



## United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Cherokee Agency  
Cherokee, North Carolina 28719

PLEASE REPLY REFER TO,

Michell Hicks, Principal Chief  
Eastern Band of Cherokee Indians  
P.O. Box 455  
88 Council House Loop Cherokee, NC 28719

Dear Chief Hicks:

Attached is signed Tribal Council Resolution/Ordinance No. **525** introduced on **April 9, 2015** and **Passed on May 11, 2015**. Should you have any questions regarding this matter please contact me at (828) 497-3360.

Sincerely,

Superintendent

**TABLED  
AMENDED  
PASSED**  
MAY 11 2015

Cherokee Council House  
Cherokee, Qualia Boundary (NC)

Date **APR 09 2015**

Ordinance No. **5'2.5** (2015)

WHEREAS, the Eastern Band of Cherokee Indians is duly authorized to establish and regulate membership and enrollment under its sovereign powers as a federally recognized Indian Tribe; and

WHEREAS, Chapter 49 of the Cherokee Code sets out the requirements for membership with the Tribe; and

WHEREAS, Cherokee Code Chapter 49-2 (e) allows for the enrollment of individuals who were adopted as infants and did not learn of their eligibility for enrollment with the Eastern Band of Cherokee Indians until after they had passed the maximum age for enrollment; and

WHEREAS, There have been several incidents where such individuals did not learn of their Cherokee heritage until much later in life and had eligible children who had already passed the maximum age for enrollment by the time their parent learned of their heritage; and

WHEREAS, in order to clarify whether the above cited code section allows for the enrollment of the children of adopted individuals, the Enrollment Committee recommends an amendment to the Code.

NOW THEREFORE, BE IT ORDAINED, by the Tribal Council of the Eastern Band of Cherokee Indians, in Council assembled, at which a quorum is present, that in order to allow for the enrollment of individuals whose parent or grandparent was adopted outside the membership of the Eastern Band of Cherokee Indians, Cherokee Code Chapter 49 is amended to read as follows:

Sec. 49-2. Qualifications for enrollment.

The membership of the Eastern Band of Cherokee Indians shall consist of the following:

(a)-(d) shall remain unchanged.

(e) All direct lineal descendants of persons identified in § 49-2(a) who have been legally adopted outside the membership of the Eastern Band of Cherokee Indians who apply for membership after December 1, 2011 and who possess at least 1/16 degree of Eastern Cherokee Indian blood, provided they:

1) Were legally adopted as infants;

- 2) Have lived their entire lives in a place sufficiently removed from the Qualla Boundary to preclude their contact with or knowledge of the Tribe; and
- 3) Were unaware of their eligibility for membership in the Tribe.
- 4) The descendants of individuals identified above, who also satisfy subsections (2) and (3) above and possess at least 1/16 degree of Eastern Cherokee blood. are eligible for membership.

BE IT FURTHER ORDAINED, all ordinances inconsistent with this ordinance are rescinded, and this ordinance shall become effective when ratified by the Principal Chief.

*Submitted by the Enrollment Committee.*

## Kelly Long Sampson

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**From:** Jennifer Bainbridge  
**Sent:** Friday, May 15, 2015 12:22 PM  
**To:** Kelly Long Sampson; Hannah Smith  
**Cc:** Sharri Pheasant; Terri Henry  
**Subject:** RE: Council Session Monday,

Kelly,

This is how I understand the action that was taken in Council to amend 49-2(d) and (e):

### **Sec. 49-2. - Qualifications for enrollment.**

The membership of the Eastern Band of Cherokee Indians shall consist of the following:

- (a) All persons whose names appear on the roll of the Eastern Band of Cherokee Indians of North Carolina, prepared and approved pursuant to the Act of June 4, 1924 (43 Stat. 376), and the Act of March 4, 1931 (46 Stat. 1518);
- (b) All direct lineal descendants of persons identified in section 49-2(a) who were living on August 14, 1963; who possess at least 1/32 degree of Eastern Cherokee blood, who applied for membership prior to August 14, 1963, and have themselves or have parents who have maintained and dwelt in a home at some time during the period from June 4, 1924, through August 14, 1963, on lands of the Eastern Band of Cherokee Indians in the Counties of Swain, Jackson, Graham, Cherokee and Haywood in North Carolina;
- (c) All direct lineal descendants of persons identified in section 49-2(a) who apply for membership after August 14, 1963, and who possess at least 1/16 degree of Eastern Cherokee blood.
- (d) All direct lineal descendants of persons identified in § 49-2(a) who apply for membership after December 1, 2011, who possess at least 1/16 degree of Eastern Cherokee Indian blood, and apply for enrollment prior to their nineteenth birthday. This section does not apply to adopted individuals.
- (e) All direct lineal descendants of persons identified in (a) who have been legally adopted outside the membership of the eastern Band of Cherokee Indians, who apply for membership after December 1, 2011 and who possess at least 1/16 degree of eastern Cherokee Indian blood, provided the >y':

—————(1) Were legally adopted as infants;

(2) Have lived their entire lives in a place sufficiently removed from the Qualla Boundary to preclude their contact with or knowledge of the Tribe; and

(3) Were unaware of their eligibility for membership in the Tribe.

If you need any further assistance I will only be in the office for about another hour and then I'll be on leave until May 26<sup>h</sup>. I hope this helps.

Jennifer

**From:** Kelly Long Sampson  
**Sent:** Friday, May 15, 2015 11:56 AM  
**To:** Jennifer Bainbridge; Hannah Smith  
**Cc:** Sharri Pheasant; Terri Henry  
**Subject:** Council Session Monday,  
**Importance:** High

Good afternoon, Ladies, I just wanted to bring this concern I have to your attention.

On Monday, Ord. No. 525, Amendment to the Cherokee Code Chapter 49 – 2 – Qualifications for enrollment was amended and passed. There is no precedent in written or oral tradition within this TOP Office that supports the action that was taken on this amendment change. Chapter 49-2 was on the floor for to be amended, the entire Enrollment Ordinance was not. The amendment that was made was to a separate section of the Enrollment Ordinance. We have a process that we follow in the ratification process with amendments, etc.

I just wanted to be sure I brought my concern forward and had this on record on behalf of the T.O.P. Office in the event that a situation arises questioning how this was handled.

With that being said, Jennifer, you stated during this Council session that you would handle the amendment on this piece of legislation. I have worked up the entire day from Monday but I need your amendment ASAP, so that we can get these signed and to the Chief's desk in a timely manner. Please get this to me by COB today so that our process can continue. We have programs and public requesting various items from this day but they're not ratified until the Chief signs them. Thanks a bunch.

Thank you,

Kelly L. Sampson

Eastern Band of Cherokee Indians

Tribal Operations Program

828-497-7023

[kelllong@nc-chokeee.com](mailto:kelllong@nc-chokeee.com)

The attached Resolution/Ordinance No. 525 dated April 9, 2015 was:

**PASSED** ( x )

**KILLED** ( )

and ratified in open Council on May 11, 2015 by 93 voting for the act and 0 members voting against it as follows:

VOTE	FOR	AGAINST	ABSTAIN	ABSENT
Teresa McCoy	X			
Perry Shell				X
Tunney Crowe	X			
B Ensley	X			
David Wolfe	X			
Bill Taylor	X			
Terri Henry	X			
Brandon Jones	X			
Adam Wachacha	X			
Bo Crowe	X			
Albert Rose	X			
Tommye Saunooke	X			
	93	0	0	7



TRIBAL COUNCIL CHAIRWOMAN



ENGLISH CLERK



PRINCIPAL CHIEF

APPROVED ( )      VETOED ( )

VETO UPHOLD ( ) VETO DENIED ( )

DATE: 5-2-15

I hereby certify that the foregoing act of the Council was duly:

**PASSED** ( )

**KILLED** ( )

and ratified in open Council after the same has been interpreted by the Official Interpreter and has been fully and freely discussed.

In testimony, whereof, I have hereunto set my hand and affixed the seal of the said Band of Indians. Superintendent, Cherokee Indian Agency.



OMITTED ( )

INTERPRETED ( )