



Muscogee (CREEK) Nation

Executive Office

EXECUTIVE ORDER NO. 20-03

AN EXECUTIVE ORDER TO ESTABLISH THE MVSKOKE RESERVATION PROTECTION COMMISSION

By virtue of the executive authority vested in me as Principal Chief by the Constitution and Laws of the Muscogee (Creek) Nation (the “Nation”), I hereby issue this Executive Order to establish the Mvskoke Reservation Protection Commission (the “Commission”), comprised of Mvskoke citizens, under the following provisions:

Section 1: Purpose

On July 9, 2020, the United States Supreme Court issued its decision in the case of *McGirt v. State of Oklahoma* affirming that the boundaries of the Muscogee (Creek) Nation were never disestablished. By affirming the extant boundaries of the Mvskoke Reservation, the Court also confirmed that the Reservation constitutes “Indian country” under 18 U.S.C. § 1151. This determination has positive implications, not only for the Muscogee (Creek) Nation, but for everyone within the Nation’s boundaries and for all governmental and private entities who wish to work collaboratively toward a brighter future for all Oklahomans.

In light of the jurisdictional clarity brought by the Supreme Court ruling, the Nation is committed to taking all appropriate action, consistent with the Nation’s Constitution and laws, to ensure the safety of all of those – tribal citizens and non-tribal citizens alike – who reside within the borders of the Mvskoke Reservation. Accordingly, the Commission will be tasked with two functions. First, the Commission will undertake research, analysis, and other fact-finding activities to determine what additional Executive Orders, Tribal Council Resolutions, or other actions need to be undertaken by Muscogee (Creek) Nation to ensure that our Nation’s government fully and effectively exercises the authority that the Supreme Court recently affirmed. Second, in addition to providing recommendations internal to our own governance at the Muscogee (Creek) Nation, the Commission will engage in outreach and collaborative dialogue with our Federal, Tribal, and State governmental partners to ensure that our efforts at Muscogee (Creek) Nation work in harmony with our sovereign neighbors for the better protection of all Oklahomans living within our Reservation borders.

The Supreme Court's affirmance of the Mvskoke Reservation creates an incredible opportunity for the Nation to work with private and public partners to develop new economic development opportunities for the Nation, businesses within our boundaries, and our neighboring government partners. As Principal Chief, I believe it is in the best interests of the Nation and our communities for the Nation to take a proactive approach to work with our Tribal, State, County, Municipal, and Federal partners, as well as the business community. As the tribal nation whose lands were directly at issue in the Supreme Court case, we are mindful of our responsibility to play a primary leadership role in ensuring that the Court's decision in *McGirt* results in greater prosperity and safety for all.

Section 2: Establishment

By this Executive Order, I establish the Mvskoke Reservation Protection Commission consisting of Creek citizens with expertise and knowledge in various subjects to address areas of concern that may impact the health, safety, welfare, and prosperity of those living on the Reservation. These subject areas will include, but are not limited to, the following:

- (A) Law Enforcement and Public Safety
- (B) Indian Child Welfare and Social Services
- (C) Business and Commerce
- (D) Judicial Affairs
- (E) Legal and Regulatory Matters
- (F) Government-to-Government Relationships and Policy
- (G) Violence Against Native Women and Murdered and Missing Indigenous Women
- (H) General Muscogee (Creek) Nation Governance

The Principal Chief will make all appointments to the Commission. In addition to including Commissioners who are subject matter experts in the areas identified above, the Commission will also involve the Second Chief as well as two representatives of our Muscogee (Creek) Nation National Council. These appointed positions to the Commission are unpaid, volunteer positions and shall not be considered to be a part of the Executive Branch office. An oath will be taken by each Commission member confirming their understanding of the purposes and objectives of the Commission as well as their acceptance of the duties and responsibilities outlined below.

As Principal Chief, I will be the Chairperson of the Commission, and I will provide direction and coordinate with the Commission members, including any subgroups within the Commission, to fulfill the objectives of the Commission.

Section 3: Duties and Responsibilities

The Commission's duties and responsibilities will largely focus on two critical aspects of our Nation's post-*McGirt* transition.

First, the Commission will be tasked with undertaking research, analysis, and other information-gathering activities to determine what Executive Orders, Tribal Council Resolutions, or other actions need to be undertaken by Muscogee (Creek) Nation to ensure that our Nation's government fully and effectively exercises the authority that the Supreme Court recently affirmed. This will include consideration of what additional resources may be necessary to fully and effectively exercise the Nation's authority.

Second, in furtherance of our Nation's need to facilitate intergovernmental diplomacy, the Principal Chief will engage in immediate dialogue with local governmental partners, including other Tribal, Federal, State, County, and Municipality authorities and governmental representatives. The Commission will be specifically tasked with scheduling and hosting meetings where we hear from, and speak with, our governmental partners on the ground to ensure that our efforts at Muscogee (Creek) Nation work in harmony with our sovereign neighbors for the better protection of all Oklahomans living within our Reservation borders. In this regard, the Commission will work to provide recommendations to the Principal Chief and the National Council on the intergovernmental agreements or tribal legislation that will be necessary to ensure public health and safety is maintained in the transition following *McGirt*.

The Commission will issue its initial report no later than six months from its first meeting and shall issue additional reports and recommendations when instructed to do so by the Chairperson.

Section 4: Termination

The Commission shall terminate in one year from the date of this Order unless modified by subsequent order of the Principal Chief.

Section 5: General Provisions

Nothing in this Executive Order shall be construed to impair or otherwise affect the authority of the Executive, Legislative, and Judicial Branches as provided in the Nation's Constitution and laws. Additionally, nothing in this Executive Order is intended to preclude the Nation from continuing other efforts to enter into intergovernmental agreements or compacts in accordance with the laws of the Nation. This Executive Order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by anyone against the Nation, its departments, agencies, entities, officers, employees, agents, or any other person.

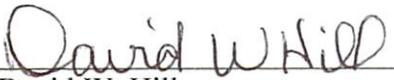
Section 6: Distribution of the Executive Order

Copies of this Executive Order will be distributed to the National Council, Supreme Court, Department of Justice, Office of Administration, Departments of the Administration, Managers,

Independent Agencies, Boards, Commissions, and Chartered Communities within the organizational structure of the Muscogee (Creek) Nation.

Section 7: Effective Date

This Executive Order shall become effective on July 29, 2020, and shall remain in effect until further notice.


David W. Hill
Principal Chief

ISSUE DATE: July 29, 2020

