

CHEROKEE COUNCIL HOUSE  
CHEROKEE, QUALLA BOUNDARY, NC

Date: \_\_\_\_\_

RESOLUTION NO. \_\_\_\_\_ (2025)

*A resolution to exclude Gary Lee McMahan 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, GARY LEE MCMAHAN (Date of Birth: 08/07/1955) 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 1/23/2025 during the execution of the search warrant, several persons that are involved in the illicit drug trade on Boundary were located inside a residence on the Qualla Boundary; and
- WHEREAS, GARY LEE MCMAHAN was amongst those persons in the residence; and
- WHEREAS, during the subsequent investigation, CIPD confirmed that GARY LEE MCMAHAN traveled to numerous areas off Boundary and brought controlled substances back Boundary on regular occasions; and
- WHEREAS, GARY LEE MCMAHAN was charged in North Carolina state court for possession of fentanyl; and
- 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, GARY LEE MACMAHAN 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 GARY LEE MACMAHAN from entering or being present on Tribal lands for any purpose except as required by Tribal Council or Tribal Court.

1 BE IT FURTHER RESOLVED that if GARY LEE MACMAHAN

2 is found improperly on Tribal lands at any time after the effective date of this  
3 resolution, he shall be treated as a trespasser and appropriate legal action shall be  
4 taken against him.

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6 BE IT FINALLY RESOLVED that all resolutions inconsistent with this resolution are rescinded,  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

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10 *Submitted by Chief of Police Carla Neadeau.*