RESOLUTION OF THE DELAWARE TRIBE OF INDIANS TO RESCIND
RESOLUTION 2005-20 AMENDING THE DELAWARE TRIBAL MEMBERSHIP
ACT

Resolution No. 2013-44

WHEREAS, the Delaware Tribe of Indians is federally recognized by the Secretary of
the United States Department of Interior, as evidenced by the Constitution adopted
and ratified May 27, 2009; and

WHEREAS, according to Article II Section 1 of the Constitution of the Delaware Tribe
of Indians the membership of the Delaware Tribe shall consist of all those persons
whose names are included on the Delaware Indian per capita roll approved by the
Secretary of Interior on April 20, 1906, and their descendants; and

WHEREAS, the Constitution of the Delaware Tribe of Indians further states in Article II
Section 1 of states The Delaware Tribal Council shall have the power to enact
ordinances, to establish rules and regulations governing membership, adoption,
procedures for enrollment, and preparation and approval of an official membership
roll. Provided: Nothing contained herein shall be construed to invalidate the
presently existing membership roll or the membership of those persons enrolled prior
to the effective date of this Constitution and Bylaws; and

WHEREAS, the Delaware Tribal Council is authorized by Article V of the Constitution
and Bylaws of the Delaware Tribe of Indians to represent and act in all matters that
concern the general welfare of the Tribe; and

WHEREAS, the Delaware Tribal Membership Act was passed March 20, 2000 and
amended February 19, 2001; and

WHEREAS, the Act acknowledged that the Resolution of the Delaware Tribe of
enrollees” to include those Kansas Delawares, referred to as the “Delaware Later-
Comers” and their lineal descendants who initially chose to sever tribal relations
under Article 9 of the 1866 Treaty with the Delawares, but later removed from the
Kansas territory to settle with the Delaware Tribe in Indian Territory between 1867
and 1900 and individually paid a sum of money to the Cherokee Tribe prior to 1900
for the right to do so; and
WHEREAS, the five individuals considered the “Delaware Later-Comers” were specifically identified in 1951; and,

WHEREAS, in October 17, 2005, the Tribal Council passed Resolution 2005-20 to strike sections in Delaware Tribal Membership Act which ratified the decision of the Tribe in 1951; and

WHEREAS, the Delaware Tribal Council carefully reviewed the historical information on the issue and determined Resolution 2005-20 was unconstitutional and based on inaccurate information; and

WHEREAS, rescindment of Resolution 2005-20 reverses any action caused by Resolution 2005-20 and re-authorizes the named “Delaware Later-Comers” and their lineal descendants to be viewed as an expansion of the “base-enrollees”.

NOW THEREFORE BE IT RESOLVED the Tribal Council of the Delaware Tribe of Indians hereby rescinds Resolution 2005-20 amending the Delaware Tribal Membership Act.

CERTIFICATION

I hereby certify that the foregoing resolution was considered at the regularly scheduled meeting of the Delaware Tribal Council and adopted this 5th day of August, 2013 with a vote of 7 for, 0 opposed, and 0 abstained.

[Signatures]

Chief Paula Pechonick
Delaware Tribe of Indians

Verna Crawford
Secretary, Delaware Tribal Council