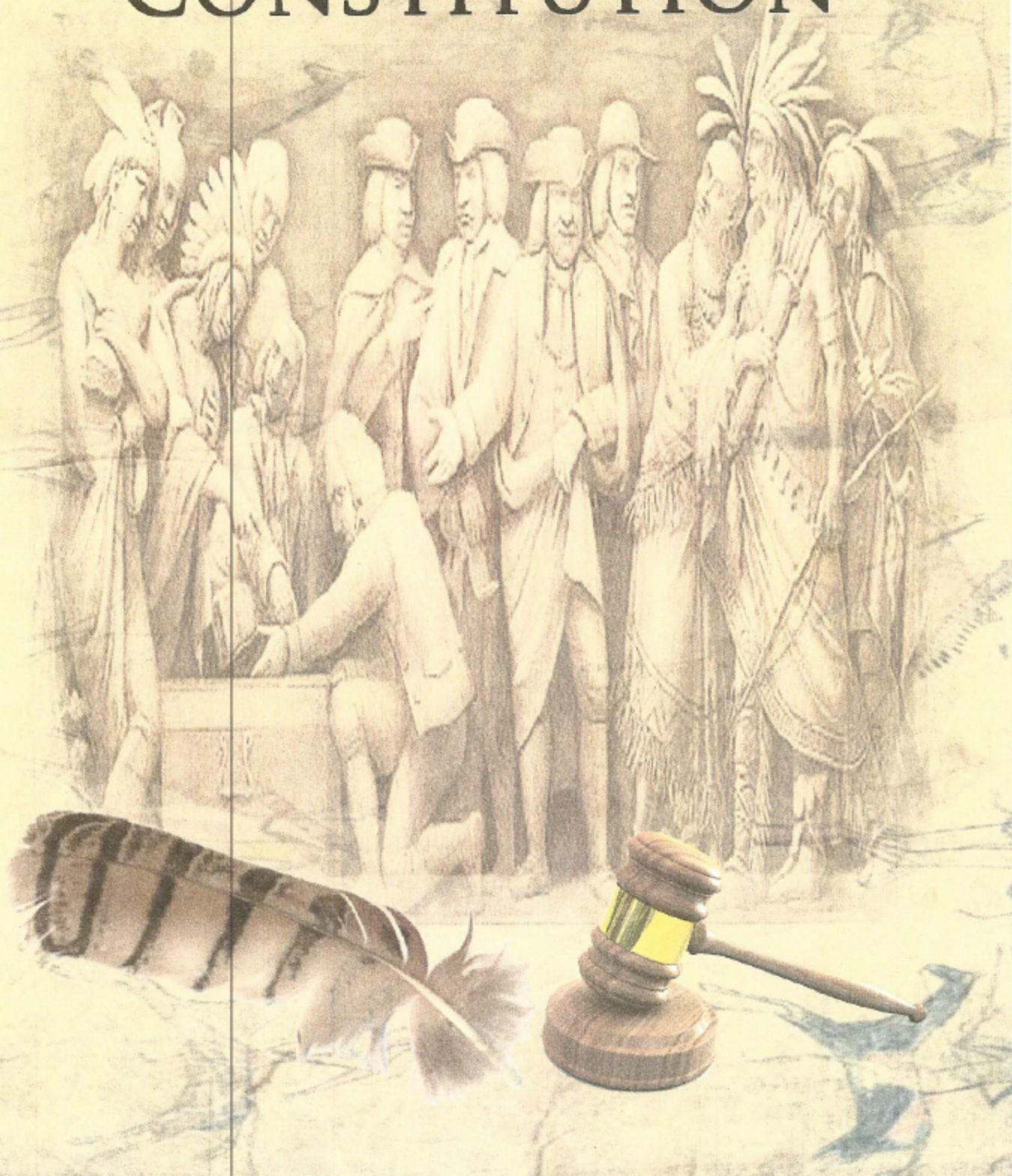


DELAWARE NATION CONSTITUTION



Constitution Of the Delaware Nation

(As ratified April 21, 1973, amended March 6, 1976, June 19, 1976, August 15, 1981, August 16, 1986, November 13, 1999, April 22, 2000, and March 16, 2019)

Preamble

(Pursuant to Amendment IX, adopted November 13, 1999)

We, the Delaware Nation, whose aboriginal name is Lenape or Lenni-Lenape also known as the Grandfathers, is the oldest known Nation in the Northern Hemisphere, aboriginally inhabiting the Eastern Seaboard of North America, the first indigenous Nation to treaty with the United States of America (September 17, 1778, 7 Statute 13: Brotherton Reservation) , consummating a total of one (1) treaty with the United States of America and descending from the Cape Girardeau Spanish Land Grant Area, invoking the guidance of the Almighty Creator with faith in the purposes of our Supreme Being, with pride in our ancient heritage and with the determination to promote, through our united effort, the general well-being of our Nation and to secure unto our Nation and Nation' s descendants the rights, powers and privileges provided by the laws of the Delaware Nation and the laws of the United States of America, hereby adopt the following Constitution.

Article I - Name

(Pursuant to Admendment VIII, adopted November 13, 1999)

The name of this organization shall be the Delaware Nation.

Article II - Purpose

The purpose of this organization shall be, through united effort, to promote the economic, moral, cultural, educational and health status of the Delaware Nation; to seek and insure assistance of the United States of America; the State of Oklahoma in carrying out mutual programs to accomplish these purposes in concert and to in no way interfere with or otherwise influence any individual member.

Article III - Citizenship of Tribe

(Pursuant to Amendment I, adopted March 6, 1976, Amendment IV, adopted August 15, 1981, Amendment X, adopted November 13, 1999, and Amendments XII & XIII, adopted March 16, 2019)

Section 1.

The citizenship of the Delaware Nation shall consist of the following persons; provided they have not received land or money by virtue of having been enrolled as a citizen of another Indian tribe:

- (a) Those persons who prior to the ratification of this amendment qualified for citizenship under previous citizenship requirements. .
- (b) All persons of Absentee Delaware Indian blood, who received an allotment of land under the present jurisdiction of the Anadarko Area Office, shall be included as full-blood citizens of the tribe.

- (c) All living lineal descendants of individuals eligible for citizenship under the provisions of Section 1 (b) and Section 2 of Article III.
- (d) All persons born on or after the effective date of this amendment, both of whose natural parents are citizens of the Delaware Nation regardless of degree of Absentee Delaware Indian blood.
- (e) The Delaware Indian blood for all members of the Delaware Nation shall be shown on the citizenship roll as Delaware Nation Indian blood.

Section 2.

All persons identified in Section 1 (b) of this Article shall be considered as possessing 4/4th degree Delaware Indian blood for the purpose of computing eligibility of their descendants for citizenship under Section 1 (c) or 1 (d) of this Article. Brothers and sisters of the Absentee Delaware Indian blood of all persons identified in Section 1 (b) shall likewise be considered as possessing 4/4th degree Absentee Delaware Indian-blood.

Section 3.

Any person who applies for citizenship who otherwise qualifies for citizenship but who has been enrolled as a member of another Indian tribe may be enrolled as a citizen of the Delaware Nation; provided he has not shared in land or money as a member of another tribe; and provided further that he relinquishes in writing his membership in the other Indian tribe and; provided further, that such applicant is admitted to citizenship by a majority vote of the tribal citizens in general council.

Section 4.

The executive committee shall appoint a citizenship committee composed of tribal citizens who are not members of the executive committee which shall have the responsibility of preparing and maintaining the current citizenship roll consistent with the provisions of this Article.

Section 5.

The executive committee shall have the power to prescribe rules and regulations covering future citizenship, including adoptions and the loss of citizenship.

Article IV- General Council

The membership of the general council of the Delaware Nation shall consist of all citizens of the tribe eighteen (18) years of age and older.

Article V - Executive Committee

Section 1. Composition.

The officers of the tribe shall be a president, vice-president, secretary, treasurer, and two committeemen who together shall comprise the executive committee.

Section 2. Term of Office.

Term of office for each officer shall be four (4) years and until a successor is duly elected and seated. No person shall serve more than two (2) consecutive terms in a particular position on the executive committee.

Article VI – Powers

(Pursuant to Amendment VI, adopted August 16, 1986 Amendment XI, adopted April 22, 2000, and Amendment XIII, adopted March 16, 2019)

Section 1.

The Delaware Executive Committee shall have specific authority to act on the following matters:

- (a) To promulgate and enforce ordinances and codes governing law and order to protect the peace, health, safety and general welfare of Delaware tribal citizens on tribally owned land.
- (b) To employ legal counsel, the choice of counsel and fixing of fees.
- (c) To promulgate and enforce zoning ordinances, building codes, and other related codes and ordinances necessary for the orderly development of tribal enterprises located on tribally owned land.
- (d) To promulgate and enforce ordinances to provide for general revenue and the levying of taxes for public purposes of the Delaware Nation, provided such ordinances are limited to taxing business enterprises, lessees, and others engaged in economic development activities with the Tribe on tribally owned land. This authority specifically prohibits the Executive Committee from levying taxes on property or business enterprises owned by individual tribal members.
- (e) To negotiate with Federal, State or local governments and enter into, perform and enforce contracts, grants, joint ventures and other agreements.
- (f) To establish subordinate organizations for economic or social welfare purposes and to delegate to such organizations or to any subordinate boards, committees, or officials of the Tribe, specific powers of the Delaware Executive Committee, reserving the right to review any action taken by virtue of such delegated power.

Section 2.

Subject to the limitations contained in Section 1 above, the Delaware Executive Committee shall have full authority to act on behalf of the Nation in all other matters upon which the Nation is empowered to act now or in the future as presented to and approved by majority vote by members at duly called or scheduled General Council meetings. These powers shall be exercised subject to any applicable restrictions contained in the United States Constitution or any Federal statute.

Article VII - Elections

(Pursuant to Amendment II, adopted June 19, 1976)

Section 1. Bi-Annual Elections.

Elections shall be held every two years with citizens being selected to fill three positions on the executive committee at each election. These bi-annual elections shall become effective in 1977. In order to effectively implement this procedure, the term of the executive committee member which is scheduled to expire in 1978 shall expire in 1977, and the term of the Vice President which is scheduled to expire in 1980 shall expire in 1979. All other terms of office of members of the executive committee incumbent at the time this amendment becomes effective shall remain unchanged.

Section 2. Date of Elections.

Regular elections to fill vacancies as terms expire on the executive committee shall be held bi-annually, in odd-numbered years, at the regular annual meeting of the general council on the third Saturday in June. Persons elected to office shall serve four (4) years.

Section 3. Election Ordinance.

All tribal elections, including the first one under this constitution, shall be conducted in accordance with an election ordinance, consistent with this constitution and by-laws which shall be enacted by the executive committee. Such ordinance shall provide for secret balloting, absentee voting, voter registration, nomination of candidates in advance of election date, and impartial election committee selected from outside the executive committee that shall be responsible for conducting all tribal elections and a procedure for resolving election disputes. Further, it shall require that no write-in votes be accepted in any tribal election. Provisions shall also be included regarding the conduct of recall and referendum elections and a uniform procedure for submitting petitions.

Section 4. Voter Qualifications.

Any citizen of the tribe shall be qualified to vote, provided he is at least eighteen (18) years of age on the date of the election and he has duly registered.

Section 5. Qualifications of Candidates.

Any citizen of the tribe, who will be at least twenty-one (21) years of age on the date of the election shall qualify as a candidate for membership on the executive committee, or subordinate body by election or appointment, except those persons previously convicted in any court of competent jurisdiction of a felony, or any citizen who is delinquently indebted to the tribe.

Section 6. Filling of Vacancies.

Any vacancy which occurs in the membership of the executive committee shall be filled for the unexpired term at the next duly called meeting of the general council.

Article VIII - Meetings

(Pursuant to Amendment III, adopted June 19, 1976)

Section 1. Annual Meetings.

Annual meetings of the general council shall be held on the third Saturday in June for the purpose of receiving reports and transacting any other business which may come regularly before the council. Bi-annually in odd-numbered years an election to fill vacancies on the executive committee shall take place as part of the annual meeting. Should the executive committee determine that it is not possible or appropriate to hold such meetings on the specified date, it shall then be held within thirty (30) days following, on a date to be determined by the executive committee; provided, that at least ten (10) days' notice shall be given on such meeting.

Section 2. Special Meetings of the General Council.

Special meetings of the general council may be called at the discretion of the president, and shall be called by him upon his receipt of a written request signed by twenty-five (25) citizens of the council, or upon written request of at least three (3) officers of the tribe. Should the president refuse to call such meetings for the date and time requested, any three (3) tribal officers shall be empowered to do so.

Section 3. Notice of Special General Council Meeting.

The principal object of a special general council meeting must be stated in the notification and may include the words "and for the transaction of other business that may be presented." Unless these words are added, no business may be transacted except for the object stated in the notice.

Section 4. Meetings of Executive Committee.

All meetings of executive committee may be called by the president at his discretion and shall be called by him for the date and time requested upon the written request of any three (3) members of the executive committee. Should he refuse to call the requested meeting, any three (3) members of the executive committee shall be empowered to do so.

Article IX - Vacancies

Failure to attend three (3) consecutive duly called executive committee meetings, unless excused by a majority of the executive committee, shall automatically result in loss of office for the individual concerned.

The resulting vacancy, or a vacancy created by death, resignation, recall or removal, shall be filled for the unexpired term in accordance with the provisions of Article VII, Section 6, of this constitution.

Article X - Popular Participation in Government

Petitions for recall referendum and initiative must comply with procedures set forth in the election ordinance as stated in Article VII, Section 3, of this constitution.

Section 1. Recall.

Upon receipt of a petition signed by at least forty (40) of the tribe's registered voters it shall be the duty of the president to call and conduct within fifteen (15) days, a special meeting of the general council to consider the recall of a member of the executive committee. Such meeting is subject to quorum provisions. Only one (1) member of the committee shall be considered for recall at any given recall meeting. Once an individual is subjected to recall proceedings, she shall not again be considered for such action until at least six (6) months have passed.

Section 2. Referendum and Initiative.

Upon receipt of a petition signed by at least forty (40) of the tribe's registered voters, it shall be the duty of the president to call and conduct within fifteen (15) days, a special meeting of the general council for the purpose of presenting to the voters for their determination any issue or question. The decision of the majority of those voting shall be binding on the executive committee, provided a quorum is present.

Article XI - Removal

The executive committee shall enact an ordinance providing for the removal of members of that body. Included shall be procedures for the accused to confront his accusers and speak on his behalf in answer to a written statement of charges at a special executive committee meeting, called for that purpose. The accused shall be provided with such written charges at least fifteen (15) days in advance of the removal meeting.

Article XII - Bill Of Rights

Section 1.

All citizens of the tribe shall enjoy without hindrance freedom of worship, conscience, speech, press, assembly and association.

Section 2.

This constitution shall not in any way alter, abridge or otherwise jeopardize the rights and privileges of the citizens of the tribe as citizens of the State of Oklahoma or the United States.

Section 3.

The individual property rights of any citizen of the tribe shall not be altered, abridged or otherwise affected by the provision of this constitution and bylaws without the consent of such individual citizens.

Section 4.

The enumeration of any rights in this Article shall not be interpreted to limit the rights otherwise guaranteed by the Indian Civil Rights Act of 1968 (25 USCA 1302).

Article XIII - Amendments

(Amendment XIII, adopted March 16, 2019)

Amendments to this constitution may be proposed by a majority vote of the executive committee or by a petition signed by at least forty (40) registered voters of the tribe. The amendment shall be submitted to the qualified voters of the tribe and shall be effective when ratified by a majority of those voting in an election. .

Article XIV - Duties of Officers

(Pursuant to Amendment III, adopted June 19, 1976, Amendment V, adopted August 15, 1981, and Amendment XIII, adopted March 16, 2019)

Section 1. President.

The president shall preside at all meetings of the general council and of the executive committee. He shall have general supervision of the affairs of the general council and of the executive committee and shall perform all duties associated with the office of president.

Section 2. Vice-President.

The vice-president in the absence of the president shall perform the duties of that office. He shall serve as ex-officio member of all committees created by the executive committee and shall represent the president at other occasions when called upon to do so.

Section 3. Secretary.

The secretary shall keep an accurate account of all proceedings and official records of the council and of the executive committee, and shall file copies in the tribal office. He shall be responsible for the prompt and efficient handling of all correspondence pertaining to the business of the council and executive committee. All official records of the secretary shall be open at reasonable times to the inspection of council citizens in the presence of the secretary. The secretary shall keep an accurate list of all general council citizens, and in the absence of the president and vice-president, shall preside at meetings of the general council or executive committee.

Section 4. Treasurer.

The treasurer shall keep account of all funds in possession of the tribe from any source. He shall keep an accurate record of all funds and shall make disbursements in accordance with a properly executed resolution of the executive committee. The treasurer shall keep all tribal monies entrusted to his care in special bank accounts and/or in "Individual Indian Money" accounts. At any time that such an account shall amount to fifty dollars (\$50) or more, he shall file a bond satisfactory to the executive committee.

The cost of such bond shall be paid out of tribal money. The accounts and records of the treasurer shall be open at a reasonable time for inspection by council citizens in the presence of the treasurer. The books of the treasurer shall be kept in the tribal office and be subject to audit or inspection at the discretion of the executive committee.

Section 5. Committeemen.

The committeemen shall perform those specific duties which shall be set forth in a resolution of the executive committee.

Section 6. Transfer of Records.

At the expiration of their term of office, all officers shall turn over all tribal records and funds in their possession to their successors.

Article XV - Conduct of Meetings

Section 1. Place.

All regular and special meetings of the general council and the executive committee shall be held at the Delaware Tribal Complex unless otherwise designated in the notice of such meeting.

Section 2. Robert's Rules of Order.

All meetings shall be conducted in accordance with Robert's Rules of Order, unless otherwise specified in this constitution and bylaws.

Section 3. Quorum.

Twenty (20) citizens of the general council shall constitute a quorum. No business, other than the election of officers to provide for continuity of government, shall be transacted by the general council, unless a quorum is present. Four (4) members of the executive committee shall constitute a quorum to transact any business.

Article XVI - Adoption

(Amendment XIII, adopted March 16, 2019)

This constitution and bylaws shall be effective when approved and ratified by a majority vote of those adult citizens of the tribe who cast ballots.

Delaware Nation Constitution Legislative History:

TRIBAL CONSTITUTION – As ratified April 21, 1973, amended March 6, 1976, June 19, 1976, August 15, 1981, August 16, 1986, November 13, 1999, April 22, 2000 and March 16, 2019

Title

- **Amended November 13, 1999** – Change title to “*Constitution of the Delaware Nation*” (**Amendment VIII**)

Preamble

- **Amended November 13, 1999** – Add “*We, the Delaware Nation, whose aboriginal name is Lenape or Lenni-Lenape, also known as the Grandfathers, is the oldest known Nation in the Northern Hemisphere, aboriginally inhabiting the Eastern Seaboard of North America, the first indigenous Nation to treat with the United States of America (September 17, 1778, 7 Statute 13: Brotherton Reservation), consummating a total of one (1) treaty with the United States of American and descending from the Cape Girardeau Spanish Land Grant Area...*” (**Amendment No. IX**)

Article III - Citizenship of Tribe

- **Amended March 6, 1976** – Section 1 by changing subsection (a) language to “*Those persons who prior to the ratification of this amendment qualified for membership under previous membership requirements*” and removing (1), (2) and (3) beneath subsection (a); changing subsection (b) language to “*All persons of Delaware Indian blood who received an allotment of land pursuant to the provisions of the Act of March 2, 1895, (82 Stat. 876), shall be included as full blood members of the tribe.*”; changing subsection (c) to “*All living lineal descendants of individuals eligible for membership under the provisions of Section 1 (b) and Section 2 of the Article, who possess at least one-eighth (1/8) degree Delaware Indian blood and one of whose natural parents is a member of the Delaware Tribe of Western Oklahoma*”; adding subsection (d); changing Section 2 language to read as “*All persons identified in Section 1 (b) of this Article shall be considered as possessing 4/4ths degree Delaware Indian blood for the purpose of computing eligibility of their descendants for membership under section 1 (c) or 1 (d) of this Article. Brothers and sisters of Delaware Indian blood of all persons identified in Section 1 (b) shall likewise be considered as possessing 4/4ths degree Delaware Indian Blood*”; removal of Section 5; retitle Section 6 as Section 5 and change language to “*The executive committee shall have the power to prescribe rules and regulations covering future membership, including adoptions and the loss of membership, including adoptions and the loss of membership, subject to the approval of the Commissioner of Indian Affairs or his authorized representative.*” (**Amendment No I**)
- **Amended August 15, 1981** – Section 1 change subsections (b) “*All persons of Absentee Delaware Indian blood, who receives an allotment of land, under the present jurisdiction of the Anadarko Area Office, shall be included as full-blood members of the tribe.*”; (c) “*All living lineal descendants of individuals eligible for membership under the provisions of Section 1 (b) and Section 2 of Article III who possess at least one-eighth (1/8) degree Absentee Delaware Indian blood.*”; (d) “*All persons born on or after the effective date of this amendment, both of whose natural parents are members of the Delaware Tribe of Western Oklahoma regardless of degree of Absentee Delaware Indian blood.*”; ;and add new subsection (e) “*The Delaware Indian blood for all members of the Delaware Tribe of Western Oklahoma shall be shown on the membership roll as Delaware Tribe of Western Oklahoma Indian blood*”; change all language in Section 2 to “*All persons identified in Section 1 (b) of Article III shall be considered as possessing 4/4ths degree Absentee Delaware Indian blood for the purpose of computing eligibility of their descendants for membership under Section 1 (c) or 1 (d) of this Article. Brothers and sisters of Absentee Delaware Indian blood of all persons identified in Section 1 (b) shall likewise be considered as possessing 4/4ths degree Absentee Delaware Indian blood.*” (**Amendment No. IV**)
- **Amended November 13, 1999** – All language referencing “*Membership*” shall be changed to read “*Citizenship*” (**Amendment No. X**)

- **Amended March 16, 2019** –Section 1 (c) by removing “*who possess at least one eight degree Absentee Delaware Indian blood*” and Section 1 (a) by removing “*subject to the approval of the Commissioner of Indian Affairs or his authorized representative*” (**Amendment No. XII**)

Article V - Executive Committee

- **Amended June 19, 1976** – In Section 3 change language as follows “*The Secretary shall keep an accurate account of all proceedings and official records of the council and of the executive committee, and shall file copies in the tribal office. He shall be responsible for the prompt and efficient handling of all correspondence pertaining to the business of the council and executive committee. All official records of the secretary shall be open at reasonable times to the inspection of council members in the presence of the secretary. The secretary shall keep an accurate list of all general council members, and in the absence of the president and vice-president preside at meetings of the general council or executive committee.*” (**Amendment No. III**)
- **Amended August 15, 1981** – In Section 4 change language as follows “*The treasurer shall be the custodian of all funds in possession of the tribe from any source.*” to “*The treasurer shall keep account of all funds in possession of the tribe from any source.*”; remove the language “*and/or in “Individual Indian Money” accounts*”; change language from “*the Commissioner of Indian Affairs*” to “*the Bureau of Indian Affairs*” (**Amendment No. V**)

Article VI - Powers

- **Amended August 16, 1986** – Section 1 by adding “*The Delaware Executive Committee shall have specific authority to act on the following matters*” and to add subsections (a), (b), (c), (d), (e) and (f); and add Section 2 (**Amendment No. VI**)
- **Amended April 22, 2000** – Section 2 all language referencing “*Tribe*” shall be changed to read “*Nation*” and add after ...now or in the future “*as presented to and approved by majority vote by members at duly called or scheduled General Council meetings*”(**Amendment No. XI**)
- **Amended March 16, 2019** – Section 1 (a) and (b) by removing “*subject to the approval of the Assistant Secretary for Indian Affairs or his/her authorized representative, as long as such approval is required by Federal statute and/or regulations*” (**Amendment No. XIII**)

Article VII - Elections

- **Amended June 19, 1976** – Section 1 changing to Bi-annual Elections of the Executive Committee and Section 2 to denote the annual meeting of the general council as the third Saturday in June. (**Amendment No. II**)

Article VIII - Meetings

- **Amended June 19, 1976** – Section 1 to add “*Bi-annually in odd-numbered years an election to fill vacancies on the executive committee shall take place as part of the annual meeting.*” (**Amendment No. II**)

Article XIII - Amendments

- **Amended March 16, 2019** – by removing “*approved by the Commissioner of Indian Affairs*” and “*called by the Commissioner of Indian Affairs*”; by removing “*A petition for such purpose must comply with 25 CFR 53.*” (**Amendment No. XIII**)

Article XIV - Duties of Officers

- **Amended March 16, 2019** – Section 4 by removing “*and the Bureau of Indian Affairs*” (**Amendment No. XIII**)

Article XV - Conduct of Meetings

- **Amended August 16, 1986** – change meeting place from “*Anadarko Agency*” to “*Delaware Tribal Complex*” (**Amendment No. VII**)

Article XVI - Adoption

Amended March 16, 2019 – by removing “*approved by the Secretary of the Interior and authorized by the Secretary of the Interior*” (**Amendment No. XIII**)