

**RESOLUTION NO. 22-09**

**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**, in *Vann v. Kempthorne*, 534 F.3d 741, (D.C.Cir. 2008) the Court of Appeals for the Federal Circuit ruled that the Cherokee Nation must be dismissed in the *Vann* case filed in the United States District Court for the District of Columbia (Case No. 1:03CV01711);

**WHEREAS**, it is desirable for a federal court to determine the narrow issue of construction of the 1866 Treaty language and any federal law affecting that treaty regarding federal rights, if any, of freedmen and their descendants;


**WHEREAS**, such a federal court ruling would be binding upon both parties to the Treaty of 1866;

**WHEREAS**, it is determined that it is in the best interest of the Nation to affirmatively file 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 *Cherokee Nation v. Nash, et al.*, Case No. 09 CV-052 (TCK) in the U.S. District Court for 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**

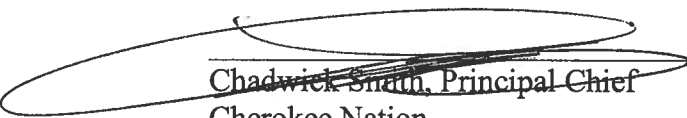
The foregoing resolution was adopted by the Council of the Cherokee Nation at a duly called meeting on the 16th day of March, 2009, having 17 members present, constituting a quorum, by the vote of 17 yea; 0 nay; 0 abstaining.

  
Meredith A. Frailey, Speaker  
Council of the Cherokee Nation

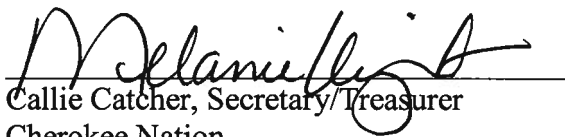
**ATTEST:**

  
Don Garvin, Secretary  
Council of the Cherokee Nation

Approved and signed by the Principal Chief this 23rd day of March, 2009.

  
~~Chadwick Smith, Principal Chief~~  
Cherokee Nation

**ATTEST:**

  
Callie Catcher, Secretary/Treasurer  
Cherokee Nation

**ADMINISTRATIVE CLEARANCE:**

Program/Project Manager:

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

Department Director:

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

Group Leader:

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

Finance Approval (if needed):

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

Government Resources Group:

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

Administration Approval:

*Melani Longst*  
Signature \_\_\_\_\_ Date

**LEGISLATIVE CLEARANCE**

Legislative Aide:

Signature/Initial \_\_\_\_\_ Date

Standing Committee:

Next Meeting Date

Chairperson:

Signature/Initial \_\_\_\_\_ Date

Returned to Presenter: \_\_\_\_\_  
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: TBD

**NARRATIVE:**

*(See Attached Outline for Information Needed)*

The purpose of this resolution is to ratify litigation in the U.S. District Court for the Northern District of Oklahoma to ensure that the Nation's interests are fully represented.