

Committee: Rules

Date: 10-24-12

Committee Date: 10-25-12

Author: T. Hembree

Sponsor: D. Thornton, M. Frailey, J. Coates, C. Cowan Watts,

L. Keener, J. D. Baker, D. Garvin, B. Anglen, F. Hargis

**RESOLUTION NO. 100-12**

**COUNCIL OF THE CHEROKEE NATION**

**A RESOLUTION RATIFYING LITIGATION IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA**

**WHEREAS**, the Cherokee Nation since time immemorial has exercised the sovereign rights of self-government in behalf of the Cherokee people;

**WHEREAS**, the Cherokee Nation is a federally recognized Indian Nation with a historic and continual government to government relationship with the United States of America;

**WHEREAS**, Legislative Act 07-01 provides that litigation brought on behalf of Cherokee Nation and involving substantial assets or sovereignty of the Nation be authorized by the Principal Chief and ratified by the Council;

**WHEREAS**, on the 30<sup>th</sup> of July, 2012, the Secretary of the Department of the Interior and the purported Acting Assistant Secretary for Indian Affairs rendered an administrative agency decision. That decision found that "the former reservation of the [Nation] is also the former reservation of the [United Keetoowah Band of Cherokee Indians of Oklahoma ("UKB")]" for purposes of applying the "former reservation" exception in the Indian Gaming Regulatory Act, 25 U.S.C. § 2719(a)(2)(i). The 2012 Decision also found, based on its conclusion that the Cherokee Nation and United Keetoowah Band ("UKB") share a reservation, that the Nation's consent to UKB acquisition of trust land is not required under 25 C.F.R. § 151.81.

**WHEREAS**, in order to preserve the rights and standing of Cherokee Nation, it is necessary for the Nation to file suit against the Secretary of the Department of the Interior and the purported Acting Assistant Secretary for Indian Affairs, in the United States District Court for the Northern District of Oklahoma.

**BE IT RESOLVED BY THE CHEROKEE NATION**, that litigation in United States District Court for the Northern District of Oklahoma, Cherokee Nation, et al v. Salazar, et al, 12 CV- 493 MT TLW is hereby ratified and the Attorney General is authorized to take such action as necessary to pursue such litigation and ensure that the Nation's interests are fully represented.

**CERTIFICATION**

The foregoing resolution was adopted by the Council of the Cherokee Nation at a duly called meeting on the 13<sup>th</sup> day of November, 2012, having 16 members present, constituting a quorum, by the vote of 16 yea; 0 nay; 0 abstaining.

Tina Glory Jordan  
Tina Glory-Jordan, Speaker  
Council of the Cherokee Nation

**ATTEST:**  
Jodie Fishinhawk  
Jodie Fishinhawk, Secretary  
Council of the Cherokee Nation

Approved and signed by the Principal Chief this 16<sup>th</sup> day of November, 2012.

Bill John Baker  
Bill John Baker, Principal Chief  
Cherokee Nation

**ATTEST:**  
Charles R G Head  
Charles Head, Secretary of State  
Cherokee Nation

# Cherokee Nation Act/Resolution Proposal Form

Act       Resolution

<b><u>ADMINISTRATIVE CLEARANCE</u></b>	
<b>Dept/Program:</b>	
Signature/Initial	Date
<b>Executive Director:</b> 	
Signature/Initial	Date
<b>Treasurer: (Required: Grants/Contracts/Budgets)</b>	
Signature/Initial	Date
<b>Government Resources:</b>	
Signature/Initial	Date
<b>Administration Approval:</b>	
	Date 10/24/12
<b><u>LEGISLATIVE CLEARANCE:</u></b>	
<b>Legal &amp; Legislative Coordinator:</b>	
	Date 10/24/12
<b>Standing Committee &amp; Date:</b>	
	Date 10/25/12
<b>Chairperson:</b>	
	Date
<b>Returned to Presenter:</b>	
	Date

**TITLE:**

**DEPARTMENT CONTACT:** M. Todd Hembree

**RESOLUTION PRESENTER:** M. Todd Hembree

**COUNCIL SPONSOR:** D. Thornton, M. Frailey, J. Coates

**NARRATIVE:**

A Resolution is needed to approve the litigation in the United States District Court for the Northern District of Oklahoma, Cherokee Nation, et al v. Salazar, et al, 12 CV- 493 MT TLW, due to the administrative agency decision of the Secretary of the Department of the Interior and the purported Acting Assistant Secretary for Indian Affairs on the 30<sup>th</sup> of July, 2012. That decision found that "the former reservation of the Cherokee Nation is also the former reservation of the United Keetoowah Band of Cherokee Indians of Oklahoma for purposes of applying the "former reservation" exception in the Indian Gaming Regulatory Act, 25 U.S.C. § 2719(a)(2)(i). The 2012 Decision also found, based on its conclusion that the Cherokee Nation and United Keetoowah Band ("UKB") share a reservation, that the Nation's consent to UKB acquisition of trust land is not required under 25 C.F.R. § 151.81.

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