

Exploring the Historical Complexities of Native Identity Formation, Blood Quantum, and Modern Tribal Enrolment Criteria

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In the United States, blood quantum (BQ) based enrolment criteria find their roots in settler-colonial policies to erase, assimilate, and subjugate Indigenous Peoples and individuals. As a result, Native Nations throughout the United States continue to debate such practices. Current research on Native individuals' identities does not fully account for the impact of BQ laws. Native people's self-identity includes their identity as an enrolled or unenrolled member of their tribe. While research has examined the formation of Indigenous identity at the community and population level, current scales and tools do not properly examine the effects of BQ based enrolment on identity at the individual level. This commentary reveals how BQ based enrolment criteria negatively impact Native Nations which implement it and calls on Native Nations and Native researchers to explore the relationship between colonial enrolment policies and the impact on identity formation and lived experiences.

I. POSITIONALITY STATEMENT

I (WOC) am a biracial member of Ohkay Owingeh, one of the 19 Pueblo Tribal Nations in the state of New Mexico in the Southwest United States, and a doctoral candidate at the University of Arizona. Ever since I was a child, one of my favourite genres to read was history, as we cannot fully understand the present or plan without first knowing the past and why we are here. I have always wondered about “why” things are structured the way they are. Words have power and even the best intentions cannot overcome rigid and unmoving laws without changing them first. These beliefs and curiosity have led me to focus on the translational aspect of science, because research without actionable steps in policy does not always help the people that you are working with and for. One of my first memories relating to being Ohkay Owingeh is my mother telling me about blood quantum (BQ), about why I can be enrolled in my tribe but any child of mine could not, since we lived too far to reasonably expect to meet other Ohkay Owingeh people. My lived experience has led me to question the continued utilization of BQ based enrolment laws and continued justification by Tribal Nations.

II. INTRODUCTION

Indigenous Peoples in the United States (US) refer to the federally (576) and state (~60) recognized Tribal Nations in Alaska and the lower 48 states (BIA, 2023; NCSL, 2016) and unrecognized Tribal Nations that also hold inherent sovereignty, including Indigenous Peoples in Hawai'i, Guam, Northern Mariana Islands, American Samoa, United States Virgin Islands, and Puerto Rico. We also acknowledge that there are many people who reside in the United States who are Indigenous people to lands outside of the territories that the United States currently occupies. For the purposes of this paper, we refer only to the Tribes that have a government-to-government relationship with the federal or state government and will use the terms Tribal Nation (Tribe) and Native Nation to refer to them; likewise, we will refer to individuals of these nations, as well as their descendants, in the collective as Native or Indigenous.

This commentary briefly describes the history of Tribal Nations' use of BQ membership criteria in the US, and the resulting complications, both legally and from a psychosocial perspective, from using the settler-colonial defined enrolment requirements. The paper concludes with a call for additional examination by Indigenous researchers on whether current tools for self-identity, historical trauma, and resilience assess the impact of BQ based Tribal enrolment criteria on Indigenous individuals.

Overview of Tribal Enrolment and Native Identity

Indigenous people in the US occupy a unique standing, they can be simultaneously considered citizens of self-governed nations and part of a unique racial classification (Brayboy, 2005). Indigenous researchers have created models and theories that explore the challenges that Native individuals face with dual classification as “both legal/political and racialized beings” (Brayboy, 2005, p. 432). This nuance has been acknowledged in many Indigenous cultures and research but has not been examined as a potential modifier of an individual's behavior: while Indigenous individuals navigate complex political and racial environments, the non-Indigenous world often views Indigenous people as belonging to a racial group (Brayboy, 2005). These multiple parts of an individual's identity are often challenged, both by non-Native people who have been conditioned to racialize Indigenous identity, and by settler colonial influences on Tribal membership criteria.

BQ laws have been implemented in federally recognized Tribal Nations for well over a century (Villazor, 2008). They are a process of determining citizenship that merged the “Indian” as a political being and the “Indian” as a racial group, with the emphasis being put on the racial category (Brayboy, 2005). BQ policies have been institutionalized within the federal government through the implementation of novel concepts to racialize Nations through the Certificate of Degree of Indian or Alaska Native Blood (CDIB) (Spruhan,

2017). BQ laws and CDIB, are a relatively straightforward way for Tribal Nations, insisted upon by the federal government through a series of laws and policies in the 19th and 20th centuries, to determine if an Indigenous individual is eligible for enrolment in their Tribe. BQ results in policies of racial purity, where you are eligible for enrolment if, for example, you are considered close enough to being “full blooded” or $4/4$ ¹. Most peculiarly, the way to certify one’s “blood” occurs via United States federal bookkeeping and hundred year old enrolment rolls (Ellinghaus, 2017). A further complication, for the most part, CDIB is specific to each federally recognized Tribe. There are a few Tribal Nations that allow combining BQs from more than one Tribe to be enrolled, but this is a rarity (Rodriguez-Lonebear, 2021).

Some argue that the use of fractions to determine Tribal Nation citizenship represents a clear attack on human dignity (Pearson, 2017). BQ based enrolment is a form of mathematical erasure of Indigenous Peoples in the US. Instead of military-style genocide campaigns, the imposition of laws that define citizenship based on percent or “Degree of Indian Blood” systematically decreases our populations over the course of hundreds of years until no more people are eligible to be enrolled.

A Brief Discussion of the History of Blood Quantum and Other Attempts at Racializing Native Peoples in the US

States enacted BQ laws to limit or restrict civil and property rights for Indigenous individuals. In 1924, Virginia implemented the Racial Integrity Act that established strict racial codifying. One of the key drivers of this act was the attempt by Indigenous people in Virginia to gain recognition as a unique identity, not just “nonwhite” or “colored” (Feller, 2022). The Act required that all citizens in the state register their race with the Bureau of Vital Statistics, and at the time, the state only recognized two races, “white” and “nonwhite” (Maillard, 2006). In essence, Virginia erased Indigenous Peoples from public record in all state documents outside of a few wealthy white families who wanted to claim a long distant Indigenous ancestor (Maillard, 2006). The refusal of Virginia to acknowledge the existence of Indigenous people led to the quick erasure of Indigenous Peoples in the state through the census, with the Indigenous population decreasing in in the 1930 and 1940 U.S. Census (Feller, 2022). By 1940 only 198 Indigenous people were counted by the US Census in the state (*Modern Indians A.D. 1800–Present*, 2022). Virginia’s attempted erasure of Indigenous Peoples through the denial of their existence was egregious and intentional.

¹ BQ laws are a colonial bastardization of an individual’s lineage. BQ math is conducted by first identifying an individual on a Tribal Nation’s base roll and establishing their BQ. Then, most tribes determine a descendant’s BQ and eligibility for enrolment based on how many times the descendant’s family has had children from outside of the Tribal Nation. Each instance would “half” the BQ. So, if a “ $4/4$ ” Tribal citizen has a child with someone from outside of the Tribe, then their child would be “ $1/2$ ”. If this child has another child with a person from outside of the Tribe, then the BQ will be reduced to “ $1/4$ ”. Therefore, unless a Tribal Nation were to enforce strict relationship and childbearing laws, the passage of time will cause the BQ of Tribal Nations to “dilute” over time.

Government overreach into Tribal affairs started and did not stop at the state level, with the federal government also working to marginalize and erase Indigenous Peoples. The Dawes Act of 1887 used a form of BQ to allocate land to individual Tribal members (v. collectively held lands) with more than or equal to one-fourth blood. The Dawes Act resulted in the loss of almost ninety million acres of Tribal land. Through the erasure of Indigenous people via bookkeeping, the US government confiscated land that was previously under Tribal control, citing populations were too small to possess larger territories (Merjian, 2010). The Dawes Commission, which oversaw the implementation of the act of the same name, made note that for the 200,000 plus applications for registration into the Five Tribes, the Choctaw, Chickasaw, Cherokee, Seminole, and Muscogee, only 101,221 applications were accepted and processed (*Reports of the Commissioner to the Five Civilized Tribes*, 1975). The federal government oversaw the process of enacting federal rolls for Tribal enrolment and kept many Indigenous people undocumented to drastically reduce the size of Tribal Nations. Erasure of Indigenous people was done to force assimilation and reduce land obligations to Tribal Nations.

The Dawes Commission not only caused a severe reduction in Tribal Lands (Liboiron, 2021), it also created racial divides. The federal government failed to accept that those who both possessed Native and Black heritage as valid “American Indians.” Many were rejected outright due to either their Black ancestry being traced through the mother’s descent, or residency requirements that stated that Tribal members that did not live on Tribal lands were not to be counted (Ellinghaus, 2017). The federal government, through these policies, determined that Tribal Nations that are simultaneously sovereign nations with inherent rights while also being extinguishable through a failure to meet BQ requirements and/or live away from their Tribal Nations.

The Indian Reorganization Act (IRA) of 1934 further established that the federal government would assist the development of self-governing Tribal Nations through federal regulated tribal self-governance, namely, legally, being able to levy taxes, regulate property, and administer justice on Tribal lands (“Tribal Self-Government and the Indian Reorganization Act of 1934,” 1972). The IRA enabled most federally recognized Tribes at the time to write their own constitutions, which included determinations for Tribal membership. Native individuals would only receive funding upon proving that they were at minimum, “one-half Indian blood” (Ellinghaus, 2017). These examples of political enforcement at the state level in Virginia, and at the federal level, encapsulates how colonial powers attempted to view Indigenous people as purely racial beings instead of as citizens of sovereign nations.

Tribal Nations' Implementation of Blood Quantum Citizenship Criteria

As of 2021, Tribal governments utilized a variety of ways to determine citizenship for their nations. The most utilized methods for enrolment are BQ based, lineal descent from an ancestor on the base roll of the Tribe, and residency, which means a Native Nation requires a member to live on Tribal land as well as be of lineal descent (Rodriguez-Lonebear, 2021). Rodriguez-Lonebear (2021) found that some Tribes go above and beyond BQ or descendancy requirements. For instance, the Pamunkey Indian Tribe requires lineal descent, social contact with other members, and approval from the Tribal Council to attain citizenship. The Tribe of one of the authors of this paper, Ohkay Owingeh, fits into the “other” category as their Tribe requires proof of lineal descent from the base roll as well as additional steps to be done in person with the Tribal Council, which include having a current member of the Tribal Nation speak on the applicants’ behalf and a final vote by the Tribal Council after all other requirements have been met (OOTED, 2016).

Tribal governments continue to maintain authority to determine requirements for Tribal citizenship. The federal government cannot create Tribal membership qualifications but have created systems that require Tribal membership for access to certain services (Harmon, 2001). During the development of the reservation system, Tribal governments were strongly encouraged to adopt BQ membership policies to provide easier access of federal services (TallBear, 2003). This policy recommendation led to most Tribes determining citizenship by BQ (Rodriguez-Lonebear, 2021).

There have been several Tribes that have challenged BQ, not by ending usage, rather by changing the BQ percentages of their tribal members. In 2019, Red Lake Nation Council voted, in a 7 to 3 decision, to increase the BQ of their members by now having everyone on the original base roll be considered full-blood or 4/4 (Khattab, 2019). The secretary of the Tribe at the time, Sam Strong, said that such a decision allowed the Tribe to be more self-sustaining and to better serve the people of Red Lake who are “really are a part of our people” (Khattab, 2019). The Tribe was able to take prior used enrolment measures and alter them to fit the current needs of the Nation. Importantly, the modification of BQ reinforces the legal standing of tribes, as they can define citizenship requirements, including changing the “blood” of citizens.

Tribal Disenrolment

The question of disenrolment remains an issue for many Tribes and is most controversial when Tribes choose to disenroll whole swaths of their citizenry. For fourteen Tribes in California, the Tribal governments are leading the charge to disenroll thousands (Wilkins, 2013). Tribes consider disenrolment for a variety of reasons, and often consensus to do so does not exist. As a

result of the contention, many Tribes ban the practice, such as the Federated Indians of Graton Rancheria. However, other Tribes, such as San Pasqual Band of Mission Indians, use disenrolment as a way to preserve self-governance by removing people who were mistakenly added to the rolls by BIA (Norman et al., 2017). Disenrolment can centre self-determination when Tribes determine the best way forward for their communities. Unfortunately, disenrolment can also be a tool that perpetuates the settler colonial worldview, when Tribes adopt practices imposed by the United States.

A Tribe is allowed to self-determine membership with the federal courts excusing themselves from meddling in the affairs of Tribal Nations on this specific issue (*Santa Clara Pueblo v. Martinez*, 1978)². However, 10 years later in 1988 the Department of the Interior (DOI) limited this, by reinstating that the DOI has final say on Tribal Nation's membership criteria (Galanda & Dreveskracht, 2015). Galanda and Dreveskracht go on to argue that the DOI broadly uses this power to potentially limit how membership can be expanded upon but also to turn a blind eye when tribes seek to disenroll members. As discussed above, there is no legal solution for Indigenous people who get disenrolled from their communities, as the Federal Government has excused itself from these fights. One of the main threats for disenrolment has been around per-capita payments from Indian gaming operations and other high income generators (Galanda & Dreveskracht, 2015). Certain Tribal Nations keep their memberships so low that the resulting payouts from gaming operations can be anywhere from thousands to tens of thousands of dollars per person (Galanda & Dreveskracht, 2015). So, for those Tribal Nations with strong economies, membership can turn from that based on community ties and kinship to that of economic gain where potential financial gain incentivizes keeping the community as small as possible.

The Grand Ronde Tribe attempted to disenroll 66 members in 2013 because an enrolment committee organized by the Tribe determined that they were descendants of a chief who had been executed by the United States before moving to their new reservation (Aadland, 2022). As a result, these members were deemed to no longer meet the criteria for enrolment as the chief never lived on the reservation. The Tribe's appeals court reversed the decision by determining that the decision was made without merit as the members had been treated as official members for decades (Preacher, 2016). Grand Ronde citizens went on to vote to limit how the tribe can disenroll members and to

² In *Santa Clara Pueblo v. Martinez*, the Supreme Court took a case in which they determined if they may rule on the validity of an Indian tribe's ordinance denying membership to the children of certain female tribal members. Santa Clara Pueblo's enrolment ordinance specifically made it so the children of female members of the Pueblo and non-members would not be eligible to become members of the Pueblo. As this law specifically targeted female members of the Pueblo, a lawsuit was brought forth asking for the Court to strike down the law as the affected parties argued the law violated multiple parts of the Indian Civil Rights Act of 1968. The Court ruled that because Tribal Nations are distinct, sovereign nations and that Congress did not have an unequivocal expression of its desire to abrogate Tribal Sovereign Immunity, suits against the tribe under the ICRA is barred by its sovereign immunity from suit as the law is silent regarding this specific question *Santa Clara Pueblo v. Martinez*. (1978). <https://supreme.justia.com/cases/federal/us/436/49/>.

restore citizens who had lost their rights (Aadland, 2022), for being a member of the tribe means more than just citizenship. “Tribal membership for Indian people is more than mere citizenship in an Indian Tribe. It is the essence of one’s identity, belonging to a community, connection to one’s heritage and an affirmation of their human being place in this life and world” (Norman et al., 2017).

Finally, some Tribal Nations have created layers of membership that seek to stop disenrolment while not conveying full rights of membership. This two tiered system does not use BQ to determine who is a member, but rather BQ determines the rights one may have as a member (Wilkins, 2024). In an example, Wilkins highlights the Chemehuevi Tribe, which grants membership to individuals with less than 1/16 BQ, but does not grant them the ability to vote in the government (Wilkins, 2024). This “compromise” ensures communities are not determined by BQ or other perverting factors such as money. However the system restricts rights: those above a BQ requirement, that nobody can choose or alter, are given full rights in the Tribal Nation vs those under the BQ requirement have restricted rights. Ultimately, disenrolment, tiered enrolment, and decisions that alter membership based on reasons of capitalism or other Western influences are not only ideologically opposite of Indigenous communities, but dangerous to our people as well. Therefore, Indigenous researchers should further examine the potential negative impacts of the continued practice of BQ enrolment laws as they are at odds with how Indigenous people come to understand identity formation and belonging.

III. BLOOD QUANTUM, IDENTITY, AND IMPACTS ON INDIVIDUALS’ HEALTH

Impact on Cultural Identity

BQ and other settler colonial laws that limit enrolment may affect an individual’s ability to interact with and form a positive cultural identity with their Tribal Nation. With all the debate over enrolment methods, BQ, identity, and disenrolment, one might assume that Indigenous researchers are exploring the impact of continued use of settler colonial enforced enrolment measures on individuals. However, a PubMed search on November 8, 2023, using the terms “blood quantum” and “identity” bring up a total of two results (Bader & Malhi, 2015; Hishinuma et al., 2000). To the best of the knowledge of the authors of this paper, the impact of BQ based enrolment measures on an individual Indigenous person’s identity has not been explored meaningfully in research studies.

A positive cultural identity can help an individual have a stronger sense of belonging, purpose, social support, and self-worth (Berry, 1994). Psychosocial stressors negatively impact an individual’s health including increased risk for development of negative mental health and increased

allostatic load, or the cumulative effect of chronic stress on the body (Rice et al., 2016). Possessing a strong cultural identity improves self-esteem and promotes resilience against mental health problems (Mossakowski, 2003). Researchers have found culture positively impacts the health of Indigenous populations as traditional customs, cultural practices, and interaction with community can act as a shield to substance abuse and increase positive health behaviours (Brown et al., 2022; Pride et al., 2021). In a recent study, a parent's positive Indigenous ethnic identity was shown to positively correlate with their child's oral health habits (Wilson et al., 2021).

Research has also shown that a strong cultural identity is positively correlated with healthy psychosocial outcomes, specifically linking participation in cultural events, community, and identity with mental health (Hoffman et al., 2021; Whitesell et al., 2009). This has also been shown to be true in Indigenous populations as evidenced by minimized alcohol abuse (Whitbeck et al., 2004) and violent behaviour (Shepherd et al., 2017). Indigenous cultures have been found to act as a buffer that prevented the meeting of criteria for alcohol abuse (Whitbeck et al., 2004). In Aotearoa New Zealand, Māori youth who possessed a strong cultural identity were found to experience positive mental health outcomes (Williams et al., 2018).

Stress and Resilience

Psychosocial stressors negatively impact an individual's health, including increased risk for development of mental health issues and increased allostatic load (Guidi et al., 2021). In studies that measure stress among populations, Indigenous populations in the United States possess higher levels of perceived stress compared to non-Indigenous populations (Benoit et al., 2016; Burnette et al., 2019; Gone & Trimble, 2012). Resiliency to stressful events has been observed to have an inverse association with stress amongst Native populations. Within the past decade there has been increase in published research related to Indigenous cultural identity as a protective buffer to negative health outcomes, such as increased cases of depression and anxiety (Bernards et al., 2019; Gray & Cote, 2019). Perceived stress, the believed understanding of how much stress an individual perceives they experience, has been associated in the past with psychological, as well as physiologic health outcomes (Barrington et al., 2012). Resiliency, defined as "the personal qualities that enable one to thrive in the face of adversity" (Connor & Davidson, 2003), has been previously seen to have an inverse association with stress amongst Native caregivers (Cordova-Marks et al., 2020). There is a need for more work examining the mediating role of ethnic identity on the interaction between perceived stress and resilience.

Historical Trauma and Identity

The merits of BQ have been discussed in legal, sociological, and public settings for as long as these rules have been forced upon Tribal Nations. Current research that focuses on the mental health of Native populations is often centred on the concept of historical trauma (Evans-Campbell, 2008). This term is powerful and resonates in every aspect of Indigenous studies in higher education. Historical trauma describes how Native Peoples have been subject to widespread and systematic programs of ethnic cleansing stemming from before conception of the United States and continuing to this day (Whitbeck et al., 2004). Settler colonial forces have stripped away Native Peoples' rights, taken our children, waged cultural genocide, moved our communities and families, attempted to erase us through BQ laws, and stolen Native homelands (Jacobs, 2006). Historical trauma is ever present in the minds of Native people, as our history, ways of life, current mindsets, and economic conditions are all impacted by our collective cultural loss (Whitbeck et al., 2004). Historical trauma permeates how our nations determine citizenry. BQ laws were alien to Native Peoples but have existed now for over a century. Every Native person in the United States lives in the context of BQ, a colonially imposed context meant to slowly eradicate our people.

In the current literature there is a lack of studies conducted in Native public health fields that incorporate the impacts of BQ laws on individuals' health when studying identity and historical trauma. For example, BQ criteria force many Tribal citizens and unenrolled people to consider the BQ and/or citizenship status of a potential mate. In essence, the majority of Tribal Nations have policies which encourage individuals to practice selective mating, through the proxy of BQ laws, to gain Tribal enrolment for their children (Rodriguez-Lonebear, 2021). Thus, Indigenous people may have their children's political status be in jeopardy due to decision potentially made years before their progeny are conceived. Much of the time, there is no way to appeal BQ based enrolment laws. What impact does this have on a young Indigenous individual's mental health?

Previous research has looked at how historical events impact the current identity of the community, examining phenomena such as the legacy of historical trauma on the ability for Native Nations to be sovereign and how this effects their citizens (Burnette et al., 2019; Gray & Cote, 2019; Joo-Castro & Emerson, 2021). These studies focus more on the impact of historical losses Native people have suffered, their effect on those with strong Indigenous identities, and the way that such trauma leads to negative health outcomes.

While BQ laws are a lightning rod for discussion, the interactions between membership requirements and self-identity have not been thoroughly examined. Currently, when attempting to understand United States based

Indigenous Peoples' identities, the push is to evaluate identity in a post BQ world, where it is acknowledged that BQ exists but it is controversial and there are more valid ways for Indigenous people to identify (Markstrom, 2011). The main issue with this current focus of research is that by choosing to forgo examining BQ, we cannot evaluate the negative effects of continuing enrolment policies that contradict how we, as Indigenous people, identify. There has not been enough research conducted on the multiple facets of Native identity nor how members of Native Nations understand what it means to be Indigenous in the US. How the individual navigates and creates a sense of identity as derived from the concept of BQ laws and their Tribe and community's expectations of a member needs to be examined further. For example, a potential side effect of strict lineage-based enrolment requirements is that the requirement of individuals on the cusp of enrolment may feel that their identity as an Indigenous person is not as much a source of strength, but instead a place of conflict.

IV. DISCUSSION

My (WOC's) experience with BQ has been a long and difficult process. It started when I was old enough to have memories. From early on, I knew two things: 1) I was an enrolled member of Ohkay Owingeh and 2) The Tribe had a BQ threshold of $\frac{1}{4}$, and I was right at that number. In November 2021, my wife, who is not a member of my Tribe, and I learned that we would be expecting a child in the summer of 2022. We were overjoyed to hear this, as were the rest of my family, but I had one worry in the back of my head: what was my future son's status as a member of Ohkay Owingeh as his CDIB would now be $\frac{1}{8}$, or below the threshold for my tribe. I did not yet know about the switch from BQ to the enrolment criteria that we have now, and this ignorance led me to worry greatly about how I would talk to my son, as I am a researcher who works on Indigenous public health issues and proudly identify as an Ohkay Owingeh scientist in all public and private matters. My siblings and I were all enrolled under the old $\frac{1}{4}$ BQ requirement when we were children. However, after a discussion with my aunt, where I assumed my son was ineligible to be enrolled, she told me to investigate enrolling him anyways. After this, I saw that the policy was changed from BQ to lineal descent with additional steps to be completed in person, in front of our Tribal Council (OOTED, 2016).

In March of 2023, we went up to Ohkay Owingeh to enrol my son, something I never expected to be possible. We drove 8 hours up to Ohkay Owingeh from our home in Tucson where my son was successfully enrolled in our Tribe and welcomed with open arms by the community. I have come away proud of our enrolment laws as the level of thought, both about the individual as well as our cultural history, are evident in the laws. After grappling with enrolment, I realize how significant the changes are and believe they should be highlighted for our records and for other tribes and nations to learn from when evaluating their own enrolment processes.

This paper examines BQ laws and their potential impact on individuals when enrolment and citizenship for Tribal Nations are not developed by the Tribe itself, but instead borrows language and guidance from a federally imposed system. Tribal enrolment policies are increasingly under scrutiny by Tribes and Tribal citizens with many questions about what options exist outside of BQ or lineal descent. Native identity is complex, with aspects to be evaluated outside of enrolment. As such, Native Nations should implement enrolment laws which reflect the ways in which their people understand being members of their communities and nations. There are numerous Tribes that require a minimum of $\frac{1}{2}$ BQ to acquire membership (*Constitution of the Tohono O'odham Nation*, 1986). Those who identify as members of their Tribe but are non-Tribal members can have their children enrolled as members of their Tribal Nation if they meet certain conditions set by their Tribal Nation. In many cases, if the non-member has children with an enrolled member of the Tribe and the new percentage for the children is above the minimum BQ threshold for citizenship, then the children of the non-enrolled person may then be enrolled, provided, that they fulfill all other requirements for enrolment.

Considering the well-founded apprehension of Native people and communities to outside research, the current data on how Native people interact with their multiple identities is sparse. The colonial roots of BQ laws are evident through historical examination and their impact is a contentious subject. The integration of BQ into contemporary North American Indigenous cultures has encouraged internal debates and insulation of the topic from outside society. For the majority of Tribes, citizenship is based on BQ requirements (Rodriguez-Lonebear, 2021). This research has shown that self-governance is an important factor for determining Tribal membership requirements. Nations that have federal self-governing status were 3.29 times more likely to have lineal descent as their enrolment criteria versus BQ (Rodriguez-Lonebear, 2021).

Examination of BQ law modifications often introduces fierce political debate between policy defenders and critics. The policies are sometimes referred to as a 'Colonial Catch 22,' which states that the system is "all part of tribes deciding on their own terms, in their own ways, utilizing their own sovereignty [to decide] what approach is best for them" (Chow, 2018). Tribal Nations are currently free to independently choose how enrolment is determined, which can keep membership connected to Indigenous culture and identity.

V. Conclusion

Native scholars have developed models for historical trauma which have demonstrated how colonialism and the resulting injustices committed against Native people reverberate to this day. However, this literature does not directly touch on the impact of United States federal initiated BQ laws

that assisted the determination of who can be considered a recognized tribal member. There is a gap in the research on how Native individuals come to identify themselves given the cultural and historical contexts of tribal membership. The interaction of BQ with identity needs to be fully elucidated. This paper highlights a gap in current research on the impacts to mental health that continued utilization of colonial blood-quantum based laws have on Indigenous populations in the United States. We close with a call to action for the incorporation of all aspects of our identities to be taken into consideration in the development of an evaluative tool(s) to inform Tribal Nations efforts to decolonize and create enrolment laws that fit their cultures, communities, and aspirations to ensure the next ten generations a future.

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REFERENCES

- Aadland, C. (2022). *Grand Ronde citizens vote to limit disenrolment*. <https://indiancountrytoday.com/news/grand-ronde-members-vote-to-limit-disenrolment>
- Bader, A. C., & Malhi, R. S. (2015). Case Study on Ancestry Estimation in an Alaskan Native Family: Identity and Safeguards Against Reductionism. *Human Biology*, 87(4), 338–351. <https://doi.org/10.13110/humanbiology.87.4.0338>
- Barrington, W. E., Ceballos, R. M., Bishop, S. K., McGregor, B. A., & Beresford, S. A. (2012). Perceived stress, behavior, and body mass index among adults participating in a worksite obesity prevention program, Seattle, 2005-2007. *Preventing Chronic Disease*, 9, E152. <https://doi.org/10.5888/pcd9.120001>
- Benoit, A. C., Cotnam, J., Raboud, J., Greene, S., Beaver, K., Zoccole, A., O'Brien-Teengs, D., Balfour, L., Wu, W., & Loutfy, M. (2016). Experiences of chronic stress and mental health concerns among urban Indigenous women. *Archives of Women's Mental Health*, 19(5), 809–823. <https://doi.org/10.1007/s00737-016-0622-8>
- Bernards, S., Wells, S., Morton-Ninomiya, M., Plain, S., George, T., Linklater, R., Mushquash, C., & George, J. (2019). Buffering effects of social support for Indigenous males and females living with historical trauma and loss in 2 First Nation communities. *International Journal of Circumpolar Health*, 78(2), 1542931. <https://doi.org/10.1080/22423982.2018.1542931>
- Berry, J. W. (1994). *Aboriginal cultural identity*. Royal Commission on Aboriginal Peoples.
- BIA. (2023). *Bureau of Indian Affairs (BIA)*. <https://www.bia.gov/bia>
- Brayboy, B. M. J. (2005). Toward a Tribal Critical Race Theory in Education. *The Urban Review*, 37(5), 425–446. <https://doi.org/10.1007/s11256-005-0018-y>
- Brown, R. A., Palimaru, A. I., Dickerson, D. L., Etz, K., Kennedy, D. P., Hale, B., Johnson, C. L., & D'Amico, E. J. (2022). Cultural Dynamics, Substance Use, and Resilience Among American Indian/Alaska Native Emerging Adults in Urban Areas. *Adversity and Resilience Science*, 4(1), 23–32. <https://doi.org/10.1007/s42844-022-00058-w>
- Burnette, C. E., Renner, L. M., & Figley, C. R. (2019). The Framework of Historical Oppression, Resilience and Transcendence to Understand Disparities in Depression Amongst Indigenous Peoples. *The British Journal of Social Work*, 49(4), 943–962. <https://doi.org/10.1093/bjsw/bcz041>
- Chow, K. (2018). So what exactly is 'blood quantum'? *NPR. The Code Switch Podcast*, 9.
- Connor, K. M., & Davidson, J. R. (2003). Development of a new resilience scale: The Connor-Davidson Resilience Scale (CD-RISC). *Depression and Anxiety*, 18(2), 76–82. <https://doi.org/10.1002/da.10113>
- Constitution of the Tohono O'odham Nation*. (1986).
- Cordova-Marks, F. M., Cunningham, J., Harris, R. B., Gerald, L., Norton, B., Mastergeorge, A., & Teufel-Shone, N. I. (2020). Resilience and Stress among Hopi Female Caregivers. *American Indian and Alaska Native Mental Health Research*, 27(2), 76–89. <https://doi.org/10.5820/aian.2702.2020.76>
- Ellinghaus, K. (2017). *Blood Will Tell: Native Americans and Assimilation Policy*. U of Nebraska Press. <https://doi.org/10.2307/j.ctt1qv5ptw>
- Evans-Campbell, T. (2008). Historical trauma in American Indian/Native Alaska communities: a multilevel framework for exploring impacts on individuals, families, and communities. *Journal of Interpersonal Violence*, 23(3), 316–338. <https://doi.org/10.1177/0886260507312290>

- Feller, L. J. (2022). *Being Indigenous in Jim Crow Virginia: Powhatan People and the Color Line*. University of Oklahoma Press. <https://doi.org/10.38118/978080619607>
- Galanda, G. S., & Dreveskracht, R. D. (2015). Curing the Tribal Disenrolment Epidemic: In Search of a Remedy. *Ariz. L. Rev.*, 57, 383.
- Gone, J. P., & Trimble, J. E. (2012). American Indian and Alaska Native mental health: diverse perspectives on enduring disparities. *Annual Review of Clinical Psychology*, 8(1), 131–160. <https://doi.org/10.1146/annurev-clinpsy-032511-143127>
- Gray, A. P., & Cote, W. (2019). Cultural connectedness protects mental health against the effect of historical trauma among Anishinabe young adults. *Public Health*, 176, 77–81. <https://doi.org/10.1016/j.puhe.2018.12.003>
- Guidi, J., Lucente, M., Sonino, N., & Fava, G. A. (2021). Allostatic load and its impact on health: a systematic review. *Psychotherapy and Psychosomatics*, 90(1), 11–27. <https://doi.org/10.1159/000510696>
- Harmon, A. (2001). Tribal enrolment councils: lessons on law and Indian identity. *Western Historical Quarterly*, 32(2), 175–200. <https://doi.org/10.2307/3650772>
- Hishinuma, E. S., Andrade, N. N., Johnson, R. C., McArdle, J. J., Miyamoto, R. H., Nahulu, L. B., Makini, G. K., Jr., Yuen, N. Y., Nishimura, S. T., McDermott, J. F., Jr., Waldron, J. A., Luke, K. N., & Yates, A. (2000). Psychometric properties of the Hawaiian Culture Scale—Adolescent Version. *Psychological Assessment*, 12(2), 140–157. <https://doi.org/10.1037/1040-3590.12.2.140>
- Hoffman, A. J., Kurtz-Costes, B., & Shaheed, J. (2021). Ethnic-racial identity, gender identity, and well-being in Cherokee early adolescents. *Cultural Diversity and Ethnic Minority Psychology*, 27(1), 60–71. <https://doi.org/10.1037/cdp0000354>
- Jacobs, M. D. (2006). *Indian boarding schools in comparative perspective: The removal of Indigenous children in the United States and Australia, 1880-1940*.
- Joo-Castro, L., & Emerson, A. (2021). Understanding Historical Trauma for the Holistic Care of Indigenous Populations: A Scoping Review. *Journal of Holistic Nursing*, 39(3), 285–305. <https://doi.org/10.1177/0898010120979135>
- Khattab, M. (2019). *Red Lake Tribal Council Passes Resolution To Increase Blood Degree*. PBS. <https://lptv.org/red-lake-tribal-council-passes-resolution-to-increase-blood-degree/>
- Liboiron, M. (2021). *Pollution is colonialism*. Duke University Press.
- Maillard, K. N. (2006). The Pocahontas Exception: American Indians and Exceptionalism in Virginia's Racial Integrity Act of 1924. *Beypress Legal Series*, 1187.
- Markstrom, C. A. (2011). Identity Formation of American Indian Adolescents: Local, National, and Global Considerations: AMERICAN INDIAN IDENTITY. *Journal of Research on Adolescence*, 21(2), 519–535. <https://doi.org/10.1111/j.1532-7795.2010.00690.x>
- Merjian, A. H. (2010). An Unbroken Chain of Injustice: The Dawes Act, Native American Trusts, and Cobell v. Salazar. *Gonz. L. Rev.*, 46, 609.
- Modern Indians A.D. 1800–Present*. (2022). Virginia Department of Historical Resources. <https://www.dhr.virginia.gov/first-people-the-early-indians-of-virginia/modern-indians-a-d-1800-present/>
- Mossakowski, K. N. (2003). Coping with perceived discrimination: does ethnic identity protect mental health? *Journal of Health and Social Behavior*, 44(3), 318–331. <https://doi.org/10.2307/1519782>
- NCSL. (2016). *State Recognition of American Indian Tribes*. National Conference of State Legislatures. <https://www.ncsl.org/quad-caucus/state-recognition-of-american-indian-tribes>

- Norman, W. R., Jr., Kickingbird, K., & Bailey, A. P. (2017). Tribal Disenrolment Demands a Tribal Answer. *Human Rights*, 43(1), 12. https://link-gale-com.ezproxy3.library.arizona.edu/apps/doc/A513924289/AONE?u=uarizona_main&sid=bookmark-AONE&xid=737f7a42
- OOTED. (2016). *Ohkay Owingeh Tribal Enrolment Application Information*. Ohkay Owingeh Tribal Enrolment Department. <http://ohkay.org/wp-content/uploads/2022/07/Ohkay-Owingeh-Tribal-Enrolment-Application.pdf>
- Pearson, E. M. (2017). Native American Injustice and the Mathematics of Blood Quantum. In *Human Dignity* (pp. 301–317). Springer. https://doi.org/10.1057/978-1-137-56005-6_18
- Preacher, A. (2016). *Tribal Court Reverses Grand Ronde Disenrolment Decision*. Oregon Public Broadcasting. <https://www.opb.org/news/article/grand-ronde-disenrolment-decision-reversed-chief-tumulth/>
- Pride, T., Lam, A., Swansburg, J., Seno, M., Lowe, M. B., Bomfim, E., Toombs, E., Marsan, S., Lorusso, J., Roy, J., Gurr, E., Lafontaine, J., Paul, J., Burack, J. A., Mushquash, C., Stewart, S. H., & Wendt, D. C. (2021). Trauma-informed Approaches to Substance Use Interventions with Indigenous Peoples: A Scoping Review. *Journal of Psychoactive Drugs*, 53(5), 460–473. <https://doi.org/10.1080/02791072.2021.1992047>
- Reports of the Commissioner to the Five Civilized Tribes* (0890930058). (1975). University Publications of America.
- Rice, K., Te Hiwi, B., Zwarenstein, M., Lavalley, B., Barre, D. E., & Harris, S. B. (2016). Best practices for the prevention and management of diabetes and obesity-related chronic disease among Indigenous peoples in Canada: a review. *Canadian Journal of Diabetes*, 40(3), 216–225. <https://doi.org/10.1016/j.cjcd.2015.10.007>
- Rodriguez-Lonebear, D. (2021). The Blood Line: Racialized Boundary Making and Citizenship among Native Nations. *Sociology of Race and Ethnicity*, 7(4), 527–542. <https://doi.org/10.1177/2332649220981589>
- Santa Clara Pueblo v. Martinez*. (1978). <https://supreme.justia.com/cases/federal/us/436/49/>
- Shepherd, S. M., Delgado, R. H., Sherwood, J., & Paradies, Y. (2017). The impact of indigenous cultural identity and cultural engagement on violent offending. *BMC Public Health*, 18(1), 50. <https://doi.org/10.1186/s12889-017-4603-2>
- Spruhan, P. (2017). CDIB: The role of the certificate of degree of Indian blood in defining Native American legal identity. *Am. Indian LJ*, 6, 169. <https://doi.org/10.2139/ssrn.3049940>
- TallBear, K. (2003). DNA, blood, and racializing the tribe. *Wicazo Sa Review*, 18(1), 81–107. <https://doi.org/10.1353/wic.2003.0008>
- Tribal Self-Government and the Indian Reorganization Act of 1934. (1972). *Michigan Law Review*, 70(5), 955. <https://doi.org/10.2307/1287800>
- Villazor, R. C. (2008). Blood quantum land laws and the race versus political identity dilemma. *Calif. L. Rev.*, 96, 801. <https://doi.org/10.2139/ssrn.1288813>
- Whitbeck, L. B., Adams, G. W., Hoyt, D. R., & Chen, X. (2004). Conceptualizing and measuring historical trauma among American Indian people. *American Journal of Community Psychology*, 33(3–4), 119–130. <https://doi.org/10.1023/b:ajcp.0000027000.77357.31>
- Whitesell, N. R., Mitchell, C. M., & Spicer, P. (2009). A longitudinal study of self-esteem, cultural identity, and academic success among American Indian adolescents. *Cultural Diversity and Ethnic Minority Psychology*, 15(1), 38–50. <https://doi.org/10.1037/a0013456>
- Wilkins, D. E. (2013). A MOST GRIEVOUS DISPLAY OF BEHAVIOR: SELF-DECIMATION IN INDIAN COUNTRY. *Michigan State Law Review*, 325.

- Wilkins, D. E. (2024). Ch. 8 Citizenship and Membership. In *Indigenous Governance: Clans, Constitutions, and Consent* (pp. 223–237). Oxford University Press. <https://doi.org/10.1093/oso/9780190095994.003.0009>
- Williams, A. D., Clark, T. C., & Lewycka, S. (2018). The Associations Between Cultural Identity and Mental Health Outcomes for Indigenous Māori Youth in New Zealand. *Frontiers in Public Health*, 6, 319. <https://doi.org/10.3389/fpubh.2018.00319>
- Wilson, A. R., Johnson, R. L., Albino, J., Jiang, L., Schmiede, S. J., & Brega, A. G. (2021). Parental Ethnic Identity and Its Influence on Children's Oral Health in American Indian Families. *International Journal of Environmental Research and Public Health*, 18(8), 4130. <https://doi.org/10.3390/ijerph18084130>