indigenous scholars are gaining a foothold in Native American Studies and Native American history, and this is real progress. They have begun to change seemingly entrenched narratives, and through frameworks such as radical indigeneity and indigenous/decolonizing methodologies, can offer and access indigenous knowledge and perspectives that answer age-old questions from fresh, new angles. Some indigenous scholars disclose their tribal affiliations in their written research, conference presentations, and CVs. Some do not. Some have ancestry and do research on their own families but cannot claim an official tribal affiliation—and this issue is the very origin of their work. As a person who, herself, possesses indigenous (Chickasaw) ancestry but is not, and likely never will be, enrolled as a tribal citizen, I am both an insider and an outsider to modern-day conversations about citizenship and legitimacy. Therefore, I possess a perspective that may offend some as an overextension of my place or as an attempt to minimize tribal sovereignty but also may call out as truth to others similarly disenfranchised. But those like me, who are similarly mixed-race and who exist in an almost liminal space when it comes to tribal recognition, as well as non-indigenous scholars, still have much to offer.

I ask my fellow historians of Indian Country to use their work to write on and speak out about this issue. As historians we are able to demonstrate patterns of the past that illuminate the realities of our present. I am of the belief that historians should not simply “report” the history and evolution of tribal membership. Rather, we should use it to show how significant disenrollment is destructive to tribes' cultural vitality and often targets those economically unable to legally fight it, as well as those unfairly deemed “not Indian enough.”

The American Historical Association hosted a session at their most recent January 2017 conference titled, “Historical Expertise and Political Authority,” (Session 61) to debate the issue of whether historians can, and should, offer their learned opinions on politics, as people who might be said to have skills particularly suited to contextualizing Donald Trump's ascension to the presidency. Unsurprisingly, the panelists could come to no consensus. Of course, Trump's presidency affects millions of people in the United States and abroad. But for Indian Country, the issue of disenrollment is nearly as destructive to indigenous cultures, especially when

prompted, as it often is, by economic greed. In a world of “fake news” and “alternative facts,” historians have the ability to find and reveal historical and modern-day truth, and critiques of current events such as disenrollment are an example of where public activism matters. It is only recently that tribal leaders have come together to attempt to deal with and discuss this issue. At the “Who Belongs?: From Tribal Kinship to Native Nation Citizenship to Disenrollment” conference, held at the University of Arizona March 9–10, 2017, scholars of tribal law and American Indian Studies and tribal government officials came together to discuss the problem of disenrollment. To my knowledge, there were no historians present, at least as speakers, but perhaps next time there will be.

In an April 2015 op-ed published on *Indianz.com*, Wilkins, who participated in “Who Belongs?,” publicly urged tribal leaders to take a stand on the issue of disenrollment, saying, “It is time for those who have averted their eyes from the plight of the dismembered to show courage and act for the good of all Native nations.” While meant for tribal officials, the message is likewise applicable to scholars. Altering the poet and playwright Bertolt Brecht’s words slightly, historians can be both a mirror to hold up to society, as well as a hammer with which to shape it.

