



CATAWBA NATION TRIBAL COURTS

Catawba Indian Nation

996 Avenue of the Nations

Rock Hill, SC 29730

PETITIONER: Pamela Sue Brown Wright 11679 Longbriar Road Rock Hill, SC 29730	RESPONDENT: Catawba Nation Executive Committee 996 Avenue of the Nations Rock Hill, SC 29730	25-GC-0002 Case Number FINAL ORDER
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FINAL ORDER AND OPINION

THIS MATTER came before the Court *sua sponte*, upon the Court's own review of the record and taking judicial notice of the record as filed. After considering the representations and discussions of the parties and their counsel, and being otherwise fully advised in the premises, the Court hereby **FINDS, ORDERS, and ADJUDGES** as follows:

I. Introduction

This case presents a recurring and significant question concerning the scope of the Catawba Nation Governance Court's authority under the Governance Ordinance: whether the Court may review actions of the Executive Committee relating to internal governance, legislative advocacy, and matters implicating tribal membership and sovereignty.

Petitioner, an enrolled citizen of the Catawba Indian Nation, challenges the conduct of the Executive Committee in connection with proposed federal legislation and related governance matters. She seeks declaratory and injunctive relief, defining the limits of the Executive Committee's authority and compelling certain actions with respect to the General Council.

The Court does not minimize the importance of the issues raised. Questions concerning tribal membership and governance lie at the core of tribal sovereignty. See *Santa Clara Pueblo v. Martinez*, 436 U.S. 49, 72 (1978). But the importance of a dispute does not expand the jurisdiction of this Court. The Court's authority is defined by the Governance Ordinance and constrained by the principles of judicial review, which limit adjudication to final, binding actions affecting legal rights.

This case is part of a broader pattern of litigation challenging the Executive Committee's conduct in its governance capacity. The Court has previously addressed such claims and has consistently held that the Governance Ordinance does not authorize judicial review of the Executive Committee's internal governance actions absent a final agency action affecting legal rights.

For the reasons set forth below, the Court concludes that it lacks subject-matter jurisdiction over the Petition.

II. Procedural History

The procedural history of this matter is both extensive and instructive, reflecting the Court's evolving application of the Governance Ordinance to governance-related disputes.

In prior proceedings involving similar allegations, the Court dismissed claims without prejudice when petitioners failed to establish standing or to exhaust available remedies. These

rulings emphasized that litigants must first satisfy threshold procedural requirements before invoking judicial review.

The Court also consolidated related matters involving similar challenges to the conduct of the Executive Committee and other tribal entities, recognizing that such claims arose from common factual circumstances and legal theories. The consolidation order reflects the Court's recognition that these disputes were not isolated but part of a broader set of governance-related challenges.

Most significantly, in prior cases raising similar issues, the Court dismissed claims with prejudice, holding that the Executive Committee is not an "administrative agency" within the meaning of the Governance Ordinance and that the Court lacks jurisdiction over the Executive Committee acting in its governance capacity. The Court further concluded that the conduct at issue did not constitute a reviewable "administrative decision" because it did not involve a final determination affecting legal rights or terminating a proceeding.

These prior rulings are not merely procedural, but reflect the Court's consistent interpretation of the jurisdictional limits imposed by the Governance Ordinance. The present Petition raises substantially similar issues. The matter is now before the Chief Judge for resolution on the full record.

III. Governing Law

A. The Governance Ordinance

The Governance Ordinance is the primary source of this Court's jurisdiction and authority.

The Ordinance provides that judicial review is available only where a petitioner is "aggrieved or adversely affected by any final agency action." Governance Ordinance § 1.09.

This requirement imposes both a status requirement (the petitioner must be aggrieved) and a finality requirement (there must be a final agency action).

The Ordinance defines an “agency” as an entity authorized to exercise rulemaking powers affecting the rights of citizens or to adjudicate contested cases. Id. § 1.06(a). This definition reflects a functional understanding of administrative bodies, focusing on entities that exercise adjudicative or rulemaking authority.

A reviewable “decision” must be one that “affects the legal rights, duties, or privileges of persons and terminates the proceeding before the administrative agency.” Id. § 1.06(c). This definition reinforces that judicial review is limited to binding, rights-affecting determinations.

Taken together, these provisions establish that the Court’s jurisdiction is limited to review of final, binding actions of administrative entities that affect legal rights.

B. Tribal Sovereignty and Judicial Restraint

The principles of tribal sovereignty inform the Court’s analysis. The authority to define membership and regulate internal affairs is a core sovereign function. *Santa Clara Pueblo*, 436 U.S. at 72.

Courts must exercise restraint where disputes involve internal governance processes that remain ongoing or unresolved by the political branches of the tribal government. Judicial intervention in such matters risks undermining the autonomy of tribal institutions and exceeding the judiciary’s proper role.



C. Persuasive Doctrines of Finality, Ripeness, and Injury

Although the Court is not bound by Article III of the United States Constitution, it finds persuasive the doctrines of finality, ripeness, and injury developed in federal jurisprudence.

A final agency action marks the consummation of the decision-making process and determines rights or obligations. *Bennett v. Spear*, 520 U.S. 154, 177–78 (1997).

A claim is not ripe where it depends upon contingent future events that may not occur. *Texas v. United States*, 523 U.S. 296, 300 (1998).

A justiciable controversy requires a concrete and particularized injury. *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 560–61 (1992).

These principles align with the structure and language of the Governance Ordinance and provide useful guidance in determining the proper scope of judicial review.

IV. ANALYSIS

A. The Executive Committee is Not an “Administrative Agency”

The threshold issue is whether the Executive Committee falls within the definition of an “agency” under the Governance Ordinance.

In a prior order in this same matter, the Court held that the Executive Committee is not an “administrative agency” and that the Court “does not have authority or jurisdiction over the Executive Committee per se.” This holding was based on the text of the Ordinance and the Executive Committee's functional role.

The Court reaffirms that conclusion here.

The Executive Committee is a constitutional governing body exercising executive and governance functions. It does not adjudicate contested cases, nor does it operate as a rulemaking agency within the meaning of the Ordinance. Its actions are political and administrative in the broad sense, but not “administrative” in the specific, jurisdiction-triggering sense contemplated by the Governance Ordinance.

The absence of any reference to the Executive Committee within the Ordinance’s definition of “agency” is dispositive. The Court will not expand its jurisdiction beyond the limits expressly established by the General Council.

B. The Challenged Conduct is Not a Final Agency Action

Even if the Executive Committee could be treated as an agency in some contexts, the Petition fails because it does not challenge a final agency action.

The record reflects that the Executive Committee engaged in deliberation and discussion, advocacy regarding proposed federal legislation, and preparatory work in anticipation of possible General Council action. No binding decision has been issued. No rule has been promulgated. No legal rights have been altered.

In a prior decision, the Court held that similar conduct—such as agenda-setting or the omission of matters from consideration—does not constitute final action and is “not a matter for this Court but rather a political one.”

Under the Governance Ordinance, a reviewable decision must terminate a proceeding and affect legal rights. Governance Ordinance § 1.06(c). The conduct challenged here does neither.

Consistent with *Bennett*, the actions at issue do not constitute the consummation of a decision-making process or determine rights or obligations. 520 U.S. at 177–78.

Accordingly, there is no final agency action subject to judicial review. The absence of finality independently deprives the Court of jurisdiction under the Governance Ordinance.

C. Petitioner Has Not Demonstrated a Concrete Injury

The Governance Ordinance requires that a petitioner be “aggrieved or adversely affected.” Governance Ordinance § 1.09.

Petitioner has not demonstrated any present injury. Her claims are based on the possibility that future actions by the General Council might affect governance or membership.

Such claims are speculative and contingent. As the Supreme Court has explained, claims based on “contingent future events that may not occur as anticipated, or indeed may not occur at all,” are not ripe. *Texas*, 523 U.S. at 300.

Similarly, the requirement of a concrete and particularized injury is not satisfied where the alleged harm is abstract or hypothetical. *Lujan*, 504 U.S. at 560–61.

Because Petitioner has not demonstrated a present injury, she is not “aggrieved or adversely affected” within the meaning of the Ordinance.

D. The dispute concerns internal governance reserved for the General Council

The Court further concludes that the issues presented fall within the domain of internal governance reserved to the General Council.

The record demonstrates that the General Council retains ultimate authority over membership and governance matters. The Petition seeks judicial intervention in an ongoing governance

process and asks the Court to define the scope of authority between governing bodies of the Nation.

Such questions are fundamentally political in nature and are properly resolved through the Nation's governance processes.

Judicial intervention at this stage would risk transforming the Court into a supervisory body over internal political decision-making—an outcome neither contemplated nor authorized by the Governance Ordinance.

E. Institutional Role of the Court

The Court recognizes that disputes concerning the allocation of authority among governing bodies are significant. However, the Governance Ordinance reflects a deliberate limitation on the judiciary's role.

The Court's function is not to supervise or direct the internal political processes of the Nation, but to adjudicate those disputes properly presented within its jurisdiction.

By adhering to these limits, the Court preserves both the integrity of the judicial process and the sovereign authority of the Nation's governing institutions.

F. Alleged Expansion of Jurisdiction

Petitioner has suggested that, in 2025, the General Council adopted measures purporting to expand the jurisdiction of this Court to include review of actions of the Executive Committee.

The Court need not and does not reach the validity or effect of any such measure. No such enactment has been properly presented in the record, and the Court has not been provided with the operative text, evidence of adoption, or proof that it became effective law.

Moreover, the materials before the Court indicate that the Executive Committee did not approve or execute the purported measure, raising unresolved questions concerning its legal status under the Nation's governance framework.

In the absence of a properly enacted and effective law clearly expanding the Court's jurisdiction, the Court must apply the Governance Ordinance as currently in force.

Under that Ordinance, the Court's jurisdiction remains limited to review of final agency actions, and the Executive Committee is not an administrative agency subject to such review.

V. HOLDING

The Court therefore holds that:

1. The Executive Committee is not an "administrative agency" within the meaning of the Governance Ordinance;
2. The challenged conduct does not constitute a final agency action;
3. Petitioner has not demonstrated that she is aggrieved or adversely affected; and
4. The issues presented are not subject to judicial review.

VI. ORDER

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED:

1. The Petition is DISMISSED WITH PREJUDICE;
2. The dismissal is based on a lack of subject-matter jurisdiction under the Governance Ordinance; and
3. The Clerk is directed to serve the parties with a copy of this Order and close this matter.

SO ORDERED on this 16th day of April 2026.

T.W. Trueblood

THE HONORABLE T.W. TRUEBLOOD
Chief Judge
Catawba Nation Tribal Court