

PASSED

CHEROKEE COUNCIL HOUSE
CHEROKEE, QUALLA BOUNDARY, NC

Date: MAY 05 2022

RESOLUTION NO. 281 (2022)

A resolution to exclude Elmer McCarter III from the lands of the Eastern Band of Cherokee Indians.

WHEREAS, the Eastern Band of Cherokee Indians ("EBCI" or "Tribe") has the sovereign authority to exclude persons from lands of the Eastern Band in order to protect the integrity, law and order of those lands and the welfare of the members of the Tribe; and

WHEREAS, the Tribal Council has codified its authority to exclude persons from the lands of the Eastern Band at Chapter 2 of the Cherokee Code; and

WHEREAS, the power to exclude is an inherent and essential part of Tribal sovereignty that is indispensable to the Tribe's autonomy and self-governance; and

WHEREAS, ELMER MCCARTER III (date of birth 8/7/1961) is not a member of the Eastern Band of Cherokee Indians, and has been known to reside in Sevier County, Tennessee; and

WHEREAS, on March 24, 2022, ELMER MCCARTER III was arrested by Cherokee Indian Police Department officers on Wright's Creek Road and was alleged to be in Possession of Methamphetamine, in violation of state and tribal law; and

WHEREAS, ELMER MCCARTER III was taken to the Jackson County Detention Center and charged in case number 22-CR-50461; and

WHEREAS, due to the nature of these charges, the Tribal Council has good reason to believe that ELMER MCCARTER III is a threat to the integrity, law and order of Eastern Band of Cherokee Indians lands and the welfare of the members of the Tribe.

NOW THEREFORE, BE IT RESOLVED by the Tribal Council, in Council assembled with a quorum present and with the number of votes required by Tribal law, ELMER MCCARTER III is hereby permanently excluded from all Tribal lands and is hereby notified and ordered to vacate all tribal lands.

BE IT FURTHER RESOLVED that this permanent exclusion prohibits ELMER MCCARTER III from entering on or being present on Tribal lands for any purpose except as required by Tribal Council or Tribal Court.

BE IT FURTHER RESOLVED that if ELMER MCCARTER III is found improperly on Tribal

lands at any time after the effective date of this resolution he shall be treated as a trespasser and appropriate legal action shall be taken against him.

BE IT FINALLY RESOLVED that all resolutions inconsistent with this resolution are rescinded, and that this resolution shall become effective when ratified by the Principal Chief.

Submitted by the Chief of Police of the Cherokee Indian Police Department pursuant to Cherokee Code Chapter 2.

The attached Resolution/Ordinance No. 281 dated MAY 5, 2022 was:

PASSED (X)

KILLED ()

and ratified in open Council on MAY 5, 2022 by 100 voting for the act and 0 members voting against it as follows:

VOTE	FOR	AGAINST	ABSTAIN	ABSENT
Richard French	X			
Teresa McCoy	X			
Boyd Owle	X			
Bucky Brown	X			
TW Saunooke	X			
David Wolfe	X			
Adam Wachacha	X			
Bo Crowe	X			
Bill Taylor	X			
Albert Rose	X			
Dike Sneed	X			
Tommye Saunooke	X			
	100	0	0	0

Richard French

TRIBAL COUNCIL CHAIRMAN

Michelle Thompson

ENGLISH CLERK

APPROVED (✓) VETOED ()

DATE: 5/16/22

VETO UPHeld () VETO DENIED ()

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.

INTERPRETED ()

OMITTED ()