



01-19-17A11:26 RCVD

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THE SUPREME COURT OF THE LUMBEE TRIBE OF NORTH CAROLINA

Chief Justice Von D. Locklear
Justice Wendell Lowery
Justice Matthew C. Scott

Justice Tina Dicke
Justice Francine Chavis

Larmari L. Mitchell, OBO
Lumbee Community Involvement &
Engagement Group PETITIONER
VS.

Case No.: 2016-005
Decision

Bill James Brewington, Speaker OBO
LTNC Tribal Council, RESPONDENT

Petition 2016-005 was filed on September 2, 2016 and scheduled for hearing on September 26, 2016 at the LTNC Tribal Complex. The seated Justices at the hearing were Justices Von Locklear, Matthew Scott, Tina Dicke, Francine Chavis and Wendell Lowery. After hearing testimony from the Petitioner and the Respondent on this matter a unanimous verbal decision was announced at the hearing in favor of the Petitioner. The Justices informed the Petitioner and respondent a written decision would follow. The Justices render the following written decision:

Members of the Tribal Council at the time of this decision should be commended on their efforts to follow the Constitution of the Lumbee Tribe of North Carolina by trying to perform a proper redistricting of the Tribal area and providing "one man one vote". Unfortunately during the hearing no evidence was presented to ensure the new 21 districts guaranteed this right. Argument was given that pursuant to the LTNC Constitution the Census was to be used for determining the number of members for each district; whereas, the Constitution in Article VII. Tribal Council No. 3 states: "... boundaries shall be re-drawn within one (1) year following the publication of each decennial federal census to maintain equal representation for each tribal member". Further argument was made that the census included all American Indians throughout the tribal community and not just Lumbees, as well as, it did not include the members residing outside of the Tribal area. Therefore, the determination of "one man one vote" using those numbers would not be correct.

Much discussion was given on how to ensure when the new 21 districts were made that the Lumbee population was evenly distributed. No one from either side of this Petition could give a satisfactory answer. After reviewing the Constitution, the Court interprets Article VII. No. 3 to mean the Tribal Districts should be revisited during the same time frame as the Census as to account for any changes in tribal membership that would affect the districts. This is not to be construed to use the reported number of American Indians in the Tribal Community as the decision making factor for "one

man one vote". The Court therefore, finds in favor of the Petitioner and orders that new districts be established pursuant to the Lumbee Tribe of North Constitution using the 2020 Census as the timeframe. The Court specifically denies Part D of Petitioner's Prayer for Relief. The Court finds that "one man one vote" includes all Lumbee membership not just those who are eligible to vote. It is the opinion of this Court that an elected official represents all the people in their constituency and not just the voters. Everyone, whether they vote or not, should have the right to request demands on how an elected official uses their government authority. The Court further orders that the Tribal Council and Tribal Enrollment Office work together in the years preceding the next Census to determine a fair and proper process to ensure the number of Lumbee members in each district is correct.

Verbally entered on the 13th day of September, 2016 and signed by Chief Justice Von Locklear this 18th day of January, 2017 on behalf of the Supreme Court of the Lumbee Tribe of North Carolina.



Chief Justice Von Locklear