

House Bill 823

By: Representatives Kirby of the 114<sup>th</sup>, England of the 116<sup>th</sup>, and Benton of the 31<sup>st</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 44-12-300 of the Official Code of Georgia Annotated, relating to  
2 tribes, bands, groups, or communities recognized by the state as legitimate American Indian  
3 Tribes, so as to recognize the North Georgia Cherokee Indians as a legitimate American  
4 Indian tribe; to make certain legislative findings and declarations; to repeal conflicting laws;  
5 and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 The General Assembly finds and declares as follows:

9 (1) Since the earliest contact with European explorers in the sixteenth century, the  
10 Cherokee people have been consistently identified as one of the most socially and  
11 culturally advanced of the Native American tribes. Cherokee culture thrived in what is  
12 now the Southeastern United States many hundreds of years before initial European  
13 contact. Cherokee society and culture continued to develop, progressing and embracing  
14 cultural elements from European settlers. The Cherokee shaped a government, developed  
15 a written language, and evolved into a society matching the most civilized cultures of the  
16 day;

17 (2) Cherokee society was historically matrilineal, meaning clanship comes from one's  
18 mother. There were no natural boundaries to their clans, the subjects of different clans  
19 being mingled. In fact, this relationship seems to have been as binding as the ties of  
20 consanguinity;

21 (3) Cherokee people are long known for their hospitality and will often feed a visitor.  
22 One of the earliest written records on the subject is this paragraph, taken from a  
23 manuscript prepared by J.P. Evans in 1835:

24 "Hospitality is a prominent feature in Cherokee character and that instinctive impulse to  
25 'eat when you are hungry' is scrupulously complied with by them when among their own  
26 people and anything can be found acceptable to a hungry stomach. To such a height is

27 this custom carried, that in many towns an invitation is not a necessary preliminary to  
 28 eating; whether the person be a stranger or a relative; and from a native, no compensation  
 29 is required for eating, lodging, and provender for beasts";

30 (4) After the infamous Trail of Tears, many Cherokee people remained in the Southeast,  
 31 largely secured in their mountain fastness, but their society was largely shattered. The  
 32 descendants of those courageous men and women live among us today, as proud of their  
 33 ancient heritage as were their forebears, and it is only proper that they be encouraged to  
 34 gather formally as the continuation of their tribe; and

35 (5) Many descendants of the North Georgia clans have banded together as a charitable  
 36 corporation under the name of North Georgia Cherokee Indians. The tribe currently only  
 37 accepts members who are documented descendants of Indians noted on a federal roll,  
 38 primarily the 1928 roll of Eastern Cherokees known as the Baker Roll, but will consider  
 39 proof of other rolls that meet the qualifications. The tribe has the same qualifications for  
 40 authentication as the Bureau of Indian Affairs regarding lineage and ancestry. They are  
 41 working on a language class to teach Cherokee to school children, have applied for grants  
 42 for American Indian health care programs, and plan to open a Cherokee museum in  
 43 Georgia which will be a tourist attraction for the state.

44 **SECTION 2.**

45 Code Section 44-12-300 of the Official Code of Georgia Annotated, relating to tribes, bands,  
 46 groups, or communities recognized by the state as legitimate American Indian Tribes, is  
 47 amended in subsection (a) by deleting the word "and" at the end of paragraph (2), by deleting  
 48 the period at the end of paragraph (3) and inserting "; and", and by adding a new paragraph  
 49 to read as follows:

50 "(4) The North Georgia Cherokee Indians  
 51 55 West New Street  
 52 Winder, Georgia 30680."

53 **SECTION 3.**

54 All laws and parts of laws in conflict with this Act are repealed.