CHEROKEE COUNCIL HOUSE
CHEROKEE, QUALLA BOUNDARY, NC

Date: _____DEC 0 5 2024_____

RESOLUTION NO. 368 (2024)

*A resolution to exclude William Howard Smallwood 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 to protect the integrity, law and order of the lands, and the welfare of Tribal members; 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, WILLIAM HOWARD SMALLWOOD (Date of Birth: 11/15/1967) is not a member of the Eastern Band of Cherokee Indians, but is said to be residing in and around the Qualla Boundary; and

WHEREAS, on October 4, 2024, CIPD ALE agent Woodard witnessed a domestic violence altercation between SMALLWOOD and Ellen Herren; and

WHEREAS, while observing the altercation, Agent Woodard saw SMALLWOOD hit Herren with a 2-liter bottle; and

WHEREAS, Ellen Herren is an enrolled member of the Eastern Band of Cherokee Indians; and

WHEREAS, SMALLWOOD was also found to have .4 grams of methamphetamine when arrested for the domestic assault;

WHEREAS, SMALLWOOD has an extensive criminal history that spans across numerous states.

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, WILLIAM HOWARD SMALLWOOD 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 WILLIAM HOWARD SMALLWOOD from entering or being present on Tribal for any purpose except as required by Tribal Council or Tribal Court.

43
44 BE IT FURTHER RESOLVED that if WILLIAM HOWARD SMALLWOOD is found
45   improperly on Tribal lands at any time after the effective date of this resolution,
46   he shall be treated as a trespasser and appropriate legal action shall be taken
47   against him.
48
49 BE IT FINALLY RESOLVED that all resolutions inconsistent with this resolution are rescinded,
50   and that this resolution shall become effective when ratified by the Principal
51   Chief.
52
53 *Submitted by Chief of Police Carla Neadeau.*

The attached Resolution/Ordinance ____368___ dated _DECEMBER 5, 2024___ was:

      PASSED (X)

      KILLED ( )

and ratified in open Council on ____DECEBER 5, 2024____ by _68_ voting for the act
and __0__ members voting against it as follows:

VOTE	FOR	AGAINST	ABSTAIN	ABSENT
Richard French				X
Perry Shell	X			
Boyd Owle	X			
Bucky Brown	X			
Tom Wahnetah	X			
David Wolfe				X
Adam Wachacha	X			
Mike Parker	X			
Bo Crowe	X			
Jim Owle				X
Dike Sneed				X
Michael Stamper	X			
	68	0	0	32

_____
TRIBAL COUNCIL CHAIRMAN

_____
PRINCIPAL CHIEF

VETO UPHELD ( ) VETO DENIED ( )

_____
ENGLISH CLERK

APPROVED (✓)   VETOED ( )

DATE:___12-10-24_____

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 ( )