



**A RESOLUTION OF THE TRIBAL COUNCIL OF THE
DELAWARE TRIBE OF INDIANS
TO
APPROVE AMENDMENTS TO THE
DELAWARE TRIBE OF INDIANS
ENROLLMENT DEPARTMENT
POLICIES AND PROCEDURES**

RESOLUTION 2022-24

Authored by Rusty Creed Brown

WHEREAS, the Delaware Tribal Council is authorized by Article V, Paragraph A 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, Article II, Section 1 states 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, Article II, Section 1 further states the Delaware Tribal Council shall have the power to enact ordinances, to establish rules and regulations governing membership; and,

WHEREAS, Article III, Section 2 prevents the Delaware Tribal Council from depriving any person of their liberty without due process of law, nor deny any member the equal protection of the laws; and,

WHEREAS, traditionally Native American's assigned no moral gradient to love or sexuality: a person was traditionally judged for their contributions to their tribe and for their character; and,

WHEREAS, As Europeans moved from East to West and imposed European culture and religions onto Natives, this instigated the forced acceptance of binary gender roles; and,

WHEREAS, the imposition of Euro-American marriage invalidated the same-gender marriages that were once accepted among tribes in North America; and,

WHEREAS, frequently referred to as two spirit people they were forced by government officials, Christian representatives and sometimes assimilated Native communities to conform to standardized gender roles; and,

WHEREAS, various North American tribes have recorded tribal dialect for non-binary or transgendered people such as "Winkte" in Lakota, meaning people who dress half-man half-woman, the Crow Tribe's word "batée" to describe both a trans woman and gay male, "niizh manidoowag," "ikwekaazo," and "ininiikaazo" in Ojibwe; and,

WHEREAS, further evidence within our own Lenape language provides many traditional words referencing individuals by age, character, or status, and not directly referencing that individual's sex as singularly man or woman.

WHEREAS, the Delaware Tribal Council believes in the inherent right of all tribal members to embrace their gender identity and sexual orientation and shall not discriminate against anyone based on their sexual orientation and/or gender identity; and,

WHEREAS, the Delaware Tribal Council deems all tribal property and buildings to be a safe place for all 2SLGBTQ people tribal members and guests; and,

WHEREAS, non-binary is a term used to describe someone whose gender identity cannot be described as exclusively woman or man; and,

WHEREAS, transgender is a term used to describe someone whose gender identity differs from the sex they were assigned at birth; and,

WHEREAS, the stigma non-binary and/or transgender people face can have long-term impacts on mental health and economic and housing stability, especially if individuals experience familial, community, and tribal rejection and isolation¹; and,

WHEREAS, since 2013 there have been at least 256 cases of known fatal violence against non-binary and/or transgender people in 37 states, across 150 cities nationwide; this epidemic disproportionately impacts non-binary and/or transgender women and people of color – 4 out of 5 of all known killings²; and,

WHEREAS, Native non-binary and/or transgender individuals often live in extreme poverty, with 23% reporting a household income of less than \$10,000 per year³; and

WHEREAS, Native non-binary and/or transgender students report rates of harassment at 86%, physical assault at 51% , and sexual assault at 21%, in K-12⁴; and

WHEREAS, Native non-binary and/or transgender adults report rates of harassment at 65%, physical assault at 14%, and 10% reported being sexually assaulted at work⁵; and

WHEREAS, Native non-binary and/or transgender individuals have an attempted suicide at a rate of 56% compared to 1.6% of the general US population⁶; and,

¹ Dismantling a Culture of Violence: Understanding Violence Against Transgender and Non-Binary People and Ending the Crisis. Human Rights Campaign: https://reports.hrc.org/dismantling-a-culture-of-violence?_ga=2.51804524.493812573.1649181720-631258080.1649181720

² Dismantling a Culture of Violence: Understanding Violence Against Transgender and Non-Binary People and Ending the Crisis. Human Rights Campaign: https://reports.hrc.org/dismantling-a-culture-of-violence?_ga=2.51804524.493812573.1649181720-631258080.1649181720

³ Injustice at Every Turn: A look at American Indian and Alaska Native respondents in the National Transgender Discrimination Survey. <https://www.thetaskforce.org/injustice-every-turn-report-national-transgender-discrimination-survey/>. This is three times greater than the average Native percentage and six times greater than the general US population.

⁴ Id.

⁵ Id.

⁶ Injustice at Every Turn: A look at American Indian and Alaska Native respondents in the National Transgender Discrimination Survey. <https://www.thetaskforce.org/injustice-every-turn-report-national-transgender-discrimination-survey/>. This is three times greater than the average Native percentage and six times greater than the general US population.

WHEREAS, aligning our current enrollment policies and guidelines to acknowledge and accept all Delaware Tribal members as their own perceived gender provides an updated approach to a historically traditional practice; and,

WHEREAS, the current Delaware Tribe of Indians Enrollment Department Policies and Procedures provides no process for non-binary and/or transgender members of the Delaware Tribe of Indians to update their enrollment file; and,

WHEREAS, a non-binary and/or transgender persons gender history is personal information and is theirs to share, sharing this information is an invasion of privacy and can have negative consequences in an intolerant environment; and,

WHEREAS, respecting and using the language non-binary and/or transgender individuals use to self-identify reduces depressive symptoms, suicidal ideation, and suicidal behavior⁷; and,

WHEREAS, all individuals have the right to obtain identification reflecting who they truly are; however, 68% of non-binary and/or transgender people do not have an ID reflection both their correct name and gender⁸; and,

NOW THEREFORE BE IT RESOLVED, the Delaware Tribal Council of the Delaware Tribe of Indians does hereby authorize and approve allowing non-binary and/or transgender people to update their current enrollment file with their status as a non-binary and/or transgender person; and,

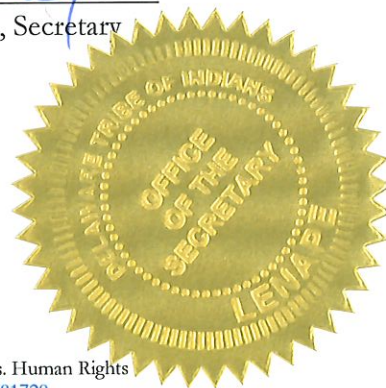
BE IT FURTHER RESOLVED, the Delaware Tribal Council of the Delaware Tribe of Indians hereby approves the Delaware Tribe of Indians Enrollment Department Policies & Procedures, as amended March 16, 2022.

CERTIFICATION

I hereby certify that the foregoing was considered by the Delaware Tribal Council of the Delaware Tribe of Indians and adopted this 16 day of April 2022 with a vote of 6 yes, 1 no, and 0 abstaining.


Brad KillsCrow, Chief


Attested by: Nicky Kay Michael, Secretary



⁷ Guide to Being an Ally to Transgender and Nonbinary Youth. The Trevor Project, <https://www.thetrevorproject.org/wp-content/uploads/2021/07/Guide-to-Being-an-Ally-to-Transgender-and-Nonbinary-Youth.pdf>

⁸ Dismantling a Culture of Violence: Understanding Violence Against Transgender and Non-Binary People and Ending the Crisis. Human Rights Campaign: <https://reports.hrc.org/dismantling-a-culture-of-violence? ga=2.51804524.493812573.1649181720-631258080.1649181720>