



Circular No. 3123

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
Office of Indian Affairs  
Washington

Membership in  
Indian Tribes.

November 18, 1935

To Superintendents, Field Agents, and Others  
Engaged in Indian Reorganization Work.

In connection with the organization of Indian tribes, the question of membership is of much importance, particularly as it applies to those who may seek membership hereafter on the strength of birth or of adoption.

Section 19 of the Indian Reorganization Act in defining the term "Indian" uses the following language:

"The term "Indian" as used in this Act shall include all persons of Indian descent who are members of any recognized Indian tribe now under Federal jurisdiction, and all persons who are descendants of such members who were, on June 1, 1934, residing within the present boundaries of any Indian reservation, and shall further include all other persons of one-half or more Indian blood."

The above language shows on the part of Congress a definite policy to limit the application of Indian benefits, under the Indian Reorganization Act, to those who are Indians by virtue of actual tribal affiliation or by virtue of possessing one-half degree or more of Indian blood. In line with this statutory declaration, it is our opinion, and will be our policy, in connection with the approval of constitutions and by-laws of tribes, to urge and insist that any constitutional provision conferring automatic tribal membership upon children hereafter born, should limit such membership to persons who reasonably can be expected to participate in tribal relations and affairs. Such a limitation may be framed on the basis of a requirement that both parents are recognized members of the tribe, or that the residence of the parents is within the reservation, or that the child is of a certain degree of Indian blood, or some combination of these conditions as may be best suited to the particular reservation or to the tribe or tribes occupying the same. Where automatic membership is conferred upon children born of mixed marriages wherein the parents reside permanently away from the reservation, there should be included a minimum requirement that such children be of at least one-half degree of Indian blood.

The provisions for the adoption of non-members should require approval by the Secretary of the Interior for each applicant, unless such individual must be a person of Indian descent related by marriage or descent to the members of the tribe.

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This general declaration is made at the present time for the information not only of those engaged in working with the Indians in the matter of organization, but of the Indians themselves. It is important that the Indians not only shall understand this policy but shall appreciate its importance as it applies to their own welfare through preventing the admission to tribal membership of a large number of applicants of small degree of Indian blood.

(Sgd) John Collier,  
Commissioner.

Approved: December 9, 1935.

(Sgd) Charles West,

Acting Secretary of the Interior.