



Legislation Text

File #: 07-147, Version: 1

A LEGISLATIVE ACT RELATING TO NATIVE AMERICAN ARTS AND CRAFTS

Section 1. Title:

This act shall be known as the “Cherokee Nation Arts and Crafts Authenticity Act of 2007” and codified as Title _____ Section _____ of the Cherokee Nation Code Annotated.

Section 2. Purpose

The purpose of this Act is to establish guidelines for the purchase, promotion and sale of genuine Native American arts and crafts within the Cherokee Nation and by Cherokee Nation entities. This Act is further intended to encourage and allow Cherokee artists to remain creative with the use of traditional materials as well as use new mediums.

Section 3. Legislative Authority

Article VI Section 7 of the Cherokee Nation Constitution states: “The Council shall have the power to establish laws which it shall deem necessary and proper for the good of the Nation, which shall not be contrary to the provisions of this Constitution. The style of all bills shall be: “Be It Enacted By the Cherokee Nation”. The Style of all resolutions shall be “Be It Resolved By the Cherokee Nation”.

Section 4. Definitions

- (a) Art is an object or action that is made with the intention of stimulating the human senses as well as the human mind and/or spirit regardless of any functional uses. For purposes of this act, Art also includes crafts, handicrafts and traditional craft traditional story telling, oral histories and printed materials.
- (b) Cherokee Nation means the government, its agencies and instrumentalities including but not limited to Cherokee Nation Businesses, Cherokee Nation Enterprises, Cherokee Nation Industries and Housing Authority of the Cherokee Nation, any component units of the Cherokee Nation and any entities in which the Cherokee Nation is the sole or majority stock holder or owner.
- (c) Indian means a citizen or member, not individually adopted, of a federally recognized Indian entity evidenced under the “Federal Recognized Indian Tribe List Act of 1994,” PL 103-454, November 2, 1994, 25 U.S.C. §479a, as amended.
- (d) Indian Art means Art produced by an Indian.
- (e) Indian Artist means an Indian who produces Art.

Section 5. Substantive Provisions

- (a) The Cherokee Nation shall not knowingly offer for sale art that is produced by individuals who falsely claim, imply, or suggest that they are Indian Artists.
- (b) The Cherokee Nation shall not host, sponsor, fund, or otherwise devote or contribute any resource to Art exhibits allowing the exhibition of works by Artists who falsely claim, imply, or suggest that they are Indian Artists.
- (c) The Tribal Employment Rights Organization (T.E.R.O.) shall have the duty to certify Indian Artists who are sole proprietors as T.E.R.O. vendors without charging a fee.
- (d) The Principal Chief of the Cherokee Nation shall establish the office of “Cherokee Art Curator.” This individual shall be

housed at the Cherokee Nation Historical Society Inc. or other place as designated by the Principal Chief. It shall be the responsibility of the curator:

- i. to determine when a fine is appropriate, with assistance of the Cherokee Nation Marshall service and the Attorney General's Office.
 - ii. to serve as a liaison to the artists community,
 - iii. to maintain a voluntary registry of Cherokee Artists and their contact information. This contact information is confidential for purposes of the Cherokee Nation Freedom of Information Act, unless the Artist waives such protection in writing.
 - iv. to catalog all works of art and items of cultural and historical significance owned by the Cherokee Nation, and
 - v. to insure the preservation of the same.
- (e) The Cherokee Art Curator shall be a Cherokee Citizen and subject to the Cherokee Nation Administrative Procedures Act. Any enforcement of this act shall be done in the name of the Cherokee Art Curator and shall follow the provisions of the Cherokee Nation Administrative Procedures Act.
- (f) The Cherokee Nation shall allow the creating artist the first option of providing restoration or repair service to creations already in their collection, if artist is still living.
- (g) It is a crime to offer or display for sale or sell any art within the Cherokee Nation, in a manner that falsely claims or suggests that it is Indian Art.
- (h) It shall be unlawful for any Individual, Group, Corporation or other Legal Entity to knowingly sell or offer for sale Art that is produced by individuals who falsely claim, imply or suggest that they are Indian Artist; violations of this provision shall be punishable by a fine up to Five Thousand Dollars (\$5,000.00).

Section 6. Provisions as cumulative

The provisions of this act shall be cumulative to existing law.

Section 7. Severability

The provisions of this act are severable and if any part of provision hereof shall be held void the decision of the court so holding shall not affect or impair any of the remaining parts or provisions of this act.

Section 8. Effective Date

This act shall become effective sixty (60) days after its passage in accordance with the Cherokee Nation Constitution.