

RED CLAY COUNCIL GROUNDS  
RED CLAY, TENNESSEE

FRIDAY  
APRIL 17, 2009



**AMENDED/PASSED**

*ITEM NO. 11*

*JOINT COUNCIL RESOLUTION NO. 12 (2009)*

- WHEREAS,** the Eastern Band of Cherokee Indians and the Cherokee Nation have exercised the sovereign rights of self-governance on behalf of the Cherokee People since time immemorial; and
- WHEREAS,** the Cherokee Nation and the Eastern Band of Cherokee Indians since time immemorial have exercised the sovereign rights of self-government on behalf of the Cherokee people; and
- WHEREAS,** the Cherokee Nation and the Eastern Band of Cherokee Indians are Federally-recognized Indian Nations with a historic and continual government-to-government relationship with the United States of America; and
- WHEREAS,** the Joint Council unites the Legislative Branches of government of the Cherokee Nation and the Eastern Band of Cherokee Indians, representing approximately 294,000 Cherokee people throughout the United States of America; and
- WHEREAS,** the two Cherokee Tribal governments share a common history prior to forced removal in 1838, and then separate histories to the present, yet our common language, culture, and traditions have made the Cherokee Nation and the Eastern Band of Cherokee Indians distinct and unique Native people from other Indian Tribes and other people, as was declared by the Joint Council in Resolution No. 3-92, adopted on August 11, 1992 in Cherokee, North Carolina; and

**WHEREAS,** the Cherokee Nation has been aware of a growing number of non-Indian groups claiming to be Cherokee tribes or bands and that these groups have been organizing and attempting to gain federal recognition, this problem being acknowledged by the Joint Council in Resolution No. 008, adopted on October 3, 1988 in Cherokee, North Carolina; and

**WHEREAS,** the Department of the Interior through the Bureau of Indian Affairs' Branch of Acknowledgment and Research maintains the responsibility for addressing specific applications for Federal recognition and the Cherokee Nation and Eastern Band of Cherokee Indians fully support the Federal recognition process; and

**WHEREAS,** the history of the Cherokee Nation and Eastern Band of Cherokee Indians is well documented and no other tribes or bands of Cherokee Indians exist aside from those already Federally recognized, which includes the United Keetoowah Band of Cherokee Indians in Oklahoma; and

**WHEREAS,** the Eastern Band of Cherokee Indians and the Cherokee Nation in Joint Council assembled in Resolution No. 4-96, adopted on October 4, 1996 have previously expressed opposition to the "State recognition" process by the State of Georgia or other states such as Arkansas in the United States who may seek to recognize a group of 'Cherokee' which do not already have Federal recognition; and

**WHEREAS,** public funding by pseudo-Cherokee Tribes is of epidemic proportions and often involves membership fees promising individuals services; misleading presentations to school children and interference in a multitude of government functions including U.S. Indian Child Welfare Act cases; and

**WHEREAS,** the sovereignty, reputation and culture of the Cherokee Nation and Eastern Band of Cherokee Indians, as well as members the general public, continue to be in jeopardy due to the acts of individuals who organize and administer fabricated Cherokee 'Tribes.'

**NOW THEREFORE BE IT RESOLVED** by the Joint Council assembled, at which a quorum is present, the Eastern Band of Cherokee Indians and the Cherokee Nation do hereby support the Federal-recognition process of the Department of the Interior as administered by the Bureau of Indian Affairs Branch of Acknowledgment and Research, and endorse the criteria used by the Bureau of Indian Affairs as appropriate.

**BE IT FURTHER RESOLVED,** the Cherokee Nation and Eastern Band of Cherokee Indians denounce the State or Federal-recognition of any further 'Cherokee' Tribes or Bands, aside from those already Federally recognized, and commit to exposing and assisting State and Federal authorities in eradicating any group which attempts or claims to operate as a government of the Cherokee people.

**BE IT FURTHER RESOLVED**, that no public funding from any Federal or State government should be expended on behalf of non-Federally recognized 'Cherokee' 'Tribes' or 'Bands' or individual members thereof.

**BE IT FURTHER RESOLVED**, the Federal and State governments should stringently apply a Federal definition of "Indian" which includes only Citizens of Federally-recognized Indian tribes, to prevent non-Indians from selling membership in 'Cherokee' 'Tribes' or groups for the purpose of exploiting the Indian Arts and Crafts Act.

**BE IT FURTHER RESOLVED** no 501(c)(3) organization, State recognized or unrecognized groups shall be acknowledged as Cherokee.

**BE IT FURTHER RESOLVED** any individual who is not a member of a Federally recognized Cherokee Tribe, in academia or otherwise, is hereby discouraged from claiming to speak as a Cherokee, or on behalf of Cherokee citizens, or using claims of Cherokee heritage to advance his or her career or credentials.

**BE IT FURTHER RESOLVED**, the Cherokee Nation and the Eastern Band of Cherokee Indians request that the DOI, BIA, Branch of Acknowledgement and Research purge any petition for Federal Recognition from any group claiming to be Cherokee and that hereafter no such applications or petitions be accepted by BAR from any group claiming to be a "new" Cherokee tribe, clan, band or nation.

**BE IT FINALLY RESOLVED**, this Resolution shall be the policy of the Joint Council of the Cherokee Nation and the Eastern Band of Cherokee Indians until it is withdrawn or modified by subsequent resolution.

Submitted by: Cara Cowan Watts, Deputy Speaker of the Council, Cherokee Nation  
Big Cove Council Representative Perry Shell, Eastern Band of Cherokee Indians

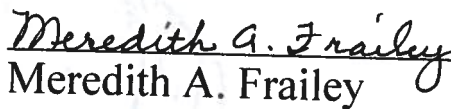
Amendment: Fifth "**BE IT FURTHER RESOLVED**" paragraph, strike the word "**discouraged**" and replace with "**disallowed.**"

## CERTIFICATION

The foregoing resolution was adopted by the Joint Council consisting of the Eastern Band of Cherokee Indians and the Cherokee Nation at the Council Meeting held in Red Clay, Tennessee, on Friday, April 17, 2009, having 29 Joint Council Members present, constituting a quorum of the Joint Council, by the vote of 29 yea; 0 nay; 0 abstaining.



Mike Parker, Chairman  
Tribal Council  
Eastern Band of Cherokee Indians



Meredith A. Frailey  
Speaker  
Council of the Cherokee Nation

### ATTEST

Approved and signed by the Principal Chiefs this  
the 15<sup>th</sup> day of June 2009.



Mitchell Hicks  
Principal Chief  
Eastern Band of Cherokee Indians



Chadwick Smith  
Principal Chief  
Cherokee Nation