

# **The Confederation of Sovereign Nentego- Lenape Tribes**

## **An Introduction and Explanation**

The Confederation of Sovereign Nentego - Lenape Tribes is an alliance of two historically and genealogically interrelated tribes of the Delaware Bay area, the Lenape Indian Tribe of Delaware, the Nanticoke Lenni-Lenape Tribal Nation of New Jersey, and the Nanticoke Tribe of Delaware. The Confederation is chartered to promote the common good of our people, govern ourselves under our own laws, protect and maintain our tribal culture and preserve the legacy of our ancestors. Member tribes benefit from collaboration and cooperation on issues of tribal governance, coordination with local, state, and federal government, ensuring representation in national and international venues, and providing a collective voice in matters concerning Indian Country. While the confederation council consists of the elected tribal councils of the member tribes, voting is restricted to the principal and secondary chiefs of each tribe, with the chairmanship rotating annually between the principal chiefs. The structure ensures that neither member tribe may dominate the other. Confederation Council deliberations are aimed at the forming of consensus on any decision. While the Confederation supports initiatives to expand tribal economic development, member tribes have pledged to maintain a ban on profiting from vice and will not participate in casino gaming.

While tribal governance had survived through an informal family-clan style leadership structure preserved through tribal congregations for over 150 years, the twentieth century saw a movement toward a more activist governance independent from the churches and denominational influence. The tribal communities established charitable service organizations in order to better serve tribal members. Member tribes have further evolved the structure of their individual governments to better reflect the relationship between the historical tribal leadership and various operational subsidiaries. This has been done through the ratification of tribal governing documents, which formally establish powers of government, delineate the protected rights of individual tribal citizens, and define the scope of tribal authority in a manner consistent with tribal cultural traditions and values.

To better educate the public to the continuing history and culture of our tribal communities, NanticokeLenapeMuseum.org was established as an online museum and learning center to share the history of the two Confederated Tribes. The expanding museum shares and preserves our culture and history, while also speaking to some of the concerns of the Confederated Tribes.

Each member tribe maintains its own independent sovereign government together with the sovereignty of the overarching Confederation. The Confederation cannot interfere in the matters of the individual member tribes. The Confederation is an intertribal alliance for mutual support and advocacy. The Confederation acts to affirm and support its member tribes with the spiritual charge to prayerfully consider the legacy we have received from the last seven generations and the legacy we shall leave for the next seven generations of our people.

**THE CHARTER  
OF THE  
CONFEDERATION OF SOVEREIGN NENTEGO - LENAPE TRIBES**  
(Amended and Restated)

**PREAMBLE**

Under the protection and guidance of the almighty Creator, in order to promote the common good of our people, govern ourselves under our own laws, protect and maintain our tribal culture and preserve the legacy of our ancestors, we the people of The Lenape Indian Tribe of Delaware, headquartered in Cheswold, Delaware, The Nanticoke Lenni-Lenape Tribal Nation, headquartered in Bridgeton, New Jersey, and the Nanticoke Indian Tribe, headquartered in Millsboro, Delaware, do hereby establish this confederation of our three sovereign tribes. We do so as an expression of the sovereignty given by the Creator to our tribal communities, a sovereignty that has continued from ancient times to the present, and as an affirmation of the shared history and common ancestry between our three interrelated tribal communities, made up of Nanticoke (Nentego) and Lenape families, which have remained in the area of our ancient homeland.

**ARTICLE I: NAME, STATUS AND JURISDICTION**

SECTION ONE: The name of this intertribal confederation shall be "The Confederation of Sovereign Nentego - Lenape Tribes," hereafter referred to in this charter as the "Confederation," whose core tribal ancestral families are from the homeland of our historic tribal communities of Nanticoke (Nentego) and Lenape people in New Jersey and the Delmarva Peninsula. Our sovereignty was granted by the almighty Creator to our ancestors, which was never surrendered by our leadership to any other authority and has continued from ancient times to the present.

SECTION TWO: The Confederation is a sovereign governmental union of sovereign tribes, chartered to promote the interests of the member tribes through ensuring our mutual support, addressing issues of mutual concern, promoting our shared cultural heritage, and preserving our identity and sovereignty.

SECTION THREE: The Confederation's governing jurisdiction extends over its member tribes within the limits set by this charter and without violating the sovereignty of the member tribes.

**ARTICLE II: MEMBERSHIP**

SECTION ONE: The Confederation is made up of three member tribes, the Nanticoke Lenni-Lenape Tribal Nation of New Jersey, the Lenape Indian Tribe of Delaware, and the Nanticoke Indian Tribe of Delaware.

SECTION TWO: Individual tribal enrollment is governed by each of the member tribes, which shall maintain their own rolls.

SECTION THREE: Each of the member tribes shall have the following as minimal requirements for individual tribal enrollment;

- a) Full enrolled membership may be extended only to those who have direct documented blood descent from the base roll of historic core families of the member tribes.
- b) Adoptee membership status may only be extended to those legally adopted as minors by enrolled members of the tribe, or adults descended from another tribe who marry an enrolled member, with a minimum of  $\frac{1}{4}$  American Indian Blood.
- c) No enrolled citizen of a member tribe may also be receiving benefits as an enrolled citizen of another

American Indian Tribe.

- d) No legal enrollment status for non-Indian “honorary members” or “ceremonial adoptees.”
- e) All enrolled citizens, adoptees, and honorary members or ceremonial adoptees must agree to submit to the jurisdiction of, and pledge allegiance to, the government of the member tribe and agree to abide by any and all laws and rules of the member tribe and its governing documents and will respect and comply with the decisions of the duly elected Tribal Council, the authorized Tribal Court, and the Council of the Confederation of Nentego-Lenape Tribes and its authorized court.

SECTION FOUR: The Confederation and its member tribes must ensure that the rights of tribal citizens are protected and agree, while exercising its power of self-government, not to violate the civil rights of tribal citizens. Tribal citizens have the right to:

- a) the free exercise of religion, freedom of speech, freedom the press, freedom to peaceably assemble and to petition for a redress of grievances;
- b) the right to be secure in their persons, homes, papers, and effects against intrusion or unreasonable search and seizure by tribal officials or agents;
- c) freedom from being twice put in jeopardy before the Tribal Court for any single offense;
- d) freedom from being compelled to be a witness against himself before the Tribal Court;
- e) freedom from having private property seized for tribal use.

SECTION FIVE: The Confederation and individual Tribal Governments are precluded from denying any person within their jurisdiction the equal protection of its laws or deprive any person of liberty or property without due process of law, nor the passing of any bill of attainder or ex post facto law.

SECTION SIX: The member tribes agree not to develop, operate, or own any casino gaming establishment.

### **ARTICLE III: GOVERNANCE**

SECTION ONE: The three Tribes that are united under this charter are the Nanticoke Leni-Lenape Tribal Nation of New Jersey, the Lenape Indian Tribe of Delaware, and the Nanticoke Indian Tribe of Delaware, hereafter referred to as “member tribes.”

SECTION TWO: The Confederation shall be governed by voting members of the Confederation Council, which shall be the Principal Chiefs of each member tribe, and one additional Chief who may be the Co-Chief, Assistant Chief or Deputy Chief of the member tribes.

SECTION TWO: The non-voting members of the Confederation Council shall be the Tribal Council members of the member tribes.

SECTION THREE: Membership on the Confederation Council shall be limited to those tribal Chiefs and Tribal Council Members who are enrolled citizens of the member tribes by blood descent from the historical core families of the member tribes.

### **ARTICLE IV: SCOPE OF AUTHORITY OF THE CONFEDERATION COUNCIL**

SECTION ONE: The Confederation Council shall establish policies and address concerns that promote and protect the interests of the member tribes.

SECTION TWO: The Confederation Council may sponsor intertribal initiatives, events and programming to benefit the member tribes or to meet the stated purpose of the Confederation.

SECTION THREE: The Confederation Council shall not interfere with the internal affairs of the member tribes, but may be invited by the Chief of either member tribe to advise, consult, and mediate internal tribal concerns.

SECTION FOUR: The Confederation Council may seek to raise funds or acquire other assets to further its stated purpose and may form subordinate entities in order to do so; however, neither the Confederation Council nor any subordinate or related entity may tax or assess the member tribes or establish, own or operate any activity that promotes vice.

SECTION FIVE: The Confederation Council shall not have authority to encumber or sell the assets of any member tribe or individual member of the Confederation Council.

SECTION SIX: The Confederation Council shall not promote or sponsor any activity or policy or forge any alliance with other entities which will injure any member tribe, violate its cultural values or impede its ability to flourish.

SECTION SEVEN: The Confederation Council shall not act in any fashion that does not promote the interests, cohesiveness, and cultural heritage of the member tribes.

SECTION EIGHT: The Confederation Council may not act on behalf of any member tribe in a manner not supported by that member tribe's government.

SECTION NINE: Nothing in this charter shall be construed as restricting the treaty rights of the Confederation or its member tribes.

SECTION TEN: The internal governmental, economic, or programmatic activities of any member tribe, which are not in conflict with the Confederation Charter, are considered internal tribal affairs and are not subject to the other member tribes or the Confederation.

#### **ARTICLE V: OFFICERS OF THE CONFEDERATION COUNCIL**

SECTION ONE: A Chairperson of the Confederation Council shall be selected through an annual rotation among the principal Chiefs of the member tribes.

SECTION TWO: The role of the Chairperson will be to ensure that quarterly meetings are held, to set the agenda based upon the concerns submitted by the other voting members and to preside over the meetings of the Confederation Council.

SECTION THREE: The tribal chief who will succeed the current Chairperson in the rotation for that office will serve as Vice-Chairman of the Confederation Council and will perform the duties of the Chairperson in the event of the Chairperson's absence.

SECTION FOUR: A Secretary and Assistant Secretary shall be selected annually from among the members of the Confederation Council to keep meeting minutes and records of all of the actions of the Confederation Council and ensure that all of the members receive copies of the same.

SECTION FIVE: In the event that funds are raised or other assets acquired, a Treasurer and Assistant Treasurer shall be selected annually from among the members of the Confederation Council to keep records of financial matters of the Confederation.

SECTION SIX: An Officer of Protocol shall be selected annually from among the members of the Confederation Council to ensure that all meetings and activities are conducted in a manner consistent with the Charter and the By-Laws of the Confederation Council.

SECTION SEVEN: Annual selection to fill the official positions on the Confederation Council shall commence with the ratification of this charter and be done by a consensus of the voting members.

## **ARTICLE VI: MEETINGS**

SECTION ONE: Quarterly, there shall be at least one meeting of the Confederation Council to be scheduled in a manner conducive to the attendance of the voting members and announced with sufficient advanced notice to all non-voting members.

SECTION TWO: The attendance of at least one voting member from each of the two member tribes shall comprise a quorum for all regularly scheduled meetings.

SECTION THREE: The Chairperson shall compile an agenda from the concerns submitted by the voting members, and shall also include: an opening prayer for the Creator's guidance and blessing; reading and approval of the minutes from the previous meeting; record members in attendance; review of old business, including tabled items, resolutions and acts; review of new business, including reports, resolutions and special presentations; and, a closing prayer to the Creator.

SECTION FOUR: All decisions of the Confederation Council shall be by the consensus of the voting members. Voting members of the Confederation Council shall have both a voice and a vote. Non-voting members of the Confederation Council shall have a voice but not a vote.

SECTION FIVE: Citizens of the member tribes may observe any "open" meetings of the Confederation Council, but shall have no voice in the conduct of the meeting. Non-tribal members may be invited to observe the meetings at the discretion of the Confederation Council, but shall have no voice in the conduct of the meeting. Any given meeting may be "closed" to observers at the discretion of the Confederation Council.

SECTION SIX: Special presentations from non-members during meetings must pre-approved by the voting members of the Confederation Council and shall be limited to a time period determined by the voting members of the Confederation Council.

SECTION SEVEN: Special "call" meetings or telephone poles may be conducted by the Confederation Council to address emergency concerns. In such a case, voting members from each of the member tribes shall be required to make a quorum.

SECTION EIGHT: Resolutions must be sponsored by Confederation Council members. Motions may only be made by Confederation Council members, but must be seconded by a voting member in order to be considered.

## **ARTICLE VII: COMMITTEES, TASK FORCES, AGENTS**

SECTION ONE: The Executive Committee is comprised of the voting members of the Confederation Council, who are the Principal Chiefs, and one additional Chief who may be the Co-Chief, Assistant Chief or Deputy Chief of each of the member tribes.

SECTION TWO: The Confederation Council may appoint committees, task forces, and agents as needed to perform its stated purpose. Such appointed committees, task forces, and agents serve at the pleasure of the Confederation Council and shall only act within the scope of their designated work.

## **ARTICLE VIII: DONATIONS AND ACQUISITIONS**

SECTION ONE: Any funds or other assets acquired by the Confederation Council must be utilized within the scope of the purposes stated within this charter.

SECTION TWO: Use of funds or other assets must be with the approval of the voting members of the Confederation Council and must be reported in an open meeting of the Confederation Council.

SECTION THREE: In the event that there is financial activity on behalf of the Confederation Council, an annual financial report will be made available to the member tribes.

## **ARTICLE IX: SOVEREIGN IMMUNITY AND LIABILITY**

SECTION ONE: The provisions of this Charter shall not be construed to waive or limit the sovereignty of the Confederation. The Confederation Council shall not waive or limit the right of the Confederation to be immune from suit, except as authorized by resolution of the Confederation Council. The Confederation shall not have the authority to waive the right of sovereign immunity of any of its member tribes.

SECTION TWO: Neither the Confederation or the Confederation Council shall be liable for the actions of any of its members, officials, committees, task forces, or agents, nor will the Confederation or Confederation Council assume responsibility for any unauthorized or illegal activity such members, officials, committees, task forces, or agents may perform.

SECTION THREE: No individual member of the Confederation Council shall be personally liable for the actions of the Confederation Council.

SECTION FOUR: Those participating in the activities of the Confederation Council release the Confederation Council and its individual members from any liability resulting from any injury or loss incurred whatsoever.

SECTION FIVE: Nothing in this charter shall limit the scope of the sovereign immunity of the member tribes or the Confederation nor does this charter waive or limit any rights which the Confederation or member tribes have to be immune from suit in the courts of the United States or of any state.

SECTION SIX: No member tribe may bind the Confederation in any way.

## **ARTICLE X: RESOLUTION OF GRIEVANCES**

SECTION ONE: As the Confederation is comprised of a membership of sovereign Indian Tribes and is answerable only to those tribal governments, grievances within the scope of the Confederation's activities will be heard and mediated by a impartial group of three or five tribal judges appointed by the Confederation Council, from among the citizenry of the member tribes, to hear and resolve the concern in accordance with tribal law and tradition, in addition to the policies of the Confederation Council. A record of the proceeding will be kept in the archives of the Confederation Council.

SECTION TWO: While acting in a judicial capacity, neither the Confederation Council nor its appointed court may intrude on the sovereignty of its member tribes and may only act within the scope of power those sovereign tribes may grant it.

## **ARTICLE XI: AMENDMENTS AND BY-LAWS**

SECTION ONE: The Confederation Council may establish By-Laws to govern its operating procedures. Such By-Laws are subordinate to this Charter and may not override the policies or intentions of this Charter.

SECTION TWO: The Confederation Council may amend this Charter with a consensus of the voting members after prayerful consideration of the amendment by the entire membership. However, no amendment may conflict with the stated purpose of the Confederation Council within this Charter.

## **ARTICLE XII: DISSOLUTION**

The Confederation may be dissolved by a consensus of all of the voting and non-voting members of the Confederation Council. In the event of dissolution all financial obligations of the Confederation or it subordinate entities will be settled through the liquidation of the assets of the Confederation, if necessary. Remaining assets will be divided equally between the member tribes.

## **CERTIFICATE OF RATIFICATION**

After prayerful consideration, and with the approval of the respective tribal councils and tribal citizens, this Charter of the Confederation of Sovereign Nentego - Lenape Tribes, originally ratified by the representatives of the member tribes on the Nineteenth day of May in the year Two-Thousand Seven, is hereby amended and restated by consensus of the voting members of the Confederation Council on this 20<sup>th</sup> Day of May in the year Two-Thousand Eleven.