



Council of the Cherokee Nation

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

Legislation Details (With Text)

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On agenda: 8/27/2020 **Final action:** 8/31/2020
Enactment date: 8/27/2020 **Enactment #:** R-027-20
Title: A RESOLUTION EXPRESSLY AGREEING TO JURISDICTION AND AUTHORIZING A LIMITED WAIVER OF SOVEREIGN IMMUNITY OF THE CHEROKEE NATION IN CONNECTION WITH THE ASSOCIATED PRESS IMAGES LICENSING AGREEMENT
Sponsors: Canaan Duncan, Joe Deere
Indexes: Agreement, Cherokee Phoenix, License, Waiver of Sovereign Immunity
Code sections: N/A - Not Applicable
Attachments: 1. R-27-20.PDF

Date	Ver.	Action By	Action	Result
8/31/2020	1	OFFICE OF THE CHIEF	Signed	
8/27/2020	1	TRIBAL COUNCIL	Approved	Pass
8/27/2020	1	RULES COMMITTEE	Approved and Forwarded to Council	Pass

A RESOLUTION EXPRESSLY AGREEING TO JURISDICTION AND AUTHORIZING A LIMITED WAIVER OF SOVEREIGN IMMUNITY OF THE CHEROKEE NATION IN CONNECTION WITH THE ASSOCIATED PRESS IMAGES LICENSING AGREEMENT

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, the Free and Independent Press for the Cherokee Nation was created and authorized by Legislative Act 19-00;

WHEREAS, the Cherokee Phoenix publishes print, web, and social media content in furtherance of Legislative Act 19-00;

WHEREAS, the Associated Press operates the “AP Images Platform” through which content can be downloaded and utilized through a negotiated licensing agreement; grants licenses for editorial use of an internet certain content, including images;

WHEREAS, the Cherokee Phoenix wishes to enter into a licensing agreement to utilize certain content on the AP Images Platform for editorial purposes;

WHEREAS, the Cherokee Phoenix has negotiated a License Agreement and Terms with Associated Press which includes provisions for governing law, jurisdiction, and a limited waiver of sovereign immunity;

WHEREAS, the Principal Chief and/or his designee have determined that it is necessary for the Cherokee Phoenix to enter into this License Agreement and Terms in order for it to further its purpose under Legislative Act 19-00;

BE IT RESOLVED BY THE CHEROKEE NATION that the Principal Chief and/or his designee are hereby authorized and directed to execute all documents or transactions necessary for the Cherokee Phoenix to utilize the AP Images Platform throughout the relevant term, including any provision relating to governing law, jurisdiction, or a limited waiver sovereign immunity.

PROVIDED, any waiver of the Cherokee Nation’s sovereign immunity is hereby limited insofar as necessary to utilize the AP Images Platform for the relevant term. 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.