

April 16, 2015

**Hannah Smith, Interim Attorney General
The Eastern Band of Cherokee Indians
Office of the Attorney General
561 Sequoyah Trail
P.O. Box 455
Cherokee, NC 28719**

RE: Resolution Number 261 (passed October 14, 2014)

VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Dear Attorney General Smith:

I am honored to represent the Eastern Band of Cherokee Indians for Justice & Accountability with regards to challenging Tribal Council's passage of Resolution Number 261. As you should already be aware, Resolution Number 261 clearly violates the explicit terms and plain meaning of the Charter and Governing Document Section 7 and the Cherokee Code Section 117-15(a). Any argument to the contrary strains credibility.

My clients are deeply troubled by this Tribal Council's flagrant disregard for Tribal law demonstrated by the passage of Resolution Number 261. My clients estimate the value of public funds wrongfully converted by Tribal Council at approximately \$1 million. At a time when vital Tribal programs in the areas of health, elder services, families and children continue to be underfunded, such exploitation of public office for personal gain is simply unconscionable. Service on Tribal Council is precisely that – a service. It is not an entitlement designed to line the pockets of those privileged to serve the people.

The Eastern Band of Cherokee Indians for Justice & Accountability are prepared to challenge Tribal Council's actions in court. Attached is a draft of our Complaint. Our claims are firmly grounded in the law. Our claims will be brought against each Tribal Council member who voted for the passage of Resolution Number 261 in their individual capacities. Governmental officials cannot invoke the cloak of immunity that the office provides when they exploit the office to flagrantly violate the law for personal gain. Moreover, claims against Tribal Council



members in their individual capacities will not be barred by sovereign immunity. We will seek to recover costs and attorney fees, should we be forced to vindicate our claims in court.

We hereby demand that Tribal Council rescind Resolution Number 261 immediately and, in the interim, return to the general budget all illegal funds received by each current and former Tribal Council member since the passage of Resolution Number 261. We expect that this action will take place at the next Tribal Council meeting on May 7, 2015.

Our position is clear. The law is clear. We will not accept anything less than full respect for the Charter and Governing Document Section 7, abidance by the Cherokee Code Section 117-15(a), and a renewed commitment to upholding the oath of office that elected Tribal Council members are privileged to hold.

Sincerely,

A handwritten signature in dark ink, appearing to read "Meghann K. Burke". The signature is fluid and cursive, with the last name "Burke" being more prominent.

Meghann K. Burke

Enclosure: Draft Complaint

Cc:	Terri Henry, Chairwoman Painttown Township	Tommye Saunooke Painttown Township
	Bill Taylor, Vice-Chairman Wolftown Township	Bo Crowe Wolftown Township
	Perry Shell Big Cove Township	Brandon Jones Snowbird & Cherokee Co. Township
	Teresa McCoy Big Cove Township	Adam Wachacha Snowbird & Cherokee Co. Township
	Gene Crowe, Jr. Birdtown Township	David Wolfe Yellowhill Township
	Albert Rose Birdtown Township	Alan B. Ensley Yellowhill Township