

IN THE MUSCOGEE (CREEK) NATION SUPREME COURT

SUPREME COURT
FILED

AUG 27 2025

lm

CITIZENSHIP BOARD OF THE)
MUSCOGEE (CREEK) NATION,)

Appellant,)

vs.)

RHONDA K. GRAYSON and)
JEFFREY D. KENNEDY,)

Respondents.)

CONNIE DEARMAN
MUSCOGEE (CREEK) NATION
COURT CLERK

Case No: SC-2023-10
(District Court Case No.: CV-2020-34)

Respondents' Motion for Contempt and for Court Enforcement of Order and Judgment

Damario Solomon-Simmons, MCN # 354
SOLOMONSIMMONSLAW, PLLC
601 S. Boulder Ave., Ste. 602
Tulsa, Oklahoma 74119
918-551-8999 – Phone/918-558-8039 – Facsimile
dss@solomonsimmons.com

Jana L. Knott, MCN #1320
BASS LAW
252 NW 70th St.
Oklahoma City, OK 73116
(405) 262-4040 – Phone/(405) 262-4058 – Facsimile
jana@basslaw.net

M. David Riggs, MCN # 1239
RIGGS, ABNEY, NEAL, TURPEN ORBISON & LEWIS, P.C.
502 West 6th Street
Tulsa, Oklahoma 74119
(918) 587-3161 – Phone/(918) 587-9708 – Facsimile
driggs@riggsabney.com

Attorneys for Respondents

INTRODUCTION

Ever since July 23, 2025, Ms. Grayson and Mr. Kennedy have been eager to receive citizenship and have been ready, willing, and able to begin the process of reconciliation with the Muscogee (Creek) Nation’s leadership after years of litigation. Despite that, recent developments have forced Ms. Grayson and Mr. Kennedy to reluctantly return to this Court and seek redress yet again. The Citizenship Board of the Muscogee (Creek) Nation’s (“Citizenship Board”) continued failure to issue citizenship and identification cards to the Respondents—Rhonda Grayson and Jeffrey Kennedy—violates this Court’s unambiguous July 23, 2025 Order and Opinion. *Citizenship Bd. of the Muscogee (Creek) Nation v. Rhonda K. Grayson & Jeffrey D. Kennedy*, SC-2023-10, at 23 (July 23, 2025) (“July Opinion”). This Court ordered the Citizenship Board to do one simple thing: “issue citizenship to the Respondents.” *Id.* More than a month later, it still has not—even as this Nation’s election deadlines are rapidly approaching. Because of that failure, Ms. Grayson and Mr. Kennedy hereby move to hold the Citizenship Board in contempt pursuant to MCN RAP 20(C). And because this Nation’s election deadlines are imminent, this Court’s decision must be swift for any relief to be effective. Ms. Grayson and Mr. Kennedy therefore request an expedited motion schedule pursuant to MCN RAP 9(B)(2) (allowing the Chief Justice to order a response to this Motion within 5 days and a decision within 10 days).

Counsel for Ms. Grayson and Mr. Kennedy contacted the MCN Office of the Attorney General on behalf of the Citizenship Board to advise them of this Motion and to request their position on the request for an expedited schedule. The MCN Office of the Attorney General did not respond to the request.

The Citizenship Board’s inaction threatens to rob Ms. Grayson and Mr. Kennedy of their first chance to let their voices be heard in this Nation’s democracy. Critical deadlines for this Nation’s upcoming elections are imminent, including an August 27 deadline for ordering an

absentee ballot and a September 9 deadline for voter registration in advance of the September 20 election.¹ Despite the persistent efforts of Ms. Grayson and Mr. Kennedy to acquire citizenship cards since July 23, the Citizenship Board has explicitly delayed the completion of this simple administrative task until the middle of October—long after Ms. Grayson and Mr. Kennedy would be able to vote in the upcoming elections. Ex. A at 1-3, 6; Ex. B ¶¶ 2-14; Ex. C ¶¶ 2-14. This Court should intervene to avoid that lamentable outcome by holding the Citizenship Board in contempt, compelling the immediate issuance of citizenship cards to Ms. Grayson and Mr. Kennedy, and awarding them their fees and costs associated with this Motion under MCN RAP 20(C). Finally, to ensure that Ms. Grayson and Mr. Kennedy can exercise their vital right to vote in this upcoming election, this Court should order an expedited motion schedule and issue a decision within 10 days. MCN RAP 9(B)(2). Ms. Grayson and Mr. Kennedy have attempted to resolve this issue without this Court’s intervention ever since July 23. They were stonewalled. That means this Motion is—unfortunately—necessary to effectuate this Court’s July Opinion and vindicate their civil rights.

ARGUMENT

This Court has the power to enforce compliance with its orders through civil contempt. *See Ellis v. Muscogee (Creek) Nat’l Council*, SC-2006-07, at 5 (Aug. 30, 2007); *see also Young v. U.S. ex rel. Vuitton et Fils S.A.*, 481 U.S. 787, 793 (1987) (finding that “it is long settled that courts possess inherent authority” to hold disobedient parties in contempt). Alternatively, a failure to abide by this Court’s order warrants “[a] finding of contempt against the party in non-compliance” or the “[i]mposition of a penalty or costs.” M(C)N RAP 20(C)(4), (5).

¹ MCN Elections: Dates, Deadlines, <https://www.muscogeenation.com/events/category/MCN-elections-dates-deadlines/> (last visited Aug. 26, 2025).

To hold a party in contempt for willful disobedience of an order, this Court must find “by clear and convincing evidence that (1) the allegedly violated Order was valid and lawful; (2) the Order was clear, definite, and unambiguous; and (3) the alleged violator(s) had the ability to comply with the Order.” *Ellis*, SC-2006-07, at 5. This is similar to the standard for contempt in a federal court: the moving party must prove, by clear and convincing evidence, that the person allegedly in contempt violated the court’s order. *See Chi. Truck Drivers v. Bhd. Lab. Leasing*, 207 F.3d 500, 505 (8th Cir. 2000). Further, the Nation’s Executive Branch and its officials are a proper subject of a contempt order when the three elements are met. *See Ellis*, SC-2006-07, at 5-6.

All three elements are satisfied here. First, this Court’s July Opinion was valid and lawful, as confirmed by the August 20, 2025 Order and Opinion that denied the Citizenship Board’s petition for rehearing. Second, the July Opinion unambiguously directed the Citizenship Board to “apply the Treaty of 1866 and issue citizenship to the Respondents, and any other future applicant who is able to establish a lineal descendant on the Creek By Blood Dawes Roll, or the Creek Freedmen Dawes Roll.” July Opinion at 23. And third, the Citizenship Board still has not complied with the July Opinion despite having more than a full month to issue Ms. Grayson and Mr. Kennedy their citizenship cards—more than enough time to complete the simple administrative task assigned to it by this Court. Ex. B ¶ 16; Ex. C ¶ 16.

Indeed, the Citizenship Board’s delay in issuing Ms. Grayson and Mr. Kennedy their citizenship cards appears to be the product of willful delay: after four weeks, the Citizenship Board summarily informed Ms. Grayson and Mr. Kennedy that their cards would not be available for at least another four weeks. Ex. B ¶¶ 2-14; Ex. C ¶¶ 2-14. When Citizenship Board staff were presented with this Court’s July Opinion by Ms. Grayson and Mr. Kennedy, they informed Ms. Grayson and Mr. Kennedy that the managers of the Citizenship Board were “unavailable” and that

they would instead be meeting with the Attorney General to discuss the matter of Ms. Grayson and Mr. Kennedy's citizenship. Ex. B ¶ 15; Ex. C ¶ 15.

Respectfully, there is nothing for the Citizenship Board to discuss with the Attorney General. This Court has spoken, and it has spoken clearly: Ms. Grayson and Mr. Kennedy are entitled to citizenship, and they are entitled to it *now*. The implication of requiring Ms. Grayson and Mr. Kennedy to wait yet another four weeks is obvious—the September 20, 2025 elections will have passed by any point at which their citizenship cards are issued. Moreover, forcing Ms. Grayson and Mr. Kennedy to wait even *two* more weeks will mean that they will miss this Nation's September 9, 2025 voter registration deadline. Ex. B ¶ 18; Ex. C ¶ 18. Ms. Grayson and Mr. Kennedy have been patient in the face of supposed bureaucratic delays but can afford to wait no longer.

To be clear: the Citizenship Board's deliberate inaction threatens to rob Ms. Grayson and Mr. Kennedy of their opportunity to cast a vote in the first elections in this Nation for which they are eligible. This Court should not countenance such an unjust result. Ms. Grayson and Mr. Kennedy respectfully submit that this Court should hold the Citizenship Board in contempt and order it to issue citizenship cards to Ms. Grayson and Mr. Kennedy immediately. As this Court put it more than a month ago, the Citizenship Board was "directed to apply the Treaty of 1866 and issue citizenship to the Respondents" because this is simply "what Mvskoke law demands." July Opinion at 2, 23. It has failed to do so. That failure speaks for itself.

As Ms. Grayson and Mr. Kennedy have met their burden as to the first three elements for contempt, the burden shifts to the Citizenship Board to show its inability to comply—a burden that it cannot meet. *See Chi. Truck Drivers*, 207 F.3d at 505. To show that compliance is presently impossible, the defendant must demonstrate: "(1) that they were unable to comply, explaining

why categorically and in detail, (2) that their inability to comply was not self-induced, and (3) that they made in good faith all reasonable efforts to comply.” *United States v. Santee Sioux Tribe of Neb.*, 254 F.3d 728, 736 (8th Cir. 2001) (quoting *Chi. Truck Drivers*, 207 F.3d at 506). The Citizenship Board cannot and will not meet its burden because it has no excuse for failing to issue the citizenship cards before the upcoming voter registration deadline. This Court’s July Opinion left ample time for the Citizenship Board to process and complete Ms. Grayson and Mr. Kennedy’s citizenship applications before the upcoming elections, but the Citizenship Board has continued to drag its feet in what can only be described as bad faith. To the extent there are any remaining administrative delays in processing the citizenship cards, they are wholly attributable to the Citizenship Board’s own lack of expediency in its compliance with this Court’s orders.

When faced with similar situations, courts have found civil contempt an appropriate remedy to compel compliance from election boards and tribal councils. In 2000, the Supreme Court of the Cheyenne-Arapaho Tribes held an election board in contempt and ordered it to place a name on the election ballot after it failed to comply with the initial order. *Cheyenne-Arapaho Election Bd. v. Tabor*, 7 Okla. Trib. 121, at 1 (Cheyenne-Arapaho Oct. 27, 2000). The district court had found that its order was valid, definite, and clearly violated by the election board, and the Cheyenne-Arapaho Supreme Court affirmed. *See id.*

The Eighth Circuit also addressed a similar situation in 2001 when a federal district court ordered the Santee Sioux Tribe to cease class III gaming. *Santee Sioux Tribe of Neb.*, 254 F.3d at 731. A day after the court order, the Tribal Council convened a special meeting and voted not to close the Ohiya Casino. *Id.* at 737. Later, a tribal referendum occurred to the same effect. *Id.* The Eighth Circuit found that the Council members could not hide behind the referendum, because the record demonstrated the Council never intended to comply with the Court order in the first

place, finding both the Tribe and individual Council members in contempt. *Id.* at 731, 737. So, too, here: deadlines for the upcoming elections are looming.

Moreover, because of those deadlines, Ms. Grayson and Mr. Kennedy emphasize the critical importance of receiving a decision from this Court within 10 days pursuant to MCN RAP 9(B)(2). Ms. Grayson and Mr. Kennedy respectfully request that the Chief Justice order the Citizenship Board to respond to this Motion within 5 days and that this Court issue a decision within 10 days so that Ms. Grayson and Mr. Kennedy may have an opportunity to exercise their rights as citizens to vote in this Nation's election.

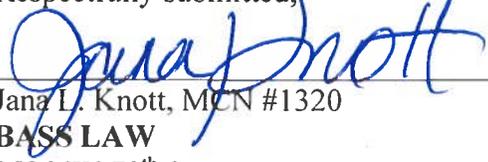
CONCLUSION

Ms. Grayson and Mr. Kennedy do not file this Motion lightly. They would prefer—and have repeatedly sought—a proactive, collaborative resolution with this Nation's leadership rather than further litigation. But they have been rebuffed, their rights under the Treaty of 1866 and this Court's July Opinion have been deliberately ignored, and they can afford to wait no longer. It is essential that Ms. Grayson and Mr. Kennedy obtain their citizenship cards immediately to allow them to register to vote in this Nation's historic 2025 elections. The Citizenship Board's willful failure to heed this Court's instruction to issue them citizenship is just one more in a series of carefully-placed obstacles in the Executive Branch's years-long effort to defy the Treaty of 1866's command that the descendants of Creek Freedmen must be granted citizenship. After this Court resisted the Executive Branch's attack on its judicial authority via the unconstitutional special justice law, and after this Court unambiguously ordered full compliance with the Treaty of 1866, Ms. Grayson and Mr. Kennedy respectfully submit that action is, unfortunately, needed once more.

This Court should (1) order an expedited schedule on this Motion pursuant to MCN RAP 9(B)(2), (2) find the Citizenship Board in contempt for its willful failure to comply with this Court's July 23, 2025 Order and Opinion, (3) order it to issue Ms. Grayson and Mr. Kennedy

citizenship immediately, and (4) award Ms. Grayson and Mr. Kennedy their attorney's fees and costs associated with this Motion pursuant to MCN RAP 20(C).

Respectfully submitted,



Jana L. Knott, MCN #1320

BASS LAW

252 NW 70th St.

Oklahoma City, OK 73116

(405) 262-4040 – Phone/(405) 262-4058 – Facsimile

jana@basslaw.net

Damario Solomon-Simmons, MCN # 354

SOLOMONSIMMONSLAW, PLLC

601 S. Boulder Ave., Ste. 602

Tulsa, Oklahoma 74119

918-551-8999 – Phone/918-558-8039 – Facsimile

dss@solomonsimmons.com

M. David Riggs, MCN # 1239

RIGGS, ABNEY, NEAL, TURPEN ORBISON & LEWIS, P.C.

502 West 6th Street

Tulsa, Oklahoma 74119

(918) 587-3161 – Phone/(918) 587-9708 – Facsimile

driggs@riggsabney.com

Attorneys for Respondents

CERTIFICATE OF SERVICE

I hereby certify that on the 27th day of August, 2025, I caused the foregoing Respondents' Motion for Contempt and for Court Enforcement of Order and Judgment to be transmitted to the following counsel of record via U.S. Mail, postage prepaid:

Graydon D. Luthey, Jr.
R. Trent Shores
Barrett L. Powers
GABLEGOTWALS
110 N. Elgin Ave., Ste. 200
Tulsa, OK 74120
dluthey@gablelaw.com
tshores@gablelaw.com
bpowers@gablelaw.com

Geri Wisner
Clinton A. Wilson
Jeremy Pittman
THE MUSCOGEE (CREEK) NATION
OFFICE OF THE ATTORNEY GENERAL
P.O. Box 580
Okmulgee, OK 74447
gwisner@mcnag.com
cwilson@mcnag.com
jpittman@mcnag.com


Jana L. Knott

From: Rhonda Grayson [REDACTED]
To: Allan Colbert Jr [REDACTED]
Cc: Nathan Wilson [REDACTED]; jeff kennedy [REDACTED]
Sent: Monday, August 4, 2025 at 12:14:41 PM CDT
Subject: Re: Citizenship Application-Resubmission

Hi Nathan and Allen,

I just spoke with Ron Graham, and a citizenship staff member told him that we would not receive our cards until mid-October. Is this correct? Please advise as soon as possible.

Best regards,

Rhonda Grayson

On Sunday, August 3, 2025 at 01:16:01 AM CDT, Rhonda Grayson [REDACTED] wrote:

Hi Allen,

I hope you are doing well. I wanted to reach out before we file a formal inquiry to the MCN Supreme regarding the status of our citizenship cards. Both Jeff and I understood that the cards would be issued immediately in accordance with the Supreme Court ruling. Could you help us understand the reason for this additional delay?

Here is the court order for your reference.

“The matter is remanded to the Appellant, Citizenship Board, who is directed to apply the Treaty of 1866 and issue citizenship to the Respondents, and any other future applicant who is able to establish a lineal descendant on the Creek By Blood Dawes Roll, or the Creek Freedmen Dawes”.

“The matter is remanded to the Appellant, Citizenship Board, who is directed to apply the Treaty of 1866 and issue citizenship to the Respondents, and any other future applicant who is able to establish a lineal descendant on the Creek By Blood Dawes Roll, or the Creek Freedmen Dawes”.

Best regards,

Rhonda Grayson

On Tuesday, July 29, 2025 at 03:10:55 PM CDT, Rhonda Grayson [REDACTED] wrote:

Exhibit A

Hi Allan,

Excellent.

Kind regards,

Rhonda

On Tuesday, July 29, 2025 at 11:16:08 AM CDT, Allan Colbert Jr <[REDACTED]> wrote:

Good Day,

I apologize for any confusion our staff may have caused. The Citizenship Board is meeting to update the policies and procedures necessary to comply with the Supreme Court decision. Applications are being taken and will be processed in alignment with the new policies and procedures.

Respectfully,

Allan Colbert Jr.

Citizenship Manager, Citizenship Board

Muscogee (Creek) Nation

P.O. Box 580 | Okmulgee, OK 74447

T (918) 732-7753 | F (918) 732-7716

[REDACTED]

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From: Rhonda Grayson [REDACTED]
Date: Monday, July 28, 2025 at 3:28 PM
To: Allan Colbert Jr [REDACTED]
Cc: Nathan Wilson [REDACTED], jeff kennedy
[REDACTED]
Subject: Re: Citizenship Application-Resubmission

Good Day,

This is correct? This comment was made by your personnel. Please advise if this is correct? This may explain why I have not received a response. I have sent this information to our legal to keep them informed.

“However, the lady said that even though THEY ARE taking applications, THEY ARE NOT processing them because the Creek Nation is still discussing the Creek Nation Supreme Court ruling regarding Creek Freedmen.

Rhonda Grayson

Sent from Yahoo Mail for iPhone

On Thursday, July 24, 2025, 10:48 PM, Rhonda Grayson [REDACTED] wrote:

Allan and or Nathan,

Is it possible to schedule a meeting with a representative from the Citizenship Board to assist with the initial onboarding process? We could host a Zoom call and invite applicants to participate.

1. So if I understand you correctly, you want all the people who have applied previously to call you and give the ok to process their application? How would you like for them to contact you via email or phone? Please let me know as soon as possible, as we are receiving many calls about the process and want to provide accurate information.

Please process [REDACTED] My aunts and 1st cousin. Jeff is cc'd and has given the ok to process his application!

Kind regards,

Rhonda

On Thursday, July 24, 2025 at 09:29:16 AM CDT, Rhonda Grayson
[REDACTED] wrote:

Good morning,

Yes, please move forward with my application. Will you also be processing others in the same manner? We would like to send out a statement so that people understand how to move forward. We welcome a zoom call if you think that makes the process easier on your team. Your team could explain the process via zoom to applicants and that might slow down the amount of calls to your office.

Kind regards,

Rhonda Grayson

Sent from Yahoo Mail for iPhone

On Thursday, July 24, 2025, 9:42 AM, Allan Colbert Jr [REDACTED]

[REDACTED] wrote:

Good Day,

Yes, we will be processing the applications previously submitted. Is there anything we need to update on your application (if so, please utilize the attached form, and you may email it to me), and are we authorized to move forward with the documents you have provided?

The Citizenship Board is meeting soon to update the citizenship policies and procedures to comply with the Supreme Court decision.

Respectfully,

Allan Colbert Jr.

Citizenship Manager, Citizenship Board

Muscogee (Creek) Nation

P.O. Box 580 | Okmulgee, OK 74447

T (918) 732-7753 | F (918) 732-7716

[REDACTED]

CONFIDENTIALITY NOTICE: This e-mail communication and any attachments may contain confidential and privileged information for the use of the designated recipients named above. If you are not the intended recipient, you are hereby notified that you have received this communication in error and that any review, disclosure, dissemination, distribution or copying of it or its contents is strictly prohibited. If you have received this communication in error, please notify the sender by return e-mail and delete and/or destroy all copies of this communication and any attachments.

From: Rhonda Grayson [REDACTED]
Date: Wednesday, July 23, 2025 at 11:10 PM
To: Allan Colbert Jr [REDACTED]
Cc: Nathan Wilson [REDACTED], jeff kennedy [REDACTED]
Subject: Re: Citizenship Application-Resubmission

Good evening,

Please find attached the opinion issued by the Supreme Court of the Muscogee Creek Nation. I am inquiring about the procedures required for the approval of citizenship for myself and all descendants of Creek Freedmen. Will you utilize the applications already on record to reduce the administrative burden on the applicants. I would appreciate your prompt guidance regarding this matter. Thank you for your attention to this issue.

Best regards,

Rhonda K. Grayson

President

Muscogee Creek Indian Freedmen Band

On Tuesday, November 14, 2023 at 08:10:35 AM CST, Allan Colbert Jr [REDACTED] wrote:

Good Day,

On November 16th, the time is from 10:30 am to 2:00 pm.

Respectfully,

Allan Colbert Jr.

AFFIDAVIT OF RHONDA K. GRAYSON

STATE OF OKLAHOMA)
) ss.
COUNTY OF Oklahoma)

I, RHONDA K. GRAYSON, being of legal age and being first duly sworn upon oath, depose and state as follows:

1. The Muscogee (Creek) Nation (“MCN”) Supreme Court issued an Order and Opinion on July 23, 2025, directing the MCN Citizenship Board to issue citizenship to me and Mr. Jeffrey D. Kennedy.
2. On July 23, 2025, I sent an email to Nathan Wilson, Director of the MCN Citizenship Board and Allan Colbert Jr., Office Manager of the MCN Citizenship Board providing a courtesy copy of the MCN Supreme Court’s Order and Opinion and inquiring about the procedure to process our citizenship applications. A true and correct copy of this email and the emails described in Paragraphs 3-12 below are attached to this Affidavit as Exhibit A.¹ See Exh. A at 6.
3. On July 24, 2025, Mr. Colbert Jr. responded to my email and stated that the MCN Citizenship Board would be processing our previously submitted citizenship applications, and that the MCN Citizenship Board “is meeting soon to update the citizenship policies and procedures to comply with the Supreme Court decision.” Exh. A at 5.
4. On July 24, 2025, I responded to Mr. Colbert Jr.’s email inquiring about the application process for others impacted by the Supreme Court decision and suggested that a statement or meeting could help streamline the process and reduce calls to the MCN Citizenship Board office. Exh. A at 4.
5. I sent a follow-up email to Mr. Colbert Jr. and Mr. Wilson on July 24, 2025 asking the MCN Citizenship Board office to clarify whether the office wanted individuals to call the office to request their applications be re-processed and reiterated my suggestion for a meeting. Exh. A at 3-4.
6. In my follow-up email on July 24, 2025, on behalf of Mr. Jeffrey D. Kennedy and several of my family members, I requested that their applications be processed. Exh. A at 4.
7. On July 28, 2025, I emailed Mr. Colbert Jr. and Mr. Wilson again, regarding comments made by an employee of the MCN Citizenship Board office to another member of the

¹ Due to privacy concerns, email addresses in these emails and the names of individuals who are not parties to the case before the MCN Supreme Court and are not associated with the MCN Citizenship Board have been redacted in these emails.

Muscogee Creek Indian Freedmen Band, stating that the office was taking applications, but not processing them “because the Creek Nation is still discussing the Creek Nation Supreme Court ruling regarding Creek Freedmen.” Exh. A at 3.

8. On July 29, 2025, Mr. Colbert Jr. responded to my email and apologized “for any confusion” MCN Citizenship Board “staff may have caused” with their comments. Exh. A at 2.
9. In his July 29, 2025 email, Mr. Colbert Jr. again stated that the MCN Citizenship Board would be meeting “to update the policies and procedures necessary to comply with the Supreme Court decision. Applications are being taken and will be processed in alignment with the new policies and procedures.” Exh. A at 2.
10. On August 3, 2025, having received no further response from Mr. Colbert Jr. or Mr. Wilson, I followed up via email requesting any information or explanation for the continued delay. In that email, I provided the language from the MCN Supreme Court’s Order and Opinion requiring the MCN Citizenship Board to issue citizenship to me and Mr. Jeffrey D. Kennedy. Exh. A at 1.
11. On August 4, 2025, I again followed up via email to Mr. Colbert Jr. and Mr. Wilson inquiring as to the accuracy of another statement made by MCN Citizenship Board staff to a member of the Muscogee Creek Indian Freedmen Band (Mr. Ron Graham) that the citizenship cards would not be issued until October. I requested a response “as soon as possible” given the already-existing delay. Exh. A at 1.
12. On August 4, 2025, instead of responding to my emails, the MCN Citizenship Board filed a Petition for Rehearing, which was denied on August 20, 2025.
13. On August 21, 2025, in light of the MCN Supreme Court’s Order and Opinion decision, Mr. Jeffrey D. Kennedy and I visited the MCN Citizenship Board office in person to retrieve our citizenship cards.
14. On August 21, 2025, MCN Citizenship Board staff informed us that our cards would not be available for another 4-6 weeks.
15. On August 21, 2025, we requested to speak with either Director Nathan Wilson or Office Manager Allan Colbert, Jr. regarding the additional delay, but we were told they were currently unavailable and would be meeting with the MCN Attorney General to discuss the matter.
16. To date, I have not received any additional information from the MCN Citizenship Board, nor have I or Mr. Jeffrey D. Kennedy been issued citizenship or a citizenship card in accordance with the MCN Supreme Court’s Order and Opinion.

17. This is true of many other similarly situated individuals who are entitled to citizenship under the MCN Supreme Court's Order and Opinion but who have not been issued citizenship or citizenship cards, such as my family members referenced in Paragraph 6.
18. Without citizenship, we cannot vote in the Muscogee (Creek) Nation's upcoming election. The right to vote is fundamental and essential, it is the hallmark of citizenship, and it is the lifeblood of democracy. The Muscogee (Creek) Nation's upcoming September 20, 2025 election requires citizens to register to vote by September 9, 2025. If we are not issued citizenship by the MCN Citizenship Board before September 9, we will be deprived of the opportunity to have our voices heard as citizens of the Muscogee (Creek) Nation.

Rhonda K. Grayson

RHONDA K. GRAYSON

SWORN TO AND SUBSCRIBED before me on this the 27 day of August, 2025.

Seal



A Gomez

NOTARY PUBLIC
STATE OF Oklahoma
My Commission Expires: 04/16/26

AFFIDAVIT OF JEFFREY D. KENNEDY

STATE OF OKLAHOMA)
) ss.
COUNTY OF Oklahoma)

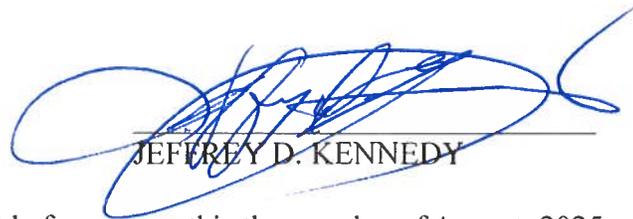
I, JEFFREY D. KENNEDY, being of legal age and being first duly sworn upon oath, depose and state as follows:

1. The Muscogee (Creek) Nation (“MCN”) Supreme Court issued an Order and Opinion on July 23, 2025, directing the MCN Citizenship Board to issue citizenship to me and Ms. Rhonda K. Grayson.
2. On July 23, 2025, Rhonda Grayson sent an email, copied to me, to Nathan Wilson, Director of the MCN Citizenship Board and Allan Colbert Jr., Office Manager of the MCN Citizenship Board providing a courtesy copy of the MCN Supreme Court’s Order and Opinion and inquiring about the procedure to process our citizenship applications. A true and correct copy of this email and the emails described in Paragraphs 3-12 below are attached to this Affidavit as Exhibit A.¹ See Exh. A at 6.
3. On July 24, 2025, Mr. Colbert Jr. responded to Ms. Grayson’s email and stated that the MCN Citizenship Board would be processing our previously submitted citizenship applications, and that the MCN Citizenship Board “is meeting soon to update the citizenship policies and procedures to comply with the Supreme Court decision.” Exh. A at 5.
4. On July 24, 2025, Ms. Grayson responded to Mr. Colbert Jr.’s email inquiring about the application process for others impacted by the Supreme Court decision and suggested that a statement or meeting could help streamline the process and reduce calls to the MCN Citizenship Board office. Exh. A at 4.
5. Ms. Grayson sent a follow-up email, copied to me, to Mr. Colbert Jr. and Mr. Wilson on July 24, 2025 asking the MCN Citizenship Board office to clarify whether the office wanted individuals to call the office to request their applications be re-processed and reiterated her suggestion for a meeting. Exh. A at 3-4.
6. In Ms. Grayson’s follow-up email on July 24, 2025, she noted that I was copied on the email thread and requested on my behalf that my application be processed. Exh. A at 4.

¹ Due to privacy concerns, email addresses in these emails and the names of individuals who are not parties to the case before the MCN Supreme Court and are not associated with the MCN Citizenship Board have been redacted in these emails.

7. On July 28, 2025, Ms. Grayson emailed Mr. Colbert Jr. and Mr. Wilson again, copied to me, regarding comments made by an employee of the MCN Citizenship Board office to another member of the Muscogee Creek Indian Freedmen Band, stating that the office was taking applications, but not processing them “because the Creek Nation is still discussing the Creek Nation Supreme Court ruling regarding Creek Freedmen.” Exh. A at 3.
8. On July 29, 2025, Mr. Colbert Jr. responded to Ms. Grayson’s email and apologized “for any confusion” MCN Citizenship Board “staff may have caused” with their comments. Exh. A at 2.
9. In his July 29, 2025 email, Mr. Colbert Jr. again stated that the MCN Citizenship Board would be meeting “to update the policies and procedures necessary to comply with the Supreme Court decision. Applications are being taken and will be processed in alignment with the new policies and procedures.” Exh. A at 2.
10. On August 3, 2025, having received no further response from Mr. Colbert Jr. or Mr. Wilson, Ms. Grayson followed up via email requesting any information or explanation for the continued delay. In that email, she provided the language from the MCN Supreme Court’s Order and Opinion requiring the MCN Citizenship Board to issue citizenship to me and Ms. Grayson. Exh. A at 1.
11. On August 4, 2025, Ms. Grayson again followed up via email, copied to me, to Mr. Colbert Jr. and Mr. Wilson inquiring as to the accuracy of another statement made by MCN Citizenship Board staff to a member of the Muscogee Creek Indian Freedmen Band (Mr. Ron Graham) that the citizenship cards would not be issued until October. Ms. Grayson requested a response “as soon as possible” given the already-existing delay. Exh. A at 1.
12. On August 4, 2025, instead of responding to Ms. Grayson’s emails, the MCN Citizenship Board filed a Petition for Rehearing, which was denied on August 20, 2025.
13. On August 21, 2025, in light of the MCN Supreme Court’s Order and Opinion decision, Ms. Rhonda K. Grayson and I visited the MCN Citizenship Board office in person to retrieve our citizenship cards.
14. On August 21, 2025, MCN Citizenship Board staff informed us that our cards would not be available for another 4-6 weeks.
15. On August 21, 2025, we requested to speak with either Director Nathan Wilson or Office Manager Allan Colbert, Jr. regarding the additional delay, but we were told they were currently unavailable and would be meeting with the MCN Attorney General to discuss the matter.

16. To date, I have not received any additional information from the MCN Citizenship Board, nor have I or Ms. Rhonda K. Grayson been issued citizenship or a citizenship card in accordance with the MCN Supreme Court's Order and Opinion.
17. This is true of many other similarly situated individuals who are entitled to citizenship under the MCN Supreme Court's Order and Opinion but who have not been issued citizenship or citizenship cards.
18. Without citizenship, we cannot vote in the Muscogee (Creek) Nation's upcoming election. The right to vote is fundamental and essential, it is the hallmark of citizenship, and it is the lifeblood of democracy. The Muscogee (Creek) Nation's upcoming September 20, 2025 election requires citizens to register to vote by September 9, 2025. If we are not issued citizenship by the MCN Citizenship Board before September 9, we will be deprived of the opportunity to have our voices heard as citizens of the Muscogee (Creek) Nation.



 JEFFREY D. KENNEDY

SWORN TO AND SUBSCRIBED before me on this the ___ day of August, 2025.

Seal





 NOTARY PUBLIC
 STATE OF Oklahoma
 My Commission Expires: 04/16/28