

Committee: Rules

Author: Todd Hembree

Date: 3-17-16 Committee Date: 3-31-16

Sponsor(s): Victoria Vazquez

RESOLUTION NO. 40-16

COUNCIL OF THE CHEROKEE NATION

**A RESOLUTION AUTHORIZING THE ATTORNEY GENERAL TO COMMENCE LITIGATION
FOR AN ACCOUNTING OF CHEROKEE NATION TRUST ASSETS**

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

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

WHEREAS, the Cherokee Nation has been party to numerous treaties and agreements with the United States and is entitled to various forms of compensation resulting from the same;

WHEREAS, the United States, throughout numerous treaties and agreements, has agreed to hold such compensation in trust for the benefit of the Cherokee Nation;

WHEREAS, the United States has long recognized a unique responsibility owed to Tribal Nations for the management of assets held in trust for the benefit of the Tribal Nations, including the Cherokee Nation;

WHEREAS, the Cherokee Nation seeks an accounting of any and all such assets held by the United States;

WHEREAS, Article VII, Section 13 of the Constitution of the Cherokee Nation created the office of the Attorney General who shall represent the Cherokee Nation in all civil actions wherein the Cherokee Nation is named as a party;

WHEREAS, Legislative Act 07-01, codified at 73 CNCA § 204, in pertinent part, provides that any litigation brought on behalf of Cherokee Nation against any non-Cherokee Nation entity in any court or jurisdiction, must be authorized by the Principal Chief and ratified by the Tribal Council prior to the filing of said litigation, when said suit involves the Sovereignty of Cherokee Nation or substantial assets.

BE IT RESOLVED BY THE CHEROKEE NATION, that the Attorney General of the Cherokee Nation is hereby authorized to commence litigation for an accounting of trust assets held for the benefit of the Cherokee Nation.


CERTIFICATION

The foregoing resolution was adopted by the Council of the Cherokee Nation at a duly called meeting on the 16th day of May, 2016, having 17 member present, constituting a quorum, by the vote of 17 yea; 0 nay; and 0 abstaining.



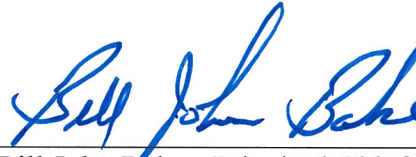
Joe Byrd, Speaker
Council of the Cherokee Nation

ATTEST:



Frankie Hargis, Secretary
Council of the Cherokee Nation

Approved and signed by the Principal Chief this 18 day of May, 2016.



Bill John Baker, Principal Chief
Cherokee Nation

ATTEST:



Chuck Hoskin, Jr., Secretary of State
Cherokee Nation

Cherokee Nation Act/Resolution Proposal Form

Act Resolution

**A RESOLUTION AUTHORIZING THE ATTORNEY
GENERAL TO COMMENCE LITIGATION FOR AN
ACCOUNTING OF CHEROKEE NATION TRUST
ASSETS**

TITLE: _____

DEPARTMENT CONTACT: _____

RESOLUTION PRESENTER: _____

COUNCIL SPONSOR: Victoria Vazquez

NARRATIVE:

ADMINISTRATIVE CLEARANCE

Dept/Program: _____

Signature/Initial _____ Date _____

Executive Director:

Signature/Initial _____ Date _____

**Treasurer: (Required:
Grants/Contracts/Budgets)**

Signature/Initial _____ Date _____

Government Relations:

Signature/Initial _____ Date _____

Administration Approval:

[Signature] 3/17/16

Signature/Initial _____ Date _____

LEGISLATIVE CLEARANCE:

Legal & Legislative Coordinator:

[Signature] 3/17/16

Signature/Initial _____ Date _____

Standing Committee & Date:

[Signature] 3/31/16

Chairperson:

[Signature]

Signature/Initial _____ Date _____

Returned to Presenter: _____

Date _____

03-17-16P01:17 RCVD