

**RESOLUTION NO. 103-09**

**COUNCIL OF THE CHEROKEE NATION**

**A RESOLUTION RATIFYING INTERVENTION IN 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; and,

**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**, the Cherokee Nation has never relinquished its rights to the waterways conveyed to it by the United States of America by Patent in 1838, and as memorialized in the Treaties of 1835, 1846, and 1866; and the interests of the Cherokee people in preserving the waterways within its jurisdiction are of paramount importance;

**WHEREAS**, in *State of Oklahoma v. Tyson Foods, Inc.*, Case No. 4:05-cv-00329-GKF-PJC, (N.D. Okla.) Judge Frizzell dismissed several of the State's claims because the Cherokee Nation is an indispensable party to the litigation, and possesses "substantial [interests that] are neither fabricated nor frivolous" to the Illinois River Watershed;


**WHEREAS**, in order to preserve the Court's findings regarding the Nation's interests, and in order to accomplish the mutual goals with the State of relieving pollution to the Watershed, it has become necessary for the Nation to pursue litigation itself in this, or a similar, action;

**WHEREAS**, it is determined that it is in the best interest of the Nation to affirmatively enter into the existing federal lawsuit and/or to pursue a federal action in the Northern District of Oklahoma on these matters.


**BE IT RESOLVED BY THE CHEROKEE NATION**, that litigation is hereby ratified in *State of Oklahoma v. Tyson Foods, Inc.*, Case No. 4:05-cv-00329-GKF-PJC, (N.D. Okla.) and/or a similar lawsuit in the Northern District of Oklahoma, and that 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 14<sup>th</sup> day of September, 2009, having 16 members present, constituting a quorum, by the vote of 16 yea; 0 nay; 0 abstaining.

  
Meredith A. Frailey, Speaker  
Council of the Cherokee Nation


**ATTEST:**

  
Don Garvin, Secretary  
Council of the Cherokee Nation

Approved and signed by the Principal Chief this 18th day of September, 2009.

  
Chadwick Smith, Principal Chief  
Cherokee Nation

**ATTEST:**

  
Melanie Knight, Secretary of State  
Cherokee Nation

09-01-09P02:50 RCVD

**ADMINISTRATIVE CLEARANCE:**

Program/Project Manager:

Signature \_\_\_\_\_ Date \_\_\_\_\_

Department Director:

Signature \_\_\_\_\_ Date \_\_\_\_\_

Attorney General:

Signature \_\_\_\_\_ Date \_\_\_\_\_

Finance Approval (if needed):

Signature \_\_\_\_\_ Date \_\_\_\_\_

Government Resources Group:

*Rita May* 9/1/09  
Signature \_\_\_\_\_ Date \_\_\_\_\_

Administration Approval:

Signature \_\_\_\_\_ Date \_\_\_\_\_

**Cherokee Nation  
Act/Resolution Proposal Form**

Act

Resolution

**TITLE:** A Resolution Ratifying Intervention in Litigation in the United States District Court for the Northern District of Oklahoma

Department Contact: Atty Gen A. Diane Hammons

Resolution Presenter: Atty Gen A. Diane Hammons

Council Sponsor: Councilor Cara Cowan-Watts

**NARRATIVE:**

*(See Attached Outline for Information Needed)*

The purpose of this Resolution is to ratify intervention through litigation in State of Oklahoma v. Tyson Foods, Inc. in order to protect the interests of the Nation.

**LEGISLATIVE CLEARANCE**

Legal & Legislative Coordinator:

*Brittain* 9/1/09  
Signature/Initial \_\_\_\_\_ Date \_\_\_\_\_

Standing Committee:

*Resource*  
\_\_\_\_\_  
9/14/09  
Next Meeting Date

Chairperson:

*Snell*  
Signature/Initial \_\_\_\_\_ Date \_\_\_\_\_

Returned to Presenter: \_\_\_\_\_  
Date