



Council of the Cherokee Nation

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

Legislation Text

File #: 09-018, Version: 1

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.