



Legislation Text

File #: 07-160, Version: 1

A LEGISLATIVE ACT REQUIRING TRUTH IN ADVERTISING FOR NATIVE ART BE IT ENACTED BY THE CHEROKEE NATION:

Section 1. Title

This act shall be known as the “Cherokee Nation Truth in Advertising for Native Art” 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 be diverse, creative as well as traditionally influenced and to continue 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, hand made items, traditional story telling, oral histories, other performing arts 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.
- (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.
- (c) The Tribal Employment Rights Office (T.E.R.O.) shall maintain a voluntary registry of Cherokee Artists and their contact information.
- (d) The Principal Chief shall cause to be published an inventory of all Indian art owned by the Cherokee Nation, and such listing shall be accessible to the public.
- (e) The Principal Chief shall cause to be developed a label or other form of identification to be placed upon or with any Indian Art or Craft sold by the Cherokee Nation or its entities. This is to ensure and identify the object being sold as authentic Indian Art.
- (f) This Act may be enforced by civil action of any Cherokee citizen for injunctive relief and/or damages.

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.