

# Delaware Tribal Council

Strategic Planning Session  
November 8, 2015  
11 a.m.-6 p.m.  
Jane Phillips Hospital  
Bartlesville, OK

## Looking Back

Like many tribal nations in the U.S., the Delaware have a history that is clear and verifiable in its existence as a distinct people among the family of tribal nations. Starting in its pre-Columbian era, the reverence for the Lenape (Delaware) among other tribes is often expressed by using the title “The Grandfather Tribe”, an acknowledgement that carries on to this day.

In the era of early contact with the European explorers, the Delaware people were estimated to be 15,000 strong, and were first recorded living near the tip of Manhattan Island by the Italian explorer Giovanni da Verrazzano.

## An Era of Trade, Treaty, Disease and Warfare



In the centuries that followed, the Lenape executed many agreements with the Europeans such as the treaty with William Penn in 1682. This treaty further established the Delaware as a reliable trading partner, with a recognized jurisdiction, in areas throughout the northeastern part of the United States.

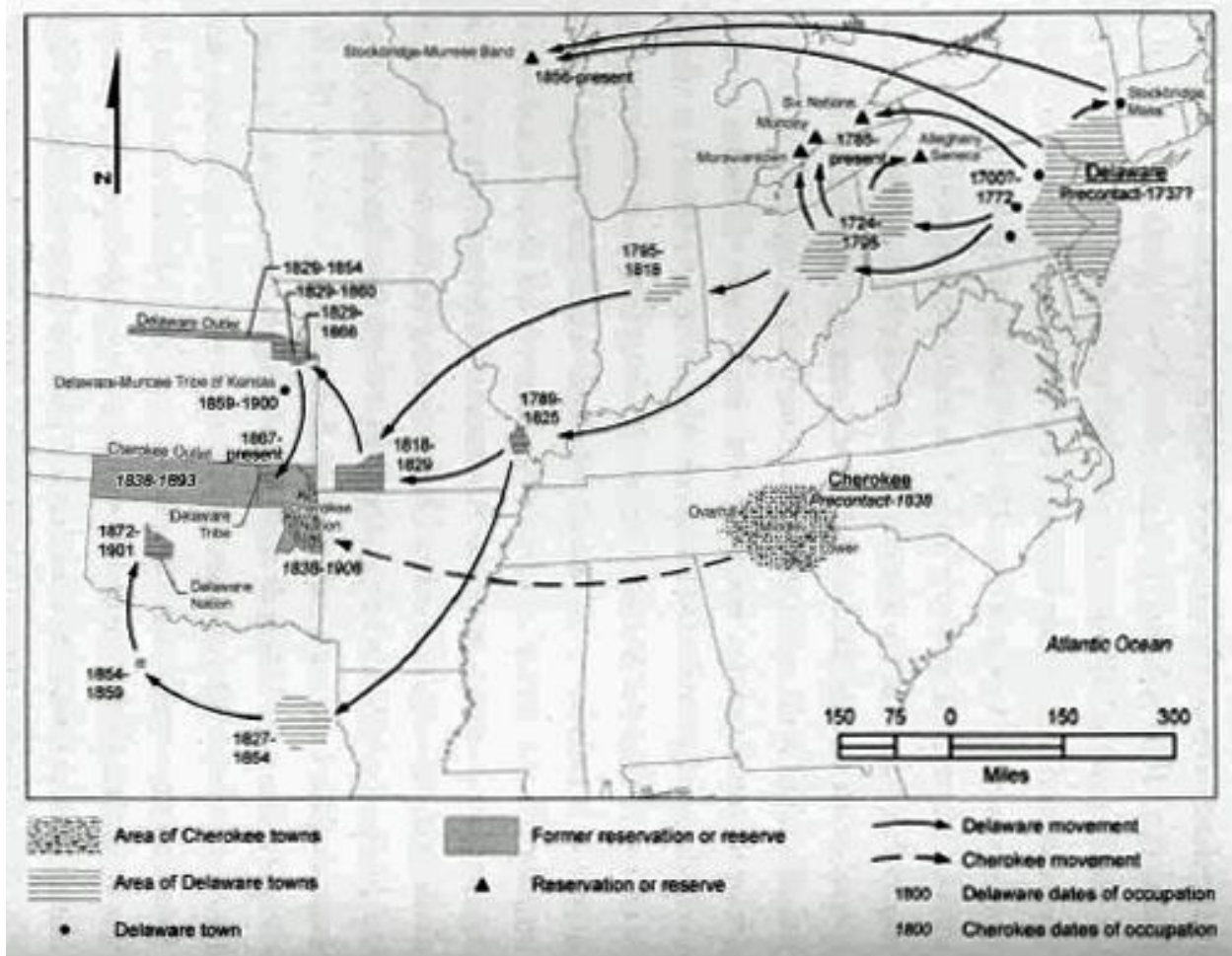
As competition for land and political influence grew, with more European settlements moving into their ancestral areas, a time of simultaneous war and peace for the Tribe came about for the Delaware. Warfare with the Six Nation Confederacy, for control of the Ohio valley, took its toll on the tribe. As the Dutch, English and French were competing

to form alliances with tribes throughout the northeast, the Lenape grappled with the Europeans and neighboring tribes while simultaneously dealing with the catastrophic impacts of disease which devastated the population.

The Delaware hold many distinctions in the founding of this country, chief among them is being the first tribe to enter into a treaty with the newly formed United States of America.

### The Great Movement to Survive

As the Grandfather tribe began to deal with a future after their move into the Ohio Valley, internal splits occurred as spiritual, economic and political differences became too divisive to keep the tribe together. Even when these divisions forced bands to go in different directions, each band carried with it, a shared history, culture, and a story that is being told to this day.



As the story of the Delaware Tribe of Indians continued in the Ohio Valley, the Battle of Fallen Timbers in 1795, and the subsequent Treaty of Greenville, caused the tribe to move again further west. As western expansion continued throughout the 19<sup>th</sup> century, the Delaware Tribe continued to travel west in order to establish a homeland. By the 1860's they were settled in their last reservation, near the Kansas River, in central Kansas.

Despite their success in establishing a homeland in Kansas, pressure to move to Indian Territory continued to plague the Tribe's efforts to survive.

### **Life in Indian Territory, Cherokee Nation and Federal Recognition**

The post-Civil War treaties with the Delaware were mostly punitive in nature and the Delaware were moved again, this time to lands within the Cherokee Nation of Indian Territory.

Prior to Oklahoma statehood, the Delaware people, as all other tribes in the territory, were forced to accept the breakup of all communal land holdings by way of the allotment of tribal lands. This paved the way for Oklahoma statehood and for even more difficulty, as all native people lost their tribal governments, and as assimilation policies of the U.S. sought to kill the Indian to save the man. With daily assaults upon the preservation of Delaware culture, language and land, the Delaware's also had to survive being within the jurisdiction of the Cherokee Nation and subject to Cherokee influence over any direct relationship with the U.S.

Despite this condition, the Delaware people still continued to remain a vibrant, distinct and prosperous tribe. Much like other tribes during this era, Delaware cultural practices went underground and issues such as language preservation and ceremonial dances were no longer the province of the tribal government. During this time in history, Delaware culture was preserved by families within the tribe. These families who continued to keep the fires burning and the music of their people alive preserved Delaware culture through the founding of annual gatherings such as pow-wows and stomp dances. Tribal elder, Numerous Fall Leaf, is recognized as one of the leaders of the day, who started the Delaware Pow wow in the early 1960's. This pow wow continues as one of the most beloved and treasured annual pow wows in all of Indian Country.

In those years from the 1970s through the 1990s, the Delaware Tribal government flourished while managing federal grants and contracts which provided much needed services and jobs for their people.

Without a clear roadmap to exercise independent sovereignty in the 20<sup>th</sup> century, the Delaware co-existed with the Cherokee despite the on-again/off-again federal recognition. In the years that followed, Federal court challenges often occurred between the Delaware Tribe and the Cherokee Nation who expressed jurisdiction over Delaware independence within its 14 county jurisdictional area in NE Oklahoma. This legal battle continued until 2005 when the federal courts ruled against Delaware federal recognition. This meant no exercise of Federal recognition could occur for the Delaware Tribe without the consent of the Cherokee Nation. In 2008, a Memorandum of Understanding between the Cherokee Nation and the Delaware Tribe restored the Delaware's status as a federally recognized tribe. This enabled the Delaware tribe access to federal services to work on behalf of their people albeit with consent of the Cherokee Nation on a case by case basis. Today, the relationship can be described as more collaborative with a shared effort to respect each other's roles in this overlapping jurisdictional condition.

## **The Delaware Tribe Today**

Delaware tribal sovereignty has been exercised many times through the many treaties it entered into with foreign countries as well the United States. For nearly half a millennium, centuries after European contact and colonization of the Americas, Delaware tribal sovereignty is inherent and lives today in the hearts and minds of its 10,000 tribal citizens. This is the Delaware story, the product of Delaware prayers going back over 400 years, the legacy that the current leadership of the Delaware Tribal Council inherits. Despite repeated setbacks brought by colonial interference, wars, removal, disease and court decisions, the Delaware people have never given up their fight for survival as a people. This is a story of abundance, loss, survival, perseverance, stubbornness and a genuine love for all things Delaware. The eternal light that is passed down from generation to generation exists today, for they are The Grandfather Tribe.

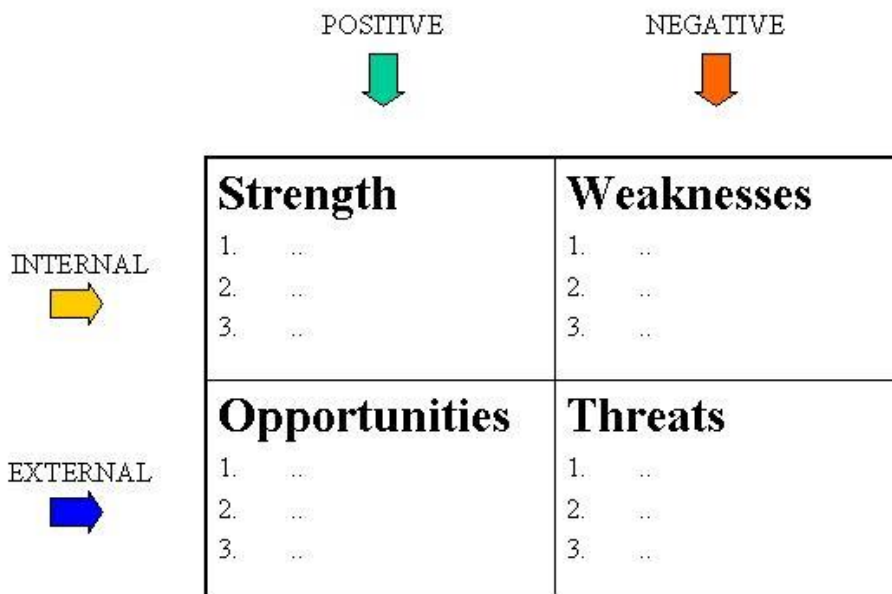
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*Disclaimer: I tried to connect the various points in Delaware history, provided by the members of the Council, to build a narrative of your story. This report is not intended to be a historically accurate or an academic document, but rather a summation of the points expressed in our strategic planning session. Any omissions of historic facts that are part of the official record are not to be considered an editorial judgement on the part of Jim Gray D.B.A. Gray Consultants.*

## SWOT Analysis

A SWOT analysis is a summary of an organizations strengths and weaknesses in both an internal and external context. Placed on a grid it resembles something like the graphic below.

Within the context of this graph, you can see the obvious benefits from conducting a realistic assessment of the tribe. For any real effort to build a foundation that draws upon the creativity, determination and commitment by the Delaware Tribe there must be consensus among the leadership on where we are, what we can do, and what we must overcome in order to achieve agreed upon goals. While these assessments are not word for word quotes, it is a summation of the ideas expressed by each member.



### Strengths

**Benita** - The Delaware language, culture, and history are valuable assets we draw upon because our story is one that exerts Delaware sovereignty. The Council also possesses a broad range of skill sets that give us the capacity to meet today's challenges.

**Nate** – We have an inherent ability to adapt in order to survive a mentality that appears time and time again when you look at our history. It is a character trait that has helped

us survive in our ancient past as well as our recent past. We have a talented tribal membership that can come back and build the Delaware Tribe again. We are uniquely blessed with so many highly educated Delaware tribal members in professional careers today; we need to find a way to tap into that resource to help our tribe be more successful.

**Nicky** – We are the first Treaty Tribe. When we act in accordance with our historic past is when the Delaware Tribe is strong. In the most positive sense of the word, “We are stubborn people”, meaning, our commitment to our cultural values is an asset that continues to define our people today. We have a long history of recognizing the strong women in our tribe, which helps define who are in many ways. While we are struggling to preserve the language, this effort to save our language helps restore the balance of heart and mind in being Delaware.

**Annette** – The Delaware people are peacemakers. This is a character trait that helped our people to meet the challenges they faced throughout history. Our current assets include our pending SBA 8(a) application, which holds the key for successful economic development in our immediate future. We are blessed with a strong and active elders’ community that provides needed guidance and wisdom to our younger generation. As a tribe we also operate a small but successful tribal gift shop and other tribal programs like our housing program.

**Assistant Chief Griffith** - We are doing more in the area of communication. This is essential for us to maintain our progress and keep our people more informed, they are more likely to support our continuing efforts to be successful. Our Tribal Trust Fund helps provide financial stability in the way it is administered. We have an extremely fair Chief that gives our staff plenty of room to grow professionally and every member of the Tribal Council to be heard.

**Chief Brooks** – Despite our status as a landless tribe, we use that status to gain much needed attention on other matters of importance when dealing with other tribes, and federal and state governments. We have a great story to tell when asking for assistance and it’s our story that makes people want to help us be successful. Even though our recent fight with the Cherokees has resulted in living with the MOU, we have found common ground in gaining Cherokee support for many needed programs and services. Despite the obvious jurisdictional obstacles we have with the Cherokees, we have a much improved relationship with them today that we can use to our advantage. We have a broad diversity of talent on this Council which allows us to see a problem from many perspectives and that often leads to good decisions.

## **Weaknesses**

**Assistant Chief Griffith** – The Delaware Constitution is not fit for our current times. We have a divided council these days which prevents us from fully meeting today's challenges.

**Benita** - The lack of financial resources limits our options. This situation makes it difficult for sustainable economic development for our tribe, which leads to a significant lack of involvement from our tribal members.

**Annette** – We are not getting our fair share of federal grants. These grants are competitive and we haven't had a concerted effort to write grants for everything we can. Combined with very little to no working capital, we are missing out on economic opportunities all the time. With no land base with which we can exercise jurisdiction this also limits our economic opportunity to build a tax base of any kind.

**Chief Brooks** – We've lost that historically brave trait that used to be in our character. When I think of all the hardships our ancestors had to endure and overcome I can't believe we can't figure out a way to solve our problems today. We need to think BIG again!

**Nate** – Our tribal population is dispersed geographically throughout the U.S. we all remember the day when the Delaware Tribe was a close knit community of families, friends and neighbors. This hurts our ability to retain certain character traits that helped us survive in the past, both culturally and politically. With respect to the MOU with the Cherokee Nation, it leaves too much to interpretation for future Cherokee Administrations who may not share the goodwill the current Cherokee Administration demonstrates towards us now. As a political matter, the MOU is simply unfair. Having ridden the roller coaster of federal recognition for the past 40 years has severely hurt our tribal members' ability to have confidence in Delaware tribal sovereignty. We do not have enough federal grants helping us today.

**Nicky** – Our tribe is dealing with a history of oppression. This leads us to a mindset of attacking each other in times of crisis. We all know we have different styles of leadership and, like any tribe, this often leads to internal conflict within our organization. We have fallen out of touch with keeping up with what other tribes are doing. We need to benchmark what other tribes are doing so we can see if we can implement successful programs and strategies that work. We need to catch ourselves from falling into a "Group Think" mindset that often occurs when we only rely on our own ideas, opinions, or skills to meet today's challenges. We need to find a Delaware cultural based solution as well. When we keep our Delaware ways out of our decision making, we fall into bitter

political debates that further erode the people's confidence in our ability to solve problems. We must trust in each other's abilities to work effectively as a political body.

## **Opportunities**

**Chief Brooks** – We need to take full advantage of our SBA 8(a) certification once it is approved. We are already getting a successful track record established with our contracts in Guam. Another opportunity that promises success in the future for the tribe is getting our land in Caney, KS into trust status.

**Nicky** – We need to investigate our opportunities in getting our land designated as an Empowerment Zone. There are legitimate tax advantages for attracting private investment to our community. We need to look carefully at existing federal laws that serve Indian Country and make sure we are getting our fair share of those dollars. We can build enormous goodwill among the tribes for their political support in helping advance our goals of tribal self-sufficiency. Whether it's grants, federal laws, private foundations, personal connections or federal contracting, we have a lot of opportunities available to us.

**Benita** – Our SBA 8(a) certification is essential to climbing out of our current situation. Our status as a federally recognized tribe offers us a fighting chance to build sustainable programs and services from the federal government. We can also build additional opportunities with an organized effort to reach out to other tribes.

**Assistant Chief Griffith** – We can build upon our good relationship with the Cherokee Nation to bring much needed work to our Delaware business organization through the Cherokee Nation's TERO certification. We also need to maximize our grant writing efforts to bring more services to our Tribe.

**Nate** – Learning from the experiences from other tribes will help us avoid mistakes going forward and following paths that have proved to be successful. We should reach out to successful tribes to gain their expertise on helping us get on our feet. We have a really great story to tell and it's been proven in the past that we gain their interest and cooperation whenever we tell our story. We have an excellent relationship with BIA Superintendent Paul Yates. I don't think we have really fully maximized that relationship yet.

**Annette** – Agrees the BIA Superintendent is a friend to the Delaware Tribe and the relationship is not fully cultivated. Getting our tribal business TERO certified will help us obtain contracts for our tribal business. We need to work closely with the Cherokees to



find grant opportunities that they are currently not pursuing. We really need to advance our domicile when our land to trust application is successfully processed in Caney. The hydroponics operation could be just one of many uses for the land in Caney. Strengthening our relationship with the Idaho Delaware could lead to some interesting opportunities.

**Michelle** – We need to pursue our opportunities on getting grants. We need to utilize our non-profit foundation to obtain funding for other projects as well. Should our current negotiations with the Cherokees continue, we might be able to obtain some land in the Cherokee Outlet in western Oklahoma to put some land into trust for the Delaware Tribe.

## **Threats**

**Chief Brooks** – It seems every state we've ever been in is threatened by us. The Cherokee Nation is threatened by us whenever we try to exercise sovereignty while we're here in Bartlesville. U.S. Federal policy is a threat to us because it's often used as a weapon against us.

**Annette** – Being a tribe inside another tribe's jurisdiction is always going to threaten Delaware sovereignty.

**Michelle** – State, Federal, and tribal governments can be a threat to Delaware Tribal sovereignty. Having to fight for our federal recognition twice before has hurt our people's confidence to invest their careers in working for their tribe.

**Nate** – Political climate can be a real threat to us if it should change to one of being anti-Indian. Even though the Delaware Tribe is a non-partisan organization we could be a casualty to federal leadership that doesn't respect tribal sovereignty. Uncertainty in the financial markets can be a real threat to us. Case in point, we lost \$170,000 in the recent downturn in the stock market where our trust funds are located. The shrinking pie of the federal dollars has pitted tribe against tribe in these harsh economic times we live in.

**Assistant Chief Griffith** – Threat of losing federal recognition is now an everyday threat, whether real or imagined, because it's happened before there is always that fear that it could happen again. Not implementing a good public relations strategy is going to threaten anything we want to do that involves working in other communities. The Kansas property in Lawrence is a good example of what can happen if we don't do our PR correctly.

**Benita** – The biggest threat is not learning from past mistakes. Another threat is letting the “fear of failure” prevent us from managing risk. This fear currently drives our politics because nobody wants to make a bad decision, so making any decision is difficult. We must overcome the “fear of failure” mindset. Not receiving the SBA 8(a) certification is a serious threat to our ability to build sustainable economic development. Miscommunication within our council is threatening our ability to manage the day to day issues.

## Summary

The SWOT analysis provided some serious discussion on several topics and presents a clear picture of where we are as an organization. Here are some takeaways that came from this discussion:

- An internal division within the Tribal Council is a problem but a manageable problem. Better communication and working on shared goals with a renewed sense of trust can lead to better management of the tribe’s day to day decisions as well as better management of council resolutions.
- A new and improved relationship with the Cherokee Nation promises to bring much needed economic opportunity to the Delaware Tribe. Continued negotiations over the current interpretation of the MOU may lead to some much needed amendments to the document that will help the tribe in the future.
- Building on the good relationship with the BIA Superintendent at the Miami Agency could lead to additional federal assistance in the years to come.
- A concerted and organized effort to build a grant writing department is needed at this time to address the lack of services and jobs at the Delaware Tribe.
- We need to monitor the progress of our Land to Trust application for Caney and our SBA 8(a) certification. We need to aggressively pursue contracting opportunities so when it comes in, we will be ready to capitalize on them.
- We need to keep the prayers of our ancestors and the legacy they left us to meet the challenges of today and erase the “fear of failure” that has plagued our people since the loss of federal recognition. It’s not just our history, it’s where we will find the inner strength to work through our disputes, come together, think outside of the box and adapt to not just survive but thrive.

## Moving Forward with Conviction

Once we surveyed our past and current situation we are ready to chart a new course for the direction the work of the Delaware Tribal Council will take. Sixteen individual ideas were proposed, and were tabulated and consolidated to form 5 major action items.

These items represent the broadest areas of consensus among the Delaware Tribal Council.

1. Community / Social Services for the Delaware Tribe. This could be achieved after an aggressive grant writing campaign in close consultation with the Cherokee Nation to either co-write or co-manage until we can carry out these functions ourselves. After a land base is established for the Delaware Tribe outside of the Cherokee Nation, we can pursue and manage these grants ourselves.
2. Grants could also be used to help support other programs and departments within the tribal government such as administrative support for the THPO office with funds from the RR and Cellular industry.
3. Establish and adopt best practice models to build a more cohesive tribal council. While Robert's Rules of Order are already adapted to the management of the Tribal Council meetings, additional review of how decisions are carried out and supported by all members of the Council has indicated that implementation of decisions is not automatic. Decisions made through a majority vote continue to be debated, which stalls action. You must work to send a message to the tribal members, and to outside entities, that the decision-making processes of the Delaware Tribal Council is professional. This will instill confidence to those within and without the tribe.
4. Cultural preservation and language revitalization is a real opportunity to bring back the Delaware approach to problem solving. The strength of the Delaware Tribal government is in the hearts of its people. By integrating policies and procedures that enhance, celebrate and promote Delaware cultural values you will build confidence in Delaware leadership decisions over time.
5. Setting up successful businesses. The first step is getting the legal structure set up properly so you can separate tribal business from tribal politics. Second is putting together a tribal corporation under the law that limits the exposure of the tribe's assets in its business decisions. It is recommended that the Delaware Tribe incorporate a limited liability company to conduct business with a board of directors separate and apart from the members of the Council. Elected officials of the tribe may be ex-officio members of the board but cannot vote on any business decisions as a member of the board. The council may vote to confirm any member of the board, or remove them, as long as there is a due process embedded in law. In this way you can attract qualified talent to serve on the board that can effectively operate without political interference and limit any legal or financial exposure to the tribe.

## Conclusion

It is an honor to serve as your facilitator for this strategic planning session. While not necessarily a required part of this report, I wanted to make a few observations and suggestions as you consider implementing these recommendations on behalf of the Delaware people.

First, there is a significant amount of consensus among the council as to what the problems are, and what the solutions are, which is encouraging. This means the implementation of new attitudes and approaches have to be consistent with Delaware values. Your history of putting aside differences for the betterment of the tribe is a character trait that can help you overcome any political differences that may exist.

Second, I believe you all understand how important it is realize there are elements within the tribe, and outside the tribe, that hopes you fail as a Council. Disagreements are always magnified and success is never acknowledged. It is my recommendation that you make every effort to celebrate the strides you make as a group. You really want the collective work you do for your people to be defined by your work together, not by your division.

Finally, should you begin the process of implementing the agreed upon goals in this report, try to assign a lead person on the council to build a team of other council members, and staff, to start putting together action plans based upon short term, midterm and long term success strategies. You can even cross reference these specific steps by assigning individuals, or departments/programs, who are expected to help support this effort. Even if you are left waiting for outside decisions to happen before you can do things like land to trust, 8(a), etc. get action plans drafted so when it occurs, you will be immediately ready to implement. Setting up the charter for your business entity and appointing board members to serve are a few examples.

I'm so honored to be asked to help you in facilitating this discussion with the Delaware leadership. Please don't hesitate to call upon me should you feel I can be of further assistance.