



Council of the Cherokee Nation

Cherokee Nation Tribal
Council
17763 S. Muskogee Ave.
Tahlequah, OK 74464

Legislation Text

File #: 20-079, Version: 1

A RESOLUTION EXPRESSLY AGREEING TO JURISDICTION AND AUTHORIZING A LIMITED WAIVER OF SOVEREIGN IMMUNITY OF THE CHEROKEE NATION IN CONNECTION WITH THE SAC AND FOX JUVENILE DETENTION FACILITY

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

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

WHEREAS, the Nation enjoys sovereign immunity from suit under federal and state law;

WHEREAS, the Nation has inherent sovereign power by virtue of its constitution and tribal law to enter into contractual agreements and execute such waivers necessary for such agreements;

WHEREAS, waivers of sovereign immunity must be approved by the Cherokee Nation Tribal Council;

WHEREAS, in light of the *McGirt* case, the Cherokee Nation must expand access to juvenile detention facilities;

WHEREAS, the Sac and Fox Nation operates a juvenile detention facility that Cherokee Nation wishes to contract with;

WHEREAS, in order to enter a contract with the Sac and Fox Nation for juvenile detention, the Cherokee Nation must agree to an express waiver of sovereign immunity and consent to the jurisdiction of the courts of the Sac and Fox Nation for any litigation arising from the juvenile detention contract;

WHEREAS, the Principal Chief, the Attorney General, and the Marshal have determined that it is necessary for the Cherokee Nation to enter into this contract;

BE IT RESOLVED BY THE CHEROKEE NATION that the Marshal is hereby authorized and directed to execute all documents or transactions necessary for the Cherokee Nation to enter into a juvenile detention agreement with Sac and Fox Nation, including any provision relating to governing law, jurisdiction, or a waiver

sovereign immunity.

PROVIDED, any waiver of the Cherokee Nation's sovereign immunity is hereby limited insofar as necessary to enter the contract with Sac and Fox Nation. Absent express authorization by the Tribal Council, nothing contained herein shall be interpreted as creating any additional claim, cause of action or remedy against the Cherokee Nation. All other rights, privileges and incidences of the Cherokee Nation's sovereign immunity are hereby reserved.