

Supreme Court of The Lumbee Tribe of North Carolina

CASE NUMBER: 2003-001

PETITIONER

RESPONDENT

JOHN L. MARSHALL

VS.

*LUMBEE TRIBE OF
NORTH CAROLINA*

This matter is before the court pursuant to a petition filed on June 26, 2003 requesting reinstatement of his tribal enrollment.

This matter was heard before the court on July 24, 2003 at the office hearing room.

Present at the hearing was Mr. John L. Marshall, Petitioner and Ms. Darlene Jacobs and staff from the Lumbee Office of Tribal Enrollment, Respondents.

S. BROOKS, JUSTICE

Mr. John Marshall submitted a volume of documents to support his allegation that he was disenrolled without due process (See Appendix A).

The original application for Lumbee Tribal Membership with LRDA from John Marshall, dated February 20, 1995 assigned Mr. Marshall tribal enrollment number 107,035.

Mr. John Marshall received news by letter, dated January 5, 1999 that he was not eligible for Lumbee Tribal Membership and was disenrolled as a tribal member. Mr. Marshall made numerous requests to appeal his disenrollment. However, no appeal was granted to him by LRDA.

SCANNED

The respondents admitted Mr. Marshall had been enrolled as a Lumbee Tribe Member and granted a Lumbee Card with enrollment number 107, 035. The respondents also admitted Mr. Marshall was enrolled even though LRDA Tribal Enrollment Office knew he was not eligible. The respondents submitted a volume of documents that support their contention that Mr. Marshall should be reenrolled (See Appendix B).

The full Supreme Court Hearing was held July 24, 2003 in Tribal Hearing Room from 7:30 – 9:30 PM.

Ample time was given to each the Petitioner and Respondent. All five (5) Supreme Court Justices had questions for both. The hearing concluded at 9:15 PM.

The court went into closed session at 9:15 – 9:45 PM. The ruling was that Mr. John L. Marshall was not given due process to appeal being disenrolled by LRDA after numerous requests for reinstatement hearings.

It is therefore ordered that Mr. John L. Marshall be reenrolled by the Lumbee Tribal Enrollment Office and assigned a tribal number.

Justices: H. Oxendine 

E. Bullard

T. Hunt

A. Blanks

S. Brooks 

This order entered August 19, 2003.

SCANNED