



DELAWARE TRIBE OF INDIANS

170 NE Barbara Ave
Bartlesville, OK 74006
Telephone: (918)337-6590
Fax: (918)337-6591

601 High Street
Caney, Kansas 67333-2157
Telephone: (620) 877-4694
Fax: (620) 877-4018

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 Indians in Council Assembled [General Council] July 14, 1951 expanded "base 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 resettle 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".

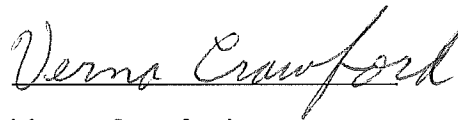
NOW THEREFORE BE IT RESOLVED the Tribal Council of the Delaware Tribe of Indians hereby rescinds Resolution 2005-20 amending the Delaware Tribal Membership Act.

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.



Chief Paula Pechonick
Delaware Tribe of Indians



Verna Crawford
Secretary, Delaware Tribal Council