



Council of the Cherokee Nation

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

Legislation Text

File #: LA-15-85, Version: 1

An Act
Enrolled

Legislative Act 15_85

AN NEW ACT RELATING TO CHEROKEE NATION OF OKLAHOMA GOVERNMENTAL RECORDS AND HISTORICAL RECORDS;
IDENTIFYING AN OFFICIAL REPOSITORY; ESTABLISHING AN ARCHIVES AND RECORDS COMMISSION; AND DECLARING AN
EMERGENCY.

BE IT ENACTED BY THE CHEROKEE NATION:

SECTION 1. There is hereby created the Archives and
Records Commission, hereinafter referred to as the Commission, to be composed of the Principal Chief as Chairman, the Executive Director of
the Cherokee National Historical Society, Inc., and one member of the Cherokee Nation Council as members.

SECTION 2. The Commission shall have sole and exclusive
authority governing the use and disposition of all public records and archives of tribal officers, departments, commissions, agencies, and
institutions of the Cherokee Nation. The authority herein granted shall not apply to records and archives of recognized clans or organizations in
the Cherokee Nation.

SECTION 3. The Commission is authorized to establish
policies and procedures for the storage, processing, and servicing of records for tribal departments; and to make provisions for the
preservation, arrangement, repair, and reproduction of those documents that are determined by the Commission to be of historical value.

SECTION 4. The Commission is authorized to establish
special advisory committees to consult with and make recommendations to it. The members of such special advisory committees shall be
chosen from among leading historians, political scientists, archivists, and librarians. Members of such special advisory committees shall be
reimbursed for transportation and other expenses on the same basis as an employee of the Cherokee Nation.

SECTION 5. With respect to letters and other intellectual
productions (exclusive of material copyrighted or patented), after they come into the custody of the Commission, neither the Cherokee Nation
or its agents shall be liable for any infringement of literary property rights or analogous rights arising thereafter out of the use of such materials
for display, inspection, research, reproduction, or other purposes.

SECTION 6. The Chairman of the Commission shall transmit
to the Council from time to time, and at least annually, such plans, estimates, and recommendations as have been approved by the
Commission.

SECTION 7. There is hereby established the Cherokee
National Archives which shall be permanently located on the grounds of the Cherokee National Historical Society, Inc. Said Center shall be the
official repository for all public records and archives of tribal officers, departments, commissions, agencies, and institutions of the Cherokee
Nation.

SECTION 8. The Commission shall have the authority to
design, construct, purchase, lease, maintain, operate, protect, and improve buildings used by the Commission for the storage of governmental
and archival records.

SECTION 9. On behalf of the Cherokee Nation, and at the
request of the Commission, the General Counsel of the Cherokee Nation may replevin any public records or archives illegally removed which
were formerly part of the records or files of any public office of the Cherokee Nation.

SECTION 10. If any section, sentence, clause or phrase of
this act is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this act. The Council hereby
declares that it would have passed this act, and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more
sections, sentences, clauses or phrases be declared unconstitutional.

SECTION 11. It being immediately necessary for the welfare of the Cherokee Nation, the Council hereby declares that an emergency exists, by
reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed by the Council on this 12th day of October, 1985.

Wilma P. Mankiller, President Cherokee Nation Council

Approved and signed by the Principal Chief this 12th day of October, 1985.

Ross O. Swimmer, Principal Chief Cherokee Nation of Oklahoma

ATTEST: Gary D. Chapman, Secretary-Treasurer Cherokee Nation of Oklahoma