

IN THE MUSCOGEE (CREEK) NATION SUPREME COURT **SUPREME COURT  
FILED**

CITIZENSHIP BOARD OF THE )  
MUSCOGEE (CREEK) NATION, )  
 )  
Appellant, )  
 )  
vs. )  
 )  
RHONDA K. GRAYSON and )  
JEFFREY D. KENNEDY, )  
 )  
Respondents. )

OCT 14 2025

**CONNIE DEARMAN** *lm*  
**MUSCOGEE (CREEK) NATION**  
**COURT CLERK**

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

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**Respondents' Renewed Motion for Contempt and for Court Enforcement of Order and Judgment and for Order to Show Cause**

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## INTRODUCTION

The Citizenship Board of the Muscogee (Creek) Nation (“Citizenship Board”) is a constitutionally created board, and Principal Chief David Hill (“Chief Hill”) has no power over the Board beyond appointing its members. *See* Muscogee (Creek) Const. Art. III; 7 Muscogee (Creek) Nation Code of Laws § 2–101. In issuing Executive Order No. 25-05 (the “Executive Order”), Chief Hill has overstepped, encroaching on the Citizenship Board’s independence, violating his duty to uphold the law, and usurping this Court’s authority. The Citizenship Board’s continued failure to issue citizenship identification cards to the Respondents—Rhonda Grayson and Jeffrey Kennedy—is a willful and blatant violation of this Court’s clear and unambiguous July 23, 2025 Order and Opinion that cannot be tolerated. *Citizenship Bd. of the Muscogee (Creek) Nation v. Rhonda K. Grayson & Jeffrey D. Kennedy*, SC-2023-10 (Sup. Ct. Muscogee (Creek) Nation July 23, 2025) (“July Opinion”).

This Court ordered the Citizenship Board to do one simple thing: “issue citizenship to the Respondents.” *Id.* at 23. Nearly twelve weeks after the Court’s Order, the Citizenship Board has still not complied with this Court’s unequivocal order to issue the citizenship cards. That means this Motion is—unfortunately—now necessary to effectuate this Court’s July Opinion and to reassert and safeguard the principle that it is *this Court’s* authority, “province[,] and duty” to “say what the law is”—not Chief Hill’s. *Marbury v. Madison*, 5 U.S. (1 Cranch) 137, 177 (1803).

## PROCEDURAL POSTURE

In denying Respondents’ previous Motion for Contempt, the Court afforded the Board a “reasonable amount of time” to establish procedures in line with the Court’s Order and issue Respondents citizenship cards. *Citizenship Bd. of the Muscogee (Creek) Nation v. Rhonda K. Grayson & Jeffrey D. Kennedy*, SC-2023-10, at 2 (Sup. Ct. Muscogee (Creek) Nation Aug. 28, 2025) (“Order Denying Motion for Contempt”). On August 21, 2025, the Citizenship Board itself

stated that it only needed four-to-six weeks to process Respondents' applications. Ex. A ¶¶ 13-14 (Affidavit of Rhonda K. Grayson); Ex. B ¶¶ 13-14 (Affidavit of Jeffrey D. Kennedy). Almost eight weeks have now elapsed since the Citizenship Board made this declaration, surpassing the average four-week processing time for citizenship applications due to Chief Hill's illegal intervention rather than administrative backlog. *See* Ex. C (Email from Allan Colbert, Jr. on October 2, 2023, confirming the application process takes four-to-six weeks). Respondents' Motion is no longer premature. *See* Order Denying Motion for Contempt at 2 (reasoning that Motion was premature).

A "reasonable" amount of time has now passed, and now Chief Hill's Executive Order halts any processing of citizenship cards for Freedmen descendants for the indefinite future—or perhaps forever. Ex. D ("Exec. Order"). The Executive Order directs the Citizenship Board to "not issue citizenship cards or any form of membership identification cards to [Muscogee (Creek) Freedmen descendants] until all law and policy have been fully reviewed and amended to meet the qualification requirements under Article II of the Treaty of 1866." Exec. Order ¶ 2.01. The Citizenship Board must "maintain the status quo by continuing to accept, process, and issue determinations for applications for new Mvskoke citizens in accordance with current law and policy"—directly contrary to this Court's Order. *Id.* ¶ 2.02; July Opinion at 2, 23 (requiring the Citizenship Board to issue citizenship to Respondents because this is simply "what Mvskoke law demands."). The Executive Order has no end-date; it is effective "until further notice." Exec. Order ¶ 4.01. The Executive Order thus fundamentally alters what could otherwise be characterized as mere administrative delays, transforming them into a mandate for an indefinite—if not permanent—injunction on the issuance of Freedmen citizenship cards.

Chief Hill’s obstructionist order undermines this Court’s authority and violates the separation of powers. Muscogee (Creek) Const. Art. VII § 1 (“The judicial power of the . . . Nation shall be vested in one Supreme Court . . .”). The Executive Order states that the Court’s July Opinion “encroach[ed] on the authority of the other branches,” going as far as to suggest this Court’s Order “ha[s] the potential for creating a constitutional crisis[.]” Exec. Order ¶ 1.05. But in the next breath, Chief Hill proceeds to ignore an order of this Court and issue an Executive Order with a contrary mandate. To be clear: The executive branch “cannot do indirectly what [it] is barred from doing directly”—it cannot create an end-run around a lawful order which it is bound to follow. *Nat’l Rifle Ass’n of Am. v. Vullo*, 602 U.S. 175, 190 (2024); *see also Students for Fair Admissions, Inc. v. President & Fellows of Harvard College*, 600 U.S. 181, 230 (2023) (“‘[W]hat cannot be done directly cannot be done indirectly. The Constitution deals with substance, not shadows,’ and the prohibition against racial discrimination is ‘levelled at the thing, not the name.’”) (citation omitted). But that is exactly what Chief Hill attempts to accomplish through the unlimited and indeterminate delay created by his shocking Executive Order.

Critically, the Executive Order, which Chief Hill based solely on “the executive authority vested in [him] as Principal Chief,” Exec. Order at 1, directs the Citizenship Board not to grant any descendants of Muscogee (Creek) Freedmen citizenship—including *Respondents*. Chief Hill’s mandate directly contradicts his disclaimers, both in federal court and in the M(C)N District Court, that he does not have any role in processing citizenship cards. *See, e.g., Grayson v. Citizenship Bd. of the Muscogee (Creek) Nation*, CV-2020-34, at 2 (Dist. Ct. Muscogee (Creek) Nation Jan. 6, 2023) (Def.’s Mot. Quash Non-Party Deposition Subpoena) (arguing that Plaintiff’s subpoena is overbroad because Chief Hill “has not been involved in any aspect of Plaintiff’s case.”); Ex. E 4:24-5:3 (Tr. Hrg. Mot. Quash) (“Chief Hill is not on the citizenship board, has

nothing to do with the involvement of records or rolls. . . . [t]here is no relevance for Chief Hill to be deposed now . . . .”); *Graham v. Haaland*, No. 4:22-cv-404, at 2 (N.D. Okla. Jan. 31, 2023) (Def. David Hill’s Mot. Dismiss) (arguing that Chief Hill is a tribal official with “no sole independent power to enact legislation for the Nation and with no authority or control over the Nation’s citizenship rolls.”). Yet, he is now actively using his position as Executive to prevent the Citizenship Board from issuing citizenship to Respondents. Moreover, Chief Hill’s vehement opposition to citizenship for descendants of Muscogee (Creek) Freedmen within the Nation has escalated, with citizens joining to stop this Court’s decisive and necessary action. *See* Ex. F (Press Release on September 2, 2025, announcing Tribal Listening Conference on M(C)N Supreme Court Decision); Ex. G (Facebook Petition to Remove M(C)N Supreme Court Justices and Related Comments).

The Citizenship Board’s continued and unnecessary “administrative delays” caused by Chief Hill’s August 27, 2025 Executive Order, amount to deliberate obfuscation of this Court’s order. An indefinite delay is patently unjustified given this Court’s clear ruling as to Respondents, nor would a delay of several months (let alone years) be a “*reasonable* amount of time to establish appropriate changes.” Order Denying Motion for Contempt at 2 (emphasis in original). Ms. Grayson and Mr. Kennedy, as lawful citizens of M(C)N, eagerly await their citizenship cards and remain ready, willing, and able to begin the process of reconciliation with the Muscogee (Creek) Nation’s leadership.<sup>1</sup> But these recent developments have forced Ms. Grayson and Mr. Kennedy

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<sup>1</sup> Ms. Grayson and Mr. Kennedy have diligently attempted to resolve this issue since July 23, 2025, but have been stonewalled in their extrajudicial attempts to obtain their citizenship cards. *See generally* Ex. I (Ms. Grayson’s October 1, 2025 email); Ex. A ¶¶ 2-14; Ex. B ¶¶ 2-14; Ex. H (Damario Solomon-Simmon’s July 24, 2025 letter and follow-up correspondence). And they have already been denied their right to vote in this Nation’s most recent elections, despite their clear legal entitlement to citizenship in this Nation and their unambiguous “excitement to participate in official Mvskoke exercises of citizenship.” Order Denying Motion for Contempt at 2.

to reluctantly return to this Court, renew their motion for contempt, and seek redress yet again. This Court should intervene and issue an order requiring the Citizenship Board and Chief Hill to show cause as to why this Court should not hold them in contempt for failing to comply with the Court's Order, or alternatively, hold the Citizenship Board and Chief Hill in contempt, compel the immediate issuance of citizenship cards to Ms. Grayson and Mr. Kennedy, and award them their fees and costs associated with this Motion under M(C)N RAP 20(C).

### ARGUMENT

This Court has the power to enforce compliance with its orders through civil contempt. *See Ellis v. Muscogee (Creek) Nation Nat'l Council*, SC-2006-07, at 5 (Sup. Ct. Muscogee (Creek) Nation Aug. 30, 2007); *Frye v. Cox*, No. CV 90-10, at 1 (Dist. Ct. Muscogee (Creek) Nation Oct. 30, 1990); *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).

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.

## I. The Citizenship Board

All three elements are satisfied here as to the Citizenship Board. 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 two months 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. I (Ms. Grayson’s October 1, 2025 email); Ex. A ¶¶ 16-18; Ex. B ¶ 16. Further, the Citizenship Board has now stopped communicating *at all* with the Respondents and other Creek Freedmen descendants despite Ms. Grayson’s email, Ex. I, and multiple phone calls requesting an update.

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 of waiting, the Citizenship Board summarily informed Ms. Grayson and Mr. Kennedy that their cards would not be available for at least another four weeks. Ex. A ¶¶ 2-14; Ex. B ¶¶ 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. A ¶ 15; Ex. B ¶ 15.<sup>2</sup>

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<sup>2</sup> Not to mention, the Citizenship Board received Ms. Grayson’s and Mr. Kennedy’s initial citizenship applications over two years ago.

Soon after that, Chief Hill issued the Executive Order, manufacturing complications ostensibly caused by this Court’s clear Order, claiming “the Muscogee (Creek) Nation Administration is currently challenged with the task of implementing the Order and following the direction of the Supreme Court to apply Article II of the Treaty of 1866 and without reference to ‘by blood’ citizenship in any application for citizenship by Freedmen descendants.” Exec. Order ¶ 1.05. Worst of all, Chief Hill unlawfully forbids the Board from following this Court’s order and issuing citizenship cards to Muscogee (Creek) Freedmen descendants *indefinitely*. He claims the executive branch needs to “work on the necessary amendments and/or adoption of new laws” as well as “appropriate policies and procedures.” *Id.* ¶¶ 1.06, 2.01. Respectfully, there are no laws that need to be adopted or policies that need to be changed. This Court made clear that the Citizenship Board must “apply the Treaty of 1866 and issue citizenship [cards] to the Respondents.” July Opinion at 23. Ms. Grayson and Mr. Kennedy are M(C)N citizens—all that is left is for the Citizenship Board to issue their citizenship cards.

Chief Hill provides minimal detail beyond his threadbare assertions of supposed urgency; he presents no timeline, no steps taken by the executive branch, or even any detail about what laws and procedures he believes must be put in place or their justification. By conditioning the lawful grant of citizenship cards ordered by this Court on unnecessary legislative and constitutional actions that could take years, Chief Hill not only oversteps the bounds of his own executive authority—he also seeks to nullify the July Opinion. The Citizenship Board has chosen to listen to Chief Hill instead of this Court. Those decisions have consequences.

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 (and has articulated no valid excuse) for failing to issue the citizenship cards.

The Citizenship Board cannot rely on Chief Hill’s Executive Order as a justification for noncompliance. Even in the face of a contrary executive order, a coordinate government agency still must obey a judicial order. The recent case of *J.G.G., et al. v. Trump* is instructive. In March 2025, after President Trump signed a proclamation removing certain individuals from the United States under the Alien Enemies Act, the U.S. District Court for the District of Columbia entered an *ex parte* temporary restraining order preventing the government defendants from deporting the plaintiffs. Order, No. 25-766, at 3-5 (D.D.C. Apr. 16, 2025). When the government deported the plaintiffs in violation of the TRO, the court held it in contempt, regardless of the President’s directive. *Id.* at 31-37. The court declared that “[t]he Constitution does not tolerate willful disobedience of judicial orders — especially by officials of a coordinate branch who have sworn an oath to uphold it.” *Id.* at 2. After all, “[t]o permit such officials to freely ‘annul the judgments of the courts of the United States’ would not just ‘destroy the rights acquired under those judgments’; it would make ‘a solemn mockery’ of ‘the constitution itself.’” *Id.* (quoting *United States v. Peters*, 9 U.S. (5 Cranch) 115, 136 (1809) (Marshall, C.J.)). The same reasoning applies to the Treaty of 1866 here, which this Court recognized is “the supreme law of the land.” July Opinion at 21.

Furthermore, in civil rights cases, delaying compliance with a court's order is cause for civil contempt. In *Little Rock School District v. Pulaski County Special School District No. 1*, the court issued several orders requiring vacant magnet school seats to be filled by a certain percentage of black students. 666 F. Supp. 159, 160 (E.D. Ark. 1987). The court found the school district in contempt after the school board voted not to fill seats and told the court they intended to ask the court to modify the orders. *Id.* at 161 (“Rather than energetically and diligently complying with the orders, the LRSD voted to ask for modification after the first release of seats was a *fait accompli*.”). The court warned “any further delay in the implementation of the orders” would subject the school board to “severe sanctions.” *Id.*

Similarly, in *Spangler v. Pasadena City Board of Education*, the court ordered the school board to implement a recruiting program that would “actively seek out minority group administrators, supervisors, and counselors who are interested in employment with the [school district].” 384 F. Supp. 846, 847 (C.D. Cal. 1974). The court held the school board in contempt when the school board slow-rolled compliance by making “temporary” appointments, explaining that “under the guise of making ‘temporary’ administrative appointments of a continuing nature, the Board could ‘permanently’ frustrate the aims of the Plan relative to the hiring of minority administrators.” *Id.* at 848-50.

Like those school boards, the Citizenship Board, at the direction of Chief Hill, continues to drag its feet in what can only be described as bad faith. Instead of “energetically and diligently” granting citizenship, *Little Rock Sch. Dist.*, 666 F. Supp. at 161, the Citizenship Board has and will continue to concoct administrative reasons it cannot yet comply in their fidelity to the executive branch over a valid judicial order from this Court. 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, particularly given the Citizenship Board's own statements that the process should only take four-to-six weeks. Ex. A ¶ 14; Ex. B ¶ 14; Ex. C.

Tribal entities are no strangers to civil contempt, as tribal and federal courts alike 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 (Sup. Ct. Cheyenne-Arapaho Tribes 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.*

In *Santee Sioux Tribe*, the Eighth Circuit reviewed a district court's finding of contempt against the Santee Sioux Tribe when it failed to comply with the court's injunction ordering the Tribe to cease class III gaming. 254 F.3d at 731. The district court declined to hold the individual Tribal Council members in contempt because a tribal referendum vote precluded the Council from closing the Ohiya Casino and therefore ending the class III gaming activities. *Id.* at 736. The Eighth Circuit disagreed, concluding that because the referendum lacks legal effect, the Tribal Council members could not show they were unable to comply with the court's order. *Id.* at 736-37 (citing *Missouri v. Jenkins*, 495 U.S. 33, 57-58 (1990) (holding that state legislature cannot hinder federal law from being implemented by passing a law that prohibits its implementation)). Specifically, the court reasoned: "The Council members cannot hide behind a spurious tribal referendum because the Tribe cannot pass such a referendum in contravention of federal law, including the lawful orders of a federal court." *Id.* at 737.

In holding that the Council members could not show that compliance was presently impossible, the Eighth Circuit recognized that the Council members never intended to comply with the court's order. *Id.* One day after the district court ordered the Tribe to cease class III gaming, the Tribal Council convened a special meeting in which the Council acknowledged they were aware of the court's order to shut down the Ohiya Casino, but the Council nonetheless voted to deny closure. *Id.* The entire Tribe then considered the issue through a referendum vote, again voting to keep the Ohiya Casino open despite the court's order. *Id.* While the Council members "attempt[ed] to cloak their actions with the cape of the tribal referendum," the court reasoned that the "Tribe's noncompliance with federal law cannot serve as justification for the Council's inability to comply with the court order." *Id.* As a result, the Eighth Circuit found the members of the Tribal Council in contempt. *Id.*

So too here. The Citizenship Board "attempt[s] to cloak [its] actions" by obeying an obstructive Executive Order from Chief Hill instead of a lawful Order from this Court. The Citizenship Board cannot hide behind the Executive Order to avoid complying with this Court's order, and their actions suggest that the Citizenship Board does not intend to comply with the Order in the near future, or perhaps at all. Accordingly, this Court should order the Citizenship Board to show cause as to why it should not be held in contempt.

## **II. Chief Hill**

Chief Hill should likewise be held in contempt for his obstructive Executive Order, described *supra*. "The contempt power extends to cover those individuals who, despite not being parties to the action, 'have notice of the court's order and the responsibility to comply with it.'" *Schrunk v. J & T Servs., LLC*, No. 19-cv-1137 (SRN/DTS), 2020 WL 9171087, at \*3 (D. Minn. 2020) (quoting *Chi. Truck Drivers*, 207 F.3d at 507). "Judge Learned Hand explained that, while

no court can make a decree that binds ‘the world at large,’ a non-party ‘may be punished if he either abet[s] the defendant or [is] legally identified with him.’” *Chi. Truck Drivers*, 207 F.3d at 507 (quoting *Alemite Mfg. Corp. v. Staff*, 42 F.2d 832, 833 (2d Cir. 1930)).

Chief Hill certainly has notice of the Court’s Order, as evidenced by the Executive Order and his long, public history of opposition to Muscogee (Creek) Freedmen descendant citizenship. *See, e.g.*, Principal Chief David Hill, Facebook, (September 28, 2023, at 02:26 P.M. ET), <https://www.facebook.com/ChiefDavidHill/posts/pfbid02aoCmNaMA6y8xtU7YxPAP4i4sNrTc4vdW1iJW4a9eZ9RtntjSp3hmeThiFfDqWkgyl> (disavowing M(C)N District Court Judge Mouser’s decision to order the Citizenship Board to reconsider the citizenship applications for Respondents).

Chief Hill also has the responsibility to comply with this Court’s Order. In his Executive Order, Chief Hill insinuates that this Court’s Order is “directly contrary to the process of amending the laws and policies of the Nation, which are powers reserved to the Legislative and Executive Branches of the Nation.” Exec. Order ¶ 1.04. But as the head of the executive branch, he has the responsibility to “uphold the Constitution and the Laws of the Muscogee (Creek) Nation”—not amend the laws of the Nation. Muscogee (Creek) Const. Art. V § 1(e). The Muscogee Supreme Court—through interpreting the Constitution and the Treaty of 1866—has spoken clearly and decided that the Constitution requires the Citizenship Board to issue citizenship cards to Respondents. Separation of powers principles and Article V, Section 1(e) of the M(C)N Constitution require Chief Hill to not only respect this Court’s decision, but to uphold it. Instead, Chief Hill conveniently forgets the core constitutional principle of judicial review, usurping this Court’s role in the M(C)N’s constitutional framework by obstructing the Citizenship Board from carrying out the July Opinion. Chief Hill’s actions are especially surprising, given his clear

understanding of the sanctity of the Treaty of 1866, which according to Chief Hill, is “the supreme law of the land.” *See* Ex. J (Chief Hill’s August 30, 2023, Letter to Governor Kevin Stitt about State of the State Address); *see also* Principal Chief David Hill, Facebook, (October 8, 2025 at 4:33P.04:33P.M.ET) <http://www.facebook.com/photo/?fbid=1463633762190345> (emphasizing hunting and fishing rights established by treaties between tribes and the United States). He respects and upholds this supremacy—except when it comes to Muscogee (Creek) Freedmen.

As previously stated, 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. As established *supra*, elements one and two are satisfied. And as for element three, Chief Hill easily had the ability to comply with the Order, as he simply had to sit back and let the Citizenship Board do its job.

Unfortunately, Chief Hill has done the opposite. With the issuance of the Executive Order, he injected himself into this controversy, despite previous disingenuous statements to the contrary. *See, e.g., Grayson v. Citizenship Bd.*, CV-2020-34, at 2 (Jan. 6, 2023) (Def.’s Mot. Quash Non-Party Deposition Subpoena) (arguing that Plaintiff’s subpoena is overbroad because Chief Hill “has not been involved in any aspect of Plaintiff’s case.”). He openly defied this Court and ignored the foundational principle of judicial review by claiming this Court “encroach[ed] on the authority of the other branches.” Exec. Order ¶ 1.05. And he attempted to nullify the July Opinion when he directed the Citizenship Board to “not issue citizenship cards or any form of membership identification cards to [descendants of Muscogee (Creek) Freedmen] until all law and policy have been fully reviewed and amended.” *Id.* ¶ 2.01.

In *In re Seanez*, 9 Am. Tribal Law 329 (Sup. Ct. Navajo Nation 2010), the Supreme Court of the Navajo Nation held a show cause hearing and sua sponte issued a writ of prohibition against Frank Seanez, Chief Legislative Counsel for the Tribe. In legal opinions and memoranda issued to the Legislative Council, Seanez had advised the Council to defy the Court's holding that "the People have the ultimate authority to determine their governmental structure and amend all provisions that concern doctrines of separation of powers, checks and balances, accountability to the people, and service of the anti-corruption principle." *Id.* at 333. Instead, Seanez told the Council that they had "unquestioned" authority to amend various Titles without restriction. *Id.* Seanez also wrote in a memorandum to the Council that "the Court had no authority to invalidate the Navajo Government Development Act of 2007 and call for the reestablishment and re-funding of the Government Reform Commission." *Id.*

The Court ordered Seanez "to immediately desist and refrain from giving legal advice and issuing opinions and memoranda that defy orders of the Navajo Nation courts[.]" *Id.* at 331-32.

The Court ultimately concluded:

People as individuals will always have differing opinions regarding the application of various court holdings, regulations, policies and statutes. Such differences are a matter of free speech that this Court fully supports. However, we cannot and will not condone a government lawyer intentionally using his position to undermine the very foundation of a stable Navajo Nation government by providing justifications for unlawful conduct. There can be no doubt that Mr. Seanez knew, or should have known, that *through his denial of this Court's authority he was facilitating the breaking of Navajo Nation laws.*

*Id.* at 334 (emphasis added).

The same can be said of Chief Hill. He understands his duty to uphold the Constitution and the laws of the M(C)N. And although he is the head of the executive branch, he has **no** legal authority over the Citizenship Board's administrative functions. *See* Muscogee (Creek) Const. Art. III; 7 TVSEKVYV/AHONKVTKPE [Muscogee (Creek) Nation Citizenship Code], Muscogee

(Creek) Nation Code of Laws §§ 2–106, 2–107 (2010), <https://www.creeksupremecourt.com/wp-content/uploads/title7.pdf>. Again, the Citizenship Board is a constitutionally created board, and Chief Hill has no power over the Board beyond appointing its members. *Id.* Chief Hill has overstepped, encroaching on the Citizenship Board’s independence, violating his duty to uphold the law, and usurping this Court’s authority. Such willful and blatant obstruction of a lawful court order cannot be tolerated. Accordingly, this Court should order Chief Hill to show cause as to why he should not be held in contempt.

### CONCLUSION

As before, 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. But they have been rebuffed, their rights under the Treaty of 1866 and this Court’s July Opinion have been deliberately castigated. The Citizenship Board’s willful decision to follow Chief Hill’s illegal Executive Order attempting to nullify the July Opinion and its failure to heed this Court’s instruction to issue citizenship cards are just two more barriers in a series of carefully placed obstacles in the executive branch’s forty-five-year-long effort to defy the Treaty of 1866’s command that the descendants of “Creeks of African descent” shall enjoy citizenship with M(C)N. Although the Citizenship Board and Chief Hill continue to resist issuing Respondents’ citizenship cards, it is “what Mvskoke law demands.” 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 the Citizenship Board and Chief Hill to show cause as to why the Court should not hold them in contempt for failing to comply with the Court’s Order, (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 cards immediately, (4) hold Chief Hill in contempt for his obstruction of this Court's July 23, 2025 Order and Opinion, and (5) award Ms. Grayson and Mr. Kennedy their attorney's fees and costs associated with this Motion pursuant to M(C)N RAP 20(C).

Respectfully submitted,



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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 14th day of October, 2025, I caused the foregoing document to be transmitted to the following counsel of record via U.S. Mail, postage prepaid:

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. Knot

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.<sup>1</sup> 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

---

<sup>1</sup> 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



*Alicia 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:

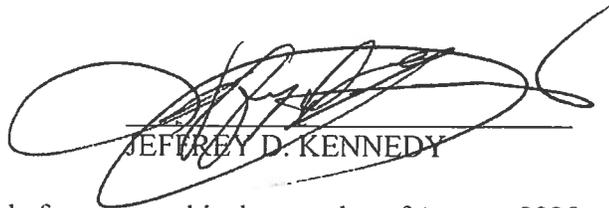
1. The Muscogee (Creek) Nation ("MCN") Supreme Court issued an Order and Opinion on July 23, 2025, directing the MCN Citizenship Board to issue citizenship to me and Ms. Rhonda K. Grayson.
2. On July 23, 2025, Rhonda Grayson sent an email, copied to me, to Nathan Wilson, Director of the MCN Citizenship 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.<sup>1</sup> See Exh. A at 6.
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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.

---

<sup>1</sup> 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.

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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

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:** [rhondagrayson@cox.net](mailto:rhondagrayson@cox.net) <[rhondagrayson@cox.net](mailto:rhondagrayson@cox.net)>  
**Date:** Monday, October 2, 2023 at 1:33 PM  
**To:** Allan Colbert Jr <[acolbertjr@mcn-citizenship.com](mailto:acolbertjr@mcn-citizenship.com)>  
**Cc:** Nathan Wilson <[nwilson@mcn-citizenship.com](mailto:nwilson@mcn-citizenship.com)>  
**Subject:** Citizenship Application-Resubmission

---

Thank You, for the response.

We have received a few calls stating that the Jenks office requests the entire application package instead of the first page. I was only required to resubmit the 1st page of the application at the Jenks office., I am told Okmulgee is requesting the 1st page of the denied applicant packet for reconsideration. What paperwork should be submitted going forward? I hope there is minor since the Citizenship Department is now maintaining the records of the Freedmen. Once we determine what is needed, can that information be communicated to both offices so that everyone has the exact instructions on what is required for reprocessing applications for reconsideration?

Kind regards,

Rhonda Grayson

**From:** Allan Colbert Jr <[acolbertjr@mcn-citizenship.com](mailto:acolbertjr@mcn-citizenship.com)>  
**Sent:** Monday, October 2, 2023 10:54 AM  
**To:** [rhondagrayson@cox.net](mailto:rhondagrayson@cox.net)  
**Cc:** Nathan Wilson <[nwilson@mcn-citizenship.com](mailto:nwilson@mcn-citizenship.com)>  
**Subject:** Re: Set Hearing Date and Time

Good Day,

Thank you for your email. I did receive your Citizenship application and it is going through the application process, which this process will be 4-6 weeks. We will be in contact with you.

I did CC, Nathan Wilson (Citizenship Director), in this email per your request in your previous email.

Respectfully,

**Allan Colbert Jr.**

Office Manager, Citizenship Board (Okmulgee Location)

Muscogee (Creek) Nation

P.O. Box 580 | Okmulgee, OK 74447

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

[acolbertjr@mcn-citizenship.com](mailto:acolbertjr@mcn-citizenship.com)

**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:** [rhondagrayson@cox.net](mailto:rhondagrayson@cox.net) <[rhondagrayson@cox.net](mailto:rhondagrayson@cox.net)>  
**Date:** Sunday, October 1, 2023 at 10:29 AM  
**To:** Allan Colbert Jr <[acolbertjr@mcn-citizenship.com](mailto:acolbertjr@mcn-citizenship.com)>  
**Subject:** FW: Set Hearing Date and Time

---

Hello Mr. Colbert,

I am writing to inform you that I resubmitted my application for citizenship as per the attached order dated September 27, 2023, by the Honorable Judge Denette Mouser, District Court Judge of the Muscogee Creek Nation. Based on her order and opinion, my citizenship should be immediately approved. The Jenks office has already taken my photo and signature. When should I expect to receive my citizenship card?

**\*Please forward my email to Nathan Wilson, Citizenship Director \***

Kind regards,

Rhonda K. Grayson



# *Muscogee (CREEK) Nation*

*Executive Office*

## **EXECUTIVE ORDER NO. 25-05**

**PURPOSE: TO ESTABLISH THE FRAMEWORK FOR INCORPORATING THE QUALIFICATION REQUIREMENTS IN ARTICLE II OF THE TREATY OF 1866 IN MUSCOGEE (CREEK) NATION LAW FOR THE MUSCOGEE (CREEK) NATION CITIZENSHIP OFFICE, PURSUANT TO THE SUPREME COURT ORDER IN CASE SC 2023-10**

**Authority:** By virtue of the executive authority vested in me as Principal Chief by the Constitution and the laws of the Muscogee (Creek) Nation ("Nation"), I hereby order the following:

### **1.00 Findings:**

- 1.01 On July 23, 2025, the Muscogee (Creek) Nation Supreme Court issued its Order and Opinion (the "Order") in the case of *Citizenship Board of the Muscogee (Creek) Nation v. Rhonda K. Grayson and Jeffrey D. Kennedy*, SC-2023-10, on the question of whether the Freedmen and their lineal descendants are entitled to "all the rights and privileges of native citizens" as guaranteed by the Treaty of 1866 between the United States and the Muscogee (Creek) Nation.
- 1.02 The Order makes a specific finding that there have been no acts of Congress to abrogate the Treaty of 1866 and that "this treaty stands as the supreme law of the land under both federal and Mvskoke law." The Order concludes that the Citizenship Board must apply the provisions of Article II of the Treaty of 1866 when considering Freedmen descendants citizenship applications. The Order also declares the reference to "by blood" citizenship in the Nation's Constitution and in the Nation's Code, rules, regulations, policies, or procedures as being unlawful and void ab initio, although nothing in the Order provides any guidance for how this declaration affects the Nation's present day governmental operations, other than the processing of citizenship applications.
- 1.03 I, as Principal Chief, and every elected officer and every judge and justice of this Nation took an oath to uphold the Constitution of the Muscogee (Creek) Nation, and the Nation's Supreme Court has previously held the Constitution "is the Supreme Law of the Muscogee (Creek) Nation . . ." *Hārja v. Muscogee (Creek) Nation Election Board*, SC 07-50 (Muscogee (Creek) 2007).

# EXHIBIT "D"

- 1.04 The Order finding that any reference to “by blood” citizenship in the Constitution and Nation laws and policy as being unlawful and declared to be stricken is directly contrary to the process of amending the Constitution, which is a power reserved to the National Council and a vote of the eligible voters, under Article IX of the Constitution, and is directly contrary to the process of amending the laws and policies of the Nation, which are powers reserved to the Legislative and Executive Branches of the Nation.
- 1.05 I, as Principal Chief, have always respected the doctrine of separation of powers between the branches of the Nation’s government, and I do believe in each branch being co-equal, with none having greater powers than the others. That being said, I believe the Order’s directives encroaching on the authority of the other branches and the rights of the citizens have the potential for creating a constitutional crisis within the Nation; however, I also believe a critical role for the Principal Chief is take all necessary action to protect and preserve the stability of the government during difficult times. Even though my hope is that the citizens and all elected officials continue to discuss these issues and find solutions that are constitutionally sound and respectful of the Nation’s sovereign rights, the Muscogee (Creek) Nation Administration is currently challenged with the task of implementing the Order and following the direction of the Supreme Court to apply Article II of the Treaty of 1866 and without reference to “by blood” citizenship in any application for citizenship by Freedmen descendants.
- 1.06 This will require the Administration, the Citizenship Office and the National Council to work on the necessary amendments and/or adoption of new laws to incorporate the qualification requirements under Article II of the Treaty of 1866 and to adopt appropriate policies and procedures establishing the necessary evidence and documentation that Citizenship Office would require to consider applications in a standard and consistent manner.

**2.00 Authority/Action:**

- 2.01 The Office of the Principal Chief hereby declares and directs the Citizenship Office to continue accepting applications from Freedmen descendant applicants, but not issue citizenship cards or any form of membership identification cards to such persons until all law and policy have been fully reviewed and amended to meet the qualification requirements under Article II of the Treaty of 1866.
- 2.02 The Office of the Principal Chief further declares and directs the Citizenship Office to maintain the status quo by continuing to accept, process, and issue determinations for applications for new Mvskoke citizens in accordance with current law and policy.
- 2.03 All departments are hereby directed to maintain the status quo in daily operations by continuing to follow the established policies and procedures for services they provide and, also, such department heads should begin reviewing such policies and procedures to propose necessary amendments to be consistent with the Order.

2.04 When the necessary reviews are complete, we will follow the normal processes established by the Executive Branch to review and approve prior to the setting forth the adoption of changes.

2.05 Where necessary changes require National Council approval, each department will submit those changes to the Office of Principal Chief, in accordance with established procedures, and the Principal Chief will submit the changes to the National Council for its review and approval.

**3.00 Distribution of the Executive Order:**

3.01 Copies of this Executive Order will be distributed to the National Council, Supreme Court, District Court, Office of the Attorney General, Office of Administration, Departments of the Administration, Managers, Independent Agencies, Boards, Commissions, and Chartered Communities within the organizational structure of the Muscogee (Creek) Nation.

**4.00 Effective Date:**

4.01 This Executive Order shall become effective immediately and continued until further notice.

*David W. Hill*  
David W. Hill  
Principal Chief

ISSUE DATE: August 28, 2025



IN THE DISTRICT COURT OF THE MUSCOGEE (CREEK) NATION  
OKMULGEE DISTRICT

1			
2			
3	RHONDA GRAYSON AND JEFFREY	)	
	KENNEDY,	)	
4		)	
		)	
	Plaintiffs,	)	
5	vs.	)	CV-2020-0034
		)	
6	CITIZENSHIP BOARD OF THE	)	
	MUSCOGEE (CREEK) NATION OF	)	
7	OKLAHOMA,	)	
	Defendant.	)	
8			
9			

**RECORD OF PROCEEDINGS ON HEARING**, taken before  
The Honorable Denette Mouser, on the 1st day of February,  
2023, before Michael A. Bailey, Registered Professional  
Reporter, at Muscogee (Creek) Nation Tribal Court,  
Okmulgee, Oklahoma.

Michael A. Bailey, CSR-RPR-CLVS

17	ATTORNEYS FOR DEFENDANTS:	ATTORNEYS FOR PLAINTIFFS:
18	Ms. Geri Wisner	Mr. Damario Solomon-Simmons
	Mr. Clint Wilson	601 South Boulder Avenue
	P.O. Box 580	Suite 600
19	Okmulgee, Oklahoma 74447	Tulsa, Oklahoma 74119
20	ATTORNEY FOR CHIEF HILL:	Mr. David Riggs
		502 West Sixth Street
21	Mr. O. Joseph Williams	Tulsa, Oklahoma 74119
	P.O. Box 1131	
22	Okmulgee, Oklahoma 74447	

**COPY**

**EXHIBIT "E"**

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C O N T E N T S

WITNESS: D C RD RC

EXHIBITS: MARKED OFFERED

\* \* \*

1  
2 THE BAILIFF: All rise.

3 THE COURT: Good afternoon, everybody. Glad to  
4 see everyone made it. I found the roads pretty clear and  
5 I'm glad you did as well. We are here to hear  
6 plaintiff's motion or defense motion for -- to quash  
7 subpoena, Judge -- geez -- Chief Hill. Sorry, I was just  
8 reading plaintiffs' response that was just handed to me  
9 today. Don't do it that way again, okay? Let's get  
10 plenty of time for the judge to review responses and  
11 motions and pleadings before the hearing, okay?

12 MR. SOLOMON-SIMMONS I understand, Your Honor.  
13 My understanding is the court was closed the last couple  
14 of days. That was my understanding. So I apologize for  
15 that.

16 THE COURT: Well, we have email, so that would  
17 have worked as well.

18 MR. SOLOMON-SIMMONS: Okay.

19 THE COURT: Okay. Be seated. All right. Let's  
20 get started. Announce and -- for each party.

21 MR. WILLIAMS: Judge, Joseph Williams on behalf  
22 of Chief Hill.

23 THE COURT: Thank you.

24 MR. SOLOMON-SIMMONS: Damarion Solomon-Simmons for  
25 the plaintiffs.

1 THE COURT: Thank you. Do you need anything  
2 special?

3 THE REPORTER: I'm good.

4 THE COURT: Okay. There is a court reporter, so  
5 speak clearly and loudly and I am ready to get started,  
6 Mr. Williams.

7 MR. WILLIAMS: Thank you. Good afternoon, Judge,  
8 and thank you again for holding this expedited hearing.  
9 Chief Hill got served with a subpoena to be deposed on  
10 February 9th. And then I quickly filed my motion to  
11 quash and -- and I told Chief Hill that in the event that  
12 the Court doesn't quash the motion or quash the subpoena  
13 that we would have to have that deposition. But  
14 essentially the objection that we have is based on  
15 relevance. This proceeding is actually, you know, a  
16 judicial review on an administrative matter with the  
17 citizenship board. And I know that that might be  
18 somewhat of an issue as to whether there is the ability  
19 for the Court to adjudicate beyond what's in the  
20 administrative record. But even then, assuming that it  
21 still and concerns the administrative record with the  
22 citizenship board, Chief Hill was not a part of that  
23 process, there was an administrative record that comes to  
24 the court for review. Chief Hill is not on the  
25 citizenship board, has nothing to do with the involvement

1 of records or rolls. So to the extent that this case is  
2 about judicial review of an administrative record there  
3 is no relevance for Chief Hill to be deposed now, you  
4 know, because of that. If the Court expands its  
5 authority to hear the case on the merits outside of the  
6 administrative record, there is still no relevance for  
7 Chief Hill to be deposed. He is the principal chief of  
8 the nation. He has a constitutional authority to  
9 exercise the executive powers outlined in the  
10 constitution and this case really comes down to an  
11 interpretation of treaty language, which Chief Hill can't  
12 testify to. He can't provide a legal conclusion as to  
13 what he believes the treaty says. He can have an  
14 opinion, but it's not a fact that he can be deposed on.  
15 So, you know, when the case was filed back in 2020, they  
16 never sought Chief Hill's deposition or any chief's  
17 deposition as far as I know. And to the extent that they  
18 filed a motion for summary judgment saying that "we have  
19 all the facts, all the material facts are here." If you  
20 look at their statement of facts, it's a lot about  
21 statutory language, treaty language, legal conclusions;  
22 but they do have a statement of facts and nothing in  
23 there even remotely suggests that Chief Hill has any  
24 relevance to their cause of action. So again, Your  
25 Honor, it's about relevance and I think that at this

# Press Release

## TRIBAL LISTENING CONFERENCE TO BE HELD ON MUSCOGEE NATION SUPREME COURT CITIZENSHIP DECISION AND CONSTITUTIONAL CRISIS FROM RULING

September 2, 2025

FOR IMMEDIATE RELEASE

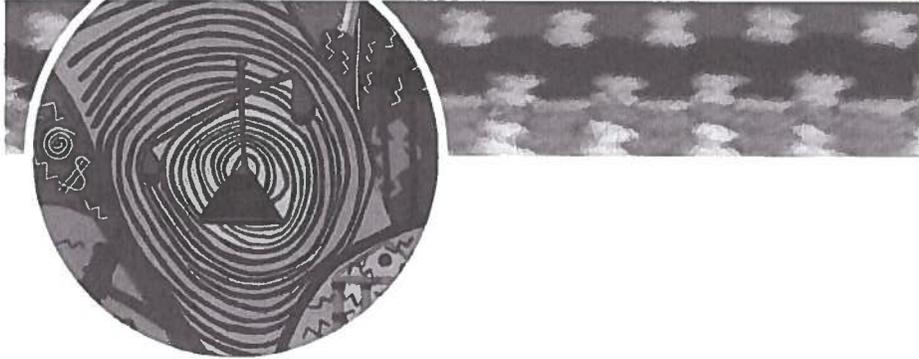
(Mvskoke Reservation) ---- A Tribal Citizen's Committee have held a number of meetings to discuss the recent decision of the Muscogee Nation Supreme Court regarding the nation's citizenship. Due to the outpouring concerns and calls to address the decision, the Committee will be holding a Listening Conference on Tuesday, September 16<sup>th</sup> in the Mvskoke Dome on the campus of Claude Cox Omniplex in Okmulgee from 6:30 pm until 8:30 pm.

According to a spokesperson, "the Committee has heard from citizens throughout the reservation and about the Constitutional Crisis from the decision. This will be a time for listening from presenters on the decision and for informational purposes only. There will be overview of 1979 Constitution, Supreme Court ruling, Executive Order, and the committee has reached out to the Citizenship Office to have representation from that office for overview from their perspective. Citizens will have opportunity to ask questions but there will at no time be any negative debates allowed."

The Committee encourages and invites Tribal citizens to attend this important informational conference.

**MEDIA OR ANY REPRESENTATIVES FROM  
MEDIA WILL NOT BE ALLOWED**

**EXHIBIT "F"**



## MCN Supreme Court Justices - Petition for Removal

42 followers • 2 following

Petition for removal of the MCN Supreme Court  
Justices

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### Details

 Page · Nonprofit organization

 PO BOX 5, Henryetta, OK, United States,  
Oklahoma

EXHIBIT "G"





 24

44 shares

Most relevant 



Jackie Jackson · 1d

Who is on this Tribal Citizen Committee is this a private group separate from the Nation?

Like

2 



Lisa Deere · 1d

Jackie Jackson We are separate from the Nation, comprised of former employees knowledgeable of tribal government, former elected officials and citizens knowledgeable of constitutional law and historians, who have all been approached by the grassroots citizens concerning this matter.

Hope to see you there!

Like

5 



Eleanor Irene Van Woudenberg-VanBuskirk · 1d

Many of us are always referring to the importance of our ancestors and all they taught. This issue was approved by them. So,

**SSL**  
**SOLOMONSIMMONS**  
LAW

Attorneys & Counselors at Law  
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July 24, 2025

Chief Principal David W. Hill  
c/o Attorney O. Joseph Williams  
O. Joseph Williams Law Office, PLLC  
The McCulloch Building  
114 N Grand Ave, Ste 424  
Okmulgee, OK 74447  
jwilliams@williamslaw-llc.com

Re: Request for MCN-Creek Freedmen Reconciliation Process Meeting

Dear Chief Hill,

It is my understanding that in accordance with our Supreme Court's historic decision and order yesterday, the Citizenship Board is now processing my clients' previously submitted applications and does not require anything else from them to complete the process. I am contacting you because my clients and I would like to schedule an opportunity to meet with you and your senior leadership as soon as possible.

Our goal is to outline an orderly, official process for reconciliation and healing between Creek Freedmen and the Muscogee (Creek) Nation—one that honors our shared history while uniting us as one people moving forward and allows us to avoid any further confusion, delay, or disunity. We have watched Principal Chief Chuck Hoskin Jr.'s leadership in guiding the Cherokee Nation through a similar process related to the reinstatement of Cherokee Freedmen, and we believe you can do the same.

Thank you for considering our requests. We stand ready to collaborate in a manner that reflects the dignity of our ancestors and the promise of the Treaty of 1866.

Respectfully,



Damario Solomon-Simmons  
For the Firm

cc: Rhonda Grayson  
Jeffrey Kennedy  
M. David Riggs  
Jana L. Knott

**EXHIBIT "H"**

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**Fw: Citizenship Application-Resubmission**

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**From** Emma Weinberg <eweinberg@solomonsimmons.com>  
**Date** Wed 10/8/2025 12:09 PM  
**To** Emma Weinberg <eweinberg@justiceforgreenwood.org>

----- Forwarded Message -----

**From:** Rhonda Grayson <rhondagrayson@cox.net>  
**To:** Allan Colbert Jr <acolbertjr@mcn-citizenship.com>  
**Cc:** Nathan Wilson <nwilson@mcn-citizenship.com>; jeff kennedy <jdkennedy11@sbcglobal.net>  
**Sent:** Wednesday, October 1, 2025 at 04:58:29 PM CDT  
**Subject:** Re: Citizenship Application-Resubmission

Nathan and Allan,

I am reaching out again to inquire about the status of our citizenship cards. Jeff and I visited the Okmulgee office on August 21, 2025, and spoke with the clerk, who mentioned that the matter would need to be discussed with the Attorney General. We were informed that it would take approximately 4 to 6 weeks to receive the cards.

We would greatly appreciate any updates you can provide regarding the issuance timeline.

Thank you for your attention to this matter.

Kind regards,

Rhonda Grayson

On Monday, August 4, 2025 at 12:14:41 PM CDT, Rhonda Grayson <rhondagrayson@cox.net> wrote:

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 <rhondagrayson@cox.net> 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?

EXHIBIT "I"



## *Muscogee (CREEK) Nation*

*Executive Office*

August 30, 2023

Office of Governor J. Kevin Stitt  
2300 N. Lincoln Blvd., Suite 212  
Oklahoma City, OK 73105

Governor Kevin Stitt:

Your recent lies and offensive claims made in last week's State of the State address at the Oklahoma Chamber of Commerce are comments unbecoming of the Office of Governor. Your remarks represent a new low, even for someone who has developed a pattern of baseless hostility towards tribes in Oklahoma and require correction for the public record. These lies will perpetuate hostility that will be felt on individual levels and directed toward tribal citizens. For example, the reckless comment you made regarding tribal tags—"Every time you see a tribal tag, just realize the state is losing about \$200 million in revenue annually"—is not only inaccurate, but it could result in physical confrontations against innocent tribal citizens for no other reason than having a tribal tag on their vehicle.

You also stated that "Tribal governments disbanded and allotted out all the land in 1907 at statehood." You say this as though it were a fact. However, every agency of the federal government--which has plenary authority to make laws governing Indian Country--and the United States Supreme Court has repeatedly found otherwise. On this matter, I would encourage you to listen to informed advisors on both history and the law so as to avoid the embarrassing mistake of saying such easily disproven things in the future. I would also remind you that the Muscogee (Creek) Nation has entered into numerous treaties with the United States, and, as you should know, Article VI of the U.S. Constitution clearly upholds these treaties as the supreme law of the land, and every judge in every state shall be bound thereby.

You also stated that "we are now in a jurisdictional and geographical fight for who has authority over our state" and characterized tribal efforts to assert their legal jurisdiction on their reservations as a "storm of injustice." There is no such struggle. We have always known the State of Oklahoma is our neighbor, and our intent has been to be good neighbors. We've demonstrated our patience and desire to be good neighbors.

The concept of tribal jurisdiction over reservations is not new, nor did it begin with the *McGirt* decision. It has always been the law of the land since before Oklahoma statehood, and *McGirt*

# EXHIBIT "J"

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simply affirmed that fact. However, politicians of the past chose to ignore those laws and pretend they didn't exist-- just as you are attempting to do now.

Had the State of Oklahoma not illegally ignored tribal jurisdiction and instead developed a collaborative relationship with tribes, as the system is designed to be, neither the state nor the tribes would be in the place we find ourselves today.

Much of the work that tribes have done since the *McGirt* decision has been to repair the damage of those politicians' actions. We've made great strides these past few years to continue to strengthen our tribal systems that were illegally thwarted for decades. The result is more police on the streets, more courts to try cases, and more public safety on reservations.

Your efforts to ignore the law are just as harmful as those of the politicians of years gone by.

It is clear that state leaders of the past were influenced in their treatment of Indians by the shameful ignorance of their times. But here in 2023, there can be no excuse for resurrecting such sentiments and actions. Misrepresenting history, ignoring the law, and spewing false rhetoric is best left in the past.

Sovereign tribal jurisdiction should be treated as an opportunity, not a zero-sum game. Such a totalitarian perspective is not supported in this case and is Jacksonian type leadership that is designed to only serve an elite pool of people. Many other states work with tribes to the benefit of their citizens and their economies. That same collaboration and positive sovereign-to-sovereign cooperation is the only path that every citizen of Oklahoma, tribal or not, deserves.

Your words give the perception that you wish tribes didn't exist, but we do and will continue to do so. You may personally wish tribes didn't have any jurisdiction or authority, but we do and will continue to do so. So, I encourage you, as the elected leader of our state, to end your political campaign of baseless and damaging rhetoric, cease using Oklahomans' hard-earned money to fund baseless lawsuits, and forge a path to work with tribal leaders for the benefit of all.

As always, my door is open for constructive conversation and sovereign-to-sovereign negotiations. I hope to hear from you soon.

Sincerely,



David W. Hill, Principal Chief  
Muscogee (Creek) Nation

cc: Lt. Gov. Matt Pinnell, Speaker Charles McCall, Pro Tem Greg Treat  
Attorney General Gentner Drummond